

PUBLIC HEARING

January 7, 1955

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 had been called the hearing to order, explaining that it had been called to consider the application of Harnell, Inc., for a change of zoning from "Res. A & B" to "Bus. B", for property located to Nanuet.

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

Mr. Jerome Trachtenberg, Attorney for the Petitioner, came before the Board. Mr. Trachtenberg stated that the property was located on Route 59 west of the four corners and his client Norman Rausch wished to build a shopping center on the site. He said that about 4 acres of the parcel would be developed with the major portion being a parking lot for approximately 400 cars. Mr. Trachtenberg said that there are a number of business' in the area and the change would not be detrimental to any surrounding properties. He stated that an ample buffer zone had been provided to the north to protect those people living on Fenner Lane. Mr. Trachtenberg said that the land was not suitable for residential purposes and a commercial enterprise would help to ease the tax burden.

Mr. Louis Haydeman of Nanuet came before the Board in opposition. He said that such a change would be an encroachment on residential property, and would result in a reduction of property values in the area. He suggested that the application be held up until the new proposed zoning ordinance goes into effect. Mr. Haydeman said that he was speaking as a representative of the Nanuet Civic Association and for a group of property owners on Fenner Lane and N. Middletown Rd.

Dr. James B. Patrick of N. Middletown Rd. came before the Board in opposition. Dr. Patrick said he was very concerned about the safety problem which would result with such a commercial development. He said that there were many children in the neighborhood and the amount of traffic in and around the proposed shopping center would endanger their lives. Dr. Patrick also said that a commercial enterprise in the area would take up a great deal of property which could be used for residential development.

Mr. Trachtenberg came before the Board in rebuttal. He said that Fenner Lane is at least 900 to 1,000 feet from Route 59 and the area to be rezoned is only 450 feet deep so that there would be no question of encroaching on residential property and he stated further that no undesirable business would be permitted on the property.

Mr. Welchman moved that the hearing be closed and the Board reserve decision.

Seconded by Mr. Schmersahl.

Carried.

Hearing closed.

Town Clerk of Clarkstown

TOWN BOARD MEETING

January 7, 1955

Town Clerk's Office

8:00 P.M.

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

Mr. Dillon called the meeting to order.

Mr. John Eberling, Dumpmaster at the Town Dump, came before the Board. Mr. Eberling said that since the Scavengers could no longer use the dump at their own convenience, they have been complaining about the hours, particularly the opening hour of the Dump. He said that if the Board had no objections, he would be willing to open the Dump earlier in the morning.

The Board discussed the matter and decided to set the hours from 8:00 A.M. to 5:00 P.M. and compensate the Dumpmaster for the extra hours he would have to work.

The Board also approved Mr. Eberling's request for the purchase of an additional 300 feet of 2½ inch hose for use at the Dump.

Mr. Donald Partridge of Nanuet came before the Board and asked if any action had been taken in regard to the appointment of an Assessor from the Civil Service List which he understood the Board had received.

Mr. Dillon informed him that the list had been received but he had not had time to canvass the list. He said that after the list had been canvassed, the Board would consider an appointment.

Mr. Dillon presented the Special Assessment Roll for Dickinson Ave. which had been prepared by the Assessor.

Mr. Burleigh moved the following resolution:

WHEREAS, the assessment roll for the improvement by paving of Dickinson Ave., Central Nyack in said Town, was duly completed and filed in the office of the Town Clerk, pursuant to Section 239 of the Town Law,

NOW THEREFORE, be it resolved, that the Town Board meet at the office of the Town Clerk, Main Street, New City, New York, in said Town, on the 11th day of February, 1955, at 8:30 P.M. Eastern Standard Time, to hear and consider any objection which may be made to said assessment roll, and,

BE IT FURTHER RESOLVED, that the Town Clerk cause notice thereof to be published once in the Journal News, pursuant to Section 239 of the Town Law.

Seconded by Mr. Schmersahl.

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

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

NOES: None.

Building Inspector Karl Schumacher presented the application of Roy Chalmers pursuant to Sec. 280 a of the Town Law for the issuance of a Building Permit for the construction of a dwelling on an unimproved road.

Mr. Welchman moved the following resolution:

RESOLVED, that the Building Inspector be directed to issue a Permit to Ray Chalmers for the erection of a dwelling on West Broadway, Central Nyack, provided

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that the applicant builds a road 20 feet wide and paves same with shoulder stone for a distance of 150 feet.

Seconded by Mr. Schmersahl.

Carried.

Mr. Dillon presented the list of employees and salaries for 1955 for the Board's consideration.

Mr. Welchman moved the following resolution:

RESOLVED, that salaries for all Town Employees of the Town of Clarkstown be fixed as follows for the year beginning January 1, 1955.

<u>NAME & TITLE</u>	<u>1955 SALARY PER YEAR</u>	<u>1954 SALARY PER YEAR</u>
Letitia Johnson, Janitress	\$264.00	\$264.00
Dollie Stiles, Janitress	264.00	264.00
Elizabeth Stiles, Janitress	264.00	--
G. Louis Monneret, Janitor	240.00	--
Irvin F. Dillon, Supervisor	3,000.00	2,500.00
Florence Blauvelt, Supv. Clerk	4,800.00	4,300.00
Charles Blauvelt, Justice of the Peace	2,500.00	2,500.00
John Stefan, Justice of the Peace=	2,500.00	2,500.00
Joseph B. Kmonchak, Justices Clerk	2,000.00	-
Richard Burleigh, Councilman	1,500.00	1,200.00
Joseph Fibble, Councilman	1,500.00	1,200.00
Fred Schmersahl, Councilman	1,500.00	1,200.00
Joseph Welchman, Councilman	1,500.00	1,200.00
August H. Hansen, Town Clerk	5,500.00	5,200.00
Charles R. Adams. Sr. Acct. Clerk	4,800.00	4,400.00
James Benzie, Assessor	4,800.00	4,800.00
Helen B. Rosinsky, Sr. Typist	2,500.00	2,500.00
C. Elsie Monneret, Rec. of Taxes	5,000.00	4,500.00
Lola Krausser, Sr. Acct. Clerk	2,800.00	2,500.00
Edward G. Roepe, Town Attorney	4,000.00	3,500.00
Ernest Wiebecke, Chief of Police	6,500.00	6,000.00
Fred Brunjes, Police Patrolman	4,500.00	4,200.00
Norman Cawley, Police Patrolman	4,400.00	4,000.00
William Conklin, Police Patrolman	4,200.00	
John Courtney, Police Patrolman	4,500.00	4,200.00
Dwight Eisgrau, Police Patrolman	4,300.00	3,900.00
Eugene W. Gammon, Police Patrolman	4,000.00	
Norman E. Gardner, Police Patrolman	4,500.00	4,200.00
Frank Hochreiter, Sergeant	5,200.00	4,800.00
Raymond Lindemann, Sergeant	5,200.00	4,800.00
John D. Martz, Police Patrolman	4,400.00	4,000.00
Frederick Rohloff, Police Patrolman	4,500.00	4,100.00
George R. Schnakenberg, Police Patrolman	4,000.00	
Donald E. Secor, Police Patrolman	4,300.00	3,900.00

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<u>NAME AND TITLE</u>	<u>1955 SALARY PER YEAR</u>	<u>1954 SALARY PER YEAR</u>
Russell R. Smith, Police Patrolman	\$4,400.00	\$4,000.00
Andrew Thompson, Police Patrolman	4,400.00	4,000.00
John Westervelt, Police Patrolman	4,500.00	4,100.00
William Zielich, Sergeant	5,200.00	4,800.00
Francis E. Jersey, Police Patrolman	4,000.00	
Karl Schumacher, Bldg. & Zoning Inspector	5,300.00	5,000.00
Oscar P. Lutz, ¹ /Asst. Bldg. Insp.	4,000.00	3,000.00
2 Asst. Bldg. Insp. vacant	3,800.00	-
Margaretann Jaeger, Sr. Steno. Bldg. Insp.	3,300.00	3,500.00
Margaretann Jaeger, Steno. Bd. Appeals	600.00	
Margaretann Jaeger, Steno. Planning Bd.=	700.00	
John Eberling, Dumpmaster	4,500.00	
Marjorie H. Sickles, Health Officer	2,100.00	1,800.00
Frank Kemmer, Welfare Officer	5,000.00	4,800.00
Margaret Reilly, Account Clerk	3,000.00	2,800.00

HIGHWAY DEPARTMENT

Emil Klein, Supt. of Highways	\$7,500.00	\$6,900.00
Henry Fajen, Deputy Supt.	4,600.00	4,300.00

Rate Per Hour

Rate Per Hour

Herbert L. Miller, Motor Equip. Operator	\$1.95	\$1.85
Vito J. Volino, Motor Equip. Operator	1.85	1.75
Frank Conklin, Motor Equip. Operator	1.85	1.75
Thomas Marsico, Motor Equip. Operator	1.85	1.75
Frank Zehner, Motor Equip. Operator	1.85	1.75
Andrew Lawrence, Motor Equip. Operator	1.85	1.75
George Kucera, Motor Equip. Operator	1.85	1.75
Herbert Klaiber, Motor Equip. Operator	1.85	1.75
Fred Seegar, Skilled Road Maintainer	1.75	1.65
Fred Kirkman, Skilled Road Maintainer	1.75	1.65
Russell Schaeffer, Road Maintainer	1.60	1.60

Seconded by Mr. Fibble.

On roll call, the Board voted as follows:

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

NOES: None.

Mr. Fibble moved the following resolution:

RESOLVED' that mileage at the rate of 8¢ per mile be paid to the following Town Officials for the use of their personal automobiles in the performance of their official duties:

- | | |
|-------------------|--------------------|
| Supt. of Highways | Building Inspector |
| Town Clerk | Dog Enumerator |
| Assessor | Welfare Officer |
| Rec. of Taxes | Town Attorney |

Seconded by Mr. Schmersahl.

Carried.

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

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

NOES: None.

Mr. Dillon appointed Councilmen Welchman and Fibble as the Insurance Committee for 1955.

Mr. Dillon appointed Councilman Fibble and himself as the Board of Review for 1955.

Deputy Town Clerk C. R. Adams, Jr. was directed to make a complete inventory of all Town property.

Mr. Burleigh moved the following resolution:

RESOLVED, that the meetings of the Town Board of Clarkstown for the year 1955 be held on the 2nd Friday and the 4th Thursday of each month.

Seconded by Mr. Welchman.

Carried.

Mr. Fibble moved the following resolution:

RESOLVED, that the Journal News, Nyack, New York, be designated as the official Newspaper for the Town of Clarkstown for 1955.

Seconded by Mr. Schmersahl.

Carried.

Mr. Welchman moved the following resolution:

RESOLVED, that the New City Branch of the Peoples Bank of Haverstraw be designated as the official depository for the Town of Clarkstown for the funds of the Highway Dept., Town Clerk and the Building Inspector, and,

FURTHER RESOLVED that the Bank hold in escrow the amount of \$75,000 to cover deposits by the Town.

FURTHER RESOLVED, that the Nanuet National Bank be designated as the official Depository for the Town of Clarkstown for the General Fund, Welfare Fund, Justices of the Peace and all Special Accounts.

Seconded by Mr. Burleigh.

On roll call, the Board voted as follows:

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

NOES: None.

Mr. Dillon read a copy of a letter that the Bardonia Men's Club had sent to the Dept. of Public Works requesting the construction of a sidewalk along Route 304 at Bardonia.

Mr. Dillon presented a statement from the J. L. Jacobs Co. for work done on the Tax Map and Reappraisal from October to November.

The Town Clerk was instructed to send the statement to the Assessor and have him certify that the work had been done and the Town Attorney was instructed to prepare the Bond Anticipation Notes.

Mr. Schmersahl moved the following resolution:

RESOLVED, that the Town Clerk advertise for bids for the purchase of two (2) Voting Machines, said bids to be opened at the regular meeting of the Town Board to be held on February 11, 1955.

Seconded by Mr. Burleigh.

Carried.

Mr. Welchman moved the following resolution:

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RESOLVED, that Supervisor Irvin F. Dillon be appointed as Delegate and Town Attorney Edward G. Roepe as Alternate to represent the Town at the Annual Meeting of the Association of Towns.

Seconded by Mr. Schmersahl.

Carried.

Mr. Schmersahl moved the following resolution:

RESOLVED' that permission be granted to all Town Officials to attend the Annual Meeting of the Association of Towns to be held at the Hotel Statler, Buffalo, N. Y. on Feb. 8, 9 and 10, 1955, at the expense of the Town.

Seconded by Mr. Fibble.

Carried.

Mr. Burleigh moved the following resolution:

Resolved that the allowance for the rental of quarters by Veterans Organizations be set at \$200. for 1955.

Seconded by Mr. Welchman.

Carried.

Mr. Welchman moved the following resolution:

RESOLVED, that the resolution of the Town Board of Clarkstown adopted on November 23, 1954 be further amended to include only the purchase of Furniture and Equipment and authorization of the Town Board be required for any purchases in excess of \$100.

Seconded by Mr. Schmersahl.

Carried.

Mr. Dillon read a letter from the Rockland County Home Builders Assn. requesting that the Board notify them in advance of the time and place of Town Board meetings.

The Board took no action on this request.

Mr. Dillon informed the Board that the rent for the Welfare Office and the Building Inspector's office had been raised from \$135 to \$150 per month effective on January 1st.

Mr. Welchman requested the Supt. of Highways to investigate a complaint about a water condition on property of George Winstedt of Storms Rd., Valley Cottage.

Mr. Dillon read a letter from the Rockland County Board of Realtors requesting the Board to abolish rent control in the Town.

The request was referred to Mr. Roepe.

Mr. Dillon presented a letter of resignation of 4 of the Fire Commissioners and the Secretary Treasurer of the Valley Cottage Fire Dist.

Town Attorney Edward G. Roepe informed the Board that since there was no majority left of the Board of Fire Commissioners to fill the vacancies, the Board would have to wait until a 30 day period lapsed and then fill the vacancies on their appointment.

Mr. Dillon read a copy of a letter that the Building Inspector had sent to Theophile Rey of Nanuet instructing him to comply with the provisions of the Multiple Residence Law.

Mr. Dillon read a letter from the Clerk of the Clarkstown Central School District requesting the installation of two street lights at the entrance to the High School on New City- Congers Road.

The Clerk was instructed to inform the School Board that the location was

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outside the boundaries of the New City Light District and the Board could not order the installation of the lights.

Mr. Dillon read a letter from the Clerk of the Clarkstown Central School District requesting the installation of two street lights at the entrance to the High School on New City-Congers Road.

The Clerk was instructed to inform the School Board that the location was outside the boundaries of the New City Light District and the Board could not order the installation of the lights.

Mr. Dillon read a notice from the Water Power and Control Commission informant the Board that a public hearing would be held in the office of the Town Clerk on January 25, at 10:30 A.M. to consider the petition of the Spring Valley Water Co. to install mains and hydrants in the New City area known as Laurel Plains which is now being serviced by a private water company.

The Board accepted and approved the monthly reports of the following Town Officials:

Town Clerk
Building Inspector

Police Dept.
Welfare Officer

Mr. Dillon informed the Board that a number of bills had been received from the Zoning Revision Committee and he requested a resolution to transfer funds so that they could be paid.

Mr. Schmersahl moved the following resolution:

RESOLVED, that Supervisor Irvin F. Dillon be authorized to transfer \$759.10 from Current Surplus to the Zoning Revision Account.

Seconded by Mr. Burleigh.

Carried.

Mr. Roepe presented the proposed Ordinance for the administration and enforcement of the Zoning Ordinance, Building Code and Multiple Residence Law in regard to buildings and structures.

Mr. Burleigh moved the following resolution:

WHEREAS, it appears desirable that Articles XXII and XXIII of the Town Ordinances adopted December 18th, 1945, and as amended, be renumbered as Articles XXIII and XXIV respectively, and that the following ordinance be adopted.

NOW THEREFORE, be it resolved that a public hearing to consider the renumbering of said Articles and the adoption of the following ordinance be held at the office of the Town Clerk, Main Street, New City, New York, on the 11th day of February, 1955, at 9:00 P.M., Eastern Standard Time, and that notice of such hearing be given by the Town Clerk by publication thereof as provided by law.

The proposed ordinance to be adopted is as follows:

SECTION 1. Duties and Powers of Building Inspector

(a) Except as otherwise specifically provided by law, ordinance or regulation, or except as herein otherwise provided, the Building Inspector shall administer and enforce all of the provisions of laws, ordinances and regulations applicable to the construction, alteration, repair, removal and demolition of buildings and structures, and the installation and use of materials and equipment therein, and the location, use, occupancy and maintenance thereof and the use and occupancy of land.

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(b) He shall receive applications and issue permits for the erection, alteration, removal and demolition of buildings or structures or parts thereof and shall examine the premises for which such applications have been received or such permits have been issued for the purpose of insuring compliance with laws, ordinances and regulations governing building construction.

(c) He shall issue all appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction and to insure compliance during the entire course of construction with the requirements of such laws, ordinances or regulations. He shall make all inspections which are necessary or proper for the carrying out of his duties.

SECTION 2. Department Records and Reports

(2) The Building Inspector shall keep permanent official records of all transactions and activities conducted by him, including all applications received, permits and certificates issued, fees charged and collected, inspection reports, and notices and orders issued. All such records shall be public records open to public inspection during business hours.

(b) The Building Inspector shall monthly submit to the Town Board a written report and summary of all business conducted by his office, including permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made and appeals or litigation pending.

SECTION 3. Cooperation of Other Departments.

The Building Inspector may request and shall receive, so far as may be necessary in the discharge of his duties, the assistance and cooperation of the Police Department and Health Officer and of all other Town officials.

SECTION 4. Application for Building Permit

(a) No person, firm or corporation shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition, conversion, or change in the nature of the occupancy of any building or structure, or cause the same to be done without first obtaining a separate building permit from the Building Inspector for each such building or structure; except that no building permit shall be required for the performance of ordinary repairs which are not structural in nature.

(b) Application for a building permit shall be made to the Building Inspector on forms provided by him and shall contain the following information:

- (1) A description of the land on which the proposed work is to be done;
- (2) A statement of the use or occupancy of all parts of the land and of the building or structure;
- (3) The valuation of the proposed work;
- (4) The full name and address of the owner and of the applicant, and the names and addresses of their responsible officers if any of them are corporations;
- (5) A brief description of the nature of the proposed work;
- (6) A duplicate set of plans and specifications as set forth in subdivision (c) of this section; and
- (7) Such other information as may reasonable be required by the Building Inspector to establish compliance of the proposed work with the requirements

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of the applicable building laws, ordinances and regulations.

Applications shall be made by the owner or lessee, or agent of either, or by the architect, engineer or builder employed in connection with the proposed work. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the proposed work is authorized by the owner and that the applicant is authorized to make such application.

(c) Each application for a building permit shall be accompanied by duplicate copies of plans and specifications, including a plot plan, drawn to scale, showing the location and size of all proposed new construction and all existing structures on the site, the nature and character of the work to be performed and the materials to be incorporated, distance from lot lines, the relationship of structures on adjoining property, widths and grades of adjoining streets, walks and alleys, and, where required by the Building Inspector, details of structural, mechanical and electrical work, including computations, stress diagrams and other essential technical data. Plans and specifications shall bear the signature of the person responsible for the design and drawings.

(d) Amendments to the application or to the plans and specifications accompanying the same may be filed at any time prior to the completion of the work, subject to the approval of the Building Inspector.

SECTION 5. Issuance of Building Permit.

The Building Inspector or an assistant building inspector shall examine or cause to be examined all applications for permits and the plans, specifications and documents filed therewith. He shall approve or disapprove the application within a reasonable time. Upon approval of the application and upon receipt of the fees therefore, he shall issue a building permit to the application upon the form prescribed by him and shall affix his signature or cause his signature to be affixed thereto. Upon approval of the application, both sets of plans and specifications shall be endorsed with the word "approved". One set of such approved plans and specifications shall be retained in the files of the Building Inspector and the other set shall be returned to the applicant together with the building permit and shall be kept at the building site open to inspection by the Building Inspector or his authorized representative at all reasonable times. If the application together with plans, specifications and other documents filed therewith described proposed work which does not conform to all of the requirements of the applicable building regulations, the building official shall disapprove the same and shall return the plans and specifications to the applicant. Upon the request of the applicant, the Building Inspector shall cause such refusal, together with the reasons therefor, to be transmitted to the applicant in writing.

SECTION 6. Performance of Work Under Building Permit.

A building permit shall be effective to authorize the commencing of and proceeding with the work in accordance with the application, plans and specifications on which it is based for a period of eighteen months after the date of its issuance. All work shall conform to the approved application, plans and specifications.

SECTION 7. Building Permit Fees

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Upon the filing of an application for a building permit, the following fees shall be payable:

Where the Total Valuation of the Work is:-

Up to \$1,000	\$5.00
For each additional \$1000 or fraction-	
From \$1,000 to and including \$15,000	3.00
From \$15,000 to and including \$50,000	2.00
In excess of \$50,000	1.00
.....	
Sewage Disposal Permit	5.00
.....	
Certificate of Occupancy (for either old or new construction)	2.00
Certificate of Compliance (for Multiple Residence)	2.00
Certificate to allow use of Sewage Disposal Facilities:	
No charge signed duplicate copy of any Certificate	1.00
.....	
For construction of Multiple Residence, add to building Permit fee for each \$1000 of construction cost	.50
For conversion into, alteration of, relocating, or any construction in connection with existing multiple residence or accessory buildings thereto, the fee shall be:	5.00
Plus, for each \$1000 of construction cost:	.50
.....	
Yearly fee for places of Public Assembly (This fee covers quarterly inspections, reports, and Certificate of Compliance to be posted on premises)	10.00
Each additional inspection of above made necessary by non-compliance: (Total annual fee shall not exceed \$20.00)	5.00

Section 8. Revocation of Building Permit.

The Building Inspector may revoke a building permit theretofore issued and approved in the following instances:

(a) Where he finds that there has been any false statement or misrepresentation as to a material fact in the application, plans or specifications on which the building permit was based;

(b) Where he finds that the building permit was issued in error and should not have been issued in accordance with the applicable law;

(c) Where he finds that the work performed under the permit is not being prosecuted in accordance with the provisions of the application, plans or specifications, or

(d) Where the person to whom a building permit has been issued fails or refuses to comply with a stop order issued by the Building Inspector.

SECTION 9. Stop Orders.

Whenever the Building Inspector has reasonable grounds to believe that work on any building or structure is being prosecuted in violation of the provisions of the applicable building laws, ordinances or regulations, or not in conformity with the provisions of an application, plans or specifications on the basis of which a building permit was issued, or in an unsafe and dangerous manner, he shall notify the owner of the property, or the owner's agent, or the person performing the work, to suspend all work, and any such persons shall forthwith stop such work and suspend all building activities

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until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him, or by posting the same upon a conspicuous portion of the building under construction and sending a copy of the same by registered mail.

SECTION 10. Right of Entry.

Any building official, upon the showing of proper credentials and in the discharge of his duties, may enter upon any building, structure or premises at any reasonable hour, and no person shall interfere with or prevent such entry.

SECTION 11. Certificate of Occupancy.

(a) No building hereafter erected shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the Building Inspector.

(b) No building hereafter enlarged, extended or altered, or upon which work has been performed which required the issuance of a building permit shall continue to be occupied or used for more than 30 days after the completion of the alteration or work unless a certificate of occupancy shall have been issued by the Building Inspector.

(c) No change shall be made in the use or type of occupancy of an existing building unless a certificate of occupancy authorizing such change shall have been issued by the Building Inspector.

(d) The owner or his agent shall make application for a Certificate of Occupancy. Accompanying this application and before the issuance of a Certificate of Occupancy, there shall be filed with the Building Inspector an affidavit of the owner or of the registered architect or licensed professional engineer who filed the original plans, or of the registered architect or licensed professional engineer who supervised the construction of the work, or of the Superintendent of construction who supervised the work and who, by reason of his experience, is qualified to superintend the work for which the Certificate of Occupancy is sought. This affidavit shall state that the deponent has examined the approved plans of the structure for which a Certificate of Occupancy is sought, that the structure has been erected in accordance with approved plans, and as erected complies with the law governing building construction except insofar as variations therefrom have been legally authorized. Such variations shall be specified in the affidavit.

SECTION 12. Inspection Prior to Issuance of Certificate

Before issuing a certificate of occupancy, the Building Inspector shall examine or cause to be examined all buildings, structures and sites for which an application has been filed for a building permit to construct, enlarge, alter, repair, remove, demolish, or change the use or occupancy; and he may conduct such inspections as he deems appropriate from time to time during and upon completion of the work for which a building permit has been issued. There shall be maintained by the Building Inspector a record of all such examinations and inspections together with a record of findings of violations of the law.

SECTION 13. Issuance of Certificate of Occupancy

(a) When, after final inspection, it is found that the proposed work has been completed in accordance with the applicable building laws, ordinances and regulations; and also in accordance with the application, plans and specifications filed

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in connection with the issuance of the building permit, the Building Inspector shall issue a certificate of occupancy upon the form provided by him. If it is found that the proposed work has not been properly completed, the Building Inspector shall refuse to issue a certificate of occupancy and shall order the work completed in conformity with the building permit and in conformity with the applicable building regulations.

(b) A certificate of occupancy shall be issued, where appropriate, within 30 days after application therefor is made

(c) The certificate of occupancy shall certify that the work has been completed, and that the proposed use and occupancy is in conformity with the provisions of the applicable building laws, ordinances and regulations, and shall specify the use or uses and the extent thereof to which the building or structure or its several parts may be put.

SECTION 14. Temporary Certificate of Occupancy

Upon request, the Building Inspector may issue a temporary certificate of occupancy for a building or structure, or part thereof, before the entire work covered by the building permit shall have been completed provided such portion or portions as have been completed may be occupied safely without endangering life or the public welfare.

SECTION 15. Tests

Whenever there are reasonable grounds to believe that any material, construction, equipment or assembly does not conform with the requirements of the applicable building laws, ordinances, or regulations, the Building Inspector may require the same to be subjected to tests in order to furnish proof of such compliance.

SECTION 16. Penalties for Violation

(a) It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any building or structure or portion thereof in violation of any provision of this ordinance or to fail in any manner to comply with a notice, directive or order of the Building Inspector, or to construct, alter or use and occupy any building or structure or part thereof in a manner not permitted by an approved building permit or certificate of occupancy.

(b) Any person who shall fail to comply with a written order of the Building Inspector within the time fixed for compliance therewith, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents, or any other person taking part or assisting in the construction or use of any building who shall knowingly violate any of the applicable provisions of this Ordinance, or any lawful order, notice, directive, permit or certificate of the Building Inspector made thereunder shall be punishable by a fine of not more than five hundred dollars, or thirty days in jail, or both. Each day that a violation continues shall be deemed a separate offense.

(c) Except as provided otherwise by law, such a violation shall not be a crime and the penalty or punishment imposed therefor shall not be deemed for any purpose a penal or criminal penalty or punishment, and shall not impose any disability

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upon or affect or impair the credibility as a witness, or otherwise, of any person convicted thereof.

(d) This section shall not apply to violations of the provisions of the State Building Construction Code punishable under Section 385 of the Executive Law of the State of New York; nor to violations of the provisions of the Multiple Residence Law punishable under Section 304 of the Multiple Residence Law of the State of New York.

SECTION 17. Abatement of Violation

Appropriate actions and proceedings may be taken at law or in equity to prevent unlawful construction or to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises or to prevent illegal acts, conduct or business in or about any premises; and these remedies shall be in addition to the penalties prescribed in the preceding section.

(2) The Building Inspector, Assistant Building Inspector or any employee in the office of the Building Inspector shall not engage in any activity inconsistent with his duties or with the interest of the Town of Clarkstown.
Seconded by Mr. Welchman.

On roll call, the Board voted as follows:

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

NOES: None.

Chief Wiebecke read a letter in regard to his future plans for the training of men in his department in the different phases of crime detection. The Chief also said in his letter that statements made by a member of the Board had been very detrimental to the efficiency of his department. He said that too often people will get the wrong impression and if it is not corrected, it can have a very harmful effect.

Mr. Burleigh asked if the Building Inspector had a report on the French Farm in New City.

Assistant Inspector Oscar Lutz informed the Board that before Mr. Schumacher's appointment, a letter had been sent to Jacob Schindler, owner of the premises, instructing him to comply with the provisions of the Multiple Residence Law. Mr. Lutz said that the letter had been sent to Mr. Schindler after the owner had ~~been~~ notified the Building Inspector's Office that the premises had been rented to a Nurse for use as a Children's boarding house. Mr. Lutz said that Boarding Houses came under the Multiple Residence Law and Mr. Schindler has been so informed and the necessary forms had been sent to him, but to date no reply had been received. Mr. Lutz also said that the owner maintained that the non-conforming use had never lapsed during his ownership of the property.

Mr. Roepe informed the Board that there were a number of people in the neighborhood who would certify that the premises had been vacant for at least a year and if this could be proven, then the present use was in violation.

Mr. Roepe was instructed by the Board to furnish the Building Inspector with a list of the names of the people so that the matter would be pursued further.

Mr. Welchman requested the installation of 30 MPH signs on Ridge Road, Valley Cottage. He said that there had been a number of cases of speeding on the road since it had been resurfaced by the Highway Dept.

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Mr. Welchman's request was approved and the Supt. of Highways was instructed to erect the necessary signs.

Mr. Roepe requested permission to attend a conference of the Municipal Law Section at New York City.

Mr. Burleigh moved the following resolution:

RESOLVED, that Town Attorney Edward G. Roepe be granted permission to attend a conference of the Municipal Law Section of New York at New York City on Jan 27 and 28 at the Expense of the Town.

Seconded by Mr. Schmersahl.

Carried.

Mr. Klein requested permission to advertise for bids for two (2) one and one half ton trucks.

Mr. Schmersahl moved the following resolution:

RESOLVED, that the Supt. of Highways be authorized to advertise for bids for two (2) 1½ ton trucks, all bids to be submitted on or before January 27, 1955.

Seconded by Mr. Burleigh.

Carried.

The Building Inspector requested permission to purchase a desk and chair for his office from Bouton's for approximately \$200.

Mr. Welchman moved the following resolution:

RESOLVED, that Building Inspector Karl Schumacher be authorized to purchase a desk and chair from Bouton's for \$200.

Seconded by Mr. Fibble.

Carried.

Chief Wiebecke asked the Board if any action had been taken to establish the Town line for the portion of Clarkstown that had been annexed by the Village of Spring Valley. He said that he had received calls from that area and he did not know if it was in his jurisdiction or not since he could not determine where the line was.

Mr. Roepe informed the Chief that it was the fault of the Village since they had not placed markers to show the line.

Mr. Welchman moved that the Supervisor be authorized to retain an Engineer to establish the Town line.

Seconded by Mr. Schmersahl.

Carried.

Chief Wiebecke requested permission to purchase a siren for \$80.

Mr. Welchman moved the following resolution:

RESOLVED, that Chief of Police Ernest Wiebecke be authorized to purchase a siren for \$80.

Seconded by Mr. Burleigh.

Carried.

Chief Wiebecke also informed the Board that there was a vacancy on the Police Dept. and he recommended the provisional appointment of Francis Edmund Jersey of Nanuet.

Mr. Burleigh moved the following resolution:

RESOLVED, that Francis Edmund Jersey, Nanuet, N. Y. be provisionally appointed to the position of Patrolman at an annual salary of \$4000, and,

FURTHER RESOLVED, that the appointment become effective on January 10, 1955.

Seconded by Mr. Welchman.

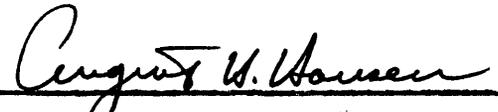
Carried.

Chief Wiebecke was instructed to purchase and have installed a 4 way Caution light at the intersection of Old Haverstraw Rd. and Lake Rd.

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Bills Nos. 1 to 101 on Warrant #1 in the amount of \$9,126.49 were audited by the Board and ordered paid.

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



Town Clerk of Clarkstown