

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

8/2/93

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:

"NATIONAL COUNCIL OF JEWISH WOMEN'S
NATIONAL DAY OF THE WORKING PARENT"
September 9, 1993

- WHEREAS, the well being of our families is central to the well-being, strength and success of our society; and
- WHEREAS, there are an increasing number of Americans who balance work responsibilities with the demands of caring for children and elderly relatives; and
- WHEREAS, there is a critical need for both workers and business to learn more about child and elder care options; and
- WHEREAS, new solutions must be sought to help achieve a balance between work and family; and
- WHEREAS, the NATIONAL COUNCIL OF JEWISH WOMEN has a 100-year history in working for the well-being of families of all socioeconomic, religious, racial and ethnic backgrounds; and
- WHEREAS, the NATIONAL COUNCIL OF JEWISH WOMEN is forging partnerships in communities around the country to broaden employer and general public awareness of dependent care issues and to implement strategies for meeting those needs.

NOW, THEREFORE, be it

RESOLVED, that I, Charles E. Holbrook, Supervisor of the Town of Clarkstown, on behalf of the Town Board, hereby proclaim September 9, 1993 as THE NATIONAL COUNCIL OF JEWISH WOMEN'S NATIONAL DAY OF THE WORKING PARENT, and urge all governments, employers, public officials and citizens to make a commitment to meet the dependent care needs of employees today and from this day forward to improve the lives of all the families of the Town of Clarkstown.

IN WITNESS WHEREOF I HEREUNTO SET
MY HAND AND CAUSE THE SEAL OF THE
TOWN OF CLARKSTOWN TO BE AFFIXED
THIS 2ND DAY OF AUGUST, 1993.

CHARLES E. HOLBROOK, Supervisor
Town of Clarkstown

Appearance: Ethel Herman, Outgoing President of the
National Council of Jewish Women of Rockland

Ms. Herman spoke of the work that the National
Council of Jewish Women do.

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RESOLUTION NO. (505-1993)

ACCEPTING RESIGNATION
(HON. HARRY EDELSTEIN)
JUSTICE COURT

Co. Smith offered and Co. Maloney seconded

RESOLVED that the resignation of Hon. Harry Edelstein, 35 Glenwood Road, New City, New York - Town Justice - is hereby accepted with regret - effective August 2, 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. (506-1993)

APPOINTMENT OF CLARE
McCUE CINCOTTA TO TOWN
JUSTICE

Co. Smith offered and Co. Maloney seconded

WHEREAS, there exists a vacancy in the position of Town Justice which was formerly held by Town Justice Harry Edelstein, and

WHEREAS, the Town Board of the Town of Clarkstown is empowered by Town Law, Section 64 (5) to fill such vacancy,

NOW, THEREFORE, be it

RESOLVED, that Clare McCue Cincotta, 186 Massachusetts Avenue, Congers, New York, is hereby appointed to fill the position of Town Justice - said appointment commencing August 3, 1993 and to terminate on December 31, 1993, at the 1993 annual salary of \$38,595.

Councilman Dusanenko stated that regardless of the politics of political affiliation many of you are gathered here for a festive occasion. However, there have been several times in my service to all of the people in the Town of Clarkstown where vacancies, unfortunately due to personal reasons or other reasons, have occurred. One such time was with the legislature and the legislators in the Town of Clarkstown and the County of Rockland waited until the very next election until a candidate was chosen by all of the people. Right after that election that person filled the vacancy. Approximately two years ago there was a vacancy created by somebody who served in another political party of the majority and that position was left vacant for approximately three months. We are at August 2nd and Election Day is November 2nd, the first Tuesday after the first Monday. That leaves three months almost to the day that there would be a vacancy. Unbeknown to most people, many of the Justices of all parties who serve this Town do go to a training school for Town Justices prior to their serving. Most of them fill the position in January, but due to circumstances, this Town on the 16th of November that year after Judge Scott Ugell was successful in that election, that this Town Board which had four out of five of its members of the Democratic affiliation offered to keep that position vacant and let all of

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RESOLUTION NO. (506-1993) Continued

the people of the Town of Clarkstown speak. Now this Town Board has three of its five members of the Democratic affiliation and it seems that a different course of events are scheduled. Why? I do not know; but whether we be Republican or Democratic, Conserative, Independent or any other minor party in the Town of Clarkstown, we are always talking. Everyone of us is running for office, some this year, some for reelection, some for other offices and everyone is going to be saying I am conservative fiscally. I am trying to keep the cost of the Town of Clarkstown down. I do not want to ruin a good evening, but it points to every public works project, some of which you might see on your way this evening, but over \$12,000.00 could be saved by keeping this position vacant. He stated that he has only the highest regard for Clare McCue Cincotta and her husband, John, who are of a different political faith, but they are decent people. So it is not anything that is reactionary or from a different political party. If a Republican had resigned, I would take the same stand of keeping the position vacant for three short months, saving over \$12,000.00 and not precluding all of the people of the Town of Clarkstown from the due process of the democratic elections which will be held on November 2nd. For that reason, I regretfully vote no at this time.

Councilman Maloney stated that he would like to be part of history and this is an historical occasion tonight and it was my pleasure and honor two years ago to be part of the group who nominated Clare Cincotta for that position. Unfortunately, that was not the time. I disagree with Mr. Dusanenko. I think it is more than saving a few dollars. I think as an elected official that we are responsible to see that justice is meted out to all the citizens of the Town of Clarkstown. It has been said by many people and I know it seems like a trite thing that justice delayed is justice denied. This is one of the busiest courts anywhere in the State of New York and there are people waiting for justice and for us to sit here and wait until January or wait until the end of November, would be a crime for the citizens of this Town and I feel that Clare McCue Cincotta is without any question well qualified. Certainly, I don't think that anybody would say that she isn't and she has proven herself in various courts and I think that this is the time to appoint her. I am proud to second the nomination and proud to vote in favor of Clare McCue Cincotta as the first woman in the Town of Clarkstown and in fact in this County; not so much because she is a woman, but because she is going to be a tremendous judge.

Councilman Mandia stated that an appointment such as this has its political undertones. However, the timing situation is revelant. When Justice Edelstein filled the vacancy that was created in an unfortunate situation there was at least six months left on that term before election day and I voted for Judge Edelstein although I am in a different party. The job that John Maloney referred to needed to be done. On the other hand we are now, as Mr. Dusanenko said, within just several months of the election. I think that two years ago a precedent was set that was practical and fair for the electorate and I think that precedent should carry forward to this year with the election day just three months away. Let the voters decide. All of us should pledge that whoever wins the election should fill that vacancy the very next day. Again, as Mr. Dusanenko would tell you, the highest regards for both Clare and John. They are fine, fine people. Certainly, it is not a personal thing. Councilman Mandia emphasized the fact that on the political side, when the vacancy was long in

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RESOLUTION NO. (506-1993) Continued

length, I chose to vote to fill that vacancy although I voted for a democrat. Here we have a three month period of time. I know that the Justices in a Court handle the work load. I have spoken to them. I see no reason to do this just three months away from Election Day. Regretfully, I vote no on the resolution.

Councilwoman Smith stated that she had supported Clare McCue Cincotta in Convention as a candidate for Justice. She did not receive the nomination. She did not ask for any breaks and she did not ask for any edge. She came back this time and asked for the candidacy and was overwhelming endorsed. An opportunity has presented itself. It is our decision to appoint Clare and I am very proud of this decision and I think she will make a wonderful Justice from now until the end of the year and I vote yes.

Supervisor Holbrook stated that Clarkstown has the busiest court in Rockland County. Unincorporated Clarkstown encompasses about 72,000 or 73,000 people. There is no question that we need a full compliment of judges available to handle that type of work load. The argument that money would be saved by not appointing a judge is sheer sophistry. Clare McCue Cincotta has the ability to do the job and by filling this vacancy now, we will ensure that the services of this Court will be present for all Clarkstown residents to witness. It gives me great pleasure to cast the deciding vote to appoint Clare McCue Cincotta to fill the vacancy by the resignation of Harry Edelstein. I vote yes.

Supervisor Holbrook called upon the Chairman of the Democratic Party, Paul Adler, to make a presentation to outgoing Judge Harry Edelstein.

Paul Adler presented a plaque to Judge Edelstein.

Legislator Pat Halo presented Judge Edelstein with a Distinguished Service Award.

County Executive John Grant, thanked Judge Edelstein for his services and welcomed Clare.

Assemblymen Gromack and Coleman made a presentation to Judge Edelstein from the New York State Assembly.

Judge Edelstein said that he is in good health and thanked everyone.

Judge William K. Nelson swore in Clare McCue Cincotta.

Judge Victor Alfieri presented Judge Clare McCue Cincotta with a gavel and welcomed her to the Clarkstown Town Bench.

Judge Clare McCue Cincotta thanked Councilwoman Annemarie Smith, Councilman John Maloney and Supervisor Charles Holbrook for supporting her. She stated that this was a very important moment and a great honor, but a tremendous responsibility.

Co. Smith made the following comments:

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RESOLUTION NO. (506-1993) Continued

"Harry,
I have heard what everyone else calls you, but I wonder what Zelda calls you. Your professionalism and personality make me certain that the song "I'm Just Wild About Harry" was written for you. Best wishes!

Claire,
The derivation of your name means "clear and bright", and I believe that you will demonstrate those characteristics in clear and bright decisions in our Justice Court. I am proud to be associated with your appointment and I believe that this is only the beginning of a very long and fruitful career for you, and for the residents of Clarkstown and Rockland County. Congratulations and I wish you well."

On roll call the vote was as follows:

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

Supervisor declared public portion of the meeting open.

Appearance: Warren Marshall
Nanuet

Mr. Marshall spoke regarding Item #16. He stated that the visibility was inadequate.

Appearance: Charles Valois
2 Duane Avenue
New City, New York

Mr. Valois complained that his papers and cans were not picked up. Supervisor Holbrook told him that his recyclables should be picked up.

Appearance: Ann Feick
Germonds Road

Ms. Feick spoke on behalf of the Bardonia Association. She is in favor of Agenda Items Nos. 15 and 16 (signing on Bardonia Road) but they want more.

Appearance: Clifford Feder, Chairman of Clarkstown
Republican Committee
61 Kings Highway
Congers

Mr. Feder spoke regarding the resignation of Judge Edelstein and the appointment of Clare McCue Cincotta. He felt there was no rush to fill this position.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Zone Change from LIO to LS (Biondi) was opened, time: 9:00 P.M.

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On motion of Councilman Maloney, seconded by Councilman Dusanenko and unanimously adopted, the public hearing re: Zone Change from LIO to LS (Biondi) was closed, DECISION RESERVED, 9:12 P.M.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearings re Sewer Improvements for MBSIA No. 1 and MBSIA No. 2 were opened, time: 9:13 P.M.

On motion of Councilman Maloney, seconded by Councilman Dusanenko and unanimously adopted, the public hearings re Sewer Improvements for MBSIA No. 1 and MBSIA No. 2 were closed, RESOLUTIONS ADOPTED, time: 9:18 P.M.

RESOLUTION NO. (507A-1993)

TOWN BOARD APPROVING
SEWER IMPROVEMENT AREA
(MBSIA NO. 1)

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

RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK,
ADOPTED AUGUST 2, 1993, APPROVING THE CONSTRUCTION
OF IMPROVEMENTS IN MBSIA NO. 1, WHICH AREA HAS BEEN
DETERMINED TO BE THE BENEFITED 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), proposes to reconstruct certain pump stations, and construct and reconstruct sewer lines and appurtenances thereto (the "Sewer Improvement") situate in MBSIA No. 1, including original furnishings, equipment, machinery, and apparatus required therefore, all within MBSIA No. 1 and affecting the properties referred to in the Order Calling for a Public Hearing adopted by the Town Board on June 22, 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 Leslie F. Bollman, Director of the Department of Environmental Control of the Town, a competent engineer 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 \$800,000, 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 Improvements and adopted an order on June 22, 1993, reciting a description of the improvements proposed, a description of the proposed benefited

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RESOLUTION NO. (507A-1993) Continued

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 August 2, 1993, at 8:35 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 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 2nd day of August, 1993, commencing at 9:13 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; and

WHEREAS, the Town Board has given due consideration to the impact that the construction of the Sewer Improvement may have on the environment and on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a duly executed Short Environmental Assessment Form has been filed in the office of the Town Clerk.

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 \$800,000.

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 the Order Calling For A Public Hearing, within the Sewer Improvement Area, in the Town, and said Sewer Improvement Area is more particularly described as follows:

RESOLUTION NO. (507A-1993) Continued

(DESCRIPTION OF BENEFITED AREA ON FILE IN TOWN CLERK'S OFFICE)

Section 3. The maximum amount proposed to be expended for said improvement is \$800,000 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 on 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 \$800,000 being less than one-tenth of one percentum of the full valuation of real property in the Town, outside of any villages.

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.

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

AYES: Supervisor Holbrook
Council Members Dusanenko, Maloney,
Mandia and Smith

NOES: None

The resolution was declared adopted.

RESOLUTION NO. (507B-1993)

TOWN BOARD
APPROPRIATING \$800,000
FOR CONSTRUCTION OF
SEWER IMPROVEMENTS
WITHIN MBSIA NO. 1

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

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED AUGUST 2, 1993, APPROPRIATING \$800,000 FOR THE CONSTRUCTION OF SEWER IMPROVEMENTS WITHIN MBSIA NO. 1 IN SAID TOWN, AND AUTHORIZING THE ISSUANCE OF \$800,000 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), proposed to reconstruct certain pump stations, and construct and reconstruct sewer

RESOLUTION NO. (507B-1993) Continued

lines and appurtenances thereto (the "Sewer Improvement") located in MBSIA No. 1, including original furnishings, equipment, machinery, and apparatus required therefor, all within MBSIA No. 1 and affecting the properties referred to in the Order Calling For A Public Hearing adopted by the Town Board on June 22, 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 Leslie F. Bollman, Director of the Department of Environmental Control of the Town, a competent engineer 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 \$800,000, 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, 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 \$800,000; and

WHEREAS, permission of the New York State Comptroller is not required with respect hereto, the amount of \$800,000 being less than one-tenth of one percentum of the full valuation of real property in the Town, outside of any villages;

NOW, THEREFORE, BE IT

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK (by a 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 \$800,000 for the construction of the Sewer Improvement, including original furnishings, equipment, machinery, and apparatus required therefor, all within MBSIA No. 1, which area has been determined to be the benefited area (herein designated and referred as as the "Sewer Improvement Area"), and in accordance with the map, plan, and report referred to in the Recitals hereof, 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 \$800,000 and the plan of financing includes the issuance of serial bonds of the Town in the principal amount of \$800,000 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.

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RESOLUTION NO. (507B-1993) Continued

Section 2. Serial bonds of the Town in the principal amount of \$800,000 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 \$800,000 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.

(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

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RESOLUTION NO. (507B-1993) Continued

- (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 Co. Maloney and duly put to a vote on roll call, which resulted as follows:

AYES: Supervisor Holbrook,
Council Members Dusanenko, Maloney,
Mandia and Smith

NOES: None

The resolution was declared adopted.

RESOLUTION NO. (507C-1993)

DIRECTING TOWN CLERK
TO PUBLISH
APPROPRIATING \$800,000
FOR CONSTRUCTION OF
SEWER IMPROVEMENTS
WITHIN MBSIA NO. 1

Co. Mandia 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 Co. Maloney and duly put to a vote on roll call, which resulted as follows:

AYES: Supervisor Holbrook
Council Members Dusanenko Maloney,
Mandia and Smith

NOES: None

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RESOLUTION NO. (507C-1993) Continued

The resolution was declared adopted.

RESOLUTION NO. (508A-1993)

TOWN BOARD APPROVING
SEWER IMPROVEMENT AREA
(MBSIA NO. 2)

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

RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED AUGUST 2, 1993, APPROVING THE CONSTRUCTION OF IMPROVEMENTS IN MBSIA NO. 2, WHICH AREA HAS BEEN DETERMINED TO BE THE BENEFITED 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), proposes to reconstruct certain pump stations, and construct and reconstruct sewer lines and appurtenances thereto (the "Sewer Improvement") situate in MBSIA No. 2, including original furnishings, equipment, machinery, and apparatus required therefore, all within MBSIA No. 2 and affecting the properties referred in in the Order Calling for a Public Hearing adopted by the Town Board on June 22, 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 Leslie F. Bollman, Director of the Department of Environmental Control of the Town, a competent engineer 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 \$200,000, 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 June 22, 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 August 2, 1993, at 8:45 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 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

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RESOLUTION NO. (508A-1993) Continued

WHEREAS, a public hearing in the matter of the construction of the proposed Sewer Improvement was duly held by the Town Board on this 2nd day of August, 1993, commencing at 9:13 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; and

WHEREAS, the Town Board has given due consideration to the impact that the construction of the Sewer Improvement may have on the environment and on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a duly executed Short Environmental Assessment Form has been filed in the office of the Town Clerk.

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 \$200,000.

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 the Order Calling For A Public Hearing, within the Sewer Improvement Area, in the Town, and said Sewer Improvement Area is more particularly described as follows:

(DESCRIPTION OF BENEFITED AREA ON FILE IN TOWN CLERK'S OFFICE)

Section 3. The maximum amount proposed to be expended for said improvement is \$200,000 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 on said bonds as the same shall become due and payable.

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RESOLUTION NO. (508A-1993) Continued

Section 4. Permission of the New York State Comptroller is not required with respect hereto, the amount of \$200,000 being less than one-tenth of one percentum of the full valuation of real property in the Town, outside of any villages.

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 Co. Maloney and duly put to a vote on roll call, which resulted as follows:

AYES: Supervisor Holbrook
Council Members Dusanenko, Mandia,
Maloney and Smith

NOES: None.

The resolution was declared adopted.

RESOLUTION NO. (508B-1993)

TOWN BOARD
APPROPRIATING \$200,000
FOR CONSTRUCTION OF
SEWER IMPROVEMENTS
WITHIN MBSIA NO. 2

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

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED AUGUST 2, 1993, APPROPRIATING \$200,000 FOR THE CONSTRUCTION OF SEWER IMPROVEMENTS WITHIN MBSIA NO. 2 IN SAID TOWN, AND AUTHORIZING THE ISSUANCE OF \$200,000 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), proposed to reconstruct certain pump stations, and construct and reconstruct sewer lines and appurtenances thereto (the "Sewer Improvement") located in MBSIA No. 2, including original furnishings, equipment, machinery, and apparatus required therefor, all within MBSIA No. 2 and affecting the properties referred to in the Order Calling For A Public Hearing adopted by the Town Board on June 22, 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 Leslie F. Bollman, Director of the Department of Environmental Control of the Town, a competent engineer duly licensed by the State of New York, heretofore filed in the office of the Town Clerk for public inspection; and

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RESOLUTION NO. (508B-1993) Continued

WHEREAS, the maximum amount proposed to be expended for the construction of such Sewer Improvement is \$200,000, 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, 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 \$200,000; and

WHEREAS, permission of the New York State Comptroller is not required with respect hereto, the amount of \$200,000 being less than one-tenth of one percentum of the full valuation of real property in the Town, outside of any villages;

NOW, THEREFORE, BE IT

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK (by a 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 \$200,000 for the construction of the Sewer Improvement, including original furnishings, equipment, machinery, and apparatus required therefor, all within 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 referred to in the Recitals hereof, 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 \$200,000 and the plan of financing includes the issuance of serial bonds of the Town in the principal amount of \$200,000 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 \$200,000 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 \$200,000 serial bonds

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RESOLUTION NO. (508B-1993) Continued

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.

(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.

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RESOLUTION NO. (508B-1993) Continued

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

AYES: Supervisor Holbrook,
Council Members Dusanenko, Maloney
Mandia and Smith

NOES: None.

The resolution was declared adopted.

RESOLUTION NO. (508C-1993)

DIRECTING TOWN CLERK
TO PUBLISH
APPROPRIATING \$200,000
FOR CONSTRUCTION OF
SEWER IMPROVEMENTS
WITHIN MBSIA NO. 2

Co. Mandia 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 Co. Maloney and duly put to a vote on roll call, which resulted as follows:

AYES: Supervisor Holbrook,
Council Members Dusanenko, Maloney,
Mandia and Smith

NOES: None.

The resolution was declared adopted.

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Amendment to the Official Map re Grace and Orchard Streets, Nanuet, was opened, time: 9:19 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing

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re: Amendment to the Official Map re Grace and Orchard Streets, Nanuet, was closed, DECISION RESERVED, time: 10:25 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Zone Change from R-15 to CS - Map 126, Block A, Lot 20 (Terminello Enterprises, Inc.) was opened, time: 10:26 P.M.

On motion of Councilman Dusanenko, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Zone Change from R-15 to CS - Map 126, Block A, Lot 20 (Terminello Enterprises, Inc.) was closed, time: 11:05 P.M.

On motion of Councilman Dusanenko, seconded by Councilman Mandia and unanimously adopted the public hearings re: Proposed Ambulance Districts - Spring Hill and New City, were opened, time: 11:05 P.M..

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearings re: Proposed Ambulance Districts - Spring Hill and New City, were closed, RESOLUTIONS ADOPTED, time: 11:10 P.M.

RESOLUTION NO. (509-1993)

ESTABLISHMENT OF
SPRING HILL AMBULANCE
DISTRICT

Co. Dusanenko offered and Co. Mandia seconded

WHEREAS, Atzl, Scatassa & Zigler, surveyors and planners, prepared a general map and description, and Robert Geneslaw, Planning Consultant, prepared a plan and report for providing basic life support service and general ambulance service within the Town of Clarkstown, consisting of a portion of Clarkstown within the Village of Spring Valley, New York, wherein the Spring Hill Ambulance District was proposed to be established, and

WHEREAS, on March 22, 1993 the said map and description prepared by Atzl, Scatassa & Zigler, and on March 23, 1993 the plan and report prepared by Robert Geneslaw were duly filed in the office of the Town Clerk of the Town of Clarkstown, and

WHEREAS, on March 23, 1993, the Town Board determined that it shall act as lead agency for the purposes of SEQRA, and authorized and directed Robert Geneslaw, Planning Consultant, to act as agent for the Town Board with respect to SEQRA review, and

WHEREAS, the boundaries of the proposed Spring Hill Ambulance District are shown on Schedule "A" annexed hereto, and

WHEREAS, the services proposed to be performed or provided are shown in the report of Robert Geneslaw, and

WHEREAS, the maximum amount proposed to be expended for such services in the year 1994, as stated in the Order and Notice calling for a public hearing filed in the Office of the Town Clerk, was not to exceed \$54,690.00, and

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RESOLUTION NO. (509-1993) Continued

WHEREAS, the expense of the cost of performing or providing such service by the Spring Hill Ambulance District, shall be assessed by the Town Board in proportion as nearly as may be to the benefit which each lot or parcel will derive therefrom, and

WHEREAS, the proposed method to be employed for paying for such service is by taxation levied upon the parcels of land in the district, and

WHEREAS, the map, description, plan and report describing the Spring Hill Ambulance District and the services to be performed or provided thereby are on file in the office of the Town Clerk of the Town of Clarkstown for public inspection, and

WHEREAS, THE Town Board of the Town of Clarkstown by Order duly adopted on March 23, 1993, scheduled a public hearing for April 27, 1993 at 9:00 P.M., to consider the establishment of the Spring Hill Ambulance District, and to hear all persons interested in the subject thereof, and

WHEREAS, the Order calling for the public hearing was duly published and posted as required by law and the public hearing was duly held at the time and place specified in the Order, and the Town Board heard all persons interested in the subject thereof who appeared at such time and place concerning same, and

WHEREAS, the Town Board of the Town of Clarkstown have received a report dated March 29, 1993, concerning SEQRA from Robert Geneslaw, acting as agent on behalf of the Town Board, which the Board has discussed and considered such report in making their decision herein, and

WHEREAS, the evidence offered at such time and place required that the Town Board make the following determinations:

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Clarkstown, in the County of Rockland, that it be and hereby is determined as follows:

1. The Order and Notice was published as required by law and is otherwise sufficient.
2. That all of the property and property owners within the proposed Spring Hill Ambulance District are benefitted thereby.
3. That all of the property and property owners benefitted are included within the proposed Spring Hill Ambulance District as hereinafter described.
4. It is in the public interest to establish the proposed Spring Hill Ambulance District,

and be it

FURTHER RESOLVED, that based on the report dated March 29, 1993, from Robert Geneslaw, Planning Consultant, acting as agent on behalf of the Town Board, as lead agency, the

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RESOLUTION NO. (509-1993) Continued

Town Board hereby finds that the establishment of the proposed Spring Hill Ambulance District is a Type II action and does not have any significant impact upon the environment and no further processing is required under SEORA, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown, does hereby approve the establishment of the Spring Hill Ambulance District consisting of a portion of Clarkstown within the Village of Spring Valley, New York, wherein the Spring Hill Ambulance District was proposed to be established, as shown on Schedule "A" annexed hereto, and be it

FURTHER RESOLVED, that the services to be performed or provided by the Spring Hill Ambulance District are basic life support service and general ambulance service, and be it

FURTHER RESOLVED, that the cost of performing or providing said services, including legal fees and other expenses shall be paid for by taxation upon the various parcel of land in the district and be it

FURTHER RESOLVED, that the cost of such district shall be apportioned upon a benefit basis among the various lots or parcels within the district and maximum amount to be expended in the year 1994 shall not be more than \$54,690.00, and be it

FURTHER RESOLVED, that this Resolution is subject to a Permissive Referendum in the manner provided in Article 7 of the Town Law and Section 209-e (3) of the Town Law, and be it

FURTHER RESOLVED, that the Town Clerk be and hereby is authorized and directed to file a certified copy of this Resolution, in duplicate, in the office of the State Department of Audit and Control, at Albany, New York, together with an application, in duplicate, for permission to so establish said Spring Hill Ambulance District in the manner and form prescribed by Section 209-f of the Town Law of New York, within thirty days after the adoption of this Resolution, and be it

FURTHER RESOLVED, that the Town Supervisor be and hereby is authorized and directed to execute said application on behalf of the Town of Clarkstown, 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

RESOLUTION NO. 510-1993)

ESTABLISHMENT OF NEW
CITY AMBULANCE DISTRICT

Co. Dusanenko offered and Co. Mandia seconded

WHEREAS, Atzl, Scatassa & Zigler, surveyors and planners, prepared a general map and description, and Robert Geneslaw, Planning Consultant, prepared a plan and report for providing basic life support service and general ambulance service within the unincorporated area of the Town wherein the New City Ambulance District was proposed to be established, and

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RESOLUTION NO. (510-1993) Continued

WHEREAS, on March 22, 1993 the said map and description prepared by Atzl, Scatassa & Zigler, and on March 23, 1993 the plan and report prepared by Robert Geneslaw were duly filed in the office of the Town Clerk of the Town of Clarkstown, and

WHEREAS, on March 23, 1993, the Town Board determined that it shall act as lead agency for the purposes of SEQRA, and authorized and directed Robert Geneslaw, Planning Consultant, to act as agent for the Town Board with respect to SEQRA review, and

WHEREAS, the boundaries of the proposed New City Ambulance District are shown on Schedule "A" annexed hereto, and

WHEREAS, the services proposed to be performed or provided are shown in the report of Robert Geneslaw, and

WHEREAS, the maximum amount proposed to be expended for such services in the year 1994, as stated in the Order and Notice calling for a public hearing filed in the Office of the Town Clerk, was not to exceed \$107,190.00, and

WHEREAS, the expense of the cost of performing or providing such service by the New City Ambulance District, shall be assessed by the Town Board in proportion as nearly as may be to the benefit which each lot or parcel will derive therefrom, and

WHEREAS, the proposed method to be employed for paying for such service is by taxation levied upon the parcels of land in the district, and

WHEREAS, the map, description, plan and report describing the New City Ambulance District and the services to be performed or provided thereby are on file in the office of the Town Clerk of the Town of Clarkstown for public inspection, and

WHEREAS, THE Town Board of the Town of Clarkstown by Order duly adopted on March 23, 1993, scheduled a public hearing for April 27, 1993 at 8:40 P.M., to consider the establishment of the New City Ambulance District, and to hear all persons interested in the subject thereof, and

WHEREAS, the Order calling for the public hearing was duly published and posted as required by law and the public hearing was duly held at the time and place specified in the Order, and the Town Board heard all persons interested in the subject thereof who appeared at such time and place concerning same, and

WHEREAS, the Town Board of the Town of Clarkstown have received a report dated March 29, 1993, concerning SEQRA from Robert Geneslaw, acting as agent on behalf of the Town Board, which the Board has discussed and considered such report in making their decision herein, and

WHEREAS, the evidence offered at such time and place required that the Town Board make the following determinations:

NOW, THEREFORE, be it

RESOLVED, by the Town Board of the Town of Clarkstown, in the County of Rockland, that it be and hereby is determined as follows:

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RESOLUTION NO. (510-1993) Continued

1. The Order and Notice was published as required by law and is otherwise sufficient.
2. That all of the property and property owners within the proposed New City Ambulance District are benefitted thereby.
3. That all of the property and property owners benefitted are included within the proposed New City Ambulance District as hereinafter described.
4. It is in the public interest to establish the proposed New City Ambulance District,

and be it

FURTHER RESOLVED, that based on the report dated March 29, 1993, from Robert Geneslaw, Planning Consultant, acting as agent on behalf of the Town Board, as lead agency, the Town Board hereby finds that the establishment of the proposed New City Ambulance District is a Type II action and does not have any significant impact upon the environment and no further processing is required under SEQRA, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown, does hereby approve the establishment of the New City Ambulance District encompassing the unincorporated area of the Town of Clarkstown, as shown on Schedule "A" annexed hereto, and be it

FURTHER RESOLVED, that the services to be performed or provided by the New City Ambulance District are basic life support service and general ambulance service, and be it

FURTHER RESOLVED, that the cost of performing or providing said services, including legal fees and other expenses shall be paid for by taxation upon the various parcel of land in the district and be it

FURTHER RESOLVED, that the cost of such district shall be apportioned upon a benefit basis among the various lots or parcels within the district and maximum amount to be expended in the year 1994 shall not be more than \$107,190.00, and be it

FURTHER RESOLVED, that this Resolution is subject to a Permissive Referendum in the manner provided in Article 7 of the Town Law and Section 209-e (3) of the Town Law, and be it

FURTHER RESOLVED, that the Town Clerk be and hereby is authorized and directed to file a certified copy of this Resolution, in duplicate, in the office of the State Department of Audit and Control, at Albany, New York, together with an application, in duplicate, for permission to so establish said New City Ambulance District in the manner and form prescribed by Section 209-f of the Town Law of New York, within thirty days after the adoption of this Resolution, and be it

FURTHER RESOLVED, that the Town Supervisor be and hereby is authorized and directed to execute said application on behalf of the Town of Clarkstown, New York.

On roll call the vote was as follows:

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RESOLUTION NO. (510-1993) Continued

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

RESOLUTION NO. (511-1993)

ACCEPTING MINUTES OF
TOWN BOARD MEETING OF
JULY 13, 1993

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of July 13, 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. (512-1993)

APPROPRIATING FUNDS TO
VETERAN ORGANIZATION

Co. Maloney offered and Co. Smith 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:

American Legion Naurashank Post 794

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..... | Yes |
| Supervisor Holbrook..... | Yes |

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RESOLUTION NO. (513-1993)

SUPV. TO ENTER INTO
AGREEMENT FOR LIBRARY
ASSISTANCE (NANUET)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement with the library organizations listed below, in a form approved by the Town Attorney, which provides a service for residents of the Town of Clarkstown which is deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that said library shall receive library assistance, pursuant to §256 of the Education Law of New York State, in the amount of \$3,000.00 for the calendar year 1993.

NANUET PUBLIC LIBRARY

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. (514-1993)

ALLOCATE ECONOMIC
ASSISTANCE (SUMMER
THEATER FESTIVAL)

Co. Dusanenko offered and Co. Smith seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement, in a form approved by the Town Attorney, with the following non-profit organization, to provide services and 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 to:

CLARKSTOWN SUMMER THEATER FESTIVAL \$700.00

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. 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

RESOLUTION NO. (515-1993)

FILING APPLICATION
"COMMUNITY CENTER
PROGRAMS/5 TOWNS"

Co. Mandia offered and Co. Smith seconded

RESOLVED, based upon the recommendation of Charles F. Connington, Supt. of Recreation and Parks, that the

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RESOLUTION NO. (515-1993) Continued

Supervisor is hereby authorized to file a Recreation Project Renewal application entitled "Community Center Programs/5 Towns" with the New York State Division for Youth, in the amount of \$5,624.00 for the period commencing January 1, 1994 through December 31, 1994.

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. (516-1993)

FILING APPLICATION
"COMMUNITY CENTER
PROGRAMS"

Co. Mandia offered and Co. Smith seconded

RESOLVED, based upon the recommendation of Charles F. Connington, Supt. of Recreation & Parks, that the Supervisor is hereby authorized to file a Recreation Project Renewal application entitled "Community Center Programs" with the New York State Division for Youth, in the amount of \$22,568.00 for the period commencing January 1, 1994 through December 31, 1994.

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. (517-1993)

FUNDING FOR JUVENILE
AID BUREAU

Co. Mandia offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown Police Department is responsible for the operation of the Clarkstown Police Juvenile Aid Bureau, and

WHEREAS, the State of New York and County of Rockland have each recognized the need to assist local municipalities with such programs through the continuation of Division for Youth funding on a 50/50 matching funds basis;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown hereby approves and supports the submission of the Clarkstown Police Department's Juvenile Aid Bureau grant application for 50/50% Division for Youth funding for 1994, and be it

FURTHER RESOLVED, that the Town of Clarkstown shall provide matching funds equal to or in excess of the monies reimbursed under the aforesaid grant, pursuant to the proposed budget submitted herewith.

On roll call the vote was as follows:

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RESOLUTION NO. (517-1993) Continued

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

RESOLUTION NO. (518-1993) FUNDING FOR YOUTH COURT

Co. Mandia offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown Police Department is responsible for the administration of the Clarkstown Youth Court program, and

WHEREAS, the State of New York and County of Rockland have each recognized the need to assist local municipalities with such programs through the continuation of Division for Youth funding on a 50/50 matching funds basis;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown hereby approves and supports the submission of the Clarkstown Police Department's Youth Court grant application for 50/50% Division for Youth funding for 1993, and be it

FURTHER RESOLVED, that the Town of Clarkstown shall provide matching funds equal to or in excess of the monies reimbursed under the aforesaid grant, pursuant to the proposed budget submitted therewith.

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. (519-1993) DUTCH GARDEN RESTORATION (SANDSTONE BLOCKS)

Co. Mandia offered and Co. Smith seconded

WHEREAS, the Friends of Dutch Garden are in the process of restoring the Dutch Garden to its original state, and

WHEREAS, there is a great need for native sandstone blocks in connection with the restoration, and

WHEREAS, there is an existing retaining wall of sandstone blocks along the boundaries of the easterly side of Maple Avenue and the southerly side of Demarest Avenue, on the construction site of the new police and justice building, which is not being utilized in connection with the new construction project;

NOW, THEREFORE, be it

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RESOLUTION NO. (519-1993) Continued

RESOLVED, that said sandstone blocks not necessary for use on Town property be made available to the Friends of Dutch Garden, without charge, to be used in the restoration of the Garden for the benefit of the communities heritage.

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. (520-1993)

DEFENSE PROCEEDING
(KIMBALL & CLIFF PARKER
V. TOWN OF CLARKSTOWN)

Co. Smith offered and Co. Maloney seconded

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

KIMBALL PARKER and CLIFF PARKER,

Plaintiffs,

-against-

THE TOWN OF CLARKSTOWN,

Defendant.

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

RESOLUTION NO. (521-1993)

SETTING PUBLIC HEARING
(ZONE CHANGE) FRASER

Co. Smith offered and Co. Maloney seconded

WHEREAS, JAMES AND LINDA FRASER, ET AL, have petitioned the Town Board of the Town of Clarkstown 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";

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RESOLUTION NO. (521-1993) Continued

NOW, THEREFORE, be it

RESOLVED, 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 November 23, 1993, at 8:35 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

RESOLUTION NO. (522-1993)

COMMENCING ACTION
AGAINST AETNA

o. Smith offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes the Town Attorney to commence an action against Aetna Casualty and Surety Company, Guarantee Insurance Company, Insurance Company of North America, Pacific Employers Insurance Company, National Union Fire Insurance Company of Pittsburgh, Pa., for a Declaratory Judgment concerning the insurance carriers' duty to defend and indemnify the Town with respect to claims and obligations pursuant to the consent decree with New York State Department of Environmental Conservation for the remediation of the Clarkstown Sanitary Landfill.

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. (523-1993)

AUTHORIZING SETTLEMENT
(NYACK HOSPITAL)

Co. Smith offered and Co. Maloney seconded

WHEREAS, an action was commenced by Nyack Hospital against the Town of Clarkstown to recover the sum of \$9,300.00, plus interest, costs and disbursements, and

WHEREAS, Nyack Hospital has agreed to settle said action for the sum of \$4,650.00;

NOW, THEREFORE, be it

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RESOLUTION NO. (523-1993) Continued

RESOLVED, that said action be settled for the sum of \$4,650.00 upon receipt of a Stipulation of Discontinuance with prejudice, and that said \$4,650.00 should be charged to the Liability and Insurance account.

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. (524-1993)

AUTHORIZING TURKEY SHOOT (NYACK LIONS CLUB)

Co. Smith offered and Co. Dusanenko seconded

WHEREAS, the Nyack Lions Club, has requested the consideration of the Town Board of the Town of Clarkstown to hold a Turkey Shoot as a fund raiser for their organization, and

WHEREAS, the proposed Turkey Shoot is to be held on September 12, 19, 26 and October 3, 1993, with October 10th as a raindate, on property of Carl H. Landgren located near Route 9W and Christian Herald Road;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby grants approval to the Nyack Lions Club to hold a Turkey Shoot on the dates specified, and be it

FURTHER RESOLVED, that the Chief of Police of the Town of Clarkstown shall be notified of the time and place of each Turkey Shoot.

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. (525-1993)

SPRING VALLEY WATER CO. TO INSTALL HYDRANTS (KING ARTHUR COURT)

Co. Mandia offered and Co. Smith seconded

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

Hydrant No. 1 - North side of King Arthur Court approximately 160 feet east of the center line of Dolphin Road between lots 26 and 27

Hydrant No. 2 - North side of King Arthur Court approximately 785 feet east of the center line of Dolphin Road between lots 31 and 32

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RESOLUTION NO. (525-1993) Continued

Investigation No. 9486, 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. (526-1993)

SPRING VALLEY WATER CO.
TO INSTALL HYDRANTS
(MESA PLACE)

Co. Mandia offered and Co. Smith seconded

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

West side of Mesa Place approximately 800 feet west of the center line of Pascack Road between Lot Nos. 1 and 2

South side of Mesa Place approximately 240 feet west of the center line of Pascack Road between Lot Nos. 6 and 7

Investigation No. 10971, 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. (527-1993)

INSTALLATION OF VARIOUS
TRAFFIC SIGNS ON
BARDONIA ROAD

Co. Mandia offered and Co. Smith seconded

WHEREAS, Howard L. Lampert, P.E., Traffic and Highway Engineering Consultant in a report dated July 12, 1993 has recommended the installation of various traffic signs on Bardonia Road, Bardonia,

NOW THEREFORE, be it

RESOLVED, that John F. Mauro, Supt. of Highways is hereby authorized to install the following:

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RESOLUTION NO. (527-1993) Continued

| SIGNS | | | |
|-------|--|---------------------------------------|-------------------|
| | <u>Location</u> | <u>Legend</u> | <u>NYS Sign #</u> |
| | Easterly end Bardonia Road (both eastbound and westbound) | REVERSE TURN 20 MPH ADVISORY SPEED | W1-5C W9-1X |
| | Jay Street at intersection Bardonia Road | STOP | R1-1 |
| | Whispering Court at intersection Bardonia Road | STOP | R1-1 |
| | Tudor Court at intersection Bardonia Road | STOP | R1-1 |
| | Ash Road at intersection Bardonia Road | STOP | R1-1 |
| | Joseph Lane at intersection Bardonia Road | STOP | R1-1 |
| | Aleane Terrace at intersection Bardonia Road | STOP | R1-1 |

Install stop bars at all above mentioned stop sign installations and restripe existing stop lines on Barry Lane, Renee Lane, and Inwood Drive at intersection Bardonia Road, Bardonia.

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. (528-1993)

INSTALLATION OF "SPEED
LIMIT 15" & "SCHOOL
SIGNS" (BARDONIA ROAD)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, John F. Mauro, Clarkstown Superintendent of Highways has reviewed the recommendations of both Manuel da Cunha, Superintendent of Highways, County of Rockland and those of Howard L. Lampert, Traffic & Highway Engineering Consultant, and has further reviewed the Manual of Uniform Traffic Control Devices for the State of New York regarding the Reduced School Speed Limit Zone for Bardonia Road, in the area of the Bardonia Elementary School, and,

WHEREAS, John F. Mauro, Clarkstown Superintendent of Highways is in agreement with Manuel da Cunha, Superintendent of Highways, County of Rockland that this proposed Reduced School Speed Limit Zone be established,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby establishes a Reduced School Speed Limit Zone on Bardonia Road at the entrance driveway for the Bardonia Elementary School, Bardonia, and be it

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RESOLUTION NO. (528-1993) Continued

FURTHER RESOLVED, that John F. Mauro, Superintendent of Highways, is hereby authorized to install NYS Sign Number R2-1 with the legend "Speed Limit 15", and NYS Auxilliary Sign Number W6-3 "School", both eastbound and westbound on Bardonia Road within 300 feet of the newly created entrance driveway to the Bardonia Elementary School upon completion of this town improvement project.

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. (529-1993)

TRANSFERRING FUNDS
(VARIOUS ACCOUNTS)

Co. Smith offered and Co. Maloney seconded

WHEREAS, various accounts require additional funds,
NOW, THEREFORE, be it

RESOLVED, to increase Appropriation Account No. A 1420 110 (Town Attorney-Salaries) and decrease the following Appropriation Accounts:

- A 3120 409 (Police-Fees for Services)...\$10,000.00
- A 3120 436 (Laboratory Services)..... 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. (530-1993)

TRANSFERRING FUNDS
VARIOUS ACCOUNTS

Co. Smith offered and Co. Maloney seconded

WHEREAS, various appropriation accounts require additional funding,

NOW, THEREFORE, be it

RESOLVED, to decrease Appropriation Account No. A 4210 404 (Counseling-Travel, mileage & meals) and increase A 4210 301 (Food) by \$35.00, and be it

FURTHER RESOLVED, to decrease Appropriation Account No. B 3620 201 (Bldg. Furniture & Furnishings) by \$306.00 and increase the following Appropriation Accounts:

- B 3620 422 (Licenses & Agreements)....\$ 10.00
- B 3620 423 (Association Dues)..... 50.00
- B 3620 438 (Maintenance Agreements)....246.00

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RESOLUTION NO. (530-1993) Continued

and be it

FURTHER RESOLVED, to decrease Contingency Account No. A 1990 505 by \$18,402.00 and increase the following Appropriation Accounts:

- A 1356 114 (Bd. of Assmt.-Part Time) \$ 2,200.00
- A 1430 409 (Personnel-Fees for Serv.) 300.00
- A 1680 313 (Data Proc.-Office Supp.).. 185.00
- A 1680 314 (Computer Supplies)..... 835.00
- A 3325 219 (NYS Energy-Misc. Equip)...12,662.00
- A 8090 409 (Control Aquatic Pests).... 2,220.00

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. (531-1993)

INCREASING REVENUE
ACCOUNT & APPROPRIATION
ACCOUNT

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received \$14,000.00 from the County of Rockland for the Church Street Culvert Replacement Project,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account H 15 4 2300 (Capital #2-Service from Other Governments) and Appropriation Account No. H 1989 409 0 3 1 by \$14,000.00.

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. (532-1993)

INCREASE ACCOUNT
(COMPUTER HARDWARE)
DECREASE ACCOUNT
(COMPUTER SUPPLIES)

Co. Smith offered and Co. Maloney seconded

RESOLVED, to increase Account 7020-225 (Computer Hardware) in the amount of \$35.00 and decrease Account 7020-314 (Computer Supplies) in the amount of \$35.00.

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. (533-1993)

TRANSFERRING FUNDS

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Comptroller is hereby authorized to transfer the sum of \$14,184.64 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
Councilwoman Smith.....Yes
Councilman Mandia.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (534-1993)

DISPENSING WITH
COMPETITIVE BIDDING
(EMERGENCY)

Co. Smith offered and Co. Mandia seconded

WHEREAS, on or about May 10, 1993, a fire occurred at the Town of Clarkstown Route 59 Composting Facility which resulted in the destruction of a Fuel Harvester Tub Grinder, and the loss of this piece of equipment has prevented the processing of approximately 500 tons per month of brush and wood waste materials collected at said facility pursuant to mandate of the New York State Department of Environmental Conservation, with the result that all such materials have been stockpiled at the facility since the destruction of said equipment, and

WHEREAS, the stockpiled materials have almost filled the facility and pose an imminent risk of further and more serious fires due to current weather conditions, and

WHEREAS, the Director of the Department of Environmental Control has advised that adequate replacement equipment may not be obtained except for short periods of time at great expense, and that such procurement would be insufficient to correct the dangerous conditions at said facility, and

WHEREAS, the Director of the Department of Environmental Control has thoroughly investigated the availability of an adequate replacement machine and has recommended the immediate purchase of a New "Diamond Z Tub Grinder, Model 1260."

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby declares that a public emergency threatening the health, safety and welfare of the community exists because of such danger of fire, which requires that a replacement tub grinder be obtained without awaiting the results of competitive bidding, and it is

FURTHER RESOLVED, that the Supervisor is authorized to enter into an agreement in a form approved by the Town Attorney for the lease/purchase of one (1) New "Diamond Z Tub Grinder, Model 1260 " which is available for immediate delivery from the manufacturer, for a term of sixty (60) months at a lease/purchase cost not to exceed \$5,190.00 per month, and be it

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RESOLUTION NO. (534-1993) Continued

FURTHER RESOLVED, that the cost of such lease/purchase shall be charged to Account No. SR 8160 443.

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. (535-1993)

AUTHORIZING ADVERTISING
FOR BID #52-1993 -
CURBSIDE PICK-UP OF
RESIDENTIAL BULK REFUSE

Co. Smith offered and Co. Maloney seconded

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

BID #52-1993
CURBSIDE PICK-UP OF RESIDENTIAL BULK REFUSE

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on September 2, 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. (536-1993)

ADVERTISING FOR BID
#53-1993 - FLASHING
SIGNAL

Co. Maloney offered and Co. Smith seconded

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

BID #53-1993
FLASHING SIGNAL - SMITH ROAD AT KINGSGATE
PARKWAY/OVERLOOK BOULEVARD, SPRING VALLEY

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on September 1, 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

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RESOLUTION NO. (536-1993) Continued

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. (537-1993)

ADVERTISING FOR BIDS
FOR PLAYGROUND
CONSTRUCTION (LAKE
NANUET & CONGERS LAKE
MEMORIAL PARK (BID #54-1993)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Director of Purchasing is hereby authorized to advertise for bids for the construction of Playgrounds at Lake Nanuet and Congers Lake Memorial Park, and be it

FURTHER RESOLVED, that the bids be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 a.m. on Monday, September 20, 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. (538-1993)

AWARDING BID #44-1993
(UNIFORM MAINTENANCE-
POLICE DEPARTMENT)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Captain of the Police Department and the Director of Purchasing that

BID #44-1993
UNIFORM MAINTAINENCE SERVICES FOR THE CLARKSTOWN
POLICE DEPARTMENT

is hereby awarded to:

D & R Cleaners, Inc.
D/B/A Finesse French Cleaners
63 E. Central Avenue
Pearl River, NY 10965

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RESOLUTION NO. (538-1993) Continued

as per their proposal item/price schedule on file in the Purchasing Department.

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. (539-1993)

AWARDING BID #45-1993
(COMPUTER/WORD
PROCESSING SUPPLIES)

Co. Smith offered and Co. Maloney seconded

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

BID #45-1993
COMPUTER/WORD PROCESSING SUPPLIES

is hereby awarded to

BOUTONS BUSINESS MACHINE
95 ROUTE 304
NANUET, NY 10954
PRINCIPAL: JOHN MAIORANO

ADVANTAGE BUSINESS PROD.
3 CROSS STREET
SUFFERN, NY 10901
PRINCIPALS: TAMARA BRISK
JACK SCHWED
SAM SCHWED
JUDITH SCHWED

CAMBRIDGE DATA SUPPLIES
75 MONTEBELLO RD.
SUFFERN, NY 10901
PRINCIPALS: JOHN CONNOLLY
ANN CONNOLLY

HOLLAND BUSINESS SERVICES
13 TAMARAC DRIVE
NEW CITY, NY 10956
PRINCIPAL: ROBERT HOLLAND

MANHATTAN STATIONERY CO., INC.
3010 WESTCHESTER AVE.
PURCHASE, N.Y. 10577
PRINCIPAL: HARVEY ARONOFF

PREFERRED BUSINESS FORMS
635 OLD WHITE PLAINS ROAD
TARRYTOWN, NY 10591-5045
PRINCIPALS: JAMES KIERNAN
DENNIS KIERNAN

BT SUMMIT
34 MIDLAND AVE.
PORTCHESTER, N.Y. 10573
PRINCIPAL: PUBLIC CORPORATION

COMPUTER SUPPLIES UNLIMITED
135 HALSTEAD AVE.
HARRISON, N.Y. 10528
PRINCIPALS: ANN MARTINO
LARRY GRIPPO

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. (540-1993)

AWARDING OF BID
#46-1993 (CHRISTIAN

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RESOLUTION NO. (542-1993) Continued

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 Ernest Schlaugies, 162 Rose Road, West Nyack, New York - Assistant Automotive Mechanic - Mini Trans Department - is hereby granted a leave of absence, without pay, effective and retroactive to July 16, 1993 to August 16, 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. (543-1993)

EXTENSION OF LEAVE OF ABSENCE (JOSEPHINE WALSH) - HIGHWAY

Co. Smith offered and Co. Mandia seconded

WHEREAS, Josephine Walsh has requested an extension of her leave of absence, without pay, and

WHEREAS, Article XIX, Section I (b) of the Town of Clarkstown Labor Agreement provides for an extension of a leave of absence, without pay,

NOW, THEREFORE, be it

RESOLVED, that Josephine Walsh, 209 Radcliff Drive, Upper Nyack, New York, Senior Clerk Stenographer - Highway Department - is hereby granted an extension of her leave of absence, without pay, effective August 3, 1993 to September 13, 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. (544-1993)

APPOINTING EILEEN C. GRAY (SENIOR CLERK STENOGRAPHER)

Co. Smith offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #93121 Senior Clerk Stenographer (RC-NCP) which contains the name of Eileen Gray,

NOW, THEREFORE, be it

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RESOLUTION NO. (544-1993) Continued

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Eileen C. Gray, 42 Capral Lane, New City, New York, to the position of Senior Clerk Stenographer - Parks Board and Recreation Commission - at the current 1993 annual salary of \$31,711.00, effective and retroactive to July 16, 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. (545-1993)

APPOINTING CHARLES
CLARK - ASSISTANT
AUTOMOTIVE MECHANIC

Co. Smith offered and Co. Mandia seconded

RESOLVED, that Charles Clark, 90 Grove Street, Pearl River, New York, is hereby appointed to the position of (temporary) Assistant Automotive Mechanic - Town Garage - to cover the leave of absence of John Angelis - at the current 1993 annual salary of \$24,899.00, effective and retroactive to July 26, 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. (546-1993)

PROCESSING AND
ADMINISTRATIVE SERVICES
FOR POLICE (DISABILITY)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, certain police officers are not on duty because of disability resulting from injuries, and

WHEREAS, it is proposed that a member of the Town Attorney's staff perform processing and administrative services for the Police Department concerning disability and disability retirement of police officers, including but not limited to matters concerning section 207-C of the General Municipal Law;

NOW, THEREFORE, be it

RESOLVED, that Richard A. Glickel, Esq. is hereby authorized and directed to perform such processing and administrative services for the Police Department concerning the disability of police officers, for compensation of \$90.00 per hour, which shall be in addition to his salary as Deputy Town Attorney, and be it

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RESOLUTION NO. (546-1993) Continued

FURTHER RESOLVED, that such compensation shall be taken from Account No. A-1420-110

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. (547-1993)

REMOVAL OF ISLAND AT
BLITHE COURT, VALLEY
COTTAGE

Co. Smith offered and Co. Mandia seconded

WHEREAS, the Town has received a petition from homeowners who reside on Blithe Court in Valley Cottage, requesting that the Town remove the island on Blithe Court, due to its unsightly condition;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to remove the island at Blithe Court in Valley Cottage.

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. (548-1993)

REFERRING APPLICATION
TO ROCKLAND COUNTY AND
CLARKSTOWN PLANNING
BOARDS (MOBILE OIL
CORPORATION)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the MOBILE OIL CORPORATION has petitioned the Town Board of the Town of Clarkstown for a Special Permit in order to expand and modify the existing gasoline filling station and auto laundry pursuant to Section 106-10(A), General Use Regulations for an RS District, Table 12, Column 3, Item B(3) and (5) of the Zoning Ordinance, for property located at the intersection of the south side of Route 59 and the west side of Smith Street, Nanuet, New York, designated on the Clarkstown Tax Map as: Map 32, Block B, Lot 6, and;

NOW, THEREFORE, be it

RESOLVED, that the application for a Special Permit is hereby referred to the Rockland County Planning Board and the Clarkstown Planning Board for their review and recommendation, and be it

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RESOLUTION NO. (548-1993) Continued

FURTHER RESOLVED, that for 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.

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 no one further wishing to be heard, on motion of Councilman Maloney and seconded by Councilman Mandia and unanimously adopted, the Town Board Meeting was declared closed,
Time: 11:40 PM

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

8/2/93

9:00 P.M.

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

RE: Zone Change from LIO to LS - Map 164, Block A, Lot 20+
(Biondi)

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

Town Attorney stated that the County Planning Board disapproves. The Clarkstown Planning Board approves with conditions. According to our planning consultant SEQRA states there is no environmental impact. Supervisor said the Town Board could take a vote on this particular issue tonight if it wished to do so. Supervisor asked if the applicant or his representative was present.

Appearance: Donald S. Tracy, Esq.
attorney for applicant
Tracy, Bertolino & Edwards
New City, New York

Mr. Tracy said this is a parcel of land which was left in an LIO zone but which was always substandard as to bulk. The property is in the configuration of a strip center. The property in this strip center contains seven stores. There is in the center, by permission of the Zoning Board of Appeals, a dry cleaning store, print shop, lawyer's office and several vacancies. The applicant, in order to become conforming, and to recognize not only the changes but the needs in the area petitioned this Board for a change of zone from LIO to LS. The LS zone would permit the introduction of retail uses without the necessity of obtaining a variance every time a new use was requested. In appearing before the Clarkstown Planning Board the Clarkstown Planning Board was very solicitous that detailed traffic studies of the intersection be completed. Those studies were completed by John Collins, Engineer, who had also done the traffic studies for Parker-Nanuet and Costco site plan. The conclusion was that the level of service at the intersection would not change from Level D in the event that this zone change was approved. In effect, this would have no adverse effect upon the intersection whatsoever. The Planning Board in a rather lengthy resolution recommended approval of the zone change suggested that several conditions be complied with by the applicant. The first being a gratuitous dedication along Smith Road should be divided in accordance with the Rockland Highway Department's request. The second was that the applicant would upgrade the site to visually enhance the appearance of the site in conformance with ALC requirements. Were it not for those particular conditions which the Planning Board has recommended he might ask Mr. Biondi to indicate whether or not he agrees with the form of those conditions should this zone change be granted? Mr. Biondi stated that he agreed with the Planning Board's requests. Mr. Tracy said he would also like to call to the Town Board's attention the fact that there is a benefit to be derived from this particular zone change which was set forth and noticed by the Planning Board during their review. The traffic experts noticed that the introduction of retail use at this particular site which is already in effect a strip center is something which there is a need for in the area due to its proximity to all the

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condominiums. It further indicated that there would be a benefit in that the introduction of retail use would prevent and ameliorate some of the traffic which would otherwise be heading in a southerly direction. Therefore, Mr. Tracy stated, that they respectfully solicit this zone change to LS on the basis of the fact that the LIO is a non-conformity and cannot be cured. There has been a change in the area. There will be a benefit to the Town and the Town Planning Board has recommended approval with the conditions set forth.

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

Appearance: Mr. Alan Yassky, Partner
 Airport Executive Park

Mr. Yassky said he has appeared before this Board for thirty years and as owner of Airport Executive Park for twenty years and win, lose or draw he has never done it in anger. He said they came here in 1974 and started talking about putting a road through to Route 59 to avoid the tunnel and to ameliorate the traffic in the area, to build a park that Clarkstown could have a ratable to be proud of and he said that half the members of the Board said to him you are wasting your time and your money. The only thing that will ever go in Clarkstown are metal trucker buildings because that is all we are ever going to sell. We've spent a lot of time there and we have a real vested interest in the area.

Mr. Yassky said about 18 months ago they went in and built Building 150 which you all know of. We went in for a change for a building that is slightly larger than this room, an additional 6,000 square feet. The Planning Board did not agree. He noted that the same experts that were just quoted in traffic had said that the road couldn't handle that traffic from Costco and consequently for 6,000 square feet the Planning Board didn't ask us to donate the land (we had already done that on Smith Road) but they wanted us to go in and do what we agreed to do - a \$60,000.00 improvement for 6,000 square feet. They also wanted sidewalks the full length from Smith Road all the way down to Costco because they forgot to ask for that. We agreed to do it. Everytime the reason was the 6,000 square feet are going to take 15 more cars a day - 15 to 20 tops that would come in the morning and go out at night.

Mr. Yassky went on to state that the zone change that you are asked to do will allow, and I assure you will have, a 711 type convenience store or a delicatessen. As you know that is my business and I will tell you if a convenience store doesn't turn 50 cars an hour for 16 hours a day it is a loser. And we have an "expert" saying there will be no adverse effect on the traffic at that light on Smith Road - where Smith Road is a two lane road going into a traffic light. That is absolute nonsense. He said he could not believe that the Planning Board doesn't know that is absolute nonsense.

Mr. Yassky said now they are going to say that that is not what is being asked for. You grant this zone change and that will be use by right - a 711 or a delicatessen. He said the same site went to the Zoning Board of Appeals less than two years ago for a delicatessen and was turned down by the ZBA and it is his understanding that it was turned down because it was not appropriate use of the site. For a planning expert, a traffic engineer, to say that the traffic coming down Smith Road and making right and left hand turns at that light or less

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than a hundred feet beyond that light into this small strip center will cause less traffic than taking a turn with the light and going down a four lane highway to Shop Rite is obscene. He said thirty years ago when he stood here for the first time he owned Richard Corners which is now the Clarkstown South High School and the Town came to me and they wanted that site for a school and he wanted to build on it but he said no you are right. It is better for a school. You guys take it. It went to a public referendum and the same traffic advisers told this Board that if they approved that school there would be two and half hours back up getting in and getting out every morning and night. There isn't five minutes backup getting in and out every night. He said you have to look where the gun's been hired. We have no objection to what is going on in Mr. Biondi's place. We have no problem with his use. We have a serious problem with that becoming a convenience store open from God knows when in the morning to when at night. We are beginning to have severe problems around there with graffiti and people hanging around. It will become a hangout. We don't need the dirt. We don't need the garbage and we don't need the traffic. It's a wrong use.

Mr. Yassky said if you want to make the zone change that is fine with us. Let them say as they have apparently told the Planning Board they have no interest in that type of use, then let them exclude that type of use now. Let them tell this Board that they will exclude the use of a convenience store, fast food restaurant or a deli and he has no objection at all. But as long as this change gives them carte blanche to do that he is telling the Board that whatever the Planning Board was thinking, and he doesn't have the slightest idea, this is wrong for the Town. It is wrong for the people who live in the condominiums and would have to fight that traffic to get home. It is wrong all the way around. That area has the potential to be developed beautifully and it is going along nicely. What we don't need now in the middle of it is this kind of mess that is going to absolutely deteriorate everything around it and certainly hurt the physical movement about.

Mr. Yassky concluded pointing out that the Building Department of Clarkstown in Building 300 which you are all familiar with - we have an outfit in there called Educational Warehouse. They drew about 4 to 6 cars an hour because they were doing some retail sales. The Building Department made them move. They made them leave there because they were in an LIO and their contention was it didn't stand up to the traffic. They were creating too much traffic. It wasn't what was needed in the area. You can't have it both ways. He said he would suggest to the Board that they deny this application or at the very least to ask them to exclude those things which would be most objectionable, namely a convenience store, a deli and that type of thing.

Supervisor asked if there was anyone else wishing to make a statement or ask a question. No one did. He then called upon the applicant to summarize before we close the public hearing and reserve decision.

Mr. Tracy said he didn't know if Mr. Yassky was expressing sour grapes perhaps because he felt that this use might be best placed as retail uses in his establishment. He did not know if Mr. Yassky was criticizing the experts and the Planning Board because he, as a land owner and a real estate broker, knows more than the traffic experts. The traffic experts we are speaking of are not merely traffic experts hired

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by his client but we also received the complete concurrence of the Town's traffic expert, Mr. Sarna, in his analysis of the traffic. With regard to the application which Mr. Yassky indicated was denied two years ago it was denied on February 13, 1986 and much has happened in that area since then. He said he can understand an adjacent property owner's consternation and he can understand his protest that he just doesn't like this but Mr. Tracy said he respectfully submits that regardless of how astute a property owner may be or think he may be, how renowned, how successful, he does not stand in loco parentis or in the place of the Planning Board, the experts who serve the Planning Board and those that have recommended that this would be a good thing for the area and that includes your own planning consultant, Mr. Geneslaw who remarks that there is a need.

Mr. Tracy said he would also like to correct one thing that Mr. Yassky said. At no time before the Planning Board, and he represented Mr. Biondi before the Planning Board, did we ever represent that we would not have this kind of use or that kind of use or any other kind of use on the premises. We are seeking LS uses. The Planning Board has recommended LS uses. The Town Planning Consultant has agreed there is a need for those LS uses under current conditions and the traffic experts have said that those LS uses will not present a situation more onerous than that which exists at the present time which is traffic level D which is an acceptable one.

Councilman Maloney said the answer to the question which Mr. Yassky answered was that your client is not prepared to exclude convenience stores, etc. Mr. Tracy said we never did. As a matter of fact whether we will have a convenience store - and he did not think 711 is in the business of expanding today and he thinks the Southland Corporation is kind of shrinking - we will take what uses will enable his client to upgrade the center and lease to a lawful use.

There being no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilman Dusanenko and unanimously adopted, the public hearing was declared closed, DECISION RESERVED, time: 9:12 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

8/2/93

9:13 P.M.

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

RE: Sewer Improvements - MBSIA No. 1 and MBSIA No. 2

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted the public hearings were declared open. Town Clerk read notices calling public hearings and testified as to proper postings and publications.

Town Attorney stated that the first public hearing was for \$800,000.00 and the second one was for \$200,000.00. He called upon Jerry Brickwood of the Environmental Department to give testimony. Mr. Brickwood was sworn in by the Supervisor.

Appearance: Mr. Jerry Brickwood, representing
Department of Environmental Control of
the Town of Clarkstown

Mr. Brickwood said the purpose of these hearings is the study, design and reconstruction of older pump stations which are in the sanitary sewer system and also for the repair of sewer lines.

Town Attorney reiterated that the \$800,000.00 was for MBSIA No. 1 and \$200,000.00 was for MBSIA No. 2. Supervisor said if these pumping stations are not reconstructed and maintained what could be the result? Mr. Brickwood said there could be pollution of streams, backup in homes, etc. Supervisor asked what is the life of these pump stations? Mr. Brickwood said most of these were installed in the early 70's or late 60's and are rapidly approaching the end of their usefulness.

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

On motion of Councilman Maloney, seconded by Councilman Dusanenko and unanimously adopted, the public hearings were declared closed, RESOLUTIONS ADOPTED, time: 9:18 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN,
Town Clerk

RESOLUTIONS NOS. 507A, 507B and 507C were adopted regarding MBSIA No. 1 and RESOLUTIONS NOS 508A, 508B and 508C were adopted regarding MBSIA No. 2.

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

8/2/93

9:19 P.M.

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

RE: Amendment to the Official Map Concerning Grace & Orchard Street, Nanuet (Closing to Through Traffic)

On motion of Councilwoman Smith, 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 time period has not passed for SEQRA so no decision can be taken tonight. Supervisor asked when the SEQRA would expire? Town Attorney said it would be the 6th of August. He said the County Planning Board approves subject to the condition that while they have no objection to the installation of traffic barriers at these locations we feel that public right of way should be preserved in the event that future unforeseen conditions warrant the reopening of these streets to through traffic. Therefore, (1) these roads should not be demapped from the Town's Official Map, (2) the barriers should be constructed so they could be opened in the event of circumstances such as the proposed reconstruction of Route 59 would require the need for an alternate temporary route, (3) the new traffic signal now under construction would be completed prior to the installation of the proposed road barriers.

Town Attorney stated that the Town Planning Board did not approve but stated that if the Town goes ahead it should be subject to certain conditions: provisions should be made to provide turn around for municipal emergency vehicles to back out; since adequate water is not available from the interior hydrants within the shopping center the fire department must be able to use the hydrants located within Grace and Orchard Streets; and the Town Board should consider whether public access from Lot 32, B, 77 (the last home on Grace Street) can be achieved if Grace Street has a barrier installed as proposed.

Supervisor said then basically with the County Planning Board approving a simple majority of the Town Board is needed to implement this.

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

Appearance: Mr. Thomas Wright
Church Street
Nanuet, New York

Mr. Wright stated he has lived there for over 30 years. He said we are all taxpayers paying for the use of these roads and for the installation and maintenance of them. He said they would like to be able to use them. Closing them at this point would be another fiasco as we had back in 1987. It caused us to have to have extra police protection to maintain traffic control at the intersections of Route 304, Route 59 and Smith Street. He begged the Town Board not to close these roads as it would place an undue burden on Church Street which is already overburdened with traffic. He said many of his neighbors are opposed to this also and he asked for a show of hands by them if they are opposed to the closing of these streets.

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Appearance: Ms. Emma McGill McCloud
Grace Street
Nanuet, New York

Ms. McCloud stated that she was born in Nanuet quite a few years ago. She said her husband is legally blind. There are four or five other people who live near Grace Street who use that street who are in the same condition. She said the cars do not slow down for the old people, the senior citizens from Normandy Village, and they do not slow down for her husband. She said when she can't walk, her husband has to do the shopping down there and the cars do not slow down. She said she would like to see the streets closed off not just to cars but to buses, trailers, trucks, carts and motorcycles but not closed to the pedestrians. She complained about the garbage from McDonalds and other places in the shopping center. She also stated that cars drive over their lawns and leave tire marks. She said the fire engines responding to a call from the shopping center do not use Grace Street because it is too sharp a turn to make from College Avenue. They do sometimes use it returning because then they are going slower. She stated that her father, Nelson A. McGill, never gave his deed to the Town Board; neither did her husband nor did her sisters who were executors of her mother's estate. They did not sign any deed turning the streets over. She said some children who were visiting a next door neighbor last year were walking down the street and someone in a yellow taxi stopped and tried to get the children into the taxi. She said another time a lady walking down the street at dusk in wintertime had her pocketbook snatched off her shoulder. She said if you are in the area at 2 or 3 o'clock in the morning there is an awful racket going on in that shopping center. Ms. McGill showed pictures of what the area looked like right after they opened the shopping center. Supervisor asked if that was about 1962 and Ms. McGill said about that time. It was noted that it was a dirt street then and cars got stuck and had to be towed out. She thanked the Board for listening.

Appearance: Ms. Loretta Roth(?)
DeClark Place
Nanuet, New York

Ms. Roth stated that she has been there for three years and since she moved in they have put in two traffic lights on Church Street. Since they put those lights in they have had a line of traffic backed up all the way to the high school waiting for the light to change or waiting for someone to turn left. This is during the school year, always during rush hours in the morning and evening. In the summertime the radios are blaring. Our windows are open and we are forced to listen to everyone's music. She said she has a one month old baby and a three and a half year old daughter. They are on a corner of a street that has become a through street because of these traffic lights and because of the traffic that already comes through these streets. DeClark Place used to be, as she was told by the neighbors, a very nice, quiet street where kids could play ball and ride their bikes. She said she will not let her daughter out in her yard because they don't have a fence and she cannot trust the cars coming around that corner to stay on the road. She said she does use Grace and Orchard Streets to get to the mall and she said she knows she wouldn't want the traffic that exists there. She said if we close off those streets the traffic leaving the mall, if not going to the mall, is going to come along Church Street and is either going to go to Blauvelt and College or is going to go down Park Place

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often at 30 miles an hour. She said it is dangerous and overcrowded as it is. The garbage from McDonalds doesn't just happen on Grace Street and Orchard Street. They have gotten McDonald's garbage up along the front of their yard also as well as everybody else on Church Street. It will just become worse.

Appearance: Ms. Mary Pickford
East Orchard Street
Nanuet, New York

Ms. Pickford stated she has lived there for 35 years. She said she is in favor of keeping these streets open. She said she likes to see the police coming by her house after they make a circuit of the shopping center. You hardly ever see a police car down a dead end street. She said she likes being able to go in either direction when she leaves her yard. During November and December, College Avenue is so congested you can't get out of the street because of the Nanuet Mall. College Avenue is backed up bumper to bumper and they don't let you out. She noted that a neighbor who lives on Nostrand Avenue which is a dead end, leaves his car on their street and walks over to it because he can't get out of his street to get to work. She said her street gets plowed early because of the shopping center and she likes that. She said it bothers her that some people who moved here when the streets were already opened want them closed now. What if they moved on to Middletown Road or Route 304. Would they complain because of excess traffic? Would they ask for and expect speed bumps?

Appearance: Mr. Anthony Rota
74 College Avenue
Nanuet, New York

Mr. Rota stated that he wanted the roads closed. He said a lot of people who raised their hands here are people who own stores. He said the area is growing and everyone has to suffer a little bit. We are making a big request here to have these roads closed. Right now one of his fence poles has been knocked down. That is normal. It is an everyday occurrence. It is not just McDonald's garbage. He picks up bags with dirty diapers in it. Bags with needles in it, etc. East Orchard is bad but if you come to Grace it is a 100 times worse than East Orchard during November and December. He said he would have to park in the mall if he wanted to get out. You can't move. The reason why you can't move on College Avenue is because they are coming out of my block and they are going both ways and are blocking everyway and nothing moves. If you had dead end streets all along there 90% of the traffic would move faster because there is no one coming out cutting people off and stopping the traffic. He said we didn't buy a house on Route 304 or Middletown Road and would not ask to have those roads closed down because they are big roads. He said you can't have your kids out in the yard. He had to put a big fence around his yard and keep it locked so he would know that the kids were safe. At three in the morning the noise still keeps up. It is horrendous there. We all need to work together.

Appearance: Ms. Helena Piwovar
24 Grace Street
Nanuet, New York

Ms. Piwovar stated that they have lived there for 36 years. She said that her husband has suffered a stroke as a

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result of being distressed over all the traffic. She said it was so beautiful to live there years ago. She said compared to today it is terrible. She does not want the street open. It does not belong to the Town. They don't get plowed. They don't get mail. She said in fifteen minutes one day she counted 70 cars coming through her street. She urged the Board to close the streets.

Appearance: Ms. Joanna Vindigni
25 Grace Street
Nanuet, New York

She said in the past year when her son was walking home from school people have tried to pull him into their car. She has had a car hit a tree on her front lawn coming from McDonald's. She has found hypodermic needles on her front lawn. She has found beer bottles, liquor bottles, etc. on the front lawn. She said all sorts of garbage is thrown on the street. Cars race down the street. It is unsafe for our children on this street. They cannot go on the street. She is very much in favor of the street being closed.

Appearance: Mr. Joe Morolla, Partner
Hallmark Store in Rockland Center

Mr. Morolla said he is a neighbor and is aware of what is going on in the neighborhood and cares about people of the neighborhood. He has been there for over 10 years. He said we are people just like you. We own the store and are retailers and are community people. We love Nanuet. We have watched this area grow for 10 years. We are neighbors and we really feel that those streets closing will affect us. Every penny that he earned for 30 years was put into a business in Nanuet. He said if you close those streets he did not know how he could stay there. He said we are just people like you. There is no question about that. We consider ourselves friends. We are not against you and we understand your plight. If I am going to buy a house that leads into the center of a shopping center I cannot expect in five years, ten years, fifteen years or even twenty years later to want it closed. It has been open for 30 years. It has served the community of Nanuet very well. He said we pay taxes - school taxes, real estate taxes just like you. We have a marvelous police force to enforce the speeding laws. If there are hypodermic needles we have drug enforcement people who will see to it that those kids who hang out after closing all the retail stores are ushered out by the police. There are not things going wrong in Nanuet as long as our Clarkstown people are watching. The police are watching us. Emergency vehicles must reach their destination in ample time. Thirty seconds can save a life. Health and safety factors must be considered. He discussed the tax situation. He said the Department of Sanitation employees are earning what store owners are taking home - which is fine. We don't want more but we want what is due us. He said his investment helps everyone. It helps the schools. He said they contribute to all community causes. He said they will do everything they can to let everyone know how they feel and what is right. He said after 30 years let it be because it should be not because certain people say it shouldn't be.

Appearance: Mr. Don Dillon
East Orchard Street
Nanuet, New York

Mr. Dillon said he has been living here for 30 years. He has put up with garbage from all the businesses.

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Men urinate all over the streets. We have quality of life? No we don't. We need a change. Give us back our quality of life. We're paying the taxes. Twenty-four hours a day we live there. He said they ride right over my lawn. It is a miracle that there isn't more accidents on the two streets. He said the roads are only 30 feet wide and were opened for Korvettes when it was being constructed and were to be closed right after it was finished. They are still open. You don't have the width of the road to handle this traffic. If one guy is double parked, forget it. He said please close the streets and give us back our quality of life. It was nice and quiet when they were closed. He urged that the streets be closed.

Appearance: Ms. Yvonne Wright
126 Church Street
Nanuet, New York

Ms. Wright said she has lived there for over 50 years. She said it was very nice in the 40's and 50's but we have had progress. Church Street now is an extremely busy and extremely unsafe street. She said 30 years ago when her children were small they built a big fence all around their backyard because they couldn't even be out on the streets then. Now it is much worse. We have two schools that border on Church Street. We have all the school buses. We have the children walking on Church Street. If you close those two side streets on College Avenue you are going to back up Church Street with more traffic. It is one of the most unsafe streets in Nanuet. She said she could understand the people there not liking what they are putting up with but she said she doesn't like what she puts up with either. She said they get all the garbage. Beer bottles are tossed out of cars as they go along. She said her street is no better than Orchard or Grace. In fact in many ways they are in worse shape; but you are not going to close Church Street. We couldn't even begin to ask you to do that. She said she didn't see why the other two streets should be closed either.

Appearance: Mr. Charles Weinberg
29 East Orchard Street
Nanuet, New York

He said he has lived there for 40 years and when he bought his house it was a dead end street. It was never officially opened. It was opened when E. J. Korvettes bought the property as a through street for trucks to go through with their building equipment to build. It was supposed to be closed after Korvettes was done. It never was closed. It has been illegally opened for 35 years. We have been fighting this for a good number of years to have it closed the way it was originally. He said we have trucks going up the street. There is a sign "No Vehicles Over 3 Tons" but when he yells at them he receives gestures and bad language. He said his son's car was totalled by someone coming from the mall - cut across Mr. Dillon's lawn and his own lawn and completely demolished his son's car and kept right on going. He said everyday he goes out and picks up trash - all sorts, everything. He said he cannot let his grandchildren play in the front. He said he sympathized with the people on Church Street. Forty years ago when he came here Church Street was the same way it is today except for the lights being put up there. He said he was in favor of having Orchard and Grace Streets closed the way they should be because as far as he is concerned they were never legally opened to begin with. It should have been closed after E. J. Korvettes got done with their shopping mall. It never was.

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Appearance: Mr. John Csanadi
118 Church Street
Nanuet, New York

Mr. Csanadi said he sympathized with all the people who live on all the side streets but the biggest concern here is that right now since they closed the exit onto Route 59 from the mall, the traffic that is trying to get out of that mall onto Smith Street is ridiculous. He said he has waited there sometimes for five minutes trying to get out because of all the people coming into the mall. He said he uses Orchard or Grace Street to come around because he lives right behind the mall. If those two streets were closed all the people would have to use either the new signal or the Smith Street entrance or exits. Two entrances will not be able to handle the traffic from that mall. Secondly, these people are saying that Orchard and Grace are very narrow streets. Church Street is the same width as both those streets. We do not have parking on our streets. Those cars come flying down Church Street like you wouldn't believe. The garbage is unbelievable. He said the other day he picked a truck muffler off his front lawn.

Appearance: Ms. Mary Frohling
93 Smith Street
Nanuet, New York

Ms. Frohling said she really feels sorry for the people on Grace and Orchard Streets. She said she feels sorry for the whole neighborhood of Nanuet. She came to Nanuet in 1961 and had neighbors across the street and in back of us we had woods and a pond and it was a very nice quiet little community. Now we have Route 304 across the street. In back of us we have the Pathmark Shopping Center. The character of our neighborhood has changed and unfortunately we can't turn it back to what it was much as we would like to. People are in our driveways all the time turning around. They even go into the back of our house and use the turnaround. This is a regular occurrence. She said her paper box in the front regularly gets run over by cars. She said they have tire tracks across their lawn twice a month at least. She said her husband was nearly hit mowing their lawn one day when a car jumped the curb and nearly hit him. She said they try to pull into their driveway and cars try to pass them on the right and they almost have accidents. The fellow next door did have an accident because of it. It is just an impossible situation which is not going to get better. If we are talking about closing streets because of garbage, which we certainly have, and because of traffic, which has gotten unbearable, then we would close a heck of a lot of streets in Nanuet. She said the character of our neighborhoods has changed over the years and we just have to go along with the changes that are occurring.

Appearance: Mr. Calvin Derrin
Valley Cottage, New York

He said he and his wife have a business in the shopping center. He said the important point he wants to make is that the life blood of the shopping center is traffic. The lifeblood of that traffic is acceptability. If you cut it off even in the most minor way you are killing the shopping center. That is not good for Clarkstown to have a defunct shopping center. There are vacancies already in the shopping center. The slightest change in traffic which we have already experienced because of the cut through on Route 59, have people grumbling and moaning because they can't get into the shopping

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center or they get in and can't get out. He said he feels very much sympathy for those people who bought their houses or live on Orchard and Grace Streets. He said the greater good for the community is to have a good healthy shopping center and he thinks it is a greater good for the people of the neighborhood to have a good healthy shopping center. He said it would be much worse if it were run down and defunct because of all the vacancies that will probably occur for small businesses who will be seriously affected if you disrupt that traffic flow.

Appearance: Ms. Maggie Mills
Church Street
Nanuet, New York

Ms. Mills stated she has lived here for 28 years and it is a nightmare now. The traffic is horrendous. It starts at 5 in the morning and it never stops. We have school buses. We have kids walking. There are no sidewalks on that street. There is a footpath that goes around the telephone pole and the kids walk single file. Traffic flies. Last Friday morning at 20 minutes to 4 someone came flying around the bend and knocked down the telephone pole by the Nanuet Library for about the fourth time. They've knocked down the fences to the point where they don't put them up any more. If they close those two streets there it is going to make them ten times as bad. She said she gets home at 20 minutes of 6 at night and she cannot get into her driveway. She has to wait for someone to let her in her driveway. She has to back in because it is impossible to back out. You have to pull out. When they closed those streets in 1987 or 1988 traffic comes out of the shopping center three abreast. They don't let you in. They go wherever they want. The issue here is what is going to happen to that shopping center? What is going to happen to all the stores? People are going to say the hell with it, I can't get in there. You can't get in from Route 59 except by the gas station. You can't get out on Route 59. You can only get out by Pathmark and every car going out is making a left so you die of old age trying to get out of the parking lot. She said she walks through because it is easier. She said this is not progress.

Appearance: Mr. R. Trojan
Nanuet, New York

Mr. Trojan said when West Nyack Road was Route 59 there was a plan to develop the swamp land into a grid of north/south, east/west roads. This grid would have included Grace, East Orchard and others. Many of the streets on that proposed map were lettered and numbered. Route 59 went diagonally across that planned grid and that area never got developed that way. Now, when Rockland Center came in replacing Korvettes they realigned the parking lot pattern which directed everybody to use Grace. That was where the mistake was and he assumed that plan should have gone through somewhere to the Building Department of this Town. The problem has grown because of the success of the Rockland Center. He said he uses Grace and he uses East Orchard. He walks them and he drives them. Pathmark is the only supermarket in the three hamlets of Nanuet, Bardonia and West Nyack. You are taking half the hamlet of Nanuet and redirecting them onto Route 59 to get in and out of that shopping center - the only supermarket in the hamlet. This is going to create additional air pollution and we under pressure of the Clean Air Act to clean up all the cars of all the residents of half of the hamlet of Nanuet going around through what is going to be a mess for a

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good number of years - a construction site - as we widen Route 59 - for path problems. Are we going to make Route 59 eight or ten lanes because we have forced more cars out there? Route 59 which is one of the ten worst roads in the State of New York. Think about it. Those side streets are probably a lot safer for the people than Route 59, or even Church Street. He said he would hope that someone will look at this and try to compare East Orchard and College, Grace and College with some other side streets on another road, say Prospect with side streets on Church, etc., to figure out how safe or how dangerous these streets are. He said he sympathized with the people's problems and he has a solution - one way streets. One going one way and one going the other. This idea was shouted down the last time we had a meeting and was never considered. He said he was asking the Board to reject the plan of closing them and instead consider one way. He said his personal feeling would be to have Grace eastbound and East Orchard westbound. This will allow enough room for people who need to walk to use Grace and still have traffic on Grace. East Orchard, when you come out you can be set in a line to make a left or a right turn. This is our problem. We are getting in each other's way. There will be conflict on Route 59. This way we reduce the number of chances of conflict. The opening of a new exit from Rockland Center on Route 59 is a good idea. It will allow people who need to go westbound on Route 59 to have a controlled light. But that is only one opening - one improvement. We had two roads and now we alleviate some of the problems by taking some of those who have been using Grace to go west to the Nanuet Mall. This will encourage them to go out to Route 59 with the opening of the new exit. He asked the Board to consider one way streets. Have Mr. Geneslaw, Planning Consultant, study this and see how we can do it. There is an issue that there is private property of the shopping center connected so your plows can go in Grace and out East Orchard. You've already shown that you can enforce traffic regulations on private streets with your resolution on the hamlets and you have the power of eminent domain, if necessary.

Appearance: Adele Green, Esq.
 Birbrower, Montalbano
 representing the shopping center.

Ms. Green said many of the people here expressed the problems of the people on Grace and East Orchard and also the problems of the retailers in the shopping center and people on neighboring streets such as Smith and Church Streets. The shopping center sympathizes with the residents of Grace and East Orchard Streets. This board knows that the shopping center has worked very closely with the Town to try to alleviate the problem. The shopping center worked very closely with the Town and the developers regarding many things including the traffic light. We sincerely hope that this will alleviate some of the traffic problems. Nevertheless, the Town Board does not have the legal authority or power to close those streets. They are public streets. The Town Board does have the authority to amend the Official Map of the Town of Clarkstown but that must be done for the public interest. She said you heard people here speak about their problems. They already say on Church and Smith Streets that if Grace and East Orchard are closed those problems will double or triple and certainly will be multiplied. In addition, the Vehicle and Traffic Law prohibits any municipality from preventing any motorist from the use of a public street. She said the Superintendent of Highways had expressed concern about no turn around at the end of the street, especially for garbage trucks,

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snow plows, delivery trucks, emergency trucks. In fact, the Town Code of the Town of Clarkstown requires cul de sacs to have a 50 foot radius turn around at the end of the street. So, if you were to close the street, which again you do not have the authority to do, you would be in violation of your own Town Code. In addition, the shopping center is an abutting property owner. If you cut off access to the shopping center to those two public streets but leave access to all the other owners you have equal protection problems. In addition, she said she believes the Planning Board has expressed concern that one of the homeowners on Grace Street at the end of the street might have a problem with access. She said she drove by there tonight and it looks like their garage and driveway goes beyond the end of Grace Street. So if Grace Street were closed those people would have to drive through the shopping center to have access. They would have no access to their car on a public street.

Ms. Green also wished to remind the Town Board that six years ago approximately, Judge Ted Kelly of the Supreme Court ruled that the Town Board had to prepare an environmental impact statement. So far, she is not aware that has been done. She said she checked the EAF form that was filed in this matter and she expressed objection to that. There were two spaces marked there that she honestly doesn't understand and there is no explanation for them. There is a question as to whether there might be an adverse impact on normal traffic patterns and your form says no. You then checked off that you have determined that based on the information and analysis above that there will be no resulting significant adverse environmental impact. Again, in Judge Kelly's ruling he pointed out the current law that if a Board determines there is no significant impact you must explain your basis for that decision. She said she does not understand the basis for writing no for no impact on existing traffic patterns. She said she objects to the EAF form and it should be redone. She said this entire procedure is premature. The new traffic light is not operating yet. A traffic study must be done to see what effect that new median traffic light has on the traffic flow before you even consider closing Grace and East Orchard Streets. She said while we hope that it will alleviate some traffic, quite frankly, as a lay person who uses the shopping center she is not sure how much effect it will have to permit a left turn a hundred feet west of where left turns were permitted before. She said they were recently notified by the New York State Department of Transportation that in connection with the widening of Route 59 left turns will not be permitted at the Smith Street exit. She said that has to be looked into and considered before Grace and East Orchard Streets are closed. Tied into that you have to look into the proposed reconstruction of Route 59 and see how this impacts entirely because we may have to close the new access to Route 59 when they are widening the street and then if you have closed Grace and East Orchard Streets where does that leave us? She said she was not sure what the Board's decision was going to be tonight? Town Attorney said there would be no decision tonight because the SEQRA has not run. She asked if there would be further hearings or would this be continued? Supervisor said we will close the hearing except for the SEQRA requirement. She asked for an opportunity to submit written comments when your file is complete. Also, again she reminded the Board that the Court had ordered an environmental impact statement be prepared and she requests notice of when that is filed so that she can have a copy of it.

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Appearance: Ms. Patricia Rossi
8 Grace Street
Nanuet, New York

Ms. Rossi said on behalf of the residents of East Orchard and Grace Streets she read the following statement:

"Our problems started in 1962 and has developed tenfold through the years. On July 11, 1986, we made another request and have pursued a goal that we feel will benefit all concerned.

We attended our first Public Hearing on Rte. 59 Corridor Land Use & Traffic study, Aug. 1986. Our streets were closed July 1, 1987. Due to a SEQRA study that needed to be done, the late Judge Theodore Kelly struck down the town's decision because and I quote 'The board failed to take a required "hard look" at this area of environmental concern.' Not only have we (Town, County and State) taken a 'hard look', we have gone and soon will provide extra lanes on Rt. 59 both east and west, appropriated a traffic signal for a westerly exit that had never existed. Studying McKinney's Consolidated Laws of New York brought about approval from the NYSDOT and Health and Safety Commission for the signal itself. We have been involved in 4 traffic studies. Patterns, volume, environment and safety factors all included in the final analysis. 1987 traffic volume at peak hours was 220-250; 1993 traffic volume at peak hours was for one hour 500 vehicles. The State of New York has ordinances on books to use residential streets for entry and exit of a shopping center.

We feel we have gone above and beyond any other area requesting change. We have attended 8 public hearings regarding this issue. We have been quite patient and tolerant of all that has taken place in the past 7 years.

We would be foolish to say that this has been a pleasure because it has not. Our lives were in jeopardy the day of the Brink's robbery. Grace Street was used as one of the roads for an escape route (well planned too!) The trouble continues as we have been abused with vandalism. Car windows smashed, houses burglarized, shrubbery crushed and children threatened; not to mention a major water main brak. We've had stolen cars and guns come down the street as parents wait for their elementary school children to arrive home. Because of this factor alone, the Nanuet PTA Council, with approval from all units, voted in favor to support the closing of Grace and East Orchard streets. The health and safety of our children are at stake. A letter from Council President Betty Brady was sent to Supervisor Holbrook this spring regarding this issue.

Per agreement, Argenio Brothers, Inc. of Newburgh, New York was to begin construction on March 15, 1993 weather permitting and have 120 days to complete. To date construction is at a standstill due in part to a gas line change. However, internal construction in the shopping centers hasn't even begun. I've obtained blueprints of Service Merchandise plans in the spring and am amazed that to date nothing has taken place. We have cooperated in as much as not complaining of a sign posted at construction sight rerouting vechiles to use Grace Street as an exit for the shopping center.

There is also a very severe safety factor involved. In our many travels, we have found the shopping center negligent in providing enough fire hydrants for the

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amount of stores in their area. To date we counted 3 in total
- all along the Pathmark to Weight Watchers corridor. The
balance is without.

In closing we would like to stress that we have
listened, written, talked and participated with past and
present Town Council and Supervisor. Our strength is growing
and our support continues for a goal we feel we have the right
to obtain. We are the constituents of the Town of Clarkstown.
We pay our taxes to improve the quality of life in our
neighborhoods. Economic times are hard for all, but it doesn't
pay the deductible on auto and home insurance when vandals
invade your privacy and ruin your property. Since this will be
our last public hearing on this issue we would like to take
this opportunity to thank Supervisor Holbrook, the Town Board
past and present, legal council, Town Clerk, stenographer,
Superintendent of Highways past and present and the Journal
News. Most of all the residents for enduring such a lengthy
ordeal. Most of all God for giving us the strength to achieve
the quality of life we so deserve.

On that note we leave you with one phrase: 'We
want our roads permanently closed!' Thank you."

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,
DECISION RESERVED, time: 10:25 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
REOPENING OF PUBLIC HEARING-
Originally held on November 24, 1992

Town Hall

8/3/93

10:26 P.M.

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

Re: Zone Change from R-15 to CS - Map 126, Block A, Lot 20+
(Terminello)

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing was declared reopened. Town Clerk read notice calling public hearing.

Supervisor stated that this was the subject of a public hearing originally held on November 24, 1992. We have decided to reopen it for further input. The Planning Board at that time had not completed its review. Town Attorney said the Rockland County Planning Board disapproved in October of last year. They wanted a comprehensive study of the area. The Clarkstown Planning Board disapproved in June. Mr. Geneslaw will have to tell us about the SEQRA.

Mr. Geneslaw said there were a number of issues that were raised which were a part of the SEQRA review which we have not completed. We will need some insight from the Board based on the testimony that is offered tonight. It has to do with traffic. The traffic report calls for a southbound left turn lane on Route 303 to get into the property. There really also should be an additional left turn lane for northbound traffic for which there is a need at the present time. That is not the responsibility of the applicant. The design has to be worked out in tandem. In addition, the proximity of the building to the parking should be taken into account and the size of the building in relation to the residential neighborhood. We can complete SEQRA once we have a reaction from the Board on each of those.

Supervisor asked if the applicant or representative was present.

Appearance: James Freeman, Esq.
representing Louis and Paul Terminello

Mr. Freeman said Manny Emanuel, planner who represents the petitioner will present and further comment on the applicant's position. He said he was notified early this evening that the architect had a personal problem and could not attend. He said he had his sketches and renderings and if the Board needed to hear anything further from him he will be able to come at another time. In the interest of brevity he said he would ask Manny Emanuel to give witness at this time.

Appearance: Mr. Manuel S. Emanuel,
Community Planning Consultant
Nyack, New York

Mr. Emanuel said the board first heard this application in November of 1992 and at that particular time the board requested that certain information be presented and background study be completed. That report was completed by his office in February of 1993 and was submitted to both the Town Board and the Planning Board. The report actually deals with the background of the application, the location of the

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application, various factors concerning the marketability of the site that is being proposed for development, traffic and other community planning issues that were raised by both the County Planning Board and the Town Planning Board. Since that time of course we have had the opportunity to meet with the local planning board and have discussed other issues with the Planning Board.

Mr. Emanuel said in considering a zoning application and its relevance to a particular site one has to consider a number of factors. First of all the general location of the site, the shape of the site, the size of the site, the access to it from the site and other related land use issues such as the prevailing land use in the area, the prevailing zoning in the area and also the practical aspects of the zoning that relates to the site at the present time and some of the considerations that have been raised by both the Planning Board and the applicant himself. He said it seems to him that if you look at the general location of the site and the general aspects of the site in relation to the surrounding area as well as the existing zoning you have what would be considered a classic zoning set of circumstances - a classic set of conditions with regard to zoning which seem to cry out for some kind of remedial measure and some kind of remedial treatment in terms of the present zoning. Although the present zoning has existed for quite awhile as you will see in our discussion it is totally impractical and totally uneconomic in terms of development of the site.

Mr. Emanuel here presented exhibits showing a number of locational factors taking it from the microcosm indicating that the site is located directly opposite the Congers Lake area and opposite the Congers Lake Park. It is on the easterly side of Route 303 just immediately south of Lake Road. Looking at it in a slightly larger scale the site which is actually the subject of the petition is the lower portion of this parcel which is hatched on the map to which he was referring. That particular portion consists of approximately 1.7 acres. The northerly portion of the site that is being proposed for development if the zone change were to be granted actually consists of a little less than an acre, approximately three quarters of an acre and is presently zoned in the CS category. In fact that CS category surrounds the entire intersection at the apex of Lake Road and Route 303. The northeasterly side of the intersection is zoned as CS and that is where the Mobil Station is located at the present time. The southeasterly portion of the site is zoned in the CS category. The westerly sector of the quadrant is zoned in the CS category even though this happens to be the Town park site which sort of makes that somewhat academic. The northwesterly portion of that intersection is also zoned as CS zone. That happens to be the location of the restaurant and some other local convenience shopping facilities. Again, enlarging the perspective for a moment and looking at this particular diagram (here again reference made to map) this happens to be the configuration of the site that is being proposed for development. Assuming the CS zoning change were granted the lower portion of the site, the hatched portion of the site, is actually the site that is now in the R-15 zone. That is the portion of the overall site that is being requested for change of zone. The upper portion which again consists of about 3/4 of an acre is already zoned in the CS category. The property itself is approximately rectangular with a few appendages at the south end and an area that is carved out on the southwest corner of Lenox Avenue which is now occupied by a business. It happens to be an upholstery establishment.

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The overall size of the site is approximately 550 feet in length and varies in width from about 150 feet at the south end to approximately 200 feet at the widest portion of the site. It is a relatively narrow site and is located in the generally southeastern quadrant of the section. As far as access is concerned at the north end of the site which would provide access to the site is Lake Road which is a two lane highway running east and west through the hamlet of Congers and from New City over to the Rockland Lake Park area. This happens to be State Highway Route 303 which is on the westerly side of the site, also a two lane highway which carries a reasonable amount of traffic as does Lake Road.

Mr. Emanuel said as mentioned and summarized in their report there has been an extensive traffic study done by John Collins Associates and we have a representative of his office here who is prepared to make any comments that the Board may be interested in discussing. What we have determined is that the site is capable of handling the traffic that would be generated by the site particularly considering the scale of development that is being proposed. He showed another board which illustrates the overall zoning that exists in the surrounding area and its relationship to the site in question. This happens to be the lower portion of the site published for development - the actual location of the parcels being considered and recommended and requested for rezoning (he noted the Congers Lake area and said the intersection that he mentioned before is completely zoned as CS at the present time.) As you go westward you have the LS district which makes up the predominant portion of the hamlet in the hamlet of Congers. As you go easterly on Lake Road you have pockets of CS development which already exist on the southside of the road. What essentially is being developed as being recommended or questioned is a CS zone that would permit the development of a small shopping plaza which is illustrated on the board (here he referred to a board he was using as an exhibit). He pointed out Lake Road and said this map was oriented in the same fashion as the other maps were oriented. He pointed out Route 303 and said the long portion of the site runs in a north/south direction. At the present time there happens to be an existing residence situated on the site. He said under this particular concept the applicant is prepared to retain this residence in its present use and would use that portion of the site as a buffer between the residential area to the south which can be seen on other maps and which he said he would show and also to the southeast of the site. The general development being proposed is a one story building of approximately 12,000 square feet which would house 8, 10 or 12 small stores and other service facilities. There would be a parking area of approximately 63 cars which would generally be located to the north and to the west of the building. There would be no parking to the rear of the building and that would only be used as a service road which would allow for complete circulation around the building. There would be an entrance and exit on Route 303 approximately 400 feet south of Lake Road which would allow for ample distance for turning movements and also for sight distance. The sight distance in this location happens to be excellent and you can see for a good distance in both the southerly and northerly directions. There would be a secondary entrance and exit on Lake Road allowing for a reasonable amount of traffic to enter coming east or west on Lake Road. He said as he indicated concern by the design has been paramount in preserving the quality along Lenox Avenue which is now a residential street and this would still be retained as an R-15 zone. There would be no development to speak of on this

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particular side of the site. This would be retained in a natural buffer and be landscaped as illustrated on another board. (He showed that board.) He said some of the trees existing on the site would be preserved and additional landscaping and fencing would be provided on the Lenox Avenue side so there would be absolutely no visibility from that side of the site. He said as he mentioned previously the building itself would be a one story building and that is illustrated further in a rendering (which he showed at this point) which illustrates the westerly side of the building or the predominant aspect of the building which would be in keeping with the general architecture of the area. In fact, it would be an enhancement to much of the development that is actually taking place in the area and it would be landscaped and properly screened so that it would be a visual asset to the location and also would not be intrusive as far as the park is concerned.

Mr. Emanuel returned to the question of zoning and said as he said at the outset that the fundamental issue is what is the most appropriate zoning for this area and what is the most appropriate zoning for the site. As you can see in this particular diagram (here he referred to one of his boards) the bulk of the area to the south and southeast is zoned in the R-15 category as is the lower portion of the site. The R-15 zoning is not a practical zoning for the site because of the configuration of the site, the width of the site, the size of the site and its location on a major state highway. We are suggesting an extension of a CS district which in effect would be a natural extension of the CS district and carries out what has already been zoned on an upper portion of the site. (Again maps were referred to as to the configuration of the site.) He said the site is approximately 150 feet in width at this location (referring to the map) and about 190 feet in this location (again referring to map). He said there have been a variety of suggestions made for the rezoning of this site including the suggestion that was carried in the Congers Master Plan report that was prepared by the Planning Board. He said it was important to consider that because in effect if, under those recommendations, the proposal was to consider the possibility of rezoning the R-15 portion of the site and the CS portion of the site to an MF-1 zone - MF-1 would be a multi-family zone of about 4 to 8 units per acre. He said they have taken the liberty of using the bulk requirements and the set back requirements of the MF-1 zone and for all practical purposes the area illustrated in red on this map would be the only area that would be available for development without the employment of variances by the Zoning Board of Appeals which may or may not be realized in the course of an application for the site. Also, he said, the width of the site and the configuration of the site does not lend itself to the kind of development that is typical of the MF-1 development which has taken place to the northeast of the site in this location where you have a fairly large expanse of land with enough width, size and general overall amenity to be able to be developed on that basis. He stated that in effect, their general conclusion is that the R-15 is not a practical zone for that district and if you look at the general application of the MF-1 for that zone it would seem that the logical extension of that would be a CS zoning classification which would extend the general concept that has already been applied to that zoning area and also been applied to that intersection. He said as you can see from the illustrations we can develop the site in conformance with all of the requirements of the CS district. There would be no variances required. We can meet the parking requirements.

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We can meet the set back requirements. We can meet buffer requirements. We can prepare a development which would be an enhancement to the area and would also be compatible with the parklands across the road. That in effect is our basic argument for a zone change.

Supervisor Holbrook said part of this site is already zoned CS. He said suppose this was not the subject of a public hearing. What could be built on that particular site? Mr. Emanuel said you have approximately 3,400 square feet of space on that site. Supervisor said without coming for a zone change hearing, is that correct? He was told yes but that would be a very limited development basically. Supervisor said if that were to occur what type of access would there be relative to the intersection that exists there at Lake Road? Mr. Emanuel said that is a good question because you have to have your access to the CS very close to the intersection - either from Lake Road or from Route 303. Because of the depth of the site it would have to be very close to the intersection. If you deepen the CS district it gives the applicant the ability to move the access to a point at the very south end of the site which would be approximately 400 feet from the intersection.

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

Supervisor asked if anyone from the public would like to ask a question or make a comment?

Appearance: Mr. David Burke
Congers, New York

Mr. Burke said he opposes this and thinks it is a disaster to the community. It is a major traffic problem. The one thing Congers does not need is more shopping malls. We need more shopping malls like we need more geese. The problem is just out of control. To have left turns coming out onto Lake Road which is already over congested nine months out of the year with traffic coming from Rockland State Park, traffic going to the park on Gilchrest, etc. this is just going to be a major traffic safety hazard. He said children cannot play in an area that is open to Lake Road. Cars come by there spinning out of control. It is very dangerous. He asked the Town Board to please consider the residents of this area. It will be a terrible thing for the neighborhood. He asked for permission to have a petition submitted by residents who oppose this. Supervisor answered in the affirmative.

Appearance: Ms. Mary Preces
Congers, New York

She stated she has lived in Congers for 15 years. She supports this. She said there is not a day she drives on Lake Road that she is not disappointed with the way it looks. As a homeowner she said she is committed to herself and to other homeowners to maintain her property. She said she does not feel she has gotten that commitment from present businesses that are on Lake Road. She said there are few that have and she finds it is mostly the small businesses that are secured in a shopping center such as the one proposed here. She said she believes the shopping center will encourage competition in Congers. Competition brings advantages as well as disadvantages. Businesses that are operating now and that are not up to par will finally have to recognize that they will

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have to do something about this and they are not solo in the Town. The advantage is that when people come into Congers they won't have that feeling that I have every day as I drive home. You will be coming into something that shows growth. When you invest in a home you invest in the community as well. I would like to feel that I am investing in a young, growing community. For 15 years I have not felt that way. Mr. Terminello has proved himself. He has a history and he has operated a business in Congers. She said she was confident that business is operating to the highest standards. If someone else were coming in who she didn't know maybe she would have some hesitation about it. He is not only a business man but a resident in Congers. He has more invested than business alone. He has proved it to me in the past and I am willing to take it now. I want to know that Congers is a growing town. We have a lot of history in Congers. She said she goes up Lake Road and fails to see the history. She sees decay. The time has come for change and growth and she hopes they will be open to that.

Appearance: Mr. Jerry O'Rourke
52 Trevor Lake Drive
Congers, New York

Mr. O'Rourke said he represents thirty homeowners in the Bridgewater Development. He questioned the need for additional shopping. He said there isn't one of the thirty homeowners who feel we need additional shopping. He said the previous speaker said the stores are in disarray. One of them is owned by the proponents of this shopping center. We have the shopping center at Lake Ridge to the south less than two miles. You have approved another shopping center about the same distance to the north. We have a mini-mart at the corner of the other Lake and Route 303. We really don't need additional shopping dumped into an intersection that the county traffic engineer has indicated in the minutes of the Planning Board in June is already nearing or at capacity. If you read the traffic study that was submitted by the proponents of this mall you will see that the dates conflict. The data indicates January 15th which was a Thursday and cold. It mentions Friday, the 16th, as a Saturday. That was a holiday weekend - Martin Luther King's Birthday was that Monday. It failed to mention any traffic to and from the lake area. In addition to vehicular traffic we have people walking to the lake and we also have bikers in the summer. He said his contention is that this is an intersection already overloaded and very dangerous. In March there was a fatal accident just to the south of this proposed development. There are numerous accidents which have occurred coming in and going out of the Lake Ridge Plaza with people making left turns. As far as a mall's being an enhancement to the area he said it would not be. If you drive up and down Route 303 in Valley Cottage just before the Thruway some of those stores are vacant. The signs are broken. There is no continuity. He mentioned a shopping center in Blauvelt having at least a dozen stores and to this day not one store is occupied. This is not a positive for the area. He said the condition of that intersection was so bad he wrote to the DOT and the letter he received back from the resident engineer (incidentally they did come out to repair the poor condition) said the generally poor condition of this area is the result of traffic using the shoulders as turning lanes which would certainly occur here - people going south making a left and people going around them on the shoulder. The same is true with the traffic lining up coming north. People coming out of that center would have to go on to the shoulders. He noted

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that the letter further states that this was not the intended use of these shoulders. They are not typically designed to handle this type of traffic and that intersection is not designed for this type of development.

Appearance: Mr. Joe Coniglio
26 Trevor Lake Drive
Congers, New York

Mr. Coniglio stated that he was Treasurer of the Homeowners Association. He discussed the traffic report handed to the Planning Board. He said Mr. O'Rourke mentioned that it was not an accurate report. He said if he was a consulting engineer he would give you the time of day, the real peak hour - he said he arrives there at 5 o'clock to 5:15 every night and it is heavy traffic backed all the way down the road. He stopped this traffic report at 5:30. He also never mentioned whether it was raining that day or not. Was it snowing? How were the road conditions? Were they icy? Nothing in that report proved to be an accurate report as far as he was concerned. The Town Board has to read through the smokescreen that is being handed to you. The whole truth is not being told here. You can take his word for it as he stands but he said he could assure you that he never counted one bicycle or one kid running up the road or joggers going to the lake. If this is allowed to pass then he would suggest that we close the lake to the public to allow the traffic flow to cease. You cannot use this particular zone for what its purpose was. Originally it was supposed to be one little CS zone. He invested more money to buy residential property so he could throw himself on the mercy of the court and claim major hardship. Please reconsider.

Appearance: Mr. Scott Turner
Congers, New York

Mr. Turner said he was a member of the Congers Civic Association. He said on June 9th the Planning Board discussed this and near the end of that discussion John Kane discussed the use of the site for professional office. It would behoove the Town Board to read the minutes. He said whatever is done with this property he thinks there are gas tanks as there used to be a Shell Station on this site and it should be taken care of.

Appearance: Mr. Louis Pritz
8 Grandview Avenue
Nanuet, New York

Mr. Pritz asked how long Mr. Terminello has owned this residential property? He was told in the neighborhood of about a year or so. Mr. Pritz said that is very interesting - one year.

In response to a question regarding whether the property could be built commercially no matter what on the north side, Supervisor said he had asked Mr. Emanuel whether or not the present zoning of CS would permit construction by right of a smaller shopping center and the answer to that question was yes, is that correct? He was told 3,400 square feet. The question was then asked, so the access in and out of that shopping center would be the same as it is now? He was told it would be worse because the property is closer to the intersection. A question was asked if this is voted against then could they build it anyway in a smaller form and would we have more traffic? Supervisor said as zoned right now they

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could build a smaller shopping center closer to the intersection and therefore traffic would be closer to the intersection, not more cars but closer to the intersection. Supervisor said everybody concedes that the intersection is heavily used. This particular parcel, if it were developed on its own, is closer. Supervisor said his point is that it is closer to the intersection. It was noted that it could be more dangerous. It is dangerous as it is now. Supervisor reiterated that it could be built by right only smaller than this proposal.

Appearance: Mr. Harold Palmatier
6 Highway Avenue
Congers, New York

Mr. Palmatier stated that his property runs from Highway Avenue to Lenox Avenue. He said he concurred with the other speakers that traffic on Lake Road and Route 303 is horrendous. He said he sits on his back porch and with the traffic problem there he can hardly hear his television which he has on his porch. He said he has tried to get out onto Lake Road from Lenox Avenue and it is a wait. Ask the man in the bicycle shop, he can tell you. He has a problem getting out himself. He said he fails to see the need of another shopping center in Town. We have roughly in the neighborhood of forty stores now. We have three or four delis, we have around five beauty shops, a couple of pizza parlors, a couple of Chinese takeouts, a couple of cleaning stores, drug stores, etc. He said he didn't know what else anyone could want in town. Maybe you want to bring in a Sears or something else. He said he didn't think we can afford that. We can't afford the traffic. Turning left on Lake Road going west is an impossibility. If you hear the trucks going down Route 303 - just come up sometime and listen to them coming down from early morning to late at night. He said he is definitely against the whole project.

Appearance: Ms. Marie Bouchard
Harrison Avenue
Congers, New York

Ms. Bouchard said it is not going to be in her backyard but she feels that if the Board waited, Tom Valenti is going to solve your problem. Your hollering about traffic now and he is going to widen the road over on Kings Highway. Save the public the money. Let's see what he's going to do first.

Supervisor said that the Town Attorney noted that the SEQRA has not been completed. He asked Mr. Geneslaw, Planning Consultant, to complete the SEQRA so that the Town Board could make a decision on this particular issue by the next Town Board Meeting. Mr. Geneslaw said he would base it on the material that has been offered.

On motion of Councilman Dusanenko, seconded by Councilman Mandia and unanimously adopted, the public hearing was closed, DECISION RESERVED, time: 11:05 P.M.

Respectfully submitted,

PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

8/2/93

11:05 P.M.

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

RE: Proposed Ambulance Districts - Spring Hill and New City

On motion of Councilman Dusanenko, seconded by Councilman Mandia and unanimously adopted, the public hearings were declared open. Town Clerk read notices calling public hearings and testified as to proper postings and publications.

Town Attorney said with respect to the New City Ambulance the only difference basically is it is in the unincorporated area and the maximum proposed in the first year is \$194,900.00. We had prior hearings wherein the use of the ambulance district the maximum in the first year was \$107,190.00. It has been determined that the maximum the first year will be higher - \$194,900.00. That is the purpose of this second hearing.

Town Attorney said with respect to Spring Hill Ambulance in the prior hearing the maximum in the first year was to be \$54,690.00. It has been determined that the maximum the first year will be \$105,000.00. That is the purpose of this second hearing.

Town Attorney said that is the purpose of these second hearings because the maximum proposed for the first year has been increased.

Supervisor asked if there was anyone present wishing to speak relative to these hearings?

Appearance: Mr. Russell Trojan
Nanuet, New York

Mr. Trojan said he has urged all of the Ambulance Corps to adopt elected commissioners. He said the special emphasis on Spring Hill is that we have two parcels in Clarkstown plus Ramapo service area. The revenues need to be raised by the corps and need to be allocated similarly to the way school districts raise their revenue so that we are not paying more or less than our appropriate share because it does cross the Town line. The Town should continue its fight against the inequitable equalization rate that is affecting Ramapo and Clarkstown.

There being no one else wishing to be heard, on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearings were declared closed, RESOLUTIONS ADOPTED, time: 11:10 P.M.

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk