

PUBLIC HEARING

Town Hall

9/8/71

8:00 PM

Present: Councilmen Niehaus, D'Antoni, Supervisor Vines
Town Attorney Frederick P. Roland
Deputy Town Attorney Martin S. Friedman
Town Clerk Anne E. O'Connor

Absent: Councilmen Bolander, Frohling.

RE: ZONE CHANGE: APPLICATION MADE FOR ROUTE 59-304 REALTY CO. - R-22 to R-15)
Property located along easterly property line of New York State Route 304
and South of Route 59 in the Hamlet of Manuet:

Supervisor called public hearing to order; Town Clerk read Notice of Hearing and testified as to proper posting and publication of said notice.

John Stefan, Chairman of the Clarkstown Planning Board appeared before the Town Board and stated the following:

Is familiar with application for change of zone submitted this evening; matter being instituted at recommendation of the Clarkstown Planning Board. (Showed Map of property involved).

Proposed change, he stated would be compatible with proposed Master Plan; Planning Board feels this in best interest of the people of the Town of Clarkstown.

He continued that town needs Lake Manuet now, for this winter and fall, for recreational purposes. Would have no adverse effect on the health, safety and welfare of people; also, opinion of consultants and the entire Planning Board unanimous for this change.

Proposed change would have no effect in value of surrounding properties. Would have no effect on neighborhood, per se. Now surrounded by R-15; it would make this piece compatible with the rest of the neighborhood.

IN FAVOR:

Mr. Karl Hess, Sickletown Road: Representing Sickletown Road and Townline Road residents: In favor of acquiring Lake Manuet facility for recreation.

OPPOSED:

Mr. Rocco LaPenta, 16 Kirchner Drive: Questioned need for this facility and questioned granting of this zone change to acquire same.

Mr. Robert Hanlihan, 9 Garrett Place, West Nyack: Inquired under cluster zoning, what are the alternatives in terms of garden apartments.

Supervisor Vines informed him no high rises contemplated; single family homes only; 1/3 acre only.

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Mr. Pasco, Nanuet: (President Civic Association): Questioned what is involved in acreage being given to town. Inquired as to any prior commitments made. Supervisor Vines stated no deals or commitments made to his knowledge. Owners originally requested highrises, regional shopping center, office buildings; but simply because they requested, does not mean they are going to get it. No deals made; this hearing has nothing to do with shopping centers, garden apartments, highrises, etc. No promises have been made. I stated that this property would not be changed from residential zone.

Mr. LaPenta: Inquired as to how they can be sure they will get lake.

Mr. Stefan told him the Planning Board can guarantee it; when they come before them for the subdivision map, they will handle. They indicated, he continued, that they would not be adverse to giving the town Lake Nanuet.

Mr. Nash, 166 Burda Avenue, New City: Under present zoning, approximately 140 dwellings could be built. Now, with 12 acres for Lake Nanuet extracted, you could put approximately three dwelling units per acre - 174 units.
Present zone: 140 units
New Zone: 174 units ----Plus 34 units to builder net gain.
Net gain to the town would be 12 acres of recreational facilities. What is relative gain to town.

Mr. Stefan replied that town would gain eight acres - established swimming pool, etc. -- established recreational area.

Councilman D'Antoni, at this point, stated that we have recently tried to build swimming pool -- Cost \$600,000. He inquired if what we are getting now is worth approximately that kind of money. He would say undeveloped lot is roughly \$10,000. a lot -- 34 lots; \$340,000.00

Mr. Martin Bernstein: Requested quantitative analysis. 79 acres involved, that includes R-22 and R-15. In the past petition, 100 acres involved. (Mr. Stefan stated there is 10 land not included in application.) Mr. Bernstein continued; if petitioner wanted to build subdivision, how many lots would be allowed under present zoning?

Mr. Stefan: Has not been calculated.

Mr. Bernstein: When question of Carroll's came up he was at Planning Board meeting. At that time, applicant requested to subdivide Nanuet Lake. I pointed out that under subdivision regulations, the town requires that you can take part of the land for park land. I would still like to know how many additional lots the applicant would get if he gives the town the 12 acres that includes Lake Nanuet and its approaches. How many additional lots under this. Under present zoning, how many lots can be plotted out -- 120-150-180?

Mr. Robert R. Granik, Attorney for Route 59-304 Realty Corp: Applicant is Planning Board; recommended motion by Town Board; we are not applicant. There are no deals, Town Board asked, we are willing to cooperate.

(continued)

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Mr. Robert R. Granik, Attorney for Route 59-304 Realty Corp: (CONTINUED)

Total property owned - 82-1/2 acres, which includes parcel of 4-1/2 zoned IO on Route 59, which leaves 78-79 acres zoned for single family residence, of which approximately 10 acres is already zoned R-15 and lies along the west side of Rose Road, south of the Sheraton Motor Inn; which leaves approximately 69 acres, which is the subject of the proposed change of zone. - from R-22 to R-15.

Incidentally, at present would have subdivided into approximately 160+ lots.

If zoning effected by this Board, what is contemplated and laid out for 200 building lots under the average density, calls for the town to be given Lake Nanuet (plus 12 acres).

Re swimming pool petition - \$700,000. They would have given the town facility to accommodate several hundred family membership. When owners of 59-304 were asked to have town use Lake Nanuet for one year, they agreed and were given \$1.00.

The evidence of its value to the town, was that approximately 2000 families memberships signed up and used facility during the summer.

To develop this kind of facility for the town, compared with Traphagen bid, would cost the town in excess of \$1,000,000.(one million dollars)

By the change of zone, owners of property would benefit by the 30 to 40 additional lots (3 - 400,000 dollars)

In return, town would acquire property worth approximately \$1,000,000 (one million dollars), on income basis alone.

To go further, it is the only piece of land zoned R-22. It was zoned R-15 by the last comprehensive zoning and originally zoned R-22 temporarily by the Town Board; everything else was left R-15.

To rezone it simply conforms it to the neighborhood to the great benefit of the town.

The town cannot take what they want; they can just say how much -- the owners must say what piece. The town in this case, is getting the best piece of land in the tract.

Mr. Bernstein: Re % of land to be taken by town -- 3.5%. (out of subdivision regulations). We have the right, under the subdivision relations, when you divide a portion of the parcel, that you really subdivide the entire parcel Does not agree with Mr. Granik. Stated town has a right to acquire % on 100 acres.. Under existing zoning regulation and subdivision regulations, if town wishes to acquire the 12 acres, you can request from the petitioner and density zone he will be able to build on R-15 and R-22 -- 160 lots. You can suggest to him that if he gives you 12 acres, he can still build 160 lots. That is a little less than 200. Town is giving petitioner \$400,000.

I think town can make a better deal. If town is requesting this, the town should be severely criticized. Planning Board should be criticized too.

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Mr. Pasco: I do not think Mr. Granik is an expert on recreational areas. I would like to know how many families used the facility. What condition of it is; is it a \$600,000. pool or not? Recreation Commission should inform us as to its condition. May we hear from our Recreation people?

Supervisor Vines: They are not here. Re pool opening late; manpower. Re closing early; hurricane and rains. Recreation Commission has not completed its final report. We are awaiting it.

Mr. Pasco: Were schools made aware - 40 additional homes would be allowed.

Supervisor Vines: Lake Nanuet well attended; in good condition; would help alleviate drug problem if allowed for use by teenagers.

Mr. Katz, Nanuet: In answer to question put, Councilman Niehaus stated: You cannot determine the exact number, unless a very detailed and specific map is made up; and the developer has indicated that they have never gone to the engineering expense of laying out exact details on number of lots.

Deputy Town Attorney, Mr. Friedman: (to owner): Maximum number of lots - number of units.

Answer: Limitation of 200.

Would the owners consent to the change of zone if the Town Board so decided?

Answer: Yes (200 units maximum)

Without zone change: 160

With zone change: 200 and recreational facility.

Mr. Robert R. Granik: Owners never asked for anything; owners produced a subdivision plan for 32 acres; asked the town for nothing. Did not want average density and would have been happy if, two years ago, they would have approved their map. The Planning Board asked owners two years ago when he brought in original 32 acres, that they bring in another plan that would bring in Lake Nanuet.

Mr. Missall: Re Knutsen - swimming pool: Mr. Vines stated not in good condition, would cost lots of money to be put into condition. Re land: it is adjacent to; it has nothing to do with zoning change application. The town has that piece of property. We do not want any access from Townline Road to Lake Nanuet.

Mr. Bernstein: From my calculations, present zoning would allow approximately 130 lots. Petitioner stated he would accept 200 lots. I figure \$10,000. a lot is a reasonable figure on undeveloped land. It is far too much to give considering this Town Board has requested it and the petitioner has not.

Mr. LaPenta: We did not get notice by mail - I only knew of hearing because of poster posted by Town Clerk.

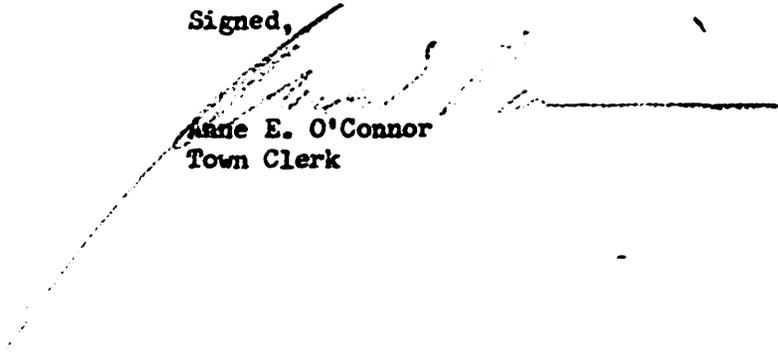
Deputy Town Attorney: Two differences in this procedure: One, we do not have petitioner; town in publishing and posting, has complied with all of the regulations.

(Friedman - continued)

Two, under subdivision regulations, failure to notify each home owner is excused. Town Law requires a posting and publication and this was done here. Section of this particular rule states that failure to mail notice shall not affect original proceedings. Even if Board should decide to act favorable on this application, you are going to have many public hearings on this where you will have additional notices (Planning Board). 20% of people opposed needs 4-1 vote of Town Board.

On resolution offered by Councilman D'Antoni, seconded by Councilman Niehaus and unanimously adopted, public hearing was closed.

Signed,


Anne E. O'Connor
Town Clerk

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TOWN BOARD MEETING

Town Hall

9/8/71

8:00 PM

Present: Councilmen Niehaus, D'Antoni, Supervisor Vines
 Town Clerk Anne E. O'Connor
 Town Attorney Frederick P. Roland
 Deputy Town Attorney Martin S. Friedman

Absent: Councilmen Bolander, Frohling.

Supervisor Vines called Town Board meeting to order. Assemblage saluted the Flag.

(1971-682) Councilman Niehaus offered the following resolution:

RESOLVED, that Town Board meeting be adjourned in order to hold scheduled public hearings.

Seconded by Councilman D'Antoni.

All voted Aye.

(1971-683) Councilman D'Antoni offered the following resolution:

RESOLVED that Town Board meeting be resumed, scheduled public hearing having been held.

Seconded by Councilman Niehaus.

All voted Aye.

(1971-684) Councilman Niehaus offered the following resolution:

(INSERT RESOLUTION RESERVING DECISION ON ZONE CHANGE APPLICATION MADE FOR ROUTE 59-304 REALTY CO. (INSTITUTED BY THE PLANNING BOARD)

Seconded by Councilman D'Antoni.

All voted Aye.

(1971-684) Councilman Niehaus offered the following resolution:

RESOLVED, that decision on Zone Change Application made for Route 59-304 Realty Co. be RESERVED.

Seconded by Councilman D'Antoni.

All voted Aye.

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(1971-685) Councilman Niehaus offered the following resolution:

WHEREAS, a proposed Local Law entitled "ESTABLISHING THE OFFICE OF ASSESSOR" was introduced by Councilman D'Antoni, a member of the Town Board of the Town of Clarkstown at a Town Board meeting of July 2, 1971, and

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 2nd day of July, 1971 directed that a public hearing be held on the 25th day of August 1971 at 8:15 PM to consider the adoption of said local law, and

WHEREAS, a notice of said public hearing was duly prepared and published in the Journal News on August 10, 1971 and posted on the signboard of the Town Hall on August 10, 1971, and

WHEREAS, copies of the proposed local law were mailed to the members of the Town Board on the 6th day of July 1971, and

WHEREAS, a public hearing was held by the Town Board on the 25th day of August 1971 at 8:15 PM;

NOW THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby adopts Local Law No. 5-1971 entitled "ESTABLISHING THE OFFICE OF ASSESSOR", and be it

FURTHER RESOLVED, that the Town Clerk of the Town of Clarkstown is hereby directed to file said Local Law pursuant to Section 27 of the Municipal Home Rule Law.

Seconded by Councilman D'Antoni.

All voted Aye.

(1971-686) Councilman D'Antoni offered the following resolution:

WHEREAS, E.J.K. REALTY NEW YORK CORP. has petitioned the Town Board of the Town of Clarkstown for a Special Permit for the erection of a gas filling station on premises described in said petition pursuant to the Building Zone Ordinance of the Town of Clarkstown;

NOW THEREFORE, be it

RESOLVED, that a public hearing pursuant to said Ordinance be had at the Board Room of the Town Hall of the Town of Clarkstown at 10 Maple Avenue, New City, Rockland County, New York on the 13th day of October, 1971 at 8:30 PM in the evening, to consider the application of E.J.K. REALTY NEW YORK CORP. relative to said Special Permit; and be it

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(1971-686-continued)

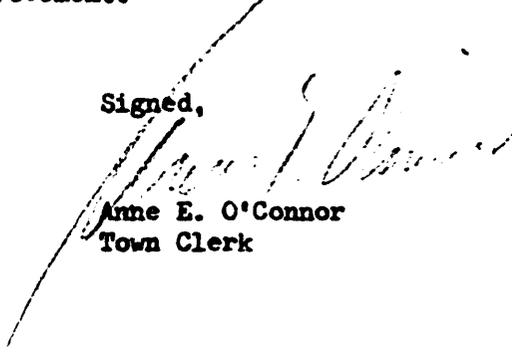
FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the Journal News, the official paper of the Town of Clarkstown, as aforesaid, and file proof thereof in the office of the said Clerk.

Seconded by Councilman Niehaus.

All voted Aye.

On resolution offered by Councilman Niehaus, seconded by Councilman D'Antoni and unanimously adopted, Town Board meeting was adjourned until Monday, September 13th, 1971 at 8:00 PM, at which time public hearing will be held re adoption of Sewer Tax Rolls and Special Assessment Rolls for Road Improvement.

Signed,



Anne E. O'Connor
Town Clerk