

SPECIAL TOWN BOARD MEETING

June 28th, 1948

West Nyack, N.Y.

8:00 P.M.

Present: Mr. Schmersahl

Mr. Fibble

Mr. Welchman

Mr. Eberling

Mr. Dillon

Mr. Dillon called the meeting to order.

The Board then discussed the application of Joseph Sperling to change the zoning of his property from Res. A to Bus. A.

Mr. Eberling moved the following resolution:-

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 9th day of April, 1948, provided for a public hearing on the 14th day of May, 1948, at the office of the Town Clerk, Main Street, New City, New York, at 8:00 in the evening to consider the application of JOSEPH SPERLING, to amend the Building Zone Ordinance for the said town by redistricting the property hereinafter described from "Residence A" to "Business A", and,

WHEREAS, notice of said public hearing was duly published as required by law and said public hearing was duly held at the time and place specified in said notice.

NOW, THEREFORE, be it resolved that the Building Zone Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting the following described property from "Residence A" to "Business A".

All that certain lot, piece or parcel of land, situate, lying and being at West Nyack, in the Town of Clarkstown, County of Rockland and State of New York, bounded and described as follows:-

Beginning at the Southwest corner of said parcel, it being the North side of the Nyack Turnpike, and running thence South sixty-nine and three quarter degrees East two chains and seventy-seven links along the Nyack Turnpike; thence South seventy-one and a half degrees East two chains and thirteen links along said Turnpike; thence North one and three quarter degrees East twelve chains and thirty-one links along the land of William P. Souman; thence North eighty-four and one half degrees west three chains and five links along the land of Mrs. D. M. Hengstler; thence South ten and one quarter degrees West eleven chains and twelve links along the land of A. H. August Arwe to the place of beginning. Containing four and fifty-six one hundredths acres of land, be the same more or less.

FURTHER RESOLVED, that notice of said amendment be given by publishing and posting as required by law.

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. Schmersahl moved the following resolution:-

RESOLVED, this 28th day of June, 1948, by the Town Board of the Town of Clarkstown, Rockland County, New York, as follows:-

Section 1. The purchase by the Town of Clarkstown of a dump truck for highway maintenance inclusive of snow removal, consisting of: Model "FZMD" 5 ton 125 H.P. Walter Four Point Positive Drive Chassis, equipped with size 10:00 x 20 dual rear tires, 3- $\frac{1}{2}$ cu. yard water level Dump Body with Hydraulic Hoist, Heater-Defroster, Roof-lite, Blinker-lite, Directional Signals, Flares, and all equipment listed per specification sheet, with plow equipment to include: Model 230-SB One-Way Walter-Prink Sno-Plow and 10 WRM Right Wing; Plow and Wing are to be full power-hydraulic operated, is hereby authorized. For the purpose of providing funds to pay the cost thereof, capital notes of the said Town of Clarkstown in the amount of \$10,950.00 to be of the terms, form and contents hereinafter specified shall be issued by the Town of Clarkstown, pursuant to the provisions of the Local Finance Law of the State of New York.

Section 2. The maximum cost of a dump truck for highway maintenance inclusive of snow removal to provide funds for which the said capital notes shall be issued is estimated to be the said sum of \$10,950.00; and the plan for financing such cost consists of the issuance and the sale of the said notes in the amount of \$10,950.00.

Section 3. It is hereby determined that the purpose for which such notes are to be issued, to wit, the purchase of a dump truck for highway maintenance inclusive of snow removal, falls within sub-paragraph 28 and 29 of subdivision a of Section 11.00 of the said Local Finance Law, and that the period of probable usefulness of such purpose is five years.

Section 4. The proposed maturity of the capital notes hereby authorized will not be in excess of five years.

Section 5. The said notes shall bear a date not earlier than July 1st, 1948, to be fixed by the Supervisor of the Town of Clarkstown, and shall each be designated and known as "Capital Note of 1948 of the Town of Clarkstown, Rockland County, New York." The said notes shall bear interest at a rate not exceeding five per centum per annum, and the principal and interest thereof shall be payable in lawful money of the United States of America, as follows: One of said notes to be in the amount of \$5,475.00 and designated as No. 1 shall mature and be payable one year after date with interest from date, and the other of such notes to be in the amount of \$5,475.00 and designated as No. 2

shall mature and be payable two years after date with interest from date.

Section 6. Except as herein expressly provided, the said notes shall be of the terms, form and contents as the Supervisor of the Town of Clarkstown shall determine and execute, consistent, however with the provisions of the Local Finance Law.

Section 7. Each of said notes shall be executed in the name of the Town of Clarkstown by the Supervisor of said town, and sealed with the corporate seal of the Town of Clarkstown and attested by the Town Clerk.

Section 8. The notes shall be sold at one time as a single capital note issue at private sale by the Supervisor of the Town of Clarkstown, within one month after date of said notes at a price of not less than par value of, and accrued interest if any, and the proceeds of sale shall be applied solely for the purpose aforesaid.

Section 9. Upon due execution and sale of said notes, the same shall be delivered to the purchaser upon the payment by him of the purchase price in cash to the Supervisor of the Town of Clarkstown; and the receipt of such Supervisor shall be a full acquittance to said purchaser who shall not be obliged to see to the application of the purchase money.

Section 10. The full faith and credit of the Town of Clarkstown, Rockland County, New York, are hereby pledged to the punctual payment of the principal of and interest on said notes. An amount sufficient to pay the principal of and interest on such capital notes shall be included in the annual budget and levied as a part of the taxes for each fiscal year to pay the principal and interest becoming due and payable in such fiscal year.

Section 11. This resolution shall take effect immediately.

Seconded by Mr. Eberling

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

Mr. Schmersahl	Yes
Mr. Fibble	Yes
Mr. Melchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

The Board then discussed the application to change the zoning of Maple Ave., New City from Res. C to Bus. B from 2nd St. to Congers Road.

Mr. Schmersahl moved the following resolution:-

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 14th day of May, 1948, provided for a public hearing on the 11th day of June, 1948 at the office of the Town Clerk, Main Street, New City, New York, at 8:00 in the evening to consider amending the Building Zone Ordinance for the said town by redistricting the property hereinafter

described from "Residence C" to "Business B", and,

WHEREAS, notice of said public hearing was duly published as required by law and said public hearing was duly held at time and place specified in said notice.

NOW, THEREFORE, be it resolved that the Building Zone Ordinance of the Town of Clarkstown be and it hereby is amended by redistricting the following described property from "Residence C" to "Business B".

ALL that certain property situate, lying and being at New City, in the Town of Clarkstown, County of Rockland and State of New York, bounded and described as follows:

BOUNDARY on the South by the center line of Second Street as the same runs Easterly from Route 30 1/2 to the present Industrial area as shown on the Building Zone Map of the Town of Clarkstown; bounded on the East by the present Industrial and Business B areas as shown on said Map; bounded on the North by the present Business B area as shown on said map as it extends Southerly from the New City-Congers Road, and bounded on the West by the present Business B area as shown on said map as it extends Easterly from Route 30 1/2.

FURTHER RESOLVED that notice of said amendment be given by publishing and posting as required by 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. Eberling moved the following resolution:-

RESOLVED, that the Town accept as Town roads Edsall Ave. in Nanuet as covered by deed of Nanuet Heights Development Corporation to the Town of Clarkstown dated March 18th, 1948 and that portion of Prospect Ave. in Nanuet as covered by deed of John E. Loeffler to the Town of Clarkstown, dated January 6th, 1948, and further

RESOLVED, that the Town Attorney be directed to record the above deeds in the County Clerk's office.

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

The Board then discussed a letter received from William Hantmann and decided that inasmuch as the Supreme Court of the State of New York had

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granted an injunction restraining Hantmann from further violating the Zoning Ordinance of the Town of Clarkstown, that they would not countenance or allow him to continue to violate the law, and they were not interested in any offer from him relative to the further renting of the building in controversy, and the Town Clerk was directed to notify Hantmann of the above.

There being no further business, Mr. Eberling moved adjournment.

Seconded by Mr. Schmersahl

Carried

Meeting adjourned.

Corra J. Marthing
Town Clerk of Clarkstown