

PUBLIC HEARING

Town Hall

8/14/74

8:15 PM

Present: Co. D'Antoni, Lodico, Maloney, Pizzutello,
Supervisor Gerber
Deputy Town Clerk Gertrude Mullane
Town Attorney Murray N. Jacobson

RE: ZONE CHANGE APPLICATION MADE BY MR. & MRS. DEAN B.
SEIFRIED FROM R-15 to LS

Supervisor Gerber read letter from John M. Hekker,
Attorney for the Petitioner, on behalf of his clients
property for funeral home be withdrawn and cancelled. This
public hearing, scheduled for this evening at 8:15 PM,
according to the Town Board is completely withdrawn.

Signed,



Gertrude Mullane
Deputy Town Clerk

PUBLIC HEARING

462

Town Hall

3/14/74

8:30 PM

Present: Co. D'Antoni, Lodico, Maloney, Pizzutello,
Supervisor Gerber
Deputy Town Clerk Gertrude Mullane
Town Attorney Murray N. Jacobson

RE: CHANGE OF ZONING ORDINANCE - WINSTON C. PERRY &
ANNA B. PERRY - R-22 DISTRICT TO RG-1 DISTRICT

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

RECOMMENDATIONS:

CLARKSTOWN PLANNING BOARD: Voted that the requested change
be denied, for the following reasons:

1. The proposed change is contrary to the use recommended
in the 1971 Master Plan, medium-residential density,
2. A precedent would be created, whereby adjoining
properties could request similar downzonings, not
in the best interests of the Town,
3. The increase in density will also increase the
traffic hazards at the complicated intersections
of N. Greenbush Road, Route 303, Thruway ramps.
4. The Honorable Town Board is referred to the report
of Town Planner, dated 5/7/74, for further details.

ROCKLAND COUNTY PLANNING BOARD: Disproves for the following
reasons:

The Board found the proposed clustering a commendable
concept that can preserve desirable natural features. Designating a portion of the property as "scenic easement" in
perpetuity would enable the Town to preserve open space and
reduce problems of drainage and soil erosion. However, the
problem inherent in the proposal is the precedent to further
apartment zone changes in the area.

There have been apartment zone change requests in
this area which were denied (Lone Star, adjacent to Perry,
in 1971; Torsoe Brothers to the south of the Thruway in
1973). Any apartment zone change in the area can be a
stimulant to the submission of a chain of similar requests.
This pattern of change would be contrary to the County's
Land Use Plan policy for the area. The RG-1 District permits
a density of over 11 units per acre--a density that could
adversely affect the safe and efficient flow of traffic on
State Route 303.

The Board recommends maintaining the R-22 zoning
and allowing condominium apartments to be built under Town
Law 281.

CLARKSTOWN BOARD OF EDUCATION: According to their letter,
dated May 7, 1974, the Board of Education wishes to oppose
the Perry Zone Change from R-22 to RG-1 because it would increase
density of school population. The current Financial Aid is in-
sufficient to meet the needs of present enrollment. An increase
in population density would have a direct result on increasing
school taxes. For these reasons the Clarkstown Board of Education
must record its opposition to this request of zone change.

Correspondence received by the Town Board was read
aloud by the Supervisor. It read as follows:

OPPOSED:

Mr. & Mrs. Nicholas Ottaviano, 19 Strawberry Hill Lane, West Nyack: "We stand opposed. Traffic would be unbearable, would also cause a hardship."

Burel Jackson, 26 Strawberry Hill Lane, West Nyack: "I am very much against the Zone Change and the apartments."

Rockland County Conservation Association: "This property is mighty desirable in natural beauty and nature study."

ATTORNEY FOR THE PETITIONER

Henry Horowitz, Attorney for the Petitioner, stated that the parcel in question consists of some 94 acres, bounded by the New York State Thruway by Greenbush Avenue and also by the property known as Lonestar.

"We are submitting 71 acres, but only asking for R&G-1 on 31 acres. On the 31 acres, we would have no more than 180 units. This also includes 40 acres removed from any possible future development."

"We are not asking to increase the population at all."

Mr. Horowitz introduced letters from adults and children who enjoy the site. Then he stated: "The primary function of those letters is to show the Board that this site is being used effectively and actively." Mr. Horowitz said that there are no plans at present for the remaining 23 acres. "Thus, we are proposing 2.5 units to the acre."

OPPOSED:

Mr. Jeremiah A. Mullane, 15 Birch Lane, New City, N. Y.: "I am looking to benefit the tax payer. I am representing the School Board. We cannot, at this time, properly support this Zone Change."

Mrs. Gertrude Larson, Strawberry Lane, West Nyack, N. Y.: "I would hate to see property go to buildings. I think they should build one family homes, not condominiums."

Mr. Ken Teviter, 20 Strawberry Hill Lane, West Nyack, N. Y.: "I am opposed to the condominiums; I believe in the one family units. I would love that property to remain." Mr. Teviter also read a letter written by Mr. Bill Trilling, local Realtor, in Rockland County, in which he stated the following: "This would be truly a planning disaster. Please don't exploit us for the fast buck of the condominium builders."

Mrs. John Hudson, Strawberry Hill Lane, West Nyack, N. Y.: "Would this change increase my taxes? I think so. I am opposed to this change."

Mr. John Coyle, Member of the Clarkstown Planning Board stated: "I think something should be reiterated. A lot of this land would be discounted. You would probably get the most, 122 homes on the property. I just wanted to make that clear."

Mr. Walter Plotnik, 376 Kings Highway, Valley Cottage, N. Y.: "When are we going to say, this is the kind of Town we want and this is the way we are going to keep it."

Mr. George McKenna, 68 Lenox Avenue, Congers, N. Y.: "It is ideally suited for hiking and nature study."

Ms. Helen Dewing, 36 Strawberry Hill Road, West Nyack, N. Y.: "I am opposed to these changes."

OPPOSITION:

Mr. John Scott, Strawberry Hill Lane, West Nyack, N. Y.: "It would bring about hazardous driving."

Mr. Chuck Trilling, 13 Strawberry Hill Lane, West Nyack, N. Y.: "The kids would have to walk our on Route 303 to get the bus to go to school."

Mrs. Russo, Nanuet, N. Y.: "I have two questions: What benefit will this development have to the Town of Clarkstown? What is it going to cost me as a tax payer?"

Mr. Martin Bernstein, 20 Woodglen Drive, New City, N. Y.: "I have mixed feelings. What is the purpose proposed here?"

IN FAVOR:

Mr. Allan Gussow, 121 New York Avenue, Congers, N. Y.: "This is the first time I have ever stood in favor of a zone change. The quality of the land in this area is remarkable."

Miss Jane Dudan, West Nyack, N. Y.: "A human being has a right to sell his land. Let them build the buildings now."

Mr. Robin Waldon, Mountainview Avenue, Valley Cottage, N. Y.: "We are not too pleased with the idea. But, if it is the only way we can have the land preserved, let them sell."

Mr. Lester LeViness, Brookway Avenue, Valley Cottage, N. Y.: "We would loose this magnificent space."

Mr. William Smith, Upper Nyack, N. Y.: "I think this change will help inflation."

Ms. Ruth Waldron, Mountainview Avenue, Valley Cottage, N. Y.: "I feel that I would be much better off. I am in favor of the change."

Ms. Eunice Lyon, neighbor on the South of Perry's: "It is an extremely well thought out plan."

On resolution offered by Councilman Lodico, seconded by Councilman Pizzutello the meeting was closed and the Board reserved their decision.

Signed,

Gertrude Mullane

Gertrude Mullane
Deputy Town Clerk

PUBLIC HEARING

Town Hall

8/14/74

8:45 & 9:00 PM

Present: Co. D'Antoni, Lodico, Maloney, Pizzutello,
Supervisor Gerber
Deputy Town Clerk Gertrude Mullane
Town Attorney Murray N. Jacobson

RE: ZONE CHANGE AND SPECIAL PERMIT APPLICATION FROM
JAMES G. MINER

Supervisor Gerber read letter received from
Everet J. Johns, Attorney for the Petitioner, requesting
that the Zone Change and Special Permit application for
a auto laundry be withdrawn. Therefore, the public hearings
scheduled for 8:45 PM and 9:00 PM this evening will be ad-
journed until a date specified at a future time. The cost
of republication for a future public hearing will be borne
by the petitioner.

On resolution offered by Councilman Pizzutello and
seconded by Councilman Maloney, public hearing was adjourned.

Signed,

Gertrude Mullane
Gertrude Mullane
Deputy Town Clerk

PUBLIC HEARING

Town Hall

8/14/74

9:15 PM

Present: Co. D'Antoni, Lodico, Maloney, Pizzutello,
Supervisor Gerber
Deputy Town Clerk Gertrude Mullane
Town Attorney Murray N. Jacobson

RE: AMENDMENT TO THE OFFICIAL MAP OF THE TOWN OF CLARKSTOWN

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

RECOMMENDATIONS:

TOWN PLANNER: Theodore Zollendeck stated that the Planning
Board feels that there should be an industrial road at the
corner of Route 303 and Lake Road in Valley Cottage to en-
courage the industrial development of the 110 acres.

IN FAVOR:

Mr. John Coyle, Valley Cottage, N. Y., member of the Planning
Board of the Town of Clarkstown: "Basically, we also thought
that this would eliminate any driveways and exits on Route 303
and it is being dedicated to the Town."

OPPOSED:

Mr. Carmen, Green Avenue, Valley Cottage, N. Y.: "If the new
road does not connect to Green Avenue so that the industrial
traffic does not touch my land, I would not be opposed to it."

On resolution offered by Councilman D'Antoni and
seconded by Councilman Maloney the hearing was closed and the
Board reserved their decision.

Signed,

Gertrude Mullane
Gertrude Mullane
Deputy Town Clerk

PUBLIC HEARING

Town Hall

8/14/74

9:30 PM

Present: Co. D'Antoni, Lodico, Maloney, Pizzutello,
Supervisor Gerber
Deputy Town Clerk Gertrude Mullane
Town Attorney Murray N. Jacobson

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

RE: SPECIAL PERMIT FOR THE EXTENSION OF AN EXISTING NURSING
HOME - TOLSTOY FOUNDATION NURSING HOME CO., INC.

CLARKSTOWN PLANNING BOARD RECOMMENDATION: Approves the
extension only under the following recommendations:

1. To avoid causing flooding of the new homes in Monterey Estates subdivision, develop storm drainage outlet with all flows piped to Monterey Estates march, and provide on-site storm water retention area or other provisions satisfactory to Town Engineer,
2. Special Permit is conditioned on no building permit being issued or any landwork started prior to completion of the drainage system from NE corner of parking area to the existing stream,
3. That the Planning Board review the subdivision and site plan of the separated parcel to assure compliance with any regulations and drainage requirements in advance of any construction,
4. Prior to consideration of any development further than that herein considered, provide concept plan for entire remaining land,
5. Applicant to provide road widening strip with gratuitous dedication note for same with concrete curbs and sidewalks within the entire length of Rockland Lake Road frontage.

TOWN PLANNER'S REPORT: This Office has reviewed the Petition of the Tolstoy Foundation Nursing Home Co., Inc. The Petitioner is requesting an amendment to a special permit granted by the Zoning Board of Appeals. The purpose of the Amendment being sought is to enlarge and extend the existing Nursing Home and increase the size of the parcel of property upon which the nursing home is situated, as shown on Petitioner's exhibit D, Land Use and Zoning Map.

The subject property lies to the North of Rockland Lake Road immediately West of Quaspeck Park Homes subdivision and South of Monterey Gardens subdivision in the Hamlet of Valley Cottage. The entire property being considered consists of approximately 38 acres owned by the Tolstoy Foundation, Inc. and approximately 5 acres currently owned by the Tolstoy Foundation Nursing Home Company, Inc. The entire site is within the R-40 Zone. We find as follows:

1. The transfer of two acres of land from the Tolstoy Foundation Inc. property will leave a 188 foot wide strip of land between the Nursing Home site and the adjacent homes. This would be ample to allow for a future road, and residential lots, should that possibility be considered in the future by the Tolstoy Foundation in its plans to more fully utilize their property.
2. To avoid a "piece-meal" approach to development, which often leads to poor overall design, the Planning Board usually insists that the applicant provide a development plan for the "eventual" development of any large property which is proposed for partial subdivision. We appreciate that this would involve a large expense for a non-profit organization, but wish to point out that other non-profit organizations in Town have or are now in the process of subdividing land which they consider to be in excess of

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SPECIAL PERMIT - TOLSTOY
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their needs, and the total concept for development is very important in these cases.

3. We believe the most important thing for the Town to preserve is the option for a viable, well-planned future road system and for complete protection of the existing residential areas. Toward this end we believe the proposed two acre release does not "close" any options, and is, therefore, acceptable. However, we believe the Board should insist on a total development concept plan prior to consideration of any further development.
4. Another planning consideration we believe the Board should attend to is the widening and improvement of Lake Road, a Town Collector Road (30/50 Right-of-way) which is sub-standard at this time. Curbs, sidewalks and additional paving appear necessary as traffic in this neighborhood is increasing. The proximity of Lake Road Elementary School indicates that children walk this road daily to school.
5. While the proposed Nursing Home addition site plan appears to be well buffered from the neighborhood, we believe the site plan should be reviewed by, and be subject to, the approval of the Planning Board to guarantee careful attention to matters of planning concern.

ATTORNEY FOR THE PETITIONER'S REPORT: Patrick Finnegan stated the following:

Tolstoy Foundation Nursing Home is a 96 bed facility. It renders skilled nursing and medical care. They have existed since 1966. Their present application is for increasing this facility by 40 beds. Plans for undertaking the drainage problem are being made by our Architect and Engineer. There are adequate sidewalks. According to the provisions which are required in Chapter 106-14, of the Clarkstown Zoning Code, the Home meets all requirements, as follows:

1. The applicant is appropriately located to all public facilities.
2. The likelihood of increased traffic is relatively insignificant and parking facilities are sufficient.
3. The Tolstoy Nursing Home would rarely if ever create this type of problem.
4. The addition will not adversely affect the character of or property values in the area.
5. The patients are mostly ambulatory and confined to beds. People of the Town will find an additional outlet for employment.
6. The Tolstoy Nursing Home is a medical, non-profit organization funded by the State.

IN FAVOR:

Mr. John Coyle, Member of Clarkstown Planning Board: "We are in favor of the Nursing Home addition. We are endeavoring to put a sidewalk from Lake Road to Route 9W."

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SPECIAL PERMIT - TOLSTOY
Page 3

OPPOSED:

Mr. James Hershberger, 45 Sedge Road, Valley Cottage, N. Y.:
"I wish Mr. Finnegan would respond to a few questions. I am wondering if additional drainage can be handled properly? Will the new addition cut into the trees? Will there be future expansion in that area?"

REBUTTAL:

Mr. Finnegan stated as follows: "Our Engineer, Mr. Boswell agreed to put a drainage ditch across the rear of the Tolstoy property to alleviate any potential drainage problems. The tree line will not be disturbed. There are no future plans for expansion."

On resolution offered by Councilman D'Antoni and seconded by Councilman Pizzutello the hearing was closed and the Board reserved their decision.

Signed,

Gertrude Mullane
Gertrude Mullane
Deputy Town Clerk

PUBLIC HEARING

Town Hall

8/14/74

9:45 PM

Present: Co. D'Antoni, Lodico, Maloney, Pizzutello,
Supervisor Gerber
Deputy Town Clerk Gertrude Mullane
Town Attorney Murray N. Jacobson

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

RE: SPECIAL PERMIT TO OPERATE AN AGENCY GROUP HOME -
SAINT AGATHA HOME FOR CHILDREN

RECOMMENDATIONS:

CLARKSTOWN PLANNING BOARD: The Members discussed this matter at
their meeting of July 9, 1974. They approved the following:

That the Special Permit for St. Agatha's in New City be
granted, but that it should not take effect until the approp-
riate sanitary sewer connection be made to the Town's system.

ROCKLAND COUNTY PLANNING BOARD: We have viewed the Special
Permit for St. Agatha's in New City at our July 17, 1974
meeting and we approve and disapprove.

Patrick Campbell, Attorney for the Petitioner, stated the
following:

"We are here tonight to request the Board's
approval to operate a Group Home in New City. We are request-
ing that this home be approved for only eight children. These
children have no emotional; no physical problem. They are
normal happy children. Their only deficiency in life is that
they don't have a family or home atmosphere to grow. They are
Rockland County children."

"We are fully authorized and licensed to operate such
a home. We are under a contract with the County of Rockland.
The County of Rockland reimburses us."

"The program itself will be more than adequately
supervised. It is not only supervised by St. Agatha's, but
it is also supervised by the Rockland County Department of
Social Services and the New York State Department of Social
Services."

"The house itself consists of six bedrooms, living
room, a large dining room, kitchen, recreation room, a closed-
in porch, a two car garage and a full basement. It sits on
approximately two-thirds of an acre of land. It is ideally
located for its intended use."

Mr. Pizzutello asked Mr. Campbell about the ages of the
children. Mr. Campbell said that the Group Concept Law re-
quires that the children range in age, anywhere from five to
twenty-one. These particular children range from six to
fourteen.

Mr. Lodico asked that, of the children, how many do not have
parents? Mr. Campbell answered as follows: "Some of the
children may have one parent, but the parent has been found
to either neglect the children or are incapable of caring
for them."

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 SPECIAL PERMIT - St. Agatha
 Page 2

IN FAVOR:

Mr. Crable, Vice Chairman, Rockland County Legislature: "I support this project of the Group Home."

Monsignor James F. Cox, Roman Catholic Vicar of Rockland County said the following:

"I am sure that as we sit here this evening each of us questions the propriety of our gathering and thereby calling so much attention to the arrival of a new family to our Community. We are all very jealous of our privacy and like to come and go according to our inclinations and aspirations. Each of us moved into what we now call home because it was something we wanted and it was within our ability to obtain it. We would not have wanted our arrival to receive so much attention and perhaps it is for that reason that we are so uncomfortable to be here tonight calling attention even by our support to the arrival of a family to 8 Stokum Lane. Within each of us there is a degree of that philosophy of thought which traditionally has been expressed in the words "a man's home is his castle". It makes us nervous to see anyone concerning himself as to the free access of another man to his castle. We all treasure our free access to our own castle too much to have the concept infringed upon in any way."

"There is a providential aspect, however, to our gathering and I would like to express it in a few words. We have always thought of the United States as a land of opportunity. This thought finds its most frequent expression in our speeches on great national holidays. Too often, in between these days we become rather cynical; too often the thought of our Nation as a land of opportunity is ridiculed or made the butt of jokes. As uncomfortable as we might be, it is good for us to be here tonight because we are witnessing one of those great opportunities of which America can be proud. In years past, children whose homes suffered disruption were provided for in our large child-caring institutions -- an opportunity in itself, but not the limit. Today, true to its tradition, our Country all across the land, as a result of new child-caring concepts, is providing such children with the greater opportunity to live not in an institution, but in a family setting. A setting which allows for greater individual growth, physical, mental and spiritual and a setting which gives to these children neighbors to love and a community to work for with pride."

"The house at 8 Stokum Lane with your kind cooperation will become a home for the family unit from St. Agatha's. Next in importance, it will be a needed challenge to those who might belittle our nation as a land of opportunity and finally, it will reassure us that as we approach the celebration of our 200th birthday as a nation, the spirit of our American tradition is alive in our community of Rockland County."

Mr. Donald McCarey, 54 Leona Avenue, New City, N. Y.: "I urge you to support these people in giving them this permit."

Mr. Chester F. Lubeck, St. Agatha's Convent 1931-1939: "Give them the tools to become adaptable to society."

Mrs. Lee Bernstein, Woodbine St., New City, N. Y.: "We should own up to the responsibility. It is about time we had this Group Home in New City."

Mr. Fred Hager, Valley Cottage, New York: "Approve this tonight. Make your decision now."

Mr. Anthony Lombardi, New City, N. Y.: "I was nine months old when I went to St. Agatha's. The kids should have a place of closeness."

Mr. Griffin, Congers, N. Y.: "I hope St. Agatha's will expand their program."

Mrs. Marilyn Troy, New City, N. Y.: "We will welcome it and we will have a big block party."

Mr. Bert Straus, New City, N. Y.: "It is nice to speak up in favor of something good."

Mr. McKenna, New City, N. Y.: "I warmly endorse this program. I certainly hope that the Board passes it."

Mr. Walter Plotnik, Valley Cottage, N. Y.: "I spoke in favor of it in June. Come to a conclusion tonight."

Mr. Eugene Grogan, 10 Glen Lane, New City, N. Y.: "We are all made in the image and likeness of God. I urge you to pass this."

Mr. Goodfriend, County Legislator, Ramapo, N. Y.: "I am in favor of this particular program and I commend you and urge you to pass it."

OPPOSED:

Mr. James Frederick, Capral Lane, New City, N. Y.: "It is a cruel hoax to play on these kids. This is a terrible location for boys or girls."

Mrs. Anita McGrath, 7 Muller Court, New City, N. Y.: "The location is not good for children."

On resolution offered by Councilman Lodico, seconded by Councilman Maloney, the public hearing was closed.

Signed,
Gertrude Mullane
Gertrude Mullane
Deputy Town Clerk

Immediately following the above hearing, Mr. Gerber read and the Board approved Resolution #658, entitled "Special Findings and Resolution Granting Special Permit to Operate an Agency Group Home". See Town Board Minutes which follow.

D. T. C.
A.M.

PUBLIC HEARING

Town Hall

8/14/74

10:00 PM

Present: Co. D'Antoni, Lodico, Maloney, Pizzutello,
 Supervisor Gerber
 Deputy Town Clerk Gertrude Mullane
 Town Attorney Murray N. Jacobson

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

RE: AMENDMENTS TO THE SANITARY LANDFILL RULES AND REGULATIONS

Mr. Lodico, Councilman, proceeded to explain the purpose of
 this public hearing. He said that the reason for this public
 hearing is to bring up to date the "Sanitary Landfill Rules
 & Regulations". The schedule is being made tonight for the
 following:

Sec. 1. Open hours.

Sec. 2. Open days.

Sec. 3. Refuse accepted.

Sec. 4. Refuse not accepted.

Sec. 5. Fees.

Sec. 6. Registration and identification.

Sec. 7. Privileges.

Sec. 8. Intent.

Sec. 9. Operation.

Sec. 10. Investigators.

Sec. 11. Penalties.

Sec. 1. Open hours.

8 a.m. to 2:30 p.m., Monday through Friday (Passenger Vehicles)

8 a.m. to 3:30 p.m., Monday through Friday (Licensed Collectors)

8 a.m. to 12:00 noon, Saturdays (Passenger Vehicles)

8 a.m. to 2:00 p.m., Saturdays (Licensed Collectors)

(During inclement weather, Dumpmaster may refuse
 passenger vehicles access to sanitary landfill).

Sec. 2. Open days.

All weekdays except legal holidays of: New Year's Day
 Lincoln's Birthday, Washington's Birthday, Memorial
 Day, Independence Day, Labor Day, Columbus Day, Election
 Day, veterans Day, Thanksgiving Day and Christmas Day.

Sec. 3. Refuse accepted.

Only that accumulated in the Town of Clarkstown and Orangetown.

From other areas only upon special permission of the Town Board.

Refuse must not contain burning or smoldering substance.

Sec. 4. Refuse not accepted.

- A. Materials commonly labeled of hazardous nature by the U. S. Environmental Protection Agency or N. Y. State Department of Environmental Control, or those materials that are not suited for disposal in a sanitary landfill by state or federal agency ruling.
- B. Logs or tree trunks longer than five (5) feet in length.

Sec. 5. Fees.

- A. Annual fee for each truck payable to Sanitary Landfill Clerk on or before the first day of each calendar year. (\$100.00 per truck)
- B. An additional charge by cubic yard @ \$.20 per yard for open vehicles or standard packer used in household pickup. Compactor boxes or containers shall be \$.25 per yard.

From passenger car or stationwagon resident permit - no fee.

From pickup truck, 1/2 ton commercial type and vans - \$2.00 minimum.

From larger trucks (according to size of load) \$3.00 to \$50.00 minimum at the discretion of the Dumpmaster for unlicensed collectors.

- C. When scales are installed - \$2.75 per ton.
- D. Shredding of branches, trees and limbs \$2. 00 minimum based on 1/2 ton pickup trucks. Larger vehicles at option of Dumpmaster. Largest size trees accepted for shredding 3" Caliper. Larger than 3" caliper trees to be cut in lengths not to exceed 5 feet.
- E. Bond in advance for monthly billing will be required.

Sec. 6. Vehicle identification.

- A. Owner must have truck inspected by County Health Department and secure permission of Town Board before annual fees will be accepted. Renewal of such permission shall be applied for in December of each year.
- B. All trucks shall be properly painted or lettered with the following information:
1. Name of firm of licensee.
 2. Address.
 3. Telephone number.
 4. Truck number.
 5. Unladen weight.
 6. Gross weight.
 7. Cubic capacity in yards.
 8. All numbers indicating capacity shall be at least 4" tall.
- C. All containers shall be properly painted or lettered with the following information:
1. Name of firm of licensee.
 2. Address.
 3. Telephone number.
 4. Boxes or containers numbered consecutively if more than one.
 5. Cubic capacity in yards.
 6. If a compactor box, the letter "C" must be placed before the cubic yard capacity.
 7. All numbers indicating capacity shall be at least four (4) inches tall.

Sec. 7. Privileges.

- A. The Town Board reserves the right to revoke permission for use of this facility for infraction of these rules or other conduct adversely affecting the quiet, efficient operation of the facility, or for public abuse or harassment of Sanitary Landfill personnel by persons seeking to dump garbage.
- B. Each municipality or agency under contract with the Town of Clarkstown shall PROVIDE and MAINTAIN a chipper or shredder for their respective municipality or agency's use for limbs, branches, trees, etc.
- C. Public abuse or harassment.

Sec. 8. Intent.

The maintenance and operation of this facility is for the benefit of the residents of the Town of Clarkstown and cooperation of other municipalities or agencies approved by the Town Board of the Town of Clarkstown to eliminate indiscriminate dumping and to provide proper disposal so that garbage collection in the Town of Clarkstown will be maintained as an efficient, competitive, private business.

Sec. 9. Operation.

1. Dumpmaster or Assistant Dumpmaster, in absence of Dumpmaster, has charge of project and his directions must be followed.
2. Dumpmaster will verify that annual and monthly fees for trucks have been paid and each truck has a decal identification. Upon notification from Sanitary Landfill Clerk of nonpayment of fees, he shall refuse admittance to truck involved.
3. Dumpmaster will collect fees for single loads at fixed rates, issue receipts therefor and transmit monies collected to the Sanitary Landfill Clerk at end of each week accompanied by verified report.
4. Dumpmaster will pack filled area and cover refuse with even layer of earth fill at end of each day.
5. Dumpmaster will maintain suitable number of rat feeding stations at all times and use pest control apparatus as required.
6. Dumpmaster will maintain stockpile of earth fill for emergencies.
7. Dumpmaster will secure delivery slips for earth fill delivered, check and verify bills of vendor and transmit to Comptroller. He will notify Supervisor if earth fill does not meet specifications of contract.
8. Dumpmaster will notify West Nyack Fire Department in event of fire and efforts with Town equipment are ineffective.
9. Dumpmaster will endeavor to have relief operator available for call in the event of vacation or sickness.
10. Dumpmaster will keep machine clean and lubricated. In event of breakdown, he will notify appropriate repair authority who will arrange repair.
11. Dumpmaster will keep entrance area and garage in neat condition.
12. Dumpmaster shall keep entrance to premises locked during other than open hours.
13. Temporary permits for breakdowns will be provided by landfill clerk.
14. Dumpmaster shall furnish inventory of tools and equipment at end of each calendar year.

15. Dumpmaster will not engage in, or permit others to engage in salvage operations except upon written instructions from the Town Board.
16. Dumpmaster will notify Supervisor of any person not complying with these rules.

Sec. 10. Investigators.

Investigators for the Sanitation Commission are empowered to stop and check all vehicles entering the Clarkstown Sanitary Landfill to determine proper licensing permits or content of vehicles for proper disposal or exclusion from Clarkstown Sanitary Landfill.

Sec. 11. Penalties for dumping out of town refuse or other violation of rules.

1st offense - 30 days suspension and/or \$100 fine or both.

2nd offense - 60 days suspension and/or \$200 fine or both.

3rd offense - revocation of sanitary landfill privileges.

Mr. William Lang, Sales Representative, Dale & Rankin Equipment Company stated that his company sells compaction and material handling equipment to construction and various landfills in the area. He also said the following: "From a survey within 50 miles of Clarkstown, your figures are considerably lower."

Mr. John Wallack, Commissioner of Sanitation for Clarkstown, said that Clarkstown is still about the cheapest.

On resolution offered by Councilman Lodico, seconded by Councilman D'Antoni the hearing was closed and and the Board reserved their decision.

Signed,

Gertrude Mollane
Gertrude Mollane
Deputy Town Clerk

PUBLIC HEARING

Town Hall

8/14/74

10:15 PM

Present: Co. D'Antoni, Lodico, Maloney, Pizzutello,
Supervisor Gerber
Deputy Town Clerk Gertrude Mullane
Town Attorney Murray N. Jacobson

RE: PUBLIC HEARING ON THE PROPOSED EXTENSION TO THE CLARKSTOWN
CONSOLIDATED WATER DISTRICT TO INCLUDE NOB HILL HOMES

Due to the fact that there were extensive public
hearings this evening, Supervisor Gerber cancelled the
hearing set for 10:15 PM, on August 14, 1974, regarding the
aforementioned subject.

Signed,

Gertrude Mullane
Gertrude Mullane
Deputy Town Clerk

TOWN BOARD MEETING

TOWN HALL

8/14/74

8:00 PM

Present: Co. D'Antoni, Lodico, Maloney, Pizzutello,
Supervisor Gerber
Deputy Town Clerk Gertrude Mullane
Town Attorney Murray N. Jacobson

Supervisor Gerber called Town Board meeting to order;
assemblage saluted the Flag.

(1974-655) Co. Pizzutello offered the following resolution:

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

Seconded by Co. Lodico.

All voted Aye.

(1974-656) Co. Lodico offered the following resolution:

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

Seconded by Co. D'Antoni.

All voted Aye.

(1974-657) Co. Pizzutello offered the following resolution:

WHEREAS, on or about the 25th day of August, 1971,
an action was brought in the United States District Court
for the Southern District of New York by All State Associates,
Inc. and Ralph Cestone, as plaintiffs, against the Town of
Clarkstown, William E. Vines, the former Supervisor, Frederick
P. Roland, the former Town Attorney, Joseph F.X. Nowicki,
the former Special Sewer Counsel, and Beckerle Brown, Inc.,
one of the bidders on the sewer project involved; and

WHEREAS, said action originally had as a party
plaintiff, Marvec-Allstate, Inc., who was allegedly the low
bidder on a proposal for the installation of sewer lines in
Sewer District 33-B; the bid being \$1,028,657.61; and

WHEREAS, said low bid was ultimately rejected by the
then Town Board, which rejection resulted in a judgment of
the Supreme Court, Rockland County, affirmed by the Appellate
Division, Second Department on September 30th, 1970, requir-
ing the Town to award said contract to Marvec-Allstate, Inc.
on the basis of the bid made on June 17th, 1970; and

WHEREAS, Marvec-Allstate, Inc., and All State Asso-
ciates, Inc. entered upon the performance of said contract and
have completed the installations of the sewers and appurten-
ances required by said contract and have been paid the contract

and

(1974-657 - continued)

WHEREAS, on or about the 25th of August, 1971, the said action in the United States District Court asked for the following amounts:

Town of Clarkstown, \$500,000.00;

b) In favor of plaintiffs against defendants Vines, Roland, Beckerle and Nowicki, \$1,500,000.00;

c) In favor of plaintiffs against defendants Vines, Roland, Beckerle and Nowicki treble damages in the amount of \$1,500,000.00 with reasonable legal fees;

d) In favor of plaintiffs against defendant Town of Clarkstown \$100,000.00;

e) In favor of plaintiff Cestone against the defendants Vines, Roland and Beckerle \$250,000.00;

f) In favor of plaintiff Cestone against the defendants Vines, Roland and Beckerle \$250,000.00;

g) In favor of the plaintiff Cestone against the defendant Nowicki \$250,000.00;

h) In favor of the plaintiff Cestone against the defendant Nowicki \$250,000.00;

i) in favor of plaintiff Cestone against defendant Vines \$250,000.00, together with the costs and disbursements of said action; and

WHEREAS, there have been extensive proceedings, examinations and pre-trial conferences in the Federal Court in connection with said action and the defense by the defendants; and

WHEREAS, the plaintiffs, All State Associates, Inc. and Marvec-Allstate, Inc., amended their complaint to drop Marvec-Allstate, Inc., as a party plaintiff and demanded a trial by jury and sought damages totalling \$3,850,000.00 against all or some of the defendants; and

WHEREAS, after pre-trial conferences, the plaintiffs are seeking to amend their claim for damages as follows:

a) First cause of action, \$1,160,017.00;

b) Second cause of action \$1,160,017.00 and punitive damages in the sum of \$1,000,000.00.

(1974-657 - continued)

c) To decrease damages in the fourth cause of action to \$89,316.00, and to eliminate the third and fifth causes of action; and

WHEREAS, there have been conferences between the parties and their attorneys concerning the issues involved in the Court action; and

WHEREAS, the plaintiffs have proposed a monetary settlement in which they will withdraw all allegations in the complaint concerning misconduct on the part of the Town, and accept the sum of \$335,000.00 as full compensatory damages for the delays, interference and extra costs in the performance of their work under the original contract; and

WHEREAS, the Town Board has received recommendations from their Special Counsel concerning the probable outcome of the action on the law and on the facts; and

WHEREAS, there is no assurance received by the Town Board that the Town has an absolute defense to causes of action stated; and

WHEREAS, the Town Board has been advised that if the action is tried before a jury in the Federal Court in the Southern District in New York City, that the minimum time for the trial of that action will be between one month and six weeks; that the action will require the attendance of past and present officials and employees of the Town; that experts and other professional witnesses will have to be employed and be in attendance for most of the trial and that the attendance, lodging, meals and other expenses for all these witnesses will have to be borne by the Town; and that in the event the Town prevails on its technical defenses, there is every likelihood that the plaintiffs would take an appeal to the United States Court of Appeals; and

WHEREAS, from all that appears, the litigation will

482 (1974-657 - continued)

be long protracted and expensive; and

WHEREAS, it further appears that the conduct of this trial would disrupt the working force of the Town; and

WHEREAS, it appears that the sewer project between the years 1965 and 1972 was financed by a bond issue totalling \$29,429,430.00 and that the sewers required to be built have been built and are servicing the many homes, businesses and other places in the Town of Clarkstown and that there is a balance in the Sewer Account of approximately \$588,128.00, and the present outstanding commitments will not exceed approximately \$200,000.00; and

WHEREAS, it appears that the settlement of the above action is \$335,000.00, and payment of the necessary legal fees expert fees and other expenses and will not require the generation of new funds and can be obtained from the unexpended balance; and

WHEREAS, Charles R. Velzy Associates, Inc., Engineers on the sewer project, and the experts employed by Special Counsel and Special Counsel, Lexow and Jenkins, have approved the principle that the matter should be settled and thereby avoid the risks, expenses, delay of trial and possible appeals and the disruption of the Town personnel; and

WHEREAS, it appears under Section 68 of the Town Law that the Town Board has power and authority to compromise or settle any action in the overall public interest with the approval of the Court in which said action or proceeding is pending.

BE IT RESOLVED, that pursuant to said Section 68, this Town Board determines that the settlement of this action for the terms hereinafter stated are just, reasonable and to the best interest of the Town.

BE IT FURTHER RESOLVED, that Supervisor George Gerber and Councilman Anthony D'Antonio are hereby appointed the offi-

cers designated by the Town Board to present to the Court their Petition and such other information which will assist the Court, or the Judge thereof, to arrive at a determination that such compromise or settlement is just, reasonable and in the best interests of the Town; and

BE IT FURTHER RESOLVED, that the terms of settlement are as follows:

a) That the plaintiffs All State Associates, Inc., Marvec-Allstate, Inc., Ralph Cestone and any other interests existing on behalf of the plaintiffs stipulate that they withdraw, release and waive any and all claims against the Town of Clarkstown arising out of the subject matter of the actions.

b) That the Town pay to all plaintiffs, including Marvec-Allstate, Inc., the sum of \$335,000.00 upon obtaining a general release from each of them including Marvec-Allstate, Inc., and discontinuance of all actions against the Town of Clarkstown on the merits and a waiver of interest, fees, court costs or any other items.

c) That said application be made by said officers to the United States Judge directed to be presiding on this case and upon the approval of the amount and terms of the compromise, the said sum be paid as aforesaid out of the balances in the said sewer fund.

BE IT FURTHER RESOLVED that the terms of the disposition of the other causes of action against the other defendants shall be in the discretion of the Special Counsel, Lexow and Jenkins, who are granted full authority in that regard.

BE IT FURTHER RESOLVED that all other expenses for any legal fees, expert fees or disbursements be likewise paid out of that fund upon presentation of vouchers to be approved in the manner provided by law.

A vote was taken on the foregoing resolution as follows:

(1974-657 - continued)

	<u>AYE</u>	<u>NAY</u>
Councilman D'Antoni	Aye	None
Councilman Lodico	Aye	
Councilman Pizzutello	Aye	
Councilman Maloney	Aye	
Supervisor George Gerber	Aye	

This resolution was thereupon declared adopted.

Supervisor Gerber's prepared statement, dated August 14, 1974, with reference to the above resolution is on file in the Town Clerk's office.

(1974-658) Co. Lodico offered the following resolution:

WHEREAS, ST. AGATHA HOME FOR CHILDREN has petitioned the Town Board of the Town of Clarkstown for a Special Permit for the purpose of operating a group home, and

WHEREAS, after due notice published and posted, a public hearing was held before the Town Board on the 14th day of August, 1974, at 9:45 P.M., to consider such application;

NOW THEREFORE, the Town Board makes the following Special Findings pursuant to Sec. 106-14 B. of the Zoning Ordinance of the Town of Clarkstown:

THAT, the proposed use as described and represented by the applicant

(1) will be properly located with respect to transportation, water supply, waste disposal, fire and police protection, and other public facilities;

(2) will not cause undue traffic congestion or create a traffic hazard;

(3) will not create at any point of determination any more dangerous and objectionable elements than is characteristic of the uses expressly permitted as of right in the same district;

(4) will not adversely affect the character of or property values in the area;

(5) will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town;

(6) will comply with all other regulations applicable to such use;

NOW THEREFORE, be it

RESOLVED, that a Special Permit to operate a group home at 8 Stokem Lane, New City, New York, is hereby GRANTED, and be it

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(1974-658 - continued)

FURTHER RESOLVED, that the within Special Findings and Resolution setting forth the reasons for granting such Special Permit shall constitute a written report to be filed with the Town Clerk.

TOWN BOARD OF THE TOWN OF CLARKSTOWN

By: George S. Gerber, Supervisor

Seconded by Co. Maloney

All voted Aye.

(1974-659) Co. D'Antoni offered the following resolution:

WHEREAS, the Planning Board of the Town of Clarkstown has requested that it be given a 45 day extension of time in which to make its recommendation of the zone change petition of Rose Sterngass from an LS and R-80 district to R&G-2 or R&G-1 district, inasmuch as it is felt that this matter requires further study, not only of this particular property, but for the entire area;

NOW THEREFORE, be it

RESOLVED, that the Town Board hereby grants to the Planning Board of the Town of Clarkstown a 45 day extension of time in which to submit its recommendation on the aforesaid zone change petition.

Seconded by Co. Maloney

All voted Aye.

(1974-660) Co. Maloney offered the following resolution:

WHEREAS, the Planning Board of the Town of Clarkstown has requested that it be given a 45 day extension of time in which to make its recommendation on the zone change and special permit request for senior citizens by Monterrey Gardens, inasmuch as it is felt that this matter requires further study, not only of this particular property, but for the entire area;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby grants to the Planning Board of the Town of Clarkstown a 45 day extension of time in which to submit its recommendation on the aforesaid zone change petition.

Seconded by Co. D'Antoni

All voted Aye.

(1974-661) Co. Lodico offered the following resolution:

WHEREAS, the following has applied for a Certificate of Registration pursuant to Sec. 83-65 of the Code of the Town of Clarkstown:

BIBEAU CONSTRUCTION CO., INC.
216 RED SCHOOLHOUSE ROAD
SPRING VALLEY, NEW YORK

(1974-661 - continued)

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of
Registration be issued:

No. 74-30 to Bibeau Construction Co., Inc.

Seconded by Co. D'Antoni

All voted Aye.

(1974-662) Co. D'Antoni offered the following resolution:

WHEREAS, a number of tax certiorari proceedings
have been filed against the Town of Clarkstown, andWHEREAS, it is anticipated that a substantial number
of further tax proceedings will be filed;

NOW THEREFORE, be it

RESOLVED, that Arnold Becker, Esq. is hereby
appointed Special Counsel to the Town of Clarkstown for
the purpose of processing all tax certiorari proceedings and
lawsuits against the Town of Clarkstown concerning the 1974
tax roll, at a fee for the year August 14, 1974 to August 14,
1975 of \$13,500.00.

Seconded by Co. Maloney

All voted Aye.

(1974-663) Co. Maloney offered the following resolution:

WHEREAS, Tax Certiorari proceedings have been filed
against the Town of Clarkstown by the following:

TOBY WEINGARTEN
 UNITED ARTISTS EASTERN THEATERS, INC. (Lot 20.19)
 UNITED ARTISTS EASTERN THEATERS, INC. (Lot 26)
 FRED GARDNER and HERBERT SLEPOY
 VINCENT M. PHARAO and JANET A. PHARAO
 PLARO ESTATES, INC.
 PETER SHEA, EMILY SHEA, ELIZABETH SONGEBLOD
 BRUCE A. and LYDIA S. ROGERS
 MYLES SCHNEIDER and EDNA SCHNEIDER
 JAS PROPERTIES CORP.
 VEROBA LTD. and MERCHANTS FUNDING CORP.
 CHROMALLOY AMERICAN CORP.
 STUART M. MITCHELL and ROBERTA MITCHELL
 STUART M. MITCHELL
 NEW YORK TRAP ROCK CORP.
 LONE STAR PROPERTIES, INC.
 JOHN C. SAUNDERS and DALLAS A. SAUNDERS
 MARTIN MARIETTA CORP.
 VISTA GARDENS ASSOCIATES
 R. H. MACY & CO., INC.
 ALBERT A. MANGANELLI and GLORIA MANGANELLI
 ALBERT A. MANGANELLI and PATRICIA KUNZ, RITA KAUFMAN,
 CONSTANCE AIRNOW and LOIS RYDER

NOW, THEREFORE, be it

RESOLVED, that special counsel is hereby authorized to
defend the Town of Clarkstown in these proceedings.

Seconded by Co. D'Antoni

All voted Aye.

(1974-664) Co. D'Antoni offered the following resolution:

WHEREAS, by resolution 556 adopted June 26, 1974, it was resolved that the sum of \$50,000 be transferred from the drainage account to the County Treasurer of Rockland County, said funds to be used by Rockland County Sewer District No.1 for the purpose of constructing a new culvert beneath Phillips Hill Road, New City, to accommodate the flow of Crum Creek and,

WHEREAS, Rockland County Sewer District No. 1 has decided not to construct said culvert,

NOW THEREFORE, be it

RESOLVED, as follows:

1. That the Highway Superintendent of the Town of Clarkstown is hereby authorized to construct said culvert in order to accommodate the flow of Crum Creek.

2. That the cost of said culvert construction not to exceed \$30,000 be transferred from Capital Fund Drainage to Highway Department Account to pay for the construction of said culvert.

3. That the County Treasurer of Rockland County be hereby requested to refund the sum of \$30,000 to the Town which sum had been transferred for the construction of said culvert.

3. That the County Treasurer of Rockland County be hereby requested to refund the sum of \$30,000 to the Town which sum had been transferred for the construction of said culvert.

Seconded by Councilman Lodico

All voted Aye.

(1974-665) Co. Lodico offered the following resolution:

RESOLVED, that the bids for the construction of a prefabricated metal storage building to be located at the Clarkstown Sanitary Landfill site are awarded to the following low bidders:

General Construction--- to Rok-Built General Constr. Co.
581 North State Road
Briarcliff Manor, New York

in the amount of \$154,409.00

Plumbing----- to Warriner-Smith Utilities
320 North Main Street
Spring Valley, New York

for the amount of \$11,456. as a base bid or \$11,098. for alternate specifications.

Electrical Work----- to Tappan Zee Electric Co., Inc.
165 West Nyack Road
West Nyack, New York

for the amount of \$11,720.00.

Seconded by Councilman Pizzutello

All voted Ayes.

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(1974-666) Councilman Iodico offered the following resolution:

RESOLVED, that because both checkwriting machines owned by the Town of Clarkstown are in poor condition, the Purchasing Director is hereby authorized to purchase one (1) Burroughs Control Center unit at a cost not to exceed \$3,600., and be it

FURTHER RESOLVED, that the money for the above be taken from Federal Revenue Sharing and transferred to General Fund Account.

Seconded by Councilman D'Antoni

All voted Aye.

(1974-667) Councilman D'Antoni offered the following resolution.

WHEREAS, SAWYER SAVINGS BANK has petitioned the Town Board of the Town of Clarkstown that the Zoning Ordinance of the said Town be amended by redistricting property of the said petitioner described from R-15 district to IS or PO district;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be had at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the said Town of Clarkstown, on the 11th day of September, 1974, at 8:15 P.M., relative to such proposed amendment; and it is

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

Seconded by Councilman Pizzutello

All voted Aye.

ORDER: Setting Public Hearing on September 11, 1974, at 8:30 P. M. in the matter of Nob Hill Homes to be included in the Clarkstown Consolidated Water District #1, was signed by all members of the Town Board.

Monthly reports for the month of July 1974 received and approved. The Zoning Board of Appeals and the Office of Building Inspector's Reports were filed in the Town Clerk's Office.

On resolution offered by Councilman Pizzutello and seconded by Councilman D'Antoni and unanimously carried, the Town Board meeting was adjourned until Wednesday, September 4, 1974 at 8:00 P. M., at which time the next regularly scheduled Town Board meeting will be held in the Town Hall Board Meeting Room.

Signed,

Gertrude Mullane
Gertrude Mullane
Deputy Town Clerk