

## PUBLIC HEARING

Town Hall

10/28/70

8:15 PM

Present: Co. Niehaus, Bolander, D'Antoni, Frohling.  
Town Attorney  
Town Clerk

Absent: Supervisor Vines

RE: APPLICATION FOR SPECIAL PERMIT MADE BY ROUTE 59-304 REALTY CO.  
(PROPERTY LOCATED W/S CORNER OF INTERSEC. TO RT. 59 & ROSE ROAD):

Deputy Supervisor D'Antoni called public hearing to order;  
Town Clerk read notice of public hearing.

Town Clerk sworn in by Deputy Supervisor and swore as to  
proper posting and publication of notice of public hearing.

Attorney for petitioner Robert Granik presented receipts  
proving mailing of notice to adjacent property owners.

CORRESPONDENCE:

TOWN PLANNER: (To Clarkstown Planning Board - dated 5/19/70):

1. Petitioner's site approx. 40,000 sq. ft. is located south of Route 59 and adj. to easterly boundary and right of way of the Route 304 interchange on Route 59.
2. Property located in IO Dist. Petition requesting Special Permit to construct gas station in conformance to Table of General Use Regulations.
3. Gas station must have 150 foot frontage. Petitioner's property has 90.76 foot frontage on Route 59, and 165.9 foot frontage on Rose Road. This is local road, not intended for commercial traffic.
4. Property part of Lot 27 in Block A which is approx. 11 acres. If so, petitioner is subdividing his property in accordance with Sec. 60.23 of Land Subdivision Regulations. Minimum lot size in IO is 100,000 square feet; applicant's site plan shows 40,000 sq. ft.
5. NYS Department of Transportation stated property does not have access to Route 59 and that Rose Road will be closed and relocated via a viaduct bridging over Route 59, thereby making accessibility to said property impractical.
6. Rose Road relocation project listed in current work program and expects to submit Ps & E data to Albany. I recommend that the petition be denied.

TOWN PLANNING BOARD:

All members were agreed that the location would lead to a combination of high intensity traffic factors; against this, however there were no gas stations on the south side of Route 59 eastwards from this property all the way to Route 303 in West Nyack.

RECOMMENDATION TO TOWN BOARD: That the request be GRANTED provided that suitable access arrangements be made to the satisfaction of the Department of Transportation and to the Planning Board.

COUNTY PLANNING BOARD:

Granting of this action, while abutting two state roads, will not have an impact on the roads.

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NYS DEPARTMENT OF TRANSPORTATION: (To County Planning Board):

**Property** does not have access to Route 59. Plans being developed for bridging of Rose Road over Route 59 and will cut off the direct access of Rose Road to Route 59. It is expected that this construction will begin in the spring of 1971.

Mr. Richard Siemens, one of petitioners, appeared before the Town Board, was sworn in and testified as follows:

Proposed use will be appropriately located with respect to transportation water supply; waste disposal; fire protection, police protection and other public facilities. Granting would not cause undue traffic congestion. Will not create traffic hazard and will not adversely affect the character of the area nor the 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.

Other principals besides Mr. Siemens; Mr. Shedon Goldstein and Mr. Robert Granik. Within 1/2 mile three property owners; applicant owns most of the surrounding area. Sheraton Motor Inn to the east and south; Blue Stamp Office Bldg. and vacant parcel next to that.

WITNESS I: (Mr. Ray Sheldon, Stony Point (sworn in):

Is District Engineer for Humble Oil. Prepared mock-up before the Town Board.

Re traffic: Gas stations do not create; they serve traffic already on road. Only 40 accidents out of 41,000 (survey) were at gas stations.

Proposed station planned well, complying with all regulations of the Zoning Ordinance. Re lan: Total square footage of site: 41,574. Frontage on Route 59 and Rose Road - 100 feet on 59; 165 feet on Rose Road, exceeding maximum.

All major repairs to be made inside structure. All pumps will be set back 25 feet from front lot line. 3-bay station proposed. No more than 5 vehicles to be allowed on site. Re towing - this not planned; this will be covenanted.

WITNESS II: Mr. J. Deatelhauser, Larchmont New York (Marketing Rep. Humble Oil):

No car rentals, no U-Drive etc. Client willing to covenant. Re Trailer, Truck Tire sales; (selling tires from trailer); will discontinue in future.

IN FAVOR: No one appeared

OPPOSED: No one appeared

Mr. Granik, in rebuttal: Re New York State letter, we do not agree with the statement by the State Representative. I have printed copy of record of testimony of condemnation hearings of the property that was taken for 304 as it crossed 59. In that record, the state's witness testified that the remaining nine acres, which includes 4-1/2 acre IO parcel of which this is one acre, is a part deeded for continuing access to Route 59.

Re letter of Town Planner, most of it is based on assumption and hearsay.

Mr. Zollendeck stated he will present another report if requested.

On resolution offered by Co. Bolander, seconded by Co. Frohling and unanimously adopted, public hearing was closed.

Signed,

*Anne E. O'Connor*  
Anne E. O'Connor  
Town Clerk

TOWN BOARD MEETING

Town Hall

10/28/70

8:00 PM

Present: Councilmen Niehaus, Frohling, Bolander, D'Antoni  
Town Clerk Anne E. O'Connor  
Town Attorney F. P. Roland

Absent: Supervisor Vines

In the absence of Supervisor Vines, Councilman D'Antoni as Deputy Supervisor called Town Board meeting to order. Assemblage saluted the flag.

(1970-685) Councilman Niehaus offered the following resolution:

RESOLVED, that time for receiving bids for the furnishing all labor and material necessary and required for the construction of the Valley Cottage Hamlet Center - Phase I, is hereby closed, and be it

FURTHER RESOLVED that any and all bids received up to and including this time be opened.

Seconded by Councilman Bolander.

All voted Aye.

The following bids were received:

(1) RITANGELA CONSTRUCTION CORP.  
176 Route 304, Bardonia, New York

Roadway: .....\$109,000.00  
Parking Area: ..... 65,500.00

TOTAL ROADWAY & PARKING AREA: .....\$174,500.00

(2) WARD PAVEMENTS, INC.  
Riverside Avenue, Haverstraw, N. Y.

Roadway:.....\$ 81,000.00  
Parking Area: ..... 39,000.00

TOTAL ROADWAY & PARKING AREA: .....\$120,000.00

(3) COUNTY ASPHALT, INC.  
West Main St., Tarrytown, N Y

Roadway: ..... \$ 71,768.00  
Parking Area: ..... 43,568.00

TOTAL ROADWAY & PARKING AREA: .....\$115,336.00

(1970-686) Councilman Niehaus offered the following resolution:

RESOLVED that all bids for the furnishing of all labor and material necessary and required for the construction of the Valley Cottage Hamlet Center - Phase I received this evening be referred to the Highway Superintendent for his examination and recommendation.

Seconded by Councilman Frohling.

All voted Aye.

10/28/70

(1970-687) Councilman Frohling offered the following resolution:

RESOLVED, based upon the recommendation of the Superintendent of Highways, that bid for furnishing three (3) New 5 Cu Yd Body Type Sand Salt and Stone Spreaders be awarded to TRIUS, INC., Box 741, Hicksville, New York who was low bidder; at total cost to town of \$8,949.00.

Seconded by Councilman Niehaus.

All voted Aye.

Orders for proposed extension of Consolidated Water Supply Dst. #1 to include Germond Acres; and Order for proposed extension of Sewer Dist. #13 to include Windfor Development Corp; held by Town Board for future action.

(1970-688) Councilman Bolander offered the following resolution:

RESOLVED, based upon the recommendation of the Superintendent of Highways, that bid for furnishing and delivering three (3) New Snow Plows, be awarded to low bidder, Ken Smith Machinery Co., Inc., 25 Sand Creek Road, Albany N Y at total cost to the town of \$1,675.00 each.

Seconded by Councilman Niehaus.

All voted Aye.

(1970-689) Councilman Bolander offered the following resolution:

RESOLVED, that regular Town Board meeting is hereby adjourned in order to hold scheduled public hearing.

Seconded by Councilman Frohling.

All voted Aye.

(1970-690) Councilman D'Antoni offered the following resolution:

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

Seconded by Councilman Niehaus.

All voted Aye.

(1970-691) Councilman Niehaus offered the following resolution:

RESOLVED, that decision on application for Special Permit made by Route 59-304 Realty Co. for gasoline filling station on property located on the southwest corner of the intersection of Route 59 and Rose Road, Nanuet= be RESERVED.

Seconded by Councilman Frohling.

All voted Aye.

10/28/70

(1970-692) Councilman Niehaus offered the following resolution:

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

WESTROCK ASSOCIATES, Plaintiff, against  
Town of Clarkstown, Robert Bowman, Bldg. Inspector and  
W. E. Vines, P. Frohling, W. R. Niehaus A. D'Antoni and  
F. Bolander, Town Town Board of the Town of Clarkstown,  
Defendants;

NOW THEREFORE, be it

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

Seconded by Councilman Frohling.

All voted Aye.

(1970-693) Councilman Niehaus offered the following resolution:

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

In the Matter of the application of NAT RABINOWITZ, Petitioner

-against-

THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, ROCKLAND CO., N Y  
AND WM. E. VINES, SUPERSOR, FRANK BOLANDER, ANTHONY D'ANTONI  
and WILLIAM R. NIEHAUS AND PHILLIP J. FROHLING JR., Constituting  
said Town Board, and ANNE E. O'CONNOR, Clerk of the Town of  
Clarkstown, Respondents;

NOW THEREFORE, be it

RESOLVED, that the T Fown Attorney is hereby authorized to take all necessary steps to defend said action.

Seconded by Councilman Niehaus.

All voted Aye.

At this point in the proceedings, Councilman Frohling left the Board table.

(1970-694) Councilman Niehaus offered the following resolution:

RESOLVED, that the Town Clerk is hereby authorized to expedite Hydrant Order Inves. #7118 instructing the Spring Valley Water Co. to install two (2) hydrants on Amherst Road and Penn Court, New City, locations having been approved by the Town Engineer.

Seconded by Councilman D'Antoni.

All voted Aye.

Town Clerk Anne E. O'Connor read resolution authorizing the distribution of Dog License Money as adopted by the Legislature of Rockland County on 10/19/70 which authorized the County Treasurer to pay to the Supervisor of the Town of Clarkstown the amount of \$7390.00; which amount is second largest for the county.

10/28/70

(1970-695) Councilman Niehaus offered the following resolution:

WHEREAS, the Rockland County Personnel Office has certified on 10/20/70 that the position of Secretary P/T (pending non-competitive) in the Narcotic Guidance Council can now be created;

NOW THEREFORE, be it

RESOLVED, that the position of Secretary P/T (pending non-competitive) is hereby created, effective immediately, at an annual salary of \$800.00.

Seconded by Councilman Bolander.

All voted Aye.

(1970-696) Councilman Niehaus offered the following resolution:

WHEREAS there is a vacancy in the position of Secretary P/T in the Town Narcotic Council;

NOW THEREFORE, be it

RESOLVED, that Dorothy Flanagan, 31 Liberty St., Congers N Y is hereby appointed to the position of Secretary P/T in the Town Narcotic Council at an annual salary of \$800.00, retroactive to 7/1/70.

Seconded by Councilman Bolander.

All voted Aye.

(1970-697) Councilman Bolander offered the following resolution:

RESOLVED, based upon the recommendation of the Parks Board & Recreation Commission, \$1,500 be paid to the Planning Associates, West Hempstead, Long Island, for completion of the Swimming Pool Complex Feasibility Study as authorized by the Town Board, and be it

FURTHER RESOLVED, that the money be appropriated from the Money in Lieu of Land Account; and be it

FURTHER RESOLVED, that the \$1,500 be reimbursed to the Money in Lieu of Land Account upon sale of the bonds for the swimming Pool.

Seconded by Councilman Niehaus.

All voted Aye.

(1970-698) Councilman Bolander offered the following resolution:

RESOLVED, that \$7,250.00 be transferred from the Money in Lieu of Land Account to the General Fund Account for payment of appraisals on Congers Lake (\$4500.) and Traphagen (\$2750.)

Seconded by Councilman Niehaus.

All voted Aye.

10/28/70

(1970-699) Councilman Bolander offered the following resolution:

RESOLVED, that \$900.00 be transferred from Drainage Project #5 Account to the Clarkstown Highway Department for drainage work done on Phillips Hill Road - (town easement).

Seconded by Councilman Niehaus.

All voted Aye.

Councilman Frohling returned to Board table.

Proposed resolution received from Joseph F. X. Nowicki, Sewer Counse., re Sewer District No. 33-B; settlement for damages in amount of \$00. to Mr. & Mrs. Palmer -- tabled.

(1970-700) Councilman Frohling offered the following resolution:

RESOLVED, that at the appropriate time, the Town Board will accept for dedication to the town, a greenway area of approximately 2.2 acres located along the easterly boundary of Subdivision 76B2 Green Meadow Farms substantially as shown in the town development map of 8/16/66.

Seconded by Councilman Bolander.

On roll call the vote was as follows:

AYES: Councilman Frohling, Bolander, D'Antoni  
ABSTENTION: Councilman Niehaus

(1970-701) Councilman Niehaus offered the following resolution:

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the temporary appointment not to exceed 30 days, of Michael Abatemarco, 53 Parker Avenue, New City N Y to the position of Senior Clerk - Supervisor's Office, at a salary of \$3.25 per hour, effective 11/2/70.

Seconded by Councilman Frohling.

On roll call the vote was as follows:

AYES: Councilmen Niehaus, Frohling, D'Antoni  
NOES: Councilman Bolander

(1970-702) Councilman Frohling offered the following resolution:

RESOLVED, that the Town Clerk be authorized to advertise for bids for Data Processing Service for the town, specifications to be obtainable at the Town Assessor's Office; said bids to be returnable on 11/18/70 at 8:10 PM.

Seconded by Councilman Bolander.

All voted Aye.

10/28/70

(1970-703) Councilman Frohling offered the following resolution:

RESOLVED, based upon information received 10/27/70 from W. Reginald Herdman, Chairman of the Zoning Board of Appeals, that a vacancy now exists on said Board/

Seconded by Councilman Bolander.

All voted Aye.

(1970-704) Councilman Bolander offered the following resolution:

RESOLVED, that the Town Clerk is hereby authorized to advertise for bids for the furnishing of one Bulldozer D6, or its equivalent, specifications to be obtained at the office of the Highway Superintendent, said bids to be returnable 11/18/70 at 8:12 PM.

Seconded by Councilman Frohling.

All voted Aye.

(1970-705) Mr. Bertram Strauss, Linden Court, New City appeared before the Town Board requesting if any action taken re safety glass. Town Attorney informed the Town Board and Mr. Strauss that sample proposals received from the Building Inspector; he has also written to the Office of Local Government for possible form of ordinance; Mr. Friedman, Deputy Town Attorney, is working on the matter.

On resolution offered by Councilman Frohling, seconded by Councilman Bolander and unanimously adopted, Town Board meeting was adjourned until Wednesday, 11/4/70 at 8PM.

Signed,

*Anne E. O'Connor*  
Anne E. O'Connor  
Town Clerk

#### TOWN BOARD MEETING

Town Hall

11/4/70

8:00 PM

Present: Councilmen Niehaus, Bolander, Frohling, D'Antoni, Supervisor Vines  
Town Clerk Anne E. O'Connor  
Town Attorney - Deputy Town Attorney

Supervisor Vines called Town Board meeting to order; assemblage saluted the flag.