

## TOWN BOARD MEETING

June 13, 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.

As Dr. Hopper was present and desired to leave as soon as possible, Mr. Eberling moved the meeting be adjourned 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. Leon Dornbush of Bardonia then appeared before the Board relative to the decision of the Zoning Board of Appeals in the Hantmann case. He told the Board that a violation of the Zoning Ordinance was committed before the Zoning Board of Appeals denied a variance to Mr. Hantmann. He said he would like to know what was going to be done in this matter by the Board.

Mr. Dillon informed Mr. Dornbush that the Board was about to take this matter under consideration and requested the Town Attorney, Mr. Trachtenberg, to submit his report in this matter.

Mr. Trachtenberg then told the Board that he made a personal inspection of the property together with the Building Inspector, Joseph Mutinsky. The permit issued to Mr. Hantmann permits him to build two apartments. He has built 10 2-room apartments. After the investigation was made, Mr. Trachtenberg reported that a notice was served on Mr. Hantmann giving him ten days in which to correct the violation, and the notice expires on June 14th - tomorrow. If he does not abate the violation, he will be brought before the Justice of the Peace. Mr. Trachtenberg also told the Board that Mr. Hantmann has made arrangements to rent the apartments to people.

Mr. Dillon then told the Board that he would recommend that Mr. Hantmann be brought before the Justice of the Peace on a Criminal action and that an injunction be brought against him in the Supreme Court on a violation of the Zoning Ordinance.

Mr. Eberling moved the following resolution:-

WHEREAS, it has been reported to the Town Board of the Town of Clarkstown that William Hantmann of Bardonia did and is proceeding with the construction of a building on his property located in Bardonia in violation of the Building Zone Ordinance of the said town in that the said Hantmann has no building permit, and that the said Hantmann continues with his construction work despite the notice served to abate the violation, NOW, THEREFORE BE IT

RESOLVED, that the Town Attorney be and he hereby is instructed and directed to take such legal proceedings that he in his discretion shall deem necessary either through criminal proceedings and/or civil proceedings to restrain the said William Hantmann from continuing with his construction and the use of the said building and to abate the said violation.

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 George H. Schunacher recommending that both the Supervisor and Town Supt. of Highways attend the school for Town Supts. which will be held at Cornell University, Ithaca, New York, on July 1st and 2nd, 1947.

Mr. Dillon said that it would be impossible for him to attend this school, but that the Supt. of Highways, Mr. Klein, would like to attend.

Mr. Eberling moved that the Supt. of Highways, Emil Klein, be authorized to attend the School for Town Highway Supts. at Cornell University, his expenses to be paid by the Town.

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. Trachtenberg, in reporting on the water condition prevailing on Storms Rd., Valley Cottage, told the Board that he inspected the site, and that he met young Mr. Winstedt and told him to correct the condition. Mr. Winstedt said that he would take the matter up with his father, and Mr. Trachtenberg said that he told Mr. Winstedt if they don't take care of the matter, further action will be taken.

Mr. Klein, Supt. of Highways, reported that the condition on West Clarkstown road, of which Mr. Britton complained, has been taken care of, as he had two men there cleaning up the ditch. He reported that Mr. Britton's house is below the street level, and he has been getting the surface water for years.

The Board then discussed at length the proposed Building Code. Mr. Dillon told the Board that he did not favor the Building Code as it is now drawn up, and that he felt if we want a building code, we should have an honest-to-goodness one, and employ a man to enforce it. Mr. Dillon suggested that since summer bungalows seem to be one of the chief interests, that something be prepared which can be added to the Zoning Ordinance. He said he felt this might answer the problem. Mr. Dillon told the Board that he would be willing to call a special Town Board meeting to go into the matter.

Mr. Trachtenberg was then requested to check this matter and see if something cannot be added to the Zoning Ordinance to regulate summer bungalows.

Mr. Dillon read a letter from Rockland Light & Power Company in which they advise that before four street lights can be installed on First Street in Nanuet, it will be necessary to obtain rights-of-way from the abutting property owners, and this they are now endeavoring to do.

Mr. Dillon read a letter from Samuel Kushner, in which he complained of a water condition which affects his property on Grandview Ave., Nanuet. He said that he had conferred with the Highway Supt. and requested that a pipe be put in to carry off the water, but that Mr. Klein refused to do the work.

Mr. Dillon then read a letter from Mrs. Estella Bell, also complaining of a water condition which affects her property in Nanuet. She stated that the people living nearby have closed off a highway drain, and this causes the water to flood her property. She asked that something be done to correct the condition.

Mr. Klein reported that he and Mr. Trachtenberg investigated both complaints before coming to the meeting. They found that Mr. Kushner has blocked up the ditch which was put in years ago by the Town, and this causes the water to be diverted over to Mrs. Bell's property, and in heavy rainstorms, the water floods her property. However, the water does not flood the Town highway, and therefore the Town has no cause for complaint. Mr. Klein stated that he advised Mr. Kushner that the Town could not pay for the pipe to drain his property, as they cannot do work on private property.

Mr. Dillon then said that he would like a ruling from the Town Attorney as to whether the Town has the right to drain surface water on people's property.

Mr. Trachtenberg was requested to check the complaints of Mr. Kushner and Mrs. Bell and report back to the Board as to the action they can take legally in the matter.

Mr. Dillon read a letter from Mr. John Fajen, in which he advised that if he paints the Town Clerk's office as requested by the Town Board, the Town will have to pay \$60.00 per month, starting Oct. 1st, 1947 and sign a lease for five years. If the Town wishes to bear the expense of the painting, the rent will be \$55.00 a month beginning Oct. 1st, 1947.

The Board then discussed the matter at length and decided to get bids for the painting of the office.

Mr. Eberling moved that the Supervisor be authorized to secure bids for the decorating of the Town Clerk's office.

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 James J. Johnson, in which he applied for the position of Building Inspector.

Mr. Dillon then stated that no vacancy exists in this office at the present time. He said that although a Civil Service Examination has been held for this position, no report has as yet been received from the State.

The Town Clerk was requested to notify Mr. Johnson that there is no opening in the position of Building Inspector at the present time.

Mr. Dillon then presented the list of Republican Inspectors of Election to be appointed in accordance with the recommendation of Florence Jense, Republican Town Chairman.

Mr. McIntyre moved the following Republican Inspectors of Election be appointed for a period of one year.

| <u>DISTRICT</u> | <u>LOCATION</u> | <u>NAME</u>                             |
|-----------------|-----------------|---|
| No. 1           | New City        | Fred Seeger<br>Marjorie Lanning         |
| No. 2           | Rockland Lake   | Joseph Skvasik<br>Clyde Begbie          |
| No. 3           | West Nyack      | Ludlow Garrabrant<br>Minnie Peterson    |
| No. 4           | Upper Nyack     | Robert C. Foster<br>Fred J. Smith       |
| No. 5           | Nanuet          | Olga Schmersahl<br>John H. Mehrrens     |
| No. 6           | Central Nyack   | Elmer C. DeFlaun<br>Leota Jansen        |
| No. 7           | Congers         | Wm. Woltjen<br>Robert Southward         |
| No. 8           | Valley Cottage  | George Hamblin<br>Russel Hartwick       |
| No. 9           | Centenary       | Alice Hopper<br>Helen L. Arbeiter       |
| No. 10          | Spring Valley   | Custave Knauth<br>Harry Sergeant        |
| No. 11          | Bardonia        | Dorothy Cucksey<br>Theodore Warner, Jr. |
| No. 12          | Nanuet          | Clarence Brown<br>Grace Arwe            |

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 the following Democratic Inspectors of Election be appointed pursuant to a recommendation received from the Clarkstown Democratic Chairman, for a period of one year.

| <u>DISTRICT</u> | <u>LOCATION</u> | <u>NAME</u>                            |
|-----------------|-----------------|--|
| No. 1           | New City        | James Kelly<br>Cora A. Martling        |
| No. 2           | Rockland Lake   | Jane Ryan<br>Bertha Biederman          |
| No. 3           | West Nyack      | Vietta Biltz<br>William Vines          |
| No. 4           | Upper Nyack     | Daniel Rogers<br>Elizabeth Kastner     |
| No. 5           | Nanuet          | Norma Hayes<br>Marie Bannen            |
| No. 6           | Central Nyack   | Gustav A. Winko<br>William Westerfield |
| No. 7           | Congers         | James Shortal<br>Madeline Rose         |
| No. 8           | Valley Cottage  | Leo Pollaci<br>Michael McMahon         |
| No. 9           | Centenary       | Charles Lenhart<br>Mabel Clochessy     |
| No. 10          | Spring Valley   | Marie Steinbach<br>Marie Orgera        |
| No. 11          | Bardonia        | Richard Martin<br>Josephine M. Gaffney |
| No. 12          | Nanuet          | Helen Fee<br>George Fee                |

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 MacArthur Barr relative to the proposed establishment of a youth recreation center.

Mr. Dillon told the Board that the Nanuet Board of Education is providing \$250. and the P.T.A. is providing \$250. and the State will give \$500. towards the youth recreation center. However, the application papers must be submitted by the Town. There will be no payment of any funds by the Town towards the youth center. It is simply that they must submit the application.

Mr. McIntyre moved the following resolution:-

WHEREAS, it is the intention of the Board of Education of the Nanuet School District No. 8 at Nanuet, New York to establish a youth recreation center, and

WHEREAS, the Town of Clarkstown is about to submit an application for such project to the New York State Youth Commission for its approval and if approved to apply subsequently to the State of New York for partial reimbursement of funds expended on said project, as provided by Chapter 556 of the Laws of 1945,

NOW, THEREFORE, BE IT RESOLVED that such application is in all respects approved, and that Irvin F. Dillon, Supervisor of the Town of Clarkstown, is hereby directed and authorized to duly execute said application and forward it to the New York State Youth Commission for its approval.

This resolution shall take effect immediately.

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. Dillon read a letter from Louis Bernard, requesting that their property in Nanuet be changed from Residence A district to Business A district, as he desires to sell the property to Mr. Louis Heydemann for a gun shop.

Mr. Dillon then read a letter from the Zoning Board of Appeals relative to the application of Mr. Bernard for a change in the zoning of his property.

Mr. Trachtenberg then told the Board that the Zoning Board of Appeals had suggested that a portion of the property be zoned Business B and the other portion be zoned Residence B. It was their thought that this would be better than passing a variance.

The Board then discussed the matter at length, after which Mr. Welchman moved the following resolution:-

WHEREAS, LOUIS BERNARD, has petitioned this Board for a change in the Building Zone Ordinance with respect to certain property located at Nanuet, New York, from a Residence "A" District to a Business "A" District, said property being described as follows:-

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

BEGINNING at a stake at the intersection of the westerly line of Berry Avenue and the southerly line of the taking for the widening of the Nyack Turnpike, running from thence along the westerly line of the said Berry Avenue south  $12^{\circ} 50'$  west 146.28 feet to a stake and the northeast corner of Lot No. 8; thence turning along Lot No. 8 north  $77^{\circ} 10'$  west 100 feet to a stake and the southeast corner of Lot No. 4; thence turning along the easterly line of Lot No. 4 north  $12^{\circ} 50'$  East 171.18 feet to the southerly line of the taking or the widening of the Nyack Turnpike; thence running along the southerly line south  $63^{\circ} 11'$  east 103.05 feet to the point of beginning, and

WHEREAS, said petition recites that an application for a variance has been filed with the Zoning Board of Appeals of the Town of Clarkstown seeking a variance for the said described property and further stating that if such variance is deemed a "Spot Variance" and is undesirable as such, and

WHEREAS, the Zoning Board of Appeals of the Town of Clarkstown by letter dated June 12th, 1947 advised the Town Board of the Town of Clarkstown that after considered study and discussion, the matter of the said application of Louis Bernard was thoroughly examined and a resolution was adopted recommending to the Town Board that the strip of property on Route 59, Nanuet, bounded on the north by Route 59, on the west by the railroad tracks, on the south by that section which is now "Industry" and on the east by that which is now "Business A" be rezoned from a "Residence A" to a "Business B", and that portion which lies west of the railroad tracks and east of Grand View Avenue, south of Route 59 be rezoned to a "Residence B",

NOW, THEREFORE, BE IT RESOLVED that a public hearing on the said petition of Louis Bernard and recommendation of the Zoning Board of Appeals be held at the Town Clerk's Office on Friday, July 11th, 1947 at 4:00 o'clock in the afternoon, Eastern Daylight Savings Time, to consider said petition and recommendation and that a notice to that effect be published pursuant to the provisions of law made and provided.

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 then presented a petition signed by taxpayers living in the vicinity of Hughes St., Congers, to take over and maintain Hughes St. as a Town road.

Mr. Dillon presented a petition signed by taxpayers living in the vicinity of Medway Ave., Congers, to extend Medway Avenue, from Tremont Street to U.S. Route 303.

After discussing these roads at length, the Board decided to refer them to the Planning Board before taking any action, and the Town Clerk was requested to so advise the Planning Board and request them to submit their recommendations on both roads to the Board.

Mr. Dillon presented the recommendations of the Rockland Light & Power Co. regarding the lighting in the Supervisor's and Town Clerk's office. However, he told the Board that no prices had been submitted as to the charge for installing these lights.

Mr. Dillon then told the Board that he would get prices on installing the lights and report back to the Board.

Mr. Dillon then presented the reports of the following Town Officers covering the month of May, 1947:-

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

Mr. Eberling moved the reports be accepted as presented.

Seconded by Mr. McIntyre

Carried

Mr. Dillon then told the Board that Mr. Koster and Mr. Garrison had conferred with him relative to the Town doing some work on High Torr road, which would at least make it passable. Mr. Dillon asked if something couldn't be done as the road washes out badly in heavy rainstorms.

The Board then conferred with Mr. Klein regarding High Torr Rd. to see if something couldn't be done. Mr. Klein reported that in the past some relief has been given by furnishing material, but the Town cannot use its equipment on a private road.

Mr. Eberling moved that John Harrison, Veterans Welfare Officer, be authorized to attend the school for Welfare Officers, his expenses to be paid by the Town.

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 brought to the attention of the Board the fact that the Receiver of Taxes does not send out receipted tax bills unless a stamped addressed envelope is sent with the tax payment.

The Board then requested Mr. Dillon to ask Miss Haerle to send out receipted tax bills in future.

Mr. Welchman then brought to the attention of the Board a request he received from Mr. John Palermo of Valley Cottage to extend Forest Glen Road.

The Board discussed the extension of this road at length, and it was decided to have the Town Attorney check this matter and see if the property was properly deeded to the Town when Forest Glen Road was originally built.

Mr. McIntyre then brought to the Board's attention a complaint he received relative to the Dog Kennel Mr. Henry Kissel is conducting on Hav. Road., New City. He told the Board that he took the matter up with the Zoning Board of Appeals, and that they have given Mr. Kissel permission to build a few coops for his private use.

The Board then discussed at length the garbage question and the adviseability of creating a dump near the Scratch-Up Road.

In this connection, Mr. Dillon told the Board that Mr. Louis Forst had informed him that the Trap Rock Co. would lease the property to the Town for \$1.00 a year and furnish screenings to cover the dump.

There was no action taken in the matter.

Mr. McIntyre then brought to the Board's attention the splitting of the New City Election District. He told the Board that he had received complaints about the amount of work the Inspectors of Election had to do as New City is a large district, which votes over 900 people. He said that it is felt the poll is now too big and should be split.

ABD 673

When questioned as to the size of the new proposed poll, Mr. McIntyre said that it would have approximately 250 people voting.

Mr. Dillon then told the Board that if there are only 250 people in the proposed new district, it would mean 700 people voting in the New City poll with one machine, and that this was not a fair division of the district, and Mr. Schmersahl and Mr. Eberling agreed on this.

Mr. Eberling told the Board that he did not see how you could vote 700 people in the New City district on one machine.

Mr. Dillon then read a letter from Murray Thompson, Democratic Committeeman, for New City, in which he told the Board that he did not believe the splitting of the New City poll at this time is necessary, and that it would not be for the convenience of the voters.

Mr. Dillon then told the Board that since both parties are not agreeable to the change, it becomes the duty of the Town Board to decide whether the splitting of the poll is for the convenience of the voters. He said that on the basis of the proposed district, he was against the splitting of the poll, and he asked why District #11, Bardonia, was not increased rather than create a new district. He said creation of a new district would be considerably more expensive since it would mean election workers and also a new voting machine when it can be obtained, since no machine can be purchased at this time.

Mr. McIntyre, however, insisted that a special meeting be held later in the month to consider the splitting of the poll.

Mr. McIntyre moved that a special meeting be held on June 27th, 1947 in the Town Clerk's office at 3:00 P.M. to consider the splitting of the New City Poll.

The Board then discussed at length the application of Garrett Miller for a change in the zoning of his property in West Nyack. While the Board agreed that Mr. Miller was entitled to consideration, they decided to once again visit the property in question next Monday night and then come to a decision relative to changing the property.

Mr. Dillon read a letter from the Zoning Board of Appeals, thanking the Board for the recent action taken in amending the Zoning Ordinance, and also recommending further study of the Building Code.

A Bills Nos. 413 to 486 on Warrant No. 6, amounting to \$22,275.60 were audited and ordered paid.

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

Seconded by Mr. Schmersahl

Carried

Meeting adjourned.

Carrie M. Martling  
Town Clerk of Clarkstown