

TOWN BOARD MEETING

Town Hall

3/15/72

8:00 PM

Present: Councilmen Niehaus, Lodico, Pizzutello, Supervisor Vines
Town Attorney Frederick P. Roland
Town Clerk Anne E. O'Connor

Absent: Councilman D'Antoni

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

(1972-281) Councilman Niehaus offered the following Proclamation:

WHEREAS, March 17th is recognized as Saint Patrick's Day and
has been celebrated nationwide since 1845; and

WHEREAS, Saint Patrick is the Patron Saint of the Emerald Isle;
and

WHEREAS, we have many residents in the Town of Clarkstown whose
ancestors, and who they themselves, migrated to the shores of these United
States; and

WHEREAS, these Irish Americans have made outstanding and lasting
contributions to the culture of America; and

WHEREAS, we are all Irish, at least by association on this day,
and it is fitting that we join those of Irish Ancestry in paying tribute to
Saint Patrick;

NOW THEREFORE, be it

RESOLVED, that I, William E. Vines, Supervisor of the Town of
Clarkstown, do hereby proclaim Friday, March 17, 1972 as St. Patrick's Day
in the Town of Clarkstown.

Seconded by Councilman Lodico.

All voted Aye.

(1972-282) Councilman Niehaus offered the following resolution:

RESOLVED, that time for receiving bids for the supplying of
two (2) Chippers for the Highway Department is closed, and be it

FURTHER RESOLVED, that any and all bids received up to and
including this time, be opened.

Seconded by Councilman Pizzutello.

All voted Aye.

The following bids were received:

JOHN J. KING OF MONROE, INC.
 Monroe, New York\$8,570.00

TRUIS MACHINING & FABRICATING
 Duffy Ave., Hicksville, L.I., N.Y. 7,780.00

JOHN W. KNAPP, INC.
 49 No. Madison Ave., Spring Valley N Y 9,200.00

(1972-283) Councilman Niehaus offered the following resolution:

RESOLVED, that decision on award of bid for supply two chippers to the Highway Department be reserved, and be it

FURTHER RESOLVED, that all bids received be turned over to the Highway Superintendent for his recommendation.

Seconded by Councilman Pizzutello.

All voted Aye.

(1972-284) Councilman Niehaus offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown desires to consider the following proposed amendments to the Zoning Ordinance of the Town of Clarkstown:

Amend Sec. 3.11, Table of General Use Regulations as follows: ---

RS Zone, Column 3, delete Item 6 under A. Board of Appeals and add Item 3 under B. Town Board as follows:

"3. Auto Laundries, subject to Sec. 4.32(C).

IO Zone, Column 3 under B. Town Board, Item 2 to read as follows:

"2. Same as Nos. B2 and 3 of RS."

(continued)

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NOW THEREFORE, be it

RESOLVED, that the foregoing proposed amendments to the Clarkstown Zoning Ordinance, transferring special permit requirements from the Zoning Board of Appeals to the Town Board, are hereby referred to the Town Planning Board, the Town Planner, Town Engineer and the Building Inspector for their report and recommendation.

Seconded by Councilman Lodico.

All voted Aye.

(1972-285) Councilman Lodico offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown desires to consider the following proposed amendment to the Zoning Ordinance of the Town of Clarkstown:

Amend Sec. 4.32 G(4) by adding thereto:

"....., and no closer than one thousand (1,000) feet to an existing gasoline filling station, property line to property line, both measurements to be measured in any direction."

NOW THEREFORE, be it

RESOLVED, that the foregoing proposed amendment to the Clarkstown Zoning Ordinance is hereby referred to the Planning Board, the Town Planner, the Town Engineer and the Building Inspector for their report and recommendation.

Seconded by Councilman Pizzutello.

All voted Aye.

(1972-286) Councilman Pizzutello offered the following resolution:

RESOLVED, that the Supervisor be and is hereby authorized to purchase one Reader-Printer and Appiture Card Kit at the State Contract price of \$1,632.78, and be it

FURTHER RESOLVED, that said Reader-Printer be and is hereby purchased under State Contract #B38564 from the 3-M Business Products Sales, Inc., 141 East Main St., Elmsford, New York.

Seconded by Councilman Niehaus.

All voted Aye.

(1972-287) Councilman Pizzutello offered the following resolution:

WHEREAS, the Town Board on December 15, 1971, designated Twin Elms Lane, New City as a local road, and

WHEREAS, it is the considered opinion of the Town Board that it would be for the general health, safety and welfare of the residents of the area involved that a crosswalk be installed at the intersection of Muller Court and Twin Elms Lane in New City;

NOW THEREFORE, be it

RESOLVED, that the Supt. of Highways be and he hereby is directed to install a crosswalk at the intersection of Muller Court and Twin Elms Lane in New City and to install appropriate signs requiring traffic on Twin Elms Lane to stop at that crosswalk.

Seconded by Councilman Niehaus.

On roll call the vote was as follows:

AYES: Councilmen Niehaus, Pizzutello, Supervisor Vines

NCES: None

ABSTENTION: Councilman Lodico

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(1972-288) Councilman Pizzutello offered the following resolution:

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

Roy Thomas
184 South Franklin St.,
Nyack, New York

NOW THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued:

No. 72-35 to Roy Thomas

Seconded by Councilman Niehaus:

All voted Aye.

(1972-289) Councilman Pizzutello offered the following resolution:

WHEREAS, the Real Property Tax Law of the State of New York requires the appointment of a Board of Assessment Review, and

WHEREAS, the said law forbids the appointment of the assessor or any member of his staff to such Board of Assessment Review, and

WHEREAS, such law requires that the majority of the Board be composed of members who are not members or employees of the Town of Clarkstown;

NOW THEREFORE, be it

RESOLVED, that a Board of Assessment Review for the Town of Clarkstown is hereby created and shall consist of three (3) members, and be it

FURTHER RESOLVED, that the terms of each of the members of the board shall be as follows:

One for the term of one year to expire December 31, 1972
One for the term of two years to expire December 31, 1973
One for the term of three years to expire December 31, 1974

and be it

FURTHER RESOLVED, that the members of the Board of Assessment Review shall be paid for their respective services, the sum of \$50.00 per diem for the year 1972, and be it

(continued)

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(1972-289 - continued)

FURTHER RESOLVED, that the three members of the Board of Assessment Review shall be comprised of representatives of the three major political parties.

Seconded by Councilman Niehaus.

All voted Aye.

Proposed resolution appointing members to the Board of Assessment Review -- deferred.

(1972-290) Councilman Pizzutello offered the following resolution:

RESOLVED, that the Town Clerk be and is hereby authorized to advertise for bids for the installation of a Traffic Control Signal at the intersection of Church Street and Middletown Road, Manuet, N Y, and be it

FURTHER RESOLVED, that plans and specifications be obtained from the office of the Supt. of Highways, Seeger Drive, Manuet N Y, and be it

FURTHER RESOLVED, that said bids be returnable at the Town Board Meeting of March 29th, 1972 at 8:07 PM.

Seconded by Councilman Lodico.

All voted Aye.

(1972-291) Councilman Niehaus offered the following resolution:

RESOLVED, that the Town Board hereby retains Triangle Painting Co. Inc., New City N Y for the purpose of exterior painting of the Town Hall Annex, 27 New Hempstead Rd., New City N Y at a cost not to exceed \$675.00, and be it

FURTHER RESOLVED, that the said amount be charged to Town Hall Annex Construction Account.

Seconded by Councilman Lodico.

All voted Aye.

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(1972-292) Councilman Niehaus offered the following resolution:

WHEREAS, the Town of Clarkstown executed an agreement with the Town of Crangetown agreed to provide sewer service for the resident of the Town of Clarkstown in Sewer District No. 4, and

WHEREAS, Sewer District No. 4 having been connected to a lateral sewer line of the Rockland County Sewer District No. 1, and

WHEREAS, it is no longer necessary for the Town of Orangetown to provide sewer service for the Clarkstown residents of Sewer District No. 4, and

WHEREAS, the aforesaid agreement between the Towns of Clarkstown and Crangetown provides that the Town of Clarkstown shall pay an annual charge to the Town of Orangetown until December 31, 1976, the year of expiration of the said agreement, and

WHEREAS, in reliance upon the annual payments by the Town of Clarkstown until the expiration date of said agreement, the Town of Orangetown incurred certain capital costs in order to provide sewer services for the Clarkstown residents of Sewer District No. 4, and

WHEREAS, the Towns of Clarkstown and Orangetown have mutually agreed to rescind the aforesaid agreement upon the condition that the Town of Clarkstown pay to the Town of Orangetown an amount equal to an amount which the Town of Clarkstown is required to pay under the terms of the agreement for the remainder of said agreement and deducting therefrom the anticipated operation and maintenance cost which would necessarily be incurred by the Town of Orangetown providing these sewer services and further deducting therefrom a capitalization amount based upon the accelerated payment of the sum to be paid for the remainder of the agreement, and

WHEREAS, the aforesaid amount so computed is \$10,699.00

NOW THEREFORE, be it

RESOLVED, that in consideration of the termination of the aforesaid agreement between the Towns of Clarkstown and Orangetown, the Town of Clarkstown be and the same is hereby authorized to pay the sum of \$10,699.00 to the Town of Orangetown and the Town Comptroller be directed to make said payment from the appropriate funds on deposit to the account of the Town of Clarkstown.

Seconded by Councilman Lodico.

All voted Aye.

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(1972-293) Councilman Pizzutello offered the following resolution:

RESOLVED, that upon recommendation of the Highway Superintendent and the Town Engineer, deed from:

VERSLAND-RHODES CONTEMPORARIES, INC. to
TOWN OF CLARKSTOWN, dated April 23, 1968

conveying a road widening strip along a portion of South Mountain Road to the Town of Clarkstown, as shown on Final Plat of VERSLAND-SOUTH MOUNTAIN ROAD, filed in the Rockland County Clerk's Office, August 8, 1968, in Book 75 of Maps at Page 73 as Map No. 3754, is hereby accepted by the Town of Clarkstown and ordered filed in the Rockland County Clerk's Office.

Seconded by Councilman Niehaus.

All voted Aye.

(1972-294) Councilman Niehaus offered the following resolution:

(INSERT BOND & CAPITAL NOTE RESOLUTION AUTH. THE CONSTRUCTION OF AN ADDITION TO THE EXISTING TOWN HALL ON LAND NOW OWNED BY THE TOWN, SITUATE AT 10 MAPLE AVE., NEW CITY; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,400,000, APPROPRIATING SAID AMOUNT THEREFORE & AUTH. THE ISSUANCE OF \$140,000 CAPITAL NOTES TO PROVIDE THE DOWN PAYMENT AND \$2,260,000 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION)
(SEE FOLLOWING PAGE.)

Seconded by Councilman Pizzutello.

All voted Aye.

(1972-295) Councilman Niehaus offered the following resolution:

(INSERT RESOLUTION AUTHORIZING THE TOWN CLERK TO PUBLISH AND POST ABOVE BOND & CAPITAL NOTE RESOLUTION)
(SEE FOLLOWING PAGES.)

Seconded by Councilman Pizzutello.

All voted Aye.

BOND AND CAPITAL NOTE RESOLUTION OF THE TOWN
OF CLARKSTOWN, NEW YORK, ADOPTED MARCH 15
1972, AUTHORIZING THE CONSTRUCTION OF AN
ADDITION TO THE EXISTING TOWN HALL ON LAND NOW
OWNED BY THE TOWN, SITUATE AT 10 MAPLE AVENUE,
IN NEW CITY, IN SAID TOWN, STATING THE ESTIMATED
MAXIMUM COST THEREOF IS \$ 2,400,000, APPROPRIATING
SAID AMOUNT THEREFOR, AND AUTHORIZING THE
ISSUANCE OF \$140,000 CAPITAL NOTES TO PROVIDE THE
DOWN PAYMENT AND \$2,260,000 SERIAL BONDS OF SAID
TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.

GEB196

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE
COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (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, is hereby authorized to construct a new building,
to be used as a Town Hall and attached to the existing Town Hall, situate at
10 Maple Avenue, in New City, in the Town, to grade and improve the site of
such new building and purchase the original furnishings, equipment, machinery and
apparatus required for the purpose for which said new building is to be used,
all in accordance with plans, specifications and estimates of cost prepared by
SEYMOUR D. GURLITZ, a licensed architect of the State of New
York, on file in the office of the Town Clerk and hereby approved.
The estimated maximum cost of said specific object or purpose, including
preliminary costs and costs incidental thereto and the financing thereof, is
\$2,400,000 and the said amount is hereby appropriated therefor. The plan
of financing includes the issuance of \$140,000 capital notes to provide the
required down payment and the issuance of \$2,260,000 serial bonds to finance
the balance of said appropriation and the levy of a tax upon all the taxable
real property in the Town to pay the interest on said notes and bonds and the

principal thereof when due and payable. Capital notes in the amount of \$140,000 and serial bonds in the principal amount of \$2,260,000 of the Town are hereby authorized to be issued 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"), to finance said appropriation.

Section 2. The following additional matters are hereby determined and stated:

(a) Said new building to be attached to said existing Town Hall will be so constructed that although attached to an existing building, it shall be deemed to be a new building and not an addition because the probable useful life thereof is not dependent upon the useful life of the existing building. Said new building will be of Class "A" construction as defined by Section 11.00 a. 11 (a) of the Law and the period of probable usefulness of said specific object or purpose within the limitations of the Law, is thirty (30) years.

(b) Current funds are required to be provided prior to the issuance of the bonds authorized pursuant to this resolution or any bond anticipation notes issued in anticipation thereof, pursuant to the provisions of §107.00 of the Law and such current funds will be provided from the proceeds of the capital notes herein authorized to be issued. The Supervisor is hereby authorized and directed to set aside said current funds and to apply the same solely to the said specific object or purpose described in Section 1 hereof.

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

Section 4. Each of the notes and bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by §52.00 of the Law, and said notes and bonds and any notes issued in anticipation of said bonds, 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 notes and bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the notes and bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

GEB196

Section 5. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes, or, the renewals of said Notes and of §50.00 and §§56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section. 6. The validity of the notes and bonds authorized by this resolution and of any 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 the 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 be subject to a permissive referendum.

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RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN,
IN THE COUNTY OF ROCKLAND, NEW YORK, AS FOLLOWS:

Section 1. The Town Clerk of the Town of Clarkstown, in the County of Rockland, New York, shall, within ten (10) days after the adoption of the bond and capital note resolution referred to in the form of Notice hereinafter set forth in Section 3 hereof, caused to be published at least once in the "JOURNAL NEWS" a newspaper published in Nyack, New York, having a general circulation within said Town, and hereby designated as the official newspaper of said Town, and to be posted on the sign board maintained pursuant to subdivision 6 of Section 30 of the Town Law and in at least five (5) public places in the Town, a Notice which shall set forth the date of adoption of said foregoing resolution and contain an abstract thereof concisely stating its purpose and effect.

Section 2. After said bond and capital note resolution shall take effect, the Town Clerk is hereby directed to cause said bond and capital note resolution to be published, in full, in the newspaper hereinabove referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. The Notice referred to in Section 1 hereof, shall be in substantially the following form:-

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TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on March 15, 1972, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted the bond and capital note resolution entitled:

"Bond and Capital Note Resolution of the Town of Clarkstown, New York, adopted March 15, 1972 authorizing the construction of an addition to the existing Town Hall on land now owned by the Town, situate at 10 Maple Avenue, in New City, in said Town, stating the estimated maximum cost thereof is \$2,400,000, appropriating said amount therefor, and authorizing the issuance of \$140,000 capital notes to provide the down payment and \$2,260,000 serial bonds of said Town to finance the balance of said appropriation,"

an abstract of which resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING the Town of Clarkstown ("Town") to construct a new building to be used as a Town Hall and attached to the existing Town Hall, situate at 10 Maple Avenue, in New City, in the Town, to grade and improve the site of such new building and purchase the original furnishings, equipment, machinery and apparatus required for the purpose for which said new building is to be used, all in accordance with plans, specifications and estimates of cost prepared by Seymour D. Gurlitz, a licensed architect of the State of New York, on file in the office of the Town Clerk and hereby approved; **STATING** the estimated maximum cost of said specific object or purpose, is \$2,400,000, and **APPROPRIATING** said amount therefor; **STATING** the plan of financing includes the issuance of \$140,000 capital notes and \$2,260,000 serial bonds to finance the balance of said appropriation and the levy and collection of a tax upon all the taxable real property in the Town to pay the interest on said notes and bonds and the principal thereof when due and payable; **AUTHORIZING** the issuance of \$140,000 capital notes and \$2,260,000 serial bonds pursuant to the Local Finance Law ("Law"), to finance said appropriation;

SECOND: DETERMINING AND STATING the period of probable usefulness of constructing said new building, is thirty (30) years; that current funds are required to be provided prior to the issuance of such bonds or any notes issued in anticipation thereof and such current funds will be provided from the proceeds of the capital notes authorized to be issued; **AUTHORIZING AND DIRECTING** the Supervisor to set aside said current funds and to apply the same solely to the said specific object or purpose; **STATING** the proposed maturity of the bonds will exceed five (5) years;

FOURTH: DETERMINING that said notes and bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to issuance of said notes and bonds, and any bond anticipation notes, and renewals thereof; and

SIXTH: DETERMINING that said resolution shall be subject to a permissive referendum.

Dated: March 15, 1972

ANNE E. O'CONNOR,

Town Clerk

6EB196

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(1972-296) Councilman Pizzutello offered the following resolution:

RESOLVED, that Josephine Healy, 6 Millich Lane, New City N Y is hereby appointed Secretary, part-time to the Historical Review Board, at the annual salary for 1972 of \$462.00, effective immediately.

Seconded by Councilman Lodico.

All voted Aye.

(1972-297) Councilman Niehaus offered the following resolution:

RESOLVED, that the resignation of the Dog Warden, Joseph Ferrone, 24 Klein Avenue, West Nyack N Y is hereby accepted with regret, effective April. 15th, 1972.

Seconded by Councilman Pizzutello.

All voted Aye.

(1972-298) Councilman Lodico offered the following resolution:

RESOLVED, that the resignation of Vincent Iorio, 4 Murdock Road, New City N Y as a member of the Shade Tree Commission, is hereby accepted with regret, effective immediately.

Seconded by Councilman Niehaus.

All voted Aye.

(1972-299) Councilman Lodico offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on March 8, 1972 that the position of Senior Engineer can be created,

NOW THEREFORE, be it

RESOLVED, that the position of Senior Engineer in the Town Engineer's Office is hereby created, effective immediately.

Seconded by Councilman Pizzutello.

All voted Aye.

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(1972-300) Councilman Lodico offered the following resolution:

WHEREAS, the Rockland County Personnel office has furnished Certification of Eligibles Sr. Engineer, which contains the name of Leslie F. Bollman, 2 Norlen Lane, New City N Y,

NOW THEREFORE, be it

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the permanent appointment of LESLIE F. BOLLMAN, 2 Norlen Lane, New City N Y to the position of Senior Engineer - Town Engineer's Office, at a salary of \$16,022.00 per annum; effective April 3rd, 1972.

Seconded by Councilman Pizzutello.

All voted Aye.

(1972-301) Councilman Pizzutello offered the following resolution:

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the provisional appointment, pending examination of JAMES R. SHERIDAN, 52 South Conger Ave., Congers N Y to the position of Custodian (4:00 PM to 12:00 PM) - Town Hall, at a salary of \$7,641.40 per annum; effective and retroactive to March 9, 1972.

Seconded by Councilman Niehaus.

All voted Aye.

(1972-302) Councilman Pizzutello offered the following resolution:

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the provisional appointment, pending examination of KENNETH PATRAKA, Pidgeon Hill Road, Nanuet N Y to the position of Custodian (4:00 PM to 12:00 PM) - Town Hall, at a salary of \$7,641.40 per annum; effective and retroactive to March 9, 1972.

Seconded by Councilman Niehaus.

All voted Aye.

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(1972-303) Councilman Pizzutello offered the following resolution:

WHEREAS, the Town of Clarkstown and K. P. Cleaning Co., Pidgeon Hill Rd., Nanuet N Y, have mutually agreed to terminate a cleaning contract for the Clarkstown Highway Garage, and

WHEREAS, John Bradley, Maintenance Mechanic for the Town of Clarkstown has advised the Town Board that said cleaning and maintenance can now be done by his department,

NOW THEREFORE, be it

RESOLVED, the contract for the cleaning and maintenance of the Highway Department Garage be and is hereby terminated, and be it

FURTHER RESOLVED, that said duties relating to the cleaning and maintenance of the Highway Department Garage be transferred to the Town Maintenance Department, effective immediately.

Seconded by Councilman Lodico.

All voted Aye.

Proposed Order Setting date of Public Hearing re proposed extension of Sewer Dist. #37(1) - (Sunrise Estates Subdivision) -- held by Town Board.

(1972-304) Councilman Niehaus offered the following resolution:

WHEREAS, Rock Lake Properties have petitioned the Town Board of the Town of Clarkstown that the Zoning Ordinance of the said Town be amended by redistricting property of said petitioner from an L10 District to an L5 District, and

WHEREAS, a public hearing was scheduled to be held on the 22nd day of March 1972 at 8:15 PM, relative to such proposed amendment, and

WHEREAS, the attorneys for the petitioner have requested, by letter of March 10, 1972, that said public hearing be postponed without date,

NOW THEREFORE, be it

(continued)

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(1972-304 - continued)

RESOLVED, that the public hearing scheduled for the 22nd day of March 1972 on said proposed amendment be and the same is hereby postponed without date per request of attorneys for the petitioner.

Seconded by Councilman Pizzutello.

All voted Aye.

(1972-305) Councilman Pizzutello offered the following resolution:

WHEREAS, the Honorable Robert E. Dempsey, Justice of the New York State Supreme Court, in an interlocutory judgment dated July 6, 1971, declared the LO zoning of the subject property consisting of approximately 241.254 acres of land known as "THE DELLS", (not including any portion of land leased to the Dellwood Country Club) unconstitutional, confiscatory and void, and ordered the Town Board of the Town of Clarkstown to zone the subject property a zone which is not inconsistent with the opinion and decision of the court, and

WHEREAS, the Town Board of the Town of Clarkstown pursuant to the judgment of the court as aforesaid conducted a public hearing on January 26, 1972, at the Clarkstown High School North Auditorium, which hearing was attended by a capacity audience of residents of the Town of Clarkstown, and

WHEREAS, at the public hearing representatives of "THE DELLS" were given an opportunity to present a proposal and the residents of the town were given an opportunity to be heard, and

WHEREAS, the matter was referred to the Town Planning Board and the Town Planner of the Town of Clarkstown for their recommendation to the Town Board, and

WHEREAS, the Town Planner recommended that "the best and most appropriate use of the property is for the development of single-family detached housing on lots of one acre or more", and

WHEREAS, the Planning Board of the Town of Clarkstown recommended "that the presentation of Mr. B. G. Hemeroff for development of The Dells property will not fulfill the objectives of the Master Plan and is not in the best interest of the Town", and

(continued)

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(1972-305 - continued)

WHEREAS, the Town Board after reviewing the transcript of the public hearing and reviewing the recommendations of the Town Planner and the Town Planning Board, and after due deliberation concluded that for reasons of public health, safety and welfare of the residents of the Town of Clarkstown the subject property, more particularly described in Schedule "A" annexed hereto (INSERT SCHEDULE A), and being intended to be the property referred to in the decision of the Honorable Robert E. Dempsey, be placed in the R-40 zone of the Clarkstown Zoning Ordinance;

NOW THEREFORE, be it

RESOLVED, that for reasons of public health, safety and welfare in accordance with the Master Plan adopted by the Clarkstown Planning Board, the Zoning Ordinance and Map of the Town of Clarkstown be and it hereby is amended by redistricting from LO District to R-40 District, the property referred to as "THE DELLS" and more particularly described in Schedule "A" attached hereto.

Seconded by Councilman Niehaus.

All voted Aye.

Proposed resolution referring petition for change of zone made by MONTEREY GARDENS CO. (R-22 to R-15, w/s Rte. 304, Bardonia) -- deleted.

(1972-306) 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, WEST ROCK TENNIS, INC. has petitioned the Town Board of the Town of Clarkstown to further amend the Zoning Ordinance of the Town of Clarkstown;

NOW THEREFORE, be it

RESOLVED, that the application of WEST ROCK TENNIS, INC. to further amend the Town of Clarkstown Zoning Ordinance as follows:

(continued)

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(1972-306 - continued)

Amend Sec. 3.11, Table of General Use Regulations, for the LIO Zone, Column 2, entitled "Uses Permitted by Right" by adding thereto as follows:

"11. Indoor tennis facilities."

be referred to the Town Planning Board, the Town Planner, the Town Engineer, and the Building Inspector, for their report and recommendation, and to the Rockland County Planning Board and the New York State Thruway Authority pursuant to Sec. 239-1 and 239-m of the General Municipal Law and Sec. 264 of the Town Law.

Seconded by Councilman Lodico.

All voted Aye.

Reports for the month of FEBRUARY 1972 from the Office of the Building Inspector and the Zoning Board of Appeals, notice by the Town Board, filed in the Town Clerk's Office.

(1972-307) Councilman Niehaus offered the following resolution:

RESOLVED, that Orange & Rockland Utilities, Inc. is hereby authorized to install 1 - 7900 Lu Mercury Vapor street Light for Bardonia Minor Underground Subdivision at cost to town of \$54.60 per annum.

Seconded by Councilman Pizzutello.

All voted Aye.

(1972-308) Councilman Niehaus offered the following resolution:

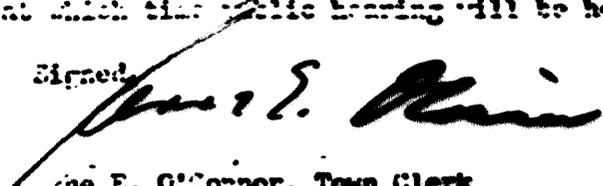
RESOLVED, that Orange & Rockland Utilities, Inc. is hereby authorized to install one 7900 Mercury Vapor Street Light for Avon Estates Underground Subdivision at cost to town of \$54.60 per annum.

Seconded by Supervisor Vines.

All voted Aye.

On resolution offered by Councilman Pizzutello, seconded by Councilman Lodico and unanimously adopted, Town Board meeting was adjourned until March 22, 1972 at 8:00 PM at which time public hearing will be held.

Signed


E. O'Connor, Town Clerk