

PUBLIC HEARING

SEPT. 9, 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 Thomas Pedersen to change the zoning of property in Nanuet from Bus. A to Bus. B dist.

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

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

Mrs. Margaret Pedersen appeared on behalf of the application and told the Board that most of the people in the surrounding neighborhood are in favor of the change. She stated that she contacted the Van Ostrands, the Nanuet Funeral Home, Mr. Rosso, Mr. Wagner, Mr. Stark, Mr. Paul Ferretti, Mr. Dunn, and Mr. Charles Lee, and that they are all favorable to the change.

No one appeared to oppose the change.

Mr. Welchman moved the hearing be closed.

Seconded by Mr. Eberling

Carried

Hearing closed.

Gora Martling MacLean
 Town Clerk of Clarkstown

PUBLIC HEARING

Sept. 9, 1949

Town Clerk's Office

8:15 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 Metchel Joffe for a change of zoning in West Nyack from Res. A to Bus. B dist.

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

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

No one appeared either in favor or against the proposed change.

Mr. Welchman moved the hearing be closed.

Seconded by Mr. Fibble

Carried

Hearing closed.

Cora Marthing MacLean
Town Clerk of Clarkstown

PUBLIC HEARING
Sept. 9, 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 Herbert Dodkewitz and Sam Jack Dodkewitz for a change of zoning of property located near Nanuet from Bus. A to Bus. B dist.

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

Mr. Dillon then stated that the Board would listen to those in favor of the change first, and then those opposed would be given the opportunity to speak.

Mr. Barnet S. Selman appeared on behalf of the application and stated that the property is located on the south side of Route 59 directly across from Club 59. He told the Board that it is an ideal place for business but that under the present zoning, it cannot be used for this purpose. He further stated that the property is under contract for sale, and that the new purchaser wants to erect a store there and have a real estate office. He told the Board that near this property is a produce stand, and the owner is in favor of the change. Also, the property is right on Route 59, and its best use is for business. He asked the Board to change the zoning from Bus. A to Bus. B dist.

No one appeared to protest the change.

Mr. Eberling moved the hearing be closed.

Seconded by Mr. Schmersahl

Carried

Hearing closed.

Cora Martha MacLean
Town Clerk of Clarkstown

ABH 103

TOWN BOARD MEETING

Sept. 9th, 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.

The Board then considered the application of Herbert Dodkewitz and Sam Jack Dodkewitz to change the zoning of property located near Nanuet from Bus. A to Bus. B dist.

Mr. Eberling moved the following resolution:-

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 5th day of August, 1949, provided for a public hearing on the 9th day of September, 1949, at the Office of the Town Clerk, Main Street, New City, New York, at 8:30 in the evening to consider the application of Herbert Dodkewitz and Sam Jack Dodkewitz, to amend the Building Zone Ordinance for the said Town by redistricting the property of said petitioner from "Business A" 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 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 "Business A" to "Business B".

ALL that certain lot, piece or parcel of land situate, lying and being near Nanuet, Town of Clarkstown, Rockland County, New York, and more particularly bounded and described as follows:

BEGINNING at a point in the southerly side of State Highway No. 689 (Route 59), said point being the northeasterly corner of the premises herein intended to be described and the northwest corner of lands now or formerly of Wiener; running thence along the southerly line of said Highway North 44 degrees 18 minutes West 56.28 feet to a State Highway Monument; thence still along said Highway North 40 degrees 13 minutes West 18.72 feet to a stake and lands now or formerly of Maxwin Realty Corporation; running thence along said lands of Maxwin Realty Corporation South 9 degrees 12 minutes West 192 feet to a stake and lands of Theresa Anderson; thence along said lands South 85 degrees 36 minutes East 59.05 feet to a stake and lands now or formerly of Maxwin Realty Corporation; thence along said lands North 9 degrees 12 minutes East 141.31 feet to a cross out in a rock on the southerly side of the aforementioned State Highway and the point or place of beginning.

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. Fred Seeger then appeared and requested the Board to take over Park Terrace and Omley Place in New City Park, as these two roads were missed when the roads were taken over by the Town sometime ago. He presented a deed covering the roads.

The Board, after discussing the matter, referred the deed to the Town Attorney for checking and further report at the next meeting.

Mr. Cyrus Law appeared regarding Park Ave. in West Clarkstown. He told the Board that they cannot get any satisfaction from the Reissingers, although Mrs. Reissinger has told them the matter was turned over to Mr. Pesner, their attorney.

Mr. Dillon then told Mr. Law that he would contact Mr. Pesner and see if he would come to the next Board meeting.

Mr. Henry C. Frechen appeared and presented an application for a change in the zoning of his property at Congers from Res. B to Bus. B district.

Mr. Schmersahl moved the following resolution:-

WHEREAS, HENRY C. FRECHEN and MADELINE G. FRECHEN, 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 "Residence B" 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 7th day of October, 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

ABH 103

Mrs. Marion Hoffman appeared regarding the dog ordinance that was recently proposed. She told the Board that she made a canvass of the people in her neighborhood, and that most of the people were in favor of it. She stated that she has had trouble with dogs when she takes her children out for a walk. She then read a letter which she wrote to the Journal-News in regard to this matter, and she urged that something be done to control the dogs running at large.

Mr. Dillon informed Mrs. Hoffman that the Board discussed the dog ordinance after the recent hearing and gave some thought to preparing a new ordinance that would be pleasing to all people. He told her that a new ordinance would be prepared and it will be published. He suggested that she get a number of her friends to be at the hearing.

Mr. Dillon then presented the application of Lillie Garnell and Bernard Garnell, upon which a public hearing was held by the Board on Aug. 5th, 1949. He asked the Board what their pleasure was with regard to this application.

Mr. Eberling moved the following resolution:-

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 8th day of July, 1949, provided for a public hearing on the 5th day of August, 1949, at the Office of the Town Clerk, Main Street, New City, New York, at 8:00 in the evening to consider the application of Lillie Garnell and Bernard Garnell, to amend the Building Zone Ordinance for the said Town by redistricting the property of said petitioners from "Residence A" to "Residence B", 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 "Residence B."

ALL that certain lot, piece or parcel of land and premises with buildings and improvements thereon, situate, lying and being at New City in the Town of Clarkstown, County of Rockland, and State of New York, and bounded and described as follows:-viz:

BEGINNING at a point which is the South West corner of the parcel herein described which point is the following courses and distances from the intersection of New Hempstead Road and Route 304 (1) North 84 degrees 34 minutes West, 258.62 feet, (2) North 77 degrees 22 minutes West, 185.32 feet to a nail driven in the center of New Hempstead Road, (3) Thence North 10 degrees 13 minutes East, 216.5 feet to the point of beginning; thence North 10 degrees 13 minutes East 150 feet to a stake; thence South 77 degrees 22 minutes East 160 feet to land belonging to Anthony Helfrich; thence South 12 degrees 00 minutes West 150 feet to the existing residence B zone; thence North 77 degrees 22 minutes West 157 feet to the point of beginning.

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

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 read a letter from the State Traffic Commission advising that an investigation has been made regarding the installation of the traffic light at the intersection of Route 9W and Lake Rd. in Congers, and that the Commission's findings do not warrant the reinstallation of this light.

Mr. Dillon then presented a petition signed by residents of Congers, Valley Cottage and Rockland Lake, requesting that the light at this intersection be reinstalled.

Mr. Schmersahl moved the following resolution:-

RESOLVED, that the Town Clerk be directed to write the State Traffic Commission and forward the petition, signed by people in the surrounding neighborhood, requesting the reinstallation of the traffic light at 9W & Lake Rd., 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. Dillon then advised the Board that Mr. Charles Lenhart has requested an increase in salary as custodian of the Polls in Election Dist. #9, Centenary, as he has to store the booths and ballot boxes in his home since there is no place to put them in the church, and he is required to transport them to and from the church each day the Board sits.

The Board then discussed this matter at length, and Mr. Dillon told them that there is nothing in the budget this year to allow for an increase to the custodians.

The Town Clerk was directed to contact Mr. Lenhart and see if the Church will not store the booths and ballot boxes, and to advise him that there is no money in the budget to allow for a salary increase to him this year.

Mr. Dillon read a letter from Jerome Trachtenberg regarding a water condition on Palisades Ave., Nanuet, which is causing a nuisance and health hazard.

ABH 103

*

This matter was referred to Emil Klein, Supt. of Highways, who told the Board that Palisades Ave. was built before the houses were constructed there, and that there is a natural drain there. Mr. Klein said that he spoke to Mr. Hekl, and that he told him he would try to get the other neighbors to chip in and put in drain pipes. Mr. Klein told the Board that the only way to correct the condition is to pipe it, and that he does not believe this should be done at the town's expense.

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

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

Mr. Schmersahl moved the reports be approved and accepted.

Seconded by Mr. Eberling Carried

Mr. Dillon presented an application of Mrs. Beatrice Blier for 1932 district taxes erroneously assessed in the amount of \$2.83.

Mr. Schmersahl moved that the Supervisor be authorized to pay to Mrs. Beatrice Blier the sum of \$2.83 for 1932 district taxes erroneously assessed against the property of John J. Sheehan.

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 read a letter from John Elliott, Chairman of the Clarkstown Planning Board, requesting the Town Board to meet with the Planning Board in joint session to consider regulations controlling land subdivision, the meeting to be held on Sept. 19th, 1949 in their office at New City.

The Board discussed this matter at length, and all were agreeable to meet with the Planning Board on the date specified, and the Town Clerk was requested to advise them accordingly.

Mr. Dillon read a letter from the Wm. E. DeBevoise, Jr. Post No. 1682 requesting that SLOW- SCHOOL signs be erected on Maple Ave., New City, north and south of the Methodist Church, as the church is being used for Kindergarten classes.

Mr. Eberling moved the following resolution:-

RESOLVED, that SLOW - SCHOOL signs be erected on Maple Ave., New City, north and south of the Methodist Church.

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 read a letter from the New York Central System, advising that they cannot lower the water way of the culvert under their bridge No. 22 above the Valley Cottage Station because of the stone abutments supporting the bridge.

Mr. Klein then told the Board that he would again contact the railroad on this matter, as he was under the impression that they were agreeable to lowering the water way.

Mr. Dillon then presented applications of Carleton DeBaun, George Cabel, Harry E. Garrabrant, Joseph Quick and A. C. Goebel for street opening permits under Section 149 of the Highway Law, and they were approved by the Board.

Mr. Dillon read a letter from Mrs. Elizabeth Brown, requesting that something be done to prevent dogs running unescorted on the streets.

The Board then requested the Town Clerk to have available the dog ordinance formerly proposed for the next meeting.

Mr. Jerome Trachtenberg appeared regarding the overlapping of boundaries in the West Nyack Fire Dist., Valley Cottage Fire Dist. and Nanuet Fire Dist. He presented maps showing that there was overlapping of the districts, and he advised the Board that the West Nyack Fire Dist. cannot get a proper fire rating from the Underwriters until this matter is straightened out.

After discussing the matter at length, the Board decided to refer the maps to Mr. Roepe, Town Attorney, for checking and further report.

Mr. Fibble moved that three street lights be installed in Congers, one on Pole No. 52 on Tremont Ave., one on Pole No. 58 at the entrance of Butler St. and one on Pole No. 55 on Route 303.

There was no second to this motion, and it therefore was not adopted.

Mr. Roepe then reported to the Board regarding the establishment of speed control on town and county highways, and read a letter from the State Traffic Commission, advising that under Section 95-c of the Vehicle and Traffic Law, the Commission has authority to restrict speed on County and Town highways on an area basis.

Chief Liebert was then requested by the Board to submit his recommendations regarding the areas where it is desired that speed be restricted.

The Town Clerk was then requested to write Mrs. Pugsley, that the Board has taken up with the State Traffic Commission the matter of speed control

on Clarkstown highways, and that the Chief of Police has been requested to make a survey of the roads to be restricted on an area basis and submit his recommendations.

Mr. Murdock, Building Inspector, then appeared before the Board and discussed the method of handling building permits in the Town. He told the Board that the State Auditors have recommended that an application be made for the permit, and that when the application is approved, the permit be issued. Mr. Murdock told the Board that under the present system, he gives permits and that sometimes they are not returned for quite a period of time. He told the Board that he did not believe the people would be willing to make out an application and then fill out two permit forms.

The Board discussed the matter at length with Mr. Murdock, but no action was taken.

Mr. Murdock reported that zoning violations existed on the property of Mr. Prentice, M. LaMotta and Rev. Gordon Anderson. He stated that Mr. Prentice has applied for a variance, and that Mr. LaMotta has abated his violation. However, he has placed a violation on the property of Rev. Anderson.

Mr. Roepe was directed to write Rev. Anderson and Mr. Prentice and advise that the Building Inspector has reported they are violating the zoning ordinance, and direct that they comply with the ordinance.

Chief Liebert then reported that the light recently installed in Congers is working out fine.

Mr. Klein, Supt. of Highways, then requested permission to attend the Supt. of Highways Convention at Rochester on Sept. 14, 15 and 16th.

Mr. Schmersahl moved that Emil Klein, Supt. of Highways, be authorized to attend the Convention of Supt. of Highways at Rochester, N.Y. on Sept. 14th, 15th and 16th, his expenses to be paid by the Town.

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. Schmersahl moved that the Supt. of Highways be authorized to attend the School for Highway Supts. at Ithaca, N.Y. on August 16th, 17th and 18th, his expenses to be paid by the Town.

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. Klein then requested permission to purchase a 1 yard dirt and snow loader. He told the Board that he wants to trade in the one he now has and get a new one.

Mr. Eberling moved that the Supt. of Highways be authorized to purchase a 1 yd. dirt and snow loader, at a cost in excess of \$500.00.

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. Dillon read a letter from Miss Elizabeth Worden, complimenting the Board upon the efficient manner in which Clarkstown government is handled and suggesting that more and better sidewalks be provided.

The Town Clerk was requested to advise Miss Worden that the Board understands the State will construct sidewalks on Main St. in New City when they rebuild Route 304. In other parts of the Town, sidewalks are built only when a sidewalk district is created, and this is done by the Town Board on petition of taxpayers within the proposed district.

Mr. Dillon read a letter from the Zoning Board of Appeals in which they enclosed a copy of the resolution granting a variance to Glen N. Wilcox which permits him to use certain buildings to shelter farm animals exclusive of pig or hog raising for commercial purposes.

The Board requested the Town Clerk to advise Mr. Samuel Gunn that a hearing was held on the Metchel Joffe application and that no action was taken as no one appeared either for or against the proposed change.

Mr. Roepe then offered the name of George F. Stukmer for appointment as Republican Inspector of Elections in place of Mr. John Gilmour, who cannot serve. He told the Board that he did not have a written resignation from Mr. Gilmour, but that he understands that Mr. Gilmour is unable to serve.

Mr. Welchman moved that George F. Stukmer be appointed Republican Inspector of Elections for Election Dist. #13, New City, in place of John Gilmour.

Seconded by Mr. Schmersahl

ABH 103

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 Florence Jensen, Chairman of the Clarkstown Republican Committee, recommending the appointment of the following persons as Custodians of the Polls:-

Harry Oest	Election Dist. #13, New City
James DeGraw	Election Dist. #12, Nanuet

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

The Board then reviewed recommendations made by the Nanuet Civic Association, Inc. to change the zoning in Nanuet from the Four Corners south to the Nanuet Post Office to Business B dist.

Mr. Eberling moved the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 5th day of August, 1949, provided for a public hearing on the 9th day of September, 1949, at the Office of the Town Clerk, Main Street, New City, New York, at 8:00 in the evening to consider the application of Thomas Pedersen to amend the Building Zone Ordinance for the said Town by redistricting the property of said petitioner from "Business A" 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 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 "Business A" to "Business B".

ALL that certain lot of land situate at Nanuet in the Town of Clarkstown, County of Rockland and State of New York, and lying on the West side of the public highway leading northerly from the depot at Nanuet, being known and designated on a map of land of Walter H. Shupe, made by John Van Orden, Jr., A.D. 1870 and filed in the Rockland County Clerk's Office, as lot number nine (9), and bounded and described as follows:-

