

PUBLIC HEARING

Aug. 5, 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 Lillian Garnell and Bernard Garnell to change the zoning of their property at New City from Res. A to Res. B dist.

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

Mr. Bernard Garnell then appeared on behalf of the application and explained that the property in question is located on the corner of New Hempstead Rd. and Route 304. They wish to extend the district, as they intend to make a 2-family house out of the barn. At present, he told the Board 2/3 of the property is now in Res. B and the remainder in Res. A dist. He told the Board that they intend to beautify the property and that they do not feel the changes they plan to make will in any way interfere with the health, safety, moral, or general welfare of the town.

Mrs. Lillie Garnell then told the Board that they wish to convert the barn into a 2-family home and improve its general condition, but that they do not wish to proceed until a change is made, as they want to conform to the zoning regulations.

No one appeared to protest the change.

Mr. Welchman moved the hearing be closed.

Seconded by Mr. Fibble

Carried

Hearing closed.

Cora Martha MacLean  
Town Clerk of Clarkstown

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## PUBLIC HEARING

Aug. 5, 1949

Town Clerk's Office

8:30 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 Peter Murdock and Anthony S. Milewski to change the zoning of their property at Spring Valley from Res. B to Bus. A dist.

The Town Clerk read the notice of the hearing and presented the affidavit of publication.

Mr. Clifford Freund, attorney for the applicants, appeared and described the property in question as being near the Hamilton Well Drilling Co. and extending west to the Burns greenhouses. He told the Board that there is a lake on the property, and that it is the intention of the applicants to build bungalows and start a nice development similar to New City Park. That is why they wish the district changed to Bus. A.

No one appeared to protest the application.

Mr. Schmersahl moved the hearing be closed.

Seconded by Mr. Fibble

Carried

Hearing closed.

*Corey Marthing MacLean*

Town Clerk of Clarkstown

TOWN BOARD MEETING

Aug. 5, 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. Welchman moved that the minutes for the last regular meeting be accepted and that the reading of said minutes be dispensed with.

Seconded by Mr. Schmersahl

Carried

Mrs. Margaret Pedersen appeared and presented an application of Thomas Pedersen for a change of zoning of property located on North Main St., Nanuet from Bus. A to Bus. B dist.

Mr. Fibble moved the following resolution:-

WHEREAS, THOMAS PEDERSEN, 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 "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 9th day of September, 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 afore-said and file proof thereof in the Office of the said Clerk.

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

A group of residents along Park Ave. in West Clarkstown appeared to ask what is going to be done about the road.

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The Board then advised the group that they had heard nothing from the owners, the Reissingers, who at the last Board Meeting told the Board they were going to check the matter further with their attorney.

Mr. Dillon told the group that the Town never took over the road, and he suggested to them that they see Mr. Reissinger and see what can be done. He further advised them that the Board can not take over a road unless it is in a finished condition.

Mr. Eberling moved the following Democratic Inspectors of Election be appointed for a term of one year, commencing July 15th, 1949.

<u>DISTRICT</u>	<u>NAME</u>
No. 1, New City	Cora A. Baker James Connolly
No. 2, Rockland Lake	Jane Ryan Bertha Biederman
No. 3, West Nyack	Vietta Biltz John Lenz
No. 4, Upper Nyack	Eleanor Butler Elizabeth Kastner
No. 5, Nanuet	George Fee Marie Bannen
No. 6, Central Nyack	Gustav Winko Charles T. Heinig
No. 7, Congers	James Shortal Julia Brennan
No. 8, Valley Cottage	Leonard Pollaci Michael J. McMahon
No. 9, Centenary	Nellie Hallam Mabel Clochessy
No. 10, Spring Valley	Marie Orgera Marie Steinbach
No. 11, Bardonia	Richard Gustafson William Orange, Sr.
No. 12, Nanuet	Norma Hayes Helen Fee
No. 13, New City	James Kelly Helen Hoag
No. 14, Congers	Madeline Rose James Eldredge

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 Francis H. Ruhe of Nanuet regarding a variance for Mr. Wilcox to permit the use of his place for a dump. He advised the Board that he heard the matter was referred to the Town Board by the Zoning Board of

Appeals, and he asked what action will be taken in the matter.

The Board directed the Town Clerk to advise Mr. Ruhe that this matter has not been referred to them by the Zoning Board of Appeals and that they have no knowledge of the action taken by the Board of Appeals.

Mr. Dillon read a letter from the New Jersey and New York Railroad Company in which they advise that they will investigate the conditions at the Convent Road crossing in Nanuet, and advise the Board at a later date regarding the installation of flashing light signals.

Mr. Dillon presented a Notice of Lien under Workmen's Compensation Law of Liberty Mutual Insurance Co. of Boston, Mass. on account of John Bednor, who was involved in an accident on Western Highway & Pineview, West Nyack, N.Y. on May 12th, 1949.

Mr. Roepe, Town Attorney, reported that he checked this matter at the request of the Town Clerk when the notice was received, and that the reason the Town may be named in any suit arising out of this accident is that Western Highway is a Town road.

Mr. Dillon then presented an Application of Metchel Joffe for a change in the zoning of property located at West Nyack from Res. A to Bus. B district.

Mr. Schmersahl moved the following resolution:-

WHEREAS, METCHEL JOFFE, has petitioned the Town Board of the Town of Clarkstown that the Building Zone Ordinance of the said Town be amended be redistricting property of the said petitioner and in said petition described 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 9th day of September, 1949 at 8:15 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. 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

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Mr. Dillon presented an application of Herbert and Sam Jack Dodkewitz for a change in the zoning of property located near Nanuet from Bus. A to Bus. B district.

Mr. Eberling moved the following resolution:-

WHEREAS, HERBERT DODKEWITZ and SAM JACK DODKEWITZ, 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 9th day of September, 1949 at 8:30 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

In regard to Park Ave. in West Clarkstown, Mr. Roepe reported that the Town Board cannot levy a special assessment to pay for the road.

The Board then considered the proposed ordinance to regulate nursing homes, rest homes, sanatoriums and private hospitals.

Mr. Eberling moved the following resolution:-

WHEREAS, by resolution of this Board dated July 8, 1949, a public hearing upon a proposed ordinance renumbering articles 17 and 18 of the Town Ordinances and adding a new article 17 with respect to Nursing Homes, etc. was held on the 5th day of August, 1949 after due publication thereof.

NOW THEREFORE, be it resolved that the said proposed ordinance be in the same and hereby is adopted and enacted effective upon publication and posting as required by law.

ARTICLES XVII and XVIII of the Town Ordinances adopted December 18, 1945, and hereby renumbered as Articles XVIII and XIX respectively, and a new Article XVII is hereby added to said Ordinances as follows:

ARTICLE XVII - NURSING HOMES, CONVALESCENT HOMES, REST HOMES, SANATORIUMS AND PRIVATE HOSPITALS

Section 1.- Nursing Homes, Convalescent Homes, Rest Homes, Sanatoriums and Private Hospitals are hereby regulated for the purpose of fire prevention and for that purpose are hereby declared to be extra hazardous business.

Section 2.- Within ninety days of the enactment of this ordinance all premises described in Section 1 above within the Town of Clarkstown excluding any incorporated village, shall conform to the following regulations designed for fire prevention.

A. All such premises shall have and maintain in good working order and outside fireproof exit for each story above the first.

B. All such premises shall have on each floor in an accessible place a fire extinguisher or extinguishers of a type approved by the National Board of Fire Underwriters of a minimum size of two and one-half gallons. On each floor of such premises having over three rooms, two such fire extinguishers shall be provided.

C. The kitchen and cellar of all such premises shall have a carbon dioxide extinguisher of at least ten pounds capacity and of a type approved by the National Board of Fire Underwriters.

D. An exit light, red in color and having legibly appearing thereon the work "EXIT" shall be placed and maintained over each exit in such premises.

E. All exit doors in such premises shall be at least three feet in width, shall open outward and all doors on outside fire exits shall be equipped with panic bars.

Section 3.- The Chief Engineer of the Fire Company or the Chief of the Fire Department in the district in which any such premises are situated shall have the right at all reasonable times to inspect any such premises for the purpose of determining whether such premises comply with the provisions of Section 2 hereof.

Section 3.- The Building Inspector shall enforce all the provisions of this Article and may at any time enter upon any such premises for purposes of inspection.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance be posted and published as required by law.

Seconded by Mr. Schmersahl

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

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

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Mr. Murdock, Building Inspector, reported that he inspected the Macy Colony, formerly the Hantmann colony, and that it is now being operated in conformity with the Court Order.

Mr. Murdock reported that he has placed a violation on the Vincent Riccardi property on Pacific St., Nanuet. He told the Board that Mr. Riccardi has applied for a variance, and that the date of the hearing is Aug. 18th, 1949.

Mr. Murdock then told the Board that Mrs. Klothe has resigned as secretary to the Zoning Board of Appeals, and that they will be looking for another girl. He then asked the Board if there wasn't some way, he could get some clerical help in his office, as the work has greatly increased.

Mr. Dillon then advised Mr. Murdock that there was no provision in the budget for clerical help to the Building Inspector, and he suggested that this item be budgeted for the coming year.

Mr. Dillon then read a letter from Mr. Murdock, advising that there is no zoning violation on the premises of Mrs. Harry Pitt at the corner of Smith St. and Pascaek Road in Spring Valley, as she is keeping the pig for her own personal use and will kill it in November.

Mr. Dillon read a letter regarding the eradication of Ragweed and outlining the steps taken thus far.

Mr. Dillon then read a notice from the Public Service Commission, advising that their order of Dec. 29th, 1948 regarding the discontinuance of the watchman at the Congers Station except during school sessions has been in all respects affirmed after a further hearing in the matter was duly held on June 9th, 1949.

Mr. Dillon read a letter from A. Pugsley, Sec. West Clarkstown Civic and Welfare Association, requesting SPEED LIMIT signs along West Clarkstown Rd. as there have been several minor accidents there recently.

Mr. Fibble then brought to the Board's attention the speeding on Route 303 in Congers and the dangerous condition on Lake Rd. in the village where the people park on both sides of the road.

The Board then discussed the matter at length and were of the opinion that they had no legal authority to regulate speeding.

The Town Clerk was requested to write Mrs. Pugsley and advise that the Town Board can do nothing about posting Speed Limit signs, as there is no provision in the Town Law giving the Board the right to regulate speed.

Chief Liebert then reported that his department investigated two accidents along West Clarkstown Road, and they were not bad ones. The Chief stated that one man, who has been driving for 25 years, had a woman walk in front of his car, and he hit her. It was found that the accident was not his fault.

Mr. Dillon then told the Board that a resolution was needed to pay a tax refund to Mr. Kunz in the amount of \$2.90 for taxes erroneously assessed.

Mr. Welchman moved the following resolution:-



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 B" to "Business A".

ALL that certain lot, piece or parcel of land at Spring Valley in the Town of Clarkstown, County of Rockland, State of New York, together with the buildings and improvements thereon, bounded and described as follows:-

BEGINNING in the center of Pascack Road at the Southeast corner of a lot of land of the Rockland Light & Power Company, formerly land of Thomas Onderdonk and the Northeast corner of the lot herein to be described; thence along the South line of said land of said Rockland Light & Power Company and through the center of a stone wall North 85 degrees 24 minutes 30 seconds West 448.80 feet to an iron pipe and lands of Louise E. Eckerson, formerly land of John Kouff; thence several courses along said lands of Louise E. Eckerson as follows: (1) South 15 degrees 53 minutes 45 seconds West 704.68 feet to a twenty-four inch hickory tree; thence (2) South 6 degrees 2 minutes 15 seconds East 186.12 feet to a stake; thence (3) South 33 degrees 2 minutes 45 seconds East 120.78 feet to a thirty inch white oak tree; thence (4) South 48 degrees 51 minutes 30 seconds East 124.08 feet to a nail in the root of a maple tree; thence (5) South 16 degrees 49 minutes East 87.78 feet to a stake; thence (6) South 42 degrees 28 minutes East 44.88 feet to a stake; thence (7) South 8 degrees 58 minutes East 75.90 feet to a cross cut in a rock; thence still along said lands of Louise E. Eckerson and land of Walter L. Hamilton, formerly land of John Kouff, South 0 degrees 2 minutes West 71.94 feet to a stake; thence along the said land of Walter L. Hamilton, South 15 degrees 20 minutes West 148.08 feet to a twin hickory tree; thence still along the same South 17 degrees 4 minutes West 415.72 feet to a point in the center line of the aforementioned Pascack Road; thence through the center of said road, its various courses as follows: (1) on a curve counter-clockwise with a radius of 180.81 feet, a distance of 169.65 feet; thence (2) North 50 degrees 45 minutes East 54.55 feet; thence (3) on a counter-clockwise curve with a radius of 345.63 feet, a distance of 109.09 feet; thence (4) North 32 degrees 40 minutes East 115.58 feet; thence (5) on a counter-clockwise curve with a radius of 320.87 feet, a distance of 118.63 feet; thence (6) North 11 degrees 29 minutes East 205.78 feet; thence (7) North 8 degrees 16 minutes East 367.96 feet; thence (8) North 5 degrees 53 minutes 30 seconds East 379.93 feet; thence (9) North 4 degrees 36 minutes 30 seconds East 514.23 feet to the place of beginning.

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

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. 624 to 702 on Warrant #8, amounting to \$6,352.02 were audited and ordered paid.

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

Seconded by Mr. Schmersahl

Carried

Meeting adjourned.

*Corey Martin MacLean*  
Town Clerk of Clarkstown