

TOWN OF CLARKSTOWN
SPECIAL MEETING, MASTER PLAN (VALLEY COTTAGE)

Town Hall 11/8/82 8:15 P.M.

Present: Supervisor Dusanenko
Councilman, Carey, Holbrook, Lettre, Maloney arrived at
8:31 P.M.
John Costa, Town Attorney
Patricia Sheridan, Town Clerk

RE: PROPOSED AMENDEMENTS TO THE ZONING ORDINANCE OF THE TOWN OF
CLARKSTOWN - VALLEY COTTAGE

Supervisor Dusanenko declared the Special Town Board Meeting open;
assemblage saluted the Flag.

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RESOLUTION NO.(1019-1982) OPENING SCHEDULED PUBLIC
HEARING TO CONSIDER AMEND-
MENTS TO THE ZONING ORDIN-
ANCE OF THE TOWN OF
CLARKSTOWN (VALLEY COTTAGE)

Co. Carey offered the following resolution:

RESOLVED, that scheduled Public Hearing re: Considering
the Proposed Amendments to the Zoning Ordinance of the Town of
Clarkstown be opened, time; 8:17 P.M.

Seconded by Co. Holbrook All voted Aye.

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Supervisor Dusanenko gave an explanation of how the Public
Hearing would be conducted.

The Town Clerk, read notice calling Public Hearing and
testified as to proper posting and publication. The Clerk read
the following letter into the record:

(Letterhead of Milba Construction Corp.

"Nov. 8, 1982

Re: Public Hearing of
Town Board regarding
Proposed zone changes
for VALley Cottage

Patricia Sheridan
Town Clerk
Town of Clarkstown
10 Maple Ave.
New City, N.Y. 10956

Dear Mrs. Sheridan:

Two of the parcels scheduled for a public hearing tonight are
either owned by us or contract purchased by us.

These parcels are located at the southern most portion of Green
Ave. on either side of the street (corner of Lake Rd. & Green). These
parcels are presently zoned L.S. and are known as:

- Map 109 - A - 5 (We presently own)
- Map 123 - D - 10 (we are contract purchaser)

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We were before the Planning Board last month asking for a "use variance" requesting single family semi attached units since this concept presently is across the street from or adjoins the properties.

The Planning Board recommended that two units be permitted on each parcel. We are scheduled for a hearing with the Z.B.A. on November 29, 1982. We feel that they will grant the "use variance" since it has been recommended by the Planning Board and since it is consistent with the units built on the block last year.

Considering the above information and in light of the fact that the Planning Board has made a recommendation just one month ago, we would like to ask the Town Board to hold off on any decision regarding change of zone.

Sincerely,

Milba Construction Co.

by: /s/ Anthony J. Balletta

Anthony J. Balletta

/s/ George Miller

George Miller"

The Town Attorney, John Costa said that he would like the record to reflect that there is on file in the Town Attorney's Office an Affidavit of Publication attesting to the fact of Notice of Zone Change was duly published in the Journal News on November 28, 1982. He said he also would like the record to reflect that he is handing up for filing with the Town Clerk a receipt book for regular mail notices that were sent to all persons whose residences are within 500 ft. or within an area that is proposed to be changed. There is also in the file of the Town Attorney's Office two communications from the Rockland County Planning Board. The first one is dated October 21, 1982 addressed to the Clarkstown Town Board. It indicates that the Rockland County Planning Board reviewed the Valley Cottage area Town Board Zone changes for consistency with the Master Plan that were forwarded to it on September 30, 1982 and recommended approval of all the changes included in that referral. Another letter dated November 3, 1982 from the Rockland County Planning Board which indicates that change of zone from LS to R15 on the east and west side of southerly end of Green Avenue in Valley Cottage was reviewed at the Rockland County Planning Board meeting of October 25, 1982 and the Rockland County Planning Board recommends approval of those changes as well. The record should also reflect that there is on file in the office of the Town Clerk an affidavit of mailing of the notices I previously referred to and an affidavit of posting of the notices record by Town Law Section 106-32C.

Robert Geneslaw, Town Planner said that a series of hearings had been held on an up date of the Master Plan about 8 years ago. The prior plan was completed and adopted by the Planning Board back in 1971. That plan included a number of land use recommendations and transportation recommendations for the entire Town and included some that would potentially have had a major impact on Valley Cottage. As conditions change - needs change - land is used and the Master Plan is changed. The Master Plan represents an overall guide for the kind of development that the Town would like to see happen. Not only private development but the expenditure of public funds for highways, parks and things of that nature. The easiest way to illustrate some of the changes is to identify some of the ones in Valley Cottage that would have had the most significant effect

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that for one reason or another would not be applicable in 1982 as it would be in 1971. The major transportation recommendation back in '71 was for something called the Maple Ave. Extension. It would have been a major road starting somewhere west of Pascack Road running west along Germonds and Church Road, crossing the reservoir and the new causeway, joining Old Mill, requiring a widening of Old Mill and extending to Route 303. That would have had a major impact in Valley Cottage. The Town has decided not to do that. The Town made a series of decisions since 1971 that has effectively prohibited that from happening. The result will be less traffic in Valley Cottage. The result will also be that it takes longer to get to the western part of the Town because we have to use the existing road system. In any case it is no longer a proposal of the Town. It also means that the development levels that would take place in the Valley Cottage area can be less than would be the case if a major road existed. One change began to take place after 1971 was based on the Valley Cottage Hamlet Plan. The construction of new Lake Road was part of that. It was part of the two or three phase program that the Town had intended to undertake. That was at a time when there was a great deal of development going on. It looked as if development wouldn't stop for many years to come. No one could anticipate what would happen to interest rates. No one could anticipate the recession. Some zone changes were made in '71 to help carry out that plan for Valley Cottage Center and as we look at it now in '82, it looks as if maybe some of those changes are no longer appropriate and we're recommending away from some of those zoning categories now. There were also several areas zoned for industrial development back in '71. One of them was directly across the railroad from what was the Valley Cottage railroad station. A large area more than 50 acres zoned for laboratory office. On a curve of the track with the anticipation that at some point a railroad siding would be built. The Town Board changed the zoning single family residential almost ten years ago and single family homes have been built in that area. Another consequence of the change, less traffic. Certainly, less industrial traffic - fewer jobs provided in the community. Much more recently on route 303, the old Hoffman property was subject in part to a zone change by the Town Board. A quarter of it, roughly, for single family homes. As time goes by the Town Board makes changes. Many times because of changes in the economy and changes in the structure of the Town. The purpose of tonight's meeting specifically is to discuss the zoning changes and just zoning changes in Valley Cottage and would help to implement the plan that the Planning Board adopted last fall. One amendment was made to the official map and a copy of the official map is here, several months ago and that does effect Valley Cottage and that was handled separately because that was felt to be important. That was a series of connections from Ridge Road to Lake Road to Sedge and Mace. The connection from Virginia to Ridge. These are placed on the map. Their significance is when a private developer wishes to develop, the Town can require him to build roads in those locations to serve Town needs even though they may be part of an internal development. Mr. Geneslaw said he would run through each page; identify each one; explain very briefly what they are; what the reason is for the change and after I run through all of them, the Supervisor will entertain comments, objections in favor and then against. The first page identifies something called item 61 and item 65. These numbers refer back to early memorandum that was sent to the Town Board that identified approximately seventy areas throughout the Town and roughly sixty-one to seventy are Valley Cottage items so those are the only ones we are covering tonight. We did Congers last month. We're doing New City next month and thereafter we'll be moving through the balance of the Town. Item 61 is a large area in the center and it recommends a change from R-15 to R-40. That's a change from single family homes on 1/3 acre lots to single family homes on acre lots. The reason for the change is that much of

CONTINUED ON NEXT PAGE

that area the terrain is pretty difficult and the feeling was that it would be easier to develop the properties at such time as their owners decide to develop them with larger lots than with smaller lots. That area is bounded by Route 303, Christain Herald Road and Storms Road and it includes the entire block except for the Hi Health Store at the corner (Five Corners) and it excludes the gas station in the small shopping center down at the southerly corner. In mentioning the Hi Health store, that the Town has asked New York State DOT to undertake a design study of that intersection to see if something can be done about it. The Town has been pressing the Department of Transportation and the last time I had contact with them was about six weeks ago and they promised to report in two weeks. I think we are getting pretty close to something from the State indicating what they would be willing to do to that intersection. They may also ask the Town and the County to put up some of the money. We will have to wait and see what kind of proposals they come up with. This sheet also shows something called item 65 up near the top and that's one property that's now zoned CS, Community Shopping. The suggestion is that it be changed to R-15. That's directly across from the school. The reason for that change is to simply prevent retail development from working its way down the street, down Lake Road, any closer to the school than it already is. Item 62 on the next page is on the west side of Route 303 and the recommendation here is for a change from R-22 which is single family houses on half acre lots to R-40 - single family houses on one acre lots. Again the reason is the terrain is difficult and the feeling is that it would be easier to develop that area with one acre lots than with two acre lots and that includes the entire block.

Item 63 is a portion of one parcel that's south of Fulle Drive, roughly where the reservoir is. That's a property that is partially R-40 and partially L0. The only access to the L0 portion is theoretically through Trap Rock but since it's owned by someone else, access through Trap Rock would be difficult. It is surrounded on two sides by developed single family properties and the third side by an area zoned with a single family house. The feeling here is that it would be more consistant with the development that is taking place in the last eight or ten years to change that from the laboratory office catagory to single family.

The next page shows item 64 and it's a portion of Waters Edge and the recommendation here is to change from R-22 to R-40. Virtually all of the lots in that area are fully developed so the practical impact on the people that live there is almost nonexistent. The reason for the change is that almost all of Lake DeForest, almost all of the land surrounding Lake DeForest not owned by the Water Co. are zoned R-40 except for two general areas. This one in the large underdeveloped property in Congers. The feeling is that it would be preferable to keep larger lots along the Lake. In order to eliminate the inconsistency in this area, the recommendation is made to change this to one acre. Even though it is already developed.

Sixty-six is at the nothwest corner of Route 303 and Lake Road. It represents the area roughly from the edge of the Post Office parking lot south to Lake Road. The entire area behind the bus stop back to the school. That is all in single ownership. It is owned by the developers of the Food Emporium property. It is presently zoned CS - community shopping which means the same general kinds of retail activities that are in the Food Emporium Shopping Center, could be built here. The Planning Boards feeling was that professional office would be more appropriate at the corner. The recommendation is to change that corner to P0. I might indicate that the owner has been talking to the Town about the potential for office development on and off since the time the Food Emporium was developed. I think that there is a fairly good possibility that an office building will at least be approved in one form or another by the Town within the next year or so.

Item 67 is the northerly end of the same property. It includes a portion of the parking lot north of the Food Emporium.

Part of that parking lot in the shopping center are now zoned light industry office and the recommendation here is to change that portion of the property that is actually being used for the shopping center in the parking to CS so that it's all in one district. The CS district is a more appropriate zoning district for that property.

Number 68 is an illustration of one of the points that I was making before. I talked about new Lake Road having been built as a first phase of the plan for Valley Cottage Center. Around that same time, the properties on the south side of new Lake Road were zoned for professional office. They are mostly single family homes. I think what was anticipated at that time was considerable commercial development and office development in the center of Valley Cottage. It was approximately at that time or just after that the Post Office moved out and the library moved out. It took away two of the primary reasons for visiting the middle of Valley Cottage. We're suggesting that the professional office zoning on the south side of new Lake Road be changed to R-15. That's consistent with the zoning to the south and it's more consistent with the kind of development that is actually there.

Item 69 is shown on the map. The Planning Board has recommended that it not be made. I'll tell you what it is so you will be aware of it. It shows the recommendation to change from professional office to R-22, single family homes on a half acre. Basically, both sides of Pinecrest Road just north of where Kings Highway crosses the railroad tracks. The feeling at the time this was included in the Master Plan was that the professional office designation should not be expanded. When we went back to look at the precise land uses to try to draw as fine a line as we could for the zone changes, we realized that everything that was zoned for professional office right there is either being used for professional office or parking for professional office or is immediately between two parcels of that kind. The Planning Board's feeling was that number 69 should not be done.

Number 70 is on Green Avenue. A letter was read into the record relating to a portion of that - roughly the area where you can see the letters LS to R-15. What happened here was that when the zone change was made to R-15 for this area the application was made by the owner only for the property he owned or had a contract on. Not for intervening parcels that were owned by other people. The zone change was granted. The homes were built. These areas and the corner are still zoned LS. That means under the zoning ordinance some one could come in and attempt to build small retail stores on those few parcels that are literally surrounded by homes. The recommendation here is to change all of that back to R-15 so that the southerly end of Green Avenue is residential. I think I would agree with the letter that was read into the record requesting that the Town Board delay action on the parcels that were the subject of the variance. I think the variance makes sense in that area to allow homes similar to what was built on Green Avenue recently. Administratively it could get very complicated if the Town Board changes the zoning now because the application to the Board of Appeals would have to be amended. If the Town Board agrees that kind of development is desirable and I would suggest that you hold off on a zone change for those parcels - just the ones mentioned in the letter - until after the Zoning Board acts. If the Zoning Board acts in favor they can change the zone anyway and it won't affect that application. If the Zoning Board recommends against the Town Board can still vote in favor and get the zoning changed. Administratively, this would be a bit easier.

Mr. Geneslaw stated that their application would remain the same even if the Board changed the zone. Instead of needing a use variance they would need a variance for yards. I would reserve on that portion of it but would recommend that you do change the other items in Item 70.

Supervisor Dusanenko stated that the report referred to by Mr. Geneslaw which has been anxiously awaited by members of the Planning Board, all the members of the Town Board and myself finally did arrive late this afternoon. The report referred to is a traffic study of the five point intersection in Valley Cottage.

Supervisor Dusanenko asked if there was anyone wishing to be heard in favor of the proposals.

IN FAVOR

Appearance: Jerome Trachtenberg, Esq.
Old Mill Road
West Nyack, New York 10994

Mr. Trachtenberg addressed his remarks to Item No. 63 where it is proposed to change an L0 to an R-22. He owns that piece of property. The original piece was from Old Mill Road running back a thousand feet and it is about 300 feet in width on Old Mill Road. The piece that starts L0 is just a small portion of about 300 by 400. In 1955 that small portion together with the land that lies to the north and to the west was put into an L0 district which was ill-advised at the time because it was thought because of the railroad that that might be a great section to develop for laboratory office. What was not realized was the fact that the railroad was on a curve there running through a gully with side banks of at least 12 feet. Furthermore, the property runs from Mill Road to the east on a grade which creates trouble because it is a steep hill. About 8 to 10 years ago all of that area was changed to R-22 as you know see it. Included in the application was supposed to have been this piece. However, it was not included. It is surrounded on three sides by R-22. My house lies just to the west. My backyard is in this L0 piece. To the east lies the Trap Rock property which is not going to be developed any further. In view of the mistake that was made I am requesting that this be corrected at this time.

Supervisor Dusanenko then read the following letter into the record:

(Letterhead of New York State Dept. of Transportation)

"November 4, 1982

Mr. Theodore R. Dusanenko, Town Supervisor
Town of Clarkstown, Town Hall
10 Maple Avenue
New City, New York 10956-5099

Re: Case #881-5030, File #39.13.303
Intersection Investigation, Route 303
at Lake Road - Valley Cottage
Town of Clarkstown, Rockland County

Dear Mr. Dusanenko:

Please excuse the delay in responding with an interim status report on our recommendations for improvements at the intersection of Route 303 and (Rockland) Lake Road. This is not a complete report as we have had to request a survey of the intersection to ascertain distances and dimensions to more accurately determine the extent of improvement necessary.

The following is a tentative list of our recommendations to be done by State forces:

1. Due to a noted rear-end accident pattern, northbound on Route 303 at Lake Road, we will schedule the installation of larger signal heads facing north and south on Route 303 for better visibility of the signals. Selective brush and tree pruning, along Route 303, approaching from both directions will also be scheduled to improve visibility.
2. The speed limit study previously mentioned has been completed and the 40 MPH linear speed zone has been extended north of this intersection one half mile to Alyssa Court.
3. It may be possible, if necessary, for our forces to widen or beef up the existing shoulder areas on both sides of this intersection to provide turning lanes.
4. Although we have not observed vehicles parked on the shoulders of Route 303, north or south of Lake Road, we will prohibit parking in these areas since it was a noted concern by the Town. This measure, properly enforced, would add to the safety and operational effectiveness of this intersection.

In conjunction with our proposed improvements we would like to have the Town/County consider undertaking the following:

1. Decrease the width of Lake Road on the east side of Route 303. Allow for one 12+' eastbound lane and two 12+' westbound lanes (one would be a left turn storage lane).
2. Define and improve the radii in all four quadrants of this intersection.
3. Align Christian Herald Road with Ridge Road and thereby increase the distance between Christian Herald Road and Route 303.
4. If possible, consider rezoning this area in the future in all four quadrants, for businesses which generate low traffic volumes and therefore cause less traffic congestion than the type of businesses that presently exist. Changes to existing driveways; location, channelization, width, grades, etc.; does not appear to be a realistic request.

Would you send us your comments on the above recommendations so that we can, upon receiving our survey of the intersection, conclude our plans for future improvements at this location. If you feel a meeting would be appropriate to discuss this matter, please do not hesitate to contact us.

Very truly yours,

M.J. Mignogna
Regional Traffic Engineer

by: R.L. Harwood

R.L. Harwood
Civil Engineer - Traffic

MJM/ RLH/tjh
cc: R. Hartley, Resident Engineer 8-6
Sgt. K. Grimm, NY State Police"

Supervisor Dusanenko suggested that Mr. Geneslaw, Mr. Bollman, Mr. Seeger and himself meet within the next few days on this to see what impact they could recommend to the Town Board at its next meeting.

Appearance: Eva Powell
Christian Herald Road
Valley Cottage, New York

Mrs. Powell said that she had had an accident at the six corners and other people she knows have also had accidents there. She said that the problem is that the school buses and a lot of the traffic between Nyack and Route 303 uses Christian Herald Road. It is a steep and in the winter, icy, road and this makes it almost impossible for traffic to stop. She felt the zoning should reflect the dangerous condition and it should not be zoned for anything that would result in heavy traffic. There is a bank there which generates traffic right out onto Route 303 especially on Fridays and Saturdays. The cross streets should be stop streets.

Appearance: Stanley Cracovia
Christian Herald Road
Valley Cottage, New York

Mr. Cracovia echoed Mrs. Powell's comments regarding the traffic generated by the Bank on Route 303 and spoke particularly about the drive-in window situation. He felt the problem could be alleviated if the traffic entered from Route 303 and exited onto Christian Herald Road. There is also a "Right Turn on Red" at that corner which makes it very difficult for anyone coming down Christian Herald Road to come to the stop sign and then get across while waiting for a break in the line of people who are making a right on red.

Supervisor Dusanenko asked if there was anyone wishing to speak in opposition to the proposed changes or if there was anyone wishing to raise any questions.

Appearance: George Rusciano

Mr. Rusciano stated that he represented the owner of the Lake Plaza Shopping Center. He said that he was against the proposed change of zone in Item 66. He read into the record the following letter:

(Letterhead of Gibraltar Management Co, Inc.,

"CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Theodore R. Dusenenko
Supervisor, Town of Clarkstown
10 Maple Avenue
New City, New York 10956

Dear Mr. Dusenenko:

As you know, we purchased the above property in 1979. At that time, the Post Office was in occupancy, but the project was in terrible trouble. There were no sewer or water connections. The construction was incomplete and the property had been taken by the Chemical Bank in foreclosure. Interest rates were already approaching historic highs and no financing was available.

We stepped in and rescued this project. Mr. Rusciano, our architect, completely revamped the plans. We extended the water and

sewer mains, built the entire existing shopping center, succeeded in renting each and every store and did all our work completely in accordance with all local as well as state requirements. At the present time, your citizens enjoy what is, in our opinion, an attractive and convenient shopping center. We maintain our property with great care and take pride in this successful development.

We would like to develop the part of our property at the corner of Route 303 and Rockland Lake Road. We do not think it would be wise for your administration to tie our hands by narrowing the zoning. A previous preliminary study indicated that an office building was not feasible. In order to qualify this opinion further, we are presently developing plans for a two-story, 35,000 sq. ft. office building. Upon their completion, we will obtain prices and arrive at a definite overall cost of construction. We will then, and only then, be in a position to determine a minimum per square foot rental required to make the project feasible. Naturally, if the area cannot support the rental required for a reasonable return on investment, the plans will be scrapped and a different use or uses will be considered.

The present CS zone permits an office building in addition to many other uses as opposed to the proposed PS zone which restricts the use to office building.

We therefore respectfully request that you allow the existing zone to remain and give us the latitude for development contained therein.

Very truly yours,
GIBRALTAR MANAGEMENT CO., INC.
/s/ Richard A. Grossman
Richard A. Grossman

RAG/lid
cc: John Costa, Esq."

Appearance: Alice Bory
Valley Cottage, New York

Mrs. Bory read into the record the following letter:
(Letterhead of Association for Sensible Zoning)

"November 8, 1982

Honorable Town Board
Town of Clarkstown
10 Maple Avenue
New City, NY 10956

Gentlemen:

In regard to tonight's public hearing, we believe that the particular zone changes you are considering will be best commented on by the Valley Cottage residents most directly affected. Therefore, our comments will be general in nature and will relate to future aspects of the master plan.

We note that as part of the master plan process, the town is considering new zoning districts such as the Conservation Density Residence District (R-160), the new lower density multi-family districts and the Small Lot Office Industrial Zoning District (LI). We understand

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that these districts, if implemented, will be considered for parcels in Valley Cottage. We suggest that discussions on the new districts proceed expeditiously so that they can be considered for implementation at the earliest possible time. In this way, each proposed land use in Valley Cottage would be considered in relation to the whole.

Finally, we believe a master plan should reflect the collective will of the community regarding land use. It is our opinion that the community has expressed its desire, during various hearings, for a lower level of population density than previous plans have called for. The community has also stated, we feel, a need for industrial ratables, provided new industry is clean and not offensive to nearby residents. We recommend that the town proceed towards a master plan with those objectives in mind.

Sincerely,

/s/ James E. Hershberger

/a/ Alice Bory

James E. Hershberger
President

Alice Bory
Secretary"

Appearance:

Marty Pignatelli
Valley Cottage, New York

He spoke in reference to Item 69. Apparently this was recommended to remain as is. In reality there is only one piece of property, actually now two, that have professional office buildings. The rest has residential housing. Why can't it all be R-22? It should have been changed when the master plan was changed 10 years ago. That whole area was changed from L10 to R-22 and for some reason three little pockets were left P0. He gave an explanation from the map and wanted the entire area to be zoned R-22.

Appearance:

Alex Helfand
Valley Cottage, New York

Mr. Helfand spoke in reference to Item 67. He wanted to know if CS was to include just the area that is paved or to extend onto an area that is currently not paved.

Mr. Geneslaw said that it was intended to change the Food Emporium Parking Lot which is zoned industrial to commercial so that it would be consistent with the rest of the property. The intention of the change is to include the area which is paved and is used as parking for the shopping center not the area to the north.

Appearance:

Mrs. Green
Casper Hill Road and
Storms Road
Valley Cottage, New York

Mrs. Green spoke regarding Item 62. She said that in her area there is a proposed change from R-22 to R-40. She said she has a corner piece of property of one and one half acres and it could very easily be developed for two houses if she could get around to it. Changing this to one acre would make it impossible for her ever to sell any part of the area. It takes value away from her and what will she get in exchange? She felt her neighbors would also lose by this change. If the area were zoned R-22 it would not put a great population in there at all. There are two new homes in the area and they were zoned R-22. Mrs. Green asked if the taxes were any different on R-15 or on R-40. If you have two lots with twice the value of the building lot right now maybe there would be a reduction in taxes. It is possible but Supervisor Dusanenko stated he could not answer that.

Supervisor Dusanenko advised Mrs. Green to speak to Mr. Valenza, the Town Tax Assessor who would give her the correct answers.

Councilman Carey asked Mr. Geneslaw if anyone had talked to him about the property Mrs. Green was discussing? Mr. Geneslaw said not within the last six months.

Appearance: Mr. Chris Soukas
409C Storms Road
Valley Cottage, New York

Mr. Soukas said he owned one of the new residences that went up in the area that Mrs. Green was talking about. He said although Mrs. Green said that most of the property owners would want it R-22 he would like it R-40. He said it would be very difficult to have his property developed because the area by Route 303 is very rocky and hilly. He said he had spoken to some other neighbors in the area and they are all for R-40.

Appearance: Ann Cracovia
Christian Herald Road
Valley Cottage, New York

Mrs. Cracovia said that they would be hurt the same as Mrs. Green. They are located on just a little under two acres (she was referring to Item 62). Our property would not be difficult to develop and we would be hindered if the property was zoned R-40. We would be unable to sell off any part of the land because we would not have an acre for our house and an acre for the property we would like to sell.

Supervisor Dusanenko read the following letter:

"23 Madison Avenue
Jericho, N.Y., 11753

November 2, 1982

Town of Clarkstown
Town Hall
10 Maple Avenue
New City, New York 10956

Attention: Town Board of the Town of Clarkstown

Subject: Lot #122-C-3
Reference: Proposed zoning change

Please be advised that I, Florence Schwartz owner of above mentioned subject - will be unable to attend your meeting dated November 8, 1982 - for above reference.

I wish to go on record as being totally opposed to any vote to change existing zoning laws. The impact of the change would not be in the best interest of any of the existing property holders.

Sincerely,

/s/ Florence Schwartz

Florence Schwartz"

Appearance: Cathy Helfand
Valley Cottage, New York

Mrs. Helfand read the following letter:

"4 Green Avenue
Valley Cottage, N.Y.
10989
268-4852
November 1, 1982

Clarkstown Town Planning Board
Town Hall
10 Maple Avenue
New City, N.Y.
10956

To the members of the Clarkstown Planning Board,

While reviewing the current tax maps covering the proposed zoning changes for the Hamlet of Valley Cottage, it was discovered that our property, described on map 123-D-Lot 15.03 and which we assumed was fully zoned residential, is in fact not uniformly zoned. The zoning boundary between lands zoned L10 (map 123-D-Lot 4.03) and residential cuts across a portion of our property, rather than running along property boundaries.

We respectfully request that the Clarkstown Planning Board permit our property be rezoned completely residential, matching the current zoning of the surrounding residential property, by allowing the zoning line between L10 and R15 to follow the property boundaries of the above referenced maps.

Thank you,

/a/ Alex R. Helfand & Anne K. Helfand

RESOLUTION NO. (1020-1982)

CLOSING PUBLIC HEARING RE:
AMENDMENTS TO THE ZONING
ORDINANCE OF THE TOWN OF
CLARKSTOWN (VALLEY COTTAGE)

Co. Maloney offered the following resolution:

RESOLVED, that Public Hearing re: Amendments to Zoning Ordinance of the Town of Clarkstown be closed, time: 9:15 P.M.

Seconded by Co. Carey

All voted Aye.

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Supervisor Dusanenko called for a recess. Mr. Martus Granirer asked if the proposed zoned changes were to be discussed he felt they should be discussed in public and not during the recess. Town Attorney John Costa said that it would be proper for the Town Board to seek legal advice during a recess but that they should not discuss the zone changes privately.

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RESOLUTION NO. (1021-1982)

REFER ITEM NO. 61 (VALLEY
COTTAGE MASTER PLAN ZONING
AMENDMENTS) BACK TO CLARKSTOWN
PLANNING BOARD (STORMS ROAD
AND CHRISTIAN HERALD ROAD)

Co. Lettre offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 28th day of September, 1982, provided for a public hearing on the 8th day of November, 1982, at 8:00 P.M., or as soon thereafter as possible, to consider conforming amendments to the Zoning Ordinance of the Town of Clarkstown in connection with the implementation of the 1981 Update of the Master Plan of the Town of Clarkstown for the Hamlet of Valley Cottage, and

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

RESOLUTION NO. (1021-1982) Continued

NOW, THEREFORE, be it

RESOLVED, that the following proposed amendment to the Zoning Ordinance is hereby referred to the Clarkstown Planning Board for further consideration and recommendation:

Change from R-15 to R-40 the parcels located in the Hamlet of Valley Cottage bounded by Route 303, Storms Road and Christian Herald Road, designated on the Clarkstown Tax Map as Map 122, Block C, Lots 1, 2, 3, 4, 4.01, 5, 5.01, 6, 7, 8, 8.01, 9, 12, 12.01, and Tax Map 123, Block B, Lots 2, 2.02, 2.03, 2.01, 2.04, 2.05, 2.06, 2.07, 2.08, 3, 5, 6, 6.01, 7, 7.01, 8, 9, 10, 11, and 12, excepting, however, parcels designated on the Clarkstown Tax Map as Map 122, Block C, Lots 10 and 11 and Map 123, Block B, Lot 1.

Shown as Item No. 61 on maps on file in the Town Clerk's Office, 10 Maple Avenue, New City, New York.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (1022-1982)

REFER ITEM NO. 62 (VALLEY COTTAGE MASTER PLAN ZONING AMENDMENTS) BACK TO CLARKSTOWN PLANNING BOARD (FAILED)

Co. Lettre offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 28th day of September, 1982, provided for a public hearing on the 8th day of November, 1982, at 8:00 P.M., or as soon thereafter as possible, to consider conforming amendments to the Zoning Ordinance of the Town of Clarkstown in connection with the implementation of the 1981 Update of the Master Plan of the Town of Clarkstown for the Hamlet of Valley Cottage, and

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

NOW, THEREFORE, be it

RESOLVED, that the following proposed amendment to the Zoning Ordinance is hereby referred to the Clarkstown Planning Board for further consideration and recommendation:

Change from R-22 to R-40 the area bounded by Route 303, Casper Hill Road and Morris Road, affecting parcels located in the Hamlet of Valley Cottage, designated on the Clarkstown Tax Map as Map 107, Block A, Lots 1, 1.01, 1.02, 2 and 3.01 and Tax Map 108, Block A, Lots 20, 21, 22, 23, 24, 25 and 26.

Shown as Item No. 62 on maps on file in the Town Clerk's Office, 10 Maple Avenue, New City, New York.

Seconded by Supv. Dusanenko

On roll call the vote was as follows:

Supervisor Dusanenko.....	Yes
Councilman Carey.....	No
Councilman Holbrook.....	No
Councilman Lettre.....	Yes
Councilman Maloney.....	No

* * * * *

RESOLUTION NO. (1023-1982)

AMENDING ZONING ORDINANCE
OF TOWN OF CLARKSTOWN
(ITEM NO. 62 - VALLEY COTTAGE
MASTER PLAN ZONING AMENDMENTS)
(CASPER HILL ROAD AND MORRIS
ROAD)

Co. Holbrook offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 28th day of September, 1982, provided for a public hearing on the 8th day of November, 1982, at 8:00 P.M., or as soon thereafter as possible, to consider conforming amendments to the Zoning Ordinance of the Town of Clarkstown in connection with the implementation of the 1981 Update of the Master Plan of the Town of Clarkstown for the Hamlet of Valley Cottage, and

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

NOW, THEREFORE, be it

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

Change from R-22 to R-40 the area bounded by Route 303, Casper Hill Road and Morris Road, affecting parcels located in the Hamlet of Valley Cottage, designated on the Clarkstown Tax Map as Map 107, Block A, Lots 1, 1.01, 1.02, 2 and 3.01 and Tax Map 108, Block A, Lots 20, 21, 22, 23, 24, 25 and 26.

Shown as Item No. 62 on maps on file in the Town Clerk's Office, 10 Maple Avenue, New City, New York.

Seconded by Co. Maloney

On roll call the vote was as follows:

Supervisor Dusanenko.....	No
Councilman Carey.....	Yes
Councilman Holbrook.....	Yes
Councilman Lettre.....	Abstain
Councilman Maloney.....	Yes

Supervisor Dusanenko said FOR THE RECORD: He believed that there was some divided input from residents in that area and without them being polled he would vote against any changes of any zone until he knew what zone best would serve the majority of the interests of those people in that neighborhood. He voted "No."

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RESOLUTION NO. (1024-1982)

AMENDING ZONING ORDINANCE
OF TOWN OF CLARKSTOWN (ITEM
NO. 63 - VALLEY COTTAGE
MASTER PLAN ZONING AMENDMENTS)

Co. Lettre offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 28th day of September, 1982, provided for a public hearing on the 8th day of November, 1982, at 8:00 P.M., or as soon thereafter as possible, to consider conforming amendments to the Zoning Ordinance of the Town of Clarkstown in connection with the implementation of the 1981 Update of the Master Plan of the Town of Clarkstown for the Hamlet of Valley Cottage, and

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

NOW, THEREFORE, be it

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

Change from L0 to R-22 that portion of the parcel located in the Hamlet of Valley Cottage designated on the Clarkstown Tax Map as Map 91, Block A, Lot 7, which is bounded by the following parcels designated on the Clarkstown Tax Map as Map 108, Block B, Lots 86 and 87 and Tax Map 91, Block A, Lots 4.13, 4.14, 4.18 and 8, excepting therefrom any zone change on that portion of said Lot 91 A 7 which is presently zoned R-40.

Shown as Item No. 63 on maps on file in the Town Clerk's Office, 10 Maple Avenue, New City, New York.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (1025-1982)

AMENDING ZONING ORDINANCE
OF TOWN OF CLARKSTOWN (ITEM
NO. 64 - VLLAEY COTTAGE
MASTER PLAN ZONING AMEND-
MENTS) WATERS EDGE

Co. Lettre offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 28th day of September, 1982, provided for a public hearing on the 8th day of November, 1982, at 8:00 P.M., or as soon thereafter as possible, to consider conforming amendments to the Zoning Ordinance of the Town of Clarkstown in connection with the implementation of the 1981 Update of the Master Plan of the Town of Clarkstown for the Hamlet of Valley Cottage, and

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

NOW, THEREFORE, be it

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

RESOLUTION NO. (1025-1982) Continued

Change from R-22 to R-40 an area on both sides of Waters Edge beginning at the parcels designated on the Clarkstown Tax map as Map 111 Block A, Lots 27.02 27.03 to and including the parcels designated on the Clarkstown Tax Map as Map 110, Block A, Lots 50.41 and 50.62 further affecting the parcels designated on the Clarkstown Tax Map as Map 110, Block A, Lots 50.17, 50.23, 50.22, 50.21, 50.49, 50.50, 50.51, 50.52, 50.63, 50.42, 50.43, 50.44, 50.45, 50.46, 50.47, 50.48, 50.20, 50.19 and 50.18 and Tax Map 111, Block A, Lots 27 and 27.08.

Shown as Item No. 64 on maps on file in the Town Clerk's Office, 10 Maple Avenue, New City, New York.

Seconded by Co. Maloney

All voted Aye.

* * * * *

RESOLUTION NO. (1026-1982)

AMENDING ZONING ORDINANCE OF TOWN OF CLARKSTOWN (ITEM NO. 65 - VALLEY COTTAGE MASTER PLAN ZONING AMENDMENTS) LAKE ROAD AND BROOKSIDE AVENUE

Co. Lettre offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 28th day of September, 1982, provided for a public hearing on the 8th day of November, 1982, at 8:00 P.M., or as soon thereafter as possible, to consider conforming amendments to the Zoning Ordinance of the Town of Clarkstown in connection with the implementation of the 1981 Update of the Master Plan of the Town of Clarkstown for the Hamlet of Valley Cottage, and

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

NOW, THEREFORE, be it

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

Change from CS to R-15 that portion of a parcel located in the Hamlet of Valley Cottage located on the south side of Lake Road designated on the Clarkstown Tax Map as Map 123, Block C, Lot 30, located east of Brookside Avenue bounded by the following parcels designated on the Clarkstown Tax Map as Map 123, Block C, Lots 3, 3.01, 4, 14, 28, 29 and 27, so that the entire parcel will be zoned R-15.

Shown as Item No. 65 on maps on file in the Town Clerk's Office, 10 Maple Avenue, New City, New York.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (1027-1982)

AMENDING ZONING ORDINANCE
OF TOWN OF CLARKSTOWN (ITEM
NO. 66 - VALLEY COTTAGE
MASTER PLAN ZONING AMEND-
MENTS) ROUTE 303 AND LAKE
ROAD

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 28th day of September, 1982, provided for a public hearing on the 8th day of November, 1982, at 8:00 P.M., or as soon thereafter as possible, to consider conforming amendments to the Zoning Ordinance of the Town of Clarkstown in connection with the implementation of the 1981 Update of the Master Plan of the Town of Clarkstown for the Hamlet of Valley Cottage, and

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

NOW, THEREFORE, be it

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

Change from CS to PO the parcel at the northwest corner of Route 303 and Lake Road, located in the hamlet of Valley Cottage, designated on the Clarkstown Tax Maps as Map 123, Block D, Lot 4.01.

Shown as Item No. 66 on maps on file in the Town Clerk's Office, 10 Maple Avenue, New City, New York.

Seconded by Co. Carey

On roll call the vote was as follows:

Supervisor Dusanenko.....	No
Councilman Carey.....	Yes
Councilman Holbrook.....	Yes
Councilman Lettre.....	Yes
Councilman Maloney.....	Yes

Supervisor Dusanenko stated that the owner of the property had requested that no changes be made because they were premature. Supervisor Dusanenko said that he, Mr. Geneslaw and several building inspectors in the last three years and other people from the community have had problems with the development of a professional office building on that site and what you are doing is basically adding community opposition potentially to this since the office building would probably have to have driveways either off the community shopping center or off Lake Road next to a school wherein people from PTAs have expressed their concern. It is for those reasons that he said he would be voting "No" on this item.

Councilman Holbrook said he was voting "Yes". He said the traffic study indicated that we would like to generate less traffic. He felt CS would generate more traffic and there was enough congestion in the vicinity of the school there now. He felt PO was a more appropriate zone.

Councilman Lettre said he would concur with Councilman Holbrook because the big concern in this area is the traffic. There should be as low a traffic density as possible in this area.

RESOLUTION NO. (1027-1982) Continued

Councilman Maloney stated that he was voting "Yes" because of the traffic situation and because he felt that this would be a more viable zoning.

Supervisor Dusanenko said he wanted his earlier remarks on this proposal to be for the record and he would stand on those remarks and voted "No."

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RESOLUTION NO. (1028-1982)

AMENDING ZONING ORDINANCE
OF TOWN OF CLARKSTOWN (ITEM
NO. 67 - VALLEY COTTAGE
MASTER PLAN ZONING AMENDMENTS)
ROUTE 303 - LAKE RIDGE SHOPPING
CENTER

Co. Maloney offered the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 28th day of September, 1982, provided for a public hearing on the 8th day of November, 1982, at 8:00 P.M., or as soon thereafter as possible, to consider conforming amendments to the Zoning Ordinance of the Town of Clarkstown in connection with the implementation of the 1981 Update of the Master Plan of the Town of Clarkstown for the Hamlet of Valley Cottage, and

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

NOW, THEREFORE, be it

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

Change from L10 to CS an area in the Hamlet of Valley Cottage on the west side of Route 303 north of the Lake Ridge Shopping Center affecting all of the parcel designated on the Clarkstown Tax Map as Map 123, Block D, Lot 4.02 and that portion of the lot designated on the Clarkstown Tax Map as Map 123, Block D, Lot 4.03 as presently contains parking for the Lake Ridge Shopping Center.

Shown as Item No. 67 on maps on file in the Town Clerk's Office, 10 Maple Avenue, New City, New York.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

RESOLUTION NO. (1029-1982)

AMENDING ZONING ORDINANCE
OF TOWN OF CLARKSTOWN (ITEM
NO. 68 - VALLEY COTTAGE
MASTER PLAN ZONING AMEND-
MENTS) NEW LAKE ROAD BE-
TWEEN KINGS HIGHWAY AND FOREST
GLEN ROAD

Co. Holbrook offered the following resolution:

RESOLUTION NO. (1029-1982) Continued

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 28th day of September, 1982, provided for a public hearing on the 8th day of November, 1982, at 8:00 P.M., or as soon thereafter as possible, to consider conforming amendments to the Zoning Ordinance of the Town of Clarkstown in connection with the implementation of the 1981 Update of the Master Plan of the Town of Clarkstown for the Hamlet of Valley Cottage, and

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

NOW, THEREFORE, be it

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

Change from PO to R-15 an area in the Hamlet of Valley Cottage south of New Lake Road between Kings Highway and Forest Glen Road affecting parcels designated on the Clarkstown Tax Map as Map 108, Block A, Lots 2, 3.01, 3.02, 44, 45, 46, 47 and 48.

Shown as Item No. 68 on maps on file in the Town Clerk's Office, 10 Maple Avenue, New City, New York.

Seconded by Co. Maloney

All voted Aye.

* * * * *

Supervisor Dusanenko mentioned that Item 69 was being deleted as the legal notification had not been properly served. Councilman Holbrook recommended that this item be included at the next hearing. Supervisor Dusanenko asked Mr. Geneslaw to advise of the earliest possible date that this item could be heard at a public hearing. Mr. Geneslaw said that a suggestion had been made that there be a catch-all public hearing at the end of all the hearings on the Master Plan at which time certain items from each area that had not been acted upon could be brought up and a possible decision made at that time.

Supervisor Dusanenko stated that there were also letters coming in from homeowners who had zone lines drawn right through the middle of their property and in some cases right through the middle of their homes and these individual problems should also be solved at a catch-all public hearing later on.

* * * * *

With regard to Item 70 Mr. Geneslaw stated that Milba Construction had asked that the Board withhold the vote on only a portion. There are several parcels that they do not have an interest in. Mr. Geneslaw said these would be parcels marked 3 and 4 on the west side of Green Avenue. Town Attorney said he could clarify that. He said that in Item 70 you would delete Lot 5, Map 109, Block A, Lot 5. Supervisor Dusanenko stated that they would reserve decision until tomorrow evening. In this way Mr. Miller, Mr. Geneslaw and Mr. Costa can be sure we have the exact maps and lot numbers.

RESOLUTION NO. (1030-1982)

AMENDING ZONING ORDINANCE
OF TOWN OF CLARKSTOWN (ITEM
70 - VALLEY COTTAGE MASTER
PLAN ZONING AMENDMENTS)
GREEN AVENUE

Co. Maloney offered the following resolution:

RESOLUTION NO. (1030-1982) Continued

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 28th day of September, 1982, provided for a public hearing on the 8th day of November, 1982, at 8:00 P.M., or as soon thereafter as possible, to consider conforming amendments to the Zoning Ordinance of the Town of Clarkstown in connection with the implementation of the 1981 Update of the Master Plan of the Town of Clarkstown for the Hamlet of Valley Cottage, and

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

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby reserves decision on the following proposed amendment to the Zoning Ordinance:

Change from LS to R-15 those lots on both sides of the southerly end of Green Avenue, consisting of parcels located in the Hamlet of Valley Cottage designated on the Clarkstown Tax Map as Map 109, Block A, Lots 3 and 4 and that portion of Lot 5 not presently zoned R-15 and lots designated on the Clarkstown Tax Map as Map 123, Block D, Lots 10, 11, 12 and a portion of Lots 1-150 (Lake Road Condominiums) consisting of approximately 40,000 square feet at the southwest corner of said parcel with approximately 180 foot frontage on Rockland Lake Road.

Shown as Item No. 70 on maps on file in the Town Clerk's Office, 10 Maple Avenue, New City, New York.

Seconded by Co. Carey

All voted Aye.

* * * * *

Supervisor Dusanenko asked if there was anyone wishing to speak.

Appearance: Mr. Mal MacLaren
11 Flower Lane
Valley Cottage, New York

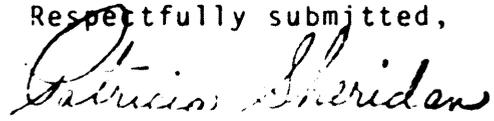
Mr. MacLaren discussed the old Huffman property on the east side of the railroad tracks to the east of Flower Lane. He said they wanted the LIO rather than the PED because it offered them more protection and that is the way it is presently zoned. He said this LIO is surrounded on all four sides by residential zoning. He felt this is not at all consistent with present zoning. He said a residential zone would be more consistent - an R-22 or an R-40. If we are talking about jobs then PO would be better than LIO. Our main concern is still the railroad. If we can get some kind of zone there that would prohibit the railroad we will be happy. There is still a problem with the stream. He said he wished there was a zone somewhere between LO and PO with a minimum lot size on the order of 60,000 square feet. This would be consistent with the neighboring zones and would provide the most jobs.

Supervisor Dusaenko stated in response to a remark from Mr. MacLaren that he had obtained a copy of the zoning ordinance from the Town of Montvale, New Jersey that he would like to xerox Mr. MacLaren's copy. Supervisor said that he had requested this many times from the Mayor of Montvale but that his request had not been complied with.

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There being no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilman Carey and unanimously adopted, the Public Hearing was declared closed, time: 9:51 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk