

## TOWN BOARD MEETING

JULY 11TH, 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 minutes of the regular meeting held on June 13th and a special meeting held on June 27th be approved and accepted.

Seconded by Mr. Schmersahl

Carried

Mr. Walter Nichols, representing the Nanuet Civic Association and other people in Nanuet, appeared before the Board relative to the purchase of property in Nanuet by the Town for a proposed Town Hall. He said that the people in Nanuet were disturbed when they heard that the Town had purchased property in New City. Upon further investigation, he said they learned that the property was not bought, and that the Council was open to suggestions. In proposing Nanuet as the site for a Town Hall, Mr. Nichols stated that he felt Nanuet was the proper place for the proposed building, since this community has the largest population in the Town, has very good transportation, and that it is the hub of the Town. He said that the police force has always been maintained in Nanuet and has protected Clarkstown very well. He also pointed out the rapid growth of Nanuet which he gave as another reason for the Town Hall being put there. He then showed sketches of six pieces of property which is being offered to the Town, as follows:-

1. 4 1/2 acres of property belonging to Mr. Forni, which will be given to the Town free, property being on Prospect Ave.
2. Not quite 1 Acre of property belonging to Albert E. Perry on Route 59, which he will give the Town free.
3. 4.65 acres of land belonging to Mr. McGill on College Ave. which will be \$2500.
4. Property belonging to John Stefan near the 4-Corners approximately 150 x 450 which will be \$3000.
5. Property on Route 59 belonging to Johnny Maier, approximately 200 x 325 for \$1500.
6. Property on Route 59 belonging to Fred Rahway which he will sell for \$1000. per acre, either one or two acres.

Mr. Nicholas then told the Board that he hoped they would give the properties their consideration before making a final decision.

Mr. Raymond Hayes then pointed out that the phone coverage should also be taken into consideration, since Nanuet is within reach of almost every community in the township at no additional cost.

The Board members then thanked Mr. Nichols for the properties offered the Town and advised him that they would give each parcel their consideration.

Mrs. John P. Lee of West Clarkstown Rd. then appeared together with a group of women to protest the dump on Burda Ave. She said that it has become a health menace, and that the odor is very bad. In fact, the condition of the dump is so bad, that Mrs. Wanamaker cannot sit in her front yard because of the smell.

Mr. Dillon then told Mrs. Lee that since this is a Board of Health matter, it must be referred to the Health Officer, and if she certified that it is a health menace, then the dump can be closed.

Mrs. Falen, who also was present, told the Board that the property on which the dump is located is in a Residence A district, and that men have summer bungalows for rental very near the dump.

Mr. Dillon then told the group that the Board has several times suggested to the garbage collectors that they separate the garbage from the refuse, for if this were done, the garbage could be disposed of to local pig farms, and the refuse also taken care of.

Mr. Shapiro also appeared to protest the dump. He told the Board that a great many people come out here for the summer and they can't stand the smell.

Mrs. Ortenberg, who lives near the dump the year round, protested against it as did Mr. Weinstein because of the smell and the health menace.

Mr. Trachtenberg, Town Attorney, then reported that he had heard nothing further on the Storms Road matter. He said that he talked with Mr. Winstedt, but has heard nothing further from him, nor has he had a report from Mr. Klein.

Mr. Welchman reported that Mr. Winstedt said he wouldn't open the drain until such time as his neighbor took care of his property.

Mr. Trachtenberg then told the Board that Mr. Klein should be notified to open the drain, and the Town Board requested the Town Clerk to so notify Mr. Klein.

In regard to the including of certain amendments in the Zoning Ordinance to regulate summer bungalows, Mr. Trachtenberg went into great detail relative to a building code. He told the Board that more research and study should be made relative to the Building Code before action is taken to adopt such a code.

Mr. Dillon suggested that copies of Mr. Trachtenberg's recommendations be made, so that the Council may study them further, and he also suggested a joint meeting of the Town Board, Planning Board and Zoning Board of Appeals to discuss this matter.

Mr. Dillon presented the resignation of Robert Forster as Inspector of Elections in Dist. #4, Upper Nyack, because he now lives in California.

Mr. Eberling moved the resignation of Robert Forster be accepted.

Seconded by Mr. Schmorsahl

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

Mr. Schmorsahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. McIntyre then presented a recommendation of Mrs. Florence Jensen, Republican Town Chairman, as follows:-

Inspectors of Election -

Dist. #4, Upper Nyack - Otis Gregory in place of Robert Forster  
 Dist. #13, New City - John T. Gilmour  
 Mabel Serhus

Custodian of Elections

Dist. #13, New City George Snyder

Mr. McIntyre moved the following appointments, pursuant to the recommendation of Mrs. Florence Jensen, Republican Town Chairman:-

Inspectors of Election -

Dist. #4, Upper Nyack - Otis Gregory in place of Robert Forster  
 Dist. #13, New City - John T. Gilmour  
 Mabel Serhus

Custodian of Elections

Dist. #13, New City - George Snyder

Seconded by Mr. Schmorsahl

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 read a letter from Alphonse J. Schroeder, Chairman of the Board of Assessors, advising that the services of Mrs. Florence Brinkerhoff, Mrs. Mary Shortal and Mrs. Alice Hopper had been procured to write the 1947 Tax Roll, and he asked the Board to make the appointment at \$140. each.

Mr. McIntyre moved the following resolution:-

RESOLVED, that Mrs. Florence Brinkerhoff, Mrs. Mary Shortal and Mrs. Alice Hopper be appointed to write the 1947 Tax roll, the compensation of each to be \$140.00.

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. Dillon then told the Board that the Attendance Officers would have to be appointed for another year.

Mr. Eberling moved that the following persons be appointed Attendance Officers for a term of one year.

<u>DIST.</u>	<u>NAME</u>	<u>SALARY</u>
#1 & #2	Geo. Hamblin	\$140.00
#4	David Johnstone	70.00
#5	A. A. Gazan	70.00
#6 & #10	Dick Martin	70.00
#8	George Morgan	100.00

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. Eberling moved the meeting adjourn 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. McIntyre, the Board reconvened into regular Town Board meeting.

Mr. Hersel Smith of Nanuet appeared before the Board and stated that he has difficulty in obtaining water, as he lives in Oakbrook, and the water is supplied by a private individual. He further stated that the water is controlled by one man, and very often the man is not around, and the people are without water. He told the Board that he has no contract with the supplier, but that each person pays on a yearly basis. He said that he has paid 1/2 year's water charge, but that he would pay no more until such time as he was guaranteed that water would be furnished to him. He then presented a petition signed by residents in the vicinity of Oakbrook requesting that the Spring Valley Water Works & Supply Co. furnish water to them.

Mr. Dillon then told Mr. Smith that he had written the water company once before about extending the water mains to include Oakbrook, and that he never heard anything from them. He said that he would write once more and see what they would be willing to do. Mr. Dillon then stated that if water is not supplied, the people can sue the supplier in court and get an injunction against him. He said that he would write to the Shine Corp. and see what can be done in the matter.

Mr. Dillon then told the Board that he has received word from Albany that \$725. has been granted for the drawing of plans in the Central Nyack Sewer District.

Mr. Eberling moved that the Supervisor be authorized to sign the necessary forms in connection with the plans for the Central Nyack Sewer Dist.

Seconded by Mr. Schmersahl

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

ABD 673

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

Mr. Welchman moved that \$725. be transferred from Current Surplus to Central Nyack Sewer Dist.

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 reported that the State has granted \$500. toward the Nanuet School Youth Commission Recreation Project, and that \$250. has been given by the School and \$250. by the P.T.A. making a total of \$1000. He said that the Town would have to advance the \$500. which will be reimbursed by that State, and he asked for a resolution authorizing him to receive this money.

Mr. Welchman moved that the Supervisor be authorized to receive two checks - one for \$250. from the Nanuet School and one for \$250. from the Nanuet P.T.A. to be used in connection with the Nanuet School Youth Commission Recreation Project.

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. Eberling moved the following resolution:-

RESOLVED, that an account be opened for the Nanuet School Youth Commission Recreation Project and that two checks amounting to \$500.00, one from the Nanuet School and one from the Nanuet P.T.A. be deposited in said account, and that \$500.00 be transferred from Current Surplus to said account, and that the Supervisor be authorized to draw on such account

for payroll and bills, and that the Supervisor be authorized to execute the necessary papers for State aid from the New York State Youth Commission which will be reimbursement for the \$500.00 advanced by the Town for the said project.

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. Dillon read a letter from Mr. Fred Loescher relative to the moving of certain Civil War Veterans from the Brick Church Cemetery. According to Mr. Loescher's letter, the bodies were moved some ten years ago from Centenary at the expense of the Town, and recently in applying to Washington for headstones, it was learned that some of the men were not good soldiers and were therefore not honorably discharged. They would like to have the remains of these soldiers disinterred so that sufficient room may be had for soldiers entitled to burial in this cemetery.

After discussing the matter at length, the Board decided to ask for a legal ruling, to ascertain if the Town can pay to have the bodies disinterred inasmuch as this was done at the Town's expense some ten years ago.

Mr. Schmersahl moved that the request of Mr. Loescher be referred to the Town attorney for checking, and that he report to the Board at the next regular meeting.

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 then read a letter from the Nanuet Milk Farm, requesting that more light be provided at the Erie R.R. underpass on Route 59, as this is a bus stop and at night is a dangerous spot especially for women.

Mr. Dillon told the Board that he investigated the Underpass and that Chief Liebert also investigated it. He further added that he did not

know where a light could be put unless a pole was put in the underpass. Mr. Dillon suggested that the Rockland Light & Power Co. be requested to make an investigation and submit their recommendation, and the Town Clerk was requested to write to Mr. Douglas Scharb of that company.

Mr. Dillon read a letter from John Elliott, Chairman of the Clarkstown ~~Co.~~ Planning Board in which he requested that Mr. Mutinsky, Building Inspector, attend the meetings of the Planning Board, which are held on the third Friday of each month.

The Town Clerk was requested to write Mr. Mutinsky and ask him if he will not attend the meetings of the Planning Board in accordance with their wishes.

Mr. Dillon presented a permit to open a highway in Central Nyack, the applicant being Mrs. Bessie Handley. The permit was then duly approved by the Town Board.

Mr. Dillon then presented the reports of the following Town Officers covering the month of June, 1947.

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

Mr. Eberling moved the reports be accepted as presented.

Seconded by Mr. Welchman

Carried

Mr. Dillon presented a report submitted by Frank W. Kemmer, Welfare Officer, and John J. Harrison, Veterans Welfare Officer, on the Training School for Welfare and Service Officers held at Hobart and Smith Colleges at Geneva, N.Y. in June.

Mr. Dillon then told the Board that the Rockland County Planning Board appeared before the Board of Supervisors and gave quite a report on the garbage situation. They also said they would look around the county and see if some place could be found which would be suitable for a dump, and Mr. Dillon said that he told them the Board would appreciate hearing from them. Mr. Dillon also said he hoped the Board members would help him to locate a place which would not be objectionable.

Mr. Dillon then presented a letter from Wm. H. Jenkins, Jr. in which he enclosed Certificate of Title of Rockingham Park Corp. and his

bill for services rendered in connection with a search of the property of Adolph Zukor and wife in the amount of \$44.40.

Mr. Dillon told the Board that there is no record of this bill ever having been paid, and the Board then approved the bill as presented.

Mr. McIntyre then reported that many people in New City Park have complained because a Mr. Winning continues to operate his dental supplies business, and he said he felt that the Building Inspector should check this.

Mr. McIntyre then asked what had been done about Dykes Park road.

Mr. Dillon then said that it was his understanding that \$9,000. was the cost of the road and that this year such a figure was prohibitive.

Mr. Welchman then stated that when Mr. Mendelson called him by phone that he told him it was too costly a proceeding for this year, and further that there was no appropriation in the highway budget to cover such a large sum.

Mr. Mehrtens then told the Board that what they really want to know is if the Board will take over the road, even though they don't expect the work to be done all at once. Mr. Mehrtens stated further that they can't get anyone to scrape the road, and the Town will do nothing. He said that if the Town would take the road over, make it passable and gradually fix it up and plow snow for them, they would be satisfied. He further added that if the Town will take over the road, they would go ahead with the expense of having a survey made and the preparation of the necessary deeds.

Mr. Mendelson also appeared to ask that something be done about Dykes Park road, as bakers, milkmen and even the doctors refuse to come when they need them. He stated that there are about 12 families living there with plenty of children. He said that very often they cannot walk on the road because there is so much mud and water.

In the discussion that followed, the Board members all agreed that they would like to help the people if it were possible to do so legally. However, the opinion was expressed by Mr. Dillon that if the road were taken over, the Town would be responsible whether it was fixed gradually or all at one time.

Mr. Welchman then stated that if the people were willing that the road be worked gradually, he thought the road should be taken over, and he asked if it was necessary to consult Mr. Klein before taking action.

Mr. Dillon then suggested that Mr. Klein be consulted as Highway Supt. and that the Town Attorney check the law and see if the Town can take over the road inasmuch as we have a resolution on the minutes giving definite specifications for town roads.

The Board members then told both Mr. Mehrtens and Mr. Mendelson that they would have the matter checked to see what can be done legally to help them.

Mr. Dillon then told the Board that Clifford Titus is now deceased and his property has been sold, so the name of the Polling Place in Spring Valley will have to be changed to the new name.

Mr. McIntyre moved that the Polling Place in Dist. #10, Spring Valley be changed from Clifford Titus Ice Cream Parlor to Goldstein & Son.

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. Welchman then reported on Forest Glen Road in Valley Cottage. He said that Philip Klein is willing to grant a 50' right-of-way, only he wants to know where it comes out on Storms Road. Mr. Welchman further told the Board that he learned in his investigation that the people did not have to dedicate the property, but that they bought the screenings and the Town put it on. He said he did not know if the property went to the center of the road, and it was decided to check the deed. He said it is just an extension of a right-of-way to Storms Road, and that the Town will only build some 200'.

The question of searching the title then came up, and Mr. Dillon said that the persons desiring the extension of the road should search the title and prepare the necessary deeds.

Mr. Charles Fuchs who lives on Pipetown Hill, Spring Valley, then appeared to protest the speeding on the hill where he lives. He said that people drive at a rate of 50 and 60 miles an hour, and it is dangerous not only to his own seven children but to the other children in the vicinity.

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He suggested that a speed sign be placed at the top and bottom of the hill. He said that two of his children have almost been killed, and that recently a truck turned over.

Chief Liebert, when asked to comment on the complaint, told the Board that the situation is very bad. However, he said he didn't know whether a speed limit can be placed there.

Mr. Trachtenberg then said that there was some question about establishing a speed limit there, and that he would have to check the law further, as the Town has no ordinance regulating speed.

Mr. Nitopi then asked the Board what the garbage collectors were going to do inasmuch as the dump on Burda Ave. has been closed.

Mr. Dillon then told Mr. Nitopi that he thought the collectors should help themselves a little. He further added that what the Town can do is to look for a piece of property and then purchase proper equipment to seal the garbage. He asked the other Board members to look around and see if they can locate a place. He further added that if the collectors would separate the garbage from the refuse, the pig farms will take the garbage and Millers would take the refuse.

Mr. Nitopi then told the Board that to separate the garbage would mean another truck which at present he can not afford.

Chief Liebert then told the Board that he would like permission to attend the Police Chief's Convention at Elmira on July 22nd and 23rd.

Mr. Schmorsahl moved that Walter Liebert, Chief of Police be authorized to attend the Police Chief's Convention at Elmira on July 22nd and 23rd, his expenses to be paid by the Town.

Seconded by Mr. McIntyre

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

Mr. Schmorsahl	Yes
Mr. McIntyre	Yes
Mr. Welchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Bills Nos. 487 to 587 on Warrant #7, amounting to \$ were audited and ordered paid.

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

ABD 673

Seconded by Mr. Eberling

Carried

Meeting adjourned.

*Carroll M. Pruehling*  
Town Clerk of Clarkstown

## PUBLIC HEARING

JULY 11TH, 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 an application of Louis Bernard to change the zoning of his property from Res. A. to Bus. A. District. Mr. Dillon further stated that the matter had been carefully reviewed by the Board of Appeals when an application for a variance was filed with them, and that they recommended a portion of the property be changed from Res. A. to Bus. B. and that the other portion be changed to Res. B. District.

Miss Martling, Town Clerk, then read the notice of the hearing and presented the affidavit of publication.

Mr. Dillon stated that those in favor of the change would be given the opportunity to speak first, and then those opposed could speak next.

No one appeared to either speak for or against the proposed change.

After holding the meeting open for one hour during which time no one appeared, Mr. Eberling 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 in Nanuet, New York, from a "Residence A" District to a "Business A" District, and WHEREAS, said petition recites that an application for a variance has been filed with the Zoning Board of Appeals of the said Town of Clarkstown, seeking a variance for the said property described in said petition and further stating 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 application of Louis Bernard was thoroughly examined and a resolution adopted recommending that the property on Route 59 in Nanuet, New York, bounded on the north by Route 59, on the west by the Erie Railroad right of way and on the south by that section which is now "Industry" and on the east by that section which

is now "Business A" District, be rezoned from a "Residence A" District to a "Business B" District and further that portion which lies west of the Erie Railroad right of way and East of Grand View Avenue and south of Route 59 be rezoned from a "Residence A" District to a "Residence B" District, and

WHEREAS, after due notice and publication, a public hearing on said petition and recommendation as above set forth was held in the Town Clerk's Office of the Town of Clarkstown in New City, New York, on Friday, July 11th, 1947, at 4:00 in the afternoon to consider the said petition and recommendation, and

WHEREAS, at the said public hearing, an opportunity was extended to all parties in interest and citizens to be heard,

NOW, THEREFORE, BE IT RESOLVED THAT the Building Zone Ordinance and the Building Zone Map of the Town of Clarkstown, Rockland County, New York, be amended as follows:-

By rezoning the following described property from a "Residence A" District to a "Business B" District.

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

BEGINNING at a point on the south side of Route 59 as presently widened said point being 200 feet west from the intersection of the south side of Route 59 and the west side of Middletown Road, thence running westerly along the southerly line of Route 59 to the east line of the Erie Railroad right of way turning and thence running southerly along the easterly line of the Erie Railroad right of way its various courses to a point which is the boundary line between Zone "Residence A" and Zone "Residence B", as it appears on the Building Zone Map of the Town of Clarkstown and which point is about 700 feet north of Prospect Street turning and thence running easterly along the zoning boundary line of "Residence B" and "Industry" as it appears on the said Building Zone Map of the Town of Clarkstown to a point 200 feet west of Middletown Road (Main Street, Nanuet) and the boundary line of Zone "Business A" as it appears on the aforementioned map, turning and thence running northerly along said zoning boundary line to the point or place of beginning.

By rezoning the following described property from a "Residence A" District to a "Residence B" District.

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

BEGINNING at a point on the west side of the Erie Railroad right of way which point is 200 feet south of Route 59 and the zone boundary line between "Residence A" and "Business A" as it appears on the Building Zone Map of the Town of Clarkstown, thence running westerly along said zoning boundary line to a point 200 feet east of Grand View Avenue and the zone boundary line of "Residence A" and "Residence B" as it appears on said Building Zone Map, turning and thence running along said boundary line south and parallel to Grand View Avenue to a point 200 feet north of Prospect Street and zone boundary line of "Residence A" and "Residence B" as it appears on said Building Zone Map, turning, and thence running easterly along the said zoning boundary to the west side of the Erie Railroad right of way turning and thence running northerly along the west side of the Erie Railroad right of way to a point 200 feet south of Route 59 which is point of beginning, and

BE IT FURTHER RESOLVED that the said amendment be published and posted as required by law.

Seconded by Mr. Schmersahl

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

Mr. Schmersahl	Yes
Mr. McIntyre	Yes
Mr. Selchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. Eberling moved the hearing be closed.

Seconded by Mr. Schmersahl

Carried

Hearing closed.

*Corey M. Mastling*  
 Town Clerk of Clarkstown