

PUBLIC HEARING

April 8, 1949

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 the application of Nanuet Spring Valley Colony, Inc. to change the zoning of their property at Bardonia from Residence A to Business B district.

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

Mr. Dillon then told those present that the Board would listen first to those in favor of the application and then those opposed would be given the opportunity to speak.

The Board then listened to those in favor and those opposed to the change in zoning, a digest of same being on file in the Town Clerk's office.

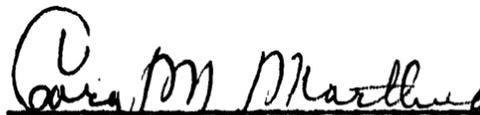
After all present had been given the opportunity to speak, Mr. Dillon told the group that the Board would take the matter under consideration and render a decision later.

Mr. Eberling moved the hearing be closed.

Seconded by Mr. Schmersahl

Carried

Hearing closed.



 Town Clerk of Clarkstown

PUBLIC HEARING

April 8, 1949

Town Clerk's Office

8:30 P.M.

Present: Mr. Schmersahl
Mr. Fibble
Mr. Welchman
Mr. Eberling
Mr. Dillon

Mr. Dillon called the public hearing to order, explaining that it was being held to consider the application of William Weinberg to change the zoning of his property at West Nyack from Res. A to Bus. B district.

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

Mr. Dillon then told those present that those in favor would be permitted to speak first and then those opposed would be heard next.

Mr. H. Dorfman appeared and told the Board that he represented Mr. Weinberg, who lives in New York City. He told the Board that when the Zoning Law was passed, Mr. Weinberg had no chance to object to the placing of his particular property in the district it now is. The property, he said, is a swamp and should never have been placed in Res. A. Had Mr. Weinberg lived here, he would have advised the Board of the impossibility of building houses on the property. Mr. Dorfman told the Board that business is all around the area. He further told the Board that if they do not grant the petition, they will be depriving him of the use of his property. He asked the Board to consider the application and give Mr. Weinberg the relief sought.

There was no one who appeared to protest the application.

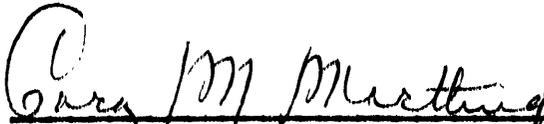
The Board decided to reserve decision on this matter.

Mr. Eberling moved the hearing be closed.

Seconded by Mr. Welchman

Carried

Hearing closed.



Town Clerk of Clarkstown

TOWN BOARD MEETING

APRIL 8TH, 1949

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. Jacob Wexler, attorney for Maxwin Realty Corp. and Katherine H. Selb presented a petition for a change of zoning from Bus. A to Bus. B district.

Mr. Welchman moved the following resolution:-

WHEREAS, MAXWIN REALTY CORP. and KATHERINE H. SELB, 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 "Business 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 27th day of April, 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. 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. Richard H. Gilchrest appeared as a representative of the Congers P.T.A. regarding the gate crossing at Congers. He stated that it was brought to their attention that a public hearing was held in New York City, and that automatic gates would be installed at the crossing with one man on duty from 8 A.M. to 4 P.M. on the days when school was in session only. It is the belief of the P.T.A. that this

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protection is not enough, and that 24 hour protection is a necessity. He told the Board that they understood Mr. Fibble wanted to get 24 hour protection for them, but that it was not granted. Mr. Gilchrest told the Board that the P.T.A. has gone on record by a resolution requesting the Town Board to petition the Public Service Commission for a rehearing in the matter.

Mr. Dillon then informed Mr. Gilchrest that before the hearing came up, he tried to have it brought up here rather than in New York City, but that it could not be arranged.

Mr. Welchman moved the following resolution:-

RESOLVED, that the Town Board of Clarkstown petition the Public Service Commission to reopen Case No. 13998 - Petition of the New York Central Railroad Company for authority to discontinue watchman at Congers Crossing between certain houses only when Congers School is not in session - and hold a further hearing on the matter in Rockland County.

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. Victor Smith appeared regarding the Planning Code of the Town. He told the Board that the Planning Board recently held a meeting at which he appeared and was told that the regulations were satisfactory to all, and that it was free. He told the Board that he told them that if they spent over \$3,000.00 last year that this was not free. He further stated that the question of top soil came up, and when he asked who owned his top soil, he was told it was God's. Mr. Smith told the Board that when a vote of the group was requested, it was denied by the Planning Board. He told the Board that Mr. Hollahan had applied for a permit and was told that he would have to build a road to specifications, although there was no possibility of it becoming a public road. The permit was denied. He told the Board that Mr. Zukor had to furnish a topographic map covering 300 acres, and that it cost him \$15,000. He told the Board that he did not think any small developer could afford this money. He further stated that he knew of three developers who cannot go ahead until something is done. He told the Board that he believed a road was a private driveway until it was offered to the Town; then it becomes a highway. Mr. Smith then told the Board that in the past he has been speaking for himself, but that now he is speaking for over 400 people. He then presented petitions bearing the signatures of 414 people, requesting the Board to rescind the Subdivision Regulations and the resolution authorizing the

Planning Board to approve plats showing new streets and highways.

Mr. Norman Baker then told the Board that he was asked to sign the petition, and that he did not do so, because he felt that there should be some compromise of the original resolution.

Mr. Frank Hendrickson then stated that he was opposed to the Subdivision Regulations.

Mr. Albert Lamborn appeared and told the Board that it was his opinion there should be some revision to take away some of the restrictions. He said he believed that the Board felt there would be quite a development of property after the war, and that there should be some check rein or you would have a runaway horse. As it is now, the restrictions are strangling the horse.

Mr. Dillon then told the group that the Board has for some time been considering the Subdivision Regulations, and that they will take the matter under further consideration.

Mr. Haring of West Nyack then appeared regarding the survey of Old 59 in West Nyack. He asked what the purpose of the survey is, as there are a number of stories circulating that it is to widen the highway and then others that it is to pave the highway. It appears that one survey is being made by the State and the other by the Town. He said he understood that the State survey had to do with a clover leaf in connection with the new Route 59, but he wanted to know what the Town survey was for.

Mr. Klein, Supt. of Highways, then told Mr. Haring that the State is going to put in a 2 lane highway back of the antique shop. The other survey is being made by the County, inasmuch as the suggestion has been made that the highway be 41 1/2 feet wide. Mr. Klein stated that a road this wide is not needed, as a road 27 feet wide will be enough and will not injure peoples' property.

Mr. Dillon then advised Mr. Haring that if anything is contemplated regarding the widening of the road that the people will be advised.

Mr. Haring then told the Board that he understood that some of the signs were removed, and Mr. Klein told him that this was so.

Mr. Haring then suggested that a piece be put in the newspaper that the taking of the signs was a misdemeanor and therefore punishable by a fine.

Mr. Dillon then told Mr. Haring that if the person could be located who took the signs, then the proper action could be taken under the law.

Mr. Fibble then told Mr. Klein that he had received a request from the Catholic Church asking that some of the brush be cut going into Gethsemane Cemetery in Rockland Lake.

Mr. Klein then told Mr. Fibble that it would be impossible for him to do this, as his men are not covered on private property.

Mr. Fibble then reported a water condition on the property of Mr. Harbuck in Congers.

Mr. Welchman moved adjournment into Board of Health Meeting.

Seconded by Mr. Fibble

Carried

After discussing matters pertaining to health in Board of Health Meeting, on motion of Mr. Schmersahl, seconded by Mr. Welchman and unanimously adopted, the Board reconvened into regular Town Board meeting.

Mr. Dillon presented a petition of Mrs. Augusta E. Dohmann, to change the zoning of her property from Res. A. to Bus. B district.

Mr. Schmersahl moved the following resolution:-

WHEREAS, AUGUSTA E. DOHMANN, 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 B" and "Residence 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 13th day of May, 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. Eberling	Yes
Mr. Dillon	Yes

Mr. Dillon reported that he and Mr. Keyser had two meetings with representatives of the Addressograph machine, and that they have been advised the Grapho-type machines will be here shortly. They will make up a sample page which will probably have to be submitted to the Dept. of Audit and Control. Three typists were suggested, and Mr. Dillon told the Board he suggested to Mr. Keyser that he hire three people.

Mr. Keyser, Chairman of the Board of Assessors, then told the Board that he has been able to secure three women, who will prepare the necessary plates for a salary of \$200.00 each. The names of the women are Mrs. Dorothy Papagni, Mrs. Henry Rubin and Mrs. Theodore Eiben.

Mr. Welchman moved that Mrs. Dorothy Papagni, Mrs. Henry Rubin and Mrs. Theodore Eiben be employed as typists to prepare the plates for the Addressograph machine, the salary of each to be \$200.00.

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. Roepe, Town Attorney, reported that he had checked the law, and that the Town Board by resolution can pay claims with only a certification. He said, however, that he did not believe this would apply to Highway bills, as they are fixed by the Comptroller's office.

Mr. Welchman then moved the following resolution:-

RESOLVED, that pursuant to Section 103 of the Town Law that vouchers for claims against the Town may be audited, allowed and paid if certified to be true and correct by or on behalf of the claimant, and it is

FURTHER RESOLVED, that such voucher shall be in form as follows:-

TOWN OF CLARKSTOWN
ROCKLAND COUNTY, N.Y.

_____ does hereby certify that he is the person or is an authorized officer of the Company or Corporation making the within claim, and that the items of the foregoing account or claim are true and correct: that the services, materials and disbursements charged therein have been actually performed for and furnished to and made for said town at the time stated therein; that no part has been paid or satisfied, and there is now due thereon the amount of said bill over and above all offsets or counter claims known to Claimant.

Dated: _____ 19 _____

Signature

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. Eborling	Yes
Mr. Dillon	Yes

In regard to having the Zoning Map brought up to date, Mr. Dillon reported that he talked with Mr. Heinz, and he suggested that we get a new map made. He has not heard anything further from Mr. Heinz.

Mr. Roepe then reported regarding the proposed Ordinance covering dogs running at large. He read a sample form, and told the Board he felt the \$25.00 fine a little excessive.

The Board requested him to check the matter further and report back at the next meeting.

Mr. Welchman reported that Mr. Leo asked for the awning and the lights. The awning frame he claims belonged to him, but the covering belonged to the Town.

It was suggested that Mr. Leo submit a bill for the damages done to the office on the regular Town bill form.

Mr. Dillon reported that the furniture was delivered to the offices of the Assessors and the Building Inspector today.

Mr. Dillon read a letter from the Dept. of Agriculture & Markets regarding dog licensing and dog damages in the Town of Clarkstown.

Mr. Dillon read a letter from Charles D. Breitel, acknowledging the Board's resolution requesting favorable action on certain firemanic bills before the Legislature.

Mr. Dillon read a letter from the Nanuet Civic Association regarding a junkyard which they claim exists next to St. Anthony's Church in Nanuet.

In the discussion that followed, Mr. Dillon pointed out that the property in question was changed to Business B district after an application had been submitted by Jacob Myers and a Public Hearing was held as required by law.

The Board then requested the Town Clerk to request the Building Inspector to go down and make another inspection of the property to see if a junkyard does exist as claimed.

The Town Clerk was requested to advise the Civic Association regarding what has happened in the matter.

Mr. Dillon read a letter from Rockland County Board of Realtors urging that the Supervisors be requested to proceed with the preparation of a tax map for the county.

After discussing the matter at length, the Board decided to think it over before taking any action.

Mr. Dillon read a notice from the Public Service Commission regarding a hearing on April 12th for a gas transmission line.

Mr. Dillon read a letter from Rockland Co. Volunteer Firemen's Association regarding an ordinance for Boarding Houses and homes for the aged and sick.

Mr. Norman Baker told the Board that at a recent meeting of the New City Fire Company, it was decided to request permission to visit and inspect New City Nursing Home to cover themselves in case of a fire.

* Mr. Trachtenberg told the Board that Ramapo has an Ordinance, but it does not include anything regarding fire fighting protection.

After discussing the matter at length, it was decided that the Town Attorney meet with the Law Committee of the Rockland County Volunteer Firemen's Association to prepare an appropriate ordinance on boarding houses and homes used for the aged and sick.

Mr. Dillon read an estimate of Frank Zwahlen regarding insurance for the Highway barn and equipment.

Mr. Eberling was requested to take up the matter with the insurance expert, so that the building and equipment will be properly protected.

Mr. Dillon read a letter from Nanuet National Bank, protesting the recent designation of both sides of Prospect Ave. in Nanuet as taxi stands, inasmuch as it makes it difficult for bank customers to find a parking space.

Chief Liebert reported to the Board that he has had considerable trouble with the taxi operators regarding the parking of the cabs. However, he stated that he would recommend allowing two cabs for each operator on the south side of Prospect Ave. through the banking hours.

The Board expressed themselves agreeable to this change, and Chief Liebert was directed to make the necessary arrangements.

Mr. Dillon informed the Board that the Welfare Officer has been asked to vacate his office, and that he can get two rooms in the Knapp Building for \$50.00, which includes janitor service. We are at present paying \$35.00 rent and \$15.00 janitor service, so there is no increase in price.

Mr. Welchman moved that the Supervisor be authorized to enter into a lease with Melvin Knapp for an office to be occupied by the Welfare Officer at a rental of \$50.00 per month.

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 the State Traffic Commission advising that the speed limit has been set at 30 miles per hour in Bardonia.

Mr. Dillon read a letter from the State Traffic Commission, advising that the present 30 miles per hour speed limit has been extended south 3100 feet in New City.

Mr. Dillon presented reports of the following Town Officers covering the month of March, 1949:-

*

Supervisor's Report and Trial Balance
 Town Clerk's Report
 Police Chief's Report
 Building Inspector's Report
 Welfare Officer's Report

Mr. Eberling moved the reports be approved and accepted.

Seconded by Mr. Schmersahl Carried

Mr. Dillon presented a zoning violation on the property of Louis Fishgold on West Clarkstown Rd.

Mr. Schmersahl moved that the Town Attorney be authorized to take appropriate action against Louis Fishgold for alleged violation of the Zoning Ordinance.

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. Fibble then advised the Board that he had received a request for a street light on Pole #3 on Mass. Ave. in Congers.

Mr. Fibble moved that a street light be installed on Pole #3 on Mass. Ave. 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. Eberling	Yes
Mr. Dillon	Yes

Mr. Fibble then read a resolution to divide Election Dist. #3, West Nyack.

Mr. Dillon asked where the request came from, to which Mr. Fibble replied that he understood the request came from the Republican Committee in West Nyack.

Mr. Dillon then told the Board that two years ago when a change was discussed in West Nyack, both committees got together and discussed the matter, and it was decided not to make a change.

Mr. Fibble then told the Board that last year 845 people voted in West Nyack, and that was one of the reasons for dividing the district.

Mr. Fibble then moved the following resolution:-

WHEREAS, it appears desirable and in the public interest that Election District No. 3 of the Town of Clarkstown as now constituted, should be divided in order to promote the convenience of the voters and to enable all of the voters in said district to vote.

NOW THEREFORE BE IT RESOLVED that Election District No. 3, as now constituted, be divided and that the new Election District No. 3, as a result of such division, shall comprise and consist of all that part of the Town of Clarkstown lying and being within the following boundaries.

BEGINNING at a point in the division line between the Towns of Clarkstown and Orangetown where the center line of Sickletown Road bisects the same; running thence in a general northerly direction through the center lines of Sickletown Road and Strawtown Road to the intersection of Strawtown Road and Brewery Road; thence easterly along the southerly line of the Strawtown Road and District No. 1 to an angle in the Strawtown Road; thence in a straight line along the southerly line of District No. 1 to the westerly line of District No. 8; thence in a general southerly direction along the westerly line of District No. 8 to the northwest corner of District No. 6; thence in a southerly direction along the westerly line of Greenbush Road and the westerly line of District No. 6 to the division line between the Towns of Clarkstown and Orangetown; thence in a westerly direction along the division line between said Towns to the point or place of beginning.

BE IT FURTHER RESOLVED that a new Election District No. 15 resulting from the division of District No. 3, as now and as heretofore constituted, shall comprise and consist of all that part of the Town of Clarkstown lying and being within the following boundaries.

BEGINNING at a point formed by the intersection of the north line of Route 59 and the westerly line of Route 304 and running thence northerly along the westerly line of Route 304 to the northerly line of Demarest Mill Road; thence running in a straight line in a northeasterly direction to the northerly line of Bardonia Road and the westerly line of the Germonds-West Nyack Road; thence running in a northerly direction along the westerly line of the Germonds-West Nyack Road to the southerly line of Parrott Road; thence in an easterly and northerly direction along the southerly line of Parrott Road to Brewery Road; thence in a southerly and easterly direction along the Brewery Road to the Strawtown Road; thence in a general southerly direction through the center line of Strawtown Road and Sickletown Road to the division line between the Towns of Clarkstown and Orangetown; thence in a westerly direction along the division line between said Towns to the southeast corner of District No. 12 which is by estimation 1550 feet east of Ehrhardt Road; thence due north 2300 feet; thence due east 900 feet; thence due north 2700 feet; thence due west to a point which is 200 feet from the easterly side of Smith Street; thence northerly and parallel with Smith Street and 200 feet distant therefrom to the South side of Route 59; thence across Route 59 by extension of the previous course; thence westerly and along the northerly line of Route 59 to the point or place of beginning.

This resolution shall take effect on the 1st day of October next ensuing.

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. Welchman brought to the Board's attention a complaint he received regarding the trains stopping at the crossing in Congers and Valley Cottage, thus blocking the crossings.

The Town Clerk was requested to write the New York Central Railroad, Weehawken Division and request them to make an investigation of the complaint.

Bills Nos. 276 to 357 on Warrant #11, amounting to \$4,290.02 were audited and ordered paid.

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

Seconded by Mr. Welchman

Carried

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Meeting adjourned.

Car. M. Martin
Town Clerk of Clarkstown