

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

5/25/93

8:00 P.M.

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

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

Supervisor declared public portion of the meeting open.

Appearance: Mr. Alolphe Salaun
Congers, New York

Mr. Salon spoke regarding the proposed ice skating rink.

RESOLUTION NO. (343-1993)

ACCEPTING MINUTES OF
TOWN BOARD MEETING OF
MAY 11, 1993

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that the minutes of the Town Board Meeting of May 11, 1993, 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
Supervisor Holbrook.....Yes

RESOLUTION NO. (344-1993)

AUTHORIZING TOWN TO
ADOPT ADJUSTED BASE
PROPORTION FOR
CERTIFICATE TO NEW
YORK STATE

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board, in accordance with the provisions of Section 1903 of the Real Property Tax Law, hereby established the base percentages, current percentages and current base proportions for the levy of taxes on the 1993 Assessment Roll for the Town of Clarkstown, and be it

FURTHER RESOLVED, that said figures for percentages and proportions are attached.

(Figures for percentages and proportions on file in Town Clerk's Office)

On roll call the vote was as follows:

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

TBM - 5/25/93
Page 2

RESOLUTION NO. (345-1993)

AUTHORIZING SUPERVISOR
TO SIGN ACCOUNT
APPLICATION WITH
RESPECT TO DEFERRED
COMPENSATION

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Professional Planning Services, Inc. is administering the Equitable Life Insurance Co. Deferred Compensation Plan (the "Plan") for the Town of Clarkstown, and

WHEREAS, Equitable Life has recently become a public company and has issued shares of Equitable Company, Inc. stock to all participants in the "Plan" of the Town of Clarkstown, and

WHEREAS, 1,652 shares of stock, although not owned by the Town of Clarkstown, are issued to the Town of Clarkstown as custodian for all the members participating in the "Plan," and

WHEREAS, these shares of stock have increased in value, and

WHEREAS, it would be advisable to sell these shares of stock and distribute the shares proportionately to the accounts of members in the "Plan" of the Town of Clarkstown, and

WHEREAS, proceeds from the sale of said shares of stock must be held in a non-interest bearing account before the individual accounts can be credited, and

WHEREAS, a brokerage account must be set up by the Town of Clarkstown in order to sell the said shares of stock;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to sign the Account Application for the 1,652 shares of Equitable stock now being held by the Town of Clarkstown for the benefit of all members participating, and the Equitable Deferred Compensation Plan of the Town of Clarkstown be sold and distributed proportionately to the members of the "Plan," and be it

FURTHER RESOLVED, that in order to effectuate the sale and transfer, the proceeds will be temporarily held in the non-interest bearing account with Union State Bank before the distribution can take place, and be it

FURTHER RESOLVED, that a brokerage account be set up with Equitable Securities, Inc. (Equitable Brokerage Services) for the sole purpose of the sale and distribution of said shares of stock.

On roll call the vote was as follows:

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

TBM - 5/25/93
Page 3

RESOLUTION NO. (346-1993)

AUTHORIZING TOWN
ATTORNEY TO DEFEND
PROCEEDING (SOUTHERN
CLARKSTOWN CIVIC
ASSOCIATION, INC., ET
AL. V. CLARKSTOWN
PLANNING BOARD, ET AL.)

Co. Maloney offered and Co. Mandia seconded

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

In the Matter of the Application of the
SOUTHERN CLARKSTOWN CIVIC ASSOCIATION,
INC., BERGEN SWAN (SAVE THE WATERSHED
ACTION NETWORK); CITIZENS ENVIRONMENTAL
COALITION; CONGERS CIVIC ASSOCIATION;
ROSEMARY HALE GREANY, and ESTELLE MARSICO,

Petitioners,

-against-

PLANNING BOARD OF THE TOWN OF CLARKSTOWN,
THE TOWN BOARD OF THE TOWN OF CLARKSTOWN
AND THE TOWN OF CLARKSTOWN,

Respondents.

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (347-1993)

AUTHORIZING REFUND TO
NEW CITY LIBRARY

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, the New City Library obtained Building
Permit No. 92-603 on May 5, 1992 and paid the sum of \$1,110.00,
and on March 30, 1993 the New City Library obtained a new
Building Permit and paid the sum of \$1,536.00, and

WHEREAS, the New City Library is a taxing entity
and has requested that the Town of Clarkstown waive and refund
such permit fees because they become an additional charge to
the taxpayers;

NOW, THEREFORE, be it

RESOLVED, that the New City Library shall receive a
refund of \$2,646.00 for such Building Permits.

On roll call the vote was as follows:

Continued on Next Page

TBM - 5/25/93
Page 4

RESOLUTION NO. (347-1993) Continued

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

RESOLUTION NO. (348-1993)

AUTHORIZING SUPERVISOR
TO EXECUTE MAINTENANCE
CONTRACT WITH MITEL
TELEPHONE SYSTEMS, INC.

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a maintenance contract with Mitel Telephone Systems, Inc. for the period commencing April 14, 1993 and terminating on April 13, 1994, at a fee of \$14,053.18, and be it

FURTHER RESOLVED, that the cost for such services shall be charged to Account No. A-3020-460, and be it

FURTHER RESOLVED, that this Resolution shall be retroactive to April 13, 1993.

On roll call the vote was as follows:

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

RESOLUTION NO. (349-1993)

AUTHORIZING HIRING OF
CONSULTANT RE
AMBULANCE AND
PARAMEDIC SERVICE
(DAVID M. WERFEL, ESQ.)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes the hiring of David M. Werfel, Esq., as a consultant to the Town, in connection with providing ambulance and paramedic service to the Town of Clarkstown, and be it

FURTHER RESOLVED, that this Resolution shall be retroactive to April 27, 1993.

On roll call the vote was as follows:

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

RESOLUTION NO. (350-1993)

AMENDING RESOLUTION
NO. (349-1991) AND
AUTHORIZING

Continued on Next Page

TBM - 5/25/93
Page 5

RESOLUTION NO. (350-1993) Continued

SUPERINTENDENT OF
HIGHWAYS TO INSTALL "NO
PARKING" AND "NO
STANDING" SIGNS (FRONT
OF COUNTY AUTOMATIC
TRANSMISSION, NANUET)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Town Board Resolution No. (349-1991), adopted May 14, 1991 is hereby amended to include "No Standing" regulations in addition to the "No Parking" regulation in front of County Automatic Transmission, 100 Demarest Mill Road, Nanuet, and be it

FURTHER RESOLVED, that John J. Mauro, Supt. of Highways is hereby authorized to install signs with both "No Parking" and "No Standing" legends (NYS Sign numbers P1-1 and P1-5).

On roll call the vote was as follows:

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

RESOLUTIONN NO. (351-1993)

AUTHORIZING
SUPERINTENDENT OF
HIGHWAYS TO REMOVE "NO
PARKING" SIGNS EAST
SIDE JAY STREET,
BARDONIA

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Superintendent of Highways, John Mauro, is hereby authorized to remove "No Parking" signs from the east side of Jay Street, Bardonia.

On roll call the vote was as follows:

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

RESOLUTION NO. (352-1993)

AUTHORIZING RELEASE OF
MAINTENANCE BOND RE
JOY ACRES SOUTH,
SECTION I

Co. Maloney offered and Co. Dusanenko seconded

RESOLVED, that upon the recommendation of the Director of Environmental Control of the Town of Clarkstown, maintenance bond secured by a Letter of Credit in the sum of \$2,950.00 furnished to the Town of Clarkstown in connection with dedication of the road and improvements on July 17, 1990, in a subdivision known as Joy Acres South, Section I, is terminated and the Letter of Credit in the sum of \$2,950.00 be released to the guarantor.

Continued on Next Page

TBM - 5/25/93
Page 7

RESOLUTION NO. (355-1993)

AUTHORIZING RELEASE
AND ASSIGNMENT RE:
VILLAGE GREEN
CONDOMINIUMS

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, the Town of Clarkstown hereinbefore declared the bond for public improvements for the Village Green Condominium posted by Village Green Properties, Inc., as principal, and the North River Insurance Company, as surety, in default and retained the Village Green Condominium to complete the said work in consideration of the damages to be recovered by the Town in an action on the bond; and

WHEREAS, the public improvements in the Village Green Condominium were completed by Bardonia-Nanuet Condominium Corp. pursuant to an agreement with Village Green Condominium and the Town brought suit against the North River Insurance Company, obtaining a final judgement against the said Insurance Company in the amount of \$111,111.25; and

WHEREAS, it was agreed among counsel that no appeals would be taken of said judgement provided that the third party claims by the Insurance Company against the Village Green Condominium and Bardonia-Nanuet Condominium Corp. would be terminated by stipulation with releases exchanged between the parties to said third party action; and

WHEREAS, North River Insurance Company has requested in pursuit of said stipulation to obtain a release and assignment of the Town's claims against Village Green Properties, Inc., the defaulting principal; and

WHEREAS, any possible claims by the Insurance Company against the Town have been resolved by such final judgment,

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Clarkstown, Rockland County, New York that the annexed release and assignment of the Town's claims against Village Green Properties, Inc. be approved and authorized to be executed and delivered to the counsel for North River Insurance Company upon receipt of payment in the amount of \$111,111.25; and be it

FURTHER RESOLVED, that upon receipt of such payment that the Town, pursuant to its prior authorization for completion of improvements, pay the said monies over to Village Green Condominium for disbursement to the Condominium and Bardonia-Nanuet Condominium Corp. in pursuit of the agreement to complete the public improvements within the Condominium.

On roll call the vote was as follows:

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

RESOLUTION NO. (356-1993)

AUTHORIZING SUPERVISOR
TO EXECUTE AGREEMENT
RE FIRE HYDRANT
(BRIDGEWATER II)

Co. Maloney offered and Co. Dusanenko seconded

Continued on Next Page

TBM - 5/25/93
Page 8

RESOLUTION NO. (356-1993) Continued

WHEREAS, a fire hydrant investigation has been made by Spring Valley Water Company, Inc. for premises located in an approved subdivision/site known as Bridgewater II designated on the Clarktown Tax Map as Map 141-A-15, and

WHEREAS, it has been recommended that one (1) fire hydrant be installed within the said approved subdivision/site for the protection of future residents, and

WHEREAS, said property is private property and the hydrants shall be installed at the owner's expense, but the water charges shall be billed to the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with S.B.R.C. Service Corp., as owner, in the form of a Declaration of Covenant which shall run with the land, as approved by the Town Attorney, whereby S.B.R.C. Service Corp. or its successor(s) in interest shall pay the water service charges of Spring Valley Water Company, Inc., rendered yearly to the Town of Clarkstown on a per hydrant basis in connection with the dwelling units to be located on such property presently owned by S.B.R.C. Service Corp. designated on the Clarkstown Tax Map as Map 141, Block A, Lot 15.53, and the Comptroller is hereby authorized and directed, pursuant to such covenant, to provide periodic statements to S.B.R.C. Service Corp. or the future owner(s) of the premises for payment of the water service charges imposed, plus 10% as a handling fee, and be it

FURTHER RESOLVED, that the amounts to be billed shall be prorated against the several tax parcels in accordance with the applicable assessment values.

On roll call the vote was as follows:

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

RESOLUTION NO. (357-1993)

GRANTING PERMISSION
FOR FIREWORK DISPLAY
JULY 2, 1993

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that permission is hereby granted for a fireworks display to be conducted by the Clarkstown Parks Board and Recreation Commission at the Clarkstown South High School at approximately 9:30 P.M. on Friday, July 2, 1993, raindate Wednesday, July 7, 1993, pursuant to Section 405 of the Penal Law.

On roll call the vote was as follows:

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

TBM - 5/25/93
Page 9

RESOLUTION NO. (358-1993)

DETERMINING PROGRAM
FEES FOR RECREATION
AND PARKS FOR 1993-94

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the following schedule of Program Fees for 1993-94 is hereby approved:

<u>PROGRAM</u>	<u>1993-94</u>
Adult Open Gym	\$ 55.00
Arts & Crafts	\$ 50.00
Baseball	\$ 60.00
Basketball	\$ 60.00
Birthday Party-Street (beginning 1/91)	\$ 100.00
Bowling for Fun	\$ 10.00
Ceramics	\$ 65.00
Fashion Design	\$ 55.00
Floor Hockey/Puff Polo	\$ 45.00
Golf	\$ 55.00
Golf Tournament	\$ 70.00
Gymnastics	\$ 45.00
Little Feet on the Beat	\$ 45.00
Model Rocket	\$ 50.00
Photography	\$ 45.00
Nerf Soccer	\$ 45.00
Puff Baseball	\$ 45.00
Rimball	\$ 45.00
Special Fingers (pre-school)	\$ 55.00
Kuen Pai/Karate	\$ 45.00
Tumble Tot	\$ 45.00
Volleyball	\$ 55.00
Day Trips, New Programs and Special Events	To be determined by Supt. of Recreation and Parks

On roll call the vote was as follows:

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

RESOLUTION NO. (359-1993)

AUTHORIZING
SUPERINTENDENT OF
RECREATION AND PARKS
TO SET FEES FOR
REFRESHMENT STANDS

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Superintendent of Recreation and Parks is hereby authorized to set appropriate fees for refreshment stand sales in accordance with prevailing cost factors.

On roll call the vote was as follows:

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

TBM - 5/25/93
Page 10

RESOLUTION NO. (360-1993)

REFERRING PROPOSAL
FROM NEW CITY GOSPEL
FELLOWSHIP TO
CLARKSTOWN PLANNING
BOARD

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, the New City Gospel Fellowship has purchased land in the Town of Clarkstown, adjacent to its church, for the installation of a parking lot, and

WHEREAS, the New City Gospel Fellowship has proposed to the Clarkstown Town Board use of the proposed parking lot as a commuter lot on weekdays, subject to the condition that the Town pave the parking lot;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby refers the proposal submitted by Carl V. Johnson, Pastor of the New City Gospel Fellowship, for use of the parking lot as a commuter lot on weekdays, subject to the condition that the Town pave the parking lot, to the Clarkstown Planning Board for its review and report.

On roll call the vote was as follows:

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

RESOLUTION NO. (361-1993)

CONCERNING AMERICANS
WITH DISABILITIES ACT
GRIEVANCE PROCEDURE

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act. Title II states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination" in programs or activities sponsored by a public entity;

NOW, THEREFORE, be it

RESOLVED, that complaints should be addressed to Edward J. Lettre, Clerk of the Works I, Town of Clarkstown, 10 Maple Avenue, New City, New York, at (914) 639-2116, who has been designated to coordinate ADA compliance efforts.

1. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.

2. A complaint should be filed within thirty (30) days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination which occurred before this grievance procedure was in place will be considered on a case-by-case basis.)

Continued on Next Page

TBM - 5/25/93
Page 11

RESOLUTION NO. (361-1993) Continued

3. An investigation, as may be appropriate, shall follow a filing of complaint. This investigation shall be conducted by Edward J. Lettre. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

4. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by Edward J. Lettre, and a copy forwarded to the complainant no later than thirty (30) days after its filing.

5. The ADA coordinator shall maintain the files and records of the Town of Clarkstown relating to the complaint filed.

6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within thirty (30) days to Edward J. Lettre.

7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

8. These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards and to assure that the Town of Clarkstown complies with the ADA and implementing regulations.

On roll call the vote was as follows:

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

RESOLUTION NO. (362-1993)

AWARDING BID #33-1993
- MOSQUITO CONTROL
PROGRAM (ROCKLAND TREE
EXPERT CO., INC.)

Co. Maloney offered and Co. Dusanenko seconded

RESOLVED, that based upon the recommendation of the Director of the Department of Environmental Control and the Director of Purchasing that

BID #33-1993
MOSQUITO CONTROL PROGRAM

is hereby awarded to

ROCKLAND TREE EXPERT CO. INC.
11 MC NAMARA ROAD
SPRING VALLEY NY 10977
PRINCIPALS: JAMES B. WICKES
JOHN W. WICKES
JENNIFER WICKES OLLMAN

Continued on Next Page

TBM - 5/25/93
Page 12

RESOLUTION NO. (362-1993) Continued

as per their low bid proposal as follows:

LARVACIDE APPLICATIONS

Four (4) Applications @ \$50.00 per application

Adulticide Application (Seven)

@ \$ 22.25 per property
@ \$1,100.00 per application, min.

On roll call the vote was as follows:

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

RESOLUTION NO. (363-1993)

AUTHORIZING DIRECTOR
OF PURCHASING TO
ADVERTISE FOR BID
#37-1993 - CONCRETE
CURB & SIDEWALK
REPLACEMENT

Co. Maloney offered and Co. Dusanenko seconded

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

BID #37-1993
CONCRETE CURB & SIDEWALK REPLACEMENT

bids to be returnable to the Office of the Director of
Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M.
on June 25, 1993 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
Supervisor Holbrook.....Yes

RESOLUTION NO. (364-1993)

AUTHORIZING DIRECTOR
OF PURCHASING TO
ADVERTISE FOR BID
#38-1993 - RIVETED
CORRUGATED STEEL
CULVERT PIPE

Co. Maloney offered and Co. Dusanenko seconded

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

Continued on Next Page

TBM - 5/25/93
Page 13

RESOLUTION NO. (364-1993) Continued

BID #38-1993
RIVETED CORRUGATED STEEL CULVERT PIPE

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on June 10th, 1993 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
Supervisor Holbrook.....Yes

RESOLUTION NO. (365-1993)

AUTHORIZING DIRECTOR
OF PURCHASING TO
ADVERTISE FOR BID
#39-1993 - ALUMINIZED
STEEL TYPE 2 PIPE

Co. Maloney offered and Co. Dusanenko seconded

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

BID #39-1993
ALUMINIZED STEEL TYPE 2 PIPE

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on June 11th, 1993 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
Supervisor Holbrook.....Yes

RESOLUTION NO. (366-1993)

AUTHORIZING DIRECTOR
OF PURCHASING TO
ADVERTISE FOR BID
#40-1993 - CORRUGATED
HIGH DENSITY
POLYETHYLENE PIPE

Co. Maloney offered and Co. Dusanenko seconded

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

Continued on Next Page

TBM - 5/25/93
Page 14

RESOLUTION NO. (366-1993) Continued

BID #40-1993
CORRUGATED HIGH DENSITY POLYETHYLENE PIPE

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on June 14th, 1993 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
Supervisor Holbrook.....Yes

RESOLUTION NO. (367-1993)

AUTHORIZING DIRECTOR
OF PURCHASING TO
ADVERTISE FOR BID
#41-1993 - ATHLETIC
FIELD CONDITIONER

Co. Maloney offered and Co. Dusanenko seconded

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

BID #41-1993
ATHLETIC FIELD CONDITIONER

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on June 17th, 1993 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
Supervisor Holbrook.....Yes

RESOLUTION NO. (368-1993)

AUTHORIZING DIRECTOR
OF PURCHASING TO
ADVERTISE FOR BIDS FOR
IMPROVEMENTS TO
BARDONIA SCHOOL
DRIVEWAY

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, the Town Board by Resolution No. 159-1993 endorsed a plan designed by Howard Lampert, P.E., for the improvement of the Bardonia Elementary School Driveway,

Continued on Next Page

TBM - 5/25/93
Page 15

RESOLUTION NO. (368-1993) Continued

NOW, THEREFORE, be it

RESOLVED, that the Director of Purchasing is hereby authorized to advertise for bids for the improvement of the Bardonia Elementary School Driveway, Bardonia, New York.

On roll call the vote was as follows:

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

RESOLUTION NO. (369-1993)

AUTHORIZING DIRECTOR OF PURCHASING TO ADVERTISE FOR BIDS FOR INSTALLATION OF SIDEWALKS ON PORTION OF CHRISTIAN HERALD ROAD, VALLEY COTTAGE

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, the Town Board endorsed the plan designed by Howard Lampert, P.E., for the installation of sidewalks on a portion of Christian Herald Road, Valley Cottage, New York;

NOW, THEREFORE, be it

RESOLVED, that the Director of Purchasing is hereby authorized to advertise for bids for the installation of sidewalks on a portion of Christian Herald Road, Valley Cottage, New York.

On roll call the vote was as follows:

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

RESOLUTION NO. (370-1993)

TRANSFERRING FUNDS FROM MONEY-IN-LIEU-OF-LAND TO PARKLANDS AND IMPROVEMENT ACCOUNT - RECREATION AND PARKS (VARIOUS PARK IMPROVEMENTS)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Superintendent of Recreation and Parks is recommending that the following improvements be made at various parks and recreation facilities:

a. Kings Park parking lot: concrete curbing, ramp, catch basins, piping, drains, precast concrete block retaining wall, paving, paving markings, landscaping and restoration \$105,600.00

Continued on Next Page

TBM - 5/25/93
Page 16

RESOLUTION NO. (370-1993) Continued

b. Congers Lake Park: pipes, drains, precast concrete retaining wall, paving of the parking lot, pavement marking, landscaping and restoration for a total of \$77,000.00 of which \$15,000.00 is a grant being made to the Town of Clarkstown by New York State	62,000.00
c. Street Community Center: Replacement of the Burners	19,800.00
d. Central Nyack Community Center: gutters, landscaping, precast concrete retaining wall, paving of existing basketball court, color coating, fencing, landscaping and restoration	<u>22,000.00</u>
Grand Total	\$ 209,400.00

NOW, THEREFORE, be it

RESOLVED, that the Town Comptroller is hereby authorized to transfer the sum of \$209,400.00 from the Money in Lieu of Land Account to the Parklands and Improvement Account.

On roll call the vote was as follows:

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

RESOLUTION NO. (371-1993)

TRANSFER OF FUNDS -
RECREATION AND PARKS
(VARIOUS ACCOUNTS)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, to increase Account No. 7020-199 (Vacation Buybacks) in the amount of \$10,000.00 and to decrease Account No. 1621-110 (Salaries) in the amount of \$10,000.00, and be it

FURTHER RESOLVED, to increase Account No. 7140-409 (Fees for Services) in the amount of \$4,700.00 and to decrease Account No. 1990-505 (Contingency) in the amount of \$4,700.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (372-1993)

AUTHORIZING ATTENDANCE
AT CERTIFIED POOL
OPERATOR COURSE -
RECREATION AND PARKS
(CHRIS CUMMINGS)

Co. Maloney offered and Co. Mandia seconded

Continued on Next Page

TBM - 5/25/93
Page 17

RESOLUTION NO. (372-1993) Continued

RESOLVED, that Chris Cummings, Head Lifeguard, is hereby authorized to attend the Certified Pool Operator Course given by the American Red Cross on June 5 and 6, 1993 at R. C. Fire Training Center, Pomona, New York, and be it

FURTHER RESOLVED, that all necessary expenses be allocated against Account No. 7180-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (373-1993)

AUTHORIZING ATTENDANCE
AT CONFERENCE
(LAURENCE KOHLER)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Laurence Kohler, Director of Purchasing, is hereby authorized to attend a conference entitled "Combatting Fraud in Public Purchasing" on June 22, 1993 in Albany, New York, and be it

FURTHER RESOLVED, that expenses related thereto be charged to Account No. A 1010-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (374-1993)

AUTHORIZING ATTENDANCE
AT CONFERENCE -
COMPTROLLER'S OFFICE
(DUER, SQUILLACE,
LODICO, AND FOGEL)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Edward J. Duer, Comptroller; Elizabeth Squillance, Director of Finance; Dolores Lodico, Deputy Comptroller; and Doris Fogel, Administrative Assisant I; are hereby authorized to attend the NYS Government Finance Officers' Association, Inc. conference, "Audit Reviews and Requirements", at White Plains, New York on May 26, 1993, and that all proper charges be charged to Appropriation Account No. A 1010-414.

On roll call the vote was as follows:

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

TBM - 5/25/93
Page 18

RESOLUTION NO. (375-1993)

AUTHORIZING SUPERVISOR
TO ENTER INTO
AGREEMENT FOR ECONOMIC
ASSISTANCE FOR 1993

Co. Mandia offered and Co. Dusanenko seconded

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

FURTHER RESOLVED, that the Town Board shall allocate the following sums in economic assistance for 1993 to

CANDLE	\$ 16,000.00
Clarkstown Garden Club	\$ 500.00
Camp Venture	\$ 3,500.00
Foster Grandparent Program (Rkld. Co. Senior Citizens)	\$ 700.00
Home Aides of Rockland	\$ 1,400.00
Martin Luther King Center	\$ 7,000.00
New City Little League/American	\$ 1,050.00
New City Little League/National	\$ 1,050.00
Nyack/Valley Cottage Little League	\$ 1,050.00
Rkld. Co. Assoc. Visually Impaired	\$ 1,000.00
Rkld. Youth Philharmonic	\$ 1,050.00
Veterans Memorial Association	\$ 525.00
West Street Day Care Center	\$ 1,820.00
Rockland Center for the Arts	\$ 10,000.00
West Nyack Little League	\$ 1,050.00
Congers Little League	\$ 1,050.00

and be it

FURTHER RESOLVED, that the total amount of \$48,745.00, be transferred from Account #A 1990-505 to Account # A 8840 424, and be it

FURTHER RESOLVED, that these funds are to assist in providing such services for the calendar year 1993 and are to be charged against Account # A 8840 424.

On roll call the vote was as follows:

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

RESOLUTION NO. (376-1993)

ADOPTING PAY SCHEDULE
FOR OFFICE WORKER
STUDENTS AND LABORER
STUDENTS EFFECTIVE
JUNE 1, 1993

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby adopts the following schedule of pay rate increases for Office Worker Students and Laborer Students effective June 1, 1993:

Continued on Next Page

TBM - 5/25/93
Page 19

RESOLUTION NO. (376-1993) Continued

Year-Round High School Students (Office Worker Students)
Hired Prior to 1/1/93.....25¢ per hour

Year Round College Students (Office Worker Students & Laborer
Students)
Hired Prior to 1/1/93.....50¢ per hour

Year-Round College Students & High School Students -
(Office Worker Students & Laborer Students) - Hired
after 1/1/93 and
Presently on Payroll.....25¢ per hour

Returning Seasonal College Students:

Office Worker Students.....25¢ per hour
Laborer Students.....25¢ per hour

On roll call the vote was as follows:

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

RESOLUTION NO. (377-1993)

APPOINTING TO POSITION
OF (TEMPORARY) CLERK
STENOGRAPHER - HIGHWAY
DEPARTMENT (MARY
GUILFOYLE)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Mary Guilfoyle, 14 Jeffrey Court,
West Nyack, New York, is hereby appointed to the position of
(temporary) Clerk Stenographer - Highway Department - to cover
the leave of absence of Josephine Walsh - at the current 1993
hourly rate of \$10.00 - effective and retroactive to May 18,
1993 - for a period not to exceed 3 months.

On roll call the vote was as follows:

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

RESOLUTION NO. (378-1993)

RECOGNIZING APPOINTMENT
BY PARKS BOARD AND
RECREATION COMMISSION
TO POSITION OF RECREATION
LEADER - (ELLEN C. BURNS)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has
furnished Certification of Eligibles #91020 Recreation Leader
which contains the name of Ellen C. Burns,

NOW, THEREFORE, be it

Continued on Next Page

TBM - 5/25/93
Page 20

RESOLUTION NO. (378-1993) Continued

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Ellen C. Burns, 3 Main Drive, New City, New York, to the position of Recreation Leader - Parks Board and Recreation Commission - at the current 1993 annual salary of \$23,844.00, effective June 2, 1993.

On roll call the vote was as follows:

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

RESOLUTION NO. (379-1993)

CALLING PUBLIC HEARING
RE: ROAD IMPROVEMENT
PROJECT (LOUIS AVENUE,
VALLEY COTTAGE)

Co. Maloney offered and Co. Dusanenko seconded

-----X

In the Matter of a
Road Improvement Project for a portion
of LOUIS AVENUE, situated south of
Rockland Lake Road, Valley Cottage,
New York.

ORDER CALLING FOR
A PUBLIC HEARING

-----X

WHEREAS, pursuant to Section 200 of the Town Law, the Town Board of the Town of Clarkstown wishes to consider the improvement of a portion of a street known as Louis Avenue, located south of Rockland Lake Road, Valley Cottage, New York. The improvements shall consist of pavement, curbs, gutters, catch basins and drainage facilities, benefitting properties shown on the Clarkstown Tax Map as Map 123, Block A, Lots 9.03, 9.04, 9, 10, 11, 23.01, 23.02, 8.03, 8.02, 8.0102, 8.0103 and 8.0101, being approximately 1,000 ft. in length and 30 ft. in width, and described on Schedule "A" annexed, and

WHEREAS the maximum amount proposed to be expended for the road improvement shall be the sum of \$160,000.00;

NOW, THEREFORE, it is

ORDERED, that a public hearing pursuant to Sections 264 and 265 for 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 June 22, 1993 at 8:35 P.M., relative to the proposed road improvement project, and it is

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

FURTHER ORDERED, for the purposes of the New York State Environmental Quality Review Act (SEORA), the Town Board determines that it shall act as lead agency and Leslie F.

Continued on Next Page

TBM - 5/25/93
Page 21

RESOLUTION NO. (379-1993) Continued

Bollman, Director of Environmental Control, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

TOWN BOARD OF THE TOWN OF CLARKSTOWN

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

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

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

/s/ Theodore R. Dusanenko
Theodore R. Dusanenko, Councilman

RESOLUTION NO. (380-1993)

APPROPRIATING FUNDS TO
VETERAN ORGANIZATIONS

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, certain veteran organizations have requested monetary assistance from the Town, to defray rent costs, provide funds for parades, memorial services and other activities;

NOW, THEREFORE, be it

RESOLVED, that in accordance with Section 64 (13) of the Town Law, the Town Board hereby appropriates the annual sum of \$750.00 (\$500.00 for leasing or rental and maintenance of meeting facility and \$250.00 for patriotic observance) to each of the following veteran organizations:

Lts. Israel Schwartz/Theodore Kerchman Post #720

and be it

FURTHER RESOLVED, that claims for such sum shall be made annually by the organizations and submitted to the Town Board for audit and disbursement, and be it

FURTHER RESOLVED, that said funds will be charged against Account No. A 6510-401.

On roll call the vote was as follows:

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

RESOLUTION NO. (381-1993)

WAIVING TOWN FEES RE:
VALLEY COTTAGE FREE
LIBRARY ADDITION

Co. Maloney offered and Co. Mandia seconded

Continued on Next Page

TBM - 5/25/93
Page 22

RESOLUTION NO. (381-1993) Continued

RESOLVED, that the Town Board hereby waives all fee requirements of the Town with respect to the construction of the Valley Cottage Free Library addition.

On roll call the vote was as follows:

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

RESOLUTION NO. (382-1993)

AUTHORIZING
SUPERINTENDENT OF
HIGHWAYS TO INSTALL
"NO TURN ON RED" SIGN
WEST SIDE WEST
CLARKSTOWN ROAD AT
ECKERSON ROAD, NEW CITY

Co. Dusanenko offered and Co. Maloney 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:

A sign to read, "No Turn on Red." This sign to be erected on the west side of West Clarkstown Road at Eckerson Road, New City

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
Supervisor Holbrook.....Yes

RESOLUTION NO. (383-1993)

AUTHORIZING
SUPERINTENDENT OF
HIGHWAYS TO INSTALL
INTERSECTION SIGN
SOUTH SIDE CAIRNSMUIR
LANE, NEW CITY

Co. Dusanenko offered and Co. Maloney 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:

An intersection sign. See Sec. 232.1 of the NYS Manual of Uniform Traffic Control Devices, Sign W-2-3. Erect this sign on the south side of Cairnsmuir Lane, New City, 125 Ft. west of Jeff Lane.

Continued on Next Page

TBM - 5/25/93
Page 23

RESOLUTION NO. (383-1993) Continued

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
Supervisor Holbrook.....Yes

RESOLUTION NO. (384-1993)

GRANTING CERTIFICATE
OF REGISTRATION TO H &
R PLUMBING, HEATING
AND AIR CONDITIONING,
INC.

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, the following has applied for a Certificate of Registration pursuant to Section 236-48 of the Code of the Town of Clardstown:

H & R PLUMBING, HEATING AND
AIR CONDITIONING, INC.
53 Massachusetts Avenue
Congers, New York 10920

RESOLVED, that the following Certificate of Registration be issued:

No. 93-9 H & R Plumbing, Heating and Air
Conditioning, Inc.

On roll call the vote was as follows:

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

RESOLUTION NO. (385-1993)

GRANTING PERMISSION TO
COLUMBUS DAY COMMITTEE
OF ROCKLAND TO USE
SHOWMOBILE

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Columbus Day Committee of Rockland County has requested use of the Town of Clarkstown showmobile on Sunday, October 10, 1993, for the Annual Columbus Day Parade to be held in West Haverstraw, New York,

NOW, THEREFORE, be it

RESOLVED, that permission is hereby granted to the Columbus Day Committee of Rockland to use the Town of Clarkstown showmobile on Sunday, October 10, 1993, for the above purposes and subject to the provision of the necessary

Continued on Next Page

TBM - 5/25/93
Page 24

RESOLUTION NO. (385-1993) Continued

insurance policies, at a cost of \$750.00 to be paid by the Columbus Day Parade Committee.

On roll call the vote was as follows:

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

RESOLUTION NO. (386-1993)

ACCEPTING PERFORMANCE
OF WORK AND
REIMBURSEMENT BY WARDE
ELECTRIC CONTRACTING,
INC. SATISFYING BID
#42-1991

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Warde Electric Contracting, Inc. was awarded Bid No. 42-1991 in the amount of \$167,915.00 on June 4, 1991, to implement a New York State Transportation Energy Conservation Program at various intersections within the Town of Clarkstown which involved the installation of traffic signal upgrade devices, and

WHEREAS, certain disputes have arisen concerning the implementation of such contract, and

WHEREAS, a proposal has been made to settle these disputes by the performance of certain work by Warde Electric Contracting, Inc., including the installation of a Guy Mast Arm, Loop Installation, and reimbursing the Town for certain expenses which work and reimbursement have a value of \$11,411.64;

NOW, THERFORE, be it

RESOLVED, that the Town of Clarkstown shall accept performance of the aforementioned work and the reimbursement, which together have a value of \$11,411.64, in full satisfaction of the work to be performed pursuant to the contract on Bid No. 42-1991 by Warde Electric Contracting, Inc.

On roll call the vote was as follows:

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

RESOLUTION NO. (387-1993)

AUTHORIZING
SUPERINTENDENT OF
HIGHWAYS TO REPAIR
CURBS AND REPAVE BEL
AIR TERRACE AND
ROSEMONT DRIVE, NEW
CITY

Co. Maloney offered and Co. Dusanenko seconded

Continued on Next Page

TBM - 5/25/93
Page 25

RESOLUTION NO. (387-1993) Continued

RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways tfo repair curbs and repave Bel Aire Terrace and Rosemont Drive, New City, New York, and be it

FURTHER RESOLVED, that the total cost of such work to be performed is \$66,863.00, which cost shall be charged to Account No. DB 5510-387.

On roll call the vote was as follows:

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

RESOLUTION NO. (388-1993)

REFERRING TO TOWN AND
COUNTY PLANNING BOARDS
ABANDONMENT OF PORTION
OF SOUTH GRANT AVENUE,
CONGERS

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a request has been made by JOSEPH MUGGEO, 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 an the unimproved portion of South Grant Avenue, Congers, New York, described in a metes and bounds description on Schedule "A" attached, has never been used by the public and therefore may be deemed abandoned, and

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

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

NOW, THEREFORE, be it

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

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

(Schedule A on File in Town Clerk's Office.)

On roll call the vote was as follows:

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

TBM - 5/25/93
Page 26

RESOLUTION NO. (389-1993)

**AUTHORIZING PAYROLL
DEDUCTIONS FOR
INSURANCE THROUGH
LIBERTY MUTUAL FOR
POLICE AND NON-CSEA
EMPLOYEES**

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that Police and other Non-CSEA employees are permitted to have payroll deductions for insurance offered through Liberty Mutual Insurance Group.

On roll call the vote was as follows:

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

At this point Supervisor declared a ten minute recess.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted the public hearing re: Proposed Amendment to Zoning Ordinance to Allow Additional Uses in LIO and M Zoning Districts by Special Permit (Hazardous Wastes), was opened, time: 8:35 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Proposed Amendment to Zoning Ordinance to Allow Additional Uses in LIO and M Zoning Districts by Special Permit (Hazardous Wastes), was closed, time: 8:50 P.M.

Before going on to the next public hearing Supervisor said he wanted to state for the record that the Town Board is not even considering changing the LIO so when the SEQRA process is run we will then consider putting it on the Town Board agenda for further consideration.

Councilman Mandia said the first speaker is correct in that when something does happen, the process is painfully slow both by the DEC and the Town, the legal system, etc. Safety Kleen was supposed to be out of there by July 1st. He noted that he has received lots of things in the mail but no set plan. Until there is a process that ensures that all of these regulations are not only followed but they are enforced by somebody (because he doesn't think they are) at the State level primarily, he thinks it is ill advised to create any more possible problems in any zone.

On motion of Councilman Dusanenko, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Zone Change from R-10, MF-2 and PO to MF-4 (Parcels adjacent to Normandy Village, Nanuet) was opened, time: 8:52 P.M.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Zone Change from R-10, MF-2 and PO to MF-4 (Parcels adjacent to Normandy Village, Nanuet) was closed, time: 9:55 P.M.

TBM - 5/25/93
Page 27

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Proposed Sewer District Extension - Barmore Hill Area of Route 9W was opened, time: 9:56 P.M.

On motion of Councilman Dusanenko, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Proposed Sewer District Extension - Barmore Hill Area of Route 9W was closed, RESOLUTIONS ADOPTED, time: 10:05 P.M.

RESOLUTION NO. (390-1993)

SEWER IMPROVEMENTS
WITHIN BARMORE HILL
AREA IN MBSIA NO. 2

Theodore R. Dusanenko offered the following resolution and moved its adoption:

RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED MAY 25, 1993, APPROVING THE CONSTRUCTION OF SEWER IMPROVEMENTS WITHIN THE BARMORE HILL AREA IN MBSIA NO. 2, WHICH AREA HAS BEEN DETERMINED TO BE THE BENEFITTED AREA, AND MAKING OTHER DETERMINATIONS IN CONNECTION THEREWITH.

Recitals

WHEREAS, the Town Board of the Town of Clarkstown, in the County of Rockland, New York (herein called "Town Board" and "Town" respectively), proposed to construct sewer improvements (the "Sewer Improvement"), within the Barmore Hill Area in MBSIA No. 2, including buildings, land or rights in land, original furnishings, equipment, machinery, and apparatus required therefor, all within the Barmore Hill area in MBSIA No. 2 and affecting the properties referred to in the Order Calling for a Public Hearing adopted by the Town Board on April 27, 1993, which area has been determined to be the benefited area (herein designated and referred to as the "Sewer Improvement Area"), pursuant to Article 12-C of the Town Law, in accordance with the map, plan and report prepared therefor by Roy F. Weston of New York, Inc. competent engineers duly licensed by the State of New York, heretofore filed in the office of the Town Clerk for public inspection; and

WHEREAS, the maximum amount proposed to be expended for the construction of such sewer Improvement is \$662,200.00, which is planned to be financed by the issuance of serial bonds of the Town and the levy and collection of assessments from the several lots and parcels of land within the Sewer Improvement Area which the Town Board shall determine to be especially benefited by said Sewer Improvement, so much upon and from each as shall be in just proportion to the amount of benefit which the Sewer Improvement shall confer upon the same, to pay the principal of and interest on said bonds; and

WHEREAS, the Town Board determined to proceed with the construction of such Sewer Improvement and adopted an order on April 27, 1993, reciting a description of the improvements proposed, a description of the proposed benefited area, the proposed method of financing to be employed, the fact that a map, plan and report describing the same are on file in the Town Clerk's office for public inspection and specifying May 25, 1993, at 8:50 o'clock P.M. (Prevailing Time) as the time when, and the Town Hall, in the Town, as the place where, the Town Board would meet to consider the construction of such Sewer Improvement and to hear all persons interested in the

Continued on Next Page

TBM - 5/25/93
Page 28

RESOLUTION NO. (390-1993) Continued

subject thereof concerning the same, and for such other action on the part of the Town in relation thereto as may be required by law; and

WHEREAS, certified copies of such order were duly published and posted pursuant to the provisions of Article 12-C of the Town Law; and

WHEREAS, a public hearing in the matter of the construction of the proposed Sewer Improvement was duly held by the Town Board on this 25th day of May, 1993, commencing at 8:50 o'clock P.M. (Prevailing Time) at the Town Hall, in the Town, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the construction of said Sewer Improvement;

NOW, THEREFORE, upon the evidence adduced at such public hearing, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK AS FOLLOWS:

Section 1. It is hereby determined that:

(a) the notice of public hearing was published and posted as required by law, and is otherwise sufficient;

(b) all the property in the proposed Sewer Improvement Area is benefited by the Sewer Improvement and all the property benefited by the Sewer Improvement is included in the proposed Sewer Improvement Area; and

(c) it is in the public interest to construct the sewer Improvement, within the Sewer Improvement Area, at the estimated maximum cost of \$662,200.00.

Section 2. The construction of the Sewer Improvement within the Sewer Improvement Area is hereby approved, and such facilities are hereby authorized to be constructed, as set forth in said Order Calling Public Hearing, within the Sewer Improvement Area, in the Town, situated in the Barmore Hill Area in MBSIA No. 2, and said Sewer Improvement Area is more particularly described as follows:

All those parcels of land situate lying and being in the Town of Clarkstown, Rockland County, New York, and shown and designated on the Clarkstown Tax Map as Map 138, Block H, Lots 3, 4, 5, 6.01, 6.02, 13, 14, 17, 18, 18.01, 20, 21, 24, 25, 26, 27, 28, 30, 39 and 40.

Section 3. The maximum amount proposed to be expended for said improvements is \$662,200.00 which is planned to be financed by the issuance of serial bonds of the Town and the levy and collection of assessments from the several lots and parcels of land within the Sewer Improvement Area which the Town Board shall determine to be especially benefited by such Sewer Improvement, so much upon and from each as shall be in just proportion to the amount of benefit which such Sewer Improvement shall confer upon the same, to pay the principal of and interest as said bonds as the same shall become due and payable.

Section 4. Permission of the New York State Comptroller is not required with respect hereto, the amount of \$662,200.00 being less than one-tenth of one percentum of the

Continued on Next Page

TBM - 5/25/93
Page 29

RESOLUTION NO. (390-1993) Continued

full valuation of real property in the Town, outside of any village.

Section 5. The Town Clerk of the Town is hereby authorized and directed to record a certified copy of this resolution, within ten (10) days after adoption, in the office of the County Clerk of Rockland County.

Section 6. This resolution shall take effect immediately.

The adoption of the foregoing resolution was seconded by John R. Maloney and duly put to a vote on roll call, which resulted as follows:

AYES: Charles E. Holbrook, John R. Maloney,
Ralph F. Mandia, Theodore R. Dusanenko

NOES: None

The resolution was declared adopted

RESOLUTION NO. (391-1993)

BOND RESOLUTION FOR
SEWER IMPROVEMENTS AND
ISSUANCE OF SERIAL
BONDS (BARMORE HILL)

Co. Dusanenko offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED MAY 25, 1993, APPROPRIATING \$662,200.00 FOR THE CONSTRUCTION OF SEWER IMPROVEMENTS WITHIN THE BARMORE HILL AREA IN MBSIA NO. 2 IN SAID TOWN, AND AUTHORIZING THE ISSUANCE OF \$662,200.00 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

Recitals

WHEREAS, the Town Board of the Town of Clarkstown, in the County of Rockland, New York (herein called "Town Board" and "Town" respectively), proposes to construct sewer improvements (the "Sewer Improvement") within the Barmore Hill Area in MBSIA No. 2, including buildings, land or rights in land, original furnishings, equipment, machinery, and apparatus required therefor, all within the Barmore Hill Area in MBSIA No. 2 and affecting the properties referred to in the Order Calling for a Public Hearing adopted by the Town Board on April 27, 1993, which area has been determined to be the benefited area (herein designated and referred to as the "Sewer Improvement Area"), pursuant to Article 12-C of the Town Law, in accordance with the map, plan and report prepared therefor by Roy F. Weston of New York, Inc., competent engineers duly licensed by the State of New York, heretofore filed in the office of the Town Clerk for public inspection; and

WHEREAS, the maximum amount proposed to be expended for the construction of such Sewer Improvement is \$662,200.00 which is planned to be financed by the issuance of serial bonds of the Town and the levy and collection of assessments from the several lots and parcels of land within the Sewer Improvement

Continued on Next Page

TBM - 5/25/93
Page 30

RESOLUTION NO. (391-1993) Continued

Area, which the Town Board shall determine to be especially benefited by said sewer improvement, so much upon and from each as shall be in just proportion to the amount of benefit which the Sewer Improvement shall confer upon the same, to pay the principal of and interest on said bonds; and

WHEREAS, after a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to construct said Sewer Improvement within the Sewer Improvement Area, and ordered that such Sewer Improvement be constructed at the estimated maximum cost of \$662,200.00; and

WHEREAS, permission of the New York State Comptroller is not required with respect hereto, the amount of \$662,200.00 being less than one-tenth of one percentum of the full valuation of real property in the Town, outside of any village;

NOW, THEREFORE, be it,

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK (by favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of \$662,200.00 for the construction of sewer improvements (the "Sewer Improvement"), including buildings, land or rights in land, original furnishings, equipment, machinery, and apparatus required therefor, all within the Barmore Hill Area in MBSIA No. 2, which area has been determined to be the benefited area (herein designated and referred to as the "Sewer Improvement Area"), and in accordance with the map, plan, and report prepared therefor by Roy F. Weston of New York, Inc., competent engineers duly licensed by the State of New York, on file in the office of the Town Clerk and heretofore approved by the Town Board of the Town. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$662,200.00 and the plan of financing includes the issuance of serial bonds of the Town in the principal amount of \$662,200.00 to finance said appropriation, and the levy and collection of assessments from the several lots and parcels of land within the Sewer Improvement Area which the Town Board shall determine to be especially benefited by said Sewer Improvement, so much upon and from each as shall be in just proportion to the amount of benefit which the Sewer Improvement shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$662,200.00 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said specific object or purpose for which said \$662,200.00 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 4 of the Law is forty (40) years.

Continued on Next Page

TBM - 5/25/93
Page 31

RESOLUTION NO. (391-1993) Continued

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose or purposes for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.103-18 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately.

The adoption of the foregoing resolution was seconded by John R. Maloney and duly put to a vote on roll call, which resulted as follows:

Continued on Next Page

TBM - 5/25/93
Page 32

RESOLUTION NO. (391-1993) Continued

AYES: Charles E. Holbrook, John R. Maloney,
Ralph F. Mandia, Theodore R. Dusanenko

NOES: None

The resolution was declared adopted

RESOLUTION NO. (391A-1993)

PUBLISHING OF BOND
RESOLUTION (BARMORE
HILL)

Theodore R. Dusanenko offered the following
resolution and moved its adoption:

RESOLVED BY THE TOWN BOARD OF THE TOWN OF
CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK AS FOLLOWS:

Section 1. The Town Clerk of the Town of
Clarkstown, in the County of Rockland, New York, is hereby
directed to publish the foregoing bond resolution, in full, in
"THE JOURNAL NEWS", a newspaper published in West Nyack, New
York, having a general circulation within the Town and hereby
designated as the official newspaper of the Town for such
publication, together with the Town Clerk's statutory notice in
substantially the form as prescribed by Section 81.00 of the
Local Finance Law of the State of New York.

Section 2. This resolution shall take effect
immediately.

The adoption of the foregoing resolution was
seconded by John R. Maloney and duly put to a vote on roll
call, which resulted as follows:

AYES: Charles E. Holbrook, John R. Maloney,
Ralph F. Mandia, Theodore R. Dusanenko

NOES: None

The resolution was declared adopted.

On motion of Councilman Maloney, seconded by
Councilman Dusanenko and unanimously adopted, the public
hearing re: Zone Change from R-22 to R-15, Map 123, Block A,
Lot 17.01 - GEM Partnership, was opened, time: 10:06 P.M.

On motion of Councilman Maloney, seconded by
Councilman Mandia and unanimously adopted, the public hearing
re: Zone Change from from R-22 to R-15, Map 123, Block A, Lot
17.01 - GEM Partnership, was closed, DECISION RESERVED, time:
10:20 P.M.

Supervisor said this will probably be on the next
workshop which will be on the 14th of June with a possible
decision at the Town Board Meeting of June 22nd.

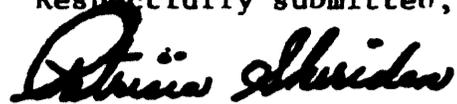
There being no further business to come before the
Town Board and no one further wishing to be heard, on motion of

Continued on Next Page

TBM - 5/25/93
Page 33

Councilman Dusanenko, seconded by Councilman Maloney and
unanimously adopted, the Town Board Meeting was declared
closed, time: 10:21 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

5/25/93

8:35 P.M.

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

Re: Proposed Amendment to zoning Ordinance to Allow Additional
Uses in LIO and M Zoning Districts by Special Permit

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 SEQRA period has not yet run so no action can be taken tonight. The County Planning Board on 5/21/93 approved subject to condition that the Rockland County Department of Health should review the proposed zoning code amendments, since they are often the agency involved with regulating storage, handling, etc. of such wastes. The Clarkstown Planning Board supports the amendment.

Mr. Rudolph Yacyshin, Chairman of the Planning Board stated that they do, in principal, support the amendment. However, they are concerned with the specific technical definitions of hazardous waste and medical waste. Our staff has been in almost daily touch with the State DEC with respect to these specific technical definitions both at the federal and state level. We have not yet received those definitions. He said he has been asked by the Planning Board to advise the Town Board, as Mr. Jacobson has already mentioned, that SEQRA has not yet been completed and no action can be taken in any event. He requested the Town Board defer any specific action on this until they do indeed receive these technical definitions and are able to review them and give our recommendations.

Supervisor Holbrook said no action by the Town Board will be taken on this amendment tonight because the SEQRA period has not yet run. However, if anyone at this point wishes to ask a question or make a comment he invited them to do so.

Appearance: Mr. Ray DeFalco
Congers, New York

He said he was hearing all these nice regulations and requirements as to special permits in LIO. He said they have a problem regarding Safety Kleen and all the requirements they are supposed to be following and it is not working. Supervisor said the site in question, even if this were approved, would not qualify. He said he was telling him that off the top so that he could guide his comments based upon that. In fact, the Town Board itself is not very enamoured about the LIO amendment to begin with so it is likely that amendment won't be passed.

Mr. DeFalco said even in the M zone, you have to understand, no matter what regulations are followed, accidents happen. When an accident happens, it doesn't only affect the spot it is dropped on but once it hits the water table it travels. What happens to a neighborhood within a quarter of a mile if there is over 100 gallons spilled - which is just two drums? What action is the Board going to take? What action was taken before Safety Kleen came to the neighborhood and was

Continued on Next Page

PH - 5/25/93

Page 2.

Re: Proposed Amendment to zoning Ordinance to Allow Additional Additional Uses in LIO and M Zoning Districts by Special Permit constructed in the area to say in the event that should happen what are we going to do with the people in the neighborhood - or even my house, which is only a half a mile away, if the water table is contaminated? They're pulling up a pure product pumping out of the ground and they have taken so many actions that the Town Building Department or the DEC and Environmental of Clarkstown don't know which way is up. Supervisor said that is not true. Mr. DeFalco said it is a fact. When a decision is made to place a site in an area they are supposed to abide by regulations set down by the DEC. When they are not followed what are our actions? If there is a spill what do we do with the neighborhood around the area? Supervisor said we have to abide by the Health Department and the DEC regulations in terms of remediating any site whether it be in a residential area, commercial area, parklands, etc.

Mr. DeFalco said he spent \$300,000.00 for his house and his well is contaminated. What does he do? The action to be taken is that there is not to be placed in the area a hazardous waste transfer station, absolutely not. Supervisor said we are not intending to do that. Mr. DeFalco said how close is LIO to residential homes? Supervisor said the amendment is talking about even if it were to go in there it couldn't be within 200 feet of a residential zone. Mr. DeFalco said 200 feet! You travel internally a quarter of a mile under ground and if you want documentation I will bring it in. Mr. DeFalco said in summing up, there is no way this could be considered for LIO. Supervisor said he did not think the Town Board is considering it. Why don't you listen to what I am telling you? I don't think the Town Board is considering that specific amendment.

Mr. DeFalco said okay, the Town Board is not considering that specific amendment. Supervisor said it is up for a public hearing but he did not believe the Town Board is going to approve that portion of it. Mr. DeFalco said if they are not going to approve it, okay.

In answer to a question from an unidentified woman in the audience as to what site this is, Supervisor said there is no site. Councilman Mandia explained this could be for any LIO or M zone. It is manufacturing and light industrial office. The woman said is there a site off West Nyack Road being considered? She was told there is no site being planned right now. Supervisor said he thought she was talking about Nyack Corporate Park which is LO and is different from this.

Appearance: Mr. Martin Bernstein
New City, New York

Mr. Bernstein asked who was proposing this amendment? Supervisor said this was proposed by our planning consultants on the Town Board's motion. Mr. Bernstein asked what additional uses are being proposed pertaining to the LIO and M zoning? Mr. Yacyshin stated that it specifically relates to hazardous and medical waste. Mr. Bernstein said then you are adding them. Mr. Yacyshin said we are tightening up the provisions that are currently in the LIO. The intent here was to tighten up and make it a special permit and not just one by right. Supervisor said that is if we approve the LIO which I just said a moment ago we are not intending to do. Mr. Bernstein said then you are saying that the Town Board is saying that the Planning Board is incorrent and you are not going to do what they are proposing? Supervisor said it is the opinion of the members of the Town Board that they were not specifically in favor of the LIO district in these changes but that in the M they would be.

Continued on Next Page

PH - 5/25/93

Page 3.

Re: Proposed Amendment to zoning Ordinance to Allow Additional
Additional Uses in LIO and M Zoning Districts by Special Permit

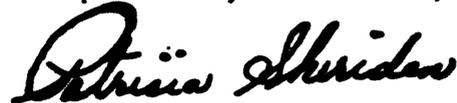
A resident asked if the Merrimac facility in Clarkstown Executive Park is operating legally at this time? Supervisor said the Town Board is engaged in litigation with that specific facility. The gentleman asked what amount of time is involved in this litigation? Supervisor said a couple of years, at least. The man said the bottom line is if this change is approved and somebody gets in and if they screw up we are done for because it takes years and years of litigation before anything is fixed. That means you are destroying neighborhoods, people's lives, our whole tax base, etc. Supervisor said if you are referring to the LIO district in which the Merrimac facility is located the Town Board, and I think the Planning Board would support me on this, our intention is not to approve it there. So that case would be moot in relationship to that site. The resident said he wanted it understood that if something does happen we are stuck. Supervisor said we have many gas stations in Town that have petroleum pollution related to their tanks. Whatever the pollution is, wherever it occurs, site specific, it has to be remediated. The resident said fuel oil is different. Supervisor said he was not saying it is the same but as an example you have to remediate regardless of what it is. He said he gets gas at a Mobil station in Congers and he has watched them remediate that site for a long time.

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

Mr. Lodico said it seems to him that if the Town Board brought this on its own motion and didn't intend to even include LIO why did you include it instead of just referring to M zone? Supervisor said that is a good question.

There being no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared closed, time: 8:50 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

5/25/93

8:52 P.M.

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

Re: Zone Change from R-10, MF-2 and PO to MF-3 - Map 13, Block A, Lot 7+ owned by Torsoe (adjacent to Normandy Village)

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

Town Attorney said the Clarkstown Planning Board stated that they could not make a recommendation at this time because the information needed to make a proper evaluation has not yet been provided. Rockland County Planning Board approves subject to conditions:

"1. The proposed rezoning site is located near downtown Nanuet in a developed area. The County's concerns under the General Municipal Law review is Middletown Road and the Nauraushaun Brook. Due to the site's location, we do not feel that the zone change will trigger other similar requests, especially along the County highway. However, we are concerned that higher densities can have an adverse impact on the County stream.

The County's Stream Control Act strives to protect natural features within 100 feet of the 100 year flood plain of County streams. This has been further supported by the recent inclusion of greenways on the County Official Map. The recently amended County Official Map states that 'all lands presently regulated by the Rockland County Stream Control Act of 1976 adjacent to County streams be considered greenways and the Drainage Agency will strive for protection of natural features in these areas with minimum intrusion of proposed construction or development'. Given the proposed increases in dwelling unit density and accessory parking, we would hope that your Town Board request your Planning Board to also strive to preserve as many of the site's natural features along the stream as possible during the site plan review.

2. One of the benefits of providing higher residential density located close to shopping and transportation systems, is the ability of residents to walk to these features. Pedestrian linkages to the north and west should be provided to connect this area with the shopping, bus and railroad commuting opportunities found along Middletown Road.

The existing abandoned railroad right-of-way could be utilized in part to provide access for the residents to these areas. The railroad right-of-way can also be used as a walkway for recreation, a dog walk, etc., tying into the existing linear greenway under Town ownership and to the greenway located in the northern portion of Orangetown.

Greenways and the walkway would benefit the Clarkstown residents, but more importantly, help make the neighborhood more cohesive by providing recreation, pedestrian access, and open space for them to enjoy. Therefore, we also suggest that the Town Board direct your Planning Board to attempt to incorporate the pedestrian linkages noted above during the site plan review."

Continued on Next Page

PH - Re: Zone Change from R-10, MF-2 and PO to MF-3 - Map 13,
Block A, Lot 7+ owned by Torsoe (adjacent to Normandy
Village)

Page 2

5/25/93

Mr. Jacobson also noted that he has a communication from Mr. Robert Geneslaw, Town Planning Consultant, that SEQRA has not yet been completed.

Supervisor asked if the applicant was present?

Appearance: Henry Horowitz, Esq. and PE
appearing for applicant

He said the agenda refers to a change to MF-4 which is incorrect. It should be MF-3. All notices were correct. Mr. Horowitz said the property consists of 11.4 acres and is close to the Nanuet Mall. It would be an extension of Normandy Village. It has frontage on Church Street and College Avenue. The current zoning has 5.9 acres as MF-2; it has 1.2 acres as PO; and it has 4.3 acres as R-10. He said he did not think anyone would question that these should all be one particular zone. We have decided to request MF-3. The reason for this request is it is the highest density zone that could be obtained. It is still less than the RG-2 which occurs in the existing Normandy Village.

Mr. Horowitz said he wished to discuss the Clarkstown Planning Board's reason for their lack of decision. He referred to a report from Mr. Geneslaw "we have suggested that residential zone changes not be made until the Town-wide housing study, now underway, is completed. However, the density proposed here is, in our opinion, generally appropriate for the area, considering the variety of commercial activities nearby, the public and quasi-public facilities and rail and highway transportation available."

Mr. Horowitz stated that as this Town Board is probably aware the County is now spending \$1,000,000.00 within about 200 feet of this site. A portion of it is going for the repair of the Church Street culvert in order to open up that area. By the way, the County has indicated that it cannot build the Church Street culvert unless they get an easement from the applicant. The applicant will be granting that easement at no cost whether we get the zone change or not. In addition to that expenditure there is about a \$600,000.00 expenditure also going on for the repair of the parking area adjacent to the Nanuet railroad station. You have a site here which is very close to transportation, shopping, entertainment. If there is going to be any kind of density zoning within the Town of Clarkstown certainly it should be at this particular location. I must point out no agency has objected to the change. The County Planning Board has indicated in favor of it and we will get to that in a moment. Mr. Geneslaw has indicated that he is in favor. The Clarkstown Planning Board has not indicated that it is in favor but has not indicated that it is opposed. The reason for not making a determination is based on several aspects. One is the conducting of a traffic study and traffic information in the area. Here he referred to an overall map of the area indicating primary intersection areas. He said the two intersections they are concerned with are College and Church and both go out to Route 59. Both of those intersections have already been studied. We see no reason to put this application through this whole bit again.

What is happening to the traffic? If we take the current zoning - R-10, PO and MF-2 - we would require 295

Continued on Next Page

PH - Re: Zone Change from R-10, MF-2 and PO to MF-3 - Map 13,
Block A, Lot 7+ owned by Torsoe (adjacent to Normandy
Village)

Page 3

5/25/93

spaces. Under the zoning we are proposing we would require some 332 spaces or 37 spaces more. While parking is significant what is even more important is what happens during the peak hours. If it is developed as is currently zoned the peak traffic which is now the maximum number of trips in any given hour between 7:00 A.M. and 9:00 A.M. under current zoning would be 106 trips. Under what we are proposing 76 trips. In the hours between 4:00 P.M. and 6:00 P.M. current zoning would yield 119. What we are proposing would yield 95. The reason for that of course would be the elimination of the PO which adds quite a bit to the traffic. Having it all multi-family cuts down your peak traffic flow in the area. We can make studies from now until Doom's Day the bottom line is that we will have a lesser impact. In addition to which if you were to make studies, what value would our studies be when Church Street Culvert now would be replaced within about the next seven months and that road will now be fully opened to even heavy traffic. In addition, the Mall is not yet completed. Anything being done now would have limited impact. The most important item, however, is that what we are proposing will in fact have a lesser impact on the traffic than what it is currently zoned for.

The other item that the Board had requested was couldn't we come in with some kind of a layout to show what this would look like in MF-3. Here, again, Mr. Horowitz referred to maps noting an existing County sewer trunk. It might have to be moved. He referred to a drainage easement belonging to the Town. The easement is in one location but the pipe as it actually went in was in another location. We will have to either get that pipe within the easement or get the easement over the pipe. One way or the other we will resolve it.

Mr. Horowitz stated that you have also heard from the County that they would like to have 100 feet along the stream. One other item that was mentioned by both the County Planning Board and the Town Planning Board is this business with the walkway. He said isn't it possible that if we had a walkway it could go along where the stream is? We don't know. These are items that we will be taking up with the Planning Board once we know what the rules of the game are; once we can get the zone change. As far as the applicant is concerned he does not want to put in a full walkway through his site opened up to the public as a walking path or a dog run. Right now in Normandy Village and in this one proposed there are walks but people cannot come in and go from one end to the other and get into the Mall. But once they are formalized and are known to be open to the public, that is a different story. As it is now, if someone is walking in that walk and creating litter or not behaving they do have the authority to get them out of there. They would not have that authority later on if they were made public walkways. If you take along the railroad right of way where do you go when you get to this point? There are a number of buildings in the right of way. He said he is not at all indicating that we are not going to have a walk to accomplish the purpose they are looking for. He said he does not know nor does the applicant know where it is going to be. Certainly, we are going to have to do some serious talking with the County because we will not under no circumstances, if they feel they have the right to do it then they are going to own the land, give up a 100 foot strip on either side. It was not intended to accomplish that and if you read carefully what Mr. Jacobson read to you, is that the Legislature passed an act and

Continued on Next Page

PH - Re: Zone Change from R-10, MF-2 and PO to MF-3 - Map 13,
Block A, Lot 7+ owned by Torsoe (adjacent to Normandy
Village)

Page 4

5/25/93

Mr. DaCunha was to strive to keep this as open as possible. We will get back into that later.

Mr. Horowitz said he wanted now to get into the very specifics of the County Planning Board. You mentioned that there were two conditions. Actually, there weren't two conditions. If there was a condition I would have to ask this Board to either overrule it or what have you. But if you read what they indicate and they approve it subject to two conditions. The bottom of the first condition is that "...we would hope that your Town Board request your Planning Board to also strive to preserve as many of the site's natural features along the stream as possible during the site plan review." Now, the fellow who prepared this never appeared before our Planning Board. If he did he would know that the Planning Board in all the years I have been here, in every case, not only in this case, strives to preserve all the natural features whether they are along a stream or not along a stream. Now, if that is the condition he said he has no objection. If the Planning Board decides to do this fine. It is perfectly acceptable as far as he is concerned.

Mr. Horowitz said the second item he talked about and that is the walk to have through. He really put a nice one here. The railroad right of way can also be used as a walkway for recreation. A dog walk is another story. He said he did not know if they remember the complaints we had in Kingsgate with the dog walk in connection with the Russian Cemetery. It created tremendous havoc and we would have the same thing here. Normandy Village does not want to have an area open to the public as a dog walk. If they want to come in and use the walk, use Normandy Village by all means, fine. He said he would like to point out that the current Normandy Village is to be done by the same outfit. Every so often a limousine pulls up to the Lake area and a bride and groom get out solely for the purpose of taking pictures. He said he did not know any other compliment that an area can get other than when they do that. We have the little lake with the house, etc.

He said he did not know whether the Board will grant the zone change or not but if you do he would love in years from now to come back and say now that we have all of these wonderful rules, laws and legislation whether or not this new one is going to turn out as nice as the old one before we had this myriad of laws and one thing on top of another.

Mr. Horowitz quoted from the end of the second condition in the Rockland County Planning Board's letter of May 21, 1993 "...we also suggest that the Town Board direct your Planning Board to attempt to incorporate the pedestrian linkages noted above during the site plan review." Mr. Horowitz said he is indicating now and the Board is aware of it we will have a linkage going through. We prefer to have it right through the development itself so that we can walk from A to B. We don't know if we will have a strip along the railroad. We prefer not to. We do not know whether or not we will get a chance to put it along the stream depending on how we deal with the County Highway Department. That is one of the reasons why he did not feel they were in a position to give to the Planning Board at this time what an MF-3 was looking for. If there is any proposal before this Board you can rest assured that it is not going to be too bad. It is not that this is right next door to Normandy Village. It is a continuation of Normandy Village and is still owned and being built upon by the same owners. It will be owned by Torsoe Brothers.

Continued on Next Page

PH - Re: Zone Change from R-10, MF-2 and PO to MF-3 - Map 13,
Block A, Lot 7+ owned by Torsoe (adjacent to Normandy
Village)

Page 5

5/25/93

Mr. Horowitz said there is one other letter which the Planning Board got from Rockland County Sewer District which is a standard letter. They said you are changing the zone; you have to make sure that our plans are followed. So far as the sewage goes if you look through what could come out of the present zoning and what could come out of what we are proposing there would be an improvement difference of about fifteen homes. There are six homes there so what we are talking about is a net differential of about nine homes. If that multi-million dollar plant that sits in Orangetown can't handle nine additional homes in Clarkstown then we have a bigger problem than more homes.

Mr. Horowitz said at this point he would like to reserve his right to speak in rebuttal after everyone else has addressed this issue.

Supervisor asked if any Council Members had any questions?

Councilman Maloney asked how many units could you get under MF-3? Mr. Horowitz said if you work first with MF-2 if they were all one bedroom units you would have 131 units. If they were two bedroom units you would have 114 units. If you go 50/50 (which is an assumption I have to make) you would have 122 units. He said what they are seeking under MF-3 if they were all one bedroom units (and they will not be) it would be 177 units. If they were all two bedroom units it would be 155. On a 50/50 basis you would have 166 units. He said the difference of the MF-3 compared to MF-2, if we could in fact achieve the maximum, would be an increase of some 42 units. One of the reasons, as we said before, why we want to get the MF-3 - why do we need the heavy density - is primarily because of the cost. If you take a look at the stream that we have going down, the County will look to us to widen it, deepen it, rip rap it, rock it, concrete it, cultivate it, landscape it - I don't know what they are going to require. We do know what they required up above and what they required down below and this is what we are going to be facing. Which is fine. We will get it done esthetically. We will do that at the entire expense of the applicant. It is for that reason we are seeking the MF-3 which is a difference of some forty odd units.

Councilman Mandia said you say there are some homes on the land now. By any chance are those homes that are just south of the existing Normandy Village, those houses along Church Street? Are any of those included in that do you know? He said it looks like a mix from the map and he really can't tell. Mr. Horowitz said yes there are two homes that are on Church Street which will be coming down.

Councilman Maloney asked if there was anyone from the public wishing to make a comment or ask a question?

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

Mr. Lodico said he happens to be biased and prejudiced in supporting this presentation for a zone change having worked on the first section and the completion from day to day, year to year during that particular period in the sixties. This site received national and international

Continued on Next Page

PH - Re: Zone Change from R-10, MF-2 and PO to MF-3 - Map 13,
Block A, Lot 7+ owned by Torsoe (adjacent to Normandy
Village)

Page 6

5/25/93

recognition as one of the most appropriate conceptual units where it provided for walking to houses of worship, walking to recreational areas, walking to transportation, and walking to shopping. He said this Town Board would be remiss if they didn't support this and maintain this area as a high density development because there is no better place in Rockland County, no other apartment complex, condominium or other, that offers all of these amenities. He said if you do not support this you are going twenty years back.

Appearance: Mr. Thomas Yatto
representing his parents who reside at
45 Orchard Street
Nanuet, New York

Mr. Yatto said he was here to express concern for those residents of Orchard Street which for years has been a dead end road presently inhabited by a number of small children. He said not being privy to everything that is in the Planning Board report he needs to ask a question about what the plan calls for regarding rights of ingress and egress to the proposed new unit that would border Orchard Street. He said he spoke briefly to Mr. Torsoe who indicated that it is his intention not to have any public access through that area but to provide emergency access to police and ambulance vehicles, etc. He said he wanted to make certain that there is nothing in the works to open it up. Councilman Dusanenko said then your concern is not to open it up as a through street. Mr. Yatto said it is not conducive to that at all.

Mr. Yatto asked what is planned with respect to any site buffers, planting of trees or anything else that might be in the plan to again provide a buffer for the residents of Orchard Street which would border on these new condominium apartment buildings whatever? Councilman Maloney stated that Mr. Horowitz would respond later.

Mr. Yatto said with respect to the Planning Board recommendation of providing for some type of public walkway he said he could stand before the Board having formerly been an owner of one of Mr. Torsoe's condominiums and he would say unequivocally that there is no builder that he has ever known or met of any higher integrity or competency than the Torsoe brothers. Their existing units really do stand as a model for any condominium complex. Any representations, from my dealings with Mr. Torsoe, that he is going to make to this Board he will certainly do everything within his power to make this new proposal a further model of what apartments and group living should provide for.

After a request from a person in the audience Supervisor Holbrook asked Mr. Horowitz to give an explanation of MF zoning. Mr. Horowitz did so saying that the difference between the zones are the amount of units that you can have.

Appearance: Mr. Kenneth Hart, President
Normandy Village I Condominium

Mr. Hart said he has been president since this became a condominium sixteen years ago. He said the Board of Managers are in full support of changing the zone to allow Mr. Torsoe to build the addition to Normandy Village Condominiums. There are two reservations we have, however. Number one is that the new section, unlike the sections that have been

Continued on Next Page

PH - Re: Zone Change from R-10, MF-2 and PO to MF-3 - Map 13,
Block A, Lot 7+ owned by Torsoe (adjacent to Normandy
Village)

Page 7

5/25/93

previously built, would not have access through Normandy Village Condominium. There is a right of way now where the sections III and IV do use the driveway to First Street. We would not want to see that continued with additional units. Councilman Dusanenko said walking is okay but driving is not? Mr. Hart said that is correct.

Mr. Hart said the second reservation he has, and it is the first time he has heard about it, is that we would strenuously object to this business of a walkway. This is a residential place. This is not a park. We are not talking about people coming in and playing baseball, etc. We don't own dogs in Normandy Village. We don't need dog paths. We don't need anything like that. Fifty-five percent of the residents in Normandy Village are senior citizens. The last thing they need is people coming in there at all times of the day and night parking there doing whatever they may want to do. It is unfair to the residents to allow a so-called walkway - a public walkway - almost an invitation to people to come in. This is again a residence. You wouldn't want to put a walkway through your own place. Why put one through ours?

Appearance: Mr. Bill Tobin
45 Orchard Street
Nanuet, New York

Mr. Tobin said what you are proposing is ludicrous. This is a residential area on Orchard Street that we live on. Half of the neighbors who live behind me will support me wholeheartedly for many reasons. First of all we are going to put in this apartment complex. They are going to completely destroy the environmental area. Second of all he said he has two sump pumps in his basement since he moved in ten years ago. He said if they take those woods out of the back of that area the flooding is going to back up no matter what kind of engineering they do. He said his is going to be one of the yards that is going to have to take it.

Mr. Tobin said this is a school zone. MacArthur Barr Middle School and Miller School kids in lower grades from 2 to 6 and the older kids ride their bicycles through that pathway he wants to knock out. They also ride their bikes and walk down those two area adjacent blocks on Church and they come through on Orchard Street. It has been that way for many years. Our young population in this community is growing in that area. If you ever go down there between the hours of 7 and 8, take a cup of coffee on the corner and sit there. You will be astonished at how many kids walk up and down that block. He said he is not talking about high school kids. He is talking about little kids. He said Mr. Horowitz is talking about not allowing traffic in that area. Do you really buy that? One time or another people are going to have to go in that area with transportation - commercial. There are going to be people driving vehicles in that area and someone is going to get hurt. This Board already noted that and last year you put up traffic lights at that school zone corner so you know what I'm talking about. You can't double zone the end of Orchard Street making it a two way bypass for traffic to go in and out of that area because there is not enough property line to hold it. Mr. Tobin said I don't approve of any of this.

Supervisor said you were disapproving of the traffic pattern and I was going to ask you if you disapproved of the concept of the zone? Mr. Tobin said he did not approve

Continued on Next Page

PH - Re: Zone Change from R-10, MF-2 and PO to MF-3 - Map 13,
Block A, Lot 7+ owned by Torsoe (adjacent to Normandy
Village)

Page 8

5/25/93

of any of it. Leave the woods alone. Councilman Maloney asked do you approve of leaving the three zones the way they are? Mr. Tobin said leave everything the way it is exactly. Mr. Tobin said no building at all. Councilman Maloney said he has three zones there. He has a right to build in an R-10, on the PO and the MF-2. He has those zones there now. He has 5.9 acres of MF-2 which he could build on tomorrow without even coming before the Planning Board or the Town Board. He has 1.2 acres of PO that he could build on without a zone change. He has 4.3 acres of R-10 that he could build on tomorrow. What he is coming here for is to try to bring it all together into an MF-3. He can build right now. So long as you understand that he can build on any of those three zones.

Supervisor said he could understand questions about traffic patterns, etc.

Mr. Tobin said I am on a corner lot down there and am at the bottom of the hill on Orchard Street. I have the woods right in my backyard. He said he did not feel like having two floors of people looking down over his backyard. Mr. Tobin said I am at the dead end of Orchard Street.

Appearance: Mr. Russell Trojan
Nanuet, New York

Mr. Trojan said he agrees with Mr. Yacyshin of the Planning Board that we should eliminate the MF-4 zone completely from the entire Town. He said the Nanuet Mall is going to dump so much water into the Nauraushaun Brook he did not know how the whole community is going to manage with Parker Nanuet up at the former Ramapo Airport site and now Normandy developing their land, all compounding the flow of water to the people on Pelham, Elks Drive, Lake Nanuet and then on into Orangetown. They are going to have water problems down there and we taxpayers are going to be paying for it because of the compounding effect of all the development in all of Nanuet. As for Normandy Village's problems with the drainage or having the Nauraushaun Brook go through their property that is a business risk. They have to understand they took that risk when they bought the property.

Mr. Trojan said you have already promised to close Grace and East Orchard cutting off the new people and the old people of Normandy and the other residential areas to the south and to the west from the only supermarket in Nanuet, West Nyack or Bardonia. All these people are going to have to go out Route 59 which has yet to have the improvements promised. Supervisor said they are being delivered now. Mr. Trojan said those improvements are to correct existing problems. Now, we are going to add new people recreating the problem we are trying to correct. We have to be careful about how much growth we have in Nanuet. Maybe somebody else will have to lose their condominium complex.

Mr. Trojan also stated that having a walk through Grace and East Orchard is not going to be suitable for the elderly people living in Normandy Village. He questioned the wisdom that created different zones in the same area. He expressed concern about ruining the character of the community. Supervisor asked Mr. Trojan if he was speaking in favor of or against the petition here? Mr. Trojan said he is speaking against changing the PO because he wants to see some kind of service for the people who now live in Normandy Village

Continued on Next Page

PH - Re: Zone Change from R-10, MF-2 and PO to MF-3 - Map 13,
Block A, Lot 7+ owned by Torsoe (adjacent to Normandy
Village)

Page 9

5/25/93

and who are going to live in Normandy Village. Supervisor said so the PO portion of the zone change is what you are speaking against.

Councilman Maloney said then you would like to leave that one portion of 1.2 acres PO. Mr. Trojan said it doesn't even have to be that portion. You could even shift it but some place to provide the services for the residents. He said he did not know all the services they are going to need. He said he did know all those units are going to have to meet the Americans With Disabilities Act encouraging someone who is in need to chose that unit over an older unit.

Mr. Trojan said there is going to be the loss of six homes on the site. We have to figure out how are we going to redevelop our community? He felt that the Town should preserve those single family homes for the owners. Mr. Trojan said he would like to see the beauty of Normandy Village so if you choose to change the zone recreate it by using an MF-1 instead of MF-3 so that the open spaces will exist. He agreed that the complex is the best in the County. First Street is beautiful. But he questions the higher density as it could lead to the deterioration of the entire area. He would like to see this plan rejected in favor of some alternate, unless the Board wants to hold to the Master Plan..

Appearance: Mr. Butch Coatti
46 Orchard Street
Nanuet, New York

Mr. Coatti stated his property was the closest to where they want to build. He said he has reservations about what the County said about the right of way for a walkway along the old railroad right of way. He said that was the most ridiculous thing they could ever do. He was very opposed to that plan. Mr. Coatti said the little corner store and the houses on College Avenue were really in bad repair and something should be done about them. In particular he said the corner store is a mess.

Appearance: Mr. Jerry Schulman
Normandy Village
Nanuet, New York

Mr. Schulman said he has been a resident of Normandy Village for fifteen years. He felt the applicant should be granted the application. He said let them proceed forthwith. There is nothing to be gained by having further study. The sooner they do whatever they want to do, the sooner Nanuet will be improved in its entirety regardless of the severe constraints you choose or not choose to place on them. Anything they will do is better than what we presently have. Any positive is better than sitting where we are. He said he was totally in favor of this proposal.

Appearance: Mr. Vince Fader
106 College Avenue
Nanuet, New York

Mr. Fader said he was tired of moving shopping carts from his area. He said he was also tired of seeing old people walking up and down the street with cars coming both ways and no walkway there to the shopping center. If they want to build they should build right to the Pathmark Shopping

Continued on Next Page

PH - Re: Zone Change from R-10, MF-2 and PO to MF-3 - Map 13,
Block A, Lot 7+ owned by Torsoe (adjacent to Normandy
Village)

Page 10

5/25/93

Center instead of the other way to allow these people to walk to the shopping center. He said the amount of units they want is going to be a problem with flooding. He said it will also be a problem because there are kids growing up there that they don't even care about. He said there are many considerations to be looked into as to how this should be done.

Appearance: Ms. Pat Quigley
47 Orchard Street
Nanuet, New York

Ms. Quigley said she lives by the walkway they are talking about. She said she definitely did not want a walkway.

Appearance: Mr. Adolphe Salaun
237 South Conger Avenue
Congers, New York

Mr. Salaun said he has known the Torsoe Brothers for many years, long before Normandy Village was built. He said he would trust them with anything. If he were to rate them on a scale from 1 to 10 as far as honesty and being good builders he would rate them 99.9%.

Appearance: Mr. Bob Glover
5 Casey Court
Nanuet, New York

Mr. Glover said his mother-in-law and father-in-law live at 97 College Avenue which the apartments we are talking about surround. He said he was opposed to increasing the density. He said his development is about 500 to 600 yards from the Naurashaun Brook. He is opposed to anything that might change the drainage or the environment there. We all had to go through a lot over there because of the conservation easements, flood plains, etc. Councilman Dusanenko asked if this was opposite the elementary school and was told that it was. Mr. Glover said the County has put a lot of planning into that area to preserve it. He said for the record he is opposed to any changes, granted they own the property and could build what they want as it is zoned presently.

Appearance: Mr. Rudolph Yacyshyn, Chairman
Clarkstown Planning Board

Mr. Yacyshyn said clearly the discussions by the public tonight make it very apparent that our requests (and since you are going to have to reserve decision anyway because of the SEQRA process not being completed) are very important. On behalf of the Planning Board he was asking for two things. One that a traffic study to determine the effect of additional traffic and turning movements on local streets be required. Also that a conceptual layout of the development under existing zoning and development under the proposed zoning to determine the number of units that could be generated and to determine whether all bulk and zoning regulations could be met. Also that our recommendation that the height, set back and length of buildings allowed on subject property should be taken into account to have similar characteristics of the homes across College Avenue and adjacent to the west and southwest where there is a visual relationship. He said they feel this is very important. The applicant, in discussions before the Planning Board last week, indicated that they would do it if in fact this was a direction by this Town Board. We feel it is

Continued on Next Page

PH - Re: Zone Change from R-10, MF-2 and PO to MF-3 - Map 13,
Block A, Lot 7+ owned by Torsoe (adjacent to Normandy
Village)

Page 11

5/25/93

preeminent for our consideration and our recommendation to you is to in fact have this. Clearly, if you act affirmatively on this matter we will be asking for this anyway.

Mr. Yacyshyn went on to state that this is the most intense and dense area in the entire Town of Clarkstown, if not the County. Clearly, given all the factors that are already in place, that the Nanuet Mall is now, in fact, in progress of construction, we do have all of the things that were conjecture at one time, perhaps a year or two ago. Therefore, it is imperative that this happen. The other thing he would ask on behalf of the Planning Board is that with all of the comments that have been made by the various members of the public, particularly those who are adjacent residents, and their concerns as to certain aspects or amenities if you will with regard to this matter and we may as a Planning Board be in favor of the concept and the principal of the multi-family designation we have not yet set as to whether it should be an MF-2 as it is now in large part or the MF-3.

Mr. Yachyshyn said of course, we would have opposed MF-4 as was originally indicated as far as bulk was concerned. We do ask that in no instance that any major restrictions be placed on this because it could, in fact, impede the proper circulation. If there is one thing we need in the Town of Clarkstown and that has been foreclosed in the past is various circulation patterns that are essential to the proper movement of traffic. People seem to feel that closures, dead-ends, cul-de-sacs, etc. are the way to go. Very properly that is the case with specific properties, theirs. However, for the overall welfare of the Town itself it is not necessarily the best way to go. Under those conditions he said he would ask if the Board would so direct the applicant.

Mr. Horowitz spoke in summation. He said many of the matters raised by the previous speakers are matters that have to be properly handled by the Planning Board. Whether there are walkways there or not and where they go is not up to the applicant. Yes, we have designs but the ultimate decision is that of the Planning Board. The idea of buffering adjacent residences certainly is a valid one and that will be up to the Planning Board. Whether or not we continue through Normandy Village with walkways and/or vehicular traffic will also be up to the Planning Board. A number of items were raised relative to Orchard Street. Here reference was made to the map. Mr. Horowitz stated that they have indicated that would only be again, from our point of view, in the ultimate control of the Planning Board and he was sure they would go along with this. We have it as an emergency access. It can be a walk access if the Planning Board desires it but we are also asking for it. If the Planning Board says no, it won't be. It will be an emergency access for police and fire vehicles and that will be this little piece (again reference to the map). Under no circumstances is any contemplation being given to extending a public road into Orchard Street.

Mr. Horowitz said in regard to discussions relative to the Master Plan what he thinks was meant was changing the zoning ordinance and it should be changed. We are in conformance with the Master Plan not in conformance with the zoning ordinance which is now being considered and should not have these particular zones. He said that almost everyone spoke in favor and we usually are not that fortunate. Mr. Horowitz noted that they had sent out a little over 300 notices

Continued on Next Page

PH - Re: Zone Change from R-10, MF-2 and PO to MF-3 - Map 13,
Block A, Lot 7+ owned by Torsoe (adjacent to Normandy
Village)

Page 12

5/25/93

and he would have hoped for a better turnout here this evening. He said of the 300+ people receiving notices 3 or 4 raised a question here tonight.

Mr. Horowitz said as far as the density we do not control the density. The drainage has already been worked out by the County. They have the culvert down First Street as we all know which is being paid for by the Nanuet Mall. We had a \$250,000.00 contribution also from the Nanuet Mall. They are working on the stream below us. They are working on the stream above us. What we will have to do and that is why we need the density justifying this cost is to come up with several thousand feet of stream that we have on our property which they are going to want widened, deepened, channeled, etc.

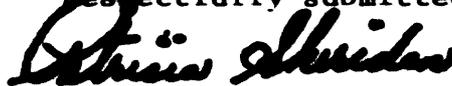
Mr. Horowitz said regarding the question of traffic studies what we are proposing to this Board will have less peak hour contribution than the zoning that currently exists. We can study these intersections from today until tomorrow. The Planning Board will have its shot and so it should. He said he would plead that the Town Board not tie their hands in any particular way. The idea of laying it out for the current zoning which we don't want would be an awful lot of money and while Mr. Torsoe may be 99.9%, he is 100% when it comes to paying his bills. To lay this whole thing out for current zoning and then come up and lay out a new one as proposed that could go on and on. Mr. Horowitz said if you are in favor of this zone change it makes sense that it be granted cleanly. It doesn't make any sense to deny it.

Appearance: Mr. Kenneth Torsoe

Mr. Torsoe thanked the Town Board and everyone who came out tonight. He said Mr. Horowitz did such a good job he didn't have to say much. He said he was against a walkway as he wanted to have the say as to who would walk and who wouldn't. He said it is his property. He never stopped anyone from walking through the sections there. He said please do not put in the walkway there.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, time: 9:55 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

5/25/93

9:56 P.M.

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

Re: Proposed Sewer District Extension - Barmore Hill Area
of Route 9W

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

Town Attorney swore in Les Bollman, Director of the Department of Environmental Control.

Appearance: Mr. Les Bollman, Director
Environmental Control
Town of Clarkstown

Town Attorney asked Mr. Bollman to tell the Board the purpose of this hearing. Mr. Bollman said the area is south of Rockland Lake known as Barmore Hill. It is an area that has not been sewered and the sewage basically runs into Rockland Lake. We have been looking at it for some time and Roy F. Weston, at the Board's request, has developed a plan to sewer the area. He has basically taken a main trunk to the low point in the center with laterals coming off the unimproved road and a pump station being put on the PIP property pumped up to the existing lines on Route 9W.

Supervisor said does this mean when he runs around Rockland Lake at the south end he won't be smelling sewage after this is in? Mr. Bollman said you will not be smelling this sewage that is for sure. Mr. Bollman said they had an informal meeting with most of the residents there and we have all but three easements or three property owners, one being the County but he met with them this morning and Tom Sullivan said he is going to recommend that this be signed. Town Attorney asked if this was in MBSIA 2? He was told that was correct. Town Attorney asked if this would be refurbishing an existing pump station there? Mr. Bollman said there is nothing there. Town Attorney said then you are going to construct a pump station and the lines? Mr. Bollman said that is correct.

Supervisor asked if Town Board members had any questions or wished to make a comment. No one did.

Supervisor asked if any member of the public wished to ask a question or make a comment?

Appearance: Mr. John Lodico
2 Birch Drive
New City, New York

Mr. Lodico said he is sure the town fathers have not used any of the money that was put aside for this pump station that was to be installed about nineteen years ago. The interest the Town has received on that money that was set aside for that pump station at that time - 5%, 6%, 7% - so this should be a self-paying project because he is sure the Town never spent the money that was set aside nineteen years ago. Councilman Dusanenko asked who put up the money? Mr. Lodico

Continue on Next Page

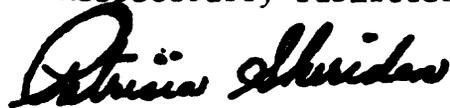
PH - Re: Proposed Sewer District Extension - Barmore Hill
Area of Route 9W
5/25/93

Page 2

said the taxpayers. Mr. Bollman said money was put up for various projects and bonded in 1975. Mr. Lodico said it was 1974. Mr. Bollman said it was approved in 1975 for various areas in MBSIA 2. All of them have been done but this one. Before it was 9W it was Kemmer Lane, Christian Herald Road, and all of those have been done. Mr. Lodico said this also should have been done.

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

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

(RESOLUTIONS NOS. 390, 391, and 391A-1993 ADOPTED)

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

5/25/93

10:06 P.M.

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

Re: Zone Change from R-22 to R-15 - Map 123, Block A, Lot 17.01
Gem Partnership

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

Town Attorney noted that the Rockland County Planning Board had stated that this is not within its jurisdiction. Town Attorney stated that the Clarkstown Planning Board approved subject to several conditions and he noted in particular the following:

- c. Applicant shall gratuitously dedicate widening strip along Rockland Lake Road to conform to the Official Map width.
- d. The proposed road shall be a Town road and shall be built to Town specifications.

Town Attorney presented a map to which Town Board members could refer.

Supervisor asked if the applicant was present?

Appearance: John McAlevey, Esq.
New City, New York

Mr. McAlevey stated he was appearing on behalf of the applicant and Mr. Anthony Morali, who is one of the principals of GEM and who is, himself, an architect. He said that he and his family have had this property for quite some time and have been trying for a long time to figure out what to do with it because it is not a profitable thing but they kind of fell into it. It is a series of old bungalows that are no asset to the neighborhood. Most of them are in marginal condition and it is a struggle to keep them up. Unless they can get an economical way of taking them down, putting up stuff that they can sell the people and put on the tax rolls and get people living there it will stay the way it is.

Mr. McAlevey said they have gone through various routes before we got here tonight. The property is 2.4 acres and is presently in an R-22 zone. This is not spot zoning. Across the street is R-15. There is R-15 through the area. There will be no disharmony between one side of Rockland Lake Road and the other. There was discussion among Mr. McAlevey and the Town Board Members and reference to maps at this point. Mr. McAlevey said in 1986 there was a site plan reviewed by TAC and the Planning Board but under R-22 we could only get four houses by right. It wasn't economical. It was the route then of making an application to the Zoning Board for variances on the theory that it would be a benefit to change to a non-conforming use and the fact of the matter is the Planning Board did not have any problem with the concept but felt that the amount of variances was just a little bit too much and we should go the route of a zone change.

Continued on Next Page

PH - Zone Change from R-22 to R-15 - Map 123, Block A, Lot 17.01
GEM Partnership

Page 2

5/25/93

Mr. McAlevey said he incorporated the Zoning Board minutes and decisions dated March, 1992 as part of the application being submitted. He said in Dr. Amster's Zoning Board report it states that the applicant has the option of seeking a zoning change. A change in zone could benefit the Town and the applicant. It was suggested by the Planning Board that we come to the Town Board. The project has had extensive review by TAC. It was before it on July 25, 1990 and July 31, 1991 and before the regular Planning Board Meeting on September 11, 1991 and again at the TAC meeting of January 27, 1993. They made their report to your Board on February 17, 1993. He noted that the Planning Board unanimously - six to one - favorably recommended the zone change.

Councilman Dusanenko said there is concrete sidewalks in front of that property is there not? He was told not all the way. Councilman Dusanenko said so you're going to put them in? Mr. McAlevey said yes we are going to conform to the street widening and new sidewalks. An unidentified gentleman said the sidewalk is in but would have to be expanded because of the street widening. Councilman Dusanenko said then the street is going to be widened and that is going to be replaced at your expense, is that correct? He was told that could be worked out.

Councilman Mandia said when you refer to four houses would that include the existing dwelling? Mr. McAlevey said that would be under the R-22, we couldn't get more. We are hoping to get six with the zone change if we could work it out with the Planning Board. Mr. McAlevey said he had a concept which no one wanted him to pursue for a private road. They said they want a public road. Supervisor said if it goes in it should be a public road.

Supervisor asked if there was anyone from the public who wished to ask a question or make a comment?

Appearance: Mr. Robert (?)
Tulip Drive
Valley Cottage, New York

He said his property abuts this property. He asked if the barn was going to remain? He was told that the barn would be removed. It has three families and will be removed. He said then you are going to place what amounts to six houses on the property? He was told yes. Councilman Dusanenko said five new and one old. Mr. (?) said he was opposed to it primarily because he views this as a business operation which is in essence asking for a downzoning in order to garner a greater return for them at what amounts to his expense and the expense of others who reside on the periphery and who have R-22 zoning. He said he is grateful that they have come back with this plan because this is a far improved plan over the one they presented last year. He said he still doesn't think that it goes far enough because it still asks me to bear the cost of their profit and he did not think that was appropriate. He said the Town went to great expense some twenty years ago when it developed a master plan. He said he purchased a copy of that master plan and he knows that this property was zoned R-22 and the houses which exist there if they were to be in any way demolished or destroyed could not be rebuilt because they don't conform. He said he knows that the owners had to know this when they purchased the property. His request was that the downzoning to third acre be denied and that it remain at half acre and ask the applicant to come back with half acre zoning.

Continued on Next Page

PH - Zone Change from R-22 to R-15 - Map 123, Block A, Lot 17.01

GEM Partnership

Page 3

5/25/93

Appearance: Mr. Robert Goldberg
Tulip Drive
Valley Cottage, New York

Mr. Goldberg asked what is the correct way that people within the 500 feet get notified of these kinds of petitions? He was told by mail from the applicant. Mr. Goldberg said so actually it is his interpretation of what is happening that we receive? In other words an editorial view? Town Clerk said it is a public notice. Mr. Goldberg said yes but there is a cover letter and he said he found that to contain editorial comments. He was asked didn't he receive a notice calling for a public hearing on a certain date at a certain time? He said yes he did. He said notices were also posted on the street where he lives and where he travels close by. He said to most people this is gobbledygook. It is going to be changed from R-22 to R-15. He said had he not been involved in a lot of things like this with a civic association many years ago he would not have had the slightest idea of what that means and he would suggest changing the language, if you really want the public to play a part in what is going on, what is R-22? What is R-15? He said obviously he is sure one of the reasons there is so few people here tonight is they don't know what this is all about pro or con.

Mr. Goldberg said a street like Lake Road which is a fairly substantial street is quite a natural border such as one that would separate an R-15 from an R-22. It isn't like having an adjacent piece of property, one R-15 and one R-22 but that is what will take place now and if you look at the map which was furnished what you really find is a sore thumb of R-15 sticking into a very broad R-22 area. What the petitioner is attempting to do is to literally drag R-15 across Lake Road into the well established homes that have been there in R-22 for twenty-five years and such. He said he learned that spot zoning doesn't make for meaningful Town planning and on that basis he requests that the petition be not granted. He said he really believes it is strictly of economic benefit solely to the petitioners. As far as removing unsightly bungalows all we have to do is look at what happened on Lake Road with respect to Joy Acres - a huge assortment of much more prominent and unsightly area that has been developed he would assume very economically in what he believes is R-22 and he would say in a semi-luxurious neighborhood. Apparently it was proven not to be uneconomical to develop that property on Lake Road in the same manner as he is entitled to under the present R-22.

Mr. Goldberg said granted economic times aren't what they were when those other houses were built. But that is not the fault of the residents. That is the variability of being involved in development and real estate. In summary, he said he did not think the developer has made a legitimate request for what he calls spot zoning into this area. He requests that the petition be rejected.

Appearance: Mr. Bob Kotecha, Chairman of the Trustees of
Elim Church
82 Lake Road
Valley Cottage, New York

Mr. Kotecha said about two years ago Mr. Morali came over to them requesting a change in zone to multi-family. He then came and described an R-10 development. In this particular case he said he was happy to see that he had come back with an R-15 which is what was recommended by the church

Continued on Next Page

PH - Zone Change from R-22 to R-15 - Map 123, Block A, Lot 17.01
GEM Partnership
Page 4 5/25/93

organization. We are happy to see that he has come up with a good plan.

Appearance: Mr. Anthony Morali,
Architect and Owner of the property

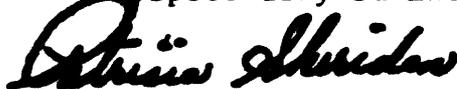
Mr. Morali said there is a question about spot zoning and if you look at the site plan map the adjoining property that was developed about five years ago was developed under R-15 regulations. If you look at the site plan and you look at the subdivision you will see that is not an R-22 subdivision. It could have possibly been under average density zoning. It is in character. Mr. Morali said this is just a conceptual plan. It may end up that I wind up with only five one family homes because of the area taken up by the widening. He said he has an easement on the right side of the property for sewage and drainage and also by the access road that is going to become an access road.

Mr. McAlevey spoke in summation saying he thought he anticipated the comments. He said they struggled with this thing under R-22. Mr. Morali isn't going to come back with half acre zoning because he has tried that already. As far as the property being a sore thumb into R-15, that's what it is now and we are going to correct the sore thumb and make it something more attractive.

Mr. McAlevey said in terms of what the burden might be on the community he submits that the Planning Board finds none and the Zoning Board thought it would be a good idea to get it changed and this property has not required a GML review because its not part of any municipal entity that calls for one so therefore you don't have a recommendation from the County Planning Board. The only County comment you have is from the sewer district which notes that they have no objection to a zone change because of the four house decrease in the existing non conforming uses on the property. It is a plus for the sewer district as far as they are concerned and it is less of a demand than what is there now. He said he would happily rely on the comments of the Planning Board and what he thinks are the very cogent arguments that were made in the presentation.

There being no one further wishing to speak, on motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared closed, DECISION RESERVED, time: 10:20 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk