

TOWN OF CLARKSTOWN  
PUBLIC HEARING  
SPECIAL TOWN BOARD MEETING

000293

TOWN HALL

11/21/83

8:12 P.M.

Present: Supervisor Dusanenko  
Councilmen Carey, Holbrook, Lettre - absent, Maloney arrived 8:30PM  
John Costa, Town Attorney  
Patricia Sheridan, Town Clerk

Re: PROPOSED AMENDMENTS TO THE ZONING ORDINANCE OF THE TOWN OF CLARKSTOWN  
MF1, MF2, MF3, and R160 ZONING DISTRICTS (CONTINUED)

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Supervisor Dusanenko reconvened the Master Plan Meeting:  
assemblage saluted the Flag.

Supervisor stated no vote would be taken this evening. Town Board would like to take time to study the input and give consideration to all suggestions made. A vote will come sometime in December.

Supervisor also stated for persons interested in Drug Abuse, there will be a special program on Channel 11 at 9:30 AM in regard to drugs and their abuse.

At this time the Supervisor will allow people to speak who did not finish at the last Master Plan Meeting and all others who wished to be heard this evening.

Appearance: Robert W. Singer  
3 Sky Drive  
New City, New York

I live off of South Mountain Road, I have been contemplating buying the land known as Mountainside Estates. I have lived in this area for about seven years, I love it, I don't want to live out of that area, but I would like to have some company in this area. I have a house on two acres right now. This past year I have spent about three or four thousand dollars to try to improve the road to take the bumps out of it because I put my house on the market to give me a little cushion to buy Mr. Rhodes' property. I have had many real estate agents up. They have brought customers to my house, but because of the rough road conditions with all of the agents I had up here, I haven't had one person make an offer for my particular house. I have secured the opinion of a person to give me a price for redoing the road to get it up to the specifications that are listed on the map for Mountainside Estates. To do the blasting and sewer lines and so forth would run in round numbers about \$360,000.00. My twelve lots, that means its about \$30,000.00 a lot, two acre lots. Now you change that to four acre lots and you have a \$60,000.00 bill just for blasting. The real estate agent told me I could get probably \$60,000.00, \$65,000.00 for each lot up there, so obviously we can't go through this thing if it is going to be changed to a four acre zoning. One more point I would like to make, I can appreciate what you gentlemen are trying to do to preserve the beauty of that mountain area which I certainly don't want to change either. If you look at one development that is out there, Hemlock Trails, which are two acre houses. You can see one house from the road and the other houses which are in there, which are about 8 or 10 I believe, you can't see any where from any point of view in Clarkstown, during the fall, spring, summer or anything like that so I think two acres does preserve the beauty of that mountain and not change anything. I would like to keep the two acre zoning just as it is.

Appearance: Bruce Cowan  
119 North Center Street  
Pearl River, New York

I own 9 acres of property on Mountainview Avenue in Valley Cottage, The map, block and lot numbers of my property are Map 122, Block B, Lot 18. This property has been in my family for the last forty years since my father purchased it. My family has continually paid taxes for all of these years and for the past twenty five years my family has lived on our land. We now find ourselves on the list of private property owners in Valley Cottage whose land is proposed for the new zoning designation R-160, indicating four acre parcels for each dwelling. Prior to this time the zoning on our land was 1/2 acre or R-22. On the surface it would

appear that if the R-160 zoning is approved for our land in Valley Cottage, that the zoning restrictions would be eight times as stringent against us. But, this is misleading because there is a slope legislation proposed for all R-160 property and if approved the restrictions would be many more times stringent. To put our plight in simple terms conceivably based on R-22 zoning, if we wanted to develop our nine acres of land we could build as many as eighteen structures. Under R-160 zoning we would be lucky to obtain permission for the construction of two dwellings. At the last meeting of this board, I believe Mr. Geneslaw made reference to the number of parcels in the County of Rockland that were down zoned over a specific period of time, I think that may have been within the last decade. That figure was somewhere in the vicinity of thirty five hundred parcels. We are here tonight predominately to discuss what amounts to up zoning. In essence, in my way of thinking the idea of up zoning and the concept of the R-160 zoning is a contradiction in fact to what we have seen in this county over the last several years. Obviously, the intention of the master plan is to balance out some of the improprieties that existed over the years with regard to proper zoning. However, I think the R-160 conservation zoning is nothing less than overflow. This is obviously confiscatory, and it is confiscatory because of the fact that private property owners are being called upon in Valley Cottage to bear the burden of conservation for the entire township by being given no compensation for the loss in their property values while they are being required to continue to pay taxes on what amounts to passive parkland. We feel that this is discriminatory because only approximately forty property owners are being called upon to do this out of many thousands of property owners throughout the Town of Clarkstown. If the town feels that additional parkland is needed for this county which I personally feel is not the case, I think it would be appropriate for them to make some sort of a proper and appropriate offer to the private property owners who own the land proposed to be changed to R-160 in Valley Cottage so they can receive some compensation, rather than having their land taken from them in this fashion.

The following statement was read by Mr. Bruce Cowan:

"STATEMENT OF THE JEWISH THEOLOGICAL SEMINARY OF AMERICA WITH REFERENCE TO THE PROPOSED AMENDMENT TO THE ZONING ORDINANCE AFFECTING REAL PROPERTY IN VALLEY COTTAGE.

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The Jewish Theological Seminary of America was chartered as an educational institution by the New York State Legislature in 1902. It is tax exempt and its real property in the Town of Clarkstown is exempt from real estate taxation. As an educational institution it does not discriminate in any manner with respect to students, faculty and staff except in the case of its Rabbinical School since only members of the Jewish faith may be ordained as Rabbis. Statements that it does not discriminate as to race, color, creed, religion and sex, except in its Rabbinical School, have been filed with and accepted by appropriate governmental authorities.

The Seminary owns approximately 70 acres of land in Valley Cottage. It is designated on Tax Map 136 as Block C, Lots 7 and 10. On approximately 30 acres the Seminary had a day camp for boys and girls known as Camp Ramah.

While the Seminary is as mindful as the Town in the desire to conserve the beautiful environmental features in Valley Cottage, it does not agree with the proposed zoning change from the present R-40 to R-160. The reason for the Seminary's position is that it has had in mind for several years an educational project which would necessitate the erection of buildings on its property. This project, it is believed would neither involve population density problems nor burden the Town unduly with its development.

In connection with said planned educational project the Seminary would like to erect one or more buildings which would serve to house approximately one hundred people who would be coming to the Nyack campus, throughout the year, for study retreats. The campsite as it stands now has the facilities adequate for much of the programming which the Seminary would want to do. What it does not have is modern sleeping facilities. The contemplated structures would provide sleeping accommodations, private bathrooms and possibly lounge areas and seminar rooms.

The Seminary plans to use this facility as a retreat center for congregational and other groups. At the present time the Seminary has no place within easy commuting distance of New York City which will accommodate a group of adults or families who want to leave their homes and engage in an intensive study experience. The location of the Nyack campus is ideal

and its facilities are more than adequate apart from housing. The retreats would be used to expand and intensify the Seminary's program in Community Education, Jewish Family Education among its lay constituency in the extended New York City area. It is hoped to sponsor weekend retreats, week-long seminars and even possibly a summer Ramah camp experience for adults or for families.

It is not an exaggeration to say that the future of the Seminary's program in Community Education depends on its ability to come up with a site of this kind. The Nvack campus is clearly the Seminary's most attractive option in terms of location, facilities and the amount of money required to bring it to the point where it meets with Seminary's needs."

Appearance: V. Kotecha  
29 Sedge Road  
Valley Cottage, New York

I would like to put the whole question in perspective and understand what the Master Plan change really means to us. The impact of the Master Plan as far as the financial burden to be borne by the town, the services that will be needed; the traffic services, the sewer services, the county government, the town government. I have not seen, truly speaking, an overall picture as what is the true impact due to the Master Plan changes. Are they positive in nature, are they negative in nature is not the issue? Just the facts that are needed to determine what the overall impact to the town would be in the next ten years roughly. If that could be developed we would sure appreciate it, because that leads into answering some of the questions that have been brought up about density, about how population should be allowed, how much traffic should be allowed, what facts are ready and could be examined. where density could be allowed to be very heavy and where it should not be. Retrospect is really needed before we can come to a conclusion.

Appearance: Jeffrey L. McCall  
(acting as agent for Linda G. McCall)  
8 & 9 High Tor Road  
New City, New York

In 1980 I received a ZBA approval on my property at 9 High Tor Road, New City, that consists of 7.095 acres of property. At that time and still is, until this proposal is a R-80 zone. The property was approved for three lots. There is an existing house on one lot that a CO has been issued and two vacant lots. In August of 1980 I brought in a well driller to seek water to supply these lands. Drilling was done to a depth of 510 feet, no well was achieved. In March of 1982 I got the well driller back in, he went down to 930 feet and after \$7500.00 I achieved a sufficient water supply. The power of the pump that services the well, I employed Orange and Rockland to install sufficient utilities for gas, electric and telephone on my property. I deposited with them \$7400.00. A track vehicle was brought in to cut through the rocks, into solid rock up there to bring the water lines away from the well site to service the homes. After \$1250.00 it was determined that the machine could not do the job. Thereafter, a trench was blasted away from the well at a cost of \$2500.00. I have placed a three horse power pump deep in the well with pipe wire controls and storage tank, the cost is \$8500.00. The majority of this equipment is on the property and installed. By the end of this year. I will have spent \$18,650.00 in developing my land. The rule preventing an usurpation of my existing ZBA approval is the placement, inspection and approval of a concrete footing to vest my rights as concerned to two vacant lots. I have not done this. Who would build a house without a water supply? Who would build a house without electric, gas or telephone services? No one. There had to be considerable on site improvements done. I have shown that I have been working on this for three years by the amount of money that I have spent on this project. This is not the real estate department, this is for my private use. This will be a new home for myself. I oppose the zone change on the basis of the above facts and the monies that I have actually spent on these lands. I also propose

a zone change on behalf of my sister, Linda Jean McCall as it concerns a 1.2 acre lot that is opposite my existing home at 8 High Road. Her property had been owned separately since 1930 by a separate deed. I strongly object to this zone change. Obviously because of the amount of money I have spent on this property. My family have been in this area since 1953. I am not going any where. I am a business man in this county, right on Maple Avenue and I strongly object to who ever or what ever association suggested to change the zone on land because of their esthetic opinion. It should become R-160. I pay taxes on this land. I have spent a considerable sum of my money out of my pocket that's not been financed. This is cold hard dollars and I strongly object to this. And in the future should there be any new proposals to change the zone, I would appreciate as a land owner in this town to be given notice prior to receiving something in the mail so this can be killed in its infancy; at least as far as my lands go.

Appearance: Katrina Maxtone-Graham  
164 South Mountain Road  
New City, New York

I am going to speak in favor of four acre zoning. At the last meeting I remember Mr. Geneslaw spoke about why the Planning Board thought that four acre zoning was a good idea and he referred to open spaces and for the town to have a balance and have some areas that was less developed and some areas that were more developed. I own twenty six acres on South Mountain Road. That means I have the ability the way things are set up now to have two acre zoning; eleven more residences that I could sell as plots. With four acre zoning, I would have six more residences. The gentleman who spoke before me, suggested compensation given to those who would be able to develop less, that would be fine. I think that would be a good idea. I am not asking for that. I would like the rustic nature of the area preserved. I feel I am the custodian of the trees on my land and I also hope the Town Board will feel a sense of responsibility towards the future, and make a decision in favor of trees, in favor of some kind of open land, and give us some kind of program where we can save some land from development as much as possible.

Martus Granirer  
President West Branch Conservation Association  
New City, New York

I personally own better than nine acres of land on South Mountain Road. I am president of the West Branch Conservation Association which very much endorses the R-160. I too have a potential to develop my land with far more lots at two acre zoning than with four acre zoning and I willingly would give that up because I think there is something I get in exchange. I should mention a couple of things because I think there may not be a lot of rebuttal to things that have been said on the other side. There is no question that somebody has had a lot of difficulty getting his land ready for development and spent a lot of money, would feel squeezed if he thought he couldn't have the lots that he was developing for. I think there has not been enough promulgation of the fact that the way this law is worded, the R-160 law, existing lots conform whether or not fittings are in, provided they existed before some date that's just passed recently. The kind of difficulty that we have been hearing about though, developing land in the R-160 proposed area, roads that are very difficult to put in, wells that are a mile down, rock all over the place is precisely the kind of reason this town has to consider having zoning that protects the environment. This is land you have to blast apart, at the north end of town it's all rock, when you do you are really shaking something up that should be left alone. I think I can explain why. I also think it's important, although this is not why I am advocating the four acre zoning to realize that the volume of land under four acre zoning, it's not quite four acres, it's one hundred sixty thousand square feet, the value may not drop and it is arguable that lots at one hundred sixty thousand square feet may run on a separate value course with more than two acre lots with big back yards. There are communities in other parts of this region with large lot zoning produce the same good prices for their owners. I have heard people say that this isn't Pound Ridge, this isn't so and so, this is Clarkstown and it is too late, and I don't think it is. I just don't think it's too late yet. I think that money value and real land value can still be rescued.

in a lot of this town. But that isn't the whole reason. I would like to point out that studies done by the now defunct Tri State Regional Planning Commission, two acre zoning was considered just below the threshold of rural density. That between half acre and two acre zoning, it was considered the infrastructure as the most costly and probably the least economic for a community. I stress the idea of community because when you rezone on the Master Plan, you're thinking in terms of the community, or you should be, not in terms of the individual who comes in with a special problem and wants to put a million lots on two acres or wants to change the zoning or something. Now you are looking at an overall plan. People who take pride in their community I think ought to understand that they don't own their zoning, even when they pay taxes. The community owns the zoning. The taxes carry you from year to year. You don't buy a zone. It's only legislation and is done for common benefit not individual benefit. I told you its vulnerable land that is being proposed to the R-160, and I think that the community has a stake in preserving vulnerable land. You have all been here and heard the complaints when somebody who lives down hill from some vulnerable land gets washed out because of the drainage problem or finds it's very hard to get some other municipal service just because of the difficulties of the land around it presents. R-160 is an off-set to the MF. If you are going to adopt multi family density in this town, it's going to bring additional units to the Town. It's going to bring the problems and the expenses that additional population brings. This is your one opportunity to make an off-set - something that will reduce density at the same time you increase it elsewhere and try to keep the population density more nearly what it originally was planned to be. Both have cost this Town and still cost the Town the big headaches the Town faces now in its budget. The landfill and the police are indicators in the Town. Garbage is made by people. More people make more garbage. More people need more police. I think it is most important that this Town Board take a long view as to which way the Town could go and make the kind of policy decision that all the inventory doesn't have to be used up in the next ten years. Keep in mind that we have a Town that will be occupied by others many generations down the line. This kind of balance leaving some land, vulnerable land, at lowest density is a very considerate thing to do for everybody.

Appearance: Alexander A. Alimanestianu  
109 E. 88th St.  
New York, NY

He said he was talking about Item DD(b) which is the property in Valley Cottage that his parents own which consists of 26 acres of land. He said he was talking about the one acre to four acres zoning in Valley Cottage. He said that maybe the four acre zoning is appropriate for South Mountain Road but it was not appropriate for Valley Cottage. It's objectionable because you have one or two results. Either you have confiscation of property without compensation which is unconstitutional; that is, you have property that will become undevelopable and which people will be paying taxes on without being able to have any return on that property. The second result might be that you will create a sanctuary for wealthy people. The people that can afford to live on four acre zones are clearly not middle or lower income people. The property you are talking about, our twenty-six acres, is some of the most beautiful property in Clarkstown. We feel it is objectionable that you save the nicest property for the super rich. He said he agreed with Mr. Cowan and Mr. Galton and the rest of the people from Valley Cottage that speak after him.

Appearance: William A. Metz  
317 South Mountain Road  
New City, NY

Mr. Metz said he was also speaking for Dr. MacGuffie, Kattie Demon and Sadie Burger. He said all of them have lived and been active in the community for many years and have the best interest of the community at heart. After paying taxes on this property for all these years, we are now told we are not fit to hold this trust and that we might destroy the mountain by our subdivision.

William Metz - Continued

The mountain land on the north side of South Mountain Road has been effective as billy goat land. The land has potential but the land itself will govern how much development can be made. You can't just add a four acre zoning and expect this land to be developed within that aspect. Some people might come out very well if you could develop it on four acre zoning. Many people who have slopes (as illustrated by one other gentleman) and on twenty-five acres you may be able to develop one or two lots but on that entire twenty-five acres because of the slope and the peculiarity of the land and because of where the land is situated, that tells me that the land will be its own zoning and its own planning. The land to me is a nest egg for the future. The four acre zoning is depriving us of economic benefits which I think is wrong. If it's a desire to have an agreement to have this land as parkland, there are proper methods of doing it. I think it's improper to burden us as property owners so that the community can have parklands from our property. He said that this zoning is confiscatory, exclusionary and discriminatory and this is the type of zoning that the Supreme Court would turn down immediately. We want to preserve South Mountain Road. We love it but at the same time we don't want the whole burden put on our backs where we are deprived of our economic benefit.

Appearance: H. J. Lewis  
438C Mountain View Ave.  
Valley Cottage, NY

He said he and his family have lived at the above address for 39 years and he was against R-160.

Appearance: Leonard Schwartz  
450 Christian Herald Road  
Valley Cottage, NY

He said he lives in Valley Cottage on a parcel of land that contains his house, a tenants house and twenty acres of woodlands. We also own contiguous parcels - one of twenty-one acres and one of three acres making a total of forty-four acres. We bought this property not as developers or speculators but because we loved it. We have owned it now for five years and have done no construction. Our neighbors who own the balance of the 250 acres under discussion are also to our knowledge neither speculators nor developers and up to this point we have no quarrels with the Planning Board. Beyond this point we are violently and unalterably opposed to R-160 zoning for the following reasons: We object because the present zoning of our land together with the present slope area has legislation which already constricts and limits development sufficiently to protect all the aesthetics and ecological concerns of the community. We object because the R-160 zoning together with the slope area legislation effectively creates 7-10 acres zoning which is an unheard of degree of confiscation anywhere. We object because there is little or no logic to the criteria which was used to select the 250 acres in Valley Cottage area for this upzoning. The land among other considerations is largely owned by the Jewish Theological Seminary, Christian Mission and Alliance and the Congregational Church. None of whom are land speculators and each of whom must have the right to follow their own pursuits as they see them on their own land. For the private families there are no unifying characteristics which provide a rationale for a single excessive level of zoning. Some of this land is landlocked. Some of it on the other hand, has excellent accessibility. Twenty-three acres of my own land has access to Town roads and some of this land is secluded and some of it adjoins half acre single family housing.

Continued on Next Page

Leonard Schwartz - Continued

Some of it adjoins condominiums and apartment houses. The area contains a hotel, a medical center and a nursing home. Some of this land is steep, some is flat, some of it is wet and some of it is dry. Our position based on these considerations is that each parcel must be judged on its own merit by the Planning Board if or when the owner proposes to develop it.

We object to this zoning because at the October 24th Public Hearing, Mr. Geneslaw was asked to defend 4 acre zoning in the Valley Cottage area and responded that it was proposed because it seemed reasonable. Mr. Geneslaw's reasonability (particularly as it effects people's lives) is not established unilaterally. It may only result from reasonable men and women negotiating on a reasonable basis. It cannot be accomplished by bullying or stacked audiences on loud applause suggesting many votes. Reasonability is an argument for one to one negotiations between each land owner and the Board.

Mr. Geneslaw in his remarks about R-160 conveniently shifted from hard facts and numbers, which dominated his remarks in defence of MF-1, MF-2 and MF-3 down zoning to ill-defined adjectives like large, rocky, steep and wet. Those are all relative words - much of Rockland County is rocky. Much of Rockland County is steep and much of it is wet. But none of it is zoned four acres.

Mr. Geneslaw used the words sensitive and aesthetic. Again relative terms - matters of degree which can only be discussed one to one. The fact of the matter is that the aesthetic and sensitive qualities of this land has been preserved to date by the people who own the land and not by Boards who allowed Route 59 to become an eyesore or allowed the Trap Rock Company to cannabalize the gentle hills of the County.

Mr. Geneslaw argued adjacency as a defense for down zoning. He never mentioned it with regard to up zoning.

We object to this reasoning because it does not preserve the land as parkland does. What it does is make the land available only to be developed by the very rich. In this sense, the zoning is exclusionary.

This group has not come before you asking for down zoning. It is not in principle opposed to conservation. It is not in favor of converting the Palisades Ridge into a Levittown or even a Quaspeck Park.

It is asking to protect its rights and the rights of its heirs as land owners to come before the Boards independently with any reasonable project which will provide them with flexibility to support themselves, pay their taxes, continue or change their life style as they see fit so long as such proposal conforms with the best interests of the community including themselves.

We ask not to be subjected to unreasonable, irrational, confiscatory and exclusionary zoning at a time when to my knowledge there is not even a petition before these bodies to develop this land.

We ask the Town Council, in the interest of reasonability to vote against R-160 in Valley Cottage.

Thank you.

This letter is on file in the Town Clerk's office in its entirety.

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Appearance: Mr. Alimanestianu  
102 Locust Drive  
Upper Nyack, NY

Mr. Alimanestianu said his son covered most of the points, previously. He said he had the property for twenty-five years and that he paid over \$100,000 in real estate taxes. He said with the up-zoning, it's really downgrading his property. He said you can develop and have high density and keep the land beautiful and you can have very low density and have slums all over the place. A few hundred feet from his property there is Rockland Lake Park. He asked why they want to take his property when they have so much beautiful parklands and he felt it was unreasonable to take his land. He said we are not lacking in parks but the problem is how the land is developed. You can use the same density and leave most of the land untouched and on the other hand you can have houses on four acres and the whole thing might be a slum as most of it is in Valley Cottage. Right now a house on four acres will sell just as much as a house on one acre. He said that this measure becomes confiscatory.

Appearance: James Hershberger  
43 Sedge Road  
Valley Cottage, NY

Mr. Hershberger said he was the President of the Association for Sensible Zoning in Valley Cottage. He first said he had a question on Burgandy Gardens. He asked if the zone is changed to MF-1 could additional units be built?

Supervisor Dusanenko said that question was raised at a joint Town and Planning Board meeting. The answer was not available then and we asked our Planning and Building staff to research any and all documents pertaining to that prior to our making any decisions.

Mr. Hershberger said that he hoped that they preclude the possibility of putting in new units adjoining Burgandy Gardens.

He said he would like to speak in favor of the R-160 in Valley Cottage. He said he believed that all the designated parcels should be rezoned to R-160 and especially the larger parcels in the areas where there is high visibility from the surrounding roads. Some of the parcels that would be recommended would be in section DDA which is south of Stones Road and to the west of Mountain View and the three Lone Star properties. At this point he explained the handout which is included on the last page of the minutes. On the last section, especially the Lone Star properties, he recommended that it be zoned to R-160 and on 122A18 on the Lone Star only, the Planning Board has designated part of that for R-160 and he recommended that at some future date it be rezoned for the entire parcel. On section DDB, which is north of Christian Herald Road and to the left of 9W, it is recommended that some of the larger parcels special emphasis be placed; such as, the slopes, the Schwartz parcels, the Alimanestianu parcel and also the Deutsch parcel. The Deutsch parcel includes some bungalows on it but it's the upper part of the undeveloped portion of that parcel that's going to be in the R-160 and I think that's an important one to designate because the access to that is on Lake Road which has traffic problems already. He said the upper sloping parts of the Jewish Theological Seminary could be designated R-160 because of a lot of undeveloped land on a high slope to the rear of their property and I don't think that would effect their development plans. In Item DDC south of Christian Herald Road in the direction of Upper Nyack, the school district has 33 acres. I think it's important to designate the undeveloped portion of that to R-160 as well as the Christian Missionary Alliance which has 37 acres which would be an excellent one to be rezoned. In the Item DDD, which is north of the Thruway to the west of Mountain View, which is an area that is especially visible to surrounding areas and I would highly recommend that you rezone the Rockland County 71 acre parcel and I recommend that all of the parcels be rezoned. I just mentioned some of the ones that I think special emphasis should be placed. I believe that the R-160 in Clarkstown and especially in Valley Cottage is needed for balance.

Mr. Hershberger - Continued

I don't think it's exclusionary. I live on an R-22 lot and I think the R-160 would help me as much as it would help any super rich person who might be owning it. It would help me as much as it would help someone who lives in an apartment in Valley Cottage because it helps in balance. I believe that when many of these parcels were originally zoned most of them were either R-22, R-40 or R-80. I don't think the high level of development was as present in the county as it is now. Perhaps those zones were appropriate at the time but with the development that has taken place since then, especially in Valley Cottage, and with the additional development that will be taking place in the future in Clarkstown and Valley Cottage, lower density zones are needed more than ever. They are needed to minimize the traffic burdens and to help our environment. It's important to have balance and there will be more and more pressure on the owners of these properties and the future owners of these properties to develop these properties. There will come a time when this is all that is going to be left and at some point in the future there will be tremendous pressure to develop these properties. It is very crucial that you rezone as many as you can. I don't think it's confiscatory. I think that there will still be people that will want to buy secluded properties just as the present owners had that wish when they bought the properties. I can sympathize with their paying taxes over the years but I believe that many of the land owners in that area have already taken advantage of the opportunity to obtain low assessments and therefore pay lower taxes on the land because of the sloping nature of the land. For example, on one of the three slopes parcels, the assessed valuation was reduced from \$164,800 to \$76,400. On the Alimanestianu property the assessed valuation (this is the one with the improvement on it) the assessed valuation was reduced from \$221,600 to \$138,500 and then finally to \$76,400. If you look at the chart I have, some of the assessed valuations per acre in many of the different parcels are as low as \$2,000 per acre, \$4,000 per acre, \$2,408, \$431.00 and \$1,217.00. Again I recommend that you rezone as many of these parcels as possible for balance.

Appearance: Irwin Rhodes  
61 Wilder Road  
Suffern, NY

He said he was one of the owners of the 29.63 acres at the north side of South Mountain Road where it meets Zukor Road. This is on tax map 44A running from 3.08 through 3.19 - twelve separate parcels at present. In 1972 we filed to create a subdivision. The plan calls for 12 homes in this magnificent area. We will maintain the natural setting. We will build similar custom homes a short distance to the east also on the north side of South Mountain Road on Hemlock Trail. They are an asset to the community. They pay substantial taxes and they maintain their own private road. The topography on the north side of South Mountain Road is a little better than on Hemlock trail as it allows for a more gradual ascent. He mentioned that they had blasted and removed 6,000 cubic yards of rock. The blasting is basically complete except when we run into a high spot. The Planning Board has required that we provide for sewer lines. A few years ago we finally had a sewer line on South Mountain Road right in front of our property. Because I had a severe heart attack in 1979, I was unable personally to go ahead with the project. We then sustained negotiations with prospective builders for the sale of the property. A basic change in the environment has already been made by the blasting level of the road where we had to clear fifty feet of the mountain side. The 12 homes on thirty acres will take nothing away from the scenery. A change from R-80 to R-160 makes the cost prohibitive. A change at this point would be outright confiscation and it could not help the environment. We respectfully request that you eliminate this unique change from the Town plan.

Appearance: Michael Reeder  
2 Congers Road  
New City, NY

Mr. Reeder said that he wanted to add to his presentation when he was representing the owner of parcel #20 and that a formal protest has been filed on that item. With regard to item BB which Mr. Rhodes and Mr. Singer spoke about, I represent all of the owners of that parcel. As you heard, it is now zoned R-80. It is subdivided with a filed subdivision map. It has been improved substantially as Mr. Rhodes pointed out. Your proposed change to R-160 would cut that in half - would make it instead of twelve lots, six lots. Yet would not change one bit the requirement for public improvements, the road, utilities and services that so effectively double the cost of each parcel. Your new zone imposes additional requirements. You expand the side yard requirements. You impose additional burdens on the ability to use the various parcels. You impose grade restrictions which are greater than the existing restrictions. This proposal is very selective zoning. You've heard Mr. Rhodes call to your attention that similar properties adjacent on both sides on the road are not changed, yet this one is proposed to be changed. This in my opinion is discriminatory zoning. You've heard Mr. Rhodes allude to the fact that he has developed a similar parcel to the east. I submit to you that that parcel shows that the property can be developed in a nice fashion without disturbing the ecology and without disturbing the beauty of our Town. You've heard some comments that this ordinance provides that anything that would have been a proper zone before this change would be conforming. I submit to you that is not so. That in fact is a subterfuge. This would be nonconforming because while you might get a building permit, you still would face the problems of limited use down the road. If there had been a fire to a home and it wasn't rebuilt because of the settlement negotiations within the year period, that home owner would face the fact that he could not rebuild. There isn't any way in the world that he could make his lot conforming - short of buying up his neighbor and that would probably not be available. He couldn't add an extra room. He couldn't add a swimming pool. He couldn't add an extra garage because he would be expanding his use in a nonconforming zone. So that the fact that it is conforming to build the original house, does not really solve the problem. Certainly you have heard the substantial devaluation of this zone change would bring about. If anything is confiscatory, that is. We would all like to preserve open space but not at the expense of confiscation. Not at the expense of spot zoning and not at the expense of the tax payer who has invested heavily to improve a site. We submit to you that this parcel should be excluded from this zoning change and I also would point out that a formal protest has been filed on this matter also.

\* \* \* \* \*

At this point the Supervisor declared a recess at 9:25 P.M. and reconvened at 9:43 P.M.

\* \* \* \* \*

Appearance: Ed Gabriel  
35 Central Highway  
New City, NY

He said he owns a total of 28 acres within the zone that is being discussed. He said if we want to exclude every one but the millionaires from South Mountain Road this is the way to do it. In my twenty-two acres on one side of the street, we would probably have to get \$150,000 to \$200,000 per site. If you took your four acre plus the slope rule that you want to apply, we might get about four houses on it. Discriminatory zoning is unconstitutional. This would be the prime way to create an elite discriminatory zone. The middle class people who own property on South Mountain Road are looking to retire. This zoning is going to make it impossible to

Ed Gabriel - Continued

sell. You are denying the small land owners who probably have 10 acres who may hope to get three houses on their property, will probably only get one house on their property. Rockland County has 1/3 of their land in parklands. We already have the luxury of this parkland. We have to reach a balance. Somebody has to pay the taxes. If we were to say that all parcels that have a 30% slope are not buildable, we would then be depriving people of the most exciting, dramatic and expensive houses. Parkland is depriving me of the use of my property. The first thing that I'm going to do is ask for another tax reduction because if I can't sell it and I can't develop it, and I'm going to get three houses on twenty acres, I'm going to have to come and present a formal petition to you.

Appearance: William Dauksza  
69 Medway Ave.  
Congers, NY

My family and I own property in Rockland Lake near the Bobbin Inn. I already have 8 or 9 units on my property and to be zoned with this new Master Plan at MF-1, is ridiculous. 9W is a better location to have high density than in north New City near Bradley's where the road is already restricted. He said he could not see the point of this designation and thought they should have MF-3.

Appearance: David E. Stevens  
4 Parma Drive  
Valley Cottage, NY

He said he was representing the Concerned Residents of Valley Cottage who oppose the zoning changes which are described in Item 8 and shown on tax map 108B1. It is east of the railroad tracks at the junction of New Lake Road and Kings Highway. He said the residents had signed the petition with the reasons for opposing the rezoning. The contents of the 265 Petition are on file in the Town Clerk's Office. His recommendation is that properties along King's Highway in the center of the Town if decreased from their commercial use, should be considered zoned to single family dwellings and conform to the areas around those properties at the present time. He said that ten people including himself had never been informed of the proposed changes.

Appearance: Vincent Baccaline  
Kings Highway  
Valley Cottage

He said that P0 is six to ten years too late. He said he was not against building because to the west of the railroad there are 50 to 75 single residential homes and this property in question is surrounded by all single family homes along Kings Highway and to the right and left of it. The piece of property in question abuts a farm. It would seem a very improbable place for an office to be there. He said he would recommend that this property be R-15. similar to the small strip that is south of it where they are also asking for a change of R-15 to MF-1. He said the MF-1 is 4 to 8 units an acre and that's about 12 to 24 units. He said he could see 9 homes on a piece of property of that size. Right at the junction of Lake Road and Old Lake Road, and with 51 busses on Mr. Brega's property a few feet away from this proposed property, would be a rather idiotic place to put multiple family homes. All the commuters use Kings Highway and

Continued on Next Page

Vincent Baccaline - Continued

it's the wrong place to have multiple family housing. He said Valley Cottage is no longer the little Town it used to be and he is against multiple family housing and is in favor of 1/3 zoning. He said that Mr. Brega wants to convey the same message that he has given and wants one family housing.

Appearance: Diana Hume  
6 Dorchester Ave.  
New City

Mrs. Hume said she was speaking in reference to the lot described in paragraph two of item 46. She said that Mr. Geneslaw had said that the major reason for the proposed down zoning from R-15 to MF-1 was to better protect the surrounding home owners. The homeowners have submitted a 265 and all the residents in the area have signed it. The area is surrounded by single family homes. They would like it changed back to R-15.

Appearance: J. Martin Cornell  
14 So. Main St.  
New City, NY

He said he represented Paul Lazar who owns property on the west side of Buena Vista Road which is at the southern extremity of the proposed four acre zoning. He owns a little over eleven acres. He has a house on the property and has lived there since 1954. Surrounding the property on the east side are parcels from 1 acre to 2 acre single family residences. On the south side are homes on approximately 1 acre. To propose to upzone this parcel of eleven acres to a four acre zoning, which is surrounded by existing developments of a little more than 1 acre to the east and the south, is unfair and not very good planning. I suggest that the southern extremity of the proposed four acre zoning should not be brought down as low as this parcel which is on the west side of Buena Vista Road and should exclude this particular piece of property. If one of the goals and purposes of the four acre zoning as expressed by Mr. Geneslaw is to provide for a lower density in the areas where there are mountainous and high level property or low wetland property, this particular parcel does not fit in that category at all. This property can be developed very easily without interfering with the ecology in the area. The reasons for upzoning does not apply to this property. You must have very compelling and significant reasons for taking away this property owner's rights. If you change the zone on this property and upzone it, you are going to get no more than two parcels with residences on it. Those two parcels, even though they are larger in size, are not going to sell for more than \$60,000 per acre. You are talking about a differential in value of \$250,000 versus \$120,000. That is \$130,000 that this one property owner could lose. This is a dollar and cents problem. If you do upzone the four acres, you are going to have a massive application for a change in assessment because if the value of this property is reduced substantially, your assessments will have to be reduced and your tax base is going to drop on all of this property. If the concern of the Board and the planners is fragile land, wet land and slopes there are a lot of other tools besides zoning that can be used. There is a concept of scenic easements which has been used in the past and certain areas on South Mountain Road. There can be acquisitions by the Town or the County or other parties for parklands. There can be gifts. A lot of things can be done short of zoning and taking money out of people's pockets.

The other parcel Mr. Cornell wanted to speak on is owned by Mr. John Willis on the south side of South Mountain Road. The parcel that is involved is CC and the tax designation is 62-A-15

J. Martin Cornell - Continued

and is located on 542 South Mountain Road. A large part of the property is proposed to be put in the 4 acre zoning. That piece of property consists of 6.2 acres and there is an existing house that he resides in at the present time. Last year Mr. Willis had proposed to divide the additional property into two parcels for sale for the construction of residences. He is now faced with the concern that he will not be able to get any additional property which would allow him one or two extra lots. He feels he will lose a lot of money which he planned to use for his retirement. Both of these parcels have had a protest filed with the Town Board.

Appearance: Lawrence Deutsch  
Lake Road  
Valley Cottage

He said his father originally purchased his property in 1948. It's a little over 11 acres and they have maintained residence on the land since 1948. He said he was opposed to proposition 160 for rezoning and said he thought it was confiscatory and that the land was just being taken away. He said he has a development that runs right alongside his property that is zoned for a half acre. He said his property is partially zoned for one acre and partially zoned for half acre now. In the case of South Mountain upzoning from two acres to four acres, he is being upzoned from half acre and one acre to four acres. He said he now has a development bordering his property all the way up that has three roads coming into his property and Lake Road would not present a traffic problem as far as access to the property is concerned.

Appearance: J. E. Lee  
Christian & Missionary Alliance  
350 N. Highland Ave.  
Nyack, NY

He said the Christian & Missionary Alliance has been an active part of Rockland County for over a 100 years. They have relocated their international headquarters from New York City to property they own in Upper Nyack over 9W. They have plans to develop for staff housing the property that is being considered for rezoning that is on the map as 135 Block B - 2.04. He said they have no plans to sell this property to a developer and if this zone goes through it would make it impossible for them to go through with their building program as it would be too costly. They support the community in every way and they asked that their property not be upzoned.

Appearance: Bruce Miller  
Nyack, NY

He said he wanted to talk about parcel 122 B7 which consists of 14 acres on Mountain View Avenue, Valley Cottage and which he and his brother have owned for 20 years. He said his grandfather bought the property in 1925 and it has been in the family for 59 years. His grandfather bought the property for \$1500.00. He said they have paid over \$60,000 in taxes over the past twenty years. It is now half acre zoned and they are now talking about 4 acre zoning which would escalate 8 times a half acre zoning. This property is bordered by houses. If you want to build a house on four acres, it would cost from \$300,000 to \$500,000 or over. On the north of his property they had a junk yard on Mountain View Avenue and someone bought the property and the junk yard is now gone. To the south of the property are condominiums over 700 units. This is not in the contingency of four acre zoning. Not one person has mentioned the biggest junk yard on the top of the hill which is the water tank. It stands about 75 to 100 feet high. He said his grandmother sold that water tank to Spring Valley Water Company in 1953 for \$10,000. The ecologists have never said anything about that. On the west of his property is the Lone Star which has 400 acres and that was never

Bruce Miller - Continued

upzoned. He said he felt this was legal confiscation without compensation for the owners of the property. He said he could build 29 houses on his property. The top of his property is flat and he could build cluster homes. He said he would be willing to give away 9 acres to the Town and build on 5 acres. He said that by upzoning to 4 acres, it would completely destroy his property and it is not fair.

Appearance: Bruce Cohen  
265 Treetop Circle  
Nanuet, NY

He said that Treetop Condominiums view the creation of the MF zone and R-160 as a step in the right direction as a sane and orderly development of Clarkstown. With the current trend to building condominiums, the new MF zones and the MF-1 in particular, will finally give the Town the much needed ability to control the density of these often large scale projects. MF zoning is only half of the solution. In order to balance out the increases caused by any of the MF zones, we need to adopt another much stricter zoning and this is where R-160 comes in. The adoption of both MF and R160 zones is a step in the right direction to avoid numerous problems such as traffic jams in various areas in Clarkstown and controlling the development in Clarkstown by a handful of builders. He felt the Board has a responsibility to all the residents of Clarkstown.

Appearance: George Garrity

He said he has appeared before the Board three times now to try to bring home the desecration that is taking place on a privately owned lake - Lake Swarthout in Congers. For over 17 years we property owners have been paying taxes on water. Now, you have a proposal with MF-1 where on the southern end of Lake Swarthout which can end up with a multitude of condominiums. The owner of that property is going to get more when he sells those condominiums because he's going to attract buyers because of the lake where you can fish, swim and use the docks. It's not fair to let the new owners of the condominiums come in and build on our private lake that we have been paying taxes on for so many years. Our rights are being taken away from us. This could turn out to be the Coney Island of Rockland County. I am proposing that a restriction be made in the public record in the County Clerk's Office that if this Board sees fit to put Condominiums there that a restriction be put on that they cannot use that lake, to fish, put docks in and rowboats. This restriction is similar to the one they had in Orangetown where a house over 15 years of age can now have two units in a single family dwelling. The owner, in order to obtain that must stipulate or put into the deed that it can only be used as a single family dwelling by himself. When he sells that property, the two units cease to be. I propose that we put a restriction on the use of this lake by the condominiums.

Appearance: Edward Coury  
High Tor Road  
New City

He said he lived in a very rural area probably in the highest house in Rockland County. He would like to keep it rural. South Mountain road has not had a study done on traffic density. There is another area of 78 acres which has not yet been dezoned for building - it's farmland. If that is sold to a builder, you would have approximately 36 houses on that property all coming down to High Tor Road onto South Mountain Road. He felt a traffic study should be made.

The Supervisor read the following letter for the record:  
"11-20-1983

Town of Clarkstown  
Zoning Board

Dear Sir:

We regret that we are unable to attend the public meeting on November 21, but would like to have our position read into the record. As residents in an affected area, we are in favor of the zoning change from two to four acres; i.e. we support the change to R-160 zoning and want our area to be included as proposed.

Respectfully

/s/ Ruth Murphy  
/s/ Cornelius J. Murphy  
11 High Tor Road  
New City, NY 10956

P.S. South Mt. Rd.

Is like an oasis of green in an overdeveloped county. Let's preserve a little nature before it's too late."

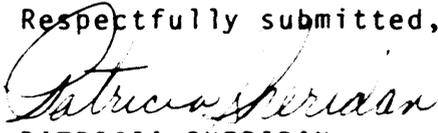
Appearance: James Cropsey  
Little Tor Road  
New City, NY

He said he would like to speak in opposition to the section of this proposal regarding R-160. He said he is a life-long resident of Rockland County. He said he would like to see the green trees and the green grass last forever so he said he is in agreement with the final purpose of the proposed legislation but he felt there was a lack of fairness in how it was being done. He agreed with Mr. Cornell that the Board has the power to condemn these lands and pay the property owner for the loss in value that he will sustain. He felt the Town should be representing the property owners as well as everyone else. He felt that if they go through with subzoning then his farm will be next and then they will pick out the next group and so on. He felt if the Town wants parkland then everyone should pay for it, not just the property owners who own it now.

Appearance: George Smith  
North Little Tor Road  
New City, NY

He said he was here tonight to speak for his brother, Walter and himself. He said his farm land is the largest strip of open land now in Clarkstown. It represents their life savings. They have owned it since 1710 through his mother's family. He said he was speaking for Mr. Davis, Mr. Cropsey and himself that the R-160 is confiscatory and they are not in favor of it.

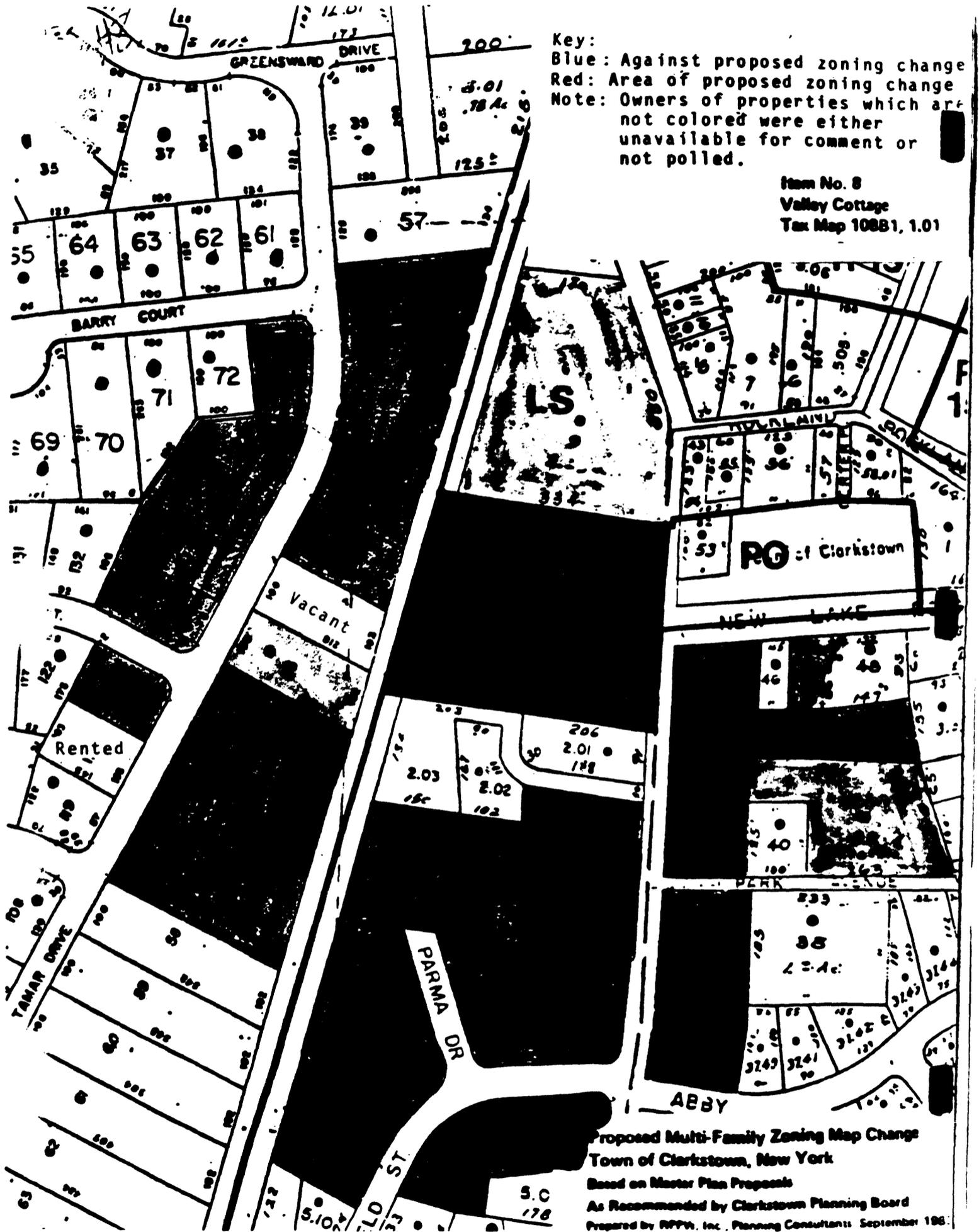
Supervisor Dusanenko closed and adjourned the Public Hearing on motion of Councilman Maloney and seconded by Councilman Holbrook and unanimously adopted, time: 10:43 P.M.  
DECISION RESERVED.

Respectfully submitted,  
  
PATRICIA SHERIDAN,  
Town Clerk

MAP	OWNER	ITEM DD LAND	PROPOSED R-160 TOTAL	ZONE ACREAGE	\$ OF LAND/ACRE
ITEM DD(A)					
		R40 to R160.	S. of Storms to W. of Mtn. View		
122-A-20	Lone Star	\$17,800	\$48,300	1.83	\$9,726
122-A-21	Lone Star	\$60,500	\$60,500	6.24	\$9,695
122-A-24*	B. West	\$34,500	\$34,500	6.90	\$5,000
122-A-11	Mtn Vw Prop	\$110,700	\$112,700	8.32	\$13,385
122-A-17	Lone Star	\$81,400	\$81,400	8.36	\$9,736
122-A-18*	Lone Star	\$562,600	\$562,600	57.81	\$9,731
122-A-12	L. Lassefer	\$27,400	\$51,300	1.24	\$22,096
122-A-13*	P. Dennis	\$10,500	\$29,500	-	-
ITEM DD(B)					
		R40 to R160.	N. of Chr. Herald & W. of 9W.		
136-C-10	Jewish T. S.	\$770,000	\$1,119,400	66.67	\$11,549
136-C-13	L. Schwartz	\$43,400	\$43,400	21.70	\$2,000
136-C-1.0103	L Jewett Est	\$10,000	\$10,000	2.20	\$4,545
136-C-11	L. Schwartz	\$76,400	\$172,700	19.10	\$4,000
136-C-1	Alimanestianu	\$63,100	\$65,500	26.20	\$2,488
136-C-14	L. Schwartz	\$12,400	\$12,400	3.10	\$4,000
		R40 to R160.	N. of Chr. Herald & W. of 9W.		
137-A-14	H. Herbert	\$57,500	\$57,500	7.66	\$7,506
137-A-15	S. Weinberger	\$10,000	\$10,000	7.68	\$1,302
137-A-10*	T. Leavey	\$6,000	\$6,000	13.92	\$431
137-A-13*	J. Deutsch	\$75,700	\$202,600	11.43	\$6,622
		R40 to R160.	N. of Chr. Her., S. of inters. w/Storms		
122-A-5	J. Carson	\$16,400	\$36,600	-	-
122-A-9	D. Kay	\$24,800	\$56,700	.72	\$34,444
ITEM DD(C)					
		R40 to R160.	S. of Chr. Her. to Upper Nyack		
136-C-7	Jewish T. S.	\$102,600	\$126,500	3.31	\$30,996
136-C-8	School Dist	\$490,200	\$490,200	33.74	\$14,528
122-B-3	G. Zacharakis	\$35,600	\$50,100	4.90	\$7,265
135-D-2.04*	C. M. Alliance	-	-	37.41	-
ITEM DD(D)					
		R22 to R160.	N. of Thruway to W. of Mtn. View.		
120-A-71.01	A. Perry	\$16,400	\$16,400	4.11	\$3,990
120-A-71	A. Turk	\$15,000	\$15,000	3.63	\$4,132
121-A-19	W. Perry	\$55,600	\$80,400	10.30	\$5,398
121-A-19.01	Blaauvelt, Tr.	\$14,900	\$14,900	2.70	\$5,518
121-A-22.02	Perry, Tr.	\$8,200	\$8,200	2.00	\$4,100
121-A-22.03	Blaauvelt, Tr.	\$400	\$400	.10	\$4,000
121-A-36	Rockland Cty	\$333,800	\$333,800	71.57	\$4,663
121-A-7.01	Cons. Church	\$72,000	\$88,400	7.00	\$10,285
121-A-30.02	Alberta Rity.	\$25,000	\$25,000	5.25	\$4,761
		R22 to R160.	E. of Mtn. View, N. of Condos.		
122-B-18	C. Cowan	\$13,500	\$13,500	11.09	\$1,217
122-B-4.02	J. Wexler	\$5,000	\$5,000	1.00	\$5,000
122-B-6	H. Wisderson	\$55,600	\$87,400	7.80	\$7,128
122-B-7	A. Miller	\$44,200	\$44,200	13.09	\$3,376
122-B-7.01	S. V. Water	\$25,000	\$100,000	1.17	\$21,367
		R22 to R160.	Abutting Condos.		
135-D-2.04*	C. M. Alliance	-	-	37.41	-

\*Indicates "part of"

ITEM DD PROPOSED R-160 ZONE



Key:  
 Blue: Against proposed zoning change  
 Red: Area of proposed zoning change  
 Note: Owners of properties which are not colored were either unavailable for comment or not polled.

Item No. 8  
 Valley Cottage  
 Tax Map 10881, 1.01

Proposed Multi-Family Zoning Map Change  
 Town of Clarkstown, New York  
 Based on Master Plan Proposals  
 As Recommended by Clarkstown Planning Board  
 Prepared by RPPA, Inc., Planning Consultants, September 1986