

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall 1/12/99 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 Holbrook opened the public portion.

Appearance: Larry Kip
So. Conger Ave., Congers

He is opposed to the abandonment of a portion of So. Grant Avenue. He gave the Town Board letters from neighbors who also are opposed to the abandonment.

Appearance: Dorothy Heffan
So. Conger Ave., Congers

She lives next door to the Muggeos. Ms. Heffan stated that the Muggeos wanted to build a house in their yard. She has been against it for years and wants So. Grant to stay as it is.

RESOLUTION NO. (34-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the Town Board Minutes of December 31, 1998 and January 4, 1999 are hereby accepted as submitted by the Town Clerk.

On roll call the vote was as follows:

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

RESOLUTION NO. (35-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on November 24, 1998, provided for a public hearing on December 22, 1998, at 8:15 P.M., or as soon thereafter as possible, to consider the abandonment pursuant to Section 205 of the Highway Law and the deletion from the Official Map of the Town of Clarkstown, pursuant to Section 273 of the Town Law, of the road known as (SOUTH) GRANT AVENUE, Congers, New York, requested by Joseph and Rose Muggeo and Harold and Pracilla Evans, and

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RESOLUTION NO. (35-1999) Continued

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw, dated December 22, 1998, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the abandonment shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that the Clarkstown Planning Board recommends against abandonment of said road because it could encourage development of additional flag lots in an area which is congested already, and be it

FURTHER RESOLVED, that for the reasons of public health, safety and welfare, the Town Board hereby DENIES the proposed abandonment of (SOUTH) GRANT AVENUE, Congers, New York, requested by Joseph and Rose Muggeo and Harold and Pracilla Evans.

On roll call the vote was as follows:

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

RESOLUTION NO. (36-1999)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that permission is hereby granted for a fireworks display to be conducted by the Clarkstown Parks Board and Recreation Commission at the Clarkstown South Senior High School at approximately 9:30 P.M. on Friday, July 2, 1999, rain date, Wednesday, July 7, 1999 pursuant to Section 405 of the Penal Law.

On roll call the vote was as follows:

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

RESOLUTION NO. (37-1999)

Co. Smith offered and Co. Maloney seconded

WHEREAS, additional equipment is required for continued operation and maintenance at the Solid Waste Facility;

NOW, THEREFORE, be it

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RESOLUTION NO. (37-1999) Continued

RESOLVED, that K. Luke Kalarickal, Director, Department of Environmental Control, is hereby authorized to lease the following equipment for a period of five years:

- One Caterpillar 416C IT Backhoe Loader at a cost of \$1,780.53 per month,
- One Caterpillar CS-433 Roller at a cost of \$1,825.35 per month,
- One Caterpillar 973 Track Loader at a cost of \$6,482.44 per month,
- One Caterpillar Motor Grader model 120H at a cost of \$2,913.23 per month,

and be it,

FURTHER RESOLVED, that all proper charges be charged against account SR 8160-443.

On roll call the vote was as follows:

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

RESOLUTION NO. (38-1999)

Co. Smith offered and Co. Maloney seconded

WHEREAS, as a condition to the approval of the final map with regard to a site known as Mon-Des Holding Corp., the Planning Board of the Town of Clarkstown requested a deed for road widening purposes along New York State Highway No. 8196, Route 9W, Congers, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of Environmental Control of the Town of Clarkstown, deed dated October 21, 1998 from Mon-Des Holding Corporation to the Town of Clarkstown, gratuitously conveying a strip of land along New York State Highway No. 8196, Route 9W, Congers, New York, is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

On roll call the vote was as follows:

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

RESOLUTION NO. (39-1999)

Co. Smith offered and Co. Maloney seconded

WHEREAS, as a condition to the approval of the final map with regard to a subdivision known as Saehill Realty Corp., the Planning Board of the Town of

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RESOLUTION NO. (39-1999) Continued

Clarkstown requested a deed for road widening purposes along Ridge Road, Valley Cottage, New York;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Director of Environmental Control of the Town of Clarkstown, deed dated December 7, 1998 from Saehill Realty, Inc. to the Town of Clarkstown, gratuitously conveying a strip of land along Ridge Road, Valley Cottage, New York, is hereby accepted and ordered recorded in the Rockland County Clerk's Office.

On roll call the vote was as follows:

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

RESOLUTION NO. (40-1999)

Co. Smith offered and Co. Maloney seconded

RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and the Director of Environmental Control is hereby authorized and directed to act as staff for the Town Board with respect to SEQRA review for the Dam Restoration work on the project known as Lake Lucille Dam Restoration.

On roll call the vote was as follows:

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

RESOLUTION NO. (41-1999)

Co. Mandia offered and Co. Profenna seconded

WHEREAS, the Town of Clarkstown finds it necessary to obtain a permanent easement on property known as Map 16, Block A, Lot 1.01 (portion of) to improve and maintain the Rinne Road Sewer Pump Station, and

WHEREAS, Gene and Marlene Ostertag, owners of property located at 302 North Middletown Road, Nanuet, New York, are desirous of conveying said portion of property to the Town for a permanent easement;

NOW, THEREFORE, be it

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RESOLUTION NO. (41-1999) Continued

RESOLVED, that the Town Board hereby accepts the conveyance of a portion of property known as Map 16, Block A, Lot 1.01 (portion of), from Gene and Marlene Ostertag, for a cost of \$2,000.00 in order to improve and maintain the Rinne Road Sewer Pump Station, and be it

FURTHER RESOLVED, that said deed shall be 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

RESOLUTION NO. (42-1999)

Co. Smith offered and Co. Maloney seconded

RESOLVED, the Town Board hereby authorizes the Receiver of Taxes to increase the charge per duplicate tax bill from \$3.00 to \$5.00 for all duplicate bills issued, which charge shall be for the purpose of defraying the cost of the preparation of said bills, and be it

FURTHER RESOLVED, that this increase commences the 1st day of January, 1999.

On roll call the vote was as follows:

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

RESOLUTION NO. (43-1999)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that upon the recommendation of the Superintendent of Highways, the request of Rick Miele for sick leave at half pay pursuant to the CSEA contract, is hereby denied.

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. (44-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has certified on January 8, 1999 that the position of Clerk, Supervisor's Office can be created.

NOW, THEREFORE, be it

RESOLVED, that the position of Clerk, Supervisor's Office (in lieu of the Clerk Stenographer position) is hereby created, effective January 13, 1999.

On roll call the vote was as follows:

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

RESOLUTION NO. (45-1999)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Stacey Hawver, 83 Snedeker Avenue, Congers, New York, is hereby appointed to the position of (Provisional) Clerk - Supervisor's Office - at the current 1999 salary of \$21,412., effective January 19, 1999.

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. (46-1999)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that Jeanine M. Reiter, 7 Brenda Lane, Bardonia, New York is hereby appointed to the position of (temporary) Data Entry Operator I, Assessor's Office at the current hourly rate of \$12.75, effective pending Rockland County Personnel Office approval for a period not to exceed 90 days.

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. (47-1999)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board of the Town of Clarkstown hereby denies the request of Emily Feiner to extend her leave of absence on a part-time basis at the conclusion of her current leave of absence, that being December 31, 1998.

On roll call the vote was as follows:

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

RESOLUTION NO. (48-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Court Attendant #96107 which contains the name of Brian R. Davidson.

NOW, THEREFORE, be it

RESOLVED, that Brian R. Davidson, 296 South Mountain Road, New City, New York is hereby appointed to the (Permanent) position of Court Attendant, Town Justice Department at the current salary of \$21,412.00, effective January 19, 1999.

On roll call the vote was as follows:

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

RESOLUTION NO. (49-1999)

Co. Maloney offered and Co. Mandia seconded

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

BID #49-1998
WORK CLOTHES

is hereby awarded to:

EASTERN UNIFORM SERVICE CORP.
56-15 NORTHERN BLVD.
WOODSIDE, NY 11377
PRINCIPAL: GENE GRAYSON

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RESOLUTION NO. (49-1999) CONTINUED

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

On roll call the vote was as follows:

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

RESOLUTION NO. (50-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Superintendent of Highways that

**BID #50A-1998-INSTALLATION OF IN-GROUND FUEL STORAGE TANKS
AT THE HIGHWAY DEPARTMENT**

is hereby awarded to: **MERLEX CONTRACTING, INC.**
44 WALNUT STREET
MONTGOMERY, NY 12549
PRINCIPAL: PERRY K. SONGERS

as per their low bid proposal not to exceed \$581,836, and be it

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

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

On roll call the vote was as follows:

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

RESOLUTION NO. (51-1999)

Co. Smith offered and Co. Profenna seconded

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RESOLUTION NO. (51-1999) CONTINUED

RESOLVED, that the Town Board of the Town of Clarkstown shall hold a public hearing pursuant to the Eminent Domain Procedure Law to consider the proposed acquisition by condemnation of property for municipal purposes which is located on the east side of Western Highway, the west side of the West Shore Railroad, the north side of Pineview Avenue and the south side of the Hackensack River, West Nyack, New York, consisting of approximately 1.0 acres of land, and designated on the Clarkstown Tax Map as Map 88, Block A, Lot 16 (Portion of), which public hearing shall be held on the 26th day of January, 1999, at 8:05 P.M., in the Auditorium of the Clarkstown Town Hall, 10 Maple Avenue, New City, New York, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized to prepare and serve notice of such statutory hearing and that the Town Clerk cause the same to be published on at least five consecutive days in the official newspaper of the Town as aforesaid and file proof thereof in the Office of the Town Clerk, 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 K. Luke Kalarickal, Director of Environmental Control, 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

RESOLUTION NO. (52-1999)

Co. Maloney offered and Co. Smith seconded

WHEREAS, Resolution No. 3-1999 adopted on January 4, 1999 authorized the attendance of various employees at the Association of Towns Convention on February 14 to February 17, 1999.

NOW, THEREFORE, be it

RESOLVED, that Resolution No. 3-1999 is hereby amended to reflect the addition of the name Sheila Fergus-Mellon, Justice Court to the list of employees authorized to attend this annual conference.

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. (53-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Howard R. Reiss and Ellen Reiss, owners of property designated on the Clarkstown Tax Map as Map 110, Block A, Lot 67, located at 10 Kings Court, Valley Cottage, New York, have requested permission for the installation of a swimming pool and deck partially within the confines of a municipal drainage easement, and

WHEREAS, the Director of the Department of Environmental Control of the Town of Clarkstown has recommended that the property owners execute a Declaration of Covenant to run with the land indemnifying and holding the Town of Clarkstown harmless from any claims which may result in connection with the installation of the pool and deck;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to Howard R. Reiss and Ellen Reiss to install a pool and deck partially within the confines of the municipal drainage easement on property designated as Map 110, Block A, Lot 67, and be it

FURTHER RESOLVED, that Howard R. Reiss and Ellen Reiss execute a Declaration of Covenant to run with the land, in a form satisfactory to the Town Attorney, indemnifying and holding the Town of Clarkstown harmless from any claims which may result in connection with the installation of a pool and deck, and be it

FURTHER RESOLVED, that said Declaration shall be 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

RESOLUTION NO. (54-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes the extension of an agreement with PHOENIX SYSTEMS & ANALYSIS, INC. to January 31, 1999, at the same terms and conditions of the current contract for computer consulting and technical services, and be it

FURTHER RESOLVED, that this Resolution shall be retroactive to January 1, 1999.

On roll call the vote was as follows:

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

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RESOLUTION NO. (55-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the following have applied for Certificates of Registration pursuant to Section 296-48 of the Town Code of the Town of Clarkstown:

ENVIRONMENTAL CONSTRUCTION, INC. P. O. Box 563 Stony Point, New York 10980	EDWARD DE LEONARDIS EXCAVATING, INC. 328 Fulle Drive Valley Cottage, N. Y. 10989
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PHOENIX EXCAVATORS CORP. 62 Rose Road West Nyack, New York 10994	COPPOLA SERVICES, INC. 28 Executive Parkway Ringwood, N. J. 07456-1430
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VICTOR P. ZUGIBE, INC. 66 Railroad Avenue Garnerville, New York 10923	ROCKLAND COUNTY EXCAVATING, INC. 61 Thiells Mt. Ivy Road Pomona, New York 10907
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RESOLVED, that the following Certificates of Registration be issued:

- No. 99-3 ENVIRONMENTAL CONSTRUCTION, INC.
- No. 99-11 EDWARD DE LEONARDIS EXCAVATING, INC.
- No. 99-12 PHOENIX EXCAVATORS CORP.
- No. 99-13 COPPOLA SERVICES, INC.
- No. 99-14 VICTOR P. ZUGIBE, INC.
- No. 99-15 ROCKLAND COUNTY EXCAVATING, INC.

On roll call the vote was as follows:

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

RESOLUTION NO. (56-1999)

Co. Maloney offered and Co. Mandia seconded

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

BID #18-1999
FIREWORKS DISPLAY

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on: February 5, 1999 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 upon payment of the prescribed non-refundable fee per set.

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RESOLUTION NO. (56-1999) CONTINUED

On roll call the vote was as follows:

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

RESOLUTION NO. (57-1999)

Co. Maloney offered and Co. Mandia seconded

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

BID #19-1999

FIRST AID SUPPLIES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on: February 8, 1999, 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 upon payment of the prescribed non-refundable fee per set.

On roll call the vote was as follows:

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

RESOLUTION NO. (58-1999)

Co. Maloney offered and Co. Mandia seconded

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

BID #20-1999

HIGHWAY SIGNING AND ROAD MAINTENANCE SUPPLIES

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on: February 10, 1999, at which time bids will be opened and read, and be it

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RESOLUTION NO. (58-1999) CONTINUED

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing upon payment of the prescribed non-refundable fee per set.

On roll call the vote was as follows:

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

RESOLUTION NO. (59-1999)

Co. Profenna 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 proposals form Orange and Rockland Utilities, Inc. for street lighting at the following locations:

Ardmore Lane, New City
(Install one (1) 5800 lumen sodium vapor street light - existing utility pole number 59529/40945)

Whitewood Drive, New City
(Install one (1) 5800 lumen sodium vapor street light - existing utility pole number 59486/40901)

On roll call the vote was as follows:

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

RESOLUTION NO. (60-1999)

Co. Smith offered and Co. Maloney seconded

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RESOLUTION NO. (60-1999) CONTINUED

RESOLVED, that based upon the recommendation of the Superintendent of Highways, and subject to the review and approval of the Town Attorney, the Town Board hereby awards the contract for the Delineation for Subsurface Investigation of the Underground Water at the Clarkstown Highway Department facility (second phase) to

Lincoln Applied Geology, Inc.
358 Route 100
Somers, New York 10589

as per their proposal in the amount of \$91,380.00 and be it

FURTHER RESOLVED, that this award is subject to the receipt of the following by the Superintendent of Highways:

- a) Signed Contract Documents - two copies
- b) Performance Bond - 100%
- c) Labor & Materials payment Bond - 100%
- d) Certificate of Contractor's Liability, Automobile Liability, and Property Damage Insurance Coverage
- e) Certificate of Worker's Compensation and Worker's Disability Coverage.

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. (61-1999)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that Robert W. Davies, Real Property Appraiser is hereby authorized to attend a one day seminar on Valuation of Cell Towers on January 27, 1999 at The Ramada Inn, Newburgh, New York.

FURTHER RESOLVED, that all proper charges be charged against line 1010-414. (Not to exceed \$100.00)

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. (62-1999)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that deed(s) from: South of the Mountain Village, Ltd., dated October 2, 1996, conveying the following road(s):

Kakiak Court 370 L.F.

and other public improvements to the Town of Clarkstown in a subdivision known as South of the Mountain, Section IV is 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. (63-1999)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that deed(s) from: Briarwoods Farm, Inc, dated December 14, 1998, conveying the following road(s):

Blue Heron Road 1,654 L.F.
Bittern Drive 1,349 L.F.
Judith Street 1,401 L.F.
Charles Street 223 L.F.
Thorn Lane 500 L.F.

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

FURTHER RESOLVED, that this resolution is subject to approval by the Director of the Department of Environmental Control, the Superintendent of Highways and the Town Attorney, and be it

FURTHER RESOLVED, that when the Director of the Department of Environmental Control grants approval, a Maintenance Guaranty in the amount of \$100,000.00 will be accepted and \$50,000.00 escrow funds to complete unfinished items.

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. (64-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, an adverse drainage condition exists in the vicinity of 5 Alicia Court, West Nyack, New York, and

WHEREAS, the Director of the Department of Environmental Control has recommended a solution to correct the adverse condition, and

WHEREAS, for the purposes of the State Environmental Quality Review Act (SEQRA), 6 NCYRR Part 617.5,(c)(1),the project qualifies as a Type II action, and no further processing is required.

NOW, THEREFORE BE IT,

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Cal Mart Enterprises, Inc., 357A Route 59, West Nyack, New York 10994 to perform the necessary corrective drainage work in accordance with their proposal dated January 12, 1999, and

BE IT FURTHER RESOLVED, that the cost for the corrective work shall not exceed \$ \$9,999.00 and shall be a proper charge to account H 8736 409 0 67 16.

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. (65-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town Board adopted Resolution No. 987 on December 31, 1997, which granted a special permit to construct an auto laundry to Michael A. and Donna K Cefola, on property designated on the Clarkstown Tax Map as Map 123, Block D, Lot 3.01, and

WHEREAS, Michael A. and Donna K. Cefola have requested clarification of Item 4 of that resolution "The auto laundry shall be limited to 'hand washing vehicles,'" and further requests reduction of the 75 ft. buffer requirement under Section 290-IIA of the Zoning Ordinance, LIO District, Item 8-4, to 25 ft.;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby amends Resolution No. 987 adopted on December 31, 1997, to permit a hand washing car wash to include all other machinery except for mechanical brushes, and be it

FURTHER RESOLVED, that the Town Board hereby authorizes the reduction of the buffer area requirement of 75 ft. to 25 ft., pursuant to Section 290-IIA, LIO District, Item 8-4, of the Zoning Ordinance of the Town of Clarkstown.

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RESOLUTION NO. (65-1999) CONTINUED

On roll call the vote was as follows:

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

Co. Profenna stated that he abstained from this vote because he felt it may be in violation of the Town's moratorium on Special Permits.

There being no further business to come before the Town Board and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Town Board Meeting was declared closed, time: 8:10 P.M.

Respectfully submitted,


 PATRICIA SHERIDAN,
 Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

1/12/99

8:05 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 of a Special Permit to Construct an Auto Laundry (Cefola)

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 Holbrook stated that this Public Hearing is being held pursuant to the recommendation from the Clarkstown Planning Board which was dated June 24, 1998. The Supervisor read the following letter from the Planning Board. "At the Planning Board Meeting of June 10, 1998, the above subject was discussed at length for the proposed revision to an approved site plan to allow for "handwash" auto laundry. The following resolution was offered: Motion of Nest, Seconded of Schweitzer, carried 5:0 with ayes of Yacyshyn, Heim & Tullo, approving the following...

THE PLANNING BOARD REMANDS CEFOLA AUTO LAUNDRY,
123 D 3.01, VALLEY COTTAGE, BACK TO THE TOWN BOARD
FOR CLARIFICATION OF THE FOLLOWING:

1. The issue of the 75' buffer requirement in the Special Permit granted by the Town Board, and the need for reduction of same;
2. The imposed limitation of "hand washing" (applicant's proposal) of vehicles and the use of a conveyor belt, which is mechanized equipment (putting in question a manual operation as your Board required).

Supervisor said that this particular hearing is a clarification. It is not changing the text of the code. It is not passing local laws, but it relates to clarification. Supervisor asked Phil Fogel if there was any other correspondence. Mr. Fogel stated, none. Supervisor asked Mr. Yacyshyn if he had encapsulated the essence. Mr. Yacyshyn stated that the revision required the handwash clarification as to whether the method being employed meets the test that the Board requires".

Supervisor Holbrook asked the applicant or his representative to come forward.

Appearance: Terry Rice, Esq.
17 Bonaire Circle, Suffern

The property as you are probably aware is located at 143 Route 303 in the Town. The Special Permit that was referred to was granted by this Board on December 31, 1997. One of the conditions of that permit limited the use to handwashing of vehicles. When the applicant went to the Planning Board for site plan approval, the issue was raised as for what handwashing was intended to include or restrict. The applicant has at all times and perhaps it was not conveyed clearly enough to the Board when the application appeared before it that it was never intended to be a bucket and sponge type of operation. The term handwash is a term of art in the industry. Mr. Rice provided Patricia Sheridan with a couple of pages which describe the handwash type of concept. It is a mechanized type of device that moves the car through the facility, but there are no rollers. There are no

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brushes that wash the cars. That is done by hand. The concept is for people with certain types of cars and don't want to take a chance on the cars being scratched by the brushes. This would offer them an alternative that they could get their car washed without that risk. There is apparently a market for that and that is what the applicants are trying to appeal to. The term handwashing was intended to mean that there won't be these brushes. It will still be the mechanized type of device that will move the automobile through the facility. The second aspect is the code requires a 75 foot buffer for all Special Permit uses. On two sides of the property, the property is bordered by a paper street that is wooded. There is a shopping center on the other side. The third side is bordered by property owned by the Cefolas who have a number of apartment units on it. They are also requesting that as the code permits, the buffer be reduced 50 to 25 feet.

Co. Profenna asked where exactly the 75 feet were.

Alan Garfinkel, Engineer, with offices in Suffern stated the specifications of the Special Permit requires that there be a 75 foot buffer surrounding the bank. To the north, the property is owned by the Cefolas. To the south is a 60 foot wide paper street. In addition there is a stream. The stream is almost 50 feet in width. From the boundary line to the facility, all you have is a parking lot with an adjoining supermarket. That is the only thing that is affected. The facility is situated in such a way that there is no one affected by that 75 foot buffer and it is for that reason that the applicant comes before you seeking a reduction to 25 feet. That, of course, is an intricate part of your capabilities within the code provisions. That is, it provides for a reduction to 25 feet if there is no substitutive reason for maintaining the 75 foot buffer. That is the matter that is of primary concern. We don't think anyone will be affected by the reduction to 25 feet.

Co. Maloney stated that you are asking for a 25 foot reduction because it does not affect anyone in the whole perimeter. Mr. Garfinkel said that is absolutely central. East is Route 303. Right to the West is the supermarket and commercial activities. North is the Cefolas.

Appearance: Edward Benson, Esq.

Mr. Benson stated that he is appearing in opposition. In evaluating the application, you must consider the history of the applications that lead up to the presentation here tonight. Before tracing the history, and suggesting certain consequences that follow, he pointed out as you looked at the map, that there is one area that is not 25 feet. As a matter of fact, if you take a look at the map, it is 14.7. Before reducing it, you must consider what the ordinance actually provided. The ordinance provides (depending on how you construe the wording), it may mean that you cannot reduce the buffer zone to less than 50 feet. Actually, in giving it the construction that you can reduce it to 25 feet, what you are suggesting, is a two-thirds variation or deviation from the amount specified in the Zoning Ordinance. The one thing that is most disturbing is the manner in which this comes about because it seems, as he traces the history, it almost appears as a farce, a travesty on the ordinance. It was just explained that the matter comes before you, that immediately adjacent to it, is a parcel owned by the applicant. Approximately ten to twelve years ago, this very applicant made application for a zone change for that particular parcel from LIO to Residential. As a consequence, not only did they create the problem for the auto lube, vehicles must exit on the residential parcel. Either the ordinance means something or it does not. When they appeared before the Zoning Board of Appeals for a variance, one of the findings of the Zoning Board of Appeals was that they did not create the problem. That wasn't the case at all. When they came in for a Zone Change to residential, they certainly did create the problem. We find in the course of evolution with this application here tonight, that the Zoning Board of Appeals did not have the full facts before them or they didn't properly consider them. We recognize that they are giving a construction to the Zoning Ordinance

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that would reduce it from 75 to actually less than 25 feet if this Board grants the Special Permit. The use of the handwash was granted in the prior application. If you have a conveyor belt and as one of the principals of the applicant stated when he appeared before the Planning Board, a car would exit approximately every minute. I don't know what this Board considered when they said handwash, but I don't think that is what they had in mind. In any event, if you grant this Special Permit on the basis of what you have before you, I suggest to you this Ordinance does not mean a thing. You might just as well open it up to any entrepreneur who comes before you. You give him the opportunity to give all kinds of explanations as to why it would not interfere with this one and that one and you grant the Special Permit. The Ordinance certainly wasn't adopted with that in mind back in the 1960s and it certainly is not the intent of this Board to make a farce of the Zoning Ordinance. If they do, open it up, cast the Zoning Ordinance aside and let anyone come in. Give every one a chance. This Board would be derelict in observing the Zoning Ordinance as it was written and intended in granting a Special Permit reducing it to 25 feet and particularly with the kind of definition of handwash that has been presented here today.

Co. Maloney asked Mr. Benson if he was representing himself. Mr. Benson replied, no, he is representing a client.

Mr. Rice stated that Mr. Benson represents Mr. Widmaier who is a competitor. The car wash is approximately two or three miles away which under judicial precedence really would not give an economic competitor standing in court to complain about someone else's application. I think the source of the complaint is an important consideration. One corner of the property which Mr. Benson referred to as 14.7 feet from the property line, is one of the existing building. If the Building Department believes that the existing condition mandates that we get further relief from the buffer requirement by going to the Zoning Board of Appeals, then we will do that. The proposed building for the car wash fits within the reduced 25 foot buffer. The rest of the items that Mr. Benson related to the Board, really require comment. His one comment about cars coming out every minute is a much higher capacity than anybody ever anticipates as being the capacity. As a matter of fact, looking at the environmental assessment form, the maximum peak capacity is estimated in the environmental assessment form to be thirty cars per hour.

Appearance: Martin Bernstein
 New City

He asked what the purpose of decreasing this from 75 feet to 25 feet was. Mr. Rice replied that the configuration of the parcel is impractical and impossible to comply with that 75 foot buffer which is a general requirement that applies to all Special Permit uses. It is not one that is tailored to the car wash. It is not specifically tailored to this particular use or zoning district. Secondly, given the adjoining features with a wooded paper road, adjoining shopping center and the existing property on the other side owned by the Cefola, we see no purpose, no rationale and no benefit by virtue of the buffer requirement. Mr. Bernstein feels that as we start to make these changes there must be some purpose. Probably the purpose is with the paper road next door. The assumption is probably someone could acquire this and start to build something. Mr. Bernstein is not against that, but he thinks we should know exactly the purpose of the set backs, and changes so that we understand how it affects the entire area and how it affects the Zoning Ordinance. We should not start changing the Zoning Ordinance unless there is some special hardship.

Mr. Benson stated we are talking about a Zoning Ordinance going back to the 1960s when all the meetings were held for the orderly development of Clarkstown. Certainly, when they drafted the Ordinance, they intended it to be observed at least to the

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extent of not permitting a deviation except through the Zoning Board of Appeals. The one dominant consideration that you should bear in mind, as Mr. Bernstein pointed out, some ten to twelve years ago, an application for the auto wash had been turned down. At that time, they made an application for a Zone Change. A Zone Change to residential. The problem that they confront today is a problem that they created. That should not be overlooked in evaluating this application.

Mr. Rice stated the Zoning Law specifically anticipates and specifically authorizes the Town Board and in some instances the Zoning Board of Appeal to grant these types of waivers. It has nothing to do with hardship. It has nothing to do with variances. It is a planning type of concern that gives this Board the flexibility. It is a general requirement. It is not for car washes. It is not for LIO Districts. It is one that applies to all Special Permit uses. Obviously, when such a broad encompassing requirement is imposed over such a broad array of uses, there are going to be instances both because of the type of use, the district, the topography and the features where it cries out from a planning prospective for some type of waiver which is exactly what this Board is authorized to do.

Appearance: Trudy Botsic
164 Route 303

Ms. Botsic lives across from the Cefola loop. Now with Cefola having only a lubrication station, there is a tremendous turn around traffic in her driveway. There were two accidents where the police had to come. When they got the permit in 1997, she and her neighbors were not notified. She is upset about not being notified of the Permit application in 1997. She feels it is not appropriate to put in a car wash. None of her neighbors are here because nobody was notified. She knew about the meeting because she got a note from Mr. Cefola. She does not believe this is correct to pay for a permit in 1997 if they reduce the buffer zone from 75 feet to 25 feet.

Philip Fogel stated that he misstated the fact that there was no correspondence. There was on December 15th in the County of Rockland under the General Municipal Law Review, in which they basically said, they previously reviewed the site plan and would only have an interest in it in the event the precise location was in some fashion or other altered.

Co. Profenna asked if this resolution was in any way in violation of the Town's Moratorium on Special Permits.

Mr. Fogel replied, no. I discussed this with the Town Attorney and it is his view that this is not a violation of the Moratorium., but rather a clarification of the earlier resolution that this Town Board passed.

There being no one further 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: 8:30 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (65-1999) ADOPTED

CARPENTERS & JOINERS LOCAL 964
HOUSING DEVELOPMENT FUND COMPANY
SPECIAL BOARD MEETING

Town Hall 1/12/99 7:50 P.M.

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

The Board of Directors signed a waiver consenting to hold a special meeting of the Board of Directors of the Carpenters and Joiners Local 964 Housing Development Fund Co, Inc., in the Auditorium of the Town Hall which is on file in the Town Clerk's Office.

The following resolution was adopted:

WHEREAS, the Management agreement of Arco Management Corp., to manage the Middlewood Senior Citizen Housing Project owned by the Carpenters & Joiners Local 964 Housing Development Fund Co., Inc, has expired;

NOW, THEREFORE, be it

RESOLVED, that Charles E. Holbrook, President of the Carpenters & Joiners Local 964 Housing Development Fund Co., Inc., is hereby authorized to execute the Suggested Housing Management Agreement recommended by the U.S. Department of Housing and Urban Development with Arco Management Corp., and such execution shall be on behalf of the Carpenters & Joiners Local 964 Housing Development Fund Co, Inc.

On roll call the vote was as follows:

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

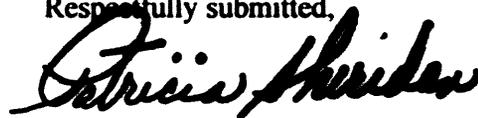
Appearance: John Lodico
New City

Feels that preference should be given to people on the Middlewood waiting list who are lifelong Clarkstown residents.

Supervisor Holbrook explained that it is based on residency but the list has been purged because it is based on income as well.

There being no further business to come before the Board and no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the special meeting of the Board of Directors of the Carpenters and Joiners Local 964 Housing Development Fund Co, Inc was declared closed, time: 7:57 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk