

PUBLIC HEARING

Town Hall

7/17/74

8:00 PM

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

RE: PROPOSED AMENDMENTS TO THE ZONING ORDINANCE
CHAPTER 106 OF THE CODE: (SMOKE, VIBRATION, ETC.):

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 subject to conditions below:

Modifications or Conditions: (1) Amend Sec. 106-20E--unclear since bulk tables for certain districts (LS & CS) do not always require side yards. (2) Amend Table of General Use Regulations Section 106-10A Table 8--the entire proposal is ADVERSE. Accessory storage and loading berths which are not enclosed should not be a use permitted by right. The proposed exempt uses (garden supplies, etc.) are very general and need clarification. If the town wishes to allow open storage, it should be by special permit under restrictive conditions to protect the health and welfare of Clarkstown residents."

CLARKSTOWN PLANNING BOARD: '..in agreement with all corrected proposals except as noted below:

"106-20E exceptions:" it is suggested that minimum yard requirements be reduced in direct proportion to the lower bulk available in the pre-existing small lots covered by this section.

"106-20F (3) pre-existing lots be "deemed conforming": recognizing the administrative relief of such amendment it is felt that the jurisdiction of the Planning Board for proper review of such lots could be impaired.

"106-21" - permitted accessory parking, A. residential district:" in subsection (3) replace the word mobile home by "recreation vehicle." In the same, add a subsection (4) "No off-street parking space rental may be permitted within any side or rear yard in any residential district." Also add (5) "under no circumstances may any materials be stored in a required front or side yard."

Under "B. non residential districts" add subsection (2) "off-street parking shall not be permitted within a required front yard nor within 10 feet of any side or rear lot line."

"Table of General Use Regulations - 106-10A tables 8 through 13: "eliminate the proposed additions in LO, PO and RS Districts. Accept the addition in CS, RS and MRS Districts, but the wording be completed to read "except garden supplies, lumber, building and masonry materials located behind permanent positive visual screening."

(PROP. AMENDMENT TO ZO (CHAPTER 106 - SMOKE ETC.): --cont.

ROBERT H. BOWMAN, Building Inspector, appeared before the Town Board and outlined proposed changes; amendments would be as follows:

Amend Section 106-12F (3) to read as follows:

- (3) Smoke. No emission at any point, from any chimney or otherwise, of visible grey smoke of a shade darker than No. 1 on the Ringelmann Smoke Chart as published by the U. S. Dept. of the Interior, Bureau of Mines Information Circular 8333, May 1967, except that visible grey smoke of a shade not darker than No. 2 on said chart may be emitted for not more than four (4) minutes in any thirty (30) minutes. These provisions, applicable to visible grey smoke, shall also apply to visible smoke of a different color but with an equivalent apparent opacity.

Amend Section 106-12G (1) to read as follows:

- (1) Vibration. No vibration at any time shall produce an acceleration of more than one tenth (0.1) g. or shall result in any combination of amplitudes and frequencies beyond the safe range of U. S. Dept. of the Interior, Bureau of Mines, Bulletin No. 656, Blasting Vibrations and Their Effects on Structures, 1971. The methods and equations of such Bulletin No. 656 shall be used to compute all values for the enforcement of this section.

Amend Section 106-12 H (2) to read as follows:

- (a) At the specified points or measurement the sound pressure level of noise radiated continuously from an establishment at nighttime shall not exceed the values given in Subsection H(2)(b) in any octave band of frequency. The sound pressure level shall be measured

with a sound level meter and an octave-band analyzer that conform to specifications published by the American National Standards Institute Inc. Specifications for Sound Level Meters ANSI S1.4-1971 New York, New York 10018 and American National Standard Specification For Octave, Half-Octave, and Third-Octave band filter sets for the analysis of noise and other sounds, ANSI S1-11 (R-1966) shall be used.

Amend Section 106-12 H (3) to read as follows:

- (3) Odors. No emission of odorous gases or other odorous matter in such quantities as to be offensive at the specified points of measurement. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. There is hereby established as a guide in determining such quantities of offensive odors, Part I - Odor Thresholds for 53 Commercial Chemicals, available from Manufacturing Chemists' Association, Inc., Washington, D. C. 20009.

Amend Section 106-13 C to read as follows:

- C. Near Parkway and Thruway. No sign with over ten (10) square feet of sign area shall be located so as to be visible from the Palisades Interstate Parkway, unless such sign is at least five hundred (500) feet from the Parkway right-of-way. Within six hundred sixty (660) feet of the right-of-way of New York Thruway, all signs must have the permission of the Thruway Authority. The length of common lot line with the Thruway shall be counted as street frontage to calculate the number and sizes of signs permitted facing the Thruway.

Amend Section 106-20 E to read as follows:

- E. Small lots in LO, PO, LS, CS, RS, LIO, M. A lot in LO, PO, LS, CS, RS, LIO and M, owned individually and separately and separated from any adjoining tracts of land prior to June 13, 1967, whose lot width is less than the minimum requirements set forth in the Bulk Table, shall be developed in conformance with the use regulations and all other bulk regulations except that the total width of both required side yards may be reduced one (1) foot for each foot the lot width is less than one hundred (100) feet, provided no required side yard may be less than ten (10) feet.

Amend Section 106-20 F by adding the following sub-paragraph thereto:

- (3) Small lots in residential districts owned individually and separately, and separated from any adjoining tract of land, on the date of this amendment, whose lot area is less than the minimum requirements set forth in the bulk table, but meets all other bulk regulations, shall be deemed conforming.

Amend Section 106-21 by deleting in its entirety and substituting the following:

A. Residential Districts

Off-street parking spaces open and enclosed are permitted accessory to any residential use, provided that:

- (1) There shall be no limitation on the number of agricultural vehicles permitted accessory to an agricultural use.
- (2) One currently registered commercial vehicle, not exceeding 4000 lbs. gross weight, may be permitted to park in an open parking space, adequately screened, in a residential zone provided that such parking will not be in the required front or rear yard, or within 10 feet of a side lot line.
- (3) One currently registered unoccupied trailer or mobile home, boat, or utility trailer may be permitted to park in an open parking space, adequately screened, in a residential zone, provided that such parking will not be in the required front or rear yard or within 20 feet of a side lot line or building.

B. Non-Residential Districts

- (1) There shall be no limitation on the number of agricultural vehicles permitted accessory to an agricultural use.

Amend Section 106-31 B (1) by deleting in its entirety and substituting the following:

- (1) Fees.
 - (a) Application to the Board of Appeals for a variance shall be accompanied by a fee of \$50.00 if such application is in a residential

district, or a fee of \$150.00 if in any other district plus postal charges to help defray the cost of notice of public hearing.

(b) Application to the Board of Appeals for a Special Permit in any district shall be accompanied by a fee of \$150.00 plus postal charges to help defray the cost of notice of public hearing.

(c) Application to the Board of Appeals for uses subject to performance standards shall be as set forth in subdivision C (b).

Amend Table of General Bulk Regulations - Table 16 as follows:

Section should read 106-10B instead of 3.12.

L10 District - Group LL, Column 8 to read:

(See Notes No. 4, 5)

Amend Table of General Use Regulations, Section 106-10A, Table 8, LO District; Table 9, PO District; Table 10, LS District; Table 11, CS District; Table 12, RS District; Table 13, MRS District; Column 8, Item 7 as follows:

7. All uses, accessory storage and loading berths shall be within completely enclosed buildings, except garden supplies, lumber, building and masonry materials.

Councilman Lodico, re Sec. 106-21, stated that many of our homes have driveways that are side by side; sometimes they are only two cars width. This, he stated, makes it hard for someone to park trailer or other vehicle further than ten feet away from the property line. This might create a technical point on those people who have common driveways.

He inquired if it would be possible to include in the site provision something that would give temporary relief to commercial establishments who may have a six-story building and big commercial area and are only allowed to advertise on 2x3' sign. Could this, by permit for temporary amount of time, be allowed to use bigger sign? Would this, he inquired, always be a variance thing? Could this be by right?

Mr. Bowman replied that that would have to be a separate amendment to the zoning ordinance. It could not be added at this time because it was not published. It would require another hearing.

There were no further questions from the members of the Town Board.

PH - PROP. AMENDM TO ZO (SMOKE, ETC.)
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106-12F(3) SMOKE: No one for or against.

106-12G(1) VIBRATION: No one for or against.

106-12H(2) NOISE: No one for or against.

106-12H(3) ODORS: No one for or against.

106-13C: SIGNS ADJACENT TO PIP & THRUWAY: In response to question by Mr. Kimbark, Building Inspector stated that height of sign is regulated by Thruway authorities; 20' maximum height in Town ordinance.

106-20(E) SMALL LOTS (SIDE YARDS): No one for or against

106-20(F) SMALL LOTS (INDIV. & SEPARATELY OWNED): No one for or against.

106-21 OFFSTREET PARKING IN RESIDE. AREAS:

Building Inspector defined adequate screening as 4 to 6' high evergreens as stated in ordinance. Re gross weight of 4000 lbs for commercial vehicles - vans usually 3800 lbs - discriminatory. Building Inspector replied that we are not talking about people on the job, we are talking about storing vehicle at your home. Horse trailers would be considered utility trailers. If ordinance cannot be complied with; variance would have to be sought. Space could not be rented by owner; no provision for parking of commercial vehicles in residential district in the past.

106-31(B) (1) FEES: No one for or against

106-10(B) TABLE 16 OF BULK REGULATIONS: No one for or against.

106-10A TABLE OF GENERAL USE REGULATIONS:

OPPOSED: Ms. E. Mayer, 11 Benson Avenue, West Nyack. Garden Supplies, Lumber, Building and Masonry Materials should NOT be allowed to be left in the open.

IN FAVOR: Mr. Frederick Busch, Bardonia: Stated that certain types of businesses must have open displays of their wares, such as trees, shrubs, plants and garden supplies. Consider certain outdoor displays, with whatever restrictions you may wish to place on them, to increase commercial and industrial development in the town.

OPPOSED: Mr. George McKenna. Opposes changes in LO Dist. Would change character of area. (Changes in LO Dist.) Re green and growing things having to be outside, if owner can show that these will not look bad, he could get variance. This amendment too sweeping. Opposes in all areas, but especially in LO area.

IN FAVOR: Mr. Charles Partridge, (proposed member of the newly formed Industrial & Development Commission): It is about time we listened to these businessmen.

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AMENDM. TO ZO - CHAP 106 - SMOKE, ETC.)

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IN FAVOR: Mr. Donald Tracy stated that a lot of ~~land that could be used for~~ commercial purposes has been sterilized. How many LO uses have been developed? Prentice-Hall and St. Regis is all we have. LO zone as presently stands, is not going to be developed.

Re outdoor storage, it is presently permitted only in RS and MRS. Where are these zones located. Most of them are in hamlet centers where you have large shopping centers, etc. Person who has a lumber yard or brick yard or machinery supply business or garden supply business really cannot afford to be situated in hamlet center commercial ratables. There needs to be a provision in this town where a person can store lumber which is traditionally stored outside; and brick, concrete forms, etc. This cannot be done at present, only in commercial areas, hamlet centers and Route 59.

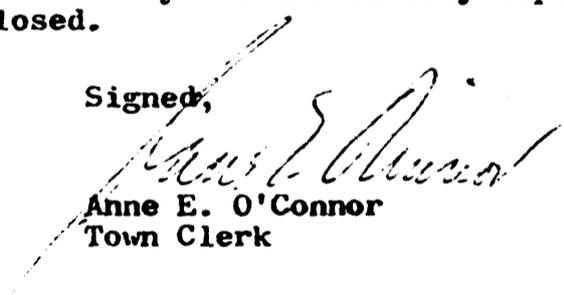
IN FAVOR: John Cummings, Congers (Feed Store): Garden and feed products must be displayed to be sold.

IN FAVOR: Mr. Emil Parrietti, Germonds, Road, New City:

Represents one of the trade unions in the county. We are now struggling to get work. Members of many unions use stone yards to make their living. If we can get lumber yards with proper screening in proper places, I am all in favor of it.

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

Signed,


Anne E. O'Connor
Town Clerk

PUBLIC HEARING

Town Hall

7/17/74

8:15 PM

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

RE: PROPOSED AMENDMENTS TO THE ZONING ORDINANCE (FUNERAL 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: Disapproves. The Board finds that funeral homes will be encouraged in residential zones.

TOWN: That an all new Table of Bulk Regulations for Special Permit Uses of Funeral Homes (Code Sec. 106-10D) dated 5/17/74) and corresponding Table of Use Regulations for Special Permit Uses (Code 106-10C, of 5/17/74), all as noted and modified by Town Planner's Office 5/21/74, attached to the subject recommendation, be incorporated officially to the zoning ordinance of the Town of Clarkstown). (See Table of Bulk Regulations for Special Permit Uses (All New); Table of General Use Regulations (For use of table see Parl 106-11); and Table of Use Regulations for Special Permit Uses as prepared by the Town Planner).

Proposed amendments are as follows:

Amend Section 106-16 by adding a new sub-paragraph as follows:

P. FUNERAL HOMES, subject to the following conditions:

(1) Bulk Regulations

- (a) Minimum lot size 60,000 square feet.
- (b) Minimum lot line on a Major or Secondary Road, 200 feet.
- (c) Maximum land coverage, 70%.
- (d) Building Height - maximum building height- 25 feet.
- (e) Yard setbacks.

	<u>Road Classification</u>		
	Major (feet)	Secondary (feet)	Collector/Local (feet)
Front	30	20	50

(setbacks listed below are determined by the zoning, permitted use by right, or special permit of adjacent properties)

	<u>District Classification</u>	
	Residential (feet)	Commercial (feet)
Side Yard	60	0
Rear Yard	100	20

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 AMEND ZO - FUNERAL HOMES

(2) Permitted Accessory Uses

- (a) Single family or semi-attached residence, provided that it is occupied by the owner, manager or employees of the establishment.
- (b) Private garage.

(3) Parking and Driveways

- (a) Two spaces per 100 square feet of gross chapel area, plus one space per employee, full or part time and plus two spaces per residence.
- (b) All parking spaces shall be a minimum of 10 feet X 20 feet and no spaces shall be within ten (10) feet of a property line. No parking spaces shall be permitted in the front yard area.
- (c) Driveways shall not be located within 60 feet from any street intersection and within 30 feet of any property line. The width of driveways shall not be less than 20 feet for one-way traffic and not less than 24 feet for two-way traffic, except for an access driveway (connecting with a road) which shall be at least 30 feet wide.

(4) Other Applicable Regulations and Conflicts.

Prior to granting any special permit use, the Board of Appeals shall ensure that the application and site plan complies with all other applicable regulations, ordinances, and local laws. Whenever there is any conflict, the Board shall ensure that the most restrictive regulation, ordinance of local law will prevail.

Amend Section 106-10A, Table of General Use Regulations, as follows:

Table 3, R-22 District; Table 4, R-15 District; Table 6, RG-1 District; Table 7, RG-2 District; Column 3, Add item A.11. as follows:

- A. 11. Funeral homes, subject to all the conditions of Sec. 106-16P.

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 AMEND ZO - FUNERAL HOMES

Table 5, R-10 District, Column 3, add item A. 8. as follows:

- A. 8. Funeral homes, subject to all the conditions of Sec. 106-16P.

Table 9, PO District, Column 3, delete A. 5. in its entirety and substitute the following:

- A. 5. Funeral homes, subject to all the conditions of Sec. 106-16P.

Table 10, LS District; Table 11, CS District; Table 12, RS District; Column 2, item 7 to read as follows:

7. Other retail stores and service establishments, such as banks, package liquor stores and personal service shops dealing directly with consumers (such as barbers and beauty parlors, tailor shops, pet shops, photographic studios and restaurants, tearooms, taverns and outdoor cafes); ~~except that drive-in restaurants shall be located only along major roads as classified on the Official Map (See Sec. 106-4). (Amended 2-16-72).~~

Table 10, LS District; Table 11, CS District; Table 12, RS District; Column 3, add item A. 5. as follows:

- A. 5. Funeral homes, subject to all the conditions of Sec. 106-16P.

IN FAVOR: No one appeared

OPPOSED:

Mr. George Ferrett, 12 Baldwin Place, New City N Y: . Ascertained that there are four funeral homes in the town. He stated that back to May 7th, the Planning Board had issue of downzoning on Kings Highway and 304 for funeral home. He submitted that this is attempt to get around the Planning Board making an issue of that. This downzone was for Seifried property.

Supervisor informed him that Seifried scheduled for 8/14/74 hearing; they would still have to apply for Special Permit.

Mr. Ferrett continued that he would not like funeral home coming right next door to where he lives. It would have affect on his property values and would be danger to his children. Do not allow funeral homes in residential areas.

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AMEND ZO - FUNERAL HOMES

Supervisor Gerber: Subject of this hearing is to change zoning regulations of the town. It is not the subject of any specific change which may come before the Town Board at some future date.

Mr. Ferrett inquired if procession would be allowed on to 304; he was informed that they are allowed now to go on all streets.

OPPOSED: Ms. Maryann Ketchum, 16 Baldwin Place, New City:

Why did you decide to make this change? I understand that over the period of the last year, there have been several requests for downzoning for funeral parlors. Congers, West Nyack and New City. Many people have objected to funeral parlors being brought in residential areas. Why are you trying to make this legal? How will this zoning benefit the town?

Building Inspector: Purpose was to set up certain basic requirements. If you go into residential district, standards have to be set up. If they want to eliminate in residential and remain in commercial, we would update present commercial provisions re parking, etc.

OPPOSED: Mr. Martin Bernstein, New City:

I don't think that a funeral home belongs in a residential area with any restrictions. I think of Higgins - when they have funerals and wakes, amount of traffic generalized makes many believe that it does not belong in heavy residential area. zoning should be changed for funeral homes. Restrictions that we have may not be proper. Commercial developments want to go into areas that are better placed rather than loosely zoned. In this case, if proposal is to open the door to go into residential area with Special Permit - NO. But if purpose is to put more restrictions in it to be a new zone; then I would be for it.

OPPOSED: Mr. Fink, Baldwin Place, New City: Does not want funeral homes in residential areas. At whose urging was this change proposed? Answer: It would be worked on by the Town Planner and Building Inspector and other agencies.

OPPOSED: Mr. George McKenna: Would be burden to show benefit to town of this proposal. It would have to be foremost in the minds of anyone who proposed the change. Can it be shown that such change allowing funeral homes in residential area will benefit the people of the town?

OPPOSED: Resident, 20 Arlene Court, New City: Funeral Homes belong in commercial areas. (Building Inspector said that personally he does not believe funeral homes belong in a residential area.)

OPPOSED: Mr. Richard Ketchum, 16 Baldwin Place, New City: Funeral homes do not belong in R-15 and R-22. Find out who brought this up and for what Purpose before we discuss it any further.

Mr. Theodore Zollendeck, Town Planner: We want to upgrade some of the standards re lot sizes, parking, etc. Four

(cont)

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 AMEND ZO - FUNERAL HOMES

(Mr. T. Zollendeck, Town Planner - cont)

funeral homes exist in commercial districts. 50,000 square feet not readily available in commercial areas. We proposed that consideration of residential districts be considered.

Mr. Rudy Yacyshyn, Chairman of the Clarkstown Planning Board:

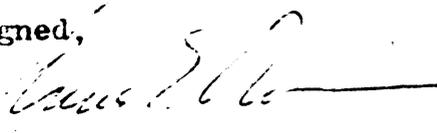
If zone change granted the use out of necessity means that the owner has the right to build in that zoning district confine. He does not have to put up a funeral home. Therefore, any assurances anyone would give that a funeral home would be built in certain specific zone and it cannot be developed would mean that they could proceed to develop a use in that zone, retail store, etc. We felt that on this subject, that it was really opening up areas that would not lend themselves to a transition, but in effect, put up commercial development where it does not belong.

OPPOSED: Ms. Marylyn Sterns, West Nyack: Don't chip away from our residential areas.

OPPOSED: Resident, 7 Kings Highway, New City: No funeral homes in residential areas.

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

Signed,


 Anne E. O'Connor
 Town Clerk

Public Hearing scheduled for 8:30 this evening
(Revocation of Peddling & Hawking license of Arthur Claxton
was adjourned until August 8th, 1974 at 8:30 PM at the request
of Gerard Damiani, his attorney) -- See Resolution #614 adopted
 this evening - T/C)

PUBLIC HEARING

Town Hall

7/17/74

8:45 PM

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

RE: PROPOSED ROAD IMPROVEMENT DISTRICT TO INCLUDE RANDY LANE,
BLUE WILLOW DRIVE AND CENTRAL AVENUE, NEW CITY N Y:

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

Town Attorney stated that this is proposal for improvement of streets mentioned above. If Town Board approves, they would sell bond for a term of 15 years. Process would be used to improve roads. Home-owners fronting on said streets would be assessed for this improvement. They could pay in one lump sum, or 14-15 installments, depending on time to make improvements. Front footage would be divided into the \$65,000. cost.

Town Attorney gave information as to their proposed assessments to several in audience who request same from table delineating costs for each homeowner.

He informed the public that assessment would be made only on front footage, not on valuation of home. Everyone on roads would be included if Board decides to go ahead with this improvement. Everyone will share in the cost.

Town Engineer stated re possible revision of engineering study, that he has breakdown of costs. What he has done is estimate to the best of their ability what the cost would be doing the job the right way. Re reducing cost, no one would be happy with the results.

Workshop session will be held re footage to be assessed at various locations. Each individual listed on Special Assessment Roll will be notified prior to the adoption of the proposed road improvement district.

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

Signed,

Anne E. O'Connor
Anne E. O'Connor
Town Clerk

TOWN BOARD MEETING

Town Hall

7/17/74

8:00 PM

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

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

Messrs. Charles McMahon, Deputy Industrial Commissioner of the State of New York, and Michael Woods, Deputy Commissioner of Commerce of the State of New York appeared before the Town Board and were introduced by Councilman Lodico, who made the following statement:

Residents of the town, as a bedroom community, cannot survive in view of ever-increasing taxes. The Industrial & Development Commission was created this year to offset the cost of government to the public. The two gentlemen appearing here this evening would be instrumental in helping to get industry for the township. Industry brought into the town would create jobs for now and the future.

Councilman Lodico then introduced members of the community who will be representing the taxpayers on said commission as follows:

Mr. Arthur DiRocco, Public Accountant,
Mr. Charles Partridge, Real Estate Broker
Mr. Allan Yassky, Real Estate
Mr. Edward Blanke, Orange & Rockland (Industrial)
Mr. Theodore Zollendeck, Town Planner,
Mr. Morris Herbstein, Nanuet School Board,
Mr. Jerry Mullane, CCSD #1 School Board,
Mr. Charles Garson, Nyack School Board,
Mr. John Jourdan, Member of public at large,
Mr. Thomas Apostle, Public Relations and Advertising,
Mr. Henry Rudolph, Professional Engineer.

(1974-583) Co. D'Antoni offered the following resolution:

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

Seconded by Co. Maloney.

All voted Aye.

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(1974-584) Co. Lodico offered the following resolution:

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

Seconded by Co. Pizzutello. All voted Aye

(1974-585) Co. D'Antoni offered the following resolution:

RESOLVED, that the minutes of the Town Board
meeting held on July 10, 1974, are hereby adopted and
accepted as submitted by the Town Clerk.

Seconded by Co. Maloney. All voted Aye.

(1974-586) Co. Lodico offered the following resolution:

WHEREAS, there is a vacancy in the position
of Assistant Accountant - Town Comptroller's Office,
and

WHEREAS, the Rockland County Personnel
Office has furnished Certification of Eligibles
#72109 and #73176 Assistant Accountant which
contains the name of VERA EDELMAN,

NOW THEREFORE, be it

RESOLVED, that VERA EDELMAN, 5 Harriet La.,
Spring Valley N Y is hereby appointed to the position
of Assistant Accountant - Town Comptroller's Office,
at the Annual Salary for 1974 of \$10,284.00, effective
August 5, 1974.

Seconded by Co. Pizzutello. All voted Aye.

(1974-587) Co. Pizzutello offered the following resolution:

RESOLVED, that ROBERT BACHELLER, 68 South
Harrison Avenue, Congers N Y is hereby appointed
a member of the Historical Review Board, at the
annual salary for 1974 of \$100.00, effective
immediately.

Seconded by Co. Maloney. All voted Aye.

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(1974-588) Co. Lodico offered the following resolution:

WHEREAS, due to an injury to one of the laborers at the Sanitary Landfill there is a temporary vacancy,

NOW THEREFORE, be it

RESOLVED, that GERALD E. KAIN, 15 Lyncrest Avenue, New City N Y is hereby appointed to fill that vacancy on a temporary 30-day basis at \$3.58 per hour, retroactive to July 16, 1974.

Seconded by Co. Pizzutello.

All voted Aye.

(1974-589) Co. Lodico offered the following resolution:

RESOLVED, that EUGENE QUAGLIA, residing at 2 Brookside Drive, Nanuet N Y is hereby appointed a member of the Zoning Board of Appeals, term to commence immediately and expire on June 18, 1979, at an annual salary of \$750.00

Seconded by Co. Maloney.

All voted Aye.

(1974-590) Co. D'Antoni offered the following resolution:

RESOLVED, that RICHARD GARDNER, residing at Freedman Avenue, Nanuet N Y, is hereby appointed Chairman of the Zoning Board of Appeals of the Town of Clarkstown to commence immediately and expire on June 18, 1975, at an annual salary of \$1,000.00

Seconded by Co. Pizzutello

On roll call the vote was as follows:

AYES: Co. D'Antoni, Pizzutello, Supervisor Gerber
ABSTENTIONS: Co. Lodico, Maloney

MOTION CARRIED

(1974-591) Co. Maloney offered the following resolution:

RESOLVED, that PETER J. MASCIOLO residing at Valley Road, Valley Cottage N Y, is hereby appointed a member of the Zoning Board of Appeals, term to commence immediately and expire on June 18, 1977, at an annual salary of \$750.00

Seconded by Co. Lodico

All voted Aye

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(1974-592) Co. D'Antoni offered the following resolution:

RESOLVED, that Ila Weeks is hereby appointed to the position of member of the Traffic and Traffic Fire Safety Advisory Board to fill the unexpired term of R. Monholland, effective immediately.

Seconded by Co. Pizzutello.

All voted Aye.

(1974-593) Co. Maloney offered the following resolution:

WHEREAS, William A. Yuda, on behalf of William Fassler, has made written application for the use of Town Law Sec. 281 in connection with subdivision known as FASSLER PROPERTY SD12OH1504 Central Nyack, and

WHEREAS, the Planning Board of the Town of Clarkstown recommends the approval of the use of Town Law 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 of Clarkstown if Town Law 281 is used in this subdivision for the reasons that it will provide:

- a. Proper emergency vehicle access to all lots.
- b. For future vehicular access to the proposed Buttermilk Falls County Park.
- c. For pedestrian use of the bed of Buttermilk Falls Brook;

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 this subdivision.

Seconded by Co. D'Antoni.

All voted Aye.

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(1974-594) Co. Maloney offered the following resolution:

WHEREAS, William A. Yuda, on behalf of Henry Frydman has made written application for the use of Town Law Sec.281 in connection with subdivision known as SAW MILL PARK SD24A6, New City, and

WHEREAS, the Planning Board of the Town of Clarkstown recommends the approval of the use of Town Law 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 of Clarkstown if Town Law 281 is used in this subdivision for the reasons that it will improve:

- a. Traffic safety
- b. Compatibility of lot sizes

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 this subdivision.

Seconded by Co. D'Antoni.

All voted Aye.

(1974-595) Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Town Engineer, the Town Board of the Town of Clarkstown hereby accepts proposals from Orange & Rockland Utilities, Inc. for street lighting at the following locations:

Aberdeen Drive
Eberling Drive
Sickletown Road
Ash Road

money to come from Light Pole Account.

Seconded by Co. Lodico.

All voted Aye

(1974-596) Co. D'Antoni offered the following resolution:

WHEREAS, the Superintendent of Highways of the Town of Clarkstown needs to purchase on an emergency basis a supply of pipe for various road and drainage projects within the Town of Clarkstown, and

WHEREAS, the present supplier of pipe to the town has notified the Supt. of Highways that he cannot supply said pipe at the bid price previously accepted by the town, and

WHEREAS, the Town Attorney's Office is in consultation with the Department of Audit and Control concerning clarification of recently enacted legislation having to do with price increases on public contracts;

NOW THEREFORE, be it

RESOLVED, that the Supt. of Highways is hereby authorized, pursuant to the emergency provisions of Sec. 103 of the General Municipal Law, to purchase without public bidding all piping necessary for the present on-going construction projects in the town pending clarification by the Department of Audit and Control of the recently enacted pricing legislation.

Seconded by Co. Lodico.

All voted Aye.

(1974-597) Co. Maloney offered the following resolution:

RESOLVED, that Ted Zollendeck, Town Planner of the Town of Clarkstown, is hereby authorized to attend the American Institute of Planners' Convention in Denver, Colorado, from October 26th to 30th, 1974, and be it

FURTHER RESOLVED, that all proper charges not to exceed \$450.00 be charged against Budget Item No. B8025, Line 414.

Seconded by Co. Pizzutello.

All voted Aye.

Considerable discussion was had between the Town Board, Members of the Clarkstown School Board and members of the audience residing in the area re use of Town Law, Sec. 281 in connection with subdivision known as ~~SAYMOR~~ SAYMOR ESTATES.

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Councilman Lodico made a motion that proposal for Inwood be accepted; that Town Planning Board be granted 281 as requested. There being no second, motion was not entertained.

(1974-598) Co. Maloney offered the following resolution:

WHEREAS, Mrs. Bella Fisher, 254 North Main St., Spring Valley N Y has made written application for the use of Town Law, Sec. 281 in connection with subdivision known as SAYMOR ESTATES, and

WHEREAS, the Planning Board of the Town of Clarkstown recommends the approval of the use of Town Law 281 in connection with this subdivision;

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 this subdivision, subject to the following conditions;

1. That INWOOD DRIVE not be expended to DEMAREST MILL ROAD as a through street, but instead the Town be provided with a fifty (50) foot right-of-way to Demarest Mill Road;

2. That said fifty (50) foot right-of-way is to be improved as an emergency exit and walkway from the last lot in the development to Demarest Mill Road, and that said emergency access and walkway is to be constructed to specifications provided by the Town Engineer;

3. That said walkway and emergency exit is to be constructed across the brook on a culvert which shall not exceed fifteen (15) feet in width;

4. That said emergency exit and walkway shall be fenced on both sides for the whole length with a chain link fence and two (2) posts and chains shall be constructed on either end of said walkway to prevent its use by vehicles, except in an emergency.

5. That no driveways or other accesses from subdivision lots shall be constructed to said emergency access and walkway.

Seconded by Co. D'Antoni

On roll call the vote was as follows:

AYES: Co. D'Antoni, Maloney, Pizzutello,
Supervisor Gerber

NOES: Co. Lodico.

MOTION CARRIED

(1974-599) Co. D'Antoni offered the following resolution:

WHEREAS, a claim has been made against the Town of Clarkstown entitled:

In the Matter of the Claim of

THOMAS J. LEYDEN, JR.,
-against-
TOWN OF CLARKSTOWN:

and

WHEREAS, in the event said claim proceeds to litigation, the town could be found liable for the full amount of the damages claimed, to wit, \$175.00, resulting from an alleged failure of the town to redeliver a motorcycle impounded by the Clarkstown Police Department, and

WHEREAS, the claimant has made an offer to settle and compromise said claim in the amount of \$100.00;

NOW THEREFORE, be it

RESOLVED, that the Town Attorney's Office is hereby authorized and empowered to enter into a Stipulation of Settlement of said claim in the foregoing amount upon receipt of a duly executed general release.

Seconded by Co. Lodico.

All voted Aye.

(1974-600) Co. D'Antoni offered the following resolution:

WHEREAS, a condemnation proceeding has been instituted entitled:

TOWN OF CLARKSTOWN

v.

KEVIN D. MOLONEY, JOHN MOLONEY
AND BRIDGET MOLONEY

and

WHEREAS, it is the desire of the Town Board of the Town of Clarkstown to discontinue said proceeding;

NOW THEREFORE, be it

RESOLVED, that the Town Attorney's Office is hereby authorized and empowered to enter into a Stipulation of Discontinuance of the aforesaid proceeding.

Seconded by Co. Pizzutello.

All voted Aye.

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(1974-601) Co. D'Antoni offered the following resolution:

RESOLVED, that upon recommendation of the Highway Superintendent and the Town Engineer, deeds from: SILVER HEIGHTS DEVELOPERS, LTD., 54 North Main St., Spring Valley N Y, dated 1/4/74 conveying roads and other improvements to the town in a subdivision as shown on Final Plat of "Revised Silver Heights Estates in Bardonia, New York" filed in the County Clerk's Office on 2/5/71 in Book 81 of Maps at Page 44 as Map No. 4109 as follows:

Cornell Drive
Duke Lane
Colgate Drive

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

FURTHER RESOLVED, that Maint. Bonds No.s 912357 & 912358 dated 2/11/74 SILVER HEIGHTS DEV., LTD. as Principal and HENRY FRYDMAN as Co-Principal, and REPUBLIC INSURANCE CO. as Surety, are hereby accepted.

Seconded by Co. Pizzutello.

On roll call the vote was as follows:

AYES: Co. D'Antoni, Pizzutello, Supervisor Gerber
ABSTINCTIONS: Co. Lodico, Maloney

MOTION CARRIED

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

REPUBLIC INSURANCE CO. BOND #912357 (Supersedes #905148)
Amount: \$15,000.00 SILVER HTS. DEV., LTD., H.Frydman Co-Princ.
Period: One (1) year
Covers: Roads

REPUBLIC INSURANCE CO. BOND #912358 (Supersedes #905148)
Amount: \$3,000.00
Period: One (1) year
Covers: Sewers

(1974-602) Co. Pizzutello offered the following resolution:

RESOLVED, that upon the recommendation of the Director of Recreation and the Town Engineer, deed from BUCKINGHAM DEVELOPMENT CORP., dated 7/8/74 conveying lands to the town shown and designated as two parcels labelled "Land to be dedicated to the Town of Clarkstown for General Municipal Purposes", as shown on a certain map entitled

(continued)

(1974-602 -- continued)

"BUCKINGHAM ESTATES" prepared by Adler, Caruso & Young under the last revised date of 7/3/73 which said map was filed in the County Clerk's Office on 7/13/73 in Book 86 of Maps at Page 7 as Map No. 4431, is hereby accepted by the Town of Clarkstown and ordered filed in the Rockland County Clerk's Office.

Seconded by Co. D'Antoni.

All voted Aye.

(1974-603) Co. Pizzutello offered the following resolution:

WHEREAS, the owner of property adjacent to the north of the present Camp Norge has expressed a willingness to donate approximately five acres of land, at no cost to the town, which will become part of the proposed Charles B. Davenport Preserve, and

WHEREAS, it is necessary that an appraiser be appointed to appraise the value of the subject property for the purpose of making application for federal and state matching money grants;

NOW THEREFORE, be it

RESOLVED, that the Supervisor be and hereby is authorized to appoint an appraiser to appraise the subject property.

Seconded by Co. Maloney.

All voted Aye.

(1974-604) Co. Pizzutello offered the following resolution:

WHEREAS, the owner of property adjacent to the north of the present Camp Norge has expressed a willingness to donate approximately five acres of land, at no cost to the town, which will become part of the proposed Charles B. Davenport Preserve, and

WHEREAS, the Town of Clarkstown is desirous of accepting said property for the addition to the Charles B. Davenport Preserve;

NOW THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown be and hereby is authorized to make application to federal and state agencies to obtain a matching money grant for the value of this proposed acquisition in accordance with the Federal Land and Water Conservation Act, and be it

(continued)

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(1974 - 604 -- continued)

FURTHER RESOLVED, that this gift shall be taken subject to the following restrictive covenant:

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

Seconded by Co. Maloney.

All voted Aye.

(1974-605) Co. Lodico offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown desires to amend the Sanitary Landfill Rules and Regulations adopted by the Town Board on 8/10/59, and as amended;

NOW THEREFORE, be it

RESOLVED, that a public hearing be had at the Auditorium of the Town Hall, 10 Maple Ave., New City NY on the 14th day of August 1974 at 10:00 PM relative to amending said Sanitary Landfill Rules and Regulations, 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 in the official newspaper of the Town as aforesaid and file proof thereof in the Office of the said Town Clerk.

Seconded by Co. Pizzutello.

All voted Aye.

Proposed resolution ordering Clarkstown Salvage Corp. to cease business at Sanitary Landfill for 30 day period -- tabled.

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(1974-606) Co. Pizzutello offered the following resolution:

RESOLVED, that the application of MONTEREY GARDENS CO. and GEORGE FAIST for a special permit for the erection of Senior Citizen Housing pursuant to the requirements of Sec. 106-16 (O) of the Town of Clarkstown Zoning Ordinance adopted 4/4/39, and as amended, for property located on the w/s of Route 304 between Pineview Ave. and Rennert Lane, Hamlet of Bardonia, Town of Clarkstown, be referred to the Planning Board for report and also to the County Planning Board, pursuant to Sec. 239 1 and m of the General Municipal Law.

Seconded by Co. Maloney.

All voted Aye.

(1974-607) Co. Lodico offered the following resolution:

RESOLVED, that the application of MONTEREY GARDENS CO. and GEORGE FAIST for a change of zoning from an R-22 district to an R-15 district on property located on the w/s of Route 304, Bardonia, between Pineview Ave., and Rennert Lane, be referred to the Town Planning Board for report pursuant to Sec. 106-32 of the zoning ordinance of the town and to the County Planning Board pursuant to Secs. 239 1 and m of the General Municipal Law.

Seconded by Co. Maloney.

All voted Aye.

Monthly Reports received from the Office of the Building Inspector and the Zoning Board of Appeals; noted by the Town Board; ordered filed in the Town Clerk's Office. (June 1974)

(1974-608) Co. Maloney 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 BERNARD G. NEMEROFF in the town, more particularly described on the Tax Map as MAP 61, BLOCK A, LOT 12.01.

Seconded by Co. D'Antoni.

All voted Aye.

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(1974-609) Co. Maloney offered the following resolution:

RESOLVED, that the Town Board hereby adopts Bond and Capital Note Resolution of the Town of Clarkstown, New York, authorizing the reconstruction, widening and re-surfacing of a portion of Mountain View Avenue, in Central Nyack, in the town, stating the estimated maximum cost thereof is \$250,000, appropriating said amount therefor and authorizing the issuance of \$12,500 Capital Notes to provide the down payment and \$237,500 Serial Bonds of the town to finance the balance of said appropriation.

Seconded by Co. Lodico.

All voted Aye.

(1974-610) Co. Maloney offered the following resolution:

RESOLVED, that the Town Clerk is hereby instructed to publish and post the foregoing bond resolution in the "JOURNAL NEWS" within ten (10) days after adoption, and to post on the sign board of the town and in at least five (5) public places, a Notice which shall set forth the date of adoption of said bond and capital note resolution and contain an abstract thereof concisely stating its purpose and effect.

Seconded by Co. Lodico.

All voted Aye.

(1974-611) Co. D'Antoni offered the following resolution:

WHEREAS, the Traffic and Traffic Fire Safety Advisory Board has advised that the "No Parking" signs which were recently installed on Lake Road, Valley Cottage, have caused financial hardship on the owners of the stores in this area;

NOW THEREFORE, be it

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, "No Parking" signs recently installed on Lake Road, Valley Cottage be removed, and be it

FURTHER RESOLVED, that "No Parking from Here to Corner" signs be installed on the south side of Old Lake Road, east of Kings Highway, for a distance of approximately thirty (30) feet from the corner.

Seconded by Co. Pizzutello.

All voted Aye.

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Town Board signed ORDER setting date of public hearing re Proposed Extension of the Consolidated Water Supply Dist. to include NOB HILL HOMES -- 8/14/74 - 10:15 PM. (Order in T/C file)

(1974-612) Co. D'Antoni offered the following resolution:

RESOLVED, that decision of Proposed Amendments to the zoning ordinance of the Town of Clarkstown designated as Chapter 106 (smoke, vibrations, etc.) be RESERVED.

Seconded by Co. Maloney.

All voted Aye.

(1974-613) Co. Pizzutello offered the following resolution:

RESOLVED, that decision on Proposed Amendment to the zoning ordinance of the Town of Clarkstown designated as Chapter 106 of the Code (funeral homes) be RESERVED.

Seconded by Co. Maloney.

All voted Aye.

(1974-614) Co. Lodico offered the following resolution:

WHEREAS, on 6/19/74 the Town Board adopted a resolution setting date of public hearing re Revocation of Peddling and Hawking License of ARTHUR CLAXTON for 7/17/74 at 8:30 PM; and

WHEREAS, attorney for said Arthur Claxton has requested an adjournment;

NOW THEREFORE, be it

RESOLVED, that public hearing scheduled for this evening at 8:30 be adjourned to 8/8/74 at 8:30 PM.

Seconded by Co. D'Antoni.

All voted Aye.

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(1974-615) Co. D'Antoni offered the following resolution:

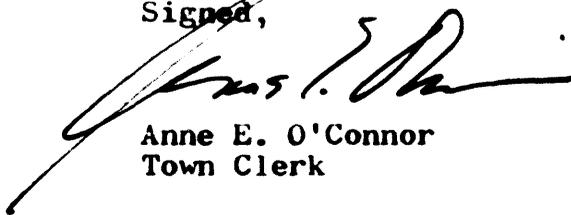
RESOLVED, that decision on Proposed Road Improvement District - Improvement of Central Avenue, Randy Lane and Blue Willow Lane in New City, be RESERVED.

Seconded by Co. Maloney.

All voted Aye.

On resolution offered by Councilman Lodico, seconded by Councilman Pizzutello and unanimously adopted, Town Board meeting was adjourned until Wednesday, August 14th, 1974 at 8:00 PM, at which time scheduled public hearings and regular town matters will be expedited by the Town Board.

Signed,



Anne E. O'Connor
Town Clerk