

## TOWN BOARD MEETING

April 18, 1952

Town Clerk's Office

8:00 P.M.

Present: Mr. Schmersahl

Mr. Fibble

Mr. Burleigh

Mr. Dillon

Absent: Mr. Welchman

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. Hugo Kolb of Central Nyack came before the Board and complained of a water condition on his property on Route 59. Mr. Kolb said that the water runs off the hill from Hall St. and into the rear of his property flooding the entire rear yard. He said that the water comes from the catch basin on Hall St. Mr. Kolb said that about 80 feet of pipe was needed to hook into the Nyack storm sewer system and he saw no reason why the Town could not supply and install the pipe.

Supt. of Highways said that the condition was similiar to one that had existed on College Ave. in Nanuet. He said that the catch basin is located on the south side of Hall St. and the water drains off under DePew Ave. and into the rear of the Kolb property. Mr. Klein stated that he had told Mr. Kolb that if he would purchase the pipe, the Town would install the drain to the Nyack system. Mr. Klein said that the Town cannot supply pipe free to individuals for use on private property.

The Board discussed the matter and decided to go over and investigate the situation at the earliest opportunity.

Edna C. Jones of Nanuet came before the Board. Mrs. Jones informed the Board that since Ehrhardt Road had been resurfaced and pipes installed on the shoulders last year, she has had a great deal of trouble with water in the cellar of her home. She said that there was a 100 foot drain leading from her cellar to the ditch along the road and it had always worked properly until the road was repaired and the ditches closed up. Mrs. Jones stated that she had asked Mr. Klein to put in a ditch to drain her cellar but he had informed her that he could not work on private property. She said that the house is inhabitable due to the water condition. Mrs. Jones presented statement from her neighbors attesting to the water condition.

Mr. Klein said that he had inspected the cellar and he found that the floor level was lower than the drain and the water could not run off.

4/18/52

He also said that the drain was clogged with debris from the cellar, and he said that the condition was no fault of the Town but was due to a defective drain and the porous foundation of the house.

Mr. Dillon informed Mrs. Jones that the Board would inspect the condition and try to grant some relief.

Mr. Dillon presented a resolution from the Clarkstown Planning Board approving and adopting the Subdivision Controls and requesting the Town Board to approve them also.

Mr. Dillon asked if there was any one present who wished to speak on the matter before the Board acted on it.

Mr. Gustav Svahn of Valley Cottage stated that he had some acreage in the Town and he wished to sell 2 to 4 acres of inside acreage. He asked if it would be necessary to put in the roads before he could do so.

Town Attorney Edward G. Roepe informed Mr. Svahn that if the property did not have access to a public road, a Building Permit would not be issued for any construction until the necessary road was put in. He said that the roads must be put in before the property could be subdivided.

Mr. Theodore Noyes of Valley Cottage came before the Board. He said that he owned 90 acres of farm land in Valley Cottage and he wished to sell some acreage to another farmer for farming purposes. He asked if the purchaser must put in a road if he wished to build a farm house on the land.

Mr. Roepe informed him that not only the Subdivision Controls require the roads, but that the State Law expressly requires that a road be put in if the property does not have access to a public road, and a Building Permit would not be issued unless the Law was conformed with.

Mr. Dillon explained that the road is not only required under the Subdivision Regulations, but it is also required under Section 280-a of the Town Law of the State of New York

Mr. Svahn said that he did not object to Zoning or Planning but he did object to having to go to the Planning Board before he could do anything with his property.

Mr. Fibble then moved the following resolution:-

WHEREAS, the Planning Board of the Town of Clarkstown by resolution of March 28th, 1952, after public hearing regularly held on the 28th day of March 1952, adopted, subject to the approval of the Town Board pursuant to Section 272 of the Town Law, Rules and Regulations for the approval of Subdivisions in the Town of Clarkstown outside the limits of any incorporated village, and,

WHEREAS, the Rules and Regulations so adopted have been filed in the office of the Town Clerk,

4/18/52

NOW, THEREFORE, BE IT RESOLVED, that the Rules and Regulations for the approval of Subdivisions in the Town of Clarkstown outside the limits of any incorporated village, adopted by the said Planning Board, be and the same are hereby adopted.

Seconded by Mr. Schmersahl.

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

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

NOES: None.

The Town Clerk was instructed to forward a copy of the resolution to the Planning Board.

A group of residents of Denis Acres in Nanuet came before the Board and requested the installation of street lights at the intersections of Frederic Street and Old Nyack Turnpike and Judith St. and Old Nyack Turnpike.

Mr. Dillon suggested that the Pole Numbers be obtained and given to the Town Clerk who would forward the request to the Rockland Light & Power Co.

A group of residents of Lexow Ave. in Nanuet came before the Board and presented a petition for street lights and street signs. They also requested that some action be taken to correct the defective septic systems in the area and also the road drainage.

Mr. Klein informed the group that he had requested the F.H.A. to hold up all future payments to the Wolverine Construction Company until the road drainage condition is corrected. He also said that the street sign would be replaced.

Mr. Dillon said that he expected a report from the State Department of Health in regard to the septic tank situation. Mr. Dillon explained that it is the job of the Dept. of Health to approve the septic system, but they do not have the manpower to insure proper supervision, and it might be possible to have the Town Building Inspector inspect and approve all septic systems before they are covered.

A group of residents of Valley Cottage again came before the Board in regard to the water condition in the rear of the business area, and they requested some relief. The group also informed the Board that raw sewage is flowing into the creek which runs along Kings Highway.

Mr. Dillon said that the Board would make an inspection of the area in the hope that the Town could do something to correct it.

The Town Clerk was instructed to notify the Health Officer of the sewage condition and instruct her to conduct Dye Tests to determine which of the houses the sewage is coming from.

An application for a change of zoning in Nanuet of property owned by John and Robert Maier was presented to the Board. The change was requested

4/18/52

from "Residence B" and "Business A" to "Business B".

Mr. Fibble moved the following resolution:-

WHEREAS, JOHN MAIER AND ROBERT J. MAIER have petitioned the Town Board of 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 "Residence B" and "Business A" to "Business B",

BE IT RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be had at the office of the Town Clerk, Main Street, New City, New York, on the 9th day of May, 1952, 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 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. Schmersahl.

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

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

NOES: None.

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

- |                    |                   |
|--------------------|-------------------|
| Supervisor         | Welfare Officer   |
| Town Clerk         | Receiver of Taxes |
| Building Inspector | Police Department |

Mr. Schmersahl moved that the reports be accepted.

Seconded by Mr. Fibble.

Carried.

Mr. Dillon read a letter from the State Traffic Commission informing the Board of a parking restriction on Main Street, New City, at the intersection of Congers Road. The restriction was imposed on the east side of Main Street from the corner of Congers Road south for a distance of 50 feet. The letter explained that parking on Main Street at this intersection interfered with the vision of drivers coming out of Congers Road and for this reason the restriction was imposed on a 2 1/2 hour basis and the necessary signs would be erected.

Mr. Dillon informed the Board that it was necessary for the Town Zoning Map to be brought up to date and he requested the adoption of a resolution to the County Planning Board for this purpose.

Mr. Fibble moved the following resolution:-

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

Seconded by Mr. Schmersahl.

AFA 213

4/18/52

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

AYES: Meesrs. Schmersahl, Fibble, Burleigh, Dillon.

NOES: None.

Mr. Dillon also requested a resolution to the County Engineer to place all new streets and roads on the Town Road Map.

Mr. Burleigh moved the following resolution:-

RESOLVED, that the Town Clerk of the Town of Clarkstown request the County Engineer to place all new streets and roads on the Town Road Map.

Seconded by Mr. Fibble.

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

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

NOES: None.

Mr. Dillon presented a copy of a resolution adopted by the Zoning Board of Appeals granting a Variance to Paul Bailey for property in West Nyack.

Councilman Richard Burleigh informed the Board that for the last few months he has been gathering information and figures in regard to a Tax Map for the Town. Mr. Burleigh said that in his opinion, there was a definite need in the Town for a Tax Map and for the re-assessment of all properties. He said that the Map and re-assessment program would pick up many parcels of land which were not on the Tax Rolls and that assessments in the Town would be equalized so that each property owner would pay his fair share of the tax burden, in proportion to his holdings. Mr. Burleigh said that the project would cost in the neighborhood of \$50,000 which would be payed over a period of years. He stated, however, that a good part of the cost would be absorbed in a few years by increased revenue through equalization of assessments.

Mr. Dillon stated that he had always been in favor of a Tax Map for the Town and that it should be seriously considered.

Councilman Fibble stated that he was definitely against the expenditure of such a large sum at this time. He said that the tax load on the average tax payer in the Town is heavy enough and he could <sup>not</sup> see his way clear to burden them with such an expense.

Mr. Burleigh moved the following resolution:-

RESOLVED, that Town Attorney Edward G. Roepe be instructed to prepare invitations for bids covering the preparation of a Tax Map and the Re-assessment of all properties within the unincorporated areas of the Town.

Seconded by Mr. Schmersahl.

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

AYES: Messrs. Schmersahl, Burleigh, Dillon.

NOES: Fibble.

Mr. Fibble informed the Board that many drivers have been traveling at

4/18/52

excessive speeds on Route 9W, especially between the Blue Urn Milk Bar and the Lakeland Hotel in Rockland Lake. He asked that the Board petition the State Traffic Commission to establish a 30 Mile speed zone between these points.

Mr. Fibble moved the following resolution:-

RESOLVED, that the Town Board of the Town of Clarkstown request the State Traffic Commission to establish a 30 Mile speed zone on Route 9W in Rockland Lake between the Blue Urn Milk Bar and the Lakeland Hotel, and,

FURTHER RESOLVED, that the Town Clerk be instructed to forward a copy of this resolution to the State Traffic Commission.

Seconded by Mr. Schmersahl.

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

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

NOES: None.

Mr. Fibble requested the installation of a street light on Pole #304 on Old Haverstraw Road in Congers.

Mr. Fibble moved the following resolution:-

RESOLVED, that a street light be installed on Pole #304 on Old Haverstraw Road in Congers, and,

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

Seconded by Mr. Burleigh.

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

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

NOES: None.

A resident of Nanuet came before the Board and complained of the parking of cars alongside the Bowling Alley on Route 59 just west of the Traffic signal. It was suggested that parking be restricted for a distance of 100 feet on the south side of Route 59 west of the traffic light.

Mr. Burleigh moved the following resolution:-

WHEREAS, many cars are parked on the south side of Route 59 at its intersection with Route 304 restricting the vision of drivers approaching the traffic signal from the west and also blocking traffic for drivers making a right turn off Route 59 into Route 304,

THEREFORE, BE IT RESOLVED, that parking be restricted on the south side of Route 59 alongside the Bowling Alley for a distance of 100 feet west of the traffic signal, and,

FURTHER RESOLVED, that the Town Clerk be instructed to forward a copy of this resolution to the State Traffic Commission.

4/18/52

Seconded by Mr. Schmersahl.

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

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

NOES: None.

Mr. Roepe informed the Board that he had drawn up resolutions on Hughes St. and Strawberry Hill Lane directing the Assessors to apportion the cost of the improvements on the property along both streets.

Mr. Fibble moved the following resolution:-

WHEREAS, pursuant to Section 200 of the Town Law, Hughes Street at Congers in said Town was improved by paving said street, and,

WHEREAS, the Town Board of said Town has filed a statement in detail showing the actual and complete cost thereof,

NOW THEREFORE, BE IT RESOLVED, that the property especially benefited by the improvement is as follows:-

the property fronting on both sides of Hughes Street from the intersection of West View Ave. and Hughes Street to the end of said Hughes Street and the southerly line of lands now or formerly of Congers Park Realty Co.,

and it is,

FURTHER RESOLVED that the Assessors of the Town of Clarkstown be and they hereby are directed to apportion so much of the cost thereof upon the several lots and parcels of land so deemed benefited as shall be in just proportion to the amount of benefit which the improvement shall have conferred upon the same.

Seconded by Mr. Schmersahl.

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

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

NOES: None.

Mr. Burleigh moved the following resolution:-

WHEREAS, pursuant to Section 200 of the Town Law, Strawberry Hill Lane at West Nyack in said Town was improved by paving said street, and,

WHEREAS, the Town Board of said Town has filed a statement in detail showing the actual and complete cost thereof,

NOW THEREFORE BE IT RESOLVED, that the property especially benefited by the improvement is as follows:-

the property fronting on both sides of Strawberry Hill Lane from North Greenbush Road to premises of the Estate of Calvin T. Allison, deceased,

and it is,

FURTHER RESOLVED, that the Assessors of the Town of Clarkstown be and here by are directed to apportion so much of the cost thereof upon the several lots and parcels of land so deemed benefited as shall be in just proportion to the amount of benefit which the improvement shall have conferred upon the same.

4/18/52

Seconded by Mr. Schmersahl.

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

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

NOES: None.

Mr. Burleigh moved the following resolution:-

RESOLVED, that the fee of E. Alfred Festa for legal services rendered in connection with the improvement of Hughes Street at Comgers, New York, be fixed at \$50.00, and,

FURTHER RESOLVED, that Supervisor Irvin F. Dillon be authorized to pay to E. Alfred Festa the sum of \$50.00 for legal services.

Seconded by Mr. Bibble.

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

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

NOES: None.

Mr. Burleigh moved the following resolution:-

RESOLVED, that the fee of Nelson W. Hall for engineering services rendered in connection with the improvement of Strawberry Hill Lane be fixed at \$250.00, and,

FURTHER RESOLVED, that Supervisor Irvin F. Dillon be authorized to pay to Nelson W. Hall the sum of \$250.00 for engineering services.

Seconded by Mr. Schmersahl.

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

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

NOES: None.

Mr. Roepe informed the Board that he had also drawn up the papers in regard to the creation of a Water Supply District in West Nyack.

Mr. Burleigh moved the following resolution:-

-----*		
In the matter of	:	ORDER OF THE BOARD FOR
The petition for the establishment of	:	MEETING TO CONSIDER THE
a water supply district at West Nyack	:	PETITION FOR ESTABLISH-
in the Town of Clarkstown, Rockland	:	MENT OF A WATER SUPPLY
County, New York	:	DISTRICT
-----		

WHEREAS, a written petition, in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland County, New York, for the establishment of a water supply district at West Nyack in the saidTown, to be bounded and described as follows :-

AFA213

4/18/52

BEGINNING at a point in the center line of New York State Highway, Route 59, at West Nyack, New York, which point is the center of the overpass running over the West Shore Railroad and which point is directly over the center line of the West Shore Railroad right-of-way: running thence along the center line of the New York State Highway Route 59 as the same turns to a point in the center line of said road which is about 300 feet west of the westerly side of Klein Ave. and the same is extended to the center of Old Nyack Turnpike; thence turning and running in a northerly direction on a course parallel with the center line of Benson Ave. through the property of Emil Klein, Jr. a distance of 1045 feet to a point in said property; thence turning and running at right angles and running still through property of Emil Klein, Jr., in an easterly direction 650 feet to a point in the center of the Hackensack Creek which point is also in line with an extension northerly of said center line of Benson Ave.; thence running in a southeasterly direction through the center line of the Hackensack Creek as the same winds and turns to a point in the middle of the Hackensack Creek which is also in the center line of the said West Shore Railroad right-of-way; thence running in a southerly direction along the center line of said West Shore Railroad right-of-way to a point in the middle of Route, at the place of beginning.

WHEREAS, the improvements proposed consist of the establishment of a water supply district and the installation of mains and hydrants to serve the said proposed district, and,

WHEREAS, the maximum amount proposed to be expended for the improvement as stated in the said petition is the sum of \$917.91, and the maximum amount to be expended for the performance or supplying of services annually as stated in the said petition is the sum of \$135.00, it is hereby,

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown shall be held at the Town Clerk's Office at Main Street, New City, New York, on the 13th day of June, 1952, at 9:00 o'clock in the afternoon of that day, Eastern Daylight Saving Time, to consider the said petition and to hear all persons interested in the subject thereof, concerning the same, and for such other action on the part of said Town Board with relation to the said petition as may be required by law or proper in the premises. Seconded by Mr. Fibble.

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

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

NOES: None.

Mr. Burleigh moved the following resolution:-

WHEREAS, the Town Board has made an order to consider the Petition for the establishment of a water supply district at West Nyack in said Town at a meeting to be held at the Town Clerk's Office at Main Street, New City, New York, on the 13th day of June, 1952, at 9:00 o'clock in the afternoon of that day Eastern Daylight Saving Time;

NOW THEREFORE, BE IT RESOLVED, that the said petition be and the same is hereby referred to the Board of Assessors of the Town of Clarkstown to examine with the aid of the Petitioners, or their Attorney, and to report at, or prior to, such public hearing whether the Petition is signed by the

4/18/52

owners of taxable real property situate in the proposed district owning in the aggregate at least one-half of the assessed valuation of all the taxable real property of the proposed district as shown upon the latest completed assessment roll of said Town, and also that the said Petition includes the signatures of resident owners of taxable real property situate in the proposed district owning in the aggregate at least one-half of the assessed valuation of all the taxable real property of the proposed district owned by resident owners as shown upon the latest completed assessment roll of said Town, and,

FURTHER RESOLVED, that such report shall be certified to the Town Board by the said Board of Assessors.

Seconded by Mr. Fibble.

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

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

NOES: None.

Chief of Police Ernest Wiebecke informed the Board that a sign or a traffic signal should be installed at the intersection of West Broadway and Waldron Ave. at Central Nyack. He stated that many drivers coming home from work pass through this intersection at excessive speeds and he recommended that a red blinker light be erected.

The Board instructed Chief Wiebecke to obtain prices for a blinker light and present them at the next meeting.

Mr. Roepe informed the Board that under Section 209 of the Education Law the Town could appropriate funds for libraries within the Town.

The Town Clerk informed the Board that \$500 had been included in the 1952 Budget for this purpose.

Mr. Schmersahl moved the following resolution:-

RESOLVED, that the Town Board of Clarkstown does hereby appropriate the sum of \$250.00 to be paid to the New City Free Library pursuant to Sec. 209 of the Education Law of the State of New York, and,

FURTHER RESOLVED, that Supervisor Irvin F. Dillon be authorized to make the necessary payment to the New City Free Library in accordance with this resolution.

Seconded by Mr. Fibble.

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

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

NOES: None.

Mr. Dillon sated that he had received a request for the installation of a street light on Pole #5 on Palmer Ave. at Nanuet.

4/18/52

Mr. Schmersahl moved the following resolution:-

RESOLVED, that a street light be installed; on Pole #5 on Palmer Ave. at Nanuet, and,

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

Seconded by Mr. Fibble.

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

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

NOES: None.

Mr. Dillon informed the Board that a number of complaints had been received regarding the poor condition of the railroad crossing on Main Street, Nanuet.

The Town Clerk was instructed to write to the District Supt. of the Dept. of Public Works at Nyack and request that the crossing be repaired.

Mr. Dillon read a letter from Attorneys Trachtenberg and Silberman requesting that speed restriction signs be erected in the Oakbrook section of Nanuet.

Mr. Dillon said that he would contact the Attorneys and inform them that an area speed restriction was in effect in the Town which included the Oakbrook area.

Mr. & Mrs. J. Bickmore of Chestnut Grove came before the Board and stated that they were interested in purchasing the Sharman property if the price was reasonable.

Mr. Dillon explained that the Town's interest in the property consists of a second mortgage of \$2,800. He said that there is a first mortgage of \$600 which is held by Lyle Bardon of Nanuet. He explained that the purchaser would have to satisfy the first mortgage and foreclose the second mortgage in order to gain clear title to the property. He suggested that a bid be presented and the Board would consider it.

Mr. Dillon read a letter from the State Dept. of Health informing the Board that a meeting would be held at the Zoning Office of the Town of Orangetown with the Building Inspectors of the Towns of Ramapo, Clarkstown and Orangetown to discuss rural sanitation matters, particularly the disposal of sewage by subsurface methods.

Bills Nos. 334 to 426 on Warrant #4 in the amount of \$7,305.88 were audited by the Board and ordered paid.

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

Seconded by Mr. Schmersahl.

Carried.

Meeting adjourned.

*August W. Hansen*  
Town Clerk of Clarkstown