

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

3/28/95

8:00 P.M.

Present: Supervisor Holbrook  
Council Members Dusanenko, Maloney, Mandia & Smith  
Phillip B. Fogel, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

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

Supervisor opened the public portion of the meeting.

Appearance: Mr. Russell Trojan  
Nanuet, New York

Mr. Trojan spoke on Item 13 (Authorizing Town Law Section 278 for Scotland Hill Subdivision). He also spoke on Item 14 (Public Hearing for zone change for Alice Drive, Nanuet). He spoke too on Item 22 (Engineering plans for Grace and Orchard Streets, Nanuet). He also wished Ralph Lauria the best of luck and wished a quick return to good health to Tillie Schwartz and Murray Jacobson.

Appearance: Mr. Jack Cuff  
West Nyack, New York

Mr. Cuff objected to Item 24 (Bonding for Highway Building and Equipment) feeling we should have a pay as you go system.

Appearance: Mr. Martin Bernstein  
New City, New York

Mr. Bernstein inquired if we have a master plan for long range capital investments?

Appearance: Mr. Joe Morola

Mr. Morola spoke regarding Grace and Orchard Streets in Nanuet objecting to the closing thereof.

Appearance: Ms. Pat McFadden  
Church Street  
Nanuet, New York

Ms. McFadden spoke regarding Item 22 (Grace and Orchard Streets, Nanuet) objecting to the closing as it will make Church Street traffic worse.

Appearance: Sydelle Green, Esq.

Ms. Green spoke regarding Item 22 (Closing of Grace and Orchard Streets, Nanuet) stating that she represented the owners of the shopping center and objected to the closing of these streets.

Appearance: Ms. Mary K(?)  
Grace Street  
Nanuet, New York

She spoke regarding Item 22 (Closing of Grace and Orchard Streets, Nanuet) noting that she was in favor of the proposal since elderly people use them as a cut through to Normandy Village.

Appearance: Ms. Yvonne Wright  
Nanuet, New York

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Ms. Wright spoke regarding Item 22 (Closing of Grace and Orchard Streets, Nanuet) noting she was opposed to the closing because it would create additional traffic on Church Street.

Appearance: Ms. Patricia Rossi  
Grace Street  
Nanuet, New York

Ms. Rossi spoke regarding Item 22 (Closing of Grace and Orchard Streets, Nanuet) noting that she would like it closed.

Appearance: Mr. Tom (?)  
Church Street  
Nanuet, New York

He spoke regarding Item 22 (Closing of Grace and Orchard Streets, Nanuet) noting that they should be kept open and they should consider installing speed bumps to slow the traffic.

Appearance: Ms. Mary Pickford  
East Orchard Street  
Nanuet, New York

Ms. Pickford spoke regarding Item 22 (Closing of Grace and Orchard Streets, Nanuet) and would like to see them kept open. She liked seeing the police patrolling the area.

Appearance: Ms. Mary Frohling  
Grace Street  
Nanuet, New York

Ms. Frohling spoke regarding Item 22 (Closing of Grace and Orchard Streets, Nanuet) noting that she would like to see them kept open.

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

Mr. Jackson spoke regarding Item 22 (Closing of Grace and Orchard Streets, Nanuet) noting that it was essential to have turning lanes at First Street and College Avenue if Grace and Orchard Streets are closed. Mr. Jackson also commended Ralph Lauria of the Environmental Department stating he was an excellent Town employee.

Appearance: Ms. Maggie Mills  
Church Street  
Nanuet, New York

Ms. Mills spoke regarding Item 22 (Closing of Grace and Orchard Streets, Nanuet) noting the traffic impact has been impossible. She was opposed to closing the streets.

Appearance: Mr. Darren (?)

He noted that he owns a business in the shopping center, lives in Clarkstown and urged that Grace and Orchard Streets remain open.

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RESOLUTION NO. (208-1995)

Supv. Holbrook offered and all Council Members seconded

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RESOLUTION NO. (208-1995)

WHEREAS, Brian Pearson, of Pearl River, Rockland County, New York, emigrated to the United States in 1988, and

WHEREAS, Brian Pearson has re-established himself in our community, married, and is raising a family, and

WHEREAS, Brian Pearson is a valued resident of Rockland County, a taxpayer, and a productive member of society, and

WHEREAS, when entering the United States in 1988, he truthfully stated that he had not been convicted of any criminal offenses, as the jurisdiction with the power to define his activities, the United Kingdom, defined such activities as political, not criminal, and

WHEREAS, despite the foregoing, the United States Immigration and Naturalization Service seeks to deport Brian Pearson, stating, in effect, that Her Majesty's Government did not know or understand its own laws, and

WHEREAS, the Immigration and Naturalization Service further seeks to punish Brian Pearson for the crime of relying on the definition attached to his activities by the British Government;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown, Rockland County, New York, hereby memorializes the President and Congress of the United States to intervene on behalf of Brian Pearson to prevent his deportation, to grant him permanent resident status, and to permit him to seek citizenship in his adopted country, and be it

FURTHER RESOLVED, that the Clerk of the Town Board be and is hereby authorized and directed to send a certified copy of this resolution to President Bill Clinton; the Hon. Daniel Patrick Moynihan and Hon. Alfonse D'Amato, United States Senators; the Hon. Benjamin Gilman, United States Representative; the President Pro Tem of the United States Senate; the Speaker of the House of Representatives; the Majority and Minority Leaders of the Senate, and the House of Representatives; and to such other persons as the Clerk, in her discretion, may feel proper in order to effectuate the purpose of this resolution.

On roll call the vote was as follows:

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

Supervisor noted that there were a number of Mr. Pearson's constituents present and he asked that they stand and be acknowledged. He said they were present at the County Legislature last week and we certainly recognize their determination and support for Mr. Pearson.

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On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Zone Change - Jekar, Inc., Route 9W, Rockland Lake (138-H-4+), was opened, time: 8:05 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Zone Change - Jekar, Inc., Route 9W, Rockland Lake (138-H-4+), was closed, DECISION RESERVED, time: 9:05 P.M.

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On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Zone Change - Town's Own Motion, from MF-1 to MF-3, Lands Adjacent to Jekar, Inc. (138-H-3+), was opened, time: 8:10 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Zongge Change - Town's Own Motion from MF-1 to MF-3, Lands Adjacent to Jekar (138-H-3+), was closed, DECISION RESERVED, time: 9:05 P.M.

Supervisor Holbrook stated when it is time for this to be brought up to a vote the Town Board will make note of the fact that the Board is deliberating on this, first at a Workshop and then at a Town Board Meeting so the residents will have ample opportunity to know just when the Town will be deliberating.

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At this point there was a five minute recess declared.

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Town Board Meeting resumed.

RESOLUTION NO. (209-1995)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of March 14, 1995, are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

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RESOLUTION NO. (210-1995)

Co. Dusanenko offered and Co. Maloney seconded

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

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

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RESOLUTION NO. (210-1995)

WHEREAS, the County of Rockland wishes to provide, for the year 1995, the sum of \$25,000.00 to the Town of Clarkstown for partial reimbursement of the compensation of one police officer, and the sum of \$11,111.11 for partial reimbursement of overtime expenses for one police officer of the Town of Clarkstown assigned to the Rockland County Narcotics Task Force;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with the County of Rockland accepting financial assistance for the Town of Clarkstown's law enforcement activities whereby the Town would provide the Rockland County Narcotic Task Force with a member of the Town of Clarkstown Police Department for drug fighting activities, and in return the County of Rockland would partially reimburse the Town for one police officer in the amount of \$25,000.00, and the sum of \$11,111.11 for partial reimbursement of overtime expenses for one police officer of the Town of Clarkstown assigned to the Rockland County Narcotics Task Force, in a form satisfactory to the Town Attorney, for the year 1995.

On roll call the vote was as follows:

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

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RESOLUTION NO. (211-1995)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, the Legislature of Rockland County has appropriated \$200,000.00 to fund a Youth Employment Program, and

WHEREAS, said program shall be opened to all Rockland County residents between the ages of fourteen (14) and twenty-one (21) years of age with annual family incomes that do not exceed 175% of the Federal established poverty level, and

WHEREAS, the Town Board of the Town of Clarkstown agrees to participate in the Youth Employment Program;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the County of Rockland, in a form satisfactory to the Town Attorney, to accept individual employees referred to the Town of Clarkstown by the Rockland County Youth Bureau, for the period commencing April 3, 1995 and terminating on December 31, 1995, and be it

FURTHER RESOLVED, that the County of Rockland shall reimburse the Town of Clarkstown 100% of the wages paid by the Town for each employee during the term of the agreement, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to March 27, 1995.

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RESOLUTION NO. (211-1995) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (212-1995)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to sign a Letter of Intent by which the Town of Clarkstown will participate, together with the County of Rockland and the Towns located in the County of Rockland, in a County wide Revaluation Program; to support Home Rule legislation requiring the Towns to revalue real property every four years; to accept tax rolls as prepared by Town Assessors, and to assess the cost of revaluation on a per parcel parcel basis if the Towns do not accept the roll and implement the revaluation.

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. (213-1995)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, the County of Rockland has been awarded a grant from the Governor's Traffic Safety Committee to enhance its efforts in making the public aware of the Rockland County Bicycle Helmet Law, and

WHEREAS, the County of Rockland wishes to provide the Town of Clarkstown with a grant to implement such awareness within the Town through the efforts of the Clarkstown Police Department;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the County of Rockland, to provide services by the Clarkstown Police Department during the period beginning February 28, 1994 and terminating on December 31, 1994, and be it

FURTHER RESOLVED, that such agreement shall be in a form satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that this Resolution is retroactive to February 28, 1994.

On roll call the vote was as follows:

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RESOLUTION NO. (213-1995) Continued

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

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RESOLUTION NO. (214-199 )

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement, in a form approved by the Town Attorney, with the Nyack High School Parent Teacher Association, a non-profit organization, to provide services and programs for residents of the Town of Clarkstown, pursuant to the proposal of February 12, 1995, that are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the Town Board shall allocate the sum of \$1,500.00 in economic assistance to the Nyack High School Parent Teacher Association, 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

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RESOLUTION NO. (215-1995)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Historical Society of Rockland County is holding its second annual Historic Preservation Merit Awards Program. The awards will be presented in recognition of outstanding historic preservation efforts in Rockland County, and

WHEREAS, the Town Board of the Town of Clarkstown believes that the 1995 Historic Preservation Merit Awards Program is a worthy cause;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the expenditure of \$1,500.00 to cover the partial sponsorship of the 1995 Historic Preservation Merit Awards Program by the Historical Society of Rockland County, and be it

FURTHER RESOLVED, that the fee for such program shall be charged to Account No. A-7520-419.

On roll call the vote was as follows:

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RESOLUTION NO. (215-1995) Continued

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

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RESOLUTION NO. (216-1995)

Co. Dusanenko offered and Co. Maloney seconded

WHEREAS, the Nanuet Fire Engine Co., Inc. has requested permission to make use of the commuter parking lot located on Prospect Avenue, Nanuet, New York, for the purpose of conducting its annual carnival;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown has no objection to the use of said commuter parking lot by the Nanuet Fire Engine Co., Inc. subject, however, to the further consent of the County of Rockland.

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. (217-1995)

Co. Maloney offered and Co. Mandia seconded

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

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

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner be retained for the purpose of preparing such trial appraisal at a fee not to exceed \$3,000.00.

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. (218-1995)

Co. Maloney offered and Co. Mandia seconded

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

WINTER BROTHERS INC.  
26 CLAUSLAND MOUNTAIN ROAD  
BLAUVELT, NEW YORK 10913

RESOLVED, that the following Certificate of Registration be issued:

No. 95-19 Winter Brothers, Inc.

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. (219-1995)

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:

- (1) X-9825 - North side of Haverstraw Road approximately 30 feet west of Almuth Drive (formerly Woodside Drive)
- (2) X-9826 - North side of Haverstraw Road approximately 30 feet east of Meyer Lane

Investigation No.: 11133, 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

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RESOLUTION NO. (220-1995)

Co. Maloney offered and Co. Dusanenko seconded

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

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RESOLUTION NO. (221-1995) Continued

<u>DISTRICT</u>	<u>LOCATION</u>	<u>POLLING PLACE</u>
11.	Bardonia	Bardonia Elementary School Route 304 Bardonia, NY 10954
12.	Nanuet	Highview School 24 Highview Avenue Nanuet, NY 10954
13.	New City	Park Evangelical Free Church Little Tor Road New City, NY 10956
14.	Congers	Congers Elementary School Lake Road Congers, NY 10920
5.	West Nyack	West Nyack Elementary School Route 59A West Nyack, NY 10994
16.	New City	St. Augustine's School Main Street New City, NY 10956
17.	Valley Cottage	Liberty Street Elementary School Lake Road Valley Cottage, NY 10989
18.	Nanuet	Trinity Presbyterian Church Main Street Nanuet, NY 10954
19.	New City	Germonds Presbyterian Church Germonds Road New City, NY 10956
20.	Central Nyack	Nyack Housing Authority Waldron Avenue Central Nyack, NY 10960
21.	Spring Valley	Lakeview Village Senior Citizens Project Memorial Park Drive Spring Valley, NY 10977
22.	New City	New City Condominium Clubhouse Heritage Drive New City, NY 10956
23.	Upper Nyack	Upper Nyack School North Broadway Upper Nyack, NY 10960
24.	New City	Link Elementary School Red Hill Road New City, NY 10956
25.	New City	Little Tor Elementary School Gregory Street New City, NY 10956
26.	New City	Laurel Plains Elementary School Teakwood Lane New City, NY 10956

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## RESOLUTION NO. (221-1995) Continued

<u>DISTRICT</u>	<u>LOCATION</u>	<u>POLLING PLACE</u>
27.	New City	St. Augustine's School Main Street New City, NY 10956
28.	West Nyack	Birchwood Elementary School (Rise West) Sickletown Road West Nyack, NY 10994
29.	New City	Link Elementary School Red Hill Road New City, NY 10956
30.	New City	New City Park Clubhouse Collyer Avenue New City, NY 10956
31.	West Nyack	West Nyack Fire House Strawtown Road West Nyack, NY 10994
32.	New City	Chestnut Grove School Old Middletown Road New City, NY 10956
33.	Nanuet	George Miller Elementary School 50 Blauvelt Road Nanuet, NY 10954
34.	West Nyack	West Nyack Elementary School Route 59A West Nyack, NY 10994
35.	Nanuet	Middlewood Senior Citizen Complex 80 N. Middletown Road Nanuet, NY 10954
36.	New City	St. John's Episcopal Church Strawtown Road New City, NY 10956
37.	New City	Street Elementary School Zukor Road New City, NY 10956
38.	Valley Cottage	St. Paul's School Kings Highway Valley Cottage, NY 10989
39.	New City & Spring Valley	Hillcrest School Addison Boyce Road Spring Valley, NY 10977
40.	New City	Woodglen Elementary School Phillips Hill Road New City, NY 10956
41.	Spring Valley	Lakeview Village Senior Citizens Project Memorial Park Drive Spring Valley, NY 10977
42.	Congers	Congers Elementary School Lake Road Congers, NY 10920

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RESOLUTION NO. (221-1995) Continued

<u>DISTRICT</u>	<u>LOCATION</u>	<u>POLLING PLACE</u>
43.	Valley Cottage	Liberty Street Elementary School Lake Road Valley Cottage, NY 10989
44.	Nanuet	Trinity Presbyterian Church Main Street Nanuet, NY 10954
45.	Bardonia	Bardonia Elementary School Route 304 Bardonia, NY 10954
46.	New City	Little Tor Elementary School Gregory Street New City, NY 10956
47.	Nanuet	Highview Avenue 24 Highview Avenue Nanuet, NY 10954
48.	New City	Laurel Plains Elementary School Teakwood Lane New City, NY 10956
49.	Central Nyack	Central Nyack Community Center West Broadway & Waldron Avenue Central Nyack, NY 10960
50.	West Nyack	Birchwood Elementary School (Rise West) Sickletown Road West Nyack, NY 10994
51.	Valley Cottage	Valley Cottage Elementary School Lake Road Valley Cottage, NY 10989
52.	New City	Clarkstown Senior High School North Congers Road, New City 10956
53.	New City	Woodglen Elementary School Phillips Hill Road New City, NY 10956
54.	Upper Nyack	Upper Nyack School North Broadway Upper Nyack, NY 10960
55.	New City	New City Elementary School Elmwood Drive New City, NY 10956
56.	New City	Street Elementary School Zukor Road New City, NY 10956
57.	Bardonia	Monterey Senior Citizen Housing 1 Monterey Gardens Bardonia, NY 10954
58.	Valley Cottage	Mountainview Clubhouse Sierra Vista Lane Valley Cottage, NY 10989

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RESOLUTION NO. (221-1995) Continued

<u>DISTRICT</u>	<u>LOCATION</u>	<u>POLLING PLACE</u>
59.	New City	St. Augustine's School Main Street New City, NY 10956
60.	New City	Woodglen Elementary School Phillips Hill Road New City, NY 10956
61.	Congers	Congers Ambulance Corps. Kings Highway Congers, NY 10920
62.	Valley Cottage	Liberty Street Elementary School Lake Road Valley Cottage, NY 10989
63.	Congers	First Presbyterian Church Highway Avenue Congers, NY 10920
64.	Valley Cottage	Valley Cottage Elementary School Lake Road Valley Cottage, NY 10989
65.	Bardonia	Monterey Senior Citizen Housing 1 Monterey Gardens Bardonia, NY 10954
66.	New City	Chestnut Grove School Old Middletown Road New City, NY 10956
67.	New City	t. John's Episcopal Church Strawtown Road New City, NY 10956
68.	New City	Street Elementary School Zukor Road New City, NY 10956
69.	New City	Woodglen Elementary School Phillips Hill Road New City, NY 10956
70.	West Nyack	Birchwood Elementary School Sickletown Road West Nyack, NY 10994
71.	New City	Laurel Plains Elementary School Teakwood Lane New City, NY 10956
72.	New City	Little Tor Elementary School Gregory Street New City, NY 10956
73.	Valley Cottage	Mountainview Clubhouse Sierra Vista Lane Valley Cottage, NY 10989
74.	New City	Street Elementary School Zukor Road New City, NY 10956

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RESOLUTION NO. (221-1995) Continued

<u>DISTRICT</u>	<u>LOCATION</u>	<u>POLLING PLACE</u>
75.	Spring Valley	Hamlets of Rockland 1200 Kingsgate Parkway, Suite 12 Nanuet, NY 10954
76.	New City & Spring Valley	Hillcrest School Addison Boyce Road Spring Valley, NY 10977
77.	New City	St. John's Episcopal Church Strawtown Road New City, 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

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RESOLUTION NO. (222-1995)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, the Town of Clarkstown has received \$4,104.00 from Corporate Property Investors,

NOW, THEREFORE, be it

RESOLVED, to increase Estimated Revenue Account No. A 01 5 2705 0 (General-Gifts & Donations) and Appropriation Account No. A 3120 111 (Police-Overtime) by \$4,104.00.

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. (223-1995)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, various funds require additional funding,

NOW, THEREFORE, be it

RESOLVED, to decrease Account No. B 3620 414 (Building-Conferences & Schools) and increase Account No. B 3620 301 (Food) by \$67.00; increase Estimated Revenue Account No. SL 09 14 2999 (Spec. Dists. - Light - Unexpended Balance) and Appropriation Account No. SL 5182 407 (Equipment Repairs) by \$5,000.00; decrease Account No. A 1450 319 (Elections-Misc. Supplies) and increase Account No. A 1450 219 (Misc. Equipment) by \$60.00 and increase Estimated Revenue DB 041 14 2999 (Highway-Unexpended Balance) and DB 5100 424 (Contractual Expense) by \$255.00.

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RESOLUTION NO. (223-1995) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (224-1995)

Co. Dusanenko offered and Co. Mandia seconded

RESOLVED, that Town Board Resolution #112-1995 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 authorized to advertise for bids for:

BID #58-1994  
MINI BUSES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on April 24, 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. (225-1995)

Co. Dusanenko offered and Co. Mandia seconded

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

BID #26-1995  
CHAIN LINK FENCING AT KINGS PARK

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 April 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. (225-1995) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (226-1995)

Co. Dusanenko offered and Co. Mandia seconded

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

BID #27-1995  
REPLASTER CONGERS POOL

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 April 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. (227-1995)

Co. Dusanenko offered and Co. Mandia seconded

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

BID #28-1995  
MOSQUITO CONTROL PROGRAM

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 April 25, 1995 at which time bids will be opened and read, and be it

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

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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Co. Duanenko offered and Co. Mandia seconded  
RESOLUTION NO. (228-1995)

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

BID #29-1995  
SWIMMING POOL SUPPLIES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on May 1, 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. (229-1995)

Co. Mandia offered and Co. Maloney seconded

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

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

is hereby awarded to

VMQ ICE CREAM DISTRIB.  
56 CRICKETTOWN ROAD  
STONY POINT, NY 10980  
PRINCIPAL: VINCE QUATTROCCHI

as per the attached item/price proposal on file in the Purchasing 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. (230-1995)

Co. Mandia offered and Co. Maloney seconded

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

BID #19-1995  
SWIMMING POOL AND MISC. CHEMICALS

is hereby awarded to:

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RESOLUTION NO. (230-1995) Continued

JONES CHEMICALS  
PO BOX 280, RIVER ROAD  
WARWICK, NY 10990  
PRINCIPAL: JOHN WILEY JONES ESTATE

JERSEY CHEMICALS INC.  
775 RIVER STREET  
PATERSON, NJ 07524  
PRINCIPAL: ALAN TAUB

UNIVERSAL CHEMICALS  
100 HACKENSACK AVENUE  
SO. KEARNY, NJ 07032  
PRINCIPALS: ANDREW EPSTEIN,  
DONALD EPSTEIN, LAWRENCE EPSTEIN,  
MARK EPSTEIN, STEVEN EPSTEIN, ABBY  
JARETT, ELAINE KAPLAN

PRESTIGE LABS  
100 OAK STREET  
E. RUTHERFORD, NJ 07073  
PRINCIPALS: GERALD BIEBER  
LEONARD HONIG

LESLIE'S SWIMMING POOL SUPPLIES  
20 222 PLUMMER STREET  
CHATSWORTH, CA 91311  
PRINCIPAL: PUBLIC CORPORATION  
PRINCIPAL STOCKHOLDER -  
MICHAEL J. FOURTICQ

as per the attached item/price schedule

(Item/price shedule 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. (231-1995)

Co. Mandia offered and Co. Maloney seconded

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

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

is hereby awarded to:

COUNTRY COFFEE COMPANY  
6 EAST DEXTER PLAZA  
PEARL RIVER, NY 10965  
PRINCIPAL: WILLIAM CARECCIA

COOKIES UNITED  
50 MERCEDES WAY  
BRENTWOOD, NY 11717  
PRINCIPAL: NEIL B. LUKOW

MAX BRAUN  
94 WOODWORTH AVENUE  
YONKERS, NY 10701  
PRINCIPAL: NORMAN BRAUN

SCHAFFER FOOD SERVICE  
27 WEYMAN AVENUE  
NEW ROCHELLE, NY 10805  
PRINCIPALS: MONROE SCHAFFER  
HARVEY FINKELSTEIN  
IRVING SCHWARTZ

MULLER DAIRIES  
PO BOX 456  
FLORIDA, NY 10921  
PRINCIPAL: WILLIAM J MULLER

HARRISON BAKING CO.  
840 JERSEY ST.  
HARRISON, NJ 07029  
PRINCIPAL: PUBLIC CORPORATION

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RESOLUTION NO. (231-1995) Continued

R.J.M. CO., LTD  
200 MOORE STREET  
BROOKLYN, NY 11206  
PRINCIPALS: RONALD ORFINGER  
HERBERT NOVICK

as per the item/price schedule on file in the Purchasing 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. (232-1995)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Caruso & Horowitz Associates, engineers for Binyamin Herskowitz, owner of premises shown on a proposed subdivision map known as "Discussion Layout Sketch Plat, Average Density Layout "E" prepared for SCOTLAND HILL SUBDIVISION located at Town of Clarkstown, Rockland County, New York," for property located to the south side of Scotland Hill Road and to the west side of South Pascack Road, Nanuet, New York, has made application for use of Town Law Section 278 in connection with said site, and

WHEREAS, the Planning Board of the Town of Clarkstown has recommended approval of the use of Town Law Section 278 in connection with this site because Layout "E" will allow for the elimination of four houses from having direct driveway access to either Scotland Hill Road or South Pascack Road, and

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town of Clarkstown if Town Law Section 278 authorization is granted for the development of the property shown on such proposed density layout map entitled, "Discussion Layout, Average Density Layout "E" prepared for Scotland Hill Subdivision, located at Town of Clarkstown, Rockland County, New York," dated January 11, 1994 prepared by Caruso & Horowitz Associates, Engineers, Surveyors and Land Planners, New City, New York;

NOW, THEREFORE, be it

RESOLVED, that the Planning Board of the Town of Clarkstown is hereby authorized to use Town Law Section 278 for the proposed Subdivision of SCOTLAND HILL SUBDIVISION described above, subject to the applicant complying with all rules, regulations and requirements of law, and requirements of the Clarkstown Planning Board and not inconsistent with the plan depicted on aforesaid proposed subdivision map, and subject further to the following conditions:

1. Applicant shall install concrete curbing along both sides of Scotland Hill Road and the west side of South Pascack Road, at the edge of pavement, subject to the location as required by

Continued on Next Page

RESOLUTION NO. (232-1995) Continued

the Department of Environmental Control during construction.

- 2. Drainage shall be extended along the south side of Scotland Hill Road between Lots 3 and 4 as requested by the Department of Environmental Control.
- 3. Street light to be installed to illuminate the driveway entrance, thus making passing traffic aware of the driveway and any vehicle at the driveway entrance at night.
- 4. Appropriate signage shall be provided on Scotland Hill Road, to warn traffic of the driveway.
- 5. Provide gratuitous widenings along Scotland Hill Road and South Pascack Road to the appropriate agencies in conformance with Official Map widths.
- 6. Applicant shall remove the historical barn located on its property to a place designated by the Town of Clarkstown at the applicant's expense.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (233-1995)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, the Town Board wishes to consider, on its own Motion, Amending the Zoning Ordinance of the Town of Clarkstown by redistricting the following properties which are located in Nanuet, New York:

- 1) Redistrict property owned by Franklin Conklin Map 15, Block A, Lots 21.2 and 21.3 - from an LIO District to an MF-2 District;
- 2) Redistrict property owned by Joseph McClelland, Map 164, Block A, Lot 4 from an R-22 District to an MF-2 District;
- 3) Redistrict property owned by Nancy Thomas, Map 164, Block A, Lot 4.01 from an R-22 District to an MF-2 District;
- 4) Redistrict property owned by Howard Mehrtens, Map 164, Block A, Lot 4.02 - from an R-22 District to an MF-2 District;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue,

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RESOLUTION NO. (233-1995) Continued

New City, Rockland County, New York, in the Town of Clarkstown, on April 25, 1995 at 8:00 P.M., relative to the proposed amendment, and be it

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (234-1995)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, an adverse drainage condition exists on a portion of Old Mill Road, West Nyack, New York, in the Vicinity of 4 Old Mill Road; and

WHEREAS, in order to correct the adverse condition, the Department of Environmental Control has recommended the installation of a storm drainage system on a portion of Old Mill Road from Strawtown Road to the Hackensack River; and

WHEREAS, before said improvements can be made, a topographical survey of the affected area will be required;

NOW, THEREFORE, be it

RESOLVED, that the Director of Environmental Control is hereby authorized to hire Atzl, Scatassa and Zigler, P.C., 234 North Main Street, New City, New York, to perform the necessary topographical survey in accordance with their proposal dated February 14, 1995; and be it

FURTHER RESOLVED, that the cost of such work shall not exceed \$4,000.00 and shall be a proper charge of Account H 8735-409-0-12-11.

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. (235-1995)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as NEW CITY

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RESOLUTION NO. (235-1995) Continued

ESTATES PHASE II, prepared by Atzl, Scatassa & Ziegler, P.C., dated September 8, 1993, the Planning Board of the Town of Clarkstown requested a Conservation Easement affecting a portion of Map 38, Block A, Lot 12.17;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control of the Town of Clarkstown, Conservation Easement, dated March 20, 1995 by K.D.J. Realty, Inc., is hereby accepted and ordered recorded in the Rockland County 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. (236-1995)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has in its possession a passbook in the Independence Bank of New Jersey, Account No. 505011698, assigned to it, to secure the public improvements in two subdivisions known as NAURAUSHAUN BROOK and NAURAUSHAUN BROOK II, and

WHEREAS, a final inspection of Nauraushaun Brook II Subdivision has been made and has disclosed that the public improvements have not been fully completed;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control of the Town of Clarkstown, the sum of \$3,100.00 in said passbook is hereby defaulted to the Town of Clarkstown, and be it

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

FURTHER RESOLVED, that the Department of Environmental Control is hereby authorized to hire a contractor to complete unfinished items, and be it

FURTHER RESOLVED, that the Town Comptroller take all necessary steps to withdraw the said sum of \$3,100.00 from Passbook No. 505011698 and hold funds for payment as needed for completion of the required public improvements, and for the preparation of dedication and as-built maps for the above subdivision.

On roll call the vote was as follows:

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

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RESOLUTION (237-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown entered into a Solid Waste Disposal Service Agreement and Site Lease Agreement with Clarkstown Recycling Center, Inc. on May 8, 1990, and

WHEREAS, the Town of Clarkstown and Clarkstown Recycling Center, Inc. have agreed to amend the aforesaid agreement;

NOW, THEREFORE, be it

RESOLVED, that the service fee, except for tires, be and the same is hereby amended to \$70.00 per ton, provided that the Town of Clarkstown does not increase the tipping fee at the Clarkstown Transfer Station to an amount greater than \$3.00 per ton over the service fee charged by Clarkstown Recycling Center, Inc., and be it

FURTHER RESOLVED, that the period of time within which title of the Clarkstown Transfer Station is conveyed to the Town of Clarkstown shall be extended to April 30, 1999, and be it

FURTHER RESOLVED, that nothing herein shall be deemed to affect the equity which the Town of Clarkstown holds in said Clarkstown Transfer Station as it presently exists, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to enter into an amended agreement with Clarkstown Recycling Center, Inc., in a form satisfactory to the Town Attorney, as provided for above.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (238-1995)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that K. Luke Kalarickal, Director of Environmental Control, is hereby directed to retain the services of an engineer to prepare plans and specifications to alleviate possible dangerous conditions at the intersections of Christian Herald Road with Storms Road and Mountainview Avenue.

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. (239-1995)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that John Fickes, 41 Grandview Avenue, Nanuet, New York is hereby appointed to the position of Member - Fire Board of Appeals - (to fill the unexpired term of John Kivlehan) to serve without compensation - term effective March 28, 1995 and to expire on February 27, 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. (240-1995)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the resignation (by retirement) of Werner Pscherer, 15 Polly Lane, Congers, New York - Maintenance Supervisor (Automotive) - Highway Department - is hereby accepted - with regret - effective and retroactive to December 23, 1994.

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. (241-1995)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Norman Peachey, 260 Germonds Road, West Nyack, New York, is hereby reappointed to the position of Member - Traffic & Traffic Fire Safety Advisory Board - at the 1995 annual salary of \$1,210.00, term effective April 1, 1995 and to expire on March 31, 2000.

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. (242-1995)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Ann Daino, 233 South Harrison Avenue, Congers, New York, is hereby appointed to the position of (temporary) Clerk - Assessor's Office - at the current 1995 annual salary of \$19,158.00, effective April 3, 1995.

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RESOLUTION NO. (242-1995) 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. (243-1995)

Co. Maloney offered and Co. Smith 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., Linda J. Gershon, 24 Seymour Drive, New City, New York - File Clerk - Building Department - is hereby granted a Sick Leave of Absence - at one half pay - effective and retroactive to March 20, 1995 to April 20, 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. (244-1995)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the resignation of Ralph A. Lauria, 8 Langschur Court, Thiells, New York 10984 - Engineer II - Department of Environmental Control - is hereby accepted - with regret - effective April 7, 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. (245-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has certified on January 27, 1995 that two positions of Dump Attendant #0133 and #0137 can be reclassified to the positions of Motor Equipment Operator II - Solid Waste Facility,

NOW, THEREFORE, be it

RESOLVED, that the two (2) positions of Dump Attendant #0133 and #0137 - are hereby reclassified to the positions of Motor Equipment Operator II - Solid Waste Facility - effective and retroactive to March 27, 1995.

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RESOLUTION NO. (245-1995) 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. (246-1995)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Christopher Seiler, 381 Broadway, Apt. 1B, Dobbs Ferry, New York, is hereby appointed to the position of Motor Equipment Operator II - Solid Waste Facility - at the current 1995 annual salary of \$38,254.00, effective and retroactive to March 27, 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. (247-1995)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown is contemplating the closing of Grace and East Orchard Streets, Nanuet, New York, to through traffic, for the health, safety and welfare of the citizens affected thereby;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby directs the Director of the Department of Environmental Control to retain the services of an engineer to prepare plans and specifications for the construction of fences, gates and pedestrian pass-throughs to effectuate the closing of Grace and East Orchard Streets, Nanuet, New York, so as to discourage through traffic from using these narrow residential streets, and be it

FURTHER RESOLVED, that such plans and specifications shall provide for the appropriate emergency access by police, fire and medical services, and snow storage, as may be required.

On roll call the vote was as follows:

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

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RESOLUTION NO. (248-1995)

Co. Dusanenko offered and Co. Maloney seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement between the Town of Clarkstown and Ralph A. Lauria, whereby Ralph A. Lauria agrees to provide services to the Department of Environmental Control on an advisory and consultative basis, consistent with the terms of said contract, for the period from April 10, 1995 to June 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. (249-1995)

Co. Mandia offered and Co. Dusanenko seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED MARCH 28, 1995, AUTHORIZING THE PARTIAL RECONSTRUCTION OF THE TOWN HIGHWAY BUILDING, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$700,000.00, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$700,000.00 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), is hereby authorized to partially reconstruct the Town Highway Building. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$700,000.00 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$700,000.00 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$700,000.00 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The existing building to be partially reconstructed is a Class "A" construction as defined by Section 11.00 a. 11. (a) of the Law, and the period of probable usefulness applicable to the purpose for which the serial bonds

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RESOLUTION NO. (249-1995) Continued

authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 12. (a). (1) of the Law, is twenty (20) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 and 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

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RESOLUTION NO. (249-1995) Continued

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum.

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. (250-1995)

Co. Mandia offered and Co. Dusanenko seconded

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Clarkstown shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "THE JOURNAL-NEWS," a newspaper published in Nyack, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication, and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

PLEASE TAKE NOTICE that on March 28, 1995, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted March 28, 1995, authorizing the partial reconstruction of the Town Highway Building, stating the estimated maximum cost thereof is \$700,000.00, appropriating said amount therefor, and authorizing the issuance of \$700,000.00 serial bonds of said Town to finance said appropriation,"

an abstract of which bond resolution, concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to partially reconstruct the Town Highway Buidling; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$700,000.00; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$700,000.00 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$700,000.00 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

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RESOLUTION NO. (250-1995) Continued

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds authorized to be issued pursuant to this resolution is twenty (20) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$700,000.00 serial bonds will exceed five (5) years;

FOURTH: DETERMINATING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Suprvisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: March 28, 1995

Patricia Sheridan  
Town Clerk

Section 2. After said bond resolution shall take effect the Town Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

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. (251-1995) (FAILED)

Co. Maloney offered and Co. Smith seconded

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,  
NEW YORK, ADOPTED MARCH 28, 1995, AUTHORIZING  
THE ACQUISITION OF VARIOUS EQUIPMENT FOR USE  
BY THE TOWN HIGHWAY DEPARTMENT, STATING THE  
ESTIMATED MAXIMUM COST THEREOF IS \$1,250,000.00,  
APPROPRIATING SAID AMOUNT THEREFOR, AND  
AUTHORIZING THE ISSUANCE OF \$1,250,000.00 SERIAL  
BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

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RESOLUTION NO. (251-1995) Continued

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), is hereby authorized to acquire various equipment for use by the Town Highway Department. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$1,250,000.00 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,250,000.00 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$1,250,000.00 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the purpose for which the serial bonds authorized pursuant to this resolution are to issued, within the limitations of Section 11.00 a. 28. of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of

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RESOLUTION NO. (251-1995) Continued

bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 and 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (252-1995) (FAILED)

Co. Maloney offered and Co. Smith seconded

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Clarkstown shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "THE JOURNAL-NEWS," a newspaper published in Nyack, New York, having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication, and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

PLEASE TAKE NOTICE that on March 28, 1995, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a bond resolution entitled:

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RESOLUTION NO. (252-1995)

"Bond Resolution of the Town of Clarkstown, New York, adopted March 28, 1995, authorizing the acquisition of various equipment for use by the Town Highway Department, stating the estimated maximum cost thereof is \$1,250,000.00, appropriating said amount therefor, and authorizing the issuance of \$1,250,000.00 serial bonds of said Town to finance said appropriation,"

an abstract of which bond resolution, concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said town to acquire various equipment for use by the Town Highway Department; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$1,250,000.00; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$1,250,000.00 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$1,250,000.00 serial bonds of the town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds authorized to be issued pursuant to this resolution is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$1,250,000.00 serial bonds will exceed five (5) years;

FOURTH: DETERMINATING that said bonds and bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: March 28, 1995

Patricia Sheridan  
Town Clerk

Section 2. After said bond resolution shall take effect the Town Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

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RESOLUTION NO. (252-1995)

Section 3. This resolution shall take effect immediately.

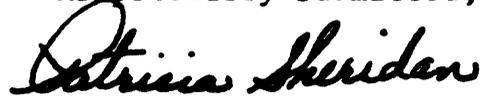
On roll call the vote was as follows:

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

\*\*\*\*\*

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the Town Board Meeting was declared closed, time: 10:10 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

3/28/95

8:05 P.M.

Present: Supervisor Holbrook  
Council Members Dusanenko, Maloney, Mandia & Smith  
Phillip B. Fogel, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

Re: Zone Change - MF-1 to MF-3 - Jekar, Inc., Route 9W,  
Rockland Lake (138-H-4+)

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

Supervisor asked Deputy Town Attorney Fogel for reports. Mr. Fogel noted that the Rockland County Planning Board recommended disapproval of the requested zone change principally because of its proximity to Rockland Lake and their desire to protect the parklands in that particular area. In substance it was a disapproval from them as with the Town of Clarkstown Planning Board which also recommended a denial of the application.

Supervisor asked if the SEQRA for this had been completed at this particular juncture? Mr. Fogel said it had not. Supervisor noted that then the Town Board could not make a decision.

Supervisor said we would go through the public hearing taking comments of any and all persons who are interested. We will have the applicants make their presentation first and then take questions from the Town Board. We will then open it up to the general public.

Appearance: Jerome Johnson, Esq.  
representing Jekar, Inc.

Mr. Johnson said we are contract purchasers of this property. It is our hope that this Board, after consideration of all matters involved, will grant the zone change as requested. He said he would like to reserve his further remarks until the end of the public hearing.

Appearance: Henry Horowitz, Esq.  
Engineer for Jekar, Inc.

Mr. Horowitz said the subject of the two petitions before the Board this evening is approximately 20 acres on the east side of Route 9W and the full 20 acres are currently zoned MF-1. The properties surrounding these 20 acres are all owned by the Palisades Interstate Park Commission. These 20 acres are a separate entity from the neighborhood in proximity of the park. The petitioner has about 9.6 of these 20 acres and they are comprised of some 6 lots. The balance of the property making up the 20 acres consist of some 14 to 15 lots in a series of different ownerships.

Mr. Horowitz said when the applicant submitted the petition to have his 9.6 acres rezoned from an MF-1 to MF-3 the Town Board at that time thought it might have made sense to make a study of the entire 20 acres and whatever we decide to do, do it for either all of the 20 acres or even a portion. But it would make sense to handle the 20 acres as a unit. That is why there are 2 hearings this evening - one really for the 9.6 acres of the applicant and the balance of 8.4 acres.

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Rockland Lake 3/28/95  
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Mr. Horowitz stated that he had received a number of calls when the notices for these hearings went out. There was a lot of concern about the type of housing that would be built. He said he wishes to indicate that this project will not have any federal or state funds. It will not follow any federal or state programs. It will not be for either welfare, senior citizens or any type of subsidized housing. The proposal is strictly for condominiums as built throughout the rest of the Town and county and will not be funded by any governmental agency requiring a tax break, etc.

Mr. Horowitz noted that the other concerns that were expressed and these were also expressed by the Planning Board were relative to traffic, drainage, impact on schools, etc. All of these items will be looked into, assuming this Board decides to act, when we are processing the site plans before the Planning Board. The current zone of the property is MF-1. This means that the owners can build multi-family by right. The peculiar part about the zone change is that it is in no way changing the use of the property as what could be done by right. What it does change significantly is the density of the particular development.

The MF-1 which is the current zoning of this property has the density which varies from 4 units to the acre to about 8 units to the acre. The reason the density varies is because the Town of Clarkstown's zoning ordinance determines the density by the bedroom count. That is, if all the units were going to be studios you are allowed a much higher density than if all units were going to be 2 and 3 bedrooms. That is why the current zoning (MF-1) does in fact vary from 4 units to the acre to 7.9. This means that for the 20 acres they could build from 80 units if they were all 3 bedrooms or more to 158 units if they were all studios.

The change to MF-3 changes those numbers and instead of having that range from 4 units to the acre to 8 we now have a range from about 12 units to the acre to approximately 18 units to the acre. Again, that would vary depending upon whether they were studios or 1, 2 or what have you. Just as MF-1 allows 80 units if they are all 3 bedrooms or more and 158 units if they were all studios, the MF-3 would allow some 242 units if they were all 3 bedrooms or more and some 362 units if they were all studios. However, there is one other thing in this petition and that is the applicant has agreed to limit the number of units to no more than 13 to the acre. So while the zoning ordinance itself may allow in the MF-3 as much as 18 units to the acre the applicant has agreed, if the Board sees fit to grant this request, to accept the limitation of 13 units to the acre which would be a total of 260 units on the entire 20 acres. Does that mean he is going to get 13 units to the acre? No, it does not mean that. Does it mean that if the Board were to approve this thing tonight that tomorrow they could start building? No, it does not mean that. Should the Board take favorable action the next step would be the processing for a site plan approval before the Planning Board. When that is undertaken the first thing the Board does get involved in and we have already been advised among other things they will be looking into traffic studies, drainage, ground water quality and the like. The reason we say the number 13 that they have agreed to is a maximum and certainly not a guarantee is because when that Board reviews the site plan it will be concerned to see that the applicant conforms to side yard, front yard, rear yard, maximum floor area ratio, buffers, set backs, maximum length of buildings, maximum number of units in a structure, minimum distance of spacing between buildings, parking requirements which would be

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2 parking units for each unit constructed on this site and an additional 20% of those units to be provided as guest parking; the requirement that 25% of all parking be enclosed garages; the requirement that a recreation building or community center be built containing no less than 15 square feet for every unit to be constructed on the site; a requirement that 10% of the size of that site be left as useful open space and that such space not have dimensions less than 30 feet; the requirement of a minimum distance between any parking and any lot line of any building; and the requirement that parking be at a minimum of groups of 5. If, in fact, geometry permitting, they can conform to all of those conditions then the maximum number frankly would be the 13 units to the acre. The decision that the Board has to make is not really let's leave the land vacant, the way it is rather than do anything. Unfortunately or fortunately, depending on your point of view, on the land just under control of the potential purchasers there are currently some 75 units - restaurant, office building and potpourri of uses which have developed over the years. They do have the right to exist. We cannot compel them to stop. We cannot compel them to take it down. So, if we do nothing, they will exist. There is even a right to rebuild those units within a certain period of time if something happens. The choice is not the vacant land or the MF-3 but just let's leave what we've got and that may be the decision of the Board. Why MF-3? The reason we are asking for MF-3 is because that has been determined as the zoning requirement in order to make this whole project economically viable.

There is another commitment that has been made by the applicant in his petition to the Board and that is if action is taken by the Board that within 60 days of any action from this Board approving the project they will remove the major buildings on one of the lots which has been plaguing the Board for some number of years. Consequently, no matter what action or should the Board decide to take some positive action, nothing would happen for at least another year because it would take just about that long to process site plans. During that processing there are series of public hearings, just like this one being held by the Planning Board and the public again will have the chance at every stage of the game to come before the Planning Board and discuss at these hearings which they express they have quite an interest in which relate to drainage, esthetics, traffic, impact on schools and the like but he did want to get across to the Board that this commitment not to exceed the 13 units per acre is not a guarantee to get 13 units. Yes, he could get those but only if he, in fact, conforms to each and every other requirement of the zoning ordinance.

Supervisor asked if the Board members had any questions?

Councilman Dusanenko asked Mr. Horowitz if, for the benefit of the people, he had any maps to display because sometimes pictures are worth a thousand words so they would know what the impact is? Mr. Horowitz said he did not have maps showing any kind of layout. Councilman Dusanenko said but the land you are talking about is on the east side of Route 9W? Mr. Horowitz said every piece they are talking about is on the east side of 9W. People know it as the Bobbin Inn and other properties and all of it is in a compact unit zoning wise and is all zoned as MF-1 and the only other lands on the east side which abut this property on the east, the north and the south are lands of the Palisades Interstate Parkway. What abuts it on the left is Route 9W.

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Councilman Dusanenko asked Mr. Horowitz that when he said the contract purchaser would limit it to 13 units per acre for a total of 260 units that was 260 studios or three bedrooms or what? Mr. Horowitz said he is not entitled to get 13 two or three bedrooms. Normally, they go in with 2 bedrooms and he thought the 2 bedrooms actually allowed is close to 14. So what we are saying is no more than 13 units to the acre. Should he make them all 3's then he couldn't get the 13. He would have to, by the Town's ordinance, keep it down to about 10 or 12. Actually, it is 9.1, 3 bedroom units. No, we are not saying that we are going to get 13 of those. We are saying that the maximum in any category will not exceed 13. If they are all going to be 3 bedroom units it couldn't exceed 9. We are not going for that. By the way when we say the 260, the 260 is based on 20 acres. The applicant does not control 20 acres. He controls 9.6. So when I say 260 I am talking about the whole thing. We can't commit obviously on the properties we don't own. We own 9.6 acres. So 9.6 times 13 that gives us about 90+. We are not again committing for the rest of the property assuming the Board takes some action. If the Board agrees to limit the site to no more than 13 units then they would apply it to the full 20 acres.

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

Appearance: Ms. Zippy Fleisher  
New City, New York

Ms. Fleisher said the property we just heard about would not be viable economically at MF-1 so we were told. If that is actually so then she would suggest that we abolish it from the zoning ordinance and not even consider any more MF-1. She said this is the slum of tomorrow. We have to really worry about this kind of density right next to the park. She said she did not know what they would need a recreation building for unless maybe to play some games that you can't play in the park. It is near one of the best recreation areas we have and that's Rockland Lake.

Ms. Fleisher said we have to think of the future. This is going to use more water. Every time we use a greater density you are going to get closer and closer to that Ambry Pond that the water company threatens to build. That is going to cost \$80,000,000.00 just to build, nothing about the figure it would cost to operate it. That would raise your water rates 40%. If I asked who in this room was willing to give this man a greater density in order to pay 40% more for their water I bet not one hand would go up. This is the future of Clarkstown and if we keep adding density we are going to push ourselves right into the water shortage that would require this terrible increase.

Ms. Fleisher said she could not talk about the sewer system as she did not have the figures on that. She then said what about the Canada geese? She said she has not heard any consideration about that. Canada geese heaven is Rockland Lake. These people are going to be beseiged with the geese and she said she hopes the geese appear while you are trying to sell your houses. She said there is a similarity here to High Tor Mountain and she thinks someone ought to study it. High Tor Development was thrown out of Court because they didn't consider the other pieces of property when they asked for their zone change. It was declared by the Court (wherein they castigated the Clarkstown Planning Board) that ? went up in the back and opened up other lots and the future development of the

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other lots had to be considered. It's as if tonight the people who own the lots that are not in here asking for a change were here. You are going to have to have a SEQRA on it according to this. This is a precedent in Court and that should be good enough. Why do we have to come here over and over again and beg for consideration for the Town. What advantage is there to the Town to have this appalling density that these people offer? It is only going to fatten their pocketbooks - people who are what we call hit and run builders. Don't ask where these builders have put their retirement homes. It's not in Rockland County.

Appearance: Mr. A. J. Cozzi

Mr. Cozzi said he and his brother own a piece of property in the district proposed for rezoning. We've come here to suggest to the Board that they treat this proposed change to MF-3 zoning much like an economic development district which the Town has planned to be developed in its entirety. We are concerned primarily with the drainage and the sewer problems in that area. We are on the downhill side of the property. For those who don't know the property is on the side of the hill and there is a valley that goes through the property. There is a stream that goes through the property. Unfortunately, none of the Town maps show the existence of the stream but he said he is sure the health department and the environmental people are quite aware of the existence of that stream.

Mr. Cozzi noted that they have had considerable flooding problems over the years and right now are in pretty decent shape, at least up until the time the sewers came in. This stream can take all the drainage that exists there now as an undeveloped property. He said he was at a Town Planning Board meeting the other night and they indicated that if this property was developed the existing stream could not take the drainage that would occur.

He said he would really like to see the Board, if it does decide to give the MF-3 zoning, incorporate a storm sewer and a sanitary sewer drainage plan with the change. Right now we are not even sure if the sewer system really works. Our property has had considerable problems because in putting the sewer system in they apparently somehow screwed up the drainage of the stream that goes through our property upstream. We are now having flooding. The drains on our own property have been ruined by the system. We think they should be done now and not done piecemeal because if they are going to handle drainage problems piece by piece we need to have a program for the whole side of the hill. We suggest in our own interest and in the interest of the Town that this be considered as a single piece of property being zoned for the benefit of the Town.

Appearance: Mr. Russell Trojan  
 Nanuet, New York

Mr. Trogan said unfortunately the new residents who come into Clarkstown have to find work in Westchester and have to make their way across the Tappan Zee Bridge. This has created quite a traffic burden on Nyack and Central Nyack. He said he hopes that the Town Board considers when making their decision that Central Nyack simply cannot handle the traffic. The continuing downzoning of Clarkstown - in this case from MF-1 to MF-3 - has created growing pains in Congers, in New City and in Nanuet. He said he wonders must all the hamlets of Clarkstown endure these same growing pains?

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Appearance: Mr. Van (?)  
 Lake Road  
 Valley Cottage, New York

He said we have a lot of traffic on Lake Road. It is a single lane road. He said he cannot see 500 more cars that will be parked in this lot going through Lake Road. He said he can't see it at all. He lived for 15 years in the city and moved to Rockland just to get away from this. He said if he wanted to live with apartments he would have lived closer to the city. He said he also considers the taxes and wonders if these people will be paying what he is paying.

Appearance: Mr. Lawrence Hahn  
 Cottage Road  
 Valley Cottage, New York

Mr. Hahn said this community in Valley Cottage has been a residential community at least from Route 303 to Route 9W since Quaspeck Park started in 1955. Joy Acres became residential single family housing recently and there are no apartments or high density apartments in this area. This is a residential community. He said the people who live in this area do not want high residential, high volume apartments in our area. It will drive our property values down. It will put a burden on the area this is going into in that will last for many years to come. He urged the Town Board not to accept what these gentlemen want to do on this property.

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

Mr. Jackson said there has been no mention of schools yet. He said he knows the Planning Board does not talk about schools at all. Did the applicant have to do anything with schools or does that come under the environmental impact or what? Supervisor Holbrook said one of the concerns of the Planning Department was schools. In this particular case this property is in the Clarkstown School District. Mr. Jackson asked if the schools can handle it? Supervisor said there has been a question of whether Lakewood School can handle additional enrollment. That is one of the concerns which the Planning Department here has mentioned in their report. In terms of school district location this is in the Clarkstown School District. Mr. Jackson said in Nanuet we have a lot of this kind of development going on. We have a project in particular where they tell you they are going to build 260 units total overall but there's not going to be too many children going to school because the people who rent them or buy them (and I assume since its condos they are going to buy them) won't be having children. That would be a major concern to him right off the bat. He said he did not know if anyone was going to bring that up but it sounds like you have it covered in the Planning section.

Mr. Jackson said regarding parking they also have an applicant in Nanuet and he knows they are going to ask for less parking and if they need it in the future to put it in. He said recently he was up by Treetops condominium units in Nanuet. There was no parking that he could see anywhere. He said he heard the applicants say they were going to use quite a bit of garage parking. He said he doesn't know if anyone else has kids but that is where he keeps bicycles and all the toys and his car would be outside.

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Mr. Jackson said there are many people here tonight and this is something that they are going to have to keep coming back for if they want to fight for it. The applicant is asking for a maximum of 13 units per acre. If you give them a zone change they are going to make out financially. We know that. They are going to be able to build and everybody is going to make money and do things. Once you give them the zone change the Planning Board is probably not going to knock them any lower than 13 units per acre - maybe on some that they can't build. Can you give them a zone change, if you see fit, and knock them down to maybe 9 or 10 units per acre? Is that possible? Supervisor said you could probably make a covenant if that was the wish of the Board and limit it to a certain number of units. He thinks that could be done. Whether or not the applicant would want to pursue it at that is their problem not ours. If that were the feeling of the Board or the Board could turn it down or approve it as is. It is in the realm of possibility for the Board to do.

Mr. Jackson said it seems we are always giving a nice zone change. They make out pretty good. Everybody makes out nice. I'm not opposed to someone developing their land. It is their business but it always seems they get the maximum each time. I've brought it up before. The density is everywhere not just in Nanuet. I just wanted to bring up the idea of maybe less units than the 13 per acre since you are going to give them a zone change probably or at least it looks that way to me. Councilman Maloney said he did not know what made him jump to that conclusion. Mr. Jackson said things are sounding that way but he would like more of the public to step up. Councilman Maloney said we have heard a lot of them already and that is what we are here for.

Councilman Mandia noted that the present zoning allows for up to 8 right now. Mr. Jackson said if you give him a zone change and he gets the maximum 13 that is going to be pretty dense. Councilman Mandia said it is multi-family zoned right now with maximum 8 units per acre. He wanted to make sure that is understood by everyone. He said the issue of the water was covered by the Planning Board. The issue of schools was also covered. There are several reasons why the Town Planning Board recommends against. Mr. Jackson said he was sure a lot of people here have not seen the plans on this and maybe in the future we could advise the applicant to have something visible for the members of the audience.

Appearance: Ms. Paula Ignazzi  
 Charles Boulevard  
 Valley Cottage, New York

She said 9 units aren't acceptable. Thirteen are not either. She said you are going to have children (that these people don't have) waiting for a bus on Route 9W to go to Clarkstown schools. Have any of you ever driven Route 9W at 7:30 in the morning with trucks coming down, people crossing to the lake? Have any of you tried to go to Lake Ridge Plaza and shop on a holiday when you cannot park there or in Grand Union? Where are these people going to shop? She said if they are going to Clarkstown schools why weren't Clarkstown residents in these school districts notified because if they had been there wouldn't be seating space here tonight. You would have people coming out of the woodwork. But because we are Valley Cottage/Nyack we are insignificant and she said she was tired of it. She said she has lived here a number of years and this is how we have always been treated - insignificantly. You have done constantly what you felt like doing. She said if

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it is for 8 units it should be 1 unit. That is a family. She said that's why she bought here - to raise her family. That's why all the people bought - to raise their families. She stated that if she wanted a condominium she would have moved and gotten a condominium. She said if she wanted an apartment with 250 other families she would have stayed in the city.

Appearance: Ms. Christine Bailey  
Charles Boulevard  
Valley Cottage, New York

Ms. Bailey said she is a substitute teacher working for Ramapo and for Monroe. She said they have a severe overpopulation in the classrooms. She said she did not see how Clarkstown School District or Nyack School District can handle another 260 some odd families. They cannot handle it. There are 23 students per class and it is too much for the teacher. Teachers aren't paid enough and enough are not hired to handle an influx of 260 more families in one small area. There's too much building property in Rockland. She can't see that Clarkstown School District, large district though it is can handle that many more families. It is too much.

Appearance: Mr. Dennis Duhan  
Valley Cottage, New York

Mr. Duhan said both he and his wife grew up in the city and were both tired of the congestion found in such an environment. He said the first thing they saw when they came to Valley Cottage, especially along Lake Road, was the space and the houses and how pristine the general area was. He said when he comes home at 5 P.M. the traffic waiting at Lake Road and Route 303 is unbelievable and it starts at the Thruway at Exit 12. He said he could not imagine the increased congestion another 260 families would cause. He said since they moved up two other families have also moved into their area. When they look at the houses they are very impressed. When they look at the taxes they take a step back. That is what we were willing to give up for the life style we have.

Mr. Duhan said sometimes he feels that this Town Board has complete indifference to the homeowners. He called up one week ago to find out why his taxes had been raised \$100.00 a year. When he questioned why he wasn't notified he was asked don't you read the newspapers and was then told it's just \$100.00 a year. He said since he moved here his taxes have gone up almost \$800.00 a year and that's in four years. If you hit us with another 250 families that is absolutely out of the question. Ladies and gentlemen, you have all been elected and an election is coming up. Keep it in mind. A lot of people could not be here tonight because they are working overtime and some two jobs just to keep their heads above water. We don't mind that because this is the life we have chosen but if you put those condos in this life is going to be changed. It is tough enough selling your house as it is. It will be impossible after this.

Appearance: Mr. Joseph Pantano  
New City, New York

Mr. Pantano said he is a former school board member and was approaching this from the impact on the schools in the district. Assuming we have 250 or 260 units and assuming we average 1 child per unit that is 250 children. That would almost double Lakewood Elementary School assuming that the greater majority of them were elementary school students.

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Right now the Clarkstown School District is in the midst of a plan to go to a middle school. One of the reasons is the overcrowding at the elementary schools and Lakewood is a good example. They are talking about \$2,500,000.00 to \$5,000,000.00 depending on which program they put forth. There has been so much opposition to it that part of that program was just shelved. The administration building will not be at Birchwood, at least not right now, until after the election, because a new Taj Mahal for the administration wouldn't look too good around election time.

Mr. Pantano said we are talking about a tremendous problem. There were tremendous problems with two former bus stops on Route 9W which were removed because children's lives were at stake. He said he is interested in the lives of children and the impact they would have on the Clarkstown School District where the average taxpayer pays around \$7,000.00 or \$8,000.00 in total taxes, 60% of which is the Clarkstown School District. He doesn't think people can afford any more and he doesn't think the people in this area want it. He said he is in New City so it doesn't affect him in many ways but it does affect all of us in taxes and the way the children are treated as far as whether they are safe in the morning and in the afternoon when they come home from school. He asked the Town Board to consider that when you decide on this zone change.

Appearance: Mr. Kevin Meyers

Mr. Meyers said he lives on one of the pieces of property that this zone change is being applied to. The gentlemen who are applying for this zone change do not live on this property so it is obviously a financial gain for them. He just asked the Town Board to consider the people over there who do not want this. These people only have control over 9+ acres. The rest of us live on the rest of it. We kind of like it just the way it is and we ask you to consider that.

Appearance: Unidentified

He asked regarding the Town's Own Motion petition, who owns the property, the Town? The Supervisor said the Town Board can change zones on its own motion or call hearings on zoning on its own motion. That is why that was done. The unidentified gentleman said that is kind of confusing. He then asked how many other acres are available for developing? Supervisor said the applicant can reply to that question. The unidentified man said that the applicant stated that everything is Palisades land. Supervisor said it is surrounded by state land on that side but the petitioner will respond to that in his rebuttal. The unidentified gentleman said there was more acreage there that could be developed. He said if you put 250 homes there with 4 people in a house that is 800 people and with 3 more developments like that you have 2,400 people. That is one third the size of Valley Cottage's population.

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

Mr. O'Rourke said he wanted to remind the Board re the issue of the Lakewood School that you recently approved about 50 to 60 units in Mountain Shadows. You have also approved another development at Route 9W and Route 303 for reasons known only to you. Now, you would even consider putting this into the same school. It is absolutely ludicrous as is this density.

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Appearance: Mr. Martin Bernstein  
New City, New York

Mr. Bernstein asked who proposed the change? Did the Town Board recommend the change? Supervisor said the change on the property Jekar was made by the applicant. The other part of the lands that surround it and are adjacent to it was made by the Town Board since it was holding a hearing on that particular piece and since the entire area was zoned MF-1 it made sense to hold a hearing on the entire piece to see if it should be changed to MF-3. That's the reason the two public hearings are together. Mr. Bernstein said then in other words you are saying that if the Town Board agrees to change the first then it would make sense for the entire community to have the same kind of zoning, is that what you are saying? Supervisor said he is not necessarily saying that. What he is saying is that the reason we put it up for a hearing was to get input on that to see just exactly what the will of the people is. That is why we are holding the hearings together. This particular applicant only owns the 9.6 acres.

Supervisor asked the applicant to speak in rebuttal.

Mr. Horowitz spoke in rebuttal mentioning again that the applicant only controls 9.6 acres. However, it would make sense that we discuss the impact of the whole area. The only part that the applicant has any control over is 9.6 acres which is 125 units. There are already 75 units there. The first speaker, who mentioned that if MF-1 is not economically viable why don't we get rid of it, missed the point completely. We are not talking about a vacant piece of land. We're talking about a piece that has 75 units and has had them there for God knows how many years. In order to get rid of those 75 units and to put up a modern type of condominium project if the Board sees fit, there should be some kind of economic inducement. Otherwise you'll just continue those units from now on and we can't stop them from doing that. The other comment that was made was relative to a legal decision that the Board, when it considers the project, has to consider the surrounding areas is precisely the reason why this Board decided to look at the other remaining acreages. So it would make sense to review a whole entity.

There can be no domino effect as he thinks it was the last speaker mentioned. There are no other vacant lands privately owned which are zoned MF-1. The lands across the street are R-15. The lands surrounding us he thinks are R-80 and owned by the Palisades Interstate Parkway. Other people talked about the schools. We sent a letter to the school explaining what is there now; what we are entitled to under MF-1; what we are entitled to under MF-3; and talked about the whole 20 acres. That was sent to the school district and we asked them what problems there were and what have you. We haven't received a response yet but he is sure it would be coming through. Mr. Horowitz said they sent a similar letter to the Police Department asking for records of all accidents and any injuries occurring traffic wise on that entire run of Lake Road. We also sent a letter to the Palisades Interstate Parkway indicating what the current zoning is and what we propose to do and what impact it would have on seasonal traffic - buses, vehicles that come in during the wintertime as well as those other days. The Planning Board will get into each and every one of these items.

The thing that we talked about re parking and I mentioned two spaces per unit, 20%, to be in garages, and

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so much in visiting are not things we are agreeing to do or things that would be nice to have. These are required in the ordinance. There is also a visit that has to be made to the Architecture and Landscaping Commission to determine the planting, exterior lighting etc.

Mr. Horowitz said the comment was made about how we will get the maximum. He said now, of course, I can understand someone who comes to all of these meetings and is a dedicated speaker certainly is an authority but let me tell him I don't know of one condominium development which in fact reached the maximum number of units permitted in an MF-3, whether he is talking about the ones in Normandy Village or any part of the Town of Clarkstown. They do not reach the limit because you cannot meet all your set backs, front yards, buffers, rear yards, maximum length, maximum height, minimum distance, maximum floor area and still come up with the number.

Mr. Horowitz said so far as the last comment relative to the notice. Someone said how come Valley Cottage doesn't get notices, etc. He showed a list which he said was the notices that were sent out relative to the 9.6 acre portion. A similar list, a little larger, was sent out by the Town relative to the 8.4 acre portion it has. Notice has been sent. The bottom line again is no matter what this Board determines, whether or not the site will stay the way it is, whether it is developed with its current MF-1 or MF-3, if any development is to take place on that site it must go through the Planning Board and conform to all their regulations.

Mr. Horowitz said the last item again - we have got some 75 units and a restaurant, etc. that is already there and the rationale behind the MF-3, even though it is coupled with limitations, is to have to make it economically viable to a landowner to get his property out of a time warp and get it into the year 1995.

Councilman Mandia asked Mr. Horowitz if the 75 units he referred to were spread across the entire 20 acres or just on the 9.6? Mr. Horowitz said just on the 9.6 and he thinks they are primarily on one of the 6 lots. He said from a practical point of view the Board had to hear it the way it did. He did not think any of the remaining 8+ acres could be developed as either MF-1 or MF-3. The reason for that is the minimum lot area in this zone has to be 1 acre. He said as he mentioned the applicant has 6 lots minimum of .2 acres. However, in the applicant's case, every lot he has which is under an acre is contiguous to another lot which together make it total 1 acre. Remember, he only has six lots. The 8.4 acres of the balance is 14 to 15 lots. Three of them are over an acre. Can they be consolidated. Sure, if one person came along and bought it all fine, then it could be done. The applicant is concerned with everything but he can only petition for and did petition only for his 9.6 acres. As a result, the Board has several options. It can deny both. It can grant either one or it can grant them both because they are two separate items. He said he would have to come up and talk about these larger numbers on 20 acres because this is the only way it would make sense as far as the public is concerned.

Councilman Mandia asked since the hearing is on both pieces are there any units on the other acres outside the - I believe you said there are 75 on 9.4 acres? Mr. Horowitz said he thinks there is a total of 14 on one and perhaps a total of another 20. He said if we had 260 units on the whole thing and we get 260 children - one side has 14 units by itself and there is not one school aged child. Granted, the type of

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units to be built will get families as we know them, not necessarily the families that are there today. We don't know that. He said the units there were not broken down into studios, 1's and 2's. There are some 5 bedrooms, there are 4 bedrooms, there may be studios - it is a complete hodgepodge of units and also a potpourri of different uses - offices, a restaurant is also there. In response to your question the part that the applicant is representing, the 9.75 and then there is an additional 14 or possibly more units on the other acreage.

There being no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared closed, DECISION RESERVED, time: 9:05 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

3/28/95

8:10 P.M.

Present: Supervisor Holbrook  
Council Members Dusanenko, Maloney, Mandia & Smith  
Phillip B. Fogel, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

Re: Zone Change - MF-1 to MF-3 - Lands Adjacent to  
Jekar, Inc. (138-H-3+)

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

(PLEASE NOTE that this notice of hearing was read at 8:10 P.M. after the notice of hearing for the Jekar, Inc. property. It was agreed that the two hearings would be held in conjunction with each other and while Mr. Horowitz made comments regarding these properties he was not appearing as the attorney or engineer for the Town. Some comments made by him and by the Supervisor and the Council Members were relevant to both petitions as were comments made by members of the public in attendance at the hearings.)

Supervisor stated that the Town is the applicant in this particular hearing. There was no presentation made on behalf of the Town. Some remarks of Mr. Horowitz (engineer for the previous applicant) are presented in the opening and then comments and questions from the public are presented.

It was noted by Mr. Horowitz in appearing for the petitioner in the previous public hearing that the subject of the two petitions before the Board this evening is approximately 20 acres on the east side of Route 9W and the full 20 acres are currently zoned MF-1. The properties surrounding these 20 acres are all owned by the Palisades Interstate Park Commission. These 20 acres are a separate entity from the neighborhood in proximity of the park. The balance of the property (which is the subject of this Town's Own Motion petition) making up the 20 acres consists of some 14 to 15 lots in a series of different ownerships.

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

Appearance: Ms. Zippy Fleisher  
New City, New York

Ms. Fleisher said the property we just heard about would not be viable economically at MF-1 so we were told. If that is actually so then she would suggest that we abolish it from the zoning ordinance and not even consider any more MF-1. She said this is the slum of tomorrow. We have to really worry about this kind of density right next to the park. She said she did not know what they would need a recreation building for unless maybe to play some games that you can't play in the park. It is near one of the best recreation areas we have and that's Rockland Lake.

Ms. Fleisher said we have to think of the future. This is going to use more water. Every time we use a greater density you are going to get closer and closer to that Ambry Pond that the water company threatens to build. That is going to cost \$80,000,000.00 just to build, nothing about the figure it would cost to operate it. That would raise your water rates 40%. If I asked who in this room was willing to give this man

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a greater density in order to pay 40% more for their water I bet not one hand would go up. This is the future of Clarkstown and if we keep adding density we are going to push ourselves right into the water shortage that would require this terrible increase.

Ms. Fleisher said she could not talk about the sewer system as she did not have the figures on that. She then said what about the Canada geese? She said she has not heard any consideration about that. Canada geese heaven is Rockland Lake. These people are going to be beseiged with the geese and she said she hopes the geese appear while you are trying to sell your houses. She said there is a similarity here to High Tor Mountain and she thinks someone ought to study it. High Tor Development was thrown out of Court because they didn't consider the other pieces of property when they asked for their zone change. It was declared by the Court (wherein they castigated the Clarkstown Planning Board) that ? went up in the back and opened up other lots and the future development of the other lots had to be considered. It's as if tonight the people who own the lots that are not in here asking for a change were here. You are going to have to have a SEQRA on it according to this. This is a precedent in Court and that should be good enough. Why do we have to come here over and over again and beg for consideration for the Town. What advantage is there to the Town to have this appalling density that these people offer? It is only going to fatten their pocketbooks - people who are what we call hit and run builders. Don't ask where these builders have put their retirement homes. It's not in Rockland County.

Appearance: Mr. A. J. Cozzi

Mr. Cozzi said he and his brother own a piece of property in the district proposed for rezoning. We've come here to suggest to the Board that they treat this proposed change to MF-3 zoning much like an economic development district which the Town has planned to be developed in its entirety. We are concerned primarily with the drainage and the sewer problems in that area. We are on the downhill side of the property. For those who don't know the property is on the side of the hill and there is a valley that goes through the property. There is a stream that goes through the property. Unfortunately, none of the Town maps show the existence of the stream but he said he is sure the health department and the environmental people are quite aware of the existence of that stream.

Mr. Cozzi noted that they have had considerable flooding problems over the years and right now are in pretty decent shape, at least up until the time the sewers came in. This stream can take all the drainage that exists there now as an undeveloped property. He said he was at a Town Planning Board meeting the other night and they indicated that if this property was developed the existing stream could not take the drainage that would occur.

He said he would really like to see the Board, if it does decide to give the MF-3 zoning, incorporate a storm sewer and a sanitary sewer drainage plan with the change. Right now we are not even sure if the sewer system really works. Our property has had considerable problems because in putting the sewer system in they apparently somehow screwed up the drainage of the stream that goes through our property upstream. We are now having flooding. The drains on our own property have been ruined by the system. We think they should

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be done now and not done piecemeal because if they are going to handle drainage problems piece by piece we need to have a program for the whole side of the hill. We suggest in our own interest and in the interest of the Town that this be considered as a single piece of property being zoned for the benefit of the Town.

Appearance: Mr. Russell Trojan  
 Nanuet, New York

Mr. Trogan said unfortunately the new residents who come into Clarkstown have to find work in Westchester and have to make their way across the Tappan Zee Bridge. This has created quite a traffic burden on Nyack and Central Nyack. He said he hopes that the Town Board considers when making their decision that Central Nyack simply cannot handle the traffic. The continuing downzoning of Clarkstown - in this case from MF-1 to MF-3 - has created growing pains in Congers, in New City and in Nanuet. He said he wonders must all the hamlets of Clarkstown endure these same growing pains?

Appearance: Mr. Van (?)  
 Lake Road  
 Valley Cottage, New York

He said we have a lot of traffic on Lake Road. It is a single lane road. He said he cannot see 500 more cars that will be parked in this lot going through Lake Road. He said he can't see it at all. He lived for 15 years in the city and moved to Rockland just to get away from this. He said if he wanted to live with apartments he would have lived closer to the city. He said he also considers the taxes and wonders if these people will be paying what he is paying.

Appearance: Mr. Lawrence Hahn  
 Cottage Road  
 Valley Cottage, New York

Mr. Hahn said this community in Valley Cottage has been a residential community at least from Route 303 to Route 9W since Quaspeck Park started in 1955. Joy Acres became residential single family housing recently and there are no apartments or high density apartments in this area. This is a residential community. He said the people who live in this area do not want high residential, high volume apartments in our area. It will drive our property values down. It will put a burden on the area this is going into in that will last for many years to come. He urged the Town Board not to accept what these gentlemen want to do on this property.

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

Mr. Jackson said there has been no mention of schools yet. He said he knows the Planning Board does not talk about schools at all. Did the applicant have to do anything with schools or does that come under the environmental impact or what? Supervisor Holbrook said one of the concerns of the Planning Department was schools. In this particular case this property is in the Clarkstown School District. Mr. Jackson asked if the schools can handle it? Supervisor said there has been a question of whether Lakewood School can handle additional enrollment. That is one of the concerns which the Planning Department here has mentioned in their report. In terms of school district location this is in the Clarkstown

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School District. Mr. Jackson said in Nanuet we have a lot of this kind of development going on. We have a project in particular where they tell you they are going to build 260 units total overall but there's not going to be too many children going to school because the people who rent them or buy them (and I assume since its condos they are going to buy them) won't be having children. That would be a major concern to him right off the bat. He said he did not know if anyone was going to bring that up but it sounds like you have it covered in the Planning section.

Mr. Jackson said regarding parking they also have an applicant in Nanuet and he knows they are going to ask for less parking and if they need it in the future to put it in. He said recently he was up by Treetops condominium units in Nanuet. There was no parking that he could see anywhere. He said he heard the applicants say they were going to use quite a bit of garage parking. He said he doesn't know if anyone else has kids but that is where he keeps bicycles and all the toys and his car would be outside.

Mr. Jackson said there are many people here tonight and this is something that they are going to have to keep coming back for if they want to fight for it. The applicant is asking for a maximum of 13 units per acre. If you give them a zone change they are going to make out financially. We know that. They are going to be able to build and everybody is going to make money and do things. Once you give them the zone change the Planning Board is probably not going to knock them any lower than 13 units per acre - maybe on some that they can't build. Can you give them a zone change, if you see fit, and knock them down to maybe 9 or 10 units per acre? Is that possible? Supervisor said you could probably make a covenant if that was the wish of the Board and limit it to a certain number of units. He thinks that could be done. Whether or not the applicant would want to pursue it at that is their problem not ours. If that were the feeling of the Board or the Board could turn it down or approve it as is. It is in the realm of possibility for the Board to do.

Mr. Jackson said it seems we are always giving a nice zone change. They make out pretty good. Everybody makes out nice. I'm not opposed to someone developing their land. It is their business but it always seems they get the maximum each time. I've brought it up before. The density is everywhere not just in Nanuet. I just wanted to bring up the idea of maybe less units than the 13 per acre since you are going to give them a zone change probably or at least it looks that way to me. Councilman Maloney said he did not know what made him jump to that conclusion. Mr. Jackson said things are sounding that way but he would like more of the public to step up. Councilman Maloney said we have heard a lot of them already and that is what we are here for.

Councilman Mandia noted that the present zoning allows for up to 8 right now. Mr. Jackson said if you give him a zone change and he gets the maximum 13 that is going to be pretty dense. Councilman Mandia said it is multi-family zoned right now with maximum 8 units per acre. He wanted to make sure that is understood by everyone. He said the issue of the water was covered by the Planning Board. The issue of schools was also covered. There are several reasons why the Town Planning Board recommends against. Mr. Jackson said he was sure a lot of people here have not seen the plans on this and maybe in the future we could advise the applicant to have something visible for the members of the audience.

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Appearance: Ms. Paula Ignazzi  
 Charles Boulevard  
 Valley Cottage, New York

She said 9 units aren't acceptable. Thirteen are not either. She said you are going to have children (that these people don't have) waiting for a bus on Route 9W to go to Clarkstown schools. Have any of you ever driven Route 9W at 7:30 in the morning with trucks coming down, people crossing to the lake? Have any of you tried to go to Lake Ridge Plaza and shop on a holiday when you cannot park there or in Grand Union? Where are these people going to shop? She said if they are going to Clarkstown schools why weren't Clarkstown residents in these school districts notified because if they had been there wouldn't be seating space here tonight. You would have people coming out of the woodwork. But because we are Valley Cottage/Nyack we are insignificant and she said she was tired of it. She said she has lived here a number of years and this is how we have always been treated - insignificantly. You have done constantly what you felt like doing. She said if it is for 8 units it should be 1 unit. That is a family. She said that's why she bought here - to raise her family. That's why all the people bought - to raise their families. She stated that if she wanted a condominium she would have moved and gotten a condominium. She said if she wanted an apartment with 250 other families she would have stayed in the city.

Appearance: Ms. Christine Bailey  
 Charles Boulevard  
 Valley Cottage, New York

Ms. Bailey said she is a substitute teacher working for Ramapo and for Monroe. She said they have a severe overpopulation in the classrooms. She said she did not see how Clarkstown School District or Nyack School District can handle another 260 some odd families. They cannot handle it. There are 23 students per class and it is too much for the teacher. Teachers aren't paid enough and enough are not hired to handle an influx of 260 more families in one small area. There's too much building property in Rockland. She can't see that Clarkstown School District, large district though it is can handle that many more families. It is too much.

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Mr. Duhan said sometimes he feels that this Town Board has complete indifference to the homeowners. He called up one week ago to find out why his taxes had been raised \$100.00 a year. When he questioned why he wasn't notified he was asked don't you read the newspapers and was then told it's just \$100.00 a year. He said since he moved here his taxes

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have gone up almost \$800.00 a year and that's in four years. If you hit us with another 250 families that is absolutely out of the question. Ladies and gentlemen, you have all been elected and an election is coming up. Keep it in mind. A lot of people could not be here tonight because they are working overtime and some two jobs just to keep their heads above water. We don't mind that because this is the life we have chosen but if you put those condos in this life is going to be changed. It is tough enough selling your house as it is. It will be impossible after this.

Appearance: Mr. Joseph Pantano  
 New City, New York

Mr. Pantano said he is a former school board member and was approaching this from the impact on the schools in the district. Assuming we have 250 or 260 units and assuming we average 1 child per unit that is 250 children. That would almost double Lakewood Elementary School assuming that the greater majority of them were elementary school students. Right now the Clarkstown School District is in the midst of a plan to go to a middle school. One of the reasons is the overcrowding at the elementary schools and Lakewood is a good example. They are talking about \$2,500,000.00 to \$5,000,000.00 depending on which program they put forth. There has been so much opposition to it that part of that program was just shelved. The administration building will not be at Birchwood, at least not right now, until after the election, because a new Taj Mahal for the administration wouldn't look too good around election time.

Mr. Pantano said we are talking about a tremendous problem. There were tremendous problems with two former bus stops on Route 9W which were removed because children's lives were at stake. He said he is interested in the lives of children and the impact they would have on the Clarkstown School District where the average taxpayer pays around \$7,000.00 or \$8,000.00 in total taxes, 60% of which is the Clarkstown School District. He doesn't think people can afford any more and he doesn't think the people in this area want it. He said he is in New City so it doesn't affect him in many ways but it does affect all of us in taxes and the way the children are treated as far as whether they are safe in the morning and in the afternoon when they come home from school. He asked the Town Board to consider that when you decide on this zone change.

Appearance: Mr. Kevin Meyers

Mr. Meyers said he lives on one of the pieces of property that this zone change is being applied to. The gentlemen who are applying for this zone change do not live on this property so it is obviously a financial gain for them. He just asked the Town Board to consider the people over there who do not want this. These people only have control over 9+ acres. The rest of us live on the rest of it. We kind of like it just the way it is and we ask you to consider that.

Appearance: Unidentified

He asked regarding the Town's Own Motion petition, who owns the property, the Town? The Supervisor said the Town Board can change zones on its own motion or call hearings on zoning on its own motion. That is why that was done. The unidentified gentleman said that is kind of confusing. He then asked how many other acres are available for developing? Supervisor said the applicant can reply to that question. The

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PH - Zone Change - MF-1 to MF-3 - Lands Adjacent to  
Jekar Inc. (138-H-3+), Route 9W, Rockland Lake 3/28/95  
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unidentified man said that the applicant stated that everything is Palisades land. Supervisor said it is surrounded by state land on that side but the petitioner will respond to that in his rebuttal. The unidentified gentleman said there was more acreage there that could be developed. He said if you put 250 homes there with 4 people in a house that is 800 people and with 3 more developments like that you have 2,400 people. That is one third the size of Valley Cottage's population.

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

Mr. O'Rourke said he wanted to remind the Board re the issue of the Lakewood School that you recently approved about 50 to 60 units in Mountain Shadows. You have also approved another development at Route 9W and Route 303 for reasons known only to you. Now, you would even consider putting this into the same school. It is absolutely ludicrous as is this density.

Appearance: Mr. Martin Bernstein  
New City, New York

Mr. Bernstein asked who proposed the change? Did the Town Board recommend the change? Supervisor said the change on the property Jekar was made by the applicant. The other part of the lands that surround it and are adjacent to it was made by the Town Board since it was holding a hearing on that particular piece and since the entire area was zoned MF-1 it made sense to hold a hearing on the entire piece to see if it should be changed to MF-3. That's the reason the two public hearings are together. Mr. Bernstein said then in other words you are saying that if the Town Board agrees to change the first then it would make sense for the entire community to have the same kind of zoning, is that what you are saying? Supervisor said he is not necessarily saying that. What he is saying is that the reason we put it up for a hearing was to get input on that to see just exactly what the will of the people is. That is why we are holding the hearings together.

There being no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared closed, DECISION RESERVED, time: 9:05 P.M.

Respectfully submitted,

*Patricia Sheridan*

PATRICIA SHERIDAN,  
Town Clerk