

7/11/57

PUBLIC HEARING

Town Clerk's Office

9:00 P.M.

July 11, 1957

Present: Messrs. Dillon
Renken
Jeffrey
Welchman
Schmersahl

Supervisor Dillon opened the hearing.

The Clerk read notice of hearing to consider the application of Miceli & Sons Building Corp. for a change of the Building Zone Ordinance by redistricting their property from an R0 to a C-2 zone.

Mr. Dillon stated that the Board would first listen to those in favor of granting the change and then to those opposed.

Attorney George Writer, Jr. appeared as attorney for the petitioner and described the property, stating that it was located on the northeast corner of Route 59A and Route 304. He advised that consent of all adjacent property owners had been obtained.

The Supervisor inquired whether anyone else present was interested and wished to testify for or against granting of the change.

Mr. Robert Maier of Route 59A, Nanuet, appeared favoring the petition.

No one else appearing and there being no opposition, on motion made by Mr. Welchman, seconded by Mr. Renken and unanimously carried, the hearing was closed.

Signed,

Mildred F. Magai
Mildred F. Magai,
Town Clerk

7/11/57

PUBLIC HEARING

July 11, 1957.

Town Clerk's Office

9:30 PM.

Present: Messrs. Dillon
Renken
Jeffrey
Welchman
Schmersahl

Supervisor Dillon called the hearing to order.

The Clerk read notice of hearing to consider the application of Solomon Kupperman, Herman Kupperman and Howard Elish for a change of the Building Zone Ordinance by redistricting their property from an SC to an R-2 zone.

Supervisor Dillon announced that the Board would first listen to those in favor of the petition and then to those opposed.

David Coral, Esq. appeared as attorney for the petitioner and described the property, stating it was off Smith Road, Spring Valley, and surrounded by commercial and industrial development. He added that a petition had been filed for the establishment of a sewer district and that a petition would also be filed for a water district.

Mr. Dillon inquired whether anyone else wished to testify for or against the petition.

No one appeared and on motion made by Mr. Schmersahl, seconded by Mr. Jeffrey and unanimously carried, the hearing was closed.

Signed,

Mildred F. Magai
Mildred F. Magai,
Town Clerk.

DAA 657

TOWN BOARD MEETING

July 11, 1957

Town Clerk's Office

Present; Messrs. Dillon
 Renken
 Jeffrey
 Welchman
 Schmersahl

Supervisor Dillon opened the meeting.

On motion made by Mr. Welchman, seconded by Mr. Schmersahl and unanimously carried, the minutes of the June 13th, 1957 meeting were approved and accepted.

Mr. Schmersahl moved the following resolution:

RESOLVED, that adjourned hearing on Special Assessment Roll in connection with Improvement of Oak Road, Adam Place and Birch Lane, New City, to consider any objections to said assessment roll be further adjourned to August 8th, 1957.

Seconded by Mr. Renken.

On roll call, the vote was as follows:

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

NAYES: None.

Supervisor Dillon read a letter from Ward Pavements, Inc. dated July 11, 1957 advising that they had been unable to complete Oak Road due to the building trade strike and that the work would be completed as promptly as possible after settlement of local Union difficulties.

John Lodico of Birch Lane, New City appeared before the Board and complained of a drainage problem on the road at his home, due to the absence of a berm. The consulting engineer, Nelson W. Hall, was requested to look into the matter and report to the Board at its next meeting.

Mr. Renken moved the following resolution:

RESOLVED, that application of Kathy Land Company for a change of zoning from RA-1X to C-2 be denied.

Seconded by Mr. Schmersahl.

On roll call, the vote was as follows:

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

NAYES: None.

Mr. Renken moved the following resolution:

"WHEREAS, the Town Board of the Town of Clarkstown by Resolution duly adopted on the 23rd day of May, 1957, provided for a public hearing on the 13th day of June, 1957, at the office of the Town Clerk, Main Street, New City, New York at 9:45 PM. Eastern Daylight Saving Time, to consider the application of August Meyer and Elsie Meyer to amend the Building Zone Ordinance for the said Town by redistricting the property of the said petitioner from RA-1 district to an R-1 District, and

WHEREAS, notice of said public hearing was duly published as required by law and

7/11/57

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 redistricting the following described property at New City in said Town from RA-1 district to an R-1 District.

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon, situate, lying and being near New City in the Town of Clarkstown, County of Rockland and State of New York, bounded and described as follows:

BEGINNING at a stake set in the westerly line of a right-of-way at a point which is distant northerly 291.48 feet on a course of North 14° 30' East from the northerly line of the road which leads from New City to Haverstraw, through the Short Clove, known as State Highway No. 9005; thence running north 14° 30' East along the westerly line of said right-of-way 240 feet to a stake; thence North 74° 22' West 140 feet to a stake; thence South 14° 30' West 240 feet to a stake; and thence South 74° 22' East 140 feet to the point or place of beginning."

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

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

NAYES: None.

Mr. Haskell of West Nyack appeared before the Board and inquired about the status of Snake Hill Road. The Town Attorney reported that the New York Trap Rock Corporation is negotiating to purchase portions of the Hale and Bray properties but that the Hale property will take time to acquire because of the interest of heirs. Mr. Haskell was advised that the New York Trap Rock Corporation was willing to dedicate a right of way for the proposed road when they acquire these properties.

Mr. Haskell asked the Board to request Mr. Klein to start work on the Route 303 end of Snake Hill Road when he is finished with the oiling. Mr. Dillon advised he would check with Mr. Klein on the matter.

John E. Goeggeman, Esq. appeared before the Board and presented to the Board a letter of protest to the granting of a zoning change to Milton Karel on behalf of a group of property owners in Valley Cottage. Mr. Dillon advised that the Board would hold off decision on the said application until a meeting with Mr. Lopez of the New York State Department of Commerce can be arranged. He further advised that he would contact Mrs. Grey on the 15th or 16th of July.

Mr. Schmersahl moved the following resolution:

WHEREAS, SEYMOUR RAPKIN 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 redistricting property of the said petitioners and in said petition described, from an 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 8th day of August, 1957 at 8:45 P.M., Daylight Saving Time, relative to such proposed amendment; and it is

FURTHER RESOLVED, that the Town Attorney prepare Notice of such statutory

7/11/57

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. Renken moved the following resolution:

WHEREAS, EMIL J. PEDERSEN and SHIRLEY A. PEDERSEN, have petitioned the Town of Clarkstown that the Building Zone Ordinance of the said Town be amended by re-districting property of the said petitioners and in said petition described, from an R0 district to a R-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 8th day of August, 1957 at 9:00 P.M., Daylight Saving Time, relative to such proposed amendment; and it is

FURTHER RESOLVED, that the Town Attorney prepare Notice of such statutory hearing and the Town Clerk cause the same to be published as aforesaid and file proof there 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. Welchman moved the following resolution:

RESOLVED, that decision on application of Miceli & Sons Bldg. Corp. for a change of Zoning from RA-1K to C-2 be reserved.

Seconded by Mr. Renken.

On roll call, the vote was as follows:

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

NAYES: None.

Dean Seifried, Engineer for the Improvement of First Street, Nanuet, appeared before the Board and advised that plans and specifications were in order. The Town Attorney and Engineer were directed to prepare a contract so that the Town could advertise for bids.

Mr. Renken moved the following resolution:

RESOLVED this 11th day of July, 1957, by the Town Board of the Town of Clarkstown, Rockland County, New York, as follows:

SECTION 1. For the purpose of defraying the cost of appraisal of real property in the Town of Clarkstown for assessment, heretofore authorized by the

7/11/57

Town Board of the Town of Clarkstown, Capital notes of the Town of Clarkstown in the amount of \$5,000.00, to be of the terms, forms and contents hereinafter specified, shall be issued by the Town of Clarkstown, pursuant to the provisions of the Local Finance Law of the State of New York.

SECTION 2. The maximum cost of such appraisal of real property for assessment, to provide funds for which the said capital notes shall be issued, is \$5,000.00 and the plan for financing such cost consists of the issuance and the sale of the said notes in the amount of \$5,000.00.

SECTION 3. It is hereby determined that the purpose for which such notes are to be issued, to wit, to defray the cost of appraisal of real property in the Town of Clarkstown for assessment, falls within sub-paragraph 53 of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such purpose is five years.

SECTION 4. The proposed maturity of the capital notes hereby authorized will not be in excess of two years.

SECTION 5. The said notes shall bear a date not earlier than the 12th day of July, 1957, and shall be designated and known as "CAPITAL NOTES OF 1957, OF THE TOWN OF CLARKSTOWN, ROCKLAND COUNTY, NEW YORK". The said notes shall bear interest at a rate not exceeding five per centum per annum payable at maturity, and the principal and interest thereof shall be payable in lawful money of the United States of America at the office of the Supervisor, Main Street, New City, New York, as follows:

One of said notes to be in the amount of \$2,500.00 and designated as No. 1 shall mature and be payable in the fiscal year following the issuance of said note, with interest from the date thereof; and the other of such notes to be in the amount of \$2,500.00 and designated as No. 3 shall mature and be payable in the second fiscal year following the issuance of said note, and the interest shall be payable in each of the fiscal years following the date of its issuance.

DAA 657

7/11/57

SECTION 6. Except as herein expressly provided, the said notes shall be of the terms, form and contents as the Supervisor of the Town of Clarkstown shall determine and execute, consistent, however, with the provisions of the Local Finance Law.

SECTION 7. Said notes shall be executed in the name of the Town of Clarkstown by its Supervisor, and sealed with the corporate seal of the said Town of Clarkstown, and attested by the Town Clerk.

SECTION 8. The said notes shall be sold at one time at private sale by the Supervisor of the Town of Clarkstown within one month after the date of said notes at a price of not less than par value of, and interest if any, and the proceeds of sale shall be applied solely for the purpose aforesaid.

SECTION 9. Upon due execution and sale of said notes, the same shall be delivered to the purchaser upon the payment by him of the purchase price in cash to the Supervisor of the Town of Clarkstown; and the receipt of such Supervisor shall be a full acquittance to said purchaser who shall not be obliged to see to the application of the purchase money.

SECTION 10. The full faith and credit of the Town of Clarkstown, are hereby pledged to the punctual payment of the principal of and interest on said notes. An amount sufficient to pay the principal of and interest on such capital notes shall be included in the annual budget and levied as a part of the taxes for each fiscal year to pay the principal and interest becoming due and payable in such fiscal year.

SECTION 11. This resolution shall take effect immediately.

Adopted, July 11th, 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:

BE IT RESOLVED that the Supervisor of the Town of Clarkstown shall be and he hereby is empowered to prescribe the terms, form and contents of capital notes pursuant to the provisions of a resolution entitled "CAPITAL NOTE RESOLUTION OF JULY 11th, 1957, AUTHORIZING ISSUANCE AND SALE OF CAPITAL NOTES OF TOWN OF CLARKSTOWN, ROCKLAND COUNTY, NEW YORK, IN THE AMOUNT OF \$5,000.00 TO DEFRAY THE COST OF APPRAISAL OF REAL PROPERTY IN THE TOWN OF CLARKSTOWN FOR ASSESSMENT", duly adopted by the Town Board of the Town of Clarkstown on July 11th, 1957; to execute the same in the name of and on behalf of the Town of Clarkstown and to sell at private sale and deliver the same; all in pursuance to and consistent with the provisions of the Local Finance Law of the State of New York.

7/11/57

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

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

NAYES: None.

Supervisor Dillon read a letter from the Department of Public Works relative to the State's Official Orders No. 442 and 443 that Town take over portions of Route 59. It advised that the State would do certain maintenance work as per the Town Highway Superintendent's recommendation before turning the road over.

Mr. Dillon read a letter from John I. Kennedy, attorney appointed by the Board to defend the Clarkstown Planning Board in an action brought by the Rose Developing Corporation. He advised that the Town's motion had been dismissed and that an answer would have to be prepared.

A letter from the Department of Public Works was read to the Board which advised they anticipated widening Route 304 and suggested taking up the sidewalk problem at the time of reconstruction.

Town Attorney Edward G. Goepe advised he had heard nothing further from J. L. Jacobs about meeting with the Board. The Supervisor was requested to arrange a meeting with Mr. Jacobs and notify the Town Attorney of the date.

Mr. Renken moved the following resolution:

RESOLVED, that the Town Attorney, with the collaboration and assistance of the Town Superintendent of Highways, as to facts and law, be authorized to take appropriate action against Edward Walkley for closing drain in front of his property on Nanuet Avenue, Nanuet.

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:

"WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 13th day of June, 1957, provided for a public hearing on the 11th day of July 1957, at the office of the Town Clerk, Main Street, New City, New York, at 9:30 P.M., Eastern Daylight Saving Time, to consider the application of SOLOMON KUPPERMAN, HERMAN KUPERMAN and HOWARD ELLISH to amend the Building Zone Ordinance for the said Town by redistricting the property of the said petitioners from an SC district to an R-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

7/11/57

property of the said petitioners from an S-C district to an R-2 district:

ALL that certain lot, piece or parcel of land, situate, lying and being in the Town of Clarkstown, County of Rockland and State of New York, bounded and described as follows:

BEGINNING at a point 8.5 feet west of the westerly line of Pascack Road (said point being in the westerly line of Pascack Road as proposed to be widened), said point of beginning being 1263.13 feet northerly along the westerly line of Pascack Road as proposed to be widened from the intersection of the prolongation of the center line of Smith Road and the westerly line of Pascack Road as proposed to be widened; thence along the southerly line of said land of said Rockland Light & Power Company and through the center of a stone wall North 85° 24' 30" West 423.80 feet to an iron pipe and lands of Louise E. Eckerson formerly land of John Kouff; thence several courses along lands of Louise E. Eckerson as follows: (1) South 15° 53' 45" West 704.68 feet to a 24" hickory tree; thence (2) South 6° 2' 15" East 186.12 feet to a stake; thence (3) South 33° 2' 45" East 120.78 feet to a thirty inch white oak tree; thence (4) South 48° 51' East 124.08 feet to a nail in the root of a maple tree; thence (5) South 16° 49' East 87.78 feet to a stake; thence (6) South 42° 28' East 44.88 feet to a stake; thence South 16° 49' East 87.78 feet to a point; thence still along said Louise E. Eckerson and land of Walter L. Hamilton, formerly land of John Kouff South 0° 7' East 72.89 feet to a stake; thence along said land of Walter L. Hamilton South 15° 20' West 148.08 feet to a twin hickory tree; thence still along the same South 17° 4' West 390.70 feet to a point 8.52 feet northerly from the northerly line of the aforementioned Pascack Road (said point being in the northerly line of Pascack Road as proposed to be widened); thence along the line of said road, as proposed to be widened, its various courses as follows:- (1) on a curve counter-clockwise with a radius of 155.80 feet a distance of 144.72 feet; thence (2) North 50° 45' East 54.55 feet; thence (3) on a counter-clockwise curve with a radius of 320.63 feet a distance of 101.20 feet; thence (4) north 32° 40' East 115.58 feet; thence (5) on a counter-clockwise curve with a radius of 295.87 feet a distance of 109.33 feet; thence (6) North 11° 29' East 205.41 feet; thence (7) North 8° 16' East 367.34 feet; thence (8) North 5° 53' 30" East 378.93 feet; thence (9) North 4° 36' 30" East 514.11 feet to the point or place of beginning."

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

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

NAYES: None

ABSTAINING: Mr. Jeffrey.

Petition and survey in connection with establishment of Pascack Park Sewer District was presented to the Board and turned over to the Town Attorney for his approval of form of petition and survey. Hearing date was tentatively set for 9:45 P.M. on August 8, 1957 provided petition and survey meet with the Town Attorney's approval.

The Town Attorney made the following reports on drainage easements to be submitted:

No word had been received from the attorneys for Loeffler and Vacarro as to easements in connection with the Grando drainage problem and that he would again attempt to contact them.

Bankers Federal Savings & Loan, holder of mortgages on the Smith, Gey and LaFontaine properties objected to easements stating it would subordinate their mortgages, so Nenuet Knolls drainage matter is at a standstill. In connection with the Rossi drainage problem, the Town Highway Supt. reported that an easement had been submitted and drainage pipe installed. The Clerk was asked to present the easement at the next Board meeting.

7/11/57

Mr. Klein reported that he was to meet with Lederle's on July 12, 1957 in respect to obtaining an essement for Nanuet Avenue, Nanuet, drainage.

Mr. Dillon mentioned that a letter had been received from the County Superintendent of Highways transmitting photostatic copy of a letter which the District Engineer, K. G. Rauer, had sent to Mr. LeFevre, Deputy Chief Engineer of the State Department of Public Works at Albany, relative to the Rose Road Crossing and Interchange of the Palisades Interstate Parkway, stating that he had eliminated the acceleration and deceleration lanes. Mr. Hall appeared before the Board and urged that they strongly oppose the elimination of the acceleration and deceleration lanes. The Clerk was asked to so advise Mr. Rauer, District Engineer, Department of Public Works

Mr. Renken moved the following resolution:

RESOLVED, that the Town Clerk be authorized to contract for the building of new booths and ballot boxes for the use of Election Districts No. 16, 17, 18 and 19 and purchase chairs and tables for the said districts, if necessary.

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 write to Dr. Marjorie Hopper advising that her term of office as Health Officer of the Town of Clarkstown expired as of July 15th, 1957 and convey thanks for her services in the past years.

The following Maintenance Bonds were submitted to the Board and approved as to form and sufficiency:

S & K Land Corp.,
(Germonds Heights) - (Overlook Rd. & Clearview Rd.)
Germonds, N.Y.

Nor Ben Builders, Inc.
(Park View Homes) - (East Street)
Nanuet, N.Y.

Deed, certificate of title and survey submitted by S & K Land Corp. in connection with dedication to the Town of Overlook Road and Clearview Road in subdivision known as Germonds Heights, Germonds, was submitted to the Board.

Mr. Welchman moved the following resolution:

RESOLVED, that deed from S & K Land Corp. to the Town of Clarkstown, conveying Overlook Road and Clearview Road in subdivision known as Germonds Heights, Germonds, be accepted, on approval of the Highway Superintendent and be it

FURTHER RESOLVED, that the said roads be included in the Town Highway System.

Seconded by Mr. Schmersahl.

On roll call, the vote was as follows:

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

7/11/57

NAYES: None.

Deed, certificate of title and survey submitted by Mor Ben Builders, Inc. in connection with dedication to the Town of East Street in subdivision known as Park View Homes, Nanuet, was submitted to the Board. The Highway Superintendent was requested to check on drainage before any action is taken.

Supervisor Dillon read a letter from Meyer Lang of East Eckerson Road, Spring Valley, which called the Board's attention to a drainage problem affecting his property at the westerly end, asking that the installation of a larger size culvert pipe be considered. Mr. Klein reported that Kupperman and Elish have a development adjacent to Mr. Lang's property, in the Town of Ramapo. The Highway Superintendent was directed to check with authorities in the Town of Ramapo to find out what the aforementioned developer is required to do about drainage and make a report to the Board at the next meeting.

Report of Zoning Ordinance Violation by Ben Crenshaw, Storms Road, Valley Cottage, N.Y., made by the Building Inspector, was submitted to the Board.

Highway Opening Permits issued to Melba Realty Corp. and to Fred Rustman were presented to the Board and executed.

Mr. Dillon read a letter from the Building Inspector transmitting copy of a letter from Grant Pulley & Hardware Company, in which he recommended the issuance of a Certificate of Occupancy to the said company.

Mr. Jeffrey moved the following resolution:

RESOLVED, that the Building Inspector be authorized and directed to issue a certificate of occupancy to Grant Pulley & Hardware Company, in accordance with his recommendation, on the finding by this Town Board that the Performance Standards in the Clarkstown Zoning Ordinance do not appear to have been nor will they be violated by the present operation.

Seconded by Mr. Schmersahl.

On roll call, the vote was as follows:

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

NAYES: None.

Supervisor Dillon read a letter from the New City Business Men's Ass'n. advising that consent had been received from the Department of Public Works to place parking lines on Route 304 in New City. This matter was referred to Chief Ernest Wiebicke for recommendation. There was also a request in the letter that North Middletown Road be renamed "Little Tor Road" from the intersection of Red Hill Road to the Palisades Interstate Parkway. Councilman Welchman offered to check postal zones in this connection, and report at the next Board meeting.

Another letter from the New City Business Men's Ass'n. was read to the Board requesting consideration that Demarest Avenue, New City, be adjudged a "no parking" street between Route 304 and Maple Avenue. Chief Wiebicke advised that he had no objection. The Board asked that the Clerk write to the Business Men's Ass'n.

7/11/57

stating it had no objection to "no parking" on Demarest Avenue as suggested by them but that levelling Town Property for use as a public parking lot would not be considered.

Mr. Dillon read a letter from Doig & Prier relative to a drainage problem at the property of John and Florence Mellozzo on Hall Ave., Central Nyack, which prevented them from building. The board directed the Clerk to invite Mr. Prier to the next meeting of the Board, to enable him to submit survey of property and advise the Board where the lines are.

Mr. Welchman called attention to a water condition at Six Corners in Congers, complained of by Mr. Reibstein. After some discussion as to how to correct the condition, it was decided that the Highway Superintendent and Councilmen Welchman investigate the matter on July 12th, 1957.

Monthly reports of the Planning Board, Zoning Board of Appeals, Building Inspector, Police Department, Welfare Officer, Supervisor's Trial Balance and Town Clerk's Report were submitted to the Board, approved and ordered filed.

Supervisor Dillon read a letter from Central School District No. 1 with respect to a drainage problem on Cairnsmuir Road, New City. The matter was referred to Highway Superintendent Klein.

The Town Attorney made the following reports on litigation: In the matter of an Article 78 Proceeding, Sterngass versus The Town of Clarkstown, the attorney for the petitioner executed a stipulation of discontinuance. The Town had been served with an Article 78 Proceeding making the defendant the Zoning Board of Appeals, in the matter of the application of Nathan Dworkin involving property on Route 59.

Mr. Schmersahl moved the following resolution:

RESOLVED, that the Town Attorney be authorized and directed to defend the Clarkstown Zoning Board of Appeals in proceeding under Article 78, instituted by Nathan Dworkin.

Seconded by Mr. Jeffrey.

On roll call, the vote was as follows:

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

NAYES: None.

In connection with the case of the New York Trap Rock Corporation versus the Town of Clarkstown, Town Attorney Edward G. Roepe reported that unless brought to the United States Supreme Court, the case is finally determined. He also gave a detailed report on the status of a counterclaim inserted by the Town some years ago in this case having to do with public nuisance, which was allowed and thereafter severed by a local Judge in the County, leaving the action still pending. He asked the Board what it wished done. It was decided to hold the matter in abeyance until the statutory period for appeal had run out.

Chief Wiebicke appeared before the Board and asked permission to attend

7/11/57

the Police Convention at Utica, N.Y. from July 21st thru July 26th, 1957.

Mr. Renken moved the following resolution:

RESOLVED, that Ernest Wiebicke, Chief of Police, be authorized to attend the Police Chief's Convention at Utica, N.Y. from July 21st thru July 26th, 1957, and be it

FURTHER RESOLVED, that all necessary expenses in connection with attendance be a Town charge.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

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

NAYES: None.

Mr. Welchman moved the following resolution:

RESOLVED, that the Janitress for the Assessor's office be paid the sum of \$2.00 per month in addition to present salary, to compensate for the cleaning of an extra office, effective as of July 1st, 1957.

Mr. Welchman displayed to the Board a survey made by the Rockland Light and Power Company of proposed lighting for Middletown Road from Church Street to Hogenkamp Avenue, Nanuet. He stated that Orangetown is installing mercury vapor lights to the Clarkstown line and that the survey was submitted to see if the Clarkstown Board wanted lighting to be uniform on Middletown Road to the Orangetown line. The Board decided that such lights be included in the budget for 1958.

Mr. John Ehrhardt appeared in connection with a property problem involving a ditch being installed adjoining his land. Mr. Schumacker, the Building Inspector was requested to go over the matter with Mr. Ehrhardt.

Mr. Renken inquired about the complaint about "Rock for Sale" sign at the Milton Karel property on Route 303. Mr. Schumacher advised that the sign had been removed and that Mr. Karel had been told that if he was selling rock he would have to discontinue this practice. He added that the persons who had complained had been so advised.

Mr. Renken inquired whether any new information had been received by the Supervisor on the New York State Thruway link. Mr. Dillon advised that there is nothing definite to date.

Bills No. 625 thru 701 on Warrant No. 7 were presented to the Board, audited and ordered paid.

On motion made by Mr. Schmersahl, seconded by Mr. Jeffrey and unanimously carried, the meeting was adjourned.

Signed,

Mildred F. Magai
Mildred F. Magai,
Town Clerk.

DAA 657