

TOWN BOARD MEETING

March 14th, 1947

Town Clerk's Office

3:00 P.M.

Present: Mr. Schmersahl

Mr. McIntyre

Mr. Welchman

Mr. Eberling

Mr. Dillon

Mr. Dillon called the meeting to order.

Mr. Eberling moved that the reading of the minutes for the regular meeting held on February 14th and the Special Meeting held on February 28th, 1947 be dispensed with.

Seconded by Mr. Schmersahl

Carried

Mr. Albert Morris, who operates a taxi business in Nanuet, appeared before the Board relative to the parking of taxi cabs. He told the Board that both he and Mr. Rhodes have been parking their cabs on the side street near the police headquarters which has been designated as the "taxi stand". In addition Mr. Rhodes meets the busses and takes the bus passengers to his gas station, where he keeps his taxis. He claimed that Mr. Rhodes parked his cabs on the hill in such a way as to block him off, and that in addition he used his gas station to park his cabs. He asked the Board to designate a parking place for each of the taxis to park their cabs.

Mr. Dillon then asked Chief Liebert if he had a report to make in this matter.

Chief Liebert told the Board that neither one of the taxi operators were fair, and that they didn't cooperate with the police department. He further added that this matter has been a headache to his department, and that something will have to be done, as there is some complaint every day.

Mr. Dillon then said that since a place has been designated for parking, something should be done to make a man stay in the cabs.

Mrs. Edna Jones of Nanuet appeared before the Board and told them that she had no personal feeling in the matter, but was interested in the question of service for the community. She further added that on one occasion she wanted to go to New York City and called Mr. Rhodes, and that he never answered the call. Mrs. Jones told the Board that she felt

a little competition was needed, as the taxi service was bad, and that she had told Mr. Morris this when he asked her advice about going in the taxi business. She said she believed that Nanuet would receive better service with two men operating taxis than one, as there was certainly enough business for them both. She concluded her remarks by saying that she believed some peaceable arrangements could be made whereby the two men could have a taxi stand, and that the whole matter could thus be straightened out in the "American Way".

Mr. Dillon then told Mr. Morris that the Board would work out some arrangements for the parking of the cabs with the Chief of Police.

Mr. Eberling moved that the Board adjourn to go into Board of Health Meeting.

Seconded by Mr. Schmersahl

Carried

After discussing matters pertaining to health in Board of Health Meeting, on motion of Mr. Schmersahl, seconded by Mr. Eberling and unanimously carried, the Board reconvened into regular Town Board meeting.

Mr. Dillon then told the Board that the Town is entitled to a refund on the bond of Charles Haerle, former Receiver of Taxes, but that a resolution must first be passed cancelling the bond.

Mr. Schmersahl moved the following resolution:-

RESOLVED, that Bond #1 S 69672 covering Charles Haerle, Receiver of Taxes, be cancelled as of June 27th, 1946, the date of Mr. Haerle's death.

Seconded by Mr. McIntyre

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. Dillon presented a bid from Excelsior Press for the printing of the Planning Board pamphlets as follows:-

1000 Pamphlets	\$110.00
500 Pamphlets	80.00

Mr. Eberling moved that the printing of 1000 pamphlets for the Planning Board be given to Excelsior Press at a cost of \$110.00

Seconded by Mr. McIntyre

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillen	Yes

Mr. Trachtenberg, Town Attorney, reported that he has submitted some ideas to Mr. Herdman, Chairman of the Zoning Board, relative to the revision of the Zoning Ordinance, and that Mr. Herdman desires to take this up with his Board before any action is taken.

In regard to the Spring Valley sewer matter, Mr. Trachtenberg reported that final briefs were filed yesterday.

In regard to Dykes Park road, the Road committee reported that they had looked over this road, and that the people want the Board to take it over and maintain it as a Town road, but that it does not meet the qualifications necessary for Town roads.

Mr. McIntyre then told the Board that if they are not going to take over any more roads, he didn't see any reason to investigate application for new roads. He further added that there was no use to kid the people.

Mr. Dillen then replied that it was never his understanding that the Board did not intend to take over roads when they met the qualifications and the Board can afford to take them over.

Mr. Welchman told the Board that as he understands it, the road committee was only to go and inspect the road and report back to the Board. It was not up to them to pass on whether the road shall be taken over. He further added that the qualifications for town roads adopted by the Board would determine whether a road could be taken over.

Mr. McIntyre then suggested that the Board decide what roads they can take over within the next year and ask Mr. Klein, Supt. of Highways, to advise what roads he can build, and then the Board will know where they are.

It was decided to table the question of Dykes Park for the present.

The Board then discussed at length the qualifications for new roads, and it was decided that some provision should be made for dead end streets.

Mr. Welchman moved the following resolution:-

RESOLVED, that the resolution with regard to the minimum requirements and specifications of any future Town road adopted on February 14th, 1947 be amended to read as follows:-

"RESOLVED, that the minimum requirements and specifications of any future Town road be as follows:-

1. That the right of way shall be of a width required under the new New York State Highway Law which is 50 feet.

2. That the sub-grade shall be 30 feet wide. Where no organic or soft material is present in sub-grade, no sub-base is required. When present, it shall be removed if so directed and filled with 8 inches of field stone or coarse crushed rock. It shall be roughly placed and levelled to substantially correct relation to grade. In very wet locations, tile, culvert and/or stone underdrain shall be provided as directed.

3. The top course shall be 20 feet wide of 1 1/2 inches crushed stone or crushed gravel (#2 stone New York State Highway specifications will be acceptable) sufficient when placed and properly rolled to give a depth of three inches. After the stone in the top course is placed, sufficient screenings shall be spread to fill all voids. The entire width shall be rolled with a suitable road roller giving care to obtain an even surface pavement. There shall then be applied to this pavement a road oil equal to R.P. 5 at the rate of 1/2 gallon per square yard by an approved mechanical distributor. This shall then be covered with 1/4 or 3/8 inch trap rock or lime stone applied at the rate of ²⁰ 20 gallons to the square yard.

4. A map shall be filed containing profile of the center line of the road, showing the grade, all necessary culverts, monuments, all underground utility lines, and adjoining property owners.

5. All maps submitted shall be made by an approved engineer.

6. All dead end roads shall not be approved unless a turn-around roadway with a minimum radius for the outside curb of 50 feet is provided at the closed end.

Seconded by Mr. Schmersahl

On roll call, the vote of the Board was as follows:-

*

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. Dillon read a letter from Automatic Voting Machine Corp. in which they request that an estimate be made of the requirements for voting machines in the Town, so that if any additional machines are needed, they can assure delivery in time for the 1948 Presidential election.

Mr. Dillon then told the board that according to the law, where two machines are in a district, that district can vote up to 1000 persons.

After discussing the matter of voting machines, it was decided that the present supply of machines will be sufficient for our needs.

Mr. Dillon presented a petition of Mr. and Mrs. Spencer Conklin of Congers for a change in the zoning of their property in Congers from Residence C to Business B district.

Mr. Dillon presented the petition of Garrett Miller for a change in the zoning of his property in West Nyack from Residence A to Business B district.

Mr. Eberling moved the following resolution:-

WHEREAS, Anna V. Conklin and Spencer Conklin have petitioned this Board for a change in the Building Zone Ordinance with respect to certain property located at Congers, New York from a Residence "C" District to a Business "B" District, said property being described as follows:-

ALL these certain lots, pieces or parcels of land, together with the buildings and improvements thereon, situate, lying and being at Congers, in the Town of Clarkstown, County of Rockland and State of New York, being Lots Numbers Two Hundred and Seventy-seven (277) and Two Hundred and Seventy-eight (278) in Section "A" as shown on Plan filed February 21st, 1889 of Boston Improvement Company; said Plan being a map filed in the office of the Clerk of Rockland County, State of New York. Each lot measures twenty-five (25) feet in width by eighty (80) feet in depth and contains two thousand (2000) square feet; and

BEING lots number Three hundred and sixty-six (366), Three Hundred and sixty-seven (367), and Three Hundred and Sixty-eight (368), Section (A) as shown on a map of the Boston Improvement Company, filed on February

21, 1889, and which map was filed in the Office of the Clerk of the County of Rockland, New York. Each lot measures Twenty-five (25) feet in width and Eighty (80) feet in depth.

NOW, THEREFORE, BE IT RESOLVED, that a public hearing on said petition be held at the Town Clerk's Office on Friday, April 11th, 1947 at 4:00 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.

Secended by Mr. Schmersahl

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. Schmersahl moved the following resolution:-

WHEREAS, Garrett E. Miller has petitioned this Board for a change in the Building Zone Ordinance with respect to certain property located at West Nyack, New York from a Residence "A" District to a Business "B" District, said property being described as follows:-

ALL that certain lot, piece or parcel of land, situate, lying and being at West Nyack, in the Town of Clarkstown, County of Rockland, State of New York, bounded and described as follows, viz:

BEGINNING at a point in the easterly line of Cemetary Lane, in the northerly line of "Business B" Zone, said point being 200 feet north measured at right angles from the north line of Route 59 (Nyack Turnpike); thence running northerly along the easterly line of Cemetary Lane a distance of 20 feet; thence running easterly along other property of Garrett E. Miller, south 88° east 1,580 feet more or less; thence running northerly along other property of Garrett E. Miller, north 2° 45' east, 178.2 feet more or less; thence running easterly along other property of Garrett E. Miller, south 88° east, 340 feet more or less; thence running southerly along other property of Garrett E. Miller, south 2° 45' west, 178.2 feet more or less; thence running easterly along other property of Garrett E. Miller, south 88° east, 380 feet more or less to the westerly line of Route 303, thence running southerly and westerly along the westerly line

ABD 673

of the Clover Leaf, said Clover Leaf being at the intersection of Route 303 and Route 59, a distance of 667 feet more or less to the northerly line of property of Clark; thence running westerly along the northerly line of properties of Clark and Schek, north 72° 30' west, 390 feet more or less to the northwesterly corner of property of Schek; thence running southerly along the westerly line of property of Schek, south 17° 30' west, a distance of 50 feet more or less to the northerly line of "Business B" Zone; thence running westerly along the northerly line of "Business B" Zone, north 72° 30' west, 1,540 feet more or less to the point or place of beginning.

NOW, THEREFORE, BE IT RESOLVED that a public hearing on said petition be held at the Town Clerk's office on Friday, April 11th, 1947 at 8:00 o'clock in the evening 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. Welchman

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. Eberling moved that \$200.00 be transferred from Current Surplus account to "Town Attorney Expense" account.

Seconded by Mr. Schmersahl

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. Dillon read a letter from Assemblyman Robert Walmsley acknowledging receipt of the resolution relative to the 4-year term for the Supervisor, Town Clerk and Supt. of Highways.

Mr. Dillon read a letter from Thomas C. Desmond, State Senator, likewise acknowledging the resolution of the Board approving the 4-year term for Supervisor, Town Clerk and Supt. of Highways.

Mr. Dillon read a letter from the Department of Agriculture & Markets relative to the damages done by dogs to livestock in the State.

Mr. Dillon read a letter from Chas. Fuchs regarding the Building Code. It was decided to hold this letter for the Public Hearing which will be held on March 21st.

The Board then approved the determination and agreement for the expenditure of highway moneys dated March 1st, 1947.

Mr. Dillon read a letter from William V. Storch relative to the planning and design of water supply systems. There was no action taken.

Mr. Dillon then told the Board that he requires a resolution to pay the amount due for Town Poor Items to the County Treasurer.

Mr. Schmersahl moved the following resolution:-

RESOLVED, that the Supervisor be authorized to pay to the County Treasurer the sum of \$15,750.00 for the following Town Poor Items:-

Institutional Relief	\$350.00
Outdoor Relief	5,300.00
Non-Res. Relief	1,300.00
Tn. Chgs. at Co. Home	8,500.00
Lunacy Cases	<u>300.00</u>
Total	\$ 15,750.00

Secended by Mr. Eberling

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. Dillon presented the reports of the following Town officers covering the months of February, 1947.

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

Mr. William Furno presented a petition and map for the establishment of a water district in West Nyack.

It was decided to refer the petition and map to the Town Attorney for

investigation and further report.

Mr. Dillon reported to the Board relative to the dump situation. He said that he together with Mr. Klein, Supt. of Highways, had conferred with Mr. Miller of the New York Trap Rock Company about a piece of property which is down in the hollow near Scratch-Up Road, and which would lend itself well for a dump. He further told the Board that it may be possible to work out something whereby we will turn over Scratch-Up Road and they will give us a place to make a dump. At any rate, Mr. Miller has taken it back to the Trap Rock Company and will advise him what action they are willing to take.

Mr. Schmersahl moved the reports be accepted as presented.

Seconded by Mr. Eberling

Carried

Chief Liebert then told the Board that he has had several complaints regarding the parking situation in New City. He further added that the New City Engine Co. has requested a parking limit for the north side of Demarest Ave. from Maple Ave. to Main St., and the New City Business Men's Association has requested that parking be restricted on both sides of Congers Rd. from Elms Hotel Corner to Jerry's Tavern. They also asked if something could not be done about the parking on Route 30 $\frac{1}{2}$ from 3rd St. to Congers Rd. Chief Liebert said that he had conferred with Mr. Schumacher's office regarding the parking limitation on Congers Rd. and that he was agreeable to this. He said that he had made a survey of the parking on Route 30 $\frac{1}{2}$ and found 26 cars were parked there. He recommended that the parking be restricted to one hour from 9:00 A.M. to 6:00 P.M. the same as in Nanuet. He said that the Board would have to pass a resolution regarding the parking limitations and that a copy would have to be sent to Mr. H. P. Ronan, County Asst. Engineer, and that he will then have to forward it to the State, as Route 30 $\frac{1}{2}$ is a State Highway.

Mr. Dillon then read a letter from the New City Fire Engine Co. requesting that parking be limited on the north side of Demarest Ave. in New City from Maple Ave. to Main St.

Mr. Dillon read a letter from New City Business Men's Association requesting that parking be regulated on Route 30 $\frac{1}{2}$ from 3rd Street to Congers Rd. and that parking be limited on both sides of Congers Rd. from Elms Hotel Corner to Jerry's Tavern.

Mr. McIntyre moved the following resolution:

RESOLVED, that a parking limitation be established in New City on the north side of Demarest Ave. from Maple Ave. to Main St. and on both sides of Congers Road from Elms Hotel Corner (Congers Rd.) to Jerry's Tavern, and be it

FURTHER RESOLVED, that a parking limitation be established on Route 304 from 3rd Street to Elms Hotel Corner (Congers Rd.) of one hour from 9:00 A.M. to 6:00 P.M. similar to the parking limit now in operation in Nanuet, and be it

FURTHER RESOLVED, that the Town Clerk notify Mr. N. F. Ronan, County Assistant Engineer, of the Board's action in order that he may take up the matter of the parking limitation on Route 304 with the State.

Seconded by Mr. Eberling

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. Eberling moved the following resolution:-

WHEREAS, a petition was filed in the Town Clerk's office on February 14th, 1947, requesting that the real property of Anna M. Selke, Wilhelmina Roda, May Schultz and Katherine Hines, also known as Katherine Henn located at Rockland Lake, New York be re-zoned from Res. B district to Bus A district, and

WHEREAS, by resolution of the Town Board at its meeting of February 14th, 1947, a public hearing was ordered on said petition to be held at the Town Clerk's office in New City, New York on the 14th day of March, 1947 at 4:00 P.M., and

WHEREAS, notice of said hearing on said petition was duly given by publishing the same in the Journal-News on February 28th, 1947 as appears by the affidavit of Helen L. Phillips, verified February 28th, 1947 on file in the Town Clerk's Office, and

WHEREAS, the Town Board met on March 14th, 1947 in accordance with said notice and held a public hearing on said petition at which all person who appeared at said hearing were given an opportunity to be heard,

ABD 673

*

NOW THEREFORE BE IT RESOLVED, that the real property hereinafter described referred to in the said petition be and the same hereby is re-zoned from the Res. B district to the Bus A district, and that the Building Zone Map and Ordinance of the Town of Clarkstown be amended accordingly:-

ALL that certain lot, piece or parcel of land, situate, lying and being at Rockland Lake, in the Town of Clarkstown, County of Rockland and State of New York, bounded and described as follows:-

BEGINNING at a post in the fence on the west side of the highway leading along the east side of Rockland Lake at a corner of land formerly of Eugene E. Conklin, near the top of the hill called Stony Point, running thence along the west side of the highway aforementioned South fifteen degrees eighteen minutes East one chain and eighty-four links (1 ch. 84 l.) to the angle formed by the junction of the highway with the new road laid out in 1868, thence along the westerly side of said new road South four degrees twenty-six minutes East three chains and sixty-seven links (3 ch. 67 l.) to the corner of land formerly owned by Samuel Collyer, thence along the land formerly owned by said Collyer North fifty-nine degrees fifty minutes West seven chains and ninety-nine links (7 ch. 99 l.) to a point within twenty-nine (29) feet of the shore of the said Rockland Lake near a maple tree standing forty-four links (44 l.) at right angles from a stone wall on the shore of said Rockland Lake, thence parallel with the shore of said Rockland Lake and distant twenty-nine (29) feet therefrom, North seventy-five degrees twenty-five minutes East two chains and sixty-three links (2 ch. 63 l.) to a stake on the south side of a small ditch or drain, thence parallel and twenty-nine (29) feet therefrom, with said lake North forty-eight degrees fifty minutes East two chains and twenty-one links (2 ch. 21 l.) to land formerly of Eugene E. Conklin, thence along the same South sixty-eight degrees fifteen minutes East two chains and ten links (2 ch. 10 l.) to the place of beginning. Containing two acres, four perches more or less.

FURTHER RESOLVED, that the real property above described after this amendment to the Building Zone Ordinance of the Town of Clarkstown shall take effect shall be free from the restrictions theretofore imposed upon it by the provisions of said Ordinance governing Residence B districts and shall thereafter be subject only to the provisions of said Ordinance governing Business A district uses.

Seconded by Mr. Schmersahl

On roll call, the vote of the Board was as follows:-

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

The Board then conferred with Chief Liebert regarding the parking of the taxi cabs in Nanuet. It was decided that the taxi stand should remain where it now is, and that Chief Liebert should insist that each cab have a driver in it.

A letter was read from the State Insurance fund relative to certain bills before the Legislature affecting compensation insurance.

Mr. Dillon reported that he had taken up the matter of the gas shortage with Senator Wagner, and that he was going to ask for an investigation to see what the reason was for the shortage and who was responsible. Mr. Dillon said that Senator Wagner assured him that every effort will be made to see that such a situation does not happen again.

Mr. Dillon read a letter from William Blanche, resigning his position as Assessor.

Mr. Dillon then said that a vacancy now exists in the office of Assessor by reason of Mr. Blanche's resignation.

Mr. Welchman nominated Olaf T. Keyser for the position of Assessor to fill the vacancy created by the resignation of William Blanche, the term to be for the unexpired portion of Mr. Blanche's term of office.

Seconded by Mr. McIntyre

On roll call, the vote of the Town Board was as follows:-

Mr. Schmersahl	Keyser
Mr. McIntyre	Keyser
Mr. Welchman	Keyser
Mr. Eberling	Not Voting
Mr. Dillon	Not Voting

Bills Nos. 180 to 254 on Warrant No. 3 amounting to \$14,194.70 were audited and ordered paid.

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

Seconded by Mr. Welchman

Carried

Meeting adjourned.

Corra M. Martling
Town Clerk of Clarkstown

PUBLIC HEARING

March 14, 1947

Town Clerk's Office

4:00 P.M.

Present: Mr. Schmersahl
Mr. McIntyre
Mr. Welchman
Mr. Eberling
Mr. Dillon

Mr. Dillon called the hearing to order, explaining that it was being held to consider the petition of Anna M. Selke and others for a change in the zoning of their property in Rockland Lake from "Residence B" to "Business A" district.

Miss Martling, Town Clerk, then read the Notice of the Hearing and presented the affidavit of Publication

Mr. Dillon then said that the Board would listen to all those present who wished to speak either for or against the proposed change.

Mr. Walter A. McDermott appeared before the Board as counsel for Anna M. Selke and others. He told the Board that at the time the Town was having public hearings with regard to the proposed Zoning Ordinance it was the intention of the then owners to speak in favor of placing their property in Business A. Mr. McDermott said that he was requesting today that it be changed from a Residence B district to a Business A district. Before the hearing was held, the owner of the property died, and his wife was desperately ill; therefore no one appeared at the hearings. Mr. McDermott told the Board that he was appealing today to the Board to change the property into the zone it really belonged in. He further said that there are nine bungalows on this property, some of which have been there for thirty years. If the property remains in a Residence B district, it will work a hardship on the present property owners. It is for this reason that the Board is being petitioned to place the property in the classification it should be in rather than ask for a variance. Mr. McDermott further pointed out that when the original owners bought it and during their ownership the land was only suitable for Business A and it would be a hardship to ask the present owners to comply with the classification in which it is now allocated. He further said that he did not believe the proposed change would affect the shed of the Hackensack Water Company. Mr. McDermott said he does not know whether more bungalows will be built, but he does not feel that the owners

rights should be restricted.

Mr. Cole, representing the Nyack Water Commissioners and the Hackensack Water Company appeared against the proposed change. He told the Board that he had made an inspection of this property together with his assistant and he found that there are not nine bungalows there now. However, some of them are in there now. Mr. Cole said that the property is an odd shaped parcel consisting of about 2 1/4 acres bounded on the south by the Rockland Lake Corp. However, he was not sure whether it adjoined the Business A district. In regard to the sanitation question, Mr. Cole said these buildings do not have running water and indoor toilets. There is a well on the premises and outdoor privies - five or six of the privies being located on the south margin of the property within 20 feet of the brook. Mr. Cole pointed out that the sanitation matter is a matter for the State Health office and the Health Officer, Dr. Hopper. Mr. Cole told the Board that it seemed to him that it would not be advisable to grant this change from Residence B to Business A. It would seem that it would be more advisable to have the matter handled by a variance rather than by a change. Mr. Cole pointed out that other properties of a non-conforming nature have not been extended, and that he was opposed to the proposed change.

Mr. McDermott then told the Board that the matter has been advertised as required by law, and that the adjoining property owners have not appeared to protest. He said he felt the Hackensack Water Company's interest was purely of a health matter. He said that the property should have been placed in a business district.

There were no other persons who appeared to speak either for or against the proposed change.

Mr. Dillon then said that the Board would take the matter under advisement and taken action later.

Mr. Eberling moved the hearing be closed.

Seconded by Mr. Schmersahl

Carried

Hearing closed.

Corbett M. Martling
Town Clerk of Clarkstown