

TOWN BOARD MEETING

Town Hall

August 16, 1972

8:00 P.M.

Present: Councilmen D'Antoni, Lodico, Pizzutello, Supervisor Vines
Martin S. Friedman, Deputy Town Attorney
Jean Overmeyer, Deputy Town Clerk

Absent: Councilman Nichaus

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

1972-717 Councilman D'Antoni offered the following resolution:

RESOLVED, that time for receiving bids for one (1) Sanitary Landfill Compactor be closed, and be it

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

Seconded by Councilman Lodico.

All voted Aye.

The following bids were received:

H.O. Penn Machinery Co., Inc.
140th Street and East River
Bronx, New York 10454

Total cost.....\$114,163.00

Dale & Rankin Equipment Co., Inc.
111 North Michigan Avenue
Kenilworth, New Jersey 07033

Total cost.....\$115,000.00

Edward Ehrbar, Inc.
100 Secor Lane
Pelham Manor, New York 10803

Total cost.....\$104,300.00

1972-718 Councilman D'Antoni offered the following resolution:

RESOLVED, that the bid award for the purchase of a compactor for the Sanitary Land Fill be and is hereby reserved.

Seconded by Councilman Lodico.

All voted Aye.

1972-719 Councilman D'Antoni offered the following resolution:

RESOLVED, that the time for the receipt of bids for the installation of gates and signals be and is hereby extended to the Town Board meeting to be held on September 20, 1972 at 8:05 P.M.

Seconded by Councilman Lodico.

All voted Aye.

1972-720 Councilman D'Antoni offered the following resolution:

RESOLVED, that the Town Board minutes of July 26, 1972 be and are hereby accepted.

Seconded by Councilman Pizzutello.

All voted Aye.

Deputy Town Clerk authorized to sign agreement with Orange and Rockland Utilities, Inc. for installation of ten (10) lights at Congers Lake Park.

1972-721 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:

J. & R D'Onofrio Plumbing & Heating, Inc.
129 South Middletown Road
Nanuet, New York

NOW THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued:

No. 72-43 to J & R D'Onofrio Plumbing & Heating, Inc.

Seconded by Councilman Lodico.

All voted Aye.

1972-722 Councilman D'Antoni offered the following resolution:

WHEREAS, the structure of the County Government has been changed from County Board of Supervisors to County Legislature, it is necessary that an amendment to the Zoning Ordinance of the Town of Clarkstown be amended;

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 13th day of September, 1972 at 8:20 P.M., to consider the adoption of the following proposed amendment to the Zoning Ordinance of the Town of Clarkstown:

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

R-20 District, Column 2, item 7 to be changed from County Board of Supervisors to County Legislature;

Resolution #722 - continued

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 Clerk.

Seconded by Councilman Lodico.

All voted Aye.

1972-723 Councilman D'Antoni offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown considers it to be in the interest of the Town to amend an ordinance entitled "Feddling and Hawking" adopted by the Town Board of the Town of Clarkstown on June 14, 1972 as follows:

Amend Sub-division 3 of Section 8 to read as follows:

"(3) not call attention to his goods by blowing a horn, by ringing a bell, other than a house doorbell, by shouting or crying or by any loud or unusual noise, except that peddlers of ice cream and ice cream products for immediate consumption are exempted from the foregoing prohibition of the use of a bell."

Amend Sub-division 9 of Section 8 to read as follows:

"(9) not sell or solicit except between the hours of 9:00 a.m. and 8:00 p.m. on weekdays, and not on Sundays, except that this sub-division 9 of Section 8 shall not be applicable to peddlers of ice cream and ice cream products for immediate consumption."

NOW THEREFORE, be it

RESOLVED, that a public hearing 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 13th day of September, 1972, at 8:22 P.M., relative to such proposed amendment; and it is

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and 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 the said Clerk.

Seconded by Councilman D'Antoni.

All voted Aye.

Item #5 on agenda -Congress Estates Bonds in Default - tabled.

1972-724 Councilman D'Antoni offered the following resolution:

WHEREAS, the Supreme Court has rendered a decision adverse to the Town of Clarkstown in the matter of St. Agnes Convent, etal v. Robert H. Bowman, etal, and

WHEREAS, it is the recommendation of the Town Attorney's Office that said decision be appealed;

NOW THEREFORE, be it

RESOLVED, that the Town Attorney's Office is hereby authorized to appeal said decision to the Appellate Division of the New York Supreme Court.

Seconded by Councilman Pizzutello.

All voted Aye.

1972-725 Councilman D'Antoni offered the following resolution:

RESOLVED, that the application of JOSEPH SUTSRA, for a change of zoning from an R-15 District to an L10 District, on property located on the west side of Fulton Avenue, approximately 325 feet north of West Nyack Road, West Nyack, New York be referred to the Town Planning Board for report pursuant to the provisions of Secs. 8.41, 8.42 and 8.421 of the Zoning Ordinance of the Town of Clarkstown.

Seconded by Councilman Lodico.

All voted Aye.

1972-726 Councilman D'Antoni offered the following resolution:

WHEREAS, proceedings have been instituted against the Clarkstown Board of Assessment and Review and the Assessor of the Town of Clarkstown by the following:

Gizella Rich
Harry & Simon Waitzman
Robert M. Grossman (3 actions)
Brookdale Associates

NOW THEREFORE, be it

RESOLVED, that the Town Attorney is authorized to defend said actions and take all necessary required proceedings in court in connection with said actions, and be it

FURTHER RESOLVED, that experts for appraisal purposes may be engaged by the Town Board in connection with such proceedings.

Seconded by Councilman Pizzutello.

All voted Aye.

1972-727 Councilman Lodico offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Police Sergeant #6880 which contains the name of Walter Giannico,

NOW THEREFORE, be it

RESOLVED, that Walter Giannico, 3 Clifford Court, Nanuet, New York, is hereby appointed to the position of Police Sergeant Police Department, at the annual salary for 1972 of \$16,850.00, effective August 21, 1972.

Seconded by Councilman D'Antoni.

All voted Aye.

1972-728 Councilman Pizzutello offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Police Sergeant #6880 which contains the name of William Archacki,

NOW THEREFORE, be it

RESOLVED, that William Archacki, 93 West Prospect Street, Nanuet, New York, is hereby appointed to the position of Police Sergeant (Detective) Police Department, at the annual salary for 1972 of \$17,725.00, effective August 21, 1972.

Seconded by Councilman D'Antoni.

All voted Aye.

1972-729 Councilman D'Antoni offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Police Sergeant #6880 which contains the name of Ronald Fabis

NOW THEREFORE, be it

RESOLVED, that Ronald Fabis, 8 Sunrise Avenue, New City, New York, is hereby appointed to the position Police Sergeant - Police Department, at the annual salary for 1972 of \$16,850.00, effective August 21, 1972.

Seconded by Councilman Lodico.

All voted Aye.

1972-730 Councilman Lodico offered the following resolution:

RESOLVED, that based upon the recommendation of the Narcotic Guidance Council, Ellen Cohen, 80 Kings Highway, New City, New York, is hereby appointed Narcotic Counselor, part-time, at the annual salary for 1972 of \$4,500.00, effective August 21, 1972.

Seconded by Councilman Pizzutello.

All voted Aye.

1972-731 Councilman Lodico offered the following resolution:

RESOLVED, that based upon the recommendation of the Narcotic Guidance Council, Gloria Fixell, Quaspeck Blvd., Valley Cottage, New York, is hereby appointed a Narcotic Counselor, part-time, effective August 21, 1972, at the annual salary for 1972 of \$4,500.00

Seconded by Councilman Pizzutello.

All voted Aye.

1972-732 Councilman Pizzutello offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on August 7, 1972 that the position of Deputy Town Attorney (Exempt) can be created,

NOW THEREFORE, be it

RESOLVED, that the position of Deputy Town Attorney (Exempt) is hereby created, effective immediately, and be it

FURTHER RESOLVED, that Joseph F. X. Nowicki, 149 N. Middletown Road, Nanuet, New York, is hereby appointed to the position of Deputy Town Attorney (Exempt) at the annual salary for 1972 of \$11,500.00, effective immediately.

Seconded by Councilman Lodico.

All voted Aye.

1972-733 Supervisor Vines offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on August 3, 1972 that the position of Town Historian can be created,

NOW THEREFORE, be it

RESOLVED, that the position of Town Historian is hereby created, effective immediately, and be it

FURTHER RESOLVED, that Peggy Donohue, 2 Tavo Lane, New City, New York, is hereby appointed to the position of Town Historian at the annual salary for 1972 of \$900.00, term to expire December 31, 1973.

Seconded by Councilman Pizzutello.

All voted Aye.

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1972-734 Councilman D'Antoni offered the following resolution:

RESOLVED, that based upon the request of C. Elsie Monneret, Receiver of Taxes, the employment of the following clerks in the office of the Receiver of Taxes be made part-time (Seasonal), effective August 26, 1972:

Edna Maisch, 25 Fairview Ave., Manuet @ \$4.00 per hr.
Florence Pratt, 31 N. Middletown Rd., Manuet @ \$3.85 per hr.
Betty Snyder, 126 S. Harrison Ave., Congers @ \$3.85 per hr.
Anna Selke, 95 Mass. Ave., Congers @ \$3.50 per hr.

Seconded by Councilman Lodico.

All voted Aye.

1972-735 Councilman D'Antoni offered the following resolution:

RESOLVED, that the Building Inspector is hereby authorized to issue building permits in connection with subdivision known as Whitman Park, Sec. II, located in Congers, New York, under provisions of Sec. 280-a; based upon compliance with road specifications under Sec. 280-a and agreement to participate in any further road improvement district.

Seconded by Councilman Pizzutello.

All voted Aye.

1972-736 Councilman D'Antoni offered the following resolution:

RESOLVED, based upon the recommendation of the Traffic Advisory Board that the Superintendent of Highway be and is hereby authorized to replace the existing "YIELD" sign with a "STOP" sign at the east end of Laurel Road at the intersection of Brewery Road, New City, New York.

Seconded by Councilman Pizzutello.

All voted Aye.

1972-737 Councilman D'Antoni offered the following resolution:

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

GLENN McCRARY and BERT KIMBARK,
Petitioners,

For an Order under Art. 78 of the
Civil Practice Law and Rules

-against-

The TOWN OF CLARKSTOWN and WILLIAM S.
VINES, ANTHONY D'ANTONI, JOHN LODICO
VINCENT PIZZUTELLO, WILLIAM R. NIEHAUS.

Respondents.

Resolution #737 - continued

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 Pizzutello.

All voted Aye.

1972-738 Councilman D'Antoni offered the following resolution:

WHEREAS, the Rockland County Department of Health has advised that the area in connection with Mitchell Drive, Sherry Drive and Tina Place in the Hamlet of Valley Cottage in the Town of Clarkstown has overflows of inadequately treated sewage discharging on to the ground surface, and

WHEREAS, the Rockland County Department of Health has advised that the discharge of inadequately treated sewage on to ground surface provides a vehicle for the transmission of disease, and

WHEREAS, the Rockland County Department of Health has requested that the Town of Clarkstown take immediate steps to provide sanitary sewer service to prevent the discharge of sewage, and

WHEREAS, the Town Engineer's Office advises that eleven (11) homes in that area are unable to hook up to sewers and are discharging sewage on to ground surface;

NOW THEREFORE, be it

RESOLVED, that an emergency health situation exists in Valley Cottage, Town of Clarkstown, in the areas of Mitchell Drive, Sherry Drive and Tina Place, and be it

FURTHER RESOLVED, that the Town Engineer's Office be and they hereby are directed to secure the necessary easements at no cost to the Town and to install the necessary piping to connect Lot 2, Block D, Map 123 (Musa) to the sewer lines at a cost approximating \$1,000, and be it

FURTHER RESOLVED, that the Town Engineer's Office be and they hereby are directed to secure the necessary easements at no cost to the Town and to install the necessary piping to connect Lots 3,4,5, 6 and 7, at a cost approximating \$5,000.00, and be it

FURTHER RESOLVED, that the Town Engineer's Office be and they hereby are directed to secure the necessary easements at no cost to the Town and to install the necessary piping to connect Lots 3,4,5, 6 and 7 in Block A. Map 123, at a cost approximating \$5,000.00, and be it

FURTHER RESOLVED, that the funds expended be charged to Clarkstown Master Benefited Sewer Improvement Area, and be it

FURTHER RESOLVED, that Leslie Bollman, Assistant Town Engineer, be and is hereby authorized to request that the aforementioned homeowners be requested and required to share, in equal amounts, a portion of the cost of installation of said sewer line.

Seconded by Councilman Lodico.

All voted Aye.

1972-739 Councilman D'Antoni offered the following resolution:

RESOLVED, that the resignation of Joseph A. Murphy, 3 Birch Drive, Nanuet, New York, member of the Traffic Advisory Board, is hereby accepted with regret.

Seconded by Councilman Pizzutello.

All voted Aye.

1972-740 Councilman D'Antoni 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 said 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 13th day of September, 1972 at 8:25 P.M., to consider the adoption of the following proposed amendments to the Zoning Ordinance of the Town of Clarkstown:

Amend Section 3.11, Table of General Use Regulations as follows:

PO DISTRICT:

Column 2, Add Item 3 as follows:

3. Public and private tennis clubs, indoors, on lots not less than three (3) acres in area, whether or not operated for profit.

Column 2, Add Item 4 as follows:

4. Health clubs (with or without indoor swimming pool).

Column 3, B. Town Board, Add Item 2 as follows:

2. Restaurant associated with indoor tennis club or health club.

Column 4, Add Item 3 as follows:

3. (Indoor only) manager's office, employees facilities, locker rooms, sauna or steam rooms, shower rooms, swimming pool, children's nursery, pro-shop, exercising and game rooms. Parking and loading areas.

Resolution #740 - continued

Column 5, Add Item 4 as follows:

4. Indoor tennis clubs and health clubs.
 - (a) 1 free standing sign, indirectly illuminated, along a public street, not to exceed a total sign area (both sides) of 30 sq. ft., not to exceed a height of 12 ft. set back 30 ft. from any property line provided that the light source is not flashing.
 - (b) 1 sign indirectly illuminated, on the principal wall of the building, total sign area not to exceed 100 sq. ft. with individual letters not to exceed 10 ft. provided that the light source is not flashing.

Column 6, Add Item 4 as follows:

- | | |
|--|---|
| 4. Indoor tennis clubs
and health clubs | Four (4) per court and
one (1) per 200 sq. ft.
of floor area. |
|--|---|

Amend Section 3.11, Table of General Use Regulations, as follows:

LIO DISTRICT

Column 2, Add Item 11

11. Public and private tennis clubs, indoors, on lots not less than three (3) acres in area, whether or not operated for profit.

Column 2, Add Item 12

12. Health clubs (with or without indoor swimming pool).

Column 3, B. Town Board, Add Item 3 as follows:

3. Restaurant associated with indoor tennis club or health club.

Column 4, Add Item 2 as follows:

2. (Indoor only) manager's office, employees facilities, locker rooms, sauna or steam rooms, shower rooms, swimming pool, children's nursery, pro-shop, exercising and game rooms. Parking and loading areas.

Resolution #740 - continued

Column 5, Add Item 2 as follows:

2. Indoor tennis clubs and health clubs.
 - (a) 1 free standing sign, indirectly illuminated, along a public street, not to exceed a total sign area (both sides) of 20 sq. ft., not to exceed a height of 12 ft. set back 30 ft. from any property line provided that the light source is not flashing.
 - (b) 1 sign, indirectly illuminated, on the principal wall of the building, total sign area not to exceed 100 sq. ft. with individual letters not to exceed 10 ft., provided that the light source is not flashing.

Column 6, Add Item 4 as follows:

4. Indoor tennis clubs and health clubs. Four (4) per court and one (1) per 200 sq. ft. of floor area.

Amend Section 3.12, Table of General Bulk Regulations, as follows:

PO DISTRICT:

Column 4, Group DD by adding (See Note No. 12)

Column 5, Group DD by adding (See Note No. 13)

LIO DISTRICT:

Column 1, Delete IO and insert LIO in its place

Column 3, KK, Delete IO and insert LIO

Column 4, LL, Add (See Note No. 12)

Column 5, LL, Add (See Note No. 13)

Column 8, LL, Delete (See Notes No. 4,5) and insert in its place (See Notes No. 3, 4, 5)

Note Nos. 12 and 13 to be added as follows:

Note No. 12. Indoor tennis clubs and health clubs; maximum floor ratio 0.60

Note No. 13. Indoor tennis clubs and health clubs; lots not less than three (3) acres

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 in the office of said Clerk.

Seconded by Councilman Pizzutello.

All voted Aye.

1972-741 Councilman Lodico offered the following resolution:

WHEREAS, after a long and bitter war of independence, the United States has...for almost two hundred years...endured as a free and sovereign nation and as an example and a hope for all mankind, and

WHEREAS, powerful forces in the United States continue to back the drive for "Atlantic Union" which in their own words would modify "our ancient ideas of sovereignty" and destroy our independence, and

WHEREAS, the United States, under such a proposal, would have to surrender its sovereign rights and power and would be subject to the jurisdiction of World Courts, and

WHEREAS, the plans for an "Atlantic Union" are intended to lead to "World Government", a concept which the Town Board of the Town of Clarkstown unequivocally opposes;

NOW THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown, County of Rockland, State of New York, hereby opposes participation by the United States in any effort related to the development of an "Atlantic Federal Union", either within or without the framework of the United Nations, and calls upon the citizens to be alerted to this attempt to destroy the national sovereignty of the United States, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown supports Congressman Peter Peyser in his opposition to the said "Atlantic Union" proposal, and be it

FURTHER RESOLVED, that the Town Clerk send copies of this resolution to the Legislature of Rockland County, Congressman Peyser, Senators Javits and Buckley, and President Nixon.

Seconded by Councilman Pizzutello.

All voted Aye.

Item #17 on agenda - Setting date of Public Hearing re Sanitary Land Fill - deleted.

1972-742 Councilman D'Antoni offered the following resolution:

RESOLVED, that the Town Clerk be and is hereby authorized to advertise for bids for the purchase of 5 sand and salt spreaders for the Clarkstown Highway Department, and be it

FURTHER RESOLVED, that specifications be obtained from the office of the Superintendent of Highways, Seeger Drive, Nanuet, and be it

FURTHER RESOLVED, that said bids be returned at the Town Board meeting of September 6, 1972 at 8:06 P.M.

Seconded by Councilman Lodico.

All voted Aye.

1972-743 Councilman D'Antoni offered the following resolution:-

RESOLVED, that the Town Clerk be and is hereby authorized to advertise for bids for the purchase of 3 snow plows for the Clarkstown Highway Department, and be it

FURTHER RESOLVED, that specifications be obtained from the office of the Superintendent of Highways, Seeger Drive, Nanuet, and be it

FURTHER RESOLVED, that said bids be returned at the Town Board meeting of September 6, 1972, at 8:07 P.M.

Seconded by Councilman Pizzutello.

All voted Aye.

1972-744 Councilman Pizzutello offered the following resolution:

RESOLVED, that Father Edmund Hetter of St. Anthony's Rectory, Nanuet, New York, be and is hereby appointed to the Clarkstown Narcotics Guidance Council effective immediately for a term of five (5) years, without compensation.

Seconded by Councilman D'Antoni.

All voted Aye.

1972-745 Councilman D'Antoni offered the following resolution:

RESOLVED, that a public hearing be held on September 13, 1972 at 8:25 P.M. o'clock to consider the adoption of the 1973 Sewer Tax Roll.

Seconded by Councilman Pizzutello:

All voted Aye.

APPEARED:

Mr. Thomas Hestor, 15 Hearth Court, New City appeared before the Town Board re drainage in the vicinity of Laurel Road and Glenside Drive and Glenside Drive and Third Street. Water overflowing pipe and causing considerable flooding, not enough pipe since new developments have been built. Town Engineer instructed to check out and advise Supervisor and Mr. Nestor of findings.

#2 residents of Apollo Court - not present
#3 Cecil Cowan - not present

Mr. Oscar D. Dike appeared before the Town Board in connection with violation notice - Supervisor advised that matter to be taken up in court on Friday and therefore Board could not discuss.

#5 - to be handled after meeting.

On resolution offered by Councilman D'Antoni, seconded by Councilman Pizzutello and unanimously adopted Town Board meeting adjourned until 8:07 P.M. at 8:07 P.M.

Signed,

J. C. Crumey
John Crumey, Deputy Town Clerk