

TOWN BOARD MEETING

Town Hall

Jan. 23, 1961

8:00 P.M.

Present: Messrs. Danko, Frohling, Welchman, Mundt.

Absent: Mr. Northrup

Supervisor Mundt called the meeting to order.

On motion made by Mr. Danko, seconded by Mr. Frohling and unanimously carried, the minutes of meetings of Dec. 12th, 19th, 28th and January 9th, also Public Hearing of December 12th, 19th and January 9th were approved and accepted.

Mr. Frohling moved the following resolution:

WHEREAS, a Maintenance Bond in the amount of \$1,267.50 has been filed for Henry St., New City, N.Y.,

NOW THEREFORE, BE IT RESOLVED, that the Supervisor be authorized to return Cash Performance Bond in the amount of \$5,800.00 to John Koop, said amount deposited for construction of Henry Street, New City.

Seconded by Mr. Danko.

On roll call the vote was as follows:

AYES: Messrs. Danko, Frohling, Welchman, Mundt.

NOES: None.

Mr. Welchman moved the following resolution:

RESOLVED, that the Supervisor be authorized to return cash bond in the amount of \$380. to Pinebrook, Inc., said amount deposited for the placing of lot corner markers and monuments.

Seconded by Mr. Danko.

On roll call the vote was as follows:

AYES: Messrs. Danko, Frohling, Welchman, Mundt.

NOES: None.

Supervisor Mundt read a letter from Edward G. Roepe, Esq., attorney for Tomba Corp., requesting that petition of the Tomba Corp. be withdrawn.

SSupervisor Mundt read a letter from Edward G. Roepe, Esq., attorney for Green Valley Manor, Inc. requesting the Board to withhold a final determination on their zoning application.

Anthony D'Antoni appeared before the Board requesting that in the event of a referendum cannot be held on County Parks, an evening Public Hearing would be held by the Board of Supervisors. Mr. D'Antoni also read a statement from the Clarkstown's Citizens' Committee for better housing regarding Comptroller's opinion #60-216. Letter was filed with the Clerk.

Supervisor Mundt read a letter from Rockland County Home Builder Association regarding Multiple Dwellings.

Mr. Danko moved the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 14th day of Nov. 1960, provided for a public hearing on the 12th day of Dec. 1960 at 9:00 P.M. E.S.T., to consider amendments and additions to the Building Zone Ordinance of the Town of Clarkstown, 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 as follows:

AMENDMENTS TO THE ZONING ORDINANCE OF THE TOWN OF CLARKSTOWN, DATED SEPTEMBER 13, 1955, AND AS AMENDED.

NOTE: Additions indicated by underline and deletions by ((double parentheses)).

By amending Sec. 1.26 of Art. 1, by adding a paragraph following the definition of "accessory" to read as follows:

Attic: the portion of a building between the top of uppermost floor construction and the underside of the roof construction. An attic accessible by fixed or movable stair shall be considered a story unless maintained unfurnished and without human occupancy.

By amending the definition of "Basement" to read as follows:

Basement. A portion of a building that is partly underground which has more than one half of its interior height measured from floor to finished ceiling above the average furnished grade of the ground adjoining the building, and shall be counted as a story in determining the number of stories of the building.

By amending the definition of "Cellar" to read as follows:

Cellar: The portion of the building having more than one half of its interior height below the average level of the adjoining ground, which shall not be habitable, and shall not be counted as a story in computing the number of stories of the building.

By adding a paragraph following the definition of "Sign Wall Area" to read as follows:

Story: The enclosed habitable portion of a building included between the surface of any floor and the surface of any floor next above it, or if there is no floor above it, the space between such floor and the ceiling next above it.

By amending Section 3.11 (Table of General Use Regulations) by making the following changes to read as follows:

Column 2 (Uses by Right)

- R-2 1. Same as RA. 2. Conversion of a single-family detached residence into not more than 3 dwelling units. 3. Two-family residences. 4. Multi-family residences.

- C-2 1. Same as C-1, except all residences other than Tourist Homes.

Column 3 (Special Permit Uses)

- RA-1(X) 1. Same as RA. 2. Residences conforming with regulations for R-22 set forth in Groups I, J, ((and K)) of Bulk Table, and as provided in Section 4.32(F). If such residences are in a subdivision plat, such special permit shall be granted only by the Town Board after public hearing on such plat by the Planning Board and at consideration of the recommendations thereon by the Planning Board.

- R-1 1. Same as RA. 2. Conversions of a single-family detached residence into not more than 3 dwelling units. 3. Two-family residences. ((4. Multi-family residences on lots of 5 acres or more.)) 5. Tourist homes, having lot frontage on a street with street classification A, B, or C and with not more than 5 rooms for rent.

- R-1(X) 1. Same as R-1. 2. Residences except Multi-family conforming with regulations for R-2 set forth in Groups M, N, and O of the Bulk Table, and as provided in Section 4.32(g). If such residences are

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in a subdivision plat such special permit shall be granted only by the Town Board after public hearing on such plat by the Planning Board and its consideration of the recommendations thereon by the Planning Board.

- R-2 1. Same as R-1
- 2. Boarding or rooming houses.
- 3. Tourist homes.

Column 8 (Additional Use Regulations)

- R-2 1. Same as RA.
- 2. Requirements for multi-family residences see Section 6.36 (Drainage and Surfacing).
- 3. Where appropriate and reasonable, adequate site improvements shall be required accessory to multi-family residences providing for recreational facilities appropriate to the needs of the occupants, and provision for an attractive setting by proper landscaping, preservation and provision of trees, shrubs, and sodding of grass area.
- 4. Laundry drying yards, where provided, shall consist of 25 sq. ft. of paved area per dwelling unit and shall be screened in conformity with definition of Clarkstown Zoning Ordinance. Drying yards may be omitted, if suitable indoor laundry washing and drying equipment is provided to adequately serve needs of all dwelling units.
- 5. Facilities for refuse disposal must be provided for all dwelling units. Central collection areas shall be maintained and conveniently located for all groups of units. The collection areas shall be properly screened as defined by Clarkstown Zoning Ordinance and supplied with all covered receptacles required for tenant use.

By amending Sec. 3.12 (Table of General Bulk Regulations) of Article 3 by deleting from R-1 and R-1(X), Group K in Columns 2 through 11, and

by further amending Sec. 3.12 (Table of General Bulk Regulations) of Article 3 by changing R-2, Group O, to read as follows:

Group O	(Minimum Floor Area Ratio)
Column 4	((0.30)) <u>maximum lot coverage .25</u>
0.50	(minimum Lot Area)
Column 5	
	<u>2500</u> ((4,000)) per dwelling unit.
Column 8	(Required Side Yard Width)
	<u>15</u> ((10)) (see note No. 10)
Column 9	(Total Width Both Required Side Yards)
	<u>50</u> ((30))
Column 11	(Maximum Building Height)
1' 4"	<u>(but not more than two stories)</u>

By amending Section 4.32(f) of Art. 4 by deletion to read as follows:

Residences (in RA-1(X) conforming with regulations for R-1 set forth in Groups I, J, ((or K)) of the Bulk Table by the Planning Bd.

By amending Sec. 5.151 of Art. 5 by changes to read as follows:

Sec. 5.151. Maximum Length of Buildings. Any ((no)) residential building for row-type and multi-family uses which is within 100 ft. of a front lot line at any point shall not occupy more ((than 100 ft. of)) lot width than the distance the building is set back from the front lot line measured at a uniform distance from and parallel to the front lot line. Single-family attached structures shall be limited in length to 100 ft., or 4 units, whichever is the lesser.

By amending Sec. 5.224 of Art. 5 by additions to read as follows:

Section 5.224. Off-street Parking Space.

Open accessory off-street parking spaces are permitted in required front yards, except when required for multi-family residences, and no off street parking space shall be located given to traffic safety and the effect on nearby property.

By amending Sec. 5.12 of Art. 5 with additions to read as follows:

5.12. Lots divided by District Boundary.

If any lot capable of subdivision is divided by a district boundary, the part of such lot - by the other bulk regulations. If any lot incapable of subdivision is divided by a district boundary the more restrictive regulations shall control.

By amending Sec. 6.36 or Art. 6, by adding the following paragraph, to read as follows:

6.36. Drainage and Surfacing.

Open parking areas, including accessways and driveways from streets accessory to multi-family uses, shall be paved with a hard top surface upon a suitable subgrade and of highway materials which have been proven satisfactory within the Town. The base shall be properly drained, and suitably constructed to support the contemplated traffic load.

Dated: 2/21/61

CHARLES J. BLAUVELT,
TOWN CLERK
TOWN OF CLARKSTOWN

CLIFFORD J. FREUND,
TOWN ATTORNEY
Town of Clarkstown
10 Maple Avenue,
New City, New York

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Seconded by Mr. Frohling.

On roll call the vote was as follows:

AYES: Messrs. Danko, Frohling, Northrup, Welchman, Mundt.
NOES: None.

Mr. Welchman moved the following resolution:

WHEREAS, the TownBoard of the Town of Clarkstown, by resolution duly adopted on the 8th day of August, 1960, provided for a public hearing on the 29th day of August, 1960 at 8:30 P.M., E.D.S.T. Time, to consider the application of LENOR LAND CORP. & NORMAN RAUCH to amend the Building Zone Ordinance of the Town of Clarkstown by redistricting the property of the said petitioner from an R-1 dist. 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 from an R-1 district to a C-1 district, the following described property in the Hamlet of Nanuet, New York in said Town and is described as follows:

(See description in folder.)

Seconded by Mr. Danko

All voted yes.

Mr. Frohling moved the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 28th day of Nov. 1960, provided for a public hearing on the 12th day of Dec. 1960 at 10:00 P.M., E.S.T. to consider the application of ERNEST CAPETTA & ALFRED INFANTE to amend the Building Zone Ordinance of the Town of Clarkstown by redistricting the property of the said petitioner from an RA-1(X) district to an R-22 district;

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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, and

WHEREAS, the Town Board of the Town of Clarkstown is agreeable to the approval of such application containing a restriction that no more than 10 residential building permits be issued during the calendar years 1961, 1962 and 1963, and 9 such building permits during the calendar year 1964 provided Ernest Cappetta and Alfred Infante as the owners of said real property execute and deliver to the Town of Clarkstown an approved declaration containing appropriate restrictions.

Upon motion duly made and seconded the following resolution was unanimously adopted:

RESOLVED, that the Town Board of the Town of Clarkstown does hereby approve said petition dated the 27th day of Sept., 1960 for an amendment of the building and zoning ordinance of the Town of Clarkstown by redistricting the property therein described from an RA-1(X) district to an R-22 district. Such approval to take effect upon execution and delivery to the Town of Clarkstown by Ernest Cappetta and Alfred Infante in proper form for recording the original declaration, a copy of which is hereto annexed.

Mr. Danko moved the following resolution:

RESOLVED, that the application of SAMUEL EIDELBERG & ANNA EIDELBERG, for a change of zoning from an R-1 district to a C-1 district, on property located on the west side of Route 304 approximately 1000 feet south of intersection of Collyer Ave., New City, N. Y. be referred to the Planning Board for report pursuant to the provisions of 8.51, 8.52 and 8.522 of the Clarkstown Building Zone Ordinance, and also to the Rockland County Planning Board pursuant to Sections 239L and 239M of the General Municipal Law.

Seconded by Mr. Frohling.

All voted yes.

Mr. Welchman moved the following resolution:

RESOLVED, that the application of BANNER HOLDING CORP., for a change of zoning from an M-1, R-0, R-1 and RA-1(X) district to a C-2 dist., excluding portion now zoned C-2, on property located on s/side of Route 59, Nanuet, N. Y., be referred to the Planning Board for report pursuant to the provisions of 8.51, 8.52 and 8.522 of the Clarkstown Building Zone Ordinance, and also to the Rockland County Planning Board pursuant to Sections 239L and 239M of the General Municipal Law.

Seconded by Mr. Danko.

All voted yes.

Mr. Frohling moved the following resolution:

RESOLVED, that the application of GUTERL CONSTRUCTION CORP., for a change of zoning from an RA-1(X) district to an R-1 district, on property located on the w/side of Grandview Ave., in the Hamlet of Nanuet, Town of Clarkstown be referred to the Planning Board for report pursuant to the provisions of 8.51, 8.52 and 8.522 of the Clarkstown Building Zone Ordinance, and also to the Rockland County Planning Board pursuant to Secs. 239L and 239M of the General Municipal Law.

Seconded by Mr. Danko.

All voted yes.

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Mr. Danko moved the following resolution:

RESOLVED, that \$300. be transferred from Current Surplus to Town Attorney's Account, said amount to settle claim Moses vs Town of Clarkstown.

Seconded by Mr. Welchman.

On roll call the vote was as follows:

AYES: Messrs. Danko, Frohling, Northrup, Welchman, Mundt.

NOES: None.

Mr. Welchman moved the following resolution:

WHEREAS, an emergency exists due to recent snow storms and some equipment has been rendered unusable, be it

RESOLVED, that the Supt. of Highways be authorized to purchase two (2) FWD dump trucks with plow attachments at a total cost of \$28,524.00, and

FURTHER RESOLVED, that the Town Attorney prepare appropriate resolution authorizing issuance of Bond Anticipation Note.

Seconded by Mr. Danko.

All voted yes.

The Town Board signed the following Order:

In the matter of petition for an Extension of the East Spring Valley Light District to include WOOD KNOLLS in the Town of Clarkstown, Rockland County, New York:

WHEREAS, a written petition, dated Nov. 18, 1960 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 East Spring Valley Light Dist. to include WOOD KNOLLS in the said Town, to be bounded and described as follows:

BEING all of the premises shown and described on a certain subdivision plan entitled "Subdivision of property of Wood Knolls, Town of Clarkstown, N.Y.", dated November 7th, 1958, revised November 28, 1958, made by Robert Jost, Rockland Bergen Surveyors, filed in the office of the Clerk of Rockland County on April 28th, 1960 in Book 61 of Maps at Page 52 as Map #2767.

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown shall be held at the Board Room of the Town Hall of the Town of Clarkstown at 10 Maple Avenue, New City, Rockland County, New York, in said Town of Clarkstown, on the 27th day of March, 1961, at 8:15 P.M. E.S.T., to consider the said petition 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.

Signed: Paul F. Mundt, Supervisor
Joseph Welchman, Councilman
Stephen Danko, Councilman
Philip J. Frohling, Jr., Councilman
Jay D. Northrup (Not present)

The Town Board signed the following Order

In the matter of petition for an extension of the New City-West Nyack Water Supply Dist. to include WOOD KNOLLS in the Town of Clarkstown, Rockland Co., N.Y.

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WHEREAS, a written petition, dated Nov. 18th, 1960 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 New City-West Nyack Water Supply Dist. to include WOOD KNOLLS in the said Town, to be bounded and described as follows:

BEING all of the premises shown and described on a certain subdivision plan entitled "Subdivision of property of WOOD KNOLLS, Town of Clarkstown, N.Y.", dated November 7th, 1958, revised Nov. 28, 1958, made by Robert Jost, Rockland Bergen Surveyors, filed in the office of the Clerk of Rockland County, on Apr. 28th, 1960 in Book 61 of Maps at Page 52 as Map #2767.

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown shall be held at the Board Room of the Town Hall of the Town of Clarkstown at 10 Maple Ave., New City, Rockland Co., New York, in said Town of Clarkstown, on the 27th day of March, 1961, at 8:45 P.M., E.S.T. to consider the said petition 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.

Signed: Paul F. Mundt, Supervisor,
Joseph Welchman, Councilman,
Stephen Danko, Councilman
Philip J. Frohling, Jr., Councilman,
Jay D. Northrup, Councilman (Absent)

Supervisor Mundt read a letter from Milton B. Shapiro, Esq., attorney for Elles Realty Corp concerning their zoning application.

The matter was referred to the Building Inspector for study and to report to the Board at the next regular meeting.

Chief of Police, Ernest F. Wiebicke appeared before the Board requesting that a letter be sent to the New York State Traffic Commission regarding "No Parking" on both sides of Main St., New City in front of St. Augustine's R.C. Church, from Third Street to the north side of the Church driveway. He also requested "No Parking" on Third St. from Maple Avenue to Main St.

The Board suggested that Chief Wiebicke get measurements and give them to the Clerk to include in the request to the Traffic Commission.

Mr. Frohling moved the following resolution:

RESOLVED, that "No Parking" signs be erected on Third St., from Maple Avenue to Main St., both sides of street, and be it

FURTHER RESOLVED, that the Superintendent of Highways be instructed to erect said signs.

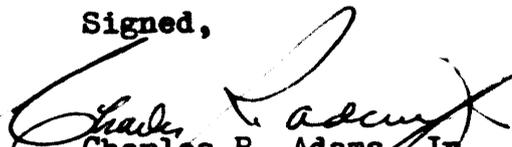
Seconded by Mr. Danko.

All voted yes.

Monthly reports of Supervisor and Town Clerk were accepted and placed on file.

On motion made by Mr. Danko, seconded by Mr. Frohling and unanimously carried, the meeting was adjourned.

Signed,


Charles R. Adams, Jr.,
Deputy Town Clerk