

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

BOARD OF TRUSTEES

REGULAR MEETING
TUESDAY, SEPTEMBER 6, 2016
7:30 P.M. – VILLAGE HALL

PRESENT

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

ABSENT

ALSO PRESENT

DENNIS MICHAELS, VILLAGE ATTORNEY
RAPHAEL ZIGLER, FIRE INSPECTOR

Pledge of Allegiance

Roll Call

Open Floor – Public Participation

Attorney Michaels stated the application of Ohaiv Shalom, 18 Bridle Road, New Hempstead, a local house of worship with Rabbi's residence will be adjourned until September 20th. There will be no further public notices. The Aron Saperstein application, 4 Pennington Way, will also be adjourned until September 20th, 7:30 p.m. in this meeting room. There will be no further public notices for that application either.

A resident from Zavatone Ct. spoke about a poison ivy problem in a cul-de-sac near her.

Mayor Brinn stated he will speak to the Highway Dept. to discuss the options of how to handle this problem.

A resident from David Drive thanked the staff and the Highway Dept. for the quick response regarding some pot holes on his block.

A resident from Rovitz Place spoke about the no parking or standing signs on Rovitz Pl. and Route 45. Also the traffic light on Sanatorium Rd. and Route 45. Wants to know if the sensors are working. He also asked about street cleaning. They do not clean often enough.

Mayor Brinn stated he would talk to the County about the signs and traffic light and will talk to the Town regarding street cleaning.

Public Hearing on Local Law 2 of 2016 – Site plan and Subdivision Procedures

Attorney Michaels read into the record correspondence from the Rockland County Planning Dept. dated Sept. 2, 2016. Same will be attached to and made a part of this record.

The Village Planner, Village Engineer and Attorney Michaels agree that this is a type 2 action, administrative in nature and no SEQRA review is required. It is exempt from SEQRA.

Mayor Brinn asked if anyone wished to comment on this subject.

Althea Mundy spoke about the fact that the professional staff had not spoken regarding this subject. Attorney Michaels stated they had given their recommendations to the Board previously.

Mayor Brinn postponed voting on the Local Law 2 until the next meeting of the Board of Trustees.

He also explained that the intent of this Local Law was to make it more astringent on site plan applications in terms of the safety when construction is going on in the Village. It is more geared to the major subdivisions that may come out in the future so that we have better control as to how the perimeter of that site plan or subdivision is being done and how the neighbors are being protected.

The public hearing will remain open until the Sept. 20th meeting of the Board of Trustees. No further public notices will be sent out.

Continuation of public hearing – special permit application of Ateres Bais Yaakov, 236 Cherry Lane, Monsey, N.Y. 10952. To permit construction, maintenance and use of three temporary modular classrooms for a girls religious school on site formerly known as Rockland Baptist Church, 945 Route 45, New City, N.Y. 10956.

Mayor Brinn recused himself in this matter. He turned the meeting over to Deputy Mayor Minsky.

Attorney Michaels stated the Board should perform the environmental review for this application if all is in order at this time.

Attorney Michaels read the following correspondence into the record:

4 page letter from the Rockland County Planning Dept. dated Aug. 22, 2016

Ira Emanuel commented on the letter from R.C. Planning stating that many of the comments are repeats from correspondence to the Planning Dept. and the Zoning Board of Appeals.

There is also a 2 page letter from the Rockland County Sewer District #1 dated Aug. 22, 2016.

Correspondence from Town of Ramapo Dept. of Public Works dated Aug. 2, 2016

Correspondence from John Lange, Village Planner, dated Sept. 2, 2016

2 page report from Fire Inspector, Raphael Ziegler dated Sept. 5, 2016

Same will be attached to and made a part of this record.

Ira Emanuel, Attorney for Applicant stated the applicant has been making changes to the plans as they have been getting information. The application tonight is not for site plan, it is for Special Permit approval. He stated that under NYS law, schools are to be allowed in residential districts. The question is whether this is a good location. If the Special Permit is granted it is granted subject to site plan approval.

Deputy Mayor Minsky stated that looking at the Fire Inspector's report and the report by the County, it seems at this time, that the plan does not work as it exists right now. Perhaps this is not a proper site for this school.

Attorney Emanuel feels these are "details". There are new plans.

Deputy Mayor Minsky feels it is not conceivable, tonight, to make a decision as everything seems to be incomplete and has not been reviewed.

Attorney Michaels stated that, typically, the Planning Board is the lead agency. In this case the Village Board is the lead agency. They have the entire application to consider, not just the Special Permit. The Planning Board and Zoning Board cannot act until the Village Board completes its environmental review.

Attorney Michaels announced that the Planning Board and the Zoning Board of Appeals' meetings that were scheduled to follow tonight's meeting, have been re-scheduled. The Planning Board will be held on September 27, 2016 at 7:30 p.m. and the Zoning Board of Appeals will be held on September 28th at 7:30 p.m. All applications scheduled for tonight will be scheduled on those nights.

Deputy Mayor Minsky stated, again, that since the professionals have not seen the new plan, the Board is not able to make a decision on this application tonight.

Attorney Emanuel gave the history of this application and explained that the changes that have been made to the site plan are those that were influenced by the suggestions of the Building Dept. and the Fire Inspector. The site plan is basically the same with improvements.

Deputy Mayor Minsky opened the hearing to the public for comment.

2 Lori Ct. – What is wrong with the property across the street?

Attorney Emanuel – property is not up to code.

Althea Mundy

11 Elizabeth Ct. – Village has said that they need 10 acres for a school – you would be making a precedent from now on. This opens it up to any group to come in and request the same. You have 400+ kids. If you have a fire in that building where are you going to put those kids? That parking lot cannot hold 400 kids plus the fire equipment needed. There are wetlands in the back of the property. What contamination is going to come from that school to affect the wetlands? Also, who else on the Board has an interest in this application besides the Mayor?

Attorney Michaels stated the Mayor has confided in him the reason for his recusal.

Lynda Williams

5 Rovitz Place – Member of the Rockland Baptist Church – they were told that the area that was levelled was wetlands – now it is referred to as a ditch.

Attorney Emanuel stated they are not levelling it off.

Schwartz

4 Medical Park Drive – Has an office on Medical Park Drive – traffic very high – hard to get in and out. Hard for any emergency vehicle to get in and out, also hard for busses. Days when busses don't run there will be too many cars.

1302 Views Lane

Does not feel the Village of New Hempstead should change their variance for the convenience of one small group. They don't fit there.

David Drive – News about possibly building a hotel nearby. A lot of things under consideration.

Deputy Mayor Minsky stated there is no application for a hotel. Nor has it been suggested.

Rovitz Place – unable to be heard

One of the trustees has 3 children in the school

John Waters

933 Route 45 – If they spend all this money to do this, they are not going away in 3 years.

Attorney Michaels stated there are mechanisms that he has been drafting, legal instruments, to address what happens after 3 years if the trailers are still there. The Village Board has not approved any period of time. The applicant is asking for 3 years.

Rovitz Place – opposed to a Special Use Permit – the zoning is 10 acres for a school – at the ZBA meeting talking about the illegal yeshiva that wanted to be legal – Mr. Fuerst said we did that 10 acres for 500 students – it requires a 65% variance – when does it become an accommodation and when does it break the zoning law? An inconvenience is not a grievance. This application does not have any of the reasons for granting a variance.

Shoenberg

11 Medical Park Drive – Is the property going to be released to the school?

Attorney Michaels – “yes” the applicant will be a tenant.

Shoenberg – in three years when this tenant leaves and the buildings are still there, what is to stop another type of use for the buildings? Also, there have been many times when there is an event at the baseball field and the traffic has overlapped into our parking lot making it impossible for our own patients to get through. If there is an event at the school there will not be enough parking.

John Urzen - Hillcrest Fire Chief – There is no such thing as a temporary trial – experience has been that one situation was over 180 days and 5 ½ years later, it is still there.

The Fire Dept. was not involved with comments regarding the site plan. They have to review the plans. Parking, parking, parking – the building on site is not coming down? –

Kim Wepler, Ex-Chief of Hillcrest Fire Dept. – Asked about building at 900 Rte. 45. Condition of that building?

“awful” – multiple violations.

Building should be condemned. Looking for use of an existing building. There is nothing wrong with the school – the way it is run is very well – have had a good relationship over the years –

Shlomo Pomerantz – Hillcrest Fire Dept. – We want to get the latest plans so we can review them. There was also some commentary from the Building Inspector – would like a copy of that. The building that exists is being used – there is no use permit for that. Our business is to be concerned for people. We need time to review the latest plans.

Discussion regarding the modular buildings being considered “structures”.

Deputy Mayor Minsky closed the public comment portion of the hearing.

Attorney Emanuel stated that the ball games are usually on Sunday and the school is not open on Sunday. Also, the Ramapo School District provides the busses on school days. None of the students are permitted to drive to school. There are no after school events. Parent/teacher conferences will be divided up so there will not be a large amount at one time. This property is about the same size as the Summit Park Rd. property. The modular buildings are not going to be owned by the applicant or the owner of the property. They will be leased – no interest in maintaining the buildings past the lease.

The public hearing of Ateres Bais Yaakov will continue to the next meeting of the Board of Trustees, which will be Tuesday, Sept. 20, 2016 at 7:30 p.m. in this meeting room. No other public notices will be sent.

Approval of Audited Vouchers.

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

Resolution # BOT 2016-111

Resolved, that Abstract of Audited claim numbers 17123 through 17169 in the aggregate amount of \$69,572.15 are hereby approved. Mayor Brinn called for a vote and the vote was 5-0. The resolution was adopted.

Approval of Minutes of July 25, 2016

Correction of the Minutes – no approval tonight

There is a document which reflects that 2 Trustees were here on August 22, 2016, when the meeting was cancelled. As stated by Attorney Michaels, same will be made a part of this meeting.

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

Resolution # BOT 2016-112

Resolved, that the Board of Trustees of the Village of New Hempstead hereby Issues a notice of intention to declare itself Lead Agency on the State Environmental Quality Review Act for Proposed Local Law to amend Local Law No. 1 of 2015 and Local Law No. 2 of 2015, which are known as Gathering Place and Local House of Worship. Mayor Brinn called for a vote and the vote was 5-0. The resolution was adopted.

Mayor’s Report – none

Deputy Mayor’s Report – none

Trustee Report - none

Motion to adjourn –

Resolution # BOT 2016-113-

Resolved, that the Board of Trustees of the Village of New Hempstead hereby adjourns the meeting held on September 6, 2016. Mayor Brinn called for a vote and the vote was 5-0. The resolution was adopted.

Respectfully submitted,

Lee Mazza, Secretary