

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

2/14/95

8:10 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.

Supervisor Holbrook invited Everett Johns who had served in the armed forces in Iwo Jima to lead the assemblage in saluting the Flag in memory of those who did not come back on this the 50th anniversary of Iwo Jima. Assemblage saluted the Flag.

Supervisor declared the public portion of the meeting open and invited anyone who wished to speak to come forward.

Appearance: Jerry O'Rourke
Congers Civic Association

Mr. O'Rourke spoke in opposition to Item #32 re: Route 303-9W Zone Change. He said that it should be reaffirmed as an industrial site.

Appearance: Brian Brophy
Valley Cottage

Mr. Brophy spoke in opposition to the Clarkstown Executive Park proposed Zone Change from LIO and R-15 to MF-2.

Appearance: Scott Turner
Congers Civic Association

Mr. Turner spoke in opposition to the pending Zone Change of Route 303-9W Co. from LIO to MF-2.

Appearance: Jack Cuff
West Nyack

Mr. Cuff spoke regarding Item 27 E & F. He stated that there are 2.9 employees per supervisor. Everyone cannot be a supervisor.

Appearance: Sydell Green

Ms. Green spoke in opposition to the closing of Grace and Orchard Streets.

Appearance: Mike VanWeiss
Sharon Dr., New City

Mr. VanWeiss spoke regarding the repair of the berm on his street.

RESOLUTION NO. (81-1995)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of January 24, 1995 are hereby accepted as submitted by the Town Clerk.

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RESOLUTION NO. (81-1995) Continued

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. (82-1995)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on October 25, 1994, on its own motion, provided for a public hearing on November 22, 1994, at 8:40 P.M., to consider amendment of the Zoning Ordinance of the Town of Clarkstown by redistricting the property designated on the Clarkstown Tax Map as Map 124, Block C, Lots 42 and 55, from an LIO and R-15 District to an MF-2 District, and

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

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board finds that the proposed amendment would have no significant adverse affect upon the environment and no further processing under SEQRA is necessary, and be it

FURTHER RESOLVED, that based upon the recommendations of the Clarkstown Planning Board dated September 22, 1994, and for the reasons of public health, safety and welfare, the Town Board hereby DENIES the proposed Amendment to the Zoning Ordinance.

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. (83-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, JEKAR, INC. has petitioned the Town Board of the Town of Clarkstown requesting that the Zoning Ordinance of the Town be amended by redistricting property owned by the petitioner, from an MF-1 District to an MF-3 District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 138, Block H, Lots 4, 17, 18, 18.1, 23 and 28;

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RESOLUTION NO. (83-1995) Continued

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, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on March 28, 1995, at 8:00 P.M., relative to the proposed amendment, and be it

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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (84-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town Board, on its own motion, shall consider amending the Zoning Ordinance of the Town of Clarkstown by redistricting properties designated on the Clarkstown Tax Map as Map 138, Block H, Lots 3, 5, 6.1, 6.2, 13, 14, 39, 40, 20, 21, 24, 25, 26, 27 and 30, from an MF-1 District to an MF-3 District, and

NOW, THEREFORE, be it

RESOLVED, that this resolution 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, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on March 28, 1995, at 8:05 P.M., relative to the proposed amendment, and be it

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RESOLUTION NO. (84-1995) Continued

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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (85-1995)

Co. Smith offered and Co. Mandia seconded

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

"A LOCAL LAW ENTITLED, "AMENDMENT TO CHAPTER 5 (ARCHITECTURE AND LANDSCAPE COMMISSION) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on March 14, 1995, at 8:05 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the Journal News, the official newspaper of the Town of Clarkstown and posted in the manner provided by law, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (86-1995)

Co. Smith offered and Co. Mandia seconded

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RESOLUTION NO. (86-1995) Continued

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

"AMENDMENT TO CHAPTER 143 (FIRE PREVENTION) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on March 14, 1995, at 8:10 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the Clarkstown Courier, the official newspaper of the Town of Clarkstown and posted in the manner provided by law, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (87-1995

Co. Smith offered and Co. Mandia seconded

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

"AMENDMENT TO CHAPTER 149 (GARBAGE, RUBBISH AND REFUSE) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on March 14, 1995, at 8:00 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the Journal News, the official newspaper of the Town of Clarkstown and posted in the manner provided by law, and be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (88-1995)

Co. Smith offered and Co. Mandia seconded

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

"AMENDMENT TO CHAPTER 244 (SIGN CONTRACTORS, LICENSING OF) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on March 14, 1995, at 8:15 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the Journal News, the official newspaper of the Town of Clarkstown and posted in the manner provided by law, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (89-1995)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland, affecting parcel designated as Map 31, Block A, Lot 1, entitled, RONDAVEL MANAGEMENT CORP. v. NICHOLAS LONGO, Assessor of the TOWN OF CLARKSTOWN, and the BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN, Index Nos. 5047/94, 4088/94, 4973/93, 5630/93, 5570/92 and 5774/91, for the years 1994/95, 1993/94, 1992/93 and 1991/92, and also under PRIME MANAGEMENT COMPANY, INC., TENANT, RONDAVEL MANAGEMENT CORP., FEE OWNER v. THE BOARD OF ASSESSORS and the BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN, Index No. 4892/90, for the year 1990/91, and

WHEREAS, the attorneys for the petitioners have proposed to settle the proceedings and discontinue with prejudice and without costs, on the following terms and conditions:

1. That the premises owned by the petitioners described on the assessment roll as Map 31, Block A, Lot 1 be reduced for the years 1991/92 and 1992/93 from \$2,016,700 to \$1,500,000;

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RESOLUTION NO. (89-1995) Continued

2. That the premises owned by the petitioners described on the assessment roll as Map 31, Block A, Lot 1 be reduced for the year 1993/94 from \$2,016,700 to \$1,350,000;

3. That the premises owned by the petitioners described on the assessment roll as Map 31, Block A, Lot 1 be reduced for the year 1994/95 from \$2,016,700 to \$1,216,700;

4, That the assessment on the premises owned by the petitioners described as Map 31, Block A, Lot 1 shall remain at \$2,016,700 for the year 1990/91;

5. That reimbursement for the years 1991/92, 1992/93, 1993/94 and 1994/95 on the above parcel be made within 90 days through the Office of the Commissioner of Finance. If payment is made within 90 days, no interest will be charged; and

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

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

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (90-1995)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, TIME EQUITIES v. THE ASSESSOR, THE BOARD OF ASSESSORS AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN AND THE TOWN OF CLARKSTOWN, Index Nos. 3971/90, 5556/91, 4489/92, 3900/93 and 3572/94, affecting parcel designated as Map 57, Block F, Lot 5, and

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

1. That the premises owned by the petitioners described on the assessment roll as Map 57, Block F, Lot 5 be reduced for the years 1990, 1991, 1992, 1993 and 1994 from \$353,900 to \$300,815;

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RESOLUTION NO. (90-1995) Continued

2. That reimbursement for the years 1990, 1991, 1992, 1993 and 1994 be made within 90 days through the Office of the Commissioner of Finance. If payment is made within 90 days, no interest will be charged, and

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

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

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (91-1995)

Co. Smith offered and Co. Dusanenko seconded

WHEREAS, the Town Board is desirous to have a portion of Red Hill Road between Hansen Avenue and Link Court reconstructed for the health, safety and welfare of the general public; and

WHEREAS, said reconstruction requires the design of a retaining wall along the westerly portion of Red Hill Road;

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire M. G. McLaren, P.C., Consulting Engineers, 100 Snake Hill Road, West Nyack, New York to prepare the plans and specifications in accordance with their Proposal No. 94118.1 for the reconstruction of Red Hill Road, including the retaining wall; and be it

FURTHER RESOLVED, that the cost shall not exceed \$35,000.00

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. (92-1995)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Benher Developers, Inc. furnished to the Town of Clarkstown an Irrevocable Letter of Credit, No. 1323, dated November 18, 1993, in the amount of \$72,385.20, to ensure the completion of the public improvements in the Surrey Court Subdivision, and

WHEREAS, the Department of Environmental Control of the Town of Clarkstown has recommended that said Letter of Credit be reduced to \$42,000, as much of the work has been completed to Town specifications;

NOW, THEREFORE, be it

RESOLVED, that Letter of Credit No. 1323 in the amount of \$72,385.20 be reduced to \$42,000, which shall be automatically renewable and in a form satisfactory to the Town Attorney.

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. (93-1995)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Ancient Order of Hibernians of Rockland County has requested use of the Town of Clarkstown showmobile on Sunday, March 19, 1995 from 12 noon to 5:30 PM at the Pearl River Fire Department for their annual St. Patrick's Day Parage.

NOW, THEREFORE, be it

RESOLVED, that permission is hereby granted to the Ancient Order of Hibernians of Rockland County to use the Town of Clarkstown showmobile on Sunday March 19, 1995 for the above purpose and subject to the provision of the necessary insurance policies,

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. (94-1995)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement, in a form approved by the Town Attorney, with the Clarkstown Senior High School South, a non-profit organization, to provide services and programs for

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RESOLUTION NO. (94-1995) Continued

residents of the Town of Clarkstown, pursuant to the proposal of December 16, 1994 from Gerald M. Bierker, Principal, that are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the Town Board shall allocate the sum of \$2,500.00 in economic assistance to the Clarkstown Senior High School South, and be it

FURTHER RESOLVED, that these funds are to be charged against Account No. A 8840-424.

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. (95-1995)

Co. Dusanenko offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes the hiring of Karl A. Kirchner, Inc. to provide an appraisal for property designated on the Clarkstown Tax Map as Map 106, Block A, Lot 17, and be it

FURTHER RESOLVED, that the total fee for said appraisal shall be \$3,000.00 and shall be charged to Account No. A-1420-439-1.

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. (96-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Planning Board of the Town of Clarkstown approved a subdivision plat of SPRING BROOK ESTATES, which subdivision was filed in the Rockland County Clerk's office in Book of Maps 81, at Page 14, Map No. 4081, on December 2, 1970, and

WHEREAS, such Map No. 4081 irrevocably offered for dedication streets, easements, parks, open land and required utilities shown on said subdivision plat, and

WHEREAS, it would be in the public interest to accept dedication of said streets, easements, parks, open land, and required utilities shown on Map No. 4081;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts dedication to the Town of Clarkstown of the streets, easements, parks, open land, and required

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RESOLUTION NO. (96-1995) Continued

utilities shown on Map No. 4081, located in the Spring Brook Estates Subdivision.

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. (97-1995)

Co. Mandia offered and Co. Dusanenko seconded

WHEREAS, §11-c of the Domestic Relations Law provides for the appointment by the Town Board of a Marriage Officer who shall have the authority to solemnize a marriage;

NOW, THEREFORE, be it

RESOLVED, that Charles E. Holbrook is hereby appointed a Marriage Officer for the Town of Clarkstown, for a term to commence immediately and end on December 31, 1995, at the pleasure of the Town Board, without compensation.

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. (98-1995) (FAILED)

Co. Dusanenko offered and Co. Smith seconded

WHEREAS, §77-B of the General Municipal Law concerns expenses of public officers and employees attending conventions, conferences and schools, and

WHEREAS, §77-B provides that the governing board of a town may delegate the power to authorize attendance at such conventions, conferences and schools to any executive officer;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby delegates to the Comptroller of the Town of Clarkstown the power to authorize attendance at conventions, conferences and schools.

On roll call the vote was as follows:

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

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RESOLUTION NO. (99-1995)

Co. Smith offered and Co. Maloney seconded

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled, MARK COLON v. THE TOWN OF CLARKSTOWN:

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (100-1995)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, the following have applied for Certificates of Registration pursuant to Section 236-48 of the Code of the Town of Clarkstown:

VICTOR P. ZUGIBE, INC.	MONSEY EXCAVATING, INC.
66 Railroad Avenue	18 Laura Drive
Garnerville, New York 10923	Monsey, New York 10952

RESOLVED, that the following Certificates of Registration be issued:

No. 95-11 Victor P. Zugibe, Inc.

No. 95-15 Monsey Excavating, Inc.

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. (101-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, W.H. Moulton Company has submitted a proposal to the Town for the renewal of an insurance policy with the Lancer Insurance Company, to provide coverage for the Clarkstown Municipal Transportation System, commencing February 28, 1995 and terminating on February 27, 1997;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the renewal of an insurance policy with the Lancer Insurance Company, to provide coverage for the Clarkstown Municipal Transportation System, commencing February 28, 1995 and

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RESOLUTION NO. (101-1995) Continued

terminating on February 27, 1997, on the following basis:

Liability: \$3,000,00 combined single limit including basic PIP and 10/20 uninsured motorist protection.
Physical damage - \$1,000 deductible.

Rates: Buses - \$4,465 per unit.
Physical damage - 2.5% of ACV.

Term: 24 months policy with the annual rates quoted above.

and be it

FURTHER RESOLVED, that the cost of said services shall be charged to Account No. CS-1910-420.

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. (102-1995)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown proposes to improve the drainage under Squadron Boulevard, New City, New York, a Town road, and

WHEREAS, the County Superintendent of Highways has requested that the Town of Clarkstown increase the pipe size to be used on such project in order to tie into the drainage improvement under Squadron Boulevard with the drainage improvement under North Main Street, New City, New York, a County road, and

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the County of Rockland to install 36" pipes in its drainage work at the intersection of Squadron Boulevard and North Main Street, New City, New York, to enable the County to tie into this drainage improvement with the drainage improvement under North Main Street, a County road, and be it

FURTHER RESOLVED, that the County shall reimburse the Town in the sum of \$30,000 for upgrading said drainage system.

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. (103-1995)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, heavy snowfalls and other inclement weather may create hazardous conditions and cause a state of emergency to exist in the Town of Clarkstown and unplowed or impassable roads may pose an increased danger to life and property as a result of fire, sickness, lack of food and medical assistance to persons residing on unplowed or impassable streets;

NOW, THEREFORE, be it

RESOLVED, that pursuant to the authority granted under Executive Law, Section 24(4), the Supervisor of the Town of Clarkstown is hereby authorized to use any and all facilities, equipment, supplies, personnel under his control and direction and other resources of the Town of Clarkstown in such a manner as may be necessary or appropriate to cope with any natural emergency created by an extraordinary fall of snow or other weather condition, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Superintendent of Highways to use personnel and equipment to plow undedicated streets in the Town of Clarkstown during such heavy snowfall or other conditions, if necessary to prevent imminent hazard to life and property, and be it

FURTHER RESOLVED, that if the undedicated streets are part of a development of homes being constructed, that the Superintendent of Highways send a bill to the developer for the cost of snow plowing the undedicated streets in its development. If the bill is unpaid, the amount of such bill shall be included on the next Town tax bill for the developer's property.

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. (104-1995)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown Police Department is actively engaged in a program seeking to enforce the prohibition against the sale of tobacco and alcohol to minors, and

WHEREAS, such program includes educational classes conducted by Town Police officers and County employees, and

WHEREAS, pursuant to Penal Law §260.20 and 260.21, which prohibits the sale of tobacco and alcohol to minors, fines may be imposed by the Courts, a portion of which fines are thereafter remitted by the State of New York to the prosecuting municipality, and

WHEREAS, the Town Board of the Town of Clarkstown earnestly supports these efforts of the Police Department;

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RESOLUTION NO. (104-1995) Continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby approves and directs that those portions of the fines, received by the Town of Clarkstown pursuant to Penal Law §260.20 and §260.21, be placed in a special revenue account within the Police Department budget for the purpose of funding the educational program conducted by the Clarkstown Police Department, and be it

FURTHER RESOLVED, that the fees for such educational program shall be \$50.00 per person for those directed to attend the program by the Courts and \$25.00 per person for those who attend voluntarily, which fees shall also be placed in said special revenue fund in the Police Department budget to be used for the purposes of funding the educational program conducted by the Clarktown Police Department.

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. (105-1995)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Charles E. Holbrook, is hereby designated as delegate to the Association of Towns Convention, and be it

FURTHER RESOLVED, that Councilman Maloney is hereby designated as alternate delegate to the Association of Towns Convention, and be it

FURTHER RESOLVED, that the following:

Supervisor
Councilmen
Town Assessor
Town Attorney
Town Clerk
Town Comptroller
Director of Finance
Superintendent of Highways
Confidential Assistant to the Supervisor
Receiver of Taxes
Personnel Assistant

are hereby authorized to attend the Association of Towns Convention to be held in New York City on February 19, 1995 through February 22, 1995, and reasonable expenses incurred by the aforementioned be made proper Town charges, and be it

FURTHER RESOLVED, that the following:

Deputy Town Attorneys and Paralegal Specialists
Building Inspector or designees of the Building Dept.
Comptroller's Office (Dolores Lodico and Doris Fogel)
Director Environmental Control or designees of DEC
Town Justices

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RESOLUTION NO. (105-1995) Continued

Members of the Planning Board
Director of Purchasing
Superintendent of Recreation and Parks
Members of the Zoning Board of Appeals Justice Court
Clerk

are hereby authorized to attend the Association of Towns Convention to be held in New York City, on February 19, 1995 through February 22, 1995, for trips during their regular work hours, and the daily expenses incurred by the aforementioned during these work hours be made property Town charges, and be it

FURTHER RESOLVED, that these officials are encouraged to car pool to reduce mileage expenses, and the respective vouchers submitted for this purpose shall not only reflect miles traveled, but also passengers within the vehicle.

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. (106-1995)

Co. Smith offered and Co. Maloney seconded

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

and remove, relocate and replace signs per the attached. (on file in Town Clerk's Office)

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

RESOLUTION NO. (107-1995)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Spring Valley Water Company is hereby authorized to install fire hydrants at the following location.

North side of Trachtenberg Drive, 80 feet south of the center line of Fulle Drive. Trachtenberg Estates, West Nyack

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RESOLUTION NO. (107-1995) Continued

Investigation No. 11124

and be it

FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Tricia Betz, Service Investigation 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. (108-1995)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Spring Valley Water Company is hereby authorized to install fire hydrants at the following locations.

- X-9823 - North side of Meadow Lane, 45 feet west of the center line of New Clarkstown Road
- X-9829 - North side of Meadow Lane, 35 feet east of the center line of Long Valley Drive
- X-9838 - West side of Meadow Lane, 33 feet north of the center line of Cragmere Drive
- X-9830 - North side of Meadow Lane, 35 feet east of the center line of Brook Hollow Drive
- X-9831 - North side of Meadow Lane, 15 feet west of and opposite of the center line of Forest Drive

Nanuet, Town of Clarkstown, New York
"Amber Fields"

Investigation No: 11115

and be it

FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Tricia Betz, Service Investigation 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. (109-1995)

Co. Maloney offered and Co. Mandia seconded

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RESOLUTION NO. (109-1995) Continued

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Spring Valley Water Company is hereby authorized to install fire hydrants at the following location.

North side of Private Road, approximately
85 feet west of the center line of Rose
Road, West Nyack

Investigation No: 11120

and be it

FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Tricia Betz, Service Investigation 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. (110-1995)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, various funds require additional funding and, be it

THEREFORE RESOLVED, to decrease Appropriation Account No. A 1410 209 (Town Clerk-Other Equipment) and increase A 1410 407 (Equipment Repairs) by \$500.00

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. (111-1995)

Co. Maloney offered and Co. Mandia seconded

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

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

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. (112-1995)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Town Board Resolution #853-1994 is hereby corrected to read

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

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

BID #58-1994
MINI BUSES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on March 20, 1995 at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (113-1995)

Co. Maloney offered and Co. Smith seconded

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

BID #16-1995
FOOD PROVISIONS FOR TOWN SUMMER REFRESHMENT STANDS

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 March 9, 1995 at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (114-1995)

Co. Maloney offered and Co. Smith seconded

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

BID #17-1995
SOFT DRINKS FOR TOWN OPERATED REFRESHMENT STANDS

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on Wednesday, March 8, 1995 at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (115-1995)

Co. Maloney offered and Co. Smith seconded

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

BID #18-1995
ICE CREAM FOR TOWN OPERATED REFRESHMENT STANDS

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on Friday, March 10, 1995 at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (116-1995)

Co. Maloney offered and Co. Smith seconded

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

BID #19-1995
SWIMMING POOL AND OTHER MISC. CHEMICALS

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RESOLUTION NO. (116-1995) Continued

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on Monday, March 20, 1995 at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (117-1995)

Co. Maloney offered and Co. Smith seconded

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

BID #20-1995
REFUSE PICK-UP SERVICE FROM TOWN FACILITIES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on Tuesday, March 7, 1995 at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (118-1995)

Co. Maloney offered and Co. Smith seconded

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

BID #21-1995
MAINTENANCE AND IMPROVEMENTS TO TOWN CUL-DE-SACS

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

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RESOLUTION NO. (118-1995) Continued

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. (119-1995)

Co. Maloney offered and Co. Smith seconded

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

BID #22-1995
ARTS & CRAFT SUPPLIES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on March 13, 1995 at which time bids will be opened and read, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (120-1995) Continued

Co. Mandia offered and Co. Maloney seconded

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

BID #7-1995
PRINTING OF RECREATION & PARKS DEPARTMENT
BROCHURES - 1995

is hereby awarded to:

JOCAPA BUSINESS FORMS
1346 Clove Road
Staten Island, N.Y 10301
Principal: Irwin Kashansky

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

- (A) Spring/Summer Brochure
- 30,000 - 2 color Brochures.....@ \$9,299.70
- Additional 4 Pages (if necessary).....@ 2,433.60
- Additional Half Tones (if necessary).....@ 15.00 ea.

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RESOLUTION NO. (120-1995) Continued

- (B) Fall/Winter Brochure
- 30,000 - 2 Color Brochures.....@ 6,456.20
- Additional 4 Pages (if necessary).....@ 2,574.80
- Additional Half Tones (if necessary).....@ 15.00 ea.

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. (121-1995)

Co. Mandia offered and Co. Maloney seconded

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

BID #9-1995
PAPER AND PLASTIC SUPPLIES

is hereby awarded to:

CENTRAL POLY CORPORATION
19 W. 21 St. P.O. Box 4097
Linden, N.J. 07036
PRINCIPALS: ANDREW HOFFER
AGNES SERHOFFER

CLEANING SYSTEMS COMPANY
44A Secor Lane
Pelham Manor, N.Y. 10803
PRINCIPALS: EDWARD CULLEN
BARBARA TRISTER

COUNTRY COFFEE PAPER & SUPPLY
6 East Dexter Plaza
Pearl River, N.Y. 10965
PRINCIPALS: WILLIAM CORECCIA
JULIET CORECCIA

E.A. MORSE & COMPANY, INC.
11-25 Harding Street
Middletown, N.Y. 10940
PRINCIPALS: WINIFRED V.MORSE
EMERSON A.MORSE II
JOHANNE N.CORTRIGHT

STRAUSS PAPER COMPANY
10 Slater Street
Port Chester, N.Y. 10573
PRINCIPALS: STEWART STRAUSS
JOYCE S. JONAP
RUTH F. STRAUSS

EASTERN BAG & PAPER COMPANY
200 Research Drive
Milford, Ct. 06460
PRINCIPALS: MEREDITH REUBEN

(Item/List on File in Town Clerk'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. (122-1995)

Co. Mandia offered and Co. Maloney seconded

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

BID #12-1995
CRUSED STONE

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RESOLUTION NO. (122-1995) Continued

is hereby awarded to:

TILCON NEW YORK INC.
P.O. Box 362
Haverstraw, NY 10927
PRINCIPAL: PUBLIC CORP.

LONE STAR INDUSTRIES
162 Old Mill Road
West Nyack, NY 10994
PRINCIPAL: PUBLIC CORP.

PLAZA MATERIALS COMPANY
969 Midland Avenue
Yonkers, NY 10704
PRINCIPAL: CARL E. PETRILLO

KIRA INDUSTRIES INC.
18 Brisman Drive
Thiells, NY 10984
PRINCIPAL: MARTIN LUND

(Item/Schedule on File in Town Clerk'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. (123-1995)

Co. Mandia offered and Co. Maloney seconded

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

BID #13-1995
BITUMINOUS CONCRETE

is hereby awarded to

TILCON NEW YORK INC.
P.O. BOX 362
Haverstraw, NY 10927
PRINCIPAL: PUBLIC CORPORATION

PLAZA MATERIALS COMPANY
969 Midland Avenue
Yonkers, NY 10704
PRINCIPAL: CARL E. PETRILLO

COUNTY ASPHALT
P.O. Box 96
West Main Street
Tarrytown, NY 10591
PRINCIPALS: FRANK D. COONEY, JR.
JOHN T. COONEY, SR.
JOHN T. COONEY, JR.
MICHAEL S. CESTONE
MURRAY FLEISCHMAN

(Item/Schedule on File in Town Clerk'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. (124-1995)

Co. Dusanenko offered and Co. Maloney seconded

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RESOLUTION NO. (124-1995) Continued

RESOLVED, that the Town Board of the Town of Clarkstown hereby directs the Receiver of Taxes to send a Late Notice to tax delinquent property owners without imposing a service fee to cover the expense of mailing the notice, pursuant to §987(1) of the Real Property Tax Law.

On roll call the vote was as follows:

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

RESOLUTION NO. (125-1995)

Co. Smith offered and Co. Dusanenko seconded

RESOLVED, that Charles Caselli, 67 Highway Avenue, Congers, New York is hereby appointed to the position of Member - Fire Board of Appeals - (to fill the unexpired term of John Weigold) - to serve without compensation - term effective February 15, 1995 and to expire on March 11, 1996.

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. (126-1995)

Co. Smith offered and Co. Dusanenko seconded

RESOLVED, that Philip Platz, 4 Venter Lane, Nanuet, New York, is hereby appointed to the position of (Provisional) Real Property Appraiser - Assessor's Office - at the current 1995 annual salary of \$32,155.00, effective and retroactive to February 6, 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. (127-1995)

Co. Smith offered and Co. Dusanenko seconded

RESOLVED, that in accordance with Article XVIII, Section 3 (k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A., Richard Davidson, 125 Ridge Road, New City, New York, Assistant Maintenance Mechanic - Building Maintenance Department - is hereby granted a Sick Leave of Absence - at one-half pay - effective and retractorive to February 6, 1995 to March 6, 1995.

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RESOLUTION NO. (127-1995) Continued

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. (128-1995)

Co. Smith offered and Co. Dusanenko seconded

RESOLVED, the Rockland County Personnel Office has certified on February 2, 1995 that the position of Assistant Automotive Mechanic - Town Garage - can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Assistant Automotive Mechanic - Town Garage - is hereby created - effective February 14, 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. (129-1995)

Co. Smith offered and Co. Dusanenko seconded

WHEREAS, Gregory Barra was originally appointed to the Town Garage on August 15, 1994 and,

WHEREAS, the Rockland County Personnel Office has recently reviewed mechanic positions at the Town Garage,

NOW, THEREFORE, be it

RESOLVED, that Gregory Barra, 14 Chauncy Street, Congers, New York is hereby reassigned to the position of Assistant Automotive Mechanic (established February 14, 1995) Town Garage - at the current 1995 annual salary of \$30,053.00 effective February 14, 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. (130-1995)

Co. Smith offered and Co. Dusanenko seconded

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RESOLUTION NO. (130-1995) Continued

WHEREAS, the Rockland County Personnel Office has certified on January 27, 1995 that two (2) positions of Custodial Worker - Maintenance Department - can be created,

NOW, THEREFORE, be it

RESOLVED, that the two (2) positions of Custodial Worker - Maintenance Department - are hereby created - effective and retroactive to February 8, 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. (131-1995)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts the offer of the Board of Managers of Sussex at Gramercy Park Condominium No. 1, which authorizes the Town of Clarkstown to exercise its jurisdiction pursuant to Vehicle and Traffic Law Sec. 1660-a, and be it

FURTHER RESOLVED, that the Town of Clarkstown take such action as is necessary to assure the completion of the travelways and parking areas at said complex.

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. (132-1995)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Resolution No. 893-1994, adopted by the Town Board on December 13, 1994, is hereby amended to read as follows:

WHEREAS, pursuant to Section 113 of the Town Law, the Comptroller of the Town of Clarkstown is hereby authorized to amend the 1994 budget by transferring unexpended balances of appropriations among various accounts, and by increasing and 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 Maloney.....Yes
Councilman Mandia.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

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RESOLUTION NO. (133-1995)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown is the lead agency for the purposes of SEQRA concerning the proposed closing of Grace and East Orchard Streets, Nanuet, New York, and

WHEREAS, a traffic study has been made by John Sarna, P.E., concerning the possible affects of the closing of Grace and East Orchard Streets;

NOW, THEREFORE, be it

RESOLVED, as follows:

1. That the proposed closure of Grace and East Orchard Streets, Nanuet, New York, is an unlisted action for the purposes of SEQRA, and
2. That Robert Geneslaw, Planning Consultant to the Town of Clarkstown, shall send such John Sarna traffic study to interested parties and agencies, and Robert Geneslaw shall invite comments from them on said traffic study during a twenty (20) day period in order that the Town Board may make a SEQRA determination on the closure of Grace and East Orchard Streets, Nanuet, New York.

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. (134-1995)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, CPI is the owner of two traffic control signals which are located on Middletown Road at First Street and on Middletown Road at the Nanuet Mall Driveway, Nanuet, New York, and

WHEREAS, the Town has established a traffic signal system on Middletown Road which includes the two aforementioned traffic control signals and other traffic control signals that are owned and operated by the Town, and

WHEREAS, both CPI and the Town agree that the two CPI owned traffic control signals should be maintained by the Town, at the expense of CPI, to insure the continued proper operation of both the traffic control signals and the traffic signal system on Middletown Road, Nanuet, New York;

NOW, THEREFORE, it is

RESOLVED, that the Town Board hereby authorizes the Supervisor of the Town of Clarkstown to enter into an agreement with CPI, in a form satisfactory to the Town Attorney, that two CPI owned traffic control signals be maintained by the Town, at the expense of CPI, to insure the continued proper operation of both the traffic control signals and the traffic signal system

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RESOLUTION NO. (134-1995) Continued

on Middletown Road, Nanuet, New York.

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. (135-1995)

Co. Maloney offered and Co. Smith

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on September 13, 1994, provided for a public hearing on November 22, 1994, at 8:35 P.M., to consider the application of 303-9W Co., to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the Petitioner described on the Clarkstown Tax Map as Map 129, Block A, Lot 21, from an LIO District to an MF-2 District, and

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

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, dated February 6, 1995, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the change of zone shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting the property designated on the Clarkstown Tax Map as Map 129, Block A, Lot 21, situate in the Hamlet of Congers, New York, in said Town, from an LIO District to a MF-2 District, which is described on the attached Schedule "A," and be it

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (136-1995)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board wishes to construct sidewalks on Demarest Avenue between West Nyack Road and Strawtown Road, West Nyack, New York, and

WHEREAS, Topographic survey work will be required in order to design the proposed sidewalk,

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Atzl, Scatassa and Zigler, P.C. to perform the necessary topographic survey work in accordance with the requirements of the Town of Clarkstown, and be it

FURTHER RESOLVED, that the cost of such work shall not exceed \$6,500.00

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. (137-1995)

Co. Dusanenko offered and Co. Maloney seconded

BE IT RESOLVED, that the Supervisor is hereby authorized to enter into an "Option S Agreement" with AT&T to standardize long distance telephone service within facilities owned and/or operated by the Town of Clarkstown, and be it

FURTHER RESOLVED, that the term of the agreement shall not be less than 36 months with a net average monthly commitment not to exceed \$1,000.00, and be it

FURTHER RESOLVED, that the agreement shall be in a form satisfactory to the Town Attorney.

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. (138-1995)

Superv. Holbrook offered and Co. Maloney seconded

WHEREAS, by Resolution No. 67-1995, dated January 24, 1995, the Town Board of the Town of Clarkstown duly instituted a proceeding pursuant to Chapter 111 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as Map 61, Block A, Lot 2.12, to remove or rectify violations which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

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RESOLUTION NO. (138-1995) Continued

WHEREAS, a public hearing was duly held on the 14th day of February, 1995 after notice and opportunity to be heard at said hearing was provided to the owner(s) of record of the above premises, as provided by law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice, pursuant to Chapter 111 of the Code of the Town of Clarkstown, dated January 24, 1995, have not been corrected, and be it

FURTHER RESOLVED, that the Building Inspector and/or the Director of Purchasing of the Town of Clarkstown are hereby authorized and directed to take whatever steps as are necessary to correct the conditions complained of in the Order and Notice, if demolition has not been commenced by the 6th day of March, 1995 and completed by the 3rd day of April, 1995, and be it

FURTHER RESOLVED, that the expenses incurred by the Building Inspector and/or the Director of Purchasing and the Town Attorney, with respect to such corrective measures, including the removal of debris and the costs of this proceeding, and all other necessary action, be assessed as a lien against the property, and be it

FURTHER RESOLVED, that the Receiver of Taxes is hereby authorized and directed to collect on behalf of the Town of Clarkstown any such expenses incurred by the Building Inspector, the Town Attorney and any other necessary expenses.

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. (139-1995)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on January 10, 1995, provided for a public hearing on February 14, 1995, at 8:35 P.M., to consider the application of BRITALI ESTATES, INC., to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the Petitioner described on the Clarkstown Tax Map as Map 41, Block A, Lot 6, from an R-40 District to an R-22 District, and

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

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

NOW, THEREFORE, be it

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RESOLUTION NO. (139-1995) Continued

RESOLVED, that based upon the report of Robert Geneslaw, dated January 27, 1995, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the change of zone shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting the property designated on the Clarkstown Tax Map as Map 41, Block A, Lot 6, situate in the Hamlet of New City, New York, in said Town, from an R-40 District to an R-22 District, which is described on the attached Schedule "A," subject to the following conditions:

1. Land yield shall be determined at the time of subdivision review.
2. Gratuitous dedication along Phillips Hill Road shall be provided in conformance with Official Map width.

and be it

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

On roll call the vote was as follows:

Councilman 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: Extension of the Clarkstown Consolidated Water Supply District No. 1 to include Sweet Corn Subdivision was opened, time: 9:30 PM

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Extension of the Clarkstown Consolidated Water Supply District No. 1 to include Sweet Corn Subdivision was closed, ORDER SIGNED, time: 9:35 PM

RESOLUTION NO. (140-1995)

Co. Maloney offered and Co. Mandia seconded

ORDER EXTENDING CLARKSTOWN CONSOLIDATED WATER SUPPLY DISTRICT NO. 1 TO INCLUDE SWEET CORN SUBDIVISION, SIGNED.

On roll call the vote was as follows:

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

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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 Councilman Mandia and unanimously adopted, the Town Board Meeting was declared closed, time: 9:37 PM

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

2/14/95

8:25 P.M.

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

Re: Chapter 111 Proceeding: Ison

On motion of Councilman Maloney, seconded by Councilman Dusanenko and unanimously adopted, the public hearing was declared open.

Supervisor Holbrook asked Mark Papenmeyer to give his report on this unsafe structure and the problems associated with it.

Mr. Papenmeyer, being duly sworn, stated that this property is located at 29 Linden Court, New City, Map 61, Block A, Lot 2.12. On November 3, 1994 there was a fire at this location and the house was completely destroyed. Immediately thereafter a violation was issued in the form of an Order to the current owners of record, Theodore Ison and City Corp Mortgage Company. We were then instructed by City Corp that they no longer maintained the property and it was now maintained by Ontra Long Companies. A corrected violation went out to Ontra Long Companies to have the building removed. At some point, they had a local representative in the form of Prudential Batjac from Suffern handling the property. They advised us that they were going to file the necessary demolition permits. This was on November 23rd. We had some correspondence back and forth. On January 5, 1995, we made an inspection of the premises. At this time Assistant Fire Inspector Narciso wrote that an inspection was made of the premises at 29 Linden Court, New City, NY on January 5, 1995. At the time of this inspection, I found that the owners had failed to remove the structure. The building was heavily damaged by fire, is open and unsecured. The owners of the premises, to the best knowledge of this office are Ontra Long Companies, 816 Congress Ave., Suite 2000, Austin, TX 78701. The owners were duly issued Order #94-46 on 11/10/94, to remove the premises and up to this date have failed to comply with that Order. The building remains unsecured and sections collapsed. This building presents a hazardous condition and presents other dangers to the health, safety, morals and general welfare of the public. Because of the condition of this building as described above, it is the recommendation that the building be removed. Mr. Papenmeyer stated that there was no attempt by the owners to secure the building since November 3, 1994. Now, four months have past. There is a built in pool that is unsecured and open which adds additional danger.

Supervisor Holbrook asked Mr. Papenmeyer if he recommended serving this Order as soon as possible. Mr. Papenmeyer responded, yes, it has gone on way too long.

Mr. Jacobson stated that his office received a letter by fax from Ontra on February 14, 1995. Mr. Jacobson read the following letter.

"Pursuant to our telephone conversation of this morning, ONTRA, Inc. has signed a contract of demolition on the subject structure (see attached signed contract to Rockland County Wrecking & Demolition). Work should commence within 5-7 days and be completed within 3-5 days, weather permitting. Thank you for your patience in this matter." The letter was signed by Kurt Leinweber, REO Marketing Specialist. A proposal from Rockland County Excavating, Inc. was included.

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P.H. Re: Chapter 111 Proceeding: Ison
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Supervisor Holbrook suggested that we recognize the fact that they are apparently going to remove the structure, and if this is not done within 5-7 days, we will give the Fire Inspector the authority to go in, have it removed and put a lien against the property.

Mr. Jacobson stated that according to the Order, they have to commence by the 6th of March and conclude by the 3rd of April

Supervisor Holbrook suggested to Mark Papenmeyer that he contact the wrecking firm (Rockland County Excavating, Inc.) and see if it is a bona fide proposal.

Councilman Dusanenko asked why it took so long. Councilman Dusanenko said that there were many times when he was called in the middle of the night and he along with the Fire Inspector made an on the spot decision to have a situation like this resolved. Why did it take three months?

Mr. Papenmeyer responded that the procedure has changed unfortunately. We have to go out to public bid. We have an asbestos abatement program. The last resort is to come before the Town Board. We did have verbal authorization from these people that they were going to do it, however, they did not follow through until they got this Order. That is what took so long. If the Town Board authorizes removal, it will take even longer because of the bidding process. The emergency removal is something that we have run into problems with on several occasions. We have to give the owners fair opportunity to remove it themselves.

Supervisor Holbrook, moved that we have the Fire Inspector check it out and see if it is a bona fide offer and then proceed forthwith.

On motion of Supervisor Holbrook, seconded by Councilman Maloney and unanimously adopted the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:40 P.M.

(RESOLUTION NO. (138-1995) ADOPTED)

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

2/14/95

8:41 P.M.

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

Re: Zone Change (R-22 to PO) Petition: Salvagione, Bardonia Road, Bardonia (34-A-25)

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

Town Attorney, Murray Jacobson reported that the Town Planning Board voted against. The County Planning Board approved subject to a traffic study. SEQRA just went out today. We are in receipt of a 265 zone change petition and we find that there is more than 20% of the land immediately adjacent to the land proposed to be zone changed extending 100 feet and there is 20% of the land directly opposite extending 100 feet from the frontage. Therefore, if this passes, it has to be by four votes out of five.

Supervisor Holbrook asked "could this be voted on tonight?" Town Attorney said, "yes".

Supervisor asked the applicant to make his presentation.

Donald S. Tracy, the attorney for Dr. Ronald Salvagione presented to the Board a petition which they prepared and had executed. The petition reads as follows: We, the patients of Dr. Ronald Salvagione, do hereby request the Town Board to grant a zone change to Dr. Salvagione so that he may continue his practice. We have never experienced any traffic problems during our appointments at this office. This is signed by 215 residents of this community, 18 of whom are from the immediate vicinity in Bardonia. Mr. Tracy stated that back in 1967 when the Town enacted its last comprehensive revision to the master plan, it implemented a zone called the PO Zone which was for a professional office. The preamble to that zone stated that this zoning designation should serve as a buffer between heavily traffic roads and residential communities. Dr. Salvagione's present office is located on Bardonia Road. His immediate neighbor to the west is American Compressed Gas fronting on Route 304. Across the street is an office building which is set back next to a driveway that goes through to a shopping center. A little bit further to the east across the street is a restaurant which I am sure you are all familiar with known as Lock, Stock & Barrel. Further on to the east is a shopping center. Dr. Salvagione will testify as to his hours, as to the length of time he is practicing in the building and we will offer to this Town Board a covenant. That covenant will be to the effect that for so long as Dr. Salvagione or any successor to him practices in that building, there will be no enlargement of it. There will be no change. The Planning Board suggested that they return to the site plan review, but since nothing would change other than screening and landscaping, Mr. Tracy suggested that this Board in its wisdom see fit to grant a zone change as he would retrun them to our Architect and Landscape Commission for buffering. At the present time, Dr. Salvagione has indicated to me that he has contracted with a local landscaper, J.J. Schweizer to plant heavy screening along that portion of his property which fronts other residences, but I have asked him to hold off on that to determine whether or not the Architect and Landscape Board,

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PH - Re: Zone Change (R-22 to PO) Petition: Salvaggione,
Bardonia Road, Bardonia (34-A-25)

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might not want to place the schrubbery in a different place or at least sanction that which he proposes to do. Dr. Salvaggione under the Home Occupation Law can practice in his present location where he has been practicing for the last eleven years, however, he runs afoul of that law due to the fact that he occupies more than 25% of the premises for his Chiropractic offices. That together with his three, one full time and two part-time, employees has come into conflict with that law. By way of background, when this occurred, back in December of 1992, he filed this petition which we are hearing tonight. With that brief introduction, Mr. Tracy called his first witness Dr. Ronald Salvaggione.

Dr. Salvaggione lives at 28 Bardonia Road, Bardonia. Dr. Salvaggione being duly sworn was asked by Mr. Tracy, "how long have you been practicing in your present location?" Dr. Salvaggione responded, "May 15th will be eleven years". Mr. Tracy asked Dr. Salvaggione to describe his office hours. The Dr. stated that on Monday, Wednesday and Friday his office opens at ten and closes at one. He reopens again at three o'clock and stays open until seven. On Tuesdays, he is open from three in the afternoon until seven and on Saturday mornings he is open from nine until twelve.

Mr. Tracy asked Dr. Salvaggione if he heard him propose a certain covenant to the Town Board which would restrict Dr. Salvaggione from doing anything in the PO Zone other than that which you are doing now. To wit, it would prohibit you from in any way enlarging the exterior of the building you are presently in. Mr. Tracy asked the doctor if he agreed and if he represented to this Board under oath that he would accept and abide by that covenant. Dr. Salvaggione said that he would. Mr. Tracy ask the Doctor with respect to his driveway, and the location thereof with reference to the points on the compass, is it a distance away from the entrance to the school? The Doctor stated that the driveway on Bardonia Road is further west than the driveway of Bardonia Elementary school by about 20 feet. The driveway on to Jay Street is nowhere near the entrance of Bardonia Elementary school. Mr. Tracy then asked, "therefore, is it your opinion that anyone coming to your office off Route 304 would not interfere with access to and from the school? The Doctor replied, "yes, that is my opinion". Mr. Tracy then asked if it was further his opinion that due to your office hours, you do not impede any of the morning school traffic or the afternoon school traffic. The Doctor stated, absolutely not, there is no impedement at all especially in the morning when we are not open. In the afternoon, very few patients come in at that time. In fact last year, when the school let out at 2:30 PM, there was absolutely no interference whatsoever. Mr. Tracy then asked the doctor if he presently resided on the premises. The Doctor responded, "yes, I do". Mr. Tracy then thanked Dr. Salvaggione.

Mr. Tracy said to the Supervisor, "you have heard the reports of the County Planning Board who recommended approval. You have heard the reports from the Town Planning Board who opined that this might create a request for similar changes, however, I respectfully submit that at the time we appeared before the Town Planning Board, we did not propose the covenant that we are proposing tonight. In the event that this Zone Change is granted, a few letters on a zoning map will change. R-22 will change to PO. There will be no other exterior evidence of this Zone Change. Dr. Salvaggione will continue to practice and serve the community as he has done and done well

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Bardonia Road, Bardonia (34-A-25)

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by virtue of the number of people who have signed urging you to pass this. A situation which was created by virtue of a passage of a law in mid stream, so to speak, will be rectified. An example is the Old Home Occupation Law permitted as many part-time employees outside the family as you wanted to have and restricted to one full time member of the family. Due to the change in the law in 1988, Dr. Salvagione's practice became in peril.

Councilman Mandia asked Mr. Tracy, "will Dr. Salvagione need additional parking under the PO?" Mr. Tracy replied, "no, he will not, he does not plan to change or add additional parking unless requested to by the Planning Board or Architectural Review Board otherwise, he has more than adequate parking. I have never seen more than two or three cars parked there".

Supervisor asked if there was anyone present wishing to comment on this Zone Change.

Appearance: Betsy Saetre
 263 Germonds Road, West Nyack
 Vice President of Bardonia PTA

Ms. Saetre spoke on behalf of the Bardonia Safety Committee. Her Safety Committee is concerned with Zone Change from Residential to Professional as it will bring added traffic into the community and further compromise the safety of our children. You are well aware of our concerns as we have previously sought your help on safety matters. Our community is already burdened with traffic much of which occurs within 400 feet of the entrance to our school and the Bardonia Road crosswalk. Dr. Salvagione's home sits directly across from the school entrance. Within this area, there are two side streets, seven very active entrances or exits to business establishments and Route 304. Bardonia Road has become an obstacle course for our school bound walkers as well as for the children sent to the Handi Stop for milk or for an ice cream on a hot summer day. We are concerned that our children have safe passage within our community before, during and after the school day. We previously presented the Planning Board with a copy of the legislative act which allows communities with identified safety hazards to be designated as Child Safety Zones. Twelve points are required to obtain this designation. The hazards on Bardonia Road alone add up to sixteen points. One of the identified hazards is traffic volume, a major problem on Bardonia Rd. Through the guidance of our Town Board, our Safety Committee is currently working with the New York State Department of Transportation and Assemblyman Gromack in taking steps which may ease the flow of traffic through our community and up-date our traffic laws regarding the school's speed zone. These actions will only control the speed and back up of traffic, not the volume of traffic. Bardonia Rd. will always remain a short cut to Clarkstown South, a short cut to Germonds Park, a short cut to Valley Cottage and Congers, a short cut to the Tappan Zee Bridge and eventually a short cut to the Palisades Mall. The Bardonia PTA Safety Committee and the Town Board are responsible for securing and maintaining a safe environment for our children and we ask that you consider our opposition to the Zone Change and the negative impact it will bring to our children's safety. Ms. Saetre presented some safety material to the Town Board.

Appearance: Dr. Richard Chester
 45 Jay Street
 Bardonia, NY

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PH - Re: Zone Change (R-22 to PO) Petition: Salvaggione,
Bardonia Road, Bardonia (34-A-25)

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Dr. Chester thanked the Town Board as a parent of a Clarkstown High School South senior for their proposal to provide some funds to the post prom committee meeting which shows some concerns for the safety of our students at a higher level and he certainly hopes the Board will respond to the concerns of the safety of our students at the elementary level. Dr. Chester stated, looking back at the history of this, I moved in and all my neighbors moved into our community knowing that we were moving into a block that was residential. Dr. Salvaggione moved in at that same time or whenever he did move in, also knowing the zoning requirements and what the reality of the neighborhood was. For the Town Board to allow someone to request a change, which he has a right to do, based on increased financial commitment, increased expenses, increased monetary involvement is a slap in the face to the folks who moved in as homeowners who knew what the value of our houses were. He knew what it was like when he moved in. We knew what it was like when we moved in. To balance one's financial concerns with another's financial concerns, lets look what we moved in on. We all have to play by the same rules and what the games were set up as. I moved in knowing what it was like, he moved in knowing what it was like. To allow the change based on monetary concerns would lead us to believe that is going to be the driving force. We moved into a residential block. He knew what it was, we knew what it was. So, I certainly hope when you take into consideration the merits of the case you do not look at any economic input that he has been involved in. Dr. Chester stated that he appreciated the petition that Dr. Salvaggione patients have supplied. That is something that he would expect and Dr. Chester said that he would have total confidence in going to Dr. Salvaggione. Dr. Chester disagreed with the amount of cars that are usually in the parking lot. In fact, at a prior time over the past couple of years, a message was given to us to be aware of the number of cars in the parking lot because there was a concern at that point on inaccurate information. There are certainly a lot more cars usually in the parking lot at that time. Dr. Chester wonders since Dr. Salvaggione's office opens at three o'clock, if it doesn't impact on the Bardonia Elementary school children. He does not know the exact time school closes, but he knows it is not closed at two thirty before the patients get there. He knows it closed at three fifteen or three thirty. He hopes that the Town Board will look at the history of everyone on the block who moved in with the facts as they were and Dr. Salvaggione moved in with the facts as they were. He took a risk and you should not have to bail him out or respond to the growth in his business.

Appearance: Roxanne Parone
New City

Ms. Parone is a patient of Dr. Salvaggione for more than eight years. She has in the past eight years seen Dr. Salvaggione almost three times a week at many different hours. His property is immaculate. It is impeccable and in her opinion as much as she goes, she has never experienced any kind of problems in his parking lot or in his office building.

Appearance: Ms. Linda Pastor
8 Wispering Court
Bardonia, NY

Ms. Pastor stated that she appreciated the support of everyone who came. The Planning Board has said that they do not recommend this. The PTA has raised their concerns and we all have concerns as residents who are living in the area. One of our concerns is the domino effect. We don't want that

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PH - Zone Change (R-22 to PO) petition: Salvaggione, Bardonia
 Road, Bardonia (34-A-25)

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residential character of our neighborhood changed and if one property changes, what is to then prevent the next property for going for a zone change. We are concerned about that covenant. She understands the restrictions and Dr. Salvaggione trying to work with the residents, but when we saw the shopping center come in there were promises put on that and they were not upheld. There seems to an enforceability problem. At one point we were told that none of the stores would be open past 8:00 P.M. There is a store open until one o'clock. The shopping center was not going to have a sit down restaurant and that has not been the case. Certain things that are not carried through. With Dr. Salvaggione there has been a violation and certainly he has mentioned it, but it is not a history that says, we are completely within the laws. She understands his position. There are quite a few medical buildings on Route 304. Perhaps he can locate there because that is what it is zoned for.

Appearance: Ms. Chris Bilsky
 50 Jay Street
 Bardonia, NY

Ms. Bilsky had a petition which was signed by eighteen residents of Jay Street. Thirteen or fourteen are the original Bardonia Estates homeowners and there is not one person in favor of a zone change. When they bought their homes back in 1976, they bought on a residential street in an area they felt was safe and where they had a commitment in terms of what they were buying. When Dr. Salvaggione bought his property, he bought it in the same light and he elected to put in a home office. Besides the traffic and the safety issues, hiring a landscaper is good, but that should not be used as any type of compromise for the safety of our children of the community in terms of its growth. Ms. Bilsky has two children, one goes to St. Anthony's. He is bused. The school bus does not stop on Jay Street. I have to meet him every day at 2:30 PM on Bardonia Road in front of Dr. Salvaggione's office. I can commit to a daily flow of traffic coming into Bardonia Road. She will not allow her son to cross the driveway that is cut out on Jay Street which originally was not there and was not suppose to be put on Jay Street. Ms. Bilsky goes to Albertus Magnus every morning because her daughter does not receive busing because Ms. Bilsky chose to send her to a private school. She has to plan on travel time because of Bardonia traffic to the elementary school. This year they changed the way they deal with cars and walkers. There is a lot of congestion and a lot of traffic. People use the driveway in and out. Apart from the safety, she feels that her development is losing ground. They have lost ground to the compressed gas when you allowed them to expand and put in a safety tank. They have the exposure and the noise element every morning at 8:30. If you come down the street between eight and nine, you hear the chains, the tanks and all the noise. This continues every day until 4:00 PM. That was an expansion that you allowed several years ago. If you allow this to happen again, you, in fact, are doing it at our expense. We are asking you to consider all these things when you vote.

Appearance: Mr. James Huggins
 Ro. Co. Traffic Safety

Mr. Huggins works in conjunction with the Rockland County Traffic Safety Board for years. He taught traffic safety and bicycle safety in elementary schools. He is also a patient of Dr. Salvaggione for years. He knows Bardonia Road well and he knows the intersection being discussed.

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PH - Zone Change (R-22 to PO) petition: Salvaggione, Bardonia Road, Bardonia (34-A-25)

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From someone who observes traffic almost as an occupation, there is not a safety or traffic problem.

Appearance: Ms. Diane Wannemaker
West Nyack

Ms. Wannemaker has been a resident of West Nyack for forty-two years. When she moved to West Nyack there were cows in her front yard. The County has changed dramatically and things have to change with it. The need for office space, parking lots, physicians and stores are due to all the developments that have been put in place. She has been a client of Dr. Salvaggione for eleven years. Ms. Wannemaker noted Dr. Salvaggione's involvement with bicycle safety and the helmet law. He really knows safety and it is a main concern of his. His children go to Bardonia Elementary School.

Appearance: Mr. Steven Kelly
135 Bardonia Road

Mr. Kelly stated that we are looking at a zone change and it seems strange to him that somebody can operate a business in violation of the current zoning laws and then use that as a reason to justify a zone change. Secondly, if we are looking at the domino effect, Dr. Salvaggione's own attorney pointed to the surrounding buildings as a reason to convert to professional office. What is to stop the next person saying, well if he got a professional office here, we should then have a professional office. As a resident of the area, he does not want to see it changed. The area is already very developed. We are not saying we want him out of practice, we are saying that if he wants to keep the same number of patients, there is no reason why he should not have an office elsewhere.

Appearance: Scott Rocco
49 Jay Street
Bardonia

He moved in two and a half years ago and the first question he asked of the broker was, this particular residence, is this a house or is it a doctor's office. The broker was not sure either so she looked it up and said, no, it is a residence and I guess the guy is using it as a home office. If that was a professional office then technically, he does not think that they could live there. It has to be an office building. If he wants to change the zone to a professional office, the problem with that is the next person who moves in there could say, I'll do whatever I want, I'll build a bank here, I'll build a ten story apartment building or whatever the PO allows them to do and he does not think that is fair to the rest of the community.

Appearance: Harry Sluth
300 Bardonia Rd.
Bardonia

Mr. Sluth is not a patient of Dr. Salvaggione. He goes to another chiropractor. He feels it is the nicest looking commercial property on Bardonia Road. It was obvious to him that was a professional office or commercial property. His children are in kindergarden and second grade at Bardonia Elementary School. Fifty percent of the time, he drives them to school. He has never experienced any problems as a result of Dr. Salvaggione's parking lot. The traffic, if it is coming

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from Route 304, gets into his parking lot before it gets to the entrance into the school and there is no issue with respect to making a left turn onto Jay Street. Usually, the traffic is backed up all the way to Route 304. The whole issue of safety is absolutely absurd to him. If you really want to change things, change the code so that the strip mall looks nice and change the laws so that you don't have high school kids hanging out at the strip mall until one or three o'clock in the morning in the summertime. He heard something about they changed the residency law with respect to home offices and employees. How come he was not grandfathered in at that time? The other issue is that he resents the fact that the way he heard about this was a notice in his mailbox as opposed to some kind of a formal letter being sent to the residents of Bardonia or the area.

Appearance: Donald Tracy, Esq.

Mr. Tracy stated that this was an interesting hearing. We heard both sides of the community speak and he is not going to take issue with the Bardonia PTA Safety Committed except to respectfully submit that they didn't hear our submission. They didn't hear us say that the only thing that is going to change in that area is the designation on a map from R-22 to PO. We did not mention economics as the first gentleman pointed out. With regard to Mr. Kelly's concerns, he pointed out that Dr. Salvaggione was there before the strip shopping center was there. He pointed out that Dr. Salvaggione lives there. He makes it his home, his residence. He raises his children there. Another gentleman raised the specter of what if he decides to move out and a bank goes in there. Floor area ratio presently is forty percent for a PO zone. At the present time, Dr. Salvaggione's property of 4,000 square feet of space would prohibit any enlargement thereof. In addition, the covenant which we proposed, would prevent that from happening. So, we have an individual who is obviously by virtue of the support he has here, not only in the form of a petition and the support of people who have come here tonight and who have voiced their concern and their support. Particularly, I like the last gentleman who said he thought this was kind of absurd and talked about laws changing in the middle of the stream. Basically what happened, perhaps should require some clarification on rebuttal. What happened, is Dr. Salvaggione opened his practice at another location under the Home Office Occupation. He was permitted to have as many part-time employees outside the family as he needed to. Subsequently, the Zoning Ordinance changed and it required that no more than one employee period. Not outside the family or part-time or what have you may be had. By that time, Dr. Salvaggione had this house built. He had moved into it. He had established his practice just like he did in the other location. Without any knowledge of this, he filed for a Building Permit. He filed for a Certificate of Occupancy. He got it. He continued his practice until such time as a dispute arose with one neighbor who filed a complaint against him. At that point, Dr. Salvaggione immediately filed for the best relief that could be afforded him which was to apply for a PO Zone. That was back in 1992. During that period of time, he has been through the courts exhausting his other remedies and Mr. Tracy respectfully submits that he deserves the consideration of this Board. Mr. Tracy does not think that there is anyone sitting on the Board who has not visited the premises across the street. The premises operated by Joe Epstein who recently donated some of his property to improve the access to the school. Anyone who has visited Mr. Epstein's restaurant, Mr. Tracy hopes that on their way out, they had seen Dr. Salvaggione's office and home. They probably took

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Road, Bardonia (34-A-25)

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note about how many cars are in there. They probably took note as to the location of the driveway. They probably from their own common sense point of view can say that if we grant this man this zone change, with this covenant, we are not going to affect the safety of anyone.

On motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing was declared closed. DECISION RESERVED. time: 9:22 P.M.

Respectfully submitted,


PATRICIA SHERIDAN
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

2/14/95

9:22 P.M.

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

Re: Zone Change (R-40 to R-22) Petition: Britali Estates,
Phillips Hill Rd., New City (41-A-6)

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

Supervisor Holbrook invited the applicant to make a presentation after the Town Attorney's report from the Planning Boards.

Murray Jacobson, Town Attorney stated that the County Planning Board said it was not in their jurisdiction. The Town Planning Board approves change subject to conditions. The conditions they recommend shall be determined upon a subdivision review and gratuitous dedication along Phillips Hill Road should be driving performance with the official map with SEQRA, no environmental impact.

Appearance: Everet Johns, Esq.
McCormack, Damiani, et al
New City, NY

Mr. Johns represents the applicant, Britali Estates, Inc., who are the current record owners of the premises. Mr. Johns submitted to the Board a copy of Britali's recorded deed for the record. Mr. Johns stated that the premises are situated on the north side of Phillips Hill Road in New City approximately 900 feet west of the intersection of Old Route 304 and Phillips Hill Road. Mr. John showed the board the specific location on a copy of a map which was attached to the amendment to the official map back in 1981 when the Clarkstown Planning Board adopted a Master Plan and recommended this area to be changed from R-40 to R-22. Mr. Johns stated that on the next map, it clearly shows the subject premises zoned R-40 completely surrounded both on the north and to the east and across the street from Phillips Hill Road on the south side to be half acre zoning. Completely adjoining on the west is a zoned parcel of commercial usage, LO, laboratory office use. That was a recommendation made back in 1981 to change the zoning to R-22, but the Town Board in its wisdom at that time, expected this particular three point eight parcel of land which was owned at the time by the McKiernan family and left it and it remains R-40 which is one acre zoning. Mr. Johns pointed out that the proposal of the applicant tonight would be to change the zoning to half acre which would allow for six lots. Under the R-40, the maximum would be four lots. There is also a proposal instead of having four driveways coming out on to Phillips Hill Rd., there is an existing house on the premises on the westerly portion where there is an existing driveway. The proposal would be for a town dedicated road cul-de-sac which would include all the other five lots. This would be a safety feature reducing the ingress and egress on to Phillips Hill Road. Mr. Johns stated that from a realistic point of view, the sale of houses in one acre zone in an area where it is really completely zoned half acre would not be a feasible market sale. The Planning Board in its recommendation to the Town stated from a planning point of view and since the immediate surrounding area has been developed and continues to be developed in accordance with the R-22 zoning district, the Planning Board reaffirms their recommendation made as part of

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PH - Re: Zone Change (R-40 to R-22) Petition: Britali Estates,
Phillips Hill Rd., New City (41-A-6)
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the Master Plan up date for a change to R-22. Mr. John's submitted to the board written support from Andrea Weiss who is a Civic leader in the north New City area, Joseph Hirshfield, President of the North Clarkstown Coordinating Council and Louis Fiskin who is President of the Tarry Hill Homeowners Association. Mr. John's stated that we are talking about increasing this particular parcel of land by two additional lots from four to six with a town dedicated cul-de-sac. He feels that the proposal is a sound one and he asked the Board for its early consideration in this matter.

Appearance: Mr. Steve Drano
New City

Mr. Drano has one of the adjoining properties. He supports the zone change. The builders have gone out of their way to accommodate the neighbors and showed their plans to make sure that they are suitable with the neighborhood. It does conform with the rest of the area.

Appearance: Mr. George Orlik
4 Cricket Court
New City

Mr. Orlik has one of the adjoining properties. The first he heard of this zone change was the notice he received in his mailbox. He is not too clear on it and he is not too sure where the roadway is going to be.

Supervisor Holbrook asked Mr. John's to answer Mr. Orlik's question. Mr. Johns told Mr. Orlik that the cul-de-sac is located west of Eileen Avenue which is on the south side of Phillips Hill Road.

There being no one further wishing to be heard, on motion of Councilman Mandia, seconded by Councilman Maloney, and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 9:30 PM

(RESOLUTION NO. (139-1995) ADOPTED)

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

2/14/95

9:31 P.M.

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

RE: Extension of Clarkstown Consolidated Water Supply District #1 to include Sweet Corn Subdivision

On motion of Councilman Maloney, seconded by Councilman Mandia, the public hearing was declared open. Town Clerk read notice calling Public Hearing and testified as to proper posting and publication. Town Clerk stated there was on file in the Town Clerk's Office an affidavit from the Director of the Department of Environmental Control testifying as to the benefit to surrounding property owners of this proposed extension.

Supervisor asked if there was anyone present wishing to speak in relation to this proposed water extension.

No one appeared.

On motion of Councilman Maloney, seconded by Councilman Mandia, the public hearing was declared closed, RESOLUTION ADOPTED, time: 9:35 PM

On roll call the vote was as follows:

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

Respectfully submitted,
Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

(RESOLUTION NO. (140-1995) ADOPTED)