

PUBLIC HEARING

Town Hall

2/23/72

8:00 PM

Present: Councilmen Niehaus, D'Antoni, Pizzutello, Supervisor Vines
Town Attorney Frederick P. Roland

Absent: Councilman Lodico

RE: PROPOSED AMENDMENT TO LOCAL LAW NO. 3-1968 ENTITLED 'LOCAL LAW
ESTABLISHING A TRAFFIC ADVISORY BOARD WITHIN THE TOWN OF CLARKSTOWN':

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

Robert Bowman, 3 Murdock Road, New City, New York sworn in and on questioning by Town Attorney Frederick P. Roland, testified as follows:

Is Building Inspector of the Town of Clarkstown and has read the proposed law which is subject of public hearing. He stated, that as a result of meeting between fire services in town and the attorney for the Fire Districts in the town, and in connection with the Local Law that was implemented approximately forty five days ago wherein we have proposed designated fire lanes in shopping centers, it was opinion of these people that the Police Chief, Building Inspector and the Fire Chief should be included as members of the Traffic Advisory Board for the purpose of advising the Board on firematic matters, as well as traffic and safety patterns, as related to the Police Department.

Mr. Bowman stated it would be in the best interest of the town to adopt. Re recommendations of the Traffic Advisory Board, he stated that he has read correspondence to the Deputy Town Attorney which stated that conflict of interest might exist because Building Inspector, Fire Inspector and Police Chief might be members of this Board; but he not prepared to testify as to whether or not this would be. His personal feelings, he continued, is that it would not be. He recommends that this proposal be adopted.

No further questions put to Mr. Bowman by the Town Attorney.

IN FAVOR: No one appeared.

OPPOSED: No one appeared.

Councilman Niehaus brought out the point that on Page 2 of proposed Local Law, it indicates that the Board shall elect a Chairman from its own members, but it does not say what the term should be.

Town Attorney Frederick P. Roland stated we could limit it to a term and Councilman Niehaus requested that this be specified.

Town Attorney recommended that we should make a report of the Traffic Advisory Board a part of the record. (Town Clerk Note: see following):

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PROPOSED AMENDMENT TO LL #3-1968 (TAB): - continued

The following is copy of letter dated 1/20/72, addressed to Martin S. Friedman, Deputy Town Attorney, from John J. Moran, Chairman of the Traffic Advisory Board:

'We received copies of the Proposed Amendment to Local Law No. 3-1968, entitled, "Local Law Establishing a Traffic and Traffic Fire Safety Advisory Board within the Town of Clarkstown." This Board discussed this proposed amendment at our January 17, 1972 meeting.

'Our suggestion in reference to Sec. 2, Page 2B, is that it should read, "The members of the Traffic and Traffic Fire Safety Advisory Board shall be appointed by the Town Board except that the Fire Inspector, the Chief of Police, the Building Inspector, the Superintendent of Highways, the Town Planner, the Town Attorney, or their representatives of the Town of Clarkstown, hereby are made "EX OFFICIO" members of this Board."

'The reason for this proposed change is that over the years, it has been established that employees of the Town, acting in an Ex-Officio capacity, has been very successful.

'The proposal to appoint Town Employees as permanent members to this Board, would be, in our opinion, a conflict of interest. These employees, serving as permanent members, would be placed in a dual capacity of formulating and voting on Traffic and Traffic Fire Safety recommendations, which often require implementation by their own Departments.

'If the aforementioned recommendation is acceptable that Town Employees be Ex-Officio members, then three (3) or more voting members of such a Board shall constitute a quorum for the transaction of business. (See D, page 3).

'We also recommend that Section 3, page 4, C, be prefaced by the following:

"Prior to any authorized Town Agency holding Public Hearings, the Traffic and Traffic Fire Safety Advisory Board shall review traffic Patterns and parking facilities, etc."

'We would appreciate conferring with you before you place this Proposed Amendment on the Town Board Agenda for setting date of Public Hearing.'

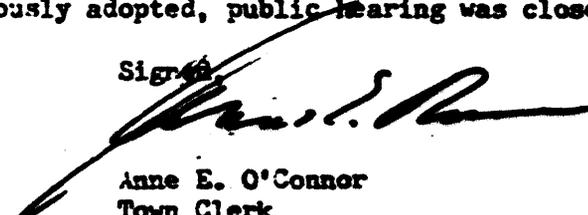
Signed: John J. Moran, Chairman
(Traffic Advisory Board)

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PROP. AMEND. LL#3-1968 - cont.
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Town Attorney concluded that Chairman would be appointed for one year.

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

Signed



Anne E. O'Connor
Town Clerk

PUBLIC HEARING

Town Hall

2/23/72

8:30 PM

Present: Councilmen Niehaus, D'Antoni, Pizzutello, Supervisor Vines
Town Attorney Frederick P. Roland
Town Clerk Anne E. O'Connor

RE: REQUEST FOR EXTENSION OF SPECIAL PERMIT (From 12/9/71 to 12/9/72)
MADE BY ROUTE 59-304 REALTY CO. (PROP. GAS STATION -- LOCATION:
SOUTHWESTERLY CORNER OF INTERSECTION OF ROUTE 59 & ROSE ROAD, MANUET:

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

Donald S. Tracy, Esq. appeared as attorney for petitioner and stated the following:

Originally brought in name of Route 59-304 Realty Corporation. They sold and assigned, during the pendency of this matter, to J. Knutsen Co., Inc. Secretary of J. Knutsen Co., Inc. will testify.

Under Sec. 813 of the Zoning Ordinance, he continued, we are requesting the extension of Special Permit for gas filling station which was granted on 12/9/70. That particular permit granted subject to restrictive covenants which run with the land and are still applicable to this application for renewal.

Gas Station permit, which was issued, was subject to all of the findings of the Zoning Ordinance.

Mr. John Griffin, 8 Patricia Drive, New City, New York:

Officer of J. Knutsen & Co., Inc., (Secretary). J. Knutsen & Co., Inc. now owner of property on which this particular gas station permit is applicable. Acquired property on 12/10/71. Present when land acquired. There was an assignment made of this particular permit and the right to reapply for this permit.

There has been no change in this particular area encompassed by the permit ^{and} any factors different from the factors which existed on 12/9/70. Corporation agrees to be bound by restrictive covenant.

Town Attorney: Why is petitioner seeking extension?

Answer: (Donald S. Tracy): Under Sec. 813 of Zoning Law, provides that Special Permit only have useful life for one year from the date they are granted. Thereafter, permit could be extended by application to the Town Board or the Zoning Board of Appeals, whichever applicable. In this instance, Town Board authority who controls Special Permit.

Special Permit, he continued, issued 12/9/70. There has been extensive litigation between the former permit holders and the State of New York concerning road accesses. Prior to expiration of permit; on or about 12/5; former attorney handling this matter made application for extension of permit. In that application, he cited reasons why the gas station had not been built. My client assumed the control of this property only several months ago and we have been subject to continuing litigation, which is pending, to make the property buildable.

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Mr. Tracy continued: Property located at intersection of Rose Road and Route 59, West Nyack. Surrounding area has not changed. Zoning in surrounding area has not changed. All factors presently exist, as they did on 12/70. One year period which has elapsed, has not been unduly lengthy time by virtue of fact of litigations which has been pending. Re litigation, case submitted 2/7 to the Supreme Court for determination. Successor brought proceedings in court to determine whether there is access to Route 59. On planning access entrance on 59 and exits on Rose Road, property at that time, with 3 votes of the Town Board, was deemed to be suitable and proper to issue Special Permit. Nothing has changed since then. Property still desirable parcel of property for gas station permit.

Town Attorney: When will litigation be resolved?

Mr. Tracy: Probably within the next three to four months. If it is resolved in favorable determination, we will then proceed if the Town Board grants. If unfavorable, applicant would have a claim for condemnation. We have no feeling at this time as to which way the courts might decide. Even if the question of access from 59 was resolved against the petitioner, he would still have the site, and although it would not be as available for gas station, the site still could be used for this use.

IN FAVOR: No one appeared

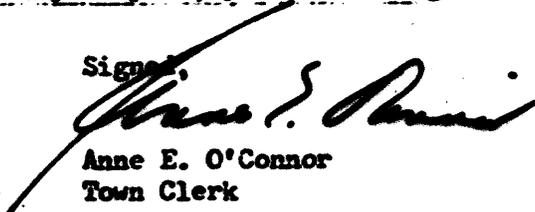
OPPOSED:

Mr. Bert Kimbark, Congers, New York: Against all new gas stations. If applicant can prove necessity, alright; but already overloaded with gas stations now. You can more mileage per gallon today, cars do not need that much gas - also oil better. Gas station, he stated, although he said he was not sure of this fact, cannot do any repair work, except for emergencies. 90% of gas stations, he continued, today doing repair work, which is illegal according to the town law.

REBUTTAL (Mr. Tracy): There is no such law. There is restrictive covenant filed pertaining to this permit which says that the gas station will not employ a tow truck to go out and solicit wrecks and repairs, except when requested to do so by municipal authorities under emergency basis. Re overabundance; if such were the case, oil companies would not be anxious to consummate leases on property where there was no need.

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

Signat,


Anne E. O'Connor
Town Clerk

TOWN BOARD MEETING

Town Hall

2/23/72

8:00 PM

Present: Councilmen Niehaus, D'Antoni, Pizzutello, Supervisor Vines
Town Clerk Anne E. C'Conner
Town Attorney Frederick P. Roland

Absent: Councilman Ledico

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

(1972-221) Councilman Pizzutello offered the following resolution:

WHEREAS, the bid proposals for a 1972 automobile submitted by Schmidt Chevrolet, Haverstraw, New York, and Driscoll Chevrolet, Spring Valley, New York, do not meet specifications provided for by the Town of Clarkstown,

NOW THEREFORE, be it

RESOLVED, that the bid for the purchase for one 1972 automobile be and is hereby awarded to the lowest qualified bidder, Burnweit Pontiac, Nyack, New York, at the bid price of \$4,319.60.

Seconded by Councilman D'Antoni.

All voted Aye.

Town Board signed ORDER Extending the Clarkstown Consolidated Water Supply District #1 to include THORNWOOD HILLS SUBDIVISION. (INSERT ORDER)

Town Board signed Agreement to spend Town Highway Funds for General Repairs for sum of \$927,091.25 for general repairs on 19 1/2 miles of town highways.

(1972-222) Councilman D'Antoni offered the following resolution:

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the second Provisional appointment, pending examination of RICHARD JAHNES, 10 Blauvelt Road, Blauvelt, New York, to the position of DUMPMASTER - SANITARY FILL, at a salary of \$11,030.00 per annum, effective immediately.

Seconded by Councilman Niehaus.

All voted Aye.

(1972-223) Councilman Niehaus offered the following resolution:

WHEREAS, there is a temporary vacancy in the position of Typist in the Planning Board office created by the Leave of absence of Lucille Whelan,

NOW THEREFORE, be it

RESOLVED, that the Supervisor be authorized to execute the necessary Civil Service form for the temporary appointment, not to exceed thirty days, of HELEN CLSIN, Old Haverstraw Road, Congers, New York, to the position of TYPIST-PLANNING BOARD, at a salary of \$3.20 per hour, effective and retroactive to February 7th, 1972.

Seconded by Councilman Pizzutello.

All voted Aye.

(1972-224) Councilman D'Antoni offered the following resolution:

WHEREAS, a proposed local law entitled "AMENDMENT TO LOCAL LAW NO. 2-1964, AS AMENDED, ENTITLED 'LOCAL LAW PROVIDING FOR REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION'" was introduced by Anthony D'Antoni, a member of the Town Board of the Town of Clarkstown at a Town Board meeting held on December 1, 1971, and

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 1st day of December, 1971, directed that a public hearing be held on the 12th day of January, 1972, at 9:15 PM, to consider the adoption of said local law, and

WHEREAS, a notice of said public hearing was duly prepared and published in the Journal News on December 28, 1971, and posted on the sign board of the Town of Clarkstown on the 28th day of December, 1971, and

WHEREAS, a public hearing was held by the Town Board on the 12th day of January 1972 at 9:15 PM;

NOW THEREFORE, be it

RESOLVED, that Local Law No. 1-1972 entitled "AMENDMENT TO LOCAL LAW NO. 2-1964, AS AMENDED, ENTITLED 'LOCAL LAW PROVIDING FOR REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION'" is hereby ADOPTED and passed by an affirmative vote of the majority of voting power of the Town Board of the Town of Clarkstown, the vote for adoption of said local law being as follows:

Hon. William E. Vines, Supervisor.....AYE
Councilman William R. Niehaus.....AYE
Councilman Anthony D'Antoni.....AYE
Councilman John Lodico.....(ABSENT)
Councilman Vincent P. Pizzutello.....AYE

The Town Clerk of the Town of Clarkstown was directed to file said local law, pursuant to Section 27 of the Municipal Home Rule Law.

Seconded by Councilman Niehaus.

All voted Aye.

(1972-225) Councilman Niehaus offered the following resolution:

WHEREAS, an agreement was entered into between Nick Guttman, Inc. and the Town of Clarkstown, dated September 1st, 1967, regarding a sewer treatment plant in Sewer District No. 13, which provided, among other things, that ".....or if GUTTMAN shall fail to operate and maintain its present facilities to provide adequate service for such persons or the Jawonio School who pay the agreed charges therefor, CLARKSTOWN, after 20 days' notice to correct the default and GUTTMAN'S failure to do so, may record said deed", and

WHEREAS, there has been a failure by GUTTMAN to perform said agreement, and

WHEREAS, the Rockland County Department of Health have advised the Town of Clarkstown of the degraded condition of the said Sewer Plant;

NOW THEREFORE, be it

RESOLVED, that by copy of this resolution, Nick Guttman, Inc. is hereby given notice that, if the conditions as outlined by the Rockland County Department of Health are not corrected within the next 20 days, the Supervisor is hereby authorized to record the deed to the said sewer plant in accordance with and pursuant to the agreement of September 1st, 1967.

Seconded by Councilman Pizzutello.

All voted Aye.

(1972-226) Councilman D'Antoni offered the following resolution:

RESOLVED, that three members of the Clarkstown Shade Tree Committee are hereby authorized to attend the Hudson Valley Shade Tree Conference to be held at the Tappan Zee Motor Inn on Tuesday, March 7th, 1972; cost to be \$8.50 per person; same to be made a proper town charge; total amount not to exceed \$25.50.

Seconded by Councilman Niehaus.

All voted Aye.

(1972-227) Councilman Niehaus offered the following resolution:

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

Seconded by Councilman D'Antoni.

All voted Aye.

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(1972-228) Councilman Pizzutello offered the following resolution:

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

Seconded by Councilman D'Antoni.

All voted Aye.

(1972-229) Councilman D'Antonio offered the following resolution:

(INSERT RESOLUTION RESERVING DECISION ON PROPOSED AMENDMENT TO LOCAL LAW NO. 3-1968 ESTABLISHING A TRAFFIC ADVISORY BOARD WITHIN THE TOWN OF CLARKSTOWN)
~~The Town Board Reserved Decision on the above proposed amendment to Local Law No. 3-1968.~~
Seconded by Councilman Niehaus.

All voted Aye.

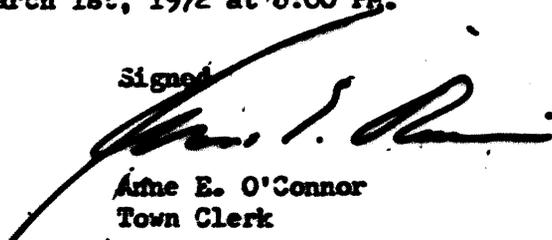
(1972-230) Councilman D'Antoni offered the following resolution:

(INSERT RESOLUTION RESERVING DECISION ON REQUESTED EXTENSION OF SPECIAL PERMIT - 59-304 REALTY CO. FOR ERECTION OF A GASOLINE STATION ON PROP. LOCATED ON THE S/W CORNER OF INTERSECTION OF ROUTE 59 AND ROSE RD., NANUET)
~~The Town Board Reserved Decision on the above mentioned Special Permit for erection of a Gasoline Station.~~
Seconded by Councilman Niehaus.

All voted Aye.

On resolution offered by Councilman Niehaus, seconded by Councilman Pizzutello and unanimously adopted, Town Board meeting was adjourned until Wednesday, March 1st, 1972 at 8:00 PM.

Signed


Anne E. O'Connor
Town Clerk