

PUBLIC HEARING

CHANGE OF ZONING - EVANGELICAL LUTHERAN ST. PAUL'S CHURCH

May 10, 1956

Town Clerk's Office

8:15 P.M.

Present: Messrs. Dillon

Renken

Welchman

Schmersahl

Absent: Mr. Jeffrey

Mr. Dillon called the hearing to order.

The Deputy Clerk read the Notice of Hearing.

Clifford Freund, Esa., applicant's attorney, appeared before the Board and described the location and property and surroundings. He stated that the church is selling the property due to the fact that they are now building a new church in NewCity.

Mr. Freund submitted a sketch of the proposed building to be erected on the property to be used as a dry cleaning plant and existing building to be used as a residence.

No one appeared before the Board in opposition.

Mr. Schmersahl moved the hearing be closed.

Seconded by Mr. Renken.

Carried.

Respectfully submitted

*William F. Maguire*  
Town Clerk of Clarkstown

DAA 657

## TOWN MEETING

Extension of NEW CITY-WEST BRANCH WATER SUPPLY DISTRICT

May 10, 1956

Town Clerk's Office

8:30 P.M.

Present: Messrs. Irvin F. Dillon  
John Renken  
Joseph Welchman  
Fred Schmersahl

Absent: Mr. Alastair Jeffrey

The Deputy Town Clerk read the Notice of Hearing.

E. Alfred Festa, Attorney, represented the petitioners.

Edward Roepe, Attorney for the Town of Clarkstown, questioned.

Mr. Festa:

Q. Is this petitioned signed and approved as required by law?

A. Yes.

Q. Do the signatures constitute one-half of the resident property owners?

A. Yes. I would like to submit the map and petition as evidence. This map and petition was filed April 17, 1956 with the Town Clerk.

Dr. Arthur Goebel, 5 Pine Street, New City, having been duly sworn by Supervisor Irvin F. Dillon, when questioned by Attorney Festa, testified as follows:

Q. What is your name?

A. Arthur C. Goebel.

Q. Where do you live?

A. 5 Pine Street, New City, N. Y.

Q. Are you familiar with the district to be extended?

A. Yes.

Q. You are one of the owners of property in the proposed extension?

A. Yes.

Q. Would you say, in this particular proposed district, that the property and property owners would be benefitted?

A. Absolutely.

Q. Will you tell this Board why this particular extension would be beneficial, in a sense that it would affect the public interest?

A. The main thing is the fire protection and our water supply is getting less and less.

Q. How many people, or houses, are in that district?

A. I haven't checked that. There are about 45 supplied by me alone. I supply 60 altogether.

Q. Your supply of water is in such a state that there is not adequate water?

A. Yes. It started as a family affair and now the quantity is limited.

Q. In that respect, we submit that it is in public necessity for the people in that area to be granted an extension.

Attorney Roepe questioned Dr. Goebel as follows:

Q. Doctor, would you say, in your opinion, that all of the property owners in this area who will be benefitted by this proposed extension are included within the limits of this proposed extension?

A. Yes.

Q. That establishes that it is ascetion.

Mr. George Mc Rickard, 7 Crestwood Drive, New City, having been duly sworn by Supervisor Dillon testified as follows, when questioned by Attorney Festa.

Q. What is your name?

A. George McRickard.

Q. Where do you live?

A. 7 Crestwood Drive, New City, N. Y.

Q. You live within the proposed water district extension?

A. Yes.

Q. Did you hear the testimony given by Dr. Goebel?

A. Yes.

Q. If you were to testify, you would say the same thing?

A. Yes.

Q. Are you one of the persons who do not have enough water?

A. Yes.

Attorney Roepe questioned Mr. Rickard:

Q. Do you consider it in the public interest that you should have water?

A. Yes. I believe it will be a benefit to all of us and especially for fire protection.

On motion made by Mr. Schmersahl, seconded by Mr. Renken and carried, the Hearing was closed.

Respectfully submitted,

*Mildred F. Magai*  
Town Clerk of Clarkstown

May 10, 1956

Town Clerk's Office

8:00 P.M.

Present: Mr. Dillon  
Mr. Schmersahl  
Mr. Welchman  
Mr. Renken

Absent: Mr. Jeffrey

Supervisor Dillon called the meeting to order.

Mr. Schmersahl moved the reading of the minutes of the previous meeting be dispensed with.

Seconded by Mr. Welchman.

Carried.

Mr. Dillon read a letter from the New York State Department of Public Works regarding the Railroad Crossing on Main Street, Nanuet. Letter stated that Mr. Conway, Resident Engineer, would contact proper officials of the Railroad to maintain this crossing.

Mr. Dillon read the opinion of the Town Attorney and the State Department of Audit and Control regarding the appointment of a member of the Planning Board to the position of the Second Assistant Building Inspector. The letter was placed on file.

Mr. Edgar Horn of 14 Van Nostrand Avenue, Nanuet appeared before the Board regarding a water condition on his property. The Board instructed Mr. Klein, Superintendent of Highways, to check this condition and report at the next meeting.

The Board then held a public hearing on the petition for a Zoning Change of the Evangelical Lutheran St. Paul's Church of Nanuet. After hearing all persons interested in the petition, the Board returned to the regular Town Board meeting.

Mr. Schmersahl moved the following resolution:

WHEREAS, the Town Board of the Town of Clerkstown by Resolution duly adopted on the 26th day of April, 1956, provided for a public hearing on the 10th day of May, 1956, at 8:15 P.M., Eastern Daylight Saving Time, to consider the application of the Evangelical Lutheran St. Paul's Church of Nanuet, N. Y., to amend the Building Zone Ordinance for the said Town by redistricting the property of the said petitioner from R-1 to C-2, 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 Clerkstown be and it hereby is amended by redistricting the following described property at Nanuet, in said Town, from R-1 to C-2:

BEGINNING at a concrete monument on the southerly side of the old road running from the old School House lot northeasterly to the Fire House, said concrete monument being at the northeasterly corner of premises heretofore conveyed by Christopher F. Frerichs to Evangelical Lutheran St. Paul's Church of Nanuet, New York, by deed dated August 14th, 1935, and recorded in the Office of the Clerk of the County of Rockland on August 16th, 1935 in Liber 351 of Deeds at Page 185 and thence norwesterly corner of the premises herein intended to be described; running thence along said premises heretofore conveyed as aforesaid South 5° 5' West 150.5 feet to a walnut tree in the northerly line of lands now or formerly of Edna Schneffmeyer; running thence along said lands now or formerly of Edna Schneffmeyer South 87° 45' East 111 feet to a point on the westerly side of the Pearl River - Nanuet Highway 9006; thence along the westerly side of the Pearl River - Nanuet Highway 9006 North 34° 53' East 266.1 feet; thence North 56° 23' West 46.0 feet to a point on the southeasterly boundary of the old road running from the old School House lot northeasterly

to the Fire House; thence along the westerly boundary of said old road southeasterly 246.5 feet to the point or place of beginning.

Seconded by Mr. Renken.

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

AYES: Messrs. Renken, Schmersahl, Dillon.

NOT VOTING: Mr. Welchman

The Board then held a public hearing on a petition for the extension of the New City-West Nyack Water Supply District to include a section along New City-Congers Road. After hearing all persons interested in the petition, the Board returned to the regular Town Board meeting.

The Board then adopted the following order:

(In the matter of the extension for the New City-) ORDER EXTENDING  
(West Nyack Water Supply District. ) DISTRICT

A petition in this matter for the extension of the New City-West Nyack Water Supply District of the Town of Clarkstown having been duly filed and an order having been duly adopted by the Town Board on the 26th day of April, 1956, for the hearing of all persons interested in the matter on the 10th day of May, 1956, at 8:30 P.M., Eastern Daylight Saving Time, at the office of the Town Clerk, Town of Clarkstown, Main Street, New City, New York, and a hearing by the said Board having been duly held at such time and place, and it having been duly resolved and determined following such hearing that the petition herein was signed and acknowledged or proved as required by law and otherwise sufficient, that all the property and property owners within the proposed extension were benefited thereby, that all property and property owners benefited were included within the limits of the proposed extension, and that it was in public interest to grant in whole the relief sought, and it having been then and there further duly resolved that the creation of such extension as proposed be approved; it is hereby

ORDERED, that the New City-West Nyack Water Supply District of the Town of Clarkstown, be extended in the said Town of Clarkstown, Rockland County, New York, to be bounded and described as follows:

BEGINNING at a point on the westerly line of Route 304 where it is intersected by the present northerly line of New City-West Nyack Water Supply District, thence (1) northerly along the westerly line of Route 304, 750 feet; thence (2) easterly and parallel with the present northerly line of the New City-West Nyack Water Supply District and distant northerly 500 feet at right angles therefrom 900 feet more or less; thence (3) northerly and parallel with Elmwood Drive and distant 500 feet westerly from the westerly line thereof 900 feet; thence (4) easterly and at right angles to the third course 1450 feet more or less; thence (5) southerly and parallel with Crestwood Drive and distant easterly 500 feet from the easterly line thereof to a point which is 500 feet northerly from the northerly line of Sunrise Avenue; thence (6) easterly and parallel with Sunrise Avenue and its prolongation easterly a distance of 1000 feet; thence (7) southeasterly and crossing New City-Congers Road at a point 100 feet west of the center line of Brewery Road to a point 500 feet southeasterly of the southeasterly line of said New City-Congers Road; thence (8) westerly and parallel with the New City-Congers Road and distant southerly 500 feet from the southerly line thereof to the easterly line of the present New City-West Nyack Water Supply District; thence (9) northerly and westerly along the easterly and northerly line of the present New City-West Nyack Water Supply District to the place of beginning.

Mr. Jack Rogers appeared before the Board and presented a map of Gerke Avenue, New City. The Board instructed Mr. Klein, Superintendent of Highways, to check this road and report back to the Board. Mr. Dillon advised Mr. Rogers that a deed and certificate of title along with the map must be presented to the Board for dedication of this road.

5/10/56

Mr. Gerke then requested the Board to place his property in an R-1 area. Mr. Dillon informed Mr. Gerke that an application must be made for a Change in Zoning.

Mr. MaxRichter of Little Tor Road and Joan Drive, New City, appeared before the Board regarding a 30 MPH speed zone along Little Tor Road.

Mr. Welchman moved the following resolution:

RESOLVED, that the New York State Traffic Commission be requested to extend the 30 MPH Speed Zone area to include that portion of Little Tor Road, New City, from New Hempstead Road to Phillips Hill Road.

Seconded by Mr. Renken.

Carried.

Attorney Irving Werner presented petition on behalf of Alice Zucker of Nanuet to extend Prospect Avenue across the Railroad tracks and property of the New Jersey and New York Railroad Company. This petition was referred to the Town Attorney to check and report back to the Board.

Attorney John L. Mirabile appeared before the Board on behalf of Mr. Daniel Chabra, requesting building permits to erect homes on Lots 7 and 8, Sherwood Drive, Nanuet. It was brought out that this is not a town road but that Sherwood Avenue was on a map filed in 1940, prior to the appointment of a Planning Board. The Board referred Mr. Mirabile to Mr. Schumacher, Building Inspector, in connection with this matter.

Mrs. Bernstein of 19 Second Avenue, Spring Valley, appeared before the Board and stated that sewage was running on their property from across the Road. She stated that she contacted Dr. Hopper but that the condition still exists. The Board requested the Clerk to contact the Health Officer and have her investigate the matter.

Mr. Dillon presented the application of Harry A. And Catherine C. Whelan for a Change of Zoning of their property in Valley Cottage.

Mr. Schmersahl moved the following resolution:

WHIRLAS, HARRY A. WHALEN, JR. and CATHERINE C. WHALEN, 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 and in said petition described from R0 to C-2.

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 14th day of June, 1956, 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. Renken.

Carried.

Mr. Dillon read the following letters in connection with Orchard Plains Subdivision:

Letter from Clarkstown Central School District.  
 Letter from Harry Gerken, Sr. and Jr.  
 Letter from/Clarkstown (Central) Residents Association.  
 Letter from North Clarkstown Civic Association

3/1/77

Mr. Charles House, member of the Clarkstown School Board stated the School Board was concerned about the growth of the School District in that it was hampering the established program for school facilities.

Mr. Felix Festa stated that a serious situation existed in the New City area and that the School Board was very much concerned about the down-zoning of property.

Mr. Dillon stated that the ordinance should be amended to put jurisdiction of changes in the hands of the Town Board.

Mr. Dillon also stated that the proponents should be heard also, not only the opposition.

Mr. Welchman and Mr. Renken stated that although it was not a public hearing, all should be heard.

Mr. James Moody, speaking as a taxpayer and parent stated that the X-Aone had become a contention. He suggested that 50% of X-Zone be put in one-half acre, 25% in R-1 area and the balance in one acre.

Mr. Harry Gerken, Jr. stated that he and his father had no intention to burden the school district, their intention being to sell lots gradually. He also stated that they were conducting the orchard. He further stated that they were fussy as to who purchased lots and what type of homes were to be built on them.

Mr. Frank Lovett stated that if you start down-zoning it will set a precedent.

Mr. Dillon asked Mr. Festa when the School District expected to have school facilities ready for 15,000 square foot lots.

Mr. Festa stated that it is the responsibility of the School Board to furnish school facilities for children of school age and that their planning was long distant, which included an addition to the present high school and the erection of two junior high schools.

Mr. Welchman asked if this planning would take five years or ten years.

Mr. Festa advised it would take less than five years.

Mr. Robert C. Dallow of the Nyack School Board stated he had no argument pertaining to the Gerken case but contended that economy must be considered. He stated that they opposed down-zoning.

Mr. Renken moved that the Board reserve any decision pertaining to the Orchard Plains subdivision.

Seconded by Mr. Schmersahl.

Carried.

Mr. Welchman moved the following resolution:

RESOLVED, that a fire hydrant be installed at Scotland Hill Road and Pascaek Road, Nanuet, at a location designated by Chief Frohling of the Nanuet Fire Department, and be it

FURTHER RESOLVED, that the Spring Valley Water Works and Supply Company be directed to install same.

Seconded by Mr. Schmersahl.

Carried.

Mr. Dillon read a letter from Edward G. Roepe, Town Attorney, transmitting check in the amount of \$1,100.00 payment by the Plaintiff, New York Tra

DAA 657

5/10/56

Rock Corporation, for certain copies of the record on appeal.

The matter of Johnson's Lane, New City was brought up and the Board referred the matter to the Town Attorney to prepare any resolutions, etcetera, in connection therewith.

Mr. Welchman moved the following resolution:

WHEREAS, a written petition, dated February 10th, 1956, was on the 23rd day of February, 1956, duly filed with this Board pursuant to Section 200 of the Town Law of the State of New York for the improvement of the highway in said Towns known as First Street, running easterly for a distance of about 600 feet from Avenue C, Nanuet to State Highway #689, also known as Route 59, by paving the entire length thereof in accordance with the Town specifications as contained in Resolution of the Town Board of March 12th, 1954, and whereas it duly appears that such petition has been duly signed by the owners of real estate owning at least one-half of the entire frontage or bounds on both sides of said First Street, between the points aforesaid, and whereas it duly appears that such petition was also duly signed by resident owners owning not less than one-half of the frontage owned by resident owners residing along said First Street between the points aforesaid; and whereas such petition was duly acknowledged or proved by all the signers thereof in the same manner as a deed to be recorded; and whereas the maximum amount proposed to be expended for the improvement of said highways as stated in the petition is the sum of \$20,000.00; it is, pursuant to the provisions of said Section 200 of the Town Law of the State of New York, hereby ORDERED that the Town Board of the Town of Clarkstown, Rockland Count, New York, shall meet at the Town Clerk's office at Main Street, New City, in the said Town of Clarkstown on 14th day of June, 1956, at 8:30 o'clock in the evening of that day, Eastern Daylight Saving Time, for the purpose of considering the said petition and hearing all persons interested in the subject thereof concerning the same, and it is

FURTHER ORDERED that the Town Clerk of the Town of Clarkstown cause duly certified copies of this order to be published and posted in the manner required by Section 200 of the Town Law.

Seconded by Mr. Renken.

Carried.

Mr. Dillon read a letter from the Clarkstown Planning Board advising that Bond of the Rockclark Realty Corp., No. 179038, had been extended to August 5th, 1956.

Mr. Welchman moved the following resolution:

RESOLVED, that the performance bond of S. S. B. Realty Corp. be accepted in substitution of a bond now on file furnished by Fred L. Holt, and be it

FURTHER RESOLVED, that bond in the name of Fred L. Holt be returned to the principal.

Seconded by Mr. Schmersahl.

Carried.

Mr. Renken moved that the Board move into the Board of Health.

Seconded by Mr. Welchman.

Carried.

After discussing matters pertaining to the Board of Health the Board returned to the regular meeting.

1/10/56

The following performance bonds were submitted to the Board and approved as to form and sufficiency:

Hempstead Homes, Inc.-----	\$9,600.00
Nor-Ben Builders Corp.-----	5,200.00
Forest Acres, Sec. 5 -----	26,000.00
Selah Home Builders, Inc. -----	11,000.00
Selah Home Builders, Inc. -----	4,000.00

Mr. Welchman moved that the following reports be accepted and placed on file:

Police Department	Planning Board
Supervisor	Board of Appeals
Town Clerk	Welfare Officer
Building Inspector	

Seconded by Mr. Schmersahl. Carried.

Mr. Welchman moved the following resolution:

RESOLVED, that the office of Second Assistant Building Inspector be created, and be it

FURTHER RESOLVED, that this position be subject to Civil Service requirements.

Seconded by Mr. Renken. Carried.

Mr. Welchman moved the following resolution:

RESOLVED, upon the recommendation of the Building Inspector, Karl Schumacher, that William A. Meyer be appointed provisionally to the position of Second Assistant Building Inspector at an annual salary of \$4,000.00, said appointment to take effect May 15th, 1956.

Seconded by Mr. Schmersahl. Carried.

Mr. Welchman moved the following resolution:

RESOLVED, that Fred Ripking be employed to cut brush and grass on abandoned cemeteries at \$1.25 per hour.

Seconded by Mr. Schmersahl. Carried.

Mr. Renken moved the following resolution:

RESOLVED, that the Supervisor be authorized to purchase a three-quarter ton air conditioner at a price of \$281.00, installed.

Seconded by Mr. Welchman. Carried.

Mr. Klein, Superintendent of Highways, informed the Board that he had met with Mr. Patrick Grando and Mr. Frey, his attorney, on April 27th in regard to water condition on Mr. Grando's property located on Park Avenue, Manuet. Mr. Klein further stated that since that meeting, Mr. Grando had removed the tile and filled up the ditch thereby forcing the water to run along the road.

At this point, Mr. Nelson Hall, County Engineer, explained to the Board his findings in connection with this water condition. He informed the Board that to run the water to the brook would cost about \$7,500.00.

While the subject of drainage was discussed, Mr. Hall also took up with the Board other drainage problems in Manuet. He filed with the Board maps and costs of corrections of each.

Mr. Renken moved the following resolution:

RESOLVED, that Sup. of Highways Emil Klein be authorized by the Town Board to enter upon the lands of Patrick Grando, Park Ave., Manuet for the purpose

DAA 657

5/1/56

of removing an obstruction from the existing drain.

Seconded by Mr. Schmersahl.

Carried.

Chief of Police Ernest Wisbicke appeared before the Board and stated that vacancies existed in the Police Department and requested that the Civil Service Commission be contacted for a new list of eligibles.

Mr. Kcepe, Town Attorney, advised the Board that Mrs. Dorothy M. Vanderbeek has resigned from her position as Stenographer in the employ of the Town of Clarkstown and requested that the Board appoint Mrs. Evelyn Lindland in that position.

Mr. Schmersahl moved the following resolution:

RESOLVED, that Evelyn Lindland be employed as stenographer at an annual salary of \$500.00, said appointment to take effect as of May 1st, 1956.

Seconded by Mr. Welchman.

Carried.

Mr. Klein, Superintendent of Highways, reported to the Board that a tree obstructed the view of motorists at the intersection of new Goebel Road and Congers Road. This matter was referred to the Town Attorney.

It was decided by the Board to have a special meeting at the Supervisor's office on the evening of Wednesday, May 16th, 1956 at 8:00 P.M., Eastern Daylight Savings Time.

There being no further business to come before the Board, Mr. Schmersahl moved that the meeting be adjourned.

Seconded by Mr. Welchman.

Carried.

Bills No. 481 thru 588 on Warrant No. 5 were presented to the Board, audited and ordered paid.

Respectfully submitted,

*Mildred F. Magai*  
Town Clerk of Clarkstown