PUBLIC HEARING

ON PETITION FOR REZONING
OF THE DELLS, INC.

held at

BOARD ROOM, TOWN HALL
TOWN OF CLARKSTOWN
ROCKLAND COUNTY, NEW YORK

on

Wednesday, February 24th, 1960

at

8:00 P. M.

PRESENT:

PAUL MUNDT, Supervisor

STEPHEN DANKO, Councilman
PHILIP FROHLING, Councilman
JAY NORTHRUP, Councilman
JOSEPH WELCHMAN, Councilman

CHARLES J. BLAUVELT, Town Clerk

CLIFFORD J. FREUND, ESQ., Town Attorney

JEROME TRACHTENBERG, ESQ. and
E. ALFRED FESTA, ESQ., Counsel for
Petitioner, and
BERNARD G. NEMEROFF, ESQ.

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P R O C E E D I N G S

MR. MUNDT: This meeting of the Clarkstown Board is now in session.

We have met here on a special hearing to hear the petition of The Dells, Inc.

The procedure this evening will be the reading of the public notice. We will then hear the attorney for the petitioner and any of those in favor of the petition. Then a statement will be made by Mr. James Ward, the County Planning Director. We will have a brief recess, and then we will listen to those who are opposed to the petition. There will be a rebuttal, a reading of the letters for and against, and an adjournment.

Each person who wishes to say something this evening should come forward and sit here in the witness chair and give his name and address to our stenographer.

Mr. Blauvelt, will you read the public notice?

(The Notice of Public Hearing was read by Mr. Blauvelt.)

MR. MUNDT: Is the attorney for the petitioner here?

MR. FESTA: That is correct.

MR. MUNDT: Would you care to step forward, either Mr. Festa or Mr. Trachtenberg?

MR. FESTA: I would just like to make a general introductory statement here. We would like to submit at this time the petition which was already filed with the Board and we wish it to be made part of the record. We also submit, as Exhibit A, the map also as part of the record.

In addition to that, at this particular time the petitioner is submitting a brief in support of their petition. We are now distributing copies to the Board members and the Town Attorney.

MR. MUNDT: This brief sums up the nature of the petition?

MR. FESTA: That is right. It is explanatory.

(The Petition, the Map and the Brief above referred to were received as part of the Record.)

MR. FESTA: At this particular time, in explaining the positionof the petitioner, my colleague, Mr. Trachtenberg, will expound on what is in the brief.

MR. MUNDT: Mr. Trachtenberg.

MR. TRACHTENBERG: Mr. Mundt, gentlemen of the Board, and the ladies and gentlemen who are assembled here tonight, the petitioner asks for the following, and I will give you a description of the rezoning proposals as they are set forth in the petition.

FIRST, we ask for a rezoning of the area -- and I will indicate it on the map here -- which is known as Parcel D, which consists of approximately 270 acres, part of which lies in an RA district and part of which lies in an RA-1 district, to an LO district, which is the non-residential area.

We ask for a rezoning of Parcel B and Parcel G, consisting of approximately 27-and-one-half-acres, from the RA-1 zoning to the non-residential LO zone.

We ask for a rezoning of Parcel E, which lies at the corner of Little Tor Road and Phillips Hill Road, consisting of about three acres, to an RO district, this for the purpose of a medical center, and that only; and then for a rezoning of Parcel A, lying on the east side of Little Tor Road, consisting of approximately 120 acres, from RA-1 to an R-22.

One area that lies just to the east of Crum Creek, consisting of 93 acres, now in the one acre zone, remains as is. We ask for no change there.

If the petition is granted, the comprehensive plan submitted by the petitioner will present the following picture, designed to create a development plan of a major portion of the acreage owned by this petitioner consisting now of about 760 acres. A summary is as follows:

Approximately 550 acres will be in the non-residential LO district, and it will be completely devoid of housing and will eliminate approximately some 500 homes.

The three acres in the RO zone will be earmarked for a medical arts building.

The 93 acres, as I have pointed out, remains in the one acre zone. It is on the east side of Crum Creek.

And 120 acres along Little Tor Road will be in the R-22 or the one-half acre, zoning.

As to the advantage to the town if the petition is granted, the School Board has recognized the need for industrial development in its report here made February 15th, 1960, and I refer to page 3. I quote:

"It is evident that accelerated effort should be made to develop and encourage desirable commercial and industrial growth in the district area," referring to the Clarkstown district. "There is no other current source,

other than real estate taxes, that is permissible to yield the necessary local revenue for school purposes."

All thinking officials of Clarkstown who have the welfare of the community at heart endorse the sentiments of the School Board in this regard. The petitioner has also recognized the need for desirable commercial and industrial growth in Clarkstown. The petition now before this Board is designed to a further that kind of a plan.

The present zoning ordinance, now in being a matter of five years and at best experimental and unrealistic, has not created any relief to the taxpayer by its design or construction. Notwithstanding the contrived spot zoning of the Clarkstown Zoning Ordinance, it has not slowed down the progress of a low-priced inferior home construction in Clarkstown and, factually, the Town of Clarkstown is one of the fastest home developing areas in the State of New York.

The present ordinance designed inferior land sites for industrial purposes and, as a result, in five years only two fairly substantial firms were attracted to Clarkstown and built industrial plants. A further result was the increase on the taxburden of the residents of Clarkstown and the attendant expensive local controversy which has been costly to the Town and has pitted neighbor against neighbor.

Presently the taxpayer bears an excessive burden, and in the future the tax burden of Clarkstown will unquestionably be strained to its utmost because of the lack of good commercial and industrial development.

The Dells, Inc., the petitioner, has submitted the only workable comprehensive plan in Clarkstown since the inception of the Zoning Ordinance five years ago. The petition is realistic, is practical, and has been recognized by the leaders of thecommunity asa proper plan for fine industrial growth and which will relieve the taxpayer of his ever-increasing burden, providing the highest type of industry in the United States in its laboratory office zone.

The comprehensive plan submitted by the petitioner is not just a dream, but hasalmost reached realization. Over 40 companies of national and international repute have examined the property and have evidenced more than a passing interest. The petitioner has received tremendous assistance from the Rockland County Industrial Development Committee, and this committee and the petitioner firmly believe that a laboratory office research center can be developed in the near future.

Those of you who are familiar with the work of this committee know how constant they have been and the efforts they have put forth in behalf of bringing industry to this county.

Now a few words with regard to the opposition to the petition.

Those who oppose the petition have raised arguments that have no basis in fact or in law. The propoganda circulated by this group attempts to destroy the thinking of town officials and serves but to confuse the taxpayer.

One of the things that I can point to of recent origin is an ad that appeared in The Citizen within the past week, and a digest of that ad clearly indicates that the whole case or all the facts are therein stated, although it says "Do you have the facts on The Dell's case", and not a word about the LO district.

Zoning by itself is not static, but if fairly drawn and properly administered should change with the needs of a community.

Nobody can quarrel with that statement, despite the attempts to keep things static.

It is the duty of those administering the Zoning Ordinance to be practical and recognize the needs of the Town. The paramount need is a comprehensive plan for development which by itself will relieve the taxpayer and promote economic growth. The health, welfare and safety of the community at large should be the only consideration in determining a zone change.

I repeat that, because that is important in view of the ad that appeared, and I will touch on that later on.

To freeze a zoning ordinance, as the opposition seeks to do, is both detrimental to the community and illegal. Freezing of the present ordinance has only resulted in the excessive building of inferior homes on plots of less than one acre. It has further created a "Black Market" as far as building plots are concerned, driving up the price of land to the builder or developer and reducing the value of the home placed on the land.

Naturally, if you don't have the supply, you have a Black Market, the price goes up, and if the price of the land is going up, it has to come from somewhere. So the house becomes inferior.

Presently, because of the type of home constructed in Clarkstown, the market for better homes is infinitesmal and a large market for homes ranges from between $17,000 and $22,000. There are no sewers in 95 percent of the developments, there is improper drainage -- and who knows that better than you, gentlemen -- public water is scrace, and roads are built with minimum requirements. This is caused solely because the high price of land gives a developer the ability to dispose of an inferior house because there is so large a demand for homes. Buyers find no competition amongst builders, which competition naturally would result in better value if there was such competition.

The petitioner is one of the largest taxpayers in Clarkstown, presently paying between $35,000 and $40,000 per year in taxes.

Improper development of the petitioner's land can only hurt the petitioner as the largest land holder in Clarkstown.

Mind you, we take that position. We make that stand. We are more concerned about the zoning situation in Clarkstown than anyone else in this township.

The liquidation of the petitioner's property haphazardly could result in unlimited harm to this community.

Gentlemen, we make that statement.

This the petitioner will not do, and therefore seeks practical relief from this Town Board so that the petitioner's comprehensive plans can be developed. And that is our answer to the ad.

The objections to the petition raise the bugaboo of town zoning. Even the Zoning Ordinance of 1955 recognizes the principle of averaging, which is apparent in Article 8, Sec. 8.4. Certainly the comprehensive

plan submitted by the petitioner was not considered as a possibility in 1955. Does this mean, however, that if times and conditions have changed, this Town Board should not recognize the purpose of the petition, or the need for a change?

Now a comment with regard to the petitioner's comprehensive plans as a whole.

On Parcel A, consisting of about 120 acres, the petitioner is asking for practical relief because the Zoning Ordinance is confiscatory as applied to the petitioner's property. On Parcel A, consisting of 120 acres, the petitioner can presently build about 120 homes. This is a large tract of land. If houses are to be built on this property in a proper fashion, there should be sewers, water, and roads. There is no argument there.

The petitioner asks for an additional 75 homes to be included in this tract, or a total of about 190 houses. The monies to be received from such development are to be used for the development of the balance of this petitioner's property.

To show its good faith and its intention to build a laboratory office development on the balance of the 550 acres, the petitioner has placed said 550 acres in a non-residential district, eliminating from the foreseeable future approximately 550 homes.

Let us look at the arithmetic. 760 acres present a possibility of 760 homes. What are we asking for? We are asking for 190 homes over the whole area averaged out over the whole area, and eliminating the difference between the amount possible and theamount that we asked for. Is there any complaint about that?

To properly develop the laboratory office district, large sums of money will be needed to provide sewers, water and roads. In other communities seeking such type of laboratory office development, the town pays for these improvements.

Recently Cornell University prepared plans for the development of a new industry research park. They have produced a brochure, and let me quote from this brochure that was prepared.

"Partners with the university" -- speaking of Cornell -- "in the industry research park are Tompkins County, the Town of Lansing, and Cayuga Heights by providing sewers and roads to the Park.

That will show you to what extent communities will go and to what extent public funds are used to develop the very thing we are talking about.

They go further to say: "Now that public funds have been pledged to the success of the venture, it has become a matter of public concern that the Park development be of maximum benefit to the Ithaca Region."

It can therefore readily be seen in enlightened communities that the effort lies not only with the land owners, but with the town itself, assuming the responsibility of providing the facilities necessary for the development of such a center.

I will tell you what we will do. Let us take that a step further. We all recognize the need for this kind of development in this township.

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I say this: If the town will build the roads, provide the sewers and provide the water, I will recommend my client to withdraw that portion of the petition that relates to the A parcel.

But the petitioner does not ask the Town of Clarkstown to provide such facilities, as other communities do. The petitioner asks only to be able to liquidate a small piece of its holdings, to wit, 120 acres, so that the petitioner itself can provide these facilities necessary to develop a research center which would be a credit to the community, provide jobs for its residents who have great difficulty in commuting, and will provide a source of revenue not only to the Town, but to the businessman and the local tradesman -- and I have heard and you have heard that many a workman travels 50 and 60 miles or more a day to a job.

Everyone knows that Mr. Richard May, the planning expert, had much to do with the adoption, the planning and the drafting, I will say, of the present ordinance, and the same planning expert, Mr. Richard May, who drew this Zoning Ordinance in 1955 and who is now the spearhead of the opposition to the petition herein, has been on both sides of the fence, as far as one-half acre is proposed. I quote from a news letter issued by the firm of Raymond and May associates, of which firm the said Richard May is a member.

"SCHOOL COSTS VERSUS TAX REVENUES.

"A recent study undertaken by Raymond and May Associates for Deed Realty Corporation, of Briarcliff Manor, New York" -- and from that I gather, and it seems evident, that this firm is working now for a real estate concern, or a development concern --"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."

That is a surprising revelation, if you stop to think about that for a minute. Just think of the vast difference of the deficit of $600 on a one acre house as against a deficit of $138 on a 12,000 square foot plot.

I quote further:

"Surprisingly, in a development on half acre lots, due to the high price of the homes and to the very low incidence of school children, each house represented a profit of $241. The above figures emphasize the fact that, contrary to prevailing opinion, up zoning to larger-sized residential lots does not" -- does not -- "necessarily contribute to the reduction in school taxes."

That isa very pertinent observation and statement.

It will readily be seen that half acre zoning by itself does not create a tax burden and, to the contrary, is a lesser burden on the community than larger-sized residential lots.

Presently 60 acres, consisting of part of the petitioner's golf course, lies in the laboratory office zone. That's this area here (indicating), right through here. There has been a lot of expression by

those who looked at the area of the desirability of that spot. Many of the firms who have been up like that corner. That means that the six holes of golf in that area must be removed from that area, and the only place to put it is on the east side of Zukor Road, in this area (indicating), which incidentally along the creek is kind of low, swampy and wet, and certainly is not desirable for housing, because if there ever would be a drainage problem, it would be there.

The cost of the removal of the golf course, or that area of the golf course, is about $150,000, and it takes at least two to three years. As you can readily understand, this thing has to grow and be cultivated, and so forth. If the golf course is moved, the land could then be placed in the research area contemplated for the development, and the removal of the golf course must start immediately if such laboratory office development is to make progress.

Naturally, if you want to move it, you want to move it into a proper zone. So that area must be rezoned so that there will be no conflict and no non-conforming use. LO is the only zone in which we can have a golf course.

The expenditure for sewers, water, main roads, removal of the golf course, would total over $700,000. The petitioner does not ask the Town for the money to complete the development as planned and as other communities do, but is merely asking for what? And the nub of the whole thing is just 75 houses, which on the total average still eliminates some 500. That is why the request is made to place this Parcel A in the R.22 zone. The cost of this entire development will be at the petitioner's own expense.

If Little Tor Road is examined by this Town Board, or by anyone, it will be noted that the area between Hempstead Road and Phillips Hill Road now has been utilized with the building of homes of a very fine class and that there is no more room available in this area. The normal progress of this development is now in the area on Little Tor Road commencing at Phillips Hill Road and running northward from the said intersection along the land owned by this petitioner.

In conclusion, the petitioner's request for related and closely integrated changes in the zoning map constitutes a well-considered comprehensive plan for the orderly, long-range and economic development of the Town of Clarkstown, and we request that the petitionbe granted.

At this point, Mr. Mundt, and gentlemen of the Board, I am asking Mr. Nemeroff to take the chair here, and he is available to you, to members of this Board, or to anyone who is present, for questioning about any phase of this petition.

Mr. Mundt: TheBoard has no questions of Mr. Nemeroff.

Unless you have a statement to make, Mr. Nemeroff, you may make it.

MR. NEMEROFF: Not at this time.

MR. TRACHTENBERG: May I ask if there if anyone else who wishes to ask a question?

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MR. MUNDT: The procedure which we have set up is that those in favor of this petition will speak first and then those against will speak. Those who are against will then have an opportunity, if they choose while speaking, to ask questions of you.

MR. TRACHTENBERG: All right.

MR. MUNDT: We will first hear a representative of those in favor of the petition.

Is there anyone else here in favor of the petition who wishes to be heard?

MR. HAROLD EDWIN PATERSON (Beverly Place, New City): I am in favor of the petition but I have nothing more to say.

MR. GEORGE SMITH (Little Tor Road, New City):

Mr. Chairman, friends and neighbors, in reference to Mr. Nemeroff, we of Smith Farms have nothing short of kind words to say. There have been many occasions during the past seasons when we were handicapped because of lack of water facilities, pasture shortages, and other offsets. In seeking means to overcome these offsets, we made requests to Mr. Nemeroff. To these there was always a kind "yes" and never a refusal to our solicitations.

Over a period of a decade there have been many times when our agreements with Mr. Nemeroff were verbal and without contract. Despite this, we have on many occasions took things for granted and assumed that we had the same privilege as enjoyed under contract. After the season was over, there was nothing but fair treatment, contract or no contract. Thank you.

MR. T. I. BRENNAN (Brownsell Road, New City): I would like to ask a question.

MR. MUNDT: THERE will be no questions yet.

MR. BRENNAN: As a point of order, the question is, this man rents land from Nemeroff. That should be pointed out in the record.

MR. MUNDT: I take it you are opposed to the petition.

MR. BRENNAN: I just want to clarify the record.

MR. MUNDT: Any clarification can be made after those who are opposed wish to speak. Everyone will be given a fair change to ask questions or to make their point. But in order to have an orderly procedure, we will first take things in order.

G E OR G E S M I T H Appeared as a witness and testified as follows:

EXAMINATION BY MR. TRACHTENBERG:

Q Mr. Smith, do you own any land?

A I represent Smith Farms. My brother and I have about 150 or 160 acres.

Q How long has your family owned this land?

A Three or four generations.

Q Where is it located?

A Across from Mr. Nemeroff, and some of it off Old Phillips Hill Road.

Q When you say across, you mean on Little Tor Road?

A Yes.

MR. MacDONALD DEMING: I thought you just ruled that this was not the procedure to be followed.

MR. MUNDT: That is correct.

The Chair was in error in allowing these questions to proceed.

MR. TRACHTENBERG: I am sorry.

MR. MUNDT: IS there anyone else here in favor of the petition who wishes to be heard?

MR. HORACE CRAMP (347 Little Tor Road North, New City): There is very little I wish to say that has not already been said, except that I am in favor of the petitioner. I think he has a very good proposition here for us. That's all.

Mr. MUNDT: Is there anyone else in favor of the petition who wishes to be heard?

(No response)

MR. MUNDT: We will then move to the next point, a statement by Mr. Ward.

Mr. Ward, would you come forward, please?

White Mr. Ward is coming forward, again, those who may wish to ask Mr. Ward a question should wait, assuming they are opposed to the petition.

MR. JAMES H. WARD: I am Planning Director of the Rockland County Planning Board.

I would like to make a statement, gentlemen, and the purpose of it is simply to clear up, I hope, a misunderstanding which has arisen and grown over the past week or two.

I think the best way I can do it is to read a letter to Mr. Mundt from me, which I think he would like to have me do. This letter is dated February 23rd.

MR. NORTHRUP: Mr. Ward, are you speaking for yourself as as individual or for the Rockland County Planning Board?

MR. WARD: Iam speaking for the Rockland County Planning Board in this letter, although it is signed by me. I think theletter will make that clear.

The letter is addressed to Mr. Mundt, the Supervisor, and it is concerning The Dell rezoning petition. The text of the letter is this:

"The County Planning Board, at its meeting Thursday evening," -- this is last Thursday -- "reaffirmed its policy that staff members should attend Town Board meetings, or public hearings on planning matters, only at the request of the Town officials.

"They agreed with me that I can make a statement or can give an opinion on professional matters only in my official capacity since this inevitably would be the interpretation.

"Though it may be a fine line to draw, since my opinion on the previous petition is a matter of record, I was asked by the group in question simply to appear and make a statement, and this was the question I asked of the Town Board: Whether I should or not.

"The Board also agreed" -- and I think this is the important paragraph --

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"that their recommendations to the Clarkstown Planning Board on the Dellwood petition last March 13th represent their opinion, and that since these also are on record, no further statement is necessary unless there has been a substantial change in the proposal of which we are not aware."

I hope that states the position clearly enough. The effect of all this is that if I speak here tonight, I must speak in my official capacity, and that if there has been no substantial changeor difference in these petitions, then our remarks last March 13th are still valid and reaffirmed. If there is a substantial difference, or a substantial change, then the new petition is a thing that I cannot speak on at all, because it has not been officially referred to the County Planning Board, much less to me, nor has it been discussed between us. In fact, I saw it only as recently as this afternoon.

MR. MUNDT: Are there any questions by the Board of Mr. Ward?

MR. NORTHRUP: No.

MR. WELCHMAN: No.

MR. MUNDT: Thank you, Mr. Ward.

MR. MUNDT: There will be a ten minute recess.

(Recess taken.)

MR. MUNDT: The meeting of the Town Board, the special hearing, is now resumed.

We are now going to listen to those opposing the petition. Before we do, one additional gentleman just came in. He would like to be heard For.

Mr. Damiani, do you care to take the witness seat, please?

MR. PAT DAMIANI (25 Twin Elms Lane, New City): Mr. Chairman, I represent some of the local union laboring people.

MR. BRENNAN: What union?

MR. DAMIANI: I represent the Electricians in Rockland County and part of Orange and I represent the Rockland County Building and Trades Council.

We discussed this over the period of the last year. Time and time again we have asked our people, and the people are heartedly in favor of getting this request through for Mr. Nemeroff. We feel thatThe Dells petition will bring in much work for our people. Many of our people are travelling from 50 to 100 miles a day to gain employment. We can use this work locally.

We represent some 6,000 members in the building trades. Right now about 3,000 are travelling.

MR. NORTHRUP: 6,000 in the county?

MR. DAMIANI: Yes. We have some building trades people here. If you would like to have them stand up so that the people will know I am speaking for the trades and not for Pat Damiani, they can do so.

MR. MUNDT: I think we can take your word for it, unless any other individual wants to speak for the petitioner.

MR. TRACHTENBERG: Perhaps it might be well that they be recognized and their names be put on the record.

MR. MUNDT: How does the Board feel about that?

MR. NORTHRUP: If they would like to be recognized, I am willing.

MR. WILLIAM KERNAN: Then you have to put on the names of everyone objecting to it.

MR. TRACHTENBERG: There is no objection to that.

MR. MUNDT: We have just set up a new procedure.

Those in favor of this petition representing Mr. Damiani's group, would you care to stand and give your name and address?

MR. DeMAIO: Gerry DeMaio. I live at 10 Fanley Avenue, New City.

MR. THURER: James Thurer, 57 Hall Avenue, New City, Local 363, Electricians.

MR. MUNDT: Are there any others present who wish to be lister For?

MR. TRAVAGLINI: Nicholas Travaglini, Kings Highway, Valley Cottage.

MR. MUNDT: Any others?

MR. GUBITOSE: Nunzio D. Gubitose, 34 Schreiver Lane, New City.

MR. EBNER: Edward Ebner, 32 John Street, New City.

MR. BRENNAN: What local?

MR. EBNER: 363, Electricians.

MR. DAMIANI: Jim Damiani, 25 Twin Elms Lane, New Cit; Local 363.

MR. MUNDT: Are there any more?

MR. COLLINS: Thomas Collins, 20 South Congers Avenue, Congers; Local 363.

MR. MUNDT: We don't need the locals.

MR. DRESCHER: William Drescher, Highway Avenue, Congers.

MR. MUNDT: Are there any more?

(No response.)

MR. MUNDT: We will now hear from the opposition.

MR. THOMAS KING (80 Saw Mill Road, New City): I want to know if any member of the School Board is to appear this evening.

MR. MUNDT: Not to our knowledge. We had a member of the School Board, Dean Seifried, appear two weeks ago.

MR. KING: I am trying to understand what relevance their recent report which I read in The Citizen may have to this particular petition. I have three questions in mind. You perhaps might be able to answer them, or someone acquainted with the school situation might be able to help me out in that way. Do you think that is fair?

MR. MUNDT: Do you wish to speak as opposed?

MR. KING: I want to find out some information, if I may.

MR. MUNDT: Go right ahead.

MR. KING: The first question is, on the basis of other developments already in New City, what will be the estimated increase in school population as a result of this development?

Is there anybody here who is qualified to answer that?

MR. TRACHTENBERG: I will say this, that on the basis of the entire acreage of 760 acres, it would be a decrease because of the elimination of so many homes.

MR. KING: That is irrelevant. I am talking about this petition.

MR. NEMEROFF: I would like to answer him later.

MR. KING: I am opposed to it, but I would like these facts be made public and known. We are glibly tossing aside a lot of acreage for housing. We want

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to know what the impact is going to have on our school.

MR. MUNDT: As I stated to you, we on the Board cannot speak for the School Board. We are acquainted with the facts which Mr. Seifried gave us, and in order to answer your question, we will have to go to those facts. It cannot be answered right here.

MR. KING: Perhaps the next question is rhetorical, but can I ask it?

MR. MUNDT: Surely, if you wish to be on the record.

MR. KING: Will these children be transported by bus to Street School at the taxpayers expense, or will a new school be built, again operated at the taxpayers expense?

MR. MUNDT: That is another question which the Board can pursue with the school officials.

MR. KING: I would like to know what the estimated cost of the taxpayer will be of this development per year; in other words, as against what the school taxes on the property will be, what will the projected cost be for the citizens.

MR. MUNDT: Town taxes?

MR. KING: In other words, if you have X number of houses going to provide X number of children, but the revenue to those houses will not make up the additional children put in the school.

MR. MUNDT: There again your question is on record and the Board can pursue it if it sees fit.

As should be pointed out, the Board has met here to get information.

MR. KING: Did you obtain this information from the School Board? It seems very relevant to the problem, sir. I am not trying to heckle you. I just want to know.

MR. MUNDT: We obtained comparable information.

MR. KING: How many children do you think we will get in here?

MR. MUNDT: We did not obtain information relative to The Dell's petition per se.

MR. KING: Let me conclude, then, that I hope you will take these factors into consideration: the problem of transportation and the problem of the possibility of building a new school. Those are my two big points. And the increased school taxes from it. Never mind the LO. Let us talk about the housing and the damage it is going to do to our existing schools.

MR. MUNDT: The Chair will entertain the proposition that we return to procedure, and that those opposed to The Dell's petition stand and come forward.

MR. THOMAS I. BRENNAN (329 North Main Street, New City). I would like to make a motion that the report of Dean Seifried that was read here I think on February 15th and considered in the passing on three applications, one having to do with Nanuet and the other having to do with Doscher's application, and then Squadron A, be incorporated into this record so it can be a part of this particular record.

MR. MUNDT: I see no harm in that, gentlemen.

MR. WELCHMAN: We have those facts and we are certainly going to consider them, I would say.

MR. BRENNAN: So far as the evaluation and determination, they be made part of this record.

MR. MUNDT: In order to answer Mr. King's questions, we are going to be doing exactly that.

Is there anyone who would like to be heard in order, possibly?

MR. ALAN ANDERSON (South Mountain Road, New City):

I would like to say that I am against the petition, Mr. Supervisor and members of the Board. I am against all phases of the petition, but I would like to express a specific opposition to the LO.

The Dells was granted an LO area last year and nothing has been done with this LO area. It remains exactly as it was. We are now asked to expand it, and there seems to be no reason given in the petition, except that the petitioner finds the only way he can have a golf course as a non-conforminguse is by having it in LO. I submit that this was not the purpose of LO, to make golf courses. It was to bring us industry in the form of laboratory and office to increase our tax rateables.

There are provisions in the present zoning ordinance for golf courses, in spite of Mr. Trachtenberg's assertion that the only way to have a golf course legally is to have LO. You can have a golf course under other provisions in the law, in fact, under the zoning he presently has the golf course in, which are RA and RA-1.

The only manner in which it cannot have a golf course under RA-1 as a conforming use is if you run it as a business rather than as a membership club. So it is true that it is a non-conforming use at present. But I think it is totally wrong to give LO, laboratory office, in order to expand the golf course or to move it.

Additionally, I think it was misleading for Mr. Trachtenberg to say there would be no houses in the LO area. What he means is that they don't intend to have any houses, perhaps. If he will read LO, it allows for houses under certain specific conditions. It allows for a great many things besides golf courses.

That is the conclusion of my statement.

MR. TRACHTENBERG: May I make an observation, please?

MR. MUNDT: I suggest if you wish to make any kind of rebuttal, you take notes. I don't believe anyone will be leaving.

MR. TRACHTENBERG: That is what I am afraid of.

MR. MUNDT: Your notes or your rebuttal, even if the people do leave, will be in the record. These people have a right to be heard as much as those in favor have been heard.

MR. JOHN MASTERS (Centenary, New City): I want to speak particularly about the new housing. The petition claims that it is part of a comprehensive plan. But it is not part of the comprehensive plan of Clarkstown. These new houses, this new Town Zoning, will take place in an area that is totally foreign, and from it, it is bound to spread. Mr. Smith across the road willbe perfectly justified, when he sees 120 acres down zoned for development on one side of

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Little Tor Road, in asking that this down zoning be spread to his side. Instead of a comprehensive plan, we will have a ribbon-like development.

The petitioner also claims that this conforms to the character of the surrounding territory, but is does not conform to it, except that some half a mile south on Little Tor Road a new development begins, which is a very nice one, I know, but it is not close, and I think it is in the present zoning. I think it has conformed to the zoning laws.

I think one interesting point here is also that the petitioner himself proposes to keep his present zoning for his own two or three houses in the middle of this plot. So they do conform to the character of the area, and he quite rightly wants to have three or four acres around them. But this does not seem a sound reason to down zone the rest of the 120 acres.

That's all.

MR. CHARLES FRANKEL (317 Phillips Hill Road, New City): Gentlemen, I oppose the petition, as do I think most of the people in the room. But before I give my reasons for doing so, I want to express my own personal sense of gratitude to Mr. Nemeroff for the annual civic occasion he provides in New City. I know of no time during the year at which civic spirit is higher and the community rises to defend its rights, and I think all of us can use the spirit that has developed for better cause.

MR. MUNDT: Please stick to the matter at hand.

MR. FRANKEL: I am sorry, Mr. Chairman, but I had to express my personal sense of gratitude.

The basic point I did wish to make is that the ordinance that now exists, gentlemen, in the County is not as has been alleged, an ordinance that prevents growth or that freezes the development of the County. In fact, it provides an orderly planned fork road.

Specifically in one acre zones developments have been put up in the immediate area of New City. There is one on Little Tor Road, one of Buena Vista Road, one on Burda Avenue, and one on West Clarkstown Road. In all these areas houses have been put up on one acre zoning and people have bought the houses in perfect compliance with existing regulations.

The point of all this is not to prevent development, but to allow the community and the Township to develop in a reasonable and a controlled pace so that we can keep up with all the public facilities that we need.

The petitioner has now got land which no one is preventing him from developing. The law provides for the development of that land on one acre zoning areas. There is no reason that I can see for changing this. If it is changed, I think we shall all look back 30 years from now and say to ourselves that we failed in ourduty to ourselves and our children.

The ultimate test we have to ask ourselves is: what is this area going to look like 30 years from now? It will certainly have more people; it will certainly be bigger. But will it look like something put together in a bad dream, or will it look like something put together by people who have some control over their destiny? I think people would prefer to keep some control over our destiny ratherthan to sell it out to some individual who wishes to

develop quickly, at a quick profit, leaving us to pick up the pieces.

MR. ROBERT McELROY (229 South Mountain Road, New City): I am a new member of the community, so to speak. I just moved in last June. Specifically, I do not have any facts or figures to quote. But I would like to say I moved from a community named Ramsey, New Jersey. This was a small, really undeveloped community six years ago when I moved in. What has happened in the past years -- and these are general statements; I don't have any facts and figures, I am sorry -- is that our taxes went up I would say roughly two-and-a-half times what they were when we moved in. This resulted from enormous growth in population in the community.

About three years ago a public referendum went up for light industry zoning in the community. The community voted against it. The community was subsequently up zoned. The reason for all this was taxes, pure and simple.

This is my statement, and I thank you.

MR. RICHARD MAY, JR. (480 Little Tor Road, New City): Mr. Supervisor, I have a written statement. If the members of the Town Board would like copies, I would be happy to give it to them.

The problem of growth in Clarkstown is becoming increasingly complex and places a heavy burden of responsibility on our Town Board. Zoning decisions are becoming increasingly difficult, as you are constantly subject to pressures from many sides: from property owners who want to sell their property; from property owners who want to stop further increases in taxes; from merchants, newspapers and public utilities who have invested heavily in the Town's growth; and, finally, from home builders and land speculators.

As the Town grows, the problem of providing adequate public services becomes greater in terms of schools, roads, fire and police protection, and more recently the problem of sewage disposal.

I am speaking tonight not only as an affected property owners, but also as a professional city planner currently engaged in assisting 25 to 30 communities in the metropolitan area in keeping with their planning and zoning problems which are in many cases very similar to ours in Clarkstown.

Of the many communities confronted with rapid growth, those whoare dealing with it most effectively are making all their decisions within the contention of a coordinated development policy, or a master plan. Moreover, the most successful communities are those which stand firmly on their development policies and their zoning. They are the ones which people and industries want to move to, and they are the ones the builders and speculators have learned to respect. Many communities have learned that by having a strong zoning policy, they can have their cake and eat it, too. You don't find them breaking down their one, two and even four acre residential districts because they have succeeded in attracting an IBM, General Foods, or Union Carbide office, factory or laboratory. In fact they wouldn't have been able to attract these plants if they had not guaranteed to maintain their general community character, because no large corporation will invest money in a community which is likely to deteriorate.

It is impossible, without some over-all policy or plan, to reach valid de-

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cisions as to whether or not rezoning involving a reduction in residential lot size should be granted in the case of Squadron A, on Carnsmuir Lane, on Smith Road in Nanuet, or the Dells. Such questions as whether New City needs, or perhaps even can survive 2,000 more feet of commercial zoning on Route 304, or whether 100 more acres of M-2 are needed in Nanuet, or what consequences of 550 acres in LO at The Dells will be, can only be answered within the contention of an over-all Town plan.

Speaking as a professional city planner, I can tell you frankly that there are qualified planners who can provide valid reasons for justifying any of the petitions now before you, and there are equally qualified planners who can give you compelling reasons why they should not be granted. Growth groups would be advising you in terms of their personal opinion and their interpretation of the Town's needs. The fact is that no one can properly advise you except within the context of an over-all plan and policy which is an expression of what the people of Clarkstown have decided what they want after a great deal of thought and discussion.

Such an expression of policy was developed almost five years ago in Clarkstown. Basically, I believe that most people feel these policies are still sound. However, I also believe that now the time has come to review these basic policies and the present zoning ordinance in which they are expressed. Such a review cannot be successful if it is done piecemeal by considering individual petitions as you are tonight. It must be comprehensive. Fortunately, the Town now has a new body of information to enable it to deal with this task in the studies made by the County Planning Board at a cost of $160,000 over the past two years, which will be complete within a few months.

I therefore urge you to make no further revisions to the Zoning Ordinance -- for the Dells or any other applicants, until you have developed with the aid of a broadly representative citizens group which can review the County Planning Board staff's proposals, a new zoning ordinance, or at least a review of the present Ordinance based upon a new master plan for the orderly growth of the Township.

I believe that if you do not immediately pursue such a policy, and decide on the other hand to grant any of the major zoning amendments now before you, that all zoning will go by default in the Town, since these petitions will undoubtedly be followed by a flood of new petitions which you will have no longer any basis to deny, and Clarkstown may very well have lost its last change to determine its own destiny.

MR. WALTER L. FLEISHER (443 Buena Vista Road, New City): I oppose the petition in general, but I want to talk on one particular point so as not to be repetitive of what has been said by other people. It particularly concerns LO zoning and the requirements of public facilities that must be provided to take care of this type of construction.

In particular, a problem which is very serious in New City at the present time, and which is going to become more serious in the future, is the matter of sewage. There is presently no county or township sewage system.

There has been one under consideration for a long period of time. It has never been resolved as yet; and a laboratory office area presents a particular problem, in that it produces sewage problems which you don't get even in fairly crowded residential areas. It produces types of waste which cannot be handled effectively by septic systems; it produces a concentration of them that normally cannot be handled in this way, particularly with Rockland County's hard pan lying over a solid rock base, which does not provide good drainage.

I oppose the idea of the original LO rezoning on this basis, that the facilities were not available, and certainly to add to it now another 152 acres is only going to compound the problem.

The main drainage in this area is part of the Hackensack River, which is a public water supply system, and all water, even effluent from an efficient sewage plant, is not suitable to be drained into a public water supply. The other answer is that the sewa e must go a long way down the Hackensack Valley until it can find a spot where it can be discharged into the Hudson River. This is a problem that nobody has answered. There has been talk of private sewage plants, but nobody has said what is going to happen to the effluent from this which cannot go into the river which runs through The Dells, or even the problem of pollution of storm water from industrial buildings, which often, while not considered sewage, presents a pollution problem to the drinking water supply.

MR. CHARLES ELITCH (310 South Mountain Road, New City): On behalf of Lake Lucille property owners, I want to oppose this motion here this evening. I don't have any high sounding or technical or official objections, except we don't like it.

We have a little community here. You did not put it on the map there, Mr. Nemeroff.

MR. NEMEROFF: It does not belong there.

MR. ELITCH: Right near the Schnepf line, Ranni's property, that's where Lake Lucille begins, Zukor Road, South Mountain Road. You can see we are right on the Pan. I don't know just to what extent we will be affected, but we have a very quiet, restful community there. It is run by cooperative effort.

We objected previously when the hearings were one, and I just want to inject this thought with you gentlemen just as we did with the previous administration:

We are not in favor of this. Not only do we ask that you reject it, but we expect that you will.

MR. THOMAS I. BRENNAN (329 North Main Street, New City): I am against this petition. I have had occasion to examine a few past petitions. It was a cursory glance. There is one thing that has turned up consistently, and that is the amount of money they have always asked because they have to do something.

In 1955, he said taxes were killing him. He has tosell at piecemeal. He can't raise dues on the club, and he can't live like a land baron, and he appears like a wounded eagle and he says he is loosing his shirt, and if he doesn't get the thing, he will sell it in the fall.

In 1958 another application was made from the same figure.

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MR. TRACHTENBERG: From what is he quoting?

MR. NEMEROFF: He is making statements and I would like to know from what petition this appears.

Might I ask that?

MR. MUNDT: You can ask these questions in yourrebuttal.

MR. NEMEROFF: Will he be around?

MR. BRENNAN: I won't go away.

MR. NEMEROFF: Please stay around. I want to know where.

MR. MUNDT: Let me make onepoint, though. Let us not hear any statements which refer to personalities or touch upon integrity and what have you.

MR. BRENNAN: In 1958 a second petition was made, and there was a series of attempts at liquidations, which allegedly fell, and there were attempts at the disposal of petitioner's property and results thereof. At each particular time, a sum of money was asked approximateing half a million dollars.

The 1955 petition said they needed this approximate money because they wanted to put in sewers and roads on their new houses. In 1958, the same amount of area was needed for the purpose of putting in sewers and roads for the new houses.

Now a different attack has been taken. In 1959 and 1960 there was no claim of financial hardship, but this time an added gimmick has been added, and that has to do with the money that is needed for the development of the LO. It is to be said that before this property can be sold, the LO monies are needed, and it is reflected in the petition.

It is the same amouht of money that has been asked previously. The same general figures have been used.

Asa condition of sale of LO, the e must be terms by an offerer and terms by a buyer, and what the terms are and the conditions of the offer to sell by Mr. Nemeroff on his now existing LO land are unknown, and what demands have been made are unknown. But there just is a question that he can't sell it, that he has to put further improvements in it. The conditions under which he wants to sell are not known and the conditions which they are to buy are not known, but he said to effectuate the sale, he needs this money. But the same amount of money has cropped up; the same general problem has cropped up year after year.

In apprising this petition, there is a question.

There has been an accumulation of land. Where Mr. Nemeroff has said he had trouble, at the last meeting, in the record he said he acquired 20 acres, and as his hardship has continued, there has been acquiring of further land.

I think in so far as we the people of Clarkstown are entitled to it, we are entitled to a fair shake. Just because I have three-quarters of an acre or half an acre does not deny me the right to say what the general area of 800 acres should be.

In so far as this planning is presented, there is not one iota for any

recreational area. From here on back to the City it is a sea of a carpet of houses. We have to exercise some control and we have to use the forces of education and industry and what science has taught us to come forward with a progressive and a good community, and when they come up with a petition that just has a piece of 800 acres that does not take into consideration what should be done and what must be done on a projected 20, 25, or 30 year basis, then the petition should be denied.

A lot of promises were made to us as citizens around here and it should be seen that they are kept. We have progression, we have youth, and we have ideas. So far as a burden, so far as this being a limitation of property, Mr. May I believe could explain very simply how this can be done under a comprehensive plan that does not take in the corner of Little Tor Road and Phillips Hill Road, but covers the entire acres and is on a county-wide basis. On that basis, which is a limited eagle plan, in which the wounded eagle cries, I would deny it.

MR. LESTER TALKINGTON (395 North Little Tor, New City): I want to oppose this petition, well, on general grounds, the way everybody else does, but I have one point I would like to state here. I moved out to North Clarkstown here because I like the area. I did not know at the time you had a zone or a plan that would keep that area the way I like it.

Since I have learned about this -- and I have learned about it thanks to the petitioner's attack on the plan -- I have come to appreciate this.

One more thing has occurred here tonight that no one else has mentioned clearly, and it is this:

Previously there have been many implicit attacks on the Zoning Plan of Clarkstown. But the petitioner made no public statements, nothing on the record before that I know of, in which he attacked the plan for Clarkstown, the existing plan, the nature of it and the goals of it.

Tonight such attacks were made in great detail. The plan was ridiculed; it was made to blame for all the shoddy houses that were put up. Of course, anybody who lives in one of the housing developments around here will know that it is not the Town Plan that is responsible for it and there is nothing to keep Mr. Nemeroff's land itself from being sold to some developer who will put up shoddy houses there. There is nothing at all in his so-called plan that will do this. But many other things, such as the rapid growth of the Town, have been blamed on the Plan.

The Plan is not something that is responsible for this. We know this. The highways, the Thruways, are responsible for the rapid growth. There is a need for the Plan. The Plan has provided a pretty orderly planned use of the land. This is under attack here tonight.

Previously, it was implicit in the petitions that it would destroy the Plan. Tonight, what we have here, actually, is not only an explicit attack on the Plan as such, but also a statement, an explicit statement, that Clarkstown, if it does not want to pay for the cost of developing the LO zone, should give up its planning, should giveup its zoning, inorder to pay for this. I don't think Clarkstown should have to pay for it either way.

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MR. MAC DONALD DEMING: (South Mountain Road, New City): I would like to ask questions of Mr. Ward.

MR. TRACHTENBERG: May we cross examine Mr. Ward?

MR. MUNDT: In your rebuttal.

MR. DEMING: I would like to submit a brief in opposition to this petition to the Board.

I should like to submit a group of petitions that fall into two categories: first, a petition of owners of peripheral land, the signatures of those whose perimeters are in excess of the statutory reuirement of 20 percent. Thus in zoning the statutory requirement, itwould take a voteof four members of the Board to approve the chagge.

Second, a series of petitions requesting me and Mr. David Sigerson to represent them in opposing this petition. I believe there are 140 names there.

If I might open my remarks by asking a few questions of Mr. Ward, I would appreciate it.

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

EXAMINATION BY MR. DEMING:

Q I understand at the last hearing you expressed opposition --

MR. TRACHTENBERG: Can Mr. Ward come up to the witness chair?

MR. DEMING: I would like to ask my questions.

MR. FESTA: It is only a simple request.

MR. MUNDT: Mr. Ward, would you come forward?

MR. TRACHTENBERG: Mr. Mundt, I thought we were going to keep this on the basis where there are no personal remarks.

MR. MUNDT: There will be no personal remarks from this audience.

BY MR. DEMING:

Q As I understand the record of the last year's hearing you expressed your professional opinion in opposition to down zoning about 120 acres of the petitioner's land from one acre to a third acre. Is that right?

A That's true.

Q This year he is requesting that the same 120 acres be down zoned from one acre to half acre, R.22. Have you an opinion as to that?

A I can't comment on the new petition, Mr. Deming, because that has not been referred to us. I can speak only in terms of our recommendations of last year.

Q To those you adhere?

A Either in specific or in general terms, or in the principles that underlay the recommendations.

Q You adhere to your recommendations of last year?

A I do.

MR. TRACHTENBERG: I object to that, Mr. Mundt, because Mr. Ward says he is not familiar with the new petition. The matter of last year has been closed.

MR. DEMING: I must resoectfully expresssome regret that the Planning Director has not had the opportunity to study the new petition. Under the circumstances, I have only a few more questions.

Q Mr. Ward, do I understand that your office is conducting a series of studies with respect to the Town of Clarkstown?

A That is true, yes.

Q How long have these studies been going on?

A Specifically, in terms of the Urban Planning Assistance Program, which is the Joint Federal-State-County Program, just about two years, since the middle of March of 1957. Other studies began earlier and willgo on longer.

Q If I recall the record correctly of last year's hearing, you said at that time -- on June 6, 1959, I think -- that it would take perhaps somewhat more than a year to complete those studies. Is my memory correct?

A I think our schedule is better now. We will probably finish in the middle of the summer. We are hitting now for July 1st, or the latest, August 1st.

Q Do those studies include recommendations as to comprehensive plans for the Town of Clarkstown?

A They do.

MR. DEMING: Those are all the questions I have.

MR. TRACHTENBERG: May I ask a few questions?

MR. MUNDT: You will ask questions on rebuttal.

MR. TRACHTENBERG: This is pertinent.

MR. MUNDT: When you answer in rebuttal, you will be allowed to query Mr. Ward or anyoone else you careto.

MR. FESTA: We havenit objected to him asking questions to anyone. You said we shouldn't ask any questions. The other side is asking questions. They should just make statements. Now we have a procedure here where he has been asking questions. I feel right now it is pertinent for us to also ask him questions.

MR. FREUND: What is fair for one is fair for another.

MR. MUNDT: As I stated before, both sides will have an opportunity.

MR. FROHLING: Is this the only gentleman you intend to question?

MR. DEMING: That is right. I would like, however, to make remarks myself, if I may.

MR. WELCHMAN: You will have that opportunity, but I think it is only fair that they have the privilege of questioning Mr. Ward.

MR. DEMING: May I step down, then?

MR. MUNDT: For the moment.

Do you care to ask Mr. Ward some questions?

EXAMINATION BY MR. TRACHTENBERG:

Q Mr. Ward, do I understand you to say that you will have a comprehensive plan for the Town of Clarkstown next summer?

A Yes. We will have the technical work finished next summer, Mr. Trachtenberg.

Q When will the completed planbe ready?

A I would think within two months after that, which will be the preparation of the written reports.

Q When will the completed plan be ready?

A I would think within two months after that, which will be the preperation of the written reports.

Q Can you give us a date?

A Yes. I said August 1st for thecompletion of the technical work. October 1st for thecompletion of the reports.

Q Mr. Ward, isn't this the same kind of a statement that you made just about a year ago, in speaking to a group of people, when you stated there was a master plan under study and that you helped to have this comprehensive blueprint ready in the fall, this statement being made more particularly on March 18, 1959?

A I don't recall what I said then, Mr. Trachtenberg, but I remember my June remarks, which are exactly the same ones I make today.

Q Let me see if I can refresh your recollection. I quote from a copy of the Journal-News of March 19, 1959, during the time that the petition of The Dells was also pending, and during the time when the petition of The Dells was before the Planning Board of the Town of Clarkstown for study, and I quote:

"County Planning Director James Ward, predicting that a Master Zoning Plan for Clarkstown would be completed by the fall, indicated to Clarkstown Democrats last night in New City that he hoped this comprehensive blueprint for growth would beready in time to help shape the character of Clarkstown which he characterizes as being as unpredictable as an adolescent child.""

Do you remember that statement made before that group?

A I think there are two words left out of there.

Q Do you remember the statement generally?

A In the fall of 1960, not the fall of 1959.

MR. NEMEROFF: You got your dates mixed.

Q Is the report in the article incorrect? Are you now telling us that it is incorrectly reported?

A Yes, I do. I never would have said 1959. That's ridiculous.

MR. WEICHMAN: I think you mentioned September of that particular hearing.

Q I am just reporting what is quoted here, where it states that the plan would be completed by the fall. There is no date stated, but by the fall. Do you remember that statement.

A No, I don't. But if I did, I would have said the fall of 1960, not the fall of 1959.

Q Did you read the article in the newspaper the day following your making the statement?

A I might well have. I don't remember.

Q Did you make any correction in the newspaper?

A I don't remember the article.

Q Did you ask that a correction be made?

A As I say, I don't remember the article.

Q You don't remember the article?

A No, I don't.

Q Will you look at it, Mr. Ward, and see if you can recall it now?

MR. MUNDT: Mr. Trachtenberg, will you come to your point, please?

MR. TRACHTENBERG: I am making the point now. I am making this just for the record.

MR. WARD: I am sorry Mr. Trachtenberg. I am amused more than annoyed by it, though.

MR. TRACHTENBERG: I would like to have this as part of the record. I am offering this as part of the record.

(Newspaper clipping of the Journal-News, March 19th, 1959, was received as part of the record.)

MR. E. McDONALD: According to parliamentary rules, this man is out of order.

MR. TRACHTENBERG: I haven't interrupted anybody.

MR. MUNDT: The Board does not think he is out of order.

MR. McDONALD: You made a statement before, Mr. Chairman, at the start of the meeting that the petitioner and his attorney will have the floor and then Mr. Ward would get up and say something, and the floor would be turned over to the opposition. Why change the rules?

MR. MUNDT: Because it is the feeling of this Board, after having established with Mr. Deming that this was the only man he was going to question, that the petitioner should also question him.

MR. McDONALD: I didn't hear that.

MR. MUNDT: That was established.

MR. TRACHTENBERG: May I proceed?

MR. MUNDT: Yes.

BY MR. TRACHTENBERG:

Q Do you recall a meeting of the Board of Supervisors held on April 15, 1959, at which time Supervisor Edwin E. Wallace spoke with you about a master plan for the County, and Mr. Wallace said he wanted to see the final determination on zoning and planning left with the townships; do you recall that?

A Vaguely.

Q Do you remember the statement made by Mr. Wallace wherein he said he was surprised to see Mr. Ward quoted in the newspaper as referring to a County Master Plan?

A Yes, I do remember that.

Q And that Mr. Ward said he was glad the matter came up and said he wanted to clear up any apparent misunderstanding? Do you recall that?

A Yes, I do.

Q And that you said the County does not intend to dictate zoning and planning within the townships; do you recall that?

A True.

Q And that there was no County Comprehensive Master Plan under study at the time?

A I said a bit more, too.

Q What else did you say at the time?

A I said we had no Comprehensive County Plan just as such. I said this again last June, at the previous hearing: that what we were preparing was a group

of coordinated comprehensive plans on the basis of the five towns, coordinated so that they would work together as a comprehensive plan if all five towns should agree, but coordinated in such a way that if one town should not want to accept the planning, it would not destroy the remaining four-fifths.

Q What is this plan? For zoning, for sewers, for water, or for what?

A You are asking me to explain the Comprehensive Plan? What it attempts to do?

Q I am asking you what this plan was for, what it was directed to.

A Basically it is a topographic map. Built on the topographic map it is a drainage study, it is a highway plan, a recreation plan. Both of these are built on such things as land use studies, land capacity studies, population projections, and this vast array of other things, other basic studies that we have been carrying on.

Q Was it directed toward zoning?

A It will include zoning as well. It will include subdivision regulations.

Q But the Plan you were working on at the time was primarily with regard to water and drainage?

A No

Q It was not?

A No. I think there is some misunderstanding about this.

Q Is that also a misunderstanding?

A We were working on a dozen things at the same time.

Q I am talking about this plan that you are talking about. That wouldn't be a dozen things.

A Yes, itwould.

Q Are you going to have by the fall of this year a zoning plan?

A Probably, because the zoning map would be the last thing we would do.

Q You say probably. Are you going to have a zoning plan this fall, yes or no?

A Lord only knows, Mr. Trachtenberg. It depends on my keeping my staff --

Q That's enough.

A We are aiming for it. Let's say that.

Q You are aiming for it?

A That's right.

Q You can't predict when it will be ready?

A I wouldn't dare predict it.

Q You wouldn't dare?

A No.

MR. TRACHTENBERG: That is all.

MR. MUNDT: Mr. Deming still has the floor.

MR. DEMING: I have no further questions of Mr. Ward.

(Witness excused.)

MR. DEMING: I would like to call the Board's attention, however, in view of the questions by Mr. Trachtenberg, to page 81 of the record of the hearing last year, in which Mr. Ward was asked whether he could give the outside

time limit on creation of these plans that are under discussion and to which he replied, "As of the date of June 6, 1959, I would think the outside time limit would be something like a year." I think it is only fair to Mr. Ward. That's a year, of course, from June 6, 1959. It is perfectly consistent with what he says today.

MR. TRACHTENBERG: In other words, June 6, 1960?

MR. DEMING: Nowif I may proceed with my presentation.

I think that those who have had the opportunity of inspecting the petition-- and it seems to be a very limited number, with the exception of the Board itself -- would be impressed by the fact, as indicated by the wording of the petition itself, that this petitioner does not deny, but rather asserts, that further developmental housing on his property would be a detriment to this Town.

I just would like to suggest that if that is not the case, it is a little surprising that the words "sterilizing this property against the home building" are used in connection with the LO development, and that the petition contends that these suggestions by the petitioner will result in creating a large benefit to the Clarkstown taxpayers by sterilizing this 560 acres. He also describes it as a net gain to the Town of about 485 homes, with a consequent relief for additional school facilities, services, and so forth, which would naturally follow the building of those homes.

Of course, you have noted as I was talking that he does go on and try to obscure the impact of this submission with what, without disrespect, I should like to call a numbers game. You have heard Mr. Trachtenberg use that game tonight. He stood up here and talked about 760 acres and how now we are only asking for 120 acres. I think the Board should consider a few facts in evaluating whether it is a gain or whether it is a loss.

First, of course, as everyone knows, there was a LO section of the petitioner's property created last year. That exists now, 235 acres, if I understand correctly. Of course, the petitioner cannot generously sterilize that any more. That is LO. About 90 acres, if I remember, he says he is going to leave, or he suggests be left in one acre zoning. Obviously there is no gain or loss. There is no change.

But the most interesting thing to me, in regard to this numbers game, appears on page 8 of the petition. Referring to Parcel No. 2, which is described on page 7 as comprising 330 acres and which is requested to be placed in LO, that is, a new request for LO or part of it, on page 8 it says that most of said land lends itself to such construction, referring to golf courses, and no other use, because it is low land containing an overflowing stream. If housing were to be built on such land, it would create great difficulties as to drainage and roads. That is from the sworn petition of the petitioner.

It has been pointed out very eloquently tonight that this plan of the petitioner is not a comprehensive plan, because the only proper use of the term "comprehensive plan" is comprehensive in termsof the whole Town, and the law itself, the Town law itself, sets forth the considerations which go into the determination of a comprehensive plan.

Among those considerations, and very important to us here in this Town today, is consideration of adequacy of schools. Mr. Trachtenberg, quite appropriately, read from the report of Dean Seifried, President of the Board of Education of this school district. I would just like to read onecther paragraph from that report, the

concluding one.

It says: "The Board of Education, in view of these facts, advocates no zoning changes, either now or in the forseeable future, that might further over-tax school facilities." I think that makes pretty clear where the Board of Education stands.

A question has been raised as to the refusals, the legal refusals, of this sort of thing, and this question was raised in a case that was decided yesterday by the Supreme Court of New York, in Goshen. I spoke on the telephone today, after it appeared in the paper, to the secretary of the judge and got a few quotes which I think will interest this party and this Board. That was a case in which an application for placing land in R.22 was denied on the ground of inadequacy of school facilities in the foreseeable future, or for a period stated. The Court said: "The petitioner does not, however, seriously controvert the impending serious inadequacy of the school facilities in the territory," which is the North Middletown territory. "It is, however, particularly contended by the petitioner that the Board had no authority to take into consideration the inadequacy of school facilities in connection with its determination. With this contention the Court does not agree."

It says: "Now incidental to the evils of overcrowding and undue concentration on population are generally the lack of proper school facilities. The extent of future needs on account of such facilities and plans therefore are matters relative to and are of important consideration in connection with zoning. Town Law Sec. 263 expressly mentions facilitation and adequate provision for sdhool requirement as one of the purposes of screening regulations.

"Certainly the situation would become more urgent in the event zoning requirements were eased to increase the population density in the school districts, and the action of the Town Board here is nothing more than an attempt to help stabilize the problems created by the influx of new home owners to a point where a school district can cope with them."

Those are just a few excerpts from that excellent opinion, supporting the excellent action of the Board.

The next important point, it seems to me, is this question of taxes. This, if I understand it, is the entire appeal which the petitioner is trying to make. Let it be clearly understood that neither I nor the people for whom I speak are in favor of high taxes for ourselves or for the Town. But our position and our contention, and our earnest contention, is that the granting of this R.22 application would enourmously increase and not decrease the taxes. And I am not leaving out of account the LO when I say that.

This same report by the School Board sets forth and points out some sample figures taken from a typical housing development in this area that there are somewhat more than two children typically per house and goes into the cost of education of each child, the percentage which is paid by local taxation, and it leaves for each house of the particular sample taken a net deficit of $569, or something in that area. The Board can refer to the exact figures.

At this point we come to what I think and suggest is the most important point of all. It has been referred to by several speakers. We might call it losing control of zoning.

This petitioner is trying to talk in terms of what he says is averaging between 120 acres for residence and 560 acres for LO. But this leaves out of account the fact that even with that 120 acres, which are at the very outskirts of this Town and beyond an area of at least half a mile, and a further surrounding area of one acre zoning, this will be the end of zoning in Clarkstown, I think, because as to the surrounding area -- I think the petition itself describes it as 3,500 acres surrounding one acre zone -- there would be no valid, no arbitrary reason why anyone else couldn't get the same.

If that happens, it is the end of the one acre. If that happens, we are not talking about 3,600 more houses. If my arithmetic is correct, that would be an additional school tax alone of about $1,800.00. To make up that tax, it would take about as much or a little more than the entire existing assessed value of Clarkstown.

I oppose this petition.

MR. MUNDT: Are there any others who wish to be heard in opposition to this petition?

MISS ANN POOR (South Mountain Road, New City): I would like to ask a question, which is this: I notice that not so long back, Mr. Mundt, you ruled against any personal questions being asked at this meeting. But considering the fact that this petitioner is one individual and that the people here are speaking in opposition to his petition, as I am, it seems to me that I would like to ask Mr. Nemeroff one or two questions, which I feel he should, in all honesty, answer at this meeting.

MR. TRACHTENBERG: Mr. Mundt, I made that offer before, if you will recall.

MR. MUNDT: Unless Mr. Nemeroff has any objection and the Board has any objection, we will allow these questions.

MR. NEMEROFF: I would like to know the area she is going to ask these question.

MR. MUNDT: As I said before, I think the Board feels that there will be no questions with character aspersions. I think this is only fair. There isn't anyone in the room that would like to have that type of question asked of him, and we will not allow it of the petitioner.

MISS POOR: I have one question of fact which I would like to ask the petitioner. I think it is not of any private nature whatsoever.

MR. NEMEROFF: Do you want to whisper it to me first?

MISS POOR: No, I don't.

MR. NEMEROFF: Ask it. I will answer it.

MISS POOR: How long have you lived in the County?

MR. NEMEROFF: Eleven years. That's one question.

MISS POOR: This is all one question.

You have a house on Little Tor Road, don't you?

MR. NEMEROFF: Yes.

MISS POOR: Is this house for sale, and why?

MR. NEMEROFF: May I tell you?

MISS POOR: Yes, I would like to know why your house is for sale.

MR. NEMEROFF: May I tell you?

MISS POOR: Yes.

MR. NEMEROFF: Presently there is right in New City now a plan for 50 additional hotel and conference rooms to be built in the IO area adjacent to the club. On top of those rooms is a plan for a seven-room apartment for myself. The reason is because Mrs. Nemeroff and myself are getting a little tired of running a house. It is far away from the club. It even provides an elevator so we don't have to walk the three flights of steps.

I might go further. Two of my children are married. One child is in private school and the other child is going to private school next year.

MISS POOR: Why does your child not go to the public school in this County?

MR. MUNDT: Miss Poor.

MISS POOR: I retract that.

I feet the other is a perfectly good question. I am just a citizen of the County. I don't know Mr. Nemeroff's private plans.

MR. NEMEROFF: You are getting there, though.

What else?

MISS POOR: I assume when he puts his house up for sale and I see it when I just pass down the road, I get the inference he does not want to live here any more.

MR. NEMEROFF: I am going to build a seven-room apartment, Mrs. Poor.

MR. MUNDT: Miss Poor, the facts which this Board has to ascertain concern this petition. I don't think we can act intelligently unless we bring out all the facts pertaining to the petition itself. I think I speak for the Board in saying that questions relating to an individual's life should not be asked.

MISS POOR: To his property, though.

MR. MUNDT: If it relates to the Dells' petition, no one will stop you on that.

MISS POOR: I thought this property is part of the property in question.

MR. WELCHMAN: Not his personal matter. Not his home. His home isn't included in this.

MR. NEMEROFF: Might I say this?

MISS POOR: I don't need any reassurance from you.

MR. NEMEROFF: I was going to suggest you meet me after the meeting in a public place. I would be happy to give you the answer to your questions, to any questions you want to know.

MISS POOR: I don't want to talk to you privately.

MR. VINCENT FAGEL (65 Phillips Hill Road, New City):

I live in a one acre zone. It is on Phillips Hill Road in between New City and where Mr. Nemeroff wants to down zone the one-half acre. I guess I don't like people driving past my house into one-half acre unless I am one-half acre or a third or an aprtment house. I think it would be unfair for

the Board to grant Mr. Nemeroff half acre and keep me one acre. If he does that, he will have to build a bridge over my house to get to his land. It is sort of over my dead mouse, or something. I am against the petition.

MR. NEMEROFF: What was that?

MR. FAGEL: Can I just add one thing? Mr. Nemeroff asked me what I wanted to say and I said over my dead mouse. I was thinking of the picture called "The Mouse that Roared". I was thinking of being a little mouse that roared with my little acre and these three hundred other acres fighting me.

MR. MUNDT: I know it is getting late and tempers are getting frayed, possibly, but let's let each witness make his statement without any interruptions.

MR. WILLIAM KIERNAN: (48 Phillips Hill Road, New City): I was just wondering when this LO Situation would stop developing. When the application was made a year or a year and a half ago, it was for X number of acres. Recently Mr. Nemeroff has purchased more land in A-1, the higher zoning, and now he comes in on this map -- and not like Lake Lucille, mine is on the map. He wants to bring that down to LO.

You can't fight City Hall, I realize that. But I was wondering, with the Smith Farm coming in, when they are going to ask for LO. Myself and several neighbors discussed this over the weekend, and between us, on both sides of Phillips Hill Road we have 50 acres, and what will the Board say when we come in and ask for LO? I don't see how we can be turned down when we have a common line with LO on the other side.

If we get LO, it is going to go down Buckley and the first thing you know you will have LO all the way over the place and you will have down zoning all over the place. It does not make any difference to me, because I fortunately can pack up and move out of the County tomorrow. But I don't want to do that. I have a home. I have A-1 zoning and I want to stay that way. If I have to, I will sell out and go as far as I want. I can get out, but I hate to see that happen in a nice community like this.

MR. MUNDT: Is there anyone else who cares to be heard in opposition to this petition?

MR. HAROLD LASKEY (430 South Mountain Road, New City): My statement is a very short one. I am in opposition to this petition. I just want to make the one suggestion, and I am quite sure the Town Board will be acting on it without my suggestion, since there have been a number of references to the County Planning Board, the Town Planning Board.

I am merely assuming that this petition, which apparently has not been submitted or referred to the Town Zoning Planning Board or through it to the County Planning Board for an opinion, will be so directed. That is all. I merely want to go on the record in opposition to the petition. I assume that the usual procedure will be followed in having the Town Board get its opinions and comments from the Planning Board, your own Town Planning Board and your County Planning Board, which all of us also support as taxpayers.

MR. MUNDT: Do I see any other hands raised in opposition to thispetition?

If not, are there any here who would like their names and addresses listed as opposed to this petition?

MR. FAGEL: I am sure everyone would like to get their names down. If they

don't, they will say, "Why weren't you there to make your objection?"

MR. MUNDT: The Board has decided to pass this pad around as "opposed", and this will be entered in the record.

MR. TRACHTENBERG: What about "for"?

MR. FAGEL: Can you pass half a dozen pads? It will save a little time.

MR. NEMEROFF: Many people, if they were for, didn't want to get up.

MR. MUNDT: If anyone came in since.

MR. DAMIANI: I don't believe you asked before for the people who wanted to sign for.

MR. TRACHTENBERG: There is no objection if you do it both ways.

MR. MUNDT: Let me ask this question, please.

Is there anyone in this room who did not give his name and address before as being for this petition?

(Hands raised.)

MR. MUNDT: Apparently there are half a dozen individuals.

MR. TRACHTENBERG: Why can't you do the same thing for both of them?

MR. MUNDT: All right.

(Those who signed as being For the Petition were as follows):

Jack Weiss, John Drive, New City.

Ralph A. Lenhard (handwriting illegible), New City.

Harold DeGaris, New City.

Mrs. Edward Erickson, 36 Germonds Road, New City.

Stanley D. Russell, Valley Road, Valley Cottage.

(End of list.)

(Those who signed as being Against the Petition were as follows):

Jeanne Bisantz, 401 Little Tor Road North, New City

Viola Roberts, 482 Little Tor Road North, New City

Elizabeth B. McSweeny, Lake Lucille, New City.

Thomas I. Brennan, 329 North Main St., New City

Vincent L. Burns, 14 Mandon Terrace, New City.

Abraham Rose, 4 Beverly Place, New City

Harold Laskey, 430 South Mountain Road, New City

Louise R. Laskey, 430 South Mountain Road, New City

R. W. Feller, 416 South Mountain Road, New City

Peter L. Feller, 416 South Mountain Road, New City

Robert Geist, 5 Deerfoot Lane, New City

Herbert Bard, Mark Lane, New City

Louis Spino, 40 Woodside Drive, New City

Angelo Richtman, 47 Mark Lane, New City

Stuart Mitchell, 41 Woodside Drive, New City

Roberta Mitchell, 41 Woodside Drive, New City

Victoria Carlo, Barry Lane, Bardonia, New York.

Mary Eule, Bardonia, New York

Sara Pellis, Barry Lane, Bardonia, New York.

E. McDonough, Shady Brook Lane, New City.

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A. McDonough, Shady Brook Lane, New City.

Miss G. Mackey, 19 Shady Brook lane, New City.

L. Mauro, South Mountain Road, New City

Judith Deming, South Mountain Road, New City

Richard May, Jr., 480 Little Tor Road, New City

Katherine B. Dening, 631 South Mountain Road, New City

Alma B. Crosby, South Mountain Road, New City.

Jane M. Heid, Germonds Road, West Nyack

Royal H. Heid, Germonds Road, West Nyack.

Irene Coletta, Zukor Road, New City

Miriam Knight, 443 South Mountain Road, New City

Harry Knight, 443 South Mountain Road, New City

Barbara Masters, 269 Route 304, New City

John Masters, 269 Route 304, New City

Elizabeth C. Burchard, 554 South Mountain Road, New City

Charles Blitch, 310 South Mountain Road, New City

Paul Miner, 5 Little Tor Road, New City

R. E. Bye, 109 West Clarkstown Road, New City

Ulelia Bye, 109 West Clarkstown Road, New City.

M. D. Harkavy, 445 Buena Vista Road, New City.

Theodore B. Johnson, VanHouten Fields, West Nyack.

H. Joris Rosse, 431 Buena Vista Road, New City.

Sidney L. Horowitz, 597 South Mountain Road, New City

Richard McCracken, 501 South Mountain Road, New City

James Larkas, Lake Lucille, New City

George W. Brownsell (No address given).

Elizabeth Kiernan, 48 Phillips Hill Road, New City.

Mr. & Mrs. C. L. Cowles, 331 North Main St., New City

Alan H. Anderson, South Mountain Road, New City.

Rudolf A. M. Bergmann, South Mountain Road, New City

Armon Glenn, South Mountain Road, New City

Scott Romer, Route 59A, West Nyack

Olga W. Kenkel, 211 Route 59A, West Nyack

Mr. & Mrs. E. J. Tobin, 395 Little Tor Road, New City

John Starr, 196 Little Tor Road, New City

Betsey Miller, 39 Old Phillips Hill Road, New City

Helen Ritzer, 47 Old Phillips Hill Road, New City

Roberta Ballantine, 689 South Mountain Road, New City

Henry J. Miller, 39 Old Phillips Hill Road, New City

Irving Ritzer, 47 Old Phillips Hill Road, New City

Marjorie Sigerson, 370 South Mountain Road, New City

Humbert A. Cincotti, 32 South Mountain Road, New City

Herman Rosse, 431 Buena Vista Road, New City

S. Helena Rosse, 431 Buena Vista Road, New City

Terence Anderson, 160 South Mountain Road, New City

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David K. Sigerson, 370 South Mountain Road, New City

Mac Duresailmi (illegible), 263 South Mountain Road, New City

Lucille Cincotti, 325 Phillips Hill Road, New City

Aran Sisson, 24 Marcia Lane, New City

Nancy Pingler, 13 Scott Drive, New City

Sam Mangel, Centenary, New City

Henry V. Poor, South Mountain Road, New City

Miss Anne Poor, South Mountain Road, New City

Aili O. Mangel, Centenary, New City

Eric Ericson, Phillips Hill Road, New City

Hugo Polar, Jr., Centenary, New City

Mrs. Walter L. Fleisher, Jr., (no address given)

Lee Storch, 17 Rockwood Terrace, New City

Roy Gold, 4 Irion Drive, New City

Neal Pruzen, 11 Irion Drive, New City

Mrs. N. Pruzen, 11 Irion Drive, New City

William G. Freedman, 19 Irion Drive, New City

Beverly C. McElroy, 229 South Mountain Road, New City

Trudy Smith, 26 Valley View Road, West Nyack.

Joan Simola, 75 Wrights Lane, West Nyack.

Becky Goto, 180 South Mountain Road, New City.

Paul Galdone, 234 Phillips Hill Road, New City.

Jennelise R. Galdone, 234 Phillips Hill Road, New City.

Lillian S. Gruenberg, 162 South Mountain Road, New City.

Ernest M. Gruenberg, 262 South Mountain Road, New City.

Charles Frankel (illegible), 317 Phillips Hill Road, New City.

Joan H. Kind, 80 Saw Mill Road, New City.

Ira Herrick, Sickeltown Road, West Nyack.

Erwin Bennett, Adrianne Drive, New City.

Fran Bennett, Adrianne Drive, New City.

Marie D. Ericson, 349 Phillips Hill Road, New City.

Padroic French, 228 South Mountain Road, New City.

Anne French, 228 South Mountain Road, New City.

Glen D. Smith, 26 Valley View Road, West Nyack.

Ruth E. Gilmour, 5 Oak Terrace, New City.

Anna Winkos, 61 Zukor Road, New City.

Mr. & Mrs. George A. Erikneer (illegible), 91 Third St., New City.

Mr. & Mrs. George Shute, 104 Third St., New City.

Crat Bayer, One Mandom Terrace, New City.

Edward E. Harkavy, 445 Buena VistaRoad, New City.

Donald E. Jones, 7 Cypress Lane, New City.

Charlath Menaker, 302 N. Main Street, New City.

Joan May, 480 Little Tor Road, New City.

Melinda Talkington, 395 Little Tor Road, New City.

Margaret H. Edwards, 263 Phillips Hill Road, New City.

(End of List.)

MR. MUNDT: We now come to the point of rebuttal on the procedure, after which I will read correspondence received by the Town Board for and against, after which we will adjourn and the Board will subsequently make up its mind on this petition.

B E R N A R D G. N E M E R O F F appeared as a witness and testified as follows:

EXAMINATION BY MR. TRACHTENBERG:

Q Mr. Nemeroff, I would like to go through some of these questions that were raised by those who spoke in opposition and ask you to answer them, for the Board and for the people who are here. Do you recall Mr. Alan Anderson testifying or stating, that a golf course can be conducted, such as the kind that you have, such as the kind you contemplate, in other than an IO district? You are familiar with the Zoning Ordinance of the Town.

MR. ANDERSON: I am being misquoted. I did not say a golf course such as he conducts. I said a golf course.

MR. TRACHTENBERG: Do you know what Mr. Nemeroff conducts, Mr. Anderson?

MR. ANDERSON: May I just explain?

I then said that Mr. Nemeroff requests IO because he does not want his golf course to be a non-conforming use. That was the reason.

MR. NEMEROFF: I don't think you said it that way.

May I finish? I know the claque is here. Just take it easy.

MR. ANDERSON: Your neighbors, Mr. Nemeroff, not the claque.

MR. MUNDT: Continue your answers, Mr. Nemeroff.

MR. NEMEROFF: He meant that, I think, and I understood him to mean it. I don't think Mr. Trachtenberg understood what Mr. Anderson meant.

I was trying to help you, Mr. Anderson.

MR. ANDERSON: It is a matter of record.

By Mr. Trachtenberg:

Q Explain the situation.

A Actually, we conduct a golf course for profit.

It does not always work out that way, but that's how we conduct it, within the term of the Zoning Ordinance. We have a non-conforming use on our present golf course. The problem is this: on the 200 acres in the present LO district west of Zukor Road, running up on the hill, there are seven golfholes. The Yellow district cannot be built if those seven golf holes remain there. They have to be removed so that we can have an orderly pattern of district of the type we are trying to build, which is a research center surrounding either a university or one central laboratory with other industries around it. So we necessarily have to remove six or seven holes from the top of the hill to the east of Zukor Road.

Does that answer your question, Mr. Anderson?

MR. ANDERSON: I didn't ask the question.

MR. NEMEROFF: I am sorry.

MR. TRACHTENBERG: We are just clearing up the area in rebuttal.

Q Mr. Nemeroff, Mr. Brennan made some references to former petitions that were

filed. Will you explain the situation to the Board?

A May I have the stenographer please read the place that I asked to be marked before? I think that most of what Mr. Brennan asked was not in the petition and was either a figment of his imagination or a slip of the pencil.

(The record was read as follows: "MR. BRENNAN: I am against this petition. I have had occasion to examine a few past petitions. It was a cursory glance. There is one thing that has turned up consistently, and that is the amount of money they have always asked because they have to do something.

"In 1955, he said taxes were killing him. He has to sell at piecemeal. He can't raise dues on the club, and he can't live like a land baron, and he appears like a wounded eagle and he says he is losing his shirt, and if he doesn't get the thing, he will sell itin the fall.")

MR. NEMEROFF: This is in thepublic hearing, September 13, 1956, at 9:30 P.M.; present were Messrs. Benken, Jeffrey, Welchman, Schersahl and Dillon.

MR. MUNDT: What are you reading from?

MR. BRENNAN: From the transcript of the hearing.

MR. NEMEROFF: You did not so designate it.

MR. BRENNAN: I mentioned it was in the hearing.

Read the minutes back.

(Record was read.)

MR. NEMEROFF: Let us have the dates.

MR. BRENNAN: This is your petitionof 1958, paragraph Ninth:

"That your petition at the time of the submission of this petition to the Town Board will show that because of the application of the present Zoning Regulations and interpretation thereof in relation to the properties zoned by the petitioner herein that said petitioner has suffered and will continue to suffer" -- that was my own interpretation of "wounded eagle" -- "an undue hardship and in support thereof there will be sugmitted by affidavit and otherwise:

"(1) A statement of the taxes paid by your petitioner for a period of nine years.

"(2) A statement of losses incurred by the petitioner in the operation and maintenance of its property for a period of at least seven years.

"(3) A series of attempts at liquidation or disposal of petitioner's property and the results thereof."

MR. NEMEROFF: That sounds just like it answers every question I asked.

MR. BRENNAN: I haven't finished, Bernie. Come on.

There is a $300,000 figure that appears in the petition of 1958, paragraph 11:

"That petitioner will construct an office and conference building on Parcel No. 2 providing for approximately 75 Club guests and 250 conferees at a cost of $300,000, which said building shall be a pilot building designating the additional future use of said Club property in keeping with its present occupation and use and enlarging the same. That said addition of a $300,000

building to the tax rolls of the Town of Clarkstown shall further assist the maintenance of an orderly growth in the community and lighten the tax load of Clarkstown residents."

That's the $300,00 in the 1958 petition.

Now as to the one where you said you couldn't live like a land baron. This is the report of the public hearing dated September 13, 1956, 9:30 p.m.;

"Mr. Nemeroff said it was suggested that the application be sent to the Planning Board. He said that one of his partners was a Congressman and that whenever they wanted to kill a bill it was sent to the House Rules Committee and it died there pretty good. He said he was sitting on this piece of property and his taxes are about $50,000 a year. He said he could not raise dues for the members or anybody else at the Club any more than they had been raised."

MR. NEMEROFF: May I say this to you?

MR. BRENNAN: Wait a minute. You want the land baron bit.

MR. NEMEROFF: See if you can find that.

You are taking up valuable time.

MR. BRENNAN: There is one point, buddy. You accused me of something.

MR. NEMEROFF: I accused you of this.

MR. BRENNAN: Listen to this:

"Mr. Nemeroff said he thought building that many houses without water, sewer, a park, schools, fire protection, would be criminal. He stated that those improvements would cost over a half million dollars. He stated he only wanted 80 more houses, after he had prepared his plot plan, explaining that if he made $5,000 on each house, which is hard to do on $30,000 or $40,000 houses, it would give him only $400,000 which should prove his motive was not making money."

MR. NEMEROFF: Is that in that, too, Tom, or was that gratuitous?

MR. BRENNAN: The motive?

MR. NEMEROFF: I love your Irish wit, but half of it I can't understand.

MR. BRENNAN: Now you want the land baron, and I will give you that.

MR. MUNDT: Are you satisfied?

MR. NEMEROFF: He will never satisfy me. I am satisfied to get rid of that line. He attacked me so strongly, I did not want to quit.

MR. MUNDT: Continue the rebuttal, please.

MR. BRENNAN: May I just answer the statement about the land baron?

MR. NEMEROFF: You made your point.

MR. BRENNAN: You admit you couldn't live like a land baron?

MR. NEMEROFF: I admit it. You live next to me.

MR. TRACHTENBERG: Mr. Mundt, gentlemen of the Board, if any of the Board members desire to ask any questions of Mr. Nemeroff, he is available now, or if anyone else in the audience desires to ask any questions, he is available now. After that, I will rebut by a summation.

MR. MUNDT: There are no other questions at this point.

MR. TRACHTENBERG: I don't know whether anyone else in the audience wants to ask Mr. Nemeroff any questions.

MR. FROHLING: Mr. Nemeroff, on this R.22, do you intend to sell the lots

or develop it yourself?

MR. NEMEROFF: Let me say this to you, Mr. Frohling: I have had at least ten or fifteen various types of builders -- by various kinds of builders, I mean any builder that wants to build $15,000 houses or $32,000, $33,000 and $34,000 houses -- approach me. This afternoon I had probably one of the most substantial builders in Bergen County around this area -- he has not built anything yet -- approach me on a $32,000, a house averaging about that.

With any builder that I will let build or will sell to -- and that is entirely possible, because I am in control -- there will not be a house built on that territory now. I may have to stop building because there is no market. I don't know what could happen. But we will not build one house on 120 acres less than $25,000 per house. I make you this firm promise.

I know there are about ten or fifteen people here that are going to be up in about a minute or two and say, "Well, how can we believe you?" Well, I know what is built in Clarkstown. I don't intend to build anything like the general average of building here.

I have this as my desire -- and this is not for selfish reasons only; I am not in any hurry to liquidate the land and I am in no hurry to build houses. I would like to build a community that will furnish membership to the Club and will be able to take care of some of the executives that I think I can eventually have in the IO district. Period. I am not looking to build houses and build up a poor neighborhood when I still have 700 acres to go, for any reason, and 300 of them or 350 of them are developed in what I think is as good a country club or conference center as there is in the east, probably better than most.

MR. FROHLING: Would this $25,000 be a deed restriction?

MR. NEMEROFF: May I say this to you? As to whether you could put it into a deed legally, I don't think you could put it into a deed, frankly. But if permission were granted to me, I will say this to you. I would still have to go to the Planning Board. I will provide the name of the builder. The builder, incidentally, has built a development -- I don't care to mention his name now; I am willing to disclose it to one or two members of the Board if they will keep it confidential, and you can pick any two you want -- but the builder has built a very notable development in New Jersey, not far from here. I think the average was $32,000. $31,000 was the average home. His cheapest home was around $27,000 or $28,000. He is now I think the same builder who built about 40 houses at $31,000 or $32,000 and is now building in the same area $30,000 houses, on half acre, incidentally, and one-third acre.

MR. MUNDY: Do any other Board members have a question at this time?

MRS. SARA PELLIS (Barry Lane, Bardonia, New York): We have been speaking about IO which are these laboratory offices. But what else does that mean? You said a university and medical research. But so far we have established absolutely nothing. There is a big chart there. I

haven't been able to see it closely, but I don't think it showed any specific thing. If we are discussing something, we ought to know what we are discussing with reference to IC. It can be anything. Is it another Iederle Laboratory?

MR. NEMEROFF: Would you like to know the name of the company?

MRS. PELLIS: Yes.

MR. NEMEROFF: I am not privileged to disclose it at the present time.

MRS. PELLIS: You can tell thetype of company. You don't have to give the exact name. You can say whether it is a university or an office.

MR. NEMEROFF: I think I now have the tenor of your question. May I answer it, please?

MR. PELLIS: Yes, please,

MR. NEMEROFF: It is my hope that we could put a university there with a basic research center. We have also been negotiating with one or two departments of the government for a research laboratory.

Let me tie it up for you this way: The 93 acres that are kept in one acre zoning have been deliverately kept that way because we do not want to let a company come in with a large research center requiring 100 acres. We intend in the 200 acre research center to have either a university or a government laboratory, surrounded by smaller laboratories of large companies engaged in basic material research, and we would restrict them to ten acre plots. If we let in a large company, and there have been many requests of the Rockland Industrial Committee for acreage anywhere from 50 to 120 acres --

MR. KERNAN: Would that government laboratory bea taxpayer?

MR. NEMEROFF: Yes, if it is rented. The university would not be. But the university would take ten acres and would probably be very attractive to other companies who could use this laboratory to the benefit of scientists. There would be no harm done in that area, because only ten acres would be taken out of taxation.

Incidentally, I might say this to you, Mr. Kernan. My project -- in fact I have a letter out now which was drawn about a month ago -- is to donate ten acres to the university, at no cost to them. In other words, I think it is good enough for me to give them ten acres to have them as an attraction for industry around that research center.

MRS. PELLIS: How substantial are these things? You mentioned the university, but is it a definite thing, or is it just a theory?

MR. NEMEROFF: We have been working on it for six months.

MRS. PELLIS: That still means nothing.

MR. NEMEROFF: What would you want me to do? If I had it in my pocket, believe me, I would love to have it. All I can tell you is, I work on these things and I don't know if I can put them forth, but I do my utmost to do it. I can't have guarantees any more than you can.

MR. PELLIS: I would imagine that before a plan like this would actually be put before the people of Clarkstown something quite concrete and definite should be there.

MR. NEMEROFF: What am I putting before the Town of Clarkstown? Do you know, really? Does anyone have another plan that they can advance all the ob-

jectives? Do they have one plan that can give you any economic growth that will aid the taxpayer? I haven't heard one.

MR. ANDERSON: The present Zoning Plan.

MRS. CARLOS: We have as many as you.

MR. TERENCE ANDERSON: You are not looking out for me.

MR. NEMEROFF: I would hate to look after you.

MR. MINDT: No personal remarks.

MR. NEMEROFF: I will try not to.

MR. ALAN ANDERSON: I don't mean to turn the tables. I wanted to ask this before, sincerely. Is there anything that you could ask for and keep the Zoning Map intact that would do you any good? I want to take the emphasis off the Town, because actually I would like for you to get something that you want, because I think this is part of the problem. Is there any way in which you could develop in the one acre zone, for instance, with the relaxation of some other rule than a restructing of the Zoning Plan?

I should have said this before. I wanted to ask a question, but for the benefit of the Board and everyone else here, I wanted the answer as well as the question to be limited to 30 seconds, because I think it is really tiresome for us to go on and on this way.

MR. NEMEROFF: Mr. Anderson, I will agree with that, but after all, the subject is a large subject and it may require more than 30 seconds to answer it.

There are many projects, Mr. Anderson. I will be sincere with you. The last thing I would like to build there would be houses, frankly, because all I could do is have a housing neighborhood next to an LO district, and it certainly is nothing that I would want, for any reason.

There are things that could be built there. If I would tell you the nature of the things, first of all, it would be laughable to you. It would probably be the best economic thing that could be built on the land, and certainly owning the large tract of land that I do, it is to my interest to have the best economic thing built on the 120 acres. The best thing would be, of course, a cemetery, period.

MARY EULE (Bardonia, N. Y.): Why don't you do that?

MR. NEMEROFF: Why? I assure you, the people in the neighborhood would be up in arms. Everybody would raise the devil with me, talking about cemeteries. But I would love to build that. There would be no problems. I could get just as much moneyreleased and use that money. There would be no school problem. But somebody would figure another angle. And there would be no drainage complaints.

Mr. Anderson, would you go for it? Get up a petition. I will tell you what. I will build a cemetery. All right? There are plenty of requests for it. We will have no grave stones above the ground.

MR. A. ANDERSON: I have a question for you, Mr. Nemeroff. You just said that the last thing you wanted to build was houses.

MR. NEMEROFF: Absolutely the last.

MR. A. ANDERSON: My question is this: Have you not said that the reason you have to have the 120 acres of half acre zoning to build capital is to get capital to develop the IC zone? In other words, you would have to build the houses first, not last.

MR. NEMEROFF: But the last thing I would want there is houses. I want you to understand that.

MR. A. ANDERSON: In other words, you would do this in tears. But let me say this: I am not questioning your goodwill. As to the money that you raise from building these houses, how can the taxpayers be assured that this is going to build up an IC zone that is going to reduce the school taxes and other expenses that are going to come about because of the houses? You are asking us to make this kind of an agreement.

MR. NEMEROFF: I ask you this, Mr. Anderson: At this present time we have had the Zoning Ordinance. The building in Clarkstown has been wild. When you say it has been built orderly, every piece of land in the Town is on a third of an acre zoning, good, bad or indifferent, and I have been at Town Board meetings when the drainage problem and other problems came up, only because of inferior land. The third of an acre has practically been used up. If it is buildable, it has been sold.

MR. A. ANDERSON: I don't agree to that, but go ahead

MR. NEMEROFF: I wouldn't expect you to, but I make this statement, and if you tell me it is different, I think Mr. Ward is here, and maybe he will tell you how much land is left in one third of an acre zoning.

MR. A. ANDERSON: You are not answering my question.

MR. NEMEROFF: Let me say this to you: When I say the last thing I want to build is housing, if tomorrow I would get a contract that could supply the sewer that I must provide for anybody that is going to build a laboratory office in that district, I assure you I would not build a house, number one.

Number two, I have a plan for you, if you are so public spirited, Mr. Anderson. I suggested nothing that would not be done in this community, although it is done in other communities. Maybe the times are not desperate enough for the people here, but in time, if this continues, your tax rate will be at least double--

MR. A. ANDERSON: Did you hear Mr. May's report?

MR. NEMEROFF: I have heard Mr. May's report ad infinitum.

MR. A. ANDERSON: That is not what I asked you. You were out in the hall and you were not in the room when he read it.

MR. NEMEROFF: I have a copy right here and I read it.

Let us stay with this. Let me explain something to you, Mr. Anderson.

If I had the monies to build a sewer, bring the water to the property, or build roads, I would not plan to sell the property at all. I will do this: If this Town wishes, if you are so public spirited, I will take the 120 acres --

MR. A. ANDERSON: You keep saying public spirited. On behalf of The Dells, you mean.

MR. NEMEROFF: Just let me finish. If you are right, I will change it to prove you are wrong. Let me finish, Mr. Anderson.

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I will take the 120 acres, if you wish. The Town can buy it, build the park they want to build. You can pay me with bonds over 25 years. All right? I will use the bonds to build the sewers.

MR. A. ANDERSON: You said "all right." Are you asking me a question?

MR. NEMEROFF: When I get to a question, I will ask you one. What are you for?

MR. A. ANDERSON: I am for good zoning.

MR. MUNDT: Let us have order.

MR. A. ANDERSON: He stopped, Mr. Mundt. He asked me a question. I am being quite honest about this. He asked me a question and he is not answering mine. He is talking all around the barn.

MR. MUNDT: What is your question?

MR. A. ANDERSON: My question is, are you asking the community to make a bargain with you, that you are going to use the money for building those houses to build up laboratory offices?

MR. NEMEROFF: Yes.

MR. A. ANDERSON: I am sorry, but I don't think that any community could be asked to make bargains with individual taxpayers.

MR. NEMEROFF: I will show you this community (indicating). I will show you a thousand communities in the United States that do that, to build up industry.

MR. A. ANDERSON: It can be done through official channels. As you said earlier, or as Mr. Trachtenberg said earlier, or somebody, within our Zoning Law there is a provision for averaging. You are not making use of any of the provisions of our Zoning Law. You want to write your own. I am opposed to it, again.

MR. MUNDT: Miss Poor?

MISS POOR: IF Mr. Nemeroff had one solid, clear-cut issue that he could bring here, one offer that was positive enough that he could speak about in this room, I don't see why it is a secret when the whole community is involved, when the Zoning Laws are asked to be changed, when some citizens' rights as property owners are involved. I don't see why it is a private secret. So that if he has something to offer, I don't see that this community would refuse if he did have a real offer. I don't think that he has, as a community member, distinguished himself as interest in public works, aside from his interest in The Dells.

MR. MUNDT: The Chair will entertain one more question and then return to the rebuttal on the part of Mr. Trachtenberg.

MR. FAGEL: I just want to know why Mr. Nemeroff did not sell that 100 acres that people want to buy it for a million dollars and solve his problems and ours.

You were offered to sell 100 acres by someone. Why didn't you sell the 100 acres?

MR. TRACHTENBERG: This is getting a little irrelevant.

MR. FESTA: That is a personal thing.

MR. TRACHTENBERG: Mr. Mundt, may I wind this thing up?

MR. MUNDT: Yes.

MR. TRACHTENBERG: I would just like to summarize in rebuttal and just pick out some of the highlights here.

MR. BRENNAN: Just a point of order before we run into this summary.

I think what has been established is, Mr. Nemeroff said something extremely important to us and to the community. He said that if we did something for him he would do something for us. He has laid out nothing. He has put nothing down. He has asked everything on a one-way street, so far as this petition is concerned. He said he needs money to go forward with an undesignated and an unknown plan and in an unknown manner. I think at this particular time he should give us some idea with respect to this.

When you have a buyer you have a seller, you have terms of agreement, terms of area, what he wants, what he receives in turn. From what he has said so far, I think there is a duty on him to explain with respect to what specific improvements and roads are in the general area which he intends to put them forward, and they should be included on that map and made part of the petition that appears before us now.

MR. NEMEROFF: May I say this: The reason that these things must be prepared in advance, and the reason that I cannot make a disclosure, is that no company living that has seen the experiences of American Cyanamid, United Aircraft in Rye, and other companies in other areas, will come into any area unless they have it zoned, unless they have the facilities that they are entitled to. Your present Zoning Ordinance zoned inferior land throughout the Town for industry. They will not accept it.

MR. BRENNAN: Let me say this much, So far as what has happened, we have given an LO piece of property, and you say you need $500,000 --

MR. NEMEROFF: Seven. May I tell you why?

MR. MUNDT: I think that everyone here of reasonable temper will agree that we can't allow this to continue ad infinitum. Contrary to popular belief, the Board is going to be able to make up its mind on what it is listening to this evening. If we could wind this up, I think we are beginning to reach a stage where we are getting a little bit repetitive.

(Witness, Mr. Nemeroff, excused.)

MR. TRACHTENBERG: Mr. Mundt, despite our differences of opinion, basically we agree upon one premise, and that is that we believe in good zoning and good planning, and we all agree that we want such condition to exist in this Township.

In listening to the various people who have come up and who have discussed the proposition opposing the petition, I have yet to hear from anyone of them a plan or a proposition that would be comprehensive enough to hel out and to relieve the one big thing that we are all worried about so much: relief of the taxes. One person speaks about the golf course, good sense, good business sense. Good legal business sense states that if you are going to put an installation in, it should be in the proper zone, and not a non-conforming use.

Another person says, "I am a new member in the community and I am frank to state that I don't have any facts and figures, but I am against it." What could

he be against?

Another one comes along and talks about a play of words and arithmetic. I don't care how you figure it, how many fingers and toes you use to help in your arithmetic. The fact remains that if you have 760 acres and you can build on one acre zoning to the tune of an acre per house, and you are merely asking to build 190 houses, there is a benefit to the community. I don't care whether you call it a play on arithmetic or whether you call it a play on words. You just can't get away from that basic fact.

I gather a sense, from some of the remarks made, that some people are skeptical. Why don't you do this and why don't you do that and why don't you do something else. I ask you, in all reason,what more can the petitioner do than take 550 acres out of ahousing development and put it into a zone that the experts tell us is one of the highest type zones in existence in this country?

I don't have to remind you of the fact that the IO zone requires a minimum plot of ten acres. What housing zone requires that? Building can only be to the extent of 35 percent.

We hear many words, some fancy, some otherwise, about all the comprehensive plans in the making, how important it is to wait for those plans to materialize and be adopted. Nobody knows the time element; nobody knows what the guarantee is that they will be good plans, or that they will help out, or that they will be good for this community.

If we have something in our possession that means something of merit, then let us have it. If anyone will come forward with a plan that is good for this Township other than the plan we propose, I will withdraw the petition. But let us see the plan.

One speaks of the problem of sewers. Well, we don't control the sewers. It is basic that sewers must be approved by the Health Department. I don't care what the waste is. It still must be approved by and conform with Health Department requirements.

One speaks about probable pollution of water. If there is a company dealing in water service in the United States that is more strict than the Hackensack Water Company, I want to know who it is.

Lake Lucille comes in with an objection, but puts it this way: "We have no objection. We just don't like it." What that means, I don't know. Whether that has merit or not, I don't know.

What else is there that they offer in its place? But they tell you we expect you to reject it. Maybe we have reached a state of dictatorship in Rockland County, I don't know. But when it reaches that point, now we got something really serious to think about.

I sense a feeling from what is said that many people here tonight don't really understand the make-up of an IO district. I say that because there have been some remarks about buying more land for IO district. To those people I would suggest that instead of getting the information second or third hand, they should refer to the Ordinance itself and read it. If they can readily determine what an IO district is, they can see

what the make-up is. They can see what the safeguards are, because I know, and you gentlemen know, that it is one of the highest types of zoning district ever created.

I have read the statement submitted by Mr. May. It is all well and good to say that I am an expert, that I represent or deal with communities that have planning and zoning problems, and that nothing shall be done until a plan is devised. By that time, gentlemen, all the land available will have been dissipated, because by that time it will be all developed.

And the one thing that nobody points out, the one thing that nobody brings here to the Board to help solve this problem -- I don't care whether he is for or against -- is what can be done in this Township that everybody knows needs in the way of tax relief. The plan submitted, considered, hashed, rehashed, discussed, debated, argued, is the only plan that has been ever submitted, thought about, reasoned through, by people who have spent numerous hours on it and have approved it. Now what is the substitute for this? And where is the substitute? Are we going to sit back and wait until next year, when the tax goes up again and many more facilities are required?

In closing, there is one other thing. Much effort has been put into the development of this IO district by the petitioner and a staff of experts. It is not unreasonable to state that a person's private business is his private business. I don't want to know what is in your pocket, and I have no right to, and you have no right to ask me what is in my pocket. Despite the free advice, do this and do that, and why can't you do this and do something else, I make this offer to the Board, and I have made this offer to the Board once before at another sitting last year: We have no secrets from this Board. If there is anything you want to know as to what is being done, and the effort exerted in promoting this IO district, that information is yours in confidence. I can't do any better than that.

MR. DEMING: I respectfully ask permission for 15 seconds to make a short point with respect to summation.

MR. MUNDT: Actually it isn't necessary, Mr. Deming, according to what we said up here.

MR. DEMING: I do request once again, because in effect a challenge has been thrown down here. I will make it five seconds, if you wish. I think that challenge should be answered.

MR. MUNDT: Let me put it this way.

Will those here allow Mr. Deming be the last one?

MR. TRACHTENBERG: We have no objection to anybody speaking their mind at all.

MR. DEMING: Mr. Trachtenberg has asked why no one has come forward with a plan other than The Dells plan. I will make my answer very simple.

It isn't up to us to come forward with a plan. We have a Plan: the Clarkstown Zoning Ordinance Map.

MR. TRACHTENBERG: And the proof of the pudding is that there has been no tax relief, that we don't have substantial industrial development in this Township, where it is so necessary.

MR. MUNDT: We can stimulate each other all evening.

We will now go on to read letters which have been received for and against, which will be read into the record.

We have a letter here from Martin Berns'eir, 27 Whitewood Drive, New City, New York, who is for.

We have a communication by telephone from Alton Anderson, 220 North Middletown Road, New City, who wants to go on record as opposed.

We have a communication from Mrs. Marvin Thalenberg, Ridge Road, New City, who wishes to be entered as opposed.

In the same vein, we have a communication from Louise R. Lasley, 430 South Mountain Road, New City, also opposed.

These that I am reading now are opposed:

We have a telegram received, signed Dr. & Mrs. Perry Hudson, as opposed, no address.

Also opposed is Cora M. Cowles, 331 North Main Street, New City.

Also opposed is C. L. Cowles, 331 North Main Street, New City.

Also opposed is Mrs. Thomas J. King, 80 Saw Mill Road, New City.

Also opposed is Mr. Thomas King, 80 Saw Mill Road, New City.

Opposed, Herman Posse, RFD, New City.

Finally, also opposed, Mr. Harold Laskey, 430 South Mountain Road, New City, New York.

These letters will be incorporated in the file of The Dells, Inc. hearing.

We have heard a great deal of testimony on behalf of theBoard. I want to thank everyone here for keeping a very even line of temper. I am sure that I can assure you, on behalf of the other members, that we will study this record thoroughly, exhaustively, and try to reach the proper conclusion.

Thank you for coming.

MR. KIERNAN: I think we as a group should express our appreciation to the very fine job of moderating done by our Supervisor.

(Applause)

MR. MUNDT: The Chair will entertain a motion to adjourn.

MR. NORTHRUP: So move.

MR. FROHLING: I second it.

(Motion carried.)

(Whereupon, at 11:25 p.m., the hearing in the above-entitled matter was adjourned.)

Charles J Blauvelt

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Town Hall TOWN BOARD MEETING 8:00
New City Feb. 29th, 1960
Present: Messrs. Mundt, Frohling, Danko, Northrup, Welchman.
Mr. Welchman moved the following resolution:
RESOLVED, that the Town Board Meeting minutes of Feb. 15, 1960 and Spec. Hearings of Feb. 15th, 1960 be approved as read.
Seconded by Mr. Northrup. Unanimously approved.

Mrs. Dean Seifried, Pres. of the Sun Dial Garden Club, Nanuet, N.Y., appeared, and requested the Town of Clarkstown pass an ordinance against the removal of topsoil in the Town of Clarkstown. She suggested the following: