

PUBLIC HEARING  
AUG. 10TH, 1945

Town Clerk's Office

2:30 P.M.

Present: Mr. McIntyre  
Mr. Eberling  
Mr. Dickenman  
Mr. Blauvelt  
Absent: Mr. Schmersahl

Mr. Blauvelt called the hearing to order, explaining that it was being held to consider an amendment to the Clarkstown Zoning Ordinance, eliminating from Section 9 (3) the following provision.

"provided that in any establishment so engaged only electric motive power aggregating not more than 10 H.P. be used and not more than 10 workers be employed."

Mr. Blauvelt then said that the hearing had been duly published pursuant to the Town Law, and that the affidavit of publication was now on file in the office of the Town Clerk.

Mr. Blauvelt then invited anyone present desiring to speak either for or against the proposed amendment to address the Board.

There was no one who appeared to speak either for or against the proposed change.

After holding the meeting open for one hour, Mr. Eberling moved the hearing be closed.

Seconded by Mr. Dickenman

Carried

Mr. Blauvelt declared the hearing closed at 3:30 P.M.

Kate Buchenau,  
Town Clerk of Clarkstown

By

*Wm. M. Martling*  
Deputy Town Clerk

ABD 673

## TOWN BOARD MEETING

August 10th, 1945

Town Clerk's Office

4:00 P.M.

Present: Mr. Schmersahl

Mr. McIntyre

Mr. Eberling

Mr. Dickenman

Mr. Blauvelt

Mr. Blauvelt called the meeting to order.

A group of property owners residing on High Torr Road, New City, appeared before the Board and presented a petition requesting the Town Board to repair and maintain High Torr Road, from the Intersection of said road with South Mountain Road, an approximate distance of one mile more or less.

Mr. Blauvelt then read the petition to the Board.

Mr. Van Orden, acting as spokesman for the group, told the Board that in good weather the road is hazardous, but that due to the bad rains recently it is now impassable. He further added that in the spring and fall, the condition of the road is very bad, as there doesn't seem to be any way the water can shed properly. While the group felt the road should be taken care of from the main road up to the Van Orden Estate, however, below DePew's Hill is quite passable, but they ask for immediate relief for the road above DePew's Hill. He said he felt that sufficient stone in the ruts and some tar and screenings would do a job at once. He said the group wanted to know if they must take care of the road themselves, or will the Town give them some consideration. Mr. Van Orden told the Board that there is a government beacon on the mountain, and that the government man who takes care of it had told him that he would have to complain about the road, as it is sometimes impassable.

Mr. Klein, Supt. of Highways, told the Board he felt the road was in very bad shape. He said that a portion of the highway tax might be applied on the road.

Mr. Blauvelt then informed the group that under the Highway Law, Mr. Klein is only allowed to put on a road a certain percent of the highway tax during the year. Unless the road were taken over by the Town, the Town could not work it. Mr. Blauvelt further added that a deed conveying a 50 foot right-of-way would have to be given to the Town, and it would have to be put in a condition that would be acceptable to the Town.

There was some discussion by the group as to whether all the property owners along the road could deed the necessary property to make the road 50 feet in width.

Mr. Blauvelt then told the group that there must be something regarding a right-of-way in their deeds, and he suggested that this be looked up. He then read the qualifications necessary before any road can be taken over and maintained by the Town.

The group then told the Board that they would check the deeds and also confer further with Mr. Klein regarding the matter of the highway tax money, which can be used to repair the road.

Mr. Garrett Miller of West Nyack appeared before the Board and presented a letter requesting a change of the zoning of his property in West Nyack from Residence A to Business B district. A map was attached to his application.

Mr. Blauvelt then read Mr. Miller's application to the Board and showed them the map attached. There was, however, no action taken on the matter.

Mr. Blauvelt then read a letter from F. Wesley Gordon of Brookside Avenue, Valley Cottage, in which he complains of a water condition affecting his property, caused by a retaining wall which he claims was built along the brook in front of his property. He asked that the wall be turned in the right direction.

When the matter was referred to Mr. Klein, he reported to the Board that he had investigated the matter. Mr. Klein said that he found the brook was off the road on private property, and therefore it was not a highway matter. He told the Board that Mrs. Gordon admitted to him it was off the highway, but she felt maybe the Town would give him permission to go in and build a wall to protect her property.

Mrs. Buchenau was then requested to write Mrs. Jordan a letter, advising that Mr. Klein has reported regarding the wall she complained of, and that there is nothing the highway department can do, as it is private property and the Town has no jurisdiction.

Mr. Blauvelt then presented a bill for \$12.57 covering electric service furnished to the Congers Defense Center in 1944 and still remaining unpaid. The Board decided that the bill should be paid, as funds had been authorized for this purpose.

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Mr. Blauvelt presented the reports of the following Town officials covering the month of July, 1945.

Supervisor's report and Trial Balance

Town Clerk's report

Building Inspector's report

Welfare Officer's report

Mr. Dickenman moved the reports be accepted as read.

Seconded by Mr. Schmersahl

Carried

Mr. Blauvelt read a letter from Frank C. Moore, State Comptroller, in which he advised that \$1,783.64 had been allowed the Town of Clarkstown for excess cost of snow control for the 1944-1945 period.

The Board then approved a permit to Kenneth S. MacDonald for permission to open the highway and lay a 4" drain pipe.

Mr. Klein then reported to the Board that he had conferred with the High Torr Road delegation, and that they preferred that neither Mr. DePew or Mr. Koster receive any highway tax money to repair the road. Mr. Klein said that he would furnish the material and do the work himself.

Mr. Klein then inquired regarding the deeds to the New City Park Roads.

Mr. Blauvelt reported to the Board that he had telephoned Mr. Wexler, former Town attorney, at his office this morning, and learned that he wasn't in, but was expected back during the day. He then asked that Mr. Wexler call him, as he wanted to know about the deeds before 2:30, but up to the time the meeting was opened he had received no word.

Mr. Dickenman then told the Board that he had talked with Mr. Wexler on the phone twice. He said that when he learned the deeds to the roads were not on file in the County Clerk's office, he communicated with Mr. Wexler regarding the matter. Mr. Dickenman informed the Board that Mr. Wexler had told him that 30 deeds were put all together in one deed, and that the County Clerk would not accept it for filing. Mr. Wexler then said he took the deed back to his office, separated the 30 deeds and put blue backings on them. Mr. Dickenman said that he had told him possibly the deeds were mislaid somewhere in his files. Mr. Dickenman then offered the suggestion that Mr. Roepe, Attorney for the Town, get in touch with Mr. Wexler and see if he could get the deeds.

Mr. Roepe, Town Attorney, in commenting on the matter, told the Board that he did not receive the deeds for New City Park roads from Mr. Wexler

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at the time the papers were turned over to him, and nothing is mentioned about any deeds on the copy of the receipt he now has specifying the papers that he received from Mr. Wexler. Mr. Roepe then reviewed the case, advising the Board that when he checked up the matter in the Town Clerk's office, he discovered the deeds were not on file, and that at that time he advised the Town Clerk they should be on file. Later he learned that the deeds had never been recorded in the County Clerk's office. Mr. Roepe told the Board that the lady in charge of the work under Mr. Wexler's direction was Mrs. Pedersen, who is the Secretary of the New City Park Club, Inc. He said that she had come down to his home and handed him the deeds for Lindbergh Lane, and that when he checked them he questioned some of them, due to the fact that plural parcels were put in one deed. Mr. Roepe then informed the Board that it appears as though the owners joined in one deed for the three roads in the park, and that all the signatures were on one deed. The situation now is that the Town has put in the roads, and there is no evidence of title. If the deeds can be found, Mr. Roepe told the Board they will have title, but the title still will be defective in his opinion. Mr. Roepe further pointed out that this matter was handled by a previous town attorney and was closed when he took over, but now it must be reopened. Mr. Roepe then told the Board that the contract between the Town and the New City Park Club, Inc. shows the expense is to be borne by the New City Park Club for the searching of the titles, recording of deeds, etc. He said that he was instructed to meet with the New City Park Club to tell them that they must pay for the necessary searching, and that when he communicated with Mrs. Pedersen, she informed him that it was a matter for the property owners and not the New City Park Club, Inc.

Mr. Klein, Supt. of Highways, then told the Board that he had a letter from Mr. Wexler, advising him that the deeds were satisfactory, and that he should go ahead with the work.

After discussing the matter further, the Board decided that the Supervisor should arrange for a meeting with Mr. Wexler and that the entire Board would go into the matter with him.

Mr. Klein then inquired what had been done about purchasing the acre of ground in back of the courthouse from the County.

Mr. Blauvelt told the Board that he had spoken to Mr. Allison, County Engineer on Tuesday, and that Mr. Allison had told him he would take care of the preparation of the deed. He said that he had also spoken to Mr. Henion, County Attorney, about the matter.

Mr. Klein then told the Board that it had taken eight months now to get this deed, and he would like very much to know when the matter would be closed.

Mr. Blauvelt then said that he would again check the matter.

Mr. McIntyre then moved that the reading of the minutes for the last regular meeting be dispensed with.

Seconded by Mr. Dickenman

Carried

Mr. Blauvelt read a letter from the Zoning Board of Appeals requesting that the wording of a resolution adopted by the Town Board relative to the \$2.00 fee on unfinished buildings be changed, as they feel that some irregularities may develop because of the wording.

Mr. Eberling moved that the resolution as proposed by the Zoning Board of Appeals be referred to Mr. Roepe, Town Attorney, for his attention and further report.

Seconded by Mr. Schmersahl

Carried

Mr. Roepe then advised the Board that in connection with the purchase of the acre of ground in back of the courthouse, it would be subject to permissive referendum.

Mr. Blauvelt then brought once again to the attention of the Town Board the question of cash payments for welfare.

Mr. Roepe, Town Attorney, then reported on the matter of cash payments to welfare clients. He told the Board that the old Welfare Law provided for cash or in kind. The law as it has been amended now makes cash grants mandatory, as of Sept. 1st, 1945 for home relief. However, Mr. Roepe told the Board that provision is made for any case where it might seem the client was unable to handle money wisely, as in such an instance, the Welfare Officer can use his discretionary power. He suggested that the Welfare Officer build up his files, so that he will have complete information regarding his welfare cases.

Mr. Eberling moved the following resolution, which was seconded by Mr. Dickenman,

RESOLVED, that except as otherwise provided by the Social Welfare Law or other applicable statutes, from and after September 1st, 1945, it shall be lawful to grant home relief in cash, provided that in any individual case

where the granting of cash relief may be deemed impracticable, home relief may be granted in whole or in part by voucher.

FURTHER RESOLVED, from and after September 1st, 1945, medical, dental, and nursing care, including drugs and medical materials and supplies may be granted by voucher.

Vote:	Mr. Schmersahl	Yes
	Mr. McIntyre	Yes
	Mr. Eberling	Yes
	Mr. Dickenman	Yes
	Mr. Blauvelt	Yes

Mr. Blauvelt then said that he had received a request that Mr. Fred Bradley be appointed Custodian of Election for Congers in place of Mr. Chas. Russell.

Mr. Dickenman moved that Fred Bradley be appointed Custodian of Election for Dist. #7, Congers, in place of Mr. Chas. Russell.

Seconded by Mr. Eberling	Vote:	Mr. Schmersahl	Yes
		Mr. McIntyre	Yes
		Mr. Eberling	Yes
		Mr. Dickenman	Yes
		Mr. Blauvelt	Yes

Mr. Blauvelt read a letter from Mr. Sidney Schimpf, requesting that the Town Board authorize the construction of two new voting booths and a set of ballot boxes for Election Dist. #3, West Nyack, due to the fact that the present booths and ballot boxes are very old and practically worn out.

Mr. Eberling moved that voting booths and ballot boxes be repaired or new ones constructed wherever necessary in any of the election districts within the township.

Seconded by Mr. McIntyre                      Carried

Mr. Blauvelt then brought up the question of polling places for Nanuet.

Mr. Schmersahl told the Board that he understood some people in Nanuet would like to have the polling place up at the other end of the town near Golden's Garage.

It was decided that the matter be straightened out by the next meeting, so that the Board can name the Polling Places.

Mr. Blauvelt then told the Board that a public hearing had been duly held on an amendment to the Building Zone Ordinance of the Town to eliminate the provisions of Section 9, Sub-division 3 thereof, limiting the use of electric motive power to an aggregate of not more than 10 H.P., and the limiting of the number of workers to not more than ten. He said that the Board could now take action on the proposed amendment.

Mr. Eberling moved the following resolution, which was seconded by Mr. McIntyre

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 13th day of July, 1945, deemed it desirable and in the public interest to amend the Building Zone Ordinance of the Town of Clarkstown by eliminating the provision in Section 9, Sub-division 3 thereof, limiting the use of electric motive power to an aggregate of not more than 10 H.P., and the provision limiting the number of workers to not more than ten, and,

WHEREAS, said resolution further provided for a public hearing on the 10th day of August, 1945 at 2:30 o'clock P.M. Eastern War Time in relation to such proposed amendment, and the notice of said public hearing was duly published pursuant to law, and,

WHEREAS, the said public hearing was duly held on the 10th day of August, 1945.

NOW THEREFORE, be it resolved that the Building Zone Ordinance of the Town of Clarkstown by and it hereby is amended by eliminating from Section 9, Sub-division 3 thereof, the following provision, "provided that in any establishment so engaged only electric motive power aggregating not more than 10 H.P. , be used and not more than 10 workers be employed."

Vote: Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Eberling	Yes
Mr. Dickenman	Yes
Mr. Blauvelt	Yes

Mr. Blauvelt brought to the attention of the Board members the proposed Ordinances for the Town, but it was decided to hold the matter over until the next meeting.

The matter of a change in the Zoning Ordinance to permit the erection of a State Highway Garage in Gongers was brought to the attention of the Board members by Mr. Blauvelt. This matter was also held up until the next meeting, and Mr. Blauvelt was requested to get a sketch of the

property.

Mr. McIntyre moved that the amendment to the Zoning Ordinance be published in the Journal-News twice, once in each week for two consecutive weeks, pursuant to the Town Law.

Seconded by Mr. Schmersahl

Carried

Bills Nos. 455 to 514 on Warrant #8 were audited and approved as follows:-

<u>CLAIM NO.</u>	<u>CLAIMANT</u>	<u>NATURE OF CLAIM</u>	<u>FUND AND/OR APPROPRIATION</u>	<u>AMOUNT ALLOWED</u>
			TOWN BOARD	
455	John C. Fajen	Rent	Town Hall & Offices	50.00
456	"	"	"	30.00
457	Mrs. Rose M. Leo	"	"	40.00
458	Coyle & Coyle	"	"	35.00
459	Nanuet National Bank	"	"	30.00
460	John Elliott	"	"	15.00
461	Bardonia School Dist. #10	"	"	85.00
462	Nyack Window Cleaning Co.	Repairs	"	6.00
463	Rockland Lt. & Power Co.	Light	"	7.24
464	"	"	"	8.85
465	Rockland Gas Co., Inc.	Heat	"	2.67
466	New York Telephone Co.	Telephone	"	6.30
467	"	"	"	14.85
468	"	"	"	21.10
469	"	"	"	8.10
470	Sidney D. Schimpf	Compensation	Elections	17.00
471	Margaret V. Susy	"	"	12.00
472	Thelma Shaw	"	"	12.00
473	Vietta S. Biltz	"	"	12.00
474	Lewis Wootten	"	"	7.00
475	Geo. M. Edsall	Fire & Theft	Insurance	536.28
476	The Journal-News	Zoning Change-Public Hearing	Printing & Advertising	5.61
477	Paul E. Killion, Inc.	School Tax Sheets	"	75.53
478	John Elliott	Expense	Building Inspector	14.12
479	Roswell P. Blauvelt	"	Supervisor	5.00
480	Williamson Law Book Co.	"	Supervisor \$4.00 Town Clerk 8.33	12.33

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<u>CLAIM NO.</u>	<u>CLAIMANT</u>	<u>NATURE OF CLAIM</u>	<u>FUND AND/PR APPROPRIATION</u>	<u>AMOUNT ALLOWED</u>
481	Mary W. DeMartini	Office Expense	Justice	5.00
482	Edward Thompson Co.	"	"	15.00
483	Kate Buchenau	"	Town Clerk	11.12
484	New City Hardware Store	"	"	4.85
485	Williamson Law Book Co.	"	"	4.33
486	Chas. E. Houghtaling	"	"	3.87
487	Florence Blauvelt	Employees Comp.	Board of Appeals	14.00
488	C. R. Jones, Jr., Inc.	Expense	Police	30.35
489	West Nyack Service Station	"	"	25.70
490	Philip Rieber Co.	"	"	8.85
491	Nyack Carburetor Sales & Service	"	"	4.25
492	Rockland Light & Power Co.	Congers Def. Cen	War Emergency Pur.	12.57
493	George P. Morgan	Compensation	Attendance Officers	100.00
494	George F. Hamblin	"	"	140.00
495	Edward Staubach	"	"	70.00
496	Samuel H. Handley	Expense	Welfare Officer	11.84
497	West Nyack Trap Rock Co.	Item #1	Highway	238.33
498	The Johnson Co.	"	"	164.05
499	Q.R.B. Road Materials, Inc.	"	"	574.53
500	William Christie	"	"	19.75
501	Charles E. DeBaun	Item #3	"	4.98
502	Hutton-Johnson Co., Inc.	"	"	39.00
503	Crum & O'Brien, Inc.	"	"	1.95
504	Nyack Waste Paper & Salvage Co.	"	"	24.00
505	Nyack Auto Parts, Inc.	"	"	75.06
506	Babylon Steel Co.	"	"	59.98
507	Nyack Carburetor Sales & Service	"	"	13.40
508	C. R. Jones, Jr., Inc.	"	"	3.92
509	Joseph S. Quick	"	"	20.76
510	Rockland Light & Power Co.	Item #4	"	5.00
511	New York Telephone Co.	"	"	10.10
512	Gibson Hague	"	"	2.80
513	E. Winifred Pitkin	Other Expense	Board of Health	30.00

<u>CLAIM NO.</u>	<u>CLAIMANT</u>	<u>NATURE OF CLAIM</u>	<u>FUND AND/OR APPROPRIATION</u>	<u>AMOUNT ALLOWED</u>
514	Chas. E. Houghtaling	Expense	Registrat	1.49

There being no further business, Mr. Schmersahl moved the meeting be adjourned.

Seconded by Mr. McIntyre

Carried

Meeting adjourned.

KATE BUCHENAU,  
Town Clerk of Clarkstown.

By

*Carly M. Marthing*  
Deputy Town Clerk