

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

4/28/98

8:00 P.M.

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

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

Supervisor introduced Craig Paxton, Boy Scout Troop 78, who has achieved the rank of Eagle Scout. Co. Maloney presented him with a Certificate of Award and congratulated Craig and his parents on behalf of the Town Board.

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Supervisor declared the Cranford Drive Flood Amelioration Project informational meeting open, time: 8:05 P.M.

The Cranford Drive Flood Amelioration Project informational meeting was declared closed, time: 9:34 P.M.

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On motion of Co. Maloney, seconded by Co. Smith and unanimously adopted, the public hearing re: Petition for abandonment of a portion of Terrace Avenue, Congers was declared open, time: 9:35 P.M.

On motion of Co. Mandia, seconded by Co. Maloney and unanimously adopted, the public hearing re: Petition for abandonment of a portion of Terrace Avenue, Congers was declared closed, RESOLUTION NO. (367-1998) ADOPTED, time, 9:47 P.M.

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On motion of Co. Maloney, seconded by Co. Smith and unanimously adopted, the public hearing re: Petition for abandonment of a portion of Morton Avenue, Congers was declared open, time: 9:48 P.M.

On motion of Co. Mandia, seconded by Co. Maloney and unanimously adopted, the public hearing re: Petition for abandonment of a portion of Morton Avenue, Congers was declared closed, RESOLUTION NO. (368-1998) ADOPTED, time: 9:50 P.M.

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On motion of Co. Smith, seconded by Co. Maloney and unanimously adopted, the public hearing re: Petition for Special Permit: Capasso (5-A-27) was declared open, time: 9:51 P.M.

On motion of Co. Smith, seconded by Co. Maloney and unanimously adopted, the public hearing re: Petition for special permit: Capasso (5-A-27) was declared closed, DECISION RESERVED, time: 10:25 P.M.

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Supervisor opened the public portion of the meeting.

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Appearance: Dwight Kerns  
Congers

Spoke regarding Item #25. Would rather see the Town hire an animal wildlife specialist who would be more familiar with non-lethal methods of control. He believed the resolution should be for one year.

Appearance: Greg Tobin  
Nanuet Fire Co.

Spoke regarding Item # 18. Feels there should be no action until Judge Miller's decision.

Appearance: Harold Short  
Chief of Fire Company

Spoke about Item #18 with respect to zoning taking precedent over the safety of children and fire call statistics.

Appearance: Arlene Widicker  
Renee Lane  
Bardonia

Spoke about Item #18; feels there should be some type of mediation with the Nanuet Fire Co. in order to solve the problems.

Appearance: Richard Seede  
90 Bardonia Road  
Bardonia

Regarding Item #18 states he is not against fire protection or firemen but would like to make sure things go through the proper channels.

Appearance: Cal Lockwood  
100 Renee Lane  
Bardonia

Regarding Item #18, correct address of proposed fire house is 100 Renee Lane, not 100 Renee Drive. Is concerned for safety of children, fire trucks are dangerous.

Appearance: Russell Trojan  
Nanuet

Spoke about the Mini Trans going to the Palisades Center and Nyack High School, about activity on Conrail tracks in Valley Cottage, and streams near railbeds being adversely affected. Also spoke on Item #18; is in favor of Bardonia fire house.

RESOLUTION NO. (367-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on March 24, 1998, provided for a public hearing on April 28, 1998, at 8:00 P.M., or as soon there-after as possible, to consider the abandonment pursuant to Section 205 of the Highway Law and the deletion from the Official Map of the Town of Clarkstown, pursuant to Section 273 of the Town Law, of a portion of the road known as TERRACE AVENUE, Congers, New York, as described in Schedule "A" attached, and

Continued on next page

RESOLUTION NO. (367-1998) CONTINUED

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;

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, dated April 13, 1998, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the abandonment 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 a portion of TERRACE AVENUE, Congers, New York, as described in the attached Schedule "A" is hereby declared abandoned by the Town of Clarkstown pursuant to Section 205 of the Highway Law, and be it

FURTHER RESOLVED, that the Official Map of the Town of Clarkstown is hereby amended by deleting therefrom a portion of the road known as TERRACE AVENUE, Congers, New York, as described in the Schedule "A" attached, and be it

FURTHER RESOLVED, that the recommendation of the Superintendent of Highways of the Town of Clarkstown that a highway be abandoned is hereby ordered to be recorded in the Rockland County Clerk's Office and filed in the Town Clerk's office.

On roll call the vote was as follows:

- Co. Maloney . . . . . Yes
  - Co. Mandia . . . . . Yes
  - Co. Profenna . . . . . Yes
  - Co. Smith . . . . . Yes
  - Supervisor Holbrook . . . . . Yes
- \*\*\*\*\*

RESOLUTION NO. (368-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on March 10, 1998, provided for a public hearing on April 28, 1998, at 8:05 P.M., or as soon there-after as possible, to consider the abandonment pursuant to Section 205 of the Highway Law and the deletion from the Official Map of the Town of Clarkstown, pursuant to Section 273 of the Town Law, of a portion of the road known as MORTON AVENUE, Congers, New York, as described in Schedule "A" attached, 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;

NOW, THEREFORE, be it

Continued on next page

RESOLUTION NO. (368-1998) CONTINUED

RESOLVED, that based upon the report of Robert Geneslaw, dated April 13, 1998, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the abandonment 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 a portion of MORTON AVENUE, Congers, New York, as described in the attached Schedule "A" is hereby declared abandoned by the Town of Clarkstown pursuant to Section 205 of the Highway Law, and be it

FURTHER RESOLVED, that the Official Map of the Town of Clarkstown is hereby amended by deleting therefrom a portion of the road known as MORTON AVENUE, Congers, New York, as described in the Schedule "A" attached, and be it

FURTHER RESOLVED, that the recommendation of the Superintendent of Highways of the Town of Clarkstown that a highway be abandoned is hereby ordered to be recorded in the Rockland County Clerk's Office and filed in the Town Clerk's office.

On roll call the vote was as follows:

Co. Maloney .....	Yes
Co. Mandia .....	Yes
Co. Profenna .....	Yes
Co. Smith .....	Yes
Supervisor Holbrook .....	Yes

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RESOLUTION NO. (369-1998)

Co. Smith offered and Co. Maloney seconded

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

NOW, THEREFORE, be it

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

Lt. Raymond B. Jauss - V.F.W.	Post 2607
Willis Polhemus - V.F.W.	Post 9215
Veterans of Foreign Wars	Post 3773
West Nyack Memorial - V.F.W.	Post 126

and be it

Continued on next page

RESOLUTION NO. (369-1998) CONTINUED

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

FURTHER RESOLVED, that said funds will be charged against 1998 Account No. A-6510-401.

On roll call the vote was as follows:

Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Profenna . . . . .	Yes
Co. Smith . . . . .	Yes
Supervisor Holbrook . . . . .	Yes

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RESOLUTION NO. (370-1998)

Co. Smith offered and Co. Maloney seconded

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

FURTHER RESOLVED, that the Town Board shall allocate the following sum in economic assistance for 1998 to:

Nyack High School PTSA "Project Graduation"     \$ 1,500.00

FURTHER RESOLVED that the total amount of \$1,500.00 be transferred from Account # A 1990-505 to Account # A 8840 424.

FURTHER RESOLVED that these funds are to assist in providing such services for the calendar year 1998 and are to be charged against Account # 8840 424.

On roll call the vote was as follows:

Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Profenna . . . . .	Yes
Co. Smith . . . . .	Yes
Supervisor Holbrook . . . . .	Yes

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RESOLUTION NO. (371-1998)

Co. Smith offered and Co. Maloney seconded

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

Continued on next page

RESOLUTION NO. (371-1998) CONTINUED

FURTHER RESOLVED, that the Town Board shall allocate the following sum in economic assistance for 1998 to:

Clarkstown Baseball Association                    \$1,050.00

FURTHER RESOLVED, that the total amount of \$1,050.00 be transferred from Account # A 1990-505 to Account # A 8840 424.

FURTHER RESOLVED, that these funds are to assist in providing such services for the calendar year 1998 and are to be charged against Account # A 8840 424.

On roll call the vote was as follows:

Co. Maloney ..... Yes  
Co. Mandia ..... Yes  
Co. Profenna ..... Yes  
Co. Smith ..... Yes  
Supervisor Holbrook ..... Yes

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RESOLUTION NO. (372-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Avalon Properties, Inc. furnished to the Town of Clarkstown a Performance Bond secured by Letter of Credit No. CS1066922 in the amount of \$4,000,000, to cover the improvements and other facilities as shown on the final plat of Avalon Gardens, and

WHEREAS, the Director of Environmental Control of the Town of Clarkstown has recommended that said Performance Bond be reduced to \$1,000,000, as much of the work has been completed to Town specifications;

NOW, THEREFORE, be it

RESOLVED, that Letter of Credit No. CS1066922 in the amount of \$4,000,000 be reduced to \$1,000,000, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to April 14, 1998.

On roll call the vote was as follows:

Co. Maloney ..... Yes  
Co. Mandia ..... Yes  
Co. Profenna ..... Yes  
Co. Smith ..... Yes  
Supervisor Holbrook ..... Yes

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RESOLUTION NO. (373-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, an application has been made by FB NANUET, LLC and OTHERS, that the Town Board and the Superintendent of Highways of the Town of Clarkstown take action pursuant to Section 207 of the Highway Law to declare that certain portions of rights-of-way known as Hutton Avenue and Kemmer Avenue, Nanuet, New York, as described in the metes and bounds description attached as Schedules "A" and "B," upon the grounds that same have been found to be unnecessary for highway purposes, and therefore may be deemed abandoned and discontinued, and

WHEREAS, said roads appear on the Official Map of the Town of Clarkstown and portions of said roads shall be deleted from same, and

WHEREAS, the Town Board of the Town of Clarkstown desires to consider the determination of abandonment pursuant to Section 207 of the Highway Law and deletion from the Official Map of the Town of Clarkstown pursuant to Section 273 of the Town Law of said portions as described above;

NOW, THEREFORE, be it

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, and be it

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

On roll call the vote was as follows:

Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Profenna . . . . .	Yes
Co. Smith . . . . .	Yes
Supervisor Holbrook . . . . .	Yes

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RESOLUTION NO. (374-1998)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, the Rockland County Ancient Order of Hibernians has requested use of the Town of Clarkstown showmobile on July 19, 1998 for the Feis to be held at Anthony Wayne park, New York,

NOW, THEREFORE, BE IT

RESOLVED, that permission is hereby granted to the Rockland County Ancient Order of Hibernians to use the Town of Clarkstown showmobile on July 19, 1998 for the above purpose and subject to the provision of the necessary insurance policies,

FURTHER RESOLVED, that the Town Board hereby waives the fee for the use of the Town of Clarkstown Showmobile.

Continued on next page

RESOLUTION NO. (374-1998) CONTINUED

On roll call the vote was as follows:

Co. Maloney ..... Yes  
Co. Mandia ..... Yes  
Co. Profenna ..... Yes  
Co. Smith ..... Yes  
Supervisor Holbrook ..... Yes

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RESOLUTION NO. (375-1998)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, the New York State Volunteer Ambulance and Rescue Association (District #1) has requested use of the Town of Clarkstown showmobile at its Family Recognition Day on Sunday, May 17, 1998, from 11:00 AM to 5:00 PM which is being held at Germonds Park, West Nyack, NY,

THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to New York State Volunteer Ambulance and Rescue Association (District #1) to use the Town of Clarkstown showmobile at its Family Recognition Day on Sunday, May 17, 1998, at no charge, subject to the provision of the necessary insurance policies.

On roll call the vote was as follows:

Co. Maloney ..... Yes  
Co. Mandia ..... Yes  
Co. Profenna ..... Yes  
Co. Smith ..... Yes  
Supervisor Holbrook ..... Yes

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RESOLUTION NO. (376-1998)

Co. Smith offered and Co. Maloney seconded

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

- On Pierce Street at College Avenue, Nanuet
- On Charles Street at College Avenue, Nanuet
- On East Orchard Street at College Avenue, Nanuet
- On Van Nostrand Place at College Avenue, Nanuet

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.

Continued on next page

RESOLUTION NO. (376-1998) CONTINUED

On roll call the vote was as follows:

Co. Maloney ..... Yes  
Co. Mandia ..... Yes  
Co. Profenna ..... Yes  
Co. Smith ..... Yes  
Supervisor Holbrook ..... Yes

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RESOLUTION NO. (377-1998)

Co. Smith offered and Co. Profenna seconded

WHEREAS, the Town of Clarkstown has received \$11,456 from EklecCo as a donation and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. A 01 3 2705 3 (General Donations) and A 3120 111 (Police Overtime) by \$11,456 and

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

RESOLVED, to decrease Contingency Account No. A 1990 505 by \$5,200 and increase the following appropriation accounts:

A 1620 408 (Maintenance-Bldg. Repairs) .....\$3,500.  
A 1630 408 (Old Police Bldg. " ) ..... 1,700.

On roll call the vote was as follows:

Co. Maloney ..... Yes  
Co. Mandia ..... Yes  
Co. Profenna ..... Yes  
Co. Smith ..... Yes  
Supervisor Holbrook ..... Yes

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RESOLUTION NO. (378-1998)

Co. Smith offered and Co. Profenna seconded

WHEREAS, the Town of Clarkstown received \$9,883.92 from NYNEX for a refund on overcharges, \$3,072 from EklecCo. as a donation and \$4,560 from Corporate Property Investors for Police Coverage Donation, be it therefor

RESOLVED, to increase Estimated Revenue Account No. A 01 9 2770 (General-Misc. Revenue) and A 3020 230 (Central Communications-Communications Equipment) by \$4,941.96; increase Estimated Revenue Account No. a 01 3 2705 2 (Donations) and A 3120 113 (Police-Overtime) by \$3,072 and increase Estimated Revenue Account No. A 01 3 2705 3 (Donations) and A 3120 111 (Police-Overtime) by \$4,560 and

Continued on next page

RESOLUTION NO. (378-1998) CONTINUED

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

Resolved, to decrease DB 5110 214 (Highway-Safety Equipment) and increase DB 5110 328 (Books & Publications) by \$800.

On roll call the vote was as follows:

- Co. Maloney . . . . . Yes
- Co. Mandia . . . . . Yes
- Co. Profenna . . . . . Yes
- Co. Smith . . . . . Yes
- Supervisor Holbrook . . . . . Yes

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RESOLUTION NO. (379-1998)

Co. Smith offered and Co. Profenna seconded

WHEREAS, the Town of Clarkstown has collected \$115.19 for various activities from the Community Centers,

BE IT THEREFORE

RESOLVED, to increase Revenue Account #01-002001 (Park and Recreation charges) and Appropriation Account #7141-329 (Recreation Supplies) by \$115.19.

On roll call the vote was as follows:

- Co. Maloney . . . . . Yes
- Co. Mandia . . . . . Yes
- Co. Profenna . . . . . Yes
- Co. Smith . . . . . Yes
- Supervisor Holbrook . . . . . Yes

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RESOLUTION NO. (380-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Alan Rotto Consultants, Inc. has submitted a proposal to reduce the Town of Clarkstown's gas and electric monthly service and/or equipment charges, related tax charges, and any private equipment charges that are billed to the Town each month, and obtain refunds or credits for past overcharges, and

WHEREAS, the Town Board wishes to avail the Town of such service;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Allan Rotto Consultants, Inc., in a form satisfactory to the Town Attorney, to provide services to reduce the Town of Clarkstown's gas and electric monthly service and/or equipment charges, related tax charges, and any private equipment charges that are billed to the Town each month, and obtain refunds or credits for past overcharges.

Continued on next page

RESOLUTION NO. (380-1998) CONTINUED

On roll call the vote was as follows:

Co. Maloney .....	Yes
Co. Mandia .....	Yes
Co. Profenna .....	Yes
Co. Smith .....	Yes
Supervisor Holbrook .....	Yes

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RESOLUTION NO. (381-1998)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement with Mayo, Lynch & Associates, Inc., 333 Meadowland Parkway, Secaucus, New Jersey 07094, in accordance with a written proposal dated March 26, 1998, for Congers Lake Dam Reconstruction, Phase II, which agreement shall be in a form satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that the engineering fees for this project shall not exceed \$60,000, without further Town Board authorization.

On roll call the vote was as follows:

Co. Maloney .....	Yes
Co. Mandia .....	Yes
Co. Profenna .....	Yes
Co. Smith .....	Yes
Supervisor Holbrook .....	Yes

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RESOLUTION NO. (382-1998)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Attorney is hereby authorized to take the steps necessary to seek approval from the New York State Department of Audit and Control for additional bonding in the sum of \$250,000.00 for the Lake Lucille Aquatic Plant Control Project.

On roll call the vote was as follows:

Co. Maloney .....	Yes
Co. Mandia .....	Yes
Co. Profenna .....	Yes
Co. Smith .....	Yes
Supervisor Holbrook .....	Yes

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RESOLUTION NO. (383-1998)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that based upon the recommendation of Brian Connolly, Assistant Director of Municipal Counseling, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an amended agreement with Dr. Evelyn Wassermann, to provide services as a psychiatric consultant to the Clarkstown Counseling Center for a maximum of 24 hours per month effective immediately, and be it'

FURTHER RESOLVED, that such fees shall be charged to Account A 4210-409.

On roll call the vote was as follows:

Co. Maloney ..... Yes  
Co. Mandia ..... Yes  
Co. Profenna ..... Yes  
Co. Smith ..... Yes  
Supervisor Holbrook ..... Yes

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RESOLUTION NO. (384-1998)

Co. Maloney offered and Co. Profenna seconded

WHEREAS the Town of Clarkstown entered into a 25 year county-wide yard waste composting agreement with the Rockland County Solid Waste Authority; and

WHEREAS the Town of Clarkstown's yard waste facility is being expanded to accommodate the additional county-wide yard waste composting; and

WHEREAS the vicinity of the compost sites are being developed drastically; and

WHEREAS it has become necessary to retain a longer term professional service; and

WHEREAS it has become necessary to double the volume of screened compost and single ground mulch made available to residents and municipalities participating in the county-wide program; and

WHEREAS, said increase in free distribution lowers the sale potential in lost revenue and increasing screening cost; and

WHEREAS the Town Board may periodically amend the existing composting contract with Organic Recycling, Inc. and Lentz, Inc.

NOW, THEREFORE, BE IT RESOLVED that the schedule of services for leaves composting be amended as follows:

First 40,000 cys. at \$3.00/Cyd  
Next 25,000 cys at \$2.25/Cyd  
Next 20,000 cys. at \$1.75/Cyd  
Next 20,000 cys at \$1.50/Cyd; and

BE IT FURTHER RESOLVED that Organic Recycling, Inc. and Lentz, Inc. may, after all municipal sales and residential demands have been satisfied, purchase surplus compost at \$2/cyd; and

Continued on next page

RESOLUTION NO. (384-1998) CONTINUED

BE IT FURTHER RESOLVED that Resolution #282-1996 and #283-1996 be amended by changing the expiration date from March 31, 2003, to March 31, 2008; and

BE IT FURTHER RESOLVED that the Supervisor of the Town of Clarkstown is hereby authorized to modify and extend the agreement with Organic Recycling, Inc. and Lenty, Inc. in a form acceptable to the Town Attorney to expire on March 31, 2008.

On roll call the vote was as follows:

Co. Maloney . . . . . Yes  
Co. Mandia . . . . . Yes  
Co. Profenna . . . . . Yes  
Co. Smith . . . . . Yes  
Supervisor Holbrook . . . . . Yes  
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RESOLUTION NO. (385-1998)

Co. Smith offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has certified on April 15, 1998 that the position of Data Entry Operator I (Less than full-time) can be created,

Now, therefore, be it

RESOLVED, that the position of Data Entry Operator I (Less than full-time) - Town Justice Department - is hereby created - effective April 29, 1998.

On roll call the vote was as follows:

Co. Maloney . . . . . Yes  
Co. Mandia . . . . . Yes  
Co. Profenna . . . . . Yes  
Co. Smith . . . . . Yes  
Supervisor Holbrook . . . . . Yes  
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RESOLUTION NO. (386-1998)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that Dorothy G. Poust, 17 Floral Court, Nanuet, New York, is hereby appointed to the position of (Part-time) Counselor - Clarkstown Counseling Center - at the current hourly rate of \$18.50 - effective April 29, 1998.

On roll call the vote was as follows:

Co. Maloney . . . . . Yes  
Co. Mandia . . . . . Yes  
Co. Profenna . . . . . Yes  
Co. Smith . . . . . Yes  
Supervisor Holbrook . . . . . Yes  
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RESOLUTION NO. (387-1998)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that William L. Carton, 12 Pine Avenue, Congers, New York, is hereby appointed to the position of Assistant Automotive Mechanic - Town Garage - at the current salary of \$28,859., effective and retroactive to April 15, 1998.

On roll call the vote was as follows:

Co. Maloney . . . . . Yes  
Co. Mandia . . . . . Yes  
Co. Profenna . . . . . Yes  
Co. Smith . . . . . Yes  
Supervisor Holbrook . . . . . Yes

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RESOLUTION NO. (388-1998)

Co. Smith offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has certified on April 15, 1998 that the position of (temporary) Clerk - not to exceed 3 months - can be created,

Now, therefore, be it

RESOLVED, that the position of Clerk (temporary) - Town of Clarkstown Highway Department - is hereby created effective and retroactive to April 15, 1998 for a period not to exceed 3 months.

On roll call the vote was as follows:

Co. Maloney . . . . . Yes  
Co. Mandia . . . . . Yes  
Co. Profenna . . . . . Yes  
Co. Smith . . . . . Yes  
Supervisor Holbrook . . . . . Yes

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RESOLUTION NO. (389-1998)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that GERALYN A. SMITH, 19 Lyncrest Avenue, New City, New York, is hereby reappointed to the position of (temporary) Clerk - Town of Clarkstown Highway Department - at the current 1998 hourly rate of \$9.50 - effective and retroactive to April 15, 1998 - for a period not to exceed 3 months.

On roll call the vote was as follows:

Co. Maloney . . . . . Yes  
Co. Mandia . . . . . Yes  
Co. Profenna . . . . . Yes  
Co. Smith . . . . . Yes  
Supervisor Holbrook . . . . . Yes

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RESOLUTION NO. (390-1998)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation Supt. of Recreation & Parks and the Director of Purchasing that

Bid #25-1998

ICE CREAM PRODUCTS FOR TOWN OPERATED REFRESHMENT STANDS

is hereby awarded to:

S & W ICE CREAM  
 17 ROCK HILL DRIVE  
 ROCK HILL, NEW YORK 12775  
 PRINCIPAL: ANDREW WOHL

as per the following low bid proposal:

ITEMS	EST. QUANT (DOZ)	VEN. PROD. NAME	WGT. PER IND. UNIT	PRICE PER STD. PK	STD. PK. SIZE
ICE CREAM	250	HOOD	3 OZ	\$ 3.90	2 DZ
STRAWBERRY CRUNCH BAR	240	HOOD	3 OZ	4.30	2 DZ
CHOCOLATE CRUNCH BAR	280	HOOD	3 OZ	4.30	2 DZ
CHOC COVERED VANILLA ICE CREAM POP	200	HOOD	3 OZ	3.72	2 DZ
ITALIAN ICE CUP (ASST FLAVORS)	1400	MARINO	6 OZ	4.60	1 DZ
ICE CREAM DIXIE CUP (VAN/CHOC)	200	HOOD	3 OZ	4.00	2 DZ
	400	ALL STAR	6 OZ	8.25	1 DZ
FROOZE FRUITS (ONLY) VARS. FLAV.	200		4 OZ	\$12.25	2 DZ
ICE CREAM CONE (VAN/CHOC) OR NUTTY BUDDY	200	ALL STAR	4 OZ	\$ 5.60	2 DZ
CHIPWICH SANDWICH	300		4 OZ	\$13.20	2 DZ
HAGENDAZ YOGURT POP	200		2.75 OZ	\$ 23.60	2 DZ
GOOD HUMOR POPS	280		4 OZ	\$ 9.80	2 DZ

Percent cost increase (if any) should this contract be extended for the one additional year  
 -0-

On roll call the vote was as follows:

Co. Maloney . . . . . Yes  
 Co. Mandia . . . . . Yes  
 Co. Profenna . . . . . Yes  
 Co. Smith . . . . . Yes  
 Supervisor Holbrook . . . . . Yes

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RESOLUTION NO. (391-1998)

Co. Smith offered and Co. Maloney seconded

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

Continued on next page

RESOLUTION NO. (391-1998) CONTINUED

BID #33-1998  
PAPER & PLASTIC SUPPLIES

as hereby awarded to:

INTERBORO PACKAGING CORP  
114 BRACKEN ROAD  
MONTGOMERY, NY 12549  
PRINCIPALS: EDITH JEREMIAS  
ABRAHAM JEREMIAS

MT. ELLIS PAPER CO.  
PO BOX 4083  
NEW WINDSOR, NY 12553  
PRINCIPALS: CLIFFORD KAPLAN  
SEYMOUR KAPLOWITZ

STRAUSS PAPER CO.  
10 SLATER STREET  
PORT CHESTER, NY 10573  
PRINCIPALS: STEWART J. STRAUSS  
ROBERT JONAP  
JOYCE JONAP

E.A. MORSE & CO., INC.  
11-25 HARDING STREET  
P.O. BOX 728  
MIDDLETOWN, NY 10940  
PRINCIPALS: WINIFRED V. MORSE  
EMERSON A. MORSE II  
JOHANNE N. CORTRIGHT

CENTRAL POLY CORP.  
PO BOX 4097  
LINDEN, NJ 07036  
PRINCIPALS: ANDREW HOIFFER  
AGNES SERHOFER

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

On roll call the vote was as follows:

Co. Maloney . . . . . Yes  
Co. Mandia . . . . . Yes  
Co. Profenna . . . . . Yes  
Co. Smith . . . . . Yes  
Supervisor Holbrook . . . . . Yes

\*\*\*\*\*

RESOLUTION NO. (392-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown has been asked to accept a maximum of 35,000 cubic yards of fill from the Raia parcel owned by EklecCo, Map 106, Block A, Lots 21 and 22.02, and

WHEREAS, EklecCo will pay Ogden the sum of \$190,000 for accepting said material, and

WHEREAS, the Town of Clarkstown will receive easement rights for twenty-five (25) years, at no cost and expense to the Town of Clarkstown, to Tax Map 106, Block A, Lots 16 and 19, Tax Map 105, Block A, Lots 33.1 and 34, in order to compost, mulch and crush leaves or any other comparable use, and

WHEREAS, the Town of Clarkstown needs a thirty (30) year easement for maintenance of landfill capping over Tax Map 106, Block A, Lot 16, Tax Map 105, Block A, Lots 33.1 and 34;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown shall have the authority to execute easements over the said properties for the uses stated above, in a form satisfactory to the Town Attorney.

On roll call the vote was as follows:

Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Profenna . . . . .	Yes
Co. Smith . . . . .	Yes
Supervisor Holbrook . . . . .	Yes

\*\*\*\*\*

RESOLUTION NO. (393-1998)

Co. Mandia offered and Co. Smith seconded

RESOLVED, that the Town Board Minutes of April 14, 1998 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Profenna . . . . .	Yes
Co. Smith . . . . .	Yes
Supervisor Holbrook . . . . .	Yes

\*\*\*\*\*

RESOLUTION NO. (394-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the vegetative corridor between Route 304 and the adjoining properties Tax lots 57-A-12, 4.0101, 4.6, & 4 and 56-A-29, 29.01 & 27 has become unsightly with overgrown weed growth and liter, and;

WHEREAS, the Department of Environmental Control has recommended a solution for the removal and/or thinning out of trees, shrubs, brush and debris, grading the channel to improve flow and stabilizing the stream banks as necessary, and;

WHEREAS, the Department of Environmental Control has solicited four proposals to perform said clean up and restoration work;

NOW THEREFORE, BE IT RESOLVED that the Director of Environmental Control is hereby authorized to hire KJS HAULING AND HOME IMPROVEMENTS to perform the necessary clean up and restoration work; and

BE IT FURTHER RESOLVED that the cost of the said work shall not exceed \$16,954.00 and shall be a proper charge to account # H 8742 409 0 24 5.

On roll call the vote was as follows:

Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Profenna . . . . .	Yes
Co. Smith . . . . .	Yes
Supervisor Holbrook . . . . .	Yes

\*\*\*\*\*

RESOLUTION NO. (395-1998)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, by Resolution No. 272 the Town Board scheduled a public hearing with respect to a proposed zone change for property known as Map 129, Block A, Lot 5.13;

NOW, THEREFORE, be it

RESOLVED, that the Public Hearing scheduled for May 26, 1998 at 8:05 P.M., with respect to a proposed zone change on the Town's own motion, for property known as Map 129, Block A, Lot 5.13 is hereby canceled.

On roll call the vote was as follows:

Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Profenna . . . . .	Yes
Co. Smith . . . . .	Yes
Supervisor Holbrook . . . . .	Yes

\*\*\*\*\*

RESOLUTION NO. (396-1998)

Co. Maloney offered and Co. Profenna seconded

*Whereas*, the Town of Clarkstown is desirous of having property maintenance work performed at the subject locations for calendar year 1998; and

*Whereas*, the Department of Environmental Control has prepared a schedule of required property maintenance for said locations; and

*Whereas*, the Department of Environmental Control has solicited proposals from three landscape contractors to perform the maintenance work in conformance with said schedule; and

*Whereas*, the Department of Environmental Control has reviewed those proposals received and found them to be acceptable;

*Now, Therefore, Be It Resolved* that the Director of the Department of Environmental Control is hereby authorized to retain the services of

Danny Clapp Landscaping, Inc.  
59 Schriever Lane  
New City, New York 10956  
(914) 638-3614 Tel/Fax

to perform said property maintenance as scheduled for calendar year 1998 for the sum of \$8,910.00 as per their proposal; and

Be It Further Resolved that this be a proper charge to account # H8740 409 0 64 1

On roll call the vote was as follows:

Co. Maloney ..... Yes  
Co. Mandia ..... Yes  
Co. Profenna ..... Yes  
Co. Smith ..... Yes  
Supervisor Holbrook ..... Yes  
\*\*\*\*\*

RESOLUTION NO. (397-1998)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the Town Board hereby authorizes the placing of an advertisement for the Town of Clarkstown in the 1998 Rockland County Bicentennial commemorative Souvenir Section of the Rockland Journal News on May 17, 1998, and be it

FURTHER RESOLVED, that the fee for such advertising shall not exceed the sum of \$1,032.50 which shall be charged to Account No. A-6410-405.

On roll call the vote was as follows:

Co. Maloney ..... Yes  
Co. Mandia ..... Yes  
Co. Profenna ..... Yes  
Co. Smith ..... Yes  
Supervisor Holbrook ..... Yes  
\*\*\*\*\*

TBM 4/28/98  
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RESOLUTION NO. (398-1998)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that the Assessor's Office is hereby authorized to purchase the Greater Hudson Valley MLS/Board of Realtors current offerings and completed sales books to assist appraisers in the defense of Small Claims Review.

FURTHER RESOLVED, that the current charges are not to exceed \$1500.00 will be charged against 1355-328.

On roll call the vote was as follows:

Co. Maloney . . . . . Yes  
Co. Mandia . . . . . Yes  
Co. Profenna . . . . . Yes  
Co. Smith . . . . . Yes  
Supervisor Holbrook . . . . . Yes  
\*\*\*\*\*

RESOLUTION NO. (399-1998)

Co. Maloney offered and Co. Mandia seconded

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

MARK BAKER  
50 Lime Kiln Road  
Suffern, New York 10901

ALL COUNTY RESOURCE  
MGT. CORP. & ALL COUNTY  
SEPTIC SERVICE  
99 Maple Grange Road  
Vernon, New Jersey 07462

RESOLVED, that the following Certificates of Registration be issued:

No. 98-23 ALL COUNTY RESOURCE MGT. CORP & ALL COUNTY  
COUNTY SEPTIC SERVICE

No. 98-24 MARK BAKER

On roll call the vote was as follows:

Co. Maloney . . . . . Yes  
Co. Mandia . . . . . Yes  
Co. Profenna . . . . . Yes  
Co. Smith . . . . . Yes  
Supervisor Holbrook . . . . . Yes  
\*\*\*\*\*

RESOLUTION NO. (400-1998)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that Luke Kalarickal, PE, Director of the Department of Environmental Control, is hereby authorized to have the sewer easement behind Lyncrest Avenue, New City, cleared of the dead trees and branches, and have the remaining vegetation trimmed back, as it poses a dangerous condition.

Continued on next page

RESOLUTION NO. (400-1998) CONTINUED

On roll call the vote was as follows:

Co. Maloney ..... Yes  
Co. Mandia ..... Yes  
Co. Profenna ..... Yes  
Co. Smith ..... Yes  
Supervisor Holbrook ..... Yes

\*\*\*\*\*

RESOLUTION NO. (401-1998)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Amended Petition of KELLY BERNARD and LORNA RISSIER BERNARD for the annexation of territory located in the Town of Clarkstown to the Village of Spring Valley, more specifically described on the Clarkstown Tax Map as Map 8, Block A, Lots 7, 8, 9, 10, 11, 15, 16 and 17, be referred to the Clarkstown Planning Board, Building Inspector, Superintendent of Highways and Tax Assessor for their report and recommendations on or before May 20, 1998.

On roll call the vote was as follows:

Co. Maloney ..... Yes  
Co. Mandia ..... Yes  
Co. Profenna ..... Yes  
Co. Smith ..... Yes  
Supervisor Holbrook ..... Yes

\*\*\*\*\*

RESOLUTION NO. (402-1998)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the amended petition dated April 6, 1998, by KELLY BERNARD and LORNA RISSIER BARNARD, as reputed owners of property described on the Clarkstown Tax Map as Map 8, Block A, Lots 7, 8, 9, 10, 11, 15, 16 and 17, has been presented to the Town Board seeking annexation of said described property in the Town of Clarkstown to the Village of Spring Valley, and

WHEREAS, said petition has also been presented to the Village Board of the Village of Spring Valley;

NOW, THEREFORE, be it

RESOLVED, that pursuant to Section 704 of the General Municipal Law, the Town Board of the Town of Clarkstown shall hold a joint public hearing with the Village Board of the Village of Spring Valley, in Room 311 at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on June 1, 1998, at 9:00 P.M. or soon thereafter as possible, and be it

Continued on next page

RESOLUTION NO. (402-1998) CONTINUED

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

On roll call the vote was as follows:

Co. Maloney ..... Yes  
Co. Mandia ..... Yes  
Co. Profenna ..... Yes  
Co. Smith ..... Yes  
Supervisor Holbrook ..... Yes

\*\*\*\*\*

RESOLUTION NO. (403-1998)

Co. Profenna offered and Co. Maloney seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby directs the Chairman of the Parks Board and Recreation Commission and the Director of the Department of Environmental Control to recommend a professional animal biologist or animal wildlife specialist and negotiate a contract with said person, to determine a non-lethal means of controlling the Canada geese population in the Town of Clarkstown, and administering and monitoring said plan by May 30, 1998, and be it

FURTHER RESOLVED, that said animal biologist or animal wildlife specialist shall, on a continuous basis, report his findings to the Town Board of the Town of Clarkstown, and be it

FURTHER RESOLVED, that the Town Board, the Chairman of the Parks Board and Recreation Commission, and the Director of Environmental Control shall monitor same to determine its effectiveness in controlling the Canada geese population in the Town of Clarkstown, and be it

FURTHER RESOLVED, that at the end of a six month period, the Town Board shall evaluate the results of the implemented plan to determine its effectiveness and possible benefits to the Town of Clarkstown in controlling the geese population, and whether the continuance of said plan is merited or other action is needed to eliminate the current conditions caused by the overpopulation of the Canada geese in the Town of Clarkstown.

On roll call the vote was as follows:

Co. Maloney ..... Yes  
Co. Mandia ..... Yes  
Co. Profenna ..... Yes  
Co. Smith ..... Yes  
Supervisor Holbrook ..... Yes

\*\*\*\*\*

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RESOLUTION NO. (404-1998)

Co. Maloney offered and Co. Smith seconded

WHEREAS, Captain William Sherwood has prepared a Town of Clarkstown 1998 Municipal Assistance Program in order to obtain \$282,947.91 in aid from the County of Rockland;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby dictates support of this project and authorizes Supervisor Charles Holbrook or Chief William Collins to sign any documents necessary to obtain said assistance.

On roll call the vote was as follows:

Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Profenna . . . . .	Yes
Co. Smith . . . . .	Yes
Supervisor Holbrook . . . . .	Yes

\*\*\*\*\*

RESOLUTION NO. (405-1998)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Building Inspector of the Town of Clarkstown issued Stop Work Order No. 98-12 to the Nanuet Fire Engine Co. No. 1, Inc. dated April 21, 1998, on Map 53 Block A, Lot 26 (1 Renee Lane, Bardonia, New York), and

WHEREAS, the Nanuet Fire Engine Co. No. 1, Inc. has violated said Order by continuing to build at such location;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Town Attorney to commence an action to seek an Order to restrain the Nanuet Fire Engine Co. No. 1, Inc. from further construction of the substation at said location (Map 53, Block A, Lot 26), and be it

FURTHER RESOLVED, that this authority is retroactive to April 23, 1998.

On roll call the vote was as follows:

Co. Maloney . . . . .	Yes
Co. Mandia . . . . .	Yes
Co. Profenna . . . . .	Yes
Co. 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. Mandia and unanimously adopted, the Town Board Meeting was declared closed, time: 8:25 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
INFORMATIONAL MEETING

Town Hall

4/28/98

8:05 P.M.

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

Re: Cranford Drive Flood Amelioration Project

---

Supervisor opened the informational session of the Cranford Drive Flood Amelioration Project. He explained that the purpose of this project is to deal with some of the problems that have been created with the various flood maps over the years, which have created problems for certain homeowners who have found themselves in the 100 year flood plain. He explained that what they were doing this evening was allowing our consultants to present the project and illicit from the residents their questions and comments about it. No determination about going forward with this plan will be made this evening; this is purely an informational meeting.

Supervisor then invited the project engineer, John Kozma, to make a brief presentation.

Mr. Kozma made a presentation of the history of the project. Some years ago a flood insurance study was prepared that was paid for by the Federal Government and is provided for the Town for land use purposes. During the performance of that work an error was made in a survey; consequently, the determination for the 100 year flood elevation was in error. Therefore, a number of building permits were issued in good faith by the Town for houses that appeared to be above the 100 year flood elevation. The error was reported to the Federal Government and they are revising the flood delineation along the Demarest Kill. The revised preliminary map will be sent to the Town in early June. He displayed maps to illustrate that if the project gets approval and the Town goes ahead with the project there would be no houses in the 100 year flood plain. He explained that there is also a 50 year flood plain and he indicated that it does not take 100 years to have this area flooded. He explained that the Town would restore the landscaping to mitigate the loss of certain trees which is inevitable should the project get built.

Supervisor explained that a representative from FEMA was present who could answer questions and he opened up the meeting for public comments.

Appearance: Alan Pochter  
24 Cypress Street  
New City

Inquired as to what has changed in the project.

Appearance: Mr. Malina  
10 Cypress Street

States that he owns part of the stream and questioned how anyone can enter his property without his permission.

Appearance: Edward Blanke  
8 Cypress St.

He objects to the entire project.

## CRANFORD DRIVE FLOOD AMELIORATION PROJECT

Page 2

Appearance: Andrew Kimler  
34 Cypress St

Asked when the error was discovered. He opposes the project.

Appearance: Bob Stone  
9 Cranford Dr.  
New City

Is in favor of the project. States that the stream comes onto his property within 5 feet of house and is concerned about flooding.

Appearance: Sharon Reiner  
7 Cranford Drive  
New City

Concerned about green belt; things have improved. Not in favor of the project.

Appearance: Bob Levy  
22 Cypress St  
New City

Is opposed to the project. He is not near brook; why work on his property?

Appearance: Paul Weburg, Senior Engineer  
Federal Emergency Management Agency  
New York City

Explained that this problem is nationwide and that the project will increase value of property. Stated that the new FEMA map in June will be sent to all lending agencies and that banks will require flood insurance. This will reduce property value. This project will eliminate need for flood insurance and the Town will be paying for it.

Appearance: Richard Morris  
37 Cranford Dr  
New City

Plan does not show his deck or pool on map .

Appearance: John Zerega  
12 Cypress St.  
New City

Asked if he was effected by this.

Appearance: Eric Wughalter  
21 Cranford Dr.  
New City

Opposed to the project.

Appearance: Sue Langus  
27 Cranford Drive

Is opposed to the project and does not want it forced on her.

Appearance: Ken Rowin  
29 Cranford Drive

Opposed to project; it has been a disaster in other areas.

CRANFORD DRIVE FLOOD AMELIORATION PROJECT  
Page 3

Appearance: Richard Morris  
37 Cranford Drive

Asked whether the public will be able to see the project if it is adopted.

Appearance: Mrs. Soffler  
8 Termakay Drive

Opposed to the project

Appearance: Mrs. Shen  
18 Termakay Drive

Opposed to the project.

Appearance: Resident  
23 Cranford Drive

Opposed to project.

Appearance: Gene Fleischer  
51 Cranford Drive

In favor of project; feels trees are restorable.

Appearance: Steven Segall  
41 Cranford Drive

In favor of project. Has problems with basement flooding.

Appearance: Fay Meng  
5 Cranford Drive

Opposed to project.

Appearance: Charles Adolff  
16 Termakay Drive

Has not had a chance to review the map and questioned who designed it.

Appearance: Jeff Stoker  
59D Heritage Drive

Asked whether the stream could be made deeper rather than wider.

Appearance: Jeff King  
12 Termakay Drive

Opposed to project. Concerned about killing the trees.

Appearance: Debbie Herman  
20 Termakay Drive

Opposed to project.

Appearance: David Burstin  
18 Cypress Drive

Opposed to project; questioned how deep the channel was going to be.

CRANFORD DRIVE FLOOD AMELIORATION PROJECT

Page 4

Appearance: Mr. King  
12 Termakay Drive

Opposed to project.

Appearance: Martin Feldi  
New City

Suggested project should be started downstream or it will back up.

Appearance: Ann Franck  
179 So. Mountain Road

Suggested that the Town think of a plan that would not damage the environment. She represents the West Branch Conservation Association and the Audubon Society.

Co. Mandia questioned what the cost of the project would be. Mr. Kalarickal said the estimated cost would be approximately \$750,000 to \$1,000,000.

Appearance: Mr. Minola  
New City

Opposed to spending taxpayers money on this project.

Appearance: Zippy Fleisher  
Buena Vista Road

Opposed to project.

Appearance: Dan Steinberg  
45 Cranford Drive

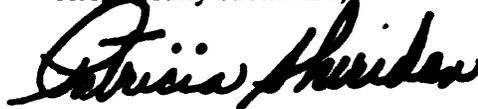
In favor of project.

Appearance: Dr. Rolin, Engineer  
Kent, NY

If project does not go forward, the people in the Red Zone on the map will not be able to live there.

There being no one further wishing to be heard on motion of Co. Maloney, seconded by Co. Smith and unanimously adopted, the informational meeting was declared closed, time: 9:34 P.M..

Respectfully submitted,



PATRICIA SHERIDAN  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

04/28/98

9:35 P.M.

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

Re: Petition for Abandonment of a Portion of Terrace Avenue, Congers

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

Town Attorney stated that the Town Planning Board approved and that the SECA report showed no environmental impact.

Supervisor asked if there were any questions or comments from the public.

Appearance: Andrea Brennan  
95 Massachusetts Avenue

Questioned that since only 1/2 of the road was going to be abandoned what would happen to the other half that is adjoining her property?

Town Attorney stated that she could bring in a petition to have that portion abandoned.

Supervisor stated that the Boston Improvement Co owned this property in the 1800's but it was not known who owns this property now. Anyone could bring in a petition to have this property abandoned but generally it is only done by the adjoining property owners.

Appearance: Mr.s D'Andrea  
99 Massachusetts Avenue

Asked what happens to land like this owned by Town where there is no access to it.

Supervisor stated that it could be petitioned for abandonment and then taken off the official map of the Town.

Appearance: Mr. Cersa  
854 So. Rte 9W

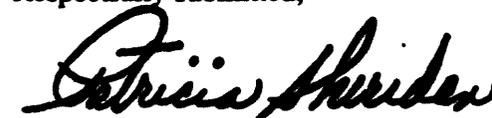
In favor of the abandonment. Clarified that basically this is land that is not being used and questioned how the rest of this road could be abandoned.

Supervisor stated that anyone who wanted to could bring a petition for abandonment.

There being no one further wishing to be heard on motion of Co. Mandia, seconded by Co. Maloney and unanimously adopted, the public hearing was declared closed, RESOLUTION NO. (367-1998) ADOPTED, TIME 9:47 P.M.

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Respectfully submitted,



PATRICIA SHERIDAN  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

04/28/98

9:48 P.M.

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

Re: Petition for Abandonment of a Portion of Morton Avenue, Congers

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

Town Attorney stated that the Town Planning Board approved and SECA report showed no environmental impact. He stated that Lot 25 doesn't exist anymore; it merged with Lot 21.03

Supervisor invited the applicant to speak.

Appearance: Everett Johns, Esq.  
On behalf of Applicants, Mr. & Mrs. Kunz  
113 No. Grant Avenue

Petition is to abandon that portion that adjoins the property of Mr. & Mrs. Kunz including the whole of Morton Avenue. Part of Morton Avenue had already been previously abandoned which he showed on the map. The entire section of North Morton Avenue is adjoining Lot 24, owned by Mr. & Mrs. Kunz and he submitted a copy of their deed. When he originally submitted the petition to the Town he notified the adjoining owners on the other side. Some of these people appeared at the Planning Board Meeting and they had no objection at that time. If anyone is here tonight with questions, he would be happy to answer them.

Appearance: Eugene Gorman  
119 Old Haverstraw Road

He would not like this land to be abandoned. He understands a house will be built and while he is not objecting to the house being built, for privacy reasons, he would like to have the land stay as it is. It would also benefit whoever moves into the house; the only one to gain from this would be the builder.

Mr. Johns responded that they would withdraw that portion of the petition dealing with the property that Mr. Gorman had an interest in and just petition for abandonment of that portion adjoining the applicant's property.

Supervisor clarified that they were now just asking to abandon the portion that adjoins his property.

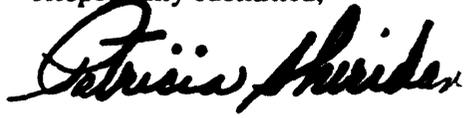
Mr. Johns said yes, that's 20 x 200 feet, adjoining Lot 24 of the tax map.

Supervisor asked the Clerk to note that the abandonment request is just for that portion that abuts Lot 24.

There being no one further wishing to be heard on motion of Co. Mandia, seconded by Co. Maloney and unanimously adopted, the public hearing was declared closed, RESOLUTION NO. (368-1998) ADOPTED, time, 9:50 P.M.

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Respectfully submitted,



PATRICIA SHERIDAN  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

04/28/98

9:51 P.M.

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

Re: Special Petition for Special Permit: Capasso (5-A-27)

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On motion of Co. Smith, 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 Attorney explained that the County Planning Board recommended that a review should be done by the Rockland County Drainage Agency and any required permits should be obtained from them. Town Planning Board approved, SECA no environmental impact.

Rudolph Yacyshyn, Town Planning Board Chairman, added that the requirement of the County Planning Board with respect to the Rockland County Drainage Agency has been in effect but this is part of the off site improvements that are being conducted by the interests involved in development of the Briarwoods Subdivision in Nanuet. It is by prior agreement with the County and the Town agencies that this improvement will take place.

Supervisor asked what the nature of the improvement was.

Mr. Yacyshyn said the concerns they have is that there has been some filling occurring before the permit has actually been issued.

Co. Smith asked if Mr. Yacyshyn had seen the letter from William Borghard. Supervisor asked the Clerk to include it as part of the record.

Appearance: Mr. Brooker, Engineer  
Rockland County Drainage Agency

He has received several calls because people were concerned that it was going to be a sanitary landfill. It is not. The property in question is owned by Mr. Capasso. It was previously owned by Mr. Binder, who filled this property several years ago and encroached on the Pascack Creek which caused it to rise and the water backed up. As a result of that activity and natural silt activity, the wetlands to the north were formed and, as part of the Briarwood Subdivision, 12 acres of flood sewage area were preserved and a bridge was to be built to gain access to that area. Another requirement for subdivision approval was that the constriction downstream caused by the Binder property be alleviated. The issue was negotiated with the downstream property owners when Mr. Capasso took over the property; he agreed to allow the developer and the Rockland County Drainage Agency to come in and complete their improvement project at no cost to the County or Town. What he asked in return was that his property be allowed to be filled so as to remove his property from the 100 year flood plain. I presume he is doing that to allow his property to be developed in the future, but the subject of this application is the agreements made with Mr. Capasso. At the time we negotiated to allow the stream to be widened, therefore lowering the flood elevations, and that the filling would take place. Mr. Capasso has had the opportunity to have fill delivered to his site and we have been in the process of getting the NYS DEC approval as well as getting the RC Drainage

PH - Special Petition for Special Permit: Capasso (5-A-27)

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Approval which is subject to the NYS DEC approval and some filling had taken place prior to the actual work on widening the stream has taken place. We were informed that a landfill permit was necessary by this Board and I have made that application on behalf of Mr. Capasso, however, he is not paying my fees. All of the work will be taking place on Mr. Capasso's property. The stream will be widened from 30 or 35 feet to approximately 60 feet in width. This will allow vast improvement and slow down the water and help reduce erosion. The area will be replanted extensively as required by NYS DEC.

Appearance: Richard Cohen, Chief Engineer  
Rockland Drainage Agency

The agency has had this project on its books for a long time. The Pascack Study identified a project on this property as an improvement. That project was funded by the County Legislator with over \$100,000 appropriated for it. The estimate today would run approximately \$150,000 or \$160,000. We have the opportunity to have this done at no cost to the County and to the taxpayers. Mr. Capasso has allowed us to do the project on his property. He will benefit from this project which the County is doing which will remove flooding from the Corral Street, Steep Hill Road and parts of Will Rogers Lane. The project will do extensive vegetation planting; over 300 plants and trees will be planted in this area. Once this project is done and flooding reduced to the homeowners in that area, the rest of the property will be out of the flood plain. So the filling of the area which is outside of that 60 foot corridor would be inconsequential to the drainage in the area. He recommends that this project be approved.

At the Supervisor's request, the Clerk read letter from William G. Borghard, P. E., into the record.

Supervisor asked for clarification that what was being proposed was taking silt out of the stream here and placing it on this property

Mr. Brooker said that was true, however, that was not the limit of the amount of fill that is being brought in; there is additional material that will be brought into the site to bring it to the proposed grades.

Appearance: Roberta Banks  
135 Pascack Road  
Nanuet

Mr. Capasso has been doing filling without permits on Sundays and holidays. He clear cut the property so that all the trees are gone. She has no problem with someone building according to Town permits, or no problem with him building on property he owns. Feels it is only fair to the citizens of Nanuet that he be required to work at reasonable hours, that he have his permits in place first. She objects to his high handed methods of doing it without applying permits first. Is concerned with the hours that he is working with respect to the safety of neighborhood children. Doesn't object to the work being done, but objects to Mr. Capasso's methods.

Appearance; Norma Tullo  
Will Rogers Lane

Feels brook will open up tremendously and it will narrow right next to her property. In the past she has had flooding from this brook. She has been promised that this brook will be fixed and now it will only be widened up to a point right before her property. She is not against the project but he should be made to build right and adhere to all the rules and regulations in Clarkstown. Last week she called the police and they shut him down; this was on a Sunday. They have not yet removed the two stanchions they were supposed to. Both Mr. Capasso and Mr. Hirshkowitz have to be forced to do the necessary cleanup past where they are going to build.

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Appearance: Russell Trojan  
Clarkstown

The stream must be made proper before the filling of the wetlands; the sequence of events must be defined in the permit.

Appearance: Arnold Weisenberg  
152 S. Pascack Road

Is concerned about well water. Will modifying the flow of the stream affect the water? Would also like work to be restricted to normal business days rather than weekends and holidays.

Appearance: Edward Palmenberg  
72 Briar Road  
Nanuet

Was very surprised to see the extent of the work that was done there before application was made. He takes offense at Mr. Brooker's comments that the only work that would be done on the brook is directly opposite the old Binder property. Having meet with the Planning Department and the builders, he understood that there was going to be work done on the southern end of the Binder property. Feels the Board should go back and revive some of the promises that were made by the builder. He read a letter stating his recommendations as an engineer and as a local resident and he submitted it to the Clerk for the record. Is concerned about organic material such as tree stumps being used as fill as this will create future problems in terms of holes once the material settles. Is concerned about flooding problems downstream. Questioned what is the intended use for this property; why is this land being filled? Questioned the accessibility of the County sewer main.

Appearance: Ted Drygas  
15 Carriage Lane  
Nanuet

Understands that the stream has to be dug deeper to get the land out of the flood plain so it can be filled. The neighbors feel Mr. Hirschowitz has not been responsible to date. He feels that work that needs to be done on the stream has to happen first and has to happen correctly and only then should the rest of this project move forward.

Supervisor questioned Mr. Brooker as to what permits Mr. Capasso has now.

Mr. Brooker stated that the DEC permit is on its way, subject to the Town permit and the Rockland County Drainage permit.

Supervisor asked what work was being done out there now.

Mr. Brooker stated that fill has been brought in but was not sure how much, however, a stop work order has been issued and Mr. Capasso will not be doing any further filling until the proper permits are obtained..

Mr. Holbrook stated that it was his understanding that people were concerned about what kind of fill has been going in there and the fact that he has been doing this without a permit. He recommended that the public hearing be closed and decision for two weeks so that the Town officials and the people involved can outline the limits under which a permit can be considered.

Mr. Brooker stated that this application is only for work being done on the Capasso property and that the downstream work that was discussed is not part of the application but it is being pursued. There is a check dam that will be remodified by the drainage

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agency, several blockages have been removed and will continue to be policed by the drainage agency.

Supervisor suggested that no decision be made until the next meeting so we can address the concerns that the public has raise here tonight.

Appearance: Anthony Capasso  
Congers

Apologized to residents for any inconvenience. The fill that was brought in was done so because he was told by the County to stockpile fill and he was not aware that he needed a permit from the Town in order to do this. Tried to stop erosion but was stopped by the police.

There being no one further wishing to be heard on motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the public hearing was declared closed, DECISION RESERVED, time, 10:25 P.M.

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Respectfully submitted,



PATRICIA SHERIDAN  
Town Clerk