

PUBLIC HEARING

July 1, 1943

Valley Cottage Fire House

8:00 P.M.

A Public Hearing was held by the Town Board of Clarkstown at the Valley Cottage Fire House on July 1st, 1943 at 8:00 P.M. on the application of Valley Cottage Coal Company, Inc. and/or George F. Hamblin, to transfer the real property owned by him now located in the "Residence B District" to the "Business B District".

The following members of the Town Board were present:

Roswell P. Blauvelt, Supervisor

Dr. J. T. Gilchrest, Councilman

Dr. A. C. Goebel, Councilman

John Dickenman, Councilman

Mr. Fred M. Schmersahl was unable to be present.

In opening the hearing, Mr. Blauvelt, who presided, told those present that the hearing had been called for the purpose of hearing anyone interested in the application of Valley Cottage Coal Company, Inc. for a change in the zoning of their property. He said that notices have been posted and printed in the newspaper pursuant to law.

Mr. Blauvelt then requested Mrs. Buchenau, Town Clerk to read the notice of publication.

Mrs. Buchenau then read the notice appearing in the June 19th issue of the Journal-News.

Mrs. Heinshon then told Mr. Blauvelt that she would like to know what was the reason for the change in the zoning of this property.

Mr. Blauvelt replied that at present the property of the Valley Cottage Coal Co., Inc. is in a residence zone, and the application is for a change to a business zone.

Mrs. Heinshon then said she understood that about a year ago application was made and granted with the exception of the right to have oil tanks.

Mr. Jeffrey, a former Building Inspector, then said that application had been made to the Town Board to put up tanks, but that the change in zoning was never granted by the Board. He said that he had advised Mr.

Hamblin that he would have to go before the Board of Appeals for a variance of the Ordinance. Instead Mr. Hamblin went to the Town Board for a change in the ordinance.

Mr. Hamblin said that he felt a mistake had been made originally and that he wanted the mistake rectified by having the ordinance and map changed. He pointed out that the business was in effect long before the Zoning Ordinance became effective, and that someone had put the business in a residence zone by error. He further added that business has been in this place for about 200 years. Mr. Hamblin told those present that he felt it necessary to go to the Town Board to rectify the mistake that was made rather than apply to the Board of Appeals for a variance.

Mr. Blauvelt said that if the property was not changed, Mr. Hamblin would have to get a variance every time he wanted to make a change.

Mr. Jeffrey then pointed out that if the property was changed to Business B, he was not afraid of what Mr. Hamblin would do, but he felt there should be some protection, and he said he thought a change to Business A would allow him to continue and enlarge his business.

Mr. Hamblin said he had talked the matter over with Mr. Jeffrey, who at that time was Building Inspector, and that he had asked for Business B because he thought it less restrictive than Business A. He said he would have been satisfied with Business A. He told the Board that he himself wouldn't want anything undesirable right under his window. He said that if he could retract his original request to Business A instead of Business B he would be glad to do so.

Mr. Jeffrey said that as he understood it, Business A would permit Mr. Hamblin to extend his business right up to his line. He said he was hopeful that Mr. Hamblin would give some guarantee that he would keep the business back at least 30 feet. He said he had no quarrel with Mr. Hamblin but that he has no assurance the property would not come up to his line.

Mr. Fulle said he was satisfied with Mr. Hamblin, but suppose the property were sold and someone did put up tanks. He has no objections to Business A if buildings are kept back a little.

Mr. DeBaun said he felt that Business A would be satisfactory.

Mr. Wexler, Town Attorney, then advised the Board that it would be permissible for them to change the property to Business A, although the application was for a Business B zone.

Mr. Blauvelt then asked if anyone present would be opposed to a change to Business A zone.

There were no persons present who voiced their objections to such a change.

Mr. Fulle then asked if a change to Business A would be granted on the opposite side of the road.

Mr. Blauvelt informed Mr. Fulle that a Special Hearing would have to be held on such a change and that it would have to be advertised pursuant to law.

Mr. DeBaun then asked if he sold his business and someone wanted to start another business would this be possible.

Mr. Blauvelt informed him that a person would be permitted to commence any business in a business zone.

Mr. Jeffrey told the Board that if something should develop near him, he would apply for a change at once.

Mr. Blauvelt said that the Board was having a meeting in a week's time and would take action at that time.

Mr. Hamblin said that if Business A would permit his putting in a tank, he would be completely satisfied. He said he would of course keep it as near to the track as possible, and that it would be close to the coal bins.

Mr. Wexler, Town Attorney, said that he did not have a copy of the Zoning Ordinance with him and was therefore not prepared to say definitely whether Business A would permit the oil tanks. He did, however, suggest that if a change to Business B is not desirable, then the Board could change the property to a Business A zone. A variance would have to be granted by the Board of Appeals, permitting the placing of the tanks near the track. Since the tanks are the only things Mr. Hamblin is interested in at the present time, such a combination would be satisfactory to all concerned.

Mrs. Heinshon said she would be opposed to a change to Business B.

Mr. Fulle said he objected to a change to Business B.

There being no other persons who wished to speak, a motion was moved

by Dr. Goebel and seconded by Mr. Dickenman that the hearing be concluded. The motion was unanimously carried.

Mr. Blauvelt then declared the hearing closed.

Kate Buchanan

Town Clerk of Clarkstown