

TOWN BOARD MEETING

September 5, 1952

Town Clerk's Office

8:00 P.M.

Present: Mr. Fibble

Mr. Welchman

Mr. Burleigh

Mr. Dillon

Absent: Mr. Schmersahl

Mr. Dillon called the meeting to order.

Mr. Dillon presented a number of sealed bids for the Tax Map and Re-valuation project.

Mr. Burleigh moved that bids be closed.

Seconded by Mr. Welchman.

Carried.

The following bids were opened and presented for the Board's consideration:-

George Schumacher, Stony Point, NY	\$71,460.00
George B. Horan Co., Conn.	62,500.00
New England Survey Co., Mass.	44,347.00
Doane Appraisals, Iowa	51,900.00
J. L. Jacobs & Co., Illinois	37,800.00
J. M. Cleminshaw Co., Illinois	68,750.00
Wood Dolson Co., New York, NY	73,800.00

Mr. Burleigh moved that a further study of the bids be made at an executive session before coming to a decision.

Seconded by Mr. Welchman.

Carried.

Mr. Daniel Wakly of Congers came before the Board as spokesman for a large delegation of taxpayers who were present at the meeting. He said that the majority of the people were not familiar with the subject of Tax Maps and property re-valuation and he asked the Board to hold meetings throughout the Town so that the matter could be discussed and the average taxpayer could be given an idea as to what the entire project amounted to. He said that the people were not present to offer objections but were only seeking information.

Mr. Stephen Danko of Congers also requested the Board to hold meetings so that the taxpayer could be informed.

Town Attorney explained to those present that the Town Board was not legally required to hold public hearings on such a matter.

After conferring with the Board, Mr. Dillon stated that meetings would be held in all localities and advance notice would be given in each instance.

Frederick Marx of Wood Dolson Company came before the Board and said that it might be advisable to have representatives of the bidding firms present at the meetings since the Board would be unable to answer technical questions.

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Mr. Dillon said that he did not feel it would be necessary to have any one present from the bidding firms since the purpose of the meetings was to inform the taxpayers of what was going to be done and how it would be done, and he did not expect the Board to become involved in any technical discussion.

The Board decided to hold the first meeting at the Congers High School on September 25, at 8:00 P.M.

Mrs. A. Bates of New City came before the Board. Mrs. Bates informed the Board that she and her husband had purchased 12 acres of land at New City a few years ago and now they wished to dispose of it. She said that for the last two years, their property had been tied up by the proposed reservoir and now that the Spring Valley Water Company's petition had been granted, the Board of Supervisors had instituted a court action to have the decision set aside. She asked how long the court action would take and if the Board of Supervisors had considered the people who were in favor of the reservoir.

Mr. Dillon informed Mrs. Bates that the Board of Supervisors had objected to the reservoir because they felt it was against the best interests of the people of the Town and County. He said that the natural water belonged to the people of the County and should be developed by them for their own use. He suggested that she attend the next meeting of the Board of Supervisors and they would be happy to give her any information they could.

Mr. I. J. Nacheman of Nanuet came before the Board. Mr. Nacheman said that he was building a home on Nelson Place at Nanuet and he asked if the Town would take over the road if the residents of the street put the road base in accordance to specifications. He said that the road had been in existence for many years and the Town would only be required to surface the road if it was taken over.

Superintendent of Highways Emil Klein came before the Board and said that the road would have to be completely finished before he could report favorably to the Board on accepting it.

Mr. Dillon informed Mr. Nacheman that the Town Board had adopted a rule of accepting no road unless it met specifications and that to grant an exception in this case would only leave the way open for others to come in with the same request. He said that an improvement district could be set up to pave the road and the property owners would be assessed for the cost.

Mr. Stephen G. Doig, Jr. came before the Board and presented a petition for the establishment of a Water Supply District for New City, New City Park, Germonds, Bardonia, and parts of Nanuet and West Nyack.

The petition was referred to the Assessors to check the signatures and then to the Town Attorney to check the legal sufficiency.

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Mr. Nicholas Hlipola of Nanuet came before the Board. Mr. Hlipola said that four months ago he had referred a matter regarding several violations of the Zoning Ordinance to the Building Inspector. He said that the violation had been incurred by Morris Denis on the property adjoining his. In one instance he said a building had been placed within 11 feet of the property line instead of the required 15 feet with the result that the Building Inspector would not issue a Permit to him to build a garage on that side of his property. He said that several shacks had also been built without Permits and his understanding of the Ordinance was that a violator was subject to a fine of \$100 per day for each day that the violation was in existence. Mr. Hlipola said that he had spoken to the Building Inspector repeatedly concerning the matter but had received no cooperation at all.

The Town Clerk was instructed to write to the Building Inspector and request him to make a full report of the matter at the next meeting.

Mr. Albert Lamborn of Congers came before the Board. Mr. Lamborn said that he is quite sure that a Town owned road connecting Lake Road and Hemingway Ave. is partially on his property. Mr. Klein said that he would have the road surveyed as soon as possible to determine if it is on the Lamborn property.

Mr. Lamborn also asked if it was true that the Board was considering the adoption of the State Building Code. He asked the Board to consider the matter very carefully before acting upon it since any further building restrictions would only serve to slow construction in the Town. Mr. Lamborn requested that the Board hold a hearing before adopting the Building Code.

Mr. Dillon said that the Code was being studied by the Board but that no definite action had been taken as yet.

Mr. Lamborn also requested that the Assessors be instructed to review the assessment of the New York Trap Rock Corp. to determine if it is fair and equitable.

Mr. Dillon informed him that it was a matter for the Assessors to decide and the Town Board had no jurisdiction in the matter.

Mr. Irving Simons of Spring Valley came before the Board and renewed his complaint regarding the condition of the ditch on the west side of West Clarkstown Road near his home.

Mr. Klein informed the Board that he had inspected the ditch on the Monday before the meeting during a heavy rain and he had found very little water in it. He said that the culvert which normally carried off the water was plugged up and Mr. Simons had suggested that the water be run off in the ditch around the curve of the road rather than open up the culvert and allow it to run across his property.

Mr. Simons insisted that even though he had cleaned the ditch out last winter water still collected in it and flowed across his property. He also said that there

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is a great deal of grass growing over the sides of the road and it should be cut.

Mr. Klein said that the grass would be sprayed and then cut.

Mr. Dillon said that the Board would make an inspection of the ditch in order to familiarize themselves with the condition.

Mrs. B. Sherman of Spring Valley came before the Board and presented a petition bearing the signatures of property owners along Second Ave. in protest to the annexation proposed by the Village of Spring Valley. Mrs. Sherman asked if the Board could give any assurance that the annexation would be opposed by the Town.

Town Attorney Edward G. Roepe explained to Mrs. Sherman that the matter is governed entirely by Village Law and until the petition is presented to the Town Board by the Village there is no action that can be taken. He warned the people against relying too much on the Town Board to hold a public hearing on the matter since their only duty would be to determine if the petition was right and proper under the statute. He said that the people in opposition should try to defeat the petition before the Village Board.

Mr. Paul Richards of West Nyack came before the Board with a complaint regarding the heavy trucking on Strawtown Road from the West Nyack Trap Rock Corp. He said that the situation is a very dangerous one since school is now open and the trucks travel past the school in large numbers.

Mr. Klein informed the Board that he had contacted officials of the Trap Rock Corp. and he was told that if the Board would permit the use of Snake Hill Road for the trucks, the Trap Rock would furnish all materials to build a road from the crusher to Snake Hill Road, and would also donate all the necessary property.

Mr. Klein was requested to secure more information on the matter before a decision was made.

Mr. Dillon presented sealed bids for a Hydraulic Front End Loader for the Highway Department.

Mr. Burleigh moved that further bids be closed.

Seconded by Mr. Welchman.

Carried.

The following bids were presented to the Board:

Hubbard & Floyd-	\$7,489.00
Municipal Machinery Corp.-	7,361.00
Amrocta Co. -	7,348.00

Mr. Burleigh moved the following^{ow} resolution:-

RESOLVED, that the bid of the municipal Machinery Corp. for \$7,361.00 be accepted and the Superintendent of Highways be authorized to purchase the following described equipment:-

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One M-M Model UTIL Tractor with shuttle reverse gear providing six forward and six reverse speeds equipped with heavy cast wheels, Battery ignition, battery and battery box, 6-volt starting and lighting equipment, including 2 headlights and 1 red tail light, gasoline manifolds, high compression head, muffler, hand throttle, foot accelerator, Lambert double disc brakes on counter-shaft with independent pedal control, foot clutch, heavy Ross steering gear, heavy 56 $\frac{1}{2}$ " tread front axle, wheel guards, automatic coupler, front hitch, air cushion upholstered seat and tire equipment as follows: 18.00 x 26 10 ply "Roadbuilder Type" rear tires and 8.25 x 20 10 ply high pressure front tires, with rear weights.

MOUNTED on this unit: One Lull 4C Shovel loader with 3/4 cu. yard all purpose material bucket and ballast box.

Seconded by Mr. Fibble.

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

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

NOES: None.

The Board approved and signed the application of A. C. Goebel for a Street Opening Permit under Section 149 of the Highway Law.

The Town Clerk was instructed to forward the application to the County Engineer for his approval.

Mr. Dillon read a letter from the Rockland Gas Company informing the Board that the petition of the residents of South Pascack Road for the extension of gas mains, was under consideration.

Mr. Dillon presented the survey of the Rockland Light & Power Co. for street lights in Congers.

Mr. Fibble moved the following resolution:-

RESOLVED, that street lights be erected at Congers in the Town of Clarkstown, consisting of 600 Lumens Lamps with 4 foot brackets and #1 fixtures, on the following streets:-

ROUTE 9W- Poles 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216.

OLD LAKE ROAD- Poles 2, 4, 6, 8.

ROUTE 303- Poles 48, 46, 44 $\frac{1}{2}$, 43, 40, 38, 36, 34, 32, and 29 (corner of Scandia Road); Poles 1 and 4 (corner of Hemingway Ave.).

HEMINGWAY AVE.- Relocate light on Pole 7 to Pole 6. Install lamps on Poles 8, 10, 12, 14, and 16.

FURTHER RESOLVED, that the Rockland Light & Power Company be requested to make the necessary installations.

Seconded by Mr. Welchman,

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

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

NOES: None.

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Mr. Dillon read a letter from the State Traffic Commission advising the Board that their request for a traffic light at the intersection of Route 9W and Lake Road at Congers was being investigated.

Mr. Dillon presented a letter and formal request and map for the extension of the Area Speed Restriction on New Hempstead Road from Vanderbilt Road to the Clarkstown-Ramapo Town Line. The Traffic Commission requested that the Board adopt a resolution approving the extension and return the signed papers.

Mr. Burleigh moved the following resolution:-

RESOLVED, that the extension of the Area Speed Restriction Zone on New Hempstead Road from Vanderbilt Road to the Clarkstown-Ramapo Town Line be and hereby is approved, and,

FURTHER RESOLVED, that the approved Survey and formal request for extension of the Zone be returned to the New York State Traffic Commission.

Seconded by Mr. Welchman.

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

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

NOES: None.

The monthly reports of the following Town Officers were presented to the Board:-

Supervisor

Welfare Officer

Town Clerk

Police Department

Building Inspector

Mr. Welchman moved that the reports be accepted.

Seconded by Mr. Fibble.

Carried.

Mr. Dillon read a letter from Nelson W. Hall, Engineer for Parker Ave. Mr. Hall said in his letter that work had been almost completed except for a small amount of shoulder work which amounted to about \$300. He said that he would notify the Board when the project was fully completed according to specifications.

The Town Attorney suggested that the Town Clerk send him a letter giving the amount of the contract and all other expenses in connection with the improvement so that he could begin drawing up the necessary papers.

Mr. Dillon informed the Board that the term of Henry J. Schriver, Jr., as a member of the Planning Board, had expired and he suggested that the necessary action be taken.

Mr. Welchman moved the following resolution:-

RESOLVED, that Henry J. Schriever, Jr. be appointed as a member of the Clarkstown Planning Board for a term of Five (5) Years, beginning on July 12, 1952.

Seconded by Mr. Burleigh.

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

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

NOES: None.

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Mr. Dillon also informed the Board that James Vodak had indicated his desire to resign from the Planning Board for personal reasons.

Mr. Welchman moved that the resignation be accepted when it is submitted.
Seconded by Mr. Burleigh. Carried.

Mr. Dillon presented a letter from Norman R. Baker, Clerk for the Board of Education of the Central School District. Mr. Baker said in his letter that the Board of Education had requested last year that the Town Board discontinue the use of the Bardonia and Chestnut Grove Schools as Polling Places since the Board of Education had decided not to close the schools on election day as they have in the past. He said that as yet the Town Board had not notified the Board of Education of any changes and he requested information as to the disposition of the matter.

The Town Clerk was instructed to notify the Board of Education that the Chestnut Grove Polling Place had been moved from the school to the New City Park Club House, but that no change had been made at Bardonia since it had been difficult to find adequate facilities.

Mr. Dillon read a letter from Sol Gelb, Attorney for Shirley Schwartz of New City, requesting the Town Board to take some action regarding the illegal establishment of a Dog Kennel on the property of William A. Rogers on West Clarkstown Road.

The Town Clerk was instructed to inform Mr. Gelb that the Town had instituted an action against William Rogers and the case was pending in the Supreme Court.

Mr. Dillon presented the application of Donald Schiebel of Valley Cottage for a position on the Clarkstown Police Department.

The Town Clerk was instructed to place the application on file for future reference and advise Mr. Schiebel that there were no vacancies at the present time.

Mr. Dillon informed the Board that Thomas Rudden wished to give up his position as School Traffic Attendance Officer at the West Nyack School.

Mr. Burleigh moved the following resolution:-

RESOLVED, that Lyman Phillips be appointed as School Traffic Attendance Officer for the West Nyack School at a salary of \$2.00 per day.

Seconded by Mr. Welchman.

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

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

NOES: None.

Mr. Dillon requested the appointment of a Bookkeeper to work on the Tax Roll.

Mr. Fibble moved the following resolution:-

RESOLVED, that Supervisor Irvin F. Dillon be authorized to hire a Bookkeeper to work on the Tax Roll at a salary of \$2.00 per hour.

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Seconded by Mr. Burleigh.

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

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

NOES: None.

Mr. Roepe informed the Board that since the Board of Supervisors had started an action to have the Water Power & Control Commission's decision reviewed in regard to the proposed reservoir, it would be advisable for the Board to adopt a resolution instructing him to join in the certificate.

Mr. Welchman moved the following resolution:-

RESOLVED, that the Town of Clarkstown, one of the respondents in the matter of the application of the Spring Valley Water Works & Supply Company to the Water Power & Control Commission for permission to construct an impounding reservoir, join in the prepared certificate to review the determination of said Commission, and that the Town Attorney be instructed to take the necessary steps to effect same.

Seconded by Mr. Burleigh.

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

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

NOES: None.

Mr. Dillon informed the Board that he had received a letter and a Map from the New York Trap Rock Corp. in regard to the re-location of the Scratch-Up road. He said that the Trap Rock offered to re-locate Long Clove Road and Scratch-Up Road if the Town would Deed the old locations to the Corporation. He said that the Trap Rock also wished to have the present Industrial Zone extended to a point 100 feet north of the proposed new roads. In return for this the Trap Rock was to build the roads at their own expense and turn them over to the Town.

The Board referred the letter to the Town Attorney so that the legal aspects of the matter could be checked.

Mr. Dillon presented the application of Lillian and Joseph Silver for a change of zoning of their property at West Nyack from "Business A" to "Business B".

Mr. Welchman moved the following resolution:-

WHEREAS, Lillian and Joseph Silver 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 "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 10th day of September, 1952, at 9:00 P.M. in the evening,

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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. Fibble, Welchman, Burleigh, Dillon.

NOES: None.

The application of Ned Besso for a change of zoning of his property at West Nyack from "Residence A" to "Business B" was presented to the Board.

Mr. Welchman moved the following resolution:-

WHEREAS, Ned Besso has 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 petitioner and in said petition described from "Residence 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 10th day of October, 1952, at 9:30 P.M. in the evening, 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. Fibble, Welchman, Burleigh, Dillon.

NOES: None.

Mr. Klein requested permission to attend the convention of Highway Superintendents to be held at Rochester on September 17, 18, and 19, 1952.

Mr. Burleigh moved the following resolution:-

RESOLVED, that Emil Klein, Supt. of Highways, be authorized to attend the Highway Superintendents convention to be held at Rochester, New York, on September 17, 18, and 19, 1952, at the expense of the Town.

Seconded by Mr. Welchman.

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

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

NOES: None.

Mr. Koepe reported to the Board concerning floor area requirements which were being considered as a part of the zoning ordinance. He said that the Board could limit the height and area of buildings by amending the zoning ordinance, but that it could not be included in the Building Code.

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Mr. Roepe also presented the proposed resolution for the adoption of the State Building Code. He said that Building Codes for two and three family dwellings are being drawn up by the State and after being promulgated would automatically become a part of the present Code, and this should be taken into consideration by the Board before the Code is adopted.

The Board decided that further study would be necessary before any definite action could be taken.

Mr. Roepe informed the Board that he had drawn up the proposed Sewage Disposal System Ordinance, using the Orangetown Ordinance as an example. He said that there were two sections in the ordinance that he did not particularly care for since they dealt with specifications for installing Septic Systems and he as an Attorney was not in a position to say if the specifications were workable or not.

The Board decided to study the ordinance further ~~before~~ before bringing it up for adoption.

Mr. Welchman informed the Board that he had studied the matter of rezoning property along Route 303 between Valley Cottage and Congers. He said that property depths were sufficient on the west side of the highway so that it could be rezoned for business to the 200 foot depth, but on the east side the property depths ranged from 100 to 200 feet and it would be more difficult to rezone at a uniform depth.

The Board decided that a more thorough survey of the area would be necessary before any definite action was taken.

Bills Nos. 789 to 855 on Warrant #9 in the amount of \$11,306.30 were audited by the Board and ordered paid.

Mr. Burleigh moved the following resolution:-

WHEREAS, definite plans and specifications for the preparation of a tax map and reassessment of properties, and a proposed contract have been made, prepared and filed with the Town Clerk of the Town of Clarkstown, and have been examined by this Town Board, be it,

RESOLVED, that said plans and specifications be and each and every one of the same is hereby approved and adopted, and be it further,

RESOLVED, that this Board invite sealed proposals to be submitted to it at 8:00 o'clock in the evening, Eastern Daylight Saving Time, on the 5th day of Sept. 1952, at the office of the Town Clerk, Main Street, in said Town, for the preparation of a tax map and reassessment of properties in said Town outside the limits of any incorporated village in accordance with the aforesaid plans and specifications and under said proposed contract and that said Town Clerk be, and he is hereby directed to prepare, with the assistance of the Town Attorney proper notices, calling for special proposals in detail, and cause the same to be published once in due form of law, in the Journal News, published at Nyack, New York,

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the official newspaper of this Town, hereby specifically ratifying and confirming any and all actions done by any officers of the Town in connection with the matters embraced in this resolution.

Seconded by Mr. Welchman.

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

AYES: Messrs. Welchman, Burleigh, Dillon.

NOES: Mr. Fibble.

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

Seconded by Mr. Fibble.

Carried.

Meeting adjourned.


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