

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

BOARD OF TRUSTEES

REGULAR MEETING
MONDAY, MAY 28, 2019
7:30 P.M. – VILLAGE HALL

PRESENT

ABE SICKER, MAYOR
SHALOM MINTZ, DEPUTY MAYOR
ADAM REICH, TRUSTEE
JEN EISENSTEIN, TRUSTEE
MOSHE SCHULGASSER, TRUSTEE

ABSENT

ALSO PRESENT

BRUCE MINSKY, VILLAGE ATTORNEY
CAROLE VAZQUEZ, VILLAGE CLERK-TREASURER
ALLISON WEINRAUB, DEPUTY VILLAGE CLERK-TREASURER
GLENN MCCREEDY, VILLAGE ENGINEER
JOHN LANGE, VILLAGE PLANNER (VIDEO CHAT)

PLEDGE OF ALLEGIANCE

ROLL CALL

OPEN FLOOR – PUBLIC PARTICIPATION

Jacob Mytelka, 8 Highridge Rd

Regarding the St. George Church. I live behind the property. The proposed tree line that was supposed to go in and block the view of the church is not what was placed and there's a 10ft ditch that is very dangerous. My suggestion is to have a fence instead of trees.

Glenn McCreedy, Village Engineer

After the original site plan was approved the applicant had to do drainage modifications and because of cost they had to make some adjustments. I did go out there and the trees are supposed to be going in this week. If they were to do a fence they are limited to 6 ft. which wouldn't block the view as much as the trees.

Mayor Sicker stated because of the ditch and other concerns we will go out there and determine what should be done.

Public Participation is closed.

Mayor Sicker presents Martin Leibowitz a certificate of Appreciation for his outstanding dedication to the Village of New Hempstead and the Zoning Board of Appeals.

DISCUSSION: PETITION TO APPEAL LOCAL LAW 11 OF 1984 PERTAINING TO STREET PARKING AND 1 CAR GARAGE SPACE

Ben Ribiat, 67 Westview Rd.

The petition is to remove the requirements for a one car garage and has 105 signatures.

Mayor Sicker

I've reviewed the petition which states the need for a one car garage in today's demographic is not necessary and people should have the ability to use the garage as living space if the family grows as opposed to adding an expensive addition. Because this is not the public hearing we can't take comments or action on this yet. We are going to declare lead agency and refer this to the Planning board for comments.

Deputy Mayor Mintz stated the process will take minimum of 3 or 4 months. Homeowners should not start planning construction to their garage just yet.

Deputy Mayor Mintz offered the following motion, which was seconded by Trustee Schulgasser:

Resolution # BOT 2019-

Resolved, that the village board of the Village of New Hempstead hereby Declares itself lead agency in amending the zoning code of the village of New Hempstead section 290-62. Mayor Sicker called for a vote. The vote was 5-0 the resolution was adopted.

Public Hearing For 15 Barrie Dr.- Michael Peres- Requesting A Special Permit For A Passover Kitchen In The Basement

Ms. Vazquez stated it appeared in the Journal News May 17, 2019 affidavit of notice and postings were timely.

Michael Peres 15 Barrie Dr.

Would like to apply for a special permit for a Passover kitchen in the basement of my home.

Mayor Sicker stated it must stay a single family resident with nothing separating it into an apartment. If this gets turned into a multi-family regardless of if it's you or the next owner, the special permit will be void. Are there any doors?

Peres stated there is for safety to prevent people from falling down the stairs. The door is only at the top of the stairs.

Trustee Reich offered the following motion, which was seconded by Deputy Mayor Mintz:

Resolution # BOT 2019-

Resolved, that the public hearing on application of Michael Peres, 15 Barrie Dr., New Hempstead, N.Y. is hereby opened. Mayor Sicker called for a vote. The vote was 5-0. The resolution was adopted.

No one present wished to speak.

Correspondence Read into the Record
RC Sewer District Dated 5.17.2019

Trustee Eisenstein offered the following motion, which was seconded by Deputy Mayor Mintz:

Resolution # BOT 2019-

Resolved, that the public hearing on application of Michael Peres, 15 Barrie Dr., New Hempstead is hereby closed. Mayor Sicker called for a vote. The vote was 5-0. The resolution was adopted.

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

Resolution # BOT 2019-

Resolved, that the Special Permit Application of Michael Peres, 15 Barrie Dr., New Hempstead, N.Y. for a Passover Kitchen is hereby granted. Mayor Sicker called for a vote. The vote was 4-0. The resolution was Adopted.

Public Hearing For Ateres Bais Yaakov, 200 Summit Park Rd To Renew The Expiring Special Permit For Interim School Use And Permanent Building

Trustee Eisenstein recuses herself.

Ms. Vazquez stated it appeared in the Journal News May 17, 2019 affidavit of notice and postings were timely

Ira Emanuel, Attorney Representing the Applicant

This is an application for a renewal of a special permit for the interim school use and the permanent school building. May of 2017 was when we first appeared, we asked for an extension in May 2018, and now we are here for our final extension. We are aware that the Local Law for the Interim School was appealed but it is our understanding that we are grandfathered in for this final extension. Your law does state that an extension can be granted for good cause shown and the applicant has been doing continued construction. The applicant was trying to gain other quarters in Nanuet but unfortunately was unsuccessful. We are asking for one final extension on the Interim School special Permit and an extension for the Permanent building.

Mayor Sicker stated this is the final extension legally we can allow.

Mr. Emanuel stated the applicant is aware that under current law there are no further extensions that may be granted.

Mayor Sicker

What is your timeline and plan of action in terms of the permanent building?

Mr. Emanuel

The Nanuet property just fell through. We have not had the opportunity to turn to that type of planning yet.

Mayor Sicker

Is it too premature to vote on this? I would like to see a plan.

Mr. Emanuel

We can provide you with additional information we can certainly get that for you.

Mayor Sicker

If we vote on this tonight or we vote on this in June it should have no effect on the school operations.

Rabbi Fink, Applicant for Ateres Bais Yaakov

It has an effect on enrollment. We did go out for quotes for the construction of a 2 story prefabricated permanent structure that matches the approved plans. They said they should have a quote for us by next week and once we have a plan it should take about 6 weeks for footings and then an additional 45 for placement. The whole thing should take 3 months. We would like to do the placement when the students are not in school. The prefab building will match the permanent building exactly except for the Glass auditorium which will have to be constructed at the site.

Deputy Mayor Mintz offered the following motion, which was seconded by Trustee Schulgasser:

Resolution # BOT 2019-

Resolved, that the public hearing on application of Ateres Bais Yaakov, 200 Summit Pk Rd, New Hempstead, N.Y. is hereby opened. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

Mr. Frank, 30 Brockton Rd

In favor of the application

Mr. Grossman, 16 Manchester Dr.

I am in favor of the application. The increase of girls going to Private Schools in the village each year makes this a village issue. It's good for the girls, it does not cost the village anything to approve it and it will cost the applicant and its students a lot.

David Tyler, Parent of student, 68 Brick Church Rd.

In favor of the application. The ability to have stability in the school to continue is very important for us and the stability for 300 students needs to be taken into consideration.

Jacob Mytelka, 8 Highridge Rd

In favor of the application. The anxiety that goes on amongst parents with all of the uncertainty is a real struggle.

Michael Karp, 21 Terri Lee Lane

In favor of the application.

Allen Fishkin, 27 Bridle Rd.

Against the application because of how difficult it has been for the village to get Ateres to comply.

Correspondence Read into the Record

RC Sewer District Dated 5.6.2019

RC Environmental Health dated 5.17.2019

RC Planning dated 5.28.2019

Deputy Mayor Mintz offered the following motion, which was seconded by Trustee Schulgasser:

Resolution # BOT 2019-

Resolved, that the public hearing on application of Ateres Bais Yaakov, 200 summit Pk. Rd, New Hempstead is hereby closed. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

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

Resolution # BOT 2019-

Resolved, that the Village Board of the Village of New Hempstead hereby overrides the RC Planning Department comments 1 and 2 in their letter dated May 28, 2019 in regards the Permanent School Use. Mayor Sicker called for a vote. The vote was adopted 4-0

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

Resolution # BOT 2019-

Resolved, that the Village Board of the Village of New Hempstead hereby extends the Special Permit Application of Ateres Bais Yaakov, 200 Summit Pk Rd., New Hempstead, N.Y. for the permanent school building for a period of one year to expire May 22, 2020 subject to the compliance of the Rockland County Planning Departments May 28, 2019 letter notwithstanding comments # 1 and # 2. The applicant must return to report on the status of timing of completion of the permanent building by the July 23, 2019 Village Board meeting. The village board reserves the right to request the applicant come before the board for additional updates. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

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

Resolution # BOT 2019-

Resolved, that the Village Board of the Village of New Hempstead hereby approves the final extension of the Special Permit of Ateres Bais Yaakov, 200 Summit Pk Rd., New Hempstead, N.Y. for the interim school use for good cause for a period of one year to expire May 22, 2020 subject to the compliance of the Rockland County Planning Departments May 28, 2019 letter. Mayor Sicker called for a vote. The vote was 4-0 the resolution was adopted.

Approval of Abstract of Audited Vouchers 2019-5

Trustee Eisenstein returns.

Deputy Mayor Mintz offered the following motion, which was seconded by Trustee Eisenstein:

Resolution # BOT 2019-

Resolved, that abstract of Audited Vouchers 2019-4, #18501 - #18547 in the amount of \$248,654.68 is hereby approved. Mayor Sicker called for a vote. The vote was 5-0. The resolution was adopted.

Approval of minutes of April 29, 2019

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

Resolution # BOT 2019-

Resolved, that the minutes of the meeting of April 29, 2019 are hereby approved and the reading of said minutes is waived. Mayor Sicker called for a vote. The vote was 5-0.

Mayor Appoints David Weiss as Member of the Planning Board for the Remaining Term of 2 Years of Years to Expire 4/2021

Mayor Appoints Mayer Rothman as Member of The Zoning Board for the remaining term of 4 years to expire 4/2023

Public Hearing For The Application Of Congregation Tefila Lemoshe, 35 Brockton Road, New Hempstead, NY For A Place Of Assembly

Joseph Churgin, Attorney Representing the applicant

We have an existing shul in a single family home that we are applying today for a special permit for the place of assembly. We also intend on applying for a structure that is not attached to the home that will contain a mikvah (Ritual Baths). We have submitted several documents including a seating plan as of today. It's an existing sanctuary that has been servicing the community for many years. There will be variances that are needed are existing and they are shown on our site plan as side yard and rear yard we will comply with all fire and building code issues. With respect to the parking spaces. The plan we submitted does not utilize onsite parking. Many Neighbors have agreed to allow access to their driveways for parking use.

Mayor sicker stated there is no way to calculate based on the drawing provided for the seating plan.

Mr. Churgin stated the applicant will submit a seating plan with the measurements.

Mayor sicker explained the procedures to the applicant of having to go to Planning and Zoning for the Mikvah but to the Village Board for the existing site plan. We cannot act today because we need to wait for action from the Planning and Zoning Board.

Deputy Mayor Mintz offered the following motion, which was seconded by Trustee Reich:

Resolution # BOT 2019-

Resolved, that the public hearing on application of Congregation Tefila Lemoshe, 35 Brockton Rd, New Hempstead, N.Y. is hereby opened. Mayor Sicker called for a vote. The vote was 5-0. The resolution was adopted.

Ms. Vazquez stated it appeared in the Journal News May 17, 2019 affidavit of notice and postings were timely

Yechiel Sprei, 3 Asher Drive

Is in favor of the application. It is in the favor of the village to grant this application.

A room full of residence are in favor of the application when asked to raise their hands.

Martin Leibowitz 5 Bay Ct.

A house of worship requires a property in a 2R-15 Zone to be twice the size of a single family resident in that zone. This house is not that. There is also parking requirement for a synagogue of half a parking space per seat. I would also like to ask how many cars do the claim are there a day? I have pictures to prove there are 4 or 5 cars parked on Brockton rd. at any given service. My main concern is the safety of the people traveling Brockton rd. To get to the property people to cross a double yellow and the amount of busses traveling it's only a matter of time before an accident occurs.

Ms. Vazquez stated it appeared in the Journal News May 17, 2019 affidavit of notice and postings were timely

Mayor Sicker stated the shed must be removed. It will be a condition. Parking is an issue. The village has received numerous complaints regarding street parking. Safety is a very big concern and parking is something that will need to be addressed. what we've done with other locations is self-police no parking at any time but if they do not comply no parking signs will go up on one side of the street and people will get tickets. We will need measurements and seating chart analysis by Friday at 12. You will also need garage doors that open. Egress is very important for safety. The applicant must file for a building permit for everything on the property that does not have one. We have to bring the application into complete compliance in order for us to approve it.

The applicant has submitted an amended narrative in response to item one of the RC Planning Comments.

Correspondence Read into the Record

RC Sewer District Dated 5.6.2019

RC Environmental Health dated 5.17.2019

RC Planning dated 5.28.2019

RC Highway dated 5.6.2019

Town of Ramapo DPW dated 5.8.2019

Village Code Inspector dated 4.29.2019

Mr. Minsky, Village Attorney

Because the County disapproved it we will have to go through each item.

Trustee Eisenstein offered the following motion, which was seconded by Deputy Mayor Mintz:

Resolution # BOT 2019-

Resolved, that the public hearing on application of Congregation Tefila Lemoshe, 35 Brockton Rd, New Hempstead, N.Y. is hereby adjourned to the next Board of Trustees meeting June 25, 2019. Mayor Sicker called for a vote. The vote was 5-0. The resolution was adopted.

Resolution Approving the Installation of a Drainage Pipe on Rodman Place to Summit Park Road

Glenn McCreedy, Village Engineer

There's failure in the piping on Rodman Place. The town believes the whole thing needs to be replaced but I am not sure that is the case. We are investigating this and there will be no action required tonight.

Discussion: Sidewalks on Union Rd.

The project is for Sidewalks on Union Rd. from Brick Church rd. to Viola Rd. is going out to bid tomorrow.

Mr. Solomon, 4 Fisher Ct.

Recommends something to distinguish the road from the sidewalk

Discussion: Stop Light/Sign for the Corner of Union Rd. And Grandview Ave

A traffic study was issued to the County requesting approval to place a traffic light at the corner of Union Rd. and Grandview Ave. We secured funding from Assembly Zebrowski's office if it got approved but the county denied our request and they recommend putting a stop sign on their side. The village engineer thinks we should then place one on our corner as well, making a 3 way stop sign.

Mayor's Report – none

Trustees' Report – none

Motion to adjourn

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

Resolution # BOT 2019-

Resolved, that the meeting on May 28, 2019 of the Board of Trustees is hereby adjourned. Mayor Sicker called for a vote. The vote was 5-0. The resolution was adopted.

Respectfully submitted,
Allison Weinraub, Deputy Village Clerk-Treasurer