TOWN BOARD MEETING

August 14, 1958

Town Clerk's Office 8:00P.M.

Present: Messrs. Coyle,
Renken,
Danko,
Jeffrey,
Welchman.

Supervisor Coyle opened the meeting.

On motion made by Mr. Jeffrey, seconded by Mr. Welchman and unanimously carried, the minutes of the regular meeting on July 10th and the special meeting on July 22, 1958 were approved and accepted.

Town Attorney Johns reported to the Board that an error in assessment to Ida A. Connolly had been made in the Assessment Roll for the Improvement of First Street, Nanuet. that the Roll woyld have to be corrected and that he had sent notification to Ida A. Connolly at 2136 33rd Road, Long Island City, New York. Supervisor Coyle then asked if Ida A. Connolly or anyone representing her was present. Neither Mrs. Connolly nor her husband or a representative appeared.

Mr. Welchman moved the following resolution:

RESOLUTION:

WHEREAS, the Town Board did, on June 13, 1958, adopt an Assessment Roll for certain improvements consisting of the paving of First Street at Nanuet in said Town, which roll was completed and filed in the Office of the Tow n Clerk of said Town on or about May 8, 1958, and

WHEREAS, the Supervisor, on June 13, 1958, duly prepared and submitted a warrant to collect said assessment to the Reciver of Taxes of the Town of Clarkstown, and

WHEREAS, the said Receiver of Taxes of the Town of Clarkstown did make her return on the 15th day of July, 1958, and

WHEREAS, the premises of IDA A. CONNOLLY, known and designated on the Town of Clarkstown Tax Roll as Map 32 B 86.01 is shown on the Assessment Roll filed May 8, 1958, to have a front footage of 147 feet with a rate of $9.83 a front foot for a total assessment of $1,144.73, and

WHEREAS, on the face of said Roll, the total of $1,144.73 is a mathematical error, in that if multiplied correctly, less 28¢ applied as a credit to each of the owners, should have read $1,444.73, and

WHEREAS, on July 30, 1958 a Notice of such error was served by Certified Mail upon Mrs. Ida A. Connoly at 2136 334e Road, Long Island City, New York, pursuant to the provisions of Section 244 of t he Town Law of the State of New York,

NOW THEREFORE, be it

RESOLVED that the Assessment Roll for the paving of a portion of First Street, Nanuet, New York, filed May 8, 1958 and duly adopted by Resolution dated June 13, 1958, be corrected as said assessment applies to Ida A. Connolly, Lot 32 B 86.01 pursuant to the provisions of Section 244 of the Town Law of the State of New York, and that said assessment shall be and hereby is corrected to read as follows:

EXTENSION OF FIRST STREET, NANUET, NEW YORK

SCHOOL DISTRICT # 8

| Name & Address | Map, Block, Lot | Assessment Land-Full Assess. | Type (Res. or Vac.) | Front Foot | Per Foot | Total |
|---|---|---|---|---|---|---|
| Connolly, Ida A. | 32 B 86.01 | 450 - 450 | Vac. #9 | 147 | 9.83 | $1,444.73 |

Seconded by Mr. Jeffrey.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Danko, Jeffrey, Welchman, Coyle.

NAYES: None.

Mr. Abraham Schochor appeared before the Board in connection with the dedication of roads in Birchwood Homes-Section II, stating he had complied with the Boards' request that the maintenance bond be dated the day of acceptance and asked that the roads be accepted. Town Attorney Johns told the Board that a lien on the property had been filed by the road builder, The Board advised Mr. Schochor that the roads could not be accepted until the lien was removed. Supervisor Coyle read a letter from the Highway Superintendent stating that he had inspected the roads and found them to meet Town specifications.

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Mr. John Lodico of Birch Lane, New City, appeared in connection with an error in his assessment for the Improvement of Oak Road, Adam Place and Birch Lane, New City.

Mr. Welchman moved the following resolution:

RESOLUTION

WHEREAS, the Town Board did, on August 8, 1957, adopt an Assessment Roll for certain improvements conisiting of the paving of Adam Place, Oak Road, and Birch Lane at New City in said Town, which roll was completed and filed in the Office of the Town Clerk of said Town on or about May 9, 1957, and

HWEREAS, the Supervisor, on August 8, 1957, duly prepared and submitted a warrant to collect said assessment to the Receiver of Taxes of the Town of Clarkstown, and

WHEREAS, the premises of John Lodico, known and designated on the Town of Clarkstown Tax Roll as Map 19 A 1 is shown on the Assessment Roll filed May 9, 1957, to have a front footage of 100 feet with a rate of $4.68 a front foot for a total assessment of $468.22, and

HWEREAS, the Town Board has determined pursuant to Section 244 of the Town Law of the State of New York that an error was made in entering the frontage of Lot 19 A 1 owned by John Lodico, held to be especially benefited by said improvement in that the frontage actually benefited was 50 feet at 100% and balance of 50 feet at 50% thereof, and

WHEREAS, on July 29, 1958, John Lodico was given personal notice of such error pursuant to the provisions of Section 244 of the Town Law of the State of New York,

NOW THEREFORE, be it

RESOLVED, that the Assessment Roll for the paving of Adam Place, Oak Road, and Birch Lane, New City, New York, filed May 9, 1957 and duly adopted by Resolution dated August 8, 1957, be corrected as said assessment applies to John Lodico, Lot 19 A 1 pursuant to the provisions of Section 244 of the Town Law of the State of New York, and that said assessment shall be and hereby is corrected to read as follows:

8/14/58

ADAM PLACE, OAK ROAD, AND BIRCH LANE, NEW CITY, NEW YORK

SCHOOL DISTRICT # 6

| Name & Address | Map, Block, Lot | Assessment Land-Full Assess. | Type (Res. or Vac.) | Front Foot | Per Foot | Total |
|---|---|---|---|---|---|---|
| Lodico, John<br>318 No. Main Street (former Spring Valley, N. Y. address)<br>Birch Lane (present address)<br>New City, N. Y. | 19 A 1 | 50 - 50 | Vac. | 50 | $4.68 | $117.06 Reduction |

Seconded by Mr. Danko.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Danko, Jeffrey, Welchman, Coyle.

NAYES: None.

The Board signed the following Order:

At a meeting of the Town Board of the Town of Clarkstown, Rockland County, New York, held at the office of the Town Clerk at 16 South Main Street, New City, in said Town of Clarkstown, on the 14th day of August, 1958.

P R E S E N T :

John W. Coyle, Supervisor

Stephen Danko, Councilman

Joseph Welchman, Councilman

Alastair Jeffrey, Councilman

John H. Renken, Councilman
Members of the Town Board

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In the Matter of the Application for an Extension of the NANUET WATER SUPPLY DISTRICT , in the Town of Clarkstown, Rockland County, New York. : ORDER

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WHEREAS, a written petition, dated February 10th, 1958, in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland County, New York, for the extension of the NANUET WATER SUPPLY DISTRICT , in the said Town, to be bounded and described as follows:

BEGINNING at the point of intersection of the prolongation southerly of the center line of Hickory Drive and the present northerly boundary line of the Nanuet Water Supply District and running thence (1) northerly along the prolongation southerly of the center line of Hickory Drive and along the center line of Hickory Drive to a point distant easterly 500 feet measured at rkght angles from the center line of Birch Drive, thence (2) running northerly along a course parallel to and distant easterly 500 feet measured at right angles from the center line of Birch Drive about 1,400 feet to a point in the southerly line of an unnamed street; thence (3) running westerly along the southerly line of said unnamed street to a point distant easterly 500 feet measured at right angles from the center line of Middletown Road; thence (4) running northerly along a course parallel to and distant easterly 500 feet measured at right angles from the center line of Middletown Road about 900 feet to a point distant northerly 500 feet measured at right angles from the prolongation easterly of the center line of Central Drive; thence (5) running westerly along a course parallel to and distant northerly 500 feet measured at right angles from the prolongation easterly of the center line of Central Drive and from the center line of Central Drive 900 feet to a point; thence (6) running northerly at right angles to the fifth course about 300 feet to a point distant northerly 500 feet measured at right angles from the center line of Lake Shore Drive; thence (7) running westerly along a course parallel to and distant northerly 500 feet measured at right angles from the center line of Lake Shore Drive to a point distant westerly 500 feet measured at right angles from the center line of Cottage Place; thence (8) running southerly along a course parallel to and distant westerly 500 feet measured at right angles

from the center line of Cottage Place to a point distant southerly 500 feet measured at right angles from the center line of Smith Road; thence (9) running easterly along a dourse parallel to and distant southerly 500 feet measured at right angles from the center line of Smith Boad to a point distant westerly 600 feet measured at right angles from the center line of Middletown Road; thence (10) running southerly along a course parrallel to and distant westerly 600 feet measured at right angles from the center line of Middletown Road to a point in the present northerly boundary line of the Nanuet Water Supply District; thence (11) running easterly along the present northerly boundary line of the Nanuet Water Supply District about 2,400 feet to the point or place of beginning.

it is hereby

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown shall be held at the office of the Town Clerk in New City, New York, on the 11th day of September, 1958, at 8:30 P. M., Eastern Daylight Saving Time, to consider the said application and to hear all persons interested in the subject thereof, concerning the same, and for such other action on the part of said Town Board with relation to the said petition as may be required by law or proper in the premises.

Dated: August 14, 1958.

S/ John W. Coyle
Supervisor

S/ Stephen Danko
Councilamn

S/ Joseph Welchman
Councilman

S/ Alastair Jeffrey
Councilman

S/ John H. Renken
Councilman

Nicholas F. Lopes, Esq. of Hillside Drive, New City, appeared before the Board and inquired about business brought before the Board by the Franciscan Missionaries of Mary for a building. He was advised that the only matter before the Town Board was an application under Section 171 of the Highway Law to realign Parrott Road. On Mr. Lopes' request, he was permitted to examine the application. Mr Lopes asked on what basis the application had been denied. He was advised that in considering the proposed change in the road there was no evidence that the road would be improved but that it would be less satisfactory and therefore the application was denied.

Mr. Lopes asked if there wasn't some objection to the proposed use of a building owned by the Franciscan Missionaries of Mary on Parrott Road. The Town Attorney advised that there was an application pending before the Board of Appeals for a designated use for a building which was before the Appellate Division at present. He further advised Mr. Lopes that David Silverman, Esq. was handling the case.

Mr. Albert L. Bases of Lenox Avenue, Congers, then appeared and stated he and others present at the meeting felt that the Franciscan Missionaries of Mary should be permitted to use their building as a shelter for children and felt that any litigation should be terminated and the application granted. Mr. Bases was then advised that the matter was not before the Town Board but the Board of Appeals, who had asked for defense in the case. It was suggested that he contact the Board of Appeals on the matter.

Fred Roland, Esq. appeared with a group of residents in sympathy with the Franciscan Missionaries of Mary and asked for a public hearing to consider discontinuance of litigation. He was advised to contact the Zoning Board of Appeals inasmuch as the matter originated before that Board and they had asked for defense.

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Mr. Bases inquired whether it would be possible to hold a meeting at the Court House rather than the Clerk's office if a large group was present at the next meeting of the Board and in the event no satisfaction was obtained from the Zoning Board. The Supervisor stated that if he was notified sufficiently in advance he would try to arrange same.

Mr. Renken moved the following resolution:

WHEREAS, LAWRENCE E. de NEUFVILLE and RUTH ADELINE de NEUFVILLE commenced a proceeding against HARRY J. FAIR, JR., Assessor of the Town of Clarkstown under the applicable tax provisions for a review of the assessment of certain property shown on the 1957 Assessment Roll as Map 149 Block C Lot 4, and

WHEREAS, the said LAWRENCE E. de NEWFVILLE and RUTH ADELINE de NEUFVILLE were assessed as of June 1, 1957 for $7,500.00 for premises shown as Map 149 Block C Lot 4, and

WHEREAS, the Board of Review has considered said petition for review and has agreed that the assessment of LAWRENCE E. de NEUFVILLE and RUTH ADELINE de NEUFVILLE for premises known as Map 149 Block C Lot 4 be corrected and reduced on said Assessment Roll as of June 1, 1957 from $7,500.00 to $6,000.00,

NOW THEREFORE, be it

RESOLVED, that the Town Attorney be and hereby is authorized to enter into a Stipulation discontinuing the proceeding known as:

In the Matter of

The Application of LAWRENCE E. de NEUFVILLE and RUTH ADELINE de NEUFVILLE

-against-

HARRY J. FAIR, JR., Respondent,
to review a tax assessment under Article 13 of the Tax Law,

consenting to the Entry of a Final Order by Petitioners, correcting and reducing the assessment of LAWRENCE E. de NEUFVILLE and RUTH ADELINE de NEUFVILLE, Petitioners for premises known as Map 149 Block C Lot 4 as of June 1, 1957 from $7,500.00 to $6,000.00 and be it

FURTHER RESOLVED, that any taxes paid by said Petitioners levied on said Assessment Roll before reduction, shall be proportionately refunded without interest within three (3) months from the date of Entry of the Final Order.

Dated: August 14, 1958

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Danko, Jeffrey, Welchman, Coyle.

NAYES: None.

The Town Attorney reported that three claims had been filed against the Town; one by Joan E. Kollock and Richard G. Freese for personal injury and property damage; one by Irene F. Hall for property damage; and one by Girard B. Henderson & Alexander Dawson, Inc. for personal injury and property damage. He then reviewed the nature of the claims for the benefit of the Board.

Mr. Welchman moved the following resolution:

RESOLVED, that claims of Joan E. Kallock & Richard G. Freese, Irene F. Hall and

Girard B. Henderson & Alexander Dawson, Inc. be referred to the Town Attorney to report on at a future meeting.

Seconded by Mr. Renken.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Danko, Jeffrey, Welchman, Coyle.

NAYES: None.

Mr. Jeffrey moved the following resolution:

WHEREAS, a petition in the matter of the establishment of a Sewer District at or near Nanuet, in the Town of Clarkstown, Rockland County, New York, known as SILVER BIRCH SEWER DISTRICT having been duly presented to the Town Board, and

WHEREAS, an Order having been duly adopted by the Town Board on the 8th day of May, 1958 for the hearing of all persons interested in the matter on the 13th day of June, 1958, at 8:00 P.M., Eastern Daylight Saving Time, at the office of the Town Clerk, 16 South Main Street, New City, New York, and

WHEREAS, a hearing by the said Board having been duly held at such time and place, and it having been duly resolved and determined following such hearing that the petition herein was signed and acknowledged or proved as required by law and otherwise sufficient, that all the property and property owners within the proposed district were benefited thereby, that all property and property owners benefited were included within the limits of the proposed district, and that it was in public interest to grant in whole the relief sought,

BE IT RESOLVED, that the establishment of the SILVER BIRCH SEWER DISTRICT at or near Nanuet, in the Town of Clarkstown, Rockland County, be and it hereby is approved, and

BE IT FURTHER RESOLVED, that JOHN W. COYLE, Supervisor of the Town of Clarkstown be authorized to process this application of the SILVER BIRCH SEWER DISTRICT, Town of Clarkstown, Rockland County, New York.

Dated: August 14, 1958

Seconded by Mr. Danko.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Danko, Jeffrey, Welchman, Coyle.

NAYES: None.

The Assessor reported to the Board on his contact with the Director of the State Board of Equalization and Assessment with respect to state-owned lands.

Town Attorney Everett J. Johns told the Board that the Consulting Engineer had prepared survey of a proposed easement in connection with drainage on Dickinson Avenue, Central Nyack, and that Stephen G. Doig, Esq. promised to submit same to his clients to see if an easement could be procured before litigation is started.

The Highway Superintendent reported that toads in the Cherry Hill subdivision were not quite ready to be accepted because of a drainage matter.

Highway Superintendent Klein advised that there were two fire roads in Congers and that the Lake at present was just mud. He stated the roads would have to be put in proper condition so that equipment would not bog down. The Clerk was requested to write to the Commissioners of the Congers Fire District advising that snow removal from fire roads could be discussed with the Highway Superintendent if they so desired.

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Councilman Welchman stated that the petition for the extension of the Nanuet Water Supply District to include Blauvelt Road and Loran Court, Nanuet, was not yet completed.

Mr. Renken moved the following resolution:

RESOLVED, that 1 hydrant be installed on Twin Elms Lane between Lots No. 21 and 22 and 1 hydrant be installed on Twin Elms Way, New City, between Lots No. 8 and 9, and be it

FURTHER RESOLVED, that the Town Clerk be authorized to sign hydrant order and the Spring Valley Water Works & Supply Company be authroized to make installation of the hydrants.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Danko, Jeffrey, Welchman, Coyle.

NAYES: None.

With respect to a "No Heavy Trucking" ordinance, Chief Wiebicke suggested holding off on his recommendation of streets to be posted in the ordinance until he had had a chance to see how the sidening of Snake Hill Road effected traffic.

The Supervisor read a letter from the Planning Board dated July 12, 1958 setting forth resolution to reduce road specifications to a 24' width on map of Orchard Plains-Section 2, New City.

Mr. Jeffrey moved the following resolution:

RESOLVED, that requirements for the building of roads in subdivision entitled Orchard Plains-Section 2, New City, be reduced from a 30' width to a 24' width.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Danko, Jeffrey, Welchman, Coyle.

NAYES: None.

The Board approved as to form and sufficiency the following Performance Bond submitted by the Planning Board under date of July 12, 1958;

Performance Bond No. 2060012
Orchard Plains-Section 2,
New City, N. Y.

Supervisor Coyle read a letter from the Planning Board transmittin riders to the following Performance Bonds and recommending extension:

The Board approved as to form extensions of the following Performance Bonds:

Extension of Bond No. 198756
Cranbrook Terrace-South Section,
New City, N. Y.

Extension of Bond No. 198730
Cranbrook Terrace-Section 1,
New City, N. Y.

The Supervisor read a letter from the Planning Board recommending approval of application for Special Permit under the provisions of Section 4.32 F on Deerwood Park West, Burda Lane, New City (32 building lots).

Mr. Welchman moved the following resolution:

RESOLVED, that decision on application for a Special Permit under the provisions of Section 4.32 F on Deerwood Park West, Burda Lane, New City, (32 building lots), be reserved.

Seconded by Mr. Jeffrey.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Danko, Jeffrey, Welchman, Coyle.

NAYES: None.

Mr. Renken moved the following resolution:

RESOLVED, that application of Bernard Altman for a Zoning Change from an R-1 to a C-1 district on property located on the east side of Middletown Road, Nanuet, be referred to the Planning Board pursuant to the provisions of Section 8.51 of the Zoning Ordinance and hearing set at a later date.

Seconded by Mr. Danko.

On roll call , the vote was as follows:

AYES: Messrs. Renken, Danko, Jeffrey, Welchman, Coyle.

NAYES: None.

Supervisor Coyle read a letter from the Director of the Rockland County Planning Board dated July 21, 1958 returning Zoning Map and attaching list of amendments and special permits plotted theron. The Clerk was requested to write a letter of thanks for the work done by them.

A letter from William Forlow of 91 Park Avenue, New City, dated July 24, 1958, was read to the Board. In it a request that a "Dead End" sign be erected at the end of Park Avenue because of a 25 foot drop at the north end. The matter was refweews to the Highway Superintendemt.

A letter from the Spring Valley Water Works & Supply Company submitting hydrant order and sketch covering proposed hydrants in Wind Mill Estates was read to the Board. The matter was referred to Supervisor Coyle.

The Supervisor read a letter from the State Traffic Commission forwarding order establishing new 30 MPH linear speed restriction where new Village of Nyack line crosses Route 59, Central Nyack. The Highway Superintendent was requested to contact the Traffic Engineer of the Dept. of Public Works when ready to change the sign.

Mr. Coyle read a letter from the State Traffic Commission dated July 24, 1958 enclosing a sign tablation for the Town of Clarkstown, asking the Board's views on their proposal. A copy was enclosed for Chief Wiebicke's review. The matter was referred to the Highway Superintendent and Chief of Police to report on.

Copy of letter to the Planning Board from Nelson W. Hall re drainage in Cherry Hill Development, West Section, West Nyack, dated July 30, 1958, was read and ordered filed.

Copy of a letter from Nelson W. Hall to the Assessor dated Aug. 4, 1958 forwarding revised tax maps No. 36-2, 38, 77 and 78 was read and ordered filed.

Mr. Coyle read a letter from the County Superintendent of Highways, dated Aug. 12, 1958, with respect to proposed lacations of "Stop" intersections and "Yield" intersections in the Town enclosing a tabulation, which was ordered filed.

A letter from the Consulting Engineer to the Town of Clarkstown dated Aug. 13, 1958 asking that he be relieved of the responsibility of engineering work for the Town because of increased County Highway work, was read to the Board. An opinion was given by Mr. Hall that a full time Town Engineer would be fully occupied with the engineering work of the Town Board, Planning Board, Highway Department and other Town agencies, and he offered to lend assistance to any engineer appointed. The Clerk was asked to write to Mr. Hall informing him how much the Town appreciated his services and excellent work and request

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that he continue in his present capacity until the Town was able to procure a replacement.

Mr. Nicholas Lopes appeared and stated some action should be taken to prevent discontinuance of West Shore commuter service, that a lot of people depended on trains for transportation to work and if the trains were discontinued they would be forced to move away. Supervisor Coyle informed Mr. Lopes that the County Board of Supervisors had taken action on the I.C.C. ruling and appropriated over $15,000.00 for the purpose and that he was acting as a committee fighting the matter.

The Supervisor read a letter dated Aug. 12, 1958 from the Building Department, advising of application for a building permit under provisions of Section 280-A of Town Law amde by Wallace L. Beneville.for property on Glen Road (Van Houten Fields), West Nyack.

Mr. Renken moved the following resolution:

RESOLVED, that the Building Inspedtor be directed to issue a building oermit pursuant to provisions of Section 280-A of Town Law to Wallace L. Beneville, for property on Glen Road, (Van Houten Fields) West Nyack.

Sedonded by Mr. Danko.

On roll call, the vote was as follows:

AYES; Messrs. Renken, Danko, Jeffrey, Welchman, Coyle.

NAYES: None.

Monthly reports of the various Town departments were submitted to the Board, approved and ordered filed.

Supervisor Coyle read a letter from the Building Department advising of application for a building permit under the provisions of Section 280-A of Town Law made by Edward and Joan P. Fitzgerald for property on Third St., Congers. The application was referred to Councilman Danko to report on at the next Board meeting.

Mr. Renken moved the follwing resolution:

RESOLVED, that a street opening permit be issued under Section 149 of Highway Law to Michael Riman for a connecting water line on Old Nyack Turnpike, Central Nyack.

Seconded by Mr. Danko.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Danko, Jeffrey, Welchman, Coyle.

NAYES; None.

Mr. Renken moved the following resolution:

RESOLVED, that a street opening permit be issued under Section 149 of Highway Law to Bertram Parsloe to lay water line on north side of Doscher Avenue near Hobe Street, West Nyack.

Seconded by Mr. Danko.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Danko, Jeffrey, Welchman, Coyle.

NAYES: None.

Mr. Rob Roy of Garrett Ave., Congers, asked the Board if it would be possible to move a sign now obstructing visibility getting on to the New City-Congers Road. The matter was referred to the Highway Superintendent to take up with the County Highway Superintendent.

Supervisor Coyle read a letter dated Aug. 11, 1958 from John A. Guarino, resigning

as custodian of Election District No. 7, Congers.

Mr. Danko moved the following resolution:

RESIKVED that Harold Palmatier of Highway Avenue, Congers, be appointed Custodian of Election District No. 7, Congers.

Seconded by Mr. Jeffrey.

On roll call, the vote was as follows.

AYES: Messrs. Renken, Danko, Jeffrey, Welchman, Coyle.

NAYES: None.

Mr. Danko moved the following resolution:

RESOLVED, that street lights be installed on Poles No. 32 and 34 on Harrison Avenue, Congers, and be it

FURTHER RESOLVED, that the Orange & Rockland Utilities, Inc. be authorized to install the said lights provided the poles are in the Congers Lighting District.

Seconded by Mr. Jeffrey.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Danko, Jeffrey, Welchman, Coyle.

NAYES: None.

Mr. Jeffrey moved the following resolution:

RESOLVED, that a street light be installed on Pole No. 400, Maple Avenue, New City, and be it

FURTHER RESOLVED, that the Orange & Rockland Utilities, Inc. be authorized to make the installation of siad light.

Seconded by Mr. Danko.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Danko, Jeffrey, Welchman, Coyle.

NAYES: None.

The Supervisor read a letter from the Archdiocese Building Commission, 451 Madison Ave., New York 22, New York, dated August 13, 1958, with respect to Albertus Magnus High School, asking that the building permit fee be waived in view of the fact that it was a non-profit organization and exempt from tax. The matter was referred to the Town Attorney to study and report on.

Mr. Renken moved the following resolution:

RESOLVED, that resignation of Clarance Edward Aull, effective as of August 15, 1958, from the Clarkstown Police Department, be accepted.

Seconded by Mr. Danko.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Danko, Jeffrey, Welchman, Coyle.

NAYES: None.

The Building Inspector reported to the Board that he had made a tentative cost valuation of the Town Hall and it appeared it would be close to $175,000.00.

A Special meeting was scheduled for September 9, 1958 at 8:00 P.M. in the Supervisor's office to confer with the firm of Bogart & Childs.

Mr. Jeffrey moved the following resolution:

RESOLVED, that the sum of $1,622.87 be paid to H. O. Penn Machinery Company, Poughkeepsie, New York, for repair of the Clarkstown Sanitary Fill bulldozer.

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Seconded by Mr. Renken:

On roll call, the vote was as follows:

AYES: Messrs. Renken, Danko, Jeffrey, Welchman, Coyle.

NAYES: None.

Mr. Renken moved the following resolution:

RESOLVED, that the Supervisor be authorized to pay the sum of $250.00 to the Nanuet Library, pursuant to terms of contract with the Town of Clarkstown dated May 24th, 1956.

Seconded by Mr. Danko.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Danko, Jeffrey, Welchman, Coyle.

NAYES: None.

MR. Renken moved the following resolution:

RESOLVED, that the Supervisor be authorized to pay the sum of $250.00 to the New City Library, pursuant to terms of contract with the Town of Clarkstown dated September 18th, 1953.

Seconded by Mr. Danko.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Danko, Jeffrey, Welchman, Coyle.

NAYES: None.

Supervisor Coyle reported receipt of a letter from Mr. Harry A. Peterson of Storms Road, Valley Cottage, requesting a change of zoning. He further reported he had written to Mr. Peterson as to the procedure used in making such application.

A letter from Mr. George Marquardt of North Middletown Road, Nanuet, asking to be informed if an application for a zoning change in his area was filed, was read to the Board. The Clerk was requested to advise Mr. Marquardt that an application had been filed by one Bernard Altman, had been referred to the Planning Board and that no hearing had as yet been set by the Board.

Mr. Coyle read a letter dated July 29, 1958 from Rose DePasquale, Chairman of the Safety Committee of Chestnut Grove School, asking for a traffic policeman at the intersection of Old Middletown Road and North Middletown Road and also consideration of a guard at the intersection of Little Tor Road and Red Hill Road. The matter was referred to Chief Wiebicke to report on.

The Supervisor reported receipt of a letter with a number of signatures of residents along Germonds Road objecting to heavy trucking. Mr. Coyle stated he had explained that the condition might be alleviated when construction of roads leading from New York Trap Plant are completed and if not the matter could be taken up again.

Councilman Danko reported he had checked the parking situation around West Nyack Station and was unable to find any additional parking space available.

Supervisor Coyle reported receipt of a letter from Pierre E. Auger of Deer Track Lane, Valley Cottage, with respect to vandalism at Valley Cottage Station and that he had requested Chief Wiebicke to keep a close check.

Mr. Coyle reported on a letter received from Lillian Freedman with respect to agreements on drainage requirements on her road and advised the Board that the Highway Superintendent was working the matter out with the contractor doing the work.

The Supervisor advised the Board that he had received a letter from the American Legion Americanization Committee calling attention to the fact that Memorial Day was not properly observed and asking adoption of an ordinance requiring mercantile establishments to close on that day. The matter was referred to the Town Attorney to report on.

Mr. Coyle made mention of a letter from J. R. Feldman relative to Susan Drive, New City. Mr. Johns reported the road in Forest Acres-Section V and that performance bond covering had been declared in default and the bonding company had been contacted.

The Supervisor reported that there had been a complaint by property owners in Rockland Lake that they were in a water district but not receiving the benefit of insurance rates. He stated he had written to the New York Fire Rating Organization asking why there was no reduction and read the reply to the Board. Mr. Coyle told the Board he had contacted Mr. Russell Towt, an owner and Fire Commissioner, apprising him of the facts and stating it was up to the Rockland Lake Fire Department to meet the requirements and that the Board could do nothing more.

Supervisor Coyle reported on a meeting with the Housing and Home Finance Agency at which officials from Stony Point, West Haverstraw and Town of Haverstraw as well as a representative of Bowe Alberts Associates were present. The group were advised by the Agency, upon inquiring if it was better to make application separately or jointly, that there are no grants for preliminary investigations and they were only interested when the application is for a particular area that it is assumed will be carried through. Mr. Coyle told the Board he had presented the New City Sewer District application but the Agency's interpretion was different than the Town's but he had brought back new forms to be re-submitted. He stated valuation of the whole Town would have to be submitted rather than valuation of the area involved. Mr. Coyle stated there was a section in the Law in New York State, where a resolution in reference to appropriating any money, such as this, has to be subject to a permissive referendum, and a permissive referendum resolution has to be published and posted within ten days after its adoption. He called attention to the fact that the resolution adopted on July 10th, 1958 was therefore obsolete and would have to be moved again.

Mr. Renken moved the following resolution:

WHEREAS, the Town of Clarkstown, a municipal corporation of the State of New York, having its principal office at 16 South Main Street, New City, Rockland County, New York, herein called the "Applicant", after thorough consideration of the various aspects of the problem and study of available data has hereby determined that the construction of certain public works, generally described as a sewage disposal system for an area in New City, Town of Clarkstown, Rockland County, New York, consisting of a trunk sewer, mains, laterals and disposal plant, is desirable and in the public interest and to that end it is necessary that action preliminary to the construction of said works be taken immediatley; and

WHEREAS, under the terms of Public Law 560, 83rd Congress, as amended, the United States of America has authorized the making of advances to public bodies to aid in financing the cost of engineering and architectural surveys, designs, plans, working drawings, specifications or other action preliminary to and in preparation for the construction of public works; and

WHEREAS, the Applicant has examined and duly considered such Act and the Applicant

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considers it to be in the public interest and to its benefit to file an application under said Act and to authorize other action in connection therewith;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, the governing body of said Applicant, as follows:

1. That the construction of said public works is essential to and is to the best interests of the Applicant, and to the end that such public works may be provided as promptly as practicable it is desirable that action preliminary to the construction thereof be undertaken immediately;

2. That JOHN W. COYLE, SUPERVISOR OF THE TOWN OF CLARKSTOWN, be hereby authorized to file in behalf of the Applicant an application (in form required by the United States and in conformity with said Act) for an advance to be made by the United States to the Applicant to aid in defraying the cost of plan preparation for the above described public works, which shall consist generally of area survey to show location of trunk sewer and all mains and laterals, design of and plans and specifications for a primary, secondary and post secondary treatment plant;

3. That if such advance be made, the Applicant shall provide or make necessary arrangements to provide such funds, in addition to the advance, as may be required to defray the cost of the plan preparation of such public works;

4. The said JOHN W. COYLE, SUPERVISOR OF THE TOWN OF CLARKSTOWN, is hereby authorized to furnish such information and take such other action as may be necessary to enable the Applicant to qualify for the advance;

5. That the officer designated in the preceding paragraph is hereby designated as the authorized representative of the Applicant for the purpose of furnishing to the United States such information, data, and documents pertaining to the application for an advance as may be required; and otherwise to act as the authorized representative of the Applicant in connection with this application.

6. That certified copies of this resolution be included as part of the application for an advance to be submitted to the United States.

7. Providing that said resolution shall take effect thirty days after its adoption, unless within thirty days petition for its submission to the electors shall be filed in accordance with law, protesting against the resolution and requesting it be submitted to the electors for their approval or disapproval.

Seconded by Mr. Danko.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Danko, Jeffrey, Welchman, Coyle.

NAYES: None.

Supervisor Coyle pointed out to the Board the need for a Town Hall to promote greater efficiency in the functioning of the various Town departments, which are presently scattered all over Town. He called attention to the fact that $14,500.00 is expended for office space and janitor service and that rents are raised from time to time. Mr. Coyle called attention to the lack of space for meetings and hearings. He then submitted to the Board plans for a Town Hall, drawn by the Building Inspector, which it was estimated would cost about $175,000.00 Mr. Coyle was of the opinion that the Town could pay the interest and carrying charges on such a building for no more and probably less than present rentals and janitor service. He suggested that it be paid off at the rate of $10,000.00 for the first ten years and $15,000.00 the last

five years. He added that the interest during the early part would be heavier and after the principal was reduced lighter, so the general load of carrying the building would be approximately even.

Mr. Jeffrey moved the following resolution:

BOND AND CAPITAL NOTE RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED AUGUST 14, 1958, AUTHORIZING THE CONSTRUCTION OF A NEW TOWN HALL ON LAND NOW OWNED BY SAID TOWN, AT THE SOUTHEAST CORNER OF NEW CITY-CONGERS ROAD AND MAPLE AVENUE, NEW CITY, IN SAID TOWN, AT THE ESTIMATED MAXIMUM COST OF $175,000, APPROPRIATING SAID AMOUNT THEREFOR AND AUTHORIZING THE ISSUANCE OF $10,000 CAPITAL NOTES TO PROVIDE THE DOWN PAYMENT AND $165,000 SERIAL BONDS OF THE TOWN, TO FINANCE THE REMAINDER OF THE APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:-

Section 1. The Town of Clarkstown, in the County of Rockland, State of New York, is hereby authorized to construct a new Town Hall on land heretofore acquired and now owned by said Town, situate at the southeast corner of the intersection of New City-Congers Road and Maple Avenue, New City, in said Town, and to grade and improve the site and purchase the necessary original furnishings, equipment, machinery and apparatus required for the purpose for which such Town Hall is to be used. The estimate of the maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is $175,000 and the said amount is hereby appropriated therefor. The plan of financing includes the issuance of capital notes in the principal amount of $10,000 to provide the down payment required by Law and the issuance of $165,000 serial bonds of the Town to finance the remainder of the appropriation and the levy of a tax upon all the taxable real property in the Town to pay the interest on said bonds and notes and the principal thereof at maturity.

Section 2. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, as amended, capital notes of the Town in the principal amount of $10,000, and serial bonds of the Town in the principal amount of $165,000, are hereby authorized to be issued to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:-

(a) The period of probable usefulness of the specific object or purpose for which the bonds herein authorized are to be issued within the limitations of Section 11.00 a, 11 (b) of said Local Finance Law, is twenty (20) years.

(b) Current funds are required by said Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticiaption thereof and such current funds will be provided from the proceeds and apply the same solely to the said specific object or purpose described in Section 1 hereof.

(c) The proposed maturity of the bonds authorized by this resolution may exceed five (5) years.

(d) No part of the cost of said specifice object or purpose authorized by this resolution has been or shall be specially assessed on property specially benefited thereby.

Section 4. Each of the bonds and notes authorized by this resolution an any bond anticipation notes issed in anticipation of said bonds, shall contain the recital of validity prescribed by §52.00 of said Law and said bonds and notes and any bond anticipation notes issued in anticipation of said bonds, shall be general obligations of the Town of Clarkstown, and the Town hereby irrevocably pledges its faith and credit to the punctual payment of the principal thereof and interest thereon and there shall be raised annually by tax on all the taxable property in the Town a sum sufficient to pay the principal of and interest on said bonds and notes as the same shall become due.

Section 5. Subject to the provisions of this resolution and of said Local Finance Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes and of §50.00 to 60.00 of said Law, the powers and duties of the Town Board relative to prescribing the terms, forms and contents and as to the sale and issuance of the bond and notes and any bond anticipation notes issued in anticipation of said bonds, are hereby delegated to the Supervisor as the chief fiscal officer of the Town.

Section 6. The validity of the bonds and notes authorized by this resolution, and of any notes issued in anticipation of said bonds, may be contested only if:-

(a) such oblications are authoriced for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect thirty (30) days after its adoption, unless within thirty (30) days after its adoption there shall be filed with the Town Clerk, in accordance with Article 7 of the Town Law, a petition signed and acknowledged by electors of the Town of the number required by Law, qualified to vote upon a proposition to raise and expend money, protesting against this resolution and requesting that it be submitted to the electors of the Town voting on a proposition for its approval at a referendum or election held in accordance with said Town Law.

* * *

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Seconded by Mr. Renken.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Danko, Jeffrey, Welchman, Coyle.

NAYES: None.

Mr. Jeffrey moved the following resolution:

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, AS FOLLOWS:-

Section 1. The Town Clerk within ten days after the adoption of the resolution entitled;-

"Bond and Capital Note Resolution of the Town of Clarkstown, New York, adopted August 14, 1958, authorizing the construction of a new Town Hall on land now owned by said Town, at the southeast corner of NewCity-Congers Road and Maple Avenue, New City, in said Town, at the estimated maximum cost of $175,000, appropriating said amount therefor and authorizing the issuance of $10.000 capital notes to provide the down payment of $165,000 serial bonds of the Town, to finance the remainder of the appropriation,"

duly adopted by the Town Board on the date above referred to, shall cause to be published at least once in the "JOURNAL NEWS", a newspaper published in Nyack , New York, designated as the official newspaper of the Town for such publication, and to be posted in at least five (5) public places in the Town, a Notice which shall set forth the date of adoption of said foregoing resolution and contain an abstract thereof concisely stating the purpose and effect.

Section 2. Said Notice shall be in substantially the following form:-

TOWN OF CLARKSTOWN,

COUNTY OF ROCKLAND, NEW YORK

PLEASE TAKE NOTICE that on August 14, 1958, the Town Board of the Town of Clarkstown, New York, adopted a bond and capital note resolution entitled:-

"Bond and Capital Note Resolution of the Town of Clarkstown, New York, adopted August 14, 1958, authorizing the construction of a new Town Hall on land now owned by said Town, at the southeast corner of New City-Congers Road and Maple Avenue, New City, in said Town, at the estimated maximum cost of $175,000, appropriating said amount therefor and authorizing the issuance of $10,000 capital notes to provide the down payment and $165,000 serial bonds of the Town, to finance the remainder of the appropriation,"

an abstract of which bond and capital note resolution concisely stating the purpose and effect thereof, is as follows;-

FIRST: AUTHORIZING the Town of Clarkstown to construct a new Town Hall on land heretofore acquired and new owned by said Town, situate at the southeast corner of the intersection of New City-Congers Road and Maple Avenue, New City, in said Town, including grading and improving of the site and purchase of the necessary original furnishings, equipment, machinery and apparatus; STATING the estimate of the manimum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is $175,000; APPROPRIATING said amount therefore; STATING the plan of financing includes the issuance of $10,000 capital notes to provide the down payment required by Law and $165,000 serial bonds to finance the remainder of the appropriation and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said notes and bonds and the interest thereon;

SECOND: AUTHORIZING the financing of said appropriation by the issuance of $10,000 capital notes and $165,000 serial bonds of the Town;

THIRD: DETERMINING that the period of probable usefulness of the specific object or purpose for which the bonds authorized are to be issued within the limitations of Section 11.00 a. 11 (b) of said Local Finance Law, is twenty (20) years; DETERMINING that current funds are required to be provided prior to the issuance of said bonds or any bond anticipation notes issued in anticipation thereof; that siad current funds will be provided by the issuance of said $10,000 capital notes, and that said serial bonds may have a maturity in excess of five (5) years;

FOURTH: DETERMINING that said bonds and capital notes and any notes issued in anticipation of said bonds shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

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FIFTH: DELEGATING to the Supervisor the powers and duties as to issuance of said notes and bonds, and

SIXTH: PROVIDIGN that said Bond and Capital Note Resolution shall take effect thirty days after its adoption, unless within thirty days petition for its submission to the electors shall be filed in accordance with law, protesting against the resolution and requesting it be submitted to the electors for their approval or disapproval.

DATED: AUGUST 14, 1958

JOHN W. COYLE,
SUPERVISOR

MRS. MILDRED MAGAI,

TOWN CLERK

Seconded by Mr. Renken.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Danko, Jeffrey, Welchman, Coyle.

NAYES: None.

Mr. Martin Bernstein asked about a recreation area stating that the County Planning Board had had the matter referred to it. The Supervisor reported that the Planning Board were studying the matter of recreation areas and that by the first of the year would have a recommendation to make.

John A. Mirabile, Esq. appeared before the Board on behalf of Byon A. and Byon W. Oatley with respect to one Sarah Martines, a purchaser under contract, failing to pefform certain conditions on her part. He stated she had moved in but had no certificate of occupancy. The Town Attorney asked if he had made application to the Building Inspector at any time to abate the violation and he advised he had not. Mr. Mirabile was then advised to contact the Building Inspector on the matter.

Mr. Renken moved the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 12th day of June, 1958, provided for a public hearing on the 14th day of August, 1958 at 8:30 P.M., Eastern Daylight Saving Time, to consider the application of JOSEPH BIRON to amend the Building Zone Ordinance of the said Town by redistricting the property of the said petitioner from an SC and RA-1(X) district to an R-1 district; and

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

RESOLVED, that the Building Zone Ordiance of the Town of Clarkstown be and it hereby is amended by redistricting the following described property at or near New City, New York in said Town, from an SC and RA-1(X) district to an R-1 district:

ALL that tract of land in the Town of Clarkstown, County of Rockland and State of New York, bounded and described as follows:

BEGINNING at a point in the center of West Clarkstown Road at the Southwest corner of lands of Springer; THENCE (1) South 12° 24' West and along said road center, 1082.00 feet; (2) South 79° 10''East and along the Northerly line of said road 217.5 feet; (3) North 17° 45' East 710.00 feet; (4) South 76° 56' East 212.00 feet; (5) South 76° 14' 30" East 912.00 feet; (6) North 12° 58' 30" East 735.00 feet; (7) North 89° 45' East 385.5 feet; (8) North 14° 8' East 635.00 feet;(9) North 83° 38' West 389.50 feet; (10) South 12° 20' 41" West 675.00 feet; (11) South 88° 59' 37" West 993.50 feet; (12) South 89° 4' West 464.00 feet to the point or place of beginning.

Seconded by Mr. Jeffrey.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Danko, Jeffrey, Welchman, Coyle.

NAYES: None.

Mr. Renken moved the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 12th day of June, 1958, provided for a public hearing on the 14th day of August, 1958 at 9:00 P.M., Eastern Daylight Saving Time, to consider the application of WILLIAM B. HOWELL and CATHERINE D. HOWELL to amend the Building Zone Ordinance of the said Town by redistricting the property of thw said petitioners from an RA-1 district to a C-1 district; and

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

NOW THEREFORE, be it

RESOLVED, that the Building Zone Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting the following described property at New City, New York, in said Town, from an RA-1 district to a C-1 district:

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ALL that certain plot of land with the building thereon situate, lying and being in New City, Town Of Clarkstown, County of Rockland and State of New York, bounded and described as follows:

BEGINNING at a point on the easterly side of Route 304 at the southwesterly corner of the within parcel and the northwesterly corner of the New City Shopping center and which point of beginning is 873.22 feet northerly of the northerly point formed by the intersection of the easterly line of Route 304 with a northerly line of New City-Congers Road; running thence North 8° 09' 20" East along the easterly side of Route 304 123.66 feet to a Rockland County Highway monument; thence continuing along said road North 8° 45' 35" East 1.34 feet to the northwesterly corner of the within described parcel of land; thence turning and running South 89° 22' 40" East 182.20 feet; thence South 81° 50' 07" East 209.43 feet; thence South 26° 53' 21" West 75.08 feet; thence turning and running North 86° 10' 40" West 35.54 feet; thence turning and running South 8° 09' 20" West 50 feet; thence turning and running North 86° 10' 40" West along the northerly line of the New City Shopping Center 331.70 feet to the point or place of beginning.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Danko, Jeffrey, Welchman, Coyle.

NAYES: None.

Mr. Renken moved the following resolution:

WHEREAS, by Resolution of this Board dated June 12th, 1958, a public hearing upon a proposed ordinance of the Town Ordinances adding a new Article XXV entitled, "RULES AND REGULATIONS GOVERNING THE MAINTENANCE AND USE OF THE SEWER SYSTEM OF ALL SEWER DISTRICTS", was held on the 14th day of August 1958, after due publication thereof.

NOW THEREFORE, be it resolved that the said proposed ordinance be and the same is hereby adopted and enacted effective upon publication and posting as required by law, as follows:

## ARTICLE XXV

### RULES AND REGULATIONS GOVERNING THE MAINTENANCE AND USE OF THE SEWER SYSTEM OF ALL SEWER DISTRICTS.

Sec. 1 DEFINITIONS.

(a) BOARD, as reference may hereinafter be made, shall mean the Town Board of the Town of Clarkstown, County of Rockland, New York.

(b) TOWN, shall mean the Town of Clarkstown, County of Rockland, New York.

(c) DISTRICT, shall mean all sewer districts of the Town presently existing or hereinafter constituted.

(d) SYSTEM, shall mean all sewers, sewer lines and appurtenances to the sewer improvement in said District.

(e) SUPERINTENDENT, shall be the person appointed at the will of and by the Town Board of the Town of Clarkstown, County of Rockland, New York, in charge of the sewage system in the Sewer District.

(f) HOUSE SEWER, shall include all pipes and appurtenances necessart to connect a building with the system and it shall begin at the inside face of the foundation wall, or at an equivalent place amd it shall end at the connection to the system. Two or more rules and regulations may apply to different parts of the house sewer.

Sec. 2 Any person, firm or corporation desiring to lay, re-lay or repair sewer pipe or connections, or any appirtenant part thereto, in or below the surface of any private or public highway, road, street or avenue within the district to connect with any part of the system, shall prior to the commencement of any work, apply for and obtain the necessary authority in the manner hereinafter provided, and all charges, fees or rates shall be due and payable in advance to the Town and when so paid shall be credited to the operation and maintenance fund of the district. Such permit shall not create any vested right in or under such private or public highway, road, street or avenue, and such permit will be issued upon the express condition that the Board may, at any time, revoke and annul the same if it is deemed for the best interests of the district and Town.

Sec. 3 An owner or his agent, before commencing any work or excavation for a house sewer or connection to the sewer, or before making any alterations or additions to existing house sewers or connections which may be or are proposed to be connected to the system, shall file with the Superintendent a written application for a permit, signed by him or his agent on the form provided by the Superintendent. Said application shall be accompanied by a complete description of the proposed work, together with a plan or sketch thereof showing in detail the location of the proposed connection and such other pertinent facts as the Superintendent may request. No work shall be done and no connection shall be made until the application has been approved and permission given by the Superintendent. No connection to the system shall be made except under inspection of the Superingendent and not before public notice is given by the Board that the system is in readiness for use, and a permit has been issued.

Sec. 4 One permit whall be issued to cover the excavation and construction of the house sewer and/or to disconnect the existing house drain or sewer pipe from the cesspool or septic tank and then to connect it to the newly laid house sewer discharging into the street sewer, the fee for which shall be two ($2.00) dollars. If no permit is issued within thirty days, the fees shall be returned to the applicant, together with one copy of the filed application with the reasons for rejection noted thereon, and signed by the Superintendent.

Sec. 5 All House sewer construction including that portion between the main and the curb and/or street line (which shall be of five inch (5") pipe unless the Superintendent shall direct that a larger size shall be used) shall be done by the owner at his own cost and expense. The district shall charge a fee of $10.00 for making the physical connection between the house sewer and the main whenever no wye branch is available. The owner shall furnish all materials required for this connection.

It shall be the responsibility of the owner to procure any necessary permits for the street openings and to replace the street surface in a condition satisfactory to the Highway Department having jurisdiction. All construction shall be under the supervision of the District Superintendent. Where the existing sewer main is not located in a public street, the person desiring to connect with such sewer main shall relocate the said main in the nearest public street in accordance with specification of the District Superintendent.

Any person, firm or corporation except when he or it is proceeding under contract with the Town and/or District shall be registered with the board in a manner hereinafter provided.

Sec. 6 (1) All applications for certificates of registration to construct any house sewer or do any work indicated to any connection to said system, shall be made in writing to the Superintendent, and all certificates of registration shall be granted by the Board. The fee for such certificate of registration shall be $5.00. An applicant, before receiving such certificate shall furnish to the Board proof satisfactory to it:

(a) That siad applicant is qualified to do such work in a good workmanlike manner.

(b) That said application is accompanied by bond with sureties acceptable to the Board, in the sum of not less than One Thousand Dollars, guaranteeing:

1. That the applicant shall duly and faithfully perform said work in all respects.

2. That siad applicant shall comply in all respects with all rules and regulations established by the Town.

3. That the said applicant will indemnify the Town for all loss or damage that may result from his work.

4. That said applicant will receive a permit from the Town before commencing any work or excavation.

5. That in the event the applicant has been deemed to have violated this ordinance or any rule or regulation, that upon notice thereof the said applicant will forthwith

at his own expense, cure said violation, and in the event of his failure to do so within a reasonable time thereafter, said violation may be cured by the Town, and any expense incidental thereto will be paid by the applicant.

(2) The applicant shall furnish certificates of public liability insurance in the sum of Ten Thousand Dollars and Twenty-Five Thousand Dollars, and property damage insurance in the sum of Five Thousand Dollars, which shall indemnify and save harmless the district and town, its officers, agents and employees, from all suits and actions for the recovery of damages, money or otherwise, for and on account of any injury or damages resulting in death or otherwise, received or sustained by any person, persons or property, as a direct or indirect result of any work, labor or materials used by the applicant, and/or as a result of negligence, carelessness or recklessness of the applicant in the performance of said work, and/or as a result of any act of omission or commission of said applicant.. Said applicant shall have workmen's compensation insurance as required by law, and the application shall be accompanied by certificates thereof, or by satisfactory proof of the exemption. All of said policies of insurance shall bear an endorsement in favor of the Town of Clarkstown.

(3) All materials used in conforming to this ordinance will be of the best quality and all work will be executed by skilled workers in a thorough workmanlike manner.

(4) Upon receiving said certificate from the Board, the applicant shall furnish to the Superintendent a certificate of issuance, signed by the Town Clerk. Said Certificate of registration may be cancelled and annulled by the Board for cause, after a public hearing thereon, but such certificate of registration shall be automatically cancelled and annulled upon the expiration of either the bond or the insurances ewquired for such certificate of registration. The owner of such cancelled certificate shall not thereafter be registered for a period of two years after the date of the cancellation of said certificate. Said certificate of registration shall expire on the 31st day of December in each year succeeding the date of its initial issuance; all applications for renewals of said certificates shall be filed between the 15th day of November and the 39th day of November, next preceeding the date of expiration, and such renewal certificates shall become effective on the 1st day of January thereafter.

(5) Nothing herein contained shall prevent any owner from constructing the connection, and/or furnishing the material from the house drain to the property line and any owner doing such work on his private property need not unless required by any other law, obtain a Certificate of Registration, nor furnish any bond, public liability insurance, nor any workmen's compensation insurance, but shall otherwise comply with this ordinance.

The owner shall comply with this ordinance concerning any work and materials necessary for the connection outside of the property line, and such work shall be performed under a Certificate of Registration.

Sec. 7 No trench shall be backfilled, nor shall any portion of the pipe or fittings be covered until inspected and approved by the Superintendent. Application for inspection shall be made in writing to the Superintendent and such inspection shall be made as soon as practical thereafter.

Sec. 8 All buildings or premises within the district shall be connected with said system.

Sec. 9 If and when a sewer connection is completed, and approved, for any property upon which buildings are located, existing waste disposal facilities, including privy vaulys, cesspools, septic tanks, or similar facilities, shall immediately be disconnected so as not to drain into the street sewers, and they shall be abandoned within thirty days after final inspection and approval of the sewer by the Superintendent.

Sec. 10 It shall be unlawful for any person, firm or coproration to cause, allow or permit the discharge of sewage wastes from any building or buildings or premises within the sewer district into or upon any highway, private or public way, stream, watercourse, ditch, either surface or sub-surface, ground water drain or storm water drain.

Sec. 11 Every building shall have a separate and independent connection with the district sewer directly in front of the land upon which it is situated except as otherwise permitted. When a building is situated in the rear of another building, provided both are on the same plot and in the same ownership, both buildings may be connected into a single house sewer. If the buildings are in separate ownership no such connection will be permitted unless evidence of an agreement between the two property owners is filed with the application.

Sec. 12 Before laying a new house sewer, the bottom of the trench must be carefully tamped to prevent unusual settlement of the sewer. After the pipe is laid, the earth used for filling the trench must be replaced in layers each layer being well tamped. Tunneling is prohibited, unless written permission has been obtained from the Superintendent. In any case where the house sewer passes through filled ground which is liable to settle, cast iron pipe or other special precautions may be required by the Superintendent.

Sec. 13 A house sewer shall have a slope of not less than one-quarter inch (1/4") in one foot (1') lenght, unless special written permission is granted by the Superintendent; the size of such sewer shall not be less than is shown in the following table based upon the number of fixture units in a building or buildings nor shall it be larger than the manimum size allowed in the table for the size of the street sewer in question, but in no case shall any house sewer be less than four (4") inches in diameter. In special cases the Superintendent may require a house sewer larger than the size given in the table.

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TABLE

| Drain or House Sewer | No. of Water Closets | Total Fixture Units |
|---|---|---|
| 4" | 4 | 48 |
| 5" | 12 | 100 |
| 6" | 50 | 400 |
| 8" | 120 | 1000 |

Number of Fixture Units for Different Fixtures

| | | | |
|---|---|---|---|
| Wash basin | 1 | Shower bath | 3 |
| Sink | 1.5 | Urinal | 3 |
| Bath tub | 2 | Slop sink | 4 |
| Laundry tray | 3 | Water Closet | 6 |
| Sink and Laundry Combination | 3 | | |

The number of equivalent fixture units for a fixture or other water connected device not listed sahll be estimated by the Superintendent.

Maximum sizes of House Sewer Connection

| Lateral Sewer | House Sewer |
|---|---|
| 8" | 5" |
| 10" | 6" |
| 12" or over | 8" |

Sec. 14 In each house drain, constructed subsequent to the adoption of this ordinance, at a point just inside of the cellar wall, a four (4") inch standard clean-out fitting with screw ferrules shall be provided. The losest part of the screw ferrule shall be palced at a point not less than twelve (12") inches above the cellar floor or the highest portion thereof if at different elevations.

Sec. 15 No running or house trap shall be allowed to remain in any house drain or house sewer if the same is to be connected to the sewer system.

Sec. 16 If cast iron pipe is used for a house sewer, the method of connection between the house sewer and the district sewer shall be done by running the cast iron pipe into a bell of vitrified tile pipe at least twelve (12") inches and making a joint with Oakum and bituminous compound. If, in the judgment of the Superintendent further protection is needed because of ground water conditions, a cement joint shall be added around the bituminous joint. Where the cast iron house drain is connected to a tile house sewer, the same method shall be followed.

Sec. 17 The house sewer beyond a point five (5) feet outside of the foundation wall and within the curb line may be constructed of vitrified bell and spigot tile with joints made of a bituminous compound as hereinafter specified, provided that the house sewer is laid with more then thirty-six (36") inches of ground cover and that manimum ground water levels are at least two (2') feet below th house sewer. When conditions are different to those above specified, or where in the opinion of the Superintendent a proper house sewer cannot be constructed under the intent of the above specifications, the applicant for a house sewer may be required to use extra heavy cast iron pipe with leaded, or other approved metallic joint, under direction of the Superintendent. Vitrified tile pipe may be used in all house sewers over six (6") inches in diameter provided that in the judgment of the Superintendent the installation with its appurtenances is done in accordance with specifications at least equal to the original sewer system. Nothing in this paragraph shall prohibit the use of extra heavy cast iron pipe in the construction of a house sewer if the owner so elects, provided the same is installed as provided in this ordinance for the use of cast iron pipe.

Sec. 18 The use of vitimized fiber pipe for sewer connections is permissible, provided the same conforms to the National Bureau of Standards Commercial Standard C S-116-44, and provided said installation is approved by the Superintendent.

Sec. 19 In making a bituminous joint in vitrified tile or between vitrified tile pipe and cast iron pipe, the spigot shall be well centered in the bell with jute or Oakum caulked evenly and tightly, leaving a depth at least three-quarters (3/4") of an inch for the compound, An asbestos snakerunner, or other pipe jointers, after greasing shall be passed tightly around the pipe clamped at the top leaving a small opening around which a small clay gate shall be built. The annular space, together with that inside the gate shall be completely filled with hot bituminous compound of a type approved by the Superintendent. All pipe shall be thoroughly clean and dry before the joint is poured. The ditch shall in all cases be kept dry during pipe laying. In making a joint in cast iron pipe, the same method shall be used as required above for vitrified tile pipe, except that molten lead or other approved metallic compound, thoroughly caulked, shall be used instead of bituminous compound.

Sec. 20 All vitrified pipe and special fittings shall be Class "A" saltglazed vitrified clay sewer pipe of the hub and spigot pattern conforming to specifications C-13-24 or superseding subsequent specifications of the American Society for Testing Materials.

Sec. 21 At all bends in house sewers not made with long radius fittings a "Y" or cleanout fitting shall be inserted in the house sewer with "Y" branch carried to the surface of the ground and terminated at said surface with a brass ferrule if on a cast iron house sewer, or lamphole if on a terra cotta house sewer, shall be provided for access. On any house sewer lampholes shall be provided where required by the Superintendent because of special conditions such as length, alignment or character of ground. Where the size of the house sewer exceeds six (6") inches in diameter, manholes built according to equal specifications for the district sewers, or better, at every change in direction and at distances not exceeding 300 feet may be substituted for the lampholes.

Sec. 22 An existing house sewer to a cesspool or septic tank may be utilized provided that a lamphole is constructed at a point just inside the property line and the owner of the property will agree in writing that if and when excessive infiltration of ground or surface water is found to occur, he will, on written notice from the Superintendent, reconstruct the defective section to conform to this ordinance within thirty (30) days after the receipt of such notice, weather conditions premitting.

Sec. 23 A lamphole when required shall be constructed as follows; For cast iron sewers a "T" shall be inserted with cast iron pipe not less than four (4") inches in diameter extending to the surface of the ground with standard four (4") inch trap screw ferrules inserted in bell of the uppermost section. For tile pipe, a "T" shall be used with vitrified clay tile not less than four (4") inches in diameter extending to the surface capped with metal or vitrified clay terminal for ready access.

Sec. 24 No blow-off or drip or steam exhaust from any boiler or pipe system connected thereto shall be directly connected with the house drain or the house sewer. Such connections may be permitted with the written approval of the Superintendent if provision is made for the discharge of steam or hot water into a suitable storage tank or steam condensor provided with proper mechanism for gradually releasing the hot water into the house sewer.

Sec. 25 Cellar drains in or below the cellar floor to remove ground water, drains from area-ways, courts and the like, roof leaders, or the discharge pipe from any pump or other similar mechanical device arranged to care for such ground or surface water, or clear unpolluted water for cooling purposes for refrigeration equipment, shall not be connected directly or indirectly with the house sewer. When inspections indicate that water from such sources is being discharged into the house sewer, either directly or indirectly through leaks in the house sewer or in any other manner, such discharge shall consitiute a violation of this ordinance and shall be cause for recovery and revocation of any permit previously granted to connect with the sewer under the terms of this ordinance, unless the necessary corrections are made within thirty (30) days from the date of written notice given to the owner of the premises or his agent. Such notice shall be deemed sufficient if sent to the owner by mail, addressed to him at the address shown on the latest completed assessment rolls of the Town, or if mailed to the agent of said owner.

Sec. 26 No industrial or trade wastes containing more organic matter or having a strenght greater than domestic sanitary sewage, chemicals, acids or corrosive agents, animal, vegetable or mineral oils or grease, petroleum products, including among others gasoline, naptha, or any volatile or explosive material, or any foreign material liquid or solid either in concentrated form or diluted with water, which trade wastes or other materials may detrimentally affect the sewer or the operation of the sewage treatment plant, shall be discharged directly or indirectly into the house drain, the house sewer or the sewer except in accordance with the provisions of Section 29.

Sec. 27 Wherever the Superintendent finds that the materials specified in the previous section are about to or are finding their way into the sewer system, whether dam age has been caused or not, he shall require the owner of the premises in question to submit application for a special permit for transmittal with his comments, to the Board for whatever action said Board deems wise. Said application shall be supplemented by a written report giving complete and specific information as to any treatment facilities to be installed on the premises and the provisions to be made to prevent entrance of any materials not capable of removal by treatment processes. This report shall show the time to be allowed for such installation and the penalties to be imposed in case of failure to comply therewith. Said application shall be accompanied by a fee in advance to cover the costs of the necessary inspection; if treatment facilities are proposed, said fee to be based on an annual period or fractional portion thereof.

Sec. 28 For a treatment plant involving grease removal in emulsion or suspension, oils, vegetable or mineral and other petroleum products, or for the removal of mud and grit from automobile garages or washstands or stables, the fee which is hereby established, for a twelve (12) months period shall be Five Dollars. For a treatment plant involving industrial or trade wastes containing more organic matter in solution or suspension or having a strength greater than domestic sewage, the fee shall be determined by the Board, based on the recommendation of the Superintendent, depending upon the amount of material to be treated daily and the strenght of the untreated wastes. If the special permit is not granted the fee shall be returned to the applicant. The filing of an application or the granting of any special permit together with any limiting conditions, shall not be deemed to affect the rights of the Board to suspend sewer service at any time on ten (10) days notice in writing.

Sec. 29 The provisions of Section 28 of this ordinance shall not be deemed to apply on any premises where special sewer service contracts have been made with the Board.

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Sec. 30. Where, due to special or unusual conditions a house sewer connection cannot be constructed within the provisions of this ordinance, or where such ordinance does not exactly apply, the Superintendent shall, upon the receipt of an application for a house sewer connection under such conditions, submit a report and recommendation explaining all details of the case to the Board for its decision. Notice thereof shall be given to the applicant, who shall have the right to appear before said Board and consideration shall be given to the requests of the applicant.

Sec. 31 Nothing in the ordinance shall prevent an owner or his agent from appealing to the Board, on written notice to the Superintendent from any requirement or decision which in the opinion of the owner or agent is unfair to him or imposes upon him an unusual hardship.

Sec. 32 The Superintendent, or his duly authorized representatives shall, in the discharge of his duties and in the enforcement of these regulations, and for the purpose of inspection and reinspection, have the right to enter upon the properties and the building located in the district at a reasonable time, for the purpose of determining whether sewer or drain construction on such premises is in accordance with the requirements of this ordinance.

Sec. 33 PENALTIES. A violation of any ordinance, rule or regulation hereunder is hereby declared to be a misdemeanor and the offender shall be liable to prosecution for each violation and shall be sub ject to a fine of not to exceed One Hundred Dollars for each offense, or imprisonment of not more than six months or both, and shall also be liable to a civil penalty of One Hundred Dollars for each violation. In addition thereto, an action or proceeding may also be maintained in the name of the Town in a Court of competent jurisdiction to compel compliance with, or to restrain by injunction the violation of any such ordinance, rule or regulation, notwithstanding that the ordinance, rule or regulation may provide a penalty or punishment for such violation. All moneys recovered hereunder by the Town shall be credited to the operation and maintenance fund of the district. The Board may at any time in its discretion stop and prevent the discharge into the system of any substance deemed by it liable to injure the system or any pertinent part thereof or to interfere with the normal operation of the system or any pertinent part thereOf, and said Board may at any time, without notice and without liability, obligation or recourse sever the house sewer connection or drain from the system through which such detrimental substances are discharged. Upon proof of the abatement of the detrimental discharge or correction of the cause of such discharge, the Board may cause the disconnected house sewer or drain to be reconnected to the system, upon the receipt of a fee of $10.00 for such reconnection.

Sec. 34 CONSTRUCTION. If any clause, sentence, paragraph or part of this article shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph or part thereof, directly involved in the controversy in which such judgment shall have been rendered.

Sec. 35 This ordinance shall take effect immediately after compliance with law concernin the publication posting and/or service and public hearing as provided by law.

By Order of the Town Board of the Town of Clarkstown.

Seconded by Mr. Danko.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Danko, Jeffrey, Welchman, Coyle.

NAYES: None.

The Board signed the following order:

BEFORE THE TOWN BOARD OF CLARKSTOWN

ROCKLAND COUNTY

| | |
|---|---|
| In the Matter of the Petition for an Extension of the New City-West Nyack Water Supply District. | ORDER EXTENDING DISTRICT |

A petition in this matter for the extension of the New City-West Nyack Water Supply District of the Town of Clarkstown having been duly presented to the Town Board, and an order having been duly adopted by the Town Board on the29th day of November, 1956, for the hearing of all persons interested in the matter on the 14th day of August, 1958, at 10 P.M., Eastern Daylight Saving Time, at the office of the Town Clerk, 16 South Main Street, New City, New York, and a hearing by the said Board having been duly held at such time and place, and it having been duly resolved and determined following such hearing that the petition herein was signed and acknowledged

or proved aw required by law and otherwise sufficient, that all the property and property owners within the proposed extension were benefited thereby, that all property and property owners benefited were included within the limits of the proposed district, and that it was inpublic interest to grant in whole the relief sought, and it having been then and there, further dul y resolved that the crestion of such extension as proposed be approved; it is hereby

ORDERED, that the New City-West Nyack Water Supply District of the Town of Clarkstown be extended in the said Town of Clarkstown, Rockland County, New York, to include lands in the said Town described as follows:

BEGINNING at a Rockland County Monument set in the ground in the northerly line of New Hempstead Road where the same is intersected by the easterly line of land now or formerly of Kaufman; thence along the northerly line of New Hempstead Road South 79° 16' 09" East 197.74 feet to another Rockland County Monument; thence still along the northerly side of New Hempstead Road South 78° 00' 09" East 299.10 feet to another Rockland County Monument; thence North 71° 19' 51" East 35 feet to a point; thence South 71° 44' 09" East 86.50 feet to a point; thence North 19° 52' 15" East 30.18 feet to a point; thence South 78° 14' 33" East 108.37 feet to a point and land now or formerly of Murdock; thence along said Murdock's land North 07° 26' 49" East 241.36 feet to a point; thence still along Murdock's land South 82° 33' 11" East 230.00 feet to a point; thence still along said Murdock's land South 37° 33' 11" East 28.30 feet to a point in the westerly side of a proposed street to be known as Henry Street; thence along the westerly side of said proposed street North 7° 26' 49" East 90.02 feet to a point; thence South 52° 26' 49" West 28.30 feet to a point; thence North 82° 33' 11" West 142.99 feet to a point; thence 7° 26' 49" East 85 feet to a point; thence North 82° 33' 11" West 45.00 feet to a point; thence North 7° 26' 49" East 165 feet to a point; thence South 82° 33' 11" East 80 feet to a point; thence North 16° 49' 13" East 171.16 feet to a point; thence South 82° 27' 49" West 108.00 feet to a point; thence North 18° 57' 49" East 81.00 feet to a point; thence North 82° 27' 49" East 80.00 feet to the southwest corner of land now or formerly of Eggleston; thence along said Eggleston's land the following courses and distances: North 10° 05' 11" West 75.85 feet; South 82° 27' 49" West 85.00 feet; North 2° 27' 11" West 150.60 feet; North 82° 27' 49" East 70.00 feet; North10° 05' 11" West 84.84 feet to a point; thence, on a curve to the left having a radius of 150.00 feet a distance of 109.42 feet to a point; thence, North 32° 08' 49" East 111.51 feet to a point; thence, North 79° 58' 49" East, 14.00 feet to a point in the west line of Little Tor Road; thence, North 10° 05' 11" West 50.00 feet along the West line of Little Tor Road to a point; thence, South 79° 54' 49" West 36.14 feet to a point; thence, South 32° 08' 49" West 133.65 feet to a point; thence on a curve to the right having a radius of 100.00 feet a distance of 73.82 feet to a point; thence North 4° 47' 40" West 766.32 feet to a point in land of B. W. Oatley and Co.; thence along land of said B. W. Oatley and Co. North 75° 42' 00" West 345.44 feet to a monument and land now or formerly of Kaufman; thence along said Kaufman's land South 14° 57' 16" West 1917.57 feet to the point or place of beginning.

Dated: August 14, 1958

S/ John W. Coyle

S/ Joseph Welchman

S/ Stephen Danko

S/ John H. Renken, Jr.

S/ Alastair Jeffrey

Members of the Town Board of the Town of Clarkstown
County of Rockland, New York.

Councilman Welchman reported that it has been arranged to have all Town insurance policies fall due July 1st. He further reported that additional coverage has been arranged due to inventory and that there has also been included property damage from blasting. Mr. Welchman added that the only thing not covered at present is liability insurance on roads.

On motion made by Mr. Danko, seconded by Mr. Renken and unanimously carried, the meeting was adjounred.

Signed,

Mildred F. Magai,
Town Clerk.

HAA 918

PUBLIC HEARING

Aug. 14, 1958.

Town Clerk's Office 8:30 PM

Present: Messrs. Coyle,
Renken,
Danko,
Jeffrey,
Welchman.

Supervisor Coyle called the hearing to order.

The Clerk read notice of hearing to consider the application of Joseph Biron for a zoning change by redistricting property on the east side of West Clarkstown Road from an SC and RA-1X to an R-1 district.

Paul J. LeVine of 14 North Main Street, Spring Valley appeared for the petitioner with authorization from Joseph Biron to act as attorney and agent in connection with the proceeding.

Upon questioning by Town Attorney Everett J. Johns, Mr. LeVine testified as follows:

Q: Who is the owner of the property?

A: Joseph Biron.

Q: It comprises 27.556 acres?

A: Yes sir.

Q: Where is this property located?

A: On the easterly side and northerly side of West Clarkstown Road.

Q: Is this property adjoining a parcel recently rezoned?

A: Yes. It is next to the parcel owned by Ellen Springer.

Q: Is this presently in an RA-1X and SC zone?

A: Yes. That is correct. It is partly in an RA-1X and partly in an SC zone.

Q: Where are utilities in connection with this, that is water and gas?

A: Gas is already in and water is available.

Q: In what school district is it?

A: In School District R-13, formerly R-7, in Clarkstown. Children go to Ramapo Central School District No. 2.

Q: Would you consider SC less desirable than R-1?

A: There is no question about it. It is a more restrictive type of zoning and if in an R-1 zone it would avoid more density because SC will allow bungalows and buildings on much smaller lot sizes.

Supervisor Coyle then asked Mr. LeVine the following question:

Q: Do you feel this would be in accord with the present zoning plan of the Town in arriving at a better neighborhood throughout?

A: There is no question about that.

Supervisor Coyle then asked if anyone present desired to be heard in favor or opposition to the granting of the zoning change. No one appeared.

On motion made by Mr. Danko, seconded by Mr. Welchman and unanimously carried, the hearing was closed and decision reserved.

Signed,

Mildred F. Magai,
Town Clerk.

PUBLIC HEARING

AUG. 14, 1958

Town Clerk's Office 9:00 PM

Present: Messrs. Coyle, Jeffrey,
Renken Welchman.
Denko

Supervisor Coyle called the hearing to order.

The Clerk read notice of hearing to consider the application of William B. Howell and Catherine D. Howell for a zoning change by redistricting property on the east side of Route 304, New City, from an RA-1 to a C-1 district.

Supervisor Coyle read a letter from the Planning Board dated Aug. 11, 1958 recommending favorable consideration of the application.

Stephen G. Doig, Esq. appeared on behalf of the petitioners and stated that the property sought to be rezoned was a very logical parcel for a change to business as it directly adjoined on the north the premises of the First National Store and at its southerly boundary was a large parking area for the First National Store. He stated the property was only 125 wide and that the use, although not specifically set yet, would be in keeping with the neighborhood.

Upon questioning by the Town Attorney, Everett J. Johns, Mr. Doig testified as follows:

Q: You said the property is located just north of the New City Shopping Center and store known as The First National on the east side of Route 304. What property bounds this property to the north?

A: I think it is the property of Kupfer.

Q: What we know as Squadron A Farm?

A: You might say that although this is only a vacant lot which belongs to Mr. Kupfer. It was the old Squadron A Farm.

Q: Do you believe this is a further development of a commercial area?

A: I would say this - this Town needs further commercial property in order to decrease the tax load and when someone comes in and asks that their property be further burdened by taxes the petition should be granted. It is only 125 feet wide and directly adjoining the business area.

Q: There is an existing dwelling on there, is there not Mr. Doig?

A: I have a picture of it which shows it as the old Doc Wilson Club, Inc.

Councilman Renken then asked how many acres were involved and Mr. Doig stated there was no more than 1 acre - about 125 feet in front and about the same to the rear.

Supervisor Coyle then asked the following question, which was answered by Mr. Doig:

Q: Do you feel this change would fit in with the general plan of Town zoning in Clarkstown and there will be no question in your mind of the health and happiness of the people in the area?

A: None whatsoever.

Supervisor Coyle asked if anytone present wished to be heard in favor or in opposition to the granting of the zoning change. No one appeared.

On motion made by Mr. Welchman, seconded by Mr. Jeffrey, and unanimously carried, the hearing was closed and decision reserved.

Signed,

Mildred F. Magai,
Town Clerk.

PUBLIC HEARING

AUG. 14, 19 58

Town Clerk's Office 9:30 PM

Present: Messrs. Coyle,
Renken,
Danko
Jeffrey,
Welchman.

Supervisor Coyle called the hearing to order.

The Clerk read notice of hearing to consider a proposed ordinance with respect to Rules and Regulations governing maintenance and use of the sewer system of all sewer districts in the Town of Clarkstown.

Town Attorney Everett J. Johns explained to those present the reason for consideration of such an ordinance and asked the Building Inspector if he concurred. The Building Inspector was in full accord.

Supervisor Coyle inquired whether anyone present wished to speak in favor of or opposition to the adoption of a sewer ordince. No one appeared.

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8/14/58

On motion made by Mr. Renken, seconded by Mr. Danko and unanimously carried, the hearing was closed and the Sew Ordinance adopted as presented.

Signed,

Mildred F. Magai,
Town Clerk.

PUBLIC HEARING

AUG. 14, 1958

Town Clerk's Office 10:00 PM

Present: Messrs. Coyle,
Renken,
Danko,
Jeffrey,
Welchman.

Supervisor Coyle called the hearing to order.

The Clerk read notice of hearing to consider petition of Ralph A. Lombardi and Margaret Mann for the extension of the New City-west Nyack Water Supply District (Selah Acres).

After being sworn by Supervisor Coyle, upon questioning by Town Attorney Johns, Mr. Ralph A. Lombardi testified as follows:

Q: Do you recognize the signatures placed on this petition by yourself and Margaret Mann?

A: I Do.

Q: Are you and Margaret Mann the owners of over 50% of the assessed valuation of this proposed extension?

A: Mrs. Mann owns one dwelling and I own the balance.

Q: Your answer is that between you you own 100%.

A: Right.

Q: Will this extension benefit all the property owners within the proposed district?

A: Yes.

Q: Are all property owners who will be benefited from this proposed extension included within the limits of the proposed district or extension?

A: Yes.

Q: Do you believe it is in the public interest to grant in whole or in part the proposed extension?

A: Yes.

Q: In what way will this proposed extension benefit the property owners involved?

A: Fire protection.

Q: What else? Will it provide fire protection for the safety and wellbeing of property and lives and reduce fire insurance rates?

A: Yes.

Q: In case the Board is not familiar with the area, will you describe the premises?

A: It is on the northerly side of New Hempstead Road almost to Little Tor Road and the houses behind Little Tor Road.

Q: It is not presently adjacent to any water district, is it?

A: No.

Supervisor Coyle asked Mr. Lombardi if he and Mr. John Koop had made an attempt to get people who owned areas in between to join in the extension and Mr. Lombardi stated they had but were unsuccessful.

Supervisor Coyle then asked Mr. Limbardi if he had done anything to prevent anyone in between being included in the proposed extension and he stated he hadnot and that he had run pipe all the way from Radcliff Estates.

The Supervisor asked if anyone present wished to speak in favor of or oppostion to the extension. No one appeared.

On motion made by Mr. Danko, seconded by Mr. Renken and unanimously carried, the hearing was closed and decision reserved.

Signed,

Mildred F. Magai,
Town Clerk.

PUBLIC HEARING

SEPT. 11, 1958

Town Clerk's Office 8:30 PM

Present: Mrssrs. Coyle
Renken
Danko
Jeffrey

Absent
Absent: Welchman

Supervisor Coyle called the hearing to order.

The Deputy Town Clerk read notice of hearing to consider the Petition of residents of Oakbrook and Nanuet Knolls for the extension of the NANUET WATER SUPPLY DISTRICT #1.

Morton B. Silberman, Esq., appeared for the petitioners.

Supervisor Coyle swore in Michael Primak, who in turn answered questions of Mr. Silberman.

Q. Will you state your name and address?

A. Michael Primak, 2 Cooper Drive, Nanuet, N. Y.

Q. You are associated with the Oakbrook Community Association, what is your office in that association?

A. I am the President of the Oakbrook Community Association.

Q. Did you sign this petition?

A. Yes, I did.

Q. Will this extension benefit all the property owners within the proposed district?

A. It will.

Q. Are all the property owners who will benefit from this proposed extension included within the limits of the proposed district or extension?

A. Yes.

Q. Do you believe it is in the public interest to grant in whole or in part the proposed extension?

A. Yes.

Q. In what way will this proposed extension benefit the property owners involved?

A. It will provide fire protection for the safety and well-being of property owners, it will provide water service and reduce the fire insurance rates.

Mr. Ernest Luther, 15 Henry Place, Nanuet was the next witness.

Q. Mr. Luther, you have heard the questions and answers given. If you were asked the same, would you concur?

A. Yes.

Q. Mr. B. Blank, 30 Smith Road, Nanuet and Mr. Samuel Hooper, 229 Middletown Road, Nanuet also stated that they were in favor of the petition.

Mr. Maxwell S. Hefter of No. Middletown Road, Nanuet appeared before the Board stating that he was not against the petition but wondered if the description of the proposed district could be changed to include all of his property instead of having just part of it in the district. He showed the Board a survey of his property describing his request.

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Mr. Johns, Town Attorney, asked Dr. Hefter if he had signed the petition. Dr. Hefter said he did not.

Mr. Johns explained that the Board could alter the district.

The attorney for the Petitioners and the Town Board consented to Dr. Hefter and his wife signing the petition and providing a new description to Mr. Silberman.

Supervisor Coyle explained that Dr. Hefters signing the petition could in no way delay the installation of mains. Mr. Coyle further advised that no hydrants would be installed until after January 1, 1960.

Mr. Renken moved that the hearing be closed.

Seconded by Mr. Jeffrey.

The vote of the Board was as follows:

AYES: Messrs. Renken, Danko, Jeffrey, Coyle.

Signed,

Charles R. Adams, Jr.

TOWN BOARD MEETING

Town Clerk's Office SEPT. 11, 1958 8:00 PM

PRESENT: Messrs. Coyle, Renken, Denko, Jeffrey

ABSENT: Mr. Welchman

Supervisor Coyle called the meeting to order.

On motion made by Mr. Danko, seconded by Mr. Jeffrey and unanimously carried, the minutes of the regular meeting and public hearings held on August 14th were approved and accepted.

Mrs. Edna Rose of Conger Ave., Congers appeared before the Board in connection with water running over herproperty. Mrs. Rose contends that water did not flow across her property, until culverts were installed by the Highway Dept. She stated to the Board that she would provide an easement if the Town installed pipe. Mrs. Rose left with the Board a sketch showing this drainage problem.

The matter was referred to the Supt. of Highways and Engineer.

Mr. Donald Partridge, Esq., appeared before the Board stating that the Board had denied the right of the people to vote on whether or not they wanted to build a Town Hall and where they wanted to build it. He asked why a public hearing had not been held on this question.

Mr. Coyle explained that the Town had complied with the Town Law in publishing and posting the adoption of a resolution regarding the bond issue for the construction of