

TOWN BOARD MEETING

Town Hall

12/29/69

8:00 PM

Present: Councilmen Brenner, Damiani, Frohling, Supervisor Mundt
Town Attorney Donald S. Tracy
Town Clerk Anne E. O'Connor

Absent: Councilman Bolander

Supervisor Mundt called Town Board meeting to order.

(1055) Councilman Brenner offered the following resolution:

WHEREAS, HARRY ADLER, HAROLD A. SMITH and RUSSELL WIGHT made application for a Special Permit for a gas filling station located at the south side of Route 59, opposite Besso St., West Nyack N Y in the Town of Clarkstown, and

WHEREAS, after due notice published and posted, a public hearing was held before the Town Board on the 21st day of May 1969 at 8:15 PM, and

WHEREAS, all members of the Town Board are personally familiar with the property in question, and

WHEREAS, said petition was referred to the Town Planning Board for study and recommendation;

NOW THEREFORE, the Town Board makes the following Special Findings pursuant to Secs. 4.31 and 4.32 of the Zoning Ordinance of the Town of Clarkstown:

THAT, the proposed use as described and represented by the applicant

- (1) Will be properly located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities;
- (2) Will cause undue traffic congestion or create a traffic hazard;
- (3) Will create at any point of determination set forth in Sec. 4.16, 4.17 and 4.18 of the Zoning Ordinance of the Town of Clarkstown more dangerous and objectionable elements referred to in Section 4.11 than is characteristic of the use expressly permitted as of right in the same district;
- (4) Will adversely affect the character of the general area;

NOW THEREFORE, be it

RESOLVED, that a special permit for gasoline filling station pursuant to said application is hereby DENIED and be it

FURTHER RESOLVED, that the within Special Findings and Resolution setting forth the reasons for denying such special permit shall constitute a written report to be filed with the Town Clerk pursuant to Sec. 8.333 of the Zoning Ordinance of the Town of Clarkstown.

Seconded by Councilman Frohling.

All voted Aye.

(1056) Councilman Damiani offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 31st day of October 1969 provided for a public hearing on the 3rd day of December 1969 at 8:15 PM to consider the application of SIGMUND HILBURG et al, to amend the Building Zone Ordinance of the Town of Clarkstown by redistricting the property of the said petitioner from an R-15 district to an RG-2 District, 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

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(1056 - continued)

RESOLVED, that this request for zone change is hereby GRANTED subject to the following restrictive covenants:

1. Premises are to be used exclusively for senior citizens (where the head of the household has reached at least his or her 60th birthday and there are no children residing in the household).
2. After the setting of the initial rentals, there shall be no further increase in rentals without approval of the Town Board.
3. The premises must be first offered for rental to senior citizens from the Town of Clarkstown and Clarkstown Senior Citizens shall have priority over all others.
4. Construction is to be in accordance with federal specifications for senior citizen housing.
5. The owner agrees and covenants that he will provide free jitney transportation on a scheduled basis for senior citizens to and from nearby shopping areas without charge.

In addition, the following special findings are hereby made:

The proposed use as described and represented by the applicant:

1. Will be appropriately located with respect to transportation, water supply, waste disposal, fire and police protection, and other public facilities;
2. Will not cause undue traffic congestion or create a traffic hazard;
3. Will not create at any point of determination set forth in Sections 4.16, 4.17 and 4.18, any more dangerous and objectionable elements referred to in Sec. 4.11 than is characteristic of the uses expressly permitted as of right in the same district;
4. Will not adversely affect the character of, or property values in the area.
5. Will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the town; and
6. Will comply with all other regulations applicable to such use.
7. Will give free of charge any easements for road dedications and for sewers or utilities.

Seconded by Councilman Brenner.

All voted Aye.

(1057) Councilman Frohling offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 4rd day of December 1969, provided for a public hearing on the 22nd day of December 1969 at 8:30 PM to consider the application of J. KNUTSEN & CO., INC., to amend the Building Zone Ordinance of the Town of Clarkstown by redistricting the property of the said petitioner from an R-40 to an R-22 District 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 said request for zonechange is hereby DENIED in view of the fact that said zone change does not conform to the Town Developemtn Plan and also based upon the recommendation of the Town Planning Board.

Seconded by Councilman Damiani.

All voted Aye.

(1058) Councilman Brenner offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 3 d day of December 1969, provided for a public hearing on the 22nd day of December, 1969, at 8:45 PM to consider the application of J. KNUTSEN & CO., INC. to amend the Building Zone Ordinance of the Town of Clarkstown by redistricting the property of the said petitioner from an R-40 district to an R-22 district; 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 this request for zone change is hereby GRANTED, based upon the following:

That the reports of the Town Planning Board and the County Planning Board indicated that such change would not do violence to the Town Development Plan;

That such change seems consistent with the pattern established by the Town Development Plan in that the proposed County road which was used as the basis for a zone line has now been changed;

That the petitioner has agreed to construct that portion of the County road which passes through his property without cost to the town.

Seconded by Councilman Damiani.

On roll call the vote was as follows:

AYYES: Councilmen Brenner, Camiani, Supervisor Mundt
NOES: Councilman Frohling.

MOTION CARRIED. °

(1059) Councilman Frohling offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 3rd day of December 1969 provided for a public hearing on the 22nd day of December 1969 at 8:15 PM to consider the application of BAROG ASSOCIATES, LTD., to amend the Building Zone Ordinance of the Town of Clarkstown by redistricting the property of the said petitioner from an R-22 district to a PO district, 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 this request for zone change is hereby GRANTED subject to the following restrictive covenant;

That the proposed office use be limited to medical and dental practice only.

Seconded by Councilman Brenner.

All voted Aye.

(1060) Councilman Damiani offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution adopted on 12/3/69 provided for a public hearing on the 22nd day of December 1969 at 9:00 PM to consider a zone change correction from an R-80 district to an R-40 district for property located on the west side of Little Tor Road and south of South Mountain Road, New City, N Y; and

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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 on said notice;

NOW THEREFORE, be it

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

Change portion of Map 25, Block B, Lot 2, portion of Map 25, Block B, Lot 3.01 and portion of Map 24, Block A, Lot 25.02 from R-80 to R-40, subject to the following restrictive covenant:

That the proposed located on the zone line along the ridge line may not result in an increase of more than three lots.

Seconded by Councilman Brenner.

All voted Aye.

(1061) Councilman Brenner offered the following resolution:

WHEREAS, the Town Board feels that additional time is required to properly study all of the safety aspects of the proposed amendment under Reso. No. 942;

NOW THEREFORE, be it

RESOLVED, that Reso. No. 942 is hereby rescinded and the Town Board is to continue to study the safety aspects of the Airport prior to determination being made.

Seconded by Councilman Frohling.

All voted Aye.

(1062) Councilman Damiani offered the following resolution:

WHEREAS, certain restrictive covenants were imposed on property owned by VALLEY COTTAGE INDUSTRIAL PARK, INC. which were recorded in Liber 846 of Deeds at Page 186, and

WHEREAS, the present condition existing in the area no longer require the said restrictive covenants be in effect,

NOW THEREFORE, be it

RESOLVED, that the Supervisor be and is hereby authorized to execute an instrument releasing the premises from the aforesaid Declaration of Restrictive Covenants.

Seconded by Councilman Frohling.

All voted Aye.

(1063) Supervisor Mundt offered the following resolution:

WHEREAS, the work load at the Clarkstown Planning Board has vastly increased, and

WHEREAS, the Clarkstown Planning Board presently meets a minimum of one evening per week and has a large backlog of material to be processed, and

WHEREAS, Section 276 of the Town Law prescribes time limits under which the Planning Board is to act, and

WHEREAS, the Town Board of the Town of Clarkstown believes it to be in the best interest of good planning and zoning to furnish the Planning Board adequate personnel to help them meet their time schedules;

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(1063 - continued)

NOW THEREFORE, be it

RESOLVED, that pursuant to the authority vested in the Town Board under Section 271 of the Town Law, the membership of the Clarkstown Planning Board is hereby increased to seven (7) members, and be it

FURTHER RESOLVED, that one of the new members shall be appointed for a term of six (6) years and the other for a term of seven (7) years, such terms to commence on the same calendar day of the year of the original appointments and thereafter upon the expiration of the term of each members.

Seconded by Councilman Frohling.

All voted Aye.

(1064) Supervisor Mundt offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by a resolution of this date, has increased the membership of the Clarkstown Planning Board to seven (7) members, and

WHEREAS, the Town Board is interested in preserving the continuity of service by adding as a member to the Planning Board its former liason councilman;

NOW THEREFORE, be it

RESOLVED, that James Damiani, Sr. of 25 Twin Elms Lane, New City N Y is hereby appointed as a member of the Clarkstown Planning Board, effective January 1st, 1970 for a period of six (6) years at an annual salary of \$2,000.00

Seconded by Councilman Frohling.

On roll call the vote was as follows:

AYES: Councilmen Brenner, Frohling, Supervisor Mundt.
ABSTENTION: Councilman Damiani.

MOTION CARRIED.

(1065) Supervisor Mundt offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution of this date, has increased the membership of the Clarkstown Planning Board to seven (7) members, and

WHEREAS, the Town Board is interested in appointing to the Planning Board a man who has been thoroughly familiar with and participated in deliberations involved in formulating the Town Development Plan;

NOW THEREFORE, be it

RESOLVED, that William Brenner of 12 Marcus Road, West Nyack, N Y is hereby appointed as a member of the Clarkstown Planning Board, effective January 1st, 1970 for a period of seven (7) years at an annual salary of \$2000.00

Seconded by Councilman Frohling.

On roll call the vote was as follows:

AYES: Councilmen Frohling, Damiani, Supervisor Mundt
ABSTENTION: Councilman Brenner

MOTION CARRIED.

(1066) Councilman Brenner offered the following resolution:

RESOLVED, based upon recommendation of Mr. William Rau of the Conservation Council, that the following persons be appointed to serve on the Conservation Council; terms to expire 12/31/71:

Mrs. Gloria Strauss, 221 Little Tor Road, New City N Y
Mr. George McKenna, 68 Lenox Avenue, Congers, N Y
Mrs. Lynn Buck, North Midland Avenue, Upper Nyack, New York

Seconded by Councilman Frohling.

All voted Aye.

(1067) Councilman Brenner offered the following resolution:

RESOLVED, that the Superintendent of Highways is hereby authorized to use men and equipment to plow undedicated streets.

Seconded by Councilman Frohling.

All voted Aye.

(1068) Councilman Brenner offered the following resolution:

WHEREAS, the Clarkstown Parks Board & Recreation Commission has use of the Dellwood Country Club grounds for sledding purposes in connection with its winter program, and

WHEREAS, the children participating in the sledding program will sled toward Zukor Road, and

WHEREAS, resolution #1021 requires no parking along said portion of Zukor Road;

NOW THEREFORE, be it

RESOLVED, that the Superintendent of Highways is hereby authorized to plow and clear the parking lot as designated by the Dellwood Country Club off Zukor Road for parking purposes while using the sledding area.

Seconded by Councilman Damiani.

All voted Aye.

(1069) Councilman Brenner offered the following resolution:

RESOLVED, that the resignation of Gloria Bavaro from the Building Maintenance Department is hereby accepted with regret, effective 1/3/70/

Seconded by Councilman Damiani.

All voted Aye.

(1070) Councilman Brenner offered the following resolution:

RESOLVED, that the resignation of Paul Bavaro from Building Maintenance Department effective 1/3/70, is hereby accepted with regret.

Seconded by Councilman Damiani.

All voted Aye.

(1071) Councilman Frohling offered the following resolution:

RESOLVED, that the resignation of Alice M. Secora from the Supervisor's Office effective 1/9/70, is hereby accepted with regret.

Seconded by Councilman Damiani.

All voted Aye.

(1072) Councilman Brenner offered the following resolution:

WHEREAS, this Board has resolved to declare obsolete and to dispose of certain items of furniture in the Supervisor's Office, and

WHEREAS, for the purpose of determining fair value of said furniture, a written estimate has been obtained from an impartial source, and

WHEREAS, an offer has been tendered by Mrs. Cam Gromack on behalf of various employees of the Town Hall in the amount of such appraisal,

NOW THEREFORE, be it

RESOLVED, that said furniture consisting of a chair, desk and sofa be sold to Mrs. Gromack for the sum of \$65.00.

Seconded by Councilman Frohling.

On roll call the vote was as follows:

AYES: Councilmen Brenner, Frohling, Supervisor Mundt.

ABSTENTION: Councilman Damiani

(1073) Councilman Brenner offered the following resolution:

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

Robert Watkins
19 Parker Avenue, New City N Y

Leo J. Paglia,
P O Box 362, New City N Y

Emil J. Pedersen
1860 South Western Highway
Blauvelt, N Y

NOW THEREFORE, be it

RESOLVED, that the following Certificates of Registration be issued:

70-39 to Robert Watkins
70-42 to Leo J. Paglia
70-43 to Emil J. Pedersen

Seconded by Councilman Damiani.

All voted Aye.

(1074) Councilman Brenner offered the following resolution:

RESOLVED, based upon recommendation of the Chief of Police, that sickleave of Patrolman Billy Jack Bishop be granted for 12/9/69 to 1/14/70 at 1/2 pay.

Seconded by Councilman Damiani.

All voted Aye/

(1075) Councilman Frohling offered the following resolution:

RESOLVED, that minutes of all public hearings and Town Board meetings held in October, November and December are hereby approved as submitted by the Town Clerk.

Seconded by Councilman Damiani.

All voted Aye.

(1076) Councilman Frohling offered the following resolution:

WHEREAS, a demand was made on November 13, 1969 to the Town Board on behalf of Lake Road Homes, Inc. and Germonds Building Corp. for the return of monies deposited with the Town of Clarkstown for certain capital improvements ostensibly required in Sewer District No. 1, and

WHEREAS, said matter was referred to the Town Attorney for a legal opinion, and

WHEREAS, the Town Attorney has reviewed said matter with Mr. Paul Highes of the Office of Local Government, who has advised the Town Attorney that said monies were improperly and illegally required by the Town of Clarkstown;

NOW THEREFORE, be it

RESOLVED, that upon the advice of counsel, the Town of Clarkstown immediately return and refund to Lake Road Homes, Inc. the sum of \$22,750.00 and to Germonds Building Corp. the sum of \$1,500.00 (said sums being the monies deposited with the Town.)

Seconded by Councilman Damiani.

All voted Aye.

Councilman Damiani and Brenner and Supervisor Mundt made parting statement, extending their best wishes to their successors.

On resolution offered by Councilman Brenner, seconded by Councilman Damiani and unanimously adopted, Town Board meeting was adjourned, this being the last Town Board meeting for the Year 1969.

Signed,



Anne E. O'Connor
Town Clerk