

PUBLIC HEARING
December 11, 1953

Town Clerk's Office

8:30 P.M.

Present: Mr. Fibble

Mr. Schmersahl

Mr. Welchman

Mr. Burleigh

Mr. Dillon

Mr. Dillon called the hearing to order explaining that it had been called to consider the application of Walter Cady for a change of zoning of his property at Nanuet from "Res. A" and "Bus. A" to "Bus. B".

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

Mr. Anthony Milewski of Spring Valley, came before the Board representing Mr. Cady. Mr. Milewski said that the property consists of 14 acres along Route 59 at Nanuet and has been rezoned for a "Bus. A" use to a depth of 200 feet along the road. He stated that Mr. Cady has a purchaser who wishes to start a Golf Driving Range on the property. Mr. Milewski said that the property adjoins business property on the south and is not fit for any use but business.

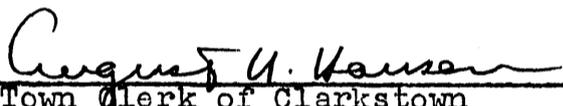
No one appeared before the Board in opposition.

Mr. Welchman moved that the Board reserve decision on the application.

Seconded by Mr. Fibble.

Carried.

Hearing closed.


Town Clerk of Clarkstown

December 11, 1953

Town Clerk's Office

Present: Mr. Schmersahl

Mr. Fibble

Mr. Welchman

Mr. Burleigh

Mr. Dillon

Mr. Dillon called the meeting to order.

Mr. Dillon presented a Deed from Ralph Lombardi to the Town for Jerry's Ave. at Nanuet. He said that a Certificate of Title and a Survey of the road would be needed before any action could be taken by the Board.

Mr. Roepe informed the Board that he was not satisfied with the description and suggested that the necessary corrections be made.

Mr. Lombardi was instructed to make the corrections and submit a Survey and Certificate of Title to the Town Attorney.

Mr. Oscar Parks of New City came before the Board and stated that the Bus service between New City and Nanuet was very inadequate and in many cases the Busses ran late.

The Town Clerk the instructed to write to the Bus Co. regarding the matter.

Mr. J. Nacheman of Nanuet came before the Board and presented a Deed, Certificate of Title, Easement, and Survey for Sherwood Drive.

The papers were referred to the Town Attorney.

Chief Wiebecke reported that the Highway Dept. had painted lines in front of Victor Taylor's Garage at Congers to regulate the parking problem, and Mr. Taylor had called him and complained that the lines were put in the wrong place.

Supt. of Highways Emil Klein said that he had contacted Mr. Taylor before putting the lines on the road and he had painted them where they had been requested. He said that he would get in touch with Mr. Taylor and try to reach a solution.

Mr. Dillon reported that the parking situation on Strawtown Rd. at the intersection of Route 59 had not improved. He said that cars parked alongside of Jones's store were still obstructing traffic.

The Town Clerk was instructed to write to the County Supt. of Highways and ask that he contact Chief Wiebecke and Mr. Klein regarding the installation of "No Parking" signs at the intersection.

Mr. Klein reported that many street signs are still being torn down by vandals and he asked for permission to have reward posters printed and distributed.

The Board granted permission for the printing and distribution of the posters.

12/11/53

Mr. Louis Heydeman of Nanuet came before the Board and said that the New York Telephone Co. had petitioned the Public Service Comm. for an increase in residential and business telephone rates. He said that the increase would represent 10% of the Company's annual income and the people would not receive any benefit in the way of increased service. He requested that the Town Attorney and Supervisor Dillon attend the public hearing on the matter and register their opposition.

Mr. Welchman moved the following resolution:-

WHEREAS, the New York Telephone Company has petitioned the Public Service Commission for an increase in residential and business telephone rates, and,

WHEREAS, the increase in rates will not result in any improved or increased service to the residents of Clarkstown,

THEREFORE, BE IT RESOLVED, THAT the Town Board of the Town of Clarkstown oppose the petition of the New York Telephone Company for an increase in residential and business telephone rates and authorizes Supervisor Irvin F. Dillon and Town Attorney Edward G. Roepe to appear as representatives of the residents of the Town of Clarkstown in opposition to the said petition at the public hearing to be held before the Public Service Commission, and,

FURTHER RESOLVED, that the Town Clerk be directed to forward a certified copy of this resolution to the Public Service Commission.

Seconded by Mr. Schmersahl.

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

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

NOES: None.

The Town Clerk was instructed to send a copy of the resolution to the Public Service Comm.

Mr. H. Sweet, General Manager for the Fuller Brush Co. and Mr. Levine, Attorney for the Company, appeared before the Board.

Mr. Levine stated that a Fuller Brush salesman had recently been served with a summons for selling from house to house and the case had been dismissed in Justices Court. He said that he had called Mr. Roepe's attention to certain sections of the Peddlers Ordinance which he felt were not proper and he also stated that amount of the fee for the license was too high and should be modified.

Mr. Roepe informed the Board that the wording contained in the Ordinance was in need of revision and he suggested that the entire Ordinance be revised.

Mr. Dillon appointed Councilman Welchman and Burleigh as a Committee to meet with the Town Attorney and Chief Wiebecke for the purpose of revising the Peddlers Ordinance.

Mr. Burleigh stated that he had received a reply from the State Board of Equalization and Assessment regarding the Town's Tax Map Specifications. He said that a number of changes had been recommended and a meeting should be held very soon to discuss the matter so that some action may be taken.

Mr. Fibble insisted that the proposition should be offered to the people at a referendum before the Board acts.

Mr. Dillon said that the matter would be discussed at the Annual Meeting of

12/11/53

the Board to be held on Dec. 29.

Mr. Burleigh also suggested that some action be taken on the proposed Pig Ordinance.

Mr. Roepe stated that he would have the proposed ordinance ready for the January meeting.

Mr. Dillon read a letter from the Public Service Commission informing the Board that approach warning signs were missing at the Church St. and Blauvelt Rd. railroad crossings.

The Board instructed Mr. Klein to have the signs erected.

Mr. Dillon read a letter from Gustav Winko, Election Inspector for District #6, Central Nyack, requesting compensation for the Election Official who was designated to conduct Literacy Tests before the General Election.

Mr. Dillon said that he had spoken to the County Election Commissioners regarding this matter, and had been advised that there was no provision in the law to compensate the official who conducted the tests.

Town Attorney Edward G. Roepe was instructed to check the matter further.

Mr. Fibble said that he had received a request for street lights at St. Paul's Church in Congers and he also presented a petition signed by a number of residents of Kings Highway for lights.

Mr. Dillon read a letter from St. Paul's Church requesting the installation of lights on Poles 22 and 23 on Lake Rd.

The Town Clerk was instructed to contact Mr. A. Storer of the Rockland Light & Power Co. and request a survey of all lights on Lake Rd. and also of Kings Highway.

Mr. Dillon requested a resolution authorizing him to pay the sum of \$2.91 to the Dept. of public Works for a permit to dump fill along the right of way of a state highway.

Mr. Burleigh moved the following resolution:-

RESOLVED, that the Supervisor of the Town of Clarkstown be authorized to pay the sum of Two dollars ninety-one cents (\$2.91) to the State of New York, said sum is the premium rate for permit in connection with the placing of fill on R. O. W. between station 267 / 00 and station 270 / 00 on West side of Highway No. 1898 by the Town.

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. Dillon presented the monthly reports of the following Town Officials:

Town Clerk
Supervisor

Welfare Officer
Police Dept.

Bldg. Inspector.

Mr. Welchman moved that the reports be accepted.

Seconded by Mr. Burleigh.

Carried.

Mr. Schmersahl moved the following resolution:

RESOLVED, that the interest figures on the following Improvement District

12/11/53

be charged as follows:

<u>Improvement District</u>	<u>Interest</u>
Hughes Street	\$16.42
Strawberry Hill Lane	\$73.81
Parker Avenue	\$143.86

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. Schmersahl moved the following resolution:

WHEREAS, at the close of business of the fiscal year of 1953 of the Town of Clarkstown, certain additional appropriations are required to be made in order that none of the accounts shall be overdrawn, and

WHEREAS, there is a sufficient balance available in the account of Current Surplus to adequately care for such additional appropriations that are necessary, and

WHEREAS, Section 107 of the Town Law provides that Surplus Funds of the Town may be used for its legal procedure, be it

RESOLVED, that the Supervisor be authorized to transfer in addition to transfers already sanctioned by this Board certain sums necessary to effectively close the accounts of the Town for the year 1953, and the Supervisor is hereby authorized to make such intra account transfers as may be desirable in order to maintain sufficient credit balances within the several accounts of the Town so that none may be overdrawn including such exchange transfers within the several bank accounts as will best facilitate the proper closing out of said accounts.

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 an application by Robert L. Schwartz for a change of zoning of his property at Nanuet.

Mr. Burleigh moved the following resolution:

WHEREAS, Robert L. Schwartz, 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 Albert E. Yerg and others and in said petition described from "Residence A" and "Residence B" to "Business B",

BE IT RESOLVED, that a public hearing pursuant to Section 265 and 264 of the Town Law be had at the Office of the Town Clerk, Main Street, New City, New York, on the 8th day of January, 1954 at 8:30 P.M., Eastern Standard Time, 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. Schmersahl.

On vote

12/11/53

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

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

NOES: None.

An application by Lederle Laboratories for a change of zoning of property at Nanuet was presented to the Board.

Mr. Burleigh moved the following resolution:

WHEREAS, LEDERLE LABORATORIES DIVISION, AMERICAN CYANAMID COMPANY, 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" and "Residence B" to "Business B",

BE IT RESOLVED' that a public hearing pursuant to Section 265 and 264 of the Town Law be had at the Office of the Town Clerk, Main Street, New City, New York, on the 8th day of January, 1954, at 9:00 P.M., Eastern Standard Time, 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. Schmersahl.

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

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

NOES: None

Mr. Burleigh moved the following resolution:

WHEREAS, there is an action pending in the Supreme Court of Rockland County, entitled Mildred Golde and Russell Golde, plaintiffs, against the Town of Clarkstown and Hotel Bader, Inc., defendants, and

WHEREAS, the plaintiffs in said action and their attorney are willing to compromise and settle said action for the sum of Five hundred and 00/100 (\$500.00) Dollars, and

WHEREAS, it is believed to be for the best interest of the Town of Clarkstown to make such settlement;

NOW, THEREFORE, BE IT RESOLVED, that the proposition of settlement made by the plaintiffs and their attorney be and it hereby is accepted, and be it further

RESOLVED, that the Town Attorney be and he hereby is directed to apply for the approval of the Court of the provisions of such settlement, and be it further

RESOLVED, that upon such approval, the Supervisor of the Town of Clarkstown be and he hereby is authorized and directed to pay to the said plaintiffs and their attorney the amount of such settlement upon delivery of general releases of the plaintiffs and a proper stipulation discontinuing the said action, without costs to any of the parties in form to be approved by the Town Attorney and the said Town Attorney be and he hereby is authorized to execute such stipulation.

Seconded by Mr. Selchman.

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

12/11/53

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

NOES: None.

Mr. Dillon read a letter from E. Alfred Festa, requesting information as to the status of Dickinson Ave.

Mr. Dillon said that he had spoken to Charles Leo of Ward Pavements and Mr. Leo had informed him that the road could not be finished this year due to the weather. He said that Ward would scrape the road and install the drains this year if the Board would grant an extension until Spring so that the job could be completed.

Mr. Welchman said that he could not understand why Ward Pavements had submitted a bid on the job if they could not build the road.

Mr. Klein was instructed to contact Ward and have them proceed with the installation of the drains and the rough grading with the understanding that an extension would be granted to finish the road next year.

The Board then discussed the application of Walter Cady for a change of zoning on which a public hearing had been held earlier.

Mr. Welchman said that the property involved was a very large parcel and once the change was granted, the Board would have no control over its use.

The Board was unanimous in its opinion that the change should be denied until such time as the Zoning Ordinance has been revised.

Mr. Burleigh moved the following resolution:

RESOLVED, that the application of Walter Cady for a change of zoning of his property at Nanuet from "Res. A" and "Bus. A" to "Bus. B", be denied without prejudice.

Seconded by Mr. Schmersahl.

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

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

NOES: None.

The following bids were presented for three new police cars:

Manly Chevrolet, Nyack -	\$6,114.00	Total price
	<u>4,638.00</u>	Trade in on Pontiacs
	1,476.00	Balance
	<u>393.00</u>	Tax rebate
	1,083.00	Total cost to Town
 Burnweit Pontiac, Nyack	 \$6,769.95	 Total price
	<u>4,200.00</u>	Trade in on Pontiacs
	2,569.95	Total cost to Town

Chief Wiebecke informed the Board that the Pontiacs that are now in use have stood up better than any other car and the Police have had less mechanical difficulty with them. He said that although he preferred the Pontiacs, he would use whatever the Board purchased.

Mr. Fibble said that the lowest bid should be accepted. He stated that he saw no reason for spending the additional \$1,500 for Pontiacs, when the Chevrolets would be quite satisfactory and probably cost the Town less in maintenance.

The Board discussed the matter and decided to accept the Bid of Burnweit.

Mr. Schmersahl moved the following resolution:

12/11/53

RESOLVED, that the bid of Burnweit Motors, Nyack, NY, be accepted and the Chief of Police be authorized to purchase three (3) new 1954 Pontiacs at a cost to the Town of \$2,569.95.

Seconded by Mr. Burleigh.

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

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

NOES: Mr. Fibble.

Mr. Schmersahl moved the following resolution:

RESOLVED, that the Annual Meeting of the Town Board of Clarkstown be held on December 29, 1953, at 8:30 P.M. in the Office of the Town Clerk.

Seconded by Mr. Burleigh.

Carried.

Mr. Dillon requested a resolution to turn funds over to the County Treasurer to maintain the State and County Tax Rate.

Mr. Schmersahl moved the following resolution:

WHEREAS, at the close of business of the fiscal year 1953 of the Town of Clarkstown certain funds will be available and in the account of Current Surplus to adequately care for such additional appropriations as are necessary, and

WHEREAS, Section 107 of the Town Law provides that Surplus Funds of the Town may be used for its legal procedure, be it

RESOLVED, that the Supervisor be authorized to pay to the County Treasurer the sum of \$27,694.13 in order to maintain the State and County Tax Rate at \$3.50 per \$100.

Seconded by Mr. Welchman.

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

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

NOES: None.

Mr. Burleigh moved the following resolution:

RESOLVED, by the Town Board of the Town of Clarkstown that August H. Hansen, Town Clerk, be and hereby is authorized to dispose of record items, Assessment (tax) rolls, other than warrant copy, July 1, 1947, on Records disposition Request List Number 19 issued pursuant to Section 14 of the Regulations of the Commissioner of Education, and be it further

RESOLVED, that the Clerk of this Board be, and hereby is, directed to furnish a certified copy of this Resolution to August H. Hansen, Town Clerk to be forwarded to the Commissioner of Education.

Seconded by Mr. Schmersahl.

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

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

NOES: None.

Mr. Dillon presented the lease for Police Headquarters.

Chief Wiebecke suggested that the terms of the lease be changed from 2 years to one year, since the present quarters were not large enough and he will have to seek other quarters in the near future.

The Board agreed to change the terms of the lease to one year.

12/11/53

Mr. Welchman moved the following resolution:

RESOLVED, that Supervisor Irvin F. Dillon be authorized to execute a lease between the Nanuet National Bank and the Town for the rental of Police Headquarters for a period of one (1) year, beginning on Jan. 1, 1954 and expiring on Dec. 31, 1954.

Seconded by Mr. Schmersahl.

Carried.

Mr. Roepe informed the Board that the matter of the New York Trap Rock Corp. vs. the Town of Clarkstown had been placed on the Calendar for the January term of the Supreme Court and he asked to be authorized to retain a zoning and a real estate expert as witnesses for the Town.

Mr. Schmersahl moved the following resolution:

RESOLVED, that Town Attorney Edward G. Roepe, be authorized to retain the services of a Zoning expert and a Real Estate expert to serve as witnesses for the Town of Clarkstown in the matter of the New York Trap Rock Corp., which has been placed on the Calendar for the January term of the Supreme Court, and,

FURTHER RESOLVED, that these witnesses be compensated by the Town as follows:

Zoning expert - \$100 per diem for preparation
125 attendance in Court

Real Estate expert - \$200 for preparation
50 per day in Court

Seconded by Mr. Welchman.

On roll call, the Board voted as follows:

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

NOES: None.

Mr. Klein requested permission to advertise for bids for a 2 ton truck.

Mr. Welchman moved the following resolution:

NOTICE IS HEREBY GIVEN that the Superintendent of Highways of the Town of Clarkstown has recommended the purchase of a two (2) ton, dual wheel truck, cab and chassis and will trade in a 1933 Ford Model A one (1) ton cab and chassis; said transaction not to exceed twenty five hundred dollars (\$2,500.00).

Specifications may be obtained at the office of the Superintendent of Highways, New City, New York.

The Town Board of the Town of Clarkstown will consider such purchase at a Town Board meeting to be held on December 29th, 1953, at 8:30 P.M. at the office of the Town Clerk, Main Street, New City, New York.

By order of the Town Board of the Town of Clarkstown.

Seconded by Mr. Schmersahl.

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

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

NOES: None.

Mr. Welchman moved the following resolution:

RESOLVED, that William Boepple, Valley Cottage, New York, be appointed as a member of the Clarkstown Zoning Board of Appeals.

Seconded by Mr. Burleigh.

Carried.

The Town Clerk was instructed to notify Mr. Boepple and the Chairman of

12/11/53

the Zoning Board of Appeals of the appointment.

*

Bills Nos. 1164 to 1304 on Warrant #12 in the amount of
were audited by the Board and ordered paid.

There being no further business to come before the Board, the meeting was
adjourned.

August H. Hansen
Town Clerk of Clarkstown

* Mr. Dillon informed the Board that he had received a number of requests
from residents of West Nyack to install lights at the West Nyack Railroad
Station parking lot. Mr. Dillon said that many commuters arrive home on
late trains and have trouble finding their cars in the dark. He said that an
automatic timing switch could be installed on the light to turn it off at
a designated time.

Mr. Fibble moved the following resolution:-

RESOLVED, that the Nyack Electric Company be authorized to install one (1)
thirty (30) foot wood pole with one (1) Westinghouse Floodlight, Type AH-16
style 891570 complete with one (1) 1000 Watt Lamp, and automatic Timing Switch
at the southwest end of the West Nyack Railroad Parking Lot at a total cost to
the Town of \$221.00.

Seconded by Mr. Schmersahl.

Carried.