

ADJOURNED TOWN BOARD MEETING

November 12th, 1941

Town Clerk's Office

7:00 P. M.

Present: Mr. Eberling
 Dr. Gilchrest
 Mr. Goebel
 Mr. Jacobsen
 Mr. Blauvelt

Mr. Blauvelt called the meeting to order.

Mr. Blauvelt then read a petition for a hydrant on Route 59 easterly to the water district boundary, a distance of about six hundred feet, in order to provide water to premises belonging to Theodore Warner situate on Route 59 in Nanuet, N.Y.

Mr. Warner appeared in person and asked the Board to give this matter their consideration.

Mr. Eberling moved the petition be accepted and that the Board communicate with the water company relative to this matter.

Seconded by Mr. Jacobsen

Carried

Mr. Blauvelt appointed Mr. Eberling and himself on a committee to investigate this matter.

Mrs. Natalie Couch Williams appeared as Counsel for Adolph Zukor and expressed her appreciation and thanks for the Board's willingness to hold an adjourned meeting to help with their problems. She then informed the Board that they had difficulty in securing permits for construction of houses in Residence A, as they were going by Section 15, Subdivision 1, and Mr. Jeffrey had ruled that Section 15, Subdivision 2 applied. She said that since a house was approximately 51 feet long there was not sufficient room on the lots for 40 feet side yards. However, under Section 15, Subdivision 1, which requires side yards to be 75% of the height of the building, they were quite within the law. Since the word "either" appears in this Section, it is her feeling that either one of the two sections applies. When the matter was taken up with the Building Inspector, Mr. Jeffrey, he interpreted the law to mean Subdivision 2 of Section 15, but said he would be glad to follow Subdivision 1 if directed or requested to do so by the Town Board. Mrs. Williams then told the Board that Mr.

Zukor had a declaration of purpose which she would like to file, but before completing it, they desired to have this matter cleared up. She also told the Board that restrictions were very severe - more so in some respects than the Zoning Ordinance.

Mr. Lexow as attorney for the Town then asked Mrs. Williams if they would encounter the same difficulty if they were in Residence B District.

Mrs. Williams informed Mr. Lexow and the Board that Mr. Zukor was satisfied to be in Residence A, as they planned to have a high class development. They only wanted the word "either" clarified and asked that the Board interpret the meaning of Section 15.

Mr. Jeffroy, Building Inspector, told the Board he felt that a change to Residence B would be detrimental to the Town at this time.

Mr. Jacobsen told the Board that he had worked on the Zoning Ordinance from its infancy, and that it was the intention of the ordinance to protect the future use of property in Clarkstown and was never intended to restrict high class development in Clarkstown.

Mr. Jeffrey said he denied the permit because he felt it was better for the Town of Clarkstown to comply with Section 15, Subdivision 2 which requires a 40 foot side yard.

Mrs. Williams then told the Board that Mr. Zukor had complied with Section 15, Subdivision 1 of the Zoning Ordinance but were denied a permit under the subdivision 2 ruling. They feel that the word "either" means just what it says and gives them the right to comply with either subdivisions. They ask that the Board kindly interpret the meaning of the ordinance, so that they will not be violating the law.

Mr. Eberling moved the Board adjourn and go into Executive Session.

Seconded by Mr. Goebel

Carried

After discussing matters in Executive Session, Mr. Jacobsen moved the Board reconvene into regular Town Board Meeting.

Seconded by Dr. Gilchrest

Carried

Mr. Jacobsen moved that William Zielich be appointed full time Police Officer, effective December 1st, 1941, at a salary of \$1440 per year.

Seconded by Mr. Goebel

Vote: Mr. Eberling	Yes
Dr. Gilchrest	Yes
Mr. Goebel	Yes
Mr. Jacobsen	Yes
Mr. Blauvelt	Yes

Mr. Jacobsen moved the meeting be adjourned.

Seconded by Mr. Eberling

Carried

Meeting adjourned.

Town Clerk of Clarkstown

AAI 724