

PUBLIC HEARING

Town Hall

7/16/75

8:15 PM

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

RE: ZONE CHANGE APPLICATION MADE BY JOHN, JAMES & PETER CHAGARIS
(LO to CS) -(Property located off Route 59 and Greenbush Road)

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.

Donald S. Tracy, Esq. of the firm of Tracy & Werner,
New City N Y, appeared before the Town Board as attorney for the
petitioner:

RECOMMENDATIONS FROM PLANNING BOARDS:

COUNTY:

DISAPPROVES: 'The Board supports its negative findings of its
October 17, 1973 meeting, that the proposed zone change from
LO to CS will increase traffic movements that would be detrimental
to the safe and efficient flow of traffic on Route 59 and "ramps"
to Route 303.

TOWN: '....DENY for the following reasons:

1. The uses permitted by the proposed change are not appropriate in area concerned nor do they conform to the Comprehensive Town Development Plans of 1966 and 1971; which show the area as for Light Industry (ZO 106-32B2.a)
2. In regard to the public services aspect of access this could be questionable because of the traffic already generated on the ramp northeast of Rt.59/303 overpass: a rezoning to CS would exacerbate the situation (b),
3. The relatively intense land uses of CS zoning will create drainage problems that will flood North Greenbush Road residential area unless special provisions were made either for on-site storm water retention basin(s) or major downstream improvements to culverts and channels. The estimated additional sanitary sewer flow for this particular site can be handled by existing County services; need of water supply would not be a problem, (c),
4. The amount and condition of available vacant land currently zoned for CS development in the Town is adequate for present and foreseeable future (d),
5. The recent rate of development of community shopping in the Town and in the area has not shown any need for increase in available area or services, nor has any evidence been provided to show any insufficiency in existing community shopping services, (e),
6. The requested rezoning could have a deleterious effect on existing commercial facilities, (f),
7. The proposed increase of CS zoned land would reduce the likelihood of development of existing areas (h),

Attorney for petitioner stated the following:

Property located on Route 59 at intersection with Greenbush Road. Property consists of 6+ acres and has been zoned since 1967 in an LO category.

Many attempts have been made to develop this in LO zone to no avail. Property currently permits office buildings, research development, experimental and testing laboratories, social halls, meeting rooms, convention halls and catering facilities, as well as book distributing centers and associated uses.

Petitioner seeks community shopping center.

Re Planning Board Report:

ITEM I: Prior to 1967, amendment to Zoning Ordinance of the Town of Clarkstown, the property in question was zoned for highway commercial uses and proposed development plan of the Town Planning Board suggested this property for the following categories - local shopping, general retail, regional shopping and professional offices. Due to the fact that adjoining property came in for petition for rezoning and since Chagaris was inadvertently included in this property, the property was coned as LO. LO, CS and R-15 adjoining.

Only residential land to north and east. Entire frontage is RS. Entire adjacent property, directly across the street on Route 59, is CS. Running down Route 59 from this property all of the uses are in CS, with the exception of a cemetery property which is zoned R-15 just to the rear of our property.

CS running easterly applies to all of the land frontage on Route 59.

RE ITEM II: (of Planning Board recommendation):

Mr. John R. Kade, Traffic Engineer
23 Walden Place,
West Caldwell, N.J.

appeared before the Town Board, was sworn in, and stated the following:

Is licensed professional engineer. Affiliated with Travers Associates, Clifton, N.J. who are engaged in study and analysis of traffic and transportation problems. Inspected and researched this site.

Analysis: Located NE quadrant of 59 and North Greenbush Road intersection. Route 59 in this area is formed into 4-lane highway to the west, 2-lane highway to the east. In this area there are 3 traffic lanes, 2 east-bound, and 1 in the west-bound direction.

Proposed is construction of neighborhood shopping center which includes food market, stores, and a bank, with a total on-site development of over 70,000 square feet.

(cont)

(Mr. Kade - cont)

The Department of Transportation indicates that the 1973 average annual daily traffic on Route 59 in this area amounted to 18,713 vehicles. One direction - 1122 vehicles.

Department of Transportation 1970 annual average daily traffic, growth amounted to 6 to 7% for three year period.

Estimated traffic generation would amount to 5600 trips for a typical 24-hour period. With shopping peaks, trips amounting to 640, of which 320 would be entering and 320 departing.

We expect that this would be typical of shopping center operation in that about 60% would represent newly generated traffic.

Traffic distribution would be expected to be generated principally from the easterly direction and that in total about 70% of the traffic would arrive and depart via Route 59 with the balance from Route 303.

Traffic access to the site has been designed on the basis of the proposed radiant of the site. It respects that radiant and the fact that there are two parking levels to the east part of the site and then downhill on the west end.

The easterly drive would be the main access drive. That would accommodate all traffic movements, left turns into and out of the site, as well as the right turn movements in both directions.

Main access drive has been placed as far removed from Greenbush and 303 as possible.

Traffic signal control would be used at that location to control both left turns to the east and left turn entering traffic.

Two access drives are proposed near the west frontage of the site, one driveway for right turn entering traffic - one for right turn departing traffic.

This is one directional drive that would accommodate only right turn movements and therefore cause minimum conflict with traffic on North Greenbush Road.

One other major point of the site planning, is the provision of an acceleration and deceleration lane which would form the extension of the existing Route 303 deceleration lane. That existing lane would be extended to the east and would accommodate deceleration with right turn entering traffic.

The Department of Transportation plans for this area familiar to him. This pattern designed for this site would be compatible with proposed state plans.

Re traffic generated by LO use - it occurs primarily at peak traffic load periods.

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Mr. Tracy stated at this point that CS use for retail center will have less impact on rush hour periods - LO more.

RE ITEM III: Drainage - We would call attention to the fact that the drainage study of the Town of Clarkstown gives runoff for CS of .82 and for LO .76. This, coupled with residential area provided by design, shows that any additional drainage created by CS would be insignificant.

RE ITEM IV: (Planning Board recommendation) Property similarly situated was to CS. Their conclusion would not be statistically or scientifically ascertained by the Planning Board.

RE ITEM V: Private companies on the basis of research data, are ready, willing and able to lease space and commence operation on the site.

Mr. Edward Schuck, 141 East Saddle River Rd., Saddle River, N.J.:

Sworn in and testified as follows:

Business - licensed real estate broker in New York and New Jersey for 15 years. Specializes on sales of commercial and industrial real estate. Is familiar with subject parcel approximately one year. Opinion as to value or usability of this property for industrial as distinguished from commercial uses - highest and best use is retail shopping use. One million square feet of office space available now. We can at present negotiate leases (three banks, stock exchange, retail shoe sales, dress shop, beauty parlor, barber shop, family restaurant.) We are at point of sitting down and signing leases.

Mr. Barry A. Ginsburg, Post Lane, Barnardsville, N.J.

Sworn in and testified as follows:

Licensed Architect.

Site slopes from east to west at very rapid rate. Type of building that can be placed here is limited one. One floor type building could not be placed here economically.

Two-story building where slopes most;
 One-story building where slopes least.

Separate level entry where site faces Route 59. Enter ground floor from west. Top floor from east.

Enclosed Mall. 73,000 to 74,000 square feet on the two levels. Approach from Route 59. Parking split into two areas - one lower and one upper level.

Deliveries to be made to rear of site, which is heavily screened from the residential area. Roof type - retention for storm water. Islands and parking designed for slope. Heavily screened at perimeter and front of building. 442 cars site with green islands between. Masonry type building. Skylit enclosed mall. Very little commercial advertising on the perimeter of building. Site does not lend itself to industrial building.

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(Mr. Ginsburg, cont)

Approximate construction cost - \$2,500,000. (for building only).

Mr. Tracy - re ITEM VI of Planning Board recommendation:

Planning Board feels responsibility to stifle competition and grant monopoly to current facilities. This should not be concern of Planning Board and comment VI should not be placed in a recommendation.

RE ITEM VII: This is sheer speculation. Zoning Ordinance in effect August 9th, 1967. Only one additional piece of property has been rezoned to CS (near this parcel and similarly situated on Route 59)

Assuming existing area zoned CS have not developed since 1967, it would be more logical to analyze those properties to see if they could be developed under CS zone.

In LO since 1967. Attempts to sell or develop were made to no avail. LO zone has not proven to be a developable and viable zone.

Witness: Mr. Peter Chagaris, 6 East Clinton Ave., Tenafly, NJ:

Sworn in and testified as follows:

Owned property 16 years. Zoned LO in 1967. Rezoning in 1967 accomplished through efforts of adjoining parcel of land. This property adjacent to our property and included all our property in our area. Since 1967, I have been trying to sell this property for LO uses. Taxes \$16,000. at present. If granted, would build and develop as presented this evening.

Questions:

Re improvement to 59 by DOT; possibility that state may pace island in vicinity of this property. What affect would this have to LO zone?

Mr. Tracy: It will not be a divided highway in this area.

Re ingress and egress at easterly portion of property--?
 Answer: I would not be in a position to answer this at this time.

Mr. Tracy stated at this point, that should the granting of this rezoning require a traffic division on 59, it would be installed at petitioner's cost and expense.

Supervisor inquired re ingress on Green ush Road - If that were not used it would not adversely affect it. If Town Board grants with covenant, attorney for petitioner stated, our site plan could be readjusted to accommodate this covenant.

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Supervisor: Re DOT restriction of islands, would applicant restrict ingress and egress on 59 with or without island (no left turn in or out on Route 59?).

Mr. Tracy: No. Will accept covenant for the requirements either by state or any other agency as to signalization on 59. It would also go for request for egress and ingress from shopping center itself. If widening request, would be granted without hesitation.

Re property to the east (commercial though zoned I0) could both properties use one entrance? Response: Yes, this would be feasible.

Re multi-levels: Is there any provision for wheel-chairs? Response: Yes

Re enclosed mall - there would be only one pylon.

Assessed valuation on tax roll - 2-1/2 million dollars, plus land. Mr. Tracy stated that in assessing, it would be an error to place construction cost as the fact that would govern it. Would be considerable ratable.

Estimated time of beginning of construction - within six months.

No further questions from the Town Board.

IN FAVOR: No one appeared.

OPPOSED:

Ms. Barbara Osgood, 30 Sunsetview Drive: No need. Many stores, restaurants, etc. within 1/2 mile radius. CS would not be in harmony with surrounding area. R-15 and church in immediate vicinity. School bus on Greenbush Road.

Mr. Braithwaite: Planning Board denied. Does not want shopping center. Hard to use road now getting out of Central Nyack. Applicant should wait until Route 59 improved before petitioning.

Mr. James Murphy, Nyack (Town of Clarkstown): Old Nyack Turnpike outlet for everyone in Central Nyack. To go west on this now is nearly impossible. Increased traffic would make it worse. You would have to go east and turn around and go west to go into Nanuet. Area dangerous now - many accidents. Widening of 59 will bring more traffic into area.

Mr. William Osgood, 30 Sunsetview Drive, West Nyack: Traffic heavy now in area. Master plan was before 1967.

Mr. Gil Brindle, 59 South Greenbush Road,: Old Nyack Turnpike hard to get out of. Going east into Nyack, two lanes dwindle into one. Coming back west, one lane. School buses stop in church yard to pick up students - dangerous.

Mr. Henry Slaughter, 38 Sunsetview Drive: Agrees with Planning Boards - Deny.

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OPPOSED - cont:

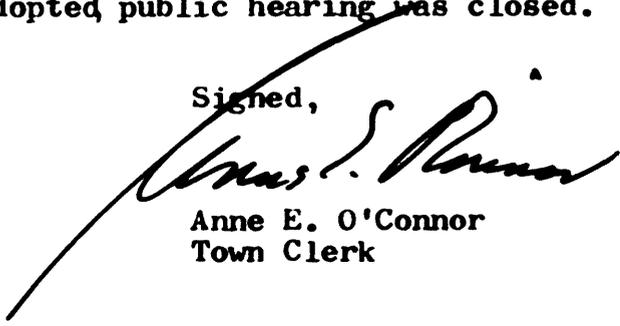
Mr. Joseph Pantano, New City: Drainage problem in area. Six roads coming into this area causing accidents. Listen to the planning boards' recommendations. Deny.

REBUTTAL: (Mr. Tracy)

There has been objections of people who live in area. All of their objections will be ameliorated because the Department of Transportation is going to re-design in this section with widening and signalization. Of the people within 500' area, five families here to voice their objections - 35 registered letters were mailed in this matter.

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

Signed,


 Anne E. O'Connor
 Town Clerk

TOWN BOARD MEETING

Town Hall

7/16/75

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.

(1975-491) Co. Lodico offered the following PROCLAMATION:

ST. THOMAS AQUINAS COLLEGE AWARENESS WEEK
 July 27 - August 2, 1975

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

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

(cont)

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(1975-491 - cont.)

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

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

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

NOW THEREFORE, be it

RESOLVED, that the week of July 27 - August 2, 1975 be proclaimed "ST. THOMAS AQUINAS AWARENESS WEEK" and that all the citizens of Clarkstown join together in recognition of this fine educational facility and the contribution its faculty and students have made to our community.

Seconded by Co. Pizzutello.

All voted Aye.

(1975-492) Co. D'Antoni offered the following resolution:

RESOLVED, that the Minutes of the Town Board Meeting held on 7/2/75, are hereby adopted and accepted as submitted by the Town Clerk, with the following amendments:

1. The roll call vote on Resolution #1975-475 to read as follows:

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

2. The roll call vote on Resolution No. 1975-476 to read as follows:

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

3. The roll call vote on Resolution No. 1975-478 to read as follows:

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

4. The roll call vote on Resolution No. 1975-480 to read as follows:

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

and the expiration date of January 1, 1981 should be added to this resolution, and be it

(cont)

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(1975-492 - cont)

FURTHER RESOLVED, that Resolution No. 1975-485 the third WHEREAS clause, second line should read as follows, "the sale of obligations in the amount of \$45,500.00, which includes", and be it

FURTHER RESOLVED, that the Minutes of the Town Board Special Meeting held on July 3, 1975, are hereby adopted and accepted as submitted by the Town Clerk.

Seconded by Co. Maloney.

All voted Aye.

1B1014

Monthly Reports for the month of June 1975 received from the Office of the Building Inspector and the Board of Appeals. Noted by the Town Board; filed in the Town Clerk's Office.

(1975-493) Co. Maloney offered the following resolution:

RESOLVED, that the application of ST. AGNES HOME AND SCHOOL FOR CHILDREN for Special Permit to operate an Agency Group Home pursuant to Sec. 106-3, sub-paragraph (b) of the Zoning Ordinance of the Town of Clarkstown for property located at 3 Brookside Drive, Nanuet NY, be referred to the Planning Board for report, and the County Planning Board; pursuant to Secs. 238 (1) and 239 (m) of the General Municipal Law.

Seconded by Co. Pizzutello.

All voted Aye.

(1975-494) Co. Maloney offered the following resolution:

RESOLVED, that the application of ST. AGNES HOME AND SCHOOL FOR CHILDREN for a Special Permit to operate an Agency Group Home pursuant to Sec. 106-3, sub-paragraph (b) of the Zoning Ordinance of the Town of Clarkstown for property located at Ten Paterson Avenue in the Hamlet of West Nyack, N Y be referred to the Clarkstown Planning Board for report.

Seconded by Co. Pizzutello.

All voted Aye.

(Amended by Resolution #537 adopted at meeting held 8/13/75)

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(1975-495) Co. D'Antoni offered the following resolution:

WHEREAS, there is a need for appraisal services in regard to certiorari cases in the Town of Clarkstown;

NOW THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement for appraisal services with Walter Donnaruma, M.A.I., of 82 Fair St., Kingston, N Y at a per diem basis of \$150.00 a day, not to exceed \$1500. total.

Seconded by Co. Maloney.

All voted Aye.

(1975-496) Co. Lodico offered the following resolution:

WHEREAS, the Town of Clarkstown is desirous of obtaining certain property presently owned by the Penn Central RR for purposes of stream relocation of the Hackensack River, in the area of Klein Ave., West Nyack N Y, and

WHEREAS, the Penn Central RR Co. has indicated a willingness to sell the property required at a price to be determined by an M.A.I. appraisal, and

WHEREAS, the Penn Central RR will indicate a selling price upon receipt of said M.A.I. appraisal supplied by the Town of Clarkstown;

NOW THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to obtain an M.A.I. appraisal of said property.

Seconded by Co. Pizzutello.

All voted Aye.

(1975-497) Co. Pizzutello offered the following resolution:

RESOLVED, that regular Town Board meeting be adjourned in order to hold scheduled public hearing.

Seconded by Co. Maloney

All voted Aye.

(1975-498) Co. Pizzutello offered the following resolution:

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

Seconded by Co. Maloney

All voted Aye.

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(1975-499) Co. Maloney offered the following resolution:

RESOLVED, that decision on zone change application made by John, James and Peter Chagaris (LO to CS) for property located off Route 59 and Greenbush Road, West Nyack, is hereby RESERVED.

Seconded by Co. Pizzutello.

All voted Aye.

(1975-500) Co. Lodico offered the following resolution:

WHEREAS, it is the desire of the Town of Ramapo to contract for certain sewer facilities for units located in the Town of Ramapo and for sewage to be disposed of through the facilities of the Master Benefited Sewer Improvement Area of the Town of Clarkstown, and

WHEREAS, the Town of Ramapo shall pay to the Town of Clarkstown for said service which has been provided and will be provided for the sum of \$100 per unit per year;

NOW THEREFORE, be it

RESOLVED, that the Town Attorney of the Town of Clarkstown is hereby authorized to prepare a contract between the Town of Ramapo and the Town of Clarkstown to carry out the above, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute said agreement when said has been approved and executed by the Town of Ramapo.

Seconded by Co. Pizzutello.

All voted Aye.

(1975-501) Co. D'Antoni offered the following resolution:

WHEREAS, a request has been made by the County of Rockland for towns to enter into agreement for stream maintenance work to be done by the Town Highway Departments and paid for by the County of Rockland, and

WHEREAS, the Town of Clarkstown desires to enter into such agreement;

NOW THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to enter into an agreement with the County of Rockland in a form approved by the Town Attorney, and be it

FURTHER RESOLVED, that payment for said work shall be made within 30 days after completion of work and submission of appropriate voucher.

Seconded by Co. Lodico.

All voted Aye.

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(1975-502) Co. Maloney offered the following resolution:

WHEREAS, a public hearing before the Town Board concerning the boundary dispute between the Valley Cottage and Central Nyack Fire Districts was held on 5/22/74, and

WHEREAS, said hearing was adjourned sine die, and

WHEREAS, it is in the best interest of the people in the area affected that this matter be resolved;

NOW THEREFORE, be it

RESOLVED, that the public hearing of 5/22/74 be continued on the 24th day of Sept. 1975 at 8PM relative to determining the boundary between the Valley Cottage Fire Dist. and the Central Nyack Fire Dist., and be it

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

Seconded by Co. Lodico. All voted Aye.
(Amended by Resolution #537 adopted at meeting held 8/13/75)

(1975-503) Co. Pizzutello offered the following resolution:

RESOLVED, that the following Republican Inspectors of Election for the year 1975 are hereby appointed.

(SEE LIST IN T/C FILE)

Seconded by Co. D'Antoni All voted Aye

(1975-504) Co. Pizzutello offered the following resolution:

RESOLVED, that the following Democrat Inspectors of Elections for the year 1975 are hereby appointed.

(SEE LIST IN T/C FILE)

Seconded by Co. Maloney All voted Aye.

(1975-505) Co. D'Antoni offered the following resolution:

RESOLVED, that the following Polling Places for the year 1975 are hereby designated.

(SEE LIST IN T/C FILE)

Seconded by Co. Pizzutello.. All voted Aye.

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(1975-506) Co. Pizzutello offered the following resolution:

WHEREAS, the Town of Clarkstown is planning a Bi-Centennial Celebration during the year of 1976, and

WHEREAS, it is necessary to hold a public hearing concerning the sums proposed for the expenses of the preparation and celebration of the Bi-Centennial Celebration of the United States of America pursuant to Section 72 (c) of the General Municipal Law;

NOW THEREFORE, be it

RESOLVED, that a public hearing will be held at the Auditorium of the Town Hall, 10 Maple Ave., New City N Y on the 13th day of August, 1975 at 8:15 PM, to consider the appropriation of \$10,000.00 for the purpose of defraying the expenses of the preparation and celebration of the aforesaid Bi-Centennial Celebration, and be it

FURTHER RESOLVED, that the Town Attorney prepare notice of such 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 said clerk.

Seconded by Co. Lodico

All voted Aye.

(Amended by Resolution #537 adopted at meeting held on 8/13/75)

(1975-507) Co. Pizzutello offered the following resolution:

WHEREAS, it has been proposed that the John William Hill house located at 587 West Nyack Road, West Nyack N Y be designated as an historical site pursuant to Chapter 12, Section 3, sub-paragraph C, of the Code of the Town of Clarkstown;

NOW THEREFORE, be it

RESOLVED, that a public hearing be had at the Auditorium of the Town Hall, 10 Maple Ave., New City N Y on the 13th day of August, 1975 at 8:30 PM to consider the designation of the aforesaid property as an historical site, 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 official newspaper of the Town as aforesaid and file proof thereof in the office of the said clerk.

Seconded by Co. Maloney

All voted Aye.

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(1975-508) Co. Pizzutello offered the following resolution:

WHEREAS, it has been proposed that Germonds Road Cemetery located on the n/s of Germonds Road, West Nyack N Y between the intersections of Demarest Mill Road and Bardonia Road be designated as an historical site pursuant to Chap 12, Sec. 3, sub-paragraph C. of the Code of the Town of Clarkstown;

NOW THEREFORE, be it

RESOLVED, that a public hearing be had at the Auditorium of the Town Hall, New City N Y on the 13th day of August 1975 at 8:45 PM to consider the designation of the aforesaid property as an historical site, 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 official newspaper of the Town as aforesaid and file proof thereof in the office of the said clerk.

Seconded by Co. Maloney

All voted Aye.

(1975-509) Co. Lodico offered the following resolution:

WHEREAS, the Town Engineer of the Town of Clarkstown recommends that a part of a certain easement affecting property located on Lot 23.17, Block A, Map 113, be terminated and extinguished, and that a portion be retained as described in Schedule A attached hereto and made a part hereof,

NOW THEREFORE, be it

RESOLVED, that a portion of said easement as described in Schedule "A" shall be retained and the balance is hereby terminated and extinguished, and be it

FURTHER RESOLVED, that the Town Attorney's Office prepare and file the necessary papers to retain the above-described easement and to terminate and extinguish the balance.

Seconded by Co. Pizzutello.

All voted Aye.

(SCHEDULE "A" FOLLOWS)

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(1975-509 - cont) (SCHEDULE A)

Subdivision map of DeForest Acres, Section I, prepared by Barbour and Jost, Surveyors, New City, New York, dated June 27, 1962. Reference map filed October 1, 1962 in the Office of Rockland County Clerk as Map 3036 in Book 65 at Page 27. Property deed filed April 16, 1962 in the Office of Rockland County Clerk in Book 759 at Page 44. This property is also designated as Map 113, Block A, Lot 23.17 on the current Tax Map of the Town of Clarks-town.

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A drainage easement having a width of 7.50 feet located along the southern boundary of the property described above. A more specific description of this easement is as follows:

Starting at a point which coincides with the southwest property corner and thence along the following courses and distances.

1. N 21° 49' 10" E a distance of 7.51 feet along the west property line to a point.
2. S 65° 20' 40" E a distance of 111.46 feet to another point.
3. S 46° 30' 20" W a distance of 8.08 feet to a point on the south property line.
4. N 65° 20' 40" W a distance of 108.08 feet along the south property line to the place or point of beginning.

(1975-510) Co. Pizzutello offered the following resolution:

RESOLVED, pursuant to the requirements of the Zoning Board of Appeals, deed from Norswood Construction Corp. (16 Deer Meadow Dr., West Nyack N Y) dated 4/25/75 conveying a road widening strip along Old Mill Road, Valley Cottage N Y as shown on map of minor subdivision of property for Norswood Construction Corp. is hereby accepted by the town and ordered filed in the County Clerk's Office.

Seconded by Co. Lodico.

All voted Aye.

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(1975-511) Co. D'Antoni offered the following resolution:

RESOLVED, that upon recommendation of the Highway Superintendent deed from:
Amos Construction Corp. (7 Franklin Lane, New City, New York)
dated October 3, 1969

conveying roads and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of entitled "Green Acres subdivision located at Valley Cottage, Town of Clarkstown", dated July 10, 1966, revised September 1, 1966 and filed in the Rockland County Clerk's Office on July 3, 1967 in book 73 of maps at page 33 as map number 3587.

as follows:

Green Ave. extension-495 L.f./together with easements and
two triangular parcels designated as being reserved for
possible future street

is (~~are~~) hereby accepted by the Town of Clarkstown and ordered filed in the Rockland County Clerk's Office; and be it

FURTHER RESOLVED, that Maintenance Bonds Nos. 902291 and 902292 dated the 19th day of June 19~~7~~ 68

Amos Construction Corp.

as Principal and

Amedeo Romano, Nathan Segal, and
Nicholas Conforti

as Co-Principal

and Republic Insurance Co.

as Surety,

are hereby accepted.

Seconded by Co. Maloney

All voted Aye

(1975-512) Co. D'Antoni offered the following resolution:

RESOLVED, that upon recommendation of the Highway Superintendent and the Town Engineer, and upon receipt of an updated Town Engineer's report and title report, deed from

LITTLE TOR HOMES, INC. (39 S. MAIN STREET,
SPRING VALLEY, N.Y.) dated March 6, 1975

conveying roads and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of Subdivision Plat, Cider Mill Estates, in New City, Town of Clarkstown, Rockland County, New York, made by Ostertag & McDougall, Engineers, Surveyors and Planners, which map was filed in the Rockland County Clerk's Office on the 28th day of September, 1972 in Book 84 of Maps, at Page 61, as Map #4334

as follows:

Cider Mill Court

Road widening strip adjacent to Church Road

Together with Sanitary Sewer and Drainage Easements

is ~~hereby~~ hereby accepted by the Town of Clarkstown and upon settlement of any requirements of the Town Engineer, same is ordered filed in the Rockland County Clerk's Office; and

be it

FURTHER RESOLVED, that Maintenance Bonds Nos. 914281 and 914284 dated the 3rd day of February 1975

LITTLE TOR HOMES, INC.

as Principal and

ALAN A. KURTIS AND MALCOLM B. BESEN

as Co-Principal

and

REPUBLIC INSURANCE COMPANY

as Surety,

are hereby accepted.

Seconded by Co. Maloney

All voted Aye

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Town Board members signed Maintenance Bonds for two foregoing road dedications/^{and Sewer} approving same as to form and sufficiency of surety and amount of liability. On file in T/C office.

(1975-513) Co. Lodico offered the following resolution:

WHEREAS, Reso. #1975-337 authorized drainage work at the Clarkstown Sanitary Landfill site, and

WHEREAS, the sum of Fifteen Thousand Dollars (\$15,000.00) was appropriated for said drainage work, and

WHEREAS, there was a typographical error in the resolution,

NOW THEREFORE, be it

RESOLVED, that the clause "further resolved, that the sum of \$15,000.00 be transferred to Capital Drainage Account", be changed to read, "further resolved that the sum of \$15,000.00 be paid from Capital Drainage Account".

Seconded by Co. Maloney All voted Aye.
(Amended by Resolution #537 adopted at meeting held 8/13/75)

(1975-514) WHEREAS, by resolution #1975-405 the town has entered into a right of entry agreement to construct certain sewer facilities on the property of Mrs. Annette Dean, and

WHEREAS, said resolution appropriated the sum of \$214.90 to cover the cost of replacement of shrubbery on the aforesaid property,

NOW THEREFORE, be it

RESOLVED, that the sum of \$214.90 be paid from the Sewer Construction Account.

Seconded by Co. Maloney All voted Aye.

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(1975-515) Co. Pizzutello offered the following resolution:

RESOLVED, that the sum of \$2,500.00 be transferred from the Money in Lieu of Land Account to the Parklands & Improvements Account for the purpose of reimbursing Seymour Gurlitz for architectural and planning services concerning the preparation of a recreation development plan for Lake Nanuet.

Seconded by Co. Maloney

All voted Aye.

(1975-516) Co. Maloney offered the following resolution:

RESOLVED, that the Director of Purchasing be authorized to advertise for bids to supply Law Enforcement Equipment for the Clarkstown Police Department as provided for in Dept. 3120, Line 293 of the Town Budget; said bids to be returnable at the Office of the Director of Purchasing, Town Hall, New City N Y on August 6, 1975 before 4:00 PM, at which time they will be opened, and be it

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

Seconded by Co. Lodico

All voted Aye.

(1975-517) Co. Pizzutello offered the following resolution:

RESOLVED, that the Director of Purchasing be authorized to advertise for bids for the renovation of the Bluebird Drive area of Kings Park, said bids to be returnable to his office, New City N Y on August 11, 1975 before 3:00 PM, at which time they will be opened, and be it

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

Seconded by Co. Lodico

All voted Aye

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(1975-518) Co. Maloney offered the following resolution:

WHEREAS, Section 123 of the Town Law requires that an audit of the books and records in the criminal and civil dockets of the Town Justices be conducted, and

WHEREAS, such documents have been duly examined by the independent firm of Certified Public Accountants Korn and Rosenbaum, 30 South Main St., New City N Y and has found that the fines and fees collected have been turned over to the proper officials as required by law,

NOW THEREFORE, be it

RESOLVED, that the audit report of the Town Justices of the Town of Clarkstown be entered upon the minutes of the Town Board of the Town of Clarkstown.

Seconded by Co. Pizzutello

All voted Aye

(Audit Report of the Town Justices: '...such documents have been duly examined and that the fines and fees collected have been turned over to the proper officials as required by law'. (Complete report in T/C file)

(1975-519) Co. Lodico offered the following resolution:

WHEREAS, in order to function properly and efficiently, the Sanitary Landfill must from time to time purchase incidental supplies,

NOW THEREFORE, be it

RESOLVED, that a Petty Cash Account be established for the Sanitary Landfill in the amount of \$100.00, said funds to come from Sanitary Landfill Account.

Seconded by Co. Pizzutello

All voted Aye.

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(1975-520) Co. Lodico offered the following resolution:

WHEREAS, a condemnation action was commenced in the Supreme Court of the State of New York, County of Rockland entitled as follows:

TOWN OF CLARKSTOWN,
Plaintiff-Petitioner;

-against-

JOSEPH GONZALES, JACK KLIMAN, HENRY KLIMAN,
RAMAPO ANESTHESIOLOGISTS and J. C. PENNY
COMPANY, INC.,
Defendants-Respondents., and

WHEREAS, a proposal has been made to settle said condemnation action by the payment of \$1,400 to Joseph Gonzales as the fair value of the land condemned, and

WHEREAS, David Wagner, 1st Deputy Town Attorney, recommends that said settlement is fair and equitable;

NOW THEREFORE, be it

RESOLVED, that the aforesaid action shall be settled by the payment of \$1,400 to said Joseph Gonzales, said amount to be charged to the Mountainview Avenue Project Account.

Seconded by Co. Pizzutello.

All voted Aye.

(1975-521) Co. D'Antoni offered the following resolution:

WHEREAS, the Building Inspector and the Fire Inspector recommend implementing certain provisions of LL No.9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chap. 102 Sec. 14 of the Code of the town at LOCK, STOCK & BARREL (34A20) by the installation of fire lane designations, and

WHEREAS, E. MICHAEL LEFFLER, the owner and or persons in general charge of the operation and control of the parking lot located in the town has authorized that the town install said fire lane designations;

(cont)

181014

(1975-521 - cont)

NOW THEREFORE, be it

RESOLVED, that pursuant to said LL 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 Highway Superintendent upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the town.

Seconded by Co. Lodico

All voted Aye.

(1975-522) Co. D'Antoni offered the following resolution:

WHEREAS, the Building Inspector and the Fire Inspector of the town recommend implementing certain provisions of LL 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, at SONO JAPANESE RESTAURANT (32-2-B-2.03) by the installation of fire lane designations, and

WHEREAS, MAKOTO KANEDA, the owner and or person in general charge of the operation and control of the parking area located in the town has authorized that the town install said fire lane designations;

NOW THEREFORE, be it

RESOLVED, that pursuant to said LL #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. Pizzutello

All voted Aye

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(1975-523) Co. Maloney offered the following resolution:

WHEREAS, a comprehensive amendment to the Zoning Ordinance of the Town of Clarkstown was adopted on June 30, 1967, 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 of the Town of Clarkstown at 10 Maple Avenue, New City, Rockland County, New York, on the 13th day of August, 1975 at 9:00 P.M. to consider the adoption of the following proposed amendments to the Zoning Ordinance of the Town of Clarkstown:

Delete present sections 106-30C and D in their entirety and substitute the following new section 106-30C as follows:

106-30C SITE PLAN APPROVAL REQUIRED IN APPLICATIONS FOR BUILDING PERMITS, VARIANCES, OR SPECIAL PERMITS:
All applications for Building Permits, Variances or Special Permits, other than those excepted under subsection (1) below, shall be accompanied either by a site plan bearing the approval of the Planning Board of the Town of Clarkstown or by said Board's waiver of such requirement. No Building Permit shall be issued until the provisions of the Planning Board Regulations for Approval of Site Plans or Maps shall have been complied with or such waiver has been duly granted.

(1) EXCEPTIONS:

- (a) one or two-family buildings, structures and uses connected thereto.

(continued)

(1975-523 - cont)

- (b) signs or changes of use in existing sites conforming to the Zoning Ordinance and the provisions of site plans previously approved by the Planning Board.
- (c) any exception, special permit or variance by the Board of Appeals or Town Board, or building permit granted prior to the adoption of this Section.

FURTHER RESOLVED, that the Town Attorney prepare notice of 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

All voted Aye

Proposed resolution approving site regulations adopted by the Planning Board - HELD.

(1975-524) Co. Lodico offered the following resolution:

RESOLVED, that a Building Permit under provisions of Section 280-a of the Town Law is hereby granted to HAV-ROCK CORP., for property located on the west side of Railroad Avenue, 468 feet north from the intersection of First Street located in the Hamlet of Congers, New York, more particularly designated on the Clarkstown Tax Map as Map 126, Block F, Lot 20.

Seconded by Co. Pizzutello

All voted Aye

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(1975-525) Co. Lodico offered the following resolution:

RESOLVED, that a Building Permit under provisions of Sec. 280-a of the Town Law is hereby granted to ELVIN ERICKSON, for property located on the west side of Railroad Avenue, 400' north from the intersection of First St. in the Hamlet of Congers, N Y, more specifically designated on the Tax Map as Map 126, Block F, Lot 20.01.

Seconded by Co. Pizzutello

All voted Aye

(1975-526) Co. Lodico offered the following resolution:

RESOLVED, that a Building Permit under provisions of Sec. 280-a of the Town Law is hereby granted to WALTER PFAFFENBERGER for property situate on the south side of Central Avenue, 100 feet south from the intersection of Blue Willow Lane in the Hamlet of New City N Y, more particularly described on the Tax Map as Map 36, Block E, Lot 20.01, and subject to the Town Attorney obtaining a covenant for participation in the road improvement district.

Seconded by Co. Pizzutello.

All voted Aye.

(1975-527) Co. Pizzutello offered the following resolution:

WHEREAS, the Parks Board and Recreation Commission of the Town of Clarkstown has made application for a public display of fireworks at the Clarkstown High School South on Sunday, July 20, 1975, at 8:00 PM, 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 jurisdiction of the Clarkstown Parks Board and Recreation Commission at the Clarkstown High School South at 8:00 PM on July 20, 1975 pursuant to Section 405 of the Penal Law.

Seconded by Co. Lodico

All voted Aye

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(1975-528) Co. Lodico offered the following resolution:

RESOLVED, that John Ambrose, Chief of Police of the Town of Clarkstown, be authorized to attend the New York State Police Chief's Convention, to be held in Buffalo, N Y from July 27th to July 31st, 1975, and be it

FURTHER RESOLVED, that he be authorized to use a Town vehicle for transportation to said convention in lieu of receiving 15 cents per mile for private transportation, and be it

FURTHER RESOLVED, that all proper and necessary expenses be paid from Account No. 3120, Line 414.

Seconded by Co. Maloney

All voted Aye

(1975-529) Co. Lodico offered the following resolution:

WHEREAS, on June 4, 1975 the Town Board of the Town of Clarkstown unanimously passed Resolution #1975-421, to commence certain drainage projects in the Town of Clarkstown, and

WHEREAS, said projects are now underway and are largely being completed by the use of summer employees,

NOW THEREFORE, be it

RESOLVED, that the sum of Sixty Thousand Dollars (\$60,000.00) be transferred from the Capital Account - Drainage, to Highway Account No. 4110, Line 114, for the purpose of paying salaries to the summer employees working on the completion of the aforesaid drainage projects.

Seconded by Co. Maloney

All voted Aye

(Amended by Resolution #537 adopted at meeting held 8/13/75)

(1975-530) 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:

Danlyn Court, New City
Gable Road, New City

Seconded by Co. Lodico

All voted Aye

(1975-531) Co. Pizzutello offered the following resolution:

WHEREAS, the CSEA has requested certain changes in the labor agreement between the Town of Clarkstown and the Clarkstown unit of the Civil Service Employees Association, Inc., effective January 1, 1975; and

WHEREAS, the Town Board is agreeable to said changes;

NOW THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to execute the attached rider to the labor agreement between the Town of Clarkstown and the Clarkstown Unit of the Civil Service Employees Association, Inc. which became effective January 1, 1975.

Seconded by Co. Maloney

All voted Aye

**RIDER TO LABOR AGREEMENT BY AND BETWEEN
THE TOWN OF CLARKSTOWN AND THE CLARKS-
TOWN UNIT OF THE CIVIL SERVICE EMPLOYEES
ASSOCIATION, INC., SIGNED THE 12th DAY
OF NOVEMBER, 1974, and EFFECTIVE JANU-
ARY 1, 1975**

It is understood and agreed by and between the parties hereto that in consideration of the mutual benefits to be derived herein, the within Agreement is hereby amended as follows:

Page 2, Article III - COLLECTIVE BARGAINING UNIT:

Add the following: "including all seasonal, temporary and part-time employees."

Page 7, Item 8 (a) -- Add the following: "for those employees not affected by the aforementioned conditions who continue working."

Page 12. Add sub-paragraph g. as follows:

"An employee who is authorized or required to work on a regular paid holiday shall be entitled to two (2) hours time off for each hour worked on the holiday or equivalent pay at the employee's discretion."

Page 25, Sec. 6. - LEAVE FOR CIVIL SERVICE EXAMINATIONS:

Delete the words "to take any County Civil Service examination and replace as follows:

"to take a civil service examination, providing said examination is for the purpose of changing employee's status within the service of the Town of Clarkstown."

Page 29, Article XX - APPLICABILITY: Delete entire Article and replace as follows:

1. Permanent full-time employees shall be entitled to all benefits covered by this contract.

2. Provisional full-time employees shall be entitled to all benefits covered by this contract.

3. Temporary, seasonal, part-time or permanent part-time employees, and others not members of this bargaining unit, shall be ineligible for any benefits under this contract.

4. All persons, prior to appointment as either provisional full time or permanent full time employee, on and after August 1, 1975, shall be subject to a physical examination, at the direction and expense of the Town, to determine their physical fitness to perform the work assigned them.

5. The anniversary date for all employees covered by this contract shall be the date when first hired as provisional full time or permanent full time employees.

6. Longevity means length of service with the Town from date of first hiring, regardless of any status change.

All other terms and conditions of the within Agreement remain unchanged and in full force and effect.

The within amendments shall take effect immediately upon its approval by the Town Board of the Town of Clarkstown and the Clarkstown Unit of the Civil Service Employees Association, Inc.

IN WITNESS WHEREOF, the parties hereto have signed this Rider the _____ day of _____, 1975.

ATTEST:

TOWN OF CLARKSTOWN

By: _____
George S. Gerber, Supervisor

ATTEST:

CLARKSTOWN UNIT OF THE CIVIL SERVICE EMPLOYEES ASSOCIATION, INC.

By: _____
Arthur F. Huggins, Pres.

Proposed resolutions regarding Gerald Colucci - HELD

(1975-532) Co. Lodico offered the following resolution:

RESOLVED, that John Eterno, 63 Verdin Ave., New City N Y is hereby appointed provisionally to the position of Maintenance Supervisor (Sewers), at the annual salary for 1975 of \$14,631., effective immediately.

Seconded by Co. Pizzutello.

On roll call the vote was as follows:

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

(1975-533) Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Director of Purchasing #7538 which contains the name of Morton Troy as #1 on the list,

NOW THEREFORE, be it

RESOLVED, that Morton Troy, 43 Capral Lane, New City N Y is hereby appointed permanently to the position of Director of Purchasing, at the annual salary for 1975 of \$19,000., effective immediately.

Seconded by Co. Lodico

On roll call the vote was as follows:

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

(1975-534) Co. D'Antoni offered the following resolution:

WHEREAS, William Niehaus was appointed to fill the unexpired term of Peter Mascioli on the Zoning Board of Appeals; Supervisor Gerber, Councilmen Maloney and Lodico voted for the appointment, and

WHEREAS, said William Niehaus in 1972, while serving as Councilman and liason to the Zoning Board of Appeals, publicly denounced that Board, and for the record stated "there should be no Zoning Board of Appeals.....they should be abolished", and

WHEREAS, to my knowledge Mr. Niehaus has, on at least one occasion, reiterated the same position regarding the Zoning Board of Appeals, and

(continued)

IB1014

(1975-534 - continued)

WHEREAS, this public avowal by former Councilman Niehaus may create situations of prejudice which would endanger the people of the Town of Clarkstown and leave the Zoning Board of Appeals in a vulnerable position, subject to challenge and litigation, especially when an unfavorable decision is rendered against an applicant;

N OW THEREFORE, be it

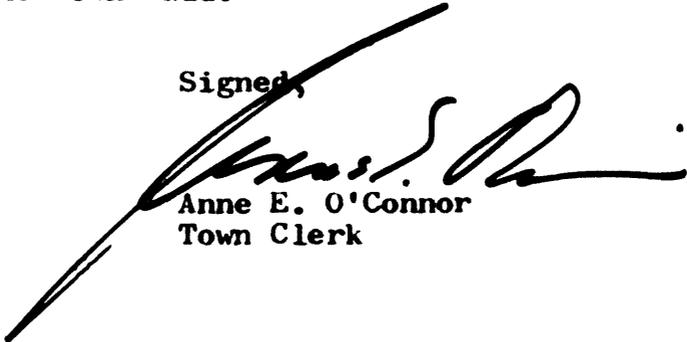
RESOLVED, that in the best interest of the Town of Clarkstown this Town Board shall reconsider said appointment of William Niehaus to the Zoning Board of Appeals, and does hereby rescind Town Board Resolution #479, said resolution having been the appointing resolution.

No second

Motion not entertained.

There being no further business before the Town Board, on motion made by Co. Lodico, seconded by Co. Maloney and unanimously adopted, Town Board meeting was adjourned until Wednesday, August 13th, 1975 at 8:00 PM, at which time next regularly scheduled Town Board meeting will be held in the Board Room of the Town Hall.

Signed,



Anne E. O'Connor
Town Clerk