

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

6/23/98

8:00 P.M.

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

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

Supervisor along with the Town Board presented a Certificate of Award to Robert Weber of Boy Scout Troop 33 for achieving the rank of Eagle Scout.

Certificate of Awards were presented by Supervisor Holbrook to the following Clarkstown South High School Track and Field members and coaches for achieving the NYS Championship: Tom Thothongkum, Paul Golando, Paul Joyce, Steve Goldblatt, Derek Chanler-Berat, Mike Trevor, Bill Crawford, Jodi Schlesinger, Ray Kondracki, Giulia Duitz, Brian DiGlio and John Babbitt. The Town Board congratulated all the members and their coaches.

Wayne T. Ballard, PE, CSP, Superintendent of Highways gave a special presented to the Clarkstown South High School Track and Field Team.

Officer Thomas Sheehy, Clarkstown Police Benevolent Association presented the following the 1998 scholarship awards to: Janine Connelly, Kara Lynn and Robert McDermott. Elizabeth Goodyear, Melissa Rocha and Nicole King were presented with Educational Incentive awards. The Town Board congratulated the students.

Supervisor Holbrook presented the following proclamation.

RECREATION AND PARKS MONTH  
JULY - 1998

WHEREAS, the Town of Clarkstown has numerous programs and facilities of which its residents may take advantage; and

WHEREAS, suitable and positive leisure experiences are vital to good physical and mental health and enhance the quality of life for all people; and

WHEREAS, all citizens can enjoy self renewal in the out-of-doors through green spaces and facilities in parks; and

WHEREAS, all citizens can fulfill their potential in the use of their leisure time through the varied individual and group opportunities provided by recreation; and

WHEREAS, the Town of Clarkstown recognizes the efforts of both professional and volunteer recreation and park workers who have enhanced the services available to Clarkstown residents;

NOW, THEREFORE, be it

RESOLVED, that I, Charles E. Holbrook, Supervisor of the Town of Clarkstown, on behalf of the Town Board, do hereby proclaim the MONTH OF JULY, 1998 "RECREATION AND PARKS MONTH" in the Town of Clarkstown and urge all our residents to join with us in participating in the special events scheduled for July.

Continued on Next Page

IN WITNESS WHEREOF I HEREUNTO  
SET MY HAND AND CAUSE THE SEAL  
OF THE TOWN OF CLARKSTOWN TO BE  
AFFIXED THIS 23TH DAY OF JUNE, 1998

/s/\_\_\_\_\_

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On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Petition for Zone Change (R-40 to R-22) - Stowbridge, New City Alliance Church, Finelli (21-A-6,8 & 9) was opened, time: 8:18 PM

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Petition for Zone Change (R-40 to R-22) - Stowbridge, New City Alliance Church, Finelli (21-A-6,8 & 9) was closed, time: 9:05 PM

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Amendment to the Zoning Ordinance regarding the Office of the Zoning Board of Appeals was opened, time: 9:05 PM

On motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Amendment to the Zoning Ordinance regarding the Office of the Zoning Board of Appeals was closed, time: 9:07 PM

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Lake Lucille Aquatic Plant Growth Control District was opened, time: 9:07 PM

On motion of Councilwoman Smith, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Lake Lucille Aquatic Plant Growth Control District was closed, 10:00 PM

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Supervisor opened the public portion of the meeting

Appearance: Russell Trojan  
Nanuet

Spoke regarding a proposal for homes to be built at the former airport site. He asked if we would need Hutton Avenue as a future road.

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RESOLUTION NO. (520-1998)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on May 26, 1998, provided for a public hearing on June 23, 1998, at 8:05 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;

Continued on Next Page

RESOLUTION NO. (520-1998) Continued

NOW, THEREFORE, be it

RESOLVED, that the Zoning Ordinance of the Town of Clarkstown be it and hereby is amended as follows:

AMEND Section A295-24. Board headquarters.

from: The Building Inspector's office, Town Hall, 10 Maple Avenue, New City, Town of Clarkstown, County of Rockland, State of New York 10956, is hereby designated as the office of the Board of Appeals. Further, that office shall serve as a depository of all its records unless some other place is designated by the Board. All public hearings shall be held in such areas as may be required and available at 10 Maple Avenue.

to: The Office of the Board of Appeals is located at 10 Maple Avenue, New City, Town of Clarkstown, County of Rockland, State of New York 10956. Further, that office shall serve as a depository of all its records unless some other place is designated by the Board. All public hearings shall be held in such areas as may be required and available at 10 Maple Avenue.

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. (521-1998)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that the Town Board Minutes of June 9, 1998 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

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RESOLUTION NO. (522-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Building Inspector and the Fire Inspector of the Town of Clarkstown recommend implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 278 Sec. 13, of the Code of the Town of Clarkstown, at

VALLEY COTTAGE ELEMENTARY SCHOOL  
26 LAKE ROAD  
VALLEY COTTAGE, NY 10989 (123-D-5)

by the installation of fire lane designations, and

WHEREAS, Roberta Zampolin, the owner and or person in general charge of the operation and control of the parking area located in the Town of Clarkstown, has authorized that the Town of Clarkstown install said fire lane designations:

NOW, THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector and the Fire Inspector with regard to the installation of certain fire lane designations shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory board of 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. (523-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Building Inspector and the Fire Inspector of the Town of Clarkstown recommend implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 278 Sec. 13, of the Code of the Town of Clarkstown, at

LIBERTY ELEMENTARY SCHOOL  
142 LAKE ROAD  
VALLEY COTTAGE, NY 10989 (138-J-10.25)

by the installation of fire lane designations, and

WHEREAS, Roberta Zampolin, the owner and or person in general charge of the operation and control of the parking area located in the Town of Clarkstown, has authorized that the Town of Clarkstown install said fire lane designations:

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RESOLUTION NO. (523-1998) Continued

NOW, THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector and the Fire Inspector with regard to the installation of certain fire lane designations shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory board of 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. (524-1998)

Co. Maloney offered and Co. Smith seconded

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

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

NOW, THEREFORE, be it

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

Woodvue Court, Valley Cottage  
(Pole Number 60832/40839 - Install one (1) 5800 lumen sodium vapor street light on 8 foot bracket)

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. (525-1998)

Co. Maloney offered and Co. Smith seconded

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

RESOLUTION NO. (525-1998) Continued

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

NOW, THEREFORE, be it

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

Foxwood Road, West Nyack  
(Pole number 59532/39717 - Install one (1) 5800 lumen sodium vapor street light on 8 foot bracket)

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. (526-1998)

Co. Maloney offered and Co. Smith seconded

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

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

NOW, THEREFORE, be it

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

Strawtown Road near homes 297 and 299, New City  
(Pole number 60092/41362 - Install one (1) 100 watt High Pressure Sodium Vapor (HPS) Street Light on pole)

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. (527-1998)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Resolution No. 503, adopted by the Town Board on June 9, 1998, is hereby amended as follows:

RESOLVED, that the Town Board hereby authorizes Robert Stritmater, Director of Automated Systems, and Lawrence Berkowitz, Computer Network Specialist, to attend the PC Exposition at the Jacob Javits Center in New York on June 18 and 19, 1998, and be it

FURTHER RESOLVED, that all the proper costs shall be charged to Account No. A 1680-414, and be it

FURTHER RESOLVED, that this Resolution is retroactive to June 9, 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. (528-1998)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes Lawrence Berkowitz, Computer Network Specialist, to attend the Novell IntraNetware Administration school at the Track On Technical School in Paramus, New Jersey, the week of July 13, 1998, and be it

FURTHER RESOLVED, that the cost of \$1,995.00 for such training shall be charged to Account No. A 1680-414.

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. (529-1998)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes Robert Stritmater, Director of Automated Systems, to attend the Police Security Expo 98' in the New Convention Center in Atlantic City, New Jersey, on June 23, 1998, and be it

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RESOLUTION NO. (529-1998) Continued

FURTHER RESOLVED, that the cost of necessary expenses, including hotel and meals, be charged to Account No. A-1680-414.

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. (530-1998)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes certain employees to attend a free workshop regarding alcohol and drug use in the workplace on Thursday, June 25, 1998, at the New City Library, and be it

FURTHER RESOLVED, that the following persons are authorized to represent their respective departments at this free workshop:

Assessor	Sue Stevenson
Building	Peter Beary or Adolph Milich
Comptroller	Dolores Lodico
Environmental Control	Dennis Letson
Highway	George Drescher
Mini-Trans	Frank Fee
Personnel	Alice DeForest
Recreation	Jo Anne Oldenburger
Supervisor	Lori Zaccaro

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. (531-1998)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the placing of a full page advertisement for the Town of Clarkstown in the Rockland Bicentennial 1998, Inc. Program for the International Dance and Music Festival, and be it

FURTHER RESOLVED, that the cost of \$200.00 for such advertisement shall be charged to Account No. A 6410-405.

Continued on Next Page

RESOLUTION NO. (531-1998) 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. (532-1998)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Section 18(b) of the Transportation Law provides for the appropriation of funds for the operation of bus transportation systems, and

WHEREAS, pursuant to Section 119-r of the General Municipal Law and Local Law No. 9-1974, the County of Rockland is authorized to contract for mass transportation services to be rendered to the people of the County of Rockland by a municipality for a fair and reasonable consideration;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into a renewal agreement with the County of Rockland, with all the terms and conditions of the agreement dated June 17, 1997 to remain the same, for the period April 1, 1998 to March 31, 1999, in a form satisfactory to the Town Attorney, to provide for the operation of public transportation routes within the Town of Clarkstown, and be it

FURTHER RESOLVED, that this resolution is retroactive to April 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. (533-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Allan Rotto Consultants, Inc. has submitted a proposal dated May 22, 1998, to provide cost reduction recommendations regarding telephone charges, 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

Continued on Next Page

RESOLUTION NO. (533-1998) Continued

Attorney, to provide cost reduction recommendations to the Town of Clarkstown at the following percentages:

<u>MONTHLY SAVINGS</u>	<u>ROTTO'S FEE</u>
\$ 0 - \$500	50% multiplied by 12
\$500.01 -	40% multiplied by 12

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. (534-1998)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, the Rockland County Personnel Office has furnished Certification of Eligible #96103 Police Captain (Prom.) which contains the name of Vincent A. White,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Police Commission of Vincent A. White, 62 Massachusetts Avenue, Congers, New York to the position of Contingent Permanent, Police Captain, Police Department, at the current 1998 salary of \$127,144.00, effective and retroactive to June 8, 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. (535-1998)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the resignation (by retirement) of Paul J. D'Alessandro, 74 Ridge Road, New City, New York, Police Lieutenant, Police Department is hereby accepted with regret, effective and retroactive to June 2, 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. (536-1998)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received \$3,648.00 as a donation for the Nanuet Mall for police coverage 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 \$3,648.00 and

WHEREAS, various appropriation accounts require additional funding and be it

THEREFORE RESOLVED, to decrease Contingency Account A 1990 505 by \$2,925.00 and increase the following appropriation accounts:

A 5650 461 (Commuter Parking-Elec/Gas).....	\$ 1,700.00
A 7550 409 (Bi-Centennial-Fees for Services).....	725.00
A 9710 409 (Debt Service-Fees for Services).....	500.00

and increase Estimated Revenue Account No. SS 5 14 2999 (MBSIA #1-Unexpended Balance) and SS 9710 720 (Int. BAN's) by \$21,121.42; increase Estimated Revenue SS 6 14 2999 (MBSIA #2-Unexpended Balance) and SS 9810 720 (MBSIA #2-Int. BAN's) by \$4,326.08; increase Estimated Revenue A 01 3 1520 3 (Burglar Alarm Violations) and A 3120 414 (Police-Conferences/Schools) by \$8,500.00; increase Estimated Revenue No. A 01 14 2999 (General-Unexpended Balance) and A 1420 409 21 (Town Attorney-Fees for Services) by \$28,000.00; decrease Appropriation Account No. A 4210 110 (Counseling-Salaries) and increase A 4210 209 (Other Equipment) by \$200.00 and decrease A 1345 226 (Purchasing-Computer Software) and increase A 1345 319 (Misc. Supplies) by \$100.

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. (537-1998)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received \$11,754.04 from Lancer Insurance Company and \$3,072.00 from Eklecco as a donation and be it

THEREFORE RESOLVED, to increase Estimated Revenue A 01 8 2680 0 (General-Insurance Recoveries) and A 5630 407 (Mini-Trans-Repairs to Vehicles) by \$11,754.04 and increase A 01 3 2705 2 (General-Donations) and A 3120 113 (Police-Overtime) by \$3,072.00 and

WHEREAS, various appropriation accounts require additional funding and be it

THEREFORE RESOLVED, to decrease Contingency Account No. A 1990 505 and increase A 1620 408 (Maintenance-Building Repairs) by \$10,000.00 and decrease A 1420 409 (Town Attorney-Fees for Services) and increase A 1420 301 (Food) by \$230.00

RESOLUTION NO. (537-1998) 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. (538-1998)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received donations from Eklec Co. in the amount of \$20,672.00, and

WHEREAS, the Town has also received seizure money from various agencies, and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. A 01 8 2665 (General-Sale of Equipment) and A 3120 203 (Police Vehicles) by \$14,450.00; increase A 02 3 2705 2 (Donations-Pyramid) and A 3120 113 by \$20,672.00; and transfer \$12,097.03 from Reserve for Forfeited Property and increase the following Appropriation Accounts:

A 3120 225 .....(Police-Computer Hardware).....\$2,869.81  
A 3120 231 .....( " -Photographic Equipment)..... 9,227.22

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. (539-1998)

Co. Maloney offered and Co. Mandia seconded

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

BID #39-1998  
CHAIN LINK FENCING AT N.Y. STATE THRUWAY RAMP NEAR  
ARBOR LANE, BARDONIA

is hereby awarded to:

YABOO FENCE CO., INC.  
10 HIGH STREET  
WEST NYACK, NY 10994

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RESOLUTION NO. (539-1998) Continued

PRINCIPALS: ELAINE K. GEDEIKO,  
LYNETTE M. GEDEIKO  
MATTHEW A. GEDEIKO, SR.

as per their low bid proposal of \$7,425.00, and be it

FURTHER RESOLVED, that successful contractor shall, as a condition of this award, supply the Director of Purchasing with

- A) Certificate of Contractors Liability Insurance including a Save Harmless clause
- B) Certificate of Workers' Compensation Insurance Coverage
- C) Certificate of Workers' Disability Insurance Coverage

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. (540-1998)

Co. Smith offered and Co. Mandia seconded

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

BID #44-1998  
 COMPUTER AND WORD PROCESSING SUPPLIES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00AM on: JULY 14, 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. (541-1998)

Co. Smith offered and Co. Mandia seconded

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

Continued on Next Page

RESOLUTION NO. (541-1998) Continued

BID #45-1998  
REPLACEMENT OF AIR CONDITIONING UNIT  
AT CONGERS COMMUNITY CENTER

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00AM on: JULY 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. (542-1998)

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:

A STOP sign on Forestbrook Rd. at Pascack Rd., Spring Valley, NY 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.

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. (543-1998)

Co. Maloney offered and Co. Mandia seconded

AUTHORIZING REMEDIAL WORK TO AN EXISTING DRAINAGE EASEMENT IN THE VICINITY OF 26 RUTH DRIVE, NEW CITY.

WHEREAS, last year the Highway Department installed drainage pipe in the swale in the above-mentioned location, and;

WHEREAS, the clay content of the soil above the pipe does not allow reasonable drainage into the pipe, and;

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RESOLUTION NO. (543-1998) Continued

WHEREAS, a proposal has been submitted by J. Schenkman Landscape Contractors, Inc. to resolve the existing drainage problem at this location.

NOW, THEREFORE, be it

RESOLVED, that the Director of Environmental Control is hereby authorized to hire J. Schenkman Landscape Contractors, Inc. to perform remedial drainage work, and be it;

FURTHER RESOLVED, that the cost of said work shall not exceed \$2,900.00

and shall be a proper charge to account #H 8736 409 0 67 4, and be it;

FURTHER RESOLVED, that the Director of the Department of Environmental Control shall be authorized to determine the extent of proposed work which is directly related to the Town's easement interest in the referenced property.

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. (544-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a potentially hazardous condition exists due to the difference in elevation between the top of an existing culvert and the stream below within the right-of-way for Pine Street in New City, and

WHEREAS, the Department of Environmental Control has inspected said condition and recommends that some form of safety barrier be erected to prevent pedestrian traffic from falling from the top of said culvert, and

WHEREAS, the Department of Environmental Control has obtained a proposal to install a total of approximately sixty-five (65) linear feet of five (5) foot high chain link fence within the right-of-way for Pine Street; and

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

NOW, THEREFORE be it

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

Yaboo Fence Company, Inc.  
10 High Street  
West Nyack, New York 10994

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RESOLUTION NO. (544-1998) Continued

to install said five (5) foot high chain link fence in accordance with their proposal for a sum not to exceed \$1,100.00; and be it

FURTHER RESOLVED, that this shall be a proper charge to account #H - A736 - 409 - 0 - 67 - 5.

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. (545-1998)

Co. Mandia offered and Co. Maloney seconded

PAYMENT FOR ADDITIONAL WORK AS PART OF THE GRECO  
PROPERTY EROSION ALLEVIATION PROJECT

WHEREAS, revisions to the original design for this project by Kozma Associates Consulting Engineers, P.C. and changes due to existing field conditions have necessitated the performance of additional work not covered by the original amount bid for this project; and

WHEREAS, this work included the installation of a gabion drop structure in the stream, the placing of additional fill material, the extension of an existing subsurface drain and the installation of replacement plantings; and

WHEREAS, the Department of Environmental Control has negotiated prices with Hudson Canyon Construction, Inc., the contractor for this project, to have this work performed; and

WHEREAS, the Department of Environmental Control has directed Hudson Canyon Construction, Inc. to perform said additional work based on these negotiated prices;

NOW, THEREFORE, be it

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to make payments to Hudson Canyon Construction, Inc. for said additional work for an amount not to exceed \$20,000.00; and be it

FURTHER RESOLVED, that this amount shall be a proper charge to Account # H-1994-409-0-14-33.

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. (546-1998)

Co. Mandia offered and Co. Smith seconded

WHEREAS, the Town Board is desirous of securing engineering/architectural inspection and assessment of a portion of Town Hall known as the "Old Police/Court Building", and

WHEREAS, the Department of Environmental Control has solicited proposals from eight firms qualified to provide said services, and

WHEREAS, the firm of Atometrics Engineering of West Nyack has provided a proposal to perform the inspection and assessment in accordance with the request for proposals for a fee of eight thousand (\$8,000.00) dollars,

NOW THEREFORE, be it

RESOLVED that the Town Board accepts the proposal from the firm of Atometrics Engineering of West Nyack in the amount of eight thousand (\$8,000.00) dollars, and be it

FURTHER RESOLVED that this amount shall be a proper charge to Account #A 1630 409 0.

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. (547-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the construction of the landfill cap has revealed structural faults with the existing "Bridgemaster" scale at the Solid Waste Facility; and

WHEREAS, immediate repairs to the scale are necessary for continued operation of the scale and for the safety of the using public and employees;

NOW, THEREFORE, be it

RESOLVED that the Director of Environmental Control is authorized to effect repairs through OGDEN Engineering & Construction Inc. and Atlantic Scale Co., Inc.; and be it

FURTHER RESOLVED to increase Estimated Revenue SR 16 14 2999 0 (Sanitation Unexpended Balance) and SR 8160 407 0 (Equipment Repairs) by \$80,000.00

On roll call the vote was as follows:

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

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RESOLUTION NO. (548-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, K. Luke Kalarickal, Director of the Department of Environmental Control, and John A. Costa, Deputy Town Attorney, have recommended hiring Mark P. Millspaugh, P.E. of Spectra Environmental Group, Inc., to provide expert services concerning the closure of the Clarkstown Sanitary Landfill;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the hiring of Mark P. Millspaugh, P.E. of the firm of Spectra Environmental Group, Inc., for review and independent expert services concerning the closure of the Clarkstown Sanitary Landfill, and be it

FURTHER RESOLVED, that payment for such services shall be made according to Spectra's 1998 Standard Billing Rates attached hereto, which shall be charged to Account No. H 8162-409-0-31-7.

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. (549-1998)

Co. Smith offered and Co. Mandia seconded

WHEREAS, an application has been made by VICTOR and HELEN DIAZ, that the Town Board and the Superintendent of Highways of the Town of Clarkstown take action pursuant to Section 205 of the Highway Law to declare that a certain portion of a right-of-way as described in the metes and bounds description attached as Schedule "A," for the unimproved portion of Grant Avenue, Congers, New York, upon the grounds that same has never been used by the public and therefore may be deemed abandoned, and

WHEREAS, said road appears on the Official Map of the Town of Clarkstown and said applicants have further requested that such allegedly abandoned road be deleted from same, and

WHEREAS, the Town Board of the Town of Clarkstown desires to consider the determination of abandonment pursuant to Section 205 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 portion as described above;

NOW, THEREFORE, be it

RESOLVED, that a public hearing be had at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on July 14, 1998, at 8:10 P.M., pursuant to Section 273 of the Town Law, to consider said certification of abandonment pursuant to Section 205 of the

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RESOLUTION NO. (549-1998) Continued

Highway Law and deletion of same from the Official Map, and be it

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

FURTHER RESOLVED, that the applicant shall fulfill the additional requirements of Section 290-33(C) of the Zoning Ordinance of the Town of Clarkstown

regarding the posting of additional notice of said public hearing and mailing of notice to property owners of record within five hundred feet of the affected property, and be it

FURTHER RESOLVED, 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:

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

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RESOLUTION NO. (550-1998)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that upon the recommendations of the Director of Environmental Control and the Superintendent of Highways of the Town of Clarkstown, deed(s) from: W.L.D. Group, Inc., dated June 27, 1988, conveying the following road(s):

Island Place                      124 L.F.

and other public improvements from third parties to the Town of Clarkstown in a subdivision as shown on the Final Plat of D.L.W. Corp. are hereby accepted by the Town of Clarkstown and ordered recorded in the Rockland County Clerk's Office.

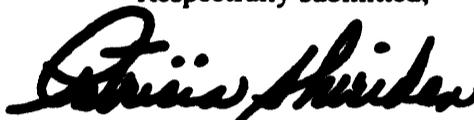
On roll call the vote was as follows:

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

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There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the Town Board Meeting was declared closed, time: 10:20 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

6/23/98

8:17 P.M.

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

Re: Petition for Zone Change (R-40 to R-22): Stowbridge, New City Alliance Church

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

Supervisor asked the Deputy Town Attorney, Philip Fogel if the SEQRA was complete. Mr. Fogel stated that it was not. Supervisor stated that the Town Board cannot take any affirmative action on this issue tonight. If the SEQRA is completed before the July 14th Town Board Meeting, it is possible the Town Board will make a decision at that time. Supervisor asked Mr. Yacyshyn if the Planning Board has made a recommendation. Mr. Yacyshyn replied that it was pending on the SEQRA findings.

Supervisor Holbrook asked the Petitioners to make their presentation.

Appearance: Jerome Johnson, Esq.  
Attorney for Vivian Stowbridge, New City Alliance Church  
and Michael Finelli

This is a request to rezone a parcel from R-40 to R-22. This was brought about by the efforts of Vivian Stowbridge to effect the sale of her property. My client Mr. Robert Bowman has been negotiating with her. The parcel is in between R-22, R-15 and R-40. There would be no disaster created by the change of zone on this small piece of property. In conjunction with our petition, I am submitting various letters requesting this change. Mr. Johnson read a letter written by Vivian Stowbridge. (Letter on file in Town Clerk's Office)

Appearance: David Scheichet, Esq.  
Member of Temple Beth Sholom

Temple Beth Sholom owns property immediately adjacent to the Stowbridge property. When the plans were being formulated, Mr. Bowman called the Temple and asked to meet with us because he wanted to explain the purpose of the zone change application. He showed a plan as to how he intended to develop the property also the type of homes he generally puts up. We know his reputation is one of high standing and usually follows through on his promises as was evidenced by Ms. Stowbridge's letter. In recent days, Mr. Scheichet learned that a letter was being circulated by one of the neighbors in the area. When he was able to read the letter, it was apparent that a number of mis-statements were contained in the letter. Mr. Bowman has assured them that the plans contain plans to exit only onto New Hempstead Road, not into Cairngorm Rd. Secondly, it is not ten acres, but about half of that. Mr. Scheichet understands from the Zoning Law that Mr. Bowman could put up approximately four additional houses to add to the two that are included. All he wants to put up is a total of another seven. It is an addition of three houses. As we look at the map, it is clear that this is a mixed zoning area. We have R-15, R-22 and R-40. As members of the Temple, we are certainly concerned as to anything that would burden the locale where the Temple is. New Hempstead Road is busy enough as it is. This would be a small, very nice cul-de-sac area. It would be developed appropriately. All the environmental and other concerns would be taken care of appropriately. As a neighbor, we would prefer to see somebody with an upstanding reputation both on a personal basis and a professional basis develop this property. When we brought this proposal to the Board of the Temple, they were unanimously for it. Mr. Scheichet submitted a letter on behalf of the Temple in favor of the application.

Appearance: Floyd Lapp  
Joan Drive, New City

He has been a resident of Joan Drive for more than twenty-six years. He stated that this

Continued on Next Page

development is right in his back yard. Along with many of his neighbors, they have signed a petition opposed to this proposal and are hoping through Town Law, Chapter 265, having gotten the necessary signatures, the Board will need at least one additional Board member to make things possible. Collectively, just a half dozen of them have lived in the area for one hundred and thirty six years. They paid their taxes and they served their community. He is a city planner with thirty-five years experience. He teaches an urban planning course at NYU. He is a former national president of the American Institute of Certified Planners, former member of the Planning American Association Board, former Chapter President of the New York Metropolitan Chapter. He has masters and doctorate degrees in the field of City and Regional planning. It is his opinion that the proposed zone change serves no useful purpose other than to create more asphalt, destroy trees, eliminate the calm, privacy and quiet of the area. Robert Bowman just bought the property three months ago. We have lived in the area for almost one hundred and fifty years. Our concern is with the New City Alliance Church. While they allege in a letter to the Town Board, "no intentions of using the property at 190 New Hempstead Road for anything other than current usage as church property". Clearly, with the rezoning and given the fact that most of their property is wooded, they could easily sell it for any number of reasons and we could have more houses at that particular site. No one knows whether the development could occur at the New City Alliance Church. Clearly, if it doesn't, on the other hand it is what we call spot zoning. Something clearly done for a builder to make a profit and flit a property between purchasing it in March and hopefully getting an affirmative Town Board action in July. Mr. Lapp sincerely hopes that the Town Board will take a close look at Clarkstown Code 290-2. It says the legislative intent is to promote and protect the public health, safety and general welfare, to guide and regulate the orderly growth and development and redevelopment of the Town of Clarkstown based on a comprehensive plan and with long term objectives, principles and standards deemed beneficial to the interest and welfare of the people. To protect the established character, and the social economic and well-being of both private and public property. To promote in the public interest the utilization of land for the purposes it is most desirable and best adapted. To secure safety from fire and other dangers and to provide adequate light, air and convenience of access. To prevent overcrowding where possible. To prevent traffic congestion on public streets and highways. To conserve the value of buildings and to enhance the value of land throughout the town. Mr. Lapp said that he abhors spot zoning, flipping properties and the degradation of the landscape. He hopes the Town Board will act responsibly. Do not agree on a spot zone, it serves no useful purpose.

Appearance                      Henry Horowitz, Esq.  
    Cairngrom Rd., New City

Mr. Horowitz put together an applicable tax map of the area which show zoning lines which exist today. The zoning map clearly follows established zoning and planning rules relative to zone lines. The zone barrier in this case runs to New Hempstead Road and through the rear of lots. We have R-15 and R-40. The R-22 is about a thousand feet away from the proposed zone change. The area proposed to be rezoned is in the shape of an N with one particular piece that fronts on New Hempstead Road being omitted. This is owned by the Davidowicz. Originally, Davidowicz was also a petitioner. Davidowicz's evidently changed their mind and got out of the petition. An addendum was filed to the petition which indicates that Davidowicz is now out of the petition. However, it also says in the petition, "said property is included in the area thought to be rezoned". There is a legal description of the area proposed to be rezoned. We do not know if Davidowicz is included on excluded. If the R-22 zone is granted, not only would these three parcels become R-22, but you would have no choice if Davidowicz ever wanted to have R-22 for that parcel and Temple Beth Sholom would also be entitled to get R-22. You could not say no. We have heard that New City Alliance Church has no intention of selling their property. If that be the case, why are they part of the zone change. The response was that it would enable them to get a higher mortgage. If there is one purpose that zoning does not serve, it is the ability to increase ones debt. Most zone changes are fairly subjective in that the board has to determine whether a particular use is fitting in a certain area or is there a better use. We do not have that problem here because the use is the same. It is single family residential. The essential difference being that with this zone change there is a lot more of them. While the petition indicates there is about twelve acres involved, you add on Temple Beth Sholom it becomes sixteen acres. R-40 will give you .9 lots to the acre, R-22 will yield 1.6 to the acre. The difference being under R-40 you will get 15 lots. If the zone change is granted in that same area you would get 26 lots. Under 263 Town Law states that the Board must be concerned about establishing a zoning map or amending an existing zoning map. New

PH: Petition for Zone Change (R-40 to R-22): Stowbridge, New City Alliance Church

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Hempstead Road is a major east west arterial. At one end we have Route 45. The entrance and exit to the Palisades Interstate Parkway, the Rubin Giddleman School which added traffic. At the opposite end, we have downtown New City and we also have Little Tor Road. The traffic on this road is horrendous. The idea of adding eleven more homes in addition to the fifteen that are allotted is horrendous. The Town Planning Board has not had the opportunity to have a hearing on this. They did hear it at their TAC meeting, but did not render a decision on it. He hopes that the Board will allow all recommendations to come in before the public is invited to speak. He has looked into the master plans that the Town of Clarkstown prepared and no place does it indicate that this area needs more housing.

Appearance: Todd Spellman  
New Hempstead Rd., New City

He lives on the west side of Temple Beth Sholom and is opposed to this zone change. He has witnessed several accidents. He has had people come to his front door bleeding from severe accidents on New Hempstead Road. He feels it would impact the community in the area. People who have bought and invested in their homes in that area have had a certain quality, a certain manner in which they have kept their properties and he thinks they have the right to maintain them in the same way. New Hempstead Road does back up. More traffic would be added to the area.

Appearance: Barbara Galli  
Cairngorm Rd., New City

She feels that changing the zoning will cause a tremendous adverse impact to her family and to the community. She has spoken with the principal of Little Tor School. All through Clarkstown, we have voted to decrease the size of the classrooms. We have now used every single available classroom and seat space in Little Tor School. There are many families moving to our neighborhood. Changing the zoning from the one acre would put a tremendous stress on Little Tor School. She went to the Town Planning Board meeting and was the only local member who was available to be there. She listened to statements that were made by the builders who are petitioning along with Stowbridge, Finelli and New City Alliance Church. She heard a builder say that the current problem at Temple Beth Sholom was the parking and drainage. The drainage runs on the property adjacent to her property. This property from what she can tell has a wet land on it. In order to complete any kind of project with wet lands on it, a permit needs to be filed from the Army Corps of Engineers for landfill. The drainage problem was discussed at the Planning Board meeting. One of the solutions mentioned was to have a retention pond. Any kind of stagnant water would create mosquito problems, odor problems and health problems. Retention ponds slowly drain off and as it drains off it would create more drainage problems. We have underground streams that run across the property. We have sewer grates that run across back yards. They are there to catch the water that leaves their back yards very murky at times. Currently, there was a spot zoning change at 213 New Hempstead Road where there is a house being built in front of an older home. The other site being 56 North Little Tor Road. It cheapens the neighborhood and it destroys communities.

Appearance: Lynn Foley  
Cairngorm Rd., New City

She gave the Town Board a Petition protesting the redistricting of property designated as Map 21, Block A, Lots 6, 8 and 9 from R-40 to R-22 pursuant to Town Law Section 265.

Supervisor Holbrook stated that this meeting will be continued on the 14th day of July. There will be more input coming from other agencies.

Ms. Foley had another letter signed by 106 people. Basically, it requests that the Board deny the request for a zone change. The neighborhood has one acre zoning. It will create an area of spot zoning. She knows some neighbors are thinking about getting their one acre lots rezoned to half acre lots so that they can squeeze another house in. She has two drains in her back yard and when it rains hard there is a stream going through her back yard that comes from nowhere. There is some kind of underground water or a very high water table. Approving the zone change will create spot zoning. This zone change will trigger others to come in. The

Continued on Next Page

PH: Petition for Zone Change (R-40 to R-22): Stowbridge, New City Alliance Church  
Page 4 6/23/98

woods create a sight and sound barrier between the neighborhood, the Temple, the Church and New Hempstead Road. What is going to happen to the wild life that are living in the woods? Is the builder going to remove the deer to another wooded areas or is he going to crowd them out? The deer and the deer ticks are going to move into our yards.

Appearance: Ephraim Davidowicz  
New Hempstead Rd., New City

He is against the zone change and does not know how the paper work was circulated with his name on it. He was approached and told about the project. Mr. Davidowicz knows of the problems at Little Tor School. He helped save the life of somebody who crashed into the wall in front of the Church next door to his driveway. He has seen accidents near the Temple. The traffic is so heavy that he cannot get out of his own driveway. He is upset that his name was on the petition.

Correspondence was received from New City Alliance Church, Joseph Slane, Stanley Acker and John Knutsen in favor of the zone change. Sidney Silver faxed a letter in opposition to the zone change.

There being no one further wishing to speak on motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing was adjourned, SINE DIE, time: 9:05 P.M.

Respectfully submitted  


PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

6/23/98

9:05 P.M.

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

Re: Amendment to the Zoning Ordinance Regarding the Office of the Zoning  
Board of Appeals

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

Supervisor stated that we have recommendations from the Rockland and Town Planning Boards.

Supervisor asked if there was anyone present wishing to make a comment or ask a question.

There being no one wishing to be heard, on motion of Councilwoman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, TIME: 9:07 P.M.

Respectfully submitted,  


PATRICIA SHERIDAN,  
Town Clerk

(RESOLUTION NO. 520-1998 ADOPTED)

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

06/23/98

9:07 P.M.

Present: Supervisor Holbrook  
Council Members Maloney, Mandia, Profenna & Smith  
Philip Fogel, Town Attorney  
Patricia Sheridan, Town Clerk

Re: Lake Lucille Aquatic Plant Growth Control District

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

Supervisor Holbrook stated that this hearing relates to increasing the amount up to \$250,000 so that work could be done on the dam. The Town has applied to the State Bond Act for funds for that and applications are pending before the State relative to the initial work that was done at Lake Lucille. To date, we have not heard on this, however, Alex Gromack and Joe Holland have been contacted by Town Board members and members of the Lake Lucille Association and they are lobbying for that. This particular work is needed on the dam to insure its integrity for the length of time commensurate for the bonds and basically that is the reason this is being done. Since we established the Aquatic District a number of years ago, this is the procedure that had to be followed.

Supervisor opened the hearing for public comments.

Appearance: David Isaacson  
286 So. Mountain Rd  
New City

Has the largest frontage on the lake and has been active for the last couple of years. When this originally came forward they were assured that the maximum amount needed would be about \$1,500,000; he was surprised to see this additional \$250,000 and he doesn't know what it is for. Over the last year they have heard different estimates and he thinks there should be an explanation as to what the \$250,000 is for. He would like assurances that the money will only be used for the sluice in the dam and for nothing else, especially for the interior roads, because there is no access to it and some of the residents in Lake Lucille chase people out who do go there. He wants to be told exactly how the money is to be used.

Supervisor Holbrook responded that the amount is an upset amount but it involves the analysis of the dam. We have accepted the engineers proposal to proceed with all the permitting and the actual physical reconstruction and repairs to the dam itself. This is only site specific to the dam. There will be no other work, other than associated with the dam, on the project. This is all subject to the bid, and the reason this figure was put there was that it's a lengthy process to amend the district to go through this procedure. If it comes out to be less, that's fine, but we didn't want to have to amend it two or three times later, and that is the reason we did this, in consultation with the engineers and finance people and with the State as well.

Appearance: John Lodico  
New City

This is private property. He has no objections if somebody comes from Albany or Washington to give money to the Town of Clarkstown, however, the elected officials are responsible to maintain the fiscal integrity of the Town and to the taxpayers. If Lake Lucille is

successful in getting more money under the Bond Act, he supports this, however, he does not want the Town Board to pass on this expense to the rest of the Town. This private property should be assessed like any other special district in the Town of Clarkstown and the Board should keep that in mind when discussing the law about bonding and special districts that relate to private property.

Supervisor Holbrook responded that this is really an amendment to the special district which was approved by State Audit and Control. The financing for the original portion of this was done by the NYS Revolving Fund which enabled the residents there to obtain interest rates at about 3% which enabled them to pay this back in 20 rather than 30 years. He assured the people that the residents of the Aquatic District are the ones that are ultimately responsible for the paying of this money, not the other residents of Clarkstown. The Town is a conduit to make this happen and he views it as a way of helping people help themselves. It is not an inexpensive way of doing it but the way it has come about with the State financing it has been fortuitous. Unfortunately, we need to do some more work on the dam to make sure that there will be a lake after it has been dredged.

Mr. Lodico stated that we are still talking about a government responsible fiscally in regards to private property and special districts in regards to their improvement.

Appearance: Tom Dimick  
284 So. Mountain Rd  
New City

Three years ago he heard at a meeting that the amount would be capped at a max of \$1,500,000 and everybody would be assessed accordingly but nobody would be assessed over \$1,000 His concern is that he is now hearing that some people might be taxed as much as \$4,000 on top of the regular taxes.

Mr. Holbrook responded that a list of people and properties and what they were going to be assessed at was submitted and approved when the district was created. What has happened since that time was that we had assumed an interest rate of about 6% and as it has turned out now because of the State revolving fund we are able to bring that interest rate down to 3% but it is based on assessed valuation.

Comptroller confirmed this and stated that the highest now is something in the area of about \$3,435, based on the State revolving fund.

Mr. Dimick is concerned that increasing another \$250,000 will drive people out because of tax increases. Suggested that the Army Corps of Engineer assess the dam to see if it really is a hazard.

Supervisor said this will be done, but ultimately what will be done will be determined by members of the Aquatic District. There are repairs that need to be done and this is an upset figure.

Mr. Dimick stated that he understood that Lake Suzanne in Ramapo was a private lake that is part of the County watershed and they had dam work done which the County paid for. Questioned whether any County funds would be available for Lake Lucille.

Supervisor said they would take a look at that.

Co. Smith asked if they could get the report of what actually has to be done before they passed this resolution.

Supervisor stated that that was part of the work that had to be done by the engineers. The engineers will have the report and then the Lake Lucille Association will determine what they want to do. The purpose of this resolution is to expand the district up to \$1,750,000 instead of \$1,500,000.

PH: Lake Lucille Aquatic Plant Growth Control District

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6/23/98

Appearance: Irving Freedburg  
282 So. Mountain Rd  
New City

Nothing has been done behind his house. He has a swamp back there. He received paperwork that says he is supposed to be paying \$4,500 per year and now he is being asked to pay more money.

Supervisor stated that he was out to this house in the fall and work was done there. Once the dam has been fixed, there will be a lake behind this house whereas before there wasn't.

Mr. Freedburg responded that before he had about 2-1/2 feet of water and now he is going to have less. Does not feel sufficient amount of work has been done to justify his paying \$4,500 and even if that figure is wrong, he is now being asked to pay additional money.

Supervisor stated that work is necessary for the integrity of the dam and once the dam is repaired the pond will be flooded and the lake will be restored

Appearance: Ruth Webb  
33 Neilson Dr

She was surprised to receive the notice from Mr. Holbrook to Lake Lucille residents. It is the first that residents have known anything about this though they are the ones held responsible for footing the cost of the dredging operation and this matter of the dam has been known for a long time. She is not opposed to repairing the dam as necessary or handling the payment for it by a bond if done under the proper conditions as an appropriate part of the whole dredging project. She asked when the lake association was notified about the dam and asked if Mr. Holbrook was aware that lake residents knew nothing about matter of the dam.

Supervisor said he spoke with Mr. Wren, president of the association, and a number of other people. He disagreed with her statement that the rest of the residents knew nothing about this. In fact, the whole aquatic district going back to the beginning was subject to permissive referendum and, if this particular matter goes forward, it is also subject to permissive referendum.

Ms. Webb stated that she did not know anything about the dam. Said the board does not have unlimited power to speak for and make decisions regarding the residents. Asked why the consulting engineers just got around to inspecting the dam in June 1997 instead of in the beginning as an integral part of the whole dredging operation and passage of the \$1,500,000 bond and the bidding of the contract for the whole dredging job. It is as if the dam was an afterthought. Why was the DEC's amended report not done until a year after the engineer's inspection; is this a part of the engineer's report which is on file. Questioned why lake residents had to go to a public hearing to learn about this. She is not willing to sanction a new proposal regarding the dam until the old issue of dredging as originally proposed is corrected. Questioned who drew up the contract between the Town and the contractor.

Mr. Holbrook answered that the Town Attorney's office did.

Asked what was specifically supposed to be done and was it done. Stated that the acceptance for the dredging job as specified is binding and the occurrence of unforeseen obstacles, which caused the accepted bidder to run out of time and money, does not excuse him from completing the job as contracted unless specifically allowed for in the contract. She understands there were inspections done by four different agencies and reports were submitted. As of a few months ago, these have not yet been approved by the State DEC. Stated that none of these was correct, as her own objections to three of these agencies were not reported. Her shoreline was not properly dredged; it was never completed; she reported this and nobody ever inspected it. This is a very long waterfront and there are a whole number of problems which were not taken care of. Stated Mr. Holbrook's office did send out someone from the DEC and he agreed with her about everything that had not been done, however, nothing further ever happened. The dredging on the west end of the lake was never completed. Huge amounts of dirt

were dredged to be trucked out but were never trucked out. The work stopped because they ran out of money and the dirt went back into the lake and now the west end of the lake is shallower. This promotes the growth of more weeds. Believes that this dredging is not going to last very long though they were led to believe that it would last for some thirty years. The area of the lake is about 17 acres, 13 acres belonging to the lake association. The other four acres have been diminished by building in the area. Feels the amount of water that was originally in Lake Lucille should remain constant rather than be tampered with in this fashion.

Appearance: Ed Jeffs  
Lake Lucille Board Member

Said the previous speaker does not speak for them. Thanked the Board for bringing along the dredging of this lake. Has lived here for 33 years and has seen the problems and knows what is happening. Feels it had to be dredged and that the Town has extended itself to help them. Stated that this hearing is about \$250,000 but that they have the right to pick their own engineers and reduce costs as best as they can. The lake is going to have continued problems and lake maintenance will have to go on. An ongoing district has to be formed to work together to solve the problems of algae and maintenance. The dam has to be fixed, the sluice gate is broken. As far as the roads go, none of the money goes into this public account. The roads are private and they do their own work on those roads. When they interrupt people coming down those roads it is because they own those roads and are liable if someone gets hurt. They are trying to keep it private and keep the responsibility where it belongs. He thanked the Town Board for their help in this matter.

Co. Mandia asked Mr. Jeffs about the fact that this project has climbed from \$800,000 to \$1,500,000. He is concerned about what this is going to cost the residents who will be affected. Feels the residents should have a complete understanding of how this will impact them as individual homeowners. Cannot vote on this tonight as the SEQRA report is not complete. Asked Mr. Jeffs if each of the residents affected have been informed as to why we are doing this, that we are increasing their debt and how it is going to affect them individually. The Town Board could take action whether they agree or not, we try to get majority of the residents, but he is concerned that there is a gentleman here who feels the amount of money he is expected to pay differs from what he has been quoted on paper and he wants to be assured that each of the residents know what is being done and why and how it is going to affect them. Can the Lake Lucille board give assurances that that is the case.

Mr. Jeffs responded that once the figures are done there will be a revote. Everyone will be petitioned to revote on the new costs. They don't know what the costs are yet and until they have an exact figure, they cannot ask people to vote on it. They need to get the bids out to find out what it does cost.

Co. Mandia asked if at that time there will be a vote on which way to go with this.

Mr. Jeffs said yes.

Co. Mandia stated that whatever was needed to be done to the dam was not even considered in the original \$1,500,000 proposal and he asked Mr. Jeffs if he were satisfied, as a board member, that this was not a very serious oversight.

Mr. Jeffs said they knew the sluice gate had to be replaced.

Co. Mandia asked if it were that obvious, why wasn't it put in the original project?

Supervisor Holbrook said it would have been if there had been enough money to cover it after the cost of taking out 80,000 cubic yards. He stated that most of that went to the landfill and that the only reason this project went on was because the landfill was being closed, otherwise it would have cost three or four million dollars for disposal. All the efforts went into the dredging, taking out the material, and we had an upset limit within which to work. The subsequent expenses to improve the dam were more than just fixing the scaling and the sluice gate, there were some other things, and both could not be done. Because of the window in which

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we had to do this, when the landfill was being shut, it was necessary to go forward with this. He stated that is why we had to go forward this year because now there is a dredged lake there that needs to be filled up and we don't want to fill it up until we fix the parts of the dam that need to be fixed. Although we cannot vote on this because SEQRA has not been completed, we certainly can vote on it on the 14th. We like to have the lake filled up by the fall. He stated that this would solve a lot of problems. He stated that everything that has been done here in the past and in the future is done subject to permissive referendum.

Co. Smith stated to Mr. Jeffs that the Town Board is willing to be the vehicle by which the homeowners can save money through a low bond but they would like to be assured that each of the members of Lake Lucille knows exactly that the only work that is going to be done is what has to be done and will be done at the most reasonable price.

Appearance: Boris VanAdson  
26 Woodhaven Drive

In 30 years since he has lived here, the silt deposit has built up to about 6 feet but he was promised that when the dredging was done, his property would once again be on the lake. However, the western part of the lake was not done very well, in fact now his property is actually farther from the lake. For this reason, he would like his property removed from it. The association does not keep him informed, the dredging on the west side was not done properly and he feels the silt is going to come back pretty soon.

Co. Smith questioned whether the additional funds would permit better dredging of the west end.

Supervisor stated that they are still looking at some of the things along the west side.

There being no one further wishing to be heard on motion of Co. Smith, seconded by Co. Mandia and unanimously adopted, the public hearing was declared closed, DECISION RESERVED, time: 10:00P.M.

Respectfully submitted,

  
PATRICIA SHERIDAN  
Town Clerk