

TOWN BOARD MEETING

Town Hall

6/2/76

8:00 PM

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

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

(1976-335) Co. Maloney offered the following resolution:

RESOLVED, based upon the recommendation of the Supt. of Recreation & Parks, that Item #7 of the bid for Paper & Plastic Supplies be awarded to the low bidder, Crown Paper Co., 217 Riverdale Ave., Yonkers, N. Y.; and that Item #11 of the bid for Paper and Plastic Supplies be awarded to the low bidder, Century Paper & Box Co., Inc., 25 Lincoln Street, Haverstraw, N. Y.; and be it

FURTHER RESOLVED, that these items be charged against Account #7610 - 329.

Seconded by Co. Piacentile All voted Aye.

(1976-336) Co. D'Antoni offered the following resolution:

RESOLVED, that the Minutes of the Town Board Meetings held on May 5th, 1976, May 12th, 1976 and May 19th, 1976, are hereby adopted and accepted as submitted by the Town Clerk.

Seconded by Co. Piacentile All voted Aye.

(1976-337) Co. Piacentile offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to sign a letter of intent which shall commit the Town of Clarkstown to participate in the Mobile Radio District Program, and be it

FURTHER RESOLVED, that the initial sum to participate in the program of \$2,400.00 be taken from Account No. 3120-230.

Seconded by Co. Maloney All voted Aye.

EEC883

(1976-338) Co. Holbrook offered the following resolution:

RESOLVED, that the Director of Environmental Control is hereby authorized to provide for the installation of a sanitary sewer stub at 13 Inwood Drive, Bardonia, New York, in an amount not to exceed \$2,000.00, said amount to be taken from Sewer Construction Account.

Seconded by Co. Maloney

All voted Aye.

(1976-339) Co. Piacentile offered the following resolution:

RESOLVED, that based upon the recommendation of the Town Engineer, the Spring Valley Water Co., is hereby authorized to install three (3) hydrants on the West side of Newport Drive, Nanuet (Invest. No. 6641).

Seconded by Co. D'Antoni

All voted Aye.

Agenda Item #5 regarding road widening strip along North Middletown Road, Nanuet -- tabled.

(1976-340) Co. Piacentile offered the following resolution:

RESOLVED, that resolution number 321 adopted May 19, 1976 by the Town Board of the Town of Clarkstown is hereby rescinded.

Seconded by Co. D'Antoni

All voted Aye.

(1976-341) Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown desires to enter into an agreement with the County of Rockland for stream maintenance;

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 which shall provide for the following items:

Nauraushaun Brook

1. Start at Orangetown line. Go up to Palisades Interstate Parkway. Clean out entire area of brush, debris, and fallen trees. (Include trees leaning over stream).

(continued)

(1976-341 continued)

Pascack Brook

1. Starting at Ramapo/Clarkstown line, all the Pascack Brook in Clarkstown.
2. Removal of two standing dead trees on Pascack Road, south of the Thruway, at New Holland Village.

Payment of the sum of \$10,350.00 for work performed shall be made by the County of Rockland within 30 days after completion of work by the Clarkstown Highway Department and submission of appropriate voucher.

Seconded by Co. Piacentile

All voted Aye.

(1976-342) Co. Holbrook offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown considers that it is in the public interest to amend the Official Map of the Town of Clarkstown to provide for the deletion of a certain unnamed road running southerly from Cardinal Court as shown on a subdivision map entitled, "Map of Section 2 Rockland Heights, West Nyack, Clarkstown, New York" from said map;

NOW, THEREFORE, be it

RESOLVED, that a public hearing be had at the auditorium of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, New York, on the 23rd day of June, 1976, at 8:45 P.M., to consider the amendment, and it is

FURTHER RESOLVED, that notice of the time, place and purpose of the 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 the hearing and that the Town Clerk cause the same to be published and posted and file proof thereof in the office of the said Clerk.

Seconded by Co. Piacentile

All voted Aye.

(1976-343) Co. Holbrook 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 (m) of the General Municipal Law;

(continued)

EEC883

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(1976-343 continued)

NOW, THEREFORE, be it

RESOLVED, that a public hearing will be held at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York on the 23rd day of June, 1976 at 9:00 P. M., to consider the appropriation of \$3,000.00 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. Maloney

All voted Aye.

(1976-344) Co. Piacentile offered the following resolution:

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

P & G Excavating Corp.
Box 352, Route 303
Valley Cottage, N. Y.

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued:

No. 76-20 to P & G Excavating Corp.

Seconded by Co. Maloney

All voted Aye.

(1976-345) 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 locations:

East side of Stark Lane, Valley Cottage
Greenbush Heights Subdivision, West Nyack
Remove 17 street lights, Route 59 West Nyack
Install 24 street lights, Route 59 West Nyack

Seconded by Co. Maloney

All voted Aye.

(1976-346) Co. Piacentile offered the following resolution:

WHEREAS, to meet the requirements of the 1976 Town Budget,

NOW, THEREFORE, be it

RESOLVED, that the 1976 Budget is hereby amended as follows:

1. To fully meet the Estimated Revenue of General Fund: Appropriate Federal Revenue Sharing Fund Balance to account #C4001-909 by \$300,000.
2. Appropriate Federal Revenue Sharing Fund Balance for the purchase of two (2) town cars, which were authorized by Resolution #X83 for \$7,490 to account #C4001-907.

Seconded by Co. Maloney

All voted Aye.

(1976-347) Co. Piacentile offered the following resolution:

WHEREAS, The State of New York requires certain accounting procedures to be followed in connection with the accounting of Federal Revenue Sharing Funds,

NOW, THEREFORE, be it

RESOLVED, that in order to fulfill the State's requirements the 1976 Town Budget is hereby amended as follows:

- 1) Increase Estimated Revenue Account # A-2884 by \$398,565.
- 2) Decrease Appropriation credits as follows:

A1310-903	\$15,000
A1340-903	2,500
A1345-903	19,000
A1355-903	25,000
A1356-903	3,580
A1420-903	50,000
A3120-903	86,500
A7020-903	4,600
A7140-903	16,100
A7141-903	20,090
A7180-903	11,545
A7270-903	31,000
A7310-903	65,700
A7610-903	45,150
A7620-903	2,800

Seconded by Co. Maloney

All voted Aye.

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(1976-348) Co. Piacentile offered the following resolution:

RESOLVED, that based upon the recommendation of the Town Attorney, the Dellwood Country Club, Zukor Road, New City, is hereby granted permission pursuant to Section 405 of the Penal Law to display fireworks on July 3, 1976 at 9:00 P.M.

Seconded by Co. D'Antoni

All voted Aye.

(1976-349) Co. Maloney offered the following resolution:

RESOLVED, that permission is hereby granted for a fireworks display to be held under the jurisdiction of the Clarkstown Parks Board & Recreation Commission at the Nanuet High School, at 8:00 p.m., on July 4th, 1976, pursuant to Section 405 of the Penal Law.

Seconded by Co. Holbrook

All voted Aye.

Item #14 on Agenda - road dedications -- tabled

(1976-350) Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Thomas A. Mangieri, 83-B Woodvue Court, Valley Cottage, New York, as Stock Clerk (CETA) - Parks Board & Recreation Commission, is hereby accepted with regret, effective and retroactive to May 28, 1976.

Seconded by Co. Piacentile

All voted Aye.

(1976-351) Co. Maloney offered the following resolution:

RESOLVED, that the resignation of Henry E. Maine, 19 Salem Road, New City, New York as Member - Planning Board - is hereby accepted with regret, effective and retroactive to May 28, 1976.

Seconded by Co. Piacentile

All voted Aye.

(1976-352) Co. Maloney offered the following resolution:

WHEREAS, a vacancy now exists in the Clarkstown Planning Board;

NOW, THEREFORE, be it

RESOLVED, that Catherine Nowicki, 149 North Middletown Road, Nanuet, New York is hereby appointed a member of the Clarkstown Planning Board, term to commence immediately and to expire January 3, 1978, at the annual salary for 1976 of \$2,000.00.

Seconded by Co. D'Antoni

All voted Aye.

(1976-353) Co. Piacentile offered the following resolution:

RESOLVED, that the salary of the Mental Health Aide (CETA) position is hereby amended to \$7,000. per annum, effective and retroactive to May 4, 1976.

Seconded by Co. D'Antoni

All voted Aye.

(1976-354) Co. Piacentile offered the following resolution:

RESOLVED, that Catherine T. Riley, 3 Danville Court, West Nyack, New York is hereby appointed to the position of Crossing Guard - Police Department - at the McCarthy Way & Woodcrest Post, at the daily salary of \$12.00, effective and retroactive to May 10, 1976.

Seconded by Co. Maloney

All voted Aye.

(1976-355) Co. Piacentile offered the following resolution:

RESOLVED, that Gail Olsen, 64 Ridge Road, New City, New York, is hereby appointed a substitute Crossing Guard - Police Department - at the prevailing salary for the post covered, effective immediately.

Seconded by Co. Maloney

All voted Aye.

(1976-356) Co. Maloney offered the following resolution:

RESOLVED, that two Police Officers - Police Department - are hereby authorized to attend the Armorer School at Smith & Wesson, 2100 Roosevelt Avenue, Springfield, Mass., from June 21 through July 2, 1976, and be it

(continued)

EEC883

(1976-356 continued)

FURTHER RESOLVED, that all proper charges be charged against Account 3120, Line 414.

Seconded by Co. Piacentile All voted Aye.

Agenda Item #17 - authorizing payment for attendance at BreathTest Operator's Course -- tabled

(1976-357) Co. Maloney offered the following resolution:

RESOLVED, based upon the recommendation of the Parks Board & Recreation Commission, that Frank DiMaria, Senior Citizens Director, be authorized to attend the Senior Citizens Training Program being held at Skidmore College, Saratoga Springs, New York, from the period June 3rd through June 5th, 1976; and be it

FURTHER RESOLVED, that all expenses not to exceed \$100.00 be charged against account #7020-414.

Seconded by Co. D'Antoni All voted Aye.

(1976-358) Co. D'Antoni offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 3rd day of March, 1976, provided for a public hearing on the 24th day of March, 1976 at 9:00 P.M., to consider amending the Official Map to provide for the deletion of approximately 284.71 feet of an undeveloped portion of Jodi Lane extending north from Germonds Church Road, New City, New York from said map, and

WHEREAS, notice of said public hearing was duly published 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 said Official Map of the Town of Clarkstown be and it hereby is amended by the deletion of an undeveloped portion of Jodi Lane extending north from Germonds Church Road, New City, New York, more particularly described on the attached Schedule "A".

Seconded by Co. Piacentile All voted Aye.

Town Clerk's Note: See Schedule "A" which follows

(1976-358 continued)

SCHEDULE "A"

BEGINNING at a point said point being distant following two courses and distances from a Rockland County Monument on northerly right of way of Germonds Church Road, said point also being the southeast corner of a designated "Lot 4" of the subdivision of "Mellon & Sons, Inc." and designated as Lot 36-E-11.04 of the Town of Clarkstown tax rolls;

EEC883

a) Along northerly right of way of said Germonds Church Road N85 degrees 14 minutes 52 seconds east 307.31 feet; thence,

b) North 3 degrees 39 minutes 18 seconds W, 13.50 feet to the point of beginning; thence

- (1) North 3 degrees 39 minutes 18 seconds west, 284.71 feet; thence
- (2) North 85 degrees 14 minutes 52 seconds east, 50.01 feet; thence
- (3) South 3 degrees 39 minutes 18 seconds east, 284.71 feet; thence
- (4) South 85 degrees 14 minutes 52 seconds west 50.01 feet, back to the point or place of beginning.

(1976-359) Co. D'Antoni offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 18th day of February, 1976, provided for a public hearing on the 24th day of March, 1976, at 8:45 P.M., to consider amending the Official Map to provide for the deletion of that portion of Phillips Hill Road, a former proposed County road running easterly from Route 304 to New City-Congers Road, New City, New York, from the map, and

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

NOW, THEREFORE, be it

(continued)

(1976-359 continued)

RESOLVED, that the Official Map of the Town of Clarkstown be and it hereby is amended by the deletion of that portion of Phillips Hill Road as above described.

Seconded by Co. Piacentile

All voted Aye.

(1976-360) Co. D'Antoni offered the following resolution:

WHEREAS, the Town of Clarkstown desires to install a sidewalk from the existing Town parking lot in Valley Cottage, New York, to Old Rockland Lake Road, Valley Cottage, New York, between tax lots 108 A 55 and 108 A 56;

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways is hereby authorized to install the sidewalk at a cost not to exceed the sum of \$2,500.00 to be charged against the Sidewalk Bond Account.

Seconded by Co. Piacentile

All voted Aye.

(1976-361) Co. Maloney offered the following resolution:

RESOLVED, that the application of COUNTY ASPHALT, INC. for a Special Permit to conduct a landfill operation pursuant to the requirements of Section 106-16(L) of the Zoning Ordinance of the Town of Clarkstown for property known as MAP 123, BLOCK D, LOT 2, located in Valley Cottage, New York, be referred to the Clarkstown Planning Board and the Town Engineer for report, and also the Rockland County Planning Board pursuant to Sections 239-l and 239-m of the General Municipal Law.

Seconded by Co. D'Antoni

All voted Aye.

(1976-362) Co. Piacentile offered the following resolution:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN,
NEW YORK, ADOPTED JUNE 2, 1976, AUTHORIZING
THE PAYMENT OF A FINAL JUDGMENT AGAINST
SAID TOWN, STATING THE ESTIMATED MAXIMUM
COST OF SAID SPECIFIC OBJECT OR PURPOSE IS
\$145,000, APPROPRIATING SAID AMOUNT THEREFOR,
AND AUTHORIZING THE ISSUANCE OF \$145,000 SERIAL
BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN,
IN THE COUNTY OF ROCKLAND, NEW YORK (by the favorable vote of
not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town of Clarkstown (herein called "Town"),
in the County of Rockland, New York, is hereby authorized to pay a
judgment in a proceeding entitled Town of Clarkstown, Plaintiff, v.
Susan Cohen, Defendant, for land condemned by the Town for Town park
purposes pursuant to a Judgment of Hon. Anthony J. Cerrato, a Justice
of the Supreme Court of the State of New York, dated March 18, 1975,
Index No. 2606/73 Special Term of the Supreme Court of the State
of New York, County of Rockland, New York, duly entered in the Office
of the County Clerk, County of Rockland, New York, on April 17,
1976. The estimated maximum cost of said specific object or purpose,
including interest to the estimated date of payment thereof is \$145,000,
and said amount is hereby appropriated therefor. The plan of financing
includes the issuance of \$145,000 serial bonds of the Town to finance

(continued)

EECS83

(1976-362 continued)

said appropriation and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$145,000 are hereby authorized to be issued pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the specific object or purpose for which the bonds authorized by this resolution are to be issued, within the limitations of Section 11.00 a. 33 a. of the Law, is five (5) years.

(b) Current funds are not required to be provided as a down payment prior to the issuance of the bonds hereby authorize or of any notes issued in anticipation of the sale of such bonds, pursuant to the provisions of §107.00 d. 5 of the Law.

(c) The proposed maturity of the bonds authorized by this resolution may not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale thereof, shall contain the recital of validity prescribed by §52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town payable as to both principal and

(continued)

(1976-362 continued)

interest by a general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

EECS83

Section 5. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes, or, the renewals of said Notes and of §50.00 and §§56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately.

(1976-362 continued)

The adoption of the foregoing resolution was seconded by Co. Maloney and duly put to a vote on roll call, which resulted as follows:

AYES: Messrs. Gerber, Maloney, D'Antoni, Holbrook
and Piacentile

NOES: None

The resolution was declared unanimously adopted

(1976-363) Co. Piacentile offered the following resolution:

RESOLVED, by the Town Board of the Town of Clarkstown, in the County of Rockland, New York, as follows:

Section 1. The Town Clerk is hereby directed to publish the foregoing bond resolution, in full, in the "JOURNAL NEWS," a newspaper published in Nyack, New York, and having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication together with the Town Clerk's statutory notice in substantially the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Section 2. This resolution shall take effect immediately.

Seconded by Co. Holbrook

All voted Aye.

At close of last item on the Agenda, Supervisor Gerber made the following statement:

The Town Board has authority to appoint members to various agencies, commissions and boards. These boards often have authority delegated to them by state law, thus giving them an independent, quasi-judicial role to play in town government.

As times and conditions change, it is important that we review and update our procedures and broaden community involvement. For many years, the Board of Appeals, more commonly known as the Zoning Board of Appeals, or ZBA, has been an integral part of town government. Its work and duties are among the least understood by the general public. ZBA members are appointed by the Town Board, but they do not take any direction from the Town Board. Their duties are spelled out in Article 16, Sec. 267 & 268 of the Town Law and in the Zoning Ordinance of the Town of Clarkstown.

Supervisor's statement continued

The ZBA'S present membership consists of five individuals, each appointed by the Town Board for a period of five years. The Town Board also selects one ZBA member to serve as Chairman.

Simply put, the ZBA's duty is to listen to grievances regarding zoning rules and regulations, hear appeals for zoning variances and exceptions, interpret the intent of our zoning ordinance in specific cases, grant special permits and rule on appeals made to them on decisions of an administrative officer (such as the Building Inspector) who originally rules on the use, construction, enlargement or alteration of any lots or buildings within the Town. It holds public hearings on appeals and may conduct field inspections of property prior to the hearings, subpoena witnesses and work with the Town Planning Board to determine the need for special allowances. The ZBA is a quasi-judicial body and any decisions made are subject to review by the courts.

It must act independently of the Town Board and any officer or employee of the Town.

As general construction and available vacant land both have decreased, the role of the ZBA will continue to grow. More and more individual homeowners will desire to make alterations and/or additions to existing buildings. In many cases, the ZBA will be the agency of government they will deal with.

Even though the ZBA is an independent agency, its authority generally is derived from the Town Board, and we therefore periodically must review what areas of authority in zoning and planning we wish to retain under our jurisdiction and which areas more properly belong solely to the ZBA.

Presently the ZBA considers certain requests for special permits, while other categories are heard by the Town Board.

In this regard, I am asking the Town Attorney's office, together with our Planning Consultants, to review all of the special permit categories so that the Town Board may determine which should fall in its purview and which it feels the ZBA should consider.

However, if any of these requirements are altered or amended, it could not, of course, be made retroactive. Any changes would only affect future petitions.

Additionally, I have spoken of government agencies that have a broad community base, whether elected or appointed. The members of these agencies are also citizens, taxpayers, voters and neighbors. I have always believed that political affiliation is secondary to such local agencies and boards.

In an attempt to immediately broaden the base of community involvement and strengthen its independence, I am recommending that the Board of Appeals be increased from 5 to 7 members. This is provided for in Sec. 267 of the Town Law. I further recommend

(continued)

EEC883

Supervisor's statement continued

to this Town Board that Mrs. Elizabeth Squillace of 25 Glen Dr., Bardonia, New York be appointed to a term expiring initially in 1978 and that Joseph Maraia of 4 Bonnie Lane, New City, New York be appointed initially to a term to expire June 1, 1980, both these terms to take effect upon the adoption of the appropriate resolutions.

I believe that the proposed study of our present needs, coupled with the expansion of the ZBA with the appointment of two qualified individuals, will be a significant step in making the ZBA an even more effective and independent body.

End of statement by Supervisor Gerber

(1976-364) Co. Holbrook offered the following resolution:

RESOLVED, that pursuant to Section 267 of the Town Law, the membership of the Clarkstown Board of Appeals is hereby increased from five (5) to seven (7) members effective immediately, and be it

FURTHER RESOLVED, that the two additional members shall respectively serve for a two year and four year term of office, at an annual salary for the year of 1976 of \$1,000.00 and be it

FURTHER RESOLVED, that the sum of \$1,500.00 be transferred from Contingency Account to Board of Appeals Account No.B-8010-114.

Seconded by Co. Maloney

Prior to roll call on the above resolution, Councilmen Holbrook and Maloney expressed comments in favor of expansion.

Councilman D'Antoni stated this was the first he had heard of the proposal to expand the ZBA. Requested that he be extended the courtesy of researching the idea and requested the Board to postpone any action for a week -- Supervisor insisted that it was in order to proceed now so that the ZBA would have the benefit of the membership of the two additional persons in making their review and decisions as soon as possible. Some general objections were made from the general gathering without identification -- 5 minute recess declared for the Board to discuss the resolution. On re-assembly and on roll call, Co. D'Antoni stated that during recess he received some fair arguments as to why the resolution should be passed, and while he still had some reluctance about the matter, he would at this time abstain

Vote was as follows:

AYES: Co. Holbrook, Maloney, Piacentile, Supv. Gerber
ABSTAIN: Co. D'Antoni

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(1976-365) Co. Holbrook offered the following resolution:

WHEREAS, pursuant to Sec. 267 of the Town Law, the Town Board of the Town of Clarkstown, by resolution, increased the membership of the Clarkstown Board of Appeals from five (5) to seven (7) members;

NOW, THEREFORE, be it

RESOLVED, that Joseph Maraia, 4 Bonnie Lane, New City, New York is hereby appointed a member of the Clarkstown Board of Appeals for a term of four (4) years, said term to commence immediately and to expire June 1, 1980, at an annual salary for 1976 of \$1000.00

Seconded by Co. Piacentile

On roll call the vote was as follows:

AYE: Co. Holbrook, Maloney, Piacentile, Supv. Gerber
ABSTAIN: Co. D'Antoni

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(1976-366) Co. Holbrook offered the following resolution:

WHEREAS, pursuant to Sec.267 of the Town Law, the Town Board of the Town of Clarkstown, by resolution, increased the membership of the Clarkstown Board of Appeals from five (5) to seven (7) members;

NOW, THEREFORE, be it

RESOLVED, that Elizabeth Squillace, 25 Glen Drive, Bardonia, New York, is hereby appointed a member of the Clarkstown Board of Appeals for a term of two (2) years, said term to commence immediately and to expire June 1, 1978, at an annual salary for 1976 of \$1000.00.

Seconded by Co. Piacentile

On roll call the vote was as follows:

AYE: Co. Holbrook, Maloney, Piacentile, Supv. Gerber
ABSTAIN:Co. D'Antoni

Attorney Fred Roland requested to approach the Board representing The Bardonia Citizens Committee for Better Living to present a petition of 440 persons living in and around Bardonia along with 5 copies of a proposed resolution he had prepared requesting that the Town Board schedule a public hearing for amendment to the Zoning Ordinance to change definition of the term "Nursery School" and to add the words "not for profit".

Discussion followed as to the proper wording of the motion to amend between the Town Attorney, the Supervisor and Mr. Roland with some additional comments from the floor. The general tone

of the discussion was to amend the Zoning laws so that Nursery schools would not be permitted in residential areas in the future under the amendments.

(1976-367) Co. D'Antoni 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, 10 Maple Avenue, New City, New York on the 23rd day of June, 1976, at 9:15 P.M., to consider the adoption of the following proposed amendments to the Zoning Ordinance of the Town of Clarkstown:

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

R-80 District - Column 3, A, Item 5, to read as follows:

"5. Nursery schools, not operated for profit, provided that no building areas shall be within 100 ft. of any lot line."

R-40 District - Column 3, A, Item 5, to read same as above.

R-22 District - Column 3, A, Item 5, to read same as above.

R-15 District - Column 3, A, Item 5, to read same as above.

R-10 District - Column 3, A, Item 3, to read same as above.

RG-1 District - Column 3, A, Item 4, to read same as above.

RG-2 District - Column 3, A, Item 4, to read same as above.

and be it

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

(continued)

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(1976-367 continued)

FURTHER RESOLVED, that this resolution be referred to the proper agencies for report prior to the public hearing.

Seconded by Co. Maloney

All voted Aye.

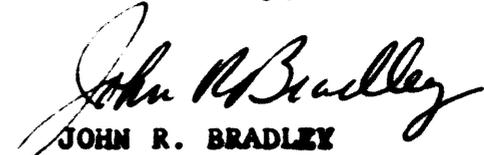
EECS83

Mr. Frank Vaschetti, co-chairperson for the Bardonia Citizens for Better Living -- read press release outlining goals and programs of the group -- stated they are interested in the development of Route 304 -- would like to be in on any consultations if a consultant is obtained on the development of 304 -- concerned about many problems in the area of Bardonia Road, Ludvigh Road and Route 304. Group will encourage economic projects that reduce taxes and enhance community appearance -- fight projects which create traffic hazards & reduce real estate values of residential neighborhoods.

No further appearances

There being no further business before the Town Board, Town Board meeting was adjourned -- next meeting of the Town Board will be held on June 9, 1976.

Submitted by,


JOHN R. BRADLEY
Town Clerk