

SPECIAL TOWN BOARD MEETING

Oct. 24th, 1944

Town Clerk's Office

8:00 P.M.

Present: Mr. Schmersahl

Mr. Eberling

Mr. Blauvelt

Absent: Mr. Dickenman

Mr. Blauvelt called the meeting to order and read a letter from Edwin H. Bedford, Clerk to the Board of Supervisors, requesting that the necessary change in the Zoning Ordinance be made to permit the erection of a County Garage and Office Building on the Robitsch property in the rear of the Court House, and that a public hearing be held to avoid any possible legal objection to the building.

Mr. Blauvelt then told the Board that this property was located in Residence B. Dist. He said there was considerable pros and cons regarding Sub. 4 of Sec. 5, Residence A. District Uses as shown in the Zoning Ordinance, as this part of the ordinance applies in this case. He then quoted the subdivision which excludes the use of property in Res. B districts except for the following purposes.

- (4) School, hospital, sanitarium, library, museum or other buildings used by the Federal, State, County or Town Governments for public purposes.

Mr. Blauvelt told the Board that there was a question as to whether the erection of a County Garage would be considered for public purposes, and he said that a change of the zoning of the property to Bus. B. would eliminate any further doubt.

Mr. Henion, County Attorney, told the Board that there was a question in his mind whether the Ordinance was broad enough to allow building the Garage after the property is purchased. He suggested that in order to be safe, it was best to include a paragraph to amend Section 4, Sub. 4 and specify that a municipal garage is deemed included or something to that effect, or change the zoning of the property to Bus. B.

Mr. Allison, County Engineer, then described the property in question, which is in the rear of the Court House and south of New Hempstead Road. He indicated that the option now covers about 1 1/2 acres, and that about one acre of this property will be turned over to the Town of Clarkstown.

Mr. Wexler, Town Attorney, told the Board that he had previously taken up this matter with Mr. McDermott, at the time he was County Attorney. Both had checked the law carefully. Mr. Wexler said that in his opinion the phrase "for public purposes" does not necessarily include buildings owned by municipalities to which the general public would have access to or go into for general municipal business. He pointed out that it might also be possible the municipality might want to rent part of the building. He said he understood that the building would be used for storage or the storing of public records. He suggested that if the Board contemplates building other buildings, it might be well to change the section as well as the ordinance. He ended his remarks by telling the Board that he was not satisfied that the phrase "for public purposes" must of necessity include a building that the public does not enter.

The Board then discussed the matter at length and decided to hold a public hearing on a change of the zoning of this property from Res. B. district to Bus. B. district.

On a motion of Councilman Ebering, seconded by Councilman Schmersahl, it was

RESOLVED, that a public hearing, as hereinafter set forth, be held on said application for change in the Building Zone Ordinance of the Town of Clarkstown:

The application to transfer the real property hereinafter described, now located in the "Residence B District" to the "Business B District".

The real property referred to in said application is described as follows:

ALL that parcel of land situated at New City, in the Town of Clarkstown, Rockland County, New York, bounded and described as follows:

Beginning at a point on the westerly side of the Zoning District, which is zoned for business purposes on the westerly side of route 304, said point being on the northerly line of lands of Christy Eberling 200 feet from the westerly side of route 304; running thence north $72^{\circ} 30' 30''$ West 845 feet, plus or minus, to the east line of property owned by Irving Hyman; thence along said Hyman's property North $13^{\circ} 19' 30''$ East about 362 feet to the south side of the New Hempstead Road; thence along the south side of the New Hempstead Road about 1,075 feet to the westerly line of the aforesaid business district abutting 304; thence along the said business district in a southerly direction about 625 feet to the point or place of beginning.

Containing all the within described property to be placed in Business B.

AND BE IT FURTHER RESOLVED that said public hearing on the application above set forth, be held at the office of the Town Clerk of the Town of Clarkstown in the Hamlet of New City, Town of Clarkstown, Rockland County,

New York, at 7:00 in the afternoon (Eastern War Time) on the 10th day of November, 1944, and that the Town Attorney is directed to cause a notice of said public hearing to be published once in the Journal-News, within the time stated by law, and which newspaper has been designated the official paper for the Town for said publication.

The resolutions herein were adopted by the following vote:

AYES:

Mr. Schmersahl, Councilman

Mr. Eberling, Councilman

Mr. Blauvelt, Supervisor

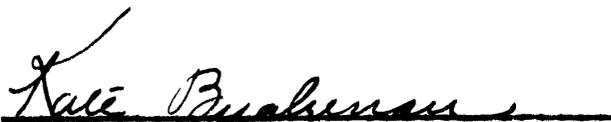
NOES: None

Mr. Schmersahl moved the Board adjourn.

Seconded by Mr. Eberling

Carried

Meeting adjourned.


Town Clerk of Clarkstown