

PUBLIC HEARING

June 13, 1958.

Town Clerk's Office

3:00 P. M.

Present: Messrs. Benken,
Danko
Jeffrey,
Welchman,
Coyle.

Supervisor John W. Coyle called the hearing to order.

The Clerk read notice of hearing to consider petition for the Establishment of a Sewer District at or near Manuet (Silver Birch Homes).

Edward G. Roepe, Esq. appeared on behalf of the petitioner and introduced Dr. Arno Cahn as witness.

Mr. Roepe explained that the petition being considered covered territory in the subdivision known as Silver Birch Homes and part of it was in the Town of Clarkstown and part in the Town of Orangetown. He stated that the Orangetown portion of the property would be taken care of by the extension of an existing Sewer District in the Town of Orangetown.

Supervisor Coyle asked how many parcels in the subdivision were located in the Town of Clarkstown and Mr. Roepe stated there were 19 in Clarkstown and 29 in Orangetown.

Attorney Roepe explained to the Board that in order to service lots in the subdivision north of the Orangetown-Clarkstown Town Line, which were in Clarkstown, it would be necessary to form a Sewer District in the Town of Clarkstown so that a contract could be made with the Town of Orangetown to take care of sewage. He stated he had been before the Town Board of Orangetown and there was every reason to believe an extension of the Sewer District would go there in the Town of Orangetown.

Mr. Roepe then stated that Dr. Arno Cahn represented a Civic Association in the area and asked that Dr. Cahn be permitted to testify.

After being sworn by Supervisor Coyle, Dr. Cahn testified as follows upon questioning by Attorney Roepe:

Q: Will you state your name and address?

A: Arno Cahn, 72 East Allison Avenue, Pearl River.

Q: I show you the original petition with respect to the Clarkstown portion of Silver Birch Homes and ask if you are familiar with the recitals or statements in that petition?

A: I am.

Q: Will you also tell this Board whether you are an officer of a civic association, what the name is and what office you hold?

A: The name is Silver Birch Civic Association, Inc. and I am the President.

Q: Do you live in this area Dr. Cahn?

A: I do. I live in the Clarkstown portion.

Q: I ask you to examine the signatures on the petition and tell me whether your signature appears thereon?

A: My signature appears on the document.

Q: Can you tell me now whether the res of these signatures appearing on the petition constitute in assessed valuation more than 50% of all owners owning property in that area, which is indicated in that petition?

A: They do.

Q: And does that petition likewise contain the signatures of resident owners owning more than one-half of the property assessed to resident owners in that area?

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A: It does.

Q: Referring to this petition again, Doctor, is it your thinking that the properties included in this petition would be benefited by the creation of this proposed sewer district?

A: They would be, definitely.

Q: Are there any property owners not included in this area who would be benefited by this proposed sewer district?

A: No. There are not.

Q: In your opinion, would it serve the public interest or is it in the public interest for the Town Board of this town to create this sewer district?

A: It is, because we have a condition existing where there have been a number of septic tank failures and presumably this is only the beginning because we have only been there a short time. The condition could get worse.

Q: In addition to that, is this in line with an overall plan, including portions of areas in the town of Orangetown, to solve this problem?

A: Yes it is, because the septic tank problem exists not only in the Clarkstown area but also in the Orangetown area and sewage effluent knows no bounds other than the law of gravity.

Q: In any event, Doctor, your testimony is that this is part of an overall plan to take care of this problem in both Clarkstown and Orangetown?

A: That is right.

Q: You and your associates have, have they not, appeared before the Town Board of the Town of Orangetown to put the Orangetown portion of this in an extension of one of Orangetown's Sewer Districts?

A: Yes. In Orangetown Sewer District #3.

Supervisor Coyle mentioned that people within the proposed district would be assessed for the cost and that there would be an annual service charge and asked Dr. Cahn if this was understood by the people involved. Dr. Cahn stated the residents understood this.

Town Attorney pointed out that roads in the proposed sewer district had not yet been accepted as Town roads and Attorney Roepe stated they would be dedicated to Clarkstown and the developer would do whatever was necessary.

Supervisor Coyle then questioned Dr. Cahn and he answered as follows:

Q: Dr. Cahn, you feel the people in the area are competent financially to bear the burden of principal and interest and the annual charge for maintenance and operation of the proposed sewer district?

A: To the best of my knowledge, yes.

Supervisor Coyle then asked if anyone present wished to be heard in favor of or opposition to the petition. No one appeared.

On motion made by Mr. Henken, seconded by Mr. Jeffrey and unanimously carried, the hearing was closed and decision reserved.

Signed,

Mildred F. Nagai,
Town Clerk.

PUBLIC HEARING

June 10, 1958.

Town Clerk's Office

3:30 P. M.

Present: Messrs. Kenken,
Darko,
Jeffrey,
Weisman,
Coyle.

Supervisor Coyle opened the hearing.

The Clerk read notice of hearing to consider the application of Ellen Springer for a Zoning Change from an SC and RA-1 to an R-1 district.

Paul Levine, Esq. appeared for the petitioner and described the property and its location as being on the east side of West Clarkstown road in the Town of Clarkstown.

Supervisor Coyle read a letter from the Clarkstown Planning Board, dated May 7, 1958, recommending that application of Ellen Springer for a change of zoning to an R-1 district be granted. The letter was placed on file.

Paul Levine, 14 North Main Street, Spring Valley, New York, was sworn by Supervisor Coyle. Upon questioning by Town Attorney Johns, Mr. Levine testified as follows:

Q: This is the map of Property of Ellen Springer showing the area to be re-zoned. It consists of 27.54 acres. Is that so?

A: That is right.

Q: Would you show the Board the area in the present SC district?

A: Everything to the east of this line is in an RA-1 district and everything west and extending, by the old description, to the center line of West Clarkstown road is in the Summer Colony district as shown on survey prepared by Rockland-Bergen Surveyors.

Q: Where is water located in relation to this property?

A: Water lies in Eckerson road about 400 or 500 yards from Gerke Road. There is already gas and electricity along West Clarkstown Road and Gerke to the south.

Q: What School District is this property in?

A: What used to be R-7 in C, which is now designated as 13 on your School roll. Pupils are sent to Central School in Ramapo and taxed out of the Town of Ramapo. Your problem is no so much a question of taxation for schools as the strain on facilities and building special facilities to house schools. I have checked with the Clarkstown and Ramapo Schools and Dr. Hopf and it was confirmed that children in this area go to Ramapo Schools.

Q: Will you tell the Board the character of the neighborhood?

A: West Clarkstown Road south of Eckerson Road is under development by West Clark Homes; shortly west of this corner you have what is called Mallory Homes; this is essentially vacant area with the exception of the former Huntington homesteads and the Springer dwelling, which lies here; south of this is additional property along the road to the bend and summer colony residences owned by the Estate of Anna T. Sherwood; east going this way is the Joe Rose bungalow; south of that is the property of Gerke which is now under development; north of this area are areas which are split with some residence and summer colonies; back here is vacant land until you get to Burda Road and New City to the east.

Q: The entire parcel 27.54 acres, partly in an RA-1 and partly in an SC district is sought to be up-zoned to R-1?

A: That was our intention. It is the general plan to change the entire area and wipe out summer colonies along the road and keep it a residential area.

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Councilman Henken and Councilman Welchman asked if a contract had been entered into with the water company for getting water in the area, and Mr. Levine stated not as yet because if rezoning is granted, the petitioner would have to go before the planning board to ask for development. He added there should be no trouble getting water since it was so close to developments.

Mr. Welchman asked how many homes would be involved and Mr. Levine stated he did not know because the property had not yet been cut up. Mr. Jeffrey advised that there could not be more than 60 and Mr. Levine was of the opinion it would be less.

Q: Supervisor Coyle asked "Can you tell us, if we had a zone so called 1/2 acre, a 20,000 to 25,00 square foot area, whether people would be interested in that kind of change"?

A: I do not know. I have to deal with the facts I have here in the Springer request. If I felt the change sought would be detrimental, I would not have handles the petition.

Supervisor Coyle asked if anyone wished to be heard in favor of or opposition to the granting of the petition. No one appeared.

On motion made by Mr. Welchman, seconded by Mr. Donko and carried unanimously, the hearing was closed and decision reserved.

Signed,

Milred F. Magai,
Town Clerk.

Public Hearing

June 19, 1958.

Town Clerk's Office

9:00 P. M.

Present: Messrs. Benken,
Banko,
Jeffrey,
Welchman,
Coyle.

Supervisor John W. Coyle opened the hearing.

The Clerk read notice of hearing to consider the application of Max Siemens for a change of Zoning from an A-2 to a C-2 District.

John A. Mirabile, Esq. appeared before the Board in company with the petitioner.

Supervisor Coyle read to the Board a letter from the Planning Board, dated May 28, 1958, recommending that the application of Max Siemens for a zoning change to a C-2 district be given favorable consideration. He also read formal protest of the Palisades Interstate Park Commission, dated June 11, 1958. The letters were ordered filed.

Mr. Mirabile described the property and its location, stating it was surrounded on three sides by roads, as indicated on the survey. He stated on one side was the present access road, Route 304, which has a frontage of 297.16 feet; to the northeast was the Palisades Interest Parkway and that there was a ramp leading from the Parkway heading in a generally southwesterly direction, which connected with the New York State Thruway, so that on three sides there were highways. He added that there had recently been strong development in the neighborhood industrially speaking. He said even to the north in the Hamlet of Saranonia there was business on Route 304 and on the south the big Clarkstown Industrial Terminal and a new structure going up that was even closer, the footage between the Siemens property and the terminal and new building going up being about 2000 feet. Mr. Mirabile told the Board that Mr. Siemens was in the electrical contracting business and did mostly industrial work but also some residential work, that he formerly had offices in Spring Valley and found he needed larger quarters. He summarized by saying that he believed the property was about as suitable to a change as any particular property could be as it was bounded on three sides by highways and only on the south side by a residential neighborhood. Mr. Mirabile asked that the Board give full consideration to the application.

Supervisor Coyle then swore Mr. Max Siemens of West Clarkstown Road, Spring Valley and asked him to address the Board.

Mr. Siemens said "The property as of present is desirable for use as an electrical shop for both repair and maintenance of industrial equipment. Since the property is situated on three sides by State owned roads, I do not believe there will be any interference with any locations that are at the present time".

The Town Attorney then questioned Mr. Siemens, who testified as follows:

- Q: To get the geographical location, you stated your property was surrounded on three sides by State owned roads, is that correct?
- A: On one side is the Palisades Interstate Parkway, on another is Route 304 on another is the access road to the thruway, with residential property to the south.
- Q: Would you describe the nature of your business?
- A: The nature of the business is electrical contracting, repair and maintenance.
- Q: What does it necessitate your doing at this location?
- A: The repair of motors, repair of electrical equipment, storage of electrical material and having men working in the shop for these purposes.

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Mr. Mirabile then asked Mr. Siemens if there would be any dust, smoke or nuisances of any kind and he stated "There will be no dust, obnoxious odors or objectionable noises."

Town Attorney Johns then proceeded with the questioning:

Q: Would you indicate on the survey the approximate location of the house on this plot?

A: The house is about 72' north of the southerly boundary of the property line.

Q: How many feet from Route 304?

A: Approximately 50 feet.

Q: How far from the Palisades Interstate Parkway?

A: About 170 or 180 feet south of the most westerly point of the Palisades Interstate Parkway.

Q: That will taper off due to the alignment of the Parkway?

A: Yes. Because it is irregular.

Q: Is there anything contemplated around the grounds or around the exterior of the house in connection with your work?

A: No. Not at the present time.

Q: What about storage?

A: We have storage in the house at certain times already.

Q: Would you have storing in the yard?

A: We would have to store something in the yard like perhaps wire reels or other material that has to go back after use to its origin. We get a thousand or so feet of wire on a reel and until sent back to the manufacturer it would stand in the yard, sometimes 3 or 4 days or 3 or 4 months.

Q: There will be some material stored on the outside on the ground?

A: That is right. I would not call it material but housing of materials.

Q: Would you tell the Board, with respect to property to the west of 304, what the general neighborhood is?

A: Generally, on the westerly side of Route 304 is residential.

Attorney John A. Mirabile then asked how many houses there were on the westerly side of Route 304 in his locale and Mr. Siemens stated "On the westerly side as far as my property is fronting, we have two houses, that is on the opposite side of the road."

Mr. Jeffrey asked "As to the purpose you want to put this to, are you prohibited at the present time?"

A: I was told I could only store one truck in the yard and could not have any employees except one for process purposes. I will need more than one process employee, one in the shop as well.

Mr. Welchman asked "At the present time you are going to do most of the work in the house?"

A: Mr. Siemens answered "Yes".

Mr. Welchman asked "How many employees will you need!?"

A: At the outset we would need one for doing motor winding, one for general repairs - I would say about four employees.

The Town Attorney then continued the questioning:

Q: The Zoning Change you request, is that the zone that is necessary for you to carry on your business?

A: That is right.

Q: The zone you request is C-2. Have you determined whether the work you do could be performed in a C-1 district?

A: C-1 is a retail district - buying and selling - and we do work and no selling. It is similar to light manufacturing.

Supervisor Coyle asked if the board had any further questions and there were none.

The Supervisor then asked if anyone wished to be heard in favor of or opposition to the granting of the change.

Mr. Gerald Hutton, Route 304, Bardonia appeared and was sworn by Supervisor Coyle. He stated he was interested in this so-called C-2 and asked just what it included. The Town Attorney then explained the Table of General Use Regulations.

Mr. Hutton then stated that it would indicate from what the attorney said that this section was only 2000' from the Clarkstown Industrial Terminal. He stated it was a residential area in the hamlet about 7/10 of a mile and there was a residential section on each side of the road. Mr. Hutton said he was not against business or progress but did not favor spot zoning, that eventually this would probably be all business from the Hamlet of Bardonia to the Terminal but this was about five years ahead of time. He said as it was now it was residential and not a good location because it was on a ramp, in a 50 MPH speed zone and he had trouble now with getting his car out on the highway. Mr. Hutton told the Board his property was diagonally across the street to the south and it was 100% residential. He stated there was no access there, that there was a fence there and it was on a ramp to the Parkway Bridge and there was just a driveway. He added that from that point to the Industrial Terminal was more nearly 300' than 2000'. Mr. Hutton stated he was opposed to the granting of the petition on those grounds, stating further that perhaps property owners should be consulted and would be willing to have all business.

A: Supervisor Coyle then asked "Have you been in contact with other property owners adjacent to your property?"

A: I have talked to them but cannot answer that. I do not know.

Q: Mr. Renken asked "How many houses are there between where the Industrial Terminal is up to Bardonia's four corners?"

A: Ten on the west side of Route 304 and 5 on the east side. I do think eventually it will all be business but we are ahead five years. Business has to expand but not now.

Supervisor Coyle advised that it is very seldom that the Board initiates such changes but that rather, a group of residents comes to the Board asking for a change.

Mr. Renken stated that inasmuch as the property is on a State Highway it lends itself to industry but perhaps it was a little ahead of time.

Supervisor Coyle inquired whether anyone else wished to speak in favor of or opposition to granting the change.

Mr. William Brain, Route 304, Bardonia, appeared and after being sworn by the Supervisor, testified as follows:

I own property directly south of Siemens's property. I would like to know if it adversely affects me. I would like to know if Mr. Siemens has any plan of storing materials on that piece of ground which is connected with mine.

A: Mr. Siemens stated "We have no plans for any extension".

Mr. Brain stated he felt Mr. Siemens should be granted the change, that as far as business was concerned the area would be turned into business eventually and it is

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progressive in the respect that it is on a highway. He said he had property along-
 side of Mr. Siemens which could only be used for business. Mr. Brain stated a
 sale of his property to a church organization had fallen through because a change sought
 was rejected because it was felt a church should not be located there. He felt that if
 Mr. Siemens was granted a change he would have more chance to apply for a change in
 two to six months and have it granted.

Q: How much frontage on Route 304 does your property have? Mr. Boyle asked.

A: On Route 304 I have a frontage of 249' adjoining Mr. Siemens'

Q: Does the rear of your property go back to the Parkway? Mr. Renken asked.

A: Yes.

Mr. Renken then addressed Mr. Brain and said "You raised the question of storage in
 the side yard. If the change is granted to Mr. Siemens, he would be permitted to do
 anything in that zone which zoning allows him to do".

Mr. Brain then said "What I am concerned about is he does not have room for additional
 storage. If granted, would he be permitted to build there"?

Mr. Renken stated that Mr. Siemens could store on his property next to the house even
 though next to Mr. Brain's property.

Mr. Mirabile stated that the only restrictive law recited by the Palisades Interstate
 Park Commission's communication was the sign statute, which applies to all people within
 500' of the Parkway and that the change sought would not lessen the town's restrictions.
 He added that as far as the policy of the State is concerned, there was nothing in the
 statement that compelled the Board to deny the petition.

Mr. Hutton stated he did not want to create any hardship for Mr. Siemens but there
 were people dwelling on Route 304 in this area who owned property for many years, some
 fifty years, that Mr. Siemens bought the property five months ago knowing what it was
 zoned for.

Mr. Brain agreed with Mr. Hutton that when a man buys property in a residential
 zone he knows what to expect but that there was a farm and business just south of him
 and the area would eventually all be business and therefore he felt the change should
 be granted.

The Supervisor asked if anyone else desired to be heard. No one appeared.

On motion made by Mr. Danko, seconded by Mr. Jeffrey and unanimously carried,
 the hearing was closed and decision reserved.

Signed,

Mildred F. Magai,
 Town Clerk.

Public Hearing

June 13, 1958.

Town Clerk's Office

9:30 P.M.

Present: Messrs. Berken,
Danko,
Jeffrey,
Welchman,
Coyle.

Supervisor Coyle opened the hearing.

The Clerk read notice of hearing to consider objections to special assessment roll for the improvement of First Street, Nanuet.

Town Attorney Johns inquired if anyone was present to object to the assessments.

Donald Partridge, Esq. asked to see a copy of the assessment roll, whereupon the Town Attorney showed Mr. Partridge the roll which was filed in the Town Clerk's office on May 8, 1958.

The Town Attorney explained to Mr. Maier the corrections made to the assessment roll, in connection with property previously assessed to him at a previous hearing, which was actually owned by the State of New York. He explained that the People of the State of New York, when they own highway property, cannot be assessed because they are exempt.

Mr. Robert Maier appeared and stated it was rumored the State was going to sell their property and asked if individuals bought it would it be re-assessed.

The Town Attorney stated that under Town Law owners in the area can petition the Town Board to have a re-apportionment.

Mr. Partridge stated this was a re-hearing and in view of the fact that there was some misunderstanding at the first hearing he would like the record to show certain facts to clarify the matter. He said it would be simplest to enter two letters into the record; a letter dated April 13, 1958 from Mr. Johns to Mr. Maier and a letter dated April 21, 1958 from Mr. Partridge to Mr. Johns.

Mr. Partridge stated that it should be understood that should the State sell the property to an individual that the property should then be assessed to whomever would be the owner. At present it is exempt because of the fact that it is owned by the State. However, should the State sell, and they have indicated it will be for sale, at that time the assessment should be levied and adjoining owners should then be given proportionate relief.

The Supervisor advised that if that was the law at that time that is what will be done.

No one else wishing to be heard, on motion made by Mr. Jeffrey, seconded by Mr. Danko and unanimously carried, the hearing was close.

Signed,

Mildred F. Nagel,
Town Clerk.

HAA 918

June 13, 1958

9:45 P. M.

Town Clerk's Office

Present: Messrs. Henken,
Banko,
Jeffrey,
Weichman,
Coyle.

Supervisor Coyle opened the hearing.

The Clerk read notice of hearing to consider application of Alexander Olsen for a Zoning Change from an R0 to a C-2 district.

The Supervisor swore George Writer, Jr., Esq., 21 Fifth Avenue, Nyack, petitioner's attorney, who testified as follows:

The property sought to be rezoned is located on Route 59, Manuet, across the way from Nolan's Restaurant. The property is already zoned to a depth of 250' in a C-2 zone and the property to the back or south in an R0 zone. They are asking to extend the C-2 zone to include that portion now in an R0 district, for the reason that my clients wish to build a Howard Johnson Restaurant and motel in this area. The restaurant will be in the C-2 district and the re-zoning is needed for the motel. I indicate on this map where the motel units will be if re-zoned. This abuts the Thruway and is already in an R0 zone which could be used for light manufacturing.

Mr. Writer then stated that he would have Mr. Olsen and a Howard Johnson representative testify. He stated Mr. Olsen could best describe what they wanted to do because he was Franchise Operator for the Howard Johnson people, he had sketches with him and could show what the actual set-up is on this particular property.

Supervisor Coyle swore Mr. Alexander Olsen of 3900 Boulevard East, North Bergen, New Jersey, who, when questioned by Mr. Writer, testified as follows:

Q: You are the owner by fee title, lease or contract of the property which is the subject of this application?

A: Yes, sir.

Q: Are you the Franchise Operator for Howard Johnson Motor Lodges?

A: I am.

Q: Can you tell me where they are located?

A: There is one in Ridgefield Park, N. J., one in Fort Lee, N. J., one in Pennsylvania and one in New Brunswick, New Jersey.

Q: You are presently operating under a Howard Johnson franchise?

A: That is right.

Q: Have you prepared a plan for the development of this property as Franchise Operator for Howard Johnson?

A: What you have before you are two alternate plot plans which I submitted and I have here an artists conception of what is expected to be done as to motor lodge, gate house and administration building.

Supervisor Coyle then requested that Mr. Olsen display the art sketches to persons present at the meeting.

Mr. Writer then continued questioning as follows:

Q: You also have with you some typical room layouts and drawing showing what they would consist of?

A: I have here interior views of the office, administration building, gate house, furnishings, typical view of one of the rooms and typical floor layout of same. I also show

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you an alternate plan for a different layout of the buildings, but the first is preferable.

Mr. Writer then introduced Mr. Eugene J. Durgen, General Counsel for the Howard Johnson Company in Boston.

Supervisor Coyle then swore Eugene J. Durgen of 115 Highland Avenue, Wollaston, Mass., who testified as follows upon questioning by Mr. Writer:

Q: Are you connected with the Howard Johnson operations?

A: Yes. I am General Counsel to the Howard Johnson Company.

Q: Will you explain what is the relationship between so-called franchise builder and your operation?

A: On a project of this nature, we have satisfied as to form a lease with Mr. Olsen for a part of this area, upon which he is to build a restaurant to be leased to the Howard Johnson Company which will operate the restaurant. We also have a standard form of what we call a license agreement, in the nature of a franchise, and we have approved a franchise to Mr. Olsen to operate a motor lodge on this adjoining property.

Mr. Coyle asked Mr. Writer if, in the event a change is granted, other arrangements were pretty well set and he advised that they were.

Mr. Writer stated there now exists in this general zone all stores and business, on Route 59.

The Supervisor asked if anyone else wished to speak in favor of or in opposition to the granting of the change. No one appeared.

On motion made by Mr. Renken, seconded by Mr. Welton and carried, the hearing was closed.

Signed,

Milred F. Magai,
Town Clerk.

HAA 918

Town Clerk's Office

June 13, 1958

10:00 P. M.

Present: Messrs. Henken,
Danko,
Jeffrey,
Weissenman,
Coyle.

Supervisor Coyle opened the hearing.

The Clerk read notice of hearing to consider the application of Hamilton G. Fischer for a Zoning Change from an RA-1 to an R-1 district.

Edward G. Roepe, Esq. appeared on behalf of the petitioner and stated he would testify in the absence of Mr. Fischer, who was incapacitated due to illness.

Edward G. Roepe, Esq., Little Tor road, New City, was sworn by the Supervisor and testified as follows:

We are asking for a change from a 40,000 square foot zone to a 15,000 square foot zone. The property is on the south side of Bardonia Road in Bardonia. On the map submitted you will see that my client owns all except the parcel described as "Lee", which is included in the application. The parcel labeled "Smith", which he sold about a year ago, is excluded. Immediately to the west of the property there was a use district zone of RA-1X which was subsequently changed from RA-1X to an R-1 zone. Presently there are or there will be erected on the site 39 houses in a development known as Bardonia Park. We are immediately adjoining, to the east, Bardonia Park which is virtually completed. My client feels, since he immediately adjoins this property to the west, there is such a change of circumstances in Bardonia, that he would like to develop his own property and put it to a similar use. Mr. Roepe also stated his client's property was very near Route 304 and the new Bardonia school.

Upon questioning by Town Attorney, Johns, Mr. Roepe answered as follows:

Q: What is the acreage?

A: My petition does not show it but it can be roughed out by courses. I think possibly six or seven acres.

Q: Are there homes on the Lee and Fischer property?

A: There is a home on Lee, the original homestead and outbuildings on the Fischer property and a home on the property he sold to Smith. I feel somewhat at a disadvantage because my client is a very sick man and unable to be here but at a Town forum in January he was present and made certain comments on his own behalf.

Q: Do you feel you are prejudiced in any way because of Mr. Fischer not being here?

A: I don't think I want to say I would be prejudiced. I simply say I am at a disadvantage because my client is not here to speak on his own behalf but I think if he were here he would tell you substantially the same thing I tell you, that we think the area at the moment lends itself to be included in an R-1 district instead of a 40,000 square foot district for the reason there is a building development immediately adjacent.

Supervisor Coyle then read a letter from the Planning Board which stated they did not recommend the granting of the application of Hamilton G. Fischer for a zoning change, which bore date of May 7, 1958.

The Supervisor then inquired whether anyone wished to speak in favor of or opposition to the application.

Mrs. Elizabeth C. Lee of Bardonia road, Bardonia, appeared and after being sworn by

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Supervisor Coyle testified as follows:

I just wanted to say I would like the zoning to remain as it is.

Q: Supervisor Coyle asked if Mrs. Lee owned the property, he indicated on the map.

A: I do. Three acres on the road.

Attorney Roepe then addressed Mrs. Lee and said "May I ask you a question to get it on the record?"

A: Yes.

Q: You heard my comment?

A: Yes. I was quite startled at hearing it.

Q: Did Mr. Fischer discuss this with you prior to tonight?

A: I gave him no permission to use my name whatever.

Mr. Roepe then stated "All I can say is I am sorry, because the comment I made to this Board was something my client said to me. My client said it was discussed with Mrs. Lee and that it was perfectly acceptable to you and I assumed that was the fact. Mr Fischer never discussed this with you?"

A: No.

Councilman Benken then asked Mrs. Lee "How long have you had this property?"

A: We have been there about forty-five years, on the road.

Mr. Roepe then addressed the Town Board saying "Let me say to this Town Board that what I told you was the result of the conversations had with my client. If Mrs. Lee said Mr. Fischer never discussed it with her, I will accept her testimony but I am shocked".

Supervisor Coyle then asked if anyone else wished to be heard in favor of or opposition to granting the change.

Bernard Smith of Germonds Road, Bardonia appeared and after being sworn by the Supervisor testified as follows:

I purchased a piece of property from Mr. Fischer, shown as the "Smith" piece on the map, rather recently. I did not want to live in a development and found here an acre of acre zoning. On that basis I paid a premium price for land and built a valuable house on it. Should I be surrounded by 1/3 acre zoning its value will depreciate.

Frank Schwartz of Bardonia Road, Bardonia appeared, was sworn and testified as follows:

We have a house opposite Mr. Fischer, down a ways, have lived there 17 years and like zoning as is. I am very much opposed to the application for a change.

Mildred L. Davis, Bardonia Road, Bardonia, appeared, was sworn and testified as follows:

May I say that I do not think this will be accepted, but neighbors who could not come tonight wrote this note showing opposition by four neighbors, which I was asked to give to the Board. I own 3-1/2 acres on the north side of the road just to the east of Fischer and I oppose the change. I bought the property about 17 years ago.

Mr. Roepe asked "What was the property zoned at that time, one acre?"

A: Yes. That is what I understand.

Mr. Roepe stated he did not think it was zoned one acre at that time.

George Hall, south side of Bardonia Road, Bardonia, then appeared, was sworn and testified as follows:

I just purchased a parcel of about 1-3/4 acres for the same purchase as Mr. Smith. The property is about 600 feet east of Fischer's property on the south side of the road. It was purchased last August and I feel if Fischer's proposal would be accepted then each

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neighborhood down the line could apply for re-zoning and the place would be too populated. I oppose on the grounds it might change the neighborhood.

A. Joseph Overmeyer, Bardonia Road, Bardonia, next appeared, was sworn and testified as follows:

My property consists of about 1-1/2 acres and is next to Mr. Hall's. I have owned it about 12 years and I don't like to see zoning in the area go to down-zone plans. When the development was planned it was nearer the business district. I am wondering what will happen to our school. It is limited now for space and when Bardonia Park is occupied in September it will overload the school a bit. I am definitely against the change.

Mr. Roepe asked Mr. Overmeyer "Speaking of Bardonia Park, were you a resident of the area at the time of the Bardonia Park hearing? Did you object to it at that time?"

A: I was not there because I was not able to be there.

Harry Weiner, Bardonia Road, Bardonia, next appeared, was sworn and testified as follows:

I live directly opposite Joe Overmeyer. My property was bought about 8 years ago and I put considerable money into it because I wanted to live in a nice neighborhood. I feel the property would be depreciated if near a new development. Mr. Roepe stated Fischer's property is just adjacent to another development. If you let this builder come here, another will go there and eventually there is no nice neighborhood. I recall about a year ago Mr. Nemeroff was in here and requested 1/3 acre zoning and the Town was up in arms against him because they did not want the same thing to be mapped as in Whitewood Estates. I object because it will not do any good to the neighborhood or the Town. There is not enough room in the schools. The neighborhood should not be changed. I don't feel this should have any bearing on the matter because I have been sick too.

Mr. Roepe asked Mr. Weiner "You have been living around this area by your own testimony for some time?"

A: I said 7 or 8 years.

Q: Were you present when the application for Bardonia Park was heard?

A: No. I never heard of it. No notice was sent to me. I am opposed to re-zoning.

Miss Margaret Schwarz, Bardonia Road, Bardonia, testified as follows upon being sworn by the Supervisor:

I wish to oppose granting of the change. I live opposite Mrs. Lee and have lived there approximately 18 years.

Mr. Roepe asked Miss Schwarz "I take it you made no record appearance before the Zoning Board of Appeals when the Bardonia Park application was considered?"

A: Nobody was notified.

The Town Attorney stated the Bardonia Park application had never been before the Zoning Board of Appeals but was before the Planning Board and Town Board. Mr. Roepe then stated he would amend his statement to Planning Board rather than Zoning Board of Appeals.

On motion made by Mr. Benken, seconded by Mr. Danko and unanimously carried the hearing was closed and decision reserved.

Signed,

Mildred S. Nagai,
Town Clerk.

TOWN MEETING

Town Clerk's Office

June 13, 1958.

11:30 P. M.

Present: Messrs. Henken,
Banko,
Jeffrey,
Welchman,
Coyle.

Supervisor Coyle opened the meeting.

Mr. Jeffrey moved the following resolution:

WHEREAS, an assessment roll has been caused to be prepared by this Town Board for and in connection with a certain improvement consisting of the paving of FIRST STREET at Nanuet, in said Town, a portion thereof; which said roll was completed and filed in the office of the Town Clerk of said Town, on or about the 8th day of May, 1958; and

WHEREAS, due notice of the completion of said assessment roll and of the time and place when and where this board would meet to hear and consider any objections that might be made to said roll and for the purpose of reviewing, correcting and amending the same, was duly given by the Town Clerk by the publication of due notice thereof in the JOURNAL NEWS, a newspaper published at Nyack, in the County of Rockland, and the Town Board duly met at the time and place specified, and a hearing was duly had upon said assessment roll, now therefore, be it

RESOLVED, that said assessment roll be and it hereby is approved, affirmed and adopted by the Town Board, as proposed and filed on May 8, 1958 and it is further

RESOLVED, that the Town Clerk be instructed to annex to said assessment roll a warrant which shall be signed by the Supervisor and countersigned by the Town Clerk, commanding the Receiver of Taxes and Assessments to collect from the several persons named in said assessment roll, the sum or sums opposite their respective names, and to pay the same to the Supervisor of the Town.

Seconded by Mr. Banko.

On roll call, the vote was as follows:

AYES: Messrs. Henken, Danko, Jeffrey, Welchman, Coyle.

NAYES: None.

Mr. Renken moved the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 22nd day of May, 1958, provided for a public hearing on the 13th day of June, 1958 at 9:45 P. M., Eastern Daylight Saving Time, to consider the application of ALEXANDER OLSEN to amend the Building Zone Ordinance of the said Town by redistricting the property of the said petitioner from an R0 district to a C-2 district; and

WHEREAS, notice of said public hearing was duly published as required by law and said public hearing was duly held at the time and place specified in said notice;

NOW THEREFORE, be it resolved that the Building Zone Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting the following described property at or near Nanuet, New York, in said Town, from an R0 district to a C-2 district:

ALL that lot, piece or parcel of land located in Nanuet, Town of Clarkstown, County of Rockland and State of New York, more particularly described as follows:

BEGINNING at a point in the southeasterly line of the New York State Thruway taking, which point is the point of intersection of the westerly line of the present C-2 district and the southeasterly line of the New York State Thruway taking and which point is 270 feet more or less west, as measured along the southeasterly line of the New York State Thruway taking, from a concrete monument set in the intersection of the southeasterly side of the New York State Thruway taking and the southerly side of Route 59 (after new taking); running thence in a southeasterly

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direction and along the westerly side of the existing C-2 zone on a course of South 47 degrees 30 minutes East 180 feet more or less; and thence, still continuing along the westerly side of the existing C-2 zone, on a course of South 57 degrees 30 minutes East 128 feet more or less to lands now or formerly of Anderson; running thence approximately westerly along a straight line and through the existing R0 zone to a point on the west side of lands of Shukat, being the easterly side of lands now or formerly of Herman Weiner, which point is 355.33 feet from the northerly side of Old Nyack Turnpike as measured along the stone wall which represents the easterly line of said property now or formerly of Herman Weiner; thence along said land of Weiner North 0 degrees 18 minutes 30 seconds East 147.15 feet to a point in the southeasterly side of the New York State Thruway; thence along the southeasterly side of the New York State Thruway North 63 degrees 09 minutes 20 seconds East a distance of 30.61 feet to a concrete monument; thence still continuing along the southeasterly side of the New York State Thruway on a course of North 65 degrees 34 minutes 50 seconds East a distance of 38.80 feet to a concrete monument; thence still continuing along the southeasterly side of the New York State Thruway on a course of North 65 degrees 44 minutes 54 seconds East a distance of 185 feet more or less to the west side of the existing C-2 zone and the point or place of beginning.

Dated: June 13, 1958

MILDRED F. MAGAI
TOWN CLERK
TOWN OF CLARKSTOWN

EVERETT J. JOHNS
Town Attorney
Town of Clarkstown
40 Maple Avenue
New City, New York