

PUBLIC HEARING

June 22, 1950

Town Clerk's Office

9:00 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 adopting an ordinance to permit the operation of Motion Picture Theatres on Sunday in the Town of Clarkstown.

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

The hearing was held open for one hour during which time no one came before the Board to speak for or against the proposed ordinance.

Mr. Welchman moved the hearing be closed.

Seconded by Mr. Schmersahl.

Carried.

Hearing closed.

August H. Hansen
Town Clerk of Clarkstown

AFA213

PUBLIC HEARING

June 22, 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 Garrett E. Miller for a change of zoning of his property in West Nyack.

Mr. Jerome Trachtenberg, Attorney for the Petitioner, came before the Board and spoke at great length of the many advantages that the proposed change would bring to West Nyack. Mr. Trachtenberg said that due to the terrain, the land was unfit for any other use but a business. He also presented to the Board a petition from the West Nyack Civic Association in favor of the application, and a number of letters of recommendation from various County Sheriffs and Chambers of Commerce as to the character of the people who operate the Drive-In Theatres.

The following residents of West Nyack came before the Board and spoke in favor of the change:-

Mr. Wm. Vines---Pres. of West Nyack Business Council

Mrs. Olive Goetschius

Isabel Simons

Paul Perry

Oscar Cole

Robert Ruhe

Gerald Hutt

Frank Merley

Chester Wills

Garrett E. Miller---Applicant

Mr. Ralph Geffen, Attorney representing a group of about 122 residents of West Nyack, came before the Board and spoke at great length in opposition to the change, referring to Drive-In Theatres as "Passion Pits". He also said that the Board should consider the greater good to the greater number in deciding on this matter.

The following residents of West Nyack came before the Board and spoke in opposition to granting the change of zoning:-

Mrs. Natalie C. Williams

H.C. Hutchins

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John A. Reid
 William F. Ruppert
 B.O. Jacobsen
 T.D. DuPlantier
 W.P. Trilling
 Charles Ruppert
 Mrs. Fred Roderwald
 Robert Buchanan

Mrs. John Reid
 Mr. Fred Roderwald
 Belmont Murray
 Mr. A.J. Ash
 Mr. Tsagarus
 Mrs. Pasagno
 Stanley Partridge

Rev. Walter Getty----Representing Nyack Clergymen

Mr. Trachtenberg came before the Board in rebuttal. He read an article taken from an upstate newspaper which stated that morning services had been held in a Drive-In Theatre by a Protestant Church in Glen Falls, New York.

Mr. Geffen came before the Board in rebuttal and again referred to the Drive-In Theatre as a "Passion Pit." He said that in many parts of the country Drive-In Theatres had been greatly responsible for the moral breakdown among the younger generation, and that some of the Theatres had been closed because of this factor. Mr. Geffen also brought out that a major traffic problem would arise on Routes 303 and 59 should this Theatre be constructed.

There being no further speakers to appear before the Board, Mr. Welchman moved the hearing be closed.

Seconded by Mr. Fibble.

Carried.

Hearing closed.

August H. Hanson

 Town Clerk of Clarkstown

AFA213

PUBLIC HEARING

June 22, 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 John P. Marsi and John P. Beckerle for a change of zoning of their property in Manuet.

Mr. Dillon said that the Board would listen first to those in favor of the change and then to those opposed to the change.

The hearing was held open for one hour during which time no one came before the Board to speak for or against the proposed change.

Mr. Eberling moved that the hearing be closed.

Seconded by Mr. Welchman.

Carried.

Hearing closed.

August G. Hansen
Town Clerk of Clarkstown

SPECIAL MEETING

June 22, 1950

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 next regular meeting of the Town Board be held on July 7, 1950, at 8:00 P.M. in the Town Clerk's Office.

Seconded by Mr. Eberling.

Carried.

The Board then considered the application of Gustav and Leonora Polter for a change of zoning of their property in Nanuet,

Mr. Welchman moved the following resolution:-

WHEREAS, Gustav and Leonara Polter, have petitioned the Town of Clarkstown that the Building Zone Ordinance of the said Town be amended by redistricting property of said petitioners and in said petition described from "Residence B." to "Business A.",

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 July, 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 afore said 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:-

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

NOES: None

Mr. Fibble then moved the following resolution:-

WHEREAS, it is the intention of the Town Board of the Town of Clarkstown to establish a Youth Recreation Project, and,

WHEREAS, the Town Board of the Town of Clarkstown is about to submit an application for such project to the New York State Youth Commission for its approval, and if approved, to apply subsequently to the State of New York for partial reimbursement of funds expended on such project, as provided by Chapter 556 of the Laws of 1945, as amended; now, therefore be it,

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RESOLVED, that such application is in all respects approved and Irvin F. Dillon, Supervisor, is hereby directed and authorized to duly execute and to present said application to the New York State Youth Commission for its approval.

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. W. Reginald Herdman appeared before the Board and stated that his term of office as Chairman of the Zoning Board of Appeals had expired. Mr. Herdman requested the Board to take action on his reappointment since an important hearing would be held in a few days, and the Zoning Board could not function properly without a chairman.

Mr. Welchman moved the following resolution:-

RESOLVED, that W. Reginald Herdman, Congers, New York, be reappointed as Chairman of the Zoning Board of Appeals, Town of Clarkstown, for a period of one (1) year, the appointment to become effective on June 22, 1950.

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. Emil Klein, Superintendent of Highways, came before the Board and presented the bids he had received for the new Road Grader. Mr. Klein stated that he had received one bid from the Austin-Western Co. for \$12,833.50, and another from the H.O. Penn Machinery Co. for \$13,980.00.

WHEREAS, the Town Supt. of Highways did on the 9th day of June, 1950, duly recommend the purchase of certain machinery and equipment pursuant to the provisions of Section 142 of the Highway Law, and a Notice of such recommendation has been duly published as provided in such Section,

NOW THEREFORE, BE IT RESOLVED, that pursuant to Section 142 of the Highway Law, the Town Supt. of Highways is hereby authorized to purchase from John J. King, with the approval of the County Supt. of Highways:

One (1) Austin-Western 99H Power Grader, Standard equipped IHC UD-14A Diesel engine, 14.00 x 20 single tires with regular tubes 13' blade with R.H. & L.H. straight 6" boots. Approximate Weight 21,960 lbs.

which includes- lights, enclosed cab, windshield, electric defroster, rear drawbar, heavy duty generator, heater, hood sides for engine, lights, 11 tooth scarifier, radiator shutters windshield wipers, and Bulldozer attachment.

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For a total price of Twelve Thousand-eight hundred-thirty three Dollars and Fifty Cents (\$12,833.50), less Two Thousand-one hundred Dollars and no cents, allowance of trade-in, Catterpillar No. 10 Motor Grader, delivered at New City, New York, and to be delivered within thirty to sixty days.

The terms of payment will be as follows:

Cash from Highway Fund \$5,233.50
Balance by Capital Notes
Two at \$2,750 each, first
to come due June 1951, 2nd to
come due June 1952.

A contract of purchase for the items purchased shall be duly executed between the Town Supt. of Highways and such vendor, and when duly approved by the County Supt. of Highways, it shall become effective.

Mr. Eberling moved the above resolution.

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 discussed the adoption of a proposed Ordinance permitting the operation of Theatres on Sunday in the Town of Clarkstown.

Mr. Fibble moved the following resolution:-

WHEREAS, by resolution of this Board dated June 2, 1950, a public hearing upon a proposed ordinance renumbering Articles 18 and 19 of the Town Ordinances and adding a new Article 18 with respect to the exhibition of Motion Pictures Dramatic and Musical Productions and Performances on Sunday, was held on the 22nd day of June, 1950, after due publication thereof.

NOW THEREFORE, BE IT RESOLVED, that the said proposed ordinance be and the same is hereby adopted and enacted effective upon publication and posting as required by law, as follows:

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

ARTICLE XVIII-- EXHIBITION OF MOTION PICTURES, DRAMATIC AND MUSICAL PRODUCTIONS AND PERFORMANCES ON SUNDAY.

Section 1. It shall be lawful within the unincorporated portions of the Town to exhibit Motion Pictures, Dramatic and Musical Productions on Sunday between the hours of 2:00 o'clock in the afternoon and 12:00 o'clock midnight. Nothing herein contained shall authorize the exhibition on Sunday of Dramatic and Musical Productions in violation of Section 161 of the Labor Law.

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

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

Mr. Stephen Doig then appeared before the Board and presented the application of Hazel M. DuPlantier of West Nyack, for a Road Opening Permit.

Mr. Welchman moved this application be approved.

Seconded by Mr. Schmersahl.

Carried.

Chief of Police Ernest Wiebecke came before the Board and stated that the Police Dept. was lacking one Patrolman, and that he would like to have this vacancy filled as soon as possible.

The Board held a very lengthy discussion on the matter, and decided that it would be necessary to send to the Civil Service Commission for a list of eligible applicants before any action could be taken.

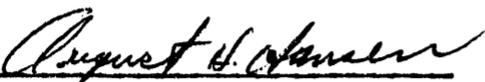
Mr. Dillon informed Chief Wiebecke that he would get the list as soon as possible.

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

Seconded by Mr. Schmersahl.

Carried.

Meeting adjourned.


Town Clerk of Clarkstown