

TOWN BOARD MEETING

May 9, 1957

Town Clerk's Office

8:00 P.M.

Present: Messrs. Schmersahl
Renken
Jeffrey
Welchman

Absent: Mr. Dillon

The meeting was opened by Mr. Welchman moving that Mr. Schmersahl act as Chairman of the Board in the absence of Mr. Dillon.

Seconded by Mr. Renken.

On roll call, the vote was as follows:

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

NAYES: None.

Mr. Welchman moved that the minutes of the April 11th and April 25th, 1957 meetings be accepted.

Seconded by Mr. Renken.

On roll call, the vote was as follows:

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

NAYES: None.

Mr. John Meyn appeared before the Board and presented deed, survey, certificate of title and maintenance bond covering conveyance of 394.31 foot extension of Woodside Drive, New City, to the Town of Clarkstown.

Mr. Renken moved that the matter be referred to the Town Attorney to check and report on at the next meeting of the Board.

Seconded by Mr. Welchman.

Carried.

Mr. Welchman moved the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 28th day of March, 1957, provided for a public hearing on the 11th day of April, 1957, at the office of the Town Clerk, Main Street, New City, New York, at 9:00 P. M., Eastern Standard Time, to consider the application of CARL M. LOW to amend the Building Zone Ordinance for the said Town by redistricting the property of the said petitioner from an R-1 district to a C-2 district, 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 or near Congers in said Town from an R-1 district to a C-2 district:

ALL that certain lot, piece or parcel of land with buildings and improvements thereon, situate, lying and being in Congers, Town of Clarkstown, County of Rockland, and State of New York, and more particularly described as follows:

BEGINNING at a point on the westerly side of State Highway #5002 (Route 303), 550 feet northerly as measured along the westerly side of said State Highway from a marble monument set on the westerly side of said Highway, said monument being also the northeast corner of the lands of Elise Kaufman, and said point of beginning being also 250 feet northerly measured along the westerly side of State Highway #5002 (Route 303) from the intersection of the westerly side of said State Highway with the northerly side of Innbridge Road; running thence along the westerly side of State Highway #5002 (Route 303) 604.82 feet to a point at the northeast corner of the within described property; thence turning and running North 72° 00' West 431.35 feet to a point at the northwest corner of the within described property; thence turning and running South 18° 00' West 485.69 feet

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along the lands now or formerly of Lamborn to a point; thence turning and running South 74° 07' East 249.0 feet along lands now or formerly of Martin Low, to a point; thence turning and running South 15° 53' West 142.0 feet along lands now or formerly of Martin Low to a point; thence turning and running South 76° 00' East 200 feet along the lands now or formerly of Lamborn to the westerly line of State Highway #5002 (Route 303) to the point or place of beginning.

Seconded by Mr. Renken.

On roll call, the vote was as follows:

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

NAYLS: None.

Town Attorney Roepe made reference to deed for easement submitted by Silver Birch Homes, Inc., stating that such an easement is not required until such time as roads are dedicated to the Town. The Board requested that the Town Attorney return the instrument to the developer's attorney, advising that it may be resubmitted together with the proper engineer's survey at the time roads are to be dedicated to the Town.

Jerome Trachtenberg, Esq. appeared before the Board and submitted a petition for the establishment of a water supply district in West Nyack. He requested that a hearing on the matter be set down subject to the Town Attorney's checking on whether all requirements have been met. Mr. Trachtenberg explained that the area is south of Route 59 and west of the railroad and takes in Western Highway, Hobe Street and Tomkins Avenue. He stated that there was water there now for domestic use but not for fire; that mains were put in when the area was developed and that the people who developed the area sold the mains to the Nyack Water Company system. Mr. Trachtenberg added that these people had bought five hydrants which they are donating to the district and the only expense would be that of setting up the district and the cost of the first year's rental, or a maximum cost of \$600.00. The Town Attorney asked if Mr. Trachtenberg had anything in his record giving assurance that the Nyack Water Supply Company would furnish water for hydrant purposes. Mr. Trachtenberg agreed to obtain a letter from the Village of Nyack Water Company to the effect that they would and submit it at the May 23rd Board meeting.

In connection with application of Ashley Motor Court, Inc. for a change of zoning from R0 to C-2, Mr. Trachtenberg submitted a new description and survey map.

Mr. Renken moved the following resolution:

WHEREAS, ASHLEY MOTOR COURT, INC. has petitioned the Town Board of the Town of Clarkstown that the Building Zone Ordinance of the said Town be amended by re-districting property of the said petitioner and in said petition described from an R0 district to a 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 13th day of June, 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.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

AYLS: Messrs. Renken, Jeffrey, Welchman, Schmersahl.

NAYES: None.

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Mr. Renken moved the following resolution:

WHEREAS, the assessment roll with respect to street improvement of Adam Place, Oak Road and Birch Lane at New City, in said Town of Clarkstown, having been completed and filed in the office of the Town Clerk on May 9th, 1957,

BE IT RESOLVED, that a meeting be had at the office of the Town Clerk, Main Street, New City, New York on the 13th day of June, 1957, at 9:00 P.M., Eastern Daylight Saving Time, to hear and consider any objections which may be made to said assessment roll; and it is

FURTHER RESOLVED that the Town Attorney prepare notice of filing of said assessment roll and notice of meeting and cause the same to be published 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.

NAYES: None.

Mr. Renken moved the following resolution:

WHEREAS, the assessment roll with respect to street improvement of Nelson Place at Nanuet, in said Town of Clarkstown, having been completed and filed in the office of the Town Clerk on May 9th, 1957,

BE IT RESOLVED that a meeting be had at the office of the Town Clerk, Main Street, New City, New York on the 13th day of June, 1957, at 9:30 P.M., Eastern Daylight Saving Time, to hear and consider any objections which may be made to said assessment roll; and it is

FURTHER RESOLVED that the Town Attorney prepare notice of filing of said assessment roll and notice of meeting and cause the same to be published 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.

NAYES: None.

The Town Attorney reported that he had started legal action against Melba Realty Corp. and had also joined in the action the present legal owners of property involved. He stated that the Highway Superintendent, developer and he had discussed the matter and reached an agreement. The Highway Superintendent reported that the work was moving along satisfactorily now.

Mr. Schmersahl read a letter from Nelson W. Hall, transmitting survey of proposed 18"^{pipe}/storm drain and copies of correspondence from Home Gas Company in connection with Nanuet Knolls drainage. Mr. Roepe reported that he had drawn up easements, made a record search, mortgage releases and sent everything to Mr. Harry Edelstein to have signed.

Highway Superintendent Klein reported that Mr. Hall and he had contacted Mr. Nee of Lederle's with regard to procuring drainage easement for Rockland and Nanuet Avenues. He stated there was no commitment as yet but things looked favorable and that the matter had been turned over to Lederle's legal department. Mr. Klein hoped to have

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something definite to report at the May 23rd Board meeting.

Dominick Fondo, Esq. appeared before the Board representing Louis Bruno's interests, in protesting the application of Milton Karel for a zoning change to M-1 and M-2. He stated his client had purchased approximately 6 acres of property which would be vitally affected by any change in zoning. The property had been bought because of its present zoning and Mr. Bruno had expended thousands of dollars to build a nice road in preparation for building a nice home. Mr. Fondo concluded by saying that in view of some 42 persons signing an objecting petition he hoped that the Board would reach a favorable decision in the matter, so as to avoid further litigation and expense.

Mr. Klein reported that Nelson W. Hall, Engineer for the improvement of Sherwood Drive, Nanuet, had gotten in touch with Attorney Kassels and that they are working on Sherwood Drive drainage. Mr. Klein advised that the drainage would have to go through the Friedman property. Mr. Roepe suggested that the people interested contact Mrs. Leon Friedman for the purpose of procuring an easement.

In connection with the Bert Herdman drainage problem, Mr. Klein reported that there is a sub-division going in north of Herdman's as soon as approval is gotten and that installation of drainage pipe will be started immediately upon such approval, by Mr. Kohl, the developer. The plans had been shown to the Herdman's and they seem satisfied.

Mr. Renken stated he had investigated the complaint of Mrs. Rossi about water drainage along her property. He had found water but it did not appear to be sewage and that there was more water in the ditch than previously. He stated the water comes down College Avenue and goes west, possibly to a brook. It was brought out that it was a natural flow or water course and a private property problem. The Board asked the Highway Superintendent to see if he could get permission to clean out the ditch.

Mr. Victor Smith appeared and complained about the condition of Ludvigh Road caused by developers. He was informed that legal proceedings had been instituted against developers and the condition is being remedied.

The Town Clerk reported that no reply had been received from Mr. Kurt G. Rauer of the Department of Public Works at Poughkeepsie with regard to the State consenting to connection of First Street, Nanuet, with Route 59. The Board instructed her to write to Mr. John W. Johnson, Superintendent, at Albany, advising that it was understood from Mr. Rauer, Acting District Engineer, that the Poughkeepsie Office had approved the formal petition for consent and forwarded it to Albany for final approval and inquire what is the status.

Appraisals submitted by Frank R. Zwahlen on the property of Anna Hale and Richard Henry Bray and Walter Bentley Brew were presented to the Board. The Hale property was appraised at \$2600.00 and that of Bray and Brew at \$750.00.

Town Attorney Roepe made reference to the proposed New York Trap Rock Corporation access road from Snake Hill Road to Crusher Road in West Nyack and reviewed what had been done to date. He exhibited maps showing land which the said corporation proposed to dedicate for the road and which included a small gore they will acquire from

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the New York Central Railroad. He pointed out that if the whole parcel is acquired the original line of road will have to be amended, either by the Trap Rock's engineers or the Town's, because one cannot have a 40' road connecting with Crusher Road and that is the way it is shown now. The road would have to be 50' wide all the way.

Mr. Roepe then advised the Board that he had an escrow letter from the New York Trap Rock Corporation, dated April 15th, 1957 which reads as follows:

"To the Town Board of the Town of Clarkstown
in the County of Rockland, New York

Gentlemen:

We transmit to you herewith, duly executed in duplicate by New York Trap Rock Corporation, a proposed deed dated April 15, 1957, of highway dedication of lands at West Nyack in the Town of Clarkstown, to be a part of a proposed road from Crusher Road to Snake Hill Road in said Town, containing an acceptance of said dedication by the Town, which proposed deed is to be held in escrow by you and used or returned to us as follows:

1. If on or before the 31st day of December, 1957, the Town of Clarkstown shall through purchase, condemnation or otherwise have the right to build and maintain a road or highway over lands of Richard Bray and Walter Bentley Brew and Anna Hale, as shown upon a certain map or diagram entitled "land at West Nyack, Town of Clarkstown, Rockland County, New York, to be acquired from Richard Henry Bray and Walter Bentley Brew", made by Francis E. Manley and dated February 27, 1957, and upon a map entitled "land at West Nyack, Town of Clarkstown, Rockland County, to be acquired from Anna Hale", made by Francis E. Manley and dated February 27, 1957, then the acceptance of the enclosed dedication by New York Trap Rock Corporation is to be executed in duplicate on behalf of the Town of Clarkstown and one original of said dedication and acceptance shall be filed or recorded in the proper office or offices and the other original shall be delivered to us.

2. If said Town shall not on or before the 31st day of December, 1957 acquire such rights over said lands of Bray, Brew and Hale, the two executed copies of the proposed deed of dedication herewith enclosed shall be returned to us.

Will you be good enough to note at the foot of the duplicate of this letter your acceptance of the above terms of escrow and return the same to us.

Very truly yours,

New York Trap Rock Corporation

By S/Joseph Diehl Fackenthal
Vice President"

Mr. Renken moved the following resolution:

RESOLVED, that the Supervisor be authorized to accept the terms of escrow letter from the New York Trap Rock Corporation, bearing date the 15th of April, 1957, presented to the Town Board and that the original letter and instruments be filed with the Town Clerk.

Seconded by Mr. Jeffrey.

On roll call, the vote was as follows:

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

NAYES: None.

Mr. Roepe suggested that the attorney for Hale be invited to the May 23rd, 1957 Board meeting to see if the Town could negotiate for the purchase of the property at the price set by the appraiser and save the expense of condemnation, in view of the fact that he had received a letter from the attorney stating it might not be necessary to condemn the property and that they would be glad to give a deed in lieu of condemnation. The Board directed the Town Attorney to contact both the attorney for Hale and the attorney for Bray and Brew, asking them to the next Board meeting.

Mr. Schmersahl read a letter from the Clarkstown Planning Board agreeing to meet with the Town Board on May 15th, 1957.

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Highway Superintendent Klein reported that the New York Trap Rock Corporation had refused to build a new road to replace Scratchup Road and a portion of Long Clove Road because it would cost about \$100,000.00.

Mr. Klein reported that Mr. Welchman and he had investigated the Leuthold water complaint and found that it was not a Town matter.

Mr. Schmersahl read a letter from the Valley Cottage Fire District requesting installation of a fire hydrant about 500' from the corner of Lake Road and Kings Highway on spur of water main feeding Valley Cottage Liquor Store. Mr. Welchman stated there was a question as to whether it would be in the water district and he would have a report on the matter for the next meeting.

Mr. Schmersahl read a letter from the Valley Cottage Fire District with respect to traffic. The matter was referred to Chief Ernest Wiebicke to check and report on at the next Board meeting.

Mr. Schmersahl read a letter from Grant Pulley & Hardware Company advising that they would conform with performance standards.

The following Performance Bond was presented to the Board and approved as to form and sufficiency:

Homestead Acres,
New City, N. Y.

Mr. Schmersahl read a letter from the Nanuet Community Ambulance Corps, Inc., dated May 8, 1957, requesting the purchase of a two-way radio for the Nanuet Community Ambulance Corps under the Matching Funds program. The Board directed that the Town Attorney and Mr. Welchman check on the matter and report on same at the next Board meeting.

Mr. Welchman moved the following resolution:

RESOLVED, that an 11,000 lu. Mercury Vapor street light be erected on Pole No. 179, Lake Road, Congers, as per survey of the Rockland Light and Power Company, and be it

FURTHER RESOLVED, that the Rockland Light and Power Company be authorized to make the installation.

Seconded by Mr. Jeffrey.

On roll call, the vote was as follows:

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

NAYES: None.

A letter from the Valley Cottage Civic Association advising that their association had passed a resolution that they go on record as being opposed to down zoning to M-1 or M-2 at the present time, was read to the Board.

Mr. Harry Edelstein appeared before the Board in connection with the Nanuet Knolls drainage matter and was advised that the Town Attorney had drawn up the necessary instruments and sent them to him and that as soon as the signed instruments were submitted to the Board, the work on installing pipe could be done.

Highway Superintendent Klein inquired of the Board if the Town would be interested in getting 350' to extend Schriever's Lane to Little Tor Road, New City, sometime in the future. The Board suggested that the matter be taken up with the Planning

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Board so if it was of any importance to the Town they might make the suggestion to the developer.

Monthly reports of the Building Department, Zoning Board of Appeals, Welfare Officer, Police Department, Town Clerk and Supervisor were presented to the Board, approved and ordered filed.

Mr. Schmersahl requested Mr. Klein to cut the brush on the west side of Town Line Road by Ehrhardt Road, Nenuet.

Chief Ernest Wiebicke advised the Board that he had been requested by Members of the Department to ask the Town Board if it would be possible to pay them twice a month rather than once a month. The Supervisor's Clerk was asked to check the matter and make a report at the next meeting of the Board.

Mr. Welchman moved the following resolution:

RESOLVED, that John Kennedy be retained as Special Counsel to the Town of Clarkstown in the matter of an Article 78 proceeding on the petition of Rose Development vs. the Planning Board of the Town of Clarkstown.

Seconded by Mr. Renken.

On roll call, the vote was as follows:

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

NAYES: None.

Mr. Roepe reported that Mr. Dillon had spoken to Irving Kennedy, Esq., who had agreed to assist with the case, above mentioned.

Town Attorney Roepe advised the Board that he had drawn up four resolutions at the request of the Chairman of one of the political parties of the Town, having to do with splitting Election Districts No. 1, No. 5, No. 8 and No. 13 in the Town of Clarkstown. He added that he had been given to understand that this meets with the approval of the Chairmen of the major political parties of the Town and that he was assured such a letter would be in the Town Clerk's office on the evening of May 9th. No letter having been received, the matter was held over for the next Board meeting.

The Town Attorney reported that he had to appear in White Plains the following day in connection with an Article 78 proceedings brought by Sais Sterngass against the Town of Clarkstown, based on refusal of the Building Inspector to issue a permit under Septic Tank Ordinance.

Mr. Renken stated that he had noticed that a great deal of money had been appropriated, through legislature, for highway purposes. He suggested that the Department of Public Works be requested to divert some of the money to the widening of Route 303 from the Cloverleaf in West Nyack northerly to Lake Road, Valley Cottage, or to north of Snake Hill Road in West Nyack. The Clerk was asked to write a letter to this effect and point out that this was a very dangerous area and that there was going to be a funneling out of traffic from the Thruway. It was also to be pointed out that a lot of land had been taken from the tax rolls due to Thruway takings.

Mr. Renken made mention of the fact that the Committee appointed to check corrections on the Tax Map had reported that the Tax Map was not in much better form than

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when submitted in the first instance and suggested doing something about it. The Board suggested holding a special meeting with the Committee and Mr. William J. Richards on May 15, 1957 for the purpose of discussing the matter.

Mr. Renken suggested holding a special meeting and inviting Mr. Scully of I.B.M. Mrs. Blauvelt, the Supervisor's Clerk, was asked to inquire of the Supervisor what day would be convenient and set a date for the meeting.

Bills No. 427 thru 511 on Warrant No. 5 were submitted to the Board, audited and ordered paid.

All business to come before the Board having been dispensed with, on motion made by Mr. Jeffrey, seconded by Mr. Renken and carried, the meeting was adjourned.

Respectfully submitted,

Mildred F. Magari
Town Clerk of Clarkstown