

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

7/11/00

8:00 P.M.

Present: Supervisor Holbrook, absent  
Penny Leonard, Deputy Supervisor  
Council Members Lasker, Maloney, Mandia & Smith  
John Costa, Town Attorney  
Patricia Sheridan, Town Clerk

Deputy Supervisor declared Town Board Meeting open. Assemblage saluted the Flag.

Certificates of Award were presented to Brendan Fridhandler and Brian Webster for achieving the rank of Eagle Scout.

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On motion of Co. Maloney seconded by Co. Mandia the public hearing re: Proposed local law for re-instituting 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 Local Law 9-1999 was opened, time 8:11 P.M.

On motion of Co. Maloney seconded by Co. Mandia the public hearing re: Proposed local law for re-instituting 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 Local Law 9-1999 was recessed to 8/8/2000, time 8:14 P.M.

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On motion of Co. Mandia seconded by Co. Maloney the public hearing re: Proposed amendment to the Zoning Ordinance regarding parking for Child Day Care Centers was opened, time: 8:15 P.M.

On motion of Co. Mandia seconded by Co. Lasker the public hearing re: Proposed amendment to the Zoning Ordinance regarding parking for Child Day Care Centers was recessed to 8/8/2000, time: 8:20 P.M.

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Deputy Supervisor opened the public portion of the meeting.

Appearance: Co. Mandia spoke about the Shirley Williams plaque on the outside of Town Hall and the need to refurbish it. Also spoke about the fact that the five choices that Gov. Pataki was considering for the NYS quarter have been reduced to two: the Statue of Liberty and the Battle of Saratoga

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RESOLUTION NO. (540-2000)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board Minutes of June 27, 2000 are hereby accepted as submitted by the Town Clerk.

RESOLUTION NO. (540-2000) continued

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Yes  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Absent

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RESOLUTION NO. (541-2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, an action was commenced by Bruce MacDonald and Marjorie MacDonald against the Town of Clarkstown and the Town Board of the Town of Clarkstown challenging the constitutionality, authority, and application of a Town of Clarkstown Town Board resolution which imposed charges on property owners for road and intersection improvements and sought damages consisting of the return of monies previously paid by the Plaintiffs with respect thereto, and

WHEREAS, it appears that it is in the best interest of the Town of Clarkstown to settle the action upon the condition that the Plaintiffs will not seek to recover any sums previously paid with respect to aforesaid assessments and upon the further condition that the Plaintiffs will not be required to pay any presently due or future sums with respect to said assessments of the Town of Clarkstown pursuant to the resolutions establishing a road improvement district for a portion of Route 59, Nanuet, New York, which affects properties known and designated on the Tax Map of the Town of Clarkstown as Map 32, Block B, Lots 2, 2.01, 5, 18 and 85.06, and

WHEREAS, the Plaintiffs have agreed to discontinue said action and have agreed not to institute any new or other action to recover monies previously paid with respect to the assessments for the aforesaid road improvement district, and

WHEREAS, the Town recognizes that the Plaintiffs have not paid the assessments due in or about October, 1999, and that pursuant to the settlement hearing said payment will not be due and owing by the Plaintiffs;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney be and hereby is authorized to settle the aforesaid action by executing a Stipulation of Discontinuance thereof, and by taking any further action that may be necessary to effectuate the terms of the settlement.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Yes  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Absent

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RESOLUTION NO. (542-2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Planning Board has granted site plan approval for a condominium project known as "Versailles at Nanuet" which requires the installation of certain access improvements on Town owned property for the purpose of providing ingress and egress to the nearest Town road, and

WHEREAS, said approval is subject to a covenant which shall bind the owners and successors in interest in said condominium project to install, maintain and insure such improvements for the benefit and protection of the Town for so long as needed, and

WHEREAS, the Town Attorney has approved as to form a Declaration of Covenant for the maintenance of certain improvements on Town owned property with Versailles at Nanuet, LLC, and

WHEREAS, it is in the public interest that same be accepted and recorded so as to bind the owners of record in the future;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is authorized to sign said Declaration of Covenant with Versailles at Nanuet, LLC, and be it

FURTHER RESOLVED, that this resolution be made retroactive to July 3, 2000.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Yes  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Absent

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RESOLUTION NO. (543-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the lot at #5 Brookhaven Drive in Nanuet suffered severe damage as a result of Tropical Storm Floyd in September of 1999; and

WHEREAS, emergency repairs were effected to the storm drain system and stream channel immediately after the storm with the understanding that final grading and landscaping would take place in the year 2000; and

WHEREAS, the Department of Environmental Control has obtained a proposal from a qualified landscape contractor to perform final grading to better facilitate surface drainage and to re-establish the lawn at this location; and

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

NOW, THEREFORE, BE IT RESOLVED that the Director of the Department of Environmental Control is hereby authorized to retain the services of

RESOLUTION NO. (543-2000) continued

Danny Clapp Landscaping  
59 Schriever Lane  
New City, New York 10956

to perform said final grading and landscaping as specified by the Department of Environmental Control in accordance with their proposal for an amount not to exceed \$4,680.00; and

BE IT FURTHER RESOLVED that this work shall be a proper charge to account #H 8748-409-0 72-1.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Yes  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Absent

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RESOLUTION NO. (544-2000)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown is desirous of effecting repairs to specific areas damaged as a result of Tropical Storm Floyd; and

WHEREAS, the Federal Emergency Management Administration (FEMA) has made available funding for this work; and

WHEREAS, the Department of Environmental Control has initiated the Tropical Storm Floyd Rebuilding Program for the purpose of effecting these repairs; and

WHEREAS, the Department of Environmental Control has solicited proposals from four (4) qualified contractors to provide the equipment and operators for Town personnel to direct in making the required repairs; and

WHEREAS, the Department of Environmental Control has received three (3) responses to their request for proposals; and

WHEREAS, the Department of Environmental Control has reviewed these proposals and found them to be acceptable;

NOW, THEREFORE, BE IT RESOLVED that the Director of the Department of Environmental Control is hereby authorized to lease equipment with operators from

Cal Mart Enterprises, Inc.  
357A Route 59  
West Nyack, New York 10994

on a lump sum basis, with all activities to be under the direct supervision of personnel from Clarkstown DEC, in accordance with its proposal for a fixed rental cost not to exceed \$24,242.00; and

RESOLUTION NO. (544-2000) continued

BE IT FURTHER RESOLVED, that all materials required to complete this work shall be provided by the Town of Clarkstown; and

BE IT FURTHER RESOLVED, that only a lease arrangement is contemplated and therefore, all work shall be performed under the direct supervision and control of the Department of Environmental Control; and

BE IT FURTHER RESOLVED, that this work shall be a proper charge to account # H 8748-409-0 72-1.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Yes  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Absent

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RESOLUTION NO. (545-2000)

Co.Lasker offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown is desirous of effecting repairs to specific areas damaged as a result of Tropical Storm Floyd; and

WHEREAS, the Federal Emergency Management Administration (FEMA) has made available funding for this work; and

WHEREAS, the Department of Environmental Control has initiated the Tropical Storm Floyd Rebuilding Program for the purpose of effecting these repairs; and

WHEREAS, the Department of Environmental Control has solicited proposals from four (4) qualified contractors to provide the equipment and operators for Town personnel to direct in making the required repairs for each location; and

WHEREAS, the Department of Environmental Control has received one (1) response to their request for proposals;

NOW, THEREFORE, BE IT RESOLVED that the Director of the Department of Environmental Control is hereby authorized to lease equipment with operators from

Pinebrook Industries  
P.O. Box 723  
New City, New York 10956

on a lump sum basis, with all activities to be under the direct supervision of personnel from Clarkstown DEC, in accordance with its proposal for a fixed rental cost not to exceed \$38,750.00; and

BE IT FURTHER RESOLVED that all materials required to complete this work shall be provided by the Town of Clarkstown; and

BE IT FURTHER RESOLVED that only a lease agreement is contemplated and therefore all work will be performed under the direct supervision and control of the Department of Environmental Control; and

RESOLUTION NO. (545-2000) continued

BE IT FURTHER RESOLVED that this shall be a proper charge to account # H 8748-409-0 72-1.

On roll call the vote was as follows:

Councilwoman Lasker .....Yes  
Councilman Maloney ..... Yes  
Councilman Mandia ..... Yes  
Councilwoman Smith ..... Yes  
Supervisor Holbrook .....Absent

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RESOLUTION NO. (546-2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, an adverse drainage condition exists in the vicinity of lot 57-C-36.2, Third Street, New City, New York, and

WHEREAS, the Department of Environmental Control has recommended the installation of an additional catch basin to ameliorate the adverse condition, and

WHEREAS, the Department of Environmental Control has obtained four (4) proposals, from qualified contractors, to perform the necessary work.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to hire Cal Mart Enterprises, Inc., 357A Route 59, West Nyack, New York 10994 to perform the necessary work in accordance with their proposal dated June 23, 2000, and

BE IT FURTHER RESOLVED, that the cost of the work shall not exceed \$5,858.00 and shall be a proper charge to account # A8730 409.

On roll call the vote was as follows:

Councilwoman Lasker .....Yes  
Councilman Maloney ..... Yes  
Councilman Mandia ..... Yes  
Councilwoman Smith ..... Yes  
Supervisor Holbrook .....Absent

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RESOLUTION NO. (547-2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, REINER AIR CONDITIONING & HEATING CO., INC. has requested a refund of Building Permit fees paid for premises 23 Windmill Lane, New City, New York, since construction will not take place on this property;

NOW, THEREFORE, be it

RESOLUTION NO. (547-2000) continued

RESOLVED, that upon the recommendation of the Building Inspector, the Town Board hereby authorizes a partial refund of Building Permit fee paid, less \$25 review fee, to REINER AIR CONDITIONING & HEATING CO., INC., who have an office at 1100 Blanche Avenue, Norwood, New Jersey, New York, in the amount of \$144.00.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Yes  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Absent

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RESOLUTION NO. (548-2000)

Co. Maloney offered and Co.Lasker seconded

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

BID #47-2000 - CONCRETE CULVERT PIPE  
CONCRETE CATCH BASIN BLOCK & BRICK

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 (AM) on: AUGUST 17, 2000 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:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Yes  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Absent

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RESOLUTION NO. (549-2000)

Co. Maloney offered and Co.Lasker seconded

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

BID #48-2000 - VENDING MACHINE SERVICES

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 (AM) on: AUGUST 28, 2000 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.

RESOLUTION NO. (549-2000) continued

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Yes  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Absent  
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RESOLUTION NO. (550-2000)

Co. Maloney offered and Co. Lasker seconded

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 216 of the Code of the Town of Clarkstown to remove or rectify violations as reported by the Building Inspector of the Town of Clarkstown on premises reputedly owned by Warren T. Marshall in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 162, Block B, Lot 4, and also known as 16 Jerrys Avenue, Nanuet, New York, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 8<sup>th</sup> day of August, 2000, at 8:00 P.M., or as soon thereafter as possible, providing that service of Notice, pursuant to Town Code Chapter 216, is made on or before the 24<sup>th</sup> day of July, 2000.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Yes  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Absent  
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RESOLUTION NO. (551-2000)

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:

X10562H - n/w corner of Harriet Lane & West Clarkstown Road

Investigation No: 11671 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:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Yes  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Absent  
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RESOLUTION NO. (552-2000)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Town Board of the Town of Clarkstown hereby accepts the proposal dated April 26, 2000 as amended, for street lighting at the following locations:

Leftgate Properties  
(Harriet Lane, New City)

(Install one (1) – 5800 lumen sodium vapor street light on fiberglass pole  
Harriet Lane – on lot line between lots 4 and 5 Leftgate parcel)

(Install one (1) – 5800 lumen sodium vapor street light on fiberglass pole Harriet Lane –  
on lot line between lot 166-A-11.11 and lot 1 Leftgate parcel)

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Yes  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Absent

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RESOLUTION NO. (553-2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, tax certiorari proceedings were commenced in Supreme Court, State of New York, County of Rockland entitled, AVALON BAY COMMUNITIES, INC. v. THE ASSESSOR OF THE TOWN OF CLARKSTOWN, THE ASSESSMENT BOARD OF REVIEW OF THE TOWN OF CLARKSTOWN, AND THE TOWN OF CLARKSTOWN, Index No(s). 4235/99, affecting parcel(s) designated as Map 164, Block A, Lots 1.5 and 1.5//3, for the year(s) 1999/00, and

WHEREAS, the attorney for the petitioner(s) has proposed to settle the proceeding(s) and discontinue with prejudice and without costs on the terms and conditions set forth herein, and

WHEREAS, such settlement has been recommended by the Tax Assessor, the Senior Deputy Town Attorney of the Town of Clarkstown and the attorneys for the East Ramapo Central School District and the Nanuet Union Free School District, who believe the best interests of the Town and the School Districts are being served;

NOW, THEREFORE, be it

RESOLVED, that:

1. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 164, Block A, Lot 1.5 be reduced for the year(s) 1999/00 from \$23,400,000 to \$22,230,000 at a cost to the Town of \$17,252.31;
2. The assessment on the premises owned by the petitioner(s) described on the assessment roll as Map 164, Block A, Lot 1.5//3 be reduced for the year(s) 1999/00 from \$9,100,000 to \$8,645,000 at a cost to the Town of \$6,709.23;

RESOLUTION NO. (553-2000) continued

- 3. Reimbursement for the year(s) 1999/00 on the parcels described as Map 164, Block A, Lots 1.5 and 1.5//3, as stated above, be made within (60) days, without interest, through the Office of the Commissioner of Finance; and such payment shall be adjusted by the Commissioner of Finance and the Town as a deficiency added to the next county levy;
- 4. All municipal officials of the Town of Clarkstown shall be directed to make necessary notations, changes, amendments and/or corrections necessary to implement this settlement, and be it

FURTHER RESOLVED, that the settlement of the aforesaid action is authorized upon the terms and conditions herein stated; and the Town Attorney is authorized to sign all documents necessary to effectuate such settlement.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
 Councilman Maloney . . . . . Yes  
 Councilman Mandia . . . . . Yes  
 Councilwoman Smith . . . . . Yes  
 Supervisor Holbrook . . . . . Absent

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RESOLUTION NO. (554-2000)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town of Clarkstown has received \$4,000 from Hasty Hills,

THEREFORE BE IT,

RESOLVED, to increase Revenue Account No. H 15 5 2410 2 (Rent-Hasty Hills) and Budgetary Account No. H 1942-409 (Golf Course-Bids & Specs) by \$4,000 and

WHEREAS, various accounts need additional funding,

THEREFORE BE IT,

RESOLVED, to decrease A 1420-439-1 (Town Attorney-Tax Certiorari) by \$5,000 and increase A 1420-313 (Town Attorney-Office Supplies) by \$3,000 and A 1420-328 (Town Attorney-Books & Publications) by \$2,000.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
 Councilman Maloney . . . . . Yes  
 Councilman Mandia . . . . . Yes  
 Councilwoman Smith . . . . . Yes  
 Supervisor Holbrook . . . . . Absent

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RESOLUTION NO. (555-2000)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the resignation (by retirement) of Julie Simeti, 17 Green Oval, Nanuet, New York – Senior Account Clerk – Town Justice Department – is hereby accepted – effective and retroactive to July 8, 2000.

RESOLUTION NO. (555-2000) continued

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Yes  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Absent

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RESOLUTION NO. (556-2000)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Donna Boemio, 584 Babbling Brook Lane, Valley Cottage, New York, is hereby appointed to the position of (temporary).Clerk Typist (Part-time) – Highway Department – at the current hourly rate of \$12.94 – effective July 11, 2000 for a period not to exceed two (2) months.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Yes  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Absent

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RESOLUTION NO. (557-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, the Rockland County Personnel Office has certified on June 30, 2000 that the position of Laborer – Solid Waste Facility – can be created,

Now, therefore, be it

RESOLVED, that the position of Laborer – Solid Waste Facility – is hereby created – effective and retroactive to July 10, 2000.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Yes  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Absent

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RESOLUTION NO. (558-2000)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that Robert Barucco, 30 North Route 9W, Apt. 14, Congers, New York, is hereby appointed to the position of Laborer – Solid Waste Facility – from Custodial Worker – Maintenance Dept.) – at the current annual; salary of \$30,577., effective and retroactive to July 3, 2000.

RESOLUTION NO. (558-2000) continued

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Smith . . . . . Yes
- Supervisor Holbrook . . . . . Absent

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RESOLUTION NO. (559-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, that Rockland County Personnel Office has furnished certification of Eligibles #98045 Account Clerk which contains the name of Lenore E. Loncar,

Now, therefore be it

RESOLVED, that Lenore E. Loncar, 3 Yellowstone Drive, West Nyack, New York, is hereby appointed to the (Permanent) position of Account Clerk – Comptroller’s Office – at the current annual salary of \$23,170., effective July 31, 2000.

On roll call the vote was as follows:

- Councilwoman Lasker . . . . . Yes
- Councilman Maloney . . . . . Yes
- Councilman Mandia . . . . . Yes
- Councilwoman Smith . . . . . Yes
- Supervisor Holbrook . . . . . Absent

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RESOLUTION NO. (560-2000)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Building Inspector posted and notified the last owner of record of premises known as 43.13-2-12 (98-A-9.68), commonly known as 10 Parliament Drive, New City, New York that a violation of Chapter 216 exists at said location in that the grass or other ground cover is 2 to 3 feet tall, and

WHEREAS, the Violation Notice of the Building Inspector dated May 12, 2000 has not been complied with;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Building Inspector, the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 216 of the Code of the Town of Clarkstown to remove or rectify violations as reported by the Building Inspector of the Town of Clarkstown on premises reputedly owned by Margaret Bernaschina in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 98, Block A, Lot 9.68, and also known as 10 Parliament Drive, New City, New York, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 8<sup>th</sup> day of August, 2000, at 8:00 P.M., or as soon thereafter as

RESOLUTION NO. (560-2000) continued

possible, providing that service of Notice, pursuant to Town Code Chapter 216, is made on or before the 24<sup>th</sup> day of July, 2000.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Yes  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Absent  
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RESOLUTION NO. (561-2000)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Fire Inspector has posted and notified the last owner of record of premises known as 43.13-2-12 (98-A-9.68), commonly known as 10 Parliament Drive, New City, New York, that an unsafe condition exists at said location in that the premises is fire damaged and unsecured, and

WHEREAS, the Order of the Fire Inspector dated April 19, 2000 to secure the premises has not been complied with;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Fire Inspector, the Town Attorney is hereby authorized to institute proceedings as provided in Chapter 111 of the Code of the Town of Clarkstown to remove or rectify the unsafe conditions on premises reputedly owned by Margaret Bernaschina in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 98, Block A, Lot 9.68, and also known as 10 Parliament Drive, New City, New York, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 8<sup>th</sup> day of August, 2000, at 8:00 P.M., or as soon thereafter as possible, providing that service of Notice, pursuant to Town Code Chapter 111, is made on or before the 3<sup>rd</sup> day of August, 2000.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Yes  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Absent  
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RESOLUTION NO. (562-2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, CORPORATE PROPERTY INVESTORS has commenced tax certiorari proceedings against the Town of Clarkstown affecting parcel designated as Map 14, Block C, Lots 1.3, 1.4 and 1.6 and Map 14, Block D, Lot 20, for the year(s) 1994/95, 1995/96, 1996/97, 1997/98 and 1998/99, and

WHEREAS, Karl Kirchner has prepared preliminary appraisals for the years 1994, 1995, 1996, 1997 and 1998, and

RESOLUTION NO. (562-2000) continued

WHEREAS, in order to negotiate and/or try the aforesaid matter, it is necessary to obtain supplemental preliminary appraisals for the years 1999 and 2000;

NOW, THEREFORE, be it

RESOLVED, that Karl Kirchner be retained for the purpose of preparing such preliminary appraisals at a fee not to exceed \$4,000; and such fee shall be charged to Account No. A 1420-439-1.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Yes  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Absent

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RESOLUTION NO. (563-2000)

Co. Maloney offered and Co. Lasker seconded

WHEREAS, the Director of the Department of Environmental Control, by memo dated July 6, 2000 from Ralph A. Lauria, Engineer II, has advised the Town Board that a hazardous condition exists on Demarest Mill Road, West Nyack, in the vicinity of Culvert #80, in that recent heavy rains have undermined the sidewalk causing its collapse and threatening to collapse the nearby culvert creating risk to pedestrians and motorists using Demarest Mill Road, and

WHEREAS, both the Department of Environmental Control and the Superintendent of Highways have advised the Town Board that the condition requires immediate remedial action pursuant to the authority provided by General Municipal Law Section 103(4), to dispense with competitive bidding, authorize emergency repairs, and replace the culvert, and

WHEREAS, the condition causing the hazard to the public could not have been discovered more quickly or prevented by the exercise of reasonable care, and is the result of an act of God;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby declares that a public emergency threatening the health, safety and welfare of the community exists because of the potential imminent collapse of Culvert #80 and the collapsed adjacent sidewalk and, therefore, replacement construction activities must be undertaken immediately without awaiting the result of competitive bidding, and it is

FURTHER RESOLVED, that the Director of the Department of Environmental Control is hereby authorized to obtain competitive proposals, pursuant to GML §104(b), for all measures necessary for the immediate security of the subject site and the excavation and replacement of said culvert without formal public bidding pursuant to GML §103, and it is

FURTHER RESOLVED, that the Director of the Department of Environmental Control is authorized to purchase the necessary material, obtain rental equipment and operators, and provide necessary supervision and control for the project authorized herein at cost not to exceed \$200,000.00, which shall be charged to Account No. H 8748-400-409-0-72-1.

RESOLUTION NO. (563-2000) continued

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Yes  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Absent

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RESOLUTION NO. (564-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, an application has been made by FB NANUET, LLC and ROCCO ROUTE 59 REALTY, 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 a right-of-way known as KEMMER AVENUE, Nanuet, New York, as described in the metes and bounds description attached as Schedule "A," upon the grounds that same is unnecessary for highway purposes, and therefore may be deemed abandoned discontinued, and

WHEREAS, said road appears on the Official Map of the Town of Clarkstown and the applicant requests that such allegedly abandoned road be deleted from the Official Map, and

WHEREAS, the Town Board of the Town of Clarkstown desires to consider the determination of abandonment pursuant to Section 207 of the Highway Law and deletion from the Official Map of the Town of Clarkstown pursuant to Section 273 of the Town Law of said portion of KEMMER AVENUE as described above;

NOW, THEREFORE, be it

RESOLVED, that a public hearing be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on August 8, 2000, at 8:00 P.M. or as soon thereafter as possible, pursuant to §273 of the Town Law, to consider certification of abandonment pursuant to Section 207 of the Highway Law and deletion of KEMMER AVENUE from the Official Map, and be it

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

FURTHER RESOLVED, that the applicant shall fulfill the additional requirements of Section 290-33(C) of the Zoning Ordinance of the Town of Clarkstown regarding the posting of additional notice of said public hearing and mailing of notice to property owners of record within five hundred feet of the affected property, and be it

FURTHER RESOLVED, that a copy of this Resolution be referred to the Rockland County Commissioner of Planning and the Clarkstown Planning Board for their report and recommendation, and be it

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and Robert Geneslaw, Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

RESOLUTION NO. (564-2000) continued

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Yes  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Absent

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RESOLUTION NO. (565-2000)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, by Violation Notice dated July 11, 2000, the Building Inspector posted and notified the property owner of record that a violation of Town Code Chapter 216 exists on property designated as Map 21, Block B, Lot 8.02, commonly known as 450 Phillips Hill Road, New City, New York, which poses a threat to the health, safety and welfare of the community, and

WHEREAS, the property owner has 5 days to comply with said notice and correct the condition;

NOW, THEREFORE, be it

RESOLVED, that if the condition(s) complained of in said Violation Notice remain uncorrected on or after July 16, 2000, the Town Board shall proceed as provided for in Chapter 216 of the Town Code to remove or rectify the unsafe conditions on premises reputedly owned by Oleg Zhavoronkin in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 21, Block B, Lot 8.02, and also known as 450 Phillips Hill Road, New City, New York, and be it

FURTHER RESOLVED, that the Building Inspector shall report on or before July 21, 2000 to the Town Board if this notice has been complied with; and if the condition has not been corrected, a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 8<sup>th</sup> day of August, 2000, at 8:00 P.M., or as soon thereafter as possible, providing that service of Notice, pursuant to Town Code Chapter 216, is made to the reputed and record owner on or before the 24<sup>th</sup> day of July, 2000.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Yes  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Absent

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RESOLUTION NO. (566-2000)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, CHILD SITE CORPORATION, also known as CHILD CARE CORPORATION, has petitioned the Town Board of the Town of Clarkstown for a Special Permit, pursuant to Section 290-17(Z), to conduct a Child Day Care Center on a portion of premises known as Tax Map 129, Block A, Lot 14, for property located on the

RESOLUTION NO. (566-2000) continued

WHEREAS, said petitioner has duly applied to the Clarkstown Planning Board, pursuant to Table 10, Column 3, Item B-2, for site plan approval, and said application is expected to receive approval at the July 26, 2000 meeting of the Clarkstown Planning Board;

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to Section 290-17(Z) of the Zoning Ordinance, shall be held at the Auditorium of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on the 8<sup>th</sup> day of August, 2000, or as soon thereafter as possible, to consider the application of CHILD SITE CORPORATION relative to said Special Permit, and be it

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

FURTHER RESOLVED, that on or before said public hearing the petitioner shall file with the Town of Clarkstown, the following:

1. An approved site plan issued by the Town of Clarkstown Planning Board;
2. A floor plan of the proposed child day care center;
3. An affidavit containing a narrative description of the anticipated occupancy of the facility by age group, hours of operation, staffing, food service and sanitary provisions.
4. An affidavit executed by the officer of the corporation stating that the corporation is licensed by the New York State Department of Social Services to operate the type of facility sought or, in the alternative, that the corporation shall be able to meet all requirements to obtain said license.

and be it

FURTHER RESOLVED, that for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and Robert Geneslaw, Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review, and be it

FURTHER RESOLVED, that the petition is hereby referred to the Rockland County Commissioner of Planning pursuant to Sections 239-L and 239-M of the General Municipal Law for report, and to the following agencies for comment or study and report on or before August 8, 2000:

1. Clarkstown Department of Environmental Control
2. Clarkstown Building Inspector
3. Rockland County Health Department
4. New York State Dept. of Transportation
5. Palisades Interstate Park Commission

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Yes  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Absent

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RESOLUTION NO. (567-2000)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, The Believer, LLC, a production company, has sought permission to utilize the former Justice Court Facility for filming of scenes in connection with a feature film;

NOW, THEREFORE, be it

RESOLVED, that The Believer, LLC, 27 West 24 Street, Suite 405, New York, New York 10010, is hereby authorized to use the interior of the former Town of Clarkstown Justice Court Courtroom at 10 Maple Avenue, New City, New York 10956 for the purposes of filming scenes for a feature film being produced by the applicant upon the following conditions: (1) a fee of \$250 per hour, with a minimum of four hours charged, shall be paid by Permittee; (2) the Town shall be named as an additional insured on a Certificate of Insurance providing for not less than \$1,000,000 combined single limit for automobile liability and general public liability; (3) Permittee to provide proof of Workers' Compensation and Disability Insurance as required by New York law; (4) the Permittee shall agree in writing to indemnify and hold the Town of Clarkstown harmless from any and all claims, actions at law, liability, damages or injuries resulting from the use of public property of the Town of Clarkstown; and (5) shall post a cash security deposit of not less than \$1,000 prior to the commencement of any filming activities, and be it

FURTHER RESOLVED, that the permit granted herein is with the understanding that no more than three vehicles will be employed which are to be parked in the Town of Clarkstown parking lot as directed by the Clerk of the Works and that no more than 30 crew and 5 actors shall be employed at any one time, and be it

FURTHER RESOLVED, that filming operations shall not involve any stunts or special effects, and be it

FURTHER RESOLVED, that no permission is hereby granted to identify the Town of Clarkstown in any scene.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Yes  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Absent  
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RESOLUTION NO. (568-2000)

Co. Lasker offered and Co. Maloney seconded

WHEREAS, the Town is desirous of making improvements to Lake Nanuet Park, including wetlands creation, site improvements and ball field construction, walkway, ball field lighting, and playground construction;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the firm of Maser Consulting, P.A. to be retained to perform the engineering, surveying and planning services in connection with the design for the Lake Nanuet Park New Field Improvements, in accordance with Maser's proposal dated April 25, 2000, at a cost not to exceed 15% of the final construction cost of approximately \$1,000,000.00, and shall be charged to Account No H 8749-409-0-73-12, and be it

RESOLUTION NO. (568-2000) continued

FURTHER RESOLVED, that this Resolution is subject to an agreement between Maser Consulting, P.A. and the Town of Clarkstown, in a form approved by the Town Attorney, and be it

FURTHER RESOLVED, that the agreement shall provide, among other provisions required by the Town Attorney, for contract indemnification of the Town, and professional and other liability insurance coverage with the Town of Clarkstown named as an additional insured.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Yes  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Absent

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RESOLUTION NO. (569-2000)

Co. Smith offered and Co. Mandia seconded

WHEREAS, Councilwoman Smith, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled,

**“A LOCAL LAW AMENDING CHAPTER 246 (SITE PLAN REVIEW)  
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN”**

and

WHEREAS, this proposed local law is intended to establish procedures for design changes and field changes affecting approved site plan as regulated in Chapter 246 of the Town Code of the Town of Clarkstown;

NOW, THEREFORE, be it

FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on August 8, 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 and posted as aforesaid and file proof thereof in the Office of the said Clerk, and be it

FURTHER RESOLVED, that the proposed Amendment to the Town Code is hereby referred to the Clarkstown Planning Board for report, and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law, and other applicable provisions of law, and be it

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and Robert Geneslaw, Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

RESOLUTION NO. (569-2000) continued

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Yes  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Absent  
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RESOLUTION NO. (570-2000)

Co. Smith offered and Co. Mandia seconded

WHEREAS, Councilwoman Smith, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled,

“A LOCAL LAW AMENDING CHAPTER 254 (SUBDIVISION OF LAND)  
OF THE TOWN CODE OF THE TOWN OF CLARKSTOWN”

and

WHEREAS, this proposed local law is intended to establish procedures for design changes and field changes affecting approved Subdivision Plats as regulated in Chapter 254 of the Town Code of the Town of Clarkstown;

NOW, THEREFORE, be it

FURTHER RESOLVED, that a public hearing, pursuant to §20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on August 8, 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 and posted as aforesaid and file proof thereof in the Office of the said Clerk, and be it

RESOLVED, that the proposed Amendment to the Town Code is hereby referred to the Clarkstown Planning Board for report, and to the Rockland County Commissioner of Planning and the other municipalities and governmental bodies as required by Sections 239-1 and 239-m of the General Municipal Law, and other applicable provisions of law, and be it

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and Robert Geneslaw, Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

On roll call the vote was as follows:

Councilwoman Lasker . . . . . Yes  
Councilman Maloney . . . . . Yes  
Councilman Mandia . . . . . Yes  
Councilwoman Smith . . . . . Yes  
Supervisor Holbrook . . . . . Absent  
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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 Co. Mandia seconded by Co. Lasker and unanimously adopted, the Town Board Meeting was declared closed, time: 8:20 P.M.

Respectfully submitted,  
  
PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

7/11/00

8:11 P.M.

Present: Supervisor Holbrook, absent  
Deputy Supervisor, Penny Leonard  
Council Members Lasker, Maloney, Mandia & Smith  
John Costa, Town Attorney  
Patricia Sheridan

RE: Proposed Local Law for re-instituting 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 Local Law 9-1999 to permit additional study and implementation of new regulations subsequent to adoption of the Clarkstown Comprehensive Plan

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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 of public hearing and testified to its proper posting and publication.

Town Attorney explained that this is a continuation of the previously existing moratorium. Six months will probably not be necessary because the Planning Board is very close to recommending criteria for adoption to implement in the zoning code and then the moratorium would become mote at that point. He explained that he had issued a memo recommending that this hearing be opened but recessed to the next meeting because we have not as of yet received the report back from the Rockland County Planning Board.

Deputy Supervisor asked if anyone else wished to speak on this public hearing.

Co. Mandia asked what zones they were permitted in now.

Town Attorney stated that he didn't believe it was clearly defined in the zoning ordinance so that any ambiguity would naturally accrue to the applicant. That is the reason for undertaking this study and providing legislation which would clearly specify where these type of uses could be implemented

There being no one wishing to be heard, on motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the public hearing was RECESSED until the next Town Board Meeting on 8/8/2000, time: 8:14 P.M.

Respectfully submitted,



PATRICIA SHERIDAN  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

7/11/00

8:15 P.M.

Present: Supervisor Holbrook, absent  
Deputy Supervisor, Penny Leonard  
Council Members Lasker, Maloney, Mandia & Smith  
John Costa, Town Attorney  
Patricia Sheridan

RE: Proposed amendment to the Zoning Ordinance regarding parking for Child Day  
Care Centers

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

Town Attorney stated that this grows out of the proposal for the adoption of special regulations to allow child day care centers. An applicant is processing this application known as Tutor Time before the Planning Board. There is some difficulty regarding the parking regulations. The Planning Board has recommended reducing those parking requirements. We have the same problem here too in that the Rockland County Planning Board has not as of yet made its recommendation, so I am also going to recommend that this public hearing be recessed to the next Town Board Meeting at which time it can be concluded. Although the Town Board should be aware that the applicant is proceeding before the Planning Board and expects to obtain its site plan approval on July 26. Isn't that right, Mr. Tracey? What will have to happen here is that there is also a resolution passed here tonight setting the public hearing on the application for the special permit. Time is of the essence with respect to this applicant who would like to have operations commence as early in the Fall as possible.

Co. Mandia stated that the only thing left was the County Planning recommendation which will likely be local determination.

Town Attorney agreed but did not want to run the risk of having someone at a later date challenge the action as having been taken prematurely. We should have the report before the next meeting.

Deputy Supervisor asked if the vote would co-inside with the public hearing.

Town Attorney stated you can close the public hearing on this, if you desire to adopt the change, adopt the change and then later that evening you will be opening a new public hearing on the application for the special permit. At that time the applicant should have received its site plan approval from the Planning Board.

Appearance: Donald Tracey, Esq.

You suggested that the public hearing be recessed on this, my suggestion would be that the public hearing be held, closed and that no vote be taken until the County report comes in. Frequently a public hearing would be held and a vote then deferred until the County Planning report comes in. A heavy vacation schedule is probably delaying the reports. Suggests holding the hearing, as it already has been, and that after it be held the public hearing be closed so you don't have to open it up.

Town Attorney felt the hearing should be open for the receipt of the County recommendation. The hearing technically remains open until such time as you receive the report and then you'll vote to close it.

Re: Proposed Amendment to the Zoning Ordinance regarding parking for Child Day Care Centers

Appearance: Martin Bernstein  
New City

Feels the hearing should not be closed.

There being no one wishing to be heard, on motion of Co. Mandia, seconded by Co. Lasker and unanimously adopted, the public hearing was RECESSED until the next Town Board Meeting on 8/8/2000, time: 8:20 P.M.

Respectfully submitted,



PATRICIA SHERIDAN  
Town Clerk