

(906) Councilman Bolander offered the following resolution:

RESOLUTION DECLARING MORATORIUM ON ALL REFERRALS TO PLANNING BOARD AND ALL DECISIONS TO BE MADE RE ZONE CHANGES AND SPECIAL PERMIT APPLICATIONS NOW PENDING BEFORE THE TOWN BOARD.

No second.

Motion not carried.

On resolution offered by Councilman Damiani, seconded by Councilman Frohling and unanimously adopted, Town Board meeting was adjourned until November 19, 1969 at 8:00 P.M.

Signed,


Anne E. O'Connor
Town Clerk

PUBLIC HEARING

Town Hall

11/19/69

8:30 PM

Present: Co. Brenner, Bolander, Frohling, Deputy Supervisor Damiani
Town Attorney and Staff
Town Clerk

RE: ZONE CHANGE APPLICATION OF HAZEL K. RICHMOND (PO to CS) FOR PROPERTY LOCATED NORTHEAST CORNER OLD ROUTE 304 & LAUREL ROAD, NEW CITY:

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

PLANNING BOARD RECOMMENDATIONS:

COUNTY: If change granted, owners of triangular parcel on the s/s of Laurel would probably request a similar zoning section. All surrounding parcels are presently zoned PO. Would not be detrimental to Route 304.

TOWN: Not in accord with the Town Development Plan. Existing zoning PO is appropriate to area and follows intent of Town Development Plan. Granting would exacerbate any traffic problems in area. DENY.

Attorney for petitioner, Jerome Trachtenberg, Nyack N Y stated the following:

Surrounding properties zoned CS. Building on premises used partially for beauty parlor. To the south; PO, Laurel Road is natural boundary line. Not consistent with plan to have CS district surrounding and place this parcel in PO.

Re County Planning Board recommendation: Decision of Town Board should not be based on statement made that neighborhood would request zoning change if this granted. Merits of this application should be considered.

Area about 33 square feet. Has been used for retail business. Applicant tried to follow zoning ordinance as it exists to create a PO office at this location but found it impossible. Rental would be prohibitive.

Re esthetic values - rows of stores and signs already in area. This lends itself to adequate parking.

CORRESPONDENCE: (Submitted by attorney for petitioner):

1. Letter from Representative of New City Holding Company requesting that this be granted.
2. Letter from Henry F. Carter of Carter Galley of Homes, New City (adjoining property owner) -- no objection to request.

(continued)

(RICHMOND)

WITNESSES:I. Mr. Henry Carter, New City N Y: (sworn in) and testified as follows:

Owens property to east. This parcel placed under PO zone in error or in bad planning. Laurel Road is proper place to cut off the shopping zone and begin PO zone. Not feasible for this property to be zoned PO - would create hardship for owner. This property has been used for commercial purposes for 15 years.

Councilman Bolander: You state that it was a mistake in planning of this piece of property and that to build in PO would be costly

Answer: (Mr. Carter): This is not first mistake in 1967 zoning map; shopping zone cut off and PO zone created 200' at end of a block. Does not think it feasible to have PO zone and shopping zones separated; shopping zones and PO zones should be kept together.

II: Mr. Lawrence Anderson, 12 Gail Dr., New City: Real Estate business 18 years in New City; office at 155 South Main St. New City Six block from subject property. PO zone should not have been placed there originally; this particular piece of property lends itself better to CS than to PO.

Re rental of sale of this property, we have been negotiating for two years and have not been able to dispose of it because it is PO.

Councilman Frohling: If this zone were changed - would this increase the value of this property?

Answer: It would make it more salable - You cannot sell PO; this would not increase value of the property (Carter).

Question: Would the change of zone be detrimental to the area?

Answer: No - there are restrictions available for ANY KIND OF business or building.

Co. Frohling to Mr. Carter: Would this proposed change of zone increase the value of this parcel?

Answer: I am not too sure that it would increase the value of it, but it would be more salable.

Mr. Trachtenberg to Mr. Carter: Would it be detrimental to area?

Answer: No

III: Mr. Kevin Lawler, Prel Plaza, Orangeburg, NY: Business: Commercial real estate - works in area of New City - sold leasing rights to building north of this site. Building space 35% rented; 65% of space which was available is still available. Has attempted to rent for six to eight months. Size of building that could be built there (office) 4-5 thousand square feet. This is not feasible project; cost of construction of office building on that size would make the rental price of the property per square foot out of line. Re difference in price per square foot between existing zone and the requested zone:

Cost of construction of office building in Rockland County - commercial building - \$14. per square foot to build; office building - \$27 per square foot; this is difference of \$13 per square foot in construction costs.

Rent in New City - \$3.50 to \$4.00 per square foot; -- return on professional office investment would not be greater because you could not rent it.

Mr. Trachtenberg: This area has holes; been used for retail purposes. Zone of PO was an error; change made in middle of block.

IN FAVOR: No one appeared.

OPPOSED:

1. Mr. Bert Strauss, New City: Re ignoring Co. Planning Board letter; people across the street might ask for same change. Re Mr. Carter stating that this is error in zoning or extremely poor planning; zones in the past are change in the middle of the block and are on record. (Bank of New Hempstead -- going further north -- Seeger's property zone commercial) -- that zone change occurs in the middle of the block.

(continued)

IN FAVOR: No one appeared.

OPPOSED:

I. Mr. Bert Strauss, New City: Re ignoring Co. Planning Board letter; people across street might ask for same change. Re Mr. Carter stating that this is error in zoning or extremely poor planning; zones in the past are change in the middle of the block and are on record. (Bank on New Hempstead. Going further north - Seeger's property zoned commercial - that zone change occurs in the middle of the block.

change

Messrs. Carter and Anderson feel that this zone/would in no way be detrimental to the town or Route 304. They stated that County Planning Board also stated the same. However, Mrs. Crudo this evening is on agenda to discuss safety on Route 304; we have had in the past an investigation looking into the traffic hazard at intersection of ZLaurel and 304; accidents in this area; zone change to CS here would make it worse.

Re value of land if granted; if they can't sell now, value low; if you can sell with zone change, value must automatically increase.

II. Mr. Charles Kothe, Rep. Lutheran Church: Located across from area in question. If granted change, would create hazard.

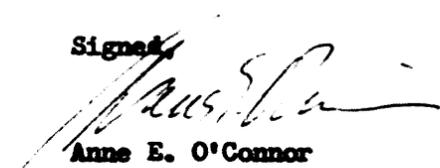
III. Robert O'Connell, 11 Laurel Road,: Owns property diagonally across - residence. Agrees with Planning Board.

REBUTTAL: (Mr. Trachtenberg):

Values fixed according to us - re traffic - all members of congregation do not live on this street or in immediate vicinity.

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

Signed,


Anne E. O'Connor
Town Clerk

PUBLIC HEARING

Town Hall

11/19/69

8:45 PM

Present: Councilmen Brenner, Bolander, Frohling, Deputy Supervisor Damiani
Town Attorney and Staff
Town Clerk

RE: PROPOSED AMENDMENT TO BUILDING ZONE ORDINANCE (AMEND SEC. 8.13):

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

Town Attorney stated that purpose for proposed change is that old variances have certain uses which have been dormant for many years and then suddenly spring up. Proposed amendment would provide that no special permit or variance would have any force or effect for a period greater than one year after date of issuance by the Town Board of the ZBA. If construction on special permits or variances not commenced within such ~~one~~ year period, re-application must be made to either Board.

Mr. H. J. Carter, New City, stated that wording of proposed amendment not clear; will eventually cause hardship to both Boards.

Mr. T. Walsh, Congers, inquired as to whether or not this applies to variances issued prior to this proposed adopted, or to those obtained after proposed adoption. Town Attorney stated that would apply to variances obtained after proposed adoption; Town Board to decide whether or not it is applicable for permits issued prior or hereafter.

Re making such change retroactive, Town Attorney stated that would have to be gauged on facts of each case. If sizable investment involved, would be hardship; mortgage obligation not a vested right, vested rights are permits and footings and foundations.

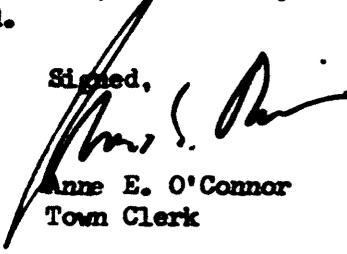
Mr. Walsh opposed; has variance granted four years ago; stated that any existing variances should be given same consideration (notification that they act).

(AMEND SEC. 8.13 - continued)

William E. Vins, Supervisor-Elect stated that this legislation would protect anyone who holds for one year, which is sufficient time. Re Valley Cottage and Nursing Homes; this legislation must be enacted swiftly.

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

Signed,


Anne E. O'Connor
Town Clerk

PUBLIC HEARING

Town Hall 11/19/69 9:00 PM

Present: Councilmen Bolander, Brenner, Frohling, Deputy Supervisor Damiani
Town Attorney and Staff
Town Clerk

RE: PROPOSED INCREASE IN THE MAXIMUM AMOUNT TO BE EXPENDED IN SEWER DISTRICT #20
(FROM \$1,500,000.00 to \$1,695,000.00):

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

Michael H. Reeder appeared as attorney for petitioner.
(VERBATIM MINUTES TAKEN BY STENOGRAPHER -- SEE FILE)

Signed,


Anne E. O'Connor
Town Clerk

PUBLIC HEARING

Town Hall 11/19/69 9:15 PM

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

RE: PROPOSED AMENDMENT TO BUILDING ZONE ORDINANCE - SEC. 3.11, Col. 8, LS Zone:

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

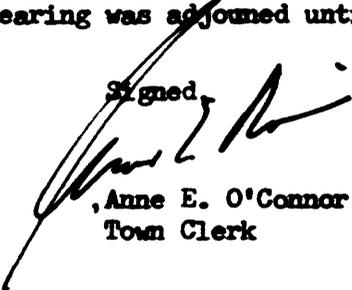
Town Attorney Donald S. Tracy requested that public hearing re subject proposed amendment be adjourned to 12/3/69 - 9:00 PM) because his office failed to give written notice to the Palisades Interstate Park Commission of this hearing. Since within 500' of property owned by P.I.P, this should have been done.

Rather than having hearing invalidated, Town Attorney suggested adjournment of this hearing until 12/3/69 so his office could notify P.I.P.

On resolution offered by Councilman Brenner, seconded by Councilman Frohling and unanimously adopted, public hearing was adjourned until 12/3/69 at 9:00 PM.

ded by

Signed,


Anne E. O'Connor
Town Clerk

PUBLIC HEARING

Town Hall 11/19/69 9:30 PM

Present: Councilmen Brenner, Bolander, Frohling, Deputy Supervisor Damiani
Town Attorney and Staff
Town ClerkRE: PROPOSED INCREASE IN MAXIMUM AMOUNT TO BE EXPENDED IN SEWER DISTRICT #26
(FROM \$1,092,000.00 to \$1,400,000.00):

VERBATIM MINUTES TAKEN BY COURT STENOGRAPHER -- SEE FILE

Signed,



Anne E. O'Connor
Town Clerk

PUBLIC HEARING

Town Hall 11/19/69 8:15 PM

Present: Councilmen Brenner, Bolander, Frohling Deputy Supervisor Damiani
Town Attorney and Staff
Town ClerkRE: ZONE CHANGE APPLICATION MADE BY ROSE ORLAND (R-15 to RS)
PROPERTY LOCATED OLD NYACK TURNPIKE & FREEDMAN AVE., NANUET N Y:

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

PLANNING BOARD RECOMMENDATIONS:

COUNTY: Granting would most likely trigger similar request for changes for the two parcels (zoned R-15) on the south side of Old Nyack Turnpike that lie to the east of the subject parcel. Additional similar zoning changes may be made for other small parcels to the west of the subject site. Would not be detrimental to Route 59 or the Thruway.

TOWN: DENY. Contrary to Town Development Plan, immediate area all residential south of Old Nyack Turnpike. Would create demands for rezonings on both sides; would exacerbate an already bad traffic situation in area; applicant would have to secure relief from ZBA to permit reasonable building.

Barnet Selman Esq., 39 South Main St., Spring Valley appeared as attorney for petitioner and stated the following:

Property under contract of sale for dental laboratory construction; not for stores or shopping. Lies south of Old Nyack Turnpike. North; from Grandview to Pascack - RS & PO. South of Old Nyack Turnpike, from Grandview to within 150' of subject property - RS. (Exhibit A - Map of surrounding properties - in Town Clerk's file.)

Petitioner cannot maintain dental lab in PO Zone; Building Department stated they could get special permit for this laboratory.

Milton Shcleifman, 11 Eckerson Lane, Spring Valley: (testified as follows):

Type of building and operation: Building approximately 5400 square feet, one-story structure. Block construction, stone trim; landscaping and green breaks around property. They would service dental profession in making dentures, bridges or appliances. At present operating in Spring Valley; has been in operation 15 years; no complaints re offensive odors, etc.

Co. Brenner: How many employes do you contemplate on site?

Answer: We now have 27 - we anticipate some additional growth to 35.

Parking would be available on site. All 5400' would be used for themselves; no leasing out.

Division of buildings: Now: 400' office space; 2100' productive area.

New Plant: approximately 5400' total: Over 2000' non-productive area; 2800' for productive area.

(continued)

PH - 11/19/69
 ORLAND
 Page 2

(Mr. Schleifman - continued)

This would include employes' benefits, such as new offices; locker rooms, lunch room; dust collecting system, etc.

No truck shipping or deliveries.

Building Inspector's interpretation of this type of activity - Laboratory.

Submitted plans for building (Exhibit B).

IN FAVOR: No one appeared.

OPPOSED:

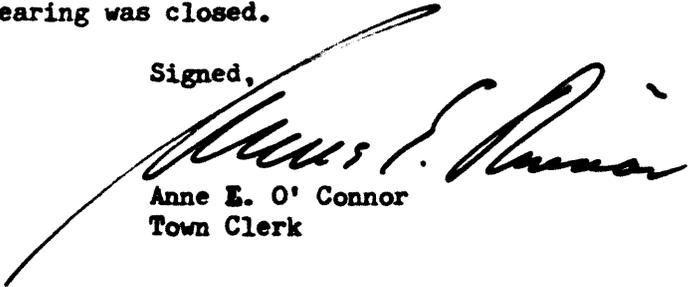
1. Richard Garden, 34 Freedman Ave., Nanuet: Three houses away from subject parcel. Would not be good for community; would extend commercial property into residential zone. Re nature of business - was dental lab technician for seven years. This is a factory. There is another dental laboratory at 3 Second Ave., Spring Valley - also one on Slinn Avenue, This is not right area for this type of development.
2. Michael Erlich, 13 Freedman Ave. Nanuet: Across from DewDrop Inn - Does not want factory.
3. James McCormack, 105 Freedman Ave., Nanuet: Residential area - will encroach and cause more of same. Re 5400' building - plus parking area. Would be up against everyone's property lines. Would be eyesore.
4. Roberta Rubin, 9 Park Lane: Traffic bad at present - we are on one of thru streets going from Spring Valley to Pearl River. Changing zoning and bringing commercial enterprise would add to traffic problem.
5. Wm. Cunningham, 56 Old Nyack Turnpike: Lives one block away; this is factory; changing residential to commercial would cause other changes in area.
6. Jos. Gregory, 48 Freedman Ave: 500' from site; raw sewage now running on roads; leave residential; let them use property now zoned commercial.

REBUTTAL: Attorney Selman: State of New York has taken 8' of this property for widening of Old Nyack Turnpike. They also intend taking on the other side of street to widen. We are not introducing commercial into area; PO & RS right across the street from this property. Right down street, new office building built by Maurice Phillips. Corner of Grandview and Old Nyack Turnpike, New home of Silver City. This would conform with what is there at present.

Letter written by Abraham H. Shukat, 420 Lincoln Road, Miami Beach, Florida read into record stating that as property owner (Map 163, Blk d, Lot 38.01) is in favor of granting this petition.

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

Signed,


 Anne E. O'Connor
 Town Clerk

TOWN BOARD MEETING

000007

Town Hall

11/19/69

3:00 P.M.

Present: Councilmen Brenner, Bolander, Damiani, Frohling
Town Attorney and Staff
Town Clerk

Absent: Supervisor Mundt

Deputy Supervisor Damiani chaired the Town Board meeting and called same to order at 8:00 P.M.

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

Fireman's Fund American Insurance Co. Bond No. 2329782
MILAU ASSOCIATES, INC. Princ.
Amount: \$1,455.00
Period: One year - 11/19/69 - 11/18/70
Covers: 400' Extension of Brenner Drive
Republic Insurance Company Bond No. 904408 (Perf)
ARNER CONSTRUCTION CORP., Princ. (ARROW HOMES)
Amount: \$8,545.00
Period: Two Years 11/19/69 - 11/18/71
Covers: Roads

Republic Insurance Co. Perf. Bond #904409
ARNER CONSTRUCTION CORP., Princ.
Amount: \$2,300.00
Period: Two years 11/19/69 - 11/18/71
Covers: Sewers

(907) Councilman Frohling offered the following resolution:

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

Michael Cassese
d/b/a New County Septic Tank Service
387 South Main Street
New City, N.Y.

and,

WHEREAS, it appears by an insurance broker's binder that the bond has been approved and is in the process of being issued by the United States Fire Insurance Co.;

NOW THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued upon receipt of the appropriate bond:

No. 69-90 to Michael Cassese

Seconded by Councilman Bolander.

All voted Aye.

(908) Councilman Frohling offered the following resolution:

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

Frank A. McDonald
Kings Highway
Sparkill, New York

NOW THEREFORE, be it

TBM 11/19/69

TBM

Resolution #908 continued:

RESOLVED, that the following Certificate of Registration be issued:

No. 69-92 to Frank McDonald.

Seconded by Councilman Bolander.

All voted Aye.

(909) Councilman Bolander offered the following resolution:

WHEREAS, several public hearing have been scheduled for hearing this evening,

NOW THEREFORE, be it

RESOLVED, that regular Board meeting be adjourned in order that said public hearings may be held.

Seconded by Councilman Frohling.

All voted Aye.

(910) Councilman Brenner offered the following resolution:

WHEREAS, scheduled public hearings have been held at times indicated,

NOW THEREFORE, be it

RESOLVED, that the regular Town Board meeting is hereby resumed.

Seconded by Councilman Damiani.

All voted Aye.

(911) Councilman Brenner offered the following resolution:

RESOLVED, that decision on zone change application of ROSE ORLAND (R-15 to RS) property located on Old Nyack Turnpike and Freedman Avenue, Nanuet, N.Y. is hereby RESERVED.

Seconded by Councilman Damiani.

All voted Aye.

(912) Councilman Frohling offered the following resolution:

RESOLVED, that decision on zone change application made by HAZEL K. RICHMOND (PO to CS) - property located Northeast corner of Route 304 and Laurel Rd., New City, N.Y., is hereby RESERVED.

Seconded by Councilman Bolander.

All voted Aye.

(913) Councilman Bolander offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution adopted on October 8, 1969, provided for a public hearing on the 19th day of November, 1969 at 8:45 P.M., to consider a change to the Building Zone Ordinance of the Town of Clarkstown, and

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

NOW THEREFORE, be it

RESOLVED, that the Building Zone Ordinance of the Town of Clarkstown be and it hereby is amended as follows:

Resolution #27 continued:

Amend Sec. 6.14 by adding thereto the following:

"Notwithstanding any provision of this ordinance to the contrary, no special permit or variance hereafter issued shall have any force or effect for a period greater than twelve (12) months after the date of its issuance by the Town Board or Zoning Board of Appeals, and any special permit or variance heretofore issued shall expire twelve (12) months after the effective date hereof. In the event construction on said special permit or variance is not commenced within such twelve month period, re-application must be made to the Town Board or the Zoning Board of Appeals for said special permit or variance."

Seconded by Councilman Brenner.

All voted Aye.

(914) Councilman Frohling offered the following resolution:

RESOLVED, that based upon the recommendation of the Town Attorney, the Public Hearing scheduled for 11/19/69 at 9:15 P.M. re proposed amendment to Building Zone Ordinance - Sec. 311, Col 8, LS Zone is hereby adjourned to 12/3/69 at 9:00 P.M.

Seconded by Councilman Brenner.

All voted Aye.

(915) Councilman Damiani offered the following resolution:

WHEREAS, the Town Board is concerned about the impact of restaurants in the LS Zone, and

WHEREAS, the Town Board deems it in the interest of the general health, safety and welfare of the people of the town to declare a moratorium in the issuance of building permits for a temporary period to study this problem,

NOW THEREFORE, be it

RESOLVED, that the Town Board hereby declares a moratorium on the issuance of building permits for restaurants in an LS Zone for a sixty-day period, to permit said Town Board to study the impact of such a use within the LS Zone.

Seconded by Councilman Frohling.

All voted Aye.

Town Board, with the exception of Councilman Bolander, signed ORDER increasing the Maximum Amount to be expended in Sewer District No. 20 - from \$1,550,000. to \$1,695,000.

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 19th day of November, 1969.

PRESENT:

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

In the Matter of the Increase in the Maximum Amount to be Expended for the Improvement in Sewer District No. 20, in the Town of Clarkstown, in the County of Rockland, New York.

ORDER INCREASING THE MAXIMUM AMOUNT TO BE EXPENDED FROM \$1,550,000 TO \$1,695,000.

ORDER INCREASING THE MAXIMUM AMOUNT TO BE EXPENDED FROM \$1,550,000 TO \$1,695,000
Sewer District #20 - continued

WHEREAS, the Town Board of the Town of Clarkstown (herein called "Town"), in the County of Rockland, New York, has heretofore duly established Sewer District No. 20, in the Town (herein called "District"), pursuant to Order dated February 15, 1965, following a public hearing duly called and held, and receipt of an order of the State Comptroller granting permission therefor; and

WHEREAS, the maximum amount proposed to be expended for construction of a lateral sewer system, consisting of lateral sewer and sub-mains and sub-trunks tributary to the "Congers Lake Trunk Sewer" and including a pumping station in the vicinity of New City-Congers Road near Lake DeForest, manholes, house connection stubs brought to the curbs, acquisition of necessary land and rights in land and original equipment, machinery and apparatus, in the District, as stated in the notice calling the public hearing to consider the establishment of the District and the construction of such sewer system, is \$1,058,000; and

WHEREAS, pursuant to Section 209-h of the Town Law, after a public hearing duly called and held, following receipt of an Order of the Comptroller of the State of New York, dated April 23, 1968, approving the application of the Town Board to increase the maximum amount to be expended from \$1,058,000 to \$1,550,000, the Town Board on May 15, 1968, adopted an Order, subject to permissive referendum, determining that it is in the public interest to so increase the maximum amount to be expended for construction of a sewer system in the District and ordering such increase; and

WHEREAS, due to further 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 \$1,550,000 by the amount of \$145,000; 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 \$1,550,000 to \$1,695,000 pursuant to Order dated October 15, 1969; and

WHEREAS, pursuant to Section 209-h of the Town Law, said Town Board has duly called and held a further public hearing on November 19, 1969, at the Town Hall, New City, in the Town, at 9:00 o'clock P.M. (E.S.T.) to consider such proposed increase in the maximum amount to be expended 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;

now, therefore, be it

ORDERED, and it is hereby determined that it is in the public interest to increase the maximum amount proposed to be expended for the construction of a sewer system in the District, in the Town, from \$1,550,000 to \$1,695,000 and such maximum amount is hereby increased. The plan of financing is the issuance of serial bonds of the Town and the assessment, levy and collection of special assessments upon several lots and parcels of land in the District which the Town Board shall determine and specify to be especially benefited thereby 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 to pay the principal of and interest on said bonds, and it is further

ORDERED, that this Order shall take effect thirty days after its adoption, unless there shall be filed with the Town Clerk a petition signed and acknowledged by the owners of taxable real property situate in the District, as shown upon the latest completed assessment roll of the Town in number equal to at least five per cent of the total number of such owners, or by one hundred of such owners, whichever is the lesser, protesting against this Order and requesting that the matter be submitted at a referendum in the manner provided by law.

DATED: NOVEMBER 19, 1969

TOWN BOARD OF THE TOWN OF CLARKSTOWN, NEW YORK

S/ James V. Damiani, Jr., Deputy Supervisor
 S/ William Brenner, Councilman
 S/ Philip J. Frohling, Jr., Councilman

Members of the Town Board of the Town of
 Clarkstown, New York

(9154) Councilman Brenner offered the following resolution:

RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED NOVEMBER 19, 1969, DIRECTING THE PUBLICATION AND POSTING OF NOTICE AND ABSTRACT OF THE ORDER OF SAID TOWN APPROVING THE INCREASE IN THE MAXIMUM AMOUNT TO BE EXPENDED FOR THE IMPROVEMENT IN SEWER DISTRICT NO. 20, IN SAID TOWN.

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

Section 1. 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 Order referred to in the following notice, 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 Section 30 of the Town Law and in at least five (5) public places in the District in said Town of Clarkstown, a notice which shall set forth the date of adoption of said foregoing Order and contain an abstract thereof concisely stating its purpose and effect.

Section 2. Said Notice shall be in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on November 19, 1969, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted an Order entitled:

In the Matter of the Increase in the Maximum Amount to be Expended for the improvement in Sewer District No. 20, in the Town of Clarkstown, in the County of Rockland, New York.

ORDER INCREASING THE MAXIMUM AMOUNT TO BE EXPENDED FROM \$1,550,000 TO \$1,695,000

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

FIRST: RECITING that the Town Board of the Town of Clarkstown, New York ("Town"), has heretofore duly established Sewer District No. 20 in the Town ("District"); that the maximum amount proposed to be expended for construction of a lateral sewer system therein, is \$1,058,000; that after a public hearing duly called and held, following receipt of an Order of the Comptroller of the State of New York, dated April 23, 1968, approving the application of the Town Board to increase the maximum amount to be expended from \$1,058,000 to \$1,550,000, the Town Board on May 15, 1968, adopted an Order, subject to permissive referendum, determining that it is in the public interest to so increase the maximum amount to be expended for construction of a sewer system in the District and ordering such increase; that due to further increased costs incidental thereto, it is now estimated that the maximum cost of such construction will exceed \$1,550,000 by the amount of \$145,000; that 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 \$1,550,000 to \$1,695,000, pursuant to Order dated October 15, 1969; and said Town Board has duly called and held a public hearing on October 31, 1969 to consider such proposed increase in the maximum amount to be expended 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;

SECOND: ORDERED AND DETERMINED that it is in the public interest to increase the maximum amount to be expended for the construction of a sewer system in the District, in the Town, from \$1,550,000 to \$1,695,000; AUTHORIZING such increase in the maximum amount;

STATING the plan of financing is the issuance of serial bonds of the Town and the Assessment, levy and collection of special assessments upon several lots and parcels of land in the District which the Town Board shall determine and specify to be especially benefited thereby 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 to pay the principal of and interest on said bonds;

THIRD: ORDERED that this resolution shall take effect thirty (30) days after adoption unless within such period a petition shall be filed with the Town Clerk protesting against this order and requesting that it be submitted at a referendum in the manner provided by law.

By order of the Town Board of the
Town of Clarkstown, in the County of
Rockland, New York

DATED: NOVEMBER 19, 1969

Seconded by Councilman Frohling.

On roll call the vote was as follows:

AYES: Councilmen Brenner, Frohling, Deputy Supervisor Damiani
ABSTENTION: Councilman Bolander

(916) Councilman Brenner offered the following resolution:

WHEREAS, Frederick Vogel and Elfrieda Vogel, his wife, have executed an easement and are offering it gratuitously to the town for Sewer Dist. #20; and

WHEREAS, Clara Albright has executed an easement and is offering it gratuitously to the town for Sewer Dist. #20; and

WHEREAS, the Roman Catholic Church of St. Paul has executed an easement and is offering it gratuitously to the town for Sewer Dist. #20, and

WHEREAS, Thomas E. Walsh and Michael H. Reeder attorneys for Sewer Dist. #20, and Murray N. Jacobson, Deputy Town Attorney, recommend that said easements be accepted by the Town of Clarkstown,

NOW THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to accept said easements on behalf of the Town.

Seconded by Councilman Frohling.

Roll call the vote was as follows:

AYES: Councilman Brenner, Frohling, Deputy Supervisor Damiani
NOES: Councilman Bolander

With exception of Councilman Bolander, Town Board signed Order increasing the Maximum Amount to be Expended in Sewer District No. 26 from \$1,092,000.00 to \$1,400,000.00.

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 19th day of November, 1969.

PRESENT:

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

In the Matter of the Increase in the Maximum Amount to be Expended for the Improvement in Sewer District No. 26, in the Town of Clarkstown, in the County of Rockland, New York.

ORDER INCREASING THE MAXIMUM AMOUNT TO BE EXPENDED FROM \$1,092,000 TO \$1,400,000

WHEREAS, the Town Board of the Town of Clarkstown (herein called "Town"), in the County of Rockland, New York, has heretofore duly established Sewer District No. 26, in the Town, (herein called "District") pursuant to applicable provisions of the Town Law and the Maximum amount proposed to be expended for the construction of a sewer system therein as set forth in the petition submitted to said Town Board is \$1,092,000; and

WHEREAS, due to generally increased costs of labor and materials, preliminary costs and costs incidental thereto said Town Board has estimated the maximum cost of constructing said sewer system to be \$1,400,000, being an increase of \$308,000; and

WHEREAS, following due submission of an application by said Town Board, the State Comptroller approved the increase in the maximum amount to be expended for construction of said sewer system from \$1,092,000 to \$1,400,000 pursuant to Order dated October 22, 1969; and

WHEREAS, pursuant to Section 209-h of the Town Law, said Town Board has duly called and held a public hearing on November 19, 1969, at the Town Hall, New City, in the Town, at 9:00 o'clock P.M. (E.S.T.) to consider such proposed increase in the maximum amount to be expended 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,

now, therefore, be it

ORDER INCREASING THE MAXIMUM AMOUNT TO BE EXPENDED FROM \$1,000,000 TO \$1,400,000
Sewer District #26 - continued:

ORDERED, and it is hereby determined that it is in the public interest to increase the maximum amount proposed to be expended for the construction of a sewer system in the District in the Town, from \$1,000,000 to \$1,400,000, such maximum amount is hereby so increased. The plan of financing is the issuance of serial bonds of the Town and the assessment, levy and collection of special assessments upon several lots and parcels of land in the District which the Town Board shall determine and specify to be especially benefited thereby 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 to pay the principal of and interest on said bonds, and it is further

ORDERED, that this Order shall take effect thirty days after its adoption, unless there shall be filed with the Town Clerk a petition signed and acknowledged by the owners of taxable real property situate in the District, as shown upon the latest completed assessment roll of the Town in number equal to at least five per cent of the total number equal to at least five per cent of the total number of such owners, or by one hundred of such owners, whichever is the lesser, protesting against this Order and requesting that the matter be submitted at a referendum in the manner provided by law.

Dated: November 19, 1969

TOWN BOARD OF THE TOWN OF CLARKSTOWN,
NEW YORK

S/ James V. Daniani, Sr., Deputy Supervisor
S/ William Brenner, Councilman
S/ Philip J. Frohling, Jr., Councilman

Members of the Town Board of the Town of
Clarkstown, New York

(917) Town Clerk authorized to publish and post above ORDER; Councilman Bolander abstained.

(918) Councilman Frohling offered the following resolution:

WHEREAS, there is an allegation that sewer pipe is missing in Interstate Park Homes,

NOW THEREFORE, be it

RESOLVED, that the Town Attorney's Office investigate and take all necessary steps to compel reimbursement by the responsible party.

Seconded by Co. Brenner.

All voted Aye.

(919) Councilman Frohling offered the following resolution:

WHEREAS, the Town of Clarkstown is desirous of entering into an agreement with Rockland Woods, Inc., Joseph Adler and Elliot Eichler, Principals;

NOW THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is authorized to execute an agreement with Rockland Woods, Inc., Joseph Adler and Elliot Eichler, of New City N Y providing for the deposit of \$500.00 with the Town of Clarkstown by said Rockland Woods, Inc. to be held by the Town pending final and complete improvements of the roads in said development by the developer, subject to final approval of the Town Engineer and the Superintendent of Highways of the Town of Clarkstown.

Seconded by Councilman Brenner.

All voted Aye.

(920) Councilman Brenner offered the following resolution:

WHEREAS, the Town Board has approved Phase 1 of the Valley Cottage Mall and authorizes the acquisition of property for same, and

WHEREAS, it is necessary to acquire the property of Rosetta Pilliere, and

WHEREAS, the negotiations with said party has been completed;

NOW THEREFORE, be it

RESOLVED, that the Town of Clarkstown acquire the property of Rosetta Pilliere at \$8,000.00, and be it

FURTHER RESOLVED, that the Supervisor of the the Town of Clarkstown is authorized to execute the contract for said purchase.
Seconded by Co. Frohling. Co. Bolander NO: All others: Aye

TBM - 11/19/69

(921) Councilman Brenner offered the following resolution:

RESOLVED, that the Town Planning Board is hereby granted a 30-day extension (to 12/1/69) to produce recommendation on zonechange request made by Barog Associates, Ltd, Central Nyack (R-22 to FO).

Seconded by Councilman Frohling.

All voted Aye.

(922) Councilman Brenner offered the following resolution:

RESOLVED, that Orange & Rockland Utilities, Inc. is hereby authorized to install four street lights on Green Hill Court, Nanuet; Henry Court, Nanuet; Swenson Court, Nanuet and Storms Road, Valley Cottage at annual cost to town of \$218.40.

Seconded by Councilman Frohling.

All voted Aye.

(923) Councilman Brenner offered the following resolution:

RESOLVED, that Orange & Rockland Utilities, Inc. is hereby authorized to install one street light on Rinne Road & Oakland Avenue, at annual cost to town of \$54.60.

Seconded by Councilman Frohling.

All voted Aye.

(924) Councilman Brenner offered the following resolution:

RESOLVED, that Orange & Rockland Utilities, Inc. is hereby authorized to install seven street lights on Louis & Stanley Roads, at annual cost to town of \$382.20.

Seconded by Councilman Frohling.

All voted Aye.

Mrs. Jean Crudo, Safety Chairman of the Bardonia PTA, appeared before the Town Board re the following:

1. Developers of Dutch Glen Homes and Sandstone Homes have not completed w/s sidewalks. Deputy Supervisor Camiani will contact the Building Inspector requesting him to hold up on issuance of building permits to these developers until sidewalks completed as per approval of the Highway Superintendent.

2. Re children waiting for busses at Rennert Lane: Water and ice form; has already requested that state do something about same. New York State Department of Transportation will be notified by town to do something to correct situations.

3. Requested blinker lights and speed reduction signs; approved by state 6/2/69; not installed as yet. Highway Superintendent informed Mrs. Crudo that Highway Department anticipated starting next Tuesday or Wednesday.

4. Re Parrott and Germonds, where Junior High children walk; Sidewalk priority list made up in April 1968; this area OKd; sewer lines were in there this spring -- when are the Jr. High children getting their sidewalks? Highway Superintendent informed Mrs. Crudo that subdivision coming in on the south; Planning Board feels sidewalks better on the south side; some don't. Does not think it will be done this winter; probably next spring.

Mrs Romaine, 243 West Nyack Road, West Nyack: Appeared before the Town Board re damage to their property due to sewer construction. Town Engineer reported that he asked Mr. Suttie to contact contractor to cleanout the pipe; also asked the Hwy Supt to install catch basin to eliminate drain age problem. Town Engineer was instructed to see that pipe was cleaned; Highway Supt and Town Engineer to bring back report on responsibility of people who did work in the area; also town's responsibility; to conclude problem to everyone's satisfaction.

(continued)

TBM 11/19/69

Mr. Robert McClain, Congers: Re sewer Hookup - contractor put spur in 14" too high, never rectified -- road resurfaced; Mr. Suttie marked road for new spur -- instead of 100', he will now be paying for 140'. Requests that his sewer work be finished. Cannot use facilities for six weeks (Allstate contractor). Councilman Frohling stated that if this job not completed by Monday, payments to Allstate be held up.

Town Board signed Order calling public hearing on increasing the maximum amounts be expended by Sewer District No. 19 from \$2,230,000 to \$2,800,000 -- 12/3/69 - 8:30 PM. (Order in file)

Town Board signed Order calling public hearing on increasing the maximum amount to be expended in Sewer District No. 23 from \$710,000 to \$940,000 -- 12/3/69 - 8:45 PM. (Order in file)

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

Midland Estates, Sec. I only*
Public Imp. Bond No. 904346 -
Republic Insurance Co.
\$6,456.80

Sanitary Sewer Bond No. 904347 -
Republic Insurance Co.
\$2,454.00

(925) Councilman Brenner offered the following resolution:

RESOLVED, that application of J. Knutsen & Co., Inc. for a change of zoning from an R-40 district to an R-22 district on property located on the west side of Goebel Road, New City N Y be referred to the town and county Planning Boards for recommendation to the Town Board.

Seconded by Councilman Frohling.

All voted Aye, except for Co. Bolander who voted No.

Town Board signed the following Maintenance Bonds, approving same as to form and sufficiency:

ROCKLAND WOODS, INC.
Public Improvement Bond No. 904379 - Republic Insurance Co. - \$10,500/00
Sanitary Sewer Bond No. 904380 - Republic Insurance Co. - \$8,400.00

(926) Councilman Frohling offered the following resolution:

RESOLVED, that the Spring Valley Water Co. is hereby authorized to install one hydrant on the north side of Apollo Court, Mamet N Y, based upon the recommendation of the Town Engineer.

Seconded by Councilman Brenner.

All voted Aye.

Letter received from Mr. Wm. Zabriski, Chairman of the Planning Board re sidewalks on Route 304. Deputy Supervisor requested that matter be held for 11/26/59 noting that Mr. Zabriski made error on geography in his letter.

Re appearance of Mr. E. J. Johns in connection with sanitary fill; matter held for 11/26/69 meeting.

In connection with proposed resolution authorizing use of parcel for sanitary landfill, Mr. William E. Vines stated that \$6600. reduction requested and received; they are now requesting \$500. per month for piece of property they obtained at tax sale which they want town to fill. Land completely landlocked; sold in tax sale for \$374.85. We lease a piece of property contiguous to the town dump; does not want town to pay rent for land that is landlocked. Assessment reduced to \$5500. in 1967; this property deeded to Everett J. Johns. (Matter will be discussed further at 11/26/69 TBM which will be held at 10:00 AM.

TBM - 11/19/69

(927) Councilman Frohling offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to defend proceeding brought by Adler, Smith & Wight (Article 78).

Seconded by Councilman Brenner.

All voted Aye.

(928) Councilman Bolander offered the following resolution:

RESOLVED, that the Supervisor is hereby authorized to execute Agreement with the Spring Valley Water Company for Sewer Easement in connection with Sewer District #36.

Seconded by Councilman Brenner.

All voted Aye.

(929) Councilman Frohling offered the following resolution:

RESOLVED that amount of \$1500. be drawn on Drainage Project #4 Account, and be it

FURTHER RESOLVED, that the Highway Superintendent do all the work necessary to alleviate drainage problem existing at the residence of Karl Bergman, 4 Banta Place, New City N Y.

Seconded by Councilman Brenner.

All voted Aye.

Monthly Reports for October 1969 from Building Inspector and the Zoning Board of Appeals received and noted by the Town Board - filed in the Town Clerk's Office.

(930) Councilman Brenner offered the following resolution:

WHEREAS, citizens of the Town of Clarkstown are frequent users of the Tappan Zee Bridge and are directly affected by its tariff regulations, and

WHEREAS, the New York State Thruway Authority has a tariff schedule permitting reduced rates for vehicles crossing the bridge limited, however, to issuance of reduced Toll Books which must be consumed within one year, and

WHEREAS, the issuance of a two year Toll Book in place of the existing one year book would be desirable and helpful to the citizens of the Town of Clarkstown and elsewhere;

NOW THEREFORE, be it

RESOLVED, that the Town of Clarkstown request the New York State Thruway Authority to issue reduced toll two year books for Tappan Zee Bridge vehicular crossings.

Seconded by Councilman Frohling.

All voted Aye.

Complaint received from Mr. Louis J. Lauro, Glen Ridge Subdivision (also to Highway Superintendent and Town Attorney) re uncompleted road, Mellen & Schaeffer, Developers. Noted by Highway Superintendent that builder on verge of bankruptcy. There is bond, he is waiting for bond and as soon as it is obtained, Highway Department will take care of roads.

Re proposed resolution transferring amount of \$980. from Money in Lieu of Land Account to General Fund, Recreation Park Development Account, for payment of said amount to Michael Araneo (French Farms Property), matter held for 11/26 meeting; Recreation Director Chiazza to present report to Town Board on that date.

TBM - 11/19/69

(931) Councilman Brenner offered the following resolution:

RESOLVED, based upon the recommendation of the Director of Purchasing, that the award for furnishing Police Summer Uniforms for the year 1970 be awarded to Merson Uniform Company, Inc., 254-8 Canal St., New York N Y, at cost to town of \$2,765.75.

Seconded by Councilman Frohling.

All voted Aye.

Request from Historical Review Board for amount of \$400.00 for official sign designating Historic Zone in West Nyack -- tabled.

(932) Councilman Frohling offered the following resolution:

RESOLVED, that Marion Youmans, 74 Prospect Street, Nanuet N Y is hereby appointed to position of Typist-Sewer Construction Department at annual salary of \$6,149, effective 11/20/69.

Seconded by Councilman Brenner.

All voted Aye.

(933) Councilman Frohling offered the following resolution:

RESOLVED, that Thomas R. Coleman, 43 First Ave., Spring Valley N Y is hereby appointed to position of Laborer - Town Engineer's Office, at salary of \$5200. per annum, effective and retroactive to 11/17/69,

Seconded by Councilman Brenner.

All voted Aye.

(934) Councilman Brenner offered the following resolution:

RESOLVED, that Harrauld J. Sergeant, 114 Quaker Road, Pomona, N Y is hereby appointed to position of Laborer - Town Engineer's Office, at salary of \$5200. per annum, effective and retroactive to 11/10/69.

Seconded by Councilman Frohling.

All voted Aye.

Mr. Liscio, 133 Brewery Road, New City, who requested that he be heard re Shade Tree Ordinance and Storm Sewers recently installed on Brewery Road, New City -- not present.

(935) Councilman Brenner offered the following resolution:

WHEREAS, Daniel Stramiello Jr. declined the position of Laborer in the Town Engineer's Office,

NOW THEREFORE, be it

RESOLVED, that resolution No. 900 adopted on 11/6/69 appointing him to position of Laborer, is hereby rescinded.

Seconded by Councilman Frohling.

All voted Aye.

TBM - 11/19/69

(936) Councilman Brenner offered the following resolution:

RESOLVED, that Garfield Carter, 128 DePew Avenue, Nyack N Y is hereby appointed permanently to the position of Sewer Inspector - Town Engineer's Office, at annual salary of \$6463.60, effective immediately.

Seconded by Councilman Frohling.

All voted Aye.

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

Public Improvement Bond #904049 (Panaramic Est., Valley Cottage)
Republic Insurance Co.: Amount \$41,500.00

Sanitary Sewer Bond No. 905050
Republic Insurance Co. - Amount: \$14,500.00

OLD CLOVE ESTATES, CONGERS
Public Imp. Bond #904375
Republic Insurance Co.: Amount: \$35,000.00
Sanitary Sewer Bond No. 904376
Republic Insurance Co.: Amount: \$7,600.00

Request made by Walter Werner of the Town Attorney's Office to place application of Harold Reiss for cancellation of restrictive covenants on the 11/26 agenda. (Mr. Greenberg, attorney for Mr. Reiss, who was to have appeared this evening, not present.)

(937) Councilman Brenner offered the following resolution:

RESOLVED, that Charles Street in Denis Acres Subdivision, Nanuet, is hereby accepted by the town, based upon the recommendation of the Hwy. Supt.

Seconded by Councilman Bolander.

All voted Aye.

Letter from St. Augustine's Roman Catholic Church submitting names of Police Department Chaplains for the year 1970 received by the Town Board; held for 12/3/69 meeting.

Councilman Elect Niehaus requested that town not release performance bonds unless house sewer connections conform with town ordinance.

Town Engineer requested to look into matter brought by by Town Attorney where septic system constructed in such manner as to not allow getting within five to six feet of homes; Health Department instructed sewer hookup contractors to stay away of septic system with sewer spur.

(938) Councilman Brenner offered the following resolution:

RESOLVED, that Ida M. Flaherty, 10 Fairfield Terrace, West Nyack N Y is hereby appointed to position of School Crossing Guard at salary of \$7.00 per diem, effective 11/24/69.

Seconded by Councilman Bolander.

All voted Aye.

TBM - 11/19/69

Councilman Bolander requested that Decision re Ramapo Valley Airport be placed on 12/3/69 Town Board Meeting Agenda.

(939) Councilman Frohling offered the following resolution:

RESOLVED, that the Highway Superintendent is hereby authorized to advertise for bids for Three (3) 4 cubic yard Dump Trucks and two (2) Salt and Sand Spreaders Director of Purchasing to receive and open said bids in her office at suitable time.

Seconded by Councilman Brenner.

All voted Aye.

(940) Councilman Bolander offered the following resolution:

RESOLVED, that the Building Inspector be instructed to lift work-stoppage Order on Amodeo Romano - Knollwood Estates, Valley Cottage; based upon the recommendation of the Highway Superintendent.

Seconded by Councilman Frohling.

All voted Aye.

(941) Councilman Frohling offered the following resolution:

RESOLVED, based upon the recommendation of the Chief of Police, that a full STOP sign be removed from the northwest corner of Pipetown Hill and the north bypass from Pascack Road, and be it

FURTHER RESOLVED, that the Highway Department be instructed to remove said sign.

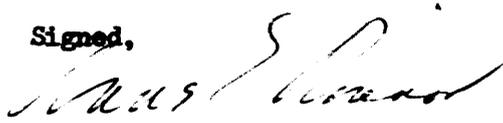
Seconded by Councilman Bolander.

All voted Aye.

Town Board signed Amended recommendation of the Supt. of Highways for that portion of Lawrence St., Congers to be abandoned, (Filed in T/C Office)

On resolution offered by Councilman Frohling, seconded by Councilman Brenner, and unanimously adopted, Town Board meeting was adjourned until Wednesday, 11/26/69 at 10:00 AM.

Signed,



Anne E. O'Connor
Town Clerk