PUBLIC HEARING

Town Hall 4/24/74 8:05 PM

Present: Co. D'Aaroni, Lodico, Maloney, Pizzutello,
Supervisor Gerber
Town Clerk Anne E. O'Connor
Town Attorney Murray N. Jacobson

RE: ZONE CHANGE APPLICATION MADE BY FELLER, MODLIN & SALINGER & MAC DONALD (PO to RS) -- Property located on the west side of Kemmer Lane and the north side of Route 59, Nanuet, New York:

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

RECOMMENDATIONS:

COUNTY PLANNING BOARD:

'..Findings are still valid as stated in November 27, 1973 communication, viz: 'Soil Conservation Service report warns of increased runoffs. Until such time as the NYS Department of Tranportation has indicated the impact of the change on the state route, that the granting of a zone change is considered potentially detrimental to Route 59, and should therefore not be granted.' T/C

Modifications or conditions: (letter dated 3/27/74); 'As per the recommendations of the NYS Department of Transportation, access should be from Kemmer Lane.'

TOWN PLANNING BOARD:

A. That the Honorable Town Board secured the necessary assurances, covenants, etc. such that.....

1. The applicant and town recognize that a subdivision action is involved, and that the Planning Board has a statutory right of review and approval;

2. That the necessary widening of Kemmer Lane will be dedicated and that the applicant construct the same if such can be required or arranged;

3. That access be dependent upon appropriate study and approvals of pertinent town agencies;

4. That a buffer of not less than 25 feet be provided and;

5. That due consideration be given to Town Planner report dated 12/12/73;

6. That, subject to the foregoing being appropriately implemented, the Planning Board does recommend that the Town Board APPROVE the requested change of zone district line.

OFFICE OF THE TOWN PLANNER:

Since petition is a re-submission submitted to the Town Board in October 1973, and because there have not been any land use changes since our review, we find that our comments and our recommendations in our report of 12/12/73 to the Board are still valid.

NYS DEPARTMENT OF TRANSPORTATION: (John J. Fumo, Permit Engineer):

Originally recommended on 1/23/74 that all traffic in and out of the subject property be from Kemmer Lane. However, a more intense study of the area reveals that Route 59 in its present geometry has reached its saturation of traffic. At this time I would like to reverse myself predicated on this information and recommend the following:

1. The Department has no objection to a zone change from PO to RS. However, an RSzone is a great generator of traffic and must be considered on that basis. As mentioned before Route 59 in this area is a problem and to introduce another large generator would just irritate the situation.

2. The Department suggests that access to the subject property be from Route 59 where it can be controlled be channelization. This would insure a creation of smooth safe traffic movements.

3. The Department also suggests that the applicant construct a thru lane from the most easterly boundary of the property to the intersection with Grandview Avenue. This would ease the traffic problem considerably. The existing left lane would be channelized by the state to become a left turn storage lane, and existing right lane would become the left thru lane and the new lane will be the right thru lane. This would be possible because the state owns the land west of the applicants' property.

4. The state does not entertain the idea of placing a traffic light at Kemmer Lane due to the proximity of traffic lights east and west of Kemmer Lane. Also placing a light on a down grade (eastbound traffic on Route 59) could create a hazardous condition and lend itself to rear end collisions.

5. Drainage is the next problem. The applicant must install adequate drainage from his property down to the Naraushaun Brook. This cost could be shared with other developers coming in east of the subject property.

We strongly encourage the Town Board to consider these recommendations for it will help everyone concerned."

Phillip Brent, Esq., of the firm of Brent, Phillips, Branoff & Davis, 20 Old Turnpike Road, Nanuet N Y, appeared before the Town Board as attorney for the petitioner and testified as follows:

Front portion on Route 59 (approximately 1/2 acres). Balance (2 acres) PO zone. 2S portion also has frontage and access on Kemmer Lane and two curb cuts on Route 59.

Under existing regulations, subject premises, if application denied, will request permit for fast-food operation (presented rendering of same.)

This type of improvement would be in general character (mediocrity) of other along Route 59. (Showed pictures shown character of property, calling attention to traffic in front of property being non-existant during time of day pictures were taken.)

Existing buildings he continued, are strewn with debris and other accoutrements classified as 'eyesores'.

Type of improvement principals have in mind: Two-story structure; Hilton Inn interested. (Showed Mt. Kisco Hilton) Showed drawing of subject property. Zoning line n ow dissects property. 500' from subject property also shown which includes homes onthe west side of Hutton Avenue. Does not include houses on the east side of Hutton.

Taking these homes into consideration, there are four homes on Kemmer which is run-down street(paving and drainage). We are willing to provide alleviation to these conditions.

Four houses on Kemmer have been there for some time. They are all located in PO Zone. Master Plan has indicated that the property on Kemmer Lane and On Hutton Avenue would be suitable for offices, apartments, and service establishments. None of the four homes are contiguous to the property.

Eight homes on Hutton Avenue; Four homes on Kemmer Lane.

Re letter dated 4/24/74 re drainage and traffic problems in the vicinity, this must have been solicited by residents in the area. But, the Rockland County Conservation states land deep, well-drained soild. On site storm water retention would make the impact of any development minimal. (George E. Lee, Resource Conserv.; Mr. Jonas, District. Conserv.)

County Planning Board reversed their position and recommended this zoning, which provided that access to the parcel be made in accordance with the letter from the Department of Transportation. We are willing to make traffic studies and meet with the Department to develop best traffic pattern in this area.

(Attorney for petitioner - continuing):

Re traffic pattern on Route 59; construction improvements from Howard Johnson to the PIP should be improved.

Problem exists at the intersection of Grandview and 59 which can be solved in a modest manner with the state's cooperation. State already owns large strips of property adjoining 59 at that intersection. That intersection causes sever traffic problems at single times. Property is accessible many times during the day. It is not readily accessible when there is a traffic problem on Saturdays and other isolated times. However, where two lanes have to converge, there will always be aproblem. If this could be widened to three lanes, traffic would flow more easily.

This site has been recommended by the Town Planner and the Planning Board as being suitable for this purpose. It is readily accessible to the NYS Thruway, across street from the Theatre Go Round, accessible to the Garden State Parkway.

It will not cause traffic problem which already exists because of Theatre Go Round. Adequate sewers and water pressure can be brought into Kemmer Lane, which do not exist now.

Facilities: Banquets, Meeting Rooms (15 to 500 persons); Health Club; Restaurant with Sky Roof; 120 rooms with T.V.; Garden areas with fountains, putting green, etc.

Other advantages to the community:

Honky Tonk establishments now on Route 59. This would create quality on 59 (Hilton Chain). We would be creating valuable facility in Clarkstown. Would created opportunity for townspeople and tradesmen of the town. More employment opportunities for residents, without increasing town services.

Tax Revenue: $3 - 400,000. per annum when completed.

Maurice Phillips, Esq., 20 Old Nyack Turnpike Road, Nanuet N Y: (Attorney for petitioner):

Re Covenant restricting to Motel use, this is still pending before the Town.

On question put by Co. Pizzutello, Mr. Brent responded that this definitely Hilton, subject to feasibility study and change of zoning.

On question put by Supervisor Gerber, Mr. Brent replied that Hilton facility in Mt. Kisco would not be competitive.

In response to Co. Lodico, Mr. Brent (showing on map) stated they they do not wish to commit themselves right now to final traffic pattern. We have choice of alternates which we are discussing with the Department of Transportation. Two curb cuts on Route 59, Access available from Kemmer. We could use both on 59 or both on Kemmer, or one on each. Grandview Avenue is 200' west. Between Grandview and the site is our competitor, Holiday Inne.

Mr. Brent, continuing:

However, stores in front of the Holiday Inn are closed. State owns that property. State taking line has gone that far back from existing 59 to permit another ribbon of pavement or another lane or two so there is ample room for widening of Route 59.

They also have taken approximately 100' in front of this property between the present boundary line and the existing 59, again providing ample room for widening of 59 at that location.

Co. Lodico inquired re drainage: Are clients prepared to handle? Mr. Brent replied on e alternate would be on-site ponding area, which could be made into good looking fountain - Or - ponding area on another portion of the property.

They are presently negotiating to acquire additional property adjacent to this piece. There are variety of ways which drainage can be solved.

If only way is to go to the brook, they will go to the brook.

Re tax ratable: Co. Lodico inquired if this approved and assessed, would clients come back and say they were overtaxed at 2-3 thousand dollars?

Mr. Brent replied that if client completes all of the Health Club and other facilities being planned, there is no doubt that the tax burden, based upon present rate structure and last years' tax rates, would approach the figure he has indicated.

Re traffic signalization, Co. Lodico inquired would petitioner assume all responsibility forall signals required in covenant. Mr. Brent replied that it would depend on what would be required and what the cost would be. We would be willing to explore possibility. Adjoining land owners could contribute. Cannot give answer presently, does not know what state requirements would be until determination made by the state.

On question put by Co. Maloney, Mr. Brent replied that re photos taken of Route 59, taken within the last month about 2:00 PM.

Mr. Brent continued that directly across the street on Kemmer, there is a vacant piece of property adjacent on north another piece, which present owner is contemplating using for the erection of a building which will house a printing plant. He might lease all or part of it to us.

<u>IN FAVOR</u>:

No one appeared.

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OPPOSED:

Ms. Katherine Miller, 37 Kemmer Lane, Nanuet:

Traffic - dead end street. Very dangerous now. Re drainage; backyard flooded at present. Started when Holiday Inn went in. Re emergency vehicles, hard to get in and out since Theatre Go Round went in. Re 5-story building - none around; does not want.

Mr. Alvin Simon, Woodthrush Drive, West Nyack:

Other motels in area.

Mr. A. Hodges, 43 Hutton Avenue, Nanuet:

Pictures taken unreal; traffic much heavier in this area. When Theater Go Round gets out, traffic stuck until Smith Street. Sewers: No sewers now. Re banquet halls; weddings on Saturday afternoon. More traffic.

Mr. J. Frasier, 36 Kemmer Lane, Nanuet:

Paid $1500. for drainage on his basement (sump pump) Safety for children would be bad; cars would come down to end of street and make U turns in his driveway.

Mr. Harry Schupner, 30 Kemmer Lane, Nanuet:

Two sump pumps in his basement. Drainage not good now. Street water-logged. Septic tank overflowing.

Mr. Alfred Rossi, 41 Hutton Avenue, Nanuet:

At last public hearing petition filed objecting to this zonechange. This petition still stands.

Re County Planning Board approval..(1/27/73) they were not in favor. On 1/23/74 DOT letter from Mr. Fumo stated ...recommend if granted let it be on Kemmer Lane. Based on this County Planning Board decision to approve or be in favor of this proposed zone change, DOT recommendation would not show impact, engineering data. I question their decision. DOT has issued new letter shown more thought. It is not based on detailed engineering data or impact studies. I question Planning Board decision resting on this letter or the past letter. DOT letter alludes to offsite improvements. They recommend line from Kemmer to Grandview. They state that applicant should also apply drainage. Are these off site improvements going to be guaranteed; can we have covenant?

Mr. Rossi - continued:

They also mention that they did not like installation of signal device on Kemmer. Therefore, we cannot have any guarantee that we will have a lane widening. This would add to 59 problems.

Find out exactly what we can do to improve 59. Let us have some kind of guarantee that this will be done.

Re type of structure and number of parking spaces: Height of structure? Previous hearing we were talking about 5-story structure. This would set precedent in the area. I am against 5-story structures.

Re number of parking spaces: 100 units plus catering facility, plus ponding facilities, etc. Where can he find parking spaces, for employees and patrons?

Re access: Against accessibility on Kemmer Lane. No access or egress on Kemmer. They should totally confine themselves to Route 59.

Requests: Off improvements guarantee; drainage problems to be solved; there is no water line, no sewer line; does not want 5-story building; no buffer could shield.

Mr. Pantano, 265 South Little Tor Road, New City:

Traffic: PO building uses between nine and five PM; Theater starts 7-7:30 to 11:30 PM; RS (hotel,etc.) in this area we use in the evening. This would add more traffic to area which cannot take any more. Turn it down.

Mrs. Russo, 14 April Lane, Nanuet: (President of the Nanuet Civic Association):

Took survey of occupancy of existing motels. Sheraton - average occupancy 65% year. Increased to 85% because manager contracted with Westchester at expense of motel.

Holiday Inn - 75% occupancy
Howard Johnson - same.

Managers of all say they are just about breaking even. Also; re first presentation; There was discussion of structure. 3.2 acre parcel; applicant wants 185 motel units and large matering and other faci lities. Would not be advantage of town. Thereare now eight acres of available land. If this allowed to be constructed, they could come in and say they want same because it would be contiguous.

Re traffic: Signal was promised for theater. Signal at Hutton and Kemmer would cause rear-end collision. No petitioner could therefore promise traffic signal unless DOT changes their minds. (They did not do it for Motel or Theater.

Re pictures: What time of day and day of week. Unreal. Re petitioner stating that 'fast food service can not be provided as zoned presently'; sounds like a threat. Wait until the County Planning Board replies to correspondence received from Mr. Fumo.

No one further appeared as being opposed.

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REBUTTAL: (Mr. Brent):

Two story structure to house public facilities in the rear. We have not determined whether it should be on the Hutton side or the Kemmer Lane side. There was another structure which would be in accordance with the zoning regulations. Reason for five story structure - restaurant on top with suitable view.

County Planning Board made determination before it received the letter from the Department of Transportation (their original determination). Upon receipt of the letter from the Department of Transportation, they incorporated it in their later decision.

Re site plan and structures, will be covered by the applicable law and regulations and composite opinion of both the Building Department and the Town Board and the Planning Board site plan will be subject to Town Planner and the Planning Board. Will grant Covenant requested by the Town Planning Board.

Supervisor Gerber, to clarify one statement, said that last County Planning Board letter (3/19/74) says that they approve subject to conditions which they enumerated; providing that Kemmer Lane be the access.

Co. Lodico, re traffic signalization and Theater Go Round; one of the covenants of the Planning Board and Town Board was that the signalization be covenanted and that the expense be borne by the petitioner, which was Theater Go Round. It is the responsibility of the Building Inspector to see that the taxpayers do not pay for this. Should the petition be granted, taxpayers should not pay for signalization.

On recommendation by Co. Lodico, seconded by Co. Maloney and unanimously adopted, public hearing was closed.

Signed,

Anne E. O'Connor
Town Clerk

PUBLIC HEARING

Town Hall 4/24/74 8:15 PM

Present: Co. Iodico, D'Antoni, Maloney, Pizzutello, Sup. Gerber
Town Clerk A. E. O'Connor
Town Attorney M. N. Jacobson

RE: DETERMINATION OF BOUNDARIES BETWEEN THE VALLEY COTTAGE FIRE DISTRICT AND THE CENTRAL NYACK FIRE DISTRICT:

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

Donald Tirschwell, Esq. appeared as attorney representing the Central Nyack Fire District, and stated the following:

Each of the fire districts wish this matter adjourned. Letter forward to the Town Attorney evidencing this request for an adjournment. Parties are attempting to work this matter out between themselves. If amicable adjustment of dispute can be arrived at, we would save about 20 hours of hearing.

Hearings in this matter involved engineering testimony that would be extensive. Other items required for this hearing would be testimony of old time residents as to locations of landmarks, which have since been removed.

Adjournment request by both fire districts for purpose of working it out by themselves.

Jerome Trachtenberg, Esq., representing the Valley Cottage Fire District, and as Fire Commissioner of West Nyack stated that they wish to go onrecord that they want to participate in boundary line findings. We have, he continued, a dispute with Valley Cottage and Nanuet and New City, so if we are going to straighten out boundary lines, we might as well straighten them all out. We want Board to consider all of the disputes that exist.

Harry Smith, representative of the Valley Cottage Fire District stated he was not made aware of this hearing.

Supervisor Gerber stated that notification to both fire districts and their attornies. We are under court order to decide this. I have no objection, he stated, to have adjournment or recess, but I would only agree to that if we set a date of hearing where we will continue this public hearing, so that decision can be made before assessment roll is closed.

I have no objection to continuing this public hearing. Some decision has to be made.

Mr. Tirschwell stated this case started 2-1/2 years ago. Town Board accepted map for filing. Map was supposedly map of existing fire district. It turned out that it actually was a change, and that no notice was given and that public hearing was required. Matter taken to the Supreme Court, which stated town had to hold hearing as to whether change existed, and if there was change, notice would have to given for change.

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(Mr. Trischwell - continued:)

I have been involved from the point that we took it to the Supreme Court. I have reviewed the matter, the maps and all the witnesses' affidavits. Today, there exists no problem for the Assessor as to where boundaries line is because the court ordered there be no change in the fire bells, or lines on tax map, until matter resolved.

On the other hand, even if the Town Board made decision, one of the parties would be upset by it, and it would end up in court again.

For that reason, the best approach would be if the parties can resolve this. Neither of the parties involved in the suit are pushing it. They are consenting to the adjournment of these hearings. Consent was given by the prior Town Board.

Councilman Pizzutello inquired if other attorney was aware of request for another adjournment. Mr. Tirschwell replied in the affirmative.

Jerome Trachtenberg, Esq. at this point stated that four to five months ago, he received a letter from the Town Planner. Map of districts was enclosed. He stated that matter was surveyed and they are forwarding maps of districts. If there is any dispute, let them know. We answered that letter and said we do not agree. Nothing has happened since. We want the thing straightened out. Expand this and take in all of the other districts.

Mr. Trischwell suggested that manner of approach might be the appointment of Hearing Examiner or Officer. Suggested hearing Officer who is knowledgeable in the area to best serve all parties.

He requested adjournment and calling in of all fire districts to see where disputes are. Resolve all the matters at one shot.

Supervisor Gerber also suggested bringing all parties together, together with the Town Attorney, Town Engineer, and others involved and set date of hearing.

Matter was adjourned until 5/22/74 at 8:15 PM.

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

Signed,

Anne L. O'Connor
Town Clerk

PUBLIC HEARING

Town Hall 3/21/71 8:30 PM

Present: Co. D'Antoni, Lodico, Pizzutello, Maloney, Sup. Gerber
Town Clerk A. E. O'Connor
Town Attorney Murray N. Jacobson

RE: ZONE CHANGE APPLICATION MADE BY BEVERLY DEGENSHEIN (CS, LS, LIC & R-15 to RG-2) - Property located on the east side of Route 304, between Route 304 and Schweitzer Lane, Bardonia, New York):

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

John Hekker, Esq., with offices at 33 Burd St., Nyack N Y, appeared before the Town Board as attorney for petitioner and stated the following:

RECOMMENDATIONS:

COUNTY PLANNING BOARD:

'....Zone change is potentially adverse to the state road and parkway and should be denied. Granting the request will lead to others without regard to a comprehensive plan for the area; consideration to the drainage is imperative since 50% of the parcel is a ponding area; and Schweitzer Lane is inadequate to handle the potential demand resulting from the change.'

TOWN PLANNING BOARD:

DENY THE REQUESTED CHANGE OF ZONE FOR THE FOLLOWING REASONS:

1. The location of the proposed uses is in conflict with the Master Plan Map of 1966 and 1971;

2. Dustman-Schweitzer Lane is totally inadequate for the desired access from that portion of the property, Conservation Service point out that approximately 50% of the property is or was a natural flood-retention area before recent filling, with severe soil limitations due to seasonal high water table, ponding and instability;

3. The County Planning Board, Town Engineer and Soil Conservation Service point out that approximately 50% of the property is or was a natural flood-retention area before recent filling, with severe soil limitations due to seasonal high water table, ponding and instability;

4. Grantin g of the requested zone change would encourage further changes which would increase the density of the overall area to a point where the total future sewer capacity calculated by the Rockland County Sewer District would be overloaded;

5. The foregoing, taken together, show a clear hazard to health, safety and welfare of the area.

(continued)

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TOWN PLANNING BOARD RECOMMENDATION - continued:

If Town Board wishes to grant; the Planning Board requests that further recommendations be secured from the Planning Board, and that site plan review by the Planning Board be covenanted so that the amount of usable land be properly taken into account in the yield of dwelling units (which in no case should exceed eight per acre of permanent dry land), and so that all possible measures be taken to assure safe access and circulation, and proper handling of drainage and sewerage.

TOWNPLANNER:

Request not unreasonable and use appropriate for the property provided:

Density should not exceed 8 units per acre.
No access should be permitted from this site to Route 304.
No building permits should be issued until Schweitzer Lane and Dustmann Lane are improved to the town's secondary road specifications from the site to Route 304. If granted for apartment use, the site should have adequate screening, etc. (complete letter in T/C file).

John M. Hekker, Esq., attorney for petitioner approached the Town Board and stated the following:

Property located in the Allstate Insurance Office area, north to the Palisades Interstate Parkway. Approximately 7-1/2 acres involved. Presently lies in four (4) different zones. Petitioner cannot utilize as presently zoned, except for R-15 portion. Portions do not have any frontage. There are four different zoning classifications within 200 to 300 feet. Land not usable at present. Only parcel would be eight houses on the three acre R-15 zone. This is ponding area which is accommodation to surrounding property owners (approximately one acre). Property located adjacent to existing RG-2 zone (Senior Citizen Complex proposed). Also in the area of a recommended multi-family zone under the 1967 Master Plan, which was approved by the Planning Board. Piece of property not large; we are isolated on one side by RG-2; on other side by Parkway, and on one side by Route 304.

RG-2 would have minimum impact on this area. Would not cause domino theory of zoning. Jean Marie apartments in area.

Entire property owned by Beverly Degenshein. These are two parcels of land that have been assembled. Re access; if granted as Hilburg's, there is possibility that entire parcel could be combined into one common parcel of land by which both parties could benefit.

Re wet piece (in LS parcel that goes to the PIP); petitioner could work out with PIP. Would agree to covenant re maximum number of units for entire property. Re limiting to Sr. Citizen housing; would not be agreeable. It would be garden apartments type not restricted to senior citizens as to income or age.

Town Planner, in response to question put by Councilman Pizzutello, stated that re this small portion being made into four zones -- zoning map adopted in June of 1967; Mr. Emanuel was advised; he was consultant.

Units permitted at present -- about 64. Would covenant to 1-2 bedroom apartments. Would also covenant on one bedroom.

IN FAVOR: No one appeared.

OPPOSED:

Letter from CCSD#1: '...Present state financial aid is insuffiient to care for present enrollments. Opposed to any zone change that would increase school population. Would have direct impact on school taxes.

Paul Savad, (Attorney representing number of homeowners that live on Schweitzer Lane):

Schweitzer Lane shown as being 12' wide. Two years ago, homes have been constructed on Schweitzer. At the present time, there is home just completed on Schweitzer. It is not owned by the town, cannot be developed by the town, and cannot be used by the applicant for any other than residential egress and ingress.

Re Hilburg property; it is landlocked. It should not be considered along with the Degenshein property. Five acres purchased on 2/13/74 conforms to the ordinance for development as R-15. It is approximately 314' deep and would permit Mr. Degenshein to construct eight homes. R-15 property is being used to renovate CS property. RG-2 granted Hilberg is indicative of good planning because it is landlocked.

Re access; state is going to widen Route 304. How are they going to get induring this construction period? Additional traffic problems would be created. Keep apartments on 304, but don't extend into R-15 zone. Let him develop R-15 portion with homes.

Joseph Pantano, Little Tor Road, New City:

Across street shopping center. Traffic problems now. Suggests that use back portion as R-15; front portion LIO or LO. Would be better for this area because of traffic.

Mr. Charles Klothe, Clerk CCSD#1: (See letter above):

Ms. Castaldo, 4 Cranford Road, Bardonia N Y:

Member of the Safety Committee of the Bardonia Elementary School: Over 300 walkers - there would be increase in walkers and there would be increase in school busses.

EEC891

OPPOSED - continued:

Mr. James Linwood, Schweitzer Lane: Danger to children walking to school. Garden apartments will complicate and endanger. We do not want more traffic in this area.

Mr. Gerald Bierker, Schweitzer Lane: Land swampy; landfill operation going on. Trucks delivering fill damaged road.

Ms. Marg. Reilly, Schweitzer Lane: Route 304 and Schweitzer Lane could not handle traffic which is bad now. Going north on Route 304, to make a left turn to go into Schweitzer property impossible at present.

Mr. Everett Dust[illegible], 41 Dustmann Lane: Ponding area has always been swampy. State plan calls for overpass. I control right of way re access to Dustmann and Schweitzer -- will not let any of it go. Suggests dropping application.

REBUTTAL: (Mr. Hekker):

We do not intend to use Schweitzer and Dustmann in connection with the development of this property if zone change request granted. It is 12' wide right of way; we will not use it. Schweitzer Lane is residential, private lane and should remain so. Re development of Hillburg property we have no intention to accommodate in this respect. Re development of R-15, we are entitled to approximately 8 homes, three bedrooms-three children per home; as a matter of right. If developed under present zone there would be 24 children from this property.

Mr. J. Degenshein, Monroe, N Y appeared before the Town Board at this point and stated that he is one of the developers. Re traffic, he stated tfhat Schweizer Lane not intended to be used except for fire access and garbage disposal trucks. Route 304 going to be widened to four lanes to relieve traffic problems now existing. If developed under present zoning would create a more serious problem.

Re drainage, he continued, this is not swampy area; has been filled in when Allstate located there. Problem would still exist in present zoning.

Property adjacent to RG-2, LS, LIO and CS zones and Route 304. By taking entire parcel, we would create buffer from R-15 to the heavy traffic and LIO that lies beyond.

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

Signed,

Anne E. O'Connor
Town Clerk

PUBLIC HEARING

Town Hall 1/24/72 8:15 PM

Present: Co.D'Antoni, Lodico, Maloney Pizzutello, Superv. Gerber
Town Clerk Anne L. O'Connor
Town Attorney Murray N. Jacobson

RE: ZONE CHANGE APPLICATION MADE BY STAP IN ISLER (R-15 & LIO to RG-2 or LIO or R-15)
Property located on the east side of Pascack Road, Spring Valley, New York:

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

RECOMMENDATIONS:

COUNTY PLANNING BOARD:

".....finds that the granting of a zone change to RG-2 would be detrimental to the nearby single-family area in the Town of Ramapo. The Board recommends that the entire parcel be zoned R-15 to minimize the drainage and traffic circulation problems, which are already acute in this area. A zone change to RG-2 would also encourage the spread of similar zone changes in this area. The Board believes the summary findings in the 1/27/72 letter to Elin or Homes zone change are applicable to this development. The findings were:

> "Your board should be aware that no construction commitment by the county presently exists for the proposed Maple Avenue extension, Smith Road, Pascack Road, Middletown Road, the railroad underpass, the Pascack Brook and the Nauraushaun Brook. Given the tight fiscal situation facing the county (and limited state and federal funds) we expect little improvement during the 1970's. We therefore suggest that for the immediate future you consider the R-15 zone as the highest acceptable density."

TOWN PLANNING BOARD:

That subject to the below conditions, the entire property be rezoned to R-15, it being considered that any greater density such as RG-2 would be detrimental to the nearby single-family area. HOWEVER, in advance of granting such a zone change, the following is strongly recommended:

1. That no approvals of any kind be given until the petitioner has properly resolved drainage problems which the applicant has ignored despire reiterated requests from the Town Engineer;

2. That the necessary widening strip, for Pascack Road, be gratuitously dedicated to the town;

(continued)

EEC891

[illegible] - 1/21/74
[illegible] - 1[illegible]

TOWN PLANNER'S RECOMMENDATION: (continued):

7. That an effective buffer-screening landscaped area of 50' in width be provided to separate the existing industrial operation from the portion of the property lying between it and Pascack Road.

TOWN PLANNER:

Recommends that the most appropriate and best use of this property in terms of planning and zoning is to rezone the entire property to R-15.

Martin L. Sandberg, Esq., 120 North Main St., New City N Y appeared before the Town Board as Attorney for Petitioner, and stated the following:

Property lies within R-15 and LIO zones. Orally amended petition to exclude that portion of petition asking for the LIO zone. Therefore, we would request that the entire parcel be placed in either RG-2 or R-15.

(Town Attorney, at this point, stated if petitioner wishes to amend, we would have to discontinue public hearing until we have another publication.)

Mr. Sandberg continued option given to the Planning Board and the Town Board so as to formulate best possible zoning disignation for this parcel.

To the east: RG-2
To the West: Multi-family
To the north and south: R-15

Any of those two designations would be compatible with the area. Use residential. If development continued residential, would eliminate commercial connotation. Property must be rezoned because it would be impossible to develop LIO zone and it would require having access through residential zone. We request that property be rezoned for better planning.

Supervisor Gerber, re 5.42 acres involved, more than one-half in R-15; would applicant covenant regardless of zone for widening of Pascack Road. Answer: There would be no problem. Planning Board indicates that they have had trouble in the past. Mr. Iser acquired property in 1973 and was never contacted re drainage. (Olin Homes).

Supervisor Gerber inquired if they would agree to 50' buffer. Attorney for petitioner replied that he could not answer this question. This would remain with the applicant and the Planning Board.

IN FAVOR: No one appeared

OPPOSED:

Mr. Robert Steinman, 19 Olin Drive, New City:

Serious drainage problem exists at present. This property was filled in, covered with minimum of soil. Originally, this was natural ponding area. Town has spent money in this area for drainage. There is drainage easement. Water flows on one side of the right of way through 2-1/2" conduit. Town had to put in a catch basin. Everytime it rains inundated with water. This is severe problem. Homes being built in the area now. They have received permission to bring drainage into Pascack Brook. Consider present water problems.

Mrs. Behrman (Speaking for her mother and neighbor):

(Falk Property): There was promise to fill in the back to cover -- very unsightly.

Mr. George Hass, 3 Olin Drive: (Behind Spencer)

New development would exaberate water problem. Builder said there would be no water for a year; we have water now. Re traffic - bad now. Can builder guarantee there would be no water and if water develops, they have to remedy.

Supervisor Gerber stated that between the Planning Board and the Town Engineer, they can recommend before they be issued any permits. Specifications laid down by town must be met.

Ms. Massler, Wesrock Homes: (Rep. herself and neighbors):

R-15 alright -- No RG-2. Schools overcrowded She and neighbors would not object to all being placed in R-15 zone.

Co. Pizzutello informed her that there would be more children in R-15 than in RG-2 and that traffic-wise, you would have 90 cars.

Resident, 108 No. Pascack Road:

Traffic bad now; no access; RG-2 could be garden apartment or condominiums.

Ms. Barber, 11 Olin Drive:

I have easement. Two to three foot holes made from water running down on to my property. County filled in and is coming in constantly to fill it and it is all because of the poor drainage. It is piped but pipe not sufficient. We have complained to the Board of Health because of the danger to the children. If this is granted, will be better; drainage could be corrected; place will be cleaned out.

EEC891

REBUTTAL: (Attorney for Petitioner):

Whatever goes in, will improve the property and will rectify many of the present problems. Impact on the area, whether it is R-15 or RG-2, would be the same.

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

Signed,

Anne E. O'Connor
Town Clerk

TOWN BOARD MEETING

Town Hall 4/24/74 8:00 PM

Present: Co. D'Antoni, Lodico, Maloney, Pizzutello, Superv. Gerber
Town Clerk Anne E. O'Connor
Town Attorney Murray N. Jacobson

Supervisor Gerber called Town Board meeting to order; assemblage saluated the Flag.

(1974-355) Co. D'Antoni offered the following resolution:

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

Seconded by Co. Lodico. All voted Aye.

(1974-356) Co. Pizzutello offered the following resolution:

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

Seconded by Co. Maloney All voted Aye.

(1974-357) Co. Lodico offered the following resolution:

RESOLVED, that decision on the zone change application made by FELLER, MODLIN, SALINGER & MAC DONALD (PO to RS), for property located on the west side of Kemmer Lane and the north side of Route 59, Nanuet N Y, be RESERVED.

Seconded by Co. Maloney All voted Aye.

(1974-358) Co. Lodico offered the following resolution:

RESOLVED, that public hearing re Determination of Boundaries between the Valley Cottage Fire District and the Central Nyack Fire District be adjourned until 5/22/74 at 8:15 PM.

Seconded by Co. Maloney. All voted Aye.

(1974-359) Co. Pizzutello offered the following resolution:

RESOLVED, that decision on zone change application made by BEVERLY DEGENSHEIN (CS, IS, LIO & R-15 to RG-2) for property located on the east side of Route 304 between Route 304 and Schweitzer Lane, Bardonia, N Y be RESERVED.

Seconded by Co. Lodico. All voted Aye.

(1974-360) Co. Pizzutello offered the following resolution:

RESOLVED, that decision on zone change application made by STEPHEN ISER (R-15 & LIO to RG-2 or LIO or R-15) for property located on the east side of Pascack Road, Spring Valley, N Y be RESERVED.

Seconded by Co. Lodico. All voted Aye.

(1974-361) Co. Pizzutello offered the following resolution:

WHEREAS, an offer to purchase the Town Hall Annex property situate on New Hempstead Road, New City New York has been made by the County of Rockland, for the sum of $375,000.00; and

WHEREAS, the Town of Clarkstown is desirous of conveying said premises, for the said sum of $375,000.00 under certain conditions, to the County of Rockland; and

WHEREAS, said premises are more particularly described as Map 39, Block A and Lot 16 and 16.01;

NOW THEREFORE, be it

RESOLVED, by the Town Board of the Town of Clarkstown as follows:

(continued)

EEC891

(1974-361 -- continued)

Section 1. The Town Board of the Town of Clarkstown, County of Rockland, State of New York, hereby authorized and directs the Supervisor of the town to execute in the name of the town a Contract of Sale, conveying the said property to the County of Rockland, in a form and content satisfactory to the Town Attorney's Office, and to contain the following provisions:

a. That the Town of Clarkstown may retain the use of the Town Garage Building for a period of nine (9) months after the closing of title to said property.

b. That said contract shall contain a provision that all costs in connection with this conveyance shall be borne by the COUNTY OF ROCKLAND.

Section 2. This resolution shall take effect thirty (30) days after its adoption, unless within thirty (30) days after its adoption there shall be filed with the Town Clerk, in accordance with Article 7 of the Town Law, a petition signed and acknowledged by electors of the Town of Clarkstown of the number required by law, qualified to vote upon a proposition to raise and expend money, protesting against this resolution and requesting that it be submitted to the electors of the town voting on a proposition for its approval at a referendum or election held in accotdance with said Town Law.

Section 3. The Town Clerk of the Town of Clarkstown and County of Rockland shall within ten (10) days after the adoption of this resolution cause to be published at least once in the Journal News, the official newspaper of the Town of Clarkstown, and be posted in at least five (5) public places in the town, in addition the Town Clerk shall post or cause to be posted a copy of said notice on the signboard of the town, a notice which shall set forth an abstract of said foregoing resolution, concisely stating the purpose and effect thereof.

Seconded by Co. Maloney. All voted Aye.

(1974-362) Co. D'Antoni offered the following resolution:

WHEREAS, Andrew Sabo, residing at 945 N.W. 133rd St., Miami, Florida, is the owner of certain real property located in the Town of Clarkstown on New York State Route 303, in the Hamlet of Congers, and more particularly described as Tax Map 127, Block C, Lot 6; and

WHEREAS, an Order was signed by the Town Board of the Town of Clarkstown on June 28th, 1972 directing that the owner commence removal of building on said premises and that said removal and cleanup be completed within sixty days from the date of that Order; and

(continued)

(1974-362 -- continued)

WHEREAS, the owner, Andrew Sabo, has appealed to the Zoning Board of Appeals of the Town of Clarkstown, and

WHEREAS, the Zoning Board of Appeals has entered a decision in this matter with the Town Clerk on February 28, 1974, and the time to appeal said decision has expired; and

WHEREAS, the owner of said property has failed to comply with said Order and has made no attempt to remove remains of the building on said premises nor clean up the rubbish thereon, and

WHEREAS, on or about April 20, 1974, the north wall of said building collapsed, and

WHEREAS, a personal inspection by the Building Inspector of the Town of Clarkstown on April 23, 1974 indicated that the south wall of said building is leaning outwardly and severely cracked in several locations and appears to be structurally unsound and subject to collapse at any time which would further cause a collapse of the easterly and westerly walls, and

WHEREAS, the condition of this building represents an immediate and imminent threat to the health, safety and welfare of the residents of the Town of Clarkstown in general and the residents of this area in particular;

NOW THEREFORE, be it

RESOLVED, that a state of emergency exists with regard to these premises, and be it

FURTHER RESOLVED, that pursuant to Chapter 51 of the Code of the Town of Clarkstown and Section 130, subd, 16(d) of the Town Law of the State of New York, Robert H. Bowman, Building Inspector of the Town of Clarkstown and Atzl, Scatassa & Busch, Consulting Engineers, are hereby named to conduct an immediate survey of the subject premises to determine whether the building or other structure is unsafe, dangerous and/or an immediate and imminent threat to the health, safety and welfare of the community, and make their report, and be it

FURTHER RESOLVED, that in the event that said engineers shall agree with the conclusions of the Building Inspectoras hereinabove set forth, then the Building Inspector is hereby empowered to take all steps which he deems necessary to protect the health, safety and welfare of the residents of the Town of Clarkstown, including, but not limited to, the razing of the building and the filling in of the resulting rubbish, and be it

(continued)

EEC891

(1974-302 -- continued)

FURTHER RESOLVED, that the cost of said razing and/or fencing shall be assessed against the subject property and shall constitute a lien and charge thereon, pursuant to Section 64, subd, 5-a of the Town Law of the State of New York.

Seconded by Co. Maloney All voted Aye.

Mr. Stephen Milone appeared before the Town Board stating he has spoken to the Building Inspector about trucks and trailers being stored and parked on Deerfield Drive by a Mr. Schafft of the same street. Violation Notice has been issued to Mr. Schafft by the town. Town Attorney suggested issuing injunction against him so he can be punished for contempt if he disregards. Matter will be discussed further at the workshop session of the Town Board, Mr. Milone to be in attendance.

Re River Estates; Klein Avenue; Ms. Carol Masi and Ms. Theresa Pertari appeared before the Town Board re flooding. Town Board will discuss.

On resolution offered by Councilman D'Antoni, seconded by Councilman Lodico and unanimously adopted, Town Board meeting was adjourned until Wednesday, May 1st, 1974 at 8:00 PM, at which time next regularly scheduled Town Board meeting will be held in the Board Room of the Town Hall.

Signed,

Anne E. O'Connor
Town Clerk