

TOWN OF CLARKSTOWN

TOWN BOARD MEETING

Town Hall

11/7/94

8:30 PM

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

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

Supervisor noted that the first order of business this evening would be the presentation of proclamation re: Future Business Leader's of America Day. He read the following:

"FUTURE BUSINESS LEADERS OF AMERICA" DAY
November 15, 1994

- WHEREAS, FUTURE BUSINESS LEADERS OF AMERICA is a national organization which was established by high school students who were interested in developing leadership qualities, serving their local and school community and participating in competitive business events, and
- WHEREAS, the CLARKSTOWN SOUTH CHAPTER OF FUTURE BUSINESS LEADERS OF AMERICA was established five years ago and has since become a very active, powerful and accomplished group, with the distinction of having two of its members on the State Officer Team, and
- WHEREAS, among some of its achievements, the CLARKSTOWN SOUTH CHAPTER is proud of having developed projects such as the Lip Sync, the Stock Exchange Challenge, Coats for the Needy, Flowers from the Heart, a holiday party for children from a women's shelter, Holiday and Valentine treats, a cheesecake fundraiser, and many more activities, too numerous to mention, and
- WHEREAS, the Town of Clarkstown is proud to count the CLARKSTOWN SOUTH CHAPTER of FUTURE BUSINESS LEADERS OF AMERICA as one of our most successful organizations and commends them for their efforts towards giving students the opportunity to make new friends and develop new skills,

NOW, THEREFORE, be it

RESOLVED, that I, Supervisor Charles E. Holbrook, on behalf of the Town Board and all the residents of Clarkstown, hereby congratulate the CLARKSTOWN SOUTH CHAPTER OF THE FUTURE BUSINESS LEADERS OF AMERICA on their success, their outstanding endeavors and the fine example they have set for their peers, and be it

FURTHER RESOLVED, that November 15, 1994 is hereby proclaimed as "FUTURE BUSINESS LEADERS OF AMERICA" DAY in the Town of Clarkstown.

IN WITNESS WHEREOF I HEREUNTO SET
 MY HAND AND CAUSE THE SEAL OF THE
 TOWN OF CLARKSTOWN TO BE AFFIXED
 THIS 7th DAY OF NOVEMBER, 1994

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

TBM - 11/7/94
Page 2

RESOLUTION NO. (795-1994)

Co. Mandia offered and Co. Smith seconded

WHEREAS, certain residents living along Mallard Drive, West Nyack, New York, have submitted a petition to the Town Board requesting removal of "No Stopping" signs which were authorized by the Town Board pursuant to Resolution No. 629-1994, adopted on September 13, 1994, because they believe that such signs are causing a hazardous condition since the students are walking along Mallard Drive instead of being delivered by automobile to the school;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby rescinds Resolution No. 629-1994 authorizing the installations of "No Stopping" signs along the east and west side of Mallard Drive, West Nyack, New York.

On roll call the vote was as follows:

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

RESOLUTION NO. (796-1994)

Co. Smith offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on its own motion on September 27, 1994, and amended on October 11, 1994, provided for a public hearing on November 7, 1994, at 8:35 P.M., to consider amendment of the Zoning Ordinance of the Town of Clarkstown by redistricting the property designated on the Clarkstown Tax Map as Map 88, Block A, Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 19, 20, 21 and 22, from an R-15 District to an LIO District or M District, and

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

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw dated October 12, 1994, 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 and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that the Town Board has determined to adopt this zone change by a majority plus one vote of the Board in contravention of the recommendation of the Rockland County Department of Planning because it believes that any increase in truck traffic on Western Highway would not have a deleterious effect on the surrounding area, and be it

Continued on Next Page

RESOLUTION (796-1994) Continued

FURTHER RESOLVED, that prior to any site plan for industrial development of this property, that the question of traffic to the site should be examined by the Town Board and their approval given as to any traffic remediation steps, in addition to the approval by the Clarkstown Planning Board 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 88, Block A, Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 19, 20, 21 and 22, situate in the Hamlet of West Nyack, New York, in said Town, from an R-15 District to an M District, 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 Maloney.....Yes
- Councilman Mandia.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (797-1994)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on October 11, 1994, provided for a public hearing on November 7, 1994, at 8:40 P.M., to consider amending the Restrictive Covenant with respect to the property owned by PARKER-NANUET ASSOCIATES, which property was rezoned by the Town Board on May 8, 1990, and is designated on the Clarkstown Tax Map as Map 164, Block A, Lots 1 and 2.01 (MF-2 District); Map 164, Block A, Lot 12.03 (MF-2 District); Map 164, Block A, Lots 13.2 (PED District); Map 164, Block A, Lot 12.02 (Modified PED District); and Map 164, Block A, Lots 12.4, 12.5 and 13.1 (PED 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 hereby determines that the amendment to the Restrictive Covenant with respect to the property owned by PARKER-NANUET ASSOCIATES, shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required;

NOW, THEREFORE, be it

RESOLVED, that for reasons of public health, safety and welfare, the amendment to the Restrictive Covenant with respect to the property owned by PARKER-NANUET ASSOCIATES, which property was rezoned by the Town Board on May 8, 1990, and is designated on the Clarkstown Tax Map as Map 164, Block A, Lots 1 and 2.01 (MF-2 District); Map 164, Block A, Lot 12.03 (MF-2 District); Map 164, Block A, Lots 13.2 (PED District); Map 164,

Continued on Next Page

TBM - 11/7/94
Page 4

RESOLUTION NO. (797-1994) Continued

Block A, Lot 12.02 (Modified PED District); and Map 164, Block A, Lots 12.4, 12.5 and 13.1 (PED District), and be it

FURTHER RESOLVED, that the amendment to the Restrictive Covenant shall read as follows:

(1) That the Applicant shall provide in the MF-2 portion of the site 22 affordable units to be offered for sale at a price of not more than \$130,000 per unit as represented by the Applicant at the public hearing and thereafter limit the remaining number of units in the rezoned area to 414 units. In the event that 'rental units,' as distinguished from 'units for sale' are built on the property, the requirement for affordable units for sale shall not be operable. In addition, no residential construction may commence for a period of one (1) year after the approval, although both site plans may, at the applicant's option, be processed simultaneously", and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to prepare notice of amendment to the Restrictive Covenant with respect to the property owned by PARKER-NANUET ASSOCIATES, which property was rezoned by the Town Board on May 8, 1990, 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 Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (798-1994)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board Minutes of October 11, October 24 and October 25, 1994 are hereby accepted as submitted by the town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (799-1994)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the New York State Department of Transportation proposes the reconstruction of Route 59, Forman Drive to Palisades Interstate Parkway, PIN 8030.23, in the Town of Clarkstown, Rockland County.

Continued on Next Page

TBM - 11/7/94
Page 5

RESOLUTION NO. (799-1994) Continued

WHEREAS, the State will include as part of the construction of the above mentioned project the construction of a parking facility and appurtenances on Middletown Road, pursuant to Section 10, subdivision 39 of the Highway Law, to satisfy the compelling need for additional parking facilities within the boundaries of the Municipality to permit their use in conjunction with public transportation systems serving urban areas, as shown on the contract plans, and

WHEREAS, the State will provide for the continued operation and maintenance of said parking facilities,

NOW, THEREFORE, be it

RESOLVED, that the Town Board approves the construction of this parking facility, and agrees to operate and maintain said facility according to the terms of the agreement drawn up by the State of New York, and the Town Supervisor is hereby directed to execute the agreement on behalf of the Town of Clarkstown.

RESOLVED, that the Clerk of this Board is hereby directed to transmit five (5) copies of the foregoing resolution to the State Department of Transportation.

On roll call the vote was as follows:

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

RESOLUTION NO. (800-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, a certain veterans' organization has 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 for leasing or rental and maintenance of meeting facility and \$250 for patriotic observance) to the following veterans' organization:

Veterans of Foreign Wars, Nanuet, N.Y. Chapter 3773, and be it

FURTHER RESOLVED, that claims for such sum shall be made annually by the organization and submitted to the Town Board for audit and disbursement, and be it

FURTHER RESOLVED, that said funds will be charged against 1994 Account No. A-6510-401.

On roll call the vote was as follows:

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

TBM - 11/7/94
Page 6

RESOLUTION NO. (801-1994)

Co. Smith offered and Co. Maloney seconded

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

Sign that read, "NO STOPPING Monday - Friday 7:00 AM to 3:00 PM". These signs to be erected on the northside of Crestwood Drive, adjacent to the New City Elementary School for the length of the street.

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

RESOLUTION NO. (802-1994)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Town Board of the Town of Clarkstown hereby accepts proposal from Orange and Rockland Utilities, Inc. for street lighting at the following location:

- 1. McGaws Hill Subdivision - May Place, Nanuet

On roll call the vote was as follows:

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

RESOLUTION NO. (803-1994)

Co. Maloney offered and Co. Smith seconded

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

West side of May Place, approximately 180 feet south of the center line of Pelham Avenue

Investigation No.: 11111, and be it

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

Continued on Next Page

TBM - 11/7/94
Page 7

RESOLUTION NO. (803-1994) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (804-1994)

Co. Smith offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown commenced an action entitled, Town of Clarktown v. Aetna Casualty and Surety Company, Guarantee Insurance Company, Insurance Company of North America, Pacific Employers Insurance Company, and National Union Fire Insurance Company of Pittsburgh, Pa., to recover costs with respect to claims and obligations pursuant to the consent decree with New York State Department of Environmental Conservation for the remediation of the Clarkstown Sanitary Landfill, and

WHEREAS, Guarantee Insurance Company has proposed to settle said action as against itself alone for the sum of \$90,000.00, and

WHEREAS, such settlement of the action against the Guarantee Insurance Company is in the best interest of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that said action with respect to Guarantee Insurance Company only is hereby settled for the payment of sum of \$90,000.00 to the Town of Clarkstown, and it is

FURTHER RESOLVED, that the Supervisor and the Town Attorney are hereby authorized to execute all documents necessary to effectuate such settlement.

On roll call the vote was as follows:

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

RESOLUTION NO. (805-1994)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a Performance Bond was furnished to the Town of Clarkstown by PARKER NANUET ASSOCIATES, L.P., to secure the completion of the public improvements and other facilities as shown on the Final Plat of PARKER NANUET ASSOCIATES, and

WHEREAS, the Department of Environmental Control of the Town of Clarkstown has recommended that the Performance Bond be released as much of the work has been completed to Town specifications with the condition that a letter of credit in the amount of \$100,000 be provided to the Town in its place;

TBM - 11/7/94
Page 8

RESOLUTION NO. (805-1994) Continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the release of said Performance Bond, and hereby accepts the security posted in the form of a Letter of Credit No. H126263 from Jack Parker, issued by National Westminster Bank USA, dated April 25, 1994 and expiring on April 25, 1995, in the amount of \$100,000.00 to complete the remaining public improvements, subject to receipt of a Performance Agreement.

On roll call the vote was as follows:

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

RESOLUTION NO. (806-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, THE Town of Clarkstown has in its possession a passbook assigned to secure the public improvements in two subdivisions known as NAURAUSHAUN BROOK and NAURAUSHAUN BROOK II, and

WHEREAS, the public improvements have not been completed in the NAURAUSHAUN BROOK II subdivision;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Department of Enviromental Control of the Town of Clarkstown, the sum of \$10,600.00 is hereby defaulted to the Town of Clarkstown, and be it

FURTHER RESOLVED, that the Town of Clarkstown shall use the aforesaid escrow funds to complete the work at said site, and be it

FURTHER RESOLVED, that the Town Comptroller take all necessary steps to withdraw the said sum of \$10,600.00 from Passbook No. 505011698 and hold funds for payment as needed for completion of the required public improvements, and for the preparation of dedication and as-built maps for the above subdivision.

On roll call the vote was as follows:

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

RESOLUTION NO. (807-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as Louisa Corby Subdivision, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Oak Road, Congers, New York;

Continued on Next Page

TBM - 11/7/94
Page 9

RESOLUTION NO. (807-1994) Continued

NOW, THEREFORE, be it

RESOLVED, that upon the recommendations of the Director of the Department of Environmental Control and the Superintendent of Highways of the Town of Clarktown, deed dated July 7, 1994 from Louisa Corby to the Town of Clarkstown gratuitously conveying a strip of land along Oak Road, Congers, New York, is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

On roll call the vote was as follows:

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

RESOLUTION NO. (808-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled, "In the Matter of GEORGE WALD and the WALD FAMILY PARTNERSHIP v. ZONING BOARD OF APPEALS FOR THE TOWN OF CLARKSTOWN AND THE TOWN OF CLARKSTOWN, AND THE PLANNING BOARD OF THE TOWN OF CLARKSTOWN;"

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps to defend said proceeding.

On roll call the vote was as follows:

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

RESOLUTION NO. (809-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, C & A Carbone, Inc. is seeking to reinstate an action in the United States District Court, Southern District of New York, under No. 91 Civ. 2105 (CLB), entitled C & A CARBONE, INC. v. THE TOWN OF CLARKSTOWN, ET AL;

NOW, THEREFORE, be it

RESOLVED that the firm of Rogers & Wells, 200 Park Avenue, New York, New York, is hereby appointed as special counsel to the Town of Clarkstown to take all necessary steps to defend such action, and be it

FURTHER RESOLVED, that this Resolution is retroactive to October 24, 1994.

On roll call the vote was as follows:

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

TBM - 11/7/94
Page 10

RESOLUTION NO. (810-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled as follows:
In the Matter of the Application of
WILLIAM HECKMAN and JENINE HECKMAN

Petitioners,

-against-

ARNOLD AMSTER, JOHN FELLA, JOHN CUFF,
JOHN SULLIVAN, ELIZABETH J. SQUILLACE,
EDWARD MISTRETTA, Constituting the
Chairman and members of the ZONING BOARD
OF APPEALS OF THE TOWN OF CLARKSTOWN
ROCKLAND COUNTY, NEW YORK,

Respondents,

For an Order pursuant to Article 78, CPLR
Reviewing and Annulling a determination
of the Zoning Board of Appeals of the Town
of Clarkstown which determination refused
and denied Petitioner's Application for the
Variances necessary to construct a Breezeway
between his house and existing one family
dwelling and a garage.

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby
authorized to take all necessary steps to defend said
proceeding.

On roll call the vote was as follows:

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

RESOLUTION NO. (811-1994)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Nathan Pekofsky and Hilda Pekofsky have
commenced tax certiorari proceedings against the Town of
Clarkstown affecting parcels designated as Map 163, Block A,
Lots 19, 19.01 and 19.2 for the years 1990/91, 1991/92,
1992/93, and 1993/94, and

WHEREAS, it is desirable to have a preliminary
appraisal prepared for the purpose of negotiating and/or trying
the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner be retained for the
purpose of preparing such preliminary appraisal at a fee not to
exceed \$2,000.00, and be it

FURTHER RESOLVED, that this resolution shall be
retroactive to October 25, 1994.

Continued on Next Page

TBM - 11/7/94
Page 11

RESOLUTION NO. (811-1994) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (812-1994)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Friendly Ice Cream Corp. has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 57, Block G, Lot 10 for the years 1990/91, 1991/92, 1992/93, 1993/94 and 1994/95, and

WHEREAS, it is desirable to have a preliminary appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000.00, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to October 25, 1994.

On roll call the vote was as follows:

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

RESOLUTION NO. (813-1994)

Co. Maloney offered and Co. Mandia seconded)

RESOLVED, to decrease Account 7141-110 (full-time salaries) in the amount of \$2,200.00 and increase Account 7620-114 (part time salaries) in the amount of \$2,200.00

On roll call the vote was as follows:

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

RESOLUTION NO. (814-1994)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has received \$1,190.60 for repair work to a 1988 Plymouth, and be it

THRRERFORE RESOLVED, to transfer \$1,190.00 from the Liability Account (CS) to Highway (DA) Fund, and be it

Continued on Next Page

TBM - 11/7/94
Page 12

RESOLUTION NO. (814-1994) Continued

FURTHER RESOLVED, to increase Estimated Revenue Account No. DA 042 8 2680 (Insurance Recoveries) and DA 5130 406 (Repairs to Vehicles) by \$1,190.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (815-1994)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has received \$6,753.20 from the County of Rockland for the Seat Belt Enforcement Program, and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. A 01 10 3826 0 (Seat Belt Enforcement Program) and Appropriation Account No. A 3120 111 (Police-Overtime) by \$6,753.00

On roll call the vote was as follows:

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

RESOLUTION NO. (816-1994)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, various Appropriation Accounts require additional funding, and be

THEREFORE RESOLVED, to decrease Contingency Account No. A 1990 505 by \$605.00 and increase the following Appropriation Accounts:

<u>ACCOUNT NO.</u>	<u>AMOUNT</u>
A 1220 313 (Supervisor-Office Supplies & Prtg.).....	\$165.00
A 1220 319 (Misc. Supplies).....	20.00
A 1220 328 (Books & Publications).....	35.00
A 1315 328 (Comptroller's-Books & Publications).....	120.00
A 1315 424 (Contractural Expenses).....	55.00
A 1315 438 (Maintenance Agreements).....	210.00

and to increase Estimated Revenue Account No. A 01 14 2999 0 (General Fund-Unexpended Balance) by \$13,695.00 and increase the following Appropriation Accounts:

A 1010 414 (Councilmen-Conferences & Schools).....	\$2,350.00
A 5650 409 (Commuter Parking-Fees for Services).....	8,750.00
A 5650 461 (Electricity).....	395.00
A 6410 405 (Advertising).....	2,200.00

and be it

TBM - 11/7/94
Page 13

RESOLUTION NO. (816-1994) Continued

FURTHER RESOLVED, to increase Estimated Revenue Account No. CS 11 14 2999 0 (Liability-Unexpended Balance) and CS 9050 807 (Unemployment Insurance) by \$15,100.00; increase Estimated Revenue Account No. V 17 12 2954 1 (Debt Service-Tr. to Other Funds) and V 9550 910 3 (Tr. to General) by \$525,000.00; reduce SS 9810 710 (Sewer Debt-Interest) and increase SS 9810 610 (Principal) by \$2,000.00; and decrease DB 5110 443 (Highway-Equipment Rental) and increase DB 5110 381 (Bituminous) by \$69,250.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (817-1994)

Co. Smith offered and Co. Mandia seconded)

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

BID #57-1994
CONCRETE SIDEWALK AND CURB ON SHETLAND DRIVE

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 7, 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 Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (818-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on September 14, 1994 that the position of Receptionist - Town Justice Department - can be created -

NOW, THEREFORE, be it

RESOLVED, that the position of Receptionist - is hereby created - effective and retroactive to October 17, 1994, and be it

FURTHER RESOLVED, that the Grade for the position of Receptionist is hereby established at a Grade 15.

On roll call the vote was as follows:

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

TBM - 11/7/94
Page 14

RESOLUTION NO. (819-1994)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Madeline Weinberg, 1 Dore Court, New City, New York, is hereby appointed to the position of (Provisional) Receptionist - Town Justice Department - at the current 1994 annual salary of \$24,224.00, effective and retroactive to October 17, 1994.

On roll call the vote was as follows:

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

RESOLUTION NO. (820-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on September 28, 1994, that the position of File Clerk - Building Department - can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of File Clerk - Building Department - is hereby created - effective and retroactive to October 17, 1994, and be it

FURTHER RESOLVED, that the Grade for the position of File Clerk is hereby established at a Grade 15.

On roll call the vote was as follows:

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

RESOLUTION NO. (821-1994)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Linda Gershon, 24 Seymour Drive, New City, New York, is hereby appointed to the position of (Provisional) File Clerk - Building Department - at the current 1994 annual salary of \$23,200.00, effective and retroactive to October 17, 1994.

On roll call the vote was as follows:

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

RESOLUTION NO. (822-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has

Continued on Next Page

TBM - 11/7/84
Page 15
RESOLUTION NO. (822-1994) Continued

certified on September 26, 1994 that the position of Legal Stenographer #0163 can be reclassified to the position of Paralegal Specialist I (Municipal Law),

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (823-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel office has furnished Certification of Eligibles Paralegal Specialist I (Municipal Law) #91189 which contains the name of Maureen T. O'Connor,

NOW, THEREFORE, be it

RESOLVED, that Maureen T. O'Connor, 4 Elyse Drive, New City, New York, is hereby appointed to the position of Paralegal Specialist I (Municipal Law) - Town Attorney's Office - at the current 1994 annual salary of \$35,174.00, effective and retroactive to October 17, 1994.

On roll call the vote was as follows:

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

RESOLUTION NO. (824-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel has certified, by letter, dated September 12, 1994 that the trainee program in the title of Legal Stenographer had been approved,

NOW, THEREFORE, be it

RESOLVED, that Patricia McDonald, 49 Lindberg Lane, New City, New York is hereby appointed to the position of (Provisional) Legal Stenographer (Trainee) - Town Attorney's Office - at the current 1994 annual salary of \$20,873.00, effective and retroactive to October 17, 1994, and be it

FURTHER RESOLVED, that the Grade for the position of Legal Stenographer (Trainee) is hereby established at a Grade 17.

Continued on Next Page

TBM - 11/7/94
Page 16

RESOLUTION NO. (824-1994) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (825-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on October 12, 1994 that the position of (part-time) Real Property Data Collector - Assessor's Office - can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of (part-time) Real Property Data Collector - Assessor's Office is hereby created - effective and retroactive to October 24, 1994.

On roll call the vote was as follows:

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

RESOLUTION NO. (826-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on October 19, 1994 that the position of (less than full-time) File Clerk - Assessor's Office - can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of (less than full-time) File Clerk - Assessor's Office - is hereby created - effective and retroactive to October 24, 1994.

On roll call the vote was as follows:

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

RESOLUTION NO. (827-1994)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Kelly Ann Stanard, Germonds Village 2-2, Bardonia, New York, is hereby appointed to the position of (Provisional) File Clerk (less than full-time) - at the 1994 hourly rate of \$10.50 and the position of Real Property Data Collector (part-time) - Assessor's Office - at the 1994 hourly rate of \$10.96 - effective and retroactive to October 24, 1994.

Continued on Next Page

TBM - 11/7/94
Page 17

RESOLUTION NO. (827-1994) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (828-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #94156 - RC-NCP Senior Clerk Typist which contains the name of Rukmani DeColyse,

NOW, THEREFORE, be it

RESOLVED, that Rukmani DeColyse, 21 Endicott Street, Congers, New York is hereby appointed to the (Permanent) position of Senior Clerk Typist - Solid Waste Facility - at the current 1994 annual salary of \$28,828.00, effective November 7, 1994.

On roll call the vote was as follows:

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

RESOLUTION NO. (829-1994)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Supervisor of the Town of Clarkstown has directed the Department of Environmental Control to have performed all necessary restoration work in connection with the Medway Avenue road improvements;

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Danny Clapp Landscaping, New City, New York to perform all restoration work associated with the Medway Avenue road improvement; and be it,

FURTHER RESOLVED, that the cost of such work shall not exceed \$12,000.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (830-1994)

Co. Mandia offered and Co. Maloney seconded

Continued on Next Page

TBM - 11/7/94
Page 18

RESOLUTION NO. (830-1994) Continued

WHEREAS, Town Board Resolution No. 790-1994 authorized the Director of the Department of Environmental Control to hire Argenio Brothers, Inc., Newburgh, New York, to grade and prepare the base of the new roadway; and

WHEREAS, the anticipated costs for said work are greater than the total provided by Town Board Resolution No. 790-1994;

NOW, THEREFORE, be it

RESOLVED, that the total cost for said improvements shall not exceed \$19,900.50.

On roll call the vote was as follows:

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

RESOLUTION NO. (831-1994)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown entered into a contract with Charles R Velzy Associates (now known as Roy F. Weston of New York, Inc.) on August 21, 1989, as amended on January 22, 1991, and on January 27, 1994, to perform professional services for a Remedial Investigation and Feasibility Study (RI/FS) and Design and Construction Services 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 NYSDEC on January 3, 1990, concerning the Clarkstown Landfill, which contract provided for such RI/FS, Design and Construction 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 submitted for approval by NYSDEC;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to execute a further amendment to the contract with Roy F. Weston of New York, Inc. to provide for the performance of the additional services required by NYSDEC and the total cost of such contract shall be raised to \$4,642,531.00; and be it

FURTHER RESOLVED, that this Resolution is retroactive to January 1, 1994.

On roll call the vote was as follows:

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

TBM - 11/7/94
Page 19

RESOLUTION NO. (832-1994)

Co. Smith offered and Co. Mandia seconded

WHEREAS, there has been a proposal from Organic Recycling, Inc. to provide leaf debagging services for the Town of Clarkstown as per the attached proposal, at a total cost of \$43,505.00 per week for a six week period;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with Organic Recycling, Inc. for leaf debagging services as per the attached proposal, which agreement shall be in a form satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that the fee of \$43,505.00 for such services shall be charged to Account No. SR 8160-409-2.

On roll call the vote was as follows:

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

RESOLUTION NO. (833-1994)

Supervisor Holbrook offered and Co. Smith seconded

WHEREAS, an action has been instituted against the Town of Clarkstown, in the United States District Court, entitled, "Thomas Grosso, Martin Farrell and Joseph Clark v. The Town of Clarkstown, The Police Commission of the Town of Clarkstown, and William J. Collins, in his capacity of Chief of Police of the Clarkstown Police Department, and William J. Collins, individually;"

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps to defend said action.

On roll call the vote was as follows:

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

RESOLUTION NO. (834-1994)

Co. Smith offered and Co. Mandia seconded

WHEREAS, (it appears there may be a necessity for a traffic light to be installed at the intersection of Route 59 and Larch Court, West Nyack, New York;

NOW, THEREFORE, be it

RESOLVED, that the matter should be referred to the Traffic Advisory Board for review and recommendations concerning the question of the installation of a traffic light at the intersection of Route 59 and Larch Court, West Nyack, New York.

Continued on Next Page

TBM - 11/7/94
Page 20

RESOLUTION NO. (834-1994) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (835-1994)

Co. Smith offered and Co. Mandia seconded

WHEREAS, it appears that automobiles are speeding on Flitt Street, West Nyack, New York, causing a danger to young children in the neighborhood;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to install a traffic sign entitled, "Slow, Children at Play" on Flitt Street, West Nyack, New York.

On roll call the vote was as follows:

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

RESOLUTION NO. (836-1994)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that the question of increased traffic at Prospect Street, Nanuet, New York, is hereby referred to the Traffic Advisory Board for discussion and a recommendation to the Town Board concerning appropriate measures to deal with such traffic.

On roll call the vote was as follows:

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

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilwoman Smith, seconded by Councilman Mandia and unanimously adopted, the Town Board Meeting was declared closed, time: 9:40 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

11/7/94

8:40 PM

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

RE: ZONE CHANGE (R-15 TO LIO OR M) PINEVIEW ROAD, WEST NYACK
(88-A-2+)

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 Town Planning Board recommended the change of zone from R-15 to M. The Rockland County Planning Board recommended the zone change from R-15 to M with conditions.

Councilwoman Smith asked about the access to Route 59 since the impact of traffic will be negligible. Supervisor Holbrook explained the proposal to use the transfer station land to connect Route 59.

Jonathan Levine, Esq., the attorney representing the residents of Pineview Road, commended the Town Board on behalf of the residents for the progressive way the Town Board was moving and for their enlightened decision.

Supervisor Holbrook inquired as to what zone the residents desired. Mr. Levine stated that the residents would leave that decision to the Town Planning Board.

Planning Board Chairman Rudolph Yacyshyn stated that the Planning Board had recommended an M Zone. All the residents in attendance agreed.

Town Attorney stated that because of the conditions of the Rockland County Planning Board, four votes were necessary to approve the change.

Mr. Levine thanked the Town Board on behalf of the residents for their prompt action.

Councilman Mandia inquired as to whether there was any opposition to the Zone Change:

Appearance: Mr. Bob Kalenaski
Western Highway

Mr. Kalenaski said that he was concerned about proper follow through by the Board regarding additional traffic resulting from this Zone Change in addition to the traffic the new mall will bring. He supported the Town Board helping the residents of Pineview Road, but wanted to keep traffic off Western Highway because he believes that this will impact on his property value. He urged the Town Board to include traffic control measures in their resolution.

Mr. Levine, Esq. said that this Zone Change would not prohibit people from coming forward at the appropriate time to voice their opinion. Pineview Road is not the only crossing available.

Supervisor Holbrook stated that the Town Board was laying the ground work to alleviate this problem and reduce traffic.

Continued on Next Page

PH - RE: ZONE CHANGE (R-15 TO LIO OR M): PINEVIEW ROAD, WEST
NYACK (88-A-2+)

Page 2

11/7/94

There being no one further wishing to be heard, on motion of Co. Smith, seconded by Co. Mandia and unanimously adopted, the public hearing was declared closed, time: 8:45 PM

RESOLUTION NO. (796-1994) ADOPTING ZONE CHANGE

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

11/7/94

8:46 P.M.

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

RE: AMENDMENT TO RESTRICTIVE COVENANT: PARKER-NANUET
ASSOCIATES
(164-A-12-03+)

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

Town Attorney stated that the Rockland County Planning Board approves. The Clarkstown Planning Board approves.

Supervisor asked if there was anyone wishing to speak relative to this matter.

Appearance: Donald Tracy, Esq.
New City

Mr. Tracy, attorney for the Petitioner, introduced Mr. Sam Fuller and Ms. Tracy Armstrong owners of Avalon Realty Property. Mr. Tracy explained that this is not a zone change, but rather a modification of the restrictive covenants. Parker Nanuet agreed to limit the number of units to 414 to be sold at market value. The restrictive covenants stated that there would be 22 affordable units offered for sale in addition to the 414 units. He was requesting that the Town Board modify the restrictive covenants by eliminating the 22 affordable units as long as they remain rental units. The number of rental units would then be 436.

Supervisor Holbrook inquired about money in lieu of land.

Mr. Tracy responded, that issue is not before us tonight.

Supervisor Holbrook inquired about the other properties adjacent to this parcel and if Avalon was interested in purchasing and developing those parcels. Mr. Tracy said, "no".

Appearance: Mr. Sam Fuller
Owner of Avalone Realty

Mr. Fuller showed pictures of his various rental developments. He stated that they did their own developing, contracting and managing. Mr. Fuller expressed displeasure of other developments in other areas. He stated that the plan was to develop this parcel garden style. Mr. Fuller said that all their communities are heavily landscapped. He believes that we would generally find that his landscaping budgets are about double those of a condominium developer. All his communities have swimming pools, exercise rooms, movie rooms, laundry areas, clubhouse, etc.

Councilman Mandia asked if all his units were rental. Mr. Fuller responded, we only build rentals.

Supervisor Holbrook inquired as to their primary location and asked if it was in Connecticut..

Continued on Next Page

PH re: Amendment to Restrictive covenants: Parker Nanuet Associates (164-A-12.03+)

Page 2

11/7/94

Mr. Fuller stated, "yes". He said that they have a main office in Alexandria, Virginia and their main, main office is in New Canaan, Connecticut.

Mr. Yacyshyn, Chairman of Clarkstown Planning Board, stated that he saw the original exhibits and as a concept, we approve that area for the zoning designation that it has. We do not have any specific recommendation as to the number of units. That was determined by the Town Board when they granted the zone change, however, we do agree with regards to the rental vs. the sale, and to the change of the covenant.

Mr. Tracy explained that while this site could accommodate 514 units, they are requesting 436 units. His client is requesting that the covenant be amended to eliminate the 22 units of affordable housing and add them to the 414 market value units to have a total of 436 rental units.

Supervisor Holbrook asked if there was anyone wishing to speake relative to this matter.

Appearance: Mr. Martin Bernstein
New City

Mr. Bernstein asked if there was a restrictive covenant that states there must be a rental for evermore? Mr. Tracy said "no". Mr. Bernstein stated that we are not really restricting it to rentals or condominiums. Mr. Tracy said, "yes", because the covenant says, 'as long as it is rental units and if a hundred and twenty years down the line they change it to affordable units rather than converted to for sale units, they will have to provide the twenty-two affordable units so there is no change in the covenant'.

Appearance: Ms. Nancy Thomas
Nanuet

Ms. Thomas stated as far as she understood that the Board did not approve of this zone change in 1989. In 1990, with new people on the Board, it was voted in. One of the tokens that was put in there was to have twenty-two affordable units and the rest of the units were for sale. You have totally ignored senior citizens who have been here for over thirty years in every one of your plans that come up for Alice Drive. About six or eight years ago, the land near the Thruway was sold to Spring Valley.

Mr. Holbrook responded that we allowed them to annex part of it. It is still part of the Town of Clarkstown.

Ms. Thomas stated that Spring Valley had control over developing that property. That was on one side of her property within 100 or 200 feet. You changed that part of my property which is the south side. When I purchased my home sixteen years ago, it was airport property. I had no idea that was every going to change. The zoning change from PED which would have been low density is now changed to a higher density. The only access to our property is off Alice Drive. We were not included or asked to be part of anything. We do not have the same services. We again were overlooked. Three or four years ago, the Town Board decide not to challenge the group homes status and put group homes on our street. Two of them now are rental properties for group homes. She feels that her property is devalued and that she has been unfairly overlooked.

Continued on Next Page

PH re: Amendment to Restrictive Covenant: Parker-Nanuet Associates (164-A-12.03+)

Page 3

11/7/94

Supervisor Holbrook stated that the adjacent properties should be zoned MF 2 as well.

Ms. Thomas said that her home use to be a resident home. Who will want to come in and take my half acre and develop it?

Supervisor Holbrook explained that it was the use of the property for multi family that is really the controlling factor here. Supervisor asked Ms. Thomas what alternative did she think the Town Board should pursue.

Ms. Thomas stated if you change the zoning, she will still have problems because she would not get the value from that. She feels that the master plan has been violated. The area was never intended to have rental units.

Supervisor Holbrook stated that the problem with this property was for a long time after the Town Board changed the zone, it was not developed. Now we have someone who wants to develop multi family.

Ms. Thomas stated that the first three hundred units could be rented. If they are not rented after two or three years, we will have to go into some other type of rental. The condo units which are not selling are now turning into either investor purchase for rentals or banks are taking them over and are selling them for less.

Supervisor Holbrook said that he had cut a ribbon on New Clarkstown Road where they are coming in with 135 condominium units which are selling in the neighborhood of \$159,000.00. We recognize that there is a problem with some of the parcels of land that are next to a high development. Ideally, these parcels should be incorporated, all of it should be developed as one piece. That makes sense to me, but I do not know if that makes sense to people who want to develop it.

Ms. Thomas mentioned that the Town had previously done an environmental impact study which did not take into consideration all the changes and services that have taken place since the change from owner occupied to rental units. She suggested that another environmental impact study be done on the whole area.

Town Attorney stated that we received a letter from Alan Yasky and he read into the record.

Dear Ladies and Gentlemen:

My partner George Faist and I are in receipt of your Notice of Public Hearing to be held November 7, 1994 to amend the Declaration of Restrictive Covenants regarding property owned by Parker-Nanuet Associates. In that notice it is stated that parcels designated on Map 164-Block A-Lots 13.2, 12.4, 12.5 and 13.1 are owned and controlled by Parker-Nanuet. Those properties have never been owned or controlled by Parker-Nanuet, but are owned by Mr. Faist and myself.

We have so notified the Town Planning Board and the Town Attorney's office this date. We were informed that this same misinformation was used in the original zoning change application by Parker-Nanuet.

Continued on Next Page

PH re: Amendment to Restrictive Covenants: Parker-Nanuet
Associates (164-A-12.03+)

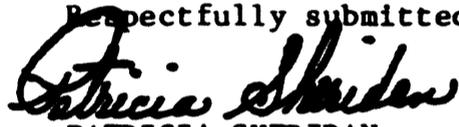
Page 4

11/7/94

We hereby request that any reference to properties known as Map 164 Block A Lots 13.2, 12.4, 12.5 and 13.1, which happen to be buildings 200, 400, 500 and 100 respectively at Airport Executive Park be removed from this application.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 9:40 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk