EEC883

TOWN BOARD MEETING

Town Hall 6/30/76 8:00 PM

Present: John R. Maloney, Deputy Supervisor
Co. D'Antoni, Holbrook, Piacentile
Town Clerk John R. Bradley
Town Attorney Murray N. Jacobson

Regular Meeting opened with salute to Flag. Supervisor Gerber was absent due to his presence being required elsewhere as a result of emergency flooding conditions in New City. Meeting was chaired by Deputy Supervisor Maloney.

(1976-421) Co. D'Antoni offered the following resolution:

RESOLVED, that Town Board Meeting be adjourned in order to hold scheduled Public Hearing.

Seconded by Co. Piacentile All voted Aye.

During a recess of Public Hearing, Kenneth Robbins, 11, of 25 Birchwood Terrace, Nanuet, was presented a Distinguished Service Award in grateful appreciation for service rendered to the Town of Clarkstown and Moira Usatine, 13, of 1 Forest Drive, Nanuet, on May 12, 1976 when Moira was attached by a St. Bernard dog.

(1976-422) Co. D'Antoni offered the following resolution:

RESOLVED, that Public Hearing on Zone Change Application of Calabrese & Dew be closed - Decision Reserved.

Seconded by Co. Piacentile All voted Aye.

(1976-423) Co. Piacentile offered the following resolution:

RESOLVED, that regular Town Board Meeting be resumed, scheduled Public Hearing having been held.

Seconded by Co. Holbrook All voted Aye.

(1976-424) Co. Holbrook offered the following resolution:

BOND RESOLUTION OF THE TOWN OF CLARKSTOWN, NEW YORK, ADOPTED JUNE 30, 1976, AUTHORIZING THE TOWN TO REIMBURSE THE STATE OF NEW YORK FOR THE ROUTE 304 PROJECT, IN SAID TOWN, INCLUDING SANITARY SEWER AND SIDEWALK IMPROVEMENTS, STATING THE ESTIMATED MAXIMUM COST OF THE TOWN'S SHARE THEREOF, IS $100,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF $100,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

(Bond Resolution continued on next page)

(1976-424 continued)

Recital

WHEREAS, the Town Board of the Town of Clarkstown has determined to reimburse the State of New York for the Route 304 Project (herein called "Project"), at an estimated maximum cost of $100,000;

WHEREAS, it is now necessary to provide for financing the reimbursement for the Project;

now, therefor, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town of Clarkstown (herein called "Town), in the County of Rockland, New York, is hereby authorized to reimburse the State of New York for the 304 Project, including ~~drainage~~ sanitary sewer and sidewalk improvements also including curbs, gutters,

(Bond Resolution continued on next page)

Proclamation

Town of Clarkstown

County of Rockland

State of New York

PROCLAMATION DECLARING STATE OF NATURAL DISASTER EMERGENCY DUE TO STORM DAMAGE

WHEREAS, A dangerous condition exists on the streets, highways, public places and private property within the Town of Clarkstown because of storm damage; and

WHEREAS, Such storm damage constitutes a danger to the lives and property of the citizens of the Town of Clarkstown and to the public health, safety and welfare; and

WHEREAS, The Supervisor of the Town of Clarkstown has certain powers granted to him by the legislature of the State of New York pursuant to Section 209-o of the General Municipal Law to deal with such an emergency situation;

NOW THEREFORE, be it PROCLAIMED as follows:

1. That a state of natural disaster emergency exists within the Town limits of the Town of Clarkstown outside of incorporated villages.

2. That because of such state of natural disaster emergency, all facilities, equipment, supplies, personnel and other resources of the Town of Clarkstown shall be employed in any manner necessary or appropriate to cope with such natural disaster emergency.

3. This Proclamation shall take effect immediately.

IN WITNESS WHEREOF, I have hereto set my hand and caused the seal of the Town of Clarkstown to be affixed this 30th day of June, 1975.

George S. Gerber, Supervisor

(1976-424 continued)

landscaping, grading and improving the rights of way and improvements in connection therewith. The Town's share of the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is $100,000 and the said amount is hereby appropriated therefor. The plan of financing is the issuance of $100,000 serial bonds of the Town to finance said appropriation and the levy of a tax upon all the taxable real property in the Town to pay the principal of and interest on said serial bonds as the same shall become due and payable.

EEC883

Section 2. Serial bonds of the Town in the principal amount of $100,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the specific object or purpose for which the serial bonds authorized by this resolution are to be issued, within the limitations of Section 11.00 a. 20 of the Law, is five (5) years.

(b) Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof pursuant to the provisions of Section 107.00 d. 3 (i) of the Law.

(c) The proposed maturity of the bonds authorized by this resolution may not exceed five (5) years.

(1976-424 continued)

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity prescribed by by §52.00 of the Law, and said bonds and any notes issued in anticipation of such bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and notes to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes, or, the renewals of said Notes and of §50.00 and §§56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of said bonds, may be contested only if:-

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(1976-424 Continued)

payment of the principal of and interest on said notes and bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the notes and bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes, or, the renewals of said Notes and of §50.00 and §§56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the notes and bonds authorized by this resolution and of any notes issued in anticipation of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of the law which should be complied with at the date of the publication of such resolution, are not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately.

The adoption of the foregoing resolution was seconded by Co. Piacentile and duly put to a vote on roll call, which resulted as follows:

AYES: John R. Maloney, Deputy Supervisor
Co. D'Antoni, Holbrook, Piacentile
NOES: None

The resolution was declared unanimously adopted.

(1976-425) Co. Holbrook offered the following resolution:

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN, IN THE COUNTY OF ROCKLAND, NEW YORK, AS FOLLOWS:

Section 1. The Town Clerk is hereby directed to published the foregoing bond resolution, in full, in the "JOURNAL NEWS," a newspaper published in Nyack, New York, and having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication together with the Town Clerk's statutory notice in substantially the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Section 2. This resolution shall take effect immediately.

The adoption of the foregoing resolution was seconded by Co. Piacentile and duly put to a vote on roll call, which resulted as follows:

AYES: John R. Maloney, Deputy Supervisor
Co. D'Antoni, Holbrook, Piacentile

NOES: None

The resolution was declared unanimously adopted.

(1976-426) Co. Piacentile offered the following resolution:

RESOLVED, that Resolution No. 413 dated June 23, 1976 be amended to read that the sum of $350.00 be transferred from Federal Revenue Sharing to Account No. 1620-219 for the Purchase of a new radio antenna and the installation thereof.

Seconded by Co. D'Antoni All voted Aye.

(1976-427) Co. Piacentile offered the following resolution:

RESOLVED, that the Supervisor of the Town of Clarkstown is hereby authorized to enter into an agreement for an independent audit for the years 1976 and 1977 with Harvey Bennett & Company, at a cost not to exceed $12,000.00 per annum to be charged against account number 1320; said agreement to be in a form satisfactory to the Town Attorney.

Seconded by Co. D'Antoni All voted Aye.

TOWN BOARD SIGNED ORDER CALLING PUBLIC HEARING - Extension of Clarkstown Consolidated Water Supply District #1 to include FIVE OAKS SUBDIVISION, Valley Cottage.

ORDER FOLLOWS:

At a meeting of the Town Board of the Town of Clarkstown, Rockland County, New York, held at the Meeting Room of the Town Hall, at 10 Maple Ave., New City, in said Town of Clarkstown on the 30th day of June 19 76.

PRESENT:

JOHN R. MALONEY,	DEPUTY SUPERVISOR	ORDER CALLING
ANTHONY D'ANTONI,	Councilman	
CHARLES E. HOLBROOK,	Councilman	PUBLIC HEARING
JOHN T. PIACENTILE,	Councilman	

IN THE MATTER OF:

PETITION for the Extension of the Clarkstown Consolidated Water Supply District #1 to include Five Oaks Subdivision, Valley Cottage in the Town of Clarkstown, Rockland County, New York

WHEREAS, a written Petition dated May 25, 1976 in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland County, New York for the Extension of the Clarkstown Consolidated Water Supply District #1 in the said Town, to be bounded and described as follows:

(INSERT DESCRIPTION)

NOW, THEREFORE, be it

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown shall be held at the Meeting Room of the Town Hall of the Town of Clarkstown, 10 Maple Avenue, New City, Rockland County, New York, in said Town of Clarkstown, on the 28th day of JULY 19 76, at 8:30 P.M. DST time to consider the said petition and to hear all persons interested in the subject thereof, concerning the same and for such other action as may be required by law or proper in the premises.

DATED: June 30th 1976

Absent
GEORGE S. GERBER, SUPERVISOR

Anthony D'Antoni
Councilman

John R. Maloney
Councilman

John T. Piacentile
Councilman

Charles E. Holbrook
Councilman

STATE OF NEW YORK
COUNTY OF ROCKLAND SS:
TOWN OF CLARKSTOWN

I, JOHN R. BRADLEY, Town Clerk of said Town of Clarkstown, County of Rockland, hereby certify that I have compared the foregoing copy of an ORDER SETTING PUBLIC HEARING RE: Extension of Clarkstown Consolidated Water District to include Five Oaks with the original now on file in said Office, and find same to be a true and correct transcript therefrom and of the whole of such original. IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the seal of said Town of Clarkstown, this 30th day of June, 19 76.

John R. Bradley
Town Clerk

(SEAL)

DESCRIPTION ON NEXT PAGE

(Order Calling Public Hearing Continued)

SCHEDULE "A"

ALL that certain lot, piece or parcel of land, together with the buildings and improvements thereon, situate, lying and being in the Town of Clarkstown, Rockland County, New York and described as follows:

BEGINNING at a point in the westerly line of Kings Highway, said point being the northeasterly corner of lands now or formerly of the Town of Clarkstown and the southeasterly corner of the within described premises and running thence, (1) running along the northerly line of the said lands of the Town of Clarkstown and the northerly line of Reina Hills Subdivision on a course of North 72° 01' 36" west, a distance of 681.77' to a point; thence (2) continuing along Reina Hills Subdivision on a course of North 22° 00' 20" east, a distance of 90.00' to a point; thence (3) continuing along the same on a course of North 85° 47' 40" west, a distance of 1652.00' to a point in the easterly line of lands now or formerly of Spring Valley Water Company; thence (4) turning and running along the same on a course of North 15° 46' 20" east, a distance of 297.0' to a point; thence (5) turning and running along the southerly line of lands now or formerly of Lake DeForest Development Corp. on a course of South 85° 47' 52" east, a distance of 1681.99' to a point; thence (6) continuing along the same and along the southerly line of lands now or formerly of Franz Rottenbucher on a course of South 84° 34' 28" east, a distance of 335.44' to a point; thence (7) continuing along the said lands now or formerly of Franz Rottenbucher on a course of North 26° 26' 58" east, a distance of 86.00' to a point; thence (8) continuing along the same on a course of South 75° 12' 13" east, a distance of 449.30' to a point in the westerly line of Kings Highway, aforesaid; thence (9) turning and running along the same on a course of South 30° 46' 12" west, a distance of 591.31' to the point or place of beginning.

(1976-428) Co. Piacentile offered the following resolution:

WHEREAS, the New York State Thruway Authority is desirous of continuing its use of the Clarkstown Sanitary Landfill, and

WHEREAS, the Town of Clarkstown is agreeable to permitting the continued use of the Clarkstown Sanitary Landfill for the sum of $1,500.00;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney of the Town of Clarkstown is hereby authorized to execute a voucher for the payment of $1,500.00 to the Town of Clarkstown for the continued use of the Clarkstown Sanitary Landfill, for the period from May 19, 1976 to May 18, 1977.

Seconded by Co. Holbrook All voted Aye.

(1976-429) Co. Holbrook offered the following resolution:

RESOLVED, that the resignation of J. Michael White, 71 Kings Highway, Congers, New York as Transit Operations Supervisor (CETA), is hereby accepted with regret, effective July 11, 1976.

Seconded by Co. Piacentile All voted Aye.

(1976-430) Co. D'Antoni offered the following resolution:

RESOLVED, that the resignation of Deborah Keyes, 9 Cottage Place, Nanuet, New York as Clerk (CETA) - Assessor's Office, is hereby accepted with regret, effective June 18, 1976.

Seconded by Co. Piacentile All voted Aye.

(1976-431) Co. D'Antoni offered the following resolution:

RESOLVED, that the resignation of John Tosi, 8 Windsor Court, Nanuet, New York as Clerk (CETA) - Assessor's Office, is hereby accepted with regret, effective June 30, 1976.

Seconded by Co. Piacentile All voted Aye.

(1976-432) Co. D'Antoni offered the following resolution:

RESOLVED, that Margaret M. Milone, 6 Deerfield Drive, New City, New York is hereby appointed to the position of Clerk (CETA) - Assessor's Office, at the annual salary of $6,557.00, effective July 6, 1976.

Seconded by Co. Piacentile All voted Aye.

(1976-433) Co. D'Antoni offered the following resolution:

RESOLVED, that Thomas Burton, 22 Drayton Place, Spring Valley, New York is hereby appointed to the position of Clerk (CETA) - Assessor's Office, at the annual salary of $6,557.00, effective July 6, 1976.

Seconded by Co. Piacentile All voted Aye.

(1976-434) Co. Piacentile offered the following resolution:

RESOLVED, that Mary Ann DeJulius, 314F Fuller Drive, Valley Cottage, New York is hereby appointed to the position of Senior Clerk (CETA) - Comptroller's Office, at the annual salary of $6,850.00, effective and retroactive to June 28, 1976.

Seconded by Co. Holbrook All voted Aye.

(1976-435) Co. Piacentile offered the following resolution:

WHEREAS, there is a vacancy in the title of Transit Operations Supervisor (CETA),

NOW, THEREFORE, be it

RESOLVED, that Claire H. Ross, 14a Irion Drive, New City, New York be appointed Transit Operations Supervisor, (CETA) effective July 12, 1976, at the annual salary for 1976 of $8,985.00.
Seconded by Co. Holbrook All voted Aye.

(1976-436) Co. Piacentile offered the following resolution:

RESOLVED, that Thomas Gizulli, 15 Parkway Drive, West Nyack, New York be appointed to the Narcotic Guidance Council.

Seconded by Co. Holbrook All voted Aye.

There being no further business before the Town Board, Town Board Meeting was adjourned.

Submitted by,

John R. Bradley

JOHN R. BRADLEY
Town Clerk

PUBLIC HEARING

Town Hall 6/30/76 8:15 PM

Present: Co. D'Antoni, Holbrook, Maloney, Piacentile
Town Clerk John R. Bradley
Town Attorney Murray N. Jacobson

Absent: Supervisor Gerber

RE: APPLICATION OF JOSEPH CALABRESE AND J. H. DEW, JR. FOR A CHANGE OF ZONE FROM R-40 TO R-22 DISTRICT -- PROPERTY LOCATED AT BREWERY ROAD, NEW CITY, NEW YORK

EEC900

In the absence of Supervisor Gerber, Deputy Supervisor Maloney declared Public Hearing open and read following correspondence regarding subject Public Hearing.

RECOMMENDATION OF THE CLARKSTOWN PLANNING BOARD:

The Members have examined the subject petition in relationship with the surrounding area, the Town Development Plan, the existing topography, drainage, accessibility and statutory changes: it is recommended that the petition be DENIED for the following reasons: (as per Z.O. Section 196-32.)

a. The uses permitted by the proposed change would be inappropriate in the area concerned (Master Plan shows area as for one-acre zoning),

b. As per letter of Clarkstown School District advising that adequate public school facilities do not exist. Any down-zoning which increases potential number of school children can cause serious overcrowding in our school. Other public services do not exist and would need to be created. (There are inadequate culverts down-stream to handle increased density).

c. Public water supply does not exist and creation or extension of water district would be required,

d. The amount of vacant land which is currently zoned R-40 in the Town and particularly in the vicinity of the area included in the proposed amendment is approximately 50 additional acres.

e. The recent rate at which land is being developed in the proposed district in the Town is about average, these being in the vicinity of the area,

f. The effect of the proposed amendment upon the growth of existing communities in the Town as envisaged by the Comprehensive Plan could cause additional problems,

g. The proposed amendment is likely to result in a decrease in the total zoned R-40 land and the probable effect of such a change could increase the cost of providing public services,

(continued)

Recommendation of Clarkstown Planning Board (continued)

h. Other areas designated for R-40 are likely to request similar zone changes if the proposed amendment is adopted.

We attach copy of Planning Consultant Report for your information and guidance. (signed Rudolph J. Yacyshyn, Chairman)

Above letter available in Town Clerk's Office in it's entirety.

Mr. Maloney read Planning Consultant Report recommending that the R-40 Zoning designation be retained. Copy available in the Town Clerk's Office in it's entirety.

Clarkstown Central School District No. 1 (Charles A. Klothe, District Clerk, dated April 27, 1976)

....the Board of Education of the Clarkstown Central School District wishes to again call you attention that any downzoning which increases the potential number of school children can cause serious overcrowding in our schools.

It is noted with interest that this same zone change request appears to have come before the Town Board back in December 1971 and at that time, the Board of Education opposed this request in a letter dated December 10, 1971 for the same reason noted above, copy attached.

The Clarkstown Board of Education again emphasizes that any increase in population density would have a direct result of increasing school taxes. For these reasons, the Clarkstown Board of Education must record its opposition to this requested zone change.

Above letter available in Town Clerk's Office in it's entirety

Clarkstown Central School District No. 1 (Charles A. Klothe, District Clerk, dated June 2, 1976)

...if you will refer to our letters of December 10, 1971, July 26, 1972, October 11, 1972 and April 27, 1976, the Clarkstown Board of Education has been continuously on record with the Clarkstown Town Board and the Clarkstown Planning Board in opposition to the down-zoning of these parcels, or in fact any area, since zoning changes which increase residential construction place a severe burden on existing school facilities.....

Above letter available in Town Clerk's Office in it's entirety

Mr. Maloney read letter dated June 5, 1976 addressed to John Bradley, Town Clerk from E. Robert Scott, 211 Parrot Road, West Nyack transmitted to the Town Board:

....We strongly object to this proposal to down-zone and request the petition be denied.

Above letter available in Town Clerk's Office in it's entirety

Donald S. Tracy, Tracy & Werner, 317 Little Tor Road South, New City, New York -- representing petitioner appeared before the Town Board and made following comments

Referring to correspondence read into the record recommending denial of the petition stated this was before the Board in 1972 and quoted from report submitted by Town Planner and Planning Board at that time recommending approval. Submitted copy of Town of Clarkstown Zoning Map as petitioner's exhibit #1 indicating parcels in red are zoned R-15 and R-22 and that in black is the subject parcel. Indicated the zoning pattern in the area is 1/3 and 1/2 acre zoning with the exception of parcel immediately to the north and the property immediately to the east and across the street on the easterly side of Brewery Road developed under average density principles. Aside from the parcel immediately adjacent and to the north, this property is totally surrounded by property of higher residential density.

Property comprises two parcels under separate ownership -- larger property owned by Joseph Calabrese, the other parcel owned by corporation for four years, known as J.H. Dew, Inc.

Mr.Tracy requested following witnesses be sworn in.

Mr. Joseph Calabrese, Brewery Road, New City -- stated he is owner of property for over 25 years -- pays annual taxes for total of $20,000 per year, has not tried to sell property, however has been approached in the last few years, but builders do not want to build on 1 acre. Stated he is on Social Security and operates small business. Donated part of his land to Town for Drainage.

Henry Horowitz, 55 Virginia Avenue, West Nyack -- licensed Professional Engineer, land surveyor and planner -- 25 years experience -- familiar with parcel -- in 1973 started to process this parcel anong with the Dew parcel and Raleigh Estates before the Planning Board -- processing procedure stopped before final approval was obtained--primary concern from engineering point of view is two streams which enter onto the property. In 1973 processing before the Planning Board there was some indication that a retention basin was desired to be constructed on this property in order to alleviate some of the problems with the down-stream culverts -- since that time the Town has done some down-stream drainage work and could not say whether retention basin would be required at this time, if so, retention basin would have to be about 2 - 3 acres -- that will be based on determination of the Town Engineer and Environmental Control Office.

Parcel in question is only R-40 parcel in this particular area, except for Raleigh II -- it's surrounded completely by R-22 and a little further on by R-15 -- with cost of development R-40 requires a house which is priced out of the market -- not enough buyers to come up with the necessary purchase price and ability to carry mortgage. In event of ponding area approximate cost for 3 acres would be $125,000, additional costs caused by road pattern -- widening of Brewery Road and Parrott Road.

Rezoning of this property would make this property more consistant with what surrounds it -- rezoning to R-22 would not be detrimental to surrounding properties -- no adverse effect.

EEC900

Donald S. Tracy, Esq., sworn in as witness and spoke regarding objections of school board -- School Board has not updated their figures since 1965--elementary school children would attend Laurel Plains -- no crowded condition exists but children may be bussed from Woodglen to Laurel Plains -- there are 4 elementary schools in the system -- of these four schools there was no crowding condition in the Laurel Plains school, school population there has stabilized. Regarding middle schools, was advised that school population in the middle schools has stabilized -- no concern about overcrowding in middle schools -- this information was acquired today.

Mr. Tracy stated he had hoped to have owner of J.H. Dew present to testify but has not arrived, possibly due to weather conditions.

THE FOLLOWING PERSONS APPEARED IN FAVOR OF ZONE CHANGE:

Charlotte Jeanfavre, Evergreen Road, New City -- most places have 1/2 acre and it will improve conditions in the community -- property is good for this development.

George Toll, 296 Brewery Road, New City -- not for or against if ponding area results as this is a must -- severe flooding conditions now exist -- work done has not helped situation. Mr. Toll, for the record, indicated he was not paid for his easements.

Ben Sherman, President, Rockland County Home Builders Association -- building industry trying to survive -- request to downzone from 1 acre to 1/2 acre is more than justifyable for economic reasons, building on 1 acre far too costly -- public cannot afford price tag -- economic impact has to have top priority.

Irving Gorman, James Drive, Nanuet -- local builder and taxpayer -- for the rezoning -- land costs chief ingredient in cost of building a home today -- costs have increased 61.4% from 1970-1974 -- chief factor in high cost of housing today is the high cost of land -- this modest application should be approved.

AGAINST:

Joseph Pantano, New City -- has spent $25,000 to retain waters of brook -- flooding on Strawtown Road -- one of the major reasons this zone change cannot go through is the water we have tonight. To change from one acre to put in 30-40 homes will cause more problems -- makes no sense -- that area is in a serous situation with drainage. The most important thing is the safety of homes, property and families -- they can't put up with any more problems.

Phyllis Bolhak, 9 Westgate Blvd., New City -- President, High Meadow Park Homeowners Association and member of the North Clarkstown Coordinating Council -- stated she lives in colonial house on one acre of property which was exactly the same price as a colonial on one-half acre of property by the same builder. Board of Directors asked that she speak in opposition of down-zoning -- down-zoning would cause inadequate schools, drainage problems and new sewers -- would take taxpayers money to rectify problems -- zone change is contrary to the Master Plan and we request that you deny.

Larry Nash, 23 Seymour Drive, New City -- presented petition to the Board with more than 1100 names of Clarkstown residents opposing the application for change of zone. Speaking to represent many people present -- not opposed to progress and change unless it endangers our community and families, this rezoning will do just that -- overcrowding in schools will result if rezoning is permitted -- can't afford to pay the increased school taxes this will cause. The Planning Board has recommended that this be denied -- read Planning Board recommendation to the Board -- heed the advice of experts and deny the petition.

AT THIS POINT THE PUBLIC HEARING WAS RECESSED IN ORDER TO PRESENT DISTINGUISHED SERVICE AWARD TO 11 YEAR OLD KENNETH ROBBINS WHO WAS PRESENT AT THE MEETING.

Thomas Morahan, 3 Glen Lane, New City -- the owner testified he has made no attempt to sell the property as presently zoned -- market conditions of today are temporary the petition should be denied because the owner is not being denied a reasonable use of his land, only of greater profit -- land was purchased with knowledge of zoning and its limitation -- change would be detrimental to the town and the immediate area in its impact on schools and drainage in the area.

Margaret Ponticorvo, 178 Parrot Road, New City -- lives adjacent to the land, on the south side -- there are 6 parcels that border on the south, only one of which is less than an acre. Re ponding don't know that that will contain the amount of water that flows thru this area -- flooding has become worse year by year as more property is developed around us. Putting houses back there would be putting them into puddles -- very wet.

Michael Felson, 2 Seymour Drive, New City -- commenting on flooding his opinion is that it is a result of poor engineering or construction. Professional planning and school boards should be heeded and the petition of 1000 names should indicate the will of the people -- recommends unanimous denial.

Michael Rubinoff, 25 Seymour Drive, New City -- Referring to Mr. Tracy's remarks about property around that in question, testimony has proved there is property, located to the south, which is zoned R-40. Suggested Mr. Tracy is misleading those present. Also stated sewerage capacity has already reached peak -- downzoning will add to burden.

EEC900

Mrs. Walter Fleisher, 443 Buena Vista Road, New City -- we are told this is good for business, for building and for jobs -- no guarantee that local people would gain from the employment -- look around see New Jersey license plates at sites -- properties are being sold in 1 acre now -- Town should be concerning itself with decreasing density wherever possible.

Stewart Simon, 25 Finch Road, New City -- speaking as president of Lake DeForest Homeowners Association and also member of North Clarkstown Coordinating Council -- higher density has been proven to create the need for more services -- will result in greater tax burden on citizens of the township. Comparet parcels -- 1/2 acrea and 1 acre -- same homes -- prices approximately alike. Builders are aware of what they buy as well as homeowners -- it's not the responsibility of the Town Board to guarantee the builders profit. Suggest the Town Board consider permissive referendum for certain types of zone changes.

Joseph Hirschfeld -- Little Tor Homeowners Assoc. -- deny petition -- drainage -- only one entry road into area involved in downzoning proposal -- schools -- danger of overcrowding -- Board of Education knows problems and have come out against the application.

Linda Nash, 23 Seymour Drive, New City -- future enrollment at Laurel Plains and Strawtown Schools -- based on School District census -- over next 4 years proposed new enrollment at Laurel Plains is 189 children -- at Strawtown School is 178 children -- figures do not include thosechildren who moved into the district after the census was taken or those born in 1975. The new development would yield approximately 160 new children into these districts and enrollment would exceed capacity.North New City schools alread overcrowded -- overflow being redistricted southward.

Rita Feinberg, 4 Bob White Lane, West Nyack -- Vice Chairman Homeowners Association -- every Town agency and the school board has recommended denial -- we don't want this downzoning or any more downzoning in this town.

Louis Chanin, Seymour Drive, New City -- contmary to Mr. Calabrese' statement, believes property in question was not always in his name. Is licensed professional engineer -- stated there is a ground water problem -- recent culvert work done was designed for present zoning in the area, not downzoning -- would burden drainage. Existing property to the north of this property has been left with stagnant surface water -- breeding ground for mosquitoes -- flooding -- existing problems not corrected -- traffic flow through Raleigh II -- objects to thoroughfare on limited streets of Raleigh II development -- maintain R-40 -- deny the petition.

Peter Ludwig, Hereford Lane, New City -- presented petition with 26 signatures of homeowners in French Farms which borders the property on the east. Suggested testimony was given tonight indicating there is 1 acre zoning to the north, east and south of the property under consideration. Quality of life in Clarkstown is excellent -- downzoning would alter this and remove a large portion of the pastoral surroundings, of which the town has very few -- pastoral quality adds to quality of

Peter Ludwig (continued)

OF life in the Town -- important asset of this town -- downzoning will not assist in maintaining this resource which is an irreplacable quality of this town. Once the property is downzoned, there is irreparable injuryto the quality of life by the increased population density. Public hearing originally seheduled 3 - 4 weeks ago, why did petitioner's attorney wait until today to talk with the School Board about conditions in the local schools -- who did he speak to on the last day -- Board should require the petitioner to provide evidence of the impact that this downzoning would have on the school population -- the Board's duty is to make inquiry itself to see what impact the School Board considers there would be.

Dr. Robert Henner, 9 Seymour Drive, New City -- past policies of downzoning have an effect on rising taxes -- suggests that this downzoning may snowball -- turned down many times in the past -- no benefit to the taxpayers of Clarkstown only to the petitioner -- the petitions submitted reflect the will of the people -- we want to keep our town a desirable place to live for our families and ask you deny the petition.

Richard Cohen, 12 Raleigh Drive, New City -- we have to keep problems at the present level until they are solved -- adding more people requires more services which always costs more money. We have to find a solution at the present level without making it more complicated.

Guilio Pontecorvo, 178 Parrot Road, New CIty -- reminded Town Board of three former ponds which helped to retain the water, one is now a parking lot and two are building lots with houses -- a good part of damage can be traced to filling in of these ponds and the destruction that this resulted in downstream. There is no question if this is downzoned, it will result in a higher rate of taxation that it would be if zoning is held.

Russell Chasin, 17 Seymour Drive, New City -- Nob Hill and Georgetown Estates are being built on 1 acre lots -- looks like business is brisk -- more homes bring higher taxes -- this is the will of the people -- deny the petition.

Melvin Goldstein, 14 Seymour Drive, New City -- the builder knew it was zoned 1 acre when he boutht it -- you should consider that point strongly.

Ethan Brook, 8 Seymour Drive, New City -- taxes have doubled in 7 years -- if there is an intention to bus children to Laurel Plains school from other schools, we don't need additional homes which will bring additional children.

Jack Eisner, Seymour Drive, New City -- our petition shows the will of the people is we don't want the downzone and we feel it's up to you to reject it.

EEC900

REBUTTAL -- MR. TRACY:

I have had much experience in conducting these hearings -- I could lie to this board once, but only once -- and I do not lie to this board, and I resent the inference that I have.

As far as rebuttal to Mr. Pantano, who opposes everything and speaks as a taxpayer, but pays no taxes, and as far as Mrs. Feinberg who is politically motivated and Mr. Morahan who is politically motivated, I will not rebut their statements because I don't think I have to. As far as the people who adjoin the property and who I think are really sincere self-motivated group, they are perhaps 50 strong --less than 20 spoke -- they have self-interest in keeping Mr. Calebrese's property green because it benifits them -- I understand that interest just as I am striving for a petitioner -- a greedy, land speculator who picked up this property in 1942 to speculate it and who has been living there and holding it green for you people since 1942 and is paying $20,000 a year taxes for it. As far as the greedy land speculator tag is concerned, it is unearned.

Most of you have been here about 2 years, so you have been here in this community, enjoying the quality of life for 2 years, the president of J.H. Dew, who was born and raised here was not here to present his testimony because he is at the New City Ambulance Corps answering an emergency over at the condominiums.

Mr. Tracy continued his rebuttal questioning whether other members of the community have enjoyed the quality of life any less even though they live on parcels smaller than 1 acre -- pointed out the distinction between surrounding and adjoining referring again to Exhibit #1, Zoning Map of the Town of Clarkstown and stating he has not mislead the board.

Regarding question about information received from the School Board Mr. Tracy asked the Board to review Petition submitted to see how many signatures were obtained prior to the scheduled hearing on June 9th.

Mr. Tracy suggested this group is a pressure group trying to protect their domain -- fine -- he is presenting the cause of the petitioner -- presenting facts -- zoning is a fact situation involving population of Laurel Plains is a fact, drainage in the area of existing zoning is a fact. Submitted to the Town Board that in a town of 67,000 people, we have one small group in one small area presenting their point of view on a parcel of property which has been debated by various town officials as to what the zoning should be -- the Town Board is a group of representative citizens doing their best to balance conflict and community pressures -- they will make their decision.

On motion submitted by Councilman D'Antoni, seconded by Councilman Piacentile and unanimously adopted, Public Hearing was closed, decision RESERVED.

Submitted by

John R. Bradley

JOHN R. BRADLEY
Town Clerk

Note -- Verbatum transcript available from public stenographer