

## TOWN BOARD MEETING

Town Clerk's Office

Feb. 27, 1958

3:00 P.M.

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

Supervisor Coyle called the meeting to order.

On motion made by Councilman Renken, seconded by Councilman Jeffrey and carried, the minutes of the Jan. 23rd and Feb. 13th meetings were approved and accepted.

Mr. Renken moved the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 20th day of December, 1957, provided for a public hearing on the 14th day of February 1958, at 8:30 P.M., Eastern Standard Time, to consider an amendment to the Zoning Ordinance of the Town of Clarkstown; 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 as follows:

By amending Section 5.13 of Article 5 to read

"5.13. Lots within 25 ft. of the Boundary of an R District or SC district. Where a lot line of a lot not located in a R district or SC district lies within 25 ft. of the boundary of an R district or SC district, the required yard and building height requirement along such lot line shall conform to the minimum regulations of said R district or SC district; or, if more restrictive, the regulations for the use actually applied for."

Seconded by Mr. Danko.

On roll call, the vote was as follows:

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

NAYES: None.

Mr. Nelson W. Hall, Consulting Engineer to the Town of Clarkstown, appeared and submitted corrected sample tax map sheet of Map 57 for comparison with the one prepared by J. L. Jacobs & Co. He stated that David Tolins, Esq. and Mr. Fred Wagner had worked with him on the sheet. Mr. Hall gave a detailed account of the methods used in doing the work. Upon questioning by Mr. Renken as to how many errors were noted on the map, Mr. Tolins estimated about 50 per cent. Mr. Hall then advised that he would not have the time to correct sheet of the Tax Map but recommended to the Board that Mr. Fred Wagner and David Tolins, Esq., who had worked with him and were very capable, take over the work for Mr. Hall. At the suggestion of Councilman Welchman, the Board scheduled a special meeting with Mr. Wagner and Mr. Tolins at the Assessor's office for March 3, 1958 at 8:00 P.M.

Richard Narducci, Esq. appeared before the Board in connection with West Palmer Ave., Nanuet, stating the road was not yet completed. He suggested that the Board write to Mrs. Thomas Pedersen setting a time limit in which to complete the road.

Mr. Welchman moved the following resolution:

RESOLVED, that the Town Attorney be instructed to write to Mrs. Thomas Pedersen in connection with the completion of West Palmer Ave., Nanuet, and that a copy of the letter be sent to the bonding company.

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Seconded by Mr. Renken.

On roll call, the vote was as follows:

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

NAYES: None.

The Building Inspector reported that an investigation of Dew Drop Inn revealed that the State Law was pretty well adhered to and that the only violation of the State Multiple Residence Law was the storage of flammable material from floor to ceiling in the basement. He advised that he had written to Mr. Orland giving him ten days to remove the said material. Mr. Schumacher reported the sewage overflow had been called to the attention of the Rockland County Health Department.

Mr. Welchman moved the following resolution:

RESOLVED, that in the event the Multiple Residence Law violation at the Dew Drop Inn, Nanuet, is not corrected within ten days, the Building Inspector be directed to contact the Town Attorney, who will take whatever legal steps are necessary.

Seconded by Mr. Renken.

On roll call, the vote was as follows:

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

NAYES: None.

Edward G. Roepe, Esq. appeared before the Board on behalf of Norsy, Inc. and Nemrale Corp., Inc. owners of property at the northwest corner of Route 59 and North Middletown Road, Nanuet, in connection with erroneous zoning classification, submitting a composite survey and deeds. Mr. Richard May, former Rockland County Planning Board Director, corroborated testimony given by Mr. Roepe.

Mr. Jeffrey moved the following resolution:

RESOLVED, that the Zoning Map of the Town of Clarkstown adopted September 13, 1955 be and is hereby corrected to conform with the North property line as shown by deed from Bernhard Altman to Norsy, Inc., dated Mar. 22, 1955 and recorded in the office of the Clerk of the County of Rockland on March 23, 1955 in Liber 606 of Deeds at page 68 and deed from Walter E. Gesner and Michael J. Jacaruso to Nemrale Corp., dated June 3, 1955 and recorded in the office of the Clerk of the County of Rockland on August 19, 1955 in Liber 608 of Deeds at page 287 and also as shown by composite Survey for Norman Rauch in Nanuet, dated May 6, 1955, made by William A. Yda, P.E., and be it

FURTHER RESOLVED, that this correction shall be made by the Rockland County Planning Board at the same time as other changes and/or corrections are made to the Zoning Map of the Town of Clarkstown.

Seconded by Mr. Danko.

On roll call, the vote was as follows:

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

NAYES: None

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Mr. Jeffrey moved the following resolution:

RESOLVED, that the Town Clerk be requested to write to the Rockland County Health Department regarding the serious health menace resulting from sewage overflow in the vicinity of Jerry Carnegie's Tavern.

Seconded by Mr. Renkan.

On roll call, the vote was as follows:

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

NAYES: None.

Mr. Welchman moved the following resolution:

RESOLVED, that upon recommendation of the Chief of Police, "One Hour Parking" signs be erected on the north side and "No Parking" signs be erected on the south side of Old Nyack Turnpike, West Nyack, from Western Highway to Klein Avenue, and be it

FURTHER RESOLVED, that the "Stop Sign" located on Old Nyack Turnpike, West Nyack, where it leads to Route 59A, be removed, and be it

FURTHER RESOLVED, that the Highway Superintendent be directed to install and remove the above-mentioned signs.

Seconded by Mr. Jeffrey.

On roll call, the vote was as follows:

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

NAYES: None.

In connection with alleged mapping error of Quaspeck Park Homes-Sect. 1 proposed shopping area, the Town Attorney advised that a check of the April 21, 1955 minutes of the meeting of the Zoning Advisory Committee read as follows: "Conform LS district in Quaspeck Park fronting on 9-W to sub-division plot as approved by Planning Board. Approved." This map showed the whole area in LS but on the Zoning Map it is shown as R-1, which is an error. The Clerk was asked to contact Mr. Rensen and request that he contact interested parties and invite them to the March 13th Board meeting.

Mr. Jeffrey moved the following resolution:

WHEREAS, the Town of Clarkstown desires to adopt the following procedure concerning "Street Dedications" in addition and supplemental to the "Street Specifications for the Town of Clarkstown".

NOW THEREFORE, be it

RESOLVED, that before the Town of Clarkstown shall accept streets for dedication, the owner shall:

1. Fully comply with the Road or Street "specifications" adopted by the Town Board.
2. The Performance Bond, executed by the owner, shall remain in full force and effect until the street or streets are completed and approved by the Town Superintendent of Highways and accepted by the Town of Clarkstown.

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3. The owner or dedicator shall make a request to the Town Superintendent of Highways for an inspection of the street or streets offered for dedication.

4. File with the Town Clerk, collectively and not singularly, the following:

a - Certification of Compliance executed by a licensed Engineer as set forth in the "Street Specifications for the Town of Clarkstown".

b - A Certification from the Town Superintendent of Highways stating that the street or streets offered for dedication have met all the requirements of the "Town Specifications".

c - Deed containing a metes and bounds description duly executed by the owner of the street or streets.

d - Survey, in duplicate, by a licensed Surveyor of the State of New York, of street or streets to be dedicated.

e - Title Policy of Insurance or Attorney's Certificate of Title covering the street or streets to be dedicated, dated within one (1) week of the date of filing with the Town Clerk.

f - Release from all contractors participating in the construction of said street or streets that all contractors and sub-contractors have been fully paid for all work and materials in connection with the street or streets to be dedicated.

g - A Maintenance Bond, if said street or streets are not covered by a Performance-Maintenance Bond, shall be upon the same terms, conditions, and amount as set forth in the "Street Specifications for the Town of Clarkstown", except the effective date of said bond shall commence from the date of acceptance of said street or streets by the Town of Clarkstown.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

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

NAYES: None.

WHEREAS, the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, 1375 Board of Trade Building, Chicago 4, Illinois, as surety and JACOB LOUIS JACOBS d/b/a J. L. JACOBS & COMPANY, as Principle, did file a Contract Performance Bond dated November 12, 1954, #53 52 535 in the sum of \$45,139.80 with the TOWN OF CLARKSTOWN, as obligee on December 28, 1954 conditioned that the Principle shall, well and truly perform and carry out the covenants, terms, and conditions of a certain written agreement dated October 18, 1954 entered into between the TOWN OF CLARKSTOWN and JACOB LOUIS JACOBS d/b/a J. L. JACOBS & COMPANY, a copy of which is attached hereto, together with a copy of the specifications which were made a part of said Contract; and

WHEREAS, the TOWN OF CLARKSTOWN did, by Resolution dated January 9, 1958, a copy of which is attached hereto, terminate the Contract with J. L. JACOBS & COMPANY dated October 18, 1954 by reason of its non-performance according to the terms of said Contract; and

WHEREAS, a copy of said Resolution was duly sent to J. L. JACOBS & COMPANY on

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January 10, 1958 as notice of the Town Board's action in the premises.

NOW THEREFORE, be it

RESOLVED, that the TOWN OF CLARKSTOWN declares the Contract Performance Bond #53 52 535, executed by the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, as surety and JACOB LOUIS JACOBS d/b/a J. L. JACOBS & COMPANY, as Principle, to be in default; and be it

FURTHER RESOLVED, that a copy of this Resolution be sent to the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and JACOB LOUIS JACOBS d/b/a J. L. JACOBS & COMPANY as notice of the Town Board's action in the premises.

Seconded by Mr. Renken.

On roll call, the vote was as follows:

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

NAYES: None.

The Board signed the following:

STATEMENT SHOWING THE ACTUAL, COMPLETE COST FOR IMPROVEMENT OF FIRST STREET, NANUET, IN THE TOWN OF CLARKSTOWN

Contract Price in accordance with Plans and Specifications of Improvement	.....	\$8,581.00
Engineering Services, Dean B. Seifried	.....	475.00
Attorney's Fee - Donald G. Partridge	.....	350.00
Cost of Publication	.....	31.16
Interest on Bond Anticipation Notes - December 27, 1957 to May 27, 1958	.....	<u>138.00</u>
	TOTAL	\$9,975.16

TOWN BOARD, TOWN OF CLARKSTOWN

By: S/ John W. Coyle  
John W. Coyle, Supervisor

S/ Joseph Welchman  
Joseph Welchman, Councilman

S/ Stephen Danko  
Stephen Danko, Councilman

S/ John H. Renken, Jr.  
John H. Renken, Councilman

S/ Alastair Jeffrey  
Alastair Jeffrey, Councilman

Mr. Renken moved the following resolution:

WHEREAS, pursuant to Section 200 of the Town Law, First Street, at Nanuet, in said Town was paved, a portion thereof, and

WHEREAS, the Town Board of said Town has filed a statement in detail showing the actual and complete cost thereof;

NOW THEREFORE, be it

RESOLVED, that the property especially benefited by the improvement is as follows:

The property fronting on both sides of First Street, running Easterly for a distance of about 600 feet from avenue "C", Nanuet, at State Highway #689, also known as Route 59, the entire length thereof,

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and it is

FURTHER RESOLVED, that the Assessor of the Town of Clarkstown be and he hereby is directed to apportion so much of the cost thereof upon the several lots and parcels of land so deemed benefited as shall be in just proportion to the amount of benefit which the paving shall have conferred upon the same.

Seconded by Mr. Danko.

On roll call, the vote was as follows:

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

NAYES: None.

Councilman Welchman reported that he had made a check on equipment at hand at the Valley Cottage Sewer District No. 1 plant, that the Operator, Mr. Crowe advised he had all the equipment needed when the hood for the clarifier is purchased and that the only other thing needed might be a Rototiller for roots and sand. The Clerk was requested to advise the County Health Department that an inventory of all equipment at the sewage disposal plant revealed the fact that practically all of the articles listed in their recommendation were already on hand and that it was felt the plant was well equipped for efficient and economical operation.

Councilman Jeffrey reported to the Board that he had instructed Mr. Eberling, Dumpmaster, to get three bids in writing for minor necessary repairs to the Bulldozer at the Clarkstown Sanitary Fill.

Town Attorney Everett J. Johns reported that he had spoken to Mr. James H. Ward, County Planning Director, who agreed to work with him on amendments to the Town Zoning Map.

Mr. Welchman moved the following resolution:

RESOLVED, that the Rockland County Planning Board be requested to plot all zoning changes and/or corrections as submitted by the Town Board of the Town of Clarkstown on the Zoning Map of the Town of Clarkstown.

Seconded by Mr. Danko.

On roll call, the vote was as follows:

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

NAYES: None.

Supervisor Coyle read a letter from the Central Clarkstown Residents' Association requesting a "Stop" sign at the foot of the road to Cherry Hill, West Nyack. The matter was referred to Councilman Danko to check on and report.

A letter from Lt. Israel Schwartz Post No. 720, Jewish War Veterans of the U.S.A. Nanuet, requesting rental allotment of \$200.00, was read.

Mr. Renken moved the following resolution:

RESOLVED, that the Supervisor be authorized to pay the sum of \$200.00 for maintenance of Post quarters to Lt. Israel Schwartz Post No. 720, Jewish War Veterans of the U.S.A., Nanuet, New York, for the year 1958.

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Seconded by Mr. Welchman.

On roll call, the vote was as follows:

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

NAYES: None.

The Supervisor read a letter from the Clerk of the Village of Upper Nyack dated Feb. 26, 1958 requesting permission to use a voting machine for the Village Election on March 18, 1958, any charges in connection therewith to be borne by said Village.

Mr. Renken moved the following resolution:

RESOLVED, that permission to use a voting machine for the Village Election on March 18th, 1958 be granted to the Village of Upper Nyack, and that the Custodian of voting machines be requested to set up the said voting machine, any charges to be borne by the Village of Upper Nyack.

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 the Clerk be authorized to advertise for bids for the purchase of two voting machines, bids to be received by and opened on March 27, 1958.

Seconded by Mr. Danko.

On roll call, the vote was as follows:

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

NAYES: None.

Supervisor Coyle read a letter from the North Clarkstown Republican Club advising of their resolution recommending a study by the Town Board of a park project for Clarkstown and/or individual hamlet parks. The Clerk was requested to write stating that the matter was being taken under advisement.

Mr. Coyle read a letter from the Building Inspector advising of requests for Building Permits under Section 280-A by (1) Mr. and Mrs. James F. Will (Kinniburg and Toms, Agent and Builder) for a 1-family residence on the southwest corner of Grant Ave. and Murphy's Lane, Congers, and (2) Mr. Paul Bjornson, Englewood, N.J., for a 1-family residence on the west side of Jerrys Avenue, Manuet, about 300' south of Clinton Pl. The Board decided to hold the matter in abeyance for discussion at another meeting.

Supervisor Coyle reported he had received a letter from a Mrs. Smith asking for a traffic light at the intersection of Route 304 and Bardonia Road, Bardonia. Attention was called to the fact that a request had been made for a light at this location a year or so before but was felt unnecessary by the State Traffic Commission.

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A request for street signs in Whitewood Estates-North Section, made by Edward Pound of 11 Stratford Place, New City, was referred to the Highway Superintendent.

The Supervisor reported receipt of a letter from the Central Clarkstown Residents' Ass'n stating they thought it was time a study was made of the Zoning Ordinance and suggesting a committee be formed to continuously advise with the Board. The Board scheduled a joint meeting with the Clarkstown Planning Board, the Zoning Board of Appeals, Building Inspector and Rockland County Planning Board Director to discuss a study of the zoning ordinance and other proposals for March 6, 1958 at 8:00 P.M. in the Town Clerk's office. The Clerk was requested to contact Mr. Schriever, Mr. Herdman and Mr. Ward.

Supervisor Coyle made mention of a letter received in respect to Birchwood Drive, Nanuet, calling attention to the fact that Mr. Schocher had installed the catch basin requested by the Highway Superintendent before the road would be accepted, and stating they were anxious to have snow removal. The Supervisor stated he would answer the letter.

Mr. Coyle reported he had a receipted Tax Bill covering special assessment for the Improvement of Nelson Place, Nanuet, showing an overcharge of \$9.18 to William Greenstone and another showing an overcharge of \$12.44 to Lawrence Moser.

Mr. Welchman moved the following resolution:

WHEREAS, Lawrence Moser, Map 163, Block C, Lot 24, has petitioned this Board for a refund of interest on the 1958 installment of Special Assessment for the Improvement of Nelson Place, Nanuet.

BE IT RESOLVED, that the Supervisor be authorized to refund to the petitioner the sum of \$12.44.

Seconded by Mr. Jeffrey.

On roll call, the vote was as follows:

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

NAYES: None.

Mr. Welchman moved the following resolution:

WHEREAS, William Greenstone, Map 163, Block C, Lot 21, has petitioned this Board for a refund of interest on the 1958 installment of Special Assessment for the Improvement of Nelson Place, Nanuet,

BE IT RESOLVED, that the Supervisor be authorized to refund to the petitioner the sum of \$9.18.

Seconded by Mr. Jeffrey.

On roll call, the vote was as follows:

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

NAYES: None.

Supervisor Coyle reported receipt of a letter from the Highway Superintendent, in which he enclosed a letter complimenting him on the good snow removal job done by him.

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Mr. Klein thanked the Board for furnishing the equipment that made it possible.

The Supervisor stated a letter had been received from one Edward W. Lukesiewicz of Rose Road, West Nyack, calling attention to faults in construction of the dwelling he purchased. The Building Inspector reported he had investigated and the developer and engineer agreed to do what was required. Mr. Schumacher was of the opinion that some help would be needed from the Highway Department as there is no shoulder on the road at this point, the road slopes and rain water shoots down and Mr. Jukesiewicz is on the down hill side. He stated he had answered the letter and would follow up on the matter.

Mr. Coyle advised that Mrs. Lillian Freedman had sent a copy of her contract with Cyler & Schuck for the building of her road, to be completed on or before August 30, 1958. The Clerk was requested to so advise Robert Kassel, Esq. of Sherwood Drive, Nanuet.

The Supervisor reported having received a letter from William F. Hecht of Pigeon Hill Road stating he was not getting any service.

Mr. Coyle told the Board that no map was as yet available on the rebuilding of Route 59 east of the railroad bridge in West Nyack.

A letter from Engels & Gallucci, owners of property next to Blue Spruce Estates, claiming water was dumped on their property because of the development, was referred to the Town Attorney.

Councilman Renken stated I.E.M. had completed its portion of the job in working on the assessment roll. He further reported that the punch machine had been received and would be installed shortly.

Mr. Renken suggested that the Clerk write to the New Jersey and New York Railroad Company asking when flashing signals would be installed at the Convent Road crossing in Nanuet, and call attention to the Public Service Commission's order that they be installed on or before March 31, 1958. A copy of the letter was to be sent to the Commission and to the Examiner who heard the case.

Town Attorney Johns reported that he had contacted John Mirabile, Esq., attorney for John Mellozzo of Dickinson Avenue, Central Nyack, who had promised to confer with his client and work out something agreeable to both the School and them, with respect to drainage.

Councilman Jeffrey made mention of complaints received about dogs running wild, asking what is done about it. Chief Wiebicke reported that when signed complaints are submitted a summons is issued and a fine paid but many people won't sign a complaint. He suggested that a dog catcher might help.

Councilman Welchman made a report on lighting on Route 59, thereafter moving the following resolution:

RESOLVED, that 2 - 11,000 lumen Mercury Vapor Street lights be installed at the intersection of College Avenue and Route 59 and 1 - 11,000 lumen Mercury Vapor street light be installed at the intersection of First Street and Route 59, Nanuet, and be it

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

Seconded by Mr. Jeffrey.

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On roll call, the vote was as follows:

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

NAYES: None.

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

Signed,

Mildred F. Magai,  
Town Clerk.