

PUBLIC HEARING

Town Hall

4/23/75

8:15 PM

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

RE: PETITION OF FRANK W. FOLEY and JANE V. FOLEY FOR ZONE CHANGE
(R-40 to R-15) - Prop. located s/s Red Hill Road, New City N Y:

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

RECOMMENDATIONS:

COUNTY PLANNING BOARD: Parcel not within their jurisdiction.

CLARKSTOWN PLANNING BOARD:

RECOMMENDATION TO THE HONORABLE TOWN BOARD: That the requested rezoning of parcel 19B20 FOLEY PROPERTY, NEW CITY of 20 acres of R-40 land to R-15 be Denied. The required inquiry and determination has been made as follows:

- a) The uses and density permitted by the proposed change would not be appropriate in the area concerned (all agencies consulted point out that the increased density would create and aggravate existing runoff, erosion, siltation, and damage on-site and off-site),
- b) While adequate public school facilities could be created to serve the needs of 20+ additional residences, the Clarkstown Central School Board advises that "the increased impact on school population by such zone change is well documented in this School District," and expresses opposition to the request. Other public services do exist or can be created,
- c) The proposed change is not in conflict with existing or proposed plans for public water supply, sanitary sewers, etc.
- d) There is still ample R-40 and R-22 land available in the Town and within one mile of the subject property,
- e) The rate of development of R-15 lands in the Town and in the near vicinity imposes no urgency for an increase in land density (particularly on the present property where such density increase would not only threaten nearby properties but also destroy the best of its natural features,
- f) The proposed increase in density to R-15 would add to the erosion of the principals of the 1966 and 1971 Comprehensive Town Development Plan (the transitional nature of the band of R-40 which ends in the subject property would be damaged by converting it to R-15 through a "jump" across the dividing line constituted by Red Hill Road to the north),
- g) In the event the land were rezoned to R-15, other areas similarly zoned would not be significantly affected, nor would there be any need to take action to reduce the availability of such other areas (by further amendment of the Zoning Map),
- i) The proposed change would create no significant need for additional commercial or employment services for the residents of the Town.

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CORRESPONDENCE:

Clarkstown Central School District No. 1:

'The School Board wishes to express opposition to the request for zone change from R-40 to R-15 on parcel 19 B 20, Foley Property.

The increased impact on school population by such zone change is well documented in this school district. For this reason the School Board requests that this zone change petition be denied.

S/ Charles A. Mothe
District Clerk' (Letter dated 3/4/75)

CCSD#1: (Letter dated 4/18/75:

The Clarkstown Central School District Board of Education wishes to record its opposition to the zone change requested for the Foley property 19B20.

The property in question is located adjacent to and West of the Link Elementary School in an area which appears to be unsuited for R-15 development.

The School Board can foresee problems of drainage and vehicular traffic which would adversely effect the immediate area of the school property. The R-40 zone is to be preferred over an R-15 as it relates to the lesser number of residences and pupil enrollments.

S/ Charles A. Mothe, Clerk
CCSD#1

Jerome Johnson, Esq., 53 Burd St., Nyack N Y appeared before the Town Board as attorney for petitioner and stated the following:

This property has been discriminated against by its present zoning. It is 20-acre parcel on the south side of Red Hill Road.

North: R-15
South: R-15
East: R-22 (Link School)
West: No zone line (R-40 - built with requirements of R-15.

Lots are 100-110' at most in width and bulk requirements conform more with R-15 than R-40.

This parcel of land is, has been, and continues to be discriminated upon by the present zoning ordinance. Also, planning in 1966 and 1971 indicated either low or medium density of the property.

This is a case of spot zoning; R-40 in middle of R-15, and school on the east.

(cont)

(J. Johnson, attorney for petitioner - cont.)

Re drainage problems, not one of these reports have indicated another unique condition of this property. All of the culverts located to the northwest of this property have been designated in drainage study in September 1972. They state that all culverts feeding out of this property run in excess of culverts. Stream goes across Link School and goes into culvery under Middletown Road. That culvert was 382 capacity with design runoff of only 469, indicating that its capacity is larger than runoff.

Next culvert #394) - under Hall Avenue; 885 capacity, 547 runoff. Culvert #393, under Collyer Avenue, 650 capacity, 485 designed runoff.

Additional runoff occasioned by this proposed change would be minimal and would not reach capacity on which these culverts are based.

Eighteen (18) lots to forty-six (46) lots proposed. This increase will not create any serious drainage problem.

Re stream; we will carry out and continue design of this stream. Stream can be preserved as it is. No access other than through Red Hill Road.

Re increased traffic: This will not effect traffic pattern. Increase minimal.

There were no witnesses; no questions from members of the Town Board.

IN FAVOR: No one appeared.

OPPOSED:

Mr. Joseph Freireich, 77 Red Hill Road, New City:

Adjacent property owner - Presented petition with 27 signatures opposing, all adjacent residents and property owners. Planning Board recommended denial unanimously. Engineering form recommended to the Planning Board that R-40 be retained. Clarkstown Central School District No. 1 opposes request because of in reased impact on schools. Dangerous traffic hazards would be caused by this proposed development.

Soil erosion if trees were removed (as stated in report). There would be damage to the Davies Lake property where the runoff is. Granting R-15 would be invitation for those further west to make similar application. Deny.

Ms. Mary Farinaccio, 92 Red Hill Road, New City:

(Signatures opposing) Traffic will increase. Danger to School children.

Ms. Mary Loeffler, Corresponding Secy., Link School Parent-Teacher Association:

Roads would suffer from traffic overload endangering children. Student population would increase causing tax burden.

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OPPOSED - continued:

Mr. Nelson Delawn, 107 Red Hill Road:

Property immediately to the west of subject property. 400' common boundary with this piece of property. I own more than R-15 as petitioner stated (closer to R-40) Keep at R-40. Three lots immediately to the west larger than mine. Mine larger than R-15.

Mr. Thomas Pedersen, 119 Birch Lane, New City:

Concerned about children walking to school if this granted. Would be against the trend of our centry to down-zone and further crowd area. Approximately two years ago was witness in front of the Zoning Board of Appeals for piece of property on West Clarkstown Road. They wanted to build two buildings on large lot and wanted variance to obtain. It was turned down and this only involved one extra house. It would be against the standards set in that case to go against that kind of situation now. Against the welfare of the town. (Signed one of the petitions).

Ms. Anne Conway, Congers Road, New City:

Town Planning Board says deny because of drainage. There is also question of increased traffic. Deny.

Ms. Jane Connor, 111 Red Hill Road (Corner of Burda):

Has stone wall going from Burda and Red Hill. Had to repair constantly because of cars going into it. Children walking down this street crossing Red Hill, to Burda and back on Red Hill. Road snaky. Everyone has two cars and some three (92 cars) More would be added. Danger to children. Deny.

Mr. Theo. Dusenanko, 5 Hickory Drive, New City:

On rainy day two rivers on both sides of the road. Stream running through property has had to be cleaned out to allow water to flow. We have drainage problems in the town now. Also, We have many hidden driveways along Red Hill and many accidents. Deny.

Mr. Grabel, 27 Oriole Road, New City: (Representing Lake DeFores Homeowners Association):

Do not live in area but we are concerned about drainage. Schools overpopulated now. Deny.

Ms. Anne Senerento, 176 Burda Ave., New City - Opposed.

Ms. T. Barry, 170 Burda Ave., New City - opposed.

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REBUTTAL: (J. Johnson, attorney for petitioner):

Items C, G and I in Town Planning Board Report not detrimental. (See Report on Page 1 - T/C).

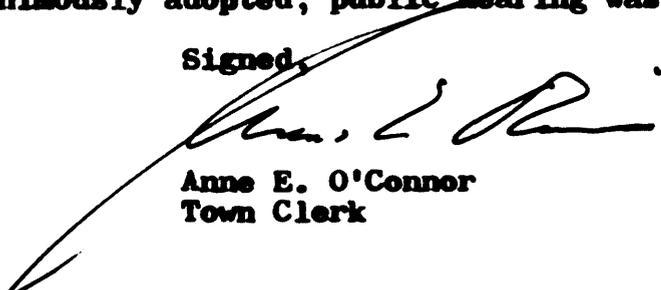
Re Parrish and Pine Report, there is another portion of this report that should be brought to the Town Board. Items on second page, they say in 1971 the Foley property was shown in middle density 2-3 units per acre although zoning was not changed. In 1967 some consideration was given to change area to R-22.

In conclusion, they stated 'we therefore recommend the R-40 be changed. If the applicant can provide further information supporting his information and can show no erosion or drainage problems will be created, then application can be re-evaluated.

I submit that I have submitted further information. We have shown this as indicated in the report. Highest and best use was as determined by the professional Planning Boards that creating the 1st and 2nd Master Plans would show further density.

There being no one further wishing to be heard, 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

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PUBLIC HEARING

Town Hall

4/23/75

8:30 PM

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

**RE: PROPOSED EXTENSION OF CLARKSTOWN CONSOLIDATED WATER
SUPPLY DISTRICT #1 to INCLUDE SUBDIVISION OF SIDNEY
AND ESTHER WEINSTEIN, SPRING VALLEY N Y: (SILK CONSTRUCTION)**

Supervisor Gerber called public hearing to order; Town Clerk testified as to proper posting and publication of Notice of Public Hearing and receipt of Certificate from the Assessor ascertaining that over 51% of the assessed valuation was represented.

J. Martin Cornell, Esq., Main St., New City N Y appeared before the Town Board as attorney for petitioner.

Mr. Lester A. Clark, Secy-Treas. of Silk Construction, Inc. appeared before the Town Board and was sworn in. On questioning by Mr. Cornell, Mr. Clark stated the following:

Resides at 1 Deerfield Lane, West Nyack N Y.
Is officer of Silk Construction - Secretary-Treasurer. Silk Construction is owner of lots in subdivision known as premises of Weinstein off West Clarkstown Road in New City.

This corporation is petition. They own more than 51% of assessed valuation of property described in this petition.

All of the properties are included within the proposed extension. All properties will be benefited.

Would be in the public interest to grant because it will provide fire protection for the safety and well-being of property and lives and would bring about a reduction in fire insurance rates.

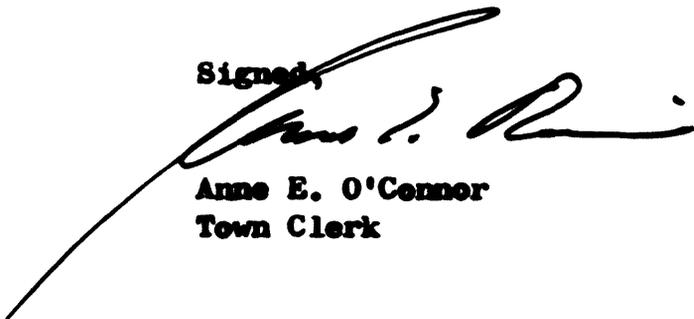
Corporation will pay all of the costs of construction for facilities at no cost to the town.

IN FAVOR: No one appeared.

OPPOSED: No one appeared.

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

Signed,



Anne E. O'Connor
Town Clerk

PUBLIC HEARING

Town Hall

4/23/75

8:45 PM

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

RE: PROPOSED LOCAL LAW TO ESTABLISH BUS TRANSPORTATION FACILITIES
WITHIN THE TOWN OF CLARKSTOWN:

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

Proposed Local Law reads as follows:

"Sec. 1. - The Town Board of the Town of Clarkstown
is hereby authorized to acquire, own and operate bus transportation
facilities within the boundaries of the Town of Clarkstown, and to
exercise all powers necessary and incident to said principal
purpose set forth herein.

Sec. 2. - This local law shall take effect immediately."

Town Attorney stated that a public hearing is required
pursuant to Sec. 119 of General Municipal Law which authorizes
passing of Local Law by municipalities for mass transit facilities.

IN FAVOR: Mr. Noel MacCarry, Executive Director of the Commission
of Human Rights, and as resident of New City, (54 Leona Avenue.)

The Commission has asked me to commend the Town Board
for the continuing commitment you have shown to the concerns of
people with disabilities.

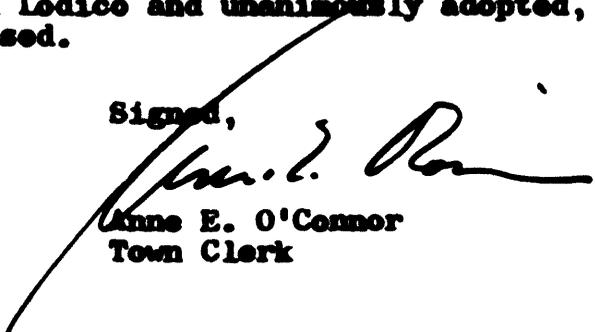
We have been watching the progress of the program
which has been getting these busses and I was very pleased
yesterday to observe the launching of the one with the platform
for wheelchair persons.

IN FAVOR: Ms. Anne Conway, New City: (Same as Mr. MacCarry)

OPPOSED: 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

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TOWN BOARD MEETING

Town Hall

4/23/75

8:00 PM

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

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

(1975-329) Co. Lodico offered the following resolution:

RESOLVED, that Resolution No. 328, dated April 16, 1975, regarding Germonds Road, be, and the same is hereby rescinded.

Seconded by Co. D'Antoni.

All voted Aye.

(1975-330) Co. Lodico offered the following resolution:

WHEREAS, road problems exist along Germonds Road West Nyack N Y which is a county road, and

WHEREAS, it is our understanding that funds have been appropriated by the County of Rockland in order to make road improvements on Germonds Road, and

WHEREAS, no road improvement work on Germonds Road has been done by the County of Rockland;

NOW THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby calls upon the Clarkstown representatives on the County Legislature to introduce legislation in the County Legislature to provide for the transfer of said road improvement funds from the County of Rockland to the Town of Clarkstown in order that the Town of Clarkstown may perform the required work on Germonds Road, and be it

FURTHER RESOLVED, that in addition, the County of Rockland consider the transfer of ownership and control of Germonds Road and available funds from the County of Rockland to the Town of Clarkstown.

Seconded by Co. D'Antoni.

All voted Aye.

(1975-331) Co. Pizzutello offered the following resolution:

WHEREAS, a proceeding has been instituted against the Town of Clarkstown entitled as follows:

WILLIAM E. VINES, Plaintiff

-against-

THE TOWN OF CLARKSTOWN, Defendant.

NOW THEREFORE, be it

RESOLVED, that the Town Attorney of the Town of Clarkstown is hereby authorized to take all necessary steps to defend said proceeding.

Seconded by Co. D'Antoni.

All voted Aye.

(1975-332) Co. D'Antoni offered the following resolution:

RESOLVED, that decision on zone change application made by FRANK W. FOLEY & JANE V. FOLEY (R-40 to R-15) for property located on the south side of Red Hill Road, New City, New York be RESERVED.

Seconded by Co. Maloney.

All voted Aye.

Town Board signed ORDER extending the Clarkstown Consolidated Water Supply District #1 to include SUBDIVISION OF SIDNEY & ESTHER WEINSTEIN, SPRING VALLEY (SILK CONSTRUCTION, INC.)

(1975-333) Co. D'Antoni offered the following resolution:

WHEREAS, a proposed local law entitled "LOCAL LAW TO ESTABLISH BUS TRANSPORTATION WITHIN THE TOWN OF CLARKSTOWN" was introduced by Councilman D'Antoni at a Town Board meeting held April 16, 1975, and

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 16th day of April, 1975, directed that a public hearing be held on the 23rd day of April, 1975 at 8:45 PM, to consider the adoption of said local law, and

WHEREAS, a notice of said public hearing was duly prepared and published in the Journal News on April 18, 1975, and posted on the sign board of the Town of Clarkstown on the 18th day of April, 1975, and

(continued)

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(1975-333 - continued)

WHEREAS, copies of the proposed local law were deposited upon the desks of the Town Board members at their office at 10 Maple Ave., New City N Y on April 16, 1975, and

WHEREAS, a Certificate of Necessity was executed by the Supervisor of the Town Board of the Town of Clarkstown pursuant to Section 20 of the Municipal Home Rule Law of the State of New York, and

WHEREAS, a public hearing was held by the Town Board on the 23rd day of April, 1975 at 8:45 PM;

NOW THEREFORE, be it

RESOLVED, that Local Law No. 2-1975 entitled "LOCAL LAW TO ESTABLISH BUS TRANSPORTATION WITHIN THE TOWN OF CLARKSTOWN" is hereby ADOPTED and passed by an affirmative vote of two-thirds of voting power of the Town Board of the Town of Clarkstown, the vote for adoption being as follows:

Hon. George S. Gerber.....AYE
Councilman John R. Maloney.....AYE
Councilman John Lodico Sr.AYE
Councilman Vincent Pizzutello.....AYE
Councilman Anthony D'Antoni.....AYE

The Town Clerk of the Town of Clarkstown was directed to file said local law pursuant to Section 27 of the Municipal Home Rule Law.

Seconded by Co. Maloney.

All voted Aye.

(1975-334) Co. Lodico offered the following resolution:

WHEREAS, property adjoining the Clarkstown Sanitary Landfill, known as Map 105, Block A, Lot 33.05, has been offered to the Town for purchase;

NOW THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to employ the services of two appraisers to appraise the value of said property.

Seconded by Co. D'Antoni.

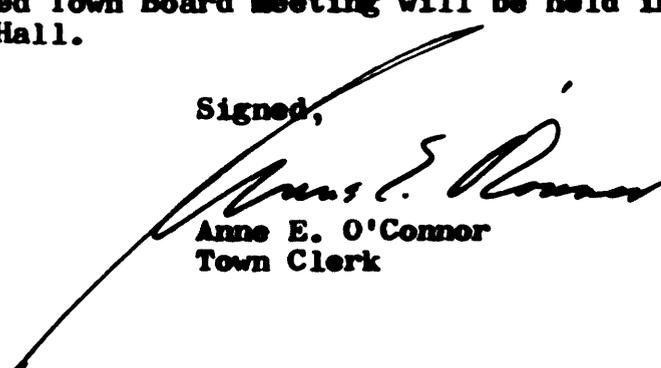
All voted Aye.

Ms. Rita Feinberg, West Nyack N Y appeared before the Town Board requesting that a resolution be adopted by the town to require that a mandatory referendum be held on any expenditure over \$250,000.00.

Town Clerk instructed to supply each member of the Town Board with a copy of Ms. Feinberg's proposed resolution for their consideration.

There being no further business before the Town Board, on resolution offered by Councilman D'Antoni, seconded by Councilman Maloney and unanimously adopted, Town Board meeting was adjourned until Wednesday, May 7th, 1975 at which time a regularly scheduled Town Board meeting will be held in the Board Room at the Town Hall.

Signed,


Anne E. O'Connor
Town Clerk

GEB188