

PUBLIC HEARING

Dec. 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 N. A. McGill and Emma C. McGill for a change in the zoning of their property at Nanuet from Res. A to Bus. A dist.

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

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

Mr. McGill appeared on behalf of his application and stated that there is some misunderstanding, as people say he is trying to rezone Church and Smith St. in Nanuet, and this is not true. He said that the only thing the property which is swampy can be used for is business. He said they are building a swimming pool there, as the land is no good for anything. On the west side, they are going to have a place for selling ice cream, etc. He said that the property in question does not include the property on Church St. He then pointed out the property on the map submitted with the petition.

Mr. Wm. C. Bryant appeared and inquired what means of entry to this property Mr. McGill intended using.

Mr. McGill then stated that there were some five entrances to the property.

Mr. Bryant then told the Board that he lives next to Mr. McGill, and that the road past his home is unimproved and not suitable for the use of a thousand people who wished to enter Mr. McGill's property. Mr. Bryant also pointed out that the brook is right behind his property, and will cause quite a bit of trouble as it has not been cleaned out.

Mr. McGill then told the Board that the brook is dead, and there is no water flowing through it now.

Mr. Bryant then stated the brook has been dry only once in 12 years.

When asked by Mr. Bryant what road he intends to use for his pool, Mr. McGill stated that he would use new Route 59 when it is finished.

Mr. Bryant then stated that he dealt on business principles, and he did not want to deal in possibilities. He said that the road he has reference to is only a dirt road, and if 1000 people are going to use it, he thought the people who live there should have some consideration.

Mr. McGill then told the Board that he had put some seven ton of dust on the road.

Mr. Bryant then stated he also objected to the change on the ground of sanitary conditions, as he didn't think 1000 people could be accommodated. He also said he objected to the noise nuisance from loudspeakers, as he told the Board people living near Monterey have told him they can hardly stand the noise.

Mr. Trevalyn Smith appeared and told the Board he is a property owner living opposite Mr. Bryant. He said he felt the application is really spot zoning. He then told the Board that he understood the people on Church and Smith St. would not be affected, as the zoning would not be changed. He then said that if this change went through and these people were not affected, then it would be spot zoning.

Mr. Fred Reed appeared and stated he was opposed to the change, because the road is a private one with only three people on it. No one keeps it up, he said, but the people on it, and they don't want the zone changed.

Mr. M. W. Cowles of Hackensack Water Co. appeared, and told the Board that they have been interested in what Mr. McGill proposes to do on this parcel of property. As Mr. McGill indicated in his remarks, Mr. Cowles pointed out, he has made excavation for a pool in the bed of a small brook which runs through the track of land, the excavation being 250 to 300 feet long and 125 to 150 feet wide. Just how much water it will hold or how high the dam will be, he does not know. However, Mr. McGill has stated it would be 6' high. Mr. Cowles stated that Mr. McGill plans to establish a public swimming pool. Mr. Cowles told the Board there is the question of sanitation, as he will have a refreshment stand and toilet facilities. Mr. Cowles said that in conversation with Mr. McGill, he spoke of four toilets, which is totally insufficient. Mr. Cowles said that the soil in this area is heavy clay and swampy, and the water level will be raised by the construction of the dam. There will be, he pointed out, many sanitary problems involved in this whole picture that should have very definite attention. He said his company feels that this board acting as a Board of Health are definitely concerned with these matters and the State Dept. of Health is also concerned with it. Mr. Cowles also pointed out that there will not be sufficient natural water, so it will be necessary to dig wells. Mr. Cowles stated he wanted to go on record as believing this change would involve some sanitary problems, and he asked the assistance of the Board in working these out. He said the

pool could be used three different ways, as on one hand it could be a pool used by only the people on his tract of land, or used on a club basis, or thrown wide open to the people. He said there might be 1000, 2000 or even 3000 people. Mr. Cowles said that Mr. McGill has not disclosed what he plans to do either in this hearing or to him.

Mr. McGill then told the Board that he contacted the State Dept. of Health about the swimming pool, and they said "Thanks to God, there will be a swimming pool in Nanuet that won't be a cesspool".

Mr. Welchman inquired of Mr. McGill what the capacity would be.

Mr. McGill replied that he hadn't figured it out.

Mr. Schmersahl then inquired what Mr. McGill planned to do about sewerage.

Mr. McGill replied that he hadn't gotten that far.

There being no others who wished to speak, Mr. Eberling moved the hearing be closed.

Seconded by Mr. Schmersahl

Carried

Hearing closed.

Corra Marthing MacLean
Town Clerk of Clarkstown

TOWN BOARD MEETING

Dec. 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 meeting to order.

Mr. Eberling moved the reading of the minutes for the last regular meeting be dispensed with.

Seconded by Mr. Fibble

Carried

The Board then considered the application of N. A. McGill and Emma C. McGill for a change of zoning of their property in Nanuet from Res. A to Bus. A dist.

Mr. Eberling moved the Board reserve decision on the application of N. A. McGill and Emma C. McGill for a change of zoning from Res. A to Bus. A dist.

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. Bremer, who lives on the corner of Smith St. and Route 59, appeared and protested the placing of mail boxes in front of his house. He told the Board that all the neighbors on Route 59 from Smith St. to Rose Rd. are going to put their boxes on his corner. He pointed out that on the opposite corner is a lot owned by Mr. Maier, and there is nothing on it. He said he would like to know why he has to have everything on his corner. Furthermore, he said that when the Town comes through to cut the grass and weeds, all these boxes are going to stop the tractor from clearing the shoulder of the road, and this would also happen during snow removal. He told the Board he took the matter up with Mr. Fisher, the Postmaster, and he told the people to put the boxes where they wanted to. Mr. Bremer also stated that Mr. Fisher came around and said they were planning a pick-up box. Mr. Bremer told the Board he wrote the post office department about the matter, and he read a letter from them advising that the matter is one of local jurisdiction, and that the only regulation is the box be installed on the right hand side of the road.

Mr. Dillon then advised the Board that he checked the complaint, and that he found one box was on town right-of-way.

Mr. Roepe, Town Attorney, reported that if it is on town highway property, and it is a hazard, it can be removed.

Mr. Bremer told the Board that the people didn't get anyone's permission to put up the boxes, and that actually they grew faster than any flowers he could raise.

Mr. asked about the matter, Mr. Klein reported that, Mr. Klein reported that he checked the matter after the complaint was submitted, and the one box near the intersection would be a traffic hazard.

Mr. Dillon then told the Board that permission to put up the boxes was never given by any town official.

Mr. Bremer then told the Board that he didn't mind if they put the boxes farther down Smith Street, as he owns about 1000 feet along that road. He does, however, object to the boxes being planted in front of his house.

The Board advised Mr. Bremer they would check this matter further and try to correct it.

Mrs. Edna Jones of Nanuet appeared and requested the Board to change the signs on Ehrhardt Road, so it will read Ehrhardt Road its entire length, and people will know where they are going. She told the Board that it is not uncommon for her to be gotten out of bed at 2 A.M. in the morning to direct people who are lost. She said if a change could be made, it would save a great deal of confusion.

Mr. Klein, Supt. of Highways, when consulted on this matter, stated that when street signs were put up, they checked the map, and Ehrhardt Road was put up on both ends. Then complaints came in that it was Blauvelt Road on old deeds, so they put up signs of Ehrhardt Road on one end and Blauvelt Rd. on the other end.

The Board then advised Mrs. Jones they would check this matter further and try to correct the situation.

Mr. Trachtenberg appeared and presented an application of Infra Insulation Inc. and Highway Distributing Corp. for a change in the zoning of their property at West Nyack from Res. A to Bus. B dist.

Mr. Welchman moved that a Public Hearing be held on the application of Infra Insulation Inc. and Highway Distributing Corp. for a zoning change from Res. A to Bus. B dist. on Feb. 10th, 1950 at 8:00 P.M., provided an appropriate map is filed and the proper fee paid.

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. Dillon then read a letter from the Planning Board, accepting the invitation of the Board to meet with them on Dec. 6th, but requesting that a joint meeting of the Town Board, Planning Board and Board of Appeals be held at a later date.

Mr. Dillon read a letter from John Jeffrey, Building Inspector, requesting that the files of building permits in the Town Clerk's office be transferred to his office, as he must refer to them frequently and has to go to the Town Clerk's office to do this.

The letter was referred to Mr. Roepe, Town Attorney, for investigation and further report to the Board.

Mr. Dillon read a letter from Rockland Light & Power Co. advising that there will be a construction charge of \$47.83 to install the street lights on Poles 52, 55 and 58 on Route 303 in Congers, as two extra circuits are required over the contract agreement.

Mr. Fibble moved the following resolution:-

RESOLVED, that three street lights be installed on Route 303 in Congers on poles 52, 55 and 58, it being understood that there will be a construction charge of \$47.83 which covers two extra circuits over the contract agreement.

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. Dillon then told the Board he would need a resolution to make necessary transfers to close the books at the end of the year, so no accounts will be overdrawn.

Mr. Welchman moved the following resolution:-

WHEREAS, at the close of business of the fiscal year of 1949 of the Town of Clarkstown, certain additional appropriations require to be made in order that none of the accounts shall be overdrawn, and

WHEREAS, there is a sufficient balance available in the account of Current Surplus to adequately care for such additional appropriations that are necessary, and

WHEREAS, Section 107 of the Town Law provides that Surplus Funds of the Town may be used for its legal procedure, be it

RESOLVED, that the Supervisor be authorized to transfer in addition to transfers already sanctioned by this Board certain sums necessary to effectively close the accounts of the Town of the year 1949, and the Supervisor is hereby authorized to make such intra account transfers as may be desirable in order to maintain sufficient credit balances within the several accounts of the Town so that none may be overdrawn including such exchange transfers within the several bank accounts as will best facilitate the proper closing out of said accounts.

Seconded by Mr. Eberling

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

Mr. Schmersahl	Yes
Mr. Fibble	Yes
Mr. Wolchman	Yes
Mr. Eberling	Yes
Mr. Dillon	Yes

Mr. Dillon read a letter from the Nanuet Civic Association, Inc. commending the police department for the excellent work they have done in stopping crime in Rockland County and also commending the Board for their guidance of the present police policy.

Mr. Dillon read a letter from the Central Nyack Welfare Association asking if the Board intends to revise the dog ordinance recently proposed and submit it again for public hearing.

The Town Clerk was directed to advise the Central Nyack Welfare Association that the Board is studying this matter and will present it for public hearing in the near future.

Mr. Dillon presented a petition requesting that a permanent top dressing of black top be put on a short strip of road, about 190 feet of Hillside Ave., continuing north where Maple Ave. swings east after coming off Nyack Turnpike. The petitioners request this, as they laid down the road as required with 8 inches of large stones covered with 1 1/2 inch of small stones on top of this a dressing of limestone screenings, paying for it themselves. That state that the top dressing will prevent the screenings from washing down Maple Ave. during heavy rains and also prevent the clogging of the culvert on Maple Ave. with limestone screenings.

In reporting on this matter, Mr. Klein, Supt. of Highways, reported that this is not a Town road, so we have no jurisdiction. He also stated that it is not in condition to be taken over by the Town. He said he understands they intend to extend the road. At present it is about 190 feet long and has 1 1/2 inches of stone on it covered with screenings. There is only one house

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 presented a tax refund for W. Reginald Herdman in the amount of \$1.43 for taxes erroneously assessed.

Mr. Fibble moved the following resolution:-

RESOLVED, that the Supervisor be authorized to pay to W. Reginald Herdman the sum of \$1.43 covering erroneous taxes assessed against Lot 120, Sec. L-1, B.I. Co for the years 1937, 1939 and 1940

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 Walter Kavanagh requesting that the amount of \$57.00 paid by him on Nov. 17th, 1948 covering an application for approval of a Plat of his development on Centenary Church Rd., Centenary be returned to him. He also stated in his letter that he understands the Planning Ordinance has been outlawed, and since this took place before he received final approval of his plat, he feels he is entitled to a refund of \$57.00.

When asked concerning this matter, Mr. Roepe told the Board that if he withdrew his application, the money could be returned. He further told the Board that he felt it should be taken up with the Planning Board, and they can request the Board to return it.

Road opening permits under Section 149 of the Highway Law were approved for Burel Jackson of Spring Valley and Joseph Quick of Central Nyack.

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

- Supervisor's Report and Trial Balance
- Town Clerk's Report
- Welfare Officer's Report
- Police Chief's Report
- Report of Geo. R. Murdock, Bldg. Inspector, for period from Nov. 1 to Nov. 18th
- Report of John M. Jeffrey, Bldg. Inspector, for period from Nov. 18th to Nov. 30th

Mr. Welchman moved the reports be approved and accepted.

Seconded by Mr. Eberling

Carried

The Town Clerk was directed to notify Mr. Austin Gardner that they feel there is no further need of work being done on the Congers plaza during the winter months.

Mr. Fibble then told the Board that at night when the 6:30 train arrives in Congers, there is a lot of confusion due to the traffic, and many people can't get across the crossing. He said that they would like to have one of the police officers come over for a few nights to see if they can't get things straightened out, as it is felt that if there were an officer there to direct traffic, it would make it possible for people to move without danger of being struck by a car.

Chief Liebert then told the Board he would see what he could do to help them out.

Mr. Fibble then told the Board that he understood that this year some people received several envelopes with three cent stamps where they owned more than one parcel of land. He said he thought something should be done about this.

Mr. Dillon then told the Board that this is the first year the Addressograph machine has been in use, and that he felt these things would be corrected next year.

In regard to the Addressograph machine, Mr. Fibble asked why there was so many mistakes. He said he thought the plates should have been checked.

Mr. O. T. Keyser, Chairman of the Board of Assessors, stated that the three assessors did check the books, but there were some mistakes made which were on their part. These, he said, should be corrected this year. He said they should have caught a lot more errors when they checked, but they did get by. There were some duplications and errors in price he told the Board, and these are being corrected. He told the Board that it could not be a 100% perfect job in the first year.

Mr. Dillon then requested a resolution to transfer funds from Current Surplus to pay for the Addressograph machine.

Mr. Eberling moved the following resolution:

RESOLVED, that the Supervisor be authorized to transfer the sum of \$5583.98 from Current Surplus account to Town Office Equipment account, and

FURTHER RESOLVED, that the Supervisor be authorized to pay the sum of \$5583.98 to Addressograph Multigraph Corporation.

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. Schmersahl moved that the Annual Meeting of the Town Board be held on Wednesday, Dec. 28th, 1949 at 8:00 P.M. in the Town Clerk's office.

Seconded by Mr. Eberling Carried

Mr. Klein, Supt. of Highways, submitted several bids for the highway truck he recently recommended the Town purchase.

After checking the bids, it was found that the lowest bid submitted was from Sosna Sales & Service, the cost being \$2410.00.

Mr. Eberling moved that the Board accept the lowest bid for the highway truck which is \$2410.00, the bid having been submitted by Sosna Sales & Service.

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. Roepe, Town Attorney, reported that in the Charlotte Liebert case, action has been instituted by service on the incompetent and person appointed as attorney. The present guardian, he told the Board, has advised him that the Dept. of Mental Hygiene would be interested in coming in on this.

In regard to the operation of a Town dump, Mr. Roepe told the Board he checked the law, and it is his opinion that the dump could be operated under the jurisdiction of the Supt. of Highways.

In regard to the action of the Town vs. Bloomfield, Mr. Roepe reported he got a favorable decision, and he has sent the judgment to Judge Patterson.

Chief Liebert reported that a man was down in regard to the control of speed on town highways and went over the highways in question. The Chief told the Board he didn't think he would recommend as much as they desire.

Chief Liebert then told the Board that he had many complaints on the West Nyack dump which caught on fire recently.

Mr. Dillon then read a letter from Donald B. Robinson, Chairman of the West Nyack Board of Fire Commissioners requesting that a hydrant be installed at the dump and the operator of the dump be required to cover rubbish as soon as it is dumped.

Mr. Dillon reported that he met with Mr. Robinson and since then talked with the owner of the property and the man who is using it, and they are willing to install a hydrant in there and keep the dump covered. Mr. Dillon told the Board that the dump is on Scotty's property on the south side of Route 59.

Mr. Dillon pointed out that if temporarily we could get a hydrant there and if they keep it covered, the Board might let them continue, as they will have to close them all if they close one.

It was then brought out that the Wilcox dump in Nanuet now is closed.

Mr. Roepe then reported that the people in New City Park have not as yet received the deed for the roads they wish taken over by the Town.

The Board then discussed the application of Peter Brega for a change of zoning from Res. B to Bus. B dist. but no action was taken.

The Board then discussed the application of William Weinberg for a change of zoning from Res. A to Bus. B dist. It was decided to ask Mr. Dorfman to appear at the Jan. 6th meeting to clarify some things the Board does not understand.

In regard to the Inglima Bros. zoning application, Mr. Roepe reported that there was a proposed 15 foot right-of-way. He said he didn't think the Building Inspector could issue a permit because it doesn't have access to a road or street.

The Town Clerk was directed to write Mr. DiDomenico that the Town Board has gone over this matter with the Town Attorney, and they feel they have no jurisdiction in this matter.

Mr. Welchman moved that the bonds covering the following Town Officials be set at the following amounts:-

Supervisor:-	
Highway Bond	\$121,000.
General	40,000.
Town Clerk	2,000.
Welfare Officer	500.
Rec. of Taxes	50,000.
Dep. Rec. of Taxes	10,000.
Justice of the Peace	1,000.
Chief of Police	1,000.
Supt. of Highways	1,000.
Building Inspector	1,000.

Seconded by Mr. Schmerahl

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 moved the following resolution:-

RESOLVED, that the Supervisor be authorized to pay from Current Surplus account the sum of \$3,925.06 to establish the St. and Co. tax rate at \$2.90

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per \$100.00 valuation, and

FURTHER RESOLVED, that the Supervisor be authorized to pay the Co. Treasurer the sum of \$1,218.00 on account of erroneous and duplicate assessments in the 1949 Tax Roll.

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. Klein, Supt. of Highway, was then requested to contact the people in Nanuet and request them to move the mail boxes.

Bills Nos. 1055 to 1160 on Warrant No. 12, amounting to \$22,663.75 were audited and ordered paid.

There being no further business, Mr. Fibble moved the meeting be adjourned.

Seconded by Mr. Schmersahl Carried

Meeting adjourned.

Cora Mattingly MacLean

 Town Clerk of Clarkstown