

## PUBLIC HEARING

Town Hall

5/15/74

8:15 PM

Present: Co. D'Antoni, Lodico, Pizzutello, Maloney,  
Supervisor Gerber  
Town Clerk Anne E. O'Connor  
Town Attorney Murray N. Jacobson

RE: PROPOSED AMENDMENT TO CHAPTER 106 OF THE CODE OF THE TOWN OF CLARKSTOWN (ZONING) -- "GROUP HOMES":

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

PLANNING BOARD RECOMMENDATIONS:

COUNTY PLANNING BOARD: APPROVES. General Municipal Law requires a vote of 2/3 of all of the members or a majority plus one to act contrary to the above findings.

TOWN PLANNING BOARD:

In specific reference to the requirements of Chapter 106-32B of the Clarkstown Code we wish to advise that:

(1) a) the proposed changes in the Zoning Ordinance, subject to the attached recommendations, are consistent with the aims and principles embodied in the particular districts concerned.

(1) b) because of the safeguards proposed in the attached, NO AREAS AND/OR ESTABLISHMENTS IN THE TOWN WILL BE ADVERSELY AFFECTED BY THE PROPOSED CHANGES, AND AS COVERED BY THE PLANNING BOARD RECOMMENDATIONS, AS FOLLOWS WILL PROVIDE ADEQUATE SAFEGUARDS.

(1) c) if the following safeguards are incorporated, IT IS FELT THAT THE PROPOSED CHANGES WILL HAVE NO DELETERIOUS IMPLICATIONS ON OTHER REGULATIONS WITHIN THE TOWN.

1. The Planning Board is basically in accord with the intent of the proposed amendment.

2. With regard to Agency Boarding Homes, those facilities restricted to a maximum occupancy of six minors, we feel that such homes should be limited to residential and professional office districts only. It is the Planning Board belief that commercial and industrial zone environments are not favorable to the welfare of the occupants of such homes.

3. Agency Group Homes, those facilities with an occupancy restricted to a maximum of twelve minors, we reiterate the same comments as made for Boarding Homes, immediately above.

4. It is strongly recommended that appropriate regulations be detailed in the Zoning Ordinance Amendment, to give the Town ample authority for provisions against the establishment of unregulated and/or undesirable homes.

5. Agency Community Residence is presently under the jurisdiction of the Department of Social Service and Department of Mental Hygiene. It is recommended that the respective State rules for group homes and regulations for the operations of these homes shall be taken as minimum requirements. They should be subject to special and

(continued)

(TOWN PLANNING BOARD RECOMMENDATIONS - continued)

additional regulation by the town. We recommend that the State definition of mentally disabled, for the purposes of this amendment, be limited to mental retardation.

6. Concerning Community Residences, which allow occupancy by 24 adults, of varying degrees of employability, it is recommended that all Agency Community Residence sites have access to and frontage on a major or secondary road where public or equivalent transportation is available.

7. Agency Community Residences, because of their size are of a multi-family residential character. Therefore, to provide for the necessary buffering and avoidance of deleterious effect on the value of nearby residences, it is strongly suggested that the minimum area for community residences be 120,000 square feet.

8. Agency Community Residences should not be permitted in Industrial Zones.

9. The Planning Board is concerned as to the advisability of using the "Special Permit" procedure for authorization to establish any of the various group homes. If the requirements of a Special Permit are fulfilled, the applicant may develop the same BY RIGHT and the Town Board would be required to issue such permit. It is therefore strongly suggested that rather than use the "Special Permit," the town establish a Local Law procedure that requires each application to be ratified by the Town Council. Another advantage of establishing a Local Law is that under the general enabling provisions, a Section would be created under Procedures and Rules to specify the exact operations of such housing, staffing, organization, administration, programming, financing (including rent), taxes, etc.

10. For all group homes, there should be a licensing procedure whereby there will be an annual inspection and examination of the operation to allow for annual renewal of said license.

11. It is recommended to remove the word "unrelated" from Sections 1c, 2c, and 3c, of the proposed "Group Homes Amendments."

Supervisor Gerber stated this is petition of the Town Board so people may speak for or against instead of for in the beginning, and opposed at the end.

Mrs. Katherine Lukens, President of Camp Venture:  
76 Independence Avenue, Tappan, New York: IN FAVOR.

Land has been donated by St. Agatha Home. Ten would be in each family. When they do not go to work, there will be continuous programs for self-help. They will learn how to do things for themselves. They will be learning how to live in a 'family' atmosphere.

Two acres of land would be enough for gardens, etc. Twenty five such residences across the state. Non-profit agencies, like Camp Venture, would like to find some alternative to institutionalization. \$12,000. for an individual to live in a state school for the retarded. \$6,000. to live in a hospital. 80% in California have joined the warmer world of normal men and women. State is willing to contract with us; land given by St. Agatha's. Banks willing to lend the money.

Fr. Edward Netter, Asst. Pastor of St. Anthony's Church, Nanuet: (Representing families in his community):

98% in favor of this proposed amendment. Also, as member of Board of Directors of Right to Life; 3000 people also in favor. Handicapped, whether mentally or physically, should be given a better chance. Supports.

R. Clinton Taplin, 22 Judith St., Nanuet: There should be no law to prohibit anyone from living in the Town of Clarkstown. People who are mentally or physically handicapped have been hurt by being institutionalized. They should live with their friends and those who can look after them. Group Homes will enable people to regain dignity.

Sr. Helen Murphy, 135 Convent Road, Nanuet: Group Homes make for more normal living. They could attend local schools. If their residence not in their district originally, their tuition is paid for by their district of origin. Group Homes are not removed from the tax rolls.

Mr. Fred Haeger, Valley Cottage: In favor. It is bad that legislation has to be adopted to permit certain types of people to live in the area.

Ms. Joyce Roeser, 27 Mark Lane, New City: Parent of mentally handicapped teenager. Is volunteer and has seen indignities in institutions.

Mr. John Ettliger, Administrative Assistant to St. Dominick's Home in Blauvelt and resident of the Town of Clarkstown:

Professional agencies attempt to use professional approaches in servicing children. Children are human beings. They deserve opportunity to live in a community when they are able to function in a community. This is what we are asking for the children and adults for whom we work.

County Legislator Eugene Grogan, Town of Clarkstown:

In favor except for suggestion that clustering be no more than one home in any particular neighborhood; that percentage of Rockland County residents never run below 99%. The people who would be utilizing these facilities would be Rockland County residents, or at least 99% of them. Also, that it be administered by Community Mental Health Board. Hopes these points can be worked out. In favor.

Mr. Walter Plotnik, Valley Cottage: For. Do not reserve decision. Public very much in favor.

Ms. Carmela Castaldo, 4 Cranford Road, Bardonia: People will accept this. In favor of all points made by others.

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Mr. Goodwin Katzen, 41 Twin Elms Lane, New City: (Executive Director of the Center for the Physically Handicapped)

We deal with physically handicapped, well over 300. There is on-going need to provide community services for that group of our population which can be lost among us. Parents are concerned about what happens to their children when they pass on. Urges the Town Board to adopt proposed amendment. He stated that if we, as individuals, wish to continue to provide for others, then it is our responsibility to give them the best that we can possibly provide. Adopt this evening.

Mr. William Griffin, President of the Congers P.T.A.:

They got group home through the Lakewood P.T.A. and received five of the eight children. It was a fantastic experience. Five months later, it has been accepted in the community. No one in Congers objected. We all want to see it expand.

Mr. J. Maroon, Past-President of the Association of Mentally Retarded Children in the County of Rockland:

Twenty-five years ago, there were no schools for the mentally retarded. We had to start our own school. Now, I see three or four in the audience who were partners with me in the Pomona Day School. We had a hard fight to persuade the Board of Education to assume their responsibility to educate these children; now we are worried about what is going to happen to our children when we pass on. Patients in state institutions cannot get the care they deserve and have a right to. He wants hospital so when parents pass on, their children can still live here in New City, where they are used to being.

Mr. Samuel Fisher, Chairman of the Board of Camp Jawonio:

We support help for the mentally handicapped. Give them an education and normalcy in their living pattern. They are entitled to a good education, therapy and treatments in order to blossom and develop. Nyack and Spring Valley, in not approving, have a lot to learn. Let's show them and the State of New York that we think all children have the right to grow up.

Dr. George Simpson, 62 Brewery Road, New City:

Resident for 12 years and is on the Community Mental Health Board. Compared to Europe, this country far behind in their treatment of mental illness. Bring us up to par.

Mr. William Brenner, Marcus Road, West Nyack:

Former Councilman. Zoning takes in all of the people, regardless of other things. Adopt.

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Mr. Frederick Mercuri, 18 Lincoln Rd., Monroe N Y:

Represents the Board and 650 members of the Association for the Mentally Retarded Children. They all urge passage of this proposed amendment immediately. There is a great need for a hospital program in this country. Amount of \$12,000. today is cost to have individual institutionalized. Pearl River in hospital program - cost \$4500. per year, or saving of \$7500. He has received word from Albany that three agencies and three hospitals can be put in this county within two to three yrs. With the Town Board's approval, they hope to build these hospitals. For those who fear that these people are not normal, he suggested that their workshop be visited.

Mr. Thomas Meehan (Representing Dr. Richard Sullivan, Chairman of the Health & Social Services Committee of the Rockland County Legislature:

There is definite need - adopt.

Mr. Joseph Pantano, New City:

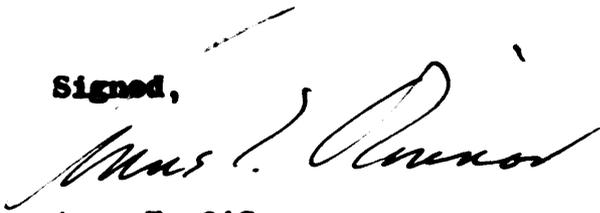
It is their right - adopt.

Legislator John Murphy, Town of Orangetown,  
69 Sparrow Lane, Pearl River, New York:

Member of the Board of Health - Mental Retardation, and Vice-President of the proposed Venture Inn. Hospital proposed to be built on land donated by St. Agatha's. Adopt now.

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

Signed,



Anne E. O'Connor  
Town Clerk

## TOWN BOARD MEETING

Town Hall

5/15/74

8:00 PM

Present: Co. D'Antoni, Lodico, Maloney, Pizzutello, Supv. Gerber  
Town Clerk A. E. O'Connor  
Town Attorney M. N. Jacobson

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

(1974-408) Councilman Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution adopted on the 1st day of May 1974 provided for a public hearing on the 15th day of May 1974 at 8:15 PM, to consider the adoption of an amendment to the Town of Clarkstown Zoning Ordinance of 1967, as amended, now designated as Chapter 106 of the Code of the Town of Clarkstown; and

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

NOW THEREFORE, be it

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

1. Amend Section 106-3, sub-paragraph B, by adding thereto the following definitions:

**AGENCY BOARDING HOME**--A boarding home operated by a public service agency or private non-profit child caring agency authorized by the New York State Board of Social Welfare with occupancy limited to six (6) unrelated minors or more than six (6) minors if related by blood, who shall be under the age of 21 years and over the age of 5 years.

**AGENCY GROUP HOME**--a group home operated by a public social service agency or private non-profit child caring agency authorized by the New York State Board of Social Welfare with occupancy limited to twelve (12) minors under the age of 21 years and over the age of 5 years.

**AGENCY COMMUNITY RESIDENCE**--A community residence operated by a public social service or mental hygiene agency or private non-profit agency authorized by the New York State Board of Social Welfare or Commissioner of Mental Hygiene with occupancy limited to twenty-four (24) unrelated adults above the age of 21 years

2. Amend Section 106-10A, Table of General Use Regulations, by adding the following uses to Column 3, sub-paragraph B, Uses Permitted by Special Permit of the Town Board, in R-80 District, R-40 District, R-22 District, R-15 District, R-10 District, RG-1 District, RG-2 District, IO District, PO District, LS District and CS District:

"Agency Boarding Home, Agency Group Home and Agency Community Residence."

(continued)

(1974-408 -- continued)

3. Amend Section 106-10 by adding thereto the following paragraph:

C. Special Permit Bulk Table. The accompanying table, entitled "Table of Bulk Regulations for Special Permit Uses" shall be deemed to be part of this section and is referred to herein as "Special Permit Bulk Table." (See attachment - T/Clerk).

Seconded by Councilman D'Antoni.

All voted Aye.

(1974-409) Councilman D'Antoni offered the following PROCLAMATION:

**"NEW CITY CHAMBER OF COMMERCE SPRING BEAUTIFICATION WEEK"**

WHEREAS, the beautification of the Town of Clarkstown is of paramount importance to all our citizens, and

WHEREAS, to achieve this goal, the New City Chamber of Commerce, in cooperation with local Boy Scout Troops, local businesses and the Clarkstown Highway Department, has offered its good services in coordinating and participating in a Spring Beautification Project, to clean up the area between Bradlees on Route 304 to Laurel Road, New City, and

WHEREAS, such an endeavor is in the best interests of all our residents, ensuring a clean and healthy community;

NOW THEREFORE, be it

RESOLVED, that the week of May 11 - 19, 1974 be designated as the First Annual New City Chamber of Commerce Spring Beautification Week, and be it

FURTHER RESOLVED, that all our citizens join together in the spirit of cooperation and public pride in the endeavor to keep Clarkstown beautiful.

Seconded by Councilman Pizzutello.

All voted Aye.

(1974-410) Councilman Lodico offered the following PROCLAMATION:

**ST. THOMAS AQUINAS COLLEGE AWARENESS WEEK**  
June 1 - 7, 1974

WHEREAS, St. Thomas Aquinas College is a four-year non-denominational Liberal Arts college in Sparkill, Rockland County; and

(continued)

Town of New Canaan  
 172055564th  
 Sec. 106-10C

TOWN OF NEW CANAAN  
 FOR SPECIAL PERMIT USES see Note 1

District	Group	Use Sp. Permit for	Max. F.A.R.	Min. Lot Area	6		7		8		9		10		Max. Set- back from Adjacent Property
					Max. for Width	Yd. Depth									
R-40 R-22 R-15 R-10 RG-1 RG-2 LO PO Lm CS	A	Agency Boarding	0.10	80,000	175	50	30	80	50	8'					
	D	Home	0.15	40,000	150	30	30	70	50	8'					
	C	Home	0.20	22,500	125	35	20	50	35	10'					
	J	Home	0.20	15,000	100	30	20	40	35	11'					
	M	Home	0.25	10,000	85	30	20	40	30	5'					
	Q	Home	0.20	22,500	125	35	20	50	35	10'					
	G	Home	0.20	80,000	175	50	40	90	60	8'					
	L	Home	0.20												
	L	Home													
	L	Home													
R-40 R-22 R-15 R-10 RG-1 RG-2 LO PO Lm CS	B	Agency Group Home	0.10	120,000	200	50	40	100	60	8'					
	I	Home	0.15	60,000	175	30	35	80	60	8'					
	K	Home	0.20	35,000	150	40	25	70	50	10'					
	N	Home	0.20	22,000	125	35	25	65	50	10'					
	K	Home	0.20	15,000	100	30	25	50	30	5'					
	N	Home	0.20	80,000	175	50	40	90	60	8'					
	L	Home													
	L	Home													
	L	Home													
	L	Home													
R-00 R-40 R-22 R-15 R-10 RG-1 RG-2 LO PO Lm CS	L	Agency Community Residence													
	L	Home													
	L	Home													
	L	Home													
	L	Home													
	L	Home													
	L	Home													
	L	Home													
	L	Home													
	L	Home													

Note 1 - All pre-existing buildings which are the subject of special permit by the town board shall not be required to meet bulk requirements for district in which situated.

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(1974-410 -- continued)

WHEREAS, the residents of the Town of Clarkstown benefit greatly by the presence of this institution on its borders; and

WHEREAS, the College has provided free educational opportunities for many young men and women, as well as our senior citizens; and

WHEREAS, many of the graduates of the College reside in Clarkstown, and contribute to our community's social, cultural, political and economic life; and

WHEREAS, St. Thomas Aquinas College has been a positive force in improving the quality of life of all our residents, particularly through programs in Gerontology, Learning Disabilities and Law Enforcement;

NOW THEREFORE, be it

RESOLVED, that the week of June 1 - 7, 1974 be proclaimed "ST. THOMAS AQUINAS AWARENESS WEEK" and that all the citizens of Clarkstown join together in recognition of this fine educational facility and the contribution its faculty and students have made to our community.

Seconded by Councilman Maloney.

All voted Aye.

(1974-411) Councilman Pizzutello offered the following PROCLAMATION:

WHEREAS, adult and student volunteers of all the school districts serving the Town of Clarkstown have performed valuable and outstanding services for the children of our community, and

WHEREAS, their service has been performed with dedication and competence and has accrued to the benefit of School and Community; and

WHEREAS, the Town Board applauds these selfless and creative activities and wishes to show its appreciation;

NOW THEREFORE, be it

RESOLVED, that I, George Gerber, Supervisor of the Town of Clarkstown, hereby proclaim May 20 - 24, 1974 as "HONOR VOLUNTEERS WEEK" in the Town of Clarkstown, and I further urge that all residents of the Town of Clarkstown join in giving recognition to the Volunteers of all our school districts.

Seconded by Councilman D'Antoni.

All voted Aye.

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(1974-412) Councilman Lodico offered the following resolution:

**RESOLVED**, that based upon the recommendation of the Director of Purchasing, the bid for the installation of lighting for the parking lot for the Town of Clarkstown is hereby awarded to RAFFA ELECTRICAL CO., INC., 30 Scotland Road, Spring Valley N Y at a bid price of \$24,900.00, and be it

**FURTHER RESOLVED**, that funds to cover this installation be taken from Town Hall Addition Funds.

Seconded by Councilman Pizzutello.

All voted Aye.

(1974-413) Councilman Maloney offered the following resolution:

**RESOLVED**, that based upon the recommendation of the Director of Purchasing, the bid for the purchase of a vehicle for use in dog control is hereby awarded to JIM SMITH CHEVROLET, South Route 45, Spring Valley N Y, at a bid price of \$4,270.94; and be it

**FURTHER RESOLVED**, that funds to cover this vehicle be taken from Federal Revenue Sharing.

Seconded by Councilman D'Antoni.

All voted Aye.

(1974-414) Councilman D'Antoni offered the following resolution:

**RESOLVED**, that the minutes of the public hearings held on April 24, 1974 and the minutes of the Town Board meeting held on May 1, 1974 are hereby adopted and accepted as submitted by the Town Clerk.

Seconded by Councilman Pizzutello.

All voted Aye.

(1974-415) Councilman Lodico offered the following resolution:

**WHEREAS**, the following have applied for a Certificate of Registration pursuant to Sec. 83-85 of the Code of the Town of Clarkstown:

Leu Schafft Contracting Corp.  
8 Deerfield Drive  
New City N Y

Termine's Contracting Co., Inc.  
d/b/a T & M Sewer Contractors  
50 Country Club Lane  
Pomona, New York

(continued)

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(1974-415 -- continued)

**NOW THEREFORE, be it**

**RESOLVED, that the following Certificates of Registration be issued:**

74-27 to Lou Schafft Contracting Corp.  
74-28 to Termine's Contracting Co., Inc.

Seconded by Councilman Pizzutello.

All voted Aye.

(1974-416) Councilman Maloney offered the following resolution:

**RESOLVED, that the application of ANTHONY A. PAVIA for a change of zoning from an R-15 district to a CS district on property located on South Main St., New City, at the intersection of Third St. and running westerly to Capral Lane, be referred to the Town Planning Board for report pursuant to Sec. 106-32 of the Zoning Ordinance of the Town of Clarkstown, and to the Rockland County Planning Board pursuant to Secs. 239-1 and 239-m of the General Municipal Law.**

Seconded by Councilman D'Antoni.

All voted Aye.

(1974-417) Councilman Maloney offered the following resolution:

**WHEREAS, FARICE HOMES, INC. has petitioned the Town Board of the Town of Clarkstown that the Zoning Ordinance of the said town be amended by redistricting property of the said petitioner described from an IO district to an RG-2 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 at 10 Maple Ave., New City N Y in the said Town of Clarkstown, on the 26th day of June, 1974 at 8:15 PM relative to such proposed amendment; and it is**

**FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the official newspaper of the town as aforesaid and file proof thereof in the office of the said Clerk.**

Seconded by Councilman Lodico.

All voted Aye.

(1974-418) Councilman Maloney offered the following resolution:

WHEREAS, FRANK T. HURLEY has petitioned the Town Board of the Town of Clarkstown that the Zoning Ordinance of the said town be amended by redistricting property of said petitioner described from an R-15 district to an LO 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 at 10 Maple Ave., New City N Y in the said Town of Clarkstown, on the 26th day of June, 1974 at 8:30 PM relative to such proposed amendment; and it is

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the official newspaper of the town as aforesaid and file proof thereof in the office of the said Clerk.

Seconded by Councilman D'Antoni.

All voted Aye.

(1974-419) Councilman Lodico offered the following resolution:

RESOLVED, that based upon the recommendation of Alfred E. Berg, Town Engineer; John Rocchio, 23 Mark Lane, New City N Y is hereby appointed to the position of Maintenance Helper - Sewer Department - at the annual salary for 1974 of \$8,167.00, effective May 20, 1974.

Seconded by Councilman Pizzutello.

All voted Aye.

(1974-420) Councilman Lodico offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on May 6, 1974 that the position of Code Enforcement Officer can be created,

NOW THEREFORE, be it

RESOLVED, that the position of Code Enforcement Officer - Building Inspector's Office be created - at salary Grade 22, effective immediately.

Seconded by Councilman Pizzutello.

All voted Aye.

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(1974-421) Councilman Lodice offered the following resolution:

WHEREAS, there is a vacancy in the position of Code Enforcement Officer;

NOW THEREFORE, be it

RESOLVED, that CLARE NEUSER, 463 West Clarkstown Road, Spring Valley N Y is hereby appointed provisionally to the position of Code Enforcement Officer - Building Inspector's Office - at the annual salary for 1974 of \$9,810., effective immediately.

Seconded by Councilman D'Antoni.

All voted Aye.

(1974-422) Councilman Maloney offered the following resolution:

WHEREAS, there is a vacancy in the position of Narcotic Counselor created by the resignation of Jayne Rubenfeld,

NOW THEREFORE, be it

RESOLVED, that CYNTHIA ANNE SUTLIFF, Highland Arms Apts., Sickles Avenue, Nyack N Y is hereby appointed to the position of Narcotic Counselor - Clarkstown Narcotics Council - at the annual salary for 1974 of \$9,500., effective 5/20/74.

Seconded by Councilman Pizzutello.

All voted Aye.

(1974-423) Councilman Lodice offered the following resolution:

WHEREAS, there is a vacancy in the position of Account-Clerk - Building Inspector's Office -

NOW THEREFORE, be it

RESOLVED, that JOYCE BARONE, 1 Garden Drive, New City N Y is hereby appointed to the position of Account Clerk, at the hourly wage of \$3.42, effective May 20, 1974, not to exceed 17 hours per week.

Seconded by Councilman Pizzutello.

All voted Aye.

(1974-424) Councilman Pizzutello offered the following resolution:

WHEREAS, there is a vacancy in the position of Asst. Supt. of Recreation and Parks,

NOW THEREFORE, be it

(continued)

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(1974-424 -- continued)

**RESOLVED**, that **WALTER C. SCHATZ**, Andre Lane, RD #3, Peekskill N Y is hereby appointed provisionally to the position of Asst. Supt. of Recreation and Parks - Parks Board & Recreation Department - at the annual salary for 1974 of \$15,631., effective June 10, 1974.

Seconded by Councilman Lodico.

All voted Aye.

(1974-425) Councilman Pizzutello offered the following resolution:

**WHEREAS**, the Board of Ethics is in need of stationery and certain office supplies,

**NOW THEREFORE**, be it

**RESOLVED**, that amount of \$100.00 be allocated for the purchase of said stationery and supplies, funds for same to be transferred from Contingency Account to the Board of Ethics.

Seconded by Councilman Maloney.

All voted Aye.

(1974-426) Councilman Maloney offered the following resolution:

**WHEREAS**, Yale Rapkin, Attorney, has made written application for the use of Town Law Sec. 281 in connection with a subdivision known as **SAXONY ESTATES**, New City, and

**WHEREAS**, the Planning Board of the Town of Clarkstown recommends the approval of the use of Town Law Sec. 281, in connection with this subdivision, and

**WHEREAS**, the Town Board of the Town of Clarkstown finds that it would be a benefit to the town if Town Law 281 is used in this subdivision for the reasons that:

1. Some 4.5 acres of open land will be preserved in its natural state;
2. Storm runoff and siltation upon the neighboring homes to the south will be reduced by the proposed construction;
3. The final design will attempt to secure the largest possible average size of lots;
4. The preservation of trees will result in a favorable ecological effect;

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(1974-426 -- continued)

NOW THEREFORE, be it

RESOLVED, that the Planning Board of the Town of Clarkstown is hereby authorized to use Town Law, Sec. 281, in connection with the aforementioned subdivision.

Seconded by Councilman Pizzutello.

On roll call the vote was as follows:

AYES: Councilmen D'Antoni, Maloney, Pizzutello, Superv.Gerber  
ABSTENTION: Councilman Lodico.

MOTION CARRIED

(1974-427) Councilman Pizzutello offered the following resolution:

RESOLVED, that based upon the recommendation of the Parks Board and Recreation Commission and the Superintendent of Recreation and Parks, the Town Comptroller is hereby authorized to transfer \$40,000. from the Money In Lieu of Land Account to the Parkland and Improvement account to be allocated as follows:

1. Germonds Pool Complex - EXTRAS.....\$ 2,405.32
2. Ungava Park Drainage..... 2,500.00
3. Congers Lake Paving & Marking..... 13,000.00
4. Germonds Park Lining..... 2,000.00
5. Kings Park (Ballfield at corner  
of Bluebird Drive)..... 16,500.00
6. Congers Community Center (toilets  
upstairs approx. for Senior Cit.. 3,594.65

Seconded by Councilman Lodico

All voted Aye.

(1974-428) Councilman 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 "STOP" sign at the southeast corner on Eileen Avenue where it intersects Phillips Hill Road, New City.

Seconded by Councilman Maloney

All voted Aye.

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(1974-429) Councilman Pizzutello 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, Leo Landau 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 Clarkstown Tax Map as Map 17, Block A, Lot 13.02, and

WHEREAS, said owner has failed to comply with the violation notice numbered 73-165 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 Superintendent of Highways, or private contractors, when necessary, are hereby authorized to remove the nuisance, hazard and litter consisting of stacks of charred lumber and collapsed structures damaged by fire 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 Maloney.

All voted Aye.

(1974-430) Councilman Pizzutello 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, Randolph Barnes, 1682 Morris Ave., Bronx N Y 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 88, Block A, Lots 32 & 33, and

WHEREAS, said owner has failed to comply with the violation notice numbered 73-33 and has failed to remove such hazards;

(continued)

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(1974-430 -- continued)

NOW THEREFORE, be it

**RESOLVED**, that pursuant to Sec. 64 5-a. of the Town Law of the State of New York, the Superintendent of Highways, or private contractors, when necessary, are hereby authorized to remove the nuisance, hazard and litter consisting of remains of old burned house 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.

Secoded by Councilman Maloney.

All voted Aye.

(1974-431) Councilman Pizzutello offered the following resolution:

**RESOLVED**, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 31 of the Code of the Town of Clarkstown to rectify violation on premises owned by H & G CHASE DEVELOPMENT COMP. in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 111, Block A, Lot 28.02.

Secoded by Councilman D'Antoni.

All voted Aye.

(1974-432) Councilman Pizzutello offered the following resolution:

**RESOLVED**, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 31 of the Code of the Town of Clarkstown to rectify violation on premises owned by SALVATORE SAEVA in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 32, Block A, Lot 44.

Secoded by Councilman D'Antoni.

All voted Aye.

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(1974-433) Councilman D'Antoni offered the following resolution:

WHEREAS, the Supt. of Highways and the Building Inspector have recommended a change in the street specifications of the Town of Clarkstown to provide for WHEEL CHAIR CURB CUTS, and

WHEREAS, the Town Engineer has endorsed the changes recommended by the Supt. of Highways and the Building Inspector;

NOW THEREFORE, be it

RESOLVED, that the Street Specifications of the Town of Clarkstown shall be amended by adding on Page 23 a section entitled "WHEEL CHAIR CURB CUTS", as follows:

"Developers shall design, layout, and construct all CURB CUTS to comply with Figure 8B and 8C."

and be it

FURTHER RESOLVED, that Figures 8B and 8C are to be inserted in the Street Specifications after Figure 8A.

Seconded by Councilman Pizzutello.

All voted Aye.

(1974-434) Councilman Lodico offered the following resolution:

WHEREAS, the Town of Clarkstown has received many complaints of deteriorating concrete sidewalks, curbs, and driveway aprons, and

WHEREAS, the Town Engineer recommends revising the Street Specifications of the Town of Clarkstown, to improve the quality of construction of concrete sidewalks, curbs and driveway aprons in new subdivisions;

NOW THEREFORE, be it

RESOLVED, that the Street Specifications of the Town of Clarkstown shall be amended by replacing Figure 10 with the new design, and be it

FURTHER RESOLVED, that Page 23 of the Street Specifications of the Town of Clarkstown be replaced by new Page 23 as per schedule on file.

Seconded by Councilman Pizzutello.

All voted Aye.

**RESOLUTION #433 ADOPTED AT TOWN BOARD MEETING 5/15/74**

*Street Specs -*

**RESOLUTION AMENDING STREET SPECIFICATIONS  
OF THE TOWN OF CLARKSTOWN, ADOPTED FEB. 27,  
1961, AS AMENDED**

---

WHEREAS, the Superintendent of Highways and the Building Inspector have recommended a change in the street specifications of the Town of Clarkstown to provide for WHEEL CHAIR CURB CUTS, and

WHEREAS, the Town Engineer has endorsed the changes recommended by the Superintendent of Highways and Building Inspector;

NOW THEREFORE, be it

RESOLVED, that the Street Specifications of the Town of Clarkstown shall be amended by adding on Page 23 a section entitled WHEEL CHAIR CURB CUTS, as follows:

"Developers shall design, layout, and construct all CURB CUTS to comply with Figure 8B and 8C."

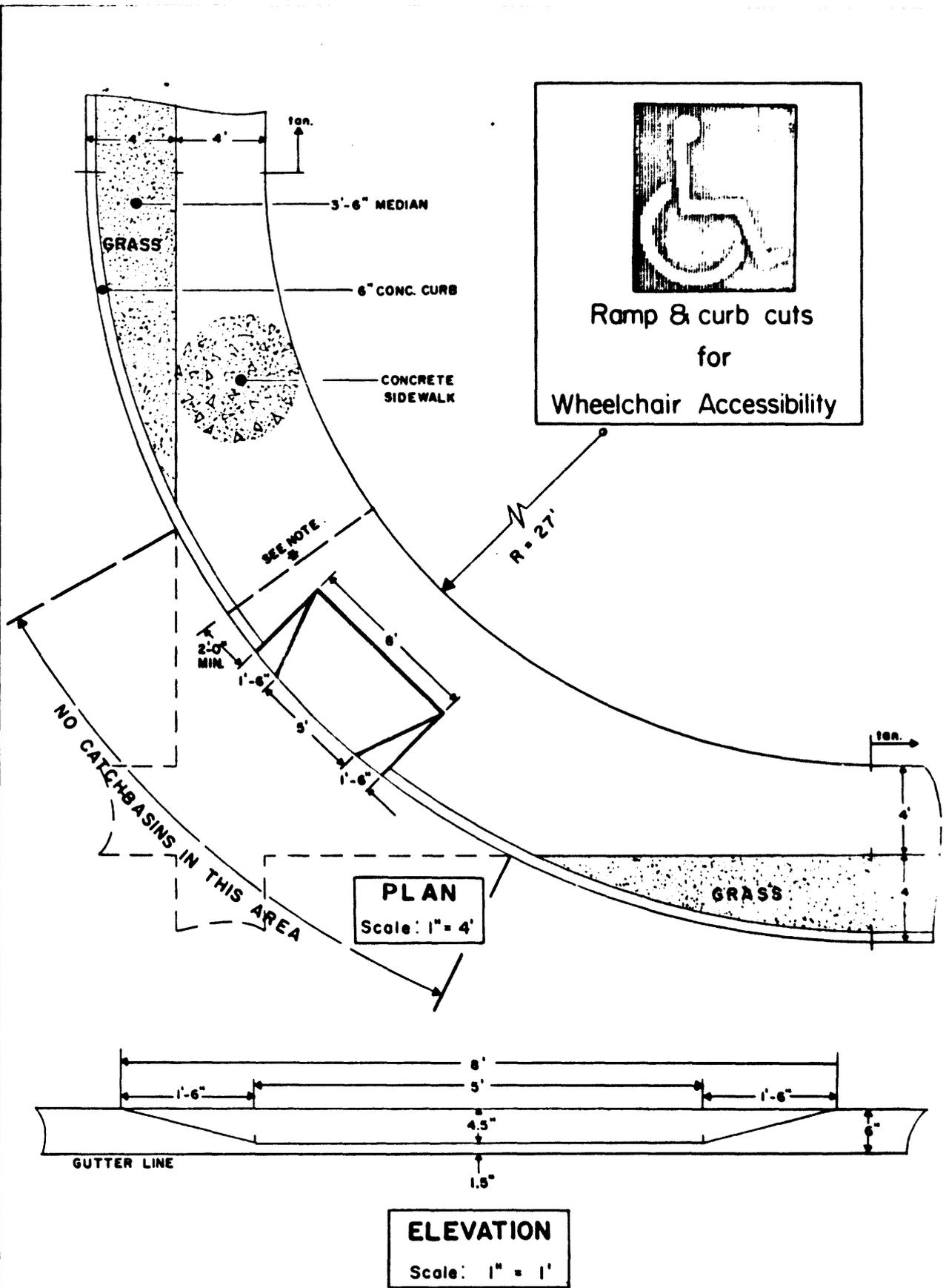
and be it

FURTHER RESOLVED, that Figures 8B and 8C are to be inserted in the Street Specifications after Figure 8A.

Dated: May 15, 1974

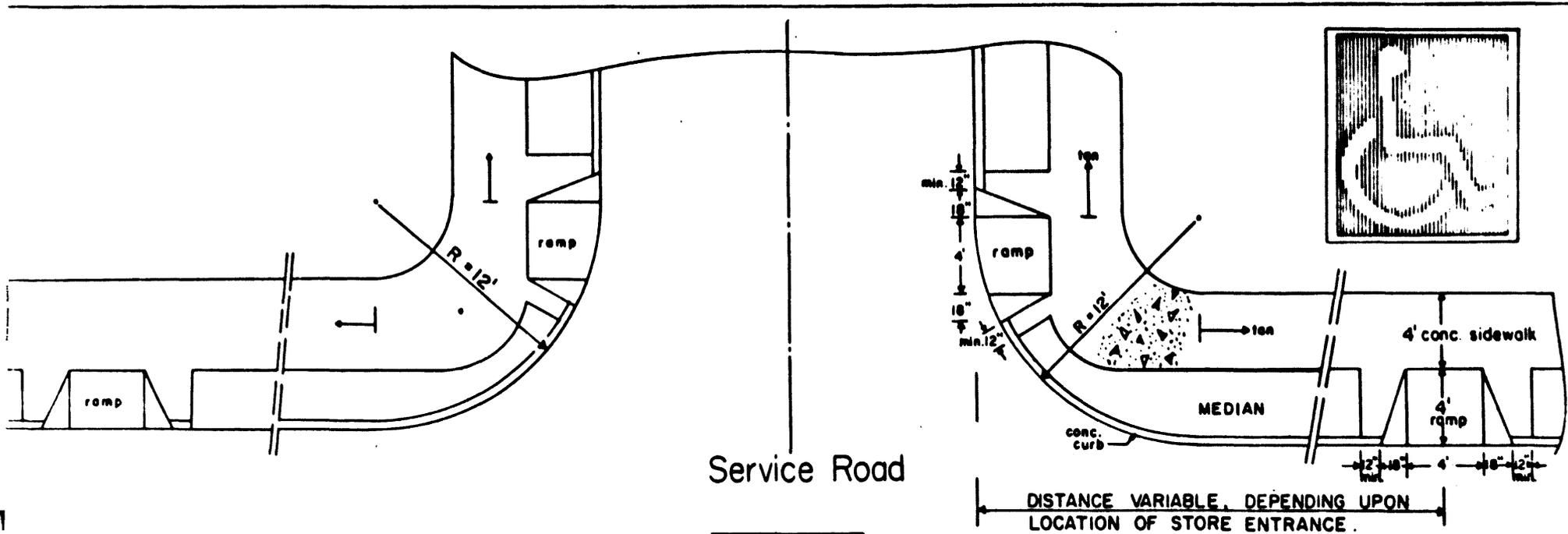
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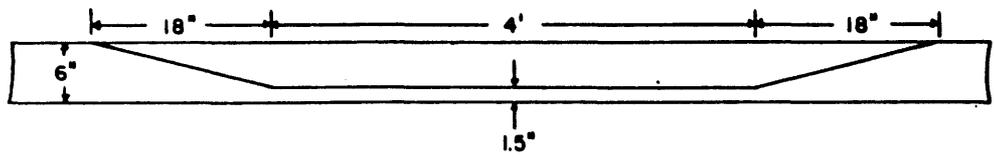


Note: \*  
 IF THE SIDEWALK DOES NOT CONTINUE AROUND THE CURVE,  
 THEN IT SHALL BE TERMINATED BEYOND THE RAMP,  
 AS SHOWN BY THE DASHED LINE.

Figure 8B



PLAN  
SCALE: 1" = 5'



ELEVATION  
SCALE: 1" = 1'

Ramp & Curb cuts  
for  
Wheelchair Accessibility

Figure 8C

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(1974-435) Councilman Maloney offered the following resolution:

WHEREAS, the Planning Board of the Town of Clarkstown has been advised that the County Highway Department requires the dedication of a road widening strip at North Middletown Road as a condition to allowing a subdivision known as JILL ESTATES to be built, and

WHEREAS, a filed note map indicates that said road widening strip is to be dedicated gratuitously to the Town of Clarkstown;

NOW THEREFORE, be it

RESOLVED, that upon dedication to the Town of Clarkstown of the roads and improvements within said JILL ESTATES, the road widening strip along North Middletown Road will be simultaneously deeded to the County of Rockland, and be it

FURTHER RESOLVED, that the Town Clerk be and she hereby is authorized, by certified copy of this resolution, to so notify the County of Rockland Highway Department.

Seconded by Councilman Pizzutello.

All voted Aye.

Proposed resolution dedicating roads in SILVER HEIGHTS ESTATES -- deferred.

Reports for the month of April 1974 received from the Office of the Building Inspector and the Zoning Board of Appeals.

(1974-436) Councilman Pizzutello offered the following resolution:

RESOLVED, that the Purchasing Director be authorized to advertise for bids for a Heavy Duty Sewer Cleaning Machine; said bids to be returnable at the Office of the Purchasing Director, Clarkstown Town Hall, New City N Y on 5/28/74 before 11AM, at which time they will be opened, and be it

FURTHER RESOLVED, that specifications can be obtained at the aforesaid office of the Purchasing Director.

Seconded by Councilman Maloney.

All voted Aye.

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(1974-437) Councilman Maloney offered the following resolution:

WHEREAS, the vehicle to be used for dog control is in need of a portable cage,

NOW THEREFORE, be it

RESOLVED, that \$400.00 be allocated for purchase of said portable cage, the funds to be taken from Federal Revenue Sharing.

Seconded by Councilman D'Antoni.

All voted Aye.

RECEIVED  
5/30/74

(1974-438) Councilman Pizzutello offered the following resolution:

RESOLVED, that the Town Board of the Town of Clarkstown hereby adopts a Bond and Capital Note Resolution authorizing the acquisition of certain land adjacent to Lake Nanuet, in the Hamlet of Nanuet, as the site of a Town Park, stating the estimated maximum cost thereof is \$325,000, appropriating said amount therefor and authorizing the issuance of \$16,250 Capital Notes to provide the required down payment, and \$308,750 Serial Bonds of said town to finance the balance of said appropriation.

Seconded by Councilman Lodico.

All voted Aye.

RECEIVED  
5/30/74

(1974-439) Councilman Pizzutello offered the following resolution:

RESOLVED, that the Town Clerk shall, within ten (10) days after the adoption of the bond and capital note resolution referred to in the form of Notice, cause to be published at least once in the "JOURNAL NEWS", a newspaper published in Nyack N Y, having a general circulation within said town, and hereby designated as the official newspaper of said town, and to be posted on the sign board of the town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a Notice in substantially the following form: (Form in file - T/C).

Seconded by Councilman Lodico.

All voted Aye.

(1974-440) Councilman Maloney offered the following resolution:

WHEREAS, a dispute exists between J. KNUTSEN & CO. and the Town of Clarkstown concerning 7.90 acres of land situate at Lake Nanuet, Nanuet N Y, and

(continued)

(1974-440 -- continued)

WHEREAS, it is the contention of the Town of Clarkstown that said property should be gratuitously conveyed to the Town of Clarkstown as provided for on a subdivision map of Clarkstown Estates, approved by the Planning Board of the Town of Clarkstown and filed by the developer in the Rockland County Clerk's Office, and

WHEREAS, J. Knutsen & Co. has refused to execute deeds conveying the aforementioned property, although same have been demanded by the Town Attorney of the Town of Clarkstown;

NOW THEREFORE, be it

RESOLVED, that the Town Attorney of the Town of Clarkstown is hereby authorized to commence an action against J. Knutsen & Co. and any other parties in interest in order to obtain a judgment decreeing the conveyance of the aforesaid property to the Town of Clarkstown.

Seconded by Councilman D'Antoni.

On roll call the vote was as follows:

AYES: Councilmen D'Antoni, Maloney, Superv. Gerber  
ABSTENTIONS: Councilmen Lodice, Pizzistelle.

MOTION CARRIED

(1974-441) Councilman D'Antoni offered the following resolution:

WHEREAS, a certain car used daily by the Town of Clarkstown Highway Department has suddenly become disabled and beyond repair, causing a serious emergency affecting the operation of the said Highway Department in its service to the residents of the Town of Clarkstown, and

WHEREAS, provision is made for the remedy of such emergencies in Sec. 103, subpar. 4 of the General Municipal Law;

NOW THEREFORE, be it

RESOLVED, that the Town of Clarkstown shall purchase one Plymouth Valiant from Rockland Chrysler Plymouth Inc., 60 Route 304, Nanuet, N Y for the sum of \$3,137.45, including trade-in, and be it

FURTHER RESOLVED, that the sum of \$3,137.45 shall be appropriated from Highway Department Account, Item 3.

Seconded by Councilman Lodice.

All voted Aye.

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(1974-442) Councilman Lodico offered the following resolution:

**RESOLVED**, by the Town Board of the Town of Clarkstown, that Robert H. Bowman, Building Inspector be, and hereby is authorized to dispose of record item numbers 71 thru 117 on Local Records Disposition Request List Number 272-TC-14 issued pursuant to Part 185, Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York, Regulations of the Commissioner of Education, and be it

**FURTHER RESOLVED**, that the Clerk of this Board be and hereby is directed to furnish a certified copy of this resolution to Robert H. Bowman Building Inspector to be forwarded to the Commissioner of Education.

Seconded by Councilman D'Antoni.

All voted Aye.

(1974-443) Councilman Maloney offered the following resolution:

**RESOLVED**, that John Horan, Pineview Ave., Bardonia, New York is hereby appointed to the Narcotics Guidance Council, to serve a term commencing May 15, 1974 and terminating 5/14/76, without compensation.

Seconded by Councilman Pizzutello.

All voted Aye.

(1974-444) Councilman Maloney offered the following resolution:

**RESOLVED**, that Ms. Yolanda Kelley, Terrace Ave., Nanuet N Y is hereby appointed to the Narcotics Guidance Council, to serve a term commencing May 15, 1974 and terminating 5/14/76, without compensation.

Seconded by Councilman Pizzutello.

All voted Aye.

(1974-445) Councilman Lodico offered the following resolution:

**RESOLVED**, that the position of Secretary - Part-time to the Board of Commissioners be created, and be it

**FURTHER RESOLVED**, that the Supervisor execute the proper forms to have the said position classified by the Rockland County Personnel Office.

Seconded by Councilman Maloney.

All voted Aye.

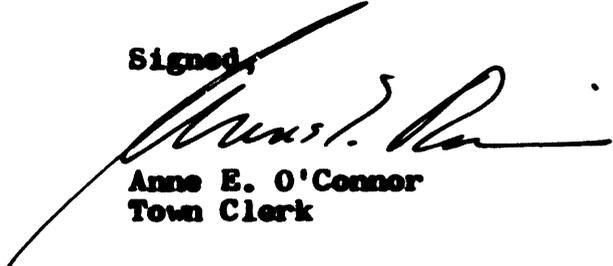
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Councilman Lodico publicly took exception to remark made by Mr. Russell Alberding, President of the Board of Education, Clarkstown schools, who stated that increased school budget was caused by the Town Board, further stating that school dollars should be spent on better educating our children. Supervisor Gerber added that there are parts of five school districts in the town; only one Town Board. Councilman D'Antoni, also taking exception, stated that they meet with all school boards periodically, and have for some time, and that Mr. Alberding has had nothing but cooperation from this Town Board.

Ms. Carmela Castaldo, 4 Cranford Road, Bardonia, N Y, appeared before the Town Board presenting petition containing 827 names 'to obtain speed limit of 35 m.p.h. on Route 304 between Congers Road and West Nyack Road'. She stated that there were, between March 2nd and May 4th, 1974, a total of 37 accidents in this area. Petition given to the Supervisor, who stated that he would see that copies go to the Department of Transportation and to the Assemblymen and State Senators.

On resolution offered by Councilman Lodico, seconded by Councilman Maloney, and unanimously adopted, Town Board meeting was adjourned until Wednesday, May 22, 1974 at 8:00 PM, at which time scheduled public hearings will be held in the Board Room of the Town Hall.

Signed,



Anne E. O'Connor  
Town Clerk