

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

12/13/94

8:05 P.M.

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

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

Supervisor acknowledged the presence of members of Den 93 of the Boy Scouts who are satisfying the requirements of their citizenship badges. He congratulated the boys and their parents.

Supervisor then presented a Certificate of Award to Eagle Scout Sean Foran of Troop 33. He called upon Councilwoman Smith to make the presentation. Sean received the congratulations of the entire Town Board.

Supervisor declared the public portion of the meeting open.

Appearance: Mr. Russell Trojan  
Nanuet, New York

Mr. Trojan inquired as to when the meetings with the Department of Transportation and the Nanuet Mall would be held regarding the final items.

Appearance: Mr. Bob Jackson, President  
Nanuet Civic Association

Mr. Jackson spoke regarding the amount of development in Nanuet over the past year or two and asked for a holding back of too rapid development in Nanuet.

Appearance: Mr. Mike Barrea  
Nanuet Civic Association

Mr. Barrea spoke regarding the building in Nanuet and what he had supposed were revenues for our schools. He discussed a superfund with some contributions to Nanuet to balance the benefits and liabilities.

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RESOLUTION NO. (872-1994)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of November 22, 1994 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

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TBM - 12/13/94  
Page 2

RESOLUTION NO. (873-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown Counseling Center has been designated to receive funds from the New York State Office of Alcoholism and Substance Abuse Services in the amount of \$4,000.00 to build an external staircase as a second means of egress from the second floor of the Counseling Center in order to comply with State Safety Regulations;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the New York State Office of Alcoholism and Substance Abuse Services to provide a grant to the Town of Clarkstown Counseling Center in the amount of \$4,000.00 to build an external staircase as a second means of egress from the second floor of the Counseling Center in order to comply with State Safety Regulations, and be it

RESOLVED, that no funds by the Town will have to be provided in order to receive these funds, and be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (874-1994)

Co. Dusanenko offered and Co. Smith seconded

WHEREAS, on October 5, 1994 the Honorable Louis C. Palella, J.S.C., signed an Order vesting title in the Town of Clarkstown to real property concerning the renovation of the Congers Lake Dam which is the subject of the proceeding known as In the Matter of the Petition of the TOWN OF CLARKSTOWN, a municipal corporation, to Acquire Certain Real Property Situate in the Town of Clarkstown, County of Rockland, State of New York v. Congers Realty, Inc., and

WHEREAS, the Respondent Condemnee, Congers Realty Inc., has elected to accept the payment of \$28,800.00 as an advance payment pursuant to E.D.P.L §304(A)(3) and reserve its right to claim additional compensation;

NOW, THEREFORE, be it

RESOLVED, that the sum of \$28,800.00 shall be paid to Congers Realty Inc. as an advance payment in the above matter, and be it

FURTHER RESOLVED, that such payment shall be charged to Account No. A-1940-505.

On roll call the vote was as follows:

Continued on Next Page

TBM - 12/13/94  
Page 3

RESOLUTION NO. (874-1994) Continued

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

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RESOLUTION NO. (875-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Commissioner of Planning has requested an extension of time to review the petition of Melville Realty Co., Inc. for a zone change from an MF-4 District to a CS District on property designated on the Clarkstown Tax Map as Map 14, Block B, Lot 10.02;

NOW, THEREFORE, be it

RESOLVED, that pursuant to §290-33 of the Code of the Town of Clarkstown, the Town Board hereby grants the Rockland County Commissioner of Planning has requested an extension of ninety (90) days to review the petition of Melville Realty Co., Inc. for a zone change from an MF-4 District to a CS District on property designated on the Clarkstown Tax Map as Map 14, Block B, Lot 10.02

On roll call the vote was as follows:

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

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RESOLUTION NO. (876-1994)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the sum of \$222.25 be paid to Margaretann Ries, Secretary to the Board of Appeals, for the preparation of the transcript 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 (Index No. 6820/94).

On roll call the vote was as follows:

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

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RESOLUTION NO. (877-1994)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps, including commencing

Continued on Next Page

TBM - 12/13/94  
Page 4

RESOLUTION NO. (877-1994) Continued

litigation on behalf of the Town of Clarkstown to enjoin and restrain the Defendants from continued illegal occupancy in violation of the Housing Standards and Zoning Ordinance of the Town of Clarkstown, and why the Defendant should not be enjoined permanently from operating a boarding house or other illegal multiple dwelling at the premises commonly known and described as 24 Old Middletown Road, Nanuet, New York, more particularly described on the Clarkstown Tax Map as Map 13, Block D, Lot 19, and be it

FURTHER RESOLVED, that this Resolution shall be retroactive to November 23, 1994.

On roll call the vote was as follows:

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

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RESOLUTION NO. (878-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, an adverse drainage condition existed in the vicinity of Dixwell Lane/Buena Vista intersection, New City; and

WHEREAS, during construction of the required drainage system a high pressure natural gas pipeline was incurred forcing the complete relocation of the proposed drainage system; and

WHEREAS, said relocation resulted in additional costs to the project;

NOW, THEREFORE, be it

RESOLVED, that Town Board Resolution No. 721-1994 is hereby amended to reflect the additional cost of \$5,853.00 for the necessary relocation; and be it

FURTHER RESOLVED, that the cost of said improvements shall not exceed \$24,603.00 and shall be a proper charge of Capital 2.

On roll call the vote was as follows:

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

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RESOLUTION NO. (879-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown has been presented with a Self Evaluation Report, pursuant to the Americans with

Continued on Next Page

TBM - 12/13/94  
Page 5

RESOLUTION NO. (879-1994) Continued

Disabilities Act, prepared in conjunction with our consultant, Arnold Botwinick, and

WHEREAS, the Town Board has considered the recommendations contained in such Self Evaluation Report;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby adopts such Self Evaluation Report.

On roll call the vote was as follows:

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

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RESOLUTION NO. (880-1994)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, a resident of the Town of Clarkstown has requested that street lighting be installed to improve the safety and welfare of the community, and

WHEREAS, a survey of the surrounding property owners directly affected by this proposed lighting was conducted by Patricia A. Betz, Utility Services Coordinator, and

WHEREAS, the surrounding property owners have indicated that they are in accord with this proposed lighting,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts a proposal from Orange and Rockland Utilities, Inc. for street lighting at the following location:

Sasson Terrace	Valley Cottage
(Install one (1) wood laminated pole with 5800 lumen sodium vapor street light between house numbers 28 and 35 Sasson Terrace, Valley Cottage)	

On roll call the vote was as follows:

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

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RESOLUTION NO. (881-1994)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Assessor, Nicholas A. Longo, Supervising Real Property Appraiser, Cathy Conklin, Real Property Appraiser, Frances Heinisch (October Seminar), Data

Continued on Next Page

TBM - 12/13/94  
Page 6

RESOLUTION NO. (881-1994) Continued

Collector II, Phillip Platz, and Data Collector, Margaret Whelan are hereby authorized to attend the following courses sponsored by the New York State Assessor's Association for continuing education.

July 16 - 21, 1995 Seminar on Appraising Cornell University Ithaca, New York

October 8 - 11, 1995 Annual Meeting and Fall Seminar on Assessment Administration Niagra Falls, New York

and be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (882-1994)

Co. Mandia offered and Co. Maloney seconded

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

BID #2A-1995  
PHOTOCOPIER/FACSIMILE MACHINE SUPPLIES

is hereby awarded to:

ADVANTAGE BUSINESS PRODUCTS, INC.  
3 CROSS STREET  
SUFFERN, N.Y. 10901  
PRINCIPALS: TAMARA BRISK  
SANDOR SCHWED  
JUDITH SCHWED

DEC COPIERS  
6A ROUTE 9W  
WEST HAVERSTRAW, N.Y. 10993  
PRINCIPALS: CHARLES WURF  
GILBERT LIEBERMAN

PITNEY BOWES, INC.  
100 OAK VIEW DRIVE  
TRUMBELL, CT. 06611  
PRINCIPAL: PUBLIC CORPORATION

BOUTON'S BUSINESS MACHINES, INC.  
95 ROUTE 304  
NANUET, N.Y. 10954  
PRINCIPAL: JOHN MAIORANO

KONICA BUSINESS MACHINE  
10 SKYLINE DRIVE  
HAWTHORNE, N.Y. 10532  
PRINCIPAL: PUBLIC CORPORATION

MCS CANON  
101 EXECUTIVE BLVD.  
ELMSFORD, N.Y. 10523  
PRINCIPAL: PUBLIC CORPORATION

SCRIPTEX, INC.  
575 CORPORATE DRIVE  
MAHWAH, N.J. 07430  
PRINCIPAL: ANTHONY PAVONI

as per attached item/schedule.

(Item/Schedule on File in Town Clerk's Office.)

On roll call the vote was as follows:

Continued on Next Page

TBM - 12/13/94  
Page 7

RESOLUTION NO. (882-1994) Continued

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

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RESOLUTION NO. (883-1994)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Superintendent of Recreation and Parks that

BID #56-1994  
KINGS PARK PLAYGROUND

is hereby awarded to

RECREATION INSTALLATION INC.  
170 WILBUR PLACE  
BOHEMIA, NY 11716  
PRINCIPAL: SCOTT SUPRINA

as per their lowest bid proposal meeting specifications of \$42,593.00.

On roll call the vote was as follows:

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

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RESOLUTION NO. (884-1994)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Chief of Police that

BID #45-1994  
UNIFORM MAINTENANCE SERVICES FOR  
THE CLARKSTOWN POLICE DEPARTMENT

is hereby awarded to:

D & R Cleaners, Inc.  
T/A Finesse French Cleaners  
63 E. Central Avenue  
Pearl River, NY 10965  
Principals: Ralph Fighera  
John Chiarelli

as per the following item/price proposal:

Trousers - Dry Cleaned.....	Per Unit....	\$ 1.75
Shirts - Dry Cleaned.....	Per Unit....	\$ 1.75
Leather Jackets - Dry Cleaned.....	Per Unit....	\$ 25.00
Poplin Jackets - Dry Cleaned.....	Per Unit....	\$ 4.50
Dacron/Wood Jackets - Dry Cleaned.....	Per Unit....	\$ 4.50

Continued on Next Page

TBM - 12/13/94  
Page 8

RESOLUTION NO. (884-1994) Continued

Hurricane Jackets - Dry Cleaned.....	Per Unit....\$	4.50
Honor Guard Blouses.....	Per Unit....\$	3.50
Hats - Dry Cleaned.....	Per Unit....\$	3.00
Ties.....	Per Unit....\$	1.50
White Dress Shirts - Laundered.....	Per Unit....\$	1.00
Blazers.....	Per Unit....\$	3.50
Slacks.....	Per Unit....\$	1.75

On roll call the vote was as follows:

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

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RESOLUTION NO. (885-1994)

Co. Mandia offered and Co. Maloney seconded

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

BID #6-1995  
 WORK CLOTHING & ACCESSORIES

is hereby awarded to

ASSOCIATED SUPPLY COMPANY, INC.  
 329 W. 18TH STREET STE. 500  
 CHICAGO, IL 60616  
 PRINCIPALS: RON FRANK  
 JACK FRANK  
 GERALD FRANK

LOU GOLDSTEIN UNIFORMS  
 200 SOUTH 13TH AVENUE  
 MT. VERNON, N.Y. 10550  
 PRINCIPALS: LOWELL LEVINE  
 BARBARA LEVINE

EASTCO INDUSTRIAL SAFETY CORP.  
 130 W. 10TH STREET  
 HUNTINGTON STATION, N.Y. 11746  
 PRINCIPAL: PUBLIC CORPORATION

CONNECTICUT SAFETY SUPPLIES, INC  
 39 WOOD STREET  
 WESTHAVEN, CT. 06516  
 PRINCIPALS: ROBERT CHURA  
 PATRICIA CHURA

H. TEXIER GLOVE CO., INC.  
 HWY 22 AT MOUNTAIN AVENUE  
 NORTH PLAINFIELD, N.J. 07061  
 PRINCIPALS: EDGAR L. STAUFFER  
 W. RANDALL STAUFFER  
 JEFFREY R. STAUFFER

PARK STREET COMPANY  
 6 NORTH DIV. STREET COMPANY  
 PEEKSKILL, N.Y. 10566  
 PRINCIPAL: J.D. HIPPS

BLISS TIRE & RUBBER CORPORATION  
 175-12 ROUTE 9W  
 CONGERS, N.Y. 10920  
 PRINCIPALS: EDWARD COLUMBIA  
 GERALDINE COLUMBIA

as per attached schedule.

(Schedule on File in Town Clerk's Office)

On roll call the vote was as follows:

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

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TBM - 12/13/94  
Page 9

RESOLUTION NO. (886-1994)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Town Traffic & Highway Engineering Consultant that

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

is hereby awarded to

A & S CONTRACTORS, INC.  
9 WEST PARK AVENUE  
PARK RIDGE, N.J. 07656

as per the lowest bid proposal of \$39,675.00, and be it

FURTHER RESOLVED, that said award is subject to the receipt of the following by the Director of Purchasing

- 1) Signed contract document by successful bidder
- 2) Performance Bond and Labor/Material Payment
- Bond - each in the face amount of 100% of awarded project cost
- 3) Workers Compensation Insurance coverage and Statutory Workers Disability coverage
- 4) Certificate of Insurance indicating coverage for Public Liability, Property Damage and Vehicle Liability coverage as described in the bid specifications

On roll call the vote was as follows:

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

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RESOLUTION NO. (887-1994)

Co. Dusanenko offered and Co. Mandia seconded

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

"NO PARKING" signs on the eastside of Maple Avenue, New City. These signs to be erected: the first, 20 ft. north of the entrance/exit driveway to the Hall of Justice building and the second, 20 South of this driveway.

and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, John Mauro, for implementation.

On roll call the vote was as follows:

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

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TBM - 12/13/94  
Page 10

RESOLUTION NO. (888-1994)

Co. Dusanenko offered and Co. Mandia seconded

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

"NO STOPPING ANYTIME" signs on the east side of Blauvelt Rd. the entire length of the George W. Miller Elementary School property.

and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, John Mauro, for implementation.

On roll call the vote was as follows:

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

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RESOLUTION NO. (889-1994)

Co. Dusanenko offered and Co. Mandia seconded

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

A "STOP" sign on Loweree Place at Ridge Road, Valley Cottage

and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, John Mauro, for implementation.

On roll call the vote was as follows:

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

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RESOLUTION NO. (890-1994)

Co. Dusanenko offered and Co. Mandia seconded

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

Signs to read "TOWN SPEED 30 MPH" on the west side of Ridge Road, 100 feet south of Sedge Road and on the east side of Ridge Road 100 feet north of Sedge Road, Valley Cottage.

and be it

TBM - 12/13/94  
Page 11

RESOLUTION NO. (890-1994) Continued

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, John Mauro, for implementation.

On roll call the vote was as follows:

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

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RESOLUTION NO. (891-1994)

Co. Maloney offered and Co. Smith 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 Mandia.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (892-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Clarkstown Parks Board and Recreation Commission and the Superintendent of Recreation and Parks is recommending that improvements be made at Kings Park,

NOW, THEREFORE, be it

RESOLVED, that the Town Comptroller is hereby authorized to transfer the sum of \$15,000.00 from Money in Lieu of Land to Parkslands and Improvements Account (18-13).

On roll call the vote was as follows:

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

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RESOLUTION NO. (893-1994)

Co. Maloney offered and Co. Smith seconded

WHEREAS, pursuant to Section 115 of the Town Law, the Comptroller of the Town of Clarkstown is hereby authorized to amend the 1994 budget for transferring unexpended balances of appropriations among various accounts, and by increasing and

Continued on Next Page

TBM - 12/13/94  
Page 12

RESOLUTION NO. (893-1994) Continued

decreasing revenue accounts for the purpose of balancing all funds,

NOW, THEREFORE, be it

RESOLVED, that the 1994 budget is hereby amended.

On roll call the vote was as follows:

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

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RESOLUTION NO. (894-1994)

Co. Smith offered and Co. Maloney seconded

WHEREAS, it is necessary to obtain data at Congers Lake Park, for proposed improvements,

WHEREAS, a proposal submitted by Caruso & Horowitz Associates, P.C. dated November 21, 1994, outlines the necessary work, including but not limited to Topographic Survey, sketches for the layout of one multipurpose softball/baseball field, one little league field, parking area and comfort/maintenance building,

NOW, THEREFORE, be it

RESOLVED, that an amount not to exceed \$3,000.00 be transferred from Money-in-Lieu-of-Land to Parklands and Improvements.

On roll call the vote was as follows:

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

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RESOLUTION NO. (895-1994)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled as follows:  
DENMAN & DAVIS,

Plaintiff,

-against

E.P. STEEL, INC.; MERRITT-MERIDIAN  
CONSTRUCTION CORP.; and TOWN OF  
CLARKSTOWN, NEW YORK,

Defendants.

Continued on Next Page

RESOLUTION NO. (895-1994) Continued

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

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RESOLUTION NO. (896-1994)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, MOUNTAIN SHADOW COMPANY 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 LO District to an MF-2 District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 129, Block A, Lot 2;

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 (SEORA) is required, and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting from an LO District to an MF-2 District, the property designated on the Clarkstown Tax Map as Map 129, Block A, Lot 2, situated in the Hamlet of Congers, New York, in said Town, subject to the following conditions:

1. Land yield shall be determined by the submission of a site plan conforming to all MF-2 regulations, and not requiring any variances.
2. To conform to the Official Map of the Town of Clarkstown, a widening strip along Route 9W shall be gratuitously offered for dedication to the Town of Clarktown, and a declaration, title report and map with metes and bounds description shall be provided for Town Attorney review and approval.

Continued on Next Page

TBM - 12/13/94  
Page 14

RESOLUTION NO. (896-1994) Continued

- 3. That in the event the premises cannot be connected to the existing sanitary sewer system to the North of the subject premises, and must be connected to the sanitary sewer system South of the subject premises, that a payment of \$500.00 per unit shall be made to the Town of Clarkstown in order to upgrade the existing pump station to accommodate the additional sewerage from this site, which payment shall be made prior to final site plan approval.

and be it

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

(Description on File in Town Clerk's Office.)

Supervisor Holbrook stated that he was abstaining because there are some other problems with the first development.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (897-1994)

Co. Dusanenko offered and Co. Mandia seconded

WHEREAS, Orange & Rockland Utilities, Inc. have a Community Forestry Program in which certain matching funds are provided by Orange & Rockland, as per the attached schedule, and

WHEREAS, it appears to be in the best interest of the Town of Clarkstown to participate in such Forestry Program;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute a Letter of Intent to participate in such Forestry Program.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (898-1994)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Robert Geneslaw Co., to continue to provide planning consultant services to the Town of

TBM - 12/14/94  
Page 15

RESOLUTION NO. (898-1994) Continued

Clarkstown, for the period from January 1, 1995 to December 31, 1995, in a form approved by the Town Attorney, and be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (899-1994)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with Cordry, Carpenter, Dietz and Zack, Engineers and Planners, for the purpose of obtaining the necessary permits from the New York State Department of Environmental Conservation and the United States Army Corps of Engineers in order to perform the necessary work in the Lake Lucille Aquatic Plant Growth Control District at a fee not to exceed \$32,500.00.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (900-1994)

Co. Smith offered and Co. Maloney seconded

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

BID #7-1995  
RECREATION BROCHURES

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 25, 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.

Before roll call Councilman Dusanenko asked if the Mini-Trans Bus schedule would still be in the brochure. He was told yes. He then asked if the leaf pickup information would be included. Supervisor said yes. Supervisor then said in the fall brochure we have the leaf information. Councilman

Continued on Next Page

TBM - 12/13/94  
Page 16

RESOLUTION NO. (900-1994) Continued

Dusanenko said for new residents you might have a small item to tell them what to prepare for so they don't have problems at the last minute. Supervisor said they would take a look at that. Supervisor said the leaf pickup this year has been considerably improved. We have made a few changes in how we pick up the bags, etc. Things are going pretty well.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (901-1994)

Co. Smith offered and Co. Maloney seconded

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

BID #8-1995  
GROUNDSKEEPING/LANDSCAPE SUPPLIES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on January 31, 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 Mandia.....Yes  
Councilman Maloney.....Yes  
Councilwoman Smith.....Yes  
Supervisor Holbrook.....Yes

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RESOLUTION NO. (902-1994)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Stanley J. Jacoby, of 39 Ruth Drive, New City, New York for customized training and facilitating sessions in Quality Management.

(Before roll call Supervisor stated that we have been trying to take advantage of the County's TQM. We have had a couple of general sessions here and this gentleman has worked with the County and is going to provide some sessions. The upset amount on this is about \$4,500.00. He said he believes it is a good thing and people here are receptive to it.

Councilman Dusanenko stated that he has attended some of the TQM meetings in the County. He said a ship can be the best, most powerful ship afloat, but the captain decides

Continued on Next Page

TBM - 12/13/94  
Page 17

RESOLUTION NO. (902-1994) Continued

the course of the ship; otherwise, it's going to be on the rocks. He said it is no disrespect to anyone else we serve with, Executive Branch or Legislative Branch, but when you don't have goals and you don't have commitments and you are making decisions by the seat of your pants the troops don't know in which direction to go either. He does not think this TQM is what it is made out to be, or what it has been made out to be in the press, and a good cheer leader here, whether it be I, as former supervisor or you as present supervisor can improve morale and give lots of thanks to people when they do a good job rather than spending \$4,500.00 right now.

Supervisor said he thinks the Town of Clarkstown is a little different from the County and this is a moderate investment for something for our residents.

On roll call the vote was as follows:

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

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RESOLUTION NO. (903-1994)

Co. Mandia offered and Co. Dusanenko seconded

RESOLVED, by the Town Board of the Town of Clarkstown, Rockland County, New York that Records Retention and Disposition Schedule MU-1, Revised 1993, issued pursuant to Section 57.25 of the Arts and Cultural Affairs Law, and Part 185, Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York (referred to as 8 NYCRR), and containing legal minimum retention periods for municipal government records, is hereby adopted for use by all municipal officers in disposing of municipal government records listed therein, and be it

FURTHER RESOLVED, that in accordance with Article 57.25:

(a) only those records will be disposed of that are described in Records Retention and Disposition Schedule MU-1 after they have met the minimum retention period prescribed therein;

(b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established time periods.

On roll call the vote was as follows:

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

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TBM - 12/13/94  
Page 18

RESOLUTION NO. (904-1994)

Co. Dusanenko offered and Co. Mandia seconded

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control, and the Superintendent of Highways of the Town of Clarkstown, deed from Redwood Construction Corp. to the Town of Clarkstown, dated July 26, 1994, conveying the following road:

ALTON COURT 645 L.F.

and other improvements to the Town of Clarkstown in a subdivision as shown on the Final Plat of the "The Glen" is hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office, and be it

FURTHER RESOLVED, that a cash deposit in the amount of \$3,120.00 in lieu of a maintenance bond, from Redwood Construction Corp. to the Town of Clarkstown, is hereby accepted, and be it

FURTHER RESOLVED, that a cash deposit in the amount of \$12,000.00 to secure the Performance Agreement dated December 5, 1986, is hereby released to Redwood Construction Corp.

On roll call the vote was as follows:

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

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RESOLUTION NO. (905-1994)

Co. Mandia offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #94158 (RC/NCP) Senior Clerk Typist which contains the name of Helena R. Nejman,

NOW, THEREFORE, be it

RESOLVED, that the Town Board recognizes the appointment by the Police Commission of Helena R. Nejman, 8 Banta Place, New City, New York to the position of Senior Clerk Typist - Police Department - at the current 1994 annual salary of \$27,575.00, effective and retroactive to November 15, 1994.

On roll call the vote was as follows:

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

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RESOLUTION NO. (906-1994)

Co. Mandia offered and Co. Smith seconded

Continued on Next Page

TBM - 12/13/94  
Page 19

RESOLUTION NO. (906-1994) Continued

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #94157 (RFC/NCP) Senior Clerk Typist which contains the name of Margaret Rascoll,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Margaret Rascoll, 7 Ludvigh Road, Nanuet, New York, to the position of Senior Clerk Typist - Police Department - at the current 1994 annual salary of \$27,575.00, effective and retroactive to November 15, 1994.

On roll call the vote was as follows:

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

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RESOLUTION NO. (907-1994)

Co. Mandia offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #93100 Data Entry Operator I which contains the name of Loretta H. Raimone,

NOW, THEREFORE, be it

RESOLVED, that Loretta H. Raimone, 7 Scarlett Court, Apt. 24, New City, New York is hereby appointed to the position of Data Entry Operator I - Receiver of Taxes Office - at the current 1994 annual salary of \$26,418.00, effective December 14, 1994.

On roll call the vote was as follows:

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

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RESOLUTION NO. (908-1994)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Hackensack Water Company has requested the disposal of excess soil material suitable for use as cover on the landfill; and

WHEREAS, maintaining soil and vegetative cover on the landfill is required until the final cap is constructed;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown shall accept not more than 4,000 cubic yards of said cover material at \$2.00 per cubic yard, said fee to be credited to the Sanitation District.

Continued on Next Page

TBM - 12/13/94  
Page 20

RESOLUTION NO. (908-1994) Continued

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (909-1994)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the County of Rockland wishes to financially assist the Town of Clarkstown in its drug law enforcement activities, and

WHEREAS, the Town wishes to provide the Rockland County Narcotics Task Force with a member of its police department for drug fighting activities, and

WHEREAS, the County of Rockland wishes to provide, for the year 1994, the sum of \$8,333.00 to the Town of Clarkstown for partial reimbursement of the compensation of one police officer, and the sum of \$4,545.00 for partial reimbursement of overtime expenses for one police officer of the Town of Clarkstown assigned to the Rockland County Narcotics Task Force;

NOW, THERFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with the County of Rockland accepting financial assistance for the Town of Clarkstown's law enforcement activities whereby the Town would provide the Rockland County Narcotic Task Force with a member of the Town of Clarkstown Police Department for drug fighting activities, and in return the County of Rockland would partially reimburse the Town for one police officer in the amount of \$8,333.00, and the sum of \$4,545.00 for partial reimbursement of overtime expenses for one police officer of the Town of Clarkstown assigned to the Rockland County Narcotics Task Force, in a form satisfactory to the Town Attorney, for the year 1994.

On roll call the vote was as follows:

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

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On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Amending Conditions of Zone Change for Normandy Village - (Map 13, Block A, Lot 7) was opened, time: 8:35 P.M.

On motion of Councilman Dusanenko, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Amending Conditions of Zone Change for Normandy Village - (Map 13, Block A, Lot 7) was closed, RESOLUTION ADOPTED, time: 9:03 P.M.

Continued on Next Page

TBM - 12/13/94  
Page 21

RESOLUTION NO. (910-1994)

Co. Dusanenko offered and Co. Smith seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on November 22, 1994, provided for a public hearing on December 13, 1994, at 8:35 P.M., to consider the application of NORMANDY VILLAGE COMPANY, to amend certain conditions of the change to the Zoning Ordinance of the Town of Clarkstown adopted by the Town Board on September 14, 1993, by redistricting the property of the Petitioner which is designated 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, 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;

NOW, THEREFORE, be it

FURTHER RESOLVED, that based upon the recommendations of the Clarkstown Planning Board and for reasons of public health, safety and welfare, Conditions "3" and "6" of the zone change for NORMANDY VILLAGE COMPANY, adopted by Resolution No. 616-1993 of the Town Board on September 14, 1993, shall be amended as follows:

Condition "3" shall be AMENDED as follows:

FROM: "3. Any site plan submitted to the Planning Board shall comply with all requirements of the MF-3 District."

TO: "3. Any site plan submitted to the Planning Board shall comply with all requirements of the MF-3 District, unless such requirements are adjusted by the Planning Board for the purpose of improved planning."

Condition "6" shall be DELETED:

"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.

and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to prepare notice of this Amendment to certain conditions of the change to the Zoning Ordinance of the Town of Clarkstown, 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:

Continued on Next Page

TBM - 12/13/94  
Page 22

RESOLUTION NO. (910-1994) Continued

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

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Councilman Dusanenko said he would like to, on behalf of all members of the Town Board, compliment Ken Torsoe, the majority owner of this project. There was such squalor and so many homes in disrepair in this vicinity before. We had suggested to Mr. Torsoe, way back in the early '80s, please Kenny, acquire that property to the south so that there wouldn't be haphazard planning in Nanuet. The type and quality of construction that was demonstrated in Normandy Village could be extended further to the south for the benefit of the people who live there.

Councilman Dusanenko also noted we had passed another proposition back in that Town Board where the builder had promised us to build housing exactly like Normandy Village, if you gentlemen can remember, just to the north of it and that became a visual abomination. It was not built with the same type of management or concerns of Normandy Village and that was a deep disappointment that the Planning Board and those members who served on it didn't follow the Town Board Resolution which said it had to be built like Normandy Village. Those are the condos on College Avenue that should have been built the same as Normandy Village. So even though it may have taken some time with the help of the members of the Town Board, but especially the foresight and the investment of Mr. Torsoe, hopefully the balance of the property will be built properly. In so far as the suggestion of Councilwoman Smith, my phone used to ring off the hook from the senior citizens and Mr. Hart and many others about the concern of safety at Normandy Village. They do a good job policing each other, watching over each other and I even saw it as late as Thanksgiving day last year when I was delivering meals on wheels to some of the shut-ins there. It is a great community. They are great people. They have a stake in the Town of Clarkstown. Not all are owners. Some are renters but, working together, that is one of the showplaces in the Hamlet of Nanuet and my hat is off to all of you and the adjacent property owners. The elimination of that walk path will provide a buffer for the peace and tranquility of the people.

Councilman Maloney congratulated Mr. Torsoe. Mr. Torsoe thanked the Town Board. Councilman Maloney urged him to keep up the good work. Mr. Torsoe wished everyone happy holidays.

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On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Zone Change from PO to LIO - Map 32 - Block B - Lot 101 (DeAmeida) was opened, time: 9:05 P.M.

On motion of Councilwoman Smith, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Zone Change from PO to LIO - MKap 32 - Block B - Lot 101 (DeAmeida) was closed, ADJOURNED SINE DIE, time: 9:15 P.M.

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TBM - 12/13/94  
Page 23

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: 9:16 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

12/13/94

8:35 P.M.

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

RE: Amending Conditions of Zone Change for Normandy  
Village (Map 13-Block A-Lot 7)

On motion of Councilman Maloney, seconded by Councilman Mandia 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 no SEQRA is required. Rockland County Planning Board approves. The Town of Clarkstown Planning Board disapproves the change of Item 3 and they want amended wording to Item 6. They would recommend that the wording to Item 6 be amended as follows: "The former Piermont Branch railroad right of way shall be continued as a pedestrian connection towards Middletown Road through the property that is the subject of this zone change unless the alignment is modified by the Planning Board as part of site plan review."

Supervisor asked the applicant to make a presentation and after that it will be opened up to comments from the floor.

Appearance: Henry Horowitz, Esq.

Mr. Horowitz stated he was the engineer and the attorney for the applicant. The zone change was granted by this Board on September 14, 1993 and at that time there was a series of 9 conditions. Discussion of two of the conditions is the reason we are here before the Board this evening. The first condition was that any site plan submitted to the Planning Board shall comply with all requirements of the MF-3 section. Normally, that is an unnecessary requirement. If you change something to R-22, R-40, etc. you never put in there that it is subject to conforming to those requirements. Obviously, that is implied when you change the zone.

Mr. Horowitz stated that the reason it happened to get into here was that the applicant had originally requested the Board to have an MF-3 rezoning but to follow the MF-4 requirements. That was withdrawn. But the Planning Board, in order to make certain that it wouldn't come to life again, did make this recommendation to the Board and the Board accepted it. The reason that we are raising it this season is that he just want to make sure that the Planning Board has the flexibility to use Section 281 (now called 278) that is, to use average density if in their opinion it makes sense to the lay out to vary some of the yard requirements, etc. The Planning Board agrees with it. They really have no problem with it and the reason they have recommended denial is that they feel that they do have the authority. The fact that it says in here you shall conform to the MF-3 does not, they feel, preclude them from using density if it makes sense. However, he said he is a little concerned because at the first meeting we had before the Planning Board subsequent to the adoption of this covenant we went in and a comment from one of the Planning Board Members was that what we want to do is to set the building back. It makes sense but you would have to go back before the Town Board. In other words, I am concerned that there might be some question that where you have an MF-3 the Board may feel that it does not have the power to enforce or to utilize density zoning

Continued on Next Page

PH - 12/13/94

Page 2

Re: Amending Conditions of Zone Change for Normandy Village  
(Map 13-Block A-Lot 7)

if it makes sense to them. I just want to make sure they have that flexibility. If they use density zoning it has to come back to this Board for approval of that plan. We are really both after the same thing. The Planning Board has indicated if we don't bother to change it we certainly imply that we have the authority. I'm saying we should get rid of it and end all question of whether that authority exists or not.

Supervisor said then you are saying on 3 - shall not be deleted - so you are saying any site plan submitted to the Planning Board shall comply with all of the requirements of MF-3 District. Mr. Horowitz said that is the way it reads. That's the one I would just as soon see eliminated. The Board feels even if it is left in and not eliminated they would be able to use density anyway. I think there is somewhat of a question. I would just as soon see it eliminated and end that question altogether.

Mr. Horowitz said if you read it what significance does it have? Any site plan submitted to the Planning Board shall comply with all requirements of the MF-3. Of course it does. It has to. However, some say since they specifically mentioned it does it mean that they can't change a yard or a bulk regulation which they are allowed to do under the law. Does that mean that they can't change anything.

Town Attorney Murray Jacobson read the Planning Board's letter. (Letter on file in Town Clerk's Office.) Mr. Horowitz stated that their logic being that it is does not impair them from utilizing the average density should they see fit. He said he accepts that concern and therefore request that it be eliminated.

Supervisor asked him about Item 6. Mr. Horowitz said it relates to the walk along the former Piermont Railroad right-of-way. This has raised somewhat of a problem for several reasons. Normandy Village, as it exists now, does not bar anyone from the public that comes through Normandy Village if they want to go through to get from point A to point B if they are going toward the Mall or wherever. There is a concern that to formalize a path for the public to come through some question has been raised whether or not the owners now are going to have the authority or right that they have now to keep people from carrying on as a nuisance, etc. The walk they are talking about goes right in between the backs of the houses and along the backyards of some existing dwellings. It is a feeling that this is kind of unfair to anybody if a walk is going to be relocated in that particular area. (Reference was made at this point to maps.)

Mr. Horowitz said what we are indicating is that if we have to have a walk and the Board deems it necessary that we do have a walk for the public, fine. There are other areas where such a walk can be located. Our concern is that locating it by the Erie Railroad right-of-way, in addition to being right in the backyards of those existing dwellings and the proposed dwellings, also would require some type of major resculpturing work of the bank and trees in the area. He noted that he had some sketches for the Board to look at and to which he referred at this point. Mr. Horowitz gave a lengthy discussion of proposed plans for the area using the maps.

Mr. Horowitz said in so far as the walk is concerned once we get rid of Item 3, as we are talking about, and the Board has that flexibility to allow us to use Section 281 (now 278) at that point we can find a much less obnoxious

Continued on Next Page

PH - 12/13/94

Page 3

Re: Amending Conditions of Zone Change for Normandy Village  
(Map 13-Block A-Lot 7)

location for that walk to be located. We are pleading with the Board not to formalize this location that is has to be along that former Piermont Railroad right-of-way.

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

Appearance: Mr. Kenneth Hart, President  
Normandy Village Condominiums  
Nanuet, New York

Mr. Hart said obviously by this time everyone realizes that Normandy Village is a village in itself comprised of about 60% senior citizens. Normandy Village is considered one of the better looking housing areas in Clarkstown. It didn't get that way by accident. The builders, of course, made it that way. But they are not in business to do something for nothing. The rents are high there. The common charges are reasonably high to pay to keep Normandy Village looking like it does. If you then say well it is so beautiful we should allow a public path through there or a bicycle path through there so people can see it is absolutely ridiculous. They are not paying to see it. They are not paying anything. They come through there even now with bicycles, driving through the parking area, littering. They cause all kinds of problems for senior citizens, running them off the sidewalks, etc.

Mr. Hart said if you put a bicycle path through there who is going to pay to maintain that bicycle path? Who is going to patrol it at night time when teenagers in the summertime decide to have a beer party there? Are the police going to come in there. If it is a bicycle path it is not a road. It is a path. Are the police going to run through there chasing teenagers all over the place? Who is going to pick up the litter? Is the Town going to do it. We are going to do it. He said it is absolutely a bad situation. The fact that we are located where we are in an area where we have shopping centers all around us. We have people going through Normandy Village constantly. We have not, as yet, had much of a problem as far as theft and vandalism is concerned but if you encourage this type of thing what you are going to have is bicyclers coming through there snatching pocketbooks from some of the senior citizens and all that type of thing.

He said he does not think Normandy Village is the place to encourage people to come through there and litter and give these senior citizens cause to worry about possible crime.

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

Mr. Jackson said speaking about 281 (now 278) on the density question, it scares him. If a developer is looking to use it they are looking for their own gain here and there moving lot lines around, moving it closer to this, closer to that. He asked how many units is proposed now? Mr. Horowitz said he thinks 126. Mr. Jackson said if 281 (278) is used, would that number change? Mr. Horowitz said not by one iota. The very essence of using 281 or the key to using it - first of all that has nothing to do with the builder. While we may propose it we can only use it if it is approved not only by the Planning Board. It has to be recommended by the Planning Board and approved by this Board before it can even be used. The essence of that section of the law is that you are not entitled to have one more unit than you could have if you did it

Continued on Next Page

PH - 12/13/94

Page 4

Re: Amending Conditions of Zone Change for Normandy Village  
(Map 13-Block A-Lot 7)

without. It gives the Planning Board some flexibility if it makes sense. If it doesn't make sense as far as they are concerned, they won't use it.

Mr. Jackson said then 126 units are the maximum that this development could have? Mr. Horowitz said the maximum that this development could have runs to about 160 to 180 units depending upon the bedrooms. The number I have given you is under 130 whether it is 126 or 128. Whatever number it is will have to be approved by the Planning Board first that that is the maximum number we could have obtained if we didn't use Section 281 and that is the number that will be taken. The utilization of 281 will not give us one more unit than we are entitled to.

Mr. Jackson said it sounds like we are getting a good deal already. We are going down from 160 to 126. Again, in Nanuet we seem to be overdeveloped. I was curious on those numbers which is why I brought that up with Mr. Horowitz. I also notice that from some of their drawings which I didn't see any of tonight, some of the buildings they are proposing are three stories tall, garage on the first floor, then two floors above. I don't know if that is open for discussion tonight. Can you help me on that. Supervisor said no, that is really under the discretion of the Planning Board. He said what Mr. Hart said from Normandy Village, some might call him a NIMBY (not in my backyard). I know we would like to have the bike path go all the way up to Orangetown. I'm a bicyclist. I like to ride. We are talking about something pretty short here, not a large distance to my knowledge. He said he has been to Normandy Village with these people. They have invited me in to meetings, etc. It seems like it is a large majority of senior citizens in the area. He said he would have Mr. Hart's same concerns. At night the youth of Nanuet go somewhere. They are at the Mall. They are in the parking lot. They are walking around. People will be people. They do things. They will be noisy in the summertime. These people are going to have their windows open. It is going to be very hard to control this area especially if it is in between buildings, not easily accessible to cars. He said he comes from the city and he works in the city. He said this area is easy pickings for muggings, pocketbooks, whatever. If we attract people into that area he is afraid that these people would be the easy pickings that he mentioned.

Mr. Jackson said the people in Normandy Village that he has been to meetings with don't want this. He said he doesn't know if it is something we have to have with the green belt or what. Supervisor said no we don't have to have it. Mr. Jackson said it seems that these people don't want it. It has come up at the Nanuet Civic Association quite a few times and the concensus is we don't want it either. Maybe we can help these people out by not going along with it.

Appearance: Mr. Russell Trojan  
Nanuet, New York

Mr. Trojan said in regard to Item 6 a path of travel has been established by youth through this old Piermont Line. The question of moving the location of that path should be up to the Planning Board. The proposal the Planning Board has submitted of changing the wording of Item 6 would allow the Planning Board the flexibility to modify the path in the best interest of the developer and the community. He said he agrees with the Planning Board's recommendations to this Board in

Continued on Next Page

PH - 12/13/94

Page 5

Re: Amending Conditions of Zone Change for Normandy Village  
(Map 13-Block A-Lot 7)

changing the language and that is what should be adopted and not a deletion.

He said on Item 6 he agrees with the Planning Board that that item should stay as the conditions.

Appearance: Ms. Carolyn Paone  
Nanuet, New York

Ms. Paone said she agrees with Mr. Hart on the path. She said she doesn't know who wants it. She lives right behind there. She sees beer cans, litter, lots of dogs. She said she doesn't know if Normandy Village allows dogs but she said she is opposed to the path.

Appearance: Mr. Aldino Coatti  
Nanuet, New York

Mr. Coatti said his house and his neighbors house are ground level where the railroad tracks are. He said he has lived on that street all his life. The railroad tracks are there. They had a lot of people walking back and forth. The way the situation is in this County right now I think if they leave that path the way it is it is just going to cause trouble. Supervisor said then you are in favor of deleting it? Mr. Coatti said yes. He said his house has been broken into already because of access to that railroad right-of-way.

Appearance: Mr. Al Marchaisi  
Normandy Village

Mr. Marchaisi said he, like Mr. Hart, is opposed to the path. He said we are aware that the Mall itself has a problem with security, etc. and they have an abundance of security guards. In addition to that they have Clarkstown police personnel supporting them. We don't have that. We do have the Clarkstown Police but we do not have them patrolling Normandy Village. In introducing this kind of a path we are introducing a problem to Normandy Village and he is totally opposed to it. He hopes the Board can see that and rule in our favor.

Councilman Mandia asked to have his memory refreshed. It appears that the developer, the neighbors, the people who live there, Mr. Hart, etc. really don't want this walkway. There certainly is adequate walkway on First Street if someone wanted to walk to the Mall. Why did we put this in in the first place? Can somebody help me refresh my memory? Mr. Horowitz said there is a valid reason for wanting it in the overall scheme of things. This path does continue into other places and this was a natural continuation of it. Had this been a commercial venture, maybe shopping centers, etc., it would in fact make a heck of a lot of sense. The problem is created when you are taking it through a type of residential area. There certainly was a basis for requesting it initially.

Mr. Robert Geneslaw, Planning Consultant, said this is the most northerly section within the Town of the abandoned portion of what was the railroad right-of-way. The section from Church Street south for about a half mile is owned by the Town already and the section going through Orangetown is either owned by the Town or in the process of trying to obtain it. Orangetown has gotten grants from the State to begin to try to bring it up to the stage where it is useable for walking purposes. People do walk through there now. There are still a few ties left. The rails are gone. There has been some

Continued on Next Page

PH - 12/13/94

Page 6

Re: Amending Conditions of Zone Change for Normandy Village  
(Map 13-Block A-Lot 7)

dumping by neighbors. There are some beer cans and some of the other things that people in the audience have talked about. If the trail were to be built with this section it could come out on Orchard Street or it would end up working its way through Normandy Village somehow. If it didn't it could end at Church Street. If the Town decides to do nothing it will stop somewhere in Orangetown somewhere near Townline Road.

Councilwoman Smith said on Item 6 she could fully support deleting that phrase. She said she could understand the residents' fears. On Item 3 she would equally vote to either keep it or to amend it with the phrase "unless such requirements are adjusted by the Planning Board for the sole purpose of improved planning."

Councilman Dusanenko said then we should make a motion to close the public hearing and adopt the motion to deny Item 6 and take Councilwoman Smith's suggestion for modification and clarification of Item 3. Councilwoman Smith said delete 6 and amend 3 and Councilman Dusanenko said with the verbatim suggestions made by Councilwoman Smith.

On motion of Councilman Dusanenko, seconded by Councilwoman Smith and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 9:03 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

12/13/94

9:05 P.M.

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

Re: Zone Change PO to LIO - Map 32 - Block B - Lot 101  
(DeAmeida)

On motion of Councilman Maloney, seconded by Councilman Mandia 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 there is no SEQRA ready so we cannot have a decision tonight. We can hold the public hearing. The Rockland County Planning Board approved. There is nothing from the County Planning Board. He called upon Mr. Robert Geneslaw, Clarkstown Planning Consultant.

Mr. Geneslaw said this is a small property which is in two zoning districts and in order for the owner to do what he wants is a fairly complicated process that he has to go through. His architect will talk about that a little bit. When they came to the Planning Board first on an informal basis, the Planning Board recommended they go to the Board of Appeals for variances and then go to the Town Board for the zone change and that is part of the Planning Board's minutes. They decided to come to the Town Board first because without the zone change the variances wouldn't do them any good. The Planning Board didn't make a formal response to the Town Board on a referral because they had recommended before the applicant came to the Town Board that they ought to go for a zone change. SEQR isn't finished in any case but you can also ask the Planning Board for a formal referral or you can act on the basis of the Planning Board's minutes. The Planning Board was in favor of their coming to the Town Board for a zone change.

Supervisor asked the applicant to make a presentation.

Appearance: Hal Dorfman, Architect  
representing the owners of the property

Mr. Dorfman said what the applicant is planning to do is take a piece of property on West Nyack Road which is presently used as a ~~garage~~ shop and has been used for such for many decades where he employs a number of people. The Town Planning Board approved the use of a temporary structure as an interim measure until we go through the rezoning process to create the opportunity for him to build a light manufacturing building conforming with the codes of fire safety and other regulations. To build that building we would need yard variances because the nature of an LIO zone requires three acres and this property is only a total of one acre. Before we even ask the Town Planning Board for variances for the side yards we would have to get a zone change because when the rezoning was done a number of decades ago it actually split this property in half and created half of it as PO zone and half as LIO zone. What we are trying to do is actually move the zone back to have the property all in the LIO zone which is consistent with the other businesses in the area. Here reference was made to maps and discussion took place among Mr. Dorfman and members of the Town Board.

Continued on Next Page

PH - 12/13/94

Page 2.

Re: Zone Change PO to LIO - Map 32 - Block B - Lot 101  
(DeAmeida)

It was mentioned that the property is on West Nyack Road across from St. Anthony's Church and Toys-R-Us is behind it. Town Attorney asked how much was in each zone. Mr. Dorfman said approximately two thirds of it is LIO and one third is in the PO zone. Councilman Dusanenko said Old Nyack Turnpike portion is the PO - Mr. Dorfman said the closest to College Avenue is the PO section. Mr. Dorfman said it was even difficult for the Building Inspector to determine where the zone line was before we even came before the Board.

Supervisor asked if any Board Members had any questions? No one did.

Supervisor asked if anyone from the public wished to make a comment or ask a question?

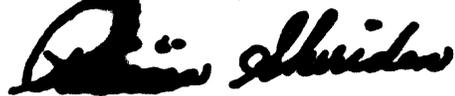
Appearance: Mr. Denis DeAmeida, Applicant

Mr. DeAmeida said right in front on West Nyack Road is Kent Auto Repair. Kent is non-conforming because he has an industrial facility in a PO zone. By moving the line to the edge of his (Mr. DeAmeida's property) Kent would be conforming.

Councilman Mandia said he just wanted to make clear that the Planning Board really hasn't done a complete review of this. If he understood this correctly they sent this gentleman here to the Board for a decision on this to change the zone. Is it a correct assumption that the Planning Board looks favorable on this? Mr. Geneslaw said yes. Councilman Mandia asked Mr. Geneslaw is there any impact on any surrounding properties by changing a PO to an LIO? Would that be a hazard to anybody else in the area that may have a PO zone now? Mr. Geneslaw said he did not think so if the use is there. With the work the state is doing in the area and what Mr. DeAmeida is planning would dress up the area quite a bit. That section of Old Nyack Turnpike is one of the less attractive areas. We are assuming that this will serve as an incentive.

There being no one further wishing to be heard on motion of Councilwoman Smith, seconded by Councilman Mandia, the public hearing was ADJOURNED, SINE DIE, until the SEQRA is completed and then we can vote on it.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk