

TOWN BOARD MEETING

Town Hall

12/31/73

10:00 AM

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

Supervisor Vines called last Town Board meeting for 1973 to order; assemblage saluted the Flag.

Supervisor Vines presented Citizen Recognition plaque to Mr. Phillip D'Antoni. Co. Niehaus also presented plaque to Supervisor Vines in recognition of his years of service as Supervisor to the town.

(1973-1062) Councilman D'Antoni offered the following resolution:

WHEREAS, by Resolution No. 945 dated November 28, 1973, the roads and related improvements in a Subdivision known as West Rise Section II were accepted by the Town Board of the Town of Clarkstown; and

WHEREAS, a manifest clerical error was made in reciting the maintenance bond numbers,

NOW THEREFORE, be it

RESOLVED, that Maintenance Bonds Nos. 5573210 and 5579211, dated June 19, 1970, Strawtown Builders, Inc. as Principal and Cedric Garlick Sr. and Cedric Garlick Jr., Co-Principals, and Continental Casualty Co. as Surety, are hereby accepted as of November 28th, 1973.

Seconded by Councilman Lodico.

All voted Aye.

(1973-1063) Councilman D'Antoni offered the following resolution:

WHEREAS, Councilman D'Antoni, a member of the Town Board of the Town of Clarkstown has introduced a proposed Local Law entitled "LOCAL LAW TO PROVIDE FOR THE ISSUANCE OF APPEARANCE TICKETS", and

WHEREAS, the Town Board of the Town of Clarkstown considers that it is in the best public interest that said Local Law be adopted;

NOW THEREFORE, be it

RESOLVED, that a public hearing, pursuant to Sec. 20 of the Municipal Home Rule Law; be had at the Auditorium of the Town Hall, 10 Maple Ave., New City New York, on the 23rd day of January 1974 at 8:30 PM relative to such proposed local law; and be it

FURTHER RESOLVED, that notice of the time, place, and purpose of such hearing shall be published in the Journal News, the official newspaper of the town, and posted in the manner provided by law; and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing and that the Town Clerk cause the same to be published and posted as aforesaid and file proof thereof in the Office of the said Clerk.

Seconded by Councilman Niehaus.

All voted Aye.

4.

TBM - 12/31/73
Page 2

(1973-1064) Councilman D'Antoni offered the following resolution:

WHEREAS, Sec. 64 5-a. of the Town Law of the State of New York provides that a town board may authorize removal of fire and health hazards from Private Property if the owner or owners of such property fail to remove said hazards, and

WHEREAS, RACK EQUITIES CO., INC. was duly notified by the Building Inspector's Office of the Town of Clarkstown that certain violations which were causing fire and health hazards existed on his property, more particularly designated on the Tax Map as Map 7, Block A, Lot 31, and

WHEREAS, said owner has failed to comply with the violation notice numbered 73-176 and has failed to remove such hazards;

NOW THEREFORE, be it

RESOLVED, that pursuant to Sec. 64 5-a. of the Town Law of the State of New York, the Clarkstown Supt. of Highways, or private contractors, when necessary, are hereby authorized to remove the nuisance, hazard and litter consisting of discarded building materials, broken windows in basement area assorted debris from the aforesaid premises, and be it

FURTHER RESOLVED, that the total expense incurred in such removal shall be assessed by the Town Board, and the expense so assessed shall constitute a lien and charge on the real property until paid or otherwise satisfied or discharged, and shall be collected in the same manner and at the same time as other town charges.

Seconded by Councilman Niehaus.

All voted Aye.

(1973-1065) Councilman D'Antoni offered the following resolution:

WHEREAS, Sec. 64 5-a. of the Town Law of the State of New York provides that a Town Board may authorize removal of fire and health hazards from private property if the owner or owners of such property fail to remove said hazards, and

WHEREAS, QUESTAR REALTY was duly notified by the Building Inspector's Office of the town that certain violations which were causing fire and health hazards existed on his property, more particularly designated on the Tax Map as Map 7, Block A, Lot 24, and

WHEREAS, said owner has failed to comply with the violation notice numbered 73-178 and has failed to remove such hazards;

NOW THEREFORE, be it

RESOLVED, that pursuant to Sec. 64 5-a. of the Town Law of the State of New York, the Clarkstown Supt. of Highways or private contractors, when necessary, are hereby authorized to remove the nuisance, hazard and litter consisting of (1) dumpster on sidewalk, discarded rubbish and debris on front porch of house from the aforesaid premises, and be it

(continued)

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(1973-1065 - continued)

FURTHER RESOLVED, that the total expense incurred in such removal shall be assessed by the Town Board, and the expense so assessed shall constitute a lien and charge on the real property until paid or otherwise satisfied or discharged, and shall be collected in the same manner and at the same time as other town charges.

Seconded by Councilman Niehaus.

All voted Aye.

(1973-1066) Councilman Niehaus offered the following resolution:

WHEREAS, Sec. 64 5-a. of the Town Law of the State of New York provides that a town board may authorize removal of fire and health hazards from private property if the owner or owners of such property fail to remove said hazards, and

WHEREAS, RACK EQUITIES CO., INC. was duly notified by the Building Inspector's Office of the town that certain violations which were causing fire and health hazards existed on his property, more particularly designated on the Tax Map as Map 7, Block A, Lots 25 and 26, and

WHEREAS, said owner has failed to comply with the violation notice numbered 182 and has failed to remove such hazards;

NOW THEREFORE, be it

RESOLVED, that pursuant to Sec. 64 5-a. of the Town Law of the State of New York, the Clarkstown Supt. of Highways, or private contractors, when necessary, are hereby authorized to remove the nuisance, hazard and litter consisting of over-flowing dumpsters, garbage, paper and other assorted refuse and debris from the aforesaid premises, and be it

FURTHER RESOLVED, that the total expense incurred in such removal shall be assessed by the Town Board, and the expense so assessed shall constitute a lien and charge on the real property until paid or otherwise satisfied or discharged, and shall be collected in the same manner and at the same time as other town charges.

Seconded by Councilman D'Antoni.

All voted Aye.

(1973-1067) Councilman Niehaus offered the following resolution:

WHEREAS, Sec. 64 5-a. of the Town Law of the State of New York provides that a town board may authorize removal of fire and health hazards from private property if the owner or owners of such property fail to remove said hazards, and

WHEREAS, PERCY CROCKETT & W. were duly notified by the Building Inspector's Office of the town that certain violations which were causing fire and health hazards existed on his property, more particularly designated on the Clarkstown Tax Map as Map 7, Block A, Lot 32, and

(continued)

(1973-1067 - continued)

WHEREAS, said owner has failed to comply with the violation notice numbered 73-177 and has failed to remove such hazards;

NOW THEREFORE, be it

RESOLVED, that pursuant to Sec. 64 5-a. of the Town Law of the State of New York, the Clarkstown Supt. of Highways, or private contractors, when necessary, are hereby authorized to remove the nuisance, hazard and litter consisting of discarded mattress, unused and discarded plumbing fixtures from the aforesaid premises, and be it

FURTHER RESOLVED, that the total expense incurred in such removal shall be assessed by the Town Board, and the expense so assessed shall constitute a lien and charge on the real property until paid or otherwise satisfied or discharged, and shall be collected in the same manner and at the same time as other town charges.

Seconded by Councilman D'Antoni.

All vote: Aye.

(1973-1068) Councilman Niehaus offered the following resolution:

WHEREAS, an action has been commenced by the town vs. Horace P. Partridge, and

WHEREAS, the County Court by decision dated 9/19/73 appointing Commissioners of Appraisal to hear and determine the damages sustained by the said Horace P. Partridge, and

WHEREAS, it was necessary in the presentation of the case of the Town of Clarkstown before the said Commissioners of Appraisal that the property of Horace P. Partridge be appraised by duly qualified appraisers, and

WHEREAS, Tucker Capen of 22 South Main St., New City N Y has appraised the subject property at the request of the Town Attorney's Office; and

WHEREAS, the said Tucker Capen has testified at the hearing held before the Commissioners of Appraisers on the 18th day of December 1973, and

WHEREAS, the said Tucker Capen has submitted his bill for services rendered to the town in the amount of \$600.00 for the cost of the appraisal of the property of Horace P. Partridge, and \$150.00 for the time spent in testifying before Commissioners of Appraisal and the rewrite of the appraisal, and

WHEREAS, Deputy Town Attorney David M. Wagner, Esq. has examined the charges and certifies that the same are fair and reasonable;

NOW THEREFORE, be it

(continued)

(1973-1068 - continued)

RESOLVED, that the Comptroller of the Town of Clarkstown be and he hereby is authorized to pay the sum of \$750.00 to Tacker Capen for his appraisal and testimony in the matter of the Town of Clarkstown vs. Horace P. Partridge.

Seconded by Councilman D'Antoni.

All voted Aye.

(1973-1069) Councilman D'Antoni offered the following resolution:

RESOLVED, that the minutes of the Town Board meeting of 12/19/73 are hereby accepted as submitted by the Town Clerk.

Seconded by Councilman Lodico.

On roll call the vote was as follows:

AYES: Councilmen D'Antoni, Lodico, Pizzutello, Supervisor Vines
ABSTENTION: Councilman Niehaus (not present on 19th)

(1973-1070) Councilman Pizzutello offered the following resolution:

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

Thomas J. Kempton, Jr., Inc.
89 South Main St., New City N Y

Mario Lepori
55 Grove St., Monsey, N Y

Troy-Scott Enterprises, Inc.
25 Robertson Dr., Pearl River, N Y

Ronald Tarigo,
5 Capral Lane, New City N Y

Kuhn's Plumbing & Heating Service, Inc.,
8 Railroad Avenue, Pearl River, N Y

John Fehsal, Call Hollow Road, Stony Point, N Y

McGrath-Vassallo Construction Co., 3A Gail Dr., Nyack N Y

MFS Contractors, Inc., 131 Route 304, New City N Y

NOW THEREFORE, be it

RESOLVED, that the following Certificates of Registration be issued:

74-6 to Thomas J. Kempton, Jr., Inc.
74-7 to Mario Lepori
74-8 to Troy-Scott Enterprises, Inc.
74-9 to Ronald Tarigo
74-10 to Kuhn's Plumbing & Heating Service, Inc.
74-11 to John P. Fehsal
74-12 to McGrath-Vassallo Constr. Co.
74-13 to MFS Contractors, Inc.

Seconded by Councilman D'Antoni.

All voted Aye.

(1973-1071) Councilman D'Antoni offered the following resolution:

RESOLVED, that the Supervisor be and he hereby is authorized to execute Preventive Maintenance Agreement Contract with Simplex Time Recorder Co. for the newly installed fire alarm equipment at the Town Hall, for the period from December 1, 1973 to November 30, 1974, at no charge to the Town.

Seconded by Councilman Lodico.

All voted Aye.

(1973-1072) Councilman D'Antoni offered the following resolution:

WHEREAS, the Town of Clarkstown owns and leases certain properties used for parking within the township, and

WHEREAS, said parking lots have become inadequate for Clarkstown residents and employees due to spaces being taken up by New Jersey residents and other unauthorized persons;

NOW THEREFORE, be it

RESOLVED, that the Town Attorney be and he hereby is authorized to prepare appropriate legislation restricting parking in said parking lots to Town of Clarkstown residents only and authorizing the issuance of parking permits to Clarkstown residents for a fee and authorizing the towing away of cars for which such permit has not been issued, at the owner's expense.

Seconded by Councilman Lodico.

All voted Aye.

(1973-1073) Councilman D'Antoni offered the following resolution:

RESOLVED, that Raymond Kuchler, 25A Forest Drive, Garnerville, N Y is hereby granted a one year Leave of Absence as Assistant Accountant - Town Comptroller's Office - effective 1/14/74, without compensation.

Seconded by Supervisor Vines

On roll call the vote was as follows:

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

MOTION NOT CARRIED

EFC883

(1973-1074) Councilman D'Antoni offered the following resolution:

RESOLVED, that Louise Abatemarco, 53 Parker Avenue, New City N Y is hereby granted a one year Leave of Absence as Account Clerk-Typist - Building Inspector's Office, effective January 8, 1974, without compensation.

Seconded by Supervisor Vines

On roll call the vote was as follows:

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

MOTION NOT CARRIED.

(1973-1075) Councilman D'Antoni offered the following resolution:

WHEREAS, there is a vacancy in the position of Member of the Clarkstown Planning Board created by the resignation of Eugene Grogan,

NOW THEREFORE, be it

RESOLVED, that Warren Donohue, 3 Tavo Lane, New City N Y is hereby appointed a member of the Clarkstown Planning Board, term to commence immediately and expire on January 4, 1978.

Seconded by Supervisor Vines

On roll call the vote was as follows:

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

MOTION NOT CARRIED.

(1973-1076) Councilman D'Antoni offered the following resolution:

RESOLVED, that the part-time position of Account Clerk-Typist - Town Comptroller's Office - be and is hereby established as a full-time position, and be it

FURTHER RESOLVED, that Frances Korn, 5 Mary Ann Lane, New City N Y is hereby appointed to the position of full time Account Clerk-Typist - Town Comptroller's Office, effective January 1, 1974,

Seconded by Supervisor Vines

On roll call the vote was as follows:

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

MOTION NOT CARRIED.

4

TBM - 12/31/73
Page 2

(1973-1077) Councilman D'Antoni offered the following resolution:

RESOLVED, that John Rocchio, New City N Y is hereby appointed to the position of Maintenance Helper - Sewer Department - at the annual salary for 1973 of \$7,624.00, effective immediately.

Seconded by Supervisor Vines

On roll call the vote was as follows:

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

MOTION NOT CARRIED.

(1973-1078) Councilman D'Antoni offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified that the position of Police Patrolman, Police Department, can be established,

NOW THEREFORE, be it

RESOLVED, that the position of Police Patrolman (1) is hereby established, effective immediately.

Seconded by Supervisor Vines

On roll call the vote was as follows:

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

MOTION NOT CARRIED

(1973-1079) Councilman D'Antoni offered the following resolution:

WHEREAS, there is need for a traffic light on Route 59 in Nanuet N Y in the area of the Theatre Go Round;

NOW THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to apply to the New York State Department of Transportation for a permit to install appropriate traffic lights in the aforementioned area.

Seconded by Councilman Niehaus.

All voted Aye.

EFC883

(1973-1080) Councilman D'Antoni offered the following resolution:

WHEREAS, the supply of Town of Clarkstown sticker permits for permission to use the Sanitary Landfill area has been depleted, and

WHEREAS, the Town intends to adopt a Town owned and leased parking lot regulations, and

WHEREAS, such regulations will include the issuance of sticker permits;

NOW THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to purchase stickers for both purposes.

Seconded by Councilman Lodico.

All voted Aye.

(1973-1081) Councilman Niehaus offered the following resolution:

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

1 street light on Pole #9 on Renner Lane, Bardonia at total annual cost of \$54.60;

1 street light on Pole #54, Hughes Street, Congers; at total annual cost of \$54.60;

1 street light on Pole #103, Frank Street, New City; at total annual cost of \$54.60;

1 street light on Pole #174 on Route 59A, West Nyack; at total annual cost of \$54.60.

Seconded by Councilman D'Antoni.

All voted Aye.

(1973-1082) Councilman Niehaus offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution adopted on the 28th day of November 1973 provided for a public hearing on the 12th day of December 1973 at 8:09 PM, to consider the adoption of an amendment to the Town of Clarkstown Zoning Ordinance of 1967, as amended, and

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

NOW THEREFORE, be it

(continued)

(1973-1082 - continued)

RESOLVED, that the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended as follows:

Amend Sec. 4.32 (0) subd. (5) by adding the following paragraph thereto:

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

Seconded by Councilman D'Antoni.

All voted Aye.

(1973-1083) Councilman Niehaus offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 28th day of November 1973 provided for a public hearing on the 12th day of December 1973 at 8:08 PM, to consider the application of FELLER, MIDLIN, SALINGER & MAC DONALD to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of said petitioner from a PO District to an RS 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 a PO district to an RS district, the following described property in the Hamlet of Namet, New York in said Town. (Metes and bounds description in Zone Change Folder - T/C)

Seconded by Councilman D'Antoni.

On roll call the vote was as follows:

AYES: Councilmen Lodico, Pizzutello

NOES: Councilman Niehaus

ABSTENTION: Councilmen D'Antoni, Supervisor Vines

MOTION NOT CARRIED

(1973-1084) Councilman D'Antoni offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on 11/14/73 provided for a public hearing on 12/12/73 at 8:05 PM to consider the proposed amendment to the Zoning Ordinance to redistrict a portion of property owned by John C. Forni located in the Hamlet of Namet, N Y and designated on the Tax Map as Map 162, Block A, Lot 1.01, from an R-15 District to an LIO District; and

(continued)

EFC883

(1973-1084 - continued)

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 the aforesaid property from an R-15 District to an LIO District.

Seconded by Councilman Niehaus.

On roll call the vote was as follows:

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

MOTION NOT CARRIED

(1973-1085) Councilman D'Antoni offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 28th day of November 1973, provided for a public hearing on the 12th day of December 1973 at 8:07 PM to consider amending the Zoning Ordinance of the Town of Clarkstown by redistricting roperty located on ROSELAND COURT & EILEEN AVENUE, New City N Y, and designated on the tax assessment map of the town 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; 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 an R-22 district to an R-40 district, the aforesaid properties (excepting Map 40, Block A, Lot 4.42) in the Hamlet of New City New York, in said town.

Seconded by Councilman Niehaus.

All voted Aye.

(1973-1086) Councilman D'Antoni offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 17th day of October 1973 provided for a public hearing on the 28th day of November 1973 at 8:05 PM to consider amending the Official Map ~~to~~ provide for the deletion of that portion of a Proposed County Road

(continued)

(1973-1086 - continued)

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, 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 said Official Map of the Town of Clarkstown be and it hereby is amended by the deletion of 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.

Seconded by Supervisor Vines

On roll call the vote was as follows:

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

MOTION NOT CARRIED.

(1973-1087) Councilman Lodico offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 5th day of December 1973, provided for a public hearing on the 19th day of December 1973 at 8:05 PM to consider the application of JOHN, JAMES & PETER CHAGARIS to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of said petitioner from an LO district to a CS 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 an LO district to a CS district, the following described property in the Hamlet of West Nyack, N Y, in said town. (See file for description)

Seconded by Councilman D'Antoni

On roll call the vote was as follows:

AYES: Councilmen D'Antoni, Lodico
NOES: None
ABSTENTIONS: Councilmen Niehaus, Pizzutello, Supervisor Vines

MOTION NOT CARRIED.

EFC883

TRM - 12/31/73
Page 13

(1973-1088) Councilman Pizzutello offered the following resolution:

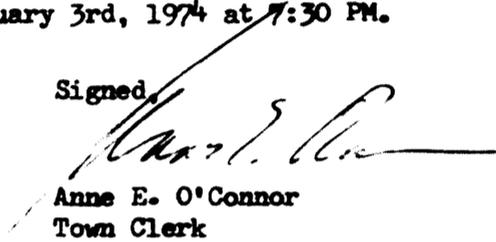
RESOLVED, that date of January 3rd, 1974 at 7:30 PM be designated as the date and time of the 1974 Organizational Town Board meeting, same to be held in the Board Room of the Town Hall.

Seconded by Councilman D'Antoni.

All voted Aye.

On resolution offered by Councilman D'Antoni, seconded by Councilman Pizzutello and unanimously adopted, Town Board meeting was adjourned until Thursday, January 3rd, 1974 at 7:30 PM.

Signed,



Anne E. O'Connor
Town Clerk