

TOWN BOARD MEETING

March 24, 1955

Town Clerk's Office

7:30 P.M.

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

Mr. Dillon called the meeting to order.

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

Seconded by Mr. Schmersahl.

Carried.

Mr. E. T. Matlock of Parrot Rd., West Nyack, came before the Board to protest the issuance of a Certificate of Occupancy to the owners of the former Lackland Estate for use of the premises as a Day Camp. Mr. Matlock said that the Zoning Board of Appeals had denied owners a Variance last year on the grounds that a Day Camp was prohibited in a "Res. A" zone. The Board had stated at that time that no Certificate of Occupancy was to be issued for such use.

Building Inspector Karl Schumacher came before the Board and stated that a Certificate had been issued and it restricted the use of the premises so that it could not be used as a camp. He said that the Certificate had been issued to a charitable institution for use of the premises as a school for young children. Mr. Schumacher said that in issuing the Certificate he had observed all the requirements of the Zoning Ordinance.

Mr. George Turitz of West Nyack asked how long the children would be kept on the premises or if the application contained any given length of time.

Mr. Schumacher said that no application is required for a Certificate of Occupancy. He said that a certificate is issued for a building for a designated use within the particular zone. Mr. Schumacher said that he did not see how he could determine by the length of a child's residence whether the premises would be a camp or a school, and he stated again that the Certificate of Occupancy prohibited the use of the premises for a camp.

Mr. Howard Martin of West Nyack also objected to the use of the premises as a camp and stated that the Certificate should never have been issued. He said that the Zoning Board of Appeals had denied variance to the owners in April of 1954 because they had determined the proposed use constituted a camp. Mr. Martin said that the residents of the area were unaware that the Certificate had been issued until they noticed truckloads of beds and mattresses being moved into the buildings. Mr. Martin stated that the buildings were located within 25 feet of the road and the Zoning Ordinance prohibited the use of the premises unless the buildings were at least 100 feet from any street or lot line.

Mr. Turitz stated that in a recent meeting with the owners of the premises, the statement had been made that at least 60 children would be housed in the buildings with adult supervision for each 4 children bringing the total to at least 80 occupants.

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Mr. Turitz stated further that these children are not the nice quiet, little orphans that everyone is familiar with but are the product of broken homes, and as such, are emotionally disturbed, and the Town was accepting quite a burden by welcoming children of this type to the community.

In reply to Mr. Martin's statement that the buildings are within 25 feet of the road, Mr. Dillon said that he had driven past the premises recently and there was no doubt that the buildings are less than 100 feet from the street line.

Mr. Schumacher said that the C. O. was issued only on existing conditions and if any future changes were contemplated, a relocation of Parrot Road was proposed which would make the buildings 100 feet from the road.

Mr. Dillon asked the Town Attorney if the Certificate of Occupancy could be revoked in view of the fact that the buildings were less than 100 feet from the road.

Mr. Roepe said that if the buildings were located within 100 feet of the road, then the Certificate should not have been issued and the Board could direct the Building Inspector or the Town Clerk to revoke it.

Mr. Welchman moved that the Building Inspector be directed to revoke the Certificate of Occupancy and to notify the owners immediately.

Seconded by Mr. Schmersahl.

Carried.

Mr. Dillon said that he did not wish the Board's action to reflect in any way on the Building Inspector. He said that the Building Inspector had acted in good faith although he may have been a little hasty in his decision to issue the Certificate.

Mr. Burleigh informed the Board that he had received complaints regarding an abandoned house on the new Route 59 right of way. He said that the building was in very poor condition and children were playing in it and someone might be seriously injured.

The Board instructed the Building Inspector to look into the matter.

The Board then met with Milton P. Hill, District Sanitary Engineer for the State Dept. of Health. The Board had asked Mr. Hill to be present to answer a number of questions regarding the establishment of Sewer District for various developments in the Town. Mr. Hill said that it was the policy of the Dept. of Health to require the establishment of Sewer Districts for developments of 100 homes or more. He said that in developments of this size, subsurface sewage disposal systems were seldom satisfactory. In the general discussion, the request of the Congers Realty Corp. for the establishment of a Sewer District for 15 homes was brought up, and Mr. Dillon said that he did not feel that the Board should establish small districts all over the Town since they would be difficult to tie in when and if public sewers became a reality for Clarkstown. Mr. Hill said that he understood that the developer had since changed his mind and intended to install individual systems for each home.

After the general discussion, Mr. Dillon informed the Board that he had been working with Mr. Hill and William Yuda since last summer on a trunk line sewer for the Town. He said that Mr. Yuda had agreed to prepare the preliminary plans at no cost to the Town and upon presentation to the State the Town could be paid for one half of the cost of the plans. Mr. Dillon said that the basic idea was to service the most needy

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areas as the need arose.

Mr. Hill stated that the State would pay one half the cost of the plans and he suggested that a preliminary plan be made for the Town and detailed plans be made of the areas needing service the most.

Mr. Dillon said that if the plans were accepted, Mr. Yuda would naturally expect to be paid for his work and he asked the Board to authorize him to continue with work on the plans.

The Board members were unanimous in their approval of the progress that had been made and they authorized Mr. Dillon to continue along the same lines and to direct the Engineer to proceed with the plans.

Mr. John Lesko of Spring Valley came before the Board and asked the Board what had to be done to make Sherwood Drive at Nanuet acceptable as a Town road. He said that he had been before the Board a number of times and had never been able to get anywhere. He stated that Mr. Klein had approved the road originally and now the Board refused to take it over.

Mr. Dillon said that the road had been approved by the Supt. of Highways and the developer had been instructed to file a Deed and Certificate of Title with the Town. He said that the Deed and Certificate had been so long in being presented to the Board that the road had deteriorated due to drainage conditions and heavy trucks traveling on it that it was no longer acceptable.

Mr. Klein said that he had informed Mr. Lesko's Attorneys on at least two occasions what had to be done to make the road acceptable and nothing had been done to date. He said that the road would have to be completely resurfaced before he would approve it.

Mr. Lesko requested that Mr. Klein put in writing everything that had to be done to make the road acceptable so that he could go to his contractor and have the road repaired.

The Board instructed Mr. Klein to prepare a written statement for Mr. Lesko listing all the repairs necessary to make the road acceptable.

Mr. Dillon read a letter from the Palisade Interstate Park Comm. objecting to the change of zoning requested by Joseph and Isabella Simons of West Nyack because it was within 500 feet of the Parkway. Mr. Dillon advised the Board to withhold action on the petition until the Petitioners notify the Board of the distance of the property from the Parkway.

Mr. Dillon read a letter from John Arborio disclaiming any responsibility for the condition of the Parsells road in Bardonia.

Mr. Schmersahl moved the following resolution:

RESOLVED, that Assessor Doyle Brannon be granted permission to attend an Assessors Conference at Atlantic City, N. J. on April 1, 1955, at the expense of the Town.

Seconded by Mr. Welchman.

Carried.

Mr. Dillon read a letter from the Hague Realty Co. of White Plains requesting the Board to commit themselves to change the zoning of a parcel of property on

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Prospect St., Nanuet, which was to be offered for use as a new Post Office site.

The Board instructed the Town Clerk to advise the Realty Company that a formal petition, Survey, and a check in the amount of \$50 would have to be submitted to the Board and a public hearing date set on the application.

Mr. Dillon presented the resignation of William Boepple as a member of the Zoning Board of Appeals.

Mr. Welchman informed the Board that he would have someone to fill the vacancy at the next meeting.

Mr. Dillon read a letter from Kenneth Harniman, Chairman of the County Officials Bus Committee, inviting the Board to attend a meeting to discuss Rockland County transportation to be held at the Piermont Village Hall on March 31st.

Mr. Fibble moved the following resolution:

RESOLVED, that Supervisor Irvin F. Dillon be authorized to transfer \$23.38 from Current Surplus to the Zoning Revision Account.

Seconded by Mr. Schmersahl.

Carried.

Mr. Dillon read a letter from Mr. & Mrs. George Zevnik of West Nyack thanking the Board for their efforts in solving the Bus Stop problem at West Nyack.

Mr. Dillon presented the Application of the Raso Holding Corp. for a change of zoning of their property at West Nyack from "Res. A" to "Bus. B".

Mr. Burleigh moved the following resolution:

WHEREAS, RASO HOLDING CORPORATION, has petitioned the Town Board of the Town of Clarkstown that the Building Zone Ordinance of the said Town be amended by redistricting property of the said petitioner and in said petition described from "Residence A" to "Business B",

BE IT RESOLVED, that a public hearing pursuant to Section 265 and 264 of the Town Law be had at the office of the Town Clerk, Main Street, New City, New York, on the 28th day of April, 1955, at 8:00 p.m., Eastern Daylight Saving Time, relative to such proposed amendment, and it is,

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published as aforesaid and file proof thereof in the office of the said Clerk.

Seconded by Mr. Welchman.

On roll call, the Board voted as follows:

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

NOES: None.

Mr. Dillon presented the application of Herman Hoeflich and Leo Cyler for a change of zoning of their property at Nanuet from "Res. B" to "Industrial."

Mr. Dillon informed the Board that the Dumpmaster had requested a Sprayer for the Dump which would cost about \$650. He suggested that the Board meet at the Dump on March 26 at 2:00 P.M. and inspect the premises.

Mr. Dillon said that I.B.M. was offering a service to Municipalities for the extension of Tax Rolls. He said that the job was becoming more of a problem every year and it might be easier or more practical to have it done by an outside firm.

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The Board decided to invite a representative of I.B.M. to attend the next regular meeting on April 7th at 7:30 p.m.

Mr. Welchman informed the Board that he had received a request from the Nanuet Fire Company for Mercury lights on the poles in front of the Fire House. He said that the new lights would replace the existing fixtures.

The Town Clerk was instructed to order the lights from Rockland Light & Power.

Mr. Dillon informed the Board that there had been a great deal of discussion concerning the proposed Parkway interchange with Townline Rd. He said that the Board of Supervisors had opposed the interchange and requested that it be located on New Route 59 but had had little success.

Mr. Welchman moved the following resolution:

RESOLVED, that the Town Board of the Town of Clarkstown go on record as being completely opposed to the location of an interchange of the Palisade Interstate Parkway at Townline Road, and,

FURTHER RESOLVED, that the Dept. of Public Works be requested to review its decision as to this location with the recommendation that the interchange be located on new Route 59.

The Board would sincerely appreciate your attention to this matter since it has caused great concern not only to the Town Officials but also to many residents and organizations in the Town.

Seconded by Mr. Burleigh.

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

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

NOES: None.

The Town Clerk was instructed to send copies of the resolution to Assemblyman Walmsley and John Johnson, Supt. of the Dept. of Public Works.

Mr. Fibble informed the Board that there was a drainage ditch running along the rear of the properties on Highway Ave. and Butler St. at Congers. He asked if the Town would pipe the ditch so that the property owners could fill it in.

Mr. Klein told Mr. Fibble that the ditch was on private property and the Town could not enter into the matter. He said that the ditch would have to be piped and filled in at the expense of the property owners.

Mr. Fibble also requested a Stop sign at Highway and Butler.

Chief Wiebecke said that he would look into the matter.

Mr. Fibble reported that the West Shore crossing at Congers was in very poor condition and he asked that the New York Central System be requested to make the necessary repairs.

The Town Clerk was instructed to forward the complaint to the West Shore Division of the New York Central.

Mr. Fibble reported that there was a hole in the pavement of Route 303 at the corner of Lake Rd. and it was very hazardous.

The Board instructed the Town Clerk to write to the Dept. of Public Works at Nyack and report on the condition and request repairs.

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Mr. Klein reported that his department had finished installing the drain tile along Dickinson Ave. and the road bed was almost completely dry. He also said that he had spoken to Mr. Leo of Ward Pavements, and they had agreed to repair the road.

The Board commended Mr. Klein for his work in bringing the matter to a close.

Mr. Roepe informed the Board that he had written to the Nyack Water Commissioners regarding their changes for the hydrant on Dickinson Ave, and they had informed him that the bill submitted was in the same amount as one which they had received from Beckerle and Brown for the installation.

The Board still contended that the charge was excessive and decided to hold the matter in abeyance for the time being.

Mr. Roepe presented a resolution which he had prepared for inclusion into the Town Road Specifications requiring developers to post a maintenance Bond for a period of one year after acceptance by the Town of their roads.

Mr. Welchman moved the following resolution:

RESOLVED, that it is the policy of the Town of Clarkstown that roads, streets or avenues offered for dedication and acceptance shall not be accepted as Town roads until and unless a bond in proper form for an amount to be set by the Town Board running to the Town of Clarkstown, shall be posted with the Town to provide for maintenance of said roads, streets or avenues in reasonable good condition for a period of one year from the date of acceptance thereof.

Seconded by Mr. Schmersahl.

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

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

NOES: None.

Mr. Roepe reported that he had served notice on the County Treasurer regarding the condemning by the Building Inspector of a building on the property of the late Raymond Jones at West Nyack. The County Treasurer had informed him that the property was to be sold at auction in the near future and the matter should be taken up with the new owner.

Mr. Roepe also reported that the Rey matter had been concluded in Justices Court and Theophile had received a fine and suspended sentence and was ordered to vacate all tenants from the premises.

Mr. Schmersahl moved the following resolution:

RESOLVED, that a hydrant be installed on Frederic St. at Nanuet, approximately 900 feet from Old Nyack Turnpike, and,

FURTHER RESOLVED, that the Spring Valley Water Company be requested to make the installation.

Seconded by Mr. Fibble.

Carried.

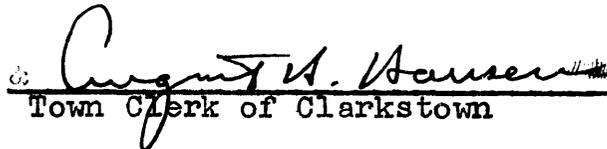
Mr. Dillon informed the Board that he had appointed the following individuals on the Town Hall Committee:

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Edwin C. Haring
 Frank E. O'Brien
 Ralph Eckhardt
 Joseph W. Coburn
 John Nugent
 Walter Martin
 Frank Levin
 Pat. E. Damiani
 Joseph Quick
 Joseph Otto

West Nyack
 Valley Cottage
 Congers
 Nanuet
 Upper Nyack
 Bardonia
 New City
 New City
 Central Nyack
 Rockland Lake

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


 Town Clerk of Clarkstown

Mr. Fibble moved the following resolution:-

WHEREAS, Herman Hoeflich and Leo Cyler, have petitioned the Town Board of the Town of Clarkstown that the Building Zone Ordinance of the said Town be amended by redistricting property of the said petitioners in said petition described from "Residence B" to "Industrial",

BE IT RESOLVED, that a public hearing pursuant to Section 265 and 264 of the Town Law be had at the office of the Town Clerk, Main Street, New City, New York, on the 28th day of April, 1955, at 8:30 P.M., Eastern Daylight Saving Time, relative to such proposed amendment, and it is,

FURTHER RESOLVED, that the Town Attorney prepare notice of such statutory hearing and that the Town Clerk cause the same to be published as aforesaid and file proof thereof in the office of the said Clerk.