

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall 12/30/93 12:00 Noon

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.

RESOLUTION NO. (836-1993) ACCEPTING MINUTES OF  
TOWN BOARD MEETING OF  
DECEMBER 14, 1993

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board minutes of December  
14, 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

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RESOLUTION NO (837A-1993) APPROVING NEGATIVE  
DECLARATION OF SEORA  
RE FRASER ZONE CHANGE

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown  
by resolution duly adopted on November 23, 1993, provided for a  
public hearing on December 14, 1993, at 8:45 P.M., to consider  
the application of JAMES AND LINDA FRASER, ET AL, 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 163, Block A, Lots 3, 5, 5.01, 5.02, 5.03, 6, 7, 8, 9,  
19 and 21.01, from an R-10 District to an RS District, and

WHEREAS, the Town Board designated itself as lead  
agency, and

WHEREAS, the Town Board determined that the  
proposed action is a Type I action, and

WHEREAS, a long Environmental Assessment Form and  
supporting traffic and drainage studies were submitted by the  
applicant, and

WHEREAS, the Town Board received the material  
submitted and reviewed a draft of the Negative Declaration  
prepared on behalf of the Town Board by Robert Geneslaw,  
planning consultant for the Town;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby adopts the  
Negative Declaration prepared by Robert Geneslaw, planning  
consultant, dated December 30, 1993, which is on file in the  
Town Clerk's Office, and hereby determines that the zone change  
herein shall have no adverse effect upon the environment.

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RESOLUTION NO. (837A-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

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RESOLUTION NO. (837B-1993)

AMENDING ZONING  
ORDINANCE (FRASER)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on November 23, 1993, provided for a public hearing on December 14, 1993, at 8:45 P.M., to consider the application of JAMES AND LINDA FRASER, ET AL, 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 163, Block A, Lots 3, 5, 5.01, 5.02, 503, 6, 7, 8, 9, 18 and 21.01, from an R-10 District to an RS 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, supported by a traffic study and drainage study prepared by the applicant, all of which has been reviewed by our consultant, Robert Geneslaw, which the Board has discussed and considered such report in making their decision herein, and

WHEREAS, the Town Board has received a report from the Rockland County Department of Planning dated July 27, 1993, with the following conditions:

"1. Your Board should consider extending the RS zone east to the railroad. Rezoning the entire area will eliminate any out parcels, thereby making the zone change more comprehensive.

2. The Town should be assured from the New York State Department of Transportation that the Route 59 redesign can handle the increased traffic that will be generated from the site.

3. The New York State Department of Transportation should review the location of the proposed lights to ensure that they are adequately located on Route 59.

4. At site plan review, the Town should be assured that the applicant is willing to contribute to the cost of off-site improvements, if needed, for an increase in off-site drainage,"  
and

WHEREAS, the Town Board responds to the conditions in said report of the Rockland County Commissioner of Planning, as follows:

1. Condition one has been referred to the Town Planning Board for a report;

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## RESOLUTION NO. (837B-1993) Continued

2. Condition two is met by the NYSDOT concept approval reported by the applicant;

3. Condition three will be met when the applicant receives a NYSDOT permit; and

4. Condition four is met by the applicant's commitment to make a contribution for off-site improvements for traffic and drainage;

NOW, THEREFORE, be it

RESOLVED, that based upon the draft Negative Declaration prepared by Robert Geneslaw, on behalf of the Town Board, dated December 30, 1993, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the change of zone shall not have any significant impact on the environment but that further review pursuant to the State Environmental Quality Review Act (SEORA) is required at time of site plan approval, particularly with respect to traffic and drainage, and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting from an R-10 District to an RS District, the following described property in the Hamlet of Nanuet, New York, in said Town, subject to the following conditions:

1. The applicant shall make off-site improvements to mitigate traffic and drainage impacts of the proposed commercial development.
2. The applicant shall obtain all necessary permits from County and State agencies prior to the Planning Board granting final site plan approval.
3. The Planning Board shall, as part of site plan approval, establish any necessary mitigation of traffic impacts based on other developments, project timing and scheduling of road improvements,

and be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (838-1993)

AMENDING RESOLUTION  
NO. 1294-1987, NO.  
212-1989, NO. 837-1992  
(PERMIT & OTHER FEES)

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RESOLUTION NO. (838-1993) Continued

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Chapter 109 of the Town Code of the Town of Clarkstown provides that the Town Board may establish the permit and other fees for services provided by the Building Department by resolution, and

WHEREAS, the Building Inspector has made recommendation to the Town Board for an increase in the building permit fees;

NOW, THEREFORE, be it

RESOLVED, that pursuant to Section 109-7 of the Town Code, the fee schedule, a portion of Item A, shall be amended to read as follows:

A	<u>Permit Type</u>	<u>Fee</u>
	New construction or alteration to existing buildings or structures accessory buildings and swimming pool	\$80.00 for the first \$1000.00 of construction cost, plus \$9.00 for each additional \$1000.00 of estimated construction cost or fraction thereof.

Renewal of previously issued Building Permit prior to expiration	\$50.00 or 10% of original building permit fee, whichever is greater.
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Sign permit	\$50.00
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B. The following fees shall be payable for the specified services upon request for same:

<u>Service requested</u>	<u>Fee</u>
Use, or change in use or occupancy requiring issuance of a Certificate of Occupancy (no new construction).	\$80.00
Architectural and Landscaping Commission processing fee:	
(a) new buildings	\$100.00
(b) alteration of existing building	\$ 50.00
Demolition permit	
Record search requests for existence of violations and Certificate of Occupancy	\$100.00
Issuance of Certificate of Occupancy:	
(a) If building permit is in effect	NO CHARGE
(b) One and two family dwellings and accessory uses	\$ 50.00
(c) All other premises	\$100.00

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RESOLUTION NO. (838-1993) Continued

Copy of records per page \$ .25

NOW, THEREFORE, be it

FURTHER RESOLVED, that the fee schedule established herein shall take effect, January 1, 1994.

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. (839-1993)

GRANTING CERTIFICATES OF REGISTRATION

Co. Maloney offered and Co. Mandia seconded

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

CAL MART CONSTRUCTION CORP.  
Wortendyke Bros. Equipment  
357A Route 59  
West Nyack, N.Y. 10994

H & R PLUMBING, HEATING & AIR CONDITIONING, INC.  
53 Massachusetts Avenue  
Congers, N. Y. 10920

HENRY SMITH, INC.  
P.O. Box 24  
Monsey, New York 10952

RESOLVED, that the following Certificates of Registration be issued:

- No. 94-4 to Cal Mart Construction Corp.
- No. 94-7 to H & R PLUMBING, HEATING & AIR CONDITIONING, INC.
- No. 94-9 to Henry Smith, Inc.

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. (840-1993)

GRANTING CERTIFICATES OF REGISTRATION

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the following have applied for Certificates of Registration pursuant to Section 236-48 of the Code of the Town of Clarkstown:

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RESOLUTION NO. (840-1993) Continued

JOSEPH GERSHON  
d/b/a TIGER EQUIPMENT CO.  
P.O. Box 304  
Monsey, New York 10952

HOWARD ORNSTEIN  
d/b/a NON STOP SEWER &  
DRAIN  
125 East George Street  
Pearl River, NY 10965

KEVIN STOKES EXCAVATING, INC.  
P. O. Box 812  
Pearl River, New York 10965

NOW, THEREFORE, be it

RESOLVED, that the following Certificates of  
Registration be issued:

- No. 94-5 Joseph Gershon d/b/a/ Tiger Equipment Co.
- No. 94-8 Howard Ornstein d/b/a Non Stop Sewer and Drain
- No. 94-10 Kevin Stokes Excavating, Inc.

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. (841-1993)

GRANTING CERTIFICATE  
OF REGISTRATION

Co. Maloney offered and Co. Mandia seconded

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

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

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of  
Registration be issued:

- No. 94-7 to H & R PLUMBING, HEATING & AIR  
CONDITIONING, INC.

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. (842-1993)

AUTHORIZING PAYMENT OF  
LOST COUPON (SEWER &  
GENERAL PURPOSE BOND  
NO. 1239)

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RESOLUTION NO. (842-1993) Continued

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has been advised by Chemical Bank, as agent for the Town of Clarkstown, that Sewer and General Purpose Bond No. 1239 (Series "B"), dated March 15, 1973, due March 15, 2007, has been lost in bearer form, and

WHEREAS, an appropriate Affidavit of Loss and Bond of Indemnity has been tendered by the payment agent and Federal Insurance Company;

NOW, THEREFORE, be it

RESOLVED, that the Affidavit and Bond referred to above are hereby accepted, and the Town Comptroller is hereby directed to authorize payment of the coupon due March 15, 2007, which was detached from Town of Clarkstown, New York, 4.50% Sewer and General Purpose Bond No. 1239 (Series "B") for \$112.50, without physical presentation of said coupon.

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. (843-1993)

DECLARING ESCROW FUNDS  
IN DEFAULT (DeBEVOISE  
SUBDIVISION)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown has in its possession the sum of \$17,680 to secure the public improvements in a subdivision known as the JOHN L. DeBEVOISE SUBDIVISION;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, and the Superintendent of Highways, the sum of \$17,680 is hereby defaulted to the Town of Clarkstown and transferred to the Highway Department for corrective work to be done in said subdivision, and be it

FURTHER RESOLVED, that, since the Town is defaulting the escrow funds and it shall use the proceeds to perform any necessary corrective work, no maintenance bond will be required upon dedication.

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. (844-1993)

ACCEPTING ROAD AND  
IMPROVEMENTS  
(DeBEVOISE SUBDIVISION)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that upon the recommendation of the Acting Director of the Department of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, deeds dated July 9, 1984, from Kury Homes, Inc. to the Town of Clarkstown conveying the following roads;

Woodbine Road	565	L.F.
Bellows Lane	1240	L.F.

and other improvements to the Town of Clarkstown in a minor subdivision as shown on Final Plat of JOHN L. DE BEVOISE filed in the Rockland County Clerk's Office on December 20, 1971, in Book No. 83 at Page 22 as Map No. 4226, and Final Plat of Subdivision of Lands of JOHN L. DE BEVOISE filed in the Rockland County Clerk's Office on August 2, 1978, in Book No. 93 at Page 18 as Map No. 4962, are hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office.

On roll call the vote was as follows:

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

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RESOLUTION NO. (845-1993)

APPROPRIATING FUNDS TO  
VETERAN ORGANIZATIONS

Co. Maloney offered and Co. Mandia 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:

VFW Post Post 3773

NOW, THEREFORE, 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:

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RESOLUTION NO. (845-1993) Continued

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

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RESOLUTION NO. (846-1993)

AWARDING BID #56-1993  
(POLICE UNIFORMS)

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 #56-1993  
POLICE UNIFORMS

is hereward awarded to:

Lou Temco Uniforms, Inc.  
Best Uniform Division  
29 Samsondale Avenue  
West Haverstraw, NY 10993  
PRINCIPAL: Lou Temco  
Rhoda Temco

Clifton Shirt Company  
529 Main Street  
Loveland, OH 45140  
PRINCIPAL: Edward Levy

Westchester Police & Uniform Supply, Inc.  
120 East Main Street  
Elmsford, NY 10523  
PRINCIPALS: Thomas Verri  
Dominick Colasoonnd

as per the attached item/price schedule

On roll call the vote was as follows:

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

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RESOLUTION NO. (847-1993)

AWARDING BID #63A-1993  
(ANTENNA SYSTEM)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of RAM  
Communications Consultants and Clarkstown Police Department that

BID #63A-1993  
ANTENNA SYSTEM

is hereby awarded to:

Mid-State Communications & Electronics, Inc.  
185 Clear Road  
Oriskany, N.Y. 13424  
PRINCIPAL: Sandra L. Corney

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RESOLUTION NO. (847-1993) Continued

as per their proposed project cost of \$28,096.00 and he it

FURTHER RESOLVED, that said award is subject to the receipt of a Performance Bond and a Labor/Material Payment Bond both equal to 100% of above specified award.

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. (848-1993)

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

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Deputy Director of DEC and the Director of Purchasing that

BID #65-1993  
CURBSIDE RESIDENTIAL COLLECTION OF RECYCLABLE MATERIALS

is hereby awarded to:

Pat Nazzaro Disposal, Inc.  
441 Route 9W  
Congers, NY 10920  
Principal: Pat Nazzaro

as per their low bid of \$3.10 per household per month, and he it

FURTHER RESOLVED, that said award is subject to:

- a) Execution of formal agreement between the Town and the successful bidder
- b) Supplying required Certificate(s) of Insurance and Performance Bond as stated in article 6 of the bid specifications.

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. (849-1993)

TRANSFER OF FUNDS

Co. Smith offered and Co. Maloney seconded

RESOLVED, to decrease Revenue Account 2025 (Beach and Pool) in the amount of \$2,270.00 and to increase Revenue Account 2012 (Refreshment Stands) in the amount of \$2,270.00.

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RESOLUTION NO. (849-1993) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (850-1993) TRANSFER OF FUNDS

Co. Smith offered and Co. Maloney seconded

RESOLVED, to decrease Account 7610-114 (Part time Personnel) in the amount of \$4,600.00 and to increase Account 7310-114 (Part time Personnel) in the amount of \$4,600.00.

On roll call the vote was as follows:

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

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RESOLUTION NO. (851-1993) AUTHORIZING ATTENDANCE AT COURSE

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Assessor, Supervising Real Property Appraiser, Data Collector II and Data Collector are hereby authorized to attend the following courses sponsored by the New York State Assessor's Association continuing education:

July 17-22, 1994 Seminar on Appraising  
Cornell University  
Ithaca, New York  
October 2-5, 1994 - Annual Meeting and Fall  
Seminar on Assessment  
Administration  
New York, N.Y.

and be it

FURTHER RESOLVED, that all proper charges be charged against line 1010-414.

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. (852-1993)

AUTHORIZING AMENDMENT  
TO CONTRACT WITH VELZY  
RE LANDFILL CLOSURE

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown entered into a contract with Charles R Velzy Associates, a division of Velzy/Weston, on August 21, 1989 as amended on January 22, 1991, to perform professional services for a Remedial Investigation and Feasibility Study concerning the Clarkstown Landfill closure, and

WHEREAS, the Town of Clarkstown entered into a State Assistance contract with the New York State Department of Environmental Conservation (NYSDEC), signed by the NSDEC on January 3, 1990, concerning the Clarkstown Landfill, which contract provided for such Remedial Investigation and Feasibility Study for the Clarkstown Landfill closure, and

WHEREAS, additional work is being performed because of the requirements of the NYSDEC, which new scope of work and increased costs have been approved by NYSDEC;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to execute a further amendment to the contract with Charles R Velzy, Associates, Inc., a division of Velzy/Weston, to provide for the performance of the additional services required by NYSDEC, and the total cost of such contract shall be raised to \$2,275,00.00, and be it

FURTHER RESOLVED, that this Resolution is retroactive to January 1, 1993.

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. (853-1993)

SETTING PUBLIC HEARING  
ABANDONMENT OF UNNAMED  
STREET BETWEEN CONGERS  
ROAD AND SNEDECKER  
ROAD, CONGERS

Co. Smith offered and Co. Maloney seconded

WHEREAS, a request has been made by Mazel Karkah Corp., that the Superintendent of Highways and the Town Board of the Town of Clarkstown take action pursuant to Section 205 of the Highway Law to declare that a certain portion of an unnamed street as shown on the map of "Sections W.X.Y. Snedecker Estates" filed in the Rockland County Clerk's Office on April 20, 1905, in Book No. 11, on Page 50, as Map No. 54, and described in the metes and bounds description attached, upon the grounds that the unimproved portion of an unnamed mapped street situate between Snedecker Road and Congers Road, Congers, New York, has never been used by the public and therefore may be deemed abandoned, and

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RESOLUTION NO. (853-1993) Continued

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

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

NOW, THEREFORE, be it

RESOLVED, that a public hearing be had at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on January 25, 1994, at 8:35 P.M., pursuant to Section 273 of the Town Law, to consider said certification of abandonment pursuant to Section 205 of the Highway Law and deletion of same from the Official Map, and be it

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

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

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

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. (854-1993)

AUTHORIZING AGREEMENT  
WITH ROBERT GENESLAW  
CO.

Co. Mandia offered and Co. Smith seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Robert Geneslaw Co., to continue to provide planning consultant services to the Town of Clarkstown, for the period from January 1, 1994 to December 31, 1994, in a form approved by the Town Attorney, and be it

FURTHER RESOLVED, that the compensation of Robert Geneslaw Co. for such services shall be \$7,843.00, per month, and that the total compensation shall be \$94,116.00 which shall be charged to Account No. B.-8020-409.

On roll call the vote was as follows:

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RESOLUTION NO. (854-1993) Continued

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

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RESOLUTION NO. (855-1993) ACCEPTING RESIGNATION

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the resignation of Rose Marie Tarangelo, 77 South Conger Avenue, Congers, New York - Clerk (Seasonal) - Receiver of Taxes Office - is hereby accepted - with regret - effective and retroactive to Decembere 23, 1993.

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. (856-1993) ACCEPTING RESIGNATION

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the resignation of Fanny LaCattiva, 51 Church Lane, Valley Cottage, New York - Clerk (Seasonal) - Receiver of Taxes Office - is hereby accepted - with regret - effective and retroactive to December 23, 1993.

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. (857-1993) ACCEPTING RESIGNATION

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the resignation of Rev. Donald Peet, Clarkstown Reformed Church, 101 Strawtown Road, West Nyack, New York - Member - Board of Ethics - is hereby accepted - with regret - effective December 31, 1993.

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. (858-1993)

GRANTING SICK LEAVE OF  
ABSENCE

Co. Maloney offered and Co. Smith seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.F.A., Dorothy Marshall, 16 Jerrys Avenue, Nanuet, New York - Sr. Clerk Typist - Town Justice Office - if hereby granted a Sick Leave of Absence - at one-half pay - effective January 1, 1994 to February 1, 1994.

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. (859-1993)

AUTHORIZING  
STIPULATION OF  
AGREEMENT

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board of the Town of Clarkstown, upon recommendation of the Police Commission, hereby ratifies and approves the terms of a certain Stipulation of Agreement dated December 30, 1993, in full settlement of all claims made by Michael Kennedy, hereby authorizes the Supervisor to sign said Stipulation and further directs that the terms thereof be complied with.

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. (860-1993)

AUTHORIZING  
INSTALLATION OF GUARD  
RAIL

Co. Mandia offered and Co. Smith seconded

RESOLVED, that the Superintendent of Highways is hereby authorized to install a guardrail in front of property located at 268 Old Haverstraw Road in Congers.

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. (861-1993) INCREASING TIPPING FEES

Co. Smith offered and Co. Maloney seconded

WHEREAS, the tipping fees for solid waste delivered to the Clarkstown Transfer Station are presently \$81.00 per ton, and

WHEREAS, the costs of salaries of Clarkstown employees working at the transfer station scales, and other administrative costs have increased;

NOW, THEREFORE, be it

RESOLVED, that the tipping fees charged for solid waste delivered to the Clarkstown Transfer Station are hereby increased to \$ 84.00 per ton commencing January 1, 1994.

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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On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Amendment to Town Code concerning LIO zoning districts was opened, time: 12:05 P.M.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Amendment to Town Code concerning LIO zoning districts was closed, RESOLUTION ADOPTED, time: 12:10 P.M.

RESOLUTION NO. (862-1993) AMENDMENT ZONING ORDINANCE RE: LIO ZONING DISTRICTS

Co. Maloney offered and Councilwoman Smith seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on December 14, 1993, provided for a public hearing on December 30, at 12:05 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown, and

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

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, acting as staff to the Town Board as lead agency, dated November 19, 1993, the Town Board hereby determines that

Continued on Next Page

RESOLUTION NO. (862-1993) Continued

the Amendment to the Zoning Ordinance shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

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

Amend General Use Regulations, LIO District, Table 14, Column 3, Paragraph B, to add the following:

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

Amend General Use Regulations, LIO District, Table 14, Column 6, to add the following:

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

Amend §106-16 U, by Adding Item 10 as follows:

"U.(10) In an LIO zone, the storage, placement, or handling of hazardous and medical waste is not to be permitted on any property contiguous to an area zoned for residential use. This requirement applies to all parking, storage and loading of transport vehicles."  
and be it

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

On roll call the vote was as follows:

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

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On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Establishment of Ambulance District Commissioners, was opened, time: 12:10 P.M.

On motion of Councilman Dusanenko, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Establishment of Ambulance District Commissioners, was closed, time: 12:20 P.M.

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RESOLUTION NO. (863-1993)

AUTHORIZING DRAINAGE  
WORK

Co. Dusanenko offered and Co. Mandia seconded

RESOLVED, that the Supervisor is hereby authorized to sign an agreement with Environmental Construction to complete drainage work in the vicinity of property now or formerly owned by Buscicchi on Highway Avenue in Congers,

NOW, THEREFORE, be it

RESOLVED, that the cost of said project shall not exceed \$10,000.00.

On roll call the vote was as follows:

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

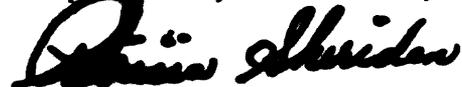
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Supervisor said he had certificates from the Rockland Municipal Planning Federation. Mr. Yacyshin has completed this. He was one of the movers and shakers in this whole thing. He asked Mr. Yacyshin to come forward to receive this certificate. Supervisor offered his congratulations and the congratulations of the entire Town Board. Supervisor said there are other members who will be done at a later date.

Mr. Yacyshin thanked the Town Board for their support and guidance in pushing this in being the first town to enact the original resolutions to have this certification occur. The fact that we had such a tremendous turnout from Clarkstown and in fact all of Rockland for that matter is an indication that people are very interested in what appears to be a very important issue. Supervisor noted that no one had more candidates there than we did.

Supervisor invited all present to come upstairs for light refreshments. He joined the entire Town Board in wishing all those in attendance and all Town residents a very Happy New Year.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

12/30/93

12:05 P.M.

Present: Supervisor Holbrook  
Council Members Dusanenko, Maloney, Mandia & Smith  
Philip B. Fogel, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

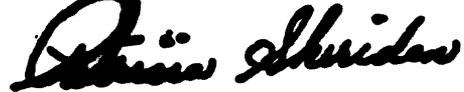
RE: PROPOSED AMENDMENT TO TOWN CODE CONCERNING LIO ZONING  
DISTRICTS

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.

Supervisor asked if there was anyone present wishing to make a comment or ask a question? There was no one wishing to do so.

There being no one wishing to be heard on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted the public hearing was declared closed, RESOLUTION ADOPTED, time: 12:09 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

(RESOLUTION NO. (862-1993) ADOPTED)

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

12/30/93

12:10 P.M.

Present: Supervisor Holbrook  
Council Members Dusanenko, Maloney, Mandia & Smith  
Philip B. Fogel, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

RE: ESTABLISHMENT OF AMBULANCE DISTRICT COMMISSIONERS

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.

Supervisor asked if we had posted these in the alternate? Deputy Town Attorney affirmed that was so. He said the alternates were that the Town Board acts as the Board of Commissioners of each district or in the alternative the Town Board can appoint the necessary commissioners either at the recommendation of the eleven ambulance districts now or at their own discretion.

Supervisor asked if there was anyone present wishing to speak?

Appearance: Howard Doughty, President  
Congers Ambulance Corps.

Mr. Doughty said they have been discussing this for at least the past six to eight months. He said the five boards are not necessarily bound by the same solution. He said he can speak only for Congers Ambulance Corp and does not presume to speak for any other board involved. He asked that the Town Board take their recommendation of three people to serve as an advisory council to the Town Board. They would maintain a term of three years with one person being replaced each year. This year to get started we would suggest three names, one of which would serve three years, one two years and one one year in order to start that process.

Supervisor asked would that be in addition to the Town Board who would be the Commissioners? Mr. Doughty said they would be responsible for various duties and then report to the Town Board. Councilman Mandia said then they will not function as Commissioners. Mr. Doughty said they would be an advisory board and the Town Board would be the Board of Commissioners. Councilman Mandia asked why three people? Deputy Town Attorney stated that was what the statute called for.

Supervisor said to recap then you are suggesting that the Town Board be the Commissioners and that three people from the corps serve as advisers to the Town Board. Mr. Doughty said they are basically approving the budget, etc. They are not doing the day to day workings of the corps. The money would be given to the corps with the approval of the Town Board as has been done in the past. The advisory board would oversee the spending of that money but they would not actually be maintaining a checkbook of their own.

Councilman Mandia said this is a brand new thing. He agrees that the Town Board should act as the Commission with an advisory board. He said he has been advised that at some point down the road a year or two or three down the road, if we wanted to change that and have Commissioners for each of the districts elected with due process we could do that. At this

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PH - Re: Establishment of Ambulance District Commissioners  
12/30/93 Page 2.

point he did not think it was a good idea. Mr. Doughty said they do not wish to go to a public election which in our understanding was an alternative originally.

Supervisor asked if that summed up the feeling of the corps - the Town Board would be the Commissioners and we would appoint three people from each of the corps to serve in an advisory capacity for the day to day operations of the corps with staggered terms? That was affirmed.

There being no one further wishing to be heard on motion of Councilman Dusanenko, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 12:20 P.M.

Respectfully submitted,

  
PATRICIA SHERIDAN,  
Town Clerk