

TOWN BOARD MEETING

000165

Town Hall

3/5/69

8:00 P.M.

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

Absent: Councilman Brenner
Supervisor Mundt
Town Attorney Donald S. Tracy

Councilman Damiani, in his capacity as Deputy Supervisor,
called Town Board meeting to order.

(192) Councilman Frohling offered the following resolution:

RESOLVED, that time for opening bids for the construction
of lateral sewers and appurtenances for Sewer District No. 26, New
City is hereby closed, and be it

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

Seconded by Councilman Bolander. All voted Aye.

The following bids were received:

A. CESTONE AND COMPANY Glen Ridge, N. J.....	\$889,150.80
SUBURBAN CONTRACTORS Somerville, N. J.....	1,435,390.00
ALLSTATE ASSOCIATES Verona, N. J.....	1,054,530.00
BECKERLE-BROWN Pear River, N.Y.....	975,968.60
EDWARD J. HUEGEL Pearl River, N.Y.....	1,048,280.00

All bids turned over to Mr. George Suttie of Charles Velzy
Associates, Consulting Engineers, for their recommendation.

(193) Councilman Frohling offered the following resolution:

WHEREAS, the Sewer Disposal Plant for Sewer District No. 6
situate at Freund Drive, Nanuet, New York is no longer in operation
and

WHEREAS, the premises on which the plant is situate con-
tains 36,586 square feet from which two building lots may be made and

WHEREAS, it has been recommended by the Town Engineer's
Office that said property be disposed of by the Town as surplus;

NOW THEREFORE, be it

RESOLVED, that the Town Clerk have a confidential appraisal
of said property made by Samuettl Karr & George Hall at a cost not to
exceed \$125.00 each, and be it

RESOLUTION NO. 193 TO SELL PROPERTY SITUATE ON FREUND DRIVE,
NANUET, NEW YORK continued:

FURTHER RESOLVED, that Murray N. Jacobson, Deputy Town Attorney for Special Districts, is hereby authorized to prepare bid specifications for the sale of said sewer plant site and do any legal work in regard thereto and be it

FURTHER RESOLVED, that the Town Clerk of the Town of Clarkstown is authorized to advertise for bids for the purchase of said sewer plant site and be it

FURTHER RESOLVED, that upon the sale of said premises the cyclone fence around said plant shall be removed for other use by the Town and the bid specifications shall contain a proviso that the plant itself shall be buried by the winning bidder and be it

FURTHER RESOLVED, that such sale and conveyance thereunder will be subject to permissive referendum as provided by Section 64, Subparagraph 2, of the Town law.

Dated: March 5, 1969

Seconded by Councilman Bolander.

All voted Aye.

(194) Councilman Frohling offered the following resolution:

WHEREAS, there is situate on Town property at 18 Demarest Avenue in New City, New York, a frame building, and

WHEREAS, said building must be removed in order to clear the site for future extension of the Town Hall, and

WHEREAS, it would be costly to demolish said building, and

WHEREAS, members of the general public might be desirous of purchasing said building and removing same from the site;

NOW THEREFORE, be it

RESOLVED, that the Town Clerk is authorized to advertise for bids to the general public for the purchase of said building and the removal of same from the site within thirty days, and be it

FURTHER RESOLVED, that said bids shall be opened on the 16th day of April, 1969 at 8:05 P.M., and be it

FURTHER RESOLVED, that Murray N. Jacobson, Deputy Town Attorney for Special Districts, is hereby authorized to prepare specifications for the sale and removal of said building.

Seconded by Councilman Bolander.

All voted Aye.

Councilman Bolander also suggested that another appraisal be made by George Hall of New City.

(195) Councilman Bolander offered the following resolution:

WHEREAS, the following have applied to the Town of Clarkstown for Certificates of Registration in compliance with Section 34-6 of the Code of the Town of Clarkstown:

D. Seymour Garrison, d/b/a County Seat Septic
 80 South Main Street, New City, New York

RESOLUTION #195 (Certificates of Registration) continued:

Strawton Builders, Incorporated
318 Strawtown Road, New City, New York

Walter Champeau
122 Kings Highway, New City, New York

Emil J. Federsen
185 South Western Highway, Blauvelt, New York

Leo J. Paglia, d/b/a All County Septic Service
P. O. Box 352, New City, New York

NOW THEREFORE, be it

RESOLVED, that the following Certificates of Registration be issued to

69-44 issued to D. Seymour Garrison
69-45 issued to Strawtown Builders, Inc.
69-46 issued to Walter Champeau
69-47 issued to Emil J. Federsen
69-48 issued to Leo J. Paglia

Seconded by Councilman Frohling.

All voted Aye.

(196) Councilman Frohling offered the following resolution:

WHEREAS, the Town Board, after public hearing duly held on the 15th day of January, 1969, determined that it was in the public interest to make the improvement of Pierce Street, Nanuet, New York and resolved that the Town Engineer prepare definite plans and specifications and make careful estimate of the expense of the improvement and with the assistance of the Town Attorney prepare a proposed contract for the execution of the work, and

WHEREAS, it has come to the attention of the Town Board that certain property owners at the end of Pierce Street because they front and use Grey Street, Nanuet, New York, and

WHEREAS, the Town Board of the Town of Clarkstown is desirous of improving Pierce Street with the deletion of the properties of Edith Craig and Edward A. Young;

NOW THEREFORE, be it

RESOLVED as follows:

1. That the aforesaid resolution No. 54 for the street improvement of Pierce Street is hereby rescinded;

2. That the Town Board this day execute an Order Calling for Public Hearing for the 19th day of March, 1969 at 8:30 P.M. at which time the Town Board will discuss the improvement of Pierce Street with the said properties deleted.

Seconded by Councilman Bolander.

All voted Aye.

(197) Councilman Frohling offered the following resolution:

WHEREAS, pursuant to Section 200 of the Town Law, the Town Board is desirous of improving that street known as Pierce Street in Nanuet, Town of Clarkstown, New York, and

WHEREAS, the property to be improved has been surveyed and the lines and grades thereof are established and such survey is filed in the Town Clerk's Office, and

WHEREAS, the maximum amount proposed to be expended is \$11,000 and the area benefited is as follows:

3/5/69

TBM

RESOLUTION #197 SETTING PUBLIC HEARING WITH REGARD TO SPECIAL ROAD IMPROVEMENT OF PIERCE STREET, NANUET, NEW YORK continued:

SCHEDULE "A"

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

BEGINNING at a point located at the intersection of the easterly side of College Avenue and the southerly side of proposed Pierce Street on a course of N 14° 36' 44" E a distance of 34.01 feet; thence, S 89° 18' 00" E a distance of 639.50 feet; thence S 38° 33' 48" W a distance of 41.76 feet; thence, N 89° 18' 00" W a distance of 622.04 feet to the point or place of beginning.

NOW THEREFORE, be it

RESOLVED, that the Town Clerk prepare an Order pursuant to Subdivision 7 of Section 200 of the Town Law and that such Order be entered into the minutes of this proceeding setting March 19, 1969, at 8:30 P.M. o'clock at the Board Room, Town Hall, 10 Maple Avenue, New City, New York, for a public hearing on this resolution at which time all interested parties will be heard.

Dated: March 5, 1969

Seconded by Councilman Bolander.

All voted Aye.

At a regular meeting of the Town Board of the Town of Clarkstown, Rockland County, New York, held at 10 Maple Avenue, New City, New York, on March 5, 1969.

In the Matter of the Resolution of the Town Board of the Town of Clarkstown for the Establishment of a Special Road Improvement of Pierce Street, at Nanuet, Town of Clarkstown, New York.

ORDER OF THE TOWN BOARD SETTING PUBLIC HEARING FOR ROAD IMPROVEMENT

WHEREAS, the Town Board of the Town of Clarkstown, by resolution adopted on the 5th day of March, 1969, pursuant to Section 200 of the Town Law, has initiated the procedure for the improvement of the highway in said Town known as Pierce Street, in Nanuet, Town of Clarkstown, New York, by paving approximately 631 Feet thereof, and

WHEREAS, the maximum amount proposed to be expended for the improvement of said highway, as stated in said resolution, is the sum of and not to exceed \$11,000, and the area benefited is as follows:

SCHEDULE "A"

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

BEGINNING at a point located at the intersection of the easterly side of the easterly side of College Avenue and the southerly side of proposed Pierce Street on a course N 14° 36' 44" E a distance of 34.01 feet; thence, S 89° 18' 00" E a distance of 639.50 feet; thence S 38° 33' 48" W a distance of 41.76 feet; thence, N 89° 18' 00" W a distance of 622.04 feet to the point or place of beginning.

and,

WHEREAS, said resolution was duly passed unanimously by the members of the Town Board of the Town of Clarkstown;

3/5/69

TBT

000169

ORDER OF THE TOWN BOARD SETTING PUBLIC HEARING FOR ROAD IMPROVEMENT
continued:

NOW THEREFORE, be it

ORDERED, that pursuant to the provisions of Section 200 of the Town Law of the State of New York, it is hereby ordered that the Town Board of the Town of Clarkstown shall meet 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 19th day of March, 1969, at 8:30 P.M. o'clock in the evening, for the purpose of considering said resolution and to hear all persons interested in the subject thereof concerning the same, and it is

FURTHER ORDERED, that the Town Clerk of the Town of Clarkstown shall cause a certified copy of this Order to be published and posted in the manner required by Section 200 of the Town Law.

Dated: March 5, 1969

PRESENT:

James V. Damiani, Sr.	Deputy Supervisor
Philip J. Frohling, Jr.	Councilman
Frank Bolander, Jr.	Councilman

Mrs. DeSerio, Central Avenue, New City, requested road improvement on Central Avenue. Matter referred to Murray Jacobson of the Town Attorney's Office.

(198) Councilman Frohling offered the following resolution:

WHEREAS, a public hearing was scheduled to be had on April, 2, 1969 at 8:30 P.M. to consider the application of Ridge Road Builders, Incorporated for a change of the Building Zone Ordinance for redistricting applicant's property from an R-22 District to an R-15 District, and

WHEREAS, because April 2, 1969 is the first night of the Passover Holiday, attorneys for petitioner has requested that the public hearing be adjourned to a future date;

NOW THEREFORE, be it

RESOLVED, that a public hearing be had at the Board Room of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York, on the 7th day of May, 1969, at 8:15 P.M., 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.

Seconded by Councilman Bolander.

All voted Aye.

Annual Report for the year ended December 31, 1968 received from Valley Cottage Fire District; Congers Fire District; Moleston Fire District and from the Office of the Supervisor. Noted by Town Board. Filed in Town Clerk's Office. Monthly Report for January 1969 received from Zoning Board of Appeals and Building Inspector.

Proposed resolution to pay executive secretary to the Governmental Operations Committee sum of \$1,000.00 for current year held for future Town Board meeting.

At a regular meeting of the Town Board of the Town of Clarkstown, in the County of Rockland, New York, held at the Town Hall, 10 Maple Avenue, New City, New York, in said Town, on the 5th day of March, 1969.

In the Matter of the Increase in the Maximum Amount to be expended for the Improvement in Extension 6 of Sewer District No. 8, in Town of Clarkstown, in the County of Rockland, New York.

ORDER CALLING PUBLIC HEARING ON INCREASING THE MAXIMUM AMOUNT TO BE EXPENDED FROM \$207,000 TO \$258,884.75

WHEREAS, the Town Board of the Town of Clarkstown (herein called "Town"), in the County of Rockland, New York, has duly extended Sewer District No. 8, in the Town (herein called "District"), pursuant to Order dated December 13, 1965, therein designated Extension No. 6 of the District, following a public hearing duly called and held, and receipt of an order of the State Comptroller granting permission therefor, the boundaries of said Extension being described as follows:

SOUTHERLY BOUNDARY (this paragraph is a continuation of S.B. below) side of lots 34-B-37.11 and 37.12 to the northeasterly corner of said lot 37.12 which point is the southwesterly corner of lot 34-B-37-14; thence easterly along the southerly side of lots 34-B-37.14 and 37.13 to the southeasterly corner of said lot 37.13 at Carmen Drive; thence southeasterly across Carmen Drive to the southwesterly corner of lot 34-B-37.08; thence easterly along the southerly side of said lot 37.08 to the southeasterly corner of said lot 37.08; thence northerly along the easterly side of lots 34-B-37.08 and 37.10 to the northeasterly corner of said lot 37.10, at Ludvigh Road, thence easterly along the southerly side of the right-of-way of Ludvigh Road to the northeasterly corner of lot 34-B-46.02, the point of beginning.

EASTERLY BOUNDARY

Beginning at a point at the northeasterly corner of lot 34-B-46.02 at Ludvigh Road; thence northerly across Ludvigh Road to the southeasterly corner of lot 16-1-A-6.18; thence northerly along the easterly side of lots 16-1-A-6.18 and 6.17 to the northeasterly corner of said lot 6.17, which point is on the southerly side of lot 16-1-A-6.16; thence easterly along the southerly side of said lot 6.16 to the southeasterly corner of said lot 6.16; thence northerly along the easterly side of lots 16-1-A-6.16 to 6.11 inclusive, to a point on the easterly side of said lot 6.11, which point is on the southerly boundary of existing sewer district No. 8;

NORTHERLY BOUNDARY

Thence following the southerly boundary of existing sewer district number 8 in a generally westerly direction to a point where the boundary line of existing sewer district number 8 meets the easterly right-of-way of Middletown Road, which point is located on the westerly side of lot 16-1-A-15;

WESTERLY BOUNDARY

Thence southerly along the westerly side of lots 16-1-15 to 11 inclusive to the southwesterly corner of said lot 11 at Poplar Street; thence southerly across Poplar Street to the northwesterly corner of lot 16-1-A-10; thence southerly along the westerly side of lots 16-1-A-10, 77 and 76.01 to the southwesterly corner of said lot 76.01, which point is on the northerly boundary of existing sewer district 17;

SOUTHERLY BOUNDARY

Thence, following the northerly boundary of existing sewer district number 17 in a generally easterly direction to the southwesterly corner of lot 15-E-7; thence easterly along the southerly side of said lot 7 to the southeasterly corner of said lot 7 at Ludvigh Road; thence easterly across Ludvigh Road to the southwesterly corner of lot 33-2-B-23.07; thence easterly along the southerly side of said lot 23.07 to the southeasterly corner of said lot 23.07 to the southeasterly corner of said lot 23.07 thence northerly along the easterly side of lots 33-2-B-23.07, 23.10, 23.11, 23.05 and 23.06 to the northeasterly corner of said lot 23.06; thence continuing in a northerly direction along the easterly: continued above

3/5/69

TEN

000171

ORDER CALLING PUBLIC HEARING ON INCREASING THE MAXIMUM AMOUNT TO BE EXPENDED FROM \$207,000 TO \$258,884.75- MARCH 10, 1969 - continued:

WHEREAS, the maximum amount proposed to be expended for construction of a lateral sewer system, consisting of lateral sewers and pumping stations in the vicinity of Ludvigh Road and Poplar Street, in Nanuet, including manholes, house connection stubs brought to curbs, acquisition of necessary land or rights in land, buildings and original equipment, machinery and apparatus, in said Extension No. 6 of the District, as stated in the notice calling the public hearing to consider the extension of the District and the construction of such sewer system, is \$207,000; and

WHEREAS, due to generally increased costs of labor and materials, preliminary costs and costs incidental thereto, it is now estimated that the maximum cost of such construction will exceed \$207,000 by the amount of \$51,884.75; and

WHEREAS, following due submission of an application by said Town Board, the State Comptroller has approved the increase of the maximum amount to be expended for construction of such sewer system from \$207,000 to \$258,884.75, pursuant to Order dated February 21, 1969; now, therefore, be it

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, 10 Maple Avenue, New City, in the Town, on the 19th day of March, 1969, at 9:00 o'clock P.M. (E.S.T.) to consider such proposed increase in the maximum amount to be expended from \$207,000 to \$258,884.75 and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of said Town Board with relation thereto as may be required by law, and be it

FURTHER ORDERED, that the Town Clerk publish at least once in the "JOURNAL NEWS," a newspaper published in Nyack, New York, and hereby designated as the official newspaper of the Town for such publication and post conspicuously on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law and in at least (5) public places in the District, in the Town, a copy of this Order certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the day designated therein for said public hearing aforesaid.

DATED: MARCH 5, 1969

PRESENT:

Honorable James V. Damiani, Sr. Deputy Supervisor
Philip J. Frohling, Jr., Councilman
Frank Bolander Councilman

(199) Councilman Frohling offered the following resolution:

WHEREAS, a comprehensive amendment to the Building Zone Ordinance of the Town of Clarkstown was adopted on June 30, 1967 and further amended, and

WHEREAS, the Town Board of the Town of Clarkstown desire to further amend the building zone ordinance;

NOW THEREFORE, be it

RESOLVED, that a public hearing, pursuant to Section 264 of the Town Law, be held at the Clarkstown Town Hall, 10 Maple Avenue, New City, Rockland County, New York, in the Board Room thereof, on the 19th day of March, 1969, at 8:45 P.M., to consider the adoption of the following proposed amendment to the Zoning Ordinance of the Town of Clarkstown:

By adding to the last sentence of Section 7.34, the following:

"and in no event may be applied to multiple residences.",

and be it

RESOLUTION # 199 - SETTING DATE OF PUBLIC HEARING RE PROPOSED
 AMENDMENT TO SECTION 7.34 OF BUILDING CODE ORDINANCE -3/19/69 -
 continued:

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 said Clerk.

Dated: March 5, 1969

Seconded by Councilman Bolander.

All voted Aye.

Letters received from Zoning Board of Appeals, W. Reginald Herman, Chairman, notifying Town Board of resolutions un-
 animously adopted by the Zoning Board of Appeals as follows:

RESOLVED, that the Zoning Board of Appeals after due consideration finds that there is no justification to rehear the application of Nat Wyman and, therefore, unanimously agrees not rehear the said application as requested by the Clarkstown Town Board at its regular meeting of February 19, 1969.

-and-

WHEREAS, the Building Inspector and members of the Zoning Board of Appeals have been requested to discuss matters with respect to the Nat Wyman Appeal #667 and the decision of the Zoning Board of Appeals on the same; be it

RESOLVED, that no member of the Zoning Board of Appeals, the Building Inspector or his staff shall offer comment on this matter, and that the Building Inspector is hereby notified and directed of this resolve.

Mr. Horan of CAPRA appeared before the Town Board inquiring as to whether or not a response was received to a letter addressed to Mr. Cassels of the Planning Board requesting that they take up the questions that were asked and to check with the Building Inspector. No response received; no information given on the questions that were asked. Councilman Bolander requested that the questions be brought out. Councilman Damiani informed Mr. Horan that he will look into the matter and find out what the questions are and everything pertaining to same.

(200) Councilman Bolander offered the following resolution:

(INSERT RESOLUTION INSTITUTING ARTICLE 78 PROCEEDINGS TO BE BROUGHT BY THE TOWN BOARD VS. THE ZONING BOARD OF APPEALS)

No second.

No vote.

Motion not carried.

Mr. Horan stated that by laws of State of New York, if Article 78 not initiated within 30 days, there is no possibility of proceeding. He inquired what is reasonable time to wait for information. Councilman Frohling stated that 2/19 resolution adopted; forwarded by Town Clerk the following day; two weeks reasonable time.

3/5/69

TEB

000173

(201) Councilman Frohling offered the following resolution:

RESOLVED, that a Special Town Board Meeting will be held on Wednesday, March 12, 1969 at 8:00 P.M. , in the Town Hall, 10 Maple Avenue, New City, New York in Rockland County.(RE Resolution #200).

Seconded by Councilmen Bolander.

All voted Aye.

Mr. John Hekker, representing Nat Wyman, stated that he objected to course of discussion of a decision made by a duly constituted board created by the Town Board, and that decision of Zoning Board of Appeals should be respected together with the rights of his client.

Mr. Davis of the Lake DeForest Civic Association appeared before the Town Board re roads, park, etc. He stated that he could not arrange meeting with Mr. Rawson of the Planning Board. Town Clerk will write to Mr. Rawson requesting that he contact a Mr. Brand, 31 Bluebird Drive, Congers re these matters. Re drainage, Town Engineer was requested to look into matter and apprise the Civic Association.

Mr. Barrett, 18 Dover Road, Congers appeared re recent Zoning Board of Appeals decision - Fago property; approving third plan which was basically the same as the first plan that was turned down, without further hearing. Mr. Barrett stated he got no reply from Mr. Herdman to his questions. Mr. Barrett was asked to contact Mrs. Reiss for information; if he does not receive, to call him at home.

Mr. Barrett stated that public was concerned with lack of supervision of Zoning Board of Appeals; they want Town Board to supervise; they do not want to go to Supreme Court.

Mr. Pantano of Crangetown appeared before the Town Board re road on Route 304 going to Bouton's. Road unsafe, claims not answered. Brookfield Construction Company working for state; Mr. Pantano requested that Brookfield Construction Company be made to fix roads and to do something about their insurance claims. Highway Superintendent instructed Mr. Pantano to contact Mr. Fred Fisher, who is Project Engineer for New Route 304 on Crooked Hill Road. If he gets no answer, to write to Mr. Sinacori in Poughkeepsie. Councilman Frohling will have Police Chief see about violations and to contact Brookfield to correct same.

(202) Councilman Bolander offered the following resolution:

RESOLVED, that the week of March 16, 1969 to March 23, 1969 is designated as " IRISH HERITAGE WEEK" in the Town of Clarkstown.

Seconded by Councilman Frohling.

All voted Aye.

(203) Councilman Bolander offered the following resolution:

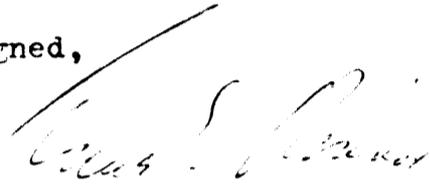
RESOLVED, that the Highway Superintendent is authorized to install 60' (sixty feet) of pipe at the Clarkstown Sanitary Fill at a cost not to exceed \$2000.00, estimated amount to be expended from current surplus general.

Seconded by Councilman Damiani.

All voted Aye.

On resolution offered by Councilman Frohling, seconded by Councilman Bolander and unanimously adopted, Town Board meeting was adjourned until Wednesday, March 12, 1969 at 8:00 P. M.

Signed,



Anne E. O'Connor
Town Clerk