

TOWN BOARD MEETING

December 8, 1950

Town Clerk's Office

8:00 P.M.

Present: Mr. Schmersahl

Mr. Fibble

Mr. Welchman

Mr. Dillon

Mr. Eberling

Mr. Dillon called the meeting to order.

Mr. Welchman moved that the reading of the minutes of the last regular meeting be dispensed with.

Seconded by Mr. Fibble.

Carried.

Mr. Dillon informed the Board that the new Hudson Police Car had arrived and was being used by the Department.

The Town Clerk was instructed to contact the Insurance Agent for the Town and have the new car added to the Insurance Policy.

Mrs. Belle Simons came before the Board and again requested that something be done about having the East Nanuet Water District extended to include Rose Road. Mrs. Simons informed the Board that the Hackensack Water Company had drilled a number of deep wells on the property of Mrs. Edna Jones in the immediate vicinity and that the level of the water in the wells of the Rose Road residents had dropped alarmingly. Mrs. Simons went on to say that she had contacted the Spring Valley Water Company about extending the Water Line along Rose Road, but the Water Company had told her if she would post a Bond of \$14,000 it would be done. She stated that she had come to the Board because she felt that the Board could get more action than she could as an individual.

Mr. Dillon told Mrs. Simons that the Board could not force the Water Company to extend the line and that there was very little that the Board could do. Mr. Dillon assured Mrs. Simons that he would contact the Spring Valley Water Company and ask that something be done about this matter.

Mr. Robert A. Knapp of New City came before the Board and asked when the roads in the Knapp Colony would be taken over by the Town.

Mr. Dillon informed Mr. Knapp that the roads could not be taken over until the Certification was received from the Department of Public Works.

Mr. Fibble moved the following resolution:-

RESOLVED, that the deed of George L. and Robert A. Knapp to the Town of Clarkstown, dedicating Shadybrook Lane, Pine Lane and Evergreen Lane as public highways, be accepted when the Certification is received from the Dept. of Public Works, and the said roads be included in the Town Highway System.

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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 held a public hearing on the application of A. C. Goebel of New City for a change of zoning of his property from "Residence A." to "Residence B."

After hearing all interested parties both in favor of the change and opposing it and discussing the matter thoroughly, the Board decided to grant the change.

Mr. Welchman moved the following resolution:-

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 9th of November, 1950, provided for a public hearing on the 8th day of December, 1950 at the office of the Town Clerk, Main Street, New City, New York at 8:30 P.M. in the evening to consider the application of A. C. Goebel, to amend the Building Zone Ordinance for the said Town by redistricting the property of the 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 at New City in said Town, from "Residence A." to "Residence B."

BEGINNING at a point on the east side of Pine Street said point being 300' North of the intersection of the east side of Pine Street and the north side of the New City-Congers Road; thence easterly along lands of Leon Slomka a distance of about 90'; thence northerly along lands of Clinton a distance of 372'; thence easterly still along the lands of Clinton a distance of 332.3'; thence northerly along lands of Carnochan a distance of 693.1'; thence westerly along the lands of Cummings and Robert Solomon a distance of 2268'; thence southerly along the lands of Solomon a distance of 304.5'; thence westerly along the lands of Solomon a distance of 110'; thence southerly still along the lands of Solomon a distance of about 80' to a point in the present "Residence B" boundary about 900' north of the New City-Congers Road; thence easterly along the present "Residence B" boundary a distance of about 1900'; thence southerly along the present "Residence B" boundary a distance of about 600' to the point or place of beginning.

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. John Scott of West Nyack came before the Board as spokesman for the residents of Strawberry Lane in West Nyack. Mr. Scott stated that the road was almost impassable during the winter months and he asked that the Town take over the road and maintain it.

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Mr. Scott also submitted to the Board a Deed, Certificate of Title and the survey of Strawberry Lane.

Mr. Emil Klein, Town Superintendent of Highways, came before the Board and said that the road was not in a suitable condition to be taken over by the Town. Mr. Klein estimated that it would cost about \$3.00 a running foot to put the road in proper condition.

Mr. Dillon told Mr. Scott that the residents of Strawberry Lane could petition the Board to create a Special Improvement District or have the road paved themselves and then turn it over to the Town.

The Town Attorney was instructed to check the Deed, Certificate of Title and the Survey so that in the event that a Special Improvement District was created, the papers would be correct.

Mr. Schmersahl moved that the Board adjourn from a Town Board meeting and take up matter pertaining to health.

Seconded by Mr. Eberling.

Carried.

After a short Board of Health meeting the Board returned to Town business.

The next matter to come before the Board was the application of the Rita-Louise Sportswear Company, Inc. for a change of zoning of their property in Bardonia from "Residence A" to "Business B".

Mr. Nat Mack, the Petitioner, came before the Board and spoke in favor of the change. Mr. Mack informed the Board that part of the property was in use as a non-conforming business and he would like to have the property rezoned so that the Day Camp and Picnic ground facilities could be extended.

Mr. Samuel Gunn, Attorney for Mr. & Mrs. Max Yokell of Bardonia, came before the Board in opposition to the change.

The following residents of Bardonia came before the Board in opposition to the proposed change:

Mr. Gerald Hutton

Mr. George Klaus

Mr. David Goloven

Mr. John Leeman

Mrs. Hattie Wiebecke

Mr. Fred Rammler

Mr. Frederick Steich

After hearing all interested parties in the matter, the Board discussed it very thoroughly.

Mr. Welchman then moved that this request for a change of zoning be denied.

Seconded by Mr. Fibble.

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 read a letter from Mr. L Realyea, Superintendent of the New York Central Railroad System concerning the crossing in Valley Cottage. Mr. Realyea stated in his letter that the Division Engineer of the railroad had informed him that all necessary repairs had been made at the crossing.

Mr. Dillon read a letter from Mr. R. C. Georger of the State Traffic Commission concerning the Town Board's request for speed restrictions on Route 303 in Congers. Mr. Georger stated in his letter that the Traffic Commission would investigate the matter and advise the Town Board of their decision.

Mr. Dillon read a letter from the New York State Thruway Authority. The letter stated that a public hearing on the proposed Hudson River Crossing would be held on Tuesday, November 28, 1950 at 2:00 P.M. at the 7th Regiment Armory in New York City.

Mr. Dillon informed the Board that a resolution was necessary so that he could transfer funds to balance all the accounts.

Mr. Eberling moved the following resolution:-

WHEREAS, at the close of business of the fiscal year 1950 of the Town of Clarkstown, certain additional appropriations are required 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,

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 for the year 1950, 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. Schmersahl.

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

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

NOES: None.

Mr. Dillon presented to the Board a request from the Town Clerk for permission to purchase a Photostat Machine for use in his office.

Mr. Hansen explained to the Board the many uses such a machine could be put to and said that it would be available to all the Town Offices.

Mr. Eberling moved the following resolution:-

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RESOLVED, that Town Clerk August H. Hansen be granted permission to purchase one (1) Commercial Model D, 14" x 20" Photostat Machine for use in the Town Clerk's office.

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 John Fajen of New City, in which Mr. Fajen stated that due to the increased cost of upkeep of the building in which the Town Clerk's and Supervisor's offices were located in, he thought it fair and proper that the rent for each office be raised \$5.00 per month.

Mr. Dillon presented to the Board the monthly reports of the following Town Officers and departments:-

Town Clerk	Building Inspector
Welfare Officer	Police Dept.

Mr. Fibble moved that these reports be accepted.

Seconded by Mr. Schmersahl.

Carried.

Mr. Dillon read a letter from Mr. George Stoll of the Central Nyack Welfare Association. In his letter Mr. Stoll explained that the Welfare Association was celebrating its twenty-fifth anniversary on January 5, 1951, and that the Board members were invited to attend this affair. Mr. Stoll also informed the Board that the name of the organization was being changed to the Central Nyack Civic Association since many people had been misled by the present name.

Mr. Eberling moved that the Annual Meeting of the Town Board be held on December 29, 1950, at 8:00 P.M. in the Town Clerk's Office.

Seconded by Mr. Fibble.

Carried.

Mr. Dillon presented to the Board two sealed bids on the new Police car.

The first bid from Manly Chevrolet of Nyack, New York, quoted a total price of \$1,747.00. The trade-in allowance on the 1950 Plymouth was \$1,222.00 leaving a balance of \$525.00. The car which Manly Chevrolet offered was a 1951 Chevrolet Deluxe.

The second bid received was from Miller-Hudson of Nyack, New York. The total price of a 1951 Hudson Pacemaker Deluxe was \$2,268.00 less \$1,600.00 allowance on the 1950 Plymouth, leaving a balance of \$668.00. Mr. Miller also offered various other accessories with this car which increased the cash balance to \$771.76.

Miller-Hudson also submitted a bid for a 1951 Hudson Super Six at a total price of \$2,485.50 less \$1,660.00 for the Plymouth, leaving a balance of \$825.50

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Chief of Police Wiebecke informed the Board that he had contacted four or five dealers for bids but that only two had been received.

In view of the fact that only two bids were received, it was decided by the Board that the bids be rejected and Chief Wiebecke be asked to have new bids submitted at the January meeting so that all the dealers would have time to get them in.

The Board then discussed the present Ordinance regulating Trailer Camps in the Town. Article 17 of the Ordinance, which related to sanitary systems for Trailer Camps, was in need of revision, and it was decided to hold a public hearing for the purpose of amending the Ordinance.

Mr. Eberling moved the following resolution:-

WHEREAS, it appears desirable and in the public interest that Section 17 of Article XV, House Trailers, Trailer Camps, and Tourist Camps, of the Town Ordinances adopted December 18, 1945 be amended as follows:-

Section 17.

Each trailer camp or tourist camp shall be provided with approved sanitary and water connections.

BE IT RESOLVED, that a public hearing pursuant to Section 130 of the Town Law be had at the office of the Town Clerk, Main Street, New City, New York, on the 12th day of January 1951, 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 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. Fibble.

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

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

NOES: None

Councilman Eberling informed the Board that there was need for two fire hydrants on Blauvelt Road in Nanuet. Mr. Eberling said that a new Housing development had just been completed in this area and that hydrants should be installed for fire protection purposes;

Mr. Eberling moved the following resolution:-

RESOLVED, that two (2) fire hydrants be installed along Blauvelt Road in Nanuet, and,

FURTHER RESOLVED, that the Spring Valley Water Works & Supply Co. be requested to make the necessary installation as soon as possible.

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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. Roepe, Town Attorney, reported to the Board concerning the payment of School Attendance Officers. Mr. Roepe informed the Board that he had written to Mr. Chamberlain of the State Department of Education for an opinion in the matter and was awaiting a reply.

The Town Clerk was instructed to contact the State Department of Public Works informing them of a very dangerous intersection on Route 303 near North Greenbush Road. Two serious accidents had occurred at this point during the last two months and the Board felt that something should be done to correct this condition.

The Board then held a public hearing on the application of James and Rose McKillop of New City for a change of zoning of their property from "Residence A" to "Business A". The property in question was to be used as a boarding home for aged persons.

Mr. Fred Frey, Attorney for the Petitioners, appeared before the Board and spoke at great length in favor of the change.

No one appeared in opposition.

Mr. Fibble moved the following resolution:-

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 9th day of Novembwr, 1950, provided for a public hearing on the 8th day of December, 1950 at the office of the Town Clerk, Main Street, New City, New York at 10:00 P.M. in the evening to consider the application of James and Rose McKillop, to amend the Building Zone Ordinance for the said Town by redistricting the property of the said petitioners from "Residence A" to "Business A", 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 at New City in said Town from "Residence A" to "Business A".

BEGINNING at a point in the easterly line of Congers Road and the south-westerly corner of the premises herein described; thence S 81 degrees 36' E along the lands of Rockland Farms a distance of 360.61 feet to a stake; thence N 14 degrees 50' E along the remains of a post and wire fence and along the lands now or formerly of John Pye a distance of 169.57 feet to a post in said fence; thence N 73 degrees 10' W along the remains of a post and wire fence and along lands now or formerly of Mahala Keesler a distance of 294.14 feet to a post in the easterly side of Congers Road; thence southerly along said easterly line of Congers Road S 32 degrees 01' W a distance of 90.32 feet to a highway monument at a point of curvature in said road; thence continuing southerly along said easterly line of Congers Road on a curve to the left having a radius of 2500 feet more or less, an arc length of 119.04 feet to a highway monument at a point of tangency;

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thence continuing southerly along said easterly line of Congers Road S 29 degrees 22' W a distance of 19.98 feet to the point or place of beginning.

Seconded by Mr. Fibble.

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 advisability of republishing and reposting all zoning changes which had been granted since April 14, 1950, when the section of law regulating the publishing and posting of these changes had been amended. After a lengthy discussion on the matter, it was decided by the Board to have all these changes republished and reposted in accordance with law and the Town Attorney was instructed to draw up the necessary papers so that this could be done as soon as possible.

Mr. Dillon then informed the Board that the fee of \$25.00 which the Town received with an application for a change of zoning was insufficient. He stated that in most cases the cost of publishing the notice of public hearing and the notice of a change of zoning exceeded the amount of the fee. Mr. Dillon suggested that the fee be increased to cover the cost of publishing these notices.

Mr. Eberling moved the following resolution:-

WHEREAS, a fee of \$25.00 has been established by the Town Board to cover the cost of publishing notices of public hearing and zoning changes when petition for amendment to the Building Zone Ordinance are received, and,

WHEREAS, in most cases this fee has been found insufficient to cover the cost of publishing these notices,

NEW THEREFORE, be it resolved, that the fee of \$25.00 be increased to \$50.00 and will become effective as of January 1st, 1951.

Seconded by Mr. Schmersahl.

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

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

NOES: None.

Chief of Police Wiebecke came before the Board and recommended that speed limits on Town and County roads be reduced to 20 MPH in Business areas and 35 MPH in residential areas. Chief Wiebecke informed the Board that he had contacted the County and Town Superintendents of Highways and that both were in favor of this recommendation.

The Board discussed the recommendation of Chief Wiebecke and decided to petition the State Traffic Commission for permission to establish these speed limits.

Mr. Eberling moved the following resolution:-

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RESOLVED, that the Town Board of the Town of Clarkstown requests the New York State Traffic Commission to establish speed limits of 20 MPH in business areas on Town and County roads within the said Town and 35 MPH in residential areas on Town and County roads within 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.

The Town Clerk was instructed to send a copy of this resolution to the New York State Traffic Commission.

Chief Wiebecke also informed the Board that there was an urgent need for a sidewalk along one side of Route 304 in Bardonia for the school children to walk on. He stated that the children have to walk on the road in going to and coming from school and that due to the amount of traffic on this road it was a very dangerous situation.

The Board instructed the Town Clerk to communicate with the Department of Public Works and inform them that the Town Board is in favor of the construction of a sidewalk in Bardonia and request their cooperation in the matter.

Chief Wiebecke then asked the Board's permission to purchase an Auxiliary Generator for use in Police Headquarters. He stated that during the recent storm Headquarters was without power and could not communicate with the radio to the patrol cars. He said that in the event of any future power failures, the generator would be used to supply power to the radio.

Mr. Welchman moved the following resolution:-

RESOLVED, that Chief of Police Ernest Wiebecke be authorized to purchase one (1) Auxiliary Generator for use in Police Headquarters, at a price not to exceed \$500.00.

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 recent storm which had caused a great deal of property damage in the Town and commented on the excellent work which had been done by the Highway and Police Departments.

Mr. Fibble moved the following resolution:-

RESOLVED, that the Town Board does hereby commend the Highway and Police Departments of the Town of Clarkstown for their excellent work and unceasing efforts during the recent storm which caused a great deal of property damage and disrupted communications throughout the Town.

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Seconded by Mr. Welchman.

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

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

NOES: None

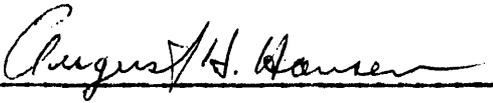
Bills Nos. 1038 to 1115 in the amount of \$9,853.50 were audited and ordered paid.

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

PUBLIC HEARING

December 8, 1950

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 Mr. A. C. Goebel of New City for a change of zoning of his property 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 in opposition.

Mr. A. C. Goebel, the Petitioner, came before the Board to speak in favor of the change. Mr. Goebel explained that part of the property was in "Residence A" and part of it was in "Residence B". He said that he had developed the property which was in a "Residence B" zone and he would like to develop the parcel which was in "Residence A" and therefore he had petitioned the Board for a change of zoning.

No one appeared before the Board in opposition.

Mr. Welchman moved that the Board reserve decision.

Seconded by Mr. Fibble.

Carried.

Mr. Welchman moved that the hearing be closed.

Seconded by Mr. Fibble.

Carried.

Hearing closed.

August H. Hansen
Town Clerk of Clarkstown

PUBLIC HEARING

December 8, 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 the application of Rita-Louise Sportswear Co., Inc. for a change of zoning of their property in Bardonia from "Residence A" and "Business A" to "Business B".

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

Mr. Nat Mack, the Petitioner, came before the Board to speak in favor of the change. Mr. Mack explained to the Board that the swimming pool and day camp which were on the property had been in operation for many years as non-conforming businesses, since they had been in operation before Zoning was adopted. He said that he would like to have all the property rezoned to "Business B" so that the swimming pool and day camp facilities could be extended to the rear of the property which at present was in a "Residence A" zone.

Mr. Samuel Gunn, Attorney for Mr. & Mrs. Max Yokell of Bardonia, came before the Board in opposition. Mr. Gunn's first objection was to the large amount of property to be rezoned, which once changed to "Business B", could be used for any number of businesses permitted for a "Business B" district. He also said that a business district would be created in the center of a residential section. Mr. Gunn went on to say that the present business was very noisy and disturbed the neighborhood a great deal, especially during the summer months, and in the event that the business was allowed to expand, the disturbance to the adjoining property owners would be greatly magnified.

The following residents of Bardonia appeared before the Board in opposition to the change:-

Mr. Gerald Hutton

Mr. John Leeman

Mr. David Golwen

Mr. Fred Rammler

Mrs. Hattie Wiebecke

Mr. Frederick Steich

Mr. George Klaus

Mr. Mack then came before the Board in rebuttal. He stated that there was no intention to create any other type of business other than that which was already there, but only to extend the day camp facilities.

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Mr. Dillon informed Mr. Mack that once the property was rezoned, the Board could not restrict the types of businesses which could be carried on so long as they conformed with "Business B" regulations.

Mr. Welchman moved that the Board reserve decision.

Seconded by Mr. Schmersahl.

Carried.

Mr. Welchman moved that the hearing be closed.

Seconded by Mr. Schmersahl.

Carried.

Hearing closed.

August H. Hansen

Town Clerk of Clarkstown

PUBLIC HEARING

December 8, 1950

Town Clerk's Office

10:00 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 James and Rose McKillop of New City for a change of zoning of their property from "Residence A" to "Business A".

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

Mr. Fred Frey, Attorney for the Petitioners, came before the Board to speak in favor of the change. Mr. Frey said that the premises had been used as a boarding home for aged persons since 1947, and that the McKillops had purchased the property with the understanding that they could continue to use it for the same purpose. He also said that the property is bounded on one side by Rockland Farms and across the street by Carworth Farms, both of which were non-conforming businesses.

No one appeared before the Board in opposition.

Mr. Fibble moved that the Board reserve decision.

Seconded by Mr. Schmersahl.

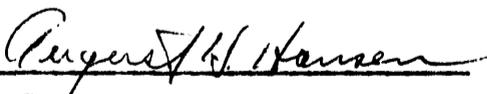
Carried.

Mr. Fibble moved that the hearing be closed.

Seconded by Mr. Schmersahl.

Carried.

Hearing closed.


Town Clerk of Clarkstown

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