

TOWN BOARD MEETING

Town Hall

12/28/99

8:00 P.M.

Present: Supervisor Charles E. Holbrook  
Council Members Maloney, Mandia, Profenna and Smith  
John Costa, Deputy 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 informational meeting re: Local Law Enforcement Block Grants was opened, time: 8:05 PM

On motion of Councilman Mandia, seconded by Councilman Maloney and unanimously adopted the informational meeting re: Local Law Enforcement Block Grants was closed, time: 8:10 PM

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On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted the public hearing re: Petition to Abandon and Discontinue a Portion of Hutton Avenue, Nanuet was opened, time: 8:10 PM

On motion of Supervisor Holbrook, seconded by Councilman Mandia and unanimously adopted the public hearing re: Petition to Abandon and Discontinue a Portion of Hutton Avenue, Nanuet was closed time: 8:11 PM

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On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted the public hearing re: Chapter 216 Proceeding (Property Maintenance): Barrier Motor Fuels, Inc. (60-A-14.1) was opened, time: 8:12 PM

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted the public hearing re: Chapter 216 Proceeding (Property Maintenance): Barrier Motor Fuels, Inc. (60-A-14.1) was closed, time: 8:44 PM

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On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted the public hearing re: Extension of Moratorium on Issuance of Special Permits Implemented by Local Law #5-1998 for an Additional Six Months to Allow for Adoption of Revised Zoning Ordinance Provisions Consistent with the Recently Adopted Comprehensive Plan was opened, time: 8:45 PM

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted the public hearing re: Extension of Moratorium on Issuance of Special Permits Implemented by Local Law #5-1998 for an Additional Six Months to Allow for Adoption of Revised Zoning Ordinance Provisions Consistent with the Recently Adopted Comprehensive Plan was closed, time: 9:05 PM

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On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted the public hearing re: Re-instituting the Moratorium on Prohibiting Issuance of Building Permits or Certificates of Occupancy for Adult Entertainment uses for a Period of Six Months to Permit Additional Study and Implementation of New Regulations Subsequent to Adoption of the Comprehensive Plan was opened, time: 8:45 PM

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted the public hearing re: Re-instituting the Moratorium on Prohibiting Issuance of Building Permits or Certificates of Occupancy for Adult Entertainment uses for a Period of Six Months to Permit Additional Study and Implementation of New Regulations Subsequent to Adoption of the Comprehensive Plan was closed, time: 9:05 PM

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RESOLUTION NO. (1022-1999)

Supvr. Holbrook offered and Co. Mandia seconded

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

WHEREAS, said road appears on the Official Map of the Town of Clarkstown and a portion of said road shall be deleted from same, and

WHEREAS, pursuant Resolution No. 965-1999 adopted by the Town Board on November 23 1999, the Town of Clarkstown and FB Nanuet LLC entered into a Contract of Sale on December 10, 1999, which provided for the sale and transfer to FB Nanuet LLC of a portion of the Town road herein mentioned, which was subject to Permissive Referendum, and

WHEREAS, no Permissive Referendum has been filed, and

WHEREAS, the Planning Board of the Town of Clarkstown has given its approval on December 21, 1999, and

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

NOW, THEREFORE, be it

RESOLVED, that based upon the report of Robert Geneslaw dated December 21, 1999, acting as staff to the Town Board as lead agency, the Town Board hereby determines that the abandonment and discontinuance of a portion of HUTTON AVENUE, Nanuet, New York, shall not have any significant impact on the environment and no further processing pursuant to the State Environmental Quality Review Act (SEQRA) is required, and be it

FURTHER RESOLVED, that a portion of HUTTON AVENUE, Nanuet, New York, as described in the attached Schedule "A" is hereby declared abandoned and discontinued by the Town of Clarkstown pursuant to Section 207 of the Highway Law, and be it

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

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

RESOLUTION NO. (1022-1999) continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (1023-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a proposed local law entitled,

**“EXTENSION OF MORATORIUM ON ISSUANCE OF SPECIAL PERMITS AS IMPLEMENTED BY LOCAL LAW NO. 5, 1998 FOR AN ADDITIONAL SIX MONTHS TO ALLOW FOR ADOPTION OF REVISED ZONING ORDINANCE PROVISIONS CONSISTENT WITH RECENTLY ADOPTED COMPREHENSIVE PLAN”**

was introduced by Councilman Maloney at a Town Board meeting held on December 14, 1999, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on December 14, 1999, directed that a public hearing be held on December 28, 1999, at 8:00 P.M., or as soon thereafter as possible, and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on December 18, 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 December 10, 1999, and

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 8 - 1999 entitled:

**“EXTENSION OF MORATORIUM ON ISSUANCE OF SPECIAL PERMITS AS IMPLEMENTED BY LOCAL LAW NO. 5, 1998 FOR AN ADDITIONAL SIX MONTHS TO ALLOW FOR ADOPTION OF REVISED ZONING ORDINANCE PROVISIONS CONSISTENT WITH RECENTLY ADOPTED COMPREHENSIVE PLAN”**

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

Charles E. Holbrook, Supervisor . . . Yes  
John R. Maloney, Councilman . . . . . Yes  
Ralph F. Mandia, Councilman . . . . . Yes  
Ann Marie Smith, Councilwoman . . . Yes  
Louis J. Profenna, Councilman . . . . . Yes

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

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RESOLUTION NO. (1024-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a proposed local law entitled,

**"A LOCAL LAW TO RE-INSTITUTE THE MORATORIUM ON PROHIBITING THE ISSUANCE OF BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY FOR ADULT ENTERTAINMENT USES FOR A PERIOD OF SIX MONTHS FROM THE ADOPTION OF THE LAW TO PERMIT ADDITIONAL STUDY AND IMPLEMENTATION OF NEW REGULATIONS SUBSEQUENT TO ADOPTION OF THE TOWN OF CLARKSTOWN COMPREHENSIVE"**

was introduced by Councilman Mandia at a Town Board meeting held on December 14, 1999, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on December 14, 1999, directed that a public hearing be held on December 28, 1999 at 8:00 P.M., or as soon thereafter as possible, and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on December 18, 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 December 14, 1999, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on December 28, 1999;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 9 - 1999 entitled:

**"A LOCAL LAW TO RE-INSTITUTE THE MORATORIUM ON PROHIBITING THE ISSUANCE OF BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY FOR ADULT ENTERTAINMENT USES FOR A PERIOD OF SIX MONTHS FROM THE ADOPTION OF THE LAW TO PERMIT ADDITIONAL STUDY AND IMPLEMENTATION OF NEW REGULATIONS SUBSEQUENT TO ADOPTION OF THE TOWN OF CLARKSTOWN COMPREHENSIVE"**

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:

Charles E. Holbrook, Supervisor . . . Yes  
 John R. Maloney, Councilman . . . . Yes  
 Ralph F. Mandia, Councilman . . . . Yes  
 Ann Marie Smith, Councilwoman . . Yes  
 Louis J. Profenna, Councilman . . . . Yes

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. (1025-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of December 14, 1999 are hereby accepted as submitted by the Town Clerk.

RESOLUTION NO. (1025-1999) continued

On roll call the vote was as follows:

Councilman Maloney. . . . . Yes  
Councilman Mandia. . . . . Yes  
Councilman Profenna. . . . . Yes  
Councilwoman Smith. . . . . Abstained  
Supervisor Holbrook. . . . . Yes  
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RESOLUTION NO. (1026-1999)

Co. Profenna offered and Co. Mandia seconded

RESOLVED, that the meetings for the Town Board and the Town Board Workshop for the year 2000 shall be held in the Clarkstown Town Hall on the following days:

**TOWN BOARD MEETINGS**  
**8:00 P.M. - Auditorium**

January 3 (Organizational)  
January 11 - 25  
February 8 - 29  
March 14 - 28  
April 11 - 25  
May 9 - 23  
June 13 - 27  
July 11  
August 8  
Sept. 12 - 26  
October 10 - 24  
November 14 - 28  
December 12  
December 29 (12:00 Noon)

**WORKSHOP MEETINGS**  
**8:30 P.M. - Room 311**

January - None  
February 14  
March 6 - 20  
April 3 - 17  
May 1 - 15  
June 5 - 19  
July 17  
August 14  
Sept. 18  
October 2 - 16  
November 6 - 20  
December 4 - 18

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. (1027-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement to continue workers' compensation insurance with the Public Employer Risk Management Association, Inc. (PERMA), for a period of one year commencing on January 1, 2000 and expiring December 31, 2000, at a cost not to exceed \$242,569.00 which shall be charged to Account No. CS 9040-420.

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. (1028-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Town of Clarkstown has requested permission to use a portion of Corwick Realty Corporation's property, approximately 3.0 acres, for the purpose of creating wetlands, which property is designated on the Clarkstown Tax Map as Map 88, Block B, Lot 10;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Corwick Realty Corporation to use a portion of its property, approximately 3.0 acres, for the purpose of creating wetlands, which property is designated on the Clarkstown Tax Map as Map 88, Block B, Lot 10.

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. (1029-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the School Board and the Clarkstown Police Department desire to provide law enforcement services of two police officers to be assigned to the school district on a full time basis, and

WHEREAS, a School Resource Officer Program has been proposed for the Clarkstown Central School District;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the Board of Education of the Clarkstown Central School District for the School Resource Officer Program, in a form satisfactory to the Town Attorney, which agreement would authorize the assignment of two police officers to the school district on a full time basis for a period of seven months which commences on the day the agreement is executed by the parties.

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. (1030-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the New York State Legislature has provided an appropriation of

RESOLUTION NO. (1030-1999) continued

\$3,000.00 to the Town of Clarkstown for the purchase of three flag poles and a monument to be installed at the Veterans' Memorial Park located at Route 59 and Middletown Road, Nanuet, New York;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the New York State Division of Veterans' Affairs, in a form approved by the Town Attorney, for the purchase of three flag poles and a monument to be installed at the Veterans' Memorial Park located at Route 59 and Middletown Road, Nanuet, New York, and be it

FURTHER RESOLVED, that the contract shall terminate on March 31, 2000, unless the unexpended balance of this grant is re-appropriated by the New York State Legislature for a subsequent fiscal year, in which case this contract shall terminate on the next succeeding March 31st following the re-appropriation.

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. (1031-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a renewal agreement with Partners in Safety, Inc., 561 North Street, Middletown, New York, for the period commencing January 1, 2000 and terminating on December 31, 2000, in a form satisfactory to the Town Attorney, to provide alcohol and drug testing of safety-sensitive employees including transportation employees and those holding commercial driver's licenses, and be it

FURTHER RESOLVED, that the fee for such services shall be according to the proposal dated November 30, 1999 attached, and shall be charged to Account No. A 9000-409.

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. (1032-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, the Valley Cottage Indians wish to store a container of equipment on Town of Clarkstown property at one of the Town parks;

RESOLUTION NO. (1032-1999) continued

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the Valley Cottage Indians, in a form approved by the Town Attorney, to store a container of equipment on Town of Clarkstown property at one of the Town parks, for a period commencing on December 23, 1999 and ending on December 23, 2000, and be it

FURTHER RESOLVED, that this Resolution is made retroactive to December 23, 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. (1033-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, Chanin Techopichetwongsa has requested a refund of the Technical Advisory Committee (TAC) fee of \$150.00;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes a refund of the \$150 TAC fee to Chanin Techopichetwongsa, and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to send this resolution to the Chairman of Planning Board to process said refund of the \$150.00.

On roll call the vote was as follows:

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

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RESOLUTION NO. (1034-1999)

Co. Maloney offered and Co. Mandia seconded

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

COPPOLA SERVICES, INC.                      CAL MART ENTERPRISES, INC.  
28 Executive Parkway                      357A Route 59  
Ringwood, NJ 07456                      West Nyack, NY 10994

RESOLVED, that the following Certificates of Registration be issued:

RESOLUTION NO. (1034-1999) continued

No. 2000-2 COPPOLA SERVICES, INC.  
No. 2000-4 CAL MART ENTERPRISES, INC.

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. (1035-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Deputy Director of Department of Environmental Control that

BID #69-1999

RECONSTRUCTION OF FOUR SEWER PUMPING STATIONS AT FOXWOOD ROAD, KLEIN AVE., LITTLE BROOK LANE, AND MAYFIELD STREET

is hereby awarded to:

P&H CONSTRUCTION CORP.  
PO BOX 305  
255 MARGARET KING AVE.  
RINGWOOD, NJ 07456  
PRINCIPAL: ROBERT W. HAMILTON

as per their proposal project cost of \$749,500.20, and be it

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

- a) Signed Contract Documents - 3 sets
- b) Performance Bonds - 100% of project cost
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of Contractors Liability and Property Damage Coverage, including a Save Harmless Clause
- e) Certificate of Workers Compensation
- f) Certificate of Workers Disability Coverage

The Town of Clarkstown must be named as co-insured party on all liability policies, as they pertain to the project awarded. These documents in proper amount and form must be on file with Town prior to us issuing a start work order.

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. (1036-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, based upon the recommendation of the Director of Purchasing and in concurrence with the Superintendent of Recreation and Parks, that the bid furnishing Athletic and Recreation Supplies is hereby awarded to the following low bidders who have met the specifications:

**BID #5-2000  
ATHLETIC AND RECREATION SUPPLIES**

Anaconda Sports, 1221 Ulster Avenue, Kingston, NY 12401, for items #1,3,4,6,8,13,14,128,129,131,132 and 139, as per specifications at a net bid price of \$6,984.50.

ARC Sports, Rte. 121, North Salem, NY 10560, for items #5, 20, 21,40, 95, 96, 97, 98, 99, 101, 106, and 107, as per specifications at a net bid price of \$1,571.80.

Flaghouse, Inc., 601 Flaghouse Dr., Hasbrouck Heights, NJ 07604-3116, for items #10, 17, 22, 23, 29, 33, 36, 45, 46, 54, 58, 62, 64, 69, 70, 79, 80, 81, 82 and 92 as per specifications at a net bid price of \$1,692.38

Kenmar Shirts, 1578 White Plains Road, Bronx, NY 10462, for items 109, 110,113, 116,119, 120,121,125,133,134,135,138 and 140, as per specifications at a net bid price of \$9,969.03.

Morley Athletic Supply, P. O. Box 557, Amsterdam, NY 12010, for items #2, 12, 19, 28, 32, 37, 41,44, 63, 75, 90, 126 and 127, as per specifications at a net bid price of \$4,023.22.

Passon's Sports, P. O. Box 49, Jenkintown, PA 19046, for items #7, 11, 18, 24, 25, 26, 30, 31, 34, 38, 39, 47, 48, 49, 50, 51, 52, 53, 56, 57, 59, 61, 65, 66, 71, 72, 74, 76, 83, 84, 108, 114, 117, 118 and 124, as per specifications at a net bid price of \$4,302.92.

Riddell-All American, 669, Sugar Lane, Elyria, OH 44035, for item #9, as per specifications at a net bid price of \$472.80.

S & S Worldwide, P. O. Box 513, Colchester, CT 06415-0513, for items #16,27,35,42,43, 55, 67, 68, 73, 85, 86,87, 88, 89, 94, 100, 103, 104, 105,111,112,115,122, and 123, as per specifications at a net bid price of \$17,906.69.

Sportime, 1 Sportime Way, Atlanta, GA 30340, for items #15, 60 and 93 as per specifications at a net bid price of \$96.54.

Unique Impressions, 58 Sherwood Dr, Nanuet, NY 10954, for item #137, as per specifications at a net bid price of \$1,008.00.

**GROSS TOTAL FOR ALL ITEMS: \$48,027.88**

FURTHER RESOLVED, that this amount \$48,027.88 be charged against accounts:

7140-222	\$ 231.02
7140-307	1,195.20
7141-222	1,325.75
7141-307	1,540.20
7141-329	6,114.73
7180-307	6,801.50
7180-329	354.12
7210-307	400.00
7310-222	402.55
7310-307	20,011.63
7310-329	6,887.90

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## RESOLUTION NO. (1036-1999) continued

7610-307	1,913.28
7610-329	61.20
7620-307	600.00
7620-329	<u>187.80</u>
<b>TOTAL</b>	<b>\$48,027.88</b>

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. (1037-1999)

Co. Maloney offered and Co. Mandia seconded

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

**BID #58C-1999-WORK CLOTHING AND SAFETY ACCESSORY  
ITEMS (COMPILATION OF BIDS 58A & B)**

is hereby awarded to:

**ASSOCIATED SUPPLY**  
 329 W. 18<sup>TH</sup> STREET  
 CHICAGO, IL 60616  
 PRINCIPALS: RON FRANK  
                   JOHNNIE CARY  
                   DELORES FRANK

**WEAR GUARD WORK CLOTHES**  
**BUSINESS SALES**  
 141 LONGWATER DRIVE  
 NORWELL, MA 02061

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

**MAG & SON CLOTHING**  
 16 LAKE SHORE DRIVE  
 SUITE A-1  
 FARMINGTON, CT. 06032  
 PRINCIPAL: NATHAN MAG

**NORTHERN SAFETY**  
 232 INDUSTRIAL PARK DRIVE  
 FRANKFORT, NY 13340  
 PRINCIPALS: RON LONGO  
                   SAL LONGO

**BRW SAFETY & SUPPLY, INC.**  
 2901 S. DAIMLER ST.  
 SANTA ANA, CA 92705

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

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

RESOLUTION NO. (1037-1999) continued

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

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. (1038-1999)

Co. Profenna offered and Co. Maloney seconded

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

**“A LOCAL LAW PROVIDING A PARTIAL TAX EXEMPTION ON REAL PROPERTY OWNED BY MEMBERS OF VOLUNTEER FIRE COMPANIES OR VOLUNTEER AMBULANCE SERVICES”**

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 January 11, 2000 at 8:00 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. (1039-1999)

Co. Profenna offered and Co. Mandia seconded

WHEREAS, Councilman Mandia, a member of the Town Board of the Town of Clarkstown, has introduced a proposed local law entitled, “AMENDMENT TO CHAPTER 262 (TAXATION) OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN;

NOW, THEREFORE, be it

RESOLUTION NO. (1039-1999) continued

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 January 25, 2000 at 8:00 P.M., or as soon thereafter as possible, relative to such proposed local 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 in the newspaper of general circulation and posted in the manner provided by law and file proof thereof in the Office of the Town Clerk.

On roll call the vote was as follows:

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

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RESOLUTION NO. (1040-1999)

Co. Profenna offered and Co. Mandia seconded

WHEREAS, a proceeding has been instituted in the Supreme Court against the Town of Clarkstown entitled, Pyramid Company of Rockland and EklecCo v. The Assessor(s) of the Town of Clarkstown and the Town of Clarkstown, Index No. 7418/99;

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 the Town Board hereby authorizes the hiring of the firm of Kaye, Scholer, Fierman, Hays & Handler, LLP, to defend said Tax Certiorari proceeding, and be it

FURTHER RESOLVED, that compensation for said defense shall be charged to Account No. A 1420-409-21.

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. (1041-1999)

Co. Profenna offered and Co. Mandia seconded

WHEREAS, a proceeding has been instituted in the Supreme Court against the Town of Clarkstown entitled, MAUREEN LYNCH v. PATRICIA SHERIDAN and CHARLES HOLBROOK;

NOW, THEREFORE, be it

RESOLUTION NO. (1041-1999) continued

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

On roll call the vote was as follows:

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

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RESOLUTION NO. (1042-1999)

Co. Profenna offered and Co. Maloney seconded

RESOLVED, that the Town Board meeting scheduled for December 30, 1999 is hereby canceled.

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. (1043-1999)

Co. Profenna offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of Howard L. Lampert, PE, Traffic and Highway Engineering Consultant, dated December 27, 1999, the Superintendent of Highways is hereby authorized to install the following sign:

"No Turn On Red from 8 AM to 4 PM on School Days" on northbound  
Highview Avenue at Church Street, Nanuet

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, to Howard L. Lampert, and to 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. (1044-1999)

Co. Profenna offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install the following curve signs on South Mountain Rd., New City:

- Eastbound - A W1-8 sign in the vicinity of house #356
- A W1-10 sign in the vicinity of house #329
- A W1-4 sign in the vicinity of hours #250

- Westbound (just East of Little Tor Rd.) a W1-3 sign
- A W1-7 sign in the vicinity of house #288
- A W1-8 sign in the vicinity of house #330

and be it

FURTHER RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Superintendent of Highways, Wayne T. 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. (1045-1999)

Co. Profenna 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 "School Bus Stop Ahead" sign on the southside of South Mountain Rd. 500 ft. from Lake Lucille Blvd., New City. Move the present "School Bus Stop Ahead" on the northside of South Mountain Rd. to the required 500 ft. from Lake Lucille Blvd.

Install "School Bus Stop Ahead" signs on South Mountain Rd., New City East and West of Kayiak Court at the required 500 ft.

and be it

FURTHER RESOLVED, that the Town Clerk is hereby 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. (1046-1999)

Co. Mandia offered and Co. Profenna 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

CANDLEWOOD HOTEL  
OVERLOOK BLVD., NANUET, NY (164-A-1.02)

by the installation of fire lane designations, and

WHEREAS, Werner Fricker 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 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

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RESOLUTION NO. (1047-1999)

Co. Mandia offered and Co. Profenna 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

711 EXECUTIVE BLVD,  
VALLEY COTTAGE, NY 10989 (124-C-42)

by the installation of fire lane designations, and

WHEREAS, ARNOLD GARELICK, 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 Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

RESOLUTION NO. (1047-1999) continued

On roll call the vote was as follows:

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

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RESOLUTION NO. (1048-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Director of Environmental Control, United Water New York is hereby authorized to install the following hydrant(s):

H#1 - X10482H - n/e corner of Orchard Ave. & Goebel Rd.

H#2 - X10483H - n/s of Orchard Ave. approx. 600' e/o Goebel Rd. between House #'s 8 & 10

Investigation No.:11649, and be it

FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to Tricia Betz, Utility Service Coordinator.

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. (1049-1999)

Co. Maloney offered and Co. Smith seconded

RESOLVED, that Resolution No. 1011 authorizing Town Law Section 278 to the Smith Farm Subdivision, MAP 23, BLOCK A, LOTS 4 and 15, is hereby rescinded, and be it

FURTHER RESOLVED, that the following Resolution is hereby adopted by the Town Board in its place as follows:

WHEREAS, Martin Cornell, Esq. made application on behalf of the owner Joy Builders, Inc., for use of Town Law Section 278 in connection with the SMITH FARM SUBDIVISION, which is located on the east side of Buena Vista Road and west side of Little Tor Road, New City, New York, and is designated on the Clarkstown Tax Map as Map 23, Block A, Lots 4 and 15, and

WHEREAS, the Planning Board of the Town of Clarkstown has recommended approval of the use of Town Law Section 278 in connection with this subdivision, and

RESOLUTION NO. (1049-1999) continued

WHEREAS, the purpose of Town Law 278 shall be to enable and encourage flexibility of design and development of land in such a manner as to preserve the natural and scenic qualities of open lands, and

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town if Town Law Section 278 authorization is granted for the development of the property to assure the preservation of the natural and scenic qualities of some of the open lands shown on a proposed average density layout map entitled "Smith Farm, Town of Clarkstown, Rockland County, Average Density Layout," dated August 5, 1999, prepared by Atzl, Scatassa & Zigler, P.C.;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Planning Board of the Town of Clarkstown to use Town Law Section 278 for the proposed site of the SMITH FARM SUB-DIVISION, which is designated on the Clarkstown Tax Map as Map 23, Block A, Lots 4 & 15, subject to the applicant complying with all rules, regulations and requirements of law, and requirements of the Clarkstown Planning Board, and not inconsistent with the lot allocation, as depicted on aforesaid proposed layout map, and that there shall not be more than 55 lots in the Clarkstown School District, nor more than 21 lots in the Ramapo School District, and that lots shall not cross school district boundaries, and be it

FURTHER RESOLVED, that the final layout shall reflect every feasible measure to protect the open space and scenic character of the entire site, including the most unobtrusive location of buildings, screening buildings from view by means of plantings, restrictions on building height to minimize visual intrusion and careful placement and aiming of lighting, private and public, and it is

FURTHER RESOLVED, that this resolution shall be recorded in the Rockland County Clerk's office as a Covenant, to run with the land.

On roll call the vote was as follows:

- Councilman Maloney..... Yes
- Councilman Mandia..... Yes
- Councilman Profenna..... Yes
- Councilwoman Smith..... Yes
- Supervisor Holbrook..... No

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There being no further business to come before the Town Board and no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the Town Board Meeting was declared closed, time: 9:05 P.M.

Respectfully submitted,  
*Patricia Sheridan*  
PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
INFORMATIONAL HEARING

Town Hall

12/28/99

8:05 P.M.

Present: Supervisor Holbrook  
Council Members Maloney, Mandia, Profenna & Smith  
John Costa, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

RE: Informational Hearing - Local Law Enforcement Block Grants

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

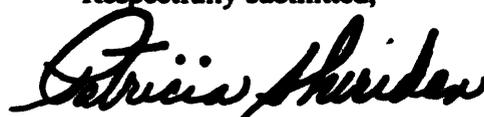
Supervisor Holbrook explained that this was more of an informational type of hearing; there is no resolution to adopt. He invited Officer Gerard King to explain the Enforcement Block Grants. Officer King explained that the Federal Government is allocating \$41,816. for the Clarkstown Police Department in Local Law Enforcement Block Grants. There are three steps to obtaining this grant. First, was to accept the grant, which was done by resolution at the last Town Board Meeting, second, to establish an Advisory Board, which was done, and third, is to have a public hearing announcing that we have received the money and what we intend to use the money for. Capt. Kilduff would like to use this money for the special overtime during New Year's Eve and New Year's day. He would like to put extra patrols out in the Town to insure a safe and enjoyable New Year's.

Supervisor asked if anyone wished to comment. No one appeared.

Co. Mandia asked if the minutes of this meeting would suffice to make sure that we are on record as having the meeting and approving the spending of the money.

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

Respectfully submitted,



PATRICIA SHERIDAN  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

12/28/99

8:10 P.M.

Present: Supervisor Holbrook  
Council Members Maloney, Mandia, Profenna & Smith  
John Costa, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

Re: Public Hearing - Petition to abandon & discontinue a portion of Hutton Avenue,  
Nanuet

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

Town Clerk read notice calling public hearing and testified as to proper posting and publication.

Mr. Yacyshyn stated that the Planning Board was in favor of this.

Supervisor asked if there was anyone who wished to speak on this matter. No one appeared.

There being no one further wishing to be heard, on motion of Supervisor Holbrook, seconded by Co. Maloney and unanimously adopted the public hearing was declared closed, RESOLUTION NO. (1022-1999) adopted, time, 8:11 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

12/28/99

8:12 P. M.

Present: Supervisor Holbrook  
Council Members Maloney, Mandia, Profenna & Smith  
John Costa, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

Re: Chapter 216 Proceeding: Barrier Motor Fuels, Inc. (60-A-14.1)

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

Supervisor explained that this is a property maintenance relative to a gas station on Old Rte. 304 which is subject to a number of violations. There is also a parallel court proceeding in effect at this time.

George Burton, Code Enforcement Officer, read the following report:

An inspection conducted today found the following conditions. Items previously cited including numerous unlicensed vehicles, a storage container, a storage trailer, a flatbed utility trailer, a tarp, a pile of wood about 10-12 feet high, pallets, a leaf vacuum attachment, a pick-up truck, a snow plow, a truck, a green landscaping bucket and other miscellaneous debris have not been removed. In addition, a large pile of dirt and a pile of fence sections was seen. He added that the property owner has been very uncooperative with the Town.

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

Appearance: Donald Walsh  
20 year employee of Barrier

Responded to the violations by sending copies of the violation notice to all the tenants and asked them to make certain that whatever they had on the site was in compliance. Citizens are concerned about rats on site, this has been checked by Department of Health as well as their own engineers. No evidence of vermin coming from their site, it is from construction site down the street. Not sure exactly who has cars on the site. Have asked the folks who own the auto repair shop in the back to tag every car they have that is currently under repair. Has not heard back from the towing service and if he doesn't hear from them, they will be served with a notice of eviction. Has inherited these tenants. Has no problem coming in with wreckers and removing everything if that becomes necessary. Willing to meet with citizens of neighborhood, would not want to live next to this himself.

Appearance: Jeffrey S. Shumejda, Esq.  
Attorney for Barrier Motor Fuels

The order of notice that was issued by the Town Attorney was defective. Code requires a 5 day notice prior to that being issued. The notice of violation is dated 12/8, the Town Attorney's notice and order proceeding is dated 12/10, two days after the notice was sent. It is defective on its face. The ordinance also requires both the violation to be posted on the property, it was not, your own local law requires notice of the public hearing to be posted on the property, it was not. Your own notice requires that notice be given 15 days of the public hearing posted on the property, it was not. There was an attempt to retroactively correct these problems on a Town Board resolution on 12/14 through your resolution, you backdated the Town Attorney's actions, you made on 12/14 a resolution which was effective the day prior. I believe improper notice and improper procedures were involved in this whole proceeding tonight. On the legal substantive issues, the ordinance which is cited in the notice of violation, and the order for hearing defines as

violative any nuisance hazard, litter, debris or matter attractive to vermin. The ordinance further goes on to define that and I will read you the list of the items that are defined in your ordinance and then I will read to you the notice of violation that brought us here and you will find that none of the items listed are on that notice. Section §216-2 defines nuisance, hazard, or debris as waste material, garbage, refuse, rubbish, inoperable vehicles, parts, discarded furniture, appliances, water heaters, bottles, cans, building or construction material, discarded or strewn papers, material of other junk substance, tree trunks and any other matter likely to breed disease and vermin. The notice of violation, which is before you tonight lists the following items: unlicensed vehicles, a storage container, storage trailer, a flatbed utility, a tarp, pile of wood, pallets, leaf vacuum attachment, a pick-up truck, a snow plow, a truck and a green landscaping bucket. None of these are a part of the ordinance. They are not likely to attract vermin and disease. I respectfully submit that the proceeding is void, I attempted to communicate the Town Attorney informing him of these various aspects of the case. You have nonetheless decided to proceed and I want the record to be clear of my comments. I have a letter here which outlines those for the clerk and copies for all the Town Board members. He submitted the following letter:

Dear Sirs:

I am writing this letter with respect to the Order and Notice dated December 8, 1999 which was sent Express Mail to my client, Barrier Motor Fuels, Inc. and received on December 10, 1000. The purpose of this letter is to illustrate in a point by point format the defective nature of the Order and Notice given the fact that Chapter 216 has not been adhered to by the issuing authority.

[1] The notice provisions of §216-6 [A] provides that any "...owner, tenant or occupant of any property in violation of this chapter... shall remove such offense when ordered to do so .. within five [5] days of the service of written notice as provided in Subsection C below." In the instant case, my client's only notice was the Order and Notice dated December 8, 1999 and received on December 10, 1999 by Express Mail, i.e. my client was not afforded the requisite 5 days to correct the alleged problem.

[2] As stated above, the service of written notice is provided by Subsection C of §216-6. Subsection C states that "... all written notices under this section shall be served... by posting a copy of such violation notice upon the front portion of the property of the or upon the main structure and by mailing a copy of such notice by ordinary notice to the owner of the property as shown on the latest assessments rolls of the town. As stated above, my clients only notice consisted of the Order and Notice sent by federal express and no posting as required by the Town Code was performed by the issuing authority.

[3] Pursuant to the Town Code §216-8 "...the public hearing shall be held upon notice posted conspicuously on the affected property and forwarded to the last known address of the property owner, as it appears on the current tax records of the town, by certified mail, return receipt requested. With respect to the Town's notice to my client of this evening's public hearing regarding the alleged violation, no posting was accomplished and the written notice was sent regular mail.

[4] Town Code § 216-8 also requires that "... posting and service of such notice shall be not less than fifteen [15] days prior to the date of such hearing." In the instant case, notice of the hearing was not given of December 13, 1999 [15 days prior to tonight's hearing] but was received regular mail on December 21, 1999.

[5] With respect to the substantive charge, § 216-3 [A] of the Town Code states that "... it shall be an offense for any person to abandon, leave, dump, store or keep any nuisance, hazard, litter, debris or matter attractive to vermin upon any public street, public place or upon any privately owned property." Town Code §216-2 defines nuisance, hazard, debris and litter as follows: "...any waste material including but not limited to garbage or other putrescible substance, refuse, rubbish, inoperable vehicles and parts, discarded furniture, appliance, water heaters, bottles, cans, building or construction materials or supplies when stored outside on a site where no active construction is taking place or discarded or strewn papers or material or other junk substances, tree stumps, or any other matter

attractive to vermin, likely to breed disease, present a fire hazard, create offensive odors or otherwise be prejudicial to good health or being so unsightly of appearance as to be offensive to surrounding properties." It is respectfully submitted that no nuisance, hazard, debris or litter has been maintained on the subject property as these items are defined in the Town Code. As has been the case for many years, landscaping equipment and related equipment on the subject property. This equipment cannot be considered "construction equipment" and it is certainly not abandoned debris/litter. The equipment is used seasonally and is properly maintained on the subject property.

In conclusion, the further prosecution of this matter is violative of several sections of the Town of Clarkstown Town Code, fundamentally has no basis and is in violation of my client's constitutional rights secured by the Fifth and Fourteenth Amendments of the United States constitution and the Civil Rights Act of 1871, 42. U.S.C Section 1983. It is therefore requested that the Order and Notice issued pursuant to Town Code Chapter 216 be withdrawn.

Very truly yours,  
Jeffrey S. Shumejda

Appearance: Josephine Martischef  
New City

Lives in the house directly behind the gas station. Feels like she lives next to a dump. Pays high taxes and doesn't want to live next to abandoned cars and woodpiles. Found a dead rat on her property, the first time in 25 years she has ever seen a rat on her property. Additionally, there are dump trucks and plows. We all signed a petition to have the local gas station owner put in a little local country store. It was never meant to be what it is now. Expects the Town Board to do something about this.

Appearance: Michael Goodman  
11 Meadow Lane, New City

Has lived there for 20 years and has noticed recently the pumping of gas after hours. Has put complaints in to the Town. There are other people here who have also witnessed this. This is a hazard. The trash on property along Christie Drive, litter from landscapers who eat there lunch there, is all scattered around. Has asked the store to keep clean several times. Dumpsters next to the service bays are constantly overflowing with trash. There used to be shrubs in front of this piece of property, there haven't been shrubs there in years. Lastly, has requested that the Highway Department replace street sign at Christie Drive. It was knocked down and no emergency vehicles could ever find Christie Drive.

Appearance: Tom Vance  
3 Christie Drive, New City

No notices have been sent out to anyone that I know of from Barrier Oil. There are cars being towed in there at all hours of the night, very noisy. There are people hanging out there at night making noise. Police have been called on 3 occasion because of stuff that was thrown at houses over there. This never happened before Barrier Oil took over this property. Politicians should get after them.

Appearance: Resident  
Meadow Lane

Has lived here for 13 years. Does not agree that Barrier Oil inherited the problems. Thinks this company make money by renting space. Sees illegal activity going on there. Is afraid that gas station is going to blow up, it is not safe.

Appearance: Rich Bizer  
8 Cragmere Oval, New City

Concerned with what types of things are being stored and what has been poured into the ground and soil there. There are mounds 10 feet high and is concerned about

what is in there, what it has been treated with. Had trouble with ground water coming into house during hurricane, and he doesn't know what was in the water that went through from this site.

Appearance: Harry Crawford  
Uncle of owners of the Little Country Convenience Store

Concerned about the trash issue and the appearance of the store. Understands it is a community store and wants it to be attractive for the neighborhood. Everyday trash is picked up. Some of the trash comes from our store, we ask people to place things in the trash. Has found many mornings evidence of people loitering at night, such as trash from Burger King, Dunkin Donuts, etc. We pick up this garbage every morning. Has also found shrubs in the garbage cans. There are other people dumping in their dumpsters at night. We try to make every attempt to live in harmony with the locals.

Appearance: Louis Kaplan  
26 Cranford Drive, New City

Living here for 3 years, people who own Country Store have been wonderful. New people who took over garage seem to be very nice. Is concerned as to whether that area is aesthetically pleasing. Barrier has the resources to make that site aesthetically pleasing and they can stop their tenants from dumping there debris there.

Appearance: Paul Tendler  
10 Meadow Lane, New City

When the petition went around for a country store he signed it and was in favor of it and he still is. Believes the current owners have exceeded the use that was permitted by the Town. There was a hardship involved to have the permit issued to have a store and a 2 bay garage. Barrier Corporation is an absentee owner who has exceeded the use. We have to go back and review the original permit. Barrier Oil has exceeded their parameters and they should be held accountable.

Appearance: George Burton  
Code Enforcement Officer

The attorney for Barrier failed to mention the final sentence of the definition of nuisance, litter and debris. That final sentence mentions items that are offensive appearance to surrounding properties and as you hear from the neighbors here, these items here are definitely offensive appearance to surrounding properties. Regarding the matter of the gas pumps being unattended at night, that matter is in court with fire inspector Vinnie Narciso, right now.

Supervisor Holbrook suggested that Mr. Burton and the fire inspectors meet with Mr. Walsh and the residents over there to go over the zoning issues that have been suggested that are exceeded. We can reconvene this hearing on January 11 to see if we have identified all the issues that need to be addressed by the owner. If there is no satisfactory resolution by that time, then the Town Board can move to bring the property into compliance. Asked Mr. Walsh if he would meet with code and fire inspector and the residents out there to review this. This should not be an eyesore and should not be in violation. We don't want this to go on another 6 months. Would like to adjourn until January 11.

John Costa, Deputy Town Attorney

There should be acceptance that the procedures are not rendering this proceeding void as Mr. Shumejda has suggested. Wants a stipulation, if the Town is to extend the olive branch of cooperation and more time, we should have that technical objection regarding the service of the notice still on the table.

Mr. Walsh responded that no time was given to them at all. For the record, no tenants have been added since Barrier bought the property. With the hurricane, the towing service brought in more cars.

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 until January 11, 2000, time: 8:44 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

100

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

12/28/99

8:45 P. M.

Present: Supervisor Holbrook  
Council Members Maloney, Mandia, Profenna & Smith  
John Costa, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

Re: Extension of moratorium on issuance of special permits implemented by local law #5-1998 for an additional six months to allow for adoption of revised Zoning Ordinance provisions consistent with the recently adopted Comprehensive Plan.

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

Town Clerk read notice calling public hearing and testified as to proper posting and publication.

Mr. Yachshyn stated that the Planning Board recommends that the extensions be granted as the notice indicates to complete the studies that have already been undertaken that are required under the law and that we will be sure to be implementing them and passing them on for your enactment. It is proposed that as certain portions are enacted by the Board, with the advice of your legal counsel, that that may be removed from the moratorium position itself.

Supervisor asked if there was anyone there wishing to speak relative to this hearing.

Appearance: Russell Trojan  
Clarkstown

Is in favor of the extension so that the Planning Board and the Ad Hoc committee can complete their work. Also recommends that the Board give an extension to the term of Planning Board Member, Rudy Yacyshyn, so that his wisdom can be applied and the detail work can be completed.

Appearance: Martin Bernstein  
New City

With reference to the Comprehensive Plan this was not completed. For instance the potential ordinance on Assisted Living, it's not just Special Permits, it's a question of a Zoning Ordinance. Also daycare and open space were talked about; I'd like to discuss that because I see only Special Permits.

Mr. Costa responded that the proposed local law would affect the issuance of Special Permits for uses such as senior citizen congregate living, assisted living and so on. There is presently before the Town Board some work in that direction. There is a public hearing in January on some new definitions that will be placed into the code to identify uses such as Assisted Care, Nursing Home, Convalescence Home, and the rationale for the moratorium on Special Permits is to give the Town and Planning Boards sufficient time to develop the performance criteria necessary to gauge the appropriateness for those uses and to select the appropriate zones. The current proposed local law tonight would place a moratorium on that type of activity. Child care is also something that is being considered by the Planning Board and referred back to the Town Board. That would be a special use item and that would still need some work. Performance criteria needs to be developed and appropriate zones need to be identified.

Mr. Bernstein asked whether the Ad Hoc committee was part of this any more.

Mr. Costa stated that they were, in fact, the Town Board has referred the Senior Citizen Congregate living and the assisted care living definitions to the Planning Board for study. Day care has come recently from the Planning Board to the Town Board. The Town Board has yet to act on the recommendations.

Supervisor Holbrook confirmed that the Ad Hoc committee would still be involved.

Mr. Bernstein questioned what was being implemented as far as open space.

Supervisor Holbrook responded that that is something that was adopted as part of the Comprehensive Plan and the Town Board can decide to do it collectively, in regard to open space in various parcels, or to do it individually.

Appearance: Gilbert Heim  
Planning Board Member

Wanted to make clear that the Planning Board never told the Ad Hoc Committee that they did not want to participate with them on the day care issue. They were looking at a specific parcel on Route 303, DePaulis site, for daycare that was referred to them by resolution. The Planning Board asked Mr. Bernstein to check with the Town Board to see if there was a mistake in the resolution. The Planning Board made a decision for that specific local shopping and for all the other sites to be looked at with the Ad Hoc Committee at a future date. We have worked very well with the Ad Hoc Committee. They are an excellent committee and the Planning Board has every intention to work with them on all the other zoning ordinances. Secondly, with the moratorium extension, Planning Board members would like to see the Town Board pick a chairman. Thinks Mr. Paris would be an excellent chairman. Spoke about Mr. Yacyshyn's 33 years of excellent service and feels he should be allowed to see the Comprehensive Plan to the end.

Appearance: Richard Sarajian, Esq.  
Represents Davies Farm

A public hearing was held on Local Law # 5 and many people came and spoke against it, including Davies Farm. We do not believe that it is appropriate to put in effect a moratorium on Special Permits. There is no basis for this. You have had a Planning Board and Ad Hoc committee working on a Comprehensive Plan which you adopted. That master plan did not make a single change in terms of the Special Permit use that Davies Farm is trying to propose. It did not change most of the Special Permit uses. In fact, the record of that Planning Board and Ad Hoc committee showed that on Mr. Geneslaw's recommendation, they determined they did not have enough time to include recommendations in that master plan with respect to Special Permit uses. It is totally false for you to pass a resolution today saying you need time to implement the master plan with respect to Special Permits when we all know that your committee hasn't even started to address the master plan issues relative to special permits. I also remind you that Local Law # 5 which you are extending was declared illegal and canceled and declared void by Judge Meehan in the lawsuit that we brought. So you are extending the Local Law #5 that a judge has already declared void in April 1999. I have heard no specific recommendation listing the uses that you feel need more study and in fact are also causing a problem within this town. You cannot adopt a blunder-bust moratorium on all special permits like you are doing. There are certain basic requirements that must be imposed in connection with a moratorium. Your own resolution says that the purpose of this is so you can adopt resolutions to amend, to implement the master plan. Mr. Bernstein has told you that you didn't even reach or incorporate those issues into the master plan that you adopted. Accordingly, we suggest that you not take this illegal activity and that you do not extend the moratorium.

Co. Maloney asked Mr. Costa, in light of the last speaker's comments, are we doing something illegal.

Mr. Costa responded that he did not believe the Town is doing anything illegal. Mr. Sarajian is overlooking the fact that there is no restraint whatsoever on development of properties under their current zoning. Properties could be developed under uses

permitted of right. These special permit uses are additional uses and there is no property owner in the Town who is being prevented from developing their property unless they want to proceed by way of special permit for a use that is in addition to other uses permitted by right. Also, the Town Board has made numerous changes already in response to the Comprehensive Plan, to the special permits. During October and November the Town Board considered and implemented a number of changes with respect to special permits, deleting some, moving some from the ZBA to the Town Board. The next level of work which this moratorium will permit will be the development of special performance criteria for the new uses that are being identified.

Co. Smith questioned if there was an alternative way to do that without extending the moratorium.

Mr. Costa was not aware of any except to entertain applications under the existing zoning ordinance for special permit uses. Some may be processed under the old law before the new criteria is developed.

Co. Smith asked if the Planning Board and the Ad Hoc committee would study the new criteria.

Mrs. Costa replied yes, at the discretion of the Town Board.

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 closed, RESOLUTION NOS. (1023 -1999 & 1024-1999) ADOPTED, time: 9:05 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

12/28/99

8:45 P. M.

Present: Supervisor Holbrook  
Council Members Maloney, Mandia, Profenna & Smith  
John Costa, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

Re: Re-instituting the moratorium on prohibiting issuance of building permits or certificates of occupancy for adult entertainment uses for a period of six months to permit additional study and implementation of new regulations subsequent to adoption of the Comprehensive Plan.

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

Town Clerk read notice calling public hearing and testified as to proper posting and publication.

Mr. Yachshyn stated that the Planning Board recommends that the extensions be granted as the notice indicates to complete the studies that have already been undertaken that are required under the law and that we will be sure to be implementing them and passing them on for your enactment. It is proposed that as certain portions are enacted by the Board, with the advice of your legal counsel, that that may be removed from the moratorium position itself.

Supervisor asked if there was anyone there wishing to speak relative to this hearing.

Appearance: Russell Trojan  
Clarkstown

Is in favor of the extension so that the Planning Board and the Ad Hoc committee can complete their work. Also recommends that the Board give an extension to the term of Planning Board Member, Rudy Yacyshyn, so that his wisdom can be applied and the detail work can be completed.

Appearance: Martin Bernstein  
New City

With reference to the Comprehensive Plan this was not completed. For instance the potential ordinance on Assisted Living, it's not just Special Permits, it's a question of a Zoning Ordinance. Also daycare and open space were talked about; I'd like to discuss that because I see only Special Permits.

Mr. Costa responded that the proposed local law would affect the issuance of Special Permits for uses such as senior citizen congregate living, assisted living and so on. There is presently before the Town Board some work in that direction. There is a public hearing in January on some new definitions that will be placed into the code to identify uses such as Assisted Care, Nursing Home, Convalescence Home, and the rationale for the moratorium on Special Permits is to give the Town and Planning Boards sufficient time to develop the performance criteria necessary to gauge the appropriateness for those uses and to select the appropriate zones. The current proposed local law tonight would place a moratorium on that type of activity. Child care is also something that is being considered by the Planning Board and referred back to the Town Board. That would be a special use item and that would still need some work. Performance criteria needs to be developed and appropriate zones need to be identified.

Mr. Bernstein asked whether the Ad Hoc committee was part of this any more.

Mr. Costa stated that they were, in fact, the Town Board has referred the Senior Citizen Congregate living and the assisted care living definitions to the Planning Board for study. Day care has come recently from the Planning Board to the Town Board. The Town Board has yet to act on the recommendations.

Supervisor Holbrook confirmed that the Ad Hoc committee would still be involved.

Mr. Bernstein questioned what was being implemented as far as open space.

Supervisor Holbrook responded that that is something that was adopted as part of the Comprehensive Plan and the Town Board can decide to do it collectively, in regard to open space in various parcels, or to do it individually.

Appearance: Gilbert Heim  
Planning Board Member

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