

TOWN BOARD MEETING

Town Hall

June 8, 1999

8:00 P.M.

Present: Supervisor Charles E. Holbrook
 Council Members Maloney, Mandia, Profenna and Smith
 Philip Fogel, Deputy Town Attorney
 Patricia Sheridan, Town Clerk

Supervisor declared the Town Board meeting open. Assemblage saluted the Flag.

Jack Cuff presented the Supervisor with a painting of the Jacob Blauvelt House since he will be relocating to North Carolina.

Chief Kevin Kilduff congratulated the fourteen Clarkstown Youth Court graduates. Chief Kilduff stated that it is volunteers like these who make a difference in the quality of life for our Town. Many prior graduates have gone on to great personal accomplishments. Supervisor Holbrook along with the Town Board congratulated the graduates and the people who are involved in this program.

Detective Thomas Sheehy, President of the Clarkstown PBA presented the annual scholarship awards to the following students: Patrick Ross, Jessica Fehsal, Jamie Delo, John Cassidy and Mark Kanian. The Chief Robert Schnakenberg Memorial Scholarship was awarded to Thomas Bennett.

Supervisor Holbrook on behalf of the Town Board presented Certificates of Award to Erik Damtoft and Jason Samuel for achieving the rank of Eagle Scout.

Supervisor opened the Public Portion of the meeting.

Appearance: Martin Bernstein
 New City

Spoke regarding Items #3, # 9, #12, Mirror Lake Road in Nanuet and the floor ratio for Sunrise Assisted Living.

On motion of Councilman Maloney, seconded by Councilman Mandia and unanimously adopted, the public hearing re: Demapping a Portion of Mirror Lake Road, Nanuet was opened, time: 8:45 P.M.

On motion of Councilman Smith, seconded by Councilman Maloney and unanimously adopted, the public hearing re: Demapping a Portion of Mirror Lake Road, Nanuet was closed, time: 9:15 P.M.

RESOLUTION NO. (462-1999)

Co. Profenna offered and Co. Smith seconded

RESOLVED, that the Town Board Minutes of May 25, 1999 are hereby accepted as submitted by the Town Clerk.

RESOLUTION NO. (462-1999) Continued

On roll call the vote was as follows:

Councilman Maloney Yes
Councilman Mandia Yes
Councilman Profenna Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (463-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that based upon the recommendation of Howard L. Lampert, PE, Traffic and Highway Engineering Consultant, the Superintendent of Highways is hereby authorized to install signs implementing the following parking restrictions:

Parking shall be prohibited from 6 A.M. to 4 P.M., Monday thru Saturday on Parkway Drive, West Nyack at the following locations:

- a) On the east side from West Nyack Road to Spruce Lane
- b) On the west side from West Nyack Road to 330 feet south of West Nyack Road, and, that
- c) The "No Parking Anytime" regulation on the south side of West Nyack Road be extended from the delicatessen to the Palisades Parkway overpass, and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to forward copies of this resolution to Wayne T. Ballard, PE, CSP, Superintendent of Highways for implementation, and to the Traffic and Traffic Fire Safety Advisory Board and the Chief of Police for their information.

On roll call the vote was as follows:

Councilman Maloney Yes
Councilman Mandia Yes
Councilman Profenna Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (464-1999)

Co. Maloney offered and Co. Mandia seconded

RESOLVED, that the Town Board hereby authorizes the Town Attorney to take all necessary steps to collect a debt due to the Town of Clarkstown from Joseph Neu.

On roll call the vote was as follows:

Councilman Maloney Yes
Councilman Mandia Yes
Councilman Profenna Yes
Councilwoman Smith Yes
Supervisor Holbrook Yes

RESOLUTION NO. (465-1999)

Co. Smith offered and Co. Mandia seconded

WHEREAS, a proceeding has been instituted in the Supreme Court against the Town of Clarkstown entitled, JOY BUILDERS, INC., as successor to Route 304 REALTY, INC., AND CRAGMERE ESTATES, INC. v. THE TOWN OF CLARKSTOWN;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps to defend said proceeding.

On roll call the vote was as follows:

Councilman Maloney..... Yes
Councilman Mandia..... Yes
Councilman Profenna..... Yes
Councilwoman Smith..... Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (466-1999)

Co. Smith offered and Co. Mandia seconded

WHEREAS, a proceeding has been instituted in the Supreme Court against the Town of Clarkstown entitled, In the Matter of the Application of RICHARD P. BUNYAN v. TOWN OF CLARKTOWN;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps to defend said proceeding.

On roll call the vote was as follows:

Councilman Maloney..... Yes
Councilman Mandia..... Yes
Councilman Profenna..... Yes
Councilwoman Smith..... Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (467-1999)

Co. Smith offered and Co. Mandia seconded

WHEREAS, a proceeding has been instituted in the Supreme Court against the Town of Clarkstown entitled, the ROCKLAND COUNTY PATROLMEN'S BENEVOLENT ASSOCIATION, INC. ON BEHALF OF ITS MEMBERS THAT ARE EMPLOYED BY THE TOWN OF CLARKSTOWN v. THE TOWN OF CLARKSTOWN, THE POLICE COMMISSION OF THE TOWN OF CLARKSTOWN, POLICE CHIEF KEVIN KILDUFF;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps to defend said proceeding.

RESOLUTION NO. (467-1999) Continued

On roll call the vote was as follows:

Councilman Maloney. Yes
Councilman Mandia. Yes
Councilman Profenna. Yes
Councilwoman Smith. Yes
Supervisor Holbrook. Yes

RESOLUTION NO. (468-1999)

Co. Smith offered and Co. Mandia seconded

WHEREAS, a proceeding has been instituted in the Supreme Court against the Town of Clarkstown entitled, MARK WILLIAMS & AUDREY WILLIAMS v. GARY McDONALD, D. SLICKER, E. STEMPINSKI and FRANK CALLAHAN, unofficially, Index No. 1090/99;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps to defend said proceeding.

RESOLUTION NO. (468-1999) Continued

On roll call the vote was as follows:

Councilman Maloney. Yes
Councilman Mandia. Yes
Councilman Profenna. Yes
Councilwoman Smith. Yes
Supervisor Holbrook. Yes

RESOLUTION NO. (469-1999)

Co. Smith offered and Co. Mandia seconded

WHEREAS, a proceeding has been instituted in the Supreme Court against the Town of Clarkstown entitled, JOHN CALLANAN v. THE TOWN OF CLARKSTOWN, THE POLICE COMMISSION OF THE TOWN OF CLARKSTOWN and CHIEF KEVIN KILDUFF, Index No. 3144/99;

NOW, THEREFORE, be it

RESOLVED, that the Town Attorney is hereby authorized to take all necessary steps to defend said proceeding.

On roll call the vote was as follows:

Councilman Maloney. Yes
Councilman Mandia. Yes
Councilman Profenna. Yes
Councilwoman Smith. Yes
Supervisor Holbrook. Yes

TBM 6/8/99
Page 5

RESOLUTION NO. (470-1999)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that the Director of Purchasing is hereby authorized to advertise for bids for:

BID #48-1999
TRUCK WASHING BAY AND SALT HANDLING
IMPROVEMENTS FOR HIGHWAY DEPARTMENT

Bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M on: July 2, 1999 at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing upon payment of prescribed non-refundable fee per set.

On roll call the vote was as follows:

Councilman Maloney. Yes
Councilman Mandia. Yes
Councilman Profenna. Yes
Councilwoman Smith. Yes
Supervisor Holbrook. Yes

RESOLUTION NO. (471-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the Director of Purchasing is hereby authorized to advertise for bids for:

BID #51-1999
DEMAREST AVE, WEST NYACK - SIDEWALKS

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on: TO BE DETERMINED at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

On roll call the vote was as follows:

Councilman Maloney. Yes
Councilman Mandia. Yes
Councilman Profenna. Yes
Councilwoman Smith. Yes
Supervisor Holbrook. Yes

RESOLUTION NO. (472-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the Director of Purchasing is hereby authorized to advertise for bids for

RESOLUTION NO. (472-1999) Continued

BID #52-1999
ASPHALT PAVING - 1999 PROGRAM

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00 A.M. on: TO BE DETERMINED at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Environmental Control upon payment of prescribed non-refundable fee per set.

On roll call the vote was as follows:

Councilman Maloney. Yes
Councilman Mandia. Yes
Councilman Profenna. Yes
Councilwoman Smith. Yes
Supervisor Holbrook. Yes

RESOLUTION NO. (473-1999)

Co. Maloney offered and Co. Profenna seconded

RESOLVED, that the Director of Purchasing is hereby authorized to advertise for bids for:

BID #53-1999
CONCRETE CURBS & SIDEWALKS -1999 PROGRAM

bids to be returnable to the Office of the Director of Purchasing, 10 Maple Avenue, New City, New York by 11:00a.m. on: TO BE DETERMINED at which time bids will be opened and read, and be it

FURTHER RESOLVED, that bid specifications and proposal documents can be obtained at the Office of the Clarkstown Director of Purchasing.

On roll call the vote was as follows:

Councilman Maloney. Yes
Councilman Mandia. Yes
Councilman Profenna. Yes
Councilwoman Smith. Yes
Supervisor Holbrook. Yes

RESOLUTION NO. (474-1999)

Co. Smith offered and Co. Mandia seconded

RESOLVED, that based upon the recommendation of the Director of Automated Systems and the Director of Purchasing that

BID #49-1999
SEVEN PASSENGER MINIVAN (USED)FOR DATA PROCESSING DEPARTMENT

is hereby awarded to:

TBM 6/8/99
Page 7

RESOLUTION NO. (474-1999) Continued

MAHWAH SALES & SERVICE INC
55 FRANKLIN TPKE
MAHWAH NJ 07430
PRINCIPALS: DENNIS OBERLE
DONALD OBERLE
HERBERT OBERLE

as per their proposal for a used 1998 Ford Windstar Minivan Vin: 2FMDA5143WBA6
1987 at the cost of \$16,450.

On roll call the vote was as follows:

Councilman Maloney. Yes
Councilman Mandia. Yes
Councilman Profenna. Yes
Councilwoman Smith. Yes
Supervisor Holbrook. Yes

RESOLUTION NO. (475-1999)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that based upon the recommendation of the Supt of Highways and
the Highway & Traffic Engineering Consultant that

BID #40-1999
CHRISTIAN HERALD ROAD SIDEWALK III

is hereby awarded to:

LUONGO ENTERPRISES, INC
8 HIGH RIDGE ROAD
WEST HARRISON NY 10604
PRINCIPAL: VITO LUONGO

as per their proposal total project cost of \$72,130.25, and be it

FURTHER RESOLVED, that said award is subject to the receipt by the Director
of Purchasing of the following items:

- a) Signed Contract Documents - 2 sets
- b) Performance Bond - 100% of project cost
- c) Labor and Materials Payment Bond - 100% of proposed project cost
- d) Certificate of Contractor's Liability, and Property Damage Coverage,
including a Save Harmless Clause
- e) Certificate of Worker's Compensation
- f) Certificate of Worker's Disability Coverage

The Town of Clarkstown must be named as co-insured party on all liability policies, as
they pertain to the project awarded.

On roll call the vote was as follows:

Councilman Maloney. Yes
Councilman Mandia. Yes
Councilman Profenna. Yes
Councilwoman Smith. Yes
Supervisor Holbrook. Yes

RESOLUTION NO. (476-1999)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that the resignation (by retirement) of France Korn, 5 Mary Ann Lake, New City, New York, Senior Account Clerk Typist, Comptroller's Office, is hereby accepted with regret, effective and retroactive to May 29, 1999.

On roll call the vote was as follows:

- Councilman Maloney. Yes
- Councilman Mandia. Yes
- Councilman Profenna. Yes
- Councilwoman Smith. Yes
- Supervisor Holbrook. Yes

RESOLUTION NO. (477-1999)

Co. Smith offered and Co. Profenna seconded

WHEREAS, the Rockland County Personnel Office has certified on May 11, 1999 that the position of Highway Maintenance Supervisor I, Town Highway Department can be created

NOW, THEREFORE, be it

RESOLVED, that the position of Highway Maintenance Supervisor I, Town Highway Department is hereby created June 9, 1999.

On roll call the vote was as follows:

- Councilman Maloney. Yes
- Councilman Mandia. Yes
- Councilman Profenna. Yes
- Councilwoman Smith. Yes
- Supervisor Holbrook. Yes

RESOLUTION NO. (478-1999)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that the resignation of John Cuff, 5 Pheasant Drive, West Nyack, New York, Member, Architecture and Landscape Commission is hereby accepted effective July 2, 1999, at the close of the business day.

On roll call the vote was as follows:

- Councilman Maloney. Yes
- Councilman Mandia. Yes
- Councilman Profenna. Yes
- Councilwoman Smith. Yes
- Supervisor Holbrook. Yes

TBM 6/8/99

Page 9

RESOLUTION NO. (479-1999)

Co. Smith offered and Co. Profenna seconded

RESOLVED, that R.Todd Campbell, 25 Windmill Lane, New City, New York is hereby appointed to the position of Member, Architecture and Landscape Commission to fill the unexpired term of John Cuff at the current 1999 annual salary of \$1,750.00, term effective July 3, 1999 and to expire on October 13, 2004.

On roll call the vote was as follows:

Councilman Maloney..... Yes
Councilman Mandia..... Yes
Councilman Profenna..... Yes
Councilwoman Smith..... Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (480-1999)

Co. Mandia offered and Co. Maloney seconded

WHEREAS, the Town Board of the Town of Clarkstown has previously authorized, by resolution 933-1998, the extension of the limits of work for road and drainage improvements in the Waters Edge area of Congers; and

WHEREAS, the existing contract with County Asphalt, Inc. was extended to perform this additional work; and

WHEREAS, compensation for this additional work is to be made to County Asphalt, Inc. in accordance with the unit prices submitted with their original proposal for bid No. 42-1998;

NOW, THEREFORE, be it

RESOLVED, that the amount of this contract be increased by an amount of \$250,000.00 to cover the cost of this additional work; and be it

FURTHER RESOLVED, that this shall be a proper charge to account # H 8730 409 0 673.

On roll call the vote was as follows:

Councilman Maloney..... Yes
Councilman Mandia..... Yes
Councilman Profenna..... Yes
Councilwoman Smith..... Yes
Supervisor Holbrook.....Yes

RESOLUTION NO. (481-1999)

Co. Maloney offered and Co. Profenna seconded

WHEREAS, Herman Scheu has made application for use of Town Law Section 278 in connection with the Herman Scheu Subdivision, which is located on the west side of Grant Avenue and the east side of Old Haverstraw Road, Congers, New York, and is designated on the Clarkstown Tax Map as Map I27, Block J, Lot 2, and

RESOLUTION NO. (481-1999) Continued

WHEREAS, the Planning Board of the Town of Clarkstown has recommended approval of the use of Town Law Section 278 in connection with this subdivision because the average density layout provides for a better flexibility in design, and

WHEREAS, the Town Board of the Town of Clarkstown finds that it would be a benefit to the Town if Town Law Section 278 authorization is granted for the development of the property shown on such proposed average density layout map entitled, "Average Density Subdivision Plat, Scheu, Grant Avenue, Congers, New York, Town of Clarkstown, Rockland County," dated June 10, 1997, prepared by Tyrce Engineering, P.C.;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Planning Board of the Town of Clarkstown to use Town Law Section 278 for the proposed site of the HERMAN SCHEU SUBDIVISION, which is designated on the Clarkstown Tax Map as Map 127, Block J, Lot 2, subject to the applicant complying with all rules, regulations and requirements of law, and requirements of the Clarkstown Planning Board, and not inconsistent with the plan depicted on aforesaid proposed site map; and further subject to the following conditions: (1) That the house located on the parcel shown as Lot No. 1 on the Average Density Map dated June 10, 1997, cannot be converted to a two-family house in the future; (2) That the front door of the house to be constructed on the parcel shown as Lot No. 4 on the Average Density Map dated June 10, 1997, shall face Grant Avenue. These two conditions shall be subject of a declaration of covenant to be recorded in the Rockland County Clerk's office.

On roll call the vote was as follows:

- Councilman Maloney. Yes
- Councilman Mandia. Yes
- Councilman Profenna. Yes
- Councilwoman Smith. Yes
- Supervisor Holbrook. Yes

RESOLUTION NO. (482-1999)

Co. Smith offered and Co. Mandia seconded

WHEREAS, it is necessary for the Town to purchase additional property for the Town of Clarkstown Police Department;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a Contract of Sale with John DeBevoise, to purchase property known as Map 57, Block M, Lot 13.1, approximately 1.04 (+/-) acres of land, for a cost of \$600,000.00.

On roll call the vote was as follows:

- Councilman Maloney. Yes
- Councilman Mandia. Yes
- Councilman Profenna. Yes
- Councilwoman Smith. Yes
- Supervisor Holbrook. Yes

TBM 6/8/99
Page 11

RESOLUTION NO. (483-1999)

Co. Smith offered and Co. Mandia seconded

WHEREAS, the Clarkstown Police Department wishes to purchase communications equipment from MOTOROLA, INC.;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with MOTOROLA, INC., in a form satisfactory to the Town Attorney, to provide communications equipment to the Clarkstown Police Department, and be it

FURTHER RESOLVED, that the cost for said equipment shall not exceed the amount of \$201,949. and shall be charged to Account No. H 8736-409, Project No. 67-17.

On roll call the vote was as follows:

Councilman Maloney. Yes
Councilman Mandia. Yes
Councilman Profenna. Yes
Councilwoman Smith. Yes
Supervisor Holbrook. Yes

RESOLUTION NO. (484-1999)

Co. Smith offered and Co. Mandia seconded

WHEREAS, Section 243(4) of the General Municipal Law of the State of New York requires that members of a Parks Board and Recreation Commission shall serve without compensation, and

WHEREAS, the Town Board of the Town of Clarkstown wishes to compensate members of the Clarkstown Parks Board and Recreation Commission for their services to the Town, and

WHEREAS, Resolution No. 298 adopted on March 24, 1998 by the Town Board of the Town of Clarkstown, requesting the State Legislature and the Governor to amend Section 243(4) of the General Municipal Law to allow for compensation to members of the Clarkstown Parks Board and Recreation Commission, was forwarded to the Assembly and the Senate of the State of New York for their review and submission as a bill, and said bill was introduced;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Clarkstown hereby authorizes the Supervisor to sign a Home Rule Request concerning Assembly Bill No. A.1829-A and Senate Bill No. S.5769-A for the year 1999, formerly proposed as Assembly Bill No. A.1829 and Senate Bill No. S.842 in 1999, and as Assembly Bill No. A.10702 and Senate Bill No. S.7187 in 1998, amending Section 243(4) of the General Municipal Law.

On roll call the vote was as follows:

Councilman Maloney. Yes
Councilman Mandia. Yes
Councilman Profenna. Yes
Councilwoman Smith. Yes
Supervisor Holbrook. Yes

RESOLUTION NO. (485-1999)

Co. Smith offered and Co. Maloney seconded

RESOLVED, that the Town Attorney is hereby authorized to institute proceedings as stipulated in Chapter 216 of the Code of the Town of Clarkstown to remove or rectify violations as reported by the Building Inspector of the Town of Clarkstown on premises reputedly owned by Philip Tham and Margaret Tham in the Town of Clarkstown, more particularly described on the Tax Map of the Town of Clarkstown as Map 49, Block B, Lot 5.17, and be it

FURTHER RESOLVED, that a public hearing shall be held by the Town Board of the Town of Clarkstown in the Auditorium of the Town Hall, 10 Maple Avenue, New City, New York, on the 13th day of July, 1999, at 8:05 P.M., providing that service of Notice, pursuant to Town Code Chapter 216, is made on or before the 28th day of June, 1999.

On roll call the vote was as follows:

- Councilman Maloney. Yes
- Councilman Mandia. Yes
- Councilman Profenna. Yes
- Councilwoman Smith. Yes
- Supervisor Holbrook. Yes

RESOLUTION NO. (486-1999)

Co. Smith offered and Co. Maloney seconded

WHEREAS, the following has applied for Certificate of Registration pursuant to Section 236-48 of the Town Code of the Town of Clarkstown:

HUTTON CONSTRUCTION CO., INC.
41 Village Park Road
Cedar Grove, NJ 07009

RESOLVED, that the following Certificate of Registration be issued:

No. 99-26 HUTTON CONSTRUCTION CO., INC.

On roll call the vote was as follows:

- Councilman Maloney. Yes
- Councilman Mandia. Yes
- Councilman Profenna. Yes
- Councilwoman Smith. Yes
- Supervisor Holbrook. Yes

RESOLUTION NO. (487-1999)

Co. Smith offered and Co. Profenna seconded

WHEREAS, Resolution No. 439-1999 adopted on May 25, 1999 authorized the waiver of the \$75 application fee for the Rockland-Orange District Council of the Jewish War Veterans of the USA for the carnival they plan to hold at the Nanuet Mall; and

RESOLUTION NO. (487-1999) Continued

WHEREAS, the dates of the carnival on Resolution No. 439 were incorrect,

NOW THEREFORE , be It

RESOLVED, that this resolution be amended to reflect the dates of the carnival to be August 23 through August 30, 1999.

On roll call the vote was as follows:

Councilman Maloney. Yes
Councilman Mandia. Yes
Councilman Profenna. Yes
Councilwoman Smith. Yes
Supervisor Holbrook. Yes

RESOLUTION NO. (488-1999)

Co. Smith offered and Co. Mandia seconded

WHEREAS, it has been determined by Wayne T. Ballard, Superintendent of Highways, and Howard Lampert, Traffic Consultant, that additional work is necessary on the Old Mill Road Safety Improvement Project (Bid No. 59-1998), and recommend that a change order be approved by the Town Board;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to prepare Change Order No. 3 to Bid No. 59-1998 for the Old Mill Road Safety Improvement Project. The additional cost of this change order shall not exceed the sum of \$30,875.00.

On roll call the vote was as follows:

Councilman Maloney. Yes
Councilman Mandia. Yes
Councilman Profenna. Yes
Councilwoman Smith. Yes
Supervisor Holbrook. Yes

RESOLUTION NO. (489-1999)

Co. Maloney offered and Co. Mandia seconded

WHEREAS, a portion of the Korines property at 81 Lenox Avenue, Congers was improperly used by person or persons unknown for the disposal of construction and demolition debris, and

WHEREAS, the proper disposal of this debris would represent a financial hardship for Mr. Korines and would provide a health and safety benefit to the residents of Town of Clarkstown;

NOW, THEREFORE, be it

RESOLUTION NO. (489-1999) Continued

RESOLVED, that \$2948.50 which is half the cost of the tipping and trucking fee for removal of said debris, be reimbursed to Mr. Korines.

On roll call the vote was as follows:

Councilman Maloney.....	Yes
Councilman Mandia.....	Yes
Councilman Profenna.....	Yes
Councilwoman Smith.....	Yes
Supervisor Holbrook.....	Yes

There being no further business to come before the Town Board and no one further wishing to be heard on motion of Councilman Maloney, seconded by Councilwoman Smith and unanimously adopted, the Town Board Meeting was declared closed, time: 9:15 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk

TOWN OF CLARKSTOWN
PUBLIC HEARING

Town Hall

6/08/99

8:45 P.M.

Present: Supervisor Holbrook
Council Members Maloney, Mandia, Profenna & Smith
Philip B. Fogel, Deputy Town Attorney
Patricia Sheridan, Town Clerk

Re: Demapping a portion of Mirror Lake Road, Nanuet

On motion of Co. Maloney, seconded by Co. Mandia and unanimously adopted, the public hearing was declared open. Town Clerk read notice calling public hearing and testified as to proper posting and publication.

Supervisor explained that we have a recommendation from the Clarkstown Planning Board by a vote of 4 to 3 not to recommend in favor of demapping Mirror Lake Road as it could be used in the future for a through street and is not in the interest of good planning. Deputy Town Attorney then read a report from the Rockland Commissioner of Planning which stated that they disapproved because in their opinion, rather than demapping Mirror Lake Road, the Towns of Clarkstown and Ramapo should link their respective sections of this road. In so doing, better access would be provided to Exit 10 of the Palisades Interstate Parkway via West Clarkstown Road. This would provide a more direct link from this section of unincorporated Ramapo and the Village of Spring Valley to the Parkway, eliminating the circuitous route residents must now take. Supervisor explained that the Town of Clarkstown wrote a letter to the Town of Ramapo Planning Board asking what their official recommendation would be which we have not received at this time. They did write back to us asking if we were doing a traffic study, we are not. All we wanted to know was whether or not they want this on the official map or not. We are waiting for their opinion. So in this meeting we are not going to vote on this, but we will hear public input and close the meeting in anticipation of the Town of Ramapo sending us their opinion. He then opened the meeting up for public comment.

Appearance: Frank Fuchs
West Clarkstown Road

A bit of history about the opening of New Clarkstown Road. In the short time it has been opened, the traffic has increased ten fold and is a burden to local residents. My family can no longer sit on the front porch, cool night air is no longer an option, windows are kept shut to keep out the fumes, blaring radios and horns and the five bus routes that have turned a once suburban quiet road into a major highway to Route 59, the Thruway, the Garden State Parkway and a 50 or 60 car backup to get on the Palisades Parkway is not that unusual in the morning. Local residents were advised that the opening of New Clarkstown Road would only pick up the overflow traffic from Old Pascack Railroad tunnel. Instead, this has turned into an alternate route to Route 45. The idea that opening Mirror Lake Road will somehow reduce traffic is without merit. Another feeder road into this already congested area with young families will only make a bad situation worse. In addition, thirty 3-4 bedrooms homes are under construction on Lariat Court and New Clarkstown Road. No doubt for young families with small children, the adjoining cul de sacs will be enough for them to deal with, without another influx of traffic and the burden it will bring to this already congested area. Open the road and the traffic will come and this area can no longer absorb it.

Appearance: Sydney Katz
Byron St (formerly Hedgerow Lane)
Nanuet

Has been a resident for over 40 years. He never understood why a barrier was put up to route traffic directly on to West Clarkstown Road. Now we understand there is a possibility that the barrier might be taken down which would help the people on

Hedgerow. He has to constantly pick up garbage because of the amount of traffic and dirt that is left on his property everyday.

Appearance: Martin Bernstein
New City

This barrier on Mirror Lake Road caused traffic going from Ramapo to the Palisades Parkway to have to go through local streets. Opening this up would be a simple way to alleviate this rather than having people wandering through all these subdivisions in order to maneuver their way through. The Town of Clarkstown should not demap this because the developer wants to buy a piece of property from this town and put a house right there so that in the future you will never be able to open that road. If you want to go from New City or Nanuet to Spring Valley, that is the only east-west road. It is not fair for the people who live on these local streets to have to take the brunt of this traffic which any planner would say should be changed. Clarkstown does not have the power to do anything about this without the cooperation of Ramapo but it should not be demapped.

Appearance: Joseph Snyder
Hedgerow Lane

When original development was built the road ended on Mirror Lake and it was part of a farm from the original owner of the property. Subsequent to that time she appealed to the Town Board for relief so she could sell some property, and they built Lariat Court. He does not blame the gentlemen who objected earlier to the New Clarkstown Road but it becomes an issue of logic and fair play. I understand his reasoning because we have suffered with it because they never opened the road these last forty years. Logic still dictates that that street be opened, do not demap street.

Appearance: Ernest Greg
7 Lariat Court

Concerned about opening up Mirror Lake Road. Moved to a cul de sac to be sure his kids would be safe. I choose this house because it was in a cul de sac, once that road opens, it is no longer safe for the children who live there and I think that is a priority.

Appearance: Jennifer Shockley
4 Byron St

She is concerned for the safety of her children. They can't bike ride or roller blade because of the traffic and she wants to move from there because of this.

Appearance: Ed Hunt
344 West Clarkstown Road

It is impossible now to back out driveway now because of the traffic. Opening that road would make this situation worse. There are many accidents on that road now too.

Appearance: Virginia Katz
6 Byron St

Concerned about speeding cars that go through her road. Feels it is unfair to route all cars down her road.

Appearance: James Kohmer
President of Forest Brook Homeowner's Association

Feels the biggest problem that would happen if this road was opened would be drugs. We have fought to keep drugs out of this area and by opening this up you would create easy access for drugs to come into this area.

Appearance: Louis Mazzone
Nanuet

Purchasing a new home in area and is concerned about this road being opened. Wanted to buy this house because of Clarkstown schools and because felt the road was safe. If road is opened up the traffic will be increased.

Appearance: Russell Trojan
Clarkstown

Clarkwest Subdivision caused this issue to come about. During the Planning Board hearings on this he suggested that Clarkstown pay for a traffic study if this road was opened. That wasn't done. Now you are considering making sure that it can't be opened, the subsequent step will be to sell this property to Clarkwest. This property is 14,000 feet; a building lot in this area requires 15,000 feet. There are 2 ways Clarkwest can obtain a building permit for this property, one will be to redraw the line in this subdivision so it can regain the extra square footage, the other would be to go the ZBA. They would probably be able to get approval because the hardship would not be self created. The Town is selling a building lot and he hopes the Town gets a price that is commensurate of such a lot, probably close to \$100,000 and that they spend it in the neighborhood for the residents that have already expressed the troubles they are facing such as incomplete sidewalk systems, speeding problems, improved fire protection, and a community center

Appearance: Lee Rose Hunt
344 West Clarkstown Road

There has been drastic change in the amount of traffic and noise in this area. Feels opening another road should be out of the question

Appearance: Lucille Holt
14 Hedgerow Rd.

To open this road would make the traffic easier on her because all the cars wouldn't be coming down her road. There are also a lot of speeders coming by there now.

There being no one further wishing to be heard on motion of Co. Mandia, seconded by Co. Profenna and unanimously adopted, the public hearing was closed, time: 9:15 P.M.

Respectfully submitted,



PATRICIA SHERIDAN,
Town Clerk