

## PUBLIC HEARING

Town Hall

10/27/71

8:00 PM

Present: Councilmen Niehaus, Frohling, D'Antoni, Supervisor Vines  
Town attorney and Deputy Town Attorney  
Town Clerk

RE: PROPOSED AMENDMENT TO ZONING ORDINANCE TO PROVIDE FOR SENIOR  
CITIZEN HOUSING:

Supervisor Vines called Public Hearing to order; Town Clerk testified as to proper posting and publication of Notice of Public Hearing.

Town Attorney stated the following:

"The proposal was prepared by Town Planner, Building Inspector and Town Attorney's Office. Planning Board has reviewed. Proposal for Senior Citizens Housing only. It is a use by Special Permit. It is not a proposal that would select areas in the town and zone them for Senior Citizen Housing. It is a Special Permit use which would be granted by the Town Board, provided that the conditions in the proposed law are satisfied.

"The Building Inspector and the Town Planner have reviewed each of the requirements and it is the consensus of their opinion that the requirements would ensure that the use would be limited to Senior Citizen Housing for limited profit or non-profit.

"We have", he continued, "amended the Zoning Ordinance to provide for a definition of senior citizen housing which reads as follows: (Town Attorney read provision on Page 7) -- as follows:

SENIOR CITIZEN HOUSING -- A building or a group of buildings which have the total number of dwelling units specifically designed for the needs of the elderly and may be constructed with the assistance of mortgage financing or other financial assistance insured by or procured through or with the assistance of a municipal, state or federal governmental agency, and is constructed and maintained on a non-profit or limited profit basis by an organization or its wholly owned subsidiary incorporated pursuant to the provisions of the Laws of the State of New York.

LAND COVERAGE -- Land coverage shall include all buildings, structures, open parking area, driveways and roads. Active recreational areas and completely enclosed parking shall not be counted in computing the land coverage. "

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Mr. John Lodico, New City:

Before we amend LL, there should be some understanding written before the law adopted for qualifications of persons over 60. Priority should be for those who owned homes for over five years -- taxpayers for at least five years or more.

Mrs. Frances Appzel:

Lives in New City Gardens, has paid large rent. That is same as paying taxes.

Mr. George Faist (Rockland County Builders' Association):

In favor of proposed amendment. Do not act this evening until corrected copy of proposed amendment presented by the Town Attorney.

Mr. Sam Sosnaway, Senior Citizen:

Re age 60; under HUD - 62. Town Attorney informed him that we lowered age to 60. State Aid, he continued, would be available; requires a minimum age of 60. There would be no conflict. Mr. Sosnaway stated this needed for well-being of elderly persons; number of housing units now planned will be an important beginning for our older residents.

Councilman Frohling: Re Item 4 on Page 2 -- ...."(a) Any tax abatement afforded under this section shall be for the purpose of reducing rent payments for housing for the elderly occupied by at least one person having attained the age of 60 years and having been a resident of the Town of Clarkstown for at least five (5) years" ---- means, any gentleman at least 60 years of age with a wife of 35 years or such, is still eligible.

Re mother and daughter: If there is at least one person age 60 and has resided in the Town of Clarkstown five (5) years -- it would not be fair to exclude child.

Mr. Hirshel Greenbaum (Chairman County Legislature):

Representing Carpenters Local. Carpenters and Joiners Local 964 willing for non-profit to construct 128 units for elderly. Undertaking will be for the use of senior citizens. (Letter stating this signed by Pat Campbell to Supervisor on 8/4/71 ). In Favor. Re scale -- would vary with the income of the tenant of the particular units.

1 bedroom unit -- approx. \$190 month would rent here without any rent subsidies at \$120. a month. (person residing in that particular unit has a certain income which is approximately \$5,000 some odd dollars a year.) If the income is below \$5,000 figure, there would be a reduction in that rent by way of subsidy, depending on the rental. For your subsidy rental: If entitled, rent payable by that tenant would pay \$70-\$75 for the unit (one bedroom)

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Mrs. Shirley Dubiner, Nanuet:

Here three years; rent over \$250. (Does not have eligibility as proposed law written). Supervisor stated there must be cutoff, this list will be maintained and she would certainly go on the list. (Mrs. Dubiner is 75 years of age).

Mr. Patrick Murphy, Congers:

In Favor. Asked what tax abatement was. Town Attorney: We do not intend to be that specific because it would be subject to state and federal regulations. If we were specific, we would have to amend.

Mr. Zollendeck, Town Planner:

Tax abatement would depend on applicant. Each one of the permits will be by special permit. Each applicant's tax abatement will be discussed at the public hearing.

Supervisor Vines: This public hearing is just to get this law implemented.

Town Attorney F. P. Roland:

Read proposed amendment in its entirety. He stated that R-22, R-40 R-80 and LIO will not be permitted in Senior Citizen Housing.

Mr. Patrick Murphy, Congers:

Re 4(b) -- (eligibility for tax abatement) --What if this is ignored. Town Attorney: If the sponsor knows of senior citizen who qualify, he has that right to select.

Town Planner: In order to qualify for tax abatement, sponsor has to get list. If he knew of a family who had lived in the Town of Clarkstown five years or more, he could rent that apartment. If he rents to someone who does not qualify .....

Mr. Murphy stated that if Senior Citizen list .. does not guarantee them a priority rating. Town Attorney: We can only restrict eligibility.

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Councilman D'Antoni: Re cutoff at five years; we must restrict that senior citizens who want to rent must file with the Town Clerk and make this the priority list or we will have chaos.

Mr. P. Murphy: Those who have filed applications -- you are not going to build a senior citizen house for them at first shot. How will the priorities be set up? There should be intent publicly stated with some criteria so that senior citizens know where they stand. Re Page 5; question: (g?) Maximum density permitted -- (T/C): Is there replacing in this, or is it legal to spell out percentages. Make all for senior citizens.

Town Attorney: It requires, in order to have one of these dwelling units, one of the persons must qualify as a senior citizen. Could not be inhabited by non-senior citizens.

Mr. P. Murphy: (Re Page 10): Why leave out R-40, R-22, R-80?

Mr. Zollendeck: Senior Citizen Housing should be placed close to shopping, etc. R-22, R-40 and R-80 in outlying areas. Re including senior citizen housing in commercial zones; Mr. Zollendeck replied to Mr. Murphy that this would place senior citizens close to doctors; shopping, theaters, etc.

Mr. P. Murphy: PO & CS: It might be better that a zone change be required along with a special permit in PO & CS Districts. We are, with this amendment, including on some of the districts by making them residential.

Town Attorney: Reason we did not agree to zone change, would be that there would be some question as to the unfeasibility of said zone change -- it would constitute spot zoning. Zoning Ordinance provides at present that this law that we are proposing does not eliminate other provisions of our law. We are merely adding this to our existing zoning ordinance. Other provisions apply. Sec. 8.3 of Zoning Ordinance provides that violation of conditions of a special permit shall be considered a violation of this ordinance.

Mr. P. Murphy: This seems to be pushed before election

Councilman D'Antoni: Building Inspector, Town Attorney and Town Planner should be commended for pulling this amendment together.

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Mrs. Sophie Norbert,  
New Hempstead Road,: In favor -- but

Requested tax abatement for those not able to rent apartment as soon as they require it. Is homeowner -- tax is 30% of their income. Apartments may not be available, abate homeowners tax.

Supervisor Vines: State law -- tax abatement for senior citizens on their private property (\$5000. on the assessment) We are limited by state law.

Mr. Hager, Valley Cottage:

Re five year requirement; discrimination. Could be challenged. For violation (renting under 60), what is penalty?  
Town Attorney: He is no longer able to operate. Permit will be rescinded.

Re limited income of senior citizens: Taxes levied heavy -- no balance.

Mr. Marinelli, Normandy Village:

Re Page 3; each building should have a bell at the entrance and buzzer in the apartment. Entrance to storage area should be made through building. (Burglaries -- police protection -- peepholes should be provided)

Supervisor: Each apartment will be required to have a buzzer system.

Mrs. Miriam Jay, Normandy Village: If daughter lives with one over 60 and they pass away (person over 60); what happens to the daughter?

Town Attorney: Have to move

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Mrs. Jean Crudo:

Mother senior citizen - Nanuet. When all units filled; who will make decision, Town Board or Builder?

Supervisor: It is the intent of the Town Board that the senior citizens on the list shall get priority. When special permit granted, covenant be included in any application to protect the list of people that filed with the Town Clerk.

Mrs. Crudo: 6.3 acres bought in Bardonia. Is this going to be used for senior citizens?

Supervisor: Owner of that property is interested in building senior citizen project, but he has a problem; zonechange was granted, but he does not have proper access.

Mrs. Crudo: Re builder; how does Town Board give special permit to the builder?

Supervisor: It is agreed that special permit method to be used to be given only by the Town Board.

Town Attorney: The Architectural Review Board and the Planning Board would have to say.

Councilman Frohling: Town Board would look into background of builder to make sure he is responsible.

Mr. Wally Marshall, Congers: Commence construct now -- badly needed.

Mr. Weiss, New City: Re statement: it is intended that the report will be on form supplied by the Building Inspector's Office as prepared by the Town Attorney; Reports will be enforced, he was advised.

Mrs. Mary Barry, Nanuet: Re 20' high buildings (Page 6); Town Attorney replied: without elevator - 20'; with elevator - 45'. Councilman D'Antoni stated building should not exceed three stories high.

(Town Board was in accord, and so stated at this point, that buildings be limited to three (3) stories -- T/C)

Re Showers: would be according to State Code (Page 3(5) of proposed amendment). All regulation for elderly will be complied with.

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Mr. Fred DiBreo:

In order to get federal funding; could anyone in the state apply.

Town Attorney: We would have to comply with any other type of requirement that will be low income, that we comply with any other condition by what we put in our own law. We have provided that if the sponsor spends federal financing, he would have to comply with the construction. HUD assured us of this.

Mrs. Crudo: Do you have this in writing?

Supervisor Vines: This law designed for Clarkstown. It must be complied with.

Mr. George Faist: Re limiting to senior citizens - 75 senior; 25 non-senior. Is there limit?

Town Attorney: We have made application; if he meets requirements, he would be entitled to special permit. Town Board decides. Demand will control.

Re land coverage and community space; Town Attorney: This is something that is detailed and tailored for our town. We will have to see how it works out. We can adjust. Re signs: Councilman D'Antoni stated that I think alright to put sign on building. Building Inspector stated it would be more esthetic if not placed on buildings. Mr. Zollen-deck stated Senior citizens can see better if closer to road. Matter can be worked out.

Mr. Faist: Re 500 acres - 100 units minimum: will lock out a lot of good sites. Also - R-22 spots have some good zones which would meet all standards. Wants Board to consider this. Also - 80 efficiency; 20 one-bedroom: This should be decision not of sponsor. There should be some flexibility as to room breakdown. Allow some two bedroom. Also -- Limit to two stories -- too costly to put elevators in three story buildings.

Mr. Paul Marciello, Nanuet: Proceed quickly. Need is for now.

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THOSE OPPOSED: NONE

IN FAVOR: ALL PRESENT

Councilman Frohling: Wants residency requirement or people will come from out of state. This should be for our residents only.

Mrs. M. Pedersen: When can we get revised copy

Supervisor Vines: No major changes will be made.

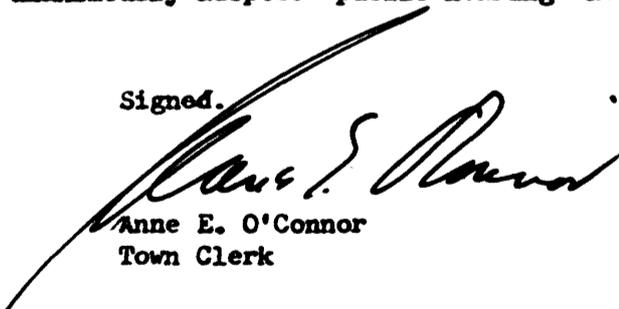
Mrs. Barry: Town Attorney in response to question, stated that special permit will be limited to non-profit or limited profit sponsors. Carpenters' Union will not work for a profit.

Mrs. M. Pedersen: Should have revision. (Town Board will take under advisement.)

Mr. Patrick Campbell: (Speaking for Carpenters Union): If this is not right, we will not sponsor. (Mr. Campbell echoed Mr. Marciello -- get started rapidly)

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

Signed.

  
Anne E. O'Connor  
Town Clerk

GEB165

## SPECIAL TOWN BOARD MEETING

Town Hall

10/27/71

8:00 PM

Present: Councilmen Niehaus, Frohling, D'Antoni, Supervisor Vines  
Town Clerk Anne E. O'Connor  
Town Attorney and Deputy Town Attorney

Absent: Councilman Bolander

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

(1971-825) Councilman D'Antoni offered the following resolution:

RESOLVED, that the Building Inspector be and is hereby  
authorized to issue a Building Permit to Edward Fitzgerald for  
property situated on the east side of Ohio Ave., Congers, N Y  
pursuant to Section 280-A of Town Law.

Seconded by Councilman Frohling.

All voted Aye.

(1971-826) Councilman D'Antoni offered the following resolution:

RESOLVED, that the Building Inspector be and is hereby  
authorized to issue a Building Permit to Ray Reigert, Jr. for  
property located on the proposed street at the intersection of  
Highway Avenue, Congers N Y, pursuant to Section 280-A of the  
Town Law.

Seconded by Councilman Niehaus.

All voted Aye.

Letter received from Daniel T. Brucker, Esq., attorney for  
Lone Star Properties, Inc., whose application to rezone premises  
situate at Valley Cottage along Route 303 is still pending.  
Mr. Brucker stated that at this time, on behalf of his client and at its  
specific direction, he hereby withdraws said application and requests  
that no further action be taken with respect thereto by the Town Board.  
Town Board in accord.

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(1971-827) Councilman D'Antoni offered the following resolution:

RESOLVED, based upon a memorandum from Robert Bowman, Building Inspector, to the Town Board, that the Town Comptroller be and is hereby authorized to return the sum of \$30.00 to Mrs. Irene Burkert, 51 Hall Ave., New City N Y for a duplicate variance fee paid by Mrs. Burkert.

Seconded by Councilman Frohling.

All voted Aye.

(1971-828) Councilman Niehaus offered the following resolution:

RESOLVED that Orange & Rockland Utilities, Inc. is hereby authorized to install two (2) 7900 Mercury Vapor Street Lights for Street Lighting for Fromson Michalauk Underground Subdivision on Tulip Drive at cost to town of \$109.20 per annum.

Seconded by Councilman D'Antoni.

All voted Aye.

(1971-829) Councilman D'Antoni offered the following resolution:

RESOLVED, that based upon the recommendation of the Building Inspector, that the Supt. of Highways be and is hereby authorized to complete the following work at the Town Hall Annex:

- a. Sewer connection at the northerly end of the building.
- b. Relocation of gas pumps to property line.
- c. Complete landscaping and site work along building.
- d. Paving of the parking lot of the Town Hall Annex

and be it

FURTHER RESOLVED, that the cost for completing the above projects be charged to the Bond of the Town Hall Annex, at a cost not to exceed \$4000.00.

Seconded by Councilman Niehaus.

All voted Aye.

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(1971-830) Councilman Niehaus offered the following resolution:

WHEREAS, by resolution of the Town Board of the Town of Clarkstown adopted April 7, 1971, the Supervisor was authorized to have property of Raymond Johnson, more particularly designated as Map 126, Block A, Lot 44, appraised for the purpose of adding to the Congers Lake property to be used for park purposes, and

WHEREAS, appraisals have been received, one for the sum of \$48,000 and one for the sum of \$50,000, and

WHEREAS, by resolution of the Town Board of the Town of Clarkstown, adopted July 28, 1971, the Town Attorney was authorized to negotiate for the acquisition of said property of Raymond Johnson, and

WHEREAS, the said Raymond Johnson has agreed to sell the said property to the Town of Clarkstown for the sum of \$50,000, and

WHEREAS, negotiations have been completed for the acquisition of said property;

NOW THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to enter into a contract for the purchase of said property for the sum of \$50,000 and be it

FURTHER RESOLVED, that said sum of \$50,000 is to be paid from MONEY IN LIEU OF LAND ACCOUNT.

Seconded by Councilman D'Antoni.

All voted Aye.

(1971-831) Councilman D'Antoni offered the following resolution:

RESOLVED, that permission is hereby granted to Eileen A. Gertz to be married by a county judge on the portion of the Traphagen Estates owned by the Town of Clarkstown on either November 6<sup>th</sup> or 20<sup>th</sup>, 1971 at 11:00 AM, provided that all applicable laws are complied with.

Seconded by Councilman Niehaus.

All voted Aye.

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(1971-832) Councilman Frohling offered the following resolution:

RESOLVED, based upon the recommendation of the Chief of Police, that award of bid for winter uniforms be made to Merson Uniforms Inc. in the amount of \$3,850.25.

Seconded by Councilman D'Antoni.

All voted Aye.

Town Board signed the following Maintenance Bonds, approving same as to form and sufficiency:

Republic Insurance Co. Bond #90678  
HIGHVIEW ACRES, INC. (Geo. Faist), Principal  
Amount: \$1,315.00  
Covers: Sewers  
Period Covered: One (1) Year (5/6/71 - 5/5/72)

Republic Insurance Co. Bond #906767  
HIGHVIEW ACRES, INC. (Geo. Faist), Principal  
Amount: \$5,550.00  
Covers: Roads  
Period Covered: 5/6/71 - 5/5/72

Letter received from Manuet Board of Education, Michael J. Mackin, Superintendent of Schools expressing Board's displeasure in the downzoning of the Lake Manuet property enabling the construction of 200 homes as opposed to the presently zoned 150 homes. They support proposal made by Supervisor to reduce the number of homes from requested 200 to 166 and further to restrict the construction of these homes to no more than 33% per year to lessen the impact of new students on the school district. He continued that this proposal, which includes the purchase of thirteen acres of additional parkland would benefit the residents of Clarkstown by providing a 33 acre recreational area for their use.

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(1971-833) Councilman Niehaus offered the following resolution:

RESOLVED, that Town Board meeting be adjourned in order to hold scheduled public hearing re Senior Citizen Houseing.

Seconded by Councilman Frohling.

All voted Aye.

(1971-834) Councilman Frohling offered the following resolution:

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

Seconded by Councilman D'Antoni.

All voted Aye.

(1971-835) Councilman Niehaus offered the following resolution:

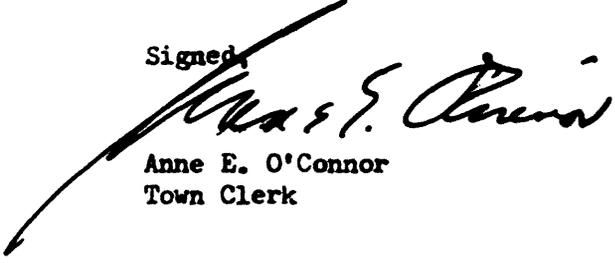
RESOLVED, that decision on Proposed Amendment to the Building and Zoning Ordinance - Section 4.32: Senior Citizen Housing, be reserved.

Seconded by Councilman Frohling.

All voted Aye.

On resolution offered by Councilman Niehaus, seconded by Councilman Frohling and unanimously adopted, Special Town Board was adjourned until Wednesday, November 3rd, 1971 at 8:00 PM. Budget Hearing for the 1972 Budget will be held on Thursday, November 4th, 1971 at the Town Hall.

Signed,

  
Anne E. O'Connor  
Town Clerk