

PUBLIC HEARING
3/6/68

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Present: Councilmen Brenner, Bolander, Damiani, Frohling, Supervisor
Mundt
Town Attorney
First Deputy Town Attorney
Deputy Town Attorney
Deputy Town Attorney in charge of special districts
Town Clerk

RE: SPECIAL PERMIT APPLICATION - GASOLINE FILLING STATION - SEARS &
ROEBUCK COMPANY: (PROPERTY LOCATED WEST SIDE MAIN ST., MANUET:)

Supervisor Mundt declared public hearing in session. Town Clerk read notice of public hearing.

The following recommendations were made by Planning Boards:

COUNTY: Proposed gas station would probably not be detrimental to Routes 59 & 304.

CLARKSTOWN: Grant for following reasons:

1. Integral part of overall shopping center design and operation,
2. Design not related to Route 59, being designed to service the complex itself (no provision exists for in-out access from Route 59)
3. Traffic flow is from Sears private "peripheral street."
4. Activity is segregated in a "a little pocket all its own".
5. Sale of gasoline is a secondary activity to that of a retail supply store with counters and fixtures.

Re Site Layout Review: Clarkstown Planning Board also recommends that the granting of special permit should be subject to fulfillment of all technical requirements of site layout review (map at a large enough scale) detail study.

Attorney for petitioner testified as to proper posting of notice of public hearings; also notification of hearings to 80 property owners located 500' from site in question. Letters from light, water and fire companies presented stating that coverage of services satisfactory. (Filed in Town Clerk's Office.)

Property located south side of Route 59; west of Route 59; where Sears Complex already approved by Clarkstown Planning Board. 48,000 square feet building will be erected; 5,000 rental space; 43,000 storage space - in conjunction with same, pumps.

WITNESS I: (Sworn in by Supervisor)

John J. Noto, 375 So. Middletown Rd., Manuet: Real Estate appraiser and broker since 1956. Inspected property in question; general character of area - RS. To the west - drive - in services, highway cleaners; golf range, etc. To the east, services similar; including diner, hamburger stand and shopping area, used car lot, bank, Korvette City. Along South Middletown Rd.; dwellings which have been converted to shops and offices.

Granting would not impair public health, safety and other aspects of the general welfare of the town. Will comply with all other regulations applicable to such use.

WITNESS II: (Sworn in by Supervisor):

Allen Mitchell, Pittsburg, Pa: Employed by Sears for architectural work - is familiar with site. Re vehicular access, directly from Route 59 - No Service Center within complex; cannot enter without entering complex. None, or very little traffic will be formulated solely for the purpose of purchasing gasoline.

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PUBLIC HEARING

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QUESTIONS FROM TOWN BOARD:

Councilman Bolander: If service station does not pay, is it intended to ask for ingress or egress on to Route 59? Answer: No.

Re screening device (Exh. C); there is extensive landscaping. There is screening around service center itself; service center sits down in pocket or depressed area.

Councilman Brenner: Amount of ratable? Answer: Entire center bringing in ratable. Only asking for pumps and selling of gasoline to employees and those entering complex to make purchases.

Supervisor: What is intended as investment in buildings that would relate to pumps? Answer: Entire building for service center - \$7000,000. Canopy out over pumps and installation of pumps; burying tanks - \$25,000. to \$30,000. Function of buildings is selling of tires, batteries and gas.

Councilman Frohling; Would there be storage of trailers, etc. for the sale off a truck?

Answer: No basement of building 10' 6" in heights, which will be filled with tires. Trucks will enter only when they make delivery of tires.

Question: Would petitioner accept restrictive covenant disallowing sale of tires from trucks?

Answer: Reluctant to agree to this covenant. (Mr. Johnson was asked to get answer from his client and report it back to the Town Board)

No further questions from the Town Board.

Mr. Johnson stated that re traffic study; expert not present; Town Board will be supplied with more information re traffic is requested.

IN FAVOR: No one appeared.

OPPOSED:

1. Mr. Borross, 13 Fisher Avenue, Manuet: No objection if station located 100 yards from Route 59 and from the railroad tracks.

2. Mr. Rau O'Rourke, 24 Briar Drive, Manuet: Lives to rear of complex; 15 gas stations within 3/4 mile of this area; seven within 1/2 mile of Route 59. Will create traffic problem off Route 59. People seeking lower prices for gas would accelerate traffic problem coming off Middletown Rd. Also, danger of exploding in area.

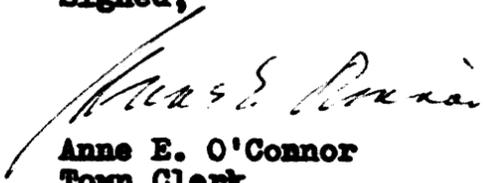
3. Mrs. Garry, 23 Freund Dr., Manuet: Residence faces out on complex hazard to children in area - eyesore - enough gas stations in area at present.

No rebuttal from Mr. Johnson.

Councilman Frohling at this point inquired if service station area will be fenced from residential land. Mr. Johnson replied that street that these people live on is across the railroad tracks; screening completely around proposed station.

On resolution offered by Councilman Frohling, seconded by Councilman Brenner and unanimously adopted, public hearing was closed.

Signed,


Anne E. O'Connor
Town Clerk

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TOWN BOARD MEETING

8:00 P.M.

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Present: Councilman Brenner, Bolander, Damiani, Frohling, Supervisor Mundt
Town Clerk
Town Attorney
1st Deputy Town Attorney
Deputy Town Attorney
Deputy Town Attorney in charge of Special Districts

Supervisor Mundt called Town Board meeting to order.

(177) Councilman Damiani offered the following resolution:

RESOLVED, that the application of WEST CLARKSTOWN REALTY CO. for a change of zoning from an r-22 district to an R15 district on property located on the southerly side of West Clarkstown Rd., New City, N.Y. as referred to the Planning Board for report pursuant to the provisions of 8.41, 8.42 and 8.421 of the Clarkstown Building Zone Ordinance.

Seconded by Councilman Frohling.

All voted Aye.

Re letter received from William P. Carroll, attorney requesting that town convey to Messrs. Arent and Lynch that portion of Long Clove Rd. which is still owned by the town and lies in front of their properties respectively; Councilman Brenner requested to give recommendation at subsequent Town Board meeting.

(178) Councilman Bolander offered the following resolution:

RESOLVED THAT Town Board meeting be adjourned in order to hold scheduled public hearing.

Seconded by Councilman Brenner.

All voted Aye.

(179) Councilman Frohling offered the following resolution:

RESOLVED that regular Town Board meeting be resumed, scheduled public hearing having been held.

Seconded by Councilman Damiani

All voted.

(180) Councilman Damiani offered the following resolution:

RESOLVED, the decision on special permit application made by Sears Roebuck & Co. - Gasoline filling station - W/S Main St., Nanuet be reserved.

Seconded by Councilman Frohling.

All voted. Aye.

(181) Councilman Frohling offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 17th day of January, 1968, provided for a public hearing on the 7th day of February, 1968, at 8:30 P.M., to consider the application of RICHARD GIZZI to amend the Building Zone Ordinance of the Town of Clarkstown by redistricting the property of the said petitioner from an M district to an RS 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 application be DENIED.

Dated: March 6, 1968

Seconded by Councilman Damiani

On roll call the vote was as follows:

AYES: Councilmen Bolander, Damiani, Frohling, Supervisor Mundt
ABSTENTION: Councilman Brenner

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TOWN BOARD MEETING

(182) Councilman Damiani offered the following resolution:

RESOLVED, that the Town Clerk be directed to advertise for bids for the construction of Sewer District No. 20, said bids returnable on April 3rd, 1968, at 8:05 P.M.

Seconded by Councilman Brenner.

All voted Aye.

Town Board signed ORDER to be served on Leon E. Hill for removal of buildings and structures now existing on premises owned by him situated in West Nyack within fifteen days from date hereof-to be completed withing sixty days.

At a regular meeting of the Town Board of the Town of Clarkstown, in the County of Rockland, New York, held at the Town Hall, 10 Maple Ave., New City, N. Y., in said Town of Clarkstown, on the 6th day of March, 1968.

PRESENT:

Hon. Paul F. Mundt	Supervisor
Philip J. Frohling	Councilman
James V. Damiani	Councilman
William Brenner	Councilman
Frank Bolander	Councilman

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In the Matter of	:	
the premises owned by Leon E. Hill,	:	ORDER
situate in the Hamlet of West	:	MARCH 6, 1968
Nyack, Town of Clarkstown, New York.	:	

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WHEREAS, a report on the condition of the premises owned by Leon E. Hill, at Western Highway, West Nyack, New York, made by the Building Inspector of the Town of Clarkstown, the Chief of Police of the Town of Clarkstown, the Fire Chief of the West Nyack Fire Department, and the Fire Inspector of the Town of Clarkstown, has been read and discussed by the Town Board of the Town of Clarkstown, and

WHEREAS, it appears from said report that the buildings and structures on the premises owned by the said Leon E. Hill, on Western Highway, West Nyack, New York, which premises are described on the Tax Map of the Town of Clarkstown as Map 39, Block C, Lot 28, are in an unsafe and dangerous condition, and a threat to the health, safety and welfare of the community;

NOW THEREFORE, be it

ORDERED, that the owner commence removal of the said buildings and structures presently existing upon said

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premises within fifteen (15) days from the date hereof and that removal of said buildings and structures be completed within sixty (60) days from the date hereof, and be it

FURTHER ORDERED, that this Order be served upon said Leon E. Hill, as provided in the ordinance of the Town of Clarkstown.

Dated: March 6, 1968

TOWN BOARD OF THE TOWN OF CLARKSTOWN

P. H. M. A.

Supervisor

P. A. ...

Councilman

William V. ...

Councilman

...

Councilman

...

Councilman

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TOWN BOARD MEETING

March 6, 1968

8:00 P.M.

(183) Councilman Bolander offered the following resolution:

RESOLVED, that upon request of Chief of Police Ernest Wiebicke, a new school crossing guard post be and the same is hereby created on Blauvelt Road, directly north of the George Miller school, at Nanuet, N Y.

Seconded by Councilman Frohling.

All voted Aye.

(184) Councilman Frohling offered the following resolution:

RESOLVED, that the following named patrolmen be authorized to attend the New York State Municipal Police Training Council, Police Training School (Basic-Recruit) at Rockland Community College and Camp Smith, Peekskill, N.Y., from March 11, 1968, through April 26, 1968:

PTL. Paul D'Alessandro

Ptl. John McCabe

Ptl. David Mellon

Ptl. Peter O'Connor

Ptl. Michael Kennedy

and be it

FURTHER RESOLVED, that all actual and necessary expenses are to be made a proper town charge.

Seconded by Councilman Damiani.

All voted Aye.

(185) Councilman Bolander offered the following resolution:

WHEREAS, A. Leonard Boyar & W has petitioned this Board for a refund of erroneous 1968 Zoning & Planning Tax on property in the Town of Clarkstown assessed to Boyar, Leonard A. & W., Cavalry Drive, New City, N Y Map 59, Blk A, Lot 20.04 1968 Tax Roll because the Veterans Exemption of \$1300 was omitted from the Tax Roll due to a lost change-order and was an erroneous assessment as verified by the Clarkstown Assessor, now therefore be it

RESOLVED THAT the Supervisor be and he is hereby authorized to refund the amount of the erroneous tax \$1.42, and charge Zoning and Planning Account.

Seconded by Councilman Brenner.

All voted Aye.

(186) Councilman Brenner offered the following resolution:

WHEREAS, Leonard A. Boyar & Wife has petitioned this Board for a refund of erroneous 1968 Highway Tax on property in the Town of Clarkstown assessed to Boyar, Leonard A. & Wife, Cavalry Drive, New City, N Y, Map 59, block A, Lot 20.04 because the Veterans Exemption (\$1300) was omitted from the Tax Roll due to a lost change-order and was an erroneous assessment as verified by the Clarkstown Assessor, now therefore be it

RESOLVED, that the Supervisor be and he is hereby authorized to refund the amount of the erroneous tax, \$7.03, and charge Highway Account.

Seconded by Councilman Bolander

All voted Aye.

(187) Councilman Damiani offered the following resolution:

WHEREAS, Richard Detoia & W has petitioned this Board for a refund of erroneous 1968 Zoning & Planning tax on property in the Town of Clarkstown assessed to Richard Detoia & W., 6 Buttonwood Ct., Congers, N Y Map 112, Blk. A, Lot 9227, 1968 Tax Roll because the Veterans Exemption (\$1900) was misfiled and did not show on the 1968 Tax Roll and was an erroneous assessment as verified by the Clarkstown Assessor, now therefore be it

RESOLVED, that the Supervisor be and he is hereby authorized to refund the amount of the erroneous tax, \$2.08, and charge Zoning & Planning Account.

Seconded by Councilman Brenner

All voted Aye.

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TOWN BOARD MEETING

(188) Councilman Brenner offered the following resolution:

WHEREAS, Richard Detoia & W. has petitioned this Board for a refund of erroneous 1968 Highway Tax on property in the Town of Clarkstown assessed to Detoia, Richard & W., 6 Buttonwood Ct., Congers, N Y, Map 112, Blk/A, Lot 9.27 - 1968 Tax Roll because the Veterans Exemption (\$1900) was misfiled and did not show on the 1968 State, County & Town Tax Roll and was an erroneous assessment as verified by the Clarkstown Assessor, now therefore be it

RESOLVED that the Supervisor be and he is hereby authorized to refund the amount of the erroneous tax, \$10.28, and charge Highway Account.

Seconded by Councilman Bolander.

All voted Aye.

(189) Councilman Frohling offered the following resolution:

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the temporary appointment until March 19, 1968 of ELIZABETH M. MUNKELWITZ, 31 Deerwood Drive, New City, N Y, to the position of Stenographer in the Town Engineer's Office, at a salary of \$2.50 per hour effective and retroactive to February 19, 1968.

Seconded by Councilman Damiani.

All voted Aye.

(190) Councilman Brenner offered the following resolution:

WHEREAS, there is a vacancy in the position of Secretarial Assistant II in the Town Engineer's Office, created by a six months' leave of absence granted to Simone L. Griffin,

NOW THEREFORE BE IT RESOLVED, that a temporary appointment be granted to Emily M. Gardineer, of 77 Demarest Ave., West Nyack, N Y, for the duration of this leave of absence, to that position in said Town Engineer's Office, at her present annual salary.

Seconded by Councilman Frohling.

All voted Aye.

(191) Councilman Brenner offered the following resolution:

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the appointment of Carolee Koster, of 179 East Mary Lane, Valley Cottage, N Y, to the position of typist in the Supervisor's Office, part-time, not to exceed 17 hours per week, at a salary of \$2.00 per hour, effective March 8, 1968.

Seconded by Councilman Frohling.

All voted Aye.

(192) Councilman Damiani offered the following resolution:

WHEREAS, Rockland County Personnel Office has requested a new description of the duties of the position presently vacant in the Building Inspector's Office, for a re-evaluation thereof, and

WHEREAS, said Personnel Office has certified that the position of Typist in the Building Inspector's Office can now be established,

NOW THEREFORE, BE IT RESOLVED, that the position of Typist in the Building Inspector's Office be and the same is hereby established as of this date.

Seconded by Councilman Brenner.

All voted Aye.

Councilman Bolander brought up the matter of education of performance bonds as it pertains to the Shade Tree Commission. Town Attorney suggested that matter could be handled by making landscaping part of the bond. Supervisor Mundt recommended that representative of the press contact Mr. Steffens of the Shade Tree Committee to see how much work his committee does; and that Mr. Rawson of the Planning Board take the work of this committee into consideration when recommendations are made for reduction of bond.

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(192) Continued.

Recreation for handicapped children; Councilman Bolander will present list to Mr. Ghiazza, Recreation Director.

Re letter from Martin Bernstein; Councilman Bolander prefers that there not be a stockpile of used parts on the Sanitary Land Fill.

(193) Councilman Bolander offered the following resolution:

WHEREAS, At this time, of year, there is a bit of Kelly green in the heart of each American, and this is due, in no small way, to the heritage that the early ancestor of our Irish-American neighbors in the Town of Clarkstown brought with them from the Irish green shores of the Emerald Isle to this land of liberty, and,

WHEREAS, along with their adventurous spirit these people brought their love of freedom, their love of family and friend, and their love of God, and

WHEREAS, these people worked long and hard at their most menial tasks, and raised their families dispensing to their young a love, a patience, and a firmness that have, in turn, engendered a continuum of love and loyalty within and without the Irish-American family, and

WHEREAS, Like many families of other origins these people have provided this nation with sons and daughters who have received honors and recognition in science, the military, religion, education, art, music, and law and, at all times, their fortitude is undoubted, their liltng spirit is unsurpassed and their humor is legendary.

THEREFORE, BE IT RESOLVED that this Town Council send greetings to our neighbors of Irish-American descent on St. Patricks Day. Sunday, March 17, 1968.

May the road rise with you and the wind be ever at your back- and may the Lord hold you in the hollow of his hand.

I so move this resolution-

Seconded by Councilman Damiani.

All voted Aye.

Mr. Tobias Marazzo of the Town Engineer's Office appeared before the Town Board re sewer testing liabilities. Requested additional help if testing to be done for others besides Clarkstown, Supervisor stated that town will allow under certain conditions; if income matches outgo, there would be no problem. Mr. Marazza requested to make specific recommendations at next Town Board meeting.

Councilman Frohling received complaint from residents of Kenmer Lane, Nanuet relative to disposal of furniture, etc. in area. He requested that press make public fact that town ordinance calls for fine of \$100. or imprisonment or both for dumping in Clarkstown. Highway Superintendent requested to pick up articles on Kenmer Lane.

Highway Superintendent received letter from Mrs. I. Goldenberg, One Jeff Lane, New City complaining about High School students parking on Jeff Lane; husband has dental office - patients have trouble parking. Police Chief to make recommendation by the 3/20 Town Board meeting.

Highway Superintendent received letter from Dr. Robert E. Colby, 10 Lombardi Drive, New City re overflow of water from New Hempstead Road flooding his property. Town Clerk will turn letter over to Town Engineer's Office for their recommendation.

On resolution offered by Councilman Brenner, seconded by Councilman Frohling and unanimously adopted, Town Board was adjourned until Wednesday, March 20, 1968 at 8:00 P.M.

Signed,


Anne E. O'Connor
Town Clerk

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