

PUBLIC HEARING

May 12, 1950

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 Anthony Carleo for a change of zoning of his property in West Nyack from "Residence A" to "Business B".

Mr. Dillon stated that the Board would listen first to those in favor of the change and then to those opposing it,

Mr. Donald Partridge, Attorney for the Petitioner, appeared before the Board and explained Mr. Carleo's reasons for wishing the property rezoned. Mr. Partridge stated that the property was best suited for business purposes and that the change would not be detrimental to any of the nearby property owners.

No one appeared in opposition to the proposed change.

Mr. Fibble moved the hearing be closed.

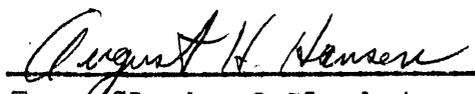
Seconded by Mr. Schmersahl.

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

AYES: Messrs. Schmersahl, Fibble, Welchman, Eberling, Dillon.

NOES: None

Hearing closed.


Town Clerk of Clarkstown

PUBLIC HEARING

May 12, 1950

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 Emil Klein for a change of zoning of his property in West Nyack from "Residence A" to "Residence B".

Mr. Dillon stated that the Board would listen first to those in favor of the change and then to those opposing it.

Mr. Dillon informed the Board that Mr. Klein, the Petitioner, was ill and would be unable to appear in favor of his application.

No one appeared in opposition to the proposed change.

Mr. Welchman moved the hearing be closed.

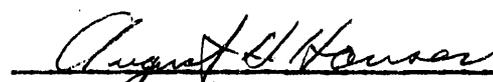
Seconded by Mr. Eberling.

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

AYES: Messrs. Schmersahl, Fibble, Welchman, Eberling, Dillon.

NOES: None

Hearing closed.


Town Clerk of Clarkstown

TOWN BOARD MEETING

May 12, 1950

Town Clerk's Office

8:45 P.M.

Present: Mr. Schmersahl

Mr. Fibble

Mr. Welchman

Mr. Eberling

Mr. Dillon

Mr. Dillon called the meeting to order.

Mr. Jerome Trachtenburg came before the Board and presented the application of Garrett Miller for a change of zoning of his property in West Nyack from "Residence A" to "Business B". Mr. Trachtenburg stated that Mr. Miller would like to eliminate the airport which is on his property at the present time and construct a Drive-In Theatre. Since part of the property that the theatre would be located on is in "Residence A", Mr. Miller requested that it be changed to "Business B".

Mr. Welchman moved the following resolution:-

WHEREAS, Garrett E. Miller, has petitioned the Town of Clarkstown 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" 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 2nd day of June, 1950, at 8:30 P.M. Daylight Saving Time relative to such proposed amendment, 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:-

AYES: Messrs. Schmersahl, Fibble, Welchman, Eberling, Dillon.

NOES: None

Mr. Trachtenburg also requested the Board to consider adopting an ordinance permitting the operation of a theatre on Sunday.

Mr. Dillon informed Mr. Trachtenburg that the Board would take the matter into consideration.

Mr. Cyrus Law came before the Board and asked for information as to what requirements would have to be met before the Town could take over Park Ave. in New City.

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Mr. Law stated that the road was in very poor condition and the people who live along the road would like to have it improved.

Mr. Roepe, Town Attorney, informed Mr. Law that he would have to have a petition signed by 50 per cent of the resident and non-resident property owners and that a special improvement district formed and the property owners assessed for the cost of the improvement.

Mr. Stanley Partridge of West Nyack appeared before the Board and asked what action had been taken on the change of zoning requested by the Infra Insulation Co. and the Highway Distributing Corporation of West Nyack. When informed that the change had been granted in part, Mr. Partridge stated that he was still opposed to it and would take the matter up from there. He also requested that a copy of the resolution be sent to him.

The Board instructed the Town Clerk to send a copy of the resolution to Mr. Partridge.

Mr. Dillon presented a hydrant order from the Spring Valley Water Works & Supply Company for two fire hydrants on Park Ave. in Nanuet.

The Board approved the order and instructed the Town Clerk to return it, properly signed, to the Water Company.

Mr. Dillon then presented to the Board an application for a change of zoning received from John P. Beckerle and John P. Marsi. The application requested that the Petitioner's property in Spring Valley along Route 59 be rezoned from "Business A" to "Business B".

Mr. Welchman moved the following resolution:-

WHEREAS, John P. Marsi and John P. Beckerle, have petitioned 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 June, 1950, at 8:00 P.M. in the evening Daylight Saving Time relative to such proposed amendment, 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.

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

AYES: Messrs. Schmersahl, Fibble, Welchman, Eberling, Dillon.

NOES; None

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Mr. Dillon informed the Board that it would be necessary to pass a resolution so that the Rockland County Planning Board could bring the Clarkstown Zoning Map up to date.

Mr. Welchman moved the following resolution:-

RESOLVED, that the Town Clerk request the Rockland County Planning Board to amend the Building Zone Map of the Town of Clarkstown.

Seconded by Mr. Schmersahl.

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

AYES: Messrs. Schmersahl, Fibble, Welchman, Eberling, Dillon.

NOES: None

Mr. Dillon read a letter from the State Department of Public Works granting permission to the Town to take over Park Terrace and Omley Place in New City Park and include them in the Town Highway System.

Since the deed for these roads had not been returned by the State the matter was referred to a later meeting. In the meantime, Mr. Roepe was requested to write to the Department of Public Works and request the return of the deed.

Mr. Dillon read a letter from the Congers Business Men's Association complaining about the parking of a Good Humor Ice Cream truck at the corner of Lake Road and Grant Street, near the Congers School.

Chief of Police, Walter Liebert, informed the Board that he had investigated the matter and could find no grounds for action.

Mr. Dillon read a letter from John R. Bradley, Commander of the Wm. E. DeBevoise American Legion Post in New City. The letter stated that many complaints had been received about peddlers and salesmen in the New City area, and requested that more stringent regulations be adopted controlling them.

The Town Clerk was instructed to write to Mr. Bradley and inform him that the Town has an Ordinance controlling peddling and hawking in the Town.

Mr. Dillon read a letter from the West Nyack Business Council stating that the Council wished to go on record as being in favor of the Drive-In theatre which Mr. Garrett Miller was contemplating.

Mr. Dillon read a letter from the County Planning Board advising that a forum was being held on May 18, 1950, at 7:30 P.M. in the Surrogate's Court Room in the Court House in New City, to discuss community planning.

Mr. Dillon read a letter from the Central Nyack Welfare Association requesting that a street light be erected on Pole #51 on Pine Street in Central Nyack.

Mr. Fibble moved the following resolution:-

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RESOLVED, that a street light be erected on Pole #51 at the North end of Pine Street in Central Nyack, and,

FURTHER RESOLVED, that the Rockland Light and Power Company be requested to make the necessary installation as soon as possible.

Seconded by Mr. Schmersahl.

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

AYES: Messrs. Schmersahl, Fibble, Welchman, Eberling, Dillon.

NOES: None

Mr. Dillon read a copy of a letter from Nelson Hall, County Superintendent of Highways, to the State Traffic Commission. The letter stated that speed restrictions and the erection of signs on Lake Road in Congers had been complied with.

Mr. Dillon read a letter from Frank W. Kemmer, Welfare Officer, Town of Clarkstown. Mr. Kemmer stated in his letter that he was enclosing a check in the amount of \$546.68 which he had received from the Estate of Charlotte Liebert. The check was reimbursement to the Town for care and maintenance of Charlotte Liebert while at the County Home in Viola, New York.

The Board moved unanimously that a vote of thanks be extended to Mr. Roepe Town Attorney, for bringing about such a rapid settlement of the case.

The Board approved the following applications for street opening permits:-

James Hoyle	A.C. Goebel
Bert Herdman	Andrew Olson
Richard DeErlon	Michael Roman

The following monthly reports were presented to the Town Board by Mr. Dillon and approved:-

Supervisor	Welfare Officer
Town Clerk	Police Department
Building Inspector	

Mr. Dillon informed the Board that the Welfare Officer had been advised by the Public Welfare Commission that it is no longer necessary to segregate Veteran's Relief Charges from Home Relief Charges.

Mr. Dillon suggested that the Board adopt a resolution transferring the Veterans Relief Account to the Home Relief Account.

Mr. Eberling moved the following resolution:-

WHEREAS, the Town Welfare Officer has been advised by the Public Welfare Commission that it is no longer necessary to segregate Veterans Relief Charges from Home Relief Charges, and,

WHEREAS, the Town Welfare Officer has been and is now charging Veterans claims to the Home Relief Account,

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NOW THEREFORE BE IT RESOLVED, that the sum of \$5,177.76 be transferred from Veterans Relief Account to the Home Relief Account.

Seconded by Mr. Schmersahl.

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

AYES: Messrs. Schmersahl, Fibble, Welchman, Eberling, Dillon.

NOES: None

Mr. Dillon read a letter from the Clarkstown Planning Board stating that in compliance with the Town Board's resolution of July 8, 1949, the new Rules and Regulations for the Approval of Plats and Subdivision had been studied and revised. Also enclosed was a copy of the Regulations. The Planning Board urged the adoption of these Regulations for the best interests of the Town of Clarkstown.

After much discussion the Board decided to study the matter further before coming to any decision.

Mr. Dillon read a letter from the State Department of Health to which was attached a memorandum concerning a meeting which had been held in Albany for the purpose of discussing plans for an outlet sewer to the Hudson River which would serve the Village of Spring Valley, and areas in the Town of Clarkstown and the Town of Ramapo.

Mr. Dillon read a letter from the State Department of Public Works stating that the office of the Thruway Authority was established at 353 Broadway, Albany, and that the Town Board's resolution of March 13, 1950, would be referred to that office.

Councilman Welchman then suggested that a rubber stamp be made so the words "Not on improved road" could be stamped on the face of any Building Permits issued for structures not located on improved roads in the Town of Clarkstown.

The Town Clerk was instructed to write to the Building Inspector and suggest that he contact the Town Attorney relative to this matter.

Mr. Roepe then informed the Board that Mr. Jeffrey, Building Inspector, had contacted him regarding a building violation on the Bloomfield property.

Mr. Dillon explained that an injunction had been brought against Mr. Bloomfield by the Town for the construction of an illegal structure, and Mr. Jeffrey's inspection showed that it had not been complied with. The structure was to have been removed and that very little if anything had been done about it.

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After considerable discussion, the Board instructed the Town Attorney to begin proceedings against Mr. Bloomfield so that the injunction could be enforced.

Mr. Dillon read a letter from Mr. Morton Lexow, Attorney for the Central School District No. 1, requesting that the Town Board pass a resolution officially adopting Daylight Saving Time for the Town of Clarkstown.

After a lengthy discussion of the matter, the Board took no action on it.

Chief of Police, Walter Liebert, reported to the Board that the railroad warning signs on Lake Road in Congers, had been removed and that they should be replaced. Chief Liebert also told the Board that he did not think it was necessary to replace "Slow" signs with "Stop" signs at the street intersections in Congers since the amount of traffic did not warrant such a change.

O.T. Keyser, Chairman of the Board of Assessors, came before the Board with a request for a telephone extension to be installed in the Assessors Office in the Knapp Building.

The Board granted this request and instructed the Town Clerk to write the New York Telephone Company to make the necessary installation.

Mr. Keyser informed the Board that a great many changes must be made on the Tax Rolls so that they could be brought up to date. He said that in the past many bills had been returned to the Receiver of Taxes Office because of incorrect boundaries and wrong addresses. Mr. Keyser requested the Boards permission to hire a clerk to do this work since the Receiver of Taxes did not have the time for it.

Mr. Schmersahl moved the following resolution:-

RESOLVED, that O.T. Keyser, Chairman of the Board of Assessors, be granted permission to hire 1 person to make necessary corrections on the Tax Rolls at a salary not to exceed \$35.00 per week, for a period of 1 month. The appointment to become effective on May 15, 1950.

Seconded by Mr. Eberling.

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

AYES: Messrs. Schmersahl, Fibble, Welchman, Eberling, Dillon.

NOES: None

Mr. Dillon informed the Board that in order to pay the clerk for the work on the Tax Rolls, it would be necessary to transfer \$140.00 from the Current Surplus Account to the Assessors Employee's Account.

Mr. Schmersahl moved the following resolution:-

RESOLVED, that Irvin F. Dillon, Supervisor, be authorized to transfer \$140.00 from the Current Surplus Account to the Assessors Employee's Account.

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Seconded by Mr. Eberling.

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

AYES: Messrs. Schmersahl, Fibble, Welchman, Eberling, Dillon.

NOES: None

The Board then took up the matter of the proposed Dog Ordinance. After making some revisions in the Ordinance it was decided to set a date for a Public Hearing.

Mr. Fibble moved the following resolution:-

WHEREAS, it appears desirable and in the public interest that the following proposed ordinance with respect to dogs running at large be adopted and that Articles XVIII and XIX of the Town Ordinances adopted December 18, 1945, and as amended be renumbered.

Article XVIII-- DOGS

Section 1. - No person owning or harboring a dog shall permit such dog to run at large within the unincorporated portions of Clarkstown.

Section 2. - Any peace officer may seize and confine at Town expense any dog running at large in violation of this Article. Such dog may be claimed by the owner thereof upon payment of the expense of confinement. If within five days from such seizure the owner of such dog does not claim such dog, or does not pay the expense of confinement to the Town, such peace officer may kill or have killed at Town expense such dog, and in such event shall immediately dispose of the carcass at Town expense.

Section 3. - Any person violating this Article shall be subject to a penalty of twenty-five dollars for each such violation to be recovered in a civil action in the name of the Town.

This Ordinance shall become effective upon publishing and posting as required by law.

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 June, 1950, at 7:30 P.M. Daylight Saving Time 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 notice 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.

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The Board then considered the application of Anthony Carleo for a change of zoning of his property in West Nyack from "Residence A" to "Business B".

No one appeared before the Board to oppose this change.

Mr. Fibble moved the following resolution:-

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 12th of April, 1950, provided for a public hearing on the 12th day of May, 1950, at the office of the Town Clerk, Main Street, New City, New York, at 8:15 in the evening to consider the application of Anthony Carleo to amend the Building Zone Ordinance for the said Town by redistricting the property of the said petitioner from "Residence A" to "Business B"., and,

WHEREAS, notice of said public hearing was duly published as required by law and 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 "Business B".

ALL that certain lot, piece or parcel of land and premises, situate, lying and being on the North side of the Nyack Turnpike also known as Route 59, in the Hamlet of West Nyack, Town of Clarkstown, Rockland County, New York, and being more particularly bounded and described as follows:-

BEGINNING at a point on the North side of the Nyack Turnpike, also known as Route 59, to the southeast corner of the land now or formerly of Joffe, and running thence (1) on a course of North 3 degrees, 46 minutes East, along a post fence, a distance of 200 feet; and running thence (2) in a Westerly direction on a course of North 57 degrees 00 minutes, 24 seconds, West a distance of 143.24 feet; and running thence (3) on a course of South 3 degrees 07 minutes west a distance of 200 feet; and running thence(4) on a course of South 57 degrees 00 minutes 24 seconds East a distance of 143.24 feet to a point or place of BEGINNING.

FURFURTHER 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:-

AYES: Messrs, Schmersahl, Fibble, Welchman, Eberling, Dillon.

NOES: None

The Board then considered the application of Emil Klein for a change of zoning of his property in West Nyack from "Residence A" to "Residence B".

No one appeared before the Board to oppose this change.

Mr. Welchman moved the following resolution:-

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 12th day of April, 1950, provided for a public hearing on the 12th day of May, 1950, at the office of the Town Clerk, Main Street, New City, New York, at 8:30 in the evening to consider the application of Emil Klein, to

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amend the Building Zone Ordinance for the said Town by redistricting the property of said petitioner 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 tract of land, situate at West Nyack, in the Town of Clarkstown, County of Rockland, and State of New York, bounded and described as follows:

ON the East by a prolongation Northerly of the Easterly line of Klein Avenue to its intersection with the property line between the lands of Emil Klein and John D. Kerman; on the North by the lands of Kernan and on the West and South by the existing division line between "Residence A" and "Residence B" districts, as shown on the Zoning Map of the Town of Clarkstown.

Seconded by Mr. Eberling.

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

AYES: Messrs. Schmersahl, Fibble, Welchman, Eberling, Dillon.

NOES: None

Mr. O. T. Keyser, Chairman of the Board of Assessors, came before the Board and requested permission for the Assessors to attend a lecture on taxation given by the State at Goshen, New York, on May 25, 1950.

Mr. Schmersahl moved the following resolution:-

RESOLVED, that the Board of Assessors, Town of Clarkstown, be granted permission to attend a lecture on taxation given by the State at Goshen, New York, on May 25, 1950, the expense to be paid by the Town.

Seconded by Mr. Welchman.

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

AYES: Messrs. Schmersahl, Fibble, Welchman, Eberling, Dillon.

NOES: None

Mr. Dillon then informed the Board that a new survey had been recieved from the Infra Insulation Company and the Highway Distributing Corporation in connection with the rezoning of their property in West Nyack.

Mr. Welchman moved the following resolution:-

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 10th day of February, 1950, provided for a public hearing on the 10 day of March, 1950, at the office of the Town Clerk, Main Street, New City, New York, at 9:00 P.M. in the evening to consider the application of Infra Insulation Inc. and Highway Distributing Corp., to amend the Building Zone Ordinance for the said Town by redistricting the property of the said petitioner's from "Residence A" to "Business B"., and,

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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 "Business B".

ALL that certain piece or parcel of land, situate, lying or being in the Town of Clarkstown, at West Nyack, County of Rockland and the State of New York bounded and described as follows: Parcel No. 1

BEGINNING in the center of the Western Highway which point is the south west corner of the land about to be described and the northwest corner of the land herein described as Parcel No. 2, running thence northerly along the center of the Western Highway, the following courses: North 10 degrees 36 minutes 430 feet, and North 2 degrees 28 minutes West 130.3 feet to a point; turning and running thence North 42 degrees East 275.5 feet to a point; turning and running thence South 8 degrees 48 minutes East 391.4 feet to a point; turning and running thence North 87 degrees East 43.6 feet to a point; turning and running thence South 18 degrees 30 minutes West 115.0 feet to a point; turning and running thence North 87 degrees East 307.5 feet to a point; turning and running thence North 18 degrees 30 minutes East 115 feet to a point; turning and running North 87 degrees East 111.6 feet to a point and East boundary of the property herein described; turning and running thence along the East boundary South 0 degrees 40 minutes West 328.0 feet and running thence South 89 degrees 20 minutes East 50 feet to a point; and South 2 degrees 08 minutes East 152 feet to a point and south boundary of the property herein described; running thence westerly along the south boundary the following courses: North 86 degrees 29 minutes West 100 feet; North 81 degrees 55 minutes West 288.4 feet, South 5 degrees 51 minutes West 20.6 feet, North 82 degrees 39 minutes 189.5 feet and North 82 degrees West 279.5 feet to the center of the Western Highway and the point of beginning.

Parcel No.2

ALL that certain piece or parcel of land, situate, lying and being in the Town of Clarkstown at West Nyack, County of Rockland and state of New York, bounded and described as follows:

BEGINNING at a point in the center of the Western Highway, the following courses and distances northerly from the center of the said Western Highway on the boundary line between the Town of Clarkstown and the Town of Orangetown, (1) North 12 degrees 35 minutes East 108 feet, (2) North 2 degrees 26 minutes East 177.6 feet, (3) North 0 degrees 28 minutes West 65 feet, running thence South 89 degrees 32 minutes East 415 feet to the westerly line of the right of way of the West Shore Railroad; running thence in a southerly direction and along the westerly line of the said West Shore Railroad to a point on the boundary line between the Town of Clarkstown and the Town of Orangetown; running thence along the boundary line between the Town of Clarkstown and the Town of Orangetown in an easterly direction, North 88 degrees 30 minutes East 580 feet, more or less, to a point; turning and running thence North 20 degrees 26 minutes East 354 feet to a point; turning and running thence North 19 degrees 45 minutes West 778.5 feet to a point; turning and running thence South 84 degrees 44 minutes West 100 feet to a point and the east boundary of the land described in Parcel No. 1; running thence along the east boundary of the land described in Parcel No. 1 South 2 degrees 08 minutes East 152 feet to a point and southern boundary of the land described in Parcel No. 1, which is also the north boundary of the within described parcel; turning and running thence along said boundary line the following courses: North 86 degrees 29 minutes West 100 feet, North 81 degrees 55 minutes West 288.4 feet, South 5 degrees 51 minutes West 20.6 feet, North 82 degrees 39 minutes West 189.5 feet and North 82 degrees West 279.5 feet to the center of the Western Highway; turning and running thence southerly along the center of the Western Highway the following courses: South 4 degrees 13 minutes West 138.7 feet, South 0 degrees 56 minutes East 441.3 feet, South 0 degrees 28 minutes East 96 feet to the point or place of beginning.

Seconded by Mr. Eberling

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

AYES: Messrs. Schmersahl, Fibble, Welchman, Eberling, Dillon

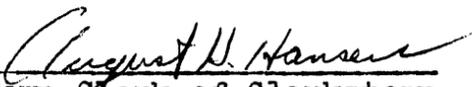
NOES: None

Bills Nos. 361 to 434 on Warrant No. 5 in the amount of \$14,728.23 were audited by the Board and ordered paid.

There being no further business to come before the Board, Mr. Welchman moved the meeting adjourn.

Seconded by Mr. Schmersahl.

Meeting adjourned.


Town Clerk of Clarkstown