

TOWN BOARD MEETING

Town Hall

December 28, 1964

8:00 PM

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

Supervisor Mundt stated that this represents last meeting of the Town Board for the year 1964.

(717) Councilman Welchman offered the following resolution:

RESOLVED, that minutes of three public hearings and regular Town Board meeting held on 12/14/64 are hereby approved and accepted by the Town Board as submitted by the Town Clerk.

Seconded by Councilman Danko.

On roll call the vote was as follows:

AYES: Councilmen Frohling, Danko, Holbrook, Welchman, Supv. Mundt.
NOES: None.

(718) Councilman Holbrook offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 27th day of April, 1964, provided for a public hearing on the 25th day of May 1964 at 8:30 P.M., E.D.T., to consider the application of Alfred J. Elish to amend the Building Zone Ordinance of the Town of Clarkstown by redistricting the property of the said petitioner from an RA-1 and R-22 district to a R-2 district, and

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

RESOLVED, that the Building Zone Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting from an RA-1 and R-22 district to a R-2 district the following described property in the Hamlet of Central Nyack, New York, in said Town.

RESTRICTIVE COVENANT:

THIS DECLARATION made this 28th day of December, 1964, between Alfred J. Elish residing at 6 Ronald Drive, Monsey, N.Y., party of the first part, and Town of Clarkstown, a municipal corporation with its offices at 10 Maple Avenue, New City, NY party of the second part:

WITNESSETH:

WHEREAS, the party of the first part is the owner of premises described in Schedule A annexed hereto and made a part hereof.

NOW, THEREFORE, in consideration of one dollar and other good and valuable considerations, the party of the first part does hereby covenant and agree as follows:

FIRST: The party of the first part, his heirs and assigns, hereby agree that no sewer connection shall be made from the within premises to the Nyack Sewer System without the prior approval of the Town Board of the Town of Clarkstown.

SECOND: The party of the first part, his heirs and assigns, hereby covenant agree and consent to the establishment of a lateral sewer district by the Town of

Clarkstown to encompass the within premises and the party of the first part further covenants and agrees that he will take no action or institute no proceeding to prevent the creation or extension of such a lateral sewer district to encompass his property.

THIRD: The party of the first part, his heirs and assigns, hereby agrees to install at his own cost and expense a trunk sewer line from the within premises along Mountain View Avenue across the New York State Thruway to the southerly side of Route 59 in Central Nyack, New York, said installation and construction to be pursuant to the plans and specifications and conditions of the Town of Clarkstown. Said sewer trunk line is to be constructed either at the time of the said lateral sewer district and/or the Rockland County Sewer System is in operation or that four hundred units of dwelling is completed, whichever is the sooner.

FOURTH: The party of the first part, his heirs and assigns agrees that sixty per cent (60%) of any units to be constructed shall be units containing only one bedroom and forty percent of the units to be constructed shall have no more than two bedrooms. No certificates of occupancy shall be issued if the within provision is violated.

FIFTH: The party of the first part, his heirs and assigns, agrees and covenants that the buildings shall be set back at least 90 feet from the side of Mountain View Avenue.

SIXTH: The party of the first part, his heirs and assigns, hereby agrees that the plans and specifications for any structures on the premises shall be submitted to the Architectural Review Board of the Town of Clarkstown or any other board designated by the Town of Clarkstown for the approval of said plans and specifications, prior to the issuance of any permit for building.

SEVENTH: The party of the first part his heirs and assigns hereby agrees to petition the Town Board of the Town of Clarkstown for the extension of existing water supply district to provide for the installation of a fire hydrant in front of the within premises.

EIGHTH: The party of the first part, his heir and assigns hereby agree to submit plans of the site development to the planning board of the Town of Clarkstown for approval with regard to drainage, traffic and other conditions, prior to the issuance of any permit for building. Subject to approval the existing storm drain located at the southerly corner of Central Avenue will be relocated to remove existing potential hazards, fallen trees and debris located along the bed of the existing stream from the Thruway to Mountain View Avenue will be cleared. The storm drainage of the internal system will be in accordance with the requirements of the Engineering Department of the Town of Clarkstown. Where any of the foregoing work is necessary to be done upon private property such work will be conditioned upon the owner or owners of said property giving to the party of the first part his heirs and assigns the necessary, express and written permission.

NINTH: The party of the first part his heirs and assigns hereby agree to immediately apply to the New York State Thruway Authority for permission to install a sewer trunk line under the bridge at Mountain View Avenue, Central Nyack, New York across the Thruway from the northerly side to the southerly side. In connection

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520

therewith the party of the first part his heirs and assigns agrees to supply to the New York State Thruway Authority any and all engineering data, work plans and other documentation necessary to obtain such permission for the installation of said sewer trunk line under the bridge. In connection therewith the party of the first part his heirs and assigns agrees to supply to the New York State Thruway Authority any and all engineering data, work plans and other documentation. In connection therewith all plans and specifications for the said sewer trunk line shall be in accordance with the requirements of the Town of Clarkstown Town Engineer. The installation of such sewer trunk line shall be made immediately upon the issuance of the necessary permit by the New York State Thruway Authority and shall be constructed and installed at such time as said New York State Thruway directs and permits.

TENTH: The party of the first part his heirs and assigns is permitted to make application for the first building permit which shall be limited to not more than one hundred dwelling units. The building permit shall not be issued until permission is obtained from the New York State Thruway Authority for the installation of the sewer trunk line across the bridge at Mountain View Avenue across the said Thruway. The certificate of occupancy in connection with the first building permit shall not be issued until the said sewer trunk line installation across the Mountain View Avenue bridge is completed.

ELEVENTH: The within covenants shall run with the land and shall be binding upon and shall enure to the benefit of the heirs, successors, executors, administrators, and assigns of the parties hereto.

TWELFTH: The within covenants shall prevail and continue until a waiver of the provisions contained herein is approved by the Town Board of the Town of Clarkstown.

Alfred J. Elish

Seconded by Councilman Frohling

On roll call the vote was as follows:

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

Supervisor signed voucher authorizing partial payment - Dyke's Park Road Improvement District.

(719) Councilman Holbrook offered the following resolution:

RESOLVED, that Orange & Rockland Utilities, Inc. be authorized to install 1 8000 in. street light on Lake Road at entrance to Public School, Rockland Lake.

Seconded by Councilman Frohling.

On roll call the vote was as follows:

AYES: Councilmen Frohling, Danko, Holbrook, Welchman, Supervisor Mundt.
NOES: None.

(720) Councilman Frohling offered the following resolution:

WHEREAS, on the evening of Dec. 18th, 1964, at 5:00 PM the Police Department received a call for assistance, and

WHEREAS, the call for assistance was related to the disarming of a dangerous person and a reported attempt upon human lives, and

WHEREAS, Chief Wiebicke, Patrolman Kenneth Parker, and Patrolman Jack Christie unarmed, exposed themselves to gunfire, and

WHEREAS, the three officers presented a display of courage and complete disregard for their lives in the interest of saving the lives of others, and

WHEREAS, the heroic action of the three officers resulted in the disarming of the subject, now therefore be it

RESOLVED, that Chief Wiebicke, Patrolman Kenneth Parker and Patrolman Jack Christie be appropriately cited for their actions.

Seconded by Councilman Holbrook.

On roll call the vote was as follows:

AYES: Councilmen Frohling, Danko, Holbrook, Welchman, Supervisor Mundt.
NOES: None.

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(721) Councilman Danko offered the following resolution:

RESOLVED, that the application of Route 304 Realty Corp. for a change of zoning from a RA-1 district to a R-2 district on property located on northwesterly side of relocated Route 304 be referred to the Planning Board for report pursuant to the provisions of 8.51, 8.52 and 8.522 of the Clarkstown Building Zone Ordinance and also to the Rockland County Planning Board pursuant to Sections 239L and 239M of the General Municipal Law.

Seconded by Councilman Holbrook.

On roll call the vote was as follows:

AYES: Councilmen Frohling, Danko, Holbrook, Welchman, Supervisor Mundt.
NOES: None.

Town Board signed Order setting date of Public Hearing for Improvement of Medway Avenue, Congers. 1/11/65 - 8:30 P.M.

Town Board signed following performance bonds, approving them as to form and sufficiency:

Highland Homes-Sec. 2A
Roads: \$21,500
Sewers: \$3,500.00

Roseland Estates
Road: \$15,000
Sewers: \$1,500.

Rockland Heights - Sec. 3
Roads: \$37,848
Sewers: \$7,140.

522
(722) Councilman Welchman offered the following resolution:

RESOLVED, that the application of Albert G. Lamborn for a change of zoning from a RA-1(Formerly RA-1(X)) district to a R-1 district on property located in Congers, N.Y. be referred to the Planning Board for report pursuant to the provisions of 8.51, 8.52 and 8.522 of the Clarkstown Building Zone Ordinance, and also to the Rockland County Planning Board.

Seconded by Councilman Holbrook.

On roll call the vote was as follows:

AYES: Councilmen Frohling, Danko, Holbrook, Welchman, Supervisor Mundt.
NOES: None.

(723) Councilman Holbrook offered the following resolution:

WHEREAS, Sam Brett and Maria Theresa Brett, his wife, are desirous of getting a drainage easement to the town of Clarkstown located at South Harrison Avenue in Congers, New York,

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown accept a drainage easement from Sam Brett and Maria Theresa Brett, his wife, covering premises at South Harrison Avenue, Congers, N.Y. more particularly described in said easement dated the 6th day of July 1964.

Seconded by Councilman Frohling.

On roll call the vote was as follows:

AYES: Councilmen Frohling, Danko, Holbrook, Welchman, Supervisor Mundt.
NOES: None.

(724) Councilman Holbrook offered the following resolution:

RESOLVED, that the application of Anthony Racine and Jane Racine for a change of zoning from a R-1 district on property located on Johnson's Lane, New City, be referred to the Planning Board for report pursuant to the provisions of 8.51, 8.52 and 8.522 of the Clarkstown Building Zone Ordinance and also to the Rockland County Planning Board pursuant to Sections 239L and 239M of the General Municipal Law.

Seconded by Councilman Welchman.

On roll call the vote was as follows:

AYES: Councilmen Frohling, Danko, Holbrook, Welchman, Supervisor Mundt.
NOES: None.

(725) Councilman Holbrook offered the following resolution:

RESOLVED, that upon recommendation of the Highway Superintendent and the Town Engineer, deed from Mellen & Schaffer, Inc. to the Town of Clarkstown conveying 1086.4 l.f. of Aleanne Terrace be accepted, and be it

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

Seconded by Councilman Welchman.

On roll call the vote was as follows: All voted aye.

TBM - 12/28/64

(726) Councilman Frohling moved the following resolution:

RESOLVED, that upon recommendation of the Highway Superintendent and the Town Engineer, deed from Marvroy Realty Company to the Town of Clarkstown conveying 117.22 l.f. of Tena Place; 1655.97 l.f. of Mitchell Drive; 198.24 l.f. of Sherry Drive be accepted, and be it

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

Seconded by Councilman Holbrook.

All voted aye.

(727) Councilman Welchman offered the following resolution:

RESOLVED, that Paul Bailey, Assessor, and Harold Aber, Assessor's Aide, be authorized to attend New York State Assessor's Conference, to be held in Buffalo on January 17 to 20, inclusive, and be it

FURTHER RESOLVED, that all expenses incurred be made a proper Town charge.

Seconded by Councilman Holbrook.

On roll call the vote was as follows:

AYES: Councilmen Frohling, Danko, Holbrook, Welchman, Supv. Mundt.
NOES: None.

Mr. Richard Bye submitted resignation as member of the Shade Tree Committee. Town Clerk instructed to write Mr. Bye a letter of appreciation for services rendered.

(728) Councilman Holbrook offered the following resolution:

RESOLUTION ADOPTED BY THE TOWN BOARD OF THE
TOWN OF CLARKSTOWN

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 27th day of April, 1964, provided for a public hearing on the 25th day of May, 1964 at 8:30 P.M., (E.D.T.), to consider the application of ALFRED J. ELLISH to amend the Building Zone Ordinance of the Town of Clarkstown by redistricting the property of the said petitioner from an RA-1 and R-22 district to a R-2 district; and

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

NOW THEREFORE, be it

RESOLVED, that the Building Zone Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting from an RA-1 and R-22 district to a R-2 district, the following described property in the Hamlet of Central Nyack,

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New York, in said Town and is described as follows:

SCHEDULE "A"

BEGINNING at a point, which point is in the easterly line of Mountainview Avenue and the northwest corner of the premises herein intended to be described, and the southwesterly corner of the lands now or formerly of Garrabrant; running thence the following courses and distances (1) South 84° 55' 50" East 280 feet (2) North 19° 13' 20" West 199.04 feet to an iron pin (3) North 86° 50' 10" East 553.92 feet to an old iron pin (4) North 5° 16' 50" West passing through or along a stone wall 785.30 feet to an old iron pin (5) South 45° 35' 40" East 426.43 to a stake (6) South 81° 05' West 330 to a point (7) South 33° 47' East 793 feet to a point (8) South 47° 12' East 741 feet to 86° 05' 10" West 351.33 feet to a point (11) South 15° 17' West 800 feet to a point (12) South 32° 31' West 93.42 feet to a point (13) North 53° 14' 15" West 227.76 feet to a point (14) South 87° 14' West 21.76 feet to an old iron pin (15) North 75° 49' 50" West 218 feet to an old iron pin (16) North 13° 13' 20" East 221.06 feet to a point (17) North 75° 25' 40" West 615.35 feet to a point (18) North 18° 58' 30" West 70 feet to a point (19) South 86° 01' 30" West 400 feet to the east line of Mountainview Avenue thence along the east line of Mountainview Avenue the following courses and described, (20) North 19° 02' 50" West 22.25 feet to a point (21) North 16 degrees 39' 50" West 237.62 feet to a point (22) North 10° 58' 40" West 120.06 feet to a point (23) North 17° 40' West 96.24 feet to a point (24) North 24° 09' West 166.80 feet to a point (25) North 21° 50' 30" West 198.25 feet (26) thence a curve to the left with a radius of 179.35, a length of 25 feet to the point or place of beginning.

THIS DECLARATION made this 28th day of December, 1964, between ALFRED J. ELLISH, residing at 6 Ronald Drive, Monsey, New York, part of the first part, and Town Of Clarkstown, a municipal corporation with its offices at 10 Maple Avenue, New City, New York, party of the second part.

W I T N E S S E T H :

WHEREAS, the party of the first part is the owner of premises described in Schedule A annexed hereto and made a part hereof.

NOW, THEREFORE, in consideration, the party of the first part does hereby covenant and agree as follows:

FIRST: The party of the first part, his heirs and assigns, hereby agree that no sewer connection shall be made from the within premises to the Nyack Sewer System without the prior approval of the Town Board of the Town of Clarkstown.

SECOND: The party of the first part, his heirs and assigns, hereby covenants, agrees and consents to the establishment of a lateral sewer district by the Town of Clarkstown to encompass the within premises and the party of the first part further covenants and agrees that he will take no action or institute no proceeding to prevent the creation or extension of such a lateral sewer district to encompass his property.

THIRD: The party of the first part, his heirs and assigns, hereby agrees to install at his own cost and expense a trunk sewer line from the within premises along Mountain View Avenue across the New York State Thruway to the southerly side of Route 59 in Central Nyack, New York, said installation and construction to be pursuant to the plans and specifications and conditions of the Town of Clarkstown, Said sewer trunk line is to be constructed either at the time of the said lateral sewer district and/or the Rockland County Sewer System is in operation or that four hundred units of dwelling

is completed, whichever is the sooner.

FOURTH: The party of the first part, his heirs and assigns agrees that sixty per cent (60%) of any units to be constructed shall be units containing only one bedroom, and forty per cent (40%) of the units to be constructed shall have no more than two bedrooms. No certificates of occupancy shall be issued if the within provision is violated.

FIFTH: The party of the first part, his heirs and assigns, agrees and covenants that the buildings shall be set back at least ninety (90) feet from the side of Mountain View Avenue.

SIXTH: The party of the first part, his heirs and assigns, hereby agrees that the plans and specifications for any structures on the premises shall be submitted to the Architectural Review Board of the Town of Clarkstown or any other board designated by the Town of Clarkstown for the approval of said plans and specifications, prior to the issuance of any permit for building.

SEVENTH: The party of the first part, his heirs and assigns, hereby agrees to petition the Town Board of the Town of Clarkstown for the extension of the existing water supply district to provide for the installation of fire hydrants in front of the within premises.

EIGHTH: The party of the first part, his heirs and assigns hereby agrees to submit plans of the site development to the planning Board of the Town of Clarkstown for approval with regard to drainage, traffic and other conditions, prior to issuance of any permit for building. Subject to approval the existing storm drain located at the southerly corner of Central Avenue will be relocated to remove existing potential hazards, fallen trees and debris located along the bed of the existing stream from the Thruway to Mountain View Avenue will be cleared. The storm drainage of the internal system will be in accordance with the requirements of the Engineering Department of the Town of Clarkstown. Where any of the foregoing work is necessary to be done upon private property such work will be conditioned upon the owner or owners of said property giving to the party of the first part his heirs and assigns the necessary, express and written permission.

NINTH: The party of the first part his heirs and assigns hereby agrees to immediately apply to the New York State Thruway Authority for permission to install a sewer trunk line under th bridge at Mountain View Avenue, Central Nyack, New York across the Thruway from the northerly side to the southerly side. In connection therewith the party of the first part his heirs and assigns agrees to supply to the New York State Thruway Authority any and all engineering data, work plans and other documentation necessary to obtain such permission for the installation of said sewer trunk line under the bridge. In connection therewith all plans and specifications for the said sewer trunk line shall be in accordance with the requirements of the Town of Clarkstown Town Engineer. The installation of such sewer trunk line shall be made immediately upon the issuance of the necessary permit by the

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New York State Thruway Authority and shall be constructed and installed at such time as the said New York State Thruway directs and permits.

TENTH: The party of the first part his heirs and assigns is permitted to make application for the first building permit which shall be limited to not more than one hundred dwelling units. The building permit shall not be issued until permission is obtained from the New York State Thruway Authority for the installation of the sewer trunk line across the bridge at Mountain View Avenue crossing the said thruway. The certificate of occupancy in connection with the first building permit shall not be issued until the said sewer trunk line installation across the Mountain View Avenue bridge is completed.

ELEVENTH: The within covenants shall run with the land and shall be binding upon and shall enure to the benefit of the heirs, successors, executors, administrators and assigns of the parties hereto.

TWELFTH: The within covenants shall prevail and continue until a waiver of the provisions contained herein is approved by the Town Board of the Town of Clarkstown

Dated: Dec. 28, 1964

Seconded by Councilman Frohling

On roll call the vote was as follows:

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

NOES: Councilman Danko

(729) Councilman Frohling offered the following resolution:

RESOLVED, that the Highway Superintendent be authorized to advertise for bids for purchase of two (2) 1965 4-cubic yard Dump Trucks, trading in one (1) 1955 International Dump Truck, said bids to be opened at 8:05 pm on 1/11/65.

Seconded by Councilman Welchman

On roll call the vote was as follows:

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

NOES: None

Rev. Edward B. Buller submitted his resignation as member of Code of Ethics Board. Town Clerk will notify Chairman of said Board of his resignation and also contact Rev. Buller, thanking him on the Board's behalf, for services rendered.

Trial balance, November 1964; and Comptroller's Office Report for November 1964 noted by Town Board. Ordered filed in Town Clerk's Office.

Following appreciative remarks made to the Town Board for their coop-

eration in the yaear 1964, Supervisor Mundt declared last meeting of the year adjourned. Next meeting of the Town Board will be held on January 4, 1965, at 5:00 P.M. which meeting will be the Organizational Meeting for the year 1965.

Signed,



Anne E. O'Connor
Town Clerk