

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

1/10/95

8:00 PM

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 presented an Eagle Scout Award to Steven Terry Finkleberg of Boy Scout Troop 428. He asked Steven to come forward with his parents. He also requested that Wayne Browning, Scoutmaster, come forward. Councilwoman Smith made the presentation on behalf of the Town Board. Supervisor extended congratulations to Steven, his parents, and Mr. Browning thanking them for a job well done.

Supervisor made a presentation to the Nanuet High School Girls Cross Country Team. He called Coach Dave Hansen forward and presented an award to him. Supervisor said Nanuet High School has taken its place in New York State athletically over the course of the past fifteen or twenty years. He said they have much to be proud of as it is so small and is a genuine community high school. Supervisor then called up Assistant Coach Keith Reilly. Councilman Maloney made a presentation to Mr. Reilly. Certificates were then presented to the members of the team.

Supervisor made presentations to the Nanuet High School Varsity Football Team. He called up Coach Rich Conklin and presented an award to him. He asked Assistant Coach Phil Carbone to come forward as well as Assistant Coach Rob Carbone to receive certificates. Certificates were then presented to the members of the team.

Supervisor then declared the public portion of the meeting open.

Appearance: Mr. Russel Trojan
Nanuet, New York

Mr. Trojan spoke regarding the current tax bill. He noted that there was an 8% increase rather than a 5% increase. He spoke on particular budget lines.

Appearance: Mr. Jack Cuff
West Nyack, New York

Mr. Cuff spoke regarding the current tax bill and also noted that there was an 8% increase. He spoke regarding agenda item 9E (Amending 1995 Salary Schedule). Mr. Cuff spoke on salary increases for the Superintendent of Highways.

Appearance: Mr. Jerry O'Rourke
Congers, New York

Mr. O'Rourke spoke regarding zone changes of large parcels of land noting that owners should be current in their property taxes.

RESOLUTION NO. (25A-1995)

Co. Maloney offered and Co. Smith seconded

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RESOLUTION NO. (25A-1995) Continued

RESOLVED, that the Town Board Minutes of December 30, 1994 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (25B-1995)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board Minutes of January 4, 1955 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (26-1995)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized and directed to enter into a renewal agreement with the Hi-Tor Animal Care Center, Inc., to utilize said facilities as an animal shelter and pound for the Town of Clarkstown for the period commencing January 1, 1995 and terminating on December 31, 1995, with all the other terms and conditions of the present agreement to remain the same, upon the recommendations of the Town Clerk and the Animal Control Officer, and be it

FURTHER RESOLVED, that this Resolution shall be retroactive to January 1, 1995.

On roll call the vote was as follows:

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

RESOLUTION NO. (27-1995)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Supervisor is hereby authorized to enter into a ninety (90) day lease, in a form approved by the Town Attorney, with Matthew Outdoor Advertising authorizing that two billboards be maintained on Town property in the

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RESOLUTION NO. (27-1995) Continued

vicinity of the Clarkstown Solid Waste Facility providing for rental of no less than \$2,000.00 per annum.

On roll call the vote was as follows:

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

RESOLUTION NO. (28-1995)

Co. Maloney offered and Co. Mandia seconded

PETITION for the Extension of the Clarkstown Consolidated Water Supply District No. 1 to include Sweet Corn Subdivision in the Town of Clarkstown, Rockland County, New York.

WHEREAS, a written Petition dated December 13, 1994 in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland County, New York for the Extension of the Clarkstown Consolidated Water Supply District in the said Town, to be bounded and described as follows:

(Description on file in Town Clerk's Office)

NOW, THEREFORE, be it

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York, in said Town of Clarkstown, on the 14th day of February, 1995 at 8:40 P.M. ES time to consider the said petition and to hear all persons interested in the subject thereof, concerning the same and for such other actions as may be required by law or proper in the premises.

On roll call the vote was as follows:

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

RESOLUTION NO. (29-1995)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, based upon the recommendation of the Director of Purchasing and in concurrence with the Superintendent of Recreation and Parks, that the bid furnishing Athletic and Recreation Supplies is hereby awarded to the following low bidders who have met the specifications:

Bid #4 - 1995 - Athletic and Recreation Supplies

Anaconda Sports
1221 Ulster Avenue
Kingston, NY 12401

ARC Sports
Rt. 121
North Salem, NY 10560

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RESOLUTION NO. (29-1995) Continued

Bag of Shirts
45 Lafayette Ave.
Suffern, NY 10901

Chime-Time
2440-C Pleasantdale Rd.
Atlanta, GA 30340-1402

Flaghouse
150 N. Mac Questen Pwy.
Mt. Vernon, NY 10550

IMC Graphics
30 Henry St.
Orangeburg, NY 10962

Millman's T-shirt Factory
12 Fowler Ave.
Poughkeepsie, NY 12603-2403

Kenmar Shirts
1578 White Plains Rd.
Bronx, NY 10462

Morley Athletic Supply Co., Inc.
P.O. Box 557-208 Division St.
Amsterdam, NY 12010

Passon Sports
P.O. Box 49
Jenkintown PA 19046

Sportmaster
P.O. Box 5000
Pittsburgh, PA 15206

Unique Impressions
58 Sherwood Dr.
Nanuet, NY 10954

World Wide Games
Mill St.
Bid Department
Colchester, CT 06415

Gross total for all items \$45,225.61

and be it

FURTHER RESOLVED, that this amount \$45,225.61 be charged against Accounts: 7140-307 - \$532.80; 7141-329 - \$7,250.44; 7180-307 - \$4,902.54; 7180-329 - \$210.12; 7210-307 - \$234.00; 7310-307 - \$13,816.82; 7310-329 - \$16,796.90; 7610-307 - \$684.00; 7610-329 - \$161.20; 7620-307 - \$79.20; 7620-329 - \$557.59

and be it

FURTHER RESOLVED, that no bid awarded to Items 32, 71, 72, 74 and 115.

On roll call the vote was as follows:

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

RESOLUTION NO. (30-1995)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Town ADA Coordinator and the project architect that

BID #55-1994
IMPLEMENTATION OF THE ADA TRANSITION PLAN

is hereby awarded to the following lowest bidders that meet specifications:

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RESOLUTION NO. (30-1995) Continued

General Construction:

LORENCIN CONTRACTING CORP
17 SCHRIEVER LANE
NEW CITY NY 10956
PRINCIPAL: LORRAIN DI NARDI

at their proposed cost of \$194,000.00

Electrical

C.G.R. ELECTRIC
D/B/A EAGLE ELECTRIC
110 W CROOKED HILL ROAD
PEARL RIVER NY 10965
PRINCIPALS: SHEILA GRAY, TERRY RATNECHT

at their proposed cost of \$31,045.00

Plumbing:

THOMAS J. KEMPTON JR INC
91 SOUTH MAIN STREET
NEW CITY NY 10956
PRINCIPALS: THOMAS J. KEMPTON JR
THOMAS J. KEMPTON III

at their proposed cost of \$67,000.00

and be it

FURTHER RESOLVED, that said awards are subject to the receipt of the following from each successful bidder
1 - Signed copies (2) of Standard Form of Agreement
2 - Performance Bond
3 - Labor and Material Payment Bond
4 - Certificates of Insurance - as detailed in Article II of General Conditions

The Town must be named co-insured on all policies relating to this project.

On roll call the vote was as follows:

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

RESOLUTION NO. (31-1995)

Co. Dusanenko offered and Co. Smith 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 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,

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RESOLUTION NO. (31-1995) Continued

on February 14, 1995, at 8:35 P.M., relative to the proposed amendment, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the official newspaper of the Town 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
- Councilman Mandia.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....Yes

RESOLUTION NO. (32-1995)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, ABE OSTER and DANIEL OSTER 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 petitioners, from RS and M Districts to an all RS District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 89, Block A, Lot 16;

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

RESOLUTION NO. (33-1995)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Atzl, Scatassa & Zigler, Land Surveyors for the owner, Jay Theise, of premises shown on a proposed

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RESOLUTION NO. (33-1995) Continued

subdivision map known as "Saw Mill Estates," for property located at the west side of Strawtown Road, New City, New York, has made application for use of Town Law Section 278 in connection with said subdivision, and

WHEREAS, the Planning Board of the Town of Clarkstown has recommended approval of the use of Town Law Section 278 in connection with this subdivision because the layout provides for less disturbance to some environmentally sensitive areas, and

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town of Clarkstown if Town Law Section 278 authorization is granted for the development of the property shown on such proposed density layout map entitled, "Saw Mill Estates," Town of Clarkstown, Rockland County, New York, dated September 27, 1994, last revised January 5, 1995, prepared by Atzl, Scatassa & Zigler, P.C., Surveyors and Land Planners, New City, New York;

NOW, THEREFORE, be it

RESOLVED, that the Planning Board of the Town of Clarkstown is hereby authorized to use Town Law Section 278 for the proposed subdivision of Saw Mill Estates 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 subject further to the following conditions:

1. Map note shall be added to the subdivision plan referencing Town Board approval of use of Town Law 278 for Lot 1 only;
2. Slope areas shall be placed in a conservation easement, with appropriate conservation form to be filed in the Rockland County Clerk's office.
3. Add map note to Lot 3 to preclude further subdivision or conversion of Lot 3 to two-family use;
4. A gratuitous widening along Strawtown Road shall be provided in accordance with Official Map width;
5. Applicant shall return to the Planning Board for preliminary and final review.

On roll call the vote was as follows:

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

RESOLUTION NO. (34-1995)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, William Youngblood, engineer for the "Estate of Edgar Jurist," with respect to premises shown on a proposed subdivision map known as "Roseland Estates II," for

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RESOLUTION NO. (34-1995) Continued

property located at the southwest side of Phillips Hill Road and Eileen Avenue, New City, New York, has made application for use of Town Law Section 278 in connection with said subdivision, and

WHEREAS, the Planning Board of the Town of Clarkstown has recommended approval of the use of Town Law Section 278 in connection with this subdivision because the layout is a superior layout, and

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town of Clarkstown if Town Law Section 278 authorization is granted for the development of the property shown on such proposed density layout map entitled, "Average Density Subdivision of Roseland Estates II," located in the Town of Clarkstown, Rockland County, New York, dated April 22, 1994, and last revised on October 31, 1994, prepared by William Youngblood Associates, Engineers, Surveyors and Land Planners, Monsey, New York;

NOW, THEREFORE, be it

RESOLVED, that the Planning Board of the Town of Clarkstown is hereby authorized to use Town Law Section 278 for the proposed subdivision of Roseland Estates II 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 subject further to the following conditions:

- a) Applicant shall grant gratuitous road widening 30 ft. from the center line of Phillips Hill Road, for review and approval by the Town Attorney's office, in which the developer shall agree to construct sidewalks along Phillips Hill Road, and map note shall be added that "No building permit shall be issued until sidewalks have been installed."
- b) A map note shall be added as follows:
"Lots 5 and 6 shall be for single-family use only."
- c) If required, applicant shall request water district extension.
- d) A conservation easement shall be filed in the Rockland County Clerk's office in accordance with requirements of the Town Attorney's office.

On roll call the vote was as follows:

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

RESOLUTION NO. (35-1995)

Co. Smith offered and Co. Dusanenko seconded

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RESOLUTION NO. (35-1995) Continued

RESOLVED, that Diane K. Papenmeyer, 221 Strawtown Road, West Nyack, New York is hereby appointed to the position of Secretary (part-time) - Town Council Office - at the current 1995 annual salary of \$11,000.00 effective and retroactive to January 9, 1995.

On roll call the vote was as follows:

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

RESOLUTION NO. (36-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, Jeffrey Meara has requested a six (6) month leave of absence, without pay, and

WHEREAS, Article XIX, Section 1 of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A. provides for a leave of absence, without pay,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the granting of the leave of absence, by the Superintendent of Highways, for Jeffrey Meara, 27 Von Beaste Lane, Congers, New York - Laborer - Highway Department - effective and retroactive to December 21, 1994 to June 21, 1995.

On roll call the vote was as follows:

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

RESOLUTION NO. (37-1995)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Charles Corletta, River Rise Road, New City, New York, is hereby appointed to the position of (Temporary) Assistant Maintenance Mechanic - Sewer Department - at the 1995 annual salary of \$30,053.00, effective January 23, 1995.

On roll call the vote was as follows:

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

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RESOLUTION NO. (38-1995)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Vincent Cautillo, 12 Patricks Place, Congers, New York is hereby appointed to the position of Laborer - Sewer Department - at the current 1995 annual salary of \$22,715.00, effective January 23, 1995.

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. (39-1995)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the 1995 Salary Schedule adopted at the Town Board meeting of January 4, 1995 is hereby amended to reflect the following salary:

Dolores Daubitz Princ. Tax Clerk \$39,954.00

On roll call the vote was as follows:

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

RESOLUTION NO. (40-1995)

Co. Mandia offered and Co. Smith seconded

RESOLVED, based upon the recommendation of the Clarkstown Parks Board and Recreation Commission and the Supt. of Recreation and Parks that the folowing 1995 part-time salaries be established:

<u>PART-TIME</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
Recreation Aide.....	\$4.25/hr.	\$ 4.50/hr.
Recreation Assistant.....	\$4.50/hr.	\$13.00/hr.
Recreation Leader.....	\$7.00/hr.	\$16.00/hr.
Recreation Specialist.....	\$7.00/session	\$35.00/session
Refreshment Stand Attendant I.....	\$4.25/hr.	\$ 8.00/hr.
Refreshment Stand Attendant II.....	\$6.00/hr.	\$10.00/hr.
Lifeguard.....	\$7.00/hr.	\$11.00/hr.
Head Lifeguard.....	\$8.50/hr.	\$13.00/hr.
Water Safety Instructor.....	\$8.50/hr.	\$12.00/hr.
Head Water Safety Instructor.....	\$9.00/hr.	\$13.00/hr.
Laborer-Student.....	\$6.00/hr.	\$ 9.00/hr.
Groundworker (L).....	\$8.00/hr.	\$13.00/hr.
Custodial Worker (Seasonal) (L)....	\$5.00/hr	\$11.00/hr.
Senior Citizen's Leader (part-time)	\$11,699.00	\$23,397.00
Swim Area Supervisor (Seasonal)	\$10,727.00	\$16,123.00

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RESOLUTION NO. (40-1995) Continued

Senior Recreation Leader (Seasonal)	\$ 5,376.00	\$ 8,452.00
Senior Recreation Activity Specialist (Seasonal)	\$ 3,845.00	\$ 6,915.00

On roll call the vote was as follows:

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

RESOLUTION NO. (41-1995)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Joseph Hirschfield, 96 Susan Drive, New City, New York, is hereby appointed to the position of Member - Zoning Board of Appeals - at the current 1995 annual salary of \$2,250.00, term effective January 16, 1995 and to expire on January 15, 2000.

On roll call the vote was as follows:

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

RESOLUTION NO. (42-1995)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, there exists a need for additional parking facilities within the boundaries of the Town of Clarkstown and the County of Rockland, and

WHEREAS, representatives of the St. Thomas Lutheran Church have offered the Town of Clarkstown and the County of Rockland use of its parking lot during the week for commuter parking, at a cost to be divided equally between the Town and the County;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the St. Thomas Lutheran Church and the County of Rockland, for the rental of the commuter parking lot for a fee of \$600 a month to be divided equally between the Town and County for a period of six months with an option to renew for an additional six months.

On roll call the vote was as follows:

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

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RESOLUTION NO. (43-1995)

Co. Maloney offered and Co. Dusanenko seconded

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps, including commencing 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 the Defendant should be enjoined permanently from operating a boarding house or other illegal multiple dwelling on the third floor of the premises commonly known and described as 5-15 Western Highway, West Nyack, New York, more particularly described on the Clarkstown Tax Map as Map 89, Block C, Lot 29.

On roll call the vote was as follows:

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

RESOLUTION NO. (44-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, THE TOWN OF CLARKSTOWN by agreement dated November 6, 1978 entered into a contract with the Village of Upper Nyack for the use of the Upper Nyack sewer system, which connects to the Town of Orangetown sewers, to service various properties in the Town of Clarkstown known as 136-C-3.2, 136-C-3.3, 136-C-5, 136-C-8, 136-C-10.1 and

WHEREAS, the Village of Upper Nyack seeks reimbursement from the Town of Clarkstown for sewer service provided to the affected properties during the year 1993, and

WHEREAS, it is just and proper that the Village of Upper Nyack be compensated for the sewer service provided the Clarkstown properties during 1993;

NOW, THEREFORE, be it

RESOLVED, that the sum of \$12,976.00 shall be paid to the Village of Upper Nyack for reimbursement from the Town of Clarkstown for sewer service provided to the affected properties during the year 1993, and

FURTHER RESOLVED, that said amount shall be taken from Account No. B 8110-409.

On roll call the vote was as follows:

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

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RESOLUTION NO. (45-1995)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with AchterCol (George B. Turrell) for the purpose of stabilizing and securing the Scheuler House which is located at Congers Memorial Park, Congers, New York, for a fee of \$4,282.00, and be it

FURTHER RESOVLED, that said fee shall be taken from Account No. A-1990-505.

On roll call the vote was as follows:

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

RESOLUTION NO. (46-1995)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with CAL-MART CONSTRUCTION CORP. for the purpose of removing and disposing of designated dwellings at the former Scheuler property which is located at Congers Memorial Park, Congers, New York, for a fee of \$16,250.00, and be it

FURTHER RESOVLED, that said fee shall be taken from Account No. A-1990-505.

On roll call the vote was as follows:

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

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Special Permit for Recycling Facility - Map 90, Block A, Lot 11.06 (Miele) was opened, time: 8:37 P.M.

On motion of Councilman Maloney, seconded by Councilman Dusanenko and unanimously adopted, the public hearing re: Special Permit for Recycling Facility - Map 90, Block A, Lot 11.06 (Miele) was adjourned, sine die, time: 8:50 P.M.

Supervisor stated that the Town Board would like to adjourn this meeting in memory of David Oransky, a senior at Clarkstown North High School, who was tragically killed in an automobile accident on the Palisades Parkway. David was a Clarkstown resident and our feelings and sympathy certainly go out to his family this evening. On motion of Councilman

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Maloney, seconded by Councilman Dusanenko and unanimously adopted, the Town Board Meeting was adjourned in David Oransky's memory, time: 8:52 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

1/10/95

8:37 P.M.

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

RE: Special Permit for Recycling Facility, Map 90,
Block A, Lot 11.06 (Miele)

On motion of Councilman Mandia, 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 Murray Jacobson stated that there was no SEQRA as yet so no decision can be made tonight although the hearing can be held. Supervisor said then we can adjourn the meeting sine die? Town Attorney said yes. He stated that the Rockland County Planning Board has no objections. He said the Clarkstown Planning Board approves with conditions:

- a. Compliance with the map notes on the filed subdivision plat of Joe Walt Realty, Inc., in that an easement agreement shall be drawn up and reviewed and approved by Town Attorney's Office;
- b. Return to the Planning Board for site plan review and approval;
- c. Applicant's engineer should address how runoff from this site will be handled;
- d. Indicate where parking for employees will be provided and where recycling vehicles will be stored;
- e. Address all concerns in the R.C. Dept. of Planning letter dated 12/1/94;
- f. Applicant shall submit full EAF Part I, II & III;
- g. Compliance with all requirements of the R.C. Sewer Dist. No. 1;
- h. Review and approval by O & R for plans as it may involve their transmission lines;
- i. Compliance with requirements of NYS Thruway, if any, as to drainage and lighting.

Supervisor asked if the applicant wished to make a presentation?

Appearance: Donald S. Tracy, Esq.
Tracy, Bertolino & Edwards
representing applicant
New City, New York

Mr. Tracy called the Board's attention to the location of the property. It is located on Snake Hill Road and bounded essentially on the north by New York Trap Rock and on the south by the Con Rail Trainline and the New York State Thruway. There are no residences near this property. It is in an M zone. This Town Board has seen fit to permit a recycling facility in an M zone by special permit reserved unto itself pursuant to the requirements set forth in Section 106-16R of the Zoning Code. Mr. Tracy said the property has a 16,000

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square foot warehouse building presently on it. It was formerly the Fisher Skylight property. He said his client is the contract purchaser of that property. The present proposed use for the property results from the fact that at the Clarkstown Transfer Station there is an amount of recycling done in that as material is delivered it is picked for recyclables - cans, glass, metal parts and things of that nature. Approximately 8 to 10 truckloads a day of that material are then shipped out for distribution. However, because of the limitations on the facility they are not graded as they could be in a fully enclosed building. Therefore, it was my client's intention to utilize this building to regrade and sort those recyclable materials inside a wholly owned building.

Mr. Tracy said there is a further benefit as far as possible future use of this site is concerned which is not the subject of this special permit but his client also intends to bring rail siding into the property and has been in touch with and done some engineering studies with Conrail which would permit some of these materials to be shipped by rail thus eliminating traffic on the road. With regard to traffic, as you all know, the transfer station is perhaps 2 to 3 miles further down Route 303 so it is sort of a hop, skip and jump from transfer station up to this facility. It has further numerous uses to which it could be put in the future such as waste paper recycling at the site without the necessity of Clarkstown trucks now travelling the distance they do travel to deliver newspapers pursuant to their present contract.

Mr. Tracy added that they have read reports of the consultants and they have read the conditions suggested by the Planning Board and while we respectfully submit that most of those conditions are in fact site plan conditions rather than the granting of special permit conditions we can meet all of those requirements. He said at this time he wanted to introduce his client, Mr. Joseph Miele, for the purpose of asking him questions concerning the compliance with section 106-16R.

Mr. Tracy told Mr. Miele that in connection with this proposed recycling facility one of the requirements is compliance with applicable law. Will you in all respects comply with any applicable requirements, rules and regulations of the State of New York as they relate to recycling facility or transfer station including but not limited to Title 6, Part 3 60 of NYCRR? Mr. Miele said yes he would.

Mr. Tracy asked would Mr. Miele provide such screening as is required to a site plan review by the Clarkstown Planning Board? Mr. Miele said yes.

Mr. Tracy said will no waste material product or by-product or residue material which may result from the valid operation of the facility be disposed of in any sanitary landfill facility operated by the Town of Clarkstown without the express written permission and consent of the Director of the Department of Environmental Control? Mr. Miele said that is correct.

Mr. Tracy said if the Town Board sees fit to establish additional conditions it deems necessary and appropriate do you agree to comply with said conditions? Mr. Miele said yes.

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Mr. Tracy said this special permit is permitted as a special exception in the M zone. We think it is a great area for it to be located and we think that it can, over a long period of time, be a distinct benefit to the Town and its solid waste and environmental programs.

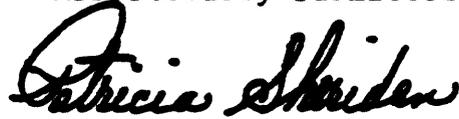
Supervisor asked if there was anyone from the public wishing to make a comment or ask a question?

Appearance: Mr. Russell Trojan
Nanuet, New York

Mr. Trojan said he agrees with the concept. He hopes the Board will look to see that this is the best site in the Town for this service. Snake Hill Road is a bit winding and will probably need some improvement. He said he thinks that might have to be a condition. He mentioned truck traffic added to the existing truck traffic and then the possible future opening of Pyramid in that area and how it all fits in and impacts each other. Finally, he said the power lines that are in the area must be considered as well.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Dusanenko and unanimously adopted, the public hearing was declared adjourned, sine die, time: 8:50 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk