

4VILLAGE OF NEW HEMPSTEAD
108 OLD SCHOOLHOUSE RD.
NEW CITY, N.Y. 10956

BOARD OF TRUSTEES

REGULAR MEETING
THURSDAY, JULY 23, 2015
7:30 P.M. – VILLAGE HALL

PRESENT

FRED BRINN, MAYOR
SOLOMON FUERST, DEPUTY MAYOR
DAVID WEISS, TRUSTEE
BRUCE MINSKY, TRUSTEE

ABSENT

PAUL MUNDT, TRUSTEE

ALSO PRESENT

STEVE SILVERBERG, VILLAGE ATTORNEY
CAROLE VAZQUEZ, VILLAGE CLERK-TREASURER

PLEDGE OF ALLEGIANCE

ROLL CALL

Open Floor – Public participation

No one from the public wished to speak

Motion to approve membership dues of the Mayor in the Conference of Mayors

Deputy Mayor Fuerst offered the following motion, which was seconded by Trustee Weiss:

Resolution # BOT #2015-67

Resolved, that membership dues of the Mayor in the Rockland County Conference of Mayors is hereby approved in an amount not to exceed \$150.00.

Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

Motion to approve membership dues of the Village Clerk-Treasurer in the NYS Society of Municipal Finance Officers

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

Resolution # BOT 2015-68

Resolved, that membership dues of the Village Clerk-Treasurer in the NYS Society of Municipal Finance Officers is hereby approved.

Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

Continuation of the Public Hearing on Local Law 1 of 2015

Several comments have come in during the period of time since our last meeting.

Mayor Brinn read into the record the following correspondence:
County of Rockland Dept. of Environmental Health dated June 26, 2015

County of Rockland Sewer District No. 1 dated July 7, 2015 (Already in the record of the July meeting of the Board of Trustees)

Rockland County Dept. of Planning dated July 21, 2015

Mayor Brinn felt that issue No. 2 of the Rockland County Dept. of Planning letter should be discussed by the Board. "the gathering place shall be revised to limit the areas of assembly to 30% instead of our proposed 50%"

Attorney Silverberg felt it was confusing the way it was drafted. "if it is more than 50%, it is something else".

Trustee Minsky felt that it meant that anything over 30% was no longer subordinate. He felt that anything over would be in violation.

Discussion

The Board is in favor of making the area of assembly 30%. If someone wishes to make it more, they would require a variance.

Marty Leibowitz – Chairman of the Zoning Board of appeals wished to speak
3 Bay Court –

What if the ZBA denied the request? - Law suit under RLUPA?

Further discussion – what would be the reason to plead "hardship" if denied?

Mayor Brinn offered the following motion, which was seconded by Deputy Mayor Fuerst:

Resolution # BOT 2015-69

Resolved, that the public hearing on Local Law #1 of 2015 is hereby closed.

Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

Resolution # BOT 2015-70

Resolved, that the Board of Trustees of the Village of New Hempstead hereby makes a negative declaration with reference to Local Law #1 of 2015, based upon the E.A.F as prepared by our Village Planner.

Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

Adopt the Local Law with the modification to the definition of "Gathering Place" changing 50% to 30%.

Trustee Minsky offered the following resolution, which was seconded by Trustee Weiss:

Resolution # BOT 2015-71

Resolved, that the Board of Trustees of the Village of New Hempstead hereby adopts the Local Law #1 of 2015 with the modification of the County of Rockland's comment #2, in their letter dated July 21, 2015, regarding the 30% total square footage instead of the 50%.

Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

Public Hearing on Special Permit Application of Jill Minsky, 112 Brick Church Road, New Hempstead, N.Y. for a Passover kitchen.

Trustee Minsky recused himself from this application.

Present

Jill Minsky
112 Brick Church Rd.
New Hempstead, N.Y. 10977

Mrs. Minsky stated she is finishing the basement and the kitchen is a part of this project.

A letter was read from the New Hempstead Building Inspector, John Layne, who approved the project.

Ms. Vazquez stated the public hearing notice appeared in the Journal News on July 10th and the notices and postings were timely.

Mayor Brinn offered the following motion, which was seconded by Deputy Mayor Fuerst:

Resolution # BOT 2015-72

Resolved, that the public hearing on application of Jill Minsky for a Special Permit for a Passover kitchen is hereby opened.

Mayor Brinn called for a vote and the vote was 3-0. The resolution was adopted.

No one wished to speak on the application

Mayor Brinn offered the following motion, which was seconded by Deputy Mayor Fuerst:

Resolution # BOT 2015-73

Resolved, that the public hearing on application of Jill Minsky for a Special Permit for a Passover kitchen is hereby closed.

Mayor Brinn called for a vote and the vote was 3-0. The resolution was adopted.

Mayor Brinn offered the following motion, which was seconded by Deputy Mayor Fuerst:

Resolution # BOT 2015-74

Resolved, that the application of Jill Minsky, 112 Brick Church Road, New Hempstead, N.Y. for a Special Permit for a Passover Kitchen is hereby approved. This application is a type 2 action, which required no environmental review. The approval is subject to the removal of the upstairs door upon, completion of the construction.

Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

Resolution granting Special Permit to Arohom Sicker for a Passover Kitchen

The application of Mr. Sicker was approved at the last meeting of the Board of Trustees subject to written confirmation from the Building Inspector that there is compliance with the terms of the Zoning Code with respect to the requirements for a Special Permit in accordance with the verbal representations that were previously made.

A memo was received from the New Hempstead Building Inspector, John Layne, which stated that the internal stairwell is open and free of any permanent or temporary separation from the basement below.

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

Resolution # BOT 2015-75

WHEREAS: the applicant is seeking a special permit to install a second kitchen pursuant to the Village of New Hempstead Zoning Code section 6.9.7 in order to facilitate the observance of dietary limitations during the annual Passover religious observance, and

WHEREAS: a public hearing was held on this application and the building inspector was asked to confirm that the layout is compliant with the provisions of the Code "that the second kitchen will not facilitate the conversion of the dwelling unit into two independent dwellings ", and

WHEREAS: a memorandum from the Building Inspector was received confirming that the layout is in compliance; and

WHEREAS: the application came before the Village Board again at its meeting of July 23, 2015;

Now therefore the Village Board adopts the following resolution:

RESOLVED: this is a type 2 matter not requiring any further environmental review under SEQRA and

IT IS FURTHER

RESOLVED: based upon the foregoing, the application for a special permit is granted provided that the second kitchen continues to fully comply with the provisions of the Code and that at no time may there be a second dwelling unit.

Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

Resolution approving Abstract of Audited Vouchers

Deputy Mayor Fuerst offered the following motion, which was seconded by Trustee Weiss:

Resolution # BOT 2015-76

Resolved, that Abstract No. 2015-7 of Audited Vouchers 16615 through 16649 in the amount of \$37,459.74 is hereby approved.

Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

Approval of Minutes of July 16, 2015

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

Resolution # BOT 2015-77

Resolved, that the minutes of the meeting of the Board of Trustees of the Village of New Hempstead, held on July 16, 2015, are hereby approved and the reading of said minutes is waived.

Mayor Brinn called for a vote and the vote was 3-0. There were 2 Trustees absent from that meeting; Trustee Mundt and former Trustee Koplen. The resolution was adopted.

Approval of Minutes of June 25, 2015

Mayor Brinn offered the following motion, which was seconded by Deputy Mayor Fuerst:

Resolution # BOT 2015-78

Resolved, that the minutes of the meeting of the Board of Trustees of the Village of New Hempstead, held on June 25, 2015, are hereby approved as amended and that the reading of said minutes is waived.

Mayor Brinn called for a vote and the vote was 3-0. The resolution was adopted.

Mayor's Report – Mayor had a meeting with Senator Ken Zebrowski. He asked me to provide him with a list of monies for which he is going to try to get us a grant. The Clerk drew up a letter, which I will be sending to him to try to get money for our computer system, phone system, parking lot and a new shed. Still waiting for some roads to be completed. The Mayor asked for a cross walk on Union on the corner of Brick Church & Union, which was done. New signage was put on; the bend on Union & Brockton.

Deputy Mayor's Report - none

Trustees' Report - none

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

Resolution # 205-79

Resolved, that the meeting of the Board of Trustees of the Village of New Hempstead, held on July 23, 2015, is hereby adjourned.

Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

Respectfully submitted,

Carole Vazquez,
Village Clerk-Treasurer

Lpm