

TOWN BOARD MEETING

Oct. 24th, 1957

Town Clerk's Office

3:00 P.M.

Present: Messrs. Schmersahl
 Renken
 Jeffrey
 Welchman
 Dillon

On motion made by Mr. Renken, seconded by Mr. Schmersahl and carried, Mr. Welchman assumed the Chair pending the arrival of Supervisor Dillon, after which he opened the meeting.

Mr. Jeffrey moved that the reading of the minutes of the previous meeting be dispensed with. The motion was seconded by Mr. Renken and carried.

Mr. Salvatore Schito of McKay Ave., East Orange, New Jersey appeared before the Board stating that he contemplated buying a portion of Donato Marangi's refuse business and asking the Board's permission to use the facilities of the Clarkstown Sanitary Fill. The Board advised that permission would be granted if refuse was picked up solely in Clarkstown and the County Board of Health approved his truck, adding that the Clerk would then issue a permit.

Supervisor Dillon took over the Chair at 3:40 P.M.

Mr. Eugene Elish appeared before the Board asking permission to build on an unimproved road, located off Route 59 between properties of Frohling and Rocca, on a 2 acre plot. He was advised that if he submitted a deed, certificate of title, performance bond and liability bond to the Town, together with a survey map, such permission would be granted, provided the road was built to road specifications. Mr. Elish was told to contact the Building Inspector on the matter.

Messrs. Karl Kirchner, William Keshon and Marshall Rooney, Esq. appeared before the Board and inquired what disposition had been made of application of the Arthur A. Johnson Corporation's request for a zoning change from an R0 to an M-1 district. After some discussion, the Board was of the opinion that a change to a C-2 district would be suitable for intended operations of the company. The petitioner's attorney advised that this would be agreeable.

Mr. Jeffrey moved the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown by resolution duly adopted on the 26th day of September 1957, provided for a public hearing on the 10th day of October, 1957, at 9:00 P.M., Eastern Daylight Saving Time, to consider the application of ARTHUR A. JOHNSON CORPORATION to amend the Building Zone Ordinance of the said Town by redistricting the property of the said petitioner from an R0 district to an M-1 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 Spring Valley, New York, in said Town, from a R0 district to a C-2 district;

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ALL that certain lot, piece or parcel of land with the buildings and improvements thereon, situate, lying and being at or near Spring Valley, in the Town of Clarkstown, County of Rockland and State of New York, more particularly bounded and described as follows, viz:-

BEGINNING at a point, which said point is the following courses and distances from the intersection of the center line of Smith Road with the easterly line of Pascack Road, measured along the said easterly line of Pascack Road: (1) North $13^{\circ} 07' 25''$ East, a distance of 366.13 feet; (2) North $10^{\circ} 45' 10''$ East, a distance of 380.25 feet, (3) North $9^{\circ} 28' 20''$ East, a distance of 1824.79 feet to the northerly line of an easement hereinafter described; thence along the northerly line of said easement the following courses and distances: (1) South $77^{\circ} 41' 10''$ East, a distance of 252.34 feet, (2) South $75^{\circ} 02'$ East, a distance of 367.66 feet; thence from said point of beginning the following courses and distances: (1) North $14^{\circ} 45' 30''$ East, a distance of 348 feet, (2) South $75^{\circ} 14' 30''$ East, a distance of 596 feet, (3) South $14^{\circ} 45' 30''$ West, a distance of 475 feet, (4) North $75^{\circ} 14' 30''$ West, a distance of 596 feet, (5) North $14^{\circ} 45' 30''$ East, a distance of 127 feet to the point or place of beginning.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

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

ABSTAINING: Mr. Renken

The Highway Superintendent reported to the Board that no work had been started on construction of roads in Forest Acres-Section II. The Board decided to hold up any action on the matter until the next meeting of the Board inasmuch as the fourteen day grace period had not expired.

In connection with the Improvement of Sherwood Drive, Town Attorney Roepe reported that Mr. Myron Goldstein would submit an acknowledgment of easement at the next Board meeting.

Town Attorney Roepe read to the Board a letter from the New York Trap Rock Corporation transmitting deed of highway dedication of three parcels of land to the Town, abutting upon Snake Hill Road, to be used for realigning portions of the road and to be held in escrow upon the same terms and conditions as previous deed forwarded April 15, 1957. Mr. Roepe reported that the deed was in proper form.

Mr. Renken moved the following resolution:

RESOLVED, that the Supervisor be authorized to accept and sign terms of escrow letter with respect to proposed dedication to the Town of three parcels of land for the widening of Snake Hill Road, West Nyack.

Seconded by Mr. Schmersahl.

On roll call, the vote was as follows:

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

NAYES: None.

The following Maintenance Bond covering DeForest Ave., Orchard Ave. and Elm St., New City, was presented to the Board and approved as to form and sufficiency:

Thomas A. Goebel and Walter S. Goebel

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Mr. Welchman moved the following resolution:

RESOLVED, that deed of Walter S. Goebel and Thomas S. Goebel to the Town of Clarkstown conveying DeForest Avenue, Orchard Avenue and Elm Street, New City, be accepted and the said roads be included in the Town Highway System, and be it

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

On roll call, the vote was as follows:

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

NAYES: None.

In connection with the dedication of Pigeon Hill Road in subdivision known as Melba Park, Nanuet, the Highway Superintendent's approval was withheld because of the question of a retaining wall. The matter was held in abeyance.

The following Maintenance Bond covering 800' of Birch Drive, in Nanuet Knolls-- Section III, Nanuet, was presented to the Board and approved as to form and sufficiency:

Frederick Rustmann

Mr. Renken moved the following resolution:

RESOLVED, that deed from Rockland Properties, Inc. to the Town of Clarkstown, conveying Birch Drive in subdivision known as Nanuet Knolls-- Section 3, Nanuet, be accepted and the said road included in the Town Highway System, and be it

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

On roll call, the vote was as follows:

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

NAYES: None.

Town Attorney Edward G. Roepe reported that he had checked correction deed covering dedication of Jeffrey Place, Valley Cottage, and found that more parties were joining in the deed.

Mr. Renken moved the following resolution:

RESOLVED, that the Town Attorney be directed to record Original deed from Alastair Douglas Jeffrey to the Town of Clarkstown and correction deed from William Davidson Jeffrey, John MacNee Jeffrey and others to the Town of Clarkstown, conveying road known as Jeffrey Place, Valley Cottage.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

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

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ABSTAINS: Mr. Jeffrey.

NAYES: None.

A letter from J. L. Jacobs & Company setting forth suggestions for corrections in the Tax Map was read to the Board. The Clerk was requested to furnish copies of the letter to each Board Member to enable them to review each detail. It was also requested that the Town Attorney review the contents of the letter.

Mr. Dillon read copy of a letter addressed by the Town Attorney to the Building Inspector giving his opinion on letter sent by the Rockland County Health Department to the Building Inspector, having to do with the issuance of building permits. It stated that the office of Building Inspector being administrative, he had no discretion to withhold building permits.

Supervisor Dillon read a letter from the Better Government Association of Rockland County, Inc. bearing date Oct. 17, 1957, asking whether the Town's contract with William Richards provided that the contractor was to defend his own appraisals and that if such was the case it would seem unnecessary to retain Mr. Howard Shuart. It was brought out that appraisals had been defended on Grievance Day as per contract. The Town Attorney pointed out that the people who asked for a review of assessment were present on Grievance Day while Mr. Richards was on hand, but Mr. Shuart was retained for defenses of valuation the Assessor has put on specific parcels. The Board requested that the Town Attorney collaborate with the Town Clerk and forward a reply to the Association.

A letter from the Clarkstown Republican Committee dated Oct. 22, 1957 was read to the Board, recommending appointment of Doris Kristoffersen as Election Inspector of District No. 5.

Mr. Renken moved the following resolution:

RESOLVED, that Doris Kristoffersen be appointed Inspector of Elections of District No. 5, Nanuet.

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 the Rockland Light & Power Company suggesting the removal of street light from Pole #180 at Lake Road and Vermont Avenue, Congers, inasmuch as the intersection is illuminated by light on Pole #179.

Mr. Welchman moved the following resolution:

RESOLVED, that the Clerk be authorized to sign order for the removal of the 600 lu. street light from Pole No. 180 at the intersection of Lake Road and Vermont Avenue, Congers, and be it

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FURTHER RESOLVED, that the Rockland Light and Power Company be authorized to remove the said light.

Seconded by Mr. Schmersahl.

On roll call, the vote was as follows:

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

NAYES: None.

Town Attorney Edward G. Roepe reported to the Board that he had received a letter from Spring Valley Village Attorney Jacob Pesner with respect to contracts for sewer service, asking if the Town of Clarkstown was ready to enter into contracts with the Village of Spring Valley for proposed and existing sewer districts, which would require annual payment for each lot in a subdivision whether or not homes are built on the lots, contract not to run more than 40 years but for duration of bond issue.

Mr. Roepe stated that after reading Town and Municipal Laws he could not recommend entering into such a contract and that a contract should be entered into for each individual sewer district when established. He added that the only district in the area at present is the newly established Pascack Park Sewer District. The Board directed the Town Attorney to write to Mr. Pesner and so advise him.

Town Attorney Roepe reported that he had looked over petition of Residents of Elmwood and Crestwood Drives, New City, in which they asked for a change of zoning on property on Congers Road between the two aforesaid streets from a C-1 to an R-1 district. Mr. Roepe stated the property involved belonged to Dr. John Goebel and had been left in a commercial zone at his request at the time the Zoning Ordinance was adopted. It was felt that the matter should be referred to the Planning Board.

Mr. Welchman moved the following resolution:

RESOLVED, that petition of residents of Elmwood and Crestwood Drives, New City, for a change of zoning on property on Congers-New City Road between said streets from a C-1 to an R-1 district, be referred to the Planning Board for its recommendation.

Seconded by Mr. Renken.

On roll call, the vote was as follows:

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

NAYES: None.

Letter transmitting Performance Bond for construction of roads and drainage in subdivision known as Tudor Gate, West Nyack, was read to the Board.

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

Fred L. Holt, Fred A. Holt, John W. Holt and G. Stanley Winter (Tudor Gate, West Nyack).

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Mr. Dillon read a letter from the Building Department advising that application had been made for a building permit to build on Tor View Avenue, New City by John D. Goebel. It was brought out that this was a new road and not an old one, and that it did not lead anywhere. The Building Inspector was requested to advise Mr. Goebel that the Board felt this should be a Town accepted road as it did not lead to anywhere.

A letter from the Building Department advising of application of Robert Woods for a building permit for property on Dykes Park Road, Nanuet.

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 the Building Department advising that application for a building permit had been made by John Scattareggis, for property on Grant Place, West Nyack. The Board decided to hold the matter over until the next Board meeting.

Letter from the Civil Service Department was read by Mr. Dillon, enclosing certification of eligibles for Motor Equipment Operator, certifying Thomas E. Straut of Rockland Avenue, Congers. The matter was held over for the next Board meeting for Mr. Klein's attention.

Supervisor Dillon read a letter from Valley Cottage Engine Co. No. 1 Inc., dated Oct. 17, 1957, opposing proposed annexation of a portion of Valley Cottage by the Village of Upper Nyack. The Clerk was requested to advise there was no application filed with the Board.

A letter addressed to Supervisor Dillon by Mr. & Mrs. A. G. Clemensen of Old Middletown Road, New City, objecting to the said road being made a one-way road which necessitated residents driving about a mile to get to the main road, was read to the Board. The Clerk was asked to advise that this road is a County road.

The Supervisor read to the Board a letter from the Department of Agriculture and Markets, dated Oct. 22, 1957, requesting the appointment of Dog Enumerators in the month of November.

Supervisor Dillon submitted to the Board Service Bureau Corporation contract, which he explained had to do with change of address and ownership to bring the Tax Card files up to date, at a cost of \$105.00.

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. Renken inquired whether any order for moving of hydrants in Nenuet had been received lately. He was advised that none had been received.

Mr. John Beaulieu owner of Melba Park subdivision appeared before the Board in connection with dedication of Pigeon Hill Road. Mr. Welchman suggested that the Board Members look at the road and that Mr. Beaulieu come to the next Board meeting on Nov. 7th, 1957.

Supervisor Dillon read a letter from John Griffin of Melba Park, Nenuet, complaining about a water condition and ditch. The matter was referred to the Highway Superintendent to check.

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

Signed,

Mildred F. Magel
Mildred F. Magel,
Town Clerk.