

Present: Councilmen Brenner, Bolander, Damiani, Frohling Supervisor Mundt
Town Attorney
First Deputy Town Attorney
Deputy Town Attorney
Town Clerk

RE: Proposed local Law to regulate the discharge of Firearms within
the Town of Clarkstown

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

Town Clerk Anne E. O'Connor sworn in by Supervisor and testified as to proper posting, and publication of legal notice.

MR. GORDON EDELSON, President Rockland County Federation of Sportsman Clubs:
Does not see necessity for this proposed local law. Takes exception to Sec. 2 General - A "...of any building or structure..." Land may be safely hunted. It should be "HABITABLE" structure. D

DUPUTY TOWN ATTORNEY - NEAL HIRSHFELD informed Mr. Edelson that these are terms used in conservation law. Re "habitable structure" we would run into same problem as to interpretation of "habitable" as to any building or structure.

MRS. BLAUVELT, 142 Rose Road, West Nyack, N.Y.:

Sloatsburg completely bans discharge of firearms within the Village limits. This ordinance duplicates present conservation law except for inclusion of spring or air rifles.

MR. BERTRAM STRAUSS, 16 Linden Court, New City, N Y

Since you cannot fire within 500', you cannot protect property as may be necessary. Re spring or air pistols, these can be safe if properly used. If individual owns one square mile of property, he will be prevented by this law from shooting in his back yard because of his own home.

MR. EDELSTEIN:

Re. 500' law; you may fire on your own land near your own house. Police apprehend - people refuse to sign complaint.

COUNCILMAN FROHLING:

If law were to be made more rigid we would be in conflict with existing conservation law. We would have to have more rigid legislation.

This area has been pre-empted by the State. We should approach our legislators to enact more rigid legislation pertaining to this specific item.

ATTORNEY HIRSHFELD:

If we adopted ordinance - total ban - we would have to have legislation passed to be sure that our law is not subject to judicial attack.

MRS. BLAUVELT:

Sloatsburg has total law - they must have amended.

Re law banning firearms anywhere in the township, someone must identify culprit in order for him to apprehend; so law completely banning discharge would not be any more effective because we cannot get witnesses.

On resolution offered by Councilman Frohling, seconded by Councilman Bolander and unanimously adopted, public hearing was closed.

Signed,

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

PUBLIC HEARING

3/20/68

Present: Councilmen Brenner, Bolander, Damiani, Frohling, Supervisor Mundt
Town Attorney
First Deputy Town Attorney
Deputy Town Attorney
Deputy Town Attorney in Charge of Special Districts
Town Clerk

RE: PROPOSED AMENDMENTS TO COMPREHENSIVE AMENDMENT TO ZONING ORDINANCE
AND MAP:

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

Mr. Bertram Straus, 16 Linden Court, New City, requested that public hearing be re-scheduled because of errors in the notice of public hearing. Town Attorney stated that errors do not invalidate public hearing - Town can continue on for those parcels not listed erroneously in the notice.

Town Attorney went down list on proposed changes as follows;
Sec. 3.11 Table of General Use Regulations, LS Dist: At present LS zone required to have one parking space for each 150 square feet of floor area. Many times floor area used for storage, so we proposed to change that to substitute 150 square feet of net retail area.

2. Entire site comes before site review. Site is subsequently subdivided: Macy's takes 1/2 and Sears takes the other half. Divided property line is in center of mall. It immediately puts these two pieces of property in non-conforming bulk. We are saying, once large projects has been site reviewed and subsequently changes ownership, leaving physical characteristics intact, they couldn't conform to bulk regulation. If they desire to change by addition of any structures, they will continue to be backed by the bulk regulations.

3. Automotive repair in enclosed structure:
4.32G - Additional special requirements imposed on gas filling stations: At present time, they are permitted in PS & M or in IO zone, but only by special permit. Majority of gas stations are located in CS type area. In order to make them conforming and make them still subject to requirements of Special Permit of the Town Board (which means public hearing) - this proposed change is recommended.

5. Map: Explained each proposed change from present map.

M88-9: This particular change is property known as Deerhead Inn on Western Highway. He has made request to be placed in conforming use. (From R40 to LS).

M19-L17: R-15 & R40 to R40 Property dissected by the zoning line (Mr. Howell) which put portion into R-12 and another into R40 zone. (3.2 acres).

M56, Lot 22.02: From R-15 to PO: Property on 304, PO zone line followed road. On this corner there is a law office. Attorney requested that PO zone line should have recognized existing use in that area. It is to pick up that one line (1/3 acre lot).

MAP 13-L22, (22.02 (as corrected by T.A.) & 16.01 - from CS to IO: Behind Main St. in Nanuet, Presser property; approximately 2.31 acres. Gagnon 2.28 acres in part of Sears complex. Former Nanuet Lumber Mill Property.

M21-L8.1A: Doig property; presently in one acre zone. He desires two acre zone. We would like to accommodate by dropping line down to pick up this parcel of property which would increase a requirement from one to two acres on Phillips Hill Rd.

MAP 13 L 2.90A: From R75 to RG2: This is parcel of 2.9 acres off College Ave. in Nanuet by the Normandy Village - The RG 2 line followed the street and did not take into consideration this 2.9 acres. We proposed to pick up this property to round out that particular complex.

MAP59 - Lot 18: Off Phillips Hill Road (formerly Burkley property) and Old 304. Set up for 250' from line. Was originally proposed at 250' in this particular area. It gets extra 100' of R-12 by making the R-12 zone line 250' from the property line instead of 350' from the property line (size of property - depth 100' X 744' Length). OWNERS Applebaum & Nelson;

MAP13 Lot 16: Block D - from CS to IO: Presser & Gagnon pieces.

Map 106: From R15 to RS: This piece of property on Route 303 to the south of the Thruway is made up of a restaurant, the Nyack Motel, Atlantic Refining Co. and the Sheldon Holding Co. property. This is to take into account what is there and to reflect the RS zoning designation for the properties that are presently located there.

Map 123: R75 to CS: Property on 304 (e/s 303, south of Christian Herald): to give conforming use. Approximate total: 11-12 acres.

QUESTION: In terms of empty lots and residential area that are encompassed by this area, how much of the area is now non-conforming?

TOWN ATTORNEY: I do not have the figures. I would say roughly 25%.

MAP 108 RG 2 to CS: They changed Squadron Acres line on tax map. We are bringing it back up north to take building out of this particular RG2 zone and put it into CS zone.

MAP 108: This is area in Valley Cottage bound by west shore RR on one side and Kings H'way. Purpose of this change is to encourage commercial ratables and make use of this particular area. (103 acres)

Industrial Park	amend	3 acres
Trachtenberg		31 acres
N.Y. Trap Rock		19 acres
N.Y. Trap Rock		10 acres
Trachtenberg		7 acres

MAP 71: American Legion Building: 213 x 130' which borders to the west of the existing LS zone line, owned by American Legion and they have requested that the zone line reflect the true use of property - convention hall (West Nyack Rd., Adj. to West Nyack School.)

MAP 14: From IO to RS: Hutton Johnson property to the south of the Macy-Sears complex. Proposed drop of RS zone line to encompass this piece of property and round out to the railroad track (4.4 acres. Owner Hutton & Johnson).

MAP 14: from CS to RS: Same particular parcel. Actually front of Hutton-Johnson property. 200' long and 60' deep roughly. Fronts on Main St. and rounds out entire parcel and provides access from Sears*Macy and Howard Johnson Parcels.

COMMENTS FROM PUBLIC:

1. Walter B. Plotnick, 376 Kings Highway, Valley Cottage: 103 acres Valley Cottage as it goes to IO will destroy Hamlet as residential Community.

Re Industrial Ratables: We would like to see land developed under IO, but would like opportunity for consultation. Keep this land IO - ask corporations, individuals, etc. in this 103 acres to petition Town for IO - hold public hearing for each request.

Re: R7.5 to CS: Parcel that manufacturing firms are located on should be given the proper classification but we ask that parcels around these parcels remain R7.5.

Leave 103 acres IO and speak with us when persons are ready for it.

II. Mr. Goldberg, Valley Cottage: Major industrial area now proposed - from the road standpoint alone, this would be difficult to accept. Not against industry: locate in proper area. We do not believe this is proper place to discuss this type of zone change. We are opposed to it as it now stands. We want opportunity to discuss with town board growth and shaping of our community.

Supervisor: There is only one industry that has claimed it desires to settle there. Before any decision is made, you will meet with this industry.

III Mr. B. Reilly, Valley Cottage: Presented petition at previous hearings. Area of 30 to 40 thousand dollar homes. Not area for factories. Industry not only pays taxes but requires services. This is directly in water shed of our water supply. We request further time to present proper statement of our feelings.

IV Sylvia Barrett, Valley Cottage: Why can't these companies go on the Route 303 instead of disrupting zoning pattern?

V. Mr. James Mahoney (Read Statement) Re: those items that were incorrect in the published notice, would not be considered tonight?

Town Attorney: Would have to be republished and another public hearing would have to be held on these.

Mr. Mahoney: Re-enter notice as published. Published on 3/9 - Why a Saturday chosen? A day that the paper is most likely not to be read.

Have any of the changes been reviewed by professional planner?

Answer: Yes, Mr. Emanuel.

Re: Item 2: should provide for public hearing.

Re: Item 3: should be in regional shopping.

Re: Gas Station: We would like to see it kept the way it was formerly. Items A, B, C, F, and G: Were requested by individual who owns property. It is by-passing zone change application procedure.

Re: Deehead Inn: Now R40 to LS: Spot Zoning.

All applications for change in zone should be reviewed with thought that price of land would increase if granted.

At least five of these should have been presented to Town Board as zone changes.

Town should post within 500' all land involved.

Applicant should send letters to people within 500'.

Re: Sec. 8.43 asking Town Attorney his opinion. Also, many discrepancies appeared in public notice prepared by Town Attorney.

VI Mrs. J. Trachtenberg, Old Mill Road, W. Nyack: IO not bad (Dexter Press). Owns parcels in area in question.

Councilman Bolander asked Mr. Trachtenberg if he would be willing to apply for zone change hearing if he prefers IO. Answer: (Mr. Trachtenberg) Yes.

VII Martin Hurwitz, New City: PO use in area surrounding. He is residential zone. Sunnyridge Development with restrictive covenant - homes cannot be used for professional use. Wants PO. Town Attorney: Covenants would remain even if zone changes.

Re: going to Board for zone change - thinks placed there by mistake - does not want to have separate hearing.

VIII. John Dougherty, 18 Wood Rd: (behind Hurwitz property): He is surrounded on more than two sides by R15. If made PO, he will be an island.

IX Edwin Gotts: Crambrook Terrace: Hurwitz property contiguous to Langer. He says it is east. Property directly opposite is R15.

X Mr. Mackey, Valley Cottage: Re Industrial Area. Will completely inundate with industrial usage.

Re: Gas Stations: We have enough. Should be discouraged in shopping area.

Re: Deerhead - O.K. Re: American Legion request - no. Re: Nanuet Areas - no: Acreage will increase in value.

XI. Mr. John Hekker, Attorney representing Sears & Macys:

Re: Item 2 - Note #6: Suggested that word "substantially" be included before words "alter of change the original approved site layout."

Re: Sub Par. O: Should this proposed zone be made to RS, Macy and Sears would like to see all property changed on Main St. Route 59 in RS to eliminate CS stub.

On RS modification made on Hutton and Johnson, they would like to see

Question: Councilman Bolander: If you change a CO Sone to an RS and include a block of property be increased substantially?

Answer: Sears or Macys are not interested in value in this case. Cost of property quite in proportion to cost of structure they wish to build. Sears frontage 200 x 300'.

XII Mr. Walsh, 38 Crambrook: Re Hurwitz property - submit legal application for zone change.

XIII. Mrs. Blauvelt: 15 changes in zoning map in eight months. These are individual lots.

XIV. Mr. Andre, 6 Gable Rd. Hurwitz vicinity. Not isolated. Forms R15 cornerstorn change will cause chink. Opposed to his request.

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XV Mr. Carl Radin, Jennifer Dr., New City: in guise of correcting zoning map, you are granting zone changes. Make them present petitions and have public hearings. Deny all these requests now.

XVI. Mr. Clarence Grossel, Addison Boyce Drive: Agrees with Mr. Radin; we had to apply for variance. Requested that "soundproofing" be included in Item III.

XVII. Mr. Albert Spiro: North Main St., New City: Is the Town Board proposing changes:

Supervisor Mundt: Yes.

Question: Is anyone ready to testify?

Answer: No

Mr. Spiro: Is this in public interest?

Supervisor Mundt: We are here to listen to comments.

Mr. Spiro: Town Board has made these proposals and are entertaining these changes which they have proposed. There are no formal petitions.

Town Attorney: These are corrections.

Mr. Spiro: Re: Proposed changes along South Middletown Rd., any proposed changes in highways and roads?

Town Attorney: There is a restrictive covenant that any land required in the future for road widening to be given free of charge.

Mr. Spiro: Re: change E. Would add 2.92 acres. When did owner acquire property?

Town Attorney: I don't know.

Mr. Spiro: How many apartments will be built on that site:

Town Attorney: 12 units per acre (2.9 x 12).

Mr. Spiro: Re: proposal F: Moving of R12 line north: (replace R22 by R15)?

Town Attorney: This was technical change in respect to alleged mistake which was forwarded to me by Manny Emmanuel. (Manny Emmanuel had letter of request).

Mr. Spiro: Re: parking change in LS zone: why was LS singled out?

Town Attorney: Table type ordinance - would take care of the whole thing.

Mr. Spiro: "K" - Why was CO granted?

Town Attorney: We were aware of our mistake.

XVIII Mr. Ray O'Rourke, Nanuet: Re: RS & Sears Macy Prop. (Nanuet): Middletown Road will revert to the County. If the widening of this road comes about and this land is contained, can this zoning change increase the value of this property?

Supervisor Mundt: Re: road widening, if there was an approval, we requested that the land that is taken be covenanted to be given free to the taking agency.

XIX. Mr. Bob Corshin, Woodglen Dr., New City: Re: Town Board saying that they are considering because errors have been made and they were correcting, you should have been aware sooner instead of having another hearing.

You are proposing change. You are not going by due process.

On resolution offered by Councilman Frohling, seconded by Councilman Bolander, and unanimously adopted, public hearing was closed.

Signed,

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

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TOWN BOARD MEETING

Town Hall

3/20/68

8:00 P.M.

Present: Councilmen Brenner, Bolander, Damiani, Frohling, Supervisor Mundt
Town Attorney
First Deputy Town Attorney
Deputy Town Attorney
Town Clerk

Supervisor called Town Board Meeting to order.

(194) Councilman Frohling offered the following resolution:

**SPECIAL FINDINGS AND RESOLUTION
GRANTING SPECIAL PERMIT FOR GAS
FILLING STATION**

WHEREAS, SEARS ROEBUCK & COMPANY made application for a Special Permit for a gas filling station located on the southwest side of Route 59 in the Hamlet of Nanuet, Town of Clarkstown, New York, pursuant to Section 8.3334 of the Zoning Ordinance of the Town of Clarkstown, and

WHEREAS, after due notice published and posted, a public hearing was held before the Town Board on the 6th day of March, 1968 at 8:15 P.M. in the Town Hall, 10 Maple Avenue, New City, Town of Clarkstown, New York, to consider such application:

NOW THEREFORE, the Town Board makes the following Special Findings pursuant to Section 4.31 of the Zoning Ordinance of the Town of Clarkstown,

THAT, the proposed use as described and represented by the applicant

- (1) will be properly located with respect to transportation, water supply, waste disposal, fire and police protection, and other public facilities;
- (2) will not cause undue traffic congestion or create a traffic hazard;
- (3) will not create at any point of determination set forth in Sections 4.16, 4.17 and 4.18 of the Zoning Ordinance of the Town of Clarkstown any more dangerous and objectionable elements referred to in Section 4.11 than is characteristic of the use expressly permitted as of right in the same district;
- (4) will not adversely affect the character of, or property values in, the area;
- (5) will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity, and other aspects of the general welfare of the Town;
- (6) will comply with all other requirements applicable to such use;
- (7) will be situated on a lot with an area of at least 20,000 square feet and a minimum lot frontage of 150 feet, and all major repairs will be made within a totally enclosed structure, and a maximum of five currently licensed vehicles will be parked on lots of less than one acre and one additional such vehicle for each one-fifth of an acre of the lot above said one acre, all gasoline pumps and service facilities will be set back at least 20 feet from the front lot line; all of said requirements being pursuant to Column 3, Section 3.11, Table of General Use Regulations of the Zoning Ordinance of the Town of Clarkstown;
- (8) will be screened along any lot line where the gas filling station is located on a lot, any lot line of which lies within 25 feet of an R District or SC District boundary, and flood lighting shall be arranged so there will be no glare of light toward such district boundary, pursuant to Column 8, Section 3.11, Table of General Use Regulations of the Zoning Ordinance of the Town of Clarkstown;
- (9) That the site is no closer than 300 ft. to a school, church, or place of assembly, and that within 25 feet of residential districts, no vehicle may continually be parked outside for a period exceeding three days and no bus or truck over 1½ ton capacity or more than two private passenger cars may be parked over any one night.

TOWN BOARD MEETING

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(194) RESOLUTION CONTINUED

NOW THEREFORE, be it

FURTHER RESOLVED, that a Special Permit for a gas filling station pursuant to said application is hereby granted and the reasons for said application is hereby granted and the reasons for granting such special permit are that the proposed use of the premises will be for the convenience, comfort, prosperity, and general welfare of the community; and be it

FURTHER RESOLVED, that the within Special Findings and resolution setting forth the reasons for granting such special permit shall constitute a written report to be filed with the Town Clerk pursuant to Section 8.3334 of the Zoning Ordinance of the Town of Clarkstown.

Dated: March 20, 1968

TOWN BOARD OF THE TOWN OF CLARKSTOWN

By PAUL F. HUNDT
Paul F. Hundt, Supervisor

Seconded by Councilman Damiani

All voted Aye.

Town Board signed the following Performance Bonds, Approving same as to form and sufficiency:

Royal Indemnity Co. Perf. Bond #560448 (Roads)
Highland Homes, Sec. II-C
Amount: \$4,900.00
Term: 2 years

Royal Indemnity Co. Perf. Bond #57
Highland Homes, Sec. II-C
Amount: \$4,025.00
Term: Two years

Letter received from MTA re-proposed airport at Spring Valley, together with copy of the Authority's recent report to Governor Rockefeller describing their integrated plan for transportation improvements in area. Mr. Ronan will have his staff re-eval again their choice of Ramapo Valley Airport. Letter also received from Gordon K. Cameron of the Assembly who stated he will cooperate with Assemblyman St. Lawrence and Senator D. Clinton Dominick on this matter.

(195) Councilman Frohling offered the following resolution:

WHEREAS, it has been proposed by the Metropolitan Transportation Authority to acquire and expand the Ramapo Valley Airport, and

WHEREAS, expansion of the proposed site would not be in the interest of safety due to the proximity of heavily populated residential and

WHEREAS, expanded air transportation facilities might accelerate residential growth at an even greater pace than at present, and

WHEREAS, accelerated growth would not be in the best interest of the residents of Rockland County who are already burdened with excessive tax-free lands controlled by various state agencies, and

WHEREAS, Rockland County is in great need of rapid mass surface transportation to the urban areas, and

WHEREAS, any expanded air transportation facilities will not best serve the interest of the majority, now therefore be it

RESOLVED, that this Board be duly recognized as opposing acquisition and expansion of the Ramapo Valley Airport, and be it

RESOLVED, that the entire amount of 14 million dollars as recommended by the MTA for Rockland County be directed toward a vast improvement in mass, surface transportation and related facilities, and be it further

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(195) Resolution Continued

RESOLVED, that a copy of this resolution be forwarded to Governor Rockefeller, Congressman Dow, Senator Clinton Dominick, Assemblyman St. Lawrence and Assemblyman Cameron.

Seconded by Councilman Brenner.

All voted Aye

(196) Councilman Brenner offered the following resolution:

RESOLVED, that the Clarkstown Planning Board is hereby granted a 45 day extension to April 19, 1968 for delivery of their recommendation on zone change application made by The Dells, Inc. Sadim Trading Corp., Bernard G. Nemeroff & Frances Nemeroff - LO, R-80, R-40 to RG-1, RE-2, and CS.

Seconded by Councilman Frohling.

All voted Aye.

(197) Councilman Damiani offered the following resolution:

RESOLVED, that the Clarkstown Planning Board is hereby granted a 30 day extension to April 23, 1968, for delivery of their recommendation on special permit application made by Soltzer, Lampert & Mayer, West Nyack for nursing home.

Seconded by Councilman Frohling.

All voted Aye.

(198) Councilman Bolander offered the following resolution:

RESOLVED, that regular Town Board meeting be adjourned in order to hold regularly scheduled public hearings.

Seconded by Councilman Brenner.

All voted Aye.

(199) Councilman Damiani offered the following resolution:

RESOLVED that regular Town Board meeting is hereby resumed, scheduled public hearings having been held.

Seconded by Councilman Frohling.

All voted Aye.

(200) Councilman Brenner offered the following resolution:

RESOLVED that the Town Board hereby reserves decision on Proposed Local Law to regulate the discharge of Firearms.

Seconded by Councilman Frohling.

All voted Aye.

(201) Councilman Bolander offered the following resolution:

RESOLVED that the Town Board hereby reserves decision on Proposed Amendments to Comprehensive Building Zone amended ordinance of 1967 and Map.

Seconded by Councilman Damiani

All voted Aye.

(202) Councilman Brenner offered the following resolution:

RESOLVED, that the Highway Superintendent is hereby authorized to remove the basketball equipment located on the right-of-way of the Town of Clarkstown Highway system in front of residence owned by Theodore Alexander, Valley Rd., Valley Cottage, N.Y.

Seconded by Councilman Frohling.

All voted Aye.

Mr. Fyffe, Christopher, Drive, New City requested action on open sewer line located in back of his home. Mr. Toby Marazzo of the Town Engineer's Office requested to make profile.

(203) Councilman Frohling offered the following resolution:

WHEREAS, the following person has applied to the Town of Clarkstown for Certificate of Registration in compliance with Sec. 34-6 of the Code of the Town of Clarkstown:

Joseph M. Leote
68 No. Pascack Rd.
Spring Valley, N. Y.

and,

WHEREAS, the Town Engineer recommends the approval of said application:

NOW THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued
No. 68-3 to Joseph M. Leote

Seconded by Councilman Brenner.

All voted Aye.

(204) Councilman Damiani offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 43 of the Code; of the Town of Clarkstown to rectify violation on premises owned by Messrs. John Knutsen, Richard Siemen, Walter Siemen, Anthony D'Onofrio and Hyman Jatkoff, in the Hamlet of Nanuet, N.Y., more particularly described as Lot 16.01 Block A, Map 31 on the Tax Map of the Town of Clarkstown.

Seconded by Councilman Bolander

All voted Aye.

Town Board signed Order re: above.

(205) Councilman Damiani offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 43 of the Code of the Town of Clarkstown to rectify violation on premises owned by David Hilsen at 30 Lenox Ave., Congers, N.Y., more particularly described as Map 126, Block A, Lot 37 on the Tax Map of the Town of Clarkstown.

Seconded by Councilman Bolander

All voted Aye.

Town Board signed Order re: above.

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TOWN BOARD MEETING

(206) Councilman Bolander offered the following resolution:

RESOLVED, that Orange & Rockland is hereby authorized to install Street Lights on Pole #104 - Twin Elms Lane; Pole #1 - Collyer Ave. & Pole #11 - Congers Rd. at total cost of \$156.00.

Seconded by Councilman Frohling.

All voted Aye.

(207) Councilman Frohling offered the following resolution:

NOTICE IS HEREBY GIVEN THAT a public hearing will be held by the Town Board of the Town of Clarkstown, Rockland County, N.Y., at the Board Room of the Town Hall of the Town of Clarkstown, at 10 Maple Ave., New City, Rockland County, N.Y., in the said Town of Clarkstown, on the 17th day of April 1968 at 8:45 P.M., (E.T.) to consider the application of DR. ROBERT A. JACARUSO, JOHN C. FORNI AND ALDINO P. COATTI for a change of the Building Zone Ordinance of the Town of Clarkstown, by redistricting property of the applicant from R-15 district to PO District. The said property which is the subject of the application is located on the east side of Rte. 304, Bardonia, 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 in the east line of New York State Highway Route 304, as widened, said point being the northwest corner of lands conveyed to John Forni, Aldino Coatti and Robert A. Jacaruso by deed from Janice Steich Roberts dated September 11, 1964 and recorded in the Rockland County Clerk's Office September 11, 1964, in Liber 780 of Deeds, Page 1145; thence running (1) South 89° 48' 20" East 286.60 feet to lands now or formerly of Traphagen; thence (2) South 19° 17' 40" West 256.66 feet to lands now or formerly of Orange and Rockland Utilities, Inc., thence (3) North 89° 28' 20" West 294.71 feet to the east line of New York State Highway Route 304, as widened; thence (4) along the east line of New York State Highway Route 304, as widened, North 21° 07' 23 " East 257.83 feet to the point or place of Beginning.

ALL parties in interest and citizens will be heard by the Town Board at the public hearing to be held as aforesaid.

DATED: March 20, 1968

ANNE E. O'CONNOR
TOWN CLERK
TOWN OF CLARKSTOWN

DONALD S. TRACY
TOWN ATTORNEY
TOWN OF CLARKSTOWN
10 Maple Avenue
New City, N.Y.

CCJ301

(208) Councilman Brenner offered the following resolution:

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Clarkstown, Rockland County, New York, at the Board Room of the Town Hall of the Town of Clarkstown at 10 Maple Ave., New City, Rockland County, N.Y., on the 17th day of April, 1968, at 8:30 P.M. (E.S.T.) to consider the application of Nora Schechner, Lawsnce Schmerzler and Paul Sherman for a Special Permit for the erection of a gas filling station on premises described in said petition, pursuant to the Building Zone Ordinance of the Town of Clarkstown. The said premises which is the subject of the application is located in Manuet, 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, bounded and described as follows:

BEGINNING AT A BENCH MARK MONUMENT SET IN THE SOUTHERLY LINE of N.Y. State Highway, Route 59, being the northeasterly corner of the premises herein intended to be described and the northwest corner of lands formerly of Marie Bedard and now or formerly of Kurima, and running thence

- (1) South 21° 32' West, along the westerly line of said lands now or formerly of Kurima, a distance of 74.21 feet to an iron pipe in the northerly line of lands now or formerly of Pritz; thence
- (2) North 81° 45' West, along the northerly line of said lands now or formerly of Pritz, a distance of 153.45 feet to an iron pipe in the easterly line of Grandview Ave.; thence
- (3) North 8° 15' East, along the easterly line of Grandview Ave, a distance of 120.86 feet to a bench mark monument; thence
- (4) North 38° 15' East, still along the easterly line of Grandview Ave., a distance of 28.92 feet to an iron pipe in the southerly line of N.Y. State Highway Rte. No. 59; thence
- (5) South 59° 53' East, along the southerly line of N.Y. State Highway, Route No. 59, a distance of 58.40 feet to an iron pipe; thence
- (6) South 54° 45' East, still along the southerly line of N.Y. State Highway, Route No. 59, a distance of 114.30 feet to the point or place of BEGINNING.

ALL parties in interest and citizens will be heard by the Town Board at the public hearing to be held as aforesaid.

Dated: March 20, 1968

ANNE E. O'CONNOR
TOWN CLERK
TOWN OF CLARKSTOWN

DONALD S. TRACY
TOWN ATTORNEY
TOWN OF CLARKSTOWN
10 Maple Avenue
New City, N.Y.

Seconded by Councilman Damiani

All voted Aye.

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TOWN BOARD MEETING

(209) Councilman Frohling offered the following resolution:

RESOLVED, that the Town Clerk is authorized to expedite and to sign Hydrant order - Inves. #5892 - for installation of eleven (11) hydrants in Lochaven Estates - Sec. 1 & 2).

Seconded by Councilman Brenner.

All voted aye.

(210) Councilman Damiani offered the following resolution:

NOTICE IS HEREBY GIVEN THAT a public hearing will be held by the Town Board of the Town of Clarkstown, Rockland County, New York 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 17th day of April, 1968, at 8:15 P.M. (E.S.T.), to consider the application of Albert G. Lamborn for a Special Permit for the erection of a gas filling station on premises described in said petition, pursuant to the Building Zone Ordinance of the Town of Clarkstown. The said premises which is the subject of the application is located in Congers, New York, in said Town, and is described as follows:

SCHEDULE "A"

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

BEGINNING at a point which is the intersection of the northerly line of Lake Road and the westerly line of Route 9W (N.Y.S.H. 8196) and running thence:-

- (1) North 80° 12' 04" West along the northerly line of Lake Road a distance of 134.36 feet to a point; thence
- (2) North 2° 42' 56" East a distance of 150.00 feet to a point; thence
- (3) South 80° 12' 04" East a distance of 134.36 feet to a point in the westerly line of Route 9W (N.Y.S.H. 8196); thence
- (4) South 2° 42' 56" West along the westerly line of Route 9W (N. Y.S.H. 8196) a distance of 150.00 feet to the point or place of BEGI NNING.

The above described premises consists of 20,000 square feet.

ALL parties in interest and citizens will be heard by the Town Board at the public hearing to be held as aforesaid.

Dated: March 20, 1968

DONALD S. TRACY
TOWN ATTORNEY
TOWN OF CLARKSTOWN
10 Maple Avenue
New City, N Y

ANNE E. O'CONNOR
TOWN CLERK
TOWN OF CLARKSTOWN

Seconded by Councilman Brenner

All voted Aye.

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TOWN BOARD MEETING

(211) Councilman Damiani offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown is desirous of amending the zoning ordinance of the Town of Clarkstown, as amended, to amend Section 5.24 as follows:

By deleting Item 3 in Section 5.24 and renumbering items 4 and 5 to read Items 3 and 4.

NOW THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 264 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, New York, Rockland County, on the 3rd day of April, 1968, at 8:15 P.M. (E.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, the official newspaper of the Town, as aforesaid, and file proof thereof in the office of the said Clerk.

Dated: March 20, 1968.

Seconded by Councilman Frohling.

All voted aye.

(212) Councilman Frohling offered the following resolution:

WHEREAS, the following person has applied to the Town of Clarkstown for Certificate of Registration in compliance with Sec. 34-6 of the Code of the Town of Clarkstown:

Leo Tremper, 77 Blauvelt Rd., Nanuet, N.Y., and

WHEREAS, The Town Engineer recommends the approval of said application;

NOW THEREFORE be it

RESOLVED, that the following Certificate of Registration be issued:

No. 68-4 to Leo Tremper

Seconded by Councilman Damiani

All voted Aye.

(213) Councilman Damiani offered the following resolution:

RESOLVED, that the Town Board will accept the offered parkland in the Knutsen Subdivision (30A3.22) with the understanding that the land be appropriately graded and in developable condition as specified in joint letter of Clarkstown Parks Board & Recreation Commission and Town Engineer.

Dated: March 20, 1968

Seconded by Councilman Frohling.

All voted Aye.

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TOWN BOARD MEETING

(214) Councilman Damiani offered the following resolution:

RESOLVED, THAT fee schedule in connection with sewer testing for privately owned treatment facilities, as presented by the Assistant Town Engineer, is hereby approved and accepted by the Town Board and be it

FURTHER RESOLVED, that all fees are to be paid by the Town Engineer's office for the month prior to testing.

Seconded by Councilman Brenner.

All Voted Aye.

(215) Councilman Frohling offered the following resolution:

RESOLVED, that the application of OTTO K. & FLORENCE MILLER for a Special Permit for the erection of a gas filling station pursuant to requirements of Section 3.11 (Table of General Use Regulations) and Sections 4.32 (G) and 8.334 of the Building Zone Ordinance of the Town of Clarkstown adopted June 30, 1967, and as amended, for property in an RS District located at Route 9W and Lake Road in Congers, New York, be referred to the Clarkstown Planning Board for report and also to the Rockland County Planning Board pursuant to Sections 239-1 and 239-M of the General Municipal Law.

Seconded by Councilman Damiani

All voted Aye.

Supervisor Mundt informed Town Board that an Executive Session will be held in his office on April 8th (Monday), at 8:00 P.M. for purpose of selecting Town Engineer.

(216) Councilman Frohling offered the following resolution:

WHEREAS, the Town of Clarkstown is desirous of entering into an agreement with Jomar Operating Corporation in connection with dedication of roads in Tall Oak Acres subdivision;

NOW THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is authorized to execute an agreement with Jomar Operating Corporation of New City, New York, providing for the deposit of \$1260.00 with the Town of Clarkstown by said Jomar Operating Corporation, to be held by the Town pending final and complete improvements of the roads in said development by the developer, subject to final approval of the Town Engineer and the Superintendent of Highways of the Town of Clarkstown.

Dated: March 20, 1968

Seconded by Councilman Damiani

All Voted Aye.

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TOWN BOARD MEETING

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Town Board signed the following Perf. Bonds, approving same as to form and suff.:

Republic Ins. Co. Bond #901833
WOODBROOK ESTATES, Principal
Covers: Roads
Period Covered: 2 years

Republic Insurance Co. Bond #901834
WOODBROOK ESTATES, Principal
Covers: Sewers
Period Covered: Two years

Re: sale of portion of Wells Avenue, Congers to Orange 65 Realty Corp. for \$20,000.; Councilman Bolander requested this to be tabled and discussed in executive session. Matter will be discussed 12:30 P.M. - 3/29/68.

(217) Councilman Bolander offered the following resolution:

WHEREAS, S. J. Polhemus, Sr. & Georgianna has petitioned this Board for a refund of erroneous 1968 Highway Tax on property in the Town of Clarkstown assessed to Polhmus, S. J. Sr. & Georgianna, 112 Kings Hwy, New City, N.Y. - Map 36, blk/J, Lot 6.02 because the Veterans Exemption (\$400.) was omitted from the tax roll due to a lost change Order and was an erroneous assessment as verified by the Clarkstown Assessor, now therefore be it

RESOLVED, that the Supervisor be and he is hereby authorized to refund the amount of the erroneous tax, \$2.16, and charge Highway Account.

Seconded by Councilman Damiani.

All voted Aye.

(218) Councilman Bolander offered the following resolution:

WHEREAS, Richard Jarer & Wife have petitioned this Board for a refund of erroneous 1968 Highway tax on property in the Town of Clarkstown assessed to Jarer, Richard & Wife, 28 Terrace Ave., Nanuet, N. Y. - Map 15, blk. E, Lot 15.

RESOLVED, that the Supervisor be and he is hereby authorized to refund the amount of the erroneous tax, \$4.05, and charge Highway Account.

Seconded by Councilman Damiani.

All voted Aye.

(219) Councilman Bolander offered the following resolution:

WHEREAS, Meyer Rock has petitioned this Board for a refund of erroneous 1968 Highway tax on property in the Town of Clarkstown assessed to Rock, Meyer, 439 Philips Hill Rd., New City, N.Y. - Map 21, Blk. A Lot 11.05,

RESOLVED, that the Supervisor be and he is hereby authorized to refund the amount of the erroneous tax, \$4.87, and charge Highway Account.

Seconded by Councilman Damiani.

All voted Aye.

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TOWN BOARD MEETING

(220) Councilman Frohling offered the following resolution:

WHEREAS, Mrs. Bernice Tepper has resigned as a member of the Traffic Safety Committee, now therefore be it

RESOLVED, THAT Mr. Joseph A. Murphy, 3 North Birch Drive, Nanuet, N.Y. is hereby appointed to serve on said committee, term to expire March, 1973, to serve without compensation.

Seconded by Councilman Damiani.

All voted Aye.

(221) Councilman Brenner offered the following resolution:

RESOLVED, that resignation of Albert Strickle of the Sanitary Fill Department is hereby accepted with regret.

Seconded by Councilman Bolander.

All voted Aye.

(222) Councilman Damiani offered the following resolution:

WHEREAS, Dr. Louis Wagner has resigned as a member of the Board of Architectural Review, now therefore be it

RESOLVED, that Mr. Sidney Reiff, Maple Rd., Valley Cottage, New York, is hereby appointed to fill the unexpired term of Dr. Wagner, to May, 1968, at a salary of \$300.00 per annum.

Seconded by Councilman Brenner.

All voted Aye.

(223) Councilman Frohling offered the following resolution:

WHEREAS, the name of Estelle Hutchins appears on Certification of Eligibles #CR-5 68-21, Clerk, dated March 18, 1968, furnished by Rockland County Personnel Office, and

WHEREAS, said Estelle Hutchins has indicated her willingness to accept the position of Clerk, in the Town Assessor's Office,

NOW, THEREFORE, upon recommendation of Paul Bailey, Town Assessor, be it,

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the Permanent appointment of Estelle Hutchins, 22 Shetland Drive, New City, N.Y., to the position of Clerk, in the Town Assessor's Office, at a salary of \$3,796.00 per annum effective March 25, 1968.

Seconded by Councilman Damiani

All voted Aye.

(224) Councilman Damiani offered the following resolution:

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the Temporary appointment not to exceed thirty days, of Elizabeth M. Munkelwitz, of 31 Deerwood Drive, New City, N.Y., to the position of Stenographer in the Town Engineer's Office, at a salary of \$2.50 per hour effective and retroactive to March 19, 1968.

Seconded by Councilman Brenner.

All voted Aye.

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TOWN BOARD MEETING

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(225) Councilman Brenner offered the following resolution:

RESOLVED, that Continental Casualty Company bond Numbers 2230723 and 2230724, Principal John A. Johnson, Philip Mann and Marcelle Cowan be declared in default, and be it

FURTHER RESOLVED, that the Town Attorney of the Town of Clarkstown be directed totake all necessary proceedings against bond to insure construction and completion of roads in accordance with the Town Road Specifications, and be it

FURTHER RESOLVED, that the Town Engineer furnish all necessary data to the Town Attorney in order to complete this file.

Seconded by Councilman Damiani

All voted Aye.

(226) Councilman Damiani offered the following resolution:

WHEREAS, the Town of Clarkstown is awaiting reimbursement from the State Income Tax Bureau and the Collector of Internal Revenue amounts totaling \$1,846.69, and

WHEREAS, these amounts are due the Town of Clarkstown Payroll Account,

NOW THEREFORE, BE IT RESOLVED that the Supervisor be and he is hereby authorized to transfer from Current Surplus-General Fund to Town of Clarkstown Payroll Account the sum of \$1,846.69,

AND BE IT FURTHER RESOLVED, that the Supervisor be authorized to complete the necessary State and Federal forms for refunds of said amounts, and upon receiving same, deposit them in Current Surplus-General Account.

Seconded by Councilman Frohling.

All voted Aye.

(227) Councilman Brenner offered the following resolution:

RESOLVED, that Alan Yassky, Rollingwood Way, Valley Cottage, N.Y., is hereby appointed to serve as Chairman of the Clarkstown Transportation Committee effective immediately.

Seconded by Councilman Damiani.

All voted Aye.

(228) Councilman Damiani offered the following resolution:

WHEREAS, the Town of Clarkstown has passed Local Law No. 2-1965 ("Diversion of Stream and Watercourses"), which prevents a purposeful diversion or obstruction of watercourses and gives the Town the power to prevent this type of situation, and

WHEREAS, there is a necessity for some immediate maintenance and clearance of watercourses within the Town to alleviate drainage problems where no easement exists, and

WHEREAS, the officially adopted Town Drainage Map would give the Town sufficient protection to maintain these streams without resorting to time-consuming easement acquisition when time may be of the essence, now therefore be it

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TOWN BOARD MEETING

(228) Continued.

RESOLVED, that a blanket resolution be given to the Superintendent of Highways authorizing him to enter upon private property, under Section 64.11 (a) of the Town Law when, in his opinion, serious drainage of flood problems will result from his failure to gain access to the source of the drainage problem.

Seconded by Councilman Brenner.

All voted Aye.

Councilman Bolander suggested that a 72-hour warning re. arrears in their payments should be sent to scavengers by certified mail. Councilman Brenner advised that as soon as Sanitation Commission gets area of licensing out of the way, they will come up with suggestions as to making payments.

Councilman Brenner requested that Police Chief be made aware of speeding on Fockford Drive (Stonehedge East).

Councilman Damiani advised Mr. Marazzo of the Town Engineer's Office that the Town Board would like to have dedication of that park by this spring. (Reyville Estates)

Councilman Frohling reminded Town Board that Main St., in Nanuet will revert to county system upon completion of 304. For years, extensive drainage problems in area of Ambulance Building, restaurant, etc. State has told us repeatedly that they would correct this condition. Wants Board to go on record.

(229) Councilman Frohling offered the following resolution:

RESOLVED, that Main St., Nanuet not be accepted as county highway until such time as state of New York has completed promised drainage.

Seconded by Councilman Brenner.

All voted Aye.

Councilman Damiani reported that street lights were requested for area between Routes 59 and 59A - to also include Debra Court. Councilman Brenner will make request to Orange & Rockland Utilities.

On resolution offered by Councilman Damiani, seconded by Councilman Bolander and unanimously adopted, Town Board meeting was adjourned until March 29th, 1968, at 1:00 P.M.

Signed,


Anne E. O'Connor
Town Clerk

CCJ301