

PUBLIC HEARING

Town Hall

12/5/75

8:15 PM

Present: Co. D'Antoni, Lodico, Maloney, Pizzutello, Supv. Gerber  
Deputy Town Clerk Alice Weber  
Town Attorney Murray N. Jacobson

RE: SPECIAL PERMIT APPLICATION ST. AGNES HOME AND SCHOOL FOR  
CHILDREN TO OPERATE AN AGENCY GROUP HOME AT 3 BROOKSIDE  
DRIVE, NANUET, NEW YORK.

Supervisor Gerber called Public Hearing to order;  
Deputy Town Clerk read Notice of Hearing and testified as to  
proper publication and filing of Affidavit of Service and  
Affidavit of Posting, as required by law.

The following correspondence was received regarding  
Special Permit application:

ROCKLAND COUNTY PLANNING BOARD:

The Rockland County Planning Board reviewed the above  
item at its August 13, 1975 meeting and approves. (Signed by  
William M. Chase, Principal Planner.

TOWN OF CLARKSTOWN PLANNING BOARD:

The members discussed fully the above referral at  
their meeting of 8/5.

At the meeting of 9/2 Member Paris made a motion which  
was seconded by Thormann and carried 6:0:1 with Ayes of Yacyshyn,  
Hess, Paikin, and Maine, abstention of Coyle, approving the  
following:

RECOMMENDATION TO THE HONORABLE TOWN BOARD: That the Special  
Permit for St. Agnes Group Home, Nanuet, be granted as presented,  
in the understanding that no more than 8 persons, exclusive of  
supervisory staff and offspring be permitted to reside in the  
home.

FOR THE PETITIONER:

Ralph Kelly, Executive Director, St. Agnes Home and School,  
120 Hempstead Road, Spring Valley, New York -- St. Agnes Home  
and School is a licensed child caring agency, duly licensed  
and authorized by the New York State Board of Social Welfare,  
having it's principal place of business in Sparkill, Rockland  
County, New York. We already operate 9 group homes, 4 of which  
are located in New York City, 2 others in Rockland County, 2  
in Orange County, 1 in Westchester. We also have 100 children  
in foster homes throughout Rockland, Orange County, New York  
City and campus program for 150 residents located in Sparkill.

The property is owned by Mr. Mantel and Mr. Standler who are aware of what we intend to use the property for and agree with that particular purpose. Premises had been approved by New York State Board of Social Welfare for operation of a group home -- use of that house for group home will not in any way change the character of the house or the existing building structure. Premises are in suitable location with respect to transportation, water supply, waste disposal, fire.... use of premises as group home will not create congestion, traffic hazard or in any way adversely effect the character of the property or in any way impair the public health, safety, morals, convenience, comfort, prosperity or otherwise the general welfare of the Town of Clarkstown.

St. Agnes Home and School promises and hereby submits that we will comply with all regulations of the Town of Clarkstown as respect to the use of the premises as a group home.

I know the Town of Clarkstown and its' board is very well aware of the concept of a group home, certainly Clarkstown was a leader in establishing a Zoning Ordinance for the purpose of zoning in these particular types of facilities. The premises at Brookside Drive will be operated by St. Agnes for a group of 8 youngsters approximate age of 10 - 15 -- normally well-adjusted kids who are able to adjust to community schools, community situations. They will be supervised by an in-residence married couple, Mr. and Mrs. Michael Thistleton who have combined experience of about 25 years in working with children. Youngsters will be attending local schools -- most of kids are from New York City.

Children will participate in local community activities -- church, recreation. Shopping for the facility will be done as it is done in any other normal home and community resources will be used for that purpose. House will be properly maintained in all respects, properly cared for inside and outside. In reference to taxes, group homes operated by St. Agnes and most other agencies are not a tax burden in any way. House is rented by St. Agnes, we pay rent, they pay regular property tax and school tax. In addition living in that house who is not a Rockland County youngster we then pay a separate tuition to the school district. In no possible way is the house a financial burden in any respect to the community itself. St. Agnes as an agency operates 10 other group homes, our experience in operating group homes has been very successful, we did appear before the Town Board 3 months ago for permission to continue operating a group home that was already open prior to the Zoning Ordinance in Clarkstown, that group home has been and continues to operate very successfully in Clarkstown.

THE FOLLOWING PERSONS APPEARED IN FAVOR

Noel J. MacCarry, 54 Leona Avenue, New City, N. Y. -- ...we both urge you to act affirmatively on the Group Home petition being submitted to you by St. Agnes representatives this evening. We have had the opportunity to foolow some of these children as they moved from the institutions to Foster and Group Homes in Clarkstown and elsewhere in the County, in school and other community activities. We know how many of the children still confined to institutions ache to enjoy the family-like atmosphere being provided in the Group Home setting. We who have observed the Group Homes first-hand can confirm that the children assigned to them have proven to be a predictable credit to the institutions which selected them for such community life. (ENTIRE STATEMENT ON FILE IN TOWN CLERK'S OFFICE)

Msgr. James Cox, Roman Catholic Vicar, Rockland County -- I wish to speak in support of the Group Home presently under consideration...I have visited the home in question and have been contacted by individuals both supporting it and opposing it. In arriving at my own position, I try in as much as I can to place myself in the position of a parent who is trying to do what is best for his children. I ask myself what are the perceived opportunities on Brookside Drive which convinced other parents to move in their children, will these opportunities be available to my children and when my children grow up will they be thankful for the decision which I have made. It is my judgment that this street and neighborhood are very good having opportunities. In time these opportunities will become available to my children and in years to come the boys from St. Agnes will be thankful for the home in which they passed their youth....I believe in the principle of equal opportunity. For the boys from St. Agnes, this Group Home is their equal opportunity. ...I pray that after you have heard all sides on this proposal, you will be moved to cast an affirmative vote. (ENTIRE STATEMENT ON FILE IN TOWN CLERK'S OFFICE)

Dr. Earl Nissen, 57 Carol Street, Pearl River -- representing also the Board of Governors of the Health and Social Services Complex -- I am actively involved with working with children who come from Group Homes as an elementary school principal in South Spring Valley where many Group Homes are located. I can attest to the fact that we have seen tremendous changes in childrens' behavior once they are put into Group Homes, put into public schools and dealt with in very normal situations. Monday I spent 2 hours with people touring my school to see how some of the kids from Group Homes are doing...our teachers find that there is a great concern on the part of the people who manage the homes so we feel there is a tremendous professional tie between the people who manage group homes and the public school people. We feel we are doing great service to the children by taking them out of institutions, putting them into these types of homes and professionally managing their educations. Board of Governors of the Health and Social Services Complex is very interested in the group home problems in the county..we have had several groups come to our meetings expressing concerns about group homes and we have tried to take an objective look at what is going on in the county. We have asked the Commissioner of Mental Health and Commissioner of Social Services to help us develop a plan of trying to assist towns in spacing out group homes so that not one town takes on all the burden of maintaining group homes, we recognize Clarkstown as a leader in this particular effort and look forward to how Clarkstown deals with how Clarkstown deals with these problems so that other towns can look to what you are doing. We also have been interested in how children are selected to be placed in these homes and it's been our experience that the people who manage some of the homes and people who have lived near some of the group homes that wise selection is used in placing children in these homes. If anybody here tonight has fears about what type of children are placed there we can allay some of those fears. Board of Governors would like to ask for your approval of this permit.

(continued)

Father Edmund Netter, Pastor, St. Anthony's R.C. Church, Nanuet, New York -- I feel that we, I come as Pastor of St. Anthony's Church, representing not only myself but my two fellow associates, Father William Warren and Father James Conroy who agree with me completely, we are willing and ready to offer all of the love that we can at St. Anthony's to this home. I have had a lot of experience with the other home, and it's been very favorable. The youngsters have been very active, in many of the activities that we have. From personal experience, I can quite honestly say the other group home has been a success...have no reason to doubt that this would be a neighborhood I would love to establish a home, the people there are substantial, they have very high standards and I think the children will benefit a great deal from the associations that will take place. I feel very strongly that this should be approved and promise that we at St. Anthony's will do everything in our power to make these boys welcome, make them feel comfortable and help them grow up in a good atmosphere and become the citizens we want them to be.

Marjorie Meyerson, 4 Birchwood Terrace, Nanuet, N. Y. -- My daughter has worked at St. Agnes, I have had some of the children in my home and I know them...an institution is not the best place for children to be. Many of my neighbors are very fearful, but I can't see that these fears are justified. I hope that you will give these boys a break. If these boys could be living in the next best thing to a home with parents...I can't see how anybody in their heart can object to having little children coming to a home and living a better life for a better future.

Joseph Pantano, S. Little Tor Road, New City, N. Y. -- really only one thing we have to consider here...they have, according to the Courts, a legal right to be there and I think that in our tradition the right to move about and the right to live anywhere that you would want to live has been a principle we have had for a long time...it's important we understand the type of people who will be living in this group home... they are normal, well-adjusted children....I know the people who live in this area fairly well and I've been there and I know of several people who have children in that age group and they enjoy football, basketball and stickball and they raise a little cane and have a lot of fun and have a little noise in the area....they don't object to this, why should they object to someone moving into the area...if a large family moved into this home with 6 children or 8 children, they would not object to this family being there -- no one would object to it...these particular children have been turned away from their own home thru no fault of their own. Why should we tell them now that they cannot enter into the mainstream of society in this county. I have talked to people in this area and you know they say we have good people in this area, they do a lot of things for the church with Father Netter why can't you open your community to these children who only ask to be part of your community....I don't think that's too much to ask.

Hank Rosenzweig, West Nyack -- one of greatest fears we have is the fear of the unknown and I can understand the problems that the future neighbors of this group home are experiencing at this point -- fear of what will it be like -- I can speak from what it is like, being a neighbor of a group home in West Nyack. Frequently visited by many of the boys from the home...some are in my son's class in school and come over and are extremely normal, very courteous, in many cases put my children to shame. The point is that these boys are given the opportunity...I have witnessed it...forget the fact that these boys are living in a group home situation as opposed to a normal home situation. The experiences they go thru are extremely normal and this is the key word, the normality of the situation in an existing group home as I myself see it...in the existing situation there is normalcy, there is a growth, love, understanding, enrichment, education and supervision that is existant in a normal home as it is today. We are here to voice our opinion...we are dealing with human lives..lives of children and it is something that we have to look at very seriously to give these fellows a chance to grow as we have in normal structured homes with the love and understanding that they cannot get in a formalized institution as in a home. A group home will give them what each of us has and what each of us wants to give to our own children and I urge you to voice your approval in passing the group home situation.

Paula Warren, Goshen, N. Y. -- I don't know this group home or the people who are getting into it, but as someone who just became involved as a neighbor of a group home...we have found normal, typical home, no different from your neighbor living next door to you. The fact that these kids have a so-called home rather than an institution I'd like to see more of it and I have a few other neighbors who feel the same way. Brought a letter from neighbor who couldn't make it tonight but wanted to be here which was read into the record:

.."We would like to say that St. Agnes Group Home in Goshen is an asset to our neighborhood. Since the boys who have been placed in the Goshen Group Home were chosen because they were especially suited for a "family" environment in a rural setting they have adjusted quickly and fit into the community well.... When people were informed what a group home is and they met the Riley's and their "family", and realized that they were sincere, respectable people as they themselves are, most of their fears and hostilities ceased to exist. Thus far the Goshen Group Home has been a good and enlightening experience for us." (Signed Mr. and Mrs. Patrick J. McDonald). (ENTIRE LETTER ON FILE IN TOWN CLERK'S OFFICE.

(continued)

THE FOLLOWING PERSONS APPEARED IN OPPOSITION TO THE PETITION:

Mr. Eisenberg, 4 Brookside Drive, Nanuet -- before going into our presentations we would like to point out that it is a matter of public record that Councilman John Maloney is an accredited social worker associated with a similar type organization, therefore we respectfully request that he disqualify himself from this very important hearing.

On behalf of the majority of residents on Brookside Drive and the surrounding area we want to express our opposition to the establishment of a group home at 3 Brookside Drive. Submitted signed petitions on 5/15/75 and 8/15/75 of over 100 names from neighborhoods adjacent to and some distance from Brookside Drive. In addition we have expressed in letters to the Town Board and the Journal News our objections and viewpoints. Displayed chart showing Brookside Drive and immediate surrounding area showing homes in red opposed to group home around 3 Brookside Drive. It is policy of St. Agnes to research area for proposed group home and obtain approval of the residents, only after we unveiled their plan to move into the home did Mr. Kelly and Mr. and Mrs. Thistleton make their first approach into the neighborhood. They then set forth their aims which basically are that we won't impose a group home on anybody. Upon realizing the neighborhood was opposed to this, they reversed their position and stated in effect we are going forward regardless of the neighborhoods objections or attitudes. Not only did Mr. Kelly ignore the residents he apparently neglected to properly inform the town board of his intentions. Mr. Kelly has been quoted in the June 18 issue of the Journal News that there is no need to discuss anything with the neighbors. This is consistent with the residential staff having a child living on the premises and functioning as a group home for at least 3 months. On 9/22 the Town Board re-emphasized its position that the town expects Mr. Kelly will continue to maintain the property without any children being moved into the premise prior to the decision being rendered by the board. This is also consistent with the fact that in Mr. Kelly's letter of May 20th to Mr. Jacobson reference is made to 9 boys and in the petition of 7/8 reference is made to a maximum of 12 minors to be assigned to the home and the Planning Board's reply of 9/18 to the Town Board, it was their understanding that no more than 8 persons, exclusive of supervisory staff and offspring be permitted to reside in the home. A group home must be a domicile of permanency and not be of transitory nature. It is apparent in the correspondence from St. Agnes that the establishment of a group home at 3 Brookside Drive will result in a site that is an institutional annex of transient occupants. The group home is currently costing about 900 - \$1,000 a month with 9 children plus supervisory staff the cost of this operation is estimated to be at least \$50,000 a year...extravagant expenditure....

In our presentations, we will illustrate the following:

1. It is not more economical for the taxpayers to support a group home at 3 Brookside Drive under the current arrangement and it may be a potential tax burden on the community.

(continued)

Mr. Eisenberg(continued)

2. It is unrealistic to assume that the establishment of a group home on Brookside Drive would not be detrimental and disruptive to the character of the neighborhood.
3. It is unrealistic to assume that the objectives of this group home could be achieved by intergrating the children into a neighborhood primarily of residents consisting of elderly and semi-retired persons.
4. The occupants of this group home are transitory in nature.
5. This group home will adversely effect the safety and well-being of the neighborhood.
6. That the parcel in question is insufficient in size to properly support the intended number of occupants without seriously encroaching upon the neighborhood.

We do not feel that 3 Brookside Drive is the proper site for an institutional annex of transient occupants.

Raymond Calhoon, 1 Brookside Drive, Nanuet -- ...we submit that our 1 family residential neighborhood does not provide common ground for any such mini-institution. A group home of 10 - 12 teenagers in this neighborhood is unrealistic and such an establishment would create a complete disruption of the character and harmony of the neighborhood and be detrimental to its welfare. The neighborhood does not provide the atmosphere and conditions necessary for the program. Immediate neighborhood is a group of older citizens who have raised their families, now these parents have every reason to enjoy watching the grass grow. On either side we have a family moved here from the Bronx and raised their 3 boys to college or marriage...on other side a widow who until recently cared for aged mother in quiet and security of this neighborhood, now lives alone with a pup and the friendship of the neighbors....we have man and wife of retirement age....next family with father in ill health for good many years confined to his home....next we have man and his wife approaching retirement age whose children are off to college....we could go on without asking you to stretch your imagination as to why we object to this intrusion. We ask you to take the community's well-being into consideration. This negative feeling toward having institutionalized teenagers intergrated within a small residential community is nothing new....we don't have any fears, we're too old to have fears, we can understand....we are trying to be factual....having earned enough to provide my family with a home in the suburbs I am being asked to accept as my immediate neighbor a relatively large group of institutional society teenagers with modern sociologists assuring me these teenagers will not be disruptive to a small closely knit neighborhood of older adults...no way... I was a teenager, I raised teenagers, I know what they can be and can well imagine what 10 of them, all unrelated under one small roof could do and the capers they could indulge in...do this they must because it's part of growing up, but not in a neighborhood where there are none or very few in the same age bracket.

Rosemary Tagliareni, 6 Brookside Drive, Nanuet -- read three statements made by Mr. Kelly -- 5/20 from letter from Mr. Kelly to Mr. Jacobson -- "St. Agnes wishes to maintain positive community relationships on both a neighborhood and local governmental level". 6/9 letter from Mr. Kelly to the residents of Brookside Drive - "it is the policy of the St. Agnes School to research a community for a proposed group home and seek the neighborliness of the residents by sharing with them the intent of the agency in establishing a group home on a prepared site" -- 5/27 -- Mr. Kelly as quoted in the Journal News - "we won't impose a group home on anybody".

In early May the residents of our area heard that St. Agnes was planning to move Mr. & Mrs. Thistleton in with the boys by mid-June, not one person in the neighborhood had been approached about what was about to take place. When we made the Town Board aware of what was going to happen, Mr. Jacobson contacted Mr. Kelly on 5/15, only then did Mr. Kelly apply for a permit from the Town Board. Only after Mr. Jacobson advised Mr. Kelly of strong neighborhood sentiment against this Group Home did Mr. Kelly invite the neighbors to an open house -- at that point the majority of the neighborhood felt things had gone too far and we could have no meaningful dialogue with these people and so 4 representatives went to the open house to state the position of the rest of the residents. The point is that only after we initiated inquiries about the proposed entry did St. Agnes react and file for a permit, only after the Town Board advised them that the neighborhood was upset did St. Agnes react and invite the neighbors to discuss the matter. You can easily see why we are distrustful of any promises made by Mr. Kelly as to the conduct that will take place at the home. Recently, after receiving a letter dated October 22nd from Mr. Gerber, stating that only the couple was to live in the house until the hearing was held and that no boys were to be in residence, they started moving in first one boy, and now we believe two boys are in residence. In summary, deceit has taken place, and we are aware of it and no amount of rhetoric can change that fact -- they have shown these boys who they are leading disrespect for local law -- the end does not justify the means and I personally have lost any respect that I may have had in the beginning for these gentlemen.

The proposed group home is to be staffed by an in-residence couple who are employees of St. Agnes Home and School, taking their salaries plus the monthly rental, which we are reliably informed to be \$900 a month plus the children's educational expenses in the local schools, gas, food, electricity, clothing, transportation, this adds up to an enormous amount of money and it's my thinking if St. Agnes is going to make this huge investment, why don't they do what Mr. Kelly said in the original quote and find an area where they will be able to lay the groundwork for neighborhood acceptance and be welcome there, it is absolutely too late for that to happen on Brookside Drive.

E. Solowsky, Valley Cottage -- it's a sad fact of life, but it's true most of these children are not orphans, they're abandoned we're all sorry to see this...the facts should be considered. I don't understand Mr. Kelly's statement this

summer that these children are a word of New York City funded by New York City and New York State...I'd like it explained to me why St. Agnes or any other organization is taking revenue in these amounts from the City or State of New York and funding it into Rockland County instead of helping a city that is in such bad default such as New York City -- there are acres and acres of homes, private, apartment buildings in the City of New York that are abandoned, they could be picked up for a song, you can get areas and areas, 4,5,6,7 blocks at a time to create the concept of a group neighborhood, therefore teaching these children not to run away from this city that is being destroyed but to stay and rebuild the city where these children come from, where their family is, where they have familiar surroundings and have been raised....these children their minds, their ways of life are formed....this is State taxes, City taxes, here is a perfect source of revenue...plus all the buses, the best schools, everything is right there in the city in areas where these children are used to...why not leave this money in the city and help is needed in Rockland County and help is needed for our residents....all this money why not use it to help the Senior Citizens who have lived in Rockland County, raised their families and are struggling trying not to lose their homes..make a group home for Senior Citizens first...Give me your hungry and poor is on the Statue of Liberty, not on the Tappan Zee Bridge.

Marjorie Cuomo, 10 Brookside Drive, Nanuet -- resident of Brookside Drive for past 18 years...it's been implied and we've been accused of being uncharitable and unchristian because we oppose this group home..in a way you could say it's true, but we all say it's not true because there is no one in our area that do more charitable works as a group; all of us have worked together. We are opposed to this group home because of the way it's been presented to us by Mr. Kelly that they intend to put in 8, 10, 12 children. They're not stating the exact ages. What happens when the 10 year olds are not used to the neighborhood and they have to take them back to St. Agnes, does the permit allow them to bring in 3 17 year olds in place....shouldn't a group home have someone in the house most of the day, it's my understanding that Mr. and Mrs. Thistleton are working for St. Agnes at some other organization, and we never see her home during the day, who's going to take care of these children when they're sick or get home from school, some other teenager St. Agnes sends over for a babysitter for these children. What happens after 5 years when the lease is up and St. Agnes has increase in their rent, what happens with this home, does the permit stay with the location...does the permit die when St. Agnes drops it or does some other home pick it up...these are some of the questions we would like answered.

Marjorie Anderson, 9 Brookside Drive, Nanuet -- we don't want the Town Board to think Brookside Drive is a neighborhood that doesn't care about children...we are not new at this...some years ago my husband and I took 2 boys into our home they spent holidays, weekends and summers with us for over 4 years. Both of us firmly oppose this location for a group home because we feel there are just too many boys to fit into one house.

Curt Settle, Beach Street, Nanuet -- here in opposition of this group home...a year ago when group home residency was proposed in Clarkstown I was fully in favor of it and at the time I believed that group homes would be placed in Clarkstown with temperance, but not to excess, we have one in Valley Cottage, (Congers,) West Nyack, one in New City and I believe we have roughly 8 group homes in Nanuet at this time which constitutes St. Agatha which has approximately 200 children from New York City and as far as fair share goes, I believe Nanuet is doing its fair share as far as group homes.

Bernard Lascala, 1 Kelvin Ct., Nanuet -- my only reason for opposing is the unknown -- reason you are requiring the permit is that it is not a typical family home, there is something special about it...you are being asked to determine if it is good or bad for the community, whether it should be issued or not issued, I don't think you have sufficient information to make that determination at this time. There is no study to know what effect it has both on the children of the group home as well as the children in the neighborhood. I do have a fear, and that fear is of the unknown...I think the Town Board should require a statement of what has been happening in the past, what effect has it had on the children of the group home and of the neighborhood I agree these children are pretty set in their personalities, perhaps we can do a lot of good for them, but perhaps they can do a lot of bad for us and I just don't know...perhaps it's not good for the children in the group home themselves, perhaps we are trying to be too good. What does normally well adjusted mean. I am recommending that you require further study before a permit is issued.

Mrs. Kelly, 5 Brookside Drive, Nanuet -- I can only reiterate what many of the people opposing the group home have said, I feel it is a very ill chosen location to accommodate a large number of boys on a transient basis. I hope you will take all the comments into consideration.

Mr. Cooper, 11 Brookside Drive, Nanuet -- resident of Brookside Drive for 18 years. We believe the choice of Brookside Drive would upset the life style in that particular area, in that particular development. We also talke about a stable family concept, in this particular instance we have supervisors hired under the direction and control of a body which is outside the body and removed from it, where is this direction and control coming from..is it coming from Blauvelt, is it coming direct from the supervisory people. I don't think this concept of family stands on its own very well when put to a practical use..I don't think the use it would be put to on Brookside Drive would be effective or appropriate. The Board of Social Welfare rules indicate that it should be in an appropriate neighborhood where suitable play areas are available to the children from looking at that diagram I can hardly believe that 12 children can play adequately in that little piece of property that has been considered as a group home. I would like to know if the local building or fire authorities have approved this particular group home, my understanding the Board of Social Welfare rules have provision to the effect where there are

local building or fire authorities evidence of approval by such authorities must first be obtained....I don't know whether that has been done. My personal opposition to the group home is the fact that I feel Rockland County and Clarkstown mainly is being asked to be a dumping ground for the problems and headaches of the metropolitan area. To say this will not cost the taxpayers anything, is to forget we are also taxpayers to the state and as taxpayers also contribute to the payment and maintenance of this group home, which in my evaluation is exorbitant.

Mr. Cuomo, 10 Brookside Drive, Nanuet -- here to give general description of the properties on Brookside Drive...the general lot areas of the property in the area of 13,000 sq. ft., houses about 1800 sq.ft. of building area and has frontage of about 75 ft., has roadway exactly 24 ft.wide which means that cars going northerly or southerly park on each side of the road which makes it very hard for cars to go thru. Increase in traffic on Saturdays, Sundays and Holidays, it would add to the increase in traffic which makes it very hard for cars to proceed on these visiting days that come thru to the group home.

Martin Shapiro, 3 Forest Avenue -- if you can be totally objective, I believe you are on record as being for group homes so I find it very difficult to find you totally objective as to the situation here.

Russ Tagliareni, 6 Brookside Drive, Nanuet -- we have heard words tonight like resentment and distrust, these are not emotions that we come upon very easily, but they are very real. We have developed a case of resentment and distrust towards Mr. Kelly and the principles of St. Agnes, you have heard that our neighborhood is not an unfair neighborhood...we are new to social programs and it is very difficult for us to appear insensitive to social change, in fact we are not, we simply not the case, but we have been hurt, or intelects somewhat damaged by the approach, we do feel distrust...I don't want emotion to be the reason why we are opposed... I have a feeling of my own, I have discussed with friends, neighbors and clergymen to try to find the answer and what I have come up with is that a harmoneous relationship is required for a group home in the neighborhood to blend and that has been damaged seriously right at the outset and I think it will be difficult for us to get over this, but there is another reason, we are a rather tight community geographically speaking and the introduction of 9 - 12 boys strikes me as possibly having a serious impact on the other 10 homes in the area and I think this board is obliged to give equal and serious consideration to those on whom there could possibly be a negative impact. You, Mr. Gerber, have been instrumental in having this ordinance passed in Clarkstown, we feel the Board has to exercise that responsibility, the Board would be less than responsible if it didn't exercise it's legal and moral responsibility in giving community sentiment an equal amount of consideration in this matter.

REBUTTAL BY MR. KELLY:

It's very difficult to respond to all the things that I've heard, other than to say you can't believe everything you read in the newspapers. I certainly didn't make any comments that were referred to on May 27th, in the Journal News. I am a little bit disappointed in the fact that Mrs. Tagliareni found it important enough to come to my office during the summer and meet with Mr. Piston and myself and ask the same question. I thought I had convinced her at that time about the comment in the Journal and the other two points she made. I guess I now have reason to distrust Mrs. Tagliareni. Let me try to just address the facts of the matter...some questions have been raised that relate to the facts...and they also relate to the fact that one of the things the agencies, St. Agnes included, has to do better is to really acquaint and educate the community as to what group homes are all about. Mr. Eisenberg couldn't be more wrong when he suggests to you that group homes are more expensive than institutions...if you are really concerned about the tax dollar, I'm not even going to address whether it's good for youngsters to be in a group home or an institution, let me tell you some facts of that...I've been in this business 20 years and I'm speaking not only just from my own say so, my own knowledge, but the New York State Board of Social Welfare will say the same thing, New York State Department of Social Services, Rockland County Legislature, will say the same thing. It costs on the average \$5,000 to \$6,000 per year, per child in an institution than it does in a group home, and that's for an institution such as St. Agnes, and we are by far one of the least expensive...there are others that cost in the area of 90 - \$100 a day...most of your state facilities are running in that area...that is a fact...that can be supported by very hard data.

Let me acquaint you with another fact, at no time have we ever stated that we were going to have the group home that is in question here with 12 youngsters..in our petition that was drawn up by our attorneys it refers to a Social Service Law which allows a group home to have from 7 - 12, but when we appeared before the Clarkstown Planning Board and in conversations with the Town Board and in our request to the New York State Board of Social Welfare, which I must remind you is the certifying body for the group homes, we requested authorization to run that home for a maximum of 9 children...7 would be in residence 9 months out of the year, the other 2 will go to a prep school and will be coming home for Christmas vacation, and summer holidays. Most of the time there would be in residence a total of 7 youngsters, I believe the people who lived in that house prior to us had at least as many youngsters and I don't think they moved because they found the house too small.

Another fact...somebody mentioned about the old age and the Senior Citizens, I hope that that person will give their support to the Dominican Sisters, who sponsor St. Agnes, in their quest to start Senior Citizen Housing in Orangetown.

Mrs. Cuomo questioned the staffing pattern, I thought that was one of the first good questions I heard because that's a question I would ask if I lived there, who's going to supervise these youngsters, who's going to be there. First of all, it is the

policy of St. Agnes to always have an adult staff member at the house when a youngster is there, it is also a state law. We could not operate that house at any time when there was not an adult staff member in residence when a youngster is there. At no time would that house be operated without adult, qualified supervision.

Another woman related to the size of the house...it is a fact that the State Board of Social Welfare has a very stringent rules and regulations that govern all child caring agencies as to what size, space for bedroom, how many bathrooms, etc. Those rules are much more stringent than most people can afford for their own families where they have large families and the State Board of Social Welfare who made an on-site inspection of the house found the house to be more than within the limits of what they require -- that also is a fact that can be supported by data.

A gentlemen related to their being 12 group homes in Nanuet, I can only say that cottages on one piece of land is an institution if you have worked in one, lived in one, ever been around one, you will certainly know that an institution and a group home is a vast different kind of thing.

I would certainly support another gentlemen who mentioned about the research there is a need in this field for research, we need to do research about group homes, we need to get more hard data, I wish we had the resources to do it...I can only tell you from St. Agnes' point of view about our Group Homes, you've heard some people speak who live near a couple of our group homes that's the only thing I can go on...I can tell you the reactions of the youngsters that we've had in that program and how they feel, I can not and I don't want to say that every group home that's operated in Rockland County or the State of New York is a good program, I'm not responsible for them, I'm responsible for the 8, and I would stand here and say to you that any of our group homes operating now are above board and very successful.

Another person asked about increased traffic -- most of the youngsters in that particular house, unfortunately will not be able to go back home, most don't have families or parents who are interested in them so its highly unlikely that they will ever come and visit the group home, and as a matter of policy we do not encourage the parents to visit the group homes, we find that disruptive to the youngsters as well as to the staff and we don't encourage it. In any of our facilities that we operate now, parents do not visit the group home. That particular group home will have two cars, I believe most families in Rockland County have two cars.

Someone else related to institutional transition, transitory, certainly from a professional point of view a transitional kind of situation is one where the kids are coming and going daily, perhaps weekly, monthly, the intention for the youngsters who are moving into that home are that they're going to be there for a while, now who knows the unexpected, who knows whether one youngster in a year or so may not go home, or may not do something else, but then who knows if a youngster who is 17 or 18 who lives with his parents may not decide to leave, does he then become a transient situation. I don't know the unknown with those kids, or a particular youngster will be in that house,

if it's approved, in 1978, I do know our intentions, I do know our plans for those youngsters now, and the plan for those youngsters now, hopefully will be to live in that home and they will be there for a while.

In terms of notifying the Town Board, I would say that perhaps being new in Rockland County, I certainly was not aware the Town Board's ability to really be of help to an agency like St. Agnes in the development of Group Homes, but I will say this, we have never attempted to do anything behind their back...we know that we had to submit this petition, and even though we planned on the house, even though we did all those things, we never moved anyone into the house and we filed our petition somewhere around June 4th and we had an informal meeting with a few members of the Town Board to assure them that we would comply with the Zoning Ordinance as we understood it, so while we negotiated for the house and made some reference to the house, and planned on making use of that house, and we made that plan before we talked to anybody, that's certainly correct, but that doesn't mean that that is not a legal right of ours. Now if you talk about legality one can question, and certainly be unhappy about Ralph Kelly, fortunately I'm not a politician and I don't need votes, fourteenately, or unfortunately, or whatever, I will continue to do whatever I think necessary in the interest of the youngsters, but I will say this, everything we've done has certainly been legally. All we are doing is trying to exercise what we feel is a legal right. Certainly there is opposition to the group home and certainly there is feeling about it, as a homeowner in this County, if I was not professional involved in group homes, I suppose I'd be afraid about the unknown also, but one day I came home and my wife told be, there's going to be 10 kids living across the street, I think I'd do something I hope that you will do, I would try and have an open mind about it, I would try to look and see and listen and talk to people and investigate, and I think again, speaking for St. Agnes if you investigate the kinds of group homes we run, you'll find that we run quality, professional group homes that one is proud to be associated with.

On resolution offered by Councilman D'Antoni, seconded by Councilman Maloney and unanimously adopted, the Public Hearing was closed.

Signed,



Alice Weber  
Deputy Town Clerk

TOWN BOARD MEETING

Town Hall

12/3/75

8:00 PM

Present: Co. D'Antoni, Lodico, Maloney, Pizzutello, Supv. Gerber  
Deputy Town Clerk Alice Weber  
Town Attorney Murray N. Jacobson

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

(1975-820) Co. Maloney offered the following resolution:

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

Seconded by Co. Pizzutello All voted Aye.

(1975-821) Co. D'Antoni offered the following resolution:

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

Seconded by Co. Maloney All voted Aye.

(1975-822) Co. Maloney offered the following resolution:

WHEREAS, ST. AGNES HOME AND SCHOOL FOR CHILDREN, located  
in Nanuet, New York, as 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 3rd day  
of December, 1975 at 8:15 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 application,

(1) will be properly located with respect to trans-  
portation, water supply, waste disposal, fire and police protect-  
ion, and other public facilities;

(1975-822 continued)

(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;

to such use;

NOW, THEREFORE, be it

RESOLVED, that a Special Permit to operate a group home at 3 Brookside Drive, Nanuet, Town of Clarkstown, County of Rockland, New York, is hereby GRANTED, and be it

FURTHER RESOLVED, that occupancy be limited to eight (8) persons, exclusive of supervisory staff and their offspring, and be it

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.

Seconded by Co. Pizzutello

On roll call, the vote (with comments) was as follows:

COUNCILMAN D'ANTONI: NO

COUNCILMAN LODICO: I would like to say to the gentleman who opened the opposition in regards to any Councilman being denied the opportunity to vote and his request to Mr. Maloney, I think his request is improper, any councilman has the right and the opportunity to vote on any measure so long as it does not make for a direct conflict of interest, that was an unfair request and Councilman Maloney has his own views and his own feelings. ....many of the reasons that I was concerned about the actions of Mr. Kelly and I couldn't come up with an answer how to answer Mr. Kelly and he came up with an answer for me in his summation, if we are unhappy with Mr. Kelly that's something else, I am unhappy with Mr. Kelly and the manner in which he introduced, proposed and attempted to ram the proposal of group homes in this town, in spite of his apologizies. Mr. Shapiro, I support group home concept, indicating that this Board would be biased, my position is independent, I think your comments were out of order personally. I think that Mr. Kelly has indicated he has 20 years experience in this field, it may have taken him 20 years to learn how to go through an operational process of government I believe he embarassed me and the governmental process in Clarkstown and Rockland County and other reasons, I support the group home concept and I'M unhappy about Mr. Kelly and I ABSTAIN from this vote.

(roll call, resolution 822 continued)

COUNCILMAN MALONEY: Yes, I would like to say that I don't intend to shirk my responsibility as a legislator and the fact that I am a social worker by profession has nothing to do with how I vote on this particular issue tonight, in fact it might be an easy cop-out for me not vote if I so desired. I have never been employed at St. Agnes Home nor am I affiliated with them in any other way, so I see no conflict in my taking part in this particular process. I think someone speaking for the opposition hit the nail on the head when he said we all have a fear of the unknown and I believe that it is that type of fear that gnaws at a community whenever the word group home is mentioned and I think if we could forget for a moment the word group home and substitute the word children, children who through no fault of their own have been denied a home that they can call their own and it is rather ironic that this Public Hearing should take place at this time of the year so near Christmas, when the entire Christian world looks back in time to a young Jewish girl, pregnant with a Child for whom there was no room in the inn. The doors were shut in her face and the Child was born in a stable. The Town of Bethlehem had no heart, but I'm sure the people in the Town of Clarkstown can find in their heart to make room for these children and make room for them in our community, and I vote YES.

COUNCILMAN PIZZUTELLO: YES

SUPERVISOR GERBER: YES

MOTION ADOPTED

(1975-823) Co. Maloney offered the following resolution:

RESOLVED, that regular Town Board meeting be adjourned in order to hold scheduled Public Hearing.

Seconded by Co. Pizzutello

All voted Aye.

(1975-824) Co. Maloney offered the following resolution:

RESOLVED, that regular Town Board meeting be resumed, scheduled Public Hearing having been held.

Seconded by Co. Pizzutello

All voted Aye.

(1975-825) Co. D'Antoni offered the following resolution:

RESOLVED, that the Minutes of the Town Board Meeting held on November 19, 1975 are hereby adopted and accepted as submitted by the Deputy Town Clerk.

Seconded by Co. Maloney

All voted Aye.

(1975-826) Co. D'Antoni offered the following resolution:

WHEREAS, the Building Inspector and the Fire Inspector of the Town of Clarkstown recommend implementing certain provisions of Local Law No. 9-1971, as amended, known as the VEHICLE AND TRAFFIC LOCAL LAW, more particularly designated as Chapter 102, Sec. 14, of the Code of the Town of Clarkstown at northwest corner of Route 59 and Smith Street, Nanuet, New York (32-2-B-4 pt. of) by the installation of fire lane designations, and

WHEREAS, ANTHONY R. SOLURI, the owner and/or person in general charge of the operation and control of the parking area located in the Town of Clarkstown, has authorized that the Town of Clarkstown install said fire lane designations;

NOW, THEREFORE, be it

RESOLVED, that pursuant to said Local Law No. 9-1971, as amended, the Town Board hereby directs that the aforementioned recommendations of the Building Inspector and the Fire Inspector with regard to the installation of certain fire lane designations shall be installed by the Superintendent of Highways upon the review and approval of the Traffic and Traffic Fire Safety Advisory Board of the Town of Clarkstown.

Seconded by Co. Maloney

All voted Aye.

(1975-827) Co. D'Antoni offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install a "CURVE" sign on the left side of West Clarkstown Road, Spring Valley, and to the "CURVE" sign an additional sign saying "20MPH", and be it

FURTHER RESOLVED, that a "20MPH" sign be attached to the existing "CURVE" sign on the right side of West Clarkstown Road, Spring Valley.

Seconded by Co. Maloney

All voted Aye.

(1975-828) Co. D'Antoni offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Fire Safety Advisory Board, the Superintendent of Highways is hereby authorized to install "10 MINUTE PARKING - SUNDAY ONLY" signs on the east side of Demarest Avenue, Nanuet, as follows:

The first sign - four feet north of the entrance to the parking lot adjacent to Grace Conservative Baptist Church, 20 Demarest Avenue, Nanuet (south side of building)

The second sign - 80 feet north of the first sign.

Seconded by Co. Maloney

All voted Aye.

(1975-829) Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Town Engineer, the Town Board of the Town of Clarkstown hereby accepts proposals from Orange & Rockland Utilities, Inc. for street lighting at the following locations:

Jockey Hillow Drive and  
Lake Nanuet Drive, Nanuet (Clarkstown Estates Subdmn.)  
Commuter Parking Lot, Prospect St., Nanuet  
Ruth Drive, New City

Seconded by Co. D'Antoni

All voted Aye.

(1975-830) Co. D'Antoni offered the following resolution:

WHEREAS, heavy snow falls in the Town of Clarkstown may create a state of emergency because of the danger of fire, sickness, lack of food and medical assistance to persons on unplowed streets;

NOW, THEREFORE, be it

RESOLVED, pursuant to the authority granted under the General Municipal Law, Sec. 209-0, the Supervisor of the Town of Clarkstown is hereby authorized to use any and all facilities, equipment, supplies, personnel and other resources of the Town of Clarkstown in such manner as may be necessary or appropriate to cope with the natural emergency created by an extraordinary fall of snow, and be it

FURTHER RESOLVED, that the Supervisor of the Town of Clarkstown is hereby given the power and the authority to declare an emergency at any time when he deems it necessary, and be it

(1975-830 continued)

FURTHER RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Superintendent of Highways to use men and equipment to plow undedicated streets in the Town of Clarkstown during a declared snow emergency

Seconded by Co. Maloney

All voted Aye.

(1975-831) Co. Pizzutello offered the following resolution:

WHEREAS, the Clarkstown Parks Board and Recreation Commission is desirous of using the grounds of the Dellwood Country Club for sledding purposes in connection with its winter program, and

WHEREAS, the Dellwood Country Club has gratuitously offered its grounds for this purpose, subject to securing insurance and being indemnified against any claim resulting from an accident on its grounds;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor be and is hereby authorized to enter into an agreement with the Dellwood Country Club, Inc., whereby sledding is permitted on its grounds with the Town securing insurance and indemnifying the Dellwood Country Club against any claim in connection with such sledding activities.

Seconded by Co. Lodico

All voted Aye.

(1975-832) Co. Lodico offered the following resolution:

WHEREAS, William A. Yuda Associates have prepared surveys on three properties necessary for the Davenport Preserve project;

NOW, THEREFORE, be it

RESOLVED, that the Comptroller of the Town of Clarkstown is hereby authorized to pay William A. Yuda Associates the sum of \$1,500. for said surveys, and be it

FURTHER RESOLVED, that the sum of \$1,500. be paid from 1940-509 account.

Seconded by Co. Maloney

All voted Aye.

(1975-833) Co. Lodico offered the following resolution:

WHEREAS, pursuant to Resolution No. 742-1975 the Town Board of the Town of Clarkstown authorized action to be taken against First State Bank of Rockland County also known as Bankers Trust of Rockland County (presently known as Bankers Trust of Hudson Valley, N.A.) for failure to secure an extension of a Building Permit No. 67-485 to permit the continuing use of a temporary bank trailer, and

WHEREAS, notification of said resolution was forwarded to Bankers Trust of Rockland County, presently known as Bankers Trust of Hudson Valley N.A., and

WHEREAS, said company has proposed a Stipulation and Agreement in order to remedy said violation, which Stipulation and Agreement have been reviewed by the Building Inspector of the Town of Clarkstown who recommends approval of said Stipulation and Agreement;

NOW, THEREFORE, be it

RESOLVED, that the Building Inspector of the Town of Clarkstown is hereby authorized to enter into the said Stipulation and Agreement, and be it

FURTHER RESOLVED, that Resolution No. 742-1975 is hereby rescinded.

Seconded by Co. D'Antoni

All voted Aye.

Proposed resolution re deletion of requirement in Village of Nyack Agreement -- tabled.

(1975-834) Co. Lodico offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 31 of the Code of the Town of Clarkstown to rectify violation on premises owned by VICTOR NIELSON in the Town of Clarkstown, more particularly described on Tax Map of the Town of Clarkstown as MAP 111, BLOCK A, LOT 26.

Seconded by Co. D'Antoni

All voted Aye.

(1975-835) Co. D'Antoni offered the following resolution:

WHEREAS, by resolution number 692 dated October 1, 1975 the Town Board authorized the Town Attorney to take all necessary steps to institute a lawsuit to obtain the execution of Declaration of Restrictive Covenants in recordable form embodying the terms and conditions of the agreement of July, 1973, and

WHEREAS, the Town Attorney instituted a lawsuit to obtain said Declaration of Restrictive Covenants, and

WHEREAS, the Town Attorney's Office is now in possession of said Declaration of Restrictive Covenants executed by Ford Products;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to discontinue said action against Ford Products, and be it

FURTHER RESOLVED, that the Town Attorney is hereby authorized to record said Declaration of Restrictive Covenants in the Rockland County Clerk's Office.

Seconded by Co. Maloney

On roll call the vote was as follows:

AYES: Co. D'Antoni, Maloney, Pizzutello, Supv. Gerber  
ABSTAIN: Co. Lodico

MOTION ADOPTED

(1975-836) Co. Maloney offered the following resolution:

RESOLVED, that the application of BERTIS BLANKS for a Special Permit to fill property on Dykes Park Road located in Nanuet, New York, more particularly known as Map 15, Block A, Lot 12, pursuant to the requirements of Chapter 106-10A; Table 14; Column 3; Item B-3 of the Code of the Town of Clarkstown, be referred to the Clarkstown Planning Board for report and also to the Rockland County Planning Board pursuant to Sec. 239 l and m of the General Municipal Law.

Seconded by Co. Lodico

All voted Aye.

(1975-837) 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:

Ronald J. Tarigo  
5 Capral Lane  
New City, N. Y.

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration be issued:

76-2 to Ronald J. Tarigo

Seconded by Co. Maloney

All voted aye.

(1975-838) Co. Maloney offered the following resolution:

WHEREAS, an action was commenced in the Clarkstown Justice Court entitled:

FREDERICK P. ROLAND,  
Plaintiff  
vs.  
TOWN OF CLARKSTOWN,  
Defendant

to recover the sum of \$575.00, and

WHEREAS, the Plaintiff has agreed to accept the sum of \$300.00 in full compensation thereof;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is authorized to compensate the action heretofore commenced by Frederick P. Roland in the sum of \$300.00 upon the receipt of a duly executed Stipulation of Discontinuance and General Release.

Seconded by Co. D'Antoni

All voted Aye.

(1975-839) Co. D'Antoni offered the following resolution:

RESOLVED, that the Superintendent of Highways is authorized to advertise for bids for three, four cubic yard dump trucks and one, 1976 2½ cubic yard front end loader truck, said bids to be returnable to the Office of the Town Clerk, 10 Maple Avenue, New City, New York before January 5, 1976 at 5:00 PM, bids will be opened at the Town Board Meeting on January 5, 1976 at 8:05PM, and be it

FURTHER RESOLVED, that specifications for the above can be obtained from the Superintendent of Highways, Seeger Drive, Nanuet, New York.

Seconded by Co. Lodico

All voted Aye.

(1975-840) Co. Lodico offered the following resolution:

WHEREAS, negotiations have been had between the Town Board of the Town of Clarkstown and the Chief of Police and Captain of Police of the Clarkstown Police Department, and

WHEREAS, a contract for a three year term commencing January 1, 1975 through December 31, 1977 has been agreed to;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor be and he hereby is authorized to execute such agreement with the Chief of Police and Captain of Police of the Clarkstown Police Department, for a three year term commencing January 1, 1975 through December 31, 1977.

Seconded by Co. Maloney

All voted Aye.

There being no further business before the Town Board, Town Board meeting was adjourned until December 17, 1975 at 8:00 PM at which time the next regularly scheduled Town Board Meeting will be held at the Board Room of the Town Hall.

Signed,



Alice Weber  
Deputy Town Clerk

PUBLIC HEARING

Town Hall

12/3/75

8:45 PM

Present: Co. D'Antoni, Lodico, Maloney, Pizzutello, Supv. Gerber  
Deputy Town Clerk Alice Weber  
Town Attorney Murray N. Jacobson

RE: SPECIAL PERMIT APPLICATION OF THOMAS A. DEXTER TO CONDUCT  
A LANDFILL OPERATION FOR PROPERTY LOCATED IN WEST NYACK

Supervisor Gerber called Public Hearing to order;  
Deputy Town Clerk read Notice of Hearing and testified as to  
proper publication and receipt of affidavit of service and  
affidavit of posting.

ROCKLAND COUNTY PLANNING BOARD RECOMMENDATION:

The Rockland County Planning Board reviewed the  
above item at its September 12, 1975 meeting and disapproves.  
The Board supported the Rockland County Soil and Water Con-  
servation District letter of 9/3/75. The area is a natural  
retention basin; filling the site would tend to aggravate  
flooding in the surrounding area. The Board also recommends  
that the findings of the Rockland County Environmental Manage-  
ment Council be obtained.

TOWN OF CLARKSTOWN PLANNING BOARD RECOMMENDATION:

The Members discussed the above matter at great  
length. At the meeting of October 28, 1975 Member Coyle  
made a motion which was seconded by Hess and carried 4:2  
with Ayes of Yacyshyn and Paris, Nays of Maine and Thormann,  
approving the following...

RECOMMENDATION: That the Honorable Town Board grant  
the requested Special Permit to conduct a landfill operation  
at the Dexter Property in West Nyack identified as 106A48+  
conditioned upon fulfillment of the following:

1. That proper drainage facilities be maintained, as  
shown on plan prepared by Ostertag & McDougall,  
all subject to Town Engineer approval,
2. That proper filling material be used, properly  
compacted, to the exclusion of any garbage, wood  
debris, fly ash, etc as determined by Town Engineer,
3. That the appropriate map clearly show that portion of  
Cemetery Lane intended to be filled,
4. That any legal questions relating to access from  
Cemetery Lane be resolved to Town Attorney satisfaction,
5. That the Special Permit be subject to renewal at  
intervals of no more than two years,
6. That the facility be subject to review by the D.E.C.  
or any other authority having jurisdiction.\*

\*(clause added at 12/2/75 meeting)

END OF PLANNING BOARD RECOMMENDATIONS

LETTER RECEIVED FROM ORANGE & ROCKLAND UTILITIES, INC.:

We have received notice of the above captioned notice and wish to inform you that Orange and Rockland is the holder of an easement for electric transmission lines across lot 4 shown on map 89 block A.

Before any fill is placed or earth removed from our right of way area, we will require a plan from the owner for our approval.

Thank you for your cooperation in this matter.

(signed) W. Honegger, Real Estate Operations Manager

MEMO FROM ROCKLAND COUNTY PLANNING BOARD:

Enclosed are the findings of the Rockland County Environmental Management Council.

LETTER FROM ROCKLAND COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL  
addressed to Rockland County Planning Board:

This report is submitted at your request. We have confined our remarks to the proposed fill of the marsh, assuming that all other pertinent issues are within the review of the Planning Board.

The wetland area in question is the remaining portion of a larger wetland which has been reduced in area by previous filling. It currently functions as a natural detention area, providing storage volume which serves to reduce the peak flow downstream. The loss of this storage volume, due to filling, will increase the peak flow in downstream reaches and compound problems of localized flooding. Site inspection on the morning of September 26 after several days of rain verified this site's value as a storm water detention basin. Fill placed on this site to date displaces much of the storage volume. Fill placed on this site to date displaces much of the storage volume. However, there was standing water eight to twelve inches deep around the entire periphery of this fill. (please see accompanying photograph.)

The applicant and his consultant should understand that this wetland area is not suited for construction even after filling due to the high compressibility of the soil and the prolonged high water table. The condition of Route 59 in the vicinity of this site - which is constructed on fill over this same material - should serve as adequate forewarning of the futility of such action. We encourage the applicant to adapt his plans to the site rather than attempting to adapt the site to plans made without regard to the natural construction determinants. We urge that the marsh be treated as the valuable amenity that it is rather than the liability that it can become as a result of the unsound construction practices.

We reiterate that a state wetlands law is in effect and that the Department of Environmental Conservation should be contacted before any further fill is placed on this site.  
(Signed) Brian Sigmon, Executive Director

PH - 12/3/75  
DEXTER-SP. PERMIT  
Page 3

LETTER FROM N. Y. S. DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
addressed to Tracy & Werner:

The Town of Clarkstown has referred the captioned application of your client to this department for review. My preliminary opinion is that the undertaking if this proposal would require an Interim Permit in accordance with the recently enacted Freshwater Wetlands Act, Article 24 of the Environmental Conservation Law. For further information with respect to this act I am enclosing proposed rules and regulations, Part 662, governing Interim Permit application procedures.

Prior to applying for an Interim Permit, you or any other party may request an official determination as to whether the proposed site is a freshwater wetland as defined in the act. Insofar as practical such a determination will be provided in writing within thirty days of the request. Any such request should be addressed to my attention.

Please realize that the applicability of the Freshwater Wetlands Act does not affect your client's responsibility for complying with the provisions of Article 27 of the Environmental Conservation Law and Part 360 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR). If there are any questions concerning this responsibility please contact Mr. Puchalik at our office in White Plains (telephone number (914) 761-6660). Thank you.  
(Signed George A. Danskin, Regional Supervisor of Environmental Analysis Region 3)

END OF CORRESPONDENCE RECEIVED IN REGARD TO APPLICATION

APPEARING FOR THE PETITIONER: Donald S. Tracy of the law firm of Tracy & Werner -- petition brought pursuant to requirements of Chapter 106 IOA, Table 14, Column 3 of the Code of the Town of Clarkstown. Petition concerns a parcel of property of 11.2 acres out of overall holding of 72 plus or minus acres known as lots 48 & 49 on Map 38, Block A, Lot 4 on the Tax Map of the Town of Clarkstown. Parcel is zoned L10, taxed close to \$80,000 an acre. Basically we have a parcel of land which due to its swampy conditions and other geographical configurations is not usable and we have been in touch with Mr. Danskin of the Dept. of Environmental Conservation with respect to a determination as to whether or not our property falls into provisions of an Interim Permit Requirement of the Freshwater Wetlands Act. We requested such a determination from him. His reply was to the effect that since the determination as to whether or not we are in the Freshwater Wetlands and the application for Interim Permit are essentially the same, suggests that we file such application while this determination is being made. We have done that, we contend that the Freshwater Wetlands Act applies to parcels of property 12.6 acres and greater, feel our property does not meet that minimum requirement as it is only approximately 11.2 acres. However, would point out that anything this Board does will still be subject to the Environmental Conservation who we still have to go through.

Section 106-16 of Clarkstown Code provides the special considerations and requirements that must be met by an applicant in order to obtain a permit to fill or excavate in this town subject to a Special Permit of your Honorable Board. Next witnesses, professional in nature and the property owner will testify as to these considerations.

Supervisor Gerber swore in the following witness who stated his name as Gene Ostertag, 302 North Middletown Road, Nanuet, New York who stated he was a Licensed Professional Engineer in the State of New York, practicing in Clarkstown for over 15 years and is familiar with the special considerations and requirements for obtaining a fill permit in the Town of Clarkstown. Regarding Special Consideration Number 1 the witness stated regarding soil protection, the present piece of property not used in any way in promoting any type of plant growth and the proposed filling operation would not adversely effect the present condition of the property -- as far as drainage have consulted with the Town Engineer and have prepared a plan showing how we plan to leave an open area thru the center of the proposed fill to allow water to pass from the north to the south thru the property -- Planning to leave large culvert under the single access road that will be used for providing access from the Rte. 303 side of the property toward the rear of the property. Lateral support not in issue since filling application rather than excavation operation and entire maximum height of fill involved is on the order of 5 feet. We do not feel soil erosion by either water or wind would be a factor since we are placing fill to a height of 5 feet and there would be no soil erosion caused by water or wind in this type of an operation.

Mr. Ostertag stated his opinion that the filling of these acres is essential to the overall development of this property because the industrial development of this property is predicated on having access to New York State Rte. 303 and the N. Y. Thruway and the only practical access for this is by easterly direction from Route 303 across this swampy area to the rear portion of the property -- property would be without access unless the swamp were crossed. There is no applicability of Section 4 to this particular operation. Article 5 does not apply - no excavation in this operation -- any fill slopes that would be created would be at the natural angle of repose of the fill material. Article 6 -- first portion of the road providing access to this property is a paved asphalt road, the major portion of the balance is a stone road and provisions have been made in the operation of this fill to provide a constant dust-proofing operation for the road. We have prepared a basic plan showing the proposed elevations for the filling operation and have submitted to the Town Engineer's Office, they have reviewed it and found it basically acceptable -- entire purpose of this filling operation is to render this site suitable for the use for which it is zoned.

Thomas A. Dexter, petitioner, residing at 90 Cider Hill, Upper Saddle River, New Jersey, former owner of Dexter Press on 303. Owner of property for about 20 years paid approximately \$80,000 taxes on these pieces of property this year and about that amount last year - vacant land. As far as proposed plan for

development of property, has been my dream to have a corporate park in this area -- any agreements we make with these professional land-filling people will be based on the cooperation and direction of our own engineer, in cooperation with the Town and County engineer and subject to any rulings of any of the departments such as the letters previously read. Machinery would be electrically operated except for bulldozers, shovels and other equipment used for excavation or collection of material, loading or hauling or filling and that would also be placed in agreement with the professional landfillers. Would also covenant and put in any agreement with the landfillers where residential district is within 1,000 feet of the site there would be no operation between 7:00 PM and 7:00AM, nor on Sundays and legal holidays. Petitioner will submit any bond required by the Town, in any amount, any reasonable amount.

On the south end of property, impossible to get to it, with a car -- in terrible situation, being uncontrollably filled -- refrigerators, old motor boats, automobiles. Directly north of the Nyack Dump -- good portion of our area was filled by the Village of Nyack up to about 2 years ago -- filled in on a controlled basis, which was OK, but today it's uncontrolled. We have beautiful acreage on west side of swamp can't get to. Impossible to get to the west side of property without the landfill. Agreement with landfillers would be for a 2 year period, might take longer, but that would be period of the agreement. Has reviewed with Mr. Tracy the conditions prescribed in the Zoning Ordinance of the Town of Clarkstown and would agree to abide by each applicable provision and accept a covenant to do the same, and impose such covenants and restrictions upon the entity which would do the filling.

Eventual plan for this property is to create a corporate park similar to some in Westchester County, the development would create more than the \$80,000 taxes now paid and the construction would bring labor jobs to the town. Knows of no other piece of property in Clarkstown which could match the 72 acres -- there's access to property by way of 43 foot real professional entrance which was put in in cooperation with the Planning Board -- other entrance could be from 59 eventually -- own a piece 60 feet wide coming in from 59.

On question from Mr. Tracy, Mr. Ostertag further testified that there is a fairly large area to the north of Mr. Dexter's property, which is part of the N.Y.S. Thruway Right-of-Way, which is a continuation of this swampy area, both an area to the south of the off ramp of the Thruway and an area inside of one loop on the Thruway ramp are natural ponding areas and it's our opinion that although some of the retention capacity would be reduced by the filling there still would be a substantial retention basin existant in the area due to the natural low area on the Thruway Right-of-Way. Would agree to work hand-in-hand with the Department of Environmental Conservation and local municipal agencies and Town Engineer to develop proper drainage, flood control and suitable fill in the area -- would be to petitioners advantage as well as to advantage of neighboring property owners to plan properly for on-site drainage and also down-stream property. Would agree that all

fill place on the property would be suitable fill -- has been given a direct order from Mr. Dexter to inspect the operation at least twice a month for suitability of the fill and assessing the fact that the fill operation is following his own specifications and those of the town. This fill would be construction debris. Landfill operation would not require any additional police or fire protection -- landfill operation is storing additional soil at the edge of the site so that any voids created by larger bulk fill can be filled and the surface of the fill would be kept in good condition basically all the time. Creation of fill would not create any type of hazard to the surrounding property owners.

Supervisor Gerber asked for questions from members of the Town Board.

COUNCILMAN LODICO: As to the type of fill, there would not be a type other than of materials other than what was explained at the Planning Board -- the materials would be of demolition type materials and not be of refuse characteristics such as garbage or fly ash.

Mr. Dexter reaffirmed and assured the Board of cooperation to keep out fly ash.

THE FOLLOWING PERSONS APPEARED IN FAVOR OF THE APPLICATION:

Harry Adler, Strawtown Road, West Nyack -- representative for Robert Grossman, Ned Besso and himself adjoining property owners for land under consideration -- have no objections to the issuance of this permit, we do, however, ask the Town Board to take whatever protective measures necessary to safeguard the adjacent property owners against the hazard of any flooding as a result of this operation.

Philip Bosco, 2 Short Street, West Nyack -- operates retail whole sale business on a piece of property owned by Mrs. Sylvia Drum on a parcel of land towards Rte. 59 direction marked on Map as Besso St., I think a laboratory office complex in this area has great merit because it does not interfere with any residential community -- I do have concern about the drainage -- we have had experience of drainage problems -- has to be some way of not compounding the problem-- we should work together with Mr. Dexter, the Town Engineer and the state -- concerned about the problem of water in the area.

(continued)

THE FOLLOWING PERSONS APPEARED IN OPPOSITION:

Kenneth Mooney, Chairman of Board of Water Commissioners of Village of Nyack -- read letter from Village of Nyack, Board of Water Commissioners, as follows:

For the record, the Village of Nyack Water Department has an existing easement and 16" transmission main in the proposed landfill area. We request that consideration be given to our water main.

Excess fill would prevent us from exercising our right to maintain or replace this 16" line.

Permission should be postponed until such time as your engineers know definitely the depth of the fill over the transmission main in our Right of Way.

Also, we would want to consult with our engineers as to the maximum fill allowable.

(signed) Alexander Caglione, Mayor, Village of Nyack  
Kenneth Mooney, Chairman, Board of Water Commissioners

Carl Beers, Superintendent informed Mr. Mooney today he is going to stake out the supposedly unknown water main and right of way tomorrow -- imperative this main not buried too deeply, if too deep we could not maintain it -- this is main line to Nyack -- the other main is 12" and is only good for about 8" its so old -- this easement prevents any abuse of our privilege -- we also would like to have this industrial park because it would be our favorite customer, but this is very important that this water main is protected and the type of fill that would not cause, like Route 59, upheavals-- which could cause a condition where the main would be raised and break at the joints -- recently had bad leak in wet weather that almost shut down Nyack, at one time that main was out of service for 22 hours, resevoir almost empty. Vulnerability of 12" main is such that if we put too much pressure at the plant to keep up with the demand, we could blow that. Area is swampy -- had to build a road to get in there at the time of this leak (September) -- any amount of fill we couldn't live with we wouldn't have the swampiness but the depth of the hole would make it a tremendous problem and take considerable length of time -- I think something could be worked out and we would be willing to work with the engineers, Mr. Dexter and Mr. Tracy to solve this problem -- my interest, primarily is to protect the Village of Nyack's water system.

Walter Fleischer, 443 Buena Vista Road, New City -- would suggest that until it's determined if it is a wetland and a permit is required from the Department of Environmental Conservation it would seem unreasonable to issue a permit to fill when you don't know whether they would then be allowed to -- would suggest that if a permit is required, there will be a hearing and then the environmental questions could be taken at that time and question whether there is any way of possibly doing it without harming the environment

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or what compromises maybe can be made or whether it should be retained -- think that would be proper time to discuss that and then the permit considered in other terms.

Andrew Gambetti, Forest Glen Road, Valley Cottage -- owns parcel, part of Foreign Cars and our problem is flooding -- that has to be taken care of very carefully -- flow of water is all from that hillside from the east towards the west and flows naturally to the swamp and if any fill is put in there without thinking of that we are going to have real trouble--aside from that think a park in there would be a nice thing.

REBUTTAL BY PETITIONER: We are aware of the underground easement which the Nyack Water Company has across our property and they have a right to put a pipe under our land, they have a right to maintain the pipe, we certainly do not intend to interfere with that, are willing to cooperate with them, as evidenced by the fact that the engineers are meeting tomorrow to discuss the matter. In regard to Mr. Fleischer's presentation -- I felt the same way he did initially -- let's go to the state -- and then as I became more familiar with the Freshwater Wetlands Act, I realized there are provisions in the Freshwater Wetlands Act where local government may implement regulations and retain its local prerogatives -- believer in local prerogatives -- local government should have the opportunity to express its point of view first -- I also want to point out that under that act, there's been testimony here that this man pays close to \$30,000 a year in taxes -- there's a provision under that Freshwater Wetlands Act where a permit is denied and an area designated as Freshwater Wetlands that it may only be taxed in accordance with those uses -- much of our industrial property, zoned industrial, in the Town of Clarkstown is marginal land -- may be something that this Town Board may want to take into consideration in taking an initiative on matters such as this.

On motion offered by Councilman D'Antoni, seconded by Councilman Maloney and unanimously adopted, Public Hearing was closed with decision reserved.

Signed,



Alice Weber  
Deputy Town Clerk