

PUBLIC HEARING

Town Hall

4/26/65

8:15 P.M.

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

RE: PROPOSED REPEAL OF SECTION 17-1 OF CHAPTER 17 OF THE CODE OF THE TOWN OF CLARKSTOWN ENTITLED "HANDBILLS AND POSTERS".

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

Town Attorney J. Martin Cornell stated that this section of chapter in Town Code dealing with Handbills and Posters which requires that before a handbill or poster is allowed to be distributed, a license must be obtained from the Town Clerk. He stated that this has been now declared unconstitutional and should be repealed.

Only one section of this ordinance would be repealed; littering provision would still apply.

Robert G. Rudolph, New City, 1962-1963 The New City Civic Association asked that the ordinance be amended to make it a requirement that people putting out literature be properly identified.

Town Attorney: There is concern about the constitutionality of this.

On resolution offered by Councilman Danko, seconded by Councilman Frohling and unanimously adopted, public hearing was adjourned.

Signed,

Anne E. O'Connor  
Town Clerk

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PUBLIC HEARING

Town Hall

4/26/65

8:45 pm

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

RE: ZONE CHANGE APPLICATION - "THE DELLS" - sec. 2E (BERNARD G. NEMEROFF & FRANCES NEMEROFF (RA-1 to R-22 & R-2); LO to R-22 & R-2)

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

Edward G. Roepe, Esq., New City, NY, appeared as attorney for petitioner.

Bernard G. Nemeroff, 85 Zukor Road, New City, NY sworn in by Supervisor Mundt.

Petition signed by Mr. Nemeroff as president of THE DELLS, INC and individually; and by Frances Nemeroff, his wife, individually.

Mr. and Mrs. Nemeroff (stockholders of The Dells, Inc.) own three parcels consisting of 86 acres. Balance of 614 acre parcel involved in this request owned by The Dells, Inc.

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EXHIBIT I. Offered in evidence showing parcels 1, 2, 3, 4, and 5 which is subject of this petitioner.

Attorney Roepe questioned Mr. Nemeroff as follows:

1. With reference to Exhibit 1, is there continuity between these parcels? Yes - except that Parcel 1 on Phillips Hill Road, and it is not contiguous to any of property owned by myself and my wife or the Dells. It is connected with a road that leads into Parcel III.
2. With reference to Exhibit I - Park Area: 80 acres park acquired in 1965, but the County of Rockland for park purposes.
3. Did you retain consultants for The Dells yourself, and your wife, to prepare? Yes. Dr. James Ingraham Clarke, Ohio University. They considered best possible use for entire 614 acres. They considered traffic flow: Road patterns (those already in existence and those for future use); availability and future availability with respect to this area of sewer, water and utilities generally. They prepared Master Plan for this area.
5. They made recommendations with view to existing sewer program.
6. Mr. Nemeroff showed present zoning of area, as follows:

PARCEL I: 90 acres zoned RA-1 (Park purchase made, left 27 acres in that section).

PARCEL II: and Parcel B, Parcel 4, zoned LO - Golf Course also named LO.

Parcel 5. Zoned RA-1 and very small portion zoned R-2.

Parcel 3A. Zoned partially R-1 and balance is zoned RA-1.

SOUGHT:

PARCEL I. Rezone it from RA-1 to R-2 (Garden Apartments)

PARCEL 2: (which is presently in LO) petitioner requests R-2 Garden) (LO which consists of about 86 acres, is to be left in LO)

PARCEL 3B: which consists of about 25 acres presently zoned LO became land-locked with acquisition of park. No LO can come into this area.

PARCEL 3A: 83 acres zoned R-22 - ½ acre zoning.

Golf Courses: to remain in LO

PARCEL 4 - presently LO - originally LO (Next to Meier's Development, 40 houses zoned R-1) One of Meier's roads enters into Parcel 4. Also east on South Mountain Road.

PARCEL 5 - Two parcels of land: one 10 acres - one 15 acres: 2-3 small bridges have been planned to join with Parcel 4. Exits on River Rise Road, now a dirt road. Exit at Dellwood Country Club gates, which provides 6-7 exits.

Mr. Roepe: Among 614 acres, it includes land presently devoted to Country Club and Golf Courses.

Mr. Nemeroff: Offered to Town Board. I stated that I would, for a period of 25 years, deed the development rights to the golf course so that nothing could be built and for a period of 25 years, predicated on the contingency that some time in the future it may not be devoted to golf course purposes. (216 acres open space insured)

PUBLIC PARK: 80 acres Rockland County Park; on the east LO property and on the proposed 25 acres Garden Apartments development.

Mr. and Mrs. Nemeroff and the Dells, Inc. have owned property for about 16 years.

County Park now on property which consists of 80 acres of open space - 217 acres - golf course. 300 some odd acres out of 700 acres. This is more guaranteed open

space than we have in any development or village or town that I know of.

DENSITY: Asking for 5= acres of Garden Apartment. (Patterned after Tapiola, Finland)

SCHOOL: Street school on Route 304.

Area around that 14 acres acquired for school and parish purposes. 17½ acres acquired for building an additional school. Acquired by Clarkstown School Board.

West of that, Camp Jawanio, fronting on Phillips Hill Road, and Little Tor Rd.

Property northerly of Phillips Hill Rd and Little Tor sold February 28, 1963, to Nick Guttman - 170 homes - 40 are occupied. Zoning obtained in 1960 - three years after property was sold.

Approximately \$30,000 homes being built in that area.

On the north side of Phillips Hill Road, east over to Parcel II; no development. One private home. To the east, Lamplighters Hall, and that is contiguous to the remaining property.

I have reserved to the west of that property a 60' right of way for ingress and egress to that property.

Present plans would result in a balanced plan for 614 acres. This required master planning in depth because of size. Time to develop along these lines - not less than 10 years.

Stipulation: I would agree to stagger building not to cause impact on community.

Question: Does portion of that property lie within 500' of boundary of city, town or parkway, etc.

Answer: No public buildings - Parcel I contiguous to County Park.  
Parcel 3B " " " "

Any property within area of house project? No.

Plan: Is it in harmony with zoning ordinance? Yes. Does it follow established planning rules? Yes.

This could be an outstanding satellite. This is last piece of large property left that can be developed this way at this time.

Parcels I & II (to R-2)-

PLANS:

PARCEL I: Around 1000' from Little Tor Rd. High land - no drainage problems. On parcel where new sewer is going west. I would provide for road frontage so Phillips Hill could be widened.

PARCEL II: I would not touch until Parcel I were completed. This would take at least 4 to 5 years. We do not know whether that is proper place for residences. We may move to the right adjacent to the golf course.

We would plan a building that would include both shopping and an office building.

SIDEWALKS: According to our plan, would be built going to the school.

KIND OF BUILDING: Luxury Garden Apartments.

SCREENING - REFUSE: Will abide by rules sent down.

END OF ATTORNEY ROEPE AND MR. NEMEROFF'S PRESENTATION.

IN FAVOR: James R. Moody, 50 Phillips Hill Rd., New City.

1. Question: Would petitioner be willing to accept restrictive covenant on the rate of building the apartments? Answer: Yes.

2. Question: At the present time, our apartment zoning would let you build 17½/18 units to the acre. Would petitioner by restrictive covenant be willing to lower density of

200  
about 10 to the acre?

Answer: If plan shows 10, I will build 10. I will have to wait for architect's plans.

Mr. Moody: Plan Mr. Nemeroff has is extremely good. I am neighbor of this project. This is a good overall plan; he is receptive to possible amendments to it, and re-shaping of it.

Jack Strauss: 221 N. Little Tor Rd., New City

Question: Mr. Nemeroff stated that it would not be completed for 10 years

Answer: (Mr. Nemeroff) Yes, I said I would stipulate having a staggered program.

Nick Aquilino: Construction worker. If this plan developed, would mean more work and industry in the county.

Robert Orth: Questions: What is staggering proposed? Answer: 25% per annum for four years.

I would prefer to wait on Parcel 1 for a period of at least two years, before I start, so it could be planned properly; and then adopt staggering.

PARCELS 3B, 3A and 4: not more than 25% would be build commencing a year from this grant, and probably 5% built the first year. That would give about 80 houses a year - I would be willing to do less of the parcels 3B - 3A and Parcel 4.

Parcel I. Would not start for two years and build 25% a year.

Parcel II. Would not commence for five years.

Roads, sewers, recreation - this project needs these.

This entire thing should be planned as one 614 acre balanced project.

I have provided for roads. We added one piece of property so no one part would be landlocked; we have provided for town park of 25 acres; area should be set aside for shopping area when plan is provided.

Mr. Nemeroff stated that he told Mr. Clark, the Planner, that he wants planned community over a period of time.

Thinks land is better than Tapiola. Layout and plot plan has been developed. As to type of building, Mr. Nemeroff stated has not been developed at this time.

Mr. Robert Orth: If this is a very good plan, why not include it in the Master Plan.

Answer: (Mr. Nemeroff) I have already done so.

Margaret M. Edwards: 585 South Mountain Road. (Question)

There was a zoning change granted for this property several years ago. Why has nothing been done about this LO? Also, why must LO be downzoned by downzoning further?

Supervisor: You are opposed. This will come later.

Mrs. Price: Park is not as yet developed.

Normon Bruton, New City:

Parcel 4: Was originally planned for an additional golf course. (LO) Since then parcel adjacent has been leased for 99 years, which is above Parcel 4.

Mr. Nemeroff: I cannot build a golf course on there any more. I want to rezone R-22

Nat Wyman: Woodland Road - Am located 1/2 mile from this property, on once-acre plot. This is good land. Will take 15 years to develop. Very difficult for a builder or developer to hold himself down. This plan is well thought out. It is inevitable that some development will come in. IN FAVOR. Developer should not be asked to hold property for future use. This is good plan.

Leonard Page, 1 Wilton Circle:

Question: How many dwelling units in excess of what is presently zoned for that area are contemplated by Mr. Nemeroff's plans?

I would assume that area is zoned for certain number of dwelling units. I would like to know how many additional families could move into that area over what presently can move in.

Answer: Mr. Nemeroff: 3A & B (6 acres) O-homes. I am sking for about 30-35 homes.

That parcel fronts golf course for thousands of feet. Beautiful location. Most advantage should be taken out of that parcel.

Taxes: My plan would be higher.

Parcel 1. I am requesting Garden Apartments.

Parcel 2: I am requesting Garden Apartments.

750-800-850 dwelling units would be built.

Mr. A. Spiro: 169 N. Main St., New City

On the overall 614 acres, how many units can be built now as it is presently zoned as compared with your proposal?

Answer: About 150 homes.

Alan Molof: New City

Question: What assurance do I have that what Mr. Nemeroff says will be carried out?

Answer: (Supervisor Mundt): Since 1962 the Town Board has required restrictive covenants which cover a great many details, number of units, etc. This is a stipulation which applies to a petition which may be approved and carries forward if sold by the original owner.

Carol Shute, 3rd St., New City:

Will we hear from our Planning Boards? Answer: Yes.

Mr. Spiro requested change of order. Supervisor Mundt read letters from Town and County Planning Boards.

COUNTY PLANNING BOARD:

Proposed change alone would not be detrimental to Town and adjacent area, but recommends against such change until broader impact of such change is first discussed and agreed upon.

CLARKSTOWN PLANNING BOARD:

Requests extension of time to give further consideration in light of their on-going program. If Town Board feels action need be taken rapidly, recommends denial petition until there is time for further analysis. They refer Town Board to points raised in response to Mr. Nemeroff's original presentation of his plans for The Dells.

Mr. Spiro: In view of the suggestions of the Planning Board that this be indoctrinated with the overall Town structure, in what stage are you with them?

Answer: (Mr. Nemeroff) This was first submitted in this way in September of last year. I was told that they would work on it. For one reason or another, they came out with this letter in January. It was then suggested that the density was not great for 614 acres, but that the Town needed certain safeguards. I then proposed 1½ months ago, that if I could get different plans in the books, I would do three things simultaneously, which no Master Plan could force me to do, but because it was good planning.

I then proposed three things that I thought would ensure the Town by restrictive covenant, of an open area and a lesser density.

I have offered the development right to the golf course. That would preclude the building of anything but golf course facilities for a period of 25 years of that 217 acres.

I have offered gratis the two parcels designated as Parcel 5. This could bring 8-10 thousand dollars an acre. I would also offer the house for the Town park for \$1.00. There is an acre that has been used by the Street School which will be donated to the Clarkstown School District, if the school need be enlarged; or to be used for recreational facilities.

OPPOSED:

1. JOHN TOMICKI, West Nyack: (Representing Clarkstown Home Owners' Council)

Wait for Master Plan

Enough apartments in Clarkstown and Rockland

Traffic: 900 garden apartment units - 400 homes. Until we do something about traffic situation, it is not wise for Board to take any plan for the northern part of New City.

1960 petition - "The Dells" LO zone granted then. Never developed as such.

This, after certain period of time, should be rezoned back to what it was when petition came in to make request.

2. ROBERT ORTH: (Clarkstown Home Owners' Council). This parcel should be developed with Master Plan.

3. JOHN LODICO, 2 Birch Lane, New City:

Schools: a. increase of taxes

b. number of homes Mr. Nemeroff would build every year would be considerable.

4. NEAL HERSHFELD, The Dells, New City: Petition presented containing 400 signatures - opposed. Northern part of New City not place for Garden Apartments.

5. JOHN MASTERS, 445 South Mountain Road, New City, Opposed: Not fully planned.

6. LEONARD PAGE: 1 Wilton Circle, New City - This kind of development is not type people want around them.

7. WALTER FLEISCHER, Buena Vista Rd., New City, N Y:

a. Industrial outfits are long term projects

b. A change such as this would not attract industrial outfits.

8. MAC DONALD DEMING, So. Mountain Road, New City: Wait for comprehensive plan.

9. CHARLES FRANKEL, Phillips Hill Road, New City: Magnitude.

10. ALBERT SPIRO: 169 N Main St., New City: Opposed.

1960 petition requested by Bernie Nemeroff granted. What is going to be done with a zoning change granted. ( We should exercise extreme control based on promise vs control.)

REBUTTALMR. NEMEROFF:

1. It was never contemplated that 380 acres would be anything but Country Club. Balance of acres which were rezoned for enlargement are not left in LO. They must be zoned so that they can be used. The best plan now is to build one family homes.
2. 80 acres and parcel which was kept in RA-1 ( and a statement is in the record stating that that would be kept in that condition pending the enlargement of the "YELLOW" district retention purposes as that was needed) became park.
3. Re attracting LO: We knew at that time (1960) that the roads were not sufficient.

20 acres offered gratis to NYU, (Mr. David Tishman of NYU) that looked into proposition.

Needed for industry to move in: Transportation, sewers, adequate housing, apartments needed to interest companies.

EXHIBIT II: Letters from Industries interested in property (submitted by petitioner). \$ 40,000.00 a year in taxes paid by me 20 - 30 years.

There comes a time, however, when this property has to be developed.

Re MasterPlan: Promised in one year in June of 1959.

ATTORNEY EDWARD G. ROEPE:

a. Why are apartments necessary in Clarkstown: Why do they need homes in Clarkstown.

Answer: People do not want to live in that type of apartments or homes now located in Clarkstown.

b. Traffic Study: Made with relation to this comprehensive plan and is in the record.

c. Petition containing 300 signatures are opposed because it will increase the tax burden. Answer: Apartments such as these will help these people who complain now of the high tax rate in school districts.

d. Sewer Emergency: Would it be created by this type of apartments? They live in smaller houses, they have the children.

Re Editorial: Editorial also says: Mass meeting failed to serve their own purpose.

(End of rebuttal).

Town and County Planning Board reports already read:

Supervisor Mundt: Any additional comments can be addressed to the Town Board which will be weighed when we sit down in executive session to consider this petition.

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

Signed,

Anne E O'Connor

Town Clerk

CCE312

## TOWN BOARD MEETING

Town Hall

4/26/65

8:00 P.M.

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

Supervisor Mundt called Town Board Meeting to order.

(283) Councilman Danko offered the following resolution:

RESOLVED, that minutes of four (4) public hearings and regular Town Board Meeting held on 4/12/65 are hereby approved and accepted as submitted by the Town Clerk.

Seconded by Councilman Frohling.

On roll call the vote was as follows:

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

NOES: None

(284) Councilman Holbrook offered the following resolution:

RESOLVED, that a proposed amendment to the Zoning Ordinance of the Town of Clarkstown, as amended, and the Zoning Map of the Town of Clarkstown, as amended to amend Section 3.11 (Table of General Use Regulations), Column 4, R-2 Districts, by adding a new paragraph No. 2 to read as follows:

" Professional offices of a doctor, dentist, chiropractor, ophthalmologist, the number of such offices in multiple residences are not to exceed one unit for each 25 dwelling units or fraction thereof."

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 Frohling.

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

NOES: None

(285) Councilman Frohling offered the following resolution:

WHEREAS, FRANK HOLMOK and ROSALINE HOLMOK have petitioned the Town Board of the Town of Clarkstown for a Special Permit pursuant to the Building Zone Ordinance of the Town of Clarkstown, as amended, Section 3.11 for C-2 District, Paragraph 8 of Column 3 and

WHEREAS, a public hearing was held on the 22 day of March, 1965 at 9:15 P.M. in the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, after notice of said public hearing was duly published and posted, and

WHEREAS, the Town Board of the Town of Clarkstown has had due deliberation with regard to said application;

NOW THEREFORE, be it

RESOLVED that the Town Board of the Town of Clarkstown does hereby grant a Special Permit to FRANK HOLMOK and ROSALINE HOLMOK for the erection of a gas filling station pursuant to the Building Zone Ordinance of the Town of Clarkstown with regard to premises as described in the petition.

Seconded by Councilman Holbrook

On roll call the vote was as follows:

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

NOES: None

(286) Councilman Holbrook offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 15th day of February, 1965, provided for a public hearing on the 22nd day of March, 1965, at 9:15 PM to consider the application of FRANK HOLMOK and ROSALINE HOLMOK to amend the Building Zone Ordinance of the Town of Clarkstown by redistricting the property of the said petitioner from an RO 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 RO district to a C 2 district, the following described property in the Hamlet of Valley Cottage, New York, in said Town and is described as follows:

SCHEDULE "A"

ALL that certain lot, piece or parcel of land 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 on the west line of Route 303, said point being distant 560.41 feet from an iron pin in the west line of Ridge Road, said iron pin being located at the northeast corner of premises of Holmok and the southeast corner of premises now or formerly of Benko and said point of beginning being the northeast corner of the premises herein intended to be described; running thence North 63 degrees 43' West 211.40 feet to an iron pin of lands now or formerly of Hett; thence along said lands and along a stone wall South 21 degrees 31 ' East 203.3 feet to an iron pipe; thence South 56 degrees 28 ' east 149.7 ft to a monument in the west line of Route 303; thence along the west line of Route 303; 226.24 feet to the point or place of beginning.

Seconded by Councilman Holbrook.

On roll call the vote was as follows:

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

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NOES: none

(287) Councilman Holbrook offered the following resolution:

Omit - refer to May 21, 1965 - Resolution No. 383

(288) Councilman Holbrook offered the following resolution.

RESOLVED that the Building Zone Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting from RA-1 district to R 2 district the following described property in the Hamlet of Valley Cottage, New York, in said Town and is described as follows:

Description of Change of Zone

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

BEGINNING at a point located at the southeast corner of Hillside Estates as shown on the Subdivision Map of Hillside Estates prepared by William A Yuda, P E and filed in the Rockland County Clerk's office on August 22, 1963 as Map No. 3155, Book 66, Page 75; thence along the southerly line of Hillside Estates South 89 degrees 07' 30" West 253.83 ft; thence North 32 degrees 08' West 111.17 ft thence North 30 degrees 41' W 105 feet more or less to its intersection with the existing zoning line between the RA-1 (x) and the R 2 zoning districts; thence along said existing zoning line South 80 degrees 30' East 360 ft more or less to its intersection with the easterly line of Hillside Estates thence along said easterly line of Hillside Estates, South 5 degrees 46' 30" East 120 ft more or less back to the point or place of beginning.

Declaration of Restrictive Covenants

This Declaration made the 5th day of May 1965 by Wilder Construction Corp., a domestic corporation duly organized under the laws of the State of New York and maintaining an office for the conducting of business at 323 North Main Street, Spring Valley, New York, hereafter referred to as OWNER:

WHEREAS, the OWNER is the owner in fee of premises herein described in Schedule A hereto annexed and made a part hereof; and

WHEREAS, these premises were the subject matter of a petition submitted to the Town Board, Town of Clarkstown requesting a change in zone from RA-1 to R-2; and

WHEREAS, the requested change in zone was approved by the Town Board Town of Clarkstown on April 26, 1965, subject to a certain covenant;

WITNESSETH:

The Owners hereby covenant to and with the Town of Clarkstown and solely for the benefit of the Town of Clarkstown and no other persons,

partnerships, corporations, municipal agencies or other entities whatsoever, for itself, its administrators and assigns:

FIRST: No portion of the premises described in Schedule "A" shall be used for other than the construction of single family residences.

Seconded by Councilman Welchman.

On roll call the vote was as follows:

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

NOES: None

(289) Councilman Holbrook offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 11th day of January, 1965 provided for a public hearing on the 25th day of January, 1965 at 8:15 P.M. to consider the application of PARAMOUNT PROPERTIES, INC. to amend the Building Zone Ordinance of the Town of Clarkstown by redistricting the property of the said petitioner from an R-1 (X) district to an 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 application be DENIED.

Seconded by Councilman Frohling.

On roll call the vote was as follows:

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

NOES: None

(290) Councilman Frohling offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 15th day of February, 1965, provided for a public hearing on the 22nd day of March, 1965 at 8:30 PM to consider the application of Anthony Recine and Jane Recine to amend the Building Zone Ordinance of the said Town by redistricting the property of the said petitioner from an R-1 district to an LS 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 the following

described property at New City, New York in said Town from an R-1 district to an LS district.

From a monument in the center line of a stone wall which is the boundary line between lands now or formerly of R. Eberling and the petitioners herein, which point is the beginning point in the Deed from petitioners grantors, north 16 degrees, 51' 25" east 571.34 feet to the point or place of beginning; thence 200 feet in the same straight line to a point; thence on a curve to the left in a westerly direction having a radius of 3846.33 feet, the arc length of which is 8.59 feet to a point in the southerly line of Johnson Lane; thence 66 feet more or less in a westerly direction along Johnson Lane to a point; thence on a curve to the left on a southerly direction having a radius of 3780.33°, the arc length of which is 7.11 ft to a point; thence south 16 degrees, 51' 25" west 200 feet thence east 66 more or less feet in an easterly direction to the point or place of beginning.

WHEREAS, Anthony Recine and Jane Recine heretofore petitioned the Town Board of the Town of Clarkstown for a zoning change pursuant to the Zoning Ordinance of the Town of Clarkstown, to permit the erection of local shopping offices under the requirements of an LS district; and

WHEREAS the Town Board of the Town of Clarkstown by resolution has approved the said request, such approval to take effect upon the execution and delivery to the Town of Clarkstown of this Declaration of Restrictive Covenants, it is therefore covenanted and agreed by ANTHONY RECINE and JANE RECINE, to and with the Town of Clarkstown, for themselves, their successors and assigns, as follows:

FIRST: Anthony Recine hereby represents and Jane Recine hereby represents that they are the owners in fee of the real property described in Schedule A hereto annexed and made a part hereof.

SECOND: ANTHONY RECINE and JANE RECINE hereby restricts the use of the premises described in Schedule A as follows:

1. No retail stores are to be provided for on the premises.
2. All trucks and other vehicles shall be maintained inside the building.
3. Screening shall be completed in accordance with the requirements of the Building Inspector of the Town of Clarkstown.
4. Vehicles shall have access to the premises from Johnson Lane only.
5. All debris, junk shall be removed from the outside of the premises and the same shall be free from such debris and junk at all times.

THIRD: The aforesaid covenant shall run with the land and shall be binding upon Anthony Recine and Jane Recine and any person or corporation taking thereunder.

Seconded by Councilman Holbrook

On roll call the vote was as follows:

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

NOES: None

(291) Councilman Welchman offered the following resolution:

RESOLVED, that time for receiving bids for the furnishing of One Trailer Mounted Asphalt Distributor is hereby ordered closed, and be it

FURTHER RESOLVED, that bids received up t and including this time are ordered opened.

Seconded by Councilman Holbrook.

On roll call the vote was as follows:

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

NOES: None

The following bids was received:

H.O. PENN MACHINERY

140 St. and East River

New York 54, New York

One 1275 Gallon Trailer Mounted Asphalt Distributor.....\$ 3,255.00

Bid was turned over to Highway Superintendent for his recommendation.

Everett Johns appeared before Board, representing Philip R Michaud of Kaiser Jeep asking that Town Board waive requirements for zone change application made by his clients and set public hearing date.

(293) Councilman Frohling offered the following resolution:

RESOLVED, that the application of PHILLIP R. MICHAUD for a change of zoning from an R-1 and RA-1 district to an C-2 district on property located on the east side of Route 303, West Nyack, 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, and also to the Rockland County Planning Board pursuant to Sections 239-1 and 239-m of the General Munciipal Law.

Seconded by Councilman Frohling.

On roll call the vote was as follows:

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

NOES: None

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(295) Councilman Danko offered the following resolution:

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

Seco<sub>e</sub>nded by Councilman Frohling.

On roll call the vote was as follows:

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

NOES: None

(296) Councilman Welchman offered the following resolution:

RESOLVED that regular Town Board Meeting be assumed, regularly scheduled Town Board meeting having been held.

Seco<sub>e</sub>nded by Councilman Holbrook.

On roll call the vote was as follows:

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

NOES: None

(297) Councilman Frohling offered the following resolution:

WHEREAS, THE Town Board of the Town of Clarkstown by resolution duly adopted on the 8th day of March, 1965, provided for a public hearing on the 26th day of April, 1965 at 8:15 P.M. (EST) to consider the repeal of Section 17-1 of Chapter 17 of the Code of the Town of Clarkstown (The General Ordinances of the Town), said Chapter being entitled "Handbills and Posters, 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 Section 17-1 entitled "License required - exceptions" contained in Chapter 17 of the Code of the Town of Clarkstown (The General Ordinances of the Town is hereby repealed.

Seco<sub>e</sub>nded by Councilman Holbrook.

On roll call the vote was as follows:

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

Mundt

NOES: None

(298) Councilman Frohling offered the following resolution:

RESOLVED that Zone Change Application made by The Dells, Section 2E Bernard G Nemeroff & Frances Nemeroff (RA - to R 22, R-2, & LO to R-22 & R-2 be reserved.

Seconded by Councilman Welchman.

On roll call the vote was as follows:

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

NOES: None.

(299) Councilman Danko offered the following resolution:

RESOLVED, that the application of DONALD A. LUCCA for a change of zoning from an R-1 district to an LS district on property located on the southeast corner of the intersection of New Hempstead Road and Little Tor Road, 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 Holbrook.

On roll call the vote was as follows:

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

NOES: None

(300) Councilman Welchman offered the following resolution:

RESOLVED that the application of J. HARRY GERKEN, JR. for a change of zoning from an RA-1 district to an LS district on property located on the east side of Brewery Road, 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 Holbrook.

On roll call the vote was as follows:

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

NOES: None

(301) Councilman Welchman offered the following resolution:

RESOLVED that James Summer, of 16 Highway Avenue, Congers, New York, be appointed as Custodian of Congers Square Park at a salary of \$ 1.50 per hour effective 5/1/65 to 10/31/65.

Seconded by Councilman Holbrook.

On roll call the vote was as follows:

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

NOES: None.

Police Chief and Highway Supt. presented a report on traffic and parking situation on Orchard St. in Nanuet. Solution arrived at to alleviate, but they requested monies be appropriated. Supervisor Mundt requested estimate by 4/27/65 special Town Board Meeting.

Police Chief Ernest F. Wiebicke requested to investigate need for signs at Crusher Rd. and Kings Hwy by 4/27/65 Special Town Board meeting.

(302) Councilman Frohling offered the following resolution:

RESOLVED that the Town Engineer advertise for bids for construction projects for Sewer Districts Nos. 8 and 1, and Sewer Line Cleaning to be returnable 6/14/65 at 8:05 PM.

Seconded by Councilmen Holbrook.

On roll call the vote was as follows:

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

NOES: None

Town Engineer presented report relating to Orchard St. drainage which he will continue on 4/27 when more information will be obtained.

(303) Councilman Welchman offered the following resolution:

RESOLVED that the date of Public Hearing on zone change application made by Plymouth Rock Realty Corp. (R-1 to C-1) be rescheduled on June 14, 1965 at 8:15 P.M.

Seconded by Councilman Frohling.

On roll call the vote was as follows:

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

NOES: None

Town Board signed Order setting date of public hearing on Consolidation of Clarkstown Light District No. 1 and Chestnut Knolls Lighting District on May 24, 1965 at 9:15 PM.

WHEREAS, Section 206 of the Town Law empowers the Town Board to consolidate two or more special improvement districts, and

WHEREAS, Chestnut Knolls Lighting District and Clarkstown Consolidated Light District No. 1 are legally established special improvement districts created for the common purpose of providing electric street lighting for the protection of the residents therein and are wholly located within the legal boundaries of the Town of Clarkstown, and

WHEREAS, the Clarkstown Consolidated Light District No. 1 was established pursuant to an order of the Town Board made the 22nd day of March, 1965, and duly filed in the office of the County Clerk and in the office of the Department of Audit and Control, Albany, New York, said district as extended being designated as Clarkstown Consolidated Light District No. 1 and

WHEREAS' no office of commissioner exists in any of the said districts and all are assessed on an ad valorem basis with no special benefit assessment ever having been levied, and

WHEREAS, said districts own no property for disposition and have no indebtedness outstanding against them.

NOW THEREFORE, be it

RESOLVED, that all of the above light districts be consolidated into one lighting district henceforth, known as Clarkstown Consolidated Light District No. 1 and be it

ORDERED, that a public hearing on said proposal shall be held in the Clarkstown Town Hall, at 10 Maple Avenue, New City, New York, on the 24th day of May, 1965 at 9:15 P.M. o'clock in the evening and be it further

ORDERED that the Town Clerk give notice of said public hearing by publication of a copy of this Resolution and Order calling Public Hearing in " the County Citizen" the official newspaper of the Town at least 10 days prior to the date of the hearing, and be it further

ORDERED that the Town Clerk shall cause a copy of such notice to be posted on the sign board of the Town at least ten (10) days prior to the date of such hearing.

Dated: April 26, 1965

TOWN BOARD OF THE TOWN OF CLARKSTOWN

Paul F Mundt, Supervisor

Philip J Frohling, Jr.

Martin Holbrook

Joseph Welchman

Stephen Danko

CCE312

The following Performance bonds were approved as to form and sufficiency:

Lake Manor - Sec. 1

Cont. Cas. Bond #2231590 (\$92,800.00)

2 years - 4/26/65 - 4/26/67

(Roads & Drainage)

Cont. Cas Bond # 2231591 (\$29,500.00) Lake Manor - Sec. 1

2 years - 4/26/65 - 4/26/67

Sanitary Sewers

DALEWOOD HOMES - Sec. 2

Commercial Union Ins. Co. (\$42,500.00)

Covers Roads, drainage, etc.

Period: 2 years - 4/26/65-4/26/67

DALEWOOD HOMES - Sec 2

Commercial Ins. Co. Bond ( \$9,984.00)

Period: 2 years 4/26/65 - 4/26/65 - 4/26/67

Covers: Sanitary Sewers

MAPLEWOOD HEIGHTS - VALLEY COTTAGE:

Cont. Casualty Co. Bond # 2231976 (\$34,000.00)

Covers: Roads

Period: 2 years - 4/26/65 - 4/26/67

VALLEY COTTAGE HEIGHTS - Sec. 2

Aetna Casualty Co. Bond (\$16,000.00)

Period 2 years - 4/26/65 - 4/26/67

Covers: Roads

VALLEY COTTAGE HEIGHTS - Sec. 2

Aetna Casualty Co. Bond (\$ 4,000.00)

Period 2 years - 4/26/65-4/26/67

Covers: Sanitary Sewers

VALLEY COTTAGE HEIGHTS - Sec. 3

Aetna Cas. U Ins. Co. (\$16,000.00)

Period 2 years - 4/26/65 - 4/26/67

Covers: Roads

## VALLEY COTTAGE HEIGHTS - Sec. 3

Aetna Casualty Co. Bond \$ 3,500.00

Period: 2 years 4/26/65 - 4/26/67

Covers: Sanitary Sewers

## VALLEY COTTAGE HEIGHTS- Sec. 4

Aetna Cas. Co. Perf. Bond \$ 21,000.00

Period: 2 years - 4/26/65 - 4/26/67

Covers: Roads

## VALLEY COTTAGE HEIGHTS - Sec. 4

Aetna Cas. Co. Perf. Bond \$ 4,500.00

Period: 2 years - 4/26/65 - 4/26/67

Covers: Sanitary Sewers

## VALLEY COTTAGE HEIGHTS - Sec. 5

Aetna Casualty Co. Perf. Bond \$15,500.00

Period 2 years - 4/26/65 - 4/26/67

Covers: Roads

## VALLEY COTTAGE HEIGHTS - Sec. 5

Aetna Cas. Co. Peff. Bond \$ 4,000.00

Period: 2 years - 4/26/65 - 4/26/67

Covers: Sanitary Sewers

Letter received from George Hartmann of Valley Cottage, tendering his resignation as a member of the Zoning Board of Appeals. Town Clerk instructed to write to Mr. Hartmann conveying the Board's appreciation for past services.

(304) Councilman Welchman offered the following resolution:

RESOLVED that Richard Burleigh of 329 West Strawtown Road, West Nyack, be appointed to fill the unexpired term of George Hartmann to 6/18/65 as Member of Clarkstown Zoning Board of Appeals.

Seconded by Councilman Holbrook.

On roll call the vote was as follows:

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

NOES: None

Town Board signed Street Opening Permit allowing Beckerly & Brown Inc. to open Old Nyack Turnpike for water main.

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

Comptroller - March 1965; Trial Balance, March 31, 1965, Trial Balance Feb. 28, 1965, Trial Balance, January 31, 1965, Zoning Board of Appeals, March 1965, Planning Board, March 1965, Bldg. Insp. March 1965.

On resolution offered by Councilman Danko, seconded by Councilman Holbrook and unanimously adopted, Town Board Meeting was adjourned until 4:15 P.M. - 4/27/65 at which time special Town Board Meeting will be held.

Signed,

Anne E O'Connor  
Town Clerk