

PUBLIC HEARING

Town Hall

8/6/69

8:15 PM

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

Absent: Councilman Bolander

RE: PROPOSED ZONE CHANGE APPLICATION MADE BY CHARLES CATTANEO & SIGMUND JACOBSEN (R-40 & R-22 to R-15)--PROPERTY LOCATED ON THE EAST SIDE BREWERY RD., NEW CITY, N.Y.

Supervisor called the Public Hearing to Order; Town Clerk read Notice of Public Hearing.

COUNTY & TOWN PLANNING BOARD RECOMMENDATION:

COUNTY (To Town Planning Brd):

Study impact of change on all vacant parcels in vicinity. Vacant parcels along Brewery from Parrott Rd., north to the subject parcel would most especially have reason to be considered for more intensive zoning.

TOWN PLANNING BOARD: DENY - -

Proposed change does not conform to Town Development Plan. Further requests for downzoning might result. Petition does not provide enough information to allow of a favorable decision, not incorporating any map showing the specific elements embodied in their proposal nor explaining them in sufficient detail to allow of a complete study of the possible advantages to the Town.

NOTE:

Member Merton Rawson opposed the resolution feeling that, "If the Town Board considered that granting of the petition would be advantage us to the Town, physically and economically, the zone change should be approved.

PETITION REQUESTING DENIAL - Containing 30 signatures of residents on Long Meadow Drive and Salem Rd. in New City presented to Town Board.

PETITION REQUESTING DENIAL - containing 700 signatures presented by Mr. Citti.

(Mr. Mundt requested and received this petition from Town Clerk - This petition was never returned to the Town Clerk)

MEMORANDUM FROM CLARKSTOWN CENTRAL SCHOOL DIST. #1 read estimating that 102 more children will have to be absorbed into our school system (Memo in Town Clerk's files)

Everett J. Johns Esq. appeared as Attorney for petitioner and stated the following:

Application for change of zoning from R-22 (95% of property), and small portion of R-40 to R-15. Property situate of east side of Brewery Rd. -- 67 acres (described on map)

North and West: R-15
East: R-40
South: R-22

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PUBLIC HEARING

000486

Petitioner can develop under R-22 - 107 homes. Proposal is to build 156 homes under R-15 - an increase of 49 homes, to be built over three year period, which would be an additional six homes each year over what would normally have been the case.

107 homes can be built within a one to two year period as of right. Under present zoning this would mean complete elimination of Midas Farms.

Structures: One story building containing number of paddocks.
Two story frame barn.
Grain stable; frame farm dwelling, etc.

Petitioner offering to the Town for Park and Recreational purposes, as a gift from petitioners, approximately seven acres of land with riding stables, barns, frame dwelling and miscellaneous structures presently used in the operation of the Midas Riding Academy valued at approximately one quarter of a million dollars.

On balance of land, petitioner would apply through regular channels to Planning Board for 156 units site approval.

WITNESSES:

1. Mr. James Moore, 145 Mt. Vista Ave., Ridgewood, N.Jersey: Recreation Consultant and resort operator over 40 years. 6.9 acres ;offered to the Town would be a definite asset to community. Re: parking facilities, would be included in 7 acres - whether sufficient would depend on type of activity.
2. Mr. Karl Kirchner, 1 Kings H'way., Tappan, N.Y.: Real Estate Appraiser: Estimated land value at \$06,600 (6.9 acres less improvements); Buildings at \$120,000. to replace today --farm machinery, etc. included in offer.

Aerial survey submitted - Town Clerk's file.

Petitioner would be agreeable, as restrictive covenant to build over 3 - year period, 50 homes a year -- total increase 49 homes over what they can build at present.

IN FAVOR:

Merton E. Rawson, Member of the Clarkstown Planning Board; (Speaking as a member):

6.9 acre recreation site good; with 7.9 acres from Westrise, etc.
If turned down by Town Board there still will be 107 homes built.

OPPOSED:

1. Mr. Carl Radin, Trustee of Clarkstown School District: Presented statement re: impact on schools (in Town Clerk's folder).
2. Mr. Pantano: Objected to public hearing being held in summer months. Strawtown Rd. (Representing Committee to save Strawtown Rd.) \$520. additional cost to district. 320 people against. Also - would create more downzoning of other large parcels in the Town. -- DENY.
3. James Mahoney, 87 Laurel Rd., New City: Does not conform to Master Plan. Majority of Town Planning Board recommends denial.
4. Mr. Marko, 163 Brewery Rd., New City: 6.9 acres given in 69 acre plot. Evergreens will be bulldozed down. Re: recreation facilities: drainage bad at present - solve that before granting more downzoning in area.
5. Mr. J. Mackey, 384 Strawtown Rd.: No more downzoning.
6. Mrs. Thelma Fernandez, West Nyack: In favor of park lands, but should be given by builders without asking for concessions.
7. Mr. Herbert Rabin, Brewery Rd.: Delinquency problems arise in small recreation areas.

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Public Hearing

000430

Public Hearing RE: Proposed Zone Change by CATTANEO & JACOBSEN (R40 & R22 to R-15) Continued:

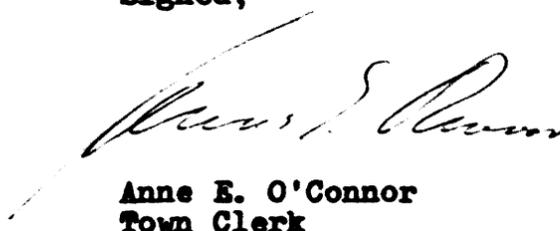
8. Mr. Albert Consiglio, 3 Pepperidge Rd., New City: Further down-zoning could occur in area -- taxes will increase.
9. Mr. Wm. Kluger - relative living on Strawtown: Retain open spaces-rec. areas not as good as back yards - not necessary.
10. Mr. Albert Benson, 5 Rise Rd., New City: Adhere to Master Plan.
11. Mr. Citti, New City: Presented petition with 700 names - opposing. Builders should not change Master Plan. Town and County Planning Board recommend denial -- DENY.

REBUTTAL: (Everett J. Johns, Attorney for Petitioner):

We are talking about 49 additional homes. Everything that applies to 156 applies to 107. School District figures did not take into consideration possible rental that Town could also take to offset deficiency in 49 homes. Re: notices -- delivered by Town Attorney's Office.

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

Signed,



Anne E. O'Connor
Town Clerk

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

RE: PROPOSED AMENDMENT TO BUILDING ZONE ORDINANCE AMENDING SEC. 3.11
OF TABLE OF GENERAL USE REGULATIONS:

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

Town Attorney stated the following:

Two parts to suggested amendment (1) Book company facilities can be built within LO zone, and (2) residences with attached garages opening into side yard shall have minimum of thirty feet side yard for access.

Present sideyard 20 ft. Many houses being built with garage on side rather than front. Building Inspector has received complaints re: problem of getting car into garage in 20 ft. without going onto neighbors' property; so Building Inspector recommends that it would be improvement to regulations to change ordinance to 30 ft. side yard. Buffer would not be changed.

Everett J. Johns Esq. in favor of inclusion in LO zone of Par. 6 to permit warehouse and book distribution centers.

Councilman Brenner requested assurance that there would be no further encroachment on the buffer zone (Prentice-Hall).

Mr. Richard Paris, 4 Bull Run, West Nyack: Owns property abutting on Prentice-Hall. They intend to expand to the east rather than north, which is adjacent to residences on Bull Run?? Stated that he believes P-H is attempting to obtain a re-zone so that they won't have to comply with the Zoning Ordinance, submit variance and notify residents on adjacent properties to give them opportunity to be heard.

They presently have facility which occupies 184,000 sq. ft. of area. They deny it is a warehouse, but it does not comply with the zoning ordinance. P-H cannot comply with zoning ordinance with their present facility; they still received and ship goods after 11:00 PM..

There is also indication that they plan to put roads in. Also, there is glare from windows facing private homes. They don't police their property; buffer full of ragweed; noisy conditions exist in P-H; they have done nothing about it.

(Supervisor requested letter be sent documenting complaints.)

Mr. Paris stated that this would change the zoning for an additional use without notifying people in that area that they are asking to put up another building.

Town Attorney stated that under Sec. 8.222, Prentice-Hall, when it determines to build, will have to submit a site review plan to the Planning Board who will then hold a public hearing. People within immediate area will be notified so they will have opportunity to express their views.

Mr. Paris: Of the nine houses on Bull Run that border on P-H property, there have been several changes of residence - people want to get out because P-H does not try to be a good neighbor.

Mr. Paris - Teenagers gather at their parking lot (profanity, throwing of stones, etc. Also on west side of building (which is front of building) no curtains - glaring lights.

Supervisor stated that when he received Mr. Paris' letter, he would be in touch with one of the VPs to make some adjustments on these complaints before the Town Board moves ahead.

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Public Hearing

000131

Public Hearing re: proposed amendment to building zone ordinance amending Sec. 3.11 of the Table of General Use Regulations Continued:

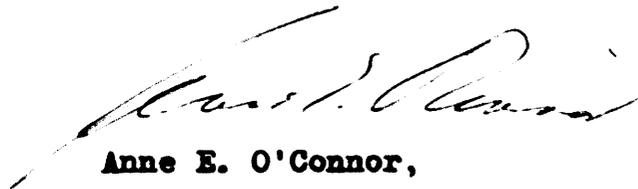
Mr. Paris was informed that plans in Planning Board's hands, but not available for review.

Supervisor suggested that any interested citizens address themselves to the Planning Board and ask to get on record as wanting to see map; if any question to ask that Mr. Cassels call on the Supervisor.

Mr. James Mahoney stated that this is supposed to be hearing for proposed amendment to Zoning Ordinance - how is Prentice-Hall involved -- are we making exceptions. This is favoring one particular firm.

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

Signed,



Anne E. O'Connor,
Town Clerk

003132

PUBLIC HEARING

Town Hall

8/6/69

8:45 PM

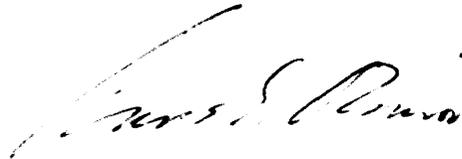
Present: Councilmen Brenner, Damiani, Frohling, Supervisor Mundt
Town Attorney
Deputy Town Attorney in Charge of Special Districts
First Deputy Town Attorney
Town Clerk

Absent: Councilman Bolander.

RE: PROPOSED ESTABLISHMENT OF SEWER DISTRICT #37:

VERBATIM MINUTES TAKEN BY PUBLIC STENOGRAPHER: WILL BE RELAYED TO
TOWN BOARD WHEN RECEIVED.

Signed,



Anne E. O'Connor
Town Clerk

VERBATIM MINUTES IN SEWER DIST #27 February

TOWN BOARD MEETING

000-100

Town Hall

8/6/69

8:00 PM

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

Absent: Councilman Bolander.

Supervisor called Town Board meeting to order.

(610) Councilman Damiani offered the following resolution:

RESOLVED, that the time for receiving bids for the construction of Sewer District #36 is hereby closed, and be it

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

Seconded by Councilman Frohling.

All voted Aye.

The following bids were received:

Edw. J. Huegel, Pearl River, N.Y.	\$407,185.31
Anselmi & DeCicco, Inc., Maplewood, N.Jersey.....	398,900.00
A. Cestone & Co., Glen Ridge, N.Jersey.....	452,906.30
Cruz Constr. Co., Union, New Jersey.....	472,472.00
Allstate Assoc., Verona, N. Jersey.....	399,980.84
Thalle Constr. Co., Yonkers, New York.....	602,910.00
Beckerle-Brown, Pearl River, N.York.....	447,956.30

All bids to Charles R. Velzy Associates, Consulting Engineers for recommendation.

(611) Councilman Brenner offered the following resolution:

RESOLVED, that time for receiving bids for Kings Highway, Valley Cottage Storm Drain and Sanitary Sewer Project is hereby closed, and 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 Frohling.

All voted Aye.

The following bids were received:

Edw. J. Huegel, Pearl River, N.Y.....	\$193,113.72
Anselmi & DeCicco, Inc., Maplewood, N.Jersey.....	335,105.00
A. Cestone, Glen Ridge, N. Jersey.....	240,985.30
Cruz Constr. Co., Union, N. Jersey.....	383,456.00
J. Fletcher Creamer & Son, Inc., Fort Lee, N.J....	299,935.00
Thalle Constr. Co., Yonkers, N.Y.....	365,631.10
Beckerle-Brown, Pearl River, N.Y.....	279,794.60
Allstate Associates, Verona, N.J.....	216,045.84

All bids to Charles R. Velzy Associates, Consulting Engineer for their recommendation.

(612) Councilman Brenner offered the following resolution:

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

Seconded by Councilman Damiani.

All voted Aye.

(613) Councilman Frohling offered the following resolution:

RESOLVED, that the Town Board meeting be resumed, public hearings having been held.

Seconded by Councilman Damiani.

All voted Aye.

(614) Councilman Brenner offered the following resolution:

RESOLVED, that the decision for the proposed zone change application made by Chas. Cattaneo and Sigmund Jacobsen (R22 and R 40 to R-15) for property located on the east side of Brewery Road, New City) is hereby reserved. (Public Hearing held this date - 8:15 P.M.)

Seconded by Councilman Frohling.

All voted Aye.

(615) Councilman Frohling offered the following resolution:

RESOLVED, that the decision for the proposed Amendment to the Building Zone Ordinance of the Town of Clarkstown - Sec. 3.11 of The Table of General Use Regulations is hereby reserved. (Public Hearing held this date - 8:30 P.M.)

Seconded by Councilman Brenner.

All voted Aye.

(616) Councilman Brenner offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown (herein called "Town Board" and "Town," respectively), in the County of Rockland, New York, has heretofore duly caused Charles R. Velzy, Associates, Inc., P.E., consulting engineers duly licensed by the State of New York, to prepare a general map, plan and report relating to the establishment of proposed Sewer District No. 37, in the Town (herein called "District"), as hereinafter described and for the construction of a lateral sewer system therein, and has duly appropriated a specific amount to pay the cost thereof, which map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS pursuant to order duly adopted on June 4, 1969, the Town Board determined to proceed with the establishment of the District and the construction of such lateral sewer system therein and adopted an order reciting a description of the boundaries of the District in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the maximum amount proposed to be expended for such improvements, including acquisition of the necessary land and rights in land, the proposed method of financing to be employed, the fact that a map, plan and report describing the same are on file in the Town Clerk's Office for public inspection and specifying June 18, 1969, at 8:45 O'clock P.M. D.S.T. at the time when, and the Town Hall, 10 Maple Ave., New City, in the Town, as the place where, the Town Board would meet to consider establishment of the District and the construction of a lateral sewer system therein, and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by Law; and

WHEREAS, certified copies of such Order were duly published and posted pursuant to the provisions of Article 12-A of the Town Law; and

WHEREAS, a public hearing in the matter was duly held by the Town Board on this 18th day of June, 1969, commencing at 8:45 P.M. (D.S.T.) at said Town Hall, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the establishment of the District and construction herein of such lateral sewer system, and

WHEREAS, it was determined that property and property owners benefitted where not included within the boundaries of the proposed district, and

WHEREAS, the Town Board of the Town of Clarkstown determined that it was not in the public interest to approve the proposed district as first described, and

WHEREAS, pursuant to order duly adopted on July 16, 1969, The Town Board determined to proceed with the establishment of the District and the construction of such lateral sewer system therein and adopted an order reciting a description of the boundaries of the District in a manner sufficient to identify the lands included therein as in a deed of conveyance, which description included the property and property owners benefitted which were previously omitted from the proposed district, the improvements proposed, the maximum amount proposed to be expended for such improvements, including acquisition of the necessary land and rights in land, the proposed method of financing to be employed, the fact that a map, plan and report describing the same are on file in the Town Clerk's Office for public inspection and specifying August 6, 1969, at 8:45 o'clock P.M. D.S.T. at the timewhen, and the Town Hall, 10 Maple Avenue, New City, in the Town, as the place where, the Town Board would meet to further consider establishment of the District and the construction of a lateral sewer system therein, and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as maybe required by Law; and

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TBM

Resolution 616 Continued:

WHEREAS, certified copies of such Order were duly published and posted pursuant to the provision of Article 12-A of the Town Law; and;

WHEREAS, a further public hearing in the matter was duly held by the Town Board on this 6th day of August, 1969, commencing at 8:45 o'clock P.M. D.S.T. at said Town Hall, as which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the establishment of the District and construction therein of such lateral sewer system;

NOW THEREFORE, upon the evidence adduced at such further public hearing, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, AS FOLLOWS:

SECTION I. It is hereby determined that

- a) The notice of public hearing was published and posted as required by law, and is otherwise sufficient;
- b) All the property and property owners included within the District hereinabove referred to in the recitals hereof are benefited thereby;
- c) All the property and property owners benefited are included within the limits of the District; and
- d) It is in the public interest to establish the District.

SECTION II. The establishment of the District is hereby approved as hereinafter described and the proposed lateral sewer system therein shall be constructed as set forth in the said Order Calling the Further Public Hearing and the District shall be designated and known as Sewer District No. 37, in the Town of Clarkstown, situate wholly outside of any incorporated village or city, and shall be bounded and described as follows:

(SEE DESCRIPTION TYPED TOWN BOARD MINUTES OF 7/16/69 resolution number 581.)

SECTION III. The maximum amount proposed to be expended for the construction of said lateral sewer system, consisting of construction of lateral sewers within the District tributary to the proposed Rockland County Sewer District interceptor and disposal system and tributary to existing lateral sewers in Sewer District No. 28, in the Town, including manholes, house connection stubs brought to a point one foot beyond the edge of roads, any necessary pumping stations and force mains, and all other appurtenances required for a complete lateral sewer system, necessary improvements in connection therewith, acquisition of necessary land and rights in land, and original equipment, machinery and apparatus, is \$1,325,000 which is planned to be financed by the issuance of serial bonds of the Town and the assessment, levy and collection of special assessments upon the several lots and parcels of land in the District which the Town Board shall deem especially benefitted by said lateral sewer system so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same and the establishment and collection of sewer rents, pursuant to the Town Law, to pay the principal of and interest on said bonds and the costs of operation, maintenance and repair.

SECTION IV. The Town Clerk of the Town is hereby authorized and directed within ten (10) days after the adoption of the resolution, to file certified copies of this resolution, in duplicate, in the office of the State Department of Audit and Control at Albany, New York, together with an application by the Town Board, in duplicate, for permission to establish the District, in the Town, as herein described, pursuant to the provisions of said Town Law and that such application shall be executed and verified by and in behalf of the Town Board by the Supervisor of the Town.

SECTION V. This resolution shall be subject to permissive referendum.

Seconded by Councilman Damiani.

All voted Aye.

8/6/69

TBM

000107

(617) Councilman Brenner offered the following resolution:

RESOLVED, the Town Clerk of the Town of Clarkstown, in the County of Rockland, New York, shall, within ten (10) days after the adoption by the Town Board of said Town, of the resolution entitled:

"Resolution of the Town of Clarkstown, New York, adopted August 6, 1969, approving the establishment of proposed Sewer District No. 37, in said Town and construction of a lateral sewer system therein and providing that such resolution shall be subject to permissive referendum,"

cause to be published at least once in "THE JOURNAL NEWS", the official newspaper of the Town, and to be posted on the sign board of the Town maintained pursuant to subdivision 6 of the Town Law Section 30 and in at least five (5) public places in the proposed Sewer District No. 37 in said Town of Clarkstown, a notice which shall set forth the date of adoption of said foregoing resolution and contain an abstract thereof concisely stating its purpose and effect.

Said Notice shall be insubstantially the following form:-

"TOWN OF CLARKSTOWN, NEW YORK

"PLEASE TAKE NOTICE that on August 6, 1969, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a resolution entitled:

"Resolution of the Town of Clarkstown, New York, adopted August 6, 1969, approving the establishment of proposed Sewer District No. 37, in said Town and construction of a lateral sewer system therein and providing that such resolution shall be subject to permissive referendum,"

an abstract of such resolution, concisely stating the purpose and effect thereof, being as follows:

"FIRST: RECITING that the Town Board of the Town of Clarkstown ("Town Board" and "Town," respectively), New York, has heretofore duly caused the preparation of a general map, plan and report relating to the establishment of proposed Sewer District No. 37, in the Town, therein described and for the construction of a lateral sewer system therein and has duly appropriated a specific amount to pay the cost thereof, which map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; that an order was adopted on July 16, 1969, reciting a description of the boundaries of said proposed Sewer District No. 37 ("District") in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the maximum amount proposed to be expended for such improvements, the proposed method of financing to be employed, the fact that a map, plan and report describing the same are on file in the Town Clerk's Office for public inspection, and specifying the time and place of a public hearing to hear all persons interested in the subject thereof concerning the same; that copies of such Order have been duly published and posted; and that such hearing has been duly published and posted; and that such hearing has been duly held on August 6, 1969, at the time and place specified;

"SECOND: RESOLVING AND DETERMINING THAT (a) the notice of hearing was published and posted as required by law and is otherwise sufficient, (b) all the property and property owners within the District are benefited thereby, (c) all the property and property owners benefited are included within the limits of the District and (d) that the establishment of the District is in the public interest;

THIRD: FURTHER RESOLVING AND DETERMINING THAT THE ESTABLISHMENT OF THE DISTRICT BE APPROVED, that the proposed lateral sewer system shall be constructed therein; DESIGNATING such District as Sewer District No. 37, in the Town of Clarkstown, and DESCRIBING the District by metes and bounds;

(617) ABSTRACT OF THE RESOLUTION APPROVING THE ESTABLISHMENT OF SWR DISTRICT NO. 37 CONTINUED:

FOURTH: RESOLVING that the maximum amount proposed to be expended for construction of said lateral sewer system, consisting of construction of lateral sewers within the District tributary to the proposed Rockland County Sewer District interceptor and disposal system and tributary to existing lateral sewers in Sewer District No. 28, in the Town, including manholes, house connection stubs brought to a point one foot beyond the edge of roads, any necessary pumping stations and force mains, and all other appurtenances required for a complete lateral sewer system, necessary improvements in connection therewith, acquisition of necessary land and rights in land, and original equipment, machinery and apparatus, is \$1,325,000 which is planned to be financed by the issuance of serial bonds of the Town to finance such costs and the assessment, levy and collection of special assessments upon the several lots and parcels of land in the District which the Town Board shall deem especially benefited by said lateral sewer system so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same and the establishment and collection of sewer rents, pursuant to the Town Law, to pay the principal of and interest on said bonds and the costs of operation, maintenance and repair;

FIFTH: FURTHER RESOLVING that the Town Clerk shall, within ten (10) days after adoption of this resolution, file certified copies in the office of the Department of Audit and Control, together with an application by the Town Board for permission to establish the District and that such application shall be executed by the Supervisor; and

SIXTH: STATING that this resolution shall be subject to permissive referendum.

Seconded by Councilman Damiani.

All voted Aye

(618) Councilman Frohling offered the following resolution:

WHEREAS, Paul C. Smith, Jr. and Beverly H. Smith, his wife, have executed an easement and are gratuitously offering it to the town for Sewer District No. 20; and

WHEREAS, Arthur H. McCord has executed an easement and has gratuitously offered it to the Town for Sewer District No. 20; and

WHEREAS, Erica E. Davies has executed an easement and is offering it to the Town for Sewer District No. 20 in consideration of the sum of \$200.00; and

WHEREAS, John M. Cole, Jr., and Mary E. Cole, his wife, have granted a temporary working easement to the Town for Sewer District No. 20 in consideration of the sum of \$150.00; and

WHEREAS, under authority of a Resolution of the Town Board dated October 31, 1968, by which Thomas E. Walsh and Michael H. Reeder, attorneys for Sewer District No. 20, were directed to commence condemnation of the easement required from Louis Weiss and Lucile S. Weiss, said condemnation was duly commenced and prosecuted and during the prosecution of said condemnation a settlement was arrived at which was in accord with the instructions and conferences held with this Town Board; and

WHEREAS, pursuant to said settlement, Louis Weiss and Lucile S. Weiss, his wife, have executed a deed of easement conveying said easement to the Town for Sewer District No. 20 in consideration of the sum of \$300.00 and

WHEREAS, expenses were incurred in the prosecution of said condemnation, which expenses were:

(618) Resolution Continued:

Listing of expenses incurred:

Appraisal by Amherst Capital Corp.....	\$100.00
Appraisal by Wm. J. Balog.....	100.00
Stenographic Minutes J.B. Komonchak.....	35.00
Commissioners' Fees for - Pat F. Matone.....	25.00
- Philip Berg.....	25.00
- John Connolly.....	25.00

And

WHEREAS, Thomas E. Walsh and Michael H. Reeder, attorneys for Sewer District No. 20, and Murray Norman Jacobson, Deputy Town Attorney of the Town of Clarkstown, recommend that said easements and disbursements hereinabove set forth be paid;

NOW, THEREFORE, be it

RESOLVED,

1. That the Supervisor of the Town of Clarkstown is hereby authorized to accept said easements on behalf of the Town; and
2. That Sewer District No. 20 is hereby authorized to pay the sum of \$200.00 for the easement granted by Erica E. Davies; and
3. That Sewer District No. 20 is hereby authorized to pay the sum of \$150.00 for the temporary working easement granted by John M. Cole, Jr. and Mary E. Cole, his wife; and
4. That Sewer District No. 20 is hereby authorized to pay the sum of \$300.00 for the easement granted by Louis Weiss and Lucile S. Weiss, his wife; and
5. That Sewer District No. 20 is hereby authorized to pay the sum of \$100.00 for the appraisal by Amherst Capital Corp; the sum of \$100.00 for the appraisal by William J. Balog; the sum of \$35.00 for the stenographic minutes taken by Joseph B. Komonchak; and the sum of \$25.00 to each of Pat F. Matone, Philip Berg and John Connolly for the Commissioners' fees.

Seconded by Councilman Damiani.

All voted Aye.

(619) Councilman Damiani offered the following resolution:

RESOLVED, that Resolution #605 adopted by the Town Board at the Town Board Meeting dated July 31, 1969, is hereby rescinded

AND

BE IT FURTHER RESOLVED, that Virginia Street, New City, is hereby made a one-way street going west from Carolina to North William St., and that it be also

RESOLVED, that the Superintendent of Highways is hereby resolved to install "DO NOT ENTER" signs on Virginia Street at the intersection of North William Street.

Seconded by Councilman Brenner.

All voted Aye.

8/6/69

TBM

(620) Councilman Damiani offered the following resolution:

WHEREAS, Arthur Siegel and Joy Siegel, his wife, are desirous of granting a drainage easement to the Town of Clarkstown, located at 78 Eberling Drive, New City, New York;

NOW THEREFORE, be it

RESOLVED, that the Town of Clarkstown accept a drainage easement from Arthur Siegel and Joy Siegel, his wife, covering premises located at 78 Eberling Drive, New City, New York; more particularly described in said easement dated the 25th day of July, 1969.

Seconded by Councilman Frohling.

All voted Aye.

(621) Councilman Damiani offered the following resolution:

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

Hugh Maher, 24 South Street, Highland Falls, New York.

NOW THEREFORE, be it

RESOLVED, that the following Certificated of Registration be issued:

No. 69-79 to Hugh Maher.

Seconded by Councilman Brenner.

All voted Aye.

(622) Councilman Damiani offered the following resolution:

RESOLVED, that the Sewer Attorney for Sewer District #10 is hereby granted permission to make application to the Department of Audit and Control for an increase for Sewer District No. 10, - \$130,000.

Seconded by Councilman Brenner.

All Voted Aye.

(NOTE: ATTENTION - This resolution was not carried out.)

A Certified, receipt requested letter was directed to Attorney David Roepe, son of the deceased attorney of Sewer District #10. His reply, (see file Swr #10) indicated that the application for an increase was never made in the year 1969.)

8/6/69

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(623) Councilman Damiani offered the following resolution:

WHEREAS, on the 21st day of February, 1968, the Town Board of the Town of Clarkstown authorized the increase of the authorized amount for Sewer District No. 18, and

WHEREAS, it has been determined by Charles R. Velzy Associates, sewer consultants for the Town of Clarkstown, that the amount of the increase was insufficient, and

WHEREAS, it is requested by Charles R. Velzy Associates that permission be granted to the attorney for Sewer District No. 18 to make application to the Department of Audit and Control for permission to increase the amount of the district from \$1,700,000.00 to \$2,120,000.00.

NOW THEREFORE, be it

RESOLVED, that the attorney for Sewer District No. 18 is hereby authorized to make application to the Department of Audit and Control to increase the authorized amount in Sewer District No. 18 from \$1,700,000.00 to \$2,120,000.00

And be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute all petitions and other documents necessary to apply to the Department of Audit and Control for the required permission to hold a hearing on the increase.

Seconded by Councilman Brenner.

All voted Aye.

(624) Councilman Damiani offered the following resolution:

WHEREAS, on the 3rd day of July, 1968, the Town Board of the Town of Clarkstown authorized the increase of the authorized amount for Sewer District No. 19, and

WHEREAS, it has been determined by Charles R. Velzy Associates, sewer consultants for the Town of Clarkstown, that the amount of the increase was insufficient, and

WHEREAS, it is requested by Charles R. Velzy Associates, that permission be granted to the attorney for Sewer District No. 19 to make application to the Department of Audit and Control for permission to increase the amount of the district from \$2,230,000.00 to \$2,800,000.00

NOW THEREFORE, be it

RESOLVED, that the attorney for Sewer District No. 19 is hereby authorized to make application to the Department of Audit and Control to increase the authorized amount in Sewer District No. 19 from \$2,230,000.00 to \$2,800,000.00

And be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute all petitions and other documents necessary to apply to the Department of Audit and Control for the required permission to hold a hearing on the increase.

Seconded by Councilman Brenner.

All Voted Aye.

8/6/69

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(625) Councilman Damiani offered the following resolution:

WHEREAS, on the 15th day of May, 1968, the Town Board of the Town of Clarkstown authorized the increase of the authorized amount for Sewer District No. 20, and

WHEREAS, it has been determined by Charles R. Velzy Associates, sewer consultants for the Town of Clarkstown, that the amount of the increase was insufficient, and

WHEREAS, it is requested by Charles R. Velzy Associates that permission be granted to the attorney for Sewer District No. 20 to make application to the Department of Audit and Control for permission to increase the amount of the district from \$1,550,000.00 to \$1,710,000.00

NOW THEREFORE, be it

RESOLVED, that the attorney for Sewer District No. 20 is hereby authorized to make application to the Department of Audit and Control to increase the authorized amount in Sewer District No. 20 from \$1,550,000.00 to \$1,710,000.00 and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute all petitions and other documents necessary to apply to the Department of Audit and Control for the required permission to hold a hearing on the increase.

Seconded by Councilman Brenner.

All voted Aye.

(626) Councilman Damiani offered the following resolution:

WHEREAS, on the 20th day of November 1968, the Town Board of the Town of Clarkstown authorized the increase of the authorized amount for Sewer District No. 23, and

WHEREAS, it has been determined by Charles R. Velzy Associates, sewer consultants for the Town of Clarkstown, that the amount of the increase was insufficient, and

WHEREAS it is requested by Charles R. Velzy Associates that permission be granted to the Attorney for Sewer District No. 23 to make application to the Department of Audit and Control for permission to increase the amount of the district from \$710,000.00 to \$940,000.00

NOW THEREFORE, be it

RESOLVED, that the attorney for Sewer District No. 23 is hereby authorized to make application to the Department of Audit and Control for the required permission to hold a hearing on the increase.

Seconded by Councilman Brenner.

All voted Aye.

(627) Councilman Damiani offered the following resolution:

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:

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(627) Resolution Continued:

Section 1. The Town of Clarkstown (herein called "Town"), in the County of Rockland, New York, is hereby authorized to construct and install surface drainage sewer facilities in and along Brewery Rd., in the Town, consisting of mains, receivers, catch basins, manholes and appurtenances thereto in public streets or portions thereof and easements or other rights in land acquired or other rights in land acquired or to be acquired therefor, in the Town, including original equipment, machinery and apparatus required therefor, all in accordance with plans and specifications to be prepared by the Town Engineer, filed in the office of the Town Clerk and approved by the Town Board of the Town. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$100,000 and the said amount is hereby appropriated therefor. The plan is financing is the issuance of \$100,000 serial bonds to finance said appropriation and the levy of a tax upon all the taxable real property in the Town to pay the principal of said bonds and the interest thereon.

Section 2. Serial bonds in the principal amount of \$100,000, of the Town; are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the class of objects or purposes for which the bonds authorized by this resolution are to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years, but the maturity of said bonds shall not exceed fifteen (15) years.

(b) Current funds are not required by the Law to be provided as a down payment prior to the making of expenditures from the proceeds of said bonds herein authorized or any bond anticipation notes in anticipation of the sale of said bonds or from a fund into which the proceeds of said bonds or such bond anticipation notes are paid, pursuant to the provisions of Section 107.00 d. 4 of the Law.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Para. 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and provision shall be made annually in the budgets of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of Section 30.00 and para. 50.00 and paras. 56.00 to 60.00 of said Law, the powers and duties of the Town Board relative to prescribing the terms, form and contents and as to the sale and issuance of the bonds and any notes issued in anticipation of said bonds, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of said bonds, may be contested only if:

(627) Bond Resolution Continued:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall be subject to permissive referendum.

Seconded by Councilman Erenner.

All voted Aye.

(628) Councilman Damiani offered the following resolution:

Resolved,

Section 1. The bond resolution of the Town of Clarkstown, in the County of Rockland, New York, entitled:

"Bond Resolution of the Town of Clarkstown, New York, adopted August 6, 1969, authorizing construction and installation of surface drainage sewer facilities and appurtenances thereto in said Town, stating the estimated maximum cost of said class of objects or purposes is \$100,000, appropriating said amount therefor and authorizing the issuance of \$100,000 serial bonds to finance said appropriation,"

duly adopted by the Town Board on the date therein referred to, subject to permissive referendum, will become effective as of September 6, 1969, and the Town Clerk is hereby directed to cause said bond resolution to be published, in full, in the "JOURNAL NEWS," a newspaper published in Nyack, New York, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 2. This Resolution shall take effect immediately.

Seconded by Councilman Brenner.

All voted Aye.

Monthly Reports received from Zoning Board of Appeals and Building Inspector for the month of June, 1969. Noted by the Town Board; filed in the Town Clerk's Office.

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(629) Councilman Damiani offered the following resolution:

RESOLVED, that Justices of the Peace, Edward J. Flynn and William E. Vines are hereby authorized to attend the New York State Association of Magistrates Convention to be held at South Fallsburgh, New York, on September 7, 8, 9 and 10th, 1969, and be it

FURTHER RESOLVED, that any and all expenses be made a proper Town Charge.

Seconded by Councilman Frohling.

All voted Aye.

Approval of performance Bonds for Candlewood Construction Corp. tabled pending receipt of letter from Planning Board recommending same.

(630) Councilman Frohling offered the following resolution:

RESOLVED, that the application of Sigmund Hilburg, Saul Hilburg, Louis Hilburg, Max Hilburg, Harry Hilburg, William Hilburg, & Eli Hilburg, for a change of zoning from an R-15 district to an RG-2 District, on property located approximately 500 ft. south of Ludwig Rd. in the Hamlet of Bardonia, Town of Clarkstown, County of Rockland and State of New York, be referred to the Planning Board for report pursuant to the provisions of 8.41, 8.42 and 8.421 of the Clarkstown Building Zone Ordinance, and also to the Rockland County Planning Board pursuant to Sections 239-1 and 239-m of the General Municipal Law.

Seconded by Councilman Damiani.

All voted Aye.

(631) Councilman Frohling offered the following resolution:

WHEREAS, Sgt. Philip Graziano has requested additional sick,

NOW, THEREFORE, be it

RESOLVED, that Sgt. Philip Graziano be granted an additional seven (7) sick leave.

Seconded by Councilman Brenner.

All voted Aye.

Award for sale of surplus building and appurtenances located at 18-22 Maple Avenue, New City immediately south of Town Hall Building Parking Lot -- across the street from the New City Firehouse - tabled at the request of Councilman Damiani; who will check and made recommendation at 8/29 Town Board Meeting.

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(632) Councilman Frohling offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on August 4th, 1969, that the position of Police Sergeant in the Police Department can now be created, now therefore, be it

RESOLVED, that said position is hereby created at a salary of \$10,950.00 per annum.

Seconded by Councilman Brenner.

All voted Aye.

(633) Councilman Brenner offered the following resolution:

WHEREAS, the position of Horticultural Technician was established at the Town Board meeting of July 30, 1969,

NOW, THEREFORE, be it

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the Permanent appointment of Herman Koster, 11 High Tor Rd, New City, New York, to the position of Horticultural Technician, part-time, Shade Tree Commission at a salary of \$3.00 per hour retroactive to August 4, 1969.

Seconded by Councilman Damiani.

All voted Aye.

Report re: Valley Cottage Mall submitted by Deputy Town Attorney; only has four appraisals to date so cannot negotiate - will try to conclude negotiations by the end of the month.

(634) Councilman Brenner offered the following resolution:

RESOLVED, that Orange & Rockland Utilities, Inc., is hereby authorized to install 23 (twenty three) street lights on Blue Bird Drive, Waters Edge Rd., and Wildwood Drive at the annual cost to the Town of \$1,255.80.

Seconded by Councilman Frohling.

All voted Aye.

(635) Councilman Damiani offered the following resolution:

WHEREAS, the present method for sewer hookups has done too much damage to Town Road pavements,

NOW THEREFORE, be it

RESOLVED, as follows regarding contractors performing sewer hookups:

1. That contractor must hand dig within 1 ft. of asphaltic berm or concrete curb:

2. That contractor must compact the backfill within 4ft of the asphaltic berm or concrete curb.

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(635) Resolution RE: Sewer Hookup Continued:

7. That contractors cannot disturb paved portions of Town roads without first obtaining a street opening permit from the Superintendent of Highways of the Town of Clarkstown.

Seconded by Councilman Brenner.

All voted Aye.

Highway Superintendent brought up matter of two (2) road improvements districts; (Louis Rd. & Pierce St.) Deputy Town Attorney informed his that legal work completed and water company notified. However newspaper made error and publications must be commenced anew (once a week for four weeks) Highway Superintendent notified that he should be able to pave before November.

(636) Councilman Brenner offered the following resolution:

RESOLVED, that the Highway Superintendent is hereby authorized to advertise for bids for one (1) 4 cu. yd., 4 - Wheel Dump Truck, said bid to be returnable on 9/3/69 at 8:07 P.M.

Seconded by Councilman Damiani.

All voted Aye.

Mrs. Emma Blauvelt appeared before the Town Board requesting that the Town Attorney seek to reverse the decision regarding Frohling property; decision handed down this past week by Judge Silberman. She stated that it would be in the best interest of the Town and State. Requests that the Town Attorney institute proceedings to reverse decision. (Town Attorney requested to make recommendation at subsequent Town Board Meeting.)

On resolution offered by Councilman Brenner, seconded by Councilman Damiani and unanimously adopted, Town Board meeting was adjourned until Friday, August 29th, 1969, at 10:00 A.M.

Signed,


Anne E. O'Connor,
Town Clerk