

TOWN BOARD MEETING

March 28, 1957

Town Clerk's Office

8:00 P.M.

Present: Messrs. Dillon
 Renken
 Jeffrey
 Welchman
 Schmersahl

Mr. Dillon opened the meeting.

On motion made by Mr. Schmersahl, seconded by Mr. Renken and unanimously carried, the minutes of the previous meeting were accepted.

Supervisor Dillon read a letter from the Building Inspector stating an application had been made by Arthur Goddard and Salvatore Caurro for building permits, on Strawberry Hill Lane, West Nyack.

Mr. Schmersahl moved the following resolution:

RESOLVED, that the Building Inspector be directed to issue building permits to Arthur Goddard and Salvatore Caurro, for property located on Strawberry Hill Lane, West Nyack.

Seconded by Mr. Jeffrey.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Jeffrey, Welchman, Schmersahl, Dillon.

NAYES: None.

A letter from the Building Inspector advising application had been made by Lawrence E. Behensky for a building permit on High Street, Rockland Lake was read to the Board. The matter was held over for the next meeting of the Board.

Mr. Welchman moved the following resolution:

WHEREAS, CARL M. LOW 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 as follows:

From R-1 District to C-2 District

BE IT RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be had at the office of the Town Clerk, Main Street, New City, New York, on the 11th day of April, 1957, at 9:00 P. M., Eastern Standard 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. Jeffrey.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Jeffrey, Welchman, Schmersahl, Dillon.

NAYES: None.

Mr. Jeffrey moved the following resolution:

WHEREAS, KATHY LAND CO., 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 as follows: From RA-1X to C-2.

BE IT RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the

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Town Law be had at the office of the Town Clerk, Main Street, New City, New York, on the 11th day of April, 1957, at 8:15 P.M., Eastern Standard 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 vote was as follows:

AYES: Messrs. Renken, Jeffrey, Welchman, Schmersahl, Dillon.

NAYES: None.

Mr. Raymond Taylor appeared and inquired about the status of the improvement of First Street, Nanuet. Mr. Dillon advised that the District Engineer for the Department of Public Works has okayed application to connect First Street with Route 59 and as soon as consent is received from Albany, Attorney Donald Partridge will be advised.

Mr. Jeffrey moved the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown considers that it is in the public interest that Article IV of the Town Ordinances of the Town of Clarkstown, as adopted December 14th, 1945 and as amended, be amended as follows: By amending Section 3 of said Article IV which reads as follows:

"Sec. 3. Anything to the contrary in this Article contained notwithstanding, any municipal corporation in the County of Rockland shall be and hereby is permitted to operate and maintain a dump within the limits of the Town of Clarkstown outside the limits of any incorporated village in such town, subject to such rules and regulations as may be adopted from time to time by the Town Board of the Town of Clarkstown."

so that it shall read as follows:

"Sec. 3. Anything to the contrary in this Article contained notwithstanding, any municipal corporation in the County of Rockland shall be and hereby is permitted to operate and maintain a dump within the limits of the Town of Clarkstown outside the limits of any incorporated village in such town. Such dump shall be operated and maintained in a neat and orderly condition and any refuse or other material shall be fully covered at the end of each day, protective measures shall be taken to prevent windblown paper or other refuse, fire or vermin, and such dump or dumps shall only be in operation between the hours of 8:00 A.M., and 4:30 P.M."

BE IT RESOLVED, that a public hearing pursuant to Section 130 of the Town Law be had at the office of the Town Clerk, Main Street, New City, New York, on the 25th day of April, 1957, at 3:30 o'clock in the evening, Eastern Standard Time, relative to such proposed amendment; and it is

FURTHER RESOLVED' that notice of the time, place and purpose of such hearing shall be published in the Journal-News at Nyack, New York, in the manner provided by law; 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 Town Clerk.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Jeffrey, Welchman, Schmersahl, Dillon.

NAYES: None.

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Town Attorney Roepe reported on the Public Service Commission's hearing on need for more adequate protection at the Convent Road railroad crossing in Nanuet, at which Councilman Renken had testified for the Town. He stated that in analyzing the report, it seemed most favorable to the position of the Town.

Mr. Dillon brought up the matter of Zoning Changes since 1939 and proposed holding same up for a special meeting with the Building Inspector and Deputy Town Clerk the following week.

Supervisor Dillon read letters from Attorney Stephen G. Doig, Jr., representing Edgar V. and Mathilda Polhemus, pointing out error on zoning map in connection with clients' property, as well as letter from Attorney Irving Kaufman, representing Samuel Cops, pointing out error on zoning map in connection with client's property. Mr. Dillon suggested taking these matters up at the proposed special meeting.

Mr. Renken moved the following resolution:

RESOLVED, that the Supervisor be authorized to contract with Mr. Fred Wagner for a survey of the Nanuet Lighting District at a cost of approximately \$200.00, provided such survey can be completed within a period of forty-five days.

Seconded by Mr. Schmersahl.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Jeffrey, Welchman, Schmersahl, Dillon.

NAYES: None.

Town Attorney Edward G. Roepe reported that it would be necessary for him to go to Albany on April 11, 1957 in connection with the case in the Court of Appeals - Town of Clarkstown versus New York Trap Rock Corporation.

Mr. Jeffrey moved the following resolution:

RESOLVED, that the Town Attorney be reimbursed for necessary mileage and hotel expenses in connection with his defense of case in the Court of Appeals at Albany - Town of Clarkstown versus New York Trap Rock Corporation.

Seconded by Mr. Renken.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Jeffrey, Welchman, Schmersahl, Dillon.

NAYES: None.

A letter from the Erie Railroad Company addressed to Consulting Engineer Nelson W. Hall stating they would consent to the Town connecting a drain pipe and catch basin to existing catch basin and twin culvert and catch basin on Erie Railroad right of way provided Lederle consented, was read to the Board. It also asked that the proper officer of the Town sign the original letter and return same. The Board requested that Mr. Klein ask Mr. Hall to contact Lederle for their consent.

Deed of Syd S. Broadman to the Town of Clarkstown conveying an 81' strip of land along the south side of Collyer Avenue, New City, was presented to the Board. It was brought out that Collyer Avenue was a County Road and the suggestion was made that the deed be returned with that information.

Exchange of correspondence between Quasspeck Park Homes and the Rockland Light and Power Company with respect to Electric service for Valley Cottage Sewer District

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No. 1 was read to the Board.

Mr. Welchman moved the following resolution:

RESOLVED, that the Supervisor be authorized to contract with the Rockland Light and Power Company for electric power for Valley Cottage Sewer District No. 1, effective as of November 1st, 1956.

Seconded by Mr. Renken.

On roll call, the vote was as follows:

AYES: Messrs. Jeffrey, Renken, Welchman, Schmersahl, Dillon.

NAYES: None.

Mr. Dillon read a letter from the State Traffic Commission advising that arrangements had been made to install a "Traffic Signal Ahead" sign on Route 303 south of the intersection of Lake Road and Route 303.

A letter from Mrs. John H. Griffin, Co-Chairman of the 1957 Tuxedo Memorial Hospital Benefit, Slootsburg, requesting permission to display a car and sell changes in New City, was read to the Board. The Clerk was requested to write to Mrs. Griffin stating the matter was not in their jurisdiction and therefore permission could not be granted.

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

Seconded by Mr. Schmersahl.

Unanimously carried.

Mr. Schmersahl moved the following resolution:

WHEREAS, John Ehrhardt, New City, N. Y. has petitioned this Board for a refund of erroneous New City Water Tax on property in the Town of Clarkstown assessed to John Ehrhardt, New City, N. Y. Account #1773800, #1774500 1957 Tax Roll, on account of erroneous assessment as verified by the Clarkstown Assessor, therefore be it

RESOLVED that the Supervisor be and he is hereby authorized to refund to the petitioner and charge the New City-West Nyack Water Supply District \$37.62, the amount of the erroneous tax.

Seconded by Mr. Renken.

On roll call, the vote was as follows:

AYES: Messrs. Jeffrey, Renken, Welchman, Schmersahl, Dillon.

NAYES: None.

Mr. Schmersahl moved the following resolution:

WHEREAS, it appears desirable and in the public interest that the Zoning Ordinance of the Town of Clarkstown adopted April 4th, 1939, and as amended, be further amended as follows:

By amending Section 8.226 of Article 8 to read as follows:

"8.226. Fees. Every application for a building permit shall be accompanied by payment of fee as set forth in Section 7 of Article XXII of the Town Ordinances. Such fee shall be retained by the Town even though the permit applied for is not granted. In addition, every application to the Board of Appeals or the Town Board (a) for a Special Permit under Sec. 8.333, or for a variance under Sec. 8.332, shall require an additional fee as provided in Sec. 8.321, and (b) for a use subject to Performance Standards procedure shall require an additional fee as provided in Sec. 8.334."

and by amending Section 8.233 of Article 8 to read as follows:

"8.233. Issuance. A certificate of occupancy shall be issued by the Building Inspector under the conditions set forth in Section 13 of Article XXII of the Town Ordinances. However, any certificate of occupancy for the establishment of any use of a building or land (a) requiring a Special

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Permit as listed in Use Table Co. 3, and (b) subject to Performance Standards procedure under Sec. 8.334, and (c) any other particular use requiring the approval of the Board of Appeals, shall be issued only with the authorization of the Board of Appeals or the Town Board, as the case may be. Every certificate of occupancy for a use for which a Special Permit or variance has been granted by the Board of Appeals or Town Board shall contain a detailed statement of such Special Permit or variance and of the conditions to which the same is subject."

NOW THEREFORE, BE IT RESOLVED, that a public hearing pursuant to Sections 264 and 265 of the Town Law be had at the office of the Town Clerk, Main Street, New City, New York, on the 11th day of April, 1957, at 8:30 o'clock in the evening, Eastern Standard Time, relative to such proposed amendment, and it is

FURTHER RESOLVED, that notice of the time, place and purpose of such hearing shall be published in the Journal-News at Nyack, New York, in the manner provided by law, 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 Town Clerk.

Seconded by Mr. Welchman.

AYES: Messrs. Jeffrey, Renken, Welchman, Schmersahl, Dillon.

NAYES: None.

Mr. Dillon read a letter from the Town Attorney to the Clerk re Silver Birch development essement. Mr. Roepe reported that he did not know if it was where the Town wanted it. The matter was referred to the Highway Superintendent to check.

Mr. Renken reported that he had received a letter from the Supervisor of Orangetown pointing out that there were two Birch Streets in Pearl River, one being in the Silver Birch Homes development. It requested that the developer be contacted and asked to change the name of Birch Street to Silver Birch Street or something else to simplify matters for the Post Office. Mr. Klein was requested to contact the developer in this connection and the Clerk thereafter advise the Orangetown Supervisor of the outcome.

Mr. Dillon read a letter from the Town Attorney to the Clerk forwarding survey of property of Richard Henry Bray and Walter Bentley as well as survey of property of Anna Hale, in connection with condemnation proceedings for the New York Trap Rock Corporation access road.

A letter from the Town Attorney to the Town Clerk, returning file on East Orchard Street dedication together with three deeds, was read to the Board. Mr. Roepe advised he had not received an answer to his letter to H. Grant Warner, Esq. as to whether five mortgage releases had been recorded and that this was the only thing holding up acceptance of this road by the Town. The matter was referred to him to check with Mrs. Natalie Hopper.

Supervisor Dillon made reference to hiring an aide for the Assessor to assist him in completing the evaluation on commercial properties and appraising new construction, both residential and commercial. He stated the Board had met with the Assessor and a Mr. William J. Richards, who was formerly associated with Clemenshaw and Mr. Richards quoted a price of \$5000.00 for the said work. Mr. Dillon recommended Mr. Richards retention so that the job could be completed by May 31, 1957.

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Mr. Renken moved the following resolution:

RESOLVED, that the Town Board enter into a contract with Mr. William J. Richards of Cornwall, New York, to reevaluate commercial properties and appraise new constructions in accordance with his letter dated March 20, 1957, at a total cost of \$5000.00, the work to be completed not later than May 31, 1957, and be it

FURTHER RESOLVED, that the Town Attorney be directed to draw up a contract in this connection.

Seconded by Mr. Schmersahl.

On roll call, the vote was as follows:

AYES: Messrs. Jeffrey, Renken, Welchman, Schmersahl, Dillon.

NAYES: None

Supervisor Dillon advised the Board that he had spoken to Mr. Hall, Consulting Engineer, about the Tax Map and that Mr. Hall, Mr. Coyle and Mr. Partridge, the Committee appointed to check on J. L. Jacobs & Company's corrections on the Tax Map, would like to meet with the Board prior to April 11, 1957. He added the Committee would have a report on the Tax Map by April 11, 1957.

Mr. Dillon brought up the matter of the Route 59 interchange of the Parkway. He stated the Department of Public Works have recommended such interchange or cloverleaf in the vicinity of Rose Road. He stated that the Palisades Interstate Park Commission is holding things up because the money belongs to them.

Mr. Renken moved the following resolution:

RESOLVED, that Mr. A. K. Morgan of the Palisades Interstate Park Commission be requested to immediately acquire the rights-of-way to build a cloverleaf at Route 59, pursuant to survey of the Department of Public Works of the State of New York, and be it

FURTHER RESOLVED, that the Commission budget the money to build the said interchange.

Seconded by Mr. Schmersahl.

On roll call, the vote was as follows:

AYES: Messrs. Jeffrey, Renken, Welchman, Schmersahl, Dillon.

NAYES: None.

The Clerk was requested to advise that the purpose of the resolution was that the new Route 59 is the chief east and west artery in Rockland County.

Mr. Welchman reported that he had a request for street signs on Birch Drive and Terrace Avenue, Nanuet. Mr. Klein was asked to check on the matter.

Mr. Welchman reported that he had had a request that some measure be taken to keep cars out of her cesspool. Mr. Klein was requested to erect a sign.

Mr. Schmersahl reported to Mr. Klein, Highway Superintendent, that some children had pulled down a sign at the corner of Palisades and Highview Avenues, Nanuet, and requested that it be replaced.

Letter from Terrence Anderson of the North Clarkstown Civic Association offering suggestions on Town's assessment problems was submitted to the Board, was presented.

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Mr. Dillon stated a copy had been sent to each Board member and it was therefore unnecessary to read same.

Street opening permit issued to Quaspeck Park Homes, Valley Cottage, was presented to the Board and signed.

There being no further business to come before the Board, on motion made by Mr. Schmersahl, seconded by Mr. Welchman and unanimously carried, the meeting was adjourned.

Respectfully submitted,

Mildred F. Maguire
Town Clerk of Clarkstown