

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall 10/25/94 8:00 P.M.

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

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

Supervisor recognized students from North High School who were present in anticipation of Student Government Day. He then introduced Pauline Cappobianco from South High School. She noted that last year South's Special Olympians won the State Championship in Soccer in Division I and won again this year. The Supervisor then presented certificates and trophies to all the team members and congratulated them on behalf of the Town Board and the residents of Clarkstown.

Supervisor then opened the public portion of the meeting.

Appearance: Mr. Orin Goetz, Chairman
Transportation Advisory Council

Mr. Goetz updated the Town Board with regard to Metro North. He also spoke regarding the Park and Ride in West Nyack noting that it is full at 7:00 A.M. and needed some relief. Mr. Goetz recommended pushing the Thruway and the New York State Department of Transportation to reimburse the Town.

Appearance: Mr. Bob Jackson, President
Nanuet Civic Association
Nanuet, New York

Mr. Jackson spoke on Agenda Item #3 (Zone Change - Melville Realty, South Middletown Road, Nanuet). Civil Association is opposed and prefers residential zoning.

Appearance: Mr. Malcom Markowitz
Nanuet

Mr. Markowitz spoke regarding construction of a park in order to defer Metro North.

Appearance: Mr. Martin Bernstein
New City

Mr. Bernstein spoke regarding the 1995 Budget asking if this was the budget of the Town Board or the budget of the people? Mr. Bernstein said there should be meetings of members of the Town Board with the Supervisor to determine final budget. He also suggested that the Town Board, School Board and County Legislature get together to discuss long range plans that will impact on the residents.

RESOLUTION NO. (760-1994)

Co. Smith offered and Co. Mandia seconded

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

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RESOLUTION NO. (760-1994) Continued

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

WHEREAS, the Town Board of the Town of Clarkstown considers that it is in the best interest of the Town that said local law be adopted;

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 November 22, 1994 at 8:45 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 Mandia.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (761-1994)

Co. Dusanenko offered and Co. Mandia seconded

WHEREAS, MELVILLE REALTY CO., INC. 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 MF-4 District to a CS District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 14, Block B, Lot 10.02;

NOW, THEREFORE, be it

RESOLVED, that the petition is hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33 of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

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

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RESOLUTION NO. (761-1994) Continued

FURTHER RESOLVED, that the Clarkstown Planning Board shall report to the Town Board as to an alternate appropriate residential zoning classification for the subject property.

On roll call the vote was as follows:

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

RESOLUTION NO. (762-1994)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby waives the permit fees with respect to the proposed addition to the Congers Firehouse located at Harrison Avenue, Congers, New York.

On roll call the vote was as follows:

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

RESOLUTION NO. (763-1994)

Co. Smith offered and Co. Dusanenko seconded

RESOLVED, that Resolutions No. 602-684-685-752 of 1994 are hereby amended to read as follows:

WHEREAS, the Town Board, on its own motion, shall consider Amending the Zoning Ordinance of the Town by redistricting property known as Clarkstown Executive Park, Lot 4, which is designated on the Clarkstown Tax Map as Map 124, Block C, Lots 42 and 55, from an LIO and R-15 District to an MF-2 District, and

WHEREAS, Lot 4 of filed Subdivision of Clarkstown Executive Park, Sections 2 and 3, was filed in the Rockland County Clerk's office on March 21, 1986, in Book 105, at Page 18, as Map No. 5861;

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 November 22, 1994, 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 aforesaid and file proof thereof in the Office of the Town Clerk, and be it

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RESOLUTION NO. (763-1994) Continued

FURTHER RESOLVED, that this Resolution proposing a change of zone from an LIO and R-15 District to an MF-2 District on property designated on the Clarkstown Tax Map as Map 124, Block C, Lots 42 and 55, are hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33 of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (764-1994)

Co. Smith offered and Co. Mandia offered

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

"No Parking" with directional arrows signs on the traffic island (Schoolhouse Rd., New City) and also install these signs on the southside of Schoolhouse Rd. from Primrose Lane from the intersection easterly to a point 50 ft. onto Congers Rd.

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 Mandia.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (765-1994)

Co. Smith offered and Co. Mandia seconded

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

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RESOLUTION NO. (765-1994) Continued

A "Stop" sign to be erected on the northside of Maple Avenue at Hillside Avenue, West Nyack, NY. Also a Stop line should be installed on the pavement.

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

RESOLUTION NO. (766-1994)

Co. Smith offered and Co. Mandia seconded

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

Remove the YIELD signs on Old Schoolhouse Rd., Elmwood Dr. and on Heminway Ave. all at Congers Lake Road and replace with STOP signs.

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

RESOLUTION NO. (767-1994)

Co. Mandia offered and Co. Smith seconded

RESOLVED, to decrease Account 1621-114 (Part time salaries) in the amount of \$1,500 and increase Account 1621-461 (Electricity & Gas) in the amount of \$1500.

On roll call the vote was as follows:

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

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RESOLUTION NO. (768-1994)

Co. Mandia offered and Co. Smith seconded

WHEREAS, the following accounts require additional funding,

NOW, THEREFORE, be it

RESOLVED, to transfer the following funds:

<u>Decrease</u>	<u>Increase</u>	<u>Amount</u>
A 4210-405	A 4210-313	\$ 50
A 1620-408	A 1620-306	\$6,000
A 1450-407	A 1450-219	\$1,500

On roll call the vote was as follows:

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

RESOLUTION NO. (769-1994)

Co. Dusanenko offered and Co. Mandia seconded

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

BID #3-1995
 PRINTING OF TOWN ENVELOPES AND STATIONERY

is hereby awarded to

LONG ISLAND ENVELOPE
 240 ANDERSON AVENUE
 MOONACHIE, N.J. 07074
 PRINCIPAL: CALVIN GOOD

as per the attached item/price schedule.

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

On roll call the vote was as follows:

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

RESOLUTION NO. (770-1994)

Co. Dusanenko offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Supt. of Highways that

BID #51-1994
 SIX (6) MATERIAL SPREADERS

is hereby awarded to

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RESOLUTION NO. (770-1994) Continued

TARRANT MANUF. CO., INC.
P.O. BOX 358
SARATOGA SPRINGS, N.Y. 12866
PRINCIPAL: JOHN W. TARRANT

as per their proposed each cost of \$6,666 (total \$39,996) for Tarco Highlander Model HL-HY2-10 Spreader.

On roll call the vote was as follows:

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

RESOLUTION NO. (771-1994)

Co. Dusanenko offered and Co. Mandia seconded

RESOLVED, that Edward J. Duer is hereby authorized to attend the New York State Government Finance Officers Association Downstate Council Seminar at West Point, New York on Friday, October 28, 1994, and that all proper charges be charged to Appropriation Account A 1010-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (772-1994)

Co. Dusanenko offered and Co. Mandia seconded

RESOLVED, that Scott B. Ugell, Town Justice is hereby authorized to attend the Annual Conference of the New York State Association of Magistrates in Rochester, New York from October 17th to October 18th 1994, and be it

FURTHER RESOLVED, that all proper charges be charged against Appropriation Account #1010-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (773-1994)

Co. Dusanenko offered and Co. Mandia seconded

RESOLVED, that Victor J. Alfieri, Jr., Town Justice is hereby authorized to attend the Annual Conference of the New York State Association of Magistrates in Rochester, New York from October 17th to October 18th 1994, and be it

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RESOLUTION NO. (773-1994) Continued

FURTHER RESOLVED, that all proper charges be charged against Appropriation Account #1010-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (774-1994)

Co. Smith offered and Co. Dusanenko seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement extending the contract between the Town of Clarkstown and Arthur Conklin, whereby Arthur Conklin agrees to provide services to the Building Department on an advisory and consultative basis, consistent with the terms of said contract, for the period from November 14, 1994 to May 13, 1995.

On roll call the vote was as follows:

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

RESOLUTION NO. (775-1994)

Co. Mandia offered and Co. Dusanenko seconded

WHEREAS, the Rockland County Personnel Office has certified on September 26, 1994 that the position of Paralegal Specialist I (Municipal Law) #0173 can be recalssified to the position of Paralegal Specialist II (Municipal Law),

NOW, THEREFORE, be it

RESOLVED, that the position of Paralegal Specialist I (Municipal Law) is hereby reclassified to the position of Paralegal Specialist II (Municipal Law) - Town Attorney's Office - effective and retroactive to October 17, 1994, and be it

FURTHER RESOLVED, that the grade for the position of Paralegal Specialist II (Municipal Law) is hereby established at a grade 27.

On roll call the vote was as follows:

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

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RESOLUTION NO. (776-1994)

Co. Mandia offered and Co. Dusanenko seconded

RESOLVED, that Cornelia A. Alemi, 706 Old Schoolhouse Road, New City, New York, is hereby appointed to the position of (Provisional) Paralegal Specialist II (Municipal Law) - Town Attorney's Office - at the current 1994 annual salary of \$47,435., effective and retroactive to October 17, 1994.

On roll call the vote was as follows:

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

RESOLUTION NO. (777-1994)

Co. Mandia offered and Co. Dusanenko seconded

RESOLVED, that Aristo J. Fontana, 163 South Harrison Avenue, Congers, New York - is hereby reappointed to the position of Member - Assessment and Review Board - term effective and retroactive to October 1, 1994 and to expire on September 30, 1999 - at the per diem rate of \$100., per meeting, when the Board is in session.

On roll call the vote was as follows:

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

RESOLUTION NO. (778-1994)

Co. Mandia offered and Co. Dusanenko seconded

RESOLVED, that the resignation of Thomas Isenbek, 214 Wildwood Place, Frankfort, Kentucky 40601 - Real Property Data Collector II - Assessor's Office - is hereby accepted - effective and retroactive to October 17, 1994.

On roll call the vote was as follows:

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

RESOLUTION NO. (779-1994)

Co. Mandia offered and Co. Dusanenko seconded

RESOLVED, that John Mangan, 25 North Conger Avenue, Congers, New York, is hereby reappointed to the position of Member - Architecture and Landscape Commission - at the current 1994 annual salary of \$1,000., term effective and retroactive to October 14, 1994 and to expire on October 13, 2001.

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RESOLUTION NO. (779-1994) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (780-1994)

Co. Mandia offered and Co. Dusanenko seconded

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

BID #56-1994
KINGS PARK PLAYGROUND

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 November 29, 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.

On roll call the vote was as follows:

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

RESOLUTION NO. (781-1994)

Co. Mandia offered and Co. Dusanenko seconded

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

BID #4-1995
ATHLETIC AND RECREATION SUPPLIES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on December 8, 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.

On roll call the vote was as follows:

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

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RESOLUTION NO. (782-1994)

Co. Mandia offered and Co. Dusanenko seconded

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

BID #6-1995
WORK CLOTHING

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 November 30, 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.

On roll call the vote was as follows:

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

RESOLUTION NO. (783-1994)

Co. Mandia offered and Co. Dusanenko seconded

RESOLVED, that all proposals received for Bid #2-1995 are hereby rejected, and be it

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

BID #2A-1995
PHOTOCOPIER/FACSIMILE MACHINE SUPPLIES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on November 21, 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.

On roll call the vote was as follows:

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

RESOLUTION NO. (784-1994)

Co. Mandia offered and Co. Dusanenko seconded

RESOLVED, that Town Board Resolution #648-1994 is hereby corrected to read:

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

BID #52-1994
PASCACK ROAD ASPHALT SIDEWALK IMPROVEMENT

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RESOLUTION NO. (788-1994) Continued

of Highways and the Clarkstown Highway Department to pave the parking lot of Clarkstown Town Hall,

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of Howard Lampert, P.E., Traffic Engineering Consultant, the Town Board hereby authorizes and directs the Superintendent of Highways to install new curb and sidewalk in the Town Hall parking lot adjacent to Congers Road, at a cost of \$2,700.00; and be it

FURTHER RESOLVED, that new curbing be added on Maple Avenue, New City, in front of the new Police and Court Facility, and along the property to the south of it, at a cost of \$3,750.00 for a total cost of \$6,450.00 for both locations; and be it

FURTHER RESOLVED, that the cost of such work shall be charged to Account No. H 1989-400-409-333.

On roll call the vote was as follows:

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

RESOLUTION NO. (789-1994)

Co Mandia offered and Co. Smith seconded

WHEREAS, the Supreme Court of the County of Rockland has rendered a decision in the matter of Rockland County Patrolmen's Benevolent Association, Inc., et al v. William J. Collins, et al, Joseph Clark, adverse to the Town of Clarkstown, and

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

NOW, THEREFORE, be it

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

FURTHER RESOLVED, that this Resolution is retroactive to October 7, 1994.

On roll call the vote was as follows:

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

RESOLUTION NO. (790-1994)

Co. Mandia offered and Co. Dusanenko seconded

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RESOLUTION NO. (790-1994) Continued

WHEREAS, the Supervisor of the Town of Clarkstown has directed the Department of Environmental Control to have performed all associated work in connection with the Medway Avenue Road Improvement,

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Argenio Brothers, Inc., Newburgh, New York, to grade and prepare the base of the new roadway; and be it

FURTHER RESOLVED, that the cost of such work shall not exceed \$10,000.

On roll call the vote was as follows:

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

RESOLUTION NO. (791-1994)

Co. Mandia offered and Co. Dusanenko seconded

WHEREAS, the Supervisor of the Town of Clarkstown has directed the Department of Environmental Control to have performed all associated work in connection with the Medway Avenue Road Improvement,

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Argenio Brothers Inc., Newburgh, New York, to grade and repair all driveways in the unimproved portion of Medway Avenue in accordance with the recommendation of the Department of Environmental Control; and be it

FURTHER RESOLVED, that the cost of such work shall be \$85. per ton and the total cost shall not exceed \$19,500.

On roll call the vote was as follows:

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

RESOLUTION NO. (792-1994)

Co. Mandia offered and Co. Dusanenko seconded

WHEREAS, the Supervisor of the Town of Clarkstown has directed the Department of Environmental Control to have the unimproved portion of Medway Avenue paved to Town specifications,

NOW, THEREFORE, be it

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RESOLUTION NO. (792-1994) Continued

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Argenio Brothers, Inc., Newburgh, New York, to pave the unimproved portion of Medway Avenue in accordance with the Town of Clarkstown paving bid; and be it

FURTHER RESOLVED, that the cost of such paving shall not exceed \$40,000.

On roll call the vote was as follows:

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

RESOLUTION NO. (793-1994)

Co. Smith offered and Co. Mandia seconded

WHEREAS, the Supervisor of the Town of Clarkstown has directed the Department of Environmental Control to have performed pavement restoration in the vicinity of 52 Pine Street, New City, New York,

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Pinebrook Landscaping to perform the corrective work; and be it

FURTHER RESOLVED, that the cost of such work shall not exceed \$1,500.

On roll call the vote was as follows:

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

RESOLUTION NO. (794-1994)

Co. Mandia offered and Co. Smith seconded

WHEREAS, Joseph Miele has petitioned the Town Board seeking a special permit for a recycling facility in an M zone at property known as "Lot 2 on Minor Subdivision Joe Walt Realty Corp., which subdivision is filed in the Rockland County Clerk's Office in Book 115 at Page 74 in Map No. 6842 (also known on the Clarkstown Tax Map as Map 90, Block A, Lot 11.06);

NOW, THEREFORE, be it

RESOLVED, that the special permit application of Joseph Miele is hereby referred to the Rockland County Commissioner of Planning and the Clarkstown Planning Board for their review and recommendation, and be it

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

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RESOLUTION NO. (794-1994) Continued

Board determines that it shall act as lead agency and the Director of the Department of Environmental Control is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

On roll call the vote was as follows:

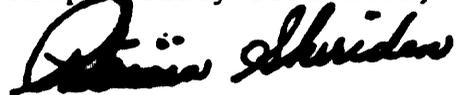
Councilman Dusanenko.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

On motion of Councilman Mandia seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Zone Change from LO to MF-2 - Mountain Shadows - Map 129, Block A, Lot 2, was opened, time: 8:45 P.M.

On motion of Councilman Mandia, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Zone Change from LO to MF-2 - Mountain Shadows - Map 129, Block A, Lot 2, was closed, DECISION RESERVED, time: 9:15 P.M.

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Dusanenko, seconded by Councilman Mandia and unanimously adopted, the Town Board Meeting was declared closed, time: 9:16 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

10/25/94

8:45 P.M.

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

Re: Petition for Zone Change (LO to MF-2) - Mountain Shadows
(Map 129, Block A, Lot 2) East Side N. Rt. 9W, Congers

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

Town Attorney stated that the County Planning Board approves. The Town Planning Board approves with conditions and SEQRA states there is no environmental impact. Town Planning Board said:

- a) Land use shall be determined by the submission of a site plan conforming to all MF-2 regulations, not requiring any variances.
- b) To conform to the Official Map of the Town of Clarkstown, a widening strip along Route 9W shall be gratuitously offered, and a declaration, title report and map with metes and bounds description shall be provided for T.A. review and approval.
- c) There is no Town sewer system available for sewer connection. Since connection will be required, contribution should be provided for the future upgrading of the pump station due to the additional flow from this site.

Town Attorney said that Mr. Kalarickal recommended connecting the sanitary sewer system in this parcel to the existing sanitary sewer system north of this parcel along Route 9W. If this is not physically possible a contribution of \$500.00 per unit to the Town of Clarkstown should be provided for the future upgrading of the pump station. This would be to the south of the subject premises due to the additional flow from the site.

Supervisor asked if the applicant or representative was present.

Appearance: Donald S. Tracy, Esq.
representing applicant

Mr. Tracy said this parcel of land is situated in the hamlet of Congers and consists of 6.7449 acres of land which is presently zoned LO. It is unable to meet the bulk for LO zone because of the width of the property. The property to the north is the Palisades Interstate Park Commission; to the east is an MF-2 housing project; to the south LIO; and to the west an RS zone. The property fronts on Route 9W. Some time ago the property to the east was the subject of a zone change petition where certain representations were made and the property was hailed as desirable land for affordable housing. Fifty-six units of apartments were built on that property and fifty-two have presently been sold. The price range on those fifty-two units runs from \$125,000.00 to \$135,000.00 and 65% of the residents of that project are Clarkstown people under the age of thirty-five. That existing project has more than met the goal that was desired at the time it was rezoned.

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Mr. Tracy went on to say that the present proposal calls for a maximum of sixty-four units, pretty much the same size, to be sold at the same price and hopefully to enjoy the same market. He noted that when the first project was approved, a homeowners association was created through the aegis of the Attorney General's office and all allowances that were made as far as density, bulk, etc. included the prospective rezoning of this land (meaning the parcel which is the subject of tonight's public hearing). Mr. Tracy said this was not to be presumptuous but rather to make full disclosure as required, to any of the existing residents. He said he believed that the consultants' reports speak for themselves. He did not see any objection in any file to this project nor does he anticipate, by virtue of the need that has been demonstrated, that there will be any objection from the public here tonight.

Supervisor asked if there was any Board Members who had specific questions?

Council Mandia asked how many units were in the first group. Mr. Tracy answered fifty-six. He noted that the maximum permitted under the ordinance would be sixty-four.

Councilman Dusanenko asked Town Attorney Murray Jacobson about the sewers inquiring if the sewers would now go north, south or west? Town Attorney said according to the Director of Environmental Control's memorandum if it can be sewerred by gravity to the north there is no problem. If it cannot be and you have to sewer it to the south then we have to upgrade the pump station to the south and therefore we are suggesting that there would be a contribution of at least \$500.00 a unit to pay for the upgrading of the pump station to the south. Councilman Dusanenko said either way they would have to provide the sewer service to a connecting area.

Supervisor asked if there was anyone from the public wishing to make a comment or ask a question?

Appearance: Mr. Scott Turner,
Congers Civic Association
Congers

Mr. Turner said some of their members belong to the PTA and were unable to attend. Their concern is basically with regard to the Lakewood School. They would like to know what impact additional housing would have on the schools in the area. Supervisor asked if there is any idea at this time how many children attend the school from the present development? Mr. Mitlof said he would estimate probably under a half dozen. He said the vast majority of the residents are without children, are single or are empty nesters. He would say again clearly it is about five or six students.

Councilman Mandia asked Mr. Yacyshyn, Chairman of the Planning Board, is the impact of residential housing as a possible impact on local schools ever part of the Planning Board process? Mr. Yacyshyn said yes, and as you are probably aware, all of our communications with regard to any of our applications which would be family zoned does go to the school boards. They don't always respond unless there is something very specific. More likely it would affect buses. It has not been a major issue that the number of students is a factor. The fact that it is below generally accepted estimates, if Mr. Mitlof is correct in his estimates, means you are dealing with very low numbers. If that can be translated over, even 100%, than you are talking anything up to 15 would be acceptable to that site.

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Appearance: Mr. Bob Jackson, President
Nanuet Civic Association
Nanuet, New York

Mr. Jackson asked, if under MF-2, is sixty-four units the maximum allowed? Mr. Yacyshyn said according to the number of acres, yes. Mr. Jackson asked if this had been to the Planning Board? Mr. Yacyshyn said yes that it had come for a zoning recommendation to the Town Board but it has not yet come to us for any site plan. We specifically require that the yield not be specified by the Honorable Town Board and that it be subject to the zoning ordinance in effect if indeed MF-2 is ratified as being the zone. We would look very carefully to make sure that no variance would be required so there would be no questions as to the number of units.

Mr. Jackson said it would appear that the builder always goes for the maximum number of units. Supervisor said that is for them to determine. Mr. Jackson said he was unsure of the saturation in Congers but stated they are taking a beating where they are in Nanuet. He said he would just go to the Planning Board if and when it gets there. Councilman Mandia said it is probably good information for Mr. Jackson and he could certainly get it from the Building Department or the Town Code Book - exactly what the range is in the MF-1, MF-2, MF-3. MF-4 is virtually a thing of the past - there is only one more piece left and that may change; but you will have an idea for the Civic Association what the range is.

Appearance: Mr. Robert Fitton
Congers

Mr. Fitton said he would like to express his support for the rezoning of this project. He said he would rather see townhouses than have it something else. It is a decent deal for the money as Clarkstown is not an affordable area for young people. It has worked out very well for his wife and himself and he wanted to express their support for it. He stated that the only condition would be that maybe the developer could put in some kind of a playground just as a quality of life issue. Route 9W is a busy road and it might keep the kids off the road.

Appearance: Mr. Martin Bernstein
New City

Mr. Bernstein said years ago he pressed for, and never had accomplished, that instead of saying the number of units we should really be having a rezoning of floor area ratio. He thinks it would be a lot more practical - a lot easier to decide what should happen. It would give the developers the opportunity to decide the number of units based on the size - if he thinks that there are some areas where small numbers of bedrooms are better than larger according to the neighborhood or the area. In downtown areas you usually have smaller units compared to the outlying because of the number of children that would normally be living there.

Mr. Bernstein said he thinks that in the same way we use floor area ratio for commercial and industrial zoning that kind of zoning is used in many parts of the country. In most areas you don't usually say how many bedrooms and how many bathrooms and you spell that out. You most probably give a floor area ratio and then you have certain restrictions on the number of cars based on this, etc. It is a lot easier to decide how it should be developed and would probably be developed a lot better than what we are doing by giving these

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number of units and then the developer tries to figure out some way to get around the rules in order to get as many apartments as possible. He said he doesn't know why we got away from that when we were discussing this a few years ago. We completely forgot the whole idea of using a floor area ratio. He wondered what Mr. Geneslaw and Mr. Yacyshyn think about this concept.

Mr. Geneslaw said there are several ways to regulate density. The way the Clarkstown Code does it primarily is to require the relationship of the lot area to the number of bedrooms in each unit. So, a developer in MF-2 putting in three bedroom units would have to put in more land area per unit than the developer of one bedroom units. A developer can select whatever mix he or she wants. For example, in a community where water supply is a very serious problem they may relate it more towards the number of bathrooms. Other communities where traffic is a major issue will relate it to the number of bedrooms because that tends to be a close relationship to the number of cars and the number of trips that would be generated. Floor area ratio is another way of doing it. What that tends to do sometimes is to encourage people to put in smaller units because they get more units in with the same amount of floor area. Our method has seemed to work pretty well in Clarkstown. We can always look at the others and see if, particularly floor area ratio, should get more of an emphasis than its had in the past few years.

Appearance: Mr. Jerry O'Rourke,
Congers Civic Association
Congers

Mr. O'Rourke said he would like to speak to the Board's responsibility to your constituents with regard to this zoning trend. We are representing several hundred families in Congers and unfortunately although they are not present, these folks are expressing increasing concern about the trend to downzoning and the increasing density. It is a serious issue. It is one that you folks on the Town Board are going to be held responsible for by the residents of the Town. He said a couple of you or even one of you should come to a civic meeting and hear the people. Unfortunately a lot of them are not aware of these agendas so they are not able to attend but he would caution the Board that there is rising concern about the trend that has been going on. He urged them to seriously consider not only the short term. He noted that in statements made about schools and a half a dozen students, they seem unrealistic when you are talking another sixty some units.

Appearance: Ms. Joanne Finn
Mountain Shadows Townhouses

Ms. Finn said she supports the expansion of the townhouses. She is an original owner and bought the house in May of 1993. She said the builders go above and beyond in pleasing the purchasers.

Mr. Tracy said he had heard no particular complaint concerning this rezoning that he felt the need to rebut. He noted that he had heard a lot of generalized statements and questions concerning floor area ratio, the way to do things, etc. He wanted to remark on one thing that Mr. Jackson said and the reason why the builder generally comes in and goes for the maximum is because the property is sold based upon the maximum. In the real estate market value generally is what the property can produce. If the property can produce twelve units per acre under the existing zoning, that guide is followed.

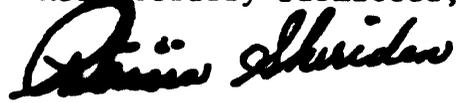
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But he did not want to fall into the trap of further boring this Town Board with generalized statements that do not pertain to the merits of this particular project and based upon that he would rest.

There being no one further wishing to be heard on motion of Councilman Mandia, seconded by Councilwoman Smith and unanimously adopted, the public hearing was closed, DECISION RESERVED, time: 9:15 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk