

PUBLIC HEARING

Town Hall

4/7/76

8:15 P.M.

Present: Co. D'Antoni, Holbrook, Maloney, Piacentile, Supv. Gerber
John R. Bradley, Town Clerk
Murray N. Jacobsen, Town Attorney

RE: PROPOSED DESIGNATION OF HISTORICAL SITE -- HENRY
VARNUM POOR HOME (located at 92 South Mountain
Road, New City, New York)

Supervisor Gerber declared Public Hearing open, Town Clerk read Notice of Hearing and attested to proper publication and posting of said notice.

Supervisor Gerber read the description and history of the Henry Varnum Poor residence describing the unique construction and the artistic designs and hand made appointments of the dwelling, citing that the creation and building of this dwelling was unique and original and the result of the handi-craft of the owner, who is recognized as an artist of great distinction.

THE FOLLOWING APPEARED IN FAVOR

Mr. Alan Anderson, South Mountain Road, New City -- expressed his approval of the Historical Site being accepted and introduced Miss Anne Poor to the assemblage for the purpose of speaking in favor of the Site adoption as well.

Miss Anne Poor, present resident in the Henry Varnum Poor residence -- thanked the Board for their consideration to accept the residence as an Historical Site. She stated that Mr. Poor expressed the desire that the house remain in the possession of members of his family. She told of the pride that Mr. Poor had in the building and molding the house with his own labor, design and initiative, thus creating a unique, artistic dwelling containing hand hewn chestnut beams, hand crafted bathroom tiles and hand made wrought iron hardware. She stated the house is too individual in its structure to change and hoped that Mr. Poors artistic grandchildren and other heirs can continue to use the structure for the development of artistic talents.

Miss Eleanor Fitch as member of Historical Review Board -- stated that the Board was exceptionally proud to have recommended the Henry Varnum Poor residence as an Historical Site inasmuch as it is a unique architectural example and has its place in current history because of its design and ownership by Henry Varnum Poor.

OPPOSED - NO ONE APPEARED

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

Submitted by,


John R. Bradley
Town Clerk

EEC873

TOWN BOARD MEETING

Town Hall

4/7/76

8:15PM

Present: Co. D'Antoni, Holbrook, Maloney, Piacentile, Supv. Gerber
 John R. Bradley, Town Clerk
 Murray N. Jacobsen, Town Attorney

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

(1976-201) Co. D'Antoni offered the following Proclamation:

WHEREAS, Richard Ellenbogen has achieved the distinction of being selected "Outstanding Teenage Young Man 1975-1976", by the New York Jaycees, and

WHEREAS, Richard Ellenbogen, 17, is a resident of New City and a student at Clarkstown High School South, and who, through his sense of community involvement and academic excellence has brought honor to himself, his parents, his school, and to the Town of Clarkstown, and

WHEREAS, this honor, bestowed upon him by the Jaycees, was the result of intense competition of students throughout the State of New York, who were judged on the basis of their school ability, extra curricular activities and community achievements, and

WHEREAS, in addition to being recognized by the Jaycees, Richard Ellenbogen has been voted by his peers at school as "Most Likely to Succeed", and "Most Versatile"; qualities that are evident from his service to Nyack Hospital as a nursing service volunteer, and by the evaluations of his teachers, guidance counselors, and private companies that have employed him,

NOW, THEREFORE, BE IT RESOLVED, THAT I, George S. Gerber, Supervisor of the Town of Clarkstown, do hereby proclaim April 9th, nineteen hundred and seventy-six as "RICHARD ELLENBOGEN DAY" in the Town of Clarkstown, and urge all our residents to join with me in recognizing Richard Ellenbogen and all other teenagers who, through their own personal efforts, have made a significant contribution to their community.

Seconded by Co. Maloney

All voted Aye.

(1976-202) Co. D'Antoni offered the following resolution:

RESOLVED, that regular Town Board Meeting be adjourned in order to hold scheduled Public Hearing.

Seconded by Co. Holbrook

All voted Aye.

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(1976-203) Co. Maloney offered the following resolution:

RESOLVED, that regular Town Board Meeting be resumed, scheduled Public Hearing having been held.

Seconded by Co. Piacentile

All voted Aye.

(1976-204) Co. Holbrook offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 17th day of March, 1976 provided for a public hearing on the 7th day of April, 1976 at 8:15 P.M., to consider the designation of the home of HENRY VARNUM POOR located at 92 South Mountain Road, New City, New York, more particularly designated on the Clarkstown Tax Roll as Map 173, Block A, Lot 3, as an historical site pursuant to Chapter 12, Sec. 3, sub-paragraph C. of the Code of the Town of Clarkstown, and

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

NOW, THEREFORE, be it

RESOLVED, that the aforementioned home of HENRY VARNUM POOR be, and the same is, hereby designated as an historical site, and be it

FURTHER RESOLVED, That said historical site be so indicated on the Official Map of the Town of Clarkstown.

Seconded by Co. D'Antoni

All voted Aye.

(1976-205) Co. Maloney offered the following resolution:

RESOLVED, that the bid for the furnishing of Athletic and Recreation supplies for the Parks Board & Recreation Commission is hereby awarded to the following low bidders:

FLAGHOUSE, INC., 18 West 18th Street, New York, N. Y., for items #15, 35, 36, 42, 43, 48, 51, 52, 60, 70, 74, 76, 82, 83, 84, 87, 91, 102, 105, 106, 113, as per specifications, at a net bid price of \$2,504.67; and to

SEA LAWN PRODUCTS CO, P. O. Box 719, Long Beach, New York, for items #16, 33, 67, as per specifications, at a net bid price of \$231.36; and to

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(1976-205 continued)

TODD-PHELPS SPORTING GOODS MFG. CORP., 2181 Westchester Avenue, Bronx, New York, for items #1a, 3, 4a, 4b, 5b, 7, 17, 18, 19, 20, 26, 30, 31, 32, 58, 59, 61, 66, 68, 69, 71, 73, 75, 77, 79, 80, 86, 90, 93, 94, 108, 109, 110, as per specifications, at a net bid price of \$15,081.25; and to

CHAMPION PRODUCTS INC., R.D. #2, Perry, New York, for items #22, 23, 25, 27, 28, 29, as per specifications, at a net bid price of \$4,183.08; and to

CLEATS N'SNEAKS LTD., 201 W. Rte. 59, Nanuet, New York for items #8, 21, 50, 53, 63, 81, as per specifications, at a net bid price of \$498.25; and to

SUPRINA'S SPORTLAND, 22 Ocean Avenue, Copiague, New York, for items #9, 14a, 14b, 34, 64, 78, 88, 89, 92, 97, 99, 104, 107, 114, 115, as per specifications, at a net bid price of \$1,682.14; and to

MORLEY'S SPORTING GOODS, P. O. Box 557, Amsterdam, New York, for items #40, 95, 117, as per specifications, at a net bid price of \$432.00; and to

MARTY SPOLAN, 116-19 Metropolitan Avenue, Kew Gardens, New York, for items #54, 55, 62, as per specifications, at a net bid price of \$141.00; and to

S.F. GOLDSTEIN, 522 West 181 Street, New York, New York, for items #1c, 5a, as per specifications, at a net bid price of \$486.20; and to

FREDDIE'S SPORTING GOODS, 98 Maple Avenue, New City, New York, for items #1b, 2a, 2b, 2c, 2d, 6a, 6b, 11, 12, as per specifications, at a net bid price of \$2,116.40; and to

U.S. GAMES, INC., 1393 Cypress Avenue, Melbourne, Florida, for items #10, 13, 46, 65, 101, as per specifications, at a net bid price of \$235.89; and to

BLUMENFELD SPORT NET COMPANY, 4111 First Avenue North, St. Petersburg, Florida, for item #103, as per specifications, at a net bid price of \$139.80; and to

M.V.P. PRODUCTS, INC., 350 5th Avenue, New York, New York for item #24, as per specifications, at a net bid price of \$599.40; and to

MURPHY SPORT SERVICES, INC., 9 W. Prospect, Mt. Vernon, New York, for item #49, as per specifications, at a net bid price of \$143.00; and to

ALL PRO FOOTWEAR, 263 South Main Street, New City, New York, for items #111, 112, as per specifications, at a net bid price of \$1,149.50; and to

HUDSON VALLEY RESCUE PRODUCTS, INC., 8 Tor Avenue, Haverstraw, New York, for item #98, as per specifications, at a net bid price of \$481.95; and to

(continued)

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(1976-205 continued)

AMERICAN PRO COMPANY, 139 Breckinridge Lane, Louisville, Kentucky, for items #57, 72, 96, 100, as per specifications, at a net bid price of \$283.45; and to

HAMMATT & SONS GAMES, P.O. BOX 2004, Anaheim, California for items #37, 38, 39, 41, 44, 45, 47, 56, as per specifications, at a net bid price of \$496.58.

Gross total for all items: - \$30,885.92

BE IT FURTHER RESOLVED, that this amount be charged against accounts 7141-303 - \$100.00; 7310-303 - \$300.00; 7310-307 - \$15,289.68; 7310-329 - \$11,271.84; 7180-303 - \$81.95, 7180-307 - \$842.45; 7620-329 - \$3,000.00.

BE IT FURTHER RESOLVED, that there be no award on items #85, 116.

Seconded by Co. Holbrook

All voted Aye.

(1976-206) Co. Maloney offered the following resolution:

RESOLVED, that bid for the furnishing of Arts & Crafts supplies for the Parks Board & Recreation Commission is hereby awarded to the following low bidders:

BOIN ARTS AND CRAFTS CO., 87 Morris Street, Morristown, New Jersey for items #36, 265, 266, 268, 270, 271, 272, 273 (b), 277, 278, 302, 303, as per specifications, at a net bid price of \$337.60; and to

S & S ARTS & CRAFTS, Colchester, Connecticut, for items #3, 8, 13(b), 13(c), 17, 18, 19, 20, 21, 23, 25, 26, 31, 32, 33, 34, 35, 37, 38, 39, 40, 41, 50, 58a, 58b, 58c, 60, 61, 62, 63, 64, 66(b), 67, 68, 79, 80, 86, 89, 92, 97, 98, 100, 101, 103, 104, 105, 109, 114, 117, 119, 121, 122, 123, 124, 125(b), 126, 127, 129, 130, 131, 132, 133, 134, 136, 137, 138, 142(b), 142(c), 142(d), 143, 144, 145, 156, 171, 175, 178, 182(a), 183(a), 185, 187(a), 187(b), 187(h), 187(i), 188, 189, 191, 192, 193, 194, 196, 205, 207, 211, 212, 215, 219, 220, 223, 224, 225, 226(b), 230, 232, 233, 234, 237(b), 240, 243, 244, 245, 247, 249(a), 249(b), 251, 252, 253, 254, 255, 256, 257, 258, 259, 261, 262, 263, 281, 283, 285, 286, 287, 290, 300, 305, 306, 308, 311, 312, 313, 314, 315, 316, 317, as per specifications, at a net bid price of \$4,672.20; and to

AMERICAN HANDICRAFTS, 114 Nanuet Mall, Nanuet, N.Y., for items # 2, 6, 71, 75, 112, as per specifications, at a net bid price of \$94.60; and to

(continued)

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(1976-206 continued)

J & A HANDY CRAFTS, INC., 210 Front Street, Hempstead, N. Y., for items #9, 10, 11, 12, 14, 15, 16, 44, 47, 52(b), 55, 56, 57, 59, 82, 84(a-q), 84(v-dd), 96, 106, 107, 108, 116, 125(a), 146, 152, 153, 162, 163, 165, 166, 167, 173, 174, 179, 182, 184, 186, 187 (c-g), 208, 214, 221, 222, 227, 228, 231, 237(a), 246, 248, 264, 282, 291, 292, 293, 294, 295, 296, 298, 299, 309, 310, as per specifications, at a net bid price of \$3,282.58; and to

MAGNUS CRAFT MATERIALS, INC., 304-8 Cliff Lane, Cliffside Park, N.J., for items #30, 45, 65, 95, 170, 190, 226(a), 236, 297, 307, as per specifications, at a net bid price of \$284.50; and to

ALLCRAFT TOOL AND SUPPLY CO., 215 Park Avenue, Hicksville, New York for items #72, 73, 74(b), 76, 77, 88, as per specifications, at a net bid price of \$63.10; and to

VANGUARD CRAFTS, 2915 Avenue J, Brooklyn, New York, for items #13(a), 22, 24, 51, 128, 135, 141, 142(a), 142(e), 142(f), 157, 176, 183(b), 218, 239, 241, 242, as per specifications, at a net bid price of \$949.21; and to

ECONOMY HANDICRAFTS, 50-21 69th Street, Woodside, New York, for items #4(a), 27, 28, 29, 42, 43, 66(a), 70, 78, 81, 83, 84(r-u) 85, 91, 94, 102, 111,, 115, 118(b), 118(f), 120, 140, 147, 148, 150, 151, 155, 159, 164, 197, 199, 201, 204, 206, 267, 269, 279, 288, 301, as per specifications, at a net bid price of \$2,367.90; and to

J. L. HAMMETT COMPANY, 2393 Vaux Hall Road, Union, New Jersey, for items #46, 49, 52(a), 53, 54, 69, 74(a), 87, 93, 99, 110, 118(a), 118(c,d,e), 118(g-j), 139, 154, 158, 160, 161, 168, 169, 172, 177,180, 181, 195, 198, 200,202, 203, 213, 216, 217, 229, 249(c), 250, 273, as per specifications, at a net bid price of \$989.21; and to

STAFFORD REEVES, INC., 626 Greenwich Street, New York, New York for items #1, 4(b), 5, 7, 113, as per specifications, at a net bid price of \$138.40; and to

JOREL MARKETING, 60 South Main Street, New City, New York, for items #209, as per specifications, at a net bid price of \$36.00

Gross total for all items: - \$13,218.30.

BE IT FURTHER RESOLVED, that this amount be charged against accounts 7141-329 - \$3,729.64; 7310-329 - \$7,091.14, 7610-329 - \$2,397.52.

BE IT FURTHER RESOLVED, that there be no award on items #48, 90, 210, 235, 238, 274, 275, 276, 280, 284, 304, all bidders having failed to meet specifications.

Seconded by Co. Piacentile

All voted Aye.

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(1976-207) Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Purchasing, the bid for the collection of refuse from various Town-owned premises for the period from April 15, 1976 to April 14, 1977, is hereby awarded to P & N Associates, 2 Wells Avenue, Congers, New York, at the low bid price of \$3,428.00, and be it

FURTHER RESOLVED, that funds for the same be taken from Dept. 7141, Line 424, and Dept. 7180, Line 424.

Seconded by Co. Piacentile All voted Aye.

Proposed resolution awarding bid to supply and maintain uniforms for Town of Clarkstown withdrawn and held over.

(1976-208) Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Purchasing, the bid to supply Pool Chemicals for the Recreation Department swimming facilities, is hereby awarded to Jersey Chemicals, Inc., 775 River Street, Paterson, New Jersey, at the low bid unit prices as per Schedule A, and be it

FURTHER RESOLVED, that funds for the same be taken from Dept. 7180, Line 323.

Seconded by Co. Piacentile All voted Aye.

(continued)

SEE SCHEDULE 'A'

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(1976-208 continued)

SCHEDULE 'A'

BID LIST

POOLS CHEMICALS - 1976

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>UNIT</u>	<u>APPROX. AMOUNT</u>	<u>UNIT COST</u>
1.	Chlorine gas	150 lb. cylinder	37	54.00
2.	Javelle water (sodium hyperchloride	18 gal. carboy	66	19.80
3.	Aluminum sulfate	100 lb. bag	4	11.95
4.	Lake algaecide (Jersey Chemical formula or equal)	6x1 gal. case	5	72.00
5.	Soda Ash	100 lb. bag	4	8.75
6.	H.T.H. gran chlorine	100 lb. drum	3	58.95
7.	Muriatic acid	6x1 gal. case	1	15.00
8.	P.H. Reducer	100 lb. keg	8	28.95
9.	H.T.H. tabs	100 lb. keg	6	58.95
10.	Splash (Jersey Chem- ical formula or equal)	100 lb. bag	2	11.75
11.	Chel sol (Jersey Chem- ical formula or equal)	12x1 qt. case	2	85.20
12.	Copper sulfate	100 lb. bag	3	54.60
13.	O.T.O.	8 oz. bottle	6	2.50
14.	Phenol red	8 oz. bottle	6	2.50
15.	Ammonia	8 oz. bottle	2	n/c
16.	Top Chlor (Jersey Chemical formula or equal)	keg	3	112.00
17.	Caustic soda	Tank truckload	1	-----

END OF SCHEDULE 'A'

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(1976-209) Co. D'Antoni offered the following resolution:

RESOLVED, that the Minutes of the Town Board Meeting held on March 17th and March 24th, 1976, are hereby adopted and accepted as submitted by the Town Clerk.

Seconded by Co. Maloney All voted Aye.

(1976-210) 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 sign reading "NO PARKING HERE TO CORNER" to be erected on the east side of Burnside Avenue, 25 feet north of Lake Road, Congers.

Seconded by Co. Holbrook All voted Aye.

(1976-211) 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 reading "NO PARKING - MON. - FRI. 8:00A.M. to 4:00 P.M.", on both sides of Muir Lane, New City (including the cul-de-sac).

Seconded by Co. Maloney All voted Aye.

(1976-212) Co. Holbrook 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 location:

Norge Avenue, Nanuet

Seconded by Co. D'Antoni All voted Aye.

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(1976-213) Co. Maloney offered the following resolution:

RESOLVED, that the Director of Purchasing be authorized to advertise for bids to supply Police Uniforms for the Clarkstown Police Department; said bids to be returnable at the office of the Director of Purchasing, Clarkstown Town Hall, 10 Maple Avenue, New City, New York, on April 26, 1976 before 11:00 AM at which time they will be opened, and be it

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

Seconded by Co. Piacentile All voted Aye.

(1976-214) Co. Maloney offered the following resolution:

RESOLVED, that the Director of Purchasing is hereby authorized to advertise for bids for one 3-Gang Hydraulic Mowing Unit, for use by the Parks Board & Recreation Commission; said bids to be returnable at the Office of the Purchasing Director, Clarkstown Town Hall, 10 Maple Avenue, New City, N. Y., no later than April 27, 1976, at 4:00 p.m.; and be it

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

Seconded by Co. Piacentile All voted Aye.

(1976-215) Co. Maloney offered the following resolution:

WHEREAS, MARTINAKA, INC., are the owners of 2.9 acres, zoned R-22 located on the South side of Rockland Lake Road approximately 600 feet East of Louis Road, Valley Cottage, New York, and

WHEREAS, the Planning Board of the Town of Clarkstown has recommended the approval and establishment of an "open development area" pursuant to Section 280-a (4) of the Town Law;

NOW, THEREFORE, be it

RESOLVED, that in accordance with the provisions of Section 280-a (4) of the Town Law an "open development area" for the area is hereby established wherein permits may be issued for the erection of structures, dwellings and buildings, to which access is given by right-of-way or easement, subject

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(1976-215 continued)

to any limitations prescribed by the Clarkstown Planning Board for the said map, and be it

FURTHER RESOLVED, that the application of MARTINAKA, INC., is hereby granted upon their compliance with the following expressed conditions:

1. A strip of land, not to exceed 25 feet in width, shall be gratuitously conveyed to the Town of Clarkstown if and when required for future street purposes.

2. The roadway serving lots 1, 2, 3, 4 and 5 is to be a private roadway except for utility easements and public vehicles, and the deed to each lot shall contain a covenant running with the land, for the benefit of each lot individually and the Town of Clarkstown that no offer of dedication of the roadway or any portion thereof, may be made until a full right-of-way of 50 feet is obtained and improved with a 30 foot pavement which fully conforms to the Town of Clarkstown Street Specifications.

3. The future owners of the premises shall participate in a road improvement district when required to do so by the Town Board of the Town of Clarkstown.

4. A covenant in good and recordable form subject to the Town Attorney's approval shall be recorded in the Rockland County Clerk's Office incorporating each of the above three conditions prior to the issuance of any Building Permits herein.

5. Upon filing of the appropriate subdivision map in the Rockland County Clerk's Office.

FURTHER RESOLVED, that Building Permits pursuant to the provisions of Section 280-a of the Town Law shall be granted to MARTINAKA, INC., for property situate on the South side of Rockland Lake Road approximately 600 feet east of Louis Road, Valley Cottage, more specifically designated on a subdivision plat of MARTINAKA, INC., designated as lots 1, 2, 3, 4 and 5.

Seconded by Co. Piacentile

All voted Aye.

** Amended by Reso. # 332 - 5/19/76*

(1976-216) Co. Maloney offered the following resolution:

WHEREAS, HERBERT BREUER, is the owner of 2.3 acres zoned R-22 located on the East side of Kings Highway 500 feet South of Gilchrest Road, Valley Cottage, New York, and

(continued)

(1976-216 continued)

WHEREAS, the Planning Board of the Town of Clarkstown has recommended the approval and establishment of an "open development area" pursuant to Section 280-a (4) of the Town Law, and

WHEREAS, the Planning Board of the Town of Clarkstown recommends the approval of the use of Town Law 280 in connection with this property;

NOW, THEREFORE, be it

RESOLVED, that in accordance with the provisions of Section 280-a (4) of the Town Law an "open development area" for the area is hereby established wherein permits may be issued for the erection of structures, dwellings and buildings, to which access is given by right-of-way or easement, subject to any limitations prescribed by the Clarkstown Planning Board for the said map, and be it

FURTHER RESOLVED, that the application of Herbert Breuer for an "open development area" in accordance with Section 280-a (4) of the Town Law is hereby granted upon his compliance with the following expressed conditions:

1. A strip of land, not to exceed 30 feet in width, to be gratuitously conveyed to the Town of Clarkstown if and when required for future street purposes.

2. The roadway serving Lots 1, 2, 3 and 4 is to be a private roadway, except for utility easements and public vehicles, and the deed to each lot shall contain a covenant running with the land, for the benefit of each lot individually and the Town of Clarkstown that no offer of dedication of the roadway, or any portion thereof, may be made until a full right-of-way of 50 feet is obtained and improved with a 30 foot pavement which fully conforms to the Town of Clarkstown Street Specifications.

3. The future owners of the premises shall participate in a road improvement district when required to do so by the Town Board of the Town of Clarkstown.

4. A covenant in good and recordable form subject to the Town Attorney's approval shall be recorded in the Rockland County Clerk's Office incorporating each of the above three conditions prior to the issuance of any Building Permits herein.

5. Upon the filing of the appropriate subdivision map with the Rockland County Clerk's Office.

FURTHER RESOLVED, that Building Permits pursuant to the provisions of Section 280-a of the Town Law shall be granted to Herbert Breuer for property located on the East side of Kings Highway 500 feet south of Gilchrest Road, Valley Cottage, New York, more specifically designated on a subdivision plat of Breuer Estates designated as Lots 1, 2, 3 and 4, and be it

(continued)

(1976-216 continued)

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown finds that it would be of benefit to the Town of Clarkstown if Town Law Section 281 is used in connection with this property for the reasons of better road design and improved access, and be it

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

Seconded by Co. Piacentile

All voted Aye.

Referring to item #7 on the agenda, a request for application of Town Law 281 applying to a subdivision known as Lakeside Village located in New City, Supervisor Gerber explained that the application was originally made by John M. Hekker, attorney for Lakeside Village. The application was originally referred by the Planning Board to the Town Board for consideration; the Town Board returned the original design and asked them to review it again, which they did and sent it back up to the Town Board.

Rather than hold workshop sessions, it was decided to have this discussion in public at a public Town Board Meeting so that anyone could ask questions either of our town consultant, Mr. Geneslaw and/or of the Town Board members. All three maps, the original standard design, the second map is the original 281 application and now there is a third map and application. Supervisor Gerber asked that Mr. Geneslaw explain to everyone the difference between the three maps and the three proposals and the options the Town has.

MR. ROBERT GENESLAW, CONSULTANT, RAYMOND PARISH & PINE:

The applicant initially prepared a standard layout showing how the properties could be subdivided in accordance with the Zoning Ordinance -- that was to establish the basic lot count for use in applying for Town Law 281.

The provisions of Town Law 281 allow the homes to be built on lots smaller than the zoning calls for, as long as the total number of homes to be built does not exceed the zoning for the area. In effect, it permits some of the homes to be built on larger lots in order that others may be built on smaller lots. The intent of the law is to allow for alternate layout, which the Town would feel in any given case would be desirable rather than adhering to a strictly standard layout.

The standard layout is first prepared to establish the number of homes than can be built on the overall property. Once that number is established, the alternate layout cannot exceed that number of homes. The alternate layout, calling for the use of Town Law 281 is prepared, submitted to the

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(LAKESIDE VILLAGE DISCUSSION)
Mr. Geneslaw:

to the Planning Board, discussed by the Planning Board, and referred to the Town Board. That plan differs primarily in that the roads were shorter in length, ending in a cul-de-sac, with a large area of approximately 7 acres, which was suggested at that time for dedication to the Spring Valley Water Company.

This plan was submitted to the Town Board for review; the Town Board reviewed it and returned it to the Planning Board and asked for further evaluation. As a result, the applicant prepared a third layout, again calling for the use of Town Law 281 -- in this case also ending in a cul-de-sac and having finally a single parcel of 180 thousand sq. ft., about 4½ acres, which would be the last residential property on the cul-de-sac -- a single family house on a 4½ acre parcel, a parcel which is not available for future subdivision, so that the total number of parcels in the overall property, does not exceed the original standard layout.

There is also a modification in the access at the southern end from the original to avoid having two intersections on either side of Strawtown Road too close together.

On question from Supervisor Gerber, Mr. Geneslaw agreed that there is the elimination of one of the roads on the third map -- original map showed three access points, the final map shows two access points. On the first 281 application, the parcels varied in size from as low as 22 thousand sq. feet to about 50 thousand sq. ft; on the third map, most of the parcels are in the mid 30's, with several parcels ranging from 37 to about 50 thousand sq. ft. -- smallest lot is 30 thousand.

There were no further questions from members of the Town Board and the Supervisor requested questions from the public.

Mr. Scully, Strawtown Road -- stated as he understands Town Law 281, certain lots may be changed for a better layout -- asked how many lots are changed on the new map -- advised by Mr. Geneslaw all the lots have been changed. Mr. Scully questioned whether this would be changing the zoning of the area. Mr. Geneslaw explained rezoning means not that you are changing the shape of the lot, you are changing the number of houses that can be built on the original parcel. State law permits all parcels to be changed.

Mr. Peschiani, 159 Strawtown Road, New City, N. Y. -- request that copy of Town Board Minutes be forwarded to Mr. Scully. Since the beginning of this issue we submitted a petition to the Planning Board, which is part of the Town records. One item dealt with lacre zoning. The fact is to change or amend a Zoning Ordinance, I believe it is customary to go thru a procedure and a public referendum, since you are dealing with an area of 34 acres, an awfully limited area, besides, no hardships were ever mentioned. As a footnote,

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LAKESIDE VILLAGE DISCUSSION

(Mr. Peschiani)

I would like to add that election campaign pledges were made for no down-zoning. In the past we have seen changes made pertaining to apartment houses, which previously were overlooked, we have seen changes of increased lot sizes which also couldn't be done before; questions have been asked about roads which are inadequate, and you seem to worry more about cost rather than safety or access -- nobody seems to care about future problems.

The area that we see mentioned on an old part of that plan -- 180 thousand sq. ft., the gentlemen just mentioned about that's good for a building to be put on that particular piece of property, what kind of building could that be for that size lot -- could it be an apartment house or office building. Somebody mentioned that standards are not satisfied, and of course, the Town doesn't want it, as expressed many times before.

Mr. Peschiani also questioned exclusion of a Right of Way which had been on the original map and also a water well, which are not included on the newest map, which items were included in the petition mentioned earlier. The general question is will there be a widening of Strawtown Road and was there an accurate survey made, by whom, second is could there be a possibility of some mistake in that survey. A final note, we are here, not to prevent a builder to build, but to see that it is done properly.

On the request of Supervisor Gerber, Mr. Geneslaw indicated that on the standard map 31 houses could be built, and on the 281 31 houses could be built.

In response to other questions, Mr. Geneslaw indicated the total acreage involved is 34 acres. With reference to the 4 acre lot, the primary characteristic that lead to the 181 application was the narrow width at the extreme northern end where it is only 130 feet deep. To use standard layout, running the road that far means there will be homes in this subdivision only on one side of the road -- what you don't see is that there is another approved subdivision on the other side of the street with home which will be served by a street immediately to the left, result, if this design were built, would be those homes would have streets at the front and the back. The intent was to draw the street back to avoid that where possible. Northern access road is approximately 315 feet from Cairnsmuir La.

Mr. Martin Henry, 173 Strawtown Road: In the original plan there was three access roads going into his property. Objection to elimination of one access road. Questioned the effect on a Right-of-Way from Strawtown Road to his property, his driveway comes off the Right of Way.

Supervisor Gerber stated, if this proposal is accepted, none of that land is included in the subdivision.

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LAKESIDE VILLAGE DISCUSSION

Walter Fleischer -- on the 4½ acre piece, assessment will be high, anyone building house on it will have high taxes, what is to prevent them from asking for it to be rezoned and divided into 4 lots.

Supervisor Gerber stated the reason the Town was not satisfied with the original layout is that the Spring Valley Water Company was not interested in the land, nor was the Town of Clarkstown interested in taking those 7 acres -- that's why it was sent back to the Planning Board. If this proposal is accepted, it would be condition that no further subdivision be permitted and that would be entered upon the deed and the restriction recorded in the County Clerk's Office.

END OF DISCUSSION

(1976-217) Co. Maloney offered the following resolution:

WHEREAS, JOHN M. HEKKER, attorney for LAKESIDE VILLAGE has made written application for the use of Town Law, Sec. 281 in connection with subdivision known as LAKESIDE VILLAGE, and

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

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

"The use of Town Law 281 design would be in harmony with surrounding properties, the areas of the proposed lots being as great or greater than the areas of the majority of nearby lots with existing buildings. The alternate layout shows an oversized lot No. 13 with a stipulation that this lot shall not be further subdivided."

NOW, THEREFORE, be it

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

Seconded by Co. Holbrook

All voted Aye.

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(1976-218) Co. Maloney offered the following resolution:

WHEREAS, Alasep, Inc. desires to obtain a building permit for Lot No. 4 as shown on a certain map entitled "Subdivision Plat, Teal Associates" filed in the Rockland County Clerk's Office on August 19, 1975 in Book 89 of Maps at Page 13 as Map No. 4657, and

WHEREAS, such lot is presently being retained in order to guarantee the installation of roads and other public improvements in the above entitled subdivision;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is authorized to execute an agreement with Alasep, Inc. providing for the deposit of \$7707.00 to be held by the Town, pursuant to the terms of said agreement, pending final and complete improvements of the roads and other public improvements in said development by the developer, subject to final approval of the Town Engineer and/or the Superintendent of Highways of the Town of Clarkstown, and providing for the release of Lot No. 4 on the subdivision plat of Teal Associates from its retained status so that Alasep, Inc. may obtain a building permit.

Seconded by Co. Piacentile

All voted Aye.

(1976-219) Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution adopted on the 4th day of February, 1976, provided for a public hearing on the 25th day of February, 1976, at 8:15 P.M., to consider the adoption of certain amendments to the Zoning Ordinance of the Town of Clarkstown, and

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

NOW, THEREFORE, be it

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

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(1976-219 continued)

SCHEDULE "A"

Amend Section 106-3 B. Defined words. -- Add thereto as follows:

FREIGHT TERMINAL -- A facility designed or used, in major part, for the receiving, sorting and shipping by common carriers of articles manufactured, packaged or sold by others.

LIGHT MANUFACTURING, PROCESSING OR ASSEMBLY -- Any process whereby the nature, size or shape of the article is changed or where articles are assembled or packaged in quantity, provided that said process does not create excessive noise, dirt, traffic, fumes, odors or other undesirable characteristics normally associated with a heavy manufacturing operation.

OVERALL MASTER PLAN -- A development plan for a Planned Economic Development in accordance with Section 106-6.3 of this Ordinance.

ROAD, LIMITED ACCESS -- A major road that is fully or partially divided by a median, with access to abutting properties and/or other roads limited by design.

WHOLESALE, DISTRIBUTION AND WAREHOUSING -- A predominately, non-retail commercial function, relating to the storage or movement of goods. A facility designed or used, in

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(1976-219 continued)

major part, for the storage of goods.

Amend Section 106-5. Establishment of districts.

Add thereto as follows:

Symbol	Title
PED	Planned Economic Development

Amend Section 106-6. Purpose of districts. Add there-
to as follows:

P. PED. The intent of the PED District is to permit greater flexibility in the design and development of office, warehousing and industrial parks than is generally possible under conventional zoning. It is further intended to promote the economic and efficient use of land by permitting the provision of certain commercial uses within an executive park setting. The PED regulations are designed to give the developer a knowledge of the general type of development which will be permitted before completion of detailed designs for every building and parcel, while providing the Town with assurances that the overall development will be satisfactorily planned and constructed in accordance with an overall conceptual plan for the entire tract.

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(1976-219 continued)

Add new Section as follows:

Section 106-6.1 PLANNED ECONOMIC DEVELOPMENT DISTRICT

106-6.2 AUTHORITY

The municipal authority designated to act under the Planned Economic Development District shall be the Town Board of the Town of Clarkstown, New York.

106-6.3 PROCEDURE

A. Eligibility Standards

In accordance with the procedures and conditions hereinafter specified, all Planned Economic Developments shall conform to the following eligibility standards.

(1) All Planned Economic Developments shall have a minimum parcel area of fifty (50) contiguous acres, which may be separated by a public street. Said acreage shall be in one ownership or in joint ownership under a suitable agreement in recordable form that provides for coordinated development of the parcel; said agreement to be approved by the Town Attorney of the Town of Clarkstown.

(2) All Planned Economic Developments shall be located in land currently zoned LO, LIO, or M.

(3) The access to the Planned Economic Development shall be directly from or within one-half mile distant of, measured along roads, an existing Major or Limited Access Road as defined by the Official Map of the Town of Clarkstown. If not directly fronting on such a road, satisfactory provision for direct and adequate access to a Major or Limited Access Road shall be indicated as part of the Overall Master Plan of development.

(4) An Overall Master Plan of the Planned Economic Development shall be submitted to the Town in accordance with Section 106-6.3B3 of this Ordinance.

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B. Application for PED Zoning

(1) Application Submission Procedure - The application for rezoning of a parcel or parcels to PED shall be made to the Town Board of the Town of Clarkstown. The application shall be first reviewed by the Town Planning Director, or if none exists, by a designated representative of the Town Board, for determination that said application complies with all application requirements of this Section and is complete. Once such a complete application is received, the Planning Board shall review said application in accordance with Section 106-6.3C of this Ordinance.

(2) Application Requirements - The application for rezoning to PED shall set forth the name and address of the applicant; the location of the land proposed to be developed; the nature of the applicant's interest in the land; the record of any covenants, grants, easements or any other restrictions imposed upon the land or buildings, including easements for public utilities; the projected schedule of development and a written description of the project, indicating why the public interest would be served by the proposed development.

In addition, the applicant shall also submit an Overall Master Plan of the ultimate development of the entire holding in accordance with the following provisions.

(3) Overall Master Plan - The Overall Master Plan shall consist of a series of maps or charts, as appropriate, drawn at

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a scale of not less than 1"=200', indicating:

(a) existing topography, with contour intervals at not less than five feet, showing all proposed major topographic changes.

(b) soil types and characteristics as related to proposed use of site.

(c) natural drainage systems and proposed changes, if any.

(d) existing and proposed water, storm and sanitary sewer systems..

(e) proposed land and building uses.

(f) proposed internal circulation system.

(g) proposed access to adjoining roads.

(h) proposed open space and buffer areas.

(i) proposed general location of buildings and major parking areas.

(j) prototype illustrative Site Plan indicating the type of site planning contemplated for the various major land uses.

(k) sketches and elevations showing general architectural treatment contemplated.

(l) table indicating floor area, height, parking and loading as provided for the various land uses and building types of the PED development.

(m) surrounding land uses and distance of nearby buildings to site.

(n) proposed method of protecting adjoining land uses from any adverse influences of development.

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(o) potential range of peak hour traffic, both automobile and truck, anticipated to be generated by proposed uses and analysis of effect on local road system.

(p) effect of proposed modifications on natural drainage systems both upstream and downstream of PED area.

(q) natural characteristics of the site requiring special attention to determine if these features are to be protected.

(r) other data required for Town review, as determined by the Planning Board, Planning Director, Town Engineer, or others.

(4) Fee - Every application for a PED shall be accompanied by a fee of two hundred fifty dollars (\$250.) to help defray the cost of processing. The applicant shall also be required to bear the expense of any consultants which the Town deems necessary to assist in review of technical aspects of the proposal, up to a maximum of \$100. per acre of land within the PED.

C. Planning Board Review and Recommendations

The Planning Board shall review the Overall Master Plan in relation to the Comprehensive Development Plan of the Town of Clarkstown and the general desirability of the PED on the given site, with particular reference to the applicable provisions of Section 106-32 B2 of this Ordinance. The Planning Board shall report to the Town Board within 45 days of receipt of a complete application and overall master plan. The Planning Board may refer the Overall Master Plan to appropriate consultant agencies for comment. The Planning Board shall make a recommendation to the Town Board stating its approval, disapproval, or approval with specific modifications.

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D. Town Board Review

Within 45 days of receipt of the report from the Planning Board, the Town Board shall hold a public hearing on the PED, and on any modifications as suggested by the Planning Board, in the manner as prescribed in Section 106-32C for Zoning Map changes.

E. Town Board Action

Within 45 days after the completion of the public hearing, the application shall be either approved, disapproved, or approved with modifications by the Town Board. If approved, or approved with modifications which are mutually agreed to by the Town and developer, the PED zoning map designation and the Overall Master Plan shall be in effect on the site.

F. Validity

The Overall Master Plan for a PED, as approved by the Town Board of the Town of Clarkstown shall be in effect, unless the applicant elects to submit a revised Master Plan in accordance with Section 106-6.3H, or unless no development is initiated in the PED within the first 18 months of the approval of the Overall Master Plan.

G. Site Plan Review

Individual buildings or groups of buildings shall be required to meet satisfactory PED Site Plan Review requirements as set forth in the Site Plan Regulations for

(1976-219 continued)

PED District as established by the Town of Clarkstown.

The applicant may initiate the site plan review process for any stage of the development simultaneously with the application and review of the entire PED.

H. Revisions to the Overall Master Plan

An approved Overall Master Plan for a PED may be revised. Major revisions which substantially alter access patterns, major traffic conditions or substantial changes in floor area or land use, shall be received and reviewed as new applications for a PED, subject to Section 106-6.3B of this section. The Town Board shall approve, disapprove or approve with modifications the revised Master Plan. Disapproval of the revised Master Plan on a previously approved PED shall mean that the originally approved Overall Master Plan and the PED remain in effect on the site.

106-6.4 BULK REGULATIONS

A. Maximum floor area ratio (FAR) of all structures in PED - 0.40.

B. Maximum floor area ratio (FAR) of permitted commercial uses as specified in 106-6.3A - 0.10.

C. Maximum height of all buildings in PED - 48 feet, excluding public utility and commercial radio or television transmission towers.

D. Minimum buffer required around entire PED - 100 feet,

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with parking permitted within said buffer except that no parking shall be permitted within 50 feet of residential zoning districts and 20 feet of major or secondary roads as defined by the Official Map of the Town of Clarkstown.

Amend Section 106-30 C. (2) by adding thereto item (d) as follows:

(d) All buildings in a Planned Economic Development District for which an Overall Master Plan has been officially approved by the Town Board of the Town of Clarkstown shall be required to conform with the PED Site Plan approval requirements as set forth in the Site Plan Regulations for PED District as established by the Town of Clarkstown.

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

by adding new Table for PED District as follows:

Column 1 -- PED District

Column 2 -- Uses Permitted by Right

1. INDUSTRIAL USES PERMITTED BY RIGHT

Office, industrial and warehousing in a planned industrial parklike setting shall be permitted either separately or in multi-use buildings, including the following:

(a) Light manufacturing, processing and assembly, including dry cleaning, rug cleaning and laundry plants.

(b) Wholesale, distribution and warehousing, including a limited retail outlet as an adjunct to a

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distribution or warehousing use, in accordance with Sec. 106-6.4 B.

(c) Research, Laboratories; experimental or testing, provided that no potentially hazardous outdoor equipment, such as ground flares or above ground fuel storage tanks are provided.

(d) Professional, administrative, governmental or business offices.

(e) Public utilities, substations, telephone exchange centers and utility rights-of-way.

(f) Conference or meeting centers.

(g) Data processing or printing as principal uses or accessory to other permitted uses with an adjunct limited retail outlet in accordance with Sec. 106-6.4 B.

(h) Public or private schools or training facilities.

(i) Open space and recreation.

(j) Firehouse, police and ambulance stations.

(k) Hospitals for humans or animals.

(l) Other uses similar in intent or character to the above.

(m) Continuation of pre-existing uses that are related to uses permitted by right and that are shown as part of the Overall Master Plan.

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2. COMMERCIAL USES PERMITTED BY RIGHT

Commercial uses in a planned industrial park-like setting shall be permitted either separately or in multi-use buildings, including the following:

- (a) Limited retail outlet as an adjunct to distribution or warehousing use, in accordance with Sec. 106-6.4 B.
- (b) Banks and drive-in banking facilities in accordance with Sec. 106-6.4 B.
- (c) Theater or cinema, in accordance with Sec. 106-6.4 B, except no drive-in theaters are permitted.
- (d) Automotive sales and services in accordance with Sec. 106-6.4 B.
- (e) Public or private tennis or health clubs, including indoor and outdoor facilities, in accordance with Sec. 106-6.4 B.
- (f) Restaurants (any premises excluding drive-in restaurants where food is sold for on-premise consumption to patrons seated at tables or counters), including dinner theaters, provided in accordance with Sec. 106-6.4 B.

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(g) Motels in accordance with Secs. 106-6.4 B and 106-16I, except that no special permit shall be required.

(h) Gas stations in accordance with the requirements of Secs. 106-6.4 B and 106-16G, except that no special permit shall be required.

(i) Bowling Alleys in accordance with Sec. 106-6.4 B.

(j) Other uses similar in intent or character to the above.

(k) Continuation of pre-existing uses that are related to uses permitted by right and that are shown as part of the Overall Master Plan.

(1976-219 continued)
Column 3, Permitted General Accessory Uses.

1. Uses customarily appurtenant and accessory to uses permitted by right.
2. Accessory parking, subject to Section 106-21.
3. Accessory loading, subject to Section 106-22.
4. Accessory signs as permitted in the LIO District and subject to the provisions of Section 106-13.

Column 4, Minimum Required Off-Street Parking Spaces
(Subject to Article VI)

<u>FOR:</u>	<u>At least one space per each:</u>
1. Public buildings, libraries, community and recreation bldgs.	200 sq. ft. of floor area but not less than 1 space for each 5 seats where provided.
2. Schools and training centers	12 seats or students for elementary or nursery school. 6 seats or students for vocational or high school and 1 seat or student for business or technical school where students are of driving age plus 1 additional space for each employee.
3. Restaurants, including dinner theaters.	3 seats plus 1 additional space for each 2 employees when situated at the edges of the PED site; 6 seats plus 1 additional space for each 2 employees when located internally within the PED and where shared parking with other users can be demonstrated as feasible.
4. Theaters	5 seats when situated at the edge of the PED site, 8 seats when located internally within the PED and where shared parking with other uses can be demonstrated as feasible.
5. Telephone exchanges	2 employees or 300 sq. ft. of floor area, whichever is less.

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- 6. Indoor tennis clubs 1/4 per court, plus 1 for each 200 ft. of floor area not devoted to courts, plus 1 for each 2 seats in a designed spectator area.
- 7. Health clubs 200 sq. ft. of floor area.
- 8. Motels Guest room or dwelling unit.
- 9. Conference centers 200 sq. ft. of gross floor area but not less than 1 space for each 5 seats where provided.
- 10. Hospitals 3 beds plus 1 additional space for each employee for hospitals for humans; 150 sq. ft. of gross floor area for hospitals for animals.
- 11. Bowling alleys 1/2 alley.
- 12. Offices, banks 300 sq. ft. of gross floor area.
- 13. Research and development, data processing, printing 500 sq. ft. of gross floor area.
- 14. Light manufacturing 500 sq. ft. of gross floor area.
- 15. Wholesale and distribution 1,000 sq. ft. of gross floor area.

Column 5. Minimum required Accessory Off-Street Loading Berths.

USE: Number of berths required for the indicated square feet

	1	2	3	4	+1 each additional
Office	10,000	50,000	100,000	200,000	100,000
Research & development	5,000	25,000	60,000	100,000	50,000
Light manufacturing	5,000	25,000	60,000	100,000	50,000
Wholesale & distribution	5,000	20,000	40,000	70,000	40,000
Public uses	10,000	-	-	-	50,000
Other uses	10,000	-	-	-	50,000

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Column 6. Additional Use Regulations.

1. All new non-residential uses are subject to continued enforcement of performance standards procedure (106-11B).
2. All uses shall obtain PED Site Plan approval in accordance with the Site Plan Regulations for PED District as established by the Town of Clarkstown.
3. Open storage is permitted no closer than 50 feet to any residential district and street line and 25 feet to any other building, provided all such areas are adequately screened from adjacent uses with year-round plant material and/or fencing. Such open storage shall not exceed a height of ten feet.
4. All areas not used for buildings, circulation, parking, storage, maintenance or utilities shall be suitably landscaped and maintained in good condition.
5. All parking areas, walkways and vehicular entrances shall be suitably lighted when facilities are used after dusk, but such lighting shall not glare into adjacent districts or residential properties.
6. No parking shall be provided within 50 feet of any residential district and said parking area shall be appropriately landscaped with year-round material to screen said areas from adjoining districts.
7. No parking shall be provided within 20 feet of the street or within 10 feet of any building and said area shall be appropriately landscaped.
8. No recreation facility that is a permitted use shall be located within 200 feet of any property line where residential use is first permitted by right.

(1976-219 continued)

9. Parking areas containing more than 100 spaces shall be divided into sub-areas of approximately 50 spaces with landscaping between sub-areas.
10. Subject to Planning Board approval, parking areas may be utilized on a shared basis if the principal functions of the buildings involved have substantially different operation times.
11. Reserve space for parking may be provided in lieu of parking spaces where it can be demonstrated that the use does not require spaces to the extent required by the ordinance.
12. At least twenty (20) percent of the industrial floor space must be built prior to construction of any commercial space. Not more than one-half the permitted commercial space may be built after twenty (20) percent of the industrial space is built and prior to the completion of sixty (60) percent of the industrial space. After completion of sixty (60) percent of the industrial space, the balance of the commercial space may be built.

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13. Suitable access for emergency vehicles shall be provided for all buildings in the PED.

Amend Sec. 106-10B - Table of General Bulk Regulations, by adding thereto as follows:

Column 1 - District, PED

Column 2 - Group, 00

Across remaining columns, insert the following:

See Sec. 106-6.4 of the Town Code.

(END SCHEDULE "A" -- END RESOLUTION)

Seconded by Co. D'Antoni

-- All voted Aye.

(1976-220) Co. D'Antoni offered the following resolution:

WHEREAS, certain penalty provisions of the Code of the Town of Clarkstown need complete revision to comply with the Penal Law of the State of New York, and

WHEREAS, Councilman D'Antoni, a member of the Town Board of the Town of Clarkstown has introduced a proposed local law entitled "A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF CLARKSTOWN BY REVISING THE PENALTY PROVISIONS OF CERTAIN CHAPTERS THEREOF";

NOW, THEREFORE, be it

RESOLVED, that a public hearing, pursuant to Sec. 20 of the Municipal Home Rule Law, be had at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 28th day of April, 1976, at 8:15 P.M. relative to such proposed

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local law, and be it

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the Journal News, and posted in the manner provided by law, and be it

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

Seconded by Co. Maloney

All voted Aye.

TOWN CLERK'S NOTE: Copies of proposed Local Law available upon request in Town Clerk's Office.

(1976-221) Co. Maloney offered the following resolution:

WHEREAS, the Planning Board of the Town of Clarkstown has requested that it be given a 60 day extension of time in which to make its recommendation on the zone change application of NEW CITY OFFICE PARK in New City, New York to allow ample time to provide a detailed recommendation,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants to the Planning Board of the Town of Clarkstown a 60 day extension of time in which to submit its recommendation on the zone change.

Seconded by Co. D'Antoni

All voted Aye.

9:25PM - COUNCILMAN MALONEY EXCUSED

(1976-222) Co. D'Antoni offered the following resolution:

WHEREAS, a condition hazardous to life and property exists on South Grant Avenue, Congers, New York, because of the deteriorated condition of the road,

WHEREAS, the installation of gravel will remedy such hazardous condition;

NOW, THEREFORE, be it

(continued)

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(1976-222 continued)

RESOLVED, that the Highway Department of the Town of Clarkstown is hereby authorized to supply sufficient gravel for South Grant Avenue to remedy such hazardous condition.

Seconded by Co. Piacentile All voted Aye.

(1976-223) Co. D'Antoni offered the following resolution:

RESOLVED, that upon recommendation of the Highway Superintendent and the Town Engineer, deed from:

PARMA BUILDING CORP., Dated December 2, 1975
(7 Ruth Court, Monsey, N. Y.)

conveying roads and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of

"Subdivision of VALLEY TERRACE, Valley Cottage, Town of Clarkstown, Rockland County, N. Y." filed in the Rockland County Clerk's Office on September 14, 1971 in Map Book No. 82 at Page 49 as Map No. 4182

as follows:

Mayfield Street 850 L.F.
Parma Drive 225 L.F.
Road widening strip
Together with sewer and drainage easements

is 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. 916408 & 916409 dated the 22nd day of March, 1976 PARMA BUILDING CORP., as Principal and MARTIN LANDA AND HELEN LANDA as Co-Principal and REPUBLIC INSURANCE COMPANY as Surety, are hereby accepted.

Seconded by Co. Piacentile All voted Aye.

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(1976-224) Co. D'Antoni offered the following resolution:

WHEREAS, the Town of Clarkstown is desirous of entering into an agreement with PARMA BUILDING CORP. in connection with dedication of roads and other public improvements in a subdivision known as VALLEY TERRACE

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is authorized to execute an agreement with PARMA BUILDING CORP. providing for the deposit of \$1,333.00 to be held by the Town, pursuant to the terms of said agreement pending final and complete improvements of the roads and other public improvements in said development by the developer, subject to final approval of the Town Engineer and/or the Superintendent of Highways of the Town of Clarkstown.

Seconded by Co. Holbrook

All voted Aye.

(1976-225) Co. D'Antoni offered the following resolution:

WHEREAS, Final Plat of "Reina Hills in Valley Cottage, Town of Clarkstown, Rockland County, New York" and filed in the Rockland County Clerk's Office on December 20, 1971, in Map Book 83 at Page 21 as Map No. 4225 contains a map note which reads as follows:

"The owner, or his representative, hereby irrevocably offers for dedication to the Town of Clarkstown all the streets, easements, parks and required utilities shown on the within Subdivision Plat and Construction Plans."

and

WHEREAS, deed have been submitted by Lake DeForest Development Corp. conveying the improvements in the Reina Hills development, and

WHEREAS, the Town of Clarkstown desires to accept these deeds;

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown hereby accepts the deed dated July 17, 1975, from Lake DeForest Development Corp. to the Town of Clarkstown, to the following roads:

WATERS EDGE	450 L.F.
REINA LANE	925 L.F.
PARK TERRACE	450 L.F.
REINA COURT	520 L.F.

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together with drainage easements, an all purpose easement, and six (6) temporary turn-around easements, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized to record the deed dated July 17, 1975, from Lake Deforest Development Corp. to the Town of Clarkstown, and be it

FURTHER RESOLVED, that the sum of \$7,395 presently held in escrow by the Town of Clarkstown to complete the roads and public improvements is hereby declared in default, and be it

FURTHER RESOLVED, that the Supt. of Highways is hereby authorized to complete the final pavement of the named roads using the defaulted sum of \$7,395 to complete such pavement, and be it

FURTHER RESOLVED, that the acceptance of the deed and the use of the escrows by the Supt. of Highways shall in no way release Lake DeForest Development Corp. from their obligations in completing all improvements in Reina Hills.

Seconded by Co. Holbrook

All voted Aye.

(1976-226) Co. D'Antoni offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on March 30, 1976 that the position of Mental Health Aide (CETA) can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Mental Health Aide (CETA) - Camp Venture Inn - is hereby created, effective immediately.

Seconded by Co. Piacentile

All voted Aye.

(continued)

EEC873

(1976-227) Co. D'Antoni offered the following resolution:

RESOLVED, that Doris J. Porto, 18 Fenner Lane, Nanuet, New York is hereby appointed to the position of Mental Health Aide (CETA), at the annual salary of \$6,557., effective and retroactive to March 11, 1976 through April 9, 1976.

Seconded by Co. Piacentile All voted Aye.

(1976-228) Co. Piacentile offered the following resolution:

RESOLVED, That based upon the recommendation of the Police Department two additional substitute Crossing Guards are hereby created, effective immediately, at the salary of the existing post covered, to be charged to Account A3120-114.

Seconded by Co. D'Antoni All voted Aye.

(1976-229) Co. Piacentile offered the following resolution:

RESOLVED, that based upon the recommendation of the Police Department one Crossing Guard position - Police Department - is hereby created, effective immediately, at the intersection of McCarthy Way and Woodcrest, West Nyack, New York, at the salary of \$12.00 per day, to be charged to Account A3120-114.

Seconded by Co. D'Antoni All voted Aye.

(1976-230) Co. D'Antoni offered the following resolution:

RESOLVED, that Resolution #173-1976 is hereby rescinded.

Seconded By. Co. Piacentile All voted Aye.

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(1976-231) Co. D'Antoni offered the following resolution:

RESOLVED, that Charles Maneri, 2 Twin Peg Lane, New City, New York is hereby appointed to the position of Assistant Maintenance Mechanic - Maintenance Department - at the annual salary for 1976 of \$11,546., effective and retroactive to April 5, 1976.

Seconded by Co. Piacentile All voted Aye.

(1976-232) Co. Piacentile offered the following resolution:

RESOLVED, that Andrew Perlstein, 3600 Fieldstone Road, Bronx, New York is hereby appointed to the position of Counselor, part-time - Counseling Center - at the annual salary for 1976 of \$5,010, effective April 12, 1976.

Seconded by Co. Holbrook All voted Aye.

(1976-233) Co. Holbrook offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified that the position of Storekeeper (CETA) can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Storekeeper (CETA) - Parks Board & Recreation is hereby created, effective immediately.

Seconded by Co. Piacentile All voted Aye.

(1976-234) Co. Piacentile offered the following resolution:

RESOLVED, that Robert E. Myles, 124 Crooked Hill Road, Pearl River, New York is hereby transferred to the position of Storekeeper (CETA) - Parks Board & Recreation - at the annual salary of \$9,614.00, effective April 12, 1976.

Seconded By Co. Holbrook All voted Aye.

EECS73

(1976-235) Co. Piacentile offered the following resolution:

RESOLVED, that John P. Gilleece, Kings Highway, Valley Cottage, New York is hereby appointed to the position of Courier (CETA) - Town Comptroller's Office, at the annual salary for 1976 of \$6,557, effective and retroactive to March 29, 1976.

Seconded by Co. Holbrook

All voted Aye.

(1976-236) Co. Holbrook offered the following resolution:

RESOLVED, that the resignation of Candace Wentland, 307 Old Haverstraw Road, Congers, New York as Secretary to the Fire Board of Appeals is hereby accepted with regret, effective immediately.

Seconded by Co. Piacentile

All voted Aye.

(1976-237) Co. Holbrook offered the following resolution:

WHEREAS, the Town of Clarkstown through its Bicentennial Commission and other agencies are presently developing and producing many activities as part of this nation's 200th birthday celebration, and

WHEREAS, it is essential that these plans and programs be coordinated,

NOW, THEREFORE, be it

RESOLVED, that Trudy Regan, 29 Woodland Road, New City is hereby appointed Bicentennial Coordinator of the Town of Clarkstown, and be it

FURTHER RESOLVED, that the Supervisor is authorized to enter into an agreement for such services from April 7, 1976 until July 16, 1976, for a sum not to exceed \$3,000.00, and be it

FURTHER RESOLVED, that the sum of \$3,000.00 be transferred from Contingency Account No. 1990 to Account 7020, Line 409.

Seconded by Co. Piacentile

All voted Aye.

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(1976-238) Co. D'Antoni offered the following resolution:

RESOLVED, that the regular Town Board meeting of April 21, 1976, at 8:00 P. M. will be adjourned to April 28, 1976 at 8:00 P.M.

Seconded by Co. Piacentile All voted Aye.

(1976-239) Co. D'Antoni offered the following resolution:

WHEREAS, a proposed local law entitled "AMENDMENT TO LOCAL LAW NO. 2-1964, AS AMENDED, ENTITLED 'LOCAL LAW PROVIDING FOR REGULATIONS COVERING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION'" was introduced by Councilman Anthony D'Antoni, at a Town Board meeting held March 3, 1976, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 3rd day of March, 1976, directed that a public hearing be held on the 24th day of March, 1976, at 9:17 P.M., to consider the adoption of said local law, and

WHEREAS, a notice of said public hearing was duly prepared and published in the Journal News on March 11, 1976, and posted on the sign board of the Town of Clarkstown on March 11, 1976, and

WHEREAS, copies of the proposed local law were placed upon the desks of the members of the Town Board on the 3rd day of March, 1976, and

WHEREAS, a public hearing was held by the Town Board on the March 24, 1976, at 9:17 P.M.;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 2-1976 entitled "AMENDMENT TO LOCAL LAW NO. 2-1964, AS AMENDED, ENTITLED 'LOCAL LAW PROVIDING FOR REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION'" is hereby adopted and passed by an affirmative vote of the majority of voting power of the Town Board of the Town of Clarkstown, the vote for adoption of said local law being as follows:

Hon. George S. Gerber, Supervisor....	Aye
Councilman John R. Maloney.....	Absent
Councilman Anthony D'Antoni.....	Aye
Councilman Charles E. Holbrook.....	Aye
Councilman John R. Piacentile.....	Aye

The Town Clerk of the Town of Clarkstown was directed to file said local law pursuant to Section 27 of the Municipal Home Rule Law.

Seconded by Co. Holbrook All voted Aye.

EEC873

(1976-240) Co. Piacentile offered the following resolution:

WHEREAS, a public hearing was held on March 24, 1976 to consider the adoption of an amendment to the Sanitary Landfill Rules and Regulations;

NOW, THEREFORE, be it

RESOLVED, that the following amendment to the Sanitary Landfill Rules and Regulations is hereby adopted:

A 115-5. Fees.

A. Fee schedule.

(2) An additional charge by the cubic yard at twenty cents (\$0.20) per yard shall be charged for all open vehicles, standard packers, compactor boxes and all containers of any kind whatsoever. The term "compactor box" shall be defined as that type of container joined to a stationary compactor assembly or portable compactor box with hydraulic raw assembly attached.

Seconded by Co. D'Antoni

All voted Aye.

(1976-241) Co. D'Antoni offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown considers it is in the public interest to amend the Official Map of the Town of Clarkstown to provide for the deletion of a portion of Wells Avenue in the Hamlet of Congers from Brenner Drive south to Sherwood Road, consisting of approximately 995 feet;

NOW, THEREFORE, be it

RESOLVED, that a public hearing be had at the Board Room of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on the 28th day of April, 1976, at 8:30 P.M., to consider said amendment, and it is

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the Journal News and posted in the manner provided by law, and it is

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

Seconded by Co. Piacentile

All voted Aye.

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(1976-242) Co. Piacentile offered the following resolution:

RESOLVED, that the Highway Superintendent of the Town of Clarkstown is hereby authorized to perform the following drainage work:

<u>Description</u>	<u>Amount</u>
1. Erskine Court, Manuet New York	
Install 4 catch basins and 25 lineal feet of drainage pipe	\$ 6,100.00
2. Map 75, Block A, Lot 5	
Enlarge existing culvert	2,700.00
3. Map 36, Block C, Lot 8.07	
Install 260 lineal feet of drainage pipe and 3 drop inlets	5,700.00
Total	<u>\$14,500.00</u>

FURTHER RESOLVED, that the said sum of \$14,500.00 be taken from Drainage Account.

Seconded by Co. Holbrook

All voted Aye.

(1976-243) Co. D'Antoni offered the following resolution:

WHEREAS, the public hearing before the Town Board of the Town of Clarkstown concerning the boundary dispute between the Valley Cottage and the Central Nyack Fire Districts has been adjourned sine die, and

WHEREAS, it appears that an orderly method of obtaining testimony in this matter would be a reference to a hearing officer or referee to take testimony and report to the Town Board;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney of the Town of Clarkstown is hereby authorized to retain the services of Barnet Selman, Esq., 39 South Main Street, Spring Valley, New York, to be the referee or hearing officer who shall take

(contained)

EEC873

(1976-243 continued)

testimony and report in writing to the Town Board of the Town of Clarkstown, for a fee not to exceed \$200.00 for each day that testimony be taken, and be it

FURTHER RESOLVED, that the taking of testimony by the hearing officer shall commence on April 23, 1976, at 10 o'clock in the morning, at the Andrew Jackson Room, Town Hall, Town of Clarkstown, 10 Maple Avenue, New City, New York, and that testimony shall be taken continuously until the hearing is completed, and be it

FURTHER RESOLVED, that all of the parties to this matter shall be notified that they are to give evidence before the referee at the time and place indicated and pursuant to the rules and procedures established by the referee, and be it

FURTHER RESOLVED, that upon receipt of the report, the Town Board of the Town of Clarkstown shall schedule a continuation of the adjourned public hearing and at the hearing will discuss the report and will take all further steps necessary to decide the question of the location of the boundary line between the Valley Cottage Fire District and the Central Nyack Fire District, and be it

FURTHER RESOLVED, that these authorized expenditures be charged to the Town Attorney Account No. 1420, Line 409 - Fees for Services.

Seconded by Co. Holbrook

All voted Aye.

(1976-244) Co. Holbrook offered the following resolution:

WHEREAS, the Building Inspector has issued Violation Notice #76-84 on premises owned by County Asphalt, Inc., known as Map 123, Block B, Lot 1, for creating a landfill without obtaining a special permit from the Town Board, and

WHEREAS, County Asphalt, Inc. has requested the temporary suspension of the operation of the violation notice pending an application to the Town Board for a Special Permit for landfilling purposes, which suspension is recommended by the Building Inspector;

NOW, THEREFORE, be it

RESOLVED, that the Building Inspector of the Town of Clarkstown is hereby authorized to enter into an agreement with County Asphalt, Inc. providing for the temporary suspension of the operation of Violation Notice #76-84 pending the

(continued)

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(1976-244 continued)

filing of an application for a Special Permit for landfilling purposes on Map 123, Block B, Lot 1, which agreement shall be in a form satisfactory to the Town Attorney and shall also provide for an escrow in the amount of \$2,000 to guarantee the performance of the agreement.

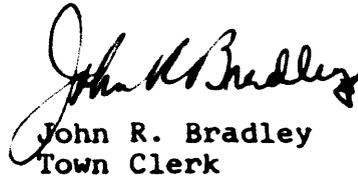
Seconded by Co. Piacentile

All voted Aye.

EEC873

There being no further business before the Town Board, Town Board Meeting was adjourned. Next Town Board Meeting to be held on April 28, 1976 at 8:00 PM at the Town Hall, New City, New York.

Submitted by,


John R. Bradley
Town Clerk

Prepared by,


Alice Weber
Deputy Town Clerk