

(1970-773) Councilman D'Antoni offered the following resolution:

RESOLVED, that Amendment of Local Law No. 3-1965 of the Town re Removal and Replacing of Topsoil, be adopted.

Seconded by Councilman Frohling.

All voted Aye.

(1970-774) Councilman Niehaus offered the following resolution:

RESOLVED, that Proposed Amendment to Chapter 46 of the Zoning Ordinance and Building Code amending Sec. 46-13 'Issuance of Certificate of Occupancy' as it now stands, be DENIED.

Seconded by Councilman Frohling.

All voted Aye.

On resolution offered by Councilman Niehaus, seconded by Councilman Bolander and unanimously adopted, Special Town Board meeting was adjourned until Wednesday, 12/2/70.

Signed,

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

(Copies of public hearings  
in files)

#### PUBLIC HEARING

Town Hall

12/2/70

8:15 PM

Present: Councilmen Niehaus, Bolander, Frohling, D'Antoni, Supervisor Vines  
Town Clerk Anne E. O'Connor  
Town Attorney F. P. Roland

RE: PROPOSED LOCAL LAW PROVIDING FOR AN ELECTRICAL CODE FOR THE TOWN OF CLARKSTOWN:

Supervisor declared public hearing in session; Town Clerk swore as to proper posting and publication of notice of hearing and read same.

Town Clerk sworn in and testified as to proper posting and publication of notice of hearing.

Councilman Frohling introduced proposed Local Law, citing Sec. 1 - Legislative Intent; Sec. 2 - Electrical Inspector; Sec. 3 - Duties of the Electrical Inspector; Sec. 4 - Violations of the Local Law; Sec. 5 - Validity; Sec. 6 - Penalties and Corrective Action; and Sec. 7 - Effective date.

He stated that this local law shall take effect upon filing in the office of the Secretary of State.

Councilman Frohling enlarged on proposed local law by stating that the Building Inspector at any time could call on the New York Board of Fire Underwriters as an inspection agency who would be official inspectors as to the inspection of electrical equipment. They would be responsible to the Building Inspector and would submit to him all reports of electrical inspections made within the township.

He continued that to date 600 townships have adopted such a code as recommended by the Fire Underwriters and that adoption would be a benefit all in the township. Services are cost-free; they would be on call on request of the Building Inspector. Adoption would also strengthen the Fire Code.

(cont)

IN FAVOR:

1. Mr. John Lodico: New City: Suggested several changes although in favor; as follows:

Remove word 'all' in Sec. 2; re Sec. 4 - Place comma after work 'town' and words 'until an application for inspection has been filed with the N Y Boarf of Fire Underwriters', and replace with the following; 'where a building permit is required or inspection requests are made.'

Also, Mr. Lodico suggested that in Sec. 4, insert words 'where provided or requested.' -- In Sec. 4, insert words 'where provided or requested.' He stated that if not changed, no plant in the county could change a motor, etc. and would be delayed in servicing their equipment.

2. Representative of Lederle Laboratories: Agreed with Mr. Lodico. They were requested to submit their recommendations to the Town Board in writingl

3. Carton E. Schaad, General Manager of the New York Board of Fire Commissioners Underewriters: Stated that plants who have their own electric al engineers are sometimes exempted from restrictions in the Code.

4. Mr. McGarrity, 54 Leona Ave., New City (representing Rockland County Association): Code necessary, but town should call upon agencies and other interested parties before decision made. Association should be calledin; he informed Town Board that he was empowered by the Association to extend his expertise to the town.

Mr. Anderson mentioned that re industry; under sectgion that eliminates utilities, there should be added 'any plant or industry that had an electrical department in their plant and also supervised by an engineer.'

Town Attorney was requested to check with the Town of Stony Point for correct wording.

Councilman Frohling mentioned that the actual intent of this proposed local law is to appoint the NY Board of Fire Underwriters as the official inspection agency upon request by the Building Inspector. Representative of Fire Underwriters mentioned that in some plants handymen do electrical work, and request made by Mr. Lodico for deltion of wordage should not be entertained.

5. Mr. Edw. Murdock, Fire Inspector urged adoption.

Mr. Roy Cuny of Lederle requested that this proposed local law not be adopted in present form and then altered later, but to amend before adoption.

OPPOSED: No one appeared.

After requesting that any further suggestions be submitted to the Town Board in writing, Supervisor Vines declared public hearing closed, Councilman Niehaus seconding the motion, all others agreeing.

Signed,

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

## TOWN BOARD MEETING

Town Hall

12/2/70

8:00 PM

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

Supervisor Vines called Town Board meeting to order; assemblage saluted the Flag.

Letter received from the Chairman of the Traffic Advisory Board commending Mrs. David Hobbs, School Crossing Guard at Route 304 and Third Street, New City for her efforts in having a traffic light installed at this location.

(1970-775) Councilman Frohling offered the following resolution:

RESOLVED, that the Town Board meeting be adjourned in order to hold scheduled public hearing. (Elec. Code)

Seconded by Councilman Bolander.

All voted Aye.

(1970-776) Councilman Frohling offered the following resolution:

RESOLVED, that Town Board meeting be resumed, scheduled public hearing having been held.

Seconded by Councilman D'Antoni.

All voted Aye.

Town Board signed ORDER extending Clarkstown Consolidated Water Supply District #1 to include GERMONDS ACRES WEST NYACK N Y.

Mr. Vincent Walsh, Cottage Lane, Valley Cottage, appeared before the Town Board complaining about sewer work being done in his area; gas mains dug up; road in complete disrepair. (MAR VEC ALLSTATE CONTRACTOR). Mr. George Suttie, Consulting Engineer will check into matter and report back to the Town Board.

(1970-777) Councilman Bolander offered the following resolution:

RESOLVED that bid for furnishing Sanitary Landfill with one Crawler Tractor be awarded to H O PENN MACHINERY CO., INC., said Tractor to be equipped with a special sanitary landfill type bulldozer according to specifications, at total purchase price of \$78,497.00; monies for same to be taken from Sanitary Landfill Account.

Seconded by Councilman D'Antoni.

All voted Aye.

(1970-778) Councilman Bolander offered the following resolution:

RESOLVED, that the Highway Superintendent is hereby authorized to purchase 100 Manhole Cover Rings at price not to exceed \$35,00 each monies to taken from various Sewer Districts Accounts.

Seconded by Councilman D'Antoni.

All voted Aye.

(1970-779) Councilman Niehaus offered the following resolution:

RESOLVED, that bid for the construction of Sewer District No. 39-D be awarded to the lowest bidder, EDWARD J. HUEGEL, INC. Pearl River N Y at a cost to the town of \$477,192.87 according to specifications, subject to the approval by the Counsel for Sewer Districts and the Consulting Engineer and that they each render a written opinion of their recommendations.

Seconded by Supervisor Vines.

On roll call the vote was as follows:

AYES: Councilmen Niehaus, Supervisor Vines  
NOES: Councilmen Bolander, D'Antoni, Frohling.

MOTION NOT CARRIED

Awarding of bids for Data Processing -- tabled.

(1970-780) Councilman D'Antoni offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution adopted on the 23rd day of October 1970, provided for a public hearing on the 12th day of November 1970 at 8:30 PM to consider a change to the Building Zone Ordinance of the town, 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 be and it hereby is amended as follows:

Amend Sec. 3.11, Table of General Use Regulations for the LS Zone, by deleting the last sentence of Note #8 of Col. 8 Additional Use Regulations, to wit, "This amendment shall be applicable to the LS Zone only." Note #8 of Col. 8 shall hereafter read as follows:

8. No restaurant, limited menu or otherwise, drive-ins, or food dispensing establishment shall be permitted within 200' if any church, school, synagogue, or similar place of assembly. (The 200' prohibition herein shall be measured from the nearest property line.)

Seconded by Councilman Niehaus.k

All voted Aye.

Monthly Reports for the month of October 1970 received from the ZBA and the B/Inspector. Noted by the Town Board, filed in the Town Clerk's Office.

(1970-781) Councilman Niehaus offered the following resolution:

WHEREAS, Rita-Louise Sportswear Co., Inc., located at Route 59, Spring Valley N Y have executed an easement for a strip of land approximately 10' wide by 104' long and are offering it to the town for Sewer Dist. 39A in consideration of the sum of \$400., and a copy of the easement agreement, survey and description having been examined by the members of the Town Board; and

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

NOW THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to accept said easement on behalf of the town; and that Sewer Dist. 39A is hereby authorized to pay the sum of \$400. for said easement.

Seconded by Councilman Bolander.

All voted Aye.

(1970-782) Councilman D'Antoni offered the following resolution:

WHEREAS, the Town Board by resolution duly adopted on 9/16/70 provided for a public hearing on the 14th day of Oct. 1970 at 8:15 PM to consider the application of GEORGE J. CULOSO to amend the Building Zone Ordinance from R-15 district to an RS district;

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 for reasons of public health, safety and welfare, the Building Zone Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting from an R-15 district to an RS district, the following described property in the Hamlet of Nanuet with the following restrictions:

A. That the commercial uses permitted shall be limited to those permitted by right in the LS District; and

B. A 20' all seasonal buffer area shall be provided along the northern and eastern boundary lines.

Seconded by Councilman Bolander.

All voted Aye.

(1970-783) Councilman Frohling offered the following resolution:

RESOLVED, that the Superintendent of Highways is hereby authorized to advertise in the official newspapers of the town for the furnishing of Sanitary Fill according to specifications, and be it

FURTHER RESOLVED, that said bids are to be returnable on 12/16/70 at 8:07 PM.

Seconded by Councilman Bolander.

All voted Aye.

(1970-784) Councilman Niehaus offered the following resolution:

WHEREAS, there is a vacancy in the position of Typist in the Police Department, now therefore, be it

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the temporary appointment n/t/e 60 days of IRENE T. LOTITO, 3 Alan Drive, New City N Y to the position of Typist - Police Department at a salary of \$4,286.10 per annum; effective 12/14/70.

Seconded by Councilman Bolander

All voted Aye.

(1970-785) Councilman Frohling offered the following resolution:

WHEREAS, the Town of Clarkstown acquired title to a portion of the real property owned by HELEN GILLEECE in connection with Phase I of the Valley Cottage Mall; and

WHEREAS, as part of the consideration for the purchase of the said real estate, the town has agreed to convey title to three small parcels of surplus and previously acquired in connection with Phase I of the Valley Cottage Mall; and

WHEREAS, the Town of Clarkstown has acquired title to the aforesaid real estate formerly owned by HELEN GILLEECE and in order to complete the transaction it is now necessary to transfer title to the aforesaid three surplus parcels of land,

(cont)

(785 - cont)

NOW THEREFORE, be it

RESOLVED, that the Supervisor be authorized to execute a deed on behalf of the Town of Clarkstown conveying all the right, title and interest of the Town of Clarkstown in and to the aforesaid three surplus parcels of land, transferring title of said parcels to HELEN GILLEECE.

Seconded by Councilman Niehaus.

All voted Aye.

(1970-786) Councilman D'Antoni offered the following resolution:

WHEREAS, it appears that Sewer District No. 30 was erroneously included in Sewer District B in proposed consolidated order as proposed by resolution of 9/9/70; and

WHEREAS, said Sewer District No. 30 properly belongs in the proposed Sanitary Sewer District A; and

WHEREAS, the Supreme Court has held that the petitions calling for a permissive referendum were valid and directed to be filed with the Town Clerk of the Town of Clarkstown, and that the Town proceed pursuant to Section 206 of the Town Law;

NOW THEREFORE, be it

RESOLVED, that resolution Nos. 548 and 551 dated 9/9/70, pursuant to Section 93 of the Town Law, be and the same hereby are repealed and rescinded.

Seconded by Councilman Bolander.

All voted Aye.

(1970-787) Councilman Frohling offered the following resolution:

RESOLVED, that the Superintendent of Highways is hereby authorized to use men and equipment to plow undedicated streets in the town in case of emergency at the discretion of the Supervisor.

Seconded by Councilman Bolander.

All voted Aye.

(1970-788) Councilman Niehaus offered the following resolution:

RESOLVED, that Orange & Rockland Utilities, Inc. is hereby authorized to install five (5) 7900 lu Mercury Vapor Streetlights in DEGAN HEIGHTS, New City where URD utilities are being installed at annual increase of \$273.00; town to take over payment from the developer when roads are dedicated to the town.

Seconded by Councilman Bolander.

All voted Aye.

(1970-789) Councilman Niehaus offered the following resolution:

RESOLVED, that the Superintendent of Highways be authorized to remove the YIELD signs and install STOP signs at the intersection of Edsall and Prospect Avenues in Nanuet as recommended by the Traffic Advisory Board.

Seconded by Councilman D'Antoni.

All voted Aye.

(1970-790) Councilman Bolander offered the following resolution:

WHEREAS, NED A. BESSO is the owner of parcel known as Map 105, Block A, Lot 33.02 and has consented to the use of his land as a sanitary fill area for a rental of a sum equal to the town taxes on the property, and

WHEREAS, the foregoing authority has been given until 12/31/71;

NOW THEREFORE, be it

RESOLVED, that the Town continue to use the above-mentioned parcel for sanitary fill operations through 12/31/71; and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to execute agreement covering the continued use of this parcel for sanitary fill operations.

Seconded by Councilman D'Antoni.

All voted Aye.

(1970-791) Councilman D'Antoni offered the following resolution:

RESOLVED, that George Mellersten, Assessor; and Frank Foley, Appraisal Assistant, are hereby authorized to attend the Annual Conference on Assessment Administration sponsored by the State Board of Equalization and Assessment to be held in Rochester, New York on January 10, 11, 12 and 13, 1971; and be it

FURTHER RESOLVED, that any and all expenses incurred be made a proper town charge.

Seconded by Councilman Bolander.

All voted Aye.

Re proposed resolution directing property owner to remove hedge obstruction at intersection of Old Mill Road and Kings Highway; Mr. Plotnik objected. Highway Superintendent reported that this has been hazard for many years; Proposed resolution tabled - Highway Department Town Engineer and the Police Chief requested to make recommendation to the Town Board.

(1970-792) Councilman Frohling offered the following resolution:

RESOLVED, that the Superintendent of Highways is authorized to construct sidewalks on the west side of Route 304, from Virginia Avenue to Germonds Road, and be it

FURTHER RESOLVED, that the Town of Clarkstown will maintain said sidewalks.

Seconded by Councilman Bolander.

All voted Aye.

(1970-793) Councilman D'Antoni offered the following resolution:

RESOLVED, that the Superintendent of Highways is authorized to construct 4' concrete sidewalks on South Middletown Road from Rockland Avenue, Nanuet to East Palisade Avenue; and be it

FURTHER RESOLVED, that the Town of Clarkstown shall maintain said sidewalks.

Seconded by Councilman Bolander.

All voted Aye.

(1970-794) Councilman D'Antoni offered the following resolution:

WHEREAS, a resolution was adopted by the Town Board of the Town of Clarkstown on 5/29/68 accepting the assignment of savings account passbook of JAMES R. MOODY in the amount of \$10,000 in lieu of a performance bond covering sanitary sewers and other related facilities as shown on the Final Plat of ROLLING RIDGE, WEST - New City, N Y; and

WHEREAS, said sewer facilities have been completed to the satisfaction of the Town Engineer of the Town of Clarkstown, and

WHEREAS, the Planning Board of the town adopted a resolution 8/11/70 recommending that the Town Board approve the release of the said \$10,000 performance bond to be replaced by a \$1,000 maintenance bond;

NOW THEREFORE, be it

RESOLVED, that upon the recommendation of the Town Engineer and the Planning Board of the Town of Clarkstown, deed from J. KNUTSEN & CO., INC. conveying the sanitary sewer system to the town in a subdivision known as ROLLING RIDGE, WEST, NEW CITY N Y, is hereby accepted and ordered filed in the County Clerk's Office, and be it

FURTHER RESOLVED, that the before-mentioned passbook of James R. Moody in the sum of \$10,000 is hereby released, and be it

FURTHER RESOLVED, that a maintenance bond of James R. Moody as Principal and Aetna Casualty & Surety Co. as Surety, in the sum of \$1,000 is hereby accepted.

Seconded by Councilman Niehaus.

All voted Aye.

Letter re Fairview Avenue Road Improvement - referred to the Town Attorney for advice.

(1970-795) Councilman Bolander offered the following resolution:

WHEREAS, TORSOE DEVELOPMENT CORP. has petitioned the town that the Building Zone Ordinance of said town be amended by re-districting property of said petitioner from an R-7.5 dist. to an RG-2 dist.;

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 at New City N Y in said town, on 1/13/71 at 8:30 PM 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 both official newspapers of the town, as aforesaid, and file proof thereof in the Office of the said Clerk.

Seconded by Councilman D'Antoni.

All voted Aye.

(1970-796) Councilman Bolander offered the following resolution:

WHEREAS, CHROMALLOY AMERICAN CORP. has petitioned the Town Board of the Town of Clarkstown that the Building Zone Ordinance of the said Town be amended by redistricting property of the said petitioner described, from an R-40 district to an M District;

NOW THEREFORE, be it

(cont)

(796 -- continued)

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 of the Town of Clarkstown at 10 Maple Avenue, New City N Y in the said Town of Clarkstown, on the 13th day of January 1971 at 8:45 PM 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 both official newspapers of the town, as aforesaid, and file proof in the office of said Clerk.

Seconded by Councilman D'Antoni.

All voted Aye.

Proposed resolution setting date of public hearing re GUTERL (R-22 to PO) -- already done 1/31/71 - 8PM - T/C)

Town Board signed ORDER setting public hearing re Proposed Extension of the Clarkstown Consolidated Water Supply District #1 to include SILVER HEIGHTS, BARDONIA N Y for 1/31/71 at 9PM.

(1970-797) Councilman Bolander offered the following resolution:

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

Thomas J. Kempton Jr., Inc.  
89 South Main St., New City N Y

Ernest F. Giraudin, dba Jace Contracting  
4 Pipers Glen, West Nyack N Y

John Fehsal,  
219 Strawtown Rd., New City N Y

Jacob Van Cura  
Old Ox Road, Central Nyack N Y

NOW THEREFORE, be it

RESOLVED, that the following Certificates of Registration be issued:

74-2 to Thomas J. Kempton  
71-3 to Ernest F. Giraudin  
71-4 to John Fehsal  
71-5 to Jacob Van Cura

Seconded by Councilman D'Antoni.

All voted Aye.

(1970-798) Councilman D'Antoni offered the following resolution:

WHEREAS, as a condition to the approval of the final map with regard to subdivision and site layout for BAROG ASSOCIATES, VALLEY COTTAGE N Y Planning Board of the town requested a deed for a road-widening strip along Mountainview Avenue in Valley Cottage, and

WHEREAS, said deed has been received in proper form;

now THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby accepts said deed for a road-widening strip along Mountainview Avenue, Valley Cottage N Y, said deed being dated 9/9/70, from Winifred Miller to the Town of Clarkstown/

Seconded by Councilman Frohling.

All voted Aye.

(1970-799) Councilman Bolander offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to defend the Building Inspector re Article 78 Proceeding brought by Quorum-New City Corporation.

Seconded by Councilman Frohling.

All voted Aye.

Mr. Wagner appeared before the Town Board re STOP sign on Rockford Drive, West Nyack. Town Attorney instructed to meet, together with the Superintendent of Highways, with the New York State Department of Transportation to discuss traffic control in this area; Mr. Wagner instructed to keep in contact with the Town Attorney for placement on future agenda.

Mr. Gerber appeared before the Town Board re Sewer Assessment Roll. Supervisor Vines informed him that the Roll is being prepared by the Assessor.

Mr. Garrison of the Valley Cottage Civic Association appeared before the Town Board re Valley Cottage Mall - Phase II. requesting that monies be provided for engineering fee for said Phase.

Mr. Callisoff appeared before the Town Board requesting drainage ditch be piped in (Sherman & Kent, Developers). Highway Superintendent instructed to submit cost estimate and also to see if fill available.

Councilman Frohling offered a motion for installation of a street light at the corner of South Main Street and Baluvelt Avenue, Nanuet. There was no second. Matter will be looked into further.

On resolution offered by Councilman Niehaus, seconded by Councilman Frohling and unanimously adopted, Town Board meeting was adjourned until Wednesday 12/9/70 at 8PM; at which time public hearings will be held at the Town Hall.

Signed,

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

#### SPECIAL TOWN BOARD MEETING

Town Hall

12/8/70

4:30 PM

Present: Councilmen Niehaus, Bolander, Frohling, D'Antoni, Supv. Vines  
Town Attorney  
Deputy Town Attorney  
Town Clerk

Supervisor Vines called special Town Board meeting to order; assemblage saluted the flag.

(1970-800) Councilman Niehaus offered the following resolution:

WHEREAS, a hearing was had on the Preliminary Budget of the Town of Clarkstown on the 5th day of November 1970 and the Preliminary Budget for the Year 1971, as amended, was adopted on the 6th day of November 1970; and

WHEREAS, the Budget as adopted contained assessment roll for benefit improvements including the assessment roll for sewer districts; and

WHEREAS, said assessment roll for the sewer districts has been computed on the basis of sewer consolidations, and

(cont)