

## TOWN BOARD MEETING

Town Hall

2/19/75

8:00 PM

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

Supervisor Gerber called Town Board Meeting to order;  
assemblage saluted the Flag.

(1975-125) Co. D'Antoni offered the following resolution:

RESOLVED that time for receiving bids for the furnishing of One (1) 1975 New 3/4 Ton Two Wheel Drive Pickup for the Highway Department be closed and that any and all bids received up to and including this time be opened.

Seconded by Co. Maloney.

All voted Aye.

The following bids were received:

**PORRY'S GARAGE**

22 Cosgrove Avenue, West Haverstraw, New York:

One (1) New 1975 3/4 Ton Pickup.....	\$4,895.00
One (1) New 1975 1/2 Ton Pickup.....	\$4,275.00
One (1) New 1975 1/2 Ton Pickup --	\$4,970.00
Less Trade-in -(1967 GMC).....	870.00
	<u>\$4,100.00</u>
One (1) New 1975 1/2 Ton Pickup --	\$4,970.00
Less Trade-in (1969 Ford) .....	1,220.00
	<u>\$3,750.00</u>

**TED SCHULTZ FORD, INC.**

80 Route 304, Bardonia, New York:

One (1) New 1975 1/2 Ton Pickup .....	\$3,839.00
---------------------------------------	------------

(1975-126) Co. D'Antoni offered the following resolution:

RESOLVED, that decision on award of bid for furnishing One (1) New 1975 3/4 Ton Two Wheel Drive Pickup for the Highway Department is hereby RESERVED.

Seconded by Co. Maloney.

All voted Aye.

TBM - 2/19/75  
Page 2

(1975-127) Co. Lodico offered the following resolution:

RESOLVED, that Town Board Meeting be adjourned in order to hold regularly scheduled public hearing.

Seconded by Co. D'Antoni

All voted Aye.

(1975-128) Co. D'Antoni offered the following resolution:

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

Seconded by Co. Pizzutello.

All voted Aye.

(1975-129) Co. D'Antoni offered the following resolution:

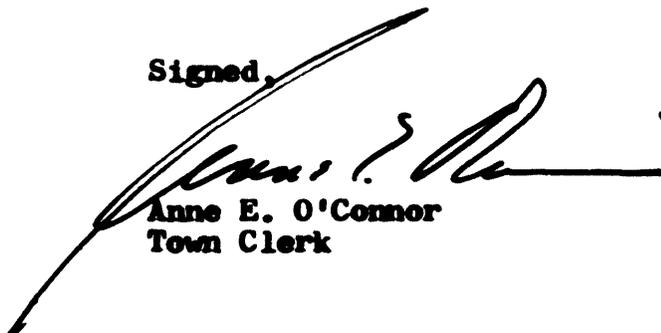
RESOLVED, that decision on proposed amendment of the zoning ordinance by redistricting from an I0 District to an R-40 District, property commonly known as The Dells, be RESERVED.

Seconded by Co. Maloney

All voted Aye

On resolution offered by Co. D'Antoni, seconded by Co. Maloney and unanimously adopted, Town Board was adjourned until Wednesday, February 26th, 1975 at 8:00 PM.

Signed,



Anne E. O'Connor  
Town Clerk

## PUBLIC HEARING

Town Hall

2/19/75

8:15 PM

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

RE: PROPOSED AMENDMENT OF THE ZONING ORDINANCE BY REDISTRICTING FROM AN LO DISTRICT TO AN R-40 DISTRICT PROPERTY COMMONLY KNOWN AS "THE DELLS":

Supervisor Gerber called public hearing to order, and read notice of public hearing.

Town Clerk testified as to proper posting and publication of notice of hearing and presented Affidavit of Service on property owners as listed on the latest assessment roll whose property or any portion thereof lies within 500' of any boundary line of the property to be affected.

RECOMMENDATIONS OF PLANNING BOARDS:

COUNTY PLANNING BOARD:

Approves. -- The zone change from LO (laboratory office) to R-40 is not adverse to the County road or the Robert F. Kennedy Park. The proposal conforms to the R. C. Land Use Plan (1973). (The GML requires a vote of two thirds of all of the members or majority plus one of your agency to act contrary to the above findings.

TOWN PLANNING BOARD:

The Planning Board has examined the above matter as referred and in light of the Supreme Court's decision in "Nemeroff v. Clarkstown". We have based our study and recommendation on pertinent content of the following:

1. The Zoning Ordinance of the Town of Clarkstown, Section 106-32B paragraphs a) through i), which sets forth the required inquiry and determination by the Planning Board;
2. Oral report of Raymond, Parish and Pine, planning consultants retained by the Hon. Town Board;
3. Reports from the Planning Board's usual consultant agencies, as appropriate, including USDA Soil Conservation Service, County Planning Board, County Highway Dept., Town Engineer's Office, and Building & Zoning Inspector.
4. The comprehensive Town Development Plan presented to the Honorable Town Board on August 17, 1965, and 1971 as revised prepared in accordance with Town Law Sections 272a and 275.
5. The files and Minutes of the Planning Board and Town Planner's Office as related to the foregoing.

At its meeting of 2/18/75 the Planning Board, by a vote of 6:0 (one member absent) approved the following:

**(Town Planning Board Recommendation - continued):**

CONCLUSION: ANY PRIVATE DEVELOPMENT OF THE PROPERTY COMMONLY KNOWN AS "THE DELLS" IS MOST APPROPRIATELY IN A LOW-DENSITY RESIDENTIAL USE CONTAINING NO MORE THAN ONE DWELLING UNIT PER ACRE OF LAND: TO DO OTHERWISE WOULD BE CONTRARY TO THE COMPREHENSIVE TOWN DEVELOPMENT PLAN OF 1966 AND 1971 AS REVISED.

RECOMMENDATION: THAT, BASED ON THE CONSIDERATIONS AND REASONS ATTACHED AND MADE A PART HERETO, THE HONORABLE TOWN BOARD AMEND THE ZONING ORDINANCE AND MAP OF THE TOWN OF CLARKSTOWN TO DESIGNATE THE PROPERTY COMMONLY KNOWN AS "THE DELLS" AS CONTAINED IN AN R-40 ZONING DISTRICT.

The following answers the requirements of the Town Zoning Ordinance, Section 106-32B2; Specifically:

a. THE USES PERMITTED ON THE SUBJECT LAND IN AN R-40 ZONING DISTRICT AS RECOMMENDED ARE APPROPRIATE IN THE SPECIFIC AREA OF THE TOWN UNDER CONSIDERATION, NAMELY THE NORTHWESTERN PART, FOR THE FOLLOWING REASONS:

1. Ninety-four percent of the perimeter of the specific property subject of this review abuts land zoned for the same or lower density (R-40, R-80, Laboratory-Office, with respective minimum lot-sizes of 40,000, 80,000 and 80,000 to 200,000 square feet depending on use). The remaining 6% abuts a small higher density R-15 third-acre subdivision approved in 1957, i.e. long before the comprehensive Town Development Plan ("master plan") of 1966.

2. The subject parcels and surrounding areas continue to and accurately reflect the "concentric" or "transitional" zoning principle clearly expressed in the comprehensive Town Development Plan, whereby residential densities decrease progressively the greater the distance from hamlet-centers.

3. Maintenance of the R-40 one-acre zoning in the subject lands, being in great conformity with the uses of the abutting areas, would not adversely affect the values of similarly zoned existing property.

b. ADEQUATE PUBLIC SERVICES AND SCHOOL FACILITIES EXIST OR CAN BE CREATED TO SERVE THE NEEDS OF A POSSIBLE 200 RESIDENCES ADDED TO THOSE EXISTING IN THE AREA, assuming a continuation of present policies and practices of the special districts involved.

The subject property has at least four adequate accesses at present. The surrounding residential area has a population of about 4,000 persons and presently generates some 2,000 vehicle-trips per day, with evening peak of 260 per hour. The existing roads could be sufficiently improved with potential Federal and State aid to carry the traffic that would result from full development of vacant residential lands as presently zoned. However, increase of residential density of the subject parcels could exacerbate the existing substantial problem to a point where the traffic level would be beyond the ability of the present road system to handle after the above improvement.

c. THE RECOMMENDED ZONE CHANGE DOES NOT CONFLICT WITH, BUT IS ALL THE MORE VIABLE PRECISELY BECAUSE OF EXISTING PLANS FOR SANITARY SEWERS IN THE VICINITY, such as a major section of the South Mountain Road Interceptor proposed by the County. PUBLIC WATER AND ELECTRIC AND GAS SUPPLY WOULD BE MADE AVAILABLE BY THE SPRING VALLEY WATER COMPANY AND ORANGE & ROCKLAND UTILITIES in accordance with their present procedures and obligations.

**(Town Planning Board Recommendation - continued)**

d. THE PLANNING BOARD FORESEES NO SPECIAL CIRCUMSTANCES WHICH MAY MAKE A SUBSTANTIAL PART OF SUCH SIMILARLY ZONED VACANT LAND UNAVAILABLE FOR DEVELOPMENT.

1. Including the subject 229-acre property, the said general northwestern area of the Town contains 1,350 acres of land available for low-density residential development. 70% of it is 2-acre and 30% is 1-acre: this is a potential for 475 R-80 and 400 R-40 new dwelling units, representing a possible 4% growth of the Town.

e. THE PRESENT RATE OF LAND DEVELOPMENT IN THE ENTIRE NORTHWESTERN AREA CONTAINING THE SUBJECT PROPERTY, independent of the present severe slowdown in building activity in the Town, POINTS TO NO URGENCY OR DEMAND FOR ADDITIONAL HIGH-DENSITY ZONING IN THE VICINITY OF THE SUBJECT AREA, BUT SUPPORTS THE VALIDITY OF THE RECOMMENDED R-40 ONE - ACRE ZONING. The continued interest in development of one- and two-acre land, i.e. low density residential construction, is shown in the fact that in 1973 and 1974 the Planning Board approved such subdivisions containing over 300 lots in all.

f. THE RECOMMENDED ZONING OF THE SUBJECT PROPERTY TO R-40 OR ONE-ACRE WILL HAVE LITTLE OR NO EFFECT ON THE GROWTH OF EXISTING COMMUNITIES AS ENVISAGED IN THE COMPREHENSIVE TOWN DEVELOPMENT PLAN.

1. The distribution of land uses in the Town as a whole corresponds closely to that expressed in said document and in the principles it embodies.

2. In August 1971, when the owners requested rezoning of the subject property mainly to RG-2 high-density multifamily apartments, the total Town had enough vacant low-density single-family residential land to increase the population by 38%, which corresponds very closely with the 40% share of the total growth proposed in the 1966 Town Development Plan.

3. At that same time, the Town had enough vacant land zoned for multi-family uses to permit over 2,200 dwelling units, representing room for 11% growth in high-density residential use alone. This also closely approximates the figure recommended in the 1966 Town Development Plan, namely 10% for such densities.

g. THE RECOMMENDED ZONING OF THE SUBJECT PROPERTY TO R-40 OR ONE-ACRE WOULD INCREASE THE TOTAL ZONED RESIDENTIAL CAPACITY OF THE TOWN BY ONLY ONE PERCENT, OR APPROXIMATELY 200 FAMILIES IN 20,000.

1. The effect of such change on the cost of providing public services would be relatively minimal because of existing County sewerage plans, and roads almost adequate for present needs.

2. Any substantial development, however, could increase demand to a point of serious overburdening: such would demand curative or preventive measures needing extensive capital investment by the Town.

3. The number of dwelling units requested by the owners in 1971 was 3,600 to be built on substantially the selfsame subject property: such development would increase the number of dwelling units in the entire town by 13% and in the nearby northwestern area of New City, with a present population of 4,000, by over 330%. The impact of this overburdening is self-evident.

h. ZONING OF THE SUBJECT PARCEL AS R-40 ONE-ACRE WOULD IMPOSE NO SIGNIFICANT BURDEN ON THE DEVELOPMENT OF SIMILARLY DESIGNATED AREAS. CONSEQUENTLY THERE IS NO FEAR THAT THE RECOMMENDED ZONING WILL ENCOURAGE SIMILAR REQUESTS, AND NO CLEAR NEED TO REMOVE THE SAME ACREAGE FROM OTHER R-40 DISTRICTS JUST TO COMPENSATE FOR THE ADDED 229 ACRES R-40.

**(Town Planning Board Recommendation - continued)**

1. NO NEED CAN BE FORESEEN FOR PROVISION OF SPECIAL COMMERCIAL OR EMPLOYMENT SERVICES IN THE IMMEDIATE AREA OF THE SUBJECT PROPERTY: ADDITION OF SOME 200 FAMILIES IN A LOW DENSITY PART OF THE TOWN CAN HAVE ONLY MINIMAL LAND-USE IMPACT.

AS TO AVAILABILITY OF MULTIFAMILY HOUSING VERSUS MULTIFAMILY ZONING: the Planning Board must make clear that any alleged deficiency of housing types, as for the elderly and newlyweds, is of buildings, not of suitably zoned land. When the owners requested rezoning of the subject land from LO to RG-2, there was already in the Town enough such vacant high-density residential land to increase the number of households by 2,200. Such availability has been since increased in various areas nearer to hamlet centers and/or abutting third-acre residential land: this is in close accordance with the "concentric" or "transitional" zoning policy of the comprehensive Town Development Plan of 1966, specifically "The areas of greatest residential densities should be those closest to hamlet centers - densities should become increasingly lower as the distance from the centers increases."

IN CONSIDERATION OF ALL THE FOREGOING, we respectfully confirm our conclusion that the most appropriate land use of The Dells is for low-density residential purposes in conformity with the comprehensive Town Development Plan, and our recommendation that the Hon. Town Board designate the subject property as in a one-acre or R-40 Zoning District.

**(End of Town Planning Board recommendation)**

**Dr. Sperling, representing Mr. Morton Becker, President of the Dellwood Country Club, read letter from Mr. Becker as follows:**

'.....Dellwood Country Club has a 99 year lease with Mr. Nemeroff and/or his corporation, which lease gives all rights to the use and enjoyment of the property to the Dellwood Country Club. The Dellwood Country Club is in complete compliance with all the terms and provisions of the said lease and therefore, any rights to the use and occupation of the property reside in the Dellwood Country Club and the only rights that Mr. Nemeroff might be able to give to anyone, with respect to the property, could only be effected at the end of the 99 year lease.....'

**(Copy of complete letter in T/C file)**

PH - 2/19/75  
THE DELLS

Page 5

Mr. Robert Genislow, 555 White Plains Road, Tarrytown, N Y, appeared before the Town Board representing the firm of Raymond, Parish & Pine, Inc., Planning Consultants, and submitted, as requested by the Town, a report on the proposed establishment of an R-40 zone in this area. (Copy of report in T/C file).

Mr. Eugene Connell, Vice-President of the Clarkstown Board of Education, residing at 19 Esther Avenue, Congers, New York, appeared before the Town Board and stated the following:

'The proposed R-40 appears consistent with surrounding area. However, five year growth pattern for this area was based on L0 zoning for this property. Enrollment shows gradual decrease therefore in elementary pupils. Two schools in this area are at capacity, but there is sufficient classroom space within the district.

Therefore, the Clarkstown School District could absorb two students per house if zoned R-40. Three to five year burden phase should be shown by the Town Board. Anything else would tax our facilities. The Board of Education needs additional sidewalks for the safety of our children coming from this area.'

IN FAVOR:

North Clarkstown

Mr. Joseph Sankel, Coordinating Counsel; 9 Dunmore Road, New City N Y:

Chairman of North Clarkstown Coordinating Council:  
Re Planning Board; finding was that the town legislative body and not the courts has the function of making determination as to what type of zoning will be placed within its town. We were also told that the town must consider the place of this area within the overall comprehensive plan. On the map, area of The Dells borders right now on R-80 (2 acre zoning), or R-40, and L0.

Dellwood and Little Tor area downzoned at specific request of current owner of The Dells. Two more areas exist there as non-conforming uses. All recent developments in the town have been developed under R-40 zone. Planning Board stated over 90% of the town is either one or 2 acres. Approval of the proposition here tonight that the area be zoned R-40 will clearly conform to the overall comprehensive plan.

Re concentric zoning, there is high density in the town. Recommend the approval of the proposition before the Board this evening to zone this property R-40.

Mr. Michael Cattanea, 6 Christie Drive, (High Meadow Park):

High Meadow Park 40-family development south of Old Route 304, close to The Dells and in same drainage area. Town commissioned drainage study in 1972 at cost of \$30,000. by Goodkind & O'Dea.

Study related to cost estimates of improving or replacing culverts and bridges in a priority basis relating to population proximity rather than to physical conditions alone. The estimate at that time for work needed was \$5,000,000 suggesting an expenditure of \$1,000,000 per year. In December of 1974 the Town Board approved an expenditure of \$3,000,000 for drainage improvement.

(continued)

PH - 2/19/75  
 THE DELLS  
 Page 6

(Mr. Cattanea - cont.)

There is bridge on Old Route 304 between Pearl and Shadybrook Lanes under which passes a major tributary of Lake DeForest. The study describes it as insufficient to carry the water flow, basing the data on the zoning which at the time of the study was LO for the Dells. The study assumes that an LO zone has more paved over area, more roads and buildings than an R-40 zone. The run-off coefficient, for LO is 0.76 whereas that for R-40 is 0.29. Run off in R-40 is 38% of that projected for LO. An R-40 zoning of The Dells would substantially cutdown the possible paved and other types of run-off areas in the drainage area in which it lies.

Additionally, R-40 zoning of The Dells would benefit the town and the taxpayers by avoiding the overloading of water volume running under the bridge designated on map as #320.

If The Dells were to be zoned and built at any greater density than the least dense, the town would be assuming the cost of that development in drainage repair costs as well as other off-site taxes borne by all taxpayers in the township.' (Maps and surveys - T/C file)

Mr. Walter Fleischer, representing the West Branch Conservation Association:

".....from 1967 through 1972 school taxes had risen at rate of 16% per year compounded, going from \$115 per capita to \$270 per capita. During same period, town and county taxes increased at rate of 19% per year compounded, going from \$61 per capita to \$146 per capita.

Data from 18,000 municipalities throughout the country showed that the relation between population and cost of government was nation-wide and not a local phenomenon. We will not go into the details again, the earlier study is in the record and a copy of it is available for anyone who wishes it.

The test of any theory is to match its predictions against real events. From 1972 through 1975, school taxes increased from \$270 to \$350 per capita, or 10% per year compounded, as opposed to the earlier rate of 16% per year. The decline can readily be explained by the shift in age distribution and the major reduction in the birth rate. The drop in the rate of increase is faster than indicated if we take into consideration the decline in state aid and the rate of inflation.

At the same time Town and County taxes have increased from \$146 per capita to \$223 per capita, or 16% per year compounded. This is less than the 19% predicted, but can be justified by the declining rate of population growth, (7% in 1967 and down to 4% in 1975) and new sources of income - Revenue Sharing and the one time bonanza in 1975 of \$500,000 from the sale of the Town Hall Annex to the County. This new income reduced the amount to be raised by local taxation.

(cont)

PH - 2/19/75  
 THE DELLS  
 Page 7

Mr. Walter Fleischer (West Branch Conservation Association - cont):

The relation between town and county taxes, and school taxes, reveals an important additional fact. In 1960 town and county taxes were 42% of school taxes. At the time of our 1972 study this had risen to 62%, and in our 1975 study has reached 64%. In 1972 we predicted that town and county taxes would equal school taxes in about twenty years. The adjusted trends of the data in the 1975 updating, indicate that town and county taxes will equal school taxes in 8 to 10 years.

If we could slow the rate of growth in Clarkstown, what would be the effect on taxes? In 1974, when the Town Board was considering "DEACOM", we made a comparable study of the Town of Ramapo to see what effect "DEACOM" and the 15 Point System made on taxes. Our study showed that town and county taxes in Ramapo went from \$102 per capita in 1970 to \$162 in 1975, or a 59% increase. In the same period, Clarkstown taxes increased from \$100 to \$223, or an increase of 123%.

The conclusion seems inescapable. The only hope to control tax rate growth is to limit the rate of growth in population, and thus the total town population, by a policy of the lowest possible zoning density in the remaining undeveloped areas of the town.

The possibility of providing low, or even middle income housing in Clarkstown is zero at the present price of land; of cost of construction the level of taxes. The only hope for low and middle income families to be able to stay in Clarkstown is the control in the growth of taxes....'

Deposition made by Raymond D. Horton, Ph.D, Associate Professor at Columbia University Graduate School of Business, read into the record as follows:

'I, Raymond D. Horton, residing at 220 Columbia Heights, Brooklyn, New York, do hereby say and depose:

that I am an Associate Professor at Columbia University Graduate School of Business, I have a Ph.D degree from said university in the specialty of Political Science; I have a law degree from Harvard University, and serve as Special Consultant to the City of New York, and am also a member of several professional organizations including the American Political Science Association and American Society for Public Administration.

I have read and examined the attached study written by Walter L. Fleisher, Jr., entitled The Cost of Population, a Study of Population Growth and Government Expenditure in Clarkstown, that I agree with the statements and evaluations therein; that I have reviewed the diagnostic and research techniques employed and believe that they are sound. They conform to generally accepted research techniques in the field.

(Purpose of deposition is that he is unable to attend the hearing and is substituting above for testimony - T/C)

(continued)

PH - 2/19/75  
 THE DELLS  
 Page 8

Mr. Franco, 12 Berkshire Drive, New City N Y: (Fairhaven Homeowners Association):

Kingsgate should meet needs for high density homes.  
 Approves R-40 for The Dells.

Mr. J. Lieberman, 35 Windgate Drive, New City: (President Dellwood Park Service Association - Representing 120 families in Dellwood Park:)

Rezone to R-40. Anything else would be detrimental to the community. Orange & Rockland supplies electricity from old substations located on South Mountain Road just west of Little Tor Road which is extensive. (4160 volts). Since development built before sewers, it is necessary to pump sewers. Buffer service on Zukor Road bad -- lights now dimm and blacken out because of these pumps. Appliance motors break down. There is failure of mechanical equipment (air conditioning, et al) Four 50' poles applied for; removing Dellwood Park from line. These poles are unsightly. Residents of Dellwood Park wish their lots were R-40. We have to curtail our use of electricity.

Mr. Elliott Freifeld, 26 The Promenade, (Rep. Charter Oaks Civic Assoc.):

Re Schools: Woodglen, Street and other working presently at capacity. Kindegarten class held on stage because of lack of space. Third Grade - 30 children per class. Woodglen - 697 children, using a music room as classroom. Third grade - five sections. Three new housing developments in immediate area; Fairhaven, Highmeadow Park I, and Highmeadow Park II. These are not filled.

Families with children could move in in the near future. R-40 land in area will ultimately support 330 new homes. Two school-age children per house could be expected in R-40 zone. This will add 600 new or presently school children to the area eventually. To zone The Dells other than R-40 is unthinkable.

Mr. Jerry Factor, President of Lake Deforest Homeowners Assoc.;  
 (Formerly Lakeview Homeowners Association)

89 families located in northern New City. We feel that R-40 is the most appropriate zoning for the area if we are to consider the health, safety and welfare of all the residents of the township.

Clarkstown does not have an infinite sanitary landfill area. Sewage facilities to date have not kept pace with the existing population. Population since 1950 has increased almost eight times, but the number of practicing physicians have not kept pace.

Existing road facilities, especially in the area of Street School, are equipped to handle no more traffic than R-40 would generate.

(cont)

PH - 2/19.75  
 THE DELLS  
 Page 9

(Mr. Jerry Factor - cont):

Concentrated development of north Clarkstown would result in an overburdening of existing schools serving the New City area. R-40 would be least detrimental to the environment and would be consistent with present development in the area.

Additionally, Lake Deforest has made a thorough study of commuting facilities serving Clarkstown, since in our development alone, 75% of the working population are long distance commuters.

The onset of the energy crisis has created an even greater demand for public transportation. The only rail transportation from town is the Pascack Valley Line of the Erie Lackawanna which runs only six trains in each direction, five days a week, and these are standing room only.

Despite the installation of an additional emergency parking facility at the Nanuet station, parking space is not ample. Park and Ride lots for buses are similarly full (Photos illustrating these points in T/C folder).

There is a tremendous lag between the arrival of new commuters into town and the provision of appropriate commuter facilities. Furthermore, northern New City is not well serviced by major highways. The Garden State Parkway is seven miles from northern New City. The PIP was never designed to be a commuter road and the one exit serving northern New City is overused. (Photos of PIP at commuter hours in T/C folder).

The NYS Thruway frequently back up to bumper to bumper traffic especially in the area of the Palisades Interchange (Photo of interchange in T/C folder)

For these reasons, we feel that the least dense zoning would be the least burdensome for present facilities and would, therefore, be in the best interests of the health, safety and welfare of the residents of the Town of Clarkstown.

Mr. David Scheichet, 22 Scher Drive, New City: (Brookside Homeowners):

Anything but R-40 zoning in this area would be a burden to transportation and schools. Adopt R-40.

Mr. Joseph B. Hirschfield, 96 "Susan Drive, New City (President of the Little Tor Homeowners Association):

Re Court Order under which we appear here tonight to perfect this hearing to which the court referred requesting clarification, as Confiscatory - The court writes in its order that the hearing should consider any zoning from the view that it may be confiscatory to the owner of the land. It is common knowledge that the owners of The Dells Inc. have purchased and sold several other parcels in the area while holding The Dells, and that downzonings have been made in and around The Dells which go against the general plan for concentric zoning from the hamlet center, and that these downzonings were made under the most severe protest from the citizens of New City, and that they were told the cash was needed in order to develop the LO. The surrounding citizens have already suffered some confiscation because when they purchased their property it was surrounded by one and two acre zoning. Against their will,

(cont)

(Mr. Joseph B. Hirschfield, Little Tor Homeowners Asswociation - cont.

Surroundings WERE DOWNZONED CAUSING THE TAXES TO RISE AND THE LAND PRICES to be pegged by reason of zoning actions which were not properly guaranteed or fulfilled. Such downzonings served to make land owned by The Dells, Adim, Inc., and Bernard and Frances Nemeroff more valuable. Such downzoned land was sold for higher prices than it would have brought at its suitable zoning, the concentric zoning which was originally planned for proper land use. The downzonings and additional purchases and sales of such purchases may have made it possible for the present vacant land to be held for further speculation and further complaints by the owner claiming confiscation.

Owner was able to have the Town Board change his zoning to suit a scheme he hoped to fulfill and then proceeded to fail to perform in the most embarrassing way, by later claiming as "confiscatory" that which he had originally proposed with such vehemence.

Rather, it has been confiscatory to the taxpayers to go through the expense of hearing after hearing. (Submitted incomplete list of event caused by the failure of the landowner to accept the will of the Town Board and its power to zone) - in T/C folder.

Also submitted a list of records at the County Courthouse showing the value in tax stamps and mortgages of several of the transactions of conveyance of land of The Dells and parcels immediately surrounding it. -- in T/C file. At the very minimum the \$400,000 original investment has been turned over for a total of \$3.1 million dollars and there may be two thirds of the land as yet unsold.

Above proves that nothing confiscatory can happen to this property. It is clear that the owner has already received a reasonable return including taxes, interest and other charges customary to real estate transactions.

We support the proposal to R-40 zoning for The Dells.

Ms. Mary Degner (West Branch Conservation Association): and Dellwood Park Civic Association):

Road situation in county a poor one. Last study made in 1955. In 1972 sidetrips per house and per day were placed at six to eight. I am using seven - Planning Board said eight). Also, 900 additional trips per day for some housing developments which were not yet completed and are now developed (Fairhaven, Highmeadow). I have not included them. If I take that conservative count and section north-south roads, we are in a bind even with R-40 zoning.

Old Route 304 now too crowded with cars. We need additional studies re traffic on a more current basis. We should vote in favor of R-40 zone as a maximum density for this area.

(cont)

IN FAVOR - continued:

Mr. Arnold Benowitz, 23 Culver Drive, (Tor Heights Civic Association):

In favor of R-40. Master Plan based on LO for this area. We would be in favor of R-40 which is low density. Private sewer plants and private sewer lines there now -- health problem could be created.

Resident, 28 Lindsay Court, New City:

In Fairhaven, they were supposed to have one house per acres -- they now have more because of swamp. We cannot absorb more children. Narrow Street. R-40 zone should be maximum. BUT - we would like to see R-80 or see this taken as parkland.

Mr. J. Johnson, President of the New City Jaycees: 23 Schriever Lane:

In favor of R-40 for this area. BUT - rather than have the total plots developed as shown, we should take recommendations of outside planning company and cluster the housing totake into consideration the drainage difficulties in that area.

Mr. Walter Plotnik, Valley Cottage:

In favor of R-40. Requested that the Town Board take vote on the matter this evening.

Ms. M. Russo, Nanuet: (Chairman of the Homeowners' Association):

Read statement from Mr. George Goodman (dated 1970) 'Changed from R-40 to LO by agreement between landowner and town. No industry brought in. He did not want LO - he wanted something like "Tapiola". Court refused request and rezoned as LO. Owners went to court again - Town Development Plan wanted concentric zonine approach; decreasing away from central. Hamlet Advisory Boards agreed with this concept. Property great distance from Fire House, etc. Area roads narrow, and winding. Only commercial structures near this area are two gas stations.

Favors R-40.

Mr. Edw. Karlowicz, Chairman of the Ludvigh Area Civic Association, 20 Pigeon Hill Road, Nanuet N Y:

4000 vehicles out of The Dells instead of 400 will affect traffic in New City, Nanuet, and every road in the Town of Clarkstown. Heavy traffic will endanger lives of school children. Granting to R-40 would be best for the people in the Town of Clarkstown. Grant.

2/19/75  
 THE DELLS  
 Page 12

IN FAVOR - cont:

Mr. Martin Bernstein of the New City Civic Association:

In March of 1968, request made for heavy industry, residential. Then zoned LO. We recommended change to R-40 at that time (3/5/68). Subsequently, in 1971-2, the Town Board changed it from LO to R-40. Courts decided then that town must hold another hearing. We recommend the R-40 use.

The Master Plan in 1966 proposed LO be changed back to 1-2 acres. Our association agreed to this concept. Town Board in 1967 kept old LO intact. Our association proposed change to acre zoning to include all land south of South Mountain Road. We still believe this area should be changed to one acre zoning.

Ms. Marcella Biegel, 416 South Mountain Road, New City N Y:

Speaking as resident of South Mountain Road whose land extends to the Dellwood Country Club.

Wants R-40. Anything else would need more services, such as schools, traffic. There would be flooding in area. We cannot afford additional services. Road widening services, additional sewer taxes; flooding, which means more drainage projects. We could lose all of our green space. We cannot afford to lose natural wetlands, trees, etc. If lands around Dellwood must tumble because of result in tax loads, forcing sale, Dellwood acquisition would require money to be spent by the town for maintaining. R-40 consistent with surrounding area.

Mr. Robert Greenblatt, 26 Linden Court, New City:

Neighbor of The Dells. Wants R-40. Wants concentric zoning. (Heavy industry in center of town - sparse as it goes out)

Ms. Rita Feinberg, 4 Bobwhite Lane, West Nyack N Y:

Wants R-40. Possibility of the town taking over Dellwood? Lake Nanuet cost taxpayers over 1/4 million dollars, plus additional downzone. No more deals with landowners or builders. Requests that town look into feasibility of leasing this property from the owner, or if owner willing, for town to purchase.

Mr. M. Latrae, 56 East St., West Nyack N Y: (Rep. Republican Party):

Republican Party supports R-40. It would fit into the best interests of this town. Speaking as an individual and citizen and 14 year resident of the township, development of this property has to be the single most important issue the Town Board will have to decide on. As taxpayer and citizen, I urge adoption of R-40 zoning.

IN FAVOR - cont:

Mr. Jos. Pantano, 265 So. Little Tor Road, New City:

Representing Committee for Responsible Government.  
High density brings drainage problems; zoning problems, crime,  
etc. We cannot have what Mr. Nemeroff wants; roads could not  
bear it. Wants R-40.

OPPOSED:

Mr. Fred Haeger, Valley Cottage:

President of Association for Repeal of Property Tax:

Repeal of the property tax would get much better development  
in this town. Not against R-40, but against hipocrisy of zoning  
in this town. Tonight's paper stated, "LO zoning would destroy  
character of entire area and would require vast parking areas.  
1/2 acre would strain local roads.'

1967 - 'Zoning for the Future' - it said re The Dells;  
Future space for office research development, particularly in  
light of projections for office space needs in the suburbs. In  
addition, some expansion of R-15 and R-22 areas has been made to  
actuate additional housing.

Concentric zoning: Since 1967, no one talks about con-  
centric zoning in connection with Mountainview Condominiums in  
Valley Cottage. Northern New City did not complain then. This  
town will pay 1/4 million dollars to widen access roads leading  
to that condominium. 1200 condominiums approved for Kingsgate.  
How can 1200 condominiums be approved to Shelly Goldstein -  
hiprocrisy.

Value of that property set at \$10,000. an acre by some.  
They are talking about \$15,000. an acre to sell to the county.

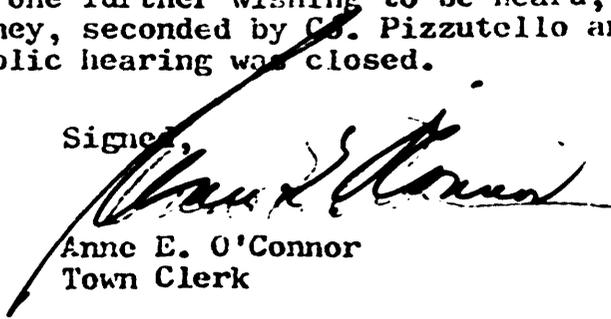
Drainage, roads, traffic, schools - all of these were  
in the profile that came from the County Planning Board when  
Kingsgate was considered. In spite of negative report (sic),  
Town Board overruled Planning Board and did what they thought  
they could do. There is wheeling and dealing.

Zoning is the means used by the town to regulate  
the use of building and land. Zoning regulations are designed  
to lessen congestion in the streets, promote the general welfare,  
prevent overcrowding of land and the concentration of people and  
facilitate water, sewerage, schools, parks and other public re-  
quirements.

Zoning is not preventing or depriving landowners of  
economic use that would adversely effect his neighbors; de-  
veloping existing lot smaller than called for. Do not give  
favorable consideration to a specific area.

There being no one further wishing to be heard, on  
motion made by Co. Maloney, seconded by Co. Pizzutello and  
unanimously adopted, public hearing was closed.

Signed,

  
Anne E. O'Connor  
Town Clerk