

and Grounds account.

Seconded by Mr. Danko.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Danko, Jeffrey, Welchman, Coyle.

NAYES: None.

On motion made by Mr. Jeffrey, seconded by Mr. Welchman and unanimously carried, the meeting was adjourned.

Signed,

*Mildred F. Magai*  
Mildred F. Magai,  
Town Clerk.

Town Clerk's Office

PUBLIC HEARING  
May 14, 1959

8:00 P.M.

Present: Messrs. Coyle, Supervisor,  
Renken, Councilman  
Danko, "  
Welchman "

Supervisor Coyle called the hearing to order.

The Clerk read notice of hearing to consider amendments to the Zoning Ordinance of the Town of Clarkstown by amending Sections 1.26 - 2.1 - 2.32 - 3.11 3.12 - 4.18 - 4.32 (A) - 4.32 (B) - 4.32 (C) - 4.32 (D) - 5.227 - and 7.361 ) to include L0 zone).

For the purpose of accommodating persons in attendance at the hearing, the meeting was adjourned to the Supreme Court Chambers in the Court House.

The Supervisor read the proposed amendment in full as well as letter dated May 12, 1959 from the Rockland County Planning Board and letter dated May 13, 1959 from the Clarkstown Planning Board, setting forth recommendations.

Supervisor Coyle then asked if anyone wished to speak in favor of the proposed amendment to the Zoning Ordinance.

Mr. E. Tyson Matlack, President of the Central Clarkstown Residents Association read a letter from his organization dated May 14, 1959, favoring an L0 district establishment generally and setting forth recommendations. The letter was placed on file.

The Supervisor asked if anyone else wished to be heard in favor of the amendment proposed. Persons who voiced favor were as follows: Mr. James J. Johnson of 57 Congers, Road, New City; Mr. Richard Selke of Rockland Lake; Mr. Martin Bernstein of New City; Mr. Patrick Damiani of New City; Mr. Patrick Campbell of New City; Mr. Samuel Fisher of Hillside Drive, New City; and those favoring the zone with reservations were as follows: Mr. Alan Anderson of South Mountain Road, New City; Mr. Richard Burleigh of West Nyack; Mr. Terrence Anderson of South Mountain Road, New City; and Mr. John Aho of Valley Cottage.

Mr. James Rice, formerly with the Fairlawn Industrial Park, representing Mr. Bernard Nemeroff of The Dells, Inc., touched on the subject of tax rateables and percentages of floor area ratios.

Mr. James Ward, County Planning Director, then explained in detail his reasons for recommending a .35 floor area.

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Several Questions were put to the Board by Mr. Alan Anderson, Mr. Terrence Anderson, Mrs. Margaret Edwards, Mrs. Charlotte Menaker and Mr. Robert Winterbottom and were answered by the Board and the County Planning Director.

Supervisor Coyle then asked if anyone present wished to oppose the proposed amendment and no one appeared in opposition.

On motion made by Mr. Renken, seconded by Mr. Welchman and unanimously carried, the hearing was closed.

Signed,

Mildred F. Magai,  
Town Clerk.

TOWN BOARD MEETING

Town Clerk's Office

May 14, 1959

10:00 P.M.

Present: Messrs. Coyle, Supervisor  
Renken, Councilman  
Danko, "  
Welchman "

James Ward, Director, County Plan. Bd.  
Everett J. Johns, Esq., Town Attorney

Absent: Mr. Jeffrey

Supervisor Coyle called the meeting to order.

The Board reviewed at length the contents of letter dated May 14, 1959 from the Central Clarkstown Residents Association, letter dated May 12, 1959 from the Rockland County Planning Board and letter dated May 13, 1959 from the Clarkstown Planning Board.

Mr. Renken moved the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 27th day of April 1959, provided for a public hearing on the 14th day of May, 1959 at 8:00 P.M., Eastern Daylight Saving Time, to consider amendments to the Zoning Ordinance of the Town of Clarkstown; and

WHEREAS, notice of said public hearing was duly published as required by law and said public hearing was duly held at the time and place specified in said notice;

NOW THEREFORE, BE IT RESOLVED that the Building Zone Ordinance of the Town of Clarkstown be and it hereby is amended as follows:

AMENDMENTS TO THE ZONING ORDINANCE OF THE TOWN OF CLARKSTOWN DATED SEPTEMBER 13, 1955, AND AS AMENDED.

Note: additions indicated by underline, deletions by ((double parentheses)).

By amending Section 1.26 of Article 1, by adding a paragraph, following the definition of "R District," to read as follows:

Research, Experimental and Testing Laboratory. A building or buildings for experimentation in pure or applied scientific or engineering design, development of prototype machines or devices, or of new products, and processing and fabricating incidental thereto, and customary accessory uses necessary thereto; provided that materials or finished products shall not be manufactured, processed, fabricated or assembled on the premises primarily for wholesale or retail sale, except as a pilot operation and conducted as a corollary to such experimentation and research; further provided that no commercial servicing or repair of commercial products be performed; and further provided that there be no display of any materials or products for sale, other than models or samples directly related to such research or development.

By amending Section 2.1 of Article 2 by addition to read as follows:

\*\*\*\*\*  
RO-1 Laboratory-Rodent District  
LO Laboratory-Office District  
LS Local Shopping District  
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By further amending Section 2.1 of Article 2 by addition to read as follows:

The purpose of the Laboratory-Office (LO) District is to provide a highly restrictive district for a group of certain laboratory, office, or recreational uses in a park-like development; the regulations of the district are intended to ensure not only the compatibility of the district uses with each other, but with adjacent districts. It is intended that, because of its restrictive character, the LO District should be used only on request, with consideration for the effect of adjacent districts on it, and in accordance with the Comprehensive Plan for the Town.

By amending Section 2.32 of Article 2 by addition to read as follows:

If any such distance parallel to a street is not specified on the Zoning Map, it shall be deemed to be located; in RA, RA-1, RA-1(X), RO, LO, M-1, or M-2 districts - 300 ft. from the street line or designated street line; in SC or C-2 districts - 250 ft. from the street line or designated street line; in R-1, R-1(X), LS, or C-1 districts - 200 ft. from the street line or designated street line; and in R-2 districts - 150 ft. from the street line or designated street line.

By amending Section 3.11 (Table of General Use Regulations) by adding in Columns 1 through 8, and following immediately the RO-1 District to read as follows:

(Column 1, Districts)

LO

(Column 2, Uses Permitted By Right)

LABORATORY OFFICE DISTRICT

1. Same as RA, except Nos. 1 and 2.
2. Golf courses, and golf or tennis clubs including facilities for conferences and meetings, and restaurants and sleeping accommodations for members, conferees and guests, whether such clubs are operated on a private membership basis, or are operated for profit on an advance reservation basis only.
3. Offices -- professional, governmental, and business.
4. Research, experimental, and testing laboratories, as defined in Sec. 1.26, and sub. to Performance Standards procedure, Sec. 4.12.

Special Requirements and Conditions (for Nos. 3 and 4):

- (a) That all areas not used for building or for accessory off-street parking shall be suitably landscaped and maintained in good condition, provided no parking or loading shall be permitted within the required front, rear and side yards.
- (b) That entrances and exits shall be so located as to draw a minimum of vehicular traffic to and through Residential Streets.
- (c) That no shipping or receiving of goods shall be carried on between 11 p.m. and 6 a.m., and that any floodlighting will be arranged so as to eliminate the glare of lights toward adjacent residential lots.

(Column 3, Uses by Special Permit)

(No special Permit uses)

(Column 4, General Accessory Uses)

1. Accommodations for servants or caretakers and their families, subject to Sec. 5.227.
2. Keeping of not more than 2 commercial or service vehicles, subj. to Sec. 6.1.
3. Recreational facilities, indoor and outdoor, incidental to churches and similar places of worship, or to schools.

- 4. Accessory parking as permitted in Sec. 6.1, 6.3, and 6.5.
- 5. Accessory loading as permitted in Sec. 6.2, 6.4, and 6.5.
- 6. Accessory residential quarters for guests of a Use Permitted by Right, provided that no public hostelry shall be construed to be permitted.
- 7. Storage of goods or equipment, subj. to Col. 8, No. 2.
- 8. Accessory water supply system, including wells.
- 9. Accessory sewage treatment plant.
- 10. Any other similar accessory use, subj. to approval of the Board of Appeals.

(Column 5, Accessory Signs)

- 1. For any non-residential establishment or institution permitted also in RA, same as RA.
- 2. For uses permitted Col. 2, No. 2, one indirectly illuminated business sign, not over 50 sq. ft. in area, facing only toward and approximately parallel to the nearest street and not less than 100 ft. from any lot line.
- 3. For uses permitted in Col. 2, Nos. 3 and 4, one indirectly illuminated business sign not over 100 sq. ft. in area, facing only toward and approximately parallel to the nearest street and not less than 100 ft. from any lot line.

(Column 6, Off-Street Parking)

FOR:

AT LEAST 1 PARKING SPACE FOR EACH:

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>1. <u>Uses permitted in Col. 2, No. 1) and Col. 3, Nos. 1 and 2.</u></li> <li>2. <u>Offices.</u></li> <li>3. <u>Laboratories</u></li> <li>4. <u>Club</u></li> </ul> | <ul style="list-style-type: none"> <li><u>Same as RA</u></li> <li><u>300 Sq. ft. of office floor area</u></li> <li><u>2 employees or 300 sq. ft. of floor area in such use, whichever is less.</u></li> <li><u>1 accessory guest room or dwelling unit, and 1 employee, and 3 restaurant seats.</u></li> </ul> |
|--|--|

(Column 7, Off-Street Loading Berths)

- 1. Same as RA
- 2. For uses permitted in Col. 2, No. 2, 1 berth for each 25,000 sq. ft. of floor area or fraction thereof.
- 3. For uses permitted in Col. 2, Nos. 3 and 4, same as RO.

(Column 8, Additional Use Regulations)

- 1. Same as RA
- 2. All offices, laboratories, and service uses, accessory storage, and all accessory off-street loading berths shall be within completely enclosed buildings.

By amending Section 3.12 (Table of General Bulk Regulations) of Article 3, by adding in Columns 1 through 11, and following immediately the RO and Ro-1 Districts, to read as follows:

(Column 1, District)

LO

(Column 2, Group)

V-1  
V-2

(Column 3, Uses)

Uses Permitted in LO, which are also permitted in RA (on same Line as V-1)  
All other uses permitted in LO (on same line as V-2)  
(See Use Table, Col. 2)

(Columns 4, 5, 6, 7, 8, 9, 10, 11)

Subject to same regulations as for Group c or D (on same line as V-1)

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(Column 4, Maximum Floor Area Ratio)

0.35 (on same line as V-2)

(Column 5, Minimum Lot Area)

10 acres (on same line as V-2)

(Column 6, Minimum Lot Width)

500 (on same line as V-2)

(Column 7, Required front Yard Depth)

200 (on same line as V-2)

(Column 8, Required Side Yard Width)

100 (on same line as V-2)

(Column 9, Total Required Side Yard Width)

200 (on same line as V-2)

(Column 10, Required Rear Yard Depth)

100 (on same line as V-2)

(Column 11, Maximum Building Height)

1-1/2" (on same line as V-2)

By amending Section 4.18 of Article 4 (Performance Standards) by addition to read as follows:

4.18. Measurement at Other Specified Points. The existence of the following Dangerous and Objectionable Elements shall be determined at or beyond the different locations in different districts in relation to the establishment under consideration, and these shall be measured as follows: (a) in any R district and L0, SC, LS, C-1, and C-2, 25 ft. from the principal building in any direction, or at the lot line if closer; (b) in M-1 and M-2, at the boundary of the R district nearest the establishment in any direction, provided that such measurement shall not be taken from a point located on any property owned or occupied by the applicant. (For the purpose of investigating any purported violation of Sec. 4.181, 4.182, and 4.183 as provided in Sec. 8.335, observations shall be taken on at least 3 non-consecutive days at no less than 3 points along or beyond the lines specified in (a) or (b) above. The angles between lines connecting any 2 adjacent points of measurement and the establishment shall be as nearly equal as possible. If only 3 points of measurement are used such angles shall be at least 60 degrees. When more than 3 points are used such angles may be reduced proportionately.) The limitations on these elements are as follows.

By amending Section 4.32(A) of Article 4 (Special Permit Uses) by addition to read as follows:

4.32(A). Airports and Heliports (in any District except L0): (Balance of Sec. 4.32(A) unchanged.)

By amending Section 4.32(B) (Special Permit Uses) by addition to read as follows:

4.32(B). Camps (in any District except L0): (Balance of Sec. 4.32(B) unchanged.)

By amending Section 4.32(C) (Special Permit Uses) by addition to read as follows:

4.32(C). Sand Pits, Removal of Topsoil and Landfill or Excavation Operations (in any District except L0) for a period not to exceed 5 years; (Balance of Sec. 4.32(C) unchanged.)

By amending Section 4.32(D) (Special Permit Uses) by addition to read as follows:

4.32(D). Commercial Forestry (in any District except L0) for not more than 2 years: (Balance of Sec. 4.32(D) unchanged.)

By amending Section 5.227 of Article 5 (Exceptions to Bulk Regulations) by addition to read as follows:

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5.227. Accessory Buildings in Required Front Yards, Where necessary and appropriate, the Board of Appeals may authorize any one of the following, accessory to a commercial or industrial use in R0, L0, C-2, M-1, or M-2, or to an institutional use in any district: (1) one dwelling unit for a caretaker, (2) gate-house, (3) reception office, or (4) watchman's post, to encroach in a required front yard, provided such accessory building (a) is set back at least 25 ft. from the front lot line and 10 ft. from any other lot line, (b) does not cover more than 1% of the area of the lot, and (c) has a height of no more than 25 ft.

By amending Section 7.361 of Article 7 (Non-Conforming Use and Bulk Regulations) by addition to read as follows:

7.361. Non-Conforming Signs. In any R district or L0 or SC district, any advertising sign or any other sign not of a type permitted, or of a permitted type but greater than 4 times the maximum sign area permitted, may be continued for 3 years after the effective date of this ordinance,, provided that after the expiration of that period such non-conforming use shall then be terminated. However, any advertising sign in existence on the effective date of this ordinance in C-2, M-1, or M-2, and non-conforming as to sign area, may be reconstructed or replaced, provided its sign area is not increased.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Danko, Welchman, Coyle.

NAYES: None.

Mr. Welchman moved the following resolution:

WHEREAS, THE DELLS, INC. has petitioned the Town Board of the Town of Clarkstown that the Building Zone Ordinance of the said Town be amended by redistricting property of the said petitioner and in said petition described, from:

Parcel A - an RA-1 district to an R-1 district;

Parcel B - an RA-1 district to an R0 district;

Parcel C - an RA-1 district to an LS district;

and

PARCEL D 1 and

D 2 - an RA-1 district to an L0 district;

BE IT RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be had at the Clarkstown Central High School Auditorium, Congers Road, New City, New York, on the 6th day of June, 1959, at 9:30 A. M., Eastern Daylight Saving Time, relative to such proposed amendment; and it is

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published as aforesaid and file proof thereof in the office of the said Clerk.

Seconded by Mr. Danko.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Danko, Welchman, Coyle.

NAYES: None.

On motion made by Mr. Danko, seconded by Mr. Welchman and unanimously carried, the meeting was adjourned.

Signed,

Mildred F. Magai,  
Town Clerk.

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