

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

1/13/98

8:00 P.M.

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

Supervisor Holbrook declared the Town Board Meeting open.

The Police Honor Guard presented the colors. Police Chief William J. Collins led the assembly in saluting the flag.

Police Commissioner John Maloney swore in Captain William Sherwood, III. Captain Kevin Kilduff gave a brief history of Captain Sherwood's years on the police force. The Town Board and Chief Collins congratulated and complimented Captain Sherwood's work performance over the years and wished him success in the future. They thanked everyone for sharing in this happy occasion. Retiring Captain Vernon "Skip" Steinman was recognized and thanked for his outstanding achievements .

Supervisor opened the public portion of the meeting

Appearance: Chief William Collins

Spoke regarding the Palisades Center meeting and potential problems regarding the portion of the mall that would be opening. Mr. Valenti and his engineers have guaranteed that everything would be finished for the opening by this Thursday and they would have a CO for this weekend. He said public safety is the primary concern and will be closely monitored. He will keep Town Board notified.

Appearance: Russell Trojan  
Nanuet

Spoke regarding Item #17, adding retail uses to the PED district. He was opposed and believes district should stay as it is.

Appearance: John Lodico  
New City

He is concerned about the Hackensack River Project with reference to the dredging and \$2 million set aside for the project.

Appearance: Philip Bosco  
West Nyack

Spoke regarding Hackensack River Project. believes the dredging of 40 cubic yards was not enough. Not in favor of the plan as proposed. In addition, he believes the Town should acquire the property across from Post Office.

Appearance: Ted Dusenenko, Sr.  
New City

Spoke regarding televising Town Board Meetings.

Appearance: Bob Jackson  
Nanuet

Spoke regarding Item #17, adding retail uses to the PED district. Is concerned about traffic impact on residential areas.

Appearance: Donald Tracy, Esq.  
New City

Spoke regarding park in Nanuet and paying for off site improvements.

Appearance: Roberta Banks  
Nanuet

Spoke about impact of all these expansions in Nanuet on the ambulance and fire companies. States traffic is a nightmare there already.

Appearance: Jim Palmer  
New City

Questioned having a covenant run with the land. Doubts the effectiveness of granting zone changes with covenants, as covenants can be removed at a later date.

Also spoke regarding Items 1A, 6A, 8, 14 and 18 on the agenda. Had questions about the ring road at the Palisades Center.

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On motion of Councilman Mandia, seconded by Councilman and unanimously adopted, the Public Hearing re: Petition for Zone Change (R-15 to R-10): J.L. Heritage Homes, Inc. (5-b-2) was opened, time: 8:10 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the Public Hearing re: Petition for Zone Change (R-15 to R-10): J.L. Heritage Homes, Inc. (5-b-2) was closed, RESOLUTION NO. (69-1998) ADOPTED, time: 8:25 P.M.

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On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the Public Hearing re: Proposed Zone Change (R-10 to RS) for Property Adjacent to 163-A-3 was opened, time: 8:26 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the Public Hearing re: Proposed Zone Change (R-10 to RS) for Property Adjacent to 163-A-3 was closed, RESOLUTION NO. (70-1998) ADOPTED, time: 9:00 P.M.

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RESOLUTION NO. (69-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on November 18, 1997, provided for a public hearing on January 13, 1998 at 8:05 P.M., to consider the application of J.L. HERITAGE HOMES, INC., to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property designated on the Clarkstown Tax Map as Map 5, Block B, Lot 2, from an R-15 District to an R-10 District, and

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**RESOLUTION NO. (69-1998) Continued**

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

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

**NOW, THEREFORE**, be it

**RESOLVED**, that based upon the report of Robert Geneslaw dated December 23, 1997, 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 5, Block B, Lot 2, situate in the Hamlet of Nanuet, New York, in said Town, from an R-15 District to an R-10 District, which is described on the attached Schedule "A," subject to the following conditions, as recommended by the Clarkstown Planning Board:

1. Applicant shall provide sidewalk along Pascack Road.
2. Applicant shall provide gratuitous dedication along Pascack Road in accordance with the Official Map width.
3. Applicant shall minimize the number of driveways to Pascack Road.
4. Applicant shall make the lot at the corner of Pascack Road and Murray Hill Drive oversized to help offset the heavy traffic on Murray Hill Drive.
5. Applicant shall contribute monies to the Town of Clarkstown for the construction of additional sidewalks along Pascack Road between Birchwood Drive and Sulky Lane, as required by the Planning Board at the time of subdivision review.

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.

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. (70-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on December 9, 1997, provided for a public hearing on January 13, 1998 at 8:10 P.M., to consider amending the Zoning Ordinance of the Town of Clarkstown by redistricting property described on Schedule "A" herein, from an R-10 District to an 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, and

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw dated January 12, 1998, 1998, 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 described on Schedule "A" herein, located in the Hamlet of Nanuet, in said Town, from an R-10 District to an RS District, 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.

On roll call the vote was as follows:

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

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RESOLUTION NO. (71-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled, JOHN F. MAURO v. HON. CHARLES HOLBROOK, in his official capacity as SUPERVISOR OF THE TOWN OF CLARKSTOWN AND CHAIRMAN OF THE TOWN COUNCIL OF THE TOWN OF CLARKSTOWN AND THE TOWN COUNCIL OF THE TOWN OF CLARKSTOWN;

NOW, THEREFORE, be it

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RESOLUTION NO. (71-1998) Continued

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (72-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled, FT. MORTGAGE COMPANIES D/B/A FTB MORTGAGE SERVICES V. JOHN HIRNIAK; COLLETTE HIRNIAK; TOWN OF NEW CITY; FIRST USA BANK SUCCESSOR TO LOMAS BANK USA; "JOHN DOE NO. 1" to "JOHN DOE NO. 10" inclusive;

NOW, THEREFORE, be it

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

FURTHER RESOLVED, that this Resolution is made retroactive to January 5, 1998.

On roll call the vote was as follows:

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

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RESOLUTION NO. (73-1998)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, Town Hall parking spaces are limited in number and all available spaces are needed during business hours for employees and others doing business at Town Hall, and

WHEREAS, it is in the best interests of Clarkstown residents to have priority over non-residents with regard to use of Town Hall

NOW, THEREFORE, BE IT

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RESOLUTION NO. (73-1998) Continued

RESOLVED, that the Town Clerk is hereby authorized to use the following schedule for administering room reservations:

During the hours between 9:00 AM and 5:00 PM only "in-house" meetings may be held in Town Hall.

On the evenings Monday through Thursday, during the hours between 5:30 PM and 11:00 PM, the following rules apply:

- Civic or other non-profit organizations with total membership rolls comprised of at least 60% Clarkstown residents, may use the Auditorium and Room 311 at no charge.
- Civic or other non-profit organizations with total membership rolls comprised of less than 60% Clarkstown residents, may use the Auditorium for a fee of \$100 and Room 311 for a fee of \$50. payable at least 24 hours in advance.
- Departments, committees, or agencies of the County of Rockland, of the State of New York, or of the Federal Government may use the Auditorium for a fee of \$100 and room 311 for a fee of \$50. payable at least 24 hours in advance.

On Friday evenings and on weekends, custodial charges will be charged in addition to the above-mentioned rates.

Unusual situations and requests for meeting space will be considered at the discretion of the Town Clerk; however, at all times the Andrew Jackson Room shall be reserved for "in-house" meetings only, and,

BE IT FURTHER RESOLVED, that this resolutions shall be retroactive to January 1, 1998.

On roll call the vote was as follows:

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

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RESOLUTION NO. (74-1998)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement, in a form approved by the Town Attorney, with the Clarkstown Senior High School South, a nonprofit organization, to provide services and programs that are deemed beneficial to the residents of the Town of Clarkstown pursuant to the proposal from Camille Zambito, Chairperson of the Post Prom activities, dated October 1, 1997, that are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the Town Board shall allocate the sum of \$2,500.00 in economic assistance to the Clarkstown Senior High School South, and be it

FURTHER RESOLVED, that these funds are to be charged against Account No. A 8840-424.

RESOLUTION NO. (74-1998) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (75-1998)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Deferred Compensation Committee was appointed by the Town Board to review various proposals for a Deferred Compensation Plan, which would meet the requirements of Section 457 of the Internal Revenue Code, and

WHEREAS, it is the recommendation of the Deferred Compensation Committee that the Town of Clarkstown renew with the Equitable Life Assurance Society of the United States (hereinafter referred to as "Equitable" located at 1290 Avenue of the Americas, New York, New York 10104) which has been serving the Town of Clarkstown since 1987;

NOW, THEREFORE, BE IT

RESOLVED, to award the bid to the Equitable for their Deferred Compensation Plan at no cost to the Town, and

FURTHER RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement in a form acceptable to the Town Attorney to provide that the Town of Clarkstown Employees Deferred Compensation Plan shall be administered by Equitable.

On roll call the vote was as follows:

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

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RESOLUTION NO. (76-1998)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the Supervisor is hereby authorized to enter into a supplemental agreement with HTE PUBLIC SAFETY-ILLINOIS, INC., in a form satisfactory to the Town Attorney, to provide licensed data programs, maintenance and any related services to the Town of Clarkstown Police department, such agreement to commence on January 1, 1998 and terminate on December 31, 1998, and be it

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**RESOLUTION NO. (76-1998) Continued**

**FURTHER RESOLVED, that the fee for such services shall not exceed \$7,000.00, and shall be charged to Account No. A-3120-422, and be it**

**FURTHER RESOLVED, that this Resolution is made retroactive to January 1, 1998.**

**On roll call the vote was as follows:**

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

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**RESOLUTION NO. (77-1998)**

**Co. Maloney offered and Co. Profenna seconded**

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

**TRAVCON, INC.  
370 Kings Highway  
Valley Cottage, New York 10989**

**RESOLVED, that the following Certificate of Registration be issued:**

**No. 98-6 TRAVCON, INC.**

**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. (78-1998)**

**Co. Maloney offered and Co. Profenna seconded**

**WHEREAS, the following have applied for a certificate of Registration pursuant to Section 236-48 of the Code of the Town of Clarkstown:**

**ROCKLAND COUNTY EXCAVATING, INC.  
59 Thiells Mt. Ivy Road  
Pomona, New York 10907**

**RESOLVED, that the following Certificate of Registration be issued:**

**No. 98-10 Rockland County Excavating, Inc.**

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**RESOLUTION NO. (78-1998) Continued**

On roll call the vote was as follows:

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

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**RESOLUTION NO. (79-1998 )**

Co. Maloney offered and Co. Profenna seconded

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

ENVIRONMENTAL CONSTRUCTION, INC.  
P.O. Box 563  
Stony Point, New York 10980

RESOLVED, that the following Certificate of Registration be issued:

No. 98-11 ENVIRONMENTAL CONSTRUCTION, INC.

On roll call the vote was as follows:

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

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**RESOLUTION NO. (80-1998)**

Co. Maloney offered and Co. Profenna seconded

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

COPPOLA SERVICES, INC.  
28 Executive Parkway  
Ringwood, New Jersey 07456

RESOLVED, that the following Certificate of Registration be issued:

No. 98-9 COPPOLA SERVICES, INC.

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RESOLUTION NO. (80-1998) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (81-1998)

Co. Profenna offered and Co. Maloney seconded

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

BID #12-1998  
FIREWORKS DISPLAY

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City by 11:00 A.M. on February 6, 1998 at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

On roll call the vote was as follows:

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

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RESOLUTION NO. (82-1998)

Co. Profenna offered and Co. Maloney seconded

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

BID #13-1998  
FIRST AID SUPPLIES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City by 11:00 A.M. on February 9, 1998 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.

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RESOLUTION NO. (82-1998) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (83-1998)

Co. Profenna offered and Co. Maloney seconded

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

BID #14-1998  
 HIGHWAY SIGNING AND ROAD MAINTENANCE SUPPLIES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City by 11:00 A.M. on February 13, 1998 at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

On roll call the vote was as follows:

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

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RESOLUTION NO. (84-1998)

Co. Profenna offered and Co. Maloney seconded

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

BID #15-1998  
 RESTORATION AND RAISING OF BARN  
 AT CONGERS LAKE MEMORIAL PARK

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City by 11:00 A.M. on February 20, 1998 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.

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**RESOLUTION NO. (84-1998) Continued**

On roll call the vote was as follows:

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

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**RESOLUTION NO. (85-1998)**

Co. Maloney offered and Co. Mandia seconded

**WHEREAS, Tri-Murti Associates has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 163, Block A, Lot 21.2, Map 163, Block A, Lot 20 and Map 163, Block A, Lot 2, for the year(s) 1995/96, 1996/97 and 1997/98, and**

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

**NOW, THEREFORE, be it**

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

On roll call the vote was as follows:

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

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**RESOLUTION NO. (86-1998)**

Co. Maloney offered and Co. Mandia seconded

**WHEREAS, United Artists Realty Company has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 59, Block A, Lot 20.19, for the year(s) 1993/94, 1994/95, 1995/96, 1996/97 and 1997/98, and**

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

**NOW, THEREFORE, be it**

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

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**RESOLUTION NO. (86-1998) Continued**

On roll call the vote was as follows:

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

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**RESOLUTION NO. (87-1998)**

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Alan Yassky has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 6, Block A, Lot 8, for the year(s) 1993/94, 1994/95, 1995/96, 1996/97 and 1997/98, and

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

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

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**RESOLUTION NO. (88-1998)**

Co. Maloney offered and Co. Profenna seconded

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

Reverse Curve signs on Concord Drive, new City a (W1-6C) sign with a speed advisory panel beneath (15 MPH) a W9-1X. These are to be erected eastbound, West of house #15 Driveway and westbound 60 ft. West of North Main Street, New City.

The "Slow, Hidden Driveway" sign that is located on eastbound Concord Drive should be removed.

and be it

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

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**RESOLUTION NO. (88-1998) Continued**

On roll call the vote was as follows:

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

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**RESOLUTION NO. (89-1998)**

Co. Maloney offered and Co. Mandia seconded

**RESOLVED**, that the resignation of John J. Danahy, 40 Stratford Place, New City, New York 10956 - Member and Chairman - Sanitation Commission - is hereby accepted - effective and retroactive to January 1, 1998.

On roll call the vote was as follows:

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

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**RESOLUTION NO. (90-1998)**

Co. Maloney offered and Co. Mandia seconded

**RESOLVED**, that Frank T. Finochio, 70 Lyncrest Avenue, New City, New York, is hereby reappointed to the position of Chairman - Architectural and Landscape Commission - at the current annual salary of \$500., term effective and retroactive to January 1, 1998 and to expire at 12:01 a.m. on January 1, 1999.

On roll call the vote was as follows:

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

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**RESOLUTION NO. (91-1998)**

Co. Maloney offered and Co. Mandia seconded

**RESOLVED**, that Lawrence Kigler, 25 Roberts Road, New City, New York - is hereby appointed to the position of Member - Historical Review Board - at the current 1998 annual salary of \$450., effective and retroactive to January 12, 1998 and to expire on December 31, 1998.

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RESOLUTION NO. (91-1998) Continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (92-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Fair Labor Standards Act raised the federal minimum wage to \$5.15 an hour on September 1, 1997, and

WHEREAS, the starting hourly rates for high school and college office worker students have always reflected a \$1.00 range between the two student groups,

Now, therefore, be it

RESOLVED, that the hourly rate will be increased by \$1.00 - for college office worker students (approximately 7) - effective and retroactive to January 1, 1998.

On roll call the vote was as follows:

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

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RESOLUTION NO. (93-1998)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby recognizes the appointment, by the Members of the Board of Ethics, of Rev. Randall George Rottman, 10 New York Avenue, Congers, New York as Chairman - Board of Ethics - term effective and retroactive to January 1, 1998 and to expire at 12:01 a.m. on January 1, 1999 - at the 1998 salary of \$500.

On roll call the vote was as follows:

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

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RESOLUTION NO. (94-1998)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Resolution No. 41-1998, adopted at the January 5, 1998 Town Board meeting is hereby amended to reflect that the annual salary of Arnold Amster - Chairman - Zoning Board of Appeals - is \$2,250., for the year 1998.

On roll call the vote was as follows:

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

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RESOLUTION NO. (95-1998)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps on behalf of the Town of Clarkstown, including commencing litigation, to collect funds due the Town of Clarkstown by Metro Recycling and its partners, John M. Keahon and Patrick Keahon, for their use of the Town Solid Waste Facility.

On roll call the vote was as follows:

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

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RESOLUTION NO. (96-1998)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board Minutes of December 31, 1997 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. (97-1998)

Co. Maloney offered and Co. Mandia seconded

Continued on Next Page

RESOLUTION NO. (97-1998) Continued

**WHEREAS**, that Resolution No. 17, adopted by the Town Board on January 5, 1998, is hereby amended to authorize the attendance of the Assistant Justice Court Clerk at the Association of Towns' Convention on February 15, 1998 through February 18, 1998, for trips during their regular work hours.

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. (98-1998)

Co. Maloney offered and Co. Mandia seconded

**RESOLVED**, that Resolution No. 4, adopted by the Town Board on January 5, 1998, is hereby amended to include the Director of Automated Systems.

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. (99-1998)

Co. Mandia offered and Co. Profenna seconded

**RESOLVED**, that based upon the recommendation of the Deputy Director of the Department of Environmental Control and the Clerk of the Works that

**BID #63A-1997  
TOWN HALL SITE AND BUILDING IMPROVEMENTS**

is hereby awarded to:

**Bella Vista Construction  
P.O. Box 753  
Ardsley, N.Y. 10502  
Principals: Joseph DeSantis  
Yolanda DeSantis**

as per their proposed project cost of \$90,985.00 and be it

**FURTHER RESOLVED**, that said award is subject to the receipt by the Director of Purchasing of the following:

Continued on Next Page

RESOLUTION NO. (99-1998) Continued

- a) Signed Contract Documents - two copies
- b) Performance Bond - 100% of Project Cost
- c) Labor and Materials Payment Bond-100% of Project Cost
- d) Certificate of Contractor's Liability and Property Damage Insurance Coverage
- e) Certificate of Worker's Compensation and Worker's Statutory Disability Coverage

The Town of Clarkstown shall be named as co-insured on liability policies.

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (100-1998)

Co. Profenna offered and Co. Maloney seconded

RESOLVED, that due to the severe hazardous condition of the private portion of South Grant Avenue, Congers and based upon their recommendation of the Clarkstown Police Department, the Superintendent of Highways is hereby authorized to fill and repair the potholes on this portion of the road, in order to allow for the passage of emergency vehicles.

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. (101-1998)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on September 10, 1996, provided for a public hearing on November 12, 1996, at 8:10 P.M., to consider the adoption of the following proposed amendment to the Zoning Ordinance of the Town of Clarkstown, and

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

Continued on Next Page

**RESOLUTION NO. (101-1998) Continued**

**WHEREAS**, the Town Board Reserved Decision on this matter at the public hearing held on November 12, 1996, and

**WHEREAS**, the Town Board of the Town of Clarkstown has received a memorandum report dated January 12, 1998, 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 memorandum report of Robert Geneslaw dated January 12, 1998, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the Amendment to the Zoning Ordinance 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 the Zoning Ordinance of the Town of Clarkstown be it and hereby is amended as follows:

**Amend §290-IIA, 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, subject to a covenant to run with the land by property owner that he will do any off-site improvements necessary to alleviate traffic impact." 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.

On roll call the vote was as follows:

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

\*\*\*\*\*

**RESOLUTION NO. (102-1998)**

Co. Maloney offered and Co. Mandia seconded

**RESOLVED**, that the Town Board of the Town of Clarkstown hereby approves and rectifies a Memorandum of Amendment, dated January 6, 1998, amending the Contract of Employment between the Chief of Police and Captains of Police, dated December 1, 1995, and hereby authorizes the Supervisor to execute same.

Continued on Next Page

RESOLUTION NO. (102-1998) Continued

On roll call the vote was as follows:

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

\*\*\*\*\*

RESOLUTION NO. (103-1998)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown, the New York Thruway Authority, the New York State Department of Transportation, and EklecCo entered into a Maintenance Agreement on March 11, 1997, and

WHEREAS, Paragraph 5 of said Maintenance Agreement requires EklecCo to provide Payment for a separate Ten Million Dollar (\$10,000,000) per occurrence liability insurance policy, and

WHEREAS, the agreement states that "The Company shall purchase such policy from an insurance company of the Town's choice," NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Clarkstown hereby designates Coregis insurance Company as the Town's choice of insurance company.

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. (104-1998)

Co. Mandia offered and Co. Profenna seconded

WHEREAS, the Town's claims administrator, Gallagher Bassett Services, Inc., charges processing fees ranging from \$234.00 to \$667.00 per liability claim, and

WHEREAS, some of the small liability claims can be easily settled without going through Gallagher-Bassett Services, Inc., NOW, THEREFORE, BE IT

RESOLVED, that the Director of Finance is hereby authorized to settle simple claims for amounts under \$3000.00 without sending them to Gallagher Bassett Services, Inc.

Continued on Next Page

**RESOLUTION NO. (104-1998) 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. (105-1998)**

**Co. Smith offered and Co. Maloney seconded**

**WHEREAS, both surface and subsurface field conditions have resulted in the necessity to have additional work performed as part of the Dover Road - The Rise Drainage and Roadway Improvements project; and**

**WHEREAS, this work was not included in the original contract for the subject project; and**

**WHEREAS, the Department of Environmental Control has obtained proposals from Cal Mart Enterprises, Inc., the contractor for this project, to have said work performed, and**

**WHEREAS, the Department of Environmental Control has reviewed said proposals and found them to be acceptable, and**

**WHEREAS, the Department of Environmental Control has directed Cal Mart Enterprises to perform said additional work based on the acceptance of said proposals;**

**NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes payment to be made to Cal Mart Enterprises, Inc. for said additional work as per their proposals; and**

**BE IT FURTHER RESOLVED, that the payment for said additional work shall not exceed \$15,798.63; and**

**BE IT FURTHER RESOLVED that this amount shall be a proper charge to Account #H 7182 409 0 55 21.**

**On roll call the vote was as follows:**

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

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**RESOLUTION NO. (106-1998)**

**Co. Mandia offered and Co. Maloney seconded**

**Continued on Next Page**

RESOLUTION NO. (106-1998) Continued

**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 is considering to further amend 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 February 24, 1998, at 8:05 P.M., to consider the adoption of the following proposed amendment(s) to the Zoning Ordinance of the Town of Clarkstown:

**AMEND §290-11A, TABLE 19 OF GENERAL USE REGULATIONS, MF-4 DISTRICT, §290-6(R), and §290-20 OF THE ZONING ORDINANCE OF THE TOWN OF CLARKSTOWN BY DELETING THE MF-4 DISTRICT AND ITS REGULATIONS IN THEIR ENTIRETY FROM THE ZONING ORDINANCE OF THE TOWN OF CLARKSTOWN.** and be it

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

**FURTHER RESOLVED**, for the purposes of the New York State Environmental Quality Review Act (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, 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 newspaper of general circulation and posted in the same 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. (107-1998)

Co. Mandia offered and Co. Maloney seconded

**RESOLVED**, that the Town Board hereby refers the MRS Zoning District to the Clarkstown Planning Board for review and recommendations.

On roll call the vote was as follows:

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

\*\*\*\*\*

There being no further business to come before the Town Board and no one further wishing to be heard on motion of Co. Maloney, seconded by Co. Smith and unanimously adopted, the Town Board Meeting was declared closed, time: 9:55 P.M.

\*\*\*\*\*

Respectfully submitted,



PATRICIA SHERIDAN  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

1/13/98

8:10 P.M.

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

RE: Petition for Zone Change (R-15 to R-10) J.L. Heritage Homes, Inc.

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.

Town Attorney noted that the Town Planning Board and the County Planning Board approved with conditions. SEQRA, no environmental impact.

Supervisor asked the applicant to come forward and make a presentation.

Appearance: Jerome Johnson, Esq.  
Attorney for Applicant

Mr. Johnson introduced Linda Knutsen Demick, Vice President of J. L. Heritage Homes.

Ms. Demick stated they hoped to build attractive housing. With the condominiums in close proximity and UPS next door, our original plan of action was to build condominium on this site. Going before the Planning Board last year and in speaking with the residents, we heard loud and clear that the parties did not want this type of density and we withdrew our application. She is now requesting the zone to be changed to R-10. This proposal would yield two more homes than what the current zoning permits. We feel with the close proximity of MF-3 and manufacturing zones, this would be an appropriate zoning transition.

Appearance: Bob Jackson  
76 Briar Road, Nanuet

If you give them the zone change, it will give them fifty percent more housing. At the meeting Wednesday night of the Planning Board, a lot of questions were raised. The Applicant answered most of the questions. There was a mention of sidewalks off site. Mr. Jackson is wondering if it is still on the table and are they going to give sidewalks from Birchwood to Sulky Lane not including the sidewalks they are required to put in on Pascack Road.

Supervisor stated that if it were to be approved, one of the conditions is that the Applicant will provide sidewalks along Pascack Road. Applicant shall minimize the number of driveways, etc. Mr. Jackson stated that the sidewalk on Pascack is required. and what he is asking is for sidewalks from Birchwood to Sulky Lane.

Mr. Greenwell from the engineering firm of Guttural and Greenwell said that the applicant did put that on the table. He suggested to the applicant rather than installing the sidewalk because who knows what obstructions are in the way. If there are utility poles or hydrants in the way, there would be engineering and surveying work to be done to define where the right of way is. It is a lot more complicated than saying, go ahead and put the sidewalk in. He suggested to the applicant that he offer a sum of money to the

Continued on Next Page

PH: Petition for Zone Change (R-15 to R-10) J.L. Heritage Homes, Inc.

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Town based on the lineal footage that the sidewalk would cost. If the applicant was willing to offer that money rather than installing it, the Town could include it in the next time they widen sidewalks.

Mr. Jackson asked the Town Board if we would be better off with that or with having the applicant put the sidewalk in. Mr. Yacyshyn suspects that we would be better off controlling it ourselves with the funds. Mr. Jackson stated that if we give them a zone change, they are going to benefit financially. When we give a zone change, he would like to see something come back to the Town. The applicant will put sidewalks on their part. A lot of people walk on Pascack Road. This section has no sidewalks. Down the road there is a group home, St. Agathas, and Briarwood Estates is being build now. We need sidewalks here. On the zone change itself, we are not opposing it at this time.

Co. Mandia asked Mr. Yacyshyn if we make the funding that the applicant suggests as an alternative, it would seem that we would be morally obliged to spending it on nothing else but that and do it. In a sense, that would be a guarantee if we make that part and parcel of the zone change. Mr. Yacyshyn said, yes.

Co. Maloney feels that we should accept the money. This way we would be able to have control, determine when it goes in and if we have to widen it or move poles. We will be the ones who determine when that will be done.

Appearance: Cornelia Williams  
Nanuet

She asked what was being built there. She was told, six single family homes.

Appearance: Roberta Bangs  
So. Pascack Rd., Nanuet

She has no problem with the zone change. We are very concerned about anymore driveways on South Pascack. We told the Planing Board that we would be in favor of them having the seven as opposed to the six houses as long as there are no more driveways on South Pascack. It is just an invitation for a tragedy. There are walkers and a lot of little children in the neighborhood. Since the cut through from Route 59 to Pascack Road was put it, cars are going much faster.

Appearance: Russell Trojan  
Nanuet

He agrees with the expansion of the sidewalks so that the neighborhoods will be connected with a safe pedestrian way and allow people to get to the mini-trans stop which is located at New Holland Village. The expanded sidewalks should be in the resolution.

Councilwoman Smith asked Mr. Yacyshyn how many additional driveways would be coming out to Pascack . Mr. Yacyshyn stated that the Planning Board has not taken a position. We have not endorsed that particular layout. The number would be limited at the most to two.

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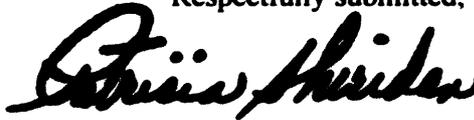
PH: Petition for Zone Change (R-15 to R-10) J.L. Heritage Homes, Inc.

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There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time 8:25 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

RESOLUTION NO. (69-1998) ADOPTED

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

1/13/98

8:26 P.M.

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

RE: Proposed Zone Change (R-10 to RS) for Property Adjacent to 163-A-3

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.

Town Attorney noted that the Town Planning Board and the County Planning Board approves. No environmental impact.

Supervisor asked the applicant to come forward and make a presentation.

Appearance: Martin Cornell, Esq.

Mr. Cornell represents the owner of the property that adjourns the property that is the subject of this hearing which is about twenty-two acres and it is going to be developed by Home Depot and another retail store which has not yet been determined. The background of this situation is that a number of years ago the twenty-two odd acres that are located north of Route 59 and south of the Thruway were rezoned RS. At that time, through an oversight, there was a small piece of R-10 which is located in the Thruway itself and part of the Thruway right-of-way which runs from the center line of the Thruway to the northerly side of his property which remains in R-10. Mr. Cornell showed and explained a small map to the Board Members. The R-10 property is a residentially zoned parcel which is not surrounded in any respect by any other residential property. The owner of the site is requesting that the Board consider rezoning the R-10 to RS. When we were developing the plans for the site itself, we proposed to locate the Home Depot in the building close to the Thruway with a ten foot buffer which is permitted under the Ordinance. However, there is a note in the bulk table which says that if you are adjoining a residential zone, there is a requirement for a thirty foot buffer which would be applicable in this case even though there is no residential property there. Obviously, the purpose of the thirty foot buffer is to insulate residential from commercial property which really would not apply here. The result of that thirty foot buffer would be that the building would have to be moved closer to Route 59. There would be less available parking. In turn, that would reduce the size of the building which would have an adverse economic impact on the development of this site. For that reason and for good planning reasons, we have requested that the Board consider rezoning this small piece of R-10 to RS which will then permit the building to have a ten foot buffer on the Thruway. The only issue that has come up that he would like to address is the question of whether there is going to be adverse visual impact from the Thruway looking at this building. The building is going to be approximately fifty to sixty feet from the Thruway right-of-way which could accommodate the ten foot buffer. Mr. Cornell asked Mr. Robert Torgersen to step forward with photographs.

Appearance: Robert Torgersen  
Landscape Architect

Mr. Torgersen displayed and explained photographs taken from the Thruway.

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Mr. Cornell asked Mr. Torgersen, "when you travel along the thruway and you see the property on the north side of the Thruway, how does that visual impact compare with this proposed building?" Mr. Torgersen, referring to the photographs, stated that you can see the motel which is up about fifty feet from the Thruway. In effect it is the equivalent of roughly an eight story building. The building we are proposing is much much lower. Pergament is also roughly the same size building. The visual impact of that Market Place is much greater than it would be on our part. We also have a bunch of trees in the foreground at the entrance ramp from Spring Valley on to the Thruway.

Mr. Cornell stated that there really is no visual impact that is going to be of any significant consequences and the changing of the buffer from ten to thirty is not going to have a visual impact.

Mr. Thorgersen said that with regard to the site itself, they have a site plan before the Planning Board. All the issues of parking, traffic and so forth will be addressed through traffic studies that are being completed and reviewed by the Town's consultants.

Co. Mandia asked if the parcel that is already RS is twenty two acres. Mr. Cornell replied that the parcel that is going to be developed is approximately twenty two acres. Co. Mandia asked how big was the smallest strip of land. Mr. Cornell said, four acres. Co. Mandia stated that the whole parcel would be twenty-six acres or so. Mr. Cornell said that four acres are in the Thruway. The Thruway owns it and we have nothing to do with that piece of property.

Appearance:           Russell Trojan  
                              Nanuet

He informed the Board that the Planning Board was divided on this issue and the vote was four to three. The Thruway Authority has stated landscaping is the cheapest noise barrier. You cut down these trees that border the Thruway to enlarge Home Depot, you lose that sound barrier. The next thing we will be looking at is a wall. The trees that would be required in a thirty foot buffer between zones of RS and R-10 also serve as a wind break. Right now the winds coming down from Spring Valley are ferocious because so many trees have been removed in this area. They can actually pick up the little stones that are used in micro paving the Town roads. This developer has already disturbed the wet lands on that site. We have already lost trees. We have had a federal wet land destroyed. Mr. Trojan stated that he does not trust this developer. This developer also owns the A & H Mall. The south end of the A & H Mall is the old ChiChi, a yellow painted building covered in graffiti. He hasn't cleaned that up and returned the building to the original split block state of white that it was. This area has additional redevelopment besides the redevelopment this developer is proposing. Pep Boys is being proposed for the Hops & Pops Beverage facility and an Office Max on the corner of Hutton, 59 and the railroad tracks. With this redevelopment, a comprehensive plan should be developed bringing in the Red Lobster and any other properties not included. Even if they are not changing, they should be brought in to a single comprehensive plan put under the guise of major regional shopping because that is what in effect is happening with the fragmentation of these different sites all being done in the same area at once. At the Planning Board Meeting, the developer gave an explanation of why he needs two Home Depots in Clarkstown. This one is intended to service the trade with craftsmen bringing pick-ups and vans in to get supplies. Kemmer and Hutton Roads will become an issue later and add acreage to the site along with the properties that they do not own. Sears, Macy's and Sterns have their own separate tax lots as part of the Nanuet Mall's major regional shopping. With the removal of this natural thirty foot

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PH: Proposed Zone Change (R-10 to RS) for Property Adjacent to 163-A-3

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buffer, that is required currently under the code, and replaced with a ten foot buffer of twigs, it will take a good long time before we get the wind break, the oxygen from the plant, and the noise barrier effect from these twigs. This is an environmental impact. He is surprised that SEQR determined no environmental impact because there is definitely an environmental impact here. The visual pictures have the store painted in front of the trees, however, they did not erase the trees from the pictures. The pictures are misleading. Imagine none of those trees there and just a few green plantings that they show in front of the store. That is what it is really going to look like. In my opinion, a barren waste land. Mr. Trojan asked the Board to reject this proposal because they never received a Petition. You acted for the benefit of the developer and they could very well Petition now or in the future when we get a site plan. We don't have a site plan that has been viewed by the public. There has been no hearing on a site plan.

Appearance: Bob Jackson  
Nanuet Civic Association

He was at the meeting when this item was on the agenda. All of that zoning except for that piece was changed about five years ago. The battle was then. If this zoning is changed, the store would be moved back towards the Thruway.. He is worried about Route 59. Once they come in with their site plan, we can talk more about it at the Planning Board Meeting. Hops & Pops is going to be a jiffy lube place. He was assured by the Planning Board that it is all being looked at. If the Town can get a substantial amount of money from the developer for the roads, he would go along with that. He would like to see it as close to the Thruway as possible. He would go for noise barriers.

Appearance: Martin Bernstein  
New City

Mr. Bernstein asked if the Thruway owned this property and have they agreed to this. The Board told him that it is the Thruway property and our zoning. He feels that the set back is very important.

Appearance: Donald Franchino  
Nanuet Little League

He sent a letter to the Board and he speaks basically for the younger set in Nanuet. They have been rebuilding Little League in Nanuet. They pretty much have been doing this without funding from the Town. They have approached this builder looking for something to come back to the community and feel if they are going to take something away from Nanuet, they should give something back. The builder has agreed to come through at a great expense for a building we have at Lake Nanuet. Primarily, a building we have had there for fifteen or twenty years. It was originally built by the league when we had a much smaller population. Now the league has grown. We are going to have about six hundred children within the league. If you count Nanuet soft ball, we will be close to one thousand children. The building we have is inadequate. We also have to build a storage shed. Sooner than coming to the Town or Parks & Recreation Commission, we go to contractors and businesses. The developer has offered to fully fund any expansion needed at Lake Nanuet. Since the improvements on Route 59, the traffic congestion has been greatly alleviated and the impact of this zone change is not that tremendous, but the benefit that will come back to Nanuet will be great. Once this building is completed, we will probably never have to address that issue again. We want this to go through.

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PH: Proposed Zone Change (R-10 to RS) for Property Adjacent to 163-A-3

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Appearance: Roberta Banks  
Nanuet

She feels very strongly about all the hassling that is going to go on over parking, traffic and roads. She does not see how the thirty foot buffer is a matter for concern and thinks our concern is going to come when it is time to talk about traffic. She agrees that the zoning should be treated on all of this land as one. It is already zoned RS. It is going to be shopping. She does not care how close it will be to the Thruway.

Appearance: Al Rossi  
Hutton Avenue, Nanuet

He lives in the middle of this project and has lived there for twenty-five years. He has been before the Town Board on many occasions. The battle was lost a long time ago when this property was rezoned back to RS. We are here tonight to correct an administrative oversight in the zone change affecting the Thruway property where the cars go at sixty-five miles an hour. This does not have any environmental impact. You have a developer who has come in and took a blighted shopping center which is now going to be part of the site plan. Traffic has been addressed by the State. The Office Max and Pep Boys are not part of this application, but the Planning Board has looked at it in total. We can reap benefits for the community as a result of this project.

Appearance: Mike Total  
Nanuet Little League

If this is approved, we not only satisfy the kids, we satisfy the adults and the families because of the funds coming in.

Appearance: Stan Markowitz  
Leader Carpets, Nanuet

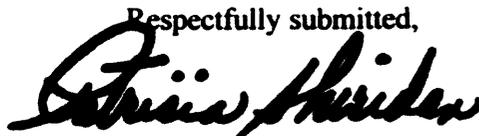
Mr. Markowitz is the closest retailer to this development. He has no objection to it coming in. It is going to be a hindrance to him for awhile, but it will be good for the community. He wants it to be approved.

Mr. Cornell stated that the trees that are there now are going to stay. There is only area that there is any visibility. There will also be new planting on the site.

Co. Mandia stated that you are not going to build on that property. You can't improve it in any way. If we change the zone, you can be within ten feet of it. If there is a problem visually, and the Planning Board requests that you put some trees on the Thruway's property with their permission, would you be willing to do that. Mr. Cornell replied, absolutely

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the Public Hearing was declared closed, RESOLUTION ADOPTED, time 9:00 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

RESOLUTION NO. (70-1998) ADOPTED