

## PUBLIC HEARING

September 9, 1955

Town Clerk's Office

9:00 P.M.

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

Mr. Dillon called the meeting to order, explaining that it had been called to consider the application of Marion G. Neville and John Donzella for a change of zoning of their property at West Nyack from "Res. A" 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. John Gallucci came before the Board as Attorney for the Petitioners. Mr. Gallucci said that the property lies between Route 303 and Old Greenbush Road and fronts on each road for a distance of about 200 feet. He said that the property to the south is zoned for business and is occupied by the Nyack Candy Company. Mr. Gallucci stated that his clients wished to construct a garage on the property which would be used for the storage of New York Telephone Co. trucks and cars, and a Gas Station would be built on Route 303. He said that the area is not suited for residential development and is a natural location for a commercial venture.

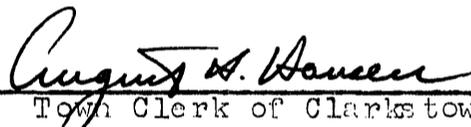
No one appeared before the Board in opposition.

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

Seconded by Mr. Burleigh.

Carried.

Hearing closed.

  
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Town Clerk of Clarkstown

## TOWN BOARD MEETING

September 9, 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. John Kilby, Mayor of the Village of Nyack and A. J. Bryant, Village Attorney, came before the Board regarding the dump maintained by the Village at West Nyack.

Mr. Dillon explained that the Village Dump is a violation of existing Town Ordinances and since the Town has established their own dump at West Nyack, the Board has ordered that all other dumps be closed. He said that Scotty's dump at West Nyack is still open and in order to close Scotty, it would also be necessary to close the Village Dump.

Mr. Kilby said that the Dump was in existence when he took office and the property is owned by the Village. He said that the Dump is kept as orderly as possible and no complaints have been received by the Village Board.

Mr. Burleigh said that he had received complaints about Scotty's dump on many occasions and in all fairness to Scotty, both dumps should be closed.

Mr. Dillon read a letter from the Nyack Garden Club complaining about the existence of Scotty's Dump and referring to unsanitary conditions.

Mr. Roepe, Town Attorney, said that the question before the Board was strictly concerning the ordinance which prohibits dumping in the Town.

After discussion, the Board decided to have Supervisor Dillon and Town Attorney Roepe meet with Mayor Kilby and Mr. Bryant to try to work out a solution to the problem.

Mr. W. H. Ackroyd-Kelly came before the Board as a representative of the Nanuet School Board. Mr. Kelly informed the Board that children from the Nanuet Knolls development, which is within the Bardonia section of the Clarkstown Central School District, are attending the Nanuet School. Mr. Kelly said that in view of the fact that the Nanuet District is not receiving any financial aid in the way of tax moneys for these children, the district boundaries should be revised so that Nanuet Knolls will be within the Nanuet School District and the present tax rate for the School District Taxes should not apply this year. Mr. Kelly also said that there are a number of other properties in that area that do not appear on the Tax Rolls. Mr. Kelly requested that a meeting of the School Boards and the Town Board be held to straighten the boundaries.

Mr. Dillon advised Mr. Kelly that the Town Board has no jurisdiction over school matters and the problem was one which would have to be solved by the respective school districts.

After further discussion, the Board decided to meet with the Nanuet and Central School Boards and with the Assessor, on Sept. 22, in an attempt to settle the question of the boundaries.

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Mr. Lawrence DeNeufville of Upper Nyack came before the Board and asked why School Tax Bills had been sent out so late and who was at fault.

Mr. Dillon Dillon informed him that the delay had been caused by an error on the part of I.B.M. who was printing the forms. He said that the numbers designating the School Districts had been mixed up and the job had to be done over again.

Mr. Burleigh suggested that the order for the State and County Tax forms be placed now so that there would be no repetition when the State and County Taxes were due.

Mr. Roepe said that there would be no convenience to the public even though the bills were late. He said that the 30 day period during which taxes were paid began from the date the Tax Collector started collecting taxes.

Mr. Eomer DeFlaun of Central Nyack asked the Board if a petition had been filed regarding the annexation of Central Nyack to the Village of Nyack.

Mr. Dillon said that no petition had been filed and he Clerk would notify Mr. DeFlaun if one was presented.

Mr. Alan Anderson of New City came before the Board and asked if the Board would take any action on the new Zoning Ordinance.

Mr. Dillon said that the Board had just received the revised map and the text of the Ordinance and a meeting would be held within a week for the purpose of adopting the new zoning.

Mr. Welchman moved that the Board meet on Tuesday, Sept. 13, for the purpose of adopting the Ordinance.

Seconded by Mr. Burleigh.

Carried.

Mr. Burleigh presented a copy of a proposed explosive ordinance. He said that the Town should have some control over the use of explosives by the various contractors who are working in the Town.

Mr. Dillon appointed Mr. Welchman and Mr. Burleigh as a committee to meet with the Town Attorney to discuss the matter. Mr. John Kringle of the New York Trap Rock Corp. was also invited to sit in on the meeting.

The Board then took up the matter of the Maintenance Contract for the Tax Map and also the contract for additional mapping work to be done by J. L. Jacobs Co. Mr. Martin Miller came before the Board as the representative for the J. L. Jacobs Co.

Mr. Miller presented the following figures which had been obtained through the evaluation program:

	<u>1955 Assessed Valuation</u>	<u>1955 Appraised Valuation</u>
Land & Bldgs.	\$13,960,350	\$91,830,560
Public Service	667,835	4,530,905
Exempt Land & Buildingx	3,944,805	9,158,338

Mr. Miller informed the Board that under the proposed contract submitted by his Company Master Tracing sheets of all 137 Aerial Photographs would be furnished on a scale of 1-100 with the property lines indicated.

On the Master Tracings, all the properties would be indexed and the Company would prepare 3 prints of the maps showing the individual properties outlined in Blue

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and these would be bound. Also to be furnished would be a Master Unit Land Value Map on a scale of 1-800 suitable for reproduction. The total cost to the Town would be \$8,250.

The Board and the Town Attorney discussed the manner of payment for the additional work and the Town Attorney stated that it would be necessary to issue another Bond issue.

The Board also discussed with Mr. Miller the maintenance agreement between the Town and the J. L. Jacobs Co.

Mr. Miller informed the Board that he had discussed the Maintenance Contract with Assessor Doyle Brannon and Mr. Brannon had pointed out that many of the new buildings to be appraised were located in developments and were very similar. In view of this, he said that the figure of \$12 for each house appraised would have to be revised. He said the one house would be measured and appraised and the value applied to the other homes in the development. Mr. Miller said that he would contact the other members of his firm and resubmit the maintenance proposal at a later date.

At the close of the discussion, the Board instructed the Town Attorney to prepare a Bond Resolution for the additional mapping and also a resolution authorizing the Supervisor to enter into a contract for the work.

The Board then met with Mr. Jorgstorff and Mr. Schliefer of the State Dept. of Health. Mr. Jorgstorff informed the Board that the meeting had been requested for the purpose of discussing with the Board the establishing of Sewer Districts within the Town. He said that at the present time the State requires every development of 100 homes or more to install public sewers and he asked what the Board's feeling was on this matter. Mr. Jorgstorff said that the State was considering reducing the number of homes for which public sewers would be required.

Mr. Dillon stated that the Board had adopted a Septic Tank Ordinance after consultation with Dept. of Health officials and it seemed to be working very satisfactorily. He said that it would not be fair to place an added burden on the developer for such installations. Mr. Dillon said that the Board of Supervisors was considering a County wide sewer survey providing State and Federal funds were available and if such a program became a reality it might not be feasible to hook up a number of small disposal systems to a County system. Mr. Dillon stated further that he felt that the establishment of a large number of small sewer systems throughout the Town would solve the problem and the only answer would be a public sewer system through the entire Town.

Mr. Welchman stated that the new Zoning Ordinance provided for larger lots in developments and that would reduce the problem of sewerage violations.

Mr. Jorgstorff said that the lot size would have very little bearing on the matter if the soil conditions were not able to absorb the sewage. He said that in some cases in developments of a 100 lots or more the developer merely sells off a portion of the property and reduces the number of lots thereby circumventing the State Regulations.

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After a great deal of further discussion it was decided to hold the matter in abeyance for the time being until more information is available regarding the County plan for a County wide sewer survey.

Mr. Dillon presented a bid from the United Tractor Co. for a New Clyde Model 21 One (1) Ton Roller for the Highway Dept. at a price of \$1,850.00.

Mr. Burleigh moved the following resolution:

RESOLVED, that the bid of the United Tractor Co. in the amount of \$1,850.00 be and it hereby is accepted and the Supt. of Highways be authorized to purchase the following equipment:

One (1) New Clyde Model 21 One (1) Ton Roller, powered by 5.8 H.P. air cooled gasoline engine, compression rear roller empty - 47.2 lbs. per lineal inch, compression rear roller filled - 67.5 lbs. per lineal inch, total weight 2,000 lbs. empty, 2,565 lbs. filled with water, wheelbase 60 inches, capacity water tank 19 gallons, capacity fuel tank 1- $\frac{1}{2}$  gallons, front roller size 20 inches diameter x 12 inch length, rear roller size 26 inches in diameter 28 inches length, speed governed travel speeds up to 2.14 miles per hour, brakes foot operated, internal expanding, fully enclosed, clutch disc type friction clutch, hand operated, fully enclosed, equipped with power unit, water tank and spray equipment, cocoa mats and scrapers on both front and rear rollers.

PRICE \*\*\*\*\* \$1850.00

Seconded by Mr. Fibble.

On roll call, the Board voted as follows:

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

NOES: None.

Mr. Dillon presented a bid from H. O. Penn Machinery Co. for one Highway Model E. Sand Spreader for the Highway Dept. in the amount of \$2,389.25.

Mr. Burleigh moved the following resolution:

RESOLVED, that the bid of H. O. Penn Machinery Co. be accepted and the Supt. of Highways be authorized to purchase the following equipment:

One Highway Model E sand, calcium, salt and cinder spreader, skid mounted for mounting in standard dump body, 9 ft., 5 cubic yard capacity all metal body. Equipped with 14.6 HP Wisconsin air cooled engine, built in clutch running in oil with electric starter, generator and battery. Vacuum controls for remote cab operation, 24" rubber covered conveyor belt, inverted "V" over conveyor, model W type bumper, completely enclosed engine hood, material distributor fan hood.

FOB delivered to New City, N. Y. #2,389.25

Seconded by Mr. Fibble.

On roll call, the Board voted as follows:

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

NOES: None.

The specifications and Surveys for Nelson Place were referred to the Town Attorney and he was instructed to prepare the Contract and Invitation to Bidders.

Supt. of Highways Emil Klein presented the Street Opening Specifications which had been prepared for the Board's consideration.

Mr. Burleigh moved the following resolution:

RESOLVED that the regulations for Street Openings be recommended by the Supt. of Highways be and they are hereby adopted, as hereinafter set forth:

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1. A separate permit shall be required for each and every road opening.
2. To obtain a permit, an application must be made in writing on the form provided and signed by the applicant undertaking the work. If the application is made by a municipality, the application shall be executed by its proper officers. In lieu of such execution the municipality may by resolution, a certified copy of which shall be filed with the Town, designate an agent or officer to execute applications or permits.
3. Before a permit can be issued, applicant must first file with the Superintendent of Highways adequate liability insurance in the amounts of \$100,000.00 to \$300,000.00 for Personal Injury, and \$50,000.00 for Property Damage and that under this coverage or by separate policies in the above amounts the Town of Clarkstown and its Superintendent of Highways are named and fully indemnified. Applicant must also file with Superintendent of Highways adequate and satisfactory evidence that he is fully covered for Workmen's Compensation Insurance.
4. Whenever the word "Town" is used in these regulations, it shall also mean the Clarkstown Highway Department and or the Town Superintendent of Highways of Clarkstown or his representatives.
5. The amount of the cost for street openings shall be set up by the Superintendent of Highways and checks shall be made payable to the Town of Clarkstown. Utility corporations shall file a Bond with the Town Clerk of the Town of Clarkstown in the amount of \$1,000.00 in lieu of the deposit.  
No street openings shall be made on Saturdays, Sundays or Holidays unless an emergency exists, such as water or gas leaks or sewerage stoppage.
6. In making the excavation the permittee shall preserve the roadway from needless destruction and shall cause the excavation, installation or repair of utility, and back filling to be one continuous operation.
7. The permittee shall maintain safe crossings along the line of opening and keep same properly guarded by suitable barricades and warning signs during the day, and by barricades and lights at night.
8. If the excavation extends the full width of the road only one-half of the road shall be opened and this is to be backfilled before the other half is opened, so as to permit the free flow of traffic. In some cases it may be possible to open on each side of the road and jack or drive a pipe from one opening to the other.
9. Tunneling or mechanical methods of boring under the road for service installations may be permitted only on written approval of the Town Superintendent of Highways.
10. Backfilling must be done with a pervious material such as stone screenings, second grade crushed stone, sand, run of bank gravel, or other pervious material acceptable to the Town. Soils containing a high percentage of clay, loam or silt shall not be used. The backfill material shall be moistened and mechanically tamped until thoroughly compacted. All excess material shall be removed from the roadway.
11. The permittee shall restore permanently with its own employees or a contractor approved by the Town, the pavement in a manner satisfactory to the Town. Temporary restoration of pavement is to be made immediately after the trench has been properly backfilled and mechanically compacted consisting of 4" of crushed stone base surfaced with 2- $\frac{1}{2}$ " of compacted bituminous concrete. The term pavement as used in these regulations shall include the foundation for the surface of the roadway. Permanent restoration of pavement shall be made within three months weather permitting from the date the temporary pavement was installed. The permittee shall fill any settlement during that period with Bituminous concrete mix.
12. Shoulder trenches shall be replaced with a pervious material to within 6" of the surface. The final 6" shall consist of second-grade crushed stone thoroughly rolled to the contour of the road.
13. The permittee agrees to assume all responsibility for any damage which may occur as a result of the opening from the time the opening was made until permanent restoration of pavement has been made and approved.
14. If the permittee shall not have restored, satisfactorily to the Town, the pavement, the deposit made by the permittee shall be used in defraying the expenses of making such restoration and the pavement maintenance of such opening.
15. The permittee agrees, in accepting a permit to open a road, to save harmless the Town of Clarkstown, its officers and servants from and against any injury, loss damage, or legal action resulting from any negligence or fault of the permittee, its agents or servants in connection with the work covered by the permit.
16. To obtain a permit to close a road, to build a bridge, install cement box culverts, corrugated pipe or to raise or lower the grade of the present town road, a detour road of twenty feet in width shall be built with stabilized material and covered with nine inches of run of bank gravel and covered with three inches of second grade stone (consisting of  $\frac{3}{4}$ " crushed stone and screenings) rolled and covered with calcium chloride to hold the dust down. These specifications are for a period of sixty days. Beyond the sixty day period the surface shall be covered with

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R.T. 5 tar at the rate of one-half gallon per square yard and covered with  $\frac{1}{4}$ " crushed stone at the rate of twenty pounds per square yard. Dirt shoulders of five feet in width shall be made on both sides of the road.

Seconded by Mr. Welchman.

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

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

NOES: None.

Mr. Welchman moved the following resolution:

RESOLVED, that Mathilda Polhemus of New City be appointed Republican Inspector of Elections for District #13, Chestnut Grove.

Seconded by Mr. Fibble.

Carried.

Mr. Roepe presented a notice of suit brought against the Town by the New York Telephone Co. regarding the assessment of their installations in the Town.

Mr. Welchman moved that the Town Attorney be instructed and authorized to defend the Town in this action.

Seconded by Mr. Burleigh.

Carried.

Mr. Welchman moved the following resolution:

RESOLVED, that the sum of \$250 be paid to the New City Free Library for the year 1955.

Seconded by Mr. Fibble.

Carried.

Mr. Dillon read a letter from William G. H. Gerke of West Clrkstown requesting the Town to take over Gerke Ave.

The Clerk was instructed to advise Mr. Gerke that the road must meet specifications before it will be accepted.

Mr. Welchman moved the following resolution:

RESOLVED, that Rockland Light & Power Co. be requested to install street lights on Pole #4 and 50 on Sherwood Drive, Nanuet.

Seconded by Mr. Fibble.

Carried.

The subdivision Bond of Davies Farm, Inc. in the amount of \$27,200 was approved by the Board.

Mr. Burleigh moved the following resolution:

RESOLVED, that the Spring Valley Water Company be requested to install hydrants on Forest Ave., Birchwood Terrace and Brookside Drive at Nanuet.

Seconded by Mr. Welchman.

Carried.

Mr. Welchman moved the following resolution:

RESOLVED, that the Building Inspector be authorized to purchase an Adding Machine for use in his office.

Seconded by Mr. Fibble.

Carried.

Mr. Burleigh moved the following resolution:

RESOLVED, that the Supervisor be authorized to return to Edna M. and J. Harry Gerken, the Cash Deposit which was posted for the Maintenance of Fernwood Drive at New City.

Seconded by Mr. Welchman.

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

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

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The following monthly reports were accepted and approved:

Town Clerk  
Supervisor  
Building Inspector

Police Dept.  
Welfare Officer

Mr. Klein informed the Board that one of the Highway Dept. employees had been arrested when he entered on private property to clean out a culvert that had been blocked by the property owner. Mr. Klein said that the Culvert was Town property and he had instructed the man to remove the obstruction. Mr. Klein said that the only way he could legally enter on the property to clean the drain was on authority of the County Engineer and the Town Board.

Mr. Burleigh moved the following resolution:

RESOLVED, that Supt. of Highways Emil Klein be authorized by the Town Board to enter upon the lands of Patrick Grando, Park Ave., Nanuet for the purpose of removing an obstruction from an existing drain.

Seconded by Mr. Fibble.

Carried.

The Clerk was instructed to refer a request for hydrants on Sherwood Drive to the Water Company.

Mr. Welchman moved the following resolution:

RESOLVED, that John F. Weissinger be appointed School Traffic Attendance Officer for the Nanuet School and Arthur Rudlun be appointed School Traffic Attendance Officer for the Central Nyack School.

Seconded by Mr. Burleigh.

Carried.

Mr. Welchman reported that he was still receiving complaints about the condition of Town roads which had been torn up by contractors working on the Reservoir.

The Town Clerk was instructed to write to the Spring Valley Water Company and notify them that unless the roads are repaired by October 1, the Supt. of Highways will make the repairs and bill the Water Company for the work.

Mr. Welchman moved that "Stop" signs be erected by the Highway Dept. at the east side of Lawrence St. at Spring Valley, the intersection of Bardonia Road and Route 304 and the intersection of Ludvigh Road and Route 304.

Seconded by Mr. Burleigh.

Carried.

Mr. Welchman asked if the ditch on the Rossi property at Nanuet could be continued to Church St. to correct the water condition that existed there.

It was suggested that Mr. Welchman discuss the matter with the Supt. of Highways.

Mr. Burleigh suggested that the Town set up specifications on Special Sidewalk Districts.

No action was taken on the matter.

Bills Nos. 744 to 830 in the amount of \$ 12,184.<sup>00</sup> were audited and ordered paid.

There being no further business to come before the Board, the meeting was adjourned at 11:30 P.M.

*August H. Hauser*  
Town Clerk of Clarkstown