

PUBLIC HEARING

Town Hall

8/15/73

8:00 PM

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

RE: PROPOSED EXTENSION OF CLARKSTOWN CONSOLIDATED WATER SUPPLY
DISTRICT #1 TO INCLUDE -- CLYDESDALE SUBDIVISION:

Supervisor Vines declared public hearing in session; Town Clerk testified as to proper posting and publication of notice of hearing and also that Certificate received from the Assessor confirming that over 50% of assessed valuation represented in petition submitted to her office.

John J. Griffin, Esq., 250 West Nyack Road, West Nyack, New York appeared before the Town Board, was sworn in by Supervisor, and testified as follows:

and General Counsel
Submitted petition in capacity of Secretary/of J. Knutsen & Co., Inc., the petitioner.

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 will provide fire protection for the safety and well-being of property and lives, and would bring about a reduction in fire insurance rates. Would be at no cost to town.

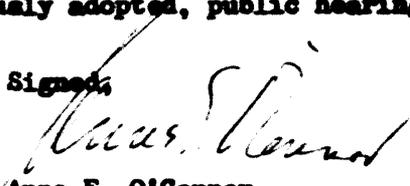
No questions from Town Board.

OPPOSED: No one appeared

IN FAVOR: No one appeared.

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

Signed,


Anne E. O'Connor
Town Clerk

PUBLIC HEARING

Town Hall

8/15/73

8:03 PM

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

RE: PROPOSED EXTENSION OF CLARKSTOWN CONSOLIDATED WATER SUPPLY
DISTRICT #1 TO INCLUDE AREA ALONG OLD MILL ROAD -
APPROXIMATELY BETWEEN BRANCHVILLE ROAD & BOXBERGER ROAD,
VALLEY COTTAGE N Y:

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

Reason for proposed extension; Town Board ordered fire hydrants installed, locations not located within the water district.

Alfred E. Berg, Town Engineer appeared before the Town Board, was sworn in, and testified as follows:

Is Town Engineer of the Town of Clarkstown and is familiar with petition. Application is on behalf of the Spring Valley Water Company.

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

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

Will reduce water rates, and also increase fire protection in this area.

Extension will be at no cost to the town.

No further questions from the Town Board

IN FAVOR. No one appeared

OPPOSED: No one appeared.

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

Signed,



Anne E. O'Connor
Town Clerk

EEB954

PUBLIC HEARING

Town Hall

8/15/73

8:05 PM

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

RE: ZONE CHANGE APPLICATION MADE BY OVADIA PORAT TO REZONE PORTION
FROM LO TO R-22:
(Property located north of West Shore Division of the New York
Central RR, near Fulle Drive, West Nyack, New York):

Supervisor Vines called public hearing to order; Town Clerk testified as to proper posting and publication of notice of hearing, stating that Affidavit of Service also received by her office.

PLANNING BOARD RECOMMENDATIONS:

TOWN PLANNING BOARD:

'Two separate and complementary conclusions have evolved, viz.....

1. All members are against total rezoning, but consider that
2. A partial rezoning is desirable to safeguard both industrial and residential uses, accesses and screening.

'To bring this about the Honorable Town Board may wish to hold a single public hearing to consider the two possibilities. We are enclosing map prepared by Town Planner's Office, for better understanding of the following (two items, overlaid)-----'

FIRST RECOMMENDATION: That the requested total zonechange of the entire Ovadia Porat property be DENIED for the following reasons;

1. Granting the change of use would be contrary to the intent of the Master Plan and its estimation of the needed land use needs of the town,
2. The change of use will reduce the amount of industrial (ratable) land in the town,
3. Drainage problems of the low-lying flat land are hard to solve in a residential building context. (Careful study of general drainage conditions and of present and future availability of sanitary sewer, water and other services is highly advisable in advance of this and any zonechange, to safeguard future residents and to avoid possible costly later corrections at town expense). '

'In addition.....

SECOND RECOMMENDATION: That the Honorable Town Board APPROVE A PARTIAL REZONING intended.....

- a. to preserve as much industrial land as possible in the property.
- b. to avoid an undesirable "enclave" of LO land that would otherwise project into the recently rezoned R-22 property to the north, and
- c. to allow for desirable access, both residential and industrial, to the respective parts of the property.'

In accordance with the foregoing intent.....

'All properties of Ovadia Porat and others lying immediately to the North of a certain line described below shall be rezoned R-22 and all lands of Ovadia Porat and others lying immediately to the South of said certain line shall remain or be rezoned LO.'

(communication of Planning Board continued on next page)

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(Communication from Town Planning Board -- continued):

The stated certain line is the following:

Starting at the easternmost corner of lot 108B25.01 (where it touches the Penn Central RR property) and from thence in a substantially straight line approximately due west to the point of intersection of Old Mill Road by the westerly projection of the common property line of lots 91A4 and 91A7, all in accordance with zoning study map 98 and 108, Valley Cottage, dated 5/27/73, as recommended in 5/1/73 report of Town Planner's Office (attached hereto). T/C - see file.'

End of Town Planning Board recommendation. (Dated May 1973)

Mr. James F. Coyle, Chairman of the Town Planning Board also submitted letter addressed to the Honorable Town Board dated January 10, 1973 with other recommendation for DENIAL. T/C - see file. (Marked Exhibit A).

Ronald M. Kahn, Attorney at Law, 135 South Main St., New City N Y appeared before the Town Board as attorney for petitioner and stated the following:

The petition is for change of zone for portion of land approximately $3\frac{1}{4}$ acres, from an LO zone to an R-22 zone. Petitioner feels that to grant at this time would have a decided beneficial advantage to the town, to the immediate population, to the public safety of the community, to the public health of that particular community, and welfare of the town at large.

To the south: LO zone. Property itself LO zone. However, immediately to the north, as well as all outlying areas, in residential zone. Every available access road into this particular parcel are through streets with residential one-family homes; Fulle Drive, Westside Drive, Branchville Road. Property landlocked as to LO zone. Bound on south by railroad.

To grant would be consistent with prior actions of this Board. It would not be adverse to prior actions of Board.

Adjacent parcel had zonechange submitted. Planning Board recommended total denial without subjecting that property to division. I obtained copy of Planning Board recommendation dated January 10th, 1973 in which they recommended denial of the zone change for the abutting property.

(Submitted in connection with this application -- Exhibit A) See above.

At that time, Board heard all the evidence, weighed the facts, considered the recommendations of the Planning Board and by 4-1 vote, granted this application.

Request that you consider the facts in this case in a similar line. Were this property presently zoned R-22 and petitioner was presenting application to create LO, would you grant or deny?

Witness: (Sworn in by Supervisor):

Mr. Peter Avaras, 145 South Little Tor Road, New City N Y:

Qualifications and business: Licensed Real Estate
Broker for 13 years. (continued)

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Witness - Avaras - continued:

Is familiar with this area. Request would be consistent with zoning in this particular area. Granting would be a benefit to the welfare of the community and safety of that particular vicinity.

Attorney Kahn: Zone as it presently exists, if developed, would increase traffic in area and type of traffic. If residential, it would be used by people living in area.

OPPOSED: Mr. James Coyle (Chairman of the Clarkstown Planning Board):

Planning Board spent considerable time on this. 5-0 vote against rezone made last January. At this time, we would like to present a map defining and cutting off the zoning line, for the following reasons: (Map with Town Board)

Granting change would be contrary to the intent of the Master Plan, and 2. Change would reduce amount of industrial land. 3. There are drainage problems in this area. Residential: 90% complaints about drainage and flooding; Industry - 1%.

We want to draw a definite line. If we change this to R-22, we will get very close to Trap Rock. They are not diminishing operations, they are increasing them. We want to create buffer between R-22 and LO land.

IN FAVOR:

Mr. Walter Plotnik, Kings Highway, Valley Cottage N Y:

Takes exception to where Planning Board drew the line. It runs east and west splitting the landoff in half. Contiguous piece of residential land would make a contiguous piece of property. Re industrial: Takes exception that we don't have enough. In Valley Cottage, we have an abundance of industrial land.

It would not be in the best interests of the residents of Valley Cottage. Re ingress and egress, there is no way to bring trucking in. Reynolds Aluminum considered this property. It was untenable for them because they could not get in or out. For 9 years the Valley Cottage Civic Association did a lot of homework on this property. So did the Town Planner. Public never said it should be anything but R-22. This property went into LO never at public hearing. Map also changed. We have little factory (Ford Products) and that has been nothing but a problem to the residents in the immediate vicinity.

IN FAVOR:

Mr. Thos. Jordan, Van Doren Court, Valley Cottage N Y:

Ford Products has caused many problems. We have been fighting trucks on residential streets. Many residents in this area want R-22. We do not trust promises of the buffer screening, etc.; it doesn't work.

IN FAVOR:

Mr. Dan Hill, Branchville Road, Valley Cottage: (Was informed by attorney for petitioner that Fulle Drive would not be main entrance into this area.) Rezone to R-22 so we won't have condominiums.

IN FAVOR:

Mr. Phillip Pisano, Van Doren Court, Valley Cottage: Do not make another mistake like Van Doren Court and Ford Products.

IN FAVOR - cont.

Mr. Jerome Trachtenberg, Old Mill Road, Valley Cottage: (Owner of property under review this evening):

Built his house over thirty years ago. Has seen areas grow. We have one of the finest residential developments in the county. Do not know how it got into LO. I don't want industry in my back yard. We finally have someone who wants to develop it for homes, and that is the way it should be. This is on top of the Solomon piece. Planning Board said it was residential oriented. Portion of this digs into Solomon piece. This piece of industrial property surrounded on three sides with R-22. How can you recommend that this petition be denied in toto, when you have got this piece sticking into R-22? Nice one-family houses around Valley Cottage. How would you like industry hanging in their back yard.

I drew line right across property from east to west. South end of the property is hilly property. You would not recommend it for any kind of industry because it is not flat land. The north part is.

There is no access from Old Mill Road. LO permits offices, warehouses, research centers, laboratories, experimental centers, restaurants, conference halls, meeting halls. Is this what we are talking about? Is this why we are preserving this property? Re line that is drawn, I say good zoning is violated. If you pick out one piece like this, you are 'spot zoning'. You must come down Fulle Drive to get to property now. Fulle Drive is residential street. If we develop south end of this property to industrial and Fulle Drive runs north and south, you are going to have more roads as things develop. The fellow who has to get into this industrial spot from Haverstraw, Valley Cottage, or north end, is going to come right through Fulle Drive. He may have a truck, but you cannot keep him off that road. That has to be considered.

If we requested change from R-22 to LO, many people would object. If you take piece of LO, you are isolating a piece of private property and, when you do that, you are confiscating that property.

Rule is settled in this country that you cannot confiscate a piece of private property. That is what will happen here. Because it is isolated, and it cannot be used. You have possibility of spot zoning.

Application in toto should be granted.

Mr. James Coyle, Chairman of the Planning Board: Railroad goes through one side of property.

No one further appeared as being in favor.

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OPPOSED:

Mr. Joseph Pantano, New City: Agrees with Mr. Coyle. This is Planning for the future. 3/4 acres in LO which would be a ratable for the Town of Clarkstown. This would be downzoned. 60 homes. 120 to 250 new school children in the district. (School District - Nyack) It will affect Valley Cottage property owners and taxpayers. 200-300 new people in the area. Would create problems for the town. LO would bring ratables into the town. Re 5-1 Planning Board vote to go vs. LO zone, I did not say to do this with adjoining piece of property. Re Trap Rock; people in area complain about blasting.

Re buffer; if industrial area there, it would be big buffer zone, Keep your promise; do not downzone this area.

Mr. Wm. Wilford, 543 Branchville Road, (Right above property):

Property on mountainside - not flat. We would have french drains put in at expense to town. If they strip further; we will have to have more drains at town expense. 40 houses will increase school taxes.

REBUTTAL: (Mr. Kahn):

Re Planning Board Chairman comments: Those comments are identical to those made on 1/10/73 re Solomon property. In fact, on 1/10/73, they were more strong against zoning and Board granted petition and changed zone.

Planning Board mentioned the possibility of a ratable and keeping this area in its present status. Yet they do not address themselves specifically as to how they would avoid the heavy traffic that would emanate from this area.

Also; if we gave weight to what the Planning Board says, we would then be allowed the use of a adjoining piece of property to conform use of another piece of future property, perhaps because it may be used at some other time.

They said Solomon property was unfit to be used for this zone. Jerry Trachtenberg testified that this property cannot be used in its present zoning. So to leave it the way it is, is confiscatory. Give weight to the precedent of your own Board in this particular area.

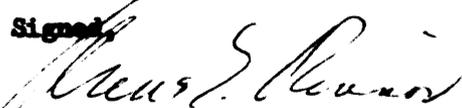
Re word 'down zone'; if it was R-22 and I wanted LO, they would say it was 'downzoning'. We are upzoning.

Everyone wants ratables. In order to have ratables, you have to service it. Have it in area which enhances ratable; this is not the area.

Line drawn by Planning Board is not good zoning practice. To grant one portion and oppose another not good practice.

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

Signed,


Anne E. O'Connor
Town Clerk

TOWN BOARD MEETING

Town Hall

8/15/73

8:00 PM

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

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

(1973-646) Councilman Niehaus offered the following resolution:

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

Seconded by Councilman D'Antoni.

All voted Aye.

(1973-647) Councilman Pizzutello offered the following resolution:

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

Seconded by Councilman Lodico.

All voted Aye.

Town Board signed ORDER extending the Clarkstown Consolidated
Water Supply District #1 to include CLYDESDALE SUBDIVISION. (Order Filed)

(1973-648) Councilman D'Antoni offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown in the
County of Rockland, State of New York, has heretofore duly caused to be
prepared a general map, plan and report relating to the proposed
extension of the Clarkstown Consolidated Water Supply District No. 1 in
said Town of Clarkstown, as hereafter described, and which map, plan and
report have been duly filed in the Office of the Town Clerk of said Town
for public inspection; and

WHEREAS, pursuant to resolution duly adopted on 8/15/73 said
Town determined to proceed with the establishment of said proposed extension
of the Clarkstown Consolidated Water Supply District No. 1 and adopted an
Order reciting a description of the boundaries of said proposed extension
in a manner sufficient to identify the lands included therein as in a
deed of conveyance, the improvements proposed, the maximum amount proposed
to be expended for the performance or supplying of services and the fact
that a map, plan and report describing the same are on file in the Town
Clerk's Office for public inspection and specifying 8/15/73 at 8:03 o'clock
PM as the time when, and the Town Hall, 10 Maple Avenue, New City, in said
Town, as the place where, the said Town Board would meet to consider the
proposed extension of said Clarkstown Consolidated Water Supply District #1
and the supplying of services therein, and to hear all persons interested
in the subject matter thereof concerning the same, and for such other action

(1973-648 - continued)

on the part of said Town Board in relation thereto as may be required by law; and

WHEREAS, copies of such order were duly published and posted pursuant to the provisions of Article 12-A of the Town Law; and

WHEREAS, a public hearing in the matter was duly held by said Town Board on the 15th day of August 1973, commencing at 8:03 o'clock PM at said TownHall, at which all interested persons desiring to be heard were heard, including those in favor of and those opposed to, the establishment of said proposed extension of the Clarkstown Consolidated Water Supply District and the performance or supplying of services therein,

NOW THEREFORE, upon the evidence adduced at such public hearing, be it

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

Sec. 1. It is hereby determined that

(a) the notice of public hearing was published and posted as required by law, and is otherwise sufficient; and

(b) all the property and property owners included within the proposed extension of the Clarkstown Consolidated Water Supply District No. 1 hereinabove referred to are benefited thereby;

(c) all the property and property owners benefited are included within the limits of said proposed extension of the Clarkstown Consolidated Water Supply District No.1; and

(d) it is in the public interest to establish said proposed extension of the Clarkstown Consolidated Water Supply District No. 1.

Section 2. The proposed extension of the Clarkstown Consolidated Water Supply District No. 1 is hereby approved as hereinafter described and the supplying of services as set forth in said order calling the public hearing shall be rendered, said proposed extension of the Clarkstown Consolidated Water Supply District No. 1 being wholly outside of any village or city and being bounded and described in Schedule attached hereto and made a part hereto.

Section 3. The maximum amount proposed to be expended for the performance or supply of services in said proposed extension is \$100.00 annually for each fire hydrant installed, which said amount shall be raised by taxation in the proposed extension of said district pursuant to Town Law.

(continued)

EEB954

(1973-648 - continued)

Section 4. This resolution shall take effect thirty days after its adoption, unless there shall be filed with the Town Clerk a petition signed and acknowledged by the owners of taxable real property situate in the proposed extension as shown on the latest completed assessment roll of said Town, in number equal to at least five percent of the total number of such owners, or by one hundred of such owners, whichever is the lesser, protesting against this resolution and requesting that the matter be submitted to the owners of taxable real property situate in said proposed extension at a referendum, in the manner provided by the Town Law.

Section 5. The Town Clerk in the Town of Clarkstown, County of Rockland, State of New York, shall within 10 days after the adoption of the within resolution by the Town Board of said Town cause to be published at once in "THE JOURNAL NEWS", the official newspaper of the Town and to be posted on the signboard of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, and in at least five (5) public places in the proposed extension of the Clarkstown Consolidated Water Supply Dist. No. 1, a notice which shall set forth the date of adoption of such foregoing resolution and containing a copy thereof.

Seconded by Councilman Pizzutello.

All voted Aye.

(1973-649) Councilman D'Antoni offered the following resolution:

RESOLVED, that decision on zone change application made by Ovadia Por~~to~~to rezone portion of property located north of West Shore Division of New York Central Railroad near Fulla Drive, in West Nyack from L0 to R-22, be RESERVED.

Seconded by Councilman Niehaus.

All voted Aye.

(1973-650) Councilman Niehaus offered the following resolution:

WHEREAS, MASQUET MEDICAL BUILDING, INC. has petitioned the Town Board of the Town of Clarkstown that the Zoning Ordinance of the said Town be amended by redistricting property of the said petitioner described from an B-10 district to a FO district;

NOW THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sections 264 and 265 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, in the said Town of Clarkstown, on the 12th day of September, 1973 at 8:00 PM, relative to such proposed amendment; and it is

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in 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.

Councilman Niehaus joined members of the Town Board at the Board table.

Town Board signed ORDER setting date of public hearing re proposed extension of the Clarkstown Consolidated Water Supply District #1 to include the Area along West Clarkstown Road north from Bender Road, New City, New York. (See T/C file) Public hearing date - 9/12/73 - 8:05 PM.

(1973-651) Councilman Niehaus offered the following resolution:

(INSERT BOND AND CAPITAL NOTE RESOLUTION AUTHORIZING THE ACQUISITION OF CERTAIN LAND KNOWN AS "RIVER ESTATES", IN WEST NYACK, N.Y. FOR FLOOD CONTROL PURPOSES, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$180,000 APPROPRIATING SAID AMOUNT THEREFOR AND AUTHORIZING THE ISSUANCE OF \$9,000 CAPITAL NOTES TO PROVIDE THE REQUIRED DOWN PAYMENT AND \$171,000 SERIAL BONDS TO FINANCE THE BALANCE OF SAID APPROPRIATION") -- (Subject to permissive referendum)

Seconded by Councilman Pizutello.

On roll call the vote was as follows:

AYES: Co. Niehaus, D'Antoni, Lodico, Pizutello
ABSTENTION: Supervisor Vines

NOTION CARRIED

(1973-652) Councilman Niehaus offered the following resolution:

WHEREAS, the Town Engineer has advised that the information to be obtained from Gaging Stations is extremely valuable for the drainage program of the Town of Clarkstown, and

WHEREAS, the United States Department of the Interior, Geological Survey, Water Resources Division, has been maintaining a cooperative program for the operation and maintenance of recording stations in the Town of Clarkstown;

NOW THEREFORE, be it

RESOLVED, that the Supervisor be and he hereby is authorized to enter into an agreement with the United States Department of the Interior, Geological Survey, Water Resources Division, for the continuation of the recording stations for water resources in the Town of Clarkstown, at a cost not to exceed \$1,400.00, and in a manner and form approved by the Town Attorney's Office.

Seconded by Councilman D'Antoni.

All voted Aye.

EEB954

(1973-653) Councilman D'Antoni offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install STOP signs at the northeast corner of Verdin Drive where it intersects with Eberling Drive, New City and at the southwest corner of Verdin Drive where it intersects with Eberling Drive, New City, New York.

Seconded by Councilman Pizzutello.

All voted Aye.

(1973-654) Councilman D'Antoni offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install a STOP sign on the west side of Eberling Drive where it intersects with New Hempstead Road, New City, New York.

Seconded by Councilman Niehaus.

All voted Aye.

(1973-655) Councilman D'Antoni offered the following resolution:

RESOLVED, that George Mollersten, Assessor, be and is hereby authorized to attend Workshop on Computer Application on Assessment Administration, in Philadelphia, Pennsylvania, and be it

FURTHER RESOLVED, that expenses, not to exceed amount of \$200.00 be made a proper town charge, on Account No. 414.

Seconded by Councilman Pizzutello.

All voted Aye.

(1973-656) Councilman Niehaus offered the following resolution:

RESOLVED, that Theodore E. Zollendeck, Town Planner, be and is hereby authorized to attend the annual American Institute of Planners (AIP) Conference in Atlanta Georgia; and be it

FURTHER RESOLVED, that expenses, not to exceed amount of \$200.00 be made a proper town charge against Account No. 414.

Seconded by Councilman Lodico.

All voted Aye.

(1973-657) Councilman D'Antoni offered the following resolution:

WHEREAS, the Trustees of the Erie-Lackawanna Railway Company have filed an application with the Interstate Commerce Commission for permission to abandon a portion of its branch line from Orangeburg to Manuet, and

WHEREAS, the New York State Legislature has enacted a bill giving towns and others preferential acquisition rights to acquire abandoned railroad property upon appropriate notification to the Department of Transportation within 120 days of the notification from the railroad company, and

WHEREAS, the acquisition of the aforesaid Erie-Lackawanna railroad property within the Town of Clarkstown can be of great value to the people of this community;

NOW THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown be and he hereby is authorized to take necessary action to negotiate and exercise preferential acquisition rights granted by Chapter 998 of the Transportation Law of the State of New York.

Seconded by Councilman Niehaus.

All voted Aye.

(1973-658) Councilman Niehaus offered the following resolution:

WHEREAS, Shirl-Ann Corp. has made application for permission, pursuant to Sec. 280-a of the Town Law, to build in an area where there are no improved streets, on property located on the east side of Medway Ave., 340' south of Butler Street in the Hamlet of Congers, New York, and more particularly described as Map 126, Block B, Lots 36.02 and 41.01;

NOW THEREFORE, be it

RESOLVED, that the Building Inspector be and he is hereby authorized to issue building permit to Shirl-Ann Corp. for the aforementioned property upon the payment of one half the cost, to be determined by the Town, of paving the road fronting the subject property, said sum to be placed in the 280-A MONEY FOR PAVING ACCOUNT, and be it

FURTHER RESOLVED, that all recommendations from both the Town Engineer and the Building Inspector be adhered to prior to said issuance of building permit.

Seconded by Councilman D'Antoni.

All voted Aye.

EBB954

(1973-659) Councilman Niehaus offered the following resolution:

RESOLVED, that Orange & Rockland Utilities, Inc. is hereby authorized to install the following street lights:

- One (1) for Clover Hill UD at \$59.60 per annum.
- Two (2) for Sunrise Estates UD at \$109.20 per annum.
- One (1) on Fulle Drive, Valley Cottage at \$54.60 per annum.
- One (1) in Cul-de-Sac of Rennert Lane, Bardonia, at \$54.60 per annum.
- Three (3) on Jeffrey Court, West Nyack at \$163.80 per annum.
- One (1) on Beverly Place, New City at \$54.60 per annum.
- One (1) on Mandon Terrace, New City at \$57.72 per annum.

Seconded by Councilman Pizzutello.

All voted Aye.

(1973-660) Supervisor Vines offered the following resolution:

WHEREAS, the Police Department of the Town of Clarkstown and the Town of Clarkstown have been negotiating a police contract over an extensive period of time, and

WHEREAS, the Town Board of the Town of Clarkstown held a public hearing on 6/27/73 concerning the collective bargaining between the Town of Clarkstown and the Clarkstown Police Department;

NOW THEREFORE, be it

RESOLVED, that based upon the information and public recommendations of the aforesaid hearing of June 27, 1973, the Town Board of the Town of Clarkstown hereby offers, in addition to the terms and conditions contained in the contract which expired December 31, 1972, the following additional terms and conditions to said contract between the Town of Clarkstown and the Clarkstown Police Department, all in the public interest and in the best interest of the public employees involved:

1. First Grade Patrolmen to receive \$15,200.00.
2. Increments to be retroactive from January 1, 1973.
3. The step system to remain the same as in the previous contract.
4. The second year increment as of January 1, 1974 to be in the amount of \$760.00 or the New York Metropolitan Index, whichever is greater, based on a six month period from July to December, 1973.
5. Family Dental Plan to be effective as of January 1, 1974, but not to exceed an expense to the Town of Clarkstown in the amount of \$12,134.00

Seconded by Councilman D'Antoni.

On roll call the vote was as follows:

AYES: Supervisor Vines, Councilman D'Antoni
NOES: Councilmen Niehaus, Lodico, Pizzutello.

MOTION NOT CARRIED

(1973-661) Councilman Niehaus offered the following resolution:

WHEREAS, the Police Department of the Town of Clarkstown and the Town of Clarkstown have been negotiating a police contract over an extensive period of time, and

WHEREAS, the Public Employment Relations Board, during the course of these negotiations, and in accordance with the law, assigned Jules J. Justin as fact finder in the labor negotiations between the Town of Clarkstown and the Police Department of the Town of Clarkstown; and

WHEREAS, the said Jules J. Justin rendered his recommendations and findings of fact in the said labor negotiations, a copy of which said recommendations and findings of fact dated March 23, 1973, is incorporated in this resolution by reference, and

WHEREAS, the Town Board of the Town of Clarkstown held a public hearing on June 27, 1973 in connection with this police contract;

NOW THEREFORE, be it

RESOLVED, that pursuant to statute, the Town Board hereby deems it to be in the public interest to adopt, accept, and approve, in its entirety, the recommendations and findings of fact contained in the report of Jules J. Justin, fact finder appointed by the Public Employment Relations Board, and be it

FURTHER RESOLVED, that the Town Board hereby offers the terms and conditions contained in the findings of fact and recommendations of the fact finder, Jules J. Justin, dated March 23, 1973 as and for the terms and conditions of a contract between the Town of Clarkstown and the Police Department of the Town of Clarkstown, all in the public interest and in the best interest of the public employees involved.

Seconded by Councilman Pizzutello.

On roll call the vote was as follows:

AYES: Councilman Niehaus, Lodico, Pizzutello.
NOES: Supervisor Vines, Councilman D'Antoni

NOTION CARRIED.

EEB954

(1973-662) Councilman Lodico offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown has approved a contract with the Policemen's Benevolent Association of the Town of Clarkstown which provides for retroactive pay status to January 1, 1973, and

WHEREAS, equity and justice require that similar status be granted to other employees of the Town of Clarkstown;

NOW THEREFORE, be it

RESOLVED, that all employees of the Town of Clarkstown represented by the Civil Service Employees Association shall be granted pay status retroactive to January 1, 1973.

Seconded by Councilman Pizzutello.

All voted Aye.

(1973-663) Councilman Niehaus offered the following resolution:

RESOLVED, that the resignation of Mr. Matthew A. Heary, 1 Renwood Court, New City N Y as a member of the Clarkstown Industrial Commission, is hereby accepted with regret, effective immediately.

Seconded by Councilman D'Antoni.

All voted Aye.

(1973-664) Councilman D'Antoni offered the following resolution:

RESOLVED, that the resignation of Ms. Jean Overmeyer, 15 Demarest Avenue, Mannet, New York as Senior Stenographer - Town Clerk's Office, is hereby accepted with regret, effective immediately.

Seconded by Councilman Niehaus.

All voted Aye.

(1973-665) Councilman D'Antoni offered the following resolution:

RESOLVED, that the resignation of Beatrice Weissinger, 3 Saravella Lane, Mannet, N Y as Crossing Guard - Police Department, is hereby accepted with regret, effective and retroactive to June 22, 1973.

Seconded by Councilman Niehaus.

All voted Aye.

(1973-666) Councilman Niehaus offered the following resolution:

RESOLVED, that the resignation of Elisabeth A. Corvino as Typist in the Police Department is hereby accepted with regret, effective August 17, 1973.

Seconded by Councilman D'Antoni.

All voted Aye.

(1973-667) Councilman Lodico offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #7316 Assistant Supervisor of Drug Abuse Program (Town) which contains the name of Mitchell Rothstein,

NOW THEREFORE, be it

RESOLVED, that Mitchell Rothstein is hereby appointed permanently to the position of Assistant Supervisor of Drug Abuse Program (Town) at the annual salary of \$12,000.00, effective and retroactive to July 23, 1973.

Seconded by Councilman Pissutello.

All voted Aye.

(1973-668) Councilman D'Antoni offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #7140 Police Patrolman which contains the name of Walter Wansmaker,

NOW THEREFORE, be it

RESOLVED, that Walter Wansmaker, 227 Zakor Road, New City N Y is hereby appointed to the position of Police Patrolman - Police Department - at the annual salary of (1973) \$9200.00, effective September 3, 1973.

Seconded by Councilman Lodico.

All voted Aye.

EBB954

(1973-669) Councilman D'Antoni offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #7140 Police Patrolman which contains the name of James Doyle,

NOW THEREFORE, be it

RESOLVED, that James Doyle, 46 Inwood Drive, Bardonia, New York, is hereby appointed to the position of Police Patrolman - Police Department - at the annual salary (1973) of \$9200.00, effective September 3, 1973.

Seconded by Councilman Lodico.

All voted Aye.

(1973-670) Councilman D'Antoni offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #7140 Police Patrolman which contains the name of Charles Quinn,

NOW THEREFORE, be it

RESOLVED, that Charles Quinn, 31 Amundsen Lane, New City, New York, is hereby appointed to the position of Police Patrolman - Police Department - at the annual salary (1973) of \$9200.00, effective September 3, 1973.

Seconded by Councilman Lodico.

All voted Aye.

(1973-671) Councilman D'Antoni offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #7140 Police Patrolman which contains the name of John Howard, 37 Boulevard, Suffern, New York,

NOW THEREFORE, be it

RESOLVED, that John Howard, 37 Boulevard, Suffern, New York, is hereby appointed to the position of Police Patrolman - Police Department - at the annual salary (1973) of \$9200.00, effective September 3, 1973.

Seconded by Councilman Lodico.

All voted Aye.

(1973-672) Councilman D'Antoni offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #7140 Police Patrolman which contains the name of Daniel Weber,

NOW THEREFORE, be it

RESOLVED, that Daniel Weber, 32 Maple Avenue, West Nyack, New York, is hereby appointed to the position of Police Patrolman - Police Department - at the annual salary (1973) of \$9200.00, effective September 3, 1973.

Seconded by Councilman Lodico.

All voted Aye.

(1973-673) Councilman D'Antoni offered the following resolution:

WHEREAS, there is a vacancy in the position of Assistant Building Inspector,

NOW THEREFORE, be it

RESOLVED, that James Cottle, 27 Crestwood Drive, New City, New York is hereby appointed provisionally to the position of Assistant Building Inspector, at the annual salary of \$9,888.00, effective August 20, 1973.

Seconded by Councilman Lodico.

On roll call the vote was as follows:

AYES: Councilmen D'Antoni, Lodico, Pissutello, Sup. Vines
ABSTENTION: Councilman Niehaus

MOTION CARRIED

(1973-674) Councilman D'Antoni offered the following resolution:

WHEREAS, the Rockland County Personnel office has certified that the position of Account Clerk-Typist can be created,

NOW THEREFORE, be it

RESOLVED, that the position of Account Clerk-Typist - Building Inspector's Office - is hereby created, effective immediately.

Seconded by Councilman Lodico.

On roll call the vote was as follows:

AYES: Councilmen D'Antoni, Lodico, Pissutello, Sup. Vines
NOES: Councilman Niehaus

MOTION CARRIED

EBB954

(1973-675) Councilman Pizzutello offered the following resolution:

WHEREAS, there is a vacancy in the position of Senior Account Clerk-Typist in the Parks Board & Recreation Commission,

NOW THEREFORE, be it

RESOLVED, that Evelyn Knerr, 23 Elm Street, Garnerville, New York is hereby transferred from the Office of the Receiver of Taxes to the Parks Board & Recreation Commission Office as Senior Account Clerk-Typist, at the annual salary of \$8,228.00, effective August 27, 1973.

Seconded by Councilman Lodico.

On roll call the vote was as follows:

AYES: Councilman Niehaus, Lodico, Pizzutello
NOES: Councilman D'Antoni, Supervisor Vines

MOTION CARRIED

(1973-676) Councilman D'Antoni offered the following resolution:

WHEREAS, an action has been brought against the Town of Clarkstown entitled as follows:

BERNARD DIGREGORIO, JR. and
CLARKSTOWN CIVIC ASSOCIATION, INC., Plaintiff;

-against-

THE TOWN OF CLARKSTOWN, THE COUNTY OF ROCKLAND, Defendants;

and

WHEREAS, the firm of Granik, Garson, Silverman & Nowicki has offered to act as Special Counsel to defend the Town in said action without fee;

NOW THEREFORE, be it

RESOLVED, that the office of Granik, Garson, Silverman and Nowicki is hereby appointed Special Counsel to defend the Town in said action without fee.

Seconded by Councilman Pizzutello.

On roll call the vote was as follows:

AYES: Councilman Niehaus, D'Antoni, Pizzutello, Supervisor Vines
ABSTENTION: Councilman Lodico

MOTION CARRIED

(1973-677) Councilman D'Antoni offered the following resolution:

WHEREAS, proceedings for review have been instituted against the Town of Clarkstown by the following:

Ethel Dike and Oscar Dike
Kurland Realty Corp; by Gellert & Rodner, Esq., Agents
Nyack Manor Nursing Home as Assignee and Lessee of
Penninsula Mill Corp.
Veroba Nyack, Ltd., and Merchants Funding Corp.;

NOW THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to defend such proceedings and take all necessary steps in Court in connection with same, 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 Niehaus.

All voted Aye.

(1973-678) Councilman D'Antoni offered the following resolution:

WHEREAS, proceedings for review of assessment have been instituted against the Town of Clarkstown by the following:

Howard Dean
Carlton Towers Co.
Irving Maidman
Irving Maidman as Lessee of the estate of Alfred Elish
Corwick Realty Corporation
Spring Valley Water Company Incorporated
E.J.K. Realty New York Corporation
The Dells, Inc., and Bernard G. Nemeroff
Estate of Alfred J. Elish

NOW THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to defend such proceedings and take all necessary steps in court in connection with same, 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 Niehaus.

All voted Aye.

EEB954

TBM - 8/15/73
Page 15

Proposed resolution authorizing Town Attorney to take necessary action to acquire certain property for the town -- deferred.

(1973-679) Councilman D'Antoni offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 43 of the Code of the Town of Clarkstown to rectify violation on premises owned by Ash & Goldman in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 78, Block A, Lot 14.

Seconded by Councilman Lodico.

All voted Aye.

(1973-680) Councilman D'Antoni offered the following resolution:

WHEREAS, the Courts of the State of New York have held that service upon a deputy town clerk is not service upon the town clerk, and

WHEREAS, it is in the public interest to provide for a standard procedure for service upon the Town Clerk's Office for all lawsuits;

NOW THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes all Deputy Town Clerks of the Town of Clarkstown to accept service of process, notices of claim, court orders, and any and all documents requiring service upon the Town of Clarkstown to initiate litigation, claims or any and all other actions or proceedings against the Town of Clarkstown.

Seconded by Councilman Pizzutello.

All voted Aye.

(1973-681) Councilman Niehaus offered the following resolution:

WHEREAS, Maurice Heaton desires to convey a part of his property located on Old Mill Road, Valley Cottage, New York, to the Town of Clarkstown, retaining a life right, and

WHEREAS, the Town of Clarkstown is desirous of accepting certain property of Maurice Heaton, as shown on the rough sketch submitted by Maurice Heaton (in file);

NOW THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to acquire said property as aforesaid, and be it

FURTHER RESOLVED, that the Supervisor is hereby authorized to enter into an acquisition agreement in a form satisfactory to the Town Attorney.

Seconded by Councilman Lodico.

All voted Aye.

EEB954

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(1973-682) Councilman D'Antoni offered the following resolution:

RESOLVED, that upon recommendation of the Highway Superintendent and the Town Engineer, deed from SANDSTONE FARMS, INC. conveying roads and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of Sandstone Farms, Section III, made by Henry Horowitz, P.E., dated February 28, 1972 and filed in the Office of the Clerk of the County of Rockland on the 11th day of April 1972, in Book 83 of Maps, Page 66 as Map No. 4268, as follows:

DANLYN COURT

is hereby accepted by the Town of Clarkstown and ordered filed in the Rockland County Clerk's Office; and be it

FURTHER RESOLVED, that Maintenance Bonds Nos 910101 and 910102 dated 1the 15th day of January 1973, SANDSTONE FARMS, INC. as Principal and GEORGE FAIST as Co-Principal and REPUBLIC INSURANCE CO., as Surety, are hereby accepted.

Seconded by Councilman Niehaus. All voted Aye.

(1973-683) Councilman D'Antoni offered the following resolution:

RESOLVED, that upon recommendation of the Highway Superintendent and the Town Engineer, deeds from TALIHAR INC., 300 N. Main St., Spring Valley N Y dated October 20, 1972 conveying roads and other improvements to the Town of Clarkstown in a subdivision as shown on Final Subdivision Plat, Map #1, 2 and 3, ROCKRIDGE ESTATES, Town of Clarkstown, Rockland Co. New York, filed in the Rockland County Clerk's Office Jan. 21, 1969 in Map Book 77 at Pages 30, 31 and 32, as Map No. 2817, as follows:

Briarcliff Road	Topaz Court	Wolf Place
Baltic Court	Opal Court	Etna Place
Gem Court	Jade Street	Un-named Ext. from
Prince Street	Clay Street	Wesel Drive

are hereby accepted by the Town of Clarkstown and ordered filed in the Rockland County Clerk's Office; and be it

FURTHER RESOLVED, that Performance Bonds Nos. 2 82 62 52 and 2 82 62 53 dated the 20th day of November 1968, D-M SECOND CORPORATION, LEO LANDAU & EMIL RAMAT, as Principal and GREAT AMERICAN INSURANCE COMPANY, as Surety, for the benefit of the Town of Clarkstown, are hereby released, and be it

FURTHER RESOLVED, that Maintenance Bonds Nos. 5 57 81 98 & 99 dated the 19th day of October 1972, D-M SECOND CORPORATION and LEO LANDAU & EMIL RAMAT, as Principal, and GREAT AMERICAN INSURANCE COMPANY as Surety, are hereby accepted.

Seconded by Councilman Pizzutello. All voted Aye.

(1973-684) Councilman D'Antoni offered the following resolution:

RESOLVED, that upon recommendation of the Highway Superintendent and the Town Engineer, deeds from TOWNLINE HOMES, INC., 250 West Nyack Road, West Nyack, New York & J. KNUTSEN & CO., 250 West Nyack Road, West Nyack, New York, conveying roads and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of SECTION I, ROYAL CREST PARK, filed in the Rockland County Clerk's Office on 4/23/70 in Book 80 at Page 1 as Map No. 3998 and SECTION II, ROYAL CREST PARK, filed in the Rockland County Clerk's Office on 12/3/70 in Book of Maps at Page 18 as Map No. 4085 as follows:

Rense Lane	Juniper Court
Ash Road	Demarest Mill Court
Arbor Lane	Inwood Drive
Catalpa Court	Grove Court

are hereby accepted by the Town of Clarkstown and ordered filed in the Rockland County Clerk's Office; and be it

FURTHER RESOLVED, that Performance Bond Nos. 904537 & 904538 dated the 5th day of December 1969, J. KNUTSEN & CO., INC. as Principal and J. KNUTSEN, as Co-Principal, & REPUBLIC INSURANCE CO., as Surety, for the benefit of the Town of Clarkstown, are hereby released, and be it

FURTHER RESOLVED, that Maintenance Bond Nos. 909892, 909893, 909894 & 909895, dated the 4th day of December 1972, TOWN LINE HOMES, INC. as Principal, JOHN KNUTSEN, Co-Principal, and REPUBLIC INSURANCE CO., as Surety, are hereby accepted.

Seconded by Councilman Niehaus.

All voted Aye.

(1973-685) Councilman D'Antoni offered the following resolution:

WHEREAS, the Town of Clarkstown is desirous of entering into an agreement with TOWNLINE HOMES, INC., & J. KNUTSEN & CO., INC. in connection with dedication of roads in a subdivision known as SEC. I, ROYAL CREST PARK & SEC. II, ROYAL CREST PARK;

NOW THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is authorized to execute an agreement with TOWNLINE HOMES, INC. and J. KNUTSEN & CO., INC. providing for the deposit of \$500.00 to be held by the Town, pursuant to the terms of said agreement, pending final and complete improvements of the roads in said development by the developer, subject to final approval of the Town Engineer and the Superintendent of Highways of the Town of Clarkstown.

Seconded by Councilman Niehaus.

On roll call the vote was as follows:

AYES: Councilmen Niehaus, D'Antoni, Lodico, Pissutello.
ABSTENTION: Supervisor Vines

MOTION CARRIED.

(1973-686) Councilman Niehaus offered the following resolution:

WHEREAS, escrow funds have been deposited with the Town of Clarkstown in connection with a subdivision known as HENRY F. CARTER SUBDIVISION by the builder, Glen Chris Building Corp., to assure compliance with the subdivision requirements of the Town of Clarkstown, and

WHEREAS, the Town Engineer reports that the builder has failed to comply with the drainage requirements as shown on the final approved subdivision plat, and

WHEREAS, the Town Engineer recommends that the escrow funds in the amount of \$1,250 are required to correct said drainage;

NOW THEREFORE, be it

RESOLVED, that the escrow funds in the sum of \$1,250 presently on deposit with the Town of Clarkstown by Glen Chris Building Corp. to assure compliance with subdivision requirements for HENRY F. CARTER SUBDIVISION are to be applied to complete and correct the aforementioned drainage improvements.

Seconded by Councilman Pizzutello.

All voted Aye.

(1973-687) Councilman D'Antoni offered the following resolution:

WHEREAS, it is necessary for the Town of Clarkstown to construct certain drainage facilities on property of RONALD G. BOULLIER & PAMELA BOULLIER identified as Map 40, Block A, Lot 16.01 on the Clarkstown Tax Map, and

WHEREAS, in order to obtain an easement for said drainage easement it is necessary to agree to pay the total sum of \$1,000.00;

NOW THEREFORE, be it

RESOLVED, that the sum of One Thousand (\$1,000.00) Dollars is hereby authorized paid, \$500.00 to the said Ronald G. Roullier, and \$500.00 to the said Pamela Roullier, out of funds of CAPITAL FUND-DRAINAGE ACCOUNT.

Seconded by Councilman Niehaus.

All voted Aye.

EEB954

(1973- 688) Councilman D'Antoni offered the following resolution:

WHEREAS, the Building Inspector and the Fire Inspector of the Town of Clarkstown recommend implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE & TRAFFIC LOCAL LAW, more particularly designated as Chapter 44A, Sec. 13, of the Code of the Town of Clarkstown at CLARKSTOWN PLAZA, by the installation of fire lane designations, and

WHEREAS, Robert Nelson, the owner and or person in general charge of the operation and control of the parking area located in the Town of Clarkstown, has authorized that the Town of Clarkstown install said fire lane designations;

NOW THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector and the Fire Inspector with regard to the installation of certain fire lanes designations shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

Seconded by Councilman Pizzutello.

All voted Aye.

(1973-689) Councilman D'Antoni offered the following resolution:

WHEREAS, the Building Inspector and the Fire Inspector of the Town of Clarkstown recommend implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE & TRAFFIC LOCAL LAW, more particularly designated as Chapter 44A, Sec. 13, of the Code of the Town of Clarkstown at EMPIRE TOBACCO & CANDY COMPANY by the installation of fire lane designations, and

WHEREAS, John A. Staton, the owner and or person in general charge of the operation and control of the parking area located in the Town of Clarkstown, has authorized that the Town of Clarkstown install said fire lane designations;

NOW THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector and the Fire Inspector with regard to the installation of certain fire lane designations shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

Seconded by Councilman Niehaus.

All voted Aye.

(1973-690) Councilman D'Antoni offered the following resolution:

WHEREAS, the Superintendent of Highways advises that a small, irregular parcel of property located at the site of the Town Highway Garage, more particularly designated as part of Lot 20.04, Block B, Map 33-2, is vacant and because of its size and shape, not of use to the Highway Department, and

WHEREAS, the Town of Clarkstown is desirous of conveying said premises to WEST ROCK TENNIS, INC. for valuable consideration in the amount of \$975. to be paid to the Town of Clarkstown, and

WHEREAS, said premises are more particularly bounded and described as follows: (See Schedule A in file):

NOW THEREFORE, be it

RESOLVED, by the Town Board of the Town of Clarkstown as follows:

Section 1. The Town Board of the Town of Clarkstown, County of Rockland, State of New York, hereby authorized and directs the Supervisor of the Town to execute in the name of the Town a conveyance of the premises heretofore described to WEST ROCK TENNIS, INC., the contract of sale to be in form and content satisfactory to the Town Attorney's Office, and to contain a provision that all costs in connection with this conveyance shall be borne by the purchaser.

Section 2. This resolution shall take effect thirty (30) days after its adoption, unless within thirty (30) days after its adoption there shall be filed with the Town Clerk, in accordance with Article 7 of the Town Law, petition signed and acknowledged by electors of the town of the number required by law, qualified to vote upon a proposition to raise and expend money, protesting against this resolution and requesting that it be submitted to the electors of the town voting on a proposition for its approval at a referendum or election held in accordance with said Town Law.

Section 3. The Town Clerk of the Town of Clarkstown and County of Rockland shall within ten (10) days after the adoption of this resolution cause to be published at least once in the Journal News, the official newspaper of the Town of Clarkstown, and to be posted in at least five (5) public places in the town, in addition the Town Clerk shall post or cause to be posted a copy of said notice on the signboard of the Town, a notice which shall set forth an abstract of said foregoing resolution, concisely stating the purpose and effect thereof.

Seconded by Councilman Niehaus.

All voted Aye.

EEB954

EEB954

(1973-691) Councilman Niehaus offered the following resolution:

WHEREAS, a sanitary sewer line has been installed on property owned by BUCKINGHAM DEVELOPMENT CORP. (Joseph Deutsch) 49 South Main St., Spring Valley N Y, beginning at the easterly end of Massachusetts Avenue running north to lands of Palisades Interstate Parkway, Valley Cottage N Y, and the said BUCKINGHAM DEVELOPMENT CORP. has agreed to convey a fifteen (15) foot wide permanent sewer easement approximately 585 feet long for this purpose, and

WHEREAS, BUCKINGHAM DEVELOPMENT CORP. has agreed to convey an easement for the sum of One Thousand Seven-Hundred Fifty-Eight (\$1,758) Dollars, and

WHEREAS, David M. Wagner, Deputy Town Attorney, recommends that said easement be accepted by the Town of Clarkstown and said fee paid;

NOW THEREFORE, be it

RESOLVED,

1. That the Supervisor of the Town of Clarkstown is hereby authorized to accept said easement on behalf of the town, and

2. That Master Benefited Sewer Improvement Area pay the sum of One Thousand Seven Hundred Fifty-Eight (1,758) Dollars for said easement.

Seconded by Councilman D'Antoni.

All voted Aye.

(1973-692) Councilman Pizzutello offered the following resolution:

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

R. Neumeier Plumbing & Heating Co., Inc.
67 Parker Avenue
New City, New York

NOW THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued:

No. 73-35 to R. Neumeier Plumbing & Heating Co., Inc.

Seconded by Councilman Niehaus.

All voted Aye.

(1973-893) Councilman Pizzutello offered the following resolution:

RESOLVED, that the Superintendent of Recreation & Parks is hereby authorized to purchase furniture for the Parks Board & Recreation Commission offices, as listed on Purchase Orders numbers 2431 through 2438, dated July 11, 1973.

Seconded by Councilman Niehaus.

On roll call the vote was as follows:

AYES: Councilmen Niehaus, Lodico, Pizzutello.
NOES: Supervisor Vines
ABSTENTION: Councilman D'Antoni

MOTION CARRIED

(1973-694) Councilman Pizzutello offered the following resolution:

WHEREAS, the Town of Clarkstown is desirous of renting space for the Narcotics Council to carry on its program of narcotics counseling;

NOW THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to execute a lease with SALVATORE MARASA for premises located at 44 South Main St., New City N Y to be used by the Narcotics Council to implement its counseling program, on a month to month basis, at a rental of \$400.00 per month, effective July 1, 1973.

Seconded by Councilman Lodico.

All voted Aye.

(1973-695) Councilman D'Antoni offered the following resolution:

WHEREAS, by resolution adopted March 15, 1972, the Town Board of the Town of Clarkstown was authorized to grade and improve the site at the Town Hall addition, and

WHEREAS, the Superintendent of Highways of the Town of Clarkstown is agreeable to paving said parking area pursuant to State Contract bid prices;

(continued)

(1973-695 -- continued)

NOW THEREFORE, be it

RESOLVED, that pursuant to the aforesaid resolution adopted March 15, 1972, the Superintendent of Highways be and he hereby is authorized to pave the Town Hall parking site at a price not to exceed \$37,500.00.

Seconded by Councilman Pizzutello.

All voted Aye.

(1973-696) Councilman Pizzutello offered the following resolution:

RESOLVED, based upon the recommendation of the Parks Board and Recreation Commission and the Superintendent of Recreation and Parks, that the Town Comptroller is hereby authorized to transfer the sum of \$125,000.00 from the Money in Lieu of Land Account to the Parkland Improvement Account for the Development of Town Parks.

Seconded by Councilman Lodico.

On roll call the vote was as follows:

AYES: Councilmen Niehaus, Lodico, Pizzutello.

NOES: Councilman D'Antoni, Supervisor Vines

MOTION CARRIED

(1973-697) Councilman Pizzutello offered the following resolution:

WHEREAS, MONTEREY GARDENS COMPANY made application for a Special Permit for the erection of Senior Citizen housing located on the westerly side of Route 30⁴ between Pineview Avenue and Rennert Lane, in the Hamlet of Bardonia, Town of Clarkstown, New York, pursuant to Section 8.33⁴ of the Zoning Ordinance of the Town of Clarkstown, and

WHEREAS, Resolution granting said Special Permit was approved on July 11, 1973 as resolution No. 1973-644, and,

WHEREAS, for reasons of public health, safety and welfare the Town Board of the Town of Clarkstown has rescinded its resolution permitting the re-districting of said property from an R-22 District to an R-15 District, and,

(continued)

(1973-697) -- continued)

WHEREAS, the Town Board of the Town of Clarkstown has found that the said Senior Citizen housing would be priced so that the senior citizens of the Town of Clarkstown would be unable to afford same;

NOW THEREFORE, be it

RESOLVED, that for reasons of public health, safety and welfare, Resolution No. 1973-644 is hereby rescinded and the application of MONTEREY GARDENS COMPANY for Special Permit is DENIED.

Seconded by Councilman Lodico.

On roll call the vote was as follows:

AYES: Councilmen Niehaus, Lodico, Pizzutello
NOES: Councilman D'Antoni, Supervisor Vines

MOTION CARRIED

Councilman D'Antoni at this point, left Board table.

(1973-698) Councilman Pizzutello offered the following resolution:

WHEREAS, JOHN STEFANS, having applied for a Special Permit to erect a gasolinefilling station on Route 59, in the Town of Clarkstown, and

WHEREAS, that the site is closer than 300 feet to the Manuet Hebrew Center on the south, and Saint Anthony's Roman Catholic Church on the north is therefore in violation of Clarkstown Zoning Regulation 4.3 (G) 3,

RESOLVED, the application is not in the best interest of health, safety and welfare of the residents of the Town of Clarkstown the application is DENIED.

Seconded by Councilman Lodico.

On roll call the vote was as follows:

AYES: Councilmen Niehaus, Lodico, Pizzutello
ABSTENTION: Supervisor Vines
(Councilman D'Antoni absent for vote)

MOTION CARRIED

EEB954

(1973-699) Councilman Lodico offered the following resolution:

WHEREAS, the current gasoline shortage has imposed severe economic hardship on many gasoline station operators, including many gasoline service station operators within the Town of Clarkstown, and

WHEREAS, it would be injurious to the public health, safety and morals of the Town of Clarkstown to permit the construction of any further gasoline service stations at this time;

NOW THEREFORE, be it

RESOLVED, that a moratorium shall be declared on the issuance of special permits for the construction of gasoline filling stations, and that no such special permit shall be issued from August 15, 1973 until August 15, 1974;

PROVIDED, HOWEVER, that this moratorium shall not affect any application now pending before this Town Board.

Seconded by Councilman Pizzutello.

On roll call the vote was as follows:

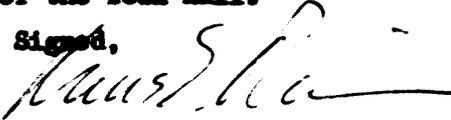
AYES: Councilman Niehaus, Lodico, Pizzutello
NOES: Supervisor Vines
(Councilman D'Antoni absent for vote)

MOTION CARRIED

Town Attorney Frederick P. Roland, re Resolution #698, stated said resolution never reviewed by his office and it is his opinion that it will invite lawsuit that he cannot defend. Re resolution #699, Town Attorney stated this resolution unconstitutional and this opinion was given by his office.

On resolution offered by Councilman Lodico, seconded by Councilman Pizzutello and unanimously adopted, Town Board meeting was adjourned until Wednesday, September 5th, 1973 at 8:00 PM, at which time regularly scheduled Town Board meeting will be held in the Board Room of the Town Hall.

Signed,



Anne E. O'Connor
Town Clerk