

PUBLIC HEARING

Town Hall

12/11/74

8:15 PM

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

Absent: Co. Maloney

RE: SPECIAL PERMIT APPLICATION MADE BY CAMP VENTURE, INC.:

Supervisor Gerber called public hearing to order;
Town Clerk read Notice of Public Hearing and testified as to
proper posting of said notice.

PLANNING BOARD RECOMMENDATIONS:

COUNTY: Disapproves. Approves subject to following conditions:
The GML requires a vote of two thirds of all of the members, or
majority plus one of the Town Board to act contrary to the above
findings.

TOWN: Deferred recommendation pending receipt of site plan from
applicant.

CORRESPONDENCE:

United States Department of Agriculture Soil Conservation Service:

"....drainageway originates along the west side of
the property. Believes this is a good site for Camp Venture
providing adequate storm drainage is planned for the site.
Suggests that poorly drained woodland be preserved to the
greatest extent possible and be developed for outdoor educational
uses."

County Highway Department (to the Town Planning Board):

Requests right to review proposed drainage plans before
final is granted to subdivision.

Hugh Carey, Governor-Elect (Telegram):

Commending Supervisor Gerber and the Town Board on
progressive legislation in securing dignity for all people
through the group home zoning law and is strongly supportive of
their efforts. Institutional living contrary to the best interests
of individual and state, and endorses concept of all people
living in and participating in the mainstream of community life.

R. Clinton Taplin, 22 Judith St., Nanuet N Y:

Letter in support. (In T/Clerk's folder).

Robert B. Bring, Counsellor at Law, 101 North Middletown Road, Nanuet N Y appeared before the Town Board as Attorney for Petitioner, and stated the following:

Applicant non-profit corporation and is contract vendee of subject 1.955 acre parcel of land located on Convent Road, Nanuet, from St. Agatha Home for Children. Statement of consent to application by title owner made part of application.

Special Permit requested for use for an Agency Community Residence under provisions of Section 106-3(B) of the Code of the Town of Clarkstown.

Proposed use will be appropriately located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities. Will not cause undue traffic congestion or create a traffic hazard; will not create at any point of determination any more dangerous and objectionable elements referred to in Par. 106-12A than is characteristic of the uses expressly permitted as of right in the same district. Will not adversely affect the character of or property values in the area.

Will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the town.

Will comply with all other regulations applicable to such use. Will substantially serve the public convenience and welfare in providing a needed community facility. Will not create any substantial additional noise in the neighborhood. Would be in harmony and conformity with the present use of the area and will not alter the essential character thereof.

Would not be prejudicial or injurious to the neighborhood property already developed, or to its residents.

Table of Bulk Regulations have been complied with by the applicant.

Proposed agency authorized by the New York Board of Social Welfare.

Intended structure will be limited to occupancy of no more than twenty four (24) unrelated adults above the age of 21 years.

Intended structure cannot feasibly or practically be erected or maintained in a business or industrial district.

Ms. Kathy Lukens, Tappan N Y, President of Camp Venture, Inc. appeared before the Town Board and stated the following:

Mentally handicapped should live in community. There would be twenty mentally handicapped people divided into two quasi-family units of 10 each. No bigger group than 10, so there will be personal living amongst their peers.

(cont.)

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(Ms. K. Lukens - cont)

Each resident will leave each day for work, if they can get some. Chores will be done after work. They will play together, go on trips, to dances, go the Mall, etc. No one will feel useless because they will be needed. Thanks to St. Agatha's who gave us the land, they will be able to plant gardens. Banks willing to lend us the money.

Mr. Morton Marcus, Architect:

Building designed for two groups. Two wings - ten in each. Common dining and recreation area, which also can be divided. Designed in residential manner to give feeling of home and to blend in with surrounding neighborhood. It will be landscaped. Parking for employees only; there is no need for parking for residents - they will have no cars. Buildings fire-proofed for protection.

No questions put to architect.

Ms. Joan Flood (Community worker - Letchworth Village):

Growing policy in the past ten years that mentally retarded should live in community. State believe that they should live as normal a life as possible. State developed program called 'Hostel'. In only two years, hostels have grown from 12 (150 persons) to about 65, (serving 750 to 800 persons; -with anticipated 40 more to open in next calendar year.

Small residences servicing between ten and twenty persons, would give them the opportunity to participate in community programs, use community facilities, to enjoy the warmth and concern of persons who are related to them in a family atmosphere.

Rev. Edmund Netter, Nanuet N Y: (St. Agatha's):

These people will be welcomed into my church. I represent 2,000 families in this community. Survey of 850 of them said they approve this facility.

Sr. Helen Murphy, St. Agatha's Home:

Supports this plan whole-heartedly.

Mr. Fred Haeger, Valley Cottage:

This is pioneering project with much promise. Grant. Mentally retarded have been ostracized and rejected too long.

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Mr. Eugene Grogan of the County Legislature: 10 Glen Road, New City N.Y.:

Supports this and wants the Town Board to support. These are our brothers, carry them.

Mr. Goodwin Katzen of Camp Javano:

Supports sister agency Camp Benture and Venture Inne. Give these young adults an opportunity to live as a family. This is service for humans.

(This concluded speakers for attorney for petitioner)

Supervisor Erber asked if anyone else wished to speak in favor.

Noel J. MacCarry, Executive Director of the County of Rockland Commission on Human Rights made statement as being in favor which included fact that under the General Municipal Law, Article 12D, the Commission on Human Rights is mandated to conduct and recommend programs as will open new opportunities into all phases of community life for all inhabitants.

He urged the Town Board to take another step in the march against prejudice by approving this application. (Complete letter in T/C file)

Representative of County Right-to-Life: Grant

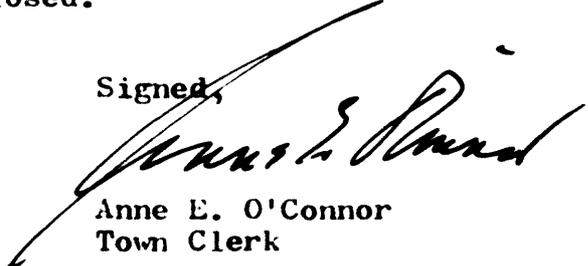
Mr. Theodore Dusenanko Sr. (Representing his son of the County Legislature): Grant

OPPOSED: No one appeared.

REBUTTAL: None needed. None given.

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

Signed,


Anne E. O'Connor
Town Clerk

PUBLIC HEARING

Town Hall

12/11/74

8:50 PM

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

Absent: Co. Maloney

RE: ZONE CHANGE APPLICATION MADE BY DEAN B. SEIFRIED FOR
PROPERTY LOCATED N/W CORNER OF ROUTE 304 & KINGS HIGHWAY,
NEW CITY:

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

PLANNING BOARD RECOMMENDATIONS:

COUNTY: DISAPPROVES. Reasons: Potentially adverse effect
on traffic along Route 304 and the surrounding area and as a stimulus
to additional requests for intensifying zoning along said route.
The Board recommends that the Town undertake a comprehensive study
of the zoning along Route 304 to establish a comprehensive policy
to development and traffic flow.

TOWN: That the requested zone change be DENIED, for the
following reasons:

1. The proposed rezoning to PO is contrary to the
2-3 du/acre residential density of the Master Plan,
2. The change would constitute a spot-zoning,
3. The proposed use would exacerbate the existing
traffic hazards along Route 304,
4. It is respectfully urged, that in the interests of
proper planning for the town, that the subject and any
other zonechanges envisaged along Route 304 between
Laurel Road and Ludvigh-Bardonia Roads be deferred
pending a comprehensive study of the corresponding area.

John M. Hecker, Esq., 53 Burd St., Nyack N Y, appeared
before the Town Board as Attorney for Petitioner and stated the
following: (Submitted affidavits of mailing and posting to T/C)

Prior application was made for this property from a zoning
classification of R-15 to LS. Planning Board on this application
and Town Planner, as well as hearing for another funeral home,
made it apparent that an LS request would have been denied by
this Board.

I believe that the reason given at that time, was that
to permit an LS may in the future provide for development under LS
notwithstanding the applicant's willingness to covenant limiting
itself and use of property to funeral home.

(continued)

(Attorney for Petitioner Hekker - continued):

At that time, traffic, fear of local shopping center, safety to children, were three items that raised concern. For that reason, we withdrew our application and filed for PO. Also fear of it being turned down because it was adjacent to residential district. Therefore we have changed to PO. It is our intention to proceed from here for a Special Permit to ZBA to permit use of property as a funeral home. Should this be denied, the property would not be used as LS but as PO.

Description of property: 2-1/2 acres; 220' frontage on Route 304, frontage of 480' on Kings Highway, 107,000 square feet (little over 2-1/2 acres).

All of property owned by Mr. and Mrs. Seifried are subject of this application. Buffer zone set-back lines suggested by the Planning Board as being necessary to protect residents in area will be respected.

Re upsetting residential character of this particular area; Route 304 well-travelled road. Single family home fronting on 304 ludicrous. 107,000 square feet - 7 houses - 25 children. Would be quiet ratable (funeral Home) No children, minimum traffic. Peak traffic times would be in the evening - during the day by slow-moving limousines.

Re good for town: Tax Ratable; would eliminate residential houses and children to the school district; Would be impractical to consider development of that property on 304 as residential property. Property cannot be sold as residential in spite of present zoning.

Five Thousand (\$5,000.) Dollars a year paid on this property (single family house) corner parcel - 304 frontage. Re spot-zoning, spot zoning not illegal. Each parcel must be accepted as separate and distinct parcel.

Re traffic; Made study. Leona - no cars for ten minutes going on to 304. Johnson's Lane - two cars going on to 304. (Presented Exhibits as follows:) (Photos)

Exhibit A: Chase Manhattan Bank Southwest corner of Route 304 and Germonds Road 1400+ feet from Seifried property.

Exhibit B: Shopping Center Northeast corner of Route 304 and Germonds Road 1200+- feet from Seifried property.

Exhibit C: Kentucky Fried Chicken and Town Tavern 200 feet north of the Northeast corner of Route 304 and Germonds Road 1000 feet from Seifried property.

Exhibit D: Selb Real Estate & Ins. East side of Route 304 opposite subject premises 200 feet from Seifried Property.

Exhibit E: Coyle & Coyle Real Estate - East side of Route 304 opposite Leona Avenue 1200 feet from Seifried prop.

(continued)

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(Exhibits submitted by J. Hekker, attorney for petitioner, cont.)

Exhibit F: Texaco Gas Station - East side of Route 304 at intersection of Johnson's Lane 1500 feet Seifried property.

Exhibit G: Willow Brook Dairy Bar - East side of Route 304 at intersection of Johnson's Lane 1600 feet from Seifried property.

Exhibit H: Larry's Market & Fish Store - West side of Route 304 opposite Johnson's Lane 1500 feet from Seifried property

Exhibit H-1: Larry's Market & Fish Store - West side of Route 304 opposite Johnson's Lane 1500 feet from Seifried property

Exhibit I: McRickard Realty - East side of Route 304 at Southeast intersection of Crambrook Road 1900 feet from Seifried property.

Exhibit J: Martin Hurwitz, Attorney East side of Route 304 at northeast intersection of Crambrook Road 2100 feet from Seifried property.

Exhibit K: McRickard Realty and Martin Hurwitz, Esq., at intersection of Crambrook Road and Route 304 1900 feet from Seifried property.

Also, dentist's office almost adjacent to Seifried property on Route 304, Dr. Goldstein, Podiatrist (office and home further north).

Re need of facility such as this in the New City area:

Town of Clarkstown population 75,000 people. Four funeral homes, one in Congers, Nanuet, New City and West Nyack. Haverstraw: Population 51,000 - Four funeral homes. Orangetown - population 56,000 - nine funeral homes. Ramapo population 86,000 - six funeral homes. Nyack population 15,000 - four funeral homes. Stony Point population 13,600 - one funeral home. Population needs can sustain another funeral home.

This was end of attorney for petitioner's presentation.

Supervisor stated property subdivided into three separate lots but any further subdivision of this property must be with approval of the Planning Board.

Mr. Hekker replied that you could probably put in about six houses. 60,000 square feet minimum in PO zone. Lot #3, Seifried home, would increase the size of the lot. It should not be limited to that one lot. To eliminate property line between 9 & 3 and take it as a single lot. Re lot 2 (mother-in-law lot) could remain in part of the application as part of buffer - we have no objection to that.

Lot #2 - 50' wide -- 29 to 30,000 square feet
Across back - 90.68 going across

If Town Board sees fit to create immediate buffer, Lot #2 could be omitted.

IN FAVOR:

Mr. Thomas Donovan, 41 West St., West Nyack N Y (Registered Land Surveyer):

Twenty year resident in the Town of Clarkstown. Land Surveyer, surveyed subject property, knows area. Re subdivision of property, divided into exactly seven lots, as suggested. We thought of coming in off Kings Highway with 50' right of way turnaround and three parcels with back yard on Route 304. This was discounted as soon as we thought of possibility of children that might be killed on Route 304. Also, if seven houses built - two cars each - 12-18 cars parked in that road. Funeral Parlor would not generate that many cars. Suggested that positive action be taken because if Funeral Home built, town and county should set up safeguards to approaches and exits and entrances better than those of banks in the area. Landscaping, trees, well established - could be left up. Buffer zone would be there. Extra lane on Route 304 a possibility - this would be better than other commercial establishments.

Mr. Norman Baker, Valley Cottage N Y:

Resident of town for 60 years. Funeral Home would be ratable property, which Senior Citizens and township residents desire. Property ideally suited. Allegation of traffic hazard consequent on granting the request is little more than 'chimerical'.

Mr. DeMaeo, 10 Fanley Avenue, New City N Y: In favor

Mr. George McRickard, Crestwood Drive, New City N Y:
Wife owns property across the street. Route 304 not residential. In favor of funeral home.

Mr. Gerard Damiani, Windmill Lane, New City N Y: (Represents Contract Purchaser of this piece of property):

Route 304 not conducive to residential development. Six names presented as being in favor (list in T/C file).

Another petition received from the Supervisor containing seven names submitted as those in favor of the petition. (In T/C file)

Dr. Meyerson, 603 South Main St., New City N Y:

Sixteen year resident. New City has grown. Proposal completely compatible with this type of change.

(continued)

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IN FAVOR - cont:

Mr. Louis Olori, (100' south of Kings Highway): In favor of funeral home in this location. Owns piece of property across street - has tennis court there.

Mr. Joseph Schuch: (Owns piece of property on Route 304): Hard time selling this piece of property. Traffic too bad. Change of zone would benefit not only the Seifried's, but everyone else along Route 304.

Attorney for petitioner presented another petition containing 65 signatures in favor (In T/C file)

OPPOSED:

Mr. Emmett Crahan, 11 Lorraine Court, New City: (Property abuts subject property in rear)

Eighteen year resident. No objection to funeral home as such. Establishments shown in photo exhibits there for years, except for a few new ones. Do not eat away at this area. Subject property could have been sold years ago. Petitioners want commercial to make more money on their property.

Mr. John Harrigan, 18 Leona Ave., New City: Life-long resident. There is problem on Route 304 we should solve. This is a young community, we have young people living here with children. If this change takes place, we are going to have domino theory. No new homes built on 304 in the past six years - accidents many. Traffic very bad. If Town Board does not deny, the whole neighborhood will be destroyed because people are going to leave. People will leave because Board will not stand behind them. They would not feel safe if Board sees fit to grant. Or - they are going to follow the line and ask for commercial and sell.

Mr. William Raoul, (Adjacent property owner): Opposed to professional use for property. Dr. Meyerson good neighbor, and Mr. Seifried; but once this piece is changed, the door will be open for all the rest of Route 304 and become another Route 59. Forest Avenue in Bergen County (comparable to 304) has mixed commercial and residential and people have lived with that very nicely. (Presented petition signed opposing by those living between Johnson's Lane and commercial zoning to the south of that. (with Supervisor).

Ms. Marg. Russo (Homeowners' Association): Four groups concerned with development; Planning Consultant, Planning Office, Town Board Residents and Taxpayers. Route 304 going through transition period. Where is it heading? Are studies being proven? No. Nanuet - Route 59 - is an example. Act with foresight.

Route 304 in the past few years has seen one bank, one shopping center renting stores, fast food eateries, another shopping center (undeveloped), Garden Apartment Complex (Senior Citizen label), and now funeral home. Right ideas in wrong places.

(continued)

RE: SHIRLEY
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Ms. Russo - cont:

Re application in question tonight, homeowners of the Town of Clarkstown agree that land facing 304 not attractive for residential development; but we do not agree with the fact that PO used now is a disguise and it is abusive. Agrees with recommendations of the County Planning Board. Funerals on 304 not dignified - school busses, children, traffic, etc. Requests a planning concept guide line be developed now for the town.

Mr. George Goodman, Homeowners Association:

Not prepared, no plans. Had meeting with Planning Board re 304. Planning Board told us there are no plans at this point. Master Plan not approved. There are no guidelines. It is time we got involved in preparing guidelines. Spot zones all over the map. Those in favor indicated interest in going in for the same thing. Until we get master plan and know where we are going, stop granting any more zone changes. (Supervisor Gerber requested that members of the Town Board be invited before members of the Planning Board are. Town Board, he continued, sets the policy, other agency suggests.)

Resident, 23 Arlene Court, New City:

We made so many mistakes. Do not make another one. Immediate neighbor to Mr Seifried's property bought this property a few years ago. It was costly. Dr. Masciola would have gone in for this property if it was something else and if 304 did not develop as it did. He then moved out and it remained residential area. Simola's now live there - bought it 2-3 years ago.

Juris, 17 Glen Drive. Bardonia N Y:

No one objected to funeral home per se, but - not in this location. Re traffic - bulk in evening only - children in streets at that time.

Mr. Mitchell Fink, Baldwin Place, New City:

Do not change zone of this property and nature of the neighborhood. Most of support has been from commercial interests. I am within couple of hundred feet from this property. We moved there because it is residential neighborhood. We do not want it changed.

Mr. Don Ferrick, Baldwin Place, New City:

Couple of hundred feet to the west of subject property. Move up here eight years ago. Six children. Concerned about their safety. Concerned about keeping this residential area. Re 1200' south which is residential, and 1200' north on 304 which is residential from Town Tavern on the west to Coyle real estate - by change this one parcel (3 lots) to PO, we are spot zoning. Also - Re traffic - 1973 survey showed accidents from Germonds to Main - five or more. 12% of accidents in this area. (Presented chart with figures to Supervisor).

(cont)

RE - SEIFRIED
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OPPOSED - continued:

Ms. Kilgallen, Arlene Court, New City: 16 year resident. Waits 15-20 minutes at 8AM to make turn on to Kings Highway. Kentucky Fried Chicken first to come in. Elderly in neighborhood want peace and quiet. Leave residential.

Ms. Ketchum, 16 Baldwin Place, New City: Same objections as others. Traffic bad in area. Funeral procession will have some trouble getting out and head for back roads. Inquired as to where exits and entrances would be.

REBUTTAL: (Attorney for Petitioner - John M. Hekker Esq.):

Re petition presented by him of those in favor; 90% live in New City area; 20% are senior citizens. Map attached to petition show area those signed petition live. They have no financial interest in this application or any other properties in the area.

Re Ms. Russo's statement that property should not be developed on commercial basis on 304 for funeral home; public hearing stated they would not be located in residential areas. There are 25 funeral homes in county; 18 in residential or adjacent to residential areas.

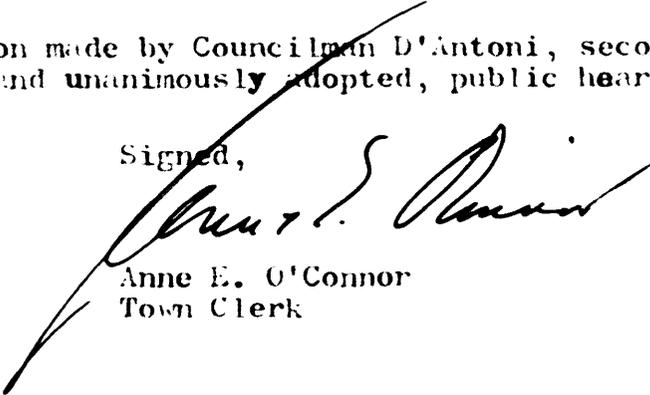
Re traffic study; no action taken on this. Petitioner should not be penalized until such study done or proposed.

Re traffic on 304; if this property and all property along 304 zoned R-12 and R-22 were so developed, R-15 would back out on to 304. Here we are proposing use. Property could have been sold before but it was subject to zonechange. We have something to offer here. We did not want IS. This was only zone which allowed funeral home in this footage. We cannot put it in residential, so it has to be on crowded, noisy 304. Mr. and Mrs. Seifried have owned this property for 28 years; they are not in this to make fast money.

End of rebuttal.

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

Signed,


Anne E. O'Connor
Town Clerk

TOWN BOARD MEETING

Town Hall

12/11/74

8:00 PM

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

Absent: Co. Maloney

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

(1974-948) Co. D'Antoni 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:

Newport Estates, Sec. I, II and III, Nanuet
Nob Hill Homes, New City
Gloria Court, New City
Tomkins Avenue, West Nyack

Seconded by Co. Pizzutello.

All voted Aye.

(1974-949) Co. Lodico offered the following resolution:

WHEREAS, a drainage project has been authorized in the West Nyack Area known as River Estates Managed Flood Plain, and

WHEREAS, additional funds are required to continue this project,

NOW THEREFORE, be it

RESOLVED, that the said drainage project in West Nyack known as River Estates Managed Flood Plain shall be continued, and be it

FURTHER RESOLVED, that the sum of \$10,000 is hereby appropriated for this purpose from the Drainage Account.

Seconded by Co. Pizzutello.

All voted Aye.

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(1974-950) Co. Lodico offered the following resolution:

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

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

NOW THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sec. 264 of the Town Law be had at the Auditorium of the Town Hall, 10 Maple Ave., New City N Y on the 8th day of January 1975 at 8:15 PM to consider the adoption of the following proposed amendment to the Zoning Ordinance of the Town of Clarkstown:

Amend Sec. 106.15B (7) Advertising signs.

B. (7) Advertising signs except signs placed on litter receptacles installed pursuant to contract with the Town of Clarkstown.

and be it

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

Seconded by Co. Pizzutello.

On roll call the vote was as follows:

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

(1974-951) 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 (5) 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 is hereby 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

(continued)

(1974-951 - continued)

Water Conservation Act, and be it

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

"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 State of New York and the people of the United States, 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."

and be it

FURTHER RESOLVED, that Walter Donnaruma of Wilson and Mason, Inc., 82 Fair St., Kingston, N Y be appointed as an appraiser to appraise the subject property, and be it

FURTHER RESOLVED, that William Youngblood of William Youngblood Associates, 244 Route 59, Nonsey N Y be directed to prepare a certified survey of the subject premises for a fee not to exceed \$250.00.

Seconded by Co. D'Antoni.

All voted Aye.

(1974-952) Co. Lodico offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown and the Board of Commissioners of Rockland County Sewer District No. 1 entered into an agreement on January 15, 1973, for the sale and conveyance by the Town of Clarkstown to the Rockland County Sewer District No. 1 of sewer lines, sewer easements and appurtenances thereto for the sales price of \$1,969,183.11, which agreement was recorded in the Rockland County Clerk's Office on January 31, 1973, in Liber 922 of conveyances at Page 714, and

WHEREAS, said agreement constituted a conveyance and transfer to the Rockland County Sewer District No. 1 of said sewer lines, sewer easements and appurtenances thereto as of the date of said agreement, January 15, 1973, and

WHEREAS, the Rockland County Sewer District No. 1 has failed to maintain said sewer lines, easements and appurtenances thereto necessitating the maintenance thereof by the Town of Clarkstown in order to safeguard the health, safety and welfare of the citizens of the Town of Clarkstown, and

(continued)

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(1974-952 - continued)

WHEREAS, said maintenance by the Town of Clarkstown has resulted in substantial cost and expense to the taxpayers of the Town of Clarkstown, which expense should properly be borne by Rockland County Sewer District No. 1, and

WHEREAS, the Board of Commissioners of Rockland County Sewer District No. 1 have been informed of these maintenance costs and expenses and requested to reimburse the Town of Clarkstown for said maintenance charges and have failed and refused to reimburse the Town of Clarkstown for said maintenance charges;

NOW THEREFORE, be it

RESOLVED, that the Town Attorney of the Town of Clarkstown is hereby authorized to take all steps necessary, including suit, to obtain reimbursement from Rockland County Sewer District No. 1 for all monies paid by the Town of Clarkstown for the maintenance of said sewer lines, sewer easements and appurtenances from January 15, 1973 to date.

Seconded by Co. D'Antoni.

All voted Aye.

(1974-953) Co. Lodico offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown and the Board of Commissioners of the Rockland County Sewer District No. 1 entered into an agreement on January 15, 1973, for the sake and conveyance by the Town of Clarkstown to the Rockland County Sewer District No. 1 of sewer lines, sewer easements and appurtenances thereto for the sales price of \$1,969,183.11, which agreement was recorded in the Rockland County Clerk's Office on January 31, 1973, in Liber 922 of conveyances at Page 714, and

WHEREAS, the downpayment of \$800,000.00 was paid upon said contract and there is now owing to the Town of Clarkstown upon said contract the sum of \$1,196,183.11, which sum is payable "within 30 days after the date that the County shall obtain federal and state aid of no less than 75 percent for all eligible portion of Stage 3 construction of Rockland County Sewer District No. 1". and

WHEREAS, said provision for payment may never occur and therefore this contract constitutes an illegal transfer of the assets of the Town of Clarkstown without possible compensation, and

(continued)

(1974-953 - continued)

WHEREAS, the Town of Clarkstown has attempted to negotiate the settlement of this matter with the Board of Commissioners of Rockland County Sewer District No. 1 without success;

NOW THEREFORE, be it

RESOLVED, that the Town Attorney of the Town of Clarkstown is hereby authorized to take all steps necessary, including suit, to obtain reformation of said contract so that same may be a proper and lawful contract and to obtain the payment to the Town of Clarkstown forthwith of the sum of \$1,196,185.11.

Seconded by Co. D'Antoni.

All voted Aye.

(1974-954) Co. D'Antoni offered the following resolution:

WHEREAS, the County Legislature of the County of Rockland has failed to perform the duty set forth in Sec. 804 of the Real Property Tax Law, to wit, establish a County equalization rate on or before November 15th of this year, and

WHEREAS, said failure to act on the part of the County Legislature has resulted in severe prejudice to the people of the Town of Clarkstown;

NOW THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the employment of David H. Moses, Esq. as Special Counsel to the Town of Clarkstown to commence an action against the County Legislature of the County of Rockland in order to compel the County Legislature to perform their statutory duty as set forth in Section 804 of the Real Property Tax Law in a proper and lawful manner.

Seconded by Co. Pizzutello.

All voted Aye.

(1974-955) Co. Lodico offered the following resolution:

WHEREAS, Resolution No. 893 dated 11/13/74 authorized the Purchasing Director to advertise for bids for the purchase of seven (7) sedans for the Clarkstown Police Department, and

(continued)

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(1974-955 - continued)

WHEREAS, there was an error in the specifications offered at that time,

NOW THEREFORE, be it

RESOLVED, that all bids received are hereby rejected, and be it

FURTHER RESOLVED, that the Purchasing Director is hereby authorized to re-advertise for bids for the purchase of seven (7) four-door sedans for the Clarkstown Police Department, said bids to be returnable at the Office of the Purchasing Director, Clarkstown Town Hall, 10 Maple Avenue, New City N Y on 12/27/74 at 11:00 AM, at which time they will be opened, and be it

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

Seconded by Co. Pizzutello.

All voted Aye.

(1974-956) Co. Lodico offered the following resolution:

RESOLVED, that the following be appointed a member of the Clarkstown Bi-Centennial Commission, effective immediately, to serve without compensation, with a term to expire on 7/4/76:

EILEEN AHLE
11 Flitt Avenue
Nanuet N Y

Seconded by Co. Pizzutello.

All voted Aye.

(1974-957) Co. Lodico offered the following resolution:

WHEREAS, Camp Venture, Inc., has petitioned the Town Board of the Town of Clarkstown for a Special Permit for the purpose of operating an Agency Community Residence as defined in 106-3 Sub (b), and

WHEREAS, after due notice published and posted, a public hearing was held before the Town Board on the 11th day of December 1974 at 8:15 PM to consider such application;

NOW THEREFORE, the Town Board makes the following Special Findings pursuant to Sec. 106-14B of the Zoning Ordinance of the Town of Clarkstown:

(continued)

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(1974-957 - continued)

THAT, the proposed use as described and represented by the applicant

(1) will be properly located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities;

(2) will not cause undue traffic congestion or create a traffic hazard;

(3) will not create at any point of determination any more dangerous and objectionable elements than is characteristic of the uses expressly permitted as of right in the same district;

(4) will not adversely affect the character of or property values in the area;

(5) will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the town;

(6) will comply with all other regulations applicable to such use;

NOW THEREFORE, be it

RESOLVED, that a Special Permit to operate an Agency Community Residence at Convent Road, Nanuet N Y is hereby GRANTED, and be it

FURTHER RESOLVED, that the within Special Findings and Resolution setting forth the reason for granting such Special Permit shall constitute a written report to be filed with the Town Clerk.

TOWN BOARD OF THE TOWN OF CLARKSTOWN

S/ George S. Gerber, Supervisor

Seconded by Co. Pizzutello.

All voted Aye.

(1974-958) Co. D'Antoni offered the following resolution:

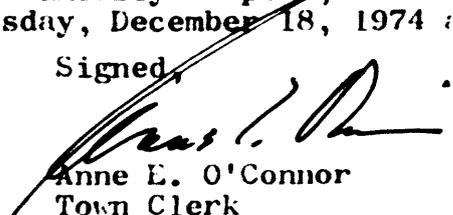
RESOLVED, that decision on zone change application made by Dean B. Seifried (R-15 to PO) for property located on the w/s of Route 304 and Kings Highway, New City N Y be RESERVED.

Seconded by Co. Lodico.

All voted Aye

On resolution offered by Co. Lodico, seconded by Co. Pizzutello and unanimously adopted, Town Board meeting was adjourned until Wednesday, December 18, 1974 at 8PM.

Signed,


Anne E. O'Connor
Town Clerk