

**TOWN OF CLARKSTOWN
TOWN BOARD MEETING**

Town Hall

9/9/97

8:00 P.M.

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

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

Sr. Vincent Cirelli, O.P., Chairman of the Ethics Board, delivered her report to the Board. She reported that 100 percent of the Financial Disclosure statements had been completed and returned. She thanked the members of the Board of Ethics, the Town Attorney, and the Town Clerk and her staff for all their efforts. Supervisor Holbrook thanked Sr. Vincent for all her hard work.

Supervisor Holbrook recognized members of Boy Scout Troop 47 and their Scoutmaster, Mr. Hastings, who were present at the meeting. He wished them well in their efforts towards earning their Citizenship Pins.

Supervisor opened the public portion of the meeting.

Appearance: Dwight Kerns
Congers, NY

Spoke regarding Town Board Meeting agenda.

Appearance: Orrin Getz
New City

Spoke regarding police protection at rail station.

RESOLUTION NO. (651-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, by Resolution No. 643-1997, dated August 21, 1997, 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 108, Block A, Lot 14, 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 September, 1997, 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

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RESOLUTION NO. (651-1997) CONTINUED

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 August 22, 1997, 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 conditions continue to be uncorrected on or after the 12th day of September, 1997, and be it

FURTHER RESOLVED, that the expenses incurred by the Building Inspector and the Town Attorney with respect to such corrective measure, 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.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Absent
Councilwoman Smith.....Yes
Supervisor HolbrookYes

RESOLUTION NO. (652-1997)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, a drainage condition exists in the vicinity of Lot 79-A-4.40, 14 Verona Court, New City, New York; and

WHEREAS, drywells were to have been installed by the builder of the Long Meadow East subdivision in 1973 to correct the drainage condition; and

WHEREAS, said drainage work was never completed by the builder, and

WHEREAS, the Supervisor of the Town of Clarkstown has instructed the Director of the Department of Environmental Control to obtain proposals from responsible contractors for the installation of the drywells; and

WHEREAS, the Director of the Department of Environmental Control has estimated the cost of the drainage work to be approximately \$10,000.00.

NOW, THEREFORE be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to obtain proposals from responsible contractors to perform the corrective drainage work, and be it

Continued on Next Page

RESOLUTION NO. (652-1997) CONTINUED

FURTHER RESOLVED, that the Town of Clarkstown will not be responsible for the maintenance of the drywells when the installation is completed; and be it

FURTHER RESOLVED, that the cost of said work shall not exceed \$10,000.00 and shall be a proper charge of Account H 7182 409 0 55 36.

On roll call the vote was as follows:

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

RESOLUTION NO. (653-1997)

Co. Maloney offered and Co. Smith seconded

WHEREAS, HATTENBURG DEVELOPMENT COMPANY, INC. and SL REALTY CO. have petitioned the Town Board of the Town of Clarkstown for a Special Permit to construct and operate a mini-warehouse facility pursuant to the provisions of the Zoning Ordinance of the Town of Clarkstown §290-11A, RS District, Table 12, Column 3, Item 7, and §290-17S, for property located at 49 Old Nyack Turnpike, Nanuet, New York, which property is designated on the Clarkstown Tax Map as Map 163, Block D, Lots 41 and 42 and a portion of Map 163, Block D, Lot 38.01, and

WHEREAS, after due notice published and posted, a public hearing was held before the Town Board on September 9, 1997, at 8:10 P.M., to consider such application;

NOW, THEREFORE, be it

RESOLVED, that for reasons of public health, safety and welfare, the Town Board hereby DENIES the petition of HATTENBURG DEVELOPMENT COMPANY, INC. and SL REALTY CO. for a special permit to conduct a mini-warehouse facility.

On roll call the vote was as follows:

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

RESOLUTION NO. (654 -1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of July 29, 1997 are hereby accepted as submitted by the Town Clerk.

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RESOLUTION NO. (654-1997) CONTINUED

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Absent
Councilwoman Smith.....Yes
Supervisor HolbrookYes

RESOLUTION NO. (655-1997)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a hydrant investigation has been made by United Water New York for premises located in an approved site plan known as 303-9W Co., LLC, designated on the Clarkstown tax map as Map 129, Block A, Lot 21, and

WHEREAS, it has been recommended that five (5) fire hydrant(s) be installed within the said approved site plan, for the protection of future residents, and

WHEREAS, said property is private property; and the hydrant(s) 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 303-9W Co., LLC, as owner, in the form of a Declaration of Covenant, which shall run with the land, as approved by the Town Attorney, whereby 303-9W Co., LLC, 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 303-9W Co., LLC, located in the hamlet of Congers, for the condominium site plan known as 303-9W Co., LLC, 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 303-9W Co., LLC, 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.....Absent
Councilwoman Smith.....Yes
Supervisor HolbrookYes

RESOLUTION NO. (656-1997)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, by letter dated August 26, 1997, Dr. Arnold Amster, Chairman of the Clarkstown Board of Appeals, requested outside legal representation for the Board of Appeals with respect to three pending appeals, and

WHEREAS, it is the desire of the Town of Clarkstown to avoid any allegation of conflict of interest in connection with said appeals;

NOW, THEREFORE, be it

RESOLVED, that Dr. Arnold Amster, Chairman of the Clarkstown Board of Appeals, on behalf of the Board of Appeals, is hereby authorized to retain outside counsel in connection with the following matters: Appeal No. 2748 Julia Ashbey, et al; Appeal No. 2773 Charles E. Holbrook; and Appeal No. 2774 Brian Scully, et al, and any litigation therein, and be it

FURTHER RESOLVED, that the legal fee for outside counsel shall not exceed \$175.00 per hour, and the total legal fee shall not exceed \$7,500.00, which fee shall be paid by the Town of Clarkstown, and be it

FURTHER RESOLVED, that this resolution is hereby made retroactive to August 26, 1997.

On roll call the vote was as follows:

- Councilman Maloney.....Yes
- Councilman Mandia.....Yes
- Councilman Profenna.....Absent
- Councilwoman Smith.....Yes
- Supervisor HolbrookYes

RESOLUTION NO. (657-1997)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Omnibus Fiscal Year 1997 Appropriation Act, provides funds for the implementation of the Local Law Enforcement Block Grants Program to underwrite projects to reduce crime and improve public safety, to be administered by the Bureau of Justice Assistance, and

WHEREAS, the Town of Clarkstown is desirous of participating in this Program, and

WHEREAS, it is required by units of local government to have its Chief Executive execute the application and establish an Advisory Board to review the application and make nonbinding recommendations for the proposed use of funds received under this Program.

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown, on behalf of the Clarkstown Town Board and Police Department, is hereby authorized to execute and file

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RESOLUTION NO. (657-1997) CONTINUED

an application with the Bureau of Justice, in order to receive funds for participation in the said Local Law Enforcement Block Grants Program in the Town of Clarkstown, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby establishes an Advisory Board consisting of the following members:

- Gerald Bierker, Principal of South High School
- Penny Leonard, Congers Civic Association
- Ralph Mandia, Town Board Liaison to the Court System
- Steve Moore, Assistant District Attorney, Rockland County
- William Sherwood, Police Lieutenant, Clarkstown PD

and be it

FURTHER RESOLVED, that this Resolution is retroactive to July 10, 1997.

On roll call the vote was as follows:

- Councilman Maloney.....Yes
- Councilman Mandia.....Yes
- Councilman Profenna.....Absent
- Councilwoman Smith.....Yes
- Supervisor HolbrookYes

RESOLUTION NO. (658-1997)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, as a condition to the approval of the final map with regard to a subdivision/site known as Jay Holt, the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along Old Haverstraw Road, Congers, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of Environmental Control of the Town of Clarkstown, deed dated June 27, 1997 from Eliezer Herskowitz to the Town of Clarkstown, gratuitously conveying a strip of land along Old Haverstraw Road, Congers, 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.....Absent
- Councilwoman Smith.....Yes
- Supervisor HolbrookYes

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RESOLUTION NO. (659-1997)

Co. Smith offered and Co. Mandia seconded

WHEREAS, Section 93-2(A) of the Code of the Town of Clarkstown provides that permission may be granted by the Town Board to an organization desiring to dispense alcoholic beverages on public property in the Town of Clarkstown, and

WHEREAS, the Clarkstown Police Auxiliary has requested permission to dispense alcoholic beverages at its picnic at Lake Nanuet;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to the Clarkstown Police Auxiliary to dispense alcoholic beverages, in accordance with and subject to Section 93-2(A) of the Town Code of the Town of Clarkstown, which shall be held at Lake Nanuet, Nanuet, New York, on September 7, 1997, and be it

FURTHER RESOLVED, that this resolution is hereby made retroactive to September 6, 1997.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Absent
Councilwoman Smith.....Yes
Supervisor HolbrookYes

RESOLUTION NO. (660-1997)

Co. Maloney offered and Co. Mandia 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.
P. O. Box 21
Stony Point, New York 10980

to perform said corrective work as per their proposal for an amount not to exceed \$2,000.00 and be it

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RESOLUTION NO. (660-1997) CONTINUED

FURTHER RESOLVED, that this amount be a proper charge to Account Number H 7182 409 0 55 33.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Absent
Councilwoman Smith.....Yes
Supervisor HolbrookYes

RESOLUTION NO. (661-1997)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Director of the Department of Environmental Control has been authorized to prepare plans and specifications for the reconstruction of South Main Street, New City, New York; and

WHEREAS, additional topographic survey is required in order to provide recommendations to improve off street parking and traffic circulation in the vicinity of Maple Avenue.

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Atzl, Scatassa and Zigler, P.C., 234 North Main Street, New City, New York to provide the additional topographic survey in accordance with their proposal dated August 5, 1997, and be it

FURTHER RESOLVED, that the cost for the additional survey shall not exceed \$6,750.00 and shall be a proper charge to account H 1994 409 0 14 27.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Absent
Councilwoman Smith.....Yes
Supervisor HolbrookYes

RESOLUTION NO. (662-1997)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, PHILIPS HILL PROFESSIONAL CENTER has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 41, Block A, Lot 1.1, for the year(s) 1996/97, and

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

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RESOLUTION NO. (662-1997) CONTINUED

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner be retained for the purpose of preparing such preliminary appraisal at a fee not to exceed \$2,000 per appraisal.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Absent
Councilwoman Smith.....Yes
Supervisor HolbrookYes

RESOLUTION NO. (663-1997)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a representative of Encore Books has requested a refund of the application fee for a Building Permit, minus the fee for review by the Town, due to their lease termination;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the refund of \$1,349.25 to Encore Books.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Absent
Councilwoman Smith.....Yes
Supervisor HolbrookYes

RESOLUTION NO. (664-1997)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled, SANDE LEFKOWITZ, an owner of residential real property in the Town of Clarkstown; SHELLEY KARBEN, an owner of residential real property in the Town of Ramapo; JIM FERGUSON, an owner of residential real property in the Town of Haverstraw; PUNNOOSE PUNNEN, an owner of residential real property in the Town of Orangetown; and RODEO EAST, INC., an owner of residential real property in the Town of Stony Point, on behalf of themselves and all others similarly situated v. *THE TOWN OF CLARKSTOWN; THE TOWN OF RAMAPO; THE TOWN OF ORANGETOWN; and THE TOWN OF STONY POINT;*

NOW, THEREFORE, be it

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RESOLUTION NO. (6641997) CONTINUED

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

RESOLVED, that this resolution is hereby retroactive to August 15, 1997.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Absent
Councilwoman Smith.....Yes
Supervisor HolbrookYes

RESOLUTION NO. (665-1997)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, Emily Feiner, CBS, Director Clarkstown Counseling Center attend conference on November 11th and November 18th, 1997 at the Rockland Council on Alcoholism and Other Drug Dependence on "Conducting a Planned Family Intervention".

Registration fee: \$40.00.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Absent
Councilwoman Smith.....Yes
Supervisor HolbrookYes

RESOLUTION NO. (666-1997)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the following personnel of the Building Department are hereby authorized to attend the 69th Annual New York State Building Official Conference and School for continuing education to be held on September 17, 18 & 19, 1997.

David B. McLeod - Building Plans Examiner
Eric Asheim - Ass't Building Inspector

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.....Absent
Councilwoman Smith.....Yes
Supervisor HolbrookYes

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RESOLUTION NO. (667-1997)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the New York State Government Finance Officers Association Down State Council is holding their regional seminar on Friday, October 3, 1997 at West Point, NY, and be it

THEREFORE RESOLVED, that the following persons attend:

- Ann Marie Smith, Councilwoman
- Edward J. Duer, Comptroller
- Penny Leonard, Director of Finance
- Dolores F. Lodico, Deputy Comptroller
- Mary DeForest, Principal Account Clerk, and be it

FURTHER RESOLVED, that all proper charges becharged to A 1010-414.

On roll call the vote was as follows:

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

RESOLUTION NO. (668-1997)

Co. Maloney 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:

Signs to read, "Weight Limit 4 Tons" per sec. 215.1 and R5-1 sign per the Manual of Uniform Traffic Control Devices on each end of Ridge Road (South Mountain Rd. and Rte. 304), 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.....Absent
- Councilwoman Smith.....Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (669-1997)

Co. Maloney offered and Co. Mandia seconded

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

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RESOLUTION NO. (669-1997) CONTINUED

A "No Turn on Red" on the northside of Milich Lane at Little Tor Road, 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 informational purpose.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Absent
Councilwoman Smith.....Yes
Supervisor HolbrookYes

RESOLUTION NO. (670-1997)

Co. Maloney 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:

A "Stop Ahead" sign at the appropriate distance from the Stop sign on Stockton Rd. at Ashland Street, Valley Cottage, 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 implementational purpose.

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Absent
Councilwoman Smith.....Yes
Supervisor HolbrookYes

RESOLUTION NO. (671-1997)

Co. Maloney 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:

<u>Location</u>	<u>LegendNYS Sign Number</u>	
NB at #456 Charles Boulevard	Left Turn 10 MPH	W1-1C W9-1X
EB Rock Drive E/O Charles Boulevard	Right Turn 15 MPH	W1-2C W9-1X

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RESOLUTION NO. (671-1997) CONTINUED

WB Rock Drive at East End of the island in the roadway	Right Turn 10 MPH	W1-2C W9-1X
EB Rock Drive between #7 and #9	Reverse Turn (R) 15 MPH	W1-6C W9-1X
WB Rock Drive E/O Quaspeck Boulevard	Reverse Turn (R) 15 MPH	W1-6C W9-1X

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.....Absent
 Councilwoman Smith.....Yes
 Supervisor HolbrookYes

RESOLUTION NO. (672-1997)

Co. Maloney 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:

A "Town Speed 30 MPH" sign on the southside of Virginia St., west end of Carolina Drive, New City.

- Stop signs: 1. On the eastside of Williams St. at Virginia St.
 2. On westside of North Williams St. at Virginia St.
 3. On westside of Carolina Dr. at Virginia St., 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.....Absent
 Councilwoman Smith.....Yes
 Supervisor HolbrookYes

RESOLUTION NO. (673-1997)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, the Superintendent of Highways is hereby authorized to remove the "No Parking" signs from both sides of Old Route 59, West Nyack Road, Nanuet from the new cul-de-sac to College Avenue

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Absent
Councilwoman Smith.....Yes
Supervisor HolbrookYes

RESOLUTION NO. (674-997)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, to decrease Account #A-7141-301 (Food) by \$700.00 and to increase Account #A-7141-222 (Prk. & Rec.) by \$700.00

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Absent
Councilwoman Smith.....Yes
Supervisor HolbrookYes

RESOLUTION NO. (675-1997)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has received \$4,560.00 from the Nanuet Mall for police coverage for the month of August, 1997 and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. A 01 9 2705 (Gifts & Donations) and Appropriation Account No. A 3120 111 (Police Overtime) by \$4,560.00

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Absent
Councilwoman Smith.....Yes
Supervisor HolbrookYes

RESOLUTION NO. (676-1997)

Co. Maloney offered and Co. Mandia seconded

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

THEREFORE RESOLVED, to increase Estimated Revenue Account No. A 01 14 2999 (General-Unexpended Balance) by \$33,030.00 and B 02 14 2999 (TOV-Unexpended Balance) by \$300.00 and increase the following appropriation accounts:

1420 114 (Town Attorney-Part Time).....	\$ 1,500.00
A 1660 409 (Archival Storage-Fees for Service.....	525.00
A 1940 505 (Purchase of Land-Other Costs).....	26,200.00
A 3410 114 (Fire Bd. of Appeals-Part Time).....	250.00
A 4211 301 (Drug Abuse-Food.....	230.00
A 6410 405 (Advertising).....	630.00
A 7520 114 (Historical Review Bd.-Part Time).....	475.00
A 8090 409 (Aquatic Pests-Fees for Services).....	3,200.00
A 8511 319 (Community Beautification-Misc. Supplies).....	20.00
B 8010 204 (Zoning Bd. of Appeals-Office Machines).....	200.00
B 8010 225 (" " " -Comp. Hardware).....	100.00

AND BE IT FURTHER RESOLVED, to decrease A 1640 311 (Town Garage-Gasoline) and increase A 1640 408 (Building Repairs) by \$135.00; decrease A 4210 328 (Counseling-Books & Publications) and increase A 4210 407 (Equipment Repair) by \$61.00; decrease A 7140 380 (Parks & Recreation-Paint) and increase A 7180 306 (Swimming-Maint. Supplies) by \$900.00; decrease A 7140 307 (Uniforms) and increase A 7180 306 by \$225.00; decrease A 1640 311 (Town Garage-Gasoline) and increase A 1640 209 (Other Equipment) by \$2,800.00; decrease A 5630 406 (Mini-Trans-Repairs to Vehicles) and increase A 5630 312 (Auto Maint. Supplies) by \$5,000.00 and decrease B 8020 201 (Planning-Furniture) and increase B 8020 423 (Association Dues) by \$25.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (677-1997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Captain of Police Department and the Director of Purchasing that

BID #41-1997
LAW ENFORCEMENT VEHICLES

is hereby rescinded.

On roll call the vote was as follows:

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

RESOLUTION NO. (678-1997)

Co. Smith offered and Co. Maloney seconded

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

BID #50-1997
COMPUTER & WORD PROCESSING SUPPLIES

is hereby awarded to:

IK BUSINESS FORMS
949 SPRING VALLEY RD
MAYWOOD, NJ 07607

VALIANT, INC.
P.O. BOX 3171
SO. HACKENSACK, NJ 07606
PRINCIPALS: SHELDON GOLDSTEIN
MADELYN PICONE
MARTIN SIEGAL
RAYMOND BRUNELLE
MARILYN PERNICK
ROSALIND GOLD

CAMBRIDGE DATA SUPPLIES, INC
1 HOLLYWOOD AVE BLDG 24
HO-HO-KUS, NJ 07423
PRINCIPALS: JOHN CONNOLLY
ANN CONNOLLY

BOUTONS BUSINESS
MACHINES
95 ROUTE 304
NANUET, NY 10954
PRINCIPALS:
PATRICK DESPIRITO

(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 Absent
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (679-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Supt. Of Highways and the Highway and Traffic Engineering consultant that

Bid #54-1997
1997 Roadway Resurfacing Project

is hereby awarded to:

Tilcon New York - New Jersey, Inc.
66 Long Clove Road
Congers, N.Y. 10920
A Public Corporation

as per their proposed project cost of \$331,364.00 and be it

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RESOLUTION NO. (679-1997) CONTINUED

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

- a) Signed contract document - 2 copies
- b) Performance Bond - 100%
- c) Labor and Material Payment Bond - 100%
- d) Certificate of Contractor's Liability and Property Damage Coverage
- e) Certificate of Worker's Compensation and Worker's Disability Coverage

The Town shall be named a co-insured on liability policies.

On roll call the vote was as follows:

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

RESOLUTION NO. (680-1997)

Co. Smith offered and Co. Maloney seconded

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

Bid #51-1997
Concrete Culvert Pipe
Concrete Catch Basin Block & Bricks

is hereby awarded to:

VIANINI PIPE CO.
P.O. BOX D
SOMERVILLE, NJ 08876
PRINCIPAL: VIANINI INDUSTRIA

FEDERAL BLOCK CORP.
P.O. BOX 4090
129 WALSH AVENUE
NEWBURGH, NY 12550
PRINCIPAL: JOHN MONTFORT

J. DEPAULIS
300 ROUTE 303 NORTH
CONGERS, NY 10920
PRINCIPAL: JOSEPH & JOHN DEPAULIS

PRECAST CONCRETE SALES CO.
PO DRAWER "O"
123 ROUTE 303
VALLEY COTTAGE, NY 10989
PRINCIPAL: RAYMOND & GREGORY P. FISHER

Continued on Next Page

RESOLUTION NO. (680-1997) CONTINUED

(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 Absent
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (681-1997)

Co. Smith offered and Co. Maloney seconded

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

Bid #53-1997
VENDING MACHINE SERVICES

is hereby awarded to:

BELL WOOD VENDING, INC.
10 BURNSIDE AVENUE
CONGERS, N. Y. 10920
PRINCIPALS: ROBERT APPELBAUM
STEVE APPELBAUM

as per the following proposal

Soft Drinks	_____	Proposed Commission	27%	@	.75	Retail
Snacks	_____	"	"	27%	@	.75 "
Snacks	_____	"	"	27%	@	.50 "
Hot Beverage	_____	"	"	27%	@	.65 "

and be it

FURTHER RESOLVED, that said award is subject to the submission by the successful bidder of the following to the Director of Purchasing

(1) Certificate of Insurance, including product liability coverage, personal injury and property damage with limits of liability as stated in bid specifications. The Town shall be named as a co-insured on liability policies.

(2) Certificate of Workers Compensation Insurance coverage and Workers Statutory Disability coverage .

On roll call the vote was as follows:

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

RESOLUTION NO. (682-1997)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Chief of Police that

BID #46-1997
VEHICLE VIDEO RECORDING SYSTEM

is hereby awarded to:

KUSTOM SIGNALS, INC.
9325 Pflomm Road
Lenexa, KS 66215
Principals: Menlo Smith
Andrew Smith
Edward Ryan

for the EYEWITNESS patrol car video surveillance system at their proposed unit cost of \$4,384.00 per system.

On roll call the vote was as follows:

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

RESOLUTION NO. (683-1997)

Co. Maloney offered and Co. Mandia seconded

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

BID #55-1997
RENTAL OF TRUCKS FOR 1997 LEAF PICK-UP PROGRAM

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00AM on: OCTOBER 7, 1997 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 Absent
Councilwoman Smith Yes
Supervisor Holbrook. Yes

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RESOLUTION NO. (684-1997)

Co. Maloney offered and Co. Mandia seconded

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

BID #56-1997
TRUCK BODY FOR HIGHWAY DEPARTMENT
MAINTENANCE VEHICLE

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 8, 1997 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 Absent
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (685-1997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation of Joseph F. Muggeo, 186 South Conger Avenue, Congers, New York - Motor Equipment Operator I, Town Highway Department is hereby accepted effective September 5, 1997.

On roll call the vote was as follows:

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

RESOLUTION NO. (686-997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation of Alexander McDougall, 66 Parker Avenue, New City, New York - Assistant Fire Safety Inspector, Building Department is hereby accepted effective September 12, 1997 at the close of the business day.

On roll call the vote was as follows:

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

RESOLUTION NO. (687-1997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the resignation of Sheila Deutsch, 9 Pelham Avenue, Nanuet, New York, Member, Traffic and Traffic Safety Advisory Board is hereby accepted effective October 1, 1997.

On roll call the vote was as follows:

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

RESOLUTION NO. (688-1997)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #97043 Real Property Data Collector, which contains the name of Dawn L. Mauro,

NOW, THEREFORE, be it

RESOLVED, that Dawn L. Mauro, 13 North Park Avenue, Nanuet, New York is hereby appointed to the (Permanent) position of Real Property Data Collector, Assessor's Office at the current 1997 annual salary of \$24,279.00, effective and retroactive to September 2, 1997.

On roll call the vote was as follows:

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

RESOLUTION NO. (689 -1997)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #97043 Real Property Data Collector, which contains the name of Joan A. Derella,

NOW, THEREFORE, be it

RESOLVED, that Joan A. Derella, 93 South Conger Avenue, Congers, New York is hereby appointed to the (Permanent) position of Real Property Data Collector, Assessor's Office at the current 1997 annual salary of \$21,854.00, effective and retroactive to September 2, 1997.

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RESOLUTION NO. (689-1997) CONTINUED

On roll call the vote was as follows:

Councilman Maloney.....Yes
Councilman Mandia.....Yes
Councilman Profenna.....Absent
Councilwoman Smith.....Yes
Supervisor HolbrookYes

RESOLUTION NO. (690 -1997)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Dolores Avaras, 145 Little Tor Road, New City, New York is hereby reappointed to the position of Member, Assessment and Review Board, term effective October 1, 1997 and to expire on September 30, 2002 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 MaloneyYes
Councilman MandiaYes
Councilman Profenna Absent
Councilwoman Smith Yes
Supervisor Holbrook.Yes

RESOLUTION NO. (691A-1997)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland YM-YWHA has requested use of the Town of Clarkstown showmobile on October 12, 1997 (rain date October 13, 1997) for ROCKFEST '97, to be held at the Clarkstown South High School, West Nyack, New York;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to the Rockland YM-YWHA to use the Town of Clarkstown showmobile on October 12, 1997 (rain date October 13, 1997) for ROCKFEST '97, at no charge, subject to the provision of the necessary insurance policies.

On roll call the vote was as follows:

Councilman MaloneyYes
Councilman MandiaYes
Councilman Profenna Absent
Councilwoman Smith Yes
Supervisor Holbrook.Yes

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RESOLUTION NO. (691B-1997)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, St. Paul's Parish has requested use of the Town of Clarkstown showmobile a its Centennial Celebration Picnic on September 28, 1997, which is being held at St. Paul's School, Kings Highway, Valley Cottage, New York;

THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to St. Paul's Parish to use the Town of Clarkstown showmobile on September 28, 1997, at St. Paul's School, Kings Highway, Valley Cottage, New York, at no charge, 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 Absent
- Councilwoman Smith Yes
- Supervisor Holbrook Yes

RESOLUTION NO. (692-1997)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that a public hearing be had at the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on October 28, 1997 at 8:05 P.M., or as soon thereafter as possible, pursuant to Section 273 of the Town Law, to consider Amending the Official Map of the Town of Clarkstown, by deleting the stub portion of Cardinal Court, West Nyack, New York, located between properties known on the Clarkstown Tax Map as Map 74, Block A, Lots 31 and 43, and be it

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

FURTHER RESOLVED, that the Town Attorney shall fulfill the additional requirements of Section 290-33(C) of the Zoning Ordinance of the Town of Clarkstown regarding the posting of additional notice of said public hearing and mailing of notice to property owners of record within five hundred feet of the affected property, 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 the Director of the Department of Environmental Control is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

FURTHER RESOLVED, that a copy of this Resolution be referred to the Rockland County Commissioner of Planning and the Clarkstown Planning Board for their report and recommendation.

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RESOLUTION NO. (692-1997) CONTINUED

On roll call the vote was as follows:

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

RESOLUTION NO. (693-1997)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes payment to Larry Lewis, 40 Lowell Drive, New City, New York, of half the cost of drainage work performed on his property as per the proposal dated Fall, 1996/4-17-97, and be it

FURTHER RESOLVED, that the amount to be paid to Mr. Lewis is \$1,059.25.

On roll call the vote was as follows:

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

RESOLUTION NO. (694-1997)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that upon the recommendations of the Director of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, deed from Old Mill Construction, Inc., dated August 19, 1987, conveying the following road:

Cygnnet Lane

97 L.F.

and other public improvements to the Town of Clarkstown in a subdivision as shown on the Final Plat of Widmaier Estates is hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office; and be it

FURTHER RESOLVED, that Maintenance Bond dated August 26, 1997, secured by Letter of Credit No. 97-0813A in the amount of \$1,500.00, is hereby accepted.

On roll call the vote was as follows:

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

RESOLUTION NO. (697-1997)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, **BVS ENTERPRISES v. BOARD OF ASSESSORS FOR THE TOWN OF CLARKSTOWN and TOWN OF CLARKSTOWN**, Index No(s). 3873/95, 4360/96 and 4137/97, affecting parcel(s) designated as Map 123, Block D, Lot 1, for the year(s) 1995/96, 1996/97 and 1997/98, 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 123, Block D, Lot 1 be reduced for the year(s) 1995/96, 1996/97 and 1997/98 from \$1,091,600 to \$941,600;
2. That reimbursement for the year(s) 1995/96, 1996/97 and 1997/98 on the parcel described as Map 123, Block D, Lot 1 be made within 60 days through the Office of the Commissioner of Finance. If payment is made within 60 days, no interest will be charged; and
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 Nyack Union Free 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	Absent
Councilwoman Smith	Yes
Supervisor Holbrook.	Yes

RESOLUTION NO. (698-1997)

Co. Mandia 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

Continued on Next Page

RESOLUTION NO. (698-1997) CONTINUED

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, be it

RESOLVED, 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 September 1, 1997 to August 31, 2000 in an amount of \$46.00 per hour, and be it

FURTHER RESOLVED, that should the contract not be fully executed by October 1, 1997, the services of Michael Araneo, Inc. shall be terminated.

On roll call the vote was as follows:

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

RESOLUTION NO. (699-1997)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the need for extending sanitary sewer service exists in the Ridge Road, New City and Mountainview Avenue, Valley Cottage areas; and

WHEREAS, these areas are part of MBSIA #2; and

WHEREAS, said extension shall improve the general health and welfare of the community; and

WHEREAS, the Town's sanitary sewer consultant, Roy F. Weston, has offered an acceptable proposal for the necessary engineering services;

NOW, THEREFORE, BE IT RESOLVED that the proposal of Roy F. Weston be accepted at a cost not to exceed \$49,500. and that such cost be a proper charge to Account #H 8110-409-0-8-11.

On roll call the vote was as follows:

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

RESOLUTION NO. (700-1997)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, certain work consisting of grading and seeding at 43 Cragmere Oval, New City, Tax Map Lot 60-A-15.60, has not been completed in a satisfactory manner, and

WHEREAS, the Town of Clarkstown is holding cash escrow from Merkley Brothers, Inc. in the sum of \$2,000.00 to guarantee the satisfactory completion of said work,

NOW THEREFORE BE IT RESOLVED, that the Town of Clarkstown hereby declares the sum of \$2,000.00 deposited by Merkley Brothers, Inc. to be in default, and

BE IT FURTHER RESOLVED that the Director of Environmental Control is hereby directed to secure proposals from competent Contractors and to hire a Contractor to complete the said work in a satisfactory manner.

On roll call the vote was as follows:

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

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the Town Board Meeting was declared closed, time: 9:05 P.M.

Respectfully submitted,
Patricia Sheridan

PATRICIA SHERIDAN
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

09/09/97

8:05 P.M.

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

Absent: Co. Profenna

RE: Chapter 216 Proceeding:
Sauber, 37 Forest Glen Road, Valley Cottage 108-A-14

On Motion of Co. Smith, seconded by Co. Maloney and unanimously adopted, the public hearing was declared open.

Irene Sacendi, Building Code Officer, presented a report on the property. She stated that the grass /ground cover was up to 5 feet tall. Debris in the lot included a full plastic bag, rusted porch frame large pile of branches, scrap lumber, pile of stones and concrete pieces, bottles, cups, wrappers, rotted wooden bench, buckets, milk crates and a pile of leaves. A detached garage had a tarp-covered rotting roof with holes in it, a side cellar window had a broken glass pane and a rotting wooden frame. The porch for the side door had been removed.

She recommended that the Town engage the services of a landscaper to clean up property.

Co. Mandia questioned the safety of the garage on property.

Co. Smith agreed property should be cleaned up but felt Town should get in touch with someone about this.

There being no one further wishing to be heard on motion of Co. Smith, seconded by Co. Mandia and unanimously adopted, the public hearing was declared closed, RESOLUTION (651-1997) ADOPTED, 8:10 P.M.

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk

**TOWN OF CLARKSTOWN
PUBLIC HEARING**

Town Hall

09/09/97

8:10 P.M.

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

Absent: Co. Profenna

RE: Petition for Special Permit: Hattenburg Development Co., Inc.
(163-D-41 & 42/& Part of 38.01)

On motion of Co. Mandia, seconded by Co. 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.

Town Clerk stated that letters from Russell Trojan, Ricki Cunningham and Anthony Camilli had been submitted and would become part of the public record.

Town Attorney stated Town Planning Board recommended approval subject to conditions. SECA has not be complied with and that is a 30 day statutory period.

Appearance: Keith Cornell, Esq
Representing Mr. Hattenburg

The proposal is a request for a special permit for the development of a mini warehouse facility. The site is the former Spring Valley Racquet Club in Nanuet. The property has access to both Rte 59 and Old Nyack Turnpike. The RS zone requires a special permit, then they will go to planning board for ultimate site plan approval and possibly before the ZBA for variances. The current structure will have only cosmetic changes to the exterior. Its will be a mini storage facility which will have approximately 600 units which will be interior to the building. The interior of the building will become a 2 level structure with an elevator but the roof line will remain the same. Proposed use is a low intensive use, the only traffic will be two trips per customer. The maximum size of any unit will be 200 sq ft, average size will be smaller. Most will accommodate furniture from houses. Is asking for waivers for two of the requirements contained in Section 290-17s of the Clarkstown Zoning Code. One of those is that the facility shall not exceed two stories or 24 ft, the other is a 75 ft buffer requirement. Asked that Town Board waive these requirements.

Appearance: Gary Hattenburg
President, Hattenburg Development Co.

Project to have approximately 500 units. Tenant mix is expected to be mostly local people, storing excess furniture, moving, etc. Twenty five percent commercial use is typically local business storing things such dead records and paper goods inventory and they would make approximately 2 to 3 trips a month.. Operation hours will be 9:30 to 6 p.m. and there will be approximately 2 transactions per day. Will not be a lot of traffic during the day. They will be cleaning up what is now a vacant building, painting, landscaping and relocating air conditioning units to the back..

Keith Cornell spoke in detail regarding concerns the neighbors had with reference to traffic, speeding and increase in number of tractor trailers.

Appearance: Nellie Berg
Nanuet, NY

She lives around the corner from proposed facility. Was at the Planning Board meeting and is disturbed that although this is zoned RS, another storage facility is being considered even though there is one 1/2 mile from there and another one in West Nyack. Doesn't understand need

for these. Concerned about the image of neighborhood and about Old Nyack Turnpike being turned into another Rte. 59. It is adjacent to an established development and it is not very enticing to live near a storage facility. Concerned about hours and tractor trailer traffic. Feels a balance must be achieved in Nanuet. Would like to see the Town purchase this as a Community Center or come up with another alternative for this property. Expressed concern that this could be a haven for drug or gun storage because of its proximity to the NYS Thruway.

Appearance: Bob Jackson
Nanuet Civic Association

Questioned who would maintain the driveway to the facility, whether there would be a buffer zone between the facility and the road and what kind of lighting there would be.

Appearance: William Cunningham
Old Nyack Turnpike
Nanuet, NY

A request for a mini warehouse here has been turned down before. He lives near building and has had to call police numerous times due to noise over there. Requests that the Board turn down this request.

Appearance: Rudy Yackyshcn
Planning Board Chairman

Stated that although they did not object to the application for a special permit, they did indicate that the applicant would have to return to the Planning Board for full site approval and many of the issues that have been raised will be addressed by the Planning Board and the Architectural and Landscape Commission. Stated that the Planning Board specifically asked that tractor trailer traffic not be permitted to the site.

Appearance: Ricki Cunningham
Nanuet

Concerned about parking and the noise that would be generated on the West side of the building due to vehicles coming in and out.

Keith Cornell thanked the Board and the residents who came to the meeting tonight. He concluded by reiterating that the use will be very quiet and innocuous and emphasized that they are at the very early stages of the planning process. He asked that the special permit not carry the tractor trailer prohibit

There being no one wishing to be heard on motion of Co. Maloney, seconded by Co. Smith and unanimously adopted, the public hearing was declared closed, SPECIAL PERMIT DENIED, time: 8:58 P.M.

RESOLUTION NO. (653-1997) DENIED

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk