

TOWN BOARD MEETING

Town Hall

9/14/99

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 Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Proposed Local Law Amending Chapter 290-Zoning Administrator was declared open, time: 8:05 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Proposed Local Law Amending Chapter 290-Zoning Administrator was closed, Resolution Adopted, time: 8:43 P.M.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Proposed Comprehensive Plan for the Town of Clarkstown was declared open, time: 8:45 P.M.

On motion of Councilman Maloney, seconded by Councilman Profenna and unanimously adopted, the public hearing re: Proposed Comprehensive Plan for the Town of Clarkstown was closed, Resolution Adopted, time 10:55 P.M.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Proposed Local Law Amending Chapter 290-Definition of Special Care Home was declared opened: 10:56 P.M.

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Proposed Local Law Amending Chapter 290-Definition of Special Care Home was adjourned, sine die, time: 11:05 P.M.

On motion of Councilman Mandia, seconded by Councilman Profenna and unanimously adopted, the public hearing re: Chapter 216 Proceeding Monteith - 80-A Brewery Road, New City (77-A-4.5) was declared opened, time: 11:06 P.M.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Chapter 216 Proceeding Monteith - 80-A Brewery Road, New City (77-A-4.5) was adjourned, sine die, time: 11:10

RESOLUTION NO. (657-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, a proposed local law dealing with a Zoning Administrator for the Town of Clarkstown entitled,

“AMENDMENT TO CHAPTER 290 (ZONING)
OF THE CODE OF THE TOWN OF CLARKSTOWN”

RESOLUTION NO. (657-1999) Continued

was introduced by Councilman Mandia at a Town Board meeting held on July 1, 1999, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on July 1, 1999, directed that a public hearing be held on September 14, 1999, at 8:00 P.M., and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on August 30, 1999 and in the Rockland County Times on September 2, 1999, 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 June 30, 1999, and

WHEREAS, the Town Board of the Town of Clarkstown has received a memorandum report dated July 19, 1999, pursuant to SEQRA, from our consultant Robert Geneslaw, which the Board has discussed and considered such report in making their decision herein, and

WHEREAS, it is not the intention of the Town Board to repeal Local Law No. 5-1998 which Prohibits Textual Zoning Changes by adopting this Local Law, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on September 14, 1999;

NOW, THEREFORE, be it

RESOLVED, that based upon the memorandum report of Robert Geneslaw dated July 19, 1999, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the Amendment to the Zoning Ordinance is a Type II action and is not subject to SEQRA review, and be it

FURTHER RESOLVED, that Local Law No. 3-1999 dealing with a Zoning Administrator for the Town of Clarkstown entitled:

**"AMENDMENT TO CHAPTER 290 (ZONING)
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:

On roll call the vote was as follows:

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

and be it

FURTHER RESOLVED, that this Local Law Amending Chapter 290 (Zoning) of the Town Code of the Town of Clarkstown shall become effective January 1, 2000.

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

RESOLUTION NO. (658-1999)

Co. Smith offered and Co. Profenna seconded

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on July 1, 1999, directed that a public hearing be held on September 14, 1999, at 8:10 P.M. relative to the proposed Town of Clarkstown Comprehensive Plan, and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on August 30, 1999 and in the Rockland County Times on September 2, 1999, and

WHEREAS, a copy of the Town of Clarkstown Comprehensive Plan is on file in the Town Clerk's office, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on September 14, 1999;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown Comprehensive Plan is hereby ADOPTED in principle and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

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. (659-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of August 10, 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. (660-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of Howard L. Lampert, PE, Traffic and Highway Engineering Consultant, the Superintendent of Highways is hereby authorized to install the following pavement markings at the following locations:

- 1. Install a crosswalk across Church Street on the west side of Highview Avenue

RESOLUTION NO. (660-1999) continued

2. Repaint the three crosswalks across Highview Avenue at Church Street, at the playground entrance south of Church Street, at Church Street and at Blauvelt Road, and be it

FURTHER RESOLVED, that the Superintendent of Highways is also authorized to install the following traffic control signs:

- 1. New "School/Speed Limit 15" (W6-3C & R2-1C) signs on NB Highview Avenue just north of Robert Place. Remove existing signs located just south of Robert Place.
- 2. Relocate existing "School/Speed Limit 15" sign on eastbound Church Street to just east of the Demarest Avenue intersection
- 3. Install "School Crosswalk" (W6-2C) sign for southbound traffic just before the school crosswalk. The existing northbound "School Crosswalk" sign should be replaced by a "School" (W6-1C) sign, and the existing northbound "School Crosswalk" sign should be relocated to just before the crosswalk.
- 4. Remove old, faded "No Parking Anytime" (P1-1C) signs on the east side of Highview Avenue and replace. Add more signs if necessary, so that the signs on any block are no further than 200 feet apart.
- 5. Install new "Town Speed Limit 30" sign on southbound Highview Avenue at Robert Place
- 6. Install "School Crosswalk" (W6-2C) signs on eastbound and westbound Church Street at Highview Avenue for the new crosswalk on Church Street, when the crosswalk is installed. The eastbound sign should be placed just before the crosswalk. The westbound crosswalk sign should be just before Highview Avenue, and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to forward copies of this resolution to Wayne T. Ballard, PE, CSP, Superintendent of Highways for implementation, and to the Traffic and Traffic Fire Safety Advisory Board and the Chief of Police for their information and for enforcement purposes, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to August 27, 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. (661-1999)

Co. Maloney offered and Co. Mandia seconded

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

A "No Parking Between 8a.m. - 8p.m. Except Sunday" sign on the south side of Elinor Place, New City, just west of the most westerly

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RESOLUTION NO. (661-1999) continued

horizontal parkings space and before the entrance/exit of the "Signature Cleaners Parking lot, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (662-1999)

Co. Mandia offered and Co. Maloney seconded

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

A "No Turn on Red" sign to be erected on east side of Little Tor Road at the intersection of Phillips Hill Rd., New City, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (663-1999)

Co. Maloney offered and Co. Mandia seconded

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

A "No Parking Anytime" sign on the south side of Schriever Lane, New City, from Main Street west to the beginning of the parking lot, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (664-1999)

Co. Maloney offered and Co. Mandia seconded

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

"S" turn signs (see Sec. 231.3, a WI-10 sign per the New York State Department of Transportation's Manual of Uniform Traffic Control Devices) on Doral Court, New City in the vicinity of house numbers 14 and 28, and be it.

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

On roll call the vote was as follows:

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

RESOLUTION NO. (665-1999)

Co. Mandia offered and Co. Maloney seconded

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

A "Stop" sign on Cranford Drive at Old Route 304, New City, and be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (666-1999)

Co. Mandia offered and Co. Maloney seconded

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

A "No Turn on Red" sign on the east side of New Clarkstown Road at the intersection of West Clarkstown Road, New City, and be it

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

RESOLUTION NO. (666-1999) 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. (667-1999)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of Howard L. Lampert, PE, Traffic and Highway Engineering Consultant, the Superintendent of Highways is hereby to install the following signs along Kings Highway, New City:

Dir Location	Legend	MUTCD Sign #	Reason Code
WB At East Property Line of House #70	RIGHT TURN	W1-2C	2,4,5
	15 MPH	W9-1X	3,4
SB South side opp. House #74	LARGE LEFT ARROW	W1-11C	3
SB South side near Marrano La. sign	LARGE LEFT ARROW	W1-11C	1
WB West side in line with WB Lane	LARGE RIGHT ARROW	W1-12C	3
NB S/O House #80	T INTERSECTION	W2-3C	3
	DRIVEWAY	W5-16X	3
SB Opp. Arden Pl.	LEFT TURN	W1-1C	2,4,5
	15 MPH	W9-1X	3,4
NB Bet. House #86 & House #92	LEFT TURN	W1-1C	2,5
	15 MPH	W9-1X	1
EB At House #107	RIGHT TURN	W1-2C	3,5
	15 MPH	W9-1X	1
WB 200 Ft. E/O Old Middletown Rd.	RIGHT TURN	W1-2C	2,3
	15 MPH	W9-1X	2,3

and be it

Reason Codes

- 1 = New
- 2 = Poor Reflectivity
- 3 = Defaced
- 4 = Wrong Location
- 5 = Wrong Legend

FURTHER RESOLVED, that the Town Clerk is hereby directed to forward copies of this resolution to Wayne T. Ballard, PE, CSP, Superintendent of Highways, for implementation, and to the Traffic and Traffic Fire Safety Advisory Board and the Chief of Police for their information and for enforcement purposes.

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. (668-1999)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the request of Mr. George Wamsley, the Superintendent of Highways is hereby authorized to install "No Parking" sign (s) in the vicinity of 54 Jolen Drive, New City, exact location (s) to be determined by the Superintendent of Highways, and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to forward copies of this resolution to Wayne T. Ballard, PE, CSP, Superintendent of Highways for implementation, and to the Traffic and Traffic Fire Safety Advisory Board and the Chief of Police for their information and for enforcement purposes.

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. (669-1999)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of Howard L. Lampert, PE, Traffic and Highway Engineering Consultant, the Superintendent of Highways is hereby authorized to install

"No Parking" signs along the west side of South Greenbush Road, West Nyack, exact locations still to be determined by the Traffic and Highway Engineering Consultant, and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to forward copies of this resolution to Wayne T. Ballard, PE, CSP, Superintendent of Highways for implementation, and to the Traffic and Traffic Fire Safety Advisory Board and the Chief of Police for their information and for enforcement purposes.

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. (670-1999)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the Town Attorney to proceed by condemnation to acquire the properties known as Map 89, Block C, Lots 45.02 and 45.04 for use as a park.

RESOLUTION NO. (670-1999) 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. (671-1999)

Co. Profenna offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a contract, in a form satisfactory to the Town Attorney, to purchase a portion of land formerly known as the Heaton property for the cost of \$390,000.00. Said property is designated on the Clarkstown Tax Map as Map 109, Block D, Lot 9.03, and consists of approximately 3.83 acres (166,711 sq. ft.), and be it

FURTHER RESOLVED, that the cost of the property shall be charged to Account No. H 8746-409-71-7.

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. (672-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, tax certiorari proceedings were commenced against the Town of Clarkstown by BERTKIN REALTY CORP. for the year(s) 1996/97 and 1997/98 and by CONGREGATION LIZENSK for the year 1998/99 affecting parcel designated as Map 6, Block C, Lot 8.1, and,

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

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (673-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, GIBRALTAR MANAGEMENT COMPANY, INC. has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcels designated as Map 123, Block D, Lots 4.2, 4.3, 4.2//1 and 4.1, for the year(s) 1997/98, 1998/99 and 1999/2000, and

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

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (674-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, NEWTON ASSOCIATES has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 58, Block G, Lot 37, for the year(s) 1995/96, 1996/97, 1997/98, 1998/99 and 1999/2000, and

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

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner be retained for the purpose of preparing such trial appraisal at a fee not to exceed \$7,500 per appraisal.

On roll call the vote was as follows:

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

RESOLUTION NO. (675-1999)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps to defend a proceeding against the Town of Clarkstown entitled, PETER SAUTNER, JOHN SAUTNER & MARIE SAUTNER v. ARNOLD AMSTER, Chairman, NICHOLAS DeSANTOS, JOSEPH HIRSCHFIELD, JOHN

RESOLUTION NO. 675-1999) Continued

FELLA, GUY MASSA, EDWARD MISTRETТА and MARY BETH BAISLEY,
Constituting the ZONING BOARD OF APPEALS of the TOWN OF
CLARKSTOWN, for a judgment pursuant to Article 78, retroactive to August 27,
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. (676-1999)

Co. Maloney offered and Co. Smith seconded

WHEREAS, a proceeding has been instituted against the Town of Clarkstown
entitled, In the Matter of the Application of GAS STATION/CYCLE DISTRIBUTORS,
INC. v. RUDOLPH J. YACYSHYN, Chairman, WILLIAM NEST, RICHARD J. PARIS,
HAROLD J. SCHWEITZER, JOHN J. CAIN, NORMA TULLO and GILBERT HEIM,
JR., consisting the Planning Board of the Town of Clarkstown, and THE PLANNING
BOARD OF THE TOWN OF CLARKSTOWN;

NOW, THEREFORE, be it

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

FURTHER RESOLVED, that this Resolution is made retro-active to August 30,
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. (677-1999)

Co. Maloney offered and Co. Smith seconded

WHEREAS, a proceeding has been instituted in the United State District Court
against the Town of Clarkstown entitled, HENSIE ROSARION v. TOWN OF
CLARKSTOWN, TOWN OF CLARKSTOWN POLICE DEPARTMENT JOHN DOES
I, II, III, IV, V, VI and VII;

NOW, THEREFORE, be it

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

RESOLUTION NO. (677-1999) 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. (678-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Superintendent of Highways and the Clerk of the Works, Resolution No. 732-1998 adopted on September 15, 1998 is hereby amended to reflect an increase from \$29,500.00 to \$33,350.00 as the total cost for engineering consultant services provided by Lawler, Matusky & Skelly, Engineers LLP for their services for the Clarkstown Highway Department Facility environmental clean up.

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. (679-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Resolution No. 604-1999 adopted on August 10, 1999 had a typographical error with regard to the account number the project should be charged to,

NOW THEREFORE be it

RESOLVED, that Resolution No. 604-1999 is hereby amended to reflect the account number H 8736-409-67-3 as the proper account number.

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. (680-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Resolution No. 623-1999 adopted on August 10, 1999 had a typographical error with regard to the account number that should be decreased as part of a transfer of funds,

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RESOLUTION NO. (680-1999) continued

NOW THEREFORE be it

RESOLVED, that Resolution No. 623-1999 is hereby amended to reflect the account number A 7610 230 (Communications Equipment) as the proper account number to be decreased by \$300 as part of this transfer of funds.

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. (681-1999)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Supervisor is hereby authorized and directed to enter into an agreement with the library organization listed below, in a form approved by the Town Attorney, which provides a service for residents of the town of Clarkstown which is deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that said library shall receive library assistance, pursuant to §256 of the Education Law of New York State, in the amount of \$3,000 for the calendar year 1999.

West Nyack Library

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. (682-1999)

Co. Smith offered and Co. Maloney seconded

WHEREAS, a certain veteran organization has requested monetary assistance from the Town of Clarkstown to defray rent costs, provide funds for parades, memorial services, and other activities;

NOW, THEREFORE, be it

RESOLVED, that in accordance with Section 64(13) of the Town Law, the Town Board hereby appropriates the annual sum of \$750 (\$500 for leasing or rental, and maintenance of meeting facility \$250 for patriotic observance) to the following veteran organization for the year 1999:

American Legion, Post No. 794

and be it

RESOLUTION NO. (682-1999) continued

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

FURTHER RESOLVED, that said funds will be charged against 1999 Account No. A 6510-401.

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. (683-1999)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into agreements, in a form approved by the Town Attorney, with the following non-profit organizations to provide services and programs for residents of the Town of Clarkstown that are deemed beneficial to Town residents, and be it

FURTHER RESOLVED, that the Town Board shall allocate economic assistance for 1999 to the following non-profit organizations in the following amount:

Friends of the Nyacks (First Night 2000)	\$1,500
Rockland 21st Century Collaboration for Children and Youth	\$3,000

and be it

FURTHER RESOLVED, that the total amount of \$4,500.00 be transferred from Account No. A 1990-505 to Account No. A 8840-424, and be it

FURTHER RESOLVED, that these funds are to assist in providing such services for the calendar year 1999, and are to be charged against Account No. A 8840-424.

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. (684-1999)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the Town has received a proposal from Lawler, Matusky & Skelly Engineers LLP for professional services for the construction phase of the Truck Washing Bay and Salt Handling Improvement Project at the Clarkstown Highway Department, and

RESOLUTION NO. (684-1999) continued

WHEREAS, Wayne T. Ballard, Superintendent of Highways, and Edward J. Lettre, Clerk of the Works, are recommending that this proposal be approved by the Town Board;

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby authorizes the Supervisor to enter into an agreement with Lawler, Matusky & Skelly Engineers LLP for professional services for the construction phase of the Truck Washing Bay and Salt Handling Improvement Project at the Clarkstown Highway Department, in a form satisfactory to the Town Attorney, and be it

FURTHER RESOLVED, that the fee for said services shall be \$19,670.00 and shall be charged to Account No. H 8741-409.

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. (685-1999)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that pursuant to the Cooperation Agreement between the Town of Clarkstown and the County of Rockland, the Supervisor of the Town of Clarkstown is hereby authorized and directed to execute an agreement with the County of Rockland providing for the allocation of the 1999 Community development Program funds to the Town of Clarkstown for the following:

- Rockland Housing Action Coalition - \$150,000.00
- Mental Health Association - \$ 10,175.00

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. (686-1999)

Co. Mandia offered and Co. Maloney seconded

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

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

RESOLUTION NO. (686-1999) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into an agreement with the County of Rockland for the period April 1, 1999 to March 31, 2000, in a form satisfactory to the Town Attorney, to provide for the operation of public transportation routes within the Town of Clarkstown, and be it

FURTHER RESOLVED, that this resolution is retroactive to April 1, 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. (687-1999)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Dr. Isidore Rosen, in a form satisfactory to the Town Attorney, whereby Dr. Rosen agrees to provide services to the Clarkstown Police Department as the Police Surgeon, for the period from September 1, 1999 to December 31, 1999, and be it

FURTHER RESOLVED, that the agreement may be renewed on January 1st of each year for a period of up to one year with the approval of the Police Commission and the Town Board, and be it

FURTHER RESOLVED, that the fee for said services shall be \$1,000 per month, and shall be charged to Account No. A 3120-112, and be it

FURTHER RESOLVED, that this Resolution is made retroactive to September 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

RESOLUTION NO. (688-1999)

Co. Smith offered and Co. Maloney seconded

WHEREAS, Roy F. Weston of New York, Inc. entered into an agreement with the Town of Clarkstown on March 26, 1999, (Amendment No. 8) and subsequent amendments, to provide engineering consultant services relating to the Clarkstown Sanitary Landfill and other services, and

WHEREAS, the services, specifically the EQBA grant and eligibility issues and contract completion procedures have been increased due to the requirement of the State's review;

RESOLUTION NO. (688-1999) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement (Amendment No. 9) with ROY F. WESTON OF NEW YORK, INC., in a form satisfactory to the Town Attorney, to provide expanded engineering consultant services concerning the Clarkstown Sanitary Landfill and other tasks with regard to the EQBA grant and contract completion procedures, and be it

FURTHER RESOLVED, that the fees for such services shall be \$521,500.00.

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. (689-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Chapter 109 of the Town Code of the Town of Clarkstown provides that the Town Board may establish the permit and other fees, for services provided by the Building Department, by resolution of the Town Board.

NOW, THEREFORE, be it

RESOLVED, that pursuant to Section 109-7 of the Town Code of the Town of Clarkstown, the fee schedule shall be amended for a portion of Item A and Item B, as follows:

A. PERMIT TYPE	PERMIT FEE
New construction or alteration to existing buildings or structures accessory buildings, and swimming pool.	\$80.00 for the first \$1,000 of construction cost, plus \$12.00 for each additional \$1,000 of estimated construction cost or fraction thereof.
B SERVICES REQUESTED	FEE
Record search requests for existence of violations and Certificate of Occupancy	\$125.00

and be it

FURTHER RESOLVED, that the fees mentioned above will become effective September 15, 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. (690-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the Town Board hereby authorizes the placing of a half page, black and white advertisement in the Hudson Valley Business Source 2000 Directory for the Town of Clarkstown, and be it

FURTHER RESOLVED, that the fee for such advertisement shall not exceed the sum of \$1591.25 and shall be a proper charge to Account No. 6410-405, and be it

FURTHER RESOLVED, that this resolution shall be retroactive to August 24, 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. (691-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the Town Board hereby authorizes the placing of a half page advertisement in the India Cultural Society of Rockland Brochure and Membership Directory for the Town of Clarkstown, and be it

FURTHER RESOLVED, that the fee for such advertisement shall not exceed the sum of \$100.00 and shall be a proper charge to Account No. 6410-405.

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. (692-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Section 93-2(A) of the Code of the Town of Clarkstown provides that permission may be granted by the Town Board to an organization desiring to dispense alcoholic beverages on public property in the Town of Clarkstown, and

WHEREAS, the Chairman of the Dedication Committee for the New City Fire Engine Company No. 1 has requested permission to dispense alcoholic beverages in the vicinity of the New City Firehouse on October 2, 1999 from 2:00 P.M. until 1:00 A.M., with regard to dedication of their new building;

NOW, THEREFORE, be it

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RESOLUTION NO. (692-1999) continued

RESOLVED, that the Town Board hereby grants permission to the New City Fire Engine Company No. 1 to dispense alcoholic beverages, in accordance with and subject to Section 93-2(A) of the Town Code of the Town of Clarkstown, which shall be held at the New City Firehouse, New City, New York.

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. (693-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Section 93-2(A) of the Code of the Town of Clarkstown provides that permission may be granted by the Town Board to an organization desiring to dispense alcoholic beverages on public property in the Town of Clarkstown, and

WHEREAS, the Clarkstown Police Auxiliary has requested permission to dispense alcoholic beverages at its picnic at Lake Nanuet;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants permission to the Clarkstown Police Auxiliary to dispense alcoholic beverages, in accordance with and subject to Section 93-2(A) of the Town Code of the Town of Clarkstown, which shall be held at Lake Nanuet, Nanuet, New York, on September 12, 1999, and be it

FURTHER RESOLVED, that this resolution is hereby made retroactive to September 12, 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. (694-1999)

Co. Maloney offered and Co. Mandia seconded

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

Reynolds Metals Development Company
West Nyack Road
West Nyack, NY 10994

by the installation of fire lane designations, and

RESOLUTION NO. (694-1999) continued

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

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (695-1999)

Co. Maloney offered and Co. Mandia seconded

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

Treetops Condos II
Treetop Circle
Nanuet, NY 10954

by the installation of fire lane designations, and

WHEREAS, Chief James Mackenzie, the Spring Valley Fire Chief located in the Town of Clarkstown has authorized that the Town of Clarkstown install said fire lane designations.

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (696-1999)

Co. Maloney offered and Co. Mandia seconded

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

Treetops Condos III
Treetop Circle
Nanuet, NY 10954

by the installation of fire lane designations, and

WHEREAS, Chief James Mackenzie, the Spring Valley Fire Chief located in the Town of Clarkstown has authorized that the Town of Clarkstown install said fire lane designations.

NOW, THEREFORE, be it

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

On roll call the vote was as follows:

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

RESOLUTION NO. (697-1999)

Co. Maloney offered and Co. Mandia seconded

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

Treetops Condos IV
Treetop Circle
Nanuet, NY 10954

by the installation of fire lane designations, and

WHEREAS, Chief James Mackenzie, the Spring Valley Fire Chief located in the Town of Clarkstown has authorized that the Town of Clarkstown install said fire lane designations.

NOW, THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector and the Fire Inspector with regard to the installation of certain fire lane designations shall

RESOLUTION NO. (697-1999) continued

be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

On roll call the vote was as follows:

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

RESOLUTION NO. (698-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Building Inspector has advised that Mr. Masterson was overcharged for a demolition permit fee on Tax Map 57, Block D, Lot 21.1, New City, New York;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes a refund of \$39.00 to Mr. Masterson.

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. (699-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Richard Buckenberger has requested a refund of the Building Permit fee of \$80.00 since he was denied a Building Permit because the proposed extension would have violated an existing code;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes a refund of a portion of the Building Permit fee to Richard Buckenberger in the amount of \$40.00.

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. (700-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Claire Rea requested refund for an unused Building Permit for property known as Map 162 Block C, Lot 26.01;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes a refund of \$50.00 to Claire Rea.

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. (701-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Mallory Construction Corp. furnished to the Town of Clarkstown a Performance Bond secured by Letter of Credit No. 1723 in the amount of \$50,000, to cover the improvements and other facilities as shown on the final plat of Clarkwest Homes, which was filed in the Rockland County Clerk's Office on May 12, 1999, and

WHEREAS, the Director of Environmental Control of the Town of Clarkstown has recommended that said Performance Bond be reduced to \$24,684, as much of the work has been completed to Town specifications, and

WHEREAS, additional security is or will be required to guarantee the completion of additional work related to the issuance of Certificates of Occupancy for individual single family residences within the subdivision, and

WHEREAS, it is acceptable to the Department of Environmental Control to utilize excess funds from the aforementioned Letter of Credit to guarantee the completion of the additional work related to the issuance of the Certificates of Occupancy for the individual single family residences;

NOW, THEREFORE, be it

RESOLVED, that the amount of the Owner's Performance Bond is hereby reduced to \$24,684, and be it

FURTHER RESOLVED, that a Rider to the Owner's Performance Bond for Public Improvements in Subdivision, dated August 31, 1999, amending the obligations required by Obligor is hereby accepted.

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. (702-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, The State of New York provides financial aid for municipal waste reduction and municipal recycling projects: and

WHEREAS, the Town of Clarkstown herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between the PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such State Aid;

NOW, THEREFORE, BE IT RESOLVED BY the TOWN BOARD OF THE TOWN OF CLARKSTOWN:

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. That the SUPERVISOR OF THE TOWN OF CLARKSTOWN is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE;
3. That the MUNICIPALITY agrees that it will fund its portion of the cost of said Municipal Waste Reduction and/or Recycling Project.
4. That the MUNICIPALITY or MUNICIPALITIES set forth their respective responsibilities by attached joint resolution relative to a Joint Municipal Waste Reduction and/or Recycling Project.
5. That five (5) Certified Copies of this Resolution be prepared and sent to the NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, ALBANY, NEW YORK 12233-4015, together with a complete application.
6. That this resolution shall take effect immediately.

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. (703-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, to increase Revenue Account #01-002001 (Park and Recreation charges) by \$39,150.00 and Appropriation Account #7310-409 (Fees for Services) by \$28,000.00 and Appropriation Account #7310-404 (Travel) by \$11,150.00.

RESOLUTION NO. (703-1999) 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. (704-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, to increase Revenue from Account #01-002025 (Pool/Beach Account) by \$6,000.00 and Appropriation Account #7210-408 (Building Repair) by \$6,000.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (705-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Town of Clarkstown has received \$4,000 from Hasty Hills Stable, \$2,048 from EklecCo (Palisades Center), \$43,246.86 from the Federal Stop Gap Block Grant and \$91,500 from the Federal Cops More Grant,

THEREFORE BE IT,

RESOLVED, to increase Revenue Account No. H 15 5 2410 2 (Rent-Hasty Hills) and Budgetary Account No. H 1942 409 58-2 (Golf Course-Plans, Specs) by \$4,000 and increase Revenue Account No. A 01 3 2705 2 (Donations-Palisades Center) and Budgetary Account No. A 3120 113 (Police-Overtime) by \$2,048, and increase Revenue Account No. H 15 9 3613 0 (R.C. Mobile Data Computers) and Budgetary Account No. H 8736 409 67-17 (Mobile Data Computers) by \$134,746.86 and

WHEREAS, various Budgetary accounts need additional funding,

THEREFORE, be it,

RESOLVED, to decrease B 8010 407 (Zoning Board of Appeals-Equipment Repairs) and increase B 8010 219 (Zoning Board of Appeals-Misc Equipment) by \$3,500.00.

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. (706-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Town of Clarkstown has received a donation of \$100.00 from J.E. Vanderbilt & Co., Inc., and be it

THEREFORE RESOLVED, to increase Estimated Revenue Account No. 01-002705 (Gifts & Donations) and Appropriation Account No A7310 329 (Parks & Recreation - Supplies) by \$100.00.

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. (707-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Town of Clarkstown has received \$100.00 from State Farm Mutual Automobile Insurance Co.,

THEREFORE, be it,

RESOLVED, to increase Revenue Account No. A 01 9 2705 (Gifts & Donations) and Budgetary Account No. A 3120 293 (Police-Law Enforcement Equipment) by \$100.00 and

WHEREAS, various budgetary accounts need additional funding,

THEREFORE, be it,

RESOLVED, to decrease Account No. A 1640 312 (Town Garage-Auto Maintenance Supplies) and increase A 1640 408 (Town Garage-Building Repairs) by \$97.50.

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. (708-1999)

Co. Mandia offered and Co. Smith seconded

WHEREAS, Councilman Mandia, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled,

“EXTENSION OF THE LOCAL LAW PROHIBITING THE ISSUANCE OF A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY FOR ADULT ENTERTAINMENT USES FOR THE PERIOD FROM SEPTEMBER 28, 1999 TO

RESOLUTION NO. (708-1999) continued

DECEMBER 14, 1999 TO GIVE THE PLANNING BOARD AMPLE TIME
TO STUDY THE MATTER"

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on September 28, 1999 at 8:05 P.M., or as soon thereafter as possible, relative to such proposed local law, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the newspaper of general circulation and posted in the manner provided by law, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing and that the Town Clerk cause the same to be published and posted as aforesaid and file proof thereof in the Office of the said 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. (709-1999)

Co. Profenna offered and Co. Maloney seconded

RESOLVED, Dorothy Poust, RN,CSW, Clarkstown Counseling Center, is hereby authorized to attend a conference on Wednesday, November 3, 1999 at Holiday Inn Kingston, NY on - The Addicted Brain. Registration fee: \$79.00 per person.

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. (710-1999)

Co. Profenna offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes Rudolph J. Yacyshyn, Chairman of the Clarkstown Planning Board, to attend a New York Planning Federation Conference on October 17-20, 1999, which is to be held in Ellenville, New York, and be it

FURTHER RESOLVED, that all reasonable expenses, including registration fee of \$65.00 and hotel registration fee of \$486.00, shall be charged to Account No. B 8020-404 and 414.

RESOLUTION NO. (710-1999) 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. (711-1999)

Co. Profenna offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes Wayne T. Ballard, PE, CSP, Superintendent of Highways to attend an OSHA seminar on September 21 and 22, 1999, to be held in New York, New York, and be it

FURTHER RESOLVED, that all reasonable expenses, including the registration fee of \$495.00, shall be charged to Account No. A 1420-414

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. (712-1999)

Co. Profenna offered and Co. Maloney seconded

WHEREAS, the NYS Government Finance Officers' Association Downstate Council is holding their regional training seminar on Friday, October 1, 1999 at West Point, NY and be it

THEREFORE RESOLVED, that the following persons attend:

Charles E. Holbrook, Supervisor
Ann Marie Smith, Councilwoman
Edward J. Duer, Comptroller
Penny Leonard, Director of Finance
Mary Maloney, Principal Account Clerk
Doris Fogel, Administrative Assistant I, and be it

FURTHER RESOLVED, that all proper charges be charged to A 1010 414.

On roll call the vote was as follows:

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

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RESOLUTION NO. (713-1999)

Co. Maloney offered and Co. Profenna seconded

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

BID #58B-1999
WORK CLOTHING - (PARTIAL REBID)

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00a.m. on: October, 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.

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. (714-1999)

Co. Maloney offered and Co. Profenna seconded

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

BID #66-1999
COMPRESSED GASES AND WELDING 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: September 29, 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.

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. (715-1999)

Co. Maloney offered and Co. Profenna seconded

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

RESOLUTION NO. (715-1999) continued

BID #67-1999
SALE OF SURPLUS VEHICLES & EQUIPMENT

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: October 6, 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

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. (716-1999)

Co. Maloney offered and Co. Profenna seconded

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

BID #68-1999
HAND TOOLS & MISC 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: October 4, 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.

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. (717-1999)

Co. Maloney offered and Co. Profenna seconded

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

BID #69-1999
RECONSTRUCTION OF FOXWOOD ROAD, KLEIN AVE., LITTLE BROOK AVE,
AND MAYFIELD ST. PUMPING STATIONS

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New

RESOLUTION NO. (717-1999) continued

City, New York by 11:00 A.M. on: October 18, 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.

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. (718-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Deputy Director of DEC that

BID #55-1999
COMBUSTIBLE GAS DETECTION SYSTEM

is hereby awarded to:

BOMARK INSTRUMENTS
38 Cutless Road
Kinnelon, NJ 07405
Principal: M. Harasymin

as per their proposed costs as follows:

<u>ITEM</u>	<u>QUANTITY</u>	<u>DESCRIPTION</u>	<u>PROPOSED UNIT COST</u>
1	4	SINGLE CHANNEL METHANE	\$ 995.00 EACH
2	1	FIVE CHANNEL METHANE DETECTION SYSTEM	\$ 4,420.00
3	1	CALIBRATION KIT FOR ABOVE	\$ 140.00
4	1	START-UP AND TRAINING	\$ 500.00

Proposed delivery time 30 days after award.

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. (719-1999)

Co. Maloney offered and Co. Mandia seconded

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

BID #58A-1999
WORK CLOTHING AND SAFETY ACCESSORY ITEMS

is hereby partially awarded to:

ASSOCIATED SUPPLY
329 W. 18TH STREET
CHICAGO, IL 60616
PRINCIPALS: RON FRANK
 JOHNNIE CARY
 DELORES FRANK

ARBILL INDUSTRIES
10450 DRUMMOND ROAD
PHILADELPHIA, PA 19154
PRINCIPAL: BARRY BICKMAN

H. TEXIER GLOVE CO., INC.
HIGHWAY 22 AT MOUNTAIN AVENUE
NORTH PLAINFIELD, NJ 07061
PRINCIPALS: EDGAR STAUFFER
 W. RANDALL STAUFFER
 JEFFREY R. STAUFFER

NORTHERN SAFETY
232 INDUSTRIAL PARK DRIVE
FRANKFORT, NY 13340
PRINCIPAL: RON LONGO, CEO
 SAL LONGO, RESIDENT

SOMES WORLD WIDE UNIFORMS
65 ROUTE 17
PARAMUS, NJ 07652
PRINCIPALS: JEROME SOME
 ALFRED ALTERMAN
 MARVIN SOME

as per the attached item/price schedule

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. (720-1999)

Co. Maloney offered and Co. Mandia seconded

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

BID #64-1999
REINFORCED CONCRETE CULVERT PIPE & BASIN BLOCK & BRICKS

is hereby awarded to:

PRE-CAST CONCRETE SALES
PO DRAWER O
123 ROUTE 303
VALLEY COTTAGE, NY 10989
PRINCIPALS: RAYMOND M. FISHER
 GREGORY P. FISHER

FEDERAL BLOCK CORP.
247 WALSH AVENUE
NEW WINDSOR, NY 12553
PRINCIPAL: JAY MONTFORT

RESOLUTION NO. (720-1999) continued

as per the attached item/price schedule

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. (721-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Captain of the Police Department and the Director of Purchasing that

BID #62-1999
POLICE DRESS UNIFORM ACCESSORIES

is hereby awarded to:

J & A UNIFORM SUPPLIES, INC.
D.B.A./ECONOMY UNIFORMS
375 WESTBURY AVENUE
CARL PLACE, NY 11514
PRINCIPAL: JOHN GRIX

as per the following low bid proposal meeting specifications

Item #

- 1 Black cowhide holster - Offering Jay Pee 1804 - Cost \$21.15
- 2 Sam Brown 2 1/4" Smooth Belt - Offering Jay Pee 204A - Cost \$30.55
- 3 Bangor "II" Shoulder Strap - Offering Jay Pee 1435 - Cost \$14.40
- 4 Separate Slide on "D" Rings - Offering Jay Pee S4428 - Cost \$6.00/pr.

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. (722-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the resignation (by retirement) of Isidor J. Rosen, 1 Demarest Avenue, West Nyack, New York, Police Surgeon, Police Department is hereby accepted, with regret, effective and retroactive to September 1, 1999.

RESOLUTION NO. (722-1999) 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. (723-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Parks Board and Recreation Commission of Rose Marie Giambalvo, 21 Eldor Avenue, New City, New York to the position of (Provisional) Recreation Information Clerk, Parks Board and Recreation Commission at the current salary of \$23,304.00, effective and retroactive to September 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. (724-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that John J. Davidson, 14 Chauncy Street, Congers, New York, is hereby appointed to the position of Legal Assistant (p.t.), Town Attorney's Office at the current hourly rate of \$16.00, effective and retroactive to July 19, 1999 to December 31, 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. (725-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Shefalika Gandhi, 35 Green Avenue, Valley Cottage, New York (Part-time) Counselor (Municipal Counseling Services), Clarkstown Counseling Center is hereby granted an extension of her leave of absence, without pay, effective and retroactive to September 1, 1999 to October 15, 1999.

RESOLUTION NO. (725-1999) 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. (726-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has certified on August 13, 1999 that the position of Automotive Mechanic I #500247, Town Highway Department can be reclassified to the position of Automotive Mechanic I & Body Repairer.

NOW, THEREFORE, be it

RESOLVED, that the position of Automotive Mechanic I, Town Highway Department (encumbered by James Pecoraro) is hereby reclassified to the position of Automotive Mechanic I & Body Repairer, effective and retroactive to September 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. (727-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of James A. Pecoraro, 18 Sunrise Avenue, New City, New York to the position of Automotive Mechanic I & Body Repairer, Town Highway Department at the current 1999 salary of \$43,760.00, effective and retroactive to September 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. (728-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has certified on August 13,

RESOLUTION NO. (728-1999) continued

1999 that the position of Automotive Mechanic I #500249, Town Highway Department can be reclassified to the position of Automotive Mechanic I & Body Repairer.

NOW, THEREFORE, be it

RESOLVED, that the position of Automotive Mechanic I, Town Highway Department (encumbered by Adam Szkodzinsky) is hereby reclassified to the position of Automotive Mechanic I & Body Repairer, effective and retroactive to September 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. (729-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Adam C. Szkodzinsky, 49 Jaymar Court, Monroe, New York to the position of Automotive Mechanic I & Body Repairer, Town Highway Department at the current 1999 salary of \$43,760.00, effective and retroactive to September 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. (730-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has certified on August 13, 1999 that the position of Automotive Mechanic I #500248, Town Highway Department can be reclassified to the position of Automotive Mechanic I & Body Repairer.

NOW, THEREFORE, be it

RESOLVED, that the position of Automotive Mechanic I, Town Highway Department (encumbered by Francis Marotta) is hereby reclassified to the position of Automotive Mechanic I & Body Repairer, effective and retroactive to September 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
- *****

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RESOLUTION NO. (731-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby recognizes the appointment by the Superintendent of Highways of Francis M. Marotta, 55 Norton Street, Garnerville, New York to the position of Automotive Mechanic I & Body Repairer, Town Highway Department at the current 1999 salary of \$38,319.00, effective and retroactive to September 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. (732-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has certified on August 25, 1999 that the position of Receptionist Typist #500787, Town Clerk's Office can be reclassified to the position of Senior Clerk Typist.

NOW, THEREFORE, be it

RESOLVED, that the position of Receptionist Typist, Town Clerk's Office is hereby reclassified to the position of Senior Clerk Typist effective and retroactive to September 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. (733-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Maureen A. Golden, 14 DeForest Avenue, New City, New York is hereby appointed to the position of (Provisional) (Promotional) Senior Clerk Typist, Town Clerk's Office at the current salary of \$28,223.00 effective and retroactive to September 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. (734-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Anne Meara, 15 Reginald Drive, Congers, New York is hereby reappointed to the position of Member, Assessment and Review Board, term effective October 1, 1999 and to expire on September 30, 2004 at the per diem rate of \$100.00 per meeting, when the Board is in session.

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. (735-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Howard L. Lampert, PE, Traffic and Highway Engineering Consultant for the Town of Clarkstown has recommended a Change Order to Bid #52-1999, entitled "1999 Roadway Resurfacing Program" which was awarded on July 13, 1999 by Resolution No. 591-1999,

NOW THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes this Change Order as recommended by Howard Lampert as follows:

Add the improvement of the sidewalk on Strawtown Road from Kenbar Road to McCarthy Way to this bid which will increase the cost of this bid as follows:

Part 2B, Item3, Asphalt Concrete Resurfacing - Add 80 T at \$69.50/T=\$5,560.00
Bringing the total cost of the project to \$861,709.00, and be it

FURTHER RESOLVED, that the Town Clerk shall forward copies of this resolution to Wayne T. Ballard, PE, CSP, Superintendent of Highways for implementation, and to Laurence Kohler, Purchasing Director and Howard Lampert for their information.

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. (736-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town Board accepted bid from County Asphalt, Inc. by Resolution No. 525-1999 on June 22, 1999; and

RESOLUTION NO. (736-1999) continued

WHEREAS, upon inspection of areas exposed to view after commencement of said work by the Dept. of Environmental Control, it has been determined that additional work is required;

NOW, THEREFORE, be it,

RESOLVED that the amount of funds authorized for work under Bid No. 56-1999 is hereby increased by the amount of \$25,000.00; and be it

FURTHER RESOLVED that the Dept. of Environmental Control is authorized to execute Change Orders to the Contract with County Asphalt, Inc. to effect such additional work as is required.

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. (737-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, County Asphalt, Inc., the contractor for the subject project, failed to bill the Town for a portion of the work performed under Phase I of this project; and

WHEREAS, this billing error has resulted in a new final contract amount for this project.

NOW, THEREFORE, be it

RESOLVED, that the amount for this project be increased by the amount of \$43,150.00 to reflect this new final contract amount, and be it

FURTHER RESOLVED, that this shall be a proper charge to account #H 8730 409 0 673.

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. (738-1999)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to place shoulder stone on Roosa Lane, Congers, New York in order to protect the sewer easement from water erosion.

RESOLUTION NO. (738-1999) 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. (739-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Wayne T. Ballard, PE, CSP, Superintendent of Highways recommends the hiring of Brian Brooker Associates to provide consulting inspection services for the retaining wall portion of the Old Mill Road Safety Project (Bid #59-1998) for the Town of Clarkstown;

NOW THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the hiring of Brian Brooker Associates to provide consulting inspection services for the retaining wall portion of the Old Mill Road Safety Project in the Town of Clarkstown, and be it

FURTHER RESOLVED, that the cost for such services shall not exceed the sum of \$3,850.00.

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. (740-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Wayne T. Ballard, PE, CSP, Superintendent of Highways recommends the hiring of Spring Valley Monument Corp. for monument repair at the two historical cemeteries across from Town Hall in the Town of Clarkstown;

NOW THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the hiring Spring Valley Monument Corp. for monument repair at these two historical cemeteries across from Town Hall; and be it

FURTHER RESOLVED, that the cost for such services shall not exceed the sum of \$2,852.00.

RESOLUTION NO. (740-1999) 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. (741-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, Wayne T. Ballard, PE, CSP, Superintendent of Highways recommends the hiring of Tectonics Engineering Consultants, P.C. to provide construction inspection and material testing services for the 1999 Roadway Resurfacing Program for the Town of Clarkstown;

NOW THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the hiring of Tectonics Engineering Consultants, P.C. to provide construction inspection and material testing services for the 1999 Roadway Resurfacing Program in the Town of Clarkstown, and be it

FURTHER RESOLVED, that the cost for such services shall not exceed the sum of \$20,000.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (742-1999)

Co. Mandia offered and Co. Maloney seconded

RESOLVED, that John A. Costa, Deputy Town Attorney, is hereby reassigned to work with the Clarkstown Planning Board and the Clarkstown Planning Consultant to draft reviews to the Town Code and the Town Zoning Ordinance in accordance with the provisions of the Town of Clarkstown Comprehensive Plan adopted by the Town Board on September 14, 1999, and be it

FURTHER RESOLVED, that said reassignment shall take place immediately and shall terminate on December 31, 1999, and be it

FURTHER RESOLVED, that the stipend for said work shall be an additional \$15,000.00.

On roll call the vote was as follows:

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

RESOLUTION NO. (743-1999)

Co. Profenna offered and Co. Maloney seconded

RESOLVED, that the Town Board hereby refers to the Clarkstown Planning Board and the Rockland County Commissioner of Planning to review and recommend Amendments to the Zoning Ordinance of the Town of Clarkstown to implement the provisions of the Comprehensive Plan of 1999 as adopted.

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. (744-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town of Clarkstown acquired property from the New York State Department of Transportation which is located on the south side of Eckerson Road and the west side of West Clarkstown Road, in the Town of Clarkstown, and

WHEREAS, the Town Board has found said property to be surplus, and

WHEREAS, the Rockland Housing Action Coalition, Inc. has agreed to purchase said property for the sum of \$150,000.00;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby declares property located on the south side of Eckerson Road and the west side of West Clarkstown Road, in the Town of Clarkstown, as surplus property, and be it

FURTHER RESOLVED, that this Resolution is subject to Permissive Referendum, and the Town Board hereby authorizes the Supervisor to enter into a contract retroactively to June 22, 1999, with the Rockland Housing Action Coalition, Inc. to convey said property for the sum of \$150,000.000.

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. (745-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a very dangerous condition exists within a homeowner's property at number 184 North Little Tor Road, New City, New York (40 A 59); and

WHEREAS, the Supervisor of the Town of Clarkstown has directed the Dept. of Environmental Control to have performed the necessary removal of specific tree within said cemetery to ameliorate said dangerous condition, and

RESOLUTION NO. (745-1999) continued

WHEREAS, the Dept. of Environmental Control has obtained price estimates for work.

NOW, THEREFORE, be it

RESOLVED, that the Director of Environmental Control is hereby authorized to hire Exclusive/Oasis Tree Experts, Inc. to perform the necessary corrective work, and be it

FURTHER RESOLVED, that the cost of said work shall not exceed \$1,500.00 and shall be a proper charge to H 8743 409 68 11.

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. (746-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the stream located at lot 77-A-19.05 (n/f Isaia) on the north end of Anton Court in New City lies within an existing drainage easement; and

WHEREAS, a portion of the stream is eroding the embankments to the point where remedial action is called for; and

WHEREAS, the Town Board of the Town of Clarkstown is desirous of having this situation rectified; and

WHEREAS, the Department of Environmental Control has a contractor on site to perform said work;

NOW, THEREFORE, be it

RESOLVED that the Director of the Department of Environmental Control is hereby authorized to retain the services of Hudson Canyon Construction, Inc., 16 Schuman Road, Millwood, New York 10546 to perform said work for the amount not to exceed \$8,245.75; and be it

FURTHER RESOLVED that this shall be a proper charge to Account # H 8743 409 68 10.

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. (747-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Town has received proposals for the repair of the Salt Dome conveyor system at the Clarkstown Highway Department facility and based upon the recommendation of the Clarkstown Superintendent of Highways, that this request for funds be approved by the Town Board.

NOW, THEREFORE, be it

RESOLVED, the Town Board hereby authorizes the Supervisor to enter into an agreement with the A.J. Sackett & Sons Company for the installation of the new conveyor system, cost not to exceed \$70,000.00.

On roll call the vote was as follows:

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

Supervisor requested a moment of silence and adjourned the meeting in memory of Biran Connolly, Director of the Clarkstown Counseling Center.

There being no further business to come before the Town Board and no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Town Board Meeting was declared closed, time: 11:20 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/14/99

8:05 P. M.

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

Re: Proposed Local Law Amending Chapter 290 - Zoning Administrator

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

Town Attorney explained that the County Planning Board approved it for local determination and the Town Planning Board approves SECA Type II action, not subject to SECA.

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

Appearance: Treasurer, South Little Tor Civic Association

The executive board of the South Little Tor Civic Association fully endorses this position for the following reasons:

It is clear we need someone in this position after the controversy about the number of floors at the Palisades Mall, the disputed building permit for Sunrise Assisted Living. We feel that the Building Department is not equipped nor experienced enough to avoid controversies and errors in the future. The executive committee believes that the appointment of a well qualified individual to this position will do much to avoid past problems with regard to zoning issues.

Appearance: Gerry O'Rourke
Congers

Recognizes there are problems with the building department and its interpretation of the regulations but is concerned about why the heart of the matter has not been addressed. Wrongful or unintended use of the codes result in a number of damaging effects to the immediate areas involved, they weaken the intent of the Town's ordinances and they set precedence that can be used in future patterns of development. Asked the Board why we are not seeing some move to pursue some malfeasance in office procedures against this department head in order to remove him rather than just creating a duplicative oversight function. It seems that this strips the authority of the building inspector which tends to create another level of bureaucracy. He commends the Board for moving to do something about this but he would like to see it as a temporary situation until the individual who is the cause of the problem is removed.

Appearance: John Lodico
New City

Thinks the Board is going overboard in creating another program of expanded government. You have many lawyers in this Town and experts that can work out these problems. You have the prerogative to appoint and to remove them and before you set up another agency that will create more taxes in this Town, you should defeat it and appoint someone to review our building practices on a temporary basis and eliminate the creation of another agency.

Appearance: Catherine Karlewiz
Nanuet

When the mega mall was up for approval I wrote a letter to the Journal News that stated that we couldn't tolerate more air pollution than we already had and that we were on the brink of an environmental holocaust. This summer all my fears were justified. The air smelled of chemicals and gasoline and we practically ran out of water. The nearsighted who approved the Palisades Center Mall didn't see beyond their noses, they didn't take into account the dire consequences of this horrific monstrosity. They didn't think about the effect of the tremendous increase in car and truck traffic on our already compromised air. We need better control about what is built in Clarkstown. We mustn't be intimidated by threatened lawsuits from builders and speculators ala the Magees of Orangetown. In my opinion one of the ways to do this is to have a zoning administrator in the building department who could make sure that Clarkstown builds properly.

Appearance: Barbara Zwynenburg
West Nyack

If there is a reduction in the building department's responsibility, it only makes sense that there should be a reduction in his salary at the very least.

Appearance: Martin Bernstein
New City

We have has a lot of disasters lately. Sunrise which was built twice the size it should have been according to law. Another problem that came up yesterday involves Sunrise and that is that the law says in an R-15 zone you can have a special permit if it is a nursing home and Sunrise is not a nursing home. So I suppose that what happened here is that it is a ploy so they didn't have to ask for an MF zone. This involved not only the building department because the planning board got involved in this and approved this. There are a lot of problems and I think something must be done and the recommendation that you make is fine. Remember that the person who is appointed must be someone who is holier than thou, understands how to handle it and make certain that things are done properly.

Appearance: Ken Cummings
New City

In the past two years there has been two houses constructed on flag lots behind his house. Even though he contacted the building department before construction of these houses and was told that everything was OK, he now has bright lights shining into his house from one of the homes and the other was originally going to be one floor house and was changed to two floors. Doesn't even have sunlight coming into his house anymore. Feels something must be done or Clarkstown will end up looking like Staten Island.

Appearance: George Rumelt
New City

Feels there has been a major crack in the way that building goes on around here. It seems that developers will say they are going to do "A" but they already know because they have learned counsel that they are going to do "Z". Somehow all the people that we are paying salaries for can't find these weasel words in the law that someone else is wise enough and smart enough to use on behalf of their client. Change is needed in this Town because we have too many people who don't care about the people. Suggests that the move to put someone in to oversee the zoning law would be a good idea and maybe they should get someone who is not from this area so that there is no connection with anybody here. Mentioned the extra floor put on that building on Rtes. 59 and 304 that was allowed because it had already been done. Talked about what is going on on North Main Street. He feels sorry for the people who live behind it because they are never going to get anything reasonable when they go to sell their homes. Maybe the whole town needs to be turned upside down.

Appearance: Kenneth Zebrowski, Legislator
New City

Speaks emphatically in favor of this law, thinks it will add to public confidence and will dovetail completely with the master plan. As a legislator he has had many calls about this and every call was in favor of the administrator and of the master plan. Very interested in preserving what remains of Clarkstown. Anything that happens in any part of our town affects everyone of us. Thinks that this is a step forward and he would complement the Board on adopting it tonight.

Appearance: Jim Johansen
Little Tor Civic Association

Believes there should be a person who administers the zoning and sees to it that the will of the people of this Town should be listened to and acted upon.

Appearance: Isabela Jacob
Valley Cottage

Supports the creation of this position; it should help us plan our community a lot better.

Appearance: Martus Granirer
New City

Feels it is important to remember that zoning is no longer just a matter of code, it requires an extensive knowledge of the law and many citizens would be reassured to see a really qualified lawyer administer zoning here. Thinks the Board should adopt this.

Appearance: Edward Graybow
New City

Shame that we need a code enforcer, it tells us we are doing something wrong. We need someone to strictly interpret and R15 and R40 zone. We need a change, we need someone to say this is wrong. We need a code enforcer.

Appearance: Bob Jackson
Nanuet

Feels we need someone else to interpret the laws besides the building inspector. He should be looking at the nuts, bolts, two by fours - things like that but when it comes to deciding what the actual law is, he thinks we should have an attorney looking into this. Asked what the qualification of this person would be?

Supervisor said at this point the intention would be to have an attorney but it doesn't have to be limited to that.

Mr. Jackson says he supports this position.

Appearance: Dolph Millich
Building Inspector

I come tonight as the Building Inspector of the Town of Clarkstown to discuss the proposed local law concerning the creation of the position of Zoning Administrator. It is quite unfortunate that the Town Board has chosen to consider this issue without ever officially asking me for a comment on it. It is sad that I must come here and exercise my right to speak at a Public Hearing to comment on this law. For weeks, I have accepted without public comment the scandalous politically motivated attacks on my department and me as a justification for this law. I have read that we need a lawyer to interpret these laws. Since I am not a lawyer, I will not comment on your legal right to adopt the law in the form drafted by your Town Attorney. However, I am sure that other lawyers will look at this issue if you adopt this law. I suspect the very first enforcement action conducted by this new zoning administrator will result in a challenge to his authority. I have been employed by the Town of Clarkstown for over 25 years and

in my current position since 1991. I work with one of the finest, dedicated and experienced team of professionals in New York State. My role as a building inspector is one driven by law not politics. I enforce the codes that the Town Board and State adopt. There is a recognized procedure in State Law and the Town Code for an appeal of my decisions and judicial procedures for subsequent review of those decisions. I do not operate in a vacuum. In Clarkstown we have a Technical Advisory Committee whose advice is often solicited and received. That committee consists of representative of the Town Planning Board, Department of Planning, Department of Environmental Control, Building Department and Office of the Town Attorney. I have made thousands of decisions which have been upheld and approved. The few times my department has been wrong, the system has worked. Certainly this Board has made mistakes and been reversed.

The criticism appears to be leveled with respect to three politically unpopular projects: The Pyramid Mall, the Bardonia Fire House and the Sunrise Assisted Living Project. In the end, almost every decision I made on the Pyramid Mall project was upheld as being correct or ratified by the Planning Board.

With respect to the Bardonia Fire House, it is no secret that I applied the same principles of law to that project that I had previously applied to the New City Fire House project upon advice of the Town Attorney's office. Unfortunately, the popularity of one project versus the unpopularity of another project can not allow for different interpretations of the applicable code, a fact recognized by the Board after being directed to make a decision on that issue by the court.

Last night I was accused of not realizing there was a typographical error in the Town Board's resolution granting a Special Permit for Sunrise even though I had recused myself from that application and did not even review that file. The fact of the matter is that if there was a typographical error, then the Town Attorney's office erroneously prepared and then allowed this resolution to be voted on by the Town Board with that alleged typographical error. My department did not issue the Building Permit immediately after that vote. The application went to the Planning Board, and after advice from the Town Planner, the Town Attorney and the Department of Environmental Conservation, the Planning Board granted both preliminary and final site plan approval to the project. It is a matter of law that the Planning Board should not grant site plan approval for a site plan that does not conform to a special permit condition imposed by the Town Board. The application of a building permit was submitted and approved only after the chairman of the Planning Board signed a site plan certifying that the proposed plat complied with the site plan approval process of our Town. By this resolution the suggestion is made that the very same Town Attorney's office that prepared and approved a resolution with a typographical error and, presumably advised the Planning Board that the proposed site plan complied with that special permit resolution, should take over my current function in interpretation of the code. It is in your discretion to add another layer of government and more patronage and expense at a time when the taxpayers want less government expense. Perhaps you didn't know that you don't need a code enforcement officer and that you can directly act to stop violations of an ordinance if you think I'm ignoring them.

However, I must question the basic tenet expressed by Supervisor Holbrook for the need for this position. There is nothing wrong with my department. If you want to have a building inspector who will take direction from the politically connected, you will end up the numerous lawsuits for millions of dollars similar to the Magee v. Town of Orangetown litigation. You are the ones who adopt the codes. Do not blame us for applying them. Moreover, the need for a lawyer to interpret the zoning ordinance is questionable. It is well known that this Board's lawyers told it that it could adopt a moratorium without a General Municipal Law referral to the County Planning Board and they were wrong. Being a lawyer does not make you correct. This is especially true if the decisions made and advice given will reflect political considerations.

If you create a new position of Zoning Administrator, you must recognize that the individual who performs the discretionary functions given to him must do so independently and free from interference from your Board. The law requires this. The

law provides that the Zoning Board of Appeals must be the reviewing body of this individual's decisions.

The text of this proposed law and the public statements made by some members of the Board concerning the need for this position do not give me confidence the Town Board is prepared to accept the level of independence required for this position.

Political expediency should not replace the rule of law in the Town of Clarkstown.

Appearance: Penny Leonard
Congers

I am speaking in favor of having a Zoning Administrator.

The qualifications for Building Inspector are essentially a certain amount of experience working in construction and interpreting the State Building Code. The qualifications for Zoning Administrator would be experience in the practice of law and the ability to interpret the Town's zoning laws. I am in favor of that division: Building Inspector for building codes; Zoning Administrator for zoning laws. Let me tell you why.

My interest in zoning dates back to 1977 when I noticed a house being built on a 4000 sq. ft. lot that was really the sideyard of another house. I wondered how anyone could be building a house on such a small parcel of land, so I approached the builder and asked for an explanation. He told me the house was set back 30 feet from the road, and he said that was the only requirement. I couldn't believe it. His explanation didn't sound right to me, so I went to Town Hall and asked the Building Inspector. He agreed with the builder, saying the 30-foot setback was the only requirement. I still couldn't believe it.

I started reading the Town laws, and found that there were many additional regulations that were not complied with, so I returned to the Building Inspector's office armed with the list of regulations that hadn't been met. The Building Inspector agreed to see me, but when I told him about all the zoning regulations that weren't met by that house, he mocked me by saying, "You recite very well, I bet you did that for your teachers in school." He refused to do anything about the improperly issued permit.

My next step was to write to the Town Supervisor, but he didn't respond to my letter. When I eventually approached the other Town Board members, only one of them was interested. That member was the newly elected then Councilman Charles Holbrook. He followed up on my complaint and the permit was eventually revoked and the matter referred to the Zoning Board of Appeals. Of course, since the house was so far along, the Zoning Board granted a variance for the house to remain. That was only the first of many permits that I have seen the various Building Inspectors improperly issue over the years:

Under the present building administration I have seen many other improperly issued permits. For instance:

I know of a store that was opened in a zone designated for Local Shopping. That zoning designation does not allow the type of store that was opened. I asked about it in the Building Department, and I was told that they don't really pay any attention to the uses permitted in the code. Instead they usually only look at the size of store.

I know of old billboards that were replaced and a new billboard that was constructed on property off of West Nyack Road in Nanuet. That work was done in violation of the Town's zoning laws. While the work was still in progress, I complained to the Building Inspector several times, but he simply refused to take action and those sturdy billboards will remain virtually forever.

I know of a permit that was issued for a house on South Grant Avenue. That permit was issued improperly, because it allowed the house to exceed the height limitation in the Town's zoning laws. I complained to the Building Inspector, and

eventually—after the house was almost completed—the Building Inspector admitted that I was right and he referred the matter to the Zoning Board of Appeals. Of course, since the house was almost completed, the Zoning Board granted a variance for the house to remain.

I know of a permit that was issued for a house on South Conger Avenue. That permit was issued improperly, because it added new non-conforming bulk in violation of the Town's zoning laws. I complained to the Building Inspector, and eventually—after the house was totally framed out—the Building Inspector admitted that the permit shouldn't have been issued, and he referred the matter to the Zoning Board of Appeals. Of course, since the house was so far along, the Zoning Board granted a variance for the house to remain.

I know of a permit that was issued for a very large garage within just a few feet of the neighbor's property. The height of the garage was in violation, as was its location. A neighbor complained, and eventually—after the garage was almost completed—the matter was referred to the Zoning Board of Appeals. Of course, since the garage was almost completed, the Zoning Board granted a variance for it to remain.

My list is really endless, but let me just mention one more example.

You all know of the Clarkstown resident who complained that the size of the Sunrise Building was in violation of the Town's zoning laws. The resident was ignored by the Building Department official who is consultant to the Planning Board. You, the members of the Town Board were likewise ignored by the Building Department when you asked for a stop work order. Last night the matter was finally before the Zoning Board of Appeals. The Zoning Board of Appeals tentatively determined that the building permit was issued in error because the building is twice the size allowed by the Town's zoning laws. Of course, since the Sunrise building is almost completed, the Zoning Board plans to allow it to remain.

Over and over again the Building Department and the Building Inspector, in particular, have failed to enforce the Town's zoning laws.

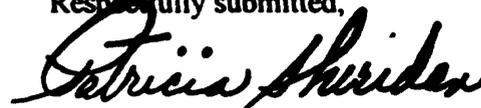
The time has come to let the Building Inspector concentrate on building codes, and let a zoning administrator concentrate on zoning laws.

I read in, what is considered the bible of zoning, Anderson's New York Zoning Law and Practice that larger municipalities have detected a weakness in a system that relies on building inspectors, who must divide their time between enforcing building code compliance and enforcing zoning laws. The remedy to that weakness is to appoint a qualified attorney as Clarkstown's Zoning Administrator.

If you do that, I believe the zoning laws will really be enforced and fewer buildings will be approved simply because construction is almost completed.

There being no one further wishing to be heard, on motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the Public Hearing was adjourned, RESOLUTION NO. (657-1999), ADOPTED, time: 8:43 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (657-1999) ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/14/99

8:45 P .M.

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

Re: Proposed Comprehensive Plan for the Town of Clarkstown

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

Supervisor called upon the planning consultant, Mr. Geneslaw, and the Chairman of the Planning Board, Mr. Yacyshyn, to give a brief overview of the progress of the Master Plan to date. For those who are not aware of it, the Town Board roughly a year ago empowered our Planning Board and created a Citizen's Advisory Committee to work with the Planning Board to craft a Comprehensive Plan for the Town of Clarkstown. In the history of this Town, the Planning Boards have adopted master plans going back to 1967 and they have been updated occasionally in the 70's and 80's. No Town Board in the history of this Town has ever adopted a Comprehensive Plan. The significance of that is that a Comprehensive Plan is a sort of guideline upon which future zoning decisions and code changes will be based. And for a Town Board to deviate from those once a master plan has been adopted it becomes an issue that could be subject to challenge. So in a way, a Comprehensive Plan devised from the bottom up protects the citizenry against decisions by the Town Board that being a legislative body we have basically the freedom to do what we want on zoning issues as long as we think it's good. That is what they call legislative immunity. A Comprehensive Plan provides more structure and form for that so that decisions are made based upon some rational plan. This plan has been in the works for a year; there have been hearings that have gone on throughout the Town in the various hamlets; it's been put together through the hard work of our Citizen's Advisory Committee and the Planning Board and we'll make a brief presentation, and overview of what was done, some of the highlights of that and then we'll call upon the public for comments.

Appearance: Mr. Yacyshyn
 Planning Board Chairman

Thank you Supervisor and Members of the Board. In light of your comments now I'll be very brief and get right to the point. You did commission us some ten months ago to complete a Comprehensive Plan update for the Town of Clarkstown. I wish to report to you as you are aware that we have done so and we have met the deadline of June 30, 1999. The SEQR process is also underway and a draft generic environmental impact statement has been sent to you and to the appropriate interested involved agencies. Therefore, that process is underway, so you have before you tonight the public hearing which is required for both those processes in order to enact the Comprehensive Plan. The Planning Board with the assistance of the Ad Hoc committee recommends to you the adoption of the said plan with any modification you may deem appropriate under the circumstances but this will form the basis for the zoning review and update and any other element that is necessary for us to enact by this Town and this Town Board. We stand ready and pledge ourselves to provide that assistance to you commencing with your approval as of tomorrow night. At this point I would like to call on Robert Geneslaw, our long time planning consultant and the author of the draft proposal before you, for

purposes of making a presentation and answering any questions from the public that may be necessary and at that point I'd turn it over to him, with your permission.

Appearance: Robert Geneslaw
Planning Consultant

Good evening. Let me touch on just a couple of procedural items. First, is that while the Town Board may close the public hearing tonight, the comments period will be open until October 1. So even if you do close the hearing, if anyone has any comments to make they can be submitted in writing to the Town Clerk or to the Planning Department office until October 1. Copies of the Comprehensive Plan as adopted by the Planning Board and the Draft Generic Environmental Impact statement have been sent to a variety of agencies. It's also on record at the Town Clerk's office, the Planning Department and at local libraries, and the appropriate publication notice has been put in the environmental notice bulletin which is a Statewide announcement. Once the comment period closes, the Town Board will be able to act first on the completion of the SEQR process and, secondly, on the adoption of the plan itself. The completion of the SEQR will be determined in part based on the kinds of comments the Board receives tonight but we can't put a specific time frame on it at this point, but as soon as we have had an opportunity to analyze all of the public comments, we will be able to give you a schedule of what the next steps will be and what the time frame will be. The major recommendations came out of the work of the Planning Board and the Ad Hoc committee and the comments that came from the public. There were numerous written comments from the public; there were three public input meetings that were held around the Town with an attendance of about 100 per meeting. The thrust of the comments from the members of the public, from the Ad Hoc committee and from Planning Board members, called for the preservation of open space, the protection of natural resources to make parks and open spaces more accessible, that's been done through a series of recommendations for park connections which are shown on one of the maps on the wall to my left, part of the Comprehensive Plan document. There was also considerable call for the revitalization of the hamlet centers of the Town. There have been a number of articles in the newspaper about that. The plan calls for a reduction of assessed value for property owners who renovate property in the hamlet centers which are public improvements of the kind that have already been started in New City and that have been suggested for Valley Cottage for modifications to the zoning to allow collective spine parking instead of individual parking for each property and an increase in the amount of mixed uses that can be provided in the hamlets. All of these intended to give the property owners more flexibility in the kind of development that takes place in the hamlet centers to make the zoning recognize better the needs of the kinds of buildings and mixtures of uses that are in the hamlet centers and to also provide better protection around the edges of the hamlet centers and the edges of other business areas. One of the experiences the Planning Board has had quite a bit over the past couple of years is the problem of providing protection for homeowners who live adjacent to hamlet centers and adjacent to other commercial development and the plan calls for buffers, screening, fencing and other provisions more restrictive than what we have now in order to protect those residential neighbors. In response to a lot of the comments from the public, the Planning Board and the Ad Hoc committee are recommending that there be no further zone changes from nonresidential uses to residential uses. That is also supported by requests from RCDC, by economic development experts from Orange and Rockland and from other organizations in the county who point out that the Fantus report that was done a year or so ago for the County pointed out that there has been a lot of conversion of industrially zoned land to residentially zoned land and it has eliminated the opportunity for more job producing development. Now the plan strongly recommends no further changes in zoning of that kind. The plan also recommends a reduction in residential zoning in some areas and no additional zone changes to multifamily from either single family zoning districts or non residential zoning districts. As part of the preservation of some of the resources of the Town the plan recommends a modest expansion of the West Nyack historic district at the northerly end to encourage more designation of historic sites and buildings and designating historic roads to protecting some of the culverts along the old Pascack Valley line which is one of the oldest rail lines in the United States to reducing the paved width of roads on the official map so that there is not a future expectation of widening roads on the Town official map. Those roads were put on in those pavement

widths in 1967 when the Town was undergoing significant development and the Town is now at least 80% development, so the widenings called for back in '67 will not be necessary. The recommendation is to narrow those pavement widths and to provide the additional right of way for sidewalks, walking trails and things of that nature. The plan also calls for wetlands protection, to adopt a wetlands protection program which is in preparation now and to protect wetlands, for obtaining properties through tax foreclosures for the use of average density and acquiring interests of land that may be less than the fee interest. There has also been a recommendation to reduce the floor area ratio back to what it was 8 or 9 years ago in the single family residential districts because the size of single family homes that have been built in the past 5 to 10 years are seen as being out of proportion to the size of the lot and that is something we are working on as part of the overall zoning changes. The plan also calls for an examination of the special permit provisions of the zoning code to see what special permits should no longer be permitted, which ones should have additional requirements and perhaps there are some other uses that should be required to have special permits. One of the more obvious examples is that the zoning code allows airports by special permit. Well, there was a time that most of us can recall when we had one. It is no longer, there is no longer sufficient space for one, there is really no reason for that kind of provision to be in the code. That's probably the most obvious, there are a number of others that we will be working on with the Planning Board and the Ad Hoc committee starting tomorrow night. The plan also calls for farmland preservation by working with the present farmers who enlarge the minimum lot area for the MRS zone and to include other provisions, have access directly from a State highway, for example, and not straddle public road or railroads and also, in keeping with recommendations from the economic development organizations and some of the individual business people who came to the input meetings, to make the LO district and the LIO district more flexible to allow smaller scale development. We all know of some of the larger industrial buildings in the Town and, once vacant, they tend to stay vacant for a long time because the market isn't very strong for that kind of space. There is a strong and continuing demand for 5,000, 10,000, 15,000 square foot spaces for business operators for tenants for a variety of people and one of the suggestions is to make those two zoning districts, the LO and the LIO, more flexible so it would give the property owners the opportunity to develop it as presently zoned or something more flexible along the lines of the PED zone that's on part of the old airport site. Finally, the Planning Board and Ad Hoc committee spent some time on child care, assisted living and affordable housing and felt all of those were far too complicated to handle in the time they had available so they deferred action on those to follow up. That's a very brief summary the four illustrations on the wall are enlargements of illustrations in the Comprehensive Plan. I think some were distributed tonight in black and white, there are also maybe some available in color. There's additional material in the draft generic environmental impact statement which I indicated has been completed and circulated. Town Board members were sent copies, Planning Board and Ad Hoc committee members were sent copies and various agencies were sent copies. I will mention that one communication has been received from the Rockland County Planning Department as part of their review of the Comprehensive Plan, that came in late this afternoon and we've begun the process of reviewing that and we'll report back to the Town Board. Thank you for your attention; I will try to answer any questions but I also would like to remind everyone that the purpose of tonight's meeting is not just to answer questions but to allow comments by the public which will be evaluated after tonight's meeting.

Co. Mandia:

I have a question. You said that the plan is talking about the floor area ratio of single family houses and I assume that means also multiple family houses but, in any case, my question really is existing homes, is there a corresponding change in floor area ratio that would limit the expansion possibilities on existing homes?

Mr. Geneslaw:

It hasn't been drafted yet, but typically that would be the case. It would regulate new construction and also expansions of existing homes and we'll probably have to put some sort of provision in that protects the homes that were built during this 7 or 8 year period when the floor area ratio was higher so they don't all become non conforming.

That needs to be worked out with the Town Attorney's office to see exactly how that will be worded in the code.

Co. Mandia:

What is finally being done about this flag lot issue?

Mr. Geneslaw:

I didn't touch on that but one of the recommendations that came from the Planning Board and the Ad Hoc committee was to amend the subdivision regulations to require that all subdivisions of any kind go to the Planning Board for review so there is an agency reviewing it in addition to the staff level reviews that have happened in the past. In addition, language will be put either in the zoning code or subdivision regulations to further indicate what the intention is. There has been some litigation in the Town on that issue over the past 10 years; we want to make sure that whatever provision is put in the code responds to the issues raised in the litigation.

Supervisor Holbrook:

In regard to that is the comment that was made in the previous hearing relative to a home being built. A lot of the areas of our Town were built at different times and if you go back to the '50's and '60's, before sewers, a lot of homes in the older areas were built on larger lots and they have larger areas and that was because of septic systems and leach fields. Now some of those lots are large enough to be subdivided and by sending all of the divisions to a review agency, the Planning Board, they will come under closer scrutiny instead of just being allowed to be divided. That is sort of what happened in the Frank Street situation and there are a lot more homes for potential for that, and the other would be the conversion to two family by special permit. That's another issue that was recommended by the zoning board to be taken out of the ordinance as well. The value of land is very dear. We've seen people coming in to divide lots and if you have a subdivision that was built in 1957 and has 50 homes, if they are on larger lots, the potential could be you now can have a subdivision of 100 homes. That makes a big difference in an area because if you do it for one, you end up doing it for all the rest. That's the argument such as it goes. There are things here that Bob didn't touch on that are in the Comprehensive Plan as well, and, Ralph, you triggered my memory by mentioning that.

Co. Maloney:

About 15 years ago the Town was studying the feasibility of accessory apartments particularly for seniors to remain in their own house. Where does that fit into that plan now? Is it still viable?

Mr. Geneslaw:

That's one of those categories of things that the Planning Board and the Ad Hoc committee decided they couldn't properly resolve in the time period that was available. Mr. Maloney, if you remember, that was discussed and debated for probably 2 years as an issue on its own and some of the members of the Planning Board and the Ad Hoc committee remembered that and some had had no background at all so we provided some of the memos that were prepared at that time to serve at least as a starting point in the educational process, and the two groups decided it was really much too complicated to get into as part of the overall Comprehensive Plan but there was a commitment made to come back and revisit that along with child care and assisted living senior residences all together. We tend to think of the Town as single family residential, and to a large extent it is, but probably 20% of the dwelling units are multifamily, either condominiums or fee simple or rental apartments and there is a lot of specialized housing for specific groups and I think all of that needs to be looked at together and I think that is what the intention is on the part of the Planning Board and the Ad Hoc committee.

Supervisor asked if anyone had any comments or questions.

Appearance: Harriet Cornell, Legislator
West Nyack

My first residence in Rockland was at 194 South Main Street in New City. When I first moved there, it was all woodlands with wild life and blackberries. 194 S. Main Street is a place where we all park our cars now. It is the parking lot in front of C-Town. Our second residence and present residence, we moved into in 1961, is Parrot Rd. near Brewery. There used to be a trotting ring for horses and Gerkins Apple Orchards. Now only the street names reflect that past, Trotter's Way, Harness Lane, Pippin Place and I was happy to see that in the Master Plan you are talking about at least reminding people of what those names reflect in the past. The goals of this plan are really praiseworthy, open space, preservation, preventing additional overdevelopment. I think that people need to know that everyone will be treated fairly and that the zoning laws and the master plan is there to preserve the Town for now and in the future. I don't think there can be a greater gift than that of providing for open space and I applaud the goal of bringing open space into every neighborhood. I'd like to point out that our County Legislature has established a Greenspace Open Space Fund, started with \$4.4 million, it's something that the Town may want to look into in terms of applications for grants for acquisitions for the Town. The County of Rockland is finishing our Comprehensive Plan within a matter of a month or so and it's my hope that the Town will work closely with the County so we can achieve countywide goals of open space. The County's GIS system, with its land use maps, carries recommendations for land use and zoning which can be enormously valuable and I know the Town has worked very closely with our County Planning Department on the Long Pass and the Mountain View Nature Preserve. With regard to a couple of items, steep slopes, I think the plan needs to give substance to protection of ridge lines and avoidance of development on the crests of hilltops and preserving land which contains steep slopes, I think it needs to go one step further and implement some sort of an amendment to the zoning code or zoning code bulk regulation which prohibits counting land area as part of any minimum lot area if there are slopes over a specified percentage. Two of the villages in the County have such steep slope ordinances, Grandview and Sloatsburg, you might want to examine those. Although our county rates very well with parkland per numbers of population, we specifically need access or accessible neighborhood parks that are in or close to hamlet centers. It would also be wonderful to have pocket parks within walking distance of residential communities. That would mean that children and caregivers could walk safely to a nice green place to play. Although there was not a great deal of mention about the aging population and child day care, I'd like to suggest that with our ever increasing aging population that perhaps it would be a good idea to identify parcels suitable for houses for Town elderly. With regard to child day care, I would encourage the Town to request new industries or building expansions to include onsite day care for employees and the community, if possible. Snake Hill Road, I did not see on the list of roads requiring traffic improvement, it is very dangerous. It is very dangerous and it does need improvement with regard to that. I also did not see Central Nyack included on the hamlet center revitalization portion and I would suggest that that be included as well. In addition, I think that the New City County Seat center plan should really be talked about in the plan with town and county parks and campus as well as Dutch Gardens to incorporate that and give it the importance that your master plan would accord for that kind of vision for the future. I applaud you for bringing a master plan to the floor and I look forward to further information and hearings.

Appearance: Ed Day
President, Little Tor Neighborhood Assoc, Member, Ad Hoc Committee

Thank you for affording me the opportunity to contribute to the endeavor tonight and allowing me to serve the community. Regarding the revitalization of the downtown of New City, I think Todd Campbell's plan has some merit conceptually and could be very positive for our community; however, I believe it is very important that we don't end up with a bunch of high rise building on Main Street and it is especially important to maintain the small town characteristics, especially on Maple Avenue. I also would hope that at some point in the very near future, that this revitalization starts trickling down to the south end of South Main Street. I see some wonderful things going on there

particularly Marriello's, we don't want to see these good things get lost in the shuffle. I believe that a lot can be done that will be beneficial to both the residents and the businesses but it is very important that the local residents are stakeholders in these decisions. We have an intimate knowledge of the area and we have a lot to offer and we view that a vital downtown that is consistent with the character of the Town and neighborhood is essential to a positive quality of life to all of us. In the past 10 months, I've been bringing the issues that have been coming to my attention at these meetings to my membership. The Planning Board and the Ad Hoc committee has considered numerous submittals for zone changes, proposals for other development. We considered numerous possibilities among ourselves, but most importantly, we were afforded intimate knowledge by the citizens of this Town. We got a good history on property, a true depiction of property use and feedback on the local issues germane to each location. It was based on a healthy give and take with the best interests of the Town and the citizens at heart that a master plan was submitted to this board. However, included with a number of these meritorious proposals were a like number of well dressed offerings that purported to maximize a benefit to the community but truly served to maximize the benefits to the property owner and developer. Developers were portraying themselves as staunch advocates for a segment of our society despite having no history of community service to those that they purported to represent. I've seen bogus telemarketing campaigns, late night last minute proposals at Planning Board meetings when nearly all the citizens had to go home and get some sleep. The community's response in these issues has been fair, empathetic and simple. There may be merit to certain needs being delineated but often times the site is simply not appropriate and no amount of slick sales talk or doublespeak should alter that simple fact. The need of the community for a specific type of housing or service need must be objectively defined and the siting should be based on existing neighborhood characteristics with the safety of all concerned and overall appropriateness, not because someone happens to have property and location and is suddenly motivated by the almighty buck to have a sudden calling to altruism. Based on the forgoing I would urge the Town Board to adopt the master plan as submitted.

Appearance: V.J.Pradhan, Legislator
West Nyack

This is an historic night and I am glad to be here to witness such a history. I appreciate your efforts, the Town Board, the Planning Board and Ad Hoc committee, for giving your time and developing such a beautiful plan. As your legislator, I support this plan 100%. Four items I specifically support are: no future high density developments, the preservation of existing open spaces, the revitalization of public downtown areas and creation of a zoning administrator to protect the integrity of our zoning laws. Mr. Supervisor, a letter has gone out in my district, District 14, West Nyack and Nanuet, and I have received many phone calls, many emails. I would like to read one email "Dear Dr. Pradhan, as I will be unable to attend the meeting on September 14th, I now write to you. I am in complete agreement with the four elements you and Mr. Holbrook outline in your recent letter. As a lifelong resident of Rockland County, I am keenly aware of what I consider a serious decline in the quality of life in this area. This is despite the increase in our liberal services and dire results of virtually uncontrolled development." This particular person is supporting your plan. I am bringing a message from my district that the vast majority of my constituents support this plan and want you to adopt this plan as soon as possible. I received a couple of phone calls where people said over-development can bring the tax base down. What is more important, to save \$5 now and to ruin our children's lives, to save \$5 now and not worry about future generations? I think this is absolutely wrong. To quote Dr. Martin Luther King, Jr. in his "I have a dream" speech he said "My brothers and sisters, I have seen a dreamland, yes, I have seen a dreamland, I may not be there when we reach there but let's start working towards it." Let's build a dreamland back in Clarkstown, we may not be there but our children will definitely appreciate it. I support this plan 100%.

Appearance: Ken Zebrowski, Legislator
New City

I have been a resident in this Town for 42 years, in the same place, and listening to my colleague, Harriet Cornell, speak I thought she was starting to date us and so I'll

continue that. When I was 14 years old I worked on a farm on Phillips Hill Road, it was Felter's Farm about halfway up the road by Ungava Drive. I used to walk home from Phillip's Hill and it was virtually undeveloped from there to here. You took an important step tonight, a first step is the zoning administrator, now it's time to take the second step. We stand at a critical crossroads as you, yourself, have alluded to and you are the guardians of our future and our destiny. Dr. Pradhan talked about open space, well, we in the County Legislature have been working on the preservation of ridge tops, green space, farm land preservation, watershed preservation and river front access. I, as majority leader stand ready to join with you on all of these items but, as I've always said when you served with me there, you are closer on the Town Board to these issues than we are and so we need your guidance to work with you. Also, I might point out, that you brought to my attention something critically important in just the last few months which has been neglected and that is in the area of tax delinquent properties where areas such as in Congers, where the onion farm that you pointed out, and other areas have the potential to fit into the master plan, fit into our open space concept. So I ask you to please continue to bring those to our attention. As chairman of that committee, I pledge to you that no property will be sold that the Town Board does not approve of because we will not give preference first to development and second to preservation of our Town. So I ask you with that same thought and with that same vein to keep our communications open, to work even harder at something that used to be, as you know, one of the most mundane committees where property just got put on the block and sold and usually to a developer and because of your action and intervention that property in Congers was not sold, a piece of property adjacent to the Palisades Park Commission was not sold and we have also interjected into our consideration into the law the preservation of watershed properties. We will continue to do that. I ask that you adopt this plan as it is so that we can maintain what we have. In Clarkstown we have a lot of good and some not so good, but at this critical moment in time the most important thing you can do is to hold the line, hold the line in development, hold the line in the loss of those things we treasure. I would urge your adoption of the plan.

Appearance: Martin Bernstein, Ad Hoc Committee
New City

As a member of the Comprehensive Plan committee I would like to comment on what we did accomplish and what we didn't complete which your Town Board has the opportunity and the responsibility to finish for the future. One, while 90% of the public who attended our hearings told us that they wanted to create long range open space, our committee did not wish to increase the density of our open space but we did not recommend a method of acquiring tracts of vacant land to be used as parks and recreation. I tried to get them to develop an open space referendum which has been used in many communities in the State, to create a bonding fund to be available as opportunities came our way for acquiring vacant land. I was not able to do this at this time. I would like for your Board to put into the Comprehensive Plan first a goal to do this and then to implement this quickly. Two, to try to get our committee to reduce the floor area ratio for all residential zones to provide for more open space on lot sizes which are too small for the size of large houses being developed. Your Board should incorporate this into our plan. The committee stated that assisted living and day care should be in the professional office zone without explaining what this means and entails, and I think that before we incorporate this we should really do a study to find out exactly how this has been done, especially considering what happened last night with Sunrise. We really have to know a little more before we talk about assisted living. I believe that before we approve the plan, we should do a complete review of the special permits, the Planning Board, the ZBA and Town Board, so that we do not have the future problems of Sunrise and other such disasters. I believe more time is necessary to tighten up this plan and I recommend another 3 months is needed. I believe that the moratorium which runs out this month, I don't even know when

Supervisor Holbrook:

It runs out in December because we were challenged last year when we first adopted the moratorium and we subsequently had to readopt it, and we readopted it I

think on December 10th or 14th so that is already taken care of. So, actually the lawsuit worked in our favor so we have the time to continue.

Mr. Bernstein:

I just want to add because we may need the time even after that. I believe the moratorium should be extended another 6 months to make certain the changes are incorporated, including the zoning text, zoning map, capital budget, etc, before we open this for use because if we allow it to run out people will jump in and immediately start to develop property before we make the changes. There are most probably many other suggestions that will come up if we spend the additional needed for this review.

Appearance: Shirley Lasker
West Nyack

I have attended most of the Comprehensive Plan meetings and I have to say at the outset that I think overall the Comprehensive Plan is a good document and should be adopted by this Board, however, there are some points that I'd like to address. There is a lot of emphasis on hamlet revitalization in the plan. The New City Business District improvement plan is a good start, however, we need more of an ongoing commitment to revitalization of all the hamlet centers. We should involve business owners, residents, and community leaders to participate in long term plans that will make out hamlet centers places that residents want to go to. I would suggest that the Comprehensive Plan recommend that the hamlet centers take advantage of the Federal program under the auspices of the National Trust for Historic Preservation for the Main Street Center. It is a program that is used all over the country including by our neighbors in New Jersey to successfully, over a number of years, revitalize downtowns. They provide communities with the tools and proven methods that work. I also agree with the reduction of tax assessments on Page 12 of the plan for renovation of commercial buildings in the hamlets. One of the things that disturbs me in the plan is the proposal of a major hotel by the Palisades Mall. I hope that the zone in that area remains manufacturing. I don't think Snake Hill Road near Old Mill Road is an appropriate place for a major hotel. As far as protection of the environment, the plan addresses a number of issues. I agree with the plan that wetland preservation is essential. I also agree with changing the zoning around the reservoir to 4 acres. Clear cutting of trees, however, should be prohibited unless a special permit is granted regardless of the amount of land involved. As it is written now, only trees cut on land over an acre would require a permit. Fines should also be imposed and replanting of trees when a violation occurs. The main problem I have with the Comprehensive Plan and one I hope you will address and correct is that there is no recommendation to put a referendum to the voters of the Town to pass an open space bond. I think the recommendations of a mortgage transfer tax and a tax abatement to land owners is not enough. We do have a number of undeveloped sites in Clarkstown and we need to allow residents to decide whether or not they want to preserve them. Clarkstown is in the top 1% of development in the northeast and our environment and our resources have been depleted and overtaxed. We need to do what we can to preserve the environment and an open space bond would address that issue. One question I have for the Board is that the Comprehensive Plan is meaningless unless the zoning ordinances back it up. What is the Town Board going to do to make sure that that happens? All of the work that has gone into developing this master plan will have been to no avail unless it is enforced. The people need you to protect our Town and I ask whether you would consider further moratorium until the zoning ordinances are completed. In closing, I would like to thank Bob Geneslaw, the Planning Board and the citizens on the Ad Hoc committee for all their hard work and the many hours they put into the plan. I would hope you would put my recommendations into the plan and then vote to adopt it.

Appearance: Ziporah Fleisher
New City

I have lived in New City for 60 years and I've seen what's happened to it and some of the things I'm going to say I want to ask you to do to protect us that are a little bit at a tangent you might say. If you look at the library, the New City Library, you will see the trees are fading badly, they needed to be watered. We didn't have enough water.

On the other hand, we are told that the 2 new power plants that were proposed in Ramapo will not bother us and we certainly know they are not for our advantage. Those power plants are going to be building power and sending it elsewhere, not in Rockland County, you could not get your power from them but they want our water and they would deprive us of water for our trees at the library. When you have to replace those trees, I don't think the electric company is prepared to pay us for them. I think we have to look for the hidden costs of some of these things that are proposed. It sounds funny but I asked the Town to fight for better water supervision than we now have. We should have an independent person at the head of the County water division to tell us how many more people can we support. What are we going to do when those wells pass out. Are they paying any fine for becoming polluted. Is the company that polluted them paying any fine for what it will cost the rest of us to put our nurseries back in business or to put our own places back in bloom. I don't think we can afford to share our water with power plants that aren't even going to provide us with power. Those two plants should be refused and we should do all we can to stop them. We can not afford to give our water away to cool them. I've heard Mr. Reisman say he's dying to tax them so he can help his schools. It sounds good, we would like to help his schools, but I can't see that as a reason to allow our water to be shared or I can't imagine living in a place where we don't even own our water. We don't own our own electricity, we are at the mercy of profits and I think this business of having a company supply us with water that is owned by a Swiss company is out of this world. We need to form a government organization to make a study of how much water we have, what it will cost to have that Ambrey Pond, they tell us it will double our rates. I think it is just ridiculous management and poor planning and I throw it in now tonight because you are talking about the future and planning and expansion and how many more people we can or can not abide. Where I live near Smith Farm, it has 3 or 4 houses on it right now, 100 are planned. What are we going to do? I suggest we drill some wells and get even with the water company. There is a well under the County Office building that didn't have any purification and it was raw water and the health department said that's not good enough. Why can't we find some way to disinfect that water and use it. Can't we find a well by RCC? I found out from the health department that there are apartments right here and some of the trailer camps have their own wells, not everybody is biting into the water company's water. We need a slogan like "Give us back our water."

Appearance: Henry Kalston
Valley Cottage

I've been a resident of Valley Cottage for a year and a half. Prior to moving here I lived in South Nyack and I served on the Planning Board for 8 years and chaired that board for 5. That experience informs my comments this evening on the subject of enforcement. I, too, applaud the Comprehensive Plan and the efforts of those who developed it I think its a very positive step and as was said before, the goals are praiseworthy. Its passage will be the end of a long process for you and those who developed it. It's important to view the passage as the beginning of a new process and that is one that requires the zoning code to be brought in compliance and for strict enforcement of the code which you have taken a step toward this evening. Too many times on the Planning Board in South Nyack we found ourselves burdened with a provision in the code that was passed too long ago that we knew wasn't at present an appropriate provision in the code and yet that is what it was and so the enforcers of the code can only work with what you give them. In terms of specific issues in the short time, I've lived on Old Mill Road in Valley Cottage, I have seen something of a gap between goals and enforcement. While we sit and discuss a Comprehensive Plan that designates Old Mill Road an historic rural road, at this very moment, in daylight hours, that historic rural road is being widened and it is being super elevated, I believe is the term, so that it would be safer if people continue to drive at the same speed and yet common sense tells us that, in fact, banking a road on which the speed limit is 35 mph is an illogical step because if the speed limit is going to be enforced, you don't need the road to be super elevated. Similarly, at Snake Hill Road, there has been much discussion over the years about the traffic pattern there and the lack of enforcement.

Supervisor Holbrook:

On the Old Mill Road thing, just as a point of clarification, there are 2 major improvements that were done, one is the replacement of a culvert that was inadequate and the other is the retaining wall that is being built just down on the one side of the stream because the road at that point was collapsing into the stream. There is no intention of the Town Board to widen the road.

Mr. Karlston:

I'm not sure what the intention was, but I can assure you the road is being widened.

Supervisor Holbrook:

It's not, Mr. Ballard could you clarify that.

Wayne Ballard:

With regards to Old Mill Road, Charley Holbrook is right, the culvert was found to be collapsing and it was a wise investment for the Town of Clarkstown to replace it. The retaining wall also is needed because the road is washing out into the stream. There are enough liability cases on Old Mill Road that if the Town did not act appropriately we would be sued in the future. We are not widening the road. There is guardrail out there that is required out there and underneath the guardrail the grass grows and a good maintenance provision is to blacktop there so we don't have to cut it.

Mr. Karlston:

With all due respect to Mr. Ballard, I can tell you there is no guardrail in front of my house and the road is being widened. If you drive the road tomorrow, you will see a new 2 foot strip of blacktop, they cut out 1 foot and they put in 2 feet of blacktop, the road is a foot closer to our houses now than it was before. The issues in the future that are of gravest concern to those in the area, as Ms. Lasker said, are the proposal for the major hotel on Snake Hill Road which would really be an inappropriate place and the other is the Tilcon Gravel property which if you look at an aerial photograph taken at the time that the mall was under construction, the Tilcon Gravel site is almost indistinguishable from it, they are virtually the same size and that will be a major issue in the coming years. I applaud the Town Board's plan and the master plan and urge you to continue the efforts these things.

Supervisor Holbrook:

You raised a very important point there on the Tilcon properties because just for the edification of the public here, Tilcon does own more land in the Town of Clarkstown except for the State of New York and the parklands, over 450 acres of land, most of that land is ridges and peaks, so the preservation of open space and the high points in the Town are very critical because those quarries have a life. The quarry in New City has less of a life than the quarry in West Nyack but at some point in time down the road those quarries won't be in existence so we have to take that into consideration.

Appearance: Linda Brinkman
New City

I commend everyone who has put efforts into this plan. I will focus on one issue which I feel is very important. Keeping open space, new development is very important but those are obvious things that people will be paying attention to. My concern is with the areas that Mr. Holbrook was talking about with subdivision where it can be a little bit more insidious that neighborhood of 50 houses can become 100, and if you do it one place it has to be done everywhere. We are at a point now which is very important to recognize that we are overpopulating and overtaxing our resources here. Our schools, which are supposedly number one and one of the things that draws a lot of people here and that keeps a lot of money here and is good for us, are becoming overpopulated. The superintendent of schools has already had to rezone or redistrict Little Tor, that is not

even going to include the houses on Smith Farm. Where are all these people going. Our school system, our recycling program are all number one and if we continue to increase our density we are going to end up shooting ourselves in the foot, unfortunately. I am very concerned about the subdivision situation which brings me to the point in the Comprehensive Plan under Miscellaneous, Page 36, I'm glad to see that they have taken this further than what the original plan had spoken about with regard to flag lots in the lot. However, I would like to see it taken a little further and my question is what exactly does it mean that they will be approved by the Planning Board. Does that mean just the Planning Board says OK, or that there will be notification but only in the paper, or just the neighbors that about the property, what does that mean?

Supervisor Holbrook:

Let me just give you a quick example. If you have a piece of property that can be divided into 2 lots, you can go to the building inspector's office and get it divided, get a building permit without going to the Planning Board. Under this provision, any division of property, would be required to go to the Planning Board and would require a public hearing so that the public would be notified. What the gentleman talked about before, in the earlier hearing, related to a situation just like that. The area could be subdivided, was subdivided but it was done by the building inspector, but there was no notification because that's the way it is in the code, a person could go in and get it divided. But we're saying all subdivisions should be under the scrutiny of the Planning Board. There would be notification of the public so they have a opportunity to come out and make comment.

Appearance: Catherine Nowicki, Legislature
Nanuet

I live in a house that was built in about 1770 and the subsequent owners of that house, in retrospect, have seen a great deal of change, especially on Middletown Road. Before I get into the heart of what I wanted to say, I would like to follow up on something that Zippy Fleischer told me before about the meeting that we had at the multiservices committee last week. One of the things that was told to us that reminded me of the tremendous responsibility of Planning Boards and Town Boards is the following: in this Torne Brook Valley there is a beautiful little brook and Dr. Drennen, former superintendent from that area, told us that the trout that are swimming in that brook are the descendants of the original trout. Now, I don't know if he meant the 7 days of creation, that's what he intimated. There has never been any stocking of fish in that brook nor has there been any contamination from the streams, the brook, the river or anything in that location. Now, I was so astounded when I heard this and so thrilled by it that the following day I told that to my students at Nanuet High School and, to emphasize it, I said to them that perhaps when Homer was writing the Odyssey the ancestors of those brook trout were swimming in the Torne Brook. Now, I'm not sure of that but it sounds good. The Town Boards and the Planning Boards have a tremendous responsibility. First I'd like to congratulate everyone who had a part in the Comprehensive Plan, the table of contents touches on all our concerns. It is intended to save, protect, revive, upgrade and beautify what is left of the Town. You all know that a tremendous amount of damage has already been done, especially in the abuse and overuse of the MF zone which has changed too many parcels away from residential. The Planning Board has taken a lot of hits for the damage, but the Town Board is also responsible. These zone changes have had a serious and deleterious impact on the schools, For example, because of Avalon in Nanuet, at least 100 students have been added to our enrollment despite Avalon's predictions to the contrary. This experience must not be repeated in the Pipetown Hill area where the Planning Board has recommended that MF-3 be changed to MF-2. The Town Board must have the courage to withstand the pressure to change that. If you do not, this is a hollow and meaningless document. I'd also like to speak about Snake Hill Road. There's an interesting item on Page 34 of the report. A broad brush modification to the M zone that would allow a hotel to be built by right. It will affect a specific zone only. It seems open to everybody but closer scrutiny will reveal its limited application. The area targeted, which is Route 303 and Snake Hill Road, is not now zoned for a hotel; however, any applicant could come in and properly apply for a zone change and then the public would have the opportunity to address that request at a public meeting. We all know and, certainly, the Town Board

knows, that there have been inquiries about putting a hotel in this area. This change in the wording that is now on Page 34 would clear the process and eliminate the applicant's having to go for a zone change or variance or special permit and where there would be public input, the new wording would circumvent this process and an applicant for a hotel would have permission to do it by right. As of now, the public does not realize the full ramifications of this recommendation. I urge the Town Board to live up to the spirit of this plan. The traffic, the noise, the dirt and all the noise that accompany overdevelopment are spoiling the natural beauty of Clarkstown. I beg of you to do the right thing.

Appearance: Gerry O'Rourke, President Congers Civic Association
Congers

I've been a member of the Ad Hoc Committee that has worked on this plan and I just want to commend the Town Board for the foresight in commissioning this project. I think the lack of formal action in the past on master plans has rendered those documents, useless paper documents. Time and time again we have seen requests to rezone, down zone, contrary to the intent of what was called a master plan in name only. Now we have the opportunity to restore some order to the process and over the course of the last 9 months, numerous meetings were held. Hundreds of citizens came out and there were 2 overriding things that occurred at those meetings. The first one was that the citizens indicated that we should no longer be ripping out every tree and replacing it with concrete, asphalt, high density development and huge structures on small or irregular lots. The second stand out item that stands out in my mind were that few of you were present at those meetings. With the exception of Mr. Maloney, who I saw a couple of times, I did not see the members of the Town Board at those public hearings to hear the comments of the citizens. I'm glad they're here tonight in mass to let you hear it. I urge you to approve this document so that we can proceed with the work of returning this Town to the rightful owners, the people who came here to live and thought they knew what their neighborhood would resemble, not the special interests who have crept in with creative ways to foster their profit modus.

Appearance: Sid Kriven
New City

I'd like to congratulate Mr. Yacyshyn, the members of the Planning Board and the Ad Hoc committee for doing such a fine job putting together such a workable plan that would protect everyone's interests in the area. Growing up in Nyack, the only time we came to New City was to go to Davies Lake and to get our driver's license. I'd be a little nervous if I had to take that test tomorrow in New City. I've seen the area grow in such a wildfire manner, bringing so many people in with so much construction and so many condos that I really wonder if any thought has been given to the infrastructure to support the population increase. The traffic is horrendous. I think we need the protection that the Comprehensive Plan offers especially with the respect to the conditions mentioned with zoning. Not to down zone our properties, but to maintain a status quo to try to keep the population density somewhere within reason. I think it's out of reason now but we can only get worse. People came here because they didn't want to be in the city any longer but we've become a suburb of the city and it will get worse unless a stop is put on the wild building and influx of people. People that were mainly interested in down zoning were self serving, the builders, the folks who sold real estate and the folks who represented them. I urge the Town Board to adopt the Comprehensive Plan to give us the protection that we all deserve.

Appearance: Tony Vilkelis
New City

Anybody running for public office should have to speak last so the rest of us peons can get our word in first because most of them are gone. I listened to Mr. Bernstein very closely talking about open space which I am very interested in, except at a Planning Board meeting, he asked that the property on Schriver Lane be cut into 7,500 sq. ft. lots which isn't even in the zoning code anymore. Of course, the Planning Board and the Ad Hoc committee said no but I don't understand open space and only Schriver

Lane doesn't get open space. Everyone has done a tremendous job on the master plan. I live on South Main Street, the Schriver Lane property which is owned by the Rapkin people want garden apartments there which their uncle, Yale Rapkin, always wanted and the property has been in the family 30 or 40 years. You talk about buying property, Mrs. Cornell said there is this million dollar fund, why not buy this property and put in a bird sanctuary. We are the only part of Town that doesn't have open space that is protected. We have a minimum of 200 businesses that run on South Main Street. I added up the curb cuts on South Main Street that I could remember, 45 from Collyer Avenue to First Street, and that is about a mile. The traffic, congestion, curb cuts on South Main Street are incomprehensible, you just can't drive there. The master plan which talks about New City, stops at St. Augustine's. There are no provisions for South Main Street and I sincerely believe that something must be done. With regard to the parking area being done on Maple Avenue, people in New City don't walk, they drive. One of the suggestions I made many years ago was that we get access by Bennigan's to Route 304. It's a State road but if we can get a commuter tax done away with to get an official elected to State government, certainly when another elected official is running for the Senate, maybe he can get access to Route 304 for us. It is the only thing that will help all the traffic on Main Street. The other thing is looking at common driveways, there are legal considerations, I realize, but that would be thinking ahead. An example is over on Rte. 59 by Cleats' N Sneaks, so it can be done and these are the things that can be done.

Appearance: George Rumelt
New City

Everybody should be commended on this Comprehensive Plan. There are 2 items, however, which I do feel will need specific attention so we do not have mistakes again. That is in the area of defining where child care can go because in articles I've read in the newspapers, it seems that child care is something that has become big business. On average they have at least 200 kids coming to these things. We should have something in this proposal as to where, specifically, you can have this because it seems that could cause some great bottlenecks let's say, for example, if that was to be allowed on North Main Street next to the post office. The second item that needs to be looked at clearly is the proposal for that hotel. Many years ago, in the Congress, a bill was passed to provide tax relief for the Gallo family in California to allow them to avoid state and transfer taxes that was facing the family. This is the tax equivalent of spot zoning. I ask the Board to look closely at that hotel because that was brought up by a member of the Ad Hoc committee and it seemed to me as though it was designed specifically for somebody. I'd rather not see something like that in there. Thank you.

Appearance: Lee Walton
Valley Cottage

I applaud the idea of a Comprehensive Plan I do have concerns about enforcement. I've heard Mr. Holbrook on cable news regarding a hope to be more proactive with regard to code enforcement. If there is any code enforcement. I have made many calls where I have itemized property violations, I cannot be the code enforcer. Kings Highway is a used car lot, everyone believes they can park commercial vehicles in their driveway, put cars for sale on front lawns, they can put bulk trash out anytime of the month and leave it there for a month. These are eyesores and these are codes that have been on the books and have not been enforced. If anything can be done before, during or after the master plan it would really be appreciated.

Appearance: Ed Graybow
New City

I commend the Board and their future actions as well. One of the concerns I have had in having a opportunity to watch Sunrise Assisted Living was the challenge and concerns of floor height limitations. I think we should clearly establish floor height limitations abutting residential zones and it should be clearly specified and not threats of how high can we build a building. My concern is for the revitalization of hamlets such as New City. There are many empty PO buildings currently in place. We need to access them, what they're being used for. Can we offer any tax breaks perhaps to improve this

type of area? Sunrise Assisted Living is an example of what a building should not look like. It does not keep in the character of our community and should not have been allowed. When we look at buffer zones, we need to clearly specify what is a buffer zone, what kind of trees are there and what are we really putting up so that the homeowner is truly protected. We need what is called the homeowners bill of rights, When you buy a piece of property and build a home on that property, you have a right to know what is going to be next to your home which you have invested in. That is what this is all about. Thank you.

Appearance:: Roberta Bangs
Nanuet

I think this new Comprehensive Plan is excellent. I think you've done a wonderful job with the Planning Board and the Ad Hoc committee. I do have to contradict something that Mrs. Nowicki said, however. I think that the choice of the Planning Board and the Ad Hoc committee for the MF-2 on that parcel off Crikk Farms by South Pascack Road, I think that is much more appropriate there than another commuter parking lot. South Pascack has turned into a high speed short cut to get to the commuter parking lot. You have been tremendously helpful along with Mr. Yacyshyn in keeping more driveways off South Pascack, hopefully from keeping people from adding more dirt in the wetlands than is allowed. I certainly hope that the Capasso property is going to be resolved to our satisfaction.

Appearance: John Lodico
New City

I want to talk about the property owners right to develop his property within the scope of what is in the existing zoning. It appears that every 20 or 30 years that there has been some attempt to do a Comprehensive Plan and I support proper planning. Property rights have to be guaranteed. A person should be able to develop his property to the full extent of the value of his land within the framework of the laws that are already in the Town. With regard to creating a zoning coordinator, all you have to do, because all of the zoning approvals are brought to this Board with the approval and opinions of the Town Attorney, and if the Town Attorney or the deputies fail to properly reinforce the decisions, then you fire the Town Attorney or you fire one of the 13 deputies. You do not have to create another administration but that is the last hearing. As far as Zippy goes she is right on target with the water. I think that all public buildings in the County should see where they can produce their own water by well. This building itself is on an aquafier. The land underneath there is a sand quarry. I think the plan is OK if it's an OK plan and the people who review, inspect and approve it have to be competent. When I studied law I always remember what one of the professor's said. He said as a lawyer, you have three things to remember: first, if you have the law on your side, you argue the law; if you have the facts on your side, you argue the facts, if you have neither the facts nor the law you just keep arguing until the judge throws you out. And that's the thing I fear, if you talk too much you might be thrown out. Getting back to the Comprehensive Plan, as far as the Comprehensive Plan they have made it so that there is no possibility of having another Pyramid Mall. While I served on this Town Board I worked on the implementation of the commercial industrial development committee to bring in ratables that would help this community and as far as the Pyramid Mall goes people have to understand what M zoning is and what it allows, when we talk about that hotel, you know you could have many things worse than a hotel. As far as the Pyramid Mall I was a supporter of that for a good ratable, I might indicate I'm not being partisan or mention any politicians or political parties but you might think of Linda Winikow who was a senator when she's across the river and the Town Board who approved what was supposed to be a commercial landfill. I went before the Board as a citizen and raised all the questions about whether we were going to be protected and it was a Democratic administration that approved that landfill. The comments that I made about protecting our environment and raising the questions about toxicity were not listened to, they were approved by a former Town Attorney who is also a Democrat. Property rights is the only right we have left, the rest of them are being washed down the drain. M zone, I wish all the Planners would express what is permitted in an M zone in deference to the Pyramid. The Pyramid project was a dump, an airport and it was cleaned up by the development.

My only disappointment is that they didn't pay their taxes timely. As far as those that talk about government by referendum, they should be ashamed of themselves. The only thing you should have a referendum on in government is whether or not you're going to allow the government to spend more than they should. One thing that should be added to this Comprehensive Plan is something that would require the promoter who comes in and sells you a Cadillac car and then delivers you a Jeep. When they promote a product and say it is going to bring in \$5 million and it is going to cost \$100 million to build. These things should be written down so they could be used so we don't have certioraris anymore, so that they agree and they sign on the dotted line and that should be a part of the law. I think that some of these things have to be considered, and zone M allows an awful lot and I'd rather a hotel than a foundry or a factory with 7 stacks. I think you should take a little more time and put in some more comments before you adopt the law. Thank you.

Appearance: Art Bridgeman
Valley Cottage

I think the Comprehensive Plan is a very admirable and visionary document. I think it is time for the Town to put their money and their support toward this kind of vision. It's not perfect, however, but I do applaud your attempt to preserve rural roads and undeveloped property especially of the Maurice Heaton property which would be the first parkland in Valley Cottage, and strict enforcement which includes having a very strong and knowledgeable zoning administrator who can actually deal with this document and with all the regulations that are in here as well. The hotel exclusion does seem like a sore thumb sticking out of the document. It seems to run counter to what the spirit of this document is and I really do wonder whether it should be there at all. If they do want a hotel, they should ask for a zone change on their own merits.

Appearance: Martus Granirer
New City

I'm here to speak about something technical that should be added to what you do. We've all heard a lot of endorsement for the idea of open space preservation. There are 3 ways to do something about open space, you can buy it, you can change its zoning or you can use average density. In average density you can move the lots around in some way to protect a resource, a hill, a ridge, a pond, a forest. The proposal I want to make is one more method that's available and used elsewhere and ought to be in your book from now on too. It's called transfer of development rights, TDR, where instead of moving the lots around within one parcel, you can move them from one parcel to another. You won't have to use it often but when you need it it will be a great way of filling in and solving a problem you may not be able to solve elsewhere. When you revise a master plan, it is the perfect time to bring in all of the plans you need in the future and I hope you'll consider this one.

Appearance: Klaus Jacob
Valley Cottage

I commend the Board for coming up with the Comprehensive Plan and putting it before this body to approve it. I realize there is mentioning on Page 13 about the plan for the recommence that some roads be considered for rural or historic designation, and I really wonder how that is going to be implemented. For example, I respect the intent of the Highway Supervisor to provide a safe road and make it maintainable but he involuntarily contributed to not exactly what I would understand to be an historic preservation by adding, in his judgment, good blacktop in an area. I think we have to have some procedure where we have an understanding about what is historical preservation, how we go about it and how we coordinate it between the different departments. That is exactly what makes the character of a particular road. Unless that procedure is addressed I must say it is good in intent but probably very difficult to follow through. On that same page, Old Mill Road and Kings Highway is mentioned but I don't see Germond's Road and I wonder should that be added. There should be concern about the level railroad crossing on Kings Highway. It is a first order obstruction of traffic. There is no simple or low cost solution to this but I can see 10, 20 years from now a

public safety issue from not only a traffic standpoint, but what if a fire breaks out on the other side of that railroad? There are hundreds of residences that are essentially cut off from the Fire Department supply unless another community comes in. This is a serious issue. Lastly, on Page 60 of the document, Natural Resources and Open Space, it says provide for tax reduction, assessments for those owners of vacant parcels of 2 or more acres. I'm not a lawyer but shouldn't the tax assessment be given against a first right of refusal, meaning that the tax will be reduced but maybe with the consent of the owner that he would offer the property first to the Town before it was sold, that should be considered. Further, it says obtain public ownership of or control over wetlands that need to be protected. Why only wetlands, why not woods and meadows, if there are any left? There are other natural resources that ought to be included here. Lastly, I will reemphasize it, if there is no money to acquire public land, no public land will be acquired so it is the first order of business to really do a land acquisition fund. If Rockland County can get \$4 million to start with, we should be at least started with \$3 million. There are Federal, State, non-governmental organization fundings that ought to be looked into. Thank you..

Wayne Ballard:

With regard to rural roads, I think you have a good idea but I'd like to make something clear. As superintendent of highways, I didn't design the road, specifically Old Mill Road, and we have a professional engineer that do that and I didn't approve for it to get done, the Town Board did, but in reviewing those documents, I support both different entities for what they did. Once again, if you have a road that is washing out and you don't do something about it, the lawyers come and get you. If you have a culvert that is not adequate to allow the flow of water, you have flooding, but maybe what we should do is have the public comment on what that culvert will look like aesthetically and the retaining wall.

Appearance: Frank Hackett
Valley Cottage

I've lived here for 3 years and have seen a lot in that time and I took interest in reading the Comprehensive Plan. It is a wonderful plan. What I am concerned with is some of the special interests that may be benefiting as a result of this. One is the hotel, clearly, that's a special interest. Like they do in the IRS tax code, they write certain things so that certain constituents get what they want. The other one is the restrictions on another mall. It seems we are defining the regulations it takes to build another mall. It says that he would require 75 acres minimum, must have access to a state highway, must not cross a public road or railroad track, must be within a quarter mile of a Thruway entrance, must specifically apply to Town Board for MRS zoning and it exempts 2 existing malls. I've gone through the Town maps to determine how many properties would fit this. There is only one that can fit it and that is the Tilcon Quarry at the base of Old Mill and Snake Hill Road. No one parcel on that property is 75 acres, the largest is 61.37 acres but it is surrounded by other parcels. So you say what are the other restrictions, the railroad goes around it so that's not a problem, it is within a 1/4 mile of the Thruway, so all we are left with is that it must not cross a public road. I don't have a lot of trust in that because I saw public roads "sold" to the Pyramid Mall. If that piece from 303 to where Snake Hill Road goes in was somehow condemned and sold without a public referendum we are left with another mall on this beautiful property overlooking Lake Deforest. Please look at that and make sure we don't get another special interest shoved down our throat. Another thing I'd like to say is that I'm foundry owner. I own a foundry in New Jersey, I employ 180 people, we have a very clean operation and we are a benefit to the town of Midland Park, New Jersey and I take offense to people throwing out, well, it could be a foundry. A foundry would put up a lot less stink than the Pyramid Mall.

Appearance: Ann Long
Valley Cottage

Most of the open spaces that I see are in shopping centers that are closing up, the Nanuet Mall, Caldor's Shopping Center, the old Korvettes shopping center, there are

huge stores vacant and it is a direct result of the Pyramid Mall. Will the Pyramid Mall be allowed to become larger under this plan.

Supervisor Holbrook:

There is a covenant that requires a public referendum prior to that happening. Although there are arguments that it is as large as they want it to be anyway, but nevertheless, there would need to be a public referendum.

Appearance: Valerie Sonenthal
Valley Cottage

I think the Comprehensive Plan is great. I wish it had existed before I moved here because I moved here because it was so green and I have seen so much destroyed since moving to Old Mill Road, which I am thrilled will be given an historic status. I do have another 2 feet of blacktop in front of my fence on an area that is totally flat. What concerns me when you designate a road historic is also any changes to houses and what they look like so that it keeps in the nature of what is deemed historic. I think everything that is built along it or changed must be thought out and approved for keeping things historic. I'm sorry a 2 acre tax break regarding zoning didn't exist a few years ago because there was a house built in a lot next to me that was a 3,600 sq. foot house basically right in the back of another house and uses right of way through United Water property. It totally changed the environment which is a "buffer" to the reservoir but an acre of trees came down to build this house. If there was a first right of refusal of the property it should not only be given to the Town but also to the neighbors as well. My other concern is the possibility as to what will be built on the corner of Crusher and Snake Hill Road and that very serious thought needs to go into what would eventually fit in that particular lot that would add to the community. As you talk about developing and revitalizing the Town maybe that needs to be a school. What does the community need and what would work there rather than what would achieve the highest dollar.

Co. Mandia:

Before we go on, this lady and the gentleman before brought up an issue that was trying to be resolved with that plan and that is to make sure there would be no other malls. Now if there is on that particular piece of property an open issue that could cause someone to apply to assemble the properties and, as unlikely as that would seem, build another mall, maybe there is one more thing we have to add to that. And the thing that occurred to me is distance, if another mall is going to be applied for, it would have to be at least, what, 10 miles from any existing MRS zone.

Supervisor Holbrook asked Mr. Geneslaw to elucidate some of the rationale behind that.

Mr. Geneslaw:

The MRS district as it stands in the code now requires a minimum of 30 acres. It has been interpreted that if a property has 30 acres and comes in with a site plan that can automatically go from RS zoning to the MRS with no action from any town official, so the proposal is that first of all, they come to the Town Board for a specific zone change for MRS so there is no question that everybody understands what is happening. It is exposed to a public hearing process and the governing body of the municipality makes the determination. In the MRS district now, the 30 acres can be more than one tax lot, can be multiple tax lots and I should say the MRS was put in the zoning district at the time the Nanuet Mall was built. When the Nanuet Mall was built, Macy's owned the easterly end of the building where their store was and the parking that surrounded it in a U shape. Homart development which was the real estate arm of Sears owned the Sears end and the parking around it, and the development company owned the mall section in the middle and the parking to the north and south. It functions as a single mall. Most people don't know there were separate lot lines, there are still separate lot lines. And the Sterns building is on another lot. So that was OK. The intention when the MRS was established was that the property be developed as an overall site and the ownership lines

weren't important and there'd be cross uses for everything, for parking, utilities, whatever was necessary. That would still apply if the MRS was adopted along the lines of what is in the Comprehensive Plan. So the gentleman who spoke a few minutes ago and said that he saw one of the limiting factors being the 61 acres of the largest parcel on the quarry wouldn't really be a limiting factor if the MRS provisions on the size of the lots with the assemblage of lots remains. The original MRS also says the site or the 30 acres can't straddle a railroad track or a public road. And we all know the Nanuet Mall is bounded on two sides by a railroad track. That was done before I was here and probably before most of the people in the room were here but my guess is that there was some thought about extending it beyond the tracks at the time that amendment was written back when the Nanuet Mall was being proposed. So the suggestion to eliminate the potential for crossing a railroad track or crossing a public road was intended largely because at the time the Planning Board and the Ad Hoc committee were looking at that, the Planning Board was also reviewing the property for the second Home Depot which abuts the railroad track and so there is some question that maybe the owners of that overall property would try to pick up enough additional acreage to qualify for MRS. So the provision was to increase the acreage requirement to 75 acres which will make it very difficult and to not permit the railroad or public road to transverse the site. The comment made about abandoning a road is one that I think needs to be looked at. My first reaction on the quarry is that most of the quarry is probably too deep because the amount of excavation that has taken place over the 100 years or so that it's been in operation would make it very difficult if not impossible to develop it as a mall. But we will take another look. I think it warrants another look before the specific amendments are sent to the Town Board.

Appearance: Warren Marshall
Nanuet

You mentioned a quarry, it would seem to me that if you think ahead you could probably use it as a dump site. You could pour a lot of dumped material in there and make a lot of money off your refuse collectors because it's perfectly designed and instead of holding water it could hold that and eventually put grass and your park on top of it and you would make double on it. Maybe you should be able to sue these people for false claims on the United States second largest white elephant. They said they would have 3,000 jobs, they may have 3,000 employees but they don't support 3,000 people because as far as I know, almost all of these jobs are for a person's first, second or third job and these people are what you call the affordable people. So it turns out that some other places around here want low cost housing and it seems to me that they're in the business of keeping the mall going by giving them the type of help they need to show a profit. There are several ways of slowing the mall down and that is by suing them for false advertising. If a person puts up a building and gets by with evasion by some sort of municipal allowance, it really shouldn't be there according to the code, they should be sued and put a little bit of extra cost on their tax bill. Also, if somebody puts a bad property next to yours there is precedence that you can sue them. In farm country, if you shade your neighbor's property you can be sued because you are effectively taking away their air rights or sun rights. I think there is precedence if a neighbor does something that will devalue your property. Another problem in the plan is that this revitalization is not going to work as long as everybody in the government agencies in this area make the Pyramid mall as their pet project. They seem to be trying to subsidize them whenever possible. They give them police protection at low cost. Responsibility without consequences is not responsibility. If you don't do your job there should be consequences. For instance, one person said I've never done anything except for the benefit of this area. Well, I don't think that is particularly true, what that person said. People should be aware of that. I called someone a mercenary a while ago and it is still true. Thank you.

Appearance: Mark Karsh
New City

Correct me if I'm wrong but special permits cannot be applied for during the moratorium. One of the things the continuation of the moratorium also hurts because all of the things people would like to do in this room as well as lower their home taxes, we

need tax ratables. I own a large building. We currently have tenants that would like to move in. As this gentleman said from the Planning Board, it is very difficult to attract any business to Rockland County larger than 5, 10 15 thousand sq. ft. We have tenants that would like to move in but we cannot apply for a Special Zoning variance for the businesses they want to bring. We pay over \$400,000 a year in real estate taxes. Sitting in an empty building and paying \$400,000 a year in real estate taxes while the moratorium continues for three more months, six more months, is not very desirable for the residents or for business or for us. I know you want to create employment, job development, and you can't have jobs unless you bring businesses in. I'd like to recommend that when the moratorium is over we can speed this process up and get our applications through. I understand it takes about 3 or 4 months after an application is put in to go through the process. If we are postponed another 6 months then another 4 months, I guaranteed you the people that would be moving to Rockland County will be in Bergen County, Westchester, or Orange County. The Board should at least allow the process to begin so that we can get businesses into this County and not have the empty buildings that the Planning Board referred to. Thank you.

Appearance: Dwight Kerns
Congers

I applaud the Board for the Comprehensive Plan that you commissioned and will likely vote into the law shortly. You deserve a lot of credit. These steps may put an end to the reckless and wild accusations that I have been reading about in the paper leveled several of the Board members here, and in addition to that, I saw this gentleman who is the building inspector get up before this public meeting and try to bring about an end to the criticism to him to justify himself and his staff and I think somebody owes him an apology.

The following letter from Thomas Curran, was sent to the Town Board:

Dear Members of the Board,

Please read this letter at the next meeting of the Board. I have been a resident of Clarkstown for fifteen years and I have observed your actions over these years. I have seen how the people of Clarkstown strongly opposed Pyramid Corporation's proposal to build the second largest shopping mall in America. Once the Board agreed to Pyramid's construction of the mall, Pyramid demanded more and more land in violation of their agreement. Now, after many months of profit making by the opened mall, Pyramid refuses to pay its town taxes. A portion of the mall is named in honor of one of the town board members who gave them great support. What answer does he now give to the business people of Clarkstown who did pay their taxes but lost their businesses to the competition from the Pyramid created Palisades Mall which refuses to pay its Clarkstown taxes? I am saddened and angered by the Board's approval of the destruction of much of the woods and natural lands in Clarkstown. Again town meetings were held and people of Clarkstown expressed opposition but money interests won out. In Nanuet, a large wooded area off Briar Road was stripped of its trees as small parcels of land were marked off for the construction of oversized houses. When townspeople appealed to the Board not to allow this to happen, they were told the owner could do what he wanted with his land. Later we learned that the owner paid one thousand dollars to the town board for each parcel he had marked off. Another tract of natural land opposite the Nanuet Mall on Middletown Road in Nanuet, which could have been turned into a beautiful park, was also destroyed to make room for a Super Stop and Shop store. Meanwhile a large multi-acre shopping center on Route 59 near Route 304 in Nanuet, that once housed Caldors and A and P Stores lies deserted except for a few small stores. It seems to me that a town board's first concern should be the welfare of the people of the town. Greed seems to have replaced concern for the people. Public hearings have become exercises in frustration for those interested in the welfare of the town. It is my sincere hope that you will now reverse this trend.

There being no one further wishing to be heard on motion of Co. Maloney, seconded by Co. Profenna and unanimously adopted, the public hearing was declared closed, RESOLUTION NO. (658-1999) ADOPTED, time: 10:55P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

RESOLUTION NO. (658-1999) ADOPTED

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/14/99

10:56 P.M.

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

Re: Proposed Local Law Amending Chapter 290 - Defining of Special Care Home

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

Supervisor asked Mr. Yacyshyn to make a comment relative to this hearing.

Appearance: Mr. Yacyshyn
Chairman, Planning Board

The proposed amendment to the Zoning Ordinance is probably something that we would support in principle. The Planning Board at this time is still in the process of reviewing it to make sure that it conforms to all the technical requirements that would be necessary and the SEQR that would be attendant to it. I suggest that the Board conducts the public hearing, get all the public comment that is necessary, let us factor that in and as of tomorrow, we will conclude our deliberations and pass on to you for your next meeting.

Supervisor Holbrook stated that while there is a moratorium, this is something that was looked at as an exclusion and you've been drafting this up and this is where we are today. Town Board is not going to vote on this tonight, we are going to hold a public hearing, the Planning Board is going to review it and then we'll move from there and the SEQR. This relates specifically to the Sisters of Charity property that was relocated off of Convent Road.

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

Appearance: Jessica Houser, Esq
South Little Tor Civic Association

Yesterday I got a copy of this proposed amendment and the first thing I did was look at the Town zoning code. I looked at Special Care Home. It referred to Social Services Law but there was a note on the bottom that said that the definition for Special Care Home was repealed in 1987. I went to the Social Services Law because I was puzzled by what a special care home was, I still don't know what it is. It is very ambiguous. You are taking a great step tonight in installing a zoning administrator who will see to it that the zoning code is enforced. No one, however, can enforce an ambiguous code. A perfect example was last night at the ZBA. That hearing arose out of an ambiguous code provision in the Town zoning code. People on both sides threatening lawsuits, talking about inappropriate use of property, all because of ambiguities in the zoning code. You should not take a step forward by installing a zoning administrator to straighten out the situation and then go one step back by amending a code provision that contains so many ambiguities, that I as an attorney cannot figure out what it means. The 5 or more provision is the one that really scares me because I'm sure you'll put a definition in the code. You have to have a limit on the number of residents in any facility that is going to take care of people in this town. You can't leave it unlimited. You're going to open up a Pandora's box.

PH: Proposed Local Law Amending Chapter 290 - Defining of Special Care Home
Page 2

There being no one further wishing to be heard on motion of Co. Mandia seconded by Co. Maloney and unanimously adopted, the public hearing was ADJOURNED, SINE DIE, time: 11:05 P.M.

Respectfully submitted,


PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/14/99

11:06 P. M.

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

Re: Chapter 216 Proceeding: Monteith - 80-A Brewery Rd, New City (77-A-4.5)

On motion of Co. Mandia seconded by Co. Profenna and unanimously adopted, the public hearing was declared open.

Supervisor explained that this is a Chapter 216 on property maintenance and asked for a report from the building inspector.

Appearance: Irene Saccende
Code Enforcement Officer

The piece of property located at 80A Brewery Road, New City was re-inspected this afternoon and the property is in conformance with the code. There were a few scattered weeds that were about 1 foot high that are being taken care of; the rest is in conformance now. She recommends the Town hold it in abeyance.

Supervisor asked if anyone wanted to make any comments or ask questions:

Appearance: Lawrence Monteith
Property Owner

Asked for clarification as to what is going on with this property now.

Supervisor explained that the code enforcer said the property, except for some weeds, is in acceptable condition and she recommends we hold this in abeyance and we will re-inspect before the next Town Board Meeting and then if it is in compliance, we could end the hearing.

There being no one further wishing to be heard on motion of Co. Maloney seconded by Co. Mandia and unanimously adopted, the public hearing was ADJOURNED, SINE DIE, time: 11:10.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk