

TOWN BOARD MEETING
TOWN OF CLARKSTOWN

Town Hall

9/12/79

8:05 P.M.

Present: Co. Longo, Holbrook, Maloney, Piacentile
Supervisor Gerber
Murray Jacobson, Town Attorney
Patricia Sheridan, Town Clerk

Supervisor Gerber declared the meeting open and assemblage saluted the Flag.

Supervisor Gerber requested that everyone stand for a moment of silence in honor of Rockland County resident Edward Fogel, a New York City policeman, who was killed in the line of duty.

RESOLUTION NO. (1979-658)

RESOLUTION CLOSING
REGULAR MEETING IN
ORDER TO HOLD SCHEDULED
PUBLIC HEARINGS

Co. Holbrook offered the following resolution:

RESOLVED, that the regular Town Board meeting be adjourned in order to hold scheduled Public Hearings, time: 8:10 P.M.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1979-659)

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

Co. Maloney offered the following resolution:

RESOLVED, that the regular Town Board be resumed, scheduled Public Hearings having been held, time: 9:50 P.M.

Seconded by Co. Maloney

All voted Aye.

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At this point Supervisor Gerber made a statement, a summary of which follows.

For some time now, there have been discussions and debates regarding recreational facilities in the Town of Clarkstown as to financing and where and how they were to be built. Some of the discussions have not been too pleasant; some have been misinterpreted and some misquoted.

Our main concern has been the need for additional recreation facilities in the Town of Clarkstown for all ages but particularly the younger group. We have always been aware of the limited tax dollars to provide through a shrinking economy what has become almost a necessity in this town.

It is no secret that more than a year ago, and perhaps as many as six years ago, the Town made applications for and has used federal grants. Many voices have been raised opposing any type of

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grant for any reason. I do not agree that taking any federal grants opens the door to people from not only neighboring towns but the entire United States. There is an absolute need to do everything possible for the youth of the town more than for any other age group. We should serve them as best as we can.

There have been master plans for recreational areas drawn up which show proposed future use of the facilities. The Valley Cottage and Congers areas have become prominent lately because of the limited facilities and the growing demand for them. A lack of fields in this area has also been pointed out. There has been much controversy with neighbor against neighbor because of the sites of these areas.

With all of these factors in mind a proposal will be put forth tonight for consideration of this board which has been discussed earlier this evening as to the reorganization of the original grant proposals for the use of Germonds Park and one area which had never received approval and that is the Congers Lake area. We would like to go ahead as soon as possible so that these fields will be ready for the spring or the fall of 1980.

RESOLUTION NO. (1979-660)

RESOLUTION AUTHORIZING SUPERVISOR TO NOTIFY PALISADES PARK COMMISSION OF INABILITY TO ACCEPT GRANT FOR GERMONDS PARK AND AUTHORIZING NEW CONSTRUCTION

Co. Holbrook offered the following resolution:

WHEREAS, the Town of Clarkstown applied for financial assistance under the Heritage Conservation and Recreation Service, formerly known as Outdoor Recreation Development Bond Act (Chapter 558, 559, Laws of the State of New York, 1965) and under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897-1964), on April 6, 1977 for the construction of ballfields, parking, playground and multi-purpose courts at Germonds Park, and

WHEREAS, the Town of Clarkstown was notified that Project No. 36-00595 had been approved for Germonds Park, and

WHEREAS, the Town of Clarkstown now finds that it will not be able to accept the approved grant for Germonds Park,

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to notify the Palisades Interstate Park Commission of the above decision, and be it

FURTHER RESOLVED, that the Town Board authorizes that plans and specifications be prepared under the direction of the Superintendent of Parks and Recreation to provide for the following new facilities at Germonds Park and Congers Lake Park:

A. GERMONDS PARK

| | |
|--|-------------|
| Regrading and construction of a new 60'/90' multi-purpose ball field and combination soccer-football field - drainage of new ball field areas..... | \$ 118,000. |
| Construction of a comfort station..... | 25,000. |

RESOLUTION NO. (1979-660) Continued

| | |
|--|----------------|
| Paving of lower existing parking lot and construction of a new parking lot (for approximately 70 cars), sand and gravel surface (no pavement)..... | \$ 26,000. |
| Water and sewer service to comfort station..... | 20,000. |
| Additional Engineering Fees, etc. | <u>15,000.</u> |
| | \$ 204,000. |

B. CONGERS LAKE PARK

South side of Gilchrest Road:

| | |
|---|-------------|
| Regrade the area south of Gilchrest Road to accommodate a new 90' baseball field, a multi-use 60' and 90' baseball field and a combination soccer-football field..... | \$ 120,000. |
| Provide parking lot near few fields..... | 23,000. |

North side of Gilchrest Road:

| | |
|---|----------------|
| Construction of two tennis courts and one basketball court north of pool complex..... | 42,000. |
| Topo design costs, etc..... | <u>10,000.</u> |
| | \$ 195,000. |

and be it

FURTHER RESOLVED, that funds totalling \$399,000. be appropriated from the Money-In-Lieu-Of-Land Account.

Seconded by Co. Piacentile

On roll call the vote was as follows:

| | |
|----------------------------|---------|
| Supervisor Gerber..... | Abstain |
| Councilman Holbrook..... | Aye |
| Councilman Longo..... | Aye |
| Councilman Maloney..... | Aye |
| Councilman Piacentile..... | Aye |

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RESOLUTION NO. (1979-661)

RESOLUTION AWARDDING BID FOR TRANSPORTATION FOR CLARKSTOWN SENIOR CITIZENS (HUDSON TRANSIT LINES CORP. (SHORT LINE) AND HARRAN TRANSPORTATION CO., INC.)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Purchasing that the bid for Bus Transportation for

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RESOLUTION NO. (1979-661) Continued

Clarkstown Senior Citizens Clubs is hereby awarded to:

Hudson Transit Lines Corp. (Short Line)
17 Franklin Turnpike
Mahwah, New Jersey 07430

and

Harran Transportation Co., Inc.
16 Hoffman Street
Spring Valley, New York 10977

as per the schedule of trip costs each carrier has submitted.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1979-662)

RESOLUTION ADOPTING AND
ACCEPTING MINUTES OF TOWN
BOARD MEETING OF AUGUST
29, 1979

Co. Piacentile offered the following resolution:

RESOLVED, that the Minutes of the Town Board Meeting held on August 29th, 1979, are hereby adopted and accepted as submitted by the Town Clerk.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1979-663)

RESOLUTION ADOPTED BY THE
TOWN BOARD OF THE TOWN OF
CLARKSTOWN SETTING PUBLIC
HEARING WITH REGARD TO
ZONING PETITION (KOHL
INDUSTRIAL PARK)

Co. Piacentile offered the following resolution:

WHEREAS, Kohl Industrial Park has petitioned the Town Board of the Town of Clarkstown that the Zoning Ordinance of the Town be amended by redistricting property of the petitioner described from R-22 district to M or LIO district;

NOW, THEREFORE, be it

RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be held at the Auditorium of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City, Rockland County, New York, in the Town of Clarkstown, on the 26th day of September, 1979 at 8:30 P.M., relative to the proposed amendment; and it is

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

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1979-664)

RESOLUTION AUTHORIZING
APPEAL TO THE COURT OF
APPEALS (STATE BD. OF
EQUALIZATION & ASSESSMENT)

Co. Holbrook offered the following resolution:

WHEREAS, the Appellate Division of the New York Supreme Court has rendered a decision adverse to the Town of Clarkstown in the matter of George S. Gerber, et al v. State Board of Equalization and Assessment, et al, and

WHEREAS, it is deemed appropriate that the decision be appealed;

NOW, THEREFORE, be it

RESOLVED, that the firm of Koepfel, Sommer, Lesnick, Martone, Siegel & Fenchel, Esqs., is hereby authorized to take all necessary steps to appeal said decision to the Court of Appeals of the State of New York

Seconded by Co. Piacentile

All voted Aye.

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RESOLUTION NO. (1979-665)

RESOLUTION AUTHORIZING
PLANNING BOARD OF THE
TOWN OF CLARKSTOWN TO
APPLY TOWN LAW, SECTION
281 (DORCHESTER ESTATES)

Co. Piacentile offered the following resolution:

WHEREAS, THEODORE F. ATZL, engineer of the applicant has made written application for the use of Town Law, Section 281 in connection with a subdivision known as DORCHESTER ESTATES, and

WHEREAS, the Planning Board of the Town of Clarkstown recommends the approval of the use of Town Law 281 in connection with this subdivision, and

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town of Clarkstown if Town Law 281 is used in this subdivision in order to avoid runoff and downstream flood problems;

NOW, THEREFORE, be it

RESOLVED, that the Planning Board of the Town of Clarkstown is hereby authorized to use Town Law, Section 281 in connection with this subdivision provided that the land preserved is subject to a conservation restriction and that sidewalks be installed along Red Hill Road at the applicant's sole cost and expense.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1979-666)

RESOLUTION APPOINTING
SPECIAL COUNSEL TO
PROCESS TAX CERTIORARI
PROCEEDINGS

Co. Piacentile offered the following resolution:

RESOLUTION NO. (1979-666) Continued

WHEREAS, a number of tax certiorari proceedings are still pending against the Town of Clarkstown;

NOW, THEREFORE, be it

RESOLVED, that Arnold Becker, Esq. is hereby reappointed Special Counsel to the Town of Clarkstown for the purpose of continuing to process all tax certiorari proceedings for the years prior to 1979 still pending against the Town of Clarkstown, excluding those brought by Spring Valley Water Company, Inc. and Corwick Realty Corp., and all tax certiorari proceedings concerning the 1979 tax assessment roll, at a fee for the year August 15, 1979 to August 15, 1980 of \$19,000.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1979-667)

RESOLUTION ADOPTING
AMENDMENTS TO BOARD OF
APPEALS RULES

Co. Holbrook offered the following resolution:

WHEREAS, by resolution adopted by the Board of Appeals of the Town of Clarkstown on August 6, 1979, the Board of Appeals Rules were amended as follows:

ARTICLE V, Amendments, Section A110-27. Procedure for amending rules.

These rules may be amended by an affirmative vote of not less than four (4) members of the Board, provided that such amendments be presented in writing at the regular meeting preceding the meeting at which the vote is taken. The suspension of any rules of procedure may be ordered at any meeting by unanimous vote of the Board.

ARTICLE VI, Resolutions, Section A110-28. Required vote.

Every resolution not otherwise provided for shall require an affirmative vote of not less than four (4) members of the Board.

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarktown hereby approves and adopts the amendments to the Board of Appeals Rules.

Seconded by Co. Piacentile

All voted Aye.

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RESOLUTION NO. (1979-668)

RESOLUTION AUTHORIZING
ATTENDANCE AT STATE BUILD-
ING OFFICIALS CONFERENCE
(BOWMAN, COLUCCI, CONKLIN,
NEUSER, LAWRENCE, MILICH,
FLORENCE, COTTLE AND
PAPENMEYER)

Co. Holbrook offered the following resolution:

RESOLUTION NO. (1979-668) Continued

RESOLVED, that Robert Bowman, Building Inspector of the Town of Clarkstown, the following Assistant Building Inspectors; Gerald Colucci, Arthur Conklin, Clare Neuser, Ed Lawrence, Adolph Milich, and Pete Florence, plus 2 Fire Inspectors, James Cottle and Mark Papenmeyer, are hereby authorized to attend the New York State Building Officials Conference, September 26th to September 28th, 1979 at the Fallsview Hotel, Ellenville, New York, and be it

FURTHER RESOLVED, that the travel charges be authorized against Account #404 not to exceed \$100.00 and that the registration of those officials attending not to exceed \$261.48, to be charged against Account #414.

Seconded by Co. Maloney All voted Aye.

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RESOLUTION NO. (1979-669) RESOLUTION AUTHORIZING ATTENDANCE AT STATE ENVIRONMENTAL QUALITY REVIEW ACT (BOLLMAN AND KALARICKAL)

Co. Piacentile offered the following resolution:

RESOLVED, that Leslie F. Bollman, Director, Environmental Control, Town of Clarkstown, and Luke Kalarickal, Environmental Control Supervisor, are hereby authorized to attend a one-day Seminar concerning the State Environmental Quality Review Act, on November 14, 1979, and be it

FURTHER RESOLVED, that all proper charges not to exceed \$190.00 be charged against Account No. 8730-414.

Seconded by Co. Maloney All vote Aye.

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RESOLUTION NO. (1979-670) RESOLUTION ADOPTING LOCAL LAW NO. 5-1979 (HOMEBUYERS' PROTECTION-LOSS OF DEPOSIT)

WHEREAS, a proposed local law entitled, "AMENDMENT TO LOCAL LAW NO. 3-1967, AS AMENDED, ENTITLED, 'LOCAL LAW TO ENSURE THAT HOMEBUYERS SHALL BE PROTECTED FROM LOSS OF THEIR CONTRACT DEPOSITS BECAUSE OF THE FINANCIAL FAILURE OF THE BUILDER'", was introduced by Councilman Longo at a Town Board meeting held June 6, 1979, and

WHEREAS, the Town Board of the Town of Clarkstown by resolution adopted on the 6th day of June, 1979, directed that a public hearing be held on the 20th day of June, 1979, at 8:45 P.M., to consider the adoption of the local law, and

WHEREAS, a notice of said hearing was duly prepared and published in the Journal News on June 12, 1979, and

WHEREAS, a public hearing was held by the Town Board of the Town of Clarkstown on the 20th day of June, 1979, and

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RESOLUTION NO. (1979-670) Continued

WHEREAS, a copy of the proposed local law in final form was placed on the desks of the Supervisor and Councilmen at their office at 10 Maple Avenue, New City, New York, on August 23, 1979;

NOW, THEREFORE, be it

RESOLVED, that Local Law No. 5-1979, entitled, "AMENDMENT TO LOCAL LAW NO. 3-1967, AS AMENDED, ENTITLED, "LOCAL LAW TO ENSURE THAT HOMEBUYERS SHALL BE PROTECTED FROM LOSS OF THEIR CONTRACT DEPOSITS BECAUSE OF THE FINANCIAL FAILURE OF THE BUILDER'" is hereby ADOPTED and passed by an affirmative vote of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

- Hon. George S. Gerber, Supervisor.....Aye
- Councilman John R. Maloney.....Aye
- Councilman Charles E. Holbrook.....Aye
- Councilman Nicholas A. Longo.....Aye
- Councilman John T. Piacentile.....Aye

The Clerk of the Town of Clarkstown was directed to file the local law pursuant to Section 26 of the Municipal Home Rule Law.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1979-671)

RESOLUTION GRANTING PERMISSION TO INDUSTRIAL STRENGTH (ARTS COUNCIL OF ROCKLAND) TO FILM FOOTAGE OF THE CLARKSTOWN SANITARY LANDFILL

Co. Piacentile offered the following resolution:

RESOLVED, that Industrial Strength, an affiliated organization of the Arts Council of Rockland County, is hereby granted permission to film footage of the Clarkstown Sanitary Landfill for use at their concert of music and films of local industry scheduled to be held on November 30, 1979, at the Orange and Rockland Auditorium in Spring Valley, New York.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1979-672)

RESOLUTION SCHEDULING PUBLIC HEARING RE: C & A CARBONE PRIVATE SANITATION OF NEW JERSEY, INC. (VIOLATION OF SANITARY LANDFILL RULES AND REGULATIONS

Co. Piacentile offered the following resolution:

WHEREAS, it is alleged that C & A Carbone Private Sanitation of New Jersey, Inc., P.O. Box 395, Lynnhurst, New Jersey, has violated the Sanitary Landfill Rules and Regulations of the Town of Clarkstown, specifically Section A115-3(A) in that a truck owned and operated by this firm dumped refuse into the Clarkstown Sanitary Landfill which was collected outside of the Towns of Clarkstown and Orangetown or any other permitted area;

RESOLUTION NO. (1979-672) Continued

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 9:00 P.M., on October 3, 1979, for the purpose of hearing evidence and witnesses concerning these allegations of violation 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 C & A Carbone Private Sanitation of New Jersey Inc., using Certified Mail.

Seconded by Co. Holbrook

All voted Aye.

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STATEMENT OF ALLEGATIONS

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

That C & A Carbone Private Sanitation of New Jersey Inc., P.O. Box 395, Lynnhurst, New Jersey, did violate the Sanitary Landfill Rules and Regulations of the Town of Clarkstown, specifically Section A115-3(A) in that a truck owned and operated by this firm dumped refuse into the Clarkstown Sanitary Landfill which was collected outside of the Towns of Clarkstown and Orangetown or any other permitted area. SPECIFICALLY:

On July 21, 1979, at 9:35 A.M., Sergeant Vernon P. Steinmann of the Clarkstown Police Department observed truck No. 29 with New Jersey registration XPP-26U belonging to C & A Carbone Private Sanitation of New Jersey, Inc., and driven by Russell Jack Mayo pick up the contents of a dumpster situate on the north end of the Horizon House Apartment Complex, Palisades Avenue, Fort Lee, New Jersey. Sergeant Steinmann then followed this vehicle with its load of refuse directly to the Clarkstown Sanitary Landfill on Route 303, West Nyack, New York, where, at 10:35 A.M., Mr. Mayo emptied the contents of this vehicle into the Clarkstown Sanitary Landfill area. Russell Jack Mayo is an employee of C & A Carbone Private Sanitation of New Jersey Inc.

Yours, etc.

TOWN BOARD OF THE TOWN OF CLARKSTOWN

By: /s/ George S. Gerber
GEORGE S. GERBER, Supervisor

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RESOLUTION NO. (1979-673)

RESOLUTION ACCEPTING
RESIGNATION OF RICHARD A.
BLUMENTHAL AS MEMBER OF
DRUG ABUSE PREVENTION
BOARD

Co. Maloney offered the following resolution:

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RESOLUTION NO. (1979-673) Continued

RESOLVED, that the resignation of Richard A. Blumenthal, 2 North Cairngorm Road, New City, New York as a member of the Town Drug Abuse Prevention Board is hereby accepted with regret, effective immediately.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1979-674)

RESOLUTION APPOINTING
COUNSELOR AIDE - COUNSELING
CENTER (LEE GANDOLFO)

Co. Maloney offered the following resolution:

RESOLVED, that Lee Gandolfo, 29 Stratford Place, New City, New York is hereby appointed to the position of Counselor Aide - Counseling Center - as needed, n/t/e 20 hours per week, at the hour wage of \$6.00, and be it

FURTHER RESOLVED, that all expenses shall be fully reimbursed by the Division of Youth.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1979-675)

RESOLUTION ACCEPTING
RESIGNATIONS OF CROSSING
GUARDS - POLICE DEPARTMENT
(ANN GUERRA AND MARGARET
WHOLEY)

Co. Maloney offered the following resolution:

RESOLVED, that the resignations of the following Crossing Guards - Police Department - are hereby accepted, effective and retroactive to September 1, 1979:

Ann Guerra, 3 Cypress Street, New City, New York
Margaret Wholey, 5 Colonial Drive, New City, New York

Seconded by Co. Piacentile

All voted Aye.

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RESOLUTION NO. (1979-676)

RESOLUTION APPOINTING
CROSSING GUARDS - POLICE
DEPARTMENT (CHAMBERS,
EGAN, CASEY, SCHILDWACHTER,
HARKIN, DONNELLY, TWOHIG)

Co. Maloney offered the following resolution:

RESOLVED, that the following are hereby appointed to the position of Crossing Guard - Police Department - effective and retroactive to September 5, 1979:

Milton Chambers, 108 School Street, Upper
Nyack, New York - \$8.00 per day.
Marion Egan, 2 DeForest Avenue, New City,
New York - \$8.00 per day.

RESOLUTION NO. (1979-676) Continued

- Patricia M. Casey, 18 Deerwood Drive, New City, New York - \$8.00 per day (change from part to full time).
- Rita Schildwachter, 8 Sable Court, West Nyack, New York - \$8.00 per day (change from part to full time).
- Margaret Harkin, 16 Birch Lane, New City, New York - \$8.00 per day (change from part to full time).
- Juliann Donnelly, 7 Arden Place, New City, New York - salary based on post covered (part-time).
- Anne Twohig, 1 Elks Drive, Nanuet, New York - salary based on post covered (part-time).

Seconded by Co. Piacentile

All voted Aye.

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RESOLUTION NO. (1979-677)

RESOLUTION ACCEPTING RESIGNATIONS OF CETA EMPLOYEES - VARIOUS DEPARTMENTS - (KEMPTON, KOCH, ROSS, SPECTOR)

Co. Piacentile offered the following resolution:

RESOLVED, that the following resignations of CETA employees are hereby accepted:

- Roger Kempton, 55 W. Prospect St., Nanuet, New York - Laborer - Highway Department - Effective 9/7/79.
- Michael Koch, 357 W. Clarkstown Road, Spring Valley, New York - Bus Driver - Mini Trans, Effective 9/7/79.
- Lorraine Ross, 305 No. Broadway, Upper Nyack, New York - Clerk - Nyack Public School, Effective 8/31/79.
- Etta Spector, 5 Verdin Drive, New City, New York - Typist - Personnel Office, Effective 9/7/79.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1979-678)

RESOLUTION AS TO SALARY OF ASSESSOR (ROSS J. VALENZA)

Co. Piacentile offered the following resolution:

RESOLVED, that effective and retroactive to August 23, 1979 the salary of Ross J. Valenza, 121 Kings Highway, Orangeburg, New York is \$23,500 for the year 1979.

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1979-679)

RESOLUTION ACCEPTING
PROPOSALS FROM ORANGE &
ROCKLAND UTILITIES, INC.
FOR STREET LIGHTING -
NEW CITY, NEW YORK

Co. Holbrook offered the following resolution:

RESOLVED, that based upon the recommendation of the
Director 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:

DeForest Avenue & Elm Street New City
Gable Road New City

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1979-680)

RESOLUTION GRANTING
CERTIFICATE OF REGISTRA-
TION PURSUANT TO SEC.
83-65 OF THE CODE OF THE
TOWN OF CLARKSTOWN (HENRY
SMITH, INC.)

Co. Piacentile 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:

HENRY SMITH, INC.
P.O. Box 24
Monsey, New York

NOW, THEREFORE, be it

RESOLVED, that the following Certificate of Registration
be issued:

No. 79-16 issued to Henry Smith, Inc.

Seconded by Co. Holbrook

All voted Aye.

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RESOLUTION NO. (1979-681)

RESOLUTION APPROVING THE
COST OF PUBLICATION OF
RESOLUTION NO. 637 ADOPTED
ON AUGUST 20, 1979 WITH
REGARD TO CHANGE OF
BOUNDARIES FOR MOLESTON
AND THIELLS-ROSEVILLE
FIRE DISTRICTS

Co. Maloney offered the following resolution:

RESOLVED, that the Town of Clarkstown shall pay one-
third of the cost of publication of Resolution No. 637 adopted on
August 20, 1979, approving the change of boundaries for the Moleston
Fire District and the Thiells-Roseville Fire District.

Seconded by Co. Longo

All voted Aye.

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RESOLUTION NO. (1979-682)

RESOLUTION AUTHORIZING
THE TOWN ATTORNEY TO DEFEND
A PROCEEDING AGAINST THE
TOWN OF CLARKSTOWN (TAPPAN
ZEE V. LUBECK REALTY, ET AL.)

Co. Holbrook offered the following resolution:

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

TAPPAN ZEE CAPITAL CORP.,

Plaintiff,

-against-

LUBECK REALTY, INC., CHESTER F. LUBECK,
CONSTANCE LUBECK, NICHOLAS D'AQUINO,
UNION STATE BANK, MIDLAND LUMBER & SUPPLY
INC., UNITED STATES OF AMERICA, BARRETT,
KLIEGMAN, HELFAND & ALTER, ESQS., JOHNS-
MANVILLE SALES CORPORATION, PEOPLE OF THE
STATE OF NEW YORK, TOWN OF CLARKSTOWN,
CLARKSTOWN CENTRAL SCHOOL DISTRICT NO. 1,
NEWBURGH SAVINGS BANK, COUNTY OF ROCKLAND,
GREENBUSH LUMBER CO., INC., and "JOHN DOE"
AND "JANE DOE", the names being fictitious,
the persons intended being possible unknown
parties in possession,

Defendants.

NOW, THEREFORE, be it

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

Seconded by Co. Maloney

All voted Aye.

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RESOLUTION NO. (1979-683)

RESOLUTION AWARDING BID
FOR CONSTRUCTION OF
SANITARY SEWERS, PUMP
STATION AND FORCE MAIN
FOR OLD HAVERSTRAW ROAD
AREA, CONGERS, NEW YORK
(CAPITAL ACCOUNT -MBSIA
NO. 2)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the
Director of Purchasing and Charles R. Velzy Associates, Consulting
Engineers, that the bid for the construction of sanitary sewers,
pump station and force main for Old Haverstraw Road Area, Congers,
New York is hereby awarded to:

Hutton Construction Co., Inc.
19 Hutton Avenue
West Orange, New Jersey 07052

at the low bid cost of \$145,675.01, provided that the pump station
and force main be deleted therefrom by change order pending approval
by the Department of Audit and Control, and be it

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RESOLUTION NO. (1979-683) Continued

FURTHER RESOLVED, that funds for same be charged to Capital Account - Master Benefited Sewer Improvement Area No. 2.

Seconded by Co. Piacentile

All voted Aye.

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RESOLUTION NO. (1979-684)

RESOLUTION AWARDDING BID FOR CONSTRUCTION OF SANITARY SEWERS, PUMP STATION AND FORCE MAIN FOR BUENA VISTA ROAD AREA, NEW CITY, NEW YORK (A. CESTONE COMPANY, MBSIA No. 2)

Co. Maloney offered the following resolution:

RESOLVED, that based upon the recommendation of the Director of Purchasing and Charles R. Velzy Associates, Consulting Engineers, that the bid for the construction of sanitary sewers, pump station and force main for Buena Vista Road Area, New City, New York is hereby awarded to:

A. Cestone Company
710 Bloomfield Avenue
Glen Ridge, New Jersey 07028

at the low bid cost of \$511,300.10 provided that the pump station and force main be deleted therefrom by change order pending approval by the Department of Audit and Control, and be it

FURTHER RESOLVED, that funds for same be charged to Capital Account - Master Benefited Sewerage Improvement Area No. 2.

Seconded by Co. Piacentile

All voted Aye.

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There being no one wishing to be heard and no further business to come before the Town Board, the Town Board Meeting was closed, time: 10:37 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/12/79

8:10 P.M.

Present: Co. Holbrook, Longo, Maloney, Piacentile
Supervisor Gerber
Murray Jacobson, Town Attorney
Patricia Sheridan, Town Clerk

RE: PETITION FOR THE EXTENSION OF THE CLARKSTOWN CONSOLIDATED
WATER SUPPLY DISTRICT NO. 1 - ANTOINETTE ESTATES, VALLEY
COTTAGE, NEW YORK

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

SWORN IN: Mr. Les Bollman, Director
Department of Environmental Control
10 Maple Avenue
New City, New York 10956

Mr. Bollman was sworn in by Supervisor Gerber and
testified that he is familiar with the petition. The proposed
extension will benefit all property owners within the proposed
extension. All property owners who will benefit are included
in the limits of the proposed extension. It is in the public
interest to grant the proposed extension because it will provide
domestic water supply, fire protection and also reduce insurance
rates.

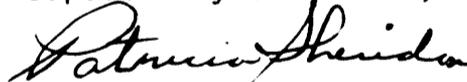
IN FAVOR: No one appeared.

OPPOSED: No one appeared.

There being no one further wishing to be heard, Order
Extending District was signed by Supervisor Gerber and the Town
Board members.

On motion of Councilman Holbrook, seconded by Councilman
Longo and unanimously adopted the Public Hearing was closed, time:
8:14 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

AAG406

PLEASE NOTE - the following two resolutions were inadvertently omitted from the minutes of September 12, 1979 and should have been inserted as follows:

RESOLUTION NO. (1979-662-A)

RESOLUTION SETTING A PUBLIC HEARING WITH REGARD TO A SPECIAL ROAD IMPROVEMENT OF SOUTH HARRISON AVENUE

Co. Piacentile offered the following resolution:

WHEREAS, pursuant to Section 200 of the Town Law, the Town Board is desirous of improving a portion of a street known as South Harrison Avenue in Congers, Town of Clarkstown, New York; and

WHEREAS, the property to be improved has been surveyed and the lines and grades thereof have been established and such survey is filed in the Office of the Town Clerk; and

WHEREAS, the maximum amount proposed to be expended is \$42,000 and the area benefited is as follows:

(See Schedule "A" attached - on file in Town Clerk's Office)

NOW, THEREFORE, be it

RESOLVED, that the Town Clerk prepare an Order pursuant to Subdivision 7 of Section 200 of the Town Law and that such Order be entered into the minutes of this proceeding setting September 26, 1979 at 8:15 P.M. at the Auditorium, Town Hall, Town of Clarkstown, 10 Maple Avenue, New City, New York, for a public hearing on this resolution at which time all interested parties will be heard.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (1979-663-A)

RESOLUTION RESCHEDULING PUBLIC HEARING ON ZONE CHANGE APPLICATION (SOUTH OF THE MOUNTAIN INVESTORS, LTD.)

Co. Holbrook offered the following resolution:

WHEREAS, a public hearing which had been scheduled for September 12, 1979 at 8:20 P.M., to consider the application of SOUTH OF THE MOUNTAIN INVESTORS, LTD., to amend the Zoning Ordinance of the Town of Clarkstown by redistricting the property of the petitioner from an R-40 district to an R-22 district, and

WHEREAS, certain legal requirements have not been complied with;

NOW, THEREFORE, be it

RESOLVED, that the public hearing set for September 12, 1979, at 8:20 P.M., is hereby cancelled, and be it

FURTHER RESOLVED, that a public hearing be rescheduled and held by the Town Board on the 26th day of September, 1979, at 8:45 P.M., at the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, relative to this zone change application, and be it

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

Seconded by Co. Piacentile

All voted Aye.

* * * * *

(Town of Clarkstown Planning Board Letterhead)

"July 25, 1979

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

TOWN BOARD REFERRAL: ZONE CHANGE REQUEST
R-15/LS TO RG-2, CASSELS PROPERTY 71B2.011+
WEST NYACK (Approx. 4.39 acres zoned R-15/LS
approx. 250' W. & S. of Clarksville Corners,
to W. side Sickletown Road.)

Gentlemen:

The above matter was discussed at the Planning Board meeting of July 10, 1979. The Planning Board was unanimous in that this proposal is what is needed in Clarkstown. What is being proposed is in the kind of location appropriate to that type of development, i.e. small unit apartments close to shopping and transportation. The Planning Board also asks the Honorable Town Board to recognize that a portion of this property is in the West Nyack Historic District, and ask that building construction take into consideration the kind of architecture that presently exists. There is a drainage problem on the site, but this would have to be addressed no matter what kind of development takes place.

After considerable discussion, Motion of Nowicki, second of Yacyshyn, carried 7:0 with Ayes of Howell, Fallon, Thormann, Paris and Paikin, approving the following...

1. A drainage study to be made to determine how the severe erosion and surface runoff problem can best be handled. Entrance road to be included in the study. On-site retention pond could be provided near the school boundary to lessen peak runoff from the school and increased runoff from this proposal.
2. Stabilize or fill all gullies,
3. Preserve the natural setting on this site by preserving as many trees as possible,
4. Maintain a buffer strip of trees along the West and South boundaries,
5. If the existing dwelling is to remain, vehicular access should be to Route 59A,
6. If building construction takes place along the eastern portion of the property, such construction to recognize the West Nyack Historic District designation,
7. It is recommended that the yield be limited to a 50/50 ratio, 50% efficiency and 50% one-bedroom and there be no more than 81 units.
8. Applicant to meet all requirements of Dept. of E.C.

Further to the above and in accordance with the Z.O. Section 106-32(B) the Planning Board makes the following determinations:

- a) The uses permitted by the proposed change would be appropriate in the area concerned,

CONTINUED ON NEXT PAGE

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AAG406

- b) The public school facilities will not be affected as this zone change is for senior citizens and young persons only. Other public services exist or can be created,
- c) Proposed change is in accord with any proposed plans for providing public water supply and supply of sanitary sewers in the vicinity,
- d) The amount of vacant land currently zoned for similar development in the Hamlet of West Nyack is minimal and particularly in the vicinity of the area,
- e) There is some multi-family development in the Town of Clarkstown, primarily in the Spring Valley Section and in Bardonia, but not in the immediate vicinity,
- f) There will be minimal effect upon the growth of the existing community as envisaged by the comprehensive plan,
- g) The proposed amendment is likely to result in little increase or decrease in the total zoned residential capacity of the Town, with little effect of such a change on the cost of providing public services,
- h) Although there are other areas that may request similar zone changes, we do not see this occurring.

The Members also wish to call attention of the Town Board of the continuing concern in having an inventory of rental apartments in the Town of Clarkstown; rental apartments are being reduced by conversion to condominiums as evidenced and articulated in the Planning Board report to the Citizens Housing Task Force and this Planning Board urges the Town Board to take whatever steps are necessary to see to supporting non-conversion of rental units in keeping with the Planning Board's goals for affordable rental housing.

We attach copy of Planning Consultant's report for your information and guidance.

Very truly yours,

/s/ Jerome Paikin,

Jerome Paikin,
Chairman

JP/dsg

CC: Town Attorney
Town Clerk

Encl."

"8 Saxon Lane
West Nyack, New York
August 10, 1979

Dear Councilman Gerber

In the past few weeks, there has been a good deal of news about zoning changes in Clarkstown. As a West Nyack resident, I was recently disturbed to hear about a proposal before the town board to allow the building of garden apartments on the

CONTINUED ON NEXT PAGE

Cassel's property in West Nyack. I feel that many residents of Clarkstown have moved here to enjoy the suburban nature of single occupancy homes. The building of an apartment complex, beautiful as it may be, does certainly take away from that atmosphere. It is somewhat disturbing to move into an area, knowing the surrounding area is zoned for one-third acre homes and then suddenly see an apartment complex being erected. This situation is distinctly different than the builder of such an apartment complex on land that has always been designated as such.

I am imploring you to please consider the residents of the area who have purchased their homes in the good faith that the area zoning codes would remain as originally designated. There are other residents in the area who feel as I do yet, the lack of responsiveness on the part of many state and federal office holders have caused many people to lose faith. Since moving to Clarkstown I have found the people of this town to be responsible. I am asking you to please consider the building of an apartment complex in a one-third zoning area. Consider those of us who have purchased our homes with the hope of keeping a suburban atmosphere. Consider an apartment complex adjacent to the elementary school. Thank you for your serious consideration, I remain

Respectfully yours,

/s/ Frank V. Auriemma

Frank V. Auriemma"

"CERTIFIED MAIL, RETURN RECEIPT
REQUESTED

717 West Nyack Road
West Nyack, N.Y. 10994

September 5, 1979

Honorable George Gerber and Members of
the Town Board - Town of Clarkstown
Town Hall
10 Maple Avenue
New City, N.Y. 10956

Re: Application of Charles T. Cassels for a change of the Zoning Ordinance of the Town of Clarkstown from R-15 L/S to RG-2 District - Parcels 71B2.011, 71B2.012 & 71B4.01 - Public Hearing: Wednesday, September 12, 1979 - 8:10 p.m.

Gentlemen:

We, Paul J. and Olimpia Pesackis, are the owners of long standing of premises located at 717 West Nyack Road (Map 71, Block B - Lot 8) and 8 Sickletown Road (Map 71B, Block B - Lot 2), West Nyack, Town of Clarkstown, County of Rockland, which properties adjoin the parcels which are the subject of the zone change cited above.

We are unalterably opposed to the rezoning for the following reasons:

- . The erection of 81 units is excessive and unconscionable because of the inadequacy of the parcel and uses permitted by the proposed change would not be appropriate in the area concerned.
- . Ingress and egress from West Nyack Road would generate an excessive traffic flow onto a 2-lane curved highway with a grade causing speed momentum, jeopardizing the life and limbs of pedestrians,

drivers and particularly children walking to West Nyack Elementary School. The road is heavily travelled by autos, trucks and buses and other vehicular traffic caused by rental unit occupants, service trucks (mail, garbage disposal, utilities meter readers, snow removal and disposal equipment, UPS, appliance servicemen, emergency vehicles*, etc.) would aggravate an already serious condition. Police records indicate that auto accidents in this area in 1978 totalled 17 without injury and 5 with injury; thus far in 1979, 9 accidents without injury and 6 with injury. This is a grave matter for study by the Traffic Advisory Board.

*fire apparatus and ambulances

- . Multiple dwellings will destroy the character of the historic zone in which our Sickletown Road dwelling is located and in which the property sought to be rezoned is also located.
- . In essence, "spot zoning" would be brought about, establishing a precedent and opening the door for similar zone changes.
- . Environmental problems are serious. The area is full of natural springs and excessive flooding occurs. Removal of trees and vegetation for replacement by macadam for parking (two spaces per unit) will aggravate the already existing drainage problem. Because of the large number of units, noise pollution is inevitable.
- . The Clarkstown Highway Department (Fred Seeger) and the Office of Environmental Control (Les Bollman) are fully aware of the severe drainage and erosion problem which has existed and still exists at the site of the planned ingress and egress and the hardship it has caused us for the past 28 years.
- . The multiple housing cannot be restricted to older people and young adults. Families with children cannot be refused rentals.
- . RG-2 zoning will in no way benefit the Town and community but will pose a drain on resources. R-15 zoning is the best possible use for this land. Already existing school facilities could be used should the need arise and would not unduly burden the taxpayer.
- . Denial of the zoning change would in no way cause economic hardship to the petitioner. He is contract-purchaser (not the builder or owner). Route 59 access has always been barred by New York State, a fact known to the owner since the time of purchase several years ago.
- . There is no guarantee that the rental units will not be converted to condominiums as has been the practice of other multiple housing projects.
- . Since we have been residents of Rockland County for the past 28 years, this is not a shallow plea but one which we feel deserves particular attention since it most obviously involves the health, safety and welfare of not only those in the immediate vicinity of the property in question but also to all others in West Nyack and environs who daily pass through our Hamlet.

Inasmuch as we have a long-standing family commitment out of the state on the public hearing date, we have set forth our objections and REQUEST THAT THIS LETTER BE READ INTO THE RECORD.

Very truly yours,

/s/ Olimpia Pesackis
Mrs. Olimpia Pesackis

/s/ Paul J. Pesackis
Paul J. Pesackis

cc: Councilmen Charles Holbrook, John Maloney, Nicholas Longo & John Piacentile; Patricia Sheridan, Town Clerk"

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Mr. Charles Cassels appeared as the petitioner and made the following statement:

"Mr. Supervisor, Hon. Councilmen, Mr. Town Attorney, Ms. Town Clerk, Ladies & Gentlemen: Thank you for this chance to be heard publicly for 4 minutes and 40 seconds. My neighbors, local business, school, fire co., etc. have been very well informed: nearly a hundred copies of my five-page petition were sent them, together with a land-utilization chart and vicinity map like the one you have in your hands. I specifically invited questions. I heard 3.

1. Your vicinity map shows the property fulfilling the master plan specifications for garden apartment location, i.e., near a hamlet center and having good shopping and transportation services. My entire North boundary abuts all of the local shopping zone that fronts on W. Nyack and Sickletown Rds. running West & South of Clarksville Corner (has 3 homes).
2. Services and transportation are numerous within 1/8 mile: 4 bus routes, 2 groceries, 2 restaurants, pharmacy, 2 doctors, 3 dentists, service station, many more. The Post Office, fire company and Free Library are in easy walking distance.
3. Clarkstown has been my home for 26 years, the last 3 in the home which I bought from the estate of my landlady and friend Elsie Lee Bonsall. For temporary access I am greatly indebted to my neighbors the Pesackis, for use of their portion of a driveway over which I do not have right of way. I cannot cut a new driveway directly from Sickletown Road contrary to Town standards - the 16% slope would be murderous, literally. There would also be a huge gap in the trees. Most of that property is in the West Nyack Historic District.
4. The only acceptable access is from West Nyack Road, along a 50 ft. wide neck, 200 ft. into property to my West: but it could be years before someone developed and let me through: and then it would probably be a sprawling subdivision, with noisy big houses, in full view of my rear yard, and snilling storm water across my garden.
5. To preserve my land and privacy, and provide screening for all of us, the only way was to buy that westerly 3.2 acres and combine it with my own 1.2 acres. That is how I became contract purchaser. Next question was the most beneficial use of the land...
6. Small apartments, mostly one bedroom, can help the town continue reducing its grave shortage of adequate housing for older people and young adults. Statistics show that the lag is well over 1,000 units. I myself am just one of the large number of older persons whose home chores, health and increasing cost of living make small apartments attractive as just about the only way to continue living in Clarkstown.
7. Now, looking at the chart of possible land utilization, building coverage is 16.4% if based on 725 sq. ft. apartments (40% larger than the double occupancy standard in HUD supported Dracut study - 100 low rise, older people homes, Greater Boston area). The floor-area ration is 28% (Ordinance allows 50%). This low figure is because small apartments take up much less space than average subdivisions which gobble up and destroy the land.
8. Generous storm-relief is foreseen: the ponding is equivalent to the computed runoff of four inches of rain on the entire property. This cannot but reduce the problems now endured by the Galganos, my neighbors to the South, from runoff even West of the school.

CONTINUED ON NEXT PAGE

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9. The environmental bottom line is that more than half the land remains available for preservation, screening, open space, etc., after deducting access, building, parking and storm water retention. Particularly if Town Law 281 is authorized for flexibility of design, Elsie-Lee-Bonsall Apartments can be the most hidden from view in all Clarkstown.
10. If the rezoning is approved there must be another public hearing, for site plan review by the Planning Board, with a lot more technical consultation before any building permit.
11. The Planning Board unanimously recommended approval after referring my petition to ten specialized agencies. Comments included that the proposed rezoning is "What is needed in Clarkstown," and that it would provide "The optimum use of the land." Quite a number of safeguarding conditions were also recommended, and I want to make them stick...
12. I ask that those conditions become restrictive covenants, running with the land (to make them more binding) and, most particularly I ask that, if granted, the zone change not take effect until those covenants have been signed. I am providing the Town Board with drafts intended to satisfy more than recommended by the consultants.

Thank you all very much."

Supervisor Gerber asked if there was anyone wishing to be heard in favor of this petition.

NO ONE APPEARED.

Supervisor Gerber then asked if there was anyone wishing to be heard in opposition to the petition.

IN OPPOSITION:

APPEARANCE: Dr. I. J. Rosen
707 West Nyack Road
West Nyack, New York 10994

Dr. Rosen read the following:

"TO THE HONORABLE TOWN BOARD
TOWN OF CLARKSTOWN
NEW CITY, NEW YORK 10956

GENTLEMEN:

WE THE UNDERSIGNED RESIDENTS, HOMEOWNERS, AND TAXPAYERS OF WEST NYACK DO HEREBY PETITION THE HONORABLE TOWN BOARD OF THE TOWN OF CLARKSTOWN AND DEMAND THAT THE APPLICATION FOR A ZONE CHANGE ENTITLED:

ZONE CHANGE PETITION, R15 TO RG2 ON 71B2,011-2
AND 71B4.01, CHARLES T. CASSELS, WEST NYACK, ON
4.39 acres 250 ft West and South of Clarksville
Corner (West Nyack Rd. at Sickletown-Strawtown).

PETITION SHOULD BE DENIED FOR THE FOLLOWING REASONS:

1. Such a change would constitute spot zoning inconsistent with the residential area (R-15) which generally surrounds the property in question and is not conducive to apartment concept.

CONTINUED ON NEXT PAGE

2. The single (ingress and egress) to the property is located in an extremely dangerous curve on a hill of West Nyack Road which is the scene of numerous accidents during the snow and icy weather periods. That portion of the highway becomes clogged by stalled vehicles and accidents at times backing traffic up beyond the West Nyack Post Office.
3. The contiguous property is the West Nyack School which has an enrollment of 500 children and would jeopardize the safety and well being of the children by causing additional traffic hazards.
4. The proposed plan violates the code of the town by permitting 81 dwellings on a property with a single ingress and egress.
5. Much of the property in the proposed change is located in the West Nyack Historic Zone and apartments would be contrary to the Historic Zone concept.
6. The property in question has extremely poor drainage. The attached photographs show the flood waters cascading across the property during the heavy rains. We remind the town board of the flood damages at the New City Condominiums in June of 1976 and implore you to prevent a similar disaster at West Nyack where the town is already spending some \$250,000.00 to alleviate the distress of many homeowners who have been continuously flooded because of poor zoning.
7. Approximately 250 Feet south of the proposed change on Sickletown Road is one acre zoning.
8. The applicant is merely a contract purchaser of the major portion of the property and a denial of the petition would create no hardship on the applicant."

Dr. Rosen was presenting petitions with 371 signatures and noted that all properties that were contiguous to the parcels involved had been signed by the owners.

Dr. Rosen noted that limited occupancy of the suggested apartments was impossible and could not be done because it was restrictive and discriminatory if they attempted to rent only to young couples, seniors or couples with no children. They would have to rent to whomever made application for the apartments.

Dr. Rosen said that Mr. Geneslaw was mistaken when he said that the traffic would be light. The traffic generated by these apartments will cause a surge in the present driveway that would be used as ingress and egress for these apartments. This driveway is presently a one car driveway. The map presented tonight shows there would be a 50' driveway; if widened, it would then come to within 10' of his (Dr. Rosen's) building thereby destroying his landscaping.

Dr. Rosen mentioned that many apartments in Clarkstown are being converted to condominiums and that private roads are hazards to emergency vehicles and cited the Mountainview Condominiums as an example. He felt that traffic would be heavy since there would be parking units for 160 cars.

Dr. Rosen was totally opposed to a zone change as it would cause a great inconvenience to himself and to his patients. He again mentioned that the widening of the existing driveway would destroy his landscaping. He stated that the zone change would be a disservice to the residents and he requested a prompt decision on this matter by the Board.

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APPEARANCE: Mr. Pat Galgano
Sickletown Road
West Nyack, New York 10994

Mr. Galgano presented pictures that were taken to the Town Board for verification of the flooding problems that the area has been plagued with for many years.

APPEARANCE: Ms. Irene Fisher
Foxwood Road
West Nyack, New York 10994

Ms. Fisher represented the West Nyack PTA Safety Council. She stated that the Safety Council was opposed to multiple dwelling on West Nyack Road. It would be a danger to the children, (the walkers) and it would be downgrading the area.

APPEARANCE: Mr. Philip Turino
16 Maple Avenue
West Nyack, New York 10994

Mr. Turino stated that he had attended a meeting months ago regarding St. Regis and that these apartments were being built on 59A which has the same access road as St. Regis. Cars will be coming from Route 304 on to 59A and from Sickletown Road on to 59A. There is a serious question as to the road being able to support this kind of traffic. There are too many changes too soon and they would have a drastic effect on the area.

APPEARANCE: Mr. Eli Katz
57 Foxwood Road
West Nyack, New York 10994

Mr. Katz stated that he has watched spot development happen up and down Strawtown Road and was concerned about the St. Regis traffic. He worried about the effect the traffic would have on the children going to and from the school.

APPEARANCE: Mr. Edward Hudson
28 Maple Avenue
West Nyack, New York 10994

Mr. Hudson stated that he supported the Pesackis' and Rosen reports and that he was opposed to the rezoning. He said that the worst place to put a driveway was at the bottom of a curving hill right near the intersection. There was a blind driveway and he would like to hear from the West Nyack Fire Department regarding their opinion of this road.

APPEARANCE: Mr. Gerard Campitiello
33 Foxwood Road
West Nyack, New York 10994

Mr. Campitiello said he felt that the issue here was a zone change; that there is empty property around and that if the Town Board lets this happen here it will spread to other areas.

APPEARANCE: Mrs. April Voorhies
25 Sunset View
West Nyack, New York 10994

Mrs. Voorhies was there representing Mr. Reed, the school children and the entire PTA. She said that the school

children can only walk on Dr. Rosen's side of the road since that is where the sidewalk is and over 200 children walk to the West Nyack Elementary School. This zone change would be dangerous to the children.

APPEARANCE: Mr. Warren Smith
Clarkstown Central School District
Cairnsmuir Road
New City, New York 10956

Mr. Smith was concerned with the safety of the children who would have to walk past this driveway. The Clarkstown Central School District will have to look into alternate access roads and will have to obtain recommendations from the Traffic Advisory Board.

APPEARANCE: Mr. Jacob Ebeling-Koning
431 Buena Vista Road
New City, New York 10956

He said that while he was a member of the Historic Review Board the Board has taken no position but that he was concerned with the historic zone in West Nyack and he was also concerned with the "ifs" in the report from the Planning Board. He mentioned that 250 feet in from Sickletown Road is within the historical zone and that while the Elsie Lee Bonsall home had not been designated he believed it could be designated an historical landmark.

Mr. Cassels spoke in rebuttal. Mr. Cassels requested of the Board that he be allowed to make a reply in writing as soon as possible. He felt that many of the statements made were erroneous. He said that the 600 foot frontage on 59A was zoned "local shopping" and can become so in the future.

Regarding the ingress and egress it would be a 50 foot neck of land and not a 50 foot driveway which would give better sight distance and that he was not interested in hurting anyone's kids since he was a grandfather himself. He suggested that the Traffic Advisory Board be consulted on this. He said that if the zone change was approved the poor drainage in the area would be taken care of.

He cannot make an access road from his house into Sickletown Road since it would create a 250 foot drop which was not feasible.

He said in reference to his being a contract purchaser he has to buy to have access to his house. He wants to sell some excess land but he cannot sell without an access road.

He said that with regard to garden apartments some have failed but some are good and are still being rented. No one knows that there will be 160 cars. It will be up to the Planning Board to determine the number of units that will be allowed and the number of restrictive covenants that the Planning Board will put on.

Mr. Cassels stated that we are 1,000 dwelling units short than what is necessary and required in Clarkstown. There are over 500 couples who want this type of housing. They will be small units and therefore they would not be able to accommodate large families.

He also made mention of the fact that R-15 zoning has no significance since the school is on one side and Route 59 is on the other.

Mr. Cassels once again requested permission to reply to the Board in writing. He stated that he had been a member of the Planning Board for 13 years and a resident of Clarkstown for 26 years and that Clarkstown takes good care of its people.

* * * * *

There being no one further wishing to be heard, on motion of Councilman Maloney, seconded by Councilman Longo and unanimously adopted, the Public Hearing was declared closed, DECISION RESERVED, time: 9:12 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

At this point a recess was declared which recess took place from 9:12 P.M. to 9:22 P.M.

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

9/12/79

9:22 P.M.

Present: Co. Holbrook, Longo, Maloney, Piacentile
Supervisor Gerber
Murray Jacobson, Town Attorney
Patricia Sheridan, Town Clerk

RE: CHANGE OF ZONE APPLICATION R-15 DISTRICT TO PO DISTRICT -
MACRI, NANUET, NEW YORK

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

Supervisor Gerber read the following correspondence:

(Town of Clarkstown Planning Board letterhead)

"July 10, 1979

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

Gentlemen: TOWN BOARD REFERRAL: ZONE CHANGE REQUEST
R-15 TO PO: MACRI PROPERTY 17A13.01 NANUET
(Within filed SD Rockridge Estates, processed
under the provisions of TL 281, to SW corner
N. Middletown Road/W. Clarkstown Road).

The above matter has been discussed at length at several Planning
Board meetings. A vote could not be reached, therefore the
Planning Board respectfully submits the following for your informa-
tion and guidance.

The primary concern of the consultants and several members was
that the use of Town Law 281 could be violated when a parcel,
having been processed under the provisions of Town Law 281, could
then come in for a change of zone. Building Inspector Bowman
has continually raised the question as to whether an application
processed under the provisions of Town Law 281 could be considered
for further use. Mr. Bowman continues to be opposed to this
request. Planning Consultant Geneslaw has pointed out that the
single most important factor wherein approval of this subdivision
was granted under the provisions of Town Law 281 to allow for
single-family use, and expressed concern that to allow a change of
this kind would severely limit the use of Town Law 281 in the
future. He also expressed concern for potential traffic with the
intersection unable to handle the kind of additional traffic
generated by a professional office building.

Member Paris also pointed out that the subdivision would not
have had this large a lot originally if the Planning Board had
not granted use of Town Law 281. Planning Board granted such
use, at that time, to allow a former owner, Sinclair, to retain
the larger lot with his dwelling, and lot count was established
on that premise. If this area were originally zoned PO, it would
have had an effect on the lot count.

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Planning Board Members requested that the Town Attorney's Office secure an opinion from the Department of Audit & Control regarding such change. The response in essence advises "in the absence of a solution restriction the Town Board has the authority to rezone any property assuming that the rezoning is a reasonable exercise of the police power and does not violate constitutional rights." (see attachment).

Member Thormann pointed out that the area had been zoned for single-family use with an additional subdivision, directly abutting this, having been granted final approval by the Planning Board several months ago (Heather Hill Subdivision). The Master Plan also indicates this area for residential use and it was her opinion that the residential character of the area, on this side of the road, not be changed.

Member Howell pointed out that he would have to respect the Town Board's original denial in 1976, as well as the recommendation of the Planning Consultant who advised that "in his opinion the requested change should not be granted." (see attached letter from RPP & W).

Attorney for the applicant advised that the applicant would construct a building no larger than 9000 square feet in size, and would agree to covenant this. Applicant has every intention of preserving the stately stand of Norway Spruce and will add whatever additional landscaping will be required. Under these circumstances, Members Nowicki, and Yacyshyn and Chairman Paikin felt that given the property location, the voluntary restrictions offered by the Attorney as to size of the building and additional landscaping, they would be in agreement with the requested zone change.

Very truly yours,

/s/ Jerome Paikin

Jerome Paikin,
Chairman

cc: Town Attorney
Town Clerk

att (3)"

Mr. John McAlevey, 130 North Main Street, New City, New York appeared as attorney for the petitioner.

Mr. McAlevey stated that there has never been an action regarding this parcel brought before the Town Board. He stated that the County Planning Board on March 6, 1979 voted "No adverse." The Technical Advisory Committee met March 7, 1979 at which time the question was raised about the propriety of this petition.

On March 13, 1979 the Planning Board met again and the 281 question arose. At that time Mr. Fogel agreed that there was no problem with the 281 usage. A request was made of Albany, Department of Audit and Control, as to the propriety of using 281 and the reply dated June 19, 1979 stated there was no objection.

On June 26, 1979 the Planning Board objected to the size of this lot because they were entitled, according to the size of this lot, a 23,000 sq. ft. building. However, the applicant

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does not wish to build a building so large and has submitted a sketch to the Board for a two story building with a base of 4,500 square feet and an over-all capacity of 9,000 square feet. To object because of the large size of the building does not hold water because they do not have any intention of building a building that large.

The owner wishes to preserve the esthetics of the area and the tree line would be preserved. The trees would be a major consideration and the boundary of any construction. There should be no objection to these plans so long as the applicant moves the driveway which he intends to do and take it as far away from the corner as possible.

The proposed building would provide frontage far in excess of what is required with the front yard having a 98 foot frontage, the side yards would be 67 feet for a total of 140 foot side yardage and 93 foot rear yardage. It would be set back in all areas and actually would be no larger than the present building. However, the present building is in need of extensive repairs. Professional Office would be good zoning. The trees will definitely be preserved and the building will be as unobtrusive as possible. There will be no domino effect. The road has been widened. There is commuter parking across the street.

Councilman Holbrook asked if his recollection was correct that this was the original Sinclair property and that this patch was carved out of that property. The answer given was that this property was purchased by the present applicant.

Supervisor Gerber asked if there was anyone wishing to be heard in favor of the proposed zone change.

NO ONE APPEARED

Supervisor Gerber then asked if there was anyone wishing to be heard in opposition.

IN OPPOSITION:

APPEARANCE: Mr. Constantine Gradilone
12 Wesel Road
Nanuet, New York 10954

Mr. Gradilone said he was against the zone change because it was in a residential area and he saw no advantage to anyone in putting in another professional office in that area. There are many other professional buildings in the area up and down Middle-town Road. There is a very bad intersection there even if you move the driveway. West Clarkstown Road has a sharp turn. It cannot be widened. People cannot get in and out. There is certainly no advantage to be told that the trees will be left standing; since that is the very least you might expect. Downzoning would depreciate the area. Having a professional office building does not get us anything. The volume of traffic is horrendous in the area. This will do nothing for the area and he said that he is tired of fighting.

APPEARANCE: Mr. Albert Luongo
Wesel Road
Nanuet, New York 10954

Mr. Luongo agreed with Mr. Gradilone and he feels it would be dangerous for children walking to school along that road.

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Mr. McAlevey spoke in rebuttal stating that he had no wish to build a structure of 25,000 square feet; that in fact he did not wish to build a structure larger than the one that exists there now. Parking will be wherever the Planning Board says it should be.

There being no one further wishing to be heard, the Public Hearing was closed on motion of Councilman Maloney, seconded by Councilman Piacentile and unanimously adopted, DECISION RESERVED, time: 9:50 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk