

ANNUAL TOWN BOARD MEETING

December 29th, 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. Dillon read the report of the Supt. of Highways as follows:-

ANNUAL REPORT

of

Superintendent of Highways

The following roads were taken over by the Town of Clarkstown:

East Evergreen Road - New City

West " " " "

(Property deeded by Burnweit on North Greenbush Road,
West Nyack.)

The following roads have been changed from gravel to asphalt penetration:

Lindbergh Lane 1990 feet

Lake Drive 700 feet

Englewood Ave. 600 feet

Amundsen Lane

A new bridge, 15 ft. span, 26 ft. wide was built on Lake Drive,
New City Park.

17,000 feet of snow fence was put up.

Sixty-four miles of town highways have been surface treated.

With the addition of the above mentioned streets, we now have
86.27 miles of town roads to keep in repair, to plow and to sand.

Respectfully submitted

EMIL KLEIN

Superintendent of Highways

December 29, 1947

Mr. Eberling moved that the report be accepted, and that Mr. Klein
be commended for the way in which he has taken care of the roads, especially
during the recent bad snowstorm.

Seconded by Mr. Schmersahl

Carried

Mr. Dillon read the report of the Police Dept. for the year as follows:

ANNUAL REPORT

POLICE DEPARTMENT

TOWN OF CLARKSTOWN

JANUARY 1st, 1947

TO

DECEMBER 29th, 1947

SUBMITTED BY WALTER LIEBERT,
CHIEF OF POLICE

A total of two hundred and ninety (290) accidents were investigated.

These accidents located as follows, involved four hundred and ninety (490) cars with one hundred and twenty six (126) persons injured and one person killed.

Location	Number	Cars involved	Injured	Killed
Route 59	94	169	40	1
Route 9W	32	59	28	
Route 303	18	30	11	
Route 304	56	90	23	
Town & County	90	142	24	

A total of one thousand nine hundred and twenty (1920) complaints and reports of following classifications were investigated, as a result of some of these complaints a total of ninety-one (91) persons were arrested as also listed. All Juvenile Delinquency cases were turned over to the Probation Department and now classified as an arrest.

Property valued at Fifteen thousand eight hundred and sixty three (\$15,863.00) dollars stolen with ten thousand six hundred and twenty one (10,621.00) dollars recovered.

1	Abduction
2	Robbery
7	Larceny Grand
91	Larceny Petit
34	Unlawful Entry
2	Rape
29	Trespassing
30	Prowler
139	Disorderly conduct
1	Wayward minor
24	Assault
16	Cars or Trucks stolen
41	Intoxicated persons
6	Driving while Intoxicated
16	Juvenile Delinquency
65	Malicious Mischief
2	Burglary
94	Public nuisance
166	Vehicle & Traffic
8	Accidents Nonvehicular
16	Accidents Hit & Run
47	Animals other than dogs
41	Assist or investigation for other Departments.
1	Death accidental
3	Death sudden
51	Domestic trouble
47	Dogs Bite or Rabies
77	Dogs Lost or Found
76	Dogs Killed or Injured
115	Dogs Stray or Vicious
3	Drownings
82	Emergency calls or Assistance
35	Fire arms
69	Fire
1	Fraud and cheat
30	Highway obstruction or condition
50	Information
5	Labor trouble
25	Landlord and tenant trouble
67	Missing persons
65	Missing persons found
84	Notifications
51	Property found or lost
12	Property repossessed or lost
52	Sanitation or Board of Health
5	Suicide
49	Suspicious persons
31	Suspicious cars or abandoned cars
18	Utilities
166	Vehicle and traffic
3	Welfare
11	Zoning
148	Persons assisted
4	Arrests for other Departments
85	Reports made to other Departments
952	Noncriminal complaints investigated

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Arrest

Wayward minor	1
Robbery	2
Larceny Grand	3
Larceny Petit	4
Abduction	1
Assault 2nd	1
Assault 3rd	9
Unlawful entry	2
Intoxicated driving	6
Rape	2
Gambling	1
Trespassing	5
Disorderly conduct	10
Public intoxication	21
Abandonment	1
Malicious mischief	1
Vagrant	4
Real Property law	2
Sullivan law	1
Leaving scene of accident	2
Conservation Law	1
Driving while license suspended	1
Town Ordinance	10
Total	91

There were three hundred and fifty (350) escort of Mail, Express and etc.

A total of five thousand seven hundred and fifty (5750) telephone calls received, of these three thousand one hundred and twenty (3120) calls were investigated.

A total of four hundred and forty nine (449) Motor Vehicle and Town Ordinance traffic cases were brought before the Town Justices of the Peace with a total of one thousand seven hundred and twenty nine (\$1,729.00) dollars in fines collected.

WALTER LIBBERT,
Chief of Police
Town of Clarkstown.

The Board were unanimous in the expression that it was a fine report. They decided that they would accept all reports at once rather than each one individually.

Mr. Dillon read the report of the Welfare Officer for the year as follows:-

December 29th, 1947

Relief Expenditures from January 1st, 1947 to December 29th, 1947

Outdoor Relief Reimbursable	\$7,259.56	
Outdoor Relief Nonreimbursable	<u>183.47</u>	
Total Home Relief		\$7,398.03
Hospitalization - 28 Cases		4,792.30
Burials 5		<u>540.00</u>
Total Expenditures		\$ 12,730.33

Refunds Deducted

On Convalescent Care Nonreimbursable	\$90.00	
On Hospitalization "	<u>135.00</u>	
Total Refunds		\$225.00

FRANK W. KEMMER
Welfare Officer

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Mr. Dillon read the report of the Veterans Welfare Officer for the year as follows:-

December 29, 1947

Veteran Relief Expenditures

From January 1st, 1947 to December 29th, 1947.

Outdoor Relief - Reimbursable \$563.51

JOHN J. HARRISON,
Veteran Welfare Officer

Mr. Dillon read the report of the Receiver of Taxes for the year as follows:-

Dec. 29th, 1947

Miss Cora M. Martling,
Town Clerk of Clarkstown,
New City, N.Y.

Dear Miss Martling:

Replying to your letter of December 22nd, we are submitting the figures covering the amount collected by this office to date.

Supervisor Rec'd	\$207,926.09
County Treas. Rec'd	<u>69,334.96</u>
Total Amount	277,261.05

Collected in 1947 for 1946 State & County Taxes

Amount Paid to School Districts \$265,697.13

Amount of Fees Collected during 1947 and turned over to the Supervisor \$610.44

Very truly yours,

C. ELSIE HAERLE
Rec. of Taxes

Mr. Dillon read the report of the Building Inspector as follows:-

GEORGE R. MURDOCK, BUILDING INSPECTOR
REPORT SEPT. 20 to DEC. 29

1. Sworn into office Sept. 20th, 1947 by Cora M. Martling, Town Clerk, Town of Clarkstown
2. Issued 91 Applications
3. Issued 55 Building Permits
4. Issued 3 -- 12 day Trailer Permits
5. Issued 8 Certificate of Occupancys
6. Collected Total \$314.50 from Sept. 20 to Dec. 29 incl.
7. One (1) Permit DENIED
8. Two Variance Hearings
9. Six (6) Trailer Violations
10. Inspected 22 Violations
11. Inspected 10 reported as Violations (non-violations)

12. Visited 155 lots of Property Owners
13. Traveled reported 744 miles
14. Three (3) inquiries on Road & Realty Signs.
15. Two Hundred Sixty Five (265) Phone calls Inquiries on Building and Zoning

GEORGE R. MURDOCK,
Building Inspector

Mr. Dillon read the report of the Town Clerk for the year as follows:-

YEARLY REPORT

Receipts and Disbursements in
the office of Town Clerk of
Clarkstown for the fiscal year

1947

RECEIPTS FROM ALL SOURCES

273 Resident Hunting & Fishing @ \$2.25	\$614.25
143 Resident Hunting @ \$1.65	235.95
219 Resident Fishing @ \$1.65	361.35
12 Resident Trapping @ \$2.25	27.00
472 Resident Deer @ \$1.25	590.00
17 Non-Resident Hunting & Fishing @ \$15.50	263.50
102 Non-Res. Hunting @ \$10.75	1,096.50
86 Non-Resident Fishing @ \$5.50	473.00
5 Non-Resident 3-Day Fishing @ \$2.75	13.75
9 Free Fishing Licenses - Aged 70 Years	-
34 Non-Resident Deer @ \$10.50	357.00
7 Lost Certificates @ 50¢	3.50
34 Pin Ball Licenses @ \$25.00	850.00
8 Junk Licenses @ \$5.00	40.00
142 Marriages @ \$2.00	284.00
1838 Dogs Licenses:-	
1244 Males @ \$2.25	\$2,799.00
169 Spayed Females @ \$2.25	380.25
316 Females @ \$5.25	1,659.00
14 Kennels @ \$10.00	140.00
74 Dogs in Kennels @ \$1.25	92.50
23 Lost Tags @ 25¢	5.75
4 Spoiled Licenses	-
7 Transfers @ 25¢	1.75
1 War Dog	-
	<u>5,078.25</u>

3 Peddlers @ \$50.00	150.00
13 Explosives @ 25¢	<u>3.25</u>
TOTAL RECEIPTS	\$ 10,441.30

DISBURSEMENTS FOR THE YEAR 1947STATE OF NEW YORK

142 Marriages @ 50¢	\$ 71.00
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SUPERVISOR

273 Resident Hunting & Fishing @ 25¢	68.25
143 Resident Hunting @ 15¢	21.45
219 Resident Fishing @ 15¢	32.85
12 Resident Trapping @ 25¢	3.00
472 Resident Deer @ 15¢	70.80
17 Non-Res. Hunting & Fishing @ 50¢	8.50
102 Non-Resident Hunting @ 25¢	25.50
36 Non Resident Fishing @ 25¢	21.50
5 Non-Resident 3-Day Fishing @ 25¢	1.25
9 Free Fishing Licenses - Aged 70 Years	-
34 Non-Resident Deer @ 50¢	17.00
7 Lost Certificates @ 25¢	1.75
34 Pin Ball Licenses @ \$25.00	850.00
8 Junk Licenses @ \$5.00	40.00
142 Marriages @ \$1.50	213.00
1833 Dog Licenses @ 25¢	458.25
3 Peddlers @ \$50.00	150.00
13 Explosives @ 25¢	<u>3.25</u>
TOTAL	\$ 1,986.35

COUNTY TREASURER

1833 Dogs:-	
1244 Males @ \$2.00	\$ 2,488.00
169 Spayed Females @ \$5.00	338.00
316 Females @ \$5.00	1,580.00
14 Kennels @ \$10.00	140.00
74 Dogs in Kennel @ \$1.00	74.00
23 Lost Tags	-
4 Spoiled Licenses	-
1 War Dog	-
TOTAL	\$ 4,620.00

COUNTY CLERK

273 Resident Hunting & Fishing @ \$2.00	\$546.00
143 Resident Hunting @ \$1.50	214.50
219 Resident Fishing @ \$1.50	328.50
12 Resident Trapping @ \$2.00	24.00
472 Resident Deer @ \$1.10	519.20
17 Non-Resident Hunting & Fishing @ \$15.00	255.00
102 Non-Resident Hunting @ \$10.50	1,071.00
86 Non-Resident Fishing @ \$5.25	451.50
5 Non-Resident 3-Day Fishing @ \$2.50	12.50
34 Non-Resident Deer @ \$10.00	340.00
7 Certificates @ 25¢	1.75
9 Free Fishing Licenses - Aged 70 Years	-
TOTAL	\$ 3,763.95

RECAP

STATE OF NEW YORK	\$71.00
SUPERVISOR	1,986.35
COUNTY CLERK	3,763.95
COUNTY TREASURER	<u>4,620.00</u>
	\$ 10,441.30

I, CORA M. MARTLING, Town Clerk of the Town of Clarkstown, DO HEREBY SUBMIT the foregoing as my report of Receipts and Disbursements for the fiscal year 1947.

Dated: New City, N.Y.

Dec. 29th, 1947

CORA M. MARTLING
Town Clerk of Clarkstown

Mr. Dillon read the report of the Zoning Board of Appeals for the year as follows:-

December 29, 1947

TO: Town Board
Town of Clarkstown

A N N U A L R E P O R T
1947

The Zoning Board of Appeals has met regularly once a month in the Town Clerk's office. In addition to attending these 12 regular meetings, a joint meeting with the Town Board and the Planning Board was held, and 4 special meetings and 7 public hearings.

The following Variances were granted:

ADOLF MILICH, New City, to permit addition of dining room

IDA KOBER, Valley Cottage, to permit addition of dining room

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*

GLENN C. MILLER, Congers, to permit erection of 11 summer residences and 1 laundry

The following Variances were denied:

EDWARD HOFFMAN, Spring Valley, to permit maintenance of factory for prefabricated houses and garages

WILLIAM HANTMANN, Bardonia, to permit erection of 10 apartment building

HAROLD T. COLE, West Nyack, to permit erection of bungalow which would not have the required side yards

The following Variance is pending further investigation:

SOPHIE SOLOMON, Dykes Park, Nanuet, to permit conversion of garage to dwelling

RESPECTFULLY SUBMITTED

W. REGINALD HERDMAN
Chairman

Mr. Dillon presented the report of the Planning Board for the year as follows:-

December 26, 1947

The Town Board
Town of Clarkstown
New City, New York

Gentlemen:

We are pleased to present herewith the report of the Clarkstown Planning Board for 1947.

The substantial progress made to date will be of great value to the Planning Board in meeting its obligation to plan for the future development of the Town.

Respectfully submitted,

JOHN ELLIOTT

John Elliott
Chairman

JE:FB

ANNUAL REPORT OF PLANNING BOARD

TOWN OF CLARKSTOWN

ROCKLAND COUNTY, NEW YORK

The activities of the Planning Board may be partly grouped under three headings which appear in the state enabling legislation authorizing its creation: (1) Formation of Master Plan, (2) Reports on Matters Referred to it by the Town Board and (3) Subdivision Control. These are supplemented by sections on: Miscellaneous Board activities and Program.

MASTER PLAN

One of the duties of the Board as outlined by the enabling legislation is to "prepare and change, a comprehensive master plan for the development of the entire area of the town, which master plan shall show desirable streets, bridges and tunnels and the approaches thereto, viaducts, parks, public reservations, roadways in parks, sites for public building and structures, zoning districts, pierhead and bulkhead lines, waterways and routes of public utilities and such other features existing and proposed as will provide for the improvement of the town and its future growth, protection and development, and will afford adequate facilities for the

public housing, transportation, distribution, comfort, convenience, public health, safety and general welfare of its population."

Considerable technical work is necessary in the preparation of the master reference plan. This has proceeded since the first of the year geared to the immediate and future needs of the Board and necessarily in scale with the budget. The principal effort has centered on the preparation of a series of base maps.

BASE MAP

In the absence of a tax map of the town, the latest military maps were used in working up the base map. Sections of the map available are at different scales and with different contour intervals. Photographic methods were used as far as possible in reducing these to a consistent base. The complete map will show all public roads and streets, contours at 10 foot intervals, railroads, streams and building locations. Lithoprints will be struck off at varying stages of its completion.

A temporary base was prepared and copies distributed to Board members who offered to check street and house locations in the different sections of the town. While complete coverage was not possible, in this way considerable money was saved. Field trips made by the staff of the Regional Plan Association have largely completed this work. Figure 1 is a reduction of the temporary base map. A more detailed survey including how the buildings are used will be made in cooperation with a group of City Planning students of Columbia University as described below under PROGRAM.

Contours have been drawn in on the base map. One by-product of this work will be a map showing topography, streets, roads, houses, streams, etc., with the present zoning restrictions. This will be for the use of the Planning Board and the Zoning Board of Appeals at their meetings. Figure 2 is a typical section of the base map with the contours on it but before the house location data have been added from the temporary base map.

HIGHWAYS

Preliminary studies have been made on the new topographic map. Until other studies are made such as future land development it will serve as a reference for judging subdivision layout and to some extent zoning revisions.

The Rockland County Planning Board generously assisted in securing some of the data needed in collaboration with the Town Superintendent of Highways, such as right-of-way widths and new alignments.

One of the important considerations of the highway plan is the probable impact of the Palisades Parkway on the roads of the town.

Figure 3 is a preliminary study of the highway system, showing the approximate alignments of the highways classed according to their importance in the traffic pattern. They correspond roughly to state, county and municipal highways. Consideration is being given to a northeast-southwest diagonal highway.

RECOMMENDATIONS ON MATTERS

REFERRED TO PLANNING BOARD

Quoting the enabling legislation: "The town board may by general or special rule provide for the reference of any matter or class of matters to the planning board before the final action thereon by the body or officer of said town having final authority thereon with or without the provision that final action thereon shall not be taken until said planning board has submitted its report thereon, or has had a reasonable time to be fixed by the town board in said rule to submit the report."

While no formula has been announced by the Town Board for referring matters to the Planning Board a number of questions have been referred for report.

Most of these questions involved streets or roads proposed for acceptance by the town. As a preliminary requirement the Planning Board insists on an accurate map of the proposal as a basis for consideration. Before recommendation for acceptance by the town, the roads, in addition to meeting general planning principles of location and layout, must meet the construction specifications adopted for this purpose. None of the projects referred to the Planning Board met all requirements.

An application for rezoning a certain property in Congers from Residence C to Business B was referred to the Planning Board. It was recommended that the petition be denied as it would constitute "spot" zoning.

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APPROVAL OF PLATS

According to enabling legislation: "For the purpose of providing for the future growth and development of the town and affording adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health and welfare of its population, such town board may be resolution authorize and empower the planning board to approve plats showing new streets or highways within that part of the town outside the limits of any incorporated city or village."

A resolution of the Town Board, passed February 14, 1947, made it the duty of the planning board to review and approve or disapprove subdivisions.

As a guide to subdividers and developers, and to enable the Planning Board to follow a consistent procedure, a set of Regulations recommended for Town Planning Boards by the New York State Department of Commerce was adopted and published. In addition, the Planning Board included as part of its rules, the road specifications required by the Town before it will accept a street or road for dedication. Also published with the Subdivision Regulations is the section of the New York State Public Health Law requiring the subdivisions involving 10 or more families be submitted to the State Health Department for review.

One feature included in the subdivision rules has been hailed by city planners as an important forward step, namely, the provision that subdividers pay a fee that will partly cover the expense of the Planning Board in securing a review of the subdivision by a technical expert familiar with modern subdivision principles. The fees adopted are as follows:-

5 acres or less	\$25.00
Additional acreage between 5 & 50 acres	2.00 per acre
Acreage in excess of 50	1.00 per acre

Following is a summary of the actions of the board on subdivisions since the subdivision control was authorized.

- 3 were discussed with developers or their agents but not submitted for preliminary approval.
- 3 were submitted for preliminary approval.
- 2 were granted preliminary approval.
- 1 was rejected.
- None has been granted final approval.

MISCELLANEOUS BOARD ACTIVITIES

The Board held 13 meetings during the year. The first one, on January 7th was a joint meeting of the Planning Board, the Board of Appeals and the Town Board. At this meeting a building code and some revisions in the Zoning Ordinance were discussed. The Town Attorney was requested to prepare a Building Code and recommendations were made for changes in the Zoning Ordinance relating to the limitation schedule of buildings and to billboards, chicken and turkey raising.

On January 31 request was made to the Town Board for the powers of subdivision control which were subsequently granted by that Board on February 14th.

Subdivision rules were adopted by the Planning Board on February 24th.

On March 21st the regular Planning Board meeting was postponed so that the members could attend a Public Hearing on the proposed Building Code.

Specifications for acceptance of roads were adopted on May 16th.

A number of zoning problems were considered as the subject of a joint meeting with the Board of Appeals early in 1948.

As this is the first annual report of the Clarkstown Planning Board since its creation on July 12, 1946 a brief summary is included of the work of the Board in 1946.

Seven meetings were held in that period two of which were joint meetings with the Board of Appeals.

The principal work was consideration of changes in the zoning ordinance and the establishment of a building code. Recommendation was also made to deny a request for a change of a certain property in Valley Cottage from Residence A to Business B.

The Board has been fortunate in receiving the cooperation of the Town Board, the Zoning Board of Appeals and other county and town officials.

PROGRAM

The town is particularly fortunate in being free from a number of problems that more closely built up areas have, such as traffic and parking, parks and playgrounds, sewer and storm drainage, lack of school locations, public building space, etc. No elaborate studies are required of these at present but a few broad considerations are worthwhile at this time. Much of the work of the County Planning Board can be used, supplemented by extra detail in some cases. The immediate practical use of these would be in the consideration of zoning matters that come up from time to time. Drainage areas, school districts, playground and athletic field activities, etc., will be mapped.

The principal advantage of the planning procedure is the study of all of the town's future needs on a town-wide basis and all at one time. The benefits of coordinated development over a long period of time are very real compared with a day-to-day detailed operation without plan.

In connection with any plans developed by the Board, there will be public hearings and news releases and explanatory reports, in order to gain the interest and support of the citizens.

The Planning Board expects to continue its work in the preparation of its Master Reference Plan, the principal items of which are a Plan of Future Land Development and a Plan of Major Highways and Roads.

FUTURE LAND DEVELOPMENT

In 1946 the School of Architecture, Columbia University, made studies for a development of the Zukor estate. With the conclusion that the broad assumption on which the studies were based required investigation rather than mere assumption, they felt the need for a study of the future land development of the upper part of Clarkstown. As the studies of the Rockland County Planning Board had not proceeded that far and as it had not been done by the Town, they have agreed to work with the Clarkstown Planning Board on such a plan.

Mr. Morrow, consultant to the Board for the Regional Plan Association, and Professor Miller worked out a schedule which included a field check of land uses and comprehensive studies. The work is being done at no expense to the town except for furnishing base map prints. The field work starts with the information gathered by the County and Town Planning Boards. Most of the field work has been completed this year but the studies will extend into 1949.

HIGHWAY PLAN

Clarkstown is fairly well equipped with highways to serve present development. However, as new development takes place care is needed to provide for new highways as they are required rather than permit subdivisions to make an adequate future system impracticable. Such a program is not the basis of an immediate expenditure of funds but to keep future needed alignments free of buildings.

NOTE: There were three maps attached as follows, which could not be included in this report:

1. Temporary Base Map
2. Typical Section of Topographic Map
3. Study of Highway System

Mr. Angela, Justice of the Peace, then presented his report for the year as follows:

R E P O R T

of

FREDERICK R. ENGELS
Justice of the Peace
Town of Clarkstown

for Year

1947

AMOUNT OF FINES	\$2605.00
AMOUNT OF CIVIL FEES	76.00
CIVIL PENALTIES (Conservation Compromise)	10.00
CONSERVATION DEPARTMENT VIOLATION (For Killing Domestic Ducks)	50.00
CONSERVATION COMPROMISE	115.00
MONEY CONFISCATIONS	<u>1094.25</u>
TOTAL MONEYS COLLECTED	\$ 3950.25

SUMMARY OF CASES COMPLETEDGRAND JURY CASES:

GRAND LARCENY	3
RAPE	2
CONCEALED WEAPONS	1
PERJURY	1

MISDEMEANORS:

UNLAWFUL ENTRY	1
RECKLESS DRIVING	5
DRUNKEN DRIVING	2
PUBLIC INTOXICATION	12
PETIT LARCENY	3
ASSAULT 3RD DEG.	6
DISORDERLY CONDUCT	8
CONSERVATION VIOLATION	1
DRIVING NO LICENSE	17
LEAVING SCENE OF ACCDT	1
ILLEGAL PRACTICE DENISTRY	1
VAGRANCY	5
NO JUNK DEALERS LICENSE	2
UNLAWFUL HOLDOVER	1
AGRICULTURE & MARKETS VIO.	1
CARRYING GAMBLING DEVICES	1
REFUSAL TO SHOW LICENSE	1
GAMBLING CASES	67
MOTOR VEHICLE INFRACTIONS	278
TOWN ORDINANCE	52
CIVIL ACTION DISPOSED OF	<u>21</u>
TOTAL NUMBER OF CASES DISPOSED OF BY COURT ACTION	503

FREDERICK R. ENGELS
Justice of the Peace

Mr. Trachtenberg, Town Attorney, then submitted his report for the year as follows:-

December 26, 1947

Town Board of the Town of Clarkstown
New City, New York

Gentlemen:

I herewith submit my annual report for the year 1947.

Town Board Meetings

I attended all of the regular Board meetings held during the year and also the several special meetings that were called. I drafted and submitted a number of resolutions proposed at the various meetings in accordance with the directions received from the Board.

Zoning Board of Appeals

With little exception, I attended all of the regular monthly meetings of the Zoning Board of Appeals. I also attended the several special meetings on for public hearings held to consider petitions filed for variances.

Planning Board

I attended several meetings of the Planning Board that were held during the year.

Litigation

New York Trap Rock Co. vs. Town of Clarkstown

This case has been pending since 1942. The Town is represented by a special counsel, Lester D. Stickles of New York City. There has been no disposition in prior years because one of plaintiff's important witnesses was overseas. In 1946 the Town made a motion to file an amended answer, the purpose being to obtain an examination of the plaintiff before trial. The motion was granted and the amended answer was prepared and served. The plaintiff then took an appeal and since the last report, the appeal has been argued and determined in favor of the plaintiff, reversing the lower court's order granting the permission to file the amended answer. In a recent communication with Mr. Stickles, I have been advised and I have been informed that the Town will seek permission to go to the Court of Appeals on the question.

Solomon vs. Board of Assessors and others

This action was instituted in the Supreme Court by the plaintiff against the Town, the County and another individual. The action relates to a tax sale involving certain property in Manuet. Through the action the plaintiff is endeavoring to get a decree of the court, declaring that a certain tax deed that he holds against one piece of property relates in fact to another piece of property. Issue has been joined and if the plaintiff does not notice the case for trial for the next term of court, a motion should be made to dismiss same for lack of prosecution.

Village of Spring Valley vs. Town of Clarkstown

This is a certiorari proceeding brought by the Village of Spring Valley against the Town for a decree of the Court declaring the assessment against the disposal plant owned by the Village located in the Township, null and void. Since the last annual report the matter has been tried before the Official Referee. The Referee found in favor of the Village. In his opinion, he pointed out that the section of the Village law, through which the Village proceeded in its annexation of the area, was ambiguous and not free from doubt. An appeal was taken to the Appellate Division and I have just been advised that the Appellate Division has affirmed the Referee's decision with no opinion, which means that they apparently feel that they must follow the literal wording of the Section, and the Section is still probably ambiguous and not free from doubt. It would appear that the only way to solve this question is to take it to the Court of Appeals.

Rossi vs. Emil Klein, Superintendent, and Others

This action was instituted by the plaintiff to obtain an injunction against one McGill who allegedly was discharging sewage in ditches adjacent to the premises owned by the plaintiff, and also against Emil Klein, the Superintendent of Highways, for trespass upon his property and for damages as a result of such trespass. The case has been noticed for trial and is on the Supreme Court calendar.

Town of Clarkstown vs. Huntmann

This action grows out of a zoning violation. The defendant, without a building permit, built a ten-apartment structure in a "Residence A" zone. The Town instituted two actions against him; one for an injunction restraining him from proceeding with his construction work, maintaining, using or renting the premises and for affirmative relief, directing that the structure be torn down or reconverted to its former use. The Town was successful in obtaining a temporary injunction, pending the trial of this action. The temporary injunction restrains the defendant from proceeding with any further construction or from using or renting the building for any kind of dwelling.

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purposes. Defendant unsuccessfully tried to have the temporary injunction vacated and set aside. The case has been noticed for trial and has been referred to an Official Referee, and should be called for Trial soon.

The second action brought by the Town was for the violation of the zoning ordinance. That case was brought before a Justice of the Peace, but was not brought to trial before the term of the Justice expired, so that any further criminal prosecution will have to be instituted by the filing of a new complaint and information.

Two Certiorari Proceedings involving tax matters were brought; one was terminated and the other is still pending.

Zoning

During the year there were a number of applications for changes in the Zoning Ordinances, several of which were granted by the Town Board. Also, upon the recommendation of the Zoning Board and the Planning Board, the Zoning Ordinance itself was amended to meet certain changing conditions. I attended the several meetings relating to the foregoing and prepared the necessary papers. During the year a number of complaints involving the violation of the Zoning Ordinance were referred to me, and with the exception of one or two, were disposed of.

Proposed Ordinances, Building Code

At the request of the Zoning Board of Appeals, I prepared a Building Code for the Township. This was submitted to the Board and a public hearing was held. A survey and a study indicate that while a Building Code was desirable that perhaps the purpose could be served by making certain changes in the existing Zoning Ordinance. I prepared a memorandum, suggesting certain changes in the Zoning Ordinance that would, in some measure, answer the pressing needs desired in a Building Code.

Taxi Cabs

I have been requested by the Board to prepare an ordinance regulating taxi cabs. Time did not allow the preparation of the Ordinance but after a discussion with the Chief of Police, I have summarized the necessary elements desirable in the Ordinance and I am submitting these recommendations in a separate memorandum.

Special Districts

In 1947 the Central Hook Water supply District was extended. The former Election District No. 1 in New City was divided into two new election districts, known as District No. 1 and District No. 2.

The Nanuet Lighting District was extended.

Some of the inhabitants residing along Old Route 99 in West Hook presented a petition for creation of a West Hook Water District. The petition, when presented, was not complete and was referred back to those people so that they could have same properly prepared and resubmitted.

In all of the foregoing, I have prepared the necessary resolutions and orders.

Opinions to Town Officials

During the year I have been called upon by the Supervisor, Town Clerk, Superintendent of Highways, Receiver of Taxes, Board of Assessors, Police Department, Welfare Department, and several of the special districts for opinions on questions of law with which request, I have complied.

Planning Board

I attended the conferences and assisted in the preparation of the resolutions and the regulations that were compiled by the Planning Board, affecting subdivision control.

Miscellaneous

At the direction of the Board of Health, I wrote several letters to persons violating the health law in the Township.

At the request of the Town Board I arranged a meeting between the Committee of citizens in Oakbrook and the owner of a water system supplying that community. The meeting, which was attended by the Supervisor and myself, was for the purpose of adjusting the differences existing between the parties and to arrive at an amicable settlement. The negotiations are still pending between these people and it appears as though it will result in a settlement satisfactory to everyone.

At various times during the year I have been called upon by various Town Officials to either attend meetings or to render assistance or advice relating to particular problems concerning either a particular community or its citizens.

In addition, there were a number of miscellaneous items that I was called upon to do, such as pass upon the legality of proceedings involving the dedication of a road, preparation of different resolutions required for publication, and the writing of letters on various matters.

I attended the Convention of the Association of Towns held in Albany in February.

RESPECTFULLY SUBMITTED

JERMONE TRACHTENBERG

Jerome Trachtenberg

JT: jr

Mr. Dillon read a report submitted by Edward G. Roepe as Justice of the Peace as follows:-

December 29th, 1947

Town Board
Town of Clarkstown
New City, N.Y.

Gentlemen:-

I respectfully submit the following as my report during my term as Justice of the Peace, from January, 1947 to Election Day, 1947. The total number of cases disposed of was 279 and I collected a total of \$996.00 in these cases, which sum was remitted to the Comptroller of the State of New York in my regular monthly reports. The cases were divided as follows:-

<u>No. of Cases</u>	<u>Amount Collected</u>	<u>Type</u>
196	\$741.00	Motor Vehicle
60	166.00	Criminal
23	89.00	Civil

I also submit my docket books for audit and for filing.

Very truly yours,

EDWARD G. ROEPE

Edward G. Roepe

Mr. Eberling moved that the Dockets of Judge Engels and Judge Roepe for the year 1947 be audited.

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

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Mr. Welchman moved that Mr. Klein be authorized to purchase a spreader at a cost of \$1221.00

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

Bills Nos. 1111 to 1112 on Special Warrant #12A amounting to \$1,500.00 were audited and ordered paid.

Mr. Welchman moved the following resolution:-

WHEREAS, Charles McIntyre will retire from the office of Town Councilman of the Town of Clarkstown after December 31st, 1947, and

WHEREAS, said Charles McIntyre has faithfully served the Town of Clarkstown for the past three years, and

WHEREAS, during his term of office he was always deeply interested in improvements for the Town's betterment, and

WHEREAS, this Board appreciates the service which he has rendered to the Town of Clarkstown, NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Clarkstown convey to Charles McIntyre its sincere regret that he will retire from public office after December 31st, 1947, and be it

FURTHER RESOLVED, that a copy of this resolution be spread upon the minutes and that another copy be sent to Charles McIntyre signed by members of the Town Board.

Seconded by Mr. Dillon

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

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

Mr. McIntyre then told the Board that he would miss his pleasant associations on the Board, and that he had enjoyed his work as a Councilman.

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

Seconded by Mr. Welchman Carried

Meeting adjourned until Friday, January 9th, 1948 at 8:00 P.M.

Core M. Marting
Town Clerk of Clarkstown

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