

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall 9/28/98 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.

On motion of Co. Mandia seconded by Co. Maloney and unanimously adopted, the public hearing re: Amendment to Town Code Section 290-11B of the Zoning Ordinance to allow for taller houses in the R-10 District was opened, time: 8:02 P.M.

On motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the public hearing re: Amendment to Town Code Section 290-11B of the Zoning Ordinance to allow for taller houses in the R-10 District was closed, RESOLUTION NO. 736 -1998 ADOPTED, time: 8:10 P.M.

On motion of Co. Mandia seconded by Co. Maloney and unanimously adopted, the public hearing re: Local Law prohibiting the issuance of building permits and certificates of occupancy for adult entertainment uses for a period of 12 months was opened, time: 8:12 P.M.

On motion of Co. Mandia seconded by Co. Smith and unanimously adopted, the public hearing re: Local Law prohibiting the issuance of building permits and certificates of occupancy for adult entertainment uses for a period of 12 months was closed, RESOLUTION NO. 737 -1998 ADOPTED, time: 8:16 P.M.

On motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the public hearing re: Local Law Amending Town Code Section 278 (Vehicles and Traffic) concerning types, weights, and sizes of vehicles permitted on roads in Clarkstown was opened, time: 8:17 P.M.

On motion of Co. Smith seconded by Co. Mandia and unanimously adopted, the public hearing re: Local Law Amending Town Code Section 278 (Vehicles and Traffic) concerning types, weights, and sizes of vehicles permitted on roads in Clarkstown was closed, RESOLUTION NO. 738-1998 ADOPTED, time: 8:19 P.M.

On motion of Co. Smith seconded by Co. Maloney and unanimously adopted, the public hearing re: Local Law prohibiting any textual changes and issuance of a special permit to the Zoning Ordinance for a period of 12 months was opened, time: 8:20 P.M.

On motion of Co. Smith seconded by Co. Mandia and unanimously adopted, the public hearing re: Local Law prohibiting any textual changes and issuance of a special permit to the Zoning Ordinance for a period of 12 months was closed, time: 9:27 P.M.

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Supervisor opened the public portion of the meeting for comments on the agenda items. No one appeared.

RESOLUTION NO. (736-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on September 15, 1998, provided for a public hearing on September 28, 1998, at 8:00 P.M., to consider the adoption of the following proposed amendment to the Zoning Ordinance of the Town of Clarkstown:

Amend Section 290—II B of the Zoning Ordinance, Table 16, General Bulk Regulations, R-10 District, as follows:

Column II, Group M, from 5" to 11";

Column II, Group N, from 5" to 10";

Column II, Group O, from 5" to 8,"

and

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

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

NOW, THEREFORE, be it

RESOLVED, that based upon the memorandum report of Robert Geneslaw, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the Amendment to the Zoning Ordinance shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

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

Amend Section 290—II B of the Zoning Ordinance, Table 16, General Bulk Regulations, R-10 District, as follows:

Column II, Group M, from 5" to 11";

Column II, Group N, from 5" to 10";

Column II, Group O, from 5" to 8,"

and be it

Continued on next page

RESOLUTION NO. (736-1998) CONTINUED

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:

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

RESOLUTION NO. (737-1998)

Co. Smith offered and Co. Mandia seconded

WHEREAS, a proposed local law entitled,

“A LOCAL LAW PROHIBITING THE ISSUANCE OF A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY FOR ADULT ENTERTAINMENT USES FOR A PERIOD OF TWELVE MONTHS TO GIVE THE PLANNING BOARD AMPLE TIME TO STUDY THE MATTER”

was introduced by Councilwoman Smith at a Town Board meeting held on September 15, 1998, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on September 15, 1998, directed that a public hearing be held on September 28, 1998, at 8:05 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on September 18, 1998, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on September 15, 1998, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on September 28, 1998;

NOW, THEREFORE, be it

RESOLVED, that Local Law No.3-1998, entitled:

“A LOCAL LAW PROHIBITING THE ISSUANCE OF A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY FOR ADULT ENTERTAINMENT USES FOR A PERIOD OF TWELVE MONTHS TO GIVE THE PLANNING BOARD AMPLE TIME TO STUDY THE MATTER”

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RESOLUTION NO. (737-1998) CONTINUED

The Clerk of the Town of Clarkstown was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

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. (738-1998)

Co. Smith offered and Co.Mandia seconded

WHEREAS, a proposed local law entitled, "AMENDMENT TO CHAPTER 278 (VEHICLES AND TRAFFIC) OF THE CODE OF THE TOWN OF CLARKSTOWN" was introduced by Councilman Mandia at a Town Board meeting held on September 15, 1998, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on September 15, 1998, directed that a public hearing be held on September 28, 1998, at 8:10 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on September 18, 1998, and

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and the Councilmen at their office at the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on September 15, 1998, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on September 28, 1998;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 4-1998, entitled: "AMENDMENT TO CHAPTER 278 (VEHICLES AND TRAFFIC) OF THE CODE OF THE TOWN OF CLARKSTOWN" is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

The Clerk of the Town of Clarkstown was directed to file the local law pursuant to Section 27 of the Municipal Home Rule Law.

On roll call the vote was as follows:

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

Supervisor Holbrook offered, no second:

A local law prohibiting any textual changes and the issuance of a special permit to the zoning ordinance for a period of twelve months to give the planning board ample time to review and amend the comprehensive plan.

RESOLUTION NO. (739-1998)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby RESERVES DECISION on the proposed local law entitled, "A local law prohibiting any textual changes and the issuance of a special permit to the zoning ordinance for a period of twelve months to give the planning board ample time to review and amend the comprehensive plan"

On roll call the vote was as follows:

Co. Maloney	Yes
Co. Mandia	Yes
Co. Profenna	Yes
Co. Smith	Yes
Supervisor Holbrook	No

Supervisor Holbrook offered, no second

WHEREAS, the Town Board has passed a 12-month moratorium on zone changes to provide time for revisions to the Town's Comprehensive Plan, and

WHEREAS, there are a number of established civic organizations and persons deeply interested in the revision of the Comprehensive Plan, and

WHEREAS, it is in the best interest of the Town to assure that the planning opinions representing those organizations and persons are formally documented for inclusion in any revisions made to the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Clarkstown hereby establishes a 4-person Ad Hoc Citizens Committee and appoints the following members of that committee

- Martin Bernstein, 20 Woodglen Drive, New City
- Edwin Day, 2 Capral Lane, New City
- Robert Jackson, 76 Briar Road, Nanuet
- Gerard O'Rourke, 52 Trevor Lake Drive, Congers

to recommend 12 members of a to-be-established Citizens Comprehensive Plan Review Committee to work with the Planning Board to revise the Comprehensive Plan and make an independent report to the Town Board, and

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BE IT FURTHER RESOLVED, that said Ad Hoc Citizens Committee shall make its recommendations to the Town Board no later than October 22, 1998, so that the Town Board can appoint the Citizens Comprehensive Plan Review Committee at the Town Board Meeting of October 27, 1998, and

BE IT FURTHER RESOLVED that no member of the Ad Hoc Citizens Committee is precluded from being recommended for the Citizens Comprehensive Plan Review Committee.

Co. Mandia stated that he was appalled that this was not discussed with the Board. He asked how a committee could have been put together. All of the civic associations have been represented and we promised we would have hearings at each of these civic associations. He has no problem with Mr. O'Rourke or any of the others but where is the environmentalist, where is the builder, where is the banker, where is the real estate person? Civic association leaders have valid concerns but there are other levels within this. This was done unilaterally. He did not want to challenge the reasons, but thinks that all of the Board members weren't consulted on this. He would be happy to meet with the civic association members, see what they are thinking and let him share his thoughts at the same time.

RESOLUTION NO. (740-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown entered into a Solid Waste Disposal Service Agreement and Site Lease Agreement with Clarkstown Recycling Center, Inc. on May 18, 1990, and last amended on May 24, 1995, and

WHEREAS, the Town of Clarkstown and Clarkstown Recycling Center, Inc. have agreed to further amend the aforesaid agreement;

NOW, THEREFORE, be it

RESOLVED, that the service fee, except for tires, be and the same is hereby amended to \$60.00 per ton, provided that the Town of Clarkstown does not increase the tipping fee at the Clarkstown Transfer Station to an amount greater than \$3.00 per ton over the service fee charged by Clarkstown Recycling Center, Inc., and be it

FURTHER RESOLVED, that the period of time within which title of the Clarkstown Transfer Station is conveyed to the Town of Clarkstown shall be extended to October 30, 1999, and be it

FURTHER RESOLVED, that it is understood and agreed that prior to the transfer of the property to the Town of Clarkstown, that the company shall warrant the condition of the equipment and building to be in good operating condition, and that the company shall perform all operation and maintenance to keep the equipment and building in such good operating condition at its own cost and expense during the period subsequent to transfer of title to the Town of Clarkstown, and be it

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RESOLUTION NO. (740-1998) CONTINUED

FURTHER RESOLVED, that the Company agrees to bring to the Transfer Station all commercial garbage picked up by it in the Town of Clarkstown, and be it

FURTHER RESOLVED, that nothing herein shall be deemed to affect the equity which the Town of Clarkstown holds in said Clarkstown Transfer Station as it presently exists, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to enter into an amended agreement with Clarkstown Recycling Center, Inc., in a form satisfactory to the Town Attorney, as provided for above.

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. (741-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, UNLIMITED TELECOMMUNICATIONS, INC. has submitted a proposal dated September 18, 1998, to provide for the installation, maintenance and operation of public pay telephones in the Town of Clarkstown, and

WHEREAS, the Town Board believes this proposal will save the Town money;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Unlimited Telecommunications, Inc., for a period of five (5) years and which shall be automatically renewable for additional one (1) year periods, in a form approved by 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. (742-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a proposal has been received from Thomas R. Parisi, P.E., P.C. for consulting engineering to the Town of Clarkstown, pertaining to the golf course.

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RESOLUTION NO. (742-1998) CONTINUED

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement in a form satisfactory to the Town Attorney, with Thomas R. Parisi, P.E., P.C. for consulting engineering services, and be it

FURTHER RESOLVED, that the fees for such services shall not exceed \$650 (Six hundred fifty dollars) and shall be charged to Account No. H-1942-409-58-1.

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. (743-1998)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with NYACK HOSPITAL for the Employee Assistance Program, for the twelve month period commencing October 1, 1998 and terminating on September 30, 1999, in a form satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that the fee of \$13,041.00 for such services shall be charged to Account No. 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

RESOLUTION NO. (744-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown is in the planning and design stage of the Hackensack River Flood Management Natural Area Improvement Project, and

WHEREAS, it is desirable to obtain an appraisal of property designated on the Clarkstown Tax Map as Map 88, Block A, Lot 16 in connection with said project;

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner is hereby retained for the purpose of preparing such appraisal at a fee not to exceed \$3,500.00.

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RESOLUTION NO. (744-1998) 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. (745-1998)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Control of the Town of Clarkstown, Letter of Credit No. T-244098 in the amount of \$303,640.00, furnished to the Town in connection with the Amber Fields Site Plan, is hereby terminated; and the Letter of Credit may be released to the guarantor.

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. (746-1998)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board authorized the hiring of J. Schenkman Landscape Contractors by Resolution dated June 23, 1998, and

WHEREAS, unforeseen field conditions resulted in additional work to be performed,

NOW, THEREFORE, BE IT RESOLVED that the authorized cost of such work be increased by \$725.00.

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. (747-1998)

Co. Mandia offered and Co. Profenna seconded

WHEREAS, the Town of Clarkstown has received \$1,574.51 from the Division of Criminal Justice; \$6,144.00 from Palisades Center and \$2,000.00 from Hasty Hills Stable, and be it

THEREFORE, RESOLVED, to increase Estimated Revenue Account No. A 01 10 3833 0 (Soft Body Armor) and A 3120 307 (Police -Uniforms) by \$1,574.51; A 01 3 2705 2 (Donations) and A 3120 113 (Police-Overtime) by \$6,144.00 and H 14 4 2410 2 (Rent-Hasty Hills Stable) and H 1942 409 58 2 (Golf Course - Plans, Specs) by \$2,000.00 and

WHEREAS, the Town of Clarkstown has \$4,507.10 in a reserve account for police use (A 0883) and be it

THEREFORE, RESOLVED, to transfer \$4,507.10 from the reserve account (A 0883) to A 3120-293 (Police-Law Enforcement Equipment) and

WHEREAS, various appropriation accounts require additional funding, and be

THEREFORE, RESOLVED, to decrease A 1345 414 (Purchasing-Conference & Schools) and increase A 1345 319 (Misc. Supplies) by \$350.00; decrease A 4210 110 (Counseling-Salaries) and increase A 4210 408 (Bldg. Repairs) by \$170.00 and increase Estimated Revenue Account No. A 01 14 2999 (General-Unexpended Balance) and A 1620 306 (Maintenance-Maintenance Supplies) by \$2,000.00

On roll call the vote was as follows:

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

RESOLUTION NO. (748-1998)

Co. Mandia offered and Co. Profenna seconded

RESOLVED, to amend Town Board Resolution No. 547 dated June 23, 1998 to decrease Estimated Revenue SR 16 14 2999 0 (Sanitation Dists. Unexpended Balance) and SR 8160 407 (Equipment Repairs) by \$80,000.00

AND BE IT FURTHER RESOLVED, to transfer \$80,000 from Sanitation Districts to Capital No. 2 Account No. H 8163 409 9 38 1.

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. (749-1998)

Co. Smith offered and Co. Profenna seconded

RESOLVED, Brian Connolly, CSW, Assistant Director, Clarkstown Counseling Center attend conference on "Understanding Anxiety" on Tuesday, October 27, 1998 in Poughkeepsie, New York. Registration fee: \$62.00 per person.

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. (750-1998)

Co. Smith offered and Co. Profenna seconded

RESOLVED, Brian Connolly, CSW, Assistant Director, Clarkstown Counseling Center attend "Second Annual Red Ribbon Breakfast" on Thursday, October 1, 1998 at Anthony's Pier-New Windsor, New York. Registration fee: \$15.00 per person.

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. (751-1998)

Co. Smith offered and Co. Profenna seconded

RESOLVED, Shefalika Gandhi, CSW, Cynthia Shaw, MA of Clarkstown Counseling Center attend conference on Saturday, November 14, 1998, NYU University on "Loneliness, Isolation and disillusionment, creating hope and connection in the Therapeutic Relationship. Registration fee: \$45.00 per person.

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. (752-1998)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished certification of Eligibles #98133, Principal Clerk Steno RC-NCP which contains the name of Eileen Gray.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Eileen Gray, 42 Capral Lane, New City, New York, to the (permanent) position of Principal Clerk-Steno, Parks Board and Recreation Commission at the current salary of \$40,653.00, effective and retroactive to September 18, 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. (753-1998)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled, "In the Matter of the Application of RALPH WIDMAIER v. TOWN OF CLARKSTOWN, PLANNING BOARD and BUILDING DEPARTMENT";

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

Co. Maloney	Yes
Co. Mandia	Yes
Co. Profenna	Yes
Co. Smith	Yes
Supervisor Holbrook	No

RESOLUTION NO. (754-1998)

Co. Mandia offered and Co. Holbrook 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: Low Tor Development Corp. dated March 23, 1998, conveying the following road(s):

Continued on next page

RESOLUTION NO. (754-1998) CONTINUED

Rob Court

740 L.F.

and other public improvements to the Town of Clarkstown in a subdivision as shown on the Final Plat of Maloney 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:

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

RESOLUTION NO. (755-1998)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, Robert Stritmater, Director of Automated Systems, has received numerous requests for the establishment of a Web site, internet access and Town wide E-Mail, and

WHEREAS, Mr. Stritmater recommends that a feasibility study be conducted with regard to said requests and, further recommends the hiring of the Town's current internet provider to prepare such a study;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the hiring of United Computer Specialists to prepare a study with regard to establishing a Web site, internet access and Town wide E-Mail, and be it

FURTHER RESOLVED, that the fee of \$3,500.00 for such services shall be charged to Account No. A-1680-409.

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. (756-1998)

Co. Smith offered and Co. Profenna seconded

WHEREAS, Howard L. Lampert, Traffic Engineering Consultant, has recommended the installation of "One Lane Road" traffic signs at Hess Road, just north and south of Mitchell Drive, Valley Cottage, New York, and

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RESOLUTION NO. (756-1998) CONTINUED

WHEREAS, Howard L. Lampert, Traffic Engineering Consultant, has further recommended the installation of "Dead End" traffic signs 100 feet north of Mitchell Drive and within 100 feet of the northerly end of Hess Road;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Highway Department to install the following traffic signs:

1. "One Lane Road" traffic signs at Hess Road, just north and south of Mitchell Drive, Valley Cottage, New York.
2. "Dead End" traffic signs 100 feet north of Mitchell Drive and within 100 feet of the northerly end of Hess Road.

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. (757-1998)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Department of Environmental Control solicited and received three (3) Requests for Proposals (RFP) and made analysis of those proposals and made a recommendation to hire Gannett Fleming Engineers and Architects, P.C. for the Lake Lucille Dam Restoration Project; and

WHEREAS, the President of the Lake Lucille Association is not in agreement with the Department of Environmental Control's recommendation; and

WHEREAS, the Lake Lucille Association will have a special meeting to analyze, discuss and decide on the consultant to be hired for this project;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Director of the Department of Environmental Control to hire the consultant being recommended by the Lake Lucille Association; and

BE IT FURTHER RESOLVED that this project be a proper charge to Account No. H 8741 409 0 23 1.

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. (758-1998)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the Town Board Minutes of September 15, 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. (759-1998)

Co. Smith offered and Co. Profenna seconded

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

BID #1-1999
OFFICE SUPPLIES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00AM on: OCTOBER 20, 1998 at which time bids will be opened and read, and be it

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

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. (760-1998)

Co. Smith offered and Co. Profenna seconded

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

BID #2-1999
PHOTOCOPIER AND FAX MACHINE SUPPLIES

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RESOLUTION NO. (760-1998) CONTINUED

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00AM on: OCTOBER 21, 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:

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

RESOLUTION NO. (761-1998)

Co. Smith offered and Co. Profenna seconded

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

BID #3-1999
PRINTING OF TOWN ENVELOPES
AND STATIONERY

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00AM on: OCTOBER 22, 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:

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

RESOLUTION NO. (762-1998)

Co. Smith offered and Co. Maloney seconded

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

BID #56-1998
REINFORCED CONCRETE CULVERT PIPE & CONCRETE
CATCH BASIN BLOCK & BRICKS

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RESOLUTION NO. (762-1998) CONTINUED

is hereby awarded to:

J. DE PAULIS STONE & MASONRY SUPPLY CO
300 RT. 303
CONGERS, NY 10920
PRINCIPALS: GIUSEPPE DEPAULIS
JOHN DEPAULIS

FEDERAL BLOCK CORP.
247 WALSH AVENUE
NEW WINDSOR, NY 12553
PRINCIPALS: JOHN MONTFORT

VIANINI PIPE CO.
P.O. BOX 678
SOMERVILLE, NJ 08876
PRINCIPALS: CORPORATION

KERR CONCRETE PIPE CO.
STATE HIGHWAY 54
HAMMONTON, NJ 08037
PRINCIPALS: CORPORATION

PRECAST CONCRETE SALES
P.O. DRAWER D
27E NORTH ROUTE 303
VALLEY COTTAGE, NY 10989
PRINCIPALS: CORPORATION

as per item/price schedule on file in the Purchasing Dept.

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. (763-1998)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Captain of the Police Department that

BID #52-1998
SUBURBAN VAN FOR CLARKSTOWN POLICE DEPARTMENT

is hereby awarded to

Continued on next page

TBM 9/28/98
PAGE 18

RESOLUTION NO. (763-1998) CONTINUED

BRUNO GMC TRUCK SALES CORP
435 HAMILTON AVE
BROOKLYN NY 11232
PRINCIPALS: ADRIENNE MILEA
FAY MILEA

as per their low bid proposal of \$29,712.00 for a 1999 GMC Suburban - model TK10906
equipped as per bid specifications

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: 9:30 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/28/98

8:02 P.M.

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

Re: Amend §290-11B of the Zoning Ordinance, Table 16, General Bulk Regulations,
R-10 District

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

Supervisor asked Mr. Rudolph Yacyshyn to describe the amendment.

Mr. Yacyshyn stated that this is an amendment to correct what is believe to be an arithmetical error or an error of some sort in the code that is limited to the R-10 District although it has potentially the same bulk requirements as would be in an R-15. It is solidly a residential district. To limit the height of the a family home to approximately ten to twelve feet would be completely impractical. There is a very limited amount of zoning in R-10 in the Town of Clarkstown. We have not had a problem in the past, however, we have a very specific subdivision that has been approved by the Planning Board as a result of a zone change made by the Town Board. As a result, the matter was brought to our attention by the applicant.

Supervisor asked if there was anyone wishing to speak, make a comment or ask a question regarding this amendment.

Appearance: Jay Greenwell, Esq.
Represents J. L. Heritage Homes

They came before the Planning Board to seek final approval on a subdivision in the R-10 zone. During the processing for the Planning Board approval of the subdivision, it was brought to their attention that the R-10 district would only allow a very short dwelling approximately twelve feet high. The wording in the public hearing says amendments to the Town Code allow for taller houses. It is really to allow for an average size home. What the proposed amendment would do is to allow for a two story frame dwelling. At the minimum front set back in every zone, you are allowed to construct an average sized house. As you go down in zone from R-80 to R-15, the allowable set back is reduced and the building height allowed is increased, but in the R-10, it jumps down to five inches a set back. We are asking to be allowed to provide the average home size approximately twenty-eight feet high which would be eleven inches per foot.

Appearance: Russell Trojan
Nanuet

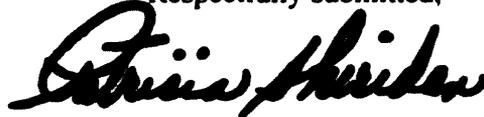
He agrees that the height should be raised. He does not agree with the eleven inches per foot a set back. By placing the house thirty-five feet from the front property line instead of thirty feet, the house could be at thirty-two feet high allowing a three story house to be built on a postage stamp R-10 lot only 10,000 square feet of area. He asked the Board to use the alternate that has been offered to the Planning Board of ten inches per foot of set back. At the workshop, the absolute height limit was discussed. Mr. Greenwell wants twenty-eight feet. With the opening of eight feet per floor of open space and a floor and ceiling material thickness of approximately ten inches, you could squeeze

PH: Amend §290-11B of the Zoning Ordinance, Table 16, General Bulk Regulations,
R-10 District

a three story house into twenty-eight feet using a flat roof. Mr. Greenwell resolved his problems of fitting his houses in smaller height limit by reducing the slope of the roof and reducing the distance between the ground grade and the first floor. Therefore, by reducing the distance between the grade and the first floor level, you would have fewer steps getting into the house and an easier job of making modifications to the house if it needs to be modified for access purposes for somebody who meets the American Disabilities Act. With modifications, we could bring the simple two story house within the twenty-five foot restriction. He asked that these two alterations be adopted.

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, TIME: 8:10 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (736-1998) ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/28/98

8:12 P.M.

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

RE: Adopting Local Law #3-1998 - Prohibiting the Issuance of a Building Permit or Certificate of Occupancy for Adult Entertainment uses for a Period of Twelve Months to Give the Planning Board Ample Time to Study the Matter

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 asked Mr. Rudolph Yacyshyn for his comments on adult uses. Mr. Yacyshyn stated that a moratorium by the Board was enacted earlier this year to run for approximately twelve months. The expiration will be April of 1999. In as much as this Board has seen fit to enact a moratorium on all zone changes and considering additional legislation, it is imperative that the consistency of the moratorium on adult entertainment uses be enacted with regard to the local law and with the zone changes.

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

Councilman Mandia asked Mr. Yacyshyn to explain why this can be singled out on the over-all zoning moratorium and/or the special permit.

Mr. Yacyshyn said that it is not essentially being singled out. The reason the Town Board enacted the moratorium at the time was to allow drafting proper legislation and permit the segregation of any adult uses in the Town of Clarkstown. The problem with that was we were awaiting the final results of what was going on in the City of New York. Prior to that we had court cases to set forth the perimeters by which local zoning can regulate this kind of activity. We have to wait and see if our proposed local law would be consistent with whatever court action took place in the City of New York.

There being no one further wishing to speak, on motion of Councilman Mandia, seconded by Councilwoman Smith and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, TIME: 8:16 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (737-1998) ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/28/98

8:17 P.M.

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

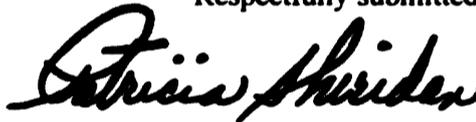
RE: Adopting Local Law #4-1998 - Amendment to Chapter 278 (Vehicle and Traffic)
of the Code of the Town of Clarkstown

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 if there was anyone wishing to make a comment or ask a question? No one appeared.

There being no one wishing to be heard, on motion of Councilwoman Smith, seconded by Councilwoman Mandia and unanimously adopted, the public hearing was declared closed, RESOLUTION ADOPTED, TIME: 8:19 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (738-1998) ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/28/98

8:20 P.M.

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

RE: A Local Law Prohibiting any Textural Changes and the Issuance of a Special Permit to the Zoning Ordinance for a Period of twelve Months to give the Planning Board Ample Time to Review and Amend the Comprehensive Plan

On motion of Councilwoman Smith, 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 asked Mr. Yacyshyn to explain this local law. Mr. Yacyshyn stated that this Town Board enacted a moratorium on zone changes at the last Town Board Meeting. It was determined with a legal opinion from the Town Attorney that it did not cover the ordinance itself. In order to be comprehensive, this probably should be included. Subsequently, at the time of the hearing, it was raised by members of the public that perhaps the Special Permit provision should be acted on by the Town Board as well as the Zoning Board of Appeals and included in this Local Law and give it the same duration of time for consideration.

Supervisor asked if there was anyone wishing to speak, make a comment or ask a question regarding this Local Law.

Appearance: Ms. E. Jennings
Representative for Rockland County Builders Association

She read the following letter from the Rockland County Builders Association:
Dear Mr. Holbrook: The Rockland County Builders Association wishes to memorialize its comments on the recently passed Clarkstown Moratorium against the processing of zoning amendments and the proposed moratoria against textual changes and special permits and make some suggestions for the Board to consider.

It is beyond cavil that a moratorium is a recognized tool in zoning to preserve the status quo while a municipality considers a master plan or a comprehensive revision to a master plan. The proposed moratoria as enacted and or proposed do not accomplish that. While we do not think these proposals by the Town Board are made solely to insulate them against public controversy in the forthcoming election year, we do note that the moratoria have been instigated by community activists and in one case an avowed candidate for public office. We had not been aware of any requests from the planning consultant or the Planning Board that these actions be initiated. Therefore, we question the underlying motives in the proposed passage of these interim zoning laws. We feel the absolute prohibitions therein for a period of one year are excessive and suggest the following recommendation:

That the Board consider adding a waiver provision to the moratoria.
That waiver would be upon petition to the Town Board where it is apparent that a use which would be considered more desirable than an existing use is proposed.

To simply shut all changes for a period of one year seems counter productive to what the Town hopes to accomplish, since it might upon a positive recommendation of the Planning Board, accomplish the same result sooner if a waiver is permitted.

PH: A Local Law Prohibiting any Textural Changes and the Issuance of a Special Permit to the Zoning Ordinance for a Period of twelve Months to give the Planning Board Ample Time to Review and Amend the Comprehensive Plan

The Rockland County Builders Association is a 200 member trade association representing the construction industry in Rockland County. The membership consists of builders, developers and remodelers, and associates in allied field that support the construction industry. The Association was founded in 1953 and is affiliated with the National Association of Home Builders and the New York State Builders Association.

Association members are concerned about our community; we not only do business here, but live here and vote here as well.

In conclusion, while we agree that a moratorium can be a useful tool in the context of zoning, a moratorium motivated by political expediency is the anathema of good zoning.

Appearance: Jessica Hauser, Esq.
Attorney for the South Little Tor Association

She urged the Town Board to adopt the resolution including Special Permits in the year long zoning moratorium. This past week her membership has dropped off petitions urging the Board to adopt. This morning they dropped off further petitions from neighborhood residents including the Link PTA urging the Board to adopt. Many of the neighbors are supporting this resolution. They support an orderly examination of the future development of the Town of Clarkstown. Last week she sent, Mr. Jacobson who is Town Attorney, a letter testifying what she believes are objections to a proposed Special Permit to develop Davies Lake property in New City. Their association is not opposed to senior citizen housing. What they are opposed to is over utilization of the site such as Davies Farms Inc. development of Davies Lake. They feel that Special Permits by their very nature could be included in the year long Zoning moratorium. Special Permits and Zone Change applications are really the same thing. Each ask the Town Board for permission for an individual project, but in another way they are very different. Zone Change applications asks the Town Board to permit a specific project in the neighborhood that is not listed for that neighborhood in the Town regulations, but is allowed in the Town. A Special Permit on the other hand is limited by the Town regulations to uses that are spread out in each zoning district. If the zoning moratorium is allowed to exist and at the same time Special Permits are allowed to go forward, certain developments may occur that will ultimately go against the wishes of the neighborhood and the residents in the ultimate master plan. For instance, in the R-15 District by right using a Special Permit, a developer could construct a multi-story private hospital. The R-15 District is the District that is limited primarily to one-third acre, single family residence. In the R-22 District, the developer could ask for a Special Permit to develop a multi-story private sanitarium. That District is primarily limited to single family residences on a half of an acre. If either of these hypothetical Special Permits were approved during the year long moratorium and the ultimate master plan didn't approve of such projects, you can't undo what has been done. It is their position as a civic association to help the Town Board plan for the future of this Town. Let an orderly process occur which is best helped by a moratorium on both Zone Changes and Special Permits. She urged the Board to adopt a resolution for the moratorium.

Appearance: Victor Perez, Esq.
Price, Meiser, Shulman & D'Arminio

He submitted a minor revision of the proposed moratorium to the Town Board for

PH: A Local Law Prohibiting any Textural Changes and the Issuance of a Special Permit to the Zoning Ordinance for a Period of twelve Months to give the Planning Board Ample Time to Review and Amend the Comprehensive Plan

their consideration. He understands why moratoriums may be necessary at times where there are voids in the law or where certain sections of the code have not been reviewed in a long period of time. That is not the case with respect to wireless communication facilities. This Town has recently adopted the law entitled, "Wireless Communication Facilities" which is nearly thirty pages long. It is one of the most comprehensive ordinances affecting wireless facilities that he has ever seen. In recently adopting that law, the Planning Board undertook a very comprehensive look at the plan. Omni Point Communications currently has an application before the Town right now. They invested a lot of money and they are scheduled to appear before the Technical Advisory Committee in the next few weeks. He proposed that the Board exempt Special Permits for wireless communications facilities or consider an exemption with respect to any carrier who has an application pending before any of the Town's committees at this time. Mr. Jacobson stated that the scope of the local law does not apply to the wireless communications. Mr. Perez said that the language of that local law does refer to the term of Special Permits to be granted by the Planning Board.

Appearance: Oscar Ferre
Little Tor Civic Association

He agrees that this proposal should be adopted. He submitted petitions to the Town Board.

Appearance: Russell Trojan
Nanuet

When the Town Board scheduled the public hearing for the moratorium on Zone Changes, he raised the issue of Special Permits because he recognized that as the Town examines a comprehensive plan, there would be all these minor or major changes still going on that are not Zone Changes, but are covered under the Special Permit category. Whether they be transfer station, senior citizen housing or mini warehouses. He wants the Special Permit included in this moratorium.

Appearance: George Rimmel
New City

He believes in order to simmer things down in the haphazard growth that has transpired over the past few years in Clarkstown, it is necessary to have the moratorium. If you don't do that, the old salami theory comes in, you chop off a little piece here and a little piece there and you keep chopping until the whole salami is eaten up. If we look at different areas in Town, that is what has happened. Somebody gets an exception and the next thing you know someone else has something similar and they want an exception. He is for some orderly continued growth and he feels that the only to accomplish this is to have all encompassing moratorium.

Appearance: Ed Day
President, Little Tor Neighborhood Association
Represents homeowners north of Collyer Avenue

PH: A Local Law Prohibiting any Textural Changes and the Issuance of a Special Permit to the Zoning Ordinance for a Period of twelve Months to give the Planning Board Ample Time to Review and Amend the Comprehensive Plan

The Board recognized a need to establish a plan. They recognized the haphazard expansion going on in the Town. Logically having voted for that moratorium, it follows that the Town Board should decline any Special Permits that did not have at the very least a compelling and an immediate impact upon the health and safety of this community. We are in the top percent in the northeast in creating housing. That is remarkable given our urban flavor. The Little Tor Neighborhood Association is not anti development. They had two developments that are somewhat consistent with existing community. They are not anti trades. They realize that building equals a viable economy. They have members of the trades in their association. We need to determine where we are going to go. We need to slow down. We need to see exactly what we are looking to do. He urged the Board to stay the course. No matter what idea is being packaged here, any development that impacts upon this Town and make the area less desirable would present possibly a very ironic picture that under the guise of trying to improve senior housing in this community, the children of those senior move out.

Appearance: Martin Bernstein
New City

He thinks there is a misunderstanding by many people in this Town. They feel that this will stop all construction in the Town. That is not so. Anything that is already zoned that does not require a change, can be developed at this particular time. A comprehensive plan does not only review the zoning, it reviews road patterns, it makes suggestions on a long range capital improvement program. There are all kinds of things that a comprehensive plan requires. In order to do that, you can't expect that while this is reviewed people can come in and make changes. Everywhere where a long range plan is required, there is usually a moratorium on the zoning changes so that it can be done in a rational way. That does not mean that building permits will stop. It only means that if someone wants to make a change for a year that they will have to wait and have the committees review it, make recommendations to the Town Board which in the final analysis have to make the final decisions, not the Planning Board. The Planning Board makes the recommendations. It is possible in the end that as far as zoning is concerned, it may be decided that there will be no changes. There are a lot of other things that are required in this comprehensive plan. He is for the comprehensive plan.

Appearance: John Lodico
New City

He asked if senior citizen housing was on the agenda. Supervisor replied that it was not.

Appearance: Jack Cuff
West Nyack

He attended a Planning Board meeting last week and one of the items discussed was a new transfer station. For the benefits of the citizens here, this is another place to take your garbage, haul it around in trucks and put it into another truck to haul it off to Illinois, Ohio, Pennsylvania or any other State that will take our garbage. The proposed site for this is Snake Hill Road in West Nyack. Anyone who travels Snake Hill Road,

PH: A Local Law Prohibiting any Textural Changes and the Issuance of a Special Permit to the Zoning Ordinance for a Period of twelve Months to give the Planning Board Ample Time to Review and Amend the Comprehensive Plan

knows how it got its name. It is windy, twisty and has a lot of blind spots. If you use it on a regular basis, you will go pass eighteen wheel dump trucks hauling gravel. We have at least two transfer stations in West Nyack now. We are still the garbage capital of Rockland County or Clarkstown. The transfer station that the Town of Clarkstown built on Route 303 is now operation at forty or fifty percent of its capacity. There is another transfer station on Western Highway which belongs to the Carbone empire. Mr. Cuff asked if the applicant for the transfer station needs a Special Permit. Mr. Jacobson answered, that is correct. Mr. Cuff requested that if they need a Special Permit to put it on hold for a year along with all the other Special Permits. He feels that West Nyack does not need another transfer station. He doubts that Clarkstown needs another transfer station. Supervisor stated that would be covered under this local law. He mentioned the need for a traffic light at the intersection of the Valenti Bridge and Snake Hill Road where we cannot make a right hand turn. This makes us play Russian Roulette with cars and trucks coming both ways. Supervisor stated that the Town Board would have to amend the covenant to permit a right hand turn. Road improvements that were mentioned for Snake Hill Road would eliminate some of the sharp curves and make the road wider. If somebody is going to come in and want some kind of new operation with a Special Permit on Snake Hill Road, let them do the same thing that Pyramid Corporation was required to do. That is to pay for the road improvements. He does not want his tax dollars to pay for road improvements to make it better for people who probably don't live in Clarkstown. If this Special Permit is granted for the garbage transfer station, of course, they wouldn't use the Snake Hill Bridge. There is a sign on the east side of the Snake Hill Bridge that says four ton limit. This is something for the police to look at. Every time you come across that bridge traveling west, there is enough gravel laying all over the road on the west side to probably do your driveway. This tells him that trucks coming out of that quarry are coming across that four ton limit bridge. You know that any truck hauling gravel is going to weigh a lot more than four tons. Someone is breaking the law every day hauling across that bridge. We don't need another garbage facility in West Nyack. Let's get our other facilities up to 100% capacity before granting any Special Permits. His children cannot afford to live in this community. He is in favor of the amendment.

Councilman Maloney asked if there was a grandfather clause. The answer was no, there is no grandfather clause. If they paid a fee and had an application in a month ago and if we pass the moratorium tonight or within the next two weeks, they are not covered.

Appearance: Ira Emanuel, Esq.
Represents the DePaulis Enterprises for Dream Construction

His clients have an application before this Town to create an amendment to the zoning code to allow child care centers in the Town of Clarkstown. Under the current zoning ordinance, child day care centers are illegal in the Town of Clarkstown. They do exist, but they all operate outside the zoning code. His clients wish to construct two child day care centers within the Town of Clarkstown. One in New City and one in Congers. In order for them to do that, there first must be an amendment to the zoning code to permit child day care centers. The moratorium that is before you would prohibit that text amendment for a year. They have an application that has been in since August. This Town Board approved the concept by referring the application to the Planning Board. They have been before TAC and got responses from various departments. Now, everything is going to come to a dead stop. This means no legal day care in the Town of Clarkstown for at least another year. Contrary to what may have been said about the

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background of this particular amendment that people got caught up in that particular issue and did not understand some of the unintended consequences of it. One of those unintended consequences is a continued illegality of day care centers in the Town of Clarkstown. A moratorium on zone text amendments would stop my client's petition and stop that process. One of the comments that we got from the Building Department was that if child day care centers are to be permitted at least in residential zones in the Town of Clarkstown, it ought to be by Special Permit. Assuming that some how we get an exclusion from the zone text amendment moratorium, his clients would still be caught up in a moratorium on Special Permits and would not be able to continue with day care centers. There maybe a lot of very good reasons for a moratorium on some zone text amendment on some Special Permits. He hopes that the Town Board will recognize that this is not something that they want. You don't want to impinge upon day care centers. You don't want to impinge upon other activities which may affect the health, safety and welfare for the citizens of the Town of Clarkstown. He asked the Board to take a look at what they have and make the appropriate amendments so that these types of activities can continue to go forward while still providing the Town with the protection it is seeking.

Appearance: Scott Milich
New City

Mr. Milich is the owner of Davies Lake property. He submitted a petition today for the development of an assisted living facility and independent living units. He is strongly opposed to including Special Permits in the moratorium, since the Davies Farm Assisted Living Development requires a Special Permit to proceed. He was born and raised in Rockland County. He shares the concerns about the future of Clarkstown and the changes that seem to be rapidly taking place here. We cannot continue to allow unchecked development to destroy the community we know and love. We do not see this issue as totally black and white. In our fervor to maintain a way of life in Clarkstown, we should not just shut our eyes and say no more and end the debate there. In fairness to everyone in the community, we must take this time to examine various ideas individually and on their own merits. We should not simply demand there be no way for any permits to take place for an entire year no matter what the purpose of the use or the good it might provide the community. On their property, they are going to build a combined independent and an assisted living facility, an adult continued care community. However, since we require a Special Permit, if they are included in the moratorium, Davies Farm will go forward, but not until precious time is unnecessarily wasted. They believe that the whole question of whether to include the Special Permits only rose solely because of the Davies Farm project. They believe that the Town Board on enacting an moratorium on Special Permits would be illegal and they will take legal action to protect their property rights. His attorneys told him that a Special Permit is a use by right which cannot be denied. However, he prefers that it does not get to that point. The Davies Farm project is very different from other proposed developments we need to put a stop to such as large scale condominium complexes. For that reason, they should not be denied by including Special Permits in the moratorium. Regarding demand for senior housing, he has had countless phone calls from supporters of the project. Mrs. Mildred Rossi, an eighty-three year old woman who loves Rockland County, told Scott Milich there is no place for her to live. She wants to see this housing come through. Many other seniors told him they do not drive at night and could not make it here this evening. They are the silent majority. Finally, when you have honestly and thoroughly considered the Davies Farm project, he knows that you will agree with him that it would be unfair and very

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illegal to include the Special Permits in the moratorium. He has no desire to see this turn into a legal battle, although he will pursue all available legal remedies. He would rather that everyone understand that the Davies Farm project is different from other projects. It will provide a desperately needed service to this community. Our older citizens need this and should not be deprived of it because we are in a panic to halt change in Clarkstown.

Appearance: Jerome Botkin
Treasurer of South Little Tor Civic Association

The issue at hand is not the merit of Davies Farm proposal. The issue is whether or not there should be a moratorium on Special Permits. It is clear that the goal of the Town Board is to allow a one year time period to work on the master plan. The moratorium is for zone changes. Without extending this moratorium to Special Permits, the goal of establishing a master plan before any further use not conforming to current zone restrictions is simply not fully accomplished. Mr. Milich's plan for land currently zoned R-22, half acre residential is quite different in density. Putting 247 units on about 17 acres is quite a change. It is his aim to get a Special Permit to develop this project. He persuades us with specifics and emphasizes the need for such housing. However, the community resoundly responded to this proposal as over utilization of this particular site. Mr. Milich sent a letter to Mr. DeSantis, the Civic Associations President, on September 22nd clarifying the cost structure. He said that one bedroom, two bedroom and studio units would have prices ranging from \$800.00 to \$16,000.00 per month. Assisted living would be between \$2,000.00 and \$3,500.00 per month depending on the level of care and the size of the suite. In the same correspondence, Mr. Milich refers to unnamed major corporations he is negotiating with. Mr. Milich made a presentation to the South Little Tor Civic Association explaining that it is his intention for a major for profit corporation to manage the property. It was implied that Davies Farm, Inc. would sell the property to the corporation. If that is the case, how could Scott Milich quote rental rates?. I can quote some rental rates. Seabrook Village which is in Tinton Falls has a rate of \$1,050.00 a month for a one bedroom apartment. You also have to pay an entrance fee of \$255,000.00. An entrance fee is virtually an interest free loan that you give the developer. If you decide to leave, you get 90% back. Hyatt, a major corporation in senior housing has a residence in Teaneck and gets for one bedroom with bath \$3,450.00 a month. With personal care, they would get \$4,950.00. An additional person is \$850.00. Fountainview, which is in Monsey and not operated by a major corporation, but a local housing nursing home operator - independent living, one bedroom for his mother-in-law who signed up very early \$1,950.00. It is now \$2,500.00. There are vacancies. Why would a major corporation run a similar type facility for the rate Scott Milich quotes when comparable are much more costly? What are the omitted entrance fees and other facts? Senior housing is not cheap. It is clear that Special Permits should be subject to the same moratorium as zone changes as the Town planners need the time to look ahead and analyze current the current and future infrastructure of roads as well as volunteer fire and ambulance services before allowing Special Permits.

Appearance: Martin Kittle
New City

If you rule against Mr. Milich, he is going to go into court. This will give us time to beat this. In the long run, we will all come out a winner.

PH: A Local Law Prohibiting any Textural Changes and the Issuance of a Special Permit to the Zoning Ordinance for a Period of twelve Months to give the Planning Board Ample Time to Review and Amend the Comprehensive Plan

Appearance: Anthony Montalbano, Esq.
Attorney for Davies Farms, Inc.

We filed on behalf of Davies Farm, Inc. today a petition for a Special Permit to allow Davies Farm, Inc. to construct a elder care facility on their property. Certainly, that petition is subject to review by the Town Board and the Planning Board. I understand that I have to respect the concern that we have heard here this evening from members of the local civic associations. We do, however, live under the rule of law. The law as it exists in the Town of Clarkstown says that the proposed use by Davies Farms, Inc. of its property is a special permit use which is a use as a matter of right. It is not a use that is subject to a petition for a zone change. A zone change petition use is a use which is forbidden use. You come to the Town Board and you say to the Town Board, please let me use my property to construct a factory even though it is located in a residential area. That is a forbidden use. That is a use that is not allowed under the zoning ordinance and the Town Board in its exercise of its legislative powers can say yes or no with respect to that. The same is true with respect to a variance. An application for a special permit is not an application for a variance. A variance says, I can't comply with the law either side yard, front yard, rear yard, building height or I can't comply with the law because the use I can put the property to, I can't get a reasonable return. So please grant me relief. That is not the case here. We have a use that has been on the books of the Town of Clarkstown which is a special permit use that means it is a use as a matter of right subject to conditions. In addition to what the Milichs would like to do with their property, this proposed legislation would also affect the following uses. It would affect the ability of applicants to come to this Board to construct community centers. It would affect the ability of someone to come to this Board to construct art galleries. It would affect the ability of applicants to convert a single family home to a two family home. It would prohibit the construction of a nursery school. It would affect the ability of a restaurant located in a residential district coming before this Board for a special permit. It would affect the ability of this Board to grant relief to someone requesting to construct a hospital. It would affect the ability of this Board in an RG-1 District to grant an application to construct rental type garden and cooperative garden apartments. It would prohibit granting an application for senior citizen housing. It would forbid an application for an agency group home. That is what this legislation means. You are not affecting Davies Farm, Inc. You are affecting a whole broad spectrum of uses. With respect to the comments of Ms. Houser and specifically her comments that the Civic Association which she represents does not want this particular use. Unfortunately, the Zoning Ordinance allows this particular use. The Zoning Ordinance that the Town of Clarkstown has does not leave the community or the Civic Association without protection. In addition to Davies Farm, Inc. having to go through the normal process of site plan review with the Planning Board, I would like to direct your attention to another provision in the Clarkstown Zoning Ordinance and specifically it is section 290-17 - additional requirements for certain Special Permits. Hel read what he considered to be the pertinent sections. All of the issues that one would be concerned with and which the community is concerned with would be addressed in a review by both the Town Board and Planning Board. Since a Special Permit use is a use as a matter of right, it may raise a serious question as to whether or not this Board has the ability to declare a moratorium on one particular set of uses without declaring a moratorium on all the uses under the Zoning Code. One of the other uses, a home occupation use, is covered by a Special Permit use. He checked with the Zoning Board of Appeals and the Town Clerk to find and request information as to the number of applications for Special Permits that exists with the Zoning Board of Appeals. None exist at this time. He asked the Town Clerk's Office if

PH: A Local Law Prohibiting any Textural Changes and the Issuance of a Special Permit to the Zoning Ordinance for a Period of twelve Months to give the Planning Board Ample Time to Review and Amend the Comprehensive Plan

we had any applications pending before the Town Board. None exists at this time except for the application we filed today on behalf of Davies Farm, Inc.

Appearance: John Lodico
New City

He was involved with senior citizen housing thirty-five years ago. In 1963, we presented before the Town Board, the first concept of senior citizen housing in Rockland County. Their first one was established and built under section 8 area of senior citizen housing. The Republicans didn't want it. The Democrats didn't want it. It wasn't until 1972 that we got Clarkstown's first senior citizen housing. A new industry has been created using senior citizen housing as a concept for approval. Senior citizen housing was based on low income. It was based on tax payers in this community who live here and could no longer afford to go into higher cost living places. This conception that you are building senior citizen housing is a fraud on people in Clarkstown. This government relinquished its responsibility in allowing it not to be regulating control by the Town which was the original concept. It then farmed out the operation. We have people on a list for thirty years that could never get into the housing. The proposal that you have before you today on senior citizen housing is a fraud. It is a new industry that is being created. You are going to destroy the concept of senior citizen housing.

Appearance: Roy Eidman
New City

He was very very happy when he heard about the project behind the stores to have senior citizen housing. He has a son who lives on Williams Street and another son who lives on Old Middletown Road. His daughter owns a house behind Cropsy Farm. All his children love Rockland. He is in favor of this senior citizen project because at his stage of the game, his house is getting more difficult to handle. He thinks this will be great for him. He hears voices say that they don't want senior citizens. We don't want welfare and then he hears other voices tha say they are going to charge \$1,000,000.00 a room.

There being no one further wishing to speak, on motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing was declared closed, DECISION RESERVED, time: 9:27 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk