

## PUBLIC HEARING

Town Hall

4/2/69

8:45 PM

Present: Councilmen Damiani, Frohling, Supervisor Mundt  
Town Clerk Anne E. O'Connor  
Town Attorney Donald S. Tracy

Absent: Councilman Brenner  
Councilman Damiani

RE: SPECIAL PERMIT APPLICATION MADE BY MOBIL OIL CORPORATION FOR  
GASOLINE FILLING STATION: PROPERTY LOCATED AT INTERSECTION OF THE  
SOUTH SIDE OF ROUTE 59 WITH THE WEST SIDE OF SMITH STREET AT NANUET, N.Y.

Supervisor called public hearing to order, Town Clerk read  
Notice of Public Hearing.

Councilman Frohling made the following statement before commence-  
ment of proceedings:

"In accordance with the provisions of Local Law No. 1, 1964,  
and in particular Section 60-3 ; thereof, I hereby disclose and make a  
part of this official record, the fact that I am an owner of the property  
which is the subject of this public hearing.

"I therefore, shall refuse to participate in any discussion  
or decision or render any opinion concerning this matter, and further  
request that this disclosure by me be made a part of the official record  
of this Town Board Meeting."

Councilman Frohling at this time stated that the reason for  
his attendance at this Town Board Meeting was to maintain quorum.

PLANNING BOARD RECOMMENDATIONS:

COUNTY: Proposed special permit would, in all likelihood, have no  
major adverse effect on State Routes 304 and 59 provided a reasonable  
traffic access and circulation pattern can be provided between the prop-  
erty and the state highway.

TOWN: Recommend that special permit for location of a gas service  
station be granted to the Frohling property situate on the south west  
corner of Route 59 and Smith St., in Nanuet, such approval to be con-  
ditioned upon Site Layout Review and approval by the Clarkstown Planning  
Board.

Everett J. Johns, Esq., New City, N.Y. appeared as attorney  
for petitioner and stated the following.

Property owned by Phillip and Helen Frohling. (Submitted  
copy of Sit Plan to Town Board). Property consists of 242' on south  
side of Route 59 on the north; 111' on Smith Road on the east; 245'  
on right of way; 217' on the west, bounded by Korvette's.

Area comprised of 39,000 square feet of property or .897 of  
an acre. Zoning is RS - Regional Shopping. Situate on property is  
85 x 37 building being used for temporary rental.

Mobil Continued:

WITNESS I: (Sworn in by Supervisor):

Mr. Walter W. Spengeman, Wildwood Lane, West Connecticut: District Sales Manager for Mobil, covering the Bronx, Westchester Co, Fairfield Co., and Rockland Co. Supervises 400 service stations in this area. Employed 10 years by this firm. Is familiar with application and area involved.

Proposed Structure: Two-Bay fieldstone building (showed photo) subject to ARB approval. 1392 square feet, located approximately in center of property. Appropriately located as to transportation; Route 304 directly east of site; east on to Palisades Interstate Parkway; north on Interstate Parkway (Thruway).

Water Supply: Spring Valley Water Company has facilities at the intersection of Route 59 and Smith Road in Nanuet and water service may be obtained upon application.

Waste Disposal: Private Pickup.

Fire Protection: Lies within the Nanuet Fire District and receives fire protection from the Nanuet Fire Engine Company No. 1.

Police Protection: Serviced by the Clarkstown Police Department.

Other Public Facilities: Orange & Rockland service (gas & electricity).

Will not cause undue traffic congestion. Will not create traffic hazard. Will not adversely affect the character of the area of property values in the area. Will not otherwise impair the public health, safety or other aspects of the general welfare of the town. Will comply with all other regulations applicable to such use.

Capital construction anticipated - approximately \$65,000.00.

Existing building on this property will be removed.

Re curbing cuts going into right of way; Mr. Johns responded that this would not create traffic hazard.

Assessment: \$9400.00 --Tax: \$1832.00 (Proposal will bring in \$4441.00)

WITNESS II: Mr. Roger Changler, 69 Cornwall Ave., Chesire, Connecticut:

Traffic Engineer. Yale Engineering Degree. Since 1947 Traffic Engineer Registered in the State of Rhode Island as Professional Engineer, Member of Institute of Traffic Engineers. With this firm (Wilbut Smith and Associates, Consulting Engineers), New Haven, Conn.) since 1965.

Made traffic study. Presented report to Town Board. Proposed use will not create traffic hazard; visibility will be maintained in connection with access.

WITNESS III: Mr. Karl Kirchner, Old Tappan, N.Y.:

Real Estate appraiser licensed by State of New York. Has made examination of property; stated the following:

39,061 square feet; 241.96' frontage on s/s Route 59; 11.30' frontage on w/s Smith. Total floor area of proposed station, 1392 Sq. ft. Masonry construction, which would occupy 3.56% of total area. Surrounding

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Mobil Continued:

area almost entirely commercial. Compatible with surroundings; will cater to existing traffic pattern; lighting good; setback for visibility better than other commercial use. (setback 94' from Rte. 59; 135' from Smith)

No other gas stations between Gulf on Old Rte. 59 and Mobil on Rte. 303 in West Nyack - approximately four miles.

Gulf station has been notified that this station will be eliminated by relocation of highway.

Three more service stations will probably be eliminated, including those on northeast; Mobil (Grandway); Texaco, (Golden Automobile Agency); and Atlantic Station north of Golden.

Mobil in Bardonia where 304 crosses parkway will probably be eliminated also as bridge is widened.

Elimination of five stations in the area leaves net loss of four stations, even with the possible addition of station within the Korvette shopping area.

There were no further witnesses called.

In answer to question put by Mrs. Walter Knapp, 95 Smith St., Nanuet, Mr. Johns stated that gas station permitted now by right by special permit. No LO in that vicinity, residences pick up at Smith Street.

Re possibility of widening Route 59; Mr. Knapp stated that we may be placing this property in the same position as Route 304, where state has to pay money. Mr. Johns replied that property owner could not be asked to wait until the state moves. State, if it has plans, has not proceeded as yet.

OPPOSED: Mr. Walter Knapp, 95 Smith St., Nanuet: Noise, etc.

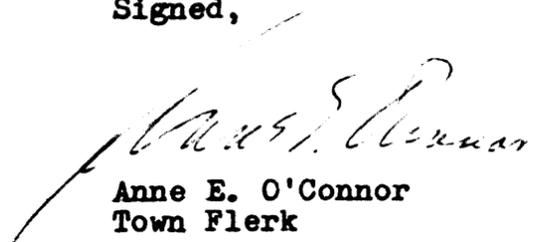
IN FAVOR: No one appeared.

Letter received from New York Department of Transportation, M. N. Sinacori, District Engineer, stating that at present this property is presently being acquired by the State of New York for the reconstruction of Route 59 in the Nanuet area. In light of these facts, his office requests that the special permit for Mobil Oil to construct a gas filling station on the subject property not be issued.

No rebuttal.

On resolution offered by Councilman Damiani, seconded by Supervisor Mundt and unanimously adopted, public hearing was closed.

Signed,

  
Anne E. O'Connor  
Town Clerk

TOWN BOARD MEETING

000219

Town Hall

4/2/69

8:00 PM

Present: Councilmen Damiani, Frohling, Supervisor Mundt  
Town Attorney, Donald S. Tracy  
Town Clerk, Anne E. O'Connor

Absent: Councilman Brenner  
Councilman Bolander

Supervisor Mundt called Town Board meeting to order.

(263) Councilman Damiani offered the following resolution:

RESOLVED, that the minutes of public hearings and the Town Board meetings held on 1/31/ 2/5, 2/19, 2/28, 3/5 and 3/19/69 are hereby approved and accepted as submitted by the Town Clerk.

Seconded by Councilman Frohling.

All Voted Aye.

Matter of hazardous and unhealthy conditions existing on Shetland Drive, New City, again brought before the Town Board by Mr. J. D'Meza. Letter from Leonard J. Birbrower, attorney, also read in this connection. After considerable discussion, it was decided that Councilmen Frohling and Damiani meet with Mr. Marazzo of the Town Engineer's Office, and Highway Superintendent on site to resolve, possibly by building of barricade and getting road cleaned up. In the meantime, the Town will contact builder.

(264) Councilman Damiani offered the following resolution:

WHEREAS, Torex Realty is the owner of certain property identified by subdivision map filed in the Rockland County Clerk's Office in Book #74, Map 3650, page 30, and

and WHEREAS, two houses have been constructed in said subdivision

and WHEREAS, the remainder of the property has been developed in such a way as to create a hazard to town roads and a nuisance to the surrounding property owners,

NOW THEREFORE, be it

RESOLVED, that any building permits heretofore issued concerning said subdivision are revoked, and the Building Inspector is directed to refrain from the issuance of any building permits on said subdivision plat until receipt of further instruction from the Town Board.

Seconded by; Councilman Frohling.

All Voted Aye.

(265) Councilman Damiani offered the following resolution:

WHEREAS, the following have applied to the Town of Clarkstown for Certificates of Registration in compliance with Sec. 34-6 of the Code of the Town of Clarkstown:

Thomas J. Kempton, Jr., Inc. 664 So. Mountain Rd. New City, N.Y.	Roy Lamborn, Inc. 750 Rte 9W Nyack, N.Y.
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Sewer Plant Maintenance, Inc. 21 Demarest Ave. New City, N.Y.	Michael Nevins 466 Rte 202 Mt. Ivy, N.Y.
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Russell E. Wright  
249 E. Clarkstown Rd.  
Spring Valley, N.Y.

NOW THEREFORE, be it

RESOLVED, that the following Certificates of Registration be issued to:

No. 69-50 to Thomas J. Kempton, Jr. Inc.  
No. 69-51 to Sewer Plant Maintenance, Inc.  
No. 69-52 to Roy Lamborn, Inc.  
No. 69-53 to Michael Nevins  
No. 69-54 to Russell E. Wright

Seconded by Councilman Frohling.

All Voted Aye.

Letter received from George Faist, President of Highview Acres., Inc. requesting street lights along Charles Street, South of Old Nyack Turnpike; referred to Councilman Brenner.

(266) Councilman Frohling offered the following resolution:

RESOLVED, that Detective Sergeant Russell Smith is hereby authorized to attend a course in Police Supervision at Westchester Community College, Valhalla, New York, from May 12th, 1969 thru May 23rd 1969, and be it

FURTHER RESOLVED, that any and all necessary expenses be made a proper town charge.

Seconded by Councilman Damiani.

All Voted Aye.

(267) Councilman Damiani offered the following resolution:

WHEREAS, the following has applied to the Town of Clarkstown for Certificate of Registration in compliance with Sec. 34-6 of the Code of the Town of Clarkstown:

Zovistoski & Sons  
172 Brewery Rd.  
New City, N.Y.

NOW THEREFORE, be it

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(267) Resolution Continued:

RESOLVED, that the following Certificate of Registration be issued:

No. 69-56 to Zovistoski & Sons.

Seconded by Councilman Frohling.

All Voted Aye.

(268) Councilman Damiani offered the following resolution:

WHEREAS, Audrey Cox has resigned from the position of Secretary, part-time to the Human Rights Commission, and Elnora S. Minniefield has indicated her willingness to accept such position,

NOW THEREFORE, be it

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the permanent appointment of Elnora S. Minniefield of 5 Gillis Avenue, Central Nyack, New York to the position of Secretary, part-time at a salary of \$440.00 per annum effective and retroactive to January 1, 1969.

Seconded by Councilman Frohling.

All Voted Aye.

(269) Councilman Frohling offered the following resolution:

WHEREAS, the Town Engineer has requested additional help for the period of March 25, 1969, to March 28, 1969,

NOW THEREFORE, be it

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the temporary appointment of Dane Zabriskie of 460 Phillips Hill Rd., New City, N.Y. to the position of Laborer-Student at a salary of \$2.00 per hour effective and retroactive to March 25, 1969.

Seconded by Councilman Damiani.

All Voted Aye.

(270) Councilman Frohling offered the following resolution:

WHEREAS, Edward J. Flynn, Town Justice has requested additional clerical help,

NOW THEREFORE, be it

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the temporary appointment of Frances M. Bowman of 3 Murdock Rd., New City, N.Y. to the position of Clerk to Town Justice at a salary of \$6,162.00 per annum effective and retroactive to March 24, 1969.

Seconded by Councilman Damiani.

All Voted Aye.

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(271) Councilman Damiani offered the following resolution:

WHEREAS, Roberta Knarich has submitted her resignation as Town Historian effective April 4, 1969,

NOW THEREFORE, be it

RESOLVED, that Catherine C. LaBonne, 281 Congers Rd., New City, N.Y., is hereby appointed to fill the unexpired term of Roberta Knarich, to December 31, 1969, at a salary of \$800.00 per annum; effective April 4<sup>th</sup>, 1969.

Seconded by Councilman Frohling.

All Voted Aye.

Mr. Powers appeared before Town Board re: problem existing on Longmeadow Drive. Highway Supt. stated this is undedicated portion of road. Supervisor and Mr. Marazzo of the Town Engineer's Office will go to Vincent Cestone on this in the morning.

Mr. Barone, Valley Cottage (Boxberger Rd.) appeared before the Town Board re drainage, claiming drainage system damaged by town. Highway Superintendent will check out. When question resolved, if necessary, monies will be appropriated to alleviate.

Petition by 32 residents on Hollow Drive, New City received by Town Board requesting removal of street light on Pole #7.

(272) Councilman Damiani offered the following resolution:

RESOLVED, that the Town Clerk is hereby authorized to contact Orange and Rockland Utilities, Inc. and request removal of street light on Pole #7 on Hollow Drive, New City, New York.

Seconded by Councilman Frohling.

All Voted Aye.

(273) Councilman Damiani offered the following resolution:

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

Seconded by Councilman Frohling.

All Voted Aye.

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(274) Councilman Frohling offered the following resolution:

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

Seconded by Councilman Damiani.

All Voted Aye.

(275) Councilman Damiani offered the following resolution:

RESOLVED, that the decision for Special Permit Application made by Mobil Oil Corp. on the property located at the intersection of South Side of Route 59 with West Side of Smith Street, Nanuet for gasoline filling station is hereby reserved.

Seconded by Councilman Frohling.

All Voted Aye.

Petition containing 500 signatures presented to the Town Board by Councilman Frohling requesting that proposal to eliminate parking on Main St., Nanuet be opposed by the Town Board.

(276) Councilman Frohling offered the following resolution:

WHEREAS, there exists a proposal to eliminate parking on Main St. Nanuet, N.Y. and

WHEREAS, such proposal would serve to destroy many small businesses and shopkeepers dependent on street parking, and

WHEREAS, such proposal would not be in the best interest, nor would it promote the welfare of the Main Street business area of Nanuet, now therefore, be it

FURTHER RESOLVED, that a copy of this resolution be forwarded to Mr. Nelson Hall, Rockland County Superintendent of Highways and Mr. N.M. Sinacori, New York State Department of Transportation.

Seconded by Councilman Damiani.

All Voted Aye.

Re: littering on Gillis Avenue, Central Nyack; Highway Superintendent was informed that he has power to issue notice that debris must be removed within five days, as does the Building Inspector.

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(277) Councilman Frohling offered the following resolution:

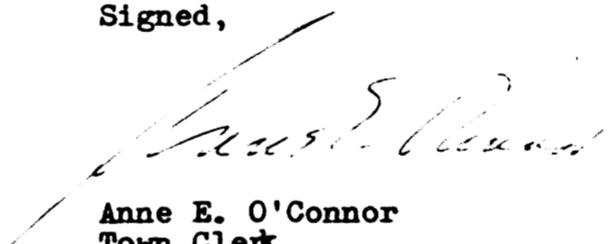
RESOLVED, that the Highway Superintendent is hereby authorized to advertise for bids for the furnishing of one New Air Compressor, said bid to be returnable on April 30, 1969 at 10:05 A.M.

Seconded by Councilman Damiani.

All voted Aye.

On resolution offered by Councilman Damiani, seconded by Councilman Frohling and unanimously adopted, Town Board meeting was adjourned until Wednesday, April 16, 1969 at 8:00 P.M.

Signed,



Anne E. O'Connor  
Town Clerk