

PUBLIC HEARING

Town Hall

6/18/75

8:30 PM

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

Absent: Co. Lodico

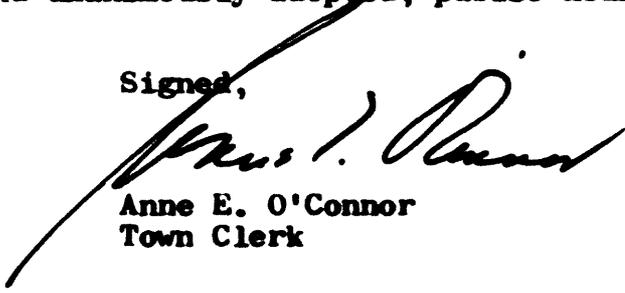
RE: PROPOSED LOCAL LAW TO REPEAL LOCAL LAW NO. 11-1972:

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

Supervisor Gerber stated this tentative on hearing
to be held at 8:45 this evening.

On resolution offered by Co. Pizzutello, seconded
by Councilman Maloney and unanimously adopted, public hearing
was re-set for 8:45 PM.

Signed,



Anne E. O'Connor
Town Clerk

PUBLIC HEARING

Town Hall

6/18/75

8:45 PM

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

Absent: Co. Lodico

RE: PROPOSED LOCAL LAW ESTABLISHING A DEPARTMENT OF PLANNING
AND DEVELOPMENT OF THE TOWN OF CLARKSTOWN, COUNTY OF
ROCKLAND AND STATE OF NEW YORK:

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

(continued)

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Proposed Local Law follows:

TOWN OF CLARKSTOWN

LOCAL LAW NO. 1975

A LOCAL LAW ESTABLISHING A DEPARTMENT OF
PLANNING AND DEVELOPMENT OF THE TOWN OF
CLARKSTOWN, COUNTY OF ROCKLAND, AND STATE
OF NEW YORK

Be it enacted by the Town Board of the Town of Clarkstown as follows:

Sec. 1. Title

This local law shall be cited as the Department of Planning and Development Law of the Town of Clarkstown.

Sec. 2. Legislative Intent

The Planning functions of the Town of Clarkstown are exercised in four major areas:

A. Comprehensive Planning on a town-wide basis, including periodic revision of the Town Master Plan and preparation of sub-area plans in response to specific studies and needs.

B. Technical Review of site plans, subdivision applications, special permit applications, proposed amendments to the zoning ordinance and official map, applications to the Zoning Board of Appeals and other planning matters submitted for decision to the agencies and boards of the Town of Clarkstown.

C. Planning Co-ordination with Federal, State, County and Town agencies whose actions affect the planning and development of the Town of Clarkstown.

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D. Analysis of Federal and State Programs available to the Town for planning and development purposes and the processing of applications to take part in said programs.

The Town Board of the Town of Clarkstown believes that these four functions can best be performed and coordinated by establishing a planning branch of government.

Sec. 3. Department of Planning and Development

In order to carry out the intent of this law, there is hereby created, pursuant to the Suburban Town Law of the State of New York, a Department of Planning and Development, hereinafter referred to as "Department".

The Department shall carry out the staff planning functions, including but not limited to, the following duties:-

A. Evaluation of the technical adequacy of applications made to the Planning Board and the Town Board of the Town of Clarkstown and the definition by the Department of policy decisions required to be made by said boards.

B. Planning evaluation of all applications made to the Planning Board and the Town Board of the Town of Clarkstown.

C. Evaluation of the planning implications of a particular application upon the surrounding geographic area and upon the entire Town.

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D. Preparation of planning studies, maps, and illustrative materials for the Town Agencies involved in the planning function of the Town.

E. Provision of professional assistance to the Planning Board in the preparation and/or periodic revision of the Town's Master Plan.

F. Appearances before Federal, State and County Agencies in support of or in opposition to programs and decisions by these bodies which affect the planning and development of the Town of Clarkstown.

G. Analysis of Federal and State Programs and the preparation of applications for grants in aid to or participation in said programs by the Town of Clarkstown.

Sec. 4. Appointment of Planning Director

The executive head of the Department shall be the Director of Planning and Development, hereinafter referred to as "Planning Director" who shall be appointed by the Town Board of the Town of Clarkstown for a term of two years.

Sec. 5. Functions and Authority of Planning Director

The Planning Director shall be the administrative head of the Department. He shall be responsible to the Town Board of the Town of Clarkstown and the Supervisor, and shall exercise the functions and authority hereinafter specified:

A. The planning, organization, direction and review of administrative procedures necessary for the operation of the Department, and the adoption of rules and regulations governing the procedures of the Department with the approval of the Town Board.

B. The exercise of all powers necessary to perform the duties and functions of the Department as set forth in this local law.

C. The exercise of all powers and the performance of such other and related duties as shall be required or delegated to him by the Supervisor, Town Board, or any applicable state and local laws, ordinances, regulations or resolutions.

D. To supervise the Secretary to the Planning Board in indexing and keeping adequate records of all applications filed with the Department.

E. To supervise the Secretary to the Planning Board in the processing of applications or referrals to the Planning Board.

F. To inform the Supervisor and appropriate enforcement officers whenever the Planning Director has information from a Town Department or any other source that an approved site plan, subdivision or special permit is not being maintained, developed or operated as required by the terms of the approval or law.

Sec. . . Department Personnel

A. There shall be an Assistant Director of Planning and Development, hereinafter referred to as "Assistant Director", who shall be appointed by the Town Board of the Town of Clarkstown.

B. The Planning Board Office, with its present existing functions related to the Planning Board is hereby transferred in its entirety, including all employees, property, equipment, and budgetary appropriations, to the Department of Planning and Development. All employees shall retain their same classifications, pension, and retirement rights and privileges as they had immediately prior to such transfer; provided, however, that nothing herein contained shall be construed to deprive the Town Board of any power it now has with respect to any such employees in the Town of Clarkstown. Each and every employee's civil service status shall not be jeopardized by any rewording and/or change brought about by this local law.

C. The Secretary to the Planning Board shall be an employee of the Department and shall be under the direction of the Planning Director.

Sec. 7. Technical Advisory Committee

The Technical Advisory Committee shall consist of the Planning Director, Town Engineer, Building Inspector, Highway Superintendent, Superintendent of Recreation and

Parks, and a representative designated by the Supervisor, which committee shall evaluate the technical adequacy of all applications to the various Town Agencies concerned with planning and make recommendations for revisions of such applications to the applicant and final recommendations to the appropriate agencies. The Planning Director shall serve as Chairman of the Technical Advisory Committee. In the absence of the Planning Director, the Assistant Director shall serve as Chairman.

Sec. 8. Procedure and Action by the Department

A. After the effective date of this local law, all applications and referrals to the Planning Board for site plans, subdivisions, zoning amendments, use variances and special permits, including any such permits required by law or ordinance to be granted or approved by the Town Board and/or the Zoning Board of Appeals, shall be filed with the Secretary of the Planning Board who is an employee of the Department.

B. The procedures for all applications shall be as follows:

(1) All applications shall be attached to a form prepared by the Department, and such applications shall comply with requirements of all other agencies, boards, commissions and departments. In the event that said application is incomplete or erroneous, the application shall be

returned to the applicant for correction.

(2) The Department and other applicable Town and County Agencies, including the Technical Advisory Committee, shall review all applications for conformance to the following:

(a) Applicable statutes, local laws and regulations, and any covenants or restrictions encumbering the property.

(b) The Master Plan.

(c) The Official Map.

(3) After its review, the Department shall notify the applicant and the appropriate agency, board, commission, or department, on a form prepared by the Department, that the application does conform to applicable rules, regulations, laws and ordinances, and that the items shall be agendaed by the appropriate agency. In the event that the application does not so conform, the Department shall notify the appropriate agency, board or department of non-conformance.

Sec. 9. Conflict with Other Laws

Nothing contained in this law shall be construed as authorizing the Department to supercede, abrogate or otherwise affect the statutory authority granted by the Town Law or other laws of the State of New York to any Board or Commission.

Sec. 10. Severability Clause

If any part or provisions of this local law or the application thereof to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances.

Sec. 11. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

Mr. Kurt Mohr, vice president of Raymond, Parish and Pine, town's planning consultant, appeared before the Town Board and stated the following:

Prepared, at the town's request, recommendations to the Town Board re the function and future directions of the planning of the town. The culmination of their study is reason for this public hearing, the creation of a Department of Planning and Development.

The Town of Clarkstown only town in this county that has taken the position of recognizing the planning function as a continuing ongoing part of municipal government.

Mr. Mohr stated that they have worked in hundreds of communities on the west coast. He continued, that for a community to develop and grow in an orderly fashion, it must recognize the planning aspects of growth as an ongoing day to day function of local government.

Proposed law, he continued, will permit this function to come into effect in this town, and would give the town a process of planning which is far superior to that which is in effect in the county.

Functions proposed by a Department of Planning and Development would be Comprehensive Planning on a town wide basis; Technical Review of site plans, subdivision applications, special permit applications, proposed amendments to the zoning ordinance and official map, applications to the ZBA and other planning matters submitted for decision. Also, planning coordination with federal, state, county and town agencies whose actions affect the planning and development of the town.

(cont)

(Mr. Mohr of Raymond, Parish & Pine - cont.)

Also included in duties of proposed department; analysis of federal and state programs available to the town for planning and development purposes and the processing of applications to take part in said programs.

Proposed Local Law would provide for planning staff Would be responsible to the Supervisor and the Town Board. Department would assist Planning Board in preparation or periodic revision of the town's Master Plan. Services would be supplied to other Boards, viz Parks, Traffic et al.

Mr. Mohr continued - There has been considerable discussion re administrative relationship of the planning staff. Some suggest that they be directly responsible to the Chairman of the Planning Board, and some to the Supervisor and the Town Board. Planning Staff should serve both.

Procedure for application and referral:

Site plans, subdivision zone amendments, et al are to be filed with the secretary to the Planning Board; application checked for accuracy and completeness. If application approved, referral made to appropriate agencies and to Technical Advisory Committee. If application inaccurate, will be returned to applicant for revision.

Review of application by the Department; will be with regard to conformance to applicable statutes.

Upon completion of the review, the department will notify appropriate agencies whether or not it conforms with regulations. Then the normal processes of the various boards or agencies will take place.

This will be effective within the time frame of regulations. This process does not preclude discussion with the Planning Board et al in advance of the process.

Proposed law changes the direction and expands the scope of the Planning Function of the town.

Previous Local Law addressed itself to technical review and planning function.

We believe this Local Law is one that will be a working tool for the town, one that, unlike other communities in the county, will provide planning as an ongoing municipal function and will provide a better community.

Town Attorney informed the Town Board that Director and Assistant Director positions have been cleared with County Personnel and classified, which was not true of the prior local law.

IN FAVOR:

Walter Fleischer, 443 Buena Vista Road, New City: Suggested that someone active in environment be a member.

(cont)

GEB188

OPPOSED:

Mr. James Coyle, Town Planning Board;

Planning Board not consulted. This is not planning law, but one to regulate procedure used.

Ms. Russo, Chairperson, Homeowners' Party:

IN FAVOR, but we have requested a more viable structure in Department of Planning and Department of Public Works. She questioned, re qualifications - What is relationship of Director and Asst. Director to the position of Chairman of the Planning Board - will it be the same? Also, what other function Asst. Director will have.

Mr. Martus Granier, President of the West Branch Conservation Association:

Endorses, but suggested that someone be placed on proposed board to consider environmental questions. Also, re qualification (read advertisement for job) he suggested that ad be amended to require five years planning experience full time.

Mr. Mohr of Raymond, Parish & Pine, at this time stated, that re comment made by Chairman of the Planning Board; this local law cannot in any way negate functions of the Planning Board by State Law. They will still have responsibility of site plans, etc. Intent is to provide the Planning Board with expertise to establish their plans and their policies.

Re Technical Advisory Committee; This is not a group of lay people, but a group of professionals currently in the towns' employ. Purpose of committee is to bring together all of the towns' professionals who would customarily be involved to insure that all requirements have been met.

Planning Board can make decision on policy matters; Technical Advisory Committee as to whether it is technically adequate.

Re professional competence of the Director (not covered in local law because it would be adverse to civil service regulations); five years full time professional experience necessary.

Mr. Karl Hess, West Nyack: Member of the Planning Board: (speaking as individual citizen):

Members would all have technical expertise. Representative from the Supervisor would not be technically qualified and should just be a participant and not a voting member.

Mr. Mohr: This committee has no right to reject or accept an application by vote. They will indicate whether or not the application meets the requirements of their individual departments. Representative of the Supervisor is their recommendation, and is not in any way an effort to politicize proposed committee.

(cont)

(Mr. Mohr - cont)

We believe it is important that the applicants have the right to know that their applications are being acted on in an expeditious and prompt manner. None of the members have voting roles.

OPPOSED:

Mr. McDonough, 8 Bradley Drive, New City: This law would create another layer of red tape. This proposed law has another department reporting directly to the Town Board - Now you have two departments reporting to the Town Board on the same item.

IN FAVOR:

Ms. Conway, Congers Road, New City

In response to question re cost; Supervisor stated presently in Planning Board budget. Believes there will be less employees in the planning department than there are now. There are approximately eight (8) there now; we believe eventually these will be reduced down - duplication of service over the years.

If proposed law goes through, Supervisor continued, prime purpose is to eliminate duplication of effort and provide necessary service. No new positions being created. Planning Director would be restored to the budget.

There being no one further wishing to be heard, on motion made by Councilman D'Antoni, seconded by Co. Maloney and unanimously adopted, public hearing was closed.

Signed,



Anne E. O'Connor
Town Clerk

PUBLIC HEARING

Town Hall

6/18/75

9:00 PM

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

RE: PROPOSED RECLASSIFICATION OF LONG CLOVE ROAD, NANUET:

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

Chairman of
Rudolph Yacyshin, Planning Board, appeared before the Town Board, was sworn in, and testified as follows:

Planning Board has examined dual function of Long Clove Road as serving both residential and industrial portions of NW New City. Members of Planning Board and residents of Congress Estates and nearby areas are in agreement with Raymond, Parish & Pine's proposed eventual dead-ending of the residential portion lying to the southwest of M-zone boundary. Accordingly, an easement has been shown on lands of Long Clove Associates to accommodate the corresponding residential turnaround and future physical separation of the industrial portion, with elimination of truck traffic from local streets.

Remaining northwest portion of Long Clove Road only services the m-zoned areas that straddle it. Since the Zoning Ordinance presently requires entrances and exits to such 'only on a major or secondary road...' all members felt it proper that provision be made for legal industrial access.

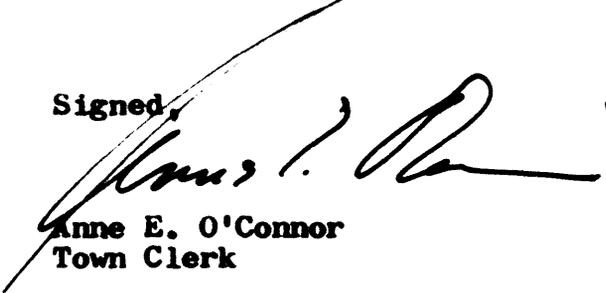
The Planning Board requests the Town Board take necessary action to modify the Official Map of the town so that the northeast portion of Long Clove Road be classified as 'secondary' from a point 150 ft. east of the R-22/M zone boundary.

Question was asked if new status of road would change physical appearance at end of road. He was told that it would be, it will be blocked off.

Town is going to ask the state to close Route 9W and create a new road cut into Route 304. Planning Board suggests a physical barrier, even if the state does not agree.

There being no one further wishing to be heard; on resolution offered by Co. Maloney, seconded by Co. D'Antoni and unanimously adopted, public hearing was closed.

Signed,



Anne E. O'Connor
Town Clerk

TOWN BOARD MEETING

Town Hall

6/18/75

8:00 PM

Present: Co. D'Antoni, 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.

(1975-452) Mr. Co. Pizzutello offered the following resolution:

RESOLVED, that based upon the recommendation of the
 Director of Purchasing, the bid to supply Bus Transportation
 for the Parks Board and Recreation Commission 1975 Summer
 Program is hereby awarded to Rockland Bus Lines, Inc., Rt. 9W,
 Congers N Y, at the following bid prices:

| | | |
|-----------------------|-----------------|------------------------------|
| Summer Day Camp | Regular Routes | \$55.00 per bus |
| Summer Day Camp | Swimming Routes | \$45.00 per bus |
| One Day Trips | Long Distance | |
| 1. Hershey, Pa. | | \$368.80 |
| 2. Great Adventure Pk | | \$206.80 |
| 3. Atlantic City | | \$293.20 plus cost of permit |

One Day Local Trips (See Schedule "A" attached) -

SCHEDULE "A"

ONE-DAY TRIPS - LOCAL -

Cost for one bus on each trip to following:

| | |
|------------------------|-------------------------|
| 1. Sterling Forest | \$ 75.00 |
| 2. Bear Mountain | 75.00 |
| 3. Turtle Back Zoo | 111.75 |
| 4. West Point | 80.00 |
| 5. Rye Playland | 100.00 parking included |
| 6. Statue of Liberty | 91.50 |
| 7. Shea Stadium | 106.50 parking included |
| 8. Lake Welch | 75.00 |
| 9. Lake Sebago | 75.00 |
| 10. Rockland Lake | 55.00 |
| 11. Anthony Wayne Pool | 75.00 |
| 12. Coney Island | 106.50 |
| 13. Jones Beach | 120.00 |
| 14. Central Park | 91.50 |
| 15. Bronx Zoo | 83.50 parking included |

(1975-432 - continued)
(SCHEDULE A - continued)

| | |
|--------------------------------|--------|
| 16. Catskill Game Farm | 150.00 |
| 17. Jungle Habitat | 110.00 |
| 18. Stamford (Conn.) Museum | 90.00 |
| 19. Rockaway Playland | 106.50 |
| 20. Orange County Fairgrounds | 100.00 |
| 21. Rockland Community College | 55.00 |
| 22. Nanuet Star Theater | 45.00 |
| 23. Low Tor Ice Rink | 50.00 |
| 24. Montvale Skating Rink | 60.00 |

(1975-433) Co. Pizzutello offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Purchasing, the bid to purchase the surplus auxiliary power plant in the Clarkstown Hall of Justice, is hereby awarded to Ernest Wiebicke, 41 Germonds Road, New City N Y at the high bid price of \$337.77, and be it

FURTHER RESOLVED, that said power plant is to be paid for and removed from its present premises by Mr. Wiebicke within a reasonable period.

Seconded by Co. Maloney.

All voted Aye.

(1975-434) Co. D'Antoni offered the following resolution:

RESOLVED, that the Minutes of the Town Board Meeting held on June 4, 1975, are hereby adopted and accepted as submitted by the Town Clerk.

Seconded by Co. Maloney.

All voted Aye.

Monthly Reports (May 1975) received from Building Inspector and Board of Appeals. Noted by Town Board; ordered filed in Town Clerk's Office.

(1975-435) Co. Maloney offered the following resolution:

WHEREAS, the following have applied for a Certificate of Registration pursuant to Sec. 83-65 of the Code of the Town of Clarkstown:

Landwood Excavating Corp.
39 Collins Avenue
Spring Valley N Y

Strawtown Builders, Inc.
d/b/a Hy-Dynamics Equipment
311 Strawtown Road
New City N Y

NOW THEREFORE, be it

RESOLVED, that the following Certificates of Registration be issued:

No. 75-28 to Landwood Excavating Corp.
No. 75-29 to Strawtown Builders, Inc.

Seconded by Co. D'Antoni.

All voted Aye

(1975-436) Co. Pizzutello offered the following resolution:

RESOLVED, that the Director of Purchasing be authorized to advertise for bids to supply chemicals for use at the Parks Board and Recreation Commission pools; said bids to be returnable at the Office of the Purchasing Director, Clarkstown Town Hall, 10 Maple Ave., New City N Y on July 1, 1975 before 4:00 PM, 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. D'Antoni.

All voted Aye.

(1975-437) Co. D'Antoni offered the following resolution:

WHEREAS, the Building Inspector and the Fire Inspector of the Town of Clarkstown recommend implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 102 Sec. 14, of the Code of the Town of Clarkstown, at C. R. REALTY PROPERTY (MAP 35, Block A, Lot 7) by the installation of fire lane designations, and

(cont)

(1975-437 - cont)

WHEREAS, FRANK D. NASTASI, the owner and or person in general charge of the operation and control of the parking area located in the Town of Clarkstown, has authorized that the Town of Clarkstown install said fire lane designations;

NOW THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector and the Fire Inspector with regard to the installation of certain fire lane designations shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

Seconded by Co. Maloney.

All voted Aye.

(1975-438) Co. D'Antoni offered the following resolution:

WHEREAS, the Building Inspector and the Fire Inspector of the Town of Clarkstown recommend implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 102 Sec. 14 of the Code of the Town of Clarkstown, at CONGERS BEVERAGE CENTER, by the installation of fire lane designations, and

WHEREAS, ALBERT TERMINELLO, the owner and or person in general charge of the operation and control of the parking area located in the Town of Clarkstown, has authorized that the Town of Clarkstown install said fire lane designations;

NOW THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector and the Fire Inspector with regard to the installation of certain fire lane designations shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

Seconded by Co. Maloney

All voted Aye.

(1975-439) 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 on ROUTE 304, NEW CITY.

Seconded by Co. D'Antoni.

All voted Aye.

(Proposal is for that section of 304 from Germonds Road North to Laurel Road, New City) - T/C

(1975-440) Co. D'Antoni offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install a "STOP" sign on the northeast side of Tor View Avenue where it intersects with Crestwood Drive, New City.

Seconded by Co. Maloney.

All voted Aye.

(1975-441) Co. D'Antoni offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install signs indicating a right turn on red light is permitted under the existing traffic lights at the following locations:

1. Intersection of New Hempstead Road and Little Tor Road Northbound Little Tor Road to Eastbound New Hempstead, right turn only. (New City)
2. Intersection of Little Tor Road and Collyer Avenue, Northbound Little Tor Road to Eastbound Collyer Avenue, right turn only. (New City)
3. Intersection of Eckerson Road and West Clarkstown Road Eastbound Eckerson Road to southbound West Clarkstown Road, right turn only. (Spring Valley).

Seconded by Co. Maloney.

All voted Aye.

(1975-442) Co. Maloney offered the following resolution:

WHEREAS, the Planning Board of the Town of Clarkstown has requested that it be given a 30 day extension of time in which to make its recommendation on the zone change application of DROGA AND PLOTKIN in Bardonia, N Y to enable the Planning Consultants to complete the Route 304 Zoning Study;

NOW THEREFORE, be it

RESOLVED, that the Town Board hereby grants to the Planning Board of the Town of Clarkstown a 30 day extension of time in which to submit its recommendation on the aforesaid zone change petition.

Seconded by Co. D'Antoni.

All voted Aye.

(1975-443) Co. Maloney offered the following resolution:

WHEREAS, THOMAS WORMS had requested a Building Permit for premises located at 31 Pennsylvania Avenue, Valley Cottage, N Y and paid an application fee of \$50.00, and

WHEREAS, said applicant has changed his mind about building;

NOW THEREFORE, be it

RESOLVED, that the sum of \$25.00 shall be refunded to said Thomas Worms and the remaining \$25.00 be retained by the Town of Clarkstown as its fee for processing said application.

Seconded by Co. Pizzutello.

All voted Aye.

(1975-444) Co. D'Antoni offered the following resolution:

WHEREAS, the Van Houten Fields Association of the Town of Clarkstown has made application for a display of fireworks on the 18 acre field owned by Van Houten Fields Association, located at the junction of Sickletown Road and Van Houten Fields on Friday July 4, 1975 at 9PM, and

WHEREAS, the Town Attorney is satisfied that all requirements have been met as included in Section 405 of the Penal Law;

NOW THEREFORE, be it

RESOLVED, that permission is hereby granted for a fireworks display to be held under the supervision of a licensed professional at Van Houten Fields at 9PM on July 4, 1975, pursuant to Section 405 of the Penal Law.

Seconded by Co. Pizzutello.

All voted Aye.

(1975-445) 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.

(1975-446) Co. Maloney offered the following resolution:

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

Seconded by Co. D'Antoni.

All voted Aye.

(1975-447) Co. Pizzutello offered the following resolution:

WHEREAS, public hearing re proposed Local Law to Repeal Local Law No. 11-1972 is contingent on hearing to be held at 8:45 PM this evening,

NOW THEREFORE, be it

RESOLVED, that public hearing set for 8:30 PM this evening re re-set for 8:45 PM.

Seconded by Co. Maloney.

All voted Aye.

(1975-448) Co. D'Antoni offered the following resolution:

RESOLVED, that decision on proposed Local Laws
a) to Repeal Local Law #11-1972; and proposed Local Law
b) to Establish a Department of Planning and Development,
be RESERVED.

Seconded by Co. Maloney.

All voted Aye.

(1975-449) Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 4th day of June 1975, re-scheduling a public hearing for the 18th day of June 1975 at 9PM, to consider amending the Official Map of the Town of Clarkstown by reclassifying a portion of LONG CLOVE ROAD, NEW CITY N Y, and

WHEREAS, notice of said public hearing was duly published and said public hearing was duly held at the time and place specified in said notice;

NOW THEREFORE, be it

RESOLVED, that the Official Map of the Town of Clarkstown be amended as follows:

The northeast portion of LONG CLOVE ROAD from a point 150 ft. east of the R-22/M zone boundary, from a local road to a secondary road.

Seconded by Co. D'Antoni.

All voted Aye.

(1975-450) Co. Maloney offered the following resolution:

WHEREAS, it has been decided that the designation of the northeast portion of LONG CLOVE ROAD, New City N Y from a point 150 ft. east of the R-22/M zone boundary shall be changed from a local road to a secondary road, and

WHEREAS, it is felt that a physical separation should be provided between the local road and secondary road portions of Long Clove Road for the public health, safety and welfare;

NOW THEREFORE, be it

RESOLVED, that the Highway Superintendent of the Town of Clarkstown is hereby authorized to erect a physical barrier between the local and secondary road portions of LONG CLOVE ROAD in accordance with the plans of the Planning Board of the Town of Clarkstown, and be it

FURTHER RESOLVED, that the Highway Superintendent is authorized to erect the necessary signs restricting truck traffic, and indicating the dead end nature of that portion of Long Clove Road which retains its local status.

Seconded by Co. D'Antoni.

All voted Aye.

(1975-451) Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown is presently holding the sum of \$8,835 in escrow funds as security for the performance of public improvements in the subdivision known as TOR TERRACE, and

WHEREAS, the Town Engineer's Office has reported on 4/2/74, that the sum of \$6,500 is required to complete the public improvements, and

WHEREAS, the Town Engineer's Office has reported on 5/6/75, that no change exists in the Town Engineer's report of 4/2/74, and

WHEREAS, the period in which to complete said public improvements has expired;

NOW THEREFORE, be it

RESOLVED, that escrow funds in the amount of \$6,500 be and the same hereby are defaulted to the Town of Clarkstown, and be it

FURTHER RESOLVED, that the Town Engineer and the Town Superintendent of Highways are hereby directed to apply such funds to the completion of the public improvements in said subdivision.

Seconded by Co. Pizzutello.

All voted Aye.

(1975-452) Co. D'Antoni offered the following resolution:

WHEREAS, Map Note 17 on "Subdivision Plat Monterey Estates, Valley Cottage, Town of Clarkstown, New York" last revised 12/15/70 filed with the Rockland County Clerk's Office on 1/28/71 in Book 81 at Page 41 as Map No. 4107 states as follows:

"Areas of the existing Valley Road R.O.W. which are shown as cross-hatched areas are to be vacated and conveyed to Lots 1 and 18, Block A, respectively. All other areas, not shown as cross-hatched, are to be conveyed to adjoining owners."

WHEREAS, said right of way and turnaround are being abandoned due to the extension of Valley Road, and

WHEREAS, Sec. 212-a of the Highway Law authorizes the abandonment of portions of town highways by resolution of the Town Board which are of no further use for highway purposes to said town, and

WHEREAS, said law requires an affirmative recommendation of the Town Superintendent of Highways with the consent of the County Superintendent of Highways;

NOW THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to execute and act in the name of the town a quit claim deed of the lands to be abandoned in favor of the abutting property owner upon the recommendation of the Town Superintendent of Highways and subject to the consent of the County Superintendent of Highways.

Seconded by Co. Pizzutello.

All voted Aye.

(1975-453) Co. D'Antoni offered the following resolution:

WHEREAS, State Senator Linda Winikow has introduced Senate Bill No. 5707 and Assemblyman Robert J. Connor has introduced Assembly Bill No. 8142 into the State Legislature, and

WHEREAS, said bills are entitled "AN ACT TO AUTHORIZE THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, TO ACQUIRE A REVERSIONARY OWNERSHIP INTEREST IN THE MIDDLEWOOD SENIOR CITIZEN HOUSING PROJECT", and

WHEREAS, the Town Board of the Town of Clarkstown wishes to authorize a Home Rule Request in regard to said bills;

NOW THEREFORE, be it

(cont)

(1975-453 - cont)

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor of the Town of Clarkstown to sign a Home Rule Request concerning Senate Bill No. 5707 and Assembly Bill No. 8142, and be it

FURTHER RESOLVED, that said Home Rule Request shall be forwarded to the Senate of the State of New York and the Assembly of the State of New York.

Seconded by Co. Pizzutello.

All voted Aye.

(1975-454) Co. Pizzutello offered the following resolution:

RESOLVED, that in accordance with Article XIX, Section 1 of the Town of Clarkstown and Clarkstown Unit of the CSEA, Inc. contract, a one month Leave of Absence without compensation is hereby granted to JOHN ROCCHIO, 23 Mark Lane, New City N Y to commence on 6/23/75 thru 7/22/75.

Seconded by Co. Maloney.

All voted Aye.

(1975-455) Co. Maloney offered the following resolution:

WHEREAS, the Board of Police Commissioners and Police Chief John Ambrose of the Town of Clarkstown have recommended Dr. Harold Gluck be reappointed as consulting criminologist to the Town of Clarkstown,

NOW THEREFORE, be it

RESOLVED, that Dr. Harold Gluck is hereby reappointed consulting criminologist to the Town of Clarkstown for a period of two years retroactive to May 1, 1975 to April 30, 1977, at the yearly fee of One Dollar (\$1.00).

Seconded by Co. D'Antoni.

All voted Aye.

(1975-456) Co. Maloney offered the following resolution:

WHEREAS, Building Permits Nos. 75-45, 75-46, 75-47 and 75-48 have been issued to THOMAS KING CONSTRUCTION CORP., 145 West Nyack Road, West Nyack N Y, for premises situate on Congers Road, New City N Y; and

WHEREAS, the issuance of said Building Permits are in violation of the Subdivision Regulations of the Town of Clarkstown and the Town Law of the State of New York, and

WHEREAS, the Building Inspector of the Town of Clarkstown had previously been informed that the issuance of said Building Permits would be improper and illegal by the Town Attorney of the Town of Clarkstown;

NOW THEREFOIE, be it

RESOLVED, that the Town Attorney of the Town of Clarkstown is hereby authorized to take all legal steps, including actions at law so that the Building Inspector of the Town of Clarkstown will comply with the subdivision regulations of the Town of Clarkstown and the Town Law of the State of New York and rescind Building Permit Nos. 75-45, 75-46, 75-47 and 75-48.

Seconded by Co. Pizzutello.

Before vote taken on above resolution, Robert H. Bowman, Building Inspector of the Town of Clarkstown stated the following:

'This property under question by Building Inspector's Office since early 1973. What is the action the Town Board has authorized Town Attorney to take? Nothing mentioned in the resolution. Is this personally or politically motivated? Town Attorney should have sufficient staff in his office to bring this to a determination. We have backlog of violations at present time in my office. Also; it will be necessary for me to request this Town Board to provide an attorney, or the funds necessary to hire an attorney in defense of this matter.

'If this resolution adopted, I expect legal help will be provided. Is it the Town Attorney or the Building Inspector who is charged with the enforcement of our building regulations?

Henry Horowitz Esq., attorney representing Mr. King stated the following:

'Acquired site in February 1975. He was given building permits. Three months after, he began construction and poured three foundations. Action proposed this evening would result in severe economic hardship. He has had permits four months. Now foundations poured. Now, the Board determines to revoke permits. Approval obtained from County Highway Department, County Planning Board and Town Engineer's Office in eight month period.

'If Ordinance not clear - revise it so it will be absolutely clear as to interpretation between the Building Inspector and the Town Attorney. Builder should not have to check with the Town Attorney after permit issued. Mr. King thought building permits validly issued.'

Supervisor Gerber stated that this goes back to February of this year. Building Inspector made aware that it was unanimous opinion of the Town Board in February of this year that those four lots were before the Planning Board on advice of the Town Attorney. Building Inspector was told that if those building permits were issued and the Town Board did nothing to stop them being issued, that I, as an individual, would go to court to see that those permits were stopped. February 27th building permits issued. I have no record of that memorandum. We have copy of memo which has P.S. which indicates that building permits issued on 2/27.

'Reason nothing done before tonight, was because I knew nothing about them being issued. When I saw area being bulldozed, I inquired. It was at that time I discovered that on 2/27 or 3/6 building permits were issued. Any agency of government has to be responsible to a higher authority in government. If this is only way we can determine whether that authority has been abused or not, then so be it. Builder can agree to go before the Planning Board right now and has chosen not to, so he must bear the brunt of any loss of money.'

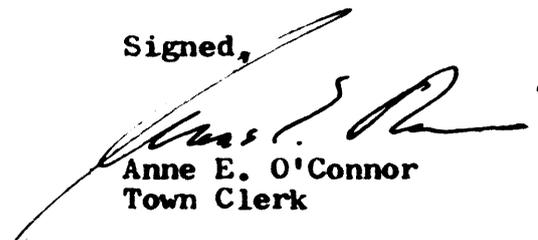
Vote on resolution No. 456.

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

MOTION CARRIED

There being no further business before the Town Board, on resolution offered by Co. Maloney, seconded by Co. D'Antoni and unanimously adopted, Town Board meeting was adjourned until Wednesday, June 25, 1975.

Signed,



Anne E. O'Connor
Town Clerk

SPECIAL TOWN BOARD MEETING

Town Hall

6/18/75

11:00 PM

Present: Co. D'Antoni, Maloney, Pizzutello, Supervisor Gerber
Town Attorney Murray N. Jacobson

Absent: Co. John Lodico
(CONSENT TO SPECIAL MEETING OF THE TOWN BOARD OF THE TOWN
OF CLARKSTOWN SIGNED BY TOWN BOARD MEMBERS PRESENT)

(1975-457) Supervisor Gerber offered the following resolution:

WHEREAS, CHARLES ADAMS has served the Town of Clarkstown faithfully, diligently and in a manner far beyond the call of "duty" for 29 years, and

(cont)

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Page 2

(1975-457 - cont.)

WHEREAS, Charles Adams' desk and chair have served him well in performing his duties with the Town of Clarkstown for these 29 years, and

WHEREAS, it would be a cruel and inhumane act to permit the separation of the aforesaid "fixtures" of the Town;

NOW THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown in their desire to have Charles Adams remember his 29 years with the Town hereby extends to him the privilege of taking along, together with his memories, his chair and desk, to which he has given tender, loving care, at a cost not to exceed \$1.00.

Seconded by Co. Maloney.

All voted Aye.

(1975-458) Co. Maloney offered the following resolution:

WHEREAS, Martin Marietta Corporation has commenced a tax certiorari proceeding against the Assessor and Board of Assessment Review of the Town of Clarkstown, and

WHEREAS, the firm of Lexow & Jenkins, Esqs., 56 Park Avenue, Suffern N Y has special expertise in the trial of proceedings concerning quarrying property;

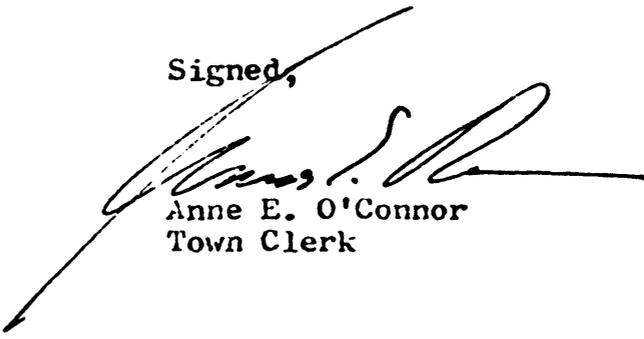
NOW THEREFORE, be it

RESOLVED, that the firm of Lexow & Jenkins, Esq. is hereby retained as Special Counsel to the Town of Clarkstown in the matter of Martin Marietta Corporation against the Assessor and Board of Assessment Review of the Town of Clarkstown.

Seconded by Co. D'Antoni.

All voted Aye.

Signed,


Anne E. O'Connor
Town Clerk