

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

7/9/96

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 Holbrook declared the Public Portion of  
the meeting open and invited anyone who wished to speak to come  
forward.

Appearance: Valorie Snork  
165 West Main Street  
Goshen, New York

Ms. Snork spoke re: the extermination of the geese.

Appearance: Milo Riverso  
Son of Raphael Riverso

Mr. Riverso spoke re: the Eminent Domain Procedure  
with regard to Item No. 19.

Appearance: Don Hickock  
Goshen, New York

Mr. Goshen spoke regarding the geese.

Appearance: Michael Musaka  
New City

Mr. Musaka spoke re: Eminent Domain Procedure with  
regard to Item No. 19.

Appearance: Raphael Riverso  
West Nyack, New York

Mr. Riverso spoke regarding Item No. 19.

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RESOLUTION NO. (626-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, a proposed local law entitled:  
"AMENDMENT TO CHAPTER 250 (STREETS AND SIDEWALKS)  
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

was introduced by Councilman Maloney at a Town Board meeting  
held on June 25, 1996, and

WHEREAS, the Town Board of the Town of Clarkstown  
by resolution adopted on June 25, 1996, directed that a public  
hearing be held on July 9, 1996, at 8:00 P.M., and

WHEREAS, a notice of said hearing was duly prepared  
and published in the Journal News on June 29, 1996, and

WHEREAS, a copy of the proposed local law in final  
form was placed on the desks of the Supervisor and the  
Councilmen at their office at the Clarkstown Town Hall, 10  
Maple Avenue, New City, New York, on June 26, 1996, and

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RESOLUTION NO. (626-1996) Continued

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on July 9, 1996;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 11 - 1996, entitled:

"AMENDMENT TO CHAPTER 250 (STREETS AND SIDEWALKS)  
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN"

is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

On roll call the vote was as follows:

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

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RESOLUTION NO. (627-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, by Resolution No. 562-1996, dated June 11, 1996, the Town Board of the Town of Clarkstown duly instituted a proceeding pursuant to Chapter 216 of the Code of the Town of Clarkstown affecting property known and designated on the Clarkstown Tax Map as Map 141, Block B, Lot 53.10, to remove or rectify violations which are unsafe, dangerous and a threat to the health, safety and welfare of the community, and

WHEREAS, a public hearing was duly held on the 9th day of July, 1996, after notice and opportunity to be heard at said hearing was provided to the owner(s) of record of the above premises as provided by law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown determines that the conditions complained of in the Order and Notice, pursuant to Chapter 216 of the Code of the Town of Clarkstown, dated June 12, 1996, have not been corrected, and be it

FURTHER RESOLVED, that the Building Inspector of the Town of Clarkstown is hereby authorized and directed to take whatever steps as are necessary to correct the conditions complained of in the Order and Notice, if such condition continues to be uncorrected on or after the 15th day of July, 1996, and be it

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

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

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RESOLUTION NO. (627-1996) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (628-1996)

Co. Maloney Offered and Co. Profenna seconded

RESOLVED, that the Town Board Minutes of June 25, 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

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RESOLUTION NO. (629-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the waiving of fees for use of Town Hall facilities on September 8, 1996, by the Great Hunger Committee.

On roll call the vote was as follows:

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

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RESOLUTION NO. (630-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, J. MONTANA CONTRACTING CORP., contract vendee for property owned by United Properties Group, Inc., has petitioned the Town Board of the Town of Clarkstown requesting that the Zoning Ordinance of the Town be amended by redistricting property designated on the Clarkstown Tax Map as Map 88, Block B, Part of Lots 9.01 and 10, from an R-40 District to an R-15 District;

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

Continued on Next Page

RESOLUTION NO. (630-1996) Continued

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (631-1996)

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 trial appraisal prepared for the purpose of negotiating and/or trying the aforesaid matter;

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner be retained for the purpose of preparing such trial appraisal at a fee not to exceed \$3,000 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

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RESOLUTION NO. (632-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Karl Kirchner is hereby authorized to prepare an appraisal on the road abutting the property owned by EklecCo at a fee not to exceed \$1,000.

On roll call the vote was as follows:

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

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RESOLUTION NO. (633-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Albert Valuation Group will prepare an appraisal of property known as Section 3, Lots 13-A-2A, 13-A-2B, and 13-A-2C;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes an appraisal to be prepared by the Albert Valuation Group for property known as Section 3, Lots 13-A-2A, 13-A-2B, and 13-A-2C, and be it

FURTHER RESOLVED, that the fee for said appraisal shall be \$5,000 and 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

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RESOLUTION NO. (634-1996)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, as a condition to the approval of the final map with regard to a site known as QUALITY AUTO SERVICE OF ROCKLAND, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Greenbush Road, West Nyack, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of Environmental Control of the Town of Clarkstown, deed dated May 9, 1996 from 215 South Route 303 Realty Corp. to the Town of Clarkstown, gratuitously conveying a strip of land along Greenbush Road, West Nyack, New York, is hereby accepted and ordered recorded in the Rockland County 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

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RESOLUTION NO. (635-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Cornell Cooperative Extension has requested use of the Town of Clarkstown showmobile for the Rockland Fest on Friday, July 26, 1996 through Sunday, July 28, 1996 from 11:00 am to 10:00 pm at Letchworth Village, Thiells, New York,

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (635-1996) Continued

RESOLVED, that permission is hereby granted to Cornell Cooperative Extension to use the Town of Clarkstown showmobile on Friday, July 26, 1996 through Sunday, July 28, 1996 from 11:00 am to 10:00 pm for the above purpose and subject to the provision of the necessary insurance policies.

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. (636-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, various appropriation accounts require additional funding, and be it

THEREFORE RESOLVED, to decrease Appropriation Account No. A 1640 311 (Town Garage-Gasoline) by \$235.00 and increase the following Appropriation Accounts:

- A 1640 199 (Town Garage-Vacation Buybacks).....\$ 25.00
- A 1640 209 ( " " -Other Equipment)..... 210.00

and be it,

FURTHER RESOLVED, to increase Estimated Revenue Account No. SR 16 14 2999 0 (Sanitation Dists.-Unexpended Balance) and Appropriation Account No. SR 8160 459 (EBT's) by \$12,000.00, and

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

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

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. (637-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, to transfer \$5,000.00 from Account No. A-1990-505 (Contingency) to Account No. A-7140-409 (Parks and Playgrounds - Fees for Services).

On roll call the vote was as follows:

- Councilman Maloney.....Yes
  - Councilman Mandia.....Yes
  - Councilman Profenna.....Yes
  - Councilwoman Smith.....Yes
  - Supervisor Holbrook.....Yes
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RESOLUTION NO. (638-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, various appropriation accounts require additional funding, and be it

THEREFORE RESOLVED, to decrease Appropriation Account A 7210 408 (Recreation-Bldg. Repairs) by \$1,000.00 and A 7210 404 (Travel and Mileage) by \$550.00 and increase Appropriation Account No. A 7210 219 (Misc. Equipment) by \$1,550.00.

On roll call the vote was as follows:

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

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RESOLUTION NO. (639-1996)

Co. Smith offered and Co. Maloney seconded

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

BID #46-1996

CONGERS ROAD WEST PUMP STATION REHABILITATION

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on August 7, 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

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RESOLUTION NO. (640-1996)

Co. Smith offered and Co. Maloney seconded

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

BID #52-1996

WATER SLIDE FOR GERMONDS PARK

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on September 4, 1996 at which time bids will be opened and read, and be it

Continued on Next Page

RESOLUTION NO. (640-1996) Continued

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

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RESOLUTION NO. (641-1996)

Co. Smith offered and Co. Maloney seconded

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

BID #53-1996

GROUP PICNIC SHELTER FOR CONGERS LAKE PARK

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 AM on August 5, 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

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RESOLUTION NO. (642-1996)

Co. Maloney offered and Co. Smith seconded

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

BID #35-1996

TENNYSON PARK PLAYGROUND

is hereby awarded to:

ASCAPE LANDSCAPE & CONSTRUCTION CORP.  
1047 Route 45  
Pomona, NY 10970  
PRINCIPAL: Stuart Chaitin

as per their proposed project cost of \$43,775.00 and offering Recreation Creations Equipment.

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RESOLUTION NO. (642-1996) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (643-1996)

Co. Maloney offered and Co. Smith seconded

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

BID #39-1996  
DEBRA LEE COURT DRAINAGE IMPROVEMENTS

is hereby awarded to:

HUDSON CANYON CONSTRUCTION  
115 Devries Ave.  
North Tarrytown, NY 10591  
PRINCIPALS: THEODORE J. MULDOON  
MARK LANDOW  
MITCHELL G. BERKEY

as per their proposed project cost of \$44,355.00

On roll call the vote was as follows:

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

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RESOLUTION NO. (644-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town has entered into a consent agreement with the State of New York to close the Clarkstown Landfill; and

WHEREAS, the State has agreed to partially fund the closure and remediation of the Clarkstown landfill; and

WHEREAS, on April 16, 1996 the State authorized the Town to solicit construction bids; and

WHEREAS, on June 5, 1996 the bids were received and opened; and

WHEREAS, on June 21, 1996, Roy F. Weston of New York, Inc. submitted their evaluation of the bids and their recommendation for award to the apparent low bidder, Ogden Remediation Service Co., Inc. of Fairfax, Virginia.

NOW, THEREFORE, be it

RESOLVED, that the contract for the Remediation of

Continued on Next Page

RESOLUTION NO. (644-1996) Continued

Clarkstown Sanitary Landfill and Landfill Capping be awarded to Ogden Remediation Service Co., Inc. of Fairfax, Virginia for an amount of \$19,873,727.00; and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to sign the contract subject to receiving written permission from the New York State Department of Environmental Conservation Bureau of Hazardous Waste Remediation for such award and the State's commitment for funding under the Environmental Quality Bond Act.

On roll call the vote was as follows:

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

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RESOLUTION NO. (645-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby adopts the Town of Clarkstown Employee Safety Rules and Safety Guidelines, and be it

FURTHER RESOLVED, that said Safety Rules and Guidelines shall be on file in the 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

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RESOLUTION NO. (646-1996)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the resignation (by retirement) of Richard Sullinger, 27 Glen Drive, Bardonia, New York - Fire Safety Inspector - Building Department - is hereby accepted - with regret - effective and retroactive to June 22, 1996.

On roll call the vote was as follows:

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

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RESOLUTION NO. (647-1996)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has

Continued on Next Page

RESOLUTION NO. (647-1996) Continued

furnished Certification of Eligibles #96010 Secretarial Assistant (Legal) (NCP) which contains the name of Candyce T. Draper,

NOW, THEREFORE, be it

RESOLVED, that Candyce T. Draper, 20 Endicott Street, Congers, New York is hereby appointed to the permanent position of Secretarial Assistant (Legal) - Town Justice Department - at the current 1996 annual salary of \$39,184.00, effective July 10, 1996.

On roll call the vote was as follows:

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

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RESOLUTION NO. (648-1996)

Co. Maloney offered and Co. Mandia 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 Unit 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 July 2, 1996 to July 15, 1996.

On roll call the vote was as follows:

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

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RESOLUTION NO. (649-1996)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Kelly Ann Stanard has requested a leave of absence, without pay, and

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

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (649-1996) Continued

RESOLVED, that Kelly Ann Stanard, Germonds Village, Building 2, Apt. 2, Bardonia, New York, Real Property Data Collector - Assessor's Office - is hereby granted a leave of absence, without pay, effective July 25, 1996 to July 25, 1997.

On roll call the vote was as follows:

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

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RESOLUTION NO. (650-1996)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #96080 Weigher II NCP/T&E which contains the name of George Kent,

NOW, THEREFORE, be it

RESOLVED, that George Kent, 26 Lake Road W. Congers, New York, is hereby appointed to the position of Weigher II - Solid Waste Facility - at the current 1996 annual salary of \$37,520.00, effective July 10, 1996.

On roll call the vote was as follows:

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

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RESOLUTION NO. (651-1996)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #96091 Weigher II NCP/T&E which contains the name of Raymond DeForest,

NOW, THEREFORE, be it

RESOLVED, that Raymond DeForest, 22 Old Brick Road, New City, New York, is hereby appointed to the position of Weigher II - Solid Waste Facility - at the current 1996 annual salary of \$33,711.00, effective July 10, 1996.

On roll call the vote was as follows:

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

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RESOLUTION NO. (652-1996)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Andrew McDonagh, 1 Harding Street, Pearl River, New York is hereby appointed to the position of Assistant Automotive Mechanic - Mini Trans Department - at the current 1996 annual salary of \$27,738.00, effective July 22, 1996.

On roll call the vote was as follows:

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

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RESOLUTION NO. (653-1996)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Orange and Rockland Utilities, Inc. has offered to gratuitously convey to the Town of Clarkstown a tax parcel known as Map 88, Block A, Lot 28.01, and

WHEREAS, such parcels would be beneficial to the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the acceptance from Orange and Rockland Utilities, Inc., of the gratuitously conveyance of tax parcel known as Map 88, Block A, Lot 28.01.

On roll call the vote was as follows:

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

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RESOLUTION NO. (654-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Attorney is hereby authorized to defend a proceeding against the Town of Clarkstown entitled, THOMAS GROSSO and ALISON GROSSO v. 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

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RESOLUTION NO. (655-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Attorney is hereby authorized to defend a proceeding against the Town of Clarkstown entitled, ROCKLAND COUNTY PATROLMEN'S BENEVOLENT ASSOCIATION, INC., AND CHRISTOPHER ROSE v. WILLIAM J. COLLINS, Individually and as Chief of Police of the Clarkstown Police Department, THE POLICE COMMISSION OF THE TOWN OF CLARKSTOWN and 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

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RESOLUTION NO. (656-1996)

Co. Mandia 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 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 sums in economic assistance for 1996 to:

MARTIN LUTHER KING CENTER       \$7,000.00

FURTHER RESOLVED, that the total amount of \$7,000.00 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

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RESOLUTION NO. (657-1996)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement with the library organization listed below, in a form approved by the Town

Continued on Next Page

RESOLUTION NO. (657-1996) Continued

Attorney, which provides a service for residents of the Town of Clarkstown which is deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that said library shall receive library assistance, pursuant to §256 of the Education Law of New York State, in the amount of \$3,000.00 for the calendar year 1996.

THE NEW CITY LIBRARY

On roll call the vote was as follows:

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

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RESOLUTION NO. (658-1996)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, pursuant to Highway Law §10(39) the Commissioner of Transportation may construct publicly owned parking facilities adjacent to or in the vicinity of the right of way on any site or federal-aid highway system with the approval of the governing body of the municipality in which such facility is located, and

WHEREAS, pursuant to Highway Law §10(39) Rockland County and the Town of Clarkstown have requested the New York State Department of Transportation (NYSDOT) to perform certain work for the parking facility located at Smith Road and Route 59, Nanuet, New York, and described in Schedule "A" annexed to this agreement in connection with a project planned by the State as described in such Schedule "A", and

WHEREAS, the Town Board approves such parking facility because it believes the parking facility will benefit the Town of Clarkstown residents, and

WHEREAS, the parking facility will be constructed by NYSDOT pursuant to an agreement between NYSDOT, Rockland County and the Town of Clarkstown, at the sole cost and expense of Rockland County, with such federal aid as Rockland County may receive by way of reimbursement from the Federal Transit Administration, and

WHEREAS, the Town of Clarkstown will operate and maintain the completed parking facility pursuant to the agreement with NYSDOT and a Use and Occupancy Permit from NYSDOT, at the sole cost, expense and risk of the Town of Clarkstown, and

WHEREAS, Rockland County has performed the preliminary engineering for and estimated the cost of the parking facility and shall pay the full construction cost thereof incurred by NYSDOT from Rockland funds to be deposited with the State Comptroller for such purposes;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of

Continued on Next Page

RESOLUTION NO. (658-1996) Continued

Clarkstown hereby approves the parking facility, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to execute all necessary agreements or other instruments on behalf of the Town of Clarkstown in connection with the Town's use, occupancy, operation and maintenance of the parking facility, and be it

FURTHER RESOLVED, that five certified copies of this resolution shall be filed with the New York State Commissioner of Transportation by attaching it to the three way agreement.

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. (659-1996)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown directed the Director of Environmental Control to Request for Proposals from engineering firms to provide services on the Demarest Mill Creek Flood Reduction and Dam Rehabilitation project, and

WHEREAS, the Town of Clarkstown has received proposals from several engineering firms, and

WHEREAS, the Director of Environmental Control has recommended the Town accept the proposal from Kozma Associates;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with KOZMA ASSOCIATES, for engineering services on the Demarest Mill Creek Flood Reducation and Dam Rehabilitation project, West Nyack, New York, in a form approved by the Town Attorney.

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. (660-1996)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, pursuant to Section 200 of the Town Law, the Town Board of the Town of Clarkstown wishes to consider the improvement of all or a portion of a street known as Pearl Lane, situated off Route 304 near Goebel Road, New City, New York;

Continued on Next Page

RESOLUTION NO. (660-1996) Continued

NOW, THEREFORE, it is

ORDERED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on August 13, 1996, at 8:05 P.M., relative to the proposed road improvement, and it is

FURTHER ORDERED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the official newspaper of the Town as aforesaid and file proof thereof in the Office of the Town Clerk, to post a copy of same on the sign-board of the Town of Clarkstown, as well as conspicuously in five (5) public places along Pearl Lane, in the time and manner required by law, and it is

FURTHER ORDERED, that the Director of the Department of Environmental Control is hereby authorized and directed to prepare definite plans and specifications and to make a careful estimate of the expense of the road improvement.

On roll call the vote was as follows:

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

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RESOLUTION NO. (661-1996)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, LOEB HOUSE INC., has petitioned the Town Board for a Special Permit to operate an Agency Boarding Home for adults, with priority being given to homeless Veterans, pursuant to the Zoning Ordinance of the Town of Clarkstown, for property located at 67 Hess Road, Valley Cottage, Rockland County, New York, and

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to the Zoning Ordinance be held at the Auditorium of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on August 13, 1996 at 8:10 P.M., to consider the application relative to said Special Permit, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the newspaper of general circulation and posted in the manner provided by law and file proof thereof in the Office of the Town Clerk.

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

FURTHER RESOLVED, that 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 the

Continued on Next Page

RESOLUTION NO. (661-1996) Continued

Director of the Department of Environmental Control is hereby authorized and directed to act as agent for the TownBoard 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

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RESOLUTION NO. (662-1996)

Co. Maloney offered and Co. Mandia seconded

ORDER EXTENDING CLARKSTOWN CONSOLIDATED WATER SUPPLY DISTRICT NO. 1 to INCLUDE RISE ROAD, NEW CITY, adopted and signed. (Complete Order 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

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RESOLUTION NO. (663-1996)

Co. Maloney offered and Co. Mandia seconded

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

J D BACKHOE  
D/B/A JOE D'AURIA  
P. O. Box 342  
Sparkill, New York 10976

RESOLVED, that the following Certificate of Registration be issued:

No. 96-24 J D BACKHOE D/B/A JOE D'AURIA

On roll call the vote was as follows:

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

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RESOLUTION NO. (664-1996)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that based upon the recommendation of the Director of Environmental Control, United Water New York is

Continued on Next page

RESOLUTION NO. (664-1996) Continued

hereby authorized to install the following hydrant:

West side of Private Road, approximately 140 feet northeast of New York State Department of Transportation Marker #303-8501-1069 and approximately 400 feet south of New York State Department of Transportation Marker #303-8501-1070.

Investigation No.: 11257, and be it

FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Tricia Betz, Utility Service Coordinator.

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. (665-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the attached Determination and Findings, pursuant to Eminent Procedure Law §204, is hereby adopted, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized and directed to publish such findings in accordance with §204 of the Eminent Domain Procedure Law and take all other steps necessary to obtain title for the Town of Clarkstown to the property described in Schedule "A" annexed hereto, of the attached Determination and Findings.

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. (666-1996)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, on September 12, 1995, the Town Board adopted Resolution No. 602 - 1995 authorizing the Supervisor to enter into an agreement with Ronald G. Salvaggione, D.C., with respect to an Adopt a Road Program dealing with Ludvigh Road, Bardonia, New York, and

WHEREAS, Ronald G. Salvaggione, D.C. has since relocated and Paul Lentini, D.C. has taken over his office, and

WHEREAS, by Resolution No. 564-1996, the Town Board authorized an agreement with Paul Lentini, D.C. for an Adopt a Road Program dealing with Ludvigh Road, Bardonia, New York;

NOW, THEREFORE, be it

Continued on Next Page

RESOLUTION NO. (666-1996) Continued

RESOLVED, that the Town Board hereby rescinds Resolution No. 602-1995, with respect to an Adopt a Road Program entered into by Ronald G. Salvaggione, D.C., dealing with Ludvigh Road, Bardonia, 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

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RESOLUTION NO. (667-1996)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Supervisor is hereby authorized to continue workers' compensation insurance with the Public Employer Risk Management Association, Inc. (PERMA) for a period of 18 months at a cost not to exceed \$451,331.00, and be it

FURTHER RESOLVED, that this resolution is retroactive to June 30, 1996, with the policy period to extend from July 1, 1996 to January 1, 1998.

On roll call the vote was as follows:

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

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RESOLUTION NO. (668-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Director of Environmental Control of the Town of Clarkstown is hereby authorized to retain the services of Danny Clapp Landscaping, 59 Schriever Lane, New City to perform the following work:

Clean all debris, shrubs and prune trees in the area around the white oak tree at The Promenade, New City for a sum not to exceed \$1,500.00.

On roll call the vote was as follows:

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

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RESOLUTION NO. (669-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, an adverse surface drainage condition

Continued on Next Page

RESOLUTION NO. (669-1996) Continued

exists at 155 Parrott Road, West Nyack (now or formerly Sullivan); and

WHEREAS, the Supervisor of the Town of Clarkstown has Directed the Department of Environmental Control to take whatever steps may be necessary to ameliorate said drainage condition; and

WHEREAS, the Director the Department of Environmental Control has obtained a proposal for said corrective drainage work; and

WHEREAS, the Department of Environmental Control has reviewed said proposal and found it to be acceptable;

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control be authorized to retain the service of Danny Clapp Landscapping, 59 Schriever Lane, New City, NY 10956 to perform said corrective drainage work as per their proposal for an amount not to exceed \$4,200.00; and be it

FURTHER RESOLVED, that this amount be a proper charge to account #H 8735-409-0-12-19; and be it

FURTHER RESOLVED, that this resolution supersedes and renders null and void Resolution #452-1996 as passed by the Town Board on May 14, 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. (670-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown is desirous of having Town property located off of Spring Brook Road in Nanuet, New York, more particularly known as Map 8, Block A, Lot 25.19, cleared, cleaned and debris removed; and

WHEREAS, the Department of Environmental Control has obtained proposals for said clearing, cleaning and debris removal; and

WHEREAS, these proposals have been reviewed by the Department of Environmental Control;

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control be authorized to retain the services of Bill's Landscaping Co., 97 Duryea Lane, Nanuet, NY 10954 to perform said clearing, cleaning and debris removal as per their proposal for a sum not to exceed \$1,790.00; and be it

Continued on Next Page

RESOLUTION NO. (670-1996) Continued

FURTHER RESOLVED, that three additional maintenance cuttings and cleanings shall be performed as per their proposal for a sum not to exceed \$2,550.00; and be it

FURTHER RESOLVED, that the total amount of \$4,340.00 for this work be a proper charge to account #H 1994 409 0 14 35.

On roll call the vote was as follows:

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

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RESOLUTION NO. (671-1996)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Clarkstown Planning Board has requested a thirty day extension of time to review and make recommendations with respect to §290 of the Zoning Ordinance of the Town of Clarkstown, in an RS District;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes a thirty day extension of time to the Clarkstown Planning Board to review and make recommendations with respect to §290 of the Zoning Ordinance of the Town of Clarkstown, in an RS District.

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. (672-1996)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Clarkstown Planning Board and the Rockland County Commissioner of Planning have requested a thirty day extension of time to review and make recommendations with respect to §290 of the Zoning Ordinance of the Town of Clarkstown, in an MRS District;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes a thirty day extension of time to the Clarkstown Planning Board and the Rockland County Commissioner of Planning, to review and make recommendations with respect to §290 of the Zoning Ordinance of the Town of Clarkstown, in an MRS District.

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. (673-1996)

Co. Profenna offered and Co. Mandia 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:

Two "Reverse Turn" signs (W1-6R) with "15 MPH" advisory speed panels (W9-1X). The northbound sign should be erected just north of Greenwood Drive and the southbound sign just South of Lynn Drive on Joan Dive, New City.

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 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 Councilman Profenna and unanimously adopted, the Town Board Meeting was declared closed, time: 9:35 P.M.

Respectfully submitted

  
Town Clerk

**TOWN OF CLARKSTOWN  
PUBLIC HEARING**

Town Hall

7/9/96

8:04 P.M.

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

Re: Amendment to Chapter 250 (Streets and Sidewalks) of the Town  
Code of the Town of Clarkstown

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.

Town Attorney said the County Planning Board approved subject to certain conditions; Town Planning Board has not reviewed; no SEQRA.

Supervisor Holbrook asked if anyone wished to speak.

Appearance: Dick Cunningham, Mgr., Operations  
Orange & Rockland Utilities

We have been involved in this discussion numerous times and have received revised copy submitted to the Town and find it is greatly improved over the item discussed last week at the workshop. We have a couple of problems and I'll be specific. The number one problem is the inference of inspections throughout the construction process. Looking at the schedule of fees, reference is made in B3 that the Town will determine the number of inspections to be made. To O&R and other utilities, this is open ended; we will be charged each time you come and look at the job. There is no limit. We estimate that a job which would be \$50 under the present law, would be \$560 under this proposed law. This is a ten times increase in the fee. I can go with specific estimates of what you're proposing would do.

Supervisor Holbrook asked what they would propose instead of this.

Mr. Cunningham said they would like to see the basic permit fee of \$40 and an inspection fee sometime during construction to ensure that we are properly doing the job the way the Town's Inspector wants it done and then a final inspection at completion. If not completed to inspector's satisfaction, we would make whatever repairs are required and another inspection fee after that. So that would be an average of \$120 for a construction project which is in line with other municipalities in the county.

Supervisor Holbrook asked if there were any other items.

Mr. Cunningham said other items are acceptable but crossing Town roads needs clarification. If I go down a road on one side, if I cross 3 roads at an intersection, is that an additional fee for each of those roads. Other than that, I think Mr. Lampert did an excellent job in rewriting this schedule. We ask for some consideration in the number of inspections.

PH - 7/9/96

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Re: Amendment to Chapter 250 (Streets and Sidewalks) of the Town Code  
of the Town of Clarkstown

Appearance: Carla Hjelm, Corporate Attorney  
United Water New York

United Water shares O&R's concerns about the proposed local law. Of primary concern is the fee schedule for permit and inspections but we have some specific comments on the legislation as follows:

Section 250-29: The references to enforcement of OSHA and Code 53 should be eliminated. The responsibility for enforcing OSHA standards is entrusted to the federal Occupation Safety and Health Administration, and the New York State Public Service Commission has now recently established regulations to enforce Code 53 requirements.

This language is at best unnecessary, since applicable laws should be observed in any event. However, this language may also create confusion, since the enforcement of OSHA and Code 53 standards is under the jurisdiction of federal and state agencies, not the Town.

Sections 250-10(C) and 250-27: The term "safety defect" is used in both of these sections as the criterion for determining that a deposit or bond should be forfeited within a twenty-four hour period. This term is too broad, since even a minor defect could potentially affect safety. United Water suggests that the wording be changed to "major safety defect or emergency." Further, the twenty-four hour period for forfeiture is too stringent. United Water responds as soon as possible to any request for corrective work, but must in certain situations put up a barricade and make the repair on the next working day.

Section 250-32(C): The legislation as written calls for installation of a temporary patch and a permanent patch in the spring. However, United Water has access to hot blacktop year-round and customarily makes permanent patches during the winter months. Therefore, this section should be revised to indicate that it is acceptable as an alternative to provide a permanent patch during the winter months.

Section 250-32(D): The imposition of liability for damages "in an any way connected" with winter work is too expansive and should be revised to reflect the standard of imposing liability for damages "arising out of" such work.

Additionally, at last night's meeting, United Water voiced comments concerning the revisions to the fee structure for inspections and permits. United Water believes that the revised fee structure may result in the imposition of fees for repeated inspections. This would increase United Water's cost of service, which ultimately would be reflected in higher rates for our customers. We understand that the Town Board does not intend the revised fee structure to result in the imposition of excessive fees, and accordingly, we will be monitoring these charges closely. United Water continues to believe that a reasonable flat fee covering both permit and inspections would be a better alternative.

United Water appreciates the Town Board's consideration of these comments.

PH - 7/9/96

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Re: Amendment to Chapter 250 (Streets and Sidewalks) of the Town Code  
of the Town of Clarkstown

Appearance: Howard Lampert  
Traffic & Highway Engineering Consultant for the  
Town of Clarkstown

With regard to United Water's comments regarding OSHA and Code 53 requirements, we put them in because at a seminar attended by Town of Clarkstown employees with regard to OSHA and Code 53 requirements, it was said if we did not put them in as part of our requirements, that if a utility or anyone else was found in violation of them, then we would be partially responsible because we did not require it in our permit. So that was the specific reasoning why that was put into the law. Again, working backwards, with regard to a \$200 inspection fee, I don't see that at all. The basic inspection fee for a typical project would be \$40. If a project is long and requires several hundred feet of excavation it could require additional permit fees. There are exceptions; if you're crossing a Town road and we have to inspect it more than once because we require one side be done and open to traffic and another side be done, that would be 2 inspection fees. In other towns, they just double or triple their permit fee requirements. We feel the permit fee is an administrative fee and it should relate directly to the amount of work done so that is a permit fee and \$40 should pretty much cover every permit; the key variable is the inspection fee, when we have to inspect more than once that we should be able to cover our costs for inspection. I would be glad to go over this with United Water. Let me ask our attorney, does he see how this would typically be a \$200 inspection fee?

Mr. Jacobsen said he does not.

Mr. Lampert said what we have is a basic fee, a fee for improper or incomplete work as other municipalities do and I don't believe there are objections from United Water or O&R or anyone else, for requiring another inspection fee for that. That's how we get them to do it right which we don't have presently. In terms of the long trenches I'd like to take B3 and B4 together. Right now, our law says there's a \$50 fee for each hole. O&R brought to the Town's attention that this was inequitable. I agreed with that. I did try to clarify it last time. I further clarified it this time by saying not only in one day if it's off the pavement area where it's not as critical we can do it all in one week, which is how I do it as the engineer for some municipalities when I'm the inspector, but we must look at another inequity that presently exists in our law, that is, for a trench of several thousand feet all we receive is the one \$50 permit fee charge. O&R proposed in legislation they agreed to a fee of \$100 for that. That's fine if you're going up to a couple of hundred feet a day and that's two days and that's \$100 but if we're talking about long trenches of a couple of thousand feet, I do not think it appropriate to do only one inspection on that because if something is being done wrong it means the whole thing could be done wrong. If backfilling is being done improperly, it won't be caught until the end. You do an initial and a final, and so this was an attempt to make it equitable in terms of our cost. In the most recent legislation before this I said one per day and there were objections, do we really need more per day, and the answer is - if a contractor is doing well and you check him on a day and you realize he's probably going to do okay, the next day you don't need to. This is giving the Town the discretion not to inspect on a day.

Supervisor Holbrook said if you dug a trench and had 10 hookups, in the past you could be charged for each of those hookups. In this case, you're not charging for each of those hookups, it's just a matter of inspections when necessary. I understand the apprehension of utilities to the language "when necessary" but the previous language indicated \$40 for each of those 10 holes. That is not in this.

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Re: Amendment to Chapter 250 (Streets and Sidewalks) of the Town Code of the Town of Clarkstown

Mr. Lampert said that is not in there. However inequitable it was before we had things going against us or against the utility. In a way, we were making up by charging only \$50 for a thousand foot long trench because of the fact that if they put in service connections to 20 homes we would get \$2000 out of it. And both of those are inequitable and I've tried to change both of them. I think O&R is saying that's great what you did to help us but we don't want to make the inequity on the other side that works for us - we want to keep that inequity. And that is what I was trying to correct. I think one could do it on a footage basis as the County does and some others do and we know in advance how much we're going to pay. The problem with that, as the Board pointed out at the very first hearing we had, is that it gives no incentive to the contractor to work quickly because he has the same permit fee regardless of how long he takes. So if it's convenient for him to do 80 percent of the job and leave off the other 20 percent for awhile, he'll do that and I personally have had contractors do that to me.

Supervisor Holbrook asked if there is anything for the Town Board to take action on tonight. If, in adopting this, do we adopt what you described?

Mr. Lampert said actually the schedule of costs, the first part I've dealt with here that United Water brought up on OSHA and Code 53 requirements, that is in the legislation, so if we adopt that we are including that. The schedule of costs is not part of the local law itself but we do need to adopt a schedule of costs. We are lowering the permit fee. The permit fee is a fixed cost to the Town regardless of the size of the project and we're lowering that because we're saying if we're going to take out the inspection fee we don't need to charge that much for the permit fee but we want to charge the permit fee so we can charge the permit fee dependent on the size of the project so in the legislation itself and the way the law was written it has the permit fee as part of the law but the inspection is to be established only in accordance with the law. So the permit fee is in the law and the inspection fee can be passed by Town Board resolution. If we pass the legislation itself then we are establishing the permit fee without establishing the inspection fee.

Mr. Mandia said it sounds to me that you and the Superintendent of Highways have tried to protect the Town and be fair to the utilities but leave it open ended in the event something occurs in the extreme. In other words, if we have to send inspectors out there for some reason or unusual case, you have the ability to get that money back. The utilities, on the other hand, are concerned that the extreme case could be abusive. Ms. Hjelm was accurate, all of this will come out of the taxpayers pocket. I am inclined to think we have responsibility to protect the Town in the event there's an extraordinary case. I don't think it's the Town's wish to be unfair to the utilities or the taxpayers. I think we can pass this. And since those schedule of fees are not part of the local law but somewhat arbitrary on the Town's part, if the utilities feels there are abuses or issues unforeseen at this point, we can deal with that when it occurs. No one intends to be abusive with charges. We are concerned with the extreme case.

Mr. Lampert said the Board can change a schedule of costs anytime they wish. I have offered to review this in six months or as the council wishes to compare our costs and go over it with O&R and United Water. If I think this is excessive, I will be the first one to come back to you because I have written this and staked my reputation on doing the best job. I am convinced what we have here is far superior to anything we've had before.

Supervisor Holbrook said what Councilman Mandia has said, and from the comments of the board members here, we are taking a leap of faith that we're

Re: Amendment to Chapter 250 (Streets and Sidewalks) of the Town Code  
of the Town of Clarkstown

going to do something. We don't want price gouging or abuses. The question Mr. Cunningham raised regarding inspections - let me say for the record that if there are problems and they come up, we're not going to wait six months, we'll deal with it right away. So let's move forward on this.

Mr. Cunningham said they have been led to believe by the Highway Department that they will inspect every single day we are on the site and on a 10 day job that's \$400.

Appearance: John Mauro  
Superintendent of Highways

In regard to the comments made by Orange & Rockland, we have to have an inspector out there to take a look at the work each and every day. If we're out there 4 and 5 times looking at a project, It doesn't mean we're going to charge 4 or 5 inspections on that day. But we have to be able to recover our costs for an inspector going out there. There are many times when material is being excavated and we allow O&R to take and use that material rather than bring in all fresh material. It's whoever the excavator would be. It is necessary we have the opportunity to inspect their work and particularly safeguard and protect the traveling public of the Town of Clarkstown and to protect the Town and its employees.

Supervisor Holbrook said they are saying if you go out there for 10 days that's 10 times 40.

Mr. Mauro said that can be worked out and it's not designed to be unreasonable. We sat down with the representatives of O&R and listened to their concerns and to the concerns of our employees in the department and we must take everything into consideration. I think the legislation drafted by Mr. Lampert is reasonable in that respect, as well.

Supervisor Holbrook said let's give it a try and then we'll see. If we are wrong, we'll know right away. Let's close the meeting and adopt this. I'm also saying here to the representatives, if this gets out of hand we have the ability to deal with this by resolution and we will.

There being no one wishing to be heard, on motion of Councilwoman Smith, seconded by Councilman Maloney, and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time 8:30 P.M.

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Respectfully submitted,



PATRICIA SHERIDAN  
Town Clerk

RESOLUTION NO. (626-1996) ADOPTED

**TOWN OF CLARKSTOWN  
PUBLIC HEARING**

Town Hall

7/9/96

8:31 P.M.

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

**Re:** Violation Hearing - Authorizing Town Attorney to Institute Chapter  
216 Proceeding [2 Albert Court, Congers]

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

Supervisor Holbrook said he knows there has been improvement but there are certain aspects of this job which remain unfinished.

**Appearance:** Judy Brodel  
8 Albert Court, Congers, NY

I became acquainted with you folks at a workshop meeting. Several of our neighbors came in and we complained bitterly regarding going back and forth with the Building Department regarding a neighbor who just fails to comply with normal things like putting out your garbage, mowing your lawn and taking care of your property. Councilman Maloney was kind enough to call me within 24 hours. There was some action taken, I believe. Councilwoman Smith was out to the property and took a look at things first hand. What we're dealing with is an absentee owner, which we have established, and they have absolutely no respect whatsoever for anybody's laws, particularly laws in the community. At about 1:30 this afternoon, I went to the edge of the perimeter of their property and I took some additional photos which will say more than I could ever say up here of ongoing problems with garbage and debris. What they basically did was clean up the front of the house and leave the side and back of the house not cleaned up. I would like to ask, because this has been going on for a couple of years, that they be given the absolute maximum they can be given in the way of a fine and that the Town take action. And I would like to submit more pictures for you to look at, taken today. (Photos were given to the Town Board.)

**Supervisor Holbrook:** Actually, what they've done is shuffle it around and cut the grass.

**Ms. Brodel:** They're continuing to cut the grass, which is progress. But there was also a vehicle in the driveway that was just moved 24 hours ago before this Town hearing, so I suspect they felt we weren't going to push it any further and we would just let it drop.

**Supervisor Holbrook:** Let's say if it hasn't been cleaned up by July 15th, that we have the ability to clean it up ourselves and put a lien on the property for our expenses, and that we can and we will do. We're giving them until Monday. This is the public hearing. Before we can take action we must have due process.

**Councilman Maloney:** It's still not being done to our satisfaction so we are giving them until Monday.

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Re: Violation Hearing - Authorizing Town Attorney to Institute  
Chapter 216 Proceeding (2 Albert Court, Congers, NY)

Appearance: Resident  
6 Albert Court, Congers, NY

There's been a Christmas tree there for at least two years, there's trash all over the backyard.

Supervisor Holbrook: If we go in there, we clean up the property and we charge them.

Resident (6 Albert Ct): Last year there were ten people living in that home. I'm not talking about adults, they were teenagers. I don't know what's going on in that house.

Supervisor Holbrook: We have a community policing force now which can actually specifically take a look at this problem. There are other problems in the Town similar to this one but we're going to pass a resolution, unless anyone else wants to speak on this, in essence saying Mr. Beary's going to notify the owner tomorrow to tell them they have until July 15th to clean it up. If at that point it's not cleaned up, we'll hire a person to go in and clean it up and we'll put a lien on the property, which will be collected next year in the taxes, and we'll clean the property.

There being no one wishing to be heard, on motion of Councilman Maloney, seconded by Councilwoman Smith, and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:37 P.M.

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Respectfully submitted,



PATRICIA SHERIDAN  
Town Clerk

RESOLUTION NO. (627-1996) ADOPTED

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

7/9/96

8:37 P.M.

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

Re: Change of the Zoning Ordinance of the Town of Clarkstown  
[Daniel Oster - Tax Map 89, Block A, Lot 16]

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.

Town Planning Board, 6/13/96 - no objection; County Planning Board, 1/26/95 - approved; SEQRA was done 7/1/96.

Supervisor Holbrook: We will allow the applicant to make a presentation and then see if there are any questions from the Board or the public. We'll close the public hearing at that point.

Appearance: Anthony Montalbano, Esq.  
New City, NY

Briefly, this is an application for a zone change on the real portion of this property which is an end zone district; it's 6.8 acres; the entire parcel is approximately 12.3 acres; the front portion of the property is located in an RS zone. According to the report of Mr. Geneslaw, the Town Planner, the real portion of this property has been in an end zone since the 1960's and has not been used and developed during that entire period of time. At the present time, there exists on the property what is known as the old Pathmark Supermarket which has been closed down. There are some stores above the supermarket and I understand there are some storage facilities also. This Town Board referred to the Planning Board a zone change request and as a result of that it was referred to the Planning Board and the Planning Board commenced meeting with the applicant and its engineer, Mr. Caruso. The Planning Board was meticulous and detailed in its review and insisted that the applicant not only review the plan with them but first review the plan with NYSDEC because this property is surrounded on three sides by water. Acknowledging the Supervisor's request to keep our comments brief, I would like to introduce Mr. Caruso who can review with the Board our site plan. By the way, the building you see on this site plan is a 60,000 sq. ft. supermarket that is proposed on a 12 acre site. I think you can make the floor area ratio calculation when we're looking at density with respect to this piece of property.

Appearance: Joseph Caruso  
Engineer for Project

The plan is labeled conceptual plan, however, it's gone quite beyond the conceptual stage. The initial plan we proposed when first getting involved some 18 months or 2 years ago included a 60,000 sq. ft. supermarket plus a strip commercial center along Route 59 of about 20,000 sq. ft.. The initial studies indicated we were perhaps within the jurisdiction of NYSDEC and also the US Army Corps of Engineers so we immediately contacted both those agencies and went to work dealing with them and their criteria. Based on the studies, we reduced the scope of the project to the 60,000 sq. ft. supermarket and the strip commercial center was reduced to about 10,000 sq. ft.. Further developing the concept and the plans, the strip center was reduced even more and finally eliminated. We had additional meetings with the Corps of Engineers and with the

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Re: Proposed Change of the Zoning Ordinance of the Town of Clarkstown  
[Daniel Oster - Tax Map 89, Block A, Lot 16]

state DEC trying to meet their criteria with regard to the wetlands and the buffer area around the wetlands. We contacted the local Rockland drainage agency with regard to their requirements. We met several times with the Town's technical advisory committee and generated the plan you see which now shows a 60,000 sq. ft. free standing supermarket with related parking of about 350 parking spaces. There is circulation around the building to allow for delivery and pick up by tractor trailers and we've tried to satisfy the different agencies and we labeled these as conceptual.

Supervisor Holbrook said the key thing, regardless of what is built, is that the Hackensack that comes through there. This is one of the key areas in the Hackensack improvement project. I would ask Mr. Ryan to make a comment relative to that aspect. What would be needed for the Town on the Hackensack?

Appearance: John Ryan  
Weston  
Consultants on the landfill and river improvement project

Our office has had contact with the developers on this site. Generally, the concept they are pursuing is compatible with the concept that is being developed for the Hackensack river improvement project. I see that in the resolution before the council tonight, there is a bridge between these two projects and I think there is an opportunity for this concept to continue and be compatible with the river project.

Mr. Caruso said that right now the parcel is owned by Mr. Oster and is almost an island surrounded by the Hackensack on one side, a stream on the other side, the Town's landfill to the south and Route 59 to the north, so it just makes sense to have the entire parcel in one zone and in this case the RS zone.

Mr. Montalbano said he would like Mr. Hoenich's comment on the building and why it is 60,000 sq. ft..

Appearance: Mr. Hoenich  
Architect for Shoprite

I wanted to add that we are proposing a standard supermarket for this time -- 60,000 to 65,000 sq. ft. is the size of supermarkets being built today and this would be a full service superstore with specialty departments and a full line of groceries.

Councilman Mandia asked about the building there now, the storage in the back and several small stores to the left of it. Do you know how many sq. ft. exists there now.

Mr. Caruso said the existing supermarket is about 25,000 sq. ft. which by today's standards doesn't work. The strip commercial center is about 8000 sq. ft. and there's about 8000 sq. ft. of professional office space above.

Mr. Montalbano said this application was returned to you by the Planning Board with the unanimous recommendation of the Planning Board. All the members recommend you grant the zone change requested. Secondly, the property is situated in an area where it is surrounded by RS zones. This is the only piece of property which has depth along Route 59 which has an end zone. I respectfully submit there will be no adverse impact on any public services with respect to this property. The entire piece should be as recommended by your planning consultant in one zoning district and it was his recommendation it be in an RS zoning district.

Re: Proposed Change of the Zoning Ordinance of the Town of Clarkstown  
[Daniel Oster - Tax Map 89, Block A, Lot 16]

If I can read one comment from Mr. Geneslaw's report -- in planning terms there is no compelling reason for the rear of the property to remain in an end zone and a changed RS is in our opinion reasonable. That would allow the use of the property in a single zoning district -- and I believe that was the finding of the Planning Board.

Councilman Profenna asked if you're going east on Route 59, obviously you're going right into the first entrance. On the way out, if you're going West, how is that going to work. If you're leaving the shopping center and you make a left, where would the cars be stacked up?

Mr. Caruso - cars would be stacked up in the parking lot and it is a signalized intersection.

Councilman Profenna asked if that would stay the same as it is now because there is a signal there.

Mr. Caruso responded yes.

Councilman Profenna asked about the proposed overpass?

Mr. Caruso said it is to the east.

Councilman Profenna asked if there would be an adverse effect?

Mr. Caruso said there will be ramp.

Councilman Profenna asked where the ramp would back up?

Mr. Caruso said the ramp is to the east beyond the property next store.

Councilman Profenna questioned the impact of traffic on Route 59 since there would be no service road after Pyramid.

Supervisor Holbrook asked if there was anyone who wished to make a comment.

Appearance: Donald Brenner, P.E., L.L.B.  
Representing property owners in area of West Nyack

Mr. Brenner read the following (and submitted to the Board):

This office represents the interests of certain property owners in the area of West Nyack with regard to the proposed zone change noted above.

The Town Board has scheduled a public hearing on Tuesday, July 9, 1996, for a change of zone based on an application made by Abe and Daniel Oster, dated August 29, 1994.

We believe the Town Board does not have adequate information to hold this hearing, and the application before you should be rejected.

This application must be subjected to an appropriate SEQRA review. This zone change, if authorized, would result in an expanded nonresidential facility of approximately 60,000 sq. ft. in a zone change area of approximately 6.8 acres. It will result in the disturbance of more than 5 acres of land on this zone change site. As such, it is a "Type I Action" under SEQRA. (See 6 NYCRR 617.4(b)(6)(i) and (iv).) The Type I Action carries with it a presumption that it will significantly affect

Re: Proposed Change of the Zoning Ordinance of the Town of Clarkstown  
[Daniel Oster - Tax Map 89, Block A, Lot 16]

the environment. (See 6 NYCRR 617.4(a)). Accordingly, an appropriate local agency should require an Environmental Impact Statement prior to the grant of any zone change.

The scope of such a review may be adjusted based upon data derived during the process. It is submitted that the initial scope of review include the following critical areas:

(1) Drainage - There has been a history of serious flooding on the existing site and surrounding roads. Further, this area is part of the Hackensack River reclamation project. Any change in the status of this area (whether it be development or zone change) could lead to intense litigation.

(2) Noise and Traffic - Additional car trips and truck traffic must be measured appropriately to determine if access is adequate or if existing patterns must be altered. Impact on a road pattern in an area which is partially surrounded by adjacent lands zoned "RS" (whose owners presently have a petition before the Town Board to double their retail capacity to make it the largest retail facility in the eastern part of the United States) must be properly studied. The additional noise and increased traffic (especially delivery trucks and garbage removal) will intrude upon the area designated for river reclamation and recreational use. Furthermore, the change of zone from "M" to "RS" will increase peak hour, saturated peak hour, and average daily trips by ten-fold (based on trip generation by ITE).

(3) Aesthetics - Visual inconsistency with the projected recreational area use is as potentially troublesome as are the drainage, traffic, and noise concerns. The construction of a building which will dominate the horizon to the south and will look down on the Hackensack River reclamation project, is at best objectionable. To have this retail commercial center's trucks, cars, and garbage disposal facilities superimposed on one of Clarkstown's story book projects should be of serious concern.

(4) Effects of Competition - The effects of this type of competition thrust upon the community should be analyzed. What will become of the existing supermarkets in the area? Will this new super-store be likely to put smaller stores in adjacent shopping centers in the area (West Nyack, Valley Cottage) out of business? The economic impacts of a new supermarket is appropriately reviewable at the earliest stages of planning. The sale of general merchandise in an expanded supermarket, coupled with food services now highlighted in other facilities, may seriously impact upon the neighboring businesses, thereby increasing the vacancy possibilities in the existing community shopping centers.

(5) Effects on Public Health - Aerial views of this parcel of land dated from the 1970's and 1980's show an extensive area which was comprised of wetlands and flood plains. The petitioner, in their own Narrative Summary, dated November 3, 1995 (prepared by Caruso and Horowitz Associates - Page 1) states that the site is also being used for illegal dumping of all types of debris. To reward a property owner with a zone change after he admits to dumping material in a wetland is both a violation of some statutes and against public policy. Furthermore, we do not have an analysis of this material to determine its effect on the health and welfare of the community.

As noted above, these types of concerns are serious and legitimate. It is the intent of the SEQRA statute that an in-depth review take place at the earliest stages of an application. There is no authority for avoiding a "hard look" at the full range of impacts of this proposal. If this Board is even considering this zone change, they should commence the SEQRA process so that a full EIS is prepared

Re: Proposed Change of the Zoning Ordinance of the Town of Clarkstown  
[Daniel Oster - Tax Map 89, Block A, Lot 16]

on these, and potentially other, serious areas of environmental concerns before the requested zone change is determined.

Based on the facts noted above, the admissions made in the application, and the inadequacy of the application, the request should be denied. If the application is to be properly addressed, a complete SEQRA review must be made.

Mr. Brenner then stated that furthermore, I spoke to the Corps of Engineers today, I was informed by the Corps of Engineers that the only reference they've made to this project is that they informed the applicant that they must get a permit from the Corps of Engineers since it borders a wetland. Furthermore, I spoke to NYSDEC, Div. of Regulatory Agencies, and I have all the data specifically made here and they, too, have said certain studies must be done before they can even think about this. Town Board members, what I am saying to you right now is this is totally premature, the work has not been done. This is a Type I zone change and it requires a full EIS if you are going to consider the aspects of this type of zone change.

Councilman Maloney asked Mr. Brenner if he was saying that the Planning Board and the Planning consultant did not look into any of these matters at all?

Mr. Brenner said they did not look into it. I am also saying decisions were made on a 1995 County Board decision which does not take in aspects of what is taking place with Pyramid. All the studies were done prior to development in this area and they have not looked at these essential items.

Councilman Maloney said that in other words they did not look at drainage, noise, traffic, esthetics, competition, public health, none of that?

Mr. Brenner said they looked at superficial information from the engineers who presented a picture which says everything is rosy and perfect. The truth of the matter is these things have to be studied. I think you all know the drainage conditions on Route 59. I think you know the problems and this is what we're talking about before a zone change can be looked at.

Appearance: Joseph Pantano  
Committee for Responsible Government in Clarkstown

I have a couple of questions. I had asked one of the people for the petitioner -- adding the square footage of the building -- do you have any idea how it would change the taxes paid on that piece of property now versus what you would pay if the structure was built?

I come in favor of this petition with one exception - drainage. I would hope the petitioner would make sure the drainage concerns were taken care of and if that were so, we would be in favor of it for the following reasons. You have the situation where a Pathmark was there at one time. It is essentially an eyesore today. I don't know how much more would accumulate to the Town, County, and school district from putting this new structure up but I would assume it would be significant.

One of the things brought up earlier was that this would be a problem to traffic. On North Main Street in New City we have the Ensarha market which has been there for many years. There was a problem to begin with but I don't think it presents a particular problem and that area is much more congested than the area we're talking about now. I think it makes sense for the following reasons: one, the additional taxes to be accrued to the community, again, assuming the drainage

Re: Proposed Change of the Zoning Ordinance of the Town of Clarkstown  
[Daniel Oster - Tax Map 89, Block A, Lot 16]

is taken care of. Everyone in this room, including the petitioner, knows of the problems. I think Ensarha has proven to be a good neighbor in New City. I think we have an eyesore in West Nyack now which is not productive in this community and I think if a reputable organization like the Ensarha organization comes into West Nyack and puts up what I am sure will be a good facility, it's for their benefit as well as the community's. I would urge the Town Board to accept.

Mr. Montalbano said he takes exception to Mr. Brenner's comments with respect to the lack of a hard look by the Planning Board. If you look at Mr. Geneslaw's report of May 23rd, it reviews traffic, wetlands, flood plains, stream courses and, further, he believes sufficient information has been provided for that level of review, namely with respect to zoning. If the zone change is granted the applicant proceeds to the preparation of a site plan, a more detailed plan, and a level of review will be necessary as well as permits from a number of agencies. We are involved in a process. We have prepared a long form EAF, we have completed and responded to a Part III, that has been reviewed and accepted by the Town Planner and an action has been taken by the Planning Board. We are not at the end of the review process. We are at the beginning. All we're here for this evening is approval of a zone change.

Mr. Caruso said that with regard to the environmental review, we did prepare the necessary forms. There was a Part III response required which we've submitted to the Planning Board and it was satisfactory to that agency. With regard to the Corps of Engineers, we did physically walk the site with the Corps on two occasions where the lands were flagged. We indicated which areas would be disturbed and it would appear that the disturbed areas would be permitted under what is known as a nationwide permit where you fill in less than one acre of land and you do not have to require a permit from the US Army Corp of Engineers. In my opening remarks I indicated how the project was scaled down. It was scaled down as the result of meetings with the Army Corps of Engineers and NYSDEC. We are approaching a project which would be acceptable to both the NYSDEC, the Corps of Engineers, the County and your Town agencies.

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

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Respectfully submitted,

*Patricia Sheridan*  
PATRICIA SHERIDAN  
Town Clerk