

## TOWN BOARD MEETING

Sept. 14, 1945

Town Clerk's Office

7:30 P.M.

Present:- Mr. Schmersahl

Mr. McIntyre

Mr. Dickenman

Mr. Blauvelt

Absent: Mr. Eberling

Mr. Blauvelt called the meeting to order and requested the reading of the minutes for the last regular meeting.

Miss Martling, Deputy Town Clerk, read the minutes for the last regular meeting held August 10th, 1945.

Mr. Dickenman moved the minutes be adopted as read.

Seconded by Mr. McIntyre

Carried

The reading of the minutes for the Special Town Board meeting held August 24th, 1945 was dispensed with.

Jerome Trachtenberg, Attorney, appeared before the Board and presented applications of Ned A. Besso and Harry Scheck for a change of the zoning of their property in West Nyack from Residence "A" to Business "B" district. Mr. Trachtenberg told the Board that approximately 200 feet of these properties bordering on Route 59 are zoned as business are, while the rear portion of the properties are zoned as residence. He pointed out that the swampy nature of the ground makes it impracticable for residential purposes.

After discussing the matter with Mr. Trachtenberg, Mr. Schmersahl moved the application of Ned A. Besso and Harry Scheck for a change in the zoning of their property to Business "B" district be referred to the Town Attorney for checking.

Seconded by Mr. Dickenman

Carried

Mr. Blauvelt then read a letter from Mrs. Olive P. Goetschius of West Nyack, in which she request the Town Board to take action in connection with a zoning violation which she claims exists on the property of Ernest Miller in West Nyack. Mrs. Goetschius told the Board that Mr. Miller has 900 chickens and 75 turkeys on a small lot in a residential area, and that he is now selling them, thus creating a business. She also told the Board that the odor from these chickens and turkeys was almost

unbearable, as the turkey run is only 35 feet from her home.

Mrs. Goetschius, who was present at the meeting, told the Board that Mr. Miller was commercializing in a residence district, and she further told the Board that he advertises chicks for sale in the Journal-News. She told the Board that the entire summer had been ruined by the odor and flies that come from the chicken and turkeys. She asked the Board to take some action to stop these conditions.

When called upon by the Supervisor to explain the situation to the Board, Mr. Elliott, Building Inspector, informed the Board that he had issued a temporary permit for a turkey run. He said that Mr. Miller was not conducting a business, since he was raising the chickens and turkeys and not buying and selling them. He also told the Board the he understood that Mr. Miller was trying to get rid of them, as he was anxious to sell his place.

When asked regarding the health situation, Dr. Hopper told the Board that when she investigated the matter, she found that the chickens are kept in as sanitary a manner as any chickens can be kept. However, she did find that a great many chickens and turkeys are being kept on a small lot.

The Board then told Mrs. Goetschius that if the Building Inspector found no violation of the ordinance and if Mr. Miller was not violating the law, then there was no action they could take. Mr. Blauvelt told Mrs. Goetschius that if Mr. Miller intends to get rid of the chickens and turkeys as soon as possible, he hoped that she would be patient a little longer.

Mr. Blauvelt then read a petition to the Board, requesting that a street light be installed in Congers.

Mr. Dickenman moved the following resolution:

RESOLVED, that a street light be installed on pole No. 7 N.Y.T. Co. on Hemingway Street in Congers, N.Y., and that the Rockland Light & Power Company be authorized to make the necessary installation.

Seconded by Mr. McIntyre	Vote: Mr. Schmorsahl	Yes
	Mr. McIntyre	Yes
	Mr. Dickenman	Yes
	Mr. Blauvelt	Yes

Mr. Roald Hall appeared before the Board as spokesman for a group of New City Park taxpayers. He said that he had deeds that he wished to

ABD 673

turn over to the Town, conveying the required 50 feet for Lindbergh Lane in New City Park. Mr. Hall said that they had searched the properties and asked if the Town Board attorney would check the matter, so that they may have a hard surface road. He said that they have been paying high taxes, and would like some consideration. He said he hoped that there will not be any delay in the matter.

Mr. Roepe then said that when he checked the deeds handed to him by Mrs. Pedersen for Lindbergh Lane, he found that some of them were incorrectly drawn, as three or four people had joined on one deed to several parcels of land. He further said that he would not accept any searches made by Mrs. Pedersen, as he did not feel that she was qualified to make such searches.

Mr. Hall then asked if the Board would accept the searched and keep them until a certified search was made.

Mr. Blauvelt told the delegation that the agreement with the New City Park group was that clear titles be furnished to the Town.

Mr. Hall then asked if the Board couldn't authorize the Town Attorney to search the properties.

Mr. Dickenman then said he felt that the Town Attorney should make the searches.

Mr. John Collins then asked what the terms were under which they were to turn over the 50 foot right-of-ways. He said he felt that they shouldn't pay for something that Mr. Roepe should do.

Mr. Dickenman moved the deeds be accepted and that the Town Attorney, Mr. Roepe, make a search of the titles of the properties to be deeded to the Town for Lindbergh Lane in New City Park.

Mr. McIntyre then said that he felt a precedent might be set, and that he favored tabling the resolution until the Board could consider it further.

There was no second to Mr. Dickenman's resolution.

Mr. Collins then asked again about the contract with the New City Park Club, and it was read to the group.

Mr. Hall then told the Board that he felt the Town should make

the search of the titles, as there was no mention in the contract that searches were to be made by the New City Park Club, although it did specify that they were to pay the cost of filing the deeds.

Mr. Blauvelt then said he felt that the deeds could be accepted, with the provision they would be examined by our Town Attorney, and if found faulty corrections are to be made.

Mr. Hall then presented the following:

1. Release of Mortgage, Provident Bldg. & Loan Assoc.
2. Release of Mortgage, Provident Bldg. & Loan Assoc.
3. Release of Mortgage, Elsie J. Birntwhistle
4. Deed, Floyd King & Others
5. Deed, Nora T. Hansen & one other
6. Deed, Daniel B. Pedersen & 4 others
7. Deeds, New City Park Corp.
8. Deed, Ruth Wilkinson & one other
9. Deed, Gurine Erikson and 15 others
10. Deed, Tobias Opsal & 10 others

Mr. McIntyre moved that the deeds covering property on Lindbergh Lane presented by Mr. Hall to the Board tonight be referred to the Town Attorney for checking and necessary correction.

Seconded by Mr. Schmersahl

Carried

Mr. Dickenman told the Board that he had received a complaint that non-resident children attending Congers High School, who commute on the West Shore Railroad, have caused considerable damage to West Shore Railroad property. He asked that the Town police be in and around the depot in Congers when the children go on the train after school.

Mr. Liebert, Chief of Police, said that he would see that the Congers depot was patrolled.

Mr. Dickenman then asked that a patrolman be stationed at Lake Road and 303 in Congers, as it is a dangerous crossing for the school children.

Mr. Liebert told the Board that at present he was short of patrolment, but would be glad to put on additional help if the Board would consider an increase in his police budget. In the meantime, he suggested that Mr. Ronan be contacted in an effort to have the traffic light changed from automatic to red and green signal.

Mr. Roepe then suggested that the Town Board authorize him to ask Mr. Wexler for his file papers on the New City Park roads, and he will assume a <sup>title search</sup> search was made. He will prepare new deeds and ask that they be re-executed.

Mr. McIntyre moved that the meeting be adjourned to go into Board of Health Meeting.

Seconded by Mr. Schmersahl

Carried

After considering matters in Board of Health Meeting, on motion of Mr. Schmersahl, seconded by Mr. McIntyre and carried, the Board reconvened into regular Town Board meeting.

Mr. Blauvelt read a letter from Mr. Reeve J. Terwilliger of West Nyack, requesting that a hydrant be installed on South Greenbush Road.

Mr. Blauvelt said he had communicated with the Nyack Board of Water Commissioners, and asked for a new estimate on the cost of installing this hydrant, but as yet has had no reply.

Mr. Blauvelt read a letter from the Nanuet Civic Association, Inc. in which they request the Town Board to approve a change in the alignment of Route 59, between the Four Corners in Nanuet and the West Nyack Bridge.

Mr. McIntyre moved that the Town Board of Clarkstown approve a change in the alignment of Route 59, between the Four Corners in Nanuet and the West Nyack bridge.

Seconded by Mr. Schmersahl

Carried

Mr. Blauvelt read a letter from the Automatic Voting Machine Corporation, in which they advise that they will make the necessary repairs to the damaged voting machine, if the Board will ship it to them after election.

Mr. Blauvelt read a letter from George Schubel, recommending Chief Liebert for the fine work he did in connection with the burglary last autumn of property belonging to Bernaar MacFadden.

Mr. Blauvelt read a letter of thanks from Mrs. Samuel H. Handley.

Mr. Blauvelt then presented a petition for a water main and fire hydrant on Palisade Ave. in Nanuet.

Mr. McIntyre moved the following resolution:-

RESOLVED, that a water main and fire hydrant be installed on Palisade Ave., between Main Street and Highview Ave. in Nanuet, and that the Spring Valley Water Works & Supply Co. be authorized to make the necessary installation.

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

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

Supervisor's report and Trial Balance  
 Town Clerk's report  
 Building Inspector's report  
 Welfare Officer's report

Mr. Schmersahl moved the reports be accepted as presented.

Seconded by Mr. McIntyre                      Carried

Mr. Schmersahl moved that Olaf Keyser be appointed Book-Keeper to the Supervisor to compute the 1945 Tax Roll at 85¢ per hour.

Seconded by Mr. McIntyre	Vote: Mr. Schmersahl	Yes
	Mr. McIntyre	Yes
	Mr. Dickerman	Yes
	Mr. Blauvelt	Yes

It was decided to hold the matter of the Town Ordinances up until the next meeting.

In connection with the ordinances, Mr. Roepe told the Board that he would like to recommend an addition to Article 6 regarding over-night parking on the highways.

Mr. Roepe reported to the Board that he found no irregularities in wording of the resolution adopted by the Town Board regarding fees on unfinished buildings. He said he found the wording of the two resolutions similar, and that he believed the Zoning Board of Appeals really wanted the right to issue a permit for a longer period than eighteen months.

Mr. Elliott in commenting on the matter told the Board that he understood the Zoning Board wanted the right to issue a permit for longer than eighteen months, especially on buildings where it might take eighteen months to two years to complete.

Mr. McIntyre moved that the following resolution adopted by the Town Board on July 13th, 1945 be rescinded.

RESOLVED, that every building permit shall expire by limitation at the end of eighteen (18) months, and

FURTHER RESOLVED, that if construction is not completed within said period of eighteen months, new or extended permits may be granted, and

FURTHER RESOLVED, that payment of fees shall be charged at the rate of Two Dollars (\$2.00 per month.

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

Mr. McIntyre moved the following resolution:

RESOLVED, that every permit for a building shall cease to be effective at the end of eighteen months, (unless a longer period is granted at the time the permit is issued) and

FURTHER RESOLVED, that if construction is not completed within said period of eighteen months, said permit may be renewed, and

FURTHER RESOLVED, that in case of such renewal, payment of fees shall be at the rate of \$2.00 per month and retroactive to the date on which the original permit ceased to be operative.

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

Mr. Schmersahl moved that Mr. Roepe, Town Attorney, get from Mr. Wexler, previous Town Attorney, all file copies of deeds for New City Park roads that are not on file, in order that new deeds may be drawn and properly executed.

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

Mr. Schmersahl moved that Election Dist. #1, New City, be amended as follows:-

#### ELECTION DISTRICT NO. 1

At Fire Engine House, New City, New York

Shall comprise and consist of all that part of said Town lying and being within the following boundaries, viz:

Beginnine at a point in what is known as Toms Brook in the division line between District No. 1 and No. 9, thence along said division line (1) westerly about 2156 feet to the intersection of Ridge Road and a lanerunning westerly past the north side of the residence now or formerly of Daniel McLeod (2) thence westerly and along the north side of property now or formerly of P. Puttmann about 5632 feet to the centre of a public highway at the corner at W. Brownsell's (now George Brownsell's), (3) thence southerly and westerly through the centre of said public highway to its intersection with the public highway at C. R. Huston's running westerly, (4) thence in a westerly direction along the north side of the residence formerly of Dr. A. Ross Matheson to the division line between the Towns of Clarkstown and Ramapo, thence southerly along the line dividing the Towns of Clarkstown and Ramapo to a point in the Centre of a public highway running westerly to Spring Valley, thence running southerly and easterly past the dwelling house of Mrs. VonWeick's, thence from said point through the centre of said highway leading from Nanuet to New City, thence running southerly through the centre of last mentioned highway to a point in said highway directly opposite the centre of a public highway running easterly past the Clarkstown German Presbyterian Church, thence through the centre of the last mentioned highway crossing the public highway at Germond's corners and continuing in an easterly direction past the residence of Isaac S. Vanderbilt and Isaac Van Nostrand to the highway that runs southerly from the Rockland Brewery to Mont Moor, thence southerly through the centre of said last mentioned highway to a point opposite the centre of the highway known as the Strawtown road, thence easterly through the centre of said Strawtown road east to the Hackensack River, thence northerly through the centre of said River its various courses to the junction of said River and Toms Brook, thence in a northerly course following said Toms Brook to the point or place of beginning.

Seconded by Mr. McIntyre	Vote:	Mr. Schmorsahl	Yes
		Mr. McIntyre	Yes
		Mr. Dickerman	Yes
		Mr. Blauvelt	Yes

Mr. McIntyre then called to the attention of the Board a road condition in West Nyack on which he has received a complaint.

Mr. Blauvelt informed him that it was a County road, and that the Town had no jurisdiction. He said he would refer the matter to Mr. Allison.

x Mr. Klein, Supt. of Highways, then asked if the acre of ground

had been purchased by the County, and Mr. Blauvelt informed him that the deed had not yet been completed. He said he believed the matter would be taken care of within a very short time.

Bills Nos. 515 to 590 on Warrant #9, amounting to \$2,675.91 were audited and ordered paid.

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 *C. M. Matting*  
Deputy Town Clerk