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PUBLIC HEARING

Town Clerk's Office

June 23, 1959.

8:00 P.M.

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

Supervisor Coyle called the hearing to order.

The Clerk read notice of hearing to consider the application of M A K Development Corporation for a SPECIAL PERMIT pursuant to Section 3.11 Table of General Use Regulations, and Sections 4.31 and 4.32 (F), to permit the erection of residences in an RA-1(X) district under the requirements of an R-1 district, covering property on the east side of Route 304, New City,

Robert R. Granik, Esq. of Granik, Garson, Silverman and Nowicki, appeared as attorney for the petitioners and described the property as being the most southerly and easterly corner of property known as the Squadron A Fram. He stated the property consisted of 29.1 acres of facant land lying immediately north of the existing division line between the R-1 and RA-1(X) zones. Mr. Granik stated the purpose of the application was to enable the portion of Squadron A Fram which is shown in R-1 to be independently developed in conjunction with the immediately abutting area to the north, since the R-1 zone of the property was more or less landlocked behind property of Sidney Popik and the School District immediately to the east of it.

Mr. Granik pointed out to the Board that the entire Squadron A Fram extending northerly several thousand feet along 304 for a depth of 200 feet was zoned R-1 and the balance to the east of it was in RA-1(X). He stated his clients did not seek a Special Permit for the entire parcel but had taken the engineer's and planners' advice to proceed on the small parcel under consideration in the application, and let the future take care of itself.

Mr. Coyle addressed Mr. Granik and stated it was not necessary to give a lot layout but he had tentatively done so and it was noticed that no provision was made for the rebuilding and rerouting of Route 304. He added that the plan and the information from the State did not absolutely conform or be amenable to the plot plan Highway.

Mr. Granik then said that he had consulted with Mr. Bauer of the Department of Public Works and could not get a definite commitment as to when or whether the plans would be put into effect. He stated the only answer he got was that it would depend on the appropriation of the administration. Mr. Granik said it would be unfair for people with an investment to operate on nebulous suppositions. He said that since the realignment is not an accepted or legal fact his clients had to operate as if they knew nothing about it and if it became a fact, the State obviously had the power of condemnation and could take whatever was required.

Mr. Coyle told Mr. Granik that the planning for the rerouting of Route 304 was pretty definite and only awaiting an appropriation and that the State is not anxious to have a condition in a year or so where they will have to change roads because of it.

Mr. Granik stated that it was not intended to proceed with development of this tract this year and would go along with restricting the granting of Certificates of Occupancy in the entire area prior to the calendar year 1960. He stated they would be willing to restrict development of the property east of Elmwood Drive, where it is

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understood the new Route 304 would go, until the latter part of 1960.

Mr. Coyle pointed out that 304 would be laid out in strips and that it would go right through the Gildersleeve apartment house on the New City-Congers Road, which is west of the school and Elmwood Drive.

Mr. Granik stated the land applied for was 29.1 acres and the entire tract approximately 130 acres of land, about 30 being zoned R-1 and the balance RA-1(X). He added that if subdivided about 20% would be taken for roads.

Mr. Granik stated the original intent of the RA-1(X) zone as passed by the Town Board was that it would be a transitional area through which the community could grow as services expanded and added that no area in the Town was closer in to community services and more available to services than this. He commented further that it had public water, was available to schools, transportation, fire protection and, if sewers were installed suitable arrangements could be made by the area for connection thereto. He concluded that it filled all requirements of the original ordinance passed for the purpose.

Questions were then put to Mr. Granik, who answered as follows:

Town Attorney: You said there were 130 acres approximately in the whole tract?

A: Approximately.

Town Attorney: Do you intend to develop it eventually?

A: I have no idea how it will be developed at this time.

Town Attorney: Well, it could be developed with a total number of homes that might eventually exceed 100. Would that be correct?

A: You mean the whole area?

Town Attorney: Yes.

A: Even under the present zoning my client could have that.

Town Attorney: And you have or will make provisions for whatever waste disposal may be required by the Town Planning Board?

A: Certainly.

Town Attorney: And by the Board of Health, in this connection?

A: Surely.

Town Attorney: What I have in mind is, that coming in on a section of approximately 130 acres showing "X" number of homes, the total of which eventually might exceed 100, the Board of Health enters into it and takes into consideration provisions for waste disposal.

Mr. Granik: This was resolved about three years ago when Mr. Roepe and I discussed this question with the attorney for the State Dept. of Health and it was agreed and ultimately entirely disregarded, that the consideration that 100 homes required formation of a Sewer Plant or District was strictly the idea of one Health Dept. officer in Albany and not the policy of the Dept. because there is no regulatory statute or other requirement for such. We are aware there is presently a Sewer District under consideration for this area and my client has authorized me to say if land is needed for a Sewer Plant in this area an amicable arrangement can be made with the Town for it.

Town Attorney: Where will your water supply be hooked up?

A: One would be along Route 304 and the other would be in North Elmwood Drive, where water is presently accessible to the school. Am I correct?

Mr. Jeffrey: Why did you come up with this particular number of houses?

A: It was the engineer's recommendation. I asked him to prepare an independent plan for development of a Section; to form a more or less homogeneous group.

Sixty acres would have gone beyond requirements of the developer for the next two years and less than 30 would not have been economically feasible because road systems require certain continuity on both sides and certain lengths to be practical.

Town Attorney: I would like to cover some of the findings that the Board must make in connection with the additional 4.32 (F) findings which you have not referred to and get them on the record. Are there residences located on lots immediately adjacent to or within a thousand feet of the boundary of an R-1 district of a portion of an RA-1 district?

A: The entire premises concerned immediately abutt an RA-1 district.

Town Attorney: Are there at least five lots within 1000', each with a lot area of 20,000 square feet or less?

A: Yes.

Town Attorney: Or within 1000' of this area?

A: Yes. Immediately abutting.

Mr. Jeffrey: How many houses are proposed?

Mr. Coyle: Mr. Jeffrey, this hearing is only on the total area involved and just because they have shown the plots does not mean they are in any way bound.

Mr. Jeffrey: The end result will be approximately 70 houses and I want to know how many houses are going to be put on this land as proposed here.

Mr. Coyle: At this hearing it is impossible to request that information.

Mr. Jeffrey: They have offered it and I want to know.

A: I have no objection to answering. This was a proposal to show the Board the layout and why it was required to tie in the existing R-1 with the proposal. I do not believe there are 70 in the RA-1(X), perhaps combined there are. This is already R-1 (pointing to the map) and this is the area under discussion.

Supervisor Coyle then asked if anyone wished to ask questions or speak in favor of the application.

Mr. Elmer Emery of Route 304, New City, inquired where the property was located and was shown on the map.

Supervisor Coyle then asked if anyone wished to speak in opposition to the application, or in reference to it.

Mr. Hugo Robus, Jr., representing Clarkstown Central School District No. 1, stated he was neither opposed or in favor of the application but that he wanted to present information which might be helpful in reaching a determination. He referred to figures submitted to the Board on June 6, 1959 and a School Census Report he had with him which was made in August of 1958 which is mandated by State Law. Mr. Robus reported as follows: "We find that in the census report are classes coming up to the school, (these are pre-school classes) are now ranging between 400 and 500, an actual count of noses presently in the District. It doesn't take into account anything that might come or drop out. When these children arrive at our school our classes are going to average between 500 and 600, which means we will have a tremendous problem of numbers. We are fully aware that it is our job to cope with these numbers and of the fact it is our duty to do our best."

"We have done pretty well so far and we have a Junior High School under con-

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struction, authorized an additional Elementary School in the New City area and additions to four of our existing Elementary Schools, which is going to raise our capacity considerably but which will be completely taken up one year after completion. I simply want to bring out the fact that a sudden spurt in growth will penalize educationally the children in the District now. We have to try to keep education as sound as we can. We want to abide by the present Zoning Law and its provisions for future planning and development in an orderly procedure and that is why I say I am not here to oppose this but to reflect and hope that this plan will be followed carefully with an eye to the children and the quality of their education." (Mr. Robus then referred to a letter dated April 7, 1959 under the signature of Mr. Dean Seifried with reference to Hillcrest Village.) "We will be very grateful for any help you can give in helping us gradually build up the School System."

Mr. Coyle: You say there is a construction program now under way; when will it be completed?

A: The Junior High School will be ready in September of 1960 and if the steel strike doesn't delay our plans we hope the Elementary Schools will be ready then too. The additions certainly should be completed then but it depends on facts not now available.

Mr. Coyle: Did you say that present population figures indicate all those facilities will be filled a year after that time?

A: That is correct. In the year 1961-62 our capacity will be 5790, total Kindergarten through High School and our anticipated enrollment is 5806, meaning we will be slightly over that point.

Mr. Jeffrey: This takes into consideration this new construction?

A: Yes, that now in progress and that authorized but not yet in progress. Our interest is a bi-lateral one, concern for the district's children with respect to education and the impact on the tax bill which any building program will have, and school taxes have been high. We are now considered an emergency district by the State and received special State Aid. We received enough State Aid to build our new schools with no direct cost to the local taxpayer but operating the buildings is entirely local cost and amounts to approximately over 75% of the annual school budget. So as I say, our concern is two-fold, educational and tax-wise.

Town Attorney: Mr. Robus, you understand that this is an application for a Special Permit?

A: Yes, I realize that.

Town Attorney: Being the "X" District, which provides for certain criteria, once established, the Board would then necessarily have to grant the issuance of a Permit. Would you say the School District has these points in mind?

A: We are aware we must live within the limits of the Zoning Ordinance and have no intention or desire to oppose any operation within its framework.

Mr. Coyle: We have one finding to make tonight that will be in various hearings at other times. Can proper school facilities be provided for this expansion? This represents, we assume, some 50 houses.

A: I would find it very difficult to answer that correctly because I am not aware of what else is happening. This is part of the total picture. We have been trying to get together with a running picture so that we can keep up with this and give you the facts and figures without boring you with them time after time. We'd like to present you with this statistic automatically at the hearing. I do not know what other development is under way, how many houses have been finally authorized or how many preliminary approvals issued, etcetera. I can't tell you the answer to that. The figures I have submitted in these other reports, together with the total picture you might be able to get together, would give you the answer.

Mr. Granik: Mr. Robus, I am very appreciative of the fine manner in which the subject was presented. I have no argument with it but for the record we want a few questions answered. The problem of planning for growth in the community is a continuing one, is it not?

A: Of course.

Mr. Granik: I mean, it never really stops.

A: Oh no.

Mr. Granik: We are always planning for the future.

A: That is correct.

Mr. Granik: You did bring out the fact that at the present time the School District in the area is considered an emergency area. I am not sure it was 100%, but very close to 100% of the construction cost would be absorbed by direct aid from the State.

A: That is correct.

Mr. Granik: I am fully familiar, as a taxpayer in Ramapo, that we support our own way. Actually speaking, the question the Supervisor asked was "Can adequate facilities be provided?". The answer would have to be, I think, from an honest legal standpoint, that subject to the problems, they can be adequately provided.

A: It is not quite that simple, Mr. Granik. Even with emergency aid, any building program has to be approved by two-thirds of the voters at any special School District meeting.

Mr. Granik: I see. But subject to the approval of the voters, the system or adequate facilities could be provided. Let us say we are not restricted by law in the bonded indebtedness from providing it; that would mean that if it were, you would have to say they cannot be provided.

A: That is correct. You are not restricted in that way. I simply say that our bonded indebtedness is such, along with high tax rates and several other factors, that we are able to get enough emergency State Aid to put up our buildings provided 66-2/3% of the voters, at an annual meeting, vote for it. Then comes the problem of operation of these buildings and the impact on the taxpayers, because operation is a very substantial part of the budget.

Mr. Granik: I have only one more question. Keeping in mind that any development of homes exists, even after approved or not, it necessitates a time lag for its process through the various departments of the community--the Health Department, Planning Board approval, weather and so forth - a development

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of this size would take a minimum of two years and possibly more-- would we then have the picture that your continuing problem, and it is a continuing problem for all of us, is always developing new resources and facilities for the ever continuing problem?

A: We are certainly endeavoring to do that and have a committee of interested citizens who have before them this job. It is a continuing problem and we do not deny the responsibility at all.

Mr. Robus then addressed the Supervisor and stated he did not think it was necessary to appear at the hearing concerning the Hillcrest Village in that he had a letter on file, and the Supervisor stated it would not.

Supervisor Coyle then asked if anyone else wished to be heard in opposition to the application.

Mrs. Charlotte Menaker of Route 304, New City, appeared and stated she was opposed to the granting of the Special Permit. She said it would be the first slice of a large area that is going to open up to the north, which, in turn would affect other areas to the north. Mrs. Menaker also referred to the sewerage problem it would bring and its effect, possibly, on the brook running the entire length and through the middle of the Squadron A property.

Mr. Coyle: Mrs. Menaker, the matter of sewerage is one that does not come within the scope of the Board's decision in reference to RA-1(X). It comes before the Health Department when people apply for lay-outs for a subdivision and this application has nothing to do with that.

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

The Town Attorney read a letter from the Planning Board dated May 25, 1959 recommending denial of the petition and embodying reasons therefor.

Mr. Granik advised the Board that an LO zone was a highly restrictive type of zone created under the Zoning Ordinance and should not be forced on any owner except upon his specific request. He stated his client had not requested it and did not want to go into competition with the tract of land just approved for LO.

Supervisor Coyle asked if anyone else wished to be heard.

Albert Spiro of Route 304, New City, appeared and stated he was opposed in that it would open up huge tracts to the north of the property under consideration.

Mr. Vincent Fago of 65 Phillips Hill Road, New City, also appeared and stated he was against the petition for more houses.

No one else desiring to be heard, on motion by Mr. Renken, seconded by Mr. Welchman and unanimously carried, the hearing was closed.

Signed

*Mildred F. Nagai*

Mildred F. Nagai,  
Town Clerk.

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PUBLIC HEARING

Town Clerk's Office

June 23, 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 Karl A. Kirchner and Michael Scales for a SPECIAL PERMIT pursuant to Sections 3.11, 4.31 and 4.32 (f), to permit erection of residences in an RA-1(X) district under the requirements of an R-1 district, covering property located on Rose Road, Nanuet, New York.

Robert Granik, Esq. of Granik, Garson, Silverman & Nowicki, appeared for the petitioners and described the property as being situated approximately 2400' back and approximately 1833' west of the westerly line of Rose Road, Nanuet, where the property commenced, the existing division line between R-1 to the east of it and extending all the way to Rose Road and the RA-1(X) lying west of that division line.

Mr. Granik told the Board the petitioners were owners of property along Rose Road presently zoned R-1 as well as property to the west zoned RA-1(X) and that the only part concerned was that portion zoned RA-1(X), comprised of 18.5 acres more or less.

Mr. Granik stated the property was in the Nanuet School District and had water facilities immediately available in Rose Road which would be brought to the developed premises when it got to that point. He added that all requirements as to facilities available and that could be made available for special permit requirements were met.

Mr. Granik answered questions asked by the following as indicated:

Town Attorney:- How wide is Rose Road at the location of your property?

A: I do not know exactly but I believe it was widened recently.

Mr. Coyle:- You say water supply is available?

A: Water supply is presently available.

Mr. Coyle: The disposal will be septic tanks?

A: Yes. Subject to the approval of the Health Department and Planning Department.

Mr. Coyle:- You are in the Nanuet Fire District?

A: We are in the Nanuet School District. I do not know which fire district but it must be Nanuet.

Mr. Coyle:- Is there gas there?

A: Yes.

Mr. Coyle: In reference to traffic congestion, there is no arrangement whereby you are hooking up with other properties beyond that roads will go through or that there will be any other way out than Rose Road?

A: No, but there is a 2000' frontage along Rose Road, so there will be traffic control.

Mr. Coyle: This whole area will have to come out on Rose Road?

A: At present, yes. Arrangements will have to be made with the Planning Board.

Mr. Jeffrey: You have no other access road?

A: No, we have not. The Planning Board will probably require certain spurs for ultimate connection with future construction.

Mr. Renken then asked Mr. Kirchner:- What is on the west end of the property?

A: Lake Nanuet. We practically go through the lake on that side and on the southwest is a bungalow colony.

Town Attorney Johns then continued questioning Mr. Granik:- Will you point out to the

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Board the boundary which abuts in RA-1(X) or RA-1 district?

A: The RA-1(X) parcel immediately abuts the R-1 zone along the RA-1(X)'s easterly boundary line.

Town Attorney: And there are 5 lots within 1000' with a building on each, having a lot area of 20,000' or less?

A: Yes. Park View Homes.

Town Attorney: And you are in the Nanuet School District?

A: Yes.

Mr. Granik told the Board that the property in question was abutted on the south by Summer Colony in existence; on the north by similar zoning - R-1 and RA-1(X); and that property to the east of Rose Road was developed with single family residences.

Supervisor Coyle asked if anyone present favored the petition or was opposed to it. No one appeared.

Town Attorney Johns read a letter from the Planning Board recommending favorable consideration of the application.

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

Signed,

*Mildred F. Magai*  
Mildred F. Magai,  
Town Clerk.

Town Clerk's Office

PUBLIC HEARING

9:00 P.M.

June 23, 1959

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

The Clerk read notice of hearing to consider application of Hillcrest Village for a SPECIAL PERMIT pursuant to Sections 3.11, 4.31 and 4.32 (F) of the Zoning Ordinance to permit the erection of residences in an RA-1(X) district under the requirements of an R-1 district, covering property on the south side of West Clarkstown Road, Town of Clarkstown.

David Moses, Esq. appeared on behalf of the petitioner and filed with the Board a letter dated June 18, 1959 from the Spring Valley Water Works & Supply Company stating that a water main could be installed.

Mr. Alan Kurtis, associate of Mr. Eli Besen, petitioner, displayed a composite map of the area and pointed out that 19+ acres was zoned RA-1(X) and about 5.2 acres in SC.

Mr. Moses told the Board that in the overall aspect the results of the request would be up-zoning, that at a previous hearing there was no opposition but it should have been explained to the Board at that time just how the area had been zoned and developed. He told the Board the area involved was surrounded by 15,000 square foot lots.

Mr. Moses stated he had done some computing, subject to variation, and found that the acreage in Summer Colony would permit a little over 40 homes - deducting something for roads, and that in RA-1(X) would permit 19 homes less deduction for roads, so 60 homes could be built on the entire plot under

present zoning. He stated his clients tentative layout was for 53 lots averaging not less than 18,000 square feet to 34,000 square feet in size with the exception of two of 15,000 square feet, which was less than permitted under present zoning. Mr. Moses told the Board that where the pipeline of the Home Gas Company was located it was proposed to back up two sets of lots on the pipeline and have deep lots so the pipeline could be utilized for backyard and at the same time have houses removed a considerable distance from it.

The Town Attorney pointed out that when they came in for subdivision approval, they would not come in on minimum of SC lots but on what the Planning Board would approve.

Mr. Moses then stated that it was necessary to assume that the Town had had an SC designation in the Ordinance that was a real designation, adding that they did not like the SC designation would ruin the rest of that development, so they felt they had to wipe out the SC designation.

Mr. Moses answered questions addressed to him as follows:

Mr. Coyle: This property is in Clarkstown Central School District?

A: Correct. Chestnut Grove School.

Mr. Coyle: Waste disposal would be by septic tanks?

A: Yes.

Mr. Coyle: What fire district would it be in?

A: Hillcrest Fire District.

Mr. Jeffrey then said to Mr. Kurtis "This intersection looks like a rather dangerous one to me.", pointing to the map. Mr. Kurtis then replied "There is some question right now as to whether this line actually extends straight, is Town property not opened up, or whether it remains this way. This will be checked. This condition will not be permitted in any event. In the rush in getting this thing out, we had to show it this way.

Mr. Coyle: How many plots will there be.

A: 53 plots.

Mr. Coyle: That includes the SC area?

A: Yes, it does.

Mr. Coyle: The road stubs that you show - none of them will actually go anywhere except the ones that come out on West Clarkstown Road, at the present time?

A: No. The Planning Board, being cognizant of local problems, may ask re-arrangement of the roads. They may require a wider entrance. Whatever they ask will have to be complied with.

Town Attorney: Will you show me where there are 5 lots of 50,000 square feet or less, each with a residence on it, all within 1000 feet?

A: On Hedgerow Lane and 3 on Gerke Road and 2 individual houses shown as exceptions on our map in the SC area.

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

The Town Attorney read a letter from the Planning Board recommending approval of the petition in view of the fact that they believed school problems had been overcome.



high elevation.

Mr. Coyle: What about other utilities?

Mr. Rifkinson: There is gas and water right in front of the property.

Mr. Coyle: In what School District is it.

Mr. Rifkinson: Valley Cottage Elementary and Nyack High School.

Town Attorney: Will you show us the nearest R-1 area in relation to this property, or RA-1(X)? Would that be Mary Lane in Quaspeck Park?

A: Yes.

Town Attorney: You are within 1000' of Quaspeck Park, which is about 770' away and built on about 7500'.

Supervisor Coyle asked if anyone wished to speak in favor of or in opposition to the application.

Mr. Joseph Phillips of the Nyack Public Schools stated he had information to offer which dealt chiefly with schools and that had been submitted previously at a hearing on the property involved, at which time the school was in a building problem and short of space. He added that at Valley Cottage shortage of space seemed to be a perennial problem with birth rates and everything and that the schools were again getting full and would continue in spite of anything. Mr. Phillips stated it was found in homes running roughly \$15,000.00 to \$20,000.00 that immediately upon occupancy they got one child and in five years it averaged out two and held pretty well to that. He stated that building itself was very moderate in cost because of State funds available but the big item was the 70% cost of running the educational system due to employment of teachers, paper, pencils, books and so forth, and he thought this should be brought to the Board's attention by the schools.

Supervisor Coyle then questioned Mr. Phillips as follows:

Mr. Coyle: What is your capacity in the Nyack School - your building capacity?

A: I can give it to you but it would not be a very valid figure because it depends on grade levels - Junior High, Senior High or Elementary.

Mr. Coyle: I mean roughly.

A: The total runs roughly 3600 or 3700.

Mr. Coyle: Your present construction is now completed?

A: That is right.

Mr. Coyle: Do you have extra capacity or not?

A: On the Junior High level we have, some Senior High and some Elementary at certain points. Some grades are heavy and some not. It is a fluctuating situation.

Supervisor Coyle asked if anyone had any questions to ask.

Miss Martha Reed of Lake Road, Valley Cottage, stated she owned property adjoining, on the north side, which she hoped to develop. Miss Reed asked several questions about lot sizes and depth of the property under consideration as well as water supply, which were answered.

Supervisor Coyle asked if anyone wished to speak in opposition to the application. No one appeared.

Councilman Renken then addressed Mr. Phillips and questioned him as follows:

Mr. Renken: You stated before the capacity of Nyack Schools was approximately 3700.

Do you have any idea of the approximate enrollment?

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A: 3300, 3400, 3500 - There again it is one of those figures by statistics. You never at any time have that many because they are in and out.

Mr. Coyle: At present you are not in any kind of squeeze similar to Central Clarkstown where they are starting a building program and expect to finish it in 1960 and be completely filled by 1961?

A: We are not in a squeeze. We are going into double session. As far as allotted space for Elementary School in Valley Cottage, we are very rapidly approaching the point where we will be full as far as rooms go. But you can build up the size of classes if you want to. Clarkstown could too, build up to 35 and 40, and still have room but it would not be good education at all and is not accepted as good practice. If you are lucky and if all the children happen to hit the age level you have a space spot.

Mr. Bloom then addressed Mr. Phillips and asked if he recalled a press release dated Friday, January 29, 1959 with a headline "Nyack has High School Space", which he read, and whether he believed this was correct. Mr. Phillips stated it was substantially correct.

Supervisor Coyle asked if anyone else wished to be heard and no one appeared.

The Town Attorney then read a letter from the Planning Board dated May 25, 1959 which stated the parcel under consideration had been before their Board for Special Permit on Oct. 14, 1955 and June 29, 1956 and denied on basis of Spring Valley Water Works and Supply Company letter dated July 18, 1956, and that if conditions concerning water still remained they would recommend denial of the application. The Water Company letter was then read and placed on file, together with the Planning Board letter.

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

Signed,

*Mildred F. Magai*  
Mildred F. Magai,  
Town Clerk.

PUBLIC HEARING

Town Clerk's Office

June 23, 1959

10:00 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 Great Oaks Homes, Inc. for a SPECIAL PERMIT pursuant to Section 3.11 Table of General Use Regulations and Sections 4.31 and 4.32 (F) to permit the erection of residence in an RA-1(X) district under the requirements of an R-1 district.

Edward G. Roepe, Esq. appeared as attorney for the petitioner and stated they had a proposed plot plan showing their intentions with respect to the development of the property. He pointed out to the Board the locations of West Clarkstown Road, Burda Lane, the Palisades Interstate Parkway and a marginal road by the Palisades Interstate Parkway. He then stated he would like to call Mr. Ira Wallach, President of the applicant corporation, Great Oaks Homes, Inc. for questioning.

Supervisor Coyle informed Mr. Roepe that the Town had not taken over the marginal road and probably wouldn't take it over, after which Mr. Roepe pointed out two access roads.

Upon questioning by Attorney Roepe, Mr. Ira Wallach testified as follows:

Mr. Roepe: Mr. Wallach, you are President of the petitioner, Great Oaks Homes, Inc. -  
Is that correct?

A: That is correct.

Mr. Roepe: I show you this exhibit and ask will you identify it as the proposed subdivision plot plan?

A: This is the proposed subdivision plot plan.

Mr. Roepe: You have brought with you tonight Mr. Edward Karp, the Engineer who laid it out?

A: Yes sir.

Mr. Roepe: Will you tell this Board whether the proposed use or layout is appropriately located with respect to transportation?

A: Yes, it is.

Mr. Roepe: By that you mean there will be an adequate layout of streets and highways to service the lots you intend to lay out?

A: Yes. Adequately so.

Mr. Roepe: Is it also appropriately located with respect to waste disposal?

A: Yes.

Mr. Roepe: And adequately serviced by the Water Supply Company?

A: It is. I believe there is a letter from the Water Company on file in this office.

Mr. Coyle: Will you tell me how many acres we are discussing?

Mr. Roepe: 36.2 acres, I believe.

Mr. Roepe: Are there any facilities for this Board inspecting the letter submitted to the Planning Board with respect to the availability of water here?  
Mr. Wallach, that letter from the Spring Valley Water Works & Supply Company was to the effect that they had mains in the immediate vicinity?

A: That is correct.

Mr. Roepe: And what else do you recall about that?

A: And that they would be prepared to extend their service to serve this particular area.

Mr. Roepe: Is this design or proposed plan appropriately located with respect to fire and police protection?

A: Yes. It is.

Mr. Welchman: In what fire district is this?

A: New City Fire District.

Mr. Roepe: You would be willing to say the Town of Clarkstown affords sufficient police protection to all of Clarkstown including this area?

A: Devinitely. They are very efficient.

Mr. Roepe: Is this area adequately located with respect to other facilities?

A: Yes.

Mr. Roepe: Mr. Wallach, have you, at my suggestion, made yourself acquainted with the provisions of the Zoning Ordinance of the Town of Clarkstown insofar as it

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relates to additional findings with respect to Special Permit uses?

A: Yes, I have.

Mr. Roepe: And as a result of that examination of the Zoning Ordinance - (and I refer particularly to Sections 4.16, 4.17 and 4.18,)-will the permission granted to you in any way create at any point a determination set forth in those particular Sections 4.16, 4.17 and 4.18 any more dangerous and objectionable elements referred to in Section 4.11 than is characteristic of Uses expressly permitted as of right in equivalent districts?

A: No.

Mr. Roepe: In other words all you propose to do is build homes here?

A: Yes.

Mr. Roepe: You will not contribute to any fly ash nuisance or explosive hazard or anything of that nature? Nor a glue factory?

A: No.

Mr. Roepe: Will the grant of this Special Permit Use adversely effect the character of or property values in this area?

A: It will probably increase the property values.

Mr. Roepe: Will you tell us briefly what the general character of the neighborhood is in which you propose to plan this improvement?

A: On Burda Lane, which is one street that borders on the property, there are a series of small homes of which the economic level is probably lower than the ones proposed here. Also they are on very small lots of, I believe, 50 X 100 but I am not sure of the size. They are quite small.

Mr. Roepe: And they apparently were built before the implement of Zoning controls, is that your opinion?

A: Yes. But there are two under construction at this time on the same size lots. Therefore, the improvement of this property could only add to the value of the area.

Mr. Roepe: Will the grant of the Special Permit Use pursuant to the application which you have made to this Town Board impair the public health, safety, morals, convenience, comfort, prosperity or any other aspects of the general welfare of the Town?

A: No. As a matter of fact it should contribute to the wealth of the community by building, causing prosperity.

Mr. Roepe: And the proposal that you advance here, will that comply with all other regulations which are applicable to the uses which you propose to make of this area?

A: Yes.

Mr. Roepe: Have you acquainted yourself, at my suggestion, with the provisions of Section 4.32 (F) of the Zoning Ordinance of the Town of Clarkstown.

A: Yes, I have.

Mr. Roepe: In accordance with that again, the public water facilities are readily available and will be made available to service these lots upon which propose to erect houses?

A: That is correct.

Mr. Roepe: I ask you, Mr. Wallach, the lots or developments which you propose, in which those lots are located or in which those lots are a part, are they immediately adjacent to or within 1000' of the boundary of an R-1 district or a portion of an RA-1(X) district in which there has been issued a SPECIAL PERMIT USE for building under R-1 regulations?

A: Yes.

Mr. Roepe: Or is it immediately adjacent to or within 1000' of at least five lots with existing residences having an area or individual lot area with respect to these five lots of 20,000 square feet or less?

A: Yes. We have one common border or boundary line rather.

Town Attorney: Where are the lots you refer to as at least five?

A: On Burda Lane.

Mr. Roepe: These houses are immediately across the road and that would be east of it?

A: That is correct. On our westerly boundary we communicate with a proposed development which will be built under the Special Permit of RA-1(X).

Mr. Roepe: Is that the development which is currently known as "Wood Knolls"?

A: That is correct.

Mr. Roepe: And in that development there will be permits granted for housing on lots of 15,000 square feet?

A: Yes. That is correct.

Mr. Roepe: But in any event, there are at least five houses across the road from Burda Lane which are built on an area of less than 15,000 square feet?

A: Correct.

Mr. Roepe: Now would you tell us something if you will please, or let me ask you this, are the community facilities presently existing or are there plans or reasonable possibilities for the expansion of such facilities so that they will be adequate to provide for residents who will eventually move into this development?

A: Yes. There are community facilities available.

Mr. Roepe then told the Board that the Engineer, Mr. Karp was present to answer any questions the Board wanted to ask, so that they could be cleared up.

Mr. Coyle: Mr. Roepe, our Board is not, of course, passing on the subdivision layout but some of the members have seen the property and know there is a brook wandering through this property. We would like to know what is your intention in reference to the condition imposed by the brook?

Mr. Roepe: I think that Mr. Karp can probably answer that. You may ask him. Mr. Karp what happens to the brook?

Mr. Karp: The brook will be re-routed to run along a straight line. Where it now wanders all over the lot it will be run along a straight line along the property line, so it will be in the rear of the two adjacent properties. It will be straightened widened, cleaned, and piped where it crosses the road.

Mr. Welchman: It will be open through the backyards?

Mr. Karp: Yes.

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Town Attorney: Mr. Karp, you must obtain a permit from the Town Board for the re-location or diversion of any stream.

Mr. Karp: Just how do you define diversion?

Mr. Roepe: Re-location, I suppose.

Mr. Karp: This diversion won't be more than the very worst about 75'. Thru the property lot--instead of cutting through the middle of the lot it would run along the property line and be piped under the road and along this property line (pointing to the map).

Mr. Roepe: We will be glad to make that application. I think I can say, for the record, that anything we do with respect to re-location or diversion of this brook will be done within the property limits and will not be done to the prejudice of any adjoining or any down-stream owners or any up-stream owners.

Mr. Welchman: How large a ditch would this be Mr. Karp, 4 or 5' wide?

Mr. Karp: It would depend on the maximum flow in the Spring.

Mr. Coyle: Have you made that study yet?

Mr. Karp: No. But it will be more than adequate and wider.

Mr. Coyle: As far as you are concerned perhaps, but we are thinking about the troubles we have with people who buy the house and then say who is going to cover this water. We have that in one development right now. This brook and open ditch between two lots sounds very well but so far it doesn't seem as though it works out when we get into the operation of sub-division.

Mr. Roepe: Are not those really problems which, in the first instance, are within the jurisdiction of the Planning Board? We do not mind you asking these questions but primarily what we are asking for is a Special Permit Use and we have to have a collateral and we are proceeding with that at the moment. There has to be a collateral application made to the Planning Board and I am sure that the matters of drainage, ditches, diversion, except insofar as the newly passed Ordinance will affect that, most of these matters will have the study, with the aid of consulting planners, of the Planning Board.

Mr. Coyle: At the same time it is within our scope to have some idea of the safety and how this is going to work out, and therefore, you know that when we are considering this tonight we are considering a request for 15,000 square foot lots between which you intend to put a brook in an open bed and so forth.

Mr. Roepe: I agree that it is germane to your consideration here and I also say that the Planning Board will look at the same problems, I am sure. Are there any other questions?

Mr. Renken: What sort of sewerage disposal are you going to have here? Is it going to be septic tanks?

Mr. Roepe: This will be a septic tank deal and will have to have the blessing of the Rockland County Health Department, as you know. We do not have any public sewerage there. Let me put into the record, the only thing we

intend here and the only thing we can intend, with the physical nature of the area here, is to put in septic tanks that will have to meet the standards of the Health Department.

Mr. Roepe: Mr. Karp, you heard the questions put to Mr. Wallach, did you not?

Mr. Karp: Yes.

Mr. Roepe: You are an engineer, are you not?

Mr. Karp: Yes, sir.

Mr. Roepe: And you are duly licensed by the State of New York?

Mr. Karp: That is correct.

Mr. Roepe: And you practice your engineering profession in the County of Rockland?

Mr. Karp: That is right.

Mr. Roepe: How long have you been a duly licensed engineer?

Mr. Karp: About 25 years. From 1934.

Mr. Roepe: Have you had some background in the matter of this kind of development - maps and layout plans and studied problems of drainage, sewerage, road construction and physical layouts which are involved in this type of endeavor?

Mr. Karp: Yes.

Mr. Roepe: Now, is it your opinion that the Special Permit Use that the petitioner asks for will be adequately located with respect to transportation?

Mr. Karp: I believe it will improve circulation let-out and it has proper connections to the adjoining developments to the north and west. There are no dead end turn-arounds and no dead end streets. These streets will improve circulation.

Mr. Roepe: And it is also adequately or properly located with respect to water supply?

Mr. Karp: Yes. There is water on adjoining properties and the Spring Valley Water Works & Supply Company has accepted the water piping in this development.

Mr. Roepe: Now - waste disposal. In the terms of this Ordinance it says waste disposal, but is it adequately located with respect to the removal of ordinary household wastes other than sewerage?

Mr. Karp: Definitely. Very Good.

Mr. Roepe: And with respect to sewerage, it is planned to construct an adequate septic field - is that it - subject to the approval of the appropriate Health authority?

Mr. Karp: It will be further than that. If we ever have a County sewer line or trunk line the grades are such that we can readily make use of it.

Mr. Roepe: Is it also appropriately located with respect to fire and police protection and other public facilities?

Mr. Karp: Yes sir.

Mr. Roepe: Now, in your opinion, will it cause any undue traffic congestion or traffic hazard?

Mr. Karp: No sir. Not at all.

Mr. Roepe: Will it create in any point of determination any more dangerous and objectionable elements referred to in the appropriate section of the Clarkstown Zoning Ordinance than is characteristic of Uses Permitted as a Matter of Right?

Mr. Karp: No. I am sure that on the traffic we are widening Burda Lane from 30' to 50' with half of the widening on our side, and similarly West Clarkstown Road from a 33' to a 60' road.

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Mr. Roepe: And that is shown on this proposed development layout, isn't it?

Mr. Karp: That is right. (Pointing to the survey) - That is 33' and this gore here represents the additional land which will be conveyed to the Town or County, as the case may be, for the proposed widening of Burda Road and West Clarkstown Road.

Mr. Roepe: In your opinion, will the grant of the Special Permit Use which is sought here adversely affect the Character of or property values in the area in which this proposed development is located?

Mr. Karp: No sir. I believe it would enhance it if anything at all.

Mr. Roepe: Will it in any way impair the public health, safety, morals, convenience, or prosperity or any other aspects of the general welfare of the Town?

Mr. Karp: No.

Mr. Roepe: And you, of course, are the Engineer and the layout designer for the applicant here tonight. Will it comply with all of the other regulations which are applicable?

Mr. Karp: Yes, sir.

Mr. Roepe: With local inspection and County?

Mr. Karp: Yes sir.

Mr. Roepe: Is it your opinion that the community facilities which exist here or which reasonably will exist in a short period of time, of which there are plans, are adequate to service the lots to be included in this proposed development?

Mr. Karp: As far as I know, they are.

Supervisor Coyle asked if anyone wished to appear in favor of the application.

No one appeared.

Mr. Coyle then asked if anyone wished to appear in opposition to the application.

Mr. James G. Dunn of Burda Lane appeared and asked Mr. Karp where the stream would be diverted to. Mr. Karp then showed Mr. Dunn that it would be diverted along the boundary line between lots, using the map. Mr. Dunn then told Mr. Karp that in the Spring there was a torrent coming through and a quagmire covering just about every acre and asked how water would be retained in the stream without putting in a ditch 10' deep, which he thought would be a hazard. Mr. Karp stated that the diversion would improve conditions and make them better than at present. Mr. Dunn then asked "How wide will this road route be?". Mr. Karp answered, "You only have a 30" pipe under Burda Lane along the marginal Road". Mr. Dunn answered "Back on the State property. After a heavy thaw, this is a lake back here.". Mr. Karp then stated "The maximum is water you can get through that 30" pipe and we will provide much more capacity than a 30" pipe can carry.". Mr. Dunn then said "Well, it will have to be a very deep ditch.".

Town Attorney: This must satisfy the Department of Health and the expert Engineers and I do not think we can go into the professional questions asked here, which were raised.

Mr. Roepe: All right, except that I just want to ask Mr. Karp a question that was raised. Mr. Karp, when you and the applicant get through with doing whatever you intend to do with this stream, will the conditions which have been brought here to the attention of the Town Board be improved or will the conditions deteriorate as a result of what you intend and what you will do?

Mr. Karp: They will be definitely improved, it is my opinion as a professional man.

Mr. Coyle: I believe the point you are getting at is, Mr. Dunn, that you are worried about the stream and what may occur there. We must get those notes in the record.

Mr. Eugene LaVoie then appeared and stated he was the owner of property on Burda Ave. across from the proposed development. He stated he had, at an earlier hearing heard of a proposal for a sewerage disposal plant and now septic tanks and asked which it was to be. He was told septic tanks. He further stated he did not want the stream through his property disturbed and did not want it backing up or draining off because he would be full of mosquitoes.

Mr. Renken: For the record, Mr. Dunn, where is your property located?

Mr. Dunn: About 1200' directly north, on the Marginal Road.

Mr. Joseph Fishkin representing the School Board of Ramapo Central School then addressed the Board as follows:

"I have been listening to the examination on facilities and the question arises, "What about school facilities?". The greatest impact on the taxpayers of Rockland County is School Taxes. It is much more important in each man's pocketbook compared to State, County & Town Taxes. We have just finished a \$5,000,000 building program and there is just starting another \$5,000,000 building program. You know what that means. We have planned in that area a small school to take care of what we envisage the normal growth population to be. This is a 14 room school that is going to be built right in the corner of West Clarkstown Road where it crosses the Thruway. The addition of 90 homes, which will probably be completed about the time the school is completed, would so upset our calculations that we would be back again where we are today.

With our building program just completed, we are using 6 classrooms in firehouses and places like that and are renting 4 more for next year. What will happen a year later we do not know because our building program will not be completed for at least two years, so you can see the position our Board is in. Anything which increases the number of homes --- I read in the newspaper where the Welcome Wagon has visited some homes that there were 5 and 6 children, with 4 in school. It takes an assessment of between \$6000.00 and \$7000.00 to pay for one child in school. The actual cost in this coming year to our School District will be \$340.00 per child. (The gross cost is \$600.00.) The State picks up the rest. Now you can see what that means and you get no bargain for two children so you pay twice as much, and three times as much for three children. So you can see the position of the Board of Education, that anything that adds to the burden, and the burden is put on us from purely one motive, a profit motive.

I can appreciate that a builder, when he gets a piece of property, wants to put as many buildings as possible on the property. That is his problem and he tries to work it out to his best advantage, but he is part of the community and when he puts the burden on the rest of the community, - because he does, the reason we can get by with the schools is 40% of the population do not have any children and they pay the school tax for those who do have the children. So I think I have made my reasons clear.

Mr. Roepe: Mr. Fishkin, which is the Elementary School, if this Permit Use were granted, that would service the area?

A: It is not being built yet.

Mr. Roepe: Assuming that Spring Valley hasn't got the money to build the schools and there were children there, where would they go?

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A: Will you finish the question you asked before?

Mr. Roepe: I just wanted to know where the children would go to school.

A: That wasn't your first question. It was where was the school going to be.

Mr. Roepe: That is the only question I asked.

A: All right. Will you let me answer it? That school, as I mentioned before, is going to be built in the corner at the sharp turn in the road where it crosses the Thruway. The plans are ready to be let in about two or three weeks.

Mr. Renken: You mean Parkway, Mr. Fishkin, not Thruway.

A: Parkway is right. I am sorry. Next to Spector.

Mr. Roepe: I assume, based on the testimony you have presented here tonight, that those plans were made with reference to the proposed rate of growth in the area in which Ramapo School ---

Mr. Fishkin: On the basis of Zoning.

Mr. Roepe: And on the basis of proposed growth.

Mr. Fishkin: On the basis of Zoning as it exists at the present time. We cannot anticipate more than 4 or 5 years because the State Dept. of Education doesn't let us.

Mr. Roepe: Well, let's you and I agree on something fundamental, that the position of the School Board was not based on static reasons and that somewhere along the line they made some progression charts and they envisioned, Let's say, that there would be an increase in population whether development homes or private building. And then, I understand, that the point is that any home built in the area, whether it is a development home or something in which the regulatory agencies, State or local, has no control, would certainly add to your troubles too, would they not?

A: No. They have been planned for.

Mr. Roepe: You have plotted out, I suppose you are telling us, that homes would be built in individual parcels where it would not be necessary to come to the Town Board of the Town of Clarkstown or its Planning Board for Special Permit Uses and you provided for that.

A: You are duplicating your question to such an extent that a simple answer is impossible.

Mr. Roepe: Then let me make it simple for you.

A: Don't make it simple for me. Make it simple for everybody.

Mr. Roepe: When you made these studies and plans you took into consideration, if I understand you correctly, the probable growth of the area, and you also tell me that you relied upon Zoning when you made these studies. In this particular case this is a Use, which the Town Board can grant or deny, for Special Permit, you are familiar with that, and you assume that the Town Board would not grant Special Permit Uses in these areas?

A: Yes.

Mr. Roepe: Because the School District did not plan to service those areas for schools?

A: You are not very familiar with School Finance.

The Town Attorney then addressed Mr. Fishkin stating "You have made your

point. The only thing is, this is an application for a Special Permit under the Ordinance as it exists and if the applicant comes before the Board and meets all the requirements of the Section, we must grant the Permit and the School Board must provide for it.

Mr. Fishkin: I realize that and I am bringing what weight I can to influence you in that regard.

Town Attorney Johns then read a letter from the Planning Board dated May 25, 1959 recommending approval of the application.

No one else desiring to be heard, on motion made by Mr. Renken, seconded by Mr. Danko and unanimously carried, the hearing was closed.

Signed,

*Mildred F. Magai*  
Mildred F. Magai,  
Town Clerk

PUBLIC HEARING

July 13, 1959.

Town Clerk's Office

9:00 P.M.

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

Supervisor Coyle opened the hearing.

The Clerk read notice of hearing to consider Proposed Amendments to the Zoning Ordinance to establish a new district to be designated as R-22 and to delete Paragraph 3 under Column 3 of Special Requirements and Conditions in District LS of Section 3.11 of Article 3, Table of General Use Regulations.

The Town Attorney read in full the proposed amendments pertaining to an R-22 District and the Supervisor inquired whether anyone present wished to be heard in favor of the R-22 portion. No one appeared.

The Supervisor then asked if anyone wished to be heard in opposition.

Edward G. Roepe, Esq. appeared on behalf of the Rockland County Home Builders' Association and stated his clients were opposed to that portion of the amendment proposed to up-zone RA-1X Special Permit use from 15,000 square feet to 22,500 square feet. He stated such an amendment would work a hardship not only on the builders but the building trade, labor unions and people who did the work, many of whom were local residents.

Mr. Roepe told the Board that there appeared to be a potential reservoir of the 15,000 square foot area but what was left is unbuildable and the area is practically exhausted. He added that a substantial number of people are limited to the purchase of moderately priced homes and that if builders were required to build on 22,500 square foot lots it would necessarily add to cost of making lots available for building; utilities, roads and generally preparing them for building of houses. Mr. Roepe stated it was estimated that the cost increase in lots would be \$1500.00 and that this would have to be deducted from the cost of building homes, which would lower the standard.

Mr. Roepe then stated that the Home Builders felt there should be no untoward haste in adopting the amendment under consideration, the change in the RA-1X zone and Special Permit Uses, without submitting it to experts and consultants to see if it would actually be in the best interest of Clarkstown and planned and orderly expansion of the Town.

Mr. Paul Bladenheim, Secretary of the Rockland County Home Builders Association then read a resolution adopted by his organization which opposed adoption of the proposed

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