

TOWN OF CLARKSTOWN
SPECIAL TOWN BOARD MEETING

Town Hall

12/16/85

8:00 P.M.

Present: Supervisor Dusanenko
Councilmen Carey, Holbrook, Lettre, Maloney,
Town Attorney, John Costa
Town Clerk, Patricia Sheridan

Supervisor Dusanenko declared the Town Board Meeting open;
Assemblage saluted the Flag.

Supervisor said there would be no Workshop this Thursday
and that the last meeting of the year would be December 31, 1985,
at 12:00 noon.

The Supervisor asked if the local law were to be passed,
when would it become effective?

The Town Attorney said it would be sent certified mail
and filed immediately with the Secretary of State so that it
would be effective within twenty-four hours.

Councilman Maloney inquired as to the question of relief
in the form of an exemption, would it come before the Town Board.

The Town Attorney said there are two provisions in the
local law. The application could be made to the Planning Board
if there is no significant impact on the traffic, or it could go
before the Town Board if the project is not going to interfere
with the objectives of the moritorium.

RESOLUTION NO. (1075-1985)

ADOPTING LOCAL LAW NO. 7-
1985 - MORITORIUM ROUTE 59

Co. Holbrook offered the following resolution:

WHEREAS, A PROPOSED LOCAL LAW ENTITLED: "LOCAL LAW
REGULATING FOR AN INTERIM PERIOD THE APPROVAL OF SUBDIVISION
PLATS AND THE APPROVAL OF SITE PLANS IN THE ROUTE 59 CORRIDOR
FROM THE WESTERN BOUNDARY LINE TO THE WESTERN EDGE OF THE
PALISADES INTERSTATE PARKWAY IN THE TOWN OF CLARKSTOWN PURSUANT
TO COMPLETION AND REVIEW OF A COMPREHENSIVE ROUTE 59 CORRIDOR
MASTER PLAN AND AMENDMENTS TO THE ZONING AND SUBDIVISION
ORDINANCES AND REGULATIONS CONTINGENT THEREON BY THE TOWN BOARD
OF THE TOWN OF CLARKSTOWN," was introduced by Councilman Holbrook
at a Town Board meeting held on November 26, 1985, and

WHEREAS, the Town Board of the Town of Clarkstown by
resolution adopted on the 26th day of November, 1985, directed
that a public hearing be held on the 10th day of December, 1985,
at 8:10 P.M., and,

WHEREAS, a notice of said hearing was duly prepared and
published in the Journal News on December 4, 1985, and

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 December 6,
1985, and

WHEREAS, a public hearing was held by the Town Board of
the Town of Clarkstown on December 10, 1985;

NOW, THEREFORE, be it

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RESOLUTION NO. (1075-85) Continued

RESOLVED, that Local Law No. 7-1985, entitled
"LOCAL LAW REGULATING FOR AN INTERIM PERIOD THE
APPROVAL OF SUBDIVISION PLATS AND THE APPROVAL OF SITE PLANS IN
THE ROUTE 59 CORRIDOR FROM THE WESTERN BOUNDARY LINE TO THE
WESTERN EDGE OF THE PALISADES INTERSTATE PARKWAY IN THE TOWN OF
CLARKSTOWN PURSUANT TO COMPLETION AND REVIEW OF A COMPREHENSIVE
ROUTE 59 CORRIDOR MASTER PLAN AND AMENDMENTS TO THE ZONING AND
SUBDIVISION ORDINANCES AND REGULATIONS CONTINGENT THEREON BY THE
TOWN BOARD OF THE TOWN OF CLARKSTOWN,"

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:

- Councilman William J. Carey.....Yes
- Councilman Edward J. Lettre.....Yes
- Councilman John R. Maloney.....Yes
- Councilman Charles E. Holbrook....Yes
- Hon. Theodore R. Dusanenko, Supervisor.....No

The Clerk of the Town of Clarkstown was directed to file
the local laws pursuant to Section 27 of the Municipal Home Rule
Law.

Seconded by Co. Carey All vote Aye

Supervisor Dusanenko said if this moritorium were to
have a potential road going through any of the properties, it may
have merit, but in the absence of such I don't think a moritorium
would be in the best interest of the Town.

The Town Attorney explained the special findings and
resolution granting three special permits to operate an agency
community residence.

Paul Tendril who is the Associate Director of Jawanio
said that he was speaking on behalf of Jawanio because they were
concerned that this could create a problem if they have to obtain
a variance with the side yard and front yard requirements. He
inquired as to whether this could be granted under a B-2 instead
of a B-5.

The Town Attorney said he had discussed this with Mr.
Moskowitz and that there had been sites under B-5 and that B-2
would be for a convalescence and nursing home which he did not
think would be applicable and he would need further time to study
that because the time was not sufficient to make a decision this
evening on B-2.

Councilman Lettre inquired as to how many residents
would be allowed under the three permits.

Town Attorney said there would be a special permit for
three buildings to house a total of thirty-one.

Paul Tendril said they wanted the building to be
interconnected because they did not want to build three separate
structures where the residents would have to go outdoors in
inclement weather.

Councilman Lettre suggested that the Board pass this now because the Board could always rescind later if it did not meet Jawanio's needs.

The Supervisor inquired of the Town Attorney about adding a further resolve clause.

The Town Attorney said it was not needed.

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RESOLUTION NO. (1076-1985)

GRANTING SPECIAL PERMITS TO
OPERATE AN AGENCY COMMUNITY
RESIDENCE (ROCKLAND COUNTY
CENTER FOR THE PHYSICALLY
HANDICAPPED, LTD.

Councilman Lettre offered the following resolution:

WHEREAS, the Rockland County Center for the Physically Handicapped, Ltd., has petitioned the Town Board of the Town of Clarkstown for a Special Permit for the purpose of operating an agency community residence (described as an Intermediate Care Facility) for adults over the age of 21 years, at 260 Little Tor Road North, New City, New York, and

WHEREAS, after due notice published and posted, a public hearing was held before the Town Board on the 10th day of December, 1985 at 8:20 P.M., to consider such application;

NOW, THEREFORE, be it

RESOLVED, the Town Board pursuant to its authority under Section 106-14(B) of the Zoning Ordinance of the Town of Clarkstown makes the following Findings of Fact:

1. That, the Rockland County Center for the Physically Handicapped, Ltd., has petitioned the Town Board of the Town of Clarkstown for a Special Permit for the purpose of operating an agency community residence (described as an Intermediate Care Facility) for unrelated adults over the age of 21 years;

2. That, after due notice published and posted, a public hearing was held before the Town Board on the 10th day of December, 1985, at 8:20 P.M. and adjourned to December 16, 1985 to consider such application;

3. That, the proposed facility will consist of three separate buildings which together will house up to thirty-one (31) handicapped individuals and will comply with all other regulations applicable to such use as an agency community residence;

4. That the proposed facility will be properly located with respect to transportation, water supply, waste disposal, fire and police protection, and other public facilities;

5. The facility will not adversely affect the character of or property values in the area;

6. The facility will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town;

NOW, THEREFORE, be it

RESOLVED, that three (3) Special Permits to operate in three buildings an agency community residence facility at 260 Little Tor Road North, New City, New York, is hereby GRANTED, upon compliance with the following conditions:

A. The applicant, Rockland County Center for the Physically Handicapped, Ltd., shall file proof with the Town Attorney that it has title or right of occupancy to the premises

known as 260 Little Tor Road North, New City, New York;

B. That the applicant comply with all rules, regulations and ordinances and secure site plan approval from the Town of Clarkstown Planning Board;

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RESOLUTION NO. (1076-1985) Continued

C. That no alterations or construction of any kind shall commence without having first obtained a site plan approval as specified above and any required Building permit(s) from the Town of Clarkstown Building Inspector;

D. The fees for the within application as provided in the Town Code be paid to the Town Clerk, and be it

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

Seconded by Co. Holbrook

On roll call the vote was as follows:

- Councilman Carey.....Yes
- Councilman Holbrook.....Yes
- Councilman Lettre.....Yes
- Councilman Maloney.....Yes
- Supervisor Dusanenko.....Yes

RESOLUTION NO. (1077-1985)

MEMORIALIZING THE NANUET MALL
TO TO PERMIT THE DISPLAY OF A
CRECHE AND MENORAH

Co. Lettre offered the following resolution:

WHEREAS, the Nanuet Mall under the auspices of Pembroke Management, has refused to permit the display of a creche and menorah, and

WHEREAS, in keeping with the Holiday season it has been reported that interested person(s) may be willing to pay rent for such display purposes,

NOW THEREFORE, be it

RESOLVED, that the Nanuet Mall being a place where the public spends millions of dollars for gifts during the month of December an area should be reserved for the display, without charge, of items symbolic of the Holiday season; nevertheless, those prepared to pay rent should be allowed the opportunity, and

FURTHER RESOLVED, that the Town Clerk be directed to send certified copies of this resolution immediately to the management of the Nanuet Mall and other appropriate parties.

Seconded by Co. Maloney

On roll call the vote was as follows:

- Councilman Carey.....Yes
- Councilman Holbrook.....Abstained
- Councilman Lettre.....Yes
- Councilman Maloney.....Yes
- Supervisor Dusanenko.....Yes

Councilman Holbrook said this is private property and he believed that it is inappropriate for government to interject.

Supervisor Dusanenko said the Special Town Board Meeting was declared closed, time: 8:15 P.M.

Respectfully submitted,

Patricia Sheridan

PATRICIA SHERIDAN
Town Clerk