

PIERMONT NEWSLETTER

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NO HIGH RISE VARIANCE FOR PIERMONT

The Piermont Zoning Board of Appeals unanimously rejected an application for a zoning variance that would have permitted construction of six-story high rise apartments on the old Sparkill School property on Route 9W.

The board, acting independently in interpreting the letter and spirit of Village ordinances, turned down the request for a variance on two legal grounds:

First -- The applicant did not prove hardship, a requirement for such a grant.

Second -- The variance sought was not a proper use of the land.

In denying permission to override the zoning law, the board's decision also found that doubling the height of permissible construction on the site would amount to a radical change in the type of construction in the area; that it would burden Village service facilities because of its very high density population; that it would be detrimental to property in its immediate neighborhood; and that it would be contrary to the purposes of the Village zoning ordinances. The board also denied the applicant a variance that would have reduced open space requirements.

The board's decision came several weeks after a lively public hearing at which many Piermont residents voiced opposition to the proposed apartment project.

Four of the five members of the Village Board favored the project, primarily on the basis that it would provide higher tax ratables that would help meet rising village costs. Trustee Mimi Bryan opposed the plan.

In discussing the rejection of the application for a variance after the board vote, Charles Grutzner, chairman of the



Autumn storm on the Piermont Waterfront

Zoning Board of Appeals, said the board had considered the plan carefully and had heard all sides -- from the people of the village, from the Board of Trustees (with which it met twice on the subject), and from the Village Planning Commission, which opposed the project. "We considered the problems of traffic, appearance, and various arguments for and against the desirability of the project", said Grutzner. "But our decision was simply a legal one. The applicant did not provide the facts to prove his plea, and we felt that approving six-story buildings would change the intent and purpose of the zoning ordinance. We are not empowered to do that -- it would not be granting a variance, it would be legislating."

The applicants for the variance seemed shocked at the unanimous turndown by the board. "I'm not in the business of throwing money out the window", said the property owner. "I was under the impression from people I talked to in the village that they wanted as high a use of the property as possible, to increase ratables." He asked informally what he could build on the property, but the board explained that it could not make suggestions or compromises, but could only act if presented with a plan.

Mr. Grutzner pointed out that under the Business B zoning -- which permits stores, offices and residences over commercial establishments in buildings to a height of 2½ stories -- there were many uses for the land under its present zoning, and if the plan met the zoning requirements there would be no need to even bring it before the Board of Appeals.

The owner told the board that he had had some interest in the property from a Hassidic Schule, but that people in the village had "pled" with him not to sell the property to the institution. Several real estate lawyers claim that such "suggestions" to bring in a tax exempt buyer are almost common practice when real estate owners are seeking variances in the laws.

The applicant also suggested that he might have to bring a section 78 action -- a court challenge to the ruling of the board, but the board said it was convinced that its decision would stand up well in court. "It was made under our ordinance which, unlike many old and obsolete ordinances that can be easily challenged in the courts, is only four years old and was passed with full cognizance of the existence of the pressures to build high rise apartments this close to New York City", said Mr. Grutzner. He also said that the board had been careful to turn down the variance on strict legal grounds, and did not include in its denial the consideration of traffic problems and other matters that properly fall under the authority of the Village Board in granting a special permit.

Over 200 residents in Piermont signed petitions against changes in zoning. The Village Board must approve any permits to build in the area and would have to amend the zoning ordinance if high rise construction is to be permitted in Piermont. At this time, there is no motion before the board to start any procedures to change the ordinance.

ZONING APPEALS

The recent case before the Piermont Zoning Board of Appeals involving the old Sparkill School property has caused many people to question for the first time the role in these applications of each arm of the village government involved: the Board of Trustees, the Planning Commission and the Zoning Board of Appeals. Following is an attempt to define the role of each in

enforcement of the zoning ordinance.

New York State laws, which specify the authority and duties of each body, provide for two types of planning bodies, Planning Boards and Planning Commissions. Planning Boards have considerable power: they review plans for construction to see if they conform to the zoning ordinance, and their decision is final, although subject to appeal to the Zoning Board of Appeals. Where there is a Planning Board, the mayor and trustees of a village have very little role in the review of applications for construction.

Piermont, however, has a Planning Commission which, under State law, has only whatever duties and authority the Board of Trustees chooses to give it. In Piermont, the Planning Commission is purely advisory to the Board of Trustees, which retains to itself the powers of a Planning Board. It therefore acts as a Planning Board when deciding matters of zoning.

The Zoning Board of Appeals is empowered to review, on appeal, any decision made by the administrative body enforcing the zoning ordinances, which in Piermont would be either the Village Board or the Building Inspector. The effectiveness of the zoning ordinance depends greatly upon the Board of Appeals. According to the State Zoning Manual, it should not assume what is best for an individual or the community, but should grant a variance only where an unusual circumstance leads to unnecessary hardship for the particular property owner if the ordinance is rigidly enforced. All decisions of the Board of Appeals are subject to review of the courts.

In the case of the Sparkill School property, the Village Board referred the plans to the Planning Commission for its recommendation, which was that the application be turned down because the building was, in effect, a multiple dwelling and not permitted in a "Business B" district. The Village Board, however, accepted the applicant's definition of the building as "apartments over stores," which is permissible in Business B, and turned it down only on the basis of being higher than the 2½ stories allowed and not providing minimum open space. The owners then went to the Zoning Board of Appeals for a variance on these two points on a hardship basis. The appeals were denied.

The N.Y. State Transportation Department is now choosing a contractor for a road widening and resurfacing project on Rte. 9W and on Rte. 340. According to Resident Engineer Carway in New City, bids were opened on Oct. 5, and a contract award will probably be announced within four to five weeks of that date, certainly by the end of November. Construction is expected to begin in early Spring.

Rte. 9W is to be reconstructed from S. Nyack to the Sparkill Viaduct. The two 9 ft. lanes will each be widened to 11 ft. Rte. 340 is to be reconstructed from Kip's Crossing to Rte. 303. The existing 9 ft. lanes will be widened to 12 ft. Curves on each road will be banked, but not straightened. New guard rails and drainage will be installed.

No additional land will be acquired for the widening, which will be done within the existing right of way. The right of way is wider than might be thought. For example, on the eastern side of 9W, it extends past the guard rail, generally to the bottom of the slope.

No change in speed limits on either road is now contemplated.

Supervisor John Komar's office reported that residents along these routes originally became alarmed, believing that all trees along the right of way would be cut. However, Mrs. Lawatch, Secretary to the Supervisor, added that the State has since assured the town that only dead or dying trees will be cut.

Asked about the problem, Mr. Carway stated that all the trees lining 9W are dying, and should have been removed earlier. He advised property owners along the two routes that once construction has begun, an engineer will be available at the construction trailer who will be able to show them what will be done. At that time, appointments with the engineer may be made through Mr. Carway's office.

No estimate of the cost of the project is now available.

No public hearing on the project is required or will be held.

Residents of Piermont, Grandview, and South Nyack have formed the West Hudson Environmental Association, a community organization, to protect the environmental and residential values of this area from the threat presented by the scheduled reconstruction of Route 9W.

An initial meeting, called by Louise Windisch on Oct. 15 at the Ikelheimer's home, brought out 80 participants, who voted to form an association, and created a committee to do so. A second meeting, held at the Piermont Village Hall, drew 150 participants, was addressed by Assemblyman Gene Levy and Mayor Bo DiFrancesca, and resulted in the actual formation of the association, and the election of an Executive Board. The new officers are: Walter Butler, chairman; Ed Zisman, associate chairman; Dr. Robert Wolf, vice chairman; Marjorie Spring, recording secretary; Carol Hovanec, corresponding secretary; and Irene Quill, treasurer.

During the discussions at the two meetings, several major concerns became apparent. Highway widening would further decrease safety by tempting drivers to increase speed, even though the poor visibility on curves and hills would not change materially, and all the existing blind entrances and driveways would remain. Further, the improvement would invite increased truck traffic, harming environmental and residential values. Finally, as these declined, the area would become an even likelier site for the still to be constructed major truck route linking the New Jersey Turnpike and the Dewey Throughway.

A petition, suggesting the possible impact of the new road on the area, and asking the state to conduct an environmental impact survey before starting work, has been circulated.

A group led by Pauline Butler met with Governor Rockefeller during a campaign visit to Rockland County. The Governor has promised to look into the matter.

Most recently, Assemblyman Levy arranged a meeting with Mr. Sinecori, Regional Director of the New York State Department of Transportation. Mr. Levy, Mayor DiFrancesca, Paul Rivet, attorney for the association, Ed Zisman, and others at-

tended. A discussion of the technical aspects of the project produced the information that no new facilities to carry the water from the new drainage system to the river will be built; the water will flow through existing channels. Thus, the current overflow problems will not be alleviated, and may worsen as water flows off the new surface, one third wider than the old.

A copy of the petition, with 700 signatures, was presented to Mr. Sinecori. The group was told that the state would refuse to authorize an impartial impact survey meeting federal standards. Additional signatures are now being collected. The association is also attempting to work with other environmental groups interested in preservation of the Hudson. Additional contacts with the State and County Legislatures are being pursued.

PIERMONT ROTARY

At various points around Piermont, one can find the wheel emblem and motto of the Piermont Rotary. The local unit of the International Rotary has left its mark on a number of places around the village and county. A "Service Above Self" organization, they annually contribute large amounts of money to various worthy causes and carry out projects to benefit local citizens.

To become a member, one must be in a business or profession in the area (the Piermont Rotary's district takes in Piermont, Grandview, Sparkill, Palisades, Tappan, and parts of Orangeburg), and be proposed by a member. At one time, only one representative from each field could be admitted, but that requirement has been eased somewhat in the past few years. At their Wednesday meetings at Cornetta's, the members dine well, hear guest speakers like National League Umpire Tom Gorman, occasionally play host to Rotarians from around the world, and enjoy themselves while they raise the money for their projects.

Each year, they give \$1500 worth of scholarships to graduates of Tappan Zee High School, \$1500 or more to various Boy Scout troops and the Rockland County Boy Scout Council, and the Piermont T-Shirt League. Their \$500 contribution to the T-Shirt League last year was in addition to construction of the stands at the playing field. This year's president Joe Cor-

netta admits that the T-Shirt League is the project closest to his heart, but other local traditions have benefitted, too. The Piermont Library received a book drop, benches and litter baskets have been placed around town, and flags fly from the village curbs. The Rotary holds an annual Children's Christmas Party, and of course contributes the \$50 in prizes that go to the best ghosts and goblins in the famous Piermont Halloween Parade.

This year, the project chairmen, Larry Bartley of Grandview and Henry Wyssling of Tappan, have proposed the most extensive project yet -- transformation of the old school site on Hudson Terrace into a total community recreation facility. Included in the long-range proposal are outdoor basketball and handball courts, floodlights, a blacktopped area that could be flooded for ice-skating, horseshoe and bocci areas, picnic areas and barbecue pits. The first stage calls for sinking the swimming pool and sodding the surrounding area. The plans drawn up by Boris Nepo, have been shown to the Planning Commission but have not yet been seen by the Village Board. There is a Site Planning Committee which has been at work on an overall development plan for the property for several years, and the board has delayed authorizing any individual projects until their report has been presented. The Village Board has taken note of Rotary's generous offer but will make no decision on any part of a plan until they have decided what the whole development of the site will be.

POLLUTION IN PIERMONT

During September several homes in Piermont were visited by a representative of the Rockland County Health Dept., accompanied by Piermont Street Superintendent, John Hickey. Green fluorazine dye was flushed through the houses' sewage systems and a visual inspection of the adjacent River or Creek made for signs of the effluent. It was hardly a surprise to anyone when the tests showed positive at three houses along the Hudson just south of St. John's Church and at a business establishment bordering on Sparkill Creek.

Homeowners soon received letters from the Health Dept. indicating that inadequately treated sewage was being discharged in violation of Article IV, Section VI of the Rockland County Sanitary Code. It was

and at the overwhelming hospitality of everyone they've met. "Contrary to what you always hear about New Yorkers, people have gone out of their way to help. We've stopped to ask for directions and been given a guided tour to our destination. It's definitely not the New York I expected," he says.

Happy with his school, his community, and especially his staff, Lee Siudzinski expects to be in South Orangetown for quite a while. "This is not a stepping stone for me;" he said, "all my study and work have been the stepping stones to right here."

MAIN STREET MAGIC

Individual dreams, collective power, and a lot of hard work: Presto! Chango! from deserted store fronts with decaying apartments above to a pair of refurbished buildings which brighten Main Street. The magician is the Sugby Corporation, comprised of 34 local stockholders who, as its president Leonard Sullivan puts it, "decided it was time to put our money where our mouths were." The mouths for some time had been talking about fixing up Piermont's business district, a project financially discouraging if taken on individually.

Collectively they came through. They set about re-doing the abandoned candy store and restaurant on the southwest corner of Main Street and Ash. Their prime purpose, Sullivan says, is to show by example what can be done and start other people along the way.

After incorporating as Sugby, a name hastily assembled from shareholders' initials after the state rejected several other names because they were already in use, the group determined they would need \$100,000 to buy the building, pay back taxes and refurbish it. They got a \$70,000 mortgage from the Tappan Zee Bank and set about selling shares to raise the remaining \$30,000. Because they wanted a community project with many people participating, they set shares at \$500 each and limited individual holdings to no more than 10% of all shares issued. As work progressed, they realized they would need more money and are now in the process of selling additional shares.

Almost all the work done on the building has been by shareholders, and after eight problem-filled months the Sugby

buildings are ready for business. Six of the eight modern apartments on the second and third floors have been rented. (Four are one-bedroom apartments and four are studios.)

Both stores are also spoken for. The corner store will house a silversmith, stained glass maker and a dealer in antique documents. The other will be a gallery for Rockland artists and craftsmen, operated by Piermonter Herb Schlobohm.

The smell of fresh paint, handsome fixtures and shiny new appliances throughout the buildings belie the state in which its owners found it. As they wrestled the building into shape, Sullivan, who has his own contracting business, and his crew dodged walls collapsing around them and surfaces crumbling to the touch. They rebuilt rooms, reframed windows, insulated, installed firewalls in the hallways and fire proof ceilings. The buildings meet maximum latest codes for new buildings.

Even the small back area has been transformed into a tiny terraced garden bright with pachysandra and chrysanthamums planted by green-thumbed share holders.

P.C.A. NAMES OFFICERS FOR 1972-73

As a reward for hard work and outstanding achievement (the E.C.A. paper collections), P.C.A. members voted to give Herb Schlobohm the Presidency of their organization for the coming year. He will be assisted by Mildred Burck as Vice-President, Gail Katz -- Secretary, and Gerry Ikelheimer -- Treasurer. Bob Celander, Lisa Merrill and Art Watkins join Cynthia Crippen and Katherine Smith on the executive board.

President Schlobohm reports that he sees some hefty projects ahead for the P.C.A. and promises to write a column for the next Newsletter. Meanwhile, he wants to remind everyone that the P.C.A. holds regular meetings on the second Tuesday of each month at 8:30 p.m. -- usually at the Community Center. All are welcome to attend and to become P.C.A. members.

PLANNING COMMISSION

Mr. Gordon Chase, of the Rockland County Planning Board, attended the regular October meeting of the Piermont Planning Commission to deliver the first draft of

requested that owners take action to make connections to the available sanitary sewers and that the Health Dept. be notified of such action by October 13. Reached by phone at his office, Senior Environmental Health Technician Frank J. Haera indicated that failure to follow these steps would result in a hearing, following which the Commissioner of Health would seek compliance through the courts. Haera said that about a half dozen houses were involved in this action, which had been initiated by a complaint. The source of the complaint could not be divulged.

While one might presume that records exist to show which houses in Piermont are connected to sewer lines and which are not, such may not be the case. Mr. Hickey indicated that a dye test was done at the rectory of St. John's Church and showed negative after an hour's wait. One might also wonder why some houses have been allowed to continue dumping raw sewage into the Hudson or Sparkill Creek for some 50 years after sewer lines were available to them. In recent years one reason has been that they were allowed to wait for the sewer extension to be put through Grandview, at which time the old Piermont line between Hester St. and the Grandview line will likely be replaced. Reached by the CEA on the status of this project, Orangetown supervisor John Komar had responded on 28 July that "recent federal cutbacks in funding of these projects has forced the Town to delay any further work on the project for the time being." In spite of a Presidential veto, the \$24.6 billion water pollution control bill has recently passed both houses of Congress by an overwhelming margin. If funds are appropriated, the long-awaited construction along River Road might well begin in 1973. It also appears that complaints lodged against River polluters will now result in decisive action.

LEE SIUDZINSKI TAPPAN ZEE ELEMENTARY'S NEW PRINCIPAL

When the Tappan Zee Elementary School opened this fall, the principal who greeted the returning scholars was Lee Siudzinski (succeeding Ernest Tebo, who retired), who will become Dr. Siudzinski (Shoo-gin-ski) in December, comes from Wisconsin with an impressive background in individualized learning. His Bachelor's and Master's Degrees are from the University of Wisconsin and his Doctorate will be conferred by

Marquette. His doctoral dissertation was on the multi-unit elementary school (what we have at TZE) and he held a fellowship from the Wisconsin Research and Development Center, the agency which developed the concept of the multi-unit school. As a fellow he trained teacher-team leaders to work in individually guided education and was a consultant to the Chicago Archdiocese, the West Allis and the Merton Public Schools on implementing individualized instruction.

Although, according to Mr. Siudzinski, the program he found at TZES more closely follows the ideal than any he had seen, he has made some refinements in it. The major one has been to schedule large blocks of prime morning time each day for work in reading and math, moving the specials (art, music, Physical Ed.) to later in the day. Each child gets 200 minutes per week of these specials; some get more with the new supplementary activities time at the end of the day. The last 25 minutes have been organized to allow the art, music, and P.E. teachers to give small groups of 5 to 10 children extra instruction in a needed skill or enrichment in a new one. Teachers may refer children or they may self-refer. Over the course of the year, each child will have had at least one turn.

Other innovations include the weekly "radio" program, "Tidbits from TZE". Two children from each team report school news over the loudspeaker at 8:55 each Friday morning. Eventually, every child will get a crack at being the reporter. Notebooks, paper, pencils, and other supplies are available in the School Store. Supervised by PTA mothers, students will operate the store as a learning experience as well as a service. Ultimately, students will take over the entire operation. These are all part of Mr. Siudzinski's goal of total school participation.

Mr. Siudzinski seems to have the same great rapport with kids his predecessor was noted for. His openness and enthusiasm have impressed parents. His youthful appearance has momentarily surprised some visitors, but except for a truck driver who assumed he was a cleaner and insisted he unload a delivery, no one has challenged his authority. As a mid-westerner, he has seen some stereotypes about New York smashes in the few months since he and his wife Karen moved into their Congers home. They were both amazed by the vast numbers of trees and greenery so close to the city,

the excellent new map of the village which was provided by the county under the terms of the current "701" grant to the village from the Federal and State governments. Members of the Planning Commission will review the map carefully for corrections and additions to be made before the final printing.

Preparation was begun on an application for another 701 grant to continue the Commission's work when the current grant expires at the end of June, 1973.

The Commission also worked on the first draft of a questionnaire to be sent to all residents and property owners in Piermont to obtain data and enlist suggestions from the people of Piermont to guide the Commission in its work.

TREE TRIMMING BEE AT THE LIBRARY

On Saturday December 16th at 2:00 p.m. all elementary school children are invited to the Piermont Library to help Paula Scholz make decorations for the Library Christmas tree. Refreshments will be served.

The "Hall Galleries" at the Library are having continuous displays. The Downstairs Gallery exhibits of authors and illustrators of children's books have been outstanding -- Beatrix Potter in October, Dr. Seuss in November. October's showing of local artists in the Upstairs Gallery was a great success, followed by a November display of Holiday Recipes from Piermont kitchens. December's exhibit upstairs will be "Traditions of Christmas"; downstairs and in the Children's Room old and new illustrations of Christmas stories will be on display.

Pre-school story hours continue every Wednesday at 10:30 a.m. -- coffee is served for the mothers. Wednesday afternoon programs for the elementary school children are at 4:00 p.m. This season movies are alternating with a Puppet Workshop under the guidance of Mrs. Celandier and Mrs. McKivitt. Regular announcements of the schedule are posted on the Library bulletin boards (at the Library and at the Post Office) and are also sent home monthly with the children from school. Be sure to check them, there is always something going on.

SAVE PAPER FOR THE FIRST SATURDAYS

The Citizens for Environmental Action report a good response in their recycling project, with paper pickups continuing on the first Saturday of each month, rain or shine. Proceeds have amounted to several hundred dollars to date and go mostly to local causes of an environmental nature. Most people still put out only newspapers, perhaps not realizing that any all-paper product can now be recycled - cardboard, phonebooks, magazines, junk mail etc. In many households the volume of non-newspaper recyclables exceeds that of the daily newspaper accumulation. Staples in magazines present no problem, but notebooks with metal binders, plastics, wax and aluminum-foil coated cartons cannot be accepted.

Plans to expand the collection to include cans and bottles have been delayed for lack of a suitable building or shed for work and temporary storage. Anyone know of a good location? In the meantime Glenshaw Glass on Route 303 takes clear and green bottles on Saturday mornings. The CEA would welcome additional members and assistance for its monthly pickup. Also helpful would be someone with a van or pickup available on the first Saturday in the month. Call 359-5247 or 359-4959.

THE LIBRARY NEEDS A BOOST

The Piermont Library is holding its annual fund drive and we hope everyone in the community will do what he can to support it. Like so many other organizations in the village -- the Fire Department, the Ambulance Corps, the summer recreation program -- the Library receives only partial support from Village taxes. It is run largely with volunteer help and depends on the public it serves for financial aid also. One glance at the list of activities the Library offers to the community -- to say nothing of the homework assignments done, the research projects undertaken, the hours of sheer pleasure reading and browsing -- should convince everyone that the Library is worth all we can give to it.

FROM THE EDITOR

This issue of the Newsletter, and many others before it, seem to be dominated by stories of civic action against various things. We all know about eternal vigilance, etc., but wouldn't it be nice if some of that energy could go into projects for? A great many things in the Village come to mind, and some have had a few first steps taken (Main Street, Kane Park, the beginnings of a real community center) but many others remain. One important step would be to make the Planning Commission a Planning Board, and then get behind it with the kind of community support and enthusiasm we need to plan a village which will keep the qualities we all enjoy while at the same time providing for necessary -- and inevitable -- growth.

THIS ISSUE was produced by the Newsletter Committee of the Piermont Civic Association: Robert Bradbury, Cynthia Crippen, Charles Grutzner, Margaret Holihan, Ted and Lisa Merrill (editor). Charles Berger and Stan Jacobs contributed special articles. The committee always welcomes new members or special feature writers. Please contact any of the above people if you want to join.

THE PCA NEWSLETTER is published for all of Piermont and anyone else who belongs to the PCA. If you know any new resident who is not on our list, please notify Jean Berechid, Route 9W, Piermont.

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