

VILLAGE OF NEW HEMPSTEAD
108 OLD SCHOOLHOUSE RD.
NEW CITY, N.Y. 10956

BOARD OF TRUSTEES

REGULAR MEETING
TUESDAY AUGUST 22, 2017
7:30 P.M. – VILLAGE HALL

PRESENT

ABE SICKER, MAYOR
TRUSTEE REICH
TRUSTEE SCHULGASSER
TRUSTEE MINTZ

ABSENT

ALSO PRESENT

BRUCE MINSKY, VILLAGE ATTORNEY
JOHN LANGE, VILLAGE PLANNER
GLENN MC CREEDY, VILLAGE ENGINEER
CAROLE VAZQUEZ, VILLAGE CLERK-TREASURER
LORI BELLO, DEPUTY VILLAGE CLERK-TREASURER

Pledge of Allegiance

Roll Call

Open Floor – Public Participation

Barbara Greenwald, 2 Rovitz Place – wanted to thank the Mayor & Trustee Mintz for attending the CUPON (Citizens United to Protect our Neighborhood) meeting. At that meeting you mentioned you were going to re-visit the Master Plan. There is a lot of interest in the community.

Mayor Sicker explained what the Board planned to do regarding Moratorium/Grants/Comprehensive Plan. The Comprehensive Plan is very costly. We want to try to avoid the costs and get everybody involved and do it correctly. We want everyone in the Village to be aware of what is going on. There are grants available now, which the Board is working on. This is in the premature stages. It is not about zoning. We are going through what a comprehensive plan should be. We are going through all our zoning codes to make sure they are up to date and up to State standards. We want everybody's input in it. Hopefully over the next few months there will be more information available to share. (We have now addressed item 13 on the agenda).

Ms. Greenwald also commented that she has been made aware of the fact that the Board of Trustees has been given a list of properties within the Village that might have been illegally converted to two-family homes.

Mayor Sicker stated there was a list of approximately 22 properties, the list was somewhat outdated. With the help of our Code Enforcer, we have put everybody pretty much into compliance. There are 2 properties that are questionable. They have been in Court. One was fined and there is a warrant out for the other one. The Health Dept. and other agencies have been involved.

Mayor Sicker added an item to the agenda. He appointed Mr. Chuck Frankel as Chairman of the Planning Board until the next re-organizational meeting.

Roll Call vote – All in favor – Mayor Sicker thanked Mr. Frankel for his service for the last 30 years.

Mayor Sicker spoke about some procedural changes that have taken place regarding applications. We would like it to work as follows: The applicant makes a presentation; at that point the Mayor and the Trustees will ask questions that they may have. Then the Mayor will open the hearing to the public so they can ask any questions they might have. The applicant will be given an opportunity to respond to any concerns and comments. At that point the Mayor will put it up for a vote to deny or adjourn.

Public Hearing on adoption of Local Law amending the Zoning Map of the Village of New Hempstead to change the zoning of the following parcels from 1R-35 to Neighborhood Commercial Zone (NCD) – 41.5-4-1 & 2.

Ira Emanuel, Esq. made a presentation. He stated that at the last Board meeting the Board created a new zoning district called a Neighborhood Commercial District, which allows for retail uses to be built and maintained in the Village of New Hempstead. The zoning district that was created was a floating zoning district. Attorney Emanuel's clients own property at the southeast corner of Route 306 and Grandview Ave. The proposal is for a CVS Pharmacy along with a 9100 sq. ft. retail building that will serve 2 or 3 additional tenants. All the uses are permitted under the Village's new code. We still need to go before the Planning Board for site plan approval. That is a very busy intersection. There are traffic issues that have to be dealt with. The applicants have agreed to address these issues including applying for new turning lanes off of Grandview Ave. into the site and also Grandview onto Route 306. The parcel meets the criteria of the zone; it is on a State Highway. It is a parcel that is greater than 2 acres and less than 6 acres. No portion of the wetlands will be touched. The wetlands provide a nice buffer to the residential area to the east. Right now the property provides no taxes to the Village.

Mayor Sicker asked for a current traffic study.

Attorney Emanuel stated there was a TAC meeting prior to this meeting. (site plan) Additional traffic studies were requested. Those will be provided.

Mayor Sicker referred the application to the Planning Board for SEQRA review, however the Board of Trustees will be Lead Agency with reference to the zoning. The next Planning Board meeting is September 5th. Mayor Sicker also asked for the traffic report before the next meeting of the Board of Trustees, which will be in September.

Ms. Vazquez stated the public hearing notice appeared in the Journal News on August 10th. The affidavits of notification and posting were timely.

Mayor Sicker opened the public hearing.

Herman Friedman, 3 Dorchester Ct. – General objection – Floating zone – Village identifying areas that are useable for that zone. You have applicants that are coming in and they are proposing the zone. Would like to see the Village designate certain areas that are appropriate for this zone.

Chaim Differ, 119 Grandview – will there be sidewalks from Route 306 to Grandview. Street lights? Very dark at night.

Mayor Sicker will follow up on that. 119 Grandview – Street light?

Mr. Differ – exit from the site up to Grandview Ave.?

Mayor Sicker will let the applicant respond to that. Planning Board issues.

Munis, Tauber Terrace – are the residents asking for this Shopping area or are the applicants asking for financial gain. Residents pay property tax. Shopping Center "right in our face".

Allen Kafifman, 345 Route 306 – (across the street from proposed development) this type of commercial application is not appropriate in neighborhood of single family houses – children in the area – nice to have it somewhere else.

Jerome Doberman, Wesley Hills – (Grandfather lives on property abutting the proposed area) There is a natural buffer from Ashlawn, but no buffer on other side. What kind of buffer do they propose? (Planning issue). Also, 24 hr. CVS – additional restrictions?

Mayor Sicker stated there will be restrictions on hours (Item 6 on the agenda). Creating a local law.

Doberman, do you have any idea what the other 2 businesses would be?

Allen Kaufman, 345 Route 306 – so much room to add lanes –

Mayor Sicker – turning lanes into applicant's property. (legal issue)

Steven Berman, 9 Ashlawn Ave. – What is floating? Reasoning; did Village want this or applicant?

Attorney Minz – this was proposed about 8 – 9 months ago. There were a number of public hearings. A lot of people came out and voiced their agreement – They would actually like to have some commercial there. There are only a few properties that can be identified for this purpose. The locations are on the perimeter of the Village. That particular property was going to be a school. It was not going to be a taxable property. It was going to be developed.

Mayor Sicker – the school was going to be for over 700 children. Talk about traffic!

Attorney Minsky – it had to be a floating district because we didn't do a comprehensive plan. We identified by lot size in the Village to be given a permit for commercial use. We knew that only a few places were potential but we didn't want to designate them to keep the ability to have those properties develop and to have the Board and the public have discussions on each one. This is only a designation. This does not give them the right to build. Those are Planning Board decisions.

Allen Kaufman 345 Route 306 – Why wasn't there a better location? Why isn't Route 45 a better location.

Attorney Minsky – there has not been a review of that location. There are only a few locations. There could be a review but I don't think that property is for sale.

Steve Doberman, 366 Rt. 306 – how much traffic (tractor trailers, etc.) will this applicant bring?

Mayor Sicker kept the public hearing open, but turned the hearing to the Board of Trustees for their questions.

Ira Emanuel – sidewalks are proposed along Route 306 and along Grandview Ave. but not all the way to the corner. (short of the wetlands). No traffic light at exit – proposing a left turn lane into the site off Grandview Ave. (at the insistence of the Board) Buffers will be worked out with the Planning Board. Neighbors are welcome at the Planning Board meetings. Don't know who other tenants will be. CVS is the pharmacy that will be going in.

Mayor Sicker stated this has been going on for about 9 months with 7 or 8 public hearings. Everyone was for it.

“public” = we don't need it.

Trustee Mintz offered the following motion, which was seconded by Trustee Reich:

Resolution # BOT 2017-140

Resolved, that the public hearing on adoption of Local Law amending the Zoning Map of the Village of New Hempstead to change the zoning of the following parcels from 1R-35 to Neighborhood Commercial Zone (NCD) – 41.5- 4-1 & 2 will remain open to a date certain of Sept. 26, 2017. Mayor Sicker called for a vote. The vote was 3-0. The resolution was adopted.

Mayor Sicker thanked Glenn McCreedy for his service to the Village through Brooker Engineering. Mr. McCreedy will now be working through Civil Design Works.

Trustee Mintz offered the following motion, which was seconded by Trustee Schulglasser:

Resolution # BOT 2017-141

Resolved, that Glenn McCreedy will continue as our Village Engineer for the same terms and conditions as he had through Brooker Engineering. Mr. McCreedy will now be working through Civil Design Works. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

Public Hearing on Special Permit Application for a Place of Assembly in a single family home – Applicant is Congregation Ohaiv Shalom, 18 Bridle Road, New Hempstead, N.Y. 10977 for a place of assembly in a single family home.

Trustee Shulgasser is recusing himself from any input on this application.

Ryan Karben, Esq. – Congregation Ohaiv Shalom, 18 Bridle Road, New Hempstead, N.Y. has been operating through the years in this community. Is now applying for a Special Permit under the new Local Law, Place of Assembly. Has received site plan approval from the Planning Board.

Ms. Vazquez stated the public notice appeared in the Journal News on August 10, 2017. The Affidavits of Notification and Posting were timely.

Allen Fishkin, 27 Bridle Rd., New Hempstead – asking about the parking situation

Neuton Paul, 9 Gloria Drive – why did Trustee recuse himself?

Mayor Sicker explained that the Trustee who recused himself is a member of that synagogue.

Mayor Sicker explained that he went to the site with Mr. Lange (regarding parking). We went through the parking issue. In conjunction with this issue (Agenda item #15) Controlling traffic. No parking signs will go up.

Mayor Sicker read the following correspondence into the record:

Rockland County Sewer District #1 letter dated August 18, 2017. Same will be attached to and made a part of this record.

Mayor Sicker stated there will be three applications for the same thing.

Attorney Minsky explained that the applicants were in compliance before but they want to make sure they are compliant with the new law.

Trustee Mintz offered the following motion which was seconded by Trustee Reich:

Resolution # BOT 2017-142

Resolved, that the public hearing on application of Congregation Ohaiv Shalom, 18 Bridle Road, New Hempstead, N.Y. is hereby closed. Mayor Sicker called for a vote. The vote was 3-0. The resolution was adopted.

Mayor Sicker offered the following motion, which was seconded by Trustee Reich:

Resolution # BOT 2017-143

Resolved, that the Board of Trustees of the Village of New Hempstead hereby approves the application of Congregation Ohaiv Shalom, 18 Bridle Road, New Hempstead for a special permit under the Local Law 3 f 2017, Place of Assembly for use in single family residences only. Mayor Sicker called for a vote. The vote was 3-0. The resolution was adopted.

Public Hearing on Revised Special Permit for Rabbi Israel Teichman of 36 Pennington Way, New Hempstead, N.Y. to a Place of Assembly.

Mayor Sicker explained that this application is a little bit different. This property had previously been presented for a site plan review. It was approved under the previous law, however, work has not yet begun. In the interim there was a zoning law change. We called the applicant in to conform to Local Law 3 of 2017. The changes in Local Law 3 took a little over a year and the applicant has been waiting. We agreed upon Local Law 2 of 2016, so they have just come back here to be approved under Local Law 3 of 2017. We have been advised by our professionals that everything does comply.

Ms. Vazquez stated the public hearing notice appeared in the Journal News on August 10, 2017 and the Affidavits of notification and posting were timely.

Mayor Sicker opened the hearing to the public.

Trustee Reich offered the following motion, which was seconded by Trustee Mintz:

Resolution # BOT 2017-144

Resolved, that the public hearing on application of Rabbi Israel Teichman of 36 Pennington Way, New Hempstead, N.Y. is hereby closed. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

Trustee Mintz offered the following motion which was seconded by Trustee Schulgasser.

Resolution # BOT 2017-145

Resolved, that the Board of Trustees of the Village of New Hempstead hereby approves a portion of the property of Rabbi Israel Teichman, 36 Pennington Way, New Hempstead, N.Y. for a Special Permit under Local Law 3 of 2017, Place of Assembly for use in single family residences only. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

Public Hearing on Special Permit Application of Aron Saperstein, 4 Pennington Way, New Hempstead, N.Y. for a place of assembly.

Mayor Sicker recused himself from this application as he has been a member of this synagogue for the past 12 years.

Jeffrey Eisenstein – representing applicant – here to be in compliance with the new Local Law. This applicant has been operating for approx. 4 years. They are in compliance, however, they want to make sure they are compliant with the new local law; a place of assembly.

Mr. Lange stated that it should have been stated before that the new law allows 3 sets of parking solutions; parking in the driveways, which are stacked, parking in driveways that are 500 feet away and on street parking. We have been going out and looking at the situation and the restrictions. That will all become part of the approval.

Acting Mayor Mintz referred to a letter from Rockland County Sewer District #1 dated Aug. 18, 2017. Same will be attached to and made a part of this record.

Acting Mayor Mintz opened the public hearing.

Ms. Vazquez stated the public hearing notice appeared in the Journal News on August 10, 2017 and the Affidavits of Notification and Posting were timely.

Allen Fishkin asked if a Gathering Place is exempt from taxes.

Attorney Minsky stated the Town of Ramapo handles that. They have their own requirements as to whatever portion is used being tax exempt. If it was a religious gathering place it would probably have to be over 49 people.

Barbara Greenwald, 2 Rovitz Place – question regarding places designated under old law

Acting Mayor Mintz stated the Board was only aware of these 3 places.

Trustee Reich offered the following motion, which was seconded by Trustee Schulgasser:

Resolution # BOT 2017-146

Resolved, that the public hearing on application of Aron Saperstein, 4 Pennington Way, New Hempstead, N.Y. is hereby closed. Acting Mayor Mintz called for a vote. The vote was 3-0. The resolution was adopted.

Trustee Reich offered the following motion, which was seconded by Trustee Schulgasser

Resolution # BOT 2017-147

Resolved, that the Board of Trustees of the Village of New Hempstead hereby approves a portion of the property of Aron Saperstein, 4 Pennington Way, New Hempstead for a Special Permit under Local Law 3 of 2017, Place of Assembly for use in single family residences only. Acting Mayor Mintz called for a vote. The vote was 3-0. The resolution was adopted.

Mayor Sicker spoke about signs; no parking signs, no U-turn signs and local traffic only signs:
A few locations – Ohaiv Shalom – Bridle & Barnacle- parking issues –

Mayor Sicker needs a list of signs to be designed by Mr. Lange to make sure that emergency vehicles can pass, to make sure there is no parking in front of the location on Bridle, no parking on both sides of the street in that area. He is requesting that the Board approve \$1,000 for signs. As per Mr. Sharon, each sign should cost \$44.12 + labor @ \$50.00 = \$100 per sign.

Trustee Reich offered the following motion, which was seconded by Trustee Schulgasser:

Resolution # BOT 2017-148

Resolved, that the Board of Trustees of the Village of New Hempstead hereby authorizes the amount of \$1,000 to be used for signs on Bridle Road and Barnacle Dr. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

Mayor Sicker brought up another issue regarding signs; corner of Adele Blvd. – concerned residents. The Yeshiva of Greater Monsey is being built there. There will be no left turn coming out of the Yeshiva of Greater Monsey. The next block to make the turn and come back down is Adele Blvd. We would like to put up a sign there; local traffic only; it is a circle. There should be a no U-turn sign there. There is a no U-turn sign already there; 3 houses up, but no one can see that.

Mr. Leibowitz stated the ZBA made that a restriction when they granted the variance to them.

Trustee Reich offered the following motion, which was seconded by Trustee Mintz:

Resolution # BOT 2017-149

Resolved, that the Board of Trustees of the Village of New Hempstead hereby approves the amount of \$200 to be used for signs at the corner of Adele Blvd. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

Mr. Barg, 8 Keri Lane asked about the school JIEM

Scheduling Public Hearing for MS-4 (Municipal Separate Storm Sewer Systems).

Trustee Mintz offered the following motion, which was seconded by Trustee Reich:

Resolution # BOT 2017-150

Resolved, that the Board of Trustees hereby schedules a public hearing for MS-4 (Municipal Separate Storm Sewer Systems) to be held on September 26, 2017. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

Resolution authorizing payment of Annual dues to Rockland County Village Clerks and Finance Officers Association in an amount not to exceed \$70.00.

Trustee Reich offered the following motion, which was seconded by Trustee Mintz:

Resolution # BOT 2017-151

Resolved, that the Board of Trustees hereby authorizes payment of annual dues to Rockland County Village Clerks and Finance Officers Association in an amount not to exceed \$70.00. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

Mayor Sicker added 2 items to the agenda; houses in the Village that have been identified by out Code Enforcer – 2 complaints – 1 Arthur Court, and 29 Ellington Way. These 2 properties are overgrown. The office has sent out letters and we have tried to reach them by phone; no response. The Village has to lay out the money to have this done and then the amount is levied to the owner; no expense to the Village. This is the first time we are having to do this. Need a motion if no response has been received, the Village is authorized to move forward and clean up these two properties on a regular basis until so said. We will put a tax levy on the property for the expense. Need a motion to schedule a public hearing.

Trustee Reich offered the following motion, which was seconded by Trustee Mintz:

Resolution # BOT 2017-152

Resolved, that the Board of Trustees of the Village of New Hempstead hereby schedules a public hearing for September 26, 2017 to discuss code enforcement complaints and also to proceed in the clean-up of 1 Arthur Court and 29 Ellington Way. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

Mayor Sicker added “Street Paving” to the agenda. Mayor met with Tony Sharon, Highway Supervisor, regarding some of the blocks in the Village. Ivy Lane is broken up badly, Brick Church from Union Rd. to the Eckerson House. \$47,599 for Ivy Lane; \$53,173 for Brick Church (approx. costs) may be a few thousand less. The other blocks that were looked at were Rovitz Place \$36,022 and Elizabeth Ct. \$36,172.

Trustee Mintz offered the following motion, which was seconded by Trustee Shulgasser:

Resolution # BOT 2017-153

Resolved, that the Board of Trustees of the Village of New Hempstead hereby approves the paving of the following streets: Ivy Lane, Brick Church, Rovitz Place and Elizabeth Ct. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

Public Hearing on proposed Local Law entitled “Retail Establishment Hours of Operation”.

Attorney Minsky gave a history of the Local Law. It was agreed by the applicant that they would not have an issue with this Local Law. We put together a Local Law for retail establishments that governs the hours of operation. The hours of operation were Monday through Friday 6:00 – 11:00, Sat. & Sun. 6:30 – 10:00. We also designated that in the retail establishments, except within the hours they operate, they are not allowed to sell tobacco & beer. The exception was a 24 hour pharmacy, which was allowed to operate as long as there was an on- site Pharmacist.

Discussion regarding the sale of tobacco & beer.

Ms. Vazquez stated the public hearing notice appeared in the Journal News on August 10, 2017. Notices of affidavit and posting were timely.

Mayor Sicker opened the public hearing.

Mr. Geis had a question regarding the hours of operation.

Mr. Friedman also had a question regarding hours of operation.

Ms. Greenwald also questioned the terms of operation.

Mayor Sicker stated he wanted to explore what stores are being proposed and what the normal hours of operation would be.

Charles Frankel, Chairman of the Planning Board – Quick research – spirited beverages cannot start up before noon on Sunday, however for Beer, Wine & Champagne it is 6:00 a.m. The intent of the hours of operation is not to create an area to attract nuisance. He also asked if we could require a retailer to provide security cameras to monitor the outside premises. (Planning Board issue)

Attorney Minsky stated he will check into this.

Trustee Mintz offered the following motion, which was seconded by Trustee Shulgasser:

Resolution # BOT 2017-154

Resolved, that the public hearing on Local Law entitled "Retail Establishment Hours of Operation is hereby adjourned to a date certain of September 26, 2017. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

Audited Vouchers

Trustee Shulgasser offered the following motion, which was seconded by Trustee Mintz:

Resolution # BOT 2017-155

Resolved, that Abstract of Audited claim numbers 17591 through 17645 in the amount of \$93,763.38 are hereby approved. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

GML – New Square Village

Charles Frankel addressed the GML. The GML is what the County has issued to disapprove of what New Square is doing. This is a two-lot subdivision of .2616 acres in the LDR zoning district; special permit application to allow a three-story, semi-attached residential building containing four units on each lot. It is located on the south side of Apta Boulevard approximately 245 feet east of Route 45. This GML will be attached to and made a part of this record.

Mr. Frankel suggested that the Board of Trustees refer this GML to the Planning Board for consideration at their September 5th meeting. They will take it under advisement and either refer it back to the BOT or they will write their own response to the GML.

Trustee Reich offered the following motion, which was seconded by Trustee Mintz:

Resolution # BOT 2017-156

Resolved, that the Board of Trustees hereby refers the GML from the County of Rockland, dated July 27, 2017, re: 20 Apta Blvd (NS-17) to the Planning Board for their consideration. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

Ms. Greenwald asked that the Board "speed this up" as approx. 20 green dumpsters appeared across the road from Rovitz Place.

Mr. Frankel advised Mayor Sicker to be in touch with the Mayor of New Square to keep us advised of the situation.

Approval of Minutes of July 24, 2017

Trustee Mintz offered the following motion, which was seconded by Trustee Reich:

Resolution # BOT 2017-157

Resolved, that the minutes of the meeting of July 2, 2017 are hereby approved and the reading of said minutes be waived. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

Mayor's Report – Mayor reported they are trying to come up with a sidewalk plan. Trustee Shulgasser is heading up that plan. Parks – few items to entertain.

Trustee Report – Trustee Mintz working on the web. New contact person to aid with the website.

Trustee Reich offered the following motion, which was seconded by Trustee Shulgasser:

Resolution # BOT 2017-158

Resolved, that the meeting held by the Board of Trustees on August 22, 2017 is hereby adjourned. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

Respectfully submitted,

Lee Mazza, Secretary