

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

**BOARD OF TRUSTEES**

REGULAR MEETING  
THURSDAY, DECEMBER 29, 2016  
7:30 P.M. – VILLAGE HALL

PRESENT

FRED BRINN, MAYOR  
BRUCE MINSKY, DEPUTY MAYOR  
SHALOM MINTZ, TRUSTEE  
ABE SICKER, TRUSTEE

ABSENT

ADAM REICH, TRUSTEE

ALSO PRESENT

DENNIS MICHAELS, VILLAGE ATTORNEY  
LORI BELLO, DEPUTY VILLAGE CLERK-TREASURER

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Open Floor** – No one from the public wished to speak

**Scheduling public hearing for January 30, 2017, pertaining to past and future plans for Community Block Grant Funds 2017.**

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

Resolution # BOT 2016-162

Resolved, that the Board of Trustees of the Village of New Hempstead hereby schedules a public hearing for January 30, 2017, pertaining to past and future plans for Community Block Grant Funds 2017. Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

**Resolution authorizing payment of N.Y. Planning Federation dues for 2017 not to exceed \$250.00.**

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

Resolution # BOT 2016-163

Resolved, that the Board of Trustees of the Village of New Hempstead hereby authorizes payment of N.Y. Planning Federation dues for 2017 not to exceed \$250.00. Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

**Correcting Expiration Date of Jennifer Eisenstein as Planning Board member term to expire April 23, 2021.**

Mayor Brinn explained that when Jennifer Eisenstein's appointment was made, it was done erroneously for one year when it should have been done for 5 years.

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

Resolution # BOT 2016-164

Resolved, that the Board of Trustees of the Village of New Hempstead hereby amends Resolution #BOT 2016-98 wherein they appointed Jennifer Eisenstein as Planning Board member for a term of one year. It should read term to expire April 23, 2021. Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

**Continuation of Public Hearing on Amending Local Law 2 of 2015**

Mayor Brinn stated the Board did not receive comments from the GML from the County of Rockland. The Planning Board had comments which he has not seen. Our Planner and Fire Inspector and a member of the Hillcrest Fire Dept. met last night to discuss the same resolution. "He received notes from that this afternoon". More time is going to be needed. Mayor Brinn asked that the Fire Inspector and the Hillcrest Fire Dept. would make their comments on official letterhead.

Attorney Michaels commended the Fire Inspector, the Planner and the Hillcrest Fire Dept. for their efforts in connection with the amending of the Local Law.

Mr. Lange stated "the Building Inspector will receive the application, look at it, and with that application you have to have a set of plans; what's the area here. Look at certain things. Look at the responses to the questionnaire, (we are going to create a special questionnaire for this so that it makes it ironclad.) How many people, what days, how many hours of the week. Based upon that, he will be able to say O.K. It's either Special Permit for the Village Board or it's just a Certificate of Occupancy and go and do it."

Attorney Michaels stated in the State Fire Code, there is a designated use called A Place of Religious Worship. There are no such designated uses for what we call a fancy sport, a book club or a birthday party. The State Legislature has already decided that because of the nature of religious prayer groups, they need to be addressed specifically.

Deputy Mayor Minsky stated that the number of people should be decided by the Building Inspector; according to the size of the room.

Deputy Mayor Minsky also suggested that for religious use, you may be able to go for tax evasion or a tax exclusion for that portion. That is probably one of the reasons the State designates the use.

Mayor Brinn stated the meeting was open to the public if anyone wished to speak.

Charles Frankel - Chairman of the Planning Board  
15 Woodwind Lane  
New Hempstead, N.Y.

Mr. Frankel stated the Planning Board met on Dec. 21<sup>st</sup>. They had a lively discussion on this particular law. We are in favor of the Local Law. The first thing that came up at that meeting is that any Local Law should be for the benefit of the general community, not just for the benefit a segment of the community. We feel a place of assembly should be a Local Law, not just the religious use. We saw that in this proposed law. The thing that was missing is the purpose, to protect the health and safety of those individuals who will be gathered in whatever gathering place there is. Therefore, what provoked the meeting last night was how to address health and safety of the inhabitants. We heard and saw all the wrong things that went on in Oakland, Ca. with the warehouse fire. We are not saying that is going to happen here, but if there is a fire, we don't want that in our Village. We can prevent it with moderate compliance of the law.

Mayor Brinn asked the Hillcrest Fire Dept. representative if when the fire dept. is called to an address, are they told what the use is?

The representative said people can register that information with the fire dept.

Mayor Brinn read a letter from the Rockland County Dept. of Health dated December 7, 2016 Also, a letter from the Village of Wesley Hills dated December 7, 2016. These letters will be annexed to and made a part of this record.

Shlomo Pomerantz – Representative of Hillcrest Fire Dept.  
300 N. Main St.  
Spring Valley, N.Y.

Mr. Pomerantz – there are other things that may trigger as well, including the Dept. of Health. This is one of the reasons you should send it up to the State Code. If people are honest in what they are applying for in the Village there should not be a problem.

Mayor Brinn stated the public hearing will remain open.

Attorney Michaels mentioned a few things the Planning Board recommended. They wanted to mention something about the health and safety of the occupants. The definition of the place of assembly the use of a single family residence, the abode of a natural person. We all agree it does not have to be owner

occupied; somebody has to live there. This is about a single family home having a portion of it being used as a Shul. But somebody has to live there. In addition to a single family residence, and/or a detached structure or building that complies with the accessory building and structure regulations in the Village of New Hempstead Building Law such as 4.4.15 except the detached structure or building shall not exceed 2500 sq. ft. in ground floor area nor exceed 20 feet in height.

Discussion regarding accessory building.

Discussion regarding number of people involved and also how frequently the meeting place is being used.

Fire Inspector Ziegler stated that if the homeowner or someone who controls the residence puts people in a situation where they allow 50 people in a smaller room, something happens and people cannot get out fast enough and they die, the homeowner is liable.

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

Resolution # BOT 2016-165

Resolved, that the public hearing on Amending Local Law 2 of 2015 is hereby continued. Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

**Resolution authorizing Mayor to sign the 2017 Highway Agreement with the Town of Ramapo.**

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

Resolution # BOT 2016-166

Resolved, that the Board of Trustees of the Village of New Hempstead hereby authorizes Mayor to sign the 2017 Highway Agreement with the Town of Ramapo. Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

**Resolution authorizing Mayor to sign the 2017 Agreement with the Town of Ramapo for Building and Zoning Services.**

Raphael Ziegler, Fire Inspector expressed his concern for the lack of responsiveness from the Building Department regarding the inspections done by the Fire Inspector from the Town of Ramapo. He believes that it should be a concern to the Village that they are not doing their job properly and very possibly putting the Village in a very precarious position for liability for lack of proper inspection.

Mr. Pomerantz added that the Fire Dept. not only shares his concerns but that is why every village that had Ramapo for building and/or fire inspections in the past is currently in the process of finding their own.

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

Resolution # BOT 2016-167

Resolved, that the Board of Trustees of the Village of New Hempstead hereby authorizes Mayor to sign the 2017 agreement with the Town of Ramapo for Building and Zoning Services. Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

**Approval of Abstract of Audited Claim numbers 17291 – 17326 in the Aggregate amount of \$57,194.11.**

Discussion on outstanding fees from an Applicant.

Attorney Michaels stated, with reference to Ateres Bais Yaakov, that “if the applicant for Summit Park Road is fully paid they are entitled to go forward with Summit Park Road, even if they owe \$40,000 on the Route 45 application”.

Deputy Mayor Minsky stated that if an applicant owes us money, and that applicant comes forth why would we let that applicant come before us and perhaps incur other fees when they already owe us?

Attorney Michaels read from our Local Law regarding this situation. "In the event an applicant fails to make any escrow payment required and/or fails to pay the full amount bill for consultant fees as proved by the Village Clerk, a reviewing board shall adjourn any pending application and/or withhold final approval until such payment is made. In the event final approval has been granted in an outstanding balance of consulting fees as proved by the Village Clerk, remains unpaid, the Building Inspector shall not grant the building permit and/or Certificate of Occupancy until payment of approved outstanding consultant fees have been made in full"

There remains a difference of opinion on this issue.

Mayor Brinn wants a definitive answer whether or not the applicant can proceed on 200 Summit Park. He also requested that Attorney Michaels write a letter to the applicant demanding that the amount be paid in 30 days or we will take legal action.

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

Resolution # BOT 2016-168

Resolved, that the Abstract of Audited claim numbers 17291 – 17326 in the aggregate amount of \$57,194.11 are hereby approved. Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

**Approval of minutes of November 28, 2016**

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

Resolution # BOT 2016-169

Resolved, that the minutes of the meeting of November 28, 2016 are hereby approved and the reading of said minutes be waived. Mayor Brinn called for a vote and the vote was 4-0. Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

**Mayor's Report**

**Deputy Mayor's Report**

**Trustees' Report**

**Motion to adjourn**

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

Resolution # BOT 2016-170

Resolved, that the meeting of the Board of Trustees of the Village of New Hempstead held on December 29, 2016 is hereby adjourned. Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

Respectfully submitted,

Lee Mazza, Secretary