

TOWN OF CLARKSTOWN  
TOWN BOARD MEETING

Town Hall

11/1/78

8:20 P.M.

Present: Co. Holbrook, Longo, Maloney, Piacentile  
Supervisor Gerber  
Murray N. Jacobson, Town Attorney  
Stanley Burns, Director of Finance  
Patricia Sheridan, Town Clerk

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

RESOLUTION NO. (1978-705)

RESOLUTION CLOSING THE  
REGULAR TOWN BOARD  
MEETING AND OPENING THE  
SCHEDULED PUBLIC HEARINGS

Co. Maloney offered the following resolution:

RESOLVED, that the regular Town Board Meeting be adjourned in order to hold scheduled Public Hearings, 8:22 P.M.

Seconded by Co. Piacentile

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1978-706)

RESOLUTION REOPENING  
REGULAR TOWN BOARD  
MEETING, SCHEDULED  
PUBLIC HEARINGS HAVING  
BEEN HELD

Co. Longo offered the following resolution:

RESOLVED, that the regular Town Board Meeting be resumed, scheduled Public Hearings having been held, 10:36 P.M.

Seconded by Co. Piacentile

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1978-707)

RESOLUTION ADOPTING AND  
ACCEPTING MINUTES OF  
TOWN BOARD MEETING OF  
OCTOBER 18, 1978

Co. Longo offered the following resolution:

RESOLVED, that the Minutes of the Town Board Meeting held on October 18, 1978, are hereby adopted and accepted as submitted by the Town Clerk.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1978-708)

RESOLUTION REVISING  
POLICE REGULATIONS FOR  
POLICE DEPARTMENT  
(ARTICLE XIX-SEC. 19.1.1)

Co. Piacentile offered the following resolution:

WHEREAS, Chief George Schnakenberg has recommended that the Police Regulations for the Government of the Police Department of the Town of Clarkstown be revised as follows:

Article XIX - Personal Appearance

Add to Section 19.1.1. as follows:

- 1.a Female members, while in uniform, will have hair neatly groomed, arranged and styled so that the bulk and length will not interfere with normal wearing of police headgear. The hair should be worn in a manner so that it does not extend below the uniform collar. Hair ornaments such as ribbons or earrings will not be worn except for pins, combs or barrettes, which are similar in color to the individual's hair. These allowable ornaments must be concealed as much as possible.

and

WHEREAS, the Town Board has reviewed the proposed revision, and

WHEREAS, the said revision is in the best interest of the Government of the Police Department of the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that the proposed revision is hereby adopted and shall be added to the Rules and Regulations for the Government of the Police Department of the Town of Clarkstown.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1978-709)

COLLECTION OF MONEY TO  
COVER A PARKS BOARD AND  
RECREATION FEE (PATRICIA  
LAWRENCE)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps, including legal action, to collect the sum of \$87.00 from Patricia Lawrence to cover the cost of a Parks Board and Recreation fee, retroactive to September 14, 1978.

Seconded by Co. Piacentile

All voted Aye.

\*\*\*\*\*

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RESOLUTION NO. (1978-710)

COLLECTION OF MONEY TO  
COVER A PARKS BOARD AND  
RECREATION FEE (SHELDON  
CHESNIN)

Co. Maloney offered the following resolution:

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps, including legal action to collect the sum of \$157.00 from Sheldon Chesnin to cover the cost of Parks Board and Recreation fees.

Seconded by Co. Piacentile

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1978-711)

RESOLUTION MEMORIALIZING  
THE INTERSTATE COMMERCE  
COMMISSION TO REVERSE ITS  
DETERMINATION NOT TO  
SUSPEND OR INVESTIGATE  
INCREASED COMMUTER FARE  
PROPOSALS BY THE CONSOLI-  
DATED RAIL CORPORATION

Co. Holbrook offered the following resolution:

WHEREAS, on September 29, 1978, the United States Interstate Commerce Commission voted not to suspend or investigate increased fare proposals of the Consolidated Rail Corporation (Con Rail) for the following New York locations: Suffern, Spring Valley, Nanuet and Pearl River, and

WHEREAS, the aforesaid rate increases became effective on September 30, 1978, and will increase the fare an average of 10% for commuters, and

WHEREAS, the commuters of Consolidated Rail Corporation from the Suffern, Spring Valley, Nanuet and Pearl River stations are already suffering an undue burden due to the high rate of inflation, and

WHEREAS, increased commuter fares will deter the use of mass transportation and otherwise depress the economic activity in the Metropolitan-New York area, and

WHEREAS, it would be in the best interest of the Town of Clarkstown to have efficient and economic mass transportation available to its residents;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby memorializes its opposition to the determination of the Interstate Commerce Commission not to suspend or investigate increased commuter fares of Consolidated Rail Corporation for the Suffern, Spring Valley, Nanuet and Pearl River stations, and be it

FURTHER RESOLVED, that the Town Clerk be and she hereby is authorized and directed to forward a copy of this resolution to United States Senator Jacob Javits, United States Senator

RESOLUTION NO. (1978-711) Continued

Daniel Patrick Moynahan, Congressman Benjamin Gilman, United States Interstate Commerce Commission and to such other persons as the Clerk in her discretion may feel proper in order to further effectuate the purpose of this resolution.

Seconded by Co. Longo

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1978-712)

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT IN CONNECTION WITH DEDICATION OF ROADS (GEORGETOWN MANOR)

Co. Piacentile offered the following resolution:

WHEREAS, the Town of Clarkstown is desirous of entering into an agreement with D.A.T.B. Construction Corp., in connection with the dedication of roads and other public improvements in a subdivision known as Georgetown Manor

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown is authorized to execute an agreement with D.A.T.B. Construction Corp., providing for the deposit of \$2,000.00 to be held by the Town, pursuant to the terms of said agreement, pending final and complete improvement of the roads and other public improvements in said development by the developer, subject to final approval of the Department of Environmental Control and/or Superintendent of Highways of the Town of Clarkstown and provided that the requirements of the Town Attorney, if any, are complied with.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1978-713)

RESOLUTION REGARDING ROADS AND RELATED IMPROVEMENTS ACCEPTED BY THE TOWN OF CLARKSTOWN

Co. Maloney offered the following resolution:

RESOLVED, that upon the recommendation of the Superintendent of Highways and the Director of the Department of Environmental Control, deed(s) from:

D.A.T.B. Construction Corp., dated May 5, 1978,

conveying roads and other improvements to the Town of Clarkstown in a subdivision as shown on Final Plat of Georgetown Manor, Town of Clarkstown, Rockland County, New York and filed in the Rockland County Clerk's Office on January 31, 1975 in Map Book 88 at Page 19 as Map No. 4591 as follows:

Georgetown Oval 1,982 L.F. TOGETHER with easements as set forth on the aforesaid filed map is (are) hereby accepted by the Town of Clarkstown, provided all requirements of the Town Attorney's Office have been met, and ordered filed in the Rockland County Clerk's Office, and be it

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RESOLUTION NO. (1978-713) Continued

FURTHER RESOLVED, that Maintenance Bonds Nos. 922611 and 922612 dated the 12th day of May, 1978 D.A.T.B. Construction Corp., as Principal and Otto Javenes and Donald S. Tracy, as Co-Principal and Republic Insurance Company, as Surety, are hereby accepted.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1978-714)

RESOLUTION IN CONNECTION WITH VIOLATION PROCEEDINGS AGAINST JACK RUDERMAN

Co. Maloney offered the following resolution:

WHEREAS, an Order of the Town Board dated August 16, 1978, was directed to Jack Ruderman, Aspen Court, Pomona, New York, to remove the building presently existing upon the premises designated on the Clarkstown Tax Map as Map 32, Block A, Lot 18.01, and to commence cleaning up of all rubbish and debris within fifteen (15) days from the date thereof, and

WHEREAS, the said Order required completion of the removal of the building and the cleaning up of all rubbish and debris within sixty (60) days from the date of service thereof, and

WHEREAS, said Order was duly served upon Mr. Jack Ruderman on the 17th day of August, and

WHEREAS, the said Jack Ruderman has failed to comply with same;

NOW, THEREFORE, be it

RESOLVED, that pursuant to Chapter 31 of the Code of the Town of Clarkstown and Section 130, subd. 16d of the Town Law of the State of New York, the Building Inspector of the Town of Clarkstown and James Tanner are hereby named to conduct a survey of the premises pursuant to law and to render a report of such survey in writing, and that an agreed appropriate fee be paid, and that Mr. Jack Ruderman be notified in writing by certified mail, return receipt, to appoint either a practical builder, engineer or architect to serve as their representative on such survey, and be it

FURTHER RESOLVED, that the said Jack Ruderman be notified that in the event the building or other structure shall be reported unsafe or dangerous in such survey, an application will be made at Special Term of the Supreme Court held in and for the County of Rockland for an Order determining that the building or other structure is a public nuisance and directing that it shall be repaired, and secured or taken down and removed as the Court may determine, and be it

FURTHER RESOLVED, that a copy of this resolution be served on the said Jack Ruderman.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

Town Board signed ORDER EXTENDING DISTRICT, extending the Clarkstown Consolidated Water Supply District #1 to include:

PINEVIEW ROAD, WEST NYACK

\* \* \* \* \*

RESOLUTION NO. (1978-715)

RESOLUTION AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL SIGN "NO RIGHT TURN ON RED" (EAST SIDE OF SICKLETOWN ROAD AT WEST NYACK ROAD - NORTH SIDE OF WEST NYACK ROAD AT STRAWTOWN ROAD, WEST NYACK)

Co. Longo 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 sign reading "NO RIGHT TURN ON RED" on the east side of Sickletown Road at West Nyack Road, and on the north side of West Nyack Road at Strawtown Road, West Nyack.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1978-716)

RESOLUTION AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL "STOP" SIGNS (PONDVIEW DRIVE AT KINGS HIGHWAY AND PONDVIEW DRIVE - EAST AND WEST - AT SOUTH CONGER AVENUE, CONGERS)

Co. Longo 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 "STOP" signs on Pondview Drive at Kings Highway and on Ponview Drive (both East and West) at South Conger Avenue, Congers.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1978-717)

RESOLUTION AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL SIGNS READING "20 MPH" WITH CURVE SIGNS (WEST SIDE OF JOAN DRIVE, SOUTH OF LYNN DRIVE - EAST SIDE OF JOAN DRIVE - NORTH OF GREENWOOD DRIVE, NEW CITY)

Co. Longo offered the following resolution:

RESOLVED, that based upon the recommendation of the Traffic and Traffic Safety Advisory Board, the Superintendent of Highways is hereby authorized to install signs reading "20 MPH" to be installed with curve signs on the west side of Joan Drive, approximately 200 ft. south of Lynn Drive and on the east side of Joan Drive approximately 100 ft. north of Greenwood Drive, New City.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1978-718)

RESOLUTION AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL SIGN "NO RIGHT TURN ON RED" (SOUTHWEST SIDE OF EXIT ROAD FROM NANUET MALL AT MAIN STREET, NANUET)

Co. Longo 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 sign reading "NO RIGHT TURN ON RED" on the southwest side of the exit road (most southerly road) from the Nanuet Mall at Main Street, Nanuet.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1978-719)

RESOLUTION AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO INSTALL "STOP" SIGN (ENDICOTT STREET - EAST AND WEST - AT NORTH CONGER AVENUE, CONGERS.

Co. Longo 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 "STOP" sign on Endicott Street (both East and West) at North Conger Avenue, Congers.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1978-720)

RESOLUTION ACCEPTING PROPOSALS FROM ORANGE & ROCKLAND UTILITIES, INC. FOR STREET LIGHTING (VARIOUS LOCATIONS)

Co. Holbrook offered the following resolution:

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

- Simkin Drive, New City
- Old Route 304, New City
- Sterling Place, New City
- Heather Drive, New City
- John L. DeBevoise Subdivision Sec. I & II, New City

Seconded by Co. Longo

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1978-721)

RESOLUTION DESIGNATING  
D.E.C. AS "LEAD AGENCY"  
UNDER SEQR

Co. Piacentile offered the following resolution:

WHEREAS, the Town of Clarkstown is in the process of preparing rules and regulations in accordance with the mandate of Article VIII of the Environmental Conservation Law;

NOW, THEREFORE, be it

RESOLVED, that pending adoption of said rules and regulations for the Town of Clarkstown, that the Department of Environmental Control of the Town of Clarkstown is hereby designated "lead agency" in all actions requiring Town permits, reviews and approvals, and be it

FURTHER RESOLVED, that the Department of Environmental Control of the Town of Clarkstown is hereby designated as that agency in the Town of Clarkstown to assist in determining which agency shall be designated "lead agency" in actions which may require permits, reviews or approval from other than Town agencies.

Seconded by Co. Longo

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1978-722)

RESOLUTION CREATING  
POSITION OF STENOGRAPHER -  
POLICE DEPARTMENT

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has approved the reclassification of the position of Typist - Police Department - to Stenographer,

NOW, THEREFORE, be it

RESOLVED, that the position of Stenographer - Police Department is hereby created, effective immediately.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1978-723)

RESOLUTION APPOINTING  
STENOGRAPHER - POLICE  
DEPARTMENT - KATHLEEN  
KIVLEHAN

Co. Maloney offered the following resolution:

WHEREAS, the Rockland County Personnel Office has furnished Certification of Eligibles Stenographer #CR3 78-45 which contains the name of Kathleen Kivlehan,

NOW, THEREFORE, be it

RESOLVED, that Kathleen Kivlehan, 177 Rose Road, West Nyack, New York is hereby appointed to the position of Stenographer - Police Department - at the annual salary for 1978 of \$8,123., effective October 23, 1978.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

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RESOLUTION NO. (1978-724)

RESOLUTION ACCEPTING  
RESIGNATION OF POLICE  
COMMISSIONER FOR THE  
TOWN OF CLARKSTOWN  
(WILLIAM SMITH)

Co. Maloney offered the following resolution:

RESOLVED, that the resignation of William Smith,  
1 Whitewood Drive, New City, New York as Police Commissioner for  
the Town of Clarkstown is hereby accepted, with regret, effective  
October 31, 1978.

Seconded by Co. Piacentile

All voted Aye.

\* \* \* \* \*

Mr. Gerber read the following letter from Mr. Smith  
into the minutes:

"October 24, 1978

Supervisor George S. Gerber  
Clarkstown Town Hall  
10 Maple Avenue  
New City, New York 10956

Dear George:

It is with great reluctance that I must inform you  
that I will be unable to serve my full term as Police Commissioner.

I have been offered an unusual opportunity to work  
on a special assignment for AT&T. This assignment will necessitate  
relocation to Orlando, Florida for a duration of at least several  
years.

I will leave Clarkstown with great reluctance. I  
consider myself very fortunate to have selected Clarkstown as the  
community to raise my family. When I return north in a few years,  
I will look forward to reestablishing a residence in Clarkstown.

In view of my unstructured and therefore unpredict-  
able schedule for the next month, I request that you accept my  
resignation as of October 31, 1978 or any other date convenient  
for you.

Sincerely,

/s/ William C. Smith

Police Commissioner"

\* \* \* \* \*

RESOLUTION NO. (1978-725)

RESOLUTION APPOINTING  
POLICE COMMISSIONER FOR  
THE TOWN OF CLARKSTOWN  
(MICHAEL J. HIGGINS)

Co. Maloney offered the following resolution:

RESOLUTION NO. (1978-725) Continued

RESOLVED, that Michael J. Higgins, residing at 24 South Middletown Road, Nanuet, New York is hereby appointed Police Commissioner for the Town of Clarkstown, effective November 1, 1978 and term to expire on December 31, 1979, without compensation and at the pleasure of the Town Board.

Seconded by Co. Piacentile

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1978-726)

RESOLUTION ACCEPTING RESIGNATION OF MEMBER OF CLARKSTOWN CONSUMER AFFAIRS COMMISSION (HELEN BARRACCA)

Co. Piacentile offered the following resolution:

RESOLVED, that the resignation of Helen Barracca, 5 Dore Court, New City, New York as member of the Clarkstown Consumer Affairs Commission is hereby accepted with regret, effective and retroactive to October 6, 1978.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1978-727)

RESOLUTION ACCEPTING RESIGNATION OF MEMBER OF CLARKSTOWN DRUG ABUSE PREVENTION BOARD (FRANK DIGIACOMO)

Co. Piacentile offered the following resolution:

RESOLVED, that the resignation of Frank DiGiacomo, 10 Apollo Court, Nanuet, New York as member of the Clarkstown Drug Abuse Prevention Board is hereby accepted with regret, effective immediately.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1978-728)

RESOLUTION APPOINTING MEMBER TO DRUG ABUSE COUNCIL (WILLIAM KELLY)

Co. Maloney offered the following resolution:

RESOLVED, that William Kelly, residing at 15 Christie Drive, New City, is hereby appointed to the Drug Abuse Council to serve without compensation for a term to expire on December 31, 1979.

Seconded by Co. Holbrook

All voted Aye.

\* \* \* \* \*

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RESOLUTION NO. (1978-729)

RESOLUTION AUTHORIZING  
SUPERVISOR OF TOWN OF  
CLARKSTOWN TO EXECUTE  
AGREEMENT WITH PEOPLE  
OF STATE OF NEW YORK  
(PINE VIEW ROAD, WEST  
NYACK)

Co. Holbrook offered the following resolution:

WHEREAS, a health emergency exists on Pine View Road,  
West Nyack, New York, and

WHEREAS, the State of New York has made a grant to  
the Town of Clarkstown of \$19,000.00 in order to provide public  
drinking water for these residential properties;

NOW, THEREFORE, be it

RESOLVED, that the Supervisor of the Town of Clarkstown  
is hereby authorized to execute an agreement with the People of the  
State of New York for the acceptance of this grant and the provision  
of public drinking water is the subject of this grant.

Seconded by Co. Piacentile

All voted Aye.

\* \* \* \* \*

RESOLUTION NO. (1978-730)

RESOLUTION SETTING  
HEARING (MIELE SANITATION  
COMPANY)

Co. Piacentile offered the following resolution:

WHEREAS, it is alleged that Miele Sanitation Company,  
745 Closter Dock Road, Closter, New Jersey, has violated the Sanitary  
Landfill Rules and Regulations of the Town of Clarkstown, specifically  
Section A115-3(A) in that he permitted his trucks to dump refuse into  
the Clarkstown Sanitary Landfill which was collected outside of the  
Towns of Clarkstown and Orangetown or any other permitted area;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown  
shall conduct a hearing at the Town Hall, 10 Maple Avenue, New City,  
New York, in the Andrew Jackson Room at 7:30 P.M. on November 21,  
1978, for the purpose of hearing evidence and witnesses concerning  
these allegations of violations of the Sanitary Landfill Rules and  
Regulations of the Town of Clarkstown, and be it

FURTHER RESOLVED, that a copy of said allegations  
and notice of hearing be sent by the Supervisor of the Town of  
Clarkstown to Miele Sanitation Company using certified mail.

Seconded by Co. Maloney

All voted Aye.

\* \* \* \* \*

STATEMENT OF ALLEGATIONS

The Town Board of the Town of Clarkstown alleges  
as follows:

The Miele Sanitation Company, 745 Closter Dock Road, Closter, New Jersey did violate the Sanitary Landfill Rules and Regulations of the Town of Clarkstown, specifically Section A115-3(A), in that it permitted its truck to dump garbage and refuse into the Clarkstown Sanitary Landfill which was collected outside of the Towns of Clarkstown and Orangetown or any other permitted area.  
SPECIFICALLY:

On October 7, 1978, at approximately 9:30 A.M., an unladen GMC roll-off garbage truck owned by Miele Sanitation Company and bearing Registration No. 1306-NC, picked up a loaded, green, open, roll-off container from behind the Grand Union building located on the east side of Kinderkamack Road in Montvale, New Jersey and took the container to the Clarkstown Sanitary Landfill where, at approximately 10:00 A.M. on October 7, 1978, the garbage from the said container was dumped into the sanitary landfill area.

The basis for this charge are personal observations of Sgt. Paul D'Alessandro of the Clarkstown Police Department.

Yours, etc.

TOWN BOARD OF THE TOWN OF CLARKSTOWN

By /s/ George S. Gerber  
George S. Gerber, Supervisor

\* \* \* \* \*

RESOLUTION NO. (1978-731)

RESOLUTION AUTHORIZING  
TOWN ATTORNEY TO INSTITUTE  
PROCEEDINGS IN ACCORDANCE  
WITH CHAPTER 31 OF THE CODE  
OF THE TOWN OF CLARKSTOWN

Co. Holbrook 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:

FRANKLYN BACON

in the Town of Clarkstown, more particularly described on Tax Map of the Town of Clarkstown as:

MAP 140, BLOCK D, LOT 2

Seconded by Co. Piacentile

All voted Aye.

\* \* \* \* \*

APPEARANCES: Mr. Robert Bowman  
10 Maple Avenue  
New City, New York  
  
Mr. John Lodico  
2 Birch Lane  
New City, New York

There being no further business before the Board, Town Board Meeting was adjourned at 11:00 P.M. Next Town Board Meeting November 15, 1978.

Respectfully submitted,  
*Patricia Sheridan*  
PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

11/1/78

8:22 P.M.

Present: Co. Holbrook, Longo, Maloney, Piacentile  
Supervisor Gerber  
Murray Jacobson, Town Attorney  
Stanley Burns, Director of Finance  
Patricia Sheridan, Town Clerk

RE: SPECIAL PERMIT APPLICATION FOR SENIOR CITIZEN HOUSING -  
SQUADRON BOULEVARD, NEW CITY

Supervisor Gerber declared Public Hearing open;  
Town Clerk read Notice calling Public Hearing and testified as  
to proper posting and publication for the Public Hearing.

Supervisor Gerber read the following correspondence:

(Town of Clarkstown Planning Board letterhead)

"September 20, 1978

The Honorable Town Board  
10 Maple Avenue  
New City, New York 10956

TOWN BOARD REFERRAL: SPECIAL PERMIT  
REQUEST FOR SENIOR CITIZEN HOUSING  
FOR SL59A20.39+ CARPENTERS UNION,  
NEW CITY

Gentlemen:

This matter has been under discussion and review by the Planning Board for some time: the Planning Board was concerned with the site in terms of accessibility, traffic, drainage and impact on the immediate surrounding area.

At the Planning Board meeting of September 12, 1978 Member Fallon made a motion which was seconded by Howell and carried 4:0:1, Ayes of Paris and Yacyshyn, abstention of Nowicki approving the following...

RECOMMENDATION TO THE HONORABLE TOWN BOARD: That the request for Special Permit for Carpenters Union SL59A20.17 New City, for Senior Citizen housing, be denied for the following reasons:

- a) area is one which is presently congested due to the presence of multiple dwellings within 1/4 mile of each other,
- b) Planning Board has approved housing in the area which will further bring additional populace and congestion into this area,
- c) area of vacant land which is available, as it is presently zoned, will further increase the congestion,
- d) 10% of New City's population would be jammed into one corridor of land, based on estimated figures of population, which is served by a comparatively narrow road (N. Main St.),
- e) based on testimony of people appearing before the Planning Board the site is not best suited for Senior Citizens,
- f) area is known to be subject to severe drainage problems causing

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"serious question for the property and safety of residents in the area.  
g) this is not in conformity with good planning.

Very truly yours,

/s/ Rudolph J. Yacyshyn,

Rudolph J. Yacyshyn,  
Chairman  
cc: Town Attorney, Town Clerk"

(Raymond, Parish, Pine & Weiner, Inc.)

"July 7, 1978

Memo to: The Honorable Town Board and  
Clarkstown Planning Board

Subject: Town Board Referral; Special Permit  
Request for Carpenters Union 59A20.37+  
New City

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The proposal is for the granting of an application for a special permit for the construction of federally assisted (Section 8) housing for senior citizens. The site is 5.64 acres in size and is located in New City on the south side of Squadron Boulevard, between North Main Street and the stream, in an area zoned PO, Professional Office.

On the basis of the information submitted (Site Plan dated 5/23/78), there are a number of questions that must be answered before we can make a recommendation with respect to the application.

1. The site is located partially in, or adjacent to, a HUD designated flood hazard area. Information should be provided by the applicant showing the location of the flood hazard area as it affects the site and any limitations based on elevations below which construction may not take place.
2. Topographic information should be provided for the site to allow a more complete review of the site plan.
3. Dimensions of parking spaces should be shown.
4. Applicant should indicate the manner in which reserve parking is to be provided in the event that it is necessary.
5. Information should be provided showing screening and grading or other separation between residential units and the shopping center to the south as well as along the North Main Street side.

Submitted by:

Raymond, Parish, Pine & Weiner, Inc.

/s/ R. Geneslaw

Robert Geneslaw  
Planning Consultant"

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(County of Rockland Planning Board letterhead)

"Date June 13, 1978

Clarkstown Town Board  
Town Hall  
New City, New York 10956

Re: GENERAL MUNICIPAL LAW (GML) REVIEW: 239(k) \_\_\_\_\_  
239(1&m) XX 239(n) \_\_\_\_\_

Item: United Brotherhood of Carpenters & Joiners of America--  
Senior Citizen Housing, Special Permit (C-793)

Map Dated \_\_\_\_\_

The Rockland County Planning Board reviewed the above  
item at its June 8, 1978 meeting and

\*approves \_\_\_\_\_  
\*\*approves subject to conditions below XXX  
\*\*disapproves \_\_\_\_\_  
requests extension of time \_\_\_\_\_

**Modifications and Conditions:**

The Special Permit should be restricted to property located  
outside the 100-year flood plain as defined by the Rockland County  
Soil and Water Conservation District

cc: Supervisor Gerber  
Mr. Lombardi, member, RCPB  
Mr. George Lee, RCS&WCD

Very truly yours,

ROCKLAND COUNTY PLANNING BOARD

by: /s/ Aaron D. Fried  
Aaron D. Fried, Planning Director

\*The proposed action is deemed by the Board to have no significant  
negative impact on nearby municipalities, County or State roads or  
facilities and, therefore, the action is for local determination.  
Approval does not necessarily mean the Board endorses the subject  
action as desirable from the viewpoint of your municipality.  
\*\*The GML requires a vote of "two-thirds of all the members" or  
"majority plus one" of your agency to act contrary to the above  
findings."

Mr. Gerber also read an introductory paragraph to  
Petition regarding the above senior citizen housing application.

"PETITION TO THE HONORABLE TOWN BOARD: GEORGE S.  
GERBER, Supervisor, JOHN R. MALONEY, CHARLES E.  
HOLBROOK, NICHOLAS A. LONGO and JOHN T. PIACENTILE,  
Councilmen

We, the undersigned, petition you our elected officials  
and representatives, to take into consideration the needs of a

CONTINUED ON NEXT PAGE

"segment of the population that has aided and contributed much not only to the Town of Clarkstown but to the State of New York. We implore you and pray that your decision will be based on the needs of a group of people who are unable to continue to live in the Town of Clarkstown unless adequate housing is provided for us at a reasonable rate.

The property that is now being discussed is located by a shopping center, the proposed library, Town Hall, Police Station and County facilities, all of which would be within walking distance. It would also enable us to take public transportation to any needed facility.

Many of us cannot afford the rentals that are now being charged in the Clarkstown area and are, therefore, unable to maintain good health as some of us have medical expenses that take a good deal of our Social Security funds.

We, the undersigned, need this senior citizen housing and pray that you will base your decision on the understanding of our needs. The proposed Squadron Gardens is the answer to our prayers - please help us. PLEASE APPROVE THIS SQUADRON GARDENS SENIOR CITIZEN HOUSING.

(There is attached to this a listing of names and addresses of interested parties which list is on file in the Town Clerk's Office)

Also pertinent to this public hearing is the following letter:

(Patrick M. Campbell - Attorney at Law letterhead)

"September 29, 1978

Town Board  
Town of Clarkstown  
10 Maple Avenue  
New City, New York 10956

Re: In the Matter of the Application of  
United Brotherhood of Carpenters &  
Joiners of America, Carpenters Local  
Union No. 964, for a Special Permit for  
the Erection of Senior Citizen Housing  
& Town Board Resolution No. (1978-627)

Attention: Honorable George S. Gerber,  
Supervisor

Dear Mr. Gerber:

On May 8, 1978 the above referenced application was submitted to the Town Board and subsequently referred to the various Town and County agencies for review and recommendations. During the workshops held with these agencies, the lots that were the subject of the application were slightly changed within the same Lot and Block as originally submitted.

On September 6, 1978, by Resolution No. (1978-627), the Town Board scheduled the subject application for a Public Hearing on October 4, 1978. However, the notice published inadvertently contained

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"the legal description of the property described in the original application as opposed to the legal description of the property actually considered and reviewed by the various agencies. To rectify this error, I am enclosing herein an Amendment of Application so as to accurately reflect the legal description of the affected property that is the subject of this application and which was reviewed in the various workshops by the appropriate Town and County agencies.

Thus, I respectfully request that this Amendment be received and filed and that the Public Hearing scheduled for October 4, 1978 be adjourned to the next earliest date, affording the Town Clerk and the applicant sufficient time to publish the required notice that will accurately describe the property which is the subject of this application.

In order to insure that all concerned receive proper notice of this request, I am this date hand delivering seven (7) copies of this letter and the Amendment of Application to the Clarkstown Town Clerk and one (1) copy to each of the other officers listed below. Should you, the Town Board or the other agencies and officers require additional information in connection herewith, please contact my office and I will immediately provide the same.

Thanking you for your past courtesy and assistance in this matter, I remain,

Very truly yours,

/s/ Patrick M. Campbell

PATRICK M. CAMPBELL

PMC:dn

cc: Town Clerk, Town of Clarkstown  
Town Attorney, Town of Clarkstown  
Planning Board, Town of Clarkstown  
Planning Board, County of Rockland"

APPEARANCE: Patrick M. Campbell  
86 Maple Avenue  
New City, New York 10956

Mr. Campbell is the attorney for the United Brotherhood of Carpenters and Joiners of America, Carpenters Union No. 964. He made a presentation of behalf of the Union.

APPEARANCE: Leonard Cole  
233 Lafayette Avenue  
Suffern, New York 10901

Mr. Cole was sworn in by Supervisor Gerber. He testified as to the advantages of erecting senior citizen housing in the location. It meets all requirements set down by HUD which are even more stringent than those set down by the Town.

APPEARANCE: Jack D. Boswell, P.E.  
163 South Main Street  
New City, New York 10956

Mr. Boswell was sworn in by Supervisor Gerber. He addressed himself to the issue regarding traffic which would be generated in the area. He presented the following correspondence:

CONTINUED ON NEXT PAGE

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"DRAFT RESOLUTION ITEMS ON: SPECIAL PERMIT REQUEST FOR  
CARPENTERS UNION 59A20.37+ NEW CITY (Proposed senior citizen  
housing on approx. 5 acres PO land to S. side Squadron  
Boulevard, part of filed SD New City Office Park).

RECOMMENDATIONS FROM: \_\_\_\_\_ N.Y.S.D.O.T.

6/21/78

Gentlemen:

This Department does not have any objections to the above proposal.  
However, our only comment would be to have sidewalks going to Main  
Street so the senior citizens could have a place to walk and not  
walk along Route 304.

Very truly yours,

/s/ John J. Fumo/s.m.

John J. Fumo  
Permit Engineer  
Rockland County

JF:sm"

(County of Rockland Planning Board letterhead)

"July 14, 1978

Clarkstown Planning Board  
Town Hall, Maple Avenue  
New City, New York 10956

Gentlemen:

In response to your request to locate the 100 year  
flood line on the site plan for Senior Citizen Housing (Carpenter's  
Union), please find enclosed your map with the flood line notations.

According to a study prepared for the Rockland County  
Drainage Agency by KOZMA engineers May, 1978 on the Demarest Kill  
Stream, it appears that the 130' contour line approximates designa-  
tion of the 100 year flood line. On the site plan map dated 6/26/78  
prepared by Meckler Associates, there are six buildings located  
within the 100 year flood line.

Drainage along the stream must be controlled either  
by widening the culvert or not permitting development in the flood  
plain. A solution to the problem would be the construction of fewer  
buildings at higher densities in the area above the 130 foot contour  
line. This would allow for the same number of units and help control  
potential flooding problems in the surrounding area (specifically  
affecting the Bradlee Shopping Center and New City Condominiums).

Please consider these comments in your next review.

Very truly yours,

/s/ Ellen Fostoff

Ellen Fostoff  
Planner

EF:cg

cc: George Lee, Resource Conservationist  
Jack Boswell & Associates"

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(Jack D. Boswell & Associates letterhead)

"July 21, 1978

Clarkstown Planning Board  
Town Hall  
10 Maple Avenue  
New City, New York 10956

RE: Carpenter's Union  
SL59A20.37+

Gentlemen:

I hereby submit a revised site plan for subject property. I wish to point out the following items with regard to the site plan with respect to the Rockland County Planning Board report of July 14, 1978 and the Kozma report of May 1978:

1. The datum of the site plan and the datum of the Kozma report differ by approximately 4.7 feet. This differential would make the 130 foot contour line referred to in the Rockland County Planning Board report actually 125.3 feet.
2. It should be noted that the minimum plan finished floor elevation is 127 feet. There are no basements contemplated.

Should you have any questions please call me.

Very truly yours,

JACK D. BOSWELL & ASSOCIATES

/s/ Jack D. Boswell

Jack D. Boswell, P.E. & L.S."

APPEARANCE: Jerome Meckler  
144 Route 59  
Suffern, New York 10901

Mr. Meckler was sworn in by Supervisor Gerber. He spoke regarding the proposed site lay-out. There is supposed to be 104 dwelling units in a two-story structure. He presented a car count on Middlewood Senior Citizen Housing as an example of what parking patterns would probably be.

IN FAVOR: William Sopko  
130 North Main Street  
New City, New York

Mr. Sopko appeared as General Agent for United Brotherhood of Carpenters and Joiners of America, Carpenter's Union 964.

John Dianis  
25 Lenox Avenue  
Congers, New York

Charlie Giallombardo  
160 North Main Street  
New City, New York

Fred Haeger  
Kings Highway  
Valley Cottage, New York

Rita Feinberg  
4 Bob White Lane  
West Nyack, New York

Betty DeMaio  
160 North Main Street  
New City, New York

John Lodico  
2 Birch Lane  
New City, New York

At this point Mr. Gerber said that he felt the Board would reach a decision on this matter by the next meeting on November 15, 1978.

Mr. Ira Margolis  
14 D. Heritage Drive  
New City, New York

Mr. Margolis appeared and made a statement neither in favor of nor in opposition to the petition but merely cited potential problems.

IN OPPOSITION:           Walter J. Fleisher  
                                  443 Buena Vista Road  
                                  New City, New York

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\* Phyllis Bulhack  
  9 West Gate Boulevard  
  New City, New York

Mr. Patrick Campbell then made a summation on behalf of petitioner.

On motion offered by Councilman Longo and seconded by Councilman Holbrook, Public Hearing was closed, DECISION RESERVED, 9:45 P.M.

Respectfully submitted,

*Patricia Sheridan*  
PATRICIA SHERIDAN,  
Town Clerk

\*Mrs. Bulhack wishes it noted that she was neither in favor of nor in opposition to Senior Citizen Housing but wished to make a point of order.

*Patricia Sheridan*

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

11/1/78

10:00 P.M.

Present: Co. Holbrook, Longo, Maloney, Piacentile  
Supervisor Gerber  
Murray Jacobson, Town Attorney  
Stanley Burns, Director of Finance  
Patricia Sheridan, Town Clerk

RE: PROPOSED AMENDMENTS TO ZONING ORDINANCE 106-10A; 106-20B(1);  
106-20B(5) - TABLE OF GENERAL USE REGULATIONS

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Supervisor Gerber declared Public Hearing open;  
Town Clerk read Notice calling Public Hearing and testified as  
to proper posting and publication for the Public Hearing.

The following correspondence was presented:  
(Town of Clarkstown Planning Board letterhead)  
"October 24, 1978

Honorable Town Board  
10 Maple Avenue  
New City, New York 10956

TOWN BOARD REFERRAL: PROPOSED AMENDMENT  
TO ZONING ORDINANCE: SECTION 106-20B(5)

Gentlemen:

At the Planning Board meeting of September 26, 1978 Member Paris  
made a motion which was seconded by Fallon and carried 4:0 with  
Ayes of Yacyshyn and Thormann, approving the following...

RECOMMENDATION TO THE HONORABLE TOWN BOARD: The Planning Board  
does not support the proposed addition to Section 106-20B(5)  
for fences as written.

Very truly yours,

/s/ Rudolph J. Yacyshyn

Rudolph J. Yacyshyn,  
Chairman

cc: Town Attorney  
Town Clerk"

(Town of Clarkstown Planning Board letterhead)

"September 28, 1978

The Honorable Town Board  
10 Maple Avenue  
New City, New York 10956

TOWN BOARD REFERRAL: PROPOSED  
ZONING ORDINANCE AMENDMENT SECTION  
106-20B(1).

Gentlemen:

At the Planning Board meeting of September 19, 1978 Member  
Nowicki made a motion which was seconded by Thormann and carried  
5:0 with Ayes of Fallon, Paris and Yacyshyn, approving the  
following...

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"RECOMMENDATION TO THE HONORABLE TOWN BOARD: PROPOSED ZONING ORDINANCE AMENDMENT SECTION 106-20B(1). It is respectfully suggested that "fireplace" be replaced with "chimney" and that there be a maximum of 2 ft. projection with a maximum of 12 sq. ft. ground coverage area.

Very truly yours,

/s/ Rudolph J. Yacyshyn

Rudolph J. Yacyshyn,  
Chairman

cc: Town Attorney  
Town Clerk"

(Town of Clarkstown Planning Board letterhead)

"September 20, 1978

The Honorable Town Board  
10 Maple Avenue  
New City, New York 10956

TOWN BOARD REFERRAL: PROPOSED ZONING  
ORDINANCE AMENDMENTS SECTION 106-10A  
TABLE OF GENERAL USE REGULATIONS

Gentlemen:

There is concern that broadening general accessory uses by allowing expansion of professional services in the RG-2 district without control of providing parking for the same could become a problem, particularly as provided for in the exception clause. It was felt that the parking requirement as in the PO district be provided for professional activities, that is one parking space for 150 sq. ft. of gross floor area.

Accordingly, at the Planning Board meeting of September 12, 1978 Member Paris made a motion which was seconded by Fallon and carried 4:0:1 with Ayes of Yacyshyn and Nowicki, abstention of Howell approving the following...

RECOMMENDATION TO THE HONORABLE TOWN BOARD: With respect to expansion of professional services to include psychologist, lawyer, accountant, and the parking requirements, the Planning Board recommends that they not be approved: they are definitely interrelated. In particular they should not be approved because of a specific situation, namely N.C. Condominiums because the parking problem is very critical now and something of this nature could exacerbate the situation and contribute to the traffic problems that already exist.

Very truly yours,

/s/Rudolph J. Yacyshyn

Rudolph J. Yacyshyn,  
Chairman

cc: Town Attorney  
Town Clerk"

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"August 7, 1978

Supervisor George S. Gerber  
and Clarkstown Town Board  
Town Hall  
Maple Avenue  
New City, New York 10956

Gentlemen:

Since writing the enclosed letter to you on July 24, 1978, we realize that the requested modification of Item "14" in column "4" of the "Table of General Use Regulations" of the Zoning Ordinance, as relating to the RG-1 and RG-2 Districts, should include

"lawyers, accountants, psychologists, other professional services, and real estate and/or insurance offices"

in addition to those already specified.

A copy of the July 24, 1978 letter is annexed. We again reiterate the requests set forth therein.

Again, thank you for your consideration.

Very truly yours,

NEW CITY CONDOMINIUMS CORP.

By: /s/ Milton B. Shapiro

Milton B. Shapiro,  
Vice-President

MBS:pc  
C.C.: Murray Jacobson, Esq.  
Town Attorney"

"July 24, 1978

Supervisor George S. Gerber  
and Clarkstown Town Board  
Town Hall  
Maple Avenue  
New City, New York 10956

Gentlemen:

Request is respectfully made that the Town Board modify the Zoning Ordinance to amend Item "14" in column "4" of the "Table of General Use Regulations" as relating to the RG-1 and RG-2 Districts, so as to include "lawyers, accountants, psychologists, and other professional services." ("Ophthalmologists" could be eliminated, since they are included in the "doctor" category).

We are presently erecting such offices and find the present provisions confusing, difficult, and unexplainable.

We ask the Board to consider amending this provision on its own motion since it has general applicability and would not apply solely to our property.

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"It would be appreciated if this could be done as soon as possible. We anticipate possible occupancy within three months, and, of course, would like to offer the offices for sale as soon as we can.

Thank you for your consideration.

Very truly yours,

NEW CITY CONDOMINIUMS CORP.

BY:

Milton B. Shapiro,  
Vice-President

MBS:pc  
C.C.: Murray Jacobson, Esq.  
Town Attorney"

(Raymond, Parish, Pine & Weiner, Inc. letterhead)

"August 10, 1978

Memorandum to: Supervisor George S. Gerber  
&  
Clarkstown Town Board

From: Robert Geneslaw

Subject: Proposed Zoning Ordinance Amendment - Professional Office  
in RG-1 & RG-2 districts

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We have reviewed the letters from the New City Condominiums Corp. dated July 24, 1978 and August 7, 1978; the Zoning Ordinance, and the limited information available concerning the original adoption of this provision (column 4, Item 14). The provision does not appear to be clear. We note also that there does not appear to be a specific parking requirement for these professional uses but that the parking requirements for home occupations (which are defined in the ordinance as including doctors as well as several other professionals) would apply.

The parking requirement for home occupations in the RG1 & RG2 district calls for two spaces for any accessory home occupation. It is unlikely that two parking spaces will be adequate for any professional use carried out independently of the practitioner's residence.

Based on the limited information available it appears that the provision in the ordinance may have been intended to allow professional uses as an accessory to a residence in much the same way as a professional use may be accessory to a single family detached residence.

The suggestion that a wide range of offices uses be permitted seems to us to be unwise without increasing site plan controls that would protect the residential nature of a condominium development.

Any amendment to the Ordinance will apply to all RG-1 and RG-2 developments, present and future. It is therefore important to frame any amendment in a form that does not create new problems while modifying the present ordinance language.

It is suggested that:

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- "1. Column 4, Item 14 be amended to read "Professional offices of a doctor, dentist, chiropractor, psychologist, lawyer, accountant, provided that the number of such offices in each development shall not exceed one for each 25 dwelling units or major fraction thereof.

Parking should be required in some reasonable proportion to need. The PO district, which would permit the most similar uses, requires one off-street parking space for each 150 square feet of gross floor area in office use. Since we have not reviewed the site plan for the offices under construction at the New City Condominium Corp. property we cannot evaluate the effect of the PO parking standard. In our view, the two spaces per home occupation that is now in the ordinance is insufficient.

Submitted by:

Raymond, Parish, Pine & Weiner, Inc.

/s/Robert Geneslaw

Robert Geneslaw  
Planning Consultant

RG/dsg"

APPEARANCE:           Robert Bowman  
                          10 Maple Avenue  
                          New City, New York

Mr. Bowman spoke regarding the proposed changes and gave an explanation of the proposed amendments.

IN FAVOR:             Melvyn Wenk  
                          38 York Drive  
                          New City, New York

Milton Shapiro  
New City Condominium Corp.  
New City, New York

IN OPPOSITION:       Ira Margolis  
                          14D Heritage Drive  
                          New City, New York

Richard Howell  
3J Heritage Drive  
New City, New York

Mr. Howell appeared as President of the New City Condominium Association.

Mr. Margolis and Mr. Howell were not in opposition to all of the zoning amendments but just to 106-10(A), Table 6.

Please note that Richard Howell abstained from voting as a member of the Clarkstown Planning Board in order to appear at the Town Board Meeting and speak as President of the New City Condominium Corp.

On motion offered by Councilman Maloney and seconded by Councilman Longo, Public Hearing was closed, DECISION RESERVED, 10:20 P.M.

Respectfully submitted,

*Patricia Sheridan*

PATRICIA SHERIDAN,  
Town Clerk

TOWN OF CLARKSTOWN  
PUBLIC HEARING

Town Hall

11/1/78

10:20 P.M.

Present: Co. Holbrook, Longo, Maloney, Piacentile  
Supervisor Gerber  
Murray Jacobson, Town Attorney  
Stanley Burns, Director of Finance  
Patricia Sheridan, Town Clerk

RE: PROPOSED AMENDMENT TO ZONING ORDINANCE - PO DISTRICT TO LIO  
DISTRICT, ANDREW SABO AND BARRY HOPPER, HEMENWAY AVENUE &  
ROUTE 303, CONGERS.

SPECIAL PERMIT APPLICATION TO CONDUCT A GASOLINE FILLING  
STATION, ANDREW SABO AND BARRY HOPPER, HEMENWAY AVENUE &  
ROUTE 303, CONGERS

---

Supervisor Gerber declared Public Hearing open; Town Clerk  
read Notice calling Public Hearing and testified as to proper posting  
and publication for the Public Hearing.

Supervisor Gerber read the following correspondence:

(Town of Clarkstown Planning Board letterhead)

"September 20, 1978

The Honorable Town Board  
10 Maple Avenue  
New City, New York 10956

TOWN BOARD REFERRAL: ZONE CHANGE REQUEST PO  
TO LIO AS WELL AS SPECIAL PERMIT REQUEST  
FOR 127C6 SABO, CONGERS (To allow for a  
gasoline filling station to W. side Route  
303 at intersection Hemenway Ave. and  
Long Street).

Gentlemen:

At the Planning Board meeting of September 12, 1978 the above  
was discussed. Member Fallon made a motion which was seconded  
by Howell and carried 5:0 with Ayes of Paris, Nowicki and Yacyshyn  
approving the following...

RECOMMENDATION TO THE HONORABLE TOWN BOARD: The Members have  
examined the subject petition in relationship to the surrounding  
area, the Town Development Plan, accessibility and statutory  
changes and recommend that the petition be Disapproved for the  
following reasons:

- 1) the number of streets meeting Route 303 in the confined area  
and the traffic likely to be generated by a gasoline service  
station,
- 2) the introduction, or re-introduction of the LIO district is  
likely to encourage other similar requests. This would be  
undesirable because the small lot sizes in the area would  
encourage the least desirable LIO uses,
- 3) the property is being considered for a change of zone from  
PO to LS for this area, and we believe the LS zoning to be  
preferable from an area point of view.

Very truly yours,

/s/ Rudolph J. Yacyshyn,

Rudolph J. Yacyshyn,  
Chairman

cc: Town Attorney  
Town Clerk"

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(County of Rockland Planning Board letterhead)

"August 2, 1978

Clarkstown Town Board  
Town Hall  
New City, New York 10956

Re: GENERAL MUNICIPAL LAW (GML) REVIEW: 239(k) \_\_\_\_\_  
239(l&m) XXX 239(n) \_\_\_\_\_

Item: Sabo, W. Side Rt. 303 at intersection of  
Heminway and Long St. Congers (C-805)

Map dated \_\_\_\_\_

The Rockland County Planning Board reviewed the above  
item at its July 27, 1978 meeting and

- \*approves \_\_\_\_\_
- \*\*approves subject to conditions below \_\_\_\_\_
- \*\*disapproves XXXXXXXX  
requests extension of time \_\_\_\_\_

Modifications and Conditions:

Reason: Insufficient information on ingress/egress.  
Please provide additional data for review.

cc: Supervisor Gerber  
Mr. Lombardi, member, RCPB  
N.Y.S.D.O.T.

Very truly yours,

ROCKLAND COUNTY PLANNING BOARD

by: /s/ Aaron D. Fried  
Aaron D. Fried, Planning Director

\*The proposed action is deemed by the Board to have no significant  
negative impact on nearby municipalities, County or State roads or  
facilities and, therefore, the action is for local determination.  
Approval does not necessarily mean the Board endorses the subject  
action as desirable from the viewpoint of your municipality.

\*\*The GML requires a vote of "two-thirds of all the members" or  
"majority plus one" of your agency to act contrary to the above  
findings."

"173 Lake Road  
Congers, New York

Town Board  
Town of Clarkstown  
10 Maple Avenue  
New City, New York

Re: Petition of Andrew Sabo & Barry Hopper  
Corner of Hemenway Ave. & Route 303  
Congers, New York

Gentlemen:

I would like to go on record in objection to the proposal for a  
Special Permit to conduct a gasoline filling station on the above  
mentioned premises.

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"My reason for this is the negative decision rendered on my property (the Northwest corner of the same intersection) in 1972 with regard to the same request.

Very truly yours,

Arsenio Caramatti

(Please note this letter appears to be undated but a date stamp from the Supervisor's Office notes that it was received in the Supervisor's Office on October 25, 1978)

APPEARANCE: Donald S. Tracy  
317 Little Tor Road  
New City, New York 10956

Mr. Tracy of Tracy & Werner, attorneys for the petitioner, made a presentation on behalf of the petitioner.

APPEARANCE: Mrs. Joan A. Tomajko  
27 Conger Avenue  
Haverstraw, New York

Mrs. Tomajko was sworn in by Supervisor Gerber. She testified that she had tried to sell the property on several occasions. The contract of sale is subject to special permit for filling station. Her parents, who are the owners of the property, are retired and living in Florida.

APPEARANCE: Barry Hopper  
12 Mallard Drive  
West Nyack, New York 10994

Mr. Hopper was sworn in by Supervisor Gerber. He testified that he had been a resident of Clarkstown for thirty-five (35) years and that he had owned a service station for thirteen (13) years. He would construct and operate a service station on this property and would accept the terms as set forth in the agreement

IN FAVOR: Harold Franklin  
25 North Route 303  
Congers, New York

IN OPPOSITION: No one appeared.

Mr. Tracy spoke again in summation in support of petitioner's application.

On motion offered by Councilman Maloney and seconded by Councilman Longo, Public Hearings were closed, DECISION RESERVED, 10:35 P.M.

Respectfully submitted,

*Patricia Sheridan*

PATRICIA SHERIDAN,  
Town Clerk