

TOWN OF CLARKSTOWN
TOWN BOARD MEETING
11/22/94

Town Hall

8:00 P.M.

Present: Supervisor Holbrook
Council Members Dusanenko and Maloney
Councilwoman Smith arrived at 8:20 P.M.
Councilman Mandia Absent
Murray N. Jacobson, Town Attorney
Patricia Sheridan, Town Clerk

Supervisor declared Town Board meeting open.
Members of Boy Scout Pack 27 led the assemblage in the salute to the Flag. They were in attendance at the meeting as one of their requirements for a merit badge.

Supervisor read the following proclamation which was accepted by Emily Feiner of the Clarkstown Counseling Center:

PROCLAMATION
TOWN OF CLARKSTOWN
County of Rockland
State of New York

NATIONAL DRUNK AND DRUGGED DRIVING (3D) PREVENTION MONTH
December, 1994

- WHEREAS, drivers and pedestrians impaired by alcohol and other drugs account for nearly 17,500 highway deaths annually; and
- WHEREAS, motor vehicle crashes are the number one cause of death for children, adolescents, and young adults in the United States; and
- WHEREAS, alcohol is involved in nearly half of all traffic fatalities; and
- WHEREAS, injury and property damage resulting from alcohol-impaired driving cause physical, emotional, and economic hardship for hundreds of thousands of adults and young people; and
- WHEREAS, comprehensive community-based strategies to further reduce and prevent impaired driving tragedies are known; and
- WHEREAS, health care costs resulting from motor vehicle injuries cost American society over \$14 billion a year; and save \$35,000 in health care costs alone for each serious injury that is prevented, and
- WHEREAS, if we take a stand now, we can prevent impaired driving;

NOW THEREFORE, be it

RESOLVED, that I, Charles E. Holbrook, Supervisor of the Town of Clarkstown, on behalf of the Town Board, do hereby call upon all citizens, government agencies, public and private institutions, businesses, hospitals, and schools in Clarkstown and Rockland County to promote awareness of causes of driver impairment, existing and proposed laws intended to further reduce and prevent impaired driving, and opportunities to establish safer and healthier norms regarding the use of alcohol and other drugs for all citizens, particularly young people.

IN WITNESS WHEREOF I HEREUNTO SET
MY HAND AND CAUSE THE SEAL OF THE
TOWN OF CLARKSTOWN TO BE AFFIXED
THIS 22nd DAY OF NOVEMBER, 1994

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

TBM - 11/22/94
Page 2

RESOLUTION NO. (838-1994)

Co. Maloney offered and Co. Dusanenko seconded

RESOLVED, that the Town Board Minutes of November 7, 1994 are hereby accepted as submitted by the Town Clerk

On roll call the vote was as follows:

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

RESOLUTION NO. (839-1994)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled ALBERT FRASSETTO v. THE ASSESSOR AND THE BOARD OF REVIEW OF THE TOWN OF CLARKSTOWN, Index Nos. 5322/93 and 4370/94, affecting Map 124, Block C, Lots 43 and 44, and

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

1. That the premises owned by the petitioner described on the assessment roll as Map 124, Block C, Lot 43 be reduced for the year 1993/94 from \$1,688,700 (of which \$384,850 is exempt) to \$1,519,830 (of which \$342,630 is exempt);

2. That the premises owned by the petitioner described on the assessment roll as Map 124, Block C, Lot 43 be reduced for the year 1994/95 from \$1,688,700 (of which \$307,880 is exempt) to \$1,435,400 (of which \$257,220 is exempt);

3. That the premises owned by the petitioner described on the assessment roll as Map 124, Block C, Lot 44 be reduced for the year 1993/94 from \$1,778,000 (of which \$420,000 is exempt) to \$1,600,200 (of which \$375,550 is exempt);

4. That the premises owned by the petitioner described on the assessment roll as Map 124, Block C, Lot 44 be reduced for the year 1994/95 from \$1,778,000 (of which \$336,000 is exempt) to \$1,511,300 (of which \$282,660 is exempt);

5. That reimbursement for the year 1993/94 on the parcels described as Map 124, Block C, Lots 43 and 44 be made within 60 days through the Office of the Commissioner of Finance. If payment is made within 60 days, no interest will be charged; and

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

WHEREAS, it appears to be in the best interest of the Town to settle such matter upon the terms and conditions aforesaid; and such settlement is recommended by the Assessor of the Town of Clarkstown.

NOW, THEREFORE, be it

RESOLVED, that the settlement of the aforesaid

Continued on Next Page

TBM - 11/22/84
Page 3

RESOLUTION NO. (839-1994) Continued

action is authorized upon the terms and conditions herein stated; and the Town Attorney is authorized to sign all documents necessary to effectuate such settlement.

On roll call the vote was as follows:

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

RESOLUTION NO. (840-1994)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, on September 14, 1993, the Town Board of the Town of Clarkstown adopted Resolution No. 616-1993, amending the Zoning Ordinance of the Town of Clarkstown on property owned by Normandy Village Company, which property is described on the Clarkstown Tax Map as Map 13, Block A, Lots 7, 8, 9, 13, 14, 15 and 20.02, and Map 13, Block E, Lots 13.2 and 14, from R-10, MF-2 and PO Districts to an MF-3 District, subject to nine conditions, and

WHEREAS, Normandy Village Company has requested the Town Board to amend Resolution No. 616-1993 by deleting Conditions "3" and "6" which read as follows:

- "3. Any site plan submitted to the Planning Board shall comply with all requirements of the MF-3 District."
- "6. The former Piermont Branch Railroad right-of-way shall be continued as a pedestrian connection toward Middletown Road through the property that is the subject of this zone change."

NOW, THEREFORE, be it

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

FURTHER RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the

Town of Clarkstown, on December 13, 1994 at 8:35 P.M., relative to the proposed change in the conditions of Town Board Resolution No. 616-1993, and be it

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

On roll call the vote was as follows:

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

TBM - 11/22/94
Page 4

RESOLUTION NO. (841-1994)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, BRITALI ESTATES, 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 R-40 District to an R-22 District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 41, Block A, Lot 6;

NOW, THEREFORE, be it

RESOLVED, that the petition is hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33(A) 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 Maloney.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (842-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that upon the recommendation of the Department of Environmental Control of the Town of Clarkstown, an escrow deposit in the form of a Certificate of Deposit in the amount of \$20,000.00 furnished to assure completion of the wearing course in connection with a subdivision known as THE GABLES, is hereby released as all of the required work has been completed.

On roll call the vote was as follows:

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

RESOLUTION NO. (843-1994)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, the Town of Clarkstown received \$3,648.00 from Corporate Property Investors, and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. A 01 9 2705 (Gifts & Donations) and Appropriation Account No. A 3120 111 (Police-Overtime) by \$3,648.00, and be it

FURTHER RESOLVED, to transfer \$1,138.00 from the

RESOLUTION NO. (843-1994) Continued

DWI Reserve Account No. A 887 and increase Appropriation Account No. 3120 111 by \$1,138.00; and decrease Appropriation Account No. DB 5110 459 (Highway-DB-EBT's) and increase DB 5110 312 (Auto Maintenance Supplies) by \$2,000.00

On roll call the vote was as follows:

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

RESOLUTION NO. (844-1994)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, various appropriation accounts require additional funding, and be it

THEREFORE RESOLVED, to decrease Appropriation Account No. B 8020 114 (Planning-Part-Time) and increase B 8020 409 (Fees for Services) by \$480.00

On roll call the vote was as follows:

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

RESOLUTION NO. (845-1994)

Co. Maloney offered and Co. Dusanenko seconded

RESOLVED, to decrease Account 7310-420 (Insurance Premiums) in the amount of \$565.00 and to increase Account 7020-438 (Maintenance Agreement) in the amount of \$565.00

On roll call the vote was as follows:

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

RESOLUTION NO. (846-1994)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, various funds require additional funding, and be it

THEREFORE RESOLVED, to decrease Appropriation Account No. SR 8160 409 3 (Sanitation Dists.-Solid Bulk-Municipal) and increase SR 8160 382 (Stone, Sand & Gravel) by \$20,000.00 and decrease Appropriation Account No. DA 5130 219 (Highway-DA-Misc. Equipment) by \$3,000.00 and increase the following Account Numbers:

DA 5130 312 (Auto Maintenance).....\$2,000.00
DA 5130 447 (Equipment Repairs)..... 1,000.00

On roll call the vote was as follows:

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

RESOLUTION NO. (847-1994)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, various funds require additional funding and be it

THEREFORE RESOLVED, to decrease Appropriation Account No. A 1110 199 (Justice Court-Vacation Buybacks) and increase A 1110 204 (Office Machines) by \$1,000.00

On roll call the vote was as follows:

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

RESOLUTION NO. (848-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement with the library organizations listed below, in a form approved by the Town Attorney, which provides a service for residents of the Town of Clarkstown which is deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that said library shall receive library assistance, pursuant to §256 of the Education Law of New York State, in the amount of \$3,000.00 for the calendar year 1995.

NANUET PUBLIC LIBRARY

On roll call the vote was as follows:

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

RESOLUTION NO. (849-1994)

Co. Maloney offered and Co. Dusanenko seconded

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

BID #1-1995
STATIONERY AND OFFICE SUPPLIES

is hereby awarded to:

MANHATTAN STATIONERY
3010 WESTCHESTER AVENUE
PURCHASE, NY 10577
PRINCIPAL: HARVEY ARONOFF

CORPORATE EXPRESS
160 AVON STREET
STRATFORD, CT. 06497
PRINCIPAL: MARK CASHMAN

ROCKLAND OFFICE SUPPLY
120 SHUART ROAD
AIRMONT, NY 10901
PRINCIPALS: DEBBIE TORTORA
PAUL TORTORA

(Price schedule on file in Town Clerk's Office)

On roll call the vote was as follows:

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

TBM - 11/22/94
Page 7

RESOLUTION NO. (850-1994)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, the Town Board authorized the Planning Board of the Town of Clarkstown, by Resolution No. 670-1994, the use of Town Law Section 281 for the proposed subdivision described above subject to the applicant complying with all rules, regulations and requirements of law, and requirements of the Clarkstown Planning Board and not inconsistent with the plan depicted on aforesaid proposed subdivision map, and

WHEREAS, New York State has changed the Section referred to as Town Law §281 to Town Law §278;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends Resolution No. 670-1994 by changing the reference from Town Law §281 to Town Law §278.

On roll call the vote was as follows:

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

RESOLUTION NO. (851-1994)

Co. Dusanenko offered and Co. Maloney seconded

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

CET PLUMBING INC. D/B/A ADVANCE PLUMBING & HEATING
68 AMERICAN LEGION WAY
NEW CITY, NEW YORK 10956

RESOLVED, that the following Certificate of Registration be issued:

No. 95-1 CET Plumbing Inc. D/B/A Advance Plumbing & Heating

On roll call the vote was as follows:

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

RESOLUTION NO. (852-1994)

Co. Dusanenko offered and Co. Maloney seconded

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

BRAD COCKS
33 West Nyack Road
Nanuet, New York 10954

RESOLVED, that the following Certificate of Registration be issued:

Continued on Next Page

TBM - 11/22/94
Page 8

RESOLUTION NO. (852-1994) Continued

No. 95-3 Brad Cocks

On roll call the vote was as follows:

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

RESOLUTION NO. (853-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that the Town of Clarkstown is hereby authorized to act as lead agency for the Rockland County Small Transit Operators Consortium and to publish a joint bid for the purchase of ten (10) buses, (six (6) for the Town of Clarkstown) and be it

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

BID #58-1994
MINI BUSES

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 January 1995 at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (854-1994)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, DINIS and LIDIA DE ALMEIDA have 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 a PO and LIO District to an entire LIO District, and

WHEREAS, said property is designated on the Clarkstown Tax lap as Map 32, Block B, Lot 101;

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, that a public hearing pursuant to

Continued on Next Page

TBM - 11/22/94
Page 9

RESOLUTION NO. (854-1994) Continued

Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on December 13, 1994, at 8:40 P.M., relative to the proposed amendment, 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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (855-1994)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, UNITED ARTISTS THEATRE CIRCUIT, INC. has submitted a proposal to provide a non-exclusive license to the Town of Clarkstown for use of a portion of its parking area located on the premises of the Cinema 304, Main Street and Cavalry Drive, New City, New York, for commuter parking purposes.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into a license agreement with United Artists Theatre Circuit, Inc., in a form approved by the Town Attorney, for the period commencing December 1, 1994 and terminating December 31, 1999, for UA to provide the Town of Clarkstown with a non-exclusive license to use a portion of its parking area located on the premises of the Cinema 304, Main Street and Cavalry Drive, New City, New York, for commuter parking purposes.

On roll call the vote was as follows:

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

RESOLUTION NO. (856-1994)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, Philip M. Scala, by his attorney-in-fact, Alden B. Smith, has assigned Passbook Nos. 04-111094 and 04-111095, issued by Provident Savings Bank, with deposits totaling \$13,500.00 to the Town of Clarkstown to secure the

Continued on Next Page

TBM - 11/22/94
Page 10

RESOLUTION NO. (856-1994) Continued

installation of the public improvements in a subdivision known as "Agathe Kongshoj Subdivision", and

WHEREAS, said passbooks are intended to replace the Owner's Performance Bond secured by a Letter of Credit, dated February 26, 1993, issued by The Huntington National Bank in the amount of \$13,500.00;

NOW, THEREFORE, be it

RESOLVED, that Passbook Nos. 04-111094 and 04-111095 with Performance Guaranty are hereby accepted in place of the Owner's Performance Bond with Letter of Credit; and said Owner's Performance Bond with Letter of Credit are hereby ordered released to Agathe Kongshoj.

On roll call the vote was as follows:

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

RESOLUTION NO. (857-1994)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, the Omnibus Transportation Employee Testing Act of 1991, hereinafter referred to as the "ACT," requires alcohol and drug testing of safety-sensitive employees including transportation employees and those holding commercial driver's licenses, and

WHEREAS, the Town of Clarkstown is required to implement such testing commencing January 1, 1995;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby establishes as the policy of the Town of Clarkstown that no employee may report for duty, remain on duty and/or operate a vehicle or equipment while under the influence of alcohol and/or controlled substances as set forth in the ACT, and be it

FURTHER RESOLVED, that the Town Board hereby directs that drug and alcohol testing, as more fully set forth in the ACT, be commenced for all Town employees defined in the ACT in the manner prescribed in the ACT on January 1, 1995.

On roll call the vote was as follows:

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

RESOLUTION NO. (858-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes work to be performed on a Town easement in the vicinity of Jeffrey Court, West Nyack, New York, by Ira Wickes/arborists.

Continued on Next Page

TBM - 11/22/94
Page 11

RESOLUTION NO. (858-1994) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (859-1994)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, the Town of Clarkstown has in its possession the sum of \$800.00 assigned to secure the completion of the public improvements of the subdivision known as Pine Hollow; and

WHEREAS, said improvements have not been completed;

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Department of Environmental Control of the Town of Clarkstown the sum of \$800.00 is hereby defaulted to the Town of Clarkstown, and be it

FURTHER RESOLVED, that the Town of Clarkstown shall use the aforesaid escrow funds for the completion of necessary work.

On roll call the vote was as follows:

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

RESOLUTION NO. (860-1994)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, an adverse pavement condition exists in the vicinity of lot 138-J-10.01; and

WHEREAS, corrective pavement work is required in order to ameliorate an icing condition during the winter months;

NOW, THEREFORE, be it

RESOLVED, that the Director of Environmental Control is hereby authorized to hire Pinebrook Landscaping and Paving, New City, New York to perform the necessary corrective work; and be it

FURTHER RESOLVED, that the cost of said work shall not exceed \$2,500.00

On roll call the vote was as follows:

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

TBM - 11/22/94
Page 12

RESOLUTION NO. (861-1994)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, an adverse pavement condition exists in the vicinity of lot 55-A-21.07; and

WHEREAS, the Supervisor of the Town of Clarkstown has directed the Department of Environmental Control to have performed the necessary corrective work to ameliorate the adverse condition;

NOW, THEREFORE, be it

RESOLVED, that the Director of Environmental Control is hereby authorized to obtain the services of a contractor to perform the necessary corrective work; and be it

FURTHER RESOLVED, that the cost of such corrective work shall not exceed \$2,500.00

On roll call the vote was as follows:

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

RESOLUTION NO. (862-1994)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, an adverse drainage condition exists in the vicinity of lot 34-A-20.6, Bardonia, New York: and

WHEREAS, the Department of Environmental Control has recommended a solution to ameliorate the adverse condition;

NOW, THEREFORE, be it

RESOLVED, that the Director of Environmental Control is hereby authorized to hire Cal Mart Construction, West Nyack, New York to perform the corrective drainage work; and be it

FURTHER RESOLVED, that the cost of such work shall not exceed \$16,000.00

On roll call the vote was as follows:

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

RESOLUTION NO. (863-1994)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, the Department of Environmental Control had performed certain improvements within a drainage easement in the vicinity of lot 70-A-9.01; and

WHEREAS, additional restoration work is now required to stabilize the effected area;

NOW, THEREFORE, be it

Continued on Next Page

TBM - 11/22/94
Page 13

RESOLUTION NO. (863-1994) Continued

RESOLVED, that the Director of Environmental Control is hereby authorized to hire Danny Clapp Landscapping, New City, New York to perform the required restoration work; and be it

FURTHER RESOLVED, that the cost of said work shall not exceed \$900.00

On roll call the vote was as follows:

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

RESOLUTION NO. (864-1994)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, the Department of Environmental Control has completed the road improvement for the northerly end of Medway Avenue; and

WHEREAS, three (3) stop signs are required in order to regulate vehicular traffic;

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways is hereby authorized to install three (3) stop signs on Medway Avenue in accordance with the recommendations stated in a letter from Howard L. Lampert, P.E., dated November 17, 1994.

On roll call the vote was as follows:

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

RESOLUTION NO. (865-1994)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, the drainage easement in the vicinity of lots 170-A-23 and 24 is in need of restoration and regrading; and

WHEREAS, the Supervisor of the Town of Clarkstown has directed the Department of Environmental Control to have performed all corrective work within the easement;

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 restore and regrade the drainage easement; and be it

FURTHER RESOLVED, that the cost of this work shall not exceed \$1,000.00.

On roll call the vote was as follows:

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

TBM - 11/22/94
Page 14

RESOLUTION NO. (866-1994)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Maurice Abrahams, 8 Fairhaven Drive, New City, New York, is hereby reappointed to the position of Member - Clarkstown Drug Abuse Prevention Council - to serve without compensation - term effective November 30, 1994 and to expire on November 29, 1997.

On roll call the vote was as follows:

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

RESOLUTION NO. (867-1994)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that James Pascaliccio, 41 Rolling Ridge Road, New City, New York, is hereby reappointed to the position of Member - Clarkstown Drug Abuse Prevention Council - to serve without compensation - term effective November 30, 1994 and to expire on November 29, 1997.

On roll call the vote was as follows:

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

RESOLUTION NO. (868-1994)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Peter Steckler, 32 Concord Drive, New City, New York, is hereby reappointed to the position of Member - Clarkstown Drug Abuse Prevention Council - to serve without compensation - term effective November 30, 1994 and to expire on November 29, 1997.

On roll call the vote was as follows:

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

RESOLUTION NO. (869-1994)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of William Carey, 37 Oxford Drive, Valley Cottage, New York to the position of Assistant Maintenance Mechanic - Parks Board and Recreation Commission - at the current 1994 annual salary of \$28,828.00, effective November 28, 1994.

Continued on Next Page

RESOLUTION NO. (869-1994) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (870-1994)

Co. Dusanenko offered and Co. Smith seconded

WHEREAS, the Superintendent of Highways of the Town of Clarkstown has determined that the concrete sidewalk and curb need to be repaired at 73 Lake Road, Congers; and

WHEREAS, the Superintendent of Highways has obtained an estimate for removal and repair of concrete sidewalk and curb from A&S Contractors, Inc. in the amount of \$5,174.00;

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways be authorized to enter into a written agreement, subject to approval by the Town Attorney, with Bourghol Brothers Jewelers, 73 Lake Road, Congers, whereby the Town and Bourghol Brothers share equally in the expense of the repairs; and be it

FURTHER RESOLVED, that A&S Contractors, Inc. be authorized to do the repairs for an amount not to exceed \$5,174.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (871-1994)

Co. Smith offered and Co. Dusanenko and Maloney seconded

WHEREAS, a proposed local law entitled:

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

was introduced by Councilwoman Smith at a Town Board meeting held on October 25, 1994, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on October 25, 1994, directed that a public hearing be held on November 22, 1994, at 8:45 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on November 7, 1994, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on October 20, 1994, and

Continued on Next Page

RESOLUTION NO. (871-1994) Continued

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on November 22, 1994;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 3-1994, entitled:

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

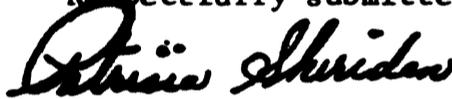
is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

Charles E. Holbrook, Supervisor.....Yes
John R. Maloney, Councilman.....Yes
Ann Marie Smith, Councilwoman.....Yes
Theodore R. Dusanenko, Councilman...Yes

The Clerk of the Town of Clarkstown was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Town Board Meeting was declared closed, time: 9:19 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

11/22/94

8:35 P.M.

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

Re: Zone Change from LIO to MF-2 - Map 129, Block A, Lot 21
(303-9W Company, Congers)

On motion of Councilman Maloney, 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 Clarkstown Planning Board denied for a variety of reasons as follows:

1. The uses permitted by the change would not be appropriate in the area, as a new shopping center is now under construction just south of this site, and there are industrial uses across the street. This site abuts two major highways, which makes the site more suitable for office-warehouse use. The concept for the Town has always been the theory of concentric zoning, wherein multi-family would be in the hamlet centers, close to shopping, public transportation, schools, libraries, etc. This site does not meet that criteria. There are several vacant parcels directly to the south of this parcel, one of which (DePaulis), did request a zone change to MF-3 some nine years ago, which the Town Board saw fit to deny.
2. Route 303/9W intersection is a very busy and dangerous intersection. The proposed change will increase traffic congestion and add to the tuning movements problem at this intersection.
3. As reported in R.C. Sewer Dist. No. 1 letter, continual increases in zoning density could hydraulically overload the sewer system using up the capacity which has been allocated to other areas.
4. The introduction of residential use here is likely to encourage an extension of additional residential zoning to the south, converting land away from uses that are generally tax positive and employment creating to uses that are generally tax negative and that do not create jobs.
5. The site is bounded on one side by the West Shore Conrail tracks, an active freight line. The Town is strongly encouraging the restoration of passenger rail service along this line. This would mean the installation of a second track, to the east of the present track, and a substantial increase in train activity. Residents of the development will likely be affected by the sound of trains. No evidence has been offered by the applicant relating to train noise.
6. A change of zone on this parcel to MF would be contrary to the goals of the Comprehensive Plan, which provided that industrial sites be located near or on roads or highways that can handle the required traffic and connect up easily with major intra and interstate routes and that existing and potential industrial and office research areas should be protected from encroachment

Continued on Next Page

PH - Re: Zone Change from LIO to MF-2 - Map 129, Block A, Lot 21 (303-9W Company, Congers)

Page 2.

11/22/94

by non-industrial uses. This was reinforced by the Planning Board in 1966, 1971, 1981 and again in 1992, when the Planning Board, after reviewing the study made by Planning Consultant of the Route 303 area did not make any recommendation for change in the area. The Planning Board continues to press for continued economic growth by providing for industrial land uses. If this request is granted, then similar requests could follow, further eroding the industrial land base of the Town. The Planning Board is concerned that the industrial land bank not be further reduced. The Town should try to have a more balanced use of lands.

The Rockland County Planning Board approved subject to:

1. While we don't have any particular objection to the zone change, we suggest that the Town Board use this opportunity to investigate the need for additional multi-family zoning in the entire neighborhood. We note that past rezonings to MF-2 have taken place on a parcel by parcel request. The Town Board and Town Planning Board should determine the overall demand in the area and whether this parcel alone will meet the demand.

Town Attorney also noted that SEQRA had not been completed.

Supervisor stated that they would take the applicant's presentation and we will open up to questions from the audience. To grant the zone change will require four votes but with the SEQRA not being completed there can be no vote tonight. We will adjourn, sine die, awaiting the SEQRA report.

Appearance: Milton Shapiro, Esq.
Attorney for Applicant

Mr. Shapiro stated that the petitioner has owned the property for about nine years. They have been trying to use this property for industrial type use without success. A substantial investment has been made in trying to make this property accesible. A roadway has been built from the traffic light down into the property. It is now useable but there are no users for this present zone. Basically, that is the reason we are here. There is a need in the Town as far as we can determine for multi-family townhouse units for small, young families. That is what we propose to the Board. Mr. Eric Bergstol is here. He is the one who has been primarily involved in trying to get this property to be used during this nine year period and we will call him up to describe some of his efforts. Immediately over the railroad is a similar zone, an MF-2 and also an R-22 zone. The property stretches along both of those zones. The SEQRA that was mentioned has to do with the traffic. We are waiting for a report from the DOT or some clarification of their responses as to the traffic signals. He felt that would probably be straightened out within a week or two. There is a new shopping center proposed which will be within walking distance of this site, which will be available as a neighborhood center for people living in the site. The site is unusual from the point of view that it is very secluded and it could make a very lovely housing development. The traffic will not bother it. The people living there will have their comfort. There is a railroad going by but that railroad is used very slightly as we all know and anticipation of its being heavily used is remote, at best. Mr. Shapiro then called upon Mr. Bergstol.

Continued on Next Page

PH - Re: Zone Change from LIO to MF-2 - Map 129, Block A, Lot
21 (303-9W Company, Congers)

Page 3.

11/22/94

Appearance: Mr. Eric Bergstol

Mr. Bergstol said for the past nine years he has been involved in trying to develop this property in the use that it was zoned for - LIO. In this area up and down 9W there has been a substantial reduction in the demand for this type of unit. He said he has been developing in Clarkstown for about twenty years. In the past five years we have seen a substantial reduction in the demand for specifically light industrial type of uses. It has been very difficult. He said he has developed other properties up on Route 9W and for at least five years has dealt with numerous vacancies, unoccupied spaces, tenants that are leaving, very difficult time to sit down and afford to pay the taxes on the property, pay the debt service and operating these properties with mortgages and financing it is very difficult to be competitive with this type of use around here. A lot of businesses are leaving this area and going down to New Jersey for cheaper rents and it has become very difficult. He said it is not from a lack of effort because for nine years he has been trying to do this and use the property this way. We have thrown our hands up trying to figure something else to do. There are a lot of other properties similarly zoned in the area and other people have gone through the same problems. We are trying to find the best use for this area. It is a good location for this. The local shopping that has been set up there has kind of created a little community in itself. There have been some other small changes. This is a 90 unit complex. We do not feel it is going to be a major impact to the area and we would like to see this area rezoned.

Mr. Shapiro said he would like to comment about the point made that LIO should be preserved as tax a rateable. LIO is a great tax rateable when it is developed. When it is undeveloped it is a tax drag because the certioraris have to come about to devalue the property when you can't use it. We propose in this petition to change the zone so that the property can be developed and can go on the tax rolls and be used by people who really need it at this time in the community.

Appearance: Mr. Joseph A. Meola

Mr. Meola said he was opposed to the zone change because there are enough town houses in Congers located on Route 303 and Route 9W. We need LIO for the future development of the county. A few years back he was here when Mr. DePaulis wanted a zone change from LIO to MF-2 and it was not granted. He said he opposed it then and he opposes it now. If a zoning change is granted from LIO to MF-2 then anyone else with property on Map 129 can't be denied a zone change from LIO to MF-2 which would create a mess of people there. It would cause more traffic on Route 303 and Route 9W especially since we have the Congers Shopping Plaza on Route 303. He said he hoped the Town Board would use good judgment and deny the zoning change to this petitioner.

Appearance: Mr. Russell Trojan
Nanuet, New York

Mr. Trojan said he felt the best use of the land next to the railroad tracks is LIO. The developer has had difficulty marketing the property because New York State has been in a four year recession. The Legislature passed, and the Governor signed, this year legislation reducing some business taxes. Hopefully, this will provide the stimulus we need to get economic development in New York State and in Clarkstown.

Continued on Next Page

PH - Re: Zone Change from LIO to MF-2 - Map 129, Block A, Lot
21 (303-9W Company, Congers)

Page 4.

11/22/94

Mr. Trojan said the increase in population in Clarkstown has not been balanced by an increase of jobs for that population, meaning more and more of our residents have to get into a bigger and bigger traffic jam on the Tappan Zee Bridge to find work in Westchester. We have to change this by doing everything possible to get more businesses. He asked the Town Board and the applicant not to give up on Clarkstown, not to give up on business and keep this LIO and keep trying.

Appearance: Mr. Scott Turner
Congers Civic Association

Mr. Turner said he wanted to dispute this lack of activity in the train line. He said he hears the trains because unfortunately he has the tunnel behind him. He said this is an active line. There are 100 car and 200 car trains that use that line. There is talk of putting a passenger line in there. He said it would be nice he supposed, but referring to the Town Planning Board's recommendations, 5th item, the restoration of passenger rail service along this line would create a substantial increase in train activity. He urged the Town Board to reread the Town Planning Board's objections.

Appearance: Mr. Jerry O'Rourke
Congers Civic Association

Mr. O'Rourke said he wanted to emphasize the Planning Board's comments on this issue. Several reviews as far back as the late 60's and most recently in 1992, maintain that this is industrially characteristic. It definitely is. He said he could not think of a better location for industry than on the intersection of two main highways, close to the Thruway. The people have spoken of the railroad. He said you folks, as elected representatives, have a very serious responsibility to apply some integrity to the master plan for this Town. The trend in down zoning and spot zoning or piecemeal changes is sending the wrong message. The people applying for this have a marketing problem and this is not a bail out agency. He said if he were marketing it he would get rid of whoever has been doing it for several years and hire someone else. He said he really feels this has to be looked at in the long range. You have potential school problems. There is no room in the nearby schools to accommodate what would be brought in with this type of development and that is a fact. There was mentioned in the Planning minutes that there is a potential sewerage connection problem. He said to look at this in the abstract, in the plight of the particular developer, is the wrong approach for you as our representatives to take.

Mr. O'Rourke said although 90 units was mentioned, he thinks the definition of MF-2 is 9 to 13 units per acre. So if you multiply 9 to 13 units times 15 acres you are talking possibly 140 units to 175 units there. This can be changed as we all know once the zone change is granted. He urged the Town Board to take into account every detail and every aspect before granting this. If you look at need, there is no need. All you have to do is drive around and see the number of units that have been built and not sold or resales that are on the market. There is really no need.

Appearance: Ms. Sara Colgan
Lakewood School

Ms. Colgan said last week Dr. Heebink our new Superintendent in Clarkstown presented before the school board a recommendation that an extension be put on Lakewood School.

Continued on Next Page

PH - Re: Zone Change from LIO to MF-2 - Map 129, Block A, Lot
21 (303-9W Company, Congers)

Page 5.

11/22/94

This extension is just to restore our art room and music room because right now our music classes are being taught on the stage during lunch times while the cafeteria is in session and our art is on a mobile cart. We have been fighting long and hard for an extension on Lakewood School. Her concern is overcrowding and all she asks is that the Board consult with Dr. Heebink or the school board members before a decision is made.

Appearance: Mr. Alan Brenner, President
Congers Civic Association

Mr. Brenner asked the developer to give a breakdown as to how many three bedroom, two bedroom, one bedroom units there would be?

Mr. Bergstol said there are 91 three bedroom units exactly. We find that three bedrooms in developing throughout the County units for young people, people that have trouble affording other types of units. These units have been very successful over the past several years in other different communities. Without question we are trying to find units that will allow people to get in and stay for awhile. Three bedrooms is the proposal. We have done probably 600 or 700 similar units throughout the County and they are all three bedrooms. We are trying to take care of people's needs with the size and the space so there is not an immediate transition of people coming in and needing to go right out. Three bedrooms are what we are doing.

Mr. Brenner said the average family size would be four to a unit approximately? Mr. Bergstol said he did not have statistics in front of him but if you are asking me how many kids go to a school he said he recalls from some of his other studies, if there were 90 units probably about 30 would be school age. That is pretty much the average. There are young people without children. There are developing families. There are older people. There will be additional numbers of kids going to school. There is no question about that. There will be a transition of children leaving school but there is a balance.

Mr. Brenner said for all the reasons that were previously mentioned and the fact that he has been listening to the members of his association they are opposed to this project and he wanted to let the Board know about that.

Appearance: Ms. Helen McGowan
Congers, New York

Ms. McGowan said having been a very long time resident of Congers, she just has one simple request to make of the Board. We have heard about schools and traffic. She said she hopes you will look at this little hamlet and realize the quality of life that has deteriorated so much with the overbuilding, the overcrowding, the traffic jams. It is not even suburban anymore, she would say. She said she hoped the Board would consider that in its deliberations.

Mr. Milton Shapiro spoke in summary. He said they are prepared to alleviate any concern that there would be more than 91 units. We are prepared to file a restrictive covenant that there would not be more than 91 units. The railroad being a neighbor is of very little consequence. It is there and people moving in are going to know that it is there. It is not a problem one way or the other. There is definitely a need in this whole County for the type of unit that we contemplate here.

Continued on Next Page

PH - Re: Zone Change from LIO to MF-2 - Map 129, Block A, Lot
21 (303-9W Company, Congers)
Page 6. 11/22/94

It is an affordable unit but it is an affordable unit of a little better class than many. Mr. Bergstol and his family have been building them now for the last five or six years. He said he does not know of any community that has not been happy about them. He said as of next week the School Board may be voting to adopt a middle school which would empty out the sixth grade from Lakewood School which would alleviate any overcrowding that there might be. That is the information given to him by the school district.

There being no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing was adjourned, sine die subject to the completion of the SEQRA, time: 9:00 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

Suprvisor noted that when the SEQRA is complete it will be back on a workshop and they will notify the public of the meeting's completion and subsequent date for a decision. He said anyone should feel free to call his office for information.

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

11/22/94

9:00 P.M.

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

Re: Zone Change from LIO/R-15 to MF-2 - Map 124, Block C, Lots 42 & 55 (Clarkstown Executive Park, Valley Cottage)

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

Town Attorney stated that the Rockland County Planning Board had stated that this was not within their jurisdiction to review.

The Clarkstown Planning Board stated that:

1. The uses permitted by the change would not be appropriate in the area, as the immediate area to the south is being developed for industrial uses, with a great deal of truck traffic.
2. Gilchrest Road is a very busy and dangerous intersection. There is a religious school and church directly to the west of this proposal, and the proposed change will add to the turning movements and congestion at Gilchrest Road.
3. As reported by the R.C. Sewer Dist. No. 1, continual increases in zoning density could hydraulically overload the sewer system using up the capacity which has been allocated to other areas.
4. The introduction of residential use here is likely to encourage an extension of additional residential zoning to the south, converting land away from uses that are generally tax positive and employment creating to uses that are generally tax negative and that do not create jobs.
5. The site is bounded on one side by the West Shore Conrail tracks, an active freight line. The Town is strongly encouraging the restoration of passenger rail service along this line. This would mean the installation of a second track, to the east of the present track, and a substantial increase in train activity. Residents of the development will likely be affected by the sound of trains.
6. A change of zone on this parcel to MF would be contrary to the goals of the Comprehensive Plan as adopted by the Planning Board in 1966, 1971 and 1981 which reinforced the need for continued economic growth by providing for industrial land uses. If this request is granted, then similar requests could follow, further eroding the industrial land base of the Town. The Planning Board is concerned that the industrial land bank not be further reduced.

Supervisor said this petition is on motion of the Town Board and is different from the previous one which was made by a specific applicant. Essentially this is to solicit

Continued on Next Page

PH - Re: Zone Change from LIO/R-15 to MF-2 - Map 124, Block C,
 Lots 42 & 55, (Clarkstown Executive Park, Valley Cottage)
 Page 2 11/22/94

public input subject to this particular matter. There is really no preconceived notion on behalf of the Town Board as to really what to do with this particular property. It is zoned what it is right now and is part of an industrial park. However, there has been some controversy relative to that and one of the suggestions had been made in consideration of rezoning and the Town Board took that under consideration to schedule a public hearing to solicit public input from those who surround the area.

Supervisor asked if there was anyone present wishing to make a comment or ask a question?

Appearance: Mr. Al Bescollio
 16 Gilchrest Road

Mr. Bescollio was concerned about the increased railroad traffic if passenger lines are encouraged in that area and a second station is set up. He said the zoning as concerns what is in an area now which is all single family residences, he did not think it would be appropriate to mix the zoning types there. That area is all single family homes and he thinks it should stay that way.

Appearance: Mr. Donald Devine
 Gilchrest Road

Mr. Devine said he does not live far from the railroad and in the summertime you cannot hear your television set. He is also concerned about taking away the tax ratables of the Town. That is where we get our money from. Making more homes and especially multi-family homes takes that away. Gilchrest Road is only a two lane road. If you are going to have more traffic exiting onto Gilchrest you are going to have more accidents. If you keep it industrial, your exit will be on to Route 303 which is more amenable to heavy duty traffic. He asked if anyone has tried lately getting down Route 303 about 6:30 in the morning to get to the Thruway. Traffic backs up all the way to the industrial park. The Town should look at this, listen to your Planning Board and keep it industrial to keep our taxes down.

Appearance: Ms. Diane Gianconte

Ms. Gianconte asked as far as the LIO, Mr. Mann asked for a reduction in the taxes for LIO so that is not going to bring as much revenue as planned previously. If this is rezoned to MF-2, what guarantee will the Town Board and the Planning Board give us as far as, no resolution, an amendment to MF-2. If they are stating MF-2 don't come back with a resolution and another amendment in a couple of months, a year or two years saying that now the trees are knocked down, whatever, we are going to ask for more because she said they would not tolerate that. She said she thinks the Town Board should act on this. If this comes out to definitely be MF-2 and he is putting in whatever number of units, whatever is posted here tonight, if it should go that far, that's what it stands at.

Supervisor said any subsequent changes would require a public hearing.

Appearance: Mr. Russell Trojan
 Nanuet, New York

Mr. Trojan said he lives next to an LIO zone. He only has a 50 foot buffer between him and the neighboring

Continued on Next Page

PH - Re: Zone Change from LIO/R-15 to MF-2 - Map 124, Block C,
 Lots 42 & 55, (Clarkstown Executive Park, Valley Cottage)
 Page 3 11/22/94

business. He understands that the plan that the Planning Board was examining had a 100 foot buffer between the residents and the businesses. He felt they were going to benefit having the LIO with a much larger buffer than he has. He said he has the Pascack Valley Line a short distance away. He also has the mall within visual site. The Town of Clarkstown is not a balanced community. Too many of the Town's assets or assessed value is concentrated in Nanuet. He fears the day that Nanuet decides to become a village. It would take so much of the assessed value away from the Town that the tax rates for the rest of the Town would sky rocket as the village takes on whatever services it chooses and it could afford because so much of the assessed value is in Nanuet. The school tax for the Nanuet School District is less than \$19.00 per thousand assessed value. In the Nyack School District it is approximately \$32.00 per assessed value. You can see how lopsided the Town of Clarkstown is. People need to think about the way this Town has been developed and figure out how we can prevent a disaster having Nanuet become a village and take all of the value out of this Town and cause the Town taxes to skyrocket. Supervisor asked if he was for or against this. Mr. Trojan said he would advise against it based on the potential effect of future events.

Appearance: Mr. Brian Brophy
 Valley Cottage

Mr. Brophy said he was opposed to the zone change because Gilchrest Road is a small, two lane road. By the notice he could not tell the exact location of these properties or the size of these two lots but as previously stated in MF-2 District these builders have other properties where they have tried to rezone their property from a lower density to a higher density. He said he did not know if they had been successful as yet but the trees have been cut down and the property remains unsightly at best. He thinks that if the LIO were behind his house and he is on the other side of the tracks, he did not think he would be thrilled with it. He thinks that builders have to be made to hold up to buffers that are proposed and buffers that are on site plans but sometimes don't get planted and he thinks a builder who has undeveloped property can make veiled threats to the neighboring residents "Well if you don't support my zone change, I am going to come in and build something that you are really not going to like." It is a complex issue, but he thinks that to enhance the tax base you have to stay with the LIO.

Appearance: Ms. Suzanne Hellman
 Valley Cottage, New York

Ms. Hellman said she is representing the Clarkstown Coalition for a Healthy Environment. We are basically in support of changing this portion of the park back to residential with reservations which Diane Gionaconte described in part and we also want to go on record tonight as opposing a lot of the way that the LIO zoned portions of the park is being handled and in particular the medical waste transfer station which we think is highly inappropriate for that area. We have a petition which we are going to give to the Town Board tonight. It is actually in progress and we will be getting many more signatures. She read: "We the undersigned residents of Clarkstown demand that the BFI-Merrimack Medical Waste Transfer Station be removed from Clarkstown Executive Park. This operation is a significant health and safety threat to the residents as well as to employees and customers of businesses

Continued on Next Page

PH - Re: Zone Change from LIO/R-15 to MF-2 - Map 124, Block C,
 Lots 42 & 55, (Clarkstown Executive Park, Valley Cottage)
 Page 4 11/22/94

in Clarkstown Executive Park. It is wrong to allow medical waste (as defined by the State Department of Environmental Conservation (D.E.C.)) to be shipped and stored in such a heavily populated area. It is careless to allow this facility to operate within the same building as a business that rents out space and serves food for children's birthday parties. It is irresponsible to locate a medical waste transfer station where contamination could spread quickly in a number of directions, including into Lake DeForest and the Hackensack Water Supply. The risk of tragedy that even a small fire could cause here, or the disastrous effects of an accident and spill en route to or within the Park, is unacceptable. This situation is worsened by the fact that BFI/Merrimack has been fined for numerous violations, since the D.E.C.'s first visit to the site years ago, up to more recent (yet far too infrequent) inspections.

Ms. Hellman said they are concerned about what is being done now with the LIO zone so near to our homes but we would like to see more residences as opposed to more of this kind of thing.

Supervisor said in discussions with BFI, their indication to the Town is that they are in the process of looking for relocation out of there and that is in the process right now. Ms. Hellman said she was told that was supposedly happening years ago. Supervisor said no that was a legal question but discussion right now with the Town Attorney and himself their indication is a desire not to even apply for a special permit even though they could under the zone, but their preference is to actually move because the site there, even arguing whether the site is legal or not legal and setting that aside, it is too small for their operation.

Ms. Hellman said in that case according to her conversation with Murray Jacobson months ago, if they refuse to apply for the special permit that the Town Board has now made it in the new zoning law that they must apply for, and now they are not going to apply for it. Supervisor said they still have an opportunity to apply for it. However, that doesn't mean the Town Board would grant it. He said in discussions with them he had indicated that it was the Town Board's preference that they seek another location. He said we have them in agreement on that. Ms. Hellman said so are you saying in the near future they will not be applying? Supervisor said hopefully they will be moving in the near future. Ms. Hellman asked if he had any estimate of time. Supervisor said he did not have any estimate of time, but the operation there is just too small for the site. From their point of view, it is economic. From our point of view, it is what we want them to do. Ms. Hellman said she will be following up on this and will be coming to future Board meetings.

Councilman Maloney said do we understand that your coalition is in favor of the change to residential. Ms. Hellman said yes.

Appearance: Mr. Martin St. John
 Sassoon Terrace

Mr. St. John said he thinks the Town Board is well aware of the opposition of Water Mill II to the LIO. We don't want a warehouse in our backyard. We don't want tractor trailers in our backyard. We don't want lights in our backyard. We are in favor of the change.

Continued on Next Page

PH - Re: Zone Change from LIO/R-15 to MF-2 - Map 124, Block C,
Lots 42 & 55, (Clarkstown Executive Park, Valley Cottage)
Page 5 11/22/94

Appearance: Mr. Frank Christiano
Sassoon Terrace

Mr. Christiano said he is opposite the property and he is for changing the LIO to residential. He thinks it would be a benefit to the community there. He does not see a major loss in ratables if it would change. He did not think you are going to get any type of superior business in there that is going to give you much of a ratable and really enhance jobs or anything for the community.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing was closed, DECISION RESERVED, time: 9:18 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Board

11/22/94

9:18 PM

Re: Local Law No. 3 - 1994 "Amendment to Chapter 262
(Taxation) of the Town Code of the Town of Clarkstown"

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

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

Town Attorney explained the Local Law.

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

Appearance: Seymour Whitner
Congers, NY

Mr. Whitner inquired as to what constitutes income. Supervisor Holbrook stated all taxable income.

Appearance: Marie Bouchard
Congers, NY

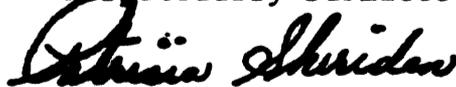
Ms. Bouchard asked about starting income for eligibility. Supervisor Holbrook stated that it started at \$17,499.99 and less. Ms. Bouchard further inquired as to what constituted income. Supervisor Holbrook again explained all taxable income.

Appearance: Martin Bernstein
New City, NY

Mr. Bernstein stated that this tax reduction for senior citizens only applies to Town and County taxes. School taxes are not included. In Stony Point, school taxes are included and he wanted Clarkstown to follow suit. Mr. Bernstein suggested that the School District should also reduce the school taxes. He said the issue of reducing taxes for senior citizens started twenty-eight years ago.

There being no one further wishing to be heard, on motion of Councilwoman Smith and seconded by Councilmen Dusanenko and Maloney and unanimously adopted, the public hearing was closed and RESOLUTION ADOPTED, time: 9:25 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk