

TOWN BOARD MEETING

Sept. 26, 1957

Town Clerk's Office

3:00 P.M.

Present: Messrs. Dillon
Renken
Welchman
Schmersahl

Absent: Mr. Jeffrey
Supervisor Dillon opened the meeting.

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

Mrs. Thomas Pedersen of Red Hill Road, New City, appeared before the Board in connection with a tax bill for 200' of road assessed to Thomas Pedersen in the amount of \$468.22 on Special Assessment Roll for the Improvement of Oak Road, Adam Place and Birch Lane, New City. She stated that the property involved was located on Adam Place and that 100' had passed along to a new owner, in 1956, yet her husband had been billed for the full 200'. Mrs. Pedersen advised that she wanted to pay the full amount for her 100' but the Receiver of Taxes would not accept payment inasmuch as the bill was for \$468.22. Supervisor Dillon suggested to Mrs. Pedersen that she check to see if the property was sold previous to the Improvement District being formed, in which case the assessment would be erroneous and should have been assessed to both the purchaser and seller.

Mr. John Kringel of the New York Trap Rock Corporation appeared before the Board with respect to progress to date on the acquisition of the Hale and Bray properties for the access road from Snake Hill to Crusher Road, West Nyack. The Board was apprised of the fact that Engels & Gallucci, attorneys for the Hale interests are starting a partition action, because of rights of infants. The Board suggested that a letter of thanks be written to Mr. Fackenthal for his efforts. Town Attorney Roepe read a letter he had received from Engels & Gallucci with respect to the partition action and commented that such proceedings would insure a good title much faster than condemnation proceedings.

Mr. John Kringel advised that the New York Trap Rock Corporation had made a request for a building permit covering operations in West Nyack. The Building Inspector's letter was read and stated that the request was in line with Section 8.224 of the Building Zone Ordinance.

Mr. Renken moved the following resolution:

RESOLVED, that on the basis of a report submitted by the Building Inspector bearing date Sept. 26, 1957, the Building Inspector be directed to issue a Building Permit to the New York Trap Rock Corporation for property in West Nyack.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

AYES: Messrs. Renken,
Welchman,
Dillon

NAYES: None.

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ABSENT: Messrs. Schmersahl and Jeffrey.

Mr. Welchman moved the following resolution:

WHEREAS, NELSON P. HALL, a Civil Engineer, was heretofore, by resolution duly adopted April 11th, 1957, directed to make and prepare definite plans and specifications, and a careful estimate of the expense, and with the assistance of the Town Attorney, a proposed contract for the paving of Sherwood Drive, at Nanuet, in said Town, by paving the entire length thereof; and

WHEREAS, said definite plans and specifications, estimate of the expense and contract have been made and prepared, and filed with the Town Clerk of the Town of Clarkstown, as directed by statute, and have been examined by this Town Board; and

WHEREAS, a public hearing to consider the petition of the owners of more than one-half of the real property fronting on Sherwood Drive was held on November 8th, 1956, and a further public hearing was held on August 28th, 1957, now, therefore, be it

RESOLVED, that the said plans and specifications, estimate and contract be and each and every one of the same is hereby approved and adopted; and be it further

RESOLVED, that this Board invite sealed proposals to be submitted to it at 8:30 o'clock in the afternoon, Eastern Daylight Saving Time on the 10th day of October, 1957, at the office of the Town Clerk at Main Street, New City, in said Town, for the furnishing of materials, machinery and equipment and performance of the labor necessary or proper for the paving of Sherwood Drive, at Nanuet, in said Town, in accordance with the aforesaid plans and specifications and under said contract and that said Town Clerk be, and he hereby is directed to prepare, with the assistance of the Town Attorney and Nelson W. Hall, a Civil Engineer employed by the Town, proper notices calling for special proposals in detail, and cause the same to be published once in due form of law, in the Journal News, published at Nyack, New York, the official paper of this Town, in accordance with the provisions of Section 197 of the Town Law; and be it further

RESOLVED, that a prior resolution of the Town Board adopted August 28th, 1957, be and the same is hereby rescinded.

Seconded by Mr. Renken.

On roll call, the vote was as follows:

AYES: Messrs. Renken,
Welchman,
Dillon.

NAYES: None

ABSENT: Messrs. Schmersahl,
Jeffrey.

The Town Attorney suggested that the attorney for the petitioners, the engineer and he sit down and get descriptions of easements needed before

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starting the Improvement of Sherwood Drive.

Paul Girardi, Esq. appeared before the Board with respect to an application for a change of zoning submitted by the Arthur A. Johnson Corporation.

Mr. Renken moved the following resolution:

WHEREAS, ARTHUR A. JOHNSON CORPORATION has petitioned the Town Board of the Town of Clarkstown that the Building Zone Ordinance of the said Town be amended by rezoning property of the said petitioner and in said petition described, from an RO district to an M-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 10th day of October, 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. Welchman.

On roll call, the vote was as follows:

AYES: Messrs. Renken,
Welchman,
Dillon.

NAYES: None

ABSENT: Messrs. Schmersahl,
Jeffrey.

Mr. William Dreeland of Congers appeared before the Board on behalf of Mr. Arnold, the Chief of the Congers Fire Company, in connection with a petition of residents of Congers and Valley Cottage for the extension of the New City-West Nyack Water Supply District. The Town Attorney stated that the description was still not correct and suggested that the attorney for petitioners, George Vivino, Esq., and a representative of the Water Company, Mr. Dreeland and he sit down the following day to make the necessary corrections.

Mr. Welchman moved the following resolution:

RESOLVED, that hearing to consider petition for the Extension of the New City-West Nyack Water Supply District to include portions of Congers and Valley Cottage be set down for October 17, 1957 at 8:30 P.M., subject to proper amendment of description and Town Attorney's review of acknowledgement.

Seconded by Mr. Renken.

On roll call, the vote was as follows:

AYES: Messrs. Renken,
Welchman,
Dillon.

NAYES: None

ABSENT: Messrs. Schmersahl,
Jeffrey.

Mr. Renken moved the following resolution:

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RESOLVED, that George LaRocca be awarded the contract for supplying fill to the Clarkstown Sanitary Fill at a price of \$.75 per yard delivered for a period of one year from

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

AYES: Messrs. Renken,
Welchman,
Dillon.

NAYES: None.

ABSENT: Messrs. Schmersahl,
Jeffrey.

The matter of the application of the Franciscan Missionaries of Mary to relocate Parrott Road under Section 171 of the Highway Law was brought up.

It was decided by the Board that the matter be held in abeyance.

Mr. Welchman moved the following resolution:

RESOLVED, that the Building Inspector be directed to issue a Building Permit to Henry S. Johnson for property on Angle Street, Central Nyack.

Seconded by Mr. Renken.

On roll call, the vote was as follows:

AYES: Messrs. Renken,
Welchman,
Dillon.

NAYES: None

ABSENT: Messrs. Schmersahl
Jeffrey.

Supervisor Dillon read copy of a letter addressed to the Town Highway Superintendent by the Town Attorney with reference to easement for drainage for Cairnsmair Lane, New City. It pointed out that the 50 foot strip was owned half by Mr. and Mrs. Yuda and half by Mr. and Mrs. Rutledge and that they would not give an easement. The Highway Superintendent reported that the pavement could be raised on the north side of the road so the water would not run down the road, and the Board decided it should be done.

Mr. Renken moved the following resolution:

RESOLVED, that the following persons be appointed Custodians:

Warner L. Baldwin - Election District No. 19

Edward F. Morris, to take the place of Arthur W. Carlson -
Election District No. 17.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

AYES: Messrs. Renken,
Welchman,
Dillon.

NAYES: None.

ABSENT: Messrs. Schmersahl,
Jeffrey.

Mr. Renken moved the following resolution:

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Mr. Renken moved the following resolution:

RESOLVED, that the following person be appointed Election Inspector :

Muriel Kerlin, to take the place of Joan Jaeger - Election District No. 14.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

AYES: Messrs. Renken,
Welchman,
Dillon.

NAYES: None.

ABSENT: Messrs. Schmersahl,
Jeffrey.

Mr. Renken moved the following resolution:

RESOLVED, that permission be granted, under the provisions of Section 4.32(F) of the Zoning Ordinance of the Town of Clarkstown, to Demarest Hills - Section I, New City, covering 19 building lots, to build under R-1 requirements.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

AYES: Messrs. Renken,
Welchman,
Dillon.

NAYES: None.

ABSENT: Messrs. Schmersahl,
Jeffrey.

Upon report of the Highway Superintendent that there was still work to be completed, dedication of roads by the following were ordered held in abeyance:

Jolen Construction Corporation
(Whitewood Estates - North Section.)

Davies Lake Homes, Inc.
(Milich's Lane and portions of Leona Ave. & Carolina Drive)

Quaspeck Park Homes, Inc.
(Valley Road and Cottage Road)

On motion made by Mr. Welchman, seconded by Mr. Renken and carried, bids for Sand-Cinder and Salt Spreader were ordered opened. Only one bid was submitted, the Highway Superintendent reported, and that by H. O. Penn Machinery Company, Inc., Poughkeepsie, New York, in the amount of \$3250.00 delivered.

Mr. Welchman moved the following resolution:

RESOLVED, that contract for the purchase of one sand, cinder and salt spreader + dump body installation having a 5 to 6 cubic yard capacity, with motor installation on side, chain drive, gasoline motor, as per specifications on file in the Town Clerk's office, be awarded to the H. O. Penn Machinery Co. Inc., Poughkeepsie, New York, at a net price of \$3250.00, delivered.

Seconded by Mr. Schmersahl.

On roll call, the vote was as follows:

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

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NAYES: None.

ABSENT: Mr. Jeffrey.

Mr. Dillon read a letter from Louise F. Heinsohn dated Sept. 11, 1957, forwarding application forms for Sewage Plant Operators School, was read to the Board.

Mr. Welchman moved the following resolution:

RESOLVED, that authorization be given to the Building Inspector, Members of the Planning Board, Zoning Board of Appeals, Councilmen, Supervisor and Town Attorney to attend the 12th Regional Plan Conference to be held at the Hotel Roosevelt, New York City, On October 7th, 1957, and be it

FURTHER RESOLVED, that all necessary expense in connection with attendance at the said conference be charged to the Town.

Seconded by Mr. Renken.

On roll call, the vote was as follows:

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

NAYES: None.

ABSENT: Mr. Jeffrey.

The Board approved as to form and sufficiency, substitution bond as follows:

Rockland Properties, Inc.
(Hillside Park - Section I)

The Clerk was directed to return original bond covering the above to Herbert E. Cocks.

Mr. Dillon read a letter from G. Richard Sutherland of the Rockland County Health Department dated Sept. 18th, 1957 setting forth recommendations as to equipment and operation of Valley Cottage Sewer District No. 1. The Board requested the Clerk to invite John Paul Behensky to the Oct. 10th Board meeting, in this connection.

Supervisor Dillon read letters from the Spring Valley Water Works and Supply Company submitting hydrant orders and sketches of proposed locations for Blue Spruce Estates, Inc. Extension of the New City-West Nyack Water Supply District and Rennert Lane, Bardonia.

Mr. Welchman moved the following resolution:

RESOLVED, that the Town Clerk be authorized to execute hydrant order for the installation of 3 hydrants in the Blue Spruce Estates, Inc. extension of the New City-West Nyack Water Supply District, at locations designated on sketch submitted by the Spring Valley Water Works and Supply Company, and be it

FURTHER RESOLVED, that the Spring Valley Water Works and Supply Company be authorized to make the installation.

Seconded by Mr. Renken.

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On roll call, the vote was as follows:

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

NAYES: None.

ABSENT: Mr. Jeffrey.

Mr. Welchman moved the following resolution:

RESOLVED, that the Town Clerk be authorized to execute hydrant order for installation of 1 hydrant on the north side of Remmert Lane, approximately 495 feet west of west property line of Route 304, Bardonia, and be it

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

Seconded by Mr. Renken.

On roll call, the vote was as follows:

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

NAYES: None.

ABSENT: Mr. Jeffrey.

Town Attorney Edward G. Roepe reported to the Board that he was served with a Notice of Motion, returnable in Albany, in the Court of Appeals, on October 7, 1957, to re-argue appeal in case of Town of Clarkstown Versus New York Trap Rock Corporation.

Mr. Welchman moved the following resolution:

RESOLVED, that the Town Attorney be authorized to defend the Town of Clarkstown in action Town of Clarkstown versus New York Trap Rock Corporation in Court of Appeals, Albany, on October 7, 1957.

Seconded by Mr. Schmersahl.

On roll call, the vote was as follows:

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

NAYES: None.

ABSENT: Mr. Jeffrey.

Mr. Renken called the Board's attention to the fact that no word had been received from J. L. Jacobs since the meeting with him on September 18, 1957, as to what he proposed to do with respect to the Tax Map matter. The Town Attorney was directed by the Board to write Mr. Jacobs stating that if no word was received from him within thirty days from the date of his letter, the Board would consider that he had abandoned his contract.

In connection with the Edward Walkley drainage violation case before Justice of the Peace Charles Blauvelt, Highway Superintendent Emil Klein was requested to ask for an adjournment of the case to October 1st, 1957 so

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that the Town Attorney could be present.

Mr. Renken moved the following resolution:

RESOLVED, that an 11,000 lu. Mercury Vapor light be installed on Pole No. 250 at the corner of Highview Avenue and Church Street, Manuet, and also on Pole No. 6 $\frac{1}{2}$ on Prospect Street in front of Swift Electrical Supply Company, Inc., and be it

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

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

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

NAYES: None.

ABSENT: Mr. Jeffrey

Mr. Renken moved the following resolution:

RESOLVED, that the present light on Pole No. 250 at the corner of Highview Avenue and Church Street be transferred to a pole with no number approximately 100 feet west of its present location and opposite a small candy store, and be it

FURTHER RESOLVED, that the Rockland Light and Power Company be directed to make the transfer.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

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

NAYES: None.

ABSENT: Mr. Jeffrey.

Mr. Renken called the Board's attention to the fact that the Planning Board was advised to see that no streets in subdivisions bore the same name but that there was a Spruce Street in Manuet Knolls-Section III, stating that it was the suggestion of the Town Board that he rename Spruce Street when it is ready to be dedicated to the Town because of the confusion that might result from the fact that there is already a Spruce Drive in an adjoining development.

Highway Superintendent Klein asked the Board's permission to attend the Town Highway Superintendents' Convention.

Mr. Welchman moved the following resolution:

RESOLVED, that the Town Highway Superintendent be authorized to attend the Highway Superintendents' Convention to be held in Rochester, N.Y. on October 2nd, 3rd, and 4th, 1957, and be it

FURTHER RESOLVED, that all necessary expenses in connection with attendance

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be a Town charge.

Seconded by Mr. Renken.

On roll call, the vote was as follows:

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

NAYES: None.

ABSENT: Mr. Jeffrey.

Town Attorney Edward G. Roepe reported that a petition for the extension of the New City-West Nyack Water Supply District had been submitted by the Nyack Development Corporation.

WHEREAS, a written petition dated September 3rd, 1957, in due form and containing the required signatures, has been presented to and filed with the Town Board of the Town of Clarkstown, Rockland County, New York, for the extension of the New City-West Nyack Water Supply District at West Nyack, in the said Town, to be bounded and described as follows:

BEGINNING at the point of intersection of the southerly line of the New City-West Nyack Water Supply District and the westerly line of Sickletown Road and running thence (1) westerly along the southerly line of the New City-West Nyack Water Supply District 584 feet; thence (2) running southerly parallel to and distant westerly 600 feet from the center line of Sickletown Road 350 feet to the southerly line of New York State Highway Route 59 (re-located); thence (3) running westerly along the southerly line of New York State Highway Route 59 (relocated) South $81^{\circ} 15' 20''$ West 383 feet; thence (4) continuing along the southerly line of New York State Highway Route 59 (relocated) South $81^{\circ} 03'$ West 988.70 feet; thence (5) continuing along the southerly line of New York State Highway Route 59 (relocated) South $84^{\circ} 27'$ West 452.21 feet to the northwest corner of the subdivision shown on a map entitled "Cherry Hill East Section in West Nyack, Town of Clarkstown, Rockland County, New York, Scale: 1" - 80', Date: December 20, 1955, William A. Yuda, P.E., West Nyack, New York; thence (6) running along the westerly limits of the above mentioned subdivision South $5^{\circ} 33'$ East 423.28 feet; thence (7) running along the southerly limits of the above mentioned subdivision North $83^{\circ} 94' 55''$ East 351.86 feet; thence (8) running along the westerly limits of the above mentioned subdivision South $6^{\circ} 49' 10''$ East 200.00 feet; thence (9) running along the southerly limits of the above mentioned subdivision North $82^{\circ} 30' 50''$ East 1,164.23 feet; thence (10) continuing along the southerly limits of the above mentioned subdivision North $83^{\circ} 21' 30''$ East 381.96 feet; thence (11) running along the southerly limits of the above mentioned subdivision, its prolongation easterly and the southerly line of Foxwood Road South $83^{\circ} 17' 40''$ East 546.77 feet to a point in the

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westerly line of Sickletown Road; thence (12) running easterly in a straight line crossing Sickletown Road to the northeasterly corner of Sickletown Road and Green Road; thence (13) running easterly along the northerly line of Green Road 584 feet; thence (14) running northerly parallel to and distant easterly 600 feet from the center line of Sickletown Road 950 feet to a point in the southerly line of the New City-West Nyack Water Supply District; thence (15) running westerly along the southerly line of the New City-West Nyack Water Supply District crossing Sickletown Road 616 feet to the place of beginning.

Town Attorney Edward G. Roepe requested the Board to recommend a real estate expert in connection with making appraisals in the cases for Review of Assessments, one who owned property in Rockland County.

The Town Attorney reported to the Board that he would bring a resolution adopting Final Assessment Roll for Improvement of Oak Road, Adam Place and Birch Lane, New City, to the next meeting of the Board.

Mr. Welchman stated that a request had been made by Mrs. Banta, School Crossing Guard in Namet, for some sort of uniform or apparel that would identify them as guards. Chief Wiebicke advised that uniforms would be very costly and suggested that School Crossing Guards be given a raise in pay and advised that this was to be used in standardizing their dress.

On motion made by Mr. Schmersahl, seconded by Mr. Renken and unanimously carried, the meeting was adjourned to 2:30 P.M. on Sept. 27, 1957.

Signed,

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