

## TOWN BOARD MEETING

FEBRUARY 13, 1948

Town Clerk's Office

8:00 P.M.

Present: Mr. Schmersahl

Mr. Fibble

Mr. Welchman

Mr. Eberling

Mr. Dillon

Mr. Dillon called the meeting to order.

Mr. Welchman moved that the reading of the minutes for the regular meeting held Jan. 9th, 1948 be dispensed with.

Seconded by Mr. Schmersahl

Carried

Mr. Dillon read a letter from John Elliott, Chairman of the Clarks-town Planning Board regarding the acceptance by the Town of Maple Rd. in Valley Cottage. They recommend that before the Board accepts a deed for the right-of-way from Mrs. Fulle, <sup>that</sup> she comply with the regulations controlling Land Sub-division and a resolution adopted by the Town Board outlining minimum requirements and specifications for future town roads. They urge that a survey and topographic map be submitted, and they also recommended that a copy of the newly printed booklet outlining the requirements be forwarded to Mrs. Fulle.

Mr. Dillon then suggested that Mrs. Fulle be advised of the contents of Mr. Elliott's letter.

Mr. Eberling moved that Joseph Welchman be appointed Delegate and Edward G. Roepe be appointed as Alternate to represent the Town at the Annual meeting of the Association of Towns in Albany.

Seconded by Mr. Schmersahl

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

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

Mr. Welchman moved that Mrs. Tillie Fulle be advised of the recommendations made by the Planning Board, and that a copy of the newly printed booklet containing requirements and specifications for future town roads be forwarded to her.

\* Seconded by Mr. Schmersahl

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

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

Mr. Dillon then advised the Board that the Town has not as yet received the deeds for Evergreen Road East and Evergreen Road west in New City, although he was requested to file them.

Miss Martling was requested to communicate with Mr. Solomon and request him to file the necessary deeds.

Mr. Roepe, Town Attorney, then reported to the Board regarding the Hantmann case. He stated that it went to trial on Tuesday, Feb. 10th, 1948, and that Miss Martling, Mr. Mutinsky, and Mr. Herdman appeared as witnesses for the Town. Judge Young, after hearing all the evidence submitted, reserved decision, and briefs will be filed.

Mr. Roepe then informed the Board that a criminal action was pending before him as Justice of the Peace when he went out of office. As Town Attorney, he is disqualified from representing the Town, and he told the Board he would like to know what they wanted to do since he could not represent them. He further stated that he has \$100.00 bail money, and he would like to have the case disposed of, so he can get rid of this money.

Mr. Dillon then stated that the Town is deeply interested in the injunction against Mr. Hantmann.

Mr. Roepe then told the Board that if the civil case were decided against the Town, there would be no purpose in continuing the criminal action.

After discussing the matter at length, the Board decided to hold the criminal action until the civil action is settled.

Mr. Eberling moved that Mr. Roepe, Town Attorney, be authorized to retain counsel in the criminal action now pending against William Hantmann.

Seconded by Mr. Welchman

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

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

ABH 103

Mr. Roepe, Town Attorney, then reported on the request of Rockland Shooting Club, Inc. that the uses permitted in Residence A District be extended to include the establishment of a private shooting range club. Mr. Roepe told the Board that in his opinion a matter of this kind should be referred to the Board of Appeals, as he did not think the Board would want to amend the code to permit a shooting club in any zoning district. He told the Board he felt it should be acted on by the Board of Appeals on a variance. Mr. Roepe further stated that the establishment of a shooting club in a Residence A district is definitely a violation of the Zoning Ordinance, as it is a non-permitted use.

Mr. Dillon then told the Board that he did not believe the Rockland Shooting Club, Inc. even own the property. He said that he understood they were negotiating for the purchase of the property and were interested in knowing if such a use were permissible.

Miss Martling, Town Clerk, was requested to advise Mr. Steele, Pres. of the Rockland Shooting Club, Inc. regarding Mr. Roepe's report.

Mr. Monroe Katt, Vice-President of the Rockland Co. Volunteer Firemen's Assoc. for Clarkstown, appeared and presented a request from the firemen that the Board support firemanic legislation now before the Legislature in Albany. He told the Board that fourteen proposals have been approved by the Clearing House.

Mr. Eberling moved the following resolution:-

RESOLVED, that the Town Board of the Town of Clarkstown, County of Rockland and State of New York, approve the legislation recommended by the Legislative Clearing House of the Volunteer Firemen of the State of New York, and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Senator Thomas C. Desmond, Assemblyman Robert Walmsley and to the Association of Towns of the State of New York.

Seconded by Mr. Schmersahl

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

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

Mr. Eberling moved the Board 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. Eberling, seconded by Mr. Schmersahl and unanimously carried the Board reconvened into regular Town Board Meeting.

Mr. Dillon read a letter from the Rockland Co. Planning Board, expressing their thanks to Chief Liebert and Supt. of Highways Klein for their cooperation in removing the dense shrubbery on the corner of Mrs. Louis Kumpf's property.

Mr. Schmersahl moved the letter be placed on file.

Seconded by Mr. Welchman

Carried

Mr. Dillon read a letter from the Clarkstown Planning Board advising the Board of recommendations made by the Planning and Zoning Boards in a joint meeting held February 6th.

In regard to the recommendations of both Boards that the Town Board review and consider a Building Code Ordinance, Mr. Dillon told the board that after the public hearing which was held on the proposed Building Code on March 21, 1947, the suggestion was made that some provision be made in the Zoning Ordinance to control summer bungalows.

In regard to the recommendation of the Boards that the Town Board consider the adoption of a new section to the Zoning Ordinance, to be known as Section 12 $\frac{1}{2}$ , which would provide that the frontage of lots in "Residence A" District be not less than 100 feet and the total area of any lot not less than 15,000 square feet, Mr. Dillon told the board that a public hearing was held on this matter on April 9th, 1947, but the Board did not take any action either to approve or deny it. He then asked Mr. Roepe, Town Attorney, if the Board could legally take action on this section, since a public hearing has already been held on it.

Mr. Roepe told the Board that there may be a legal question as to whether the Board as it is now constituted can pass on the matter. He said it may be necessary to advertise it again and hold another public hearing.

The Board then requested Mr. Roepe to check this matter and report his findings at the next meeting.

In regard to the recommendation of the Boards regarding the stripping of top soil, the Board decided to take this up in joint session with both the Planning and Zoning Board before taking any action.

Mr. Welchman then brought to the attention of the Board the matter of "Rest Homes" in Clarkstown. He stated that in many instances these places are started and actually they are only boarding houses.

Mr. Dillon then suggested that this matter be brought up at the joint session of the Planning, Zoning and Town Board, as it may be possible to prevent this in a Residence area.

Mr. Dillon then read a letter from the New Jersey and New York Railroad Company, protesting the action of the Supt. of Highways in fixing a roadway extending across the former New City branch main track and other property of the New Jersey and New York Railroad Co., to the location of a private crossing over the main track of said railroad, at a point a short distance northwesterly of the Nanuet Station, all within the private property of the New Jersey and New York Railroad Co.

Mr. Dillon then read a reply from Mr. Klein, Supt. of Highways, advising the railroad that he repaired the road only after receiving many requests from the people of Nanuet that it be fixed, as it was impossible to travel over it in any gear but low. He further added that the Nanuet Civic Association contacted the railroad, but received no cooperation. He stated that the Town Board by resolution authorized him to repair the road at no expense to the railroad, which he did. Mr. Klein further stated that since the action of the Town did not meet with the approval of the railroad, he would be glad to remove all the gravel and screenings spread on the road and instruct his men to lift the snow plows when plowing in a storm.

Mr. Dillon then read another letter from the New Jersey and New York Railroad Co. advising that the action of the Town in scraping the road and filling it with stone and resurfacing same with gravel could only be construed by the railroad as a waiver of the status of the crossing as a private crossing and the roadway as a private roadway. They indicated they were perfectly willing for the Town to remove the stone and gravel and lift the snow plow if they so desired.

Mr. Dillon then told the Board that at one time a serious condition existed at West Nyack Station because of the driving conditions in and around the station, and that he and Chief Liebert went to see Mr. Clark, Station Agent, who immediately contacted the New York Office. They took care of it the very next day.

Mr. Dillon then presented a petition requesting the Town to take over and maintain DeSimone Road at West Nyack.

Mr. Klein, Supt. of Highways, then reported that the road did not meet the necessary requirements.

Mr. Eberling moved that the petition to take over and maintain De Simone Road in West Nyack be referred to the Planning Board, and that they be requested to make an investigation and submit their recommendations.

Seconded by Mr. Schmersahl

Carried

Mr. Dillon then presented a petition for a Tax Refund of \$32.00 to William and Alma Meyer.

Mr. Eberling moved the following resolution:-

RESOLVED, that the Supervisor be authorized to pay a Tax Refund of Thirty-Two dollars (\$32.00) to William and Alma Meyer for taxes erroneously assessed.

Seconded by Mr. Schmersahl

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

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

Mr. Dillon then presented the reports of the following Town Officers for the month of January, 1948.

Supervisor's Report and Trial Balance for Dec. 1947  
 Town Clerk's Report  
 Welfare Officer's Report  
 Veterans Welfare Officer's Report  
 Police Dept. Report  
 Building Inspector's Report

Mr. Dillon presented a statement from the Dept. of Audit and Control, advising that Justices Fees as of Dec. 31, 1947 were \$295.50.

Mr. Eberling moved the reports be approved and accepted.

Seconded by Mr. Schmersahl

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

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

Mr. Dillon read a petition signed by resident taxpayers of Nanuet Fire Hydrant Water Dist. requesting the installation of a fire hydrant on the west side of Grandview Ave.

Mr. Eberling moved the following resolution:-

RESOLVED, that a hydrant be installed on the corner of Grandview Ave. and Prospect St. in Nanuet, and

FURTHER RESOLVED, that the Supervisor be authorized to enter into a contract with the Spring Valley Water Works & Supply Company.

Seconded by Mr. Schmersahl

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

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

Mr. Dillon informed the Board that the grades and salaries of the Police Patrolmen were previously set by the Board. However, salary increases were given beginning January 1st, and a new salary rate would have to be set.

Mr. Schmersahl moved the following resolution:-

RESOLVED, that the grades and salaries of Police Patrolmen in the Town of Clarkstown, Rockland County, New York be fixed as follows:-

FIFTH GRADE	\$2500.00
FOURTH GRADE	2600.00
THIRD GRADE	2700.00
SECOND GRADE	2800.00
FIRST GRADE	2900.00

and,

BE IT FURTHER RESOLVED, that the salary of the Police Chief be fixed at \$4000.00 and the police Sergeant at \$3200.00, and be it

FURTHER RESOLVED, that the grades and salary rates be re-troactive to January 1st, 1948.

Seconded by Mr. Eberling

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

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

Mr. Dillon then reported to the Board that the Supt. of Highways had reported to him the snow budget is low. He told the Board that \$3500. had been appropriated for snow removal, and that he would like to have an additional amount of \$2000.

Mr. Schmersahl moved the following resolution:-

RESOLVED, that Two Thousand Dollars (\$2,000.00) be transferred from Current Surplus General Fund to Highway Fund, Item No. 4.

Seconded by Mr. Fibble

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

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

Mr. Dillon then presented two applications for changes in the Zoning Ordinance. One application was from Adolph Zukor, requesting that a portion of his property north of New City be changed from Res. A to Bus. A Dist. The other application was from Clara and Albert Lamborn, requesting that property owned by them in Congers be changed from Res. A to Bus A Dist.

Mr. Eberling moved the following resolution:-

WHEREAS, ALBERT G. LAMBORN and CLARA M. LAMBORN, have petitioned the Town Board of the Town of Clarkstown that the Building Zone Ordinance of the said town be amended by redistricting property of the said petitioners and in said petition described from "Residence A" to "Business A".

BE IT RESOLVED, that a public hearing pursuant to Sections 265 and 264 of the Town Law be had at the Office of the Town Clerk, Main Street, New City, New York, on the 5th day of March, 1948 at 3:00 P.M. relative to such proposed amendment, and it is

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be posted and shall be published in the Journal-News at Nyack, New York, in the manner provided by law, and it is,

FURTHER RESOLVED, that the Town Attorney prepare notices of such statutory hearing and that the Town Clerk cause the same to be posted and published as aforesaid and file proof thereof in the office of the said Clerk.

Seconded by Mr. Schmersahl

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

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

Mr. Eberling moved the following resolution:-

WHEREAS, ADOLPH ZUKOR, has petitioned the Town Board of the Town of Clarkstown that the Building Zone Ordinance of the said town be amended by re-districting property of the said petitioner and in said petition described from "Residence A" to "Business A".

BE IT RESOLVED, that a public hearing pursuant to Sections 265 and 264 of the Town Law be had the Office of the Town Clerk, Main Street, New City, New York, on the 5th day of March, 1948 at 8:00 P.M. relative to such proposed amendment, and it is,

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be posted and shall be published in the Journal-News at Nyack, New York, in the manner provided by law, and it is

FURTHER RESOLVED, that the Town Attorney prepare notices of such statutory hearing and that the Town Clerk cause the same to be posted and published as aforesaid and file proof thereof in the office of said Clerk.

Seconded by Mr. Schmersahl

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

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

Mr. Roepe then brought to the Board's attention the cost of publication notices for changes in the Zoning Ordinance. He mentioned that the Board of Appeals has a fixed charge of \$20.00 which must be paid by anyone seeking a variance to cover the cost of registered letters, publication of notices, etc. He asked if the Board had ever considered a charge for a change in the Zoning Ordinance.

The Board then discussed this matter, and requested Mr. Roepe to check the law and see if the Board can legally charge anyone requesting a change in the Zoning Ordinance.

Mr. Welchman then told the Board that a request has been made by Mr. Boecher, who lives on Old Hav. Rd., Congers for street lights. Mr. Boecher claims he is paying a lighting district tax, but does not have the benefit of the lights, since he is a considerable distance away from the nearest street lights.

Mr. Schmersahl moved that the Town Attorney check the Congers Lighting Dist. and see if Mr. Boecher is in the Lighting Dist.

Seconded by Mr. Eberling

Carried

Chief Liebert then informed the Board that he has had a number of complaints about a piece of state highway in Nanuet near the Erie Railroad tracks. He said that the condition of the road is awful, and that it is almost impassable.

Mr. Eberling moved the following resolution:-

RESOLVED, that the State be requested to repair that portion of State Highway 304 between the Erie Railroad tracks in Nanuet, and be it

FURTHER RESOLVED, that a copy of this resolution be forwarded to N.F. Ronan, County Asst. Engineer.

Seconded by Mr. Schmersahl

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

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

Mr. Klein, Supt. of Highways, then brought to the Board's attention the dangerous condition of Route 303 from north of Route 59 in West Nyack to the Haverstraw line. He told the Board that it is almost impassable at certain points.

Mr. Schmersahl moved the following resolution:-

RESOLVED, that the State be requested to re-surface State Highway 303 in the Town of Clarkstown from north of Route 59 in West Nyack to the Haverstraw line, and be it

FURTHER RESOLVED, that some action be taken in this matter as soon as possible because of the dangerous condition of this highway, which makes it almost impassable at certain points, and be it

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FURTHER RESOLVED, that a copy of this resolution be forwarded to N. F. Ronan, County Asst. Engineer.

Seconded by Mr. Eberling

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

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

Chief Liebert then told the Board that he would like to purchase a new police ar, and that there is sufficient money in his budget to cover it.

Mr. Welchman moved the Chief of Police be authorized to get bids for a new police car.

Seconded by Mr. Schmersahl Carried

Chief Liebert then told the Board that the lease for the police headquarters expires soon. He stated that the place he now is renting from the Nanuet Bank has no toilet facilities, and the roof leaks. It is also infested with termites.

Mr. Eberling then told the Board that he has found a larger office for the Rec. of Taxes, and that he believed there might be room enough for the police department.

Mr. Dillon then appointed Mr. Eberling and Mr. Schmersahl a committee to look at the property.

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

Mr. Dillon informed Mr. Furno that the matter would have to be referred to the Town Attorney for checking.

Mr. Klein then told the Board that he understood the Town Board was considering a change in the Compensation Insurance. He said that if a change is made, he would like to see it transferred to the Town of Clarkstown, providing we can get equally good service, as it would then be possible to go to a doctor here and not go all the way into New York City.

The Board discussed the matter of changing the insurance carrier, but no action was taken.

Chief Liebert then reported to the Board that the State roads were in

a hazardous condition, especially today because of the icy weather and the fact that the hills were not sanded promptly.

Mr. Schmersahl moved the following resolution:-

RESOLVED, that the State roads in the Town of Clarkstown be sanded promptly upon ice forming on the same, and be it

FURTHER RESOLVED, that a copy of this resolution be forwarded to N. F. Ronan, County Asst. Engineer.

Seconded by Mr. Welchman

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

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

Bills Nos. 86 to 184 on Warrant #2 were audited and ordered paid, amounting to \$12,859.82.

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

Seconded by Mr. Welchman

Carried

Meeting adjourned.

Corra M. Marthing  
Town Clerk of Clarkstown