

PUBLIC HEARING

Town Hall

12/12/73

8:04 PM

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

RE: PROPOSED EXTENSION OF THE CONSOLIDATED WATER SUPPLY DIST. NO. 1  
TO INCLUDE AREA ALONG W/S OLD HAVERSTRAW ROAD, CONGERS:

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

Alfred E. Berg, Town Engineer, notified the Town Board that reason for public hearing is that Congers Board of Fire Commissioners has requested the Town Board to approve the installation of three(3) hydrants along Old Haverstraw Road. His office approved the location of these hydrants on October 15, 1973 (Hydrant Investigation #6928). In order to expedite this matter, they worked up the description of the required Water District Extension and requested public hearing for approval of same.

Town Engineer stated that he therefore, is familiar with petition before the Board this evening. Proposed extension would benefit all the property owners within the proposed extension; all the property owners who will benefit from this proposed extension are included within its limits.

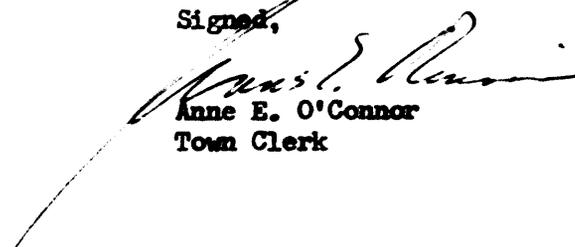
Would be in the public interest to grant because it will provide fire protection for the safety and well-being of property and lives and would bring about a reduction in fire insurance rates.

IN FAVOR: No one appeared.

OPPOSED: No one appeared.

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

Signed,

  
Anne E. O'Connor  
Town Clerk

## PUBLIC HEARING

Town Hall

12/12/73

8:05 PM

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

RE: PROPOSED AMENDMENT TO THE ZONING ORDINANCE BY REDISTRICTING A PORTION OF PROPERTY OWNED BY JOHN C. FORNI LOCATED IN THE HAMLET OF NANUET (Tax Map 162, Block A, Lot 1.01) FROM AN R-15 District to an LIO District:

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

Theodore Zollendeck, Town Planner, sworn in by the Supervisor, and on questioning by the Town Attorney, stated the following:

Town Planner of the Town of Clarkstown residing at 64 Ridge Road, New City, New York.  
(Town Planning Board: Limit to 106 dwelling units)

Proposal discussed with owners of the property which is split by R-15 and IO. For proper planning, it was decided by the Town Board that the property should be placed in one contiguous zone (Industrial). Town Planner recommends this be done because it was difficult to develop with small strip of R-15. It will enlarge industrial area and hopefully, produce larger ratable for the Town of Clarkstown.

There would be no adverse effects. Buffering of homes on Fremont must be done. Planning Board agreed to this buffer of evergreens.

Councilman Niehaus inquired if buffer will be on the adjacent property and therefore not recommended as a condition to this zone change. Town Planner replied that there was an agreement to put buffering on rear. Buffer need not be a condition of this zone change if it is going to be adequate on the home site.

Councilman Lodico: Re IO; re safeguard of our 60' right of way for future, does Town Planner feel there is any area of this park that might be adversely effected.

Town Planner: No. 60' right of way would be along the entire property adjacent to the railroad. There are 2-3 lots at the end of Fremont which would be encroaching on the 60' right of way - so, the subdivision will have to be re-designed.

There were no further witnesses.

IN FAVOR: No one appeared.

OPPOSED:

Mr. S. Voross, 13 Fisher Avenue, Nanuet:

Over the past several years, there has been encroachment on this residential area. In the 50's, entire Swift property was made commercial. Fisher Avenue was also made commercial. Since then, we have had Theater in the Round. Any further extension going on the residential area will hurt the value of our properties.

(continued)

E88954



## PUBLIC HEARING

Town Hall

12/12/73

8:07 PM

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

RE: PROPOSED AMENDMENT TO THE ZONING ORDINANCE RE-DISTRICTING  
PROPERTY ON ROSELAND COURT & EILEEN AVE., NEW CITY FROM  
AN R-22 DIST. TO AN R-40 DISTRICT:

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

(Town Planning Board: Grant.)

Town Planner, Theodore Zollendeck, appeared before the Town Board and stated that he has reviewed the petition of the homeowners who reside in the subdivision (Roseland Estates) which was approved by the Planning Board on December 4, 1964.

Consists approximately of 13.2 acres and 8 lots which have a minimum lot area of 40,000 square feet. It is located on the south side of (West) Phillips Hill Road, approximately 1,000 feet West of North Main Street.

Because, he continued, the petition is consistent with the objectives and recommendations of the 1966 and 1971 Master Plan, which concluded that low-density (1 unit or less per acre) residential was the highest and best use of the land, he finds no objections to the petition and recommends a favorable consideration by the Town Board.

One or two residents did not consent, but are included in change. Proposed change would have no adverse effects on adjacent owners; they are actually larger than the present zoning.

Councilman Niehaus commented that it was his understanding that the basic motive was people bought their homes as one-acre parcels and want it returned. Zoning changed not at their request.

IN FAVOR:

Morton S. Simon, Esq.,  
3 Roseland Court  
New City, N. Y. (Letter):

'...Proposed action essential to the orderly development of the area and to the maintenance of the residential character of same. There are still undeveloped building lots within the confines of the Roseland Estates Development and unless area upzoned to its original R-40 zoning, it is likely that in the future part zoning will be in effect (R-40 and R-22 in same development - T/C) Grant.'

(continued)

EBB954

IN FAVOR: (continued)

Mr. Helmut Fandell, Eileen Avenue, New City:

One of original purchasers of original tract. Bought in 1965. In January of 1966 closed title and lived there ever since. I thought since then it was still zoned one acre. Then I found out that in 1967 the property was downzoned from one acre to 1/2. acre. Change back.

Mr. D. Fairbanks, 5 Eileen Ave., New City:

Purchased three years ago. I was told it was R-40. Return to R-40.

Ms. Annette Fairbanks (Representing Dr. Stephen Novick, 9 Eileen Avenue)

Mrs. Fairbanks stated 40A4.42, which was included in report, should not be included even though they signed petition. In favor of proposed change.

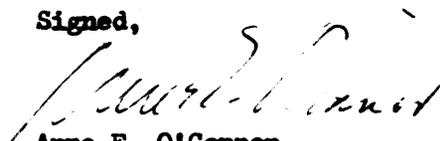
OPPOSED: No one appeared.

Councilman Pizzutello inquired as to how many undeveloped lots are left in this area. Town Planner replied that you could probably get one lot.

Town Board decided to reserve decision on this matter until figures can be corrected. Matter will be discussed with the Town Planner and workshop to be held on Monday, the 17th of December.

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

Signed,

  
Anne E. O'Connor  
Town Clerk

PUBLIC HEARING

Town Hall

12/12/73

8:08 PM

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

APPLICATION

RE: PROPOSED ZONECHANGE/MADE BY WILLIAM FELLER, J. MODLIN,  
N. SALINGER AND BRUCE MAC DONALD (PO to RS)  
(Property located on west side of Kemmer Lane and the north  
side of Route 59, Nanuet, New York):

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

Attorney Maurice Phillips of the firm of Brent, Phillips and Dranoff appeared before the Town Board for the petitioner.

RECOMMENDATIONS:

COUNTY PLANNING BOARD:

Part of the parcels presently RS. In addition, applicant wants to change Kemmer Lane from a residential street to a commercial street. The County Planning Board noted the Soil Conservation Service report that warns of increased runoffs.

Until such time as the NYS Department of Transportation has indicated the impact of the change of State Route, granting of a zone change is considered potentially detrimental to Route 59, and should therefore not be granted.

TOWN PLANNER:

Petitioner's 3.2 acre property is bounded on the east by Kemmer Lane; on the south of NYS Route 59, and on the west by property occupied by Holiday Inn. To the north is an undeveloped 2.7 acre tract.

Petition involved two separate tax lots, one fronting on Route 59 and the other fronting on Kemmer Lane, which the petitioners are requesting to be changed from PO to RS. The petition also requests that the Official Map be amended to change the designation of Kemmer Lane from a local road (residential) to a secondary road (commercial).

FINDINGS: (Town Planner):

1. The level topography of the site lends itself to commercial development provided that normal precautionary care is exercised regarding natural drainage, road improvement and preserving tree growth.
2. From our field observations and as illustrated on the petitioners land use and zoning map the land use pattern can be best described as an intensified commercial strip along Route 59 with the old remaining homesite north of the commercial establishment. Route 59, a major east-west, heavily travelled highway in the town and county, has in the past five years, become a focal point for large shopping centers. This highway is totally congested; however, the NYS Department of Transportation has for many years had plans to completely

(continued)

EEB954

PH - 12/12/73  
 FELLER, MODLIN ETC.  
 Page 2

(Town Planner - continued):

- reconstruct this road into a modern, efficient highway. The State has no funds in the foreseeable future to improve this highway.
3. While Kemmer Lane is an improved road, it does not conform to the town's street specifications for a local road.
  4. The 1971 Master Plan, which involved a comprehensive land use study, recommends that this area, including the two subject lots, is best suited for OSA (Office-Service-Apartment) uses. Single-family uses is intended to be phased out over the years as Route 59 continues to be commercially developed. The RS designation requested by the petitioner does not conform to the OSA Use.
  5. With regard to the petitioners statement that the parcel in single ownership is divided into two conflicting zones, (RS and PO), our examination of the zoning map concludes that the demarcation line between the two zones (RS & PO), is coterminous with the property line between the two separate lots. Furthermore, these two districts are not conflicting but are complementary since a PO is a transitional or buffer district between commercial and residential uses.

RECOMMENDATIONS: (Town Planner):

In light of the comments above, and more particularly the Planning Board's minutes of 12/4/73, and the discussion of the Board at their workshop meeting of 12/13/74 wherein the Planning Board did review and resolved that the impact of the subject petition upon the objectives of the 1971 Master Plan was not a substantial change, we find that the petition for the zoning change from PO to RS is reasonable and should be considered favorably by the Town provided that the following conditions are satisfied:

1. Because this review is based upon the petitioners statement... through Mr. Maurice Phillips, Attorney for the Petitioners, made at the public meeting of 12/4/73... that the sole purpose and intent of the petition is the construction and operation of a motel and restaurant, the uses of the subject properties should be so restricted.
2. Due to the anticipated increase of traffic generated by the intended motel operation, Kemmer Lane for a distance not less than 500 ft. should be improved to the town's street specifications for a secondary road. This construction should be completed to the satisfaction of the Town Engineer and Superintendent of Highways prior to the issuance of any building permits.
3. For safety reasons, that the subject site shall be permitted only one 30' ingress off of Route 59 and that all egress points shall be off of Kemmer Lane.
4. That a landscaped buffer area along the entire length of the northerly boundary line be established and that the width of such buffer area shall not be less than 50 feet to offset the high of the proposed five story building.
5. That the entire site plan properties be subjected to the review of the Planning Board pursuant to the Town's Subdivision Regulations.
5. That the site plan be subject to the review and approval by the Town Planner and the Planning Board.

FELLER, MODLIN ET AL:

TOWN PLANNING BOARD:

RECOMMEND that the Town Board secure the necessary assurances, covenants, etc. such that....

- a) The applicant and Town recognized that a subdivision action is involved and that the Planning Board has the statutory right of review and approval.
- b) That the necessary widening of Kemmer Lane will be dedicated, and that the applicant construct the same if such can be required or arranged.
- c) That access be dependent on appropriate study and approvals of pertinent Town agencies.
- d) That, subject to the foregoing being appropriately implemented, the Planning Board does recommend that the Town Board approve the requested change.

Maurice Phillips, Esq., of the firm of Brent, Phillips and Dranoff & Davis, 20 Old Turnpike Road, Nanuet, New York appeared before the Town Board and stated the following:

Confused by recommendation for subdivision approval and site plan approval. I do not understand subdivision approval.

Re widening and improving Kemmer Lane, applicant cannot widen, except on own property line. We would dedicate 5' from our property, but we cannot widen. Other properties not owned by us.

Re access or egress on Route 59; coming out on 59, we accept the restriction, but the restriction not to come in from 59 would destroy our project.

This property now lies in two zones. If we could put Motel in front and use rear of property for parking, there would be no restriction.

What we are doing is plotting from front to rear, adding to sides, adding to esthetics and value of property to the Town.

It will not increase traffic problem in any way. Any structure built there would add to the traffic.

Going West on Route 59; no problem. Going East on Route 59, no matter what is put there, it would increase traffic.

Re Buffer Zone in back - alright with petitioners.

Re other RS uses; we will give restrictive covenant limiting to our use.

(continued)

EHB954

Town Planner stated at this time in answer to Mr. Phillips that Site Plan involves two lots, 19 and 19.02. One is being leased, so they thought this would come under Subdivision. It was just a safeguard.

Witness: (Sworn in):

Mr. Tackie Langas, Architect  
2159 Centre Avenue  
Fort Lee, New Jersey

He testified as follows:

Front piece could contain motel, but would be barracks-like. 140,000 square foot area. Site Plan bound by two streets, Route 59 and Kemmer Lane. Traffic now on Route 59, we are aware of. We also know conditions on Kemmer Lane.

We pull traffic from Route 59 going West. From Route 59 into our property - exit our traffic through Kemmer Lane and out on Route 59.

Problem that we have facing is traffic going East on Route 59 making a left on to our property. We are recommending a light between Route 59 and Kemmer Lane that would help whoever makes a left turn.

By using the property in the rear, we then can construct a much better building. Two-Story commercial building; dining room, cocktail lounge, etc.

To the right; five-story building with our motel units. Surrounding the building; can be parking area. We are talking about 124 Motel Units. Traffic to this property will be minor, not a lot at one time entering this facility. The only time you would get a lot of traffic is late at night (banquets), but during busy hours of the day, there would be very moderate traffic into and out of Motel.

I question report by Planning Board: Re Buffer Zone at northerly end of property, if required, we will abide by rules and recommendations. But - 50' wide buffer? Wide, yes - but 50' wide buffer would injure our property.

County Planning Board made recommendation dealing with Route 59. I checked with the Department of Transportation in Poughkeepsie on projected time of improving this area of Route 59. He did not see modification of Route 59 for a very longtime. That recommendation from the County Planning Board has no validity.

Councilman Lodico: Two entrances off Route 59.

Mr. Phillips: When state took strip, they gave us two extra entrances and exits.

Councilman Lodico: If approved; would you accept restrictive covenant (restaurant)?

Mr. Phillips: Motel, restaurant, recreational facilities - Yes.

Councilman Lodico: Re traffic light: \$15,000.00 for signal. Would applicant be responsible for installation of this traffic light?

Mr. Phillips: Two kinds that can be installed. We would be willing to accept light and we would pay for it, unless we can get state to put it in for nothing.

Councilman Lodico: Re drainage: Would it go north - south?

Mr. Phillips: We have not done drainage study yet.

(continued)

PH - 12/12/73  
Page 5  
FELLER, MODLIN, etc.

Councilman Lodico: What provision for sanitary sewers?  
Mr. Phillips: We are working in two different areas. We would not build into the septic system. We will hook into whichever one is available.

Building Inspector: (R. Bowman): This application and site plan has not been reviewed by my office. I do not believe the notice as published was to amend the official map to change Kemmer Lane. This must be changed on the official map.

Re subdivision regulations: They would not apply. Site Plan regulations would apply, in which case, application would be referred to the Planning Board for a recommendation.

I have not reviewed any application relative to the height of the building.

Mr. Phillips: In the event that zone changed, adopt resolution changing Kemmer from residential to secondary road.

IN FAVOR:

Dr. Lebofsky, 7 Horseshoe Road, New City: In favor as ratable, but Town Board should study situation, because of energy crises, to see if this facility could exist economically.

OPPOSED:

Mr. Alan Rossi, 41 Hutton Avenue, Nanuet N Y: Presented Petition opposing signed by 17 residents in area (Kemmer Lane and Hutton Ave.)

Kemmer and Hutton 300' - residential area. Dangerous. Spot-zoning in violation of present Master Plan. Traffic bad now because of theater; would get worse.

Re petitioning state for traffic light on Kemmer Lane, there is adequate traffic light on Grandview and possibly for theater. I cannot conceive the state to install traffic lights every 30-40 yards on Route 59. Therefore, even if counsel states there will be traffic light here, I doubt they will be able to obtain one.

Re service lane serving Hutton: All traffic from dead end Hutton will be to Kemmer Lane. Starting from Noon on, you cannot proceed west because of traffic on Route 59. Re possible widening of Route 59; lapping of proposed building site is in question.

Re parking and traffic: Problems with Theatre Go Round-Police now directing traffic there. We could use them better.

Re Banquets: How many seats? Parking Spaces? Overflow into Kemmer Lane. How are they going to get in and out?

Re Sewage: No facility now. There is going to be 125 units. 2-3 people per unit - Also two-story restaurant. 20,000 to 40,000 gallons due from this use. Is Main adequate?

Going east by gravity - is existing line adequate?  
Re drainage: adequate? Existing one old. I do not know if there is any drainage structure on Kemmer Lane. Spot Zoning - traffic problem. State should have time to straighten out Route 59.

Town Planner: Parking would have to be reviewed by the Building Inspector.

Mr. Phillips: We would have to come in with state requirement re parking.

EEB954

OPPOSED - continued:

(Correspondence) - Ms. Kathryn Miller, 37 Kemmer Lane, Namet N Y - Traffic.

Ms. Harry Schapner, Namet:

Thirty year resident. Traffic cannot get in and out of Kemmer Lane now. Water pressure low now (Spring Valley Water Co.)  
Re light - up to town, not state.

Ms. Margaret Russo, (Representing Namet Civic Association):

This rationale not based on need. Three major motels now in area.

Holiday Inn: States 'No economic need for another motel within the area. 110 units available; occupancy below average. (72% is average).

The Sheraton Motor Inn: 100 units available; average occupancy - 63%.

Need does not exist.

Re five-story building; not consistent with surrounding area. Requests that reports be obtained from the Traffic Advisory Board and the Department of Transportation. Kemmer Lane should not be made a commercial street. Town said restaurants would be detrimental to traffic - keep that in mind. All road widening that would be necessary be at the expense of the petitioner. Re Restrictive Covenants: History of Restrictive Covenants does not leave me with positive feeling.

Re theater: Restrictive Covenants mentioned at the Planning Board meeting; there are no legal covenants filed.

Re light on Route 59: (Kemmer and 59): State would not approve considering the distance between the entrance of the theater and Kemmer Lane. State would refuse, because it would cause bumper to bumper traffic. Also; how many parking spaces in plan?

REBUTTAL: Maurice Phillips, Esq., attorney for petitioner:

Re economic feasibility: We have had feasibility studies re gas problem and economy. We have to rely on these expert opinions. Several groups have already approached us to buy it at its present stage. So, we know it will be successful. Architect designed twenty six motels over the years. Re traffic light: I am pretty sure there will be one; I have just successfully secured one opposite the Spring Valley H.S. State would install; individual pays for it.

OPPOSED - continued:

Mr. Harry Kessler, 46 Hutton Avenue, Namet:

Corner of Hutton and Route 59 Restricted to put up structure. At that time, the Planning Board did not allow entrance on Hutton. He was asked to put in trees to height of about 10', at that time, so there would be no entrances or egress on Hutton. I cannot see how the Planning Board can make change on Kemmer and permit any entrances or exits on Kemmer from Route 59. If they have two cuts on to that property on Route 59, why can't they enter and exit on Route 59, which will already add to an impossible situation.

Mr. Ira Schubner, Kemmer Lane:

Cannot get out of Kemmer Lane - traffic. Between 7:30 and 8:00 PM, cannot go east or west on Route 59. 15-20 minutes to get on to hwy.

OPPOSED - continued:

Mr. Joseph Pantano, New City:

People in area do not want. Drainage bad. Traffic bad. Will of people should be first wished of the Town Board.

We want ratables, but there is no need for Motel. No drainage study in this area. - Deny,

Supervisor Vines stated at this time that we have completed drainage study for the Town of Clarkstown at cost of \$30,000.00.

Mr. Theodore Dusenanko, New City: Inquired if Fire Department consulted on this project. Can they handle this five-story building?

Phillip Brent, Esq., one of attorneys for petitioner replied that building will be fire resistant. Fire Department will be contacted before we get our building permit.

OPPOSED:

Ms. Linda Frasier, 36 Kemmer Lane, Namet:

Question: Is Planning Board aware that there are no hydrants on Kemmer Lane? Closest Hydrant on Route 59. No hydrants on Kemmer. Next one across from Reiss. (Man in audience stated fire hydrant near Ashley Court).

Ms. Frasier continued: No hydrants, no water main, We get our water from Hutton Avenue. (She presented letter from Mrs. Muller, 37 Kemmer Lane - also opposed. (See correspondence insert - T/C)

OPPOSED:

Mr. Vernon Hodges, 43 Hutton Avenue, Namet:

Traffic bad. Light by theater will not help Hutton or Kemmer.

There being no one else wishing to appear as being opposed, Attorney for Petitioner Phillip Brent, Esq. - made the following rebuttal:

REBUTTAL: (Mr. Phillips Brent - Associate of Mr. Phillips.

Presented map of area for comment. Three of people who received notices of this hearing, who live on Kemmer Lane and on Hutton, contacted me and did not come here this evening.

I own the office building diagonally opposite Holiday Inn. Concerned about honky-tonk atmosphere of Route 59. This project will go a long way to alleviate this problem. This area now zoned for arcade, etc. None of you living in residential zone (PO Zone)

(continued)

EBB954

PH - 12/12/73  
Page 8  
MODLIN, FELLER ET AL

REBUTTAL - Mr. Brent - continued:

Somebody could put up office building on any one of these streets which will generate traffic too. We will put in water main, sewers, sychronize lights to minimize traffic. Right now, we are talking about concept. Do you want more of what now exists on 59, or something that will minimize traffic. Obviously, this use will be less obnoxious than the use for which it is now zoned.

Covenant will restrict use which is now available for front piece only.

Question: Ms. Rossi: Would applicant be willing to sign restrictive covenant dependent on installation of traffic light on Kemmer Lane? If traffic light not permitted by the State on Kemmer Lane and Route 59, would you drop project?

Answer: No.

Mrs. Rossi: Would this be part of the restrictive covenant? (Traffic light on Route 59 and Kemmer - T/C)

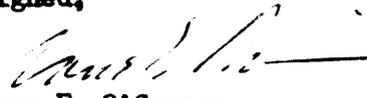
Mr. Phillips: This particular change would not change traffic on Route 59, We are not changing anything in the area.

Question: Shopping Center under present zone?

Answer: (Mr. Phillips): Front parcel - RS. What we are asking for will not change character of this area.

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

Signed,

  
Anne E. O'Connor  
Town Clerk

PUBLIC HEARING

Town Hall

12/12/73

8:09 PM

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

RE: PROPOSED AMENDMENT TO SEC. 4.32 (O) Subd. 5 BY ADDING THE FOLLOWING PARAGRAPH: "THERE SHALL BE NO MORE THAN 106 DWELLING UNITS CONSTRUCTED AT ANY ONE SITE".:

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

Theodore Zollendeck, Town Planner appeared before the Town Board and stated the following:

(continued)

PH - 12/12/73  
 Page 2  
 (Amend Sec. 4.32 (0))

Theodore Zollendeck - continued:

"This is a motion by the Town Board which deals with Senior Citizen Housing Regulations. Motion of the Town Board deals with with amendment to Section to limit the number of dwelling units per Senior Citizen site to 106 units.

From our experience, we have become aware that the Regulations do not provide adequate safeguards against large or massive-type of senior citizen developments. The subject Amendment will, if enacted, clarify the purpose concerning the size and scale of future senior citizen developments by promoting projects which are small in scale, which recognize the human scale (low rise versus high rise), and which harmonizes with surrounding residential areas.

The present regulation requires a site to have a minimum lot area of 180,000 sq. ft. (4.13 acres), which permits a maximum of 82 units. By limiting the number of units to 106, the maximum size of any future senior citizen site is about 5.3 acres, which we find is more in keeping with the original purpose of these Regulations and provides greater opportunities to plan these developments without destroying the character of our hamlet centers.

For clarity in the administration of this proposed amendment, I would suggest that the proposed Amendment relate to subclause (g) under the clause (11). Additional Regulations, rather than amending subsection 5 as proposed."

In response to question put by Mr. Lebofsky, Town Planner stated Town Board suggesting 82 minimum; 106 maximum.

Building Inspector: 106 Units, including or excluding Supt.?  
 You should clarify.

IN FAVOR: No one appeared.

OPPOSED: No one appeared.

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

Signed,

  
 Anne E. O'Connor  
 Town Clerk

EEB954

## TOWN BOARD MEETING

Town Hall 12/12/73 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.

Den 3, Pack 28 of Cub Scouts in attendance to see how local government works.

(1973-1006) Co. Niehaus offered the following resolution:

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

Seconded by Co. D'Antoni. All voted Aye.

(1973-1007) Co. Lodico offered the following resolution:

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

Seconded by Co. Pizzutello. All voted Aye.

(1973-1008) Co. D'Antoni offered the following resolution:

"RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK  
ADOPTED 12/12/73 APPROVING THE EXTENSION OF THE  
CLARKSTOWN CONSOLIDATED WATER SUPPLY DISTRICT  
NO. 1 FOR PREMISES IN THE VICINITY OF AREA ALONG  
THE WESTERLY SIDE OF OLD HAVERSTRAW ROAD, CONGERS,  
TO THE SOUTHERLY LINE OF NYS RTE 304, ALONG THE SOUTHERLY  
LINE OF NYS ROUTE 304, AND THENCE ON EASTERLY SIDE OF OLD  
HAVERSTRAW ROAD IN THE TOWN OF CLARKSTOWN, COUNTY OF ROCKLAND  
TO POINT OF BEGINNING; AND PROVIDING THAT SUCH RESOLUTION SHALL  
BE SUBJECT TO PERMISSIVE REFERENDUM."

a copy of resolution being as follows:

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 Dist. 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 adopted 12/12/73, said town  
determined to proceed with the establishment of said proposed extension  
of the Clarkstown Consolidated Water Supply Dist. 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 a public inspection and specifying 12/12/73 at 8:04 PM as the  
time when, and the Town Hall, New City N Y as the place where, the said  
Town Board would meet to consider the proposed extension of said Clarkstown  
Consolidated Water Supply District No. 1 and the supplying of services  
therein, and

(continued)

(1973-1008 - continued)

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

WHEREAS, a public hearing in the matter was duly held by said Town Board on 12/12/73 commencing at 8:04 PM at said Town Hall, 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 Dist. 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:

Section 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.

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 a number equal to at least five per cent of the total number of such owners, or by one hundred of such owners, whichever is the lesser, protesting

(continued)

EEB954



(1973-1011) Councilman Niehaus offered the following resolution:

RESOLVED, that decision on proposed amendment to the zoning ordinance petitioned by William Feller, J. Modlin, N. Salinger and Bruce MacDonald to amend from PO to RS property located on the west side of Kemmer Lane and the north side of Route 59 in Namuet, N Y, be RESERVED.

Seconded by Councilman D'Antoni.

All voted Aye.

(1973-1012) Councilman Niehaus offered the following resolution:

RESOLVED, that decision on proposed amendment to Sec. 4.32(o) sub (5) by adding 'there shall be no more than 106 dwelling units constructed at any one site.', be RESERVED.

Seconded by Councilman Lodico.

All voted Aye.

(1973-1013) Councilman Niehaus offered the following resolution:

WHEREAS, the Town of Clarkstown has purchased one Pace Heart Machine, and

WHEREAS, the Nyack Hospital desires to use said machine, and

WHEREAS, the Town Board of the Town of Clarkstown is agreeable to the use of said machine by Nyack Hospital;

NOW THEREFORE, be it

RESOLVED, that the Supervisor be and he hereby is authorized to enter into a lease agreement, in a form satisfactory to the Town Attorney, with Nyack Hospital for use of the Pace Heart Machine owned by the Town of Clarkstown.

Seconded by Councilman D'Antoni.

All voted Aye.

Monthly Reports for the month of November 1973 received from the Zoning Board of Appeals and the office of the Building Inspector. Noted by the Town Board; ordered filed in the Town Clerk's Office.

(1973-1014) Councilman D'Antoni offered the following resolution:

RESOLVED, that Jeryl Carroll, 27 Briarwood Drive, New City New York, is hereby appointed as an Office Worker-Student - Police Department - at the hourly wage of \$2.30, effective December 26, 1973, not to exceed thirty days.

Seconded by Councilman Lodico.

All voted Aye.

(1973-1015) Councilman D'Antoni offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on December 5, 1973 that the position of Superintendent of Construction and Maintenance (Buildings & Grounds) can be created,

NOW THEREFORE, be it

RESOLVED, that the position of Superintendent of Construction & Maintenance (Buildings & Grounds) is hereby created, effective immediately, and be it

FURTHER RESOLVED, that RALPH LOMBARDI, 5 Evergreen Place, New City, New York is hereby appointed provisionally to the position of Superintendent of Construction & Maintenance (Buildings & Grounds), at the annual salary for 1973 of \$11,361.00, effective immediately.

Seconded by Councilman Pizzutello.

All voted Aye.

(1973-1016) Councilman D'Antoni offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on December 5, 1973 that the position of Maintenance Supervisor (Sewers) can be created,

NOW THEREFORE, be it

RESOLVED, that the position of Maintenance Supervisor (Sewers) is hereby created, effective immediately, and be it

FURTHER RESOLVED, that JOHN ETERNO, 63 Verdin Drive, New City, New York is hereby appointed to the position of Maintenance Supervisor (Sewers) provisionally, at the annual salary for 1973 of \$12,459.00, effective immediately.

Seconded by Councilman Pizzutello.

On roll call the vote was as follows:

AYES: Councilmen D'Antoni, Pizzutello, Supervisor Vines

ABSTENTIONS: Councilmen Niehaus, Lodico.

MOTION CARRIED.

Town Board signed the following Bonds, approving same as to form and sufficiency:

Maintenance Bond No. 619761 (Royal Globe Insurance Co.)  
Braden M. Lyon & Gerald R. Guterl (Brookhaven Estates), Princ.  
Covers: Roads  
Amount: \$1,275.00  
Period: One (1) Year 12/5/73 to 12/4/74)

Maintenance Bond No. 619762 (Royal Globe Insurance Co.)  
Braden M. Lyon & Gerald R. Guterl (Brookhaven Estates), Princ.  
Covers: Sanitary Sewers and other facilities.  
Amount: \$420.00  
Period: One (1) year from date of acceptance of improvements.

(continued)

(Bonds - continued)

Maintenance Bond No. 912055 (Republic Insurance Co.)  
Leonard Kohl & Robert Granik, Co-Principal; New City  
Office Park - Principal.  
Covers: Roads  
Amount: \$9,177.25  
Period: One (1) year from date of acceptance of improvements.

Maintenance Bond No. 912056 (Republic Insurance Co.)  
NEW CITY OFFICE PARK, Principal  
Leonard Kohl & Robert Granik, Co-Principals;  
Covers: Sanitary Sewers & other facilities  
Amount: \$1,130.70  
Period: One (1) year from date of acceptance of improvements.

Proposed resolutions accepting sewer easements from  
Equipment Mart of New York, Inc. and Eleanor Schorin, Herman Dolezal and  
Hubert Dolezal -- held for 12/19/73 Town Board meeting.

On resolution offered by Councilman D'Antoni, seconded by  
Councilman Niehaus and unanimously adopted, Town Board meeting was  
adjourned until Wednesday, 12/19/73 at 8:00 PM.

Signed,

  
Anne E. O'Connor  
Town Clerk

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