

STBM - 4/2/64

(111) Mr. Welchman moved the following resolution:

RESOLVED, that the date of Public Hearing for the Hearing on the Extension of Sewer District No. 12 be set for April 27, 1964 at 9:15 P.M. (Board signed Order)  
Seconded by Mr. Holbrook. All voted yes.

(112) Councilman Frohling moved the following resolution.

RESOLVED, that the date of Public Hearing for the Hearing on the Establishment of Sewer District No. 25 be set for April 27, 1964, at 9:30 P.M. (Board signed Order)  
Seconded by Councilman Holbrook. All voted yes.

On motion by Councilman Welchman, seconded by Councilman Holbrook and unanimously adopted, Town Board Meeting was adjourned.

Signed,

Charles R. Adams, Jr.  
Deputy Town Clerk

PUBLIC HEARING

4/13/64

Town Hall

8:15 P.M.

Present: Messrs. Frohling, Danko, Holbrook, Welchman, Mundt.  
Town Attorney J. Martin Cornell  
Deputy Town Attorney Murray N. Jacobson  
Anne E. O'Connor, Town Clerk

RE: ZONE CHANGE APPLICATION - HAROLD & GEORGE REISS (R-1 Dist. to C-2 Dist.)

Supervisor Mundt called Public Hearing to order at 8:15 P.M. Town Clerk read Notice of Public Hearing.

Jerome Trachtenberg, Esq., appeared as attorney for petitioner and stated:

Strip is 300' in length, 100' in width. Is surrounded on the west and south by other lands of this petitioner. Other lands of petitioner are in C-2, situate on north side of Route 59 and west side of Hutton Avenue. This small area rounds out the rest of petitioner's property.

Petitioner has small warehouse. Is in the business of retailing bottled beverages. This application to rezone will place entire parcel in conformance with present zone.

On north end there is a fence which divides his property and provides a barrier and screen.

There were no witnesses.

IN FAVOR: Kenneth MacDonald, 250 West Route 59.

OPPOSED: (1) Jos. A. Kennedy, 22 Mapleshade Ave., Attorney. Appeared representing Mr. and Mrs. Hodges of 43 Hutton Ave., Nanuet. Spoke in behalf of residents on Hutton Ave., Extremely residential expensive homes. Hutton Ave., coming into Route 59 is one of the dangerous intersections in Nanuet. Small children. Difficult to get on to Route 59. Stone wall on east side of Hutton which is retaining wall for Day Camp. Traffic light has been denied. If other piece of property is made commercial there would be more of a hazard. Depreciation of property adjoining. He stated that Mr. Reiss has wood piled up. Supervisor asked Mr. Kennedy to request removal of

this wood by Mr. Reiss in letter directed to Supervisor,

(2) Harry Rothman, 41 Hutton Ave., Nanuet. Privacy deprived. No safety.

(3) William H. Spring, 49 Hutton Ave., Nanuet. Will destroy all the interest in residential property on that street.

(4) Mr. John Delacroit, 49 Hutton Ave., Nanuet. Will destroy residential street. Business encroaching. Will be living on business property.

(5) Stanley Clark, 35 Hutton Ave., Nanuet. Garbage - decrease property values. School bus - does not want trucks.

(6) Vernon Hodges, 43 Hutton Ave., Nanuet. Concrete wall which is retaining wall for RR he believes; if commercial traffic, we would have no way of getting in and out. Hutton Ave. is dead-end street.

REBUTTAL: By Jerome Trachtenberg.

Some of those who object bought after Reiss property was developed. They knew what the neighborhood consisted of.

Hutton Avenue traffic problem: Hutton Avenue will not be used for any commercial traffic. It does not lend itself to that kind of traffic. Route 59 will be used for egress and ingress. We are speaking of small portion. All we are doing is extending another 100' in depth to round out the corner.

Hutton Avenue will not become dangerous intersection. We will agree to any safeguards.

Re traffic caused by cars going in and out of Hutton - not commercial traffic.

Councilman Welchman: would petitioner accept covenant - no commercial traffic; buffer zone on easterly end of his property?

Answer: Yes.

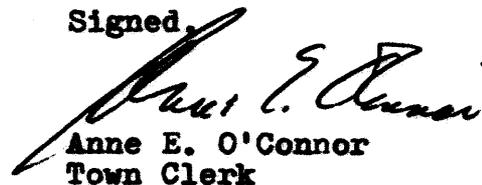
CORRESPONDENCE:

COUNTY PLANNING BOARD: No additional need for C-2. Deny.

TOWN PLANNING BOARD: Approval because proposed change of zone would round out existing C-2 with recommendation that Hutton Ave., not provide access to this parcel, but remain residential street by restrictive covenant.

On resolution by Councilman Danko, seconded by Councilman Holbrook, and unanimously adopted, Public Hearing was adjourned.

Signed,

  
Anne E. O'Connor  
Town Clerk

PUBLIC HEARING

Town Hall

4/13/64

8:30 PM

Present: Messrs. Frohling, Danko, Holbrook, Welchman, Mundt.  
Town Attorney J. Martin Cornell  
Deputy Town Attorney Murray N. Jacobson  
Town Clerk Anne E. O'Connor

Court Reporter: Arthur Massie

RE: ESTABLISHMENT OF SEWER DISTRICT #19, NEW CITY, TOWN OF CLARKSTOWN

Supervisor Mundt called Public Hearing to order at 8:30 PM. Town Clerk read Notice of Public Hearing.

Minutes of proceedings were taken by Arthur Massie, Court Reporter.

CCC264

PUBLIC HEARING - LATERAL SEWER DISTRICT NO. 19 - TOWN OF CLARKSTOWNStenographer's Minutes:

AT A MEETING OF THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, HELD AT THE TOWN HALL, NEW CITY, NEW YORK, ON THE 13TH DAY OF APRIL, 1964.

PRESENT: MR. MUNDT-Supervisor, MR. FROHLING, MR. WELCHMAN, MR. DANKO, MR. HOLBROOK. MRS. ANNE E. O'CONNOR, Town Clerk. J. MARTIN CORNELL, Esquire, Town Attorney. HARRY WAITZMAN, Esquire, New City, New York, Proposed Counsel for the District. Arthur Massie, C.S.R. Official Court Reporter.

MR. MUNDT: The public hearing on the establishment of Lateral Sewer District No. 19 is now in session.

I would like to again preface this hearing with the same comment made at the last hearing, which was the establishment of Sewer District 18.

As you know, the Town has embarked on the creation of a series of Lateral Sewer Districts which ultimately will tie in the County trunk system for disposal. In fact, just this past week I received from Senator Javits a telegram saying, "Glad to inform you the Community Facilities Administration today approved a \$25,750.00 public works planning advance for new sewer lines and for alleviating pollution of a water supply water shed. Jacob J. Javits, U.S. Senate."

The Town, for quite a number of years, has retained the firm of Nussbaumer, Clarke, & Velzey, who was appointed in 1959 by Mr. Jack Coyle, and the then existing Board.

The new administration has retained this firm, because it has been exceptionally impressed with its competence; and this, tonight, then, is again a step forward in creating Lateral Sewer Districts for the Town of Clarkstown.

Mr. Waitzman, as attorney designated for the District, would you please begin?

MR. WAITZMAN: May it please the Board, my name is Harry Waitzman. I am appearing here on behalf of the proposed Sewer District No. 19 for the Town of Clarkstown.

This is a public hearing which is being held under Article 12-A, Section 209 of the Town Law, and under a prior resolution of the Town Board.

(At this point the Clerk read the notice of hearing)

MR. MUNDT: Thank you, Mrs. O'Connor.

MR. WAITZMAN: I think I should note that this hearing this evening is also held under the advices of Hawkins, Delafield & Wood, who are bond counsel, and have been employed by the Town of Clarkstown since, I understand, 1959, when I believe Everett Johns was Town Attorney and Jack Coyle was Town Supervisor. Their special competence is in the field of Municipal Law as it relates to special improvements required for municipalities.

Gentlemen, I prefer to minimize my presentation this evening. The agenda is lengthy. We have also an expert witness, who, I think, will be preferable in terms of testimony.

I am sure that there will be questions from the audience. I only hope that we have the questions raised by the taxpayers concerning the nature of the cost proposed, the quality and the benefits. I surely hope that we will have fewer questions that might be deemed to be part of a political nature, because ultimately the question of sewers for the Town of Clarkstown will be a question of engineering and a question of economics.

I think we all realize that there is need for sewers. I think we are also aware of the fact that the voters of the Town of Clarkstown have given the green light to this program, so that the question which really is presented to the Town Board this evening, and we hope by testimony to make it possible for you to make a proper determination, that ultimately the question is whether or not this program is designed to provide for the good will and welfare of the greatest number of residents of the Town of Clarkstown.

I would like to call as my first witness Charles Adams, who, I understand, is Deputy Clerk for the Town of Clarkstown.

C H A R L E S A D A M S, called as a witness, having first been duly sworn, testified as follows: EXAMINATION BY MR. WAITZMAN:

Q For the record, please, state your name? A Charles Adams, Jr.

Q What is your office in the Town of Clarkstown? A Deputy Town Clerk.

Q Would you please state the manner in which publication was affected concerning the order calling for the public hearing for the establishment of proposed Sewer District No. 19?

A The publication of the notice was in the Citizen, official paper of the Town, published on the 1st day of April, 1964, and a copy of the order was posted in five places within the District, and also on the official bulletin board of the Town of Clarkstown; also on the 1st day of April, 1964.

Q Is it correct, then, that this order was published in the County Citizen on April 1, 1964, and that you posted copies of same on the Town sign board, maintained pursuant to Subdivision 6 of Section 30 of the Town Law, and conspicuously in at least five public places, a copy of this order certified by the Town Clerk, and that the first publication and the posting was not less than ten, or more than twenty days before the date designated herein for the public hearing?

A Yes, that is right. MR. WAITZMAN: No further questions.

(The witness was excused) MR. WAITZMAN: I would like to call John Larkin.

J O H N L A R K I N, called as a witness, having first been duly sworn, testified as follows: EXAMINATION BY MR. WAITZMAN:

Q Would you state your name, your address, and your professional standing?

A John F. Larkin, residing at 13 Hudson View Road, Upper Nyack, employed by the firm of Nussbaumer, Clarke & Velzey, with an office at 500 Fifth Avenue, 42nd Street, New York.

Q Would you state for the record when you were first employed by the Town of Clarkstown and by whom you were employed?

A Yes. We were employed in 1959, at that time by the Town Board, I believe John Coyle was Supervisor at the time.

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Q I show you a report entitled, "Report of Information for Sewage Collection District No. 19," and ask whether this report was prepared under your direction, and whether a copy of this report has been on file in the office of the Town Clerk?

A Yes, it has been prepared under my direction and, yes, a copy is on file with the Town Clerk.

Q Will you state the period of time which this report took to develop and prepare?  
A Approximately two and a half years.

Q Will you please state for the record whether there were Federal grants and aid available and used in connection with the preparation of this report?

A Yes, we received a grant of funds from the Housing Home Finance Agency Planning Events.

Q Will you please state for the record the general distinction between a lateral sewerage collection district and the sewerage disposal facilities, such as the County Trunk Line District, and give your professional opinion as to whether the so-called rock problems encountered, for the issuance of a bond for the County Sewer District, should that delay the creation of this Lateral Sewer District?

A First, a Lateral Sewer District consists of the sewers running into each street serving individual homes, and the Disposal District, or the Trunk District, consists of larger lines which carry the sewerage so collected to a point of disposal. The function of the two districts is somewhat separate. The Lateral District is required, independent of whatever method of disposal you select. The disposal method is required if you have any form of lateral collection system.

Q In your professional opinion, Mr. Larkin, is the creation of this and other Lateral Sewer Districts, required, regardless of whether ultimately there is a County Trunk Line District or a so-called Joint Township Trunk Line District?

A Yes. This district would be required no matter what the method of disposal.

Q Will you please give the general bounds of the proposed district with particular relation to existing Sewer District No. 10 and proposed District No. 18?

A Sewer District No. 19 is generally east of the business district of New City. On the north it extends up as far as Wooten Circle, goes east to pick up all the properties along Tamarack Avenue, comes down, picks up properties in the vicinity of Prides Crossing, crosses New City-Congers Road to pick up the high school, senior and junior high school, then comes back along Road and eventually ends up at the boundary trunk line east of Brewery Road, generally southward picks up the development, Deerfield Drive, one side, Cortland Drive, then picks up the northerly section or the section of property developed just north of Whitewood Estates, crosses Route 304 and picks up the section which is developed directly to the west of 304 and north of Kings Highway and the northerly boundary of that westerly section just directly to the west of 304 and north of Kings Highway and the northerly boundary of that westerly section just directly south of Paul Avenue. From that point to the northern portion, it bounds District No. 10 on the westerly portion of District 19, and finally ends up with a boundary along Route 304 and extends north of New City, and back to the vicinity of Wooten Circle.

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MR. FROHLING: I have one question, John. Are there any boundaries upon which both side of the road would be included in the district boundary?

THE WITNESS: You mean where the boundary runs along the road?

MR. FROHLING: Where properties on both sides of the boundary will be included.

THE WITNESS: The boundary runs in a back lot line in some cases. There is nothing much developed here, so that the boundary for the present time is drawn along the center line of the road, because there is nothing there to be served. The same thing holds true north of the site here. There are some properties over here to be served, but this is an area which a developer will build the sewers.

MR. MUNDT: Have you picked up, if you will pardon the expression, the garden apartments in that upper left-hand side?

THE WITNESS: Yes, we have.

Q Would you please state the estimated period of time in which the system, as proposed, would provide adequate service without being expanded?

A It's designed to last for fifty years.

Q In other words, the capacity of the system, as proposed, based upon present population increases, would cover us for a period of that time?

A That's right.

Q Would you please state, in your opinion, an estimate of the annual increase in cost which would result, if there were a delay in the creation of proposed Sewer District No. 19, in terms of percentage of cost in relation to the project cost of \$1,450,000.00?

A The cost index for this type of construction has been increasing at a rate of about three to four percent per year for the past several years; so, projecting that forward, it would be about three to four percent per year.

Q Of about a million and a half?

A Yes.

Q In your opinion, are there any special points or questions raised about proposed No. 19 that might be of value to the members of the Town Board, or perhaps the audience?

A Yes. Portions of the area of District 19 will flow to District No. 10. This is a situation, where the section, southwesterly portion of the district - - -

Q District No. 10 is the existing Sewer District governing all of the central area of Main Street, New City?

A That's right. And some arrangement might be made with District No. 10 for that particular combination of flow.

MR. MUNDT: Could you comment for a moment on the average charge per household using a ratable and assessed valuation of approximately four or five thousand dollars?

THE WITNESS: Yes. We have that worked out in the report. We have a three-part assessment procedure; one part based on assessed valuation; one part based on a front footage; and one part on the connection charge, if you are in the district and able to connect.

10-10  
The assessed valuation charge amounts to 91.4 cents per year. The unit charge is \$25.00. On a typical house, which would be assessed at \$5,000.00, with a front footage of 125 feet, the charge comes to \$88.45 a year. That's for the first year. The fifth year, the corresponding charge is \$77.83; and the fifteenth year, it is estimated \$64.75; and the next fifteen years, it goes down, but the projection gets a little nebulous at that point.

MR. MUNDT: Which tax roll did you use? What year?

THE WITNESS: We used the current tax roll.

Q Generally speaking, the components of cost of sewers for each householder are made of, as I understand it, of three factors; mainly, assessed valuation, approximately fifty percent of the charge, front footage, approximately twenty-five percent of the charge, and connection charge, approximately twenty-five percent, or, say the number of connections into the sewer. How is this best described as the benefit theory of determining the charge? What is the usual manner of describing it?

A This would be a benefit type of assessment. The assessed valuation charge is classified as an area benefit, because everyone is assisted by the fact that there is a sewer service in the general neighborhood. The front foot charge is more or less tied in as a specific benefit to each homeowner. And the unit charge, again, is a specific benefit charge which you can get rid of your other problems by connecting to the sewer.

Q In your professional opinion, can you state whether all the property and all the property owners within the proposed district are benefited thereby?

A Yes, they are.

Q In your professional opinion, can you state whether all the property and property owners benefited are included within the limits of the proposed district?

A Yes, they are.

Q In your professional opinion, can you state whether the establishment of proposed Sewer Collection District No. 19 is in the public interest?

A Yes, it is.

MR. WAITZMAN: I have no further questions, unless you do.

MR. WELCHMAN: This project won't commence until such a time as your county sewer program begins, because this will work in conjunction with that, and the reason I state this is, the fact that there will be no charge to the people in this district, until, of course, they have a place in which to dispose of their effluent, and therefore the two will work together, and at that time will be billed while the trunk lines are being put in.

THE WITNESS: Right. The two have to mesh.

MR. WAITZMAN: Mr. Welchman, you raised that point, and I also tried to cover that in a prior question. Proposed District No. 19 is required regardless of whether or not we proceed with the County District, or whether or not, for example, there is the slightest possibility that there might be a Town Collection District to service Clarkstown, Ramapo, and say, portions of Orangetown.

MR. WELCHMAN: This won't begin until such a time that they have such a proviso?

MR. WAITZMAN: That's right.

MR. HOLBROOK: What we are doing is getting the paper work out of the way, so that Clarkstown can forge ahead as quickly as possible at the right time.

MR. WAITZMAN: I might add, up to this point, the paper work has been paid for by the Federal Government.

MR. HOLBROOK: That's a good arrangement.

MR. MUNDT: I might point out, since the subject has been raised, putting this particular hearing into prospective, what we are doing here is following out the policy of this Board to create Lateral Districts as quickly as possible. For example, on the 27th of this month, we have a Lateral District public hearing on an area in Nanuet, and assuming that we agree tonight to create this district, a thirty-day interval will elapse, during which any citizen, if he so desires, can submit a petition causing this to go to referendum within his districts.

There, again, by establishing the districts tonight, we at least will be that further ahead. But the question of spending more money for this district is one which the Town Board need not confront until it knows exactly what's going to happen on the county level, because if we are to float a bond issue, assuming this district were created, and the thirty days elapsed, this would mean we would have to tax the people in the district, even though there were not a disposal system; so, it is the policy of this Board at this time to create this district, but not to authorize bond issues until such a time as we know we have a disposal system for these Lateral Districts.

Is there anyone present who is in favor of this petition, of this hearing, the establishment of this district?

(No response)

MR. MUNDT: I would hope that doesn't mean everyone is against.

MR. WAITZMAN: There may be a number of people here who are in favor, but who feel there is no need for making further argument on behalf of the petitioner.

MR. MUNDT: Right. Are there any people here that live in the district?

(No response)

MR. MUNDT: Is there anyone present who does not live in this district, or in the district, who is opposed to the creation of the district?

(No response)

MR. MUNDT: In that case, the Chair would request a motion closing this hearing.

MR. WELCHMAN: I so move.

MR. HOLBROOK: Seconded.

MR. WAITZMAN: Thank you. MRS. O'CONNOR: Mr. Danko? MR. DANKO: Yes.

MRS. O'CONNOR: Mr. Welchman? MR. WELCHMAN: Yes. MRS. O'CONNOR: Mr.

Frohling? MR. FROHLING: Yes. MRS. O'CONNOR: Mr. Holbrook?

MR. HOLBROOK: Yes. MRS. O'CONNOR: Mr. Mundt? MR. MUNDT: Yes.

The Chair will entertain a motion to create Lateral Sewer District No. 19.

MR. HOLBROOK: So moved. MRS. O'CONNOR: Mr. Danko? MR. DANKO: Yes.

MRS. O'CONNOR: Mr. Welchman? MR. WELCHMAN: Yes.

MRS. O'CONNOR: Mr. Frohling? MR. FROHLING: Yes.

MRS. O'CONNOR: Mr. Holbrook?

MR. HOLBROCK: Yes.

MRS. O'CONNOR: Mr. Mundt?

MR. MUNDT: Yes.

## PUBLIC HEARING

Town Hall

8:45 P.M.

Present: Messrs. Frohling, Danko, Welchman, Holbrook, Mundt.  
Town Attorney J. Martin Cornell  
Deputy Town Attorney Murray N. Jacobson  
Town Clerk Anne E. O'Connor

RE: ZONE CHANGE APPLICATION - UNGAVA FARMS, INC. (RA-1 to R-1)

Supervisor Mundt called Public Hearing to order at 8:45 P.M. Town Clerk read Notice of Public Hearing.

David Coral, Esq., appeared as attorney for petitioner and explained petition as follows:

Bound by a development on south and west sides which is presently zoned in R-1. Petitioner will bring in public water and public sewage (Extension of Sewer Dist. #13). Initial installations will be borne by developers. Development can be set in stages of three-year period. If change is granted, there will be 92-93 lots involved, which they will be willing to do over three year period.

On west side sewer district which will not be developed. R-1 and RA-1 on east side. South side and part of west, R-1.

Would hook into Dells Sewer Plant, which is now under construction and will be in operating shape within six weeks.

No construction on this property until plant is in operation.

Will make application for water and fire hydrants.

IN FAVOR: None

OPPOSED: (1) Edwin H. Pedersen, 13 Beverly Place; presented petition containing 160 signatures representing 84 homes in immediate area.

They believe it constitutes 20% of residents.

Mr. Pederson read petition which read:

- (a) Would be incompatible with future development.
- (b) Residential property 1/2 acre or more
- (c) No need for further R-H in this area.
- (d) Smaller plots will only lead to more schools, etc.

Suggested wait for master plan.

- (2) Abraham Rose, 4 Beverly Place: Tax increase - 90 homes - children - schools. Every home there 1/2 acre or more. Decrease in property values.

REBUTTAL: David Coral, Attorney for Petitioner:

- (1) Possibilities are very strong that the reason somebody took a 15,000 sq. ft. zone and put larger plots in is because they had problems with public water and sewage disposal.

If this planning comes through, these people will have a built-in place to hook into sewer line and solve their sewage problems.

- (2) Schools: Problem is controlled in Albany. School Taxes will no longer be supported out of real estate. We have to find another way to support schools. We can't stop everything in the meantime.

CORRESPONDENCE:

COUNTY & TOWN PLANNING BOARD: Denial.

CCC264

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

Signed,

*Anne E. O'Connor*  
Anne E. O'Connor  
Town Clerk

**PUBLIC HEARING**

Town Hall

4/13/64

9:00 PM

Present: Messrs. Frohling, Danko, Welchman, Holbrook, Mundt.  
Town Attorney J. Martin Cornell  
Deputy Town Attorney Murray N. Jacobson  
Town Clerk Anne E. O'Connor

RE: ZONE CHANGE APPLICATION - DAVIES FARM, INC. (R-1 to C-1)

Supervisor Mundt called Public Hearing to order at 9:00 P.M. Town Clerk read Notice of Public Hearing.

Edw. G. Roepe, Esq., appeared as attorney for petitioner. Property located on w/side of N. Middletown Road, New City.

Mr. Clifton Lovatt, 58 E. Route 59, Nanuet, appeared before Board and was sworn in by Supervisor. He testified as follows:

Occupation: Real Estate Broker 10 years; member Nat. Assn. of Real Estate Boards and N.Y.S. Assoc. of Real Estate Boards and Rockland County Realtors. Familiar with real estate described in petition.

North - to corner of Red Hill Rd., contiguous to Cropsey Farm.

South - from point of present hotel and restaurant, directly across the street, large tract of land which has been and still is used for farming.

West: West side of Red Hill Rd. contiguous to present hotel facilities zoned IS.

There is presently a structure being built. Eight stores with offices on the second floor. This is on the corner of New Valley Road and Little Tor Road.

Gas station on corner. To the west of that on New Valley Rd. butcher shop.

To the south hardware store and delicatessen store. Contiguous to that property is also zoned IS.

On east side of Little Tor and Old Middletown, another service station. Across the street from that, running south up to Kings Highway; another stretch of 400' zoned IS.

Mr. Roepe: Survey - 501' frontage on N. Middletown Rd. now known as Little Tor Rd.

QUES: What portion of that 501' is presently used for tavern and hotel premises?

ANS: Davies Lake Hotel 200'. This would leave 300' which actually becomes the subject of this application.

South - Another commercial establishment. nursery.

Mr. Lovatt: Pattern for commercial zone. Does not interfere with housing development. Will become ratable. New school planned in immediate vicinity on Red Hill Road. Would not depreciate property in immediate area because stores are going to be of great assistance to the people. Parking sufficient. Sidewalks on both sides of new road.

BOARD: Mr. Frohling: What is directly across the street to north? Farm land owned by Cropsey.

WITNESS: Mr. Horn: Sworn in by Supervisor Mundt. Appraiser active in Town of Clarkstown 56 years.

(1) Familiar with area which he describes.

(2) Property in question suitable for C-1.

(3) This should have been done 10 years ago. It should be granted now.

BOARD: Mr. Frohling: What is proposed use?

Adolph Milich, 15 New Valley Road, New City, sworn in by Mr. Mundt.

Testified as follows: President of Davies Farm, Inc. Is familiar with contents of petition.

PROPOSED USE: To enlarge restaurant and hotel facilities. Would include additional parking facilities.

Supervisor Mundt: Would you accept restrictive covenant to that effect. Yes.

IN FAVOR: None

OPPOSED: The following appeared:

1. Michael Reeder as attorney and resident of area - representing 403 people who signed a petition in opposition to this application and also representing several people who have not signed petition. Presented petition to board and stated the following:

1. Area surrounding basically residential. Not commercial area. Surrounded by one-family homes. On 1/2 acre or more.

2. There is small strip of LS. This is owned by applicant or another corporation of which he is principal. Area developed in LS by applicant. Building immediately to the south is being built by applicant. Has created his own atmosphere for this change. Stores on southwest corner also developed and owned by the applicant.

There have been many problems with those stores which applicant built.

TRAFFIC HAZARD: 1. Two schools in area. Little children have to cross Little Tor Rd. When Link School is completed traffic will be greater. Commercial will make it more dangerous.

PARKING: During summer, crowded with people going into Davies Lake. Block street.

SEWERS: Disposal not of the best in area. Adding commercial will only increase the problem. This area not presently included in any plant lateral district.

Would create precedent. There are other strips along N. Middletown Road which are presently vacant which may come in for commercial. Plenty of other shops in area A & P, etc.

Will decrease property values of surrounding homes.

RATABLES: We don't feel that this is proper place. Let's properly rate the commercial property around it now.

ALSO OPPOSED:

2. J. M. Brown, 12 Omley Pl., New City Park, Keep area as is.

3. Anthony Sava, 11 Lake Dr., Parking-Traffic.

4. Wm. Heatherington, 3 Hall Ave., New City. Sewers: Pollution of stream that feeds lake, etc.

5. Mrs. Santa Conti, 5 Fawnhollow Lane, - school children - increased traffic (presented letter from Chestnut Grove P.T.A. opposing)

6. Mrs. Ranni - no need for further shopping areas.

7. Mrs. Wasser, 28 Deerwood Dr. Traffic-garbage dumping, erection of signs that block coming traffic.

8. John Lodico, 2 Birch Lane, New City: wishes of people should be considered. Application was denied last year when asked for, value of homes would decrease. Additional services would be required. School system would suffer.

CCC284

SUMMATION: (By Mr. Reeder): There is no need for this change in area. Does not need this change to fix up his present establishment. He presently uses the land for parking. What is his reason for change?

No one else appeared as opposing.

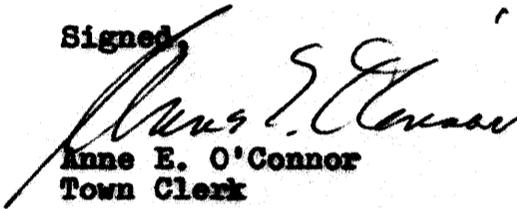
REBUTTAL: (Edw. G. Roepe)

1. Presented petition to Board signed by people who live reasonably close to area in discussion.
2. Actually north is commercial, westerly commercial and south is commercial.
3. Re applicant creating his own atmosphere; we are building commercial type structure where a commercial type structure should be. Filling station across the street is in LS zone.
4. Traffic: Little Tor Road is sufficient.
5. Parking: Everything that has been said was in reference to week-end parking. There will be sufficient off-street parking.
6. Sewerage disposal: Sewer plant on corner of Little Tor Road and New Valley Rd. has passed all requirements of Rockland County Board of Health.
7. Local Shopping: Used by many.
8. Ratables: Davies Farm not under-assessed. Assessor the one to determine.
9. School: I don't see how there will be congestion on New Valley Road.

COUNTY & TOWN PLANNING BOARDS: RECOMMENDATIONS: DENIAL

On resolution by Councilman Danko, seconded by Councilman Frohling and unanimously adopted, Public Hearing was adjourned.

Signed,

  
Anne E. O'Connor  
Town Clerk

**PUBLIC HEARING**

4/13/64

Town Hall

9:15 PM

**Present:** Messrs. Frohling, Danko, Welchman, Holbrook, Mundt.  
Town Attorney J. Martin Cornell  
Deputy Town Attorney Murray N. Jacobson  
Town Clerk Anne E. O'Connor

RE: PROPOSED ROAD IMPROVEMENT DISTRICT - "HUESTED LANE"

Supervisor Mundt called Public Hearing to order at 9:15 P.M. Town Clerk read Notice of Public Hearing.

Edw. G. Roepe, Esq. appeared as attorney for petitioner. Explained petition as follows:

1. Is private lane. If you are along right-of-way, has 30' easement.  
Percy B. Husted and Stanley Husted advised his office that it was always understood that particular 30' would be conveyed to the Town of Clarkstown at such time as when the Town would take over the road.
2. Since this is less than 50' we will have to make an appropriate application to the Department of Public Works.
3. We want to pave 24' of this 30' right-of-way.

John C. Cullinane, Husted Lane, appeared and was sworn in by Supervisor. He testified as follows:

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1. Where does Husted Lane begin: On Germonds Rd and ends at back line of my property. Runs from south to north. It's a 30' right-of-way. We have easement rights. Has signed petition.
2. Condition of right-of-way as it presently exists: a-rocky; b-rutty; c-dirt road Hazard: snow - winter time fire engines, police and doctors could not get in.
3. Would be in public interest to pave this road.
4. If improvement is granted, it will be assessed to people living along this right-of-way. (1100' length of road) - 12 properties on this road - cost \$25,000.

Only thing that would add to cost would like 24' road. Highway Superintendent would have to help with this.

IN FAVOR: Six families represented: Mrs. Tagaus, 31 Husted Lane, appeared and stated that Husted Lane washing down on Germonds.

OPPOSED: Mr. Peachy: Five families opposed, one abstaining. Stated following: Sec. 200 refers to it as being a highway or street. This is not a street or highway, therefore cannot accept private right-of-way.

The state waiving any width on this right-of-way is 33'. Road has to be 50' wide before Town can accept. Petition incorrect as originally submitted.

REBUTTAL: (Mr. Roepe) 1. Sec. 200 definitely does say right-of-way. 2. Sec. 171 of Highway Law designed to give relief from 50' rule. Town can waiver. 3. Petition was corrected subsequently in the advertising and orders. Town Attorney will submit a brief to Town Board on legality.

On resolution by Councilman Danko, seconded by Councilman Frohling and unanimously adopted, Public Hearing was adjourned.

Signed,

*Anne E. O'Connor*  
Anne E. O'Connor  
Town Clerk

PUBLIC HEARING

Town Hall

9:30 PM

Present: Messrs. Frohling, Danko, Welchman, Holbrook, Mundt.  
Town Attorney J. Martin Cornell  
Deputy Town Attorney Murray N. Jacobson  
Town Clerk Anne E. O'Connor

RE: AMENDMENT TO ZONING ORDINANCE RE FILLING STATIONS

Supervisor Mundt called Public Hearing to order at 9:30 P.M. Town Clerk read Notice of Public Hearing.

Supervisor stated, in preface, that Board is trying to curtail erection of filling stations. This amendment to the zoning ordinance, in effects, takes the right to put up a gasoline station out of the C-1 and C-2 districts, and puts it into manufacturing.

IN FAVOR: None

OPPOSED:

1. Henry Sperry, NYS Petroleum Council, 757 Third Ave., New York City, read statement opposing (in Town Clerk's file).
2. Everett Johns: Proposed amendment legally is not valid proposition. If you drop from C-2 to M-1, you must then go to your bulk table which requires minimum of three acres for filling station instead of 20,000 square feet/ Set back: M1-100'. There would have to be amendment of bulk regulations.

When you seek to delete zoning ordinance section you immediately seek non-conforming use. This would mean that all stations must be in actual operation and existence/ You will automatically have eliminated them from business.

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For any improvement, gas stations will have (in order for gas stations to change petition) to prove zoning board unique hardship under non-conforming use.

I want to bring to your attention the free study I have been able to make on this procedure and the effect it would have on the existing stations.

You cannot control economically any business in the Town, and especially this particular operation, by limiting the number of stations or their growth. You cannot do it by zoning ordinance.

(3) Mr. Prier: Town Board can deny gas stations without changing ordinance. If you put in M-1 zone can have light manufacturing. You have power to deny any gas stations now.

Mr. Granik: Suggested incorporating a savings clause for construction already in existence.

Donald Partridge: Representing Robert Maier, owner of 59-A & 304 Gas Station. This pertains only to limiting group of persons, those with filling stations. Persons that should be consulted are those owners who must live under this ordinance. All gas stations will become non-conforming.

Board trying to separate filling station from repair shops. This is not practical in Clarkstown. You have tried to separate sales from gasoline stations.

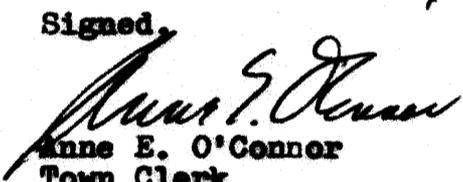
Board should consider those engaged in filling station business.

(4) Letter from Robert J. Maier, 144 Route 59A, Manuet, read stating his objection. Being eliminated by new Route 304. Leave it under C-2.

COUNTY & TOWN PLANNING BOARDS: Approval

On resolution by Councilman Frohling, seconded by Councilman Holbrook and unanimously adopted, Public Hearing was adjourned.

Signed,

  
Anne E. O'Connor  
Town Clerk

PUBLIC HEARING

Town Hall

4/13/64

9:45 P.M.

Present: Messrs. Frohling, Danko, Welchman, Holbrook, Mundt.  
Town Attorney Martin Cornell  
Deputy Town Attorney Murray Jacobson  
Town Clerk Anne E. O'Connor

RE: CONSTRUCTION AND INSTALLATION OF SANITARY SEWERS & SEWER CROSSINGS IN THE RIGHT-OF-WAY OF STATE HIGHWAY NO. 304

Supervisor Mundt called Public Hearing to order at 9:45 P.M. Town Clerk read Notice of Public Hearing.

Purpose of hearing is to examine matter, appropriate \$65,000 to enable Town to put up bid.

EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Clarkstown, in the County of Rockland, NY  
April 13, 1964

A regular meeting of the Town Board of the Town of Clarkstown, in the County of Rockland, New York, was held at the Town Hall, 10 Maple Avenue, New City, N.Y. in said Town, on April 13, 1964, at 8:00 o'clock PM E.S.T.

There were present: Hon. Paul F. Mundt, Supervisor and

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Councilmen: Philip J. Frohling, Jr.  
 Stephen Danko  
 Martin E. Holbrook  
 Joseph Welchman

Absent: None

Also present: Anne E. O'Connor, Town Clerk  
 J. Martin Cornell, Town Attorney

at 9:45 o'clock, PM, E.S.T. the Town Clerk stated that a public hearing had been called for this meeting at the Town Hall, 10 Maple Ave., New City, New York, at 9:45 P.M. E.S.T. to consider the construction and installation of sanitary sewers and sewer crossings in State Highway Route 304 in the Town of Clarkstown, Rockland County, New York, and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by Law. The Town Clerk read, in full, the Order calling said Public Hearing and presented affidavits showing that certified copies of said Order had been duly published and posted pursuant to the provisions of Sec. 202-f of the Town Law.

The Supervisor stated that the hearing in the said matter was now open and asked if there was any interested person present who desired to be heard. The following persons appeared in favor of the construction and installation of such sanitary sewers and sewer crossings: Mr. John Larkin. The following persons appeared in opposition to such construction and installation: None.

The Town Clerk reported that the following pertinent communications had been received: None. She then read such communications to the meeting.

The Supervisor inquired as to whether there were any other persons present who wished to be heard. No one appeared, whereupon the Supervisor declared the public hearing closed.

On motion of Mr. Joseph Welchman, seconded by Mr. Philip J. Frohling, the following resolution and order was adopted on roll call as follows:

IN FAVOR: John Larkin of Nussbaumer, Clarke & Velsy

OPPOSED: None.

On motion of Councilman Welchman, seconded by Councilman Frohling and unanimously adopted, Public Hearing was adjourned.

Signed

*Anne E. O'Connor*  
 Anne E. O'Connor,  
 Town Clerk

TOWN BOARD MEETING

Town Hall

4/13/64

8:00 P.M.

Present: Messrs. Frohling, Danko, Holbrook, Welchman, Mundt.  
 Town Attorney J. Martin Cornell  
 Deputy Town Attorney Murray Jacobson  
 Town Clerk Anne E. O'Connor

Supervisor Mundt called Town Board Meeting to order at 8:00 P.M.

(113) Councilman Holbrook moved the following resolution:

RESOLVED, that minutes of seven (7) public hearings and regular Town Board meeting held on 3/23/64; minutes of Special Town Board meeting held on 4/2/64 are hereby approved and accepted as submitted by the Town Clerk with the following correction: Resolution No. 69 seconded by Councilman Frohling instead of Councilman Holbrook.

Seconded by Councilman Frohling.

All voted yes.

(114) Councilman Danko moved the following resolution:

RESOLVED, that time for receiving bids to furnish all plant, labor, material and equipment necessary for the proper and complete construction of the Public Improvement designated "Asphaltic Concrete Sidewalk Program, 1964" in accordance with the contract, plans and specifications provided be declared closed, and be it

FURTHER RESOLVED, that all bids for the above-mentioned project received be opened.

Seconded by Councilman Holbrook.

All voted yes.

THE FOLLOWING BIDS WERE RECEIVED:

## WARD PAVEMENTS, INC.

Riverside Ave., Haverstraw, NY

Item 1, S-21.	Old Middletown Rd-Convent Rd. Blacktop: Alternate I - concrete	\$ 7,482.00 No bid
Item 2, S-22	Dickinson Ave. Blacktop Alternate 1 - concrete	\$ 2,834.00 No bid
Item 3, S-23	Rockland Lake Rd Blacktop Alternate 1 - concrete	\$ 4,416.00 No bid

## FRASSETTO CONSTRUCTION CO.

Green St., Hackensack, NJ

Item 1, S-21	Old Middletown Rd Blacktop Alternate 1 - concrete	\$ no bid 7,300.00
Item 2 - S-22	Dickinson Ave. Blacktop Alternate 1 - concrete	No bid \$3,650.00
Item 3, S-23	Rockland Lake Rd. Blacktop Alternate 1-concrete	No bid \$5,850.00

## COUNTY ASPHALT, INC

129 Main St., Tarrytown, NY

Item 1, S-21	Old Middletown Rd.-Convent Rd Blacktop Alternate 1 - concrete	\$9,000.00 no bid
Item 2, S-22	Dickinson Ave. Blacktop Alternate - concrete	\$2,700.00 no bid
Item 3, S-23	Rockland Lake Rd. Blacktop Alternate 1 - concrete	\$4,200.00 no bid

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VICTOR SMITH  
New City, NY

Item 1, S-21	Old Middletown Rd-Convent Rd. Blacktop Alternate 1 - concrete	\$9,250.00 no bid
Item 2- S-22	Dickinson Ave Blacktop Alternate 1 - concret	\$2,590.00 no bid
Item 3- S-23	Rockland Lake Rd Blacktop Alternate 1 - concrete	\$4,520.00 no bid

(115) Councilman Welchman moved the following resolution:

RESOLVED, that bid for construction of concrete sidewalks on Old Middletown Rd Convent Rd (Item 1) is hereby awarded to Frassetto Construction Co., Inc. 15 Green St., Hackensack, N.J. at cost of \$7300.00; and be it

FURTHER RESOLVED, that bid for construction of blacktop sidewalks on Dickinson Avenue, (Item 2) is hereby awarded to Victor Smith, 52 Third St., New City, at cost of \$2590.00, and be it

FURTHER RESOLVED, that bid for construction of blacktop sidewalk on Rockland Lake Rd., (Item 3) is hereby awarded to County Asphalt, Inc., 129 Main St., Tarrytown, at cost of \$4200.00; and be it

FURTHER RESOLVED, that all successful bidders appear at the office of the Town Attorney to sign contract for the above-mentioned projects.

Seconded by Councilman Frohling.

All voted yes.

(116) Councilman Danko moved the following resolution:

RESOLVED, that the opening of bids for "SOP & GO" signs be rescheduled for 4/27/64 - 8:10 P.M.

Seconded by Councilman Holbrook.

All voted yes.

(117) Councilman Danko moved the following resolution:

RESOLVED, that the regular Town Board meeting be adjourned for the purpose of holding regularly scheduled Public Hearings.

Seconded by Councilman Holbrook.

All voted yes.

(118) Councilman Frohling moved the following resolution:

RESOLVED, that regular Town Board meeting be resumed.

Seconded by Councilman Welchman.

All voted yes.

(119) Councilman Welchman moved the following resolution:

RESOLVED, that decision on zone change application of Hamfold and George Reiss be reserved (R-1 to C-2).

Seconded by Councilman Frohling.

All voted yes.

(120) Councilman Holbrook moved the following resolution:

RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED APRIL 13, 1964, APPROVING THE ESTABLISHMENT OF PROPOSED SEWER DISTRICT NO. 19, IN SAID TOWN, AND CONSTRUCTION OF A LATERAL SEWER SYSTEM THEREIN AND PROVIDING THAT SUCH RESOLUTION SHALL BE SUBJECT TO PERMISSIVE REFERENDUM.

WHEREAS, the Town Board of the Town of Clarkstown, in the County of Rockland New York, has heretofore duly caused Nussbaumer, Clarke & Velzy, P.E., consulting engineers duly licensed by the State of New York, to prepare a general map, plan and report relating to the establishment of proposed Sewer District No. 19, in said Town of Clarkstown, as hereinafter described and for the construction of a lateral

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sewer system, consisting of lateral sewers, sub-mains and sub-trunks tributary to the trunk sewer designated as the "New City Trunk Sewer" and proposed sewer mains in existing Sewer District No. 10 and has duly appropriated a specific amount to pay the cost thereof, which map, plan and report have been duly filed in the office of the Town Clerk of said town for public inspection, and

WHEREAS, pursuant to resolution duly adopted on March 9, 1964, said Town Board determined to proceed with the establishment of said proposed Sewer District No. 10 and the construction of such lateral sewer system therein and adopted an order reciting a description of the boundaries of said proposed Sewer District No. 19 in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, and the maximum amount proposed to be expended for such improvements, including acquisition of the necessary land and easements, the proposed method of financing to be employed, the fact that a map, plan and report describing the same are on file in the Town Clerk's Office for public inspection and specifying April 13, 1964, at 8:30 P.M. E.S.T. as the time when, and Town Hall, 10 Maple Avenue, New City, in said Town, as the place where the said Town Board would meet to consider establishment of said proposed Sewer District No. 19 and the construction of a lateral sewer system therein, 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 in relation thereto as may be required by law; and

WHEREAS, certified copies of such Order were duly published and posted pursuant to the provisions of Article 12-A of the Town Law; and

WHEREAS, a public hearing in the matter was duly held by said Town Board on this 13th day of April, 1964, commencing at 8:30 PM E.S.T. at said Town Hall, at which all interested persons desiring to be heard were heard, including those in favor, and those opposed to, the establishment of said proposed Sewer District No. 19 and construction therein of such lateral sewer system:

now, therefore, upon the evidence adduced at such public hearing, be it

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

Section 1. It is hereby determined that

- (a) the notice of public hearing was published and posted as required by law, and is otherwise sufficient; and
- (b) all the property and property owners included within the proposed Sewer District No. 19 hereinabove referred to in the recitals hereof are benefited thereby;
- (c) all the property and property owners benefited are included within the limits of said proposed Sewer District No. 19, and
- (d) it is in the public interest to establish said proposed sewer district No. 19

Section 2. The establishment of said proposed Sewer District No. 19 is hereby approved as hereinafter described and the proposed lateral sewer system therein shall be constructed as set forth in the said order calling the public hearing

including acquisition of the necessary lands and easements and said sewer district shall be designated and known as ~~Sr~~ District No. 19 in the Town of Clarkstown situate wholly outside of any incorporated village or city, and shall be bounded and described as follows: (See Page 72 - Notes and bounds of Sewer District No. 19)

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Section 3. The maximum amount proposed to be expended for the construction of said lateral sewer system consisting of lateral sewers, sub-mains and sub-trunks tributary to the trunk sewer designated as the "New City Trunk Sewer" and proposed sewer mains in existing Sewer District No. 10, in said Town of Clarkstown, and including manholes, house connection stubs brought to the curbs, acquisition of necessary land and rights in land and original equipment, machinery and apparatus, is \$1,450,000 which is planned to be financed by the issuance of serial bonds of said Town of Clarkstown and the assessment, levy and collection of special assessments upon the several lots and parcels of land in said proposed Sewer District No. 19 which the Town Board shall deem especially benefited by said lateral sewer system so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same and the establishment and collection of sewer rents, pursuant to the Town Law, to pay the principal of and interest on said bonds, and the costs of operation, maintenance and repair.

Section 4. The Town Clerk of said Town of Clarkstown is hereby authorized to within 10 days after adoption of the resolution to file certified copies of this resolution in duplicate in the office of the State Department of Audit and Control Albany, New York, together with an application by said Town Board, in duplicate, for permission to establish Sewer District No. 19 in the Town of Clarkstown as herein described, pursuant to the provisions of said Law, and that such application shall be executed and verified by and in behalf of said Town Board by the Supervisor of the Town.

Section 5. This resolution shall take effect thirty days after its adoption unless there shall be filed with the Town Clerk a petition signed and acknowledged by the owners of taxable real property situate in the proposed District, as shown upon the latest completed assessment roll of said Town, in number equal to at least five percent of the total number of such owners, or by one hundred of such owners, whichever is the lesser, protesting against this resolution and requesting that the matter be submitted to the owners of taxable real property situate in said proposed District at a referendum, in the manner provided by the Town Law.

The adoption of the foregoing resolution was seconded by Councilman Frohling and duly put to a vote on roll call, which resulted as follows:

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

NOES: None.

The resolution was declared unanimously adopted.

Councilman Holbrook offered the following resolution and moved its adoption:  
**RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED APRIL 13, 1964, DIRECTING THE PUBLICATION AND POSTING OF NOTICE AND ABSTRACT OF THE RESOLUTION APPROVING THE ESTABLISHMENT OF SEWER DISTRICT NO. 19, IN THE TOWN OF CLARKSTOWN AND THE CONSTRUCTION OF A LATERAL SEWER SYSTEM THEREIN.**

**RESOLVED**, by the Town Board of the Town of Clarkstown, in the County of Rockland, New York, as follows:

Section 1. The Town Clerk of the Town of Clarkstown, in the County of Rockland,

New York, shall within ten days after the adoption by the Town Board of said Town, of the resolution, entitled:

"Resolution of the Town of Clarkstown, New York, adopted April 13, 1964, approving the establishment of proposed sewer district No. 19 in said Town, and construction of a lateral sewer system therein and providing that such resolution shall be subject to permissive referendum".

cause to be published at least once in "THE ROCKLAND COUNTY CITIZEN" the official newspaper of the Town, and to be posted on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of Town Law and in at least five public places in the proposed Sewer District No. 19 in said Town of Clarkstown a notice which shall set forth the date of adoption of said foregoing resolution and contain an abstract thereof concisely stating its purpose and effect.

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

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE, that on April 13, 1964, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a resolution entitled.

"Resolution of the Town of Clarkstown, New York, adopted April 13, 1964, approving the establishment of proposed Sewer District No. 19 in said Town and construction of a lateral sewer system therein and providing that such resolution shall be subject to permissive referendum"

an abstract of such resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: Reciting that the Town Board of the Town of Clarkstown, New York, has heretofore duly caused the preparation of a general map, plan and report relating to the establishment of proposed Sewer District No. 19 in said Town, therein described and for the construction of a lateral sewer system therein, consisting of lateral sewers, sub-mains and sub-trunks tributary to the trunk sewer designated as the "New City Trunk Sewer" and proposed sewer mains in existing Sewer District No. 10 and has duly appropriated a specific amount to pay the cost thereof, which map, plan and report have been duly filed in the office of the Town Clerk of said Town for public inspection; that an order was adopted on March 9, 1964, reciting a description of the boundaries of said proposed Sewer District No. 19 in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the maximum amount proposed to be expended for such improvements, the proposed method of financing to be used, the fact that a map, plan and report describing the same are on file in the Town Clerk's Office for public inspection, and specifying the time and place of a public hearing to hear all persons interested in the subject thereof concerning the same; that copies of such order have been duly published and posted; and that such hearing has been duly held on April 13, 1964, at the time and place specified;

SECOND: Resolving and determining that (a) the notice of hearing was published and posted as required by law and is otherwise sufficient; (b) all the property and property owners within the proposed Sewer District No. 19 are benefited thereby (c) all property and property owners benefited are included within

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the limits of the proposed District and (d) that the establishment of such District is in the public interest.

**THIRD: FURTHER** resolving and determining that the establishment of such proposed lateral sewer system shall be constructed therein; **DESIGNATING** such District as Sewer District No. 19, in the Town of Clarkstown, and **DESCRIBING** said District by metes and bounds;

**FOURTH:** Resolving that the maximum amount proposed to be expended for construction of said lateral sewer system is \$1,450,000.00 which is planned to be financed by the issuance of serial bonds of said Town of Clarkstown to finance such cost and the assessment, levy and collection of special assessments upon the several lots and parcels of land in said Sewer District No. 19 which the Town Board shall deem especially benefited by said lateral sewer system so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same and the establishment and collection of sewer rents, pursuant to the Town Law, to pay the principal and interest on said bonds and the costs of operation, maintenance and repair;

**FIFTH: FURTHER** Resolving, that the Town Clerk shall, within 10 days after adoption of this resolution, file certified copies in the office of the Department of Audit and Control, together with an application by said Town Board for permission to establish such District and that such application shall be executed by the Supervisor; and

**SIXTH: STATING** that this resolution shall take effect 30 days after adoption unless within such period a petition shall be filed with the Town Clerk protesting against this resolution and requesting that it be submitted to the owners of taxable real property situate in said proposed Sewer District No 19 at a referendum in the manner provided by the Town Law.

**Section 5.** This resolution shall take effect immediately.

The adoption of the foregoing resolution was seconded by Councilman Frohling and duly put to a vote on roll call, which resulted as follows:

**AYES:** Messrs. Frohling, Holbrook, Danko, Welchman, Mandt.

**NOES:** None

The resolution was declared unanimously adopted.

(121) Councilman Welchman moved the following resolution:

**RESOLVED,** that decision on zone change application of UEGAVA FARMS, INC. be reserved (RA-1 to R-1)

Seconded by Councilman Holbrook.

All voted yes.

(122) Councilman Frohling moved the following resolution:

**RESOLVED,** that decision on zone change application of Davies Farm, Inc. be reserved (R-1 to C-1)

Seconded by Councilman Danko.

All voted yes.

(125) Councilman Welchman moved the following resolution:

**RESOLVED,** that decision on "HESTED LANE ROAD IMPROVEMENT DISTRICT" be reserved.

Seconded by Councilman Danko.

All voted yes.

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(124) Councilman Frohling moved the following resolution:

RESOLVED, that decision on amendment to zoning ordinance re filling stations be reserved.

Seconded by Councilman Welchman.

All voted yes.

(125) Councilman Welchman moved the following resolution:

In the Matter of the Construction and Installation of sanitary sewers and sewer crossings in the right-of-way of State Highway Route 304 in the Town of Clarkstown Rockland County, State of New York.

WHEREAS, pursuant to an order adopted on March 23, 1964, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, duly called a public hearing to consider the construction and installation of sanitary sewers and sewer crossings in State Highway Route 304, in said Town of Clarkstown, pursuant to Section 202-f of the Town Law, at a cost not to exceed \$65,000 and certified copies of said order were duly published and posted pursuant to the provisions of the Town Law, and;

WHEREAS, a public hearing has been duly held by said Town Board on this 13th day of April, 1964, at 9:45 o'clock PM, E.S.T., at the Town Hall, 10 Maple Avenue, New City, in said Town, and considerable discussion on the matter having been had and all persons desiring to be heard having been duly heard in favor of and in opposition to such construction and installation as hereinbefore referred to at such estimated cost, now, therefore, upon the evidence given at such hearing it is hereby

~~RESOLVED, and is hereby~~ decided that it is in the public interest to construct and install sanitary sewers and sewer crossings in State Highway Route 304 in said Town of Clarkstown, as hereinabove described and referred to at the estimated maximum cost of \$65,000, and it is hereby

ORDERED, that Hunsbawmer, Clark & Velsy, P.E., consulting engineers for said Board shall prepare definite plans and specifications and make a careful estimate of the expense for such construction and installation of sanitary sewers and sewer crossings in State Highway Route 304, in said Town of Clarkstown, and with the assistance of J. Martin Cornell, Town Attorney, prepare a proposed contract for the execution of the work, which plans, specifications, estimate and proposed contract shall be presented to said Town Board as soon as possible, and it is hereby

FURTHER ORDERED, that such sanitary sewers and sewer crossings shall be constructed and installed in State Highway Route 304, in accordance with such definite plans, specifications, estimate and contract as finally approved by said Town Board, and it is hereby

FURTHER ORDERED, that the expense of such construction and installation shall be a Town Charge and shall be assessed, levied and collected in the same manner and at the same time as other Town charges, provided, however, that the Town may authorize the use of such improvements installed or constructed by any sewer district or extension thereof hereafter established in the Town and said improvements shall become a part of such district or districts or extension thereof and the entire cost of such improvements, including the expense of maintenance thereof, shall be a charge against such district or districts or extension thereof and shall be assessed

levied and collected in the same manner as other charges against such district or districts or extensions thereof and it is hereby

FURTHER ORDERED, that the Town Clerk record a certified copy of this resolution and order after a public hearing in the office of the Clerk of Rockland County within ten (10) days after adoption thereof.

April 13, 1964.

TOWN BOARD OF THE TOWN OF CLARKSTOWN

(Signed) PAUL F. MENDT, Supervisor

PHILIP J. FROHLING, JR., Councilman

MARTIN E. HOLBROOK, Councilman

JOSEPH WELCHMAN, Councilman

STEPHEN DANCO, Councilman

Seconded by Councilman Frohling

All voted yes.

(126) Councilman Welchman moved the following resolution:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED APRIL 13, 1964, APPROPRIATING \$65,000 FOR THE CONSTRUCTION AND INSTALLATION OF SANITARY SEWERS AND SEWER CROSSINGS IN STATE HIGHWAY 304 IN SAID TOWN AND AUTHORIZING THE ISSUANCE OF \$65,000 SERIAL BONDS OF SAID TOWN TO FINANCE THE APPROPRIATION.

WHEREAS, following a public hearing duly called and held, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, duly adopted on April 13, 1964, a resolution and order after public hearing deciding that it is in the public interest to construct and install, and authorizing the construction and installation of sanitary sewers and sewer crossings in State Highway Route 304, in said Town, and it is now necessary and advisable to provide for financing and construction and installation at a cost not to exceed \$65,000 by the issuance of bonds;

now, therefore, be it

RESOLVED, by the Town Board of the Town of Clarkstown, in the County of Rockland, New York, (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, New York, hereby appropriates the amount of \$65,000 for the construction and installation of sanitary sewers and sewer crossings in State Highway Route 304, in said Town of Clarkstown, including original equipment, machinery and apparatus, pursuant to the plans and specifications heretofore prepared by Nussbaumer, Clarke & Velzy, P.E., and the resolution and order adopted by the Town Board of said Town on April 13, 1964, hereinabove referred to in the recital hereof. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$65,000 and the plan of financing is the issuance of serial bonds of said Town of Clarkstown, in the principal amount of \$65,000 to finance said appropriation and the assessment, levy and collection of the principal of said bonds and the interest thereon in the same manner and at the same time as other Town charges provided, however, that the Town may authorize the use of such improvements by any sewer district or extension thereof hereafter established in said Town and said

improvements shall become a part of such district or districts or extension thereof and ~~the entire~~ cost of such improvement shall be a charge against such district or districts or extension thereof and shall be assessed, levied and collected in the same manner as other charges against such district or districts or extensions thereof.

Section 2. To finance the said appropriation, serial bonds of the Town of Clarkstown are hereby authorized to be issued in the principal amount of \$65,000 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

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 authorized by this resolution are to be issued, within the limitations of Section 11.00 a. 4 of said Local Finance Law, is thirty (30) years, but the maturity of the bonds herein authorized shall not exceed fifteen years:

(b) Current funds are not required to be provided as a down payment prior to the issuance of the bonds herein authorized or of any notes in anticipation of the sale of such bonds pursuant to the provisions of Section 107.00 d.4 of said Local Finance Law.

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

Section 4. Each of the bonds authorized by this resolution and any notes in anticipation thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds any notes issued in anticipation of said bonds shall be general obligations of the Town of Clarkstown, payable as to both principal and interest by general tax on all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town of Clarkstown are hereby pledged to the punctual payment of the principal of and interest on said bonds and provision shall be made annually in the budgets of the Town by appropriation for (a) the amortisation and redemption of the bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of said Local Finance Law, and pursuant to provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes and of §50.00 and §56.00 to 60.00 of said Law, the powers and duties of the Town Board relative to prescribing the terms, form and contents and as to the sale and issuance of the bonds hereby authorized and any notes issued in anticipation thereof are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

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

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to spend money, or
- (b) the provisions of law which should be complied with at the date of 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.

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Section 7. This resolution shall take effect immediately.

The adoption of the foregoing resolution was seconded by Mr. Philip Frohling and duly put to a vote on roll call, which resulted as follows:

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

NOES: None.

The resolution was declared unanimously adopted.

Mr. Joseph Welchman offered the following resolution and moved its adoption:  
THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK,  
HEREBY RESOLVES, AS FOLLOWS:

Section 1. The Town Clerk is hereby directed to publish the foregoing bond resolution, in full, in THE ROCKLAND COUNTY CITIZEN, a newspaper published in New City, New York, and having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication each together with a Clerk's statutory notice in substantially the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Section 2. This resolution shall take effect immediately.

The adoption of the foregoing resolution was seconded with Mr. Philip Frohling, and duly put to a vote on roll call, which resulted as follows:

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

NOES: None.

The resolution was declared unanimously adopted.

John Tomicki, Esq. appeared before Board representing a group of objectors living in the vicinity of James Drive, protesting decision of Board in granting zone change requested by Martha Dorfman. Werner Loeb also presented petition protesting said decision. Request was made of Board for reconsideration. Town Attorney stated that Town Board cannot reconsider.

(127) Councilman Frohling moved the following resolution:

RESOLVED, that subject to the approval of the Town Attorney, the Building and Zoning Ordinance of the Town of Clarkstown be amended to state that everyone residing within 500' of property petitioned to be rezoned be notified in writing of said petition, petitioner to bear cost of such notification.

Seconded by Councilman Holbrook.

On roll call the vote was as follows:

AYES: Messrs. Frohling, Holbrook, Mundt.  
NO VOTE: Messrs. Danko, Welchman.

Councilman Danko stated that he wanted above-mentioned resolution held up. Would be additional cost to taxpayer.

Councilman Welchman stated that our present procedure is proper. Newspaper publication and posting of property should be sufficient.

Motion was carried.

John Tomicki re-appeared before Board representing ~~one~~ of property owners on Gilchrist Road. Present petition requesting that the Town Board deny petition of Congers Lake Homes, Inc.

Robert Granik stated that petition was not witnessed and was not acknowledged. Supervisor Mundt requested Mr. Granik to present Town Board with letter stating views.

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(128) Councilman Frohling moved the following resolution:

RESOLVED, that based on recommendation of Ernest F. Wiebicke, Chief of Police, a "STOP" sign be erected at the intersection of the Korvette Parking Lot and the east end of Grace Street, Manuet.

Seconded by Councilman Welchman.

All voted yes.

Mrs. Schlohahn, represented by Richard Blessing, 18 W. Palmer Ave., Manuet, appeared before Board re Swimming Pool Ordinance. Request was made that enforcement be withheld until study may be completed. Supervisor Mundt stated that Swimming Pool Ordinance is subject to amendment and suggested that interested persons meet with Building Inspector.

(129) Councilman Frohling moved the following resolution:

WHEREAS, Thomas E. Walsh, 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-2 district to a C-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, 10 Maple Avenue, New City, Rockland County, New York, in the said Town of Clarkstown, on the 27th day of April 1964, at 9:00 P.M., D.S.T. 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 Town Clerk.

Seconded by Councilman Danke.

All voted yes.

~~(130) Councilman Danke moved the following resolution:~~

~~WHEREAS, Howard E. and Evelyn Campbell, and J. Clifford and Mildred M. Funk 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 petitioners described, from R-1 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, 10 Maple Avenue, New City, New York, in the said Town of Clarkstown, on the 18th day of May, 1964 at 8:00 PM, 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 Councilman Holbrook.

All voted yes.

(131) Councilman Holbrook moved the following resolution:

WHEREAS, Harvroy Realty Corp. 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-22 and SC 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, N.Y. on the 18th day of May, 1964, at

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8:15 P.M., D.S.T. 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 Councilman Welchman.

All voted yes.

(132) Town Board signed Order setting date of Public Hearing for Extension of Sewer District #1 to include MARVROY REALTY CORP.

In the matter of the petition for the Extension of Sewer District #1 to include property of Marvroy Realty Corp. in the Town of Clarkstown, Rockland County, New York

WHEREAS, a written petition dated Feb. 4, 1964, 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 Sewer District #1 in the said Town, to be bounded and described as follows:

PARCEL I. All that certain plot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Town of Clarkstown, more particularly bounded and described as follows:

BEGINNING at a point in the southerly line of Rockland Lake Road distant 440.57' easterly measured on a course of North 57° 51' 40" east from an iron set at the easterly end of the arc of the curve connecting the said southerly line of Rockland Lake Road with the easterly line of Christian Herald Road (1) along the southerly line of Rockland Lake Road north 57°51'40" east 113.27 ft. to a Rockland County Highway monument; (2) still along the southerly line of said road, north 56°46'10" east 292.10 ft. to a Rockland County Highway monument; thence (3) still along the southerly line of said road, north 61° 23'10" east 14.62 ft; thence (4) along lands now or formerly of Ryley and part of the way along an old stone wall south 22°23' east 773.11 ft. to an X cut on a rock; (5) still along lands now or formerly of Ryley, south 13°17'30" east 187.04 ft. to a stake; (6) still along said lands now or formerly of Ryley north 77°15'30" east 642.84 ft.; thence (7) along lands now or formerly of Muth and along the remains of a stone wall, south 14°48'30" east 698.41 ft.; thence (8) along roads now or formerly of Boepple, south 60°54'50" west 1286.55 ft. to an iron bar; thence (9) along lands now or formerly of Trempner and lands now or formerly of Penner and Schrank, Inc. and along an old stone wall north 15°7'45" west 1684.23 ft; (10) along lands now or formerly of First Baptist Church in Nyack; north 45°29'40" east 169.18 ft.; thence (11) still along said lands north 12 degrees 8' 20" west 99.17 ft to the point or place of beginning.

PARCEL II. All that certain plot, piece and parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Town of Clarkstown, County of Rockland and State of New York, more particularly bounded and described as follows:

BEGINNING at a point in the southerly line of Lake Road distant 276.26' easterly as measured along said southerly line of Lake Road from a Rockland County monument at the northeast end of the curve connecting the southerly line of Lake Road with the easterly line of Christian Herald Road and running thence (1) south 15°7'45" east, along the

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easterly line of lands now or formerly of Posner & Schrank, Inc., a distance of 140' to lands now or formerly of Friedman; thence (2) north 45°29'40" east 18 ft; thence (3) still along said lands now or formerly of Friedman, north 32°8'20" east a distance of 99/17 ft. to a point in the southerly line of Lake Road; thence (4) south 57°51'40" west along said southerly line of Lake Road, a distance of 164.32 ft. plus or minus feet 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 meeting room of the Town Hall of the Town of Clarkstown, 10 Maple Ave., New City, Rockland County, New York, in said Town of Clarkstown on the 18th day of May, 1964, at 8:30 PM to consider the said petition and to hear all persons interested in the subject thereof, concerning the same and for such other action as may be required by law or proper in the premises.

(133) Town Board signed order setting date of public hearing for extension of New City-West Nyack Water Supply District to include property off Old Haverstraw Rd., Congers, N.Y. - 4/27/64 - 9:45 P.M.

In the matter of the petition for the extension of the New City-West Nyack Water Supply District to include property off Old Haverstraw Road, Congers, in the Town of Clarkstown, Rockland County, New York,

WHEREAS, a written petition, dated 3/31/64 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 in the said town to be bounded and described as follows:

BEGINNING at a point on the westerly line of the existing New City-West Nyack Water Supply District; said point being distant northerly 500 ft. measured at right angles from the northerly line of Westview Avenue; thence (1) running westerly along a course parallel to and distant northerly 500 feet measured at right angles from the northerly line of Westview Avenue to a point which is distant westerly 500 feet running at right angles from the westerly line of Stonewall Lane; thence (2) running southerly along a course parallel to and distant westerly 500 feet measured at right angles from the westerly line of Stonewall Lane to a point which is distant southerly 500 feet measured at right angles from the southerly line of Calico Place; thence (3) running easterly along a course parallel to and distant southerly 500 feet measured at right angles from the southerly line of Calico Place to a point on the prolongation southerly of the centerline of Stonewall Lane; thence (4) running southerly along the prolongation southerly of the centerline of Stonewall Lane to a point on the centerline of New City-Congers Road; thence (5) running easterly along the centerline of New City-Congers Road to a point on the westerly line of the existing New City-West Nyack Water Supply District; thence (6) running northerly along the westerly line of the existing New City-West Nyack Water Supply District along its various courses, 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 Meeting Room of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York in said Town of Clarkstown, on the 27th day of April, 1964, at 9:45 P.M. to consider the petition and to hear all persons interested in the subject thereof, concerning the same and for such other action as may be required by law or proper in the premises.

Upon recommendation of Fred J. Seeger, Highway Superintendent, it was decided that the parking lot adjacent to Western Highway in West Nyack not be sold, with the thought that it could become a municipal parking lot in the future. The Town Clerk will advise George P. Guelich of the Board's decision and return his check in the amount of \$250.00;

(134) Councilman Welchman moved the following resolution:

RESOLVED, that Nils Eckhart be appointed a member of the Traffic Advisory Committee to serve without compensation, effective immediately.

Seconded by Councilman Danko.

All voted yes.

RE ROUTE 59 TRAFFIC STUDY: Supervisor Mandt will contact the State Traffic Commission to request that they bring the Town up to date on exactly what is proposed on the widening of Route 59 so Town can amend Zoning Ordinance to protect the taking of any new buildings that may be erected. Also to request what progress is being made on the southern portion of Route 304.

RE REQUEST OF VILLAGE OF UPPER NYACK FOR TAX EXEMPTION, with regard to Town Taxes for Items 3 and 4 of Sec. 141 of the Highway Law, Town Clerk was instructed to contact Orville Mann, Village Attorney, for Village of Upper Nyack and request that he meet with Town Board next Monday, April 20th, between 8 and 9 PM.

Letter regulating parking on east side of Route 304, Hamlet, received from State Traffic Comm. relayed to Highway Superintendent for his recommendations.

Councilman Holbrook will report to Board at next meeting re replacement of lights, Congers.

(135) Councilman Holbrook moved the following resolution:

WHEREAS, Dinah Pershia has neglected to commence the removal of the buildings situate on premises in West Nyack, New York, described on the Tax Map of the Town of Clarkstown as Map 71, Block A, Lot 3, as required by the Notice of Violation dated March 18, 1964, and

WHEREAS, Section 130 of the Town Law and Chapter 43 of the Code of the Town of Clarkstown, New York, provides that in such circumstance a survey shall be made of said premises by an inspector and architect to be named by the Town Board of the Town of Clarkstown, which survey shall result in a report upon the condition of said premises,

~~NOW,~~ THEREFORE, BE IT

RESOLVED, that Oscar Ints, residing at Rammer Lane, Bardonia, the Building Inspector of the Town of Clarkstown, and Seymour D. Gurlits residing at 315 N. Middletown Road, Pearl River, New York, a licensed architect, are hereby named to make said survey and prepare a report on the condition of the said premises owned by Dinah Pershia and that said survey shall be made within nine days from the date hereof, and be it

FURTHER RESOLVED, the said survey and report be made by the aforementioned parties without a fee for their services.

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Seconded by Councilman Welchman.

All voted yes.

(136) Councilman Welchman moved the following resolution:

RESOLVED, that the Town Clerk is hereby authorized to sign Hydrant Order and Sketch (Inves. #4242) for installation by Spring Valley Water Works and Supply Co. of one (1) hydrant on the west side of Little Tor Road, approximately 830' south of the center line of Phillips Hill Road.

Seconded by Councilman Frohling.

All voted yes.

Re creation of Hamlet Advisory Board - Messrs. Roland and Ranni and Mrs. B. Sawaya spoke as opposing at this time. Matter will be held for 4/27/64 meeting.

(137) Councilman Frohling moved the following resolution:

RESOLUTION AUTHORIZING PROJECT GRANT AGREEMENT WITH NEW YORK STATE DEPARTMENT OF COMMERCE FOR URBAN PLANNING ASSISTANCE.

WHEREAS, the Town of Clarkstown has heretofore applied to the New York State Department of Commerce for Federal and State Aid in an urban planning assistance project under the provisions of the Federal Housing Act of 1954, as amended and Subdivision 27 of Section 100 of the Commerce Law of the State of New York, and such application is being processed for approval and acceptance by the Urban Renewal Administration and the Commissioner of Commerce of the State of New York, and

WHEREAS, in order to secure the benefits of said urban planning assistance program it is necessary for the Town of Clarkstown to contribute a sum not to exceed 17% of the total cost and to enter into a Project Grant Agreement with the New York State Department of Commerce, now be it

RESOLVED, that the Town of Clarkstown hereby appropriates the sum of five thousand, seven hundred fifty two and no/100 dollars (\$5752.00) or so much thereof as may be necessary to contribute a sum not to exceed 17% of the total cost of said project, to be paid to the State of New York, on condition that the above mentioned application is approved by both the Urban Renewal Administration and the Commissioner of Commerce of the State of New York, and be it further

RESOLVED, that the Supervisor be and he hereby is authorized and directed to execute on behalf of the Town of Clarkstown the Project Grant Agreement to carry the foregoing into effect, and be it further

RESOLVED, that the Supervisor be and he is hereby authorized to transfer from Current Surplus-General to URBAN PLANNING ASSISTANCE the amount \$5752.00.

Seconded by Councilman Holbrook.

All voted yes.

(138) Councilman Frohling moved the following resolution:

RESOLVED, that date of Public Hearing for improvement of Dykes Park Road be set for 5/11/64 - 8:30 P.M. (Resolution #138 on Page 133)

Seconded by Councilman Welchman.

All voted yes.

Sewer District No. 10 held.

Letter received from Chairman of Clarkstown Planning Board requesting more time for submitting recommendations on zone change petition made by S. B. Development Corp.

Copies of appraisal of West Nyack property submitted by George F. Hall submitted to Councilman Frohling, Highway Superintendent and Town Engineer.

Report from John F. Larkin re Sewer Crossings and Sewers, Route 304, acknowledged by Board.

(138) Councilman Frohling moved the following resolution:

WHEREAS, a written petition, dated March 21, 1964, was duly filed with this Board requesting the permanent improvement of the highway or right-of-way in this Town known as Dyke's Park Road, Manuet, Town of Clarkstown, Rockland County, N.Y., from Route 59 northerly for a distance of some 1725 feet to the New York State Throughway, by the permanent paving thereof in the manner hereinafter determined by the Board; and

WHEREAS, said petition was duly signed by owners of real estate owning real estate to the extent of at least one-half of the entire frontage or bounds on both sides of that portion of such highway or right-of-way situate between the points aforesaid and also signed by resident owners owning not less than one-half of the frontage owned by resident owners residing in or along the portion of such highway or right-of-way situate between such points; and

WHEREAS, the said petition was duly acknowledged or proved as to each signer in the same manner as required of a deed to be recorded; and

WHEREAS, at a meeting of said Town Board duly called and held on April 13, 1964, an Order was duly adopted by it and entered in its minutes, reciting the filing of such petition, the improvement proposed and the maximum amount proposed to be expended for the improvement as stated in such petition, to wit: the sum of \$42,000.00 and specifying that the said Board would meet to consider the petition and to hear all persons interested in the subject thereof concerning the same, at the Town Hall, 10 Maple Ave., New City, New York, in said Town on the 11th day of May, 1964, at 8:30 o'clock, P.M. E.D.S.T., and

WHEREAS, the said Order, duly certified by the Town Clerk, was duly published and posted as required by law, to wit: a duly certified copy thereof was published in the "County Citizen", the official paper of this Town, on April 29, 1964, and copies of such Order were posted on the 30th day of April, 1964, conspicuously on the Town Bulletin Board in the Town Hall, 10 Maple Ave., New City, New York, and in five (5) other public places within the district, to wit: at Poles Nos. 1, 5, 6, 9 and 11 on Dyke's Park Road, New York; and

WHEREAS, a hearing was duly held by this Town Board at the place and on the date and time hereinbefore mentioned, and at such place and time the said Town Board did duly consider the said petition and hear all persons interested.

NOW, THEREFORE, after such hearing and upon the evidence given thereat and pursuant to the provisions of Section 200 of the Town Law of the State of New York, it is hereby

RESOLVED, that this Board does hereby determine that it is in the public interest to make the improvement petitioned for, to wit, to permanently pave the said highway or right-of-way running northerly from Route 59 to the southerly line of land of the New York State Thruway, the said pavement to be of a width of 24 feet extending along the entire length of said highway or right-of-way as hereinbefore described, said paving to be in accordance with the applicable specifications of the Town of Clarkstown, and it is further

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RESOLVED, that the appropriate officers of the Town of Clarkstown, with the assistance of the engineer and attorney hereinafter appointed, make application pursuant to Section 171 of the Highway Law, to the Superintendent of Public Works of the State of New York, for laying out said proposed Town highway for a width of less than three (3) rods, to wit: thirty (30) feet and it is further

RESOLVED, that Edward P. Arbogast, as Engineer, shall prepare definite plans and specifications and make a careful estimate of the expense, and with the assistance of Donald G. Partridge, Esq., Attorney-at-Law, who maintains his offices at 135 Main Street, Nanuet, New York, who is hereby employed for such purpose, and after having obtained the aforesaid approval from the Superintendent of Public Highways of the State of New York pursuant to Section 171 of the Highway Law, shall prepare a proposed contract for the execution of the work, and that such plans and specifications, estimate and proposed contract shall be presented to this Board as soon as it is reasonably possible.

Seconded by Councilman Welchman.

All voted yes.

(139) Councilman Danko moved the following resolution:

RESOLVED, that the application of Seymour Keffler and Harry Keffler for a change of zoning from a RA-1 district to a R-1 district on property located on westerly side of West Burda Place, in New City, New York, 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.

Seconded by Councilman Frehling.

All voted yes.

(140) Councilman Holbrook moved the following resolution:

RESOLVED, that the application of PONOMA CUSTOM BUILDERS, INC. for a change of zoning from a RA-1 district to a R-22 district on property located on north side of New Hempstead Road in New City, New York, 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.

Seconded by Councilman Welchman.

All voted yes.

(141) Councilman Frehling moved the following resolution:

RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED APRIL 13, 1964, AUTHORIZING AND DIRECTING THE PREPARATION OF A GENERAL MAP, PLAN AND REPORT FOR THE ESTABLISHMENT OF SEWER DISTRICTS IN THE UNINCORPORATED AREA IN SAID TOWN, AND THE CONSTRUCTION OF SEWER SYSTEMS IN THE HAMLETS OF NEW CITY, CENTRAL NYACK AND NANUET, AUTHORIZING THE SUPERVISOR TO ACCEPT AN \$25,750 ADVANCE THEREFORE FROM THE UNITED STATES OF AMERICA AND APPROPRIATING THE AMOUNT OF \$25,750 FOR THE PREPARATION THEREOF, INCLUDING SAID \$25,750 ADVANCE.

WHEREAS, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, has for some time been concerned with the lack of adequate sewerage facilities in the unincorporated area of said Town of Clarkstown, and said Town Board deems it to be in the public interest to consider the establishment of sewer districts in said area and to construct sewer systems therein; and

WHEREAS, the Town Board of the Town of Clarkstown adopted a resolution on July 6, 1964, authorizing and directing the preparation of a general map, plan and report for the establishment of sewer districts in portions of the Town of Clarkstown

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and authorized the Supervisor to accept an advance of \$88,000 from the United States of America and appropriated said amount for the preparation thereof, and

WHEREAS, said plan, map and reports have been and are in process of being prepared, and

WHEREAS, the United States of America acting through the Housing and Home Finance Agency has agreed to advance \$25,750 to said Town to defray a portion of the cost of preparing a general map, plan and report for the establishment of sewer districts in said area; now, therefore, be it

RESOLVED, by the Town Board of the Town of Clarkstown, in the County of Rockland, New York, as follows:

Section 1. The Town Board of the Town of Clarkstown in the County of Rockland, State of New York, hereby authorizes and directs Hussbaumer, Clarke and Veigy, P.E. and Woodward, Clyde, Sherard & Assoc., P.E., consulting engineers duly licensed by the State of New York, to prepare a general map, plan and report pursuant to the provisions of Article 12-A of the Town Law for the establishment of sewer districts in the unincorporated area in said Town of Clarkstown, and construction of sewer systems in the Hamlets of New City, Central Nyack and Nanuet, no part of any of said proposed districts to be included within the boundaries of any incorporated village, city or existing sewer district in which such facilities are provided;

Section 2. The Supervisor, the chief fiscal officer of said Town of Clarkstown, is hereby authorized to accept on behalf of said Town, the amount of \$25,750 which the United States of America, acting by and through the Housing and Home Finance Agency, has agreed to advance to said Town to defray a portion of the cost of the preparation of such general map, plan and report pursuant to Public Law 560, 83rd Congress of the United States, as amended.

Section 3. Said Town Board hereby appropriates the amount of \$25,750 to pay the cost thereof and incidental costs in connection therewith, including said amount of \$25,750 which the United States of America, acting by and through the Housing and Home Finance Agency, has agreed to advance to said Town, to be apportioned equally to each such district hereafter duly established pursuant to said report as finally approved by said Town Board and appropriate State and Federal regulatory bodies.

Section 4. 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, 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.

Seconded by Councilman Holbrook.

All voted yes.

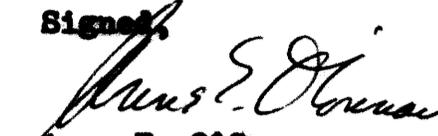
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Following reports noted by Town Board and ordered filed in Town Clerk's office.:

Clarkstown Sanitary Fill for March 1964; Town Clerk's Report for March, 1964; and Trial Balance dated February 29, 1964.

On resolution made by Councilman Frohling and seconded by Councilman Welchman and unanimously adopted, Town Board meeting was adjourned.

Signed,

  
Anne E. O'Connor  
Town Clerk

**SPECIAL TOWN BOARD MEETING**  
4/20/64

Town Hall

8:00 P.M.

Present: Councilmen Frohling, Danke, Holbrook, Welchman, Mandt  
Town Attorney J. Martin Cornell

Supervisor Mandt called Special Town Board Meeting to order at 8:00 P.M.

(142) Councilman Frohling moved the following resolution:

WHEREAS, the fruit stand situated on the premises owned by Dinah Perahin on Route 59A, West Nyack, New York, shown as Map 71, Block A, Lot 3, on the Tax Map of the Town of Clarkstown, in a collapsed, dangerous condition, and

WHEREAS, consents to the removal and demolition of the abandoned fruit stand situate upon said premises by the Town of Clarkstown, its agents and/or employees, and a release of said parties from any and all claims in connection with said removal has been received from Evelyn Van den Hauvel, Individually and as Administratrix of the Estate of Anton Van den Hauvel, the holder of the mortgage on said premises and Joseph Tanenbaum, as attorney for Dinah Perahin, owner of said premises,

NOW, THEREFORE, BE IT

RESOLVED, that Milton Karel, Village Square, W. Nyack, N.Y., is hereby constituted the agent of the Town of Clarkstown for the demolition and removal of the abandoned fruit stands located upon the aforesaid premises and that it be

FURTHER RESOLVED, that the said Milton Karel shall cause the removal and demolition of said abandoned fruit stands on the aforesaid premises at once, and be it

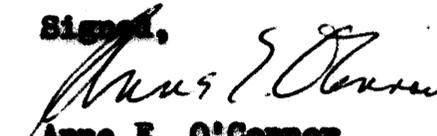
NEVERTHELESS RESOLVED, that said Milton Karel shall do the aforesaid acts without compensation of any kind.

Seconded by Councilman Welchman.

All voted yes.

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

Signed,

  
Anne E. O'Connor  
Town Clerk