

PUBLIC HEARING

Feb. 11, 1949

Town Clerk's Office

8:00 P.M.

Present: Mr. Schmersahl

Mr. Fibble

Mr. Welchman

Mr. Dillon

Absent: Mr. Eberling

Mr. Dillon called the hearing to order, explaining that it was being held to consider the application of Hillside Park Operating Corp. to rezone their property in Central Nyack from Res. A to Res B and Bus. B districts.

The Town Clerk then read the Notice of the Hearing and presented the Affidavit of Publication.

Mr. Jerome Tractenberg, appearing as attorney for the petitioner, described the property in question as lying on Route 59 just west of Village of Nyack boundary. It is 1300 feet along Route 59 and goes north about 1500 feet. Except for 200 feet adjacent to Route 59, the property is in Business B district. The petitioner requests that the zoning be changed, so that the portion which is adjacent to the Business B north of Route 59 for a distance of 50' be redistricted to Business B, and the rest to Res. B district. This area is mostly undeveloped, and the petitioner intends to develop it and build homes of the ranch type there. Mr. Trachtenberg informed the Board that the petitioner has taken up his plans with the Planning Board of this Town, and after discussions with the Planning Board has followed certain recommendations made for subdividing this property. The lots are in accordance with suggestions made by the Planning Board. In Res. A you must have at least 100 feet on a road. However, the depth of these lots in many instances exceed 100 feet and even 150 feet. In order to develop the property, however, the property has to be rezoned to a Residence B district to conform with present zoning ordinance. In regard to the 50 feet which the petitioner requests be changed to Bus. B, Mr. Trachtenberg told the Board that the plan calls for a parking space, and in order to have a proper parking space and properly develop the property, they require 250'. That is the reason for asking for asking for the 50 feet in Business B. Mr. Trachtenberg told the Board that surrounding area is in a business section, and that to the eastward they are close to the village line.

Mr. Ellis, the petitioner, then appeared and requested the Board to grant his application.

No one appeared to protest the application.

The Board then decided to review the matter and reserve decision until a future date.

Mr. Welchman moved the hearing be closed.

Seconded by Mr. Schmersahl

Carried

Hearing closed.

Carla M. Martling
Town Clerk of Clarkstown

ABH 103

TOWN BOARD MEETING

Feb. 11th, 1949

Town Clerk's Office

8:00 P.M.

Present: Mr. Schmersahl

Mr. Fibble

Mr. Welchman

Mr. Dillon

Absent: Mr. Eberling

Mr. Dillon called the meeting to order.

Mr. Welchman moved that the reading of the minutes for the last regular meeting held on January 14th, 1949 be dispensed with.

Seconded by Mr. Fibble

Carried

A group of people from the West Nyack Civic Association and some West Nyack merchants appeared regarding the parking signs in West Nyack.

Mr. Dillon in reviewing the case, told the group that on the recommendation of the West Nyack Civic Association, the Town Board passed a resolution approving the erection of no parking signs on Old Nyack Turnpike from the shoe cobblers to Western Highway. However, at the last meeting some of the merchants appeared and objected to the signs. The Board then decided to invite everyone on both sides and allow them to speak.

Mr. Belmont Murray, speaking on behalf of the Civic Association, told the Board that several months ago the Association received a suggestion that the parking around the station be investigated and also that the roads to and from the station be given some consideration. This group then studied the matter thoroughly. Then a meeting was held at which Chief Liebert, Mr. Dillon and Mr. Ronan were present, and it was the opinion of the Association that the solution to this particular stretch of road was the limitation of parking on the south side of the road. It was recommended that the parking be limited from 7 to 8 A.M. and from 5:30 to 6:30 P.M. - one hour in the morning and one hour at night. Mr. Murray further told the Board that there is a dangerous bottleneck at the intersection of Old Nyack Turnpike and Western Highway. Also there was danger to people stepping in and out of their cars because of the double parking. He also told the Board that the Association had not thought there would be any danger to business during the two hours the parking was in effect, and that he could not conceive of the position of local merchants who claim they have lost business. He further told the Board that he has not seen either Mr. Partridge or Mr. Furno open during the two hours the parking signs are in effect.

Mr. William Furno then told the Board that he loses business in the morning, and that before the signs were put up he took in from six to ten dollars mornings; now he loses business. He told the Board that he does not see too much

congestion at this place during the day, as the traffic is plenty normal especially in the morning. He further told the Board that the Civic Association did not contact the people about the signs, and that he felt they should be removed.

Mr. Stanley Partridge then inquired why the signs were put up in the first place. Mr. Murray then repeated briefly his statement given before Mr. Partridge's arrival as to why the Civic Association requested the installation of the signs.

Mr. Partridge then told the Board that the Post Office in West Nyack opens at 7:00 in the morning and closes at 6:30 P.M. You can't stop there now until 8:00 in the morning and much later at night. He told the Board that the signs at present are not affecting his business, but they will later on, as he plans to expand his business.

When asked how he felt about this matter, Chief Liebert told the Board that he felt it would be better not to have "No Parking" signs on the south side at all. He said that snow plows have trouble plowing the roads when cars park on the road. He said he would recommend one way travelling on Center Street and Western Highway.

Glen Smith, Edwin C. Haring, Whitney Sherman, Mrs. Belle Simons and Mrs. Olive Goetschius all spoke briefly in favor of retaining the signs.

Mr. Clinton Partridge then told the Board that as a member of the staff of the West Nyack Post Office, he knows that many people are afraid to come in and get their mail because of the parking restrictions. He suggested that the road be widened, and another of his suggestions was one hour parking as a temporary measure only.

Mr. Dillon then told the group that he understood the right-of-way was 41 1/2' wide, the pavement being only 18' wide. He then asked Mr. Klein if the road could be widened, and the Highway Supt. stated that he believed it could be.

Mr. Stanley Partridge then told the Board that he felt the Civic Association should have had a public hearing on the signs before the recommendation was made to the Town Board.

Mr. Dillon then told the group that possibly the Town Board was a little remiss in not calling a public hearing on the signs themselves.

Mr. Dillon then told the group that the Board would review the matter and render a decision later.

Mr. Welchman 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. Schmersahl, seconded by Mr. Fibble, the Board reconvened into

regular Town Board Meeting.

Mr. Clifford Freund, appearing as Attorney for Samuel Olin, presented a petition and map for a change of zoning of his property from Res. B and Res. A district to Bus. A district. The property in question is on Pascack Road and is presently surrounded by bungalows, boarding houses, etc.

Mr. Welchman moved the following resolution:-

WHEREAS, SAMUEL OLIN, has petitioned the Town Board of the Town of Clarks-town that the Building Zone Ordinance of the said Town be amended by redistricting property of the said petitioner and in said petition described from "Residence A" and "Residence B" 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 11th day of March, 1949, 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 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 published as aforesaid and file proof thereof in the office of the said Clerk.

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. Dillon	Yes

Mr. Victor Smith then appeared before the Board and asked if they had met with the Planning Board.

Mr. Dillon then informed Mr. Smith that the Town Board met with the Planning Board in an executive meeting, and that he also called an executive meeting this evening, but that Mr. Eberling was unable to be present because of an injury to his ankle. He further told Mr. Smith that the Board had decided to wait until a full Board was present, but that they expect to have a meeting sometime within the next two weeks.

Mr. Smith told the Board that when he appeared before the Planning Board, they told him that they had told the Town Board that everyone was satisfied. Later, Mr. Smith stated, they amended this statement to read that they thought everyone was satisfied. Mr. Smith then gave the Board information contained in various letters between Mr. Kavanagh and the Planning Board and brought out the fact that the road in question was built in 1943 prior to the date the Planning Board subdivision requirements became effective.

Mr. Smith told the Board he objected to the rigid restrictions on the roads, as he said a road runs \$2.50 to \$3.00 a foot which is \$300.00 per 100 feet of road. He then asked them to kindly consider this matter.

Mr. Dillon then presented a petition and map of William Weinberg for a change of zoning in West Nyack from Res. A to Bus. B district.

Mr. Welchman moved the following resolution:-

WHEREAS, WILLIAM WEINBERG, has petitioned the Town Board of the Town of Clarkstown that the Building Zone Ordinance of the said Town be amended by redistricting two parcels of property of the said petitioner from "Residence A" to "Business B",

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 11th day of March, 1949, at 8:00 P.M. relative to such proposed amendments provided that the said Petitioner pay to the Supervisor of the Town of Clarkstown the proper fees, and it is,

FURTHER RESOLVED, that upon payment of the said fee that notice of the time, place and purpose of such hearing 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 published as aforesaid and file proof thereof in the office of the said Clerk.

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. Dillon	Yes

Mr. Roepe, Town Attorney, in reporting on the alleged zoning violation on the Cook property on New Hempstead Road, told the Board that he had checked the matter thoroughly, and found no zoning violation as claimed by Mr. Hasbrouck. Mr. Roepe told the Board that there is no distinct alignment of houses on New Hempstead Road. He further told them that if anyone wanted to build their home in the woods, they can do so, and it is their own fault if the house catches fire, and the fire equipment is unable to reach it. Mr. Roepe further told the Board that there is no complaint as far as the enforcement of the Zoning Ordinance is concerned. He said that Mr. Hasbrouck may have a complaint as to the type and kind of structures his neighbors may have, but the Town Board cannot control this, since we do not have a Building Code.

Mr. Fibble moved that the Town Board accept the Town Attorney's report regarding the alleged violation on the Cook property.

* 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. Dillon	Yes

The Town Clerk was then requested to write Mr. Hasbrouck and advise him that the Board has gone over the Zoning Ordinance with the Town Attorney, who made a complete study of his objections, and that it is their opinion that there is no violation of the Zoning Ordinance by the adjoining property owner.

Mr. Roepe reported that the deed of Dr. A. C. Goebel covering Elmwood and Crestwood Drive in New City has been corrected and is now acceptable.

When asked if the roads were in condition to be accepted, Mr. Klein, Supt. of Highways, informed the Board that they met requirements.

Mr. Welchman moved that Elmwood and Crestwood Drive and a connecting road as described in deed of A. C. Goebel to the Town of Clarkstown, dated Oct. 28th, 1948, be accepted as Town roads.

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. Dillon	Yes

Mr. Roepe then reported that he had checked the deed of A. Burnweit covering the extension of Sunset View Drive in West Nyack, and that he found it acceptable.

In reporting on this road, Mr. Klein, Supt. of Highways, told the Board that there was only one objector to the road, and that is Dave Anderson because of the water flowing down near his house. The new street causes the water to run down much faster and washes over his property. Mr. Klein told the Board that Mr. Burnweit is holding \$250.00 to finish the work on the road.

Mr. Schmersahl moved that the extension of Sunset View Drive be taken over as a Town road as described in deed of A. Burnweit under date of Dec. 27th, 1948.

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. Dillon	Yes

Mr. Eberling then submitted a report on the compensation insurance. Through the Town Clerk he told the Board that he had checked this matter and found that

the Board could not get the compensation insurance as cheaply with another firm as they can with the State Insurance Fund, and also that most insurance companies today do not care to handle compensation insurance.

Mr. Welchman moved that William Furno be appointed Custodian of the Polls for Dist. #3, West Nyack.

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. Dillon	Yes

When asked to report what progress was made with the Erie Railroad regarding the paving of the station plaza at Nanuet, Mr. Klein, Supt. of Highways, told the Board that he would go with Mr. Eberling to see the railroad officials any time he wanted him to go. Thus far, they have not contacted the railroad.

Mr. Roepe reported that he looked over the proposed water district in West Nyack and that he found it in very much the same condition it was when Mr. Furno originally presented it. He, therefore, advised Mr. Furno to get an attorney, and he has now hired Steve Doig.

Mr. Dillon then read a letter from Samuel Goloven, Pres. Oakbrook Community Assn., Inc. requesting the establishment of a bus stop on North Middletown Road which will be convenient for the residents of Oakbrook.

Mr. Dillon then told the Board that they can request the Rockland Bus Company to install the bus stop as requested.

Mr. Welchman moved that the Rockland Bus Company be requested to establish a bus stop on North Middletown Road at a point which will be convenient for the residents of Oakbrook.

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. Dillon	Yes

Mr. Klein, Supt. of Highways, reported that a Mr. Kreuz who lives next to Tony Grando on Oakbrook has a big 10' fence of link type which is on Town property. He further told the Board that recently when there was a broken water main, he wouldn't permit any digging, and that he was rather unpleasant. Mr. Klein told the Board that he has received a number of complaints about the fence.

After discussing the matter at length, it was decided that Mr. Klein contact Mr. Kreuz about the fence.

The Board then requested the Town Clerk to write the Oakbrook Community Assn., Inc. and advise that the Rockland Bus Company has been requested to establish a bus stop on North Middletown Road.

Mr. Dillon then presented a letter of thanks from the Haerle family for the flowers sent recently at the time of Mrs. Haerle's death.

Mr. Welchman moved that bond of Frank Kemmer, Welfare Officer, in the amount of \$500.00 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. Dillon	Yes

Mr. Dillon read a letter from Rockland Light & Power Company regarding the installation of a street light in front of the Congers Methodist Church.

Mr. Fibble moved the following resolution:-

RESOLVED, that a 60 C.P. lamp with 4 ft. bracket and #1 fixture be installed on Pole #1 just west of the corner of Haverstraw and New City Roads in Congers.

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

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

Mr. Fibble then told the Board that he had received a request that the Traffic Light be installed at the intersection of Lake Road and 9W in Congers.

Mr. Fibble moved the following resolution:-

RESOLVED, that the State Traffic Commission be requested to install a traffic light at the intersection of Lake Road and 9W in Congers.

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. Dillon	Yes

Mr. Fibble then told the Board that the people in Congers would like to have the traffic light replaced at the intersection of Lake Rd. and Old Hav. Rd. in Congers.

Chief Liebert then told the Board that he would check the lights now on hand and see if any are suitable to have put up.

The Board then discussed at length the purchase of the addressograph machine.

Mr. Fibble moved the following resolution:-

RESOLVED, that the Supervisor be empowered to enter into a contract with Addressograph-Multigraph Corporation to purchase the following equipment, to include freight or other delivery charges:-

1	1950 Addressograph with Multi-Column Lister and Automatic Suction Feeder	\$3215.00
1	6380 Keyboard Graphotype	1175.00
1	100 Addressograph Proofer	178.50
3	BD-30 Cabinets	354.10
14500	GG Single Privoloktab Frames	469.95
14500	GG Top Plates and Bottom Plates	159.50
1	Card Cutter	31.20
	Freight on Machines	<u>175.50</u>
	Total	\$ 5758.75

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. Dillon	Yes

Mr. Dillon then presented bills of the Regional Plan Assoc. on planning matters. The Board then discussed the matter, and it was decided that the Supervisor talk with Mr. Elliott and explain to him that the Town Board feels planning is costing too much. Mr. Dillon pointed out to the Board that any taxpayer may come in and check the bills.

The Board then discussed one way signs in West Nyack on Center St. and Chief Liebert and Mr. Klein were asked to investigate the matter.

Mr. Welchman moved that Old Nyack Turnpike from the Station Plaza to Western Highway be one way going west in accordance with Chief Liebert's recommendation.

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. Dillon	Yes

Bills Nos. 72 to 185 on Warrant #2 were audited and ordered paid, amounting to \$8,174.02.

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

Seconded by Mr. Welchman

Carried

Meeting adjourned.

Corra M. Marling
Town Clerk of Clarkstown

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