

STBM - 1/29/62

RESOLVED, that William Mayo, Congers, N.Y. be appointed Dog Enumerator effective immediately.

Seconded by Mr. Northrup.

All voted yes.

Mr. Welchman moved the following resolution:

RESOLVED, that the provisions of subdivision 10-a of Section 29 of the Town Law shall apply. (Section 10-a provides that the Supervisor has up to sixty days after Dec. 21, 1961 to file with the Town Board a copy of the report required to be filed with the State Comptroller.

Seconded by Mr. Danko.

All voted yes.

On resolution by Mr. Frohling, seconded by Mr. Danko, and unanimously adopted, Special Town Board Meeting was adjourned.

Signed,


ANNE E. O'CONNOR
TOWN CLERK

TOWN BOARD MEETING

Town Hall

2/5/62

8:00 P.M.

Present: Messrs. Frohling, Danko, Northrup, Welchman, Mundt.
Dep. Town Atty. Mr. Walber

Sup. Mundt called meeting to order at 8:00 P.M.

Minutes of Spec. Town Board Meeting held on Ja. 29, 1962, were approved and accepted by Town Board.

The Town Board signed Order setting hearing date for the Extension of the New City, West Nyack Water Supply Dist. to include The Plains, New City for 3/12/62

Town Board Meeting was adjourned at 8:15 PM for scheduled Public Hearings.

ORDER

WHEREAS, a written petition, dated Sept. 6, 1961, 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 District of The Plains, New City, in the said Town, to be bounded and described

(SCHEDULE A)

Beginning at the point of intersection of the easterly line of Tucker Ave., and the southerly line of the existing New City-West Nyack Water Supply District, said point being distant southerly 500 ft. measured at right angles from the centerline of the Third Street; thence (1) running easterly along the southerly line of the existing New City-West Nyack Water Supply District about 2,300 ft. to a point on the easterly line of the existing New City-West Nyack Water Supply District; thence (2) running northerly along the easterly line of the existing New City-West Nyack Water Supply District about 80' to a point on the northerly line of lands known as "The Plains", as shown on a Sub-division Map entitled "Revised Map of the Plains, New City, Town of Clarkstown, Rockland County, New York, Scale 1"-100', Nov. 24, 1959, Barbour & Jost, Surveyors, New City, New York, Edw. Barbour Lic. #11161" filed in the Rockland

BBG973

County Clerk's Office December 23, 1959, in Book 61, page 24 as Map No. 2739; thence (3) running north $79^{\circ}52'02''$ east along the northerly line of "The Plains" about 730' to a point on the easterly line of "The Plains"; thence (4) running south $15^{\circ}07'05''$ east along the easterly line of The Plains 312.24' to a point; thence (5) running south $79^{\circ}19'42''$ west along the southerly line of The Plains 401.26 ft. to a point; thence (6) running south $04^{\circ}00'18''$ east along the easterly line of "The Plains" 823.61' to a point; thence (7) running south $82^{\circ}44'20''$ west along the southerly line of "The Plains" 591.97' to a point; thence (8) running south $80^{\circ}06'08''$ west along the southerly line of "The Plains" 424.77' to its point of intersection with the easterly line of Lot 11, Map 76A as shown on the "Tax Map, Town of Clarkstown, Scale 1"-200', dated January 1958 and revised October 1959; thence (9) running South $79^{\circ}18'47''$ west along the southerly line of Lot 11, Map 76A 450.29' to its point of intersection with the southerly line of "The Plains"; thence (10) running south $80^{\circ}32'45''$ west along the southerly line of "The Plains" 221.05' to a point; thence (11) running south $80^{\circ}55'20''$ west 223.46' to a point; thence (12) running north $01^{\circ}25'52''$ east along the westerly line of "The Plains" about 1,048' to a point on the southerly line of lands shown on "Sub-division Map" entitled "Subdivision of Property of Matilda Frazier, Henry K. and John H. Schriever, Town of Clarkstown, New City, New York, Rockland County, Scale 1"-60'. Sept. 24, 1959, Barbour & Jost Surveyors, New City, New York, Edw. Barbour Lic. #11161"; thence (13) running north $88^{\circ}54'41''$ west along the southerly line of lands as shown on the above mentioned "Sub-division Map" 932.89' to a point on the easterly line of Tucker Avenue; thence (14) running northerly along the easterly line of Tucker Avenue about 355 ft. to the point or place of beginning/

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 the said Town of Clarkstown on the 12th day of March, 1962, at 8:15 P.M. Eastern Standard Time, 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 the said Town Board with relation to the said petition as may be required by law or proper in the premises.

Dated: February 5, 1962.

S/ _____
Paul F. Mundt, Supervisor

S/ _____
Philip J. Frohling, Jr., Councilman

S/ _____
Jay D. Northrup, Councilman

S/ _____
Stephen Danko, Councilman

S/ _____
Joseph Welchman, Councilman

TBM - 2/5/62

Regular Town Board Meeting was reconvened at 11:00 P.M.

Mr. Frohling moved the following resolution:

WHEREAS, Henry Pileggi, Carl Scaioppo & Rose Friedman has petitioned the Town Board of the Town of Clarkstown that the Building Zone Ordinance of the said Town be amended by redistricting property of the said petitioned described, from C-2 and R-1 district to a M-1 district;

BE IT RESOLVED, that a Public Hearing pursuant to Sections 264 and 265 of the Town Law be had at the Board Room of the Town Hall of the Town of Clarkstown, at 10 Maple Ave., New City, Rockland County, New York, in the said Town of Clarkstown, on the 26th day of February, 1962 at 8:30 P.M., Eastern Standard Time, relative to such proposed amendment, and it is

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the Journal-News a paper of general circulation in the Town of Clarkstown, as aforesaid and file proof thereof in the office of the Said Clerk.

Seconded by Mr. Danko.

All voted yes.

Mr. Danko moved the following resolution:

WHEREAS, Bardonia Acres, Inc. has petitioned the Town Board of the Town of Clarkstown that the Building Zone Ordinance of the said Town be amended by redistricting property of the said petitioner described, from RA-1 district to a R-22 district;

BE IT RESOLVED, that a Public Hearing pursuant to Sections 264 and 265 of the Town Law be had at the Board Room of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the said Town of Clarkstown, on the 26th day of February, 1962, at 8:45 P.M. Eastern Standard Time relative to such proposed amendment, and it is

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the Journal-News a paper of general circulation in the Town of Clarkstown, as aforesaid and file proof thereof in the office of the said Clerk.

Seconded by Mr. Northrup.

All voted yes.

Mr. Northrup moved the following resolution:

WHEREAS, Ira Selvin & Tobias Scher have petitioned the Town Board of the Town of Clarkstown that the Building Zone Ordinance of the said Town be amended by redistricting property of the said petitioner described, from RA-1 district to a R-22 district;

BE IT RESOLVED, that a Public Hearing pursuant to Sections 264 and 265 of the Town Law be had at the Board Room of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York in the said Town of Clarkstown on the 26th day of February, 1962, at 9:00 P.M., Eastern Standard Time, relative to such proposed amendment, and it is

BBG973

FURTHER RESOLVED, that the Town Attorney prepare Notice of such statutory hearing and that the Town Clerk cause the same to be published in the Journal-News, a paper of General Circulation in the Town of Clarkstown, as aforesaid and file proof thereof in the office of the said Clerk.

Seconded by Mr. Welchman.

All voted yes.

Mr. Welchman moved the following resolution:

WHEREAS, Ira Selvin and Tobias Scher have petitioned the Town Board of the Town of Clarkstown for a SPECIAL PERMIT pursuant to Section 3.41 Table of General Use Regulations, and Sections 4.31 and 4.32F to permit the erection of residences in an RA-1(X) district under the requirements of an R-22 district,

BE IT RESOLVED, that a public hearing, pursuant to Sections 264 and 265 of the Town Law be had at the Board Room of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the said Town of Clarkstown, on the 26th day of February, 1962, at 9:15 P.M. Eastern Standard Time, relative to such proposed Special Permit, and it is

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the Journal News, a paper of general circulation in the Town of Clarkstown, as aforesaid.

Seconded by Mr. Frohling.

All voted yes.

Mr. Danko moved the following resolution:

WHEREAS, Samuel Olin has petitioned the Town Board of the Town of Clarkstown that the Building Zone Ordinance of the said Town be amended by redistricting property of the said petitioner described, from R-0 district to a R-2 district;

BE IT RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be had at the Board Room of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the said Town of Clarkstown on the 26th day of February 1962, at 9:30 P.M., Eastern Standard Time, relative to such proposed amendment; and it is

FURTHER RESOLVED, that the Town Attorney prepare Notice of such statutory hearing and that the Town Clerk cause the same to be published in the Journal-News a paper of general circulation in the Town of Clarkstown, as aforesaid and file proof thereof in the office of the said Clerk.

Seconded by Mr. Frohling.

All voted yes.

Mr. Danko moved the following resolution:

WHEREAS, Valentine J. Pianka has petitioned the Town Board of the Town of Clarkstown that the Building Zone Ordinance of the said Town be amended by redistricting property of the said petitioner described, from RA-1(X) district to a R-1 district;

BE IT RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be had at the Board Room of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, N.Y. in the said Town of Clarkstown, on the 26th day of February 1962 at 9:45 P.M. Eastern Standard Time relative to such proposed amendment; and it is

TBM - 2/5/62

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the Journal-News, a paper of general circulation in the Town of Clarkstown, as aforesaid and file proof thereof in the office of the said Clerk.

Seconded by Mr. Welchman.

All voted yes.

In a letter received by Chief Ernest Wiebicke, he reported to the Town Board that re highway obstruction on the NE corner of Park and 2nd St., New City, owner of the tree in question, Mr. John Rogers, had been contacted and he agreed to the removal of some of the branches causing limited vision existing.

A letter from Mr. and Mrs. Lawrence Sherwood was read re approval of map for Nanuet Park Homes, Nanuet. After discussion by Board and Town Engineer, it was suggested that Mr. Wallach write to home owners and necessary papers are not in and for them to get in touch with Town Engineer.

Letter was read from Mr. Mingione, Attorney for Alfred D. Artuso re dangerous condition existing on the property of Mr. Artuso - Block G, Lot 19, Cherry Hill, W. Sec. in W. Nyack.

Mr. Welchman moved the following resolution:

RESOLVED, that upon recommendat on of the Highway Supt. and the Town Engineer, deed from ETHELBAY REALTY CORP - CHERRY HILL - W. SEC. to the Town of Clarkstown conveying 3545 l.f. Foxwood Drive, 440 l.f. Saxon Court, 196 l.f. Larch Court be accepted, and be it

FURTHER RESOLVED, that said roads be included in the Town Highway System, and that the Town Attorney be directed to record the deed.

Seconded by Mr. Frohling.

All voted yes.

Mr. Northrup moved the following resolution.

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 26th day of June, 1961, provided for a public hearing on the 14th day of August, 1961 at 8:15 P.M. E.D.S. Time to consider the application of Harry and Anna Hyde to amend the Building Zone Ordinance of the Town of Clarkstown by redistricting the property of said petitioner from an R-0 district to a C-2 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;

NOWHEREFORE, be it

RESOLVED, that the application be denied.

Seconded by Mr. Danko

All voted yes.

Letter was read from Mr. Schriever, Chmn of Clarkstown Planning Bd. re possibility of extending 30-day deadline pertaining to referrals and recommendations, to a 45-day limit. Dep. Town Atty Walberstated that this would require an amendment to ordinance, which in turn would require a public hearing.

Mr. Danko moved the following resolution.

WHEREAS the Town Board of the Town of Clarkstown deems it desirable to amend the Bldg. Zone Ord. of the Town of Clarkstown by extending the 30-day provision of Art. 4, Sec. 4.32(F) and Art. 8, Sec. 8.51 to 45 days respectively, be it

BBG973

TBM - 2/5/62

RESOLVED, that a Public Hearing be held at the meeting room of the T.B., at 10 Maple Ave. New City, NY on the 12th day of March, 1962 at 8:30 PM E.S.T. relative to such proposed amendments, and it is FURTHER RESOLVED, that the Town Atty prepare Notice of such statutory hearing and that the Town Clerk cause the same to be published as aforesaid and file proof thereof in the office of the said Clerk.
 Seconded by Mr. Frohling

All voted yes.

Mr. Anthony Frascino appeared before the Town Board to request that through the medium of the Town Board the Dog Ordinance of the Town of Clarkstown be publicized in the press to make residents more familiar with the rules and regulations concerning dog owners.

The following Perf. bonds were signed by the Board and approved as to form and sufficiency:

Performance Bond #42267 - \$30,000
 Bonniwell Homes, Nanuet, N.Y.

Performance Bond #18176962 - \$11,325
 Ethelbay Realty Corp (Cherry Hill W. Sec.)
 West Nyack, N.Y.

Maintenance bond #2213797 - \$600
 MAK Dev. Corp., New City, N.Y.

Mr. Frohling moved the following resolution:

RESOLVED, that Mrs. Margaret Nein, 1 Elyse Dr., New City, NY be appointed Relief School Crossing Guard, eff. 2/7/62. for a period not to exceed three months, at a salary of \$5.00 per day.

Seconded by Mr. Northrup

All voted yes.

Mr. Northrup moved the following resolution:

RESOLVED, that Mrs. Jean Cole, 11 Greenwood Dr., New City, NY be permanently appointed School Crossing Guard, eff. 2.7.62 at a salary of \$5.00 per day.

Seconded by Mr. Frohling.

All voted yes.

Mr. Welchman moved the following resolution:

RESOLVED, that Mrs. Maude Kikkert, 42 Oak Rd., New City, NY be permanently appointed School Crossing Guard to replace Ann Adams, at a salary of \$6.00 per day eff. 2/7/62.

Seconded by Mr. Danko

All voted yes.

Mr. Frohling moved the following resolution:

RESOLVED, that School Crossing Guards appointed to serve two times a day be compensated at the rate of \$5.00 per day.

Seconded by Mr. Danko.

All voted yes.

Letter read from Mr. B. Otto Jacobsen informing the Town Board of his resignation from the Zoning Bd. of Appeals as of Feb. 1, 1962. Town Board to have a name for his replacement by the next meeting. Town Clerk was instructed to write a letter of commendation to Mr. Jacobsen.

Mr. Frohling moved the following resolution:

RESOLVED, that staff of the Bldg. Insp. Off. be permitted to register and attend the State Bldg. Officials Fed. School for Bldg. Inspectors to be held in New York City on Feb. 22 & 23, 1962, all expenses incurred to be paid by Town.

Seconded by Mr. Danko

All voted yes.

Sup. Mundt read letter from Ind. Comm. re vacancy. He suggested Mr. John P. Clark, 11 Red Rock Rd., New City, NY, to fill such vacancy.

TBM - 2/5/62

Mr. Frohling moved the following resolution:

WHEREAS, Sec. 148 of the Education Law provides that a local historian shall be appointed by the Supervisor and shall serve without compensation unless the Town Board shall otherwise provide, now, therefore,

I HEREBY appoint William J. Dobbin, 426 Strawtown Rd., W. Nyack, N.Y. as Local Historian for the Town of Clarkstown, to serve without compensation, effective immediately. Seconded by Mr. Welchman. All voted yes.

Town Clerk received all Town Dept. reports for filing in the Town Clerk's Office.

Letter was read from Mrs. Robt. N. Stuhl, 1 Green Oval, Nanuet, re taxi fee situation in Town of Clarkstown. In the discussion that ensued it was brought out that according to Dept. of Audit and Control a town may not limit number of taxis to be licensed. Possibility of instituting meters was brought up, but discounted because of expense involved. Mr. Mundt suggested meeting with taxi industry to discuss. He will talk to Mr. Marchfeld, Pres. of the Nanuet Taxi Co. and follow up the situation.

Mr. Frohling moved the following resolution:

RESOLVED, that the Town Board grant the balance of the relief requested in the original re-zoning petition to Applewood Manor, Valley Cottage, N.Y.

Seconded by Mr. Welchman.

All voted yes.

Re snow removal from undedicated streets, Mr. Walber presented a letter to the Town Board suggesting the procedure to be followed.

Mr. Northrup moved the following resolution:

BE IT RESOLVED, that the following proposed amendment to the subdivision regulations of the Town of Clarkstown be forwarded to the Planning Board for their study review and recommendations, and be it

FURTHER RESOLVED, that the Planning Board study, review and recommend as to whether a suggested form letter, as used in the Town of Orangetown, be used by the Town of Clarkstown, provided the aforementioned amendment be approved, after public hearing, and accepted.

Seconded by Mr. Frohling.

All voted yes.

(INSERT PROPOSED AMENDMENT TO SUBDIVISION REGULATIONS OF TOWN OF CLARKSTOWN)

Mr. Frohling moved the following resolution:

RESOLVED, that upon recommendation of the Hwy Supt. and the Town Eng., a deed from M.A.K. Dev. Corp., William Kaplan and Alice L. Kaplan to the Town of Clarkstown conveying 285' of DeForest Road, together with Declaration by M.A.K. Dev. Corp. dated 1/12/62, be accepted, pending approval of the County Engineer, and be it

FURTHER RESOLVED, that said roads be included in the Town Hwy System, and that the Town Attorney be directed to record the deed.

Seconded by Mr. Welchman.

All voted yes.

On motion by Mr. Danko, seconded by Mr. Frohling, and unanimously adopted, Town Board Meeting was adjourned at 1:30 A.M.

Signed,


Anne E. O'Connor
Town Clerk

BBG973

PUBLIC HEARING

Town Hall

2/5/62

8:15 P.M.

Present: Messrs. Frohling, Danko, Northrup, Welchman, Mundt.
 Dep. Town Atty. Mr. Walber

RE: CHANGE OF ZONE OF PREMISES S/SIDE OF ROUTE 59, NANUET, N.Y. HERBERT LEVINE
 (R-0 to C-2)

Town Clerk read notice of Public Hearing.

Mr. Stewart M. Mitchell, 86 Main St., Nyack, N.Y., appeared as attorney for petitioner. He testified as follows:

Mr. Levine is contract purchaser of property on south side of Route 59, Nanuet. Prop. is zoned C-2 to a point 250' south of Route 59. Balance of property is zoned R-0. Change is requested for that part of the property which is located in R-0 zone to a C-2 zone.

Mr. Mundt inquired of Mr. Mitchell what the intended use is. He stated that it would be used for retail commercial development. Mr. Northrup asked whether they would use the bank, and received a reply that there would be no difficulty in using the bank for fill.

Mr. Mundt inquired if petitioner would sign a restrictive covenant to the effect that no gasoline station would be put in rezoned property. Petitioner said he would.

Supervisor asked if anyone wished to be heard in favor of proposed change of zone. No one appeared.

Mr. Mundt then inquired if anyone present wished to be heard against such petition.

Mr. Thomas W. O'Connor, 29 Hutton Avenue, Nanuet appeared representing neighbors. Mr. Nicholas Lopez, 135 S. Main St., New City, appeared representing Mr. O'Connor. Mr. Lopez brought out the point that Mr. Levine suggested that Mr. Lopez write a letter to Town Board containing the queries he would like to make to Mr. Levine personally, and that the Board would try to get the answers from Mr. Levine.

Mr. Mitchell, on direct questioning by Mr. O'Connor, testified as follows:

Total land involved is about 3½ acres, part of which is presently zoned C-2. It fronts 420' on Route 59 at a point which is 30' west of the railroad. It sets back off Route 59 about 150' or so. Mr. Levine does not presently own property. He has a contract with the present owner of the property.

Mr. Mitchell was asked what Mr. Levine's plans are assuming he purchases this property. He stated that he did not have any definite plans at present, but that it is generally planned to have retail commercial stores there, not a gasoline station.

Q: Are you familiar with traffic conditions in that area?

A: Yes.

Q: What are you going to do about traffic conditions?

A: I am not aware that we have any problem.

Q: There is difficulty coming out of our property. What do you plan doing for Hutton Ave. residents with this property? Will it help the residents?

A: It will not help or hurt.

Q: What do you plan to do for parking for these stores?

A: There are regulations concerning parking in the Zoning Ordinance.

Q: Are you under contract with Mr. Levine?

A: There has been a contract.

Q: Is the signing of the contract contingent on the change of zone?

A: No.

PH-2/5/62

Mr. Mitchell stated that the entire frontage is zoned C-2 as of now. C-2 zone runs 250' in depth. The portion they seek to change would just enlarge the property.

Mr. O'Connor brought out the fact that the traffic situation would worsen, and that property values would go down.

A Mr. Ernest Morrow asked how the bank along Route 59 would be protected adjacent to his property. Mr. Mundt stated that he could bring a civil suit if his property is damaged.

Mr. Mundt asked Mr. Lopez to have letter containing his queries for Mr. Levine by February 10th.

The following witnesses appeared and were questioned by Mr. O'Connor as being against petition:

Mr. Wm. H. Spring, 49 Hutton Ave., Nanuet, NY
Mr. Harold Gilmore, 35 Hutton Ave., Nanuet, NY
Mrs. Rothman, 41 Hutton Ave., Nanuet, NY

In rebuttal, Mr. Mitchell stated as follows:

Present owner has the absolute right of way to use 400' frontage on Rte 59 for commercial establishments at present. This is not the property they seek to have rezoned. On the north side of Rte 59, directly opposite this parcel, there is commercial zone 250' deep. The only portion they seek to have changed is a portion of this parcel which lies beyond 250' south of Rte 59. It will not create any particular hazards that don't already exist.

Mr. Mundt read letter from Planning Board recommending granting of petition.

On resolution by Mr. Danko, seconded by Mr. Welchman and unanimously adopted, Hearing was adjourned.

Decision was reserved.

Signed,


Anne E. O'Connor
Town Clerk

PUBLIC HEARING
2/5/62

Town Hall

8:45 P.M.

Present: Messrs. Frohling, Danko, Northrup, Welchman, Mundt.
Deputy Town Atty. Mr. Walber.

RE: CHANGE OF ZONE APPLIC. - ARTHUR N. HOFFMAN - (RA-1(X) to IS DISTRICT)

Town Clerk read notice of Public Hearing.

Mr. Martin Cornell appeared as attorney for petitioner and explained requested change of zone to Board. Property is located on North Middletown Rd., New City, w/side. Prop. involved is 1.7 acres and has frontage of 240'. The parcel can be identified as the Chestnut Grove nurseries.

This particular parcel is under contract of sale from Arthur Hoffman. The premises are now serviced by water; there is a well which is being used to service facilities; there are septic and toilet facilities. Spring Valley Water Works is anticipating bringing water along North Middletown Rd. at this point. Water is 500' from this parcel involved, and services the school, which is located to the east, and some of the homes to the south.

BHG973

At the present time, property is being leased by Mr. Johnson who will operate a nursery. Petition brought up now is that under present zoning ordinance a nursery can operate in residential area, but is only permitted to sell nursery products, not accessories. If the change of zone is granted the buyers will operate the premises as a Garden Center. No other intention is involved.

Mr. Frohling inquired about status of surrounding properties.

Mr. Cornell replied that 18 acres owned by Mr. Hoffman zoned RA-1(X). Across the street is vacant property. Immediately surrounding area all residential. Development to the West and North, and new houses going up to the South. The closest comparable zone district which is Ls would be 1000' away to the North and North Middletown Rd.

Mr. Arthur Hoffman, 365 Little Tor Rd., So., New City, N.Y. was sworn in by Mr. Mundt. He testified as follows:

Property has 500 gallon septic system. Spring Valley Water Works 500' away and will bring in water. 270' frontage is parking area.

Mr. Theodore Lagerfeld, 47 Waterbury Parkway, Peekskill, N.Y. was sworn in by Mr. Mundt. He testified as follows:

He has entered into contract of sale for sale of premises which is contingent on change of zone. Mr. Lagerfeld presented proposed plan of development of this property to Board.

Mr. Mundt asked if anyone else wished to appear for petition:

No one appeared.

Mr. Mundt inquired if anyone wished to appear against the petition:

Mr. David L. Wasser, 28 Deerwood Park, Dr., New City, appeared and presented petition signed by 251 persons who are against proposed zoning change. The following people also appeared as being against proposed zoning change:

Mrs. Theresa Ranney, 350 S. Little Tor Rd.
 Mr. Emil Conti, 5 Fawnhollow Lane
 Mr. Roy Gross, 2 Fawnhollow "
 Mr. Vincent Leone, 354 S. Little Tor Rd.
 Mr. Michael Reeder, 26 Deerwood Dr.
 Mr. Harry Politi, 29 Deerwood Dr.
 Mr. Elmer O'Leary, 25 "
 Mr. Frank Auderio, 28 Burda Ave.
 Mr. Donald Burnett (Representing 4 families from Wessyl Rd., Nanuet)

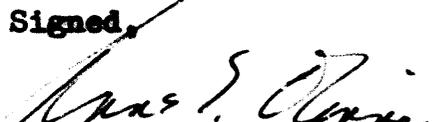
Mr. Cornell in rebuttal stated that petition is not going to alter existing use of property, but will permit it as a Garden Center which would include sale of accessories.

Letter from Planning Board was read by Supervisor Mundt approving zoning change.

On resolution by Mr. Welchman, seconded by Mr. Frohling and unanimously adopted, Public Hearing was adjourned.

Board reserved decision.

Signed,


 Anne E. O'Connor
 Town Clerk

Present: Messrs. Frohling, Danko, Northrup, Welchman, Mundt.
Dep. Town Atty. Mr. Walber

RE: SPECIAL PERMIT APPLIC. - ALFRED J. ELLISH - (RA-1(X) to R-22)

Town Clerk read Notice of Public Hearing.

Mr. Jerome Johnson, Atty. for petitioners, appeared before Board and explained petition as follows:

Prop. is located 2200' north of Rte 59. There is an 800' frontage on Mountain View Ave., and there is public water supply. Should Board grant application, a private sewerage disposal plant would be installed to serve 55 homes in this area.

Mr. Johnson also stated that his client would be willing to limit the building of 55 houses to a three year period.

Mr. Karl Kirchner, 1 Kings Highway, Tappan, was sworn in by Mr. Mundt. On being questioned by Mr. Johnson, he testified as follows:

Q: What is your business?

A: Real Estate in Rockland County forthe past ten years.

Mr. Kirchner was questioned as to the appropriate location with respect to transportation, water supply, waste disposal, fire protection, police protection, and other public facilities. He stated that proposed use would be appropriately located with respect to all these facilities.

Mr. Frohling questioned him as to proposed sewerage. Mr. Kirchner said that they would be private sewerage plans, with Board of Health approval. On questioning from the Broard re sewage flow, etc., it was suggested that petitioner get verification from the Engineer as to the feasibility of the sewerage facilities. Mr. Johnson said they would. A contingency would exist as to whether or not they could get approval from the Health Dept. on their drainage plan.

Mr. Mundt asked if anyone else wished to appear in favor of petition.

No one appeared.

Mr. Mundt asked if anyone wished to appear as being against petition.

The following appeared with signed petition as being against:

- Mr. Cecil J. Cowan, Mt. View Rd., Upper Nyack
- Mr. Chas. Lyons, " " "
- Mr. Wm. Waldron, " " "
- Mr. Harry Garrabrant " " "
- Mrs. Waldron " " "

In rebuttal, Mr. Johnson stated the following:

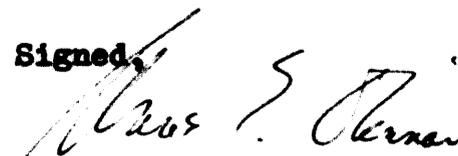
We have complied with requirements and will do exactly what the Zoning Ord. permits us to do. He mentioned that if the permit is not granted, Mr. Ellish could preceed with a one-acre development and put in septic tanks.

Mr. Mundt read letter from Clarkstown Planning Bd. disapproving request for change.

On resolution by Mr. Welchman, seconded by Mr. Danko, and unanimously adopted, Public Hearing was adjourned.

board reserved decision.

Signed,



Anne E. O'Connor
Town Clerk

BHG973

Present: Messrs. Frohling, Danko, Northrup, Welchman, Mundt.
Dep. Town Atty. Mr. Walber

RE: SPECIAL PERMIT APPLIC. - VALENTINE J. PIANKA (RA-1(X) to R-22)

Town Clerk read Notice of Public Hearing.

Mr. Edward G. Roepe appeared as attorney for petitioner and asked that the Board withhold decision on petition presented until other petition (Hoffman, et al) is decided. He stated he will not withdraw present position but await decision on other request.

Mr. Mundt swore in Mr. Valentine Pianka, 151 N. Main St., New City.

Mr. Roepe questioned him as follows:

Q: Mr. Pianka, the property described in your petition and also depicted in the exhibit - are you the owner of that property?

A: I am.

Q: How long have you owned this property?

A: Approx. 15 years.

Q: Have you resided on that property for 15 years.

A: Yes.

Q: Is your residence shown on this survey attached to southeasterly corner of this property?

A: Yes.

Q: Is it immediately adjacent to No. Main St., or Route 304?

A: Yes.

It was brought out in questioning that the rest of the property consists of vacant land and that application concerns property which is vacant.

Q: If the Town Board grants this application, are these premises appropriately located with respect to transportation, water, waste, fire protection, police protection and other public facilities?

A: Yes.

Q: How far is property from the intersec. of Rte 304 and New Hempstead Road?

A: 2000' going northerly.

Q: If this application is granted, would the result cause any undue traffic congestion?

A: No.

Q: Will the grant of this application for Spec. Permit effect the property values of other areas in that neighborhood?

A: No.

Q: Would it impair the public health, welfare, safety of the Town of Clarkstown?

A: No.

Q: Would you be willing to comply with all regulations of the Town?

A: Yes.

Q: Will it interfere with any other regulations of the Town of Clarkstown?

A: No.

Q: Is there water available immediately adjacent to premises?

A: Yes.

Q: Are these plans immediate to other premises zoned R-1.

A: Yes.

Edward G. Roepe

Mr. Mundt asked if anyone wished to appear in favor of petition. No one appeared.

Mr. Mundt asked if anyone wished to appear against the petition.

No one appeared.

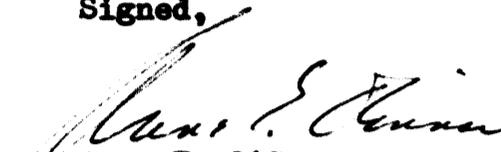
Mr. Roepe requested that this decision be reserved until hearing is set down on other application.

Mr. Mundt read letter from Planning Board suggesting that petitioner resubmit his request asking for change to R-1 to make area uniform.

On motion by Mr. Welchman, seconded by Mr. Danko and unanimously adopted, public hearing was adjourned.

Board reserved decision.

Signed,


Anne E. O'Connor
Town Clerk

BHG973

TOWN BOARD MEETING
2/26/62

Town Hall

8:00 P.M.

Present: Messrs. Frohling, Danko, Northrup, Mundt.
Town Atty. Mr. Freund
Dep. Town Atty. Mr. Walber

Sup. Mundt called the meeting to order at 8:00 P.M.

Minutes of Public Hearings and Town Board Meeting of Feb. 5th, 1962, approved and accepted.

Mr. Northrup moved the following resolution:

RESOLVED, that Sup. be authorized to sign application for Advance for Public Works Planning for the formation of Lateral Sewer Districts in the Town of Clarkstown.

Seconded by Mr. Frohling.

All voted yes.

Mr. Frohling moved the following resolution:

RESOLVED, that the application of Prentice-Hall, Inc. for a change of zoning from a R-1 and R0 district to M-1 district, on property located on s/side Rte 59A, West Nyack, 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. Northrup

All voted yes

Mr. Northrup moved the following resolution:

WHEREAS, PRENTICE-HALL, INC. has petitioned the Town Board of the Town of Clarkstown that the Building Zone Ordinance of the said Town be amended by re-districting property of the said petitioner described, from R-1 and R0 district to a M-1 district;

BE IT RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be had at the Board Room of the Town Hall of the Town of Clarkstown, at 10 Maple Ave., New City, Rockland County, New York, in the said Town of Clarkstown, on the 26th day of March, 1962, at 9 PM, EST, relative to such proposed amendment; and it is