

PUBLIC HEARING

March 14, 1952

Town Clerk's Office

9:00 P.M.

Present: Mr. Schmersahl

Mr. Fibble

Mr. Welchman

Mr. Burleigh

Mr. Dillon

Mr. Dillon called the hearing to order, explaining that it was being held to consider the application of the D'Agostino Construction Co. Inc. for a change of zoning of their property in Nanuet from "Res. A" to "Res. B".

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

Morton Silberman, Attorney for the Petitioner, came before the Board. Mr. Silberman said that the property extends 600 feet along Middletown Rd. and approximately 150 feet is already in "Res. B." He said that the purpose of the change is to develop the property by constructing 52 one family semi-detached houses. Mr. Silberman said that five types of homes would be erected and the average lot frontage would be 95 feet. He said that there is no question of spot zoning since both sides of Middletown Rd. up to the property are in "Res. B" at the present time and the change would merely be an extension of the district. He said that Mr. D'Agostino is a reputable builder and has had a great deal of experience in the home construction business. Mr. Silberman called Mr. Herman Dorfman before the Board.

Mr. Dorfman said that he was the engineer for the Petitioner and had surveyed the property and also conducted Percolation Tests to determine the drainage qualities of the ground. Mr. Dorfman said that one inch of water in a hole one foot square and 18 inches deep took approximately 5 to 6 minutes to drain off and that the drainage in the area was excellent.

Mr. Henry Laudenburger came before the Board and asked how the sewage disposal problem would be handled.

Mr. D'Agostino said that a septic system would be installed for each house and the necessary fields would be put in.

Mr. Eugene Blauvelt of Nanuet came before the Board in opposition. Mr. Blauvelt opposed the change on the grounds that the property which was directly across the road was in "Res. A" and would be directly affected.

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Mr. William Clark of Nanuet came before the Board in opposition. He stated that there was no assurance that the petitioner would restrict the property to one family homes and he could not be bound to his statements if the change were granted.

Mr. Dillon said that once the change was granted, the Board has no further jurisdiction.

Mr. Carl Svensson of Palmer Ave., Nanuet, came before the Board. He said that the construction of the development would create a serious sewage problem since even on his property, which adjoins that of the petitioner, there is very little drainage.

Mr. Richard Howell of Red Hill Rd., New City, came before the Board. Mr. Howell said that the septic systems are effective for a number of years until the ground reaches the saturation point, and then they gradually become less effective until the problem stage is reached. He said that it was his opinion that the lot size in "Res. B" was not sufficient for an efficient septic system.

Mr. F. H. Johnson of Nanuet came before the Board in opposition. He said that the over-all zoning picture must be considered and areas of the Town should be classified for specific uses.

Mr. H. J. Schriever, Jr., Chairman of the Palnning Board, came before the Board in opposition. Mr. Schriver said that the Palnning Board had recently held a number of meetings throughout the Town and the question of small lots had been brought up many times and the general opinion was against the use of small lots for the building of homes. Mr. Schriever presented a resolution which had been adopted by the Nanuet Board of Education in opposition to the change. The Board of Education objected on the grounds that if developments were permitted to spring up all over the Town, the school system would be even more overloaded than it is at the present time.

Mr. Norman Baker of New City came before the Board. Mr. Baker said that the school situation in the Town must be considered since rapid development would quickly overload schools, which even now are above capacity. He said that the general sewage condition in Nanuet is poor and has been as far back as 1935, and the Town is in no position to permit rapid development and it should be stopped before it starts.

The following residents of Clarkstown came before the Board and voiced their opposition:-

Ezio L. Ruffino	Mrs. George Grogin
Norman Insley	Ruth Ostertag
George Walker	

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Mr. Silberman then came before the Board in rebuttal. He said that the sewage question seemed to be the main point of opposition and he asked those present to consider the fact that the Percolation Tests had proven that the drainage in the area was excellent. He also said that progress was on the move and the growth of the Town could not be retarded. As for the schools, he said that these problems would have to be met as they arise. Mr. Silberman pointed out that there was no basis for indiscriminate zoning since the change would be an extension of the present "Res. B" district. He also said that the majority of the lots would have a road frontage of at least 95 feet.

After hearing all those interested, Mr. Welchman moved that the Board reserve decision on the matter and the hearing be closed.

Seconded by Mr. Schmersahl.

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

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

NOES: None.

Hearing closed.

August W. Hansen
Town Clerk of Clarkstown

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TOWN BOARD MEETING

March 14, 1952

Town Clerk's Office

8:00 P.M.

Present: Mr. Schmersahl

Mr. Fibble

Mr. Welchman

Mr. Burleigh

Mr. Dillon

Mr. Dillon called the meeting to order.

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

Seconded by Mr. Fibble.

Carried.

Mr. Welchman moved that the next regular meeting of the Town Board be held on April 4, 1952, at 8:00 P.M. in the Town Clerk's Office.

Seconded by Mr. Burleigh.

Carried.

Mr. Dillon read a letter from the State Traffic Commission in relation to the Board's request to have a "Stop" sign placed on the access road leading into Route 59 from Route 303. The letter stated that an investigation had been made and the Commission had did not feel that a "Stop" sign was necessary, however, a "Merging Traffic" sign would be placed at this point.

Mr. Dillon said that the Traffic Commission had approved the Order for an Area Speed Restriction in Clarkstown and the necessary signs could now be erected.

Mr. Dillon read a letter from the Nanuet Board of Education requesting permission to erect "No Parking" signs on Highview Ave. in front of the school. The letter stated that the signs would be purchased and erected by the school district and would incur no expense to the Town.

The Board discussed the matter and modified the request so that the restriction would be in effect only between 8:00 A.M. and 6:00 P.M. and the Town Clerk was instructed to notify the School Board that the request had been granted subject to the modification.

The Board approved and signed the application of Edward Lovett for a Permit under Section 149 of the Highway Law and the Town Clerk was instructed to forward the application to the County Engineer for his approval.

Mr. Dillon presented the monthly reports of the following Town Officers:

Supervisor

Building Inspector

Town Clerk

Welfare Officer

Police Dept.

Mr. Fibble moved that the reports be accepted.

Seconded by Mr. Schmersahl.

Carried.

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Frank W. Kemmer, Welfare Officer, informed the Board that the County had raised the Burial Allowance for County resident indigents to \$150 and he recommended that the Town allowance also be raised. He presented a resolution from Fred B. Nidd, County Welfare Commissioner, in regard to the increased allowance.

Mr. Schmersahl moved the following resolution:-

RESOLVED, that the allowance for funeral expenses for a Town resident indigent be and it is hereby fixed at One Hundred Fifty Dollars (\$150), plus cemetery costs, and in case of cremations, plus the crematory costs.

Seconded by Mr. Burleigh.

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

AYES: MESSRS. Schmersahl, Fibble, Welchman, Burleigh, Dillon.

NOES: None.

Mr. Dillon read a letter from Otto Swanson of New City offering a bid of \$3,000 for the Harman property in New City, which adjoins his. Mr. Dillon said that Mr. Swanson seemed to be of the impression that the Town owned the property while actually it only holds a second mortgage on it.

Mr. Kemmer was instructed to advise Mr. Swanson that the Town does not own the property but wishes to sell the second mortgage which it holds.

Mr. Dillon requested a resolution to transfer \$449.00 from Current Surplus to the Employees Retirement Account.

Mr. Schmersahl moved the following resolution:-

RESOLVED, that Irvin F. Dillon, Supervisor, be authorized to transfer \$449.00 from Current Surplus to the Employees Retirement Account.

Seconded by Mr. Fibble.

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

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

NOES: None.

Mr. Fibble informed the Board that the shoulder on the west side of Route 303 that he had complained about last year had not yet been repaired. He said that the rain water flows along the highway and had washed deep ruts into the shoulder in front of his home and has created a very dangerous condition to drivers.

The Town Clerk was instructed to write to the District Engineer for the State Dept. of Public Works and request some action on the matter.

Mr. Robert Meehan of Nanuet came before the Board. Mr. Meehan said that a car owned by LeRoy Rhodes of Nanuet was being used for public hacking and was not licensed under the Town Taxi Ordinance. He said that the car was licensed with 80 plates and Mr. Rhodes had maintained that it was not necessary to obtain a Town License.

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Chief Wiebecke informed the Board that Mr. Meehan had brought the matter to his attention recently and he had advised Mr. Meehan to sign a Summons before a Justice of the Peace. He said that Mr. Meehan had signed the Summons and the case was now pending before Judge John A. Stefan.

Mr. Meehan also asked the Board if any further action had been taken in regard to the Bus Stops in Nanuet.

Mr. Dillon said that the matter had been turned over to Chief Wiebecke and as yet the Chief had made no recommendations for changes.

Chief Wiebecke said that the present system is working out very well and he saw no reason for any further changes.

The Board then held a public hearing on the application of the D'Agostino Construction Company, Inc., for a change of zoning of their property in Nanuet from "Res. A" to "Res. B".

After hearing all persons in interest, the Board re-convened to a Town Board meeting.

Mr. Schmersahl moved the following resolution:-

RESOLVED, that the application of the D'Agostino Construction Company, Inc., requesting that the Building Zone Ordinance of the Town of Clarkstown be amended by redistricting property of the Petitioner at Nanuet, New York, from "Residence A" to "Residence B", be and the same is hereby denied.

Seconded by Mr. Burleigh.

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

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

NOES: None.

Mr. Leonard Pollacci of Valley Cottage came before the Board and complained of a water condition in the rear of the business district in Valley Cottage. He said that the brook which runs along Kings Highway rises during rainy weather and floods the entire area. Mr. Pollacci said that Mr. Burnweit, owner of the property through which the brook flows, had agreed to dig out the ditch so that the water would run off more rapidly. Mr. Pollacci asked if the Highway Dept. could do something to correct the situation.

Mr. Klein, Supt. of Highways, said that the Highway Dept. could not go on private property unless the condition directly affected the Town Highway. Mr. Klein said that if the culvert under the railroad were cleaned out, the water would run off more rapidly and reduce the flooding. He said that the culvert was choked with stone from the road bed.

Mr. Anthony Trapani of Valley Cottage also came before the Board and requested some action on the matter. He said that it was up to the Town to correct the situation.

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Mr. Klein again explained that the Town Highway Dept. was prohibited by law from going on private property. He said that he would speak to Mr. Burnweit about cleaning out the ditch.

The Town Clerk was instructed to write to the New York Central Railroad and request that the culvert under the road bed be cleaned out.

Mr. Joseph Siegmund of Bardonia came before the Board. Mr. Siegmund said that rain water runs from Route 304 and Ludvigh Road and flows down Bardonia Road and across his property. He also said that the State Highway Dept. had opened a ditch on Route 304 and drained off the surface water into his property. Mr. Siegmund complained that the water flooded his cellar and also ran into his garage.

Mr. Klein said that he would contact the District Engineer at Nyack and ask to have the condition corrected.

Mr. Dillon informed the Board that he had received a letter from the Anti*reservoir Association. He said that a number of bills for professional services had been included with the letter with the request that the Town pay them. Mr. Dillon said that he had spoken to the Association about this matter once before and he had informed them that the Town could not legally pay any bills which did not have the prior approval of the Board.

The Town Clerk was instructed to return the bills to the Association and inform them that the Town Board could not assume payment of them.

Bills Nos. 243 to 333 on Warrant #3 in the amount of \$4,526.06 were audited by the Board and ordered paid.

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

Seconded by Mr. Burleigh.

Carried.

Meeting adjourned.

August W. Hansen
Town Clerk of Clarkstown