

PUBLIC HEARING

Town Hall

7/3/68

8:15 P.M.

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

RE: PETITION OF WESTCHESTER STREET TRANSPORTATION CO., INC. TO RUN EXPRESS  
BUS SERVICE FROM WEST NYACK TO CITY OF WHITE PLAINS RAILROAD STATION:

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

Joseph Romano Esq., of the law firm of Romano & Kelly appeared before the Town Board as attorney for petitioner and stated the following:

On November 30, 1967, resolution passed approving this service; but at that time has no idea where bus line would start from in West Nyack. They now request approval because they are using public streets in the Town of Clarkstown. (Route will run through the Hamlet of West Nyack from Virginia Street to Route 303 and from Route 303 to the New York State Thruway with one stop at the terminus on Virginia Street.

Buses will run at quarter and half hour intervals between 7:30 and 8:45 A.M. and 5:00 and 7:00 P.M.

Three buses will operate this route, each with a seating capacity of 53 passengers.

At suggestion of Mr. Martin Berstein, Chairman of the Rockland County Board of Transportation, petitioner will have to return to Town Board at the end of 1970 for extension of rights.

Re: proposed shopping bus - will leave from West Nyack parking lot to White Plains area and come back the same day.

Councilman Bolander stated he agrees with commuter bussing; but would like to be sure local business are not hurt by use of "shopping buses".

INFAVOR: None

OPPOSED: None

On resolution offered by Councilman Damiani, seconded by Councilman Brenner and unanimously adopted, public hearing was closed.

Signed,

  
Anne E. O'Connor  
Town Clerk

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PUBLIC HEARING

Town Hall

7/3/68

8:30 P.M.

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

RE: PROPOSED AMENDMENT OF THE BUILDING ZONE ORDINANCE - RS AND MRS ZONES:

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

PLANNING BOARD RECOMMENDATIONS:

TOWN: No basic disagreement with MRS zone proposal, but sees no reason for same. Could be better fulfilled by simple requirement of a special permit according to present procedure covering gasoline stations and apartments in their respective zones.

COUNTY: Re: parking areas under Sec. 6.34: desirable. Re: permitting lease space to county as required parking spaces - adequate as long as leased area is legally tied to the development. Re: expanding area zoned RS to include all land owned by Sears; will create extension RS zone; include as RS all CS lands located north of the Erie RR. Re: creating new MRS out of 50-acre areas zoned for RS; no need - covered by existing RS District.

Town Attorney stated that Councilman Frohling requested that his office look into problem that resulted when residential areas were used as egress and ingress for shopping complexes. Submitted proposed solution to Councilman Frohling. Attempting with this proposed amendment to prevent heavy volumes of traffic in and out of shopping centers through some of our residential areas in the township; viz. Nanuet (Korvette Shopping Center -) properties devaluated; inconvenience - dust and dirt.

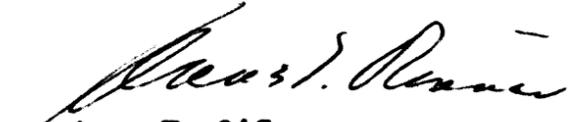
Addition of Sec. 6.54 for RS and MRS Zones would include the following:

Access to accessory parking spaces and loading berths located within an area in the RS or MRS Districts shall be from a Major road only as defined in Article 5, Section 5.111 of this ordinance, with the exception that the aforesaid access may be provided from a secondary road, upon express resolution of the Town Board.

Merton E. Rawson, Chairman of Clarkstown Planning Board - in favor.

There being no one speaking in favor or opposed, public hearing was closed.

Signed,

  
Anne E. O'Connor  
Town Clerk

TOWN BOARD MEETING

Town Hall

7/3/68

8:00 PM

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

Supervisor Mundt called Town Board meeting to order.

(484) Councilman Frohling offered the following resolution:

RESOLVED, that minutes of six (6) public hearings and regular Town Board meeting held on 6/19/68 are hereby approved and accepted by Town Board as submitted by the Town Clerk.

Seconded by Councilman Brenner.

All voted Aye.

(485) Councilman Damiani offered the following resolution:

WHEREAS, a proposed local law entitled "LOCAL LAW TO REGULATE THE DISCHARGE OF FIREARMS WITHIN THE TOWN OF CLARKSTOWN" was introduced by William Brenner, a member of the Town Board of the Town of Clarkstown at a Town Board meeting held on February 21, 1968, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 21st day of February, 1968, directed that a public hearing be held on the 20th day of March, 1968 at 8:15 P.M., to consider the adoption of said local law, and

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

WHEREAS, the Town Board, after hearing those opposed to and those in favor of the proposed local law, reserved decision in order to further review and study this proposed local law, and

WHEREAS, after such review and study, the Town Board, being of the opinion that a local law different in certain vital considerations from the local law heretofore proposed would be in the best interests of the residents of the Town of Clarkstown, decided that a new proposed local law be presented at a new public hearing, and

WHEREAS, by resolution of the Town Board on May 1, 1968, new public hearing was set for the 19th day of June, 1968, at 8:45 P.M. to consider the adoption of the new proposed local law, and

WHEREAS, notice of said public hearing was duly prepared and published in the Journal News on June 6, 1968, and

WHEREAS, copies of the proposed local law were mailed to the members of the Town Board on the 31st day of May, 1968, and

WHEREAS, a public hearing was held by the Town Board on the 19th day of June, 1968, at 8:45 P.M.:

At a regular meeting of the Town Board of the Town of Clarkstown in the County of Rockland held at the Town Hall, 10 Maple Avenue, New City, New York, on July 3, 1968, Local Law No. 2-1968 entitled "LOCAL LAW TO REGULATE THE DISCHARGE OF FIREARMS WITHIN THE TOWN OF CLARKSTOWN" was adopted and passed by an affirmative vote of the majority of voting power

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TOWN BOARD MEETING

(485) Resolution continued:

of the Town Board of the Town of Clarkstown, the vote for adoption of said local law being as follows:

|                                      |     |
|--------------------------------------|-----|
| Hon. Paul F. Mundt, Supervisor . . . | AYE |
| Councilman P. J. Frohling . . . . .  | AYE |
| Councilman J. V. Damiani . . . . .   | AYE |
| Councilman Wm. Brenner . . . . .     | AYE |
| Councilman F. Bolander. . . . .      | AYE |

The Town Clerk of the Town of Clarkstown was directed to file said local law pursuant to Section 27 of the Municipal Home Rule Law.

Dated: July 3, 1968

Seconded by Councilman Frohling.

All voted Aye.

(486) Councilman Frohling offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on May 1, 1968, provided for a public hearing on the 5th day of June, 1968 at 9:00 P.M. to consider a change to the Building Zone Ordinance of the Town of Clarkstown; 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 as follows:

"Section 1.36. Defined words.

"Add the following definitions:

"ENCLOSED MALL - A portion of a Major Regional Shopping Center consisting of a structure which is roofed and otherwise enclosed by abutting buildings or structures for use by stores, shops and other establishments which abut and open thereon forming an integrated architectural unit."

"OUTDOOR SELLING AREA - A portion of a Major Regional Shopping Center which is not completely enclosed within a building and which is neither permanently heated nor cooled, devoted to retail sales, which is accessory to a building devoted to retail sales."

"SHOPPING CENTER, MAJOR REGIONAL - A group of stores, shops and similar establishments occupying adjoining structures, whether attached or detached (all of which may be deemed one (1) building if designed as an architectural unit), designed and developed to serve an extensive area beyond the immediate locality or town in which situated and containing an Enclosed Mall."

Section 2.19 Establishment of districts.

Add a new district to follow "RS - Regional Shopping, " as follows:

"MRS - Major Regional Shopping."

Section 2.11. Purpose of districts.

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(486) Amendment to Clarkstown Building Zone Ordinance regarding Major Regional Shopping District Continued:

Add Section 2.122A as follows:

"2.122A MRS: This district offered the full range of commercial shopping center services, including, without limitation, convenience, shopping specialty items and department stores on a site consisting of at least 30 acres in one or more lots and in a location on or immediately adjacent to major highways, in order to serve shoppers from the surrounding region."

Section 2.3. District boundaries on zoning map.

Add Section 2.38 as follows:

"2.38 Any site located in an RS District consisting of at least 30 acres on one or more lots and which meets the definition of a MAJOR REGIONAL SHOPPING CENTER shall be deemed to be within an MRS District and be subject to the MRS District regulations."

Section 5.2. Exceptions to bulk regulations.

Amend Section 5.227 to include an MRS District so as to read as follows:

"Accessory buildings in required front yards. Where necessary and appropriate, the Board of Appeals may authorize any one (1) of the following, accessory to a commercial or industrial use in LS, LO, IO, CS, RS, MRS, M, or to an institutional use in any district: (1) One (1) dwelling unit for a caretaker, (2) gatehouse, (3) reception office, or (4) watchman's post, to encroach in a required front yard, provided such accessory building (a) is set back at least twenty-five (25) feet from the front lot line and ten (10) feet from any other lot line, (b) does not cover more than one per cent (1%) of the area of the lot, and (c) has a height of no more than twenty-five (25) FEET."

Section 6.3. Required off-street parking spaces.

Amend Section 6.33 to provide for the leasing of required accessory parking spaces, as follows:

"Location and ownership or control of required accessory parking facilities. Required accessory parking spaces, open or enclosed, may be provided upon the same lot as the use to which they are accessory, or elsewhere within 1,000 feet of such lot. In all cases such parking spaces shall conform to all the regulations of the district in which they are located; and in no event shall such parking spaces be located in any residential district, unless the uses to which they are accessory are permitted in such districts. Such spaces shall be in the same ownership as, or under lease for parking purposes for a term of at least 20 years to, the use to which they are accessory, and, in the case of ownership, shall be subject to deed restriction, filed of record with the County Clerk, binding the owner and his heirs and assigns to maintain the required number of spaces available throughout the existence of such use to which they are accessory."

Amend Section 6.34 as follows:

"Size of spaces. Except for CS, RS and MRS Districts, three hundred (300) square feet shall be considered one (1) parking space, including standing area and aisles for maneuvering. Entrance and exit roadways shall not be computed as parking space, except for single-family and two-family residences as in Sec. 6.32 and shall be provided in addition to required parking space. In CS, RS and MRS Districts the size of the parking spaces, their layout and provisions for standing areas, aisles for maneuvering, entrances and exit roadways shall be as shown on the Site Plan.

Amend Section 3.11 Table of General Use Regulations by the addition of an MRS District.

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TOWN BOARD MEETING

(486) Amendment to Clarkstown Building Zone Ordinance Regarding Major Regional Shopping District Continued:

Amend Section 3.12 Table of General Bulk Regulations by the addition of an MRS District.

Amend the zoning map of the Town of Clarkstown by changing the designation of those portions of Lot 11.01, Block C, Tax Map No. 14, last revised May, 1967, from CS to RS.

Amendment of Table of General Use Regulations  
By Addition of MRS District

| VII       | 1 | 2  | 3  | 4                                | 5   |
|-----------|---|--|--|----------------------------------|---|
| Districts |   | Uses Permitted by Right  | Uses Permitted by Special Permit of the Board of Appeals or the Town Board, where specified. (Subject to Sec. 4.31 and to Section Limited Use, where applicable) | Permitted General Accessory Uses | Permitted Accessory Signs (Subject to Sec. 4.2)   |
| MRS       |   | 1. Some of RS.<br>2. Outdoor Seating Area (the provisions of Note 2, Column B, pertaining to L.S. to the contrary notwithstanding).<br>3. Social halls, meeting rooms, convention halls and catering facilities, whether commercial or non-profit facilities.<br>4. Research, development, experimental and testing laboratories.<br>5. Advertising signs, including the type commonly known as billboard, which directs attention to a business, commodity service or entertainment, conducted solely or offered within the Major Regional Shopping Center in question (the provisions of Note A.1, Column 2, pertaining to RS, to the contrary notwithstanding.) | Same as RS, but with respect to advertising signs, see Note 5, Column 2, pertaining to MRS.  | Same as CS.                      | 1. Business signs with a total sign area of not more than 15% of the total exterior area of the building, whether attached to or painted on the walls or roof of such building, provided, that no sign shall extend 5 feet in height above the roof, penthouse or parapet line of such building. All such signs may be illuminated, provided, however:<br>a. That such illumination shall not adversely affect nearby residential property;<br>b. That such illumination shall not create a distracting hazard to traffic by glare and shall not be animated;<br>c. That such illumination shall conform to the requirements of Sec. 4.2 of this Ordinance.<br>Directional signs and other informational signs affixed to the building shall not be included within the foregoing 15% limitation. The 15% limitation also may be exceeded in the case of a sign identifying the presence of a department store whose floor area exceeds 100,000 square feet.<br>2. Detached signs. Free-standing or pylon signs shall be permitted in accordance with the following:<br>a. Each detached sign shall be set back no less than 50 feet from the closest street line;<br>b. One sign, not exceeding 350 square feet in area, identifying the Major Regional Shopping Center, shall be permitted on each 200' section of frontage. In each street adjacent to the Major Regional Shopping Center;<br>c. Signs, not exceeding 200 square feet in area, identifying or advertising the existence of a theater or theaters, shall be permitted for each theater on the premises;<br>d. One sign, not exceeding 200 square feet in area, identifying or advertising each automobile sales showroom, auto supply store, automobile repair shop, and gasoline filling station shall be permitted, provided that the use in question shall be in a structure separate from the main bulkheads of the Major Regional Shopping Center;<br>e. All such signs may be illuminated, provided that such illumination shall not adversely affect nearby residential properties nor create distracting hazards to traffic by glare and in no event shall such sign be animated.<br>3. Free-standing Directional Signs and signs for the regulation of traffic, parking loading and unloading shall be provided at appropriate locations on the site.<br>4. The signs permitted above may only have reference to the wares, services and uses of the establishments on the Major Regional Shopping Center on which they are located. |

TABLE OF GENERAL USE REGULATIONS  
(Per Use of Table, See Sec. 3.2)

| 6  | 7  | 8   |
|--|--|---|
| Minimum Required Off-Street Parking Spaces (Subject to Art. VI):<br>Per: 1. 255 square feet of floor area exclusive of any floor area devoted to Enclosed Malls, common service corridors, outdoor seating areas, utility vaults, space for any service, including or cooling facilities, or any incinerator room. | Minimum Required Accessory Off-Street Loading Berths (Subject to Art. VI):<br>Adequate Off-Street loading and unloading facilities on the Major Regional Shopping Center Site shall be as determined by the Planning (Town) Board after consideration of all factors determining the needs of the Major Regional Shopping Center. No loading or unloading of merchandise shall be done on or from a public street. | Additional Use Regulations (Per Regulations Governing All Non-Residential Uses, See Art. VII):<br>Nos. 1, 2, 3, 4, 5 and 6 of R-6b.<br>Nos. 1, 2, 3, 4, 5 and 7 of L.S. |

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TOWN BOARD MEETING

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(487) Councilman Brenner offered the following resolution:

WHEREAS, STANLEY SOLTZER, JACOB S. LAMPERT & HERMAN MAYER made application for a nursing home located on Sickletown Road & Route 59 in the hamlet of West Nyack in the Town of Clarkstown, and

WHEREAS, after due notice published and posted, a public hearing was held before the Town Board on the 5<sup>th</sup> day of June, 1968, at 8:45P.M., and

WHEREAS, all members of the Town Board were personally present at said hearing and are personally familiar with the property in question, and

WHEREAS, said petition was referred to the Town Planning Board for study and recommendation, and

WHEREAS, the Town Planning Board's recommendation dated April 24, 1968 was as follows:

"That the use proposed for the specific property, for a nursing home, is considered appropriate and, subject to the following comments, approval is considered in order. The Planning Board points out that the neighborhood is in general very good, that there are "Historic Buildings" nearby, that it is desirable to protect the residents of the surrounding area by means of suitable covenants as to compatibility of structure, design, and layout, and that in all respects any development should be in strict conformance with the Zoning Ordinance."

and,

WHEREAS, at the aforesaid public hearing on the 5<sup>th</sup> day of June, 1968, all testimony was carefully considered and the following pertinent facts noted:

1. That the applicants' property was 3.736 acres in size. The proposed three-story nursing home building will be approximately 264' long and 50' deep; no portion of the building to be closer than 100' to any other lot line. It was proposed that there will be 200 beds in the nursing home, 60 beds in 29 rooms on the first floor and 70 in 33 rooms on the second and third floors; that the entire site will be landscaped with gardens and on-site parking facilities will be provided for 68 cars.

2. That the entrance and exit to the facility will be from Sickletown Rd.

3. That the applicants' property is bordered on the south by Route 59, on the east by a professional office zone, on the northwest by an LS shopping center and that Route 59 is elevated where it adjoins this property.

4. That Sickletown Rd, which would be used for the sole entrance and exit to this property, is a narrow, winding road and that Route 59 as it adjoins this property is a congested, heavily trafficked major artery.

5. That upon personal inspection it is found that the area of Sickletown Rd and Route 59 in the hamlet of West Nyack is not a suitable location for a nursing home use.

6. That the introduction of a nursing home in the particular location will increase and exacerbate a traffic hazard now existing on Sickletown Rd., West Nyack, N.York.

7. That public transportation facilities, which in the opinion of the Town Board is an essential to a nursing home complex, are not available to the immediate site proposed.

NOW THEREFORE, the Town Board makes the following Special Findings pursuant to Sections 4.31 and 4.32 of the Zoning Ordinance of the Town of Clarkstown;

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

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TOWN BOARD MEETING

(487) Resolution DENYING Special Permit made by SOLTZER, LAMPERT & MAYER  
Continued:

- (1) will be properly located with respect to water supply, waste disposal, fire and police protection but not properly located with respect to transportation facilities;
- (2) will 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 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 adversely affect the character of, or property values of residentially zoned property, in the area, and, in particular, the buildings in the area proposed for an "historic designation";
- (5) will otherwise impair the public safety, comfort and convenience by introducing the aforementioned additional traffic congestion and hazard into the area;
- (6) will not comply with all of the requirements applicable to such use, in particular, the requirement as to transportation;

NOW THEREFORE, be it

RESOLVED, that a special permit for a nursing home pursuant to said application is hereby DENIED, and be it

FURTHER RESOLVED, that the within Special Findings and Resolution setting forth the reasons for denying such special permit shall constitute a written report to be filed with the Town Clerk pursuant to Section 8.333 of the Zoning Ordinance of the Town of Clarkstown.

Dated: July 3, 1968

TOWN BOARD OF THE TOWN OF CLARKSTOWN

By Paul F. Mundt, Supervisor

(488) Councilman Brenner offered the following resolution:

WHEREAS, ALBERT G. LAMBORN, amade application for a Special Permit for a gas filling station located on the corner of Rte. 9W & Lake Rd., Congers in the town of Clarkstown, and

WHEREAS, after due notice published and posted, a public hearing was held before the Town Board on the 5th day of June, 1968, at 8:30 P.M., and

WHEREAS, all members of the Town Board are personally familiar with the property in question, and

WHEREAS, said petition was referred to the Town Planning Board study and recommendation, and

WHEREAS, the recommendation of the Town Planning Board dated March 15, 1968 was that the petition for Special Permit be denied for the following reasons:

1. Proposed activity does not reflect the Town Development Plan's suggested pattern of development.
2. Issuance of a permit would detract from the general scheme of improvement of the nearby areas.

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TOWN BOARD MEETING

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(488) Councilman Brenner offered the following resolution:

WHEREAS, ALBERT G. LAMBORN, made application for a Special Permit for a gas filling station located on the corner of Rte. 9W & Lake Rd, Congers, in the Town of Clarkstown, and

WHEREAS, after due notice published and posted, a public hearing was held before the Town Board on the 5th day of June, 1968, at 8:30 P.M., and

WHEREAS, all members of the Town Board are personally familiar with the property in question, and

WHEREAS, said petition was referred to the Town Planning Board for study and recommendation, and

WHEREAS, the recommendation of the Town Planning Board dated March 15, 1968, was that the petition for Special Permit be denied for the following reasons:

1. Proposed activity does not reflect the Town Development Plan's suggested pattern of development.
2. Issuance of a permit would detract from the general scheme of improvement of the nearby areas.
3. Access to the proposed station is centered in an area of great natural beauty, Rockland Lake State Park.
4. Proposed site, after taking of necessary widenings of Route 9W and Lake Road, will not conform with the requirements of the Zoning Ordinance.

NOW THEREFORE, the Town Board makes the following Special Findings pursuant to Sections 4.31 and 4.32 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 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 adversely affect the character of the general area:

(5) that the proposed use does not reflect the Town Development Plan's suggested pattern of development;

(6) will not otherwise impair the public safety, comfort and convenience;

(7) will not comply with all of the requirements applicable to such use, specifically to the minimum bulk regulations;

NOW THEREFORE, be it

RESOLVED, that the within Special Findings and Resolution setting forth the reasons for denying such special permit shall constitute a written report to be filed with the Town Clerk pursuant to Section 8.333 of the Zoning Ordinance of the Town of Clarkstown.

Dated: July 3, 1968

TOWN BOARD OF THE TOWN OF CLARKSTOWN  
by Paul F. Mundt, Supervisor

Seconded by Councilman Damiani.

All voted Aye.

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7/3/68

TOWN BOARD MEETING

(489) Councilman Brenner offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to prepare the necessary papers for adoption for the August 21, 1968, (8/21/68) Town Board Meeting in connection with Valley Cottage Development study - Phase #1 Bond Resolution Required for \$175,800.00 appropriation.

Seconded by Councilman Frohling.

All voted Aye. /

(490) Councilman Damiani offered the following resolution:

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

Seconded by Councilman Brenner.

All voted Aye.

(491) Councilman Brenner offered the following resolution:

RESOLVED, that regular meeting be resumed, public hearings having been held.

Seconded by Councilman Frohling.

All voted Aye.

(492) Councilman Frohling offered the following resolution:

WHEREAS, the following 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:

Kuhn's Plumbing & Heating Service, Inc.  
25 South Magnolia Avenue  
Pearl River, New York

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. 68-16 to Kuhn's Plumbing & Heating  
Service, Inc.

Dated: July 5, 1968

Seconded by Councilman Brenner

All voted Aye.

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TOWN BOARD MEETING

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(493) Councilman Frohling offered the following resolution:

WHEREAS, the Westchester Street Transportation Co., Inc. has requested this Board by letter dated November 27, 1967, for its consent to operate a bus line between West Nyack and the City of White Plains, and

WHEREAS, in order to complete this route the buses must travel over Virginia Avenue, a Town road, and Route 303, a State Route, before entering the New York State Thruway and its connections, and

WHEREAS, a public hearing was held on the 3rd day of JULY 1968, notice of which was duly advertised and published in the Rockland County Journal News, pursuant to law, and

WHEREAS, at the said public hearing Westchester Street Transportation Co., Inc. was represented by Joseph F. Romano, attorney, and Raymond D. Murphy, Vic President, and no one having appeared in opposition to the petition

NOW, THEREFORE, be it resolved by the Town Board of the Town of Clarkstown, that the Town Board give its consent and permission to the Westchester Street Transportation Co., Inc. to operate a commuter service between West Nyack and the City of White Plains, including its permission to operate within the limits of the Hamlet of West Nyack, over Virginia Avenue, the petitioner is requested to advise this Board when it receives a certificate of Public Necessity and Convenience from the Public Service Commission of the State of New York, said consent to be valid until December 31, 1970, at which time applicant may reapply.

Dated: July 3, 1968

Seconded by Brenner.

All voted Aye.

(494) Councilman Bolander offered the following resolution:

WHEREAS, THE DELLS, INC., SADIM TRADING CORP. BERNARD G. NEMEROFF & FRANCES NEMEROFF, have petitioned the Town Board of the Town of Clarkstown that the Building Zone Ordinance of the said Town be amended by redistricting property of the said petitioner described, from LO, r-80 and R-40 district to RG-1, RG-2, CS and to a zone permitting cluster development;

NOW THEREFORE, BE IT

RESOLVED, that public hearing pursuant to Sections 264 and 265 of the Town Law be had at the Auditorium of the Clarkstown Junior High School, Parrott Rd., West Nyack, Rockland County, New York, in Town of Clarkstown, in the 11th day of September, 1968, at 8:00 P.M. relative to such proposed amendment; and be it

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: July 3, 1968

Seconded by Councilman Frohling.

All voted Aye.

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TOWN BOARD MEETING

(495) Councilman Frohling offered the following resolution:

RESOLVED, that the Town Engineer's Office submit recommendation on drainage problem existing at residence of Messerole, 4 Park Avenue, Nanuet, N.Y. at regular Town Board meeting to be held 8/31/68.

Seconded by Councilman Damiani.

All voted Aye.

Re: drainage at town dump; meeting will be held 9:00 A. M. - Monday; recommendations to be made town Engineer and Highway Supt.

Re: new machine for town dump; Supervisor to call Mr. Van Fleet re: Rex Trashmaster.

Highway Superintendent requested that road into recreation area be extended for easier facility for dumping. Supervisor requested plot plan.

(496) Councilman Frohling offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, heretofore duly authorized the construction of a lateral sewer system District No. 21 at an estimated maximum cost of \$828,000, appropriated said amount therefore and authorized the issuance of \$828,000. serial bonds to finance said appropriation, pursuant to the bond resolution duly adopted August 4, 1965 and entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted August 4, 1965, appropriating \$828,000. for the construction of a lateral sewer system in Sewer District No. 21 in the Town of Clarkstown and authorizing the issuance of \$828,000. serial bonds of said Town to finance said appropriation,"

and

WHEREAS, the period of probable usefulness of said specific object or purpose for said bonds authorized by said resolution are to be issued within the limitations of Section 11.00 a. 4 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, has been changed from thirty (30) years to forty (40) years (40) years, pursuant to Chapter 722 of the Laws of 1967;

now, therefore, be it

RESOLVED, by the Town Board of the Town of Clarkstown, in the County of Rockland, New York, (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Title of the bond resolution herinabove referred to in the Recital here of, is hereby amended to read as follows:

"Bond Resolution of the Town of Clarkstown, New York, adopted August 4, 1965 and amended July 3, 1968, appropriating \$828,000 for the construction of a lateral sewer system in Sewer District No. 21, in the Town of Clarkstown and authorizing the issuance of \$828,000. serial bonds of said Town to finance said appropriation,"

Section 2. Section 3(a) of the bond resolution hereinabove referred to in the Recitals hereof, is hereby amended to read as follows:

"The period of probable usefulness of the specific object or purpose for which the bonds authorized by this resolution are to be issued, within the limitations of Paragraph 11.00 a. 4 of said Local Finance Law, is forty (40) years."

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(496) RESOLUTION extending Bond Period (from 30 to 40 years -- Sewer District #21) CONTINUED:

Section 3. The amendment of the bond resolution set forth in Section 2 of this resolution shall in no way affect the validity of any liabilities incurred, obligations issued, or action taken pursuant to said resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been taken pursuant to said bond resolution as herein amended.

Section 4. This resolution amending the bond resolution shall be published, in full, in "THE JOURNAL NEWS," a newspaper published in the Village of Nyack, New York, and having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice in substantially the form prescribed by Section §1.00 of the Local Finance Law of the State of New York.

Seconded by Councilman Brenner.

All voted Aye.

(497) Councilman Brenner offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, heretofore duly authorized the construction of a lateral sewer system in Sewer District No. 21 at an estimated maximum cost of \$828,000. appropriated said amount therefore and authorized the issuance of \$828,000. serial bonds to finance said appropriation, pursuant to the bond resolution duly adopted August 4, 1965 and entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted August 4, 1965, appropriating \$828,000. for the construction of a lateral sewer system in Sewer District No. 21 in the Town of Clarkstown and authorizing the issuance of \$828,000. serial bonds of said Town to finance said appropriation,"

and

WHEREAS, the period of probable usefulness of said specific object or purpose for which said bonds authorized by said resolution are to be issued within the limitations of Section 11.00 a. 4 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, has been changed from thirty (30) years to forty (40) years, pursuant to Chapter 722 of the Laws of 1967;

Now, therefore, be it

RESOLVED, by the Town Board of the Town of Clarkstown, in the County of Rockland, New York, (by the favorable vote of not less than two thirds of all the members of said Board) as follows:

Section 1. The title of the bond resolution hereinabove referred to in the Recital hereof, is hereby amended to read as follows:

"Bond Resolution of the Town of Clarkstown, New York, adopted August 4, 1965, and amended July 3, 1968, appropriating \$828,000. for the construction of a lateral sewer system in Sewer District No. 21, in the Town of Clarkstown and authorizing the issuance of \$828,000 serial bonds of said Town to finance said appropriation,"

Section 2. Section 3(a) of the bond resolution hereinabove referred to in the Recitals hereof, is hereby amended to read as follows:

"The period of probable usefulness of the specific object or purpose for which the bonds authorized by this resolution are to be issued, within the limitations of paragraph 11.00 a. 4 of said Local Finance Law is forty (40) years."

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(497) RESOLUTION - rejecting all bids received for SEWER #19 & RE:  
Advertising new bids for 8/21/68 CONTINUED:

Section: 3. The amendment of the bond resolution set forth in Section 2. of this resolution shall in no way affect the validity of any liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been taken pursuant to said bond resolution as herein amended.

Section 4. This resolution amending the bond resolution shall be published, in full, in "THE JOURNAL NEWS," a newspaper published in the Village of Nyack, New York, and having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice in substantially the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Section 5. This resolution shall take effect immediately.

Seconded by Councilman Damiani.

All voted Aye.

Mr. Clem Egolf appeared before Town Board objecting to Town's Gun Law as written. Inquired if area could be set aside for "safe shooting"; also if farms and acreage could be exempt if requested by the property owner. Supervisor instructed Mr. Egolf to document his request to the Town Board and they will consider.

Mrs. Schein, 20 Great Oaks Rd., Spring Valley, N.Y. appeared before Town Board complaining of pits on her property - developer will be contacted.

Town Board signed the following Performance Bond, approving same as to form and sufficiency:

ROLLING RIDGE WEST (PLYMOUTH ROCK REALTY)  
Performance Bond #902132  
Republic Insurance Co.  
Amount: \$73,000.00  
Period: 2 yrs. - 5/20/68 - 5/19/70  
Covers: Roads

Town Board signed Order setting date of public hearing in the matter of petition for extension of Sewer District #13 - THE DELLS - to include property of subdivision of Balmoral Estates for 8/21/68 - 9:00 PM:

"A petition in this matter for the extension of the Sewer District #13 the DELLS District of the Town of Clarkstown, excluding any portion already in an existing district, having been duly presented to the Town Board, and an Order having been duly adopted by the Town Board on the 3rd day of July, 1968, for the hearing of all persons interested in the matter on the 4th day of September 1968, at 8:45 P.M. EDST Time, at the Board Room of the Town Hall of the Town of Clarkstown, at 10 Maple Ave., New City, New York, and a Hearing by the said Board having been duly held at such time and place, and it having been duly resolved and determined following such hearing that the petition herein was signed and acknowledged or proved as required by law and otherwise sufficient, that all the property and property owners within the proposed extension were benefitted thereby, that all property and property owners benefitted were included within the limits of the proposed district, and that it was in the public interest to grant in whole the relief sought, and it having been then and there further duly resolved that the creation of such extension as proposed be approved, it is hereby

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Building Inspector and Seymour Gurlitz, Architect, submitted inspection reports in connection with Hilsen property located at 30 Lenox Avenue, Congers, New York.

Monthly Report for the month of May, 1968, received and noted - Zoning Board of Appeals and Building Inspector.

(498) Councilman Brenner offered the following resolution:

RESOLVED, that Everett J. Johns Esq., 61 Maple Avenue, New City New York, is hereby authorized to represent the Town of Clarkstown in the Appeal of legal proceedings entitled "Richard Kahn, etal vs. Reginald Herdman, etal," Index no. 1703/67, at no cost to the Town.

Seconded by Councilman Bolander.

All voted Aye.

(499) Councilman Brenner offered the following resolution:

WHEREAS, the Town of Clarkstown is the owner of a sewerage pump station situated on tax map 12, block A, lot 14, and,

WHEREAS, there is an open tax sale on said premises to Raymond Schoenberg in the sum of \$23.14;

NOW THEREFORE, be it

RESOLVED, that the tax sale to said Raymond Schoenberg be redeemed by the payment to the County Treasurer of the sum of \$23.14 which shall be a charge against Sewer District No. 4 (Nanuet Park).

Seconded by Councilman Damiani.

All voted Aye.

(500) Councilman Brenner offered the following resolution:

WHEREAS, OTTO K. AND FLORENCE MILLER have petitioned the Town Board of the Town of Clarkstown for a special permit for the erection of a gas filling station on premises described in said petition pursuant to sections 4.31 and 4.32 and 3.11 (Table of General Use Regulations) of the Building Zone Ordinance of the Town of Clarkstown; and

WHEREAS, by resolution no. 382 dated May 29, 1968, public hearing was set for the 21st day of August, 1968 at 8:15 p.m. to consider said application, and

WHEREAS, upon the request of the petitioner that the date of the public hearing be reset;

NOW THEREFORE, be it

RESOLVED, that resolution no. 382 is hereby rescinded and that a public hearing pursuant to said provisions of the Town of Clarkstown be had at the Board Room of the Town Hall of the Town of Clarkstown

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TOWN BOARD MEETING

- (500) Resolution rescinding resolution No. 382 & Resetting Public Hearing on Special Permit application for the erection of Gas Filling Station CONTINUED:

at 10 Maple Avenue, New City, New York, on the 2nd day of October 1968, at 8:15 P.M. to consider the application of OTTO K. and FLORENCE MILLER relative to said special permit.

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 of Clarkstown, as aforesaid and file proof thereof in the office of the said clerk.

Seconded by Councilman Bolander.

All voted Aye.

Letter received from Town Planning Board recommending that Sanitary Sewer Bond No. 2234166 - Reyville Estates Sec. II be reduced to \$7,400 and Public Improvement Bond No. 2234165 be reduced to \$74,000. Matter tabled. Councilman Damiani stated that ball field which was promised for Spring of 1968 has not been finished as yet.

- (501) Councilman Frohling offered the following resolution:

WHEREAS, the Public Employees' Fair Employment Law, Article 14 of the Civil Service Law (hereinafter referred to as the Taylor Act) in Section 201 (2) defines "budget submission date" to mean "...the date by which, under law or practice a government's proposed budget, or a budget containing proposed expenditures applicable to such government, is submitted to the legislative or other similar body of the government for final action . . . "; and

WHEREAS, the Town Law of the State of New York does not designate any particular date as the "budget submission date"; and

WHEREAS, the Town Law of the State of New York does provide several dates, any one of which could be determined to be the "budget submission date"; and

Whereas, one date should be determined to be the "budget submission date" in order to comply with the requirement of the Taylor Act hereinabove set forth; and

WHEREAS, the five townships of the County of Rockland have agreed that it would be in the best interests of the said townships and their respective employees to have a uniform "budget submission date" for the said townships; and

WHEREAS, it has been further agreed that the date of September 30th complies with the requirement of both the Taylor Act and the Town Law of the State of New York; now be it

RESOLVED, that the date of September 30th shall be recognized as the "Budget Submission date".

Seconded by Councilman Brenner.

All voted Aye.

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(502) Councilman Brenner offered the following resolution:

RESOLVED, that resignation of Kenneth Ward, Jr. from the Highway Department is hereby accepted by the Town Board with regret.

Seconded by Councilman Damiani

All voted Aye.

Request made for street lights in Valley Cottage will be handled by Councilman Brenner.

(503) Councilman Brenner offered the following resolution:

RESOLVED, that resignation of Barry Hopper from the Highway Department is hereby accepted with regret by the Town Board.

Seconded by Councilman Damiani.

All voted Aye.

(504) Councilman Brenner offered the following resolution:

WHEREAS, it is necessary to complete all accounts with reference to the site purchase and construction of the Clarkstown Highway Garage, now therefore be it:

RESOLVED, that the following transfers within the several Town accounts be accomplished:

\$400.20 from GENERAL FUND to HIGHWAY GARAGE CONSTRUCTION ACCOUNT;  
\$100.20 from HIGHWAY GARAGE BUILDING SITE ACCOUNT TO GENERAL FUND;  
\$100.00 from GENERAL FUND to HIGHWAY GARAGE CONSTRUCTION ACCOUNT;  
\$100.00 from HIGHWAY GARAGE BUILDING SITE ACCOUNT TO GENERAL FUND;  
\$6,906.90 from GENERAL FUND to HIGHWAY GARAGE CONSTRUCTION ACCOUNT;  
\$676.06 from HIGHWAY GARAGE BUILDING SITE ACCOUNT TO HIGHWAY GARAGE CONSTRUCTION ACCOUNT;  
\$12,500.00 from GENERAL FUND to HIGHWAY GARAGE CONSTRUCTION ACCOUNT;  
\$875.00 from GENERAL FUND to HIGHWAY GARAGE CONSTRUCTION ACCOUNT;  
\$7,581.95 from GENERAL FUND to HIGHWAY GARAGE CONSTRUCTION ACCOUNT;  
\$712.50 from HIGHWAY GARAGE BUILDING SITE ACCOUNT TO HIGHWAY GARAGE CONSTRUCTION ACCOUNT;  
\$30.00 from Highway GARAGE BUILDING SITE ACCOUNT to HIGHWAY GARAGE CONSTRUCTION ACCOUNT.

Seconded by Councilman Frohling.

All voted Aye.

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(505) Councilman Frohling offered the following resolution:

RESOLVED, that the Highway Superintendent is hereby authorized to do all work necessary to alleviate drainage problem existing at residences of Dumsmore and Pagano, Steep Hill Road, Nanuet, N.York in the amount of (not to exceed) \$1,800.00, said monies to be taken from Drainage #2 Account.

Seconded by Councilman Damiani.

All voted Aye.

(506) Councilman Brenner offered the following resolution:

WHEREAS, the New York State Department of Transportation has authorized the filing of an application for a permit to install and operate two "W-97" type school zone signs on Route 304, Bardonia, and

WHEREAS, the Town Board of the Town of Clarkstown has previously and on numerous occasions requested a permit from the New York State Department of Transportation and other governmental agencies to install said signs together with other measures for the safety of school children using this portion of Route 304, Bardonia,

NOW THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to execute the appropriate application on behalf of the Town of Clarkstown and that a certified copy of this resolution be attached thereto.

Seconded by Councilman Frohling.

All voted Aye.

Alfred Berg, Town Engineer, submitted estimate of new bond issue for storm drainage projects. Town Clerk will forward copy to each Town Board member.

Councilman Bolander requested to look into matter of request for street lights and matter of speeding on Mountain View Avenue.

Supervisor will circulate memo received by him early June relating to proposed Bardonia School District; as well as drainage recommendation.

Highway Supt. to check out traffic light on 304 and New Hempstead Road; and green light going on to Congers Road at request of Mrs. Strauss. (County roads).

Mr. James Murtha, 16 Duane Avenue, New City, N.Y. requested that School Board be consulted by Town Board when zone changes granted.

Re light from Squadron Acres - Old Route 304; request made that light on 3-4 story building causes glare, which caused traffic hazard. Request made to Town Board to see that light is dimmed or angled.

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Request concerning light on 3-4 buildings (Squadron Acres) CONTINUED:

Councilman Frohling stated that this is in violation to zoning ordinance Building Inspector should be made aware of this and inspect the site.

(507) Councilman Brenner offered the following resolution:

RESOLVED, that Daniel Webster Hall, 61 Waldron Ave., Central Nyack, New York, is hereby appointed to serve on the CLARKSTOWN TRANSPORTATION ADVISORY COMMITTEE, to serve without compensation.

Seconded by Councilman Frohling.

All voted Aye.

Councilman Brenner requested that the Town Attorney look into enabling legislation to strengthen screening and fencing regulations.

Councilman Damiani has contacted Highway Safety Commission in Albany and has received forms for aid. Supervisor will forward copy of resolution which created Town Highway Safety Committee to Albany.

(508) Councilman Damiani offered the following resolution:

RESOLVED, that hereafter when a serviceman who resided in the Town of Clarkstown, dies in the service of his country, the flags on all Municipal Buildings shall be lowered to half mast on the day of his funeral.

Seconded by Councilman Bolander.

All voted Aye.

Highway Superintendent notified Town Board that installation of signal lights on New Valley and Little Tor Roads will be delayed 140 days due to shortage of materials. Also; bulk program starting 7/8 in Central Nyack - 30 to 40 day completion period.

(509) Councilman Brenner offered the following resolution:

WHEREAS, the New York State Department of Transportation has authorized the filing of an application for a permit to install and operate two "W-97" type school zone signs on Route 304, Bardonia, N.Y. and

WHEREAS, the Town Board of the Town of Clarkstown has previously and on numerous occasions requested a permit from the New York State

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TOWN BOARD MEETING

(509) Resolution: Authorizing installation flashing signals on  
Route 304 at Bardonia School CONTINUED:

Department of Transportation and other governmental agencies to install  
said signs together with other measures for the safety of school  
children using this portion of Route 304, Bardonia,

NOW THEREFORE, BE IT RESOLVED, that the Supervisor is hereby  
authorized to execute the appropriate application on behalf of the  
Town of Clarkstown and that a certified copy of this resolution be  
attached thereto.

Seconded by Councilman Frohling.

All voted Aye.

On resolution offered by Councilman Frohling, seconded by  
Councilman Frohling, seconded by Councilman Brenner and unanimously  
adopted, Town Board meeting was adjourned in memory of Rose boy until  
July 17th at 8:00 PM at which time bids for construction of lateral  
sewers and appurtenances for sewer District #23.

Signed,

  
Anne E. O'Connor  
Town Clerk