

August 21, 1953

Town Clerk's Office

8:30 P.M.

Present: Mr. Fibble

Mr. Welchman

Mr. Burleigh

Mr. Dillon

Absent: Mr. Schmersahl.

Mr. Dillon called the hearing to order, explaining that it had been called to consider the application of Albert Lamborn and Richard and Evelyn Revelli for a change of zoning of their property at Congers from "Res. B" to "Bus. B".

The Clerk read the notice of hearing.

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

Albert Lamborn, the Petitioner, came before the Board. Mr. Lamborn said that the property is located along the railroad tracks in Congers and is not suited for residence purposes. He said that if it were rezoned he would put the property to beneficial use. Mr. Lamborn also said that he had been paying taxes on the property for years without any return and the change of zoning would give him an opportunity to realize some return on his investment.

Mr. Irving Kennedy, Attorney, came before the Board in opposition. Mr. Kennedy said that he was representing Leebert Lamborn and Dr. J. Dunham Laird and his wife. Mr. Kennedy stated that the property had been rezoned to "Res. B" in 1949, when the petitioner had insisted that it was especially suited for residence purposes. He, he said, Mr. Lamborn wished to have it rezoned to business when he already has a large amount of business property in Congers. He said that if the application were granted, it would extend the "Bus. B" zone north toward the New York Trap Rock, and the Trap Rock would no doubt take advantage of the extension to reapply for a change of their own property which the Town Board has consistently refused to grant. Mr. Kennedy stated that the area in question was entirely too large and the request was based on purely selfish reasons. He said that at least 20% of the adjoining property owners were opposed and he requested a show of hands of those present who were opposed to the change. A show of hands showed the opposition to be unanimous.

E. Alfred Festa, Attorney, came before the Board representing 43 property owners who were opposed to the change. Mr. Festa also presented petitions bearing the signatures of more than 275 property owners who were opposed to the change. He said that at least three quarters of the property is fit for residential use according to a Planning Board Survey made in 1948. Mr. Festa said that the effect of the change would be very detrimental to the adjoining property owners.

Mr. Samuel Gunn, Attorney, representing Solomon and Anna Marie Caplan and Joseph Meola stated that Congers had a greater "Bus. B" than any other Hamlet in the Township, and the majority of it is owned by Mr. Lamborn. He stated that the Caplans would be directly affected by the change since their property adjoins that of Mr. Lamborn.

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Mr. Martin Lowe also protested on the grounds that the area was too great to rezone to "Bus. B". He said that the application is merely one of a series of requests for rezoning by the applicant and is much too broad.

Mr. Leebert Lamborn of Congers also opposed the application. He said that the area was much too large to rezone and if industries or business' were permitted, it would create a serious drainage problem since much of the industrial wastes would drain into the Hackensack River, or directly into the lands of the Celery Farm. He stated that he plans to develop his property which is adjacent to that of his brother, along residential lines and he does not wish to see business or industry in the immediate neighborhood.

Mr. A. G. Bowser, owner of the Celery Farm stated that if the change were granted and drainage from the Lamborn property was directed into the Celery Farm, it would make the soil toxic and completely ruin his business.

The following persons from Congers also appeared before the Board in opposition to the change:-

Mrs. Louis Neustadt	Remy DeVarrene	H. C. George
Julia Ronca	Richard Gilchrist	Matilda Laird
Elizabeth Slade	Elizabeth Bowser	Arthur Nelson
Theresa Caplan	Geo. Wissig	Doris Nelson
Joseph Meola	Frances Bowser	Mildred Davies
Anna Marie Mandl	Elsie Wissig	Myra Collins
Leebert Lamborn	Max Hecht	Robert Hart
Joseph Britton	Alex. Goodman	Anne Lowe
A. G. Bowser	Olga George	Thos. Walsh
Mrs. V.D. Manoly	Isabelle Montone	Helen Schafhauser
Lillian Quick	Herbert Quick	James Caristi
Veronica Walsh	Robert Arnold	Fred Dick
Fae Hecht	Solomon Caplan	Hedwig Hiebert
Andre DeVarenne	Dorothy Montone	Vincent Montone
Frances Hague	Helen Del Rosario	Herbert Slade
F. Malcolm Hague	Frank Montone	J. R. Dunham Laird
Anthony Vecchio	Edw. Schafhauser	Martin Lowe
A. R. Oldrey	Anne Vecchio	Mr. & Mrs. Paul Wukowitz

Mr. Lamborn came before the Board in rebuttal. He said that he has done more to develop Congers along residential lines than anyone and he presented a petition bearing 130 signatures supporting his application. He said that the Deed for the property in question restricts quarrying so there would be no danger of any noisy or obnoxious business being established there. He also stated that there are not over 25 homes within 200 feet of the property.

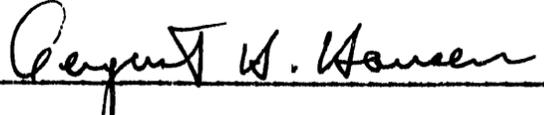
Letters of protest were presented by representatives of the Spring Valley Water Co. and the Board of Water Commissioners of the Village of Nyack.

There being no further testimony, Mr. Welchman moved that the Board reserve decision and the hearing be closed.

Seconded by Mr. Fibble.

Carried.

Hearing closed.


 Town Clerk of Clarkstown

PUBLIC HEARING

August 21, 1953

Town Clerk's Office

8:00 P.M.

Present: Mr. Fibble
Mr. Welchman
Mr. Burleigh
Mr. Dillon

Absent: Mr. Schmersahl

Mr. Dillon called the hearing to order, explaining that it was being held to consider the application of John and Robert Maier for a change of zoning of their property at Nanuet from "REs. A" and "Bus. A" to "Bus. B". Mr. Dillon stated that the hearing had been held on June 12, 1953, and adjourned until this date.

Mr. Dillon stated that the Board would listen to those persons interested in the application.

Mr. Joseph Komonchak of Nanuet came before the Board in opposition. Mr. Komonchak said that there were a number of homes in the area and the property owners did not wish to be surrounded by business property.

The following owners of property in the immediate vicinity came before the Board in opposition:

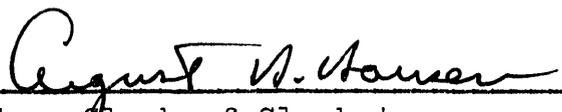
Alfred Barthel
Joseph Muller
Fred Radway
Mrs. Wm. Henkel
Fred Bremer

After hearing all persons interested, Mr. Burleigh moved that the Board reserve decision and the hearing be closed.

Seconded by Mr. Welchman.

Carried.

Hearing closed.


Town Clerk of Clarkstown

SPECIAL MEETING

August 21, 1953

Town Clerk's Office

9:00 P.M.

Present: Mr. Fibble

Mr. Welchman

Mr. Burleigh

Mr. Dillon

Absent: Mr. Schmersahl.

Mr. Dillon called the meeting to order. Mr. Dillon explained that the meeting had been called to discuss and reach a decision on a number of zoning matters which were still pending.

Mr. Dillon presented the application of John and Robert Maier

Mr. Burleigh moved the following resolution:-

RESOLVED, that the application of John and Robert Maier for a change of zoning from "Res. A" & "Bus A" to "Bus. B", be denied without prejudice.

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 presented the application of Syd Broadman for a change of zoning from "Res. A" to "Res. B".

Mr. Welchman moved the following resolution:

RESOLVED, that the application of Syd Broadman for a change of zoning from "Res. A" to "Res. B" be denied without prejudice.

Seconded by Mr. Burleigh.

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

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

NOES: None

Mr. Dillon presented the application of Stephen Tuzzolino for a change of zoning from "Res. B" to "Bus. B".

Mr. Burleigh moved the following resolution:-

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 13th day of July, 1953, provided for a public hearing on the 21st day of August, 1953, at 8:45 P.M., Eastern Daylight Saving Time, at the office of the Town Clerk, Main Street, New City, New York, to consider application of Stephen Tuzzolino, to amend the Building Zone Ordinance of the said Town by redistricting property of the said petitioner from "Residence B" 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 Nanuet in said Town from "Residence B" to "Business B".

BEGINNING at a point in the southerly line of Nyack Turnpike 200 feet westerly of College Ave. measured along the southerly line of Nyack Turnpike;

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South 9 degrees 40 feet West; then 139.5 feet; thence South 88 degrees 25 feet west 122 feet to the easterly line of a proposed street; thence North 9 degrees 40 feet East along said line of the said proposed street, 142.5 feet to the point of beginning. Premises known as #33 East Route 59, Nanuet, New York.

Seconded by Mr. Fibble.

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

AYES: Messrs. Fibble, Welchman, Burleigh, Dillon

NOES: None

Mr. Dillon presented the application of Katherine Driscoll for a change of zoning from "Bus. A" to "Bus. B".

Mr. Fibble moved the following resolution:

NOTICE IS HEREBY GIVEN that by Resolution of the Town Board of the Town of Clarkstown adopted August 21st, 1953, the Building Zone Ordinance of the Town of Clarkstown, adopted April 4th, 1939, and as amended, was further amended, and that a copy of said Resolution amending said ordinance is as follows:-

WHEREAS, the Town Board of the Town of Clarkstown by Resolution duly adopted on the 10th day of July, 1953, provided for a public hearing on the 14th day of August, 1953, 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 Katherine Driscoll, to amend the Building Zone Ordinance for the said Town by redistricting the property of the said petitioner from "Business A" to "Business B", and

WHEREAS, a 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 Congers in said Town from "Business A" to "Business B".

BEGINNING at the intersection of the streets shown on said map as Butler Street and Cleveland Avenue, at the southeast corner thereof and running thence South along the westerly side of Cleveland Avenue a distance of 125 feet to northeast corner of Lot 59, in Section K on map of Boston Improvement Co. and the point of beginning for this description and from thence running still along the westerly side of Cleveland Avenue a distance of 261 feet to the northerly line of Lot number 1 in Section L as shown on said map and the southerly line of Lot 68 above referred to; from thence turning and running west along the southerly line of Lot 68 a distance of 100 feet to the easterly line or side of Terrace Avenue as laid down on said map; from thence turning and running North along the easterly line or side of said Terrace Avenue a distance of 245 feet to the southerly line of Lot number 58 in Section K as shown upon said map and from thence turning and running in an easterly direction along the southerly line of Lot number 58 aforesaid and the northerly line of Lot number 59, aforesaid to the westerly line or side of Cleveland Avenue, the point or place of beginning of this description.

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 the plans and specifications for Dickinson Ave. had been corrected and the Engineer had submitted his estimate. He said that it would be necessary to set a new date for the acceptance of bids.

Mr. Burleigh moved the following resolution: -

WHEREAS, William A. Yuda, A Civil Engineer, was heretofore, by resolu-

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tion duly adopted December 12th, 1952, directed to make and prepare definite plans and specifications, and a careful estimate of the expense and, with the assistance of the Town Attorney, a proposed contract for the paving of Dickinson Avenue, at Central Nyack, in said Town, beginning with its intersection with Towt Street, also known as Waldron Avenue, to the boundary line between the Towns of Clarkstown and Orangetown,

WHEREAS, said definite plans and specifications, estimate of the expense and contract have been made and prepared, and filed with the Town Clerk of the Town of Clarkstown, as directed by statute, and have been examined by this Town Board, now therefore, be it

RESOLVED, that the said plans and specifications, estimate and contract 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 9:30 P.M. in the afternoon, Eastern Daylight Saving Time on the 18th day of September, 1953, at the office of the Town Clerk at Main Street in said Town, for the furnishing of materials, machinery and equipment and performance of the labor necessary or proper for the paving of Dickinson Avenue, at Central Nyack, in said Town, beginning with its intersection with Towt Street, also known as Waldron Avenue, to the boundary line between the Towns of Clarkstown and Orangetown, in accordance with the aforesaid plans and specifications and under said contract and that said Town Clerk be, and he is hereby directed to prepare, with the assistance of the Town Attorney and William A. Yuda, a Civil Engineer employed by the Town, 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, the official paper of this Town, in accordance with the provisions of Section 197 of the Town Law.

Seconded by Mr. Fibble.

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 informed the Board that he would be unable to attend the next regular meeting of the Board on Sept. 11, 1953, and he suggested that the meeting be postponed until Sept. 18, 1953.

Mr. Burleigh moved that the next regular meeting of the Board be held on Sept. 18, 1953, at 8:00 P.M.

Seconded by Mr. Fibble.

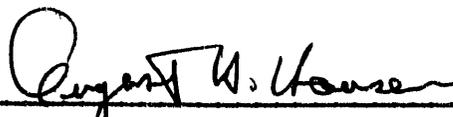
Carried.

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

Seconded by Mr. Burleigh.

Carried.

Meeting adjourned.


 Town Clerk of Clarkstown

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Mr. Dillon presented the application of Albert Lamborn and Richard and Evelyn Revelli for a change of zoning of their property from "Residence B" to "Business B".

Mr. Fibble moved that the application of Albert Lamborn and Richard and Evelyn Revelli for a change of zoning be denied without prejudice.

Seconded by Mr. Welchman.

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

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

NOES: None.

Clement W. Hansen