

PUBLIC HEARING

Town Hall

6/10/70

8:15 P.M.

Present: Councilman Niehaus, Bolander, D'Antoni, Supervisor Vines
Town Clerk Anne E. O'Connor
Town Attorney Frederick P. Roland

Absent: Councilman Frohling

RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE BUILDING ZONE ORDINANCE OF 1967
AMENDING SEC. 2.123 (IO ZONE) & SEC. 3.11, TABLE OF GENERAL USE REGULATIONS
FOR THE IO ZONE (USES PERMITTED BY RIGHT):

Supervisor called Public Hearing to order; Town Clerk read Notice of Public Hearing.

Town Clerk sworn in and testified as to proper posting and publication of Notice of Public Hearing.

Town Clerk read proposed amendment as follows:

"Amend Sec. 2.123 (IO ZONE) by deleting said section in its entirety and inserting the following:

2.123 - IO: The purpose of the Limited Light Industrial-Office District is to permit the development of selected industrial uses on land planned and suited to such uses but at the same time protecting the character of the surrounding residential areas or planned residential areas. Manufacturing operations are permitted only if they are incidental or accessory to the primary operation of the plant. This District is planned and intended for industrial land uses characterized by low land coverage, with large year-round landscaped setbacks for protection of residential areas, attractive building designs and developing an industrial parklike setting. The regulations are designed to promote industrial developments using the highest acceptable planning standards to properly handle any obnoxious and objectionable external effects upon the surrounding residential areas, circulation systems, drainage and other natural features.

Amend Sec. 3.11, Table of General Use Regulations, for the IO Zone, Column 2, Uses Permitted by Right, by deleting present section in its entirety and inserting in its place, the following:

1. Light industrial land uses with related offices and showroom, which assemble, process, package, store and distribute SMALL UNIT products such as optical devices, precision instruments, electronic equipment, sporting goods, using light machinery, excluding processes which omit odor, gases, dust, noise or other objectionable or detectable emissions.
2. Research, development, experimental or testing laboratories.
3. Schools for industrial or business training.
4. Professional administrative, governmental, or business offices.
5. Warehouses and wholesale distribution centers with related offices and showrooms, with trucking limited solely to daytime hours. No retail sales shall be permitted.
6. Public utility substations, central control, exchange centers.

IN FAVOR:

1. MR. PATRICK MURPHY, CONGERS: (Representing Congers Civic Association):

Present zoning code contains inadequacies as to what it allows in IO as evidenced by Reynolds controversy. Proposed amendment closely defines what community thought the 1967 ordinance was giving them in IO zone. Adopt.

2. MR. WALTER PLOTNIK, 326 KINGS HIGHWAY, VALLEY COTTAGE:

Need for tightening of regulations as shown by Reynolds affair.

3. MR. GEORGE MC KENNA, 68 LENOX AVENUE, CONGERS: (Member of Congers Conservation Advisory Board):

Supports proposed amendment; would clarify zoning.

IN FAVOR: - Continued

4. MR. RALPH CONTENTO, 47 BEECHWOOD DRIVE, CONGERS: (Member of Hamlet Advisory Board; Co-Chairman of Lakewood Home-Owners' Assoc. representing 100 homes).
Urges Town Board to adopt proposed amendment.
5. MRS. MARG. EVANS, 138 OLD HAVERSTRAW ROAD, CONGERS:
Adopt. Will tighten control.
6. MRS. ELIZ. SLADE, 32 SOUTHWARD AVENUE, CONGERS: (Member of Congers Advisory Bd).
Resides 300' from site - adopt.
7. MR. VINCENT COMFORTI, 4 GLENN COURT, CONGERS:
Resides 500' from site - Adopt.
8. MR. JOS. MEOLA, 12 MEOLA ROAD, CONGERS:
Resides in IO Zone twenty years. Thought it was light industry when adopted in 1967 - adopt proposed amendment.
9. MR. CLAU SEGSMANN, 87 NORTH GRANT AVENUE, CONGERS:
Supports proposed amendments.
10. MR. WALLACE MARSHALL, CONGERS:
Supports proposed amendments.

Theodore Zollendeck, Town Planner, submitted the following resolution as adopted by the Clarkstown Industrial Commission on 6/8/70:

"WHEREAS, the proposed IO Amendment was carefully considered and reviewed by the Industrial Commission, and

WHEREAS, it is the opinion of the Commission that the proposed IO Amendment does

- (a) provide a much needed and clearer definition of light manufacturing uses,
- (b) clearly promotes light manufacturing uses by eliminating heavy manufacturing uses,
- (c) discourages commercial uses by right which should strengthen the intended uses of the Industrial-Office District, and
- (d) encourages more desirable ratables in the Town of Clarkstown

"NOW THEREFORE, BE IT RESOLVED, that the Industrial Commission recommends that the proposed IO Amendment to the Clarkstown Zoning Ordinance be adopted by the Town Board."

Theodore Zollendeck, Town Planner, noted in his memorandum that the motion was carried with the Chairman abstaining.

ROCKLAND COUNTY PLANNING BOARD: "Inasmuch as the proposed changes are more restrictive than the existing regulations, they will not, in all probability, adversely affect neighboring municipalities, or State or County roads and facilities."

OPPOSED:1. HARRY WAITZMAN, ESQ., LAUREL ROAD, NEW CITY: (Representing Chrysler Corp.)

His client purchased site on Route 304 and Demarest Mill Road, Bardonia under IO zone. Proposed amendment would confiscate asa dealership. In 1968 Town Board considered an amendment to IO making use of this zone for automobile new car dealerships, etc.; this was approved by the Planning Board on 12/8/68 and ordinance enacted in January of 1969.

After purchase of site, client appeared before the Planning Board and is awaiting final layout approval. Two other dealerships are slated to be built near said site; 1½ million dollar loss of ratables will be caused if proposed amendment adopted.

Suggested that this hearing premature because of Reynolds matter. Requested revision of proposed amendment with addition under Item 7, adding..."with retail sales permitted."

2. EVERETT J. JOHNS, ESQ., NEW CITY: (Representing the Journal-News):

Client owns property in IO zone which is located e/s side of Route 303, West Nyack which affords approximately 2 million dollar ratable for town. Property placed in IO zone in 1967, which does not permit printing or publication of newspapers - only permitted in RS by special permit. Suggested that printing and publishing of newspaper be allowed by right or by special permit in IO zone.

Eight areas of IO - 120 acres. Amendment will affect every parcel in this 120 acres. Suggests redrafting of proposal - revise to LIO and IO.

3. MR. JACK SUTTER, VP OF JOURNAL NEWS: (Residence: Little Tor Road, New City):

Operating in West Nyack for eight years; firm going into new addition in plant. (2700 square feet addition); Failing to include newspaper printing and publication as a right would cause firm undue hardship.

4. MR. JOSEPH KENNEDY, ESQ., PEARL RIVER: (Represent Ted Schultz Ford Agency):

Property located n/e corner Demarest Mill Road & Route 304 purchased by his client at considerable expense (6acres); to erect new car dealership. Requests elimination of clause eliminating retail operations along Route 304; particularly in vicinity of Demarest Mill Road.

No residences in area; no one will be adversely affected. Two other car dealerships would be close by. 2-3 million dollars in ratables would be brought to town.

5. MR. JEROME SINGER, ESQ.: (Representing Oldsmobile/Cadillac Agency):

Client invested considerable amount of money relying on fact that IO allowed new car dealerships. Would be hardship to client if amended.

6. MARTIN STAMLER, ESQ., SPRING VALLEY: (Representing landowners): As follows:

| | |
|------------------------|-------------------|
| Westrock Associates | Fred A. Holt |
| John Knutsen Co., Inc. | John W. Holt |
| Albert Lamborn | G. Stanley Winter |
| Fred L. Holt | Thomas A. Dexter |

Presented petitions opposing (Sec. 265 of Town Law):

Suggested that revisions be made to proposed amendment that would make it more acceptable to both sides.

OPPOSED - continued7. MR. ALBERT LAMBORN, CONGERS (13 Old Lake Road):

Consider breaking down into two units, viz LIO and IO. Do not rush through because of Reynolds; study and deliberate further before adopting.

8. MR. LEE GAGLIARDI, ESQ.: (Representing Reynolds Aluminum):

Proposed amendment illegal and unconstitutional, confiscatory and spot-zoning. Consider both sides.

(Councilman Bolander; re Reynolds; suggested that the term spot-zoning in this case means Reynolds).

9. LYNNE ANDERSON WARREN, ESQ.: (Representing Valley Cottage Industrial Park):

Presented petition opposing, as delivered to the Town Attorney. Acquired approximately 33.57 acres of land in Valley Cottage along w/s of West Shore Branch of the Penn Central RR, south of the intersection of Kings Highway, and said railroad in 1962 when zoned M-1. In 1967 rezoned to IO; petitioner objected - thereupon changed to present IO classification.

Declaration of Restrictive Covenant delivered to town hampered development of said land - on 12-29/69, Town Board released said land from covenants.

On 2/18/70, without notification to petitioner, Town Board rescinded its resolution of 12/29/69. Between 12/29/69 and 2/18/70, petitioner expended substantial sum to effect development. Proposed amendment arbitrary, invalid and unconstitutional exercise of power. Requests that Town Board reject amendments - and in the alternative, release Declaration of Restrictive Covenants placed on his client simultaneously with adoption of any amendments to Secs. 2.123 and 3.11 of ordinance.

Appearing late was:--

IN FAVOR:MR. GOLDBERT, PRES. OF THE VALLEY COTTAGE ASSOCIATION:

Supports amendments which would tighten up loose provisions now existing and lend more meaning to ordinance. Would eliminate problem recently developed where, because of lack of definition, the ZBA became judge and jury in matters not within their province.

Re 1967 Zoning Ordinance, hazards exist in loose terms relating especially to buffer zones and priorities. Permitting automobile dealerships will cause loss of power to attract substantial industries that may invest substantial sums.

Re quoted statements made re total IO acreage in town; 50% above that exists 100 acres in Valley Cottage Industrial Park.

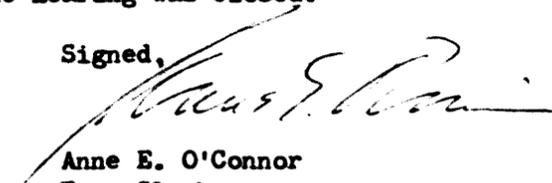
REBUTTAL (Mr. Plotnick):

Landowners opposing for reasons of profit; same opposition in 1967.

Supervisor stated that town could not jeopardize rights of automobile dealers already receiving approval by the Planning Board.

On resolution offered by Councilman Bolander, seconded by Councilman Niehaus and unanimously adopted, Public Hearing was closed.

Signed,


Anne E. O'Connor
Town Clerk

1970-358 Councilman D'Antoni offered the following resolution:

NOTICE IS HEREBY GIVEN that by resolution of the Town Board of the Town of Clarkstown adopted on the 10th day of June, 1970, the Building Zone Ordinance of the Town of Clarkstown adopted on June 30, 1967 was further amended, and that a copy of said resolution amending said ordinance is as follows:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution adopted May 20, 1970, provided for a public hearing on the 10th day of June, 1970, at 8:15 P.M., to consider a change to the Building Zone 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:

Amend Sec. 2.123 (IO Zone) by deleting said section in its entirety and inserting the following:

2.123 - IO: The purpose of the Limited Light Industrial Office District is to permit the development of selected industrial uses on land planned and suited to such uses but at the same time protecting the character of the surrounding residential areas or planned residential areas. Manufacturing operations are permitted only if they are incidental or accessory to the primary operation of the plant. This District is planned and intended for industrial land uses characterized by low land coverage, with large year-round landscaped setbacks for protection of residential areas, attractive building designs and developing an industrial parklike setting. The regulations are designed to promote industrial developments using the highest acceptable planning standards to properly handle any obnoxious and objectionable external effects upon the surrounding residential areas, circulation systems, drainage and other natural features.

Amend Sec. 3.11, Table of General Use Regulations, for the IO Zone, Column 2, Uses Permitted by Right, by deleting present section in its entirety and inserting in its place, the following:

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2. Research, development, experimental or testing laboratories.
3. Schools for industrial or business training.
4. Professional administrative, governmental, or business offices.
5. Warehouses and wholesale distribution centers with related offices and showrooms, with trucking limited solely to daytime hours. No retail sales shall be permitted.
6. Public utility substations, central control, exchange centers.

Seconded by Councilman Niehaus.

All voted Aye.

Supervisor stated that at Town Board meeting to be held on 6/17/70, a resolution will be adopted setting a further hearing on above-mentioned amendment to further amend, providing for additional uses by right.

Highway Supt. informed the Town Board that he received call from Trap Rock re Scratchup Road and Route 304 - abandonment. He stated road strictly commercial; all within property of Trap Rock. Supervisor request that he submit memorandum to the Town Attorney re same containing his recommendations and that Town Board will be guided by same.

1970-359 Councilman D'Antoni offered the following resolution:

RESOLVED, that the Highway Supt. is hereby authorized to proceed with Safe Driving Course in West Nyack.

Seconded by Councilman Niehaus.

On roll call the vote was as follows:

AYES: Councilman Niehaus, D'Antoni, Sup. Vines
NOES: Councilman Bolander

MOTION CARRIED

Town Board signed the following Performance Bond, approving same as to form and sufficiency:

Republic Insurance Co.
Performance Bond #905148
SILVER HTS. ESTATES LTD., Princ.
Amount: \$25,000.00
Period: Two (2) Years - 5/22/70 - 5/21/72
Covers: Roads

1970-360 Councilman D'Antoni offered the following resolution:

RESOLVED, that the Highway Supt. is hereby authorized to proceed with correction of problems concerning the roads in GLEN RIDGE ESTATES, CONGERS, NEW YORK.

Seconded by Councilman Niehaus.

All voted Aye.

On resolution offered by Councilman Niehaus, seconded by Councilman Bolander and unanimously adopted, Special Town Board meeting was adjourned until 6/17/70 at 8:00 P.M.

Signed,


Anne E. O'Connor
Town Clerk