

PUBLIC HEARING

June 6, 1959

Clarkstown Central High School Auditorium
Congers-New City Road,
New City, New York

9:30 A.M.

PRESENT: Messrs. John W. Coyle, Supervisor, -Everett J. Johns, Town Attorney
John H. Renken, Jr., Councilman -Mildred F. Magai, Town Clerk
Alastair D. Jeffrey, Councilman
Joseph Welchman, Councilman
Stephen Danko, Councilman

PRESENT: (For the Petitioners):

Jerome Trachtenberg, Esq. and
E. Alfred Festa, Esq., Counsel for Petitioner, and
Bernard G. Nemeroff, Esq.

Supervisor Coyle called the hearing to order.

The Town Clerk read Notice of Public Hearing to consider the application of THE DELLS, INC. for a Change of the Building Zone Ordinance by redistricting property of the applicant from:

PARCEL A- an RA-1 district to an R-1 district;
PARCEL B- An RA-1 district to an RO district;
PARCEL C- an RA-1 district to an LS district;

and

PARCEL D 1 and
PARCEL D 2 - an RA-1 district to an LO district;

MR. COYLE: Ladies and gentlemen, this, as you know, is a public hearing. It is not a court proceeding. It is being conducted so that the persons in favor and in opposition to these various proposed changes may have an opportunity to be heard by the Town Board. The information that will be produced publicly here today is for the purpose of assisting the Town Board in determining whether any or all of these proposed changes shall or shall not be granted.

We will begin the hearing by having the presentation of the applicant.

I would suggest that as we go along with the hearing, the persons who are called on to be given the privilege of the floor come here before this desk and talk so that the people who are present can hear them better and so that the stenographer can get the information down accurately.

I would also ask that there be no interruptions of persons who are speaking. You will have your opportunity when they finish, because it is impossible for the reporter to listen to cross conversations.

If you desire to address a question to anyone here, please address your question through the chair, not back and forth across the room.

Is there anyone who wishes to appear in favor of this application?

MR. JOHNS: Mr. Supervisor, first I would like to enter into the record the affidavit of publication in the official newspaper of the Notice of the Hearing. I also would like to enter into the record the posting affidavit of the notice as required by our zoning ordinance by the applicant.

MR. TRACHTENBERG: Mr. Coyle, my name is Jerome Trachtenberg, Nyack, New York, appearing for the petitioner.

I might enter on the record at this time Mr. E. Alfred Festa, of New City, is also appearing for the petitioner.

I would like to ask you, Mr. Supervisor, one question with regard to your opening statement. Do I understand that if there are any questions that we may desire to ask, that we can ask that of any witness or anyone who makes a statement?

MR. COYLE: Ask it through the Chair.

MR. TRACHTENBERG: Will that permit us a full inquiry into any phase that we deem necessary?

MR. COYLE: I would assume so, Mr. Trachtenberg, yes.

MR. TRACHTENBERG: Gentlemen, the petitioner, The Dells, Inc., is the owner of approximately 760 acres of land in this township. This tract of land is the largest parcel under one ownership in the township and is probably the largest parcel in the entire county.

In November of 1958, The Dells, Inc. filed a petition with this Board requesting changes in zoning in connection with a comprehensive plan of development. At that time the petitioner submitted a request that this application for a zoning change be referred to the County Planning Board for their consideration and study to determine if it is a good plan, because of its complexities.

In due course, this petition and its contents were submitted to the planning boards of both the town and the county. There was much discussion, study, and examination by the planning boards. In the meantime, this petitioner engaged the services of three experts:

One, Mr. Theodore T. McCroskey, a consulting engineer, recognized as one of the foremost authorities in regional and community planning, one who has spent upwards of thirty years in this type of work. He has acted as a consultant for many municipal bodies faced with planning problems. He has lectured and written much on the subject.

The second person is Mr. James Rice, an industrial development consultant, with years of experience in the development of office, industrial and commercial communities and who is recognized as an expert in the field.

The third person is Mr. Edward Barber, a civil engineer and land surveyor, with offices in New City. Mr. Barber is a lifetime resident of this community and he is thoroughly familiar with the land and the topography of this township.

With the assistance and guidance of these gentlemen, and as a result of the studies made by your petitioner and the planning boards, the petition originally submitted was amended, and such amended petition was filed with this Board in January of 1959.

The petition submitted is a comprehensive master plan for the development of this area. This petition requesting the various changes complies in general with the report submitted by the Town Planning Board of this town to this Town Board.

The Town Planning Board, in its study of the petition, had many discussions and conferences with many persons and other official bodies who were in any way interested. They also consulted with your petitioner and your petitioner's experts.

At various times there have been submitted to the Board surveys in color, giving the visible aspect of the proposed changes. We have two of them here now.

In discussing the contents of the petitions, it might be well if the Board will follow the supplemental brief. I believe members of the Board have copies of that. If not, we will supply them.

Those who are in the audience who are interested, copies of this brief have been published in all of the newspapers the other day and twice in one newspaper.

MR. JOHNS: I am sorry to interrupt you.

In connection with the supplemental brief, the petition as published is what is being heard today and not the supplemental brief, just to correct any understanding on that part.

MR. TRACHTENBERG: I understand that we are going by the petition, Mr. Johns, but we are submitting the supplemental brief as an adjunct, as you would in any hearing, for clarification, in case it is desired.

In my discussion of the matter, I would like the Board to refer to page two of this supplemental brief so that that it is easier to follow what I say.

I refer now to Subdivision 2 of the brief, the subdivision noted as B. It will be noted that the petition makes requests for several changes. The first is a change of approximately 235 acres to be zoned in the newly created district known as L-0. This area includes the existing Dellwood Country Club operation as it concerns its buildings and would provide for future expansion. The district is colored pink on the map.

The area in question is located on both sides of Zukor Road, 200 acres on the west side and 35 on the east side.

There has been much publicity given for the purpose for which the L-0 district was created and the manner in which it must be developed. We have been exploring the possibilities of developing such district. It must be self-evident that if we are willing to accept this highly restricted district for this area, which as Mr. Ward, our county planning director, states is an up-zoning, we have more than the potential prospects. We have the actual prospects evidenced by the great interest shown by national companies who are desirous of coming into a friendly area, with office buildings.

Many of these companies know of the facilities offered by this petitioner and many companies have used these facilities in the past.

If you gentlemen will refer to page 2 of this supplemental brief, you will see the names of some of these companies who have done so -- a company such as Western Electric, U. S. Steel, Socony Vacuum Oil Co., St. Regis Paper, New York Telephone, American Cyanamid, Lederle Laboratories, Columbia Carbon, All-State Insurance, and others of a similar type and kind, the kind that you and I would like to have in our community.

It is of paramount interest to this Board to know the need and the necessity for a L-0 zone. The development of an office part under the standards set forth in this L-0 district brings to our township the highest type of commercial

enterprise possible. It is the best medium for producing the tax rateable so sorely needed in our township. The restrictions set up guarantee the only kind of development that can produce the most tax rateables.

The petitioner being willing to accept this type of zone eliminates this area from any possible residential building. We all know, and we are all plagued -- and possibly you, gentlemen, are plagued more than anyone else -- with the tax problem and the need to find an answer that will solve it.

This L-0 district, and the potential that it has, can be developed, and is the only answer, or the very answer, to the tax problem. The L-0 zone that this petitioner envisions and desires to develop ultimately should produce about \$60,000,000 worth of tax rateables.

Mr. James Rice, who has been retained by the petitioner for the purpose of developing this area, has received inquiries from companies keenly interested in establishing themselves in our township. The L-0 district that we request will bring the better type of commercial development, create a labor market, and maintain the high standard of living that we all seek in this township. It will replace, in large measure, the present R-0 district established in the 1955 ordinance that so miserably failed in its objective.

Experience has shown that of some 400 acres already developed in the R-0 zone, 380 acres are all developed already with residential buildings.

The people of this community, in addition to being faced with the tax problem, are faced with a labor problem. There is a bad need for jobs for residents in this township. The surveys indicate that in this county there was a loss of 1350 workers in a short span of two years. That, gentlemen, is indicated in Mr. McCroskey's report originally submitted to the planning board of the township and will be found on page 5 of that report.

An added problem that is creeping into this picture is that of commuting. There is every indication that the railroad will curtail its services; that bus service is not adequate and overloaded; and many people must travel to distant points to earn their livelihood. More employment is needed in the local area. If we all agree that we would like to have the best and the highest type, the development of this L-0 district is the answer.

Finally, this area is probably the only one of sufficient size that would permit the development of the kind and type of that we are talking about.

The second change requested relates to an area from RA-1 to R-1, and it is colored yellow on the map.

In our amended petition we requested a change for an area of about 224 acres. We have again modified that request. If you gentlemen will refer to the top of page 3 of our supplemental brief, you will see that we have curtailed that request to about 120 acres. The area in question lies on the west side of Crum Creek.

MR. FESTA: It is on this side of Crum Creek (indicating).

MR. TRACTHENBERG: We now point out that on the east side of Crum Creek -- and that is the one adjacent to the pink area -- it remains in its present zone. So at this time we amend our petition further, limiting the area requested for R-1 to the west side of Crum Creek.

We request this change for several reasons. First, we deem it advisable to leave the east side of Crum Creek in its present zone, so that if more land is necessary for L-0 development, it will be available, and such request will be made at the proper time. On the other hand, should more land be necessary for R-1 then that request will be made at the proper time. The answer depends upon the future development.

However, referring to the 120 acres in our request for the R-1 zone, we wish to make this clear; there is no other zone in our present ordinance that would better fit this petitioner's needs. This zone is commonly referred to as the 1/3 acre housing. We don't want -- I repeat: we don't want -- and we don't intend -- and I repeat: we don't intend -- to build 1/3 acre houses. If you recall, when we submitted a plot plan of this proposed R-L zone, it was so engineered that it eliminated any concept of 1/3 acre housing.

That map that you see, gentlemen, is the original map that we submitted and contains the proposed R-1 district completely engineered. The R-1 district as therein shown consists of approximately 224 acres. The maximum number of plots shown on that plan is 370 acres. The average areas for those plots is 21,700 square feet. I emphasize that, because of the much talk made about the 1/3 acre housing.

In eliminating the area on the east side of Crum Creek, we have now limited our request to 120 acres. If you will refer to our brief, we therein state that the number of plots on this 120 acres is approximately 220. I hope that with that statement I have laid to rest once and for all this business of 1/3 acre housing.

One further comment. We have requested our engineer to lay out this plan in a certain way, and the answer is that there can be no more than approximately the 220 plots.

I know, and we all anticipate, that it will be argued that R-1 permits

P/H -- 6/6/59

three houses per acre. It will be argued that there are no safeguards or guarantees, and to quote a trite and worn out statement that we heard so much: "How can we trust the petitioner?"

Well, the answer is very simple. The development of this area as a subdivision must have the approval of the Town Planning Board. We are on record, and we again reiterate, our position as to the number of plots. We proposed before, and we again submit, that we are willing to provide a restrictive covenant to substantiate our position.

For a number of months, while this matter has been before the various boards, we have made our position quite clear as to the number of homes we are talking about: 370. We have it in our papers; we have it in our briefs; it has been published and given wide publicity in the press. And yet those of us who have read the Clarkstown Citizen must have seen a statement, a misstatement, of a fact, a false, and may I say a vicious, misstatement.

Our engineer, Mr. Barber, to whom we have given instructions about the engineering, advises us that the limit is 220 plots. He will explain that to you, if you gentlemen care to hear his statement.

The report of the Town Planning Board to your honorable body suggested that the R-1 was proposed to be developed to the extent of 20 percent. We have found from our studies that in order that this development be economically sound and that there be sufficient monies with which to carry on the development of the L-0 district, and particularly to provide the utilities and the sewerage plant necessary, it will require several hundreds of thousands of dollars, and a very minimum needed for this comprehensive master plan for R-1 development is the 120 acres.

I can't say anymore than that. The very fact that I stand here before you today and again tell you that we are cutting down that area is the very best indication of what our plan is and our intention.

This Board may be interested in knowing of a statement contained in the metropolitan papers this past Monday on June 1st. The Regional Planning Association in a report about a book being published, which will be one of ten volumes, states, among other things, the following:

"The drift of people from obsolete homes in run-down parts of New York and older cities to the suburbs will continue as will the movement to the suburbs of industries because of obsolescence of factories and other problems. The suburban housing boom will continue in order to take care of the expected population increase. New York City population will decline modestly in the next decade, but the population of the other 17 counties in the region may increase spectacularly by as much as 4,500,000 in the next 15 years, and by another 3,000,000 in the ten years following."

This is a study made by the Harvard University with funds supplied by the Rockefeller brothers and the Ford Foundation.

One thing we can be assured of is that there is going to be growth; but one thing that we must be sure of is that this growth is in the right direction.

The change number 3 that we request is for the three acres. That's three acres in the corner of Phillips Hill and Little Tor Road. That is designated by the black square. We ask that that be changed to R-0 district.

We are cognizant of the fact that you can build three houses per acre in R-0 also. But unfortunately that is all the ordinance provides for the purpose we have in mind. What we have in mind, as appears in our supplemental brief, is that we desire to construct a medical building that will serve that area.

If you refer to item 3 on page 3, it indicates it is for all types of doctors. There are four of them of various types.

The change of item 4 relates to the L-S district. That is indicated in brown. We originally requested 30 acres. Our planning expert, Mr. McCroskey, says that that is too much. It should be no more than 15. So we have amended it to 15. His statement appears on page 10 of the brief that was submitted to the Planning Board.

I have one comment with regard to one-acre zoning. 760 acres of one-acre zoning would permit a development of approximately 660 houses. I wish to point out that in requesting these change we are limiting ourselves this time to approximately 220 homes, with the possibility that if that area on the east side of Crum creek is needed, there can be no more added than 150 -- and that may not happen, because that may be developed for L-0.

That, gentlemen, in a few words, and in a very brief way, is my opening statement. We have available for you any information and individuals -- Mr. Nemeroff, Mr. Rice, Mr. Barber -- your questioning or the questioning of anybody here who so desires it. Unfortunately, Mr. McCroskey is not with us today. This is a day of great event for him. His son is being married and we couldn't get him here.

MR. EDWARD G. ROEPE: Mr. Coyle and gentlemen of the Town Board, I want to devote my testimony and my remarks to just that segment of the requested changes which is represented by the area in brown and which is sought to be changed from its present zoning to L-S.

Within the last few years this Town Board and predecessor town boards and

BBC442

citizens advisory committees and consultants suggested, and there was even enacted, a comprehensive, over-all zoning change to the then existing ordinance. As we all know, that over-all amendment was in the purview of a general comprehensive scheme or plan.

To me, and I think to a goodmany others, the term "general comprehensive scheme or plan" is not designed for a particular small or local area of the town; but if it is to be given its full implication, it must necessarily mean a general comprehensive scheme or plan which is good for the town as a whole. Since so much time and effort and study and consulting services were put into that revised zoning ordinance of 1955, which I say was a result of a general comprehensive scheme or plan, there does not seem to be -- unless there is an entirely different change of factors or conditions, which I do not think that the evidence here will show -- any necessity nor is there any particular reason for these wide zoning changes.

I reprresent the New City Businessmen's Association. During the course -- and Mr. Trachtenberg has indicated it -- of the hearings which were held by the various bodies with respect to this requested zoning change, there wasn't necessarily so a submission to the Planning Board of the Town of Clarkstown by Mr. Ward. In a consulting capacity, Mr. Ward is the Director of the Rockland County Planning Board.

I would like to ask Mr. Ward to briefly, if he will, come up here and be sworn and to give us his views as a result of his study made at the request of the Planning Board of the Town of Clarkstown with respect to that proposed change to L-S.

MR. COYLE: He will not be sworn. We are not swearing in witnesses.

MR. TRACHTENBERG: Mr. Coyle, I don't know whether the procedure suggested is proper or not. I think Mr. Ward has rendered his report. I don't know whether the request is a proper procedure. I would like to know whether Mr. Ward has been engaged by the New City Businessmen and in what capacity he speaks, if he is going to speak.

MR. ROEPE: Mr. Coyle, I would like to answer that by saying that Mr. Ward has been engaged by the taxpayers of Rockland County, and that part of his duties are to act in a consulting capacity, and perhaps it may be somewhat repetitious, and I am going to be brief with Mr. Ward, but I would like to have the statement made by Mr. Ward now as to his views with respect to the local shopping change requested. I think you gentlemen who are going to decide this should have the benefit of his testimony.

MR. TRACHTENBERG: There is a question in my mind as to whether the taxpayers of Clarkstown paid Mr. Ward as Mr. Roepe infers, as a town official.

MR. COYLE: It would appear Mr. Ward's report is with the Board, unless there is some particular point you wish to make beyond what is in his report. We feel we already have that information before us.

MR. ROEPE: I must bow to the ruling of the Board, geneltmen.

In that case, I have just a few representative businessmen I would like to call.

Mr. Yuda, Please.

MR. ALBERT SPIRO: Aren't the petitioner's views on file with the Board, too, as well as Mr. Ward's?

MR. COYLE: That is true.

MR. SPIRO: Is it not a public hearing? May we not hear Mr. Ward?

VOICES: We would like to hear Mr. Ward.

MR. SPIRO: May we not ask that Mr. Ward talk on the entire zone?

MR. ROEPE: May I off the record, as a matter of personal favor here, have Mr. Ward speak on the subject that I am concerned with and then let me put on my witnesses? This is the only part of this that I am interested in. I am sure that Mr. Ward can be recalled.

MR. COYLE: Mr. Ward, do you care to give your views on this matter in that fashion, or do you prefer to cover the subject that is mentioned?

MR. WARD: Either, Mr. Coyle. I think it might save reptition if I say first that the views that I expressed in this report of March 13th to the Planning Board are still my views. I have had no reason to change them.

If you would like to have me repeat them, I will be glad to do it.

MR. TRACHTENBERG: Mr. Coyle, in the interest of some orderly procedure, and as long as we are going to hear Mr. Ward and the folks here want to hear him, we will withdraw any objection to his speaking and let him sit down here comfortably and let Mr. Roepe ask him the questions that he desires.

J A M E S H. W A R D , called as a witness, testified as follows:

EXAMINATION BY MR. ROEPE:

Q You are the Rockland County Planning Director, are you not?

A I am.

Q In that capacity you made a study of the zoning changes requested by the petitioner in this proceeding?

A I did.

Q You made that study at the request of the Planning Board of the Town of Clarkstown?

A I did.

Q And that report is available to the gentlemen of the Town Board, is it not?

A I believe it is.

Q My client's interest is primarily with the change requested to the L-S district. I would like to ask if you can state briefly and comprehensively your views with respect to the requested change of the southeast corner of that property to L-S.

A I think the briefest fashion I can speak on this is to repeat or quote one paragraph from my report of March 13th. If I may, I will simply read it to you.

Q Please do.

A This refers, of course, to the petition in the terms of the petition that we are considering.

An area of 31 acres is proposed for L-S zoning for the future development of a shopping center. Admittedly, local shopping facilities should be provided for so large a residential development. This, however, is an area which would house a shopping center for a service area far beyond local needs. If the economy of the town is to be considered, the impact of a large shopping center in the established business center of New City is a serious matter, whether it be developed now or as proposed sometime in the future.

Further considerations are the location next to a school, the lack of easy access to the shopping area, and the lack of easy access from the proposed residential area to the west, separated, as it would be, from the proposed residential area and by the proposed laboratory office area, with access to the now controlled access Route 304, only at points about 1.7 and 1.3 miles distant. These points will be, I assume, on the controlled access road, at the crossing of Goble Road to the west and Congers Road to the south. It would lie in an isolated position.

This L-S district would seem to be, if not completely unnecessary or undesirable, at least far too large and poorly located.

Q Mr. Ward, if the facts are that the shopping area is now 15 acres, what weight would you give that in the light of the report that you made?

A I think it is still too large. As we classify roughly shopping centers in terms of regional shopping centers, which a 30 acre tract would accommodate; a community shopping center, which would be a much smaller one, or convenient shopping, which is the sort of thing we would look for in a development such as is proposed here, 15 acres is entirely too large.

What I mean by convenient shopping is the essential stores that people go to every day -- the grocery store, the drug store, perhaps, and one or two other. There is, as you know, an L-S district on which there is now a gas station one-quarter of a mile east on 304.

Q I think you mean south, don't you?

A East. This, I would think would be adequate.

MR. ROEPE: Thank you, Mr. Ward.

MR. TRACHTENBERG: May we have the privilege of asking a few questions?

THE WITNESS: Yes, sir.

EXAMINATION BY MR. TRACHTENBERG:

Q Mr. Ward, if you say 30 acres is too large and 15 acres is too large, what size acreage would you suggest?

A An acre or two would take care of it, Mr. Trachtenberg, and you have that over at 304.

BBC442

Q Assume that the petitioner has in mind to have an establishment such as Bonwit Teller and Stern Brothers located in the area. Would an acre or two be sufficient?

A Of course it would not.

Q What would be sufficient for that kind of enterprise, for a branch store?

A You have to have a sizeably larger number of acres, Mr. Trachtenberg. But what I have said is -- and this is the most important point I think I made in my report --

Q Mr. Ward, please.

A I am answering the question.

Q No, you are not.

MR. JOHNS: Let him finish.

MR. TRACHTENBERG: He is not answering the question.

(Inaudible comments from audience.)

MR. COYLE: Please. We are trying to keep this orderly. We are doing our best to have a complete hearing. It has to be decided up here, not by a group in the auditorium.

MR. TRACHTENBERG: My question is a very simple one.

THE WITNESS: I would think you would need eight to ten acres for a store of that type.

May I add something else?

Q Now tell them you don't think that is the spot you wanted to tell them before.

A I do.

Q Tell it.

A I do not think this is a spot for an L-S zone, for any kind of retail establishments, because of the point which I will make, if I may. As I said, I think it is the most important one, the effect on the business center of New City. Any relocation or any new location of a shopping center outside the center of New City is inevitably going to attract other uses, other retail or other commercial uses. Whether the first one is or is not a department store or a grocery store, the uses that will be attracted will, I think, inevitably damage the business center of New City.

Q Mr. Ward, is there a comprehensive plan of zoning for the Town of Clarkstown?

A There is. We have been enforcing it for the past three years, or four years.

Q Is there any comprehensive plans?

A It is a comprehensive plan in the sense that the present zoning map of the Town of Clarkstown was based on land use studies, land capacity studies, trends of development, existing population projections, which are the elements of any comprehensive plan. We are presently restudying that.

Q Wasn't it a breakdown of the plan when the R-0 failed?

A No, I would not call that the breakdown of the plan. The changes that came about as a result of the use of R-0 I don't think entirely were unenvisioned. The uses that were built into R-0 were residential and business. The fact that R-0 has been primarily used for residential uses up until now I don't think has thrown the economy of the town or the developmental trends out of kilter.

Q Would you agree that the R-0 district was designed to bring in independent industry?

A Not independent industry, no; business.

Q Business, all right. Would you agree that of the 400 acres developed in the Central School District, 380 are now in residences and 20 acres are in business?

A Of course I would agree. It is a fact.

MR. TRACHTENBERG: I will reserve further questioning for later on. I don't want to go beyond Mr. Roepe's scope of examination.

(Witness excused.)

VOICE: Could we have a chance to question Mr. Ward?

MR. COYLE: Yes. We will have Mr. Ward back later and go over the whole subject.

P/H/ -- 6/6/59 (THE DELLS)

M I C H A E L P. Y U D A was called as a witness and testified as follows:

EXAMINATION BY MR. ROEPE:

Q Mr. Yuda, you are a business man in the New City area, are you not?

A Yes.

Q Will you tell us, please, briefly, what type of establishment you have?

A I run a retail drug store.

Q And the location of that?

A South Main Street, New City.

Q Are you also a member of the New City Business Men's Association?

A I am.

Q You were former president of that Association?

A I was.

Q As a business man and as a member of the Business Men's Association, do you consider -- and I am making my remarks confined to the L-S -- that the requested change to L-S will be beneficial to the existing business center in New City?

A No.

MR. ROEPE: No further questions.

EXAMINATION BY ME. TRACHTENBERG:

Q Mr. Yuda, you are just confining the objection to the L-S change, is that right?

A Yes; according to his questions.

MR. ROEPE: Mr. Trachtenberg, I am only concerned with L-S.

MR. TRACHTENBERG: It is habit, Mr. Roepe.

MR. ROEPE: I said it.

Q Do you appear here on behalf of the New City business men?

A I am.

Q I suppose there was a resolution adopted?

A At our meeting. We had a committee appointed.

Q This committee adopted a resolution?

A We were authorized by the president to act as a committee in behalf of the business men.

Q But there was no formal resolution adopted?

A Not to my knowledge. I don't know if the secretary is here.

Q How many members does the New City Businessmen's association have?

A About 75 to 80.

Q At the meeting where the committee was appointed, how many attended?

A I would say about 35.

Q This committee consisted of how many people?

A Four.

Q These four people decided the whole thing for the whole association?

A Well, we are acting in behalf of the association.

MR. TRACHTENBERG: Thank you.

(Witness excused.)

MR. ROEPE: This is apt to be repetitious. I will ask these questions as briefly as I can.

F R E D E R I C K J O N E S, J R. Was called as a witness and testified as follows:

EXAMINATION BY MR. ROEPE:

Q Mr. Jones, you are also a business man in New City?

BBC442

P/h -- 6/6/59 (THE DELLS)

A Yes, I am.

Q What type of business do you operate and its location?

A Sporting goods business, on 22 Maple Avenue.

Q You are likewise a member of the New City Businessmen's Association?

A Right.

Q What are your views about the requested change to L-S of the area which is delineated on that map, Exhibit A?

A It is not warranted.

Q You oppose it?

A Yes, definitely.

MR. ROEPE: That's all.

EXAMINATION BY MR. TRACHTENBERG:

Q Mr. Jones, where is your business located?

A 22 Maple Avenue.

Q How long have you been established there?

A I have had the business for two years. The business has been established there for seven years, I believe.

Q Are you one of the members of the committee that decided this?

A I am not. I am unable to attend most of the meetings because of the particular fact that they are held evenings and I am open. I concur 100 percent with them.

Q Were you at the meeting when this question was discussed?

A No. I can assure you that the business men are 100 percent behind their committee.

Q If I produce one business man who was not, would you change your statement?

A No, I wouldn't. One business man can't change my statement. 100 percent.

Q You said 100 percent.

A That could be, but I am almost positive that every one would concur.

Q Making a positive statement is dangerous.

A Maybe, but I am certain.

Q You don't mean 100 percent are behind it. You think most of them are, is that right?

A Definitely most of them, yes.

Q Let me ask you this, Mr. Jones: Suppose a branch department store were opened up in this area. Would you have any objection to that?

A Would I?

Q Yes.

A Certainly I would. The competition that all the local business is getting now is not what it should be. There is a tremendous lot of cut-throat because they can buy entirely differently than we can. That is what the business area in New City depends on.

Q Do you believe the area will grow in population?

A Yes

Q And that there might be a possibility or a need for more retail establishments? Is that possible in, say, five years from now?

A Not in five years, I don't think.

Q Ten years?

A I have my doubts. I worked in New City for 20 years. I have lived in New City for 15 years. I know how it has grown and I have been in New City along time.

Q You are familiar with New City?

A Yes. I am familiar with its growth.

Q In how many years would you think there is a possibility for further retail establishments? What is your opinion?

A What type of retail establishments?

Q Retail; branch stores, specialty shops, department store branches.

A I personally don't think it should come until 15 or 20 years, because I don't think it is going to grow that fast.

Q You don't agree with the survey made by Harvard University, that we have this possibility of growth?

MR. ROEPE: He may not have even read the survey.

THE WITNESS: I didn't read it.

MR. TRACHTENBERG: I'M sorry. I thought you did. I thought you heard what I said.

THE WITNESS: I just came in a minute or two ago.

EXAMINATION BY MR. ROEPE:

Q. Your establishment is on Maple Avenue?

A Yes.

Q Maple Avenue is all zoned commercially, or business?

A Yes.

Q Is there plenty of room for expansion along Maple Avenue for business?

A Certainly.

Q If we have this rate of business growth, the present zoned area in New City will accommodate it, as far as we can tell now?

A Yes, definitely.

MR. ROEPE: Thank you.

(Witness excused)

MR. DUFFIELD: May I say something?

MR. COYLE: You can't have the floor at the moment.

MR. DUFFIELD: May I have it later?

MR. COYLE: Yes.

G. H. S C O T T was called as a witness and testified as follows:

EXAMINATION BY MR. ROEPE:

Q Mr. Scott, you have heard the previous testimony of these businessmen?

A Yes, sir.

Q You are a business man in New City?

A Yes, sir.

Q You are likewise a member of the NewCity Businessmen's Association?

A That is correct.

Q Do you oppose this application of the petitioner for an L-S zone in the area in which they propose to do it?

A I do, yes.

MR. ROEPE: Thank you.

EXAMINATION BY MR. TRACHTENBERG:

Q Mr. Scott, what is your business?

A Tree surgery.

Q Do you actually maintain an establishment in New City?

A We do, yes.

Q You have been there for a number of years?

A It is at 43 Second Street. Yes.

BRC442

Q Do you believe, Mr. Scott, that a branch department store in this area, say five years from now, would be detrimental to the business men or their association in New City?

A I do, yes, sir.

Q Do you believe that there is growth in the County?

A Yes, sir.

Q And that there will be need for more facilities as time goes on?

A I believe there will eventually, yes.

Q And there will be an expansion for the need of retail establishments?

A In years to come, I would say yes. May I also say that we feel if this L-S district should go through, what you are actually doing is starting a new village within two miles of New City, which we don't feel is good for New City.

Q Even if the L-S district is eliminated and this be just for office buildings and laboratories?

A The only thing we are against is the L-S district.

Q That is the only thing you oppose?

A The L-S district; not the offices.

Q And if the L-S district were eliminated, you would have no opposition to this application?

A That is very true.

MR. TRACHTENBERG: Thank you.
(Witness excused)

MR. ROEPE: My last witness is Mr. Moore.

J O S E P H H. M O O R E was called as a witness and testified as follows:

EXAMINATION BY MR. ROEPE:

Q Mr. Moore, you are a business man in New City?

A I am.

Q What type of business do you conduct?

A I run a retail hardware store known as New City Hardware, corner of Demarest Avenue and Main Street, number 40, to be specific.

Q That is right in the heart of the shopping area?

A That's right.

Q You are also a member of the New City Businessmen's Association, are you?

A I have been for about 11 or 12 years.

Q As a business man having a business in New City and as a member of the Businessmen's association, do you oppose the granting of the application for an L-S district that this petitioner seeks?

A Very strongly.

MR. ROEPE: Thank you.

EXAMINATION BY MR. TRACHTENBERG:

Q You don't oppose any part of the rest of the petition?

A No. The businessmen met and they decided that that was their bone of contention and that is what we are here for. We figured, as it was said before, it will create another town outside of New City.

Q Are you in favor of the rest of the application?

A I wouldn't say in entirety, because I haven't studied it carefully enough to get up and announce just what I think. But as far as we are concerned as business men, we are most concerned about the L-S zoning. We feel that where we have the established area, with plenty of chance for growth, if your people want to have a Stern's or anybody else come in, we have plenty of people here now. You know that. It is owned by your client. You can admit to that, I think.

MR. ROEPE: It is too bad we can't cross examine Mr. Trachtenberg.

THE WITNESS: We feel there is plenty of growth in town yet. If you

were to be closer in proximity to what we have now and established what we worked for over the years, we would go along wholeheartedly. But when you start to take another town and put it two miles away and water down our business, we don't like it.

Q That isn't just what you mean. You say you are just opposed to retail establishments.

A Yes.

Q When you say another town, you wouldn't consider an office or park a town?

A No.

MR. TRACHTENBERG: Thank you.
(Witness excused).

HUGO ROBUS, JR. was called as a witness and testified as follows:

Mr. Supervisor and gentlemen of the Board, I am here to represent the Clarkstown Central Schools.

During the ten year history of the Clarkstown Central School District No. 1, your Board of Education has maintained an alert and interested position in the numerous problems of the Town Board and its Planning Board. Frequent appearances of School Board representatives before these arms of our town government have been made with an attitude of constructive assistance and have attested to our deep concern with community problems. This concern stems from the clear realization that the future of our school system is closely tied to the town itself, and further, that our growth and the development of our education program will be to a very large extent dependent wholly upon the manner in which our town zoning law is administered.

Today we have before us a petition requesting zoning changes of such a description that the School Board has authorized me to place before you statistics showing our present and projected population problems. It is our hope that these statistics will be of assistance to you and that they will take their proper place in your deliberations

Our annual school census, which is taken each August, presents a dramatic picture of the continuing growth of the Clarkstown Central School District. This census, which is mandated by law, reports the number of minors from birth through 17 years of age living in the School District each year. A quick glimpse at the totals for the past five years reveals a population that has almost doubled in size.

In August of 1954 there were, in round numbers, 3200 minors in the district. In August of 1958 there were 5950, a growth in four years of more than 2700, or approximately 84 percent.

Another look at the totals reveals a striking feature about this growth. The rate of growth is not uniform, but is actually accelerating. The percent of increase for 1955 was 9 percent; for 1956, 15 percent; for 1957, 19 1/2 percent; for 1958, 23 1/2 percent. The percent of increase over the previous year is getting larger each year.

An interesting cross section view of the population can be obtained by examining the three-year old group during each of these years. In 1954 there were 194 three-year olds; in 1958, there were 451, a growth of 257, or 132 percent.

This segment of our pre-school population, the three-year olds, has been growing twice as fast as our total group, birth through 17 years. By computing the average annual rate of growth, a prediction of the number of three-year olds in the immediate future is obtained. This method of projecting growth is based on the premise that the average yearly rate of growth for the past years will continue for the years ahead.

Using this method, which is surely a conservative one, we arrive at an estimated total of 558 three-year olds in 1959 and 690 in 1960.

These totals are not designed to take into account anything other than the expected normal growth of our town under existing zoning.

To give you a picture of our school space, I should like to offer the following for your information:

At present, and for the next 12 months, we will have space for a total of 3540 children in our building. Our estimated enrollment for the 1959-60 school year is 4454.

As a result of this, the junior and senior high school children will be on double sessions for the coming year.. This, of course, creates an unavoidable educational penalty, which we must strive to keep to a minimum, plus other problems connected with home routines, transportation, and so on.

In addition to this it will be necessary to displace whole classes of children from one school to another in order to make the most efficient use of our buildings so that we can keep the elementary schools in single session.

By the year 1960-61, we will have expanded our capacity to a total of 5790, with a projected enrollment of 5106, which means that we will be able to confine our population conformably for that year.

However, when the 1961-62 school year arrives, our projected enrollment is 5806, meaning that one year after our present building program is completed, we will

again be overcrowded.

Again these totals are not designed to take into account anything other than the expected normal growth of our town under existing zoning. This School Board realizes that the present zoning ordinance, adopted less than four years ago, provided for the orderly growth of our district, and we have no issue to take with the building and educational requirements which that plan imposes upon us.

It is quite obvious that in the not too distant future we will find it necessary to embark upon another building program in order to stay abreast of the expected normal growth. This new project will probably encompass a second junior high school, major additions to this building, and at least one new elementary school.

The Board of Education has been gradually developing a fine teaching staff, and the curriculum of basic education to meet modern needs. Much of this educational progress would be lost unless our community development is handled with extreme care and great wisdom.

As to the amended petition before us today, it is obvious, from foregoing statistics, that such a large residential development would impose acute additional problems and would necessitate the construction of a new school almost solely for the purpose of educating the children from that development alone.

While it is true that under our present emergency conditions such a school could be built at no direct expense to local taxpayers, providing it were authorized by a two-thirds vote at the school election, we, the taxpayers, would foot the bill for operating it year after year.

Our present \$2,906,000 budget can be broken down to show that over 75 percent of that total is spent for operating our schools. Roughly speaking, it costs us, the taxpayers, \$420 on the average in direct taxation to send a child to our school for a year. The total cost for such education, including State aid, is \$630, in round figures.

At this point I would like to remind you that the reason we received an emergency building quota from the State is that we are right now considered to be an emergency district, by reason of our relatively low, true value, the resulting high tax rate, and our rapid growth.

I haven't mentioned tax rates and the impact upon them which this project might have, simply because such figures are influenced by so many variables. However, this School Board is aware of the many different types of taxpayers who make up our population in Clarkstown and has sympathy and understanding for those, among others, who have low incomes, or whose incomes are fixed by pensions or social security.

In the past we have done our level best to keep expenses down without lowering our educational goals. This has not been easy to do, even under our anticipated growth, and it would be infinitely more difficult under conditions aggravated by a large development such as under consideration today.

I should like to close by commenting briefly on two other sections of this petition which are of some concern to us. The first is the one requesting permission for a local shopping district near the existing Street Elementary School. The School Board feels strongly that to grant such a request would be to create many unnecessary problems of traffic, safety, and so on.

As to the laboratory office district proposed by the petitioner, it has always been the attitude of the School Board that reasonable methods for broadening the tax base for our school district and town are desirable. It is our earnest hope that any such re-zoning be done in accordance with a town-wide master plan and that such a plan be conceived and developed with wisdom and vision so as to attract top flight industry to appropriate locations in our developing community.

Thank you. That is my statement.

MR. JOHNS: Are there any questions from the Board?

MR. RENKEN: I will withhold my questions until after Mr. Trachtenberg asks his.

EXAMINATION BY MR. TRACHTENBERG:

Q Mr. Robus, I assume, from what you say, that if the 760 acres were developed with a possible 660 homes, it would only aggravate the condition you speak of; is that right?

A I don't quite follow you.

Q You talk about this rapid growth.

A Yes.

Q I assume, from what you say, that if the 760 acres involved here or owned by this petitioner were developed into one acre homes, which would approximate 660 homes, it would only aggravate the thing you talk about.

P/H - 6/6/59 - (THE DELLS)

A Such a development happening all at once certainly would aggravate a situation in the town.

Q So that if part of the area were sterilized against homes, it would help?

A Well, "sterilized," I don't know.

Q Do you want me to explain?

A No., I know what you mean. Any area within our town which is used according to a town-wide plan, as far as we are concerned, is a proper use. If such a town-wide plan calls for a large tract with no houses, that certainly is in accordance with our hopes.

Q Then I take it you have no objection to the L-0 district?

A This is something that the School Board discussed at some length. The statement that I made at the end of my paper I think generally reflects our views. We are not, I think, competent to judge whether this is an appropriate area for a L-0 district. But as I said before, the School Board does hope for more industry in the town to help us pay our taxes.

Q And you believe that an L-0 district would help the township that way?

A There is no question but that an L-0 district in an appropriate area will help.

Q You are not prepared to say what an appropriate area is?

A No, we are not. We are not experts in that particular field.

MR. TRACHTENBERG: Thank you.

MR. RENKEN: He has answered my question.

(Witness excused)

MR. GREER: My name is William J. Greer. I am an attorney with Kent, Hazard, Jaeger and Beisheim, in White Plains, New York.

MR. TRACHTENBERG: Mr. Greer, I understand you come from White Plains, New York.

MR. GREER: Yes, that is correct.

MR. TRACHTENBERG: Who do you represent?

MR. GREER: I am an attorney appearing for the North Clarkstown Civic Association in opposition to the re-zoning petition filed by The Dells, Inc.

MR. TRACHTENBERG: Have you filed any papers, or are you going to?

MR. GREER: Yes.

MR. TRACHTENBERG: May I have a copy?

MR. GREER: I do not have copies of these papers which I am about to file.

MR. TRACHTENBERG: Do you have copies of our papers, Mr. Greer?

MR. GREER: No, I do not. I obtained from the Town Clerk a copy of the amended petition. That is the only paper which I received from you.

MR. TRACHTENBERG: You have seen our other papers, though?

MR. GREER: I have seen them in the Town Clerk's office. All the papers filed with the Town Clerk, I have seen.

I now turn in five sheets of protests filed by adjoining owners in connection with Section 265 of the Town Law.

MR. TRACHTENBERG: What are these papers?

MR. GREER: I am handing in protests signed in opposition to the application of the petitioner, signed by residential owners in the area but who are not adjoining owners.

MR. WELCHMAN: How many names are there on that petition?

MR. GREER: I am informed there are 152.

MR. TRACHTENBERG: Will I have an opportunity to comment when Mr. Greer is finished?

MR. COYLE: Yes.

MR. GREER: I also have prepared a memorandum of law and argument in connection with this which I have tried to keep as brief as possible and just outlining

the points of opposition. I would like to file that with the Town Clerk.

At the beginning, I would like to ask Mr. Ward a few questions at this time to bring out one or two points which I believe were not quite covered the original time he was up here. If he would come forward, I think it would save some time.

J A M E S H. W A R D was recalled as a witness and testified further as follows:

EXAMINATION BY MR. GREER:

Q Mr. Ward, I am directing your attention now to the proposed L-0 rezoning amendment. I would like to ask you to explain your views on the accessibility of this site for the proposed developments as it now stands at 235 acres instead of the 545 acres mentioned before.

A I don't think the difference in size really makes any difference, because it is still in the same location. As to accessibility, the proposed L-0 district is accessible by the present Route 304 from the south and from the east, by Little Tor Road to the west and running north and south, and by South Mountain Road by way of Zuckor Road or Little Tor Road. None of these three is an adequate route. Little Tor is fairly wide, and we know it is going to be widened north of Hempstead Road; but south of that, running toward 59, I would say it is a completely inadequate route to serve any great volume of traffic; South Mountain Road likewise. Route 304, on the other hand, we expect will be in the next few years -- when, we don't know -- relocated, which would mean, I assume, that the present 304, from a point, we will say, at the crossing of the Parkway in Bardonia up to and including Little Clove, would be released or returned to either the County or the Town for maintenance and improvement. I am repeating myself on all of this.

The new Route 304 is expected to be a controlled access road, which would mean that in terms of the present road system in the area, the points of access would be at Goebel Road on the east -- I think I said west a little while ago when I was talking -- and at Congers or Lake Road on the south. If I remember correctly, the Goebel Road intersection would be about 1.3 miles distant and the Congers Lake Road intersection 1.7, or one and three-quarter miles.

Q In connection with your studies as the Planning Director of the County of Rockland, what have your studies shown with respect to the desires, needs and interests of industry with respect to choosing sites for business offices? What are their demands? What have you found out in that respect?

A I can't speak much about business offices alone, but I can about industry including business. I can't break them apart.

Over the past year and a half, which is the length of time I have been here now, I have been working or the County Planning Board has been working, very closely with the Rockland County Industrial Development Commission. They have been very successful in interesting industry to look at land in Rockland County. We have had one or two come in already, one as recently as last week or perhaps two weeks ago, or it was at that time that their coming was announced.

We all know that it takes an awfully long time to persuade an industry to make up its mind to locate in an area. It may well be that many of these interests are showing some faint interest now, or some very real or some very warm interest will be coming soon, or we hope soon. We know also that we have a large amount of industrial land available in the county now, some 630 acres of available, buildable, or developable land. We also know that in addition to those 630 acres of available and developable land there are some 300 more, which are either not so good or are not good at all.

In our R-0 land, which would be the business office and residential land, of which so much has been used already for residential purposes, there are still some 600 acres available and developable and considerably less, about 100, which are either not good or not as good.

Q As to these parcels of land, in the reading of the McCroskey report, he indicated there was no lack of suitable land for business development in the Town of Clarkstown with which to aid in the tax burdens that are upon the residential property owners. Is that correct?

A Did you say there is no lack or there is no lack?

Q He said there was a lack of available land because most of the land so zoned is swampy or unusable for that purpose. I believe I am stating correctly what he said. Do you agree with that?

A I think I have answered that already, that there are in R-0, which is the business offices or residences, as I said. There are some 600 acres, more or less, that are available and developable.

Q In attracting industries, have there been any indications as to how close they like to be to arterial highways?

A I have heard -- I must say that -- that initially they are interested in land that is within five miles of the Nyack Bridge.

Q What do you ascribe that to, the reason for that?

A Well, accessibility, highways, transportation, and so forth.

Q In connection with the present petition for the use that is now being required under the regulations as they now exist and the facilities as they now exist, do you recommend in favor or against the present L-0 rezoning, as it now stands?

A This again is repetitious. In terms of accessibility, and I believe one of my original considerations, too, is topography, which is a lesser one, I felt that at the time this was not. I thought that it might be, but we are in no position at the moment, when we are in the process of developing the comprehensive plan for the town, to make a definite recommendation on that. We feel that the L-0 district is an awfully poor one for Clarkstown, properly located. We feel that all the towns in the county should consider L-0, as Stony Point, in fact, is now; but that the location of it is a thing that should be carefully considered and that it should be located where located, and at the request of its owner or developer, only in terms of a comprehensive plan.

Q In terms of a comprehensive plan, does that include accessibility, its relationship to other surrounding land around it?

A of course.

Q With respect to the availability of residential land on one-third acre, do you consider the application for rezoning the one-third acre or down to R-1 on this particular parcel a good thing or not a good thing?

A I am concerned with two things. In terms of the residential land there are presently available RA-1X land, which I am assuming will eventually be rezoned to the 15,000 square foot lots, and R-1 land, which is 15,000 square foot lots. On RA-1-X there are 2,800 acres approximately, and in R-1 2,700, or a total of 5,500 acres in the town presently undeveloped in acreage that could accommodate, under RA-1X or R-1, one-third of an acre homes. We think that is pretty adequate.

Q You believe that is presently adequate?

A Yes, sir.

Q In connection with this re-zoning, what is your feeling concerning its impact upon the present and existing zoning ordinances that we now have?

A That was the second factor that I didn't mention just now.

I am concerned with the precedent that it will establish for the other areas around which are presently zoned for one-third acre homes. The zoning map for the town was carefully drawn up with several considerations in mind:

First, to provide an orderly pattern of growth, what you might call a ripple pattern, with the higher densities in the center and the lesser densities spreading out from the center of the town. This would achieve a sizable economy and the extension of services and facilities, and the growth itself would be a gradual one out from the center.

This, I think, is probably the most important consideration, and it would also prevent the spot growth of other areas. I will take back that term "spot growth"; the scattered growth of high density areas. I would think it best that the highest density be in one area and that the density diminish from that point.

Q In other words, in looking at the proposed rezoning to R-1 of this particular parcel and surrounding, as it does, with the one-acre zoning, it would in your opinion, then, tend to break down the one-acre zoning as it now exists in that section of the town?

A I think it would almost certainly establish a precedent for that.

Q And make it difficult if any adjoining owner should attempt to seek, either by legal action or otherwise, the same or similar equal treatment that was given to the petitioner?

A I am not an attorney --

MR. JOHNS: It is a legal conclusion, I think, Mr. Greer.

MR. GREER: I will withdraw that, then. I think it is a fair comment.

Q Concerning the R-0 request down in the lower left-hand corner of the parcel, what are your feelings concerning that?

A I simply wonder at the necessity for it -- not for the necessity of the use itself, but the need for the change in zone to achieve it. I believe that under the special permit uses in both RA and RA-1 that such a use would be possible. We know that it permits hospitals, convalescent homes, nursing homes, which I think could include clinical offices or medical centers.

MR. GREER: That concludes my questioning of Mr. Ward.

I would like to make some further remarks after the cross examination is

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finished, if I might.

EXAMINATION BY MR. TRACHTENBERG:

Q Mr. Ward, I would like to come back to the question of the roads which you touched upon. Am I wrong in the conclusion that I gather from your statement, that you build the roads first and then develop?

A No. You build them when you need them.

Q So that if there has to be something done with these roads because of development, it is generally done, isn't it?

A Say that again.

MR. TRACHTENBERG: Read it back.

(The question was read by the reporter.)

THE WITNESS: Yes, I think that is right.

Q So that this business that you talk about roads being not adequate at this time is academic; that takes care of itself as development grows; isn't that true?

A Taking care of itself, though, Mr. Trachtenberg, involves a considerable expense, when it might mean, for instance, the widening of present 304 from two lanes to four lanes to accommodate the traffic that a laboratory office district might well generate.

Q Mr. Ward, you don't answer my question.

A I will say whether it is done now or five years from now, the cost is going to be there. The cost five years from now will be even greater than it is today.

Q Isn't the cost there always with everything that is developed, whether it be the police department, the highways, or any other utilities or services that are rendered?

A I will agree that that is a very sad fact.

Q Do you think that because of cost, communities don't grow? Is that what you are trying to tell us?

A I think that the implications of the cost of any development should be carefully balanced and considered.

Q If there were a necessity at the present time to widen Main Street in New City, would you say it should not be done because of the cost?

A No, of course not; but if I were locating a new zoning district that would require an additional road improvement, I would give it a second thought, and I would prefer to put it in a location that would not have that requirement.

Q Isn't it also true that as you have development you have rateables on your tax roll?

A You do.

Q Isn't that a source of revenue from which we pay for these costs, whether it be school or anything else?

A Of course you do; but the rateables vary.

Q Of course they do. Would you say the rateables for commercial is far better or more of advantage to the township than for residences?

A But you must also admit --

Q answer my question.

A Why, of course; but you must also admit that people are going to be needed to work in these places.

Q Of course. Do you wish to deny people the opportunity to work?

A No, of course I don't. But I would ask the question, too, that assuming or simply admitting --

Q Mr. Ward, I will ask the questions, if you don't mind.

A Then I will make the statement, then, that we must assume, because it is a fact, that the rateables for industry and commercial uses are greater than they are for residential uses. We consider, as a kind of rule of thumb, that industry may well show a profit, or will show a profit, in terms of rateables, that business at least pays its own way; but we also know that residences as a rule do not; that the establishment of industry providing new jobs, and so forth, which of course is a good thing for any community, also necessitates the building of homes, which on their part show a loss to the town in terms of rateables. These are the things that we should balance off, not simply say no to industry,

but to decide what the industry shall be, in what terms, and what the final balance sheet is going to show for the town.

Q Mr. Ward, you have lost me, because now I am coming to the conclusion that people should not have homes to live in because of that situation.

MR. JOHNS: Mr. Trachtenberg, ask the questions you want to. That is a statement that you are making.

MR. WILLIAM JUSTICE: As a matter of general privilege, I understand this is a hearing and not a trial. I am wondering if it might not be conducted a little bit more on the part of Mr. Trachtenberg in that spirit.

MR. COYLE: Mr. Justice, Mr. Ward went ahead and made the statement he wished. He has the right to make all statements he wishes. No one is stopping him.

MR. JUSTICE: That was for the benefit of Mr. Trachtenberg.

MR. TRACHTENBERG: Does Mr. Justice want me to keep quiet?

MR. JUSTICE: I would like for you to keep your tempo.

MR. TRACHTENBERG: Mr. Justice --

MR. COYLE: Mr. Trachtenberg and Mr. Justice, let me conduct this meeting, and proceed with the hearing.

Q I gather, from what you say, that your primary objection to the L-0 district being established in this area is because of accessibility and topography?

A No. That is not the most important reason to me. Speaking as a professional man, or more specifically as a planner in the employ of the Town of Clarkstown as I am in the other four towns in the county, one other reason I think is much more important, and that is the reason that I also made in this report of two months ago. If you like, I will repeat it. It is based on the principle of planning, on just one of them. May I read it?

Q Tell me what page it is and I will see.

A Page 6, but I don't think you have the same copy I have.

Q Go Ahead.

MR. COYLE: Go ahead, Mr. Ward.

THE WITNESS: I said it has been stated that the purpose of the proposed zoning amendments is to effectuate a comprehensive plan for the development of this tract. The development plan is itself a comprehensive plan. This is a misuse of the term. We have seen a development plan for a residential, commercial and subdivision; not a comprehensive plan. A comprehensive plan must consider all the factors and elements that together comprise the body of a community, respecting, as well, the character of the contiguous communities. The proposed amendments make possible the development desired by an individual property owner. This is not planning, but expedience. If we can assume that planning is an accepted governmental function in Rockland County, this proposal, based on no comprehensive planning considerations, completely negates the very reason for existence of the various town and county planning agencies as well as the purpose of the current comprehensive studies in which the County, State and Federal governments have made large investments. That is my basic reason.

Q The L-0 district that we speak about, in your opinion, is an up-zoning; isn't it? You so stated at one time.

A I have so stated; but the L-0 district that I described as up-zoning is not entirely the L-0 district that we have. In one item I think it should be more restricted than it is.

Q But generally?

A Generally speaking, I think it is a very good district.

Q Would you say it was a better district than the R-0 district that we have?

A Yes, I think so.

Q There is a limitation as to area in the L-0 district, isn't that true?

A There is.

Q That is ten acres, as I remember?

A Yes.

Q On this R-0 district, I believe you made a survey which resulted in finding that there were some 400 acres already developed in the R-0 district.

A I think you are right. I will have to check my figures. I will accept that figure, Mr. Trachtenberg. I can't find my note on that.

BBC442

P/H -- 6/6/59 -- (THE DELLS)

Q I am told that figure comes from your office.

A I have it.

There are presently -- this was as of three months ago -- 550 acres of R-0 land built up, 597 -- call it 600 -- vacant but buildable, and 95 and a fraction that are vacant and difficult.

Q Of the 550 built in an area that was set up for the purpose of bringing in industry, for that purpose, how many acres are actually developed for industry?

A Not industry, but business.

Q Business, I am sorry.

A 20.

Q And the rest are developed for homes, I take it?

A That is true.

Q With that experience and that kind of development, would it be your opinion that the R-0 district does not serve the purpose for which it was envisioned?

A I think so, yes.

Q And that a change is necessary?

A Change?

Q. A change for a different type of district.

A Which we have in L-0.

Q I think you made a survey of the 600 acres that have not been developed. Do you have those figures with you in this R-0 district?

A We are still talking about R-0?

A Yes.

A Yes.

Q Can you tell us the size of the largest parcel in acreage?

A 98 and a fraction.

Q Is that one owner?

A I don't have the answer to that Mr. Trachtenberg. I can't tell you offhand.

Q What is the size of the next largest?

A 90½.

Q Do you know whether that is one owner?

A I can't give you the ownership on any of these. These are, if not in one owner, contiguous or abutting within a single district.

Q Now we have about 200 acres, Mr. Ward, or one-third of the 600 remaining R-0 acreage; is that correct?

A Yes.

Q What is the next largest lot size?

A 72.

Q And then it graduates downward?

A 69.

Q What is the smallest one?

A About 6½.

Q In our discussions, Mr. Ward, you have some idea of the type of office building or laboratory we desire to bring into the community?

A I do.

Q Would 6½ acres be desirable plot for that type of commercial enterprise?

A It would not, but we only have three R-0 acreages smaller than the ten that is proposed in L-0 now. All the others are larger -- larger ranging from 16 acres up to 98, which is the largest.

Q But the three or the four largest parcels, of which we don't know whether there is one ownership or more than one ownership, graduate from 69 up to 98?

A Yes.

Q Are these parcels all in desirable locations insofar as the type of commercial enterprise that we speak of, bearing in mind the enterprises we speak of desire to be by themselves and away from residences, railroads, and off practically by themselves?

A That is difficult to answer, but only because I can't visualize the precise location of all of these R-O districts. I would think some of them would qualify, and undoubtedly others would not; but I can't say where or which.

Q I was just going to ask you, Mr. Ward, but you answered my question. I was going to ask you to name one.

A I have already answered that question, then.

Q That is what I said.

Coming back for a minute to this ripple you spoke of, how far out has it fanned from New City, in a northerly direction, we will say?

A You are speaking of 15,000 square foot lots now?

Q Yes.

A Not much farther north than, we will say, the center of New City; not much farther north than somewhere between Hempstead Road. The expansion is primarily, then, to the south and west and is now increasing toward the east.

Q The ripple extends pretty well around what you call the center, isn't that so?

A Yes.

Q And the distance between what you call the center of New City and the area we speak of is how far in miles, would you say?

A About a mile and three-quarters.

Q How far is Phillips Hill Road from the center?

A Half a mile, I would think. Phillips Hill?

Q Phillips Hill from the center of New City.

MR. COYLE: Do you really want the information?

It is approximately about a mile and three-quarters.

Q Would you say that the ripple has extended halfway up to this area?

A No.

Q As I understand this terminology of the ripple, it is something that is supposed to extend from the center all around, in all directions -- north, south, east and west?

A Theoretically, yes, but it must be modified topographically or by physical features of one kind or another.

Q Has it extended as far north as it has south?

A No. I have already said that; south, west, and now it is extending toward the east.

Q What has happened in the northerly direction?

A I think probably because of the larger land holdings up there, which are still mostly in one piece, that is the reason why it has not extended at the same rate in the north as it has in the other three directions.

Q Or would it possibly be because it is one acre zoning?

A But it isn't entirely. There is RA-1X zoning.

Q Where is RA-1X zoning?

A Part of Squadron A land, for instance.

Q That is north?

A Yes.

Q And beyond that?

P/H -- 6/6/59 -- (THE DELLS)

A Beyond that it is largely RA-1.

Q That is one acre zoning?

A Yes.

Q How about Little Tor Road?

A RA-1, yes.

Q That is one acre zoning?

A yes.

Q Isn't it true that homes are being built in areas without industry or business?

A Yes.

Q And isn't it true that accessibility can be improved in any development?

A Yes.

Q And that questions of topography can be overcome and solved?

A We are talking about homes?

Q Homes.

A Yes.

Q What about industry?

A I think the factor is a little bit different there, or weighted a little bit differently where industry or business is concerned, because there you have different traffic problems. You may well also have quite different problems of the disposal of waste and of the availability or the requirements for utilities.

Q Haven't those kind of problems been solved in other inaccessible places? I am thinking of Sterling Forest there.

A Apparently they have. I can't compare the two, because I don't know Sterling Forest.

Q What is wrong with the topography of this area insofar as commercial enterprises are concerned?

A You are speaking of office buildings now?

Q Yes.

A Not stores and shops, and so forth?

Q I am talking about L-0.

A I am thinking of the ridge, that rolling north-south ridge, and the difficulty in siting L-0 type buildings, and particularly of the off-street parking problems, which require a fairly level site.

Q How many acres are there on this ridge, do you know?

A No. Offhand, I don't. You have a level area at the base, between the ridge itself and Zukor Road; and then it rises up sharply to the west, or until you reach the extreme of The Dells itself.

Q You don't know how many acres are involved in what you would call the ridge or what apparently you consider objectionable?

A I would make what I would think is a pretty close guess, that about 50 percent of it of it is involved in the slope itself.

Q Have you been out on the area?

A Yes.

Q Does the present R-0 district afford the protection that the L-0 district gives?

A No, I believe not. I know not.

Q Would you say that that is the reason why industry does not go to the R-0 district?

A Not industry, but business.

Q Business. Office buildings and such?

A It may well be, yes.

MR. TRACHTENBERG: May we have a recess?

(Discussion off the record)

MR. COYLE: We will recess until 1:30 p.m.

(Whereupon, at 12 o'clock noon, a recess was taken until 1:30 p.m.)

oOo

AFTERNOON SESSION

1:30 P.M.

MR. COYLE: This hearing will reconvene.

MR. ROBERT W. KANE: Mr. Coyle and members of the Board, I was here most of the morning which was occupied by many witnesses who took the stand. Unfortunately I have an appointment this afternoon and I cannot stay long.

I am here to represent some 160 people in the Sunny Ridge Development. If I may have the courtesy of counsel, Mr. Greer and Mr. Trachtenberg, I would be very much obliged if I could express the opinions of the taxpayers.

MR. COYLE: Is what you want to present in the form of an oral statement?

MR. KANE: Yes.

MR. COYLE: Is that all right, Mr. Trachtenberg?

MR. TRACHTENBERG: Yes.

MR. GREER: Yes.

MR. KANE: I have listened this morning with a great deal of interest, as I am sure we all have, or we wouldn't have been here, to the comments which have been made and the questions which have been directed to the various witnesses. One thing demonstrates itself above, I think, all other things, and that is that the primary concern of the people who have spoken and the people who are here is to what effect this proposition has upon the average taxpayer, particularly from his financial standpoint.

I can assure you that my people in Sunny Ridge are equally, at least, concerned with that proposition as you are.

Certainly we realize further that the problem which this Town Board faces and which the citizenry faces in the long run is that developments are sprouting up all over Rockland County, more particularly all over Clarkstown. It has been said inaccurately that they do not pay for themselves. It is, I think, obvious that we cannot stop a good deal of our growth. Many of us, including myself, would not want to pay, for one reason or another, which is not particularly germane here.

Those of you who have given a great deal of thought to this, I am sure, have convinced yourself, or may have convinced yourself, that the only apparant answer to our tax bill presently and what it must be of necessity over the next five and ten years is to bring something which is desirable into the community and which will show a profit on the tax dollar as a second appeal to the community. That is our only answer.

Everytime a family moves into this area, it is true, we lose money. We will lose money on the people that are going to move into Mr. Nemeroff's area. That is also true. But Mr. Nemeroff now offers us an opportunity to put a tax rateable on the books and even taking his figures as being highly speculative and highly optimistic, he estimates that eventually, or ultimately, he is going to have \$60,000,000 in tax rateables.

All right. I think he is exaggerating it. He probably is exaggerating it by as much as 50 percent. But let me say he is exaggerating it by \$30,000,000. Even at \$30,000,000 in tax rateables, that would amount, on the basis of the present assessment, at approximately one-third, or \$10,000,000 in actual assessed value, that is, taxable value.

That being the case, and using the figures which we had for the last year, which I think was \$550 --

MR. NEMEROFF: I think it was \$8 total, school and county.

MR. KANE: I think my figures are right, but yours would be more apropos, if that is true.

Those were the figures on the basis of \$10,000,000 a third of the \$30,000,000, which figures out for school taxes alone to about half a million dollars. That is in one year. It seems to me, and maybe I am very wrong, that if we are going to be in a position where we can derive a half million dollars -- all right, not in the first year not in the first two years, but over a reasonably close or approximate period of time-- that we can pay for the schools that we need for Mr. Nemeroff's people when they come in

We can pay for the roads, too, that we may have to construct, and we will still show a dollar profit for what he is offering to bring in here.

BRC442

There has been comment that we have a good deal of property in Clarkstown now which is available for the type of L-O business which Mr. Nemeroff anticipates bringing in here. But regardless of what that situation may or may not be, we have a concrete proposal to bring in additional industry to establish tax rateables far in excess of what it is going to cost the town up in the Dellwood Estates.

I was hurt, and I am sure everybody was hurt, in proportionate values last year on the tax bill. There is no way that we can possibly go in Clarkstown. There cannot possibly be a reduction in taxes in this town for a good long time. It has to go up. There is no other place it can go.

The only alternative that we have to increase taxes is to bring in more tax rateables. That is obvious. And we can pay for everything that we were going to have to pay for as a result of Mr. Nemeroff's project and still show a profit, and that means more money in my pocket and yours.

Mr. Chairman, on behalf of 160 taxpayers and voters in Sunny Ridge, I am whole heartedly and enthusiastically in support of this petition as it stands.

MR. COYLE: Thank you sir.

Mr. Ward, will you continue?

J A M E S H. W A R D Resumed the stand and testified further as follows:

EXAMINATION BY MR. TRACHTENBERG (continued):

Q Mr. Ward, do you know Mr. Theodore T. McCroskey?

A I do.

Q Would you say that he was a well qualified planner?

A Certainly.

Q Are you familiar with the brief that he submitted to the Planning Board?

A I am.

Q I want to come back to the statement you made this morning, about the industry that seeks to be established five miles from the bridge. Do you want to qualify that statement?

A No, I don't think I do, Mr. Trachtenberg.

Q Isn't it true that it is only that type of industry that engages large trucks, and because of the expense of running trucks they would like to be as near to the bridge as possible, and that it is not true, in so far as the type of office building is concerned that we speak of?

A No, not necessarily. I think they may also be considering the necessity for some of their labor force to commute.

Q But isn't it in large measure true it is because of the expense of rolling trucks?

A I think that is certainly a factor, yes.

Q Haven't you been met with that problem in your discussion with anyone who was interested in establishing close to the bridge, the factor of truck expenses?

A Yes.

Q Have you had any inquiries from commercial enterprises with regard to the R-O land available in the township?

A I have had none, but we wouldn't be apt to get them, anyway.

Q They wouldn't come to you?

A No.

Q You were reading from a paper that is a survey of the R-O district still available. May I see that paper?

A Sure (submitting paper to Mr. Trachtenberg).

Q Mr. Ward, so that we can identify this sheet, this is a memorandum prepared by your office?

A Yes, it is.

Q And this memorandum indicates the available R-O districts not developed in the township?

A As well as those developed, I believe.

Q As well as those developed, the entire setup?

A Yes.

Q And this indicates the vacant and buildable land, as you have it in the first column?

A Yes.

Q Set forth in acreage?

A Yes.

Q Do you have any report indicating the number of owners of any one particular parcel on this sheet?

A No.

Q So that you are not prepared to tell whether a parcel, for instance, B-14, which is listed as the first parcel, 9.70 acres, is in one ownership or more?

A I can't tell you that.

Q Can you tell us where B-14 is located?

A No, I cannot; not without my key sheet here.

Q At the present time you can't tell us where any of these parcels are located?

A No. This is simply a tabulation of R-0 land as it exists in Clarkstown.

MR. TRACHTENBERG: Mr. Coyle, I would like to have this sheet as part of the record.

MR. JOHNS: This belongs to Mr. Ward personally, Mr. Trachtenberg.

THE WITNESS: I will be glad to give Mr. Trachtenberg a copy of it, but I don't have a copy of it here.

MR. TRACHTENBERG: I don't care whether it is this particular sheet or a copy of it, but I would like to have it as a part of the record. I would like the Board to see just what there is available in the existing vacant R-0 districts comprising about 600 acres, the number of parcels, and the size of the acreage.

MR. JOHNS: I suggest, if he does not have any available, for you to make a copy. This is his own personal property. We are not going to have him submit it unless he wants to.

MR. TRACHTENBERG: All right.

Q Mr. Ward, we speak of a comprehensive plan. You made mention this morning that there is a comprehensive plan in the Town of Clarkstown, but you qualified it. Is there actually a comprehensive plan without any qualifications in this township?

A Yes, I believe there is.

Q What are the component parts of what is understood to be a comprehensive plan?

A Land use, which is all in terms of studies, and so forth; land capacity; zoning; subdivision regulations; highway plans; recreation plan; population projections.

Q If we have such a comprehensive plan, why is it necessary for you to draw another one?

A Because times change and communities change. A comprehensive plan is no fixed thing. It has to reflect the changing qualities in the community.

Q Would that be true insofar as this township is concerned?

A Certainly.

Q Do we have all of these elements that you speak of in the comprehensive plan of Clarkstown?

A I believe we have them all presently, with the exception of a recreation plan. We have them all in the form of the present zoning map which is based on these various studies. The only thing that the present zoning map does not represent or reflect is the recreational uses.

Q Do we have the population projection?

A Yes. We have them as of three or four years ago.

Q Do we have the L-0 district set up in this comprehensive plan?

A We don't have it yet. It has just been adopted.

BBC442

Q What parts of the comprehensive plan are you presently changing?

A We have been working on, and have completed, as a matter of fact, first, the topographic map of the county, which we have never had before in the detail that the new one is in. Secondly, we have completed land use study of the entire county. I will just confine myself to Clarkstown.

We have almost completed a study of land capacity in terms of developable land, in terms of slope, and so forth, and condition of the land, whether or not it is occupied.

We are presently restudying the zoning ordinance.

Very shortly we will be under way on the population projections. We have begun last week on the preliminaries for a highway plan. We have completed as of last summer, as a matter of fact, the preliminary studies for a recreation plan.

Q How long do you estimate it will take to have this comprehensive plan ready?

A All of these things will have to be done in somewhat overlapping order.

Q Can you give us the outside time limit?

A I would think the outside time limit would be something like a year.

Q We are talking about Clarkstown.

A Yes.

Q And then after a year of study it requires adoption by the Town Board?

A It does.

Q Would you agree with this statement, that in one year there could be some radical change in this township because of the expansion, the growth?

A Which I would hope we are capable of recognizing --

Q Would you agree with the statement?

A Yes, surely.

Q So that at the end of a year there might be some radical changes in the surveys and studies that you have made?

A Which we will make/

Q Which you will make.

A Radical changes that we will make in the studies that we are carrying on now.

Q I say there could be some radical changes.

After you have completed your studies, there could be some radical changes that would again necessitate changing the comprehensive plan?

A There might well be, yes.

Q And perhaps a lot of the desirable land so sorely needed for commercial or industrial purposes may have dried up and be used for residential purposes? I am thinking of R-0.

A Possibly.

Q Have you heard Mr. Robus' statement this morning?

A I heard part of it. I am sorry, but I didn't hear it all.

Q Did you hear about the part where he speaks about the school population increasing so rapidly?

A Yes.

Q You heard him speak about this township being on some emergency status?

A I have, or I did.

Q Would you agree that some immediate urgent step must be taken to relieve this situation?

A I do, and I think we have.

Q What?

A The adoption of an L-0 district.

Q Would you agree that we should immediately put it into force?

A No, I don't.

Q When do you think we ought to adopt an L-0 district, and where?

A You have already adopted the L-0 district.

Q Where do you think we ought to put it?

A I think it should be placed on the basis of a comprehensive plan.

Q But you said the study is going to take another year.

A It will.

Q And then it will have to be adopted by the Town Board?

A It will.

Q Would you venture an estimate as to how long it will take the Town Board to adopt it?

A No, I would not.

Q Would you say it might take another year?

MR. JOHNS: We are going far afield.

MR. TRACHTENBERG: I am asking his opinion.

THE WITNESS: I won't venture an opinion on that.

MR. JOHNS: I don't think he can answer that question. I don't think it is a proper question.

BY MR. TRACHTENBERG:

Q Mustn't a comprehensive plan such as you are talking about be adopted by all of the townships in the County?

A Town by town.

Q Town by town?

A We are not preparing a comprehensive plan for the County as a single plan.

Q Do I understand correctly in order to be effective it must be adopted by each township?

A Yes. Could I take it a little bit further?

Q Yes.

A This may clarify a point on which there may be some confusion. I said we are not preparing a comprehensive plan for the County as such. What we are doing -- and these studies are all pointed in that direction -- is preparing comprehensive plans, a set of coordinated comprehensive plans, for the five towns, which will work together as a whole or not as a whole, depending on how and when and as the towns adopt them.

Q This could be a project that could take years?

A No, I am afraid not. We have a deadline to meet. We have a deadline to meet which we have to meet, because it involves our funds. We have State and federal funds, partly of which we are under now.

Q You are talking of that part of it which is under survey, but are not talking about that part of it which requires the adoption?

A Yes.

Q So the adoption of the plan could take a long time?

A That is something I can't answer.

Q Mr. Ward, with the rising school population as indicated by Mr. Robus, in your opinion as a planner, would industry want to come in and bail us out, tax-wise?

A Industry isn't interested in bailing anyone out of anything. They want a location that is satisfactory to them.

BRC442

P/H - 6/6/59 - THE DELLS

Q Isn't it a fact that the taxes might be a factor that they consider?

A That might be a factor, yes. Whether or not it is the most important one, I doubt.

Q Isn't there a market at the present time in this township for commercial use?

A I frankly can't tell you, Mr. Trachtenberg. I have seen a gradual expansion of commercial uses. Of course we all have, in New City.

Q As a planner, what would you say?

A I think there will be.

Q As a planner would you say that the need is there now?

A No, I don't think so. I think the town has about reached the saturation point on commercial uses. I am thinking in terms of shop stores and services.

Q Mr. Ward, all of our conversations, all of our studies, and all of our efforts have been directed primarily to the office building. That is what I refer to. Isn't there an immediate need now and isn't there an immediate demand now in this township for that type of development?

A On the part of the town, as an asset.

Q On the part of the town as an asset?

A Yes, I think there is.

Q Isn't there the field or the prospects that can be coralled and interested in that?

A I think there are, yes, or is.

Q Don't you agree that we ought to take advantage of the situation as it exists now and get these people, if possible.

A I think we should, yes, in terms of the present ordinance.

Q In terms of the present ordinance you include, of course, the L-0?

A Yes.

MR. COYLE: Mr. Trachtenberg, we don't want to shorten your opportunity here to present facts and figures for our consideration. However, it will be necessary that you conclude very shortly so that we can proceed with others. There are many other people, here, I presume, who wish to be heard on this matter.

MR. TRACHTENBERG: May I call Mr. Ward back later, then?

MR. COYLE: I would imagine so.

EXAMINATION BY MR. GREER:

Q Mr. Ward, if this property were developed for L-0 in the form in which it is permitted under the zoning ordinance, how many employees, approximately, would be employed there and how do you compute it?

MR. TRACHTENBERG: Mr. Greer, I would be anxious to know whether or not he knows.

MR. JOHNS: I don't think that is a fair question.

Q I am saying is there any way to determine how many people could be employed there under the present plan if it were fully developed in accordance

with the manner in which Mr. Nemeroff has proposed?

MR. TRACHTENBERG: I think you are presupposing that he knows how Mr. Nemeroff wants to develop it. I don't know how he knows how Mr. Nemeroff wants to develop it.

MR. GREER: I will put it this way.

Q If the property were developed to capacity as permitted under the zoning ordinance, how many persons could be employed in there?

MR. JOHNS: I don't think he could answer that question.

MR. TRACHTENBERG: I don't know how anybody could answer that question.

Q I will ask you if you can. Is there any study upon which you can base that? Once the office buildings are in there, how many employees would we be faced with?

A I can give you an opinion.

Q State your basis for it.

A In terms of the number of acres, 235, I believe, and the uses that would be permissible under the L-0 district, I would think 100 employees per acre would be a conservative figure. That would give you 23,500 employees.

EXAMINATION BY MR. TRACHTENBERG:

Q Mr. Ward, that is mere conjecture and speculation, isn't it?

A No, I don't think it is.

MR. COYLE: Are you finished?

MR. GREER: I will tell you what I would like to do, if it would meet with your approval. Since there are people here who would like to leave early because they have other engagements, I would like to yield at this time with the permission to come back to make a few statements which are not included here which I would like to touch upon, if that is all right.

MR. COYLE: Yes.

MR. TRACHTENBERG: I would just like to finish up the one point that Mr. Greer took.

MR. COYLE: All right.

Q Mr. Ward, you estimate 100 persons per acre. Of that, how much would be developed in office and how much would be developed in laboratory?

A Who can say, Mr. Trachtenberg?

Q Who can say 100 persons per acre?

A I think it can very easily be said.

Q Is there a distinction between office and laboratory?

A I don't think so, necessarily. The population density of an office building and the population density of, let us say, the average laboratory I think probably work out to about 100 persons per acre. I think it is a conservative figure.

Q Are you telling us that there are the same number of people employed in an office as there would be in a laboratory?

A You probably have more.

Q More in an office?

A Yes.

Q What type of laboratory are you now describing to us which will have as many persons as there will be in an office?

BRC442

P/H/ - 6/6/59 - THE DELLS

A I haven't. I have said an average of 100 persons per acre.

Q Will you qualify those figures and tell us that there could be and generally is less employed in a laboratory than in an office?

A That is true. I have already said that.

MR. COYLE: All right, Mr. Ward.

(The witness was temporarily excused.)

MR. COYLE: So that we can cover as many of the people as possible --

MR. TRACHTENBERG: Can I have Mr. Barbour take the stand at this time?

MR. COYLE: All right.

MR. JOHNS: Mr. Trachtenberg, are you presenting the balance of your presentation?

MR. TRACHTENBERG: On one point that Mr. Ward has raised.

MR. GREER: There is one thing I would like to ask as a favor. I yielded my position because I know there are quite a few people here who have to leave. I think if Mr. Barbour could be here later, it would be better. That is why I yielded.

MR. TRACHTENBERG: May I explain this?

MR. COYLE: I don't know whether you know it or not, but there is a school affair up at Street School.

MR. TRACHTENBERG: Mr. Coyle, the reason I am asking for Mr. Barbour is because I have to follow with two other people who also must go. It is the same situation.

MR. JOHNS: I want to make one point clear, Mr. Trachtenberg. We would like to have the full presentation, if there is any more, of your case so that the people here, if they wish to object, will be able to make an objection to the balance of your presentation, so that you won't bring them in after they leave.

MR. TRACHTENBERG: All right. We will start with Mr. Barbour.

EDWARD BARBOUR, called as a witness,
testified as follows:

EXAMINATION BY MR. TRACHTENBERG:

Q Will you please state your name?

A Edward Barbour.

Q Your address?

A 36 Havermill Road, New City.

Q Your occupation?

A Land surveyor.

Q Do you maintain an office in New City?

A Yes. 219 South Main Street.

Q How long have you been an engineer and land surveyor?

A Since 1926.

Q Have you always maintained your business in this township?

A No.

Q Where else?

A Pearl River.

Q You have been in the county, though?

A Yes. I was born in the county.

Q A life-time resident?

A Yes.

Q Are you familiar with the area that we call The Dells?

A Yes.

Q Have you visited the area?

A Several times.

Q Have you walked over the grounds?

A Yes, sir.

Q May I ask, Mr. Barbour, that in your answering my questions you use the map?

A All right.

Q Mr. Barbour, the map there was prepared by yourself?

A Yes, sir.

Q You have heard Mr. Ward testify about a ridge in the area?

A Yes.

Q Can you point it out to us on the map?

A Yes, I can. The ridge of which Mr. Ward spoke, the toe of that ridge is 500 feet west of Zukor Road opposite the entrance to the club house. Then opposite 304, the foot of that same ridge is 350 feet west of Zukor Road.

Q I asked Mr. Ward this morning how many acres were occupied by this ridge and he said about half of the area we are talking about. Can you tell us how many acres are involved?

A 35 acres.

Q that you wouldn't consider half of the area?

A No, sir.

MR. COYLE: What you mean by that is that there are approximately 35 acres that are involved in the actual slope itself, from one end to the other?

THE WITNESS: That is right.

Q Explain about the grade, the percentage, and so on.

A The steepest slope on that slope, which is 400 feet in width, is about 13 percent. The land from the highest point, which is up in here (indicating), runs at a gradual slope to the south on a rate of grade at about 1.8 percent. In going to the west, the rate of grade there is 4.2 percent, to within 300 feet of Crum Creek.

To the north, the rate of grade is approximately 4½ percent from that high point again.

From the east of the ridge, it is on a gradual slope out to Zukor or North Middletown Road.

Q Is that a gradual grade?

A Yes, it is.

Q Is it impossible to construct buildings on the type of area you just described?

A No, it is not.

BBC442

Q Do we have such kind of building in this township and perhaps in the immediate vicinity?

A Yes. I would cite the Town Hall that is being built at the moment where they took advantage of the side slope. They were able to have a full story underground accessible to offices, which they are going to put under that building. That is, I am sure, less than a greater grade than 13 percent.

Q A greater grade than what we are talking about?

A That's right.

Q Any other building?

A I can't mention them offhand.

Q The Court House?

A Yes, the Court House would be one, too.

Q Would you say that the grade there was less or greater than 13 percent?

A It is less than 13 percent.

Q At the Court House?

A Right.

Q Are you familiar with Sterling Forest, the development there?

A No, I am not. I know the area, but I have not seen the buildings.

Q What kind of area is it?

A It is a very rugged area. The grade is far in excess of 13 percent.

Q How would it compare with the area we are talking about?

A I couldn't make a comparison between the two. I think this is much flatter as compared to Sterling Forest.

Q Do you know what the project being constructed there is?

A Yes. I am familiar with the type of buildings they are putting there. I haven't seen them, but I know what is going in there.

Q Are you familiar with the type of office buildings and research laboratories that are intended for this area?

A I have an idea, yes.

Q Are those buildings suitable for this area and is this area suitable for those buildings?

A I would say that the area is certainly suitable for the buildings, yes.

Q I am talking now topographically.

A Yes. That is what I am speaking of.

MR. TRACHTENBERG: That is all.

MR. JOHNS: Any questions from the Board?

MR. COYLE: No.

MR. TRACHTENBERG: I have a few more questions.

Q The map that you now face, was that prepared by you?

A Yes.

Q The subdivision in the yellow was also prepared by yourself?

A Yes.

Q How many acres are involved in that area which is colored yellow?

A Residential subdivisions of 222 acres, approximately.

Q Can you tell us the number of lots that you have subdivided in that area?

MR. COYLE: I Don't get the point of this.

Let's move this along. We have gone all over the number of lots, and so on, this morning. Right? You are developing that for our information today, is that correct?

MR. TRACHTENBERG: Yes.

MR. COYLE: Let us move on.

MR. TRACHTENBERG: I just thought we would get the expert testimony on the record. There may be somebody here who may want to question Mr. Barbour. As far as I am concerned, Mr. Coyle, all right.

MR. COYLE: I think it has been given to the Board and it has been covered by several experts, too.

MR. TRACHTENBERG: Maybe someone wants to question him.

(Witness excused.)

MR. THOMAS I. BRENNAN: I live on the west side of 304, north of Brownsell Road. I am in the white.

What petition is before this Board? There were some amendments this morning. Are they the amendments that are before this Board.

MR. COYLE: The petition before this Board is exactly as it was printed in the paper. We are considering it as it was advertised. What particular area of it are you interested in?

MR. BRENNAN: The residential, how many acres involved.

MR. RENKEN: 220 plots.

MR. COYLE: They have informed us they are reducing their request. But that is immaterial.

MR. BRENNAN: So far as the hearing is concerned, right now I want to know what is before the Board. Is it the 400 acres?

MR. COYLE: 120.

H A R R Y H A N S E N, called as a witness, testified as follows:

EXAMINATION BY MR. TRACHTENBERG:

Q What is your address?

A I presently live in Monroe, but I am looking for a home in Rockland County.

Q You have some official connection with a group in this county?

A Yes.

Q Will you describe that, please?

A I am executive secretary of the Rockland County Development Committee that Mr. Ward spoke of this morning. I work full time for Orange and Rockland on area development.

Q Are you familiar with the petition filed and the amended petition filed by this petitioner?

A Yes, I am.

Q Are you familiar with the zoning ordinance of the Town of Clarkstown and the various districts that are set up?

A Yes, I am.

Q Do you know of the R-0 district?

A Yes, I do.

Q Will you tell us in a general way of your efforts about bringing commerce

BRC442

P/H - 6/6/59 - THE DELLS

or industry into the county, and particularly into the township?

A I would like to use a few notes, if I may.

MR. COYLE: Mr. Johns, does that have to be done here?

MR. JOHNS: I don't know what they are bringing out until I start to hear this.

MR. COYLE: What would be the point of taking our time to hear this? we are all familiar with Mr. Hansen and the work that he has been doing.

MR. TRACHTENBERG: Several. Number 1, we want to discuss this R-0 business and its failure to operate --

MR. COYLE: Suppose you do that by asking him questions. I believe you have been in the county more than a year, haven't you?

THE WITNESS: Yes

MR. COYLE: We don't want to hear what Mr. Hansen has done over a year.

MR. TRACHTENBERG: He is going to list efforts to bring in commerce and industry into the R-0 area and yet has not been able to do it.

MR. COYLE: Now you are asking for something specific.

MR. TRACHTENBERG: I am sorry.

THE WITNESS: What I would like to bring out on this R-0 district is, this morning it was stated there are 600 acres desirable for R-0 development and there were some statements made that there was one area of 90 acres and another of 98. I would like to take a couple of minutes to go over the R-0 sites and tell you what I have found when I have been out trying to locate an R-0 site.

First of all, the largest single site that we have available for R-0 of the single ownership is 9 acres. We have one of 63 acres that has 14 owners. The largest tract of a 63 acre parcel is 9 acres.

We have a 190 acre parcel that was not mentioned this morning. We have 57 acres adjoining it. However, it is on Pascaack Road and people have thought there was something wrong with us when we took them in there to show them the site. I made that statement due to the fact that you have to go under a narrow underpass by the Pascaack Motel to get into this particular site.

We have another parcel of 90 acres. The largest parcel is 15. There are 35 owners. We have another parcel of 20 acres. There are four owners. We have another parcel of 57 acres. There are 18 owners. The largest area in that particular site is 8 acres.

We have another 29 acre area zoned R-0. There are five parcels in this area.

We have another area with 65 acres. There are five parcels in this area with 27 acres being the largest one.

We have another area of 70 acres. One Parcel in this 70 acres is 8 acres, but it is about four feet below old 59, and very wet.

We have the area around the Palisade Parkway where one side is completely developed into homes. I might mention that these are the two parcels that I feel are the best ones when we try to show a person R-0 land. It is on the intersection of the Palisades Parkway and 59. There is a 27 acre and a 26 acre parcel sitting side by side.

We have several parcels that are very wet, where the land is practically covered with homes, that were not any good from the beginning.

We have a 95 acre parcel in the northern part of Clarkstown that is zoned presently half R-0 and half residential. That parcel, too, has three owners.

I think when there is a statement made of 600 acres for R-0 development, it certainly was not meant that the full 600 acres could be developed. We have a couple of firms looking now at Rockland County that are looking for a 50 acre parcel. When you look for a 50 acre R-0 parcel that you can say is fully zoned and ready to go, there just isn't any.

Q Mr. Hansen, you heard comment about commercial or industry enterprises desiring to locate close to the bridge. Have you found that to be so?

A I heard the statement this morning. I am glad you are giving me a chance to clarify that, also. We have had close to 40 companies looking at this area of Rockland County. Almost without fail the first statement that is made when a company comes in to Rockland County is that they would like to be as close to the Tappan Zee Bridge as possible. There is a very good reason for this.

If you people are salesmen or driving an automobile, it costs you a certain number of cents per mile to drive that automobile. The same thing is true of industry. If you move a plant 40 miles away from New York City when you could

find a site maybe ten miles away, there is a tremendous amount of savings in dollars alone on the truck mileage and other mileage over the year.

It is true the industry that we have brought in last week wanted to be close to the Tappan Zee Bridge. They wanted to be there for this reason: their distribution. They are going to be distributing products to New England and New Jersey. So that was the ideal location. However, I would like to also add that we have had people that wanted to be within five miles of the bridge and have wound up with them in Suffern, and they thought it was a pretty nice place.

I think it is very wrong to indicate that everyone wants to be within five miles of the bridge. If there is good land available, they will go where the land is.

Q Are you familiar with this property in question?

A Yes, I am.

Q What is your opinion, from what you have found out in dealing with these many companies, as to its desirability for office building development or laboratory development?

A I would like to say that I have had firms up looking at this area and found that it was a mistake due to the fact the zoning was not ready. Big industry that are looking today want to know that land is ready to be moved in on and not have assurance from somebody that you bring us the name of this company and we will see that the zoning is taken care of.

I would also like to state I have had several brokers up there that have told us if this ever gets zoned properly, please let us know. We have people that we are sure would be interested.

Q Are you familiar with the type of district that has been recently set up, known as L-0 district?

A Yes, I am.

Q And the restrictions that are therein contained?

A Yes, sir, I am.

Q Have you heard it referred to as up-zoning?

A I sure have.

Q Can you tell us whether or not any of these people who have made inquiry would be interested in this area, if this application were granted, and we had an L-0 district?

A There are several waiting now, sir, to see if it is going to happen.

MR. RICHARD MAY: I would like to ask Mr. Hansen several questions. My name is Richard May, and I reside at 480 Little Tor Road.

EXAMINATION BY MR. MAY:

Q First, Mr. Hansen, do you have any knowledge of the average size of laboratory establishments or office establishments or industrial establishments that have recently been constructed in this immediate area, say in Bergen and in Westchester County? Do you know what the average sized plot is, say, for firms like General Foods Corporation, what their holdings are in White Plains, or the All-State Insurance Company, or the General Electric Company, or the IBM? Do you have any idea what the size of those plots are?

A I am sure I have heard the figures, Mr. May, but I wouldn't attempt to remember what size the plots were.

Q I have here an enlarged map of the area between the Thruway and Route 59-A, the old 59 and the new 59, immediately adjacent to the interchange with the thruway and the parkway and Route 59. Are you familiar with the area in question?

A Yes, sir, I am.

Q Is that area generally of a topographic property or would it be such that it would permit development of the type that we are talking about, such as offices and laboratory establishments?

A The two parcels that I mentioned that I think are really fine -- and in fact I have a firm looking at them now -- are these two right here (indicating). I understand one of those parcels has been put in as a subdivision for homes. This parcel, the one I mentioned, is 65 acres. There is a drop of at least four feet or more. In fact, I don't dare go down in with a car, because the access from here is down over a road that has had considerable amount of concrete dumped in there from these over-the-road mixing trucks.

On the back near the Thruway it is very high. But along 59-A it is very low.

I have pictures of it, by the way, if you would like to look at it.

Q Is there any swamp on the property at all?

A There isn't swamp, Mr. May, but this land is low enough that a person looking

for an area to put a building up would be worried about surface water and what would happen to it.

Q How would you say that a location such as this, in terms of accessibility, would compare to an area five miles north of here?

A I think it would probably have as many problems or more, depending on the amount of traffic you are talking about. This is old 59. You would have to come out of old 59. I am not sure. I believe this is Strawtown Road to get out here to this area, or else you would have to go back the other way. While you would have a short distance to drive, it would be very crowded.

Q Did you have any inquiries from firms who were interested in locations for substantial establishments in which they had no access to a four-lane highway or within 1,000 feet of a four-lane highway? Didn't they stipulate that as one of their requirements?

A No. I never had a stipulation spelled out that way. They naturally would like to be close to a good highway. This goes without saying.

Q They do ask for this, if possible?

A It's the same as if you were building a home. You would want to be near a highway that would take care of your automobile.

Q Mr. Hansen, I give you here a folder describing a piece of industrial property in the Town of Clarkstown. Are you familiar with it?

A Yes, I am.

Q Do you know approximately the size of this parcel?

A I say I am familiar with it.

MR. TRACHTENBERG: Mr. May, is this industrial or office?

MR. MAY: I will bring that out, Mr. Trachtenberg.

THE WITNESS: I say I am familiar with it. I see you have 275 acres. I am not familiar with 275 acres. I know of the Rockland Industrial Center, which is the 155 acres that I spoke of. This says 275 acres. I am not familiar with that.

Q Can you identify this as a publication put out by the owners of the property that you identified as the Rockland Industrial Terminal?

A No, I can't.

Q Are you familiar with the Bernard Garber Organization, and have they been in touch with your organization regarding tips and suggestions for clients on industrial development and office development?

A I know Mr. Garber. He was told I think sometime ago that this parcel -- you are talking about the same parcel. Where I have 175, this is advertising 275.

Q Let us say they are exaggerating a bit. I think they own 275, but not all of it happens to be zoned for R-0 or industrial purposes.

A We have told the owners of this property that we didn't feel we could spend our time and effort trying to show the property due to the limited access. In fact, we had gone further than that and had tried to work with Mr. Rohr in Albany or Poughkeepsie to see where the relocation of Route 45 might go to help this piece of property.

Q Would you say this property topographically for the most part is comparable and similar to that as the property proposed for L-0 by The Dells?

A I couldn't, sir. From the highway, it does not look that way. It does not look as good as The Dells' property, from what I have seen.

Q Incidentally, how many of the various property zoned for R-0 or industrial purposes in the town have you? We mentioned the one on 59 that you didn't get into. How many have you actually walked?

A Actually walked over?

Q Yes.

A I would say 50 percent of them, sir. I would say the others can be seen. We have had the State Department of Commerce take some 85 pictures for us from the air in the wintertime with a helicopter. We felt, when we looked at the picture, you could see a stream of water or something not worthwhile bothering about. You naturally take the best sites to work with.

Q You said you have advised the Garber Organization, which has been attempting to develop this tract for some three or four years, that it is very difficult to develop, and you don't feel it can be developed, because of the accessibility problem. Are you aware that this property is within, not miles,

but within less than 1,000 feet, or within approximately 1,000 feet, of Route 59 and the Thruway interchange?

MR. JOHNS: Are you asking questions or making statements to this witness? You are going far afield.

MR. MAY: I will put this in the form of a question.

MR. JOHNS: Ask the question specifically.

MR. MAY: I am not a lawyer.

Q How close is this property to Route 59 and to the Thruway interchange.

THE WITNESS: Mr. Trachtenberg, I don't mind answering this at all.

MR. TRACHTENBERG: I thought if Mr. May wants to consent putting this property in the L-0 district, we will consent.

MR. MAY: I didn't know you owned it.

THE WITNESS: Actually, you made a statement 1,000 feet away from 59. You failed to mention the little cubbyhole, I believe you would call it a cow pass, that you would have to go through to get into the property.

BY MR. MAY:

Q Would you estimate that the cost of improving that underpass would be anywhere near the cost of improving some five miles of highway to provide equivalent access, and still not have equivalent access?

MR. COYLE: Mr. May, let us keep this hearing on a fairly reasonable basis. Let us get down to things that can be answered.

MR. MAY: May I make a short statement?

MR. COYLE: Yes.

MR. MAY: Here we have 275 acres owned in one ownership, 175 of which is going to Mr. Hansen, which are zoned for industrial purposes, or L-0 purposes.

THE WITNESS: R-0 purposes.

MR. MAY: He has stated that The Dells' site is appropriately located for office development, and he has also stated that access to an office plot is important. I am merely trying to bring out here that we have in this plot and in several others mentioned property within the town which is far more accessible and will cost far less, because there are other means of access in this particular case--

MR. COYLE: We are satisfied to have you point these things out, but it isn't necessary for you to go into details to how much this is going to cost.

MR. WELCHMAN: Let them apply for an L-0 zone, if they want to. We are not listening to that.

MR. MAY: That is all I have to say.

EXAMINATION BY MR. THOMAS BRENNAN:

Q I understand you have been offering R-0 districts to different industries in this county, is that right, in this township?

A If they are looking for R-0, yes.

Q Have they come to you and have they offered to you, "Find us an R-0 site"?

A They come through the Rockland County Industrial Committee or Orange and Rockland and say they are looking for a particular area in which to build their building.

Q And then you make the suggestion to go to this particular area?

A That is correct.

Q I assume you have made a suggestion that they go to the present Dells and look there; is that correct?

A We have been in the area --

Q I mean prior to this petition.

A When they started talking about re-zoning this land, we have taken a few people up there to see what their reaction would be to the property.

Q But prior to this whole problem, you did take people up there?

A There wasn't any prior to, sir.

Q In other words, you made no offers before this petition had come up?

A No, sir. Only when the talk was started about The Dells being re-zoned.

P/H/ - 6/6/59 - THE DELLS

Q Before that time, in other words, there was no offer to attempt to develop this land?

A No.

MR. JOHNS: I have a question in that connection. How long has your group been working?

THE WITNESS: A year. In fact, our annual meeting was April of this year.

(Witness excused).

J A M E S R I C E , called as a witness,

testified as follows:

EXAMINATION BY MR. TRACHTENBERG:

Q Will you state your name for the record, please?

A James Rice.

Q And your address?

A 17 Brinkerhoff Avenue, Teaneck.

Q And your business?

A Industrial developer and consultant.

Q How long have you been in that business?

A 11 years.

Q Have you been actively engaged that way during the past 11 years?

A Correct.

Q Are you familiar with the land available for L-0 and the industrial land in the Clarkstown area?

A I am familiar with the industrial land because of my tours with Rockland Power and Light representatives and because of some inspections I made of the properties that are outlined in the zoning map. Mr. Hansen was kind enough, I would say, to show me probably half to 60 percent of the properties that could be used for industrial or so-called R-0.

Q Would you care to comment on the character or the type of land and whether or not it is suitable for the purpose?

A I would say that some of the pieces that are presently zoned are suitable for light industry, and light industry is looking at some of the pieces that do have rail siding at the present time. I believe that the R-0 district has its disadvantages, unless it is controlled by one developer or one owner, and unless there is some assurance to the industry that he is not going to wake up some morning to find homes next to a million or two million dollar plant, because this can be detrimental.

A lot of land that I have looked at, I would say, has topographic conditions and wet conditions and bad access conditions. The main thing that interests me in the L-0 district is, when you build office and research laboratories, the fact that you look greatly towards the aesthetics. These aesthetics exist in the present Dells' property. I believe I can safely say that I have had at least eight national concerns take a look at the property since this talk has come about. Nobody wants to touch anything unless it is zoned properly, but they have definitely expressed interest.

Q You are familiar with the requirements in the new district setup that we refer to as the L-0?

A That's right.

Q Is The Dells suitable for L-0 development?

A It is.

Q Would you comment on the L-0 district in respect to the type of zoning? Would you consider it a high zoning or low zoning, or up-zoning or down-zoning?

A I would say it is a restrictive zone which the type of industry you are soliciting likes, because it gives them the protections that they require, so that when they invest the millions of dollars which they will invest, they know that for the next 20 or 25 years they have protection.

Q This type of commercial development does look for certain features, do they not?

A That's right.

Q Such as airport?

A The airport might be a tangent figure. I guess it is going to come into its own some day.

Q How about other things, such as golf courses?

A Most of your large office and laboratory setups usually have a beautiful setting. I think I can safely say that the lands that are presently zoned that I have looked at, and I have looked at them fairly carefully, can nowhere come near giving you the setting that exists there. This is a great attraction for office and research laboratories. First of all, you have a club-like setting because of the golf course. You have beautiful landscaping. You have virgin land that has not been spoiled, by either being dumped upon or hewn, and you have an atmosphere that most of your large research laboratories and most of your office buildings, when they went to the suburbs sought, I think this is the great attraction Dells has to offer.

Q What would be the result of such a development?

A It is difficult, I think, to make comparisons, because I don't believe anybody on a mass scale in the area has developed an L-0 zone in its entirety. But I think if you used half the allowed coverage of 17 percent, knowing the type of structure you would build, that you could generate probably a million dollars in taxes, and I would say it would take you five years to do this.

Q Is industry or commercial enterprises interested at the present time in coming into the area?

A I would say yes, and I would qualify my yes. There are a lot of reasons why you haven't had much more activity in the area. I don't believe the area has been promoted properly. I don't believe the area has been sold on what it has to offer. I think there you have an opportunity to create one of the most magnificent L-0 parks that can be created anywhere in the country.

I think the estimates of personnel are completely distorted. I can't conceive of 24,000 people being generated, and if 24,000 people were generated, I can't conceive of any industry wanting to come here. In other words, when you do one of these things, you have to look to the economics of it. If you create a monster, you are only spiting yourself. So you strive not to create a monster, but you strive to create something that is so beautiful, that you can get the top price for it.

That is the most important phase of industrial development. I am not talking about industrial real estate per se, where you have items on a shelf and you take them down like a clerk and you sell them. I am talking about industrial development of L-0 development of the highest grade, where you protect every client and give him the opportunity to have a voice in the development of the property so he protects himself, both competitive wise, personnel wise, and every other method down the line.

I am certain if we had a research laboratory their tomorrow morning and we came along with an insurance company with 10,000 people as the second client, we would just be spiting our own efforts. We would create problems that the town would hate us for. We would create problems that no other industry would want to come near us for.

I think it is a matter of ability to do these things and doing them correctly. This is what one strives for.

Q You have heard Mr. Robus' comments this morning about the growing school population. Would that have any effect upon the desirability one year from now as today?

A It will have some. Most of these clients that you will generate will either be new branch plants, which will be creations and therefore employ everybody from scratch, except for the top supervisory people, or there will be people coming into the suburbs from your big cities. Employees that are associated with the type of company we would be interested in, which do pay well and have good fringe benefit records, will bring with them in many instances a sizeable number of their own people. Let us say they bring half. Therefore, you generate the other half locally, and this half will only come about maybe after a year or two. You generate the rest locally.

It is awfully important to the national concern that they come into an area that does have cultural, social, school and municipal facilities. They look to these things. At the present time I would not say you have the cheapest tax rates in the world. You don't have it because you try to give to the people in the area something that is substantial in the way of schools and municipal features. But I will say this, that there is a definite market in the suburban area today. It will be there for a few years.

But when you start talking about part-time schools, and when you start talking about increasing tax rates, these are the things that industry carefully considers more and more.

The Executive Tax Institute at the present time is putting on punch cards a complete summary of every community in which a national plant is located that belongs to the Tax Institute. The items that I just iterated are the key items: the schools, the taxes, the social aspects. They want to pay their fair share. They want to do everything they can to help a community; but they don't want to come, as somebody said this morning, into a community where they feel they are going to be the fellow who bails you out.

I think it is important that an L-0 zone be moved one, because you just

don't zone a piece of land and then tomorrow morning have eight customers knocking on the door and then saying, "Let's build a building." An industry will not consider the land until it is zoned.

So it takes a little time after the land is zoned. If it took a year to 18 months to bring about an L-0 district, and if it took another year to generate a customer, I wonder what the tax projection would be and what the school system would be at the time. This is something that requires awfully careful consideration.

Q Mr. Rice, would the opportunity for industry or commerce to come in and be as attractive 18 months from today as they are today in this area?

A I don't believe so, and I say that with all due respect to the industries that are coming in now. You are getting industries out of the city, and new industries, but they are not the caliber or the type of industry that can do Clarkstown the greatest amount of good. They are the industry that is growing or small; they are good taxpayers; they are a little bit light, in many instances, on the payroll end of it, because this is the nature of an industry; their fringe benefits are light. Often they can't give to you the type of people that might enjoy living in Clarkstown and be given the benefit. Therefore, people may say it is a good thing, because therefore the community does not grow. I think if you never get industry and you can look back seven or ten years from now, if you didn't have industry you might grow 65 percent as fast, but you are going to grow. So I think the sensible thing to do is to try to grow with a good balance, so that you can get some good adjustment in your tax rate and you get some value from the industry that comes into the community.

Q Do you have anything further to add to your comments?

A Only this: I have looked at a lot of land. As a lot of people well know, I departed from my former association May 1st. I have looked at a lot of land from, I would say, Philadelphia to Newburgh since then. I have looked as far west as the far reaches of Morris County. I have talked to a lot of people about laboratory and office zone, a lot of big people in New York. I could name you companies and I could name names. I don't think you will find anywhere within a 50 or 75 mile radius, if done properly, the type of L-0 plot that can be projected right here at The Dells and the things that it can bring to Rockland County.

MR. TRACHTENBERG: That is all.

EXAMINATION BY MR. GREER:

Q Mr. Rice, I have just a couple of points I would like to clarify. In connection with one thing that seems to bother me in looking at this particular map, where you have a gorge or a creek here and residential land here and office or laboratory business here, is there some means of demarcation between the two, so that if the situation arises that you do have the laboratory there and you do have a coverage there which will present a good number of employees that makes it unfeasible to use the entire area, that you could put residential in the balance and still not get it mixed up in the business.

A Yes. I think any of the type industry that we would be talking to would be interested in having themselves protected by some sort of a buffer between the residential and the L-0 zone.

Q When you talk about the number of people that can go into an area, what we are really talking about is not so much the area that is put in the L-0, but the area of floor coverage ratio; isn't that what we are really talking about?

A Yes. Usually they build about 50 percent of what they are allowed to build on.

Q I did attach here -- and I will mention it to you because I think it is only fair for you to know -- a report which was given to me by the Planning Director of Westchester County which he had received. It is a public document. It is the Frederick P. Clark Associates report on buildings, zoning, floor area ratio and site area, and so forth. I don't know if you have seen it or not.

A I haven't.

Q It lists all of the larger ones and I would like you to look at that, because I think you should see that. You will note there that where they have placed large acreage, such as the IBM Plant, into this type of zone, the floor coverage ratio is very low.

A This is entirely different than an L-0 plot. These are large industries that have run out into the country, choosing a big piece of land very cheaply, and then deciding to put a facility on it. We are talking about an L-0 plot.

Q The question is this, then; what you propose to put on this particular property is not representative of anything that exists in the immediate area; is that correct?

A That's right.

Q Would it be something like the plot that was down near Birmingham, Alabama, that was submitted here as Exhibit D, I believe it is, in the papers

that were filed?

A No. It would be a much higher type plot. In other words, the type tenancy that went in there and the type building that was constructed and the size of building they constructed would not be in keeping with the ten-acre plot that is set aside here, and I don't think the restrictions would hold up if we tried to construct those types of buildings.

Q May I ask you if you can give us an example of an L-0 building type of development that exists on an acreage of this size anywhere?

A What we are talking about is non-existent at the moment. As to type of building, we could specify the type of building we would like to put in here. But as to a grouping of national concerns in a park-like setting, all protecting one another and all working as a unit, this does not exist today. This has been done with industry, but it has not been done in the L-0 zone.

Q Am I to understand that it is your opinion that the proper development of this L-0 district does not require the 35 percent floor area ratio; is that correct?

A No, I didn't say that.

Q If you used the 35 percent floor area ratio, then you would, as it applies to the whole plot, be compelled to accept the figures, or maybe scaled down slightly from what Mr. Ward stated?

A As to population in the L-0 zone?

Q As to the number of people that would work there, if they developed 82 acres of floor space.

A If this happened, the whole idea of the L-0 plot will break down.

Q Then you wouldn't need 35 percent for area ratio there?

A I don't agree with the number of people per acre. That is what I am not agreeing with. I didn't say we didn't need 35 percent. I am saying industry usually uses half of what they are allowed, because all have expansive ideas.

MR. GREER: I merely mentioned this, as far as the Board was concerned, because I didn't want to take too much time. With this tabulation you would be able to figure out the number of employees that can work within one acre of floor area, and to average it out all the way down, which I have done, I have worked it out, and it comes between 120 employees per acre and 197 on all of these types.

EXAMINATION BY MR. GREER:

Q While I know the type you have in mind may not be any that exists here, yet I am sure that the number of employees per floor area ratio in General Foods would be approximately what would come in in some other type of a business establishment, I would think, and the same thing is true with Standard Esso, which has a cafeteria, the same as General Foods, which has a cafeteria, and the laboratories that it has there; Reader's Digest, I am sure, is not too far off. I am merely making that as a comment now.

MR. TRACHTENBERG: Will you add to that comment, Mr. Greer, that this is all in the realm of speculation and that there is no basis in fact for your statement, because this park is non-existent and we don't know how many people will actually be employed?

MR. MAY: These plans are in existence, and they are not in the realm of speculation.

MR. COYLE: All right.

Someone had their hand up before.

EXAMINATION BY MR. FLEISHER, JR. (Buena Vista Road, New City)

Q You made the statement that none of these park or laboratory office areas ever went ahead unless the zoning had been approved?

A No. I said industry is not interested in coming into an area and fighting for the zone, because all they end up with is a lot of abuse.

Q I think I am correct in this: almost every one of the laboratory offices that have gone up in the last couple of years in Westchester, the plans were projected for those offices, and then on the basis of the plan the zoning was changed -- after the plan was approved, not before. They didn't give them carte blanche to go ahead and build something, anything, on that L-0 area. It was always for a specific project. I am talking about the IBM job which had to get a zoning change, the Union Carbide in East View, and most of the others; and a little job you wouldn't even know about up in Pleasantville. They all had to get a zoning change before they could get those buildings.

A That's right.

MR. WELCHMAN: Wasn't that on a restricted zoning?

MR. FLEISHER: The point I want to make is they put a lot more strings

on L-0 zone. There is no way to stop it once you have the L-0 zone.

THE WITNESS: What I am saying is this, that big industry is very pleased to come out into the suburbs and come into an area where they know they are wanted, rather than to have to fight the populace for the change in zone. In practically every one of the cases that you cited, there was quite a fight with the populace. Eventually industry won out. I would say in the instances where the buildings were built, they had to win out. In many instances they did not win out. I think Union Carbide is building an office building in New York because of some of the experiences it encountered.

MR. FLEISHER: That is a false statement. Union Carbide happened to build in New York because they couldn't get sufficient clerical help in Westchester County, of which they needed about 15,000 for that building. They built their laboratory and office out there because they couldn't get that personnel in Westchester County. I am doing the work right there.

THE WITNESS: I would like to discuss it with you as far as personnel is concerned in Westchester County.

EXAMINATION BY CHARLES FRANKEL:

Q I have two questions to put to you. The first has to do with your refusal to estimate in any sense how many people are going to come into this area. Although you don't say how many people will come in, you apparently have enough assurance so that you can reject an estimate that has been made. If I understood you, you rejected it on the grounds that industry only uses 50 percent of the area allotted. Is that right?

A Usually, yes.

Q And you gave as a reason that it always liked to save some for expansion; is that right?

A Yes.

Q To what? 100 percent? 70 percent?

A I would say some of them expand and some of them do not.

Q But there is the possibility of expansion?

A There definitely is the possibility.

Q The only reason why this full estimate isn't accepted by you is that they would like to start slow and then move?

A In some instances.

Q The second question has to do with schools, which also puzzles me. As I understand it, you thought that industry would not be happy to come into an area if the schools, for example, were on double session or if there was not sufficient schooling of the right sort, and all that; is that right?

A Yes.

Q How do you propose we settle that problem before industry comes in? By raising the tax rate?

A You mean now?

Q You said industry would not come in until we had adequate schooling to offer. How do you propose that we, for example, get off double session?

A The only way you can is to build more schools, and to build more schools cost more taxes.

Q And we ought to build more schools in order to allow industry in?

A I didn't say that.

Q But industry won't come in without more schools.

A Industry, if the condition deteriorates, won't come in.

MR. FRANKEL: That is all.

MR. SPIRO: My name is Albert Spiro, Route 304, New City.

EXAMINATION BY MR. SPIRO:

Q Mr. Rice, could you tell us your connection, present or past, with Fairlawn?

A I developed Fairlawn.

Q Are you still connected with them?

A No, sir, I am not.

Q When did you cease your connection?

A May 1st.

Q I have here a copy of the Tapan Zee Citizen, with a large headline "Industrial Park to Rise Soon in Tappan-Palisades Area, Fairlawn." Were you connected with that?

A Back in April --

Q This is dated February 5, 1959.

A That's right.

Q You were a vice president of Fairlawn?

A And director.

Q And a director?

A That's right.

Q A caption under an aerial photograph of the land involved for this large development says: "The area will be the site of an industrial park to rise in the near future. Most of the land is now uninhabited and much of it is swampy." Do you consider that suitable for industrial development?

A Maybe that is one of the reasons Mr. Rice is no longer a director.

Q Are we to take it you applied the same to the Dells?

A What is that?

Q The possible reason for your no longer being with Fairlawn, that you applied yourself the same way with Dells?

MR. JOHNS: What does that have to do with it?

MR. COYLE: Ask questions that have to do with this hearing.

Q There is a large story here about a large industrial plant which Fairlawn is going to put up with property in New Jersey and in Rockland County. A dinner was given to the Fairlawn officials by the Rockland County Industrial Development Company, at which you had certain remarks to make, that the tax to the community at that time was estimated at three-quarters of a million dollars. One of the things we are interested in here is the fact that we are zoning land and not people, that if we zoned land, somebody can very easily slip out from under with his promises.

Despite the large publicity given to this thing and subsequent follow-ups in the paper of large sewage studies having been made for the area, there appears an item in the June 3rd Journal News, and I wonder if you could possibly throw some light on it, recognizing, of course, that you have severed your connection May 1st. The article on the front page of the Journal News is headlined: "Patrick Dizzine Heads New Set of Officers of Sparkhill Legion Post." The next to the last paragraph of that article reads: "It was also reported that nothing had been heard from the corporation which has taken over from the Fairlawn Industrial Park the 60 acres of property the park had contracted to purchase from the Legion Post."

MR. TRACHTENBERG: That is all very interesting, but I don't know what he is asking.

MR. COYLE: What are you driving at?

MR. SPIRO: I think it is a consideration of many people in the town that the L-0 zone is going to be zoned for land, not for any individual. There is a possibility that after this land is zoned, increasing its value, an individual can sell out from under. There is a possibility that despite the promise to put covenants into effect, they cannot be enforced, and that an individual will slip out from under.

Mr. Rice is here as an expert. Mr. Rice has a background. Mr. Rice's background includes Fairlawn. Fairlawn was very greatly mentioned here in prior hearings in the L-0 district. I think what happened in Fairlawn, which also happened in Rockland County, is of great importance to us as a possibility of happening on The Dells' property.

MR. TRACHTENBERG: What happened in Fairlawn?

MR. SPIRO: I would like to find out.

MR. TRACHTENBERG: I will tell you what happened there. They increased their tax income. That is what happened there.

MR. SPIRO: According to this article, Fairlawn has slipped out from under and turned over the Rockland property, which it got lots of publicity on as building an industrial park and turned it over to somebody else.

MR. TRACHTENBERG: Are you implying --

MR. COYLE: Mr. Trachtenberg, please.

Do you have more questions?

BBC442

MR. SPIRO: I wonder if Mr. Rice can give us some light on this.

MR. COYLE: We are not interested in what happened with 60 acres in Tappan.

MR. SPIRO: It is in Rockland County.

MR. COYLE: It has nothing to do with this hearing.

(witness excused)

MR. COYLE: Does anyone present wish to speak in favor of the application of The Dells?

MR. JAMES JOHNSON (57 Congers Road, New City): If I may, I jotted down a couple of notes. I would like to read them, with your permission.

This morning and this afternoon we have listened to all kinds of statistics and technical jargon. I believe it is time we got down to a few brass tacks and facts.

This morning there was mentioned the statistics of the school census taken this past year and the anticipated increase in the next few years by the attorney for the School Board of Education -- I ask the Board be guided by this -- and yet he admitted that new assessable and taxable industries are needed to offset the present high tax rate. Yet here we have the largest taxpayer in Clarkstown who wants to develop and increase the tax rateables.

How many of you people noticed the housing developments along Little Ton, New Hempstead and other places slowly creeping north towards The Dells? Supposing the owner of The Dells sells these parcels to housing developers? How many of us have any idea what can happen in this township, so far as increased taxes are concerned? Have you any idea of the payrolls new industry will bring into Clarkstown? Have you any idea of the amount of construction work that these buildings will mean to Clarkstown?

Whether you people know it or not, construction work is the gravamen of the economic situation in any given part of the country. Practically everything that is manufactured throughout the United States is used in and by the construction industry and the construction people. They are also large spenders.

In conclusion, it would seem to me that everyone would like to have industry in their towns, but put it in the other fellows' backyard, don't put it in mine. Your community is only as wealthy as the industry you have in it.

MR. COYLE: Does anyone else wish to speak in favor of the application?

MISS DAIZELL (South Mountain Road): On my road it reads 80,000 square feet of land, 150-foot front. The day before yesterday I was approached by one of my neighbors to sign a petition against this development here. I asked why. They said, "Because do you want buildings in your backyard?"

Now, 80,000 square feet of land is two acres, and 150 foot front. The average ranch house today runs 90 feet. That gives us an accessibility of 30 feet on either side of our neighbor; and yet a tremendous piece of land in the back. Should a neighbor move in and take the 150 foot front, they are 30 feet from me and I am 30 feet from them. I can't see where I would have, should this industry come in, any business on my property any more than I would have my neighbor 30 feet from me. We are allotted a minimum of 150 foot front.

MR. COYLE: We will have a five-minute recess.

(Recess taken.)

MR. COYLE: On the record.

Mr. Ward has another appointment and must leave. If there is anyone who has any questions to address to Mr. Ward, please do it now.

(No response.)

MR. COYLE: Mr. Ward, you may leave.

Ladies and gentlemen, we will call on the people who wish to express themselves as being in favor of this application. There is no vote connected with a public hearing. This is simply a hearing held for the information of the Board and for assistance to them in making their decision.

I would suggest that unless you have something to offer other than what has been offered or in addition to it, that if you express yourself simply as being in favor or opposed, it will be sufficient. There is no vote being taken on it.

Who wishes to speak in favor of the application?

MR. HANK CARTER: I operate the Tor Luncheonette in New City. I appear here because this morning some businessmen appeared here represented by an attorney representing the business men of New City.

I respect all of these gentlemen and they are friends of mine, but they do not represent me. I am for The Dells 100 percent. I would like to say why I am for the business part of it.

Certainly I am for the rest of it, as quite a few people are. I know that new business in town can hurt me slightly. I can't be for the parts that are good for me and against the parts that are against me. That wouldn't be right.

There would be a need out there for a business area eventually, and I think that it should be part of it. I don't think that these men particularly were here this morning because they think it might hurt their business.

I think they have the same philosophy I have about business. If you give a fair dollar's worth for a dollar, you don't have to worry about competition. That is what I do and I think that is what they intend to do and probably do. So I think they have no worry about the competition.

I just wanted to say that for many reasons which have probably already been expressed, I am for this petition; and I am particularly not against it because I haven't heard a logical reason to be against it since I have been here, and that's all.

MR. COYLE: Does anyone else wish to speak in favor of the petition?

MR. PATRICK CAMPBELL (24 John Street, New City): I am president of the Carpenters Union of Rockland County and I am also representing the Building Trades Council of Rockland County here today.

Ladies and Gentlemen, the Building Trades as well as the Carpenters Union in Rockland County are in favor of The Dells. As the gentleman just stated, I haven't heard any reason here today that is good enough an opposition to stop such a move. We need industry. We have to advance. We want our people to be able to hold their homes and not lose their homes.

As I have stated at a previous meeting, if taxes keep going up and we do not get any relief, the working man cannot own a home in Clarkstown.

Thank you.

MR. ROBERT HUNTER (230 Gersons Road, West Nyack): I have been a home owner here for about 34 years and I believe that this petition here today is the best thing that ever happened. We need good industry in Clarkstown to help things out.

Thank you.

MR. NICHOLAS LOPEZ (New City): Mr. Supervisor, I have been here most of the day. I have heard the pros and the cons, among others. I might preface my remarks this way.

The last time we had a meeting in the school, Mr. Rice was presenting some motion pictures, or slides, or whatever they were. Along with others seeking information, I arose and asked questions. After that meeting, I received a telephone call from someone asking me what was my interest. The person identified himself to some extent, but I think it is nobody's business whether or not anyone else has a right to get up and express himself, and no telephone calls are going to bother me, I assure you.

Mr. Supervisor, it would seem, in discussing the pros and cons, there is a loss in viewing the aspect of the entire thing, and that is: is it going to hurt anyone? Is there any harm that is going to be irreparable, whether it is immediate or whether it is going to be in the future? Those are the things that the Board has to consider. Will it hurt the welfare of the individuals who are immediately adjacent to this plan? Yet I haven't heard one argument as to any irreparable injury, not one.

If we are going to approach it, let's approach it logically. Let's approach it on the basis of truth, not supposition and speculation. Some of the things advanced can't even be a theory. They haven't the bases in fact to reach the dignity of a theory.

I am not going to reiterate the arguments for them; there are more competent people than I, such as engineers and industrial developers and people who represent some of our larger companies who are interested in the growth of this community. They are not asking that you let a bunch of slobs in the community. We don't want them. Nobody wants them. I am sure Mr. Nemeroff doesn't want them.

Regardless of whether if he gets the zoning he is going to sell to somebody else and he is going to do this or do that, I think we must take the man in good faith, that he is going to build something which is truly representative of a fine community. That is what he has in mind. That is the type of industry he wants to bring here. He is not out to hurt anybody. And if he encroaches on your backyard, grow some trees.

Mr. Supervisor, thank you for the time. I shan't go any further, but I am for it, and I hope it wins.

MR. ARTHUR BABCOCK (192 Strawtown Road, New City): I guess I am going to speak for a lot of the guys that are in my class, the working man. I am for it for that reason and for another reason, too. One is that I think eventually it will

alleviate taxes for not only me who has the small job, but for you and everybody else.

That's all.

MR. RALPH LOMBARDI: I feel I am very much in favor for one reason: Where are our children of today going to be employed tomorrow?

That's all.

MR. JIM CAMPBELL (Radcliff Drive): I can say little or nothing to follow up what I heard, but I want to say one thing. I observed quite a few of these meetings and I have listened to them pro and con. The men of professional status can explain it to us. It seems to me a percentage of us will accept it and a percentage of us won't.

To me it appears this is becoming a fact of personality, that a few individuals dislike a man who is trying to do good for our organization, the community, and they are just going to disapprove it and fight to see if they can hurt us, the common working man.

Thank you.

MR. ADAM KUNZ (61 Hall Avenue, New City): I am just an average home owner here in New City and just an average worker. I bought a house three years ago here. If the tax rate keeps going up any higher than it is, I am going to lose it. I am all in favor of this petition.

MR. HORACE KRAMP (347 Little Tor Road): I live across from the property in question and I am in favor of it.

MR. PETER NAGY: I am in favor of it because it is for progress. Anywhere you don't have progress is bad. I recently took a trip through Pennsylvania and New York State. Where you don't have industry, the homes and the store fronts are dilapidated and you have people in lines waiting for their weekly check from the State.

That's all.

MR. HANK CARTER: I would like to say another word. I noticed Mr. Robus this morning, whom I think everybody here has a very high regard for, and he is a man who knows what he is talking about, told us very shortly the Board of Education might have to go on a new building program. I believe he emphasized it more strongly than that -- that it was almost definite.

I would like to ask you gentlemen that if this industry does not come to Clarkstown, where do you plan to get the money for that building program? From taxes; that's the only place you can get it.

MR. COYLE: That is up to you. We don't plan it.

MR. CARTER: That's right. I just want to say in respect to the fact that taxes are definitely going to go up, according to Mr. Robus, or more money will be needed. Since it probably will go up, I earnestly ask you, in behalf of myself and a lot of people, to please give this careful consideration, which I know you are doing, because we do need the taxes from the industry.

MR. HAROLD BESON (Congers, New York): I don't believe that the park that the laboratories are coming up on are anything like slums that our children will have to be worried about. When I say the children, I mean the parents of the children. I think the development that Mr. Nemeroff is going to put ahead and work at will be something for us to be proud of, something that we won't be afraid to let our children work in.

I don't know what he has in mind actually, but I don't believe he has intentions of putting sweatshops here. He wants something that our children will be able to work at.

MR. COYLE: Are there any more?

(No response.)

MR. COYLE: Those opposed?

MR. THOMAS J. KING (Saw Mill Road, New City):

I am here to present two important points: 1, in considering a petition like this, the burden of the proof lies with the petitioner, not those who are opposed to it. In other words, we must see concrete plans that are going forward where all this hypothetical revenue is coming from. We just don't blanket re-zone. That is point number 1.

My second point has to do with Street School. We haven't had anything concrete, have we?

This is an existing school. This is not on paper. This is something that is owned by the people of Clarkstown. About three-quarters of a million dollars worth of school building has recently been completed, has recently been finished. Okay, it is here.

We are going to put up 220 homes over here. How are we going to get them to school? By bus, presumably. If they can get past all the people going to work in this area, then we are going to maintain our Street School. Otherwise we may have to build another school or move it some place else.

Of course, there is always the possibility we will have Bonwit Teller's down here. This is going to be a big boost to Street School. I have two children in Street School and my personal stake is as great in this particular gimmick as it is in Mr. Nemeroff's.

So I submit to you, gentlemen, please, if you do approve this sort of thing, approve something concrete, where you can exercise some controls, especially over maintaining the value of our existing school.

Thank you.

MR. WALTER L. FLEISHER, JR. (Buena Vista Road, New City): I have some points I want to bring up I don't think have been touched on in relation to a development of this sort in this area. I am opposed to it in essence because of the location. It seems inappropriate. An industrial park, or a laboratory-office area, as it is proposed, seems to have a fairly high concentration of people. This requires a lot of facilities, utilities. It requires water supply, which we may or may not have adequately in this area; it requires a sewage system. Rockland County, particularly in this area, is not very good on drainage. Your sanitary waste for an area of this sort cannot be taken care of by a septic tank in a leeching field. You must have a sewage disposal system.

In the proposal, although this is not definite and nobody knows whether it will happen, they say they will build a sewage disposal plant. This plant is going to discharge into a branch of the Hackensack River. The same branch goes around and goes into the new reservoir which serves most of this area where there is drinking water. Even with a very high class sewage disposal plant, this is usually frowned on by the Public Health Department of the State of New York.

If we can't dump the sewage there, where will it go? There are no town sewers in this area. I don't think there are any generally in Clarkstown. This has been proposed. It has been talked about now for a long period of time. They are not yet built, it is going to cost the town a lot of money. Even the one that was proposed starts at New City and runs south. It has to go down and join up with Orangeburgh, and then actually be pumped out into the Hudson River through the creek at Piermont.

This doesn't even start to get to be a sewer up until this thing, which is another three miles away (indicating). This is going to cost the town a little money to build this sewer.

I am only offering this because it is a serious problem and it offsets somewhat the idea of all the great tax income we are going to have. Some of this is going to go for things of this sort, the sewer system. We now have a volunteer fire department. This may not be adequate to handle a large development. We may have to have a paid fire department. This is an additional expense. The roads have been mentioned. I won't cover them again. These are the things that must be considered in terms of the location.

The location is poor in terms of existing public facilities which would have to be built to service this area, and that is my point and reason for opposition.

MR. THOMAS I. BRENNAN: I live on Route 304 on the west side, just south of the turning point on Zukor Road.

I don't have much of a piece of property and I am interested in it. I don't make too much money. I have no property around. I am not interested in this one way or the other, other than the welfare of myself, my family, and community. I live a period of time. We all live a period of time.

This is one thing. Of all people in this community, the man who has the most to lose is Mr. Nemeroff. There is no question about that. He is the man who has the most to lose, no matter what is done with this area.

But what has happened is that I believe this is hucksterism; how your taxes are going to be saved with industry. Industry coming in is going to have folks there. It is industry all the way.

There is one thing I can't resolve. That is the town zoning to R-1. That will bring in construction homes. It will mean an immediate rise in taxes, a direct rise in taxes.

The petition is too confused. Because of the bad features in it, I must go against the entire petition.

MR. ALLYN EDWARDS (263 Phillips Hill Road, New City): I resent the implication on the part of so many people that schools cost tax money and nothing else does. Facilities are created and arise as they are needed. As though dropped from heaven by some kind of concrete mixing Santa Claus, they say that industry will solve all our problems. "Industry" is a great big, vague general word that starts with a capital "I". It is none of our business, they say, what kind of industry it is, as long as it is industry and it will help our problems and bring down our taxes.

In the whole northern part of the United States there is probably not a more

BRC442

heavily industrialized place than a town called Jersey City, New Jersey, which, according to a research made by a group of 64 communities in the metropolitan area, has the highest tax rate almost in the entire country, certainly the highest tax rate by a long shot of the 64 areas that were studied.

Mr. Fleisher mentioned something about sewers. If the New City sewer system, now vaguely being discussed as a remote future possibility, were in existence today, somebody -- us, I think -- would have to build a trunk line connecting with that three miles, or roughly 17,000 feet, at a cost of anywhere from \$30 to \$60 a foot to connect it with that sewer system, which as far as that goes at this moment does not exist.

The R-0, we have been told, has not worked out because big businesses do not like to make park-like installations next to 1/3 of an acre housing. However, here we have a petition for L-0, which was necessary because R-0 did not work for the reasons just mentioned, which gives us R-0 on a larger scale, the only difference being we have 1/3 of an acre housing next to a park designated as a park because it comes next to a park for making 1/3 of an acre housing. This is a round circle which confuses me deeply. If I have not stated this articulately and you are confused, too, maybe you should think about it some more.

MR. TRACHTENBERG: I will tell you you are confused.

MR. EDWARDS: I never interrupted you once, Mr. Trachtenberg.

MR. TRACHTENBERG: I am sorry. I wanted to straighten you out.

MR. EDWARDS: Please do.

MR. TRACHTENBERG: We said we asked for R-1 because that is the only category. We also said that on 120 acres there will be not more than 220 plots, and that is not 1/3 acre zoning.

MR. EDWARDS: Mr. Trachtenberg, the big problem here is that we must not go by what you say, but what we must give is what the ordinance says.

MR. TRACHTENBERG: That is not our fault, Mr. Edwards.

MR. EDWARDS: Nor mine. The ordinance says you will be able to build on 1/3 of an acre, if you get R-1 in that area.

MR. TRACHTENBERG: We want further than that.

MR. EDWARDS: We can't accept a promise.

MR. TRACHTENBERG: We offered all the protection that the law would afford. We told you how we engineered the area, and we offered the restrictive covenant. Let's not distort it.

MR. EDWARDS: I am not distorting it, sir. You have been distorting it.

MR. COYLE: Mr. Trachtenberg, Mr. Edwards has the floor.

MR. EDWARDS: This actually is the most of what I have to say. I don't see how we can concede on the one hand that all residential housing, especially on 1/3 of an acre, is a loss to the community in terms of taxes, and on the other hand say that we must have 1/3 of an acre housing in order to make possible the L-0 zone which will remove those taxes. What happens to the taxes in the meantime? And how do we know?

We are told that businesses are interested in the L-0 zone. I know a man who has had a house on the market for two years. Three people a week come to see it. All kinds of people are interested in it. Nobody has bought it yet. There are too many ifs and too many supposes and too many "we would not because we are nice people." They may be nice people and maybe they are not nice. But the nicest of people cannot always control the destiny of a great big investment if they do not go the way they anticipated it. I would like to see the petition a great deal more clearcut, a great deal more black on one side and white on the other.

I am a little tired having people say that everybody opposed to this petition don't like people who work. I am opposed to this petition, but I don't want my taxes higher. I would like very much to have them lower, just like people.

MR. CHARLES E. MARTIN (221 Little Tor Road, New City): For those in opposition, I want to point out there are many of us who are not opposed to industrial expansion as such. We are opposed to begging industry to take the best land we have available in the county. To this effect, I will read a statement which represents a kind of a different point of view, and that is why I will read it.

"I moved to Rockland County 12 years ago because it was richer in natural beauty than any area around New York City. I felt that the people who lived here had a respect for what they had and that this respect would produce a powerful resistance to poorly organized change. Population was growing. The city was disappearing and spreading out and it was going to make a spotty re-appearance elsewhere. It could burst out malignantly or it could be carefully

controlled so that it would not swamp and disinherit entire populations.

"The 1955 Clarkstown zoning ordinance was accepted gratefully by most of us. Here was some insurance that there would be procedural development, at least. But there are those who do not believe that on the question of zoning you must make common cause with your neighbor. There are those who look at the land and see nothing but another financial adventure. Zoning ordinances are designed to protect their neighbors from them and to keep them aware of the fact that 'property has its duties as well as its rights.'

"There has been such serious concern about what we are doing to the physical appearance of this country that it has been suggested that President Eisenhower create an office of Secretary of Environment to guide city and town planners, who are being besieged almost everywhere.

"The problem is especially serious in those areas where the citizens are not alert to the danger and as a result apply no counter pressure on their town fathers. As a result, where planning is disregarded we have a weedy, scabrous kind of development. Very little of lasting value can flourish in a weedy patch and as you know your children need the best environment you can provide for them.

"For this reason no sensible planner would offer the most desirable land to laboratory, office, or factory interests. A planner has to be a bit of an artist. His work is a great mixture of the practical and the visionary. It is the duty of an artist to recognize beauty when he sees it and to get his fellow man, if he can, to recognize it and respect it. An artist knows that what a man sees every day is as important to his well being as what he hears, reads, or touches. And he can't see very much that's beautiful if he is huddled outside the fence of a laboratory, office, golf course industrial park in a crowded development on a heavily travelled trunk road with an office building on one corner and a sprawling shopping district on the other.

"The world of profit and the world of the spirit rarely ever come together. So it is wise to be skeptical as you can be about any suggestion that will take care of your environment, your taxes, your employment, your health and your whatnot-- all in one package.

"The Harvard plan was mentioned here this morning. Another plan or it could very well have been the Harvard plan was given considerable space in the New York Times a few weeks ago. It said, in substance, that this whole northeastern United States would eventually become a vast urban complex. How seriously the communities took their planning problem would be a barometer of how successful, and more important how attractive, the area would be. It could, if the greedy have their way, easily deteriorate into a series of tiny spot zoned areas, with the finer land being incorrectly used and the poorer sections reserved for housing. This could mark the beginning of suburban slum areas, signs of which are already around us.

"I believe that down zoning means down grading, and down grading will lead to a poorer way of life for the people of Clarkstown."

MR. HERMAN ROSSE (Buena Vista Road, New City): Everybody seems to take for granted that if this petition goes through, that they are all going to benefit in taxes. I am personally not at all sure of that. I heard from Mr. Trachtenberg this morning that he recommended the All-State Insurance Company outfit in Harrison, New York.

Didn't you mention that?

MR. TRACHTENBERG: I did not say that.

MR. ROSSE: I thought you mentioned that.

At any rate, if you take an average enterprise of that kind, it will bring in a few thousand employees. There is no doubt about that, because the special work that is necessary for these enterprises cannot be recruited from the local labor market. There is sure to be a certain number that is imported.

All I want to say is this: These people that you bring in will bring their wives and children. If you want to be very conservative, that will mean that you have to double the number that you bring in, because there will be bachelors, there will be career girls, but there also will be people that have children. So you might just as well say, for every person you bring in, you bring in two people, not one.

In town planning circles, it is assumed that each person practically needs a person to look after him. That sounds funny, but he needs a dentist, he needs a doctor, he needs a nurse, he needs a baby sitter --

MR. NEMEROFF: A BANK.

MR. ROSSE: -- a real estate salesman, anything you like. If you count all these people up, you will find they are not single people, but that they have wives and that they have children and they need looking after. This becomes like one big, huge snow ball, and the snow ball is going to bring up a tremendous demand for houses.

These houses will be built, and the result will be we will all be paying taxes to beat the band.

MR. QUENTON ANDERSON (South Mountain Road, New City): I am very much troubled by the assumption which some of those who are favoring this petition seemed to have made. I am against the petition, but I am not against growth for Clarkstown.

We have to do a difficult thing here. We have to do a difficult thing every time we consider the zoning ordinance. We have to talk about the kind of development we want, and talking about the kind means coming back to the kind of fact that was put before us this morning. It means talking about areas in Clarkstown suitable for industrial development or for offices or for laboratories.

I assume the place we all want to live in is Clarkstown. It is possible to make such extensive zoning changes that you won't be able to recognize it as Clarkstown. It might be more appropriate to call it Nemeroff Heights or Nemeroff Section, but it would not be Clarkstown. That kind of shift is, I am afraid, the kind of shift Mr. Nemeroff is asking us to consider.

It is such a wide departure from our zoning scheme that it is very likely to sink our ordinance.

MR. MacDONALD DEMING: I am in favor of the zoning ordinance. I am therefore against this petition in its entirety. I will make my reason very short.

I will just ask the Board and everyone here to look at the map and to note where the proposed change is: on the extreme outskirts of the area, farthest as possible from the population center. The whole theory, as I understand it, and as it has been explained by Mr. Ward and others, is that development should be from the center out, and here we are going to put an industrial area and a big development at the extreme outside perimeter of the area, with nothing in between. You will note that there is a large amount of one acre zoning between the proposed development and the center of town.

I would just like to say one more thing. It seems to me that if this petition is granted, it is going to be very difficult for this Board to refuse anybody else who has a similar request. I am very much afraid that we will then have no zoning ordinance at all, which to me would be a tragic thing. I am opposed to it.

MR. CHARLES FRANKEL (317 Phillips Hill Road, New City): Gentlemen, it is suggested frequently that those who are opposed to this petition are opposed to the development of Rockland County, to progress, to providing jobs here, and the like. The important point to remember is that the zoning ordinance as it exists is not an ordinance that fixes growth. It is an ordinance that controls growth. It is the oldest story in the world, that when you are exceedingly anxious to grow, if you are very hungry and you are exceedingly anxious for a position, you will be reaching for something that without thinking you are likely to be poisoned and you will get indigestion and your growth will stop altogether. I think that is what is being proposed here.

In order to avoid abstractions, I would like to just spell out what seems to me what in fact, concretely, before our eyes, is going to happen every day in New City, right here, if this petition is accepted.

I noticed that the petitioner has avoided very carefully suggesting how many people are going to be brought here to work every day. That means either that they have no plans, they don't know, they are shooting in the dark, they are asking us to buy a pig in the poke, or they do know. If they do know, why don't they say, "Let me be extremely conservative"?

We heard from Mr. Ward it might be 23,000. I will cut that by 80 percent and say 5,000. I will say no one can argue 5,000 coming in every day. How? Along what roads? The present roads? By individual car? By public transportation? All the roads? Only some roads? Who pays for it? The State? We all pay State taxes. The County? How have our taxes been saved?

Mr. Nemeroff is very concerned about money. So am I. I don't want my taxes any higher. I think he is asking me, however, to pay for his profits.

But apart from the money thing, how about the world that my kids and your kids live in, the world that we are asked to consider where our kids have to go to work in the future? What kind of county, what kind of city, is it going to be? Not only do 5,000 workers come in in the morning and go home in the evening, but where do these people eat? Who brings in the provisions for them? Truck? Train? Where are the cafeterias? I suppose all this will be provided, because, as we have been told, we are going to have a supermodern plan for the future. But all these things will be provided and gone will be the roads, gone will be New City, gone will be anything we know and like.

I would say to you, gentlemen, that you have a rare opportunity here. Five or ten years from now you can be remembered as the people who saved New City in Clarkstown, or you can allow this place to look just like Long Island, in large areas, where people have bought pigs in the poke. If you do let that happen, a lot of us won't live here any more, and your work will not be remembered at all.

We have a zoning ordinance. It has been in effect for three years, partly four. Why should we throw it out when we are just beginning to grow and haven't even caught up with the growth that that zoning ordinance permits?

MR. SIDNEY HOROWITZ: I live on South Mountain Road.

There are three aspects of this petition I would like to discuss. The first is the L-0. I think in this discussion some suggestion has crept in that many of us who live in the northern part of Clarkstown are apposed to laboratories and offices. That isn't true at all.

The problem I think before this Board is, is this area suitable. It is a question of wisdom. You have Mr. Ward as a competent planner to help you. I hope that the proper decision is made, taking into account every aspect.

The second thing I would like to discuss is the L-S district. I am opposed to this both in principle and in fact, first because it does not follow the orderly plan for the development of the New City business area; second, because it will interfere with the public school, and the activity, noise and confusion that attends a shopping center is nothing you want next to a public school. I am very much opposed to that district.

As far as the down zoning from RA-1 to R-1, my feelings on this are conditioned by three things: the first is taxes. The petitioner has stated that the homes in this district would be constructed in order to pay for the development of the L-0. The average tax load per child in our school system this year to be raised by local taxes in the 1958-1959 budget will be \$420 approximately. That is exclusive of State aid. \$420. Approximately 1,000 children can be expected from this development if it is dropped to R-1. That's \$420,000 a year. Where is the money going to come from? From the individual home owner presently living here until the L-0 gets built, if it ever does get built. We have no assurance that it will.

My second reason is quite personal. I have just moved into a new home which is in close proximity to the petitioner's property on South Mountain Road. I went out and acquired the proper amount of property on which to put that home. I see no reason why there should be one law for big property holders and another for small property holders. Every person since 1955 who has purchased a house in this town has gone out and purchased it on a proper lot. Why should they be permitted a drop in zoning suddenly in the far reaches of town?

The third reason why I oppose this R-1 down zoning is very simple: the zoning ordinance of 1955 was passed after much debate and many public hearings and a good deal of searching study. It represents a plan for orderly growth. A change to R-1 in this district would make a shambles of the law. There are hundreds and hundreds of peripheral acres, I would say at least 400 peripheral acres, to the petitioner's property. Every one of those owners of those acres could come in with the same justification and ask for the same down zoning. What happens then? Where is the zoning law? The guidepost by which we have been guided since 1955 will have been gone.

The Town Council will have nothing to do. What will lead us and what will it lead us to is the big question.

For these reasons I oppose both the L-S and the R-1 down zoning.

MARGARET FRANCES GIBBONS (20 Zukor Road): I own 40 acres adjacent -- contiguous, I guess the word is -- to Mr. Nemeroff, my neighbor. I have enjoyed his hospitality and he mine and our daughters play together, but I cannot support this in its present nebulous and ambiguous form.

I am not opposed to industry in any form and I have seen on Route 119 going over to Westchester very attractive forms of it in neighborhoods that I feel have not been damaged by it. But in my own case, I do not know exactly what is coming here and nothing these gentlemen have said has told me exactly what to expect.

I know that industry and all of its wealth behind it and its ingenuity can overcome all kinds of plumbing facilities and roads and exits and entrances, but I would like to know more about it. Until I do, I cannot support this.

ALBERT SPIRO: I live in New City. I am a working man. I am a union man. I am a home owner and a taxpayer. I would like to continue to be a home owner. If I become too much more of a taxpayer, I won't be able to.

There has been a lot of talk, and it has not been gathered together, about the cost of this project of Mr. Nemeroff's to the Town. I have not heard Mr. Nemeroff talk about that or Mr. Trachtenberg. They talked about the values to the town.

I admit there could be values to it. What I see is cost. I do not like the idea of financing the project for Mr. Nemeroff through town funds. I wish Mr. Nemeroff and Mr. Trachtenberg would discuss the costs.

I can see costs for roads, possible cost for sewage, and a school which has just cost us three-quarters of a million dollars, which will be scrapped and could possibly be moved.

The gentlemen before me spoke about what would happen if this 120 acres was

downzoned. Despite the announcement by Mr. Trachtenberg that they want to put half-acre houses on it, half-acre development, the town zoning will be one-third of an acre. This, unfortunately, for The Dells plans is all that is in the zoning ordinance. But they are not really asking for 120 acres. They may be asking for 120 acres for themselves for 220 houses on it, but there are hundreds and hundreds and hundreds of acres there, and you don't have to be much of a lawyer to know that anybody can go into Court and get what Mr. Nemeroff has gotten. Once you have cracked the zoning ordinance, it is smashed.

Mr. Nemeroff has said that he will give covenants. I am not a lawyer. I am surprised that the lawyers here haven't questioned that, because the Supreme Court has outlawed restrictive covenants.

MR. NEMEROFF: Really?

MR. SPIRO: Didn't you know it?

MR. NEMEROFF: No. I am a lawyer

MR. SPIRO: That is a matter of record. Restrictive covenants cannot be enforced.

MR. JOHNS: Let's not misinform the public with misleading statements.

MR. SPIRO: I am not a lawyer.

MR. JOHNS: I am sure you are misinformed.

MR. SPIRO: It could be.

There is a carrot Mr. Nemeroff is holding over the taxpayers as if they were a donkey. That is the fact he is going to build up the L-0 with money he gets from the RA. I wonder if Mr. Nemeroff does not get the one-third acreage there whether he will go through with the L-0. Where will he get the money? He says one is necessary for the other.

MR. RICHARD MAY (480 Little Tor Road, New City): I think that the record should be clear on this question of restrictive covenants. The Supreme Court ruled that restrictive covenants with respect to race or color could not be enforced. However, the problem here is not one of race or color, but one of lot size or proposed size or cost of dwelling. Actually, a 15,000-square-foot lot is only 5,000 square feet less in size than the 20,000-square-foot lot the petitioner is talking about. We are not talking about a very different sized lot, even if he intends to build 20,000 foot lots. It does affect the number, it is true, and this is a significant matter.

I am sure that any covenant he would give, even if he were to do so, would not be enforceable with regard to cost of homes.

It is conceivable he could go before the Planning Board and the Planning Board and the Planning Board will say to them, "Look, we are not going to accept anything but 120-foot lots." This is what you said. If you want to go to Court, we will fight you, and maybe I believe the Town will have a good case to fight him, on the basis of the record and his own petition and on the basis the zoning was made. But I don't think that the Planning Board or the Town Board or anybody else can tell him he can only build \$25,000 to \$30,000 houses. These are the things that count in so far as the school costs go.

This petition has been under consideration for a long time. The taxpayers in this town have been waiting some six months to be heard. There has been a great deal of talk. A great deal of newspaper publicity has been flooding the township during the last six months, and now we have had to wait most of the day, even, in order to have an opportunity to talk.

MR. COYLE: I don't think that is quite accurate. Both sides have been represented here throughout the whole day. It has not been one-sided.

MR. MAY: What I meant to say was that it took five to six hours before getting to those who were opposed.

MR. COYLE: Yes, but right from the beginning the second person who appeared at the hearing today was representing the opposition.

MR. MAY: I don't mean to be critical.

The petition under consideration today must be looked at at the historical perspective of zoning and planning in Clarkstown. The town was first zoned in 1939. But starting a few months after the original zoning enactment, the ordinance was successively watered down until it was practically meaningless by 1950.

The first change was to delete the minimum lot area requirements so that in effect anyone could build on a 70 by 100 foot lot anywhere in Clarkstown.

For many years the policy was to grant any requested change from residential to commercial or industrial as long as there was no sizeable opposition.

The property owners used to say, "I had my property rezoned," or, "I

rezoned my property in such and such a year." There was not a question concerned in connection with zoning as to what the public welfare considerations were. It was a matter of convenience. The practice was to zone at the convenience or temporary whim of any owner and the result was a hodgepodge, with no real protection for anyone.

MR. JOHNS: Get to the point of your objection.

MR. WELCHMAN: Yes, please.

MR. JOHNS: The Board isn't going to go into past history.

MR. WELCHMAN: We want to know something definite about this particular petition.

MR. MAY: This bears on this particular petition.

MR. COYLE: What you are saying can very well be disagreed with. I don't think it has any part in here.

MR. WELCHMAN: We want some facts to determine this petition. You are not giving it to us.

MR. MAY: I think that this is extremely important when we consider this proposed development, because I believe that it is a reversal of the trend and of the practices in this town regarding zoning changes. I think it is significant and it may hurt to hear it, but I think it should be heard.

MR. COYLE: We don't necessarily agree with that.

MR. MAY: The only outstanding exception to the practices I have described in the 1939 zoning ordinance was the determined and ultimately successful opposition to the expansion of the New York Trap Rock Quarry at the insistence and with the financial support of the citizens at the northern part of the town.

Those who fought for ten years until the U. S. Supreme Court upheld their rights to protect their neighborhood are again being forced to defend not only their own neighborhood, but the welfare and the future of the entire town.

In spite of the promises of wealth to be shared by all citizens, the success of today's petition would really undermine the interests of all home owners in the town by its logical and inevitable consequences.

I have not come before you to state that today we must slavishly adhere to policies adopted four years ago. However, I do maintain that no changes of the magnitude proposed here today should be considered except in the context or as a part of a review of the total zoning picture in the town and the policies which underlie it.

Do you gentlemen really know how this is going to affect the future development and cost of government in the town? Let me only briefly summarize what I believe to be the direct and indirect effects of the proposed amendment.

It will undermine the zoning ordinance by providing a precedent anywhere in the town -- those of you who are now located in this area, bear this in mind -- for down zoning residential areas from one acre to one-third acre, and by encouraging any owner of ten acres, regardless of whether he has road access or not, or proximity to build up residential areas, to ask for commercial zoning under L-0.

Second, it will create highway traffic beyond the safe capacity of our local roads, many of them 18 feet wide, requiring an immediate expenditure, and this is conservative, of at least \$1 million. At \$2,000 a mile you have to build -- not the state, not the county, but you have to build -- for an enterprise that he is describing at least five miles of road, at \$2,000 a mile, which is the figure used by the County Highway Department in estimating the cost, for example, of Little Tor Road. This is the type of road you will need.

Third, it will bring to a head for immediate action a sewer program far beyond the financial capacity of the town, much less the petitioner himself. You won't be able to put off the sewer question, because in the furthest reaches of your town you will have created a problem which can only be solved with sewers, of which there is great doubt, and you have no assurance and nobody has given us any assurance today on the part of the proponents of this petition that they can actually build a sewer plant that would take care of two million gallons a day into a stream that carries only half a million gallons. We have no assurance of this. I have heard no one today bring anything out concerning it.

Fourth, it will seriously impair the value and the future of the Street School by surrounding it with business.

Under the regulations that you have adopted, gentlemen, an office building can be located -- and I repeat: an office building, not just a plot, could be located -- within 150 feet of the school, a structure, not to mention the problem of getting the kids into the school at the same time that you are getting people into the offices along the only roads that go to the school, the only means of access there.

Unless there are new roads constructed across from Little Tor Road towards the school, they would have to traverse a commercial area to get to the school.

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The only means of access to the school is Zukor Road.

This is something that nobody has mentioned yet. It will forever lose for the township and the county the opportunity to develop as a park The Dells, which is considered one of the outstanding and priceless natural areas, not only in the town, but for the county as a whole. No realistic proposal for developing and preserving this area and making it accessible to the public is proposed by the petitioner. A tenacre park has been set aside for private use.

Six. It will require new public services in terms of fire and police protection, probably a new fire house and equipment serving this area, which the taxpayers will have to pay for. There will have to be police in order to protect the roads during the heavy traffic when the people are coming to the plant and also for the children coming to the school. You will need additional police and additional police equipment, and they will very quickly override some of the benefits that you might get in taxation, at about \$6,000 for a policeman plus his equipment and assistance, and so on. Each cop you add is going to cost you \$10,000 a year, and that can make up a lot of money over a very short time.

Seven. Any possible short-term effect of increasing the tax base -- and I am sorry that many of the gentlemen who spoke here before are not here to hear this -- by the commercial buildings proposed, if ever actually achieved -- and there has been great doubt cast upon this -- would be soon overcome by the secondary effects of the proposed development, as brought out, for example, by Mr. Rosse, because of the inevitable addition of population to the township causing pressure for additional down zoning and its consequent attendant effects on school and government costs.

Just three more important points:

The need of major highways for access to employment centers has been stressed. It has been recognized in Westchester and other areas in the location of laboratory, office and light manufacturing areas.

I brought a map with me, but I am not going to go into it. Of the ten largest establishments that have gone up in Westchester, your General Food, your IBM plant, your All-State Insurance, every one of them, gentlemen, is on a four-lane highway within at least, at the most, five hundred feet of it, because they have people coming there, and even with these highways there is congestion. I don't have to go so far as Westchester County to point this out to you. Just look at Lederle at 8 o'clock in the morning.

It was recognized in the 1955 zoning ordinance the necessity for transportation, which is the life-blood of industry.

This was recognized in 1955 by the provision at that time of over 3,000 acres for zones, all located along the major highways, as it can be seen here. According to a careful survey by the Rockland County Planning Board, almost one-half this land is still vacant and available. The 630 acres in M-1 and 600 acres R-0 are still vacant and sufficient to provide all the employment needed under the most optimistic estimates for many years to come.

I think there is also something to be taken into consideration in your power as the Town Board under your zoning power, and that is the power to move or transfer land values. Land values have been created by the zoning ordinance as passed by the Town Board. People who were holding property have established values. In other words, land zoned for commercial and industrial purposes has a higher value than it has otherwise.

There is a limited demand. We can talk in terms of the size plots of property we need, but there is really a limited demand for industrial and commercial space in any community. If we have 600 acres of developable land in these commercial categories, this is a great deal of land. A company like the General Foods Company is on 30 acres and they have 2,000 employees. You can have 10,000 employees on a very small tract -- on a tract even that we are talking about here, of 200 acres, and on a comparatively small amount of land in terms of the township, only one-third of the amount that is zoned; and land, incidentally, can be assembled when an industry wants it bad enough, if it is in the right location.

Many sites have been assembled under much more difficult circumstances. The site of the United Nations was assembled from over one or two hundred separate property owners or more. The problem of assemblage is not difficult if you want to do it.

A small amount of land can provide a great deal of employment, more than enough employment for the people of this township for many years to come. We have those tracts and they are located where people can get to and from without requiring new facilities and without endangering traffic and addition to the cost of local government.

Just one point about the one-acre zone. If we compare it again with Westchester County, I think that some of you have seen the map that I prepared showing this, that over 60 percent of Westchester County is zoned in lots of 30,000 square feet or more. We are not doing anything different here in the Town of Clarkstown than is being done elsewhere. We are not grinding anyone into the ground in our zoning practices.

There is one other matter: L-0, which I think is important. Although the L-0 district is for the most part a well conceived and restrictive zone, it has certain provisions which deserve re-examination. First the building intensity.

The 35 percent floor area ratio is far too great for development of this type-- and this is on the basis that planners compute floor space. 200 persons per acre of floor space would allow for as much as 10,000 to 15,000 employees. Cut it in half, as Mr. Rice suggested, and you still have from 5,000 to 7,500 employees. This is a great deal of employment in the proposed L-0 zone for The Dells area.

Second, the yard and setback requirements are far from adequate to protect adjacent property.

MR. COYLE: Mr. May, will you talk about this application? We are not going to review the L-0 ordinance here now. The L-0 ordinance is adopted and can be changed. That is not the subject of this meeting.

MR. MAY: I do want to say that with respect to the school and with respect to neighboring property, it should be known that anyone who has a house, or the school itself, can find themselves within 150 feet of a building, of a commercial building, and even closer to a driveway or a parking area, within 100 feet of a parking area.

Also, that once this is adopted here, the way this zone is mapped here, the L-0 zone, you have had it. You will not be called in again. You are not going to be asked to come to a public hearing regarding what goes into this site, how it will be developed, whether it will conform to these performance standards that are written into the ordinance, which we don't know quite how they are enforced. This is the last public hearing that you will have an opportunity to attend unless the Town Board wants to go beyond the requirements of the zoning ordinance, because this is all that the zoning ordinance provides at this time.

Another of these points that is important is this: it is my plea, the same as it is everyone else's plea here, for a policy. I don't say the same policy as 1955. I take no pride in the part that I played in that work, but I ask for a policy, and more than a policy which is dictated by one property owner. You must have an over-all policy to guide you, and it cannot be one of expediency.

Substantial sums -- and this may be surprising to some of you -- are being spent for planning and planning services in Rockland County. At this time the Federal Government and the County are spending almost \$200,000.

We were talking about tax money before. Since 1953, some \$300,000 have been spent --

MR. COYLE: Mr. May, will you please get to the subject on hand? Have you anything more to bring before us?

MR. MAY: I am almost finished. I think, Mr. Coyle, this is important.

MR. COYLE: Let's hear it.

MR. MAY: Or I wouldn't be saying it to you. I am addressing this to you particularly.

You have authorized on the part of the town and on the part of the county tremendous expenditures for planning. You asked me to be pertinent to the point. Do you intend, sir, to make the proper use of these expenditures? Do you intend to use the studies that are to be made as a guide to be followed in the planning of the town and in the zoning of the town? Or do we proceed to throw the baby out with the wash, or whatever it is, or with the bath, and just forget about the studies that have been made? If we are going to have a planning board at all, if we are going to have professional planners, and we are going to have --

MR. COYLE: Mr. May, apparently you are trying to indicate to this Board that we shouldn't even consider an application from anybody about anything, because after all, the ordinance is adopted, right? This is an application proposing a change.

MR. MAY: I don't say that.

MR. COYLE: I don't quite get your point.

MR. MAY: My point is that if you were to go ahead with a thing of this magnitude at this time, when a study of even greater magnitude is under way, and for which we are paying as taxpayers, that it will probably prejudice the whole effect of the plans that are being made.

MR. WELCHMAN: That is your opinion, is that right? Express your opinion and let's get over with this. You are saying a lot of words but you are not saying anything factual that is going to be of any benefit to us.

MR. MAY: I am saying any plans will have to take this into consideration.

MR. WELCHMAN: This is your opinion?

MR. MAY: You can't ignore the zoning of 220 acres of industry and a master plan for highways and for recreation. They would have to be taken into consideration and would affect the plans that are being made.

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I believe, and I submit, that these things are serious enough to be taken with the proper study and with the proper decisions on your part after the study on an over-all basis rather than a study on the basis of one property owners.

MR. JOHN KELLY (20 Whitewood Drive, New City, New York): Because everybody who appeared here has characterized who they are and why they are here, I will do so, too. I think I can put myself in the category of the common man, like everyone else. I work for a salary and I look forward to getting it and spending it. In fact, if I look over the people who were here and the people who are here now, I would think the petitioner is the only non-common man here, and I make that by no means as a slur. In fact, I would attribute to him a certain amount of ingenuity and certainly a tremendous capacity for work. So by saying he is not with us in the common-man category, I am not making any slur.

20 Whitewood Drive is south of New City. It is on one-third of an acre. It is a development house. I would never be affected by any noise, dirt, soot or anything else up in the north end, if any, and I don't even attribute any to the L-0 zone. So you don't have to question my motives in being here.

Again, I think a lot of people have questioned a lot of things, perhaps unnecessarily. I don't represent anybody. I am here by myself and for myself and only myself. I am not here for political motives, because this isn't a political question. Nor, as it was inferred at a meeting at which I attended, am I here as one who is a young attorney who likes to hear himself talk, and perhaps other people would like to hear me talk, too, and therefore I will make myself a wealthy man like the petitioner. I am not here for that reason.

MR. RENKEN: What are you here for?

MR. KELLY: I am here for two reasons. I oppose the petition, because as it reads I think it is a tremendous precedent for the down zoning of the entire north and as well as the Town of Clarkstown. I think it destroys your zoning ordinance without any question about it. If you want to hang on to your acre zoning, you can't do it with this plan.

I don't question your L-0 zone. I think it is well designed; and as far as I know -- and I am no expert -- it could attract the type of industry that no one could have any question about. But I do question the down zoning from an acre to a third of an acre, because it doesn't make sense and it is going to be a gamble for which this town will pay.

The other thing is, the L-0 zone is predicated on a tax return. I agree with you that if it turns out, it may pay for itself and pay for some extra. But how can you sell one acre of that L-0 zone until you have a sewage plant? And we don't have any here. There is none at all. We are told about a sewer district, a sewer plant. But as far as anybody can find out, it is all a matter of what could be done and what might be done.

I think it is up to you people to question very closely the facilities for sewage facilities, because unless they can get rid of the sewage, no plant and no industry is going to be interested in that L-0 zone.

MR. COYLE: Thank you.

We will take a short recess.

(Short recess taken.)

MR. COYLE: On the record.

ROBERT R. RANNI (201 Zukor Road): I want to preface my remarks first with, I drew no conclusion before my entrance here at the hearing today. It is only after today's session that I have come to a conclusion.

First, let it be noted that a petition can be granted in part and also rejected in part. In principle, the laboratory office area is a good thing for the people and for the community. Unfortunately, attached to the down zoning of the west area, west of Crum Creek, and the L-S zoning south of the Street School, it does too much major violence to the ordinance as proposed in 1955. For these reasons I stand opposed in essence to the petition for the down zoning, but do favor the L-0 zoning.

LESTER TALKINGTON: I live at 395 Little Tor, New City.

I am opposed to this petition. I moved out here. I am renting. I moved here because I have friends in the county.

There are aspects of this life out here that led me to want to move here. But people advised against buying here at the time because of the threat of this petition and friends still urge me to be worried about buying here now. At the same time I have my children in Street School and I would like to live here.

I think that this is a very personal business of mine. But my personal interests here are as significant as anybody's else's. In fact it is the basic

nature of the conflict of interest involved that is the reason for us being here. That is the reason we have government, and that is the reason we have a democratic proceeding like this.

One of the things that disturbs me about the nature of the petition itself is that it asks you gentlemen to abdicate your responsibility and leave it up to the discretions or promises of the petitioner. I think that would be fatal to all of us as well as ruining our residential neighborhood.

MR. JOHN KELLY: I was requested by Mr. Richard C. Burleigh to read a statement of his to the Board, since he is unable to do so.

"I ask that this board deny in its entirety the petition of The Dells, Inc. of New City, N.Y., for a change in zoning of some of its lands.

"The requested R-I area means a costly school burden on Clarkstown Central District #1. It would be years, if ever, before the requested L-O area could hope to realize the 50% occupancy by industry necessary to compensate for the increased school load from the R-I district.

"The acceptability of the L-O district is open to serious question. No clear provisions have been made for the treatment and disposal of the one million gallons per day of industrial sewage to be expected. It is improbable that the State Department of Health would permit dumping this affluent into the Plum Brook watershed of Lake DeForest, which has a low water, fresh water run-off of only five hundred thousand gallons per day.

"Besides, the cost of such a plant as well as the alternative of a costly sewer line to connect with the Pearl River Sewage Disposal Plant, or any other, must be paid for by the taxpayer, not the petitioner. The taxpayers must also pay for the proper roads to handle its projected working force and truck traffic. Serious consideration must be given to the L-O district's effect upon its surrounding areas. Though this district is considered up-zoning, because of its highly restrictive character, a pilot plant in the area, as allowed in this category, must have a depressing effect upon adjacent residential districts.

"The proposed L-S district would give unwelcome competition to the present New City stores, already feeling the super-market squeeze.

"Too many such questions must be answered; the actual cost to the taxpayers, and the actual tax returns must be determined before this board can feel justified in considering anything but the denial of this petition. Respectfully yours, Richard C. Burleigh, West Nyack, New York."

PAUL GALDONE (234 Phillips Hill Road, New City): Since I seem to be the last speaker, I will only be here one minute.

I own six acres. I cleared the land myself. I built the house. There is no sign on my land for sale. I don't own 600 acres and I am against down zoning. I have as much right to say that as the petitioner has to say anything about the 600 acres.

There is one more little thing. Nobody here has mentioned we won't have adequate hospital facilities. Also, that we might have many more -- not many more, but certainly there will be traffic deaths due to this thing, which is the human value. I don't deal in real estate. I work with my hands -- not muscles, just hands.

GERALD EGELSTON: I live at 45 Little Tor Road.

I came here completely agnostic and I have sat through the day. I have heard so much that is not at all relevant to this petition. There are just a few things that come to mind.

We are worried now about a potential of 200 houses in one area, yet over the past several years we have not been worried about the Whitewood Estates, we have not been worried about the developments south of Hempstead Road, or any of these other areas. There only seems to be this one poor, unfortunate individual because he happens to be a have and not a have-not who is always the target when he makes a request.

Frankly, when his requests haven't been what I think they should have been, I have been one of the most vociferous to get up and perhaps do battle with him.

However, every time he has been turned down, he has at least come in with something that is acceptable.

Throughout today we have heard that this is a community problem. Everyone has said this is a community problem because it affects the community so badly. Why don't the detractors do a little thinking about the successful ways of using some of this? It is true that perhaps the burden of proof is on the petitioner. But if it is truly a community problem, then everybody has to give a little thought toward doing something that is constructive.

We are worried about a potential shopping center. A man would have to be a complete jackass to build a shopping center before a market existed. The zoning land for a shopping center right now does not immediately mean that there will be a supermarket there or a Bonwit Teller or a Macy or what have you. As a matter of

BRC442

fact, installations of this kind might be helpful to the town.

As far as worrying about traffic conditions and Street School, I just suggest that any of you ride through any of our present developments and see all the children in the street on the bicycles and the tricycles, or one thing or another. If no one is concerned about the traffic hazard in front of their own house, with their own children, why should they be so horribly concerned about a traffic problem at a school. Believe me, the danger is no less if you ride through Radcliff or whatever these places are called.

So much is irrelevant when we hear these things. I have heard estimates of sewage, from a few gallons to a million gallons, two million gallons. Frankly, I question the ability of most of these people to determine how much sewage will come from there.

It is within the power of the Town Board to make the ordinance as restrictive as possible, to control the way this land can be used. If there is a possibility that this land can be used so that it will be a benefit to the town, bring us ratables, perhaps help the tax situation, it should be done.

As far as denying the use of some of this land, we can't just indefinitely deny the use of land to people who just happen to own several hundred acres instead of thirty acres, or fifty acres or twenty acres. Sometime along the line we are going to have to be realistic and consider that everybody, whether he be a have or a have not, or a large holder or a small holder, has some rights to use this land.

As long as these things are protected by covenant, as long as you have an ordinance which you gentlemen yourselves can make as restrictive as possible to control and to protect the community, I can see no reason why we should just arbitrarily say no again to this petitioner.

If there are questions that have to be asked, if there is more information that is needed, for God's sake, let's have another meeting. But let's not just listen to a raising of the rabble.

As a matter of fact, to play sure, I knew I was coming over. I didn't know how I would speak, but I renew the insurance. I might pitch a winner, just to play safe. I might become unpopular.

However, what I am saying, I am saying for myself. I do believe that we are going to have to give more consideration to problems such as this.

As to the rest of the testimony this morning concerning availability of R-0, frankly, a lot of it, because I happened to have been intimate with some of the geography that they showed, was inaccurate. I didn't question it at the time, but if they would care to put up the map again, I can point out areas where there were inaccuracies on the maps that were used. It so happened until a few years ago I lived right on the cloverleaf of the Parkway and the Thruway area.

MR. EDWARDS: I will take that chance. I made the only map that was shown.

MAX SIEMENS: I would like to say something in favor of the petition.

MR. RENKEN: Let him finish.

MR. EGELSTON: I think what should be done is, if there isn't sufficient information, we should hear some more. Let's not arbitrarily be swayed by a lot of voices who say, "No, no, no," without giving constructive thought.

MR. TRACHTENBERG: Mr. Coyle, at this time I wish to offer Mr. Nemeroff to the Board for any questions that they may have or to anyone else who may have any questions.

B E R N A R D G. N E M E R O F F was called as a witness and testified as follows:

MR. COYLE: Mr. Nemeroff is offering himself to answer any questions that are pertinent.

MR. JEFFREY: I have one question.

EXAMINATION BY MR. JEFFREY:

Q It seems there is a problem with the school thing there. Would it be possible to run an access out to Little Tor? Would it be practical in your over-all scheme for a foot path, perhaps for children to the R-1 that you proposed?

A I think that would be practical, Mr. Jeffrey. I don't think any building would come in there that would endanger any children. If any building were permitted there by the Planning Board, I think it would require that a path be built or there be safety for the children first as long as the school was there.

I have acquired another piece of property along the original leading to Brownsell Road, or Phillips Hill Road, about 20 and a half acres. That

is an additional access and ingress road to the L-0 district. That doesn't appear on this map. When, as and if we do get a client that will be interested in the L-0, that road will also be proposed; that piece of property will be proposed as an access road.

MR. TRACHTENBERG: First I would like to ask that gentleman his name who stood up before in the yellow shirt.

MAX SIEMENS: Max Siemens. I live on West Clarkstown Road.

MR. TRACHTENBERG: I would like the record to show he is in favor of the petition.

Secondly, I would like the record to show that at my offer and your request nobody has asked Mr. Nemeroff any questions, except Mr. Jeffrey.

(Witness excused.)

VINCENT FAGO (65 Phillips Road): I want to say I oppose.

ANN POOR: I do not belong to a union. I am a professional person.

For the information of everybody here, if they do not know that already, professional people lose their jobs just as fast as working people, people who work by the day. They don't make any more money than they do and they are just as much a prey of the general economic circumstances as anybody else. They have to pay for the rockets just as anybody else does.

This is not just a purely local tax situation. I think that should come into the thinking about this thing. We are paying huge taxes because we have a huge defense program, not only Rockland County.

MR. COYLE: Are you in favor or against it?

ANN POOR: I am against it. I am against it for one more reason. This community is being subjected to the kind of political and pressure tactics that we have seen in the world situation and that we are confronted with every day, and we are confronted here with the same situation, which is pressure, until we break down on one point and then it is finished.

MR. COYLE: Mr. Greer, you may now proceed.

MR. GREER: I will be very brief. I have given you all a memorandum which sets forth all my views. I don't intend to go into anything that I have set forth in that memorandum because it is there for you to see. I have attached to it a study which was made by Mr. Clark for another municipality and sets forth the type of office building zones that exist in Westchester County.

In my experience I have represented the Town of New Castle in connection with its problem, with the rate of growth, and so forth. I have represented others, other villages and towns throughout Westchester. Most of my experience has been in representing the towns and villages of Westchester, all of whom are faced with the very same problem which you are now faced with.

All of their zoning problems arise right out of that very same thing. The reason I am mentioning this to you is that I know it is in your hearts here to try to protect the people of the entire town of Clarkstown, and that is what you want to do, and I know that you want to do that to protect them from their tax problems. You want to give them assurance for the future, and you want to give them guidance for the future.

One point I do want to make is this: you must make a decision today, a decision which you must make because the law requires you to make it, and that is this:

You must look at the northwest sector of this town, and I am referring now primarily to the R-1 which is now being under consideration. You must look up there and say this: are we going to have R-1 in the upper section of this town, because I will tell you this, and I will ask your attorney to look up the case, although it was not officially reported and is now on appeal to the Appellate Division. It is Ward against the City of New Rochelle.

In this one particular instance I represented Ethel Haney Ward. The decision came down three weeks ago and I upset half-acre zoning and dropped it back to quarter-acre zoning upon the very ground that exists right up here today on this R-1, and I would send your attorney -- if he is interested, he can ask me -- a copy of a 12-page decision by Frederick P. Schmitz, who was a retired referee and was on the Appellate Division, and a very good man in zoning. He turned it down because it was not within a comprehensive plan to put her property in half acre and have the surrounding property in quarter acre.

That is exactly what you have done up there. You have put that piece of property up there, if you pass it, into half acre zoning, or third-acre zoning. You cannot, therefore, deny any application, legally, if Judge Schmitz' decision stands. You cannot deny legally every single owner that borders on the periphery of that, and if they go into Court to have it set aside, they can set it aside,

because if you look up there you will see you have nothing with which to bridgehead zoning.

Zoning is a matter of bridgeheading; that is, you can go and control your town and you can control the destiny of your town if you bridgehead your zoning. By bridgeheading, I mean it has to have something to connect it to so you go from one place to another with a connection.

What I am referring to is this: you have your third acre and you have your one acre. You can go from third acre to one acre and keep your one acre intact, but if you jump, you have lost your bridgehead, and the minute you do that, you do not have what is known as a comprehensive plan unless you can find topographical conditions which will isolate the area which you have rezoned.

By topographical conditions, I do believe you do have one in the nature of Crum Creek. That may be so. But do you have a topographical condition along Tor Road? This has been said -- and your attorney will verify this, because I know, I have talked with him, and I have heard that he knows zoning very, very well: You cannot zone land on one side of the street one way and on the other side of the street the other, unless you do it and the owner doesn't object. But if the owner objects and goes into Court, he can set it aside on the ground that there is no reason for drawing the line down the middle of the Road.

You have to have a reason for drawing the line. You have a reason for drawing a line where you have a bridgehead, and you say this is the furthest we want to go with this type of zoning. We have it back here and we want to stop here. You have a right to do that, the Courts have said. You have a right to create two acre zoning, the Courts have said.

In Long Island they ran into the same problem. What happened there was they wanted to control -- they got into their conference and they talked about it -- their rate of growth. They said, "If we could only keep the rate of growth of our community at a reasonable pace, if we could just do it on a reasonable basis, we would then be able to provide the facilities. Give us a little time to build our schools. Give us a little time to do this, because if we have to rush; we can't do it economically.

They looked over into the town of New Castle which passed an ordinance which said they wanted to do the same thing. There they said, "We will limit the number of building permits within a district to 112 a year. In that way we will have 112 homes."

The Court said, "No, sir, you cannot do that." You are not permitted to do that."

So consequently the communities are now back on this. The only way that they can control their destiny, the only way that they can hang on and protect their people against a rapid growth of development, and the Courts have said the only way you can do this, is by acreage zoning, by creating your one-acre zones and let it be developed, because one-acre zones develop slower than do smaller acre zones.

Create in some communities, which may not apply to your at all, two-acre zones, as did the Town of Huntington and some of the others, which were tested in the Courts and found to be adequate, even though the developer came in and brought in great testimony to the effect that you couldn't develop it, that nobody wanted to live on two acres, and that they didn't want to take care of that much land. The Courts have said that is not the consideration. The town has the right to its own destiny.

You have up there at this present time a large one-acre place. So that I believe that in the Court you could sustain that one acre. But the minute you go in there and put that little piece into quarter acre or half acre or whatever you may put it into, then you must be prepared to say that all the rest of that land will go, because if you don't grant it to the person that comes in -- and this is Judge Smitz' decision in the Ward case which was upheld in the Appellate Division -- you will then be required by law, by a person going into Court and saying, "I want my property rezoned." You now have a big enough area and a reason for it. You have a right, the Court says, to create a reasonably large area and say, "I want that into one acre."

That is your right. But you cannot say that you want to take a small, little area --

MR. JOHNS: I don't want to interrupt your learned statements here, but I think I would advise the Board of your legal opinions. I appreciate your learned statements.

MR. GREER: I will furnish you with that case, if you so desire.

My only point is this: I think in viewing this thing, I have noticed, not by any member of the Board, but by the opposition, a sort of contempt by anybody who got up and said you ought to think twice before you interfere with planned zoning or with the zoning ordinance. There is nothing magic about a zoning ordinance. It can only change.

But the answer to that is this: whenever I sit down in a Court case -- and that is all that I know about, because that is what I get in representing

these municipalities -- I have to stand or fall on the zoning ordinance. I have to stand or fall on my case on anything that is questioned on the zoning ordinance. Consequently, I don't think that it is something to be sneered at, that you have a zoning ordinance; and whether that fits in with the zoning ordinance or doesn't, I don't think that it is something that is irrelevant to the discussion here, because if you want to throw away your zoning in this county or town, then you may want to do that.

On the other hand, if you want to put it all in that one way and make everything the same up there that you do with the residential area, then that is another thing and entirely different. You must, I say, make that decision in order to keep control. That is what you want to do, to keep control.

What if you do put this into one-third acre and then the laboratory offices do not come? My very purpose in attaching to your report there the things that were done in Westchester is to show you that what is proposed here is larger than what came about in 15 years in Westchester County, with the exception of the IBM.

You take out of there IBM and you have the park all over Westchester County, spread all over it, and it is larger than that.

These companies, you know how they work, and I don't have to tell you. The real estate people go out and they get a lot of prospects; like the baseball men, they go out and get scouts, and they bring them back to a board of directors who are sitting down. It is a tough, long, drawn-out haul.. It was five years before White Plains got General Foods.

I say it may not come up there the way Mr. Nemeroff says. If it does not come, then you don't have the tax rateables to counterbalance the down zoning of this area here, and you will then have to face a very serious problem, because all of that area will of necessity have to be put into the same zone. It isn't fair to give Mr. Nemeroff a third of an acre and not give the others.

Finally, my last argument is this: instead of the covenant and down zoning to R-1, it would seem to me that the better procedure would be to create the half acre that he is asking for and put the property into half acre, and then you won't have to bother with the covenant, because that is the type of development that you have ultimately decided upon for that sector.

MR. TRACHTENBERG: Mr. Coyle and gentlemen of the Board, when the Judge gets up to charge the jury at the end of a case, he always starts off by admonishing them to disregard the statements of counsel, because it is purely opinion, but to take note of the facts as they have been presented by the witnesses.

I am not going into a long discourse about the law. You have able counsel to guide you in that matter. I am not going to go into a long summation about what Mr. Greer said. I just want to correct a few impressions.

Maybe things happened in Westchester and maybe they happened in Long Island, but maybe Mr. Greer doesn't know that adjacent to and contiguous to part of this area there is an R-1/2 zone.

I think your honorable Board is better qualified to understand the local condition as it exists right here, what the people here need, and what the people here want, and what is best for the citizens of Clarkstown, and we don't have to be guided by experiences of particular individual incidents that may have happened elsewhere.

I could comment at length upon statements made by the opposition, what Mr. Edwards said, what Dor. Horowitz said, what some of the others have said, but I won't go into that. The case, I will submit, is all before you. You know as much of it now as you would know if I did go into a speech of 15 minutes. We leave it all with you.

However, I ask if there be any further briefs submitted by Mr. Greer or any of the opposition, that we get copies and we have the opportunity to submit reply briefs, if the Board desires.

I think, Mr. Johns, I don't know whether any mention has been made, but I assume that the petitions filed, the amended petition filed, and the various reports are part of the record.

MR. JOHNS: They are.

MR. TRACHTENBERG: There is a statement here made by Mr. Richard May in the publication that he had and we would like to read it into the record, a paragraph of a writing that Mr. Richard May made.

MR. COYLE: Let us sum up here.

He hasn't submitted it to us, has he?

MR. TRACHTENBERG: I offer it now as part of the record.

MR. COYLE: All right.

MR. TRACHTENBERG: On July 21, 1958, in a news letter issued from Raymond & May Associates, Planning Consultants, there appears this statement:

"A recent study undertaken by Raymond & May Associates for Deed Realty Corporation of Briarcliff Manor, New York, disclosed that in that village, on the average, homes developed on one acre plots pay approximately \$600 less per house in property taxes than it costs to educate the children living therein. The corresponding deficit in the case of homes developed on 12,000 square foot lots amounts to only \$138. Surprisingly, in a development on half acre lots, due to the high price of homes and to the very low incidence of school children, each house represented a profit of 2.41 dollars. The above figures emphasize the fact that contrary to prevailing opinion, upzoning to larger size residential lots does not necessarily contribute to a reduction in school taxes."

There is one other thing I want to say. In my opening statement I made reference to a vicious statement, I think, in the paper. I refer to an ad that appeared in a newspaper published here locally.

MR. JOHNS: What paper was that?

MR. NEMEROFF: The Clarkstown Citizen.

MR. COYLE: I haven't seen anything wrong in the Citizen for some time, except in the last end of the paragraph on the right-hand column. There was a statement that the Town Board I had informed you that the Town Board was not considering an intermediate zone. Actually, we are waiting for Mr. Johns to complete it. I don't know how you got that impression.

Anyway, Mr. Johns is working on that and the Board has been anxiously waiting for him to be able to complete that work.

The hearing is adjourned.

(Whereupon, at 5:25 o'clock P.M., the hearing in the above-entitled matter was adjourned.)

*Signature
of Jay Palms*

PUBLIC HEARING

Town Clerk's Office June 8, 1959 8:30 P.M.

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

Supervisor Coyle opened the hearing.

The Clerk read notice of hearing to consider the application of John H. Clarke for a Zoning Change from an R-1 to a C-2 district on property located on the east side of Route 303, Valley Cottage.

Morton Silberman, Esq. appeared as attorney for the petitioner and described the property as being on the east side of Route 303 about 600' north of Lake Road in Valley Cottage. He stated the property had the largest frontage on Route 303 but that there was also frontage on Ridge Road. He added that the petitioner was only asking for a zoning change on the portion of property fronting on Route 303. Mr. Silberman then described the location of other business properties in the vicinity along Route 303.

Attorney Silberman then presented to the Board a petition signed by residents in the area favoring the petition. He stated that Mr. Clarke was a builder and proposed constructing a building for medical offices.

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

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

The Town Attorney read a letter dated May 1, 1959 from the Planning Board favoring the change.

Signed,
Mildred F. Magai
Mildred F. Magai,
Town Clerk.

PUBLIC HEARING

Town Clerk's Office June 8, 1959 9:00 PM.

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

Supervisor Coyle opened the hearing.

The Clerk Read notice of hearing to consider the application of Herman Dohman & Augusta Dohman and James E. Sterns & Marilyn Sterns for a Change of Zoning from an RA-1 to an R-1 district on property located on the northerly side of Christian Herald Road, Valley Cottage.