

TOWN BOARD MEETING

Town Hall

9/13/72

8:00 PM

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

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

(1972-770) Councilman Michaus offered the following resolution:

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

Seconded by Councilman D'Antoni.

All voted Aye.

(1972-771) Councilman Lodico offered the following resolution:

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

Seconded by Councilman Pizzutello.

All voted Aye.

(1972-772) Councilman D'Antoni offered the following resolution:

(INSERT RESOLUTION RESERVING DECISION ON ZONE CHANGE APPLICATION MADE BY MARVIN HOCHBAUM & RUTH HOCHBAUM - R-15 to R3-2 - PROP, LOCATED INTERSECTION ROUTE 303 & STORMS, ROAD, VALLEY COTTAGE NY) See following page.

Seconded by Councilman Lodico.

All voted Aye.

(1972-773) Councilman D'Antoni offered the following resolution:

(INSERT RESOLUTION RESERVING DECISION ON PROPOSED AMENDMENT TO THE ZONING ORDINANCE - DELETE R 7.5 DIST. & ESTAB. NEW DIST. TO BE DESIGNATED R-10) See following page.

Seconded by Councilman Michaus.

All voted Aye.

(1972-772) Councilman D'Antoni offered the following resolution

RESOLVED, that decision on zone Change Application made by Marvin Hochbaum & Ruth Hochbaum - R-15 to RG-2 - Property, located intersection Route 303 & Storms Road, Valley Cottage, N. Y. be RESERVED.

Seconded by Councilman Lodico.

All voted Aye.

(1972-773) Councilman D'Antoni offered the following resolution:

RESOLVED, that decision on proposed Amendment to the Zoning Ordinance - 'Delete R 7.5 Dist. & Establish new District to be designated R-10 be RESERVED.

Seconded by Councilman Niehaus.

All voted Aye.

(1972-774) Councilman D'Antoni offered the following resolution:

RESOLVED, that decision on proposed Amendment to the Zoning Ordinance deleting R7.5 District & Rezoning same to R-15 with certain exceptions be RESERVED.

Seconded by Councilman Niehaus.

All voted Aye.

(1972-775) Councilman D'Antoni offered the following resolution:

RESOLUTION #775 ADOPTED AT TOWN BOARD MEETING 9/13/72

RESOLUTION ADOPTING LOCAL LAW NO. 6-1972

WHEREAS, a proposed local law entitled "AMENDMENT TO LOCAL LAW NO. 3-1966, AS AMENDED, ENTITLED 'A LOCAL LAW PROVIDING FOR THE GRANTING OF PARTIAL EXEMPTION FROM REAL PROPERTY TAXATION FOR REAL PROPERTY OWNED BY CERTAIN PERSONS WITH LIMITED INCOME WHO ARE SIXTY-FIVE YEARS OF AGE OR OVER'" was introduced by Councilman D'Antoni, a member of the Town Board of the Town of Clarkstown at a Town Board meeting held July 26, 1972, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 26th day of July, 1972, directed that a public hearing be held on the 13th day of September, 1972, at 8:12 P.M. in the evening, to consider the adoption of said local law, and

EEC140

WHEREAS, a notice of said public hearing was duly prepared and published in the Journal News on August 30, 1972, and posted on the signboard in the Town of Clarkstown on the 30th day of August, 1972, and

WHEREAS, copies of the proposed amendment to said local law were on the desks of the members of the Town Board on the 26th day of July, 1972, and

WHEREAS, a public hearing was held by the Town Board on the 13th day of September, 1972, at 8:12 o'clock in the evening:

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 6-1972 entitled "AMENDMENT TO LOCAL LAW NO. 3-1966, AS AMENDED, ENTITLED 'A LOCAL LAW PROVIDING FOR THE GRANTING OF PARTIAL EXEMPTION FROM REAL PROPERTY TAXATION FOR REAL PROPERTY OWNED BY CERTAIN PERSONS WITH LIMITED INCOME WHO ARE SIXTY-FIVE YEARS OF AGE OR OVER'" is hereby adopted and passed by an affirmative vote of the majority of voting power of the Town Board of the Town of Clarkstown, the vote for adopting of said local law being as follows:

- Hon. William E. Vines, Supervisor.....AYE
- Councilman William R. Niehaus.....AYE
- Councilman Anthony D'Antoni.....AYE
- Councilman John Lodico.....AYE
- Councilman Vincent Pizzutello.....AYE

The Town Clerk of the Town of Clarkstown is directed to file said Local Law pursuant to Sec. 27 of the Municipal Home Rule Law.

Dated; September 13, 1972

(1972-774) Councilman D'Antoni offered the following resolution:

(INSERT RESOLUTION RESERVING DECISION ON PROPOSED AMENDMENT TO ZONING ORDINANCE DELETING R 7.5 DISTRICT & REZONING SAME TO R-15 WITH CERTAIN EXCEPTIONS)
See preceding page.

Seconded by Councilman Niehaus.

All voted Aye.

(1972-775) Councilman D'Antoni offered the following resolution:

(INSERT RESOLUTION ADOPTING PROPOSED LOCAL LAW PROVIDING FOR THE GRANTING OF PARTIAL EXEMPTION FROM REAL PROPERTY OWNED BY CERTAIN PERSONS WITH LIMITED INCOME WHO ARE SIXTY-FIVE YEARS OF AGE OR OVER) See preceding page.

Seconded by Councilman Pizzutello.

All voted Aye.

Town Board signed ORDER Extending Clarkstown Consolidated Water Supply District #1 to include SILVERTONE. (INSERT ORDER)
See following page.

(1972-776) Councilman D'Antoni offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 16th day of August 1972, provided for a public hearing on the 13th day of September 1972 at 8:22 PM, to consider an amendment to Chapter 30 of the Town Code of the Town of Clarkstown entitled "PEDDLING AND HAWKING", and

WHEREAS, notice of such public hearing was duly published as required by law and said public hearing was duly held at the time and place specified in said notice;

NOW THEREFORE, be it

(continued)

(1972-776 - continued)

RESOLVED, that Chapter 30 of the Code of the Town of Clarkstown entitled "PEDDLING AND HAWKING" be and it hereby is amended as follows:

Amend Sub-division 5 of Sec. 30-8 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 Sec. 30-8 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 Sec. 20-8 shall not be applicable to peddlers of ice cream and ice cream products for immediate consumption."

Seconded by Councilman Niehaus.

All voted Aye.

(1972-777)

Councilman D'Antoni offered the following resolution:

WHEREAS, a public hearing was held at the Board Room, Town Hall, 10 Maple Avenue, New City, New York, Town of Clarkstown, on the 13th day of September, 1972, at 8:23 p.m. to hear and consider any objections which may be made to the assessment roll for sanitary sewer districts, and

WHEREAS, notice of filing of said assessment roll and notice of public hearing have been published as required by law, and

WHEREAS, the Town Board has heard and considered objections made to the said assessment roll, and

WHEREAS, the Town Board has duly deliberated thereon;

NOW THEREFORE, be it

RESOLVED, that the assessment roll for and in connection with assessment of the cost of construction, operation and maintenance of sanitary sewers and laterals within the Town of Clarkstown, as filed with the Town Clerk of the Town of Clarkstown on the 1st day of September 1972 be, and the same hereby is, adopted.

Seconded by Councilman Lodico.

All voted Aye.

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

In the Matter of the Petition for EXTENSION of the Clarkstown Consolidated Supply District #1 to include SILVERSTONE

ORDER EXTENDING DISTRICT

In the Town of Clarkstown, Rockland County, New York

A petition in this matter for the extension of the Clarkstown Consolidated Water Supply District #1 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 26th day of July, 1972, for the hearing of all persons interested in the matter on the 13th day of September, 1972 at 8:17 P.M. DST 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 September 13, 1972

Anthony D. Anton Councilman

William R. Michaels Councilman

Supervisor

Vincent Vitello Councilman

John L. ... Councilman

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

SS:

I, ANNE 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 Conso. Wtr Spply Dist. #1 Silverstone with the original now on file in said office, and find same to be a true and correct transcript and of whole of such original.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the seal of said Town of Clarkstown this 13th day of September, 1972.

Town Clerk

SEAL

TBM - 9/13/72

SILVERSTONE

All that parcel of land situate in the Town of Clarkstown,
County of Rockland, and State of New York.

Beginning at a point in the northerly line of West Clarkstown
Road (33' wide) where the same is intersected by the easterly line of
a map entitled "Woodcrest Estates", filed in the Rockland County
Clerks Office, December 18, 1969 in Book 79 on Page 55 as Map #3978;
and running thence,

1. N 46° 33' 21" E 797.37 feet along the same to a point
in the southerly line of a map entitled "Wood Knolls"
filed in the Rockland County Clerks Office as Map #2767;
thence,
2. S 74° 22' 20" E 206.00 feet along the southerly line
of Wood Knolls to the westerly line of a map entitled
"Great Oaks Park". Section 1", filed in the Rockland
County Clerks Office as Map #2958; thence,
3. S 13° 58' 31" W 643.72 feet along the westerly line
of Great Oaks Park to the northerly line of West
Clarkstown Road; thence,
4. N 78° 01' 04" W 596.17 feet along the northerly line
of West Clarkstown Road to the point or place of
beginning.

Contains 6.31 acres more or less.

EXHIBIT A

(1972-778) Councilman D'Antoni offered the following resolution:

(INSERT RESOLUTION RESERVING DECISION ON PROPOSED AMENDMENT TO THE ZONING ORDINANCE - 'AMEND SEC. 3.12 TABLE OF GENERAL BULK REGULATIONS, COL. 6 - NOTE 11) See following page.

Seconded by Councilman Lodico.

All voted Aye.

(1972-779) Councilman Niehaus offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution adopted on the 16th day of August 1972, provided for a public hearing on the 13th day of September 1972 at 8:20 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. 3.11, Table of General Use Regulations as follows:

R-80 District, Column 2, Item 7 to be changed from County Board of Supervisors to County Legislature.'

Seconded by Councilman Lodico.

All voted Aye.

(1972-780) Councilman Niehaus offered the following resolution:

(INSERT RESOLUTION RESERVING DECISION ON PROPOSED AMENDMENT TO ZONING ORDINANCE SECS. 3.11 & 3.12 - PO & LIO ZONES - TENNIS FACILITIES) See following page.

Seconded by Councilman D'Antoni.

All voted Aye.

(1972-781) Councilman Lodico offered the following resolution:

(INSERT BOND RESOLUTION AUTHORIZING THE PURCHASE OF A SANITARY LAND FILL COMPACTOR FOR USE BY THE TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF TO BE \$75,500 & AUTH. THE ISSUANCE OF \$75,500 SERIAL BONDS OF THE TOWN TO FINANCE SAID APPROPRIATION) See following page.

Seconded by Councilman Pizzutello.

All voted Aye.

(1972-782) Councilman Pizzutello offered the following resolution:

WHEREAS, no permanent facilities have been erected for the office of the Parks Board & Recreation Commission, and

WHEREAS, the Parks Board & Recreation Commission is desirous of remaining in its present quarters until such time a permanent location can be found, and

WHEREAS, New City Properties, 233 Lafayette Ave., Saffern N Y as owner and renter of the space presently occupied by the Parks Board & Recreation Commission at 151 South Main St., New City N Y is agreeable to said Commission remaining in the premises on a month to month basis at a rental of \$609.54 per month;

NOW THEREFORE, be it

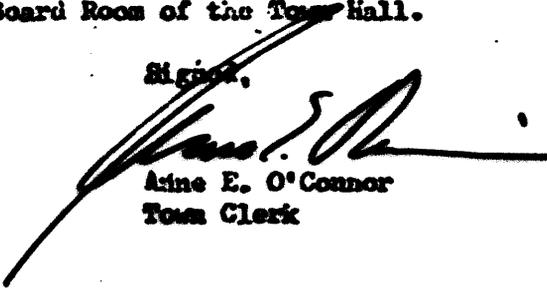
RESOLVED, that the Supervisor be and is hereby authorized to enter into an agreement providing for the continued month to month tenancy of the Parks Board & Recreation Commission at premises located at 151 South Main St., New City N Y at a rental of \$609.54 per month.

Seconded by Councilman Niehaus.

All voted Aye.

On resolution offered by Councilman D'Antoni, seconded by Councilman Pizzutello, and unanimously adopted, Town Board Meeting was adjourned until Wednesday, 9/20/72 at 8:00 P.M., at which time Town Board meeting will be held in the Board Room of the Town Hall.

Signed,



Aine E. O'Connor
Town Clerk

TBM - 9/13/72

(1972-778) Councilman D'Antoni offered the following resolution:

RESOLVED, that the decision on proposed amendment to the Zoning Ordinance - 'Amend Sec. 3.12 Table of General Bulk Regulations, Col. 6 - Note 11 be RESERVED.

Seconded by Councilman Lodico.

All voted Aye.

(1972-780) Councilman Niehaus offered the following resolution:

RESOLVED, that the decision on proposed Amendment to Zoning Ordinance Secs. 3.11 and 3.12 - PO & LIO Zones - Tennis Facilities be RESERVED.

Seconded by Councilman D'Antoni.

All voted Aye.

EEC140

TBM - 9/13/72

(1972-781) Councilman Lodico offered the following resolution:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,
 NEW YORK, ADOPTED SEPTEMBER 13, 1972,
 AUTHORIZING THE PURCHASE OF A SANITARY LAND
 FILL COMPACTOR FOR USE BY THE TOWN, STATING
 THE ESTIMATED MAXIMUM COST THEREOF, TO BE
 \$75,500, AND AUTHORIZING THE ISSUANCE OF
 \$75,500 SERIAL BONDS OF THE TOWN TO FINANCE
 SAID APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE
 COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVED (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
 purchase a sanitary land fill compactor for use by the Town.
 The estimated maximum cost of said specific object or purpose,
 including preliminary costs and costs incidental thereto and
 the financing thereof, is \$75,500 and the said amount is hereby
 appropriated therefor. The plan of financing includes the
 issuance of \$75,500 serial bonds of the Town and the levy of
 a tax upon all the taxable real property in the Town to pay
 the principal of and interest on said bonds as the same shall
 become due and payable.

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Section 2. Serial bonds of the Town in the principal amount of \$75,500 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 the balance of said appropriation.

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

(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 Section 11.00 a. 28 of the Law, is five (5) years.

(b) Current funds are not required by the Law to be provided as a down payment prior to the issuance of the bonds hereby authorized or of any notes issued in anticipation of the sale of such bonds, pursuant to the provisions of §107.00 d. 5 of the Law.

(c) The proposed maturity of the bonds authorized by this resolution may not exceed five (5) years.

Section 4. Each of the serial 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 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 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 provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds

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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.

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.

EEC140

Section 6. The validity of the 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,
- (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.

* * *

The adoption of the foregoing resolution was seconded by

Councilman Pizzutello and duly put to a vote on roll call,

which resulted as follows:

AYES: Messrs. Vines, D'Antoni, Lodico, Pizzutello & Niehaus NOES: None

The resolution was declared unanimously adopted.

PUBLIC HEARING

Town Hall

9/13/72

8:00 PM

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

RE: APPLICATION FOR ZONE CHANGE MADE BY HARVIN HOCHBAUM & RUTH HOCHBAUM
(R-15 to R3-2) - Property located Route 303 and Storms Road, Valley Cottage):

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

RECOMMENDATIONS:

County Planning Board: '.....granting of the change of zone will not, in all likelihood, adversely affect state route 303 if construction along the ridge line including road construction across the escarpment to Route 303 is avoided.'

Town Planning Board: '.....Deny. Proposed use contrary to Master Plans of 1966 and 1971; granting would allow increase of residences on already overloaded dead-end, Forest Glen Road, from 25 up to as many as 85; existing zoning entirely proper within area; development of alternate access to Route 303 has not been considered in 239L and M review; if such access is created, it would be steep, hazardous and uncightly, contrary to safety health, welfare, comfort, convenience, and transportation for persons in area and users of Route 303.'

Town Planner: '.....Deny. petition runs counter to planning objectives of town R-15 zoning reasonable and best use of the property.'

Ronald M. Kahn, attorney at law, 135 South Main St., New City N Y appeared before the Town Board as attorney for petitioners and testified as follows:

Property exists of 3.19 acres at end of Forest Glen Road. Abuts Route 303 on west side. South of Burgundy Apartments (R3-2). Want to conform with R3 immediately to the north. R-15 directly opposite Route 303. Across 303, large strip shopping center. Property in question in 1967, was commercial zone - changed to R-15. Northwest: R7.5 (older homes). Within 2000 square feet - R3, P0, C3, and L3. Petitioner will work with State Highway Department to make access to Route 303. Elevation - average height over the height of Route 303, approximately 15' or better. If R-15, would be difficult to construct dwellings on that property.

No witnesses.

IN FAVOR: No one appeared.

OPPOSED:

Mr. Peter Palermo, Forest Glen Road: Agrees with Town Planner and Planning Board. If allowed, would completely surround several houses with apartments. Forest Glen dead end - quiet - would become main thoroughfare.

PEETION: 150 signatures of residents in immediate area.

Mr. Bart Roth, Tamarac Drive: (Speaking for himself and 20 other families in immediate vicinity).

Homes in area (Panoramic Estates) valued at 40-55,000. Already overburdened with apartments (Burgundy and Mountainview) Schools and highways already crowded. Deny.

Mrs. Marzialis, Forest Glen Road: Opposed

Mr. Walter Plotnick, Kings Highway, Valley Cottage: Domino theory would prevail. Using Burgundy apartments and Mountainview apartments as basis for granting objects.

Mr. Wicks, Forest Glen Road: Re access; 303 four-lane highway, then two lanes at Storms Road. Right at border of this property. Traffic bad now; this will aggravate.

Mrs. Susan Bontine, Forest Glen Road: Narrow road - difficult for ambulance and fire trucks.

Mr. Frank Howard, Forest Glen Road: Safety and welfare of children walking to and from school would be endangered.

Mr. Igor Polanski, Forest Glen Road: School 3/4 mile. Children walk. Additional 50-60 cars on road would endanger children. No sidewalks.

Mr. Rod Kelly (Resides adjacent to property in question): Bulk of property in question abuts R-15 not R-2.

Mr. John Bierdo, Valley Cottage: Extending Forest Glen Road to Route 303. Would leave last 15 homes up in the air and road would be down. Proposal would also raise taxes.

Mr. Paul, Panoramic Drive: Private residential area - let it remain so.

Mr. Jodaback, Panoramic Drive: Contrary to town plan; too many units for herlet this size.

RECOMMENDATION: (Attorney for petitioner):

Granting change of zone on these three acres would not raise taxes. Willing to give land to town to create natural barrier. If restricted to one bedroom, would not throw off that many children; would pay its fair share of tax load.

Re traffic - Forest Glen Road: If this Board feels that it is in best interest to grant, Planning Board could set requirements to protect people on adjoining properties. Spur from 303 could go into the property that would not go into Forest Glen Road. However used for its presently zoned use, it would throw off at least eight houses. 20-24 children in school system. Garden Apartments might not throw off any more.

Re domino theory - there are natural boundaries. This boundary between Burgundy apartments to the north and subject property is very unnatural line, whereas Route 303 natural dividing line between existing R-15 and subject property.

Mr. Kahn stated in response to question that present owners own this piece of property over a year.

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

Signed:



James E. O'Connor
Town Clerk

PUBLIC HEARING

Town Hall

9/13/72

8:05 PM

Present: Co. Nichols, D'Antoni, Lodico, Pizzutello, Supervisor Vines
Town Clerk Anne E. O'Connor
Town Attorney Frederick P. Poland
Deputy Town Attorney Marlin S. Friedman

RE: PROPOSED AMENDMENT TO ZONING ORDINANCE - DELETE R-7.5; INSERT R-10:

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

RECOMMENDATIONS:

Town Planning Board: '....zoning amendment be approved and incorporated in the Zoning Ordinance.'

Town Engineer: '....deletion of the R-7.5 zone would be beneficial to the town in view of the large homes being built on R-7.5 lots...which leaves very little space for side yards, thereby creating the strong possibility of drainage problems. On a larger lot with more adequate side yard spaces, surface water would generally run off better without passing problems to the home owners.'

County Planning Board: '....We find that we cannot determine the effect of this proposal on specific sites until such time as the replacement districts are proposed.'

Theodore Zollendeck, Town Planner, presented R-7.5 Zoning Study Fact Sheet to members of the Town Board, was sworn in, and testified as follows:

Supervisor suggested over a year ago. Board concurred with Supervisor this Spring. Presented my recommendations to the Planning Board. They approved and referred to the Town Board. Instead of deleting, Town Board thought it better to create R-10 zone.

Deputy Town Attorney stated the following:

Purpose of R-10; permits highest density of single family detached house. Changes to 3.11: Would amend General Use Tables (8 tables), not permitting uses by right.

Changes to 3.12: Basically conforms to the bulk. 85' minimum lot frontage, 30' front yard; 30' side yard; 30' rear yard. Protects presently existing R-7.5 lots.

Two family dwelling would only be permitted by special permit, not as right.

IN FAVOR: Mr. Palermo, Valley Cottage Civic Association: Raising zone would be better for community as whole.

Resident, Valley Cottage (Owner of R-7.5 lot): Adopt.

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(Subject R-7.5)
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OPENED:

Mr. Thomas Walsh, Congers: Put questions to Town Planner re affect on tax rolls, number of homeowners affected and valuation of said homes, etc. Supervisor and Deputy Town Attorney informed Mr. Walsh that these questions not pertain to this public hearing. Opposed because 2-family houses will be denied - difficult to bring elder parents into their homes; apartments now available will be limited.

Mr. Albert Lamborn, Old Lake Road, Congers: R-7.5 property he now owns would be penalized. Suggested not developing further R-7.5 - but allow present R-7.5 to be developed.

Mr. Martin Bernstein, New City: If adopted, people paying taxes on R-7.5 would have to go before Z.B.A.

Mrs. Margaret Duke, Congers: Owns R-7.5. If proposed amendment adopted, Mr. Friedman advised her that she would be forced to comply with R-10 zone.

In response to question put by Co. D'Antoni re person being taxed separately for each parcel, Deputy Town Attorney stated that if ownership acquired and held; if they won't release, they would have to go to ZBA. If you have individual separate lot, he continued, not adjacent; those lots can be built upon, but if they are next to each other, they must conform to the new zoning.

Supervisor stated may be taken into consideration; intent is not to penalize people who own lots, but to stop builders from buying up all these small parcels.

Mr. Bert Kimbark, Congers: Re purchase of lots connected as single lots, but not in a parcel; Deputy Town Attorney stated problem can be solved by changing language of amendment re contiguous lots.

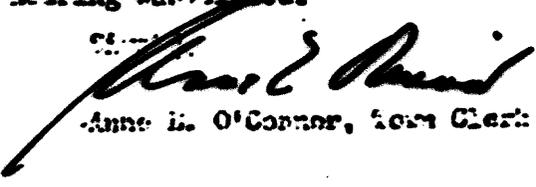
Robert R. Granik: Stated that similar ordinance contested in Town of Ramapo.

Re building five individual one-family houses under the new ordinance (300' - R-7.5 zone); would depend on final wording of the proposed ordinance, if and when it is adopted.

Deputy Town Attorney asked Zollendeck for his background; Town Board stated his qualifications known to the Town Board.

Mr. Zollendeck: Re two-family building - you can by right in R-15. Proposed law allows single family to two-family, if he has 15,000 feet. Real purpose is to strengthen R-15. By elimination of R-7.5, many areas will conform to areas adjacent now R-15.

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


Anne L. O'Connor, Town Clerk

PUBLIC HEARING

Town Hall

9/13/72

8:10 PM

Present: Co. Niehaus, D'Antoni, Lodico, Fizzutello, Supervisor Vines
Town Clerk A. E. O'Connor
Deputy Town Atty. M. S. Friedman
Town Attorney F. P. Roland

RE: PROPOSED AMENDMENT TO THE ZONING ORDINANCE - REZONING OF R-7.5 DISTRICTS:

Supervisor called public hearing to order; Town Clerk testified as to proper posting and publication of notice of hearing.

Deputy Town Attorney stated the following:

We have Zoning Ordinance - defines zone and uses. We have Zoning Map - defines particular use. In first hearing, we discussed changing Zoning Ordinance. In this hearing, it is question of restructure of use of the land, which would be formerly R-7.5 if Town Board sees fit to adopt change.

Town Planner, Theodore Zollendeck, presented study. Eighteen (18) changes shown on map:

Area A: In Hamlet of Congers. 19 acres. 61% land available for development. Recommendation: R-15.

Area B: Also in Congers, west of Swartout, east of Route 303. R-40 east; R-15 west. Recommendation: Medium density - R-15.

Area C: Adjacent to R-40. West, Swartout; east, Congers Lake Road. Recommendation: Medium density - R-15.

Area D: East of Congers Lake; south of GS Zone. Recommendation R-15. Reason: because of its proximity to Hamlet Center and it is also adjacent to R-15 area.

Area E: Congers. Due to character of area. Close to Hamlet of Congers. Recommendation: R-10, because continued area just east of the Elementary School and west of Congers Lake.

Area F: Congers. Elongated district starting south of Area E. East - Congers Lake. East, R-40; West - R-15; South - R-15. Recommendation: R-15. Reason: R-15 instead of R-40 because of proximity to Hamlet and present character.

Area G: Valley Cottage; east of Tolstoy Foundation; west of Route 9 W. Existing residential development. Recommendation: R-15. Reason: Existing R-15 to south - property adjacent to R-22.

Area H: Valley Cottage. Close to business district. West Kings Highway. Adjacent to R-15 on west and south and east. Recommendation: R-15.

Area J: Central Nyack. Represents center of that community. Recommendation: R-10

9/13/72

REVISION OF R-7.5 DISTRICTS

Page 2

Area K & L: West Nyack. Near central business district. K: Between West Nyack Road and Route 59 and Strawtown and access road, known as West Nyack Way. Recommendation: R-15 because study was residential, not to go into commercial areas.

Area J: Between West Nyack Road and Klein and Strawtown Road. Adjacent to the north, west and east to R-15. Recommendation: R-15.

Area M: Bound by College, First St., Korvettes on each, Church on south. Close to central business district. Recommendation: R-15.

Area N: To west of area M - Nanuet. Normandy Village to north, College to east, and CS along Middletown Road. Close to center of town. Recommendation: R-10.

Area O: Spring Valley section of town, adjacent to Village line to north. Covers both sides of Second Avenue. Southern boundary Lawrence St. Close to Village of Spring Valley. Recommendation: R-10.

Area P: East of Area O. Both sides of Pascack Road. East of Mobil Home development - west of Airport. Recommendation: R-15.

Area Q: Northwest corner of Nanuet. Bound by Mauraushan on east, Shore Drive on north, development on west. Abuts R-22 on north, west and south. Recommendation: R-22.

Area R: East of Area "Q". Same vicinity of area Q. East, Mauraushan Brook, west of Middletown Road, south of Shore Drive; abuts R-15 on north, east and south. Recommendation: R-15.

Area S: New City. South of Collyer, north of Crosey Farm and west - Red Hill Road. west of Fanloy, east of Hansen. To west, north, east and south - R-15. Recommendation: R-15.

(End of Town Planner's presentation)

IN FAVOR: No one appeared

OPPOSED:

Martin Bernstein, New City: Requested that he be given opportunity to continue hearing for one week and put in a written report (before matter decided by Town Board). Supervisor Vinos stated hearing would not be 'continued', he will permit Mr. Bernstein to submit report within one week and make it part of the record.

Messrs. Bernstein, Walsh, Lamborn and Dike all requested copies of Mr. Lollendeck's report which will be supplied to them by Town Planner.

Thomas Walsh, Congers: Opposed.

Albert Lamborn, Congers: Opposed.

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

Signed.

Anne M. O'Connor, Town Clerk

PUBLIC HEARING

Town Hall

9/13/72

8:12 PM

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

RE: PROPOSED LOCAL LAW RE PARTIAL EXEMPTION FROM REAL PROPERTY OWNED BY SENIOR CITIZENS WITH LIMITED INCOME:

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

Deputy Town Attorney stated this hearing to bring about conformity of local law with New York State Law. In the future, he continued, if state increases amount, we will not have to go to another hearing.

Proposed Local Law would allow an increase of earnings of persons who are sixty-five years of age or over from \$5000 to \$6000 annually, to qualify for tax exemption.

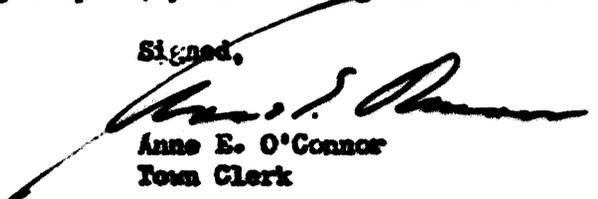
IN FAVOR:

Mr. M. Bernstein, New City: Afford Sr. Citizens to reduce his taxes and still stay in community.

OPPOSED: No one appeared.

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

Signed,


Anne E. O'Connor
Town Clerk

PUBLIC HEARING

Town Hall

9/13/72

8:15 PM

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

RE: PROPOSED AMENDMENT TO ZONING ORDINANCE - AMEND SEC. 3.12 TABLE OF GENERAL
BULK REGULATION, CCL. 6 (Note 11):

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

COUNTY PLANNING BOARD:

'....amendment to Note No. 11 will permit a minimum lot frontage of 15 feet for lots in two-lot subdivisions rather than the 50 feet presently required. Paved driveways with a 10-foot width will be required for these lots.

'An increase of points of access along major and secondary roads, which are primarily state and county highways, can impede the safe and steady movement of traffic along these roads. Therefore, we find that the adoption of this amendment as written to be potentially detrimental to state and county highways. We suggest that the town consider a modification of the amendment to retain (or even increase) the required frontage on major and secondary roads and reduce it for local minor roadways.'

Deputy Town Attorney Martin S. Friedman stated individual lot owner put under disadvantage and result was that individual was being penalized - intent of law was to provide for orderly planning of subdivision to meet with maximum safety situations. In subdivision, they would have to be put into plan with 50' frontage on lot.

Resident, Wayne Ave., New City: Frontage requirements dropped back to 15' on only secondary roads?

Mr. Friedman: No. It is to cover dropping it back to 15' for one or two lots only - no more.

IN FAVOR: No one appeared.

OPPOSED:

Mr. Martin Bernstein, New City: Person who has hardship can go before ZBA and get it changed. One who is behind the other is poor planning. Should not be made a right under the Zoning Ordinance. Hardship should be proved before the ZBA before allowed.

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

Signed,

Anne E. O'Connor
Town Clerk

PUBLIC HEARING

Town Hall

9/13/72

8:17 PM

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

RE: PROPOSED EXTENSION OF CLARKSTOWN CONSOLIDATED WATER SUPPLY DIST. #1
TO INCLUDE "SILVERTON"

Supervisor called public hearing to order; Town Clerk testified as to proper publication and posting of notice of public hearing.

Donald S. Tracy, Esq. appeared before the Town Board as attorney for petitioner and testified as follows:

Is attorney and agent with power of attorney. Petition signed before him. Messrs. Alan Kurtis and Malcolm Bessen owners of property in question.

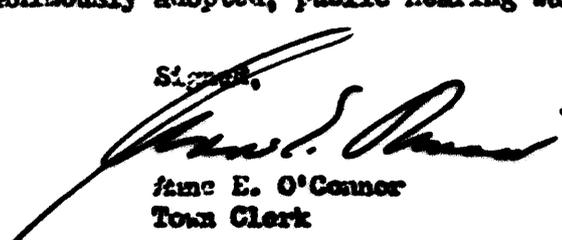
Proposed extension will benefit all the property owners within the proposed extension; all the property owners who will benefit from this proposed extension are included within the limits of the proposed extension.

Would be in the public interest to grant because it would provide fire protection for the safety and well-being of property and lives, and would bring about a reduction in fire insurance rates.

Proposed improvement would be at no cost to the town.

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

Signed,



Anne E. O'Connor
Town Clerk

PUBLIC HEARING

Town Hall

9/13/72

8:20 PM

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

RE: PROPOSED AMENDMENT TO ZONING 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.

CORRESPONDENCE:

County of Rockland Planning Board:

Technical change proposed requires that proposed cemeteries obtain the approval of the Rockland County Legislature rather than the former County Board of Supervisors. Adoption of the proposed amendment will not be detrimental to State or County highways or parks or abutting municipalities.

Town Planner, Theodore Zollendeck:

Since the effect of the amendment is to update the ordinance by inserting the word, "County Legislature" in place of "County Board of Supervisors", we have no objection to the amendment.

Deputy Town Attorney Martin S. Friedman stated purpose of hearing is to amend Sec 3.11, Table of General Use Regulations as follows:

R-80 District, Column 2, Item 7 to be changed from County Board of Supervisors to County Legislature. Merely technical change.

IN FAVOR: No one appeared.

OPPOSED: No one appeared.

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

Signed

Anne E. O'Connor
Town Clerk

PUBLIC HEARING

Town Hall

9/13/72

8:22 PM

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

RE: PROPOSED AMENDMENT TO ORDINANCE ENTITLED "PEDDLING AND HAWKING":

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

Martin S. Friedman, Deputy Town Attorney stated hearing was to amend ordinance 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 pm 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."

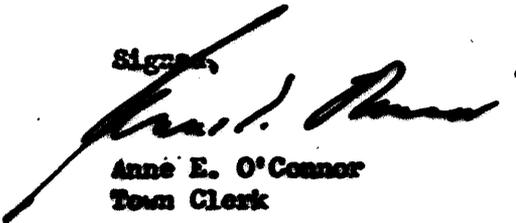
Re scissor sharpeners and junkmen, no sales involved; does not cover.

IN FAVOR: No one appeared

OPPOSED: No one appeared

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

Signer,


Anne E. O'Connor
Town Clerk

PUBLIC HEARING

Town Hall

9/13/72

8:23 PM

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

RE: ADOPTION OF 1973 SEWER TAX ROLL:

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

Michael Franchino, 3 Bull Run, West Nyack., New York, sworn in, and on questioning by the Deputy Town Attorney, Martin S. Friedman, testified as follows:

Is Director of Finance; prepared Sewer Assessment Roll in conjunction with Assessor's Office. Took figures from assessor's records and divided the principal and interest, which is due next year, against these items.

50% - Assessed Valuation
25% - Units
25% - Front feet.

Maximum amount which was to be raised - Principal and Interest - 2.2 million dollars. Proposed amount to be raised by rolls submitted this evening - \$1,700,153.92.

Reason for this: Anticipate refunds of \$500,000 from County, which will be applied to the principal and interest which we owe this year. This will result in lower tax rate for the Town of Clarkstown. If county does not provide money anticipated, there would be a deficit (we will know in the next few days). If it is not forthcoming, we will have to hold hearing to raise. Operation and Maintenance Cost: Money to be raised by town-wide charge outside village.

Mr. George Suttie, New City: (Sworn in):

Occupation: Engineer and works for the firm of Consulting Engineers. Is familiar with financial relationship between county and town in connection with roll. We had to construct a certain amount of pipes which were proposed to be built by County Sewer Area #1. Arranged that we would construct these pipelines and when and if they were able to hold a public hearing, to authorize them to pay for them and take them over, that they would pay back the construction amount spent by us to build these lines. We put the pipelines in. They have since authorized the fund for Stage 3. We have submitted to them the computation, which would indicate that they owe us 1.8 billions to cover the cost to construct the pipelines, plus an extra amount not arrived at yet, to cover cost of engineering services.

They have gone over the construction amounts; have agreed with us that the 1.8 is correct, and that they would estimate in the appropriation.

PUBLIC HEARING

Town Hall

9/13/72

8:25 PM

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

RE: PROPOSED AMENDMENT TO ZONING ORDINANCE (SECS. 3.11 & 3.12 - PO & LIO ZONES
TENNIS FACILITIES:)

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

COUNTY PLANNING BOARD:

'Amendments to the use and bulk tables are proposed for the PO and LIO zones. The amendments to the PO zone provide for the addition of indoor tennis clubs and health clubs as uses by right, restaurants associated with indoor tennis or health clubs as uses by special permit of the Town Board, and provisions for accessory uses, permitted signs and off-street parking. A maximum floor area ratio of 0.6 and a minimum lot size of three acres is proposed for the indoor tennis clubs and health clubs.

The proposed amendments to the LIO provisions are primarily technical, inserting LIO for IC in the tables. The proposals include the bulk standards for tennis and health clubs proposed for the PO zone. It is also proposed that either no side yard or a 15-foot side yard be established for LIO when adjacent to a commercial district and a 25-foot side yard be established for LIO when adjacent to either a residential use or district. With reference to this latter application of Note No. 3 of Sec. 3.12, we note that it appears to be in conflict with the established 60-foot side yard requirements.

We find that the adoption of the proposed amendments, in all likelihood, will not be detrimental to State or County highways or parks or to abutting municipalities.'

Town Planner Theodore P. Zallendeck: No Recommendations; no objections.

IN FAVOR:

Donald S. Tracy, Esq.; Attorney for Westrock Tennis Clubs: They have run tennis club for some time in area. They submitted petition to amend to LIO to permit tennis as matter of right back in March. My client suffered hardship in that his use was made non-conforming, which prevents him from expanding. I further appeared at public hearing, at which it was proposed to make tennis facilities available to special permit application and I stated that I was in favor of permitting tennis courts as matter of right in LIO & PO. I feel that

10 - Tennis
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9/13/72

(Donald H. Tracy - continued)

tennis groups in the Town of Clarkstown have been made into political 'tennisballs'. Westport has never required town services. Their facility used by many of our residents to play tennis. In Hampden, Tennis facilities permitted in residential zones. LIO & FO are properly adopted to such uses, because office building construction currently not greatly in demand in the town and CS and RS zones attract more commercial retail use and that property is rapidly being used up.

Indoor Tennis Facilities not inexpensive. They pay their share of taxes and ask for minimum of services. I have one suggestion to make in the proposed amendment, and that is under Column 6, Item 4, for the FO District; and Column 6, Item 4 for the LIO District. The parking requirements are set forth as four (4) per court, and one (1) per 200 square feet of the floor area. Since this seems to be duplicatous, it would be my recommendation that the parking facilities be limited to four (4) per court, and one (1) for 200 square feet of "other" floor area. (Insert work 'other', before floor.) It is good amendment.

Robert Granik, Esq., 120 North Main St., New City N. Y.:

Attorney and Principal in New City Office Associates, which is presently constructing a tennis facility, 'New City Racket Club', and also to commence construction of six-story office building in New City immediately north of the Bradlee Shopping Center.

I point out the comments made by Mr. Tracy, that this entire matter initiated by petition by one of his clients. I had nothing to do with it, but I support and agree with the propriety of it. Major recreational facilities of this type do not belong in residential zone. They do more properly belong in areas where there are masses of population. Office buildings closed at night. Their parking could be used for tennis people. Re property of New City Office Associates, use has been approved. Structure is conforming use. Whether or not you adopt this ordinance, the partnership intends to, and has commenced all of the steps of constructing a six-story building. Under no circumstances will office building be discontinued and have just tennis building. Entire project, when completed, will exceed \$3,000,000.00. Office building should be commenced probably within the week.

Except for minor uses, the LIO zone and FO zone are similar, because they both deal with office. I speak for Tracy's client - competition should not be stifled.

OPPOSED:

Mrs. Van Poppel, 622 Russett Road, Valley Cottage N. Y.: Is this zone change requested by individual or corporation; was it report to Town Planning Board?
Deputy Town Attorney: This is not zone change; it is amendment adding additional use. (Town Planner: No recommendation - no objections).
Question: Who wrote amendment?
Answer: Deputy Town Attorney, based on proposed special permit requirements.
Question: Why only tennis courts, and not legitimizing uses. Is this for retroactive zoning. Opposed. (Per statement given to William E. Vines, Superv.)

PH - Tennis
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9/13/72

OPPOSED - continued:

Mr. Bertram Strauss, New City: Condone violation of this town's law by a group and regard violator by making it legal.

Councilman D'Antoni: I was there when this came before the Planning Board. They stated this particular use was an accessory use to an office building. Everything so far has been proper with respect to that application.

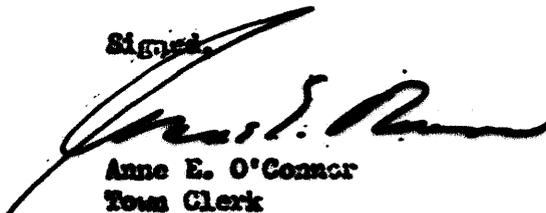
Town Attorney: Under Zoning Ordinance, Building Inspector interpreter. If someone aggrieved with determination made by the Building Inspector, they can go to the Zoning Board of Appeals.

Mr. Bertram Strauss: (To Town Attorney): If a tennis group is a recognized use under present zoning ordinance, why is it necessary to amend it?

Town Attorney: Purpose of hearing tonight is to determine whether or not it should be permitted as a right, separate from a main use.

No one further wishing to be heard, on resolution offered by Councilman Michaus, seconded by Councilman D'Antoni and unanimously adopted, public hearing was closed.

Signed



Anne E. O'Connor
Town Clerk