

## PUBLIC HEARING

January 29th, 1964

Town Hall

8:45 PM E.S.T.

Present: Messrs. Welchman, Danko, Holbrook, Frohling, Mundt.  
Town Attorney J. Martin Cornell  
Deputy Town Attorney Murray N. Jacobson

RE: CONFLICT OF INTEREST - LOCAL LAW #1

Supervisor opened Public Hearing at 8:45 P.M. Town Clerk read Notice of Public Hearing.

Supervisor Mundt explained Local Law to assemblage. Would place more power in the hands of the Town Board. Patterned after County and City Laws.

J. Martin Cornell, Town Attorney, spelled out provisions of the Code. Murray N. Jacobson, Deputy Town Attorney, explained each section of Code. John Tomicki: Stands in favor of this Local Law #1 - Code of Ethics - Being adopted under Suburban Town Law. He questioned Article 1, Sec. III.

Mr. Cornell advised him that this Local Law would not be adopted this evening. Advised Mr. Tomicki to send in a letter with his suggestions.

Eric Sundberg: Laws of Huntington and Orange under consideration. Isn't necessary to spell out what the conflict of interest are as in the Building Department.

Mr. Rudolph: Very pleased to see Code. In 1960 New City Civic Association requested. Would like article included cutting off severance pay and retirement pay. (Mr. Cornell was questioned concerning this but it was felt that a violation of a Code does not amount to a Penal Violation. Question goes to severity of punishment. That would be up to the Board. Matter was considered by Town Attorney.

Supervisor Mundt stated that this would not be adopted this evening. Board would consider all remarks made at this public hearing in arriving at decision.

D. A. Mort Silberman declared himself as being in favor. Mr. Kerr commended the Board for this action.

No further comments.

On resolution by Mr. Frohling, seconded by Mr. Welchman and unanimously adopted, Public Hearing was adjourned.

Signed,

  
Anne E. O'Connor,  
Town Clerk

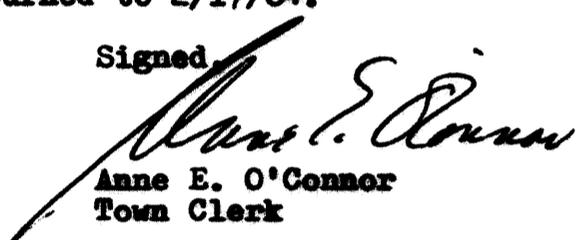
TBM - 1/27/64

Town Clerk was instructed to write letter to State Traffic Commission asking them to reconsider the installation of a traffic light at the junctions of Prospect Ave. and Route 304; and at the junction of Church Street and Route 304.

Letter read from Frank T. Hurley, Route 59, Namet, requesting safeguards at railroad crossing at foot of Prospect Avenue. Matter referred to Town Attorney to pursue proceedings of making railroad erect safeguard, or to ascertain if Board can have erected as a Township. It was suggested that request be made for a public hearing before Public Service Commission as to whether this can be legally declared a public thoroughfare.

On resolution by Mr. Holbrook, seconded by Mr. Welchman and unanimously adopted, Town Board meeting was adjourned to 2/17/64.

Signed



Anne E. O'Connor  
Town Clerk

## PUBLIC HEARING

Town Hall

Wednesday, January 29<sup>th</sup>, 1964

9:00 PM EST

Present: Messrs. Welchman, Danko, Holbrook, Frohling, Mundt.  
Town Attorney Martin J. Cornell  
Deputy Town Clerk Murray N. Jacobson  
Town Clerk Anne E. O'Connor

RE: ZONE CHANGE APPLICATION - MAISONETTE DEVELOPMENT CORP. (I0 to R-2).

Supervisor Mundt declared Public Hearing in session at 9:00 P.M., E.S.T.

Town Clerk read Notice of Public Hearing.

Edw. G. Roepe, representing petitioner, Bernard G. Nemeroff, addressed the Board. Outlining the relief that the petitioner requests, he stated the following:

Land is a part of original Dellwood at the northern end of Town. Consideration of 25 acres.

1. Rezone of 25 acres which is described in petition from I0 to R-2; and
2. Request that Bulk Regulations affecting R-2 be amended to permit building of Hi-Rise apartments on these 25 acres.

BACKGROUND:

25 acres is an interior parcel of the original Dells tract; approximately five (5) years ago the Dells was granted a rezoning of a substantial amount of acreage then comprising part of The Dells tract to I0. Had approval of Industrial Commission. Have been successful in attracting one (1) tenant for I0 use, and that is a local concern; "Lamplighters Hall".

REASONS:

1. Location of sewerage facilities at time; and
2. No housing facilities for their personnel near at hand for large outfits.

We therefore believe that I0 can only be developed if housing is provided for personnel who will be brought into the area. They cannot be personal houses, because of short length of stay; unmarried people, etc. Will build in stages.

Would like permission of Board to recall witnesses in rebuttal in clarification, explanation, etc; and then privilege of summing up. (Granted).

WITNESSES FOR PETITIONER:

1. Bernard G. Nemeroff, 95 Zukor Road, New City: (Sworn in by Supervisor): He testified as follows:

He is Vice-President of Maisonette Dev. Corp; Pres. of "The Dells".

Ques: The Dells, Inc. is owner of how many acres in this general area?

Ans: Entire Dells tract that is left, including part that has been leased to Country Club, about 600 acres, more or less. 25 acres to be built upon.

Ques: Are you, as Officer of Maisonette Dev. Corp., familiar with petition?

Ans: Yes.

Ques: Will you identify exhibits? (Mr. Nemeroff identified scale-model of proposed apartment houses, explaining lay-out to Board (offered in evidence)).

AERIAL MAP: Offered in evidence. Mr. Nemeroff stated that there would be modification of layout, but in general, it would be the same.

DESCRIPTION OF APARTMENT UNITS:

- (a) Six (6) floors
- (b) 125 apartments
- (c) They would consider studio apartments - 1½ rooms; 1 bedroom apartments; and some two bedroom apartments.

Would be designed with Recreation Area, Swimming Pool, Tennis Courts, very adequate parking, walks all around.

The reason for six-story is that in building higher they could use the surrounding area for recreation.

Will erect Cabana Club, Tennis Courts, Club House, Walks. Little League Field - one acre set aside. Picnic area - one acre to be used by tenants.

CO-OP: One or two houses might be co-op; that is, sold to the tenants.

PARKING FACILITIES: Parking facilities in the open. Underneath, part of building could be used. If so, there would be more green area. 1½ times people for cars. Would adhere to this standard.

Portion up for change is southern-most portion of "The Dells". Parochial School will be built in area on 14 acres. High School will be separate.

10 AREA: About 10 acres. School for electrical union.

COUNTRY CLUB: Have leased the Country Club for 99 years, and that should keep that 217 acres as green belt. That, plus the park, will leave a large green area. Out of 600 acres, 300 acres will be a green belt.

PARK: To the west, which is between Crum Creek, in process of acquisition for County Park. To the west there will be a green belt. Between this side and the Creek; at least 80 acres of green.

BOULEVARD: Will be 60' wide, minimum.

TAX RATABLES: \$150,000 a year, based on an 8 million dollar ratable, with a total tax of one million dollars a year, if proposed apartments are built.

O. Wayne Noble, 431 Broadway, Paterson, N.J. appeared on behalf of petitioner. Sworn in by Supervisor. On questioning by Mr. Roepe, he testified as follows:

Ques: Occupation. Ans. Planning Consultant, offices in Paterson, N.J.

Ques: Name of firm. Ans. O. Wayne Noble Associates.

Ques: Education. Ans: Degree in architecture, planning & housing.

P.H. 1/29/64 - Maisonnette

Ques: How long in occupation of City Planner? Ans: Since 1947, except for two years in service.

Mr. Noble presented detailed outline of his educational background, experience; other professional services performed; publications written; affiliations. (Copy in Town Clerk's file).

On questioning by Mr. Roepe, Mr. Noble continued his testimony as follows:

Ques: In connection with your employment, did you make study and analysis of 25 acre site in review here? Ans: Yes.

(Copy of Report, Study and Analysis in support of petition offered in evidence - marked as "EXHIBIT A".)

QUES: How was Analysis made? Ans: I flew over area to get general picture as seen from air; Rockland County Planning Board gave us information; new articles; Clarkstown Zoning Ordinances (and Orangetown) and our own studies on the subject matter.

QUES: Based on your analysis and professional experience, you came to certain conclusions?

ANS: (Mr. Noble read from "EXHIBIT A" - Page 4) "The Clarkstown Area" as follows:

Centrally located in the County of Rockland with the western boundary being the Hudson River, and Orangetown border on the south; Ramapo on the west; and Haverstraw on the north. New City about centrally located in the Town of Clarkstown. Site is located about two miles north of New City.

Mr. Noble continued:

Sixty ft. right-of-way to enter from Phillips Hill Road. There would be two accesses to property.

Eighty (80) acres will be acquired by County for park. Immediately to the west is Crum Creek.

(Map of 60' right-of-way (marked as "EXHIBIT B" - not in possession of Clerk).

THE FOLLOWING WERE OFFERED BY PETITIONER'S ATTORNEY TO BE MARKED AS EXHIBITS:

EXHIBIT A- Analysis in support of petition submitted by O. Wayne Noble Associated dated September 23, 1963.

EXHIBIT B- Map - 60' right-of-way

EXHIBIT C- Aerial photo of area involved.

EXHIBIT D- Site location map (Source-Rockland County Planning Board)

EXHIBIT E- Population Distribution-1960: (Source-Rockland Co. P.B.)

EXHIBIT F- Existing Land Use Map "

EXHIBIT G- Existing local parks & Schools "

EXHIBIT H- Transportation Map "

EXHIBIT I- Public Schools-Map "

EXHIBIT J- Newspaper clipping from New York TIMES titled "Apartment Held County Tax Help"

EXHIBIT K- Newspaper Clipping from Bergen Evening Record titled School Children in Apartments are Fewer than Anticipated.

EXHIBIT L- Pamphlet titled "New Homes 1961 and 1962".

Mr. Noble continued to read excerpts from "EXHIBIT A" on the following:

- (a) Zoning - Page 6
- (b) Population Growth - Page 7
- (c) Need for apartments - Page 10
- (d) Existing zoning - Page 10
- (e) Town Services - Page 11
- (f) Tax ratables: Page 13
- (g) Table on Page 14 (17 school age children per 100 units)
- (h) Increase in retail trade. - Page 15

There were no questions from Board:

Petitioner's case was concluded by his attorney with right to recall.

QUESTIONS FROM FLOOR:

Mr. Brennan: Spoke on point of order re Notice of Public Hearing as it appeared in newspaper. He stated the following:

"There are more R-2 properties than just Maisonette. Publication reads that all "LO" in Town can be made R-2" Declared that Public Hearing not effective. If we have to change zoning ordinance, it would have to be sent back to Planning Board."

Supervisor Munt stated that we intend to rely upon the opinion of the Town Attorney on this matter. We do not wish to postpone hearing.

MR. ROEPE: That was considered by both Planning Boards. R-2 will not be all Hi-Rise.

MR. RUDOLPH: (New City Civic Association): Read following statement:

"MASTER PLAN: Town Board should hold off on new zoning until Master Plan is adopted. We would suggest consideration which is only for a proposal which can clearly be shown to be a complete benefit to the Town of Clarkstown. We suggest this petition be denied and should not be reconsidered until proposed Master Plan is developed."

Town Council resolved that no substantial planning be made in our Ordinance until Master Planning is approved; except where it can be shown that a change could be a complete benefit to the Town of Clarkstown.

ROBERT ORTH, New City: (President of People of Rockland Organization)

Presented petition signed by 1680 residents opposing (MARKED IN EVIDENCE AS "EXHIBIT M).

THOMAS R. BRENNAN: Read statement as follows:

"The need has been established by saying there is a population growth. Need of Town is not determined, but petitioner says there is need. We need planning, transportation. We would be changing every R-2 District in this Town by changing this ordinance."

JOHN TOMICKI, West Nyack:

"Richard May said on 2/24/60 that no downzoning be done until Master Plan. Master Plan needed. Moratorium on downzoning declared illegal by former Town Attorney. Public Hearing 2/24/60/"

Mr. Tomicki read page 3 of "EXHIBIT A" stating that petitioner's attempts to develop this land for "LO" has been unsuccessful. He stated that we cannot afford any more additional experiments in downzoning, and that this request would make demand for more commercial establishments.

Mr. Tomicki questioned ratio of tax ratables on Page 13 of "EXHIBIT A".

BBG973

MR. MITCHELL:

1. Will determine way of life of approximately 50,000 people. People came here to escape city. Will become city.
2. Read Sec. 272A of Town Law citing what Master Plan is. He stated that Master Plan should lead to zoning ordinances and that people do not want apartment houses. Master Plan is needed.
3. Paragraph 11 of petition also states that it is necessary to have Master Plan. Picnic area not large enough.
4. Eighty-three (83) million dollars tax ratable. \$30,000.00 homes which are selling now, will bring same tax ratable.
5. Housing - I hear nobody screaming for housing around St. Regis, etc. No drought of apartments in Rockland County.
6. O. Wayne Noble Associates report: 25 acres involved. This will affect all R-2 in Clarkstown.
7. Parochial School: 14 acres: Msgr. Hart told me that their plans are to build parish if and when people ever get there. No indication of any immediate plans for a new parish. We build church first, and school when we need it.
8. This is experiment. Developer's roulette. Only people in Clarkstown will suffer.
9. Value of Land: \$5,000 per acre. O. Wayne Noble quotes \$5,000 as offer to New York University/ 25 acres at \$5000 is \$125,000 land value.

Appraisal - \$1,000 a unit and at 30 units an acre - \$30,000. There would be a windfall of \$67,000 to someone.

VERENA WENDLAND, New City: (Vice-Pres. New City Republican Club):

Presented petition to Board (MARKED AS EXHIBIT "O") signed by residents of New City protesting zone change for purpose of Hi-Rise apartments. Included with petition was suggested resolution as follows:

WHEREAS, we the undersigned residents of the Town of Clarkstown have chosen as their place of residence this township because of the open and country-like nature of the town, and

WHEREAS, to promote the health, happiness and welfare of our families, we desire to prevent the area from attaining a high population density, and

WHEREAS, the Town Board, through its powers contained in the Zoning Resolutions of the Town of Clarkstown can control the residential density within the Township,

NOW, THEREFORE, this petition is hereby presented to the Town Board of the Town of Clarkstown to:

1. Prevent any area of the Town being zoned to permit the construction of multiple dwelling residential buildings over two (2) stories in height.
2. Establish the population density in any multiple dwelling development of the garden apartment type not to exceed 15 dwellings units per acre.

Petition included approximately 236 names.

WALTER FLEISHER, New City:

1. Would help to bring industry to LO. New York University and International Nickel did not come. It went to Sterling Forest.
2. No additional cost for fire protection. There is no fire equipment in Clarkstown that could take care of a six-story fire.

MRS. SAWAYA: (Clarkstown Women's Republican Club) and (Wood-Knolls Civic Assc.)

Opposed: Master Plan first.

MR. ROBERT A. GERBER: (Spring Valley Water Co., Inc.)

Presented statement as follows:

"Because of the close proximity of "The Dells" property to the DeForest Lake Reservoir, the major water supply of Clarkstown, as well as Rockland County, the Spring Valley Water Company urges that if the rezoning requested by the applicant is granted, it be subject to the following condition:

Sewage from the proposed apartments will be discharged to a public sewer system, which in turn is connected to the Rockland County disposal system.

"To prevent any confusion on this matter, let the record also show that if the requested change in zone will result in the discharge of sewage to any watercourse within the Hackensack River, drainage basin, temporary or otherwise, this Company has no alternative but to object to the applicant's request."

Signed, Robert A. Gerber  
Spring Valley Water Co., Inc.

MR. CONACE: (North Clarkstown Republican Club):

Application of Maisonette Dev. Corp. for Hi-Rise be denied.

MR. EDWARD KARP, New City:

Submitted petition opposing containing 50 (50) names - 98% of area. (EXHIBIT "N")

1. No building over two (2) stories high
2. No more than 15 dwelling units per acre.

MR. JOHN MATARISE:

Presented petition with signatures opposing. (EXHIBIT "O") 60 names.

MR. JOHN LACEY: President Demarest Hills Assoc.

Opposed: Population density.

CHARLES LYNCH, Lake Lucille: Opposed.

MR. DANNAHAUSER: Pres. Demarest Hills Assoc. Opposed.

MR. BERNARD G. NEWMAN, Nanuet: Opposed.

MR. ERIC SUNDBERG, New City:

(O. W. Noble Report - Marked as EXHIBIT "A".) Page 17

"Promises cabana, etc. Who guarantees? Donating land to recreation; one acre to Little League; 750 children will be in that area. One acre not enough.

Policing: (Page 12 of Noble Report)

There is a sizable increase in population and would require additional police.

Westchester County: (Page 9 of Noble Report)

Their growth is not a basis for us.

COMPLETION 4-5 years: (Page 19 of Noble report)

If there is no rush, we can have Master Plan first.

REBUTTAL - MR. ROEPE

Changes figures on Page 13 of Noble Report. (School Taxes): Stated there was error. \$97,500 as cost of educating 140 children at \$650 per child comes to \$91,000. This corrects balance from \$64,000 to \$63,560.

As to number of children - no more than in homes.

Mr. Roepe rested his case.

Letters read: From Mr. Beckburn - opposed.

From Mr. Youcha - Opposed.

RECOMMENDATIONS OF PLANNING BOARDS:

COUNTY PLANNING BOARD: Denial - premature

CLARKSTOWN PLANNING BOARD:

1. Favorable consideration in suitable location.
2. Park plan is nicely laid out.
3. No complete agreement among members of Board as to whether lay-out would be desirable.

(The Clarkstown Planning Board gave no recommendation for approval or denial).

MR. RALPH MOODY: Recognized by chair: Stated the following:

"I am building very expensive homes on 2-acre zone close to site. What is proposed would not interfere in my making a profit."

On resolution by Mr. Frohling, seconded by Mr. Danko and unanimously adopted, Public Hearing was adjourned.

Signed,



Anne E. O'Connor  
Town Clerk

**PUBLIC HEARING**

Town Hall

2/17/64

8:45 P.M.

Present: Messrs. Holbrook, Danko, Frohling, Mundt.  
Town Attorney J. Martin Cornell  
Deputy Town Attorney Murray N. Jacobson  
Town Clerk Anne E. O'Connor

RE: EXTENSION NEW CITY-WEST NYACK WATER SUPPLY DISTRICT - MANUET FARMS, SEC. I

Supervisor Mundt called Public Hearing to order at 8:45 P.M. Town Clerk read Notice of Public Hearing.

J. Martin Cornell appeared as attorney for petitioner. Edward C. Palmenberg was sworn in and testified as follows:

Is familiar with petition. Will benefit all property owners. All property owners who will benefit are included within limits. Will benefit owners of property by providing fire protection, health and safety.

More than 51% have signed petition.

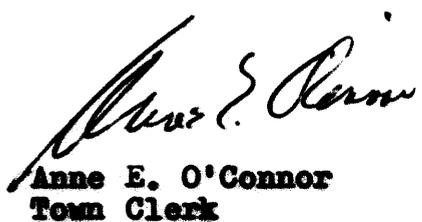
Supervisor Mundt inquired if anyone present wished to appear as being in favor. No one appeared.

Opposed? No one appeared.

Mr. Metlitz was recognized and stated that he owns property to the west of this development. It would include 15 acres of his to the west, and he did not require it.

On resolution by Mr. Frohling, seconded by Mr. Danko and unanimously adopted, Public Hearing was adjourned.

Signed,



Anne E. O'Connor  
Town Clerk