

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

6/22/93

8:00 P.M.

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

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

Supervisor read the following proclamation and presented same to Superintendent of Recreation and Parks, Mr. Charles Connington:

RECREATION AND PARKS MONTH
JULY - 1993

- WHEREAS, the Town of Clarkstown has numerous programs and facilities of which its residents may take advantage; and
- WHEREAS, suitable and positive leisure experiences are vital to good physical and mental health and enhance the quality of life for all people; and
- WHEREAS, all citizens can enjoy self renewal in the out-of-doors through green spaces and facilities in parks; and
- WHEREAS, all citizens can fulfill their potential in the use of their leisure time through the varied individual and group opportunities provided by recreation; and
- WHEREAS, the Town of Clarkstown recognizes the efforts of both professional and volunteer recreation and park workers who have enhanced the services available to Clarkstown residents;

NOW, THEREFORE, BE IT RESOLVED, that I, Charles E. Holbrook, Supervisor of the Town of Clarkstown, on this 22nd day of June, 1993, do hereby proclaim the month of JULY, 1993 "RECREATION AND PARKS MONTH" in the Town of Clarkstown and urge all our residents to join with us in participating in the special events scheduled for JULY.

IN WITNESS WHEREOF I HEREUNTO
SET MY HAND AND CAUSE THE SEAL
OF THE TOWN OF CLARKSTOWN TO BE
AFFIXED THIS 22ND DAY OF JUNE,
1993.

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

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

/s/ Ann Marie Smith
ANN MARIE SMITH, Councilwoman

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

/s/ Theodore R. Dusanenko
THEODORE R. DUSANENKO

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Supervisor declared public portion of the meeting open.

Appearance: Mr. Orin Goetz
New City, New York

Mr. Goetz spoke regarding critical traffic problem in Nanuet. He commented on rail transportation here in Rockland County. He requested that the pools be opened up earlier. He urged that the skating rink proposal be moved along.

Appearance: Mr. Ted Dusanenko, Sr.
5 Hickory Drive
New City, New York

Mr. Dusanenko spoke regarding the televising of the Town Board Meetings.

Appearance: Mr. Steve Hoffman
New City, New York

Mr. Hoffman spoke regarding reflectors on Route 304.

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

Mr. Lodico spoke regarding Red Hill Road. He requested the red sandstone rocks in front of the new Police/Court Facility be used in Dutch Gardens if not used in the final design of the new facility.

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

Mr. MacAlevy presented papers re: GEM zone change to the Town Board Members.

RESOLUTION NO. (407-1993)

ACCEPTING MINUTES OF
TOWN BOARD MEETING OF
JUNE 8, 1993

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board minutes of June 8, 1993 are hereby accepted as submitted by the Town Clerk.

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. (408-1993)

AUTHORIZING SUPERVISOR
TO EXECUTE AGREEMENT
WITH CO. OF ROCKLAND
(SUBSTANCE ABUSE
SERVICES PROGRAM)

Co. Maloney offered and Co. Smith seconded

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RESOLUTION NO. (408-1993) Continued

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with the County of Rockland for the Substance Abuse Services Program through the Department of Mental Health for the period January 1, 1993 through December 31, 1993, for a total consideration of \$114,800.00.

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. (409-1993)

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

Co. Maloney offered and Co. Smith seconded

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

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into an agreement with the County of Rockland, for the period April 1, 1993 to March 31, 1994, in a form satisfactory to the Town Attorney, to provide for the operation of public transportation routes within the Town of Clarkstown.

Councilman Dusanenko stated that at the last Legislature Meeting on public funds he communicated Mr. Goetz's suggestion about the mini buses that in the event Spring Valley Transportation ceases to exist that those buses be forwarded for the use of the Town of Clarkstown for its use. Supervisor stated he agreed and thinks the other representatives of Clarkstown agree. That was a good suggestion.

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. (410-1993)

APPROPRIATING FUNDS TO
VETERAN ORGANIZATIONS

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RESOLUTION NO. (410-1993) Continued

Co. Smith offered and Co. Dusanenko 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 the following veteran organization:

Vietnam Veterans of America Chapter 333

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
Councilwoman Smith.....Yes
Councilman Mandia.....Abstained
Supervisor Holbrook.....Yes

RESOLUTION NO. (411-1993)

AUTHORIZING FIRE LANE DESIGNATION AT VALLEY COTTAGE LIBRARY

Co. Smith offered and Co. Dusanenko seconded

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

VALLEY COTTAGE LIBRARY
Route 303
Valley Cottage, New York 10989

by the installation of fire lane designations and

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

NOW, THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector and

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RESOLUTION NO. (411-1993) Continued

the Fire Inspector with regard to the installation of certain fire lane designations shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

On roll call the vote was as follows:

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

RESOLUTION NO. (412-1993)

AUTHORIZING SPRING VALLEY WATER CO. TO INSTALL HYDRANT (BRITTA LA. & HAVERMILL RD., NEW CITY)

Co. Smith offered and Co. Dusanenko seconded

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Spring Valley Water Company is hereby authorized to install:

One (1) hydrant as follows:

North side o Britta Lane, approximately 405 feet east of the center line of Havermill Road, New City, New York

Investigation No.: 10926, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (413-1993)

REQUESTING REVIEW OF SEC. 106-19(E) (ZONING ORDINANCE BY PLANNING BOARD)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby requests the review of §106-19(E) of the Zoning Ordinance, which deals with spacing of residential buildings and location of detached accessory buildings, by the Clarkstown Planning Board, and be it

FURTHER RESOLVED, that the Clarkstown Planning Board shall submit its recommendations to the Town Board.

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RESOLUTION NO. (413-1993) Continued

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. (414-1993)

REFERRING TO PLANNING BOARD PROPOSED AMENDMENT TO TREE PRESERVATION

Co. Smith offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby refers the attached proposed Amendment regarding "Tree Preservation" to the Clarkstown Planning Board for its review and recommendations with a view towards the Town of Clarkstown considering such amendment.

(Proposed Amendment on File in Town Clerk's Office.)

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. (415-1993)

REQUESTING COUNTY OF ROCKLAND TO TRANSFER TITLE (AFFORDABLE HOUSING)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the County of Rockland has acquired title to the following parcels of land: Map 138, Block H, Lot 18.11 and Map 138, Block H, Lot 23, and

WHEREAS, it is proposed that such premises be used for affordable housing, and

WHEREAS, the Town of Clarkstown desires to properly control the development of such premises;

NOW, THEREFORE, be it

RESOLVED, that the County of Rockland is hereby requested to transfer title to the Town of Clarkstown, without charge, the two parcels designated on the Clarkstown Tax Map as Map 138, Block H, Lot 18.11 and Map 138, Block H, Lot 23, so that the Town of Clarkstown can control the proper development of said parcels for affordable housing, and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to transmit a copy of this Resolution to John Grant, Rockland County Executive, Harold Peterson, Commissioner of Finance, and Ilan Schoenberger, County Attorney.

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RESOLUTION NO. (415-1993) Continued

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. (416-1993)

SETTLEMENT OF TAX
CERTIORARI (PERGAMENT
SPRING VALLEY CORP.)

Co. Smith offered and Co. Maloney seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, PERGAMENT SPRING VALLEY CORP., LESSEE v. THE ASSESSOR OF THE TOWN OF CLARKSTOWN, NICHOLAS LONGO, AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN, AND INTERVENOR, THE NANUET UNION FREE SCHOOL DISTRICT, Index Nos. 2715/88 and 3325/89 and PERGAMENT HOME CENTERS, INC., LESSEE v. THE ASSESSOR OF THE TOWN OF CLARKSTOWN, NICHOLAS LONGO, AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN, AND INTERVENOR, THE NANUET UNION FREE SCHOOL DISTRICT, Index Nos. 3727/90, 4926/91 and 4401/92 affecting parcels designated as Map 6, Block A, Lots 16.5 and 16.5//3, and

WHEREAS, the attorney for the petitioner has proposed to settle the proceedings and discontinue with prejudice and without costs, on the following terms and conditions:

1. That the premises owned by the petitioners described on the assessment roll as Map 6, Block A, Lots 16.5 and 16.5//3 be reduced for the tax year 1993/94 from a combined assessed value of \$26,860,500 to a combined assessed value of \$18,802,350.
2. That the premises owned by the petitioners described on the assessment roll as Map 6, Block A, Lots 16.5 and 16.5//3 be reduced for the tax year 1994/95 from a combined assessed value of \$26,860,500 to a combined assessed value of \$18,802,350.
3. That the premises owned by the petitioners described on the assessment roll as Map 6, Block A, Lots 16.5 and 16.5//3 be reduced for the tax year 1995/96 from a combined assessed value of \$26,860,500 to a combined assessed value of \$18,802,350.
4. That the premises owned by the petitioners described on the assessment roll as Map 6, Block A, Lots 16.5 and 16.5//3 be reduced for the tax year 1996/97 from a combined assessed value of \$26,860,500.00 to a combined assessed value of \$22,831,425.00.
5. That all municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement.

WHEREAS, it appears to be in the best interest of the Town to settle such matter upon the terms and conditions

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RESOLUTION NO. (416-1993) Continued

aforesaid, and such settlement is recommended by the Assessor of the Town of Clarkstown; and the attorneys for the Nanuet Union Free School District have consented to such settlement.

NOW, THEREFORE, be it

RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and the Town Attorney is authorized to sign all documents necessary to effectuate such settlement.

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. (417-1993)

KARL KIRCHNER TO
PREPARE ANALYSIS OF
PETITION'S APPRAISAL
(NEWBANY CORPORATION)

Co. Smith offered and Co. Dusanenko seconded

WHEREAS, Newbany Corporation has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 5, Block B, Lot 1.2 for the years 1991/92 and 1992/93, and

WHEREAS, Karl Kirchner reviewed and prepared an analysis of petitioner's appraisal and appeared in court for the purpose of testifying as an expert witness;

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner be retained for the purpose of preparing such analysis and for such court appearance at a fee not to exceed \$900.00; and be it

FURTHER RESOLVED, that this resolution be and the same hereby is retroactive to June 8, 1993.

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. (418-1993)

KARL KIRCHNER TO
PREPARE ANALYSIS OF
PETITIONER'S APPRAISAL
(RIFKIN & LEBOWITZ)

Co. Smith offered and Co. Dusanenko seconded

WHEREAS, Gilbert Rifkin and Jerome D. Lebowitz have commenced tax certiorari proceedings against the Town of

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RESOLUTION NO. (418-1993) Continued

Clarkstown affecting parcel designated as Map 34, Block B, Lot 25.1 for the year 1991/92, and

WHEREAS, Karl Kirchner reviewed and prepared an analysis of petitioner's appraisal for the purpose of settling the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner be retained for the purpose of preparing such analysis at a fee not to exceed \$300.00; and be it

FURTHER RESOLVED, that this resolution be and the same hereby is retroactive to May 11, 1993.

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. (419-1993)

HIRING SPECIAL COUNSEL
TO REPRESENT TOWN FOR
LITIGATION WITH C & A
CARBONE, INC., ET AL

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board hereby authorizes the hiring of the firm of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, Esqs., as special counsel, to represent the Town of Clarkstown in the Supreme Court of the United State regarding the lawsuit, C & A Carbone, Inc., Recycling Products of Rockland, Inc., C & C Realty, Inc., and Angelo Carbone v. Town of Clarkstown.

Councilman Dusanenko commended Town Attorney Murray Jacobson for bringing in counsel in the terms discussed earlier - outside counsel at no cost to the Town. He said he did not serve on the Town Board when these rules were passed. He said he did not serve on the Town Board when the Miele Transfer Station was given the contract for the recycling. He said even though he thought it was a good idea to extend the contract into the future with Miele there were certain give backs he expected to the taxpayers, business and residential, which didn't happen. For those reasons at this point in time he did not know how far and how deep we are going to go and how far these other attorneys who are volunteering their special counsel for defending the Town in the U.S. Supreme Court are going to go so therefore at this point in time he is going to vote no but that is his own personal position and he is not trying to discourage anybody else.

On roll call the vote was as follows:

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

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RESOLUTION NO. (420-1993)

AMENDING RESOLUTION
NO. (1-1993) - TOWN
BOARD MEETINGS

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Resolution No. 1-1993 is hereby amended to show that the meetings of the Town Board for the months of July and August will be as follows:

July 13, 1993 - Town Board Meeting
August 2, 1993 - Town Board Meeting

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. (421-1993)

AUTHORIZING
SUPERINTENDENT OF
HIGHWAYS TO INSTALL
"SCHOOL ZONE" SIGN
(LAKE ROAD, VALLEY
COTTAGE)

Co. Smith 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 "School Zone" sign with 15 MPH to be erected on the northside of Lake Road, 300 feet east from the continuation of the easterly wall of the school* where it intersects Lake Road, Valley Cottage. (*the Liberty Elementary School)

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

RESOLUTION NO. (422-1993)

AUTHORIZING
SUPERINTENDENT OF
HIGHWAYS TO INSTALL
"STOP" SIGN (SCHRIEVER
LANE, NEW CITY)

Co. Smith 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:

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RESOLUTION NO. (422-1993) Continued

A "Stop" sign at the exit driveway of the New City Fitness Center at Schriever Lane, 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
Councilwoman Smith.....Yes
Councilman Mandia.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (423-1993)

AUTHORIZING SUPT. OF HIGHWAYS TO INSTALL "NO TURN ON RED" SIGN (PASCACK RD. AT OLD NYACK TURNPIKE/GARDEN STATE PARKWAY

Co. Smith offered and Co. Maloney seconded

WHEREAS, Howard L. Lampert, Traffic & Highway Engineering Consultant in a report dated June 14, 1993 has recommended the adoption of a "No Turn on Red" regulation northbound Pascack Road at Old Nyack Turnpike/Garden State Parkway, Spring Valley, Signal #27,

NOW, THEREFORE, be it

RESOLVED, that John F. Mauro, Supt. of Highways is hereby authorized to install a "No Turn on Red" sign (NYS SIGN #R3-7) at the above mentioned location..

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. (424-1993)

INCREASING ACCOUNTS - PARKS & RECREATION

Co. Smith offered and Co. Maloney seconded

WHEREAS, \$651.00 has been received as donations at the Annual Senior Citizen Show held on May 1, 1993,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No. A 01 3 2001 (Parks & Recreation Charges) and Appropriation Account No. A 7610 301 (Programs for the Aging-Food) by \$651.00.

On roll call the vote was as follows:

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

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RESOLUTION NO. (425-1993)

INCREASING ESTIMATED
REVENUE ACCOUNT NO. 01
9 2705 AND APPRO-
PRIATION ACCOUNTS A
3230-301, A 3230-402,
AND A 3230-404

Co. Smith offered and Co. Maloney seconded

WHEREAS, THE D.A.R.E. program requires additional
fundng,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No.
01 9 2705 (Gifts & Donations) by \$6,000.00 and increase the
following Appropriation Account Numbers:

A 3230-301 (D.A.R.E.-Food).....	\$2,500.00
A 3230-402 (" -Equipment Rental).....	\$1,000.00
A 3230-404 (" -Travel, Mileage, Meals).....	\$2,500.00

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. (426-1993)

CORRECTING RESOLUTION
NO.(563-93)AUTHORIZING
DIRECTOR OF PURCHASING
TO ADVERTISE FOR BID
#37-1993 -CONCRETE
CURB & SIDEWALK
REPLACEMENT

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Town Board Resolution #563-1993 is
hereby corrected to read

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 July 9, 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
 Councilwoman Smith.....Yes
 Councilman Mandia.....Yes
 Supervisor Holbrook.....Yes

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RESOLUTION NO. (427-1993)

AUTHORIZING DIRECTOR
OF PURCHASING TO
ADVERTISE FOR BID
#44-1993 - UNIFORM
MAINTENANCE SERVICE
(POLICE DEPARTMENT)

Co. Smith offered and Co. Maloney seconded

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

BID #44-1993
UNIFORM MAINTENANCE SERVICE
FOR CLARKSTOWN POLICE DEPARTMENT

bids to be returnable to the Office of the Director of
Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on
July 12, 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
Councilwoman Smith.....Yes
Councilman Mandia.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (428-1993)

AUTH. DIRECTOR OF
PURCHASING TO ADVERTISE
FOR BID #45-1993 -
COMPUTER AND WORD
PROCESSING SUPPLIES

Co. Smith offered and Co. Maloney seconded

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

BID #45-1993
COMPUTER AND WORD PROCESSING SUPPLIES

bids to be returnable to the Office of the Director of
Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on
July 19, 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
Councilwoman Smith.....Yes
Councilman Mandia.....Yes
Supervisor Holbrook.....Yes

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RESOLUTION NO. (429-1993)

CORRECTING RESOLUTION
#317-1993 AND AWARDING
BID #23-1993 - FOOD
PROVISIONS (VARIOUS
BIDDERS)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Town Board resolution #317-1993 is hereby corrected to read:

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

BID #23-1993
FOOD PROVISIONS

is hereby awarded to:

COOKIES UNITED COMMISSARY INC.
50 MERCEDES WAY
BRENTWOOD NY 11717
PRINCIPAL: NEIL B. LUKOW

SCHAFFER FOOD SERV. CO.
PO BOX 60
NEW ROCHELLE NY 10805
PRINCIPALS: MONROE SCHAFFER
HARVEY FINKELSTEIN
IRVING SCHWARTZ

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

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

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

NEW YORK PRETZEL
64-70 MAURICE AVE
MASPETH NY 11278
PRINCIPAL: RONALD ORFINGER
HERBERT NOVICK

(Item/price schedule on file in Town Clerk's Office)
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. (430-1993)

AWARDING BID #38-1993
- RIVETED CORRUGATED
STEEL CULVERT PIPE
(VARIOUS BIDDERS)

Co. Smith offered and Co. Maloney seconded

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

BID #38-1993
RIVETED CORRUGATED STEEL CULVERT PIPE

is hereby awarded to:

EXPANDED SUPPLY PROD.
RD #1, BOX 93
COLD SPRING NY 10516
PRINCIPALS: BRUCE KEHR
DONNA KEHR

CHEMUNG SUPPLY COMPANY
PO BOX 527
ELMIRA NY 14902
PRINCIPALS: HERMAN WARSHAW
SUZANN SUNA
MYRA S. STERMAN

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RESOLUTION NO. (-1993) Continued

is hereby awarded to:

EXPANDED SUPPLY PRODUCTS, INC.	VELLANO BROS., INC.
RD 1 BOX 93, RT 9	P.O. BOX 837
COLD SPRING, NY 10516	BEACON, NY 12508
PRINCIPALS: BRUCE KEHR	PRINCIPALS: JOSEPH VELLANO
DONNA KEHR	JAMES A. VELLANO
	ANTHONY VELLANO JR.

as per the attached item/price schedule.

(Item/price schedule on file in Town Clerk's Office.)

On roll call the vote was as follows:

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

RESOLUTION NO. (433-1993)

ACCEPTING RESIGNATION
PARA LEGAL SPECIALIST
-TOWN ATTORNEY'S
OFFICE (LORRAINE
BERARDO)

Co. Mandia offered and Co. Smith seconded

RESOLVED, that the resignation (by retirement) of Lorraine Berardo, 18 Bonnie Lane, New City, New York - Para Legal Specialist I (Municipal Law) - Town Attorney's Office - is hereby accepted - with regret - effective and retroactive to June 12, 1993.

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. (434-1993)

ACCEPTING RESIGNATION
SECRETARY (PART-TIME)
- HISTORICAL REVIEW
BOARD (CORNELIA ALEMI)

Co. Mandia offered and Co. Smith seconded

RESOLVED, that the resignation of Cornelia Alemi, 706 Old Schoolhouse Road, New City, New York - (Part-time) Secretary - Historical Review Board - is hereby accepted - effective and retroactive to May 31, 1993.

On roll call the vote was as follows:

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

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RESOLUTION NO. (435-1993)

EXTENSION OF LEAVE OF
ABSENCE (HIGHWAY
DEPT.) JEFFREY MEARA

Co. Mandia offered and Co. Smith seconded

WHEREAS, Jeffrey Meara has requested an extension of his leave of absence, without pay, and

WHEREAS, Article XIX, Section I of the Town of Clarkstown Labor Agreement provides for a leave of absence, without pay,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the granting of the leave of absence, without pay, by the Supt. of Highways, for Jeffrey Meara, 686 Sierra Vista Lane, Valley Cottage, New York - Laborer - Highway Department - effective June 30, 1993 to September 30, 1993.

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. (436-1993)

AUTHORIZING SUPERVISOR
TO ENTER INTO
AGREEMENT FOR ECONOMIC
ASSISTANCE FOR 1993
(GRIDIRON CLUB)

Co. Dusanenko offered and Co. Maloney 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 sum in economic assistance

Clarkstown Gridiron Club \$ 1,050.00

and be it

FURTHER RESOLVED, that the total amount of \$1,050.00 be transferred from Account No. A 1990 505 to Account No. 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 No. A 8840 424.

On roll call the vote was as follows:

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

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RESOLUTION NO. (437-1993

AUTH. TOWN ATTORNEY TO
TAKE LEGAL ACTION
(ORANGETOWN SOLID
WASTE TO BE DEPOSITED
IN CLARKSTOWN TRANSFER
STATION)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Attorney is hereby
authorized to take all legal steps necessary to see that the
Town of Orangetown ensures that all solid waste generated in
their town be deposited in the Clarkstown Transfer Station.

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. (438-1993)

ACCEPTING PROPOSAL
FROM O&R FOR
INSTALLATION OF
LIGHTING (CHRISTIAN
HERALD ROAD, VALLEY
COTTAGE)

Co. Smith offered and Co. Dusanenko seconded

WHEREAS, the Nyack Public School District has
requested the Town of Clarkstown to improve street lighting on
Christian Herald Road, from the intersection of Route 303 to
the intersection of Route 9W, Valley Cottage/Upper Nyack,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of
Clarkstown hereby accepts a proposal from Orange and Rockland
Utilities, Inc. dated May 24, 1993 for the installation of
street lighting as follows:

Christian Herald Road, Valley Cottage/Upper Nyack
(Install nineteen (19) - various sized soldium vapor
street lights on existing utility poles)
(Remove one (1) - 7900 lumen mercury vapor street
light pole number 60919/40470)
(Upgrade six (6) - existing mercury vapor street
lights to sodium vapor)
(Install two (2) fifteen (15) foot brackets on two
(2) street lights)

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. (439-1993)

AUTHORIZING PLANNING
BOARD OF CLARKSTOWN TO
APPLY TOWN LAW SECTION
281 (WATERVIEW ESTATES)

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Co. Maloney offered and Co. Smith seconded

WHEREAS, Joseph T. Caruso, engineer for the applicant, has made written application for the use of Town Law Section 281 in connection with Waterview Estates, and

WHEREAS, the Planning Board of the Town of Clarkstown has recommended approval of the use of Town Law Section 281 in connection with this subdivision because the density plat provides for improved design by the construction of a circular turnaround at the westerly terminus of existing Snedecker Road and the elimination of any house "backing" onto New City, Congers Road, and

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town of Clarkstown if Town Law Section 281 authorization is granted for the development of the property shown on such proposed density plat entitled, "Sketch Plat Average Density Alternate "G", prepared for Tax Lots 113-A-23.01, 23.02 and 23.03 WATERVIEW ESTATES, Town of Clarkstown, Rockland County, New York" dated April 29, 1993, prepared by Joseph T. Caruso, P.E., P.C. & Associates, Nanuet, New York;

NOW, THEREFORE, be it

RESOLVED, that the Planning Board of the Town of Clarkstown is hereby authorized to use Town Law Section 281 for the proposed subdivision as shown on a density plat entitled, "Sketch Plat, Average Density Alternate "G", prepared for Tax Lots 113-A-23.01, 23.02 and 23.03 WATERVIEW ESTATES, Town of Clarkstown, Rockland County, New York," dated April 29, 1993, prepared by Joseph T. Caruso, P.E., P.C. & Associates, Nanuet, New York, subject to the applicant complying with the following conditions: (1) That Stonewall Lane shall be improved to Town specifications; (2) That Snedecker Road shall be widened to 24 ft. in width, with concrete curbing along the front of this subdivision, all at no cost to the Town of Clarkstown; and (3) That a map note shall be added to the subdivision plan that "House on lot 7 shall be oriented with front yard facing the lake."

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. (440-1993)

AUTH. SUPER. OF
HIGHWAYS TO PROVIDE A
COST ESTIMATE (PHILLIP
LA., WEST NYACK)

Co. Smith offered and Co. Dusanenko seconded

RESOLVED, that the Superintendent of Highways is hereby authorized to provide a cost estimate for the repaving of Phillips Lane in West Nyack, New York.

On roll call the vote was as follows:

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

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RESOLUTION NO. (441-1993)

AUTH. INSTALLATION OF
OPTICOM FIRE
PRE-EMPTION SYSTEM
(INTERSECTION OF
CONGERS RD./MAIN
ST./NEW HEMPSTEAD RD.,
NEW CITY)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the New City Fire Engine Company No. 1 has found that Opticome Fire Pre-Emption Systems, installed in busy traffic intersections, has greatly assisted in allowing their fire vehicles to proceed through an intersection safely, and

WHEREAS, the New City Fire Engine Company No. 1 has requested that the Town authorize the installation of Opticom Fire Pre-Emption equipment at the intersection of Congers Road/Main Street/New Hempstead Road in New City, which installation shall be paid by said fire company, and

WHEREAS, Howard L. Lampert, traffic engineering consultant, has prepared plans and specifications for the installation of such equipment;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the installation of Opticom Fire Pre-Emption equipment at the intersection of Congers Road/Main Street/New Hempstead Road in New City, New York, and be it

FURTHER RESOLVED, that the Town of Clarkstown shall be responsible for payment of the Opticom Fire Pre-Emption equipment, and the New City Fire Engine Company No. 1 shall be responsible for payment of the installation of such equipment.

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. (442-1993)

AUTHORIZING TOWN
ATTORNEY TO APPEAL
DECISION OF SUPREME
COURT (WIDMAIER V.
TOWN OF CLARKSTOWN)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Supreme Court of the County of Rockland has rendered a decision in the manner of Ralph Widmaier v. the Town of Clarkstown, et al, adverse to the Town of Clarkstown, and

WHEREAS, it is deemed appropriate that the decision be appealed;

NOW, THEREFORE, be it

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

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RESOLUTION NO. (442-1993) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (443-1993)

GRANTING TAPPAN ZEE
SPORTS BOOSTER CLUB
PERMISSION TO ERECT
TWO TEMPORARY SIGNS
RE: ANNUAL ROCKLAND
HALF MARATHON

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Tappan Zee Sports Booster Club has requested it be allowed to erect two signs in the Town of Clarkstown, which will stay in place from July 1st to September 27, 1993, at the following places, to advertise their 8th Annual Rockland Half Marathon which is being held on September 26, 1993:

1. On the green pole by the Exxon Station by Route 59 and Middletown Road.
2. By the Commuter Parking lot on Route 59 opposite the exit from the N.Y.S. Thruway.

NOW, THEREFORE, be it

RESOLVED, that the Town Board here grants permission to the Tappan Zee Sports Booster Club to erect two signs in the Town of Clarkstown, which will stay in place from July 1st to September 27, 1993, at the following places, to advertise their 8th Annual Rockland Half Marathon which is being held on September 26, 1993:

1. On the green pole by the Exxon Station by Route 59 and Middletown Road.
2. By the Commuter Parking lot on Route 59 opposite the exit from the N.Y.S. Thruway.

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. (444-1993)

AMENDING CLARKSTOWN'S
ZONING ORDINANCE (G.E.M.
PARTNERSHIP)

Super. Holbrook offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on April 27, 1993, provided for a public hearing on May 25, 1993, at 8:55 P.M., to consider the application of G.E.M. PARTNERSHIP, to amend the Zoning

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RESOLUTION NO. (444-1993) Continued

Ordinance of the Town of Clarkstown by redistricting the property of the Petitioner described on the Clarkstown Tax Map as Map 123, Block A, Lot 17.01 , from an R-22 District to an R-15 District, and

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

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, dated May 26, 1993, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the change of zone shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting from an R-22 District to an R-15 District, the following described property in the Hamlet of Valley Cottage, New York, in said Town, subject to receipt and acceptance by the Town Board of a covenant in a form approved by the Town Attorney submitted by the record owner, shall provide that the recommendations of the Planning Board made upon review of the proposed zone change shall be implemented by the property owners or his successor in interest as follows:

1. Applicant shall gratuitously dedicate a widening strip along Rockland Lake Road to conform to the Official Map.
2. The proposed road, to be built within the premises, shall be a Town road and built to Town specifications.
3. The lot count to be approved by the Clarkstown Planning Board, and be it

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

(Description on File in Town Clerk's Office)

On roll call the vote was as follows:

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

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RESOLUTION NO. (445-1993)

SETTING PUBLIC HEARING
- CONSIDER AMENDING
OFFICIAL MAP OF
CLARKSTOWN

Co. Smith offered and Co. Mandia seconded

WHEREAS, an alternate access is being constructed on Route 59, to the existing shopping center formerly known as the Korvette Shopping Center, Nanuet, New York, and

WHEREAS, it is proposed to eliminate through traffic at the terminus of East Orchard Street and Grace Street, where said streets abut the aforementioned shopping center, by placing a barrier at the end of each street, and

WHEREAS, the Town Board, on its own motion, wishes to consider said proposal;

NOW, THEREFORE, be it

RESOLVED, that a public hearing be had at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on August 2, 1993, at 8:55 P.M., or as soon thereafter as possible, pursuant to Section 273 of the Town Law, to consider amending the Official Map of the Town of Clarkstown, and be it

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

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

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

RESOLUTION NO. (445-1993) Continued

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

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. (446-1993)

REFERRING AMENDMENT TO
ZONING ORDINANCE -
PARKING REGULATIONS

Co. Maloney offered and Co. Smith seconded

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RESOLUTION NO. (446-1993) Continued

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

WHEREAS, the Town Board of the Town of Clarkstown is considering to further amend said Zoning Ordinance;

NOW, THEREFORE, be it

RESOLVED, that the following proposed amendment to the Zoning Ordinance be referred to the Clarkstown Planning Board and the Rockland County Commissioner of Planning for their recommendation and report:

Amend Section 106-10A of the Table of General Use Regulations, LO District, Column 8, Item 14,

FROM: "Notwithstanding any other buffer requirement, no parking shall be provided within 50 feet of any residential district, and such area shall be landscaped. No parking shall be provided within 20 feet of any building."

TO: "Notwithstanding any other buffer requirement, no parking shall be provided within 50 feet of any residential district. If there is an existing adjoining residential district and no parking is provided within 75 feet of that district, one (1) lane of parking and a travelway may be located in the front yard. If no parking is provided within 100 feet of an abutting residential district, two (2) lanes of parking and a travelway may be located in the front yard. No parking shall be provided within 10 feet of any building or within 20 feet of a street line."

Amend Section 106-10B of the General Bulk Regulations, Note 26

FROM: "No parking shall be allowed in required front yards."

TO: "No parking shall be allowed in required front yards except in the LO District as provided for in Column 8, Item 14 of the General Use Regulations for the LO District."

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RESOLUTION NO. (446-1993) Continued

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. (447-1993)

AMENDING ZONING
ORDINANCE (HAZARDOUS
WASTE)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on May 11, 1993, provided for a public hearing on May 25, 1993, at 8:35 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown, and

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

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, acting as staff to the Town Board as lead agency, dated May 13, 1993, the Town Board hereby determines that the Amendment to the Zoning Ordinance shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended as follows: Amend General Use Regulations, M District, Table 15,

Column 3, Paragraph B, to add the following:

- "11. Shipping and receiving of hazardous waste and regulated medical waste, if not totally indoors, subject to 106-16U. The proposed mixing or combination of unlike materials, or the opening of sealed containers, requires a special permit."

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RESOLUTION NO. (447-1993) Continued

Amend General Use Regulations, M District, Table 15,
Column 6 to add the following:

<u>"Use</u>	<u>At Least 1 Parking Space for Each:</u>
22: Shipping and receiving of hazardous waste and regulated medical waste."	1,000 square feet of gross floor area

Amend 106-3 Definitions to add the following:

"HAZARDOUS WASTE - As defined in 6NYCRR Part 371."

"REGULATED MEDICAL WASTE - As defined in 6 NYCRR Part 364.9(c), (1); (2)."

Amend Section 106-16 to add the following:

- "U. Shipping and Receiving of Hazardous waste and regulated medical waste, subject to the following conditions:
- (1) In an M zone, the storage, placement, or handling of hazardous and medical waste is not to be within 200 feet of a property line of an area zoned for residential use. This requirement applies to all parking, storage and loading of transport vehicles.
 - (2) All liquid waste stored outside of a building shall be stored in double wall above ground tanks. Containers containing liquid waste shall be stored indoors only in areas providing secondary containment. All tanks and containers must meet the requirements of all applicable agencies, including but not limited to Chapter 143 of the Clarkstown Code, 9NYCRR, N.F.P.A., R.C. Health Department, N.Y.S. D.E.C.
 - (3) If located uphill of a water course that is part of a water supply source, the double wall tank must be within a concrete or similar impervious dike capable of holding 125 percent of the contents of the tank.
 - (4) Any portion of the site with outdoor tank storage shall be surrounded by security fencing at least 10 feet in height with self-closing doors.
 - (5) Operations shall include only material handling, i.e., short term storage, transfer and transfer shipment. No processing, mixing, sorting or other operations shall be undertaken that allow mixing of unlike products or byproducts or exposure to air, (other than transferring like materials between containers) soil, or water.
 - (6) Except for outdoor storage tanks, all operations shall be conducted within fully enclosed buildings.
 - (7) Prior to issuance of the special permit, the applicant shall have received all other necessary town, county, special district, state and federal permits,

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RESOLUTION NO. (447-1993) Continued

including an approved closure plan where required by such other agencies.

- (8) The applicant shall furnish an emergency response plan approved by appropriate participating or permitting organizations. Said plan will confirm the availability of any trained personnel or specialized equipment that may be necessary. The emergency response plan must contain a complete listing including Material Safety Data Sheet (MSDS) or equivalent of all materials handled and quantities regularly handled. A copy of the response plan shall be furnished to the Fire Inspector and the local fire department by the applicant.
- (9) All transport vehicles shall be fully permitted by appropriate agencies."

and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (448-1993)

ORDER CALLING FOR
PUBLIC HEARING (SEWER
IMPROVEMENT - MBSIA
NO. 1)

Co. Smith offered and Co. Maloney seconded

At a meeting of the Town Board of the Town of Clarkstown, Rockland County, New York, held at the meeting Room of Town Hall, at 10 Maple Avenue, New City, New York, in said Town of Clarkstown, on the 22nd day of June, 1993.

P R E S E N T :

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

-----X
 In the Matter of a
 Sewer Improvement Project for certain
 portions of MBSIA No. 1, Town of
 Clarkstown, County of Rockland, State
 of New York.
 -----X

ORDER CALLING FOR
A PUBLIC HEARING

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RESOLUTION NO. (448-1993) Continued

WHEREAS, the Department of Environmental Control of the Town of Clarkstown has prepared a plan and cost estimate for the design and reconstruction of certain pump stations, construction and reconstruction of the sewer lines and appurtenances thereto situate in MBSIA No. 1 of the Town of Clarkstown, which plan and cost estimate are set forth in memoranda dated January 21, 1993, March 1, 1993, and April 23, 1993, prepared by the Department of Environmental Control of the Town of Clarkstown, and

WHEREAS, the proposed sewer improvements are shown on the map designated as Exhibit No. "1" annexed hereto, and

WHEREAS, said map and plan describing such sewer improvements are on file in the Office of the Town Clerk of the Town of Clarkstown, and

WHEREAS, the maximum amount to be expended for such sewer improvements \$800,000.00, and the cost of such improvement shall be assessed by the Town Board in proportion as nearly as may be the benefit that each lot or parcel within the improvement shall derive therefrom, and

WHEREAS, the proposed method to be employed for financing such sewer improvement is by sale of bonds, and

WHEREAS, it is determined that this project shall have no significant impact on the environment and no further processing pursuant to New York State Environmental Quality Review Act is required;

NOW, THEREFORE, it is

ORDERED, that the Town Board of the Town of Clarkstown shall meet at the Town Hall Auditorium, 10 Maple Avenue, New City, New York, on August 2, 1993, at 8:35 P.M., for the purpose of conducting a public hearing on the proposal to improve pump stations, sewer lines and appurtenances in MBSIA No. 1, as shown on Exhibit "1" annexed hereto, and specified in the report of the Department of Environmental Control of the Town of Clarkstown, at which time and place all persons interested in the subject thereof may be heard concerning the same, and it is

FURTHER ORDERED, that the Town Attorney of the Town of Clarkstown, is hereby authorized and directed to publish a copy of this Order in the official newspaper and, the Town Clerk is hereby authorized and directed to post a copy of the same on the signboard of the Town of Clarkstown, in the time and manner required by law.

TOWN BOARD, TOWN OF CLARKSTOWN

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

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

/s/ Ann Marie Smith
Ann Marie Smith, Councilwoman

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

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

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RESOLUTION NO. (449-1993)

ORDER CALLING FOR
PUBLIC HEARING (SEWER
IMPROVEMENT - MBSIA
NO. 2)

Co. Smith offered and Co. Maloney seconded

At a meeting of the Town Board
of the Town of Clarkstown,
Rockland County, New York, held
at the meeting Room of Town
Hall, at 10 Maple Avenue, New
City, New York, in said Town of
Clarkstown, on the 22nd day of
June, 1993.

P R E S E N T :

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

-----X

In the Matter of a
Sewer Improvement Project for certain
portions of MBSIA No. 2, Town of
Clarkstown, County of Rockland, State
of New York.

ORDER CALLING FOR
A PUBLIC HEARING

-----X

WHEREAS, the Department of Environmental Control of the Town
of Clarkstown has prepared a plan and cost estimate for the
design and reconstruction of certain pump stations, construction
and reconstruction of the sewer lines and appurtenances thereto
situate in MBSIA No. 2 of the Town of Clarkstown, which plan and
cost estimate are set forth in memoranda dated January 21, 1993,
March 1, 1993, and April 23, 1993, prepared by the Department of
Environmental Control of the Town of Clarkstown, and

WHEREAS, the proposed sewer improvements are shown on the map
designated as Exhibit No. "1" annexed hereto, and

WHEREAS, said map and plan describing such sewer improvements
are on file in the Office of the Town Clerk of the Town of
Clarkstown, and

WHEREAS, the maximum amount to be expended for such sewer
improvements \$200,000.00, and the cost of such improvement shall
be assessed by the Town Board in proportion as nearly as may be
the benefit that each lot or parcel within the improvement shall
derive therefrom, and

WHEREAS, the proposed method to be employed for financing
such sewer improvement is by sale of bonds, and

WHEREAS, it is determined that this project shall have no
significant impact on the environment and no further processing
pursuant to New York State Environmental Quality Review Act is
required;

NOW, THEREFORE, it is

ORDERED, that the Town Board of the Town of Clarkstown shall
meet at the Town Hall Auditorium, 10 Maple Avenue, New City, New
York, on August 2, 1993, at 8:45 P.M., for the purpose of
conducting a public hearing on the proposal to improve pump
stations, sewer lines and appurtenances in MBSIA No. 2, as shown

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RESOLUTION NO. (449-1993) Continued

on Exhibit "1" annexed hereto, and specified in the report of the Department of Environmental Control of the Town of Clarkstown, at which time and place all persons interested in the subject thereof may be heard concerning the same, and it is

FURTHER ORDERED, that the Town Attorney of the Town of Clarkstown, is hereby authorized and directed to publish a copy of this Order in the official newspaper and, the Town Clerk is hereby authorized and directed to post a copy of the same on the signboard of the Town of Clarkstown, in the time and manner required by law.

TOWN BOARD, TOWN OF CLARKSTOWN

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

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

/s/ Ann Marie Smith
Ann Marie Smith, Councilwoman

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

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

RESOLUTION NO. (450-1993)

SETTING PUBLIC HEARING
(ZONE CHANGE) - BIONDI

Co. Mandia offered and Co. Maloney seconded

WHEREAS, BRUNO BIONDI, has petitioned the Town Board of the Town of Clarkstown that the Zoning Ordinance of the Town be amended by redistricting property of the petitioner described from an LIO district to an LS district;

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 164, Block A, Lots 20 and 21;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on the 2nd day of August 2, 1993, at 8:30 P.M., relative to the proposed amendment, and be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO (451-1993)

TERMINATING AGREEMENT
WITH AGENCY SERVICES
CORP.

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby terminates the agreement with Agency Services Group concerning the AT&T long distance telephone service to the Town of Clarkstown.

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. (452-1993)

AUTHORIZING SUPERVISOR
TO ENTER INTO
AGREEMENT WITH
COMFACS, INC. (AUDIT
TELEPHONE & ELECTRIC
BILLING)

Co. Smith offered and Co. Maloney seconded

WHEREAS, COMFACS, INC., a telephone and utility consulting firm, has submitted a proposal to the Town to provide an examination of the Town of Clarkstown's telephone bills and utility bills, and to insure that the Town is being billed at the lowest possible rates, and

WHEREAS, the audits will be made on a contingency fee basis;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with COMFACS, INC., to provide an examination of the Town of Clarkstown's telephone bills and utility bills, and to obtain the lowest possible rates for the Town, and be it

FURTHER RESOLVED, that COMFACS, INC. will be made on a contingency fee basis. If any refunds or savings are created by COMFACS, INC., then the fee for such services shall be 50% of any refunds, savings or earnings for the Town of Clarkstown.

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. (453-1993)

REFERRING PETITION FOR
CHANGE OF ZONE (FRASER)

Co. Maloney offered and Co. Mandia seconded

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RESOLUTION NO. (453-1993) Continued

WHEREAS, JAMES AND LINDA FRASER, ET AL, have petitioned the Town Board of the Town of Clarkstown requesting that the Zoning Ordinance of the Town be amended by redistricting property owned by the petitioners, from an R-10 District to an RS District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 163, Block A, Lots 3, 5, 5.01, 5.02, 5.03, 6, 7, 8, 9, 18, and 21.01, and as set forth in the description attached as Schedule "A";

NOW, THEREFORE, be it

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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (454-1993)

REALLOCATING COMMUNITY DEVELOPMENT FUNDS

Co. Smith offered and Co Maloney seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby reduces the 1990 Community Development Fund account for playground equipment from \$5,000.00 to \$0, and creates a new account for sidewalks at the Valley Cottage Library in the amount of \$5,000.00.

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. (455-1993)

AUTHORIZING DIR. OF ENVIRONMENTAL TO PERFORM ADDITIONAL CORRECTIVE DRAINAGE WORK (FOXBURN STREET, NEW CITY)

Co. Maloney offered and Co. Smith seconded

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RESOLUTION NO. (455-1993) Continued

WHEREAS, in the spring/summer of 1989, the Clarkstown Highway Department performed certain drainage improvements within an existing easement on lot 18-A-13.18; and

WHEREAS, said improvements were not fully completed in accordance with the recommendation of the Director of Environmental Control;

NOW THEREFORE, be it

RESOLVED, that the Director of Environmental Control be authorized to hire Pinebrook Landscaping and Paving, 49 Rolling Ridge Road, New City, New York, to perform the additional corrective drainage work; and be it

FURTHER RESOLVED, that the cost of such corrective work shall not exceed \$5,500.00 and shall be a proper charge of Capital 2.

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. (456-1993)

OBTAINING COST
ESTIMATE FOR
RE-SURFACING EAST
EVERGREEN

Co. Smith offered and Co. Dusanenko seconded

RESOLVED, that Edward J. Lettre, Clerk of the Works, obtain a cost estimate for re-surfacing of East Evergreen from John Mauro, and be it

FURTHER RESOLVED, that he obtain a cost estimate to extend the paving past "Vincent's For Hair."

On roll call the vote was as follows:

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

There being no further business to come before the Town Board and and no one further wishing to be heard, on motion of Councilman Mandia and seconded by Councilman Maloney and unanimously adopted, the Town Board Meeting was declared closed, time: 9:20 P.M.



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

6/22/93

8:35 P.M.

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

Re: Road Improvement District - Louis Avenue, Valley Cottage

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

Town Attorney stated that the DEC finds no environmental impact on SEQRA. He noted that there is a letter to the Supervisor from J. Martin Cornell, of the firm of Doig, Cornell and Mandel and read from it as follows.

"Dear Mr. Holbrook:

I represent Patricia Schroer who resides at 26 Louis Avenue, Valley Cottage, New York and is the owner of Tax Lot 123-A-11 at the end of Louis Avenue off of Rockland Lake Road in Valley Cottage, New York.

She has shown to me a map showing the proposed improvement of Louis Avenue. The proposed map shows an extension of Louis Avenue in a southerly direction across lands of McKay and Kryzyski and a turnaround on lands of Kryzyski.

At the present time, Louis Avenue does not extend southerly through the lands of McKay and Kryzyski but is terminated at the northerly line of the lands of Kryzyski.

My client, Mrs. Schroer, and others are very concerned that the extension of Louis Avenue, as described above, will substantially impair the use of the property of the owners and will cause them significant damages unless some satisfactory modifications are made to the proposed plan. My client is not agreeable to the extension of Louis Avenue beyond its existing terminus."

Supervisor asked if there was any other correspondence? Town Attorney stated none of which he was aware. Supervisor said basically we will review the plan, get public input and comment. He asked Mr. Les Bollman, Director of Environmental Control, to come up and explain the design that the Town has proposed. He said if the road improvement district were to be implemented by the Town would it be paid for by the benefited property owners. The property owners would have the opportunity to either pay for their portion of that all at once or over a fifteen year period. This is not to say the Town Board is necessarily going to go ahead with this but we are interested to hear the comments of all parties.

Mr. Les Bollman stated that what is proposed is an improvement from Rockland Lake Road with a turnaround being on Kryzyski's property using the existing right-of-way up to Kryzyski and McKay where those are two easements that are in favor of Messina and Schroer but using that as one together and are each 15 feet on the property and bringing the road improvement up from 1,000 feet, installing drainage and following basically the existing right-of-way that currently exists. Supervisor asked how wide the proposed road was? Mr. Bollman said 24 foot. There is a 30 foot right-of-way and the

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PH - Road Improvement District - Louis Avenue, Valley Cottage
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road is proposed to be 24 foot. Supervisor said what about public water? Mr. Bollman said water is part way up as he recalls and he indicated that we would have the water company install a hydrant.

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

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

Appearance: Mr. Ross F. Lutz
12 Louis Avenue
Valley Cottage, New York

Mr. Lutz stated that he was opposed to the proposed road improvement as the cost is much too high for the individuals. There are only fourteen homes on the road and the proposed \$160,000.00 would be a burden on most of the residents on the road. By putting in the road, as proposed, would change the landscape particularly at the upper part of the road and we are definitely against that. By making it a public road we will lose an awful lot of our privacy which he was not in favor of as it would certainly change their way of life. He said he has lived there for thirty years and while they have had some rough times he thinks \$160,000.00 is an awful lot of money to have to pay for the road to be resurfaced and have water mains installed to get mail delivery. He said at the point where the road would pass between his house and the Sorrenson house - these two houses were built many years ago by two sisters. They are very close to each other. Even with only a thirty foot right-of-way in there they would be right on each of these houses. He said the way the proposed turnaround is shown on the map takes up almost one fifth of the land of Kryzytski. He thinks this is a lot to ask anyone to give up for an improvement. He said he was definitely opposed.

Appearance: Mr. Joe Castiglia
90G Louis Avenue
Valley Cottage, New York

Mr. Castiglia said he was against the road improvement because of the cost. Taxes are too high now. He does not intend to pay any more money than he pays right now. He is opposed.

Appearance: Mr. Serege Kryzytski
89D Louis Avenue
Valley Cottage

Mr. Kryzytski said he is against the project. He read the following statement:
"1. Louis Avenue ends at the north border of our property 800' from Lake Road. From this line up begins our bituminous driveway with easement and right-of-way Kryzytski to Shroer as recited by deed. At present I am ready to present a lot of official maps which clearly indicate that the extension of Louis Avenue is a private driveway.
2. The proposed road improvement is extremely discriminatory to us. It takes 1/5th (one fifth) of our land. It would not only make a "carricature" of our lot cut to pieces but also would reduce its value by at least ten thousand dollars based on the cost of fifty thousand dollars for a building lot in our vicinity. I believe our land cannot be simply taken away from us. The Court would have to decide the amount of reimbursement. This, in turn, will increase the cost of the road improvement -- the cost which will be passed onto the Louis Avenue residents.

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3. For years I have been a conservationist and ecologist. All my neighbors can testify to the beauty of our lot. The proposed public road would entirely destroy the east side of our lot with two forty year old Blue Spruces and ten coniferous trees planted by me ten years ago 15' high now, not counting lilac and other bushes, the hedge, rockgarden, etc. All of this would also add to the cost of the proposed road improvement.

4. My wife is ill with Parkinson's disease in an advanced stage. When we were buying the house ten years ago we had this in mind. She needs quiet, peaceful, and secluded surroundings which are absolutely essential for her. Needless to say, the proposed kind of a highway with a lot of asphalt and increased traffic will not benefit her.

5. The cost of the proposed improvement is too great for us, since we are retired and living on a modest fixed income."

Appearance: Mr. Michael Swarz
9 Louis Avenue
Valley Cottage, New York

Mr. Swarz said that he is opposed to the proposed road improvement.

Appearance: Mr. Don Messina
17 Louis Avenue
Valley Cottage, New York

Mr. Messina said he shares the concern of his neighbors that \$160,000.00 is a considerable sum of money and we have submitted to the Town a petition asking them to find as much money from the state as they could to reduce the cost. He said he has lived on this street for ten years and there have been some times of extreme difficulty in trying to get up and down the street especially in the winter months. He said one day this past winter he took a bus and he thinks that is an inappropriate way to live. He would suggest that we could find a solution between what we would like to do with the road improvement and the cost to the neighbors to keep this thing down to a minimum and to go ahead with a public road.

Appearance: Ms. Arlene Torrens
89E Louis Avenue
Valley Cottage, New York

Ms. Torrens said she was opposed to the proposed road improvement simply because of the cost. She said she would not be able to live there as she is a single parent. She would have to sell the house because she was afraid the taxes would go up and the expense to her per month would be exorbitant.

Appearance: Ms. (?)
10 Louis Avenue
Valley Cottage, New York

She said she was opposed to the road improvement because of the high cost.

Appearance: Mr. John McKay
15 Louis Avenue
Valley Cottage, New York

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PH - Road Improvement District - Louis Avenue, Valley Cottage
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Mr. McKay said he would like to point out that the people on the street have tried to come up with an alternative improvement. The estimate for the improvement we have gotten is \$13,000.00 which is less than a tenth of the cost that has been figured out by the Town. He said he did not understand the discrepancy. He said he has been told about it but he just cannot understand why.

Supervisor asked Mr. McKay what his entailed? Mr. McKay said it is the repaving up to their property actually which wouldn't go as high up nor include a turnaround on Kryzyski land. He said he did not understand why some alternative cannot be developed.

Supervisor said we do not have to spend \$160,000.00. Some of the road improvement districts we have done have not spent the maximum. Supervisor said the issue of cost is understandable as a concern to the residents as well as the Board. He said he was looking at the possibility of going back and trying to rework some of these figures. Are there those out there who would consider the road improvement if it were at a reduced cost than \$160,000.00 although he said he did not know exactly what that would be? Or are you just opposed to it altogether?

Mr. McKay said personally depending on the nature of the proposal and the total he would consider something other than \$160,000.00. As it is now he cannot be in favor of it. Even though that may mean that they may have to come up with their own private agreement to do something which has been difficult for them.

Councilman Mandia said realistically if that number were reduced a third and that is probably much too much you are still talking about \$110,000.00. That is still a lot of money. If your principal objection is the money cutting it by a third, which is probably impossible to do, it is still going to be too much money.

Mr. McKay said he also thinks it involves the total effect on Mr. Kryzyski's property. If there is some other way to do this, plus there is a reduction of cost, he thinks it is something that could be considered. He said he is speaking personally.

Supervisor said he did not think the Town Board intends to act on this tonight but maybe if we could go back and take a look at some other ways to reduce the cost we could at another meeting discuss that cost. He said we have put a lot of time into this. Louis Avenue is not an easy project by any stretch of the imagination. Certainly the people who live there know that. If there is a willingness to look at the project at some reduced costs he said we certainly will be willing to take a look at it and maybe come up with a lower upset cost, if that is possible. He said he is certainly willing to do that.

Appearance: Ms. Susan Beachum
89L Louis Avenue
Valley Cottage, New York

Ms. Beachum said she can't condone taking a fifth of her neighbor's property. That is not right. She said that is a major objection. Supervisor said let's say for the sake of argument we did away with that. Ms. Beachum said she understood that the Board has to meet certain specifications

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that we, as private citizens, don't have to meet and yet the discrepancy between \$160,000.00 and \$13,000.00 - we are talking about two inches of asphalt. We are not talking about putting in sewers. We're not talking about nice curbs. We're talking about a smaller road, which is what we would like since we have two houses that are almost abutting each other. She said we don't feel that this has been really examined. This is an old road and is not laid out the way it should have been.

Supervisor asked Les Bollman to explain what is proposed. Mr. Bollman said first of all our experiences on four or five road improvement districts is what this cost was based on. We put in drainage. We put in a proper base. We put in curbing. We don't throw an inch and a half of asphalt on it. He said he can do his driveway too. That is all you are talking about - something that is going to last two or three years. We have an obligation to the Town, when I tell them this is a dedicatable road that it is up to the standards of the street specifications of the Town. He said he met there with Mr. Mauro and they looked for an area for the plows to turn around. Any other place we looked that road gets very steep. You cannot turn around on a 14% slope. What we did and if we did it wrong we apologize but there was a natural area - no blue spruces, no nothing. Mr. Kryzyski has a level area that is there that looked like it was a parking area and we said let's use this. If that was a mistake, that was a mistake but he met with all of the people and he told them it was a natural, it is there, we don't have to damage anything. The other point is that you are talking about cutting it back. You cut it back for the two lots you are talking about, that is four less people. He said he thinks there are twelve or thirteen so you are talking 33% now are not going to contribute. You are right back to the same cost for those who will contribute as you were before. He said he purposely extended it so that everybody on the street would share in the cost. He said he purposely brought it all the way up. If he cuts it back and takes it to where it ends now you have 8 people sharing on a cost of two thirds but you are right back to the same place as you were with the twelve people at the total cost.

Mr. McKay said why couldn't the full number of people on the road share the cost? Mr. Bollman deferred to legal counsel. Mr. Jacobson said the road improvement must be assessed against people who abut the improvement that is made. If you don't touch the improvement you can't be taxed. Mr. McKay said if you don't use the road? Councilman Maloney said if you don't touch it. Councilman Dusanenko said it has nothing to do with using it. Supervisor said if your property abuts the road, you are part of the improvement. Mr. Jacobson said under Section 200 of the Town Law to be assessable you must abut the improvement. You must be adjacent to it, to touch it. Just because you have a driveway that runs somewhere up the mountain and there is a house there that house doesn't pay for the improvement.

Someone asked is there nothing like selling someone a string of land that goes down for \$1.00 and letting him touch? Town Attorney said he can't say what somebody else is going to do and he has to deal with what is in front of the Board which is an improvement that has to touch people's land. You want to jimmy around, that is up to you people. Supervisor said that could be looked at. He asked Mr. Bollman if this was to be done with Town forces or to be bid out? Mr. Bollman said in the way we did the others, we would bid out the curbing and the drainage and the Town forces would do the paving and the

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PH - Road Improvement District - Louis Avenue, Valley Cottage
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road work similar to what we are doing on Medway. It is a combination.

Someone asked if any action was taken on their behalf as far as trying to get community money for the project. Supervisor said he did not believe that community development funds would be able to be used. You need a certain income area for those funds to be used for these types of things. Supervisor asked if the CHIP funds could be used or are they only for Town dedicated roads? He was told no, they could not be used.

Councilman Dusanenko spoke to the audience stating that when Mr. Messina and some others appeared at the end of last year, there was a genuine concern from all of my colleagues on the Town Board to do something. For those who may have been present, some times bad news but straight bad news, is best. In the absence of somebody finding a loophole around all these things you have spent a lot of time and there was a lot of aggravation on your part because the minimum specifications which seem to be confirmed is about twenty-four feet of pavement. You have to have a turnaround for emergency vehicles and plows. Without that turnaround there is no Town road. As Mr. Bollman stated it must be built to Town specifications. The reason why it has to be rather than some other alternatives is a year or two later a pot hole develops, a depression from lack of drainage or whatever else. Then Mr. Mauro, has an emergency and everyone is paying to take care of something substandard. He said he is concerned about the residents there because his parents had a similar situation. They were on a private road in New City. For years there was always one or two people who hoped that somebody else would be the turkey or the sucker and put in a little bit extra because they didn't want to. Finally, the houses change a little bit more often these days than the old days and there was one time where all seven people had vowed to do it. It is going to take a willingness of all you people to do it together and that is what happened on Hickory Drive, when all seven people finally agreed to it they did it instantly before somebody changed their mind. In this day and age somebody has to play King Solomon. There might be one or two people that might not be able to do this because they are destitute, or have medical problems, etc. then somebody would have to pick up that little bit of difference if somebody was truly hard pressed and not taking vacations and cruises under the guise of being impoverished. That is the only way it could happen. I mentioned this going back to last year and we are still back to square one after all this. If there was a way - there is no politics here - if we could find the funds from some other source we would. If we could do it without those specifications we would. No one is playing any games but the continuation of false hope. In the absence of someone showing me a statute or a law where it has been done in other communities - I don't want to personally give people false hopes so that they have to keep coming back to Town Board meetings with a ray of hope and then finding there is none. Councilman Dusanenko asked if this is going to be changed in any way would it have to have a new public hearing? Mr. Jacobson said yes. Councilman Dusanenko said so right now by a show of hands what do you people want us to do. Continue this or vote it down? That is the question I have right now.

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Someone from the audience said isn't there some mechanism to adjourn this? Councilman Dusanenko said we could adjourn this until we get more answers. Supervisor said that was going to be his suggestion because he thinks we have a plan that gives a maximum cost of \$160,000.00 but it doesn't have to be spent. We can ask people to take another look at it. Maybe some people wish to meet with Mr. Bollman. We don't have to vote on this tonight and decide to turn it down simply on that basis. He said he is willing to have people take a look at it again. Councilman Maloney said there are seven people who have spoken who are opposed to this. He said he is getting the feeling that they are basically opposed because of the amount it would cost. Some were opposed because of the esthetics of the turnaround and someone because of the ill health of his wife, etc. He said he is getting the feeling of the seven people opposed some would be opposed no matter if it was done for \$13,000.00. There may still be some that wouldn't want to do it. He is trying to find out if there is opposition to it is it opposition based solely on money or is it based on half and half because of twelve or thirteen people on the road already half don't want it. The question is do we come back and do it all over again or what? If the people don't want it then let's put it to rest and get it over with. If there is a compromise fine, let's see if we can do that. We don't want to drag this on and then say we are turning it down because nobody wants it. He said he is getting the feeling that some people don't want it even if we gave it for nothing or if we gave it for \$12,000.00 or \$14,000.00.

At this point there was dialogue from the audience and discussion among the audience, Town Board, Mr. Bollman and Mr. Mauro as to suggestions on how to proceed.

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

Mr. Lodico said he raises questions as to the propriety of designing this road this way with not bringing water all the way up, in as much as it is in the middle of the road. He said he is sure the Planning Board wouldn't approve of a subdivision where water went only half way up the street. Mr. Bollman said he could put a hydrant half way up the street with no problem. Mr. Lodico asked if there was water all the way up the street? Mr. Bollman said there is a six inch main half way up. Mr. Lodico said does it meet every household up the street? Mr. Bollman said he did not know. Mr. Lodico said without having to come in eight months later and dig up the road again which is usually the course that goes on in government. Mr. Bollman said we have a six inch main half way so he checked with Spring Valley and a hydrant could be put in. Mr. Lodico said his point is if you are dealing with a trap rock area, dealing with excavation, he raises questions if \$160,000.00 would do it and he would not want to see, with all due respect to the rest of the Town, having to pay for it through a contingency fund or some other way or putting in this road without those definitely benefitting paying for its use.

There being no one further wishing to be heard on motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing was adjourned, sine die, time: 9:20 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk