

PUBLIC HEARING  
5/18/64

Town Hall

8:15 PM - D.S.T.

Present: Councilman Frohling, Danko, Holbrook, Welchman, Supervisor Mundt.  
Town Attorney J. Martin Cornell  
Town Clerk Anne E. O'Connor

RE: ZONE CHANGE PETITION - MARVROY REALTY CORP (SC & R-22 to R-2) Property located s/side of Lake Road, Valley Cottage.

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

Arthur Moskoff appeared as attorney for petitioner and explained request for zone change to Board as follows:

1. Dual petition - (1) Applic. to extend Sewer Dist. #1  
(2) Applic. to change zone of approx. 9 acres of large parcel to R-2.
2. Two-story garden apartments is planned. Sewer and zone change petitions should be approved or disapproved together. This is only such zoning change which has been approved by zoning board. Nine (9) acres of land on Lake Road in Valley Cottage just off five corners, within 500' of Route 303.

West - already developed with garden apartments.

South - Vacant property owned by petitioner zoned for single family residences.

East - Property on both sides of Lake Road SC zone. Many of bungalows are rented for all year use. Need apartments.

North - Lake Road

3. Two houses opposite and small dead-end street, which faces this property and has five houses on it.
4. Dual access - Christian Herald Road and Rockland Lake Road.
5. Petition will give additional 17' strip on Lake Road for re-widening of Lake Rd.

FACILITIES:

1. Just west on Lake Road, two churches and rectory. Garage on other corner. Both sides of Route 303 commercially zoned.
2. Parcel is within walking distance of fire house. Shopping nearby in Valley Cottage. Bus passes on Lake Road; and another on Route 303.
3. Children: Within walking distance of two (2) schools which are in Nyack School Dist.
4. There will be sidewalks on Rockland Lake Road.
5. Gas, water and electricity will be brought to this project.
6. Hess Road: Developers will put gas and water at own cost and expense. People on this road will pay to connect into this service.

Covenant: Number of apartments - 20% will be two-bedroom; one-bedroom apartments in larger amount.

7. Sanitary sewers: Approval for septic tanks. We have presented plan to Town Engineer. Garden apartments and 27 acres already subdivided will be sewered. Part of County sewer specifications. This trunk, which will be laid on Lake Road, will carry into Quaspeck Sewer System. Client would pay for whole cost - about \$50,000. He would either give this money to Town, or do the job himself. Petitioner will covenant to this. Petitioner will draw the agreements at own expense, or have Town Attorney do so.

Mr. Moskoff offered report from Donald Brenner, P.E., who is their consulting engineer. In his report, Mr. Brenner concluded that (1) sanitary surface disposal system will have to be built; (2) that capacity proposed pumping station will have to be put down on the foot of Christian Herald Road downhill about 100' from this property and that (3) ten times the population proposed for Valley Cottage Heights will be serviced by this pumping station.

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WITNESSES: (Sworn in by Supervisor)

1. Bernard Blasenheim, 25 South Lake Drive, Spring Valley, N.Y.

Testified as follows:

President of Marvroy Realty Corp.

Sewers will be made available.

Gas and water will be made available.

Setting aside park area.

QUESTIONS FROM BOARD: (Directed to Mr. Blasenheim)

Supv. Mundt: (1) Hess Road residents will be supplied with gas and water main?

Connections to their individual houses will be their choice? Ans: Yes.

(2) RESTRICTIVE COVENANT on stage of R-22 as well as R-2? Yes.

Councilman Welchman: Present Quaspeck Sewer District sufficient to take care of this? If that is so, are you willing to contribute towards that district? Have you decided on any amount?

Mr. Blasenheim: Town Engineer has set up a rate. Could be used for sinking fund.

Councilman Frohling: (To Town Engineer): Are you familiar with Brenner report?

Ans: I will review.

Councilman Frohling: (To Town Engineer): Is capacity adequate at present, or should it be enlarged? Ans: I would like to enlarge plant and this would be a good way to get it done.

CAPACITY: It should be increased.

Councilman Danko: Nine acres on Lake Road in R-22. How much land is in SC?

Ans: Nine acres includes the SC. Was changed from one acre to  $\frac{1}{2}$  acre before petitioner purchased the land.

Councilman Holbrook: (1) Sidewalks on Lake Road and Christian Herald Road? Ans: Along Lake Road, yet. Along Christian Herald, no sidewalks planned.

Egress and ingress on Christian Herald road.

Sidewalks on Lake Road as far as petitioner can.

Petitioner owns 150' on Christian Herald.

(2) How many apartments do you plan to build? Nine acres - 136 units.

(3) Assessment on this property would be? For each 8 units, \$21,000 assessed valuation. Times 17, equals \$375,000 to \$400,000 assessment, approximately.

(4) If developed as R-22 assessment would be? Ans: Eighteen \$5000 assessed valuation homes - \$90,000 assessment.

Councilman Frohling: (To Town Engineer). Could you give your approximate ideas as to how many one-family dwellings could be built in area at present time?

Town Engineer: About 15-16 one-family homes.

Councilman Welchman: (1) Hess Road - water and gas. How many homes on that street?

Ans: Right now 11 homes on Hess Road.

(2) Have residents on Hess Road ever made application for water and gas? Ans: Some have, but it is too expensive for them to obtain.

WITNESS II: Mr. James Azzolino, New Jersey

1. Stated his educational background - Graduate Civil Engineer from CCMY - Eng. Societies member.

SEWERS: Has conducted preliminary study of site. Proposal is sound economic proposal. Mr. Brenner has investigated sewer system in great detail. Has

personally inspected site with Town Engineer. From an engineering standpoint, you can construct a sanitary sewer system from the particular garden apartment site and surrounding dwellings to Quaspeck plant. This system and its size would be decided upon amount of effluent discharged into it. This can be designed adequately for immediate needs, and for any needs which may develop.

TRAFFIC: Two methods of access: 1. Christian Herald Road  
2. Rockland Lake Road

Developer will dedicate 17' of property on Rockland Lake Road for its ultimate widening.

Route 303 traffic is light. Amount of traffic which will be discharged on to Route 303 will not be heavy.

DRAINAGE: Gravity flow of water from south to north. We will design adequate culverts. There will be play areas.

Mr. Frohling: Bulk of traffic will exit on to Lake Road? Yes.

WITNESS III: Seymour Gurlitz, Architect, West Nyack, N.Y.

Stated his educational background and education.

Questions from Mr. Moskoff:

1. Would agree to submit his plans to Town Architectural Advisory Board. Explained layout. Map presented to Board. Site heavily wooded. Nine acres on Lake Road.

In multiple residence. Six acres in southwest corner of area - park.

Park would consist of 50' cleared area with benches; and in center of 50' clear area 8 to 10' strip of pavement for bicycles, baby carriages, roller skating, etc.

PARKING: Has been kept around perimeter of site. Benches will be provided. Play area for children. These areas will be free of traffic.

About 11 1/2% of site would be covered with buildings; which leaves balance of 88% green area and open space for parking, play areas, or landscaped areas.

25% floor area to land area.

Question: Average size of one-family dwelling plots? Answer: 17 1/2 thousand feet to 27 1/2 thousand feet.

Supervisor Mndt: Size of apartments?

1. Efficiency apartments - one large living room, bedroom (single) kitchenette, large walk-in closet, and bathroom.

2. One bedroom apartment: one bedroom, kitchenette, living room.

136 apartments all told broken down as follows:

88 - 1 bedroom  
24 - efficiency apartments  
24 - two bedroom apartments

136 - total apartments

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PARK: Six acres in park area. This park area would be improved at expense of petitioner.

Councilman Holbrook: Would you improve park area further with walks? Have not planned that at present, but could do. Pavement will be 10' wide.

WITNESS: III- Sworn in: Mr. Fred Horn, Jr. 155 Main St., Manuet, N.Y.

This is desirable place for Hi-Rise apartments.

Taxes: Will increase tax ratable. Have to provide apartments for industry and teachers.

No further questions from Board. No further witnesses.

IN FAVOR:

1. Erwin Engel, Lexow Avenue, Manuet.
2. Mrs. Schoenstein, Hess Rd., Manuet (Sewers-gas, water.) We need. Road in bad condition.
3. William Ruka, 8 Saxson Lane, West Nyack: Vice-President of Savings & Loan, N.Y.C.

We have financed garden apartments. They have been very successful and enhance community.

4. Dr. Yandell, Route 304, Bardonia: Health problem. Builders sewage disposal plant will help.
5. John Holsted, Hess Rd., Manuet: Better than summer colony.
6. James Gordon, Old Mill Rd., West Nyack: Owns home. Wants garden arpatment which will be easier for him to care for.
7. Mrs. Michaud, Bardonia, N.Y.: Will encourage industry.
8. Mrs. Greenspan, Valley Cottage: In favor.
9. Marianne Potter, Real Estqte Agent, New City, N.Y.: Builder reliable. Sewers will benefit.
10. Mrs. Tyrka, 39 Smith Rd., Manuet: In favor
11. Mrs. Malusso, Manuet: In favor. Need for apartments.
12. Eileen Jacob, Valley Cottage: Sewers will benefit home owners in area, of which I am one.

OPPOSED:

1. John Tomicki, West Nyack, N.Y.: Submitted petition which he stated represents 851 residents in Valley Cottage; 75% of adjacent landowners. (He stated that this would require four to one (4-1) vote of Town Board to grant zone change.
2. James Hesselgrave, Valley Cottage, N.Y.: People in favor do not live in Valley Cottage. Area not for apartments. Nyack flats they are tearing down now, if they thought to future, they would not have built apartments. Single family homes now, we wish to keep it this way. We do not want eventual slum housing.
3. Jerry Hagerty, Christian Herald Road, Valley Cottage:
  - a. R-2 land in surrounding area is ample. Why select residential region. There is approximately 50 acres of R-2 land down hill.
  - b. If petition granted, all SC will request change to garden apartments.
  - c. County Planning Board states there is no need at this time. There are over 100 different ads for apartments listed in Journal News. Over 600 apartments

now available in Clarkstown according to the newspapers.

4. Mr. Krakower, Lake Road, Valley Cottage: Lives directly opposite to property which is being sought to be changed. Lake Road - heavy traffic. We do not want garden apartments in this zone.

John Tomicki: We do not question Mr. Blasenheim's integrity. Wait for Master Plan - if at that time it is the desire of the people to have garden apartments, first let them do it according to Master Plan.

Children: One apartment unit - one child  
112 units - 112 children

If land developed as presently zoned, it would give you 3.5 children per house-56 children. Twice the number of children if Town Board grants application. We have sufficient apartment houses. Need industry.

5. Mrs. Jos. Keesman, Hess Road, Valley Cottage (West End Ave., New York City):  
Opposed:

6. Mrs. Judith Keesman, Hess Rd., Valley Cottage: Opposed

7. Mrs. Andrew Spears, Hess Rd., Valley Cottage: Opposed

8. Mrs. Eugene Powell, Christian Herald Road, Valley Cottage: Wait for Master Plan.

9. Bernard F. Reilly, Fulle Dr., Valley Cottage: Opposed

10. James Coyle, Christian Herald Road, Valley Cottage: Questioned package plant proposed.

11. Michael Haggerty, Quaspeck, Valley Cottage: Only three in favor this evening live in Valley Cottage.

12. Fr. Pollar, All Saints Church: Does not oppose apartments. Would like Board to wait for Master Plan.

13. Robert Sanner, Lake Road, Valley Cottage: Other area will also down zone.

REBUTTAL (MR. MOSKOFF):

1. With reference to Tomicki petition: Nothing in petition stating this would have legal significance. Sec. 279 of Town Law.

2. Re discussion of decision of County Planning Board: They felt that this was an appropriate site for this and said so.

3. Tax Revenue- More money for schools.. Ramapo School II Survey read: 1-3 apartments - childless, pre-school children, or single persons. 3% and up - sharply increased number of children. Larger the apartment unit, the greater the amount of children. (523 families living in 1-6 rooms - total 522 children.) This figure could be reduced where only 20% of property would be 2 bedroom.

4. Industrial Ratables: Will not come into this Town unless we have a favorable tax situation. Sewers, housing, schools, roads, etc., etc., have to have housing first.

CORRESPONDENCE:

1. All Saints Church, Valley Cottage, N.Y. - Opposed. Wait for Master Plan

2. Milton Karel, W. Nyack Village Square Builders, Inc. West Nyack: For

3. Mrs. Robert H. Tyrka, Smith Road, Manuet: For

4. Mrs. Robert J. Seigel, 9 Lisa Lane, Manuet: For

5. Helen Lipovsky, Congers Road, New City: For

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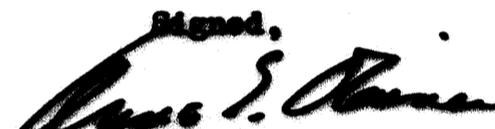
6. Mrs. Rose Gangi, Valley Cottage: For
7. Lynne Gold, (Mrs. Ray E. Gold) 4 Irion Dr., New City: For
8. Mrs. Neal Preuzan, 11 Irion Dr., New City: For
9. Chas. W. Caldwell, 10 No. Bway, Nyack, N.Y.: For
10. Jean Q. Porteous, (No address): For

RECOMMENDATION OF COUNTY PLANNING BOARD: Denial

RECOMMENDATION OF CLARKSTOWN PLANNING BOARD: Approval w/restrictive covenants as follow:

1. That suitable public access be provided from Lake Road through the land covered by the proposed change of zone to the remainder of the land owned by the developer.
2. That the developer stipulate that he does not intend to request a change of zone to provide garden apartments in the remainder of his property and will develop it under the present zoning.
3. That proper agreement be made to expand the present disposal plant of Sewer Dist. No. 1 and provide a lateral of sufficient size that may be used by other property owners in the general vicinity and along Lake Road. (They understand that the Town Eng. will make recommendations along these lines)
4. That additional width be dedicated along Lake Road to permit a 50' right of way as requested by the Supt. of Highways.

On resolution moved by Councilman Danke, seconded by Councilman Holbrook and unanimously adopted, public hearing was adjourned.

Signed,  
  
 Anne E. O'Connor  
 Town Clerk

## PUBLIC HEARING

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5/18/64

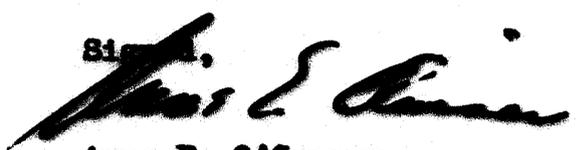
8:30 P.M., D.S.T.

Present: Councilmen Frohling, Danko, Holbrook, Welchman, Supervisor Mundt.  
Town Attorney J. Martin Cornell  
Town Clerk Anne E. O'Connor

RE: EXTENSION OF SEWER DISTRICT NO. I (QUASPECK PARK) TO INCLUDE MARVROY REALTY CORP.

Supervisor Mundt called Public Hearing to order. Town Clerk read notice of public hearing.

Testimony given at zone change hearing held this evening for same petitioner includes all pertinent information with relation to request for extension of Sewer District No. 1.

Signature  


Anne E. O'Connor  
Town Clerk

## PUBLIC HEARING

Town Hall

5/18/64

8:45 P.M., D.S.T.

Present: Councilmen Frohling, Danko, Holbrook, Welchman, Supervisor Mundt.  
Town Attorney J. Martin Cornell  
Town Clerk Anne E. O'Connor

RE: CONSTRUCTION OR INSTALLATION OF SANITARY SEWER AND SEWER CROSSINGS IN THE RIGHT OF WAY ON ROUTE 304, NEW CITY

Supervisor Mundt called public hearing to order. Town Clerk read Notice of Public Hearing.

Mr. John Larkin, upon question by Town Attorney J. Martin Cornell described physical location of sewer system. He also stated that it would tie into Sewer District No. 10, and that Mr. Roswell would be Engineer.

Upon further questioning by the Town Attorney, Mr. Larkin testified that it would be in the public interest and will serve the town sewer system.

There were no further questions.

Councilman Welchman ascertained that State will not allow to construct or install crossings on Route 304 at later date.

In reply to question put by Councilman Welchman, Supervisor Mundt stated that Town will be reimbursed should County System go into effect; also that this portion of pipe could be used in town program.

Councilman Holbrook mentioned that Town can effect savings by doing now; cost of savings, \$100,000 for crossings alone.

Cost of interest in carrying bond for four years at 3-3/4% a year would be \$1800 a year - \$7200 for four years. This will be reimbursed by County when County System goes through.

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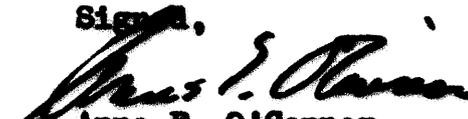
Mr. Larkin mentioned that 150' of pipe would also be included in the \$ 60,000 cost figure.

IN FAVOR: Edward P. Arbogast, 62 Germonds Road, New City, N Y.

OPPOSED: None

On resolution by Councilman Holbrook, seconded by Councilman Welchman and unanimously adopted, public hearing was adjourned.

Signed,

  
Anne E. O'Connor,  
Town Clerk

**SPECIAL TOWN BOARD MEETING**

Town Hall

May 18th, 1964

8:00 P.M.

**Present:** Councilmen Frohling, Danko, Holbrook, Welchman, Mundt.  
Town Attorney J. Martin Cornell  
Town Clerk Anne E. O'Connor

Supervisor Mundt called Town Board Meeting to order at 8:00 P.M., D.S.T.

(219) Councilman Danko moved the following resolution:

**RESOLVED**, that minutes of Special Town Board Meeting held on May 5th, 1964; and one (1) public hearing and regular Town Board Meeting held on 5/11/64 be approved and accepted as submitted by the Town Clerk.

Seconded by Councilman Frohling.

On roll call the vote was as follows:

**AYES:** Councilmen Frohling, Danko, Holbrook, Welchman, Supervisor Mundt.

**NOES:** None

(220) Councilman Holbrook moved the following resolution:

**WHEREAS**, S.B. DEVELOPMENT 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 an R-1 district to a proposed R-6 district; and

**WHEREAS**, the petitioner has petitioned the Town Board to amend the building zone ordinance of the said Town to provide for a new district being designated as R-6;

**BE IT RESOLVED**, that a public hearing pursuant to Sections 264 and 265 of the Town Law be had at the Board Room of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the said Town of Clarkstown, on the 8th day of June, 1964, at 8:30 P.M., (D.S.T.), relative to such proposed R-6 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.

On roll call the vote was as follows:

AYES: Councilmen Frohling, Danko, Holbrook, Welchman, Supervisor Mundt.

NOES: None

(221) Councilman Holbrook moved the following resolution:

WHEREAS, S.B. DEVELOPMENT 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-1 district to a Proposed R-6 district;

BE IT RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be had at the Board Room of the Town Hall of the Town of Clarkstown at 10 Maple Avenue, New City, Rockland County, New York in the said Town of Clarkstown, on the 8th day of June, 1964, at 8:45 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 Frohling.

On roll call the vote was as follows:

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

NOES: None

Councilman Frohling introduced Local Law Providing for Regulations Governing Conditions Hazardous to Life and Property from Fire or Explosion:

(222) Councilman Holbrook moved the following resolution:

WHEREAS, Councilman Frohling, a member of the Town Board of the Town of Clarkstown has introduced a local law entitled "LOCAL LAW PROVIDING FOR REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION" and

WHEREAS, the Town Board of the Town of Clarkstown considers that it is in the public interest that a Local Law providing for regulations governing conditions hazardous to life and property from fire or explosion be adopted,

BE IT RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law be had at the Board Room in the Town Hall, 10 Maple Avenue, New City, New York, on the 8th day of June, 1964 at 9:00 o'clock in the evening, D.S.T., relative to such proposed Local Law; and it is

FURTHER RESOLVED, that notice of time, place and purpose of such hearing shall be published in the Journal News, Nyack, N Y, and posted in the manner provided by law; and it is

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing and that the Town Clerk cause the same to be published and posted as aforesaid and file proof thereof in the office of the said Town Clerk.

Seconded by Councilman Welchman.

On roll call the vote was as follows:

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AYES: Councilmen Frohling, Danko, Holbrook, Welchman, Supervisor Mundt.

NOES: None

(223) Councilman Welchman moved the following resolution:

RESOLVED, that the application of ALF. C. CLEMENSEN AND JENNIE L. CLEMENSEN for a change of zoning from an RA-1 district to an R-22 district, on property located on the north side of Old Middletown Road, New City, Rockland County, 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 Holbrook

On roll call the vote was as follows:

AYES: Councilmen Frohling, Danko, Holbrook, Welchman, Supervisor Mundt.

NOES: None

Mr. Eric Binder appeared before Board re Will Rogers Lane Bridge. Supervisor Mundt informed Mr. Binder that Chief of Police will look at property and give his estimate of danger; and that Town Attorney will advise by next meeting; if condition is esteemed dangerous, and Board will then take concrete action.

(224) Councilman Frohling moved the following resolution:

RESOLVED, that Town Board Meeting be adjourned to hold regularly scheduled public hearings.

Seconded by Councilman Danko.

On roll call the vote was as follows:

AYES: Councilmen Frohling, Danko, Holbrook, Welchman, Supervisor Mundt.

NOES: None

(225) Councilman Holbrook moved the following resolution:

RESOLVED, that regular Town Board Meeting be resumed, public hearings scheduled for this evening having been heard.

Seconded by Councilman Welchman.

On roll call the vote was as follows:

AYES: Councilmen Frohling, Danko, Holbrook, Welchman, Supervisor Mundt.

NOES: None

(226) Councilman Frohling moved the following resolution:

RESOLVED, that the Town Board hereby reserves decision on zone change application made by MARVOY REALTY CORP. (SC & R-22 to R-2) for property located on south side of Lake Road, Valley Cottage, New York.

Seconded by Councilman Holbrook.

On roll call the vote was as follows:

AYES: Councilman Frohling, Danko, Holbrook, Welchman, Supervisor Mundt.

NOES: None

(227) Councilman Frohling moved the following resolution:

RESOLVED, that the Town Board hereby reserves decision on application for Extension of Sewer District No. 1 (Queasack Park) to include MARVOY REALTY CORP.

Seconded by Councilman Holbrook

On roll call the vote was as follows:

AYES: Councilmen Frohling, Danko, Holbrook, Welchman, Supervisor Mundt.

NOES: None

(228) Councilman Holbrook 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 May 5, 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 \$60,000 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 18th day of May, 1964, at 8:45 O'clock P.M. (D.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 has hereinabove referred to at such estimated cost, now, therefore, upon the evidence given at such hearing it is hereby

**RESOLVED** and it 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 \$60,000, and it is hereby

**ORDERED**, that Nussbaumer, Clarke & Velsy, P.E., consulting engineers heretofore retained by 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 improvement

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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 Public Hearing in the office of the Clerk of Rockland County within ten (10) days after adoption thereof.

DATED: May 18, 1964

TOWN BOARD OF THE TOWN OF CLARKSTOWN

Signed.

Paul F. Mundt, Supervisor

Martin Holbrook, Councilman

Philip J. Frohling, Jr., Councilman

Joseph Welchman, Councilman

Stephen Danko, Councilman

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

Seconded by Councilman Frohling

On roll call the vote was as follows;

AYES: Councilmen Frohling, Danko, Holbrook, Welchman, Supervisor Mundt.

NOES: None

(229) Councilman Holbrook moved the following resolution:

**BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED MAY 18, 1964, APPROPRIATING \$60,000 for the CONSTRUCTION AND INSTALLATION OF SANITARY SEWERS AND SEWER CROSSINGS IN STATE HIGHWAY ROUTE 304 IN SAID TOWN AND AUTHORIZING THE ISSUANCE OF \$60,000 SERIAL BONDS OF SAID TOWN TO FINANCE THE APPROPRIATION.**

Recital

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 May 18, 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 said construction and installation at a cost not to exceed \$60,000 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 \$60,000 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 May 18, 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 \$60,000 and the plan of financing is the issuance of serial bonds of said Town of Clarkstown in the principal amount of \$ 60,000 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 \$ 60,000 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 (15) 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 Sec. 52.00 of said Local Finance Law and said bonds and 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 upon 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 irrevocably 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 amortization 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 the provisions of Sec. 30.00 relative to the authorization

of the issuance of bond anticipation notes and of Sec. 50.00 and Sections 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 expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

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

Section 7. This resolution shall take effect immediately.

Seconded by Councilman Welchman

On roll call the vote was as follows:

AYES: Councilman Frohling, Danko, Holbrook, Welchman, Supervisor Mundt

NOES: None

(230) Councilman Holbrook moved the following resolution:

RESOLVED, that 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, and be it

FURTHER RESOLVED, that this resolution shall take effect immediately.

Seconded by Councilman Welchman.

On roll call the vote was as follows:

AYES: Council Frohling, Danko, Holbrook, Welchman, Supervisor Mundt.

NOES: None

(231) Councilman Holbrook moved the following resolution:

RESOLVED, that the Town Engineer and Town Attorney are hereby instructed to draw up easement in connection with Radcliff Drive drainage problem, and be it

FURTHER RESOLVED, that someone be hired to do necessary work to ease situation and be it

FURTHER RESOLVED, that the Superintendent of Highways be instructed to post signs ordering "NO DUMPING" at site.

Seconded by Councilman Welchman.

All voted yes.

(232) Councilman Frohling moved the following resolution:

**RESOLUTION ADOPTED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN  
ADOPTING PLANS, SPECIFICATIONS, AND PROPOSED CONTRACT REGARDING  
CONSTRUCTION AND INSTALLATION OF SANITARY SEWERS AND SEWER CROSS-  
INGS IN ROUTE 304**

WHEREAS, by Resolution and Order after Public Hearing, dated April 13, 1964, it was decided by the Town Board of the Town of Clarkstown, that it is in the public interest to construct and install sanitary sewers and sewer crossings in State Highway Route 304, at the estimated maximum cost of \$ 65,000, outside an existing sewer district pursuant to Sec. 202-f of the Town Law, and

WHEREAS, by said resolution and order of April 13, 1964, Nussbaumer, Clarke & Velzy, P.E., consulting engineers, were ordered to 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 the Town Board as soon as possible, and

WHEREAS, by resolution and order after public hearing, dated May 18, 1964, it was decided by the Town Board of the Town of Clarkstown that it is in the public interest to construct and install additional sanitary sewers and sewer crossings in State Highway Route 304, at the estimated maximum cost of \$60,000 outside an existing sewer district pursuant to Sec. 202-f of the Town Law, and

WHEREAS, by said resolution and order of May 18, 1964, Nussbaumer, Clarke & Velzy, P.E., consulting engineers, were ordered to prepare definite plans and specifications and make a careful estimate of the expense for such construction and installations 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 the Town Board as soon as possible, and

WHEREAS, the said Nussbaumer, Clarke & Velzy have prepared plans and specifications and made a careful estimate of the expense for such construction and installation of sanitary sewers and sewer crossings, and with the assistance of J. Martin Cornell, Town Attorney, have prepared a proposed contract for the execution of the work and said plans, specifications and proposed contract having been filed with the Town Clerk of the Town of Clarkstown and such plans, specifications, estimates and proposed contract having been examined by this Board, and

WHEREAS, said plans, specifications, estimates and proposed contract for the construction of sanitary sewers and sewer crossings in State Highway Route 304 incorporate the sanitary sewers and sewer crossings authorized by the resolutions and orders dated April 13, 1964, and May 18, 1964, and

WHEREAS, the Town Board of the Town of Clarkstown on the same date hereof has or will adopt a resolution approving the plans, specifications, estimates and proposed contract regarding the construction and installation of sanitary sewers and sewer crossing in State Highway Route 304 in the New City Sewer District (Sewer

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District No. 10), Town of Clarkstown, Rockland County, New York, and

WHEREAS, the plans, specifications, estimates and proposed contract for the construction of said sanitary sewers and sewer crossings encompass the work to be done as authorized by the aforesaid resolutions of the Town Board of the Town of Clarkstown, dated April 13, 1964 and May 18, 1964, and the construction of said sanitary sewers and crossings in said New City Sewer District (Sewer District No. 10),

NOW THEREFORE, be it

RESOLVED, that the plans, specifications, estimates and proposed contract for the construction of sanitary sewers and sewer crossings in State Highway Route 304, be and they hereby are approved and adopted, and be it

FURTHER RESOLVED, that the Town Engineer of the Town of Clarkstown is directed to submit a copy of the map and plan of the proposed sewer system to the State Department of Health, and if approved, he is hereby directed to file the same in the Office of the State Department of Health and the office of the Town Clerk of the Town of Clarkstown pursuant to Sec. 192 of the Town Law, and be it

FURTHER RESOLVED, that the Town Engineer of the Town of Clarkstown is hereby directed to secure the written consent of the State Superintendent of Public Works or the County Superintendent of Highways, as the case may be, for the improvement to be constructed in said highway pursuant to Sec. 202-f (4) of the Town Law.

Dated: May 18, 1964.

Seconded by Councilman Welchman.

On roll call the vote was as follows:

AYES: Councilmen Frohling, Banko, Holbrook, Welchman, Supervisor Mundt.

NOES: None

(253) Councilman Welchman moved the following resolution:

WHEREAS, New City Sewer District (Sewer District No. 10) Town of Clarkstown, is to construct sanitary sewers and sewer crossings in State Highway Route 304 as proposed to be relocated, and

WHEREAS, by resolution and order after public hearing, dated April 13, 1964, and by resolution and order after public hearing dated May 18, 1964, it was decided by the Town Board of the Town of Clarkstown that it is in the public interest to construct and install sanitary sewers and sewer crossings in State Highway Route 304, outside an existing sewer district pursuant to Sec. 202-f of the Town Law, and

WHEREAS, substantial economies in time and money would result from joint specifications, by the Town of Clarkstown and New City sewer district (sewer district No. 10) for the said construction work in State Highway Route 304, seeking to obtain a single bid, and a joint construction contract,

NOW, THEREFORE, BE IT

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FURTHER RESOLVED, that upon acceptance of bids the Town of Clarkstown on its own behalf and on behalf of New City Sewer District (Sewer District No. 10) shall enter into a construction contract with the successful bidder for the construction and installation of sanitary sewers and sewer crossings in State Highway Route 304 and the Town of Clarkstown and New City Sewer District (Sewer District No. 10) shall share the expense of construction on the basis of actual payments to the contractors for the respective items of work done for the Town of Clarkstown for the work outside of any sewer district and done for New City Sewer District (Sewer District No. 10) respectively, under the contract.

Seconded by Councilman Holbrook

All voted yes.

(234) Councilman Holbrook moved the following resolution:

WHEREAS, the New City Sewer District (Sewer District No. 10) Town of Clarkstown is, as part of the construction work of the district, to construct sanitary sewers and sewer crossings in State Highway Route 304, and

WHEREAS, by resolution and order after public hearing dated April 13, 1964, and by resolution and order after public hearing dated May 18, 1964, it was decided by the Town Board of the Town of Clarkstown, that it is in the public interest to construct and install sanitary sewers and sewer crossings in State Highway Route 304, outside an existing sewer district pursuant to Sec. 202-f of the Town Law, and

WHEREAS, Scovill & Boswell, for New City Sewer District (Sewer District No. 10), and Nussbaumer, Clarke & Velsy, for the area outside an existing sewer district, have prepared plans and specifications and made careful estimates of the expenses, for such construction and installation of sanitary sewers and sewer crossings and proposed contracts have been prepared and the Town Board having adopted said plans and specifications, estimates and proposed contracts, and

WHEREAS, the Town Board has authorized joint specifications, the obtaining of a single bid, and entering into a joint contract by the Town of Clarkstown and the New City Sewer District (Sewer District No. 10), Town of Clarkstown, for such construction of sanitary sewers and sewer crossings

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be authorized to advertise for sealed proposals for the furnishing of materials and performance of labor necessary or proper to construct and install sanitary sewers and sewer crossings in State Highway Route 304 both in the area within the New City Sewer District (Sewer District No. 10) and in the area outside an existing sewer district in accordance with said plans and specifications and under said contract, said sealed proposals to be returnable up to and including 5:00 o'clock P.M., Eastern Daylight Time, June 2, 1964, at the Town Clerk's Office, in the Town Hall, 10 Maple Avenue, New City, New York, and said sealed proposals will be publicly opened in the Town Board meeting room at 5:00 o'clock P.M., Eastern Daylight Time, June 2, 1964, and read aloud, at a Special Town Board Meeting at that time, and be it

FURTHER RESOLVED, that the Town Clerk be and hereby is directed to prepare proper notices, calling for proposals and cause the same to be published in due form

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of law in "The County Citizen", a newspaper published in due form of law in Nyack, New York, and there shall be at least 10 and not more than 30 days between the first publication of the notice and the time when the proposals will be received. Seconded by Councilman Frohling. All voted yes.

Councilman Holbrook introduced a Local Law relating to the regulation of the Use of Public and Private Sewers.

(235) Councilman Welchman moved the following resolution:

WHEREAS, Councilman Holbrook, a member of the Town Board of the Town of Clarkstown, has introduced a local law entitled "LOCAL LAW REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM: AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF, IN THE TOWN OF CLARKSTOWN COUNTY OF ROCKLAND, STATE OF NEW YORK", and

WHEREAS, the Town Board of the Town of Clarkstown considers that it is in the public interest and that a Local Law regulating the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers and the discharge of waters and wastes into the public sewer system, and providing penalties for violations thereof, in the Town of Clarkstown, County of Rockland, State of New York, be adopted,

BE IT RESOLVED, that a public hearing pursuant to Sec. 20 of the Municipal Home Rule Law be had at the Board Room in the Town Hall, 10 Maple Avenue, New City, N.Y. on the 22 day of June, 1964, at 8:45 P.M., D.S.T., relative to such proposed local law, and it is

FURTHER RESOLVED, that the notice of the time, place and purpose of such hearing shall be published in the Journal-News, Nyack, N.Y. and posted in the manner provided by law; and it is

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing and that the Town Clerk cause the same to be published and posted as aforesaid and file proof thereof in the office of the said Town Clerk.

Seconded by Councilman Frohling.

All voted yes.

(236) Councilman Frohling moved the following resolution:

IN THE MATTER OF a petition for the Extension of Sewer District No. 8 to include the property of J.A.S. Properties Corp. in the Town of Clarkstown, Rockland County, New York,

WHEREAS, a written petition dated March 31, 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 No 8 in the said Town, to be bounded and described as follows:

ALL that certain plot, piece or parcel of land, lying and being in the Town of Clarkstown, Rockland County, and State of New York, bounded and described as follows:

BEGINNING at a point in the westerly line of North Middletown Road, situate 167.78 ft. southerly measured along the westerly line of North Middletown Road from the intersection of the southerly line of Central Drive and the westerly line of North Middletown Road a distance of 274.00 ft. to a point; thence (2) north 76°24'50" west along the westerly line of North Middletown Road a distance of 274 ft to a point;

(3) north  $73^{\circ}48'30''$  west a distance of 382.24 ft; thence (4) north  $19^{\circ}12'30''$  east a distance of 170.02 feet to a point; thence (5) south  $83^{\circ}00'40''$  east a distance of 740.16 ft. to a point in the westerly line of North Middletown Road, the point or place of BEGINNING.

ORDERED, that a meeting of the Town Board of the 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, on the 8th day of June, 1964, at 9:15 P.M. E.D.S. Time 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.

Seconded by Councilman Holbrook.

All voted yes.

(237) Councilman Danko moved the following resolution:

IN THE MATTER OF the petition for extension of Sewer District No. 9 to include the property of Sarah Fishgold and Sarah Simon in the Town of Clarkstown, Rockland County, New York,

WHEREAS, a written petition dated May 4, 1964, in due form and containing the required number of 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 No. 9 in the said Town, to be bounded and described as follows:

BEGINNING at a point located approximately 159 ft. northerly from the northerly side of the intersection of Harriett Lane and West Clarkstown Road, said point also being the intersection of the northerly boundary line of Sewer District No. 9 and West Clarkstown Road. Thence running westerly also the northerly boundary line of Sewer District No. 9 on a course of  $N 72^{\circ}33'20''$  west a distance of approximately 110 ft. to a point. Thence running northerly a course of  $N 17^{\circ}14'$  east a distance of approximately 286' to the southerly side of Eckerson Road. Thence easterly along the southerly side of Eckerson Road a distance of approximately 110 ft. to the intersection with W. Clarkstown Road. Thence southerly along the westerly side of West Clarkstown Road a distance of approximately 286 ft. to the point or place of beginning, said course also being the westerly boundary of Sewer District No. 9.

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 the said Town of Clarkstown, on the 8th day of June, 1964, at 9:30 P.M. EDS Time 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.

Seconded by Councilman Holbrook.

All voted yes.

(238) Councilman Frohling moved the following resolution:

RESOLVED, that the Town Clerk be authorized to attend Association of Towns Town Clerks' School Session to be held at Cornell University, Ithaca, N.Y. on June 29, 30, July 1, 1964, and be it

FURTHER RESOLVED, that any and all expenses incurred by said attendance be made a proper Town charge.

Seconded by Councilman Danko.

All voted yes.

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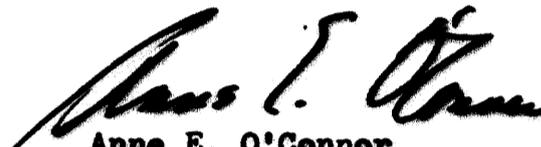
Town Board signed Street Opening Permit allowing Edward J. Huegel, Inc., 100 Crooked Hill Road, Pearl River, N.Y. to open road for installation of sanitary sewers on Pascack Road north (approximately 1000') of Wesrock Homes, said work to commence on May 12, 1964.

The Town Board requested the Town Attorney for report on the following at the next Town Board meeting:

1. Possible Local Law to safeguard homeowners' deposits.
2. Possible fee in connection with building permits to be applied for recreational purposes.
3. Investigate legal aspects of appointing counsel for lateral sewer districts
4. Investigate requirements for posting builders' plans and specifications in model homes.

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

Signed,

  
Anne E. O'Connor  
Town Clerk

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PUBLIC HEARING

5/25/64

Town Hall

8:30 PM, D.S.T.

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

RE: ZONE CHANGE PETITION - ALFRED J. ELLISH (RA-1 & R-22 to R-2)  
Property located in Central Nyack, near Valley Cottage

Supervisor Mundt declared public hearing in session at 8:30 PM, D.S.T.

Town Clerk read Notice of Public Hearing.

Jerome Trachtenberg, Esq., 79 Main Street, Nyack, N.Y., appeared as attorney for petitioner and explained request as follows:

Location: In Central Nyack on east side of Mountain View Ave., just north of Warren Hill Apartments.

1. Size of area - 45½ acres
2. Present zone - R-22 & RA-1
3. Purpose; for the development of garden-type apartments.
4. Land coverage for buildings: approx. 19%
5. Building program: approx. 750 units, consisting of 1 and 2 bedroom apartments.  
No 3 bedroom apts. (60% one-bedroom; 40% two-bedroom)
6. Comparable to 17 units per acre in zoning ordinance.
7. Building program would run about 100 units per year.

SCHOOLS: Study indicates following:

This area in Nyack School District, which has three similar types of installations. Warren Hill Apts., which is adjacent; Rockland Gardens and