

PUBLIC HEARING

Feb. 24, 1959

Town Clerk's Office

8:30 P.M.

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

Supervisor Coyle called the hearing to order.

The Clerk read notice of hearing to consider the petition of West Nyack Construction Corp. and TUDOR GATE Development Corporation for an Extension of the New City-West Nyack Water Supply District.

Edward G. Roepe, Esq., petitioners' attorney, appeared and introduced Edward L. Richard, Vice President of Tudor Gate Development corporation, one of the petitioners, as a witness.

After being sworn by Supervisor Coyle, upon questioning by Attorney Roepe, Mr. Edward L. Richard of Sickletown Road, West Nyack, testified as follows:

Q: Mr. Richard, I show you the original petition in this matter and ask do you recognize the corporate signatures appearing thereon?

A: I do.

Q: Are these signatures official?

A: They are.

Q: Is it your testimony that the petition is executed by officers of the West Nyack Construction Corp., one of the petitioners?

A: It is.

Q: Are you an officer of the Tudor Gate Development Corporation?

A: I am Vice-President.

Q: Tudor Gate Development Corporation is one of the corporations that executed the petition?

A: That is correct.

Q: You are generally familiar with the area that is sought to be included in the Extension of the New City-West Nyack Water Supply District?

A: I am.

Q: You are aware there is a companion petition in which the petitioners seek to extend the district from Green Road down to the northerly end of the area you are concerned with?

A: I am.

Q: Will this extension benefit all the property owners within the proposed district?

A: It will.

Q: Are all the property owners who will benefit from this proposed extension included within the limits of the proposed district or extension?

A: They are.

Q: Are there any property owners who are not included in this proposed district who would be benefited?

A: No.

Q: Do you believe it is in the public interest to grant in whole or in part the proposed extension?

RRC442

A: Very definitely, yes.

Q: In what way will this proposed extension benefit the property owners involved?

A: It will provide fire protection for the safety and well-being of property and lives and result in a reduction in fire insurance rates.

The Town Attorney stated that an affidavit from the Assessor attesting to the fact that the signatures on the petition were owners of over 51% of taxable real property, both resident and non-resident, within the proposed extension.

The Supervisor asked if anyone wished to favor or oppose extension of the district.

Mr. Allen Griffin, representing West Nyack Fire Engine Company No. 1, stated he was highly in favor of the water district extension.

Supervisor Coyle asked if anyone else wished to be heard. No one else appeared.

On motion made by Mr. Welchman, seconded by Mr. Danko and unanimously carried, the hearing was closed.

Signed,



Mildred F. Magai,
Town Clerk.

PUBLIC HEARING

Town Clerk's Office

Feb. 24, 1959

9:00 P.M.

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

Supervisor Coyle called the hearing to order.

The Clerk read notice of hearing to consider petition for the Extension of the New City-West Nyack Water Supply District at SICKLETOWN ROAD, WEST NYACK.

Edward G. Roepe, Esq. petitioners' attorney, appeared and introduced Donald B. Robinson, one of the Fire Commissioners of the West Nyack Fire District, as a witness.

Upon being sworn by Supervisor Coyle, Mr. Donald B. Robinson of Sickletown Road, West Nyack, testified as follows when questioned by Mr. Roepe:

Q: Mr. Robinson, you are one of the Commissioners of the West Nyack Fire District in the Town of Clarkstown?

A: I am.

Q: Will you kindly examine this petition and tell me whether you recognize some of the signatures on it and particularly yours as witness?

A: I do.

Q: Will you describe how the signatures were obtained?

A: A water main was being extended from Green Road to the Tudor Gate property and the Fire Department felt they should take the responsibility, as a public service, to have the Water District extended. The firemen and I circulated the petition and got the necessary signatures.

Q: In other words, it was through the efforts of the Fire Commissioners that the signatures on the petition were obtained.

A: Yes.

Q: Are you familiar with the map of the proposed district?

A: I am.

Q: Will this extension benefit all the property owners within the proposed district?

A: It definitely will.

Q: Are all the property owners who will benefit included within the limits of the proposed district or extension?

A: They are.

Q: Are there any property owners who would be benefited not shown in the petition?

A: No.

Q: Is it in the public interest to grant in whole or in part the proposed extension?

A: Yes.

The Town Attorney reported that the Assessor had submitted a certificate attesting to the fact that names on the petition represented over 51% of the total assessed valuation of all taxable real property of both resident and non-resident owners within the district proposed.

Supervisor Coyle asked if anyone wished to speak in favor of or in opposition to the extension of the district.

Mr. Allen Griffin stated he very definitely favored extending the Water Supply District.

The Supervisor asked if anyone else wished to be heard.

Mr. William Vines of Sickletown Road, West Nyack, stated he was also in favor of the extension.

No one else desiring to be heard, on motion made by Mr. Renken, seconded by Mr. Welchman and unanimously carried, the hearing was closed.

Signed,

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

PUBLIC HEARING

Town Clerk's Office

Feb. 24, 1959

9:30 P.M.

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

The Supervisor called the hearing to order.

The Clerk read notice of hearing to consider proposed ordinance with respect to regulation of commercial and business activities on Memorial Day in the Town of Clarkstown, to be known as Article 27 of Town Ordinances.

Supervisor Coyle explained that the proposed ordinance had been requested by a veteran's organization.

BPC112

PUBLIC HEARING (2/24/59-9:30 P.M.)

Mr. Harry Edelstein, Commander of the Jewish War Veterans of Nanuet, appeared and stated the day had been set aside to honor those who gave their lives for their country. He stated it was disconcerting to hold parades, services and so forth with business activities in stores that are open. He asked that the ordinance be adopted in respect for the dead.

The Supervisor inquired whether anyone else desired to speak in favor of or opposition to the proposed ordinance.

No one appeared.

On motion made by Mr. Danko, seconded by Mr. Welchman and unanimously carried, the hearing was closed.

Signed,

Mildred F. Magai

Mildred F. Magai,
Town Clerk.

TOWN BOARD MEETING

Town Clerk's Office

Feb. 24, 1959

8:00 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. Jeffrey and unanimously carried, the minutes of the February 6th, 1959 meeting were approved and adopted.

Mr. Welchman moved the following resolution:

RESOLVED that the time for receiving bids for the furnishing of fill for the Clarkstown Sanitary Fill be closed and that the Supervisor be authorized to open bids submitted.

Seconded by Mr. Renken.

On roll call, the vote was as follows:

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

NAYES: None.

Supervisor Coyle opened bids as follows:

Ward Pavements, Inc.,
Riverside Ave.,
Haverstraw, N. Y.

Furnish Fill at \$1.10 per yard

Eric Binder Excavating,
So. Pascack Rd., Nanuet, N. Y.
P. O. Spring Valley, N. Y.

Furnish Fill at \$.90 per yard

Mr. Jeffrey moved the following resolution:

RESOLVED that Eric Binder Excavating of South Pascack Road, Nanuet, be awarded contract for the furnishing of fill for the Clarkstown Sanitary Fill at a price of \$.90 per yard, for a period of one year from March 1st, 1959, provided sample load submitted is approved by the Town Engineer.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

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

NAYES: None.

E. Alfred Festa, Esq. appeared as attorney for The Dells, Inc. and inquired about status of application for a Zoning Change and whether any additional information was required. He requested that processing of the application be expedited.

Mr. Welchman moved the following resolution:

RESOLVED that petition of The Dells, Inc. for an Amendment to the Zoning Ordinance in respect to premises situated on the west side of Route 304 and Zukor Road, the east side of Little Tor Road and the south side of Phillips Hill Road, New City, from RA-1 and RA districts to R-1, R0, LS and LO districts, be referred to the Planning Board pursuant to the provisions of Sections 8.51, 8.52 and 8.522 of the Zoning Ordinance for review and report.

Seconded by Mr. Danko.

On roll call, the vote was as follows:

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

NAYES: None.

The Town Attorney reported that all papers in connection with the proposed dedication of roads in Quaspeck Park Homes-Section 2 subdivision were in order for acceptance.

Mr. Renken moved the following resolution:

RESOLVED that, upon recommendation of the Superintendent of Highways, deed dated January 9th, 1959, from Quaspeck Park Homes, Inc. to the Town of Clarkstown, conveying Helene Road, Quaspeck Boulevard, Charles Boulevard and East Mary Lane as shown on map entitled Quaspeck Park Homes-Section 2, together with easements included therein, 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. Danko.

On roll call, the vote was as follows:

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

NAYES: None.

The Board approved as to form and sufficiency the following:

Maintenance Bond #77-52-48
Quaspeck Park Homes-Section 2

On motion made by Councilman Renken, seconded by Mr. Welchman and unanimously carried, the Board opened hearing to consider petition of West Nyack Construction Corp. and TUDOR GATE Development Corporation for an extension of the New City-West Nyack Water Supply District.

On motion made by Mr. Welchman, seconded by Mr. Danko and unanimously carried, the Board returned to the regular meeting.

Mr. Welchman moved the following resolution:

RESOLVED that decision on petition for the Extension of the New City-West Nyack Water Supply District to include Tudor Gate subdivision be reserved.

BPC442

2/24/59

Seconded by Mr. Danko.

On roll call, the vote was as follows:

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

NAYES: None.

The Board signed the following order:

In the Matter of the Petition for an Extension of EAST SPRING VALLEY (R7) LIGHTING DISTRICT of WESTCLARK HOMES, at HILLCREST, in the Town of Clarkstown, Rockland County, New York.

WHEREAS, a written petition, dated January 26, 1959, 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 EAST SPRING VALLEY (R-7) LIGHTING DISTRICT OF WESTCLARK HOMES, at HILLCREST, in the Town of Clarkstown, to be bounded and described as follows:

BEING all of the premises shown and described as Block "A", Lots 1, 2, 3, and 4, and Block "B", Lots 1, 2, 3, 4, and 5, on a certain map entitled "WESTCLARK HOMES in Hillcrest, Towns of Clarkstown and Ramapo, Rockland County, New York", made by William A. Yuda, P.E., dated November 1st, 1957, filed in the office of the Clerk of the County of Rockland on June 5th, 1958, in Book 59 of Maps, page 2, Map No. 2567,

it is hereby

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown shall be held at the office of the Town Clerk in New City, New York, on the 23rd day of March at 8:45 P.M. Eastern Standard Time, to consider the said petition and to hear all persons interested in the subject thereof, concerning the same, and for such other action on the part of the said Town Board with relation to the said petition as may be required by law or proper in the premises.

Dated: February 24, 1959.

Signed: John W. Coyle, Supervisor
Stephen Danko, Councilman
Joseph Welchman, Councilman
Alastair D. Jeffrey, Councilman
John H. Renken, jr., Councilman

Members of the Town Board

The Board signed the following order:

In the Matter of the Petition for an Extension of the New City-West Nyack Water Supply District of WESTCLARK HOMES, at HILLCREST, in the Town of Clarkstown, Rockland County, New York.

WHEREAS, a written petition dated January 26, 1959, 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 of WESTCLARK HOMES, at HILLCREST, in the said Town, to be bounded and described as follows:

BEING all of the premises shown and described as Block "A", Lots 1, 2, 3, and 4, and Block "B", Lots 1, 2, 3, 4, and 5, on a certain map entitled

2/24/59

"WESTCLARK HOMES in Hillcrest, Towns of Clarkstown and Ramapo, Rockland County, New York", made by William A. Yuda, P.E., dated November 1st, 1957, filed in the Office of the Clerk of the County of Rockland On June 5th, 1958, in Book 59 of Maps, Page 2, Map No. 2567,

it is hereby

ORDERED, that a meeting of the Town Board of the said Town of Clarkstown shall be held at the office of the Town Clerk in New City, New York, on the 23rd day of March at 8:30 Eastern Standard Time, to consider the said petition and to hear all persons interested in the subject thereof, concerning the same, and for such other action on the part of said Town Board with relation to the said petition as may be required by law or proper in the premises.

Dated: February 24, 1959.

Signed: John W. Coyle, Supervisor
Stephen Danko, Councilman
Joseph Welchman, Councilman
Alastair D. Jeffrey, Councilman
John H. Renken, Jr., Councilman

Members of the Town Board

The Town Attorney reported on a meeting he attended in Albany, in company with Assessor Schwall and Mr. Hornsby, David Moses, Esq., George Writer, Esq. and Charles McGroddy, with Dr. Whittaker, Consultant to the Committee on State Land Assessments. He told the Board that the consensus of opinion of those who attended was that special legislation would not receive the approval of the Governor, from prior experience of this committee, and that the problem should be brought before the Department of Equalization and Control.

The Town Attorney reported he had been in touch with the attorney for the Bonding Company in connection with Pigeon Hill Road and that he had reported a representative would make an investigation of the area and work to be done on February 25th, 1959.

On motion made by Mr. Welchman, seconded by Mr. Jeffrey and unanimously carried, the Board opened hearing to consider petition for the extension of the New City-West Nyack Water Supply District at Sickletown Road, West Nyack.

On motion made by Mr. Renken, seconded by Mr. Welchman and unanimously carried, the Board returned to the regular meeting.

The Town Engineer told the Board he had investigated the sewerage and drainage complaint made by Mr. L. J. Honan of East Ave., Manuet in the Park View Homes subdivision. He stated he had found no immediate responsibility of the Town involved and recommended that the matter be taken up with the County Health Department as the health hazard was the biggest problem involved.

Supervisor Coyle read a letter from Lexow & Jenkins, dated February 20, 1959 asking that application of Hillcrest Village for a Zoning Change from an SC & RA-1X to an R-1 district be reinstated.

Mr. Renken moved the following resolution:

Resolution adopted by the Town Board of the Town of Clarkstown Feb. 24, 1959:

WHEREAS, HILLCREST VILLAGE HAS petitioned the Town Board of the Town of

BPC442

2/24/59

Clarkstown that the Building Zone Ordinance of the said Town be amended by redistricting property of the said petitioner and in said petition described, from an SC and RA-1X district to an R-1 district;

BE IT RESOLVED, that a public hearing pursuant to Sections 254 and 265 of the Town Law be had at the office of the Town Clerk, 16 South Main Street, New City, New York, on the 23rd day of March, 1959, at 9:00 P.M., Eastern Standard 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. Danko.

On roll call, the vote was as follows:

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

NAYES: None.

The Supervisor read a letter dated Feb. 10, 1959 from Trachtenberg & Silberman, Attorneys at Law, with reference to expiration date of Performance Bond #197347 covering completion of Curtin Drive in subdivision entitled Blue Spruce Estates. The Town Attorney reported that the bonding company had been notified of matter, and he was directed to follow up on same.

The Board approved as to form and sufficiency official bond of Frank Kemmer, Welfare Officer, in the amount of \$500.00 for the period Feb. 1, 1959 to Feb. 1, 1960.

Monthly reports of the Supervisor and Town Clerk for the month of January 1959 were submitted and placed on file.

Supervisor Coyle stated he had canvassed the list of eligibles shown on Certification of Eligibles for position of Police Patrolman dated Feb. 16, 1959 and that all had indicated that they were interested. Chief Wiebicke was called upon and asked if he had any recommendation.

Mr. Jeffrey moved the following resolution:

RESOLVED that William A. Schnepf of 33 Susan Drive, New City, be appointed Police Patrolman in the Clarkstown Police Department at a starting salary of \$4900.00 per year, effective as of March 16, 1959.

Seconded by Mr. Renken.

On roll call, the vote was as follows:

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

NAYES: None.

The Supervisor read a letter from Mrs. Ethel Harbuck dated Feb. 20, 1959 stating that a petition for an extension for water into Medway Ave., Congers, was filed around August 15th last and asking what its status was. On checking, it was found that no petition had been filed with the Clerk on the matter.

Supervisor Coyle read a letter dated Feb. 9, 1959 from the State Building Code Commission advising that 3 copies of an up-to-date Building Code Manual

2/24/59

45

were being mailed for use by the Building Inspector.

The Supervisor told the Board he had received a letter from Rubin Sterngass, with respect to insurance to be placed on a proposed sign approved by the Zoning Board and under the Town Ordinances. The Supervisor advised and he would like the Board to arrive at the amount of insurance that should be requested. It was felt that the amount should be not less than \$100,000.00 or more than \$300,000.00 and the Supervisor was authorized to discuss the amount of insurance with the insurance carrier.

A letter from the Department of Agriculture and Markets with reference to the Clarkstown dog enumeration was read.

The Highway Superintendent was requested by Mr. Jeffrey to see if the State Traffic Commission would synchronize the traffic lights on Route 303 just north of the Thruway.

On motion made by Mr. Jeffrey, seconded by Mr. Danko and unanimously carried, the Board opened hearing to consider a proposed Ordinance with respect to regulation of commercial and business activities on MEMORIAL DAY in the Town of Clarkstown, to be known as Article 27 of Town Ordinances.

On motion made by Mr. Danko, seconded by Mr. Welchman and unanimously carried, the Board returned to the regular meeting.

Mr. Danko moved the following resolution:

RESOLVED that decision on adoption of a Memorial Day Ordinance for the Town of Clarkstown be reserved.

Seconded by Mr. Welchman.

On roll call, the vote was as follows:

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

NAYES: None.

The Supervisor brought up the matter of the vacancy on the Planning Board due to the resignation of Harry Schek as Member. He stated the term to be filled expired as of July 12, 1960, that a number of names had been presented and the background of the people proposed had been discussed. Mr. Coyle then vacated the chair and requested Councilman to preside temporarily.

Mr. Coyle moved the following resolution:

RESOLVED that Herbert Frey of 116 Highview Avenue, Manuet, who is a Structural Engineer and is a Senior Project Engineer for the American Cyanamid Company, be appointed Member of the Clarkstown Planning Board for the term expiring July 12, 1960.

Chairman Welchman asked if there was a second to the motion. No one seconding the motion, he then asked if anyone else desired to entertain a motion.

Mr. Jeffrey moved the following resolution:

RESOLVED that John A. Behensky of Rockland Lake be appointed Member of the Planning Board, effective immediately, to fill the vacancy created by the resignation of Harry Schek whose term of office expires on July 12, 1960.

Mr. Danko seconded the motion.

On roll call, the vote was as follows:

AYES: Messrs. Renken, Danko, Jeffrey.

NAYES: Messrs. Coyle and Welchman.

46
2/24/59

Councilman Welchman stated the reason for his negative vote was that he felt the matter should be reviewed a lot further.

Mr. E. Tyson Matlack appeared before the Board on behalf of the Central Clarkstown Residents Association and read a letter from that association dated Feb. 24, 1959 with respect to the filling of the vacancy on the Planning Board and enclosing a list of 8 residents they felt qualified for the office, which was filed with the Clerk. He stated he had hoped to present same before the vote was taken. Messrs. Jeffrey and Adnko asked Mr. Matlack why recommendations had not been submitted prior to the meeting inasmuch as two weeks had elapsed since the resignation was announced at the previous meeting.

The Board signed Decision and Consent in conformance and compliance with Section 348 of Village Law in connection with petition for Annexation to the Village of Spring Valley of Territory Adjoining Said Village (property along White Street).

The Town Attorney asked authorization from the Board to defend an Article 78 Proceeding instituted by Ernest Capetta and Alfred Infante against John W. Coyle, John Renken, Alastair Jeffrey, Stephen Danko and Joseph Welchman, constituting the Town Board of the Town of Clarkstown, advising that the Town Clerk had been served with Notice of Motion, Feb. 24, 1959 which was returnable March 9, 1959.

Mr. Renken moved the following resolution:

RESOLVED that the Town Attorney be authorized to appear and defend the Town Board in action brought against members of the Town Board by Ernest Capetta and Alfred Infante pursuant to Article 78 of the Civil Practice Act and Sections 267 and 282 of Town Law.

Seconded by Mr. Danko.

On roll call, the vote was as follows:

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

NAYES: None.

Mr. Renken reported to the Board on a meeting Mr. Danko and he had had with a Committee of the Orangetown Town Board in reference to the garbage disposal operation in West Nyack.

The Town Attorney reported he had checked with Police on the Prospect Street railroad crossing but needed more information on it.

Mr. William Vines of West Nyack inquired of the Board if it was possible to obtain a Building Permit for a lot 66' X 250' in an R-1 area without first obtaining a Variance; also if it could be procured by a person other than the owner. He was advised that the matter would be checked.

Mr. Robert Kane appeared and inquired when streets in the Sunny Ridge Estates development would be accepted. He was advised that there was a drainage problem to be resolved before they would be acceptable.

Mr. Allen Griffin of Western Highway, West Nyack, appeared in connection with a drainage problem he stated was caused by property to the north of him.

RPC442

2/24/59

47

After discussion he was told that the matter was a civil one not under the jurisdiction of the Town Board.

Mr. Raymond E. Dillon of West Nyack appeared and questioned the Building Inspector's designing buildings in the Town inasmuch as he must later inspect same. He stated he was interested in the standpoint of legality as a man could not serve two masters. Supervisor Coyle stated that as to legality he just wanted to say that Mr. Schumacher was no longer designing buildings in the Town, and as to legality the Board hadn't checked.

Mr. Metlitz of Town Line Road, Nanuet, asked the Board's cooperation in procuring directional signs reading "To Nanuet" at Parkway exits. The matter was referred to the Highway Superintendent.

Mr. Raymond Dillon asked if the Town Attorney would make a ruling on that part of the Ordinance regarding outside activities of the Building Inspector, that he did not know if it was legal really and thought a ruling should be made. The Supervisor stated that the Board was satisfied, whether legal or not, that it wasn't ethically good and therefore it had been discontinued.

Mr. D'Antoni asked when the question was resolved and whether it was last year. He was told it was since the matter was first brought up.

Mr. Renken moved the following resolution:

RESOLVED that the Superintendent of Highways be authorized to advertise for bids for 1 gasoline driven, rubber-tired, hydraulic, sicklebar mower.

Seconded by Mr. Jeffrey.

On roll call, the vote was as follows:

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

NAYES: None.

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

Signed,

Mildred F. Magai

Mildred F. Magai,
Town Clerk.

PUBLIC HEARING

March 9th, 1959

Town Clerk's Office

8:30 P.M.

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

Absent: Mr. Coyle.

Councilman Welchman called the hearing to order.

The Clerk read notice of hearing to consider the application of Great Oaks Homes, Inc. for a Change of Zoning from an RA-1X to an R-1 district for property on the north side of West Clarkstown Road, New City.

Stephen G. Doig, Esq., attorney for the petitioner, appeared and stated the petition had originally been made in the name of New City Park Estates, Inc. but had been changed to Great Oaks Homes, Inc. at the request of officers of New City Park who stated this area was not in New City Park.

RPC442