

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

9/10/96

8:00 P.M.

Present: Supervisor Holbrook
Council Members Maloney, Mandia, Profenna & Smith
Richard A. Glickel, Deputy Town Attorney
Patricia Sheridan, Town Clerk

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

PRESENTATION OF CERTIFICATES

Presentation of a Certificate of Appreciation to Joseph L. Sagaria, District 18 Administrator, Junior League Baseball, by Councilman Mandia, in recognition of his support of the DARE Program

Presentation to New City League by Supervisor Holbrook, represented by Mr. Clark, for fundraising efforts for the Clarkstown DARE Program.

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

Appearance: Bill Chase, New City

Mr. Chase asserted that the Planning Board was not empowered to approve a site plan for the Mall. He stated that the Town Attorney is researching this.

Appearance: Martin Michelson, Bardonia

Mr. Michelson objected to the purchase of land in Ramapo for a golf course and the position formerly held by Betty Squillace in the Highway Department.

Appearance: Donald Tracey, Esq.
Representing EklecCo

Mr. Tracey clarified EklecCo's position on the expansion of the Pyramid Mall and the role of the Planning Board, the Town Board and the SEQRA process governing the expansion.

Supervisor Holbrook responded to Mr. Tracey's comments regarding the position of Town Board members to the expansion.

Appearance: Phil Landrigan, Esq.
Counsel to Rockland County Civic Assoc.

Mr. Landrigan suggested a 5 year moratorium for the expansion of the Pyramid Mall.

Appearance: Bob Jackson, Nanuet
President, Nanuet Civic Assoc

Mr. Jackson expressed concern for the effect Pyramid Mall traffic would have on newly redone intersections in Nanuet.

Appearance: Shirley Lasker, W. Nyack
President, Rockland Co. Civic Assoc.

Ms. Lasker questioned Pyramid support of the Democratic Party Chairman. She expressed people's distrust of their government.

Appearance: Mr. George Remelt, New City

Mr. Remelt alluded to the impact of additional traffic on the Tappan Zee Bridge from the Pyramid Mall.

Appearance: Mary Ann Brancatelli, West Nyack

Ms. Brancatelli said the Pyramid Mall will have a detrimental effect to the quality of life. She also questioned the residential status of land behind 21 Doscher Avenue.

Appearance: Bruce Broadley, West Nyack

Mr. Broadley questioned ownership and liability of access roads. Mr. Broadley asked if there was a program permitting off duty police officers to use Clarkstown uniforms or cars.

Appearance: Shirley Roos, West Nyack

Ms. Roos spoke regarding the closing of the Tappan Zee Bridge, Route 303 and the impact on traffic.

Appearance: Martin Bernstein, New City

Mr. Bernstein spoke regarding the land owned by Pyramid being in an MRS Zone. The removal of a covenant from the Pyramid Zone Change without a Public Hearing.

Appearance: Michael Zac, West Nyack

Mr. Zac inquired about the Pyramid Mall paying rent for a political party. He said that the Planning Board and The Town Board should deny the applicant.

Appearance: John O'Neill, Chestnut Ridge

Mr. O'Neill spoke regarding traffic conditions at the Planning Board Meeting and why people were turned away and ticketed.

Appearance: Ingrid Ilkew, Strawtown Road

Ms. Ilkew spoke regarding the expansion of the Pyramid Mall. Ms. Ilkes is opposed.

Appearance: Annette Demar, Congers

Ms. Demar spoke re: private meetings without public notice and being intimidated at the Planning Board Meeting.

Appearance: Paula Berkowitz, New City

Ms. Berkowitz spoke regarding non Rockland County residents speaking at the Planning Board Meeting. She is opposed to the expansion.

Appearance: George Pejorvis, West Nyack

Mr. Pejorvis objected to the way the Planning Board Meeting was conducted. He is concerned about the traffic, noise and pollution.

Appearance: Mr. Steve Fetner, Upper Nyack

Mr. Fetner spoke about the size of the mall, the town roads and the land not being zoned MRS.

Appearance: Reginal Thayer, Orangetown

Mr. Thayer stated that the Planning Board does not understand the depth of concern.

Appearance: Phil Guarino, West Nyack

Mr. Guarino asked if the Emergency Plan for Rockland County included an evacuation plan using Route 59 and the Thruway West. Was this taken into consideration by the Planning Board when granting the original 1.85 million approval as well as for the additional 1.2 million.

Appearance: Warren Marshall, Nanuet

Mr. Marshall spoke regarding the employees who would work for Pyramid, their affordable housing needs.

Appearance: Martin Bernstein, New City

Mr. Bernstein questioned the property being zoned MRS, expansion on the footprint and the hundred year flood level of 64 feet.

Appearance: David McDonald, New City

Mr. McDonald spoke regarding Pearl Lane and the cost to a second access user as opposed to a primary user.

RESOLUTION NO. (775-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on August 13, 1996, provided for a public hearing on September 10, 1996, at 8:05 P.M., to consider the application of Yaboo Fence Company, Inc. to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the Petitioner, described on the Clarkstown Tax Map as Map 89, Block C, Lot 44, from a PO District to a CS District or LS 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 dated August 6, 1996 from Robert Geneslaw, 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 89, Block

Continued on Next Page

RESOLUTION NO. (775-1996) Continued

C, Lot 44, situate in the Hamlet of West Nyack, New York, in said Town, from a PO District to an LS District, which is described on the attached Schedule "A," subject to the receipt and acceptance by the Town of a covenant submitted by the record owner, in a form approved by the Town Attorney, for the following conditions:

1. The applicant or his successors shall not be permitted any access for this site onto Route 59
2. The applicant or his successors shall restrict retail sales to fence and shed products only.

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.

(Description 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. (776-1996)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of August 13, August 16, and August 23, 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. (777-1996)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, DE PAULIS ENTERPRISES V LTD. has petitioned the Town Board of the Town of Clarkstown requesting that the Zoning Ordinance of the Town be amended by redistricting property owned by the petitioner, from an LIO District to an MF-2 District, and

WHEREAS, said property is designated on the Clarkstown Tax Map as Map 128, Block A, Lots 15.01, 16, 17 and 19, and is located in Congers, New York;

Continued on Next Page

RESOLUTION NO. (777-1996) Continued

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on November 12, 1996, at 8:05 P.M., relative to the proposed amendment, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (778-1996)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Resolution No. 332 adopted by the Town Board on March 26, 1996 is hereby amended as follows:

WHEREAS, Mountainbrook Estates Corp. has submitted a second amended petition to the Town Board of the Town of Clarkstown requesting that the Zoning Ordinance of the Town be amended by redistricting property owned by the petitioner, from an R-22 District to an MF-1 District, which property is designated on the Clarkstown Tax Map as Map 135, Block D, Lots 23 through 41 and Lot 14.01, and

WHEREAS, the Clarkstown Planning Board has recommended approval of an MF-1 application and the Rockland County Commissioner of Planning approves an MF-1 application as well, and SEQRA has been completed;

NOW, THEREFORE, be it

FURTHER RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on September 24, 1996, at 8:10 P.M., relative to the proposed amendment, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (779-1996)

Co. Maloney offered and Co. Mandia 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 November 12, 1996 at 8:10 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown:

Amend §290-11A, General Use Regulations, Table 15A, PED District, Column 2, Item 1 by adding Item (o) as follows:

"1. (o) Retail uses in single buildings of not less than 20,000 square feet provided that any multi use contained therein is not less than 10,000 square feet per use."

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 News, the official newspaper of the Town, 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. (780-1996)

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 parcel designated as Map 56, Block C, Lots 1 through 19 for year(s) 1994/95, 1995/96 and 1996/97, 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 \$2,500 per appraisal.

Continued on Next Page

RESOLUTION NO. (780-1996) 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. (781-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, CHEMICAL BANKING CORPORATION has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 32, Block B, Lot 4.1 for the year(s) 1992/93, 1993/94, 1994/95, 1995/96 and 1996/97, 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 \$3,500.00 per appraisal, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to August 13, 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. (782-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, on August 13, 1996, by Resolution No. 763-1996, a resolution was adopted by the Town Board authorizing Karl Kirchner to prepare a preliminary appraisal on property designated as Map 52, Block A, Lot 3.2 for the year(s) 1996/97 in connection with the pending tax certiorari matter entitled CHAMPION INTERNATIONAL, at a fee not to exceed \$2,000.00, and

WHEREAS, it has been brought to the attention of the Town that extensive work is required in connection with the preparation of said appraisal;

NOW, THEREFORE, be it

RESOLVED, that an additional sum of \$1,500.00 may be expended, bringing the total fee not to exceed \$3,500.

Continued on Next Page

RESOLUTION NO. (782-1996) 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. (783-1996)

Co. Mandia offered and Co. Maloney seconded

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

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

NOW, THEREFORE, be it

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

Husted Lane, West Nyack
(Install one [1] 5800 lumen sodium vapor street light - existing utility pole number 59729/40484)

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. (784-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, HIGHVIEW INVESTMENT COMPANY v. TOWN OF CLARKSTOWN, Index No(s). 3859/95 and 4127/96, affecting parcel(s) designated as Map 57, Block G, Lot 4, for the year(s) 1995/96 and 1996/97, and

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

1. That the assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 57, Block G, Lot 4 be reduced for the year(s) 1995/96 and 1996/97 from \$1,062,700 to \$850,160;

Continued on Next Page

RESOLUTION NO. (784-1996) Continued

2. That reimbursement for the year(s) 1995/96 on the parcel described as Map 57, Block G, Lot 4 be made within 45 days through the Office of the Commissioner of Finance. If payment is made within 45 days, no interest will be charged; and

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

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

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (785-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Board hereby authorizes Ralph Widmaier, developer of Frederick Hensey, Sr. Subdivision, to install a 6 inch asphalt berm in accordance with the existing curb in the area of this subdivision, to the satisfaction of the Department of Environmental Control.

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. (786-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Attorney is hereby authorized to defend a proceeding against the Town of Clarkstown entitled, CHARLES CAPASSO & SONS CARTING, INC. v. TOWN BOARD OF THE TOWN OF CLARKSTOWN, consisting of CHARLES E. HOLBROOK, Supervisor, JOHN MALONEY, RALPH MANDIA, ANN MARIE SMITH and LOUIS PROFENNA, THE TOWN OF CLARKSTOWN AND and HIELE SANITATION CO., INC.;

Continued on Next Page

TBM - 9/10/96
Page 10

RESOLUTION NO. (786-1996) 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.....	Abstained
Councilman Profenna.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

RESOLUTION NO. (788-1996)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Lori Zaccaro and Lucy Perutti, Supervisor's Office, are hereby authorized to attend a one-day seminar entitled: "The Exceptional Assistant," to be held at the Colonial Manor, Old Tappan, New Jersey, on Wednesday, October 23, 1996 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. (789-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, based upon the recommendation of Charles F. Connington, Superintendent of Recreation and Parks, that the Supervisor is hereby authorized to file a Recreation Project Renewal application, entitled "Community Center Programs," with the New York State Division for Youth, in the amount of \$24,717.00 for the period commencing January 1, 1997 through December 31, 1997.

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. (790-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, based upon the recommendation of Charles

Continued on Next Page

RESOLUTION NO. (790-1996) Continued

F. Connington, Supintendent of Recreation & Parks, that the Supervisor is hereby authorized to file a Recreation Project Renewal application, entitled "Community Center Programs/5 Towns," with the New York State Division for Youth, in the amount of \$5,399.00 for the period commencing January 1, 1997 through December 31, 1997.

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. (791-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown Police Department is responsible for the operation of the Clarkstown Police Juvenile Aid Bureau, and

WHEREAS, the State and County have each recognized the need to assist local municipalities with such programs through the continuation of Division of Youth funding on a 50/50 matching funds basis;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown hereby approves and supports the submission of the Clarkstown Police Department's Juvenile Aid Bureau grant application for 50/50% Division of Youth funding for 1997, and be it

FURTHER RESOLVED, that the Town of Clarkstown shall provide matching funds equal to or in excess of the monies reimbursed under the aforesaid grant, pursuant to the proposed budget submitted therewith.

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. (792-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town of Clarkstown Police Department is responsible for the administration of the Clarkstown Youth Court program, and

WHEREAS, the State of New York and County of Rockland have each recognized the need to assist local municipalities with such programs through the continuation of Division of Youth funding on a 50/50 matching funds basis,

NOW, THEREFORE, be it

Continued on Next Page

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RESOLUTION NO. (792-1996) Continued

RESOLVED, that the Town of Clarkstown hereby approves and supports the submission of the Clarkstown Police Department's Youth Court grant application for 50/50% Division for Youth funding for 1997, and be it

FURTHER RESOLVED, that the Town of Clarkstown shall provide matching funds equal to or in excess of the monies reimbursed under the aforesaid grant, pursuant to the proposed budget submitted therewith.

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. (793-1996)

Co. Mandia offered and Co. Maloney seconded

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

"NO PARKING ANYTIME" signs with directional arrows on the north side of Schriever Lane from the Health Club, East to Main Street, 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

RESOLUTION NO. (794-1996)

Co. Mandia offered and Co. Maloney seconded

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

A "STOP" sign on Miller Road at Kings Highway, Valley Cottage, New York.

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.

Continued on Next Page

RESOLUTION NO. (794-1996) 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. (795-1996)

Co. Mandia offered and Co. Maloney seconded

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

An intersection sign (Sec. 232.1 a W2-4 sign) on the south side of Laurel Road 100 ft. West of Brewery Road, New City, New York

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

RESOLUTION NO. (796-1996)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Clarkstown Police Department and the Town Traffic Engineering Consultant, the following parking regulation is hereby enacted:

"NO STOPPING ANYTIME FROM 7 AM TO 3 PM ON SCHOOL DAYS" on the north and south side of School Lane between Crestwood Drive and Elmwood Drive, New City

and be it

FURTHER RESOLVED, that the Town Clerk is directed to forward a copy of this resolution to the Highway Superintendent for proper sign installation, and that any previous regulations that conflict with the above regulation, are hereby rescinded.

On roll call the vote was as follows:

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

TBM - 9/10/96
Page 14

RESOLUTION NO. (797-1996)

Co. Mandia offered and Co. Maloney seconded

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

A sign to read, "TRUCKS OVER 4 TONS EXCLUDED EXCEPT FOR LOCAL DELIVERIES" on the west side of DeClark Place at Church Street, Nanuet, NY

and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (798-1996)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, various appropriation account numbers require additional funding, and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. A 10 14 2999 (General-Unexpended Balance) by \$33,422.00 and increase the following Appropriation Account Numbers:

A 1620 217 (Maintenance-Maintenance Equip.) ...\$ 4,650
A 1620 407 (Equipment Repair)\$11,500
A 1010 414 (Councilmen-Conferences & Schools)..\$ 7,045
A 1010 419 (Misc. Services)\$ 5,000
A 3320 409 (Installation of Signals-Fees Serv).\$ 2,100
A 3410 204 (Traffic Advisory-Office Machines) .\$ 25
A 8090 409 (Aquatic Pests-Fees for Services) ..\$ 3,102

and be it

FURTHER RESOLVED, to decrease A 1220 203 (Supervisor-Motor Vehicles) and increase A 1220 313 (Office Supplies-Prtg) by \$80.00; decrease A 1670 201 (Mail & Copy-Furniture & Fixtures) and increase A 1670 199 (Vacation Buybacks) by \$210.00; decrease A 1680 409 (Data Processing-Fees for Services) and increase A 1680 110 (Salaries) by \$6,000.00; decrease A 9000 809 (Employee's Assistance) and A 9000 409 (Fees for Services) by \$4,932.00

On roll call the vote was as follows:

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

TBM - 9/10/96
Page 15

RESOLUTION NO. (799-1996)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received \$1,953.48 from Eastern Regional Tournament, and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. A 01 3 2001 (General Fund-Park & Recreation) and Appropriation Account A 7180-408 (Building Repairs) by \$1,953.48.

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. (800-1996)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Comptroller is hereby authorized to transfer the sum of \$42,300.00 from Money in Lieu of Land to Parklands and Improvements account for various projects.

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. (801-1996)

Co. Maloney offered and Co. Profenna seconded

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

BID #62-1996
PEARL LANE IMPROVEMENTS

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, NY by 11:00 A.M. on October 2, 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

TBM - 9/10/96
Page 16

RESOLUTION NO. (802-1996)

Co. Maloney offered and Co. Profenna seconded

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

BID #63-1996
1996 ROAD RESURFACING PROGRAM - PART II

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 October 4, 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. (803-1996)

Co. Maloney offered and Co. Profenna seconded

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

BID #64-1996
EASEMENT MAINTENANCE
VICINITY OF CRIEFF LANE, NEW CITY

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 October 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

RESOLUTION NO. (804-1996)

Co. Maloney offered and Co. Profenna seconded

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

BID #65-1996
HILLCREST ROAD/TUPPER LANE
ROAD IMPROVEMENTS

Continued on Next Page

TBM - 9/10/96
Page 17

RESOLUTION NO. (804-1996) Continued

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 October 15, 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 Environmental Control.

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. (805-1996)

Co. Smith offered and Co. Maloney seconded

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

BID #53A-1996
GROUP PICNIC SHELTER - CONGERS LAKE PARK
PLUMBING AND ELECTRIC ONLY

is hereby awarded as follows:

(A) Plumbing, awarded to:

Hudson Valley Mechanical Contracting, Inc.
21 Highview Avenue
Orangeburg, NY 10962
Principals: Laura Hauser; Joseph Hauser

as per their low bid proposal of \$31,900.00

(B) Electrical, awarded to:

C.G.R. Electric Corp.
D/B/A Eagle Electric
110 W. Crooked Hill Road
Pearl River, NY 10965
Principals: Sheila Gray; Terry Ratnecht

as per their low bid proposal of \$11,000.00

and be it

FURTHER RESOLVED, that this award is subject to the receipt of

- a) Performance Bond
- b) Labor/Materials Payment Bond
- c) Certificate of Contractors Liability, Property Damage and Workers Comp Insurance coverage, and Disability coverage

On roll call the vote was as follows:

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

TBM - 9/10/96
Page 18

RESOLUTION NO. (806-1996)

Co. Smith offered and Co. Maloney seconded

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

BID #55-1996
CONCRETE CULVERT PIPE
CONCRETE CATCH BASIN BLOCKS AND BRICKS

is hereby awarded to:

VIANINI PIPE CO.
PO Box D
Somerville, NJ 08876
PRINCIPAL: Vianini Industria

FEDERAL BLOCK CORP.
PO Box 4090
129 Walsh Avenue
Newburgh, NY 12250
PRINCIPAL: John Montfort

(Price schedule 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. (807-1996)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Deputy Director of D.E.C. that

BID #57-1996
FOREST BROOK PUMP STATION - RECONSTRUCTION

is hereby awarded to

SPECTRASERV, INC.
75 Jacobus Ave.
South Kearny, NJ 07032
PRINCIPAL: Joseph P. Miele

as per their lowest proposed project cost of \$304,075, and be it

FURTHER RESOLVED, that this award is subject to the receipt of:

- a) Performance Bond - 100%
- b) Labor & Materials Payment Bonds - 100%
- c) Certificate of Contractors Liability, Property Damage Coverage
- d) Certificate of Workers Compensation and Statutory Workers Disability Coverage

On roll call the vote was as follows:

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

TBM - 9/10/96

Page 19

RESOLUTION NO. (808-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #96053 Highway Maintenance Supervisor III which contains the name of George C. Drescher,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the Appointment by the Superintendent of Highways of George C. Drescher, 31 Parrott Road, West Nyack, New York to the (Permanent) position of Highway Maintenance Supervisor III - Town Highway Department - at the current 1996 annual salary of \$60,847.00, effective and retroactive to August 16, 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. (809-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has certified on August 20, 1996 that three (3) positions of Clerk (Temporary) - Town Justice Department - can be created,

NOW, THEREFORE, be it

RESOLVED, that the three (3) positions of Clerk (Temporary) - Town Justice Department - are hereby created - effective August 20, 1996 - for a period not to exceed 3 months.

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. (810-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Madeline Weinberg, 1 Dore Court, New City, New York, is hereby appointed to the position of (temporary) Clerk Town Justice Department - at the current 1996 annual salary of \$27,096.00, effective and retroactive to September 9, 1996.

On roll call the vote was as follows:

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

TBM - 9/10/96
Page 20

RESOLUTION NO. (811-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #92150 Police Officer which contains the name of Lee A. Davies,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Lee A Davies, 3 Park Avenue, Congers, New York, to the position of (Permanent) Police Officer - Police Department - at the current 1996 annual salary of \$35,278.00, effective and retroactive to August 30, 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. (812-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #92150 Police Officer which contains the name of Earl F. Lorence II,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Earl F. Lorence II, 14 Fanley Avenue, New City, New York, to the position of (Permanent) Police Officer - Police Department - at the current 1996 annual salary of \$35,278.00, effective and retroactive to August 30, 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. (813-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that John Hanlon, 17 Ohio Avenue, Congers, New York, is hereby appointed to the position of (Part-time) Bus Driver - Mini Trans Department - at the current 1996 hourly rate of \$11.65 - effective and retroactive to August 29, 1996.

On roll call the vote was as follows:

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

TBM - 9/10/96
Page 21

RESOLUTION NO. (814-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Lisa M. Cea, 132 Congers Road, Congers, New York, is hereby appointed to the position of (temporary) Clerk Stenographer - Solid Waste Facility (Department of Environmental Control) at the current 1996 annual salary of \$21,425.00, effective and retroactive to September 9, 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. (815-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Vincent Narciso, 954 Stark Lane, Valley Cottage, New York, is hereby appointed to the position of (Provisional) Fire Safety Inspector - Building Department - at the current 1996 annual salary of \$46,777.00, effective and retroactive to September 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. (816-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #96044 Assistant Fire Safety Inspector which contains the name of Stephen Ungerleider,

NOW, THEREFORE be it

RESOLVED, that Stephen Ungerleider, 218 Valley Road, Valley Cottage, New York is hereby appointed to the (permanent) position of Assistant Fire Safety Inspector - Building Department - at the current 1996 annual salary of \$33,039.00, effective September 23, 1996.

On roll call the vote was as follows:

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

TBM - 9/10/96
Page 22

RESOLUTION NO. (817-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Eileen Daly, 15 Westgate Boulevard, New City, New York, is hereby reappointed to the position of Member - Assessment and Review Board - term effective October 1, 1996 and to expire on September 30, 2001 - at the per diem rate of \$100.00 per meeting, when the Board is in session.

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. (818-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Rockland County Personnel Office has certified on August 27, 1996 that the position of File Clerk Town Clerk's Office - can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of File Clerk - Town Clerk's Office - is hereby created - effective September 11, 1996, and be it

FURTHER RESOLVED, that the grade for the position of File Clerk is hereby established at a grade 16.

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. (819-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Kathy A. Carleo, 150 Sixth Avenue, Nyack, New York, is hereby appointed to the position (Provisional) File Clerk - Town Clerk's Office - at the current 1996 annual salary of \$21,425.00, effective September 16, 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. (820-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Resolution #752-1996, adopted at the August 13, 1996 Town Board meeting, appointing Cynthia Shaw to the position of (Provisional) Counselor, is hereby amended to reflect "Temporary Counselor."

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. (821-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the position of (part-time, temporary) Clerk, Police Department, is hereby created, effective September 11, 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. (822-1996)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Margaret Coyne, 6 Brookside Avenue, New City, New York, is hereby appointed to the position of (part-time, temporary) Clerk, Police Department, effective September 11, 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. (823-1996)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the Director of Environmental Control of the Town of Clarkstown is hereby authorized to retain the services of a private contractor to perform the following work:

Remove a dead tree on the Town's Right-of-Way. Location of said tree is 27 New Valley Road, New City, New York 10956.

Continued on Next Page

RESOLUTION NO. (823-1996) Continued

Removal of tree not to exceed \$600.00

RESOLVED, that the Director of the Department of Environmental Control is authorized to retain the service of:

KJS Hauling and Home Improvements
95 Maple Avenue
New City, New York 10956
914-634-7308

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. (824-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the TOWN requires an entity with special expertise to supervise and maintain its Solid Waste Facility including, but not limited to, maintenance of the Sanitary Landfill, the continued operation and repair of the leachate collection system, protection and repair of the intermediate and final cover and operation, supervision and maintenance of its two (2) yard waste composting sites, and

WHEREAS, the TOWN has determined that MICHAEL ARANEO, INC. is such an entity with special expertise in these areas, with unique knowledge of the sites in question, and

WHEREAS, the TOWN wishes to contract with ARANEO to provide for the operation, supervision and maintenance of the TOWN'S Solid Waste Facility,

NOW, THEREFORE, it is

HEREBY AGREED, that the Supervisor is hereby authorized to enter into an Agreement to operate, supervise and maintain the Town's Solid Waste Facility in a form approved by the Town Attorney for a period from January 1, 1996 to December 31, 1998 in an amount not to exceed \$92,000.00 per year.

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. (825-1996)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, by Resolution No. 485, adopted by the Town Board on May 24, 1996, the Supervisor was authorized to enter into an agreement with EklecCo, whereby EklecCo guaranteed payment of \$2,000,000 in cash to the Town by August 31, 1996, as a contribution towards the Hackensack Flood Control Project, and

RESOLUTION NO. (825-1996) Continued

WHEREAS, EklecCo has provided the Town of Clarkstown with \$2,000,000.00 in cash and wishes the return of the \$2,000,000.00 bond being held by the Town;

NOW, THEREFORE, be it

RESOLVED, in exchange for the \$2,000,000.00 in cash, the Town Board hereby authorizes the Town Attorney to return the \$2,000,000.00 bond to EklecCo.

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. (826-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, pursuant to certain amendments to Section 26.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), which amendments comprise Chapter 60 of the New York Laws of 1996, the Town is authorized to issue serial bonds to provide for the payment of all or a part of the extraordinary expenses of snow and ice removal incurred during 1996;

NOW, THEREFORE,

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

Section 1. The Town of Clarkstown, in the County of Rockland, New York (herein called "Town"), is hereby authorized to issue serial bonds to finance extraordinary snow and ice removal expenses, pursuant to Section 26.00 of the Law. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and to the financing thereof, is \$600,000.00 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$600,000.00 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$600,000.00 are hereby authorized to be issued pursuant to the provisions of the Law, to finance said appropriation.

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

(a) The period of probable usefulness applicable to the purpose for which said serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 26.00 of the Law, is five (5) years.

Continued on Next Page

TBM - 9/10/96
Page 26

RESOLUTION NO. (826-1996) Continued

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made for the purpose for which said bonds are authorized.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

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

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

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

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

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

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

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

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in full, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "THE JOURNAL NEWS," a newspaper published in Nyack, New York, having a general circulation in

Continued on Next Page

RESOLUTION NO. (826-1996) Continued

the Town and hereby designated the official newspaper of said Town for such publication.

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. (827-1996)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a continuing need exists for the disposal of waste concrete, masonry products and asphalt in the Town of Clarkstown, and

WHEREAS, said products are recyclable and can be used as a substitute for virgin aggregate to the benefit of the environment, and

WHEREAS, Crushing and Screening Techniques of 3650 South Homan Avenue, Chicago, Illinois, has offered a five-year lease on a suitable crusher,

NOW, THEREFORE, be it

RESOLVED, that the Supervisor shall be authorized to enter into such lease for a Hartl Powerskid Model 303 PCV at a cost of approximately \$6,900.00 per month.

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. (828-1996)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, one additional loader is required for the continued composting operation at the Route 59 Compost site,

NOW, THEREFORE, be it

RESOLVED, that K. Luke Kalarickal, Director, Department of Environmental Control, is authorized to lease one new Caterpillar 970 Wheel Loader for five (5) years at a cost of \$5,041.70 per month, subject to the Town Attorney's review of proposal, and be it

FURTHER RESOLVED, that all proper charges be charged against account SR 8160-443.

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. (829-1996)

Co. Maloney offered and Co. Profenna seconded

The work to be done is in the vicinity of Scandia Road, Congers.

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 maintenance condition; and

WHEREAS, the Director of the Department of Environmental Control has obtained several proposals for said corrective work; and

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control be authorized to retain the service of:

A Touch of Green of Rockland, Inc.
PO Box 21
Stony Point, New York 10980

to perform said corrective work as per their proposal for an amount not to exceed \$1,725.00, and be it

FURTHER RESOLVED, that this amount be a proper charge to Account # H 1989 400 409 0 348.

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. (830-1996)

Co. Maloney offered and Co. Smith seconded

WHEREAS, the Town Board of the Town of Clarkstown previously adopted Determination and Findings pursuant to Section 204 of the Eminent Domain Procedure Law concerning the Condemnation of a portion of property known as Map 106, Block A, Lot 17, Raphael Rivero, et al, and

WHEREAS, a Determination and Findings were made by Resolution No. 665-1996 dated July 9, 1996 by the Town Board of the Town of Clarkstown, and

WHEREAS, an amended Notice of Petition to acquire the aforesaid property in fee was filed in the Supreme Court of the State of New York under Index No. 4347/96, and

WHEREAS, a Notice of Petition to reject and set aside said Determination and Findings has been filed by Raphael Rivero in the Appellate Division of the Supreme Court, State of New York, Second Department, and

WHEREAS, a motion has been filed in the Supreme Court of the State of New York by Raphael Rivero, to stay the proceedings to obtain an Order of Immediate Possession pending decision in the Appellate Division on the petition to reject and set aside the determination and findings;

Continued on Next Page

RESOLUTION NO. (830-1996) Continued

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to discontinue the pending condemnation proceeding without prejudice.

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. (831-1996)

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 and under SEQRA to consider the proposed acquisition by condemnation of temporary and/or permanent easements on and over lands and premises of Raphael Rivero, hereinafter described to construct and install a landfill cap and to otherwise remediate off-site disposal from the Town of Clarkstown Landfill, to be utilized for a staging area and for related purposes in connection with the landfill remediation, and/or to be utilized for the purposes of future inspection, sampling, testing and monitoring of the landfill and landfill remediation in order to comply with the requirements of the Consent Order heretofore entered into between the Town of Clarkstown and the New York State DEC.

The above described property is owned by Raphael Rivero, and is located on the south side of Route 59 and the west side of Route 303, West Nyack, New York, and consists of approximately 2.43 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, which premises are more particularly described on Schedule "A." Said public hearing shall be held on October 8, 1996, at 8:05 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, 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

TBM - 9/10/96
Page 30

RESOLUTION NO. (832-1996)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, that based upon the recommendation of the Director of Environmental Control, United Water New York is hereby authorized to install the following hydrants:

- 1. X-10029 H - North side of Mayfield Street approximately 175 feet west of Kings Highway
- 2. X-10030 H - West side of Mayfield Street approximately 895 feet west of Kings Highway

Investigation No. 11267, 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. (833-1996)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, that based upon the recommendation of the Director of Environmental Control, United Water New York is hereby authorized to install the following hydrants:

- 1. South side of Private Road, approximately 70 feet east of the center line of Orchard Street.
- 2. South side of Private Road, approximately 350 feet west of the center line of Private Road from Orchard Street.
- 3. West side of Private Road, approximately 150 feet west of the center line of College Avenue.
- 4. South side of Private Road, approximately 100 feet west of the center line of Private Road.

Investigation No. 11270, 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. (834-1996)

Co. Mandia offered and Co. Profenna seconded

WHEREAS, a hydrant investigation has been made by United Water New York for premises located in an approved site plan known as Normandy Village Co., designated on the Clarkstown Tax Map as Map 13, Block A, Lots 7, 8, 9, 13, 14, 15 and 20.02 and Map 13, Block E, Lots 13.2 and 14, and

WHEREAS, it has been recommended that four (4) fire hydrants be installed within the said approved site plan, for the protection of future residents, and

WHEREAS, said property is private property; and the hydrants shall be installed at the owner's expense, but the water charges shall be billed to the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with Normandy Village Co., as owner, in the form of a Declaration of Covenant, which shall run with the land, as approved by the Town Attorney, whereby Normandy Village Co., or its successor(s) in interest shall pay the water service charges of United Water New York, rendered yearly to the Town of Clarkstown on a per-hydrant basis in connection with the dwelling units to be located on such property presently owned by Normandy Village Co., located in the hamlet of Nanuet, for the condominium site plan known as Normandy Village Co., affecting the tax map parcels referred to above; and the Comptroller is hereby authorized and directed pursuant to such covenant to provide periodic statements to Normandy Village Co., or the future Board of Managers, Homeowners Association or respective owner(s) of the premises, for payment of the water service charges imposed, plus 10% as a handling fee, and be it

FURTHER RESOLVED, that the amounts to be billed, if not paid in the aggregate, shall be levied against the present or future tax parcels in accordance with the applicable assessment values.

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. (835-1996)

Co. Smith offered and Co. Mandia seconded

WHEREAS, the Town executed a contract with County Asphalt, Inc. for the referenced project, and

WHEREAS, in the course of construction rock was encountered in the excavation areas and is to be paid as an add alternate unit price expense, and

WHEREAS, field conditions have necessitated other changes in the scope of the work to accommodate existing conditions and adjacent owner requests to the Supervisor and Town Board.

Continued on Next Page

RESOLUTION NO. (835-1996) Continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board does authorize the additional expenditure of \$65,000.00 under Bid Number 45-1995.

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. (836-1996)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town has a drainage easement through Tax Map Lot 35B6.04, and

WHEREAS, maintenance and repair of drainage structures is required in said easement to remediate adverse subsidence and maintain functionality of those structures, and

WHEREAS, the Director of Environmental Control has received a proposal from Environmental Construction, Inc. to perform the necessary work at a cost of \$5,200.00,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does authorize the Director of Environmental Control to hire Environmental Construction, Inc. at a cost not to exceed \$5,200.00 for said repairs, and be it further resolved that the cost of this work shall be a proper charge to account H 7182 400 409 0 55 11.

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. (837-1996)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the New York State Department of Transportation has scheduled a project for the reconstruction of Route 304 at the Squadron Boulevard intersection, New City, New York, identified as Pin 8155.08, and

WHEREAS, the NYSDOT's approval for access to the Camelot Subdivision on the East side of Route 304 is conditioned upon the widening of Route 304 to provide a southbound left turning lane, and

WHEREAS, the Town Board of the Town of Clarkstown and the NYSDOT believe it would in the best interest of the community to combine both projects, and

Continued on Next Page

RESOLUTION NO. (837-1996) Continued

WHEREAS, the Town of Clarkstown would act as an intermediary and fund the additional cost of \$110,000 to the State project through a "Betterment," and Price Construction, developer of the subdivision, would be responsible to provide the funds to the Town;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor of the Town of Clarkstown to execute all necessary agreements with the NYSDOT and Price Construction in connection with the project, to the satisfaction of the Town Attorney, and be it

FURTHER RESOLVED, that Price Construction will provide an Irrevocable Letter of Credit to the Town of Clarkstown in the amount of \$110,000 for the "Betterment," as aforementioned.

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. (838-1996)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, a Long Environmental Assessment Form (EAF) was received March 1, 1995 by the Planning Consultant, acting as technical Staff to the Town Board, and

WHEREAS, said EAF was distributed to 18 potential interested or involved agencies by letter dated March 9, 1995, and

WHEREAS, no interested or involved agency objected to the Town Board being Lead Agency under the provisions of NYCRR Part 617, whereby the Town Board is therefor Lead Agency, and

WHEREAS, the application is for a change of zone for a portion of the property from M (Manufacturing) to RS (Regional Shopping), to allow for the construction of a supermarket of about 62,000 square feet, and

WHEREAS, the original concept plan projected a supermarket of 59,875 square feet and a satellite retail building of 22,400, which square footage was reduced in response to issues raised by the NYS Department of Environmental Conservation, and

WHEREAS, the Town Board is making a determination that the proposed action is an unlisted action, and

WHEREAS, site plan approval by the Clarkstown Planning Board will require the issuance of permits by various regulatory and permitting agencies and site development details will be resolved as part of site plan approval, and

WHEREAS, an examination of projected traffic was made as part of the Palisades Center environmental review, and

Continued on Next Page

RESOLUTION NO. (838-1996) Continued

WHEREAS, while regulated wetland (NYS Department of Environmental Conservation and US Army Corps of Engineers) would be disturbed by development as shown on the concept plan, the applicant proposes the creation of mitigation wetlands to offset the loss of natural wetlands, and

WHEREAS, the property is partially within a 100 year floodplain, the concept site plan shows the building at an elevation above the floodplain and the parking area above or only slightly (6") below the floodplain, and vehicles could exit the site, and

WHEREAS, the site has streams on three sides and the Town is proposing to undertake improvements along at least one side, for which the design work is not yet complete and with which the applicant has agreed to cooperate;

NOW THEREFORE, be it

RESOLVED, that the Town Board, based on review of potential impacts of the proposed action, and the Applicant's proposed mitigation of such potential impacts, makes a determination that the proposed action will not have an adverse environmental impact.

On roll call the vote was as follows:

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

RESOLUTION NO. (839-1996)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on June 25, 1996, provided for a public hearing on July 9, 1996, at 8:10 P.M., to consider the application of ABE OSTER and DANIEL OSTER, for an amendment of the Zoning Ordinance of the Town of Clarkstown by redistricting the property designated on the Clarkstown Tax Map as Map 89, Block A, Lot 16, from RS and M Districts to an all RS 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;

NOW, THEREFORE, be it

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 89, Block A, Lot 16, situate in the Hamlet of West Nyack, New York, in said Town, from RS and M Districts to an all RS District, which is described on the attached Schedule "A," subject to the following condition:

(a) Petitioner shall agree to participate in the Town of Clarkstown's project for the Improvement of the Hackensack River. If the Town proceeds with the project before

Continued on Next Page

RESOLUTION NO. (839-1996) Continued

any site plan is approved for this site, the petitioner shall provide the required easements to accomplish the project. On the other hand, if this site is ready to construct before the actual improvements of the Hackensack River, as proposed by the Town, the Hackensack River improvements shall be implemented by the Petitioner, 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.

(Description on file in Town Clerk's Office)

Co Mandia stated that even if Pyramid buys this property, it really does not make any difference because they could have bought it before the Zone Change.

On roll call the vote was as follows:

- Councilman Maloney.....Yes
- Councilman Mandia.....Yes
- Councilman Profenna.....Yes
- Councilwoman Smith.....Yes
- Supervisor Holbrook.....No

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the Town Board Meeting was declared closed, time: 10:50 P.M.

Respectfully submitted,

Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk

34

**TOWN OF CLARKSTOWN
PUBLIC HEARING**

Town Hall

9/10/96

8:05 P.M.

Present: Supervisor Holbrook
Council Members Maloney, Mandia, Profenna & Smith
Richard A. Glickel, Deputy Town Attorney
Patricia Sheridan, Town Clerk

Re: Zoning Ordinance Amendment -- Yaboo Fence Company, Inc.
Redistrict property from a PO to a CS District or LS District

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

Supervisor Holbrook asked the applicant to make a presentation to the Town Board.

Appearance: John Hecker, Esq.
Granik Silverman, New City
Representing Yaboo Fence Co., Inc.

We are talking about a parcel which is 3.7 acres at the intersection of Route 59A and Route 59, approximately 200 to 300 feet west of the existing Yaboo Fence facility. Yaboo has been in existence since the mid 1960's and has operated at their present location since 1971. Business has prospered and they have run out of room. We would like to point out this parcel is a spot zone. (Mr. Hecker presented Exhibit C - indicating a parcel zoned PO, surrounded by an LS zone, a CS zone and R15 to the west.) He said the R15 is a swamp and there is no residential building on the north side of Route 59. The parcel is partially in a wet land which will not be touched and partially in a 100 year flood plain and there will be some construction activity in the wet land. The existing building will remain as is. We are aware this parcel could be called the entrance to the hamlet of West Nyack. There will be no building in front of the building. We are located in a historic zone and that will require us going to the Historic Board in connection with any construction of the two additional buildings. Of the additional buildings we intend to put on the parcel, one will be enclosed. There will be no manufacturing there. People will see the display and place their order but it is manufactured elsewhere and delivered to the homeowner. One building will be enclosed for the purpose of assembly and the other building will be partially enclosed, a three-sided shed for storage. We are contract purchasers subject to this zone change.

Supervisor Holbrook asked, regarding the retail sales, would they just be related to the fence business?

Mr. Hecker responded they would be related to fences and sheds.

Supervisor Holbrook asked if there was a covenant for that. If you take LS or CS you open up a myriad of abuses. You can't do that in a PO zone but if you change the zone to LS or CS, you could covenant the uses which you'd need. Approval would be subject to a restrictive covenant for fences and sheds only.

Councilman Profenna asked if the access would be from Route 59.

Mr. Hecker said there would be no access from Route 59 at all. It would all be from West Nyack Road, the same as it is now. There may be some fencing displays on Route 59.

Councilman Mandia said he understands the Town and County Planning Boards are in favor of this but the County recommended limitations on access.

Appearance: Rudolph Yacyshyn
Chairman, Planning Board

The Planning Board reviewed this on the Board's referral. We made it clear then in the review from the PO to the CS that the Planning Board strongly recommends that it be LS, the lesser intensity of the commercial retail zone. We have determined that, given what the applicant has indicated, we would presumably be receiving this for site plan and that we certainly implement all of those safeguards you have indicated. To call it a spot zone may be a stretch but

it served its purpose for many years and it would be consistent with the gateway to the hamlet of West Nyack.

The following two letters were presented to the Town Clerk for inclusion in the record of the public hearing:

Letter from Maryanne Brancatelli: "I am against any zone change. I live in a residential area and live across from the planned new site. Any zone change, other than PO (Professional Office) is only adding to a segmented addition of commercial property being bought and rezoned in a residential area along Route 59. "Block busting," a term in real estate, is what is happening in this strip along Route 59 in West Nyack. I do not want my home to be in a commercial area. A business of this kind will only be detrimental to the quality of our lives, my life. The trees and the shrubs will, I'm sure, be taken away. Noise generated from such a business is not fair to the residential area."

Letter from Allen & Colleen Stella, 19 Doscher Avenue, West Nyack, NY 10994: "I received a notice on a public hearing that is going to be held on September 10, 1996. The meeting is about Yaboo Fence Company changing their property from a PO district to a CS or LS district. I, unfortunately, cannot attend this important meeting due to prior circumstances but would like my opinion to be noted on the record.

I live directly across the street on Doscher Avenue where they want to move their business. I feel that it would be an eyesore to me and my surrounding neighbors to have such a business across the street. With the mall coming to West Nyack, Route 59 has very little landscaping left on it. I am also concerned with the added noise made by trucks that are loading up and leaving this place of business. As of now, the traffic is unbelievable and extremely noisy, just wait till the mall is built.

Please give careful consideration to this rezoning. If you could keep it a PO district, and save the little bit of grassy land that is left on Route 59, it would greatly be appreciated."

Mr. Hecker said they have no objection to an LS zone and the restrictive covenant would be acceptable.

There being no one further wishing to be heard, on motion of Councilman Mandia, seconded by Councilman Maloney, and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, time: 8:15 P.M.

Respectfully submitted,


PATRICIA SHERIDAN
Town Clerk

RESOLUTION NO. (775-1996) ADOPTED