

PUBLIC HEARING
March 21, 1947

Town Clerk's Office

8:00 P.M.

- Present: Mr. Schmersahl
- Mr. McIntyre
- Mr. Welchman
- Mr. Eberling
- Mr. Dillon

Mr. Dillon called the hearing to order, and explained that the purpose of the hearing was to consider a proposed Building Code. He said that the Board is anxious to hear from all residents of the community, and that he was happy to see such a crowd out. In order to make the hearing orderly, Mr. Dillon said that the usual procedure would be followed, that is, those in favor would speak first and those against would speak afterwards. He said that the Board would like to hear any suggestions that they might have to offer.

Mr. W. R. Herdman, speaking as a resident taxpayer of Congers, said that during the past few years, we have seen enacted in Clarkstown a Zoning Ordinance which since has been supported by a Planning Board. As a result of the combined efforts of the two boards, they have tried to analyze the requirements of the Town. Mr. Herdman said that we want to offer to people a residential area of which we are proud. It has been noted that for the past several years, there has been a definite tendency to acquire property in class A areas which has been set aside as the best Clarkstown has to offer. Mr. Herdman said that he felt individuals who have this type of property should be protected, as they are families who are interested in their community, schools, churches and the welfare of the community, and who lend help and support to all things that might be of a community interest. If we deviate from that course and encourage properties to be used for other than this type, Mr. Herdman said he was afraid that it will bring in a type of people who are only interested in living in our midst for a few months of the year. During the balance of the year their properties would require police and fire protection, and the year round residents would have to carry the burden for these people, who are not interested in our community affairs. The thought was, therefore, if we could have in Clarkstown a Building Code that has met with success elsewhere, it would be a good thing, and it was never intended that the Building Code would be carried to the point where it would have teeth in it so that it would restrict a man in the type of house he could build. It would be a code that

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would require a house to be of the type of construction that would be substantial and suitable for year round occupancy. Mr. Herdman said that we have seen buildings put on pile and other types of support that were just carried to the ground and an open space at the bottom of the building. This type of construction does not lend itself to permanent living. Permanent type construction offers the best for the people coming into our midst. Mr. Herdman pointed out that a Building Code does not reflect upon those who have built up to the present time. He further added that we recognize there are locations in Clarkstown that might be used for bungalow types which do not lend themselves to other types but bungalows, and it may be necessary to have some changes to suit these types. However, Mr. Herdman concluded his remarks by saying that we want the type of construction that offers year round occupancy, that we must have a Building Code for Clarkstown, and he asked the Town Board to adopt the proposed code as set forth.

Mr. J. Hirman Newman of Buena Vista Rd., New City told the Board that he felt we should have had a Building Code a long time ago, and that he is heartily in favor of it. He said that he would accept the remarks of the previous speaker - Mr. Herdman - as his own, and that he wished to offer a few suggestions of a constructive nature, as follows:-

1. Code to be worded so that old as well as new buildings are included in any building extensions.
2. Some regulations on plumbing to meet sanitary requirements.
3. Minimum floor space be defined on the basis of exterior measurements.
4. No existing building, nor any to be hereafter erected shall be permitted for occupancy for use as a sanitarium, public or private hospital, health center, hotel or boarding house, which can accommodate 15 or more persons, including guests, help and management, unless such building is equipped with a second and independent means of exit from all sleeping rooms.

Mr. Newman told the Board that conditions may arise which will call for additional requirements, but as the proposed code is now written it is a very simple and easily understood code.

Mr. Leon Dornbush of Bardonia, N.Y. speaking in favor of the Code told the Board that he came to Bardonia in 1937. About a year later, he built an addition to his house which he now occupies. He said he was

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amazed to find he didn't need a permit. Mr. Dornbush told the Board that he was a builder of long standing, and that in building the addition to his house which is a two-story building that he found it necessary to build piles on each corner and in the center to provide support. No inspector ever came near the building except that when he was working on the enclosures a State inspector came, but he was not at home. Later the inspector came again when he was out and left an objection to the erection of the building. Objection was that there was a kitchen on the original building, and he did not have a proper ladder to go to the second floor. Mr. Dornbush told the Board that he had put in the support for the building until such time in the future when he could excavate for the basement without any injury to the building. He said that when a person sees a building on cinder blocks it gives the person a bad opinion of the type of building. He further added that he believed a code is very necessary in construction, as no builder will ever put up a building on just cinder blocks. He said he was absolutely in favor of the code, as he believes homes should look like permanent ones rather than be of a temporary nature.

Mr. Richard Selke of Rockland Lake said that he is both for and against the proposed code. He said that people coming into the community who put up fine homes need protection. There are also other people living in the community who have an investment who also deserve protection. Sections now known as bungalow colonies should be kept to those sections and be exempt from some of the provisions of the code. As people appear before the Zoning Board for variances, it should be up to the people in the communities to decide if they wish those things. Mr. Selke further pointed out that people in one community should not dictate to others. Rockland Lake, he told the Board, is known as a bungalow colony. Some of the property does not lend itself to construction with cellars, as it would be impossible to build cellars. He said that we are living in a new atomic age and that we may find in five to ten years that our present heating equipment must be changed. There should therefore be some provision made so that the code can come up again in fifteen years, so that it can be revised to fit the needs of the people at that time.

Mr. Joseph Fuss of New City Park said that in general he is in favor of the code, but that he felt that no permits should be required for repair work, such as reshingling a roof and repairing a broken heater.

Mr. Glen C. Miller of Congers, N.Y. appeared to protest the proposed Code. He told the Board that he was a returned Veteran of World War II, that he is presently associated with New York University, and that together

with his wife is the sole owner of eight uninsulated bungalows on Swartwout Lake. Mr. Miller told the Board that he felt the Planning Board has done a good job. Clarkstown is richly endowed with scenery, and it is an ideal residential area. The desire to keep it so has produced the Building Code. However, it is too close to New York City, and the summer visitors can not be stopped. To believe that it can be done is just wistful thinking. Operators get good prices because of the nearness to New York, and rentals of \$1000. a season is only \$90.00 per month over a twelve month period. It is possible for an unprincipled builder to build 25 bungalows as the Code is now written, that he could meet minimum requirements, and charge high rentals. He said that if he himself had to winterize his buildings, he would want to stay open all winter. In regard to the opinion that summer buildings bring undesirable people, most certainly all undesirable summer visitors do not occupy summer bungalows. People classified as undesirable by some like picnic grounds, beautiful surroundings, etc. Unfortunately most of those people have the money and they spend it for what they want. The middle class man working in the city wants an inexpensive place that is clean and not too far, so that he can commute to work. He wants dinner out, a good book and fishing. Such a place is the dream of a small man, and such a dream is realized if the small promoter is not kept to the requirements of continuous cellar walls, etc. Mr. Miller asked if there isn't a danger that the middle class will be eliminated. Can they afford to pay the large rentals? Isn't the proposed code legislation in favor of the moneyed group? The rich pay good for their summer places, and the privileged run to New England in the summer and winter in Florida. If summer buildings are permitted to run down, it is the fault of the citizens of the Town and rarely the fault of the Buildings themselves. Mr. Miller suggested that perhaps the Planning Board could work out a Maintenance Code for all buildings. This code could be voluntary at first but later perhaps it could be adopted as legal legislation. The construction of summer buildings should be controlled and not repealed, Mr. Miller told the Board, and applications should be reviewed by the Board on an individual basis. He concluded his remarks by saying that you cannot bar bungalows but that you can bar the middle class.

Mr. Neal Garrison of Rockland Lake appeared as spokesman for Rockland Lake Corporation. He told the Board that 35 years ago Rockland Lake was a booming town. Since that time, Rockland Lake has become a summer resort. Taxpayers had a chance to build a few bungalows and pay their taxes, and the Town of Clarkstown has derived a revenue. As far

as cellars are concerned, Mr. Garrison said they are out, because if you dig down a foot or more, you have the lake in your lap. Heating systems are no good. Rockland Lake is a summer resort, and you cannot change it to an all year round occupancy. Mr. Garrison said that he cannot see a foundation or heating plant, as it would cost from \$5,000. to \$8,000. and how would the landlords get any revenue back from it.

Mr. James Hasbrouck of New City said that he was undecided about the Code, since he recognized the need for such a code, but could also see that the interests of other citizens owning bungalows should be protected.

Mrs. Edna Jones of Nanuet, of Nanuet, told the Board that she is neither for nor against the proposed code. She pointed out that Mr. Metlitz has a nice bungalow area that is not objectionable. Feels it would be unwise to have a code that would prevent the building of bungalows, as it brings a great deal of money into the town. The people do not want bungalows built on stilts. She further pointed out the fact that the Code will shut out the young people who have only a small amount of money to start with. She said she felt that we should have a code but does not think it wise to close out the people who bring a great deal of money here. She said that they pay big rentals for the bungalows, but we are not required to educate their children in our schools. Mrs. Jones concluded her remarks by saying that she favored some kind of a Building Code.

Mr. Murray Stern of Valley Cottage appeared to protest the proposed code. He told the Board that 15 years ago he came to Valley Cottage, bought a home and has always appreciated Rockland County. He said he thought that a summer proposition would be a good investment, and he bought a piece of property on which the taxes had not been paid. He now has a bungalow colony that is a credit to the community. Recently, Mr. Stern told the Board he purchased Congers Lake, paid up the taxes, and the Church received a nice donation. He tore down a lot of shanties and rebuilt a place that is a credit to the community. Mr. Stern said that summer residents bring a great deal of business to the community, such as grocery stores, gas stations, etc. Mr. Stern said that personally he does not think that as our Zoning Ordinance now is that a bungalow colony is a detriment to the county. In reality it is a means of helping the schools, since the owners must pay school taxes. Mr. Stern said that he has also found that a great many people who come out here eventually buy homes here. He said he does not feel that the people are objectionable, and further that he does not believe there is anything to be gained by the Building Code, as they will build chimneys, cellars, etc. if they have to. He said he would like to suggest that the Zoning Ordinance

be amended or revised.

Mr. Charles Sell, Attorney for Mr. Stern, told the Board that he felt this Code was intended to affect Res. A and Bus. A and Bus. B properties. He said he feels that insofar as Res. A is concerned the requirements set forth in the Code are at a very low minimum. He said he felt that if the Board went further, they would not be antagonizing people who intend to own or develop properties in Res. A. However, you have a situation present, and no law that can be adopted can affect the present situation. No heating plant need be placed in any existing building. If there is a shanty on stilts, you can't make a man put a cellar on it. He said that if the Zoning Ordinance were amended, it would not be necessary to have a Building Code.

Harry Domb of Rockland Lake appeared to protest the Code. He said he owns a house which he lives in and two bungalows. In 1929 when he took his property, he had to clear the taxes. He has paid his taxes ever since and improved his houses. If the summer people are chased away, he said he did not know what will happen to him. He told the Board that he offered his home to a Veteran for the winter and that he wished that he didn't have them. He said he couldn't say that for the summer people. He said he is thankful to get the middle class from New York and wants to go on having them rent his bungalows.

Mr. Robert Knapp of New City appeared against the Code. He told the Board he felt as a builder that the code is in no way a Building Code. He then found considerable criticism of the Building Code as written. He said that if you have a Building Code, you must specify the size of floor and ceiling beams, and you must also mention the size of the rafters. Mr. Knapp said that he does not believe Clarkstown is prepared for a Building Code at this time. He said he feels that if someone wishes to build 100 bungalows on piers, they help to lighten the tax load. If they are built on low land, it is a benefit to have them there rather than none at all. Mr. Knapp pointed out that if you put a foundation all around with no circulation of air you will have decay. Mr. Knapp said that he was opposed to the Zoning Ordinance. You must have high class people, middle class people and poor people. In Residence A there are some 4,000 acres of land on which people are paying taxes, and this property is not worth \$100. per acre. He pointed out that if the returning veterans could buy some of this property and build a 2-car garage to live in until he could get sufficient funds to purchase a home, it would be a fine thing, but that the Building Code would

prevent him from doing this. He said he did not think the young people of the next generation should be thus deprived of a place to live.

Mr. Scheffield, a member of the Planning Board and an engineer, then replied to Mr. Knap's criticisms, and said that had the Planning Board gone into every small detail the Code would have been much too lengthy and hard to understand. Mr. Schofield said that they had tried to keep it as simple as possible so that it would be easily understood.

Mr. Charles Fuchs of Spring Valley appeared in favor of the Code. He told the Board that every building should be put on a cellar foundation. If the foundation is poor, the walls will sag and the ceilings crack. Mr. Fuchs said that he has been a practicing architect for the past 19 years. He pointed out that New York is practically built up, and everybody is coming to Rockland County. If there is no code, people will go ahead and do what they want. It is for the protection of all the people, for if people are permitted to do what they want, we will have only shacks and shanties. The time has come when we should have a good Building Code. Mr. Fuchs told the Board that he does not believe there should be a heating system specified, as many people want to live in New York during the winter months. He said that he believed an attached garage should be fully fireproof. He concluded his remarks by saying that he felt the proposed code is a very good code for all concerned.

Mr. Abraham Metlitz of Nanuet told the Board that he felt the proposed code is rather mild, in fact too mild. He said he has been here since 1929 and has some bungalows. He said that a person can build a shanty or a house on piers; it just depends on the individual. Mr. Metlitz said he felt that some people have abused their privileges, and that we should have some control. He said that he feels if the proposed Code is adopted that some provision should be made whereby the Zoning Board would be given permission to grant a variance if a person wants to build a bungalow.

Mr. Reuben Sterngast of Rockland Lake told the Board that if it wasn't for business in Rockland Lake and Valley Cottage during the past 20 years, you would still have a great deal of vacant land that didn't bring in any taxes to the County. He said that if you want a Building Code, have one, but to say that each and every building must have a cellar is foolish. Summer bungalows have no need for cellars or a chimney. Many people coming to Rockland County hope to build a home here. Mr. Sterngast pointed out that a good cellar on wet land does not insure a good building. Business, he said, is something that has built up our County. If you restrict business,

you might as well say no business. If you have a code, let it provide for the laborer, the poor man and the gentleman who just wants to live in Rockland County.

Mr. N. A. McGill of Nanuet appeared against the code, giving as his reasons those voiced by Mr. Knapp.

Mr. Knapp then inquired regarding interior walls and ceilings, which the code requires must consist of lath and plaster or of an equally acceptable substitute. He said that in many homes built for less than \$5,000. sheetrock is the type of material used.

Mr. Schofield in answering Mr. Knapp said that in a code this simple it was impossible to specify the type of interior wall finish. However, it was thought advisable to have a continuous finish on the interior of the building rather than lath. The code, Mr. Schofield pointed out, was written to prevent the building of shacks.

Mr. Knapp also found fault with the portion of the Code under heating which requires that all wood framing shall be kept at least two (2) inches away from chimney masonry, and that this space shall be filled with fire resistant materials. He said he knew of people who wanted to build fireplaces in their homes, but he did not see how it could be done under the proposed code.

Mr. Dornbush then told the Board that a great many of the people present had spoken for bungalows, but no one speaks for homes. Said he has built in New York, Brooklyn and Westchester, and that all of these places are living up to a building code. Mr. Dornbush said that originally he came here to build a post office, and then decided to live here. He said he admires the homes in Clarkstown, and would not live here if the houses were built on stilts. Is in favor of the Building Code.

Mr. Samuel Kramer of Rockland Lake said that he lives in Rockland Lake and hasn't seen one shack go up there. He said he lives in one of these buildings termed a shack. He said it was an eyesore before he bought it, but he has fixed it up and now it looks good. Mr. Kramer said that he was neither for nor against the code. He then asked if one of his units burns down how must he rebuilt it. Must it be built as it was or must it be built as the code provides.

In replying to his question, Mr. Dillon said that it would have to be rebuilt as the code provides.

Mr. James Vodak of Valley Cottage, a member of the Planning Board, then said that even those most bitterly opposed to the proposed code still feel that there should be some code. The code, he pointed out, was not meant to be discriminatory, since it is the purpose of the Planning Board to protect the property owners, the person who is now building, and the future of the town. Any other purpose that may be construed is wrong.

Mr. Henry Schriever, of Nanuet, another member of the Planning Board, told those present that there is no place in the code where a requirement of a cellar is made. Using the figures of the Regional Planning Board, the figures are set at 80% increase in population in Rockland County in the next ten years. He asked if we can handle an 80% population increase without some governing of building in the county.

Mr. John Elliott of New City, Chairman of the Planning Board, then said that the Planning Board has set for hours on the proposed code, with the idea of planning for the future. He said that one thing mentioned, namely, cellars, is not even mentioned in the code. Other things likewise mentioned are not in the code. It has been the purpose of his Board to plan for the future rather than today, as they feel that people want Rockland County to grow as a decent residential area for people to live in. Mr. Elliott said that we can't have such an area without some kind of a code. He said he felt that conditions prevailing for the past five years will spread unless something is done.

Mr. Sternkast then inquired if the Zoning Ordinance couldn't correct this.

Mr. Elliott replied that the Planning Board would work together with the Zoning Board on this.

Mr. Ferdman then asked those present if they would like to have a trailer next to them from which the wheels had been removed and the trailer put on blocks. It is construed to be a dwelling, but he asked if they would like to have it next to them. He further pointed out that we have been prompted by our own personal interests, and that we must consider the growth of Clarkstown. He said the people must lose sight of their personal interests and must grasp the whole overall picture of Clarkstown. The Planning Board, he concluded, has seen this in their planning and deserve the peoples support.

Mr. Charles Nevins of Nanuet then asked if permits would be granted on the Zoning Ordinance.

Mr. Dillon replied that all permits would be based on the Zoning Ordinance.

Mr. Neal Garrison then asked if the Code took in the whole of Clarkstown.

Mr. Dillon replied that it did.

Mr. Selke then said that he believed everyone wanted a code but let it conform to the sections that now exist.

Mr. Metlitz said that he felt there was a lot of smoke and no fire, and that he feels we should have some Building Code.

Mr. Sterngast said he did not believe a heating unit is necessary for a summer bungalow.

Dr. Goebel of New City told the Board that he was opposed to the Building Code. He said that he has built a number of houses in New City and that they have all been well built. He said that recently he sold a lot to a man who intends to build a home and install the new type of heating unit recently put on the market. He does not plan to have a cellar, and Dr. Goebel wanted to know if this would prevent him from building.

Mr. Dillon told Dr. Goebel that there was nothing in the Code that called for a cellar.

Mr. Knapp then inquired what a fire rating of one hour was.

Mr. Scheffield told Mr. Knapp that $3/4$ of an inch of gypsum on wire lath has a fire rating of one hour.

Dr. Goebel then said that in 1926 when he came up from New York he had to pay additional fire insurance for an attached garage. It is quite an expense to fireproof your garage, and if it were necessary it would seem that the Fire Underwriters would require it. He said that he had always built nice homes that were a credit to the community and that he intended to go on building such homes, and that he did not think a Building Code was necessary.

There being no other speakers either for or against the proposed Code, Mr. Dillon told those present that he was glad to see so many people out, as it was an indication of their interest in their town. He told them that the Board would carefully consider the proposed Code before

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taking action on it.

Mr. Schmersahl moved the hearing be closed.

Seconded by Mr. Schmersahl

Carried

Hearing closed.

Carol M. Martling
Town Clerk of Clarkstown

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