

TOWN BOARD MEETING  
TOWN OF CLARKSTOWN

Town Hall

9/26/79

8:15 P.M.

Present: Co. Holbrook, Longo, Maloney, Piacentile  
Supervisor Gerber  
Phillip Fogel, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

Supervisor Gerber declared the Town Board Meeting open;  
assemblage saluted the Flag.

RESOLUTION NO. (1979-688)

RESOLUTION ADOPTING ST.  
THOMAS AQUINAS AWARENESS  
WEEK

Co. Maloney offered the following resolution:

WHEREAS, St. Thomas Aquinas College is a four year Non-Denominational Liberal Arts College in Sparkill, Rockland County, New York; and

WHEREAS, the College has provided free educational opportunities for many young men and women and senior citizens of Clarkstown by awarding scholarships; and

WHEREAS, many of the graduates of the College reside in Clarkstown and contribute to the social, cultural, political and economical life of Clarkstown; and

WHEREAS, St. Thomas Aquinas College has provided the residents of Clarkstown with the opportunity to use their facilities, participate in free cultural events, and has demonstrated a social awareness in attempting to resolve many of societies' problems in programs on Gerontology, Law Enforcement, Learning Disabilities and Bilingual Education;

NOW, THEREFORE, I George S. Gerber, Supervisor of the Town of Clarkstown, do hereby proclaim this week of September 23 through 30, 1979 as ST. THOMAS AQUINAS AWARENESS WEEK in the Town of Clarkstown in order to acquaint the residents of the area with the contributions of St. Thomas Aquinas College to Clarkstown.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the seal of the Town of Clarkstown to be affixed this 26th day of September, 1979.

(S E A L)

/s/ George S. Gerber

Harold Peterson, Comptroller of the Town of Clarkstown accepted the above proclamation on behalf of the College.  
Seconded by Co. Holbrook All voted Aye.  
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RESOLUTION NO. (1979-689)

RESOLUTION ADOPTED BY THE  
TOWN BOARD DENYING ZONE  
CHANGE APPLICATION (MACRI)

Co. Holbrook offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 15th day of August, 1979, provided for a public hearing on the 12th day of September, 1979, at 8:15 P.M.,

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RESOLUTION NO. (1979-689) Continued

to consider the application of Giovanni Macri and Theresa Macri to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the petitioner from an R-15 district to a P.O. district, and

WHEREAS, notice of the public hearing was duly published 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 for reasons of public health, safety and welfare, the application be DENIED.

Seconded by Co. Longo

All voted Aye.

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RESOLUTION NO. (1979-690)

RESOLUTION ADOPTED BY THE TOWN BOARD DENYING ZONE CHANGE APPLICATION (CASSELS)

Co. Holbrook offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 15th day of August, 1979, provided for a public hearing on the 12th day of September, 1979, at 8:10 P.M., to consider the application of Charles T. Cassels to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the petitioner from an R-15/LS district to an RG-2 district, and

WHEREAS, notice of the 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 for reasons of public health, safety and welfare, the application be DENIED.

Seconded by Co. Longo

All voted Aye.

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RESOLUTION NO. (1979-691)

RESOLUTION APPOINTING CLERK - PERSONNEL OFFICE (MARY ANN DeJULIUS)

Co. Holbrook offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #79060 - Clerk - which contains the name of Mary Ann DeJulius,

NOW, THEREFORE, be it

RESOLVED, that Mary Ann DeJulius, 314F Fulle Drive, Valley Cottage, New York is hereby appointed to the position of Clerk - Personnel Office - at the annual salary for 1979 of \$8,765.00, effective October 1, 1979.

Seconded by Co. Piacentile

All voted Aye.

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RESOLUTION NO. (1979-692)

RESOLUTION APPOINTING CLERK -  
PARKS BOARD & RECREATION  
(MADELINE NIGRO)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #79060 - Clerk - which contains the name of Madeline Nigro,

NOW, THEREFORE, be it

RESOLVED, that Madeline Nigro, 13 Acorn Terrace, New City, New York is hereby appointed to the position of Clerk - Parks Board & Recreation Department - at the annual salary for 1979 of \$8,368.00, effective October 1, 1979.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1979-693)

RESOLUTION APPOINTING COURIER-  
TOWN HALL - (JOHN GILLECE)

Co. Longo offered the following resolution:

RESOLVED, that John Gillece, Kings Highway, Valley Cottage, New York is hereby appointed to the position of Courier - Town Hall - at the annual salary for 1979 of \$8,765.00, effective October 1, 1979.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1979-694)

RESOLUTION APPOINTING RADIO  
OPERATORS - POLICE DEPARTMENT  
(BULLERDICK, MULLER, SANSONE,  
TAPP AND TOBIN)

Co. Maloney offered the following resolution:

WHEREAS, the Clarkstown Police Department performs its functions on a twenty-four hour basis and requires radio dispatching services on the same time basis, and

WHEREAS, Article IX, Section 5 of the labor agreement between the Town of Clarkstown and the Clarkstown Unit of the Civil Service Employees Association, Inc., provides that the working days and hours of employees in these twenty-four hour departments may be established by the appointing authority,

NOW, THEREFORE, be it

RESOLVED, as follows:

1) That Radio Operators working in the Clarkstown Police Department shall work the following basic shift regardless of the day of the week or hour of the day when the shift is worked: Eight (8) consecutive hours on duty and sixteen (16) consecutive hours off duty, provided that no more than forty (40) total hours are worked by such employees in each work week.

2) That work by these Radio Operators on Saturdays, Sundays, or legal holidays shall be part of their legal work week and such employees shall receive no special pay for working these days,

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RESOLUTION NO. (1979-694) Continued

provided that such employees shall receive the same total number of days off per year as the other Clarkstown employees receive pursuant to Article XVIII, Section 1 of the aforementioned labor agreement, and be it

FURTHER RESOLVED, that, upon the recommendation of the Clarkstown Police Commission and Chief George Schnakenberg, the following are appointed to the position of Radio Operator - Police Department - effective October 1, 1979:

Carol Bullerdick, 3 Liberty Drive, Congers, New York,  
\$10,074 per annum for 1979 (Grade C-14).

Karl W. Muller, 19 Klein Avenue, West Nyack, New York,  
\$10,553 per annum for 1979 (Grade D-14).

Lauretta M. Sansone, 9 Deerwood Drive, New City, New York,  
\$9,181 per annum for 1979 (Grade A-14).

Joan M. Tapp, Tor View Avenue, New City, New York,  
\$10,553 per annum for 1979 (Grade D-14).

John P. Tobin, 131 West Nyack Road, West Nyack, New York,  
\$10,074 per annum for 1979 (Grade C-14).

Seconded by Co. Piacentile All voted Aye.

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RESOLUTION NO. (1979-695) RESOLUTION ACCEPTING  
RESIGNATION OF DOG WARDEN  
(STEPHEN RUFFINO)

Co. Longo offered the following resolution:

RESOLVED, that the resignation of Stephen Ruffino, 77 North Pascack Road, Spring Valley, New York as Dog Warden is hereby accepted with regret, effective September 27, 1979.

Seconded by Co. Holbrook All voted Aye.

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RESOLUTION NO. (1979-696) RESOLUTION APPOINTING STUDENT  
OFFICE WORKER - COUNSELING  
CENTER (DEBBIE SHERMAN)

Co. Maloney offered the following resolution:

RESOLVED, that Debbie Sherman, 8 Topaz Court, Spring Valley, New York is hereby appointed to the position of Office Worker-Student-Counseling Center, at the hourly wage of \$2.90, not to exceed twenty hours per week, effective and retroactive to September 24, 1979.

Seconded by Co. Piacentile All voted Aye.

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RESOLUTION NO. (1979-697) RESOLUTION ACCEPTING RESIGNA-  
TION OF TEACHER ASSISTANT  
(CETA) - IRC (SHEILAH GOLDMAN)

Co. Holbrook offered the following resolution:

RESOLUTION NO. (1979-697) Continued

RESOLVED, that the resignation of Sheilah Goldman, 40I Heritage Drive, New City, New York as Teacher Assistant (CETA) - IRC - is hereby accepted, effective and retroactive to September 12, 1979.

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (1979-698)

RESOLUTION ACCEPTING RESIGNATION OF TYPIST (CETA) - PURCHASING DEPARTMENT (GINA RAGASTO)

Co. Piacentile offered the following resolution:

RESOLVED, that the resignation of Gina Ragasto, 4 Birch Lane, New City, New York as Typist (CETA) - Purchasing Department (Rockland County) is hereby accepted, effective and retroactive to September 21, 1979.

Seconded by Co. Longo All voted Aye.

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RESOLUTION NO. (1979-699)

RESOLUTION CREATING POSITION - LIBRARY CLERK I (CETA) MARTIN LUTHER KING READING ROOM

Co. Holbrook offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on September 17, 1979 that the position of Library Clerk I (CETA) can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Library Clerk I (CETA) - Martin Luther King Reading Room - is hereby created, effective and retroactive to September 17, 1979.

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (1979-700)

RESOLUTION APPOINTING LIBRARY CLERK I (CETA) MARTIN LUTHER KING READING ROOM (WILLIE B. VEAL)

Co. Holbrook offered the following resolution:

RESOLVED, that Willie B. Veal, 13 Central Drive, Nanuet, New York is hereby appointed to the position of Library Clerk I (CETA) - Martin Luther King Reading Room - at the annual salary for 1979 of \$9,634.00, effective and retroactive to September 17, 1979.

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (1979-701)

RESOLUTION APPOINTING  
DOG WARDEN (PROVISIONALLY)  
POLICE DEPARTMENT (GREGORY  
TOBIN)

Co. Maloney offered the following resolution:

RESOLVED, that Gregory Tobin, 131 West Nyack Road, West Nyack, New York is appointed provisionally to the position of Dog Warden - Police Department - at the annual salary for 1979 of \$9,617.00, effective October 4, 1979.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1979-702)

RESOLUTION APPOINTING  
CLERKS (SEASONAL) RECEIVER  
OF TAXES OFFICE (AMY  
ALEXANDER AND ELAINE GROSS)

Co. Longo offered the following resolution:

RESOLVED, that based upon the recommendation of the Receiver of Taxes, that the following are hereby appointed to the position of Clerk (Seasonal) in the Receiver of Taxes Office, effective October 1, 1979:

Amy Alexander, 160 North Main Street, New City,  
New York @ \$4.60 per hour.

Elaine Gross, 23B Heritage Drive, New City,  
New York @ \$4.60 per hour.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1979-703)

RESOLUTION CREATING  
POSITION OF MOTOR EQUIP-  
MENT OPERATOR AND AUTO-  
MOTIVE MECHANIC -  
SANITARY LANDFILL

Co. Piacentile offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on May 25, 1979 that the position of Motor Equipment Operator & Automotive Mechanic (Competitive) can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Motor Equipment Operator & Automotive Mechanic - Sanitary Landfill - is hereby created, effective immediately at Grade 20.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1979-704)

RESOLUTION APPOINTING  
MOTOR EQUIPMENT OPERATOR  
AND AUTOMOTIVE MECHANIC -  
SANITARY LANDFILL (GEORGE  
RIST)

Co. Holbrook offered the following resolution:

RESOLUTION NO. (1979-704) Continued

RESOLVED, that George Rist, 9 Capral Lane, New City, New York is hereby appointed to the position of Motor Equipment Operator & Automotive Mechanic (Competitive) - Sanitary Landfill - at the annual salary for 1979 of \$11,054, effective October 1, 1979.

Seconded by Co. Piacentile All voted Aye.

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RESOLUTION NO. (1979-705)

RESOLUTION APPOINTING  
LIEUTENANT - POLICE  
DEPARTMENT  
(JOHN HEARNE)

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #7658A Police Lieutenant which contains the name of John Hearne,

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Police Commission and Chief Schnakenberg, John Hearne, Ivy Lane, Washingtonville, New York is hereby appointed to the position of Police Lieutenant - Police Department- at the annual base salary for 1979 of \$27,029.00, effective October 8, 1979.

Seconded by Co. Piacentile All voted Aye.

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RESOLUTION NO. (1979-706)

RESOLUTION APPOINTING  
SERGEANT - POLICE  
DEPARTMENT (BENJAMIN J.  
ALBERTSON)

Co. Piacentile offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #77031 I Police Sergeant which contains the name of Benjamin J. Albertson,

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Police Commission and Chief Schnakenberg, Benjamin J. Albertson, 24 Lake Road, Valley Cottage, New York is hereby appointed to the position of Police Sergeant - Police Department - at the annual base salary for 1979 of \$24,026.00, effective October 8, 1979.

Seconded by Co. Longo All voted Aye.

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RESOLUTION NO. (1979-707)

RESOLUTION APPOINTING  
POLICE OFFICER - POLICE  
DEPARTMENT (JAMES L.  
MARTZ)

Co. Maloney offered the following resolution:

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RESOLUTION NO. (1979-707) continued

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #76102 Police Officer which contains the name of James L. Martz,

NOW, THEREFORE, be it

RESOLVED, that based upon the recommendation of the Police Commission and Chief Schnakenberg, James L. Martz, 632 South Main Street, New City, New York is hereby appointed to the position of Police Officer - Police Department - at the annual salary for 1979 of \$12,957.00, effective October 15, 1979.

Seconded by Co. Piacentile

All voted Aye.

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RESOLUTION NO. (1979-708)

RESOLUTION APPOINTING  
MAIL CLERK (VELMA GANNON)

Co. Piacentile offered the following resolution:

RESOLVED, that pursuant to Civil Service Law, Section 64.1 and 64.2, Velma Gannon, 166A Lake Road, Valley Cottage, New York is hereby appointed to the position of Mail Clerk at the annual salary for 1979 of \$8,765.00, until December 31, 1979.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1979-709)

RESOLUTION CREATING  
POSITION OF TYPIST -  
PURCHASING DEPARTMENT

Co. Piacentile offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on September 14, 1979 that the position of Typist can be created,

NOW, THEREFORE, be it

RESOLVED, that the position of Typist - Purchasing Department - is hereby created, effective immediately.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1979-710)

RESOLUTION CLOSING  
REGULAR TOWN BOARD  
MEETING IN ORDER TO  
HOLD SCHEDULED PUBLIC  
HEARINGS

Co. Longo offered the following resolution:

RESOLVED, that the regular Town Board Meeting be adjourned in order to hold scheduled Public Hearings, time: 8:33 P.M.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1979-711)

RESOLUTION RESUMING  
REGULAR TOWN BOARD MEETING,  
SCHEDULED PUBLIC HEARINGS  
HAVING BEEN HELD

Co. Maloney offered the following resolution:

RESOLVED, that the regular Town Board Meeting be resumed,  
scheduled Public Hearings having been held, time: 11:45 P.M.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1979-712)

RESOLUTION AWARDING  
BID FOR CENTRAL NYACK  
COMMUNITY CENTER IM-  
PROVEMENTS (JAMES BRUNO  
CONSTRUCTION CO.)

Co. Piacentile offered the following resolution:

RESOLVED, that based upon the recommendation of the  
Superintendent of Recreation and Parks, the Director of Purchasing,  
and Schofield and Colgan, Architects for project that the bid  
entitled

CENTRAL NYACK COMMUNITY CENTER IMPROVEMENTS

is hereby awarded to:

James Bruno Construction Co.  
19 Brockton Road  
Spring Valley, New York 10977

at the low bid of \$23,198.55

and be it

FURTHER RESOLVED, that funds for same are to be charged  
to 1976 Community Development Funds.

Seconded by Co. Holbrook

On roll call the vote was as follows:

Supervisor Gerber.....Yes  
Councilman Holbrook.....Yes  
Councilman Longo.....No  
Councilman Maloney.....Yes  
Councilman Piacentile.....Yes

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RESOLUTION NO. (1979-713)

RESOLUTION ADOPTING AND  
ACCEPTING MINUTES OF TOWN  
BOARD MEETING (9/12/79)  
AND SPECIAL TOWN BOARD  
MEETING (9/17/79)

Co. Piacentile offered the following resolution:

RESOLVED, that the minutes of the Town Board Meeting held on  
September 12th, 1979, and the Special Town Board Meeting of September  
17, 1979, are hereby adopted and accepted as submitted by the Town Clerk.

Seconded by Co. Longo

All voted Aye.

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RESOLUTION NO.(1979-714)

RESOLUTION AUTHORIZING  
COMPTROLLER TO INCREASE  
REVENUE ACCOUNT #2201 AND  
INCREASE EXPENDITURE ACCOUNT  
#7141-409

Co. Piacentile offered the following resolution:

RESOLVED, that the Comptroller is hereby authorized to  
increase Revenue Account #2001 by \$800.00 and to increase Expenditure  
Account #7141-409 by \$800.00.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1979-715)

RESOLUTION TRANSFERRING  
FUNDS FROM ACCOUNT D-5110-  
230 TO ACCOUNT D-5110-409  
FOR COMMUNICATIONS EQUIPMENT  
REPAIR

Co. Piacentile offered the following resolution:

RESOLVED, that \$1,500.00 be transferred from Account No.  
D 5110-230 to Account No. D 5110-409 for communications equipment  
repair.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1979-716)

RESOLUTION ACCEPTING  
PROPOSALS FROM ORANGE &  
ROCKLAND UTILITIES, INC.  
FOR STREET LIGHTING  
(FRENCHMAN'S CREEK  
SUBDIVISION, NEW CITY,  
NEW YORK

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:

Frenchman's Creek Subdivision

New City

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1979-717)

RESOLUTION AUTHORIZING  
DIRECTOR OF PURCHASING  
TO ADVERTISE FOR BIDS  
FOR SIX 1980 POLICE CARS

Co. Maloney offered the following resolution:

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

SIX (6) - 1980 POLICE CARS

RESOLUTION NO. (1979-717) Continued

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 2:00 P.M. on Monday, October 15, 1979 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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Monthly Reports -- August, 1979 -- from the Office of the Building Inspector and the Board of Appeals received and on file in the Town Clerk's Office.

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RESOLUTION NO. (1979-718)

RESOLUTION CALLING PUBLIC HEARING IN THE MATTER OF THE EXTENSION OF THE CLARKSTOWN CONSOLIDATED WATER SUPPLY DISTRICT NO.1 TO INCLUDE PETER BREGA

Co. Piacentile offered the following resolution:

WHEREAS, a written Petition dated August 30, 1979 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 No. 1 in the said Town, to be bounded and described as follows:

SCHEDULE A

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Clarkstown, County of Rockland, and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point on the south side of Green Avenue at the east end of a curve at the intersection of Green Avenue and Toni Court; thence (1) along south side of Green Avenue N 32° 19' E a distance of 332.36 feet to a point on the south side of Ahearn Avenue; thence (2) along the south and west side of Ahearn Avenue the following courses and distances (3) N 73° 24' 36" E a distance of 152.24 feet to a point; thence (4) on a curve to right having a radius of 25.0 feet and length of curve of 39.10 feet to a point; thence (5) S 16° 58' 24" E a distance of 428.40 feet to a point and land of Valley Cottage School; thence (6) along land of Valley Cottage School S 36° 24' 38" W a distance of 87.47 feet to a point thence (7) still along land of Valley Cottage School S 64° 52' 38" W a distance of 119.29 feet to a point on Antoinette Estates Subdivision; thence (8) along Antoinette Estates Subdivision the following courses and distances (9) N 16° 48' 04" W a distance of 357.47 feet to a point; thence (10) N 57° 41' W a distance of 30.98 feet to a point; thence (11) S 33° 48' W a distance of 241.43 feet to a point on the east side of Toni Court; thence (12) along the east side of Toni

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RESOLUTION NO. (1979- 718) Continued

Court N 57<sup>0</sup> 41' W a distance of 57.0 feet to a point; thence (13) on a curve to the right having a radius of 25.0 feet and a length of curve of 39.27 feet to the point or place of beginning. Containing 2.8 acres of land.

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, on the 17th day of October, 1979, at 8:15 P.M. DST time 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. Holbrook

All voted Aye.

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RESOLUTION NO. (1979-719)

RESOLUTION IN CONNECTION WITH VIOLATION PROCEEDINGS AGAINST RSCA REALTY CORP.

Co. Holbrook offered the following resolution:

WHEREAS, an Order of the Town Board dated July 11, 1979, was directed to RSCA REALTY CORP., 67 Ridge Road, Valley Cottage, New York, to remove the buildings presently existing upon the premises designated on the Clarkstown Tax Map as Map 138, Block H, Lot 23, and to commence cleaning up of all rubbish and debris within thirty (30) days from the date thereof, and

WHEREAS, the said Order required completion of the removal of the buildings and the cleaning up of all rubbish and debris within sixty (60) days from the date of service thereof, and

WHEREAS, said Order was duly served upon RSCA REALTY CORP., on the 12th day of July, 1979, and

WHEREAS, said RSCA REALTY CORP., has failed to comply with same;

NOW, THEREFORE, be it

RESOLVED, that pursuant to Chapter 31 of the Code of the Town of Clarkstown and Section 130, subd. 16d of the Town Law of the State of New York, the Building Inspector of the Town of Clarkstown and JAMES TANNER, Architect, are hereby named to conduct a survey of the premises pursuant to law and to render a report of such survey in writing, and that an agreed appropriate fee be paid, and that RSCA REALTY CORP. be notified in writing by certified mail, return receipt, to appoint either a practical builder, engineer, or architect within forty (40) days of receipt of such Notice to serve as his representative on such survey, and be it

FURTHER RESOLVED, that the said RSCA REALTY CORP., be notified that in the event the buildings or other structures shall be reported unsafe or dangerous in such survey, an application will be made at Special Term of the Supreme Court held in and for the County of Rockland for an Order determining that the buildings or other structures are a public nuisance and directing that they shall be

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RESOLUTION NO. (1979-719) Continued

repaired and secured, or taken down and removed as the Court may determine, and be it

FURTHER RESOLVED, that a copy of this resolution be served on the said RSCA REALTY CORP.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1979-720)

RESOLUTION IN CONNECTION WITH VIOLATION PROCEEDINGS AGAINST DEVELOPMENT ENTERPRISES, INC.

Co. Piacentile offered the following resolution:

WHEREAS, an Order of the Town Board dated July 11, 1979, was directed to DEVELOPMENT ENTERPRISES, INC., 67 Ridge Road, Valley Cottage, New York, to remove the buildings presently existing upon the premises designated on the Clarkstown Tax Map as Map 138, Block H, Lot 18.01, and to commence cleaning up of all rubbish and debris within thirty (30) days from the date thereof, and

WHEREAS, the said Order required completion of the removal of the buildings and the cleaning up of all rubbish and debris within sixty (60) days from the date of service thereof, and

WHEREAS, said Order was duly served upon DEVELOPMENT ENTERPRISES, INC., on the 12th day of July, 1979, and

WHEREAS, said DEVELOPMENT ENTERPRISES, INC., has failed to comply with same;

NOW, THEREFORE, be it

RESOLVED, that pursuant to Chapter 31 of the Code of the Town of Clarkstown and Section 130, subd. 16 d of the Town Law of the State of New York, the Building Inspector of the Town of Clarkstown and JAMES TANNER, Architect, are hereby named to conduct a survey of the premises pursuant to law and to render a report of such survey in writing, and that an agreed appropriate fee be paid, and that DEVELOPMENT ENTERPRISES, INC., be notified in writing by certified mail, return receipt, to appoint either a practical builder, engineer or architect within forty (40) days of receipt of such Notice to serve as his representative on such survey, and be it

FURTHER RESOLVED, that the said DEVELOPMENT ENTERPRISES, INC. be notified that in the event the buildings or other structures shall be reported unsafe or dangerous in such survey, an application will be made at Special Term of the Supreme Court held in and for the County of Rockland for an Order determining that the buildings or other structures are a public nuisance and directing that they shall be repaired and secured, or taken down and removed as the Court may determine, and be it

FURTHER RESOLVED, that a copy of this resolution be served on the said DEVELOPMENT ENTERPRISES, INC.

Seconded by Co. Maloney

All voted Aye.

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AAG406

RESOLUTION NO. (1979-721)

RESOLUTION REGARDING ROADS  
AND RELATED IMPROVEMENTS  
ACCEPTED BY THE TOWN OF  
CLARKSTOWN (TORNE BROOK  
ESTATES)

Co. Longo offered the following resolution:

RESOLVED, that upon the recommendation of the Superintendent of Highways and the Director of the Department of Environmental Control, deed(s) from: THE DELLS, INC., dated January 30, 1978 conveying roads and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of "LOT #1 SUBDIVISION, TORNE BROOK ESTATES, TOWN OF CLARKSTOWN, ROCKLAND COUNTY, NEW YORK," filed in the Rockland County Clerk's Office in Book 92 of Maps at Page 33 as Map No. 4902, as follows:

|                 |     |      |
|-----------------|-----|------|
| TIOGA COURT     | 275 | L.F. |
| SENECA COURT    | 540 | L.F. |
| SANDSTONE TRAIL | 740 | L.F. |

Together with an 8.5 foot road widening strip along the southerly side of South Mountain Road; and easements all as shown on the aforementioned subdivision plat, are hereby accepted by the Town of Clarkstown, provided all requirements of the Town Attorney's Office have been met, and ordered filed in the Rockland County Clerk's Office, and be it

FURTHER RESOLVED, that Maintenance Bonds Nos. 926617 and 926618 dated the 23rd day of May 1979, J.M.K. BUILDING CORP. as Principal and JOHN KNUITSEN, MAGNY KNUITSEN & JOHN KNUITSEN, JR., as Co-Principal and REPUBLIC INSURANCE COMPANY, as Surety, are hereby accepted.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1979-721A)

RESOLUTION AUTHORIZING  
THE SUPERVISOR TO EXECUTE  
AN AGREEMENT IN CONNECTION  
WITH DEDICATION OF ROADS  
(TORNE BROOK ESTATES)

Co. Longo offered the following resolution:

WHEREAS, the Town of Clarkstown is desirous of entering into an agreement with J. M. K. BUILDING CORP., in connection with the dedication of roads and other public improvements in a subdivision known as TORNE BROOK ESTATES, I

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is authorized to execute an agreement with J. M. K. BUILDING CORP., providing for the deposit of \$3,375.00 to be held by the Town, pursuant to the terms of said agreement, pending final and complete improvement of the roads and other public improvements in said development by the developer, subject to final approval of the Department of Environmental Control and/or Superintendent of Highways of the Town of Clarkstown and provided that the requirements of the Town Attorney, if any, are complied with.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1979-722)

RESOLUTION REFERRING  
PETITION FOR SPECIAL  
PERMIT TO OPERATE A  
SPECIAL CARE HOME  
(ABBOTT HOUSE)

Co. Maloney offered the following resolution:

RESOLVED, that the petition of the ABBOTT HOUSE GROUP HOME for a Special Permit for the operation of a Special Care Home pursuant to Section 106.10A of the Town of Clarkstown Zoning Ordinance for property located at 114 West Broadway, Central Nyack, New York, be referred to the Clarkstown Planning Board and the Rockland County Planning Board for report.

Seconded by Co. Piacentile

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1979-723)

RESOLUTION AUTHORIZING  
SUPERINTENDENT OF HIGHWAYS  
TO PERFORM DRAINAGE WORK  
AT VARIOUS LOCATIONS (CHARGE  
TO CAPITAL DRAINAGE ACCT.)

Co. Piacentile offered the following resolution:

WHEREAS, drainage conditions exist at the following locations;

NOW, THEREFORE, be it

RESOLVED, that the Superintendent of Highways is hereby authorized to perform drainage work at the following locations in a sum not to exceed \$6,325.00:

- BESSETT, 44 So. Rockland Avenue, Congers, New York
- TANNONE, Mulberry Road, Valley Cottage, New York
- BUENA VISTA ROAD, New City, New York
- ROUTE 59, between Hutton & Kemmer Avenues, Nanuet, New York
- BIEDERMAN, 41 Brookside Avenue, Valley Cottage, New York
- YARMUS, 28 Hemptor Road, New City, New York

and be it

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

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1979-724)

RESOLUTION AUTHORIZING  
SUPERINTENDENT OF HIGHWAYS  
TO PERFORM DRAINAGE WORK  
(542-D, BRANCHVILLE ROAD,  
VALLEY COTTAGE)

Co. Piacentile offered the following resolution:

WHEREAS, a drainage condition exists at 542-D, Branchville Road, Valley Cottage,

NOW, THEREFORE, be it

AAG406

RESOLUTION NO. (1979-724) Continued

RESOLVED, that the Superintendent of Highways is hereby authorized to perform the necessary drainage work in the amount not to exceed \$1,500.00, and be it

FURTHER RESOLVED, that this amount be taken from the Capital Drainage Account.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1979-725)

RESOLUTION AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL "20 MPH" SIGN AND INTERSECTION SIGN (LAUREN DRIVE, SPRING VALLEY, NEW YORK)

Co. Longo offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install a sign to read "20 MPH" below the curve sign which is at the curve, northbound lane of Pascack Road, just south of Lauren Drive, Spring Valley, and be it

FURTHER RESOLVED, that an intersection sign be installed on the northbound lane just south of Lauren Drive. (Reference: for Mr. Seeger - NYS DOT - MUTCD a W-11-H sign - see section 232.1)

Seconded by Co. Maloney

All voted Aye.

(Please note that Resolution\*726\*has\*been\* inserted following 732)

RESOLUTION NO. (1979-727)

RESOLUTION AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL PEDESTRIAN CROSSWALK (GERMONDS ROAD, NEW CITY)

Co. Longo offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install a pedestrian crosswalk on Germonds Road, New City, from the middle of the church to the West driveway of the rectory. This sign in accordance with the NYS Department of Transportation's Manual of Uniform Traffic Control Devices - Section 234.1 a W 70 sign.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1979-728)

RESOLUTION AUTHORIZING PLANNING BOARD OF THE TOWN OF CLARKSTOWN TO APPLY TOWN LAW, SEC. 281 (JACK FEICK)

Co. Longo offered the following resolution:

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RESOLUTION NO. (1979-728) Continued

WHEREAS, Jack D. Boswell, P.E. has made written application for the use of Town Law, Sec. 281 in connection with subdivision known as JACK FEICK, WEST NYACK, 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 preservation of the natural amenities of the area and the retention capacity of the existing pond by increasing same to hold a 50 year storm run-off from the proposed subdivision.

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. Maloney

All voted Aye.

\* \* \* \* \*

AAG406

RESOLUTION NO. (1979-729)

RESOLUTION AUTHORIZING  
PLANNING BOARD OF THE  
TOWN OF CLARKSTOWN TO  
APPLY TOWN LAW, SEC.  
281 ( STARKE CORNER)

Co. Longo offered the following resolution:

WHEREAS, William Yuda, P.E., has made written application for the use of Town Law, Sec. 281 in connection with subdivision known as STARKE CORNER, 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 reasons of improved road design and drainage;

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. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1979-730)

RESOLUTION AUTHORIZING  
PLANNING BOARD OF THE  
TOWN OF CLARKSTOWN TO  
APPLY TOWN LAW, SEC. 281  
(WOODFERN CONSTRUCTION CO.)

Co. Maloney offered the following resolution:

WHEREAS, Atzl & Scatassa Associates, P.C., has made written application for the use of Town Law, Sec. 281 in connection with subdivision known as WOODFERN CONSTRUCTION COMPANY, AND

RESOLUTION NO. (1979-730) Continued

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 to allow for better design;

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

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1979-731)

RESOLUTION AUTHORIZING  
ADVERTISEMENT FOR BIDS  
(TOR HEIGHTS SUBDIVISION  
LOT NO. 3)

Co. Maloney offered the following resolution:

WHEREAS, the Town of Clarkstown is the owner of a certain parcel of land described on the filed subdivision map of Tor Heights Subdivision as Lot No. 3, and

WHEREAS, the said lot is no longer needed for public use;

NOW, THEREFORE, be it

RESOLVED, that the Town Board be and hereby is authorized to advertise for bids for sale of such parcel subject to:

- A. Easement, covenants and restrictions of record.
- B. Zoning Ordinance of the Town of Clarkstown.
- C. Such state of facts as an accurate survey or personal inspection may reveal; and

that such bids be returnable to the Office of the Supervisor of the Town of Clarkstown, 10 Maple Avenue, New City, New York by 10:00 A.M. on October 27, 1979, and be it

FURTHER RESOLVED, that this resolution be subject to permissive referendum.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1979-732)

RESOLUTION AUTHORIZING  
SUPERVISOR TO ENTER  
INTO CONTRACT WITH  
ATZL & SCATASSA WITH  
REGARD TO BUENA VISTA  
ROAD, NEW CITY, NEW YORK

Co. Longo offered the following resolution:

RESOLUTION NO. (1979-732) Continued

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into a contract with the firm of Atzl & Scatassa Associates, Route 304, Bardonia, New York, for the purpose of preparing survey maps for the acquisition of easements in connection with the extension of the Master Benefited Sewerage Improvement Area No. 2 to include the area of Buena Vista Road, New City, New York and all charges incurred to be charged to Capital Fund MBSIA No. 2.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

Please note the following resolution is not in proper sequence)  
RESOLUTION NO. (1979-726)

RESOLUTION AUTHORIZING  
SUPERINTENDENT TO INSTALL  
VARIOUS TRAFFIC SIGNS  
AND LIGHTS TO CORRECT  
TRAFFIC SITUATION AT  
VARIOUS LOCATIONS

AAG406

Co. Longo offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install the following to remedy the traffic situation on New City/Congers Road, Congers:

- 1. "No Left Turn" sign on New City/Congers Road into Garrett Avenue, Congers.
- 2. "No Left Turn" sign on Garrett Avenue onto New City/Congers Road.
- 3. Signs to read, "Town Speed Limit 30 MPH" to be installed  
Easterly - one on the Southside of New City/Congers Road just east of Lake DeForest  
- one on the Southside of New City/Congers Road approximately 150 feet West of Garret Avenue, Congers.  
Westerly - one to be erected on the Northside of New City/Congers Road approximately 150 feet West of Old Haverstraw Road.  
- one on the North side of New City/Congers Road in between Pine Avenue and Chauncy Street.
- 4. No Passing Zone from Kings Highway westerly to Cairnsmuir Lane, New City.
- 5. Installation of overhead flashing light at the intersection of Garrett Avenue and New City/Congers Road - yellow flashing on New City/Congers Road - red flashing on Garrett Avenue.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1979-733)

RESOLUTION DECLARING  
ESCROWS IN DEFAULT  
(MONTCLAIR HEIGHTS)

Co. Piacentile offered the following resolution:

WHEREAS, the streets and other public improvements, in a subdivision known as Montclair Heights have not been completed, and

WHEREAS, the Town of Clarkstown is holding money in escrow to guaranty the completion of said streets and public improvements;

RESOLUTION NO. (1979-733) Contined

NOW, THEREFORE, be it

RESOLVED, that said sums to complete the streets and other public improvements are hereby defaulted to the Town of Clarkstown, and be it

FURTHER RESOLVED, that the Town of Clarkstown will use the aforesaid escrow funds to complete the streets and public improvements in said subdivision and the funds be transferred to the Highway Fund for that purpose.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1979-734)

RESOLUTION AUTHORIZING SUPERVISOR TO ENTER INTO A COOPERATION AGREEMENT WITH COUNTY OF ROCKLAND WITH REGARD TO COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

Co. Holbrook offered the following resolution:

WHEREAS, it is recognized that participation by the County of Rockland in the Community Development Program requires the cooperation of various municipalities in order to meet the requisite population level, and

WHEREAS, the Town of Clarkstown has been requested to enter into a Cooperation Agreement with the County of Rockland in order to ensure the county's and town's eligibility for Community Development Block Grant Funds as an urban county:

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into a Cooperation Agreement with the County of Rockland in a form satisfactory to the Town Attorney for a period not exceeding one year, DURING THE 1980 PROGRAM YEAR ONLY; and be it

FURTHER RESOLVED, that the letter of September 25, 1979 from the Chairman of the County Legislature to the Supervisor of the Town of Clarkstown and alternative #1 specifically be incorporated herein by reference.

Seconded by Co. Longo

All voted Aye

\* \* \* \* \*

(Letterhead of the Legislature of Rockland County)

"September 25, 1979

Honorable George Gerber, Supervisor  
10 Maple Avenue  
New City, New York 10956

Re: Allocation of 1980 Community Development Funds

Dear Mr. Gerber:

As per your discussion of September 24, 1979 with Messrs. Chase and Kurtz, please be advised that I am fully prepared to support, and have been assured of the support of Messrs. Chase and Kurtz, the modification of the proposed 1980 distribution of Community Development activities so as to include:

See 3 Alternative Inserts

We are also prepared to support the proposed application modification with HUD officials.

We hope the above clarifies our position in this matter. We look forward to your support of the 1980 program, and the Town Board approval of this Cooperative Agreement by the October 1 deadline.

Very truly yours,

Sam Colman, Chairman  
Rockland County Legislature

SC:mv

\* \* \* \* \*

Alternative #1

An additional \$100,000 for County Wide Housing Rehabilitation program to a total grant of \$350,000 with the understanding that approximately 25 to 33% of these funds can be used in the Town of Clarkstown by private home owners requesting its use, and an additional \$15,000 to the JAWANIO run program for a total grant of \$35,000 for the removal of household barriers for the handicapped.

Alternative #2

To include a County Wide fund of \$250,000 of which 25 to 33% can be used for Public Improvement Districts in which qualified areas of Clarkstown could benefit from drainage, sidewalks, road reconstruction and similar public improvements as determined by the Town.

Alternative #3

To set up Town Benefit Category including a \$100,000 allocation to Clarkstown for use of any eligible activity.

\* \* \* \* \*

There being no one wishing to be heard and no further business to come before the Board, Town Board Meeting was closed by Supervisor Gerber, time: 12:35 A.M.

Respectfully submitted,

*Patricia Sheridan*  
PATRICIA SHERIDAN,  
Town Clerk

AAG406

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

9/26/79

8:33 P.M.

Present: Co. Holbrook, Longo, Maloney, Piacentile  
Supervisor Gerber  
Phillip Fogel, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

RE: ROAD IMPROVEMENT - SOUTH HARRISON AVENUE, CONGERS, NEW YORK

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

Supervisor Gerber said that cards had been sent to the individual home owners giving information as to how the improvements would be made. They would have the option to pay in one lump sum or to pay over a period of 14 years. They could exercise that option to pay in one year or have added to their taxes 1/14th of the cost plus interest. The purpose of the meeting here tonight was to allow everyone to have the opportunity to express their opinion and the Town Board would reserve decision after the hearing.

Supervisor Gerber asked if there was anyone wishing to be heard in favor of the proposed road improvement.

NO ONE APPEARED

Supervisor Gerber asked if there was anyone wishing to be heard in opposition to the proposed road improvement.

OPPOSED:

APPEARANCE:

Patrick Finnegan, Esq.  
Brucker, Manley & Finnegan  
21-23 North Broadway  
Nyack, New York 10960

Mr. Finnegan was representing Mr. and Mrs. Richard Gardineer of 193 South Harrison Avenue, Congers, New York. He said he has been unable to find out if his client is in the road improvement district. It would appear that his clients are being asked to bear the greatest amount of the cost. Bard Rock Corporation made application for three lots to front on South Harrison Avenue using 280A of the Town Law. The lots were not on an improved road. It was a mapped road but not paved. It was the understanding at that time that Bard Rock was to improve the road. When the deed was filed with the County Clerk it noted that it was paved according to Town specifications. In 1977 the Superintendent of Highways said that the road was approved and the Building Inspector issued certificates of occupancy.

The original contract between Bard Rock and Mr. and Mrs. Gardineer called for an easement for ingress and egress on to a public highway. The original contract stated that there would be no charge for public improvements and there would be no future charges for public improvements. Why should Mr. Gardineer now be required to pay for the improvement since the Superintendent of Highways approved the road.

Performance bonds were filed by Bard Rock Corporation. Mr. Finnegan said that he had discussed with his clients the possibility of bringing a first class action against Bard Rock Corporation and the

CONTINUED ON NEXT PAGE

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Town of Clarkstown and that he would be available as counsel for Mr. and Mrs. Gardineer to discuss this situation with the Town counsel.

APPEARANCE: Mr. Phil Stevenson  
183 South Congers Road  
Congers, New York

Mr. Stevenson said that he never received any literature and he wanted to know what it would cost him as opposed to those who have driveways on South Harrison Avenue.

The Supervisor explained that the law says it must be calculated on frontage but those who have driveways on to South Harrison Avenue would pay 60% as opposed to 40%. After all this information is gathered at this public hearing the concerned parties will receive another card asking them if they are in favor. The proposed cost of the improvement is \$42,500.00.

Mr. Stevenson asked if South Harrison Avenue was a private road and the Supervisor said "Yes." He also added that that was the purpose of this hearing here tonight.

Mr. Stevenson wanted to know what happened to the barrier at the end of the road and the Supervisor explained that as homes were built the road was extended.

APPEARANCE: Mr. Jack Fontana  
163 South Harrison Avenue  
Congers, New York

Mr. Fontana asked if the Town had declared the road a legal road. It was explained that that will happen only after the road district is created and only if the Town approves it.

It was noted that a card was sent to the residents on June 13, 1979 by the Town Attorney's office. The Supervisor said that the purpose of the cards was to try and get the feeling of the people. It is by request of the people that this public hearing is being held tonight and that the Town Board was trying to get the sentiment of the people.

Mr. Fontana said that the builder ruined the road when he built the houses. The Supervisor said that if Mr. Fontana had bought a parcel of land he could petition the Town Board to build. It just so happened that the last three lots that were available on the land were at the end of the road. The last one in has the same rights as the first one in.

Mr. Fontana said that South Harrison Avenue should be paved and paid for by the Town.

Supervisor Gerber said that the Department of Audit and Control had been contacted and that it is not possible or legal for the Town to pave this street.

Mr. Fontana mentioned that there was a promise that the barrier would be put back. The Supervisor said that there had been no promise by the Town Board. At this point Councilman Holbrook said that when he and Councilman Longo met with the residents it was discussed but that subsequent inquiry showed that the barrier would cause problems and hazards for fire and emergency vehicles.

CONTINUED ON NEXT PAGE

APPEARANCE: Mr. Wesley Wertheimer  
157 South Conger Avenue  
Congers, New York

Mr. Wertheimer said he was seventy-two years old and retired. He stated that most of the people on South Conger Avenue have lived there for twenty years. He said we have no use for that road; we will get no benefit from that road. He felt that it would be unjust to be assessed for the road. He felt that the people on South Conger Avenue would not benefit from the road but that the people on South Harrison Avenue would. They had their houses built more cheaply because there was no road. We paid more for our houses because we had a good road. The Town must help us, he stated. He wanted the cost spread out over the whole Town. He asked the Town Board for justice.

APPEARANCE: Mr. Robert Strong  
173 South Conger Avenue  
Congers, New York

Mr. Strong said that the back of his house faces on to South Harrison Avenue and he never uses that road. He feels that since the Town opened the road, the Town is responsible and should pave the road.

APPEARANCE: Mr. Ozzie VanRonn  
165 South Conger Road  
Congers, New York

Mr. VanRonn said he received two cards regarding the road and he wanted to know the results from the cards that were sent out. The Supervisor said that the card that was sent in January 1979 showed that 750 feet was represented as a "Yes" vote and 715 feet as a "No" vote. The card that was sent out in June 1979 showed 645 feet "Yes" and 1580 feet "No."

Mr. VanRonn said that Mr. Fontana had polled the residents and only 8 wanted it and that since he gets no benefit from it he does not feel he should pay 40% or any amount for it.

APPEARANCE: Mr. Dennis B. Slattery  
155 South Harrison Avenue  
Congers, New York

Mr. Slattery said that the new homes made the street a through street and ruined the road. He said he could have gone in from Third Street because it is a designated road. Instead the builder used our street and ruined it. He said that the road should be closed and the barrier put back.

Supervisor Gerber explained that there is no other legal way to improve this road and that the road improvement is a voluntary thing. Certain people said they wanted the road improved and wanted Town services but that the Town Board was not imposing the road on the residents and was just following the law, New York State law and not Town of Clarkstown law.

Councilman Holbrook said that he had been bombarded by people who wanted this and by people who did not want this. That is why we are having this public hearing. We are asking you, the people, what you want to do. No Town Board would try to force a road improvement. This is the only legal way.

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APPEARANCE:

Mr. Joe Brogan  
160 South Harrison Avenue  
Congers, New York

Mr. Brogan said he had just bought the house and he could not bear the cost of improving the road. He said to change the law.

APPEARANCE:

Mrs. Anne Colantuoni  
160 South Conger Avenue  
Congers, New York

She asked "What is 280-a?" Mr. Fogel said that 280-a is a way to permit a person to build on a parcel using a road with less than a 50 foot right of way. The Supervisor said it also allows restrictions and covenants to be placed on the builder.

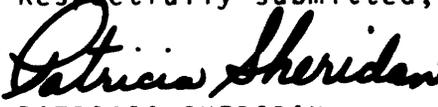
Mrs. Colantuoni said "Where did they come up with a 60-40%?" Supervisor Gerber said that that was the formula that had been used on South Grant but that the formula could be changed. It could be 70-30 but that when we reduce the cost for you it goes up for someone else; but percentage is not a hard and fast rule.

APPEARANCE:

Mrs. Emma Murphy  
170 South Conger Avenue  
Congers, New York

Mrs. Murphy stated that she was opposed.

There being no one else wishing to be heard the Public Hearing was closed on motion of Councilman Maloney, seconded by Councilman Longo and unanimously adopted, DECISION RESERVED, time: 9:34 P.M.

Respectfully submitted,  
  
PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

9/26/79

9:55 P.M.

Present: Co. Holbrook, Longo, Maloney, Piacentile  
Supervisor Gerber  
Phillip Fogel, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

RE: PETITION FOR CHANGE OF ZONE APPLICATION - R-22 DISTRICT TO M  
OR LIO DISTRICT - KOHL INDUSTRIAL PARK, NANUET, NEW YORK

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

Supervisor Gerber read the following correspondence:

(Letterhead of Rockland County Planning Board)

"July 9, 1979

Clarkstown Town Board  
Town Hall  
New City, New York 10956

Re: GENERAL MUNICIPAL LAW (GML) REVIEW:  
239(k) \_\_\_\_\_ 239(l&m) XXX 239(n) \_\_\_\_\_

Item: KOHL INDUSTRIAL PARK (C-865) Map dated Survey 5/31/79

The Rockland County Planning Board reviewed the above item at its July 5, 1979 meeting and

\*approves \_\_\_\_\_ \*\*approves subject to conditions below XXX  
\*\*\*disapproves \_\_\_\_\_ requests extension of time \_\_\_\_\_

Modifications and Conditions:

1. Buffer Zone of 50 feet minimum along Smith Road.
2. Subject to findings of Rockland County Highway Department.
3. All oil storage facilities to be located underground.
4. Subject to findings of Rockland County Soil and Water Conservation District.

cc: Supervisor Gerber  
Mr. Lombardi, member, RCPB  
Clarkstown Planning Board  
Clarkstown Town Attorney

Very truly yours,

Rockland County Planning Board

By /s/ Aaron D. Fried  
Aaron D. Fried, Planning Director

- \*The proposed action is deemed by the Board to have no significant negative impact on nearby municipalities, County or State roads or facilities and, therefore, the action is for local determination. Approval does not necessarily mean the Board endorses the subject action as desirable from the viewpoint of your municipality.
- \*\*The GML requires a vote of "two-thirds" of all the members" or "majority plus one" of your agency to act contrary to the above findings."

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(Letterhead of the Clarkstown Planning Board)

"September 4, 1979

The Honorable Town Board  
Town of Clarkstown  
10 Maple Avenue  
New City, New York 10956

TOWN BOARD REFERRAL: ZONE CHANGE REQUEST  
R-22 TO LIO: KOHL INDUSTRIAL PARK,  
164A1 & 2, SPRING VALLEY SECTION

Gentlemen:

The above matter was discussed at several Planning Board meetings. At the meeting of August 14, 1979, applicant's attorney advised that the request for a change of zone to M was to be withdrawn; therefore this letter is in response to the change of zone to LIO.

At the Planning Board meeting of August 28, 1979, motion of Paris, second of Yacyshyn, carried 5:0 with Ayes of Paikin, Fallon and Howell, approving the following...

RECOMMENDATION TO THE HONORABLE TOWN BOARD: The Planning Board has examined the above petition in relation to the Town Development Plan, the topography, and in particular its relationship to the surrounding area and recommends that the petition for change of zone to LIO be granted.

In accordance with the statutory requirements of the Zoning Ordinance, the Planning Board makes the following determination:

- a) the uses permitted by the proposed change would be appropriate, as area is located between two large areas zoned LIO;
- b) public services do exist or can be created to serve the needs of additional industrial buildings;
- c) the proposed change would be in accord with proposed plans for providing public water and sanitary sewers;
- d) there are approx. 100 acres in the vicinity zoned LIO; this proposed change would bring the area into conformity with what exists;
- e) one new light industrial building has been developed on the airport property in the proposed district;
- f) we do not see any adverse effect upon the growth of the existing community as envisaged by the comprehensive plan;
- g) the proposed change would have little effect on the total residential or industrial capacity of the Town;

Further to the above and to bring the remaining area into conformity with what exists, it is respectfully recommended that, if the foregoing zone change is made, and, as a separate action, that...

Parcels 164A4, 164A4.01 and 164A4.02, presently zoned R-22, be considered by the Honorable Town Board for a similar change of zone to LIO.

Very truly yours,

Jerome Paikin,  
Chairman

cc: Town Attorney  
Town Clerk

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Robert Granik, Esq. appeared as attorney for Kohl Industrial Park and Robert Bihari.

Mr. Granik said that these parcels were the only parcels not zoned L10 in the area. Everything around it is zoned L10 and he believes it was an oversight that when the petition for "M" was withdrawn it should then have really gone under L10.

Supervisor Gerber asked if there was anyone wishing to be heard in favor of the zone change.

IN FAVOR: NO ONE APPEARED.

Supervisor Gerber asked if there was anyone wishing to be heard against the zone change.

OPPOSED:

APPEARANCE: Mr. William Schneider  
5 Vailshire Circle  
Nanuet, New York

Mr. Schneider wanted to know what industry would be going into this area and what would be the impact on the flow of traffic. Supervisor Gerber said that there was no specific use and no purchasers at this time. We are not talking about anything but the change of zone. Before anything could go in there they would have to appear before the Planning Board, the Traffic Advisory Board, etc.

APPEARANCE: Mr. Albert Blau  
19 Vailshire Circle  
Nanuet, New York

Mr. Blau wanted to know what the purpose would be in changing the zoning if there was no purchaser. Supervisor Gerber said that all of the land around it is zoned L10 and this would bring this parcel into conformity.

APPEARANCE: Mr. Henry Bogin  
6 Vailshire Circle  
Nanuet, New York

Mr. Bogin said that he did not feel that industry will enhance our property and the roads could not handle the traffic.

Mr. Robert Granik spoke in rebuttal. He explained that he was not asking for a change of zone for the area across from the homes on Vailshire Circle. The areas that they can see with the trees and the brook are already zoned L10. The parcels that he is requesting a change of zoning to L10 for already have a commercial usage through a special permit. The purpose of this change is to tie the area all together with the same zoning.

As far as the road, there are plans to improve Smith Road which he was sure the Supervisor would explain. Presently the owners of these parcels are being assessed at \$40,000.00 which is unfair.

Mr. Gerber reiterated that this change of zoning would in no way affect the area and its use.

There being no one further wishing to be heard, Public Hearing was closed on motion of Councilman Holbrook, seconded by Councilman Maloney, and unanimously adopted, DECISION RESERVED, time: 10:20 P.M.

Respectfully submitted,

*Patricia Sheridan*  
PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

9/26/79

10:20 P.M.

Present: Co. Holbrook, Longo, Maloney, Piacentile  
Supervisor Gerber  
Phillip Fogel, Deputy Town Attorney  
Patricia Sheridan, Town Clerk

RE: PETITION FOR CHANGE OF ZONE APPLICATION - R-40 DISTRICT TO R-22  
DISTRICT - SOUTH OF THE MOUNTAIN INVESTORS, LTD., NEW CITY, NEW YORK

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

Supervisor Gerber read the following correspondence:

(Rockland County Planning Board Letterhead)

"June 19, 1979

Clarkstown Town Board  
Town Hall  
New City, New York 10956

Re: GENERAL MUNICIPAL LAW (GML) REVIEW:  
239(k) \_\_\_\_\_ 239(l&m) XXX 239(n) \_\_\_\_\_

Item: South of the Mountain Investors, Map dated \_\_\_\_\_  
Ltd., Zone Change R-40 to R-22 (C-859)

The Rockland County Planning Board reviewed the above item at its June 14, 1979 meeting and

\*approves \_\_\_\_\_ \*\*approves subject to conditions below \_\_\_\_\_  
\*\*\*disapproves XXX requests extension of time \_\_\_\_\_

Modifications and Conditions:

1. The Rockland County Land Use Plan shows this area as low density (one acre or less) and is therefore not in conformity to rezone to R-22.
2. Recommend using Town Law 281 with the current zoning (R-40) so as not to disturb the wetlands area.

cc: Clarkstown Planning Board  
Supervisor Gerber  
Mr. Mack, RCSWCD  
Mr. Hornik, Supt., RCHD  
Mr. Lombardi, member, RCPB

Very truly yours,

Rockland County Planning Board

By /s/ Jim Cymore  
Jim Cymore, Planner

- \*The proposed action is deemed by the Board to have no significant negative impact on nearby municipalities, County or State roads or facilities and, therefore, the action is for local determination. Approval does not necessarily mean the Board endorses the subject action as desirable from the viewpoint of your municipality.
- \*\*The GML requires a vote of "two-thirds of all the members" or "majority plus one" of your agency to act contrary to the above findings."

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(Letterhead of Clarkstown Planning Board)

"July 26, 1979

The Honorable Town Board  
Town of Clarkstown  
10 Maple Avenue  
New City, New York 10956

TOWN BOARD REFERRAL: ZONE CHANGE REQUEST  
R-40 TO R-22, SOUTH OF THE MOUNTAIN INVESTORS  
LTD. 43E8 NEW CITY (Approx. 60 acres to E. side  
Little Tor Road, S. side South Mountain Road)

Gentlemen:

The above matter was discussed at length at the Planning Board meeting of July 10, 1979. All Members were in agreement that the natural features of the site be preserved, as well as conformity with the Town's Comprehensive Plan.

Motion of Paris, second of Thormann, carried 7:0 with Ayes of Howell, Fallon, Nowicki, Yacyshyn and Paikin, approving the following...

RECOMMENDATION TO THE HONORABLE TOWN BOARD: The Planning Board has examined this petition in relation to the surrounding area, the topography of the site, the Town Development Plan and the statutory requirements and finds that the petition should be denied. The present zoning of the area is adequate, taking into account the wet areas, the lakes and excessive slopes.

In accordance with the statutory requirements of Section 106-32B of the Zoning Ordinance, the Planning Board makes the following determinations, as applicable.

- a) the uses permitted by the proposed change would not be appropriate in the area,
- b) there are special circumstances which makes a substantial part of this land unavailable for development,
- c) the recent rate at which land is being developed in the proposed district of the Town, and particularly in the vicinity, proposed no urgency for an increase in land density,
- d) the proposed increase in density would add to the erosion of principles of the Town's Comprehensive Plan,
- e) Other areas designated for similar development are likely to request similar amendments in this area.

We attach copy of report from the firm of Raymond, Parish, Pine and Weiner for your information and guidance.

Very truly yours,

/s/ Jerome Paikin,  
Chairman

cc: Town Attorney  
Town Clerk "

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(letterhead of Raymond, Parish, Pine & Weiner, Inc.)

"July 6, 1979

Memo to: Clarkstown Planning Board  
From: Robert Geneslaw  
Subject: Town Board Referral: Zone Change Request R-40 to R-22:  
South of the Mountain Investors Ltd., 43E8, New City  
(also known as the Roberts Farm)

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#### INTRODUCTION:

The applicant requests a change in zone from R-40 to R-22, offering to accept a limit on the number of lots that could be built, for a 60 acre parcel on the northern end of Little Tor Road. According to the applicant, development under R-40 zoning would result in a lot yield of 56 homes, while the applicant requests 64 lots under the R-22 zoning, much less than R-22 would yield if the R-40 yield is 56 lots.

The property has several important features: a steep gorge along the eastern boundary; a wet, poorly drained area along a stream near the northern boundary, and a historic house along Little Tor Road.

#### EXISTING LAND USE & ZONING

The major part of the subject parcel is zoned R-40, with a small section zoned R-22. The property has a historic stone building and several outbuildings on it, as well as the foundation and stone remains of several buildings on the eastern edge of the property.

To the east the property is bounded by the end of Lake Lucille and the Lochhaven Subdivision. The homes around Lake Lucille, except for those of Lochhaven, range in size and age, and are in an area zoned R-15. The Lake Lucille area is a distinct enclave, centered around the eastern side of the lake. Lochhaven is more characteristic of recent development, although it is not a new subdivision, and is zoned R-22. Very few of the homes in Lochhaven are visible from the Roberts Farm, as the gorge separates the two properties.

The neighbors on the south are a single family home on Little Tor Road, and the Dells Subdivision, including a sewage treatment plant. The Dells, another single family subdivision, is zoned R-22.

Across Little Tor Road to the west is the Tor Heights Subdivision, which was built in an area zoned R-40 and R-22. The R-22 zone was to the south, with the R-40 zone opposite the subject property.

When a larger area is examined the zoning pattern begins to relate better to the north New City area. The R-22 zone has its northern limits with Lochhaven and the Dells, and extends along Little Tor Road to the south below Phillips Hill Road. The R-22 zone is 500 feet deep along the west side of Little Tor Road and 1,000 to 1,200 feet deep along the east side. Beyond, on both sides, are areas of R-40 zoning.

The R-40 zoning of the subject extends to South Mountain Road on the north. Beyond, and to the west of Tor Heights, all land areas are zoned R-80.

To summarize the area immediately surrounding the subject on the west, south and east is primarily single family subdivision development. On the north the area is largely undeveloped on and near South Mountain Road.

### NATURAL FEATURES

The primary natural features of the site are the stone gorge on the eastern boundary and the stream and adjoining area running west to east to Lake Lucille. Both of these areas should be protected from development. In addition, there is an old red rock quarry in the southeastern corner of the property which should be avoided. Much of the balance of the site is wooded, with a meadow in the south central part of the property, probably an area that was farmed at one time.

The highest elevations on the property are at the southern edge, at the center of the site, with an elevation of 228. The high point along Little Tor Road at the south end of the property is about 190. The site slopes generally downward in a northerly and easterly direction, reaching an elevation of about 120 at the beginning of Lake Lucille, then peaking at about 170 at a point at South Mountain Road. The gorge, to the south of the farm, along Lochhaven, has been kept from development, although homes are visible.

### SITE STRUCTURES

The most important structures on the site is the Roberts farmhouse, one of the oldest buildings in North Clarkstown. It is believed to have been built in the first half of the eighteenth century, and has been in the hands of only two families, Coe and Roberts. The red stone used in the original construction came from the quarry on the site. The house has been designated as an historic house by the Town Board. There are also several outbuildings in various states of repair near the farmhouse, and the remains of several structures just north of the quarry.

### TRAFFIC

The petition indicates that 56 one family homes could be built on the property, and requests a change of zone to allow 64 homes. The addition of the traffic generated by either number will not significantly affect Little Tor Road, which will serve as access for most of the homes. A few, perhaps 8-10, are likely to be served by South Mountain Road. This, too, is not likely to be a problem in terms of number of vehicles.

Also of importance is the location of access points for road connections to Little Tor Road. The absence of horizontal curves on this section of Little Tor suggests that the provision of access will not be difficult.

### TOWN DEVELOPMENT PLAN

The 1966 Town Development Plan showed the property as low density residential (not more than one family per acre) and showed the gorge and stream as proposed parks and drainage ways. The representation on the 1971 Plan was similar.

### CONCLUSION

The physical characteristics of this property are unusual and set it apart from many other properties in the Town. Based on our own field investigation, as well as the reviews and comments of other agencies, it is clear that the natural features of the site be preserved to the maximum extent possible.

We strongly recommend that the gorge, the old quarry, the stream, and the original farmhouse be retained and protected. The Soil Conservation Service has recommended protection of the gorge and stream. The Historic Review Board has recommended protection of the house. We believe that it would be desirable to protect the remaining outbuildings where possible.

Assuming that the property can be subdivided into 56 lots, as claimed by the applicant, the addition of 8 lots is not likely to materially affect the way the property can be developed, and is not likely to be observable to any but the most experienced observer. It is true that the granting of a change to R-22, even with such a limitation, will appear on the zoning map and perhaps give hope to other property owners. However, the effect on the site is not likely to be significant.

If the features described above can be adequately protected, we would not object to the requested change of zone.

Submitted by:

RAYMOND, PARISH, PINE & WEINER, INC.

/s/ Robert Geneslaw

Robert Geneslaw  
Planning Consultant

RG/dsg"

Herschel Greenbaum, Esq., appeared as attorney for the petitioner. He said that this was a parcel of 60 and one half acres. He discussed the surrounding area and zoning and said that the zoning map will show that the boundary is now undefined. They could develop 56 lots under the standard zoning and that the change will give them only 8 extra lots. He wanted it noted that there was an 18th century Dutch farmhouse on the property and two acres already allocated. A portion of the property can be retained in its natural state. He disagrees with the Planning Board in that there are no large parcels here which could be developed. If the property were developed in a standard lay-out the average density using Section 281 would be less than 40,000 square feet. By requesting R-22 no lots will be less than 22,000 square feet.

He stated that Lake Lucille needs improvement and the builder is willing to grant the Town the right to dredge Lake Lucille and do whatever corrective work is necessary. This request is not contrary to the zoning in the area.

Supervisor Gerber asked is there was anyone wishing to be heard in favor of the proposed zone change.

IN FAVOR: NO ONE APPEARED.

Supervisor Gerber then asked if there was anyone wishing to be heard in opposition to the proposed zone change.

IN OPPOSITION:

APPEARANCE: Mrs. Phyllis Flick  
33 The Promenade  
New City, New York 10956

Mrs. Flick represented the Charter Oaks Civic Association. She was in opposition to the zone change because she felt it was against the present zoning and they wished to preserve the environment.

APPEARANCE: Mrs. Francine DeLarossa  
32 The Promenade  
New City, New York 10956

Mrs. DeLarossa said she did not feel the schools could handle the additional students. We are trying to keep the budget down and it costs approximately \$3,000.00 to educate a child in our school system.

APPEARANCE: Mr. Joel Sankel  
9 Dunmore Road  
New City, New York 10956

Mr. Sankel is the president of the Dellwood Park Civic Association and stated that the New City Coordinating Council was opposed to a zone change. They had worked for many years to bring order to the Clarkstown planning map. He stated that adjacent to the area is R-22 zoning which is Dellwood Park and that we were originally zoned one acre and the Board reduced it to one-half acre. He felt that that was not a service to the residents who bought there.

He said that the new development, if it was hooked into the sewers, could cause problems with the sewers, pumping stations and a drain on the electrical system. What is being offered is not going to provide for the improvement of the quality of life in New City.

APPEARANCE: Mr. Samuel Gordon  
34 Woodhaven Drive  
New City, New York 10956

Mr. Gordon said he is opposed to the zone change and that the zoning as it presently is is the way he wants it. Builders should not get special privileges. He felt that the builder's offers to dredge Lake Lucille are a legal bribe because they only wanted to do that if they got their zone change. He felt they should make the land and the Lake available whether the zone change is approved or not.

APPEARANCE: Mr. Martus Granirer  
100 South Mountain Road  
New City, New York 10956

Mr. Granirer stated that he is the President of the West Branch Conservation Association. He said he questioned there being 60-1/2 acres. He said that the map on file as he sees it is 57.1 acres. While he is asking for eight extra lots what it will really total out to will be 64 lots and since there was never a standard map presented he does not understand why he says it is eight lots over standard since no one has ever seen a standard map.

The areas that can be built on would be very restrictive as to where they can build and the houses would be very close together. Mr. Granirer had in his possession a flood hazard boundary map that showed two-thirds of the area being applied for are actually in a flood zone. This means that no one would be able to get an FHA loan to build a house because it would not be approved. Because of the two-thirds area being in the flood zone the builder could only build on one-third of the land area.

He wants to put 64 lots on one-third of 64 acres. He did not think that it is better to have Lake Lucille public rather than private and that the man is entitled to build under the present zoning and that is what should be built.

Granting the builder the extra lots would only mean that there would be two extra children in the school from each of these homes and it would wind up costing us \$160,000.00 for school expenses.

The Town Board should not compromise all the work that has been done to keep this area lovely.

APPEARANCE: Mr. William Fikis  
10 Hillman Road  
New City, New York 10956

Mr. Fikis stated that his home abuts the parcel of land in question and that this request was getting away from the master plan. The area is a flood area. This flood area cannot be built on which means that the safe area would be next to his property and he would wind up having heavy density next to him. Where will the sewerage go? It will place a drain on the existing facilities. He wants it noted that he is totally opposed to the zone change.

APPEARANCE: Mr. Carl Engler  
263 South Mountain Road  
New City, New York 10956

Mr. Engler stated that he had just moved here in July from Staten Island because he was enchanted with the area on South Mountain Road; the trees and the woodlife are so beautiful and he cannot understand how the zoning was reduced down as far as it was. South Mountain Road is one of the values in Clarkstown and once it is gone it is gone forever.

APPEARANCE: Mrs. Benowitz  
73 Culver Drive  
New City, New York 10956

Mrs. Benowitz said that they fought to preserve the one acre zoning not to make a deal with the builder. She has a child attending the Woodglen School and they have to share text books. This change of zoning would be hardship to the people in the area.

APPEARANCE: Mr. MacDonald Deming  
251 South Mountain Road  
New City, New York 10956

Mr. Deming stated that he has lived on South Mountain Road all of his life and his property is abutting the parcel in question. He believed in ripple zoning where there should be greater density at the center and at the outskirts they should retain the rural quality of the area.

APPEARANCE: Mrs. Ruth Webb  
36 Milsom Drive  
New City, New York 10956

Mrs. Webb lives on Lake Lucille and she is opposed to the zone change because there is great beauty. She feels the woodland would be destroyed. There should be no more homes built there than is absolutely necessary.

APPEARANCE: Mr. Walter Fleisher  
Buena Vista Drive  
New City, New York 10956

Mr. Fleisher stated that the land to the east is R-15. To the South is R-22, which is the Dells. There were 120 acres that were given as a gamble so that the balance could be developed as L0. He felt it was time to stop using the Dells as a criteria for a zone change because when they went to court and won their lawsuit they had an L0 zoning returned to R-40 zoning.

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Mr. Greenbaum spoke in rebuttal. He wanted the report of the Town Planning Board put into the record. He said that the County Planning Board had recommended use of Town Law 281 which would result in average density usage. This would provide lots of less than 40,000 square feet. There are no large parcels available for development.

To say if this zone change is granted, others will ask is not sufficient or valid reason to deny this request. The size of the parcel is 60.5 acres and the request is for 8 extra lots over the standard lay-out. They would have to go with their plan to the Planning Board to obtain site approval.

With regard to the flood map which Mr. Grenirer was speaking about he had never seen the map so therefore he cannot challenge the validity of it. In order to build he would have to have the approval of the DEC and various other agencies in the Town which have expertise in this area.

There being no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilman Holbrook and unanimously adopted, the Public Hearing was closed, DECISION RESERVED, time: 11:10 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,  
Town Clerk