

## PUBLIC HEARING

Town Hall

11/3/76

8:10 P.M.

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

Absent. Co. Maloney.

RE: PROPOSED DELETION OF A PORTION OF COUNTY ROAD KNOWN  
 AS THE EXTENSION OF PHILLIPS HILL ROAD FROM THE OFFICIAL  
 MAP OF THE TOWN OF CLARKSTOWN.

Supervisor declared the Public Hearing to be open and read the following correspondence into the record, copies of which are on file for inspection in the office of the Town Clerk;

1. Letter of 9/20/76 from Rockland County Planning Board to the Rockland County Legislature.
2. Letter of 9/21/76 from the Clarkstown Traffic and Traffic Safety Advisory Board to Clarkstown Planning Board.
3. Letter of 9/30/76 from the Clarkstown Planning Board to the Town Board.
4. Memo: Raymond, Parish & Pine, Inc. (Planning Consultant to the Town Board), to Clarkstown Planning Board.

Town Attorney, Murray N. Jacobson, offered the information that the Town of Clarkstown had received official notification from the County Legislature, resolution #606, of 1976, changing the County Official Map by deleting the remaining portion of the Proposed new road from Rte. 304 West to the intersection of Phillips Hill road. Adopted 10/8/76

On the call for persons to be heard in favor of the deletion of the proposed road, the following persons spoke;

Paula Heller, Termakay Dr. She reminded the Board that on 10/3/76, 50 persons petitioned for the deletion. She stated that in the foreseeable future, Squadron Drive ( a parallel road) would suffice to carry East-West traffic in the area and was only about 10 seconds drive to the South.

Martin Shapiro, #2 Termakay Dr., went on record as in agreement with Ms. Heller.

Stuart Simon, 25 Ferndale Rd., New City, favored the deletion for the same reasons as he and other members of the Lake De Forest Civic Assoc. offered for the deletion of the Easterly portion of the same proposed road.

Steven Hack, 125 E. Phillips Hill Rd., New City, stated that the demand for the road was nil and favored deletion.

Jean King, 80 Sawmill Rd, New City representing the West Branch Conservation Society supports deletion. Construction of such a road would interfere with the wetlands in the area;

No one spoke in opposition.

Co. D'Antoni moved that the Public Hearing be closed. Seconded by Co. Piacentile. All voted Aye.

Submitted by

*John R. Bradley*  
 John R. Bradley, Town Clerk

EFC873

## PUBLIC HEARING

Town Hall

11/3/76

8:35 P.M.

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

Absent: Co. Maloney

RE: "AMENDMENT TO LOCAL LAW NO. 6-1973, AS AMENDED,  
ENTITLED 'A LOCAL LAW ESTABLISHING RULES AND  
REGULATIONS GOVERNING TOWN OWNED PARK AND  
FACILITIES',"

Supervisor Gerber declared Public Meeting to be open.

Town Attorney, Murray N. Jacobson explained that the purpose of the Amendment was to change the Local Law so as to facilitate the acquisition of Federal Funds to defray part of the cost of the Davenport Reserve. This is a Town owned park and the Amendment will permit others other than Town residents use of the Park.

Jean King, 80 Sawmill road, speaking for herself and the West Branch Conservation Society, stated that she was in favor of the amendment.

No one appeared in opposition.

Co. Piacentile moved that the Public Hearing be closed. Motion seconded by Co. D'Antoni. All voted Aye.

Submitted by

*John R. Bradley*

John R. Bradley  
Town Clerk

EEC873

**PUBLIC HEARING**

**Town Hall**

**11/3/76**

**8:50 P.M.**

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

**Absent. Co. Maloney**

**RE: EXTENSION OF THE CLARKSTOWN CONSOLIDATED WATER  
SUPPLY DISTRICT # 1 TO INCLUDE BROOKFIELD ACRES.**

**Supervisor Gerber declared the Public Hearing open.**

**No correspondence regarding the EXTENSION was presented.**

**Mr. Allen B. Ratner, Halley Drive, Pomona, N.Y. appeared  
for the applicant.**

**After being sworn in by the Town Attorney, Mr. Ratner  
testified that he was familiar with and had signed the  
petition. He stated that the EXTENSION would benefit all  
the residents in the area, that all residents were included,  
that it was in the public interest to grant the EXTENSION,  
that the EXTENSION would offer fire protection and result  
in a reduced rate for the cost of insurance for the  
residents in the EXTENSION.**

**No one appeared in opposition.**

**Co. Piacentile moved that the Public Hearing be closed.  
Co. Holbrook seconded the motion. All voted Aye.**

**Submitted by**

*John R. Bradley*  
**John R. Bradley  
Town Clerk**

EECS73

TOWN BOARD MEETING

Town Hall

11/3/76

8:00 P.M.

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

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

(1976-736) Co. Piacentile offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Purchasing, the bid to supply for (4) 1977- 4 DOOR SEDANS TO THE CLARKSTOWN POLICE DEPARTMENT is hereby awarded to Rockland Chrysler Plymouth, 60 Route 304, Nanuet, New York at the following low bid:

Gross Bid.....	\$20,168.00
Less: 4 Car Trade-in.....	<u>2,400.00</u>

NET BID \$17,768.00

and be it

FURTHER RESOLVED, that funds for the same be taken from Account 3120 line 303.

Seconded by Co. D'Antoni All voted Aye.

(1976-737) Co. D'Antoni offered the following resolution:

RESOLVED, that the Minutes of the Town Board Meeting held on October 13, 1976, plus the Special Town Board Meetings held on October 19, 1976, October 21, 1976, October 25, 1976 and October 28, 1976 are hereby adopted and accepted as submitted by the Town Clerk.

Seconded by Co. Piacentile All voted Aye.

(1976-738) Co. D'Antoni offered the following resolution:

WHEREAS, the Spring Valley Water Company is desirous of granting a storm drainage easement to the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into a storm drainage easement agreement with Spring Valley Water Company and D.S.T. Farm Corp., for easement on property located to the east side of Reservoir Drive in Lakeside Village Subdivision, New City, New York, without cost to the Town of Clarkstown.

Seconded by Co. Holbrook All voted Aye

EECS73

TBM - 11/3/76  
Page 2

(1976-739) Co. D'Antoni offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute the Statement of Assurances required by the Public Works Employment Act of 1976 Anti-Recession, Title II, Public Law 94-369.

Seconded by Co. Piacentile All voted Aye.

(1976-740) Co. Piacentile offered the following resolution:

WHEREAS, the Town of Clarkstown has received a judgment in the amount of \$9760.00 in the action entitled:

TOWN OF CLARKSTOWN,  
Plaintiff,

-against-

REPUBLIC INSURANCE COMPANY, Z.B. HOLDING  
CORPORATION, JOHN CASELLA and HARVEY  
ZARETZKY,

Defendants.

and,

WHEREAS, Republic Insurance Company has delivered a check to the Town of Clarkstown in the amount of \$9760 in satisfaction of such judgment and has requested a Release from this judgment and assignment of judgment against the other defendants;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute a Release from Judgment and Assignment of Judgment running to Republic Insurance Company in the above entitled matter.

Seconded by Co. Holbrook All voted Aye.

(1976-741) Co. Piacentile offered the following resolution:

WHEREAS, Thomas J. King and Joan A. King, his wife, are the owners of property shown on proposed subdivision map entitled, "Subdivision of Property of Thomas J. King" dated December 8, 1975 have requested an agreement to connect into the existing sewer system owned by the Town of Clarkstown in Denver Drive, New City, New York, subject to the approval of the Rockland County Health Department, and

WHEREAS, the owners have agreed to pay to the Town the sum of \$750 for each of three lots for a total sum of \$2,250 for the sewer connection;

NOW, THEREFORE, be it

(continued)

TBM - 11/3/76  
Page 3

(1976-741 continued)

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with Thomas J. King and Joan A. King, his wife, for sewer connection to three lots as shown on proposed subdivision map entitled, "Subdivision of Property of Thomas J. King" dated December 8, 1975.

Seconded by Co. Holbrook

All voted Aye.

(1976-742) Co. D'Antoni offered the following resolution:

RESOLVED, that Ann Toto, 10 Cottage Avenue, Nanuet, New York, is hereby appointed as dog enumerator for the licensing year 1977 retroactive to October 1, 1976, and be it

FURTHER RESOLVED, that the enumerator be paid at the rate of \$.50 per dog to be paid by the County and \$.15 per mile to be paid by the Town.

Seconded by Co. Piacentile

All voted Aye.

(1976-743) Co. Piacentile offered the following resolution:

RESOLVED, that the resignation of Margaret Parmeter as Crossing Guard - Police Department - is hereby accepted, effective and retroactive to June 30, 1976.

Seconded by Co. Holbrook

All voted Aye.

(1976-744) Co. Piacentile offered the following resolution:

RESOLVED, that the following are hereby appointed members of the Clarkstown Consumer Affairs Commission, to serve without compensation, effective immediately:

Luis Alpert, 76C Ridge Road, Valley, Cottage, N. Y.  
term to expire November 3, 1977.

William Tiarsmith, 27 Hopf Drive, Spring Valley, N. Y.  
term to expire November 3, 1977

Isabel Wener, 31 Kendal Drive, New City, N. Y.  
term to expire November 3, 1977

Thomas Gentile, 36 Deerfield Drive, New City, N.Y.  
term to expire November 3, 1978

Richard Glickel, 69 Mass Avenue, Congers, N.Y.  
term to expire November 3, 1978

(continued)

EEC873

(1976-744 continued)

Stephanie Reiss, 27 Renfrew Road, New City, N.Y.  
term to expire November 3, 1978

Helen Barracca, 5 Dore Court, New City, N. Y.  
term to expire November 3, 1979

Michael Reeder, 31 Woodland Drive, New City, N.Y.  
term to expire November 3, 1979

Malverne Toll, 296 Brewery Road, New City, N. Y.  
term to expire November 3, 1979

Seconded by Co. Holbrook

All voted Aye.

(1976-745) Co. Piacentile 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.

(1976-746) Co. D'Antoni 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.

(1976-747) Co. D'Antoni offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by  
resolution duly adopted on the 6th day of October, 1976, pro-  
vided for a public hearing on the 3rd day of November, 1976,  
at 8:15 P.M., to consider amending the Official Map of the  
Town of Clarkstown by the deletion therefrom of a County road  
known as the extension of Phillips Hill Road running westerly  
from Route 304 to North Main Street, New City, New York, 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

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. Holbrook

All voted Aye.

TBM - 11/3/76  
Page 5

(1976-748) 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.

(1976-749) Co. Piacentile offered the following resolution:

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

Seconded by Co. D'Antoni All voted Aye.

(1976-750) Co. D'Antoni offered the following resolution:

WHEREAS, a proposed local law entitled, "AMENDMENT TO LOCAL LAW NO. 6-1973, AS AMENDED, ENTITLED, 'A LOCAL LAW ESTABLISHING RULES AND REGULATIONS GOVERNING TOWN OWNED PARKS AND FACILITIES'" was introduced by Councilman D'Antoni at a Special Town Board meeting held October 19, 1976, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 19th day of October, 1976, directed that a public hearing be held on the 3rd day of November, 1976, at 8:30 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 October 25, 1976, and posted on the sign board of the Town of Clarkstown on October 25, 1976, and

WHEREAS, copies of the proposed local law were placed on the desks of the members of the Town Board on the 19th day of October, 1976, and

WHEREAS, a public hearing was duly held by the Town Board on the 3rd day of November, 1976, at 8:30 P.M.;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 10-1976 entitled "AMENDMENT TO LOCAL LAW NO. 6-1973, AS AMENDED, ENTITLED, 'A LOCAL LAW ESTABLISHING RULES AND REGULATIONS GOVERNING TOWN OWNED PARKS AND FACILITIES'" 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 T. Piacentile.....	Aye

(continued)

EEC873

TBM - 11/3/76  
Page 6

(1976-750 continued)

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. Piacentile All voted Aye.

(1976-751) Co. Piacentile offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified that the CETA position now being filled by Thomas Burton in the Assessor's office can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Clerk (CETA) is hereby created, effective immediately, and be it

FURTHER RESOLVED, that Thomas Burton, 22 Drayton Place, Spring Valley, New York is hereby appointed to the position of Clerk (CETA), effective and retroactive to July 6, 1976.

Seconded by Co. Holbrook All voted Aye.

(1976-752) Co. Piacentile offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified that the CETA position now being filled by Ferdinand Tabaracci in the Sanitary Landfill can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Assistant Maintenance Mechanic (CETA) is hereby created, effective immediately, and be it

FURTHER RESOLVED, that Ferdinand Tabaracci, 262 Cottage Road, Valley Cottage, New York is hereby appointed to the position of Assistant Maintenance Mechanic (CETA).

Seconded by Co. Holbrook All voted Aye.

(1976-753) Co. Holbrook offered the following resolution:

RESOLVED, that the resignation of Francis L. Klass, 6 Hillside Terrace, Nanuet, New York, as Assistant Maintenance Mechanic (CETA) in the Parks Board & Recreation Commission, is hereby accepted with regret, effective and retroactive to October 22, 1976.

Seconded by Co. Piacentile All voted Aye.

TBM - 11/3/76  
Page 7

(1976-754) Co. Piacentile offered the following resolution:

WHEREAS, Reva Alba has used all of her available sick leave, vacation, holidays and personal leave credits, and

WHEREAS, Article XVIII, Section 3 (k) of the Town of Clarkstown Labor Agreement of January 1, 1975 provides for an extension of sick leave to a permanent employee,

NOW, THEREFORE, be it

RESOLVED, that Reva Alba, 18 Pippin Place, New City, New York is hereby granted a two month leave of absence at one-half (1/2) her normal salary, effective November 8, 1976.

Seconded by Co. Holbrook

All voted Aye.

(1976-755) Co. D'Antoni offered the following resolution:

RESOLVED, that based upon the recommendation of the Town Engineer, the Spring Valley Water Co. is hereby authorized to install one (1) hydrant on the North side of Five Oaks Lane, approximately 210 feet east of the center line of Park Terrace. (Inves. No. 7993).

Seconded by Co. Piacentile

All voted Aye.

Agenda Item #7 authorizing installation of street signs -- deferred.

(1976-756) Co. D'Antoni 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:

North William Street, New City  
Greenwood Drive, New City  
Oak Lane, Nanuet  
Meadowlark Drive, West Nyack

Seconded by Co. Holbrook

All voted Aye.

EEC873

(1976-757) Co. D'Antoni offered the following resolution:

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled as follows:

GOOD-VUE CATV, INC.,  
Plaintiff

- against -

MORTON BARON, Town Supervisor of the Town of Ramapo; GUIDO CERULLI; HYMAN JATKOFF, NORMAN SLOVIK; and MAXWELL WORTMAN; Councilmen and members of the Town Council of Ramapo; GEORGE GERBER, Town Supervisor of the Town of Clarkstown; CHARLES HOLBROOK; ANTHONY D'ANTONI; JOHN MALONEY; and JOHN PIACENTILE, Councilmen and members of the Town Council of Clarkstown; LOUIS KURTZ, Mayor of the Village of Spring Valley; JOSEPH SCHREIBER; JOEL ROSENTHAL; JOAN FORMAN; and LAWRENCE PERLMAN, Trustees of the Village of Spring Valley; ROBERT F. KELLY, Chairman, JERRY A. DANZIG, Vice Chairman; MICHAEL H. PRENDERGAST; and EDWARD J. WEGMAN, Commissioners of State of New York Commission on Cable Television,  
Defendants.

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps to defend said proceedings.

Seconded by Co. Holbrook All voted Aye.

(1976-758) 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. Piacentile All voted Aye.

(1976-759) Co. Piacentile offered the following resolution:

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

Seconded by Co. Holbrook All voted Aye.

Town Board signed ORDER extending Clarkstown Consolidated Water Supply District #1 to include BROOKFIELD ACRES, WEST Nyack.

TBM - 11/3/76  
Page 9

(1976-760) Co. Holbrook offered the following resolution:

RESOLVED, that based upon the recommendation of the Town Engineer, the Spring Valley Water Co. is hereby authorized to install one (1) hydrant on the North side of Oak Spring Court, approximately 265 feet west of the center line of Melrose Lane and one (1) hydrant on the West side of Melrose Lane, approximately 50 feet south of the center line of Kenbar Road. (Inv. #8405)

Seconded by Co. D'Antoni All voted Aye.

(1976-761) Co. Holbrook offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 31 of the Code of the Town of Clarkstown to rectify violation on premises owned by ABRAHAM MELTZER & Ano. in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as MAP 59, BLOCK A, Lot 18.

Seconded by Co. Piacentile All voted Aye.

(1976-762) Co. Piacentile offered the following resolution:

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

CATALDO, et al, Plaintiffs,

- against -

TOWN OF CLARKSTOWN, Defendants  
Index No. 5851/73

and

WHEREAS, a proposal has been made to settle and discontinue the above-entitled action without any payment on the part of the Town of Clarkstown upon the condition that the Town install a storm drain and catch basin in accordance with a plan prepared by the Town Engineer of the Town of Clarkstown dated November 22, 1974;

NOW, THEREFORE, be it

RESOLVED, that the aforesaid action be settled and discontinued without any payment on the part of the Town of Clarkstown, and the Town Engineer shall be authorized to undertake the installation of the storm drain and catch basin as described in the aforesaid plan, the cost of which installation shall be a charge upon the Drainage Account.

Seconded by Co. Holbrook All voted Aye.

EEC873

TBM - 11/3/76  
Page 10

COUNCILMAN MALONEY JOINED THE MEMBERS OF THE BOARD  
AT 8:55 PM.

(1976-763) Co. Piacentile offered the following resolution:

RESOLVED, that the Town Board hereby grants to HARRY A. WHALEN, JR. and LUCILLE WHALEN the use of Town Law Section 280-a(4) for property on the east side of Ridge Road, Valley Cottage, New York, under provisions of Section 280-a(4), "open development area" based upon compliance with road specifications under Section 280-a and agreement to participate in any future road improvement district.

Seconded by Co. Holbrook All voted Aye.

(1976-764) Co. Maloney offered the following resolution:

RESOLVED, that a building permit under provisions of Section 280-a of the Town Law is hereby granted to DENNIS L. COYLE for property situate on the west side of Lamborn Avenue, 225 feet north of Southward Avenue in the hamlet of Congers, New York, more specifically designated on the Clarkstown Tax Map as Map 127, Block N, Lot 20.03 and part of Lot 24.

Seconded by Co. Holbrook All voted Aye.

(1976-765) Co. Maloney offered the following resolution:

WHEREAS, Atzl & Scatassa has made written application for the use of Town Law, Sec. 281 in connection with subdivision known as SD 93A12 PELLEGRINO, 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:

This design will allow for a more efficient road layout, extending Robinhood Lane in a southerly direction for future development.

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. Piacentile

On roll call the vote was as follows:

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

TBM - 11/3/76  
Page 11

(1976-76 6) Co. Maloney offered the following resolution:

WHEREAS, severe economic hardships have been imposed on many gasoline station operators, including many gasoline service station operators within the Town of Clarkstown, and

WHEREAS, it would be injurious to the public health, safety and morals of the Town of Clarkstown to permit the construction of any further gasoline service stations at this time;

NOW, THEREFORE, be it

RESOLVED, that a moratorium shall be declared on the issuance of special permits for the construction of gasoline filling stations, and that no such special permits shall be issued from November 21, 1976 to November 21, 1977.

Seconded by Co. Piacentile

All voted Aye.

(1976-76 7) Co. D'Antoni offered the following resolution:

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

LITTLE TOR HOMES, INC. (39 South Main Street,  
Spring Valley, N. Y. dated August 12, 1976

conveying roads and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of "Crystal Estates", filed September 12, 1974, in the Rockland County Clerk's Office in Book 87, Page 54, as Map 4551

as follows:

Jay Street	1150 L.F.
Crystal Court	100 L.F.
5 Foot wide Road Widening Strip along Bardonia Road	

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. 917856 & 917857 dated the 26th day of October 1976 LITTLE TOR HOMES, INC. as Principal and Alan Kurtis, Mal Besen, Harold Walsky and G. Duarte as Co-Principal and REPUBLIC INSURANCE COMPANY as Surety, are hereby accepted.

Seconded by Co. Piacentile

All voted Aye.

EEC873

TBM - 11/3/76  
Page 12

(1976-768) Co.D'Antoni offered the following resolution:

WHEREAS, the Town of Clarkstown is desirous of constructing lateral sewers within its town to protect the health and safety of its inhabitants, and

WHEREAS, the United States Environmental Protection Agency will require a unified Step I grant application and further and other studies including, but not limited to a Facilities Study, before future construction may take place, and

WHEREAS, the Board of Commissioners, Rockland County Sewer District No. 1 wishes to implement the Environmental Protection Agency procedures and/or requirements and to aid the Town of Clarkstown in receiving federal funds for the construction of Town lateral sewers, and

WHEREAS, the Board of Commissioners of Rockland County Sewer District No. 1 has requested certain assurances from the Town of Clarkstown concerning this grant application, and

WHEREAS, the Town of Clarkstown is herein designated "Town" and a Step I grant application and any other grant application of the United States Environmental Protection Agency are herein designated "Grant Application" and any studies, research and tasks required by the United States Environmental Protection Agency are herein designated "Studies", for the purposes of this resolution;

NOW, THEREFORE, be it

RESOLVED, as follows:

1. That the Town agrees to comply and meet all the assurances required by the United States Environmental Protection Agency in any Grant Application and/or United States Environmental Protection Agency Studies and that it affirmatively states it fully understands its responsibilities under the Grant and/or Environmental Protection Agency studies and further agrees to relieve the Rockland County Sewer District No. 1 and the County of Rockland of any and all liability for failure to comply with any assurances and requirements of the United States Environmental Protection Agency Grant Application and/or United States Environmental Protection Agency Studies;
2. That the Town expressly agrees to supply and prepare all the necessary information required by the United States Environmental Protection Agency's Grant Application and/or Studies and further assume the responsibility for the accuracy of the information supplied;
3. That the Town further agrees to undertake and perform all the necessary tasks required for a Grant Application and/or any United States Environmental Protection Agency Studies and to discuss and

(continued)

TBM - 11/3/76  
Page 13

(1976-768 continued)

negotiate with the State and Federal regulatory agencies for obtaining, implementing, reviewing, and certifying a United States Protection Agency Grant and/or any United States Environmental Protection Agency Studies;

4. That the Town further agrees it shall compensate the Rockland County Sewer District No. 1 and/or the County of Rockland for any and all costs in processing, preparing, reviewing and negotiating a United States Environmental Protection Agency Grant Application and/or any other United States Environmental Protection Agency Studies and/or any construction required thereunder, or any other charge which is directly or indirectly related thereto;
5. That the Town expressly states that the Rockland County Sewer District No. 1 and/or the County of Rockland are merely acting as a "conduit" and/or Agent for securing their application for a United States Protection Agency grant and for any required United States Environmental Protection Agency studies and that the Rockland County Sewer District No. 1 and the County of Rockland will assume no liability for the application or required United States Protection Agency studies or projects thereunder, and that the Town further agrees to hold harmless the County of Rockland and the Rockland County Sewer District No. 1 for any grant application and/or study required by the United States Environmental Protection Agency or any required subsequent work performed thereunder.
6. That the Town expressly agrees to the inclusion of any other provision in the agreement which, in the opinion of the County Attorney, is necessary to effectuate the provisions of this resolution and to protect the interests of the Rockland County Sewer District No. 1 and the County of Rockland in the matter of this grant application.

Seconded by Co. Maloney

All voted Aye.

(1976-769) Co. D'Antoni offered the following resolution:

WHEREAS, a severe drainage problem exists in the vicinity of Rockford Drive, West Nyack, and

WHEREAS, based upon the recommendation of the Superintendent of Highways the necessary repairs can be effected by the Highway Department,

NOW, THEREFORE, be it

RESOLVED, that the sum of \$3,500.00 be allocated from the Capital Account - Drainage to correct the flooding condition.

Seconded by Co. Piacentile

All voted Aye.

EECS73

(1976-770) Co. Piacentile offered the following resolution:

WHEREAS, on September 4, 1974, the Town Board of the Town of Clarkstown adopted a resolution concerning building permits in Flood Hazard Areas in order to comply with the Federal Flood Insurance Program, and

WHEREAS, the Town of Clarkstown has received Special Flood Hazard Maps prepared by the Department of Housing and Urban Development revised to September 10, 1976, showing the boundaries of certain Flood Hazard Areas, which are now on file in the Office of the Building Inspector of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that a public notice be given in the official newspaper of the Town concerning the availability of such Special Flood Hazard Area Maps for inspection by the general public, which notice shall be in a form satisfactory to the Town Attorney.

Seconded by Co. Holbrook

All voted Aye.

Prior to vote on the above resolution Robert H. Bowman, Building Inspector, Town of Clarkstown, explained the maps were revised by the Department of Housing and Urban Development on September 10th basically as a result of an updating of the maps previously on file -- they have been indicated on the new maps as Zone "A" -- new additions are Zone A on the maps. The Environmental Department is preparing a new full-scale map which will be published. Stated it is his understanding it is mandatory that any new purchases or those already in these premises will be required to purchase Flood Hazard Insurance. Supervisor Gerber stated that any sales in these areas will require before any bank will issue a mortgage that they have flood insurance in these flood hazard areas.

(1976-771) Co. Piacentile offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 2nd day of June, 1976, provided for a public hearing on the 23rd day of June, 1976, at 9:15 P.M., to consider the adoption of proposed amendments to Section 106-10A of 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, and

WHEREAS, the Town Board of the Town of Clarkstown carefully considered said proposed Amendment to the Zoning Ordinance;

NOW, THEREFORE, be it

RESOLVED, that for reasons of public health, safety and welfare the aforesaid proposed amendments to the Zoning Ordinance of the Town of Clarkstown be and the same are hereby DENIED.

Seconded by Co. Holbrook

On roll call the vote was as follows:

AYES: Co. Holbrook, Maloney, Piacentile, Supt. Gerber  
NAYS: Co. D'Antoni

TBM - 11/3/76  
Page 15

(1976-772) Co. Piacentile offered the following resolution:

RESOLVED, that the Town of Clarkstown accept a sidewalk easement from VITO POLERA covering premises located at Rockland Lake Road, Valley Cottage, New York, more particularly described on Clarkstown Tax Map as MAP 123, BLOCK C, LOT 30, for the sum of \$1,500 said sum to be paid from Sidewalk Program Account.

Seconded by Co. Maloney

All voted Aye.

(1976-773) Co. Piacentile offered the following resolution:

RESOLVED, that the Town of Clarkstown accept a sidewalk easement from HARRY LIEBERMAN covering premises located at Rockland Lake Road, Valley Cottage, New York, more particularly described on Clarkstown Tax Map as Map 123, Block C, Lot 16, for the sum of \$400.00, said sum to be paid from Sidewalk Program Account.

Seconded by Co. Maloney

All voted Aye.

(1976-774) Co. D'Antoni offered the following resolution:

WHEREAS, Paul L. Lazare is the owner of approximately 14.26 acres of land shown on the Clarkstown Tax Map as Map 24, Block A, Lot 20, which property is adjacent to the Davenport Reserve, and

WHEREAS, Paul L. Lazare desires to donate such property to the Town of Clarkstown without cost and expense to the Town for open space purposes, provided that the Town will accept said donation subject to any unpaid taxes and execute an agreement holding Paul L. Lazare harmless against any unpaid taxes thereon;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to accept on behalf of the Town of Clarkstown the donation of premises shown on the Clarkstown Tax Map as Map 24, Block A, Lot 20 from Paul L. Lazare without cost to the Town, and the Supervisor is further authorized to execute an agreement with Paul L. Lazare that such donation is received subject to any unpaid taxes and holding Paul L. Lazare harmless against same, and that such property shall be held by the Town for open space purposes.

Seconded by Co. Maloney

All voted Aye.

EFC873

TBM - 11/3/76  
Page 16

Supervisor Gerber made the following statement:

On June 9th, 1976, the Town Board held a public hearing on a proposed zone change that would permit 250 garden apartments on a 14 acre site in Northern New City, owned by the New City Office Park, Inc. This parcel, part of an overall site of 31.7 acres, is bordered on the east by Route 304; on the south by the Bradlee Shopping Center; on the west by Main Street; and on the north by the New City Condominiums. Squadron Blvd. is an 80 ft. improved street traversing the property from east to west. The north-eastern corner of some 6.1 acres is presently occupied by a multi-story office building and an enclosed tennis court facility. All of the property is presently zoned PO - Professional Office.

In the past, this property was considered as a logical extension of the New City center. However, taking into account the manner in which the area has developed, a number of questions as to its future use have been raised. With the construction of the New City Condominiums to the north, the problem of serious flooding has been accentuated. The most recent of these disasters occurred on June 30th when a severe storm caused serious flooding on the condominium site and nearby lands. This was followed to a lesser degree on August 9th by Hurricane Belle. While all of the problems with regard to flood control are not caused by conditions in the immediate area, (some a number of miles away) the Town has responded by taking a number of corrective actions. Already in progress under the jurisdiction of the New York State Department of Environmental Conservation is a major program realigning and rechanneling a portion of the Demarest Kill. This work is located north of the condominiums and when completed is expected to provide major relief, not only to the condominium owners but also to a number of homeowners in the area.

It is obvious that this is but one of a number of steps that must be taken to forestall future flooding in the area. As a result of the concern that any development of this particular parcel of land would have on the entire flooding area, the Town Board has delayed any decision in order to allow us to research all potential uses of this land.

A number of conversations have been held with the Town's planning consultants and the owners of the property and other citizens and interested groups.

One of the obvious solutions would be for the Town to acquire all or a portion of this property. It would have to be done not for the sake of acquiring additional land but to serve a number of purposes. Primarily, it would have to help alleviate the danger of additional flooding. Also, it should have some limited use as a recreational area and, finally, there should be some limited use for municipal purposes.

As previously indicated, the Town has moved to reduce future flood hazards by the undertaking of the property north of the condominiums. Other steps to be taken is the temporary impounding of water further upstream so that future storms of high intensity would not be as likely to create the type of situation that occurred on June 30th. Several upstream areas where development has not yet occurred are possible sites. One of these, obviously, closest to the project underway, would be to

(continued)

TBM - 11/3/76  
Page 17

provide some temporary storage capacity on the Squadron Blvd. property. The purpose of providing storm water retention in this manner is to collect the runoff in an intense storm over short duration and to hold it until the stream can carry it off without overflowing its banks and culverts.

In order to provide any storage capacity on this property beyond that provided during the June 30th storm, earth would have to be excavated to make room for water. In all probability a dam would have to be built along the northern property line of the New City Office Park approximately 6-feet in height.

While the major reason for securing this property would be flood control, it obviously has the potential for some limited public use. For about ten years, the New City Free Library has been looking for a site for a new library. The present building, as even the casual visitor can see, is crowded and does not offer the amount of space that is needed for a library to function properly. A number of sites have been examined for a new building but, to date, evidently, none of them have been ideal. The Squadron Blvd. area is relatively accessible and is close to the central area of New City. It also appears that a large enough site could be provided. A number of conversations have been held with staff and Directors of the library Board. There have been no commitments made either for or on behalf of either the library or the Town. However, if the land were acquired, and the library wished to pursue this area as a viable alternative to their present quarters, a satisfactory agreement could be arrived at that would meet the needs of the townspeople.

There is a possibility that a joint venture with the library and the Town would envision a multi-purpose building, serving partly as a community center and partly as a library. New City does suffer to some extent from a geographic imbalance of Town recreation facilities. With a substantial proportion of the total population of the Town, this area has less in the way of recreation facilities than some other areas. The size of the Squadron Blvd. site is sufficiently large to provide large to provide some sort of limited active and passive recreational activity. It is also possible that some types of occasional programs could be held here, such as the summer concert series offered by the Town.

It is obvious that no matter what decision the Town Board makes, "someone will be unhappy." A recent editorial on this subject stated, in part, "if the rezone bid is granted, at least some taxpayers will be upset and school taxes may rise. If it is denied, the land owners will not be happy, and they may lose substantially on their investment. And, no matter what is built, the project could disrupt flood planning in the area." This editorial in the Journal-News of August 31st, went on to say, "the Board has another alternative: buy the land and declare it a recreational area, with future improvements possible. But, even this suggestion will not please everyone." What is suggested here is the potential use of the land:

(continued)

EFC873

TBM - 11/3/76  
Page 18

1. To prevent flooding.
2. For recreational purposes.
3. For other municipal purposes such as the New City Library.

A plan to acquire this property is not without its drawbacks. In addition to the cost, regardless of how it is funded, it will forever take the property off the assessment rolls.

Potential work for the construction industry will be limited to the uses previously outlined and future ratables will no longer be feasible for this site. Most important, there will be considerable cost to acquiring the property, regardless of the method of financing.

It is my belief, however, that the advantages to the New City area in particular, and all Clarkstown in general, far outweigh some of the drawbacks. I also believe that the Town can secure this site without going to any new financing, thereby avoiding an additional tax burden to the residents of the Town. A mutually satisfactory agreement with the New City Library would also help to reduce the overall cost of acquiring the property.

I strongly urge the Town Board to take the initial steps that hopefully will lead to the acquisition of this parcel of land, so that we can insure not only our own protection but also that of future generations, who must be able to live in the area without disastrous floods. I further believe that this land will provide all Clarkstown residents with a much needed multi-use area suitable for many activities. I ask that tonight we take those initial steps, and I welcome free and open discussion by our citizens.

(1976-775) Co. Maloney offered the following resolution:

WHEREAS, resolution #497, dated August 11, 1976, authorized the Town Attorney to negotiate and take whatever other action is necessary for the acquisition of easements and lands for drainage purposes on the Demarest Kill, New City, New York, and

WHEREAS, the acquisition by the Town of Clarkstown of property consisting of approximately 17 acres owned by the New City Office Park, situate on North Main Street, New City, New York, is desirable for the purposes of flood control and water retention, and

WHEREAS, this property also has value for recreational and other municipal purposes;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into negotiations with the New City Office Park for the proposed acquisition of such property by the Town of Clarkstown.

Seconded by Co. Holbrook

All voted Aye.

TBM - 11/3/76  
Page 19

Mr. William Malten, Germonds Road, West Nyack addressed the Board regarding the Traphagen (Park) property -- questioned operation of bulldozer -- preparing more space for ball park. He was of the opinion that the park was to provide a natural open space.

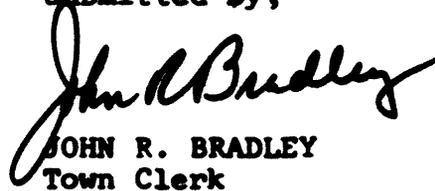
Mr. Ghiazza explained that the enlargement is as originally planned and does not conflict with the intent of the Park.

Requested access via Route 304 where the Town presently owns property (near 304). Parking on Germonds Road is a problem.

Mr. Bernstein questioned if facilities are built by baseball leagues can others use it. Mr. Ghiazza explained use by others is permissible where it is not in conflict with schedules and practice.

There being no further business before the Town Board, Town Board Meeting was adjourned. Next regularly scheduled Town Board Meeting to be held November 17, 1976.

Submitted by,

  
JOHN R. BRADLEY  
Town Clerk

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