

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

11/23/93

8:00 P.M.

Present: Supervisor Holbrook (arrived 8:58 P.M.)
Council Members Maloney, Mandia & Smith
Councilman Dusanenko arrived 8:58 P.M.)
Murray N. Jacobson, Town Attorney
Patricia Sheridan, Town Clerk

Deputy Supervisor John Maloney opened the meeting and assemblage saluted the Flag. He noted that Supervisor Holbrook and Councilman Dusanenko would be present shortly as they are at the Legislative meeting.

RESOLUTION NO. (757-1993) APPOINTING TO POSITION OF TOWN JUSTICE (CRAIG F. JOHNS)

Co. Mandia offered and Councilwoman Smith seconded:

WHEREAS, there exists a vacancy in the position of Town Justice which was formerly held by Town Justice Clare McCue Cincotta, 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 Craig E. Johns, 32 Timberline Drive, Nanuet, New York, is hereby appointed to fill the position of Town Justice - said appointment commencing November 24, 1993, and to terminate on December 31, 1993, at the 1993 annual salary of \$38,595.00.

On roll call the vote was as follows:

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

Judge Barry Traub of Nyack was asked to step forward to swear in Craig Johns as Clarkstown Town Justice. He was assisted by Judge Scott Ugell.

Judge Craig Johns made a statement in which he thanked his family and friends and expressed his expectations as Clarkstown Town Justice.

Deputy Supervisor read the following proclamation:

"HUMAN RIGHTS DAY"
December 10, 1993

WHEREAS, December 10, 1993 is the 45th Anniversary of the adoption of the United Nations General Assembly of the Universal Declaration of Human Rights; and

WHEREAS, AMNESTY INTERNATIONAL is dedicated to working to free prisoners of conscience throughout the world, based on the universal right of those who do not use or advocate violence to express their convictions; and

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WHEREAS, our Country was founded on the ideals of freedom of expression and from unlawful imprisonment; and

WHEREAS, AMNESTY INTERNATIONAL is calling on all governments to stop committing or tolerating "disappearances," killings, and death threats such as that made to Peruvian journalist, Cecilia Valenzuela; and

WHEREAS, the Town of Clarkstown wishes to acknowledge and join with AMNESTY INTERNATIONAL in the observance of "HUMAN RIGHTS DAY,"

NOW, THEREFORE, BE IT RESOLVED, that I, Charles E. Holbrook, Supervisor of the Town of Clarkstown, on behalf of the Town Board, publicly and formally proclaim December 10, 1993, to be HUMAN RIGHTS DAY in the Town of Clarkstown.

(S E A L)

IN WITNESS WHEREOF I HEREUNTO
SET MY HAND AND CAUSE THE SEAL
OF THE TOWN OF CLARKSTOWN TO BE
AFFIXED THIS 10TH DAY OF
DECEMBER, 1993

/s/ Charles E. Holbrook
CHARLES E. HOLBROOK, Supervisor
Town of Clarkstown

Deputy Supervisor Maloney opened the public portion of the meeting.

Appearance: Bruce Broadley
West Nyack, New York

Mr. Broadley spoke regarding what he stated was the violation of public safety which occurred due to the blasting at the Pyramid site. He also spoke regarding the landscaping which was to be placed at the Parker-Nanuet property and has not been done.

Appearance: Mr. Charles Schwep
West Nyack, New York 10994

Mr. Schwep spoke regarding the Pyramid zone change. He questioned the way the Planning Board has behaved and the way Pyramid is proceeding. He noted that construction is planned for two and one half million square feet, some of which is over landfills, and it is illegal.

Appearance: Ms. Mary Ann Frankatelli
West Nyack, New York

She spoke regarding the blasting at Pyramid. She said she did not believe a word that Pyramid says and would like them out of Rockland County.

Appearance: Ms. Ellen Gruffi
New City, New York

She presented a letter from one of her neighbors, John Nawoschik, objecting to the Plotkin Zone Change. (Letter is on file in Town Clerk's Office.) She said on behalf of herself and her neighbors she wanted to reaffirm the strong objections of the home owners, surrounding the property of Dr. Roger Plotkin, to the granting of the zone change.

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Appearance: Ms. Helen Gilgallen
New City, New York

She spoke in opposition to the Plotkin zone change noting that the Rockland County Planning Board had decided against it. She noted that it had been referred to various agencies and requested their answers. She urged the Town Board to make an informed decision.

Appearance: Ms. Irene Fisher
West Nyack, New York

Ms. Fisher spoke regarding the Pyramid blasting to which she was opposed. She wanted it noted that she was putting in a big complaint and she is appalled that they are blowing the mountain away. She felt that Pyramid was ruining West Nyack.

Appearance: Mr. Charles Ehrlich
New City, New York

Mr. Ehrlich spoke in opposition to the Plotkin zone change. He felt this would ruin their neighborhood. He urged the Town Board to reject this zone change.

Appearance: Ms. Rose Marie Seery
West Nyack, New York

She spoke regarding the Pyramid blasting noting that a consultant, Velzy-Weston, had been hired who was fined \$900,000.00 by the Commissioner of New York State for falsifying documents. She said the same holds true of Lawler, Matusky & Skelly, which is being hired as the site monitor for Pyramid. She noted that the landfills (both the Dexter and the old Nyack Landfill) were larger than Pyramid's consultants had reported. She said the most important chemical that was never tested for is dioxin.

Appearance: Mr. Joe Centra
West Nyack, New York

Mr. Centra said he recollected that Pyramid was supposed to be blasting for the New York State Thruway so that rock would fall safely. He asked if that was still in the works and will the monitor be concerned about this particular area as well? Please consider that in your evaluation of who the monitor is and what he is supposed to do.

Appearance: Ms. Marie Bouchard
Congers, New York

Ms. Bouchard voiced concern regarding a mini-mall to be built in Congers on which the Board had voted 5 to 0. She was worried that no testing had been done in the area. She noted that it was impossible to make a left hand turn there and the mall hasn't even started to be built. She said they should find out why one person is entitled to build a mini mall in Congers.

Appearance: Mr. David Geller, Member
Nanuet Civic Association
Concerned Citizens
Nanuet, New York

Mr. Geller asked questions regarding Metro-North and the purchase of property. Town Attorney stated that he had met with Mr. Geneslaw and the only property that makes any

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sense over there is the Mertens property and he is communicating that information to the Town Board. Regarding Overlook Road, Mr. Geller said let's make the developers who come into Town do what they say they are going to do. He urged considering a moratorium on zone changes. He said it doesn't seem like anyone is on top of the Pyramid situation.

Appearance: Mr. Michael Brancatelli
West Nyack, New York

Mr. Brancatelli stated that he is a student learning about government and if the law is supposed to protect us, who is protecting us from Pyramid?

RESOLUTION NO. (758-1993) ACCEPTING TOWN BOARD
MINUTES OF 11/9/93

Co. Smith offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of November 9, 1993 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (759-1993) DENYING PROPOSED
AMENDMENT TO ZONING
ORDINANCE (PLOTKIN)

Co. Smith offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on January 23, 1990, provided for a public hearing on February 27, 1990, at 8:10 P.M., to consider the application of ELLEN V. PLOTKIN, to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the Petitioner described on the Clarkstown Tax Map as Map 36, Block D, Lots 1, 8 and 9, from an R-15 District to a PO District, and

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

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

NOW, THEREFORE, be it

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

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Town Board hereby DENIES the

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RESOLUTION NO. (759-1993) Continued

petition of ELLEN V. PLOTKIN for an Amendment to the Zoning Ordinance.

On roll call the vote was as follows:

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

RESOLUTION NO. (760-1993)

SETTLEMENT OF TAX
CERTIORARI (GANNETT
SATELLITE INFORMATION
NETWORK, INC.)

Co. Smith offered and Co. Mandia seconded

WHEREAS, certain tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland, entitled, Gannett Satellite Information Network, Inc. v. The Assessor and The Board of Assessment Review of the Town of Clarkstown, et al, under Index Nos. 9399/91, 6332/92, 4481/93, affecting the parcel designated as Map 106, Block A, Lot 1, and

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

1. That the assessment against the above described property for the year 1991/1992 be reduced from \$1,429,800 to \$1,328,480; for the year 1992/1993 from \$1,429,800 to \$1,334,460; and for the year 1993/1994 from \$1,429,800 to \$1,363,740.

2. That reimbursement for the years 1991/1992, 1992/1993 and 1993/1994 be made within sixty days from service of an Order with Notice of Entry through the office of the Commissioner of Finance of Rockland County. If payment is made within the sixty days, no interest shall be charged.

3. That all municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and

WHEREAS, it appears to be in the best interest of the Town of settle such matters upon the terms and conditions aforesaid, and such settlement is recommended by the Assessor of the Town of Clarktown, and the attorneys for the Clarkstown Central School District have consented to such settlement;

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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RESOLUTION NO. (760-1993) Continued

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

RESOLUTION NO. (761-1993)

REVIEW SITE OF
PROPOSED BALLFIELD
(LAKE NANUET PARK)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown has received a report pursuant to the New York State Environmental Quality Review Act (SEORA), from our consultant Robert Geneslaw, which the Board has discussed and considered such report in making their decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, dated October 13, 1993, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the proposed ballfield at Lake Nanuet Park is an unlisted action and shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEORA) is required.

On roll call the vote was as follows:

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

RESOLUTION NO. (762-1993)

SETTING PUBLIC HEARING
RE: ZONE CHANGE
PETITION (FRASER)

Co. Maloney offered and Co. Mandia 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";

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,

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RESOLUTION NO. (762-1993) Continued

on December 14, 1993, at 8:45 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
Councilman Mand'a.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (763-1993)

AMENDING RESOLUTION
#733-93 RE: AWARDING
BID #1-94 (STATIONERY
AND OFFICE SUPPLIES)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Page 11 of Town Board Resolution #733-1993 be amended to read:

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

BID #1-1994
STATIONERY AND OFFICE SUPPLIES

is hereby awarded to:

MANHATTAN STATIONERY
3010 Westchester Avenue
Purchase, NY 10577
PRINCIPAL: HARVEY ARONOFF

ADVANTAGE BUSINESS PRODUCTS
3 Cross Street
Suffern, NY 10901
PRINCIPALS SAM SCHWED
JUDITH SCHWED
TAMARA BRISK
JACK SCHWED

BT SUMMIT PRODUCTS INC.
66 Brockway Place
White Plains, NY 10602
PRINCIPAL: PUBLIC CORPORATION

ROCKLAND OFFICE SUPPLY INC.
120 Stuart Road
Airmont, NY 10954
PRINCIPALS: DEBBIE TORTORA
PAUL TORTORA

CHESLER STATIONERY
15 E. Central Ave.
Pearl River, NY 10965
PRINCIPAL: CHARLES CHESLER

As per the attached item/price schedule

(Price schedule on file in Town Clerk's Office

On roll call the vote was as follows:

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RESOLUTION NO. (765-1993) Continued

and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, John Mauro, for implementation.

On roll call the vote was as follows:

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

RESOLUTION NO. (766-1993)

SUPERINTENDENT OF HIGHWAYS TO INSTALL "DO NOT BLOCK DRIVEWAY" SIGN (FIRST STREET)

Co. Dusanenko offered and Co. Maloney seconded

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

A sign, "Do Not Block Driveway" to be erected on the south side of First Street on the west side of the driveway. (location: Map 57 Block F Lot 1),

and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, John Mauro, for implementation.

On roll call the vote was as follows:

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

RESOLUTION NO. (767-1993)

SUPERINTENDENT OF HIGHWAYS TO INSTALL "TOWN SPEED 30 MPH" (WATERS EDGE, CONGERS)

Co. Dusanenko offered and Co. Maloney seconded

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

Signs to read, "Town Speed 30 MPH" to be erected at appropriate distances on both sides of Waters Edge, Congers, NY

and be it,

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RESOLUTION NO. (767-1993) Continued

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, John Mauro, for implementation.

On roll call the vote was as follows:

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

RESOLUTION NO. (768-1993)

SUPERINTENDENT OF
HIGHWAYS TO INSTALL
"STOP SIGN" (VERDIN
DR., NEW CITY)

Co. Dusanenko offered and Co. Maloney seconded

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

A Stop sign on the south side of Verdin Drive at Dorchester Avenue, New City, NY

and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, John Mauro, for implementation.

On roll call the vote was as follows:

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

RESOLUTION NO. (769-1993)

AMENDING 1993 BUDGET

Co. Mandia offered and Co. Maloney seconded

WHEREAS, pursuant to Section 115 of the Town Law, the Comptroller of the Town of Clarkstown is hereby authorized to amend the 1993 budget for transferring unexpended balances of appropriations among various accounts, and by increasing and decreasing revenue accounts for the purpose of balancing all funds,

NOW, THEREFORE be it

RESOLVED, that the 1993 budget is hereby amended.

On roll call the vote was as follows:

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

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RESOLUTION NO. (770-1993) TRANSFER OF FUNDS

Co. Mandia offered and Co. Maloney seconded

RESOLVED, to transfer \$15,000.00 from Project Account #H-7110-409-18-15 (Congers Lake Memorial Park) to Project Account #H-7110-409-18-14 (Kings Park).

On roll call the vote was as follows:

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

RESOLUTION NO. (771-1993) TRANSFER OF FUNDS

Co. Mandia offered and Co. Maloney seconded

RESOLVED, to increase Revenue Account 2012 (Refreshment Stands) by \$15,843.00 and to increase Appropriation Account 7140-203 (Motor Vehicles) by \$15,843.00, and be it

FURTHER RESOLVED, to increase Revenue Account 2025 (Beach & Pool) by \$21,860.00 and to increase Appropriation Account 7140-203 (Motor Vehicles) by \$21,860.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (772-1993) TRANSFER OF FUNDS

Co. Mandia offered and Co. Maloney seconded

RESOLVED, to increase Revenue Account 2025 (Beach & Pool) by \$11,140.00 and to increase Appropriation Account 7180-462 (Water) by \$11,140.00, and be it

FURTHER RESOLVED, to increase Revenue Account 2012 (Refreshments) by \$2,820.00 and to increase Appropriation Account 7210-301 (Food) by \$2,820.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (773-1993)

AUTHORIZING SUPERVISOR
TO ENTER AGREEMENT
WITH LAWLER, MATUSKY &

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RESOLUTION NO. (773-1993) Continued

SKELLY AS SITE
MANAGERS FOR PYRAMID

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that LAWLER, MATUSKY & SKELLY, Engineers, are hereby designated Site Monitor for the Pyramid Project, West Nyack, New York, to perform the duties set forth on the job specifications annexed hereto as Schedule "A," and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into a contract with LAWLER, MATUSKY & SKELLY, Engineers, for said Site Monitor position, in conformity with their proposal dated November 17, 1993, and be it

FURTHER RESOLVED, that the cost of the employment of this firm as Site Monitor shall be repaid to the Town by the Pyramid Company of Rockland, Inc., as per their Memorandum of Agreement executed after the Technical Advisory Committee meeting of September 30, 1993.

On roll call the vote was as follows:

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

RESOLUTION NO. (774-1993)

SITING OF RECYCLING
FACILITIES FOR
ROCKLAND COUNTY AT
FORMER CLARKSTOWN
SANITARY LANDFILL

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Integrated Solid Waste Management Plan and Generic Environmental Impact Statement ("ISWMP") calls for different types of recycling facilities to be located in the County of Rockland, and

WHEREAS, a material recovery facility ("MRF") is one of the facilities described and provided for in the ISWMP, and

WHEREAS, as to the siting of the MRF, it is proposed that it be located in the Town of Clarkstown at the former landfill site, Route 303, West Nyack, New York, and

WHEREAS, it would be in the best interest of the County of Rockland and the Town of Clarkstown to locate the MRF at said Clarkstown site because of the benefits accruing to both parties;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown consent to the location of the County Material Recovery Facility (MRF) at the former Clarkstown Sanitary Landfill site, Route 303, West Nyack, New York, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with

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RESOLUTION NO. (774-1993) Continued

the County of Rockland, its agencies, or a Rockland County Solid Waste authority, providing for the location of the MRF at the former Clarkstown Sanitary Landfill site, and containing the following terms and conditions:

1. The County, its agencies, or a Rockland County Solid Waste authority, will pay the Town of Clarkstown \$1.00 per ton for all recyclable material delivered to the said MRF based upon actual scale records;

2. Immediately prior to the start of permitted operations, the County, its agencies, or a Rockland County Solid Waste authority, will make a one-time payment to the Town of Clarkstown of Seven Hundred Sixty Thousand Dollars (\$760,000.00);

3. The County, its agencies, or a Rockland County Solid Waste authority, will be responsible for a sum not to exceed One Million Dollars (\$1,000,000.00) towards the landfill closure component on the MRF site;

4. All trucks accessing the MRF site must use Route 9W, Route 303, and the New York State Thruway and must not use local roads in the Town of Clarkstown. Truck traffic will be coordinated to avoid peak commuter hours;

5. Preference in local hiring at the MRF will be given to residents of the Town of Clarkstown;

6. The Town Board of the Town of Clarkstown, or their designee, will be allowed to have input into the architectural development of the MRF project and will be invited to attend all meetings relating to the matter;

7. The Town of Clarkstown shall convey to the County, its agencies, or a Rockland County Solid Waste authority, without compensation, an eight (8-) acre parcel, more or less, at the former landfill site for the location of the MRF;

8. The Town of Clarkstown shall provide access to the MRF site over the existing interior roads in the former landfill;

9. The Town of Clarkstown shall grant to the County, its agencies, or a Rockland County Solid Waste authority, the use of the scales at the site for weighing of the trucks containing recyclables which will be entering the MRF facility;

10. The Town of Clarkstown shall indemnify the County, its agencies, or a Rockland County Solid Waste authority, against any environmental liability resulting from the use of the site as a sanitary landfill and arising under local, state and federal laws.

On roll call the vote was as follows:

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

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RESOLUTION NO. (775-1993)

AUTHORIZING LIGHTING
AT SOUTH GRANT AVENUE
AND LAKE ROAD, CONGERS

Co. Smith offered and Co. Dusanenko seconded

WHEREAS, a request was received from the Congers Elementary School to improve the existing street lighting on South Grant Avenue and Lake Road, Congers in the immediate vicinity of the Congers Elementary School, Congers,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts a proposal from Orange and Rockland Utilities, Inc. for street lighting at the following locations:

South Grant Avenue Congers
(Upgrade two (2) - 7900 lumen mercury vapor street lights on existing utility pole numbers 60714/41926 and 60712/41911 to two (2) 5800 lumen sodium vapor street lights to conform to all other existing street light fixtures on South Grant Avenue)

Lake Road Congers
(Install one (1) - 16000 lumen sodium vapor street light on existing utility pole numbers 60792/41942

On roll call the vote was as follows:

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

RESOLUTION NO. (776-1993)

AUTHORIZING LIGHTING
AT U.A. CINEMA,
CAVALRY DRIVE, NEW CITY

Co. Smith offered and Co. Dusanenko seconded

WHEREAS, the Town of Clarkstown operates and maintains a commuter parking lot within a portion of the parking facilities for the United Artists Theatre on Cavalry Drive, New City,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts a proposal from Orange and Rockland Utilities, Inc. for dusk-to-dawn floodlighting within this commuter parking lot as follows:

(Install - Two (2) wooden utility poles within designated commuter parking lot - U.A. Cinema, Cavalry Drive, New City)
(Install - Eight (8) 250 watt - 27500 lumen sodium vapor dusk-to-dawn floodlights on newly installed utility poles, as per attached sketch)

On roll call the vote was as follows:

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RESOLUTION NO. (778-1993) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (779-1993)

AMENDING DATE OF FINAL
MEETING OF THE YEAR

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Resolution No. 1-1993 is hereby
amended to change the date of the December 31, 1993, Town Board
Meeting to December 30, 1993 at 12:00 noon.

On roll call the vote was as follows:

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

RESOLUTION NO. (780-1993)

ADVERTISING FOR BID
#65-1993 - CURBSIDE
RESIDENTIAL COLLECTION
OF RECYCLABLE MATERIALS

Co. Maloney offered and Co. Smith seconded

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

BID #65-1993
CURBSIDE RESIDENTIAL COLLECTION
OF RECYCLABLE MATERIALS

bids to be returnable to the Office of the Director of
Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M.
on December 27, 1993 at which time bids will be opened and
read, and be it

FURTHER RESOLVED, that bid specifications and
proposal documents can be obtained at the Office of the
Clarkstown Director of Purchasing.

On roll call the vote was as follows:

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

RESOLUTION NO. (781-1993)

AUTHORIZING SETTLEMENT
OF TAX CERTIORARI

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RESOLUTION NO. (781-1993) Continued (TIMBERLINE AT KINGSGATE)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, certain tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland, entitled, Timberline At Kingsgate Condominium v. The Assessor, The Board of Assessors, et al, under Index Nos. 3969/01, 5554/91, 4487/92 and 3899/93, and

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

1. That for the years 1990/1991, on Models A, B, and D, the assessed valuation be reduced 15%, and the restricted assessed valuation be reduced 25%.
2. That for the years 1990/1991, on Models C, D2, D-3 and E, that there be no change in the assessed valuation, and the restricted assessed valuation be reduced 10%.
3. That for the years 1992/1993, for all models, the assessed valuation be reduced 10%, and the restricted assessed valuation be reduced 20%.
4. That reimbursement on the above parcels for all years shall be made within ninety days from service of an Order with Notice of Entry through the office of the Commissioner of Finance of Rockland County. If payment is made within the ninety days, no interest shall be charged.
5. That all municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and

WHEREAS, it appears to be in the best interest of the Town of settle such matters upon the terms and conditions aforesaid, and such settlement is recommended by the Assessor of the Town of Clarkstown, and the attorneys for the Clarkstown Central School District have consented to such settlement;

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (782-1993)

AUTHORIZING SETTLEMENT OF TAX CERTIORARI BOARD OF MANAGERS, OMNI COURT CONDOMINIUM PHASE I AND II

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RESOLUTION NO. (782-1993) Continued

Co. Mandia offered and Co. Maloney seconded

WHEREAS, certain tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland, entitled, Board of Managers Omni Court Condominium Phase II, Board of Managers Omni Court Condominium Phase I v. The Assessor, et al, under Index Nos. 3967/90, 5555/91 and 4485/92, and

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

1. That for the year 1990, for all units, the assessed valuation is not changed, and the restricted assessed valuation be reduced 10%.

2. That for the year 1991, for all units, the assessed valuation be reduced 20%, and the restricted assessed valuation be reduced 30%.

3. That for the year 1992, for all units, the assessed valuation remains the same, and the restricted assessed valuation be reduced 10%.

4. That reimbursement on the above parcels for all years shall be made within ninety days from service of an Order with Notice of Entry through the office of the Commissioner of Finance of Rockland County. If payment is made within the ninety days, no interest shall be charged.

5. That all municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and

WHEREAS, it appears to be in the best interest of the Town of settle such matters upon the terms and conditions aforesaid, and such settlement is recommended by the Assessor of the Town of Clarkstown, and the attorneys for the Clarkstown Central School District have consented to such settlement;

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (783-1993)

REQUESTING NEW YORK
STATE DEPARTMENT OF
TRANSPORTATION TO
EXTEND SOUND BARRIER
ALONG ROUTE 59

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RESOLUTION NO. (783-1993) Continued

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, the properties fronting on Foxwood Road, West Nyack, New York, back onto Route 59, and

WHEREAS, the traffic on Route 59 has a substantial noise level which affects the persons living on said streets;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby requests that the New York State Department of Transportation extend the sound barrier being erected along Route 59, along the rear of properties which front on Foxwood Road, West Nyack, New York, and be it

FURTHER RESOLVED, that the Town Clerk shall forward a certified copy of this Resolution to the New York State Department of Transportation, Assemblyman Alex Gromack, and Senator Joseph Holland.

On roll call the vote was as follows:

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

RESOLUTION NO. (784-1993)

SCHEDULING PUBLIC INFORMATIONAL MEETING CONCERNING TRANSITION PLAN - AMERICANS WITH DISABILITIES ACT

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has prepared a Transition Plan to comply with the Americans with Disabilities Act, and

WHEREAS, the Town Board of the Town of Clarkstown desires to have a public informational meeting to receive input from the public concerning the proposed Transition Plan and the implementation of the Americans with Disabilities Act;

NOW, THEREFORE, be it

RESOLVED, that a public informational meeting will be held at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on December 14, 1993, at 8:50 P.M., and be it

FURTHER RESOLVED, that the Town Attorney shall prepare notice of such public informational meeting and the Town Clerk cause the same to be prominently displayed in the official newspaper of the Town as aforesaid.

On roll call the vote was as follows:

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

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RESOLUTION NO. (785-1993)

AUTHORIZING
SOLICITATION OF
PROPOSALS TO IMPLEMENT
AMERICANS WITH
DISABILITIES ACT

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has prepared a Transition Plan to comply with the Americans with Disabilities Act, and

WHEREAS, the services of an architect is necessary to prepare plans and specifications to implement such requirements of the Americans with Disabilities Act;

NOW, THEREFORE, be it

RESOLVED, that Edward Lettre, Clerk of the Works, and Arnold Botwinick, Consultant for the Town, prepare a plan and specifications in order to solicit proposals for architectural services to implement the Americans with Disabilities Act, which proposal shall be returnable on January 20, 1994 in the Office of the Clerk of the Works.

On roll call the vote was as follows:

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

RESOLUTION NO. (786-1993)

SETTING PUBLIC HEARING
RE: CHANGE OF ZONE -
HORN CONSTRUCTION CORP.

Co. Maloney offered and Co. Mandia seconded

WHEREAS, HORN CONSTRUCTION CORP. has petitioned the Town Board of the Town of Clarkstown requesting that the Zoning Ordinance of the Town be amended by redistricting property owned by the petitioner, from an R-22 District to an R-10 District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 135, Block D, Lots 23 through 41;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on December 14, 1993, at 8:40 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, and be it

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board

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RESOLUTION NO. (786-1993) Continued

determines that it shall act as lead agency and K. Luke Kalarickal, P.E., 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
- Councilman Mandia.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (787-1993)

SETTING PUBLIC HEARING
ON PROPOSED LOCAL LAW
"AMENDMENT TO CHAPTER
262 (TAXATION)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Councilman Maloney, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled,

"AMENDMENT TO CHAPTER 262 (TAXATION)
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on December 14, 1993 at 8:35 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the Journal News, the official newspaper of the Town of Clarkstown and posted in the manner provided by law, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (788-1993)

RETAINING APPRAISER
REGARDING DELLWOOD
COUNTRY CLUB

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that The Albert and Sterling Appraisal Company, is hereby retained to perform a preliminary appraisal on the Dellwood Country Club property, New City, New York, at a fee not to exceed \$5,000.00, and be it

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RESOLUTION NO. (788-1993) Continued

FURTHER RESOLVED, that such fee shall be charged to
Account No. A-1420-409.

On roll call the vote was as follows:

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

On motion of Councilman Maloney, seconded by Councilman Dusanenko and unanimously adopted, the public hearing re: Special Permit Application - Mobil Oil Corporation was opened, time: 9:06 P.M.

On motion of Councilman Dusanenko, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Special Permit Application - Mobil Oil Corporation, was closed, DECISION RESERVED, time: 9:30 P.M.

Wishes for a Happy Thanksgiving were extended to the public and exchanged among the Board Members.

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the Town Board Meeting was declared closed, 9:30 P.M.

Respectfully submitted,

PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

11/23/93

9:06 P.M.

RE: Special Permit for Mobil Oil Corporation

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

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

Town Attorney stated that the County Planning Board approves subject to the condition "...that the site plan should be reviewed by this office, as well as the New York State Department of Transportation, Rockland County Health Department, and Rockland County Soil and Water Conservation District."

Town Attorney noted that the Clarkstown Planning Board approved with the condition that the site plan be reviewed by different county offices. SEORA reports that there is no environmental impact.

Supervisor called upon the applicant to make a presentation.

Appearance: Martin Cornell, Esq.,
representing the applicant

Mr. Cornell presented a plan of the site at the intersection of Route 59 on the south side with Smith Road on the east side. This is the existing Mobil Oil Station which is there at the present time having a gasoline filling station and a car wash. The application is to modify the existing site by moving the car wash which is more or less located in this vicinity to a location (here he referred to colored portions on the presented map). The car wash building itself would be reduced in size from the existing car wash and the location of the pumps and the convenience store and the canopy would be located in the area which is shown on the map. The existing pumps would be moved and modified to new locations. There are presently four existing pumps. This site will be expanded for six pumps. The existing tanks which are in the ground and which have been refurbished recently would remain as they presently are. As has already been indicated, this map has been approved by the Town Planning Board. The Town Planning Board has had numerous meetings and the plan has evolved to the satisfaction of the Planning Board. It has also been approved by the Rockland County Planning Board. In addition to that, the Department of Transportation has also approved this site and the configuration. Mr. Cornell then introduced Mr. Petretti who is the engineer for the project and who was sworn in by the Supervisor.

Appearance: Mr. Petretti, Engineer

Mr. Petretti stated that he is a licensed professional engineer and land surveyor in the State of New York. He has been working on gas stations for approximately six years on approximately 22 gas stations. He said his area of expertise is civil and environmental engineering.

At the request of Mr. Cornell to describe the site in a little bit more detail and in particular to describe the

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configuration for the ingress and egress off Route 59 and how that will work and how that has been approved by the DOT, Mr. Petretti referred to a map describing in detail the site and its ingress and egress. He said this plan has been presented to the New York State Department of Transportation and we have come up with an alignment of ingress and egress onto Route 59 with an island which will give a right hand turn into the site. You will also be able to make a right hand turn back out onto Route 59. A means of movement onto the right of way will be maintained. There will be an escape path in the event someone does not wish to go through to the car wash and will be connected so you can get into the shopping center.

Mr. Petretti said he has worked very closely with New York State Department of Transportation and they have reviewed this plan and are happy with it. It dovetails nicely with the Route 59 improvements. We can build this previous to the improvements or after the improvements occur. He said the drainage and all the infrastructure that is to be installed in the island will fit neatly into the approach plans for the Route 59 improvements. At such time as the improvements would occur you would have a smaller island. He showed where an anticipated widening would occur. He said there is enough room between the anticipated widening and the property line. There would be sidewalk in this particular area.

Mr. Petretti said he does not usually have a site as luxurious as this. It is a very large site. You will be able to enter off Route 59 and exit onto Route 59. There is a stacking lane for the car wash. The car wash will be reduced substantially in size from that which is there now. He noted the canopy and the convenience store on the proposed plan. At the request of Councilwoman Smith he pointed out the parking areas. He said the landscaping has been very well thought out and has been approved by the Town Landscape and Architectural Board. The buildings have been approved by the Architectural Board and the Sign Committee. The landscaping buffered areas are respected. There is very nice landscaping along the front and on the sides. He pointed out a fifty foot buffer to the car wash which is a very nice, wide planted area. He said this site will look very nice when it is finished.

Supervisor Holbrook asked in regard to this petition for special permit what are the basic things that you are asking for? He said you already have an auto laundry there. You have a filling station that is there. He asked him to encapsulate for everybody specifically what you need the special permit for?

Mr. Cornell said the purpose for the special permit application is that although there is a special permit in existence now for the site which was granted back in 1969 and has been there for twenty years, the reason for the application before the Board now is actually a modification of the existing permit which would be to move the car wash building from the prior site which is not shown here to this portion of the property and to modify the number of pumps.

Supervisor said you are going to move the auto laundry and as he understood it six pumps instead of four pumps and a convenience store. For the current special permit the application is for the relocation of the auto laundry and two extra pumps but no additional tanks. He was told that was correct. Councilman Dusanenko noted that they did not have to get wet pumping gas either. Supervisor said one of the other salient points that you mentioned is that on Smith Street where

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now you can go in and out, now you will only be able to go in. Mr. Cornell said if any of you have been in this vicinity you probably have realized that the ingress and egress on this access road of the shopping center plus the ingress and egress to the car wash at the present time is a bottleneck. Supervisor said then you will eliminate that only to ingress and relocation.

Councilman Maloney said he goes there three or four times a week and there is still a problem making a left turn off Smith trying to get into the shopping center. Trying to get in and make a left and trying to get out to make a left is almost impossible. Forget about what is there now. Coming out there to make a left turn you take your life in your hands. You play Russian Roulette. Going in on a left now that Mavis is there you have people going into Mavis because they think they are going into Pathmark.

Mr. Cornell said this ingress and egress would probably be used on a limited basis. Councilman Maloney said if anyone wanted to come out there they are never going to get out. He said if he was getting his car washed you would have to go out onto Route 59 because you are never going to get out to make a left turn into the stream of traffic that backs up from Pathmark. Mr. Cornell said the major ingress and egress is going to be on Route 59. Supervisor said the intersection of Smith is going to be improved by the State Department of Transportation. He said the point he is trying to make is that the ingress and egress that is presently there on Smith, actually the egress from that location onto Smith is one of those that is going to be eliminated. Councilman Mandia said this is going to be better than what is there now. He said, of course, you could use a stacking lane on Smith.

Mr. Cornell said there was a great deal of discussion by the Town Planning Board and also the State DOT as to whether or not this access road to the shopping center should remain a two way road and there was some discussion about eliminating the two way road to make this entrance less congested but it was concluded after a great deal of study that it would be undesirable to do that.

Mr. Petretti said the NYSDOT is still investigating the extension of a solid island in that area to preclude any left turn out. He said another thing important to the plan is the site is going to be enlarged in terms of the land we are going to occupy. We are going to lease property which is presently not part of the existing site. This makes the site a lot larger. Couple that with a right hand turn in and a left hand turn out you can make circulation through here and get back out. Most people will generally go out the easiest way they can. Difficult movements will be helped because now you can get out on Route 59. (Again reference was made to maps presented by the petitioner.) He felt this was a significant improvement.

Supervisor asked if Board members had any other questions. No one did. Supervisor asked if any member of the public wished to ask a question or make a comment?

Appearance: Mr. Bob Jackson
Nanuet, New York

Mr. Jackson asked if Mr. Howard Lampert had looked at this? He made a comment about a proposed traffic study we are going to do when Church Street is opened. Supervisor said

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we hired to do this study on Church Street and the whole vicinity which would include this. That will be part of a study regarding the closing of those roads if in fact the Town Board does it. Mr. Jackson said what would happen if something in the configuration that we approve here tonight - if an expert comes up a few months after we have that study done and said this should have been done or this curb cut should be eliminated, etc.? Supervisor said the State of New York is looking at the improvements for Smith Road there and that intersection is going to be totally improved when the construction starts. He said the reason he asked the question before on this particular location is that coming into Smith Street now you can come in and out at this location. Right now this plan calls for people only coming in to that site and not exiting there. So, there should be less confusion at that location. Councilman Mandia said it should be better than it is now, He stated that he lived right around the corner and he is very familiar with the area.

Town Attorney stated that the Planning Board has asked that if it is approved, it go to them for final site plan approval.

Mr. Jackson said he is concerned when there is a traffic backup especially at holiday season when people start panicking, who are backed up into Pathmark, can they move into this area? Councilman Mandia said no, this is like an emergency entrance/exit there. Supervisor said if someone wanted to break out of the line they could do that.

Mr. Jackson asked if they were going to put a convenient mart here? He was told yes. He asked if they would be selling alcohol or would it be like a deli? He was told if they did sell alcohol they would have to be licensed to do so. Mr. Jackson said he has seen a lot of towns where they do not allow alcohol to be sold at these types of things. He said he could pull up to the Thruway Deli, get out of his car and go get a fifth. He is concerned about these type places selling alcohol. It is easy to get. He said we could all go to a deli but it seems that here you are getting in easy and getting out easy and you can get a cup of coffee, a pack of cigarettes, a six pack of beer - if young people or older people are doing this it would seem that selling alcohol is out of place. Councilman Dusanenko said maybe drugs too. Mr. Jackson said he is talking about legal sales. It seems it is not the proper place - to put gasoline and alcohol together.

Mr. Cornell asked Mr. Petretti as one of the special findings, if the application is granted, will it be suitable for transportation of supply waste disposal and fire and police protection? Mr. Petretti said as far as the water and sewer is concerned Spring Valley Water Company would supply water into the site. Sanitary sewers are available. Police and fire protection are available.

Mr. Cornell said the second special finding is that the application will not cause traffic congestion or create a traffic hazard. He asked Mr. Petretti whether this site, if developed, would generate any more traffic on Route 59 than presently exists?

Mr. Petretti said the proposal would not increase the traffic. Mr. Cornell said he has a letter from the DOT dated June 14, 1993 which he gave to the Town Clerk which indicates that they have approved the site plan.

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Mr. Cornell said with regard to waste disposal did you make the appropriate applications to the Sewer District of Rockland County and was there a letter received approving discharge? Mr. Petretti said the County of Rockland requires on all applications that an industrial waste questionnaire be submitted. That was submitted back in 1992 and another in response to the submission of that was made back to the Clarkstown Environmental Department. This was given to the Town Clerk.

Mr. Cornell asked whether or not there would be any more dangerous and objectionable elements from this site than any other such uses as permitted in the district, such as noise, fumes, etc.? Mr. Petretti said there would be nothing generated by the site in that category.

Mr. Cornell asked is it correct that this would not alter the character of the area as it is already commercial and would not adversely affect the property values in the area? Mr. Petretti said this application would not affect the area. He believes that it would be an improvement.

Mr. Cornell said in addition to the general special findings there are special findings for car washes which include whether or not the site is necessary for the surrounding residential or retail area. Would you tell the Board whether that is true? Mr. Petretti said yes, this site would be good for the area. It is ideally located.

Mr. Cornell asked Mr. Petretti to tell the Board approximately how many cars are serviced per day. Mr. Petretti said forty cars per day. Councilman Maloney said it could not be forty a day because you would be out of business. Mr. Petretti said year to date we had 12,315 car washes. This data was supplied to him by Mobil Oil Corporation. That is based on ten months. Supervisor said it is higher than forty a day because some days they are not open. Councilman Dusanenko said the location is open but not the car wash. Mr. Petretti said based on the figures he was provided with it is forty a day.

Mr. Cornell said the next special finding is in regard to the amount of vehicular traffic to and through local streets or past elementary schools? (Mr. Petretti's answer was unclear on the tape.) Mr. Cornell asked is it correct that the site sits by a reservoir that permits at least 15 cars? He said by reservoir he meant stacking. Mr. Petretti said yes it would. Stacking is shown in the drawings. Mr. Cornell asked if there was adequate provision for the disposal of waste water? Mr. Petretti said there is public sewer and public water available.

Mr. Cornell said with regard to the special findings required for gasoline stations it must be on a site which is at least 20,000 square feet. There is 150 foot of frontage (the rest of Mr. Cornell's remark unclear.) Mr. Petretti said both of those requirements are met. Mr. Cornell said is it correct that there will be no repairs on the site at all? Mr. Petretti said that is correct. Mr. Cornell asked would it comply with the parking requirements and are the pumps back at least 20 feet from the lot line? Mr. Petretti said both of those requirements are satisfied.

Mr. Cornell said there is a provision in the ordinance which says that gasoline stations should not be closer than 1,000 feet to another gasoline station. Now at

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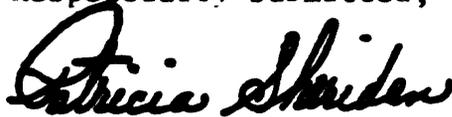
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this particular site there is a Hess Station which is presently located within the vicinity which we estimate to be approximately 400 feet. The ordinance does provide that if the gasoline station is at an intersection, which this is, the ordinance specifically provides that the Town Board can approve it even if you are close.

Councilman Dusanenko asked if the car wash was going to have a recycling water system? Mr. Cornell said yes it will be recycled.

There being no one further wishing to be heard on motion of Councilman Dusanenko, seconded by Councilman Mandia and unanimously adopted the public hearing was declared closed, DECISION RESERVED, time: 9:30 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk