

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

**PLANNING BOARD**

SPECIAL MEETING  
7:30 P.M. VILLAGE HALL  
MAY 16, 2017

PRESENT

CHARLES FRANKEL, CHAIRMAN  
MEL POLIAKOFF  
JENNIFER EISENSTEIN

ABSENT

RACHEL SCHWARTZ  
HILLEL KURZMANN

ALSO PRESENT

DENNIS MICHAELS, VILLAGE ATTORNEY  
JOHN LANGE, VILLAGE PLANNER  
ALLISON WEINRAUB, SECRETARY

**Roll Call**

**Congregation Bais Knesses – the applicant is seeking a permit for a 24 inch Sign – 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.**

Mr. Lange stated the sign conforms to the Village's zoning code.

Chairman Frankel established the sign is on one side only and is not illuminated. (facing out).

No discussion by the Planning Board members.

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

Resolution # P.B. 2017-32

Resolved, the Planning Board of the Village of New Hempstead hereby approves the application of Congregation Bais Knesses; seeking a permit for a 24 inch sign on their property located on the south east corner of Union Rd. and Brick Church Rd. Chairman Frankel called for a vote. The vote was 3-0. The resolution was adopted.

**Continuation of a 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 Board separated the items pertaining to the swimming pool and items pertaining to the classroom building.

Chairman Frankel made reference to the GML from the Rockland County Planning Dept. dated May 15, 2017. Same will be annexed to and made a part of this record.

(While the Board members were studying the GML, there was a discussion regarding Cambridge Heights)

The Fire Inspector sent all the Board members a letter following his inspection. There had been complaints that were received from the Moleston District Fire Co. in response to two fire calls that were received. Chairman Frankel went to the project since he was familiar with the plans and he wanted to see if the condos were built according to plans. Chairman Frankel met with Mr. Lange and decided they

had questions regarding the plans. The project is located on the corner of Pomona Rd. and Summit Park Rd. They, then, went to the project and discovered that the roads were switched. People were living at the wrong addresses and on the wrong roads. The roads that were switched were Westminster Way and Dorchester Ct. (911 records are probably wrong and the Deeds are probably improperly recorded) Also, the tax assessor may be billing the wrong property. It has been determined that this is an enforcement issue. The Code Enforcement Officer and the Building Inspector are supposed to be enforcing this issue. This Board will take no action. It is for our information. The Village Planner stated the exit is a "death trap" waiting for an accident to happen. That exit is supposed to have a gate and is to be used by emergency vehicles only. The Fire Inspector agreed that that is a dangerous intersection. The original plans were marked no parking overnight. We were led to believe they duplicated the same plan, but after examination of the amended site plan, that Engineer, failed to incorporate no overnight parking. The signs should be installed. Whose responsibility it is, is a question.

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

Resolution # P.B. 2017-33

Resolved, that the Planning Board wishes to advise the Board of Trustees that approximately 3 years have passed since the Village had its own Building Inspector, and that this motion is a recommendation to the Board of Trustees that they seriously consider the Building Inspector situation and that they move forward with utmost haste and without delay to hire an in house Building Inspector for the Village of New Hempstead, forthwith. Chairman Frankel called for a vote. The vote was 3-0. The resolution was adopted.

Back to Bais Malka –

Mr. Churgin – with respect to the GML, there is no problem. The letter from the Fire Inspector with reference to the storage building that will be utilized for the pool, roughly 11,000 sq. ft., and only one story, is only a storage machine building. He states that pursuant to IFC Chapter 903.2. and 907.2.5, an automatic sprinkler system is required and an automatic smoke detection system is required. We do not believe that a building such as this will require the sprinkler system or a smoke detection system. We will comply with NYS law. But we do not believe that this is the case.

Chairman Frankel asked if the items referred to above would be under the regulations of the Health Dept.

Mr. Lange stated he thinks so – that they will have to have all of these plans in place in order to get the permit.

Chairman Frankel stated that he feels all the items that the Fire Inspector has brought up in his report fall under the purview of the Health Dept.

Chairman Frankel stated the Board has not yet made a negative or positive declaration under SEQRA.

There was a discussion regarding the hours the pool will be in use. Basically 8:30 a.m.; starting. 6:00 p.m. last bus during the week. Sunday, last bus 2:00 p.m.

Mr. Lange asked if there was an agreement with reference to the area you come in. It needs repaving.

Mr. Churgin stated the area is owned by the East Ramapo School District. He will contact the East Ramapo School District and discuss it with them.

Mrs. Eisenstein asked the number of students permitted in the pool.

The number is 100, regulated by the R.C. Health Dept.

Mrs. Eisenstein stated when the applicant first came in, she thought the pool would be used by only the people in the school.

Mr. Churgin stated that was the primary intent, but it will probably be used by other people as well. It is run by the school, it will not be rented out.

With reference to SEQRA determination, John Lange prepared a Short Environmental Assessment Form.

It is the professional opinion of the Village Planner, John Lange, based upon his review of the submissions and based upon the testimony of the applicant and the applicant's representatives, there will be no potential or significant adverse environmental impact that will be created by this project when it is in full operation for both the school and the pool.

Attorney Michaels stated that Mr. Lange made reference to a Part 2 and Part 3 of the SEQRA short form dated 5/16/17 modified as per his testimony.

Attorney Michaels read into the record an agreement between Bais Malka, 46-48 Grandview Ave., Spring Valley, N.Y. 10977 and Ben Philipson, 22 Pleasant Ridge Road, Spring Valley, N.Y. regarding the issuance of a Special Use Permit and approval of a revised Site Plan in connection with the installation of swimming pools and prefabricated modular classroom building on the school premises located at 46-48 Grandview Avenue, Spring Valley N.Y. 10977. Same will be annexed to and made a part of this record.

Chairman Frankel opened the hearing to the public.

Aryeh Schmerhold, 20 Pleasant Ridge Rd. – Concerns about who will be using the pool if not just the girls' school and affiliated programs.

Attorney Michaels stated the occupancy of the pool is limited by the County Health Dept. The time that the pool can be occupied is also limited by the Board.

Attorney Michaels read into the record the Short Environmental Assessment Form – Part 2 – Impact Assessment as prepared by Village Planner John Lange. Also attached is Short Environmental Assessment Form Part 3 Determination of Significance, also prepared by Village Planner John Lange. Village Planner John Lange will be modifying the above mentioned form.

The modifications will be:

There will be no one in the pool before 8:30 a.m. The last bus will leave at 6:00 p.m. weekly and 2:00 p.m. on Sundays. No Friday afternoons and no Saturdays.

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

Resolution # P.B. 2017-34

Resolved, that the Planning Board of the Village of New Hempstead, pursuant to the State Environmental Quality Review Act ("SEQRA"), declares a negative declaration for the pool and prefabricated structure as proposed by Bais Malka HASC LLC. 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. Chairman Frankel called for a roll call vote. The vote was as follows: Mrs. Eisenstein, yes, Mr. Poliakoff, yes, Chairman Frankel, yes. The resolution was adopted by a vote of 3-0. Chairman Frankel stated the applicant agreed to all the provisions of the GML and it is not necessary for a super majority to approve.

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

Resolution # P.B. 2017-35

Resolved, that the Planning Board of the Village of New Hempstead hereby makes an advisory recommendation to the Board of Trustees:

1. The use of the pool shall be limited to the occupants of the school or the affiliates of the school.
2. The hours of operation shall be no greater Monday – Friday than 5:30, which will allow loading of the buses from 5:30 – 6:00 and 1:30 on Sunday, which would allow loading of the buses.
3. Based upon the intent as stated by the Applicant, they shall not be able to rent out the pool for use by others than those affiliated with the school.
4. The applicant shall adhere to all current regulations of the Health Dept. and any future revisions to those regulations, County and State if applicable.
5. Concerning signage at the pool. The P.B. waves its sign regulations to those deemed applicable and necessary by the Health Depot. Because they may have signs – no running,

etc. I don't think it's necessary for the applicant to have to return to the P.B. if it is deemed by the Health Dept.

6. The school cannot be used for a camp. It is forbidden in the zoning code.
7. If the property or the leasing agreements between the two that are currently there changes in any way, the Special Permit gets revoked and any further use by any other parties requires the Special Permit by the BOT.
8. Any future building will require the applicant to come back to the P.B. for Special Permit.
9. They will hire an outside agency to physically operate the pool.

Chairman Frankel called for a vote. The vote was 3-0. The resolution was adopted.

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

Resolution # P.B. 2017-36

Resolved, that the Planning Board of the Village of New Hempstead hereby approves the application of Bais Malka HASC LLC for revised site plan to permit construction, maintenance and use of an addition of a swimming pool, wading pool and 100 changing cubicles. 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. This approval is subject to the following conditions:

1. Special Permit, Board of Health approval and a UL.
2. Map notes for final site plans
3. Electrical to be approved by the Fire Inspector
4. Compliance with County and State Department of Health's regulations currently and in the future.
5. All improvements must comply with the NYS uniform fire prevention Bldg. Code.
6. SWPP satisfactory to the Village Engineer
7. Hours of operation should be determined by the Special Permit. The applicant has said 6:00 p.m. and 2:00 pm., but if the Village Board gives something more restrictive, they govern.
8. Landscaping must meet the satisfaction of the Village Planner
9. Comply with the GML from Rockland County Planning
10. Not making the fire Inspector's report of 5/15/17 a condition of approval as it is bldg. code and they have to follow the regulations of the Health Dept.
11. Buses for pool use must be off premises Monday – Friday 6p.m. and Sunday by 2 p.m. No buses on Saturday.

Chairman Frankel called for a roll call vote. The vote was Mrs. Eisenstein, yes, Mr. Poliakoff, yes, Chairman Frankel, yes. The resolution was adopted by a vote of 3-0.

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

Resolution # P.B. 2017-37

Resolved, that the Planning Board of the Village of New Hempstead hereby adjourns the public hearing on application of Bais Malka to a date certain of June 13, 2017 at 7:30 p.m. Chairman Frankel called for a vote. The vote was 3-0. The resolution was adopted.

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

Resolution # P.B. 2017-38

Resolved, that the regular meeting of the Planning Board, scheduled for June 5<sup>th</sup> will be held on June 13, 2017 at 7:30 p.m. Chairman Frankel called for a vote. The vote was 3-0. The resolution was adopted.

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

Resolution # P.B. 2017-39

Resolved, that the regular meeting of the Planning Board, scheduled for July 3, 2017 will be held on July 11, 2017 at 7:30 p.m. Chairman Frankel called for a vote. The vote was 3-0. The resolution was adopted.

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

Resolution # P.B. 2017-40

Resolved, that the meeting of the Planning Board, held on May 16, 2017 is hereby adjourned. Chairman Frankel called for a vote. The vote was 3-0. The resolution was adopted.

Respectfully submitted,

Lee Mazza, Secretary