

TOWN BOARD MEETING

Jan. 23, 1958

Town Clerk's Office

3:00 P.M.

Present: Messrs. Coyle,
Renken,
Danko,
Jeffrey,
Welchman.

Supervisor Coyle called the meeting to order.

On motion made by Mr. Renken, seconded by Mr. Welchman and unanimously carried, the minutes of the December 30th, 1957, January 2nd, 1958 and January 9th, 1958 meetings were accepted and approved.

Building Inspector Karl Schumacher reported to the Board on his meeting with home owners in the Cherry Hill Homes development. He stated he had found no violation of the State Building Code, that only one of the seven homes visited had a small puddle of water in the basement caused by seepage and that he was of the opinion most of the problem was unsatisfactory grading. Mr. Schumacher stated that one playroom floor had settled over two inches and that the seller would be advised. On being questioned by Mr. Renken, he stated this project compared with general construction standards and other developments in the same price range.

Decision on Deerwood Parks request for conversion from RA-1X to an R-1 zone was reserved due to the fact that proper survey and description of area had not yet been submitted.

Mr. Danko moved the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 12th day of December, 1957, provided for a public hearing on the 9th day of January, 1958, at 8:30 P.M., Eastern Standard Time, to consider the application of THE NEW YORK TELEPHONE COMPANY to amend the Building Zone Ordinance of the said Town by rezoning the property of the said petitioner from an R-1 district and a C-2 district to a C-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 rezoning the following described property at Congers, New York, in said Town, from an R-1 district and a C-2 district to a C-1 district:

ALL those certain plots, pieces or parcels of land, situate, lying and being in the Town of Clarkstown, County of Rockland and State of New York,

BEGINNING at a point in the easterly line of Massachusetts Avenue distant northerly along the same 520.00 feet from the northeast corner of Colton and Massachusetts Avenues and running thence (1) from said point of beginning along the easterly side of Massachusetts Avenue North 10° 00' East 137.62 feet to a point at the southeast corner of the intersection of Massachusetts Avenue and Lake Road; thence (2) running along the southerly line of Lake Road South 72° 20' East 100.88 feet; thence (3) South 10° 00' West 84.16 feet; thence (4) South 80° 00' East 100.00 feet; thence (5) South 10° 00' West 40.00 feet; and thence (6) North 80° 00' West 200.00 feet to the point and place of beginning.

Seconded by Mr. Jeffrey.

On roll call, the vote was as follows:

AYES: Messrs. Renken,
Danko,
Jeffrey,
Welchman
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NAYES: None.

The Board approved as to form and sufficiency the following bond:

Maintenance Bond #202879 -
Shelby Construction Corp.
(Wedgewood Estates)

Mr. Jeffrey moved the following resolution:

RESOLVED, that upon recommendation of the Highway Superintendent, deed from Shelby Construction Corp., Crest Realty Corporation and Breenbrook Knolls Construction Corp. to the Town of Clarkstown, conveying Scott Drive from the mutual boundary line between Lots No. 34 and 35 extending easterly to its point of intersection with Mark Lane, and Mark Lane extending from its southerly line to a point where the same is intersected by the extension of the northerly line of Scott Drive, as shown on map entitled "Re- Revised Subdivision of Property of Wedgewood Estates, New City, N.Y.", be accepted, and be it

FURTHER RESOLVED, that the said roads be included in the Town Highway System and that the Town Attorney be directed to record the said deed.

Seconded by Mr. Renken.

On roll call, the vote was as follows:

AYES: Messrs. Renken,
Danko,
Jeffrey,
Welchman,
Coyle.

NAYES: None.

Mr. Eugene Blumenthal of Quaspeck Park Homes appeared before the Board with respect to proposed shopping center in Quaspeck Park Homes-Section I, which he alleged had been put in the wrong zone at the time the Zoning Ordinance was adopted. He stated that he had taken the matter up with Mr. Schriever about six months ago and that the Planning Board had found that through an error the area had been left in a residential zone. Mr. Blumenthal advised that he had asked Mr. Schriever to give him a letter to that effect and Mr. Schriever stated that if he was so directed by the Town Board, he would. The Board asked the Clerk to request such a letter from the Planning Board.

Mr. Abraham Schochor appeared before the Board in connection with the proposed dedication of Brookside Drive in the Birchwood Homes development in Nanuet. He was advised by the Board that when the catch basin is installed and the Highway Superintendent advises the road is in proper condition and approves same the road will be accepted.

Dr. Maxwell S. Hafter of North Middletown Road, Nanuet, appeared before the Board stating that he had been billed for Nanuet Water District tax in 1957 although he was not in an established water district. The Board referred the matter to the Assessor.

Richard Narducci, Esq. appeared before the Board with respect to West Palmer Ave., Nanuet, stating that the road had not been built according to Town specifications and suggested that the Town sue Mrs. Pedersen on the defaulted bond. The Highway Superintendent advised that he was working with the Moore-Smiths on the matter.

Messrs. A. J. Bryant of Nyack, Joseph Phillips of Upper Nyack and Harvey F. Polhemus of South Nyack appeared in connection with a drainage problem at the Hilltop School,

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which, they alleged, was caused by John Mellozzo plugging up a drain on Dickenson Avenue, Central Nyack. The matter was referred to the Town Attorney and Highway Superintendent to check on.

The Board approved as to form and sufficiency the following bond:

Maintenance Bond #760913
Quaspeck Park Homes, Inc. - Section III
(Valley Road, Cottage Road & connecting road)

Mr. Danko moved the following resolution:

RESOLVED, that upon recommendation of the Highway Superintendent, deed from Quaspeck Park Homes, Inc. to the Town of Clarkstown, conveying Valley Road and Cottage Road and the street or road connecting Valley Road and Cottage Road, running along Lots 1 and 13 in Block H, shown on subdivision map of Quaspeck Park Homes-Section III, be accepted, and be it

FURTHER RESOLVED, that the said roads be included in the Town Highway System and that the Town Attorney be directed to record the deed.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

AYES: Messrs. Renken,
Danko,
Jeffrey,
Welchman,
Coyle.

NAYES: None.

Supervisor Coyle read to the Board letter from the Rockland Light and Power Company on proposed street lighting for Route 59 and intersections of Rose Road, Smith St., College Ave. and First Street, Nanuet and submitted to the Board accompanying survey. After discussing the matter, it was referred to Councilman Welchman and Renken to determine whether all of the proposed lights were needed, as well as whether there was sufficient money budgeted for the purpose. The Clerk was asked to request the Rockland Light and Power Company to hold up on installation of lights ordered for South Middletown Road, Nanuet, from Church Street southerly to Hogenkamp Avenue, until the budget had been checked on.

Councilman Renken reported to the Board on his meeting with the Addressograph-Burroughs people with respect to proposed system for tax billing. He advised he had also looked into the I.B.M. system and had found that errors were not entirely their fault but to a great extent were due to information given them. He further advised that he had contacted representatives of the National Cash Register Company, who advised they were coming out with entirely new equipment for tax billing purposes. Mr. Renken told the Board that a visit to the Town of Greenburgh in Westchester had been interesting and instructive. He recommended to the Board that the Town continue with the I.B.M. system for the present inasmuch as that company was assisting in every way possible to do so, maps will be filed in both the Clerk's and Assessor's office.

Mr. Schwell advised the Board that he thought it best to devote time to correcting records in the Assessor's office at present and later consider changing system. He stated National Cash Register has a new machine that will be ready in February but that this would allow only three months to change records. Mr. Schwall told the Board that I.B.M. was going to submit a proposal.

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Mr. Schwall told the Board that he and the Town Attorney had discussed the possibility of renting office space in the Roberts Building. He advised that there would be available 1500 square feet at \$2.00 per square foot, heat included.

Mr. Renken moved the following resolution:

RESOLVED, that the Assessor be authorized to rent 1500 square feet of office space in the Roberts Building, New City, at a rental of \$2.00 per square foot, as of February 15th, 1958, subject to the Town Attorney's approval of form of lease, and be it

FURTHER RESOLVED, that the present landlord be given thirty days notice.

Seconded by Mr. Danko.

On roll call, the vote was as follows:

AYES: Messrs. Renken,
Danko,
Jeffrey,
Welchman,
Coyle.

NAYES: None.

Mr. Danko moved the following resolution:

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

On roll call, the vote was as follows:

AYES: Messrs. Renken,
Danko,
Jeffrey,
Welchman,
COYLE.

NAYES: None.

Mr. Frank Bohlender, Director of Elementary Education in Clarkstown Central School District No. 1, appeared before the Board in connection with the traffic problem at the New City Elementary School. He requested that an additional School Crossing Guard be stationed on Congers Road at the New City Elementary School. Mr. Bohlender further advised the Board that the one-way traffic at the Chestnut Grove School had caused a terrific problem the first day of school. Chief Wiebicke was requested to look into the matter.

Mr. Welchman moved the following resolution:

RESOLVED, that Charles Gibbons of New City be appointed School Crossing Guard at the New City Elementary School at \$4.00 per day, effective as of January 27, 1958.

Seconded by Mr. Danko.

On roll call, the vote was as follows:

AYES: Messrs. Renken,
Danko,
Jeffrey,
Welchman,
Coyle.

NAYES: None.

Chief Wiebicke reported on his investigation of requests by the West Nyack P.T.A. as follows: The "30 MPH" signs erected are the prescribed size and he did not know if other sizes could be erected or would be available. The matter of an outline walk from Strawtown Road and from Demarest Road to the new school should be taken up with

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the Highway Superintendent, he said. It was his opinion that the road was hardly wide enough to permit a 2 or 3' walk and still maintain traffic there. The Chief stated that there was little traffic on the road at this point and suggested holding up on the matter until Spring when the roads are clear. As to the third request, the Chief reported that the School Custodian at the old school had been moved to the new school, serving as School Crossing Guard.

Councilman Jeffrey stated a couple of mothers on Maple Road, Valley Cottage had asked to have reduced speed signs. The Chief reported Maple Road is in an established "30 MPH" zone. A "Slow" sign was then suggested and the matter was referred to Chief Wiebicke to make a recommendation.

Supervisor Coyle referred to Chief Wiebicke a letter from Marilyn McGeorge Kovalsky requesting reduced speed on Long Clove Road and Ridge Road, New City, to report on at the next meeting of the Board.

Town Attorney Everett Johns reported that he had received a letter from Mr. Sutherland of the Rockland County Health Department setting forth recommendations with respect to the flooding at Valley Cottage Sewer District No. 1. The Highway Superintendent reported that his inspection failed to show any pipe broken in the Quaspeck Park area of Valley Cottage Sewer District No. 1.

The Insurance Committee's report on the sufficiency of official bonds of Town officers was ordered held in abeyance.

Town Attorney Johns reported that Mr. Kennedy of the Peoples Bank of Haverstraw had been contacted and was willing to put up a certain sum of bonds for the protection of Town funds.

Supervisor Coyle read a letter from the Manuet National Bank listing securities held by Irving Trust Company under escrow agreement, to secure Town of Clarkstown funds.

Town Attorney Johns reported that he had returned application of Jack Terrace and Emil Altman for a Zoning Change from an RA-1 and C-2 to a C-2 district to petitioners' attorney, because of an incorrect description.

Mr. Renken moved the following resolution:

RESOLVED, that fee of George W. Vivino, Attorney for the Extension of the New City-West Nyack Water Supply District to include portions of Congers and Valley Cottage, be set in the amount of \$400.00

Seconded by Mr. Jeffrey.

On roll call, the vote was as follows:

AYES: Messrs. Renken,
Danko,
Jeffrey,
Welchman,
Coyle.

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NAYES: None.

Mr. Renken moved the following resolution:

RESOLVED, that fee of Jerome Trachtenberg, Attorney for the Establishment of West Nyack Water Supply District No. 2, be set in the amount of \$300.00.

Seconded by Mr. Danko.

On roll call, the vote was as follows:

AYES: Messrs. Renken,
Danko,
Jeffrey,
Welchman,
Coyle.

NAYES: None.

Mr. Jeffrey moved the following resolution:

RESOLVED, that official bond of Frank W. Kemmer, Welfare Officer of the Town of Clarkstown, be set in the amount of \$500.00.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

AYES: Messrs. Renken,
Danko,
Jeffrey,
Welchman,
Coyle.

NAYES: None.

Supervisor Coyle referred to the Town Attorney for study, a letter from David B. Tolins, Esq. re matter of Claim of Quaspeck Park Homes, Inc. for operation of Valley Cottage Sewer District No. 1 in 1956.

Notice from the Town Clerk of the Town of Haverstraw of hearing on final proposed Zoning Ordinance on Jan. 28, 1958 was read and ordered filed.

Application of Paul B. Murphy, Jr. for a Change of Zoning from a C-2 to a C-1 district, to include property owned by the petitioner and others now in a C-2 district, was submitted to the Board and referred to the Town Attorney to check.

Supervisor Coyle read a letter transmitting resolution adopted by the Congers Democratic Club to appeal to the Governor and New York State Thruway Authority to sell two year books for the Tappan Zee Bridge and urging the Town Board to adopt the said resolution. The Clerk was requested to advise that the matter had referred to the Town Attorney to review and would be acted upon at the next Board meeting.

Mr. Coyle reported to the Board that the Clerk's office had gotten up a list of all Town Ordinances.

The Supervisor requested that the Town Attorney contact Mr. Ward, the new County Planning Board Director, for the purpose of bringing the Zoning Map of the Town of Clarkstown up to date.

Supervisor Coyle reported to the Board that he had received a letter from Ward Pavements, Inc. requesting return of deposit check in the amount of \$1,000.00 submitted with bid for Improvement of Sherwood Drive, Nanuet.

Mr. Renken moved the following resolution:

RESOLVED, that the Supervisor be authorized to return deposit check in the amount of \$1,000.00 submitted with bid for the Improvement of Sherwood Drive, Nanuet, to Ward Pavements, Inc.

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Seconded by Mr. Danko.

On roll call, the vote was as follows:

AYES: Messrs. Renken,
Danko,
Jeffrey,
Welchman,
Coyle.

NAYES: None.

Supervisor Coyle advised that he had received a letter from Mr. Anthony Cuculo with respect to removal of snow. No action was taken.

Town Attorney Johns read a telegram from Durant Rose contending there was an encroachment on his property. The Town Attorney was requested to answer the telegram, upon receipt of a report from the Highway Superintendent.

The Town Attorney read a letter from J. L. Jacobs & Company acknowledging receipt of the Town's letter of January 10th, 1958 which enclosed copy of resolution adopted by the Town Board on January 9th, 1958. Mr. Johns also spoke to the Board of a letter from J. L. Jacobs & Company to Supervisor Coyle dated January 13, 1958 and a letter to him from the Supervisor in connection therewith. It was noted by the Board that J. L. Jacobs & Company stood on their proposals of October 9th, 1957 and December 2nd, 1957.

Mr. Johns reported to the Board that he had been contacted by Lester D. Stickles, Esq., the attorney who had defended the Town of Clarkstown in the case of the New York Trap Rock Corporation versus the Town of Clarkstown. He advised that there had been received a Notice of Application of Appeal to the United States Supreme Court.

Mr. Renken moved the following resolution:

WHEREAS, In the Matter of the "New York Trap Rock Corporation vs the Town of Clarkstown", which action has recently been resolved in the favor of the Town of Clarkstown in the Court of Appeals of the State of New York, and

WHEREAS, Lester D. Sticles, Esq., Special Counsel for the Town of Clarkstown before the New York State Court of Appeals has informed the Town Attorney, Everett J. Johns, that an application of a Notice of Appeal has been filed by the New York Trap Rock Corporation to the Supreme Court of the United States, and

WHEREAS, the Town of Clarkstown is desirous of protecting its interests by appearing and continuing its defense of this action in the Supreme Court of the United States, and

WHEREAS, Lester D. Stickles, Esq. has indicated to the Town Attorney, Everett J. Johns, his willingness to appear and defend the interests of the Town of Clarkstown in this matter,

Now therefore, be it

RESOLVED, that Lester D. Stickles, Esq. is hereby authorized to appear on behalf of the Town of Clarkstown In the Matter of the "New York Trap Rock Corporation vs the Town of Clarkstown" in connection with the application of Notice of Appeal to the Supreme Court of the United States.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

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AYES: Messrs. Renken,
Danko,
Jeffrey,
Welchman,
Coyle.

NAYES: None.

Town Attorney Johns told the Board that with the help of the Highway Superintendent and Supervisor he had worked up a method of procedure as to supplementing and amending street specifications of the Town of Clarkstown. The Clerk was requested to send copies to the Board Members for study.

The Town Attorney asked the Board's permission to attend the State Bar Association Municipal Law Session program at the Hotel Commodore, New York City. The Board consented.

Highway Superintendent Klein requested the Board's permission to advertise for bids on a 4-wheel drive dump truck.

Mr. Welchman moved the following resolution:

RESOLVED, that the Highway Superintendent be authorized to advertise for the furnishing of a 4-wheel drive dump truck, bids to be opened on Feb. 13th, 1958, at the Town Clerk's office.

Seconded by Mr. Renken.

On roll call, the vote was as follows:

AYES: Messrs. Renken,
Danko,
Jeffrey,
Welchman,
Coyle.

NAYES: None.

Mr. Klein asked that the Town Attorney be requested to check up on the legal angle of the Grando ditch on Park Avenue, Nanuet, so that something might be done at the next Board meeting.

Mr. Renken moved the following resolution:

RESOLVED, that the Town Board hold a regular Town Board meeting on February 13th, 1958.

Seconded by Mr. Renken.

On roll call, the vote was as follows:

AYES: Messrs. Renken,
Danko,
Jeffrey,
Welchman,
Coyle.

NAYES: None.

Town Attorney Johns reported on the Town Ordinance violation of The Elms Hotel. He was requested by the Board to notify the owner of the Elms Hotel that he is presently in default.

Supervisor Coyle reported to the Board that there were two blocked culverts, one on Mill Road and one at Crusher Road in West Nyack, and that the Highway Superintendent was remedying the condition. The Water Company and the New York Central are to be billed for the work done.

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The Supervisor read a letter from the State Traffic Commission acknowledging receipt of request for a "Stop" sign at the intersection of Route 59 and First Street, Namet, stating that a check was being made of the need for same.

Supervisor Coyle read a letter from the State Traffic Commission dated Jan. 17, 1958 advising that a Semi-Vehicle-Actuated Signal had been ordered for the intersections with Route 59 did not indicate the need for same at these locations.

Mr. Renken stated that he had asked the Assessor for the dates of approval of plot plans of developments in which the 652 lots not on the Tax Map were included. He stated he would question the Assessor on same at the next Board meeting.

All business to come before the Board having been consummated, on motion made by Mr. Jeffrey, seconded by Mr. Welchman and unanimously carried, the meeting was adjourned.

Signed,



Mildred F. Magai,
Town Clerk.