

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

BOARD OF TRUSTEES

REGULAR MEETING
MONDAY, MARCH 27, 2017
7:30 P.M. – VILLAGE HALL

PRESENT

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

ABSENT

ALSO PRESENT

DENNIS MICHAELS, 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 – Mayor Brinn asked the public to limit their comments to 2 minutes due to the large crowd.

Larry Strack, 7 Rovitz Place, New Hempstead – spoke about the Local Law from 1984 – has been a resident of New Hempstead for 27 years – embarrassed by what the local media presented – had suggestions for amending the Local Law - #1 any member of any committee should recuse himself from voting on any matter before them that they, their families, employers, etc. are affiliated with. #2 definition of family members - #3 no conflict of interest - #4 Local laws are for all residents, instead of a specific issue. Still waiting to hear about “no parking” signs requested for Rte. 45 and Rovitz Place.

Public Hearing on Mini station – request to adjourn until April 24, 2017

Attorney Michaels stated the Board should open the public hearing to establish that the Board of Trustees is Lead Agency.

Ms. Vazquez stated the public hearing notice appeared in the Journal News on March 3rd.

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

Resolution #BOT 2017-29

Resolved, that the public hearing with reference to Mini-station is hereby opened. Mayor Brinn called for a vote and the vote was 5-0. The resolution was adopted.

Attorney Michaels stated the Board of Trustees became Lead Agency a month ago. He asked if there were any objections. There were none.

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

Resolution # BOT 2017-30

Resolved, that the Board of Trustees of the Village of New Hempstead hereby makes a motion that, pursuant to the State Environmental Quality Review Act (“SEQRA”), to consider the adoption of a

proposed Local Law to allow semi attached and attached residential town homes in certain areas of the Village. It is hereby classified as an Unlisted action as defined by SEQRA Regulation 617.4; no agency, other than the Village Board of Trustees and the Rockland County Department of Planning will have any significant involvement in the review process, pursuant to SEQRA Regulation 617.6, and this Board hereby declares itself as SEQRA Lead Agency. Mayor Brinn called for a vote and the vote was 5-0. The resolution was adopted.

Attorney Michaels stated this is only establishing Lead Agency. It has nothing to do with approval of the amending of the Local Law.

Public Hearing 306 Grandview LLC – request to adjourn until April 24, 2017

Ms. Vazquez stated the public hearing notice appeared in the Journal News on March 3, 2017

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

Resolution # BOT 2017-31

Resolved, that the public hearing on 306 Grandview LLC is hereby open. Mayor Brinn called for a vote and the vote was 5-0. The resolution was adopted.

Marshall Katz, Mayor of the Village of Wesley Hills, read the correspondence from The Village of Wesley Hills to the Village of New Hempstead dated March 27, 2017 into the record. Same will be annexed to and made a part of this record.

Mayor Katz also read into the record a letter from Wesley Hills regarding Proposed R-TH Residence – Townhouse Zoning Amendments dated March 27, 2017. Same will be annexed to and made a part of this record.

Frank Brown, Attorney & resident of Wesley Hills – comments regarding the NC overlay District – in the event you, the Board, decide to enact this law, some suggestions regarding parking regulations, which he feels are inadequate, due to experience at Wesley Hills. Not all commercial uses generate the same amount of traffic, there is a difference in the amount of traffic for a regular retail store vs. a Veterinary Office, vs. a Chiropractic Office vs. a restaurant, etc. Wesley Hills has done individualized parking requirements, which may change as the use changes, i.e. a change in the type of business.

Trustee Sicker asked for a copy of the Wesley Hills zoning law.

Mayor Brinn stated both applications are being proposed by an applicant as a petition for a zone change to the Village of New Hempstead. Tonight they are looking for adjournment. This is far from being approved, however, the comments are appreciated.

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

Resolution # BOT 2017-32

Resolved, that the Board of Trustees of the Village of New Hempstead hereby makes a motion pursuant to the State Environmental Quality Review Act (“SEQRA”), to consider the adoption of a proposed Local Law amending the Village Zoning Law by establishing a neighborhood Commercial N.C. overlay Zoning District which is being petitioned by 306 Grandview Commons LLC and is hereby classified as an unlisted action pursuant to SEQRA Regulation 617.4. No agency other than the Board of Trustees and the Rockland County Department of Planning will have any significant involvement in; the review process, pursuant to SEQRA Regulation 617.6 and this Board hereby declares itself as SEQRA Lead Agency. Mayor Brinn called for a vote and the vote was 5-0.

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

Resolution # BOT 2017-33

Resolved, that the public hearing on application of 306 Grandview Commons LLC is hereby continued until a date certain of May 22, 2017, at 7:30 p.m. in Village Hall. There will be no other public notices between now and May 22nd. Mayor Brinn called for a vote and the vote was 5-0. The resolution was adopted.

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

Resolution # BOT 2017-34

Resolved, that the public hearing on application of Mini-station is hereby continued until a date certain of April 24, 2017 at 7:30 p.m. in Village Hall. There will be no other public notices between now and April 24th. Mayor Brinn called for a vote and the vote was 5-0. The resolution was adopted.

Crown Castle – Discussion

Esne Lombard spoke for Crown Castle – here to discuss the proposed 24 pole attachments in the public right-of-way. First proposal was in 12/15.

Keith Ainsworth, Esq. – representing the Village on this matter – gave an explanation of what Crown Castle plans to do. There needs to be a provision for the co-location on existing poles. There is some question as to whether the local community has residual rights to regulate these facilities. He asked the Board to ask any questions they had and offered them to enter into a franchise agreement or adopt a RUA usage agreement. The Board has until May to make their decision.

Mayor Brinn stated John Lange, Village Planner is to investigate whether 24 nodes on poles throughout the Village if sufficient or if that number is needed.

Attorney Ainsworth stated the number is determined by the State.

Chris Fisher – Crown Castle – explained why this proposal is being made.

Greg Sharp spoke about how the system is designed.

Mayor Brinn stated this particular situation does not require a public hearing.

Mayor Brinn asked for brief comments from the audience.

Stephen Geis, 7 Kingston Dr. – would like the high density of coverage explained.

Greg Sharp gave a technical explanation.

Mayor Brinn stated the little brown boxes about ¾ up the pole are the nodes.

Charles Frankel – 15 Woodwind Lane – All of these are in the Pleasant Ridge area. This vendor has already installed one of these nodes, which is located on Grandview Ave. just off the corner of Ashlawn Ave. These are revenue producing for the Village. Wanted to know if an agreement has been reached with the vendor as to what revenue there would be. If that is unsatisfactory, is there an ability to get a competitor.

Attorney Michaels stated Attorney Ainsworth has been hired by the Village. Not for the applicant.

Ms. Lombard stated this does not fall under the Village. The County obtained the permit from them.

Attorney Ainsworth stated the amount is 5% - not a large amount - \$5,000 per year.

Trustee Sicker had some questions regarding the structure of the poles.

Attorney Michaels stated Attorney Ainsworth will be guiding the Village on the right-of-way agreement. The Board has until May 20th to accept this agreement.

Mesivta Ahavas Hatorah referral to Planning Board to be Lead Agency

Mayor Brinn recused himself on this matter. Deputy Mayor Minsky also recused himself on this matter.

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

Resolution # BOT 2017-35

Resolved, that the Board of Trustees of the Village of New Hempstead has no objection to the Planning Board acting as Lead Agency for the application of Mesivta Ahavas Hatorah. All in favor – 3-0. The resolution was adopted.

Schedule Public Hearing for Mesivta Ahavas Hatorah for revised special permit.

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

Resolution # BOT 2017-36

Resolved, that the Board of Trustees of the Village of New Hempstead hereby schedules a public hearing on application of Mesivta Ahavas Hatorah for April 24, 2017. All in favor – 3-0. The resolution was adopted.

GML – Rockland County Facilities Management – Gas fuel storage tanks.

John Lange, Village Planner, gave his comments regarding this GML

Mayor Brinn stated we should notify the County that we want all documents, all plans and all that concerns us. We will be able to comment further after we have seen the plans and what the intent is. We do not, however, object to their being Lead Agency regarding this matter.

Public Hearing Special Permit – Israel Teichman (Local Law 2-2015 Local House of Worship)

Ms. Vazquez stated the public hearing notice appeared in; the March 14th edition of the Journal News.

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

Resolution # BOT 2017-37

Resolved, that the Board of Trustees of the Village of New Hempstead hereby makes a motion, pursuant to the State Environmental Quality Review Act (“SEQRA”) to consider the approval of a proposed Special Permit by Israel Teichman under Local Law 2-2015 Local House of Worship, which is within the Village’s Zoning Law, is hereby classified as an Unlisted action as defined by SEQRA regulation 617.4; no agency, other than the Village Board of Trustees and the Village Planning Board, the Village Zoning Board of Appeals and the Rockland County Department of Planning, will have any significant involvement in the review process, pursuant to SEQRA Regulation 617.6; and this Board hereby declares itself as SEQRA Lead Agency. Mayor Brinn called for a vote and the vote was 5-0. The resolution was adopted.

Elliot Laskly – representing Israel Teichman and the congregation made the presentation. They have under 40 people, made changes will add a sprinkler. Narrative attached to these minutes. Asking for a Special Use Permit, subject to Local Law.

James Safer, 49 Pennington Way – where is the parking?

Laskly – all parking spaces faced towards the back – 17 spaces – existing hedge – cemetery in the back number of letters submitted to the Board volunteering the use of their driveways.

Susan Rodda – wants to maintain quiet neighborhood, does not want extra traffic. Property next to this property is on the agenda for next month for the same thing. (?)

Charles Frankel – 15 Woodwind Lane – Planning Board Procedures – Feels the Planning Board should be discussing the issues that are being discussed here.

Mr. Laskly stated the applicant has been before the Planning Board, the Village Planner, and the Village Engineer and incorporated all the recommendations. They were told they needed to get a Special Use Permit based upon the laws that are in the books at the time. After they get the Special Use Permit, they go back to the Planning Board. They are on the agenda. They feel they have addressed everything with reference to SEQRA.

Allen Fishkin asked how the applicant can be given the Special Permit if The Gathering Place Law has not been decided.

Mayor Brinn stated there are two Local Laws in place at this time; The Gathering Place and the other is the Local House of Worship.

Attorney Michaels explained that the Board is considering adopting the Place of Assembly Local Law and at the same time repealing Local Law #1 & 2 of 2015, which is the Gathering Place and the Local House of Worship. Rabbi Teichman is applying under Local Law 2 of 2015. Mr. Laskly is saying that if the new proposed Place of Assembly Local Law should be adopted, he has indicated that they would volunteer to be subject to the regulations of the new Place of Assembly law.

Correspondence from Rockland County Sewer District #1 dated March 24, 2017 is annexed to and made a part of this record.

The Board of Trustees now finds that the proposed action will or will not create a material conflict with an adopted land use plan or zoning regulations of the Village.

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

Resolution # BOT 2017-38

Resolved, with reference to the application of Israel Teichman for a Special Use Permit, the Board of Trustees now finds that the proposed action will not create a material conflict with an adopted land use plan or zoning regulations of the Village. Mayor Brinn called for a vote. The vote was 5-0. The resolution was adopted.

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

Resolution # BOT 2017-39

Resolved, with reference to the application of Israel Teichman for a Special Use Permit, the Board of Trustees finds that the proposed action will not result in a change in the use or intensity of use of land. Mayor Brinn called for a vote. The vote was 5-0. The resolution was adopted.

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

Resolution # BOT 2017-40

Resolved, with reference to the application of Israel Teichman for a Special Use Permit, the Board of Trustees finds that the proposed action will not impair the character or quality of the existing community. Mayor Brinn called for a vote. The vote was 5-0. The resolution was adopted.

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

Resolution # BOT 2017-41

Resolved, with reference to the application of Israel Teichman for a Special Use Permit, the Board of Trustees finds that the proposed action will not have a potential significant adverse impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA) as there is none. Mayor Brinn called for a vote. The vote was 5-0. The resolution was adopted.

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

Resolution # BOT 2017-42

Resolved, with reference to the application of Israel Teichman for a Special Use Permit, the Board of Trustees finds that the proposed action will not have a potential significant adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway. Mayor Brinn called for a vote. The vote was 5-0. The resolution was adopted.

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

Resolution # BOT 2017-43

Resolved, with reference to the application of Israel Teichman for a Special Use Permit, the Board of Trustees finds that the proposed action will not cause a potential significant adverse increase in the use of energy or fail to incorporate reasonably available energy conservation or renewable energy opportunities. Mayor Brinn called for a vote. The vote was 5-0. The resolution was adopted.

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

Resolution # BOT 2017-44

Resolved, with reference to the application of Israel Teichman for a Special Use Permit, the Board of Trustees finds that the proposed action will not cause a potential significant adverse environmental impact on the public / private water supplies or the public / private wastewater treatment utilities. Mayor Brinn called for a vote. The vote was 5-0. The resolution was adopted.

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

Resolution # BOT 2017-45

Resolved, with reference to the application of Israel Teichman for a Special Use Permit, the Board of Trustees finds that the proposed action will not cause a potential significant adverse environmental impact on the character or quality of important historic, archaeological, architectural or aesthetic resources. Mayor Brinn called for a vote. The vote was 5-0. The resolution was adopted.

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

Resolution # BOT 2017-46

Resolved, with reference to the application of Israel Teichman for a Special Use Permit, the Board of Trustees finds that the proposed action will not cause a potential significant adverse environmental impact or result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora & fauna) Mayor Brinn called for a vote. The vote was 5-0. The resolution was adopted.

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

Resolution # BOT 2017-47

Resolved, with reference to the application of Israel Teichman for a Special Use Permit, the Board of Trustees finds that the proposed action will not cause a potential significant adverse environmental impact or result in an increase in the potential for erosion, flooding or drainage problems. Mayor Brinn called for a vote. The vote was 5-0. The resolution was adopted.

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

Resolution # BOT 2017-48

Resolved, with reference to the application of Israel Teichman for a Special Use Permit, the Board of Trustees finds that the proposed action will not cause a potential significant adverse environmental action which would create a hazard to environmental resources or human health. Mayor Brinn called for a vote. The vote was 5-0. The resolution was adopted.

Trustee Reich offered the following motion, seconded by Trustee Sicker:

Resolution # BOT 2017-49

Resolved, Pursuant to SEQRA regulations 617.7, the Village Board of Trustees (BOT), as Lead Agency, grounded upon the reasons articulated in the BOT's analysis of Part 2 of the Short Environmental Assessment Form and also reviewed by the Part 1 of the Short Form as was submitted by the applicant, Israel Teichman entitled "Impact Assessment", and also having heard from the following officials of the Village: John F. Lange, Village Planner, Glen McCreedy, Village Engineer, and Dennis D.

Michaels, Esq., Village Attorney and following submissions, reports and correspondence previously submitted, the BOT hereby determines that the proposed action will not have a significant adverse environmental impact and, therefore a draft environmental impact statement will not be prepared; and the BOT issues a Negative Declaration. Mayor Brinn called for a vote. The vote was 5-0. The resolution was adopted.

Mayor Brinn read the following correspondence into the record:
Rockland County Sewer District #1 dated March 24, 2017
Town of Ramapo Dept. of Public Works dated March 13, 2017
Same will be annexed to and made a part of this record.

The applicant accepted all the conditions except for #5, which stated the sewer must be upgraded to a minimum of 6 inches.

Trustee Mintz left the meeting at 9:45 p.m.

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

Resolution # BOT 2017-50

Resolved, that the public hearing on application of Israel Teichman is hereby closed. Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

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

Resolution # BOT 2017-51

Resolved, that the Board of Trustees of the Village of New Hempstead hereby approves the Special Permit Use of the Local House of Worship under Local Law #2 of 2015 for 36 Pennington Way; Applicant Israel Teichman and the conditions being all of the comments set forth in the March 24, 2017 letter from the Rockland County Sewer District #1 consisting of a total of 2 pages signed by Joseph LaFiandra, Engineer 11 and all of the comments set forth in the March 13, 2017 letter from the Town of Ramapo Dept. of Public Works, 1 page signed by Paul Gdanski, P.E., Engineer 11 except for Item #5. The sewer must be upgraded to a minimum of 6 inches. That will not be a condition of the approval as it is not applicable to this application. Mayor Brinn called for a vote and the vote was 5-0. (Trustee Mintz returned). The resolution was adopted.

Continue Public Hearing for Place of Assembly – Local Law 1 of 2017

Mayor Brinn stated should this law pass, it will be superseding what was just approved for the prior applicant.

Mayor Brinn read into the record the Local Law Number 1 of 2017 – A local law to amend the Zoning Ordinance of the Village of New Hempstead to add a new special permit use, Place of Assembly, along with definitions, bulk requirements and procedures for use in single family residences only.

Allen Fishkin spoke regarding Local Law #1 2017 of Haverstraw. It addresses Gathering Places. They have addressed Gathering Places. There is no “Grandfathering”. They apply for a Special Permit whenever this law goes into effect.

Mayor Brinn stated the applicant comes in for a Special Permit and they want to comply.

There was also a discussion regarding bulk requirements.

Deputy Mayor Minsky stated that about 2 years ago the Board changed the laws to have a House of Worship and a Gathering Place. We had an analysis of what we had and what we expected going forward. We looked at other locals and what they did. It appears now that we are only looking to govern properties that have over 50 people there having whatever sort of activity. They can have any kind of activity without our knowing what is going on. He thinks that is wrong. There is no question that it is going to impact the neighborhood. He does not believe that neighbors would be happy with having 40 people next door. He feels everyone is going to say they have under 40 people and they will get away with it.

Trustee Reich feels every application will be subject to the Fire Inspector and the Building Inspector.

Raphael Ziegler, Fire Inspector stated regardless of what the Village decides to put on the books for their own code, we are going by the State Code. Having an assembly of any kind, is a change of that use. It is not that it is ignored because it is less than 49 people, it opens up to inspections by the Bldg. Dept, the Fire Inspector, etc.

Deputy Mayor Minsky stated that he feels in conjunction with passing this law, we should also put a notice out to the public as to what is required under that law so people know what the expectation is if they are going to have that particular gathering.

John Lange stated that there is no regulation for regular family use. No one is going to deal with the code. When it changes from a residence to something else, there is an issue. Qualifications or whatever Building or Fire Codes. The question is what are they? We have nothing that says "we do this". That is when the State gets involved. It is not clear.

Deputy Mayor Minsky stated there is nothing that prevents the Village from putting in a code that could cover something under 300.

Mr. Strack – has a problem with parking. 500 ft. each way, you are talking about almost half a square mile. He has a neighbor whose driveway is about 30 feet from his bedroom window. They are out there bouncing a basketball at midnight. He thinks the 500 ft. number should be reconsidered.

Mrs. Greenwald – 2 Rovitz Place – She feels the Board is asking to repeal the Local Law 2 from 2015 and then certify the 49 and below number. She feels the Local Law 2 from 2015 is more restrictive.

Martin Edwards – He wants to keep Law 2 of 2015 intact.

Susannah Bechhofer, Resident of Town of Ramapo made comments. Her notes are attached to these minutes.

Discussion regarding the Place of Assembly and the Gathering Place

Mr. Johnson, 21 David Drive asked what is the mini station and where is it? Pomona Rd. What about the golf course – 700 homes on the golf course? – Small area, golf course, town homes, What about Matterhorn?

Deborah Muntz asked that it not to be voted on tonight. Thinks it is a really bad idea. You could have 40 motorcycles, a pole dancing club, etc. Even rental properties where you have one or two cars on the driveway, changes the character of the neighborhood.

Deputy Mayor Minsky doesn't feel it should be voted on tonight. Need to evaluate. (audience unanimous)

Mayor Brinn stated that, based on comments tonight, even though it has been discussed at several meetings, we will probably decide not to proceed and think it through a little bit more.

Michael Miller – need to get some citizens involved in helping you. What's the rush?

Althea Mundy, 11 Elizabeth Ct. – Mr. Sicker, when we met with you our group explained to you that New Hempstead was unique. We wanted to keep it unique, not to change. Do you just want to change to change? She does not feel that anyone in this room is comfortable with this change. This was our conversation in our homes. To make sure that everybody had a fair shot. There is nothing to say that under 45 won't be a day care or another business. There is no hurry to change this law.

Trustee Sicker stated it is not about making change. It is about regulating under State Law. This is not only about religious use. The other two laws are about religious use.

Deputy Mayor Minsky – 2 or 3 years ago not one person has objected.

Discussion regarding having a better venue and having the citizens come together to address issues.

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

Resolution # BOT 2017-52

Resolved, that the public hearing on Place of Assembly – Local Law 1 of 2017 will remain open. A future date and time to be announced and publicized. Mayor Brinn called for a vote and the vote was 5-0. The resolution was adopted.

Ateres referral to Planning Board – intent to be lead agency on site plan

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

Resolution # BOT 2017-53

Resolved, that the Board of Trustees hereby adds an item to the agenda; to read the resolution that was passed at the Special Meeting of March 13, 2017. The vote was 3-0.

Trustee Sicker read the resolution into the record.

Deputy Mayor Minsky – explained to the public about the Special Meeting which was held on March 13th. There were only 3 Trustees at the meeting as the Mayor and the Deputy Mayor did not know about the meeting. He also stated this matter is before a Judge, who has not moved on the matter as yet.

Mayor Brinn explained that the Board (3 Trustees) desired to retain Dennis Lynch of the Law Firm of Feerick Lynch MacCartney and Nugent to undertake all legal services regarding religious land use issues, including but not limited to Ateres Bais Yaakov Academy of Rockland and any changes in the Zoning Code for the Village, as well as such other matters as are directed by the Village Board from time-to-time; and all such services to be provided at the blended hourly rate of \$250 per hour, plus disbursements reasonably incurred.

Attorney Lynch told the public that the Village Attorney had resigned as of March 31, 2017.

Mayor Brinn stated he has a letter from Attorney Michaels stating he is withdrawing his resignation.

Deputy Mayor Minsky stated that he wants the Attorney around to handle the issue of whether the Trustees should recuse themselves from the Ateres matter.

Mayor Brinn stated that Dennis Michaels was hired by the Board of Trustees and as far as he is concerned he is the Village Attorney for the Village of New Hempstead. We don't need special council. We have no budget for special council.

Attorney Michaels stated that the Trustees are in the majority and have the ability to hire Special Council under certain circumstances. He is not aware of what the circumstances are.

Trustee Sicker stated that before the Trustees had the Special Meeting, they had conversations with Attorney Michaels.

Deputy Mayor Minsky asked what the benefit of Special Council was to the Village.

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

Resolution # BOT 2017-54

Resolved, that the resolution adopted at the Special Meeting of the Board of Trustees on March 13, 2017 is hereby re-adopted. The vote was 3-0. The resolution was adopted.

Althea Mundy – “You have gone and, basically spent our money”.

Attorney Lynch stated the amount gets passed to the applicant.

Ateres – Lead Agency

Mayor Brinn asked if Trustee Sicker and Trustee Mintz were going to recuse themselves.

Attorney Lynch explained why the fact that Trustee Sicker & Trustee Mintz had children attending the subject school would not affect the decision. It is not a mandatory conflict.

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

Resolution # BOT 2017-55

Resolved, that the Board of Trustees of the Village of New Hempstead hereby refers to the Planning Board the intent to be lead agency on site plan for Ateres Bais Yaakov. Mayor Brinn called for a vote and the vote was 3-0-1. Deputy Mayor Minsky abstained. The resolution was adopted.

Local Law to regulate certain Interim School uses (Temporary Trailers)

Ms. Vazquez stated the public hearing notice appeared in the March 3, edition of the Journal News.

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

Resolution # BOT 2017-56

Resolved, that the Board of Trustees of the Village of New Hempstead hereby makes a motion that pursuant to the State Environmental Quality Review Act ("SEQRA"), the proposed action by the Village Board of Trustees to consider the adoption of a proposed Local Law to be entitled Interim School Building Use, also known as modular school structures, which would be an amendment to the Village's Zoning Law, is hereby classified as an Unlisted action as defined by SEQRA Regulation 6.17.4; no agency, other than the Village Board of Trustees and the Rockland County Department of Planning will have any significant involvement in the review process, pursuant to SEQRA Regulation 617.6 ; and this Board hereby declares itself as Lead Agency. Mayor Brinn called for a vote and the vote was 3-1. The resolution was adopted.

Attorney Michaels read into the record correspondence dated March 13, 2017 from The Dept. of Planning, 2 pages.

Mayor Brinn stated he has 30 letters from residents who are very much in favor of Ateres and the Interim modular buildings that they are looking. All of these letters will go into the record.

Amy Mele, Attorney from Ira Emanuel's office, 4 Laurel Rd., New City, N.Y. – representing the applicant.

Attorney Mele stated the applicant is asking for a simple land use approval. The Local Law imposes extreme standards for schools that want to use trailers on an interim basis so that they don't become part of the landscape forever.

The applicant's attorney was asked to draft a local law to address this issue. The rising school population is not unique here in Rockland; it is a nationwide issue. There are thousands of these trailers all over the country. If the local law is passed, the applicant still has to come back and apply for it. This is a one year permit, renewable for 2, 12 month extensions. Then the applicant has to go back to get site plan approval as to where to put the trailers so that this is safe while the construction is going on.

Mayor Brinn opened the public hearing.

Attorney Mele stated this law was reviewed by the technical staff of New Hempstead and it largely incorporates the comments of the staff. It was also reviewed by the Planning Board at their last meeting and the P.B. recommended adoption of the Local Law; one request that we limit it to 1R-40 and 1R-50 zone.

Ms. Vazquez stated the public hearing notice appeared in the Journal News on March 3, 2017.

Mr. Johnson, David Drive – They are cutting down trees on his block – what happened to the trailers on Rte 45?

Attorney Emanuel explained this application has nothing to do with Route 45. The application for the Rte. 45 site was withdrawn. There is an approved site plan and an approved Special Permit for the application on 200 Summit Park Rd.

Struck – 10 David Drive – gave comments on the application. Doesn't the Planning Board have more experience in these issues? He also asked about the fact that interested parties should or should not vote on these issues.

Attorney Emanuel stated he does not have the ability to investigate these matters. He said we are talking about the proposed Local Law this evening.

Mrs. Greenwald – asked about the amended version of the Local Law.

Mayor Brinn asked Mr. Lange for comments.

Mr. Lange stated the GML comments should remain the same. No need to change the FAR.

Mrs. Munis had some comments regarding the proposed Local Law.

Attorney Michaels read a portion of the proposed Local Law that he felt would make the residents feel more confident.

Deputy Mayor Minsky stated he is sorry this was not passed a couple of months ago, but there are a lot of people who have concerns regarding this. He stated this particular law was developed by the applicant. No research, no due diligence. The law is just for the applicant. The public has a right to know what we are doing when we pass laws.

Trustee Reich stated it has been done by qualified professionals.

Deputy Mayor Minsky stated there is no way they can tell if this will be effected overall.

Attorney Michaels asked if the Trustees felt they had enough information to render an environmental determination.

The Trustees said they did.

Mayor Brinn asked for the professionals' opinion.

Mr. Lange felt the law was written as if it would be used once. What school will be in these circumstances to make this available again? He can't predict.

Mr. McCreedy stated it is only a law. It is not granting a permit.

Attorney Emanuel reminded the Board that the original version would have applied to all zones. This version will only apply to zones 1R-40 and 1R-50 because of the Planning Board's recommendations.

Attorney Michaels read the items regarding the SEQRA procedures outlined in the checklist guide with reference to this proposed Local Law.

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

Resolution # BOT 2017-57

Resolved, that the Board of Trustees of the Village of New Hempstead hereby declare that having reviewed the submissions, reports and correspondence regarding the proposed Local Law to regulate certain Interim School uses (Temporary Trailers) there will be no significant adverse environmental impact. Ms. Vazquez called a roll call vote as follows: Mr. Sicker –Nay, Trustee Mintz, Nay, Trustee Minsky, abstain, Trustee Reich, Nay, Mayor Brinn, Nay. The resolution was adopted.

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

Resolution # BOT 2017-58

Resolved, that the Board of Trustees of the Village of New Hempstead, based upon findings of the majority of the Trustees, hereby determines that the proposed action will not have a significant adverse environmental impact, and a draft environmental impact statement will not be prepared; the Board of Trustees issues a Negative Declaration. Roll call vote. Trustee Sicker, yes, Trustee Mintz, yes, Trustee Reich, yes, Deputy Mayor Minsky, yes, Mayor Brinn, yes. The resolution was adopted.

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

Resolution # BOT 2017-59

Resolved, that the Board of Trustees of the Village of New Hempstead hereby adopts A Local Law Amending Local Law No. 11 of 1984 (Zoning Law) to Permit and Regulate Certain Interim School Uses. Roll Call vote – Trustee Sicker, yes, Trustee Mintz, yes, Trustee Reich, yes, Deputy Mayor Minsky, yes, Mayor Brinn, yes. The resolution was adopted.

Deputy Mayor Minsky stated that he feels in this situation, 2 of the Trustees should have recused themselves. This has set the wrong standard. It lacks transparency. There is nothing wrong with having trailers on property. I voted yes for that.

Mayor Brinn – Never combine issues. Feels the school is a good idea. Never about personalities.

Discussion MS4 mapping grant – postponed for another meeting

Discussion codification of Zoning Law – postponed for another meeting.

Approval of Minutes of February 27, 2017 postponed for another meeting

Audited vouchers

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

Resolution # BOT 2017-60

Resolved, that the Abstract of Audited claim numbers 17401 through 17441 in the amount of \$53,165.07 are hereby approved. Mayor Brinn called for a vote and the vote was 5-0. The resolution was adopted.

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

Resolution # BOT 2017-61

Resolved, that the meeting held by the Board of Trustees of the Village of New Hempstead on March 27, 2017, is hereby adjourned. Mayor Brinn called for a vote and the vote was 5-0. The resolution was adopted.

Respectfully submitted,

Lee Mazza, Secretary