

PUBLIC HEARING

March 11, 1955

Town Clerk's Office

8:00 P.M.

Present: Mr. Schmersahl

Mr. Fibble

Mr. Welchman

Mr. Dillon

Mr. Burleigh

Mr. Dillon called the hearing to order, explaining that it had been called to consider the establishment of a Sewer District at Congers. Mr. Dillon said that a petition had been submitted by Mr. Murray Stern for the creation of the district.

Mr. Dillon stated that the Board would first hear those in favor of establishing the district and then those in opposition.

Mr. Jerome Trachtenberg, Attorney for the Petitioner, came before the Board. Mr. Trachtenberg informed the Board that the plans and specifications for the installation had been approved by the State Dept. of Health and the work would be supervised by Henry Dorman, the developer's Engineer. Mr. Trachtenberg stated further that the system would service approximately 15 homes and on completion, would be turned over to the Town, since the state would not grant a license to an individual to operate a sewer system.

Mr. Dillon asked Mr. Trachtenberg what guarantee the Board would have that the system would be properly installed and even more important, that it would operate properly. He said that the Town had no desire to accept a Sewer System that might require extensive repair at some future date, especially since the maintenance and repair of the system would be a district charge and would be levied against the individual owners living in the district.

Mr. Trachtenberg said that Mr. Doffman would certify in writing that the system was properly installed according to the approved plans and specifications.

Mr. Burleigh suggested that the Town retain an Engineer to check the job so that there would be no question of the system being properly installed.

Mr. Dillon's point was that regardless of the fact that the installation was certified, it would have no bearing on the future operation and if any repairs were necessary they would have to be charged against the district residents.

Mr. Trachtenberg said that his client would do anything the Board wished within reason.

After considerable discussion, it was decided to invite Milton P. Hill, the State District Sanitary Engineer to the March 24th meeting and try to clear up some of the problems in connection with the matter, and the Board withheld action on the petition until that time.

Mr. Welchman moved that the hearing be closed.

Seconded by Mr. Schmersahl.

Carried.

Hearing closed.

August W. Hansen

 Town Clerk of Clarkstown

PUBLIC HEARING

March 11, 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 to consider the application of Edgar V. and Mathilda Polhemus for a change of zoning of their property at NewCity from "Res. B" to "Bus. B".

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

Mr. Stephen G. Doig, Jr., appeared before the Board as Attorney for the applicants. Mr. Doig informed the Board that the site had been used as a Gas Station and Garage in the past and the applicants wished to start the same type of business. He said that none of the adjoining property owners had any objection to the change. Mr. Doig stated that the property was located on State Highway Route 304 and was well suited for business use.

No one appeared before the Board in opposition.

Mr. Schmersahl moved that the hearing be closed.

Seconded by Mr. Burleigh.

Carried.

Hearing closed.


Town Clerk of Clarkstown

PUBLIC HEARING

March 11, 1955

Town Clerk's Office

8:45 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 Matthew P. Warner for a change of zoning of his property at Valley Cottage from "Res. A" to "Bus. B".

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

Mr. Matthew Warner came before the Board and stated that the property in question was located on Route 303 at Valley Cottage. He said that he wished to construct a Television Service Shop on the premises.

No one appeared before the Board in opposition.

Mr. Schmersahl moved that the hearing be closed.

Seconded by Mr. Burleigh.

Carried.

Hearing closed.

August M. Warner
Town Clerk of Clarkstown

AHA 538

PUBLIC HEARING

March 11, 1955

Town Clerk's Office

9:00 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 Joseph and Isabella Simons for a change of zoning of their property at Nanuet from "Res. 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. Jerome Trachtenberg appeared as Attorney for the Petitioners. Mr. Trachtenberg said that the property fronted on new Route 59 for about 525 feet and on Rose Road about 199 feet and consisted of about $3\frac{1}{2}$ acres. Mr. Trachtenberg said that the location was well suited for commercial development and his clients had a contract of sale for the property with an individual who wished to erect a shopping center. He said that the buildings would occupy about 30% of the property and the remainder would be parking area. He said that the center would fill the needs of a rapidly growing area and would be a benefit to the community.

Mrs. Walter Walker of Rose Road came before the Board in opposition. Mrs. Walker presented a petition bearing the names of most of the residents of Rose Road in opposition to the petition. She said that the area was completely residential at the present time and the residents wished it to remain that way.

Mr. Karl Ruhe of Rose Road came before the Board in opposition. Mr. Ruhe said that Rose Road was completely residential and would be permitted to remain that way. He said that there were adequate shopping facilities nearby and there was no need for further commercial development.

The following residents of Rose Road also appeared before the Board in opposition:

Mrs. Erwin Vogelsang
Charles Geddes
Ludwig Pfaff
Mrs. Andrew Colman

Mrs. Andrew Coleman asked the Board if it were not true that in a case where property to be reconed was within 500 feet of the Parkway, the Parkway authorities had to be notified, and she asked if any notice of the hearing had been sent to the Park Commission.

Mr. Dillon said that Mrs. Coleman was correct and that no notice had been sent to the Park Commission.

Mr. Trachtenberg came before the Board in rebuttal. He said that most of the property fronts on Route 59 which is a natural area for commercial development and it would have no effect on the residential properties on Rose Road. He also said that about 5 or 6 stores are planned and they will occupy about 1 acre of the property.

3/11/55

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

Seconded by Mr. Schmersahl.

Carried.

Hearing Closed.

August A. Hansen
Town Clerk of Clarkstown

AHA 538

TOWN BOARD MEETING

March 11, 1955

Town Clerk's Office

7:30 P.M.

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

Mr. Dillon called the meeting to order.

Mr. Fibble moved that the reading of the minutes of the last regular meeting be dispensed with.

Seconded by Mr. Burleigh.

Carried.

Mr. Dillon read a letter from the West Nyack Board of Fire Comm. informing the Board that an inspection had been made of the premises of the last Raymond Jones at West Nyack and the and the structure was unsafe and unfit for human occupancy. The Commissioners requested that the Board take steps to have the building demolished. Mr. Dillon also read a letter from the Building Inspector certifying that the Jones building was a hazard and recommending that it be demolished and removed from the site.

The Board referred the matter to the Town Attorney and instructed him to check the legal procedure.

Mr. Dillon read a letter from J. Fred Geist, former reporter for the Journal News, thanking the Board for their commendation for his years of faithful service in reporting the happenings of Town Board meetings.

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

Town Clerk	Police Dept.
Building Inspector	Rec. of Taxes
Welfare Officer	

Mr. Schmersahl moved the reports be accepted.

Seconded by Mr. Burleigh.

Carried.

A bill from the Nyack Water Co. for the installation of a hydrant on Dickinson Ave., Central Nyack was presented to the Board. The bill was in the amount of \$652.97.

The Board expressed surprise at what they considered an exorbitant charge for the hydrant and referred the bill to the Town Attorney for further investigation.

The Board then held a public hearing on the petition of Murray Stern for the establishment of a Sewer District at Congers.

A group of residents of Dickinson Ave., Central Nyack, came before the Board and requested that the road be repaired.

Mr. Dillon informed the Board that Dickinson Ave. was in very poor condition. He said that Mr. Klein, Mr. Leo of Ward Pavements, and he had inspected the road and found a water condition present which was causing the road to break up.

Mr. Klein said that 250 feet of drain tile would have to be installed along the road to a Town culvert at the bottom of the hill in order to drain the road be. He stated that he would be willing to do the work if Ward Pavements furnished the material. Mr. Klein said that the water was coming from the top of the hill and running under the pavement causing it to break up.

Mr. Dillon read a letter from Ward Pavements which substantiated Mr. Klein's statement.

3/11/55

After further discussion, the Board decided to leave the matter in Mr. Klein's hands, and asked him to correct the condition as soon as possible.

The Board then held a public hearing on the application of Edgar and Mathilda Polhemus for a change of zoning of their property at New City.

After returning to regular business Mr. Schmersahl moved the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by Resolution duly adopted on the 11th day of February, 1955, provided for a public hearing on the 11th day of March, 1955, at the office of the Town Clerk, Main Street, New City, New York, at 8:30 P.M., Eastern Standard Time, to consider the application of Edgar V. Polhemus and Mathilda I. Polhemus, to amend the Building Zone Ordinance for the said Town by redistricting the property of the said petitioners 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 New City in said Town from "Residence B" to "Business B".

BEGINNING at the southwest corner of the within described parcel at a cross cut on a rock and the intersection of the east line of Route 304 and the northerly line of a proposed road known as Johnson's Lane; running thence South 75° 12' 30" East along the northerly line of Johnson's Lane 197.95 feet to an iron pipe in the westerly line of lands now or formerly of the New Jersey and New York Railroad Company; thence turning and running along said westerly line of the lands of said Railroad Company on an arc to the left having a radius of 3780.33 feet, a distance of 199.89 feet to an iron pipe and lands now or formerly of Mammato; thence turning and running North 75° 12' 30" West along said lands of Mammato 186.90 feet to an iron pipe in the easterly line of Route 304; thence turning and running along the easterly line of Route 304 South 16° 16' 30" West 91.12 feet to an iron pin; thence still along the easterly line of Route 304 South 17° 40' 30" West 108.88 feet to the point or place of beginning.

Seconded by Mr. Dillon.

On roll call, the Board voted as follows:

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

NOES: None.

Mr. Dillon presented a petition signed by the residents of the John Koop development at New City. The petition requested the Board to take some action to compel Mr. Koop to complete the road in the development, since it was impassable at the present time.

Mr. Klein informed the Board that he had spoken to Mr. Koop about the road and Mr. Koop had assured him that the road would be completed as soon as the weather permits, and in the meantime had had retained a Contractor to make the road passable for the residents.

The Board decided to adjourn the matter for one month, after which time, if the road was not completed, action would be taken.

Mr. Roepe suggested that some provision should be included in the road specifications which would require a developer to post a maintenance bond after the road is accepted by the Town.

The Board instructed the Town Attorney to prepare something in the form of a resolution or ordinance which could be included in the road specifications.

The Board then held a public hearing on the application of Matthew Pr.

3/11/55

Warner for a change of zoning of his property at Valley Cottage.

After returning to regular business Mr. Schmersahl moved the following resolutions:

WHEREAS, the Town Board of the Town of Clarkstown by Resolution duly adopted on the 11th day of February, 1955, provided for a public hearing on the 11th day of March 1955, at the office of the Town Clerk, Main Street, New City, New York, at 8:45 p.m., Eastern Standard Time, to consider the application of Matthew P. Warner, to amend the Building Zone Ordinance for the said Town by redistricting the property of the said petitioner from "Residence A" 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 Valley Cottage in said Town from "Residence A" to "Business B".

BEGINNING at a point marked by an iron pipe in the easterly line of the State Highway running from Valley Cottage to Congers known as Route 303, said point being the northwesterly corner of the premises herein described and the southwesterly corner of lands heretofore conveyed by Louise M. Girod to Albert H. Krueger; running thence along the southerly line of lands conveyed as aforesaid to Krueger, south $78^{\circ} 21'$ East 202.6 feet to an iron pipe; running thence along other lands of Girod, South $22^{\circ} 44'$ West 100 feet to an iron pipe; thence running still along lands of Girod, North $78^{\circ} 21'$ West 202.6 feet to an iron pipe in the easterly line of said State Highway, said point being distant northerly 2786 feet from the north side of Lake Road measured along the easterly line of said State Highway; and running thence along the easterly line of said State Highway, North $22^{\circ} 44'$ East 100 feet to the point or place of beginning.

Seconded by Mr. Burleigh.

On roll call, the Board voted as follows:

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

NOES: None.

Mr. Dillon presented a bid from John J. King for a new Front End Sweeper for the Highway Dept. He stated that it was the only bid received.

Mr. Schmersahl moved that the bid be opened.

Seconded by Mr. Burleigh.

Carried.

The bid of John J. King was for one (1) Model "40" Austin-Western Motor Sweeper at a cost of \$9,071.34.

Mr. Schmersahl moved the following resolution:

WHEREAS, the Town Superintendent of Highways did, on the 24 day of February, 1955 duly recommend the purchase of certain (machinery) pursuant to the provisions of Section 142 of the Highway Law,

NOW, THEREFORE, BE IT RESOLVED that pursuant to Section 142 of the Highway Law the Town Superintendent of Highways is hereby authorized to purchase, in accordancw with the provisions of Article 5-A of the General Municipal Law, with the approval of the County Superintendent of Highways, the following:

Austin-Western Model "40" Motor Sweeper for a maximum price of \$9,171.34 delivered at New City, N. Y. and to be delivered on or about April 15, 1955.

Seconded by Mr. Burleigh.

Carried.

Mr. Dillon read a letter from the State Traffic Commission informing the Board that their request for a reflector on Route 9W at Congers would be considered.

3/11/55

Mr. Burleigh moved the following resolution:

WHEREAS, the New York Central has or will in the near future present a petition to the Public Service Commission for the discontinuance of commuter service on the West Shore Branch of their system, and

WHEREAS, such action will have a detrimental effect on the future growth and development of the Town of Clarkstown and will cause great hardship to the many residents of the Town who depend on the West Shore Railroad for transportation to their jobs in and around New York City,

THEREFORE, BE IT RESOLVED that the Town Board of the Town of Clarkstown is strongly opposed to any discontinuance of commuter service on the West Shore Railroad and their protests be forwarded to the Public Service Commission.

Seconded by Mr. Welchman.

On roll call, the Board voted as follows:

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

NOES: None.

The Board then held a public hearing on the application of Joseph and Isabella Simons for a change of zoning of their property at Nanuet.

After returning to regular business, Mr. Fibble moved that the Board reserve decision on the application.

Seconded by Mr. Schmersahl.

Carried.

Mr. Dillon informed the Board that the Bus Stop problem at West Nyack had been solved by the construction of a turn around for the Bus. He commended Mr. Klein for his work in bringing the matter to a successful conclusion. Mr. Dillon also informed the Board that the Bus Company had requested a light on the turn around.

The Board directed the Town Clerk to write to Rockland Light and Power and request a price for the installation.

Mr. Dillon informed the Board that he had been contacted by the Dumpmaster regarding individuals bringing small quantities of refuse into the Town Dump. He suggested that the fee per load be reduced from \$2.00 to 50¢.

Mr. Burleigh moved the following resolution:

RESOLVED, that individuals desiring to dump small loads at the Town dump be charged at the rate of 50¢ per load.

Seconded by Mr. Schmersahl.

Carried.

Mr. Dillon read a letter from John and James Christie of New City in regard to the proposed zoning of their property.

The Board directed Town Clerk A. Hansen to forward the letter to the Zoning Revision Committee.

Mr. Dillon read a letter from the Nyack Community Ambulance Corp commending the Clarkstown Police for their splendid cooperation with the Corp in the past.

Mr. Dillon read a letter from Attorney Stephen G. Doig, Jr. informing the Board that the building owned by John C. Fajen in which the Town Clerk's and Supervisor's offices were housed, had changed hands and the new owners were Henry and Barbara Fajen of New City.

3/11/55

Mr. Dillon read a letter from the Central Clarkstown Residents Association asking if the present Assessor, Doyle Brannon, was serving on a full time basis.

Mr. Dillon stated, and the rest of the Board concurred, that Mr. Brannon had been appointed on a full time basis and Mr. Dillon added that Mr. Brannon was doing a good job.

Mr. Welchman moved the following resolution:

RESOLVED, that Assessor Doyle Brannon be granted permission to attend an Assessors convention at New York City on March 11, 1955, at the expense of the Town. Seconded by Mr. Schmersahl. Carried.

The Supervisor read a letter from the Nanuet Fire Co. requesting the installation of larger lights in front of the Fire House on Prospect St.

Since the exact location for the lights was unknown, the Board tabled the matter until the next meeting.

Mr. Dillon presented a resolution adopted by the County Police Chiefs Association urging the establishment of a County Police Record Bureau.

Mr. Dillon informed the Board that the Board of Supervisors was studying the establishment of a County Police Dept. and he suggested that action be withheld until a further study can be completed.

The Board approved the Bond of Welfare Officer Frank W. Kemmer.

Mr. Dillon read letter from the Building Inspector informing the Board that a violation on the Nat Mack property at Bardonia had been removed.

The Town Clerk informed the Board that the Rec. of Taxes had requested permission to purchase a steel storage cabinet for about \$42.00.

Mr. Burleigh moved that permission be granted.

Seconded by Mr. Welchman. Carried.

Mr. Dillon presented a proposal from Rockland Light & Power to revise the street lighting along Route 9W, Congers, in the area where a fatal accident had recently occurred. The additional cost to the Town would be \$306.96 annually.

Mr. Dillon informed the Board that this would have to be the last request for street lights in Congers since no appropriations had been made for such expenditures.

Mr. Fibble moved the following resolution:

RESOLVED, that Rockland Light & Power Company be authorized to install or change the street lights on Route 9W, Congers on the following poles:

- 3 new 6,000 Lumens on Poles 146, 148 & S-150
- 4 2,500 Lumens on Poles S-153, 156, 158, & 161

Seconded by Mr. Welchman. Carried.

Mr. Roepe presented a petition for the dissolution of the Valley Cottage Sewer District. He stated that an area within the present district would be very difficult to service and the petitioner wished to exclude it and revise the boundaries of the district.

Mr. Burleigh moved the following order:

WHEREAS, written petition, in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland County, New York, for the dissolution of the Valley Cottage Sewer District in the said

3/11/55

Town, which district is bounded and described as follows:

BEGINNING at the northeast corner thereof at a point being the intersection of the west side of New York State Highway #1295 (Route 9W), with the south side of Lake Road leading to Valley Cottage; thence running in a southerly direction along the west side of Route 9W, South 5° 48' 40" West, 726.38 feet to a monument and lands now or formerly of Van Ness; thence the following courses and distances: (1) along said last mentioned lands, South 87° 52' 10" West, 152.83 feet to a monument, (2) South 8° 17' 50" West, 183.70 Feet to a monument, (3) South 2° 24' 45" East, 90.93 feet to a monument, (4) South 3° 51' 35" West 475.05 feet to a monument, (5) South 76° 29' 40" East, 130.24 feet to a monument, (6) South 13° 19' East, 616.20 feet along a line of cedar posts and hedge to a monument on the west side of Route 9W; thence along the westside of Route 9W on a curve to the right, having a radius of 516 feet, a distance of 191.88 feet to a monument; thence still along Route 9W, South 38° 55' West, 242.29 feet to a monument and lands now or formerly of White; thence along said last mentioned landsthe following courses and distances: (1) North 11° 17' 10" West 131.46 feet to a cut on a rock, (2) South 71° 52' 30" West, 363.62 feet to a cut on a rock. (3) South 4° 18' West, 147.65 feet to a cut on a rock (4) South 19° 03' 10" West, 322.08 feet to a cut on a rock. (5) South 14° 39' 40" East, 236.58 feet to a cut on a rock, (6) North 60° 34' East, 32.73 feet to a monument on the west side of Route 9W; thence continuing along the west side of Route 9W the following courses and distances: (1) South 12° 17' West, 307.18 feet to a monument, (2) South 35° 45' West, 194.86 feet to a monument, (3) South 54° 28' 50" West, 84.11 feet to a monument; thence North 34° 07' 30" West 179.96 feet to an old iron pipe; thence South 61° 18' 30" west, 130.53 to an old iron pipe and the southwest corner of the within described premises; thence running along lands now or formerly of Reed the following courses and distances: (1) North 6° 58' 27" West 156.30 feet to an old iron pipe (2) North 8° 02' 20" West, 402.80 feet to an old iron pipe, (3) North 5° 25' 14" West, 702.58 feet to an old iron pipe; (4) North 6° 42' 04" West 1061.43 feet to an iron pipe and the southerly side of Lake Road; thence running along the southerly side of Lake Road in a northeasterly direction the following courses and distances: (1) North 51° 41' 10" East 295.69 feet to a monument, (2) on a curve to the left, having a radius of 298.96 feet, a distance of 113.88 feet to a monument, (3) North 29° 53' 40" East, 135.33 feet to a monument, (4) on a curve to the left, having a radius of 237.94 feet, a distance of 80.08 feet to a monument, (5) North 10° 35' 45" East, 150.71 feet to a monument, (6) on a curve to the right, having a radius of 149.74 feet, a distance of 127.30 feet to a monument, (7) North 59° 19' 10" East, 168.78 feet to a monument, (8) North 20° 57' 20" East, 197.14 feet to a monument, (10) North 21° 42' 50" East, 122.74 feet to a monument, (11) on a curve to the right, having a radius of 175.09 feet a distance of 199.04 feet to a monument (12) North 86° 51' East, 189.36 feet to an iron pipe. (13) North 89° 48' 30" East, 93 feet to an iron pipe (14) North 79° 58' 30" East, 28.17 feet to the point or place of beginning.

and also,

BEGINNING, at the northwest corner of the existing Valley Cottage sewer district on the south side of Lake Road, leading to Valley Cottage; thence North 7° 11' 45" West, 58.40 feet; thence North 7° 11' 45" West, 1127.29 feet; thence North 7° 34' 30" West, 308.89 feet; thence South 86° 52' East, 697 feet; thence North 12° 30' West, 598.5 feet; thence due East 622.12 feet; thence due South 696.54 feet to the north side of Lake Road; thence South 3° 15' 20" East, 50 feet to the south side of Lake Road; thence continuing along the south side of Lake Road the following courses and distances: (1) on a curve to the left, having a radius of 160.05 feet, a distance of 181.75 feet, (2) South 21° 41' 10" West 258.98 feet, (3) on a curve to the right, having a radius of 295.91 feet, a distance of 194.1 feet, (4) South 59° 16' 10" West, 121.33 feet, (5) on a curve to the left having a radius of 250.01 feet, a distance of 215.5 feet, (6) South 10° 34' 10" West, 91.85 feet, (7) on a curve to the right, having a radius of 300.01 feet, a distance of 98.78 feet, (8) South 29° 25' 55" West, 127.26 feet, (9) on a curve to the right, having a radius of 300.1 feet a distance of 116.56 feet, (10) South 51° 41' 10" West, 296.51 feet to the point or place of beginning.

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown shall be held at the Town Clerk's office at Main Street, New City, New York, on the 8th day of April 1955, at 8:00 p.m., Eastern Standard Time, to consider the said petition and to hear all persons interested in the subject thereof, concerning the same, and for such other action on the part of said Town Board with relation to the said petition as may be required by law or proper in the premises.

Seconded by Mr. Schmersahl.

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

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

NOES: None.

Mr. Roepe presented a petition for the establishment of a new Sewer District at Valley Cottage.

Mr. Welchman moved the following Order:

3/11/55

WHEREAS, a written petition, dated March 11th, 1955, in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland County, New York, for the establishment of a Sewer District at Valley Cottage in the said Town, to be bounded and described as follows:

BEGINNING at the northwest corner of the intersection of Lake Road and State Highway #1295 (Route 9W); running thence along the westerly line of State Highway #1295, South 5° 48' 40" West a distance of 776.0 feet to the northeast corner of land now or formerly of Van Ness; thence along the northerly line of land of Van Ness, South 87° 52' West, a distance of 152.8 feet; thence along the westerly line of Van Ness and other lands of Quaspeck Park Homes, Inc. the following four courses: (1) South 18° 07' West 183.7 feet (2) South 2° 25' 45" East, 87.93 feet (3) South 3° 51' 45" West, 813.05 feet (4) South 6° 42' 04" East, 460.0 feet; thence along other lands of Quaspeck Park Homes, Inc. South 82° 38' 25" West; a distance of 955.5 feet to a point in the easterly line of lands of Sarah Reed; thence along same North 6° 42' 04" West, a distance of 1120.0 feet to a point in the center of Lake Road; thence still along lands now or formerly of Reed the following three courses: (1) North 7° 09' 16" West 1159.5 feet (2) North 7° 34' 30" West 308.9 feet (3) North 8° 00' West 658.0 feet; thence along other lands of Rockland Lake Gardens Corp. the following four courses: (1) North 82° 00' East 700.0 feet (2) South 18° 23' East 214.3 feet (3) due East 520.0 feet (4) due South 696.54 feet to a point in the northerly side of Lake Road; thence North 86° 44' 40" East, a distance of 320 feet more or less to the point or place of beginning.

WHEREAS, the improvements proposed consist of the erection, construction and maintenance of a sewerage system, to serve the said district, including main and lateral sewers, treatment beds and all incidental equipment, including the acquisition of the necessary lands and rights of way therefor, in accordance with certain plans made a part of such petition now on file in the office of the Town Clerk of the said Town; and

WHEREAS, the maximum amount proposed to be expended for the improvement as stated in the said petition is None, it is hereby

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown shall be held at the office of the Town Clerk in New City, New York, on the 8th day of April, 1955, at 8:15 p.m., Eastern Standard Time, to consider the said petition and to hear all persons interested in the subject thereof, concerning the same, and for such other action on the part of said Town Board with relation to the said petition as may be required by law or proper in the premises.

Seconded by Mr. Fibble.

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

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

NOES: None.

Mr. Schmersahl informed the Board that he had received requests for hydrants at Denis Acres at Nanuet.

After checking the map of the Nanuet Water District it was found that the area was outside the boundaries and it would be necessary for the residents to petition for an extension of the district.

Mr. Dillon informed the Board that the request of the Central Clarkstown School Board for lights at the High School had been renewed and the Board was being blamed for holding up the installation.

The Town Clerk was instructed to inform the School Board that the only way of obtaining lights at the location they desire was by forming a Town lighting district.

Mr. Burleigh informed the Board that he had received a number of complaints regarding blasting by the Contractors along new Route 59. He suggested that an ordinance of regulation be adopted by the Town Board to restrict the setting off of large

3/11/55

charges of explosives, and presented a copy of the Orangetown ordinance for study.

Mr. Roepe was instructed to study the ordinance and report to the Board at the next meeting.

Mr. Burleigh asked if the meeting with the Rec. of Taxes, the Assessor and the Appraisers would be held soon.

Mr. Dillon said that he had spoken to Mr. Kennedy, Field Supervisor for J. L. Jacobs, and Mr. Kennedy had informed him that the job was 60% completed and he doubted that it would be done by April 1st. Mr. Dillon said that he had suggested to Mr. Kennedy that he request an extension of time since the contract called for completion by the 1st. of April.

Mr. Burleigh asked if the Town Attorney had completed his study of the proposed ordinance relating to the enforcement of the Building Code, Zoning Ordinance, etc.

Mr. Roepe said that he had completed his study and he suggested that Sub. D of Section 16 be deleted from the Ordinance.

Mr. Burleigh moved the following resolution:

WHEREAS, by Resolution of this Board dated January 7th, 1955, a public hearing upon a proposed ordinance renumbering Articles XXII and XXIII of the Town Ordinances and adding a new Article XXII entitled "Administration and Enforcement of the Zoning Ordinance, Building Code and other State or Town Ordinances, codes and regulations relating to buildings and structures", was held on the 11th day of February, 1955, after due publication thereof.

NOW, THEREFORE, be it resolved that the said proposed ordinance be and the same is hereby adopted and enacted effective upon publication and posting as required by law, as follows:

ARTICLES XXII AND XXIII of the Town Ordinances adopted December 18, 1945 and as amended, are hereby renumbered as ARTICLES XXIII AND XXIV, respectively, and a new ARTICLE XXII is hereby enacted to said ordinances as follows:

ARTICLE XXII

Administration and Enforcement of the Zoning Ordinance, Building Code and other State or Town Ordinances, codes and regulations relating to buildings and structures.

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.

(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

(a) The Building Inspector shall keep permanent official records of all

3/11/55

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 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, there 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 therefor, he shall issue a building permit to the applicant 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 work "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.

3/11/55

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.

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

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Sewage Disposal Permit 5.00

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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

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For construction of Multiple Residence, add to building Permit fee for each \$1,000 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 \$1,000 of construction cost: .50

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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 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.

AHA 538

3/11/55

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 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

3/11/55

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

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.

(a) 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. Schmersahl.

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

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

NOES: None.

The Town Clerk informed the Board that there had been talk of splitting some of the election districts and he suggested that the Old Voting Machines which were to have been traded in, be kept for use in the new districts.

Mr. Welchman moved that the old machines be kept for future use.

Seconded by Mr. Schmersahl.

Carried.

Mr. Roepe brought the Board up to date on the Reyville case which had come up for trial before Justice of the Peace Charles Blauvelt.

Supt. of Highways Emil Klein informed the Board that he had received requests for 30 MPH signs on Third St., New City.

Mr. Welchman moved that the Supt. of Highways be authorized to install the signs.

Seconded by Mr. Fibble.

Carried.

Mr. Klein informed the Board that the rock fill for the Thruway in the West Nyack area had created a very unsightly appearance and the property owners along the right of way had been assured by Thruway representatives when their property was taken that the rock would be covered with topsoil and seeded and now it seemed that the Thruway Authority had no intention of living up to their bargain. Mr. Klein presented photographs showing one of the affected properties, and the Board agreed that it was a very sorry spectacle.

Mr. Welchman moved that the Clerk be instructed to write to the Thruway Authority and requested that the rock fill be topsoiled and seeded.

Seconded by Mr. Fibble.

Carried.

Chief Wiebecke requested permission to purchase a number of items for the Police Dept.

3/11/55

Mr. Schmersahl moved that the request be granted.

Seconded by Mr. Welchman.

Carried.

Bills Nos. 201 to 312 on Warrant #3 in the amount of \$15,911.25 were audited by the Board and ordered paid.

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

August A. Hauer
Town Clerk of Clarkstown