

PUBLIC HEARING

June 8, 1951

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 Carl Behnke of Nanuet for a change of zoning of his property from "Residence B." to "Business B."

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

Mr. Carl Behnke came before the Board and said that he wished the change in order to construct a garage which would be used for the repair of automobiles. Mr. Behnke also said that the change would not depreciate the value of the adjacent properties.

No one appeared before the Board in opposition to the change.

Mr. Welchman moved that the Board reserve decision on the matter.

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. Welchman moved that the hearing be closed.

Seconded by Mr. Schmersahl.

Carried.

Hearing closed.

August D. Hansen
Town Clerk of Clarkstown

TOWN BOARD MEETING

June 8, 1951

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 reading of the minutes of the last regular meeting be dispensed with.

Seconded by Mr. Schmersahl.

Carried.

The Board then discussed the matter of the improvement of Strawberry Hill Lane in West Nyack.

Mr. John Scott of Strawberry Hill Lane came before the Board and was sworn in.

Mr. Scott, upon being questioned by Town Attorney Edward G. Roepe, testified as follows:-

Q. What is your name?

A. John Scott.

Q. Mr. Scott, are you familiar with the petition of the property owners on Strawberry Hill Lane?

A. Yes.

Q. How many feet of property do you own along Strawberry Hill Lane Mr. Scott? Will you look at this petition and tell me if 373 feet is correct?

A. Yes, that is correct.

Q. Of the total lineal running feet, does the total of signers equal more than 50% of the resident owners?

A. They do.

Q. Which of these people that signed this are actual residents living on the road?

A. John and Julia Scott, William B. and June C. Trilling, James A. and Betty Dyer Cheyne.

Q. Do these three owners own more than half of the property of resident owners?

A. Yes.

Mr. Welchman moved the following resolution:-

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In the matter of the petition of the	:	ORDER OF BOARD FOR MEETING
owners of more than one-half of the	:	TO CONSIDER PETITION FOR A
real property fronting on a portion	:	STREET IMPROVEMENT.
of Strawberry Hill Lane at West Nyack	:	
in the Town of Clarkstown, for the	:	
improvement of said portion of said	:	
street.	:	

WHEREAS, A WRITTEN PETITION dated April 12, 1951, was on the 8th day of June, 1951, duly filed with this Board pursuant to Section 200 of the Town Law of the State of New York for the improvement of Strawberry Hill Lane at West Nyack, in said Town, from North Greenbush Rd. to premises of the Estate of Calvin T. Allison, deceased, by paving in accordance with Town specifications as contained in Resolution of the Town Board of March 14, 1947, or specifications to be prepared by an Engineer to be retained by the Town of Clarkstown; and whereas it duly appears that such petition has been duly signed by the owners of real estate owning at least one-half of the entire frontage or bounds on both sides of said portion of said Strawberry Hill Lane and whereas it duly appears that such petition was also duly signed by resident owners owning not less than one-half of the frontage owned by resident owners residing along Strawberry Hill Lane between the points aforesaid; and whereas such petition was duly acknowledged or proved by all the signers thereof in the same manner as a deed to be recorded; and whereas the maximum amount proposed to be expended for the improvement of said highway as stated in the petition is the sum of \$4250.00; it is, pursuant to the provisions of said Section 200 of the Town Law of the State of New York, hereby,

ORDERED THAT THE TOWN BOARD of the Town of Clarkstown, Rockland County, New York, shall meet at the Town Clerk's Office at Main Street, New City in the said Town of Clarkstown on the 6th day of July, 1951, at 8:00 o'clock in the evening of that day, Eastern Daylight Saving Time, for the purpose of considering the said petition and hearing all persons interested in the subject thereof concerning the same.

Seconded by Mr. Fibble.

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

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

NOES: None.

Mr. Harold Katencamp of Park Ave. in Nanuet, came before the Board as spokesman for a group of residents of that street. Mr. Katencamp stated that Park Ave. was in very poor condition and asked that it be repaired or resurfaced. He also requested that street lights be erected and that a street sign be erected and the houses numbered.

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Mr. Dillon said that if Mr. Katencamp would get the numbers of the poles on which the lights were to be erected, the Board would contact the Rockland Light & Power Co. and request the installation.

Superintendent of Highways Emil Klein said that his men had partially repaired Park Ave. and that as soon as the Highway Department was finished tarring Town roads, the work would be completed.

The Board also instructed Mr. Klein to have a street sign erected on Park Ave.

Mr. Schmersahl moved the following resolution:-

RESOLVED, that Superintendent of Highways Emil Klein be instructed to erected a sign on Park Ave. in Nanuet designating said street as Park Ave. 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 held a public hearing to consider the application of Carl Behnke of Nanuet for a change of zoning of his property from "Residence B." to "Business B."

After hearing all persons interested in the matter, the Board reserved decision and returned to a Town Board meeting.

Mr. Welchman moved the following resolution:-

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 11th day of May, 1951, provided for a public hearing on the 8th day of June, 1951, at the Office of the Town Clerk, Main Street, New City, New York, at 8:30 P.M., (Eastern Daylight Saving Time) to consider the application of Carl Behnke, to amend the Building Zone Ordinance for the said Town by redistricting the property of the said petitioner from "Residence B." to "Business B.", and,

WHEREAS The notice of 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 Nanuet in said Town from "Residence B." to "Business B."

BEGINNING at an iron pin located on the southerly line of the Nyack Turnpike, which pin also marks the northwesterly corner of lands of J. G. Weissinger and which point is 1215 feet west of the center line of the public highway known as Smith Street, measured along the southerly side of the Nyack Turnpike; running thence southerly on a course 11 degrees west to a point which is 200 feet southerly, measured at a right angle to the southerly side of said Nyack Turnpike;

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running thence north 89 degrees 30 minutes west and parallel to the southerly line of the Nyack Turnpike to a point in the westerly line of the property herein described which is 200 feet southerly, measured at right angles with the southerly line of the said Nyack Turnpike; running thence north 15 degrees 10 minutes east and along the lands now or formerly of Stevens to an iron pipe driven into the brook in the southerly line of Nyack Turnpike; thence turning and running along the southerly line or side of said Nyack Turnpike on a course of south 89 degrees 30 minutes east 257 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.

Mr. Dillon read a letter from John M. Jeffrey, Building Inspector, notifying the Board that a violation of the Building Zone Ordinance had been posted on the property of Aaron Spector, West Clarkstown Rd., Spring Valley.

Mr. Donald Partridge, Attorney, came before the Board and requested information regarding zoning changes. Mr. Partridge said that he had been retained by Michael Cooke, Rose Rd., Nanuet, to petition the Board for a change of zoning of his property in Nanuet from "Residence A" to "Residence B". Mr. Cooke owned two parcels of land on Rose Rd. which were separated by a parcel owned by another party. Mr. Partridge said that the owner of this parcel had been contacted and had no objections to a change to "Residence B.", and he asked if one petition could be submitted for both pieces of property.

Mr. Roepe said that the petition could be submitted for both parcels and that it should state that the owner of the third parcel had no objections to the change.

Mr. Partridge then submitted the application for a change of zoning from Residence A" to "Residence B".

Mr. Welchman moved the following resolution:-

WHEREAS, Michael Cooke, has petitioned the Town Board of the Town of Clarkstown that the Building Zone Ordinance of the said Town be amended by restricting property of the said petitioner and others and in said petition described from "Residence A" to "Residence 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 6th day of July, 1951, at 8:30 P.M., (Eastern Daylight Saving Time), relative to such proposed amendment, 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.

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Mr. Roepe informed the Board that the Town had been named Defendant in a lawsuit brought by Mrs. A. Newton against Nathan Weinstein and the Town of Clarkstown. Mr. Roepe said that the Town had become involved through the issuance of a Building Permit for a Grocery Store to Mr. Weinstein. He said that the case had been heard by Supreme Court Justice Doscher and a verdict handed down in favor of the Town and Mr. Weinstein on the grounds that Mrs. Newton had failed to prove a violation of the Zoning Ordinance and had shown no evidence of special damages to herself as Plaintiff.

Mr. Dillon read a letter from the Rockland Light & Power Co, informing the Board that many of the street lights which the Board had ordered had not been erected due to a shortage of fixtures. The letter also stated that it was the duty of the Town to notify the Power Co. of any street lights which needed bulb replacement.

Mr. Roepe informed the Board that the Agriculture and Markets Law had been amended and that the Town now had the power to enact an Ordinance making it a misdemeanor for any person allowing their dog to run at large.

Mr. Roepe was instructed by the Board to prepare an amendment to the present Ordinance and present it at the next meeting.

Mr. Dillon read a letter from the State Traffic Commission notifying the Board that a survey would be made of the proposed change of Bus Stops in Nanuet and the Board would be advised further when a decision was reached.

Mr. Dillon read a letter from John M. Jeffrey, Building Inspector. Mr. Jeffrey stated in his letter that a building on the property of George Wolfe, Laurel Rd., New City, had protruded over the Side Yard line and resulted in a violation of the Zoning Ordinance. On being contacted concerning the matter, Mr. Wolfe had removed part of the building and the violation had ceased to exist. Mr. Jeffrey also mentioned in his letter that Mr. Wolfe had acquired Permits for two additional buildings, and that at a recent hearing conducted by the Zoning Board of Appeals, the hearing had been adjourned until such time as Mr. Wolfe produced a survey of the property so that the boundaries could be checked.

In the matter of the improvement of Hughes St., Mr. Roepe reported that he had drawn up a Bond resolution and also a resolution authorizing the Supervisor to issue Bond Anticipation Notes.

Mr. Welchman moved the following resolution:-

BE IT RESOLVED, this 8th day of June, 1951, by the Town Board of the Town of Clarkstown, Rockland County, New York, as follows:-

FIRST: for the object or purpose of the improvement of Hughes Street at Congers in the Town of Clarkstown from West View Ave. to lands of Congers Park Realty Company by paving with oil top or macadam in accordance with Town speci-

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fications, and to provide funds to defray the cost thereof, \$1,000.00 of general obligation serial bonds of the Town of Clarkstown, Rockland County, New York, to be of the terms, form and contents hereinafter provided for, shall be issued pursuant to the provisions of the Local Finance Law of the State of New York.

SECOND: \$1,000.00 is estimated as the maximum cost of the object or purpose for which serial bonds are to be issued.

THIRD: The plan for the financing of such object or purpose, consists of the issuance of serial bonds of said Town in the principal sum of \$1,000.00, or so much thereof as shall represent unpaid assessments payable in installments pursuant to Section 242 of the Town Law.

FOURTH: It is hereby determined that the object or purpose for which serial bonds are to be issued falls within sub-paragraph 20 of Subdivision (a) of Section 11 of the Local Finance Law, and that the period for probable usefulness of such object or purpose is five years.

FIFTH: The proposed maturity of the serial bonds hereby authorized will not be in excess of five years.

SIXTH: The said serial bonds shall be in equal denominations numbered from 1 to 4, inclusive, maturing in numerical order, 1, 2, 3, and 4 years respectively for their date of issuance and shall bear interest at a rate not exceeding five per centum per annum payable at maturity.

SEVENTH: The said bonds shall be designated as "Serial bonds of the Town of Clarkstown, Rockland County, New York, of 1951, in a sum not in excess of \$1,000.00, for the improvement of Hughes Street, at Congers in said Town."

EIGHTH: Except as herein expressly provided, the said bonds shall be of the terms, form and contents as the Supervisor of the Town of Clarkstown shall determine and execute, consistent, however, with the provisions of the Local Finance Law.

NINTH: Each of said bonds shall be executed in the name of the Town of Clarkstown by the Supervisor of said Town and sealed with the corporate seal of the Town of Clarkstown and attested by the Town Clerk.

TENTH: The bonds shall be sold at public or private sale by the Supervisor of the Town of Clarkstown at a price not less than the par value of, and accrued interest, if any, and the proceeds of sale shall be applied solely for the purpose aforesaid.

ELEVENTH: Upon due execution and sale of said bonds, the same shall be delivered to the purchaser upon payment of the purchase price in cash to the Supervisor of the Town of Clarkstown, and the receipt of said Supervisor shall be a full acquittance to said purchaser who shall not be obliged to see to the application of the purchase money.

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TWELFTH: The full faith and credit of the Town of Clarkstown, Rockland County, New York, are hereby pledged to the punctual apyment of the principal of and interest on said bonds.

THIRTEENTH: This resolution shall take effect immediately.

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. Welchman moved the following resolution:-

BE IT RESOLVED, that the Supervisor of the Town of Clarkstown, Rockland County, New York, shall and he hereby is empowered and directed to authorize the issuance and to issue bond anticipation notes of this Town, and renewal of any and all such notes at such times and under such times and under such circumstances as he deems proper and advisable; and to prescribe the terms, form and contents thereof, to execute the same in the name of and on behalf of the Town and to sell at private sale and deliver the same; and the full faith and credit of the said Town of Clarkstown are hereby pledged to the punctual payment of the principal of and interest on all notes issued pursuant hereto by said Supervisor; all in pursuance to and consistent with the provisions of the Local Finance Law of the the State of New York; provided, however, that the Supervisor shall not issue any note in a principal amount exceeding \$1,000.00 nor bearing a rate of interest in excess of five per centum per annum.

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. Welchman moved that the following Republican Inspectors of Elections be appointed for a term of one (1) year beginning on July 15th, 1951:-

District No.1
New City

Marjorie Lanning
Fred Seegar

District No.2
Rockland Lake

Mary E. Amar
Agnes Bishock

District No. 3
West Nyack

Minnie Peterson
Ludlow Garrabrant

District No. 4
Upper Nyack

Otis Gregory
Edward J. Gilhuley, Sr.

District No. 5
Nanuet

Marian R. Herchneroder
John H. Mehrstens

District No. 6
Central Nyack

Elmer C. DeFlaun
Leota H. Jansen

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District No. 7 Congers	William Woltjen Robert Southward
District No. 8 Valley Cottage	David Edwards George Hamblin
District No. 9 Centenary	Alice Hopper Helen Arbeider
District No. 10 Spring Valley	Gustave Knauth Harry Sergeant
District No. 11 Bardonia	Margaret Meyer Frances Warner
District No. 12 Nanuet	Clarence Brown Harold E. McLeod
District No. 13 New City	Dorothy Baker George F. Stuhmer, Jr.
District No. 14 Congers	Virginia Streit Gustaf Olson

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 Chief of Police Ernest Wiebecke in regard to the increasing number of Carnivals which were being held in the Town. Chief Wiebecke recommended that some measure of control be adopted by the Board since the Police Department had only recently experienced difficulty at a Carnival held in Central Nyack. He stated that most of the other Townships in the County had adopted Ordinances of one kind or another placing restrictions on these affairs, and as a result, an above normal number of Carnivals were being held in the Town of Clarkstown where there are few if any restrictions. Another point that the Chief stressed was that due to the "fly by night" mode of living encountered by the people who were employed by the Carnivals, some of them were of undesirable character and usually became entangled in some way with the law during the stay in the Town. Chief Wiebecke recommended that the Management and the sponsoring organization be required to post a Bond of a sufficiently high amount so as to act as a deterrent against any indecent, immoral, unhealthy or unsanitary act or exhibition.

The Board recommended that Chief Wiebecke discuss the matter with Town Attorney Edward G. Roepe and try to work out some kind of Ordinance or restriction to control Carnivals in the Town.

Chief Wiebecke also reported on the proposed speed zone restrictions for the Town, and recommended the following changes:-

1. The extension of the 30 MPH speed zone on Route 304 or South Middletown Rd., Nanuet, to the Clarkstown-Orangetown line.
2. A limited speed zone on Route 59 just west of the Nanuet Four Corners to east of Scotty's Italian Garden.

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The Board instructed Town Clerk August Hansen to forward the Chief's recommendations to the State Traffic Commission.

The Board approved Street Opening Permits applied for by the following persons:-

Emily M. Gardineer
Eleanor Switzer
Joseph Quick

Alfred L. Magnatta
L. F. Johnston

The Town Clerk was instructed to forward the Permits to the County Supt. of Highways for final approval.

Monthly reports of the following Town Officers were accepted by the Board:-

Supervisor
Town Clerk
Receiver of Taxes

Building Inspector
Welfare Officer
Police Department

Mr. Dillon read a letter from the New City Park Club informing the Board that trucks belonging to the Terp Construction Company and Lagatella were being parked on an empty lot across from Davies Lake and it was believed that this was a violation of the Zoning Ordinance since the area was all residential.

Mr. Dillon informed the Board that he had contacted the Building Inspector regarding this matter and asked that it be investigated.

Mr. Dillon read a letter from John Jeffrey, Building Inspector, advising him that the investigation had been made and a violation of the Zoning Ordinance was definitely in existence. Mr. Jeffrey stated in his letter that he had contacted Lagatella and the Terp Construction Company and notified them to discontinue the violation immediately.

Mr. Dillon read a letter from the Nanuet Fire Department requesting permission to block off Prospect Ave. from Main Street to the railroad tracks for their annual Carnival from July 29th to August 4th.

Mr. Eberling moved that this request be granted.

Seconded by Mr. Welchman.

Carried.

Mr. Dillon read a letter from the Haverstraw Elks inviting the Board to attend Flag Day services to be held at the Haverstraw High School on June 14.

A letter was read from the Planning Board requesting the reappointment of Doyle Brannon for a term of Five (5) years.

Mr. Welchman moved the following resolution:-

RESOLVED, that Doyle Brannon, West Nyack, New York, be reappointed as a member of the Planning Board, Town of Clarkstown, for a term of Five (5) years effective July 12, 1951.

Seconded by Mr. Fibble.

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

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

NOES: None.

Mr. Dillon presented letters from the Civil Service Commission approving the provisional appointments of Patrolman John Martz and Richard Lyons.

Superintendent of Highways Emil Klein came before the Board and reported that "One Way" signs had been erected on Grant Ave. in Congers, and a "Stop Street" sign erected on Demarest Mill Rd. in West Nyack.

Mr. Klein also presented bids for a new Power Grass Mower and Tractor.

Mr. Eberling moved the following resolution:-

RESOLVED, that Superintendent of Highways Emil Klein be authorized to purchase the following equipment at a price not to exceed \$1,900.00:-

One (1) Case Model VAI Industrial Wheel Type Tractor, 4 Cylinder valve-in-head gasoline engine, with standard equipment consisting of gasoline manifold, distributor ignition, electric starter and electric lights (2 head-lights, one tail light,) variable speed governor with hand and foot control, engine thermometer and oil gauges, thermostat, oil filter, 4 speed transmission, adjustable rear wheel tread 44" to 72", individual rear brakes with parking light, adjustable tilt back seat with cushion, platform, foot operated clutch, stationary draw bar, fenders, tool kit, muffler, 6:00 x 16- 4 ply front tires, 9:00 x 24 4 ply rear tires, sickle bar carrier, rear power take off, hydraulic pump and valve assembly. One (1) Case Detroit Highway Mower Model #16 complete with standard equipment consisting of 5' length cutter bar, hydraulic power lift, 2 sickles, safety release, hand lift on inner shoe, and all parts to attach mower on tractor.

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 informed the Board that he had recently met with officials of the Spring Valley Water Company. Mr. Dillon said that the Water Company had sent out 461 questionnaires to residents of Clarkstown asking if they would accept water if the mains were put in. He said that the Water Company had received 402 answers, of which 313 had answered Yes.

Mr. Dillon read a letter from Mr. William Uhl of Haverstraw in which Mr. Uhl complimented two of the new Patrolman, Rohloff and Lyons, for their keen observation and alertness in the apprehension of the persons responsible for a fatal accident in Nanuet recently.

A request was received from the Nanuet Community Ambulance Corp for permission to erect "No Parking" signs on both sides of their building in Nanuet along Main Street.

Mr. Eberling moved the following resolution:-

RESOLVED, that the New York State Dept. of Public Works be requested to erect "No Parking" signs at each end of the property of the NANUET COMMUNITY AMBULANCE CORP, INC. property located on Rt. 304 in the Hamlet of Nanuet, New York.

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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.

Chief Wiebecke informed the Board that he had received an application for the position of Patrolman for Russell R. Smith of Shanks Village. Chief Wiebecke said that he had spoken to the applicant and Mr. Smith had told him that if the appointment were approved, he would move to Nanuet.

Mr. Eberling moved the following resolution:-

RESOLVED, that Russell R. Smith, Shanks Village, New York, be appointed provisionally as a Patrolman to the Clarkstown Police Department at an annual salary of \$2,700.00, the appointment to become effective on June 9th, 1951.

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. Fibble moved the following resolution:-

RESOLVED, that the Town Board of Clarkstown hold the next regular meeting on July 6th, 1951, at 8:00 P.M. in the Office of the Town Clerk.

Seconded by Mr. Schmersahl.

Carried.

Bills Nos. 515 to 604 on Warrant #6 in the amount of \$15,476.01 were audited by the Board and ordered paid.

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

Seconded by Mr. Schmersahl.

Carried.

Meeting adjourned.



 Town Clerk of Clarkstown