

PUBLIC HEARING

August 8, 1952

Town Clerk's Office

8:30 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 Jack Kirsch for a change of zoning of his property at West Nyack from "Residence A" to "Business B".

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

Mr. Jerome Trachtenberg, Attorney for the Petitioner, came before the Board. He said that the property was located in the triangle between Route 59, Route 303, and the bypass road. Mr. Trachtenberg said that the property was bounded on the west by a business zone and there were many other businesses in the area.

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

Mr. Welchman moved that the hearing be closed.

Seconded by Mr. Schmersahl.

Carried.

Hearing closed.

August W. Hansen
Town Clerk of Clarkstown

PUBLIC HEARING

August 8, 1952

Town Clerk's Office

9:15 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 hear any objections or amendments to the Special Assessment Roll for the improvement of Hughes Street at Congers.

Mr. Dillon said that the Board would listen first to those in favor of approving and adopting the Roll and then to those in opposition.

No one appeared before the Board to speak for or against the Assessment Roll.

Mr. Welchman moved that the hearing be closed.

Seconded by Mr. Fibble.

Carried.

Hearing closed.

August W. Hansen
Town Clerk of Clarkstown

PUBLIC HEARING

August 8, 1952

Town Clerk's Office

9:30 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 hear any objections or amendments to the Special Assessment Roll for the improvement of Strawberry Hill Lane at West Nyack.

Mr. Dillon said that the Board would listen first to those in favor of approving and adopting the Assessment Roll and then to those in opposition.

No one appeared before the Board to speak for or against the Roll.

Mr. Burleigh moved that the hearing be closed.

Seconded by Mr. Schmersahl.

Carried.

Hearing closed.

August H. Hansen
Town Clerk of Clarkstown

AFA213

TOWN BOARD MEETING

August 8, 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. Burleigh.

Carried.

Mr. Irving Simons of Spring Valley came before the Board. Mr. Simons informed the Board that a ditch on West Clarkstown Road near his home had been excavated in such a way as to cause surface water to collect without running off. He said that he had cleaned the ditch out more than once and he requested that the Highway Department be instructed to repair it. He also said that a catch basin on West Clarkstown Road near DeBoyace's home had caved in and was retarding the flow of water.

The Town Clerk was instructed to refer the complaints to the Supt. of Highways.

Mr. Carl Swenson of New City came before the Board and said that he was interested in purchasing the Sharman property on which the Town holds a second mortgage.

Mr. Dillon explained that the Town holds a second mortgage which may be assigned to Mr. Swenson if his bid is accepted by the Board. However, he said that Mr. Swenson would have to foreclose and satisfy the first mortgage in order to gain ownership.

Mr. Swenson said that he would submit a bid to the Board at a later date.

Mr. Donald Partridge came before the Board and asked if a decision had been reached on the zoning application of John and Robert Maier of Nanuet. Mr. Partridge said that the property was at least 1000 feet south of the Thruway and he did not see how the change could affect the Thruway in any way.

After holding a lengthy discussion on the matter, 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 18th day of April, 1952, provided for a public hearing on the 9th day of May, 1952, at the office of the Town Clerk, Main Street, New City

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New York, at 8:30 P.M., (Eastern Daylight Saving Time), to consider the application of John and Robert Maier to amend the Building Zone Ordinance for the said Town by redistricting property of the said petitioners from "Res. B" and "Business A" to "Business B", and

WHEREAS, notice of the 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 Nanuet in said Town from "Residence B" and "Business A" to Business B",

BEGINNING, at a point designated by a Monument in the north side of Route 59, said point being the southeast corner of lands, now or formerly or Farr, and being opposite a point in the center of Route 59, which said point is distant 242.0 feet on a course North 70 degrees 21' West from the point of intersection of the center line of Route 59 with the center line of Route 304, and running thence, (1) North 3 degrees 06' East 182 feet to an iron pin; thence (2) North 65 degrees 45' West 127.0 feet to an iron pin; thence (3) North 3 degrees 42' East 570 feet to an iron pin; thence (4) South 84 degrees 43' East 455.9 feet to the point of intersection of the center line of Route 304 with the center line of Demarest Mill Road; thence (5) along the center of Route 304 South 0 degrees 42' West 379 feet; thence (6) still along the center of Route 304 South 16 degrees 22' West 262.5 feet to Business B zone; thence (7) 21 feet to the west side of Route 304, and continuing along the north line of Business B zone on a course of North 70 degrees 21' West 200 feet; thence (8) along the west line of Business B zone, on a course 16 degrees 22' West 62 feet; thence (9) South 24 degrees 55' West 138 feet to the north side of Route 59; thence along the north side of Route 59 on a course North 70 degrees 21' West a distance of 25 feet to the point or place of beginning.

Seconded by Mr. Schmersahl.

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

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

NOES: None.

Mr. John Burns came before the Board as the representative of a group of taxpayers of the Clarkstown-Spring Valley area. Mr. Burns stated that the people were opposed to the tactics of the Village of Spring Valley in annexing the area in Clarkstown where they reside. He said that they do not wish to be forced into the Village just because they happen to live in the area between the boarding houses and the Sewage Plant. Mr. Burns went on to say that the people who were opposed to the annexation had not even been informed of the proceedings and they did not wish to become a part of the Greater Spring Valley area. He asked that the Board take some action on the matter to protect the interests of the taxpayers.

Mr. Dillon explained to the group that it would be up to them to go out and work against the petition which the Village is circulating. He said that the Town Board can do nothing until the petition is presented to them by the Village for approval. He said that a majority of the taxpayers in the area must vote in favor of annexation in order for the area to be taken into the Village.

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Town Attorney Edward G. Roepe said that when the petition is presented to the Town Board, a majority vote of the Board would be necessary to approve the petition.

Mr. Dillon also read a letter of protest from Carl Schultz who was not able to attend the meeting.

Catherine Buckley said that Mayor Milewski had made the statement that Supervisor Dillon had indicated his approval of the annexation.

Supervisor Dillon stated that he had never indicated his approval of the annexation and he also said that he had received a personal denial from the Mayor.

The Board then held a public hearing on the application of Jack Kirsch for a change of zoning of his property at West Nyack from "Residence A" to "Business B".

After hearing all persons interested in the application, the Board 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 July, 1952, provided for a public hearing on the 8th day of August, 1952, 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 Jack Kirsch to amend the Building Zone Ordinance for the said Town by redistricting property of the said Petitioner, from "Residence A" to "Business 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 West Nyack insaid Town from "Residence A" to "Business B",

BEGINNING at a point in the west right of way line of New York State Highway Route 303 which point is designated by an iron pipe and is the northeast corner of the premises herein described; running thence along the said west right of way line of said New York State Highway Route 303, South 15 degrees 36' West, 294.77 feet to an iron pipe; running still along the said right of way line, South 38 degrees 17' West, 135.19 feet to an iron pipe which iron pipe is on the north right of way line of New York State Highway Route 59 and which iron pipe is the southeast corner of the premises herein described; thence running along the said right of way line of New York State Highway Route 59, North 70 degrees 57' West, 164.54 feet to an iron pipe; thence running along the easterly line of property now or formerly of I.B. Hodges, North 22 degrees 56 feet West, 248.42 feet to an old stake; thence turning and running along the northerly line of property now or formerly of I.B. Hodges North 67 degrees 4' West, 101.12 feet to an iron pipe; thence North 47 degrees 5' East, 99.28 feet to a monument; thence South 82 degrees 58' East, 157.82 feet to an iron pipe; thence South 82 degrees 11' East, 55 feet to the point or place of beginning.

Seconded by Mr. Schmersahl.

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

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

NOES: None.

Mr. Jerome Trachtenberg, Attorney for Mr. Kirsch, also brought up the matter of poor driving conditions on Snake Hill Road at West Nyack. He said that the traffic load has increased on this road during the past three years and this increase, combined with the treacherous turns and curves on the road had created very dangerous driving conditions. Mr. Trachtenberg asked the Board to seriously consider widening the turns and erecting signs at strategic locations.

The Town Clerk was instructed to refer the matter to the Town Supt. of Highways.

The Board then held a public hearing to consider any objections or amendments to the Special Assessment Roll for the improvement of Hughes Street at Congers.

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

Mr. Welchman moved the following resolution:-

WHEREAS, an assessment roll has been caused to be prepared by this Town Board for and in connection with a certain improvement consisting of the paving of Hughes Street at Congers, at said Town, from the intersection of West View Ave. to the end of said Hughes Street at the southerly line of lands now or formerly of Congers Park Realty Company; which said roll was completed and filed in the office of the Town Clerk, of said Town, on or about the 9th day of May, 1952, and,

WHEREAS, due notice of the completion of said assessment roll and of the time and place when and where this Board would meet to hear and consider any objections that might be made to said roll and for the purpose of reviewing correcting and amending same, was duly given by the Town Clerk by the publication of due notice thereof in the JOURNAL NEWS, a newspaper published at Nyack, in the County of Rockland, and the Town Board duly met at the time and place specified, and a hearing was duly had upon said assessment roll, now therefore, be it

RESOLVED, that said assessment roll be and it hereby is approved, affirmed and adopted by the Town Board, as originally proposed and filed; and it is,

RESOLVED, that the Town Clerk be instructed to annex to said assessment roll a warrant which shall be signed by the Supervisor and countersigned by the Town Clerk, commanding the Receiver of Taxes and Assessments to collect from the several persons named in said assessment roll, the sum or sums opposite their respective names, and to pay the same to the Supervisor of the Town.

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Seconded by Mr. Fibble.

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

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

NOES: None.

The Board also held a public hearing on the Special Assessment Roll for the improvement of Strawberry Hill Lane at West Nyack.

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

Mr. Burleigh moved the following resolution:-

WHEREAS, an assessment roll has been caused to be prepared by this Town Board for and in connection with a certain improvement consisting of the paving of a portion of Strawberry Hill Lane at West Nyack, in said Town, from North Greenbush Road to premises of the Estate of Calvin Allison, deceased, which roll was completed and filed in the office of the Town Clerk, of said Town, on or about May 9th, 1952, and,

WHEREAS, due notice of the completion of said assessment roll and of the time and place when and where this Board would meet to hear and consider any objections that might be made to said roll and for the purpose of reviewing, correcting and amending same, was duly given by the Town Clerk by the publication of due notice thereof in the JOURNAL NEWS, a newspaper published at Nyack, in the County of Rockland, and the Town Board duly met at the time and place specified, and a hearing was duly held upon said assessment roll, now therefore, be it,

RESOLVED, that said assessment roll be and it hereby is approved, affirmed and adopted by the Town Board, as originally proposed and filed; and it is further,

RESOLVED, that the Town Clerk be instructed to annex to said assessment roll a warrant which shall be signed by the Supervisor and countersigned by the Town Clerk, commanding the Receiver of Taxes and Assessments to collect from the several persons named in said assessment roll, the sum or sums opposite their respective names, and to pay the same to the Supervisor of the Town.

Seconded by Mr. Schmersahl.

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

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

NOES: None.

Mr. Dillon read a letter from the State Traffic Commission announcing the restriction of parking on the south side of Route 59 at Nanuet. The restriction was imposed for a distance of 130 feet along side of the Bowling Alley west of the traffic signal.

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Mr. Welchman brought up the matter of a traffic signal for the intersection of Route 9W and Lake Road at Congers. He said that only recently another accident had occurred involving three cars and a number of injuries had resulted.

The Board discussed the matter and decided that the only possible action that they could take would be to renew their long standing request to the State Traffic Commission for a traffic light.

The Town Clerk was instructed to write to the Traffic Commission and request the installation of a light at the intersection.

Mr. John M. Jeffrey, Building Inspector for the Town, came before the Board to discuss the State Building Code. Mr. Jeffrey said that if the Code was adopted by the Town it would slow up the issuance of Permits since applicants would have to file plans and have them approved before a Permit would be issued. He said, however, that the code was not restrictive since it was composed of construction requirements which were fairly standard in the building industry.

Mr. Welchman said that he still felt that the Code should have some requirement as to the size of homes.

Mr. Burleigh said that the area control problem would have to be in the form of an amendment to the Zoning Ordinance and could not be a part of the Building Code since the Code was merely protection against faulty construction.

Mr. Dillon said that if the Code were adopted, the Building Inspector's duties would be multiplied since he has already undertaken the enforcement of the Multiple Dwelling Law and would also be the inspecting and enforcement officer under the proposed sanitary system ordinance. He said that Mr. Jeffrey would need additional help in order to carry out his duties.

Mr. Roepe informed the Board that area restrictions could not be included in the Building Code. He also said that at the next meeting he would bring in a draft of the State suggested resolution for adopting the Building Code.

Mr. Roepe informed the Board that he had met with the Planning Board and he had instructed them that it was their duty to determine the amount and type of Surety necessary for Bonds in regard to Sub-divisions and it was the duty of the Town Board to approve the sufficiency of the instruments.

Mr. Dillon read a letter from the Central Nyack Fire Commissioners requesting the Town Board's support in their opposition to the deadending of Mountain View Ave. by the Thruway.

Mr. Dillon read a letter from James Bixby, District Engineer for the State Department of Public Works, in which Mr. Bixby stated that he was recommending to the Thruway Authority that an overpass be constructed to prevent the dead ending of Mountain View Ave.

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Mr. Dillon read a letter from George Mittleman requesting that Town roads be white lined, especially those in the more remote and unlighted sections of the Town. Mr. Mittleman also requested that the Board investigate the possibility of widening the turns on Snake Hill Road at West Nyack.

The Town Clerk was instructed to refer Mr. Mittleman's letter to Supt. of Highways Emil Klein.

Mr. Dillon informed the Board that he had received a letter from Carl Barker of Shanks Village requesting appointment to the Clarkstown Police Dept.

Chief Wiebecke said that he had also received a copy of the letter, but at the present time there were no vacancies on the Department.

Mr. Dillon read a letter from the County Board of Elections informing the Board that any requests for repairs to Voting Machines would have to be made to the Automatic Voting Machine Company before August 12, 1952.

Mr. Dillon presented a petition from the residents of South Pascack Road at Spring Valley requesting the Board to support them in having the Rockland Gas Company's mains extended along South Pascack Road.

Mr. Schmersahl moved the following resolution:-

RESOLVED, that the Rockland Gas Company, Inc., be, and hereby is, requested by the Town Board of the Town of Clarkstown to give serious consideration to the petition of the residents of South Pascack Road, Spring Valley, to extend their gas mains along South Pascack Road.

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 presented the monthly reports of the following Town Officers:-

Supervisor	Police Dept.
Town Clerk	Welfare Officer
Building Inspector	

Mr. Schmersahl moved that the reports be accepted.

Seconded by Mr. Fibble.

Carried.

Supt. of Highways Emil Klein came before the Board and reported that some progress is being made regarding the drainage condition on Palisade Ave. at Nanuet.

Mr. Klein also requested permission to advertise for bids for a Front End Loader at a maximum cost of \$7,500.

Mr. Schmersahl moved the following resolution:-

RESOLVED, that Emil Klein, Supt. of Highways, be authorized to advertise for bids for a new Front End Hydraulic Loader at a maximum cost of \$7,500.

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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 Fred Gaglione of West Nyack requesting "No Parking" signs in front of his property because of people who have been parking their cars on the sidewalk in front of his home for long periods of time.

Chief Wiebecke was instructed to investigate the matter.

The application of Joseph Bliss for a Street Opening Permit pursuant to Section 149 of the Highway Law was approved and signed by the Board.

Mr. Dillon read letters from Assemblyman Robert Walmsley and Attorney General Nathaniel Goldstein in regard to the sewage conditions on Lexow Ave. at Nanuet. The letters stated that an investigation would be made of the condition and the Board would be notified of any further action.

Mr. Dillon requested a resolution to transfer \$180.00 from Current Surplus to the Printing and Advertising Account.

Mr. Schmersahl moved the following resolution:-

RESOLVED, that Supervisor Irvin F. Dillon be authorized to transfer the sum of \$180.00 from Current Surplus to the Printing and Advertising Account.

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 informed the Board that he had received a number of inquiries regarding the changing of zoning along Route 303 between Valley Cottage and Congers from its present zone to business. He asked the Board members to study the matter very carefully with the possibility of taking some definite action at a later date.

Mr. Burleigh presented a proposed ordinance dealing with sanitary systems and requested that definite action be initiated as soon as possible.

The matter was referred to the Town Attorney.

Bills Nos. 690 to 788 on Warrant #8 in the amount of \$17,849.33 were audited by the Board and ordered paid.

A request was received from the New City Fire Engine Co. to move the street light on Pole #401 to Pole #402.

Mr. Burleigh moved that the request be granted.

Seconded by Mr. Schmersahl.

Carried.

The Town Clerk was instructed to notify the Rockland Light & Power Company of the change.

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

Seconded by Mr. Burleigh.

Carried.

Meeting adjourned.

August W. Hansen

Town Clerk of Clarkstown