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Public Hearing

Town Hall

6/27/68

8:00 P.M.

Present: Councilmen, Brenner, Bolander, Damiani, Supervisor Mundt
Town Clerk Anne E. O'Connor
Town Attorney
First Deputy Town Attorney

Absent: Councilman Frohling

RE: TO CONSIDER IF SUFFICIENT CAUSE TO SUSPEND OR REVOKE TAXICAB LICENSE OF JOSEPH D. TURNER BY REASON OF ALLEGED VIOLATION OF ZONING LAWS OF TOWN OF CLARKSTOWN:

Supervisor called public hearing to order. Town Clerk read notice of public hearing, noting that this was second hearing held on same matter, first hearing held on June 19, 1968.

Eugene N. Cavallo, Jr., 2 Main St., Haverstraw, New York appeared as attorney for defendant, Joseph D. Turner of J. & C Taxi.

Town Attorney Donald S. Tracy stated that Sec. 40-11 provides that any taxi company license of any taxi driver's licence may be revoked or suspended for cause; such as violation of any ordinance. The zoning law is ordinance entitled to legal validity.

Town says Mr. Turner has violated ordinance by operating taxi business from residential zone. He is owner of premises at 9 Fanley Avenue, New City, N.Y. It is town's allegation that he has violated zoning ordinance by operating taxi business at that address.

WITNESS I:

Mr. J. Collucci, Lake Rd., Valley Cottage: (sworn in by Supervisor): Employed by Town as Deputy Building Inspector; nine years in office, deputy three years. Is familiar with ordinance. Taxi business not permitted in residential zone, only in commercial zone.

On cross examination Mr. Cavallo, Mr Collusci stated that there is nothing in the zoning ordinance that provides specifically for operation of taxi business in particular; also nothing that defines taxi business as being commercial or otherwise

Mr. colluci stated that in his opinion the operation of a taxi business is not a "home operation".

WITNESS II:

Mr. Albert Kreuger, Brookside Avenue, Valley Cottage: (sworn in): Assistant Building Inspector for the Town of Clarkstown; investigates zoning violation complaints. As result of inspection made on June 26, 1968; he found three (3) taxicabs in the driveway at 9 Fanley Avenue; two of them in usable condition- one up on chocks in dis repair. Woman at residence (who would not give name) answered they were not running taxi business. Visited premises again, same conditions, same response; woman stated her name Spath.

On cross examination by Mr. Cavallo, Mr Kreuger stated that from exterior looked like private residence, no signs on house, etc.

Letter from Oscar Lutz, Building Inspector re investigation of the Turner premises at 9 Fanley Avenue, New City read for record over objections of Mr. Cavallo (Letter in T/C files).

WITNESS III:

Mr. Earl Lawrence, 14 Fanley Ave., New City:(sworn in):

Testified that three cabs in driveway with working "J & C Taxi" on sides. Also stated that due to their use of aerial on their premises had trouble with television receiver; getting their messages on TV sets; Mr. & Mrs. Turner observed leaving and returning in taxis.

On cross examination, Mr. Cavallo whether any others besides Mr. & Mrs.

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were arriving and leaving from these premises by taxi. Answer: No

WITNESS IV:

Mrs. Carol Lawrence, 14 Fanley Ave., New City:(Sworn in):

Four years ago engaged services of J & C Taxi; called them to take her to Link School- was pick up in afternoon and paid them fee of \$75¢ for taxi service.

Re Aerial: Aerial on Turner home different from TV aerial - very large and high.

WITNESS V:

Mr. Frank Winett, 13 Fanley Avenue, New City:(sworn in):

Observation for past three years - taxis on premises being used to go out on calls. Als repair of taxis made on premises.

Re antenna: Civil Band antenna used for taxi calls.
Re Zonning: residential

J & C Taxi also has ad in paper listing Turner address and phone number.

Mr. Cavallo brought out fact that others in bussiness park their trucks in private driveways. Re TV interference; questioned fact that this was pfoof that calls made from Turner residence.

WITNESS VI:

Mrs. Jean Russo, 5 Fanley Avenue, New City (Sworn in):

House closest to Turner residence. During summer months has heard calls coming in and going out from radio at Turner residence. Also very noticable large antenna. Calls direct where to make pickups, etc. Is familiar with Turner voice, is same as radio calls.

WITNESS VII:

Mr. Alfred DeServio, 6 Fanley Avenue, New City: (sworn in)

House directly opposite Turner's. Three cabs parked; two operable, one not. Re antenna - very high 20-25'. They have picked up people from their residence; they have picked up passengers in A & P parking lot and discharge passengers too. Have never picked up or discharged from their home, however

Town Attorney stated he had no more witness and called attention of Board to Article 6 of Zoning Ordinance of the Town of Clarkstown- Section b. "... no commercial vehicle shall park out of doors in residential area, except that commercial vehicles may when related to accessory uses."

He also stated, that in addition to violation, there has been direct testimony as to additional violations; namely the parking of three commercial vehicles in residential zone.

Mr. Cavallo objected to Article 6 being interjected at last minute. Stated that notice that was sent to Mr. Turne deals specifically with violation of Zoning Ordinance.

Town Attorney replied that operation of taxi business applies not only to dispatch of cabs, but their storage and use. We are alleging that storage of these cabs which is part of this business, is in violation of Zoning Ordinance.

In original complaint, town stated that he has violated Zoning Ordinance by conducting taxi business. This is broad enough to embrace Art. 6

After recess, the Town Board returned the following decision:

1. Three (3) vehicles are parked on premises and come and go frequently and are printed as cab service.