

## PUBLIC HEARING

Clarkstown Senior  
High School-North

1/26/72

8:00 PM

Present: Councilmen Niehaus, D'Antoni, Lodico, Pizzutello, Supervisor Vines  
Town Clerk Anne E. O'Connor  
Town Attorney & Deputy Town Attorney

RE: PROPOSED AMENDMENT TO THE BUILDING ZONE ORDINANCE - SEC. 3.11 TABLE  
OF GENERAL USE REGULATIONS:

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

## Proposed change:

To amend Sec. 3.11, Table of General Use Regulations for the LS Zone, Col. 2, Item 4, by adding thereto as follows:

"except that drivein restaurants shall be located along major roads as classified on the Official Map (See Sec. 1.4)"

Amend Sec. 3.11, Table of General Use Regulations, for the CS Zone, Column 2, Item 1, by adding thereto as follows:

"except that drive-in restaurnats shall be located along major roads as classified on the Official Map (See Sec. 1.4)"

Supervisor stated that this is to prevent creation of drivein restaurants on certain streets other than general highways.

Town Planner Theodore Zollendeck explained amendment as follows:

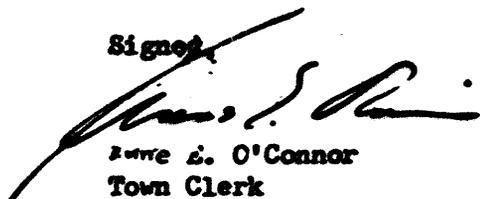
Purpose is to try to regulate drivein restaurants in the township. To be placed in commercial zones or highways only. This proposed amendment he stated, will prohibit driveins on residential, local and secondary streets.

IN FAVOR: Mr. George Goodman, New City N Y

OPPOSED: Mr. Jerome Johnson as Attorney and citizen. If adopted, he stated, could lead to lawsuit because what is proposed is contrary to the laws of the state. There is nothing in the Zoning Ordinance, he stated, which defines a drivein restaurant. Would be ambiguous and could not be enforced by the Town Attorney or Building Inspector.

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

Signed,



Anne E. O'Connor  
Town Clerk

## PUBLIC HEARING

Clarkstown Senior  
High School-North

1/26/72

8:15 PM

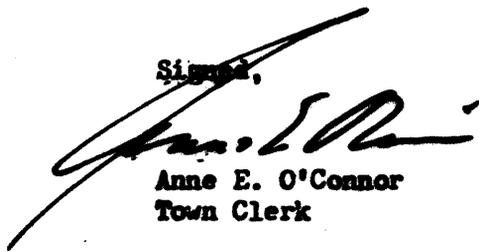
Present: Councilmen Niehaus, Lodico, D'Antoni, Pizzutello, Supervisor Vines  
Town Clerk Anne E. O'Connor  
Town Attorney & Deputy Town Attorney

RE: PROPOSED ZONE CHANGE - BERNARD G. NEMEROFF AND FRANCES NEMEROFF,  
THE DELLS, INC. & SADIM TRADING CORPORATION (TO RG-2 & CS):

VERBATIM MINUTES TAKEN BY COURT STENOGRAPHER.

AS SOON AS SAME RECEIVED, TOWN CLERK WILL FORWARD.

Signed,



Anne E. O'Connor  
Town Clerk

(VERBATIM MINUTES OF 1/26/72 RE ABOVE IN FILE)

TOWN BOARD MEETING

Clarkstown  
Sr. High School  
North-Auditorium

1/26/72

8:00 PM

Present: Councilmen Niehaus, D'Antoni, Lodico, Pizzutello, Supervisor Vines  
Town Clerk Anne E. O'Connor  
Town Attorney and Deputy Town Attorney

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

(1972-123) Councilman D'Antoni offered the following resolution:

WHEREAS, a proceeding has been brought against the Town of Clarkstown entitled:

RITA FEINBERG, ALICE BRICKMAN, JERRY PRESSON,  
WILLIAM RAU, CATHERINE FIORI, MARIE HOFFMAN,  
PATRICIA HENRICSON, LEMHART HENRIKSON, EDNA  
MELCE, LILYAN GRAY, JULIUS GREEN, MARTICA SAWIN,  
HAROLD COLETTA, JEANNE BLOCHE, CARY ANDREWS,  
MONROE KATZ, ROSEMARY GREENY, CLORIA FERBER,  
LOUISE O'CONNELL, JOSEPH SCIARRINO, ANN STEVENS,  
JAMES STEVENS, STEPHEN CANTOR, MICHAEL KAUFMAN,  
RUBIN GOREWITZ,

Plaintiffs,

-against-

WILLIAM E. VINES, ANTHONY D'ANTONI, WILLIAM R.  
NIEHAUS, VINCENT P. PIZZUTELLO, JOHN LODICO and  
THE TOWN OF CLARKSTOWN, a Municipal Corporation,

Defendants,

NOW THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to take whatever steps are necessary to defend said proceeding.

Seconded by Councilman Lodico.

All voted Aye.

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(1972-124) Councilman D'Antoni offered the following resolution:

WHEREAS, contracts have already been let for the WEST NYACK DRAINAGE PROJECT, and

WHEREAS, negotiations with Arthur C. Zucker and Daniel A. Zucker to obtain an easement to install the portion of the WEST NYACK DRAINAGE PROJECT passing through their lands has not been successful, and

WHEREAS construction has already commenced on the WEST NYACK DRAINAGE PROJECT, and

WHEREAS, any delay in the obtaining of an easement through the property of Arthur C. Zucker and Daniel A. Zucker will cause substantial expense to the Town of Clarkstown;

NOW THEREFORE, be it

RESOLVED, that the Town Attorney be and he hereby is directed to commence immediate condemnation of the necessary easement through the lands of Arthur C. Zucker and Daniel A. Zucker for the WEST NYACK DRAINAGE PROJECT.

Seconded by Councilman Lodico.

All voted Aye.

(1972-125) Councilman Niehaus offered the following resolution:

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

Seconded by Councilman Pizzutello.

All voted Aye.

(1972-126) Councilman Lodico offered the following resolution:

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

Seconded by Councilman D'Antoni.

All voted Aye.

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(1972-127) Councilman D'Antoni offered the following resolution:

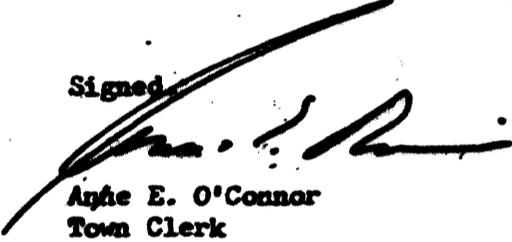
(INSERT RESOLUTION RESERVING DECISION ON PROPOSED AMENDMENT TO BUILDING ZONE ORDINANCE - SEC. 2.11 TABLE OF GENERAL USE REGULATIONS)  
**Town Board Reserved Decision on Proposed Amendment to Bldg. Zone Ordinance Sec. 2.11 Table of General Use Regulations.**  
Seconded by Councilman Lodico. (mentioned above.) All voted Aye.

(1972-128) Councilman D'Antoni offered the following resolution:

(INSERT RESOLUTION RESERVING DECISION ON APPLICATION MADE BY BERNARD G. NEMEROFF & FRANCES NEMEROFF, THE DELLS, INC. & SADIM TRADING CORPORATION FOR A CHANGE OF THE ZONING ORDINANCE BY ZONING PROPERTY OF THE PROPONENTS TO RG-2 & C3 DISTRICTS)  
**Town Board Reserved Decision Appli. THE DELLS by zoning to RG-2 & C3**  
Seconded by Councilman Pizzutello. (Districts.) All voted Aye.

On resolution offered by Councilman D'Antoni, seconded by Councilman Pizzutello and unanimously adopted, Town Board meeting was adjourned until Wednesday, February 2nd, 1972 at 8:00 PM at the Town Hall.

Signed

  
Angie E. O'Connor  
Town Clerk