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(972) RESOLVED that Bond Resolution adopted on August 4, 1964 appropriating \$780,000. for the construction of Sewer District No. 22 be amended. (See file)

Seconded by Councilman Brenner.

On roll call the vote was as follows:

AYES: Councilmen Brenner, Damiani, Frohling, Supervisor Mundt  
NOES: Councilman Bolander

(973) Councilman Brenner offered the following resolution:

RESOLVED, that Sewer Assessment Roll for the year 1969-1970 and Authorizing submission to the Board of Supervisors of same.

Seconded by Councilman Frohling.

All voted Aye.

On resolution offered by Councilman Frohling, seconded by Councilman Brenner and unanimously adopted, Town Board meeting was adjourned until Wednesday 12/3/69 at 8:00 PM.

Signed,

*Anne E. O'Connor*  
Anne E. O'Connor  
Town Clerk

PUBLIC HEARING

Town Hall

12/3/69

8:00 PM

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

RE: PROPOSED AMENDMENT TO BUILDING ZONE ORDINANCE - SEC. 3.11 (POSTPONED FROM 11/19/69):

Supervisor Mundt called public hearing order; Town Clerk read notice of public hearing noting that this is continuation of public hearing held on 11/19/69, at which time the Town Attorney adjourned hearing to 12/3/69 because, as he stated, his office had not notified the Palisades Interstate Park Commission.

Donald Tirschwell, 162 South Main St., New City N Y appeared before the Town Board and stated the following:

Represents owner of parcel located on the corner of Germonds Road and Route 304, New City; this proposed amendment aimed specifically at this parcel. (Co. Brenner took exception to this statement, stating he did not agree).

Mr. Tirschwell continued that this matter pending before the Planning Board since July of this year; property contracted for almost one year ago. Contract contained a stipulation that the property zoned LS and that it permitted restaurants. This was so because it was in the ordinance.

Clarkstown Planning Board did not hold hearing.

(continued)

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(PH = AMEND SEC. 3.11) -- continued:

Bardonia Liquors near school; chicken retail outfit obtained approval from Planning Board last evening. This would be prohibited by amendment to this ordinance. School and House of Worship next to proposed hamburger outlet. Requested that this prohibition not be placed in only one zone, but in all.

(Presented rendering of proposed establishment).

Proposed establishment does not have food dispensing outside. Cannot have restaurant but can have liquor store. This is not preferred use. This is discrimination as to one type of use. There will be no exterior use of the premises - just interior. This is small establishment. Cannot prohibit on discriminatory basis only in an LS Zone.

Owner does not reside in county. Had his client ~~not~~ had representation in the county, he would never have known about it. Suggests amendment of zoning ordinance so that people who do not reside in the county have notice when a change is intended for their property. You must give them fair notice. Notice published in the Journal-News is notice to a property owner who does not reside in the county.

OPPOSED: Sr. Roberta, Principal of Albertus Magnus High School:

Representing parents of children attending: This will not be advantageous to our children. Directly across the street from the school. We could <sup>not</sup> control seniors who are allowed to use their own cars. 800 students at present time. Our parents are protesting. Plus 50 faculty members.

OPPOSED: William Smith, Resident (2 Blocks from property):

Students walk from Jr. High and High. When school over, this is residential community, they go home. This would be a congregating point for teenagers. There are traffic hazards - children going across the road. Cars will be pulling out and pulling in. Residents in Whitewood area object to this.

IN FAVOR: Mr. Bertram Strauss, New City: This specific change not directed at Adventurers' Inn. I believe that I favor the change; but favor more stringent wording of proposal. This would prevent other areas near other schools; bars near the new High School, and would prevent traffic near schools.

Modification of the existing ordinance would not in itself be a good change.

Sr. Roberta mentioned dangers of drug-pushers if "hangout" established.

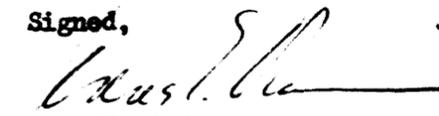
Mr. Tirchwell: Re Traffic: There is no difference between a very popular store or restaurant on that corner and this. This is not being taken out of LS use.

Re Town Tavern: people do not congregate there. You have existing use within 200' of the school. My clients consider this a confiscation of their property. They purchased their property with knowledge of zoning ordinance; before Planning Board 5 1/2 months now. They paid over \$60,000.00 for this piece of property (30,000 sq. ft.).

OPPOSED: Harold Lief, New City: Re former Adventurer's Inn in Yonkers; it is a hangout for youngsters. We should try to prevent that here. Former one on Central Avenue in Yonkers has table and benches for consumption of food on the premises -- not confined to walls of establishment.

On resolution offered by Councilman Brenner, seconded by Councilman Bolander and unanimously adopted (no one further wishing to be heard), public hearing was closed.

Signed,

  
Anne E. O'Connor  
Town Clerk

PUBLIC HEARING

Town Hall 12/3/69 8:15 PM

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

RE: ZONE CHANGE APPLICATION - SIGMUND HILBURG ET AL (R-15 to RG-2)  
PROPERTY LOCATED W/S DUSTMANN LANE, BARDONIA N Y:

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

PLANNING BOARD RECOMMENDATIONS:

COUNTY: Granting will not be detrimental to the PIP.

TOWN: DENY: For the following reasons:

1. Contrary to the landuse envisaged in the Town Development Plan Map adopted 8/16/66, (1 to 4 dwelling units per acre).
2. Granting would stimulate further requests for downzoning in the str ~~ated~~ area.
3. Granting the petition would exacerbate the already unsatisfactory access (a 12' private lane).

Aaron G. Windheim appeared as attorney for petitioner and state the following:

Property located w/s of Dustmann Lane, south of Ludvigh Road, Bardonia, Proposal is for construction of Senior Citizen's Housing. Property acquired in 1929 by parents of Hilburgs - in family 40 years.

Construction will be for ease of use for Senior Citizens:

- a) wheelchairs
- b) electrical outlets waist-high.
- c) handrails in bathrooms, etc.

Also, a recreational area inside the building itself.

WITNESS I: Mr. Marowitz (sworn in) and stated the following:

Use will be confined to senior citizen housing. There is need for same. Taxes paid; school population minimized. Senior Citizens would come from our own area. In this location because people that own site are willing to go along with Senior Citizen Housing.

Bounded by NYS Thruway; R-15 Zone; Industrial Office on both sides; existing garden apartments in the area.

Number of Units: 150 if they are all efficiency units  
124 if they are all to be 1-bedroom units.

6.87 Acres available.

Councilman Frohling: (To Town Attorney): Could Senior Citizen use be confined to residents of the Town of Clarkstown after a certain time of residency?

Town Attorney: I think not.

Councilman Frohling stated that if this federal financed, they could not preclude anyone in the State of New York from living there. If it is privately owned, they could govern, unless there was an authority to stop.

Attorney for petitioners stated that they would agree to private financing if residency requirements will be agreeable.

Would also agree that minimum age be 50 years; and that these be people who would have no children.

Rentals: One Bedroom: \$140. to \$150.  
Efficiency: Area of \$120.

IN FAVOR: No one appeared.

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HILBURG  
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OPPOSED: Mr. Campion, Luvigh Road, Bardonia: Type of people who would rent these facilities would not drive. Transportation not available. Three gasoline filling stations, real estate office and antique shop in the immediate area. Re above 50 years of age; no garden apartments in the immediate area - they are over on James Dr., but they are abutted by private homes.

Mr. James Lundwin, Bardonia: Has no objection as long as it is used as stipulated. Re roads - Dustmann Lane -- subdivision before Planning Board separates site in question from Ludvigh Road. This will contain a 50' right of way.

Supervisor: Requested that the petitioner present listing of conditions they are willing to enter into.

Mr. Reuter, Dustmann Lane: If the Town Board were to approve this, there would have to be a public hearing relating to the site review by the Planning Board where you would have the opportunity to object to approve of factual layout.

Mr. B. Strauss: Approves of Senior Citizen Housing. Re age of 50 -- who really needs low rent housing is family over 65 where wage-earner is retired.

Re suggested rental range: \$120 for efficiency; \$140 to \$150. for one-bedroom. This is not low.

What guarantee would there be that rent would not be increased after one year or after six months or after first lease expired?

Can a guarantee be extracted, if granted, that there would be no children?

(Councilman Bolander arrived at 9:00 PM)

Councilman Damiani: Senior Citizens Manual by the State, states that any senior citizens' housing should be near places in amusement, shopping centers, etc. It is commonly known that 50% of these people drive 50% of the automobiles. Do you plan on any transportation for these people to and from shopping centers, or amusement areas, like a bus and would you so covenant?

Answer: Yes - Jitney in Nyack Apartments, which goes over to the Tarrytown RR Sta. every morning. Transportation to Shopping Complex can be arranged; it is closer to shopping complex.

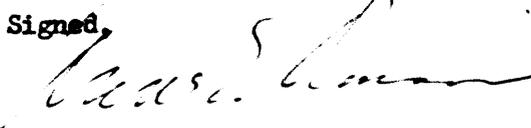
Question: Would you covenant that no shopping center be included in this project, except washing machines and drying machines?

Answer: Yes

Question: Are you willing to give to the town, county, or whatever governing agency might look for them, road easements and sewer easements free of charge?

Answer: Yes, we would covenant to this effect.

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

Signed,  
  
Anne E. O'Connor  
Town Clerk

PUBLIC HEARING

Town Hall 12/3/69 8:30 PM

Present: Councilmen Brenner, Bolander, Damiani, Frohling, Supervisor Mundt  
Town Attornies  
Town Clerk

RE: PROPOSED INCREASE IN THE MAXIMUM AMOUNT TO BE EXPENDED FOR THE IMPROVEMENT IN SEWERDISTRICT NO. 19:

Verbatim minutes requested by Town Attorney and Town Board -- see File.

PUBLIC HEARING

Town Hall 12/3/69 8:45 PM

Present: Members of the Town Board  
Town Attornies  
Town Clerk

RE: PROPOSED INCREASE OF AMOUNT TO BE EXPENDED FOR THE IMPROVEMENTS IN SEWER DISTRICT #23:

Verbatim minutes as requested, taken by Court Stenographer -- in T/C File.

TOWN BOARD MEETING

Town Hall 12/3/69 8:00 PM

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

Supervisor called Town Board meeting to order.

(974) Councilman Brenner offered the following resolution:

RESOLVED, that date of public hearing re Zone Change Application made by Barog Associates, Ltd., (R-22 to PO) - Central Nyack be set for 12/22/69 at 8:15 PM.

Seconded by Councilman Bolander. All voted Aye.

(975) Councilman Frohling offered the following resolution:

RESOLVED, that date of public hearing re Zone Change Application made by J. Knutsen & Co., Inc. (R40 to R22) - onproperty located in Bardonia New York be set for 12/22/69 at 8:30 PM.

Seconded by Councilman Damiani. All voted Aye.

(976) Councilman Damiani offered the following resolution:

RESOLVED, that date of public hearing re Zane Chagge Application made by J. Knutsen & Co., Inc. (R40 to R22) for psoerty loc TED ON THE EAST Side of Goebel Road, New City N Y be set for 12/22/69 at 8:45 PM.

Seconded by Councilman Bolander. All voted Aye.

(977) Councilman Brenner offered the following resolution:

RESOLVED, that regular Town Board meeting be adjourned in order to hold schedled public hearings.

Seconded by Councilman Damiani. All voted Aye.

(978) Councilman Damiani offered the following resolution:

RESOLVED, that regular Town Board meeting be rwsumed, scheduled public heaeings having been held.

Seconded by Councilman Bolander. All voted Aye.

(979) Councilman Brenner offered the following resolution:

RESOLVED, that Sec.3.11, Col. 8, LS Zone portion of the Building Zone Ordinance be amended. (See File)

Seconded by Councilman Frohling.

All voted Aye.

(980) RESOLVED, that decision on zone change application made by SIGMUND HILBURG, SAUL HILBURG, LOUIS HILBURG, HARRY HILBURG, WILLIAM HILBURG AND ELI HILBURG (R-15 to RG-2) for property located on the west side of Dustmann Lane, Bardonia, New York, be RESERVED.

Seconded by Councilman Bolander.

All voted Aye.

Town Board signed ORDER, with exception of Councilman Bolander, increasing Maximum Amount to be expended in Sewer District No. 19 from \$2,230,000. to \$2,800,000. (ORDER IN SEWER DIST. #20 FILE)

Town Board signed ORDER increasing Maximum Amount to be Expended in Sewer District No. 23 from \$410,000 to \$940,000. (ORDER IN SEWER DIST. #23 FILE)

(981) Councilman Frohling offered the following resolution:

RESOLVED, based upon the recommendation of the Clarkstown Clergy Association, that the following be appointed to serve as Chaplains to the Police Department for the year January to December 1970:

Rabbi-Robert D. Schreilbman  
The Rev. William Hamann  
The Rev. Christopher Daly

Seconded by Councilman Bolander.

All voted Aye.

Request made by Harold Reiss for release of Restrictive Covenants --- will be placed on 12/15/69 Town Board meeting agenda.

(982) Councilman Frohling offered the following resolution:

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

Ronald J. Tarigo  
5 Capral Lane, New City

Ralph O. Heavner  
Quaker Road, Pomona

Mario Lepori  
55 Grove St., Monsey

Argo Excavating Co., Inc.  
6 Drury Lane, Tappan

Roda Excavating Co., Inc/  
1 Station Plaza, West Nyack

Wdw. J. Huegl, Inc.  
110 Crooked Hill Road, Pearl River

D. Seymour Garrison d/b/a T & S Sewer Connections  
80 Main St., New City

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Thomas Carbone d/b/a T & C Sewer Connections  
16 Central Drive, Nanuet

Zovistoski & Sons  
172 Brewery Road, New City

Mike Rickli, d/b/a Rickli Excavating  
58 Basswood Court, Bardonia

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(982 - continued)

(Certificates of Registration - continued)

Ralph J. Werner, d/b/a Quick Plumbing & Heating  
43 Vermont Avenue, Congers

Joseph F. Mutinsky General Contractors, Inc/  
65 North Grant Avenue, Congers

Sewer Plant Maintenance, Inc.  
21 Demarest Avenue, New City

Scotty's Plumbing & Heating Corp.  
341 Phillips Hill Road, New City

Walter F. Hicks  
207 Old Haverstraw Road, Congers

John Stoll, Jr.  
168 Route 304, Bardonia

MFS Contractors, Inc/  
Box 131, Route 304, New City

Wm. Hollands & Thomas Torrioni, d/b/a T & H Construction Co.  
1 Raven Terrace, New City

Fletcher M. Brewer  
8 Gillis Ave., Centra, Nyack

NOW THEREFORE, be it

RESOLVED, that the following Certificates of Registration be issued:

No. 70-1 to Ronald J. Tarigo  
No. 70-2 to Ralph O. Heavner  
No. 70-3 to Mario Lepori  
No. 70-4 to Argo Excavating Co., Inc.  
No. 70-5 to Roda Excavating Corp.  
No. 70-6 to Edw. J. Huegel Inc.  
No. 70-7 to D. Seymour Garrison  
No. 70-8 to Thomas Carbone  
No. 70-9 to Zovistoski & Sons  
No. 70-10 to Ralph J. Werner  
No. 70-12 to Joseph F. Mutinsky  
No. 70-15 to Sewer Plant Maintenance, Inc.  
No. 70-16 to Scotty's Plumbing & Heating Corp.  
No. 70-17 to Walter F. Hicks  
No. 70-18 to John Stoll, Jr.  
No. 70-19 to M. F. S. Contractors, Inc.  
No. 70-20 to William Holland & Thomas Torrioni  
No. 70-21 to Fletcher M. Brewer

and be it

FURTHER RESOLVED, that due to probable conflict of interest on the part of Ronald J. Tarigo (No. 70-1), said Ronald Tarigo is to continue until 12/22/69 when response from the Board of Ethics re same is to be made to the Town Board.

Seconded by Co. Damiani.

All voted Aye.

Mr. Bierds, who was on Agenda to appear; did not appear before the Town Board -- Matter tabled.

The following Performance Bonds were signed by the Town Board, with the exception of Councilman Damiani, approving same as to form and sufficiency:

Republic Insurance Co. Public Improvement Bond #904487  
THRONWOOD HILLS SOUTH, SEC. III & IV  
Amount: \$102,997.00  
Covers: Roads  
Period: 2 years - 11/19/69 - 11/18/71

Republic Insurance Co. Performance Bond No. 904488  
 THORNWOOD HILLS OUTH, SEC. II & IV  
 Amount: \$26,844.00  
 Covers: Roads  
 Period: 2 years 11/19/69 - 11/18/71

(984) Councilman Brenner offered the following resolution:

WHEREAS, a request has been made for approval of future acceptance of lands in Silver Heights Estates, West Nyack, by the Clarkstown Planning Board, and

WHEREAS, the Park Board & Recreation Commission, as stated by Councilman Damiani, has recommended that town does not take this park because it does not confirm to the Master Plan;

NOW THEREFORE, be it

RESOLVED, that the Town Board DENY said request.

Seconded by Councilman Bolander.

All voted Aye.

(985) Councilman Frohling offered the following resolution:

RESOLVED, that Suzanne Berhaupt, 796 Brockridge Drive, Valley Cottage, N Y be appointed permanently to position of Typist in the Building Inspector's Office at salary of \$4082. per annum, effective immediately.

Seconded by Co. Damiani.

All voted Aye.

(986) Councilman Frohling offered the following resolution:

RESOLVED, that Joan Cunningham, Nanuet N Y is hereby appointed to position of Typist in the Planning Board, at salary of \$4082 per annum, effective and retroactive to 12/1/69.

Seconded by Councilman Damiani.

All voted Aye.

(987) Councilman Frohling offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles typist CR 1-69-110 which contains the name of Joan Cunningham,

NOW THEREFORE, be it

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the Permanent appointment of Joan Cunningham, 36 Old Nyack Turnpike, Nanuet, N Y to the position of Typist - Planning Board at a salary of \$4,082.00 per annum, effective and retroactive to 12/1/69.

Seconded by Councilman Damiani.

All voted Aye.

(987-a) Councilman Frohling offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Typist CR-1 69-110 which contains the name of ALBERT W. HOHMANN, JR., 29 Elmwood Drive; New City N Y to the position of Sewer Inspector - Sewer Department, at a salary of \$3.50 per hour, effective 12/3/69. (Temporary appointment to 12/31/69)

Seconded by Councilman Damiani.

All voted Aye.

(988) Councilman Frohling offered the following resolution:

RESOLVED, that Joseph A. Secora, Nanuet N Y is hereby temporarily pointed to position of Sewer Inspector - Sewer Department, at a salary of \$3.50 per hour, effective 12/4/69.

Seconded by Councilman Damiani.

All voted Aye.

(988) Councilman Frohling offered the following resolution:

RESOLVED, that Tillie Schwartz, Nanuet N Y is hereby provisionally appointed to position of Secretarial Assistant I - to the Planning Board, at a salary of \$5,733.00 per annum, effective and retroactive to 12/1/69.

Seconded by Councilman Damiani

All voted Aye.

(989) Councilman Frohling offered the following resolution:

RESOLVED, that four (4) Clerk (Seasonal) positions be created in the office of the Receiver of Taxes, at salary of \$2.10 per hour.

Seconded by Councilman Damiani.

All voted Aye.

(990) 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:

Clear Drain Corporation  
24 Lapin Lane, Vlauevelt, N Y

NOW THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued:

No. 69-91 to Clear Drain Corporation.

Seconded by Councilman Brenner.

All voted Aye.

(992) Councilman Brenner offered the following resolution:

WHEREAS, the Spring Valley Water Co., Inc. desires to enter into an easement agreement for a sewer line along the south side of Nanuet Well Field No. 2.,

NOW THEREFORE, be it

RESOLVED, that the Town of Clarkstown hereby accepts said agreement, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to execute said agreement on such terms and conditions at not cost to the town as shall be approved by himself and the Town Attorney of the Town of Clarkstown.

Seconded by Councilman Frohling.

All voted Aye.

(993) Co. Frohling offered the following resolution:

RESOLVED, that the Town Board hereby approves and accepts retirement benefits pertaining to the Police Department.

Seconded by Councilman Damiani.

All voted Aye.

Mr. Weiss of Townline Estates appeared before the Town Board objecting to row-planting of trees. He was instructed to appear before the Shade Tree Commission.

Supervisor Mundt. left Board Table.

(994) Councilman Frohling offered the following resolution:

RESOLVED, that letter received from the Building Inspector re Reynolds Metal Development Corp. be referred back to the Building Inspector in compliance with Article 8 of the Zoning Ordinance, Sec. 8.335 and instructing him to refer matter to the Zoning Board of Appeals.

Seconded by Councilman Brenner.

On roll call the vote was as follows:

AYES: Councilmen Brenner, Damiani, Frohling.  
NOES: Councilman Bolander

Mr. Albert Dorfman appeared before the Town Board 43 46 acres he owns on Little Tor Road, stating that when Master Plan adopted in 1967 one lot line was confusing.

(995) Councilman Brenner offered the following resolution:

RESOLVED, that date of public hearing re Proposed Correction of Zoning Map on property owned by Albert Dorfmann, Little Tor Road, New City be set for 12/22/69 at 8:00 PM

Seconded by Co. Frohling.

All voted Aye.

(996) Councilman Brenner offered the following resolution:

RESOLVED, that the Town Board be authorized to transfer account of \$40,000 from Current Surplus-General to Highway Item No.1, said amount to be reimbursed to Current Surplus-General on 1/3/70.

Seconded by Councilman Frohling.

All voted Aye.

(997) Councilman Damiani offered the following resolution:

WHEREAS, Regulation 2.4 of the Town of Clarkstown Attendance Rules provides for an extension of sick leave with pay to any permanent employee who has used up all his sick leave, vacation, holidays, overtime and personal leave credits provided, however, that compensation for such extended sick leave at one-half (1/2) the normal salary, and

WHEREAS, Thomas Marsico has used all his available sick leave, vacation, holidays, overtime and personal leave credits,

NOW THEREFORE, be it

RESOLVED, that Thomas Marsico be paid one-half (1/2) his normal salary not to exceed two months starting 12/1/69.

Seconded by Councilman Bolander.

All voted Aye.

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(998) Councilman Frohling offered the following resolution:

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

In the Matter of the Application of 59\_304 Realty Co., Petitioner,  
for an Order pursuant to Article 78 CPLR

-against-

Paul F. Mundt, Supervisor; Philip J. Frohling, Jr., Councilman;  
Martin E. Holbrook, Councilman; William Brenner, Councilman;  
and James V. Damiani, Councilman; constituting the Town Board  
of the Town of Clarkstown, and the Town of Clarkstown, Respondents;

NOW THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps to defend said action.

Seconded by Councilman Brenner.

All voted Aye.

(999) Councilman Damiani offered the following resolution:

RESOLVED, that, based upon the recommendation of the Town Attorney, the Town of Clarkstown is hereby authorized to accept parcel 50 x 100 from Arthur H. Bauvelt, Rose Road, West Nyack for dedication to town.

Seconded by Councilman Bolander.

All voted Aye.

Councilman Bolander stated that request for lights near Red Hill Road for children going to the Link School, resolution was defective because we would have to have permission of the county to erect these lights.

(1000) Councilman Brenner offered the following resolution:

RESOLVED, that the Town Clerk is hereby authorized to contact the County to get permission for signalization in vicinity of Red Hill Road.

Seconded by Councilman Damiani.

All voted Aye.

On resolution offered by Councilman Brenner, seconded by Councilman Frohling and unanimously adopted, Town Board meeting was adjourned until Monday, December 15th, 1969 at 8:00 PM.

Signed,

*Anne E. O'Connor*  
Anne E. O'Connor  
Town Clerk