

TOWN BOARD MEETING

May 23, 1957

Town Clerk's Office

3:00 P.M.

Present: Messrs. Dillon  
Renken  
Jeffrey  
Welchman  
Schmersahl

Councilman Renken moved that Councilman Schmersahl act as Chairman of the Board until the arrival of Supervisor Dillon. The motion was seconded by Mr. Welchman and carried.

Councilman Schmersahl took the chair and opened the meeting.

On motion made by Mr. Schmersahl, seconded by Mr. Renken and carried, the reading of the minutes of the May 9, 1957 meeting was dispensed with.

Supervisor Dillon arrived at 3:25 P.M. and the chair was turned over to him by Mr. Schmersahl.

Mr. Edward Walkley appeared before the Board in connection with his property on Nanuet Avenue, Nanuet. He stated he had backfilled the property to enable him to get trucks in. Mr. Walkley told the Board he had been refused a building permit because of a ditch having been closed up due to the backfill, and that the refusal had been recommended by the Highway Superintendent until such time as the ditch was opened up. The Building Inspector said he had based refusal on a water course being diverted. Mr. Walkley agreed to open up the ditch and the Board thereafter directed the Building Inspector to issue a building permit.

Jerome Trachtenberg, Esq. appeared before the Board with a petition for the establishment of a water supply district in West Nyack to be called West Nyack Water Supply District No. 2. A letter from the Village of Nyack Board of Water Commissioners, agreeing to supply water to the proposed district upon authorization from the Town Board, was read.

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In the Matter of the Petition for the Establishment of a	:	ORDER ESTABLISHING
Water Supply District at West Nyack, Town of Clarkstown,	:	DISTRICT
Rockland County, New York.	:	
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A petition in this matter for the establishment of a West Nyack Water Supply District of the Town of Clarkstown having been duly presented to the Town Board, and an order having been duly adopted by the Town Board on the 23rd day of May, 1957 for the hearing of all persons interested in the matter on the 13th day of June, 1957, at 8:00 P.M., Eastern Daylight Saving Time, at the office of the Town Clerk, 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 district were benefited were included within the limits of the proposed district, 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 district as proposed by approved, it is hereby

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ORDERED, that West Nyack Water Supply District #2 of the Town of Clarkstown be established in the said Town of Clarkstown, Rockland County, New York, to include lands in the said Town described as follows:

BEGINNING at a point in the center line of New York State Highway Route 59 at West Nyack, New York, where said center line intersects the west line of the West Shore Railroad right-of-way; running thence in a southerly direction along the west line of the West Shore Railroad 1830 feet to a point; turning and running thence westerly north  $84^{\circ} 55'$  West 1170 feet to a point; turning and running thence in a general northerly direction from the following courses: north  $5^{\circ} 05'$  east 100 feet; north  $28^{\circ} 00'$  west 620 feet; north  $62^{\circ} 00'$  east 250 feet; north  $4^{\circ} 30'$  east 1380 feet and to the center line of New York State Highway Route 59; turning in a southeasterly and easterly direction along the center line of New York State Highway Route 59, 1320 feet to the point or place of beginning.

Dated: June 13th, 1957.

S/ Irvin F. Dillon, Supervisor  
S/ Fred Schmersahl, Councilman  
S/ Alastair Jeffrey, Councilman  
S/ John H. Renken, Councilman  
S/ Joseph Welchman, Councilman

Mr. Trachtenberg advised the Board that his clients, Fredericks Forman and Harold L. Cenedy, desired to withdraw their application for a zoning change for property on Middletown Road, Nanuet, from R-1 to C-1.

Mr. Trachtenberg made mention that a letter had been submitted by him to the Board advising that his client Milton Karel had requested that his application for a zoning change be amended to ask for C-2 districting.

Town Attorney Edward G. Roepe reported to the Board that he had checked deed, survey, certificate of title and maintenance bond submitted by John Meyn and that only questions that arose were drainage and turn-around. The Highway Superintendent reported that the drainage was acceptable and that he had checked the road and turnaround and the same met with his approval.

Mr. Welchman moved the following resolution:

RESOLVED, that deed from John Meyn and Leslie A. Lovett and Margaret E. Lovett, his wife, to the Town of Clarkstown, conveying the 400' extension easterly of Woodside Drive, New City, be accepted and the said road be included in the Town Highway System, and be it

FURTHER RESOLVED, that the Town Attorney be directed to record the deed.  
Seconded by Mr. Schmersahl.

On roll call, the vote was as follows:

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

NAYES: None.

Highway Superintendent Emil Klein reported that work on Ludvigh Road, Nanuet, was progressing and that 2' drainage pipe was being installed.

The Town Attorney reported that only one signed drainage easement had been received in connection with Nanuet Knolls drainage and that from the developer.

The Highway Superintendent reported that Mrs. Rossi had refused his permission to clean out her ditch. She had advised him she did not object to the water but the sewage. Mr. Klein advised her to take the matter up with the County Board of Health.

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Mr. Dillon read a letter from Senator Thomas C. Desmond stating he had recommended to the Superintendent of the Department of Public Works of the State of New York that consideration be given to the widening of Route 303. Mr. Dillon stated that Mr. Hughes of the Department of Public Works in Albany had advised that the widening of Route 303 was proposed and project was in the planning stage.

Maintenance Bond of John Mein covering 400' extension easterly of Woodside Drive, New City, was submitted to the Board and approved as to form and sufficiency. The bond bore date Dec. 12th, 1956.

A letter from Mr. A. B. Conway of the Department of Public Works, asking that the Town Board make a formal request by resolution for permission to make an entrance from First Street, Nanuet, to the State Highway and provide in it that no cut thru or cross over of the mall will be requested at this point, was read by Supervisor Dillon.

Mr. Renken moved the following resolution:

RESOLVED, that the New York State Department of Public Works be requested to grant permission to the Town of Clarkstown for First Street, Nanuet, to enter onto State Highway known as Spring Valley-Knapps Corners, #689, Station E-119+00, and be it

FURTHER RESOLVED, that no request will be made by the Town for a cut thru or a cross over of the mall at this point.

Seconded by Mr. Schmersahl.

On roll call, the vote was as follows:

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

NAYES: None.

Town Attorney Roepe reported that he had received a letter from Massena, N. Y. from the attorney representing Richard Henry Bray, in which he stated Mr. Bray would be unable to meet with the Town Board. The attorney advised that a substantial sum offered by the New York Trap Rock Corporation had been turned down for the Bray property. He asked to be furnished with details.

Mr. Schmersahl moved the following resolution:

RESOLVED, that the Town Attorney be directed to write to the attorney for Richard Henry Bray, submit a survey and offer the sum of \$500.00 for property to be acquired for an access road from Crusher Road to Snake Hill Road in West Nyack.

Seconded by Mr. Renken.

On roll call, the vote was as follows:

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

NAYES: None.

Mr. Jeffrey arrived at the meeting at 4:10 P. M.

Mr. Welchman moved the following resolution:

RESOLVED, that the prior resolution of this Town Board of March 12th, 1954, relating to road specifications, be and the same is hereby amended as follows:

Roads shown on Subdivision maps, determined by the Planning Board of the Town of Clarkstown to be roads which do not require paving to the width of 30 feet, shall be paved to a minimum width of 24 feet providing such determination is made by said Planning Board, entered in its minutes, and a copy thereof filed with the Town Clerk of the Town of Clarkstown.

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Seconded by Mr. Jeffrey.

On roll call, the vote was as follows:

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

NAYES: None.

The Clerk was requested to send a copy of the resolution to the Planning Board.

Mr. Welchman reported that he had contacted both Mrs. Klein, Secretary of the Valley Cottage Fire District and Mr. Lipp of the Spring Valley Water Company in connection with the Fire District's request for a fire hydrant 500 feet from the corner of Lake Road and Kings Highway. He stated the extension of the water district to Old Mill Road is being worked on and that the information had been relayed to the Secretary of the Fire District.

Chief Wiebicke reported on the four requests with respect to traffic restrictions made by the Valley Cottage Fire District in letter dated April 25th, 1957. The Chief approved the first three requests and Mr. Welchman was delegated to check on the fourth.

Mr. Renken moved the following resolution:

RESOLVED, that fire lines be put in on Lake Road, Valley Cottage, in accordance with request of the Valley Cottage Fire District dated April 25, 1957. on approval of the Chief of Police.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

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

NAYES: None.

The matter of the purchase of a 2-way radio for the Nanuet Community Ambulance Corps was held over until the June 13, 1957 meeting inasmuch as Samuel Gunn, Esq. could not be contacted.

Mr. Renken moved the following resolution:

RESOLVED, that the Supervisor be authorized to pay members of the Police Department semi-monthly, on the 15th and at the end of the month, effective from July 1st, 1957.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

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

NAYES: None.

The Town Attorney reported that the case of Rose Development Corporation versus the members of the Planning Board had been argued in White Plains and no decision would be arrived at by the Court for another week or two.

Mr. Roepe reported that he had received a letter from Irving J. Pardo, Esq. in connection with an Article 78 proceeding, Sais Sternfass versus the Town of Clarkstown, stating a permit had been obtained from the Town of Clarkstown for the relocation of planned alteration and work had commenced on said permit. It also stated that approval had been received from the County and State Boards for changed location

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and that proceeding might be discontinued based on those facts. Mr. Roepe advised that the case had been adjourned to June 10, 1957.

Mr. Dillon stated he would arrange to hold a special meeting after May 31, 1957 at which Mr. William Richards will submit his final report. He suggested having the Tax Map Committee present.

Supervisor Dillon read to the Board decision of the Public Service Commission dated May 13, 1957 ordering the New Jersey and New York Railroad Company to install automatic flashing signals at the Convent Road railroad crossing in Nanuet.

Mr. Renken suggested trying to obtain crossing protection for Church Street, Nanuet, and the Clerk was asked to write to the New Jersey and New York Railroad Company requesting installation of flashing signals at Church Street railroad crossing.

Mr. Dillon reported that the contracts for I.B.M. were in order. Mr. Renken requested that the Town Attorney check the said contracts.

Mr. Renken moved the following resolution:

RESOLVED, that the Supervisor be authorized to sign contracts with Service Bureau Corporation, a subsidiary of I.B.M., subject to the approval of the Town Attorney. Seconded by Mr. Welchman.

On roll call, the vote was as follows:

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

NAYES: None.

The Town Attorney reported that Notices of Claim had been served on the Town by Spring Valley Taxi, Charles A. Robe and Joyce Sarvis. He stated he had turned them over to the Highway Superintendent to check and that both Mr. Klein's report and the Police report indicated that the roads involved were County roads. The Notices were therefore passed on to the County.

Mr. Dillon read a letter from Daniel T. Brucker, Esq. dated May 15, 1957 with reference to proposed annexation of a portion of Central Nyack and asking in what respects petition did not comply in form or content and what properties were disregarded in reaching a decision. The Clerk was instructed to advise Mr. Brucker that the petition was denied on the law and the facts.

Supervisor Dillon read a letter from Sergeant Raymond Lindemann of the Clarkstown Police Department asking for a one year's leave of absence commencing June 9th, 1957.

Mr. Jeffrey moved the following resolution:

RESOLVED, that Sergeant Raymond Lindemann of the Police Department of the Town of Clarkstown be granted a leave of absence for a period of one year, commencing June 9th, 1957, in view of his twenty-five year's service with the Clarkstown Police Department.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

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

NAYES: None.

Mr. Renken moved the following resolution:

RESOLVED, that Raymond Lindemann be congratulated on his appointment as Criminal Investigator in the District Attorney's office of the County of Rockland and that thanks be given him for his many years of service and that the Clerk be requested to write him a letter to that effect.

Seconded by Mr. Jeffrey.

On roll call, the vote was as follows:

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

NAYES: None.

Highway Superintendent reported to the Board that Pole 348, the location of accident in Notices of Claim was on Pascack Road, which is a County road.

Application of August and Elsie Meyer for a change of zoning from RA-1 to R-1 was presented to the Board.

Mr. Welchman moved the following resolution:

WHEREAS, AUGUST MEYER AND ELSIE MEYER, his wife, 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 petitioner and in said petition described from RA-1 district to a R-1 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, 1957, at 9:45 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. Schmersahl.

On roll call, the vote was as follows:

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

NAYES: None.

Mr. Roepe reported that he had checked over Chapter 776 of the Laws of 1957 which amends Retirement and Social Security Law. He stated it appeared that there were three options, six quarters, four quarters or none. Mr. Dillon advised that the deadline had been extended for another month. The matter was held over for the June 13th, 1957 Board meeting in order to compute the cost.

Mr. Welchman moved the following resolution:

RESOLVED, that James Summers of Congers, New York, be appointed Custodian of Station Plaza, Congers at an hourly wage of \$1.50, retroactive to May 15th, 1957.

Seconded by Mr. Jeffrey.

On roll call, the vote was as follows:

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

NAYES: None.

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Mr. Dillon referred to a letter from the J. L. Jacobs Co. suggesting a meeting with the Board in connection with appraisals and tax map work and unpaid invoices. Mr. Roepe was asked to contact J. L. Jacobs & Company and arrange a meeting with the Board.

Mr. Dillon stated that Mr. Richards would like to confer with the Board when his report on reevaluations is submitted at the special meeting and progress reports will be gone over at that time. ✓

A letter from Central School District No. 1, Town of Clarkstown, was read. It advised that Mr. Francis X. Mascola of West Nyack and Mr. Franklin Steinberger of Bardonia were elected members of the District Board of Education for terms of three years each, starting July 1, 1957 at the annual election of trustees on May 7, 1957.

A letter from the Board of Education of Nanuet Public School was read, advising the names of members elected to the Board of Education. The letter was ordered filed.

Supervisor Dillon read a letter from the State Traffic Commission requesting removal of R-11 and R-6A signs from three roads crossing Town Line into Orangetown.

Mr. Welchman asked Chief Wiebicke to check on advisability of moving "30 M.P.H." speed signs in vicinity of Bardonia School.

Memorandum from Consulting Engineer dated Apr. 8, 1957 with respect to drainage in subdivision known as Crambrook Terrace (North Section) was read to the Board and ordered filed.

Mr. Dillon read a letter from the Zoning Board of Appeals advising that the terms of office of Mr. Herdman and Mr. Koop expired on June 19, 1957, recommending their reappointment.

Mr. Jeffrey moved the following resolution:

RESOLVED, that W. Reginald Herdman be reappointed as Chairman of the Zoning Board of Appeals of the Town of Clarkstown for a period of one year, effective as of June 19, 1957.

Seconded by Mr. Schmersahl.

On roll call, the vote was as follows:

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

NAYES: None.

Mr. Schmersahl moved the following resolution:

RESOLVED, that John Koop be reappointed as Member of the Zoning Board of Appeals for a period of five years, effective as of June 19, 1957.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

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

NAYES: None.

Mr. Dillon read a letter dated May 21, 1957 sent to the Planning Board by the Consulting Engineer, Nelson W. Hall, with reference to storm drainage - Kings Highway and Collyer Avenue.

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A letter dated May 21, 1957 sent to the Planning Board by the Consulting Engineer with reference to storm drainage in Strawtown Estates subdivision was read to the Board.

Mr. Dillon read a letter from the Building Department with reference to application for a building permit made by James Farkas. Mr. Schumscher reported the road on which the property was located was in satisfactory condition.

Mr. Schmersahl moved the following resolution:

RESOLVED, that the Building Inspector be directed to issue a Building permit to James Farkas for property on Lennox Way, Lake Lucille, New City.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

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

NAYES: None.

Letter transmitting Order No. 442 and 443 from the Department of Public Works concerning the dedication of Route 59A to the Town of Clarkstown was read and referred to the Superintendent of Highways.

Application of Seymour and Casper Rapkin for a zoning change from RA-1X to C-2 was presented to the Board.

Mr. Welchman moved the following resolution:

WHEREAS, SEYMOUR AND CASPER RAPKIN, have 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 RA-1X 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 11th day of July, 1957 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. Renken.

On roll call, the vote was as follows:

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

NAYES: None.

Application for a zoning change made by Miceli & Sons Building Corporation was presented to the Board, asking for change from R0 to C-2.

Mr. Renken moved the following resolution:

WHEREAS, MICELI & SONS BUILDING 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 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

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on the 11th day of July, 1957, at 9:00 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. Jeffrey.

On roll call, the vote was as follows:

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

NAYES: None.

Application for zoning change made by Solomon and Herman Kupperman (Pasceack Park) for redistricting from SC to R-2 was presented to the Board and referred to the Town Attorney to check.

Application for a zoning change made by Emil J. Pedersen and Shirley A. Pedersen for redistricting from R0 to R-2 was presented and referred to the Town Attorney to check.

Supervisor Dillon read a letter from Governor Averell Harriman advising of a Traffic Court Conference to be held at Fordham Law School on June 5, 6 and 7, 1957.

Mr. Schmersahl moved the following resolution:

RESOLVED, that the Town Attorney, Justices of the Peace and Chief of Police of the Town of Clarkstown be authorized to attend Traffic Court Conference for New York State, to be held at Fordham Law School, Fordham Road, New York 58, New York on June 5th, 6th and 7th, 1957, and be it

FURTHER RESOLVED, that all necessary expense in connection therewith be a Town charge.

Seconded by Mr. Jeffrey.

On roll call, the vote was as follows:

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

NAYES: None.

Mr. Schmersahl moved the following resolution:

RESOLVED, that the Supervisor be authorized to sign contract with the Spring Valley Water Company for water service at Valley Cottage Sewer District No. 1 Plant.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

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

NAYES: None.

Mr. Dillon read a letter from Phil Frohling, Jr., past Chief of the Nanuet Fire Department extending thanks to the Town Board, the Highway Superintendent and Building Inspector for their cooperation during his term of office.

Street opening permit issued to Sheldon S. Gold for Cairnsmuir Lane, New City, was presented and signed by the Board.

Supervisor Dillon read a letter from Hazel B. Eiben, part-time typist in the office of the Town Clerk, submitting her resignation as of July 1st, 1957.

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The Town Attorney reported that he had a deed from Davies Lake Homes, Inc., covering dedication of Milich's Lane, Leona Avenue, etcetera. The Highway Superintendent was requested to check the survey and report at the next Board meeting.

Mr. Welchman reported to the Board that there was a little difficulty about fill at the Clarkstown Sanitary Fill and suggested that the Clerk request the dumpmaster and Mr. William J. Wolf to be present at the June 13, 1957 Board meeting.

Mr. Renken moved the following resolution:

RESOLVED, that the Town Board hold one regular meeting each month during the months of June, July and August, on the second Thursday of the month.

Seconded by Mr. Schmersahl.

On roll call, the vote was as follows:

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

NAYES: None.

Bills No. 512 thru 514 on Warrant No. 5-A were presented to the Board, audited and ordered paid.

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

Respectfully submitted

*Mildred F. Magai*  
Town Clerk of Clarkstown