

SPECIAL TOWN BOARD MEETING

BARDONIA ELEMENTARY SCHOOL

11/12/70

8:00 PM

Present: Councilmen Niehaus, Bolander, D'Antoni, Supervisor Vines
Town Clerk
Town Attorney and Deputy Town Attorney

Absent: Councilman Frohling.

Supervisor called Special Town Board meeting to order.

(1970-729) Councilman Niehaus offered the following resolution:

RESOLVED, that decision re Proposed Amendment to LL #8-1967
regulating Garbage Removal in the town, be RESERVED.

Seconded by Councilman Bolander.

All voted Aye.

(1970-730) Councilman D'Antoni offered the following resolution:

RESOLVED, that amendment to LL #3-1967 entitled "PROTECTION
OF HOMEBUYERS FROM LOSS OF DEPOSIT" is hereby adopted.

Seconded by Councilman Bolander.

All voted Aye.

(1970-731) Councilman Bolander offered the following resolution:

RESOLVED, that decision re Proposed Amendment to the Building
Zone Ordinance Amending Sec. 2.11, Table of General Use Regulations for
IS zone be RESERVED.

Seconded by Councilman Niehaus.

All voted Aye.

On resolution offered by Councilman Niehaus, seconded by
Councilman Bolander and unanimously adopted, Special Town Board Meeting
was adjourned.

Signed,

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

PUBLIC HEARING

BAEDONIA ELEM. 11/12/70
SCHOOL

8:00 PM

Present: Co. Niehaus, Bolander, D'Antoni, Supervisor Vines
Town Clerk
Town Attorney
Deputy Town Attorney

Absent: Councilman Frohling.

RE: PROPOSED AMENDMENT TO LL #8-1967 REGULATING GARBAGE REMOVAL:

Supervisor Vines called public hearing to order; Town Clerk read notice of hearing and testified as to proper posting and publication of notice of hearing.

CORRESPONDENCE: (From Sanitation Commission): Dated, 8/11/70.

"In proposing amendments to LL #8-1967, one of the primary issues discussed was the term 'grass', i.e., how to define it and, once defined, what to do about it."

A. Definition of grass.

A survey of other suburban communities reveals the uniqueness of Clarkstown is not having garbage picked up at the curb. This is a uniqueness that the Sanitation Commission feels that the Town Board, as well as the citizens of Clarkstown, desires to maintain. However, the men in the sanitation business have effectively pointed out that, when they and their help go up a driveway, empty the garbage cans into a large canister or container, then carry the large container on their shoulders down the driveway to their dump truck, the weight is far greater than can be managed. They explain that, inasmuch as a can of garbage is, say 60% garbage and 40% air, a can of grass is all dead weight. This condition jeopardizes their physical health. In short, they are physically unable to maintain non-curb service, and if we are to continue to eliminate the unhealthy and unsightly appearance of having garbage cans strewn all over the curbs, we agree that grass should not be picked up along with garbage at the driveway.

The commission has come to the conclusion that grass should not be listed as garbage and recommends that 'grass' be taken out of the definition of garbage.

B. Determination as to what to do with grass.

Now that we have taken grass out of the definition of garbage, the question that had to be answered was what to do with it. The following suggestions were discussed in detail and are being forwarded to you for your consideration:

1. That it be placed at the curb and a charge of \$15.00 per season (running from April 1st to October 30th) for three (3) bags a week be made. This averages out to about 15¢ per bag and is in addition to our present \$4.00 monthly charge for removal of up to a maximum of four (4) containers of garbage twice a week at the driveway. However, this suggestion has its pitfalls, as the questions then arise about the homeowner who has three cans of garbage and one bag of grass, or two cans of garbage and three bags of grass, or one can of garbage and one bag of grass. Should they all be charged the same rate? A successful formula could not be arrived upon by the Commission, therefore, they did not pass this suggestion.

2. That, since the Highway Department pickup grass in past years, they continue to do so. However, the question of whether this duty properly falls under the category of the Highway Department should be left to the determination of the Supervisor and the Town Board, not the Sanitation Commission. Therefore, this suggestion was not adopted.

(continued)

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GARBAGE REMOVAL

B. (continued)

3. That, since it has been charged that the pickup of grass by the Highway Department costs approximately \$50,000., this figure, and quite possibly a considerable less amount, be provided by the town fathers toward the putting out of bids for a franchise or contract to have independent sanitation men pick up all grass and yard trimmings for the residents of the town. A special truck, with vacuum hoses, called 'sucker trucks', would have to be purchased by the independent sanitation man.

4. That the town buy a few 'sucker trucks' and either have them operated under the control of the Sanitation Commission or some other office of the town, providing this service to the residents of Clarkstown. Of course, this comes close to municipal sanitation service or a semi-municipal sanitation department, and somewhat similar to that which they have in Ramapo.

5. That individual homeowners make their own arrangements for the picking up of grass with their own sanitation man.

Discussions on the topic of what to do with grass were endless, and rather than delay the revision of LL #8-1967, the Sanitation Commission adopted a resolution stating that the final decision on this question should be determined by the Town Board, and in line that resolution, we herewith submit the above suggestions for your guidance and consideration."

Signed,
JACK WEISS

The Town Attorney explained in detail all proposed changes; the Building Inspector inquired if there would be any provision for emptying cans in shopping centers. (Some placed by Highways Superintendent and Beautification Committee). Mr. Weiss stated that members of the Sanitation Industry pick these up on their own. No provision for emptying cans; it is in the owners of the shopping centers jurisdiction who are responsible.

In response to question put by Mr. R. Derella, of West Nyack, Mr. Weiss stated that re increase, some scavengers do not belong; as law now stands, four (4) barrels picked up twice a week. There was no limitation that said that they could not pick up grass.

Mr. Henry Gildersleeve, Congers Road, New City, stated he pays more; Mr. Weiss stated they do not cover commercial accounts. Re letter written to the Town Board 8/11/70 (see insert above); grass pickups to be determined by the Town Board.

Mr. R. Derella stated that scavengers should pick up grass, not town.

Mr. Irving Kaufman, Esq., attorney for scavengers, appeared before the Town Board and stated the following: (Representing Refuse and Carting Association):

There is no town that considers grass to be garbage except Clarkstown. No other county requires grass to be garbage, and requires sanitation men to collect. Also; Town of Clarkstown not putting cans on curb like other townships. Re 16-4; unanimous request of refuse collectors in this town that the definition of garbage eliminates 'grass'. Recommended addition to Par. g: "unless a licensee actively and substantially engages in the garbage collection in the Town of Clarkstown within 30 days after the issuance of said license to him, said license shall be null and void and revoked."

He continued that there is no reason for licenses to people who do not have business in this town.

Re Par. H: Ad... "No further licenses shall be issued, except upon a showing by the applicant that same is necessary for the convenience of the public and that a specific area of the town is without adequate service.

Councilman Bolander questioned this, stating it might be a monopoly.

Mr. Kaufman: In all other businesses, there must be a showing of necessity, insurance, banks, etc.

Re 16-8: Renewals: Mr. Kaufman suggested deletion of 'an application for renewal shall be made on or before November 1st of each year. Failure to file a renewal application and pay the proper fees therefor by 11/1 shall require that the application be filed and processed pursuant to Sec. 16-4 of this local law.' He stated that penalty for not placing application in by 11/1 would be harmful not only to collectors, but to the people that they service.

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Re 16-9: Re 'misdemeanors': Limit to violations of penal law of the State of New York. Also, third sentence from end.....'to be modified to read "failure to actively and substantially engage in the garbage removal business in the Town of Clarkstown for 30-days shall render the license void and inoperative and steps to revoke same shall be taken by the Commission." (If man is not actively engaged in the business, it should not have a license).

Re 16-10: Restore word "unreasonable".

Re 16-10(e): Three month non-payment - right to discontinue service, etc. No other industry or agency is required to do this. I see no reason why these men should be burdened with it.

Re 16-10 (j): Let it read as follows: "Licensees shall continue to make pickups at the present locations, provided same is at the exterior of the building. Customers shall place garbage cans along the curb, or street, for pickup, wherever and whenever physically possible.

Re 16-10 (l): At the present time we required to bill bi-monthly, we prefer the present law. We do not have large secretarial staffs.

Re 16-10: Add "M": In the event Town Board does not adopt and general policy for the placing of cans throughout the year at the curb, we ask the following language be inserted in 16-10 as Paragraph M. "During the period 12/15 to 3/5 inclusive, customers shall place garbage cans along side of the curb or street and in no event more than 40' away from the curb or street during the period 3/16 to 12/14/ inclusive".

Mr. Kaufman was requested to submit his recommendations to the Town Board in writing.

Mr. Charles Blich, 310 South Mountain Road, New City: He stated, re cans on curb, dogs overturn.

Mr. Al Selajack, 95 Grandview, Nanuet: Re injuries to industry, their request would cause injury to homeowners. Re \$15.00 charge for grass pickup - why? Requested that the town be informed of whole package; re services and increase.

Mr. William Brenner, 12 Marcus Road West Nyack:

'Old law for the protection of scavengers and protection of homeowners. Mr. Kaufman came in with complete revision of law. Town Board should let people see what the law is before you adopt it in its final form. Former meetings called for grass clippings. Final decision, and agreed to in total, by the industry, was grass clippings to be defined with the term garbage -- put in with it or separated at the convenience of the collector. Curb collection never wanted because of esthetic value. They were to be left at the rear. Rate was agreed to. Last year they mentioned and received the rate increase in accord with the way the law worked. The attorney they now have states that residents of Clarkstown received value for their money. Recommend that before any changes are made, look into it very thoroughly as it is written now, protects home owner and members of the industry."

Mr. John Stanton, 35 Ludvigh Road, Nanuet: Have put grass clippings at curb; garbage back of house. I heard that the pickup of leaves being done by town; my bags of leaves still at curb. If we put our garbage at curb, I think cars driving by and children walking by would knock over. Co. D'Antoni informed him that bagged leaves will be picked up by the Highway Department.

Mr. Pat Nazzaro (Scavenger): Two years ago, scavengers did not pick up leaves; now we are opposing this - it is too hard to do.

Mr. Ippolitt: We hire extra help for the \$15.00 amount.

Mr. J. Paglia: We do not want to pick up grass. Scavengers do not want to pick up grass.

Mr. Schettino: Grass pickups kill us.

Mr. A. Clingwill, Valley Cottage: Place weight limitations.

Resident, 25 Kings Highway, V/C: Let us pay for the best.

Resident, Grandview A e., Nanuet: Allowed four cans - what you put in them should not matter.

Mr. Hank Carter, 35 Highland Avenue, West Nyack: Re expenditure to the Highway Department to pick up leaves, based on amount of homes - \$15. a season for each home would be about \$450,000. I do not think people should object to \$100,000 to have town haul this away. 12-13¢ a can is cheap to have garbage hauled away. Negotiations and hearings should be held not only to benefit the scavengers, but also to benefit the town.

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

Signed,


Ann E. O'Connor, Town Clerk

PUBLIC HEARING

BARDONIA ELEMENTARY
SCHOOL

11/12/70

8:15 PM

Present: Co. Niehaus, Bolander, D'Antoni, Supervisor Vines
Town Clerk Anne E. O'Connor
Town Atgtorney
Deputy Town Attorney

Absent: Councilman Frohling.

RE: PROPOSED AMENDMENT TO LOCAL LAW NO. 3-1967 - PROTECTION OF HOMEBUYERS
FROM LOSS OF DEPOSIT:.

Supervisor Vines called public hearing to order; Town Clerk read notice of public hearing and testified as to proper publication and posting of said notice.

Proposal is to amend Section 62-2 of LL No. 3-1967, as amended to read:

"Prior to the issuance of a building permit for a single family dwelling, the applicant shall provide the Building Department with evidence of financial security sufficient to guarantee against the loss of the contract deposit of the purchaser."

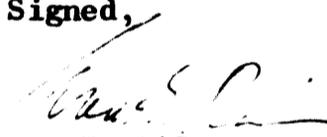
Mr. S. Trager of 3 Wayne Ave., New City inquired as to how town proposes to determine financial security. Deputy Town Attorney replied that the only thing changed is the time requirement for the posting.

IN FAVOR: No one appeared

OPPOSED: No one appeared

On resolution offered by Councilman Niehaus, seconded by Councilman D'Antoni and unanimously adopted, public hearing was closed.

Signed,


Anne E. O'Connor
Town Clerk

PUBLIC HEARING

BARDONIA ELEMENTARY
Town SCHOOL

11/12/70

8:30 PM

Present: Co. Niehaus, Bolander, D'Antoni, Supervisor Vines
Town Attorney and Deputy Town Attorney
Town Clerk

Absent: Councilman Frohling.

RE: PROPOSED AMENDMENT TO THE BUILDING ZONE ORDINANCE AMENDING SEC. 3.11,
TABLE OF GENERAL USE REGULATIONS FOR LS ZONE:

Supervisor Vines called public hearing to order; Town Clerk read notice of public hearing. Town Clerk testified as to proper posting and publication of notice of hearing.

The Town Attorney read proposed amendment to the audience as follows:

Amend Sec. 3.11, Table of General Use Regulations for the LS Zone by deleting the last sentence of Note #8 of Column 8, Additional Use Regulations, to wit, "This amendment shall be applicable to the

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AMEND SEC. 3.11

LS zone only." Note #8 of Column 8 shall hereafter read as follows:

8. No restaurant, limited menu or otherwise, drive in, or food dispensing establishment shall be permitted within 200 feet of any church, school, synagogue, or similar place of assembly. (The 200 feet prohibition herein shall be measured from the nearest property line.)

IN FAVOR:

REV. W. J. HAMMANN, representing his congregation of 1000 persons; presented 600 signature petition.

REV. CHRISTOPHER DALY, New City: In favor of adoption as resident, reverend of St. Augustine's Catholic Church, as as Chairman of the Clergy Association.

CHARLES BLITCH, South Mountain Road.

MR. ROBERT REARDON, Prides Crossing, New City: Chairman, Lay Council, St. Augustine's.

P. MURPHY, Congers: Chairman of the Steering Committee, Hamlet Advisory Committee; Support this proposed amendment.

JAMES HODGIN, S NEW CITY: Town Planner informed Mr. Hodgins that property still zoned CS - Amendment does not change the zone of this property.

Town Attorney informed Mr. Higgins of New City that when this amendment is adopted, unless permit obtained and physical work started, the owner would not be able to use his property for a restaurant.

OPPOSED:

Michael Furey, Esq. attorney representing property-owner in Nanuet appeared before the Town Board stating in part that church bought with knowledge of what already existed in Nanuet.

Marshall Rooney, Esq. stated representing owner of property in Nanuet located on North Middletown Road (Sunderman): Owned property since 1923; church constructed after client bought property; churches entitled to relief but not to detriment of persons residing in area for a long time.

Doris Starke, South Middletown Road, Nanuet: Owned property since 1939 - 12 acres involved. Temple built 25 years ago; does not want to be jeopardized.

Resident, 25 Kings Highway Congers: Informed that this proposed amendment will not effect pre-existing business.

Mr. Leonard Schwall, Esq: If this adopted, church can sell to another, but individual can't. Mentioned church selling property to person who then built a gas station.

Mr. Henry Gildersleeve: Opposed.

John Hekker, Esq., Nyack N Y: Representing two clients: Agrees with L. Schwall. Solicited fact that Town Planner had submitted his recommendation to the Town Board as follows: Proposed amendment is desirable and consistent, etc. Mr. Hekker informed by Supervisor that Town Board proposed this amendment. Mr. Hekker stated that in his opinion, this petition arbitrary, capricious and confiscatory.

Harry Edlstein, Esq., representing Hi-Tor Restaurant: Already contemplating addition to luncheonette. Under this proposed zoning, would this be prohibited? Town Attorney stated you can add up to 50% of the existing structure provided it meets all other requirements.

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AMENDING SEC. 3/11

(continued)

FILED WITH TOWN CLERK:

Eighteen letters **opposing** by residents.
Letters from Rev. Martens of the Clarkstown Reformed Church; Chairman of the Parish Council of St. Augustine's Church in New City; Rev. Christopher H. Daly, Asst. Pastor of St. Augustine's Church, New City; and Mr. Jay Northrup, President of the First State Bank, Spring Valley.

On resolution offered by Councilman Niehaus, seconded by Councilman Bolander and unanimously adopted, public hearing was closed.

Signed,

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

SPECIAL TOWN BOARD MEETING

Town Hall

11/16/70

3:00 PM

Present: Councilmen Niehaus, Bolander, Frohling, D'Antoni, Supervisor Vines
Town Clerk
Deputy Town Attorney

Supervisor Vines called Special Town Board meeting to order;
Assemblage saluted the Flag.

(1970-732) Councilman D'Antoni offered the following resolution:

WHEREAS, Councilman D'Antoni, a member of the Town Board, has introduced a local law entitled "LOCAL LAW ESTABLISHING STANDARDS OF ETHICAL CONDUCT FOR OFFICERS AND EMPLOYEES OF THE TOWN OF CLARKSTOWN", and

WHEREAS, the Town Board of the Town of Clarkstown considers that it is in the public interest that such a local law be adopted;

NOW THEREFORE, be it

RESOLVED, that a public hearing pursuant to Section 20 of the Municipal Home Rule Law be had at the Board Room in the Town Hall, 10 Maple Avenue, New City, New York on the 9th day of December 1970 at 9:00 PM o'clock in the evening, relative to such proposed local law; and it is

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the Rockland News Leader-Independent and the Journal News, and posted in the manner provided by law; and it is

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing and the Town Clerk cause the same to be published and posted as aforesaid and file proof thereof in the office of the said Town Clerk.

Seconded by Councilman Frohling.

All voted Aye.

(1970-733) Councilman D'Antoni offered the following resolution:

WHEREAS, Councilman D'Antoni offered a local law entitled "LOCAL LAW ESTABLISHING A BOARD OF ETHICS", and

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