

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

PLANNING BOARD

REGULAR MEETING
MONDAY, MAY 1, 2017
7:30 P.M. – VILLAGE HALL

PRESENT

CHARLES FRANKEL, CHAIRMAN
HILLEL KURZMANN
MEL POLIAKOFF
ANGELA ESPOSITO

ABSENT

RACHEL SCHWARTZ
JENNIFER EISENSTEIN
JOSHUA ELLER

ALSO PRESENT

JOHN LANGE, VILLAGE PLANNER
GLENN MC CREEDY, VILLAGE ENGINEER
DENNIS MICHAELS, VILLAGE ATTORNEY
CAROLE VAZQUEZ, VILLAGE CLERK-TREASURER
ALLISON WEINRAUB, PLANNING BOARD SECRETARY

Public Hearing for Bais Malka HASC LLC for revised site plan.

The applicant is seeking approval of a revised site plan to permit construction, maintenance and use of an addition of a swimming pool, wading pool and 100 changing cubicles, prefabricated classroom building to provide 12 additional classrooms and a mechanical room. The property is located on the south side of Grandview Avenue, 900 feet east from the intersection of Pleasant Ridge Road in the Village of New Hempstead; designated on the Town of Ramapo Tax maps as Section 41.20 Lot 41, Block 2 in a 1R-25 zoning district.

Chairman Frankel stated the Planning Board has filed notice of intent to be Lead Agency. The Board of Trustees opened a public hearing on April 27th for the Special Permit. The Board of Trustees took no action on the Special Permit because the SEQRA process has not been finished by the Planning Board. They will be meeting on May 15th depending on what we finish this evening.

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

Resolution # P.B. 2017-24

Resolved, that the Planning Board of the Village of New Hempstead, Rockland County, New York has declared its intent to be the Lead Agency for the proposed action of Bais Malka/Belz School for Girls. Unless written objection is received from an Involved Agency within thirty (30) days of the date of this notification, the Village Board will designate itself sole Lead Agency. Chairman Frankel called for a vote. The vote was 4-0. The resolution was adopted.

Mr. Churgin, Attorney for the applicant, gave the presentation. They are seeking a prefabricated 11,000 sq. ft. school building on a full basement, and a swimming pool and wading pool with 100 changing cubicles. The applicant has met with the Village professionals several times, to try to make this something the Village is comfortable with. They would very much like to use the pool this summer. They want the school ready to occupy in September.

Mr. Lange, Village Planner, brought in a screen to show the site plan. Chairman Frankel stated this is the first time this system has been used.

Mr. Churgin added that they are not adding any parking or any roads, they are able to utilize exactly what is on the site. The building will be put on a basement. It is not something that will be put in and then taken out. The children are bussed in, the teachers are dropped off so there is no use for the parking spots. They are not asking for any variances.

Chairman Frankel stated there are 2 separate occupants of the school; HASC as one and Bais Malka as the other. Will they both be using the pool?

Mr. Churgin stated the school bldg. will be used by only Bais Malka; the girls school. HASC will probably be using the pool some of the time. HASC is a school for children of special needs. They have not yet worked out an arrangement for use of the kiddie pool. The pool may get used in the future by other schools. The pool will be operating only in daylight hours. The Dept. of Health will determine the number of children using the pool at one time.

Chairman Frankel asked for comments from the Village Planner; John Lange.

Mr. Lange stated the applicant has been continually modifying details on the plan according to our requests. His report of April 3, 2017 is annexed to this record.

Mr. McCreedy referred to various correspondence from the Town. A host of issues have to be dealt with outside agencies. The Health Department is listing the pool as a class one action claiming it to be a public pool. He does not know if the definition of public pool is being misconstrued. The applicant will have to address this. The location of the pool has been selected. Mr. McCreedy thinks it is one of the better locations for the site considering the entrance to traffic. Mr. Lange has been working with their engineer to address the bus drop off zone.

Attorney Michaels stated the Board has to go through the environmental review.

Discussion between Chairman Frankel and Mr. Lange regarding the prefab building. It is built off site, then brought in to the site and hooked up. The life of the building, with proper maintenance, is the same as a regular house.

Secretary Weinraub stated the public hearing notice appeared in the Journal News on April 20th. The notices were timely.

Chairman Frankel read the following correspondence into the record:

Correspondence from the Rockland County Highway Dept. dated April 20, 2017

Regarding the question about required parking spaces, Mr. Lange stated he has visited the site and found 40 vacant parking spaces in the lot.

Correspondence from the Rockland County Sewer District #1 dated April 21, 2017

Town of Ramapo, Dept. of Public Works dated April 18, 2017

Rockland County Dept. of Health dated April 12, 2017

Mr. Lange's report of April 3, 2017 & his report of April 26, 2017

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

Chairman Frankel opened the hearing to the public.

Cohnen - 17 Pleasant Ridge Rd. – Complaining about the noise from the pool.

Mr. Churgin stated they are putting opaque fencing around the pool; 8' fencing. It is also 70' from the back of the property line. There will not be a lot of girls in the pool at one time. They are limited to the amount the Dept. of Health allows. They feel they have taken the necessary steps to take care of the noise.

Hamburger – 1 Greenhill Ln. – lives across the street. Concerned about the noise. It was also mentioned at other meetings that students from other schools will be bussed in. That is a lot of noise for the neighborhood and it does make it a public pool. She also hopes there will be a good environmental study because she is concerned about sewage and the runoffs as well.

Sherry Huffman – 16 Pleasant Ridge Rd. – The bldg. will be in her back yard with the thin fence. She has small children and with just a gate separating them from this large pool she is concerned about the safety of the children.

Mr. Churgin stated when the pool is not attended, the gate will be locked. The pool itself will have a separate gate that is going to be locked.

Gale Cole – 12 Pleasant Ridge Rd. – concerned about how they are going to grade the property because It is going to be a runoff onto her property. Her property gets wet near the fence area because of the way the grading is done on the property. She wants to know how they are going to prevent that. She also wants to know what kind of sewer is going to be put in.

Petlin – 14 Pleasant Ridge Rd. – There residents have tennis courts and pool areas, but not on such a large scale. He is concerned about the fact they are building an 11,000 sq. ft. bldg. Also questioned the bus stop area.

Mrs. Greenwald – originally the pool was going to be used every day until 4:00. Now she hears it will be used up until sunset on a summer day.

Mr. Churgin stated he thought people were opposed to bright lights. We are not going to put up bright lights. We will close at dark. As for the noise, we are putting in an 8' high fence.

Ilan Vilensky - 15 Pleasant Ridge Rd. – Why is the pool open until 8:30 when after school, the kids get on the bus and go home?

Philipson – 22 Pleasant Ridge Rd. – neighbors the school – living next to a school has its positives and negatives. The applicant has taken away all the positives and given us the negatives. Does not mind the kids from this school, but bringing in others is a problem for him. It is unfair to the neighborhood. We do not want this. It is like a public pool.

Mr. Churgin stated this is not like a public pool.

Mr. Lange stated the applicant will get the site plan approval from the Planning Board, then they will go for the Special Permit from the Village Board. The Special Permit will have conditions.

Mr. McCreedy stated the professionals have made recommendations to the applicant about where to place the building, etc. The applicant has made improvements to the original application.

Joel Petlin – 14 Pleasant Ridge Rd. – There was a crane close to that building – that is a better location for the building.

Mr. Lange stated there is a whole other analysis that has to go on to position the building.

Another resident complained about megaphones.

Attorney Michaels stated schools are permitted in the zoning district. They require Special Permit and approved site plan. They are permissible uses. They are also allowed to have accessory uses. Like in a house, you are allowed to have a pool, a shed, etc.

Chairman Frankel stated this Board is to consider SEQRA if they have enough information to do so. He explained that the Positive Declaration requires an intensive investigation above and beyond what information has been presented to us.

The professionals did not feel the Board has enough information to declare a negative or positive declaration this evening.

The question arose as to whether the noise from the pool would exceed the noise ordinance regulation that the Village already has in effect.

Mr. McCreedy stated the presentation tonight does not necessarily agree with the Narrative. Everything is achievable but not at this time.

Chairman Frankel asked if the applications are separated and the Board only addresses the application for the pool, are they in a position to consider whether this should be a negative declaration or a positive declaration.

Chairman Frankel asked the applicant if he would like to make any changes in the Narrative. The applicant stated he would like to change the hours of the pool on week nights to sunset or 8:00 p.m, whichever is earlier.

Chairman Frankel asked the members of the Board if they could come to any conclusion tonight or should we get together 2 weeks from tonight to give the applicant an opportunity to give us more information.

Mr. Kurzmann felt he did not have enough information to evaluate it at this time.

Mr. Poliakoff & Chairman Frankel were also in agreement with that.

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

Resolution # P.B. 2017-25

Resolved, that the public hearing on application of Bais Malka HASC LLC for revised site plan is hereby held open until May 16th at 7:30 p.m. at Village Hall. No other public notices will be made. Chairman Frankel called for a vote. The vote was 4-0. The resolution was adopted.

Continuation of Public Hearing on Ateres Bais Yaakov Academy of Rockland for site plan approval:

The applicant is seeking revised site plan approval to permit construction, maintenance and use of three temporary modular classrooms for a girl's religious school on the property known as 200 Summit Park Rd. in the Village of New Hempstead. The subject property is located on the east side of Summit Park Rd. approximately 30 feet south of David Drive; designated on the Town of Ramapo tax maps as Section 42.06, Block 1, Lots 1.2, 1.3, 1.4 and 1.5 in a 1R-50 zoning district.

Present: Amy Mele, Counsel to Ira Emanuel, 4 Laurel Rd., New City, N.Y. She made the presentation.

This Board granted a Negative Declaration at their last meeting. This is an amended site plan for a temporary use of modular classrooms while the permanent school is being built. You have already approved the site plan for the permanent school. The Village Board passed and filed a Local Law allowing this as a Special Permit use. The applicant is on the Village Board's agenda for the 22nd for that Special Permit use. One big thing that has changed that took away a lot of the issues is that Rabbi Fink has entered into an agreement with the stadium. They, the faculty, are going to park at the stadium and be bussed over to the site during this construction phase. The temporary parking during the construction phase and the sidewalks from Matterhorn all has gone away because of this agreement. The road opening has been put off for a while until the piece of property required is acquired. The applicant is here tonight to obtain approval on the amended site plan. We have upgraded the Narrative to provide for the parking at the stadium. Referring to the Rockland County GML, Attorney Mele feels the applicant can basically comply with every one of the recommendations with the exception of one, possibly two. No. 11, talks about the temporary parking spaces. They feel they have provided that information. Also, none of the students drive to school. If the Village Attorney agrees with that, the applicant does not need an override for that. The other comment is that the eastern play area is very close to the construction area. They recommend that it be re-located. The applicant says they do not have enough room to do that. That would be the only comment where the applicant might ask for an override.

Leonard Jackson, Engineer made a few comments.

Mr. McCreedy stated he did not have a chance to review the plans as he received them late.

Mr. Lange stated the plans are going well.

Chairman Frankel made reference to a letter dated April 14, 2017 from Rhonda Smith of Leonard Jackson Associates (Response to comments)
Another letter dated April 14, from Leonard Jackson Associates (Temporary classrooms)
Letter from Amy Mele dated April 26, 2017
Letter from Rockland County Dept. of Planning dated April 28, 2017 (21 points that the applicant has approved)

Chairman Frankel opened the hearing to the public. He asked if there were any comments from the public. (none)

Chairman Frankel asked the Board members if they were in a position to make a decision on the amended site plan this evening.

Chairman Frankel offered the following motion, which was seconded by Mr. Poliakoff:

Resolution # P.B. 2017-26

Resolved, that the Planning Board of the Village of New Hempstead hereby closes the public hearing on application of Ateres Bais Yaakov Academy of Rockland. Chairman Frankel called for a vote. The vote was 4-0. The resolution was adopted.

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

Resolution # P.B. 2017-27

Resolved, that the Planning Board of the Village of New Hempstead hereby approves the application of Ateres Bais Yaakov Academy of Rockland for revised site plan approval to permit construction, maintenance and use of three temporary modular classrooms for a girl's religious school on the property known as 200 Summit Park Rd. in the Village of New Hempstead subject to conditions of signing of the re-subdivision/lot merger plat, which must be finalized, signed off and recorded by the County Clerk related to that or the various legal instruments that need to be finalized. Subject to the conditions of the Rockland County Planning Dept. GML letter of April 28, 2017, and the requirements of the Army Corp and SWWP. Chairman Frankel called for a roll call vote. Mrs. Esposito, aye, Mr. Kurzmann, aye, Chairman Frankel, aye. Mr. Poliakoff, aye. The resolution was adopted by a vote of 4-0.

Continuation of Public Hearing on Mesivta Ahavas Hatorah for revised site plan: The applicant is seeking revised site plan approval to permit construction, maintenance and use of a one story addition containing classrooms, offices, lavatories, a faculty lounge, a library, and a gym with lockers on the property known as 720 Union Rd. in the Village of New Hempstead. The subject property is located on the southeast corner of Union Rd. and Brick Church Rd.; designated on the Town of Ramapo tax maps as Section 42.17 Block 2 Lot 94 in a 1R-40 zoning district.

Present: Amy Mele, Counsel for Ira Emanuel – Last year the applicant received a Special Permit for the school. Now they are here seeking revised site plan approval. The applicant was not able to receive a SEQRA determination at the last meeting of this Board because 30 days had not passed since the notice of intent to be Lead Agency. The applicant is seeking SEQRA determination tonight and approval if possible. There has been some clarification in the narrative regarding busing the students during construction. The sewer line issue has been taken care of with the Town of Ramapo.

Jesse Cokely made a presentation regarding the site plan. A parking study has been done. Not much need for parking. Some additional fencing has been added to separate the students from the construction. The sewer line has been increased from 4 to 6 inches as mandated by the Town of Ramapo.

Amy Mele stated there will be no increase in the number of students.

Chairman Frankel stated the Planning Board is Lead Agency so their approval is needed by the Board of Trustees before the Special Permit can be approved.

Chairman Frankel stated this is a continuation of a public hearing. He asked if there was anyone from the public who wished to speak regarding this application. None.

Chairman Frankel stated the next item on the agenda this evening, **Continuation of Discussion – Mini Station** has been removed from the agenda by the Attorney for the applicant. As a point of information, this applicant has made an application to the Village Board for a zone change. Chairman Frankel made this announcement so if any of the public was waiting for this discussion, they could leave.

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

Resolution # P.B. 2017-28

Resolved, that the Planning Board of the Village of New Hempstead hereby makes a motion that, pursuant to State Environmental Quality Review Act ("SEQRA") Regulations 617.7, as Lead Agency, hereby determines that the proposed action, known as the application of Mesivta Ahavas Hatorah requesting approval of a revised site plan to permit construction, maintenance and use of a one story addition containing classrooms, offices, lavatories, a faculty lounge, a library, a gym with lockers on the property known as 720 Union Rd. in the Village of New Hempstead, Section 42.17 Block 2 Lot 94 in a 1R-40 zoning district

is hereby classified as an Unlisted action as defined by SEQRA Regulation 617.4; no agency, other than the Planning Board and the Village Board of Trustees and the Zoning Board of Appeals and the Rockland County Dept. 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. Chairman Frankel called for a vote. The vote was 4-0. The resolution was adopted.

Mr. Kurzmann offered the following motion, which was seconded by Chairman Frankel:

Resolution # P.B. 2017-29

Resolved, with respect to the application of Mesivta Ahavas Hatorah, the Planning Board 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 Planning Board hereby issues a Negative Declaration. Chairman Frankel called for a vote. The vote was 4-0. The resolution was adopted.

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

Resolution # P.B. 2017-30

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

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

Resolution # P.B. 2017-30-A

Resolved, that the Planning Board of the Village of New Hempstead hereby approves the application of Mesivta Ahavas Hatorah with the following conditions: Land bank parking, storm water management system has to be installed and when it is installed has to follow the current regulations at that time. Needs to review the bond estimate cost improvement form. Also site plan will be conditioned on the sign off of the Special Permit. Chairman Frankel called for a vote. The vote was 4-0. The resolution was adopted.

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

Resolution # P.B. 2017-31

Resolved, that the meeting held by the Planning Board on May 1, 2017 is hereby adjourned. Chairman Frankel called for a vote. The vote was 4-0. The resolution was adopted.

Respectfully submitted,

Lee Mazza, Secretary