

of the individuals notified in the Town Clerk's Office. There has been received correspondence from the Rockland County Planning Board in response to a referral to these proposed zone changes by the Town Board, it's a rather complicated response to the referral. I'm going to leave to the Town Planner, Mr. Geneslaw, to review that because just reading this into the record is going to be very confusing - indicates just numbers. Supervisor Dusanenko suggested he read it. Mr. Costa continued. This is dated November 29th. Addressed to the Clarkstown Town Board regarding a general use of a law 239 L and M referral. Rockland County Planning Board reviewed the above item at its meeting of November 23, 1982 and approves proposals 2,3,5,6,11,14,15,16 18, B1, B2 and B4. Disapproves proposals 1, 8, 9,12,and B3. Reasons for disapproval: proposals 1, 8, 9, 12, the Board noted that these residential areas are substantially developed in lot sizes smaller than the proposal. The proposed upzoning would make these developed lots nonconforming and would require variances for any modifications to the structure. The Board felt that this was an unnecessary hardship on these homeowners and would add to the number of items needing review by the Town Zoning Board of Appeals and the Rockland County Planning Board. Proposal B3 - the Board found that this proposed official map road would traverse an area reserved for possible future development of county government buildings. and its Very truly yours, Rockland County Planning Board, Aaron D Freed. For those items that the Board has disapproved, there is a notation indicating that the general municipal law requires a vote of two thirds of all the members or a majority plus one of the agency to act contrary to the above recommendation. The Supervisor requested that the Town Attorney go over the items that were not recommended. The Town Attorney said he would run it down by the numbers on the sheet. Number 1 - disapproved by the Rockland County Planning Board. Number 2 - approved. Number 3 - approved, should be noted that there is a Town Law 265 petition received in respect to that property as well. Item number 4 - my notation indicates that Rockland County Planning Board did not respond to that so I would imagine that that was either overlooked or not referred. I would have to check that. Item number 5 - was approved. Item number 6 - was approved. Item number 8 - disapproved. Item number 9 - disapproved. Item number 11 - approved. Supervisor questioned the Town Attorney about 11a and Mr. Costa said he did not think it was referred. Mr. Geneslaw indicated that they were referred those two items but they were not considered because they were not within 500 feet of the appropriate county landmark or road. Item 12 - approved. It looks like it was approved in part and disapproved in part. For the record the county has recommended against item number 12. Item number 14 - approved. Item number 15 - approved. Item number 16 - approved. Item number 17 - no comment. Item number 18 - approved. Item number 19 and 20 - no comment from the Rockland County Planning Board. On the official map amendment: Item number 1 - approved. Item number 2 - approved. Item number 3 - disapproved. Item number 4 - approved.

... Mr. Costa said he had no further correspondence in the Town Attorney's file.

Supervisor asked Mr. Costa if the various letters he has received pertaining to the hamlet hearings if they should be read into the record and transferred to the Town Clerk. Mr. Costa said when you open up the meeting for the public, it could then be read into the record and then transferred to the Town Clerk.

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Supervisor Dusanenko introduced Robert Geneslaw who was retained by the Town from the firm of Raymond, Pine, Parish and Weiner who would make a presentation of each of the items and after such time there will be questions entertained by the members of the Town Board after which there will be people speaking in favor of items. The Supervisor continued as to how the hearing was to be held.

Mr. Geneslaw said he would like to speak for a couple of minutes by way of introduction as to how we got to where we are tonight. The Planning Board adopted a Master Plan about a year ago which represents their attitude how future development in the Town should take place. It was an update of a plan last prepared in '71 and before that in '67 and there were a number of objectives that were adopted by the Planning Board at that time and in many cases followed by the Town Board in carrying out Town development policy. Examples of those kinds of things included concentrating the most intensive development near the hamlet centers in most of the Town and in having a reduction in density and intensity of land use as the distance increased from the centers. It included major road proposals. Back in 1967, the Phillips Hill Road extension which went in a generally east-west direction through the northern part of the Town. It went roughly from Conklin Road in the northwestern portion of the Town. Across Phillips Hill Road to Congers Lake Road and across the Causeway. It included something called the Maple Avenue Extension which started west of Pascack Road and would have itself extended through the southerly part of the Town, across the reservoir where the second causeway into Valley Cottage and over to Route 303. A number of the proposals that were adopted in those early Master Plans were carried out. Much of the development in Town has taken place in accordance with the policies of those plans. The major road proposals for the most part were dropped. One of the things the Planning Board looked at over the last several years in amending the plan, was the extent to which major road proposals had been dropped but where development was potentially permitted that could not be carried by the kinds of roads that were either available or were likely to be available over the next couple of years. The Town over the last ten or fifteen years has also been interested in saving the more important environmental features - the hills, the ponds, the wetlands and every year as more development takes place, there is less and less potentially to save. One very strong objective of the Planning Board was to save as much as possible of what is now undeveloped. Particularly those areas that are difficult to develop. Those that may create drainage problems. Those that would take away from the natural beauty of the Town. I think that we all tend to forget as we drive around that there is a great deal of natural beauty in the Town. A great many places you can see the hills in north New City; you can see the hills in Valley Cottage; you can see the reservoir. The concern has been that we protect as much as possible those features that we still have. The Master Plan represents an overall guide to development. It represents a guide for the Town to carry out in the way it controls private development of private property and the way it directs public development of public property. That makes it very different from the zoning map. The zoning map which is the specific purpose of tonight's hearing controls the way private land can be developed. It controls the way the land can be used whether its residential or commercial or industrial and it controls the intensity of the use. How many stories can be built. How many square feet can be built on a property. How big the yards have to be. How much parking has to be provided. As we work on the zoning map, we are dealing with a much finer level of detail. Instead of a broad brush sort of approach, we are looking at individual parcels. Because of that after the

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Planning Board adopted its plan last year, it made a series of general recommendations for the Town Board which covered approximately 70 areas where the Planning Board felt it was appropriate to think of zone changes. The Town Board last spring asked the Planning Board to take a look at each of the 70 areas and make specific proposals. As part of that, we have reexamined each area in the field and made recommendations for the Planning Board. The Planning Board made recommendations for the Town Board. The items that we have in this package are those which were the subject of the Public Hearing Notice for tonight's meeting. As you have already heard the County Planning Board has already made recommendations. The majority in favor but some against. The Town Planning Board has also made recommendations. The majority in favor but some against. As I go through them and describe them, I'm going to indicate the Town Planning Board's position. You've already heard the County Planning Board's position and I will try to keep this to a minimum of confusion. We're dealing with an advertise notice and two separate Boards so it may be a little bit tricky. For those of you who are not familiar with the zoning map, the letter designations R22, R40, PO, LS, LO, LIO represent the zoning designations that are on the Town zoning map. All the ones with an R first are single family residential zones. The number indicates the size of the lot. An R40 represents a one acre lot. R22 represents a half acre lot. R15 is a little over a third of an acre. R80 which you can see in one corner of the map is a two acre lot. LS means local shopping. CS means community shopping. PO means professional office. LO means laboratory office. LIO is light industrial office. Each of those has different use requirements and different requirements with respect to the size of the parcels. The first page, Item 1 recommends a change from R22 to R40 from half acre lots to one acre lots on properties owned largely but not completely by Spring Valley Water Company. There are also several privately owned parcels included there. Most of that area is wet and that is the reason that the Planning Board recommended a lower density. Item two is on the same page on the other side of Old Route 304 and the recommendation is a change from R15, third acre lots to R40, one acre lot for several parcels adjacent to Water Company property. The County Planning Board recommendation against Item 1 represented a recommendation against the slightly earlier version which included a recommendation to change all of the area shown as R22 to R40. The reason they recommended against it was that the bulk of that area is fully developed with single family homes and the effect of changing it would require property owners to seek variances in the event that they needed additions to their homes. It would not have had a significant effect on the overall planning standards of the area and the Town Planning Board took the same position. Item 3 represents all of the properties on the west side of Main Street from Phillips Hill north to and including the Medical Office Building. All of those properties are now zoned either professional office or laboratory office. They are small buildings in most of them. The Medical Office Building is on the one side to the north. One of the objectives of the Planning Board was to limit intensive development as we get further from the Hamlet Centers. The feeling was that Phillips Hill Road was a good place to stop - stop nonresidential development north of Phillips Hill Road. I mentioned before in my opening remarks that the 1967 plan included the Phillips Hill Road extension. That would have been a much improved Phillips Hill Road which is the southerly side of this property which would have provided a good east west circulation. That was taken off the map by the Town. Because of developments that have taken place and because of approvals that have been granted, it is almost impossible to consider building the Phillips Hill Road extension any longer. When the road was taken off the map, the zoning in the area was not changed in a consistent way. In other words, the more intensive development that could have taken place was allowed to remain. As some of you may remember, a lawsuit on a portion of the Nemeroff property

eight or nine years ago which resulted in a change from an office use to an R40. That reduced the potential for development in that area. The county purchased substantial acreage in that area as part of Kennedy Park. That reduced the potential for traffic and for development in that same area. Last year as part of the zone change application for another property, the Town Board asked our firm to look at the traffic being carried on Main Street and the potential for carrying additional traffic on Main Street. The conclusion we came to after examining the current traffic level at that time including making traffic count and examining the amount of development that could take place under present zoning on the developed parcels in north New City was that North Main Street couldn't handle all of the traffic that the zoning would allow if all of the properties that would use North Main Street were developed. If North Main Street is improved to three or four lanes, it will be capable of handling the traffic under the present zoning. At the present time, it is not. We are not aware of specific plans by the county to make an improvement. It is a county road. All of those things entered into the deliberations of the Planning Board and the recommendation here was to change all of those frontage properties from office uses to single family. As a continuation of the same philosophy, Item 4, 5, and 6 also represent changes from office uses to single family homes. The parcel in the center that's labeled L0 is the Old Ripple property and the recommendation here is to change the property to the north of it which vacant field from office to R22 which would make it the same as the two subdivisions on either side which you see Crum Creek labeled as a street. The property on the west side on Phillips Hill Road from L0 to R22. We are also suggesting that one parcel that remains as R40 be changed to R22 simply so it is consistent with the balance. Item number 8, I mentioned I started off with 70, some of them were rejected or deferred earlier so we are not running with consistent numbers. These and Item 8 are on the west side of Little Tor Road. Here again the Master Plan dealing with a broad brush kind of approach called for a lower density development as far east as Little Tor Road. In looking at the zoning, in looking at the lot pattern, you can see that there are relatively small lots in most of this area. Every place you see a black dot on the map means there is a building. If you look at that strip, you can see that most of those properties are already developed. Hereby making the change. It would make it more difficult for people to put additions on their homes similar to Item 1 without achieving any planning objective. The County Planning Board and the Town Planning Board have both recommended that changes shown in Item 8 not be made. Exactly the same reasoning applies to Item 9 which is further south on Little Tor Road - that's on either side of Woodland Road. Item 11 is in the heart of New City. Back in the spring when the Town Board asked the Planning Board to make recommendations for zone changes that would help carry out the Master Plan, they limited the request to zone changes using zones that presently exist in the Town's ordinances. That's all we have before us tonight. The Planning Board recommended another series of changes that would involve new zones. New multi-family districts for example at lower density. A new or revised community shopping district for the center of New City and Nanuet and several others which we have discussed at other Hamlet meetings. Those are being drafted at the present time but because they don't exist right now, the Town Board cannot take action on them. So with all the changes we are dealing with tonight represent zones that exist already in the ordinance. On Item 11 the recommendation is for a change from R15 to professional office on the east side of the American Legion Way across from the American Legion Hall just south of the Animal Hospital. The next one is 11a and this represents the area from Elinor Place north to and across Schriever Lane. The north side of Elinor Place has four single houses that are occupied as single family houses and are presently zoned for offices. The recommendation is that those four lots be changed from the present zoning to single family zoning, R15 which is the most common single family zoning in that area. Three of the lots are completely in the PO designation. The fourth one to the easterly end near

304 is partly professional office and partly community shopping and my recommendation is to change that entire single family lot to R15. For those of you who read the text description carefully, you may recall seeing the corner lot which is the gas station included inadvertently and there is no recommendation to change the gas station from its present CF zoning. To the north of Elinor Place, there are several other buildings and several vacant parcels and the recommendation is to change with one exception, all of them from professional office to R15 and the one exception is that area labeled P0 just below Schriever Lane. The reason that is not included is that is the back parking lot of the shopping center on Main Street. The parking lot is in the central part of that shopping center operation. The change from P0 to R15 also extends across Schriever Lane to one parcel and a portion of the second on the north side. Item 12 represents two parcels on the north side of New Hempstead Road, almost at the Ramapo line. It's immediately east of the small shopping center. Originally, the recommendation included all of the R22 area to the south. It's surrounded by R40 on the east and south but again for the same reason that Item 1 was deleted by the Planning Board the feeling was that a change here would not achieve anything long term but it would require a lot of applications to the Board of Appeals as people wanted variances, so that was dropped. The Planning Board openly recommended against the change from R22 to R40 on the north side. Item 14 represents an area in which working with the Planning Board we felt that it would be desirable to extend the lower density zoning through underdeveloped parcels in the southerly direction as much as possible. The next several items will illustrate this. This is on West Clarkstown Road, just below the parkway. On the east side of West Clarkstown Road, it's a change from R22 to R40 for a portion of the bungalow colony. On the west side, it's a change for two single family properties and the nursing home. Item 15 is the same in principle at the end of New Valley Road on the west side of Burda. The recommendation here is a change from R22 to R40. Item 16 is a little bit further south at the corner of New Valley Road and Middletown Road and represents the bulk of the Davies Lake property. The recommendation here is to change from R22 to R40, half acre to one acre. The feeling was that this was a relatively open area. It excludes the shopping center which is at 9.01 on the map. The feeling was that it would be easier to develop this property at a lower density. The Planning Board felt that whenever it would develop there would be a strong likelihood that it would develop with some sort of clustering in an attempt to save the ponds or some other portion of the property and that would be easier to do at a lower density. Part of the same effort to extend that lower density further to the east and south, the recommendation was made to change the Links School which is item 17 and two parcels immediately adjacent to the Links School. For those of you who are familiar with this area, you will recognize that we did not make any recommendation with respect to the Cropsey Farm. There was a specific reason for that. One of the considerations of the Planning Board in working on the Master Plan was an attempt not only to save the hillside and the wet lands and the streams but also to try to devise a way to save the working farms, if there is a way to do it. That is probably the most difficult planning problem we're working with in the Town. We've made a recommendation to the Town Board. It's a fairly complicated matter. The Town Board has not taken a position on it as yet. In working with the Planning Board we felt it would not be desirable to include the working farms now in zone changes that might affect a budding property and then come back later to try to preserve them as farms. We felt that at least the farmers were entitled to know one time around what the Town was likely to do. We omitted any changes to Cropsey here as we had omitted changes to Davies in Congers and to the bulk of Smith in northern New City and when we get through with some of these, I'm hoping that the Town Board will indicate what their preference with respect to trying to work something out on the farms and however they decide will then go back to see what makes the most sense. That's the reason to leave the Cropsey parcels out. Item 18 is on the west side of Middletown

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Road just north of the parkway. It's a vacant parcel which is presently zoned for professional office and the recommendation is to change it to be consistent with the zoning of the adjoining properties. Item 19 takes us some distance away to the east to Brewery Road and it shows the Knapp property and two adjoining properties to the south. When we worked on the Master Plan there was initially a recommendation to include a major street travelling east-west through the Knapp property. Many of the residents came and spoke to the Planning Board. They pointed out that there were some of the oldest forests in the Town on that property and they felt that the presence of a road on the official map would discourage any efforts at saving the forest. The Planning Board agreed, took the road off the official map and in reflecting on the reports from residents in the area decided that a decrease in density would improve the possibility of trying to save some of the natural features on the property whenever it might develop. I might say that whenever it develops and we have to assume that it will at some point, some sort of road work will be necessary to serve the property. We don't know at this point what it will be. We don't know if there will be connections to internal streets. It's not possible to develop property of that size without some internal streets. Item 20 is the last of the zoning changes and that's at the end of Renfrew Road northeast of the Junior High School. It's an area that slopes very sharply downward to the east and it adjoins other lands that are zoned R40 so the feeling here was that it would be desirable to change it from R22 to an R40 in order to enable development to take place and disturb less of the land. The last two pages represent amendments to the official map. That's a separate Public Hearing. It's called for 9:00 o'clock. I will not discuss those now until that hearing is open. I think we will restrict ourselves at this point to the zone change proposal. I would like to make one closing comment. We've received a number of letters from property owners with respect to some of these properties and other properties in New City. If they are not the subject of the advertised items. The items contained here and the written listing you got, the Town Board can listen but they cannot take formal action tonight. For those of you who have written letters about other properties that we do not mention, recognize that they are in the process of being reviewed but the Board cannot take a formal action on it this evening. Some cases the Planning Board got them in time to make recommendations. In some others they came in the past week and the Planning Board has not had an opportunity to examine them.

Supervisor Dusanenko asked if there was anyone wishing to be heard.

Appearance: Anthony Montalbano for M. Finelli

Mr. Montalbano represented Mr. and Mrs. Michael Finelli who own Lot #11 which is shown on the tax map as consisting of approximately 3.02 acres. Their survey indicates that their property consists of about 2.9 acres. The recommendation of the Planning Board to this Board is to change the zoning on this parcel from R22 to R40. A recommendation was made to the Planning Consultant with respect to this parcel specifically in November 1982. It said that Item #1 be changed from R22 to R40. In land use terms there could be little effect as these parcels are vacant. The fact of the matter is Item #11 is not a vacant parcel. The Finelli's have their home on there. There's a detached garage and a driveway. When the matter was referred to the County Planning Board, indicated that this particular parcel was in an area where there were smaller lot sizes and because of the development in the area, it was consistent to leave the zoning at R22 and not change it to R40. If you look at the tax map as a whole, you will see that

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this lot and the lot adjoining it to the south are the only two vacant parcels that would be affected by changing the zone from R22 to R40. The property in the area consisted of many small parcels. It would amount to a spot upzoning of this particular parcel to the detriment of Mr. and Mrs. Finelli and their possible subdivision of the property. Additionally given the size of the parcel, namely, 3 acres, any impact that this would have in respect to wetlands, etc., would be minimal. We're talking about a possible future subdivision of a very small piece of property. With respect to the improvements that are available in the area, specifically in Old Route 304, you do have available sewers, water to sustain the development of the parcel at a future date, to sustain an R22 zone. In addition, if you look on Old Route 304, you will find that parcels to the north of there are parcels of R22 density not R40.

Appearance: Martus Granirer, Pres. West Branch Conservation
100 S. Mountain Road
New City

Mr. Granirer said, speaking as president of the Conservation Association, on the page where Items 1 and 2 are mapped, there are actually three separate items shown. There is the one that Mr. Montalbano spoke about. There is the one all the way to right and there is the one on the upper left hand corner and it is that I would like to speak about. The one labeled R80 to R22. Mr. Geneslaw interrupted to say that neither one of these Items were advertised for tonight.

Appearance: Irv Kiglor
New City

Speaking on Item #2: As one of the owners of the parcels that are being rezoned, you are taking approximately three or four parcels and just spot zoning from R15 to R40. The amount of subdivision that could be done there is another house or two but anyone that would want to add on to their house would have to go to the Zoning Board of Appeals. Mr. Geneslaw said when it's next to the Water Company property, he didn't say it was wet and he didn't give any indication as to why that it was recommended that it was to be rezoned. If anything the Water Company property is a plus. You have a lot of vacant property that will never be developed next door to it. Mr. Kiglor indicated that he and other property owners would like to fill out a 265 and asked how they could go about doing that. He said that more than 50% of the owners affected would like to see the zone change left alone.

Supervisor Dusanenko said that the 265 petition has to be filed prior to a vote. If this matter is voted on this evening, it would be too late. If this matter is not voted on this evening, it would not be too late. Supervisor Dusanenko suggested Mr. Kiglor consult with his own attorney. The Town Clerk has the Zoning Code Book for Mr. Kiglor's inspection.

Mr. Kiglor said he hoped you would take into consideration it would need variances if anybody ever wanted to do anything in the area if the zone is changed.

Appearance: Steve Abel
2 Congers Road
New City

Speaking on Item #2: Mr. Abel said first he would give a formal protest on this property. This is submitted by Ethel Lissi who is the owner of one of the properties involved here. I'm submitting it on her behalf as her attorney. I believe that the particular parcel she owns is more than 20% of the property affected by this particular zone change.

Supervisor Dusanenko read the following protest:

TOWN BOARD: TOWN OF CLARKSTOWN-----X

In the Matter of the Protest

-of-

ETHEL LISSI

PROTEST

to the Proposed Change of Zone for
Premises on the south side of Old
Route 304, New City, New York, Shown
on the Tax Map as Map 80 Block B Lot 38.02

-----X

TO THE TOWN BOARD OF THE TOWN OF CLARKSTOWN:

The undersigned, ETHEL LISSI, residing at 186 Old Route 304, New City, New York, the owner of premises located on the south side of Old Route 304, between the two intersections of Pearl Lane, New City, New York, designated on the tax map as Map 80 Block B Lot 38.02, pursuant to the provisions of Section 265 of the Town Law, and owning part of the lands which are the subject of a proposed change of zone, hereby protests against the proposed change of zone for said premises from the existing zone of R-15 to R-40.

The undersigned hereby petitions the Honorable TOWN BOARD OF THE TOWN OF CLARKSTOWN and protests the proposed change of zone which is scheduled to be heard before the HONORABLE TOWN BOARD OF THE TOWN OF CLARKSTOWN and protests the proposed change of zone which is scheduled to be heard before the Honorable TOWN BOARD on December 13, 1982.

WHEREFORE, it is respectfully requested that the zone for the above-described premises not be changed and that the premises remain in the existing zone of R-15, and it is hereby demanded that if said premises are not deleted from the proposed change of zone, then the proposed amendment to the Zoning Ordinance cannot become effective except by the favorable vote of at least three-fourths of the members of the TOWN BOARD, as required by Section 265 of the Town Law.

Dated: December 10, 1982.

/s/ Ethel Lissi
ETHEL LISSI

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PROTEST - ETHEL LISSI (Continued)

STATE OF NEW YORK)
 : SS.:
COUNTY OF ROCKLAND

ETHEL LISSI being duly sworn, deposes and says: I am the Protestor in the within action; I have read the foregoing Protest and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true. The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows: investigations of the facts.

/s/ Ethel Lissi _____
ETHEL LISSI

Sworn to before me on this
day of December, 1982

/s/ Steven L. Abel _
Steven L. Abel
(Notary's Stamp)

Mr. Abel continued: With regard to this particular piece of property which is affected by the zone changes, the Lissi's have owned this property for twenty-five years. There feeling here is that this particular zone change from R15 to R40 is improper in that it represents a very tiny island of R40 in a much larger area of R15. The area surrounding this with the exception of the Spring Valley Water Company property is all R15. You have here basically four lots that are affected. One of the lots which is marked on your map as 38.03 shows only the driveway of that property as being affected by the zone change. (Mr. Kiglor's property). The balance of the property is not included. When I reviewed the entire file of the Planning Board on this matter, I discovered the original maps that were submitted by both the planning consultant and which was submitted to the Town Board and the Town Board resolution map, all include that entire parcel as a part of this particular zone change. It appears that the balance of that lot 3803 was deleted from the zone change at some point around November 18th, 1982. In the records of the Planning Board, I don't find any reason why, so I'm somewhat mystified. The Town Board Resolution was November 9th. There was a map before the Town Board at that point. There were maps before the Planning Board prior to that and the maps that went out to the Rockland County Planning Board all showed the additional lots, the balance of 3803 included. This seems rather strange. The Planning Board, The Rockland County Planning Board and the Town Board all approved a series of maps set up a public hearing showing a larger piece of property being rezoned and then when it goes out for public notice the balance of the property is excluded and only the driveway is included. Part of the feeling of the Lissi's is that if the zone change was to be made which they opposed because it's taking away their rights at this point, they would want to see the other properties that are neighboring all included in the R40 zone if there is to be a change.

Supervisor Dusanenko said in other words all properties to the south pour into the Spring Valley Water Company land.

Mr. Abel said that's correct. The Lissi's feel that they would like the R15 zone on all of the properties in that area.

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Appearance: Steve Wenner
180 Old Route 304
New City, NY

Speaking on Item #2: Mr. Wenner said he owns a piece of property about 1 acre and would go along with the upzoning if his two neighbors who have not been included in the upzoning and own more than an acre were included.

Appearance: Phyllis Bulhack
9 West Gate Blvd.
New City, NY

Speaking on Item #3. Said she was speaking as a member of the High Meadow Park Home Owners Asson. which supports housing and as a representative of the Fairhaven Civic Asson. which also consists of supporting houses. She said she was in favor of the proposal changing the zone from PO to R22. We believe the land north of Phillips Hill Road should be residential and her subdivision was on property that is R40 acre zoning. She said the builders point of view was that how can you build residential houses next to a medical center. She said that very expensive houses have been built side by side to existing medical centers so it can be done and we support this.

Appearance: Joseph B. Hirschfield
96 Susan Drive
New City, NY

Speaking on Item #3. Mr. Hirschfield said as president of Little Tor Home Owners Asson. he supports the Town Planning Boards proposal to zone the five parcels as R22. He felt there was a great danger that condominiums would be built and that the entire nature of the town would be changed and the place to stop it would be north of Phillips Hill Road.

Appearance: Martus Granirer

Speaking on Item #3. Mr. Granirer said he is speaking on behalf of the West Branch Conservation Asso. and I'm president of the North Clarkstown Coordinating Council. We also want to recommend the entire proposal in Item #3 some of which is L0 and some of which is now PO to be converted to R22. The reason we support the change is really an overall question. North Main Street is a trouble spot for the Town at present. The idea of the Master Plan was in part to correct the problems that can be foreseen for North Main Street. At the moment there is a project pending at the northern most section of this proposal to put an office building with a great deal of blacktop in the midst of the area now proposed to be residential land at R22. We have a spot south of this where Omni Court is being built where we were told that the land couldn't possibly be used for offices. It had to be converted to high density residential. The same developer is now proposing to the ZBA that an office be built north of that condominium complex, that is at Cavalry Drive, an office is now being proposed. You have a major office being proposed north of Phillips Hill Road and you have two large parcels of vacant land in between. One of them on the corner of Phillips Hill Road where the horse farm is and another one just south of that opposite the New City Condominiums. If you get the office use developed at those two points, it seems to me very likely there will be an effort to infill that whole strip and make offices run up North Main Street north of Phillips Hill Road and south of it to Concord Drive. I think that this will really crush the spine of the plan for North New City and New City itself and put a lot of problems in the way of Main Street and a lot of problems in the way of the plan. We support the proposal you have in front of you.

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Appearance: J. Martin Cornell
14 South Main Street
New City

Speaking on Item #3. Mr. Cornell said he represents the property owner of the parcel which is the one just below northern most parcel. The northern most parcel is the medical building which is in existence now and which is shown in the LO proposed to be changed to R22. Demar Construction, the client that I represent, owns the parcel just south of that which is marked PO to R22 and consists of about three and a quarter acres. This particular piece of property which is PO to R22 originally back in the fall of 1979 was zoned by this Board as PO and this Board made a decision at that time to zone the property PO and the owners who purchased the property at that time under the circumstances and conditions at that time. The owners embarked on a program to develop the property and there was a detailed site plan which was filed with the Planning Board in July or beginning of August of this year for the construction of an office building which would consist of approximately 30,000 square feet of office structure on that property which would be a structure that would generate a rateable of about two million dollars for the benefit of the Town. That has been processed through the Planning Board and a hearing was held at the Planning Board a few nights ago on that very same project. Because of the expense the owner has gone through, he felt it was unfair to yank the zone out from under the property owner at this late stage. As a matter of overall comprehensive planning that it would not be inconsistent to leave this particular property in the PO. The immediate property to the north which is the existing medical building if it is zoned R22 will be an entire structure which is a nonconforming use. I submit to you to zone an existing office building into an R22 zone does not make good zoning sense. The parcel immediately to the south can be left in a PO zone which would be consistent with the property immediately adjoining on the north. So you would have a small pocket of PO and LO which would accommodate the existing office building which is there and the proposed structure which has a site plan before the Planning Board at the present time. I do not think that would violate the overall comprehensive plan and would do nothing more than leave a small pocket of office building in that area.

Appearance: Steve Abel behalf of High Tor Medical Co.

Speaking on Item #3. Mr. Abel said the first thing he was going to do was to submit a Protest on behalf of High Tor Company with regard to this particular zone change.

Supervisor Dusanenko said let the record show that a 265 petition has been submitted by Jane Neiman, Partner. for the property that has been notarized by Steven Abel regarding Item #3 on our agenda.

Mr. Abel said this is the most northerly of this group of five parcels. This property does have a medical building on it now that was constructed a good number of years ago. Mr. Abel felt that in the event that the people that own it ever wanted to take their money out of their investment, they don't want to discover that the price has been severely devalued because it's a nonconforming use. It's inappropriate to take something that's been there and now make it nonconforming.

A 265 Petition was filed with the Town Clerk regarding this property.

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Appearance: Eleanor Fitch
16 Phillips Hill Road
New City, NY

Speaking on Items #3 and #4. Mrs. Fitch said she wanted to congratulate The Town Board and the Planning Board on items 3 and 4. She said she lives on a small property that years ago got transformed from R40 to L0 without her knowing it. Then she discovered recently that they have an R22 next to her and an R40 and so the patchwork goes. She said she is very happy with what is happening on the north side of Phillips Hill Road and is very happy with what is proposed on the northern part of Main Street. She said she is speaking also for Mrs. Kiernan who couldn't be here tonight and who has an R40 on this road. She and Mrs. Kiernan feel that this is the best solution at the present time.

Appearance: Annette Fairbanks
5 Eileen Ave.
New City, NY

Speaking on Item #4. Mrs. Fairbanks said she is a resident for 11 years. During that time the property has been developed for one acre zoning. According to the maps on pages two and three, it looks like we're being called R22. There was a time without their knowledge the property was downzoned from R40 to R22. Our concern is that the area has not adequate roads to accommodate the heavy population that has taken place in recent years. She said that her concern is that as you have R22 on Eileen Avenue, our backyard neighbor will have R22. That makes it so much easier to apply for any kind of commercial zoning and that is her concern. The reason she is speaking on Item #4 is because that represents downzoning, R40 to R22. Phillips Hill road cannot be widened and is a disasterous road. There is no place to push the snow and both she and her son had accidents there. If you develop between Cavalry Drive and Phillips Hill Road anything other than residential, R22 at the minimum, you are developing a more hazardous situation along Phillips Hill Road.

Appearance: C. R. Clemensen
248A N. Main
New City, NY

Mr. Clemensen is the counsel for George Smith and Walter Smith. Mr. Clemensen said that the points he is addressing himself to are not with regard to changes but with regard to nonchanges that should be included in items #8 and #9.

Mr. Genslaw said that they would take all recommendations and all requests and have either one cleanup hearing at the end or several if there were enough requests so that there would be an opportunity for everyone to make their feelings known to the Board not only prior to each of these hearings but if people have thoughts at the hearings they could make a recommendation to the Board. There will be at least one followup hearing at the end to take care of all correspondence and all comments that have come in during all of the hearings.

Mr. Clemensen said he would like to address that specifically. He said we would like to retain the right to be able to make our recommendations, our applications to this Board with regard to a change we believe should be entered into the record but has not been made by the Planning Board. With regard to zone R80 on the western extension recommendation #8 and #9, specifically the Smith Farm.

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Appearance: Yale Rapkin
33 North Main Street
New City, NY

Speaking on Item 11A. Mr. Rapkin said that he and his brother own approximately 12 acres of land on Schriever Lane in New City with approximately eight or nine hundred feet fronting on Schriever Lane. It abuts a shopping center complex, a bank, is located 100 feet from a gas station, a few hundred feet from a restaurant and a barber shop and is approximately 150 feet from a condominium office space zoning on Eleanor Place and approximately 300 feet from the center Main Street in New City. Both the Town and the County Planning Boards have consistently approved previous applications for garden apartments on this site in the past and it has been on the Master Plan for years. All of a sudden it is removed from the Master Plan. It appears that if enough people come down to the Planning Board or the Town Board to object to a particular parcel, then it's going to be removed. Objections should be made within the perimeter and within the purview of good planning concepts. This parcel of land is immediately adjacent to the commercial core of New City and provides ready access by walking to every conceivable type of store to various services, churches and bus stops. This is the criteria that should be established in good planning. The arguments of traffic will not stand up here. The condominiums in northern New City, the apartments in northern New City and most recently the Omni Court property are all located outside of the core of New City. The Planning Board for years has told me that I have 125 acres in northern New City leave it be. You've been in this community 25 years. It doesn't belong there. It's in northern New City. It's two miles to the north. We left it and we never once went in to file a zoning change and we listened to that Planning Board. While all the building was going on in northern New City this parcel of land was removed from the Master Plan. This Board is asking us within a half a block of the middle of New City to build houses on R15, to sell houses for \$150,000 a half a block from all conceivable kinds of shopping. Mr. Rapkin felt that his property should be put back on the map.

Mr. Geneslaw said the 1971 Master Plan recommended multi family units. The first draft of the current plan recommended multi family units. The Planning Board held a series of Open Public meetings around the Town to explain the plan. After that series of meetings, they made a number of changes. One of the changes they made was the property Mr. Rapkin speaks of from multi family back to a use that would be consistent with the present zoning, the R15.

Appearance: Louis Ceresnak
362 South Mountain Road
New City

Speaking on Item 11A. Mr. Ceresnak was speaking on behalf of his mother of 17 Schriever Lane, map 57D Lot 13, southwest corner. It's a half acre lot at the present time. Mr. Ceresnak read the following protest.

Town of Clarkstown
Office of the Supervisor
and Town Board
10 Maple Ave.
New City, N.Y. 10956

December 10, 1982

Re: Map 57 D Lot 13

Dear Sirs:

This letter is to submit notice that I, Mrs. Ceresnak of 17 Shriever Lane, New City, N.Y. object to the proposed zoning change recommended by the Town Planning Board regarding Map 57 D Lot 13 which is my residence and property.

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Ceresnak Protest (Continued)

May I add that in this area the zoning changes have been hazardously changed. Since I am surrounded by P.O. and C.S. properties, I wish to remain the same.

Sincerely yours,

/s/ Louis F. Ceresnak
for
Mary Ceresnak
17 Schriever Lane
New City, N.Y. 10956

cc: Town Planning Board

Appearance: Jim Johansen
72 Schriever Lane
New City, NY

Speaking on Item 11A. Mr. Johansen agreed with the other speakers and said he would go along with changing this to R15 now with the information we have available is exactly what we need in Schriever Lane.

Appearance: Antonia Vilkelis
8 Elinor Place
New City, NY

Speaking on Item #11A. The Town has committed the properties on Elinor Place and Schriever Lane to be developed for residential use. In 1967 certain properties were rezoned for professional office, totally disregarding the homes that were already there. On Elinor Place property #2101, 4 Elinor Place, the home of the Masterson family - part of it is CS and part of it is PO. I would say that line goes directly through their house. Two of the major problems in this area are poor drainage and high traffic. The only reason this property has not been designated as wet lands is because it is too small as told to me by the Town engineer. I would suggest to Mr. Rapkin that he look at the properties on Esquire Road that are now being developed on an R15 zone. I believe they are being sold for \$150,000 or more. People want to live in Clarkstown. Mrs. Veilkelis reminded Supervisor Dusanenko that in a letter to the Journal News said he has always maintained the integrity of neighborhoods and we would like you to protect us from this creeping commercialism.

Appearance: A. Montalbano for M. Ditello
20 Squadron Blvd.
New City, NY

Speaking on Item #11A. Mr. Montalbano said he is representing Dalo Petroleum Corp., the owner of the northwest corner of Elinor Place in Main Street, New City. I just want to confirm my conversation with the Town Planner today for the record that this particular parcel was inadvertently noted for a zone change from CS to R15.

Appearance: Joel Karp
Heritage Drive
New City, NY

Speaking On Item #11A. Mr. Karp said he was president of the New City Chamber of Commerce. Mr. Karp said he was not going to talk until he heard someone say "creeping commercialism." The business community in the hamlet of New City pays a lot in the way of taxes and supporting the Town. We constantly see prime commercial land being taken out of the zoning for other purposes.

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Speaker Joel Karp (Continued)

What Mr. Rapkin said was right. In the middle of New City we need multi family units and it is only logical to place right there. New City is a growing community. We can't keep it the way it was 15 years ago. Peoples wants and desires change and we have to make space available for them. If we wanted to put another senior citizen complex in, where would we put it? He said he felt sorry for the people in this area but that we have to grow and it is the business districts that keep this community thriving.

Appearance: John McElligott
10 Elinor Place
New City

Speaking on Item 11A and 11B. Mr. McElligott said that Mr. Rapkin pointed out that it was on the Master Plan for RG2 but the zoning map has never been adopted for an RG2. The present Planning Board unanimously recommends R15. Mr. McElligott enforced Mrs. Vilkelis's point on Esquire Village. Mr. McElligott also pointed out that people are buying houses in commercial areas as there have been homes sold on Elinor Place. Mr. McElligott also agreed with the other speakers on the congestion that would take place with an RG2. Mr. McElligott did not agree with Mr. Karp's theory and felt that he paid taxes and his needs should be considered.

Supervisor Dusanenko called a recess for about ten minutes.

* * * * *

RESOLUTION NO. (1134-1982)

RECESSED PUBLIC HEARING
TO CONSIDER AMENDMENTS
TO THE ZONING ORDINANCE
OF THE TOWN OF CLARKSTOWN
(NEW CITY) AND OPENING
PUBLIC HEARING ON THE
ROAD PATTERNS

Co. Carey offered the following resolution:

RESOLVED, to recess Public Hearing to consider amendments to the Zoning Ordinance of the Town of Clarkstown (New City) and opening Public Hearing re: Road Patterns, time 9:00 P.M.

Seconded by Co. Holbrook

All voted Aye.

* * * * *

The Town Clerk read notice calling Public Hearing and testified as to proper posting and publication.

Supervisor Dusanenko said the amendments include:

1. Connection from Long Clove Road to Route 304 Secondary 40/60.
2. Northerly bypass around courthouse intersection.
3. Southerly bypass around center of New City.
4. Alternate - cut off corner of courthouse lawn to make four-way intersection.

Mr. Geneslaw said that #1 represent a new road which is anticipated to becoming a Town road from 304 to Long Clove Road. It would replace the current nerve connection at Long Clove Road to Route 9W which is a very bad corner just north of an office building. It would also allow for industrial development on the property that that road passes through which is a privately owned property. We've spoken to BLT about it and they have agreed in principal that it will be desirable to replace the bad intersection with this one which comes out approximately opposite the Davies' Farm Stand. A critical part of that would be to keep the barrier

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Mr. Geneslaw (Continued)

in place at the northerly end of the residential portion of Long Clove Road. That was put up several years ago by the Town as part of this overall proposal. It was put up at the same time that we spoke to BLT about the road connection but the amendment was never made to the official map. From our point of view, it is absolutely critical that the two portions of Long Clove road not be connected. That the residential portion and the commercial portion be completely separated physically so that it's impossible to pass through. We would expect the road to be built by the owner of the property as he develops it and to be turned over to the Town. Two, three and four in the center of New City are conceptual proposals and the Planning Board intended to show that something needs to be done to the intersection. Whether it's a relatively modest improvement such as #4 or a major improvement including #2 or #3 or both. There is certainly no need for all three of them. The County Planning Board has recommended against #3 because they feel it would interfere in their development of the County property - the old Greenberg property. Our general attitude is that it's going to take strong cooperation between the Town and the County and a serious commitment in solving the problem between both levels of government and any other organization that might be involved in it before anything is going to happen. We feel it's critical that a solution be found and designed so that as development takes place in the area, provisions can be made for whatever road solution is determined is the most appropriate.

Supervisor Dusanenko asked if there was anyone wishing to speak on those four road openings.

Appearance: Paul Gunning
191 Long Clove Road
New City, NY

Mr. Gunning said he would like to reemphasize what Mr. Geneslaw had said that we feel very strongly that the dead end that now exists at Long Clove which separates the residential area from the manufacturing area, remain. Regardless what decision is made with this road proposal, we feel it is very important to separate our community which already has significant residential traffic from the manufacturing area. We are also concerned with the type of manufacturing that is going in there and the type of buffer that will be between the residential area and the manufacturing sites that would eventually be developed if this road goes through.

Appearance: Martin Bernstein

Mr. Bernstein said he would like to speak on B2, B3 and B4. I don't understand the County saying that they're not interested in 3 because it interferes with their property when you consider the fact that the county is right in the center of Town. It's the largest employer. It creates a major portion of the traffic circulation in New City and for them to say they are not interested in participating in #3 .. yes it does go through their property and when we originally recommended that they purchase the Greenberg property one of the considerations was that they would use that as a traffic circulation pattern and as a park and an expansion of the County Complex. They are now saying all they're interested in is the County Complex. They don't seem to be interested in doing their part in the solution of the traffic problem. Mr. Bernstein did not think #2 was a solution to anything. He felt that #3 when it meets First Street, it should continue first to 304, continue past 304 and if you look at the map you can see it swing around and meet School House Road so these are things that work east and west out of the center of New City.

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Appearance: Joel Karp
Heritage Drive
New City, NY

Mr. Karp said he would like to talk about B2, B3 and B4 on the schedule, in particular B3. The Town by placing this road on the official map, it's going to cause the County to take into account the planning that we need in the central Hamlet that the County itself must partake in. If we say we want a road there they are going to have to take that into consideration. No. 4 should be put on the map as should #2. Mr. Karp felt that the Town needs these three bargaining points with the County. He said we have to have all three on the official map of the Town so that we can take the appropriate action. Not that all three will be done but we need all three there to negotiate and get the Master Plan done for the Hamlet.

Appearance: Martus Granirer

Mr. Granirer said that he is having a problem. We've been told that these are conceptual amendments to the official map. I'm not sure what a conceptual amendment to a map is.

Mr. Geneslaw answered saying that in the past the Town has on occasion located official maps of streets with precision. On other occasions they have done it in the form of a dashed line showing their intention that a particular area is to be served without identifying a precise alignment. That's been done in several cases following Town Board resolutions in that direction. That's what we had in mind. We agreed that all three were not necessary but some action is necessary in order to determine what solution is the most appropriate.

Mr. Granirer said that his difficulty with that is that it sounds as if we would be using the official map as a kind of Master Plan map with a bunch of suggestions. Mr. Granirer said that the function of the official map, as he sees it, to make absolutely clear that anyone who plans to use land that there is an official improvement intended to lie in a certain spot and where you may not lay the road out to the last inch, you have to have an alignment that is perfectly clear and yet there is a definite intention of building that road because nothing may be built in the bed of a road on an official map. Mr. Granirer said he would urge them to pick out one or two or three and make the alignments clear. He also said as a conservationist he would object to using the Court House lawn for a road. Before any of these are done, he would advise doing an environmental impact study. The difficulty with taking these proposals as they stand now is the only one that goes through neutral ground is probably the least practical and that is #2 and none of them are clear as to where they go and I don't think they belong on the official map in this form.

Appearance: Dr. Leonard Chaifetz
14 Verdin Drive
New City, NY 10956

Dr. Chaifetz said he was speaking for the Garden Hill Property Owner's Assoc., approximately 42 home owners. We are concerned with the proposal B2. He said we feel that a road like this will divert more traffic into this area. It doesn't seem to be a logical road for a by-pass of the traffic problem New Hempstead and Main Street. He said the only usable solutions are 3 and 4. He also felt that because there were no lights, stop signs and sidewalks, it was very dangerous for children walking in the street to go to the Little Tor School.

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RESOLUTION NO. (1135-1982)

CLOSING PUBLIC HEARING ON
ROADS AND RETURNING TO
PUBLIC HEARING TO CONSIDER
AMENDMENTS TO THE ZONING
OF THE TOWN OF CLARKSTOWN
(NEW CITY)

Co. Maloney offered the following resolution:

RESOLVED, that scheduled Public Hearing on the proposed amendments to the Official Map of the Town of Clarkstown be closed, and returning to the proposed amendments to the Zoning Ordinance of the Town of Clarkstown, time: 11:05

Seconded by Co. Holbrook

All voted Aye.

* * * * *

Supervisor Dusanenko said he would like to tell the people that did speak in regard to the Public Hearing, it is possible that at some time this evening or at a subsequent Town Board Meeting that decisions will be made about items B1, B2, B3 and B4. Supervisor Dusanenko resumed the meeting continuing with Item 11A.

Appearance: Martin Bernstein

Mr. Bernstein said he approved of concentric zoning and agreed with Mr. Yale Rapkin's position on Schriever Lane.

Appearance: Seymour Rapkin
5 Elaine Drive
New City, NY

Mr. Rapkin addressed himself to Item #12 to properties designated to R22 and R40 and a portion of it is R40, just north of New Hempstead Road. To the west of this property is a small shopping center, also a gas station and Beatrice Lane is 1/3 acre zoned; to the east of the property is Sycamore Drive and Fairview Court which is also a 1/3 acre, therefore, I'm under the impression that this entire piece including the one in the rear should be half acre zone. I think this would conform to the area. We're talking about 1/3 acre on either side, shopping and gas stations.

Supervisor Dusanenko asked Mr. Rapkin if it would be a problem to have a road going directly out to Gladys and vying into Beatrice so that we could have some circulation there and come out of a safer place at Buena Vista rather than some other place?

Mr. Rapkin said, possibly.

Appearance: Sidney Gerstein
1 Gladys Drive
New City, NY

Mr. Gerstein said he owns the property directly across from the property that is proposed to be upzoned to R40. I am totaly in favor of upgrading that property to an R40 because of the heavy traffic flow in that area. The property is approximately 5½ acres and I believe that Mr. Geneslaw said it was undeveloped. It was developed. The property has one house and delapidated barn. There is a shopping center to the west of the property. My objection to having it remain as R22 is that the next step is to downzone it to commercial property and to extend that LS into that area.

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Appearance: Richard Narducci
312 Middletown Road
Nanuet, NY

Mr. Narducci said he was speaking on the proposed zoning change relating to schedule A Item 15, Clarkstown tax map #18, lot 30 owned by John & Trudy Phil should be denied. A zoning change of this kind is an example of illegal spot zoning. The map entitled New City-Town of Clarkstown, NY proposed zone changes is misleading and inaccurate. A review of all of the areas surrounding the property owners realty shows that the zoning is R-22 and R-15 and that many of the homes developed even contain less than 15,000 sq. ft. In all areas around the realty it is R-22 and R 15 zones and the master plan proposal unfortunately does not show this. Furthermore, the following points will allude to the fact that in order for my clients to utilize their property an expensive roadway must be built and the maps are here again misleading.

The following specifically examines each point and this information should be used to supplement the master plan proposal. The tax map and vicinity map attached herewith can be used to verify these contentions.

Firstly, my clients property is designated on the map as lot #30 and is 4.58 acres. The land to the east positioned in the area of New Valley Road is presently R-15 and has always been R-15. As you will note, there are many units in that area. The map shows 12 lots to the south of New Valley Road, and, this is R-15 zoned. Indeed, the lots directly across from my clients property are two lots containing 14,500 sq. ft. See lots 1.02 and 1.03. Lots to the north of New Valley Road are actually in R-15 zone and all of the homes to the north of New Valley Road and adjacent to New Valley Road are R-15.

Secondly, To the north of my clients lot there exists lots 32.01 and 32.02, and, it is here that the error in the proposed zoning change map becomes apparent. Lot 32.01 is actually developed and has three dwellings on it. The owner of that lot about a year ago received permission for an additional lot which is designated at lot 32.02. The three dwellings are on a piece of land 97 x 237 which would indicate that each dwelling is less than 15,000 sq. ft. This is actually zoned 22,500 sq. ft.

Thirdly, the lot designated as lot 30.01 on the map entitled "New City, Town of Clarkstown, NY proposed zone changes based on master plan, tax map pages 18, 19, item 15, Town Board Resolution 1090, 1982" apparently is not a correct representation of the land in that area. If we look at the tax map we see that there is an additional piece between lot 32.01 and 30.01. This lot which is shown as lot #31 on the tax map is owned by a Mr. Giordano and is approx. 1/2 acre and contains two dwellings. Lot 30.01 is presently undeveloped except for one dwelling. Viewing the tax map itself we find that it is now R-22 zoning.

Fourth: Regarding lot 30.01 and my clients lot, there is shown a narrow road virtually unimproved. All of the maps are misleading as they indicate that there is an actual roadway there. In order to develop the rear portions of lots 30 and 30.01 a new road must be installed at an expense of over \$15,000.00. Indeed, in a past hearing before the Planning Board this was told to my clients. Thus, the issue of the confiscatory nature of the zoning change obviously arises and becomes more apparent.

Fifth: It is further to be noted that to the south of my clients property all of the land is R-22 and many of the lots in that area because they are part of a sub-division contain less than R-22 zoning. They are designated as lots 29.08; 29.07; 29.06; 29.04 and 29.03. Two other lots were developed in 1979 and are

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less than 22,500 sq. ft. They are designated as lots 29.0102 and 29.0101.

Based upon the above five contentions it can easily be concluded that the zoning changes do not advance the intended purposes of the comprehensive plan, but, will in essence effect only two property owners adversely in spite of the fact that all areas surrounding these property owners have a right to greater use of their property. No environmental or safety reasons are offered. The area of my clients property can accommodate possibly 8 or 9 houses with proper controls by the Planning Board, particularly with regard to the road. Thus, providing needed housing and permitting development in accordance with the area without in any way disturbing the orderly growth of the community, but, rather aid in the orderly growth of the community. Indeed, the present R-22 zone is consonant with the orderly growth of the community and should be preferred in this location.

Respectfully submitted,

/s/ Richard Narducci
Richard Narducci
in behalf of John and
Trudy Phil

Copy of the above letter is on file in the Town Clerk's Office.

Appearance: Michael Parmet
128 New Valley Rd.
New City, NY

Mr. Parmet spoke on Item #15 and said he just wanted to be assured that his permit and variance were still okay and he was concerned about losing his 1/2 acre of land.

Appearance: John Williams
134 New Valley Road
New City

Mr. Williams spoke on Item #15 and said if there were going to be any changes on his property, he would go for R15 and would be willing to negotiate to R22.

Appearance: James Cropsey
230 Little Tor Road S.
New City

Mr. Cropsey said his interest is as a neighbor to the Davies Lake Property and how it would effect his property. He said he is opposed to the proposal. He questioned the reason for going to R40.

Mr. Geneslaw said that where the properties were undeveloped or underdeveloped and they were generally open properties, it would be desirable to reduce the density. I also indicated that in general terms, the Planning Board tried to do that on primarily the westerly portion of the Town in a southerly and easterly direction and the properties on Item #16 represent the furthest south extension of that principal.

Mr. Cropsey said he did not agree with that principal. He felt it was not good zoning and it was spot zoning. He did not agree that it would be easy to develop the R22 on the Davies Lake property. He felt that if they could cluster zone for R40, they could cluster zone for R22 as well. He felt that with the influx of people, there would have to be change.

Appearance: Adolph Milich, Jr.
29 New Valley Road
New City, NY

Mr. Milich said he was representing the estate of Adolph Milich, Davis Lake Hotel, Tor Valley Inc. and himself, and he is also employed by the Town of Clarkstown as Deputy Building Inspector. Mr. Milich agreed with the points that Mr. Cropsey made. He proceeded to describe the property surrounding Davies Lake. He stated that for 51 years that property has been run as a commercial enterprise and felt that the zoning was not going to change that. In the future he did not see why it would make any difference whether it would be R40 or R22. He agreed with Mr. Cropsey that this is a form of spot zoning. Mr. Milich agreed with the previous speaker that no one would want to buy a house near a store.

Appearance: Joseph P. Freireich
77 Red Hill Road
New City, NY

Mr. Freireich read the following letter:

"December 8, 1982

Honorable Theodore R. Dusanenko, Supervisor
Honorable Town Board of the Town of Clarkstown
10 Maple Avenue
New City, New York 10956

Re: Proposed Zone Changes and Amendments
to the Official Map of the Town of
Clarkstown affecting the Hamlet of
New City.

Referring to Item 17 outlined
in the Notice of Public Hearing by
the Town Board for December 13, 1982
and more specifically Parcels design-
ated on the Clarkstown Tax Map as
Map 19, Block B, lot 21 owned by
LAUROB REALTY CORP. and lot 21.01
owned by JOSPEH P. FREIREICH and his
wife ISABELL FREIREICH.

Also referring to Map 19, Block B
lot 1.01 owned and operated by the
Clarkstown Central School District.

Gentlemen:

This letter constitutes opposition to the proposal to change the zoning of the above three stated parcels from R22 to R40. The undersigned is the president and a stockholder of Laurob Realty Corp., the owner of parcel 19 B 21, otherwise known as premises 73 Red Hill Road, New City, New York, adjoining and situated directly west of the Dina Link Elementary School (Parcel 19B 1.01) and who also, together with his wife Isablell Freireich, is the owner of Parcel 19B 21.01 otherwise known as 77 Red Hill Road, New City, New York and directly west of the parcel owned by Laurob Realty Corp.

The owners of these respective parcels expended substantial sums of money at particular times when each of the properties were zoned R22 with non-conforming use. In addition to the purchase price and legal fees and expenses, Laurob Realty Corp. secured a certificate of occupancy for a two family dwelling on its property which certificate is dated December 12, 1973. Thereafter the Zoning Board of Appeals (Appeal #1052) on June 24, 1974 granted a certificate of occupancy for the same existing two family residence with a variance for the division of the property into parcels, Parcels 1 and 2, with the further provision allowing Parcel 2 to be conveyed to the adjoining owners, myself and my wife.

Legally and equitably, to change this property zoning to R40 would

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Freireich letter (continued)

would constitute a violation of law. This parcel, with a two family building on it, cannot have a single family designation with at least 40,000 square feet in an area requiring under R40.

Please note also that a new realty development adjacent to and immediately east of the Dina Link Elementary School on the Clarkstown Tax Map as 19 C 1, is zoned as R22. The inconsistency of the foregoing R22 designation with the proposed R40 changes for parcels 19 B 21 and 19 B 21.01 is readily apparent. The proposed master plan, with item 17 approved, would be contrary to law and would cause the owners of 19 B 21 and 19 B 21.01 to suffer irreparable harm and constitute a deprivation of substantial property rights with resulting substantial monetary damages.

Please note that, last but not least, the undersigned respectfully states that Parcel 19 B 21.01 has two one family houses on it for which a certificate of occupancy was issued on January 18, 1965 for each of them. Would it not be a standing joke in the community if a change were made from R22 to R40 by amending the proposed master plan thusly depriving the owners of their property rights to their two one family homes? Certainly the Supreme Court of the State of New York would clearly exercise its jurisdiction in equity to reverse such course of action if approved by the Honorable Town Board.

Respectfully yours,

/s/ Joseph P. Freireich
Joseph P. Freireich

JPF:if"

The above letter is on file in the office of the Town Clerk.

Appearance: Dr. Francis Foley
323 Kings Highway
Valley Cottage, NY

Dr. Foley said he was here to protest the zone change on Item #18. Dr. Foley said he was against this petition because number one, it's a hardship and has been a hardship due to the Town of Clarkstown on me because 17 years ago I received a zoning change to P0 from the Town and in return I gave them some easements - one of which was a water easement. From the time they took that water easement and put the water into my piece of property bringing it into, not through, five or ten feet into this piece of property. The development across the street which Mr. Wiebecki had developed or broken down literally took these drain pipes and brought them down and put a three foot pipe into this piece of property completely nullifying any use. One administration after another has told me that they had the money in hand and this problem was going to be settled with the Naurashaum Brook, where I think it starts - right next to my property. It never has been solved and the property is still not able to be used. I think after 17 years and then their turning around and taking the zoning away is terrible. The second reason I think it should not be rezoned because everything else there is commercial and my property would be spot zoned.

Appearance: John Lawler
14 Westerly Drive
New City, NY

Mr. Lawler speaking on Item #19 said he is a property owner adjacent to the property in question that is being suggested to be upzoned from R22 to R40. We live in the present R40 zone. He said he is in favor of the upzoning and agrees with Mr. Geneslaw's comments on the nature of the property. He said that originally the property was zoned R40 and later was downzoned.

CONTINUED ON NEXT PAGE

Appearance : Melvin Knapp
200 Brewery Road
New City

Mr. Knapp said he was representing himself on Brewery Road which was going to be classified from 1/2 acre to 1 acre. Mr. Knapp, who has lived all his life on Brewery Road and paid taxes for fifty years, did not want to be increased in his tax payment and would like to be brought back to 1/2 acre.

Appearance Elena Barbier
224 Brewery Road
New City

Mrs. Barbier said she abuts Mr. Knapp's property and has three acres of land. She said she was given a variance and a permit a while ago to divide the property from the three acres to a 1/2 acre lot in the front and then to carry the second lot as 2 1/2 acres and to build a house. If you were to make this 1 acre zoning we couldn't build a house on the second piece of property because the back of it is all wet. The land drops drastically and it is wet land. They have already paid \$2500 to divide it. She hoped the Board would reconsider at least for the front acre piece as they would suffer an economic hardship.

Appearance : S. Wiseley
233 Brewery Road
New City

Ms. Wiseley said she lives on the wild curve on Brewery Rd. which I think is zoned for about 160 or 180 and I heartily endorse your proposal to upgrade to R40.

Appearance: Pete Prentegast
300 Strawtown Road
New City

Mr. Prentegast said he lives one block to the right of the map on Strawtown Road. He said he strongly supports the upgrade of the property to R40 to preserve the character of the general community surrounding here.

Appearance: Peter Ludwig
9 Hereford Lane
New City

Mr. Ludwig also felt very strongly to upgrade the property to R40 and agreed with Mr. Prentegast.

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A 265 was filed with the Town Clerk by Adolph Milich Jr. regarding Item #16.

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RESOLUTION NO. (1136-1982)

CLOSING PUBLIC HEARING ON THE
PROPOSED AMENDMENTS TO THE
ZONING ORDINANCE OF THE TOWN
OF CLARKSTOWN (NEW CITY)

Co. Carey offered the following resolution:

RESOLVED, that scheduled Public Hearing on the proposed Amendments to the Zoning Ordinance of the Town of Clarkstown be closed, time: 12:25.

Seconded by Co. Maloney

All voted Aye.

* * * * *

The following resolution was acted upon by the Town Board:

RESOLUTION NO. (1137-1982)

AUTHORIZING DIRECTOR OF
PURCHASING TO EXECUTE A PURCHASE
ORDER FOR THE PURCHASE AND
INSTALLATION OF SIX (6) NEW
HEATERS NOT TO EXCEED \$4,900.00

Co. Lettre offered the following resolution:

WHEREAS, six (6) overhead gas heaters in the Highway Department garage of the Town of Clarkstown are inoperative, and

WHEREAS, the outside temperature is less than 32⁰F, and

WHEREAS, replacing the six (6) overhead gas heaters is the most expeditious method of alleviating the problem, and

WHEREAS, the lack of heat creates a condition which can be detrimental to the health, safety and welfare of municipal employees employed within the Town of Clarkstown Highway Department;

NOW, THEREFORE, be it

RESOLVED, that pursuant to the provisions of General Municipal Law, Section 103(4), the Town Board of the Town of Clarkstown hereby declares that a public emergency exists in the Town Highway garage, and be it

FURTHER RESOLVED, that the Town Board hereby waives the necessity of competitive bidding and authorizes the Superintendent of Highways to purchase and have installed six (6) overhead gas heaters at a cost not to exceed \$4,900.

WHEREAS, the Clarkstown Highway Department is in need of six (6) heaters to replace the present heaters which are not functioning;

NOW, THEREFORE, be it

RESOLVED, that the Director of Purchasing is hereby authorized to execute a Purchase Order for the purchase and installation of six (6) new heaters not to exceed \$4,900.00.

Seconded by Co. Maloney

All voted Aye.

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Respectfully submitted,
Patricia Sheridan
PATRICIA SHERIDAN,
Town Clerk