

TOWN BOARD MEETING

Town Hall

11/28/73

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

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

(1973-931) Co. Niehaus offered the following resolution:

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

Seconded by Co. D'Antoni.

All voted Aye.

(1973-932) Co. Lodico offered the following resolution:

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

Seconded by Co. Pizzutello.

All voted Aye.

(1973-933) Co. D'Antoni offered the following resolution:

RESOLVED, that decision on Proposed Amendment to the Official Map of the Town of Clarkstown Deleting that portion of a Proposed County Road between the southerly side of NYS Route 304 and running in a southerly direction to a point where said proposed county road joins with the westerly side of Congers Road; be RESERVED.

Seconded by Co. Niehaus.

All voted Aye.

(1973-934) Co. D'Antoni offered the following PROCLAMATION:

WHEREAS, our nation has been thrust into an energy crises; and

WHEREAS, President Nixon has called upon the American people to conserve energy for the benefit of the nation; and

WHEREAS, the Town Board has agreed that it is necessary to take whatever action possible in the conservation of energy;

NOW THEREFORE, be it

RESOLVED, that the Town of Clarkstown will discontinue the service of every other street light on the main streets throughout the Town; and be it

FURTHER RESOLVED, that no new street light installation will be authorized during the continuance of the energy crisis, with the exception of intersections and dangerous curves; and be it

FURTHER RESOLVED, that Orange & Rockland Utilities be advised of the intent of this Proclamation and their advice and assistance be requested to implement this program

Seconded by Co. Pizzutello.

All voted Aye.

EEB954

(1973-935) Co. Niehaus offered the following resolution:

RESOLVED, that the minutes of the Town Board Meeting of 10/17/73 are hereby accepted as submitted by the Town Clerk.

Seconded by Co. D'Antoni.

All voted Aye.

(1973-936) Co. D'Antoni offered the following resolution:

WHEREAS, the Village of Upper Nyack was assessed for the 1973 Town taxes the sum of .03453 per \$100 of Assessed Valuation as and for the Consolidated Light District #1, and

WHEREAS, the Village of Upper Nyack maintains its own lighting district, and

WHEREAS, the Village of Upper Nyack paid, as and for the Town tax for the year 1973, not only its own lighting district assessment, but also the lighting district assessment as a portion of the total Town tax of the Town of Clarkstown, and

WHEREAS, it appears that the Village of Upper Nyack has, therefore, paid a lighting district tax two times for the year 1973, and

WHEREAS, it appears that this double payment was, in fact, not warranted, and

WHEREAS, it appears that the assessed value for the Village of Upper Nyack in 1973 was \$4,647,724.00, and

WHEREAS, the applicable rate for the Village's lighting district is .03453 per \$100 valuation;

NOW THEREFORE, be it

RESOLVED, that the Town of Clarkstown reimburse the Village of Upper Nyack, the sum of \$5,904.63, representing the duplicate lighting district tax paid by said Village to the Town of Clarkstown, said sum to be paid out of General Fund.

Seconded by Co. Lodioco.

All voted Aye.

(1973-937) Co. Niehaus offered the following resolutions:

WHEREAS, the Town Board of the Town of Clarkstown is desirous of acquiring property known and designated on the Clarkstown Tax Map as Map 16, Block C, Lot 15.01 owned by FRANCIS J. BUSCH for municipal park purposes, and

(continued)

(1973-937 - continued)

WHEREAS, appraisers have been appointed to fix a value for the property pursuant to resolution of this Town Board bearing No. 632 of 1973, and

WHEREAS, appraisal report of Dorothy Fibble has been received, and

WHEREAS, her appraisal of the property is in the amount of \$7,500, and

WHEREAS, the Assessor of the Town of Clarkstown feels that the said sum is fair and reasonable value for the property sought to be acquired;

NOW THEREFORE, be it

RESOLVED, that the Town Attorney's Office be and they are hereby authorized to enter into negotiations with the owner of the Busch property to acquire the same for the Town of Clarkstown at a sum not to exceed \$7,500, and be it

FURTHER RESOLVED, that the funds for said purchase be taken from the Money In Lieu of Land Account, and be it

FURTHER RESOLVED, that in the event said negotiations are unsuccessful, the Town Attorney's Office be and they hereby are directed to institute condemnation proceedings.

Seconded by Co. Lodico.

All voted Aye.

(1973-938) Co. Niehaus offered the following resolution:

RESOLVED, that Resolution #899 adopted at the Town Board Meeting of November 7, 1973 be and it is hereby amended to read as follows:

That wherever the words Charles B. Davenport Park appears, the words Charles B. Davenport Preserve be substituted.

Seconded by Co. D'Antoni.

All voted Aye.

(1973-939) Co. D'Antoni offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, on 7/21/72, adopted resolution #672 authorizing the Supervisor to execute the necessary application forms required by the State of New York and its Conservation Department for financial assistance under the Outdoor Recreation Development Bond Act (Chapters 558, 559, Laws of 1965) and the Land and Water Conservation Fund Act of 1965 (78 Sjat. 897-1964) to acquire the grounds commonly known as Camp Norge and hereinafter to be known as the CHARLES B. DAVENPORT PRESERVE as an unspoiled natural area, and

(continued)

(1973-939 - continued)

WHEREAS additional Federal and State funds are available to aid the Town of Clarkstown in the acquisition of the aforesaid property, and

WHEREAS, the Town Board of the Town of Clarkstown desires to reduce the burden falling upon local taxpayers in connection with this acquisition, and

WHEREAS, by Resolution #938 dated 11/9/72, the Supervisor of the Town of Clarkstown was authorized to execute any and all applications for financial assistance available from any Federal or State agencies in connection with obtaining the maximum funds possible to aid in the purchase of this property, and

WHEREAS, the New York State Department of Parks and Recreation has approved the application and said application is now before the Bureau of Outdoor Recreation, and

WHEREAS, the Bureau of Outdoor Recreation and the State of New York required that the Town of Clarkstown state its intention for the acquisition of the Charles B. Davenport Preserve, and

WHEREAS, by Resolution #899 adopted by the Town Board on 11/7/73, the Town agreed to and set forth its intention to acquire the Charles B. Davenport Preserve site with the use of local monies as matching funds to the state and federal grant;

NOW THEREFORE, be it

RESOLVED, that the Town Attorney's office be and it is hereby authorized to enter into negotiations with the owners of the aforesaid property to acquire same for the Town of Clarkstown with the use of local monies as matching funds to the state and federal grant, and be it

FURTHER RESOLVED, that the monies to be used by the town for said purchase be taken from the money in lieu of land account, and be it

FURTHER RESOLVED, that in the event said negotiations are unsuccessful, the Town Attorney's office be and it is hereby directed to institute condemnation proceedings.

Seconded by Co. Niehaus.

All voted Aye.

(1973-940) Co. D'Antoni offered the following resolution:

WHEREAS, Mr. & Mrs. Walter L. Fleisher, Jr. and Dr. and Mrs. Edward Harkavy of Buena Vista Road, New City N Y Town of Clarkstown, are willing to make a gift of their property located on Buena Vista Road in New City N Y, Town of Clarkstown, reserving to themselves only a life estate, and

WHEREAS, the condition of such donation is that the property to be donated and the property comprising what is hereinafter to be known as the CHARLES B. DAVENPORT preserve but subject to certain restrictive covenants, all to be held in escrow pending the approval of the Bureau of Outdoor Recreation of Project #36-00262 under the Land and Water Conservation Act; and

(continued)

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(1973-940 - continued)

WHEREAS, it is in the best interest of the Town of Clarkstown to accept the gift of this property subject to the said restrictive covenants;

NOW THEREFORE, be it

RESOLVED, that the Town Attorney be and he hereby is authorized to enter into negotiations with Mr. & Mrs. Walter L. Fleisher, Jr. and Dr. & Mrs. Edward Harkavy to establish the terms and conditions of said donations, and be it

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown is acceptable to having the following restrictive covenants executed which will be binding upon the premises forming the totality of the Charles B. Davenport Preserve to wit:

"The premises shall forever be held as a nature preserve for scientific, educational and esthetic purposes including public recreational activities which are compatible with the primary intent, and shall be kept entirely in its natural state for the benefit of the people of the United States, the State of New York, including all surrounding property owners, excepting only the maintenance of such fences and foot trails as may be appropriate to effectuate the foregoing purposes without impairing the essential natural character of the premises, providing, however, the existing dwellings may be used for any purposes consistent with the foregoing restrictions or may be demolished".

and be it

FURTHER RESOLVED, that the Town covenant to install parking facilities and sanitary facilities only on the land south of Saw Mill Road, and be it

FURTHER RESOLVED, that the Supervisor be and he hereby is authorized to execute such restrictive covenants on behalf of the Town of Clarkstown as may be deemed necessary to effectuate the purposes of this resolution, and be it

FURTHER RESOLVED, that a proper marker be placed at an appropriate place to designate this preserve.

Seconded by Co. Niehaus.

All voted Aye.

(1973-941) Co. D'Antoni offered the following resolution:

RESOLVED, that the Supervisor be and he hereby is authorized to sign a contract between the Town of Clarkstown and Edward J. Barbour, RD #2, Goshen, New York, for sewer consultant services from 12/26/73 to 12/31/74, not to exceed \$17,000 per annum, and be it

(continued)

(1973-941 - continued)

FURTHER RESOLVED, that said contract be prepared and approved by the Office of the Town Attorney.

Seconded by Co. Niehaus.

All voted Aye.

(1973-942) Co. D'Antoni offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Supt. of Highways is hereby authorized to install a sign indicating a four-way intersection on the north side of Third Street, east of Courtney Drive, New City N Y.

Seconded by Co. Pizzutello.

All voted Aye.

(1973-943) Co. Niehaus offered the following resolution:

WHEREAS, there have been tremendous benefits to the taxpayers of the Town of Clarkstown by the use of Data Processing Consultant Services currently in effect, and

WHEREAS, the Town Board of the Town of Clarkstown desires to continue the use of said services;

NOW THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to execute agreement for the services of Robert C. Frost as Data Processing Consultant, for the term of one year commencing upon the execution of said agreement, for a total sum of \$2500; said sum to be paid in quarterly installments with the first payment to be made thirty (30) days after the signing of this agreement.

Seconded by Co. D'Antoni.

All voted Aye.

(1973-944) Co. D'Antoni offered the following resolution:

RESOLVED, that upon recommendation of the Highway Superintendent and the Town Engineer, deed from MORTON V. ELLISH INC. dated Sept. 7, 1973 conveying roads and other improvements to the town in a subdivision as shown on Final Plat of GEMMONDS ACRES, recorded in the Rockland County Clerk's Office in Book #78 Map #3796 Page #75 dated 11/22/68 as follows:

ABERDEEN DRIVE 1256 L.F.
PERTH COURT 600 L.F.

(continued)

EEB954

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(1973-944 - continued)

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. 902841, 902842 dated 10/15/68, MORTON V. ELLISH, INC., as Principal, and MORTON V. ELLISH & HOWARD E. ELLISH, as Co-Principals, and 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. 910925 and 910926 dated 6/6/73, MORTON V. ELLISH, INC. as Principal and REPUBLIC INSURANCE CO. as Surety are hereby accepted.

Seconded by Co. Niehaus.

All voted Aye.

(1973-945) Co. D'Antoni offered the following resolution:

RESOLVED, that upon recommendation of the Highway Superintendent and the Town Engineer, deed from STRAWTOWN BUILDERS, INC. dated 4/8/70 conveying roads and other improvements to the town in a subdivision as shown on Final Plat of Westrise SECTION II, dated 3/7/66, filed in the County Clerk's Office on 5/25/67 in Book 73, Page 19, as Map No. 3573 (and last revised 4/28/67) as follows:

SOUTHERLY DRIVE
LAUREL 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 Perf. Bond Nos. 5442489 & 5442490 dated 3/29/67, STRAWTOWN BUILDERS, INC. Principal and CEDRIC GARLICK, JR. & CEDRIC GARLICK, SR. as Co-Principals, and CONTINENTAL CASUALTY CO. as surety, for the benefit of the town, are hereby released, and be it

FURTHER RESOLVED, that Maintenance Bond Nos. S/S Nos. 5442490 and 5442489 dated 6/19/70, STRAWTOWN BUILDERS, INC. as Principal and CEDRIC GARLICK SR & CEDRIC GARLICK JR CO-Principals and CONTINENTAL CASUALTY CO as surety, are hereby accepted.

Seconded by Co. Niehaus.

All voted Aye.

(1973-946) Co. Niehaus offered the following resolution:

RESOLVED, that upon recommendation of the Highway Superintendent and the Town Engineer, deed from STONY HILL HOMES, INC. dated the 17th day of December 1971 conveying roads and other improvements to the town in a subdivision as shown on Final Plat of subdivision of property of EDWARD SCHLAUGIES dated 7/1/69 last revised 9/13/69 made by Jack D. Boswell and Associates and filed in the Rockland County Clerk's Office on April 23, 1970 in Book 79 of Maps, at Page 75 as Map No. 3997 as follows: ROBIN PLACE EXTENSION 119 Lineal feet; are hereby accepted by the town and ordered filed in the Rockland County Clerk's Office; and be it

FURTHER RESOLVED, that Maintenance Bond (check - T/A) dated the 22nd day of December 1971 in the cash amount of \$235.00, STONY HILL HOMES, INC. as Principal, is hereby accepted.

Seconded by Co. D'Antoni.

All voted Aye.

(1973-947) Co. D'Antoni offered the following resolution:

RESOLVED, that upon recommendation of the Highway Superintendent and the Town Engineer, deed from SANDSTONE FARMS, INC. dated 1/9/73 conveying roads and other improvements to the town in a subdivision as shown on Final Plat of Subdivision Plat prepared for MARGARETE OSTERTAG, made by Ostertag & McDougall, Engineers and Surveyors, dated February 1972, last revised March 2nd, 1972 as follows:

Floral Court

is hereby accepted by the town and ordered filed in the County Clerk's Office; and be it

FURTHER RESOLVED, that Maint. Bond Nos. 910103 & 910104, dated 1/15/73, SANDSTONE FARMS, INC. Principal and GEORGE FAIST Co-Principal, and REPUBLIC INSURANCE CO, as Surety are hereby accepted.

Seconded by Co. Niehaus.

All voted Aye.

Proposed resolution authorizing the Supervisor to execute agreement in connection with dedication of roads - Route 304 Realty Corp. - DEFERRED.

(1973-948) Co. Niehaus offered the following resolution:

RESOLVED, that the resignation of Ruth E. Carlson, 26 Parkside Drive, Congers N Y as senior account clerk-typist - Receiver of Taxes office - is hereby accepted with regret, effective and retroactive to 11/5/73.

Seconded by Co. D'Antoni.

All voted Aye.

(1973-949) Co. D'Antoni offered the following resolution:

WHEREAS, there is a vacancy in the position of Sr. Account Clerk-Typist - Receiver of Taxes office, and

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #70136 - Sr. Account Clerk-Typist which contains the name of Antoinette Ceresnak,

NOW THEREFORE, be it

RESOLVED, that Antoinette Ceresnak, 362 South Mountain Road, New City N Y is hereby appointed to the position of Sr. Account Clerk-Typist at the annual salary for 1973 of \$6,862.00, effective 12/17/73.

Seconded by Co. Pizzutello.

All voted Aye.

EBB954

(1973-950) Co. D'Antoni offered the following resolution:

RESOLVED, that Mary J. Odendahl, 23 Beech St.,
Nanuet N Y is hereby appointed provisionally promotional to
the position of Senior Clerk - Assessor's Office - at the annual
salary of \$7,183.00, effective immediately.

Seconded by Co. Pizzutello.

On roll call the vote was as follows:

AYES: Co. D'Antoni, Pizzutello, Supervisor Vines
ABSTENTIONS: Co. Niehaus, Lodico

MOTION CARRIED

(1973-951) Co. D'Antoni offered the following resolution:

WHEREAS, the Rockland County Personnel Office has
certified on November 19, 1973 that the position of Account Clerk-
Building Inspector's Office can be created,

NOW THEREFORE, be it

RESOLVED, that the position of Account Clerk-Building
Inspector's Office is hereby established, effective immediately, and
be it

FURTHER RESOLVED, that Louise Abatemarco, Foster Avenue
New City N Y is hereby appointed to the position of Account-Clerk -
Building Inspector's Office - at the annual salary for 1973 of
\$6,273.00, effective immediately.

Seconded by Co. Pizzutello.

On roll call the vote was as follows:

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

MOTION CARRIED

(1973-952) Co. D'Antoni offered the following resolution:

RESOLVED, that Jean Terminello, 48 Park Terrace,
Congers N Y is hereby appointed to the position of Office Worker-
Student - Town Clerk's Office - at the hourly wage of \$1.85, to
commence immediately.

Seconded by Co. Pizzutello.

All voted Aye.

(1973-95) Co. Pizutello offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown is desirous of acquiring property known and designated on the Tax Map as Map 111, Block A, Lots 29.01, 29.02 and 29.03, owned by FRANZ ROTTENBUCHER and OTHERS, and

WHEREAS, appraisers have been appointed to fix a value for the property pursuant to resolution of the Town Board bearing No. 631 of 1973, and

WHEREAS, the appraisal report of Dorothy Fibble has been received and her appraisal of the property is in the amount of \$35,000, and

WHEREAS, the appraisal report of John Benken has been received and his appraisal of the property is in the amount of \$39,000, and

WHEREAS, the appraisal report of George Mellersten has been received and his appraisal of the property is in the amount of \$40,000, and

WHEREAS, the owners of the property have expended certain funds which were not taken into consideration at the time of the appraisals;

NOW THEREFORE, be it

RESOLVED, that the Town Attorney's office be and they are hereby authorized to enter into negotiations with the owners of the aforesaid property to acquire the same for municipal park purposes for the town at a sum not to exceed \$41,300, and be it

FURTHER RESOLVED, that the funds for said purchase be taken from the money in lieu of land account, and be it

FURTHER RESOLVED, that in the event said negotiations are unsuccessful, the Town Attorney's Office be and they hereby are directed to institute condemnation proceedings.

Seconded by Co. Lodico.

On roll call the vote was as follows:

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

MOTION CARRIED

(1973-954) Co. Lodico offered the following resolution:

WHEREAS, the Town of Clarkstown is desirous of leasing premises from Homer B. Lydecker, Jr., said premises being located in the Town of Clarkstown, Rockland Co., N Y, and being designated on the Tax Map of the Town of Clarkstown as Map 105, Block A, Lot 34, for use as a sanitary fill area;

(continued)

ERR954

(1973-954 - continued)

NOW THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to execute lease agreement with Homer B. Lydecker, Jr. for use of aforesaid premises as a sanitary fill area, for a term of three years, commencing November 15, 1973 and terminating November 14, 1976; annual rental to be an amount equal to the real estate taxes against the leased premises, and subject to the approval of the Rockland County Health Department and the Region 2 Administrator Joseph P. Puchalik, P.E., New York State Department of Environmental Conservation, 901 No. Broadway, White Plains, N Y.

Seconded by Co. Niehaus.

All voted Aye.

(1973-955) Co. Niehaus offered the following resolution:

RESOLVED, that the Town Clerk is hereby authorized to advertise for bids for the purchase of Police Cars, said bids to be returnable at the Town Board meeting of December 19th, 1973 at 8:01 PM, and be it

FURTHER RESOLVED, that specifications for these Police Cars be available at the Office of the Town Clerk, Town of Clarkstown, 10 Maple Avenue, New City N Y.

Seconded by Co. D'Antoni.

All voted Aye.

(1973-956) Co. D'Antoni offered the following resolution:

RESOLVED, that Resolution #892 adopted 11/7/73 appointing Victoria Mehl to position of Typist-Police Department - is hereby RESCINDED.

Seconded by Co. Niehaus.

All voted Aye.

(1973-957) Co. D'Antoni offered the following resolution:

RESOLVED, that Debra Doricchi, 11 Jeffrey Court, West Nyack N Y is hereby appointed to the position of Typist - Police Department - effective December 10th, 1973, at the annual salary for 1973 of \$6,005.00.

Seconded by Co. Pissutello.

All voted Aye.

EEB954

(1973-958) Co. Pizzutello offered the following resolution:

RESOLVED, that based upon the recommendation of Edward J. Ghiazza, Supt. of Recreation & Parks, the Supervisor is hereby authorized to file a Recreation Project Application with the State of New York, Executive Department, Division for Youth, for the period commencing January 1st, 1974 through December 31, 1974, and be it

FURTHER RESOLVED, that the total aid for this period will be \$11,236.80.

Seconded by Co. Niehaus.

All voted Aye.

(1973-959) Co. D'Antoni offered the following resolution:

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

RAYMOND JABIS and PATRICIA MEAGHER, Plaintiffs,
-against-
TOWN OF CLARKSTOWN, Defendant;

and,

WHEREAS, the firm of Granik, Garson, Silverman and 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 Co. Lodico.

On roll call the vote was as follows:

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

NOTION CARRIED

(1973-960) Co. Niehaus offered the following resolution:

WHEREAS, a petition executed by a number of Clarkstown residents has been received requesting that their property located on Roseland Court and Eileen Avenue in New City N Y, more particularly described as Map 40, Block A, Lot 4.42 and Map 41, Block A, Lots 7.02, 7.03, 7.04, 7.05, 7.06 and 7.07, from an R-22 District to an R-40 district;

(continued)

(1973-960) continued)

NOW THEREFORE, be it

RESOLVED, that the aforementioned request for some change be referred to the Town Planning Board for report pursuant to the provisions of Secs. 8.41, 8.42 and 8.421 of the Zoning Ordinance of the Town of Clarkstown.

Seconded by Co. D'Antoni.

All voted Aye.

(1973-961) Co. D'Antoni offered the following resolution:

WHEREAS, JOHN, JAMES AND PETER CHAGARIS 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 LO District to a CS District;

NOW THEREFORE, be it

RESOLVED, that a public hearing pursuant to Secs. 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 Ave., New City N Y in the said town, on the 9th day of January 1974 at 8:05 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 Co. Pizzutello.

All voted Aye.

(1973-962) Co. D'Antoni offered the following resolution:

WHEREAS, a petition executed by a number of Clarkstown residents has been filed with the Town of Clarkstown petitioning the Town Board that the Zoning Ordinance of the said Town be amended by redistricting property located on ROSELAND COURT & KILLEN AVENUE in New City N Y, and designated on the tax assessment map of the Town of Clarkstown as Map 40; Block A; Lot 4.42; and Map 41, Block A; Lots 7.02, 7.03, 7.04, 7.05, 7.06, and 7.07, from an R-22 District to an R-40 District;

NOW THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be had at the Auditorium of the Town Hall, 10 Maple Ave., New City N Y on the 12th day of December, 1973 at 8:07 PM, relative to such proposed amendment; and be it

(continued)

(1973-962- continued)

NOW THEREFORE, BE IT RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the Journal News, the official newspaper of the town, and file proof thereof in the office of the said Clerk,

Seconded by Co. Niehaus.

All voted Aye

(1973-963) Co. Niehaus offered the following resolution:

WHEREAS, FELLER, MODLIN, SALINGER AND MAC DONALD have 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 a PO District to an RS District;

NOW THEREFORE, be it

RESOLVED, that a public hearing pursuant to Secs. 264 and 265 of the Town Law be had at the Board Room of the Town Hall, New City in the said Town of the 12th day of December 1973 at 8:08 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 Co. Pizzutello.

All voted Aye.

(1973-964) Co. Niehaus offered the following resolution:

WHEREAS, a comprehensive amendment to the Zoning Ordinance of the Town of Clarkstown was adopted on 6/30/67 and further amended, and

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

NOW THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sec. 264 of the Town Law be had at the Auditorium of the Town Hall, New City N Y on the 12th day of December 1973 at 8:09 PM to consider the adoption of the following proposed amendment to the Zoning Ordinance of the Town of Clarkstown:

(continued)

EEB954

(1973-964) continued)

Amend Sec. 4.32 () subd. (5) by adding the following paragraph thereto:

"There shall be no more than 106 dwelling units constructed at any one site."

and be it

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 Journal-News, the official newspaper of the Town, as aforesaid, and file proof thereof in the office of the said Clerk, and be it

FURTHER RESOLVED, that the said proposed amendment be referred to the Town Planning Board for their recommendation.

Seconded by Co. D'Antoni.

All voted Aye.

(1973-965) Co. Niehaus offered the following resolution:

WHEREAS, the Town Engineer recommends certain emergency drainage work be constructed in the Subdivision known as MOMA PARK ESTATES in New City,

NOW THEREFORE, be it

RESOLVED, that the Superintendent of Highways of the Town of Clarkstown is hereby authorized to construct the necessary drainage in said MOMA PARK ESTATES SUBDIVISION for a sum not to exceed \$10,000, said amount to be taken from Drainage Account.

Seconded by Co. D'Antoni.

All voted Aye.

(1973-966) Co. Niehaus offered the following resolution:

WHEREAS, DEGAN ENTERPRISES, INC., a corporation of the State of New York, having its principal office at (No #) Voorhis Point, South Nyack, N Y, hereinafter designated as "DEGAN ENTERPRISES" has entered into an agreement with the Spring Valley Water Company, Inc., a corporation of the State of New York, having its principal office at 147 North Main St., Spring Valley N Y, hereinafter designated as "Spring Valley Water Co." whereby Spring Valley Water Company has agreed to install approximately 1,980 feet of pipe and 33 service lines in a subdivision known as "Haverhill Estates", New City, in the Town of Clarkstown, New York (hereinafter "the Town"); and

WHEREAS, in accordance with the terms of such agreement, Degan Enterprises is obligated to grant an easement for such installation in a form and location satisfactory to Spring Valley Water Co.; and

WHEREAS, Degan Enterprises has granted an easement under

(continued)

(1973-966)- continued)

an instrument dated March 2, 1973, but has advised Spring Valley Water Company that there is in existence a sewer line which the parties hereto believe may have been installed pursuant to an unknown and unrecorded agreement by the Town with some unknown previous owner of the premises described in the said easement, and which sewer line may conflict with or coincide with the water pipeline to be installed pursuant to the easement granted to Spring Valley Water Co. across Lot A1A shown on the sketch annexed to the easement; and

WHEREAS, it is in the public interest of the Town to provide for adequate water service by Spring Valley Water Company to the residents of the aforesaid subdivision;

NOW THEREFORE, be it

RESOLVED, as follows:

1. The Town, does hereby consent, so far as it has the right to do so, to the construction and maintenance of said water pipeline in accordance with the terms of the aforesaid easement.

2. Spring Valley Water Company does hereby agree that the said water main and service lines shall be constructed and maintained at no cost to the town.

3. The parties to this agreement mutually agree that nothing herein contained shall be deemed an acknowledgment or recognition of any rights within the area of the aforesaid easement of the town, its predecessors, successors or assigns, or of any third party, held by virtue of any such unrecorded agreement or otherwise, nor shall this agreement be construed in any manner as a waiver of any rights held by Spring Valley Water Company by virtue of the aforesaid easement.

Seconded by Co. D'Antoni.

All voted Aye.

(1973-967) Co. D'Antoni offered the following resolution:

RESOLVED, that the following inactive accounts be closed out and transferred to General Fund:

Highway Garage Construction Account, Chemical Bank #277-80021 with a balance of \$659.85.

Central Nyack Community Center, Manast National Bank #004-504-8 with a balance of \$681.36.

and be it

(continued)

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(1973-967)- continued)

FURTHER RESOLVED, that the following inactive accounts be closed out and transferred to Capital Fund (Drainage) Account:

Drainage project #4, Bankers Trust Co.
#1000-734 with a balance of \$9,828.68;

Drainage Project #5, Bankers Trust Co.
#1001-489 with a balance of \$5,527.92.

Seconded by Co. Lodico.

All voted Aye.

(1973-968) Co. Niehaus offered the following resolution:

WHEREAS, it has been noted that an error was inadvertently made in Resolution No. 926 adopted on 11/14/73;

NOW THEREFORE, be it

RESOLVED, that Resolution No. 926 adopted on 11/14/73 be and the same is hereby RESCINDED.

Seconded by Co. Pizzutello.

All voted Aye.

(Resolution #926 "Settlement of proceedings of Gisella Rich vs. Board of Assessment and Review) - T/C

(1973-969) Co. Niehaus offered the following resolution:

WHEREAS, application for review of real property tax assessment has been made against the Town of Clarkstown by GIZELLA RICH for taxes assessed in 1972 for property designated on the Tax Map of the Town of Clarkstown as Map 56, Block A, Lot 30, and

WHEREAS, the Assessor of the Town of Clarkstown has carefully examined this claim and has recommended a settlement of this case, and

WHEREAS, the Office of the Town Attorney has examined and reviewed this claim and concurs with the recommendation of the Town Assessor;

NOW THEREFORE, be it

RESOLVED, that pursuant to the appropriate provisions of the Laws of the State of New York, the proceedings of Gisella Rich against the Clarkstown Board of Assessment Review and Town of Clarkstown, bearing Index No. 3841/72, be settled and compromised by correcting and changing the assessment roll of the Town of Clarkstown for the year 1972/73 as follows: Land: \$8,200.00 - Total \$14,100.00, and be it

FURTHER RESOLVED, that the Office of the Town Attorney is authorized to consent to the entry of an Order settling and

(1973-969 - continued)

compromising this proceeding in the amount above stated, and be it

FURTHER RESOLVED, that the appeal presently pending in this matter is to be withdrawn.

Seconded by Co. D'Antoni.

All voted Aye.

(1973-970) Co. Niehaus offered the following resolution:

WHEREAS, the Town of Clarkstown is interested in the safety of the school children traveling to and from the Clarkstown High School North located on the New City-Congers Road in the Hamlet of New City, and

WHEREAS, the Clarkstown Planning Board is processing a subdivision application, Clover Hill II (file #77A30), which is located at the intersection of New City-Congers Road and Cairnsuir Lane, and

WHEREAS, the Clarkstown Planning Board, on the advice and recommendation of the Town Planner and the Town Engineer, is recommending a relocation of the intersection of Cairnsuir Lane with New City-Congers Road to eliminate the present traffic hazards existing at the present intersection, and

WHEREAS, the Clarkstown School District, at its meeting of 11/26/73, has agreed to cooperate with the Town of Clarkstown in relocating the intersection of New City-Congers Road and Cairnsuir Lane and has agreed to grant the Town of Clarkstown the right to use a small portion of property for the construction of the relocated Cairnsuir Lane intersection as shown on the latest construction plan and profile map approved by the Town Engineer's Office, and

WHEREAS, the owners and applicants of the Clover Hill II Subdivision have agreed to cooperate with the Town and the Clarkstown School District in this project;

NOW THEREFORE, be it

RESOLVED, that the Supt. of Highways is hereby authorized to construct the relocation of Cairnsuir Lane intersection in accordance with the aforesaid construction map; and be it

FURTHER RESOLVED, that this project will be at no cost or expense to the town and will be at the cost and expense of the applicant for the subdivision known as Clover Hill II.

Seconded by Co. D'Antoni.

All voted Aye.

EBB954

(1973-971) Co. Niehaus offered the following resolution:

WHEREAS, the Town Engineer's Office recommends the installation of a pumping station to bring sewer service in the GLEN RIDGE SUBDIVISION two or more years before the Phase III Plan of the County of Rockland to remedy the emergency conditions presently existing, and

WHEREAS, the Town of Clarkstown has abandoned pumping stations which may be used for this purpose;

NOW THEREFORE, be it

RESOLVED, that the Town Engineer be and he hereby is authorized to use the abandoned pumping stations in the Town of Clarkstown for the purposes of bringing sewer service to the Glen Ridge Subdivision promptly, and be it

FURTHER RESOLVED, that the cost of the said project shall not exceed \$22,000, said monies to be taken from the Sewer Construction Account.

Seconded by Co. D'Antoni.

All voted Aye.

(1973-972) Co. Niehaus offered the following resolution:

WHEREAS, pursuant to Resolution #390 dated 4/4/73, the Performance Bonds in connection with subdivision known as CONGRESS ESTATES in favor of the town were declared in default and the Town Attorney proceeded to institute the necessary litigation in connection therewith, and

WHEREAS, the attorneys for the respective parties to said action have arrived at a mutual agreement;

NOW THEREFORE, be it

RESOLVED, that the Town Attorney of the Town of Clarkstown is hereby authorized to execute a Stipulation of Discontinuance of said action and that the Town Attorney is further authorized to accept the deeds for the dedication of the roads and improvements in said subdivision in accordance with the aforementioned Stipulation of Discontinuance.

Seconded by Co. Lodieo.

All voted Aye.

(1973-973) Co. Lodico offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 15th day of August 1973, provided for a public hearing on the 12th day of September 1973, at 8:00 PM, to consider the application of NAMNET MEDICAL BUILDING to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of said petitioner from R-10 district to PO district, and

WHEREAS, notice of said 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

RESOLVED, that for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting from R-10 district to PO District, the following described property in the Hamlet of Namnet N Y in said Town. (See Schedule A in Namnet Medical Building Zone Change Folder).

Seconded by Co. Pissutello.

All voted Aye.

Proposed resolution setting public hearing on zoning of property known as "The Dells" -- deferred.

(1973-974) Co. Niehaus offered the following resolution:

RESOLVED, that resolution #915 adopted at Town Board meeting held on 11/14/73, which resolution rejected bids for renovation of the existing Town Hall, be RESCINDED.

Seconded by Co. Lodico.

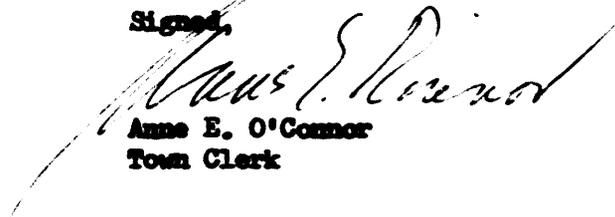
On roll call the following vote was taken:

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

MOTION CARRIED.

On resolution offered by Co. D'Antoni, seconded by Co. Lodico and unanimously adopted, Town Board meeting was adjourned until Wednesday, December 5, 1973 at 8:00 PM.

Signed,


Anne E. O'Connor
Town Clerk

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PUBLIC HEARING

Town Hall

11/28/73

8:05 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: PETITION FOR DELETION OF A PORTION OF PHILLIPS HILL ROAD LYING
BETWEEN THE WEST SIDE OF CONGERS ROAD AND THE SOUTH SIDE OF
ROUTE 304, NEW CITY:

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

Town Planner Theodore Zollendeck appeared before the Town Board and informed the Town Board that petitioners, who are owners of properties in an area of a proposed County road between the southerly side of Route 304 and running in a southerly and easterly direction to where said proposed county road joins with the westerly side of Congers Road are requesting that said proposed road be deleted from the Official Map of the Town of Clarkstown.

The following correspondence was received:

COUNTY PLANNING BOARD: 'The Board, in conjunction with the Rockland County Highway Department, finds that removing the proposed road would not be in the interest of the general public, be contrary to the circulation proposals of the County Planning Board's 1973 "Land Use Plan", and therefore said deletion should be denied.

TRAFFIC ADVISORY BOARD: "It is our opinion that this road remain on the Official Map and every effort should be made to secure the necessary property to complete this proposed road." (Deny)-T/C

TOWN PLANNING BOARD: "

- "1. The existing alignment was resolved upon after a drastic change from the original alignment shown on the county official map, implemented by Clarkstown Town Board resolution 883 of 11/17/71, in accordance with a map prepared for approval by the County Legislature.
2. The County Legislature by resolution 733 of 12/7/71 approved the location as an amendment to the County Official Map.
3. According to Town Law 278.1 any street shown on a filed subdivision map automatically becomes a part of the town's official map.
4. In the event that the road is eliminated from the Town map, the use of land corresponding to the same will have to be determined and made legally binding, to avoid possibility of future problems. (additional homes-T/C)
5. In the event the requested deletion is effected, it would be to the Town's best interests that the petitioners for the change sign a binding agreement to the effect that they will not hold the town responsible for any future drainage related problems resulting from the abandonment.
6. The road is considered an essential portion of the highway pattern of the town of clarks own being shown on both the 1966 and 1971 Master Plan Maps.
7. The land to be dedicated to the county does not involve any condemnation costs to the town or create any additional burden upon the taxpayers. (Town now owns and will deed to the county - T/C).

RECOMMENDATION: That the petition for deletion of a portion of Phillips Hill Road be DENIED.

IN FAVOR (of deletion):

Mr. Schloss, resident - Lakeview Subdivision, New City: Not good for homeowners. Requested that formal resolution be adopted by the Town Board and delivered to the county to remove it from the county map. Also, that petitioners be given release for that portion of road running through Lakeview Subdivision and town request that the county give the petitioners the same release. Adjacent 15 homeowners should be allowed to buy their adjoining portions. Re 11/13/73 Planning Board meeting....'town not to be responsible for drainate'..... 15 adjoining lot owners are satisfied with drainage now. As a result of the deletion, it suggests that there may be future drainage problems. County would have to build road (thruway to Congers); taxpayers will pay Delete this road.

IN FAVOR: (of deletion):

Mr. Robert Douglas, 15 Finch Road (Lakeview Homes Subdivision) New City: Congers Road not a very busy road. Goebel, which parallels, is virtually empty. Where is traffic going to come from that the Planning Board projects. New proposed road would go through back yards and turn right very close to new existing homes. This would be dangerous for these occupants, unless guardrails, etc. were built. Unesthetic and expensive. Will destroy character of Lakeview Subdivision. It will be possible for us to purchase this land and add to the tax roll.

IN FAVOR:(of deletion):

Mr. David Scheichert, 22 Scher Drive, New City:
(President of Brookside Subdivision Association):

His subdivision on the other side of Route 304 from Lakeview. By building Phillips Hill to 304, you would create another hazardous intersection. East Phillips Hill is dangerous approach from south and north. By bringing that road straight through to 304 would not help the situation. You are creating east-west county road, and opening up northern part of county to lot of traffic. This not desirable. Re entire road, this will adversely effect esthetic value of Lakeview Homes and other homes along proposed route. Woodglen School children would be endangered. As far as esthetics and safety are concerned, this proposal makes no sense.

IN FAVOR: (of deletion):

Ms. Irene Slachter, 295 Buena Vista Road, New City: No need for commercial traffic. You are heading right into traffic coming off the Parkway and Route 45. Route 202 is cross-county roadway. Improve 202. Not in this residential area -- also, would be costly.

IN FAVOR: (of deletion)

Mr. Stewart Simon, 25 Finch Road, (Lakeview Subdiv.) New City:
Leave the way it is.

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IN FAVOR: (Continued)

Walter Fleischer, 443 Buena Vista Rd., New City:
(President of the West Branch Conservation Society): Road from Congers to Pomona not necessary.

Ms. Marcia Sirgutz, Dolphin Ct., New City: Would be dangerous for children. 80' highway.

Ms. Wilber, 302 North Main St., New City: Her home built in 1879. Road going through it. Proposal would spoil township.

Mr. Jerry Factor, Lakeview Subdivision, New City: Only way in and out of back of development is through Ferndale Road. Proposed highway would cut this in half. Two thirds of these homes will then be isolated. Children picked up by schoolbus; would not be good for them. Would bring heavy trucks.

Mr. Michael Gluckman, 12 Bradley Drive, New City: Woodglen School would be fronted by major highway. There is energy crises. Money should be spent on improving existing roads, not building new ones.

Mr. Clem Egolf, Buena Vista Road, New City: Proposed extension would run right through his home. Re Route 210, now national artery, but there is no traffic on it. Proposed road not necessary.

Alan Anderson, South Mountain Road, New City: Delete.

Mr. Robert Leighton, Lake Lucille (Property Owners' Association):
Delete.

Richard Altman, 15 The Promenade: (Representing 52 homeowners):
Do not destroy natural beauty of our surroundings. Endorses deletion.

Ms. Susan Davis, 38 Susan Dr.: (Officer of the Woodglen PTA):
PTA says 'delete'.

Mr. Joseph Pantano, South Little Tor Rd., New City: People want deletion.

Walter Plotnick, Valley Cottage: Delete. County matter. Legislature should be approached too. Requested that town adopt strong resolution favoring deletion. Supervisor stated Legislature will probably take up this matter in December.

Theodore Zollendeck, Town Planner, stated at this point, that in 1964-5, the County Planning Board was acting as Consultant to the Town Planning Board and concept came into being. Supervisor Vines stated that he did not know who proposed it; possibly from both Planning Boards, County and Town.

IN FAVOR (continued):

Martus Granier, 100 So. Mountain Rd., New City: (West Branch Conservation Assoc)
Presented position on need or lack of need for this road. County Planning Board refused to discuss and adopt.

Fred Haeger, Valley Cottage: Matter not publicized enough. Wants the whole history. There is something else behind it; there is something else in store. Delete.

(continued)

Mr. DeSoto, 105 Phillips Hill Rd, New City: (Prof. Traffic Eng.)
Re extending west of Phillips Hill Road, would isolate people. Could only justify if it were part of Master Plan. Does not see on map. Road would stand very low in priority so does not see this highway happening for a very long time, if ever. However, people in area do not know, they do not know what is going to happen and when. Cannot improve our property as a result. Highways not being built anymore; chances of having this built very small. Inconsiderate to people in area to keep this hanging - delete.

Mr. Abbalone, 431 Buena Vista Road, New City: Keep cars out.

Mr. Hugh Connor, So. Mountain Rd., New City: 50 year residents in audience favor deletion. I live here 10 years - I also favor deletion.

Ms. Young, 26 Ferndale Rd: Delete - maintain esthetics.

Mr. Joseph Sankell, 9 Dunmore Rd., New City: Delete. No need. Use money for other town and county problems.

OPPOSED TO DELETION:

Mr. James Coyle, Chairman of the Clarkstown Planning Board: (and as resident of Valley Cottage):

Read Planning Board Report. (See Page I of minutes - T/C)
Stated the following:

In December of 1971, the Legislature adopted alignment at the request of the Town of Clarkstown. Town Board voted for it. \$33,000.00 spent to construct small portion of this road. (Showed area on map - w/s 304). Re traffic; in area 300 homes pending that are in subdivision process right now. We have The Dells; could be 300 lots; Smith Farms - 150 lots. Planning Board says retain. If deleted, could set town back 100 years. Urges town to acquire remaining pieces of property.

Mr. Merton E. Rawson, Congers Road, New City: (Former member and Chairman of the Clarkstown Planning Board when this road was put on the Map)

We held 3/4 public meetings on this matter. This road was on every map that we saw. This map made if official road prior to the Lakeview Subdivision coming in. I was member of the Planning Board when Lakeview came in. Lakeview, The Dells etc. would increase density. However, this Board sees fit to delete this piece of road. Would be a disaster for a larger group of people than the 79 owners in the Lakeview Subdivision. 1967 Master Plan updated in 1971. 17,000 population then. We have got 70. If town sees fit to delete this road, this town will be put very far behind. It should not be deleted.

Resident: If this has been in the plans so long, how come builders got permission to build when our homes would be affected now.
Answer: Building process lengthy.

Question: Is it possible that in view of the 6-7 years since this originally was manifested, the interests of the Town of Clarkstown have changed? Maybe 110 thousand people is not good for the Town of Clarkstown. Is it possible that this Linkage with the PIP is not going to be necessary in view of the energy crises? Is it possible more industry can come in?
Supervisor Vines: All things are possible.

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PH - 11/28/73
DELETION
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Comments: Theodore Zollendeck, Town Planner:

OPPOSED to deletion. 27,000 people in New City. Traffic increase 300% between 1963 and 1973. Congers Lake Road - 300% increase. We are acquiring the property at no cost to the town. One condemnation involved. More traffic coming into New City. We are going to try to improve the roads, but we have got to look ahead. Northern part of New City growing. We are trying to plan for the ultimate growth of town.

Re traffic study: 120 cars per hour for seven consecutive hours. 300% increase. Audience wanted clarified and requested figures.

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

Signed,


Anne E. O'Connor
Town Clerk