

PUBLIC HEARING

February 11, 1954

Town Clerk's Office

8:00 P.M.

Present: Mr. Schmersahl

Mr. Fibble

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 W. Cady for a change of zoning of his property at Manuet from "Res. A" to "Bus. B" 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. H. Jay Messeloff, Attorney for Mr. Cady, came before the Board. Mr. Messeloff stated that the property was located on the south side of Route 59 at Nanuet just west of the NY & NJ Railroad. He said that the property is not suited for residential development since the ground is very rocky and also due to the fact that it adjoins the railroad. He said that the property east of the railroad is zoned for a commercial use and there are no residences in the vicinity. Mr. Messeloff stated that the petitioner had requested a change to "Bus. B" for the portion fronting on Route 59 so that it could be used for advertising purposes.

No one appeared before the Board in opposition.

Mr. Welchman moved that decision be reserved on the application.

Seconded by Mr. Schmersahl.

Carried.

August W. Hauer
Town Clerk of Clarkstown

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February 11, 1954

Town Clerks'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 had been called to consider rescinding the present Peddlers Ordinance and adopting a new ordinance.

Mr. Dillon stated that the Board would hear anyone interested in the matter.

Mr. Van Stoys, a representative of the J. R. Watkins Co., came before the Board. He said that he had obtained copies of the new ordinance and he was very much opposed to it because it was too restrictive. He said that he objected to the section dealing with the photographing and fingerprinting of salesmen who wished to obtain a license to work in the Town and he also said that the fee was much too high.

Miss Virginia Spahr, a saleswoman from Avon Products of Suffern, came before the Board in opposition. Miss Spahr said that she did not sell from Door to Door but took orders and delivered the merchandise at a later date. Miss Spahr said that she objected to being photographed and fingerprinted because it implied that she was an objectionable character.

Mr. Hauser, a silk salesman for an Indianapolis firm, also objected to the ordinance on the grounds that it was too restrictive.

Mr. Allen, an official of Avon Products, stated that many of their sales people are employed on a part time basis and the \$50 fee was much too high for someone who was merely trying to supplement their income.

Mr. J. Quackenbush, a salesman for the Electrolux Vacuum Cleaner Co. said that he objected to the terms Hawker and Peddler as they appear in the ordinance. He said that he had been a salesman for a number of years and did not consider himself a Peddler. He also objected to the fee since it would have to be paid by him personally and not by his company.

Mr. Ned Ross, a New York City salesman, came before the Board in opposition.

Mrs. Elsa Ritter, a sales woman from Spring Valley, objected to the amount of the fee. She said that selling was her sole means of earning a living and the ordinance would be very restrictive if she wished to work in Clarkstown.

Mr. Wesley Stone of Empire Crafts Corp. came before the Board in opposition. He said that there are enough laws in effect at the present time to cover any crimes that might come within the jurisdiction of the ordinance and the ordinance would not be enforceable in 15 to 20% of the cases. He said that the ordinance was in direct conflict with the Interstate Commerce Commission regulations.

He stated that the U. S. Supreme Court had ruled that such an ordinance cannot be imposed if it intrudes on regulations as set up by the Interstate Commerce Commission.

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Mr. J. LaPorto, a Fuller Brush salesman, read a letter from the Suffern Village Board granting a one year permit to one of the Fuller Brush salesman, and he said that he saw no reason why the same procedure could not be followed in Clarkstown

Mr. Hiram Neuman of New City came before the Board. Mr. Neuman said that he was engaged in selling heavy timber for use in shipyards, railroads, etc., and he asked if he was subject to the ordinance.

Mr. Dillon said that he did not think so since he would be dealing with established business firms in the Town.

Mr. Dillon informed everyone present that the Board appreciated their attendance at the hearing and the Board would consider their objections when making a decision.

There being no further discussion, Mr. Schmersahl moved the hearing be closed.
Seconded by Mr. Burleigh. Carried.

August W. Hansen
Town Clerk of Clarkstown

TOWN BOARD MEETING

February 11, 1954

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. Jack Nacheman came before the Board and presented a Deed for Sherwood Drive, together with a Certificate of Title and Easements, and requested the Board to take the road over.

Mr. Roepe informed the Board that he had examined the documents and found them to be in order.

Supt. of Highways Emil Klein reported that the road had been constructed according to Town specifications except that no provisions had been made for a turn around at the dead-end. Mr. Klein said that he considered the road unfinished until the turn around was completed.

Mr. Schmersahl said that the Deed should not be accepted until the Supt. of Highways indicates that the road has been completed to his satisfaction.

Mr. Nacheman assured the Board that the turn around would be completed and he again requested that the road be accepted.

Mr. Burleigh moved that the matter be held in abeyance until Mr. Klein reports that the road is finished.

Seconded by Mr. Schmersahl.

Carried.

Mr. John Kearny of the Oakbrook section of Nanuet came before the Board and presented a petition for the extension of the Spring Valley Water Co. mains approximately 1,000 feet north along N. Middletown Rd, to include the Oakbrook section. Mr. Kearny said that there are 30 to 35 families living in the area and the service is needed badly for adequate fire protection.

Mr. Schmersahl moved the following resolution:

RESOLVED, that the Spring Valley Water Works & Supply Co. be requested to extend their water mains along N. Middletown Road north approximately 1,000 feet to provide service for the Oakbrook area.

Seconded by Mr. Fibble,

Carried.

Mr. Daniel Wakely of Congers came before the Board. Mr. Wakely informed the Board that he had purchased a number of tax lots on Harrison Ave. in Congers and had applied for and received a permit to erect a house on the property.

Mr. Wakely said that when he applied for permits for two more houses, his application was denied and the original permit revoked. Mr. Wakely said that the Building Inspector had informed him that he was a subdivider and as such was subject to the regulations controlling subdivisions, which required the building of a road and the approval of all plot plans by the Planning Board. Mr. Wakely said that he was only a small developer and could not afford to build houses and construct

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roads too. He said that at present the property is vacant and the Town receives no revenue from it.

Mr. Roepe said that according to Article 16 of the Town Law, no permit may be issued unless the street is on an official map filed in the office of the County Clerk and the property is located on a Town, County or state highway.

Mr. Dillon informed Mr. Wakely that the Board would discuss the matter and try to reach a solution.

Mr. Dillon suggested that the Board meet in a Special session on Feb. 19 at 8:30 P.M., in his office to take up a number of matters that were still pending.

Mr. Schmersahl moved that the Board hold a Special Meeting on Feb. 19, 1954, at 8:30 P.M. in the Supervisor's Office.

Seconded by Mr. Burleigh.

Carried.

Mr. Dillon read a letter from John A. Stefan, an official of the Nanuet Bank, expressing appreciation at being designated as the official depository for the Town.

Mr. Dillon read a letter from the Dept. of Public Works informing the Board that the State would not construct a sidewalk along Route 304 at Bardonia. The letter also stated that the law permits the Town construct the sidewalk provided that a permit be secured from the Dept. of Public Works.

The Town Clerk was instructed to write to the Rockland Light & Power Co. and request that the survey of street lights at Congers be finished as soon as possible.

The Board approved the Bonds of Welfare Officer Frank Kemmer and Supt. of Highways Emil Klein.

Mr. Dillon read letters from the Spring Valley Water Co. informing the Board that a number of hydrants in the New City-West Nyack Water Supply District were ready for service.

Mr. Dillon presented a petition for a hydrant on Pierce St. at Nanuet.

Mr. Welchman also requested the installation of a hydrant on Sherwood Drive at Nanuet.

The Town Clerk was instructed to order the installations from the Spring Valley Water Co.

Mr. Dillon read a letter from the Building Inspector informing the Board that the cost of forms for Septic Tank inspection had exceeded the amount authorized. Mr. Waldron also explained in his letter that he had increased the order to 5,000.

Mr. Schmersahl moved the following resolution:

RESOLVED, that the resolution of the Town Board dated Jan. 8, 1954 authorizing Building Inspector Lincoln Waldron to purchase 2,000 cards for Septic Tank inspections at \$95.90, be and the same is hereby rescinded.

Seconded by Mr. Burleigh.

Carried.

Mr. Schmersahl moved the following resolution:

RESOLVED, that Building Inspector Lincoln Waldron be authorized to purchase 5,000 Septic Tank Inspection Cards for \$135.00.

Seconded by Mr. Burleigh.

Carried.

Mr. Dillon informed the Board that the Rec. of Taxes needed a new adding machine for her office and he submitted a bid from Bouton's of Pearl River for a new

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Machine for \$290.00.

Mr. Schmersahl moved the following resolution.

RESOLVED, that the Rec. of Taxes be authorized to purchase a new adding machine for use in her office at a price of \$290.00.

Seconded by Mr. Burleigh.

Carried.

Mr. Roepe informed the Board that he had received a letter from Lester Stickles, Special Counsel in the Trap Rock case, and Mr. Stickles had suggested that the minutes of the proceedings be obtained for use in compiling the necessary briefs.

Mr. Welchman moved the following resolution:

RESOLVED, that Town Attorney Edward T. Roepe be authorized to order a copy of the minutes of the proceedings in the matter of the New York Trap Rock Corp. vs. the Town of Clarkstown.

Seconded by Mr. Schmersahl.

Carried.

Mr. Dillon informed the Board that bills had been submitted by Hugh Pomeroy, Zoning Experts and Harry Coyle, Real Estate Expert, in the amounts of \$500 and \$700, for services rendered in the Trap Rock case. He said that there were insufficient funds in the Litigation Account and it would be necessary to transfer funds to make up the deficit.

Mr. Fibble moved the following resolution:

RESOLVED, that Supervisor Irvin F. Dillon be authorized to transfer \$1,500 from Current Surplus to the Litigation account.

Seconded by Mr. Schmersahl.

Carried.

Mr. Dillon submitted a bid from the H. O. Penn Machinery Co. for the two Sand Spreader Bodies for the Highway Dept.

Mr. Burleigh moved that the bid be opened.

Seconded by Mr. Schmersahl.

Carried.

The following bid was submitted by H. O. Penn Machinery Co.:

Two (2) New Model "E" Highway Sand, Stone, and Chip Spreader Box Type, 9 feet long, 5 Cu. Yard capacity, Wood Construction with Bumper, Catwalks and Swinging End Gate with Clutch Control from Truck Cab, at a price of \$1650.00 each.

Mr. Burleigh moved the following resolution:

RESOLVED, that Supt. of Highways Emil Klein be authorized to purchase two (2) New Sand Spreader Bodies from the H. O. Penn Machinery Co. at a cost of \$1650.00 each.

Seconded by Mr. Schmersahl.

Carried.

Mr. Dillon read a letter from Rev. Joseph C. Peters, Pastor of the Central Nyack Congregational Church, in opposition to the application of Robert L. Schwartz for a change of zoning of his property at C. Nyack.

Mr. Dillon read a letter from Charles Peterman, Sec'y for Van Houten Fields Association, requesting the Board to take over the road serving the residents of Van Houten Fields.

Mr. Klein was instructed to check the road and report back at the next meeting.

The Board approved and signed three Street Opening Permits.

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The Board approved monthly reports of the following Town Officers:

Town Clerk
Police Dept.

Bldg. Insp.
Welfare Officer

Bills No.s 92 to 237 on Warrant #2 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 W. Hansen
Town Clerk of Clarkstown

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