

PUBLIC HEARING

Town Hall

10/25/72

8:10 PM

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

RE: ZONE CHANGE APLICATION MADE BY JOSEPH SUTERA (R-15 to L10 District)
Property located on Fulton Avenue, West Nyack, New York:

Supervisor Vines called public hearing to order; Town Clerk testified as to proper posting and publication of notice of public hearing, and to receipt of Affidavit of Service of said notice of public hearing on property owners listed on the latest assessment roll whose property or any portion thereof lies within 500 feet of any boundary line of the property to be affected.

The following recommendations were received:

ROCKLAND COUNTY PLANNING BOARD: Subject change does not fall within the applicable provisions of Article 12B, Section 239 1 and 2 of the General Municipal Law.

CLARKSTOWN PLANNING BOARD: DENY for the following reasons:

1. The request is incompatible with surrounding residential areas, (Clearwater Estates, River Estates), new residents having purchased homes here in good faith that area is residential with some Local Shopping to its South;
2. The Master Plan for the town adopted by the Planning Board 12/13/71 indicates land use for this area as for residential 2-3 d.u.'s a/acre.
3. Petitioner's parcel being only 28,000 sq. ft., total is less than the required 100,000 sq. ft. in L10 zone, this creating a non-conforming lot requiring variances for use requested.

TOWN FLANDER: Finds as follows:

1. The character of the area surrounding the petitioner's property can best be described as mixed. Except for the commercial establishments fronting on the West Nyack Road, Benson Avenue is completely developed with residential home sites. Fulton Avenue, on the other hand, has a mixture of commercial and industrial uses. At the intersection of Fulton and West Nyack Road, are retail and office establishments and

(continued)

(Town Planner recommendation - continued)

the properties on the east side of Fulton Avenue are developed with manufacturing and truck related facilities. It should be noted that Fulton Avenue is not an improved street and does not appear to be a Town Road.

2. The subject property is a vacant piece of property and lies immediately behind Lot 89-B-4, a residential lot.

3. The petitioner is seeking to rezone his property from R-15 to L10.

4. In examining the zoning patterns on the Town's Zoning Map; Fulton Avenue is the dividing line between the R-15 District on the West and the L10 District on the East. The R-15 District, basically a single-family residential District, does not permit the uses sought by the petitioner. The intersection of Fulton Avenue with West Nyack Road is part of the LS District, which encompasses the older, built-up central business area of West Nyack.

5. In examining the planning for this area, the 1966 Master Plan recommends this area for commercial uses. The recent Master Plan, adopted by the Planning Board on 12/13/71, recommends this area be planned for medium-density residential uses at a density of two to three units per acre.

6. In terms of planning, any rezoning of the subject property or, in fact, the other properties on the west side of Fulton Avenue without due consideration to separating (buffering) the subject property from the aforementioned residential uses on Benson Avenue, could be detrimental to the stability of that area. Further, it would be more desirable, in terms of planning, if all the properties on the west side of Fulton Avenue, including the subject property be treated as a single unit. To do otherwise may encourage the property owners north and south of the subject (property -T/C) to request a similar change.

CONCLUSIONS AND RECOMMENDATIONS (Town Planner):

Due to the commercial character on West Nyack Road and the industrial uses of the properties east of Fulton Avenue (Opposite the subject property) the rezoning of this property does not present any major zoning problems providing that the following requirements are met by the petitioner:

1. That a buffer area, a minimum of 20 feet along the westerly property line be completely landscaped with all and seasonal type of plantings to afford some protection to the residential area on Benson Avenue.

(continued)

(Town Planner - continued)

2. No access be permitted to this subject property from Benson Avenue.
3. That all repair of vehicles be performed in a completely enclosed building and further, that any storage of parts or Supplies be similarly enclosed.
4. For proper access and safety reasons, Fulton Ave. should be improved in accordance with the town street specifications or to a condition approved by the Town Engineer.
5. Any road widening land necessary to bring Fulton Ave. up to town specifications be dedicated.
6. In the event that the town or the adjacent property owners agree to form a road improvement district, the petitioner and future owners would consent to and participate in such an improvement.

'If the Town Board grants a favorable approval of this petition, we would further recommend that the Town Board give serious consideration to rezoning the properties to the north and to the south of the subject property, as indicated on the enclosed (in T/C file) sketch, IS 89) dated 9/14/72.'

(Representing West Nyack Civic Association)

At this point, Mr. John Tomicki of West Nyack/appeared before the Town Board noting that the petition stated '.....approximately 325 ft. north of the intersection of West Nyack Road.', and attached Schedule A of the petition stated '.....225 ft. north of the intersection of the northerly side of West Nyack Road and the westerly side of Fulton Avenue'.; and was printed in the Notice of Public Hearing as such. He was told by the Chair that he would be given a chance to speak after the attorney for the petitioner presented the request.

Harold A. Seidenberg, Esq., 455 Route 304, Bardonia, New York, of the Firm of McCormack, Seidenberg & Lusiani, appeared before the Town Board as Attorney for the Petitioner and stated the following:

Re footage, Schedule A says 225' north of intersection of the northerly side of West Nyack Road.

Property located on the west side of Fulton Avenue, directly across the street from LIO. Across the street - mamp and ice cream distribution center. Behind that, railroad and Orange & Rockland.

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(Mr. Seidenberg, continuing):

To the east - LIO Zone. To the South LS and commercial all along West Nyack Road.

Intent of petitioner: To build warehouse for storage and repair of trucks. Petitioner has six (6) trucks at the present time; we do not contemplate more than one or two more in the immediate future.

No parking outside. No work outside.

Area suitable and proper for requested use; there is no access expected on Benson Avenue.

Would bring into town, tax rateable.

Be not sufficient bulk land; if change granted, we will seek variance.

It will be a small building. Cost: \$50,000.00

There were no witnesses presented.

Town Attorney Frederick P. Roland:

Will property be used by anyone else? Answer: No, only by the petitioner.

Would you agree to Restrictive Covenant? Answer: Yes.

Mr. Seidenberg informed the Town Board and those present in the audience that trucks would not come and go in night hours. They would leave in the morning and proceed down LIO road to commercial road, and then to distribution point. After pickup, he continued, they would be put into the garage.

IN FAVOR:

Mr. Frank Marsico: Drainage alright. Be stench; take it up when it appears. We have pollution laws. Be Route 99; practically dead-end street so there won't be any hazard.

Mr. Thomas Marsico: (Owner of property adjacent to subject property): This area not suitable for homes.

Mr. Joseph Marsico: (West St., West Nyack): Be noisy trucks, they have their garbage picked up at 6AM. This garage would keep the trucks inside so they will be in good condition.

(cont)

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Mr. Joseph Marsico - cont: Re stench - trucks inspected periodically by the Board of Health and cleaned. There will be no stench from the trucks and no garbage laying around in the area.

OPPOSED:

Mr. John Tomicki, Attorney Representing West Nyack Civic Association:

Description of property in petition specifically and properly identifies property in Par. #1 and Par. #4. Does it state 325'?

Town Attorney: Yes. Mr. Tomicki: Lot 4.01 - should be 325' not 225' north.

Mr. Lodico: Are you concerned that 225' is not the proper distance?

Mr. Tomicki: If granted, you would grant to piece of property and it would be in the wrong spot. Legal notice must conform.

Town Attorney: There is description of property attached to the schedule.

Mr. Tomicki: My point is that I believe in the event the Board would be adopting this, you would be amending Zoning Map and Zoning Ordinance and you would be in the wrong spot. Legal Notice says 225' north and actual property is 325' north.

Mr. Tomicki, continuing:

Abandoned motor vehicles being left there. Refuse and waste being left there. You will be violating zoning line barrier; Master Plan should not be violated. Tax Map will show where error came in on the public notice. West Nyack Civic Association - Opposed.

Mr. Joseph Centra, Adels Road, West Nyack:

Master Plan designates commercial area. This particular area not place to change for garbage trucks. Will be small building - too small to hold and maintain six trucks. What happens if it is too late to get to the dump, will trucks remain loaded?

Supervisor: That is illegal.

Mr. Centra (continuing): Fulton Avenue not suitable to have facility like this. Fulton narrow. Trucks will go on West Nyack Road, which is also narrow. Not advisable.

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OPPOSED - continued:

Mr. Richard Grasmuck, West Nyack: Trucks there now. Start at 6AM. Noisy.

Mr. A. DiPaolo, Klein Avenue, West Nyack: Residential area being chipped away.

Mr. Murray Silverman, 58 Klein Avenue: Homeowners have money invested in their property. If this allowed, property along side proposed garage will defaluate. There must be other places in town this could be built on.

(On question put by a Mr. Terry Portero, West Nyack, Mr. Sutera replied that pickups would be made on Benson, Klein and in immediate area.)

Mr. Richard Sullivan, 8 Adele Road, West Nyack: Flooding in area. More building, more flooding. Would be near Hershey factory - unhealthy. Elementary School close by - dangerous.

Mr. John Tomicki, West Nyack (On his own personal behalf): Garbage call service - storing trucks problem. Suggestion: On handling of garbage vehicles, we have a Dump. At one time, it was used as parking station. There must be a possibility to allow them to come in to the Town Dump to pay to park their vehicles, and to wash and service their vehicles. This may be a logical location to leave their vehicles to be serviced and put it on a lease basis that would be self-sustaining,

Mr. Sutera, 168 Sickletown Road, West Nyack: (Question to Mr. Tomicki and Civic Association): Can you truthfully say that you actually smell a garbage truck stench?

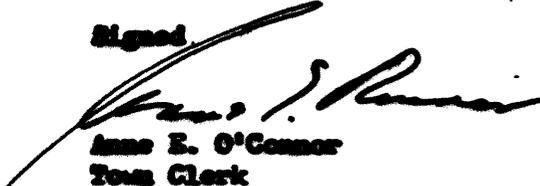
Mr. Vines: Do not get into dialogue.

REBUTTAL (Attorney Seidenberg):

Arguments made here do not require rebuttal. No noise, in the wintertime, they will be indoors and not need warming up (trucks). Re where they will dump on Saturdays; dumps are open on Saturday and they are (trucks) cleaned and washed.

On resolution offered by Councilman Lodie, seconded by Councilman Pizzarello, and unanimously adopted. public hearing was closed.

Signed


Anne E. O'Connor
Town Clerk

TOWN BOARD MEETING

Town Hall

10/25/72

8:00 PM

Present: Co. Niehaus, D'Antoni, Lodico, Pissutello, Supervisor Vines
Town Clerk Anne E. O'Connor
Town Attorney Frederick P. Roland
Deputy Town Attorney Martin S. Friedman

Supervisor Vines called Town Board Meeting to order; assemblage saluted the Flag.

Re scheduled bid openings for purchase of automotive parts and supplies and for equipment for the Town Hall Garage -- no bids received.

(1972-897) Supervisor Vines offered the following PROCLAMATION:

WHEREAS, the children in "Our Town of Clarkstown" will participate in the fun and festivities associated with the observance of Halloween "TRICK OR TREAT" custom by going from door to door with their happy challenge of "TRICK OR TREAT"; and

WHEREAS, there is an ever increasing danger of accidents due to the carefree spirit of our children who abandon their natural caution, and venture forth costumed and masked and often indistinguishable in the darkness; and

WHEREAS, the afternoon and early evening hours permit greater visibility, and therefore greater safety for our children;

NOW THEREFORE, be it

RESOLVED, that I, WILLIAM E. VINES, Supervisor of the Town of Clarkstown, do hereby proclaim that Tuesday October 31st, 1972 be "HALLOWEEN" in the Town of Clarkstown, and be it

FURTHER RESOLVED, that both children and parents are hereby asked to cooperate in limiting the time of "TRICK OR TREAT" activities to the period between 3:00 PM and 9:00 PM. I also ask that young children be accompanied by a parent or responsible adult, and request homeowners to indicate their willingness to welcome youngsters by keeping the porch or exterior lights on and that children call only at homes so lighted. Finally, I encourage all our citizens, young and old, to cooperate in making this a happy and safe occasion for our children.

Seconded by Councilman D'Antoni.

All voted Aye.

(1972-898) Councilman D'Antoni offered the following resolution:

RESOLVED, that based upon the recommendation of the Chief of Police, the bid for the purchase of sixteen (16) Police Cars be and is hereby awarded to the lowest bidder who has complied with town specifications, Spring Valley Dodge, Inc., South Main Street, Spring Valley N Y, at a total net bid of \$43,632.80.

Seconded by Councilman Niehaus.

All voted Aye.

(1972-899) Councilman Niehaus offered the following resolution:

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

Seconded by Councilman Lodico.

All voted Aye.

(1972-900) Councilman Pizzutello offered the following resolution:

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

Seconded by Councilman Niehaus.

All voted Aye.

(1972-901) Councilman D'Antoni offered the following resolution:

RESOLVED, that decision on zone change application made by Joseph Sutera for property located on Fulton Avenue, West Nyack N Y for change from R-15 District to L10 District; be reserved.

Seconded by Councilman Lodico.

All voted Aye.

(1972-902) Councilman D'Antoni offered the following resolution:

WHEREAS, a special permit was granted by the Town Board of the Town of Clarkstown for the erection of Senior Citizen Housing located on the easterly side of North Middletown Road in the Hamlet of Mamet, Town of Clarkstown, New York to be owned and maintained by the United Brotherhood of Carpenters and Joiners of America, Local 964, and

WHEREAS, Senior Citizen Housing is badly needed in the Town of Clarkstown, and

WHEREAS, housing accommodations for senior citizens at reduced rentals to accommodate our senior citizens living on fixed low incomes are in very short supply in the Town of Clarkstown, and

WHEREAS, reduced rentals can only be provided to our senior citizens if the cost of operation and maintenance of Senior Citizen Housing is reduced by tax abatement or exemption;

NOW THEREFORE, be it

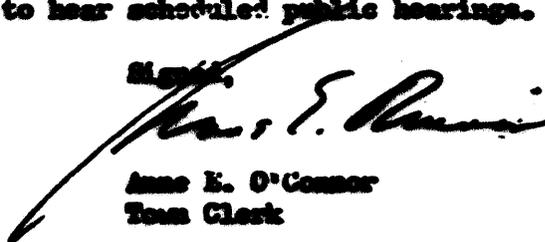
RESOLVED, that pursuant to the Private Housing Finance Law and the Real Property Tax Law of the State of New York, the Senior Citizen Housing sponsored by the United Brotherhood of Carpenters and Joiners of America, Local #964, on the easterly side of North Middletown Road in the Hamlet of Mamet, be and the same is hereby granted a tax exemption to the extent and amount provided by Sec. 422 of the New York State Real Property Tax Law, so long as the United Brotherhood of Carpenters and Joiners of America, Local #964, conforms to the conditions of the special permit and so long as the ownership and operation of the said Senior Citizen Housing shall be by a Not-for-Profit Corporation or pursuant to the Private Housing Finance Law.

Seconded by Councilman Pizzutello.

All voted Aye.

On resolution offered by Councilman Lodi, seconded by Councilman Michaus and unanimously adopted, Town Board meeting was adjourned until Wednesday, November 1st, 1972 at 8:00 PM, at which time next regularly scheduled Town Board meeting will be held in the Board Room of the Town Hall to hear scheduled public hearings.

Signed,


Anne E. O'Connor
Town Clerk