

MINUTE BOOK

1950 1/1/50 1:30 p.m.

Present: Councilman W. J. ...
Town Attorney and Deputy Town Attorney
Town Clerk

RE: PROPOSED EXTENSION OF CLARKSTOWN CONSOLIDATED WATER SUPPLY DIST. #1
TO INCLUDE TOR HEIGHTS:

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

David Pesner, Esq., of the firm of Pesner & Pesner, 27 North Madison Avenue, Spring Valley N Y appeared as attorney for petitioner and stated the following:

Petition signed by Clarence Aull, owner of all the property involved. Proposed extension will benefit all the property within the proposed extension. Would be in the public interest to grant.

Proposed extension, if granted, could provide fire protection for the safety and well-being of property and lives, and would bring about a reduction in fire insurance rates.

Proposed extension would be at no cost to the town.

No one appearing; as being in favor of proposed extension. Motion for adoption of resolution adopted, and meeting adjourned.

Signature



Anne E. O'Sannor
Town Clerk

PUBLIC HEARING

Town Hall

6/1/21

8:15 PM

Present: Councilmen Nichols, Bolander, D'Antonio, Supervisor Vines,
Town Attorney; Deputy Town Attorney
Town Clerk

Absent: Councilman Frohling. (Verbatim taken by Public Stenographer)

RE: PROPOSED LOCAL LAW TO BE KNOWN AS THE PROPERTY MAINTENANCE CODE:

Supervisor Vines called public hearing to order; Town Clerk read Notice of Public Hearing and testified as to proper posting and publication of notice of hearing.

Deputy Town Attorney Martin S. Friedman was requested by Councilman Bolander; due to the fact that copy presented at hearing different from one presented at 5/19/21 meeting; be read aloud.

Deputy Town Attorney Martin S. Friedman read the entire proposed Local Law into the record.

On request from the Supervisor that the Town Attorney elaborate as to what effect this proposed Local Law would have on private residences, the Town Attorney, Frederick P. Roland stated the following:

Some of the information given by the news media today was not correct; this law in no way applies to one-family homes, except Sec. 6.5, which deals with exterior maintenance.

He continued; with respect to painting of exterior, there is no requirement that exteriors of one-family dwellings be painted. The only painting required, Mr. Roland stated, (Sec. 6-3.5), relates to exterior porches, landings, balconies, stairs, and fire escapes which shall be provided with banisters or railings properly designed and maintained, structurally sound, in good repair, well painted or otherwise provided with a protective treatment to prevent deterioration and free from defects.

None of these provisions, he continued, apply to one-family dwellings. This proposed law purpose is to consolidate some 12 laws that we now have in our individual code. A great many of the provisions of this law are now contained in 12 separate laws of the town.

Requirement, he continued, to maintain premises free of weeds, is also a provision which has been approved by Audit & Control. This proposed law is constitutional until such time courts determine it is not.

Councilman Bolander stated that re codification of town law; 1-1/2 years ago this codification of town law was broached. He inquired as to what stage that is at present.

Town Attorney replied that we have a traffic code that is 99% complete. This represents substantial part of the work that we have been doing in the recodifying. There are 12 laws here that would be consolidated. There are 13 to 20 Local Laws at present.

1/4 - Page 2
 1/18/68 - 1/18/68

In response to question from audience that on Page 2 it stated that single family residences would be defined as: "It is intended to inform the public that the certain single family residences will be other than owner-occupied. (Page 17-18) - Sec. 7 - 7.1) The single family home (6.7-1 & 6.8-9), are the only provisions of the law which apply to single family dwellings.

The following persons were heard re proposed Local Law:

Mr. Pasano, Valley Cottage:

In favor of proposed Local Law - needed. Protects single family home dwellers. We now have garbage and rat infested areas near our homes in vicinity (presented photos of Ford property).

Mrs. Barbara Woodson, Valley Cottage:

In favor. Ford Products Corp. violators. Rat infestation, garbage, no screening.

Mr. John Ihwaschek, New City:

OPPOSED: Wants clarified. (Town Attorney stated applies to rented single family.

MR. A. S. Taylor: OPPOSED. Re keeping bathroom floors dry at all times - not always possible. Deputy Town Attorney stated must not be wet and sloppy at all times.

Mr. John Hlepala, Valley Cottage: IN FAVOR: Re commuters parking lot - it is sloppy area. Public dump. Re single family dwelling - it should be extended to single family dwellings.

Mr. Thomas Jordan, Valley Cottage: IN FAVOR: There are some people who do not have pride - mentioned Ford Plant violations.

Mr. John Derella, West Nyack: OPPOSED: Cannot legislate pride. Not necessary if laws already on books. (Deputy Town Attorney: Not completely; this gives additional protection to residents). Mr. Derella continued; New York State laws not being enforced; should exclude all single family dwellings.

Mrs. Marguerite Warshaw, Valley Cottage: IN FAVOR: Builder Romano left debris. Present laws in existence not being enforced. Building Construction Code not being enforced. (Supervisor Vines at this point stated that our Building Department tries to enforce since he took office (Mr. Bowman). We have adopted regulation that forces builder to install all utilities.

Mrs. Marie Gruber, 17 Diane Dr., New City: Requested that term "single family home" be defined more clearly in proposed Local Law.

1/1 - Page 3
 MAINTENANCE CODE

Dr. Gnd Hakarom: Clarify enforcement. Enlarge Building Inspector's Office. Re ecology; what about Noise - provide for in this proposed Local Law.

Mr. H. Eisner, Strawtown Road: Clarify single family. What about vacant lots. Can you write into that law people other than the owners who contaminate empty lots. Sewers going in, trees dying. Roots bulldozed out. Builders do damage and leave. Owners must fix and clean up according to this. Deputy Town Attorney at this point stated that the only way to accomplish this is for somebody to witness the act taken place, and get license plates or some other means of identification.

Mr. Walter Werner, Nanuet, N Y: Re change of language in connection with one-family residences; intent now is that it will not effect the interior. Will this stand five years from now?

Mr. Bertram Strauss, New City: IN FAVOR, but generalities bad - broad interpretation can be had. Re infestation provision - squirrels are rodents. Specific rodents should be spelled out. Re Pg. 12 - (6 to 11): What is a weed? also - How can you judge when a tree is dying.

Provisions lacking, he continued. Parking lot litter - make provision on parking regulations - number and location of parking spaces - include section making that current existing law more stringent to the effect that a stream cannot have a course changed, altered, or covered, without written approval of soil conservation departments - We need opinion of people more knowledgeable than the Town Board as to whether or not a stream can be moved or covered.

Town Attorney at this point stated that we presently have in the Town Code under LL #4, a provision that covers the occupancy and maintenance of residential premises. We have a far broader law on the books now.

Councilman Bolander at this point asked if there ever has been a case where that Local Law has been challenged. Town Attorney Frederick P. Roland stated there is rule that laws constitutional unless courts say otherwise.

Mr. George Corber, Valley Cottage: Re 'Public Officer' (Sec. 6.2-22): Can Building Inspector designate other officials in the town except persons in his department? Is this wise provision to be included?

Deputy Town Attorney: He does have the power under this code to get the assistance of any department.

Town Attorney: Audit & Control states that Building Inspector can enter private property without permission to enforce building codes.

PUBLIC HEARING

June 1961

6/1/61

3:30 PM

Present: Councilmen Richards, Bolander, D'Antoni, Supervisor Vines
Town Attorney - Deputy Town Attorney
Town Clerk

Absent: Councilman Frohling. (Verbatim taken by Court Stenographer)

RE: PROPOSED ORDINANCE ENTITLED "STREET OPENINGS, EXCAVATIONS AND PAVEMENT CURBS":

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

Deputy Town Attorney read entire memorandum of Orange & Rockland Utilities who stated that having the duty of supplying gas and electric service within the town is the company most severely affected by this proposed ordinance, and as such, has made a detailed analysis of the proposed ordinance and submitted comments and suggestions. (Memorandum in Town Clerk's file) Opposed as it now stands. Mr. Manning, NY Telephone Co. - same.

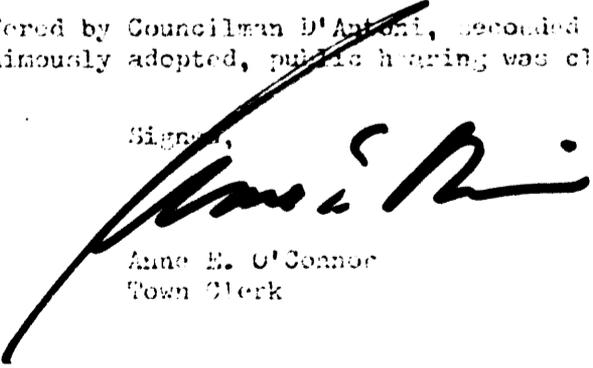
Highway Superintendent spoke as being in favor of proposed ordinance. Councilman D'Antoni inquired of the Highway Superintendent as to paving job on Bardonia Road when they notified utilities. Mr. Seeger replied that development started after his department paved the road; that street had, in addition approved, Orange & Rockland utilities. Councilman D'Antoni stated that what happened there could have been prevented. This ordinance good. To rip off road bed, he continued, to go from one side of street to another, does not require 180 day notice.

Mr. Floyd Code of Orange & Rockland Utilities stated that gas service cannot be inactive for a period of over two years. Co. D'Antoni replied that Highway Supt. paved road; two weeks later O & R opened trench width and breadth of that street.

Mr. John Lodico, New City: Any exception being granted utilities should be granted to all.

On resolution offered by Councilman D'Antoni, seconded by Councilman Richards and unanimously adopted, public hearing was closed.

Signed,


Anne E. O'Connor
Town Clerk

TOWN BOARD MEETING

Town Hall

6/1/71

8:45 PM

Present: Councilmen Nichols, Bolander, D'Antoni, Supervisor Vines
 Town Attorney and Deputy Town Attorney
 Town Clerk
 Absent: Co. Frohling

RE: PERMISSION FOR SPECIAL PERMIT - RUSSIAN ORTHODOX CONVENT OF NOVO DIVESVO:

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

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

Mr. John Tomicki, Jr., Spring Valley, appeared as attorney for petitioner and testified as follows:

Not supported by public funds. During preparation time, Special Permit lapsed. Change in law; we now have to come back to the Town Board for renewal instead of to the Zoning Board of Appeals.

Project is on Smith Road, across the street from the airport. Petition states that we intend to house 30 people in this building. People already residents on land, in existing building to west of the proposed facility. This proposal already submitted to Architectural Board and received favorable recommendation.

Address:

Mr. Val Dargav; 15 Broward Drive, New City: Building consists of a main bedroom wing, a connecting wing with administrative offices, and health care facilities and dining and recreation area. Access and ingress - one-way street. Required parking - 20. Bedroom wing, two story, concrete masonry. Same for other wings. Patio screened by existing trees.

Councilman Bolander: Re two stories; this is home for aged. Re Fire Escapes - not required in a new building if you cover all of the building code regulations which control amount of walk between exits during fire (we more than conform). - We have 42', they allow 100'. We have provided fire detection and smoke detection system on direct wire to the firehouse. Masonry structure; one central steel support. Fireproof rating.

Source of water supply: Eventually we hope the water district will be extended. Right now, we have three artesian wells which are interconnected. That is what we are using for our source of water at the moment. Wells tested every month.

Sewage Disposal: We are tying into sewers which are on Smith Road.

Proposed use will be appropriately located with respect to transportation, water supply, waste disposal, fire protection, police protection and other public facilities. Will not cause undue traffic congestion; will not create a traffic hazard. Will not adversely affect the character of the area or property values in the area. Will not otherwise impair the public health or safety or other aspects of the general welfare of the town.

GEB196

2/1 - Page 2
 N1010 B01370

Mr. Tomicki stated they would like to go to the Planning Board when they get approval from the Town Board. They hope to get it under construction before the end of July. Building they are in now very bad.

No further witnesses. No further questions from Town Board.

Mr. Robert Granik, Attorney for Elinor Homes (Counsel & Principal):

Owms all land to the east and north of property of applicant. Not opposed, but inquired if they receive approval that they will not subsequently oppose similar application for the abutting property. If in the future the client he represents should do so, he does not want opposition from the applicant.

Mr. Tomicki replied that they would be in an awkward position to object to a neighbor seeking similar use. They would be willing to write a letter that they would raise no objection in the event that an abutting landowner would petition the Board for a similar Special Permit.

Mr. Gad Hakarem, 35 Birchwood Terrace: IN FAVOR. Speaking for people living on Smith Road and Birchwood Terrace. Approves of these plans.

Mrs. Taylor: OPPOSED: Owns property on Smith Road opposite this. Too noisy for old people in this area.

Mr. Bertram Strauss: IN FAVOR

Mrs. Castaldo, Bardonia: IN FAVOR

Mr. William Beard, Tomkins Cove: (Speaking for Hangar Properties): OPPOSED. Proposed erection directly opposite airport. Incompatible future friction. They were aware of airport when they built. Re map; this would be in violation with our present zoning ordinance. Would violate setback requirement of Zoning Ordinance. Town Board should require a substantial setback. Surrounding area industry.

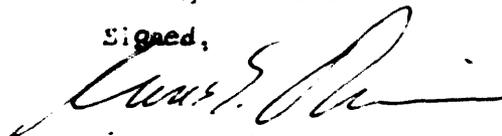
Councilmen D'Antoni and Bolander stated that if anyone in violation, it is their helipad - too close to road.

In reply to query made by A. S. Taylor as to what will become of existing facility, Mr. Dagaev replied that it will be turned over to the Nuns. Re parking - has complied with Zoning Ordinance - 28 parking spaces.

In rebuttal, attorney John Tomicki-Jr. stated that as to location; they are taking existing people and moving them to the east. Cost of construction - existing facilities can be tied into by moving just one structure. Also sewer tie-in. We are trying, he stated to keep cost within our financial capacity. Re setback: This has already been before the Planning Board. We conform to all the rules and regulations according to the best of my knowledge. Denied any violations of bulk use regulations.

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

Signed,



Wm E. O'Brien
 Town Clerk

SPECIAL TOWN BOARD MEETING

Town Hall

6/9/71

8:00 PM

Present: Councilmen Niehaus, Bolander, D'Antoni, Supervisor Vines
Town Attorney and Deputy Town Attorney
Town Clerk

Absent: Councilman Frohling.

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

(1971-412) Councilman Niehaus offered the following resolution:

RESOLVED, that Special Town Board meeting be adjourned in order
to hold scheduled public hearings.

Seconded by Councilman Bolander.

All voted Aye.

(1971-413) Councilman D'Antoni offered the following resolution:

RESOLVED, that Special Town Board meeting be resumed, public
hearings having been held.

Seconded by Councilman Niehaus.

All voted Aye.

Town Board signed Order Extending Clarkstown Consolidated Water
Supply Dist. #1 to include Tor Heights Subdiv. (See Attached)

(1971-414) Councilman Niehaus offered the following resolution:

WHEREAS, the effluent collected in Sewer Dist. No. 4-Ext. has been
treated and disposed of by the Town of Orangetown pursuant to a contract dated
3/26/62; and

WHEREAS, it is now possible to dispose of the effluent from the
said sewer district by connecting into a trunk line maintained and operated
by the County of Rockland, and

(continued)

Page 2

(1971-414cont)

WHEREAS, the County of Rockland has agreed to dispose of said effluent and has requested that a written contract be entered into between the Town of Clarkstown and the County of Rockland to provide for these services and the payment thereof, and

WHEREAS, there are thirty-three separate parcels of land for which such service is required and for which the Town of Clarkstown has been paying the sum of \$100.00 annually per parcel to the Town of Orangetown; and

WHEREAS, the said sewer district will not be in the Clarkstown benefited sewer district when consolidation takes place, and

WHEREAS, the County of Rockland has agreed to accept an amount equivalent to the normal and usual taxes levied on these parcels for sewer service in payment for the services to be provided by the County of Rockland;

NOW THEREFORE, be it

RESOLVED, that the Counsel for Sewer Districts be authorized to prepare a contract on behalf of the Town of Clarkstown to carry out the above and to submit said contract to the County of Rockland for approval and, when said contract has been approved by both the Town of Clarkstown and the County of Rockland, that the Supervisor and the members of the Town Board be authorized to execute the same.

Seconded by Councilman D'Antoni.

All voted Aye.

(1971-415) Councilman Niehaus offered the following resolution:

RESOLVED, that bid for the installation and site work for the pump station located in Sewer Dist. #35 be awarded to the lowest bidder, Edward J. Huegel, Inc., 110 Crooked Hill Rd., Pearl River N Y at a cost the Town of \$23,578: according to specifications, subject to approval by the Counsel for Sewer Districts and the Consulting Engineer and that they each render a written opinion of their recommendations.

Seconded by Councilman Bolander.

All voted Aye.

Page 3

(1971-416) Councilman D'Antoni offered the following resolution:

(INSERT RESOLUTION AMENDING THE BOND RESOLUTION ADOPTED ON 9/25/61 APPROPRIATING \$526,260. FOR THE CONSTRUCTION OF A SEWER SYSTEM IN NEW CITY SEWER DISTRICT NO. 10; AND AUTHORIZING PUBLICATION OF SAME)

Seconded by Councilman Niehaus.

All voted Aye.

(1971-417) Councilman Niehaus offered the following resolution:

RESOLVED that a leave of absence be granted to Virginia Scherr 4 Richard Dr., W. Nyack N Y, Typist - P/T in the Parks & Recreation Office, effective June 15, 1971 through Sept. 15, 1971; without compensation.

Seconded by Councilman D'Antoni.

All voted Aye.

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

Republic Insurance Co. Bond #906394
Forest Knoll, Valley Cottage (Gazzola Bldg. Corp., Princ.)
Bond Amount: \$7800.00
Term: Two years (2/17/71 - 2/16/73)
Covers: Sewer Installation

Republic Insurance Co. Bond #904336
Forest Knoll, Valley Cottage (Gazzola Bldg. Corp., Princ.)
Bond Amount: \$20,000.
Term: Two years (2/17/71 - 2/16/73)
Covers: Roads

(1971-418) Councilman D'Antoni offered the following resolution:

RESOLVED, that decision on Proposed Local Law to be known as "PROPERTY MAINTENANCE CODE OF THE TOWN OF CLARKSTOWN" be RESERVED.

Seconded by Councilman Bolander.

All voted Aye.

Page 4

(1971- 420) Councilman Niehaus offered the following resolution:

RESOLVED, that decision on PROPOSED ORDINANCE ENTITLED
" STREET OPENINGS, EXCAVATIONS AND PAVEMENT CUTS" be RESERVED.

Seconded by Councilman D'Antoni.

All voted Aye.

(1971- 421) Councilman D'Antoni offered the following resolution:

RESOLVED, based upon the recommendation of the Chief of Police,
that the Highway Supt. be authorized to erect a STOP sign on the N/W
corner of the intersection of Hall Avenue and Lake Road, facing Lake Road.

Seconded by Councilman Bolander.

All voted Aye.

(1971- 422) Councilman D'Antoni offered the following resolution:

(INSERT RESOLUTION GRANTING SPECIAL PERMIT TO RUSSIAN ORTHODOX CONVENT OF
NOVO DIVEEVO)

Seconded by Councilman Bolander.

All voted Aye.

(1971- 423) Councilman D'Antoni offered the following resolution:

RESOLVED, that the Highway Supt. be authorized to place curb to curb
pavement in Sewer Districts 34, 36 and 37; monies to be taken from each
separate sewer district account.

Seconded by Councilman Bolander.

All vote d Aye.

On resolution offered by Councilman Niehaus, seconded by
Councilman Bolander and unanimously adopted, Special Town Board meeting
was adjourned until Wednesday, 6/16/71 at 8:00 PM.

Signed,



James L. O'Connor
Town Clerk

INSERTS FOR TOWN BOARD MEETING

6/9/71

BEFORE THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, ROCKLAND COUNTY, NEW YORK

ORDER

In the Matter of the Petition for EXTENSION of the Clarkstown Consolidated Water Supply District #1 to include TOR HEIGHTS

EXTENDING DISTRICT

the Town of Clarkstown, Rockland County, New York

A petition in this matter for the extension of the Clarkstown Consolidated Water Supply District #1 - TOR HEIGHTS of the Town of Clarkstown, excluding any portion already in an existing district, having been duly presented to the Town Board, and an Order having been duly adopted by the Town Board on the 10th day of May, 1971, for the hearing of all persons interested in the matter on the 9th day of June, 1971 at 8:00 P.M. EDST Time, at the Board Room of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, New York, and a Public Hearing by the said Town Board having been duly held at such time and place, and it having been duly resolved and determined, following such hearing, that the petition herein was signed and acknowledged or proved as required by law and otherwise sufficient, that all property and property owners within the proposed extension were benefitted thereby, that all property and property owners benefitted were included within the limits of the proposed district, and that it was in the public interest to grant in whole the relief sought, and it having been then and there further duly resolved that the creation of such extension as proposed be approved, it is hereby,

ORDERED, that the Clarkstown Consolidated Water Supply District #1 of the Town of Clarkstown be extended in the said Town of Clarkstown, Rockland County, New York, to include lands in the said Town of Clarkstown, described as follows:

(INSERT DESCRIPTION)

DATED June 9, 1971

[Signature]
Councilman
W. R. Michaels
Councilman

[Signature]
Supervisor
Anthony D. Anton
Councilman
Councilman

STATE OF NEW YORK (OF COUNTY OF ROCKLAND)
OF CLARKSTOWN)

SS:

I, JANE E. O'CONNOR, Town Clerk of the said Town of Clarkstown, County of Rockland, hereby certify that I have compared the foregoing copy of an Order extending Clarkstown Cons. Wtr Spnly Dist. #1 - TOR HEIGHTS with the original now on file in said office, and find same to be a true and correct transcript and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the seal of said Town of Clarkstown this 9th day of June, 1971.

[Signature]
Town Clerk

SCHEDULE "A"

All that certain plot, piece or parcel of land, situate lying and being in the Town of Clarkstown, County of Rockland, and State of New York more particularly bounded and described as follows:

BEGINNING at a concrete monument located on the westerly right of way line of Little Tor Road said monument being located on a course of $S7^{\circ}-17'-30''E$, 94.62' from another concrete monument located on the westerly right of way line of Little Tor Road; thence,

- 1) $S6^{\circ}-58'-20''E$, 889.39' along the westerly right of way of little Tor Road; thence,
- 2) $N85^{\circ}-10'-10''W$, 402.06" along the common boundary line with lands now or formerly owned by Shapiro; thence,
- 3) $S8^{\circ}-45'-40''W$, 125.22' along the common boundary line with lands now or formerly owned by Shapiro; thence,
- 4) $S85^{\circ}-04'-20''E$, 113.02' along the common boundary line with lands now or formerly owned by Shapiro; thence,
- 5) $S0^{\circ}-11'-20''E$, 84.06' along the lands now or formerly owned by Randt; thence,
- 6) $N88^{\circ}-38'-05''E$, 318.53' along the lands now or formerly owned by Randt to a point on the westerly right of way of Little Tor Road; thence,
- 7) $S0^{\circ}-11'-20''E$, 126.00' along the westerly right of way of Little Tor Road; thence,
- 8) $S88^{\circ}-38'-05''W$, 318.53' along the lands now or formerly owned by Gibbons; thence,
- 9) $S0^{\circ}-11'-20''E$, 352.48' along the lands now or formerly owned by Gibbons; thence,
- 10) $S87^{\circ}-00'-10''W$, 44.35' along a stone wall; thence,
- 11) $N83^{\circ}-01'-40''W$, 174.96' along a stone wall; thence,
- 12) $N4^{\circ}-09'-50''E$, 111.98' along a stone wall; thence,
- 13) $N07^{\circ}-19'-40''W$, 867.84'; thence,
- 14) $N15^{\circ}-04'-50''E$, 60.38'; thence,
- 15) $N32^{\circ}-38'-47''E$, 102.85'; thence,

- 16) N51°-30'-14"W, 54.77'; thence,
- 17) N0°-42'-50"E, 70.77'; thence,
- 18) N76° - 14'- 18"E, 34.32'; thence,
- 19) N13° -44'-34"W, 104.94'; thence,
- 20) N24°-02'-40"E, 66.78'; thence,
- 21) N5°-12'-20"E, 121.48'; thence,
- 22) S87°-59'-30"E, 408.70'; thence,
- 23) N5°-45'-30"E, 237.40'; thence,
- 24) N87°-59'-30"W, 506.22'; thence,
- 25) N23°-12'-25"E, 427.53' along the centerline of an Orange & Rockland Utilities, Inc., easement; thence,
- 26) N23°-12'-10"E, 666.23' along the centerline of an Orange & Rockland Utilities, Inc., easement to a monument; thence,
- 27) N33°-14'-00"E, 108.00'; thence,
- 28) N6°-53'-20"W, 585.57' to a point on the southerly right of way of South Mountain Road; thence,
- 29) N83°-33'-40"E, 150.00' along the southerly right of way of South Mountain Road; thence,
- 30) S6°-53'-30"E, 505.42'; thence,
- 31) S35°-52'-40"W, 137.00'; thence,
- 32) S60°-06'-40"E, 103.50'; thence,
- 33) N10°-33'-15"W, 40.00'; thence,
- 34) N81°-50'-29"E, 25.32'; thence,
- 35) S73°-16'-56"E, 42.14'; thence,
- 36) S50°-33'-44"E, 92.57'; thence,
- 36a) S6°-38'-58"E 52.70'; thence,
- 37) S82°-12'-01"E, 95.64'; thence,
- 38) N59°-35'-45"E, 74.84'; thence,
- 39) N86°-26'-59"E, 44.26'; thence,
- 40) S0°-03'-03"E, 23.00'; thence.
- 41) S80°-48'-37"E, 168.59'; thence,

-3-

42) N77°-37'-19"E, 29.74' to a point on the westerly right of way of Little Tor Road; thence,

43) S10°-18'-23"W, 68.28' to a point on the westerly right of way of Little Tor Road; thence,

44) S71°-54'-42"E, 39.99' to a point on the westerly right of way of Little Tor Road; thence,

45) S19°-47'-40"E, 178.01' to a point on the westerly right of way of Little Tor Road to a Rockland County Highway Monument; thence,

46) S7°-17'-30"E, 94.62' to a point on the westerly right of way of Little Tor Road to a concrete monument which is the point or place of BEGINNING.

TBM - 6/9/71

Resolution #416

Co. D'Antoni offered the following resolution:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,
NEW YORK, ADOPTED SEPTEMBER 25, 1961 AND
AMENDED JUNE ~~2~~⁹, 1971, AUTHORIZING \$596,260
FOR THE CONSTRUCTION OF A LATERAL SEWER
SYSTEM IN NEW CITY SEWER DISTRICT NO. 10, IN
SAID TOWN, AND AUTHORIZING THE ISSUANCE OF
\$596,260 SERIAL BONDS OF SAID TOWN TO FINANCE
SAID APPROPRIATION.

Recitals

WHEREAS, after a public hearing duly called and held, the Town Board of the Town of Clarkstown (herein called "Town Board" and "Town," respectively), in the County of Rockland, New York, determined on May 22, 1961, that the petition for New City Sewer District No. 10, in the Town (herein called "District"), is signed and acknowledged or proved as required by law, that all the property and property owners within the District are benefited thereby, that all the property and property owners benefited are included within the limits of the District and that it is in the public interest to proceed with the establishment of the District and the construction of a lateral sewer system therein, and approved said establishment and construction as set forth in said petition; and

WHEREAS, following submission of an application by the Town Board, the State Comptroller granted permission to establish the District by Order dated September 5, 1961, which Order was duly filed with and presented to the Town Board at its first meeting held after said Order was so filed; and

WHEREAS, the Town Board adopted an Order on September 11, 1961, establishing the District and ordering construction of the lateral sewer system therein at a cost not to exceed \$526,260 which Order is to be duly recorded with the Clerk of Rockland County and duly filed with the Department of Audit and Control; 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 lateral sewer system to be \$596,260, being an increase of \$70,000; 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 February 23, 1971, approving the application of the Town Board to increase the maximum amount to be expended from \$526,260 to \$596,260, the Town Board on April 28, 1971, 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, no petition signed and acknowledged by the owners of taxable real property situate in the District, against said Order and requesting that said Order be submitted to the owners of taxable real property for their approval or disapproval has been filed with the Town Clerk within thirty (30) days after the date of the adoption thereof, or any other time since adoption;

now, therefore, be it

402

RESOLVED BY THE TOWN BOARD OF THE TOWN OF
CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK (by the
favorable vote of not less than two-thirds of all the members of said
Board) AS FOLLOWS:

Section 1. The Town of Clarkstown (herein called "Town"),
in the County of Rockland, New York, hereby appropriates the amount of
\$596,260 for the construction of a lateral sewer system, including a sewage
treatment and disposal plant, buildings and purchase of original furnishings,
equipment, machinery and apparatus required, including acquisition by
purchase or condemnation of lands or rights in land, in New City Sewer
District No. 10, (herein called "District"), all as hereinabove referred to
in the recitals of this resolution, and all in accordance with the map, plan
and estimates prepared by Scovill and Boswell, P.E., competent engineers,
duly licensed engineers of the State of New York, on file in the office of
the Town Clerk and heretofore approved by the Town Board of the Town.
The estimated maximum cost of said specific object or purpose, including
preliminary costs and costs incidental thereto and the financing thereof,
is \$596,260 and the plan of financing includes the issuance of serial bonds
of the Town in the principal amount of \$596,260 and the assessment, levy
and collection of assessments on the several lots and parcels of land within
the District to pay the principal of said bonds and the interest thereon 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.

Section 2. To finance the said appropriation, serial bonds of the
Town are hereby authorized to be issued in the principal amount of \$596,260,
pursuant to the provisions of the Local Finance Law, constituting Chapter
33-a of the Consolidated Laws of the State of New York (herein called "Law").

Section 3. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the specific object or purpose for which the bonds authorized by this resolution are to be issued, within the limitations of §11.00 a. 4 of the Law, is forty (40) years.

(b) Current funds are not required by the Law to be provided prior to the issuance of the bonds authorized by this resolution, or any bond anticipation notes in anticipation thereof, pursuant to Section 107.00 d. 3 (i) of the Law.

(c) The proposed maturity of the bonds authorized by this resolution may exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation thereof shall contain the recital of validity prescribed by §52.00 of the Law and said bonds and notes shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and notes and provision shall be made annually in the budgets of the Town by appropriation for (a) the amortization and redemption of the bonds and notes to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes and of §50.00

§§56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to prescribing the terms, form and content and as to the sale and issuance of the bonds hereby authorized and of any notes issued in anticipation thereof are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately.

Seconded by Co. Niehaus

All vote d Aye.

TBM - 6/9/71
RESOLUTION #422

Co. D'Antoni offered the following resolution:

SPECIAL FINDINGS AND RESOLUTION
GRANTING SPECIAL PERMIT FOR HOME
FOR THE AGED

WHEREAS, THE RUSSIAN ORTHODOX CONVENT of NOVO DIVEEVO, made application for a Special Permit for a home for the aged located near the intersection of Pascack Road and Smith Road in the Town of Clarkstown, New York, pursuant to Section 8.3334 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 9th day of June, 1971, at 8:45 P.M., in the Town Hall, 10 Maple Avenue, New City, Town of Clarkstown, New York, to consider such application;

NOW THEREFORE, the Town Board makes the following Special Findings pursuant to Section 4.31 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 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 comply with all other requirements applicable to such use;

NOW THEREFORE, be it

RESOLVED, that a Special Permit for a home for the aged 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 Section 8.3334 of the Zoning Ordinance of the Town of Clarkstown.

Dated: June 9, 1971

TOWN BOARD OF THE TOWN OF CLARKSTOWN

By 
William E. Vines, Supervisor

Seconded by Councilman Bolander.

All Voted Aye.