

TOWN OF CLARKSTOWN
TOWN BOARD MEETING

Town Hall

6/21/78

8:10 P.M.

Present: Co. Holbrook, Longo, Maloney, Piacentile
Supervisor Gerber
Murray Jacobson, Town Attorney
Stanley Burns, Director of Finance
Patricia Sheridan, Town Clerk

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

RESOLUTION NO. (1978-424)

RESOLUTION APPOINTING
POSITION OF POLICE
SERGEANT (VERNON
STEINMANN, JR.)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has
furnished Certification of Eligibles Police Sergeant #77031 I
which contains the name of Vernon Steinmann, Jr., and based upon
the recommendation of the Police Commission and Chief Schnakenberg,

NOW, THEREFORE, be it

RESOLVED, that Vernon Steinmann, Jr., 408 Centre Avenue,
Upper Nyack, New York is hereby appointed to the position of
Police Sergeant at the annual salary for 1978 of \$23,355.,
effective June 26, 1978.

Seconded by Co. Piacentile

All voted Aye.

* * * * *

RESOLUTION NO. (1978-425)

RESOLUTION AWARDDING
THE SUPPLYING OF VARIOUS
ITEMS OF PARK AND PLAY-
GROUND EQUIPMENT

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the
Director of Purchasing and the Superintendent of Parks and
Recreation that the bid to supply various items of park and
playground equipment is hereby awarded as follows:

- ITEM I - One (1) Wood Activity Center with Additional Swing Apparatus
- ITEM II - One (1) Wood Climber
- ITEM III - Twenty (20) Permanent Mount Barbeque Stoves
- ITEM VI - One (1) Whirl-A-Way

RESOLUTION NO. (1978-425) Continued

Awarded to: Game Time, Inc.
c/o Donald Rhuda
Wixon Pond Road
Mahopac, New York 10541

at the following prices:

- ITEM I - \$2,971.00/for one
- ITEM II - \$1,150.00/for one
- ITEM III - \$1,160.00/for twenty
- ITEM VI - \$ 448.00/for one
- ITEM IV - Four (4) sets of Five Row All Aluminum Bleachers

Awarded to: Alum-A-Products
c/o Donald Rhuda
Wixon Pond Road
Mahopac, New York 10541
@ \$2,556.00 for four (4) sets

ITEM V - Twelve (12) Park Bench Frames

Reject all Bids, and be it

FURTHER RESOLVED, that funds for the above be charged to Parklands and Improvement Account per Resolution 1978 - 165.

Seconded by Co. Piacentile All voted Aye.

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RESOLUTION NO. (1978-426)

RESOLUTION ADOPTING
TOWN BOARD MINUTES FOR
JUNE 7, 1978 MEETING

Co. Longo offered the following resolution:

RESOLVED, that the Minutes of the Town Board Meeting held on June 7, 1978 are hereby adopted and accepted as submitted by the Town Clerk.

Seconded by Co. Holbrook All voted Aye.

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Monthly Reports -- May, 1978 from Office of the Building Inspector and the Board of Appeals received and on file in Town Clerk's Office for inspection.

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RESOLUTION NO. (1978-427)

RESOLUTION CLOSING
REGULAR MEETING AND
OPENING SCHEDULED
PUBLIC HEARINGS

Co. Maloney offered the following resolution:

RESOLUTION NO. (1978-427) Continued

RESOLVED, that regular Town Board Meeting be adjourned in order to hold scheduled Public Hearings, time 8:20 P.M.

Seconded by Co. Piacentile All voted Aye.

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RESOLUTION NO. (1978-428)

RESOLUTION CLOSING PUBLIC HEARINGS

Co. Maloney offered the following resolution:

RESOLVED, that Public Hearings be closed, time 9:04 P.M.

Seconded by Co. Longo All voted Aye.

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RESOLUTION NO. (1978-429)

RESOLUTION RESUMING REGULAR TOWN BOARD MEETING - SCHEDULED PUBLIC HEARINGS HELD

Co. Maloney offered the following resolution:

RESOLVED, that regular Town Board Meeting be resumed, scheduled Public Hearings having been held, time 9:05 P.M.

Seconded by Co. Longo All voted Aye.

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RESOLUTION NO. (1978-430)

RESOLUTION AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO DO CORRECTIVE WORK (STREAM NJ1-4-7)

Co. Longo offered the following resolution:

WHEREAS, it has been determined that corrective work should be done on Stream NJ1-4-7 from West Clarkstown Road to a point approximately 600 feet downstream.

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways of the Town of Clarkstown is hereby authorized to do the work as recommended by the Director of the Department of Environmental Control at a cost not to exceed \$9,000.00 and be it

FURTHER RESOLVED, that the above sum be taken from Capital Account Drainage.

Seconded by Co. Holbrook All voted Aye.

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RESOLUTION NO. (19780-431)

RESOLUTION AUTHORIZING
SUPERINTENDENT OF
HIGHWAYS TO DO CORRECTIVE
DRAINAGE WORK (OLD ROUTE
304 - FAIRHAVEN DRIVE)

Co. Longo offered the following resolution:

WHEREAS, it has been determined that corrective drainage work should be done at the rear yards of houses bordering on lands owned by the Town of Clarkstown running north from Old Route 304 in the vicinity of Fairhaven Drive;

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways of the Town of Clarkstown is hereby authorized to do the work as recommended by the Director of the Department of Environmental Control at a cost not to exceed \$3,500.00, and be it

FURTHER RESOLVED, that the above sum be taken from Capital Account Drainage No. 2.

Seconded by Co. Piacentile

All voted Aye.

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RESOLUTION NO. (1978-432)

RESOLUTION AUTHORIZING
INSTALLATION OF FIRE
HYDRANT (GILCREST ROAD -
INVEST. NO. 8659)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Spring Valley Water Co. is hereby authorized to install one (1) hudson on North side of Gilcrest Road, Congers (Inves. No. 8659).

Seconded by Co. Longo

All voted Aye.

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RESOLUTION NO. (1978-433)

RESOLUTION AUTHORIZING
INSTALLATION OF FIRE
HYDRANTS (3) (MANOR
COURT, NEW CITY -
INVEST NO. 8599)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Environmental Control, the Spring Valley Water Co. is hereby authorized to install (3) hydrants, one on the West side of Manor Court, New York, and two on the North side of Manor Court, New City (Inves. No. 8599).

Seconded by Co. Longo

All voted Aye.

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RESOLUTION NO. (1978-434)

RESOLUTION AUTHORIZING
INSTALLATION OF FIRE
HYDRANT (CRANFORD DRIVE,
NEW CITY - INVEST. NO.
7899)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the
Director of Environmental Control, the Spring Valley Water Co.
is hereby authorized to install one (1) hydrant on the West side
of Cranford Drive, New City (Invest. No. 7899).

Seconded by Co. Longo

All voted Aye.

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RESOLUTION NO. (1978-435)

RESOLUTION CONCERNING
ABANDONMENT OF STATE
STREET

Co. Longo offered the following resolution:

WHEREAS, an application has been received from
Andrew Kiste, Jr., Antoinette Kiste, C. F. Dittmer, Jr. and
Eleanor Dittmer, pursuant to Section 205 of the Highway Law to
abandon a portion of State Street in the Hamlet of Congers, Town
of Clarkstown, State of New York, and

WHEREAS, the Planning Board of the Town of Clarkstown
has recommended that this portion of State Street should not be
abandoned;

NOW, THEREFORE, be it

RESOLVED, that the application for abandonment be
DENIED.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1978-436)

RESOLUTION ADOPTING
AMENDMENT TO ZONING
ORDINANCE (SENIOR
CITIZEN HOUSING -
TAX ABATEMENTS)

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown,
by resolution adopted on the 17th day of May, 1978, provided
for a public hearing on the 21st day of June, 1978, at 8:30 P.M.,
to consider the adoption of the following proposed amendment to
the Zoning Ordinance of the Town of Clarkstown, and

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

RESOLUTION NO. (1978-436) Continued

NOW, THEREFORE, be it

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

Amend Section 106-16(0), Senior Citizen Housing, Subsection (4), Tax Abatements, by adding (c) to read as follows:

- (c) Anything to the contrary notwithstanding in subsections (a) and (b) hereinabove, eligibility for any housing provided shall be pursuant to the regulations of the U.S. Department of Housing and Urban Development promulgated for programs under Section 8, Subsidized Housing for the Handicapped and/or elderly, in the event that financing is obtained pursuant to those programs.

Seconded by Co. Longo

All voted Aye.

* * * * *

RESOLUTION NO. (1978-437)

RESOLUTION AMENDING
SPECIAL PERMIT GRANTED
TO MONTEREY GARDENS

Co. Maloney offered the following resolution:

WHEREAS, a Special Permit for Senior Citizen Housing was granted to Monterey Gardens Co. on December 4, 1974, and

WHEREAS, such Special Permit contains the provision that the Permit is in effect, "...so long as the property herein conforms to the conditions of the special permit and so long as the ownership and operation of the said Senior Citizen Housing shall be a Not-For-Profit business organization pursuant to the Senior Citizen Housing Ordinance of the Town of Clarkstown.; and

WHEREAS, the ordinance of the Town of Clarkstown provides both for non-profit or limited profit housing for the elderly, and

WHEREAS, the proposed developers of the property to which the Permit applies are a Limited Dividend Housing Corporation organized pursuant to the Private Housing Finance Law of the State of New York;

NOW, THEREFORE, be it

RESOLVED, that the Permit is hereby amended to add the following additional sentence to the aforesdescribed limitations of ownership, "or Limited Dividend Housing Corporation pursuant to the Private Housing Finance Law of the State of New York."

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1978-438)

RESOLUTION AMENDING
COVENANTS PURSUANT TO
SPECIAL PERMIT GRANTED
TO MONTEREY GARDENS

Co. Maloney offered the following resolution:

WHEREAS, a Special Permit for Senior Citizen Housing was granted to Monterey Gardens Co., on December 4, 1974, and

WHEREAS, covenants were recorded pursuant to the Special Permit granted which contained provisions "TWELFTH" and "THIRTEENTH" which provisions provided for control of the rents by the Town of Clarkstown, and

WHEREAS, pursuant to the regulations of the Department of Housing and Urban Development Section 8, Programs for Subsidized Housing for the Handicapped and/or Elderly, fair market rents are set by the Department of Housing and Urban Development;

NOW, THEREFORE, be it

RESOLVED, that the covenants shall be amended to provide the following:

"Anything to the contrary notwithstanding herein in the event the senior citizen housing is constructed pursuant to the Programs of the Department of Housing and Urban Development Section 8, Subsidized Housing for the Handicapped and/or the Elderly, then the rentals permitted for such housing shall be the maximum "Fair Market Rents" permitted under said programs, as same may be established or changed, from time to time."

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1978-439)

RESOLUTION GRANTING
CERTIFICATES OF REGISTRATION PURSUANT TO SECTION 83-65 OF THE CODE OF THE TOWN OF CLARKSTOWN

Co. Piacentile offered the following resolution:

WHEREAS, the following have applied for a Certificate of Registration pursuant to Section 83-65 of the Code of the Town of Clarkstown:

MARTIN FELDI
M.F.S. CONTRACTORS, INC.
131 ROUTE 304
NEW CITY, NEW YORK

ARTHUR H. KUHN
KUHN'S PLUMBING & HEATING SERVICE, INC.
8 RAILROAD AVENUE
PEARL RIVER, NEW YORK

RESOLUTION NO. (1978-439) Continued

NOW, THEREFORE, be it

RESOLVED, that the following Certificates of
Registration be issued:

No. 78-12 issued to Martin Feldi (M.F.S. Contractors, Inc.)

No. 78-5 issued to Arthur H. Kuhn (Kuhn's Plumbing &
Heating Service, Inc.)

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1978-440)

RESOLUTION TRANSFERRING
FUNDS

Co. Holbrook offered the following resolution:

RESOLVED, that the amount of \$4,000.00 is hereby
transferred from Account No. A-3020-110 to Account A-3020-424,
Contract Expense.

Seconded by Co. Longo

All voted Aye.

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RESOLUTION NO. (1978-441)

RESOLUTION TRANSFERRING
FUNDS

Co. Longo offered the following resolution:

RESOLVED, that the following sums be transferred to
Account No. 1420-409 as follows in settlement of a judgment:

\$ 6,800.00 from No. 7020-110

\$ 2,400.00 from No. 7141-110

\$ 800.00 from No. 7310-113

\$ 1,000.00 from No. 7180-113

\$31,500.00 from 1990-505

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1978-442)

RESOLUTION OF THE TOWN
OF CLARKSTOWN, NEW YORK,
APPROVING IMPROVEMENT OF
SOUTH GRANT AVENUE,
CONGERS

Co. Longo offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown
(herein called "Town Board" and "Town", respectively), in the
County of Rockland, New York, duly adopted an Order on December 21,
1977, calling a public hearing for the improvement of South Grant

RESOLUTION NO. (1978-442) Continued

Avenue (herein called "Improvement" and "Street", respectively), in Congers, in the Town, by paving thereof, and directing the Town Clerk to prepare an Order Calling Public Hearing for January 18, 1978, at 8:15 o'clock P.M. (E.S.T.) at the Auditorium, Town Hall, in the Town, and such Order recited a description of the Improvement proposed, the maximum amount proposed to be expended for said improvement, and the area benefited, and specified the time when and the place where, the Town Board would meet to consider said improvement and to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, certified copies of such Order were duly published and posted pursuant to the provisions of Section 200 of the Town Law;

WHEREAS, a public hearing in the matter was duly held by the Town Board at said time and place, at which all interested persons desiring to be heard, including those in favor of, and those opposed to, the proposed Improvement were heard;

NOW, THEREFORE, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, AS FOLLOWS:

Section 1. It is hereby determined that it is in the public interest to improve South Grant Avenue, by the paving thereof, at the estimated maximum cost of \$36,000.

Section 2. The Improvement of the Street by paving approximately 784.95 lineal feet thereof, is hereby approved, and the Engineers heretofore retained by the Board are hereby directed to prepare plans and specifications and make a careful estimate of the expense for said improvement and with the assistance of Murray N. Jacobson, Esq., prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible. The outstanding offer of dedication of the Street, as hereinafter described, is hereby accepted. The portion of South Grant Avenue to be improved shall be all the real property fronting or abutting on both sides of the Improvement, more particularly described as follows:

BEGINNING at a point located on the northerly right of way of Third Street, said point being formed by the intersection of the northerly right of way of Third Street and the centerline of Grant Avenue, being distant 40.06 feet on a course of N19° 48' 59"E from an iron pipe situate on the southerly right of way of Third Street where it is intersected by the prolongation of the Grant Avenue Centerline. Said center line of Grant Avenue has a bearing of N19° 48' 59"E and a length of 784.95 feet and the right of way of Grant Avenue is located 20 feet on each side of the centerline and parallel thereto.

Section 3, The maximum amount proposed to be expended for the improvement of the Street, by paving thereof, including gutters, drainage, landscaping, grading or improving the rights of way, is \$36,000, which is planned to be financed by the issuance of serial bonds of the Town and the assessment, levy and collection

RESOLUTION NO. (1978-442) Continued

of special assessments upon the several lots and parcels of land along the benefited area so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same.

Section 4. This resolution shall be subject to a permissive referendum.

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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: A11

NOES:

The resolution was declared adopted.

* * * * *

RESOLUTION NO. (1978-443)

RESOLUTION DIRECTING PUBLICATION AND POSTING OF NOTICE AND ABSTRACT OF RESOLUTION APPROVING IMPROVEMENT OF SOUTH GRANT AVENUE, CONGERS

Co. Longo offered the following resolution and moved its adoption:

RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JUNE 21, 1978, DIRECTING THE PUBLICATION AND POSTING OF NOTICE AND ABSTRACT OF THE RESOLUTION APPROVING THE IMPROVEMENT OF SOUTH GRANT AVENUE, IN CONGERS, IN SAID TOWN.

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, AS FOLLOWS:

Section 1. The Town Clerk of the Town of Clarkstown, in the County of Rockland, New York, shall, within ten (10) days after the adoption by the Town Board of said Town, of the resolution entitled:

"Resolution of the Town of Clarkstown, New York, adopted June 21, 1978, approving the improvement of South Grant Avenue, Congers, in said Town, at an estimated maximum cost of \$36,000, and providing that such resolution shall be subject to permissive referendum,"

cause to be published at least once in the "JOURNAL NEWS", a newspaper published in Nyack, New York, and the official newspaper of the Town, and to be posted on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law and in at least five (5) public places on and along the South Grant Avenue improvement, a Notice which shall set forth the date of adoption of said foregoing resolution and contain an abstract thereof, concisely stating its purpose and effect.

RESOLUTION NO. (1978-443) Continued

Section 2. Said Notice shall be in substantially the following form:

TOWN OF CLARKSTOWN, NEW YORK

PLEASE TAKE NOTICE that on June 21, 1978, the Town Board of the Town of Clarkstown, in the County of Rockland, New York, adopted a resolution entitled:

"Resolution of the Town of Clarkstown, New York, adopted June 21, 1978, approving the improvement of South Grant Avenue, Congers, in said Town, at an estimated maximum cost of \$36,000, and providing that such resolution shall be subject to permissive referendum,"

an abstract of such resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: RECITING that the Town Board of the Town of Clarkstown ("Town Board" and "Town", respectively), New York, duly called and held a public hearing for the improvement of South Grant Avenue, Congers, in the Town, by paving thereof, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the proposed Improvement;

SECOND: DETERMINING that the Order Calling Public Hearing was published and posted as required by law, and is otherwise sufficient and that it is in the public interest to improve South Grant Avenue, by the paving thereof, at the estimated maximum cost of \$36,000;

THIRD: APPROVING the improvement of South Grant Avenue by paving approximately 784.95 lineal feet thereof and the Engineers are DIRECTED to prepare plans and specifications and make a careful estimate of the expense for said improvement and with the assistance of Murray N. Jacobson, Esq., prepare a proposed contract for the execution of the work; ACCEPTING the offer of dedication of the street therein described; STATING the benefited area shall be all the real property fronting or abutting on both sides of the Improvement, more particularly described therein;

FOURTH: STATING the maximum amount proposed to be expended thereof, is \$36,000, which is planned to be financed by the issuance of serial bonds of the Town and the assessment, levy and collection of special assessments upon the several lots and parcels of land along the benefited area so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same;

FIFTH: STATING this resolution shall be subject to a permissive referendum.

DATED: JUNE 21, 1978

PATRICIA SHERIDAN,

Town Clerk

RESOLUTION NO. (1978-443) Continued

Section 3. This resolution shall take effect immediately.

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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: All

NOES:

The resolution was declared adopted.

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RESOLUTION NO. (1978-444)

RESOLUTION CANCELLING
TOWN BOARD MEETING AND
SETTING NEW DATE FOR SAME

Co. Longo offered the following resolution:

RESOLVED, that Town Board Meeting scheduled for July 5, 1978 is hereby cancelled and the date for the next Town Board Meeting shall be July 12, 1978.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1978-445)

ORDER CALLING FOR PUBLIC
HEARING IN THE MATTER OF
EXTENSION OF THE CLARKS-
TOWN CONSOLIDATED WATER
SUPPLY DISTRICT #1 -
FOREST GREEN ESTATES

Co. Piacentile offered the following resolution:

WHEREAS, a written petition dated May 9, 1978 in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland County, New York for the extention of the Clarkstown Consolidated Water Supply District #1 in the said Town, to be bounded and described as follows:

"ALL that certain lot, piece or parcel of land located in the Town of Clarkstown, County of Rockland and State of New York, more particularly bound and described as follows:

BEGINNING at a point on the east side of West Clarkstown Road, as monumented, 33 feet wide, said point being the southwest corner of the parcel herein intended to be described and the northwest corner of lands N/F of Zaretsky, and running thence from said point of beginning:

RESOLUTION NO. (1978-445) Continued

1. along West Clarkstown Road, the following three (3) courses and distances:
 - (a) North 13-22-31 East, 331.19 feet; thence
 - (b) North 34-50-51 East, 150.42 feet; thence
 - (c) North 14-48-51 East, 435.16 feet to lands N/F of Zim Holding Corp.; thence
2. turning and running along said lands N/F of Zim Holding Corp., south 79-05-01 East, 710.43 feet to lands of Palisades Interstate Parkway; thence
3. turning and running along said lands of Palisades Interstate Parkway, South 13-42-12 West, 497.31 feet to a point; thence
4. turning and running along lands N/F of Perlmutter and Pepe, South 12-35-33 West, 379.05 feet to lands N/F of Zaretsky; thence
5. turning and running along said lands N/F of Zaretsky, North 81-03-34 West, 780.43 feet to the point or place of beginning.

Said parcel containing 15.1396 Acres more or less."

NOW, THEREFORE, be it

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown shall be held at the Meeting Room of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York, in said Town of Clarkstown, on the 12th day of July, 1978 at 8:15 P.M., D.S.T., to consider the said petition and to hear all persons interested in the subject thereof, concerning the same and for such other action as may be required by law or proper in the premises.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1978-446)

ORDER CALLING FOR PUBLIC HEARING IN THE MATTER OF EXTENSION OF THE CLARKSTOWN CONSOLIDATED WATER SUPPLY DISTRICT # 1 - FOXWOOD HILLS SUBDIVISION

Co. Piacentile offered the following resolution:

WHEREAS, a written petition dated May 9, 1978 in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland County, New York for the extension of the Clarkstown Consolidated Water Supply District #1 in the said Town, to be bounded and described as follows:

"ALL that certain plot, piece or parcel of land, situate, lying and being in the Hamlet of New City, Town of Clarkstown, County of Rockland and State of New York, more particularly bounded and described as follows:

RESOLUTION NO. (1978-446) Continued

'BEGINNING at a point in the westerly line of Eberling Drive, said point being the southeast corner of Lot 11 on Subdivision of Holt Hills, #2246, filed in the Rockland County Clerk's Office on April 28, 1955 in Map Book 56 at page 9; thence running

- (1) Along the Westerly line of Eberling Drive South 7 degrees 46 minutes 44 seconds West, 100.00 feet; thence
- (2) North 82 degrees 13 minutes 16 seconds West, 112.50 feet; thence
- (3) South 7 degrees 46 minutes 44 seconds West, 400.00 feet; thence
- (4) North 82 degrees 13 minutes 16 seconds West, 199.65 feet; thence
- (5) North 4 degrees 40 minutes 25 seconds East, 162.59 feet; thence
- (6) North 84 degrees 27 minutes 35 seconds West, 10.83 feet; thence
- (7) North 4 degrees 40 minutes 25 seconds East, 803.28 feet; thence
- (8) South 76 degrees 42 minutes 59 seconds East, 75.00 feet; thence
- (9) South 9 degrees 21 minutes 01 seconds East 36.76 feet; thence
- (10) North 80 degrees 38 minutes 59 seconds East, 81.47 feet; thence
- (11) South 9 degrees 21 minutes 01 seconds East, 100.00 feet; thence
- (12) South 80 degrees 38 minutes 59 seconds West, 81.47 feet; thence
- (13) South 9 degrees 21 minutes 01 seconds East, 37.11 feet; thence
- (14) South 27 degrees 54 minutes 16 seconds East 234.75 feet; thence
- (15) South 7 degrees 46 minutes 44 seconds West, 100.00 feet; thence
- (16) South 82 degrees 13 minutes 16 seconds East, 112.50 feet to the Westerly line of Eberling Drive and the point or place of BEGINNING.

NOW, THEREFORE, be it

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown shall be held at the Meeting Room of the Town

RESOLUTION NO. (1978-446) Continued

Hall of the Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York, in said Town of Clarkstown, on the 12th day of July, 1978, at 8:20 P.M., D.S.T., to consider the said petition and to hear all persons interested in the subject thereof, concerning the same and for such other action as may be required by law or proper in the premises.

Seconded by Co. Maloney

All voted Aye.

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Following Public Hearing, Town Board signed ORDER EXTENDING DISTRICT, extending the Clarkstown Consolidated Water Supply District #1 to include:

GREENVIEW PARK

* * * * *

Following Public Hearing, Town Board signed ORDER EXTENDING DISTRICT, extending the Clarkstown Consolidated Water Supply District #1 to include:

PHILLIPS HILL MANOR

* * * * *

RESOLUTION NO. (1978-447)

RESOLUTION AUTHORIZING ADVERTISING FOR BID (PAINTING OF TRAFFIC LINES ON TOWN ROADS)

Co. Longo offered the following resolution:

RESOLVED, that the Director of Purchasing is hereby authorized to advertise for bid for:

THE PAINTING OF TRAFFIC LINES ON TOWN ROADS

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on Tuesday, July 11, 1978 at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

Seconded by Co. Piacentile

All voted Aye.

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RESOLUTION NO. (1978-448)

RESOLUTION AUTHORIZING ADVERTISING FOR BID TWO (2) 1978 FOUR DOOR SEDANS FOR PARKS AND RECREATION DEPARTMENT

Co. Maloney offered the following resolution:

RESOLUTION NO. (1978-448) Continued

RESOLVED, that the Director of Purchasing is hereby authorized to advertise for bid for:

TWO (2) 1978 FOUR DOOR SEDANS FOR PARKS AND RECREATION DEPARTMENT

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 10:00 A.M. on Tuesday, July 11, 1978 at which times bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

Seconded by Co. Piacentile

All voted Aye.

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RESOLUTION NO. (1978-449)

RESOLUTION AUTHORIZING REJECTION OF BIDS AND READVERTISING FOR SAME (ALARM SYSTEM - PUMPING STATIONS)

Co. Longo offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Purchasing, all bids recently received for an ALARM SYSTEM for 19 Sewer Pumping Stations are hereby rejected, and be it

RESOLVED, that the Director of Purchasing is hereby authorized to readvertise for bids. Bids to be returnable to the office of the Director of Purchasing by 11:00 A.M. on Monday, July 10, 1978, at which times bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the office of the Clarkstown Director of Purchasing.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (1978-450)

RESOLUTION AUTHORIZING COMMENCEMENT OF A PROCEEDING (1974 COUNTY EQUALIZATION RATES)

Co. Holbrook offered the following resolution:

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the firm of Koepfel, Sommer, Lesnick & Martone, P.C., as Special Counsel to the Town of Clarkstown to commence an Article 78 proceeding against the State Board of Equalization in connection with the Appeal to State Board of Equalization and Assessment -- 1974 County Equalization Rates.

Seconded by Co. Longo

All voted Aye.

RESOLUTION NO. (1978-451)

RESOLUTION AUTHORIZING
SUPERVISOR TO ENTER
INTO NEGOTIATIONS (NORTHERLY
SIDE OF SQUADRON BOULEVARD,
NEW CITY, NEW YORK)

Co. Holbrook offered the following resolution:

WHEREAS, certain drainage work is proposed as a part of Phase II of the Improvement of the Demarest Kill, and

WHEREAS, Charles R. Velzy Associates, Inc., in their drainage report of March, 1977 recommended that retention areas be created, which recommendation is supported by the Department of Environmental Conservation of the State of New York and the U.S. Army Corps of Engineers;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into negotiations for the acquisition of approximately 6.8 acres of land situate on the northerly side of Squadron Boulevard, New City, New York for use as a retention area.

Seconded by Co. Piacentile

All voted Aye.

* * * * *

RESOLUTION NO. (1978-452)

RESOLUTION ADOPTED
REFERRING PETITION
FOR CHANGE OF ZONE
(BEVERLY DEGENSHEIN)

Co. Holbrook offered the following resolution:

RESOLVED, that the application of Beverly Degenshein for a change of zoning from R-15, LS, LIO & RS District to RG-2 District (Exhibit "E") and from R-15, LS, LIO & RS District to RG-2 and RS (Exhibit "E-1") District, on property located in Bardonia, New York be referred to the Town Planning Board for report within 45 days pursuant to Section 106-32 of the Zoning Ordinance of the Town of Clarkstown and to the Rockland County Planning Board pursuant to Secs. 239-1 and 239-m of the General Municipal Law.

Seconded by Co. Piacentile

All voted Aye.

* * * * *

RESOLUTION NO. (1978-453)

RESOLUTION RESCHEDULING
A PUBLIC HEARING
(SIDEWALK TELEPHONES)

Co. Piacentile offered the following resolution:

WHEREAS, a public hearing was scheduled for June 21, 1978, at 8:15 P.M., to consider the request of the New York Telephone Company for permission to install sidewalk public telephones at the following locations:

RESOLUTION (1978-453) Continued)

1. In front of the Clarkstown Commuter Parking Lot at North Middletown Road, Nanuet, New York.
2. At 153 Germonds Road, New City, New York, and

WHEREAS, there was an error in the scheduling of the said public hearing for the above date and time:

NOW, THEREFORE, be it

RESOLVED, that the public hearing set for June 21, 1978 at 8:15 P.M., to consider the request of the New York Telephone Company for permission to install sidewalk public telephones is hereby cancelled, and be it

FURTHER RESOLVED, that a public hearing be rescheduled and held by the Town Board on the 12th day of July, 1978, at 8:25 P.M., at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, relative to the granting of permission to the New York Telephone Company for the installation of sidewalk public telephones, 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 as aforesaid and file proof thereof in the office of the said Clerk.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION (1978-454)

RESOLUTION AUTHORIZING
EXECUTION OF AGREEMENT
(GERMONDS PARK IMPROVEMENT)

Co. Piacentile offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with Dolph Rotfeld Associates in association with Raymond, Parish, Pine & Weiner, Inc., for site planning and engineering services in connection with the Germonds Park Improvement.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION (1978-455)

RESOLUTION FOR NIGHT
DEPOSITORY SERVICE

Co. Holbrook offered the following resolution:

WHEREAS, the Town of Clarkstown is desirous of using the Night Depository Service of Chemical Bank, and

WHEREAS, the use of such Night Depository Service is granted gratuitously by the Bank and is available only to those depositors who are willing to be bound by the terms of the Bank's form of Agreement for Night Depository Service, such form having been presented to this meeting;

RESOLUTION (1978-455) Continued

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown hereby is authorized to execute and deliver to the Chemical Bank the Bank's form of Agreement for Night Depository Service, providing for the Bank to make deposits to be credited to the Town's account, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown hereby is empowered to give written notice to the Bank with respect to the Accredited Representative(s) of the Town authorized to receipt for the equipment utilized in connection with the Night Depository Service.

Seconded by Co. Longo

All voted Aye.

* * * * *

RESOLUTION (1978-456)

RESOLUTION GRANTING PERMISSION FOR FIREWORKS DISPLAY (NANUET HIGH SCHOOL - JULY 3, 1978- 8:30 P.M.)

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 approximately 8:30 P.M., on July 3, 1978, pursuant to Section 405 of the Penal Law.

Seconded by Co. Longo

All voted Aye.

* * * * *

RESOLUTION (1978-457)

RESOLUTION ACCEPTING PROPOSALS FROM ORANGE & ROCKLAND FOR STREET LIGHTING (MALLARD DRIVE - WEST NYACK, STRAWTOWN ROAD - WEST NYACK, PELLEGRINO SUBDIVISION - WEST NYACK)

Co. Holbrook offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of the Department of Environmental Control, the Town Board of the Town of Clarkstown hereby accepts proposals from Orange & Rockland Utilities, Inc., for street lighting at the following locations:

Mallard Drive	West Nyack
Strawtown Road	West Nyack
Pellegrino Subdivision	West Nyack

Seconded by Co. Maloney

All voted Aye.

RESOLUTION NO. (1978-458)

RESOLUTION AUTHORIZING
REVISION OF ELECTION
DISTRICT NO. 58 (TO
58 and 73) AND DIRECTING
ENVIRONMENTAL CONTROL TO
PREPARE APPROPRIATE MAPS

Co. Longo offered the following resolution:

WHEREAS, it appears that it is in the public interest and desirable that Election District No. 58 be split in order to more accurately reflect population;

NOW, THEREFORE, be it

RESOLVED, that Election District No. 58 be revised as follows:

Split Election District No. 58 into Election District No. 58 and Election District No. 73 as follows:

District No. 58 - Storms Road and Mountainview Avenue:

Mountainview Condominums - Apts. 1 - 200 and Mountainview East I Condominums (left of Circle)-Apts. 675-780.

District No. 73 - Mountainview East I & II Condominums-Apt. 300-674 and Mountainview East III Condominums-Apts. 901-996.

and be it

FURTHER RESOLVED, that the Department of Environmental Control is hereby authorized to prepare maps to reflect this division.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (1978-459)

RESOLUTION CREATING
TWO (2) RECREATION LEADER
POSITIONS (PARKS BOARD &
RECREATION)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on May 15, 1978 that two (2) Recreation Leader positions can be created,

NOW, THEREFORE, be it

RESOLVED, that two (2) Recreation Leader positions in the Parks Board & Recreation Commission are hereby created, effective and retroactive to June 19, 1978.

Seconded by Co. Piacentile

All voted Aye.

RESOLUTION NO. (1978-460)

RESOLUTION APPOINTING
RECREATION LEADER
(PROVISIONALLY) PARKS
BOARD & RECREATION
(JOY J. EMANUELE)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Parks Board & Recreation Commission, Joy J. Emanuele, 604 South Main Street, New City, New York is hereby appointed provisionally pending examination to the position of Recreation Leader - Parks Board & Recreation - at the annual salary of \$10,095., effective and retroactive to June 19, 1978.

Seconded by Co. Piacentile

All voted Aye.

* * * * *

RESOLUTION NO. (1978-461)

RESOLUTION APPOINTING
RECREATION LEADER
(PROVISIONALLY) PARKS
BOARD & RECREATION
(ALEXANDER J. GROMACK)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Parks Board & Recreation Commission, Alexander J. Gromack, 60 Collyer Avenue, New City, New York is hereby appointed provisionally pending examination to the position of Recreation Leader - Parks Board & Recreation - at the annual salary for 1978 of \$10,095., effective and retroactive to June 19, 1978.

Seconded by Co. Piacentile

All voted Aye.

* * * * *

RESOLUTION NO. (1978-462)

RESOLUTION APPOINTING
PRINCIPAL CLERK-
STENOGRAPHER - PARKS
BOARD & RECREATION
(KATHRYN KAKOS)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #77022 Principa1 Clerk-Stenographer which contains the name of Kathryn M. Kakos,

NOW, THEREFORE, be it

RESOLVED, that Kathryn Kakos, 15 Pheasant Drive, West Nyack, New York is hereby appointed to the position of Principal Clerk-Stenographer - Parks Board & Recreation - at the annual salary for 1978 of \$10,095., effective July 17, 1978.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (1978-463)

RESOLUTION GRANTING
LEAVE (PHYLLIS D. WEISMAN)

Co. Longo offered the following resolution:

RESOLVED, that Phyllis D. Weisman, 3 Hedgerow Lane, Spring Valley, New York is hereby granted leave without pay from March 16, 1978 to June 11, 1978.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (1978-464)

RESOLUTION ACCEPTING
RESIGNATION OF THOMAS
GENTILE (CLARKSTOWN
CONSUMER AFFAIRS COMM.)

Co. Piacentile offered the following resolution:

RESOLVED, that the resignation of Thomas Gentile, 36 Deerfield Drive, New City, New York as member of the Clarkstown Consumer Affairs Commission is hereby accepted, with regret, effective immediately.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (1978-465)

RESOLUTION ACCEPTING
RESIGNATION OF MARTICA
SAWIN (HISTORICAL REVIEW
BOARD)

Co. Holbrook offered the following resolution:

RESOLVED, that the resignation of Martica Sawin, Demarest Avenue, West Nyack, New York as member of the Historical Review Board is hereby accepted, with regret, effective and retroactive to June 1, 1978.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (1978-466)

RESOLUTION APPOINTING
MEMBER TO HISTORICAL
REVIEW BOARD (TIMOTHY H.
MILLER)

Co. Holbrook offered the following resolution:

RESOLVED, that Timothy H. Miller, 17 Hall Avenue, New City, New York is hereby appointed a member of the Historical Review Board, term to commence effective and retroactive to June 19, 1978 and to expire on December 31, 1978.

Seconded by Co. Piacentile

All voted Aye.

* * * * *

RESOLUTION NO (1978-467)

RESOLUTION APPOINTING
(PROVISIONALLY)
SECRETARIAL ASSISTANT-
LEGAL)LORRAINE BERARDO)

Co. Longo offered the following resolution:

WHEREAS, there is a vacancy in the position of
Secretarial Assistant, Legal, created by the retirement of
Ethel O. Ross;

NOW, THEREFORE, be it

RESOLVED, that Lorraine Berardo, 18 Bonnie Lane,
New City, New York, is hereby appointed provisionally (promotional)
to the position of Secretarial Assistant - Legal - Town Attorney's
Office - at the annual salary for 1978 of \$13,329., effective and
retroactive to June 7, 1978.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (1978- 468)

RESOLUTION AUTHORIZING
TOWN ATTORNEY TO DEFEND
A PROCEEDING

Co. Longo offered the following resolution:

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

ALDO DeROSARIO, JR.,

Petitioner,

-against-

THE POLICE COMMISSION OF THE
TOWN OF CLARKSTOWN,

Respondents.

NOW, THEREFORE, be it

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

Seconded by Co. Holbrook

On roll call the vote
was as follows:

Co. Holbrook Yes
Co. Longo Yes
Co. Maloney abstain
Co. Piacentile abstain
Supervisor Gerber. Yes

MOTION CARRIED

* * * * *

RESOLUTION NO. (1978-469)

RESOLUTION AMENDING THE
ZONING ORDINANCE OF THE
TOWN OF CLARKSTOWN
(CALABRESE & DEW)

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 15th day of February, 1978, provided for a public hearing on the 5th day of April, 1978, at 8:15 P.M., to consider the application of JOSEPH CALABRESE and J. H. DEW, JR., to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of said petitioners from R-40 district to R-22 district, 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 for reasons of public health, safety and welfare, the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting from R-40 district to R-22 district, the following described property situate near Brewery Road, New City, New York; said amendment conditioned upon the execution and recording of a Declaration of Restrictive Covenants in a form satisfactory to the Office of the Town Attorney and to contain the following covenants:

1. That in connection with the amendment of the Zoning Ordinance from R-40 to R-22 the use of the land which is the subject of this application for rezoning, together with the adjacent land of the applicants which is not part of this rezoning application shall be limited to a maximum of 68 residential lots on the combined premises.

2. Building permits to be issued shall not exceed 33-1/3% of said 68 lots in any one calendar year.

3. All lots along the north property line of the premises shall conform to R-40 rear yard bulk requirements.

4. There shall be no ingress or egress from these premises to Parrot Road.

5. A suitable access shall be installed providing walking access to Laurel Plains School for school children.

6. The property shall contain a retention area sufficient to contain storm water runoff from a 50 year frequency storm and all the specifications and construction details of the retention area shall be approved by the Clarkstown Department of Environmental Control and installed by the owner, prior to the construction of any houses, to the satisfaction of the Clarkstown Department of Environmental Control, and the owner is to post as security a cash bond, bank account or irrevocable letter of credit in form satisfactory to the Town Attorney in the amount of \$50,000.00 to guarantee said installation in a manner satisfactory to the Clarkstown Department of Environmental Control.

RESOLUTION NO. (1978-469) Continued

7. Make the following off site improvements on a stream on the west side of Brewery Road south of Parrot Road running from station 12+00 northerly and of twin 38" x 60" reinforced concrete pipe to station 15+00 (Calabrese dam) as indicated on drawings prepared by Goodkind and O'Day.

- A. Clear and remove all debris in existing stream from station 12+00 to station 15+00.
- B. Level stream bed from 12+00 to 15+00.
- C. Clean and shape stream banks and face banks with inlaid field rock from stream bed to top of slopes.
- D. The dam on the Calabrese property is to be repaired with inlaid field rock.

Seconded by Co. Piacentile

on roll call the vote was as follows:

Co. HolbrookNo	
Co. Longo.No	
Co. Maloney.Yes	
Co. PiacentileYes	
Supervisor Gerber.Yes	MOTION CARRIED

* * * * *

APPEARANCE:

Eric Binder
149 Haverstraw Road
Suffern, New York 10901

Mr. Binder spoke regarding the condition of the Palisades Interstate Parkway since it has been taken over by the State Department of Transportation. It used to be maintained in superb fashion and now conditions are deplorable regarding snow removal and general overall appearance. He feels that the Parkway has deteriorated and requested Supervisor Gerber to use whatever influence he has, as Chief Executive Officer of the Town, to remedy this situation.

* * * * *

There being no further business before the Board, Town Board Meeting was adjourned at 10:15 P.M. Next Town Board Meeting scheduled for July 12, 1978.

Respectfully submitted,

Patricia Sheridan
Patricia Sheridan,
Town Clerk

07

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

6/21/78

8:20 P.M.

Present: Co. Holbrook, Longo, Maloney, Piacentile
Supervisor Gerber
Murray Jacobson, Town Attorney
Stanley Burns, Director of Finance
Patricia Sheridan, Town Clerk

RE: TO CONSIDER CHANGE OF ZONE APPLICATION - LO DISTRICT TO R-15
DISTRICT AND LO DISTRICT TO CS DISTRICT - TORSOE BROTHERS
CONSTRUCTION CORP.

Supervisor Gerber declared Public Hearing open; Town Clerk read Notice calling Public Hearing and testified as to proper posting and publication for the Public Hearing.

Supervisor Gerber read the following correspondence with regard to the proposed Zone Change:

Letter from Clarkstown Planning Board - Dated May 11, 1978

The above matter was discussed at several Planning Board meetings.

At the meeting of May 2, 1978, the following was resolved:

Member Howell made a motion which was seconded by Nowicki and carried 5:1 with Ayes of Paikin, Thormann and Yacyshyn, Nay of Paris, approving the following...

RECOMMENDATION TO THE HONORABLE TOWN BOARD: The Members have examined the subject petition in relationship with the surrounding area, the Town Development Plan, the existing topography, drainage, accessibility and statutory changes: it is recommended that the petition be Granted with the following modifications:

1. All access to CS portion to be off Broome Boulevard only.
2. Proper screening to be installed to screen new homes to be built in the R-15 portion,
3. Applicant to return to the PB for subdivision and site plan review.

Further to the above and in accordance with Section 106-32 the following is noted:

- a) the uses proposed would be appropriate in the area concerned as two lots would abut a residential district, with the commercial portion being along a major highway,
- b) adequate public school facilities and other public services exist or can be created to serve the needs of additional residences,
- c) proposed change is in accord with any existing plans for providing public water supply and sanitary sewers in the vicinity,
- d) there is very little vacant land currently zoned for similar development in the vicinity of the area,
- e) there presently is a development being constructed immediately adjacent, and this would provide buffer for existing development,
- f) this proposed change would have little or no effect upon the growth of the existing communities,
- g) the proposed amendment would have no effect on an increase or total zoned residential capacity of the Town,

CONTINUED ON NEXT PAGE

Letter from Clarkstown Planning Board - Continued

h) Other areas would not be inclined to be developed if the proposed amendment is adopted. Areas immediately adjacent to this parcel are zoned CS.

Very truly yours,

s/Rudolph J. Yachyshyn,

Chairman

* * * * *

Letter from Rockland County Planning Board - Dated April 24, 1978

The Rockland County Planning Board reviewed the above item at its April 18, 1978 meeting and disapproves.

Modifications and Conditions:

It is in conflict with the Land Use Plan--commercial districts should not be encouraged to spread out from the villages' hamlet centers.

Very truly yours,

s/Aaron D. Fried,

Planning Director

* * * * *

Henry Horowitz, Attorney for Petitioner, 55 Virginia Avenue, West Nyack, New York made presentation.

* * * * *

Supervisor Gerber opened the meeting to the public for comments.

APPEARANCES: In Favor -- No one appeared.

In Opposition: William Osgood
30 Sunset View Drive
West Nyack, New York

Lou Evers, Trustee
Nyack Rural Cemetery
144 Sickletown Road
West Nyack, New York

On motion offered by Councilman Longo, seconded by Councilman Piacentile and unanimously adopted, Public Hearing was closed, DECISION RESERVED. Time 8:44 P.M.

Respectfully submitted,
Patricia Sheridan
PATRICIA SHERIDAN
Town Clerk

Note: Public Stenographer attended Public Hearing.

Letter from Clarkstown Planning Board - Continued

h) Other areas would not be inclined to be developed if the proposed amendment is adopted. Areas immediately adjacent to this parcel are zoned CS.

Very truly yours,
s/Rudolph J. Yachyshyn,
Chairman

* * * * *

Letter from Rockland County Planning Board - Dated April 24, 1978

The Rockland County Planning Board reviewed the above item at its April 18, 1978 meeting and disapproves.

Modifications and Conditions:

It is in conflict with the Land Use Plan--commercial districts should not be encouraged to spread out from the villages' hamlet centers.

Very truly yours,
s/Aaron D. Fried,
Planning Director

* * * * *

Henry Horowitz, Attorney for Petitioner, 55 Virginia Avenue, West Nyack, New York made presentation.

* * * * *

Supervisor Gerber opened the meeting to the public for comments.

APPEARANCES: In Favor -- No one appeared.

In Opposition: William Osgood
30 Sunset View Drive
West Nyack, New York

Lou Evers, Trustee
Nyack Rural Cemetery
144 Sickletown Road
West Nyack, New York

On motion offered by Councilman Longo, seconded by Councilman Piacentile and unanimously adopted, Public Hearing was closed, DECISION RESERVED. Time 8:44 P.M.

Respectfully submitted,
Patricia Sheridan
PATRICIA SHERIDAN
Town Clerk

Note: Public Stenographer attended Public Hearing.

001

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

6/21/78

8:45 P.M.

Present: Co. Holbrook, Longo, Maloney, Piacentile
Supervisor Gerber
Murray Jacobson, Town Attorney
Stanley Burns, Director of Finance
Patricia Sheridan, Town Clerk

RE: PROPOSED EXTENSION OF CLARKSTOWN CONSOLIDATED WATER SUPPLY
DISTRICT NO. 1 TO INCLUDE GREENVIEW PARK

Supervisor Gerber declared Public Hearing open; Town Clerk read Notice calling Public Hearing and testified as to proper posting and publication for the Public Hearing.

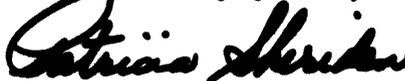
APPEARANCE: Leslie Bollman
Director of Environmental Control
10 Maple Avenue
New City, New York 10956

Mr. Bollman presented testimony that everyone will benefit from the proposed water extension.

There being no other speakers the order extending the water district was signed by Supervisor Gerber and the Town Board members.

The Public Hearing was closed upon motion made and seconded and unanimously agreed to at 8:49 P.M.

Respectfully yours,



PATRICIA SHERIDAN
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

6/21/78

8:50 P.M.

Present: Co. Holbrook, Longo, Maloney, Piacentile
Supervisor Gerber
Murray Jacobson, Town Attorney
Stanley Burns, Director of Finance
Patricia Sheridan, Town Clerk

RE: PROPOSED EXTENSION OF CLARKSTOWN CONSOLIDATED WATER SUPPLY
DISTRICT NO. 1 TO INCLUDE PHILLIPS HILL MANOR

Supervisor Gerber declared Public Hearing open; Town Clerk read Notice calling Public Hearing and testified as to proper posting and publication for the Public Hearing.

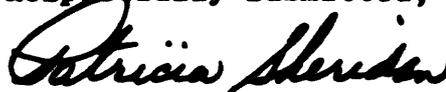
APPEARANCE: Leslie Bollman
Director of Environmental Control
10 Maple Avenue
New City, New York 10956

Mr. Bollman presented testimony that everyone will benefit from the proposed water extension.

There being no other speakers the order extending the water district was signed by Supervisor Gerber and the Town Board members.

The Public Hearing was closed upon motion made and seconded and unanimously agreed to at 8:55 P.M.

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk

125

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

6/21/78

8:57 P.M.

Present: Co. Holbrook, Longo, Maloney, Piacentile
Supervisor Gerber
Murray Jacobson, Town Attorney
Stanley Burns, Director of Finance
Patricia Sheridan, Town Clerk

RE: TO CONSIDER PROPOSED AMENDMENTS TO ZONING ORDINANCE - SECTION
106-16 (O) - SENIOR CITIZEN HOUSING

Supervisor Gerber declared Public Hearing open; Town Clerk read Notice calling Public Hearing and testified as to proper posting and publication for the Public Hearing.

Supervisor Gerber explained that this proposed amendment covers only one Senior Citizen Project in the Town of Clarkstown. That is the Middlewood Project and the one that has been approved which is commonly known as the Monterey Swim Club Area. Subsequent to the creation of Middlewood, a number of years have passed and the rules and regulations and the appropriate Federal Laws and regulations have changed. In order to meet the requirements of the Federal subsidies, in this case Monterey Gardens or Monterey Swim Club, they cannot act until this proposed amendment is adopted. For instance, in the time of Middlewood, there was no such section of the Housing Act as Section 8, it was subsequent to the adoption of our Code. So we are required before they will consider or approve the construction, to amend that section of the Zoning Ordinance covering Senior Citizen housing and housing for the handicapped.

Supervisor Gerber read the following correspondence with regard to the proposed amendment:

Letter from Clarkstown Planning Board - Dated June 21, 1978

The Members discussed the above proposal at the Planning Board meeting of June 13, 1978.

Member Thormann then made a motion which was seconded by Nowicki and carried 5:0 with Ayes of Howell, Paikin and Yachyshyn approving the following...

RECOMMENDATION TO THE HONORABLE TOWN BOARD: The Planning Board supports the proposed amendment and respectfully recommends that alternate language be considered to allow more programs to be included, i.e. "...shall be pursuant to the regulations of the U.S. Department of Housing and Urban Development Section 8..."

Very truly yours,

s/Rudolph J. Yachyshyn

Chairman

* * * * *

CONTINUED ON NEXT PAGE

056

PH - 6/21/78
Page 2

Letter from Rockland County Planning Board - Dated June 13, 1978

Re: General Municipal Law Review: 239 (1 & m)

Item: Town of Clarkstown, Amend Sec. 106-16 (O)
Senior Citizen Housing Subsection (4) Tax
Abatement add item (C)

The Rockland County Planning Board reviewed the above item at its June 8, 1978 meeting and approves.

* * * * *

Murray Jacobson, Town Attorney introduced a memo from Robert Geneslaw, Planning Consultant for the Town of Clarkstown.

Supervisor Gerber read the following memo:

Memo from Robert Geneslaw, Planning Consultant - Dated June 12, 1978

The proposed amendment as written limits the change to Section 231 and Section 8. Since the original provision was tailored to the Section 236 program and must now be amended, experience suggests that an overly specific requirement may need relatively frequent amendment.

We recommend that the Town Board consider alternate language that would allow more programs to be included, as follows: "...shall be pursuant to the regulations of the U.S. Department of Housing and Urban Development Section 8..."

Since Section 231 is a financing method, its specific inclusion suggests that other financing methods, or alternates such as Section 202, would not be intended to be included.

Signed,

s/Robert Geneslaw

Planning Consultant

* * * * *

Supervisor Gerber called on Murray Jacobson, Town Attorney for comments and recommendations.

Murray Jacobson, Town Attorney stated that based upon Mr. Geneslaw's memo, which was well founded, he made a slightly different proposal which should be read publicly.

Supervisor Gerber read the following:

- (c) Anything to the contrary notwithstanding in subsections (a) and (b) hereinabove, eligibility for any housing provided shall be pursuant to the regulations of the U.S. Department of Housing and Urban Development promulgated for

CONTINUED ON NEXT PAGE

(c) Continued

programs under Section 8, Subsidized Housing for the Handicapped and/or elderly, in the event that financing is obtained pursuant to those programs.

* * * * *

Supervisor Gerber called for comments from the Board members. There were none.

Supervisor Gerber called for anyone wishing to be heard in favor of the proposed amendment.

APPEARANCE: Joseph Hammerman
Attorney for Monterey Gardens
7 South Madison Avenue
Spring Valley, New York 10977

Mr. Hammerman indicated he would like to speak in support of the language suggested by the County Planning Board and the Town Planning Board. I discussed the original language with Mr. Jacobson and the language we originally presented was recommended to me by the Department of Housing and Urban Development. However, as of yesterday, I received a letter from someone who had contacted them on my behalf in New York City, and they suggested that this new language would be of assistance in the processing of the plans and specifications and the rest of the zoning package that is required by the Federal Housing Authority. I would recommend that you pass the language suggested in the amendment by your Planning Board.

Supervisor Gerber asked Mr. Hammerman if he was referring to the same language that Murray Jacobson had just introduced.

Mr. Hammerman stated that was correct, and went on to say that the only other thing he could say was that this is a requirement for the Federal Government in order to receive the rent subsidies which are the things necessary to be able to provide 100 units of Senior Citizen housing and 6 units of housing for the handicapped.

APPEARANCE: Eric Binder
149 Haverstraw Road
Suffern, New York

Mr. Binder indicated that he was in favor of the project, but questioned if this proposed amendment would cause a time delay in getting the federal funding.

Supervisor Gerber explained that Monterey was granted three years ago and the people who had the property at that point went through the funding process. They were granted the units, at which time they developed some financial problems. A new group has taken over the 106 units that were originally approved. To my understanding everything else has been approved. The proposed amendment will update our ordinance to conform with Federal requirements.

Mr. Binder stated he wanted the record clarified, especially since the proposed availability of Senior Citizen

CONTINUED ON NEXT PAGE

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PH - 6/21/78
Page 4

Mr. Binder continued

housing has been publicized, so the older folks will know that things can go ahead.

Mr. Hammerman, Attorney for Monterey Gardens, spoke again, and stated all plans have been drawn and submitted to the Federal Housing Authority. We hope for immediate approval. Someone was talking about a July 15th date for a start. I don't think that's realistic, but I do think that by August 15th, we'll start. It's just a matter of finishing the processing. The project is very similar to others we have built so we shouldn't have any problems with the plans. The drainage has been taken care of, the easements have been taken care of and this is really the last thing to be done. As a matter of fact, we are spending another \$20,000. tomorrow and buying out a mortgage that forecloses a property. That's how confident we are that the project is going to proceed.

Supervisor Gerber stated we have waited a long time.

There being no one further wishing to be heard, on motion offered by Councilman Maloney, seconded by Councilman Longo and unanimously adopted, Public Hearing was closed.
Time 9:04 P.M.

Respectfully submitted,



PATRICIA SHERIDAN
Town Clerk