

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

10/24/95

8:00 P.M.

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

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

Supervisor declared public portion of the meeting  
open.

Appearance: Ellen Ferretti  
Nanuet, NY

Ms. Feritti spoke regarding political signs and  
what can be done to abolish them if anything.

Appearance: John Lodico  
New City

Mr. Lodico spoke regarding political signs and  
suggested requiring posting a bond.

\*\*\*\*\*

On motion of Councilman Maloney, seconded by  
Councilman Dusanenko and unanimously adopted, the public  
hearing re: Grossman (123-D-4.01) was opened, time: 8:00 P.M.

On motion of Councilman Maloney, seconded by  
Councilman Dusanenko and unanimously adopted, the public  
hearing re: Grossman (123-D-4.01) was closed, RESOLUTION  
ADOPTED, time: 8:05 P.M.

On motion of Councilman Maloney, seconded by  
Councilman Mandia and unanimously adopted, the public hearing  
re: Melville Realty(14-B-10.02) was opened, time: 8:07 P.M.

On motion of Councilwoman Smith, seconded by  
Councilman Maloney and unanimously adopted, the public hearing  
re: Melville Realty (14-B-10.02) was closed, RESOLUTION  
ADOPTED, time: 10:18 P.M.

\*\*\*\*\*

RESOLUTION NO. (743-1995)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, the Town Board of the Town of Clarkstown  
by resolution duly adopted on August 8, 1995, provided for a  
public hearing on September 26, 1995, to consider the  
application of LOOMIS J. GROSSMAN and RISSA W. GROSSMAN, to  
amend the Zoning Ordinance of the Town of Clarkstown by  
redistricting the property of the Petitioners described on the  
Clarkstown Tax Map as Map 123, Block D, Lot 4.01, from a PO  
District to a CS District, and

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

WHEREAS, the Town Board of the Town of Clarkstown  
has received an Environmental Assessment Form pursuant to

Continued on Next Page

RESOLUTION NO. (743-1995) Continued

SEQRA, from its consultant Robert Geneslaw, which the Board has discussed and considered such report in making its decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, dated October 16, 1995, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the change of zone shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting the property designated on the Clarkstown Tax Map as Map 123, Block D, Lot 4.01, situate in the Hamlet of Valley Cottage, New York, in said Town, from a PO District to a CS District, which is described on the attached Schedule "A," subject to the following conditions:

1. The applicant shall install a traffic light at the northerly entrance/exit of the shopping center, and also provide the appropriate turning lanes for left turns into the site when proceeding northbound on Route 303, subject to requirements and approval of the NYSDOT.
2. No access to Lake Road shall be permitted. All access shall be in accordance with the requirements of the Planning Board at the time of site plan approval.
3. The applicant shall submit a site plan conforming to all CS bulk requirements, without need for any variances, to the Planning Board for review and approval, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to prepare notice of this Amendment to the Zoning Ordinance and that the Town Clerk cause the same to be published in the newspaper of general circulation and posted in the manner provided by law 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. (744-1995)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 12th day of September, 1995, provided for a public hearing on the 24th day of October, 1995, at 8:05 P.M., to consider the application of MELVILLE REALTY CO., INC., to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the Petitioner described on the Clarkstown Tax Map as Map 14, Block B, Lot 10.02, from an MF-4 District to a CS District, and

WHEREAS, notice of public hearing was duly

Continued on Next Page

TBM - 10/24/95  
Page 3

RESOLUTION NO. (744-1995) Continued

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

WHEREAS, the Town Board of the Town of Clarkstown has received an Environmental Assessment Form pursuant to SEQRA, from its consultant Robert Geneslaw, and the Board having discussed and considered such report in making its decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, dated October 3, 1995, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the change of zone shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting the property designated on the Clarkstown Tax Map as Map 14, Block B, Lot 10.02, situate in the Hamlet of Nanuet, New York, in said Town, from an MF-4 District to a CS District, which is described on the attached Schedule "A," subject to the following conditions:

1. Applicant shall contribute money to the Town, to be determined as part of site plan approval, to be used for intersection improvements.

2. Applicant will carry out any necessary road improvements along its frontage on Middletown Road, including signalization.

3. Applicant shall secure a permit from the Rockland County Drainage Agency, and perform improvements to the Naurashaun Brook as required by the Drainage Agency and/or the Clarkstown Department of Environmental Control.

4. Applicant shall submit a site plan, conforming to all CS requirements, to the Planning Board for review and approval.

5. Applicant shall provide a buffer zone from all contiguous residential properties as required by the Planning Board of the Town of Clarkstown.

6. Applicant shall pay for traffic studies if any are required by the Planning Board pursuant to SEQRA and/or site plan approval in connection with the relocation of the Nanuet Hebrew Center to any new site.

7. Applicant shall pay for traffic signalization as may be required by the State, County or Town of Clarkstown, or any Board, Commission or agency thereof, at any relocated site of the Nanuet Hebrew Center, and be it

FURTHER RESOLVED, that the Town Board has determined to adopt this zone change by a majority plus one vote of the Board in contravention of the recommendation of the Rockland County Department of Planning because of the following:

1. The applicant will provide intersection improvements as required by the Planning Board.

2. Changing conditions in the areas, as well as the NYSDOT improvements, make this amendment appropriate.

3. The impact of this change shall not have an adverse impact in the area and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to prepare notice of this Amendment to the Zoning Ordinance and that the Town Clerk cause the same to

Continued on Next Page

TBM - 10/24/95  
Page 4

RESOLUTION NO. (744-1995) Continued

be published in the official newspaper of the Town and file proof thereof in the Office of the Town Clerk, as required by law.

"Description on file in Town Clerk's Office"

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. (745-1995)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown has received an Environmental Assessment Form pursuant to SEQRA, from its consultant Robert Geneslaw, and the Board having discussed and considered such report in making its decision on the proposed zone change for property known as Map 14, Block B, Lot 10.02, from an MF-4 District to a CS District;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, dated October 3, 1995, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the change of zone shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required.

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. (746-1995)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of October 10, 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

\*\*\*\*\*

RESOLUTION NO. (747-1995)

Co. Smith offered and Co. Dusanenko seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Nyack Hospital for the Employee Assistance Program, for the twelve (12) month period commencing October 1, 1995 and terminating on September 30, 1996, and be it

FURTHER RESOLVED, that the appropriation of \$11,550.00, to pay for services to be provided, shall be charged to Account No. A 8840-424, and be it

FURTHER RESOLVED, that this resolution is retroactive to October 1, 1995.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (748-1995)

Co. Dusanenko offered and Co. Smith seconded

WHEREAS, on September 26, 1988, Passbook No. 475-611208 was furnished and assigned to the Town of Clarkstown by W.L.D. Group, Inc. in connection with a subdivision application under the name of D.L.W. Corp., along with an Owner's Performance Agreement, and

WHEREAS, it has come to the attention of the Town of Clarkstown that the funds have been withdrawn from the aforesaid Passbook without the consent of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized and directed to institute an action to recover the assigned funds against all parties who have breached their obligations to the Town of Clarkstown in connection with the aforesaid assignment of Passbook.

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. (749-1995)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Town Board Resolution #358-1995 is hereby corrected to read:

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

Continued on Next Page

RESOLUTION NO. (749-1995) Continued

BID #36-1995  
THREE COLOR TRAFFIC SIGNAL INSTALLATION  
SMITH ROAD AT OVERLOOK BLVD./KINGSGATE PKWY

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on November 17, 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. (750-1995)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, NATHAN PEKOFKY and HILDA PEKOFKY v. The ASSESSOR of the TOWN OF CLARKSTOWN, The BOARD OF ASSESSMENT REVIEW of the TOWN OF CLARKSTOWN and the TOWN OF CLARKSTOWN, Index No(s). 6355/91, 4641/92, 4353/93, 4933/94 and 3970/95, affecting parcel(s) designated as Map 163, Block A, Lots 19, 19.1 and 19.2, for the year(s) 1991, 1992, 1993, 1994 and 1995, and

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

1. That the premises owned by the petitioner(s) described on the assessment roll as Map 163, Block A, Lot 19 be reduced for the year 1993 from \$716,300 to \$551,600;
2. That the premises owned by the petitioner(s) described on the assessment roll as Map 163, Block A, Lot 19.1 be reduced for the year 1993 from \$411,900 to \$317,200;
3. That the premises owned by the petitioner(s) described on the assessment roll as Map 163, Block A, Lot 19.2 be reduced for the year 1993 from \$731,300 to \$563,100;
4. That the proceeding(s) commenced by the petitioner(s) respecting Map 163, Block A, Lots 19, 19.1 and 19.2 be discontinued for the year(s) 1991/92, 1992/93, 1994/95 and 1995/96;
5. That reimbursement for the year(s) 1993 on the parcels described as Map 163, Block A, Lots 19, 19.1 and 19.2 be made within 60 days through the Office of the Commissioner of Finance. If payment is made within 60 days, no interest will be charged; and
6. That all municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement.

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

RESOLUTION NO. (750-1995) Continued

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (751-1995)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, BRUNO and LUCIE VIPPOLIS v. THE ASSESSOR OF THE TOWN OF CLARKSTOWN AND THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF CLARKSTOWN, Index No(s). 4801/92, 5224/93, 4473/94 and 4360/95, affecting parcel(s) designated as Map 57, Block C, Lot 7 and Map 57, Block D, Lots 5 and 6, for the year(s) 1992/93, 1993/94, 1994/95 and 1995/96, and

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

1. That the premises owned by the petitioner(s) described on the assessment roll as Map 57, Block D, Lot 6 be reduced for the year(s) 1994/95 and 1995/96 from \$132,300 to \$99,225;
2. That the premises owned by the petitioner(s) described on the assessment roll as Map 57, Block D, Lot 6 be reduced for the year(s) 1993/94 from \$132,300 to \$119,070;
3. That the premises owned by the petitioner(s) described on the assessment roll as Map 57, Block C, Lot 7 be reduced for the year(s) 1994/95 and 1995/96 from \$152,800 to \$114,600;
4. That the premises owned by the petitioner(s) described on the assessment roll as Map 57, Block C, Lot 7 be reduced for the year(s) 1993/94 from \$152,800 to \$137,520;
5. That the assessment on the premises described on the assessment roll as Map 57, Block D, Lot 5 shall remain unchanged;
6. That the proceeding(s) commenced by the petitioner(s) respecting Map 57, Block C, Lot 7 and Map 57, Block D, Lots 5 and 6 be discontinued for the year(s) 1992/93;
7. That reimbursement for the year(s) 1993/94 and 1994/95 on the parcels described as Map 57, Block D, Lot 6 and Map 57, Block C, Lot 7 be made within 60 days through the Office of the Commissioner of Finance. If payment is made within 60 days, no interest will be charged; and
8. That all municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement.

WHEREAS, it appears to be in the best interest of the Town to settle such matter upon the terms and conditions

Continued on Next Page

RESOLUTION NO. (751-1995) Continued

aforsaid; and such settlement is recommended by the Assessor of the Town of Clarkstown.

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (752-1995)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, NEW CITY CONDOMINIUMS v. The ASSESSOR of the TOWN OF CLARKSTOWN, The BOARD OF ASSESSMENT REVIEW of the TOWN OF CLARKSTOWN and the TOWN OF CLARKSTOWN, Index No(s). 4350/93, 4931/94 and 3971/95, affecting parcel(s) designated as Map 59, Block A, Lots 277, 281, 274, 271, 280, 272, 270, 273, 275, 276 and 278, for the year(s) 1993/94, 1994/95 and 1995/96, and

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

1. That the premises owned by the petitioner(s) described on the assessment roll as Map 59, Block A, Lots 277, 281, 274, 271, 280, 272, 270, 273 and 276 be reduced for the year(s) 1993/94 from \$146,500 to \$102,550;
2. That the proceeding(s) commenced by the petitioner(s) respecting Map 59, Block A, Lots 270, 271, 272, 273, 274, 275, 276, 277, 279, 280 and 281 be reduced for the year(s) 1994/95 from \$146,500 to \$102,550;
3. That the proceeding(s) commenced by the petitioner(s) respecting Map 59, Block A, Lots 277, 281, 274, 271, 280, 272, 270, 273, 276 and 275 be reduced for the year(s) 1995/96 from \$146,500 to \$102,550;
4. That reimbursement for the year(s) 1993/94 and 1994/95 on the parcels described as Map 59, Block A, Lots 270, 271, 272, 273, 274, 275, 276, 277, 279, 280 and 281 be made within 60 days through the Office of the Commissioner of Finance. If payment is made within 60 days, no interest will be charged; and
5. That all municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement.

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

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (752-1995) Continued

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

On roll call the vote was as follows:

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

RESOLUTION NO. (753-1995)

Co. Smith offered and Co. Maloney seconded

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

The Farm at Nyack  
Mountain View Avenue  
Valley Cottage, New York

On roll call the vote was as follows:

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

RESOLUTION NO. (754-1995)

Co. Smith offered and Co. Maloney seconded

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

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

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

NOW, THEREFORE, be it

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

Bunckingham Road, Nanuet  
(Install one (1) 5800 lumen sodium vapor street light - existing utility pole number 58936/40580)  
(Remove four (4) 4000 lumen mercury vapor street lights - existing utility pole numbers 58896/40477, 58917/40478, 58946/40480, and 58973/40481)  
(Install four (4) 5800 lumen sodium vapor street lights - existing utility pole numbers 58896/40477, 58917/40478, 58946/40480, and 58973/40481)

RESOLUTION NO. (754-1995) 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. (755-1995)

Co. Maloney offered and Co. Smith seconded

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

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

WHEREAS, the Town has received \$1,491.95 from insurance for the repair of Police Car No. 234, and be it

THEREFORE RESOLVED, to transfer \$1,491.00 from Revenue Account No. CS 11 8 2680 to Appropriation Account No. A 1640 406 (Town Garage-Repairs to Vehicles) and

WHEREAS, various Appropriation Accounts require additional funding and be it

FURTHER RESOLVED, to make the following transfers:

<u>FROM</u>	<u>TO</u>
A 1345 414 (Purchasing-Conferences & Schools)	\$ 250
	A 1345 328 (Publications) 250
A 1110 204 (Justice Ct.-Office Machines)	100
	A 1110 407 (Equip.Repairs) 100
DB 5110 409 (Highway-Fees for Services)	5,000
DB 5110 443 (Private Equip. Rental)	20,000
DB 5110 448 (Traffic Line Marking)	4,000
	DB 5110 377 (Rd.Preserve) 29,000

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. (756-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown has received \$1,816.38 from Eastern Regional Tournament and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. A 01 3 2001 (General Fund-Park & Recreation) and

Continued on Next Page

RESOLUTION NO. (756-1995) Continued

Appropriation Account A 7140-408 (Building Repairs) by \$1,816.38.

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. (757-1995)

Co. Smith offered and Co. Maloney seconded

WHEREAS, various Appropriation Accounts require additional funding and be it

THEREFORE RESOLVED, to decrease SR 8160 309 (Solid Waste Facility-Copies of Testimony) and increase SR 8160 225 (Computer Hardware) by \$300.00

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (758-1995)

Co. Maloney offered and Co. Dusanenko seconded

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

Sign (s) to read, "No Standing" - 8:00 AM to 4:00 PM Monday - Friday on the eastside of Ivy Lane for a distance of 50 ft. South of the Laurel Plains School driveway.

and be it

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (759-1995)

Co. Maloney offered and Co. Dusanenko seconded

Continued on Next Page

RESOLUTION NO. (759-1995) Continued

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

"No Parking Anytime" signs with directional arrows on Kings Highway the entire length of "The Sandman" building, Valley Cottage, NY

and be it

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (760-1995)

Co. Maloney offered and Co. Dusanenko seconded

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

Remove the present sign, "School" that is located in front of house #146 Maple Avenue, New City (on the southeast corner of Maple Ave. adjacent to Third Street). Replace with a sign to read, "School Speed Limit 15".

Install a sign to read, "School Speed Limit 15" on the westside of Maple Avenue adjacent to Utility pole #59460 about 10 feet South of Second Street

and be it

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (761-1995)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Clarkstown Parks Board and Recreation Commission proposes to sell the 1973 Wenger Showmobile and,

WHEREAS, the Town of Orangetown has requested to purchase the 1973 Wenger Showmobile,

Continued on Next Page

RESOLUTION NO. (761-1995) Continued

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Clarkstown Parks Board and Recreation Commission and the Superintendent of Recreation and Parks, the 1973 Wenger Showmobile be sold to the Town of Orangetown at the price of \$5,100.01 and be it

FURTHER RESOLVED, that the money be put into Revenue Account A-01-8-2665 (Sale of Equipment).

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. (762-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, PHILIP M. SCALA furnished to the Town of Clarkstown two Passbooks, Nos. 04-111094 and 04-111095, each containing the sum of \$6,750, along with a Performance Guaranty to cover the improvements and other facilities as shown on the Final Plat of AGATHE KONGSHOJ, which was filed in the Rockland County Clerk's Office on March 24, 1993, and

WHEREAS, the Director of Environmental Control of the Town of Clarkstown has recommended that said Performance Guaranty be reduced to \$4,000, as much of the work has been completed to Town specifications;

NOW, THEREFORE, be it

RESOLVED, that upon receipt of an Owner's Performance Bond, together with security in a form acceptable to the Town Attorney in the amount of \$4,000, the aforesaid Passbooks, Nos. 04-111094 and 04-111095 may be released to the guarantor.

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. (763-1995)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board wishes to consider a road improvement project for an undedicated road known as Pearl Lane, located near Route 304 and Goebel Road, New City, New York, pursuant to the requirements of Section 200 of the Town Law;

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (763-1995) Continued

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized and directed to obtain the services of a licensed surveyor to survey a road improvement project for the entire portion of Pearl Lane, New City, that is located near Route 304 and Goebel Road, New City, New York, and be it

FURTHER RESOLVED, that the Town Board hereby directs the Director of Environmental Control to prepare a cost estimate on the proposed road improvement of Pearl Lane, New City.

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. (764-1995)

Co. Maloney offered and Co. Smith seconded

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

BID #4-1996  
ATHLETIC & RECREATION SUPPLIES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on December 5, 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. (765-1995)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the resignation (by retirement) of Frances M. Heinisch, 120 South Main Street, Pearl River, New York - Real Property Appraiser - Assessor's Office - is hereby accepted - with regret - effective October 28, 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. (766-1995)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the resignation of Rev. Patrick J. McGill, 182 Ridge Road, Valley Cottage, New York - Member and Chairman - Board of Ethics - is hereby accepted - effective and retroactive to October 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. (767-1995)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Sr. Vincent Cirelli, O.P., 31 Lake Rd., Valley Cottage, New York, is hereby reappointed to the position of Member - Board of Ethics - at the 1995 annual salary of \$1,000.00, term effective November 13, 1995 and to expire on November 12, 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. (768-1995)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Members of the Board of Ethics of Rabbi David Fass, Temple Beth Sholom, 228 New Hempstead Road, New City, New York, as Chairman of the Board of Ethics for the year 1995 - at the current 1995 annual salary of \$500.00

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (769-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #95112 Senior Records Clerk Typist (Law Enforcement) which contains the name of Marion Gionta,

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (769-1995) Continued

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Marion Gionta, 75 Margaret Keahon Drive, Pearl River, New York, to the position of Sr. Records Clerk Typist (Law Enforcement) Police Department - at the current 1995 annual salary of \$33,509.00, effective and retroactive to October 19, 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. (770-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has certified on October 19, 1995 that the position of Receptionist - Solid Waste Facility - can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Receptionist - Solid Waste Facility - is hereby created - effective and retroactive to October 23, 1995.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (771-1995)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Lisa M. Cea, 132 Congers Road, Congers, New York is hereby appointed to the position of (Provisional) Receptionist - Solid Waste Facility - at the current 1995 annual salary of \$19,983.00, effective and retroactive to October 23, 1995.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (772-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the TOWN OF CLARKSTOWN herein called the  
Continued on Next Page

RESOLUTION NO. (772-1995) Continued

"Municipality," after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in the Order on Consent, herein called the "Project," is desirable, in the public interest, and is required in order to study and/or implement the local project or program, and

WHEREAS, Article 52 of the Environmental Conservation Law authorizes financial assistance to municipalities for remediation of inactive hazardous waste disposal sites by means of a written agreement and the municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE, be it

RESOLVED, by the TOWN BOARD of the TOWN OF CLARKSTOWN:

1. That the Supervisor of the Town of Clarkstown is the representative authorized to act in behalf of the governing body in all matters related to financial assistance. The representative is also authorized to make application, execute the State Assistance Contract, submit project documentation, and otherwise act for the governing body in all matters related to the project and financial assistance;
2. That the municipality agrees that it will fund its portion of the cost of said project;
3. That one (1) certified copy of this Resolution be prepared and sent to the New York State Department of Environmental Conservation, Albany, New York, together with the Application of State Assistance;
4. That this Resolution shall take effect immediately.

Councilman Dusanenko inquired if this was the language used by the State.

Philip Fogel responded "yes".

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. (773-1995)

Co. Maloney offered and Co. Smith seconded

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

BID #3-1996  
PRINTING OF TOWN ENVELOPES AND STATIONERY

is hereby awarded to

LONG ISLAND ENVELOPE  
240 ANDERSON AVENUE  
MOONACHIE, N.J. 07074  
PRINCIPAL: CALVIN GOOD

HARRINGTON PRESS  
240 MAIN STREET  
NYACK, N.Y. 10960  
PRINCIPAL: RICHARD N.  
HARRINGTON

TBM - 10/24/95  
Page 18

RESOLUTION NO. (773-1995) Continued

VICTORIA ENVELOPE & PRINTING  
12C DEXTER PLAZA  
PEARL RIVER, N.Y. 10965  
PRINCIPAL: RON STEINBERG

NEWBURGH ENVELOPE COMPANY  
388 N. PLANK ROAD  
NEWBURGH, N.Y. 12550  
PRINCIPAL: CARL STILLWAGGON  
STUART STILLWAGGON

"Item/price schedule on file in Town Clerk's Office"

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (774-1995)

Co. Maloney offered and Co. Smith seconded

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled as follows:  
In the Matter of the Application of

THE COUNTY OF ROCKLAND,  
Petitioner,

For an Order Under the Provisions of  
Article 78 of the Civil Practice Act,

-against-

THE TOWN OF CLARKSTOWN, and DOES 1-20,  
Respondents.

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (775-1995)

Co. Maloney offered and Co. Dusanenko seconded

WHEREAS, an adverse drainage condition exists in the vicinity of lots 51 A 10.08, 10.09, 10.17, 10.18, 10.19 and 10.20, West Nyack, New York; and

WHEREAS, said condition is within an existing town drainage and conservation easement; and

WHEREAS, the Department of Environmental Control has obtained a proposal from Atzl, Scattassa & Zigler, Land

Continued on Next Page

TBM - 10/24/95  
Page 19

RESOLUTION NO. (775-1995) Continued

Surveyors, P.C., New City, New York, to perform the surveying and design services to improve the conditions of said easement;

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Atzl, Scattassa & Zigler, Land Surveyors, P.C., New City, New York to perform the surveying and design work in accordance with the requirements of the Department of Environmental Control; and be it

FURTHER RESOLVED, that the cost for said improvements shall not exceed \$3,500.00 and shall be a proper charge to Account # H 8735 409 12 16.

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. (776-1995)

Co. Dusanenko offered and Supv. Holbrook seconded

WHEREAS, drainage, erosion, and flooding problems exist at the location of the former Rapkin property, New City, New York;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby directs the staff of the Building Department to issue stop work orders to developers who are working on properties that have drainage problems, whether they be occupied or not, until such time the problems with the drainage and erosion are rectified.

On roll call the vote was as follows:

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

\*\*\*\*\*

On motion of Co. Maloney, seconded by Councilwoman Smith and unanimously adopted, the public hearing re: Order Extending Clarkstown Consolidated Water Supply District No. 1 to include The Farm at Nyack was opened, time: 10:50 P.M.

On motion of Co. Maloney, seconded by Councilwoman Smith and unanimously adopted the public hearing re: Order Extending Clarkstown Consolidated Water Supply District No. 1 to include The Farm at Nyack was closed, RESOLUTION ADOPTED, time: 10:55 P.M.

RESOLUTION NO. (777-1995)

Co. Maloney offered and Co. Smith seconded

ORDER EXTENDING CLARKSTOWN CONSOLIDATED WATER

Continued on Next Page

TBM - 10/24/95  
Page 20

RESOLUTION NO. (777-1995) Continued

SUPPLY DISTRICT NO. 1 TO INCLUDE THE FARM AT NYACK, adopted and signed. (Complete Order 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

\*\*\*\*\*

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Town Board Meeting was declared adjourned, time: 10:55 P.M.

Respectfully submitted,

*Patricia Sheridan*  
 PATRICIA SHERIDAN  
 Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

TOWN HALL

10/24/95

8:00 P.M.

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

Re: Zone Change Application  
Redistricting property from a PO District to  
a CS District

Petitioners: Grossman, Loomis J. & Rissa W.  
Premises located at: Corner of Lake Road and Route 303,  
Valley Cottage, New York  
Map 123, Block D, Lot 4.01

---

Supervisor Holbrook stated that they needed to finish a public hearing that was adjourned due to the fact that the SEQR Report was not completed on the Grossman application on Route 303, Valley Cottage. He understood that the SEQR was completed and verified same with Deputy Town Attorney, Mr. Fogel. Supervisor asked if there was anything else that needed to be entered into the record relative to this zone change. He recognized the applicant and his representatives.

Appearance: Mr. Jay Greenwell  
Guterl & Greenwell  
Suffern, New York

Mr. Greenwell introduced himself, Richard Grossman, Harry Baker and Richard Splicer. He stated that as the Board was aware this matter went back to the Planning Board, where the Board reviewed the Traffic Report as prepared and when the Planning Board made their recommendation they included a restriction in their recommendation that the southerly building proposed for the site be utilized only for PO use. The Applicant would like to ask the Town Board's consideration in this: that the applicant was aware that the Planning Board was concerned about potential use of the southerly building which is adjacent to the school; they have self imposed no new additional access and they were aware of the traffic concerns; and the applicant is willing to stipulate to a covenant that would restrict the southerly building to not being used as a fast food restaurant, which he thought was the Board's main concern. He knew that the Board was reluctant to restricting the uses to a laundry list of specific uses permitted and leaving everything else open to be permitted. He asked the Board to consider that in their decision.

Supervisor asked what specifically?

Mr. Greenwell stated that they would rather have a CS use not limiting the southerly building to PO use. There is absolutely no consideration right now as to any other uses, other than the Kidney Dialysis Unit but as Mr. Grossman discussed with the Planning Board in ten years, there may be no need for this type of unit as medical advances might render this type of service obsolete. Mr. Greenwell further stated that if this occurs then they are locked into a medical office and the problem is that this site has been zoned PO and the applicant has made every effort to utilize the property in conjunction with that PO use and has not been able to, so he is reluctant to commit to that. This was the only exception and if the Board can make a decision on this they are prepared to accept that.

Supervisor asked were there any more questions from the Board members?

Zone Change Application from PO to CS (GROSSMAN)  
10/24/95  
Page 2

There being no one further wishing to be heard, on motion of Councilman Maloney and seconded by Councilman Dusanenko and unanimously adopted, the public hearing was declared closed at 8:05 p.m.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

Resolution #743 granting zone change unanimously adopted.

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

10/24/95

8:07 P.M.

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

**Re: Zone Change (MF-4 to CS) Petition: Melville Realty, Nanuet  
(14-B-1-.02)**

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

Supervisor asked Deputy Town Attorney Fogel if he had the reports of the County and the Town Planning Board.

Philip Fogel responded yes, and stated that the County Planning Board, by letter dated April 12, 1995, disapproved.

Supervisor said this requires a super majority.

Philip Fogel responded yes, plus one. Mr. Fogel read Town of Clarkstown Planning Board letter dated August 21, 1995, approved and made the additional recommendation of the elimination of the MF-4 Zone.

Supervisor stated at that time he would allow the application to make his presentation and if the Town Board members had any questions they could ask at that time. He stated he believed SEQR was completed for this application.

Mr. Fogel replied, that was correct.

Supervisor stated that the Town Board could take action on this zone change at the conclusion of the public hearing. He asked the applicant to come forward.

**Appearance: Martin Cornell, Esq.  
Counsel for Melville Realty Co.**

Mr. Cornell stated that this application is located on property in the Hamlet of Nanuet. The property itself consists of approximately 5.4 acres, but the project itself is large which he would describe later on. He gave the history of the property as follows: it was presently zoned MF-4, which was the only piece of property in the Town of Clarkstown that has that high density residential use and back in 1967, the property was zoned commercial and in the master plan, which was created at that time, designated as commercial property and the zoning ordinance was implemented to provide for commercial. The property has been zoned commercial for approximately twenty (20) years until the area of North Middletown Road and the intersection of Route 59 became congested and the traffic developed into a problem, which the Board is fully aware of. At that time, there was a study done of Route 59 with the thought of trying to induce the DOT to improve Route 59 entirely. At this time as a result of this study, it was recommended by Mr. Geneslaw, the Planning Board and others that certain properties which had not been developed as commercial at that time which included this parcel should be put into a holding pattern and placed in a residential zone to prevent commercial development because of the lack of proper traffic controls and lighting of Route 59. This parcel and other properties were put into a residential zone as a holding pattern and that was when the MF-4 zone was created. The reason he gave the background was that the predicate for putting the property in an MF-4 initially is really based upon the thought that Route 59

has been approved for a commercial zone, now of course, it is in the process of being approved. North Middletown Road and the intersection of Route 59 in the areas of the vicinity are being approved which would indicate that the commercial development of this property is appropriate as it had been under the Master Plan in 1967. The property itself is directly across the street from the west side of North Middletown Road where you have CS and RS. Directly to the south of the subject property is Varriale Furs also a CS zone. Directly to the north, you have the Nanuet Hebrew Center which is zoned CS. This particular piece of property is surrounded on all these sides by commercial property. On the east side of the property there is the Nauraushaun Brook which separates it from an MF-3 property which has been developed and is a small portion of RD-2 which is Normandy Village on the south side. He pointed out that this property is almost completely surrounded by commercial property and for that reason, he felt from a planning standpoint that this parcel should be a commercial parcel. This proposed project is to provide for approximately 76,000 square feet of commercial space which would be stores which would be owned and operated by Melville which is a large retail corporation. The two stores would be approximately 30,000 square feet for a store called Linens and Things and 46,000 square feet for a store called Bob's Store and parking would be in the front of the proposed shopping area. Now the project is larger than just the five pages that are the subject of the zone change. The project encompasses the Nanuet Hebrew Center and Varriale Furs which is a smaller parcel on the south side. The stores that are proposed would be built on the three parcels combined which consist of about seven (7) acres. The unique part of this project is that it would give the Nanuet Hebrew Center an opportunity to relocate to another site. The site that they are presently located on is a difficult site due to the traffic and the lack of access and the Center is desirous of moving to another location. The Melville Corporation has entered into an arrangement with the Nanuet Hebrew Center to purchase another parcel of property for the Center and pay for the Construction of a new Center at another location so that this application is predicate on that being carried out, which will benefit the Nanuet Hebrew Center and we think it is important for the community to keep the vitality of that facility and religious institution in the Hamlet of Nanuet. The Melville Corporation is a large corporation, he stated that John Larson was present. Mr. Cornell stated that the Melville Corporation is the largest professional retail establishment in the country and is the fourth largest retailer in the United States with total sales of over eleven billion dollars. The unique thing about this project is Melville Corporation is not just a developer who will come and develop that property and rent it for another use. Melville Corporation will own the property and these two stores will operate on their own and will become part of the community which will operate on their own and will become part of the community which will be an attractive addition to the hamlet of Nanuet. The reasons for the zone change which he felt were positive and hoped the Town Board would favorably consider are the following:

If you have driven along North Middletown Road, in the vicinity of the property with the wide end of North Middletown Road, with the large parking lot across the street from the Nanuet Mall, it is quite evident that to put a high density residential facility which would basically be a high-rise apartment right across from the Nanuet Mall, right in front of the busy North Middletown Road, is really not the appropriate place for residential facilities, it would be impossible to insulate a residential facility there with the noise and activity at that location. For that reason we feel that it is not appropriate to have residential units as high-rise apartments, which this zoning ordinance allows for a maximum of eighty-one units. Also the unique situation as stated earlier will allow the

synagogue to relocate which is appropriate. With regard to the traffic, noting that this project has been pending for a year and reviewed by all agencies of the County; they also had their own traffic consultant work on the project and introduced Vincent I. Barone, traffic expert and stated that he was available for any questions that the Board and the Public may have. Mr. Cornell stated that his study demonstrated that there would be no change in the level of service at the proposed intersection of this site. If the site was developed as MF-4 or even if it was developed as a MF-3 compared to developing it as commercial, that is CS, that particular intersection which is the intersection directly across from the Mall where there is a traffic light now, the level of service would then be a "C" which is a satisfactory level. In other words the study and statistics show that the traffic conditions at that intersection would be no worse if it was commercial or residential. One cannot argue that putting a commercial facility there in any way will detract or cause any difficulties with the traffic at that particular intersection. At the present time, the Nanuet Hebrew Center has two accesses out on North Middletown Road. The Subject property would have one access. Varriale Furs has two accesses, for a total of five accesses onto North Middletown Road. What will occur with the proposed project is that all those accesses will be eliminated except one and one access will be to the commercial site, which will be at the traffic light crossing Nanuet Mall, so that all the traffic going into the site will enhance the traffic situation. It is true that there are other intersections in the vicinity, stating that these intersections were not at the highest level of service. Their studies showed that the addition of the proposed intersection would not make those intersections any worse. There would not be any additional traffic congestions at those intersections as a result of implementing this proposal. Notwithstanding that the applicant has agreed in discussions with Mr. Geneslaw and others that the applicant would make to the Town a contribution and that fee would be predicated upon the square footage of the sight which would be a maximum of approximately 76,000 square feet at the rate of \$1.00 per square foot for a total of about \$76,00.00. This money would be set aside to be used by the Town for improving the three intersections mentioned for the purposes of widening these intersections or providing for turning lanes which would generally improve the traffic in the area. So if the application is granted and if the site is built as proposed there would in fact be an improvement of the intersection which would be done by the Town at a future date. So, from the standpoint of traffic, they felt there would be no problems and definite improvements. Also the project itself would generate no more new cars into the area, people are not going to come from other counties or other states just to come to these stores. The traffic in the area will be there due to the Nanuet Mall and the other stores on Route 59. The other reason that the zone change should be granted is that there is no need for any other additional residential units in the Hamlet of Nanuet. There are approximately 128 units, which are proposed as an extension of Normandy Village, there are about 500 units by Avalone, Hovnanian has about 155 units which is approximately 700 residential units, which is a large number of units and it is their position from a planning standpoint another 80 units are not needed in the Nanuet Hamlet area.

Supervisor asked if there were any members of the Board that had any questions?

Councilman Mandia stated that it was said that the Nanuet Hebrew Center is on a piece of property that is currently zoned CS and partially RS, and asked is it possible for you to estimate if that site is developed as what it is now how large of a retail facility could be put there, if it is still possible to even put one there?

Mr. Cornell asked do you mean by itself?

Councilman Mandia asked if there was no zone change even considered if someone bought the property and built a store on what it is zoned for now. How big would that be if you can estimate that?

Mr. Cornell stated he could hardly estimate that it would be about 1.3 acres and the square footage of the building is relative to the amount of parking, stating Mr. Caruso or Mr. Horowitz may be able to the size of the building.

Councilman Mandia stated that the reason for the question, of course Varalli Furs is commercial already, if someone built a building there what he is curious about is what would the total square footage of that building then be. I guess we can't figure that out.

Mr. Cornell stated that he could try and get the answer.

Councilman Mandia stated that he had mentioned a contribution to the Town for certain road improvements, he assumed not a building permit or a Certificate of Occupancy would be issued until all that work and the site work was completed.

Mr. Cornell stated that the applicant was willing to delay the construction of the commercial project if the zone change was approved and if the Planning Board granted site plan approval which is obviously a process that they would have to go through until the DOT work is essentially completed. That, the applicant has agreed to do and that certainly will facilitate there not being any traffic problems in the area. With regard to the impact which may be used by the Town for the other intersections unrelated to the subject site, it is really up to the Town when and how these intersections are going to develop and he stated that he was concerned that may be long range, it may be a number of years. The state project has obviously reached its completion but the other intersection might be a number of years before completion.

Councilman Mandia stated that he was concerned about the total of 76,000 square feet plus between the two store. Is that established in the Certificate of Occupancy, in other words what would prevent, because in his mind the size and type of the stores really has an impact of the type and amount of traffic that may go in, a specialty store as opposed to a McDonalds and the question was the two stores that were there, is it possible that under the zoning as it was prescribed for them to vote on, could either of those two stores then be subdivided into seven ten thousand square footage stores? (stating that may be a question for the Planning Board)

Mr. Cornell stated that conceivably that could happen but that was not the applicant's intention and that is the reason that he pointed out earlier that you are dealing with not only a developer but an owner operator. The Town Board knows that the Melville Corporation is acquiring this property and not a developer which could put in as many stores and it would be up to the Town Board to restrict that. As an owner operator the applicant is committed to putting his own stores in there. I cannot tell you for sure that twenty years from now that something will happen but without question the owner applicant will operate the two proposed specialty stores.

Mr. Cornell asked if he could asked John Larson to make a few comments.

**Appearance: John Larson  
Melville Corporation  
Director of Development**

Mr. Larson stated that he was the Director of Development of Melville Corporation for a little over two years, that the negotiations involving this project preceded his employment with Melville which began in 1993. Since then, he had worked with the Nanuet Civic Center and the Hebrew Center on this project. Of the two stores proposed here one was Bob's Stores which was a casual clothing and footwear operation which was acquired by

Melville within the last five years, which started with five stores and now has twenty-five from New Hampshire to Washington. It occupies a unique niche in retail and has no comparable store to use as an example. The other store is Linens and Things, which is linens and housewares operation, it is a national chain from California to Maine and Florida and their major competitor is Bed, Bath and Beyond. The question was raised as to whether one could conceive of the circumstance whereby the project could somehow be subdivided, obviously you cannot anticipate what could happen ten years from now. These are two very successful operations and there are physical limitations that would probably preclude this Center from being subdivided into several stores. As long as Melville owns it they are not terribly anxious to be anybody's landlord as they are in the retail business. The configuration does not lend itself to being broken up into smaller stores. Can it be subdivided, yes, will it be practical, no. Mr. Larson stated that this type of project is very new to Melville and stated that who the applicant was in this zone change was germane as it was an owner/operator, not your typical absentee landlord. Mr. Larson reiterated the advantages Mr. Cornell stated to this project, that there are three properties involved to be consolidated into one and comprehensively in an area that is heavily trafficked with the advantage of a large amount of road improvements being put in, stating that if the Nanuet Hebrew Center is not part of the project they do not build the project. If the project is off, the Center will be moved to a more appropriate location. He ended by stating that Melville Corporation was splitting itself into pieces and that there will be three separate new public corporations created that will eventually take the place of what is today Melville Corporation. Stating that he thought it was important that everyone was aware of that but that it has no bearing with regard to this project. The basis of the project will remain the same. When he said Melville last night, a year from now it may not be called Melville Corporation but the concept is the same, the stores proposed herein will still be under a division of the Corporation and he doesn't want any claims of misrepresentation. He proposed that the zone change be conditional, that if Melville does not come through with a site plan application for this project within the next 90 days that the zone change disappears, that it just evaporates because again they are extremely concerned that what is being proposed herein is exactly what will happen. One last comment to a question that was raised in regards to the size of the building that could be built on the Nanuet Hebrew Center property, normally as a rule of thumb you can generally assume that with reasonable parking coverage consistent with your regulations you would normally expect 10,000 square feet of retail building per every acre of land so that if that is slightly more than an acre a safe assumption of approximately 10,000 square feet or a bit more on the Center's property as estimated by a calculation by Mr. Caruso.

Mr. Cornell stated that the Nanuet Hebrew Center property was approximately 1.3 acres.

Supervisor asked if there were any more questions from the Board, no one responded and he opened the hearing to comments from the Public.

**Appearance: Mollie Friedman  
President of Nanuet Hebrew Center**

Ms. Friedman stated that the Nanuet Hebrew Center has been an integral part of this community for 56 years and its involvement therein. She stated that the area around has become a commercial hub and the adjoining property was rezoned from commercial to high-rise residential, as a stop gap measure to the reworking of Route 59, the proposed apartments were never constructed and the area became an abandoned wooded lot. They put aside all plans for the future when they were notified that

Route 59 would be widened into a 5 lane road and that would require taking 23 feet from their front lawn. The property next door remains undeveloped and their membership went down. The gas station was built, the Nanuet Mall expanded and Higgins Funeral Home was demolished. They considered Melville's proposal when it was offered to them several years ago and decided that the new building would be more accessible and better for their Center's needs in terms of traffic. Ms. Friedman further stated that they believed that this project would be an asset to the Community and this project would insure that the Nanuet Hebrew Center would remain a viable part of Nanuet and its people, requesting the Town Board's approval of the zone change. She further stated that Mr. Larson's remarks are appropriate and satisfactory.

**Appearance: Jessica Hauser, Esq.**  
**Counsel for South Little Tor Civic**  
**Association**

Ms. Hauser asked that the Town board to consider the ramifications of traffic of the proposed site and also for the new site of the Nanuet Hebrew Center at the corner of Burda Avenue and Little Tor Road. She referenced a letter sent to the Board on October 17, 1995 expressing this concern and confirmed that the Board received same. She requested that the Town Board have traffic studies prepared on this new site before they make their decision.

**Appearance: Eugene Forst**  
**Nanuet, New York**

Mr. Forst introduced himself and stated that he was in favor of the proposed zone change applied for by the Melville Corporation, stating that he is a native of Nanuet and has lived here since 1922 and his family are fourth generation residents. He stated that he is faced with the possible extinction of his temple. He asked what made the property in question different from the properties along Hutton Avenue and Camber Lane, which in the last two years have been zoned residential to commercial and this property which was previously zoned commercial and temporarily zoned residential until the Route 59 improvements were completed. He stated that Nanuet and the Town of Clarkstown need rateables to offset and give some balance to the present tax structure. He stated that as Senior Citizens, they are finding it very difficult and asked that this zone change be granted.

**Appearance: Michael H. Reeder, Esq.**  
**Counsel for Sussex at Grammercy Park**  
**Condominium I**

Mr. Reeder stated that Condominium I was to the east of the subject property. While the Board of Managers, at the present time, do not take a position either favoring or objecting to the change of zone for which this application is presented to the Board, the Condominium had concerns with the impact of the development of this site upon their residential development. Their parcel is part of a two section condominium, one of which is built and the second section which is not built. The specific concerns are with the parking lot and the resulting traffic concerns, the litter problem inevitable with shopping centers. He requested that if the Board chooses to grant this application, they should provide some conditions that will protect this residential area from these problems. Particularly he asked that the Board will impose a requirement that the applicant provide a fifty foot buffer along the easterly boundary of the subject property, that they fence it, plant a growing buffer of dense evergreen trees which will provide a sound barrier, a light barrier and detract vehicular and pedestrian traffic and will preserve the residential quality of his client's property. He

exhibited maps of the Condominium and offered a written statement.

**Appearance: Gertrude Buchman  
Nanuet, New York**

Ms. Buchman, a resident of Normandy Village for 26 years and stated that she was in favor of the zone change. She stated that developing the property will eliminate the eyesore that is currently there. She saw no problem with the Hebrew Center relocation and thought that the facilities will be better equipped to meet senior needs.

**Appearance: Bruce Broadley  
West Nyack, New York**

Mr. Broadley stated that the flavors of the month don't change. The month that this property was to be zoned and MF-4 that was going to solve all the problems. Now we see road improvements being used as a justification, reminding the audience that the road improvements were covered by taxpayer dollars. Mr. Broadley commented on the split-up of Melville, in that several weeks ago Melville sold Marshall's to TJ Max. He asked that it be considered that these new stores may be built but there are all these other empty stores in that area therefore there is no net gain.

**Appearance: Alan Eisenkraft  
Nanuet, New York**

Mr. Eisenkraft stated that he was a twenty-five year resident of Nanuet and member of the Nanuet Hebrew Center's Men's Club. His family is third generation in Nanuet. He spoke as a forty year real estate professional, stating that there are 750 rental units in Nanuet. Added to this are the proposed developments which brings the total to 1382 rental units. In addition there are 624 Condominium units bringing the total of rental multiple dwelling units to 2006 units. The 1996 Census shows Nanuet as a hamlet of 14,030 people. He asked does Nanuet need any other further additional housing beyond what it has? In his professional opinion, definitely not. The real estate marketplace tells us what the highest and best use of this property is. It is the commercial development that it was originally zoned for. Why didn't a real estate developer come in the last ten years and develop it residentially, because the property is worth too much commercially. He does not see any additional traffic increase coming to these doors because Melville has stores just over the border in Westchester. Mr. Eisenkraft implored the Board to grant the zone change. He asked the members of the Nanuet Hebrew Center to raise their hands.

**Appearance: Joseph Pantano  
Committee for Responsible Government**

Mr. Pantano stated that the Committee had a meeting on the proposed zone change and the impact on New City, and their conclusion was that they neither opposed the zone change or favored the change. The Committee would like the Board to consider some facts:

1) That the area of Middletown Road and Route 59 is the busiest intersection North of Yonkers in the State of New York. It is an area that has problems with drainage and traffic. It has been proposed that the Nanuet Hebrew Center plans to relocate to the corner of Burda and Little Tor Road and the people in that community are not in favor because it will add to the traffic and drainage in that area. If the Nanuet Hebrew Center is intricate to this proposal being passed then, and if the Center plans to relocate to this location, which has nothing to do with

the Nanuet Hebrew Center but any proposed development that would be a detriment to the residential composition of that area. He spoke for the people in that area as not being favorable to any considerable construction in that location.

**Appearance: Ellen Fierretti  
Nanuet, New York**

Ms. Fierretti stated that she has been a resident of Nanuet since 1915. She was against this proposed zone change and stated her concerns about the traffic and wondered what they were going to do about the egress and ingress from the proposed shopping center. That it will all be on South Middletown Road. She addressed the Hebrew Center's concerns about parking which were met in the Park & Ride. She stated that until Melville came along the Center had no intention of moving. We are losing all our churches and synagogues to the shopping centers and gin mills. Her opinion is that apartments would be conducive referring to Normandy Village as an example of a complex that has hardly any children and limited car owners. She would like to see the Center remain and she would like to see apartments.

**Appearance: John Lang  
West Nyack, New York**

Mr. Lang asked the Board for the zone change that has been recommended. He stated that the Nanuet Hebrew Center will make a very good neighbor and are good citizens. He stated that his son was struck by a car coming out of the Nanuet Hebrew Center over 15 years ago and asked to consider what would happen if a residential building was developed stating that the Center cannot stay.

**Appearance: Rose Kessler  
Nanuet, New York**

Ms. Kessler stated that she was a 38 year resident of Nanuet and was the first woman president of the Nanuet Hebrew Center and is a professor at Lehman College where she has taught courses in Urban geography and realized that the location of Nanuet within the triangle of three main interstate routes plus Route 59 makes Nanuet the commercial hub of Rockland County. The congregation has an opportunity to achieve the goals of its membership by relocating. She asked for approval of the zone change.

**Appearance: Gail Burnham  
Nanuet, New York**

Ms. Burnham stated that she supported the zone change as it could serve no other purpose due to the widening of Middletown Road and traffic increases due to the enlargement of the Nanuet Mall. Middletown Road is no longer an appropriate location for residential use due to the traffic, noise and pollution and the Town rendered this property only suitable for commercial purposes when the road widening and the enlargement of the Mall were granted. The conditions are unsafe and unsuitable for the purposes of the Nanuet Hebrew Center.

**Appearance: Jack Cuff  
West Nyack, New York**

Mr. Cuff reminded the Board that it was only a few years ago that MF-4 was the hot subject at Town Hall. This zone change serves two purposes apparently; it will help the Nanuet Hebrew Center as well as eliminate MF-4. Mr. Cuff stated that most people relocated to Rockland to get away from high density housing. Mr. Cuff asked that MF-4 be abolished and asked that consideration be given to the relocation of the Center and stated

that he did not think that the attendance at the services there would interfere with commuter traffic. He stated that as this property is directly off of the Parkway Exit, who could ask for a nicer entrance than a church, synagogue or mosque. He has faith that any engineering problems present can be solved and to move on with the proposed zone change.

**Appearance: Kenneth Torsoe  
Nanuet, New York**

Mr. Torsoe stated that he is a partner in Normandy Village and that he is neither for or against the proposed zone change, but he is very concerned that he has four or five buildings that will back up to this shopping center. He agreed with Michael Reeder's points and stated his concerns that this development would not be affected by noise, litter, etc. and that buffers would be put in place. He understood that there were problems with the drainage and wondered how they were being addressed. If the zone change is granted he hoped that he would be protected and the people of Normandy Village would not be too affected.

**Appearance: Adam Garth  
New City, New York**

Mr. Garth stated that he had been before the Board before to address other proposed developments on Burda where the Center would be located and the Board each time gave commitment orally and in writing to the citizens that the residential character of the community would be maintained and reminded the Board of its commitment to the Community in considering this zone change.

**Appearance: Gloria Sakolick  
New City, New York**

Ms. Sakolick stated that she lived next door to the proposed site for the Nanuet Hebrew Center and that she is concerned about buffers and sound barriers (trees) and she did not want to sit on her deck and look at another parking lot.

Supervisor stated that regarding the site presently considered for the Nanuet Hebrew Center, he would like to inform the audience that a religious institution can relocate to that site because there is no zone change involved upon this particular site on Burda Avenue. With regard to the parking lot or any other site plan, if that were to occur, it would be under the domain of the Planning Board which would review traffic, drainage, etc., but there is no zone change for the Burda Avenue site.

**Appearance: Nick DeSantos  
President of the  
So. Little Tor Civic Assoc.  
New City, New York**

Mr. DeSantos stated that a year ago their association began holding meetings on this proposal and what surfaced at these meetings was the traffic light between Exit 10 and Burda Avenue as well as other traffic and parking studies. He understood that earlier speakers had stated that the residents in the area were upset with the Nanuet Hebrew Center relocation and he thought that wasn't the case, but he thought the people would like to see the site plan. He stated that there have been no environmental or traffic studies for Burda Avenue and Little Tor Road to relocate the Nanuet Hebrew Center which is important for both the residents of the area and the members of the Nanuet Hebrew Center. The Town Board through its Planning Board and Planning Consultants with input from the parties involved should make sure that all the costs are borne by Melville Corporation or their

successor. Mr. DeSantos stated his concerns with flooding and drainage, stating that the impact of this zone change was on Burda Avenue and Little Tor Road. The studies were not available to consider this zone change and its impact. The vote should be delayed until they are available so that this can be a workable project for the Town, the Developer and the Community.

**Appearance: Philip Newfield  
Nanuet, New York**

Mr. Newfield commented on what seems to be two separate issues which have come together. Before the Board there is a request to grant a zone change on the property in Nanuet and the proposed site for the Nanuet Hebrew Center which is not the only site being considered. The Town Board has the right and responsibility to make sure all the proper commitments from the Builder be given and if not another site will be found, but that should not preclude the voting on the zone change.

**Appearance: Alan Frimmerman  
Nanuet, New York**

Mr. Frimmerman stated as a resident of this County for seventeen years, he has seen the traffic problems multiply. He stated that this problem is a no win situation for anyone and mentioned that Bergen County has Blue Laws which will increase the influx and that you will get more traffic when you have more stores. Mr. Frimmerman stated that this property should be made a community center for the children. Mr. Frimmerman said that a conscious effort has to be made for what is right for the County and to consider what direction we are going in. He cited the Nanuet Mall expansion and the shopping center being built on Route 59 as examples of where we are headed.

**Appearance: Bob Jackson  
President of Nanuet Civic Association  
Nanuet, New York**

Mr. Jackson stated that the Nanuet Civic Association had a meeting about a year ago and came out opposed to the proposed zone change and since then members of the Nanuet Hebrew Center have joined the Civic Association and he is not here to argue with the Center, but to address the Board. Mr. Jackson said, if 76,000 feet of shopping is built in Nanuet, the traffic study alone should have stopped this proposal. He noted the findings of the traffic study stating that there would be 3,800 cars on a Saturday. He stated that the Nanuet Civic Association wanted a zone change for MF-3 which is different than an MF-4 which would only be 54 units. He does not think this amount of units would put us at complete capacity in our school districts. Mr. Jackson said that Mr. Larson stated the road improvements would be done before the project, but the attorney, Mr. Cornell, stated that these improvements would be DOT work. Mr. Jackson stated that the intersections on College Avenue will be impacted and should be looked into before approval is given. If this zone change is granted, he will ask that the road work be done first which seems to have been agreed to partially. He also said that there is no one from Nanuet on the Clarkstown Planning Board and that there is too much development going on in that area without having a representative. Mr. Jackson requested that this vote not be tabled, but a decision be made tonight.

**Appearance: John Lodico  
Former Chairman of Industrial  
Development  
New City, New York**

Mr. Lodico said that should the Board choose to approve this, it is a conditional sale and it is not an ownership situation at this time. He also said that they should consider the property owners surrounding the site.

**Appearance: Janet Bishop  
Nanuet, New York**

Ms. Bishop has been a resident of Nanuet for 26 years. She stated that the composition of the community is isolated and a zone change will allow growth. Having two more stores on a commercial street would not be inappropriate, but not having the Nanuet Hebrew Center would. Ms. Bishop asked that the zone change be granted.

**Appearance: Warren Marshall  
Nanuet, New York**

Mr. Marshall suggested that the Board make the site public land to supply fresh air and no building should be constructed whatsoever because we are running out of fresh air in the County. The impact is negative in the big picture monetarily speaking.

**Appearance: David Geller  
Nanuet, New York**

Mr. Geller stated that he was not speaking in his official capacity as Vice President of the Nanuet Civic Association, but as a 34 year resident of Nanuet. He stated that the last thing Nanuet needs is more people and there is more residential activity in Nanuet than can be dealt with. He cited the 800 units and the traffic situation. Mr. Geller hoped the Board's concerns are with the people who live here, pay taxes and work to build the community as opposed to people who may move here. The fact is that Nanuet is the commercial hub of Rockland. The Nanuet Hebrew Center has contributed greatly and is asking for empathy from their neighbors and pointed out that the Clarkstown Planning Board has voted 4-1 on this matter and reiterated that they need a Nanuet resident member. Mr. Geller stated that he would see to it that Melville carried through with their commitments.

**Appearance: Ed Duffy  
Nanuet, New York**

Mr. Duffy stated that when High Nanuet happened they did not want a zone change then and that now there is a complete turnaround. He said that Melville was down sizing and was getting rid of Marshalls and there is no representatives of Nanuet on the Planning Board and on the Town Board. Mr. Duffy stated that we do not need anymore shopping centers.

**Appearance: Russell Trojan  
Nanuet, New York**

Mr. Trojan suggested that Nanuet Hebrew Center relocate in the area of Overlook and Smith Road. Nanuet is growing in that area and does not have sufficient services for the number of people in the area. He asked how many square feet are in the Bob's store in Paramus?

Mr. Larson replied that it is a two level store something under 40,000 feet.

Mr. Trojan measured the outside of the building and estimated a calculation of 30,000 square feet and asked if Mr. Larson knew the estimate of the Limited, which he did. Mr. Trojan stated that it was a total of 45,000 square feet for the stores in Paramus that serves Bergen County which is three times the size of Rockland and stated that 76,000 feet is what you want

not what you need. This is greed. He would like to see this proposal rejected, but if not rejected, modified so that Melville not be allowed to crowd Grammercy Park and Normandy Village. Do not grant them the full acreage. They have not granted anything to the community, but what they are obligated to. They are going to take a vital asset in the Nanuet Hebrew Center and they must replace it. They have not offered a handicap bridge over Route 59 which is something that we need. Numerous conditions must be applied to Melville to preserve as many trees on the property and that the bridge be put in place.

**Appearance: John Bardalosi  
New City, New York**

Mr. Bardalosi said that the property should not be zoned commercial. There are sufficient available stores along Route 59 now. He sympathized with the Nanuet Hebrew Center, but he stated that the light on Exit 10 of the Palisades was a difficult one.

**Appearance: Martin Cornell  
New City, New York**

Mr. Cornell addressed Mr. Reeder's remarks about the MF-3 Development at Sussex which is to the east of the property. He pointed out to the Board that there is the Naurashaun Brook which runs North and South. This is in effect a buffer between that property and the proposed development. This buffer is approximately sixty feet in width at the present time and this will be a very sufficient buffer between any area of development commercially and the residential area. He reminded the Board that if this project and zone change is approved, they must go to the Planning Board for a detailed site plan which would give the Planning Board time to investigate and be sure that there is adequate buffers to protect the residential areas. Mr. Cornell also responded to Mr. Torsoe's earlier remarks about the permit for the Brook and that there was a permit issued on the Naurashaun Brook for that particular site. He concluded by stating that Melville will make a very good neighbor.

Councilwoman Smith would like to add the following conditions to the resolution: Have the applicant provide sufficient buffer to protect the adjacent residents on Middletown Road, First and College Avenues. Have the applicant contribute monies to the Town to be used for studies for a relocation site and that they provide additional monies for signalization if necessary at the relocation site.

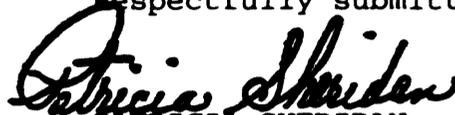
Mr. Cornell asked if she was speaking about the site on Burda Lane.

Councilwoman Smith said, yes. The traffic study must be done and she would like to know if the applicant will pay for it along with signalization if needed.

Mr. Cornell replied, the traffic study can be done. He could not say without conferring with his client as to the cost of signalization and expense that would be incurred.

There being no one wishing to be heard on motion of Supervisor Holbrook, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 10:18 P.M.

Respectfully submitted,

  
PATRICIA SHERIDAN  
Town Clerk

**RESOLUTION NO. (744-1995) ADOPTED**

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

10/24/95

10:50 P.M.

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

RE: Extension of the Clarkstown Consolidated Water Supply  
District #1 on the Farm at Nyack

---

On motion of Councilman Maloney and seconded by Councilman Smith and unanimously adopted, the public hearing was opened. Town Clerk read notice and testified to proper posting and publication.

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

No one appeared.

On motion of Councilman Maloney and seconded by Councilman Smith a motion to close the public hearing, and ORDER SIGNED, time 10:55 P.M.

Respectfully submitted,



PATRICIA SHERIDAN  
Town Clerk