

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

4/26/94

8:00 P.M.

Present: Supervisor Holbrook  
Council Members Dusanenko, Maloney and Mandia  
Councilwoman Smith ill  
Murray N. Jacobson, Town Attorney  
Sheila Reiter, Deputy Town Clerk

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

Supervisor noted that the first order of business this evening was declaring May 1994 "Older Americans' Month". He read the following proclamation:

"OLDER AMERICANS' MONTH  
May 1994

WHEREAS, the Town of Clarkstown is privileged to number among its residents over seven thousand older Americans, a group which has proven to be vital to the growth and prosperity of our community, and

WHEREAS, these citizens can be considered a great asset to the Town of Clarkstown, and

WHEREAS, these men and women provide humor, zest and the wisdom of their years to enrich all our daily lives, and

WHEREAS, our indebtedness to our older Americans is impossible to repay, and the Clarkstown Town board is cognizant of the inherent socioeconomic problems of our older Americans and will continue to pursue new and innovative ways to help alleviate these burdens and, through our older American groups, will solidify our social bond between ourselves and our elderly persons, and

WHEREAS, we now wish to reaffirm the affection, concern and profound respect we feel for this group of individuals;

NOW, THEREFORE, be it

RESOLVED, that I, Charles E. Holbrook, Supervisor of the Town of Clarkstown, on this 26th day of April, 1994, do hereby proclaim the MONTH OF MAY as 'OLDER AMERICANS' MONTH' in the Town of Clarkstown and urge all our residents to join with us in recognizing all our older Americans in an appropriate fashion.

IN WITNESS WHEREOF I HEREUNTO  
SET MY HAND AND CAUSE THE  
SEAL OF THE TOWN OF  
CLARKSTOWN TO BE AFFIXED THIS  
26TH DAY OF APRIL, 1994

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

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

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

/s/ Ann Marie Smith  
Ann Marie Smith, Councilwoman

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

Continued on Next Page

TBM - 4/26/94  
Page 2

Charles Connington, Superintendent of Recreation & Parks Department accepted the proclamations and stated they would be presented to the Senior Citizen Groups at their show on Saturday evening.

\*\*\*\*\*

Supervisor opened the public portion of the meeting.

Appearance: Mr. Stan Smith  
9 Chestnut Grove Court  
New City, New York 10956

Mr. Smith talked about repeated problems he has experienced with the Town Highway Department.

Appearance: Mr. Bob Jackson, President  
Nanuet Civic Association

Mr. Jackson noted that Nanuet also has problems with the Highway Department and stated that someone has to speak to someone regarding this.

Mr. Jackson spoke regarding Agenda Item No. 16 (Hutton Avenue Zone Change) and improvements to Route 59 in that area.

Appearance: Mr. Bruce Broadley  
West Nyack, New York

Mr. Broadley spoke at length regarding problems with Pyramid in many areas.

Appearance: Mr. Russell Trojan  
Nanuet, New York

Mr. Trojan spoke regarding Agenda Item No. 16 (Hutton Avenue Zone Change) and urged a theme in developing the property in the area. He urged MRS zoning instead of RS.

Appearance: Mr. Martin Bernstein  
New City, New York

Mr. Bernstein spoke regarding problems at Clarkstown Highway Department and urged privatization as the productivity of the Highway Department was certainly not as it should be.

Appearance: Mr. Jack Cuff  
West Nyack, New York

Mr. Cuff spoke regarding the Highway Department urging that someone in government change things around down there because with the ratio of supervisors to laborers nothing can get done.

\*\*\*\*\*

At this point Supervisor stated that he would open the Public Hearing scheduled for 8:35 and return to the public portion after the public hearing.

On motion of Councilman Dusanenko, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Zone Change from R-80 to R-40 at South Mountain Road, New City (Renella) was opened, time: 8:35 P.M.

Continued on Next Page

TBM - 4/26/94  
Page 3

On motion of Councilman Maloney, seconded by Councilman Dusanenko and with the abstention of Supervisor Holbrook adopting the zone change, the public hearing re: Zone Change from R-80 to R-40 at South Mountain Road, New City (Renella) was closed, RESOLUTION ADOPTED, time: 8:50 P.M.4)

RESOLUTION NO. (279-1994)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on March 22, 1994, provided for a public hearing on April 26, 1994, at 8:35 P.M., to consider the application of HENRY RENELLA and MARY RENELLA to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the petitioners from an R-80 District to an R-40 District, which property is designated on the Clarkstown Tax Map as Map 81, Block B, Lot 6, and

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

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, acting as staff to the Town Board as lead agency, dated June 30, 1993, the Town Board hereby determines that the change of zone shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting the property designated on the Clarkstown Tax Map as Map 81, Block B, Lot 6, from an R-80 District to an R-40 District, which is situated in the Hamlet of New City, New York, in said Town, and is described on the attached Schedule "A," subject to the following conditions:

1. Land yield shall be determined upon submission of a standard map complying with all R-40 requirements to the Clarkstown Planning Board.
2. Petitioner shall provide public water supply and public sewers.

and be it

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

(Description on File in Town Clerk's Office)

On roll call the vote was as follows:

Continued on Next Page

TBM - 4/26/94  
Page 4

RESOLUTION NO. (279-1994) Continued

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

\*\*\*\*\*

Supervisor then reopened the public portion of the meeting.

Appearance: Mr. Karl Hess

Mr. Hess spoke regarding Item No. 14 (Authorizing agreement for architectural services for renovations to the Highway Department facilities) stating that he had submitted a proposal on this item and wondered if it had been received by the Town Board members? Supervisor asked Mr. Hess to appear at Workshop on Monday and this would be taken up then.

Appearance: Mr. Dave Geller, Vice President  
Nanuet Civic Association

Mr. Geller said it would appear that the Highway Department should be looked into.

Mr. Geller said he would also like to support what Mr. Broadley had to say about Pyramid.

Mr. Geller spoke regarding the possibility of a public park in Nanuet. It was decided this would be placed on this coming Monday's workshop agenda. He also mentioned a meeting on May 5th at the Fire Training Station in Pomona where they would talk about Metro North.

Mr. Geller inquired about the Parker Nanuet property?

Appearance: Mr. John Lodico  
New City, New York

Mr. Lodico said he believed Pyramid was still a viable project and hoped it would work out. He hoped any payroll on behalf of the Town would also be cut since no more services are being done.

Mr. Lodico also spoke regarding Dutch Gardens noting that they had won a trophy for a unique float which had on it a 4' x 8' sign. He asked the Board to consider placing this sign on the corner of our property to bring Dutch Gardens to the public's attention.

Appearance: Mr. Mel Markwith  
Nanuet, New York

Mr. Markwith said he was alarmed by the lack of the sense of urgency about doing something in order to fight Metro North. He urged creation of a park where kids could congregate instead of in the mall.

\*\*\*\*\*

RESOLUTION NO. (280-1994)

Co. Dusanenko offered and Co. Maloney seconded

Continued on Next Page

TBM - 4/26/94  
Page 5

RESOLUTION NO. (280-1994) Continued

RESOLVED, that the Town Board Minutes of April 12, 1994 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (281-1994)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, LAWRENCE APFELBAUM, MANNY APFELBAUM, ALAN APFELBAUM and ELAINE APFELBAUM petitioned the Town Board of the Town of Clarkstown requesting that the Zoning Ordinance of the Town be amended by redistricting property owned by the petitioners, from an R-15 District to an MF-2 District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 59, Block A, Lot 1, and more particularly described on the attached Schedule "A";

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (282-1994)

Co. Dusanenko offered and Co. Maloney seconded

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

BID #28-1994  
REPAIRS TO CATERPILLAR 973  
FRONT END LOADER

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 May 9, 1994 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.

Continued on Next Page

TBM - 4/26/94  
Page 6

RESOLUTION NO. (282-1994) Continued

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (283-1994)

Co. Dusanenko offered and Co. Maloney seconded

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

BID #29-1994  
PUMP STATION RECONSTRUCTION  
LAUREL ROAD, RINNE AND WESTERN HIGHWAY

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 May 31, 1994 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 upon payment of prescribed fee.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (284-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Spring Valley Water Company is hereby authorized to install fire hydrants at the following location(s):

X-9286 - West side of Baswood Court  
approximately 50 feet south of the  
center line of Rennert Lane

Investigation No.: 10496

and be it

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

On roll call the vote was as follows:

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

\*\*\*\*\*

TBM - 4/26/94  
Page 7

RESOLUTION NO. (285-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby RESCINDS Resolution No. 147-1994, adopted by the Town Board on February 22, 1994, which authorized the installation of "No Parking" signs on the east side of Demarest Avenue, Nanuet, New York.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (286-1994)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, residents of Valley Cottage and Rockland Lake are concerned about the hazardous intersection at Route 9W and Rockland Lake South, and

WHEREAS, the Town Board believes that the flashing traffic light that presently exists, at this intersection, is not sufficient to control the traffic flow and to insure the safety of pedestrians as well as drivers;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby requests Senator Joseph Holland and Assemblyman Alexander Gromack to recommend to the N.Y.S. Department of Transportation that a full traffic control light be installed at the intersection of Route 9W and Rockland Lake South, Valley Cottage, New York.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (287-1994)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, soft Body Armor, commonly referred to as a "Bulletproof Vest", is one of the most critical pieces of equipment utilized by police officers for self protection and safety, and

WHEREAS, standardization of Soft Body Armor within the Clarkstown Police Department is required in order to assure equipment interchangeability, timeliness of orders, acceptable prices, and continued safety of our officers, and

WHEREAS, the present process of obtaining soft body armor has become inefficient, time consuming, burdensome and costly, jeopardizing the safety of patrol personnel, and

Continued on Next Page

TBM - 4/26/94  
Page 8

RESOLUTION NO. (287-1994) Continued

WHEREAS, ninety percent (90%) of all body armor currently used by members of the Clarkstown Police Department is manufactured and supplied by "Point Blank Body Armor", and

WHEREAS, Point Blank Body Armor Company is a leader in the industry in terms of quality and pricing, and

WHEREAS, the Town of Clarkstown presently maintains a direct purchasing account with Point Blank Body Armor Company, allowing the Town to purchase directly from the company and by-pass costly third party vendors,

NOW, THEREFORE, be it

RESOLVED, in order to standardize soft body armor equipment within the Town of Clarkstown Police Department, and to assure that the Department has the ability to obtain sufficient supplies of adequate body armor in a timely manner, the "Point Blank Full Coverage Body Armor" is hereby declared to be the standard issue body armor of the Clarkstown Police Department, and be it

FURTHER RESOLVED, that the sole supplier of said "Point Blank Full Coverage Body Armor" shall be the Point Blank Body Armor Company, directly, without the use of indirect vendors or other third party suppliers.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (288-1994)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, in December 1993, President Clinton urged Britain's Prime Minister John Major to do something positive to bring peace with justice to Northern Ireland, and

WHEREAS, two and one half Catholic males are unemployed for every one Protestant male in Northern Ireland, and

WHEREAS, censorship of the British news media by the British government regarding events in Northern Ireland is the law, and

WHEREAS, during President Clinton's campaign, he promised to appoint a special envoy to Northern Ireland, and

WHEREAS, an American special envoy will serve as the catalyst needed to keep all parties accountable for the peace process;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby calls upon President Clinton to fulfill his campaign promises to appoint a special envoy to Northern Ireland, and be it

Continued on Next Page

TBM - 4/26/94  
Page 9

RESOLUTION NO. (288-1994) Continued

FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to send a certified copy of this resolution to President William Jefferson Clinton; the Honorable Daniel Patrick Moynihan and the Honorable Alfonse D'Amato, United States Senators; the Honorable Benjamin Gilman, United States Representative; the Speaker of the House of Representatives; the President Pro Tem of the United States Senate, the Majority and Minority Leaders of the United States Sente and House of Representaties, and to such other persons as the Town Clerk may deem appropriate.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (289-1994)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, Michele Paradiso, Lisa Kloenne, Arlene Teichberg, Glenn Leeds - (Clarkstown Counseling Center) attend "The Many Faces of Violence" at the Stony Point Center on Thursday, April 28, 1994.

Registration fee: \$25.00 per person

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (290-1994)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, Emily Feiner, Michele Paradiso, Arlene Teichberg, of the Clarkstown Counseling Center, attend a seminar on "The Sexually Traumatized Adolescent" on Thursday, May 12th, 1994 at The Fire Training Center, Pomona, New York.

Registration fee: \$20.00 per person

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (291-1994)

Co. Mandia offered and Co. Maloney seconded

Continued on Next Page

TBM - 4/26/94  
Page 10

RESOLUTION NO. (291-1994) Continued

RESOLVED, that Ms. Rosalie Cautillo, Principal Clerk-Typist in the Department of Planning, is hereby authorized to attend the seminar "The Exceptional Assistant" in Orangeburg, New York on June 8, 1994 at a cost of \$99.00 plus other necessary expenses, and be it

FURTHER RESOLVED, that the expenses for the above should be charged to Account No. 1010-414.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (292-1994)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Mark Papenmeyer, Adolph Milich Jr., David McLeod, and George Trumper are hereby authorized to attend the Code Enforcement Officials Educational Conference in Poughkeepsie on May 2, 3, and 4, at a cost not to exceed \$140.00 per person, and be it

FURTHER RESOLVED, that a Town vehicle may be used to travel to and from the conference.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (293-1994)

Co Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board wishes to insure the safety of school children walking across streets to reach school;

NOW, THEREFORE, be it

RESOLVED, that the Director of Purchasing is hereby authorized and directed to purchase sixty (60) flashing stop signs from the Frascone Safety Company, Inc., 60 North Harrison Avenue, Congers, New York, and be it

FURTHER RESOLVED, that the fee for such equipment shall be charged to Account No. A-3120-209.

On roll call the vote was as follows:

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

\*\*\*\*\*

TBM - 4/26/94  
Page 11

RESOLUTION NO. (294-1994) Continued

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes reimbursement in the amount of \$21.57 to Margaret Mahon, of 578 Route 304 in New City, for the replacement of her mailbox which was damaged by a sidewalk snowplow.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (295-1994)

Co. Dusanenko offered and Co. Mandia seconded

RESOLVED, based on the recommendation of the Superintendent of Recreation & Parks and in concurrence with the Director of Purchasing, that the bid #18-1994 for furnishing Arts & Craft Supplies is hereby supplementary awarded to the following low bidders who have met the specifications:

B & B CRAFTS	CERAMICS SUPPLY OF NEW JERSEY
175 Allen Blvd.	7 Route 46 West
Farmingdale, NY 11735	Lodi, NJ 07644
PRINCIPAL: DANIEL BENSON	PRINCIPAL: MIRAM VOGELMAN

and be it

FURTHER RESOLVED, that this amount be charged against accounts:

7310-329 - \$ 506.98  
7141-329 - 2,589.90

Gross total of all items: \$3,096.88

Please note the following items in the 1994 Arts & Crafts Bid had "No Award": #55, 500, 529 (discontinued), 534 (discontinued), 545f (discontinued), 150, 181, 211, 223, 344, 347, 367 (discontinued), 393 (discontinued), 439, 452, 464.

(Complete item number list on file in Town Clerk's Office)

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (296-1994)

Co. Dusanenko offered and Co. Mandia seconded

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

Continued on Next Page

TBM - 4/26/94  
Page 12

RESOLUTION NO. (296-1994) Continued

BID #25A-1994  
MOSQUITO CONTROL PROGRAM

is hereby awarded to

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

as per their following low bid proposal

LARVICIDE APPLICATIONS  
FOUR APPLICATIONS @ \$45.00 PER APPLICATION  
ADULTICIDE APPLICATIONS  
@ \$22.20 PER PROPERTY  
@ \$1,100.00 MINIMUM CHARGE PER APPLICATION

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (297-1994)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, by M.G. McLaren, P.C., Consulting Engineers, analyzed and reported upon the ability of the low bidder to perform the duties specified in Bid No. 48-1993, and

WHEREAS, the Town Board has received and reviewed a report dated September 10, 1993, from M.G. McLaren, P.C., which creates doubt as to the ability of the low bidder to perform responsibly if awarded the contract;

NOW, THEREFORE, be it

RESOLVED, that Edward Lettre, is hereby appointed as a hearing officer to hear, make findings and report to the Town Board on all facts relevant to the responsibility and fitness of John Gentile Landscape Co., to fulfill the obligations and specifications of Bid No. 48-1993, and be it

FURTHER RESOLVED, that such hearing shall be conducted on notice to said bidder with opportunity to be heard, and thereafter, report to the Town Board.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (298-1994)

Co. Dusanenko offered and Co. Mandia seconded

Continued on Next Page

TBM - 4/26/94  
Page 13

RESOLUTION NO. (298-1994) Continued

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on March 22, 1994 provided for a public hearing on April 12, 1994, at 8:40 P.M., to consider amending the Zoning Ordinance of the Town of Clarkstown by redistricting properties described on the Clarkstown Tax Map as Map 163, Block A, Lots 4, 10, 11.1, 11.3, 11.4, and that portion of Lot 11 that is zoned R-15, from an R-10/R-15 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 an unlisted action, and

WHEREAS, a Long Environmental Assessment Form and narrative report was prepared by Robert Geneslaw, Planning Consultant for the Town Board, and

WHEREAS, the Town Board received and reviewed 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 March 22, 1994, 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.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (299-1994)

Co. Dusanenko offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on March 22, 1994, provided for a public hearing on April 12, 1994, at 8:40 P.M., to consider amending the Zoning Ordinance of the Town of Clarkstown by redistricting properties described on the Clarkstown Tax Map as Map 163, Block A, Lots 4, 10, 11.1, 11.3, 11.4, and that portion of Lot 11 that is zoned R-15, from an R-10/R-15 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 Long Environmental Assessment Form and narrative report pursuant to SEQRA, which was prepared by our consultant, Robert Geneslaw, which the Board has discussed and considered such report in making their decision herein, and

Continued on Next Page

TBM - 4/26/94  
Page 14

RESOLUTION NO. (299-1994) Continued

WHEREAS, the Town Board has received a report from the Rockland County Department of Planning dated December 23, 1993, with the following condition:

"We are basing this review on the fact that the parcels to be rezoned are on the east side of Hutton Avenue, ... and that they are to be rezoned along with the parcels proposed by Hi-Nanuet 59 Associates, as we suggested in our review dated July 27, 1993. If this is true, then we are approving the zone change with the same conditions as the ... letter for Hi-Nanuet 59 Associates. However, if the zone change proposal is to stand by itself, then we would need to review it on its own merit, and would probably not approve the rezoning."  
and

WHEREAS, the conditions in the Rockland County Planning Department report for the Hi-Nanuet 59 zone change dated July 27, 1993 included 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 responded 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 and the Town Board recommended in favor of the subject zone change;
2. Condition two is met by the NYSDOT concept approval reported by Hi-Nanuet 59;
3. Condition three will be met when the Hi-Nanuet 59 receives a NYSDOT permit; and
4. Condition four is met by the Hi-Nanuet 59's commitment to make a contribution for off-site improvements for traffic and drainage;

NOW, THEREFORE, be it

RESOLVED, that based upon the Long Environmental Assessment Form and the narrative report on said Long

Continued on Next Page

TBM - 4/26/94  
Page 15

RESOLUTION NO. (299-1994) Continued

Environmental Assessment Form prepared by Robert Geneslaw, on behalf of the Town Board, dated March 22, 1994, acting as staff to the Town Board as lead agency, the Town Board hereby determines that this change of zone shall not have any significant impact on the environment, but that further review pursuant to the State Environmental Quality Review Act (SEQRA) will be 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/R-15 District to an RS District, the properties described on the Clarkstown Tax Map as Map 163, Block A, Lots 4, 10, 11.1, 11.3, 11.4, and that portion of Lot 11 that is zoned R-15, located in the Hamlet of Nanuet, New York, in said Town, subject to the following conditions:

1. Future applicants shall make off-site improvements to mitigate traffic and drainage impacts of proposed commercial development.
2. Future applicants 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  
 Supervisor Holbrook.....Yes

\*\*\*\*\*

RESOLUTION NO. (300-1994)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the condition complained of in the Order and Notice pursuant to Town Code Chapter 216, dated November 26, 1991, for premises designated on the Clarkstown Tax Map as Map 88, Block D, Lot 3 has been corrected;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized and directed to file a cancellation of Lis Pendens filed in the Rockland County Clerk's Office on January 14,

Continued on Next Page

TBM - 4/26/94  
Page 16

RESOLUTION NO. (300-1994) Continued

1992, provided the sum of \$270.92 shall be paid to reimburse the Town for the cost of an Index Nunber, filing of Lis Pendens, records search, mailings, and all other expenses including attorney's time.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (301-1994)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Neila Alemi, Paralegal, Town Attorney's Office, is hereby authorized to attend a seminar entitled "The Exceptional Assistant" in Orangeburg, New York, on June 8, 1994, at a cost of \$99.00, and be it

FURTHER RESOLVED, that all proper charges be charged against Account No. A 1010-414.

On roll call the vote was as follows:

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

\*\*\*\*\*

Councilman Dusanenko stated that we are the Board of Directors for Middlewood and asked who is the Board of Directors for Squadron Gardens.?

Councilman Dusanenko said he had a letter from a gentleman off West Clarkstown Road complaining of a collapsed catch basin. It still has yet to be repaired and it is a Town road. I received a complaint last week regarding leaf pickup, where leaves were picked up in front of one or two houses and they left the rest of them. Today he received an unsigned sarcastic letter about the Highway Department. He said today he wanted to avoid traffic on Congers Road and he used the back streets through his old neighborhood. There were bags of leaves piled all over the place. We are not getting the truth from somebody. We are getting a run around. This is never stopping.

Supervisor said you have two factors here. One is that in a few areas of Town we have leaves left from the fall; but also now you have people with yard waste.

Councilman Dusanenko said for the Workshop he would like to have a full discussion about this. He would like to know from Mr. Duer how much money we spent for overtime for leaf pick up. Ralph, John, Ann Marie and I had discussed disposable bags. Supervisor said we all agreed on that. He said he would like to have a program in place not just for next fall but whatever we have to do starting right now. It's got to be done or get out. Councilman Dusanenko said that is a

Continued on Next Page

TBM - 4/26/94  
Page 17

Workshop item - alternatives to the collections we have had the past few years.

Councilman Maloney said he made a recommendation when he went before the CSEA during the campaign that we should go to privatization particularly in terms of some of the things that the Highway Department is doing. They didn't like it but I think it is something to consider. Councilman Dusanenko said he didn't want to take a job away but do the job or get out. If you can't do it, somebody else will.

On motion of Councilman Dusanenko, seconded by Councilman Maloney and unanimously adopted, the meeting was closed in memory of former President Richard M. Nixon and Mr. Edward Klass, time: 9:32 P.M.

Respectfully submitted,



SHEILA REITER,  
Deputy Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

4/26/94

8:35 P.M.

Present: Supervisor Holbrook  
Council Members Dusanenko, Maloney and Mandia  
Councilwoman Smith ill  
Murray N. Jacobson, Town Attorney  
Sheila Reiter, Deputy Town Clerk

RE: Zone Change from R-80 to R-40 South Mountain Road, New City (Renella)

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

Town Attorney stated that the Town Planning Board approved subject to conditions. The Rockland County Planning Board stated that it was not within their jurisdiction. Under SEQR there was no environmental impact. Supervisor asked then at this particular time SEQR is complete on this particular application? Town Attorney replied in the affirmative.

Appearance: Donald S. Tracy, Esq.  
Tracy, Bertolino & Edwards  
Attorney for Petitioners

Mr. Tracy said this Board may recall there is a bit more history to this requested zone change. Back in 1992 we had commenced declaratory judgment action based upon a prior denial of a zone change seeking R-22 zoning. He said they had approached the Board at a workshop meeting after consulting with the Town Attorney and the Chairman of the Planning Board for purpose of discussing settlement negotiations. He said they had recommended to the Town Board at that time that the property be rezoned to R-40. The Town Board at a workshop session seemed in unanimous agreement to that. He said they then attempted to work out the details with Mr. Jacobson it being their feeling that under Section 68 of the Town Law the Supervisor had the power to compromise the proceeding with the consent of the Town Board. Mr. Tracy said he admitted there was a dearth of law on that and Mr. Jacobson suggested at that time that it would be a better procedure in his opinion if we filed a new petition and on filing that new petition again submit the matter for public hearing. They did file that new petition and after the course of events, through the various Town agencies, the matter came before this Board.

Mr. Tracy said the best presentation he could make is the recommendation of the Town Planning Board. It says "The Town Planning Board has once again examined the petition of Renella for change of zone from R-80 to R-40. Over the years the Planning Board has considered changes and as part of the Master Plan Update of 1982, this area was shown as single-family, medium density. The property to the west, Torne Brook Estates, was zoned R-40 and developed under R-40, having been granted use of TL 281 to preserve 100 acres of wetlands."

Mr. Tracy said all of the other properties in the area are R-22 properties so if you look at the exhibit which is attached to the petition, Mr. Renella sits as a small four acre enclave of R-80 land surrounded by R-22 or R-40 that has been developed on 17,000 square foot lots. The Planning Board continued to say "Therefore, based upon consultants' recommendations, the existing Comprehensive Plan, the existing

Continued on Next Page

PH - re: Zone Change from R-80 to R-40 South Mountain Road,  
New City (Renella)

Page 2

4/26/94

land uses, and the statutory requirements, the Board finds no planning related objection with the request for change of zone from R-80 to R-40 for the Renella parcel, 81B6, New City, subject to the following conditions: a) Land yield shall be determined upon submission of a standard map complying with all R-40 requirements." Mr. Tracy said the land itself is 4.437 acres and would not yield any more than four lots. "Applicant shall provide public water supply and public sewers;" which are available.

Mr. Tracy said what they agreed to do was to hold off and attempt to avoid the litigation that has been now pending for some time awaiting Master Plan update of the Town Planning Board. The Town Planning Board did update the Master Plan which was not adopted by the Town Board which would date back to when they changed the zone. The Planning Board's consistent recommendation on the prior application and the repeat on the prior application has been to zone the property R-22. Mr. Renella, in order to avoid the expenses of litigation and the time consuming process, suggested to Mr. Tracy that he (Mr. Tracy) make this compromise which he did by letter to the Town Board requesting the workshop session back on October 2, 1992. At that session, if the Board remembers, they were pretty much unanimously in favor of doing it and instructed me to get together with the Town Attorney. The rest of what happened he stated he had already recited and that is why we are here tonight for a new public hearing.

Supervisor asked if any Board members had any specific questions? Councilman Dusanenko said he would speak after the public made their comments.

Appearance: Mr. Paul Haber  
New City, New York

Mr. Haber asked is it possible if they get the R-40 zoning that they group the houses in one section of the property leaving a part of the property not developed which he said he knows can happen in some instances? Supervisor asked are you talking about maybe employing the idea of average density zoning? He said that is something that could be looked at by the Planning Board. Mr. Yacyshyn, Chairman of the Planning Board, said they certainly would consider that if the application were to be made. He said he could say right now that it has not been the policy of the Board to use that indiscriminately or certainly in that area of northern New City. However, since it has been applied in adjacent properties we certainly would consider it if an application were made. Mr. Haber said he would object as a neighboring property.

Mr. Haber asked if any of the property included any part of the wetlands? He was told no and Mr. Tracy showed Mr. Haber a map to which reference was made at this point. Mr. Yacyshyn said there was nothing according to their information that is designated as wetlands. Mr. Yacyshyn said Mr. Haber should understand we wouldn't even consider or entertain an application for average density until it can be demonstrated to us that the four lots, if indeed that is what can be generated, can in fact be generated under the current zoning. Supervisor said he would have to prove he has the bulk to build four houses before they would consider average density.

Mr. Haber asked if they should apply for building in that manner can they at a later time apply to build on the

Continued on Next Page

PH - re: Zone Change from R-80 to R-40 South Mountain Road,  
New City (Renella)

Page 3

4/26/94

land remaining? Supervisor said no. Mr. Yacyshyn said it would be foreclosed forever. Mr. Haber asked so the maximum number of houses on these acres would be 4? Mr. Yacyshyn said certainly no more than that and it could be less.

Appearance: Mr. Jeff Dunn

Mr. Dunn wanted to know what streets they were going to egress this property from? Mr. Tracy referred to maps which he explained to Mr. Dunn. Mr. Yacyshyn said it was premature at this time to delineate a specific access noting, however, a portion of the property touches on Sandstone Trail. Mr. Dunn said it should not go there because of the terrible curve, but how do you prevent it? He asked when he could comment on this? Supervisor said at the Planning Board when they would have a hearing on the site plan which people would be able to attend. Mr. Yacyshyn said the subdivision itself is a lengthy process which would come if this Board acts in the affirmative.

Mr. Dunn said when Torne Brook was made, a significant amount of land was put aside as wetlands and this property doesn't have that opportunity, unfortunately, because it is only four acres. How does that meld into a decision to make it R-40 since there really is no corresponding opportunity for a property this size? He said he knows property adjacent to it is R-40 and many of the homes are R-22 although there are no new homes, as far as he knew, built as R-22.

In response to a question asked by Mr. Dunn regarding Torne Brook Supervisor said they are average density because what happened at that time is the Town acquired approximately 100 acres of municipal property but that was part of a larger concept. This particular piece here was the subject of a previous public hearing for R-22 so they actually are upzoning it at this point to R-40. Mr. Dunn said so that they were asking for R-22 and now they are asking for R-40? He said he personally had no objection to the R-40 zoning except for the egress to Sandstone which he asked would they be notified about? He was told absolutely.

Councilman Dusanenko said this was on early in the '80s and the Planning Board had recommended it to half acre zoning and for whatever reasons existed at that time that was not successful. It was resurrected several years later in the early '90s and there was litigation. That is my question. If this zone change is granted, will this put to rest any and all litigation from the past? Mr. Tracy said absolutely. Councilman Dusanenko said let the record show that both Mr. Renella and his counsel, Mr. Tracy, have answered in the affirmative that this will put to rest any further litigation on this in the event that the Town Board approves this subdivision.

There being no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilman Dusanenko with the abstention of Supervisor Holbrook on the adoption of the zone change, the public hearing was declared closed,  
RESOLUTION ADOPTED, time: 8:50 P.M.

Respectfully submitted,



SHEILA REITER,  
Deputy Town Clerk

(ZONE CHANGE ADOPTED - RESOLUTION NO. (279-1994))