

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

**PLANNING BOARD**

REGULAR MEETING  
TUESDAY, SEPTEMBER 5, 2017  
7:30 P.M. – VILLAGE HALL

PRESENT

CHARLES FRANKEL, CHAIRMAN (ARRIVED @ 8:20)  
JENNIFER EISENSTEIN  
HILLEL KURZMANN  
MEL POLIAKOFF

ABSENT

RACHAEL SCHWARTZ

ALSO PRESENT

BRUCE MINSKY, VILLAGE ATTORNEY  
JOHN LANGE, VILLAGE PLANNER  
GLENN MC CREEDY, VILLAGE ENGINEER  
ALLISON WEINRAUB, SECRETARY

**Open meeting**

**Roll Call**

Hillel Kurzmann opened the meeting.

**Discussion of the 306 Grandview Commons. The applicants are seeking site plan approval for the construction of a small shopping center at the intersection of Route 306 and Grandview Avenue. The property is located on the south side of Grandview Avenue, 0 feet east of NYS Route 306 in the Village of New Hempstead; Designated on the Town of Ramapo Tax maps as Section 41.15, Block 4 Lots 1 & 2 in a potential NC zoning district.**

Present

Ira Emanuel, Attorney for applicant

Attorney Emanuel stated this is the first time the applicant has appeared before the Planning Board on the site plan. They have appeared before the Board with reference to the Neighborhood Commercial District that has been adopted by the Village Board. They are interested tonight in introducing to the Board and the public, the specifics of the site plan. They would like the Board to declare their intent to be Lead Agency; ask questions .....

Jeff Martell of Stonefield Engineering made a presentation. The property itself is pending on the NH Commercial Zone. The property is approx. 3.94 acres; that is the portion of the property that is outside of the wetlands. The proposal is for 2 buildings to be constructed. There is now a Lease with CVS Pharmacy; a drive-through pharmacy. That proposed building would be 14,600 sq. ft. Approx. 65 parking spaces are proposed with that building. The second building is another retail building 9,100 sq. ft. It's being designed as a bi-level bldg. The main level, which is street grade with Route 306, is the main retail area. The rear area, is designed for service, loading, unloading. The trash area and service door opens the grade on the lower level of the building. The street level is the upper floor so from 306 it would look like a single story structure, but when you get to the back, it would appear to be a 2 story structure. There are a total of 37 parking spaces associated with this building, the total being 105 spaces when only 96 is required. The development proposes disturbance up to the wetland so we would not disturb the wetlands themselves. There is an extensive storm water management system proposed. There is a pending traffic impact study and a tree survey that will be submitted shortly.

Frank Filiciotto, Stonefield Engineering, gave a presentation. He stated the project was initiated back in 2015 and traffic counts and a study of the intersection of 306 & Grandview were coordinated with the Village professionals. They will be embarking on a much larger traffic study next week. They will study the site and area around it; including intersections west from Forshay, south Route 306 and Viola, north 306 and Willow Tree and east the intersection of Union Rd. and Grandview. They have coordinated with the Village as to when the traffic study should be done; during normal school schedule.

Chairman Frankel arrived and presided over the rest of the meeting.

Chairman Frankel informed the public that these maps are far from complete and thorough. This Board has to defer for traffic to the State and to the County. That is why a thorough traffic study needs to be done so that we can start working. The purpose of this meeting tonight is that the Board of Trustees has to make a SEQRA determination, but they cannot move forward to assign the floating zone to these particular two lots until they have a SEQRA determination. They have asked us to give them a recommendation. We have more experience with SEQRA, the environmental, etc. That is why we have this meeting tonight so that we can formulate a recommendation.

Previously, years ago, Bais Malka had an application on this property to build a school. This Board declared a positive declaration at that time. The reason for the positive declaration at that time is that the school proposed on that property was much larger than what is being proposed as a commercial zoning. This is a residential zone and a school is allowed to build in a residential zone. That proposal did a lot more on the wetlands than anything else.

Chairman Frankel gave a history of this property. It was important to know what existed on the property before as there was a pool on the property that has been filled in. It is necessary to know where something like that was located.

Mr. Lange stated the Board of Trustees' concern was that there should be buffers so no lights shine onto the neighbor's property; a tree survey; parking lot requirement for trees.

Chairman Frankel also raised the issue, brought up by the BOT, regarding water quantity. Soil type and water retention were also discussed; Noise was also discussed; particularly during construction. Hours of operation for the Pharmacy. The store, itself, will operate from 7:00 a.m. until 10:00 p.m. – the pharmacy will operate 24 hours a day. In order for the pharmacy to operate, they must have a registered pharmacist on duty at all times.

With regard to lighting, Mr. Lange stated the current lighting plan demonstrates zero light spill across the property line with fixtures that are strictly downward focus.

Mr. McCreedy stated the major concerns are water sewage drainage. Water and sewer won't be much of an impact so all that is needed is a willingness to serve. Drainage will have to be evaluated through the site plan process. They have shown enough currently that shows that they can mitigate. Wetlands – they require an ESA waiver.

Chairman Frankel referenced a letter from Rockland County Sewer District #1 dated Aug. 18, 2017. Same will be annexed to and made a part of this record.

Mr. McCreedy stated that with reference to traffic, the applicant has taken some initial measures by introducing the left turn lane for Grandview Ave., which he believes is a considerable improvement to that intersection. He feels that the location is meant for commercial use. The traffic report is a very important item to evaluate the situation.

Tentative date for TAC meeting – Sept. 20<sup>th</sup>.

Chairman Frankel stated this meeting is not a formal meeting when the Planning Board has to make a determination for SEQRA, however he asked for comments regarding the environmental issues.

Justin Schwartz, Chairman of Rockland County Housing – Task Force member of the Spring Valley & Hillcrest Fire Dept. – What is not being addressed – The County has to approve the left turn. Also, there is no indication that the 2 ambulance corps and the one fire dept. have been asked to comment on this issue.

Chairman Frankel assured everyone that that would be taken care of. It has to be learned which district will be involved. Also, it will be indicated on the plans where fire hydrants need to be located.

Debbi Munez, 4 Tauber Terrace (Town of Ramapo) – not in favor of application – feels it will take their property values down; quality of life down, they would prefer the entrance to the shopping center on Grandview not on Route 306.

Chairman Frankel stated those items are part of the review. He also stated the entrance to the shopping center is determined by the Dept. of Transportation of the State of New York. Grandview is controlled by the County. (Highway Dept.)

Further discussion regarding control of traffic flow.

Chairman Frankel stated all opinions will be weighed.

Mr. Diltman, 366 Rte. 306; Father is a senior citizen; walks every day. Do you plan on putting in sidewalks? Pulling out of his driveway is difficult because of traffic.

Chairman Frankel stated the Village is presently evaluating certain areas that do need sidewalks. The State and County will tell us whether there is enough room to put in sidewalks. If there is, this applicant will be required to install sidewalks. Part of the situation is where do the sidewalks connect?

Chairman Frankel stated this application will take a lot of time. There are a lot of agencies involved.

Chaim Malks, 3 Tauber Terrace – question regarding cars coming into Tauber Terrace

Chairman Frankel asked the Board members to debate the issue and give comments.

The Board members were hesitant about making recommendation to the BOT without the traffic study.

Hillel Kurzmann stated in the future he would like the BOT to make their referral request for recommendation in writing.

Chairman Frankel stated, again, the Board is only asked to make a recommendation to the BOT for SEQRA consideration. They are not approving anything.

Chairman Frankel asked if the traffic study would be completed by Sept. 26<sup>th</sup>. “yes”. Discussion when the next meeting should be. Wednesday, October 18<sup>th</sup>, regular meeting. Tuesday, Oct. 3<sup>rd</sup>, 10:00 a.m. will be the TAC meeting.

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

Resolution # P.B. 2017-54

Resolved, that the Planning Board of the Village of New Hempstead hereby intends to be Lead Agency with reference to the application Route 306 and Grandview Commons. Chairman Frankel called for a vote. The vote was 4-0. The resolution was adopted.

Tentatively a public hearing on application Route 306 and Grandview Commons is scheduled for October 18<sup>th</sup>, at 8:00 p.m.

**Discussion – 36 Pennington Way – Parking Recommendation**

The Board of Trustees has asked us to take a look at parking on 36 Pennington Way.

John Lange stated the regulations for 36 Pennington Way are: No parking areas should be posted in front of 36 Pennington Way on the east side of Pennington Way 25 feet north and south of the property lines. Parking on street should be permitted, subject to the seasonal restrictions on the west side of Pennington Way. No parking areas should always exist within 50 feet of an intersection. Parking is allowed in the driveway.

How do they handle handicapped?

John Lange – driveway space.

Chairman Frankel stated he made it clear to the BOT that they should not approve these applications without referring them to the Planning Board for their input regarding traffic.

**GML – Viola Estates**

Chairman Frankel referenced a letter written by John Lange to Mr. Sylvain Klein, Chairman of the Town of Ramapo Planning Board, dated August 15, 2017. Same will be annexed to and made a part of this record. Chairman Frankel hand delivered this letter because they were having a meeting on 8/16/17.

This is our response. They were having a meeting which they call TDRC. Viola Estates was not on the agenda. They have our comments. These comments were also sent to the County. “

We didn't it to begin with, we don't like it now”.

**GML Review – 20 APTA, New Square.** This is opposite Rovitz Place

A letter has been prepared for signature on this matter, to be signed by Chairman Frankel and also Mayor Sicker.

Chairman Frankel asked Mr. Lange to re-cap this matter. The Board is not happy about this.

Mr. Lange stated finding information from New Square is difficult because they don't have a website. They are taking a lot and trying to divide it into two sub-standard lots. The key issue is that the “official map” shows an access to Route 45 directly west of this lot. It also shows a commercial zone directly opposite this lot. Both sides of the right of way on Rte. 45 belong to New Hempstead.

Chairman Frankel stated the Village line is on the east side of Route 45, which means that this Village controls the right-of-way as it passes New Square on the easterly side of the road. It is a State highway, but it is New Hempstead's right-of-way. They can't do anything out to Route 45 without our input, at a minimum. We own the first 10 feet on the other side of that road. This is important. We can allow things; we can get paid.

Chairman Frankel asked the Board for a resolution allowing him to sign the letter referenced above. Same will be annexed to and made a part of this record.

Chairman Frankel stated the reason this Board found out about this plan is because the County issued a GML disapproving this project. There are 28 points in this letter. New Square has to override these points with a super majority. One of the points which the County referenced is the fact that New Square never notified New Hempstead of their plans. This is required by law.

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

Resolution # P.B. 2017-55

Resolved, that the Planning Board of the Village of New Hempstead hereby gives approval to Chairman Frankel to sign the letter prepared for New Square GML 20 APTA Boulevard. Chairman Frankel called for a vote. The vote was 4-0. The resolution was adopted.

**Approval of July 11, 2017 Minutes**

Mrs. Eisenstein was absent from this meeting.

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

Resolution # P.B. 2017-56

Resolved, that the minutes of the regular meeting of the Planning Board, held on July 11, 2017 are hereby approved as submitted and that the reading of said minutes be waived. Chairman Frankel called for a vote. The vote was 3-0. The resolution was adopted.

Chairman Frankel stated the Yeshiva of Greater Monsey is open. 19 cars made illegal left hand turns; 21 made legal right hand turns. Several other observations. Striping is in now. We will continue to monitor this situation.

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

Resolution # P.B. 2017-57

Resolved, that the meeting held by the Planning Board of the Village of New Hempstead on September 5, 2017 is hereby adjourned. Chairman Frankel called for a vote. The vote was 4-0. The resolution was adopted.

Respectfully submitted, Lee Mazza, Secretary