

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

5/14/96

8:00 P.M.

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

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

Supervisor stated that the first order of business this evening was the awarding of a proclamation for Jewish War Veterans.

JEWISH WAR VETERANS
IN HONOR OF ITS
100TH ANNIVERSARY WEEKEND
MAY 24TH THROUGH MAY 26, 1996

- WHEREAS, soldiers of the Jewish faith have served proudly in every branch of the United States Armed Forces, receiving commendation and high honors; and
- WHEREAS, history records that Jewish soldiers fought bravely and died heroically in every war in which this nation has participated; and
- WHEREAS, the Jewish War Veterans of the United States of America will be celebrating its one hundredth anniversary as the nation's oldest active national veterans organization, in 1996; and
- WHEREAS, during the century of service to this country, the Jewish War Veterans of the United States of America have dedicated themselves to promoting the welfare and special needs of all veterans, promoting Americanism and patriotism, combating anti-semitism and racism wherever it occurs, advocating the doctrine of freedom, universal rights and equality for all Americans; and
- WHEREAS, by instilling love of country, promoting awareness in community, honoring the memories of those who have made the ultimate sacrifice in defense of this nation, tending to the graves of the fallen and helping to create a better place in which to live; and
- WHEREAS, the Council believes that it is fitting and proper to honor the contributions of the Jewish War Veterans of the United States of America

NOW, THEREFORE, be it

RESOLVED, that I, Charles E. Holbrook, by virtue of the authority vested in me as Supervisor of the Town of Clarkstown, and on behalf of the Town Board, hereby proclaim the days of MAY 24TH THROUGH MAY 26, 1996 AS JEWISH WAR VETERANS 100TH ANNIVERSARY WEEKEND and recommend that the citizens of Clarkstown give their support and good wishes to this worthy organization.

IN WITNESS WHEREOF I HEREUNTO
SET MY HAND AND CAUSE THE SEAL
OF THE TOWN OF CLARKSTOWN TO BE
AFFIXED THIS 14TH DAY OF MAY 1996

/s/

Supervisor Holbrook presented a Certificate of Award to Thomas R. Baldwin, Boy Scout Troop 85, for achieving the rank of Eagle Scout.

Judge William Kelly introduced the members of the Drug Abuse Prevention Board and announced that the posters of the contest winners will hang in Town Hall for two months. The members of the Drug Abuse Prevention Board presented the awards.

RESOLUTION NO. (420-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of April 23 and May 6, 1996 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (421-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, COURTNEY-LYNN PROPERTIES, INC. and FRED J. CUFINI have petitioned the Town Board of the Town of Clarkstown requesting that the Zoning Ordinance of the Town be amended by redistricting property owned by the petitioners, from an R-15 District and an R-40 District to an MF-2 District, and

WHEREAS, said properties are designated on the Clarkstown Tax Map as Map 141, Block B, Lots 1 and 2, and more particularly described on Schedules "A" and "B," attached hereto;

NOW, THEREFORE, be it

RESOLVED, that the petition is hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33(A) of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (422-1996)

Co. Smith offered and Co. Maloney seconded.

WHEREAS, a request has been made by PLARO ESTATES, INC. that the Superintendent of Highways and the Town Board of the Town of Clarkstown take action pursuant to Section 205 of the Highway Law to declare that a certain portion of a right-of-way known as FULTON AVENUE, West Nyack, New York, as described on the metes and bounds description attached as Schedule "A", upon the grounds that the same has never been used by the public and therefore may be deemed abandoned, and

WHEREAS, said road appears on the Official Map of the Town of Clarkstown and said applicant has further requested that such allegedly abandoned road be deleted from same, and

WHEREAS, the Town Board of the Town of Clarkstown desires to consider the determination of abandonment pursuant to Section 205 of the Highway Law and deletion from the Official Map of the Town of Clarkstown pursuant to Section 273 of the Town Law of said portion as described above;

NOW, THEREFORE, be it

RESOLVED, that a public hearing be had at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on June 11, 1996, at 8:00 P.M., pursuant to Section 273 of the Town Law, to consider said certification of abandonment of FULTON AVENUE, West Nyack, New York, pursuant to Section 205 of the Highway Law and deletion of same from the Official Map, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of said public hearing be published in the newspaper of general circulation and posted in the manner provided by law, and be it

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

FURTHER RESOLVED, that the applicant shall fulfill the additional requirements of Section 290-33(C) of the Zoning Ordinance of the Town of Clarkstown regarding the posting of additional notice of said public hearing and mailing of notices to property owners of record within five hundred (500') feet of the affected property, and be it

FURTHER RESOLVED, that a copy of this resolution be referred to the Rockland County Commissioner of Planning and to the Clarkstown Planning Board for their report and recommendations, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (423-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, YABOO FENCE COMPANY, INC. has petitioned the Town Board of the Town of Clarkstown requesting that the Zoning Ordinance of the Town be amended by redistricting property owned by the petitioner, from a PO District to an CS or LS District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 89, Block C, Lot 44;

NOW, THEREFORE, be it

RESOLVED, that the petition is hereby referred to the Clarkstown Planning Board for report pursuant to Section 290-33(A) of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law and other applicable provisions of law, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (424-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement, in a form approved the the Town Attorney, with the following non-profit organization to provide services and programs for residents of the Town of Clarkstown that are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the Town Board shall allocate the following sum in economic assistance for 1996 to:

Friends of the Nyacks \$500.00

and be it

FURTHER RESOLVED that the total amount of \$500.00 be transferred from Account # A 1990-505 to Account A 8840-424, and be it

FURTHER RESOLVED that the amount of \$500.00 shall be charged to Account # A 8840-424.

On roll call the vote was as follows:

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

RESOLUTION NO. (425-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement, in a form approved by the Town Attorney, with the following non-profit organizations to provide services and programs for residents of the Town of Clarkstown that are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the Town Board shall allocate the following sum in economic assistance for 1996 to:

MEALS ON WHEELS OF ROCKLAND COUNTY, INC. \$10,500

FURTHER RESOLVED, that the total amount of \$10,500 be transferred from Account # A 1990-505 to # A 8840-424, and be it

FURTHER RESOLVED, that these funds are to assist in providing such services for the calendar year 1996 and are to be charged against Account # A 8840-424.

On roll call the vote was as follows:

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

RESOLUTION NO. (426-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement, in a form approved by the Town Attorney, with the following non-profit organizations to provide services and programs for residents of the Town of Clarkstown that are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the Town Board shall allocate the following sums in economic assistance for 1996 to:

Foster Grandparent Program	700.00
Rockland Community College	2,902.88
Camp Venture, Inc.	5,000.00

FURTHER RESOLVED, that the total amount of \$8,602.88 be transferred from Account # A 1990-505 to Account # A 8840 424.

FURTHER RESOLVED, that these funds are to assist in providing such services for the calendar year 1996 and are to be charged against Account # A 8840 424.

On roll call the vote was as follows:

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

RESOLUTION NO. (427-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, certain veterans organizations have requested monetary assistance from the Town to defray rent costs, provide funds for parades, memorial services and other activities;

NOW, THEREFORE, be it

RESOLVED, that in accordance with Section 64(13) of the Town Law, the Town Board hereby appropriates the annual sum of \$750.00 (\$500 for leasing or rental and maintenance of meeting facility and \$250 for patriotic observance) of each of the following veterans organizations:

Lts. Schwartz & Kerchman	Post 720
New City Memorial	Post 8749
Lt. Raymond B. Jauss	Post 2607
Clarkstown Memorial	Post 851
Willis Polhemus	Post 9215
Korean War Veterans	
West Nyack Memorial V.F.W.	Post 126

and be it

FURTHER RESOLVED, that claims for such sum shall be made annually by the organizations and submitted to the Town Board for audit and disbursement, and be it

FURTHER RESOLVED, that said funds will be charged against 1996 Account No. A-6510-401.

On roll call the vote was as follows:

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

RESOLUTION NO. (428-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, THE BOARD OF MANAGERS OF THE ESQUIRE VILLAGE OFFICE CONDOMINIUM has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcels designated as Map 56, Block C, Lots 1 through 19 for the year(s) 1994/95 and 1995/96, and

WHEREAS, it is desirable to have a preliminary 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 preliminary appraisal at a fee not to exceed \$2,500.00 per appraisal.

On roll call the vote was as follows:

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

RESOLUTION NO. (429-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, COSTCO WHOLESALE CORP. has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 164, Block A, Lot 1.3 for the year(s) 1993/94 and 1994/95, and

WHEREAS, it is desirable to have a preliminary 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 preliminary appraisal at a fee not to exceed \$2,000.00 per appraisal.

On roll call the vote was as follows:

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

RESOLUTION NO. (430-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Attorney is hereby authorized to obtain the services of a title company to prepare a title search/report in connection with the proposed acquisition by condemnation of a portion of property designated on the Clarkstown Tax Map as Map 106, Block A, Lot 17, which is located on the south side of Route 59 and the west side of Route 303, West Nyack, New York, and be it

FURTHER RESOLVED, that the fee for such services shall be charged to Account No. A-1420-409.

On roll call the vote was as follows:

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

RESOLUTION NO. (431-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Attorney is hereby authorized to obtain the services of a title company to prepare a title report in connection with the proposed acquisition of a portion of properties designated on the Clarkstown Tax Map as Map 105, Block A, Lots 33.1 and 34, and Map 106, Block A, Lot 16, which are located on the south side of Route 59 and the west side of Route 303, West Nyack, New York, and be it

FURTHER RESOLVED, that the fee for such services shall be charged to Account No. A-1420-409.

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RESOLUTION NO. (431-1996) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (432-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board of the Town of Clarkstown shall hold a public hearing pursuant to the Eminent Domain Procedure Law to consider the proposed acquisition by condemnation of property for municipal purposes owned by Raphael Rivero, which is located on the south side of Route 59 and the west side of Route 303, West Nyack, New York, consisting of approximately 2.46 acres located at the southerly end of a parcel of land consisting of 5.98 acres, designated as Clarkstown Tax Map as a portion of Map 106, Block A, Lot 17, premises are more particularly described on Schedule "A." Said public hearing shall be held on June 11, 1996, at 8:10 P.M., in the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized to prepare and serve notice of such statutory hearing and that the Town Clerk cause the same to be published on at least five consecutive days 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 Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (433-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board of the Town of Clarkstown shall hold a public hearing pursuant to the Eminent Domain Procedure Law to consider the proposed acquisition by condemnation of a portion of property for municipal purposes owned by Zeta Associates, Inc., which are located on the south side of Route 59 and the west side of Route 303, West Nyack, New York, consisting of approximately 5.94 acres of land, and designated on the Clarkstown Tax Map as Map 105, Block A, Lots 33.1 and 34, and Map 106, Block A, Lot 16, which premises are more particularly described on the attached Schedule "A." Said public hearing shall be held on June 11, 1996, at 8:15 P.M., in the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized to prepare and serve notice of such statutory hearing and that the Town Clerk cause the same to be published on at least five consecutive days in the official newspaper of the Town as aforesaid and file proof thereof in the Office of the Town Clerk.

RESOLUTION NO.(433-1996) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (434-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Town Board Resolution #388-1996 is hereby corrected to read:

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

BID #35-1996
TENNYSON PARK PLAYGROUND

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on June 12, 1996 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 Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (435-1996)

Co. Maloney offered and Co. Smith seconded

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

BID #38-1996
SKID STEER LOADER

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on May 28, 1996 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 Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (436-1996)

Co. Maloney offered and Co. Smith seconded

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

BID #39-1996
DEBRA LEE COURT DRAINAGE IMPROVEMENT PROJECT

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on June 13, 1996 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 Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (437-1996)

Co. Maloney offered and Co. Smith seconded

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

BID #40-1996
CORRUGATED ALUMINUM CULVERT PIPE

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 June 3, 1996 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 Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (438-1996)

Co. Maloney offered and Co. Smith seconded

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

BID #41-1996
CORRUGATED STEEL CULVERT PIPE

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RESOLUTION NO. (438-1996) Continued

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:30 A.M. on June 3, 1996 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 Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (439-1996)

Co. Maloney offered and Co. Smith seconded

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

BID #42-1996
PAPER & PLASTIC 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 30, 1996 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 Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Yes
Councilwoman Smith.....Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (440-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board hereby authorizes the Building Department to waive the Certificate of Occupancy fee for property owned by Mr. & Mrs. Burrows, 2 Englewood Avenue, Nanuet, New York.

On roll call the vote was as follows:

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

RESOLUTION NO. (441-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, Theodore F. Atzl, engineer for the owners of the Clarksville Corners Subdivision, has made application for use of Town Law Section 278 in connection with said subdivision which is located at the west side of Strawtown Road and north of the New York State Thruway, West Nyack, New York, and

WHEREAS, the Planning Board of the Town of Clarkstown has recommended approval of the use of Town Law Section 278 in connection with this subdivision because the layout provides for a 75 ft. buffer from the New York State Thruway, 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, "Clarksville Corners, Town of Clarkstown, Rockland County, New York, Subdivision Density Layout, Alternate 3B," dated December 13, 1995, last revised February 2, 1996, prepared by Atzl, Scatassa & Zigler, P.C., Surveyors-Planners, New City, New York, and

WHEREAS, the Clarkstown Planning Board has approved the standard map "Alternate 3D" for lot count purposes only on this property;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Planning Board of the Town of Clarkstown to use Town Law Section 278 for the proposed subdivision of Clarksville Corners, 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 the following conditions:

1. Applicant shall provide drainage in accordance with the requirements of the town of Clarkstown Department of Environmental Control and the Rockland County Highway Department.
2. Applicant shall stabilize the slope as required by the appropriate agency.

On roll call the vote was as follows:

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

RESOLUTION NO. (442-1996)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Attorney is hereby authorized to defend a proceeding against the Town of Clarkstown entitled, GIOVANNI PITEO and ANN PITEO v. THE ZONING BOARD OF THE TOWN OF CLARKSTOWN, DOLPH MILICH, in his capacity as Building Inspector of the Town of Clarkstown;

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RESOLUTION NO. (442-1996) Continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Town Attorney to take all necessary steps to defend said proceeding.

On roll call the vote was as follows:

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

RESOLUTION NO. (443-1996)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Attorney is hereby authorized to defend a proceeding against the Town of Clarkstown entitled, GEORGE WALD and the WALD FAMILY PARTNERSHIP v. ZONING BOARD OF APPEALS FOR THE TOWN OF CLARKSTOWN AND THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, AND THE PLANNING BOARD OF THE TOWN OF CLARKSTOWN;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Town Attorney to take all necessary steps to defend said proceeding.

On roll call the vote was as follows:

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

RESOLUTION NO. (444-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, Joy Builders, Inc. furnished to the Town of Clarkstown a Performance Bond for \$150,000 in the form of an irrevocable Letter of Credit (No. 95-07062), to cover the improvements and other facilities as shown on the Final Plat of Long Meadow West Section VI, dated May 18, 1995, and

WHEREAS, the Director of Environmental Control of the Town of Clarkstown has recommended that said Performance Bond be reduced to \$100,000, 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 \$100,000, the aforesaid Owner's Performance Bond and Letter of Credit No. 95-07062 may be released to the developer.

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RESOLUTION NO. (444-1996) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (445-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, Joy Builders, Inc. furnished to the Town of Clarkstown a Performance Bond for \$100,000 in the form of an irrevocable Letter of Credit (No. 1344), to cover the improvements and other facilities as shown on the Final Plat of Clarkstown Ridge, dated July 26, 1993, and

WHEREAS, the Director of Environmental Control of the Town of Clarkstown has recommended that said Performance Bond be reduced to \$20,000, 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 \$20,000, the aforesaid Owner's Performance Bond and Letter of Credit No. 1344 may be released to the developer.

On roll call the vote was as follows:

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

RESOLUTION NO. (446-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the CONGERS VMA LITTLE LEAGUE, INC. is deeding property designated as Map 129, Block A, Lot 5.10 to the Town of Clarkstown, and

WHEREAS the CONGERS VMA LITTLE LEAGUE, INC. wishes to enter into a lease agreement with the Town of Clarkstown concerning this property for recreational purposes;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby accepts deed dated April 24, 1996 from Congers VMA Little League, Inc. to the Town of Clarkstown, for property designated as Map 129, Block A, Lot 5.10, and order recording of deed in the Rockland County Clerk's office, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to enter into a lease agreement with Congers VMA Little League, Inc., in a form satisfactory to the Town

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RESOLUTION NO. (446-1996) Continued

Attorney, providing for the use of said property for recreational purposes.

On roll call the vote was as follows:

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

RESOLUTION NO. (447-1996)

Co. Maloney offered and Co. Mandia seconded

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

NOW, THEREFORE, be it

RESOLVED, that Charles E. Holbrook is hereby appointed a Marriage Officer for the Town of Clarkstown, for a term to commence immediately and end on December 31, 1997, at the pleasure of the Town Board, without compensation.

On roll call the vote was as follows:

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

RESOLUTION NO. (448-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, an adverse drainage condition exists along the southerly right-of-way of Squadron Boulevard in the vicinity of the Squadron Gardens Senior Citizens Complex, New City, New York; and

WHEREAS, the Department of Environmental Control investigated the site, met with the management of the Complex and found that remedial action is necessary to eliminate areas of stagnant water and control surface run-off; and

WHEREAS, the Department of Environmental Control has obtained a proposal from Cal Mart Construction Corporation, West Nyack, New York, to perform the corrective drainage work;

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Cal Mart Construction Corporation to perform the corrective work in accordance with the requirements of the Department of Environmental Control; and be it

Continued on Next Page

RESOLUTION NO. (448-1996) Continued

FURTHER RESOLVED, that the cost of said work shall not exceed \$3,550.00 and shall be a proper charge to Account #H 1994-409-0-14-29.

On roll call the vote was as follows:

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

RESOLUTION NO. (449-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, a serious condition exists within an existing drainage easement located in the vicinity of 23 Long Meadow Drive, New City, New York, and

WHEREAS, the Department of Environmental Control investigated the site and found that remedial action is necessary within the stream to control severe erosion, clear, straighten, and widen this watercourse; and

WHEREAS, the Department of Environmental Control has obtained three competitive proposals to perform the corrective work and, of these, the proposal from Environmental Construction, Inc., Stony Point, New York, is for the lowest amount.

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Environmental Construction, Inc. to perform the corrective work in accordance with the requirements of the Department of Environmental Control; and be it

FURTHER RESOLVED, that the cost of said work shall not exceed \$14,750.00 and shall be a proper charge to Account #H 1994-409-0-14-28.

On roll call the vote was as follows:

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

RESOLUTION NO. (450-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, an adverse drainage condition exists along the Kill Von Beaste channel beneath and in the vicinity of Con Rail Bridge UG 26.49, Valley Cottage, New York; and

WHEREAS, the Department of Environmental Control investigated the site and found that remedial action is necessary to eliminate blockages and provide an unimpeded flow of water through the existing overpass; and

Continued on Next Page

RESOLUTION NO. (450-1996) Continued

WHEREAS, the Department of Environmental Control has obtained a proposal from Cal Mart Construction Corporation, West Nyack, New York, to perform the corrective drainage maintenance work together with a premium invoice from the Dennis L. Coyle Agency for the increased insurance coverage required by Con Rail for this work, and the need for a deposit for Con Rail flagging services while working upon Con Rail property;

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Cal Mart Construction to perform the corrective work in accordance with the requirements of the Department of Environmental Control; pay the Dennis L. Coyle Agency for the insurance coverage; and provide Con Rail with the deposit for services; and be it

FURTHER RESOLVED, that the cost of said corrective work is to be performed on a Force Account basis not to exceed \$10,750.00, the total amount due for insurance coverage shall not exceed \$4,220.00, the total amount due for Con Rail services shall not exceed \$2,500.00, and all of which shall be a proper charge to Account #H-1994-409-0-14-32.

On roll call the vote was as follows:

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

RESOLUTION NO. (451-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, an adverse drainage condition exists at Joseph lane in Bardonia, New York, and

WHEREAS, the Department of Environmental Control investigated the site and found that remedial action needs to be taken, and

WHEREAS, the Town Board authorized the Director of Environmental Control to seek a proposal to perform the drainage work, and

WHEREAS, the Department of Environmental Control has obtained a proposal from Cal Mart Construction Corporation, West Nyack, New York, to perform the drainage work;

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Cal Mart Construction Corporation to perform the corrective work in accordance with the requirements of the Department of Environmental Control; and be it

FURTHER RESOLVED, that the cost of said work shall not exceed \$11,800.00 and shall be a proper charge to Account #H 7140-409-0-613.

Continued on Next Page

RESOLUTION NO. (451-1996) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (452-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, an adverse drainage condition exists at Lot 74-A-8, as shown on the current tax map of the Town of Clarkstown; and

WHEREAS, the Supervisor has directed the Department of Environmental Control to take whatever measures may be required to ameliorate said adverse drainage condition; and

WHEREAS the Director of the Department of Environmental Control has obtained proposals to have corrective work done on said premise;

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control be authorized to hire

Danny Clapp Landscaping
59 Schreiver Lane
New City, New York 10956

to perform said corrective work; and be it

FURTHER RESOLVED, that the cost of this work not exceed \$1,500 and shall be a proper charge to Account # H 8735-409-0-12-19.

On roll call the vote was as follows:

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

RESOLUTION NO. (453-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, an adverse drainage exists on Pheasant Drive, West Nyack in the vicinity of house #8 (lot 74-A-11, n/f Fitzpatrick); and

WHEREAS, the Supervisor has directed the Department of Environmental Control to take whatever measures may be required to ameliorate said adverse drainage condition; and

WHEREAS, the Director of the Department of Environmental Control has obtained proposals to have corrective work done at said location;

Continued on Next Page

RESOLUTION NO. (453-1996) Continued

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control be authorized to hire

Environmental Construction, Inc.
P.O. Box 563
Stony Point, New York 10980

to perform said corrective work; and be it

FURTHER RESOLVED, that the cost of this work not exceed \$7,800 and shall be a proper charge to Account # H 1994-409-0-14-32.

On roll call the vote was as follows:

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

RESOLUTION NO. (454-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown has received \$1,240.50 from a DARE field trip, be it therefore

RESOLVED, to increase Estimated Revenue Account No. A 10 9 2705 (General - Gifts & Donations) and Appropriation Account No. A 3230 409 (DARE - Fees for Services) by \$1,240.50 and be it

FURTHER RESOLVED, to decrease Appropriation Account No. A 3270 301 (Auxiliary Police - Food and increase A 3270 409 (Fees for Services) by \$150.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (455-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown has received \$833 from the Town of Orangetown and the Town of Ramapo for their share of the Internal Control Procedures Review of Shoreline Medical Billing Systems, prepared by Korn, Rosenbaum, Phillips & Jauntig, be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. A 01 9 2770 (General - Misc. Revenue) and Appropriation Account No. A 4540 409 (Ambulances - Fees for Services) by \$1,666.

Continued on Next Page

RESOLUTION NO. (455-1996) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (456-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Clarkstown Parks Board and Recreation Commission and the Superintendent of Recreation and Parks are recommending that two buildings and two garages be demolished at Pascack Road, Spring Valley, at a cost not to exceed \$16,000,

NOW, THEREFORE, be it

RESOLVED, that the Town Comptroller is hereby authorized to transfer the sum of \$16,000 from Money in Lieu of Land to Parklands and Improvements account.

On roll call the vote was as follows:

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

RESOLUTION NO. (457-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, various appropriation accounts require additional funding, be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. SR 16 14 2999 0 (Sanitation Dists. - Unexpended Balance) by \$7,275, increase Appropriation Account No. SR 8160 313 (Office Supplies & Printing) by \$7,200 and SR 8160 319 (Misc. Supplies) by \$75; decrease Contingency Account No. A 1990 505 and increase Appropriation Account No. A 7140 409 (Parks & Playgrounds - Fees for Services) by \$3,500.

On roll call the vote was as follows:

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

RESOLUTION NO. (458-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, various appropriation accounts require additional funding, be it

Continued on Next Page

RESOLUTION NO (458-1996) Continued

THEREFORE RESOLVED, to decrease Contingency Account No. A 1990 505 by \$15,225 and increase the following Appropriation Account Numbers:

A 7140 222 (Parks & Recreation-Recreation Equip.)...	\$3,000
A 1010 219 (Councilmen-Misc. Equip.).....	425
A 1010 414 (Councilmen-Conferences & Schools).....	4,300
A 1010 419 (Councilmen-Misc. Services)	5,000
A 4540 409 (Ambulances-Fees for Services)	2,500

and be it

FURTHER RESOLVED, to increase Estimated Revenue Account No. A 01 3 1520 1 (General-Law Enforcement Education) and A 3120 415 1 (Police-Enforcement Education) by \$200; increase Estimated Revenue Account No. A 01 8 2680 0 (Insurance Recoveries) and A 3120 293 1 (Police-Enforcement Expense) by \$1,545.

On roll call the vote was as follows:

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

RESOLUTION NO. (459-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified, on April 24, 1996, that the position of Clerk Typist (Temporary) Planning Department - can be created - for a period not to exceed three (3) months,

NOW, THEREFORE, be it

RESOLVED, that the position of Clerk Typist (Temporary) Planning Department - is hereby created - for a period not to exceed 3 months - effective and retroactive to May 6, 1996.

On roll call the vote was as follows:

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

RESOLUTION NO. (460-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Chairman of the Planning Board of Diane Papenmeyer, 221 Strawtown Road, West Nyack, New York, to the position of Clerk Typist (temporary) - at the current 1996 hourly rate of \$13.50 - effective and retroactive to May 6, 1996 - for a period not to exceed 3 months.

Continued on Next Page

RESOLUTION NO. (460-1996) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (461-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #95055 Assistant Building Inspector which contains the name of Charles Maneri, Jr.,

NOW, THEREFORE, be it

RESOLVED, that Charles Maneri, Jr., 5 Louise Drive, West Nyack, New York is hereby appointed to the (Permanent) position of Assistant Building Inspector - Building Department - at the current 1996 annual salary of \$34,525, effective May 20, 1996.

On roll call the vote was as follows:

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

RESOLUTION NO. (462-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Josephine Walsh has requested an extension of her leave of absence, without pay, and

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

NOW, THEREFORE, be it

RESOLVED, that Josephine A. Walsh, 209 Radcliff Drive, Upper Nyack, New York - Senior Stenographer - Highway Department - is hereby granted an extension of her leave of absence, without pay, effective and retroactive to May 6, 1996 to July 2, 1996.

On roll call the vote was as follows:

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

RESOLUTION NO. (463-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, James Voce has requested an extension of his Sick Leave of Absence, at one-half pay, and

WHEREAS, Article XVIII, Section 3(k) of the Labor Agreement between the Town of Clarkstown and the Clarkstown Unit of the C.S.E.A. provides for a Sick Leave of Absence - at one-half pay,

NOW, THEREFORE, be it

RESOLVED, that James Voce, 33 Parkside Drive, Congers, New York - Motor Equipment Operator I - Town Highway Department - is hereby granted an extension of his Sick Leave of Absence - at one-half pay - effective and retroactive to May 3, 1996 to June 3, 1996.

On roll call the vote was as follows:

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

RESOLUTION NO. (464-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Vernon R. Steinmann, III, 2 Blue Willow Lane, New City, New York, to the position of Laborer - Town Highway Department - at the current 1996 annual salary of \$23,340, effective and retroactive to May 6, 1996.

On roll call the vote was as follows:

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

RESOLUTION NO. (465-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Vincent A. Collura, 16 Southward Avenue, Congers, New York, is hereby appointed to the position of Assistant Automotive Mechanic - Mini Trans Department - at the current 1996 annual salary of \$35,229, effective May 28, 1996.

On roll call the vote was as follows:

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

RESOLUTION NO. (466-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Edward M. Hewitt, 8A Bittman Lane, New City, New York, is hereby reappointed to the position of Member - Fire Board of Appeals - to serve without compensation - term effective and retroactive to February 28, 1996 and to expire February 27, 1999.

On roll call the vote was as follows:

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

RESOLUTION NO. (467-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Robert Barucco, 30 North Rte. 9W, Apartment #14, Congers, New York, is hereby appointed to the position of Custodial Worker (Nights) - Maintenance Department - at the current 1996 annual salary of \$21,425, effective May 20, 1996.

On roll call the vote was as follows:

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

RESOLUTION NO. (468-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby adopts the following schedule of pay rate increases for Office Worker Students and Laborer Students effective and retroactive to May 13, 1996;

Year-Round High School Students (Office Worker Students)
Hired Prior to 1/1/96 25¢ Per Hour

Year-Round College Students (Office Worker Students and Laborer Students)
Hired Prior to 1/1/96 50¢ Per Hour

Year-Round College Students & High School Students -
(Office Worker Students & Laborer Students) -
Hired after 1/1/96 and
Presently on Payroll 25¢ Per Hour

Returning Seasonal College Students
Office Worker Students 25¢ Per Hour
Laborer Students 25¢ Per Hour

On roll call the vote was as follows:

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

RESOLUTION NO. (469-1996)

Co. Maloney offered and Co. Profenna seconded

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

BID #28A-1996
SALE OF SURPLUS DATA PROCESSING/OFFICE EQUIPMENT

is hereby partially awarded to

Albert J. Contento, Custodial Engineer
Board of Education, City of New York
PS 160
4570 Hutchison River Parkway East
Bronx, NY 10475
Principal: New York City Board of Education

as per the the following item/proposal offer schedule

ITEM #	DESCRIPTION/MODEL/SERIAL #	OFFER
4	IBM Wheel Printer/ 5216/0001735	\$ 2.00
28	IBM Proprinter XL/ 4202/470051350	\$10.00
29	IBM Proprinter/ 4201/2697273	\$ 2.00
30	IBM Proprinter/ 4201/472135021	\$ 2.00
34	IBM PS/2/8530/ 72-1170315	\$25.00
35	IBM PS/2/8530/ 72-1170110	\$10.00
36	IBM Mono Display/ 8503/0111473	\$50.00
37	IBM Mono Display 503/72-0742853	\$10.00
78	IBM Typewriter/12	\$ 5.00
109	IBM Mono Display/ 8503/0145488	\$10.00
110	IBM PS/2/8530/ 72-1165026	\$ 5.00
116	IBM Mono Monitor 5151/6209891	\$ 5.00

On roll call the vote was as follows:

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

RESOLUTION NO. (470-1996)

Co. Maloney offered and Co. Profenna seconded

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

BID #32-1996
WASHED SAND & GRAVEL

Continued on Next Page

RESOLUTION NO. (470-1996) Continued

is hereby awarded to:

E. Tetz & Sons, Inc.
RD 2, Box 65
Crystal Run Rd.
Middletown, NY 10940
Principals:
Edward Tetz, Jr.
Gary Tetz
Denise Stitt
Corinne Tetz

Van Orden Sand & Gravel
of Ringwood
PO Box 8246
Halendon, NJ 07538-0246
Principals: Janet R. Braen
Scott Braen

Islip Business Corp.
45 S. 4th St.
Bay Shore, NY 11706
Principal: George Heinlein

American Sand & Gravel Co.
PO Box 877
Wurtsboro, NY 12790
Allen Dernbach

Super Sand & Gravel, Inc.
RD 1, Box 386, Turtle Bay Rd
New Hampton, NY 10958

(Price list on file in Town Clerk's Office)

On roll call the vote was as follows:

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

RESOLUTION NO. (471-1996)

Co. Maloney offered and Co. Profenna seconded

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

BID #31-1996
MOSQUITO CONTROL PROGRAM

is hereby awarded to

Rockland Tree Expert Co.
11 McNamara Road
Spring Valley, NY 10977
Principals: John W. Wickes, James B. Wickes
Jennifer Ullman

as per their low bid proposal of

Larvicide Applications
Four Application @ \$750.00 per application

Adulticide Applications
@ \$ 27.00 per property
@ \$1200.00 Minimum charge per application

On roll call the vote was as follows:

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

RESOLUTION NO. (472-1996)

Co. Profenna offered and Co. Maloney seconded

RESOLUTION, that Charles E. Holbrook, Supervisor, John F. Mauro, Superintendent of Highways, George Drescher, Highway Maintenance Supervisor III, and John Clune, Karl Gerlach, Ronald Tarigo, Highway Maintenance Supervisor II, are hereby authorized to attend the New York Metropolitan Chapter American Public works Association 7th Annual Equipment and Products Exposition on Wednesday, May 22, 1996 at the Westchester County Playland Park, Rye, New York, and be it

FURTHER RESOLVED, that all necessary expenses be allocated against appropriation Account No. A-1010-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (473-1996)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, on May 9, 1995, a resolution was adopted by the Town Board instituting a Chapter 111 Proceeding to remove or rectify violations existing on premises designated on the Clarkstown Tax Map as Map 58, Block G, Lot 34, as reported by the Building Inspector and/or the Fire Inspector of the Town of Clarkstown, and

WHEREAS, a public hearing was duly commenced on the 13th day of June, 1995, and continued on June 27, 1995, and

WHEREAS, Kislak Mortgage Service Company, reputed owner of subject premises, appeared by attorney at said public hearing, and

WHEREAS, after certain proceedings, the public hearing was adjourned sine die, on consent, and

WHEREAS, it is now necessary to reconvene such hearing, as the premises is alleged to be in noncompliance;

NOW, THEREFORE be it

RESOLVED, that the Building Inspector and the Fire Inspector of the Town of Clarkstown are hereby requested to prepare detailed reports as to the current condition of the property, and be it

FURTHER RESOLVED, that the public hearing adjourned as stated above be reconvened on the 11th day of June, 1996 at 8:20 P.M. to determine the present condition of said premises and corrective action, if any, which may be required.

On roll call the vote was as follows:

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

RESOLUTION NO. (474-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control of the Town of Clarkstown, Maintenance Bond in the amount of \$3,120, in connection with the dedication of the road(s) and improvements on December 13, 1994, in a subdivision known as The Glen is terminated, and the sum of \$3,120 may be released to the guarantor.

On roll call the vote was as follows:

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

RESOLUTION NO. (475-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, a comprehensive amendment to the Zoning Ordinance of the Town of Clarkstown was adopted on June 30, 1967, and further amended from time to time, and

WHEREAS, the Town Board of the Town of Clarkstown desires to consider further amendment to said Zoning Ordinance;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 264 of the Town Law be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on June 25, 1996, at 8:00 P.M., to consider the adoption of the following proposed amendments to the Zoning Ordinance of the Town of Clarkstown:

Amend Section 290-11A, RS District, Table 12 of the General Use Regulations, Column 8, Item 1

From: "1. All new nonresidential uses are subject to continued enforcement of performance standards procedure (§290-13B)."

To: "1. All new nonresidential uses are subject to continued enforcement of performance standards procedure (§290-13C)."

Amend Section 290-11A, RS District, Table 12 of the General Use Regulations, Column 8, Item 2

From: "2. In addition to the particular requirements for any use listed in Column 3, the Board of Appeals or Town Board, as specified in Column 3 for a particular use, where reasonable and appropriate, may require fences and other safety devices, landscaping, screening and access roads and buffer areas as required."

To: "2. In addition to the particular requirements for any use listed in Column 3, the Board of Appeals or Town Board, as specified in Column 3 for a particular use, or the Building Inspector, for any use listed in Column 2, as the case may be, where reasonable and appropriate, may require fences, sound suppressing acoustic barriers and other safety devices as well as landscaping, screening

Continued on Next Page

RESOLUTION NO. (475-1996) Continued

and access roads and such buffer areas as are otherwise required. For any use listed in Column 2, prior or subsequent to the issuance of a certificate of occupancy, if the Building Inspector determines that a violation of the performance standards is likely to occur or has occurred, an order to remedy such violation may be issued. Any person aggrieved by such order may appeal same to the Board of Appeals within fifteen (15) days from the date of receipt of such order containing notice of the appeal procedure. The procedure provided by Section 290-32C(7) shall apply for the determination of any controversy."

Amend Section 290-32. Board of Appeals: establishment; powers; duties. Item C.(7)

From: "C.(7) Continued enforcement. The Building Inspector shall investigate any alleged violation of performance standards on the part of any new nonresidential use, and if there are reasonable grounds to believe that a violation exists he shall notify the Board of Appeals of the occurrence or existence of a probable violation thereof. The Board of Appeals shall investigate the alleged violation, and for such investigation may employ qualified experts. If, after public hearing on due notice, the Board of Appeals finds that a violation occurred or exists, a copy of said findings shall be forwarded to the Town Board. The services of any qualified experts employed by the town to advise in establishing a violation shall be paid for by the violator, if a violation is provided, and otherwise by the town. No new certificate of occupancy shall be issued as provided in §290-31H(3) unless such charges have been paid to the town."

TO: "C.(7) Continued enforcement. The Building Inspector shall investigate any alleged violation of performance standards on the part of any new nonresidential use, and if there are reasonable grounds to believe that a violation exists he shall notify the Board of Appeals of the occurrence or existence of a probable violation thereof. The Board of Appeals shall investigate the alleged violation, and for such investigation may employ qualified experts. If, after public hearing on due notice, the Board of Appeals finds that a violation occurred or exists, a copy of said findings shall be forwarded to the Building Inspector and filed with the Town Clerk. After such determination the Building Inspector shall be authorized to revoke the certificate of occupancy of the violator, or withhold issuance of a new certificate of occupancy, until the violator has taken all necessary steps to comply with the applicable performance standards and has paid for the cost of the proceeding, including the cost of any qualified expert employed by the Town."

Amend Section 290-13. Performance standards, by adding Item H.(2)(d), as follows:

"H.(2)(d) Any violation of chapter 205 of the Town Code (Noise Abatement) which occurs by reason of the use or occupancy of premises subject to these

RESOLUTION NO. (475-1996) Continued

performance standards shall be deemed a violation of the performance standard applicable to "Noise" even though the standards established by (a), (b) and (c) have been met."

and be it

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the Journal the official newspaper of the Town, as aforesaid, and file proof thereof in the office of the said clerk, and be it

FURTHER RESOLVED, that the proposed amendment to the Zoning Ordinance be referred to the Clarkstown Planning Board and the Rockland County Commissioner of Planning for their recommendation and report, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (476-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town of Orangetown and Lederle will be holding hearings pursuant to tax certiorari proceedings, and

WHEREAS, they are seeking to hold those hearings in a formal courtroom setting that can be provided by the Town of Clarkstown,

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into negotiations with the Town of Orangetown for the rental of all or a portion of the Third Floor of the former Police Building on Maple Avenue in New City.

Co. Mandia spoke regarding a letter from Legislator Frank Fonario. He stated there are elements within the resolution and the proposal that the county would do major renovations. I would suggest we give them to at least to the end of the month to make up their minds regarding renovations.

Supervisor Holbrook stated that the resolution should agree to negotiations. The Board agreed and resolution terminology was changed to read negotiations rather than enter into an agreement

Continued on Next Page

RESOLUTION NO. (476-1996) continued

On roll call the vote was as follows:

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

RESOLUTION NO. (477-1996)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, a review has been undertaken of the Data Processing Department of the Town, and

WHEREAS, upon such review, the Town Board seeks to restructure the existing data processing functions so as to provide long-term stability in this crucial area,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to seek the classification, through the Rockland County Personnel Officer, of two data processing positions to carry out these functions in conjunction with the Town's existing computer consultant.

On roll call the vote was as follows:

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

RESOLUTION NO. (478-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on September 14, 1993, amended the Zoning Ordinance of the Town of Clarkstown by redistricting the property designated on the Clarkstown Tax Map as Map 126, Block A, Lots 20, portion OF 21, 21.01, 2.02, 21.03, 22, 23 and 24, situate in the Hamlet of Congers, New York, from an R-15 District to a CS District, subject to five conditions, and

WHEREAS, the Planning Board has received a site plan for the herein property which was transmitted to the New York State Department of Transportation (NYSDOT) for review and approval. After review, the Clarkstown Planning Board determined that only a plan for a northbound right turn in and out lane for access to Route 303 would be acceptable since NYSDOT would only allow a left turn lane that extended through the Lake Road intersection, and

WHEREAS, Condition Four of the Resolution Amending the Zoning Ordinance on September 14, 1993, reads as follows:

"4. The Applicant shall provide safe access to the site by installing a southbound left turn lane on Route 303 into the site, to the satisfaction of the New York State Department of Transportation and the Clarkstown Planning Board."

Continued on Next Page

RESOLUTION NO. (478-1996) Continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby amends Resolution No. 615-1993, adopted by the Town Board of September 14, 1993, by DELETING CONDITION FOUR which reads as follows:

"4. The Applicant shall provide safe access to the site by installing a southbound left turn lane on Route 303 into the site, to the satisfaction of the New York State Department of Transportation and the Clarkstown Planning Board."

because the NYSDOT will only approve a left turn lane on Route 303 for this property that extends through the Lake Road intersection, and such an improvement is not economically feasible for a retail center of the size proposed.

On roll call the vote was as follows:

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

RESOLUTION NO. (479-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, flooding conditions exist along stream NJ 1-12-3-5 north of New Hempstead Road west of Henry Street in the vicinity of the Greco property, New City, New York, and

WHEREAS, the Department of Environmental Control investigated the site and found that remedial action is necessary to relieve the flooding conditions, and

WHEREAS, the Department of Environmental Control has obtained a proposal from Kozma Associates, Consulting Engineers, West Nyack, New York, to provide the engineering services necessary to assess and analyze the conditions and find the most cost effective approach to relieve the present flooding problems;

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Kozma Associates for the engineering services necessary to provide a design and construction contract documents to relieve these flooding conditions in accordance with the requirements of the Department of Environmental Control; and be it

FURTHER RESOLVED, that the cost of these services shall not exceed \$11,050 and shall be a proper charge to Account # H 1994-409-0-14-33.

On roll call the vote was as follows:

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

RESOLUTION NO. (480-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town Board is desirous of performing certain road improvements along Main Street, New City, and

WHEREAS, the Department of Environmental Control has reviewed the scope of work to be included therewith, and

WHEREAS, the Department of Environmental Control has determined that certain exploratory test borings are required to verify existing pavement conditions prior to the design of said improvements, and

WHEREAS, a proposal has been received by the Department of Environmental Control from Reclamation Inc. of Kingston to provide such test boring services.

NOW, THEREFORE, be it

RESOLVED, that the Director of Environmental Control is authorized to hire the firm of Reclamation Inc. of Kingston to perform test boring services in accordance with the proposal received by the Department of Environmental Control, in an amount not to exceed one thousand five hundred (\$1,500.00) dollars.

On roll call the vote was as follows:

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

RESOLUTION NO. (481-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board is desirous of performing certain improvements within the area of the Township known as "Downtown Valley Cottage," and

WHEREAS the Department of Environmental Control has reviewed the scope of work to be included therewith, and

WHEREAS the Department of Environmental Control has determined that certain survey work is required to verify existing conditions prior to the design of said improvements, and

WHEREAS, a proposal has been received by the Department of Environmental Control from Guterl and Greenwell to provide such survey work.

NOW, THEREFORE, be it

RESOLVED, that the Director of Environmental Control is authorized to hire the firm of Guterl and Greenwell to perform survey services in accordance with the proposal received by the Department of Environmental Control, in an amount not to exceed fourteen thousand, five hundred (\$14,500.00) dollars.

Continued on Next Page

RESOLUTION NO. (481-1996) Continued

On roll call the vote was as follows:

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

RESOLUTION NO. (482-1996)

Co. Smith offered and Co. Maloney seconded

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

"A LOCAL LAW ENTITLED, "PROVIDING DEFENSE FOR MEMBERS OF THE CLARKSTOWN POLICE DEPARTMENT REGARDING NEGLIGENCE AND OTHER TORTS BROUGHT AGAINST THEM WHICH AROSE OUT OF PERFORMANCE OF THEIR ROUTINE DUTIES OF EMPLOYMENT"

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on June 11, 1996, at 8:05 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (483-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, grade reallocation requests have been made for the following titles:

Computer Operations and Account Keeping Supervisor
from Grade 27 to Grade 35

Assistant Director of the Counseling Center
from Grade 24 to Grade 26

Director of Municipal Counseling Services
from Grade 27 to Grade 29

and

Continued on Next Page

RESOLUTION NO. (483-1996) Continued

WHEREAS, the Town Board has reviewed these requests,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the town of Clarkstown denies each of the above requests pursuant to the Collective Bargaining Agreement of the Clarkstown Unit of the C.S.E.A.

On roll call the vote was as follows:

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

RESOLUTION NO. (484-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on April 9, 1996, on its own motion, provided for a public hearing on May 14, 1996, at 8:10 P.M., to consider an amendment of the Zoning Ordinance of the Town of Clarkstown by redistricting property designated on the Clarkstown Tax Map as Map 14, Block B, Lot 17 (part of) from an RS District to an 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 a Short Environmental Assessment Form pursuant to SEQRA, from our consultant Robert Geneslaw, which the Board has discussed and considered such report in making their decision herein;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw dated April 18, 1996, 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 17 (part of), situate in the Hamlet of Nanuet, New York, in said Town, from an RS District to a CS District, which is described on the attached Schedule "A," and be it

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

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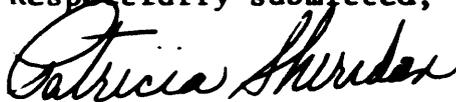
RESOLUTION NO. (484-1996) Continued

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....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 closed, time: 9:10 P.M.

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

5/14/96

8:45 P.M.

Present: Supervisor Holbrook
Council Members Maloney, Profenna & Smith
Murray N. Jacobsen, Town Attorney
Patricia Sheridan, Town Clerk

Re: Property Maintenance of Jodi-Lynn Washomatic, Inc., Lady Godiva Way
and Long Meadow Lane

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

Appearance: Adolph Milich, Jr., - Building Inspector

Mr. Milich read the following report from Irene M. Saccende, Code Enforcement Officer III:

Please be advised an inspection of the above described property, this date at 1PM (3/12/96), showed the area free of litter and debris scattered over the vacant lots. The lots have been leveled off, debris has been removed, there remains a pile of cement and dead trees and branches to be removed. Which will be taken care of. Said property is in compliance.

Additionally, Mr. Milich read the following:

Please be advised an inspection of the above described property shows the property in the same condition as described above, as of this date (5/14/96).

Supervisor Holbrook raised the question of the pond.

Mr. Milich responded that the property was in compliance.

Supervisor Holbrook said we will see where we are with the retention pond on 5/28/96 and go from there.

On motion of Councilman Maloney, seconded by Councilwoman Smith, and unanimously adopted, the public hearing was adjourned sine die to May 28, 1996: time 8:50 P.M.

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

5/14/96

8:50 P.M.

Present: Supervisor Holbrook
Council Members Maloney, Profenna & Smith
Murray N. Jacobsen, Town Attorney
Patricia Sheridan, Town Clerk

Re: Violation Hearing -- Property Maintenance of 29-31
Old Middletown Road, Nanuet (Sappah)

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

Appearance: Adolph Milich, Jr., - Building Inspector

Mr. Milich read the following report from George Burton, Code Enforcement Officer II, Building and Zoning Department:

There are approximately 30-40 vehicles and parts thereof being stored here. These vehicles include backhoes, bulldozers, at least three flatbed utility trailers, at least nine storage trailers, a house trailer, cars, tractors and various construction equipment. Also seen were numerous tires, scrap lumber, engines, pipes, pallets, vast amounts of scrap steel, cable spools, plywood, road barricades, a large pile of gravel and miscellaneous debris.

Appearance: Mr. Charles Sappah (Representing his parents, Alfred and Mary Sappah)

Mr. Sappah said he has been buying and selling heavy equipment and renting to Jim Vines who is not cooperating.

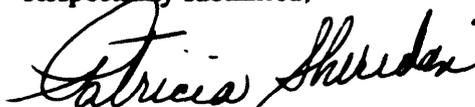
Supervisor Holbrook commented that there are 30 to 40 machines in disrepair as read from the report. Mr. Sappah said he has acquired two containers for scrap. Supervisor Holbrook wants to establish a time frame, wants action by the next meeting. Councilman Mandia asked if there is a violation of the Town Code. Mr. Milich said it looks like a junkyard and showed pictures to the Town Board. Councilman Mandia asked if it was zoned as junkyard? Mr. Milich said it is zoned for repair of mechanical vehicles. Supervisor Holbrook said machines must be moved out to be in compliance. Material is all the way down to Convent Road. Councilman Mandia questioned what Sappah is allowed and not allowed to do.

Supervisor Holbrook said we will put this off until 5/28/96 but something has to go. Mr. Sappah said that Jim Vines was hurting them. Supervisor Holbrook said they will go down there this week. Will put this on the agenda for 5/28 and we will have an accounting.

Mr. Milich said we will go over what type of business he is running.

On motion of Councilman Maloney, seconded by Councilwoman Smith, and unanimously adopted, the public hearing was adjourned sine die to May 28, 1996: time 8:55 P.M.

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk

**TOWN OF CLARKSTOWN
PUBLIC HEARING**

Town Hall

5/14/96

8:55 P.M.

Present: Supervisor Holbrook
Council Members Maloney, Profenna & Smith
Murray N. Jacobsen, Town Attorney
Patricia Sheridan, Town Clerk

Re: Zone Change -- Nanuet Hebrew Center
From RS to CS

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

Murray Jacobson advised that County Planning Board approved, Town Planning Board approved, SEQA, no environmental impact.

Appearance: Rudy Yacyshyn, Chairman, Planning Board: With regard to the zone change that occurred with Melville property, there is a portion to CS from the MF 4. It is our intention to change the zone to CS for less intense use than RS would be which brings us into conformity with the entire site which is now CS. The Planning Board recommends this and asks you to act favorably.

Appearance: Michael Reeder, Attorney, representing Sussex Gramercy Park I Condominium.

We made a presentation requesting a buffer and protection for residential properties that are adjacent. Melville has started their process at the Planning Board for a related piece. Our position, which was presented in the Melville hearings, is the same position we take in this one. We are not here objecting to the zone change; we are asking for the help of the board to protect residential properties with adequate buffers being more than just space, but fencing and trees. The Planning Board is considering this and we've made our presentation at their site plan hearings. We want to be on record here because we consider this an entire package even though it's in separate pieces. The position of adjacent residential owners is of concern. I now submit a letter which contains prior letters and prior positions which we restate here (on file in the Town Clerk's office). We ask again that you give adequate thought to protection of neighbors. There are some particular matters we're concerned with -- the buffer is one and there is the question of noise, of limitation of delivery times to commercial establishments so there aren't late night or early morning delivery hours. Consideration should be given to the idling of trucks that deliver at 3 or 4 A.M. in the morning and have to stay until stores open to make delivery. The site plan calls for loading docks for bringing in deliveries and leaving but there is the issue of idling and fumes. The Planning Board hasn't dealt with this yet but hasn't mentioned it to this board. Please consider this as well.

Supervisor Holbrook stated that the board appreciates these comments and believes the Planning Board has addressed this in the site plan. Mr. Yacyshyn agreed and said we've moved the main structure forward from his client's property and the buffer will be enhanced. We will be forwarding recommendations with respect to the change in standards for motor vehicle usage for off hours.

Appearance: Martin Cornell, Esq., representing Melville

Everything said with regard to the buffer is being addressed very carefully. We've been before the Planning Board. As Mr. Yacyshyn has said, the building has been moved slightly. There is at the present time more than 80 feet between the back property line and the building, plus there's the Naurashaun Creek which runs through there plus a landscape plan prepared by a landscape

PH - 5/14/96

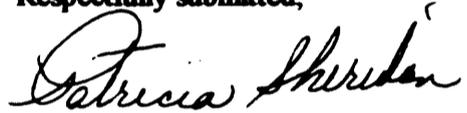
Page 2

Re: Zone Change - Nanuet Hebrew Center, From RS to CS

architect to provide natural screening to run along the creek. We're doing everything possible to assure there will be proper screening between this property and the residential property. Regarding the small piece of property from RS to CS, it really doesn't technically abut the MF property in the back. It's adjacent to it. Nevertheless, we're addressing this. One of the conditions of the zone change resolution was to address the issue of the buffer and we're certainly going to do that.

On motion of Councilman Maloney, seconded by Councilwoman Smith, and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 9:05 P.M.

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk

RESOLUTION NO. (484-1996) ADOPTED