

## PUBLIC HEARING

April 12, 1946

Town Clerk's Office

2:00 P.M.

Present: Mr. McIntyre  
Mr. Eberling  
Mr. Dillon

Mr. Dillon called the hearing to order, explaining that it was being held to consider the application of Adolph and Lottie Zukor for a change in the zoning of their property from Residence A district to Residence B District. He then requested the reading of the Notice of the Hearing.

Miss Martling, Town Clerk, then resented the Affidavit of Publication of the notice by the Journal-News and read the Notice calling for the Public Hearing.

Mr. Dillon then said that the Board would listen to all those present who wished to speak either in favor or against the proposed change, and that those in favor of the change would be given the opportunity to speak first.

Mr. Walter McDermott, attorney for the Zukors, was the first speaker, and spoke in favor of the change. He told the Board that Adolph and Lottie Zukor owned approximately 7 $\frac{1}{2}$  acres along Route 30 $\frac{1}{2}$ , and he is asking that the zoning restrictions on this property be changed from Residence A to Residence B District. He said that Mr. Zukor has lived in New City for the past thirty years, and has at all times established and maintained the highest type of establishment on these lands. It is now his wish to do something that he believes will be a benefit to the township and also to the returning soldiers. There is now before the Federal Government certain legislation under consideration which will release building materials for houses costing from \$6,000. to \$10,000. Under this legislation which is intended to help the returning veteran and his family, all building must be supervised by the Federal Government. In order to take advantage of this proposed legislation, Mr. Zukor is asking that the size of the lot be reduced from 120' to 50', as this will allow him to construct and sell the houses within the prices stipulated. The houses he intends to build will consist of 5 rooms - 3 bedrooms, a kitchen, a living room and a dinette. This idea, Mr. McDermott pointed out, is not a new one, since it has been done in New Jersey in such places as Tenafly, Teaneck, River Edge and Oradell, and all of these houses are built on lots 50' x 100'. It is Mr. Zukor's intention to make every effort to sell lots 60' x 125', and the type of houses will be even superior to those in the vicinity of Lake Lucille. Mr. Zukor is the only

one taking a chance in this development, as it would only bring down the value of his own property, if it were not kept in a nice way. Mr. McDermott told the Board that something must be done about the local building codes, so that increased housing may be assured for the returning veterans. Mr. McDermott concluded his remarks by saying that it all meant - do you want to progress; do you want to grow or do you want to remain stationery; do you want to do something for the returning veterans; do you want to do something that will be a lasting benefit to the community. He asked the Board to give the matter all the consideration possible.

Mr. Harold Deming appeared against the proposed changes. He said that he would like to state his personal reasons for opposing the change and then give some general objections. He told the Board that he has lived in the township for about thirty years. He owns about 75 acres of ground personally and about 25 acres in a small corporation. He said he hoped to live here the rest of his life with his family, which includes three veterans just recently returned home. Mr. Deming said that he developed an interest in zoning; due to the fact that about eight years ago he headed a commission to draw up the zoning ordinance. In the course of doing that, Mr. Deming said he got a point of view about the purposes and value of the zoning ordinance. As head of the commission, he secured at the request of the then Town Board the services of specialists in the field of zoning, and a great deal of time was spent in the preparation of the ordinance and also the map. The experts who drew up the ordinance had done it for about forty other communities, and they based the ordinance here on their experience in working out these previous ordinances. He said he felt it would be a good idea for the Board to go into the matter a little deeper, and consider it well before taking definite action. At this point, Mr. Deming told the Board he would like to file a protest petition which has been signed by the abutting property owners of the property in question, opposing the change. He said he believed the signatures constituted 20% of the adjoining property owners, but that in order to make certain he asked the Board to give him a week in which to get in touch with those people he had been unable to contact in order to file additional protest petitions. He also told the Board that if 20% of the property owners protest, then the vote must be at least four members of the Board and not a majority. He told the Board that if they allow Mr. Zukor - one owner - with 7 1/7 acres to change that big area completely, what earthly right would they have to deny him the right to change his property should he request it. He further pointed out that the zoning ordinance was put together in an effort to make a structure that was

of value to all people. If you let Mr. Zukor do this, the whole zoning structure will be torn down. Mr. Deming told the Board that the principal argument given by Mr. McDermott was the furnishing of homes to returning veterans. He said he was entirely sympathetic with furnishing housing for veterans but not when houses are as close together as these houses would be where one person could "spit in another person's window". This he pointed out would raise the problem of additional fire protection, since houses built as close as the ones contemplated would increase the fire hazard. He asked the Board not to grant the petition on the ground that it is a patriotic duty.

Mrs. Hume Dixon appeared to protest the change in the zoning. She said she is a land owner, and that her land abuts Mr. Zukor's. She told the Board that her feelings are the same as those expressed by Mr. Deming, and that she is opposed to the change in zoning as requested by Mr. Zukor.

Mr. Harrison appeared to protest the change and told the Board that he is a veteran of this war and that he is building a home near the property for which the change is requested, as he believed it to be protected area. He told the Board that if this is a patriotic affair, then let Mr. Zukor give the veteran more land.

Mr. M. W. Cowie, representing the Hackensack Water Co. and the Village of Nyack Water Commissioners, appeared to protest the granting of this change. He said he was interested in knowing what is proposed in relation to water supply. Will there be a community water supply or will they depend on individual wells.

In reply to this inquiry, Mr. McDermott said that he has been authorized to take up the matter with the water company to see if water can be piped from 59 right up to the Zukor property. He also said that he had received the same authorization regarding electric service, and that he would take up the matter with the Rockland Light & Power Co.

Mr. Cowie told the Board that in 1911, Mr. Zukor made a very elaborate subdivision conforming to the zoning ordinance. The layout was a marvelously attractive development, set up for the purpose of utilizing the natural beauties of the area. They did not, however, proceed with the development. At that time the Water Company became involved by reason of the sewerage problem for individual houses, and the requirement that their subdivision be approved under the Health Law. He investigated the whole situation and found that soil conditions in that area vary very widely. In some areas, the soil is very good while in others not so good. Of course, Mr. Cowie pointed out, the smaller the lot the more difficulty to secure sewerage disposal. He then asked if Mr.

Zukor were conforming to all requirements of Residence B or only to lot size.

Mr. McDermott replied that the size of the lot must be reduced from 120' frontage to 50' in order to make possible the building of homes within the price range of \$6000. to \$10,000. - as this is the group the proposed legislation will release the building materials for.

Mr. Cowle then told the Board that it came within the provisions of Residence B with no provisions made. From his contact with the municipalities in New Jersey, he feels the statements made here in error. A very determined effort is made on the part of these communities in any land not subdivided to require a minimum frontage of 75' to 90'. He pointed out that Mr. McDermott referred to the problem of streets and utilities installation. Mr. Cowle said there are other ways of meeting this particular type of problem other than cutting down the lot size as he proposes. In regard to veterans and other citizens, there is a real problem regarding rising costs. If smaller lots are used, there is a sewerage problem. Also if some such change is made, other changes can be made. You are apt to be thrown into the question of a sewerage disposal plant which is a costly affair. He is interested in this change, as there are two or three streams on the property which empty into the Hackensack Creek - the west branch. Since the Hackensack River supplies water for drinking purposes, they naturally are deeply interested in the question of pollution.

Mr. Thomas Riddick, Consulting Engineer of the Village of Nyack Water Dept. appeared to protest the proposed change of zoning. He told the Board they are interested in this venture on the ground of the installation of septic tanks on a very small area. He pointed out that if 350 acres were built up using 50' plots, you will have approximately 2100 houses. It is likely that septic tanks will be employed rather than more elaborate systems. Some sections are suited for the construction of good drainage fields for septic tanks, while other sections are low and there are possibilities of sewerage rising to the ground and going into the Hackensack Creek. The Village is naturally concerned because of the possibility of pollution. The Water Commissioners is against the change in view of the possibility of water pollution

Mr. McDermott told the Board that when he previously appeared before them to change a section in West Nyack to Business area, Mr. Cowle opposed it and said that he felt he would rather have homes, as it would be much easier to see which one would be polluting the stream. Mr. McDermott said he felt the land owners should have some rights, and that the Hackensack



## TOWN BOARD MEETING

April 12th, 1946

Town Clerk's Office

3:00 P.M.

Present: Mr. Schmersahl

Mr. McIntyre

Mr. Eberling

Mr. Dillon

Mr. Dillon called the meeting to order.

Mr. Eberling moved the following resolution:

WHEREAS, the Town of Clarkstown in the death of Councilman John Dickenman, has lost one of its first citizens, and

WHEREAS, during Councilman's Dickenman's useful life, he was ever deeply interested in the affairs of his home community and home township, and

WHEREAS, Councilman Dickenman's public service and devotion to the interests of the people were a constant inspiration to those in public office, and

WHEREAS, the members of this Town Board of the Town of Clarkstown feel that Councilman Dickenman was a friend of all; ever ready to do something for somebody, therefore,

BE IT RESOLVED, that the Town Board of the Town of Clarkstown expresses its deepest and most sincere regrets that Councilman Dickenman has passed on, and

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of the Town Board of the Town of Clarkstown and that a copy be sent to the family of Councilman Dickenman, and

BE IT FURTHER RESOLVED, that this meeting be adjourned in honor of him.

Seconded by Mr. Schmersahl	Vote: Mr. Schmersahl	Yes
	Mr. McIntyre	Yes
	Mr. Eberling	Yes
	Mr. Dillon	Yes

Mr. McIntyre moved the following resolution:-

WHEREAS, Kate Buchenau, former Town Clerk of the Town of Clarkstown, affectionately known as "Aunt Kate" by all Clarkstown residents, died after a lingering illness, and

WHEREAS, "Aunt Kate" was held in great esteem by everyone with whom she came in contact during the last 25 years while she served as Town Clerk of the Town of Clarkstown, and

WHEREAS, "Aunt Kate" was exceedingly accomodating in her attitude to the public which she served so faithfully, devoting many of her off-duty hours in the performance of the duties of her office, and

WHEREAS, "Aunt Kate" served all the people of the township with the same degree of cordiality, tolerance and courtesy,

BE IT RESOLVED, that the Town Board of the Town of Clarkstown expresses its deepest and most sincere regrets that "Aunt Kate Buchenau" is no longer with us, and

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of the Town Board of the Town of Clarkstown and that a copy be sent to the family of Kate Buchenau.

Seconded by Mr. Schmersahl	Vote: Mr. Schmersahl	Yes
	Mr. McIntyre	Yes
	Mr. Eberling	Yes
	Mr. Dillon	Yes

Mr. Dillon reported that there was still an appointment to be made for the position of Janitor in the Receiver of Taxes office.

Mr. Eberling told the Board that thus far he has been unable to locate anyone who would take the position.

There was no action taken in the matter.

In connection with the payment of mileage to the Assessors, Mr. Trachtenberg, Town attorney, reported that this was allowable under Section 115 of the Town Law, which permits the Town Board to apply unexpended balances toward and in addition to funds appropriated for general town purposes. He said he understood that the Assessors could be allowed 6¢ per mile for the travelling they do in connection with their work as Assessors.

Mr. Dillon then read an opinion showing that the necessary expenses can be paid from any surplus available. He told the Board that he did not see how the mileage could be taken care of at this time, since it was not appropriated in the budget, and it will be impossible to know what the surplus funds will be until the end of the year.



BEGINNING at the intersection of the West line of U.S. Highway Route 9-W with the North line of lands formerly of Garret Williamson and now or formerly of Augusta E. Dolmann; and running thence North 76° 50' West along said North line of said last mentioned lands about 450 feet to the east line of land now or formerly of Louis Klopsh; thence along said Klopsh's land North 12 degrees 30' West about 467 feet to the southwest corner of lands late of George Green deceased; thence South 76 degrees 10' East along said last mentioned lands and in line with the south line of lands of Burnweit about 610 feet to the West line of U.S. Highway Route 9-W; thence southerly along said West line of said U.S. Highway Route 9-W about 410 feet to the point and place of beginning. Containing all the land within said bounds, being 5.05 acres of land more or less.

NOW, THEREFORE, BE IT RESOLVED that a Public Hearing on said petition be held at the Town Clerk's Office on Friday, May 10th, 1946 at 2:00 o'clock in the afternoon to consider said petition and that a notice to that effect be published pursuant to the provisions of law made and provided.

Seconded by Mr. Eberling	Vote: Mr. Johnson	Yes
	Mr. McIntyre	Yes
	Mr. Eberling	Yes
	Mr. Dillon	Yes

Mr. Trachtenberg told the Board that he had been requested by the Zoning Board of appeals to once again go into the matter of a Building Code with the Town Board. He said that the Zoning Board are interested mostly in five things in the construction of new structures, and that he understands they have advised the Town Board of their suggested requirements.

There was no action taken by the Board in this matter.

Mr. Trachtenberg reported that he had written to Mr. Cleary regarding the sewerage complaint and requested him to make the proper correction, but that so far he hasn't received a reply.

Mr. Trachtenberg reported that he had investigated the petition for additional street lights in Congers on Ridge Rd. He found that Mrs. Schiebel is on the Tax roll, and she is charged with lights. He said that he found that back in 1921 when the district was formed, a Mrs. A. Schiebel was excluded, but that he believes this person is not the Mrs. Schiebel who is now petitioning for lights. Mr. Trachtenberg also reported that he found Ridge Rd. was not in the Congers Lighting Dist. and that therefore there would have to be an extension of the district.

Mr. Trachtenberg brought to the attention of the Board the extension of Englewood Ave. in Nanuet. He said that a Certificate of Title has been furnished and that Mr. Klein, Supt. of Highways, has found the road to be in an acceptable condition.

Mr. Eberling moved that the extension of Englewood Avenue in Nanuet be accepted as a Town Road, and that the Town Clerk be requested to file the deed with the County Clerk.

Seconded by Mr. McIntyre	Vote: Mr. Schmorsahl	Yes
	Mr. McIntyre	Yes
	Mr. Eberling	Yes
	Mr. Dillon	Yes

Mr. Trachtenberg reported to the Board that he has prepared about one half dozen deeds for New City Park. He still has about one half dozen more to prepare, and this will clean up Lindbergh Lane.

Mr. Trachtenberg reported that he hasn't received an answer from the Dept. of Audit and Control regarding the Marine Corps League.

Mr. Irion appeared before the Board regarding the acquisition by the Town of property owned by him on Route 30 $\frac{1}{2}$ , New City, on which to build the Town Hall. He said that he had offered to sell the Town a piece 100' x 175' for \$3500. He further told the Board that he means to convey to the Town a piece of land 50' in width, so that the road can be extended through to Vanderbilt Road.

Mr. Dillon advised Mr. Irion that the Board had previously discussed this matter, and were of the opinion that the lot was not sufficiently large enough to take care of a building such as the one proposed for the new Town Hall and still allow for adequate parking space.

Mr. Irion told the Board that at the time he was approached concerning the property, he wondered if the piece would be large enough. He further told the Board that he is at present negotiating for the sale of the property in the back of the 175' piece the Town is now considering, and that he would therefore like to know what disposition the Board is going to make in the matter.

After discussing the matter at length, the Board requested Mr. Irion to give them figures on a piece of property approximately 2 $\frac{1}{2}$ 7' in width and 175' in depth. This would be the piece of property facing on Route 30 $\frac{1}{2}$  and running from the beginning of Mr. Irion's driveway north to the Seifried's property. Mr. Irion was asked to submit his figures as soon as possible.

Mr. Dillon then read a petition for a water main and fire hydrant on Englewood Ave. (West of Middletown Road) in Nanuet.

Mr. Eberling moved that a hydrant be installed on Englewood Ave. (West of Middletown Road) in Nanuet, and that the Spring Valley Water Works & Supply Co. be requested to make the necessary installation.

Seconded by Mr. Schmersahl	Vote: Mr. Schmersahl	Yes
	Mr. McIntyre	Yes
	Mr. Eberling	Yes
	Mr. Dillon	Yes

Mr. Dillon read a letter from Mrs. Dickenman, expressing her sincere thanks to the Town Board for the kindness they extended to her in the death of Mr. Dickenman.

Mr. Dillon read a letter from the Interstate Commerce Commission, advising that extensions have been allowed until April 22, 1946 for the filing of petitions relative to the extension of bus service by Rockland Coaches, Inc. and Spring Valley Motor Coach Co.

Mr. Harrison, Veterans Welfare Officer, appeared before the Board regarding the payment of the telephone bills for the telephone maintained in his private home and used by him for Veterans Relief work only.

Mr. Dillon informed Mr. Harrison that the Board's action was taken in accordance with a ruling from the State Dept. of Audit and Control to the effect that the payment of these charges by the Town was illegal.

Mr. Harrison then told the Board that if the bills are not paid by the Town, he will take the phone out, since he has no need for a telephone for his personal use.

The Board referred the matter to the Town Attorney for his attention, with the request that he report back at the next meeting.

Mr. Schmersahl moved the following resolution:-

RESOLVED, that the Supervisor be authorized to pay to the County Treasurer the sum of \$15,750. for the following Town Poor Items:

Institutional relief for children	\$350.
Outdoor Relief	5,300.
Non-Resident Relief	1,300.
Town Charges at County Home	8,500.
Lunacy	300.
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Total	\$ 15,750.

Seconded by Mr. Eberling	Vote:	Mr. Schmersahl	Yes
		Mr. McIntyre	Yes
		Mr. Eberling	Yes
		Mr. Dillon	Yes

Mr. Dillon said that a new member would have to be named for the Insurance Committee, and he named Mr. Eberling to the committee to fill the vacancy left by the death of Mr. Dickenman.

Mr. Dillon then advised the Board that the printed copies of the Zoning Ordinance and Map are almost gone, and that before additional copies are made, the Zoning Map should be brought up to date.

Mr. Eberling moved that the Rockland County Planning Board be requested to correct the Zoning Map of the Town of Clarkstown to show all the changes made since the map was amended in 1941.

Seconded by Mr. Schmersahl	Vote:	Mr. Schmersahl	Yes
		Mr. McIntyre	Yes
		Mr. Eberling	Yes
		Mr. Dillon	Yes

Mr. Eberling moved that the Supervisor be authorized to employ assistance to clean up the abandoned cemeteries at a compensation of 70¢ per hour, and further resolved that he be authorized to employ assistance to take care of the Congers and Valley Cottage Station Parks, at 70¢ per hour.

Seconded by Mr. Schmersahl	Vote:	Mr. Schmersahl	Yes
		Mr. McIntyre	Yes
		Mr. Eberling	Yes
		Mr. Dillon	Yes

Mr. Dillon read a letter from Mrs. William H. Briscoe, Sec. of the American Labor Party, inviting the Board to send a representative to the Forum which they are sponsoring on the subject of Housing.

Mr. Schmersahl moved the letter be accepted and placed on file.

Seconded by Mr. Eberling	Carried
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Mr. Dillon read a letter from Mr. Terwilliger again referring to the hydrant which he has been endeavoring to have placed on the South side of Greenbush Road at the foot of Park Lane.

Mr. Dillon told the Board that he would arrange to go before the Nyack Board of Water Commissioners with Mr. Terwilliger at their next meeting and see what can be done to have the hydrant installed.

A letter was read from James M. Williamson, Adjutant Congers Memorial American Legion Post inquiring relative to money allowed Legion Posts for the celebration of Memorial Day.

In commenting on this, Mr. Dillon informed the Board that funds are allowed the Veterans Posts for the celebration of Memorial Day, but that nothing was appropriated for this post in the last budget. Therefore, nothing could be allowed to them this year.

Mr. Schmersahl moved that as soon as the changes are made on the Clarkstown Zoning Map bringing it up to date that 1000 copies of the Ordinance and Map be printed.

Seconded by Mr. Schmersahl	Vote: Mr. Schmersahl	Yes
	Mr. McIntyre	Yes
	Mr. Eberling	Yes
	Mr. Dillon	Yes

Mr. Dillon presented the reports of the following Town officials covering the month of March, 1946.

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

Mr. Schmersahl moved the reports be accepted as presented.

Seconded by Mr. Eberling	Carried
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Mr. Dillon read a petition to remove a traffic hazard caused by the maintenance of a structure on the North East corner of Clinton and Lake Streets in Spring Valley.

There was no action taken.

The reading of the minutes was dispensed with.

A petition signed by property owners of Dykes Park, Nanuet, was brought to the attention of the Town Board, but no action was taken since it was a petition for the Town to take over and maintain a road, and it was impossible to take the matter up with Mr. Klein, Supt. of Highways, as he is in the Hospital. The Board decided to hold it over until the next meeting.

Bills Nos. 224 to 303 on Warrant #1, were audited and ordered paid, the amount being \$4,731.60.

The Board then listened to a talk and demonstration of a new tax system, similar to the one now operating in the Town of Orangetown.

There being no further business, on motion of Mr. Eberling, seconded by Mr. Schmersahl and unanimously carried, the meeting was adjourned.

Meeting adjourned in memory of Mr. John Dickenman.

Cora M. Martling  
Town Clerk of Clarkstown