

11/6/68

PUBLIC HEARING

8:15 PM

Present: Councilmen Brenner, Bolander, Damiani, Frohling  
Supervisor Mundt  
Town Attorney's Office  
Town Clerk

RE: SPECIAL PERMIT APPLICATION MADE BY OTTO K. & FLORENCE MILLER  
PROP. LOCATED ROUTE 9W AND LAKE ROAD, CONGERS, NEW YORK:

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

Attornies for petitioner, Messrs. Johnson and Furey, did not appear. Town Board dismissed petition by reason of default.

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

Signed,

  
Anne E. O'Connor  
Town Clerk

8:30 PM

Present: Councilmen Brenner, Bolander, Damiani, Frohling  
Supervisor Mundt  
Town Attorney's Office  
Town Clerk

RE: PROPOSED EXTENSION OF CONSOLIDATED WATER SUPPLY DISTRICT  
TO INCLUDE ORCHARD PLAINS-SEC. IV:

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

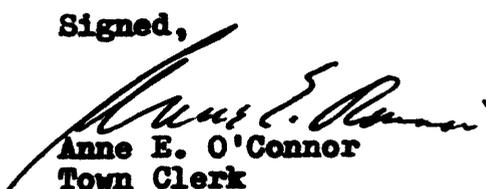
Alfred Berg, Town Engineer stated the following:

Is familiar with petition. Proposed extension will benefit all the property owners involved. All property owners who will benefit from this proposed extension are included within proposed extension. Would be in public interest to grant by providing fire protection for the safety and well-being of property and lives and would cause a reduction in fire insurance rates.

No witnesses. No one appeared in opposition. No one appeared in favor.

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

Signed,

  
Anne E. O'Connor  
Town Clerk

11/6/68

PUBLIC HEARING

8:45 PM

Present: Councilmen Brenner, Bolander, Damiani, Frohling  
Supervisor Mundt  
Town Attorney's Office  
Town Clerk

RE: PROPOSED LOCAL LAW ESTABLISHING A TRAFFIC ADVISORY BOARD:

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

Purpose: To minimize and, wherever possible, prevent traffic congestion on public streets and highways which will contribute to promoting and protecting public health, safety and general welfare. Six members, each member to serve for a six year period. Terms to be staggered to start off with range from one to six years.

Duties: Review traffic rules and regulations, ordinances or local laws adopted regulating and controlling traffic in town. To investigate and report to Town Board traffic problems referred to it by Town Board or officials. To review traffic patterns for new construction, including subdivisions, in cooperation with the Planning Board, and to coordinate Town traffic and safety programs with similar programs of adjacent municipalities and the County.

Mr. Plotnick recommended that organizations receive copy of any new proposed local laws.

Town Board (majority) appoint members to serve.

Forming this Board will allow members to be compensated for their services.

Mr. Mackey suggested that some member of some civic association be appointed to this committee with no compensation.

On answer to question by Mr. Corshin, it was brought out that same man can be reappointed after his first year for a six year term. He suggested that there be a twelve year limit for service on this Board.

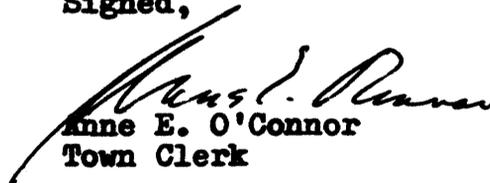
Mr. Bertram Strauss suggested that this Board should serve as final authority in site review cases.

Mr. Bernstein stated it would be a mistake to allow other Board to create ordinances to say to another Board that you must do this or that. These Boards should be, he stated, advisory.

Councilman Brenner stated that powers that are in this law are only such that are mandated by state law. We cannot expand what state directs us to do; if we ask them for funds, we must comply by their guidelines and directions.

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

Signed,

  
Anne E. O'Connor  
Town Clerk

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TOWN BOARD MEETING

Present: Councilmen Brenner, Bolander, Damiani, Frohling  
Supervisor Mundt  
Town Clerk Anne E. O'Connor  
Deputy Town Attorney  
First Deputy Town Attorney

Supervisor called Town Board meeting to order

(788) Councilman Brenner offered the following resolution:

RESOLVED, that minutes of Town Board meeting held on 10/16/68 are hereby approved and accepted as submitted by the Town Clerk.

Seconded by Councilman Bolander.

All voted Aye.

(789) Councilman Brenner offered the following resolution:

RESOLVED, that time for receiving bids for construction of 3000 lineal feet of eight inch sanitary sewer and appurtenances located in the westerly shoulder of NYS Route 304 between Ludvigh Road and Germonds Road in the Hamlet of Bardonia is closed, be it

FURTHER RESOLVED, that any and all bids received up to and including this time are hereby ordered to be opened.

Seconded by Councilman Bolander.

All voted Aye.

The following bids were received:

- (1) A. CESTONE  
710 Bloomfield Avenue  
Glen Ridge, NJ..... \$55,129.06
- (2) ALLSTATE ASSOCIATES  
251-1/2 Grove Avenue  
Verona, NJ..... \$46,521.05
- (3) BECKERLE-BROWN  
10 W. Jefferson  
Pearl River, NY..... \$48,044.06
- (4) EDW. HUEGEL  
160 Crooked Hill Road  
Pearl River, NY..... \$46,156.00

(790) Councilman Brenner offered the following resolution:

RESOLVED, based upon the recommendation of George Suttie of the firm of Charles R. Vlezy Associates, Consulting Engineers, low bid in the amount of \$46,156.00 made by Edw. Huegel, 160 Crooked Hill Road, Pearl River, New York for construction of 3000 lineal feet of eight inch sanitary sewer and appurtances in westerly shoulder of Route 304 between Ludvigh Road and Germonds Road, Bardonia, be accepted.

Seconded by Councilman Bolander.

All voted Aye.

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TOWN BOARD MEETING

Mr. Bertram Strauss appeared before Town Board suggesting that matter of local law requiring that in future all glass doors be made of some form of safety glass. Supervisor informed Mr. Strauss that this would be turned over to the Police Department and the Building Inspector for their recommendations.

(791) Councilman Frohling offered the following resolution:

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

Seconded by Councilman Damiani.

All voted Aye.

(792) Councilman Brenner offered the following resolution:

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

Seconded by Councilman Bolander.

All voted Aye.

11/6/68

TOWN BOARD MEETING

(794) Councilman Bolander offered the following resolution:

RESOLVED, that bid for furnishing Highway Department with one (1) new 1969 Four Cubic Yard Dump Truck be awarded to Porry's Garage in amount of \$6,452.00; without trade-in.

Seconded by Councilman Frohling.

All voted Aye.

(795) Councilman Damiani offered the following resolution:

WHEREAS, Arthur & Grace Huggins, et al has petitions the Town Board of the Town of Clarkstown that the Building Zone Ordinance of the said Town be amended by redistricting property of the said petitioner described, from an R-15 district to an RS district;

BE IT RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be had at the Board Room of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the said Town of Clarkstown, on the 20th day of November, 1968, at 9:00 P.M., (E. 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, as aforesaid and file proof thereof in the office of the said Clerk.

Seconded by Councilman Frohling.

All voted Aye.

(796) Councilman Frohling offered the following resolution:

RESOLVED, that the Highway Supt. is hereby authorized to contact State Dept. of Transportation requesting that they make installation of proper type signalization in section of Calvary Drive and New Route 304, New City; also requesting that they consider study on Third Street and Route 304.

Seconded by Councilman Damiani.

All voted Aye.

Town Board signed Order extending Clarkstown Consolidated Water Supply District to include Subdivision of Orchard Plains, Sec. IV.

(797) Councilman Brenner offered the following resolution:

WHEREAS, the Town Board has approved the first stage of the Valley Cottage Mall, and

WHEREAS, surveying for acquisition and the design of the realigned road and parking lot must be done, and

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TOWN BOARD MEETING

(797) RESOLUTION continued:

WHEREAS, the amounts budgeted for this work in the plan is \$15,000.00;

NOW THEREFORE, be it resolved, that Henry Horowitz be retained at a fee of \$15,000.00 to perform the surveying and engineering work necessary for the acquisition and design of the realigned road and parking lot, and be it

FURTHER RESOLVED, that this sum be paid from the bond sale proceeds covering the first stage of the Valley Cottage Mall and the Supervisor be authorized to execute an agreement with said Henry Horowitz.

Seconded by Councilman Frohling.

All voted Aye.

(798) Councilman Frohling offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown at a meeting of 5/17/67 authorized the Town Attorney to proceed against Security Title Insurance Company in the matter of a title policy covering the roads in the Manuet Park subdivision, Manuet, New York, and

WHEREAS, by said resolution the Town Attorney was authorized to employ such experts and trial assistance as he deemed necessary, and

WHEREAS, the Town Attorney of the Town of Clarkstown employed the firm of Granik, Garson, Silverman, and Nowicki to handle the aforementioned litigation against Security Title Insurance Company,

NOW THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to pay the sum of \$2,275.00 to Granik, Garson, Silverman, and Nowicki as legal fees pursuant to their contingency fee agreement in the matter of the Manuet Park subdivision roads.

Seconded by Councilman Damiani.

All voted Aye.

(799) Councilman Frohling offered the following resolution:

WHEREAS, Sewer District No. 18, Town of Clarkstown, requires easements for sewer purposes in the bed of a private road known as Rheinlander Lane, and

WHEREAS, the neighboring property owners who own the road bed of Rheinlander Lane are agreeable to giving title to the bed of said lane for sewer purposes on condition that pavement is installed on Rheinlander Lane, and

WHEREAS, an estimate cost of said pavement is \$7000.00, and

WHEREAS, it is recommended by Charles R. Velzy Associates, sewer consultants for the Town of Clarkstown, and Martin Hurwitz, attorney for Sewer District No. 18, that said offer be accepted as being reasonable;

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TOWN BOARD MEETING

(799) RESOLUTION continued:

NOW THEREFORE, be it

RESOLVED, as follows:

1. That Fred Seeger, Town Supt. of Highways, is authorized to install pavement on Rheinlander Lane according to the specifications to be prepared by the Town Engineer of the Town of Clarkstown,

2. That the sum of \$7000 is allocated from the Sewer District No. 18 Construction Account for the pavement of said road and this amount shall be paid to the Town Supt. of Highways upon his completion of the work;

3. That the foregoing are conditional upon all the neighboring land owners conveying title to the road bed of Rheinlander Lane to the Town of Clarkstown.

Seconded by Councilman Brenner.

All voted Aye.

(800) Councilman Brenner offered the following resolution:

WHEREAS, a proposed local law entitled "LOCAL LAW ESTABLISHING A TRAFFIC ADVISORY BOARD WITHIN THE TOWN OF CLARKSTOWN" was introduced by James Damiani, a member of the Town Board of the Town of Clarkstown at a Town Board Meeting held on October 16, 1968, and

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 16th day of October, 1968, directed that a public hearing be held on the 6th day of November, 1968, at 8:45 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 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, copies of the proposed local law were mailed to the members of the Town Board on the 21st day of October, 1968, and

WHEREAS, a public hearing was held on the 6th day of November, 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 November 6, 1968, Local Law No. 3-1968 entitled "LOCAL LAW ESTABLISHING A TRAFFIC ADVISORY BOARD WITHIN THE TOWN OF CLARKSTOWN" was adopted and passed by an affirmative vote of the majority of voting power of the Town Board of the Town of Clarkstown, the vote for adoption of said local law being as follows:

Paul F. Mundt, Supervisor.....AYE  
Councilman Philip J. Frohling.....AYE  
Councilman James V. Damiani.....AYE  
Councilman William Brenner.....AYE  
Councilman Frank Bolander.....AYE

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

Seconded by Councilman Damiani.

All voted Aye.

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TOWN BOARD MEETING

Re request made for improvement of Pierce Street, Town Engineer requested to inform Town Board cost for survey of said street at 11/7/68 Town Board Meeting.

(801) Councilman Damiani offered the following resolution:

WHEREAS, the Planning Board of the Town of Clarkstown has previously refused to grant site review approval to Arlen Operating Corp. for the construction of an RKO Theater in Korvette Shopping, and

WHEREAS, in litigation in the Supreme Court, Rockland County Justice then presiding ordered the issuance of a Building Permit and declared unconstitutional the then Section 8.225 of the Zoning Ordinance of the Town of Clarkstown, and

WHEREAS, the Town of Clarkstown appealed this matter to the Appellate Division, and

WHEREAS, during the pendency of this appeal, the said Section 8.225 was amended to include new standards and provisions, and

WHEREAS, the appeal before the Appellate Division was dismissed;

NOW THEREFORE, be it

RESOLVED, that the Building Inspector is to comply with the court order directing the issuance of a Building Permit, and be it

FURTHER RESOLVED, that the Building Inspector is hereby directed to revoke said permit and direct the said Arlen Operating Corp. to comply with the newly enacted Section 8.225 as a pre-requisite to the granting of a valid Building Permit for the construction of the theater.

Seconded by Councilman Frohling.

All voted Aye.

(802) Councilman Damiani offered the following resolution:

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled as follows:

BERNARD G. NEMEROFF, and FRANCES NEMEROFF,  
THE DELLS, INC. and SADIN TRADING CORPORATION,

Plaintiffs,

-against-

PAUL F. MUNDT, Supervisor of the Town of Clarkstown, FRANK BOLANDER, JAMES DAMIANI, PHILIP J. FROHLING, JR., and WILLIAM BRENNER, Members of the Town Board of the Town of Clarkstown; MERTON E. RAWSON, Chairman, CLYDE A. ROBINSON, RUDOLPH J. MACYSHYN, WILLIAM I. ZABRISKIE and PETER MASCIOLI, Members of the Planning Board of the Town of Clarkstown; MANUEL S. EMANUEL, Planning Consultant for the County of Rockland; AARON FRIED, Planning Director of the County of Rockland; WILLIAM CHASE, Assistant Planning Director of the County of Rockland, GEORGE RUSCIANO, Chairman, and MICHAEL MEDNICK, LEONARD MILLER, JOHN THORNLEY, AND NICHOLAS HALL, Members of the Planning Board of the County of Rockland; FELIX FESTA, Superintendent, J. HERBERT DAHM,

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TOWN BOARD MEETING

(802) RESOLUTION continued:

Chairman, and CHARLES HOUSE, CARL RADIN, DONALD CORSIG, MARJORIE VAN NESS, ROBERT SANSONE and MELBA YANDELL, Members of the School Board of Clarkstown Central School District No. 1, and TOWN of CLARKSTOWN, a municipal corporation,

Defendants.

NOW THEREFORE, be it

RESOLVED, that the Town Attorney is authorized to defend said action and take all necessary required proceedings in court in connection with said action.

Seconded by Councilman Frohling.

All voted Aye.

(803) Councilman Frohling offered the following resolution:

WHEREAS, GERALD J. GROSS and WANDA L. GROSS are desirous of granting a drainage easement to the Town of Clarkstown located at 610 South Mountain Road, New City, New York;

NOW THEREFORE, be it

RESOLVED, that the Town of Clarkstown accept said easement from Gerald J. Gross and Wanda L. Gross, covering premises located at 610 South Mountain Road, New City, New York, more particularly described in said easement agreement dated the 31st day of October, 1968.

Seconded by Councilman Brenner.

All voted Aye.

(804) Councilman Brenner offered the following resolution:

RESOLVED, that the Highway Supt. is hereby authorized to advertise for bids for furnishing uniforms for Highway Dept.; said bids to be returnable 11/20/68 - 8:10 PM.

Seconded by Councilman Bolander.

All voted Aye.

(805) Councilman Brenner offered the following resolution:

RESOLVED, that the Highway Supt. is hereby authorized to advertise for bids for furnishing two (2) 1969 Trucks; said bids to be returnable 11/20/68 - 8:12 PM.

Seconded by Councilman Frohling.

All voted Aye.

11/6/68

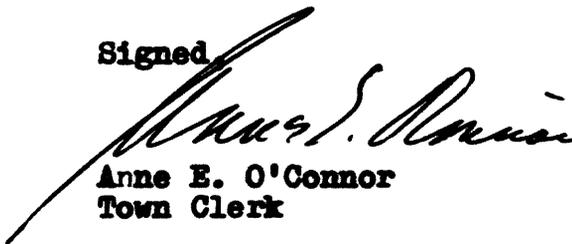
TOWN BOARD MEETING

Mr. Martin Bernstein, rep. New City Civic Assoc., requested that town expedite development of the hamlet plan for New City. Town Clerk will address letter to Clarkstown Planning Board and Mr. Emmanuel requesting their schedule for hamlet development.

Councilman Frohling informed Town Board that residents of Smith St., Nanuet have complained re steep incline on Smith St. Highway Sup. stated that he asked state to consider piping but as yet has received no reply. Town Board went on record as being opposed to this construction and requested that these areas be piped and not left in this condition. Supervisor suggested that Highway Supt., Town Engineer and Councilman Frohling arrange meeting with state re same.

On resolution offered by Councilman Brenner seconded by Councilman Bolander and unanimously adopted, Town Board meeting was adjourned until Thursday, 11/7/68 at 8:00 P.M. in order to hold public hearing on Proposed 1969 Budget.

Signed



Anne E. O'Connor  
Town Clerk