

TOWN BOARD MEETING

Town Hall 6/9/76 8:00 PM

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

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

(1976-368) Co. D'Antoni offered the following resolution:

RESOLVED, that the regular Town Board meeting of June 16, 1976, will be adjourned to June 23, 1976 at 8:00 P.M.

Seconded by Co. Piacentile All voted Aye.

(1976-369) Co. Piacentile offered the following resolution:

WHEREAS, the Town of Clarkstown is desirous of leasing a portion of the Clarkstown Sanitary Landfill Area to the Clarkstown Recycling Center, Inc., for use as a paper products recycling center;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into a lease with the Clarkstown Recycling Center, Inc., for the use of a portion of the Clarkstown Sanitary Landfill Area for a term of five years at the yearly rental fee of \$7,200.00 for the first two years and \$7,920.00 for the remaining three years, in a form satisfactory to the Town Attorney.

Seconded by Co. Holbrook All voted Aye.

(1976-370) Co. Piacentile offered the following resolution:

RESOLVED, based upon the recommendation of the Parks Board & Recreation Commission, that the positions of Recreation Supervisor and Park Maintenance Supervisor are hereby reclassified from Grade 22 to Grade 24, effective July 1, 1976.

Seconded by Co. D'Antoni All Voted Aye.

(1976-371) Co. Holbrook offered the following resolution:

WHEREAS, a vacancy exists on the Assessment Review Board of the Town of Clarkstown;

(continued)

EEC883

(1976-371 continued)

NOW, THEREFORE, be it

RESOLVED, that Dolores Avaras, 145 Little Tor Road, New City, New York, is hereby appointed a member of the Board of Assessment Review, term to commence immediately and to expire on December 31, 1976, at the salary of Fifty Dollars (\$50.00) per diem for the year 1976.

Seconded by Co. D'Antoni

All voted Aye.

(1976-372) 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" on Old Nyack Turnpike to be erected 25 feet from the intersection of Sherwood Drive, Nanuet.

Seconded by Co. Piacentile

All voted Aye.

(1976-373) Co. Piacentile offered the following resolution:

WHEREAS, property adjacent to the Town Sanitary Landfill in the Hamlet of West Nyack, New York, more particularly designated on Clarkstown Tax Map 105, Block A, as Lot 33.01, has been offered for sale to the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into a contract to purchase this property, in a form satisfactory to the Town Attorney, for the total sum of \$50,000.00.

Seconded by Co. D'Antoni

All voted Aye.

(1976-374) Co. Piacentile offered the following resolution:

BOND AND CAPITAL NOTE RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JUNE 9, 1976, AUTHORIZING THE ACQUISITION BY PURCHASE OF THE CERTAIN PIECE OR PARCEL OF LAND, IN THE AMOUNT OF APPROXIMATELY 93/100THS OF AN ACRE, SITUATE ADJACENT TO THE CLARKSTOWN SANITARY LANDFILL AREA SITE, IN THE HAMLET OF WEST NYACK, IN SAID TOWN, TO BE USED FOR TOWN SANITARY LANDFILL PURPOSES, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$55,000, APPROPRIATING SAID AMOUNT THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,000 CAPITAL NOTES TO PROVIDE THE REQUIRED DOWN PAYMENT AND \$2,000 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF 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 (the "Town"), in the County of Rockland, New York, is hereby authorized to acquire by purchase the certain piece or parcel of land, in the amount of 93/100ths of an acre, more or less, situate adjacent to the Town sanitary landfill area site, in the Hamlet of West Nyack, in the Town, as the same is more particularly described on Clarkstown Tax Map 105, Block A, Lot 33.01, to be used for Town sanitary landfill purposes. The estimated maximum cost of said specific object or purpose, including preliminary costs of surveys, maps, plans and estimates and costs incidental thereto and the financing thereof, is

(continued)

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(1976-374 continued)

\$55,000 and the said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$3,000 capital notes to provide the down payment required by the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), and \$52,000 serial bonds to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said notes and bonds and the interest thereon as the same shall become due and payable.

Section 2. Capital notes in the principal amount of \$3,000 to provide such down payment and serial bonds in the principal amount of \$52,000 to finance the balance of said appropriation are hereby authorized to be issued pursuant to the Law.

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

(a) The period of probable usefulness of acquiring said land, being the specific object or purpose for which said \$3,000 capital notes and said \$52,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 21 of the Law, is thirty (30) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the serial bonds authorized by this resolution, or of any bond anticipation notes issued in anticipation of the sale of such bonds, and such current funds will be so provided from the proceeds of the capital notes herein authorized to be issued. The Supervisor, the chief fiscal officer of the Town, is hereby authorized and directed to set aside said current funds and to apply the same solely to said specific object or purpose.

(c) The maturity of the bonds authorized pursuant to this resolution will not exceed five (5) years.

(1976-374 continued)

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Section 4. Each of the notes and bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity prescribed by §52.00 of the Law and said notes and bonds and any notes issued in anticipation of the sale of said bonds, shall be general obligations of the Town, payable as to both principal and interest by 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 notes and bonds and of any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the notes and bonds and of any notes issued in anticipation thereof to mature in such year and ~~(b) the payment of interest to be due and payable in such year.~~

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 notes and bonds herein authorized and of any bond anticipation notes issued in anticipation of the sale 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 notes and bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations authorized for an object or purpose for which the Town is not authorized to expend money, or

(continued)

(1976-374 continued)

(b) the provisions of law which should be complied with at the date of 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.

* * *

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

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

NOES: None

The resolution was declared unanimously adopted.

(1976-375) 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 the Village of 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 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.

The adoption of the foregoing resolution was seconded by Co. Holbrook and duly put to a vote on roll call, which resulted as follows: AYES: Messrs. Gerber, D'Antoni, Piacentile
NOES: None

The resolution was declared unanimously adopted.

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(1976-376) Co. Piacentile offered the following resolution:

RESOLVED, that based upon the recommendation of the Town Attorney, The Nanuet Mall, Nanuet, New York, is hereby granted permission pursuant to Section 405 of the Penal Law to display fireworks on July 3, 1976 at 9:45 P.M.

Seconded by Co. D'Antoni All voted Aye.

(1976-377) Co. D'Antoni offered the following resolution:

WHEREAS, the State of New York, without the knowledge, consent or advice of the Town of Clarkstown, transferred responsibility for combating forest fires to the towns within Rockland County, and

WHEREAS, the Town of Clarkstown contains extensive areas of state parklands and it is beyond the means of the town in terms of manpower, equipment, experience or training to fight forest fires, and

WHEREAS, the cost of fighting a state forest fire in the Town of Clarkstown should be borne by the Department of Environmental Conservation which possesses the personnel and experience to undertake that responsibility,

NOW, THEREFORE, be it

RESOLVED, that the Town of Clarkstown is unalterably opposed to the amendment of Section 29 (12) of the Town Law which puts the burden of forest fire fighting on the Town of Clarkstown, and be it

FURTHER RESOLVED, that copy of this resolution be sent to Governor Hugh Carey; Secretary of State Mario Cuomo; Commissioner of the Department of Environmental Conservation Peter Berle, State Senator Linda Winikow, State Assemblyman Robert Connor; and the Rockland County Legislature.

Seconded by Co. Holbrook All voted Aye.

(1976-378) Co. D'Antoni offered the following resolution:

RESOLVED, that regular Town Board meeting be closed in order to hold scheduled Public Hearings.

Seconded by Co. Piacentile All voted Aye.

Following the public hearing, there being no further business before the Town Board, Town Board Meeting was adjourned.

Submitted by,


JOHN R. BRADLEY
Town Clerk

EEC883

PUBLIC HEARING

Town Hall

6/9/76

8:30 PM

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

RE: APPLICATION OF NEW CITY OFFICE PARK FOR A CHANGE OF
THE ZONING ORDINANCE OF THE TOWN OF CLARKSTOWN BY
RESISTRICTING PROPERTY OF THE APPLICANT FROM PO DISTRICT
TO RG-2 DISTRICT

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Supervisor Gerber declared the Public Hearing open; Town Clerk read Notice of Hearing and attested to proper publication of the Notice and proper posting and service by the Petitioner.

Supervisor Gerber read the following communications received regarding the subject zone change:

Recommendation of Clarkstown Board of Education:

Board of Education is opposed to requested zone change which could mean an additional 180-240 dwelling units in northern New City -- elementary schools in this part of the school district are overcrowded or near capacity and cannot accommodate any further enrollment increase. (Letter dated 2/17/76)

(Above letter on file in Town Clerk's Office in its entirety.)

United Brotherhood of Carpenters and Joiners of America - Local Union 964

Support petition for zone change and asking the Board to consider the surrounding area and what is already built -- builder has rights in the fact of complying with all regulations in the Town of Clarkstown along with the right to something on the land he owns. (Letter dated 3/5/76)

(Above letter on file in Town Clerk's Office in its entirety.)

Recommendation of the Rockland County Planning Board

Letter dated February 24, 1976 indicates the Rockland County Planning Board disapproves stating the original approval for the site plan required improvement to North Main Street which, to date, has not been completed -- prior to granting the zong change the applicant should make a commitment that the road widening strip will be completed to the new curb. Zone change is in conflict with the Rockland County Land Use Plan.

(Above letter on file in Town Clerk's Office in its entirety.)

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RECOMMENDATION OF THE CLARKSTOWN PLANNING BOARD:

Letter dated May 12, 1976 indicates that at a meeting held on May 4, 1976 the Clarkstown Planning Board recommended that the petition be DENIED -- uses permitted by the proposed change do not conform to the Town Development Plan -- adequate public school facilities do not exist -- existing storm are inadequate.

(Above letter on file in Town Clerk's Office in its entirety.)

REPORT OF RAYMOND, PARISH & PINE, INC., PLANNING CONSULTANTS
dated February, 1976

Location of site near edge of New City business district makes it appropriate to consider relatively intense levels of land use. Access from Route 304 generally good, some difficulties present for those vehicles approaching from the west. Proposed use will generate less traffic than a PO use -- traffic will likely be distributed more evenly throughout the day. Potential impact on schools of utmost importance.

(Complete report on file in Town Clerk's Office in its entirety.)

LETTER FROM BOARD OF EDUCATION TO CLARKSTOWN PLANNING BOARD
DATED March 15, 1976

Requesting Clarkstown Planning Board to deny request for change of zoning and supporting letter dated February 17th to Clarkstown Town Board.

(Above letter on file in Town Clerk's Office in its entirety.)

LETTER FROM STEPHEN C. EDBERG, PH.D., 22 Verona Court, New
City -- dated June 1, 1976

Enclosing petition from homeowners of North New City expressing opposition to planned apartment house complex.

(Letter and copy of petition on file in Town Clerk's Office)

End of official correspondence received pertaining to subject zone change.

THE FOLLOWING PERSONS APPEARED IN FAVOR OF THE PETITION:

Robert R. Granik, Esq., Granik, Garson & Silverman -- representing petitioner -- area covered is approximately 14 acres -- 11 lots -- petitioner has owned property over 5 years and has made every effort to develop as PO Zone -- no market available. Had they had a choice would have applied for multiple use zone, including services, stores and apartments but there is no such application permitted under PO Zone. Indicated in previous discussions by Planning Boards back in early 70's, such a zone

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Robert R. Granik, Esq.(continued)

was being considered. Further pointed out advantage to the community of developing a parcel as a high density apartment complex over that of PO complex. Requested permission to introduce two experts to testify for the applicant.

Thomas G. Martin, 33 Route 303, Valley Cottage - real estate expert and appraiser -- no demand for PO - sited 6 story building - 80% empty -- Uris Building - same story -- Visually, apartments are more appealing, parking areas would be 3 times that of apartments if PO use. School effect not detrimental-- is of the opinion that apartments are needed and would be utilized. Apartments are indicated under the concentric plan for zoning .

Jack E. Bowwell, 163 So. Main Street, New City - Professional Engineer -- testify to traffic survey -- request the Board to accept his qualifications by recognition -- Office Space -- 2 hrs in AM, 2 hrs in PM - car traffic approximately 5600 trips per day or 1400 cars per hour -- Apartment Complex -- 7 trips per day per apartment - 1750 trips over 14 hours or 125 trips per hour. Present flow on neighboring roads is 600 trips per hour.

Mr. William Sopho, United Brotherhood of Carpenters -- Free enterprise is willing to take a risk with private money, the community needs the growth, the people need the employment to construct as well as to provide jobs in the community.

Nick Aguilino, 21 Simkin Drive, New City -- He and others need work -- in favor of apartment construction -- no work he may have to sell -- if he and others sell, more children will be educated.

Pat E. Damiani, Twin Elms Lane, New City -- Union Representative 75% of construction men out of work -- the construction is needed.

Ralph Lombardi, Jr., 10 Lorraine Court, New City, N. Y.-- expressed opinion that had he and his family opposed building and construction as here indicated, they themselves would not be living here.

Emil Paretti, Jr. - Bricklayers Local Union, Rockland County -- Bewildered by lack of construction -- cannot understand why provisions for construction cannot be made -- encourage private capital, do not deter it from growth. The applicant wants to provide a needed type of construction.

Joseph Marino, 12 Mass. Ave., Congers -- Union Carpenter - work needed, definitely in favor for the work provided.

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Jim Chicalone, Strawtown Road, New City -- Carpenter -- needs the work, wants to remain here and is very much in favor.

OPPOSED

Joel Sankel - President, North Clarkstown Coordinating Council

Phyllis Bulloch, 9 Westgate Blvd., New City, No. Clarkstown Civic Association - quoted Mr. Granik 5-6 story buildings. 190 homes proposed in north New City at present.

Ira Margolies, 14D Heritage Drive, New City (Condominiums) representing Clarkstown Condominium Coalition, New City -- Interceptor system inadequate -- stream flooding very real.

Stewart Simon, 25 Finch Road, Lake Deforest Homeowners Assoc. -- Deny - Town Planning Board is now working Master Plan -- to permit rezoning would allow dramatic change -- deny subject to approval of Master Plan.

Steve Steinman - FairHaven Drive Homeowners Assoc -- should not rezone commercial property to residential

Jerry Halpern, 21 Verona Court, New City -- No. Clarkstown Coordinating Council objects - Manager, Municipal Bond Dept - New York City firm -- spoke regarding tax income for apartments cost of enlarging interceptor system and cost of other services.

Joseph E. Hirschfeld, 96 Susan Drive -- Little Tor Homeowners Assoc. -- rezoning to RG2 will result in variety of things -- tax revenue will be offset by providing services and use of education -- overcrowding schools, traffic congestion another result, sewers and drainage -- no right to profit at expense of community.

Walter Fleischer, 443 Buena Vista Road -- Vice President, West Branch Conservation Assoc. -- limit growth of population -- such as apartments which are indicated by the applicant.

Sid Diamond, 30 The Promenade -- Charter Oaks Civic Assoc.-- oppose building apartments in site of office complex.

Joseph Pantano, Little Tor Road, New City

Donald A. Kopec, 30 Cypress Street, New City -- development of the Office Park will further crowd roads.

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Phyllis Flick -- 33 The Promenade, New City -- Woodglen Elementary School PTA -- oppose apartments -- will increase class size - quality of education will decline accordingly -- reads inadequate

Marie Calabrese, 3 No. Birch Drive, Manuet - for Bardonia PTA - Bardonia Elementary School -- request denial, school district already overcrowded.

Val Dagaev, 13 Broward Drive, New City -- Chairman Clarkstown Republican Committee -- no guarantees of profit to landowner reject on basis Planning Board readying Master Plan - do not jump the gun.

Dr. Stewart Binion, Clarkstown Central School District #1 -- read letter dated June 9, 1976 from Board of Education expressing strong opposition.

Ed Graybow, 27 Oriole Road, New City -- Master Plan must be completed before spot downzoning.

Rita Feinberg, 4 Bobwhite Lane, West Nyack -- agrees with Planning Boards and School Board to deny applicant.

Marjorie Russo - Homeowners Civic Association -- deny the applicant

Ralph Popkin, 40G Heritage Drive, New City -- not opposed to construction per se, but feels that it should be in a planned way. No recreation provided for such a large number of units.

Richard Harvill, President, New City Condominium Assoc.

Francine DeLerosa, 32 The Promenad, New City

Beth Drysen, Dellwood Park

Reputtal by Mr. Granik

On motion offered by Co. D'Antoni, Seconded by Co. Piacentile and unanimously adopted, Public Hearing was closed with decision reserved.

Submitted by,


JOHN R. BRADLEY
Town Clerk

Town Clerk's Note: Verbatim transcript of above hearing on file with Public Stenographer.

EECS83

PUBLIC HEARING

Town Hall

6/9/76

11:55 PM

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

RE: APPLICATION OF JOSEPH CALABRESE and J.H. DEW, JR. FOR A CHANGE
OF ZONING FROM R-40 DISTRICT TO R-22 DISTRICT

Supervisor Gerber declared Public Hearing open;
Town Clerk read Notice of Hearing and attested to proper publication
of the Notice and proper posting and service by the Petitioner.

On motion offered by Co. D'Antoni, seconded by
Co. Piacentile and unanimously adopted, PUBLIC HEARING WAS RECESSED
TO JUNE 30, 1976 at 8:15 PM.

Submitted by,


JOHN R. BRADLEY
Town Clerk

INDEX - TOWN BOARD MEETING - 6/9/76

PUBLIC HEARINGS:

- 8:30 PM Application of NEW CITY OFFICE PARK for a change of Zoning Ordinance of the Town of Clarkstown by redistricting property of the applicant from PO District to EG-2 District
- 9:30 PM Application of JOSEPH CALABRESE and J.H. DEW, JR. for a change of Zoning from R-40 District to R-22 District

RESOLUTIONS:

- 368 June 16th TBM adjourned to June 23, 1976 at 8:00 PM
- 369 Supervisor enter into lease with Clarkstown Recycling Center Inc. for use of portion of Clarkstown Sanitary Landfill
- 370 Reclassification of Recreation Supervisor and Park Maintenance Supervisor
- 371 Appointment: Dolores Avaras - Board of Assessment Review
- 372 Highway Superintendent install "NO PARKING HERE TO CORNER" sign
- 373 Supervisor authorized to enter into contract to purchase property adjacent to Town Sanitary Landfill
- 374 Bond Resolution - acquisition of parcel of land adjacent to Clarkstown Sanitary Landfill
- 375 Directing Town Clerk to publish foregoing bond resolution
- 376 Authorizing Fireworks display - Manuet Mall
- 377 Town opposed to transfer of responsibility for fighting forest fires to Towns
- 378 Closing Town Board Meeting to hold scheduled Public Hearings

END OF TOWN BOARD MEETING

NOTE - PUBLIC HEARING REGARDING CALABRESE AND DEW ZONE CHANGE RECESSED TO JUNE 30, 1976 at 8:15 PM

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