

TOWN BOARD MEETING

Town Hall

1/10/73

8:00 P.M.

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

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

(1973-76) Councilman D'Antoni offered the following resolution:

RESOLVED, that Town Board meeting be adjourned in order to hold regularly scheduled Public Hearings.

Seconded by Councilman Pizzutello.

All voted Aye.

(1973-77) Councilman Lodico offered the following resolution:

RESOLVED, that regularly scheduled Public Hearings having been held, Town Board meeting be resumed.

Seconded by Councilman Niehaus.

All voted Aye.

(1973-78) Councilman D'Antoni offered the following resolution:

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

In the Matter of R & R CARTING DISPOSAL, INC.,

Petitioner,

For an Order pursuant to Article 78 CPLR

-against-

JACK WEISS, JOHN WALLACK, DAVID ROEPE, JOHN DANAHEY and JOSEPH SUTERA, constituting the SANITATION COMMISSION of the Town of Clarkstown and the TOWN OF CLARKSTOWN,

Respondents.

NOW THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to take whatever steps are necessary to defend said proceeding.

Seconded by Councilman Pizzutello.

All voted Aye.

EH8855

(1973-79) Councilman Niehaus offered the following resolution:

RESOLVED, that the application of HOWARD TARANOW & PHYLLIS TARANOW for a "corrected" Special Permit for the erection of a gasoline filling station pursuant to requirements of Secs. 4.3, 8.333 and 3.11 (Table of General Use Regulations) of the Zoning Ordinance of the Town of Clarkstown, for property in an RS District located at the intersection of Smith Street and Route 59, Manuet, New York, be referred to the Clarkstown Planning Board for report and also to the Rockland County Planning Board pursuant to Sections 239-1 and 239-2 of the General Municipal Law.

Seconded by Councilman D'Antoni.

All voted Aye.

(1973-80) Councilman D'Antoni offered the following resolution:

WHEREAS, Councilman D'Antoni, a member of the Town Board of the Town of Clarkstown has introduced an amendment to a local law entitled "LOCAL LAW ESTABLISHING A TRAFFIC AND TRAFFIC FIRE SAFETY ADVISORY BOARD WITHIN THE TOWN OF CLARKSTOWN", and

WHEREAS, the Town Board of the Town of Clarkstown considers that it is in the public interest that said 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 24<sup>th</sup> day of January 1973, at 8:12 P.M. 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 Journal News, the official newspaper of the Town of Clarkstown, and posted in the manner provided by law, and it is

FURTHER RESOLVED, that the Town Attorney prepare notice of said hearing and that 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 Lodico.

All voted Aye.

(1973-81) Councilman Pizzutello offered the following resolution:

RESOLVED, that based upon the recommendation of Edward Ghiazza, Supt. of Parks Board & Recreation, that Resolution #1973-20, be and is hereby rescinded, and be it

FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to readvertise for the purchase of two (2) buses for the Recreation Dept., and be it

FURTHER RESOLVED, that said bids be returnable at the Town Board Meeting of February 7, 1973 at 0:00 P.M.

Seconded by Councilman Lodico.

All voted Aye.

TM 1/10/75

(1973-82) Councilman D'Antoni offered the following resolution:

RESOLVED, that George Kellersten, Assessor, is hereby authorized to attend the Conference on Assessor's Administration sponsored by the Board of Equalization & Assessment to be held in Rochester, New York, on January 14, 15, 16 and 17, 1973, and be it

FURTHER RESOLVED, that there will be no expense to the Town.

Seconded by Councilman Pizzutello.

All voted Aye.

(1973-83) Councilman Niehaus offered the following resolution:

WHEREAS, there is a vacancy in the position of Typist in the Budget Department, and

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles #CP-1 72-135 - Typist which contains the name of Evelyn Steer,

NOW THEREFORE, be it

RESOLVED, that Evelyn Steer, 649 New Hempstead Road, Spring Valley, New York, is hereby appointed provisionally for 30 days, to the position of Typist - Budget Department - at the annual salary of \$5,830.00, effective January 8, 1973.

Seconded by Councilman D'Antoni.

All voted Aye.

(1973-84) Councilman D'Antoni offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic Fire Safety Advisory Board, the Supt. of Highways is hereby authorized to erect "NO PARKING-FIRE ~~LANE~~" signs on the north side of the Firestone Building, Clarkstown Mall, New City, New York, in the rear of the stores, running east and west.

Seconded by Councilman Pizzutello.

All voted Aye.

(1973-85) Councilman D'Antoni offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Supt. of Highways is authorized to install "NO PARKING ANYTIME" signs along the north side of Central Avenue, Nanuet, from North Middletown Road to Neil Road, Nanuet, New York.

Seconded by Councilman Pizzutello.

All voted Aye.

ECC855

(1973-86) Councilman Niehaus offered the following resolution:

WHEREAS, the Town of Clarkstown has heretofore acquired the necessary easements and has constructed the Route 304 Interceptor, New Hempstead Road Interceptor, West New City Interceptor, Gerronda Road Interceptor, Brewery Road Interceptor, East New City Interceptor, Strawtown Road Interceptor, and the Route 304 Sewer Crossings, and

WHEREAS, all of the foregoing construction by the Town of Clarkstown were included in the plan of construction known as Stage III of Rockland County Sewer District No. 1 and the cost of such construction by Rockland County Sewer District No. 1 included in the total cost of the project as bonded by the Legislature of Rockland County; and

WHEREAS, the Board of Commissioners of Rockland County Sewer District No. 1 were not in a position to begin construction of the aforementioned sewer lines at the time that their construction was necessary in order to provide necessary interceptor service for the Town of Clarkstown, and

WHEREAS, the Legislature of Rockland County, by resolution No. 941, adopted December 5, 1972, has approved the purchase from the Town of Clarkstown of certain interceptor sewer lines and Route 304 sewer crossings, and

WHEREAS, the Town of Clarkstown desires to sell to the County the aforementioned interceptor sewers and Route 304 sewer crossings, together with all easements acquired by the Town in connection therewith;

NOW THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to execute an agreement with the County of Rockland, in a form satisfactory to the Town Attorney, for the purchase by the County of Rockland of the aforementioned interceptor sewers and Route 304 sewer crossings, for the sum of One million nine hundred ninety-six thousand, one hundred eighty-three and 11/100 (\$1,996,183.11) Dollars.

Seconded by Councilman D'Antoni.

All voted Aye.

(1973-87) Councilman Lodico offered the following resolution:

RESOLVED, that all bids for the furnishing of Fill for the Sanitary Landfill are hereby rejected, and be it

FURTHER RESOLVED, that the Town Clerk is hereby authorized to readvertise for bids for the furnishing of Fill for the Sanitary Landfill, specification to be obtained from the Supervisor's office, 10 Maple Avenue, New City, New York, and be it

FURTHER RESOLVED, that all bids be returnable at the Town Board Meeting of January 24, 1973 at 7:55 P.M.

Seconded By Councilman Niehaus.

All voted Aye.

(1973-88) Councilman D'Antoni offered the following resolution:

RESOLVED, that the application of MONTEREY GARDENS CO., for a Special Permit for Senior Citizen Housing on property located on the westerly side of Route 504 between Pineview Avenue and Kennert Lane in Bardonia, New York be referred to the Town Planning Board, Town Planner and Building Inspector and to the Rockland County Planning Board.

Seconded by Councilman Pizzutello.

All voted Aye.

(1973-89) Councilman Lodico offered the following resolution:

WHEREAS, the Clarkstown Police Department is unlawfully picketing, congregating, patrolling and walking back and forth in front of the Town Hall and causing crowds to collect in front of the said Town Hall, and

WHEREAS, all of this is in violation of the Taylor Law of the State of New York;

NOW THEREFORE, be it

RESOLVED, that FREDERICK P. ROLAND is hereby appointed Chief Legal Officer under the Taylor Law (Sec. 211 of the Civil Service Law of the State of New York) and is authorized to proceed to obtain a temporary and permanent injunction and to invoke the penalties under the Taylor Law.

Seconded by Councilman Pizzutello.

All voted Aye.

(1973-90) Councilman D'Antoni offered the following resolution:

(INSERT RESOLUTION RESERVING DECISION ON SPECIAL PERMIT APPLICATION MADE BY SHELL OIL CO. - PASCACK RD, SPRING VALLEY)

Seconded by Councilman Pizzutello.

All voted Aye.

(1973-91) Councilman D'Antoni offered the following resolution:

(INSERT RESOLUTION RESERVING DECISION ON ZONE CHANGE APPLICATION MADE BY J. KNUTSEN & CO., INC. - KINGS HWY, VALLEY COTTAGE - L10 to R-22)

Seconded by Councilman Lodico.

All voted Aye.

(1973-92) Councilman Lodico offered the following resolution:

(INSERT RESOLUTION RESERVING DECISION ON PROPOSED AMENDMENT TO ZONING ORD. (R-10 DIST SEC. 3.11 - 2 FAMILY RESIDENCES)

Seconded by Councilman D'Antoni.

All voted Aye.

ECC855



PUBLIC HEARING

Town Hall

1/10/73

8:00 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: APPLICATION FOR SPECIAL PERMIT - SHELL OIL CO. - PASCACK RD., SPRING VALLEY:

Supervisor Vins called hearing to order. Following correspondence received: (Town Clerk testified as to proper posting and publication of notice of hearing.)

COUNTY PLANNING BOARD: '... We find that the granting of the special permit will not, in all likelihood adversely affect the New York State Thruway or Pascack Road., However, we note that the subject site is part of a Lot No. 1 of a subdivision known as Clarkstown Joint Venture. Final approval for this subdivision was conditioned upon no resubdivision without the prior approval of the Clarkstown Planning Board.'

CLARKSTOWN PLANNING BOARD: 'RECOMMENDATION: That the requested special permit be granted if the Town Board so sees fit, in the understanding that the applicant will process subdivision and site layout reviews simultaneously in advance of any land work or building construction.'

Maurice Phillips, Esq, 20 Old Nyack Tpke., Nanuet N Y appeared before the Town Board as attorney for petitioner and stated the following:

Parcel lies at Pascack Road at southeast corner of the exits to the Garden State Parkway as it joins Pascack. Premises in M zone, which permits gas station by right. In this zone, 15,000 square feet minimum lot size. This parcel applies,

Witness: Mr. Grabarek, 26 1/2 Deepwood Lane, Norwalk, Connecticut: (Sworn in):

Signed petition. Location of station; northwest corner of Pascack Road and Garden State. Proposed sketch submitted. Planning Board and Town Planner made revisions. They approved a preliminary sketch of the projection. (Submitted sketch as approved by the Planning Board - Marked Exh. A)

Re transportation: Located off Garden State Parkway. It is main road; there is cross traffic; there is access. Public water supply in area; sanitary waste disposal available; in fire and police protection zone. Will not cause any undue traffic congestion. Trees now blocking visibility will be removed. There will be adequate ingress and egress for traffic.

Will not adversely effect character of area (manufacturing area). United Parcel to the rear; service station down street; manufacturing behind service station; garden apartments being built across the street.

Will not adversely effect value of property of the area. Will not impair public health or safety; it will increase safety in area because it will improve visibility.

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(Shell)

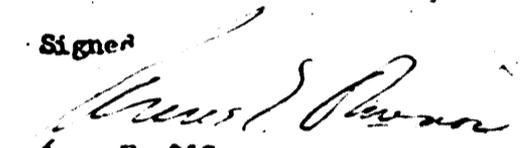
(OPPOSED - continued:)

Mr. Bert Kimbark (Owns Gas Station in Concerns):

I oppose every gas station coming in. January 7th Journal News had good coverage on all gas stations. You should consider that there are too many gas stations in all areas of Clarkstown already. Not good for people in business.

There being no rebuttal, on motion made by Councilman D'Antoni seconded by Councilman Pizzutello and unanimously adopted, public hearing was closed; decision reserved.

Signed

  
Anne E. O'Connor  
Town Clerk

EEC855

PUBLIC HEARING

Town Hall

1/10/73

8:03 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 APPLICATION MADE BY J. KNUTSEN & CO., INC. (Kings Highway, Valley Cottage) -- LIO to R-22):

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

PLANNING BOARDS' RECOMMENDATIONS:

COUNTY: '...We find that granting of the change of zone will not adversely affect Kings Highway which is a County Highway north of the railroad crossing.

TOWN PLANNING BOARD: '....RECOMMENDATION: that the requested zone change of parcels 100B26.01 from LIO to R-22 be DENIED for the following reasons:

1. Granting the change of use would be contrary to the intent of the Master Plan and its estimation of balanced land use needs of the Town.
2. The change of use would reduce the amount of industrial land ("ratables") in the Town,
3. Drainage problems of the low-lying flat land are hard to solve in a residential building context, and
4. Problems of access to some 50 dwellings units are not as susceptible of residential solution as of industrial access (given the nature of industrial investment and construction capability).

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

Merton Rawson. 147 Congera Road. New City N Y: (Sworn in)

Testified that petition signed by J. Knutsen, President of company. He is assistant to the President.

Petitioner contract purchaser of this property. Actual owner Valley Cottage Industrial Park, Inc. Purpose of petition is to request that approximately 23 acres of this land situated off Kings Highway, Valley Cottage be rezoned from industrial zone to residential zone. Approximately 13 acres already zoned R-22. Surrounding uses completely compatible with the use requested by the petitioner.

(continued)

Mr. Rawson - cont:

To the North: R-22  
East: Ls FO and R-15  
South: LO  
West: R-22

Flat piece of land. Would be restricted on access, because of the fact that one enters into the property along a 50.39' right of way. Exit and entrance are off a county road, Kings Highway. County Planning board states this particular zone change, if granted, would not have any adverse effect on the county road. Large industrial use on land would have discharge of traffic from that parcel at one particular time. With residential, this would not be so. Proposed change would be in harmony with the surrounding area and will land surrounded by residential properties which would otherwise might be some time before it was put to use and might prevent use which might be somewhat foreign or obnoxious.

IN FAVOR:

Mr. Walter Plotnick, Kings Highway, Valley Cottage: This land should remain R-22.

Mr. Jerome Trachtenberg, Old Mill Road, West Nyack: Owns property south of this particular area. For 10 years, has been trying to get industry in there to have ratables. Industry would not come in because of problems with sidings, etc. Property not amenable for commercial use.

Mr. Harris Taylor, 773 Scouia Drive, Valley Cottage: Valley Cottage needs residential development. 60 more homes would be certain to push Phase II of Valley Cottage Mall.

Mr. Fred Hacer, Valley Cottage: Re transportation; Mr. Tracy says would be worse if industry here, and it would be worse. Need Master Plan. In favor.

Mr. James Hesselgrave, Maple Road, Valley Cottage: Would rather see R-22 than factory, but does everyone face fact that traffic is going to be dumped at railroad crossing? Have all traffic go on to Fuller Drive; that means you would have one exit. Also - drainage. Also - Trees. Knutsen cuts them all down. In favor of R-22, but keep the trees.

OPPOSED:

Mrs. Snedeker, Valley Cottage: Spot zoning. Transportation problems. School Districts crowded. Until studies made of drainage, school - grant no more zone changes.

(continued)

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OPPOSED - continued:

Mr. Milton Kase, Main St., New City: In addition to all reasons set forth by Planning Board, residents of Pinecrest have for many years prior to building of this road, a right of way deeded from the owner of the property. During 1967-8, the then owner of the property offered to exchange that right of way which residents were using, for a right of way on the Pinecrest road property which was owned by him. They permitted construction of a foundation on the right of way which they had. They never received anything in written form for it. (northern part of this property - present owner owns this property). See that this right of way that was taken from these residents of Pinecrest Road be substituted, so that they do have free access to their property. Present owner can deed a right of way or create public road, which would give free access to the Pinecrest Road area. All of suggestions in the Town Planning Board's report should be given serious consideration.

No one further wishing to be heard, on resolution offered by Councilman D'Antoni, seconded by Councilman Pizzutello and unanimously adopted, public hearing was closed.

Signed,

  
Anne E. O'Connor  
Town Clerk

PUBLIC HEARING

Town Hall

1/10/73

8:04 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: PROPOSED AMENDMENT TO ZONING ORDINANCE - R-10 DIST., SEC. 3.11 (2-FAMILY RESIDENCES):

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

Martin S. Friedman, Deputy Town Attorney stated the following:

Proposal is to Amend Sec. 3.11 (Table of General Use Regulations) as follows:

R-10 District, Column 2, item 2 to read as follows:

"2. Two family residences, provided that the property shall conform to all the bulk regulations of Group N list 3d under Table of General Bulk Regulations and shall have frontage and access to either a Major, Secondary or Collector Road as classified on the Town Official Map, as amended."

Mr. Friedman continued - removed 2-family residences from R-10. This amendment would remedy and put 2-family residences in the zone which has the greatest density (10,000 square feet).

Mr. Theodore Zollendeck, Town Planner, residing at 64 Ridge Road, New City was sworn in and testified as follows:

Is Town Planner. Purpose of amendment: To provide for 2-family residences in R-10 District. Except for this, there is no provision for 2-family residences in township in R-1C.

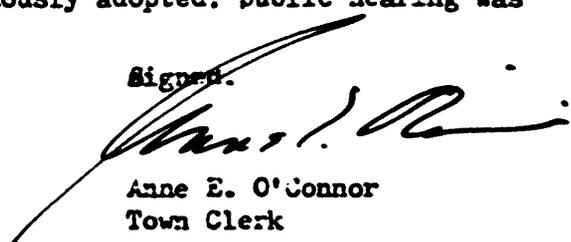
No witnesses.

IN FAVOR: No one appeared.

OPPOSED: No one appeared.

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

Signed.



Anne E. O'Connor  
Town Clerk

EEC855

PUBLIC HEARING

Town Hall

1/10/73

8:05 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: PROPOSED OFFICIAL MAP AMENDMENT - PARROTT ROAD CLASSIFICATION:

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

TOWN PLANNER RECOMMENDATION:

If the Honorable Town Board agrees, it is respectfully recommended that, in due time, a public hearing be held so that it may later be resolved to "Amend the Official map of the Town of Clarkstown by changing the classification of that portion of Parrott Road north of McCarthy Way from Secondary to Collector, said portion to have an official right of way of 50' and a pavement of 30'."

The Official map of the town shows the entire length of Parrott Road as eventually to be a "Secondary" road of 60' right of way and 40' pavement. The existence of McCarthy Way makes it no longer necessary to consider widening the northerly winding portion of Parrott Road to the same 60/40 design: therefore that portion should now be reclassified to Collector status (RCW of 50' and pavement of 30' i.e. as for Local streets within subdivisions).

The above also meets with the approval of Highway Supt. Fred Seeger as at the meeting of 12/5/72. It constitutes the Planning Board report required in Town Law 273."

Proposal, as defined by Deputy Town Attorney, is that 'that portion of Parrott Road north of the new secondary road known as McCarthy Way be reclassified as a Collector Road with an official pavement width of 30 feet and a 50 foot right of way.

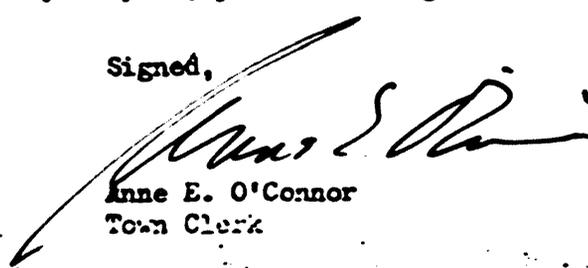
No further questions.

IN FAVOR: No one appeared.

OPPOSED: No one appeared.

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

1/10/73

8:06 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: PROPOSED LOCAL LAW TO ESTABLISH AN OFFICE OF CONSUMER PROTECTION FOR  
THE TOWN OF CLARKSTOWN:

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

Proposed Local Law read by Deputy Town Attorney. A majority to be women (Section 6) on Advisory Committee on consumer affairs, Supervisor Vines objected, stating this was not the intent of the author of this law and that it could be balanced very well and he thinks it should be.

Michael Franchino, 3 Bull Run, West Nyack N Y sworn in and testified as follows:

Works in Supervisor's Office. Recommended that a Local Law be enacted to establish an Office of Consumer Protection in the Town of Clarkstown, and Commission of Consumer Affairs. Circumstances: Supervisor's Office is constantly getting complaints from people who purchase new homes that don't fall under Building Inspector or other town agencies. No one specifically assigned to take care of these problems. It is intended, he stated, that Commissioner of Consumer Affairs have power to make necessary investigations, etc. As to female members, I have no opinion as to ratio.

No further witnesses.

IN FAVOR: No one appeared.

OPPOSED:

Mrs. Mary Barry, Nanuet (Representing Conservative Party):

We are in favor of economy in government. County Bureau of Weights and Measures doing good job for people in Clarkstown. This would be duplication. Would cost taxpayers money.

Councilman Lodico, as Member of Council and Member of Conservative Party:

Objects. Exercise economy. We have Better Business Bureau, also County Consumer Protection Agency. This would be duplication. Requested that his name be removed from Consumer Protection Liaison Agency.

Mr. Bert Kimbark, Congers N Y:

Any calls received by town could be referred to County Agency for Consumer Protection. We should not put more burden and taxes on the people.

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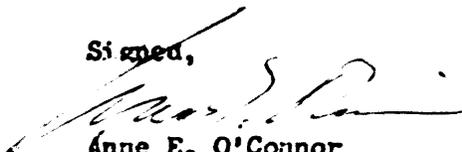
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Deputy Town Attorney requested more discussion re male and female ratio; Supervisor stated he thought he had made himself clear on the matter. Councilman D'Antoni suggested title of 'Chairman' instead of the way it was written in the law.

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

Signed,



Anne E. O'Connor  
Town Clerk

EEC855