

## PUBLIC HEARING

June 11th, 1948

Town Clerk's Office

8:00 P.M.

Present: Mr. Schmersahl

Mr. Fibble

Mr. Welchman

Mr. Eberling

Mr. Dillon

Mr. Dillon called the hearing to order, explaining that it was being held to consider an application to change the zoning on Maple Ave., New City from 2nd St. to Congers Rd. from Res. C to Business B.

The Town Clerk then read the notice of the hearing and presented the Affidavit of Publication.

Mr. Dillon then told those present that the area to be changed is approximately 200 feet east of Main St. New City on Maple Ave. and that it extends from 2nd St. to Congers Rd. He further said that the New City Business Mens Association had presented a resolution at the last Board meeting requesting that this area be changed. Mr. Dillon stated that those in favor would be permitted to speak first, and then those opposed to the change would be given the opportunity to speak.

Mr. Herbert Scott appeared and told the Board that most of the people on Maple Ave. had been contacted regarding the proposed change and that the majority of the people favored the change. Some of these people were Daniel Kroenung, Mr. DeBevoise (prior to his death), Melvin Knapp, John Kirwood, Mrs. Brokaw, LeRoy Doellner and Mr. Johnston.

Mr. Skyvarth of Maple Ave. then told the Board that he moved up from Jersey City because he wanted a country home, and that he did not think there was enough business on Maple Ave. to make the change necessary. He then asked why they did not include Third St. when the change was proposed. He concluded his remarks by telling the Board that if the change is made, he felt he might just as well have stayed in Jersey City.

Mr. Melvin Knapp then stated that the reason 3rd St. was not included in the proposed change was probably because of the Catholic Church, as it was not thought the Church would go into business or sell their property for business purposes.

Mrs. Ethel Bogardus told the Board that she is not a taxpayer, as she rents a home on Maple Ave., but that she has observed Maple Ave. is used extensively by the Children of New City for playing. She said she wondered what is going to happen now that the big milk trucks are going on Maple Ave. to the milk plant. She said that she too would like a home in the country. She then

\*

told the Board she would like to know what type of business is coming in under this business classification.

Mr. Dillon then told Mrs. Bogardus that Bus. B. will permit any business except slaughter houses and industry.

Mr. John Hasbrouck appearing for the change, suggested that if Maple Ave. were zoned for business, it would make a place for business expansion now that the Planning Board is publishing a circular urging people to come here. He further added that Maple Ave. is sufficiently wide for trucks to come in.

Mr. Scott then stated that Maple Ave. is the widest street in New City.

Mr. Koop told the Board that actually this is a block hemmed in by business. Property loses its value as residential property when it is hemmed in by business, but the value increases when it is changed to business.

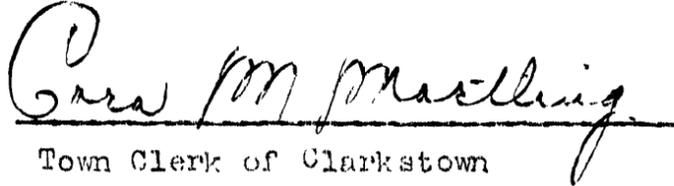
Mr. Dillon then told the group that the Board would take the matter under advisement and make a decision at a later date.

There being no other people who wished to speak, Mr. Eberling moved the hearing be closed.

Seconded by Mr. Schmersahl

Carried

Hearing closed.

  
Town Clerk of Clarkstown

TOWN BOARD MEETING

June 11th, 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. John Blumfield of Central Ave., Spring Valley appeared and told the Board that he owns approximately 100' X 180' running to Hyenga Lake, this property having been purchased in August of 1947. Everything that is there now was there when he bought it. About three months prior to taking the property, the former owner, Mr. Minner, put in a wall to prevent the fill from washing away. Mr. Blumfield told the Board that after he acquired the property, a violation was put on the property due to a complaint. Later the violation was removed and then it was put on again. He told the Board that he didn't want to be guilty of anything he didn't do, as he wanted to be a good citizen and abide by the law.

Mr. Roepe, Town Attorney, then told the Board that the Zoning Board of Appeals say the wall is a containing wall and a car pull. They feel that it is the same as if a garage were put there. It violates side and rear yards. According to the Zoning Ordinance, he could not build a garage where the wall now is.

Mr. Dillon then told Mr. Blumfield that the Board would carefully check the matter.

Mr. Keyser, Chairman of the Board of Assessors, appeared and stated that they had three people to recommend for writing up the 1948 Tax Rolls. They are Mrs. Marion Smith of Nanuet, Mrs. Esther Eckhart of Congers, and Mrs. Dorothy Papagni of Nanuet.

Mr. Fibble then moved that Mrs. Marion Smith, Mrs. Esther Eckhart and Mrs. Dorothy Papagni be appointed to write the 1948 Tax Rolls, the salary to be \$140.00 each.

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. Louis Heydeman of Nanuet appeared and presented a resolution adopted by the Nanuet Civic Association requesting the Town Board to re-open the Nanuet Sidewalk District and approve the prompt completion of sidewalks in the district.

Mr. Dillon advised Mr. Heydeman that the matter would be checked.

Mr. William Hantmann of Bardonia then appeared before the Board saying he had come to ask a favor of the Board. He said that under Judge Young's ruling he cannot rent his building, and that unless the Board can do something for him, he must return the deposits that have already been made. He said he wanted the building rented, and that if the Board will permit him to rent the apartments, they can give the money away to any charity they desire.

Mr. Dillon then told Mr. Hantmann that he did not believe the Board would be interested, as the Supreme Court has issued an injunction forbidding the rental of the apartments.

Mr. Hantmann then asked the Board to send a committee to look over the building. He said that he had the building 80% finished when the Zoning Inspector told him he couldn't finish it.

Mr. Dillon then suggested to Mr. Hantmann that he return the deposits to the people who have made them.

Mr. John Koop appeared regarding the land subdivision under the rules of the Planning Board. He told the Board that he would like to know just how far people are going to be restricted in selling their property. He said he is in accordance with getting a reasonable street which is 50 feet wide, but if you have to file a map with contours and lots laid out, you will have a lot of tax land on your hands. He said he felt there should be a revision of the regulations.

Mr. Fred Stegmayer then told the Board that he owns 60 acres, and that he started to put in a road. Then he got a booklet from Mr. Klein, Supt. of Highways, regarding subdivision regulations. Mr. Stegmayer told the Board that he felt the regulations are a little strict, and that they would work a hardship on the small man. He said he wants to comply with the law. He said that he will spend about \$7000. to put in a road, and that there would be nothing left.

Mr. Oscar Larson then told the Board that he felt the same as Mr. Stegmayer about the rules governing subdivisions.

Mr. Adolph Milich told the Board that you sell one plot and months later you sell another, and yet you must pay taxes. He said that this would come too high.

\* Mr. Dillon then told the group that the Board has been in Executive Session studying the rules on subdivisions. He thanked them for coming

before the Board.

Mr. Dillon then read a letter from the Planning Board in which they advise that Hughes St. and a part of Westview Ave. in Congers still do not meet the qualifications for future Town roads.

In this connection, Mr. Klein, Supt. of Highways, advised the Board that this road does not meet the necessary requirements. It has been changed from a 40 foot to a 50 foot right of way, but is only a dirt road right now with no subbase, and it is really a dead end road. He said that actually the Planning Board has no jurisdiction, as the road was there before they were organized. However, it does not meet the requirements for a Town road.

The Town Clerk was requested to advise the petitioners that the road was referred to the Planning Board, and that the road does not comply with the resolution adopted by the Town Board on March 14th, 1947, also to suggest that they consult with Mr. Klein, Supt. of Highways.

Mr. Fibble then told the Board that Mr. McKay in Congers has built a home on Ohio Ave. and that he wants the road continued past his house.

Mr. Klein, Supt. of Highways, then told the Board that many years ago they wanted to put the road through, and Mr. Jolliffe was against it. He said that the road does not meet the requirements for a Town road.

Mr. Dillon then presented the lease for the Police headquarters.

Mr. Eberling moved that the Supervisor be authorized to execute the lease with the Nanuet National Bank for the Police Headquarters.

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 letter from John Harrison, advising that the Veterans Relief Committee will continue to administer relief for the year 1948 as provided by the New York State Veterans Law, and that he has been named Chairman of that Committee.

Mr. Dillon read a letter from the Association of Towns advising that training courses will be available in June for Justice of the Peace, Welfare and Service Officers, and Supt. of Highways.

Mr. Welchman moved that if any Justice of the Peace, Welfare Officer and Service Officer, and Supt. of Highways wishes to go to the schools suggested by the Association of Towns that they be permitted to do so at the expense of the Town.

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 letter from Henry J. McFarland, Director of Municipal Service Division, Civil Service, in which he advised that the list for Police Patrolman in the Town of Clarks town will probably not be available until sometime in the fall.

Mr. Dillon then told the Board that he had received a letter from the Automatic Voting Machine Corp. asking that the voting machines be checked to see if they need repair, so that the Town's needs can be adequately taken care of.

Mr. Dillon read a letter from Samuel Kushner regarding a water condition which affects his property in Nanuet.

Mr. Klein then told the Board that the ditch which Mr. Kushner refers to has been there a number of years and that it was always an open ditch. When Mr. Kushner closed it, Mr. Klein told the Board that he told him to open it.

The Town Clerk was requested to write Mr. Kushner and advise him the date of the next Board Meeting, so that he may appear before the Board if he so desires.

Mr. Welchman moved the following Republican Inspectors of Election be appointed for a period of one year, commencing July 1st.

<u>DISTRICT</u>	<u>NAME</u>
No. 1, New City	Fred Sooger
	Mrs. Marjorie Lanning
No. 2, Rockland Lake	Joseph Skvasik
	Clyde Begbie
No. 3, West Nyack	Ludlow Garrabrant
	Mrs. Minnie Peterson
No. 4, Upper Nyack	Otis Gregory
	Fred Smith
No. 5, Nanuet	Mrs. Olga Schmersahl
	John H. Mehrrens
No. 6, Central Nyack	Elmer C. DeFlaun
	Mrs. Leota Jansen

<u>DISTRICT</u>	<u>NAME</u>
No. 7, Congers	Wm. Woltjen Robert Southward
No. 8, Valley Cottage	David Edwards George Hamblin
No. 9, Centenary	Mrs. Alice Hopper Mrs. Helen Arbeider
No. 10, Spring Valley	Gustave Knauth Harry Sergeant
No. 11, Bardonia	Mrs. Dorothy Cucksey Theodore Warner, Jr.
No. 12, Nanuet	Clarence Brown Mrs. Grace Arwe
No. 13, New City	John T. Gilmour Miss Mabel Serhus
No. 14, Congers	Gustaf Olson Virginia Streit

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. Eberling moved the following Democratic Inspectors of Election be appointed for a period of one year, commencing July 1st.

<u>DISTRICT</u>	<u>NAME</u>
No. 1, New City	Cora A. Martling Mrs. Margaret Fox
No. 2, Rockland Lake	Jane Ryan Bertha Biederman
No. 4, Upper Nyack	Eleanor Butler Elizabeth Kastner
No. 5, Nanuet	George Fee Marie Bannon
No. 6, Central Nyack	Gustav Winko Charles T. Heinig

ABH 103

<u>DISTRICT</u>	<u>NAME</u>
No. 7, Congers	James Shortal Julia Brennan
No. 8, Valley Cottage	Leonard Pollaci Michael J. McMahon
No. 10, Spring Valley	Marie Orgera Marie Steinbach
No. 11, Bardonia	Richard Martin William Orange, Sr.
No. 12, Nanuet	Norma Hayes Helen Fee
No. 13, New City	James Kelly Helen Hoag
No. 14, Congers	Madeline Rose James Eldridge

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 letter from Geo. R. Murdock, Building Inspector, in which he requested permission to attend the Annual Meeting of the New York State Building Officials at the Commodore Hotel in New York on June 16, 17 and 18th at the expense of the Town.

Mr. Welchman moved that the Building Inspector be permitted to attend the Annual Meeting of the New York State Building Officials at the Commodore Hotel on June 16, 17 and 18th, his expenses to be paid by the Town.

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 read a letter from Geo. R. Murdock, Building Inspector, advising that on May 22nd, 1948 he visited the 10 unit building on the property of William Hantmann and found that no one was using the building for occupancy.

Mr. Dillon read a letter from the State Traffic Commission in which they advise that an investigation has been made regarding traffic conditions in Central Nyack, and that 35MPH signs are being erected. They requested the cooperation of the Clarkstown police department in obtaining compliance with the traffic signs.

Mr. Dillon read a letter from Mr. Lester Banta, requesting that he be permitted to park his taxicabs on the south side of Prospect St. in Hanuet, east of Route 304, as the other taxi operator, Mr. Rhodes, has not parked his cabs there during the past six weeks.

When asked to report on this matter, Chief Liebert told the Board that it is true Mr. Rhodes did not park his cabs there during the bus strike, but he has one there sometimes. He said he would recommend that the taxi stand remain where it is, as he wants to keep the taxi operators under his eye. He told the Board that if he split it up, no one would be satisfied.

The Town Clerk was requested to advise Mr. Banta that the Board has decided on Chief Liebert's recommendation that the taxi stand remain as it now is.

Mr. Schmersahl moved the following resolution:-

RESOLVED, that the sum of \$385.00 be allowed as expenses to the office of the Chairman of the Joint assistance Committee of the Town Veterans Organizations for the period June 15th, 1948 to the end of the calendar year, under the provisions of the Social Welfare Law.

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

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

Supervisor's Report and Trial Balance  
 Town Clerk's Report  
 Police Report  
 Welfare Officer's Report  
 Veterans Welfare Officer's Report  
 Report of Rec. of Taxes for Jan., Feb., March, April and May

The Board then approved road permits issued under Section 149 of the Highway Law to Samuel Goloven, Mary Wanamaker, Oscar Larsen, Bjarne Osmundsen, Charles A. Pugliese.

Mr. Schmersahl moved the reports of the Town officers be approved and accepted.

Seconded by Mr. Eberling Carried

Mr. Eberling moved that the minutes for the last regular meeting held on May 14th, 1948 and the Special Meeting held on May 21st be approved.

Seconded by Mr. Schmersahl Carried

Mr. Klein, Supt. of Highways, told the Board that bids have been received for the Highway mower.

Mr. Eberling moved the following resolution:-

WHEREAS, the Town Superintendent of Highways did on the 14th day of May, 1948, duly recommend the purchase of certain machinery and equipment pursuant to the provisions of Section 142 of the Highway Law, and a notice of such recommendation has been duly published as provided in such action,

NOW, THEREFORE BE IT RESOLVED that pursuant to Section 142 of the Highway Law the Town Superintendent of Highways is hereby authorized to purchase from H. O. Penn Mach. Co., Inc., with the approval of the County Superintendent of Highways:

One New Model VAI Case Tractor equipped with #16 Hydraulic Mower, above completely equipped for Highway Mowing.

for a total price of One Thousand Eight Hundred Fifty-Six Dollars (\$1856.00), delivered at New City, N.Y., and to be delivered on or about June 15th, 1948.

The Terms of payment will be as follows:-

Check drawn on Machinery Fund - - - - - \$1856.00

A contract of purchase for the items purchased shall be duly executed between the Town Superintendent of Highways and such vendor, and when duly approved by the County Superintendent of Highways, it shall become effective. When such contract has been duly executed and approved, the Supervisor is authorized to complete such purchase upon delivery of the items purchased in accordance with the terms of such resolution and such contract, and to pay the above amounts specified to be paid by check or checks.

(1) By a check drawn on the Machinery Fund (Item 3) for \$1856.00

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 then told the Board that he had delivery on one of the Walters trucks which was purchased by the Board, the price being \$10,950.

Mr. Roope was requested to draw the proper resolution for the purchase of the truck on capital notes for three years.

Mr. Dillon read a letter from C. Elsie Haerle, in which she advised that she would like to purchase the awnings on the office of Rec. of Taxes, inasmuch as she expects to move the office soon, and she offered \$15.00 for them.

The Town Clerk was requested to advise Miss Haerle that they feel she should hold onto the awnings until the new building is completed.

The question of the acceptance by the Town of Englewood Ave. in Nanuet was brought before the Board.

When consulted about this road, Mr. Klein advised the Board that he had told Mr. Loeffler that if certain work which he had told him about were completed, the road would be in acceptable condition. He further told the Board that the Planning Board have no jurisdiction, inasmuch as the road was proposed prior to 1917.

The Board then discussed taking over the road subject to the completion of the work recommended by Mr. Klein.

The Town Attorney then recommended that the Board wait until the road is in acceptable condition before they consider taking it over.

The Town Clerk was requested to notify Mr. Loeffler that when the road has been put in acceptable condition as outlined to him by Mr. Klein, the Board will be in a position to consider its acceptance.

In regard to the roads at the various railroad stations, Mr. Dillon said that the West Shore Railroad will take care of Conyers. At Valley Cottage and West Nyack, they want to spread dust, with the understanding that the Town will scrape and they will provide the fill. Mr. Dillon told the Board that he suggested that the railroad put on black top, and they told him that if the Town will scrape the road, they will recommend that black top be put on it.

Mr. Louis Heydemann then asked the Board for some expression as to whether they approved the building of sidewalks in Nanuet.

Mr. Dillon then told him that the Board would have to check to see if the act is still in effect before any action is taken.

In this regard, Mr. Roope told the Board that he had checked the Sidewalk District matter, and that he found an act was passed in 1934 legalizing the district. The District, he told the Board runs from the firehouse in Nanuet to Route 59 on both sides of the road. So far all that they did was to put in curbs. He said that it might be necessary to know how much the sidewalks are going to cost before anything is done, as it may be necessary to have a bond issue.

The Town Clerk was requested to write Mr. Heydemann that the matter was presented to the Town Board, and that the legal aspects will have to be taken into consideration.

Chief Liebert told the Board that members of the Valley Cottage Civic Association at a recent meeting requested that 1-hour parking signs be erected in Valley Cottage from Green Ave. to the Station.

Mr. Welchman moved that 1 hour parking signs be installed in Valley Cottage from Green Ave. to the Railroad Station.

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

Chief Liebert then told the Board that he would like to have a Police Patrolman appointed under a provisional appointment until the Civil Service list has been established. He said that he would like to recommend Vernon C. Matthews of West Nyack for appointment, as he has taken the police examination and is qualified.

Mr. Eberling moved that Vernon C. Matthews be appointed Police Patrolman in the Town of Clarkstown under a provisional appointment, pending the establishment of a civil service list, his salary to be \$2500. per year, appointment as of June 6th, 1948.

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. Roope then told the Board that he had drafted a proposed taxi ordinance, and he furnished copies to the Board members which he asked them to check.

Chief Liebert then recommended that finger prints and photographs be taken of all taxi operators, this to be incorporated in the taxi ordinance.

In regard to the 20% increase in water rates by the Village of Nyack, Mr. Roope reported that the Board of Directors can set the rates without the permission of the Public Service Commission.

It was decided to discuss the Sperling application for a change of zoning at a later date.

The Board then decided to hold a Special Meeting on Wednesday evening, June 23rd at 8:00 P.M. at Mr. Dillon's home in West Nyack.

The question of a place for the women to copy the Tax rolls was then brought up, and the Board discussed the matter at length.

Mr. Eberling moved that the office of the Rec. of Taxes be used by the women to copy the 1948 Tax Rolls.

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

Mr. Dillon then brought to the attention of the Board the question of vacations and sick leave for Town employees excepting those on hourly basis. He said that the County Board had adopted a resolution in this regard, and that the Town Board should do the same for Town employees.

Mr. Schmersahl moved the following resolution:-

RESOLVED, that all Town employees, excepting those on hourly basis, be given a vacation of two weeks after one year's employment and three weeks after two years employment, and that sick leave be given of not to exceed 30 days in any one year, this resolution to take effect immediately.

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

Bills Nos. 450 to 517 on Warrant #6, amounting to \$ were audited and ordered paid.

Mr. Eberling moved adjournment.

Seconded by Mr. Schmersahl

Carried

Meeting adjourned.

*Carroll M. Martin*

Town Clerk of Clarkstown