

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

**PLANNING BOARD**

REGULAR MEETING  
WEDNESDAY, AUGUST 3, 2016  
7:30 P.M. – VILLAGE HALL

PRESENT

CHARLES FRANKEL, CHAIRMAN  
RACHEL SCHWARTZ, DEPUTY CHAIRPERSON  
JENNIFER EISENSTEIN  
ANGELA ESPOSITO  
HILLEL KURZMANN

ABSENT

MEL POLIAKOFF

ALSO PRESENT

GLENN MC CREEDY, VILLAGE ENGINEER  
JOHN LANGE, VILLAGE PLANNER  
DENNIS MICHAELS, VILLAGE ATTORNEY  
RAPHAEL ZIEGLER, FIRE INSPECTOR  
CAROLE VAZQUEZ, VILLAGE CLERK-TREASURER  
LORI BELLO, DEPUTY VILLAGE CLERK-TREASURER

**Open meeting**

**Roll Call**

**Public Hearing – Applicant – Aron Saperstein, 4 Pennington Way, New Hempstead, N.Y. 10977  
Site Plan Approval – Congregation Shaarei Tefillah of New Hempstead - 42.05-2-20**

Present

Sam Backenroth – representing applicant

Mr. Backenroth stated the applicant was at a CDC meeting 2 weeks ago - re: Local Law #2 for House of Worship. They have a certified survey and complied with everything required by CDC. They are here to obtain a negative declaration to move forward.

Mr. Lange – stated the applicant needs to resolve parking – house of worship appears to exceed the size of the house – drainage directed to drainage easement – not sure if that is sufficient – needs a turn-around in the driveway – fire fighters need access to the driveway – need to discuss how to handle parking.

Mr. McCreedy – drainage issue is O.K.

Fire Inspector – needs more review of plan, however, there are access issues and parking issues – both street and driveway.

Chairman Frankel stated the Village Board will have to set the parking based upon the recommendation of the Planning Board

Mr. McCreedy needs the applicant to clarify the hours of operation and use

Mr. Backenroth stated outside of Sat & Sunday, if it is a Memorial Day they will have a morning service and an afternoon service.

Chairman Frankel stated Mrs. Esposito is a next door neighbor to the applicant.

Attorney Michaels stated to avoid the appearance of impropriety, it is best to recuse herself.

Jennifer Eisenstein is a member of the synagogue. She also will recuse herself.

Chairman Frankel referenced a letter from the Rockland County Sewer District #1 dated

Aug. 1, 2016

There are also 3 letters from neighbors allowing their driveways to be used for parking. Same will be attached to and made a part of this record.

Mr. Kurzmann offered the following motion, which was seconded by Mrs. Schwartz:

Resolution # P.B. 2016-44

Resolved, that the Planning Board of the Village of New Hempstead, as required by the State Environmental Quality Review Act SEQRA, the proposed action on the application of Aron Saperstein, the applicant, requesting approval of a site plan for 4 Pennington Way for the purpose of constructing and erecting a local house of worship as to Local Law 2 of 2016 is hereby classified as an unlisted action and as defined by SEQRA regulation 6.17.4. No agency other than the Planning Board, the Village Board of Trustees, the Zoning Board of Appeals and the Rockland County Dept. of Planning will have any significant involvement in the review process pursuant to SEQRA regulations 617. This Board hereby declares itself as Lead Agency. Chairman Frankel called for a vote and the vote was 3-0. The resolution was adopted.

Chairman Frankel opened the hearing to the public

Ms. Vazquez stated the hearing was advertised in the Journal News on July 22, 2016 and the affidavits of posting and notice were timely.

Frummer

31 Pennington – why is there an issue of parking – can Fire Dept. get access ?

There is a question as to whether this application is a house with an accessory use or is it primarily a house of worship.

Chairman Frankel stated the purpose of this meeting tonight is to make sure the applicant knows what they have to provide to us so that the Board can make a decision.

Moshe

5 Lantern Ct. – the house is 1876 sq. ft. and the use is less than 1600 sq. ft.

Mr. Backenroth will provide the information.

Discussion as to whether variances will be needed. Applicant needs a Special Permit and Site Plan approval. Whenever there is a change of use, those variances that were attendant to a different use may no longer run with the land.

Attorney Michaels suggested the Building Inspector and the Surveyor look into the matter of what variances are needed for the land.

Mrs. Schwartz offered the following motion, which was seconded by Mrs. Esposito:

Resolution # P.B. 2016-45

Resolved, that the regular meeting of the Planning Board of the Village of New Hempstead be moved from September to the 24<sup>th</sup> of the August. That will be the September meeting of the Planning Board. Chairman Frankel called for a vote and the vote was 5-0.

Mrs. Schwartz offered the following motion, which was seconded by Chairman Frankel:

Resolution # P.B. 2016-46

Resolved, that the public hearing on application of Shaarei Tefillah be adjourned to a date certain of August 24, 2016. Chairman Frankel called for a vote and the vote was 5-0.

Chairman Frankel suggested a sign be installed to show that a house of worship is located there. (Shaarei Tefillah) To be discussed at the next meeting.

**Continuation of Public Hearing – Site Plan Approval – Mesivta Ahavas Hatorah**

Attorney Mele – Attorney for Applicant – asked that the public hearing be taken out of order as the Engineer is not yet in attendance.

**Public Hearing – Applicant Ateres Bais Yaakov – Preliminary & Final Subdivision on Lot Lines**

Ms. Vazquez stated the public hearing notice appeared in the Journal News on July 22, 2016. All notices and postings were timely.

Chairman Frankel opened the public hearing.

Attorney Ira Emanuel – Attorney for the Applicant – stated this is an application for elimination of lot lines. The applicant has been before the Planning Board and Zoning Board of Appeals for approval for site plan subject to permit for variances. One of the conditions is the lot lines that separate this parcel into four separate lots. In New Hempstead it requires the approval of each board. The applicant is here seeking the approval of this board. There is no change to the site plan that has been approved. It is strictly the elimination of the lot lines.

Chairman Frankel read a GML from Rockland County Dept. of Planning dated July 25, 2016.

Attorney Emanuel stated the site plan that was shown shows a road widening dedication on Summit Park Road that includes frontage up to and including the front lot line of Lot #1. The County apparently did not get that or did not understand that, therefore we override #1 of the above GML because they will have frontage on Summit Park Road.

Attorney Emanuel stated the Rockland County Dept. of General Services, Div. of Facilities Management was notified with respect to the site plan. The materials were sent up to them. They had no comments. There is nothing to comment upon to eliminate the lot lines. We override this #3 as well.

Attorney Emanuel stated they override #4. The applicant asks to override the first sentence of #6. There are no updated plans. Same response to #7 as to #6.

Mr. McCreedy commented that conditions for the accessory garage to be installed at the center lot, should be resolved in the resolution.

Chairman Frankel opened the hearing to the public for comment.

No one from the public wished to speak.

Mrs. Schwartz offered the following motion, which was seconded by Mrs. Esposito:

Resolution # P.B. 2016-47

Resolved, that the public hearing on application of Ateres Bais Yaakov is hereby closed. Chairman Frankel called for a vote and the vote was 4-0. The resolution was adopted.

Mr. Kurzmann offered the following motion, which was seconded by Mrs. Schwartz:

Resolution # P.B. 2016-48

Resolved, that the Planning Board of the Village of New Hempstead hereby approves the application for preliminary & final subdivision on lot lines by Ateres Bais Yaakov with the following conditions: the removal of garage on Lot #1, conditions of the Rockland County Dept. of Planning General Municipal Review Letter of July 25, 2016 (3 pages signed by Acting Commissioner of Planning Douglas J. Schuetz.) The conditions will be the modifications #'s 2, 5, 8, 9, 10, 11, & 12. They are overriding #'s 1, 3, 4, and portions of 6 & 7. The second sentences of 6 & 7 are approved by the applicant. Chairman Frankel called for a vote and the vote was 4-0. The resolution was adopted.

**Ateres Bais Yaakov – Discussion**

Attorney Emanuel stated it will take time to build the school on Summit Park Road – the school is ongoing and cannot stay at the current facility in Airmont. There is property on Route 45 that was previously approved for use by the Rockland Baptist Church – The church began construction - there

is a shell of a building there right now – after reviewing it, it would be a workable solution on a temporary basis. 3 years will give time for construction and fund raising. If we could use the current approved site plan of the Rockland Baptist Church and modify it. The Rockland Baptist Church has a site plan that provides for a parking area; basically a square shaped parking area with a square shaped building in the middle of the parking area. Ateres wants to open the box – not build those parking areas, instead place 3 modular units in those locations. The structure that is supposed to be taken down will be taken down- (demo permit applied for) parking area on the north and east will remain the same – drop off on the east side of the parking lot. Applicant wanted to bring this to the attention of the Board so that when they come back on August 24<sup>th</sup>, hopefully the approvals can be granted at that time. The Village Board took Lead Agency.

Mr. Lange – Building Inspector issue – authorize what goes on here. What can be authorized on the old one and what is needed for the new one.

Fire Inspector – not enough information here – needs dimensions – section of trailers could impede fire apparatus – fire zone – no local fire hydrant –

Rabbi Fink stated they use Ready Flex Buildings – 7 business days to make - 16 x 12  
Need 3 units – trying to do in advance

Attorney Emanuel stated some of the work can be done now with the prior site plan approval

The condition of the existing structure was discussed

Rockland Baptist Church is no longer the owner of the site

Attorney Emanuel requested a CDC meeting to go over information with the consultants prior to the next meeting.

Mr. McCreedy asked that the following items be discussed:

- 360 degree access
- Fire impact
- Information on mothballing
- Trailer package

Chairman Frankel offered the following motion, which was seconded by Mrs. Schwartz:

Resolution # P.B. 2016-49

Resolved, that the Planning Board of the Village of New Hempstead hereby sets a public hearing on site plan for Ateres Bais Yaakov for August 24, 2016. Chairman Frankel called for a vote and the vote was 4-0. The resolution was adopted.

**Continuation of Public Hearing – site plan approval – Mesivta Ahavas Hatorah**

Present

Amy Mele – Attorney – 4 Laurel Rd., New City, N.Y. Law office of Ira Emanuel  
Jesse Coakley – Consultant

Attorney Mele – stated this application is for a private school on the grounds of an existing house of worship. The property is owned by congregation Bais Knesses of New Hempstead on the corner of Brick Church Road and Union Road. It is a 3.6 acre parcel in a 1R-40 district. In 1991 the congregation received a Special Permit to use the bi-level house and the property as a House of Worship. In 1998 the congregation received site plan and Special Permit approval to build a brick building which houses a Mikvah. In 2002 the house was expanded to include a lecture room as an accessory use synagogue. In around 2006 the bi level began to be used as a day school in addition to worship services. The congregation began to use the premises in 2013. The school is from grades 9-12 and serves approx. 55 students. The applicant is seeking to expand to approx. 80 students. The students are currently bused in by the Ramapo School District on mini buses. On July 25 the applicant appeared before the Village Board and received a Special Permit for the operation of the school based upon conditions that there will be no exterior construction, that the number of students shall not exceed 80, and the

approval is contingent on the Zoning Board of Appeals granting the required variances and the site plan approval by the Planning Board.

Chairman Frankel read the letter from the East Ramapo School District dated July 20, 2016, copy attached to this record.

Mr. Coakley stated that if the parking lot was re-striped there would be enough room and that would eliminate the need for the variance.

Chairman Frankel asked for comments from the Fire Inspector.

The Fire Inspector agreed that parking was not an issue. There is a fire hydrant across the street. There is sufficient access for fire apparatus, there is a sufficient 2 hour barrier; would be sufficient to consider 2 separate areas; do not require a sprinkler system.

Mr. Lange – no comments

Mr. McCreedy – fine with the application

Chairman Frankel opened the hearing to the public

Joseph Goldman  
15 Josell – President of Kehillat of New Hempstead  
Endorsed plans to have school in our facility.

Attorney Michaels went over the checklist from the short EAF (Environmental Assessment Form). The Board members answered “no” to all questions listed on this form.

Chairman Frankel stated that there have been no environmental issues raised by the public.

Attorney Michaels indicated that Village Planner, Mr. Lange, indicated that there would be no environmental impact precipitated by the project on every aspect of the long EAF form.

Mrs. Eisenstein offered the following motion, which was seconded by Mrs. Esposito:

Resolution # P.B. 2016-50

Resolved, that the Planning Board of the Village of New Hempstead, as required by the State Environmental Quality Review Act SEQRA, according to Section 670.7, the Planning Board of the Village of New Hempstead as Lead Agency for the reasons articulated in the Planning Board’s analysis of Part 2 of the long environmental assessment form as prepared and presented by Village Planner John Lange, hereby determines that the proposed action known as the application made by Mesivta Ahavas Hatorah requesting approval for site plan to permit construction and use of an addition to an existing house of worship of the Rabbi’s residence, lecture hall and mikvah for a boys religious school located at 720 Union Road in the Village of New Hempstead will not have a significant adverse environmental impact and an environmental impact statement will not be prepared. Chairman Frankel called for a vote and the vote was 4-0. (1 recused)

Mr. Kurzmann offered the following motion, which was seconded by Mrs. Esposito:

Resolution # P.B. 2016-51

Resolved, that the public hearing on application of Mesivta Ahava Hatorah is hereby closed. Chairman Frankel called for a vote and the vote was 4-0.

Mrs. Eisenstein offered the following motion, which was seconded by Mrs. Esposito:

Resolution # P.B. 2016-52

Resolved, that the Planning Board of the Village of New Hempstead hereby approves the application of Mesivta Ahava Hatorah for site plan approval. Chairman Frankel called for a vote and the vote was 4-0.

Attorney Emanuel brought up the issue of notice of mailing. Chairman Frankel stated he will bring the issue up to the Village Board of Trustees.

**Approval of Minutes of July 5, 2016**

Mr. Kurzmann offered the following motion, which was seconded by Mrs. Eisenstein:

Resolution # P.B. 2016-53

Resolved, that the minutes of the regular meeting of the Planning Board held on July 5, 2016 are hereby approved as submitted and that the reading of said minutes be waived. Chairman Frankel called for a vote and the vote was 5-0. The resolution was adopted.

**The October meeting of the Planning Board will be held on September 27<sup>th</sup> at 7:30 p.m.**

Mr. Kurzmann offered the following motion, which was seconded by Mrs. Esposito:

Resolution # P.B. 2016-54

Resolved, that the meeting of the Planning Board, held on August 3, 2016 is hereby adjourned. Chairman Frankel called for a vote and the vote was 5-0. The resolution was adopted.

Respectfully submitted,

Carole Vazquez, Village Clerk-Treasurer      LPM