

TOWN BOARD MEETING

Town Hall

10/11/72

8:00 PM

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

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

(1972-863) Councilman Pizzutello offered the following resolution:

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

Seconded by Councilman Lodico.

All voted Aye.

(1972-864) Councilman D'Antoni offered the following resolution:

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

Seconded by Councilman Niehaus.

All voted Aye.

(1972-865) Councilman D'Antoni offered the following resolution:

(INSERT RESOLUTION RESERVING DECISION ON ZONE CHANGE APPLICATION MADE BY JOHN KNUTSEN & CO., INC. (R-40 to R-22) PROPERTY LOCATED BREWERY RD., NEW CITY)

Seconded by Councilman Niehaus.

All voted Aye.

(1972-865) Councilman D'Antoni offered the following resolution:
RESOLVED, that the decision on Zone Change Application made by John Knutsen & Co., Inc. (R-40 to R-22) Property located Brewery Rd., New City) be RESERVED.

Seconded by Councilman Niehaus.

All voted Aye.

(1972-866) Councilman D'Antoni offered the following resolution:

(INSERT RESOLUTION RESERVING DECISION ON ZONE CHANGE APPLICATION MADE BY J. H. DEW, INC. (R-40 to R-22) PROP. LOCATED BREWERY ROAD, NEW CITY)

Seconded by Councilman Pizzutello.

All voted Aye.

(1972-866) Councilman D'Antoni offered the following resolution:
RESOLVED, that the decision on Zone Change Application made by J. H. Dew, Inc. (R-40 to R-22) PROPERTY LOCATED BREWERY ROAD, New City, be RESERVED.

Seconded by Councilman Pizzutello.

All voted Aye.

RESOLUTION #867 ADOPTED TOWN BOARD MEETING 10/11/72

RESOLUTION ADOPTING AMENDMENT TO
THE ZONING ORDINANCE OF THE TOWN
OF CLARKSTOWN

WHEREAS, the Town Board of the Town of Clarkstown, by resolution adopted on the 20th day of September, 1972, provided for a public hearing on the 11th day of October, 1972, at 8:20 P.M., to consider an amendment to the Zoning Ordinance of the Town of Clarkstown, and

WHEREAS, notice of said public hearing was duly published and posted as required by law and said public hearing was duly held at the time and place specified in said notice;

NOW, THEREFORE, be it

RESOLVED, that the Zoning Ordinance of the Town of Clarkstown be and it hereby is amended as follows:

Amend Sec. 8.44 as follows:

Sec. 8.44 Fee. Every petition for any amendment or change to this ordinance shall be accompanied by a fee of one hundred fifty dollars (\$150.) to help defray the cost of processing.

Dated: October 11, 1972

(1972-867) Councilman D'Antoni offered the following resolution:

(INSERT RESOLUTION ADOPTING AMENDMENT TO THE ZONING ORDINANCE - 'SEC. 8.44 - FEES.) (See preceding page.)

Seconded by Councilman Lodico.

All voted Aye.

(1972-868) Councilman D'Antoni offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown desires to consider a proposed Agreement with the Trustees of Erie Lackawanna Railway Company relating to the establishment of a new public road crossing at grade across the tracks of the New Jersey & New York Division of Erie Lackawanna Railway Company at Prospect St., in Nanuet, Town of Clarkstown, Rockland County, New York, said crossing to be protected with automatic short arm gates and pedestrian gates, all subject to approval of the Department of Transportation of the State of New York, and

WHEREAS, the terms and provisions of said Agreement are generally as follows:

1. The Trustees of the railroad consent to the establishment of the new public road across the tracks of said line of the railroad at grade and grant the Town of Clarkstown necessary easements, without cost or charge, for the establishment of the new roadway.
2. A portion of the work in establishing and maintaining the crossing and approaches and necessary drainages and installing the automatic protection will be performed by the Town of Clarkstown and a portion of such work will be performed by the Trustees of the railroad.
3. In consideration for the Trustees' grant and conveyance of the necessary easement to the Town of Clarkstown without charge, the Town will pay for the cost of the project and a portion of the maintenance of the new facilities.
4. The Agreement is subject to approval by the Department of Transportation of the State of New York.

NOW THEREFORE, be it

RESOLVED, that a public hearing will be held at the Board Room of the Town Hall of the Town of Clarkstown, at 10 Maple Avenue, New City Rockland County, New York in the said Town of Clarkstown, on the 1st day of November, 1972 at 8:00 PM, to consider the aforementioned proposed Agreement, and be it

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 official newspaper of the Town and file proof thereof in the office of

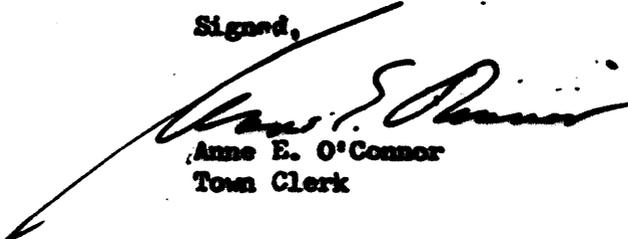
Seconded by Councilman Niehaus.

All voted Aye.

TBM - 10/11/72
Page 3

On resolution offered by Councilman D'Antoni, seconded by Councilman Lodico and unanimously adopted, Town Board meeting was adjourned until Wednesday, October 18th, 1972 at 8:00 PM.

Signed,



Anne E. O'Connor
Town Clerk

PUBLIC HEARING

Town Hall

10/11/72

8:05 PM

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

RE: ZONE CHANGE APPLICATION - JOHN KNUTSEN & CO., INC. (R-40 to R-22)
PROPERTY LOCATED BREWERY ROAD, NEW CITY N Y:

Supervisor Vines called public hearing to order; Town Clerk testified as to proper posting and publication of notice of hearing.

TOWN PLANNER: (CONCLUSION AND RECOMMENDATION):

'Cognizant of the extensive work that went into the 1966 Master Plan and more particularly our recent involvement with the preparation of the 1971 Land Use Plan recommending the subject parcels for a Residential, Low-density, it is apparent from our findings that a land use policy change was made by the Town Board which went contrary to the recommendations of the Master Plan. The rezoning of the subject parcels from R-40 to R-22 does not seem unreasonable in light of the zoning pattern existing in the area and further the use of Brewery Road as the district line would not be an uncommon practice. In view of the character of the surrounding area, we believe that some consideration should be given to developing larger lot sizes along Brewery Road to harmonize with the existing development in the area as well as preserve the existing natural ecology along this road. Further consideration should also be given to keeping the wetlands along the existing stream to the southeast corner of Parcel "C" as a natural ponding area free from any structural encroachment.'

TOWN PLANNING BOARD: Concurs with Town Planner.

Donald S. Tracy, Esq., New City N Y appeared as attorney for petitioner and stated the following:

Land approximately 29.27⁴ acres with frontage on Brewery Road.

To the north: 1/2 acre zone

To the west: 1/2 acre zone (developed)

East Gleason and development to the south: 1/2 acre.

To the east: Bordering on French Farms and is across the street is average density zoning acres zoned less than one acre.

Three parcels together - property is completely surrounded by R-22 zoning, with the exception of the property to the east, which is in R-22, but which was built on average density basis and has less bulk than one acre.

1/2 acre zoning ideal because it will be compatible. 1/2 acre zoning needed because you can build less costly house. There is need for housing in this town.

PH - 10/11/72 - 8:05 PM
Page 2
(KNUTSEN)

Donald S. Tracy, Esq., continuing:

Re School Board Report (See J. H. Dew, Inc. public hearing minutes) -T/C access and egress to school sites could be provided (sic). We will have less school children and greater tax rateable.

Re zoning; to the north of property, R-22 to the easterly periphery of that property (Brewery Road). To the west R-22; to the south R-22 to Parrott Road, across the street - parklands, French Farm and former Strouton Subdivision which was average density zoning, which is built.

Re Domino Theory: Homes already built. From the point of view of uniformity, 1/2 acre zoning is indicated in this area.

(End of testimony from Mr. Tracy)

Mrs. Ruth Brenner (Owns 3 lots on Dogwood Lane) was informed by Mr. Tracy that Dew property is also requested to be made 1/2 acre zoning on the other side of Parrott Road; this is all R-22 zoning.

IN FAVOR:

Mr. Joseph Calabrese, Brewery Road, New City: Surrounding property 1/2 acre.

Mrs. Pfeiffer, 213 Valley Road, Valley Cottage: In favor of 1/2 acre; owns summer house in Valley Cottage. Wants house in Clarkstown School District; but cannot find desirable lot.

(No one else appearing as being in favor)

OPPOSED:

Mr. David Korn, 12¹/₂ Strouton Road: School would be needed which would raise school tax. More police protection would be needed, which would also raise taxes.

Mr. Reiss, Auburn Drive, New City: This was turned down before; opposed.

Mr. Lincoln Hanes, Brewery & Strouton: (Owns five acre parcel):

35 changes made after Master Plan adopted 6/30/67, one of them being bulge which we are now being asked to fill in. We were assured then that all R15 R40 and R80 (reservoir) and R22 was to be a buffer, between R15 and R80.

OPPOSED (Continued):

Mr. Walter Pfeiffer, Vice President - Representing Westbranch Conservation Association:

No need for additional R22 at this time. As of 6/18/71, 15-18 acres of R22 land available less about 300 acres under development. 1200 acres still left to be developed.

Petitioner knew when purchased it was R40. Increase in population will increase taxes and would be burden to those living here at present. Analysis of water resources made showing serious water shortage within next 15 years; adequate for 350,000 people. Present zoning would permit 106,000 people. We already are zoned beyond the likely capacity of the future water resources. We cannot allow building to go along beyond the resources of the town and county. (Copies of his report given to members of the Town Board)

Mr. Martin Bernstein, New City:

This is Domino Theory. Land in area already developed may have been changed to R22, but they are homes built on one acre lots. Land on east side of Brewery Road, while under density zoning, it was also true that under density zoning number of households on acre - that land on the other side of it is in R22. If we make this kind of major change in the Map, it would lead to a weakening of the Zoning Map and helps developers and land speculators to ask for same downzoning treatment.

Re School Board: Would increase number of children and school taxes. This is major item. More people, more taxes.

Mr. John Mackey, West Nyack N Y:

R40 land has shrunk 40% in past few years. Laurel Plains and Stranctown Schools at near capacity. If these parcels go; people of town would not accept Bond Issue for new school.

Mr. Pantano, 178 Parrott Road, West Nyack (landowner contiguous to property in question).

School Board right. Costs for more population would ensue (fire, police, schools, etc.) Most of property to the south of Dow is in one acre lots - there are one acre lots to the south.

10/11/72 - 8:05 PM
KNUTSEN

Page 4

Mrs. Marilyn Troy, 43 Caspral Lane, New City: (Appearing as Co-Chairman of the Clarkstown Democratic Committee):

No overwhelming demand for this change. No reason to change Map to accomodate desire to increase the value of his land. Re School Board letter: Agrees with School Board. Denial would not cause any hardships to the petitioner and would not help health, safety or welfare of the people of this town. (Supervisor requested and received copy of Mrs. Troy's statement).

Mr. George Toll, Brewery Road (property owner):

Water coming down from Skys and Raleigh Estates Subdivisions. Brewery Road has serious drainage problem at present; this would aggravate. Stream cannot take the water; water running down Brewery.

Mr. Peter Ferber, Germonds Road, West Nyack:

Three year resident. Schools crowded. His children already have attended three different schools. They will be displaced once more if these parcels developed. Laurel and Strawtown schools are now near capacity. Re Pfeiffer from Valley Cottage, who is in favor; there are 1/2 acre parcels available nex door to me. 150 houses within 1/4 mile have gone up within last year.

Mr. Charles Paoli, New City N Y:

Schools will be overcrowded.

Mr. Alan Kaplan, Longmeadow Drive, New City:

This turned down before. Nothing has changed but the name. Turn it down again.

Mr. Edward Miotretta, 4 Auburn Drive, New City, N Y:

Area flooding now. No drainage. Neighbors have same problem. Stagnated water remains on their property. Slow up downcoming.

10/11/72 - 8:05 PM
KNUTSEN

Page 5

OPPOSED: (continued):

Mr. Sasson, New City: Lives behind Mr. Mistretta. Flooding now. Schools overburdened; taxes will rise.

Mrs. Lipkind, New City: (Raleigh Drive)

12/71 petition denied Calabrese. This is right next to Dev and Knutsen. Why is this brought now? Mr. Vines: People can bring up petitions any time. That was not denied, it was reserved. Re school, Mrs. Lipkind stated her children being shifted from school to school - schools overcrowded now.

Mr. Richard Cohen, 12 Raleigh Drive, New City:

Roads now existing inadequate. Pollution (garbage collection and bussing). No new highways or schools in this area to warrant this downzoning.

Mr. Harratty, 10 Glenhaven Drive, New City:

This property bought as one acre. Town will suffer if rezoned to 1/2 acre. Petitioner will gain.

Mr. Walter Rudmann, Elath and Brewery Roads, New City:

School children will increase. Walking children will necessitate sidewalk widening etc., which would be expensive. Profit motive - speculation. Life of children more important.

Mrs. Shirley Furman, Gateway, Valley Cottage:

Does zoning change conform to the Master Plan as laid down by the Planning Board? Town Planner: No. Both 1966 and 1971 - it will not. Mrs. Furman: If it does not conform to the recommendation made by the new Planning Board in its new Master Plan - deny.

10/11/72 - 8:05 PM
KNUTSEN

Page 6

OPPOSED - continued:

Mr. Edward Jacobs, 15 Glenhaven Drive:

School taxes high. My children not going to school yet. People will move out because they cannot pay taxes. Only benefit is to Knutsen; no benefit to the people.

Mrs. Ann Scott, Parrott Road: Traffic bad now. Additional homes would make worse. Too many homes there now.

Mrs. Marcia Resnik, 5 Glenhaven, New City: Deny.

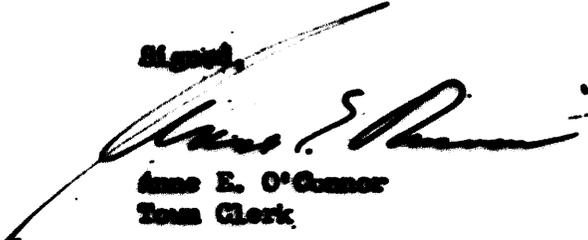
No one else appeared as being opposed.

REBUTTAL: Donald S. Tracy, Esq., Attorney for Petitioner:

Cannot rebut fear re children being killed, running out of water. Regrets interjection of politics at this hearing. Cannot comment on reports of doubt of authenticity (surveys made by people, etc.) I do not know whether they were prepared by professional engineers. Cannot understand feelings of those people who say I live on 1/2 acre and I do not want anything around me but one acre lots.

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

PUBLIC HEARING

Town Hall

10/11/72

8:10 PM

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

RE: ZONE CHANGE APPLICATION MADE BY J. H. DEW, INC. (R40 to R22)
PROPERTY LOCATED BREWERY ROAD, NEW CITY:

Supervisor Vines called public hearing to order; Town Clerk testified as to proper posting and publication of notice of hearing.

CORRESPONDENCE:

Central School District No. 1:

'The Clarkstown School Board has received notice of a public hearing to be held this evening on a change of zoning in connection with the application of J. H. Dew, Inc. for property located on the west side of Brewery Road, New City N Y. In a letter on July 26, 1972, the Board of Education expressed their concern regarding down-zoning not only this parcel, but also two other adjoining parcels, and it is still their feeling that only adverse financial consequences will result if down-zoning these parcels is permitted.

An analysis of the financial impact on the school district of down-zoning these three parcels identified on Tax Map 75 as 75 A 15.02, 17 and 18 reveals that the fifty additional homes will result in a tax cost to the district. Based on the current local tax levy, after receipt of State Aid, \$1018. in local taxes is required annually to educate one pupil. The fifty additional homes, at two children per house, will therefore cause a need for increased taxes of \$101,800. At the same time, the current school tax rate on fifty homes assessed at \$8700 will produce only \$64,950. in additional taxes. Thus, there is a resulting net tax cost to all district residents of \$36,850. This, multiplied by a twenty year period that we may expect pupils to attend schools from these additional homes, shows an aggregate tax increase of \$737,000. to the district.

All long range projection for school facilities are based on the present approved zoning ordinance, and any significant down-zoning, such as the properties now under consideration, can only result in over-crowding in the present schools, which are presently planned for maximum capacity under existing zoning densities. Specifically, the Laurel Plains School, which is immediately adjacent to the properties under consideration, will accommodate the children coming from homes in this area under the present R-40 zoning. However, under R-22 zoning, additional school facilities would have to be constructed or radical attendance area changes with attendant busing costs will be required to house these additional pupils. In any case, the School Board wishes to request that any subdivision adjacent to school property should provide access roads or walkways in order to avoid unnecessary busing costs and to provide safe access to the school.

It is respectfully requested that this letter be read and entered in the record of the public hearing relating to the proposed down-zoning of these parcels.'

PH - 10/11/72 - 8:10 PM
J. HL DEW, INC.

Page 2

RECOMMENDATIONS:

Town Planner: (Conclusion and recommendation:)

'Cognizant of the extensive work that went into the 1966 Master Plan and more particularly our recent involvement with the preparation of the 1971 Land Use Plan recommending the subject parcels for a Residential, low-density, (Knutsen, Dew, Calabrese) T/C --'it is apparent from our findings that a land use policy change was made by the Town Board which went contrary to the recommendations of the Master Plan. The rezoning of the subject parcels from R40 to R22 does not seem unreasonable in light of the zoning pattern existing in the area and further the use of Brewery Road as the district line would not be an uncommon practice. In view of the character of the surrounding area, we believe that some consideration should be given to developing larger lot sizes along Brewery Road to harmonize with the existing development in the area as well as preserve the existing natural ecology along this road. Further consideration should also be given to keeping the wetlands along the existing stream to the southeast corner of Parcel "C" as a natural ponding area free from any structural encroachment.'

Town Planning Board:

The members are in agreement with the considerations given in Town Planner's report to the Town Board.

Donald S. Tracy, Esq., New City appeared before the Town Board as attorney for petitioner and stated the following:

John Knutsen is contract purchaser of this property. I also represent him. I will testify and wish to be sworn. (Supervisor Vines swore in Mr. Tracy, and he continued as follows:)

Petition largely a repetition of the previous petition (Knutsen) with several significant changes. One is that this particular parcel consists of 9.59 acres of land. 50' frontage on Parrott Road. Surrounded not entirely by 1/2 acre zoning. Property starts at break at Parrott Road, comes around, ends up at Parrott Road. Zone line for R-22 is southern property line of Dew property; most of houses in area have already been built on one acre plots.

To the west: R-22

To the east: R-40

To the north: Now Knutsen, formerly Calabrese property.

PH - 10/11/72 - 8:10 PM
J. H. DEW, INC.

Page 3

(Mr. Tracy - continuing):

Dew and Calabrese parcels are contiguous parcels and the last pocket of R-40 zoning in this particular area.

If you rezone Dew, it would involve an increase of lots of approximately 3 lots, possibly 4, on the 9.259 acres. Property is integral part of the other applications, because it does have a frontage on Parrott Road which provides it with egress and ingress on Brewery and Parrott. It has some drainage problems. Stream running through property, which is scenic.

End of Mr. Tracy's presentation.

Question from audience: Zoning Law provision states that piece of property they want to be developed must have road frontage of 150' for access road..... Mr. Tracy: Erroneous. New York State and Town Ordinance required 15' frontage. New York State Town Law 280-A - "15' shall be presumptive access." There is no such law on the books to my knowledge, even in the Town of Clarkstown subdivision regulations; New York State Town Law, or elsewhere.

IN FAVOR: No one appeared.

OPPOSED:

Mr. Fontecorvo, 178 Parrott Road, West Nyack: Brook flooding problem at present. Also, access on Parrott on corner; accidents there now.

Mr. John Mackey, West Nyack: 9.59 acre parcel; connects to Knutsen request. 50' frontage on Parrott where Jr. H.S. busses already have problem; how are you going to put more houses there?

Mrs. Hansen, Stravtown Road: Owns five acres. Close to Stravtown School. Downzoning by builders discourages landowner who pays his way.

Mr. Martin Bernstein, New City: Opposed. (Remarks same as in Knutsen hearing)

Mr. Walter Fleisher - same.

Mr. Alan Hansen - same.

PH - 10/11/72
J. H. DEW, INC.

Page 4

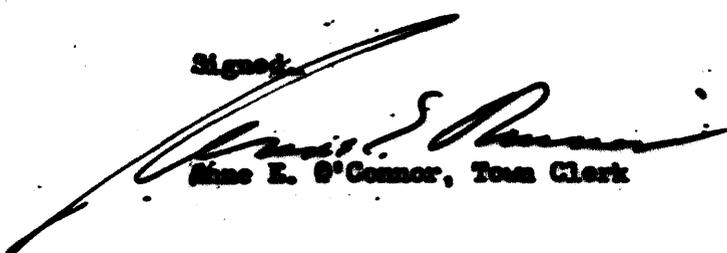
OPPOSED (continued):

Mr. Ruttemann - same as Knutsen hearing objection.

Mrs. Brennan, 545 East 14th St., New York City: Owns 3 acres on Dogwood Lane.
Opposed. Taxes rising.

There being no rebuttal by Donald S. Tracy, Attorney for petitioner, (who stated rebuttal for Knutsen hearing still held for this hearing); on resolution offered by Councilman D'Antoni, seconded by Councilman Pizzutello, and unanimously adopted, public hearing was closed.

Signed



Anne E. O'Connor, Town Clerk

PUBLIC HEARING

Town Hall

10/11/72

8:20 PM

Present: Co. Niehaus, D'Antoni, Lodico, Pasmutello, Supervisor Vines
Town Clerk Anne E. O'Connor
Town Attorney F. P. Roland
Deputy Town Attorney M. S. Friedman

RE: PROPOSED AMENDMENT TO THE ZONING ORDINANCE - SEC. 8.44 - FEES:

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

Deputy Town Attorney Martin S. Friedman cited Report received from Town Clerk's office re insufficiency of amount of fees collected for zone change, special permit and requests for extensions of water supply district, due to increases in costs of publications, et al.

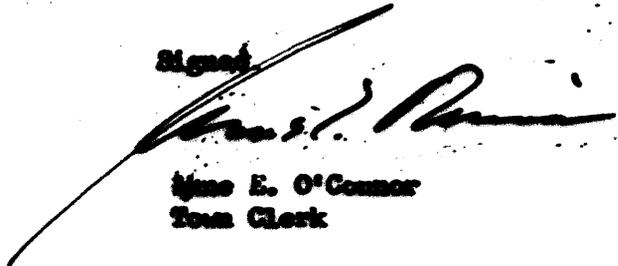
Proposed amendment would raise amount of fee for every petition for any amendment or change to zoning ordinance from \$75. to \$150. to help defray the cost of processing.

OPPOSED: No one appeared.

IN FAVOR: No one appeared.

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

Signed


Anne E. O'Connor
Town Clerk