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(1970-558 - continued)

WHEREAS, he has been an inspiration to thousands of young people, through his outstanding and unselfish dedication to education and our young people;

NOW THEREFORE, be it

RESOLVED, that I, William E. Vines, Supervisor of the Town of Clarkstown, do hereby proclaim that Friday, 9/18/70 be "MAC ARTHUR BARR DAY" in the Town of Clarkstown.

Seconded by Councilman Bolander.

All voted Aye.

(1970-559) Councilman D'Antoni offered the following resolution:

WHEREAS, HARRY ADLER, HAROLD A SMITH AND RUSSELL WIGHT, JR. made application for a Special Permit for a gas filling station located on the southerly side of Route 59 in the Hamlet of West Nyack Town of Clarkstown N Y, pursuant to Sec. 8.334 of the Zoning Ordinance of the Town of Clarkstown, and

WHEREAS, after due notice published and posted, a public hearing was held before the Town Board on the 15th day of July 1970 at 8:30 PM in the Town Hall, New City N Y to consider such application;

NOW THEREFORE, the Town Board makes the following Special Findings pursuant to Sec. 4.31 of the Zoning Ordinance of the Town of Clarkstown,

THAT, the proposed use as described and representing 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 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 of the Zoning Ordinance of the Town of Clarkstown any 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 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;
- (6) Will be situated on a lot with an area of at least 20,000 square feet and a minimum lot frontage of 150 feet, and all major repairs will be made within a totally enclosed structure, and a maximum of five currently licensed vehicles will be parked on lots of less than one acre and one additional such vehicle for each one-fifth of an acre of the lot above said one acre, and all gasoline pumps and service facilities will be set back at least 20 feet from the front lot line; all of said requirements being pursuant to Column 3, Section 3.12, Table of General Use Regulations of the Zoning Ordinance of the Town of Clarkstown;
- (8) Will be screened along any lot line where the gas filling station is located on a lot, any lot line of which lies within 25 feet of an R District or SC District boundary, and flood lighting shall be arranged so there will be no glare of light toward such district boundary, pursuant to Column 8, Section 3.12, Table of General Use Regulations of the Zoning Ordinance of the Town of Clarkstown;

(continued)

(1970-559 - continued)

(9) That the site is no closer than 300 feet to a school, church, or place of assembly, and that within 25 feet of residential districts, no vehicle may continually be parked outside for a period exceeding three days and no bus or truck over 1-1/2 ton capacity nor more than two private passenger cars may be parked over any one night.

NOW THEREFORE, be it

RESOLVED, that a Special Permit for a gas filling station, pursuant to said application, is hereby **GRANTED** and the reasons for granting such special permit are that the proposed use of the premises will be for the convenience, comfort, prosperity, and general welfare of the community; and be it

FURTHER RESOLVED, that the within special findings and resolution setting forth the reasons for granting such special permit shall constitute a written report to be filed with the Town Clerk pursuant to the Zoning Ordinance of the Town of Clarkstown.

Seconded by Councilman Frohling.

All voted Aye.

(1970-560) Councilman Frohling offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 26th day of August 1970 provided for a public hearing on the 23rd day of September 1970, at 8PM, to consider the application of GEORGE J. CULOSO 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 RS or Ls District, and

WHEREAS, notices of said public hearing were sent to the newspaper for publication on 9/9/70 and to all agencies as required by law, and

WHEREAS, said notice was not published within the time required by law, and

WHEREAS, the public hearing on this application for zone change has been re-scheduled;

NOW THEREFORE, be it

RESOLVED that a public hearing pursuant to Sections 264 and 265 of the Town Law be had at the Board Room of the Town Hall New City N Y on the 145th day of October 1970 at 8:15PM relative to such proposed amendment; and it is

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the Rockland News Leader Independent, the official newspaper of the town as aforesaid and file proof thereof in the Office of the said Clerk.

Seconded by Councilman D'Antoni

All voted Aye.

Letter received from the Lakewood PTA re Lakewood School safety. Town Clerk instructed to refer same to the Chief of Police, the Traffic Advisory Board, and School Liaison on the Town Board (Councilman Bolander).

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(1970-561) Councilman Frohling offered the following resolution:

WHEREAS, notice to bidders was published in the official newspaper of the town for the furnishing of Police Winter Uniforms, said bids to be returnable 9/16/70 at 8:05 PM; and

WHEREAS, only one (1) bid was received by the Town Board;

NOW THEREFORE, be it

RESOLVED, that single bid received be rejected, and that the Town Clerk be authorized to re-advertise for bids for furnishing of Police Winter Uniforms, said bids to be returnable 10/14/70 at 7:40 PM.

Seconded by Councilman D'Antoni

All voted Aye.

(1970-562) Councilman D'Antoni offered the following resolution:

WHEREAS, Notice to Bidders was published in the official newspaper of the town for the furnishing of One Sewer Truck, said bids to be returnable 9/16/70 at 8:12 PM; and

WHEREAS, no bids were received;

NOW THEREFORE, be it

RESOLVED, that the Town Clerk be authorized to re-advertise for bids for the furnishing of One Sewer Truck, said bids to be returnable 10/14/70 at 7:50 PM.

Seconded by Councilman Niehaus

All voted Aye.

(1970-563) Councilman Frohling offered the following resolution:

RESOLVED, that the Highway Superintendent is hereby authorized to clean the DeBaun Cemetery in Congers, and be it

FURTHER RESOLVED, that amount of \$50,00 be transferred to the Highway Department from General Fund for the necessary work.

Seconded by Councilman Niehaus.

All voted Aye.

(1970-564) Councilman Niehaus offered the following resolution:

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the temporary appointment, to 12/31/70, of Louise Abatemarco, 53 Parket Ave., New City N Y, to the position of Office Worker-Student - Town Hall, at a salary of \$1.85 per hour, effective and retroactive to 9/8/70.

Seconded by Councilman D'Antoni

All voted Aye.

(1970-565) Councilman D'Antoni offered the following resolution:

WHEREAS, there is a vacancy in the position of Clerk p/t in the Assessor's Office created by the resignation of Louis Sadala,

NOW THEREFORE, be it

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the temporary appointment of Mary Odendahl, 27 Beech St., Nanuet N Y to the position of Clerk p/t at a salary of \$2.21 per hour, effective and retroactive to 9/9/70.

Seconded by Councilman Frohling.

All voted Aye.

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(1970-566) Councilman Niehaus offered the following resolution:

RESOLVED, that the resignation of Alphonse J. Schroeder, 132 Middletown Rd., Nanuet as a Commissioner of the Nanuet Fire District effective 10/1/70 is hereby accepted with regret.

Seconded by Councilman D'Antoni.

All voted Aye.

(1970-567) Councilman Niehaus offered the following resolution:

RESOLVED, that the resignation of Mary Coughlin, 5 Carrie Drive, New City N Y as Typist in the Town Clerk's Office, is hereby accepted with regret, effective immediately.

Seconded by Councilman Bolander.

All voted Aye.

(1970-568) Councilman Niehaus offered the following resolution:

RESOLVED, that the Spring Valley Water Co., Inc. is hereby authorized, based upon the recommendation of the Town Engineer, to install three (3) Hydrants on Pasack Road and Scotland Hill Road; one hydrant on w/s Pasack, and one hydrant on n/s of Murray Hill Drive.

Seconded by Councilman Bolander.

All voted Aye.

(1970-569) Councilman D'Antoni offered the following resolution:

WHEREAS, Mr. Melvin A. Cohen of 30 Mark Lane, New City N Y has applied for a variance and submitted the necessary fees in the amount of \$35.96, and

WHEREAS, Mr. Cohen has withdrawn his application and requested the refund of the fees, and

WHEREAS, Robert H. Bowman, Building and Zoning Inspector has recommended that said fees be returned to Mr. Cohen due to the fact that no monies have been expended on the part of the town in connection with his application;

NOW THEREFORE, be it

RESOLVED, that fee in the amount of \$35.96 be returned to Mr. Melvin A. Cohen of 30 Mark Lane New City N Y.

Seconded by Councilman Niehaus.

All voted Aye.

Letter from Town Engineer re Ludvigh Road, Bardonia, west of PIP stating that Highway Supt., Police Capt. Eisgrau and the Town Engineer met at site on 9/9/70 to review complaint made by Mrs. Castaldo. Recommendation was made that the existing sidewalk in front of the Kahrs property (104 Ludvigh Road) be widened, which would involve removing the existing retaining wall and trimming back the slope in front of the Kahrs property. He stated it would also be advisable to install a guard rail to protect children and other pedestrians using the sidewalk. His office is preparing detailed plans for this sidewalk project, and as soon as same is completed, he will forward them to the Highway Supt. for construction of the sidewalk, possible by October 1st.

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Supervisor Vines advised that the long-awaited traffic light at Route 304 and Third Street is being installed; lights will probably be up late this week or early next week. Re radar; machines still being repaired. Captain Eisgrau stated Police Department will pick them up tomorrow.

(1970-570) Councilman Niehaus offered the following resolution:

WHEREAS, Rudolph Aussner and Marie Aussner, his wife, residing at 12 Linden Court, New City N Y have executed an easement for a strip of land approximatedly 150 feet long by 13 feet wide and are offering it to the town for Sewer District No. 34-B in consideration of the sum of \$1,820.00 and a copy of the easement agreement, survey and description having been examined by the members of the Town Board present at the adoption of this resolution; and

WHEREAS, Joseph F. X. Nowicki, Counsel for Sewer and Improvements Districts, recommends that said easement be accepted by the town and said fee paid;

NOW THEREFORE, be it

RESOLV ED,

1. That the Supervisor of the town is hereby authorized to accept said easement on behalf of the town, and
2. That Sewer District No. 34-B is hereby authorized to pay the sum of One Thousand Eight Hundred Twenty (\$1,820.00) Dollars for said easement.

Seconded by Councilman D'Antoni.

All voted Aye.

(1970-571) Councilman Bolander offered the following resolution:

WHEREAS, Bertram I. Strass, residing at 16 Linden Court, New City N Y has executed an easement for a strip of land approximately 10 feet wide by 142 feet long and is offering it to the town for Sewer District No. 34-B in consideration of the sum of \$220.00, and a copy of the easement agreement, survey and description having been examined by the members of the Town Board present at the adoption of this resolution; and

WHEREAS, Joseph F. X. Nowicki, Counsel for Sewer and Improvement Districts recommends that said easement be accepted by the Town of Clarkstown and said fee paid;

NOW THEREFORE, be it

RESOLVED:

1. That the Supervisor of the town is hereby authorized to accept said easement on behalf of the town; and
2. That Sewer District No. 34-B is hereby authorized to pay the sum of \$220.00 for said easement.

Seconded by Councilman D'Antoni.

All voted Aye.

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(1970-572) Councilman Frohling offered the following resolution:

WHEREAS, Gustav A. Gaetjen and Loretta E. Gaetjen, his wife, residing at 30 Thornwood Drive, New City N Y have executed an easement for a strip of land approximately 10 feet wide by 160 feet long, and are offering it to the town for Sewer Dist. No.26 in consideration of the sum of \$480.00, and a copy of the easement agreement, survey and description having been examined by the members of the Town Board present at the adoption of this resolution; and

WHEREAS, Joseph F. X. Nowicki, Counsel for Sewer and Improvement Districts recommends that said easement be accepted by the town and said fee paid;

NOW THEREFORE, be it

RESOLVED:

1. That the Supervisor of the town is hereby authorized to accept said easement on behalf of the town, and

2. That Sewer District No. 26 is hereby authorized to pay the sum of \$480.00 for said easement.

Seconded by Councilman Niehaus.

All voted Aye.

Town Board signed ORDER setting date of public hearing re proposed extension of Clarkstown Consolidated Water Supply Dist. #1 to include SPRINGVIEW ESTATES a- 10/14/70 at 8:30 PM.

Town Board signed ORDER setting date of public hearing re proposed extension of Sewer District #13-3 to include Little Tor West, New City 10/14/70 - 8:45 PM.

Town Board signed ORDER setting date of public hearing re proposed extension of Clarkstown Consolidated Water Supply Dist. #1 to include Germonds Acres - 10/14/70 - 9PM.

Mrs. Jean Crudo of the Bardonia PTA appeared before the Town Board re Route 304, Bardonia; again reviewing hazardous conditions existing at that location; requested continuous law enforcement of speed limits in this area. She stated that blinkers do not operate correctly. Requested that patrolman be placed on Germonds Road 7:30 AM to 8:00 AM and 2:30 PM to 3:00 PM. Capt. Eisgrau stated this not feasible; not enough patrolmen. State was requested for 30 MPH at all times from Ludvigh to Germonds; they said they would survey area. Supervisor will write foll up letter to State. Mrs. Crudo also requested bridge as possible solution - on Ludvigh Road and Germonds Road. Supervisor suggested making Bardonia s 'speed trap'.

Mr. Harris Tylor of the Parks Board presented sketch for proposed parkland - Wedgewood Hills - to Town Board; proposed cost \$35,000. to come out of money in lieu of land account.

Mrs. Shirley Borman, Secretary of the Valley Cottage Civic Association, Mr. Michael Lupo, et al, appeared before the Town Board with petition requesting that the town drop litigation in Sewer Dist. 33-B, citing hazardous conditions and lengthy delay that would ensue. Mr. Lodico stated that Town Board must act within the framework of the law.

After considerable discussion, the following resolution was proposed.

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(1970-573) Councilman D'Antoni offered the following resolution:

WHEREAS, the entire question of sewer contracts for Dist. 33-B has been delayed pending litigation; and

WHEREAS, the during this long extended delay period, there have been a series of 'stays' and court orders allowing limited emergency work to be performed; and

WHEREAS, it is quite obvious that there will be continued appeals and stay orders regardless of whom the court rules in favor, and

WHEREAS, the time limit for completing the sewer work in the emergency areas is in its absolute deadline, and

WHEREAS, this Town Board has promised the people of Valley Cottage and Congers assistance in completing their emergency sewer work before the winter season arrives, and

WHEREAS, this Town Board's primary concern is the health and welfare of all the citizens of the town, and

WHEREAS, the appeal is to be argued on Monday, 9/21/70;

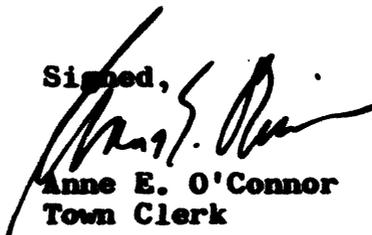
NOW THEREFORE, be it

RESOLVED, that this Town Board meet in emergency session immediately upon the receipt of a decision from the Appellate Division, so that the proper action regarding this decision can be taken by this Town Board.

Seconded by Councilman Niehaus.

Recess taken by the Town Board at this point; upon their return, no vote being taken on the above resolution (no second); Town Board meeting was adjourned.

Signed,



Anne E. O'Connor
Town Clerk

PUBLIC HEARING

Town Hall

9/23/70

8:15 PM

Present: Co. Niehaus, Bolander, Frohling, D'Antoni, Supervisor Vines
Town Clerk Anne E. O'Connor
Town Attorney and Deputy Town Attorney

RE: PROPOSED EXTENSION OF CLARKSTOWN CONSOLIDATED WATER SUPPLY DISTRICT # 1
TO INCLUDE DEGAN HEIGHTS SUBDIVISION:

Supervisor Vines called public hearing to order; Town Clerk read notice of public hearing and testified as to proper posting of said notice.

Bertram P. Krashes, Esq. appeared as attorney for petitioner. Mr. Harry Degensheim, South Nyack N Y appeared as petitioner, and testified as follows:

Petition signed by him in capacity as President of Degán Heights, Inc. Proposed extension will benefit all the property owners within the proposed extension; all the property owners who will benefit are included within the limits of the proposed extension.

Would be in the public interest to grant; would provide fire protection for the safety and well being of property and lives; and would bring about a reduction in fire insurance rates.

IN FAVOR: No one appeared
OPPOSED: No one appeared.