

PUBLIC HEARING

Town Hall

3/8/72

8:00 PM

Present: Councilmen Niehaus, D'Antoni, Lodico, Pizzutello, Supervisor Vines
Town Attorney Frederick P. Roland
Deputy Town Attorney Martin J. Friedman
Town Clerk Anne E. O'Connor

RE: PROPOSED AMENDMENT TO ZONING ORDINANCE OF THE TOWN OF CLARKSTOWN:
AMEND SEC. 1.36 (DEFINED WORDS): --"DRIVE-IN RESTAURANT":

Supervisor Vines called Public Hearing to order; Town Clerk notified the Town Board that notice of public hearing was posted and published by her office as required by law.

Communication received from the County Planning Board stating that they find that the adoption of the amendment to the Zoning Code will not be detrimental to State or County roads; parks or facilities, or to abutting municipalities.

Martin S. Friedman, Esq., Deputy Town Attorney testified as follows:

Purpose of proposed amendment is that there was no definition of drive-in restaurant; this would give definition of drive-in restaurants so that the Building Inspector can be guided by interpretation of amendment passed in December of 1971.

Definition: ~~DRIVE-IN RESTAURANT -- An establishment for the quick service of food in a package form, where the patron has the option to consume the packaged food on or off the premises, open to the general public and designed for patrons primarily travelling to the site by private automobile, except those establishments which are included in a shopping center containing ten or more establishments, stores or businesses.~~

Purpose and Intent: To avoid the condition of having an overloading of our secondary roads by having in and out traffic, such as 'Jack in the Box' or similar type. Town Planner says this should have the desired result.

In answer to question put by Mr. Bert Strauss, New City, Mr. Friedman stated that 'secondary roads' are clearly defined.

IN FAVOR: No one appeared.

OPPOSED: No one appeared.

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

Signed,

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

TOWN BOARD MEETING

Town Hall 3/8/72 8:00 PM

Present: Councilmen Niehaus, D'Antoni, Lodico, Pizzutello, Supervisor Vines
Town Attorney Frederick P. Roland
Deputy Town Attorney Martin S. Friedman
Town Clerk Anne E. O'Connor

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

(1972-266) Supervisor Vines offered the following Proclamation:

(INSERT PROCLAMATION RE GIRL SCOUT WEEK)

Seconded by Councilman D'Antoni. All voted Aye.

(1972-267) Councilman Niehaus offered the following resolution:

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

Seconded by Councilman Lodico. All voted Aye.

(1972-268) Councilman Pizzutello offered the following resolution:

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

Seconded by Councilman D'Antoni. All voted Aye.

(1972-269) Councilman D'Antoni offered the following resolution:

(INSERT RESOLUTION AMENDING ZONING ORDINANCE - SECTION 1.36 -(DEFINED WORDS) BY ADDING THERETO AS FOLLOWS: DRIVE-IN RESTAURANT -- An establishment for the quick service of food in a packaged form on or off the premises, etc.)
SEE FOLLOWING PAGE.

Seconded by Councilman Lodico. All voted Aye.

TEK - 3/8/72
Page 2

(1972-270) Councilman D'Antoni offered the following resolution:

RESOLVED, that the Bingo Inspector is hereby authorized to make eight (8) Bingo Inspections per month, at the rate of \$10.00 per inspection, effective immediately.

Seconded by Councilman Niehaus.

All voted Aye.

(1972-271) Councilman Lodico offered the following resolution:

RESOLVED, that the Town Clerk is hereby authorized to advertise for bids for the furnishing of Police Summer Uniforms, said bids to be returnable on March 29th, 1972 at 8:25 PM and be it

FURTHER RESOLVED, that specifications can be obtained from the Police Department.

Seconded by Councilman D'Antoni.

All voted Aye.

(1972-272) Councilman Niehaus offered the following resolution:

WHEREAS, a comprehensive amendment to the Zoning Ordinance of the Town of Clarkstown was adopted on June 30, 1967 and further amended, and

WHEREAS, the Town Board of the Town of Clarkstown desires to further amend the Zoning Ordinance;

~~NOW THEREFORE~~, be it

RESOLVED, that a public hearing pursuant to Sec. 264 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, Rockland County, New York, on the 12th day of April, 1972 at 8:00 PM to consider the adoption of the following proposed amendment to the Town of Clarkstown Zoning Ordinance of 1967:

(continued)

RESOLUTION #269 ADOPTED TOWN BOARD MEETING 3/8/72

RESOLUTION ADOPTING AMENDMENT
TO ZONING ORDINANCE OF THE TOWN
OF CLARKSTOWN

WHEREAS, the Town Board of the Town of Clarkstown, by resolution adopted on the 16th day of February, 1972, provided for a public hearing on the 8th day of March, 1972, at 8:00 P.M., to consider an amendment to the Zoning Ordinance of the Town of Clarkstown, and

WHEREAS, notice of said public hearing was duly published and posted 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 Zoning Ordinance of the Town of Clarkstown be and it hereby is amended as follows:

Amend Sec. 1.36 (Defined words) by adding thereto as follows:

DRIVE-IN RESTAURANT -- An establishment for the quick service of food in a package form, where the patron has the option to consume the packaged food on or off the premises, open to the general public and designed for patrons primarily travelling to the site by private automobile, except those establishments which are included in a shopping center containing ten or more establishments, stores or businesses.

Dated: March 8, 1972

GE8196

(1972-272 - continued)

Amend Sec. 312, Table of General Bulk Regulations, Column 6, as follows:
NOTE No. 11 - The required minimum lot frontage as defined in Sec. 1.36 (Defined Words) shall not be less than forty (40') feet.

and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of statutory hearing and that the Town Clerk cause the same to be published in the Journal News, the official newspaper of the Town, as aforesaid and file proof thereof in the office of said Town Clerk.

Seconded by Councilman D'Antoni.

All voted Aye.

(1972-273) Councilman D'Antoni offered the following resolution:

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

Beckerle-Brown, Inc.
10 West Jefferson Avenue
Pearl River, New York

Ronald Snyder d/b/a Snyder's Backhoe Service
100 Church Street
Nanuet, New York

NOW THEREFORE, be it

RESOLVED, that the following Certificates of Registration be issued:

No. 72-33 to Beckerle-Brown, Inc.
No. 72-34 to Snyder's Backhoe Service

Seconded by Councilman Loico.

All voted Aye.

TBM - 3/9/72
Page 4

(1972-274) Councilman Pizzarello offered the following resolution:

WHEREAS, a resolution (#255) was adopted on 3/1/72 granting permission to the Congers-Valley Cottage Jaycees to discharge firearms on the grounds of Congers Lake for the purpose of holding a Ham Shoot on Saturday, March 25, 1972, and

WHEREAS, it is desired that the location of said Ham Shoot be changed,

NOW THEREFORE, be it

RESOLVED, that location of said Ham Shoot be changed from grounds of Congers Lake, to the South Clarkstown Recreation Area.

Seconded by Councilman D'Antoni.

All voted Aye.

(1972-275) Councilman Niehaus offered the following resolution:

WHEREAS, The Dells, Inc. and Bernard G. Nemeroff, Petitioners, have brought a proceeding for review of the assessment of their properties in the Town of Clarkstown under Article 7 of the Real Property Tax Law, and

WHEREAS, the Town Board of the Town of Clarkstown, by resolution dated the 1st day of September 1971, authorized the Town Attorney's Office to defend such action and take all necessary required proceedings in connection with said action, and

WHEREAS, an Order has been entered by the Supreme Court appointing Robert Doscher, Esq. as referee to take evidence in said proceeding, and

WHEREAS, it is the opinion of the Office of the Town Attorney that the complexities of the matter require a trial by a judge and not a referee, and

WHEREAS, the cost of proceedings before a referee would work a financial hardship on the town as well as the property owners, and

WHEREAS, the Town Attorney's Office recommends appealing said Order to the Appellate Division of the Supreme Court;

(continued)

TSM - 3/8/72
Page 5

(1972-275 - continued)

NOW THEREFORE, be it

RESOLVED, that the Town Attorney be and he hereby is authorized to appeal the Order of Mr. Justice George Beisheim, Jr., dated the 21st day of December 1971 appointing Robert Doscher, Esq. as referee in this matter, to the Appellate Division, Second Department.

Seconded by Councilman Pizzutello.

All voted Aye.

Proposed resolution declaring bond of William W. Landa (Rolling Hedge-Sec. II) in default -- deleted.

(1972-276) Councilman Pizzutello offered the following resolution:

WHEREAS, a lawsuit was commenced against the Town of Clarkstown to stop the construction of a swimming pool complex at the Traphagen park property, and

WHEREAS, the Supreme Court of the State of New York, in a decision dated March 1st, 1972, denied a motion to enjoin the Town from constructing said pool and found that the plaintiffs failed to "show that the defendants' (Town Board of the Town of Clarkstown) acts were corrupt, dishonest, fraudulent, or unlawful" as the plaintiffs claimed, and the Court further found that "the decision of the Town Board to provide for further public hearings, investigation, and study of proposed sites for recreational facilities, including swimming pools, illustrates that there is no compelling necessity for the relief requested (an injunction against the Town) and that no irreparable harm can result", and

WHEREAS, the Town Board has been authorized to expend the sum of \$610,000.00 for the construction of said swimming pool complex, and

WHEREAS, Planning Associates, Consultants retained by the Town of Clarkstown, and the Superintendent of Parks Board & Recreation have reviewed the bids submitted to the Town Board at the Town Board meeting of February 16th, 1972, and

WHEREAS, the total net bid for the swimming pool complex is in the amount of \$597,159.00;

(continued)

(1972-276 - continued)

NOW THEREFORE, be it

RESOLVED, that upon the recommendation of Planning Associates and the Superintendent of Parks Board and Recreation, the Traphagen Pool Complex bids are hereby awarded as follows:

Contract #1 - Building - Sullivan, Magee & Sullivan, Prell Plaza, Orangeburg, New York, at a cost of \$139,395.00.

Contract #2 - Site - Maggiolo Corporation, Post Office Box 89, Pearl River, New York, at a cost of \$108,245.00.

Contract #3 - Swimming Pools - E.L. Wagner Co., Darien, Connecticut, at a cost to the town of \$257,050.00.

Contract #4 - Plumbing - J. & R. D'Onofrio, 129 South Middletown Road, Nanuet, New York, at a cost of \$59,943.00.

Contract #5 - Electrical - Finest Wiring Corp., 300 Route 304, Bardonia, New York, at a cost of \$32,526.00.

and be it

FURTHER RESOLVED, that said money be paid out of the Swimming Pool Complex Account.

Seconded by Councilman Lodico. All voted Aye.

Award of bid - Flusher Truck -- held.

(1972- 277) Councilman Pizzutello offered the following resolution:

RESOLVED, based upon the recommendation of the Supt. of Recreation & Parks, that the award for Chain Link Fencing be awarded as follows; all following costs, installed;

HUDSON FENCE COMPANY
351 West Route 59
MANUET, NEW YORK

Galvanized 4'\$2.60 p/l/ft
Galvanized 6' 3.00 p/l/ft.
Galvanized 6' w/barbed wire.. 3.25 p/l/ft.
Colorbond 4 ft..... 5.25 p/l/ft.
Colorbond 6' 6.50 p/l/ft.

ALL TERMINAL POSTS ARE EXTRA AT THE FOLLOWING PRICES:

Galvanized 4 ft. \$7.00
Galvanized 6 ft. 10.00
Colorbond 4 ft. 9.50
Colorbond 4 ft. 11.50

Seconded by Councilman Niehaus.

All voted Aye.

(1972-278) Councilman Pizzutello offered the following resolution:

RESOLVED, based upon the recommendation of the Superintendent of Recreation & Parks, that the following vendors be awarded the Athletic Equipment bids opened on March 1st, 1972 by the Town Board, all awards based on lowest cost meeting the specifications:

A. Simkins's Inc: (Items 8, 15a, 15b, 24a, & 24b).....	\$4,100.61
B. Kensico Sports, Inc. (Items 1c, 2, 3a, 3b, 7a, 7b, 10a, 12a, 12b, 14, 16a, 16b, 23a).....	2,154.20
C. Todd Phelps (Items 9a, 9b, 11a, 18, 21, 23b).....	589.35
D. Marty Spolan Sporting Goods (Item 9c, 17).....	157.20
E. Sea Lawn Products Company: (Item 13).....	288.00
F. Morley's Sporting Goods: (Items 5, 22).....	420.00
G. S. F. Goldstein: (Item 1a, 1b, 1d, 3c, 4, 6, 10b & 11b)...	2,270.30
H. Athletic Trainers Supply Co., Inc. (Item 12c, 19 & 20).....	<u>95.50</u>
VENDORS' TOTAL:.....	
<u>510,075.16</u>	

Seconded by Councilman Niehaus.

All voted Aye.

(1972-279) Councilman Niehaus offered the following resolution:

RESOLVED, that the Weekly Transportation Bid for Senior Citizens be awarded to the lowest bidder, Rockland Bus Lines, Inc., as recommended by the Superintendent of Recreation and Parks, for transportation from 4/1/72 to 5/31/72, at a cost to the Town of \$107.50 per week.

Seconded by Councilman D'Antoni.

All voted Aye.

TSM - 3/8/72
Page 8

(1972 -280) Councilman D'Antoni offered the following resolution:

RESOLVED, that the award for the bid for Crum Creek Drainage Improvement be made to the low bidder, Edward J. Huegel, Inc., 110 West Crooked Hill Road, Pearl River, New York, at the cost to the town of \$24,350.00, and be it

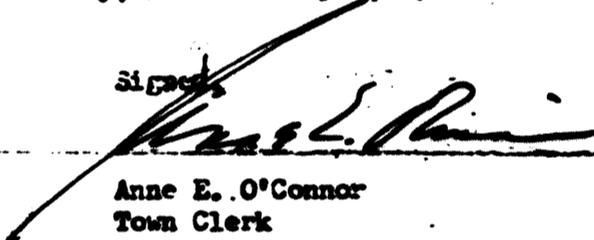
FURTHER RESOLVED, that said cost of \$24,350.00 be charged to the Drainage Improvement Construction Account; subject to the receipt of the State Permit.

Seconded by Councilman Niehaus.

All voted Aye.

On resolution offered by Councilman Niehaus, seconded by Councilman Pizzutello and unanimously adopted, Town Board meeting was adjourned until next Wednesday, March the 15th, 1972 at 8:00 PM.

Signed,


Anne E. O'Connor
Town Clerk