

TOWN BOARD MEETING

Town Clerk's Office

April 24, 1958

3:00 PM.

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

Supervisor Coyle called the meeting to order.

On motion made by Mr. Jeffrey, seconded by Mr. Danko and unanimously carried, the minutes of the two public hearings on April 10th, 1958 were approved and accepted.

Assessor Leonard Schwall reported to the Board that his office had punched about 3000 corrections and that he was cutting down on help. He stated that he thought the assessment roll would be ready by June 1st. Mr. Schwall added that he is working from building permits and then checking C. O.'s. He said he had contacted the engineers for the public utility companys in connection with assessments. Mr. Renken asked Mr. Schwall how he was coming along on special districts districts and he advised that he was checking resolutions.

Town Attorney Johns reported that a check by the Assessor had established the fact that Mr. Robert Maier did not own 86 odd feet of property shown on tentative assessment roll for the Improvement of First Street, Nanuet, that it was owned by the State and that the State could not be assessed for a special district. Mr. Johns pointed out that there were two Owner Unknown properties, Avenue C and Avenue D, which would have to be assessed to Owner Unknown together with other properties fronting on First Street. He stated that certificate of title for First Street had been waived by the former Supervisor because it was an old mapped street. Mr. Johns recommended to the Board that on all future street improvements not only a certificate of title be required but also a title insurance policy to the Town, which is chargeable to the district, so the Town will not be in a position of having Owners Unknown in the district and have people ask why they should pay for Owner's Unknown.

Mr. Jeffrey moved the following resolution:

WHEREAS, the assessment roll with respect to street improvement of First Street, at Nanuet, in said Town of Clarkstown, having been completed and filed in the Office of the Town Clerk on March 27, 1958, and

WHEREAS, the Town Board did hold a Public Hearing, pursuant to Resolution adopted March 27, 1958, on April 10, 1958 at 9:00 P.M., to hear and consider any objections which may be made to said assessment roll, and

WHEREAS, objections to said assessment roll were made at the time and place so specified,

NOW THEREFORE, BE IT

RESOLVED, that the assessment roll filed March 27, 1958 with respect to First Street improvement be annulled, and be it

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.

4/24/58

Seconded by Mr. Renken.

On roll call, the vote was as follows:

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

NAYES: None.

Supervisor Coyle reported to the Board that it would be necessary to rescind resolution adopted April 10, 1958 with respect to installation of hydrants on Theresa Drive, West Street and Sable Court, West Nyack, in that one street was not in a water district and only one hydrant was needed on another, upon investigation.

Mr. Danko moved the following resolution:

RESOLVED, that resolution adopted on April 10, 1958 authorizing the Supervisor to sign agreement with the Spring Valley Water Works & Supply for the installation of water hydrants on Theresa Drive, West Street and Sable Court, West Nyack, be rescinded.

Seconded by Mr. Jeffrey.

On roll call, the vote was as follows:

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

Edward G. Roepe, Esq. appeared before the Board and requested the members to examine a tentative map delineating the heart of the New City area. He stated he represented interested people in the area who felt the time had been reached when New City should have some sort of sewerage disposal. Messrs. Jerry Carnegie, Edward Barber, Joseph Moore and Herbert Scott were in company with Mr. Roepe, representing interested persons. Mr. Roepe stated that other interested people were Norman A. Rauch, principal owner of the New City Shopping Center, Herbert I. Bedle, of the Peoples Bank, Ralph A. Lombardi, Seymour Rapkin, who is building the A. & P. Shopping Center, Melvin Knapp, Michael P. Yuda and Harry Waitsman, who represents owners of a building on Main Street. Mr. Roepe mentioned that Mr. John Scovill, administrative head of the Orangetown Sewer District had been present at meetings and been very helpful.

Attorney Roepe advised that the map represented a tentative conclusion of possible boundaries of a Sewer District to be created in the heart of New City in the Town of Clarkstown. He explained that before any proper petition could be presented to the Town Board seeking to establish or create a sewer district, the State would require that location of mains be shown, locations of laterals coming off the mains be shown and that there be a properly designed sewage treatment plant and therefore there would have to be some preliminary engineering done. He added that he had an estimate that the cost of preliminary engineering would be \$4500.00.

Mr. Roepe reported to the Board that under Section 31 of the Public Works Law it is stated that in a proper case the State of New York will contribute one-half of preliminary engineering costs. He stated that the Department of Public Works had confirmed the fact that this was correct. Mr. Roepe stated they would also contribute a substantial amount

HAA 918

114

4/24/58

of the overall total final engineering costs and in a proper case pay for the borings, which will be necessary in this case. He stated that the people in Poughkeepsie had assured him they would be glad to help the Town of Clarkstown in processing this particular type of application through the proper channels of the Department of Public Works with the end in view that the State of New York will put up this money.

Mr. Roepe stated he would first like to get the State of New York committed to pick up its share of preliminary engineering and when this is done ask the Town of Clarkstown to contribute a like share. He added that if the district is established, and he was sure it would be, the contribution by the Town, in the final analysis, will be charged back to the district. Mr. Roepe stated that under Section 192 of Town Law the Town has a right to advance the cost of preliminary engineering.

Considerable discussion followed on the Countywide sewer study and its relation to this proposed district.

Mr. Edward Barber was called upon and explained that basically what was in mind was a trunk line down along the old railroad bed running north somewhere in the vicinity of Squadron A and at that point a disposal plant at a suitable site. The outflow, he said, would be into the river there and that a secondary treatment plant would be needed because of the fact that it is a watershed area. Mr. Coyle stated it would be somewhat like the Quaspeck plant but larger. Mr. Barber stated that as the district enlarged the trunk line would be adequate to carry effluent from subdivisions and developments, the only thing that would have to be added would be more filter beds. The plant itself would be intact. He added that it would be so located that in the Countywide plan it could be pumped from the end of our trunk line into their system.

Mr. Roepe asked the Board's authorization to go to Poughkeepsie and talk to representatives of the Department of Public Works on behalf of the Town.

Supervisor Coyle stated he felt some of the interested persons should be asked to contribute to the cost of preliminary engineering.

Mr. Jeffrey moved the following resolution:

RESOLVED, that Edward G. Roepe, Esq. be authorized to present an application to the Department of Public Works at Poughkeepsie, New York, on behalf of the Town of Clarkstown, in connection with proposed New City Sewer District, without any cost or expense to 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.

Mr. Roepe apprised the Board that he expected to appear before the Town Board of Orangetown on April 28th in connection with a situation affecting the development called Silver Birch Homes. He stated in the last year or two Orangetown created a Sewer District in that area known as Sewer District No. 7 for Silver Birch Homes, which includes the

4/24/58

portion of the development in the Town of Orangetown. He explained his purpose in appearing before the Orangetown Board was to request them to spend money necessary to lay mains and laterals in Sewer District No. 7 and hook up with their Sewer District No. 2 in Pearl River. Mr. Roepe stated a minor portion of the development was in the Town of Clarkstown and that not much would be accomplished to only take the part in Orangetown and provide sewers there, because the development is so located that it would be prohibitively expensive if mains were not laid in and out of the Town of Clarkstown. He stated he had made mention of the matter because he intended to appear before the Clarkstown Board after he had made application to the Orangetown Board, in connection with creating a sewer district in the Town of Clarkstown which will hook up with the rest of Silver Birch Homes development, which sewer district would contract with Pearl River to handle their disposal. He said he wanted to tell Orangetown he had discussed the matter with the Town Board of Clarkstown.

Messrs. Richard Kiley and Harold Haskel appeared before the Board in connection with the progress on Snake Hill Road, West Nyack. The Supervisor reported that the work was being done as quickly as possible in view of the fact that cutting and blasting was necessary and that negotiations are being started to procure a portion of privately owned property.

Petition for the rezoning of property of Hamilton G. Fischer, s/s Bardonia Road, Bardonia, from an RA-1 to an R-1 district, be referred to the Planning Board for recommendation, pursuant to Section 8.51 of the Zoning Ordinance, subject to the Town Attorney's check of petition and survey.

Seconded by Mr. Danko.

On roll call, the vote was as follows:

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

NAYES: None.

Paul J. Levine, Esq. appeared before the Board and presented petition of Ellen Springer for rezoning of property on the east side of West Clarkstown Road, Spring Valley, from SC and RA-1X districts to an R-1 district.

Mr. Renken moved the following resolution:

RESOLVED, that petition of Ellen Springer for a Zoning Change from an SC and RA-1X district to an R-1 district be referred to the Town Attorney to check and if found in proper form that the Town Clerk refer the said petition to the Planning Board for recommendation, pursuant to Section 8.51.

Seconded by Mr. Danko.

On roll call, the vote was as follows:

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

NAYES: None.

HAA 918

4/24 58

Irin M. Paris appeared before the Board in connection with Petition for the Extension of the New City-West Nyack Water District made by Rose Estates in New City (Windmill Estates). On report of the Town Attorney that the petition was incorrect, it was returned to the petitioner's representative, Mr. Paris.

Chief Wiebicke reported to the Board that a reinspection of the Elms had been made and that there were holes in the building at ground level, which he instructed the owner to close up. He inquired about the status of the violation and the Town Attorney reported receipt of a letter from the owner's architect with respect to reconstruction of the building. The Clerk was requested to report to the Fire Department that no further action has been taken with respect to The Elms violation inasmuch as no report on a re-survey of the building has been received from it.

Councilman Danko reported checking on parking on Railroad Avenue, Congers, and that people on this road did not feel the necessity for having "No Parking" signs on one side of the road. Chief Wiebicke was requested to warn people incorrectly parked.

Councilman Jeffrey reported receiving complaints about speeding of cars on Ridge Road and Lake Road. Chief Wiebicke stated the speed in most parts of the Town was 30 miles per hour and suggested more rigid enforcement of speed regulations and additional speed meters being used.

The Town Attorney reported that the description in reference to the petition of Paul B. Murphy, Jr. et al had been satisfactorily corrected to include all property.

Mr. Jeffrey moved the following resolution:

WHEREAS, the Town Board of the Town of Clarkstown, by resolution duly adopted on the 13th day of March, 1958, provided for a public hearing on the 10th day of April, 1958 at 8:30 P.M., Eastern Standard Time, to consider the application of PAUL B. MURPHY, Jr. to amend the Building Zone Ordinance of the said Town by redistricting the property of PAUL B. MURPHY, JR., ALFRED MILLER, FRANKLYN J. HAAS, THOMAS B. STORMS, JR., and G. STANLEY PARTRIDGE, from 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 redistricting the following described property at or near West Nyack, New York, in said Town, from a C-2 District to a C-1 District:

ALL those certain lots, pieces or parcels of land situate, lying and being at West Nyack, in the Town of Clarkstown, County of Rockland and State of New York, more particularly bounded and described as follows:

BEGINNING at a point in the north line of New York State Highway Route 59-A, which point marks the intersection of the southerly line of the existing C-1 district and the northerly line of Route 59-A; running thence in an easterly direction along the southerly line of said existing C-1 district as shown on the Zoning Map of the Town of Clarkstown a distance of approximately 476.73 feet, more or less, to the westerly line of Western Highway; running thence in a southerly direction and along the westerly line of Western Highway approximately 125.00 feet, more or less, to the northerly line of New York State Highway

4/24/58

Route 59; running thence in a westerly direction along the northerly line of New York State Highway Routes 59 and 59-A, following its curve to the right, a distance of 491.00 feet, more or less, to the point or place of beginning.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

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

NAYES: None.

The Town Attorney reported to the Board that he had conferred with Mr. Hall, Consulting Engineer, on the Dickinson Avenue drainage matter. He advised that the Mellozzos were not agreeable to giving an easement through their property to pipe the original water course, and that the culvert was still blocked.

Mr. Renken moved the following resolution:

RESOLVED, that the Town Attorney be authorized to proceed under the Highway Law and serve statutory notice to remove blockage from the Culvert on Dickinson Avenue, Central Nyack.

Seconded by Mr. Danko.

On roll call, the vote was as follows:

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

NAYES: None.

Councilman Jeffrey moved the following resolution:

RESOLVED, That the Town Clerk be requested to write to the H.O. Penn Company, Poughkeepsie, New York, authorizing them to proceed on repair work to the Clarkstown Sanitary Fill bulldozer, which necessitates it being picked up and taken to their shopmen to repair, bill not to exceed the \$1500.00 estimated by them.

Seconded by Mr. Renken.

On roll call, the vote was as follows:

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

NAYES: None.

Mr. Welchman reported that he had contacted the Committee in Congers on proposed revision of lighting in Congers and that they approved the survey.

Mr. Welchman moved the following resolution:

RESOLVED, that lighting in the Congers Lighting District on Lake Road from Route 9-W to Old Haverstraw Road be revised to conform with survey made by Orange and Rockland Utilities, Inc. under date of March 31, 1958, and be it

FURTHER RESOLVED, that the Orange and Rockland Utilities, Inc. be authorized to proceed with the revision.

HAA 918

4/24/58

Seconded by Mr. Danko.

On roll call, the vote was as follows:

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

NAYES: None.

Mr. Richard Owen and Reverend Robert Rodie, Jr. appeared before the Board in connection with a water problem to the rear of the Episcopal Church in New City. The matter was referred to the Highway Superintendent and Consulting Engineer to investigate and report on at the next Board meeting.

The Building Inspector reported that he had asked the Fire Department to make an inspection of Dew Drop Inn in respect to the fire hazard caused by storage of mattresses, so that some action could be taken. He further reported that the County Health Department had given the owner a design to follow in connection with correction of sewage condition.

Councilman Danko reported he had contacted Mr. Batt with respect to a parking area for West Nyack. He advised that he might lease the property to the Town at a rental of \$46.00 per month, if the Telephone Company moved as expected, in July or August. The Town Attorney was requested to look into the matter of whether it was legal to enter into such a contract, covering a three year period as proposed by Mr. Batt.

Supervisor Coyle reported he had taken up the matter of Assessment of State Lands with the Board of Supervisors and that the County Attorney was requested to assist in that connection. He added that he had met with Mr. Clinton Seward, Principal of Upper Nyack School, Mr. William J. Keenan, Trustee of Upper Nyack School, Mr. Hugo Robus and Mr. Festa of Clarkstown Central School, Mr. Johns, Town Attorney, Assessor Schwall and his Assistant Mr. Foley and discussed the State Land proposition. He stated that the concensus of opinion was that if the Town Board was satisfied attorneys representing the schools and Town get together and decide what was the best approach as to the status of the value of our land.

Mr. Renken moved the following resolution:

RESOLVED, that Everett J. Johns, Town Attorney, be authorized to confer with the Village Attorney for the Village of Upper Nyack, Attorneys for the Upper Nyack School District and Central School District No. 1 of Clarkstown and the County Attorney, in reference to assessment of State-owned lands, which are being considered, and that he take whatever proper action deemed necessary which would be for the best interests of the Town.

Seconded by Mr. Danko.

On roll call, the vote was as follows:

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

NAYES: None.

Mr. Welchman moved the following resolution:

RESOLVED, that Fred Ripking of New City be employed to care for Abandoned Cemeteries at compensation not to exceed \$300.00.

4/24/58

On roll call, the vote was as follows:

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

NAYES: None.

Supervisor Coyle mentioned that Mr. Joseph Phillips, Ass't Superintendent of Nyack Public Schools had requested permission to use two voting booths at the Valley Cottage on May 6th, 1958.

Mr. Jeffrey moved the following resolution:

RESOLVED, that permission be granted to the Valley Cottage School to use two voting booths, stored in the Valley Cottage Firehouse, on May 6th, 1958.

Seconded by Mr. Danko.

On roll call, the vote was as follows:

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

NAYES: None.

Mr. Coyle reported he had received a request for a refund of excess interest, from Robert Moore and wife.

Mr. Welchman moved the following resolution:

WHEREAS, Robert Moore & Wife, Map 163, Block C, Lot 16, has petitioned this Board for a refund of excess 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 \$4.59.

Seconded by Mr. Danko.

On roll call, the vote was as follows:

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

NAYES: None.

A letter from the Planning Board with respect to conversion of property of Marjorie Clark Swanson from R:A-LX to R-1 under 4.32F was ordered held for the next meeting of the Board.

A letter from the Planning Board with respect to application for a Zoning Change made by Jack Terrace and Emil Altman, from RA-1 to C-2, was ordered held for the next meeting of the Board.

Petition for Extension of the New City-West Nyack Water District to cover Crambrook Terrace-South Section in New City and Cranbrook Terrace in New City (Sunny Ridge Estates), re referred to the Town Attorney and Supervisor To check.

Seconded by Mr. Danko.

HAA 918

4/24/58

On roll call, the vote was as follows:

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

NAYES: None.

Application of Max Siemens for a Zoning Change from an R0 to a C-2 district for property in Bardonia was referred to the Town Attorney to check.

On motion made by Mr. Welchman, seconded by Mr. Renken and unanimously carried, the Supervisor's reports for the months of February and March 1958 were approved and accepted.

The Board decided to hold a special meeting at the Supervisor's office on April 30th, 1958 at 8:00 P.M.

Supervisor Coyle reported to the Board that he had received from the Peoples Bank of Haverstraw \$150,000.00 in bonds as security for Town Funds.

A letter from the Spring Valley Water Works & Supply Company enclosing hydrant order and sketch of proposed hydrant for the north side of an un-named street approximately 310 feet east of the east property line of Rose Road, West Nyack, was referred to the Supervisor to check on and report.

Supervisor Coyle reported receipt of a statement on determination of the Public Service Commission with respect to realignment of Route 59 running easterly from the railroad bridge in West Nyack to the Route 303 Cloverleaf. Mr. Welchman was asked to contact Mr. Conway as to whether the present Route 59 in this area was going to be retained for westbound traffic. The statement was filed with the Clerk.

The Supervisor reported that a letter had been addressed to Mr. Klein about snow and rain problems in the Oatley development. No action was taken.

Mr. Coyle reported receipt of a copy of letter addressed by Everett F. Maier of Cottage Rd., Valley Cottage to Mr. D. E. Strutt about various problems in Quaspeck Park Homes, Valley Cottage. The letter was filed with the Clerk.

The Supervisor advised he had received copy of a letter addressed to the Building Inspector re Park View Homes, complaining about problems in the development. No action was taken.

Mr. Coyle reported receipt of a letter from Bernard G. Nemeroff dated April 18, 1958 which was read by the Board Members and filed with the Clerk.

The Supervisor submitted to the Board for perusal, a design made by the Building Inspector of what he felt would be an adequate Town Hall to fit property owned by the Town. Mr. Schumacher estimated such a building could be erected with adequate parking facilities, walks, etcetera for a total of \$150,000.00. The Board decided to make a study of the matter.

Mr. Welchman moved the following resolution:

RESOLVED, that James Summers of Congers be employed to care for Station Plaza, Congers, at an hourly wage of \$1.50, effective as of May 1st, 1958.

Seconded by Mr. Renken.

On roll call, the vote was as follows:

4/24/58

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

NAYES: None.

Mr. Bernard G. Nemeroff appeared before the Board and advised that he had retained one Leo Berger to design plans for reconstruction of The Elms, that he wanted to keep the same architectural design and that it would take more time to tear down a portion and rebuild according to the plans.

Mr. Welchman brought up the matter of insurance for roads and blanket bond for employees honesty. It was decided to discuss the matter at the special meeting on April 30th, 1958.

The Town Attorney reported he had appeared in White Plains in connection with the Taxpayers action brought by The Dells, Inc. and that there had been a postponement to April 30th.

On motion made by Mr. Danko, seconded by Mr. Renken and unanimously carried, the meeting was adjourned.

Signed,

Mildred F. Magai,
Town Clerk.

HAA 918