

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

BOARD OF TRUSTEES

REGULAR MEETING
February 3, 2022
7:30 P.M.

PRESENT

ABE SICKER, MAYOR (left meeting at 7:35pm)
JEN EISENSTEIN, TRUSTEE
ADAM REICH, TRUSTEE
MOSHE SCHULGASSER, TRUSTEE
SHALOM MINTZ, DEPUTY MAYOR

ABSENT

ALSO PRESENT

BRUCE MINSKY, VILLAGE ATTORNEY
ALLISON WEINRAUB, VILLAGE CLERK TREASURER
EILEEN SAMMARONE, DEPUTY VILLAGE CLERK TREASURER
ZACK KAMM, VILLAGE ENGINEER (ZOOM)
GLENN MCCREEDY, VILLAGE ENGINEER
JOHN LANGE, VILLAGE PLANNER (ZOOM)

PLEDGE OF ALLEGIANCE

ROLL CALL

OPEN FLOOR – PUBLIC PARTICIPATION

APPROVAL OF ABSTRACT OF AUDITED VOUCHERS 2022-1

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

Resolution # BOT 2022-1

Resolved, that abstract of Audited Vouchers 2022-1, #19852-19914 in the amount of \$137,242.44 is hereby approved. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

APPROVAL OF MINUTES NOVEMBER 23, 2021, December 14, 2021 & DECEMBER 21, 2021

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

Resolution # BOT 2022-2

Resolved, that the minutes of the regular meeting of November 23, 2021 are hereby approved and the reading of said minutes is waived. Mayor Sicker called for a vote. The vote was 3-0. Mayor Sicker and Trustee schulgasser were not in attendance at that meeting. The resolution was adopted.

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

Resolution # BOT 2022-3

Resolved, that the minutes of the Special Meeting of December 14, 2021 are hereby approved and the reading of said minutes is waived. Mayor Sicker called for a vote. The vote was 4-0. Deputy Mayor Mintz was not present at that meeting to vote. The resolution was adopted.

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

Resolution # BOT 2022-4

Resolved, that the minutes of the regular meeting of December 21, 2021 are hereby approved and the reading of said minutes is waived. Mayor Sicker called for a vote. The vote was 4-0. Deputy Mayor Mintz was not present at that meeting. The resolution was adopted.

RESOLUTION APPOINTING STEVEN BURMAN AS HEAD INSPECTOR/PRINCIPAL MACHINE OPERATOR FOR THE VILLAGE OF NEW HEMPSTEAD GENERAL VILLAGE ELECTION WHICH WILL TAKE PLACE ON TUESDAY, MARCH 15, 2022 AND SHARON SZANZER, YVONS LOUS, VIRGINIA MICHAELS, & SANDY PERSAUD AS ELECTION INSPECTORS FOR SAID ELECTION.

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

Resolution # BOT 2022-5

Resolved, that the Village Board of the village of New Hempstead hereby authorize the Mayor to appoint Steven Burman as head inspector/Principal Machine Operator and Sharon Szanzer, Yvons Lous, Virginia Michaels and Sandy Persaud as election inspectors for the general village election which will take place March 15, 2022. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

RESOLUTION AUTHORIZING THE VILLAGE TO HIRE SPECIAL COUNCIL

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

Resolution # BOT 2022-6

Resolved, that the Village Board of the village of New Hempstead hereby authorize the Village to hire Terry Rice as Special Counsel for the Village of New Hempstead. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

INTENT TO DECLARE LEAD AGENCY- A LOCAL LAW REPEALING AND AMENDING LOCAL LAW 3 OF 2021 A LOCAL LAW TO AMEND THE VILLAGE OF NEW HEMPSTEAD ZONING CODE TO INCLUDE PROPOSED ZONING CHANGES AND ADDITIONS/AMENDMENTS/MODIFICATIONS TO VILLAGE ZONING LAW BASED UPON ADOPTION OF NEW ZONING MAP FOR THE VILLAGE OF NEW HEMPSTEAD, NEW YORK.

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

VILLAGE OF NEW HEMPSTEAD
BOARD OF TRUSTEES RESOLUTION # 2022-7

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WHEREAS, the Village Board of the Village of New Hempstead is considering a proposed Local law #2 of 2022 entitled “a Local Law repealing and amending local law #3 of 2021”; and

WHEREAS, pursuant to the terms of the New York State Environmental Quality Review Act contained in the Environmental Law a lead agency must be designated for all covered projects;

NOW WHEEFORE, IT IS HEREBY RESOLVED, that the Village of New Hempstead Village Board designates itself as lead agency for all purposes under the State Environmental Quality Review Act in connection with Local Law #2 of 2022; and it is further

RESOLVED, that the Village Clerk is hereby directed to forward a copy of this intent to designate lead agency under the State Environmental Quality Review Act in connection with Local Law #2 of 2022 to all involved agencies and municipalities required to be given notice.

Deputy Mayor Mintz called for a vote which was as follows: Ms. Eisenstein, AYE, Mr. Reich, AYE, Mr. Schulgasser, AYE and Deputy Mayor Mintz, AYE. The resolution was adopted by a 4-0 vote.

CONTINUATION OF THE PUBLIC HEARING ON A LOCAL LAW REGARDING TREE REMOVAL

The village attorney is updating the final draft. The board has decided to adjourn this item to the next month.

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

Resolution # BOT 2022-8

Resolved, that the Village Board of the village of New Hempstead hereby Adjourn the Public Hearing on a Local Law regarding Tree Removal to February 22, 2022. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

MAYORS REPORT- Mayor Sicker mentioned the board will have to pick a meeting date in April because of the holidays. He would also like to congratulate the Village inspector Dan Dodd on the birth of a child. Mayor Sicker had to leave for a meeting and Deputy Mayor Mintz ran the meeting from 7:35pm.

CONTINUATION OF THE PUBLIC HEARING: TO CONSIDER THE PETITION OF PENNINGTON LOTS, LLC, 120-150 MCNAMARA RD. NEW HEMPSTEAD, NY 10977. THE APPLICANTS ARE PETITIONING THE BOARD OF TRUSTEES FOR A ZONE CHANGE TO AN OPTIMIZED SINGLE FAMILY CLUSTER ZONE PER THE REQUIREMENTS OF SECTION 3 LOCAL LAW 3 OF 2021. THE SUBJECT PROPERTY IS LOCATED ON THE EAST SIDE OF MCNAMARA RD, 250 FT. FROM THE INTERSECTION OF WILLOW TREE RD. AND ON THE WEST SIDE OF PENNINGTON WAY 246 FT. +/- FROM THE INTERSECTION OF SANDY BROOK DRIVE. THE PROPERTIES ARE DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 42.09 BLOCK 2 LOT 1 AND SECTION 42.05 BLOCK 2 LOT 14 IN A 1R-25 ZONING DISTRICT.

Dan Richmond, Attorney for the applicant

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Property is located at 150 McNamara Rd. we are here this evening for a continuation of the public hearing to have the Village Board drop the Optimized single family cluster overlay zone onto this property. The applicant is looking to have 16 single family residential homes to provide much needed housing to the area. The Village 2020 Comp Plan does identify the property as a target site for the OSFCZ. We submit the proposed residential subdivision with the bulk requirements fulfill the objective and intent of this district. The project provides more than the minimum 10 acres needed for this project and in addition to providing residential housing the project will allow for the preservation of significant areas in the property included environmentally sensitive areas, steep slopes and wetlands. It also provides a substantial amount of open space and is designed to preserve the steep slopes in toward the back of the property along McNamara Rd. providing significant separation from the wetlands to the homes and provides substantial dedicated open space.

Attorney Minsky stated for the record the village has been served with a lawsuit with an objection to the comp plan that will be in litigation. The village just wanted to apprise you of that and if you decide to go forward with that knowledge.

The applicant appreciates the alert and does intend to go forward with this project

Joe Nyitray, Brooker engineering, representing the applicant Shares screen with the public. The revised plans have slightly changed from what was initially submitted. The site will still be accessed from Pennington Way in the same area. They added a cul de sac instead of a T by lots 12, 13, 14 and 15 and the road does more of a sweep along the site to the cul de sac around lot 7, 8, 9, and 10. This is still the same 16 lots all with a minimum of 15000 Sq. Ft. The applicant recently went to the site for a visit and revised the drainage slightly from what was initially submitted. All drainage comes down from McNamara Rd. down the slope and flows down towards Pennington. They plan to do an open ditch drain. The exact location will be determined as the plan develops. All the water will be caught and routed in the pipes that will also take the water from the top and from the wetlands and all the water from the backyards of all the houses 1-7 so everything is caught and not being sent to the existing backyard to be routed to the proposed basin and out to the catch basin by Pennington Way to be upgraded as well as the 18 inch pipe in the road will also be upgraded to a possible 42 inch pipe. The pipe routing that is being proposed will be catching all the pervious surface all the existing run off from the slopes the wetlands and the backyards of the houses. Everything impervious will be caught by the catch basin in the roadway and going to the proposed detention basin. The fine details are still being worked out.

Deputy Mayor Mintz had the applicant explain the pathway of a drop of water.

The applicant showed the pathway through the wetlands and going to the basin. When the grading is done all water will be channelized around the homes.

Glenn McCreedy, Village engineer

Explained the big improvement to this revision is that along the eastern side is that all the water will be captured before it gets to the existing homes on Pennington Way. Now infrastructures are being installed along the entire eastern boundary to capture the water and direct it around the homes and out into the street system.

Trustee Schulgasser suggested the system be developed before the construction of the development starts.

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Village engineer stated that is being discussed. This will improve the current condition. This is one of the benefits the public would get from the developer as an issue the village cannot address.

Deputy Mayor Mintz suggested if this is going to be a phased development like previous applications if it won't be too costly we should require this to be done during the first phase.

Attorney Minsky stated the Public Hearing is still open. We are here today we gone through the comments that came in from outside agencies, we have gone through the identified the potential project impacts

Village Engineer

Spoke with the applicant's attorney about formalizing a Part 2 of the evaluation of the EAF that was filed by the applicant. Went through Part 1 and memorialized that into Part two that was seen in his emails addressing impacts to wetlands, impacts to traffic, impacts to water resources, impacts to Sanitary Sewers and Drainage. We received a number of correspondence from the applicant in favor of completing some of those high level issues but this document is a summary of all of those things al one complete filing for them to respond to as a Part 3 which would be a supplemental document instead of doing a full environmental review impact statement. Would like the board to take this into the record and address it. After this letter is responded to we can take the next steps.

Deputy Mayor Mintz and Village Engineer requested the applicant have the response in by February 16th

The Applicant believes they can make that deadline with a response to everything.

Deputy Mayor Mintz open the floor for the Public Hearing and reminded everyone they get 2 minutes.

Aron Saperstein, 4 Pennington Way

Like the way the revised drainage looks. If a year down the line there's a slight miscalculation over the course of the rainstorm is there going to be a performance bond being submitted to the village to protect them incase residence charge back if an error was made? Another concern is when people pull out of Wayne they do not stop and when pulling out of his driveway opposite the proposed development there could be potential issues. Would the board allow for a second curb cut on his property away from the proposed entrance? Is also concerned about the water being drained onto his property and would like to know how it is going to be mitigated.

Shani Holczer, 7 Pennington Way

Concerned about the children around the basin.

The deputy Mayor stated safety is the number one concern of the board and measurers will definitely be put in place to make sure it is not an issue.

Nana Koch, 45 and 47 South Mountain Rd.

1. Will there be a change in the net run off and if not why is the pipe being increased to 42"?
2. If the purpose of the new zoning is to protect the environment shouldn't the board be requiring reasonable wetland buffers?
3. Shouldn't the applicant discuss how the trees are being cleared and will there be an impact to existing neighbors? How to they plan to address the visual impact?

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4. No SEQR was done with the rezoning and one was promised to be done at the time of the application. Please address how you will protect the environmental impact of the trees?

Sarah Saperstein, 4 Pennington Way

What was the result of the traffic study?

The board responded it has not been reviewed yet and will be addressed at the next meeting.

Stephen Geis, 7 Kingston Dr.

Concerning the drainage solution. Who will maintain this and will be responsible for maintenance?

The Village engineer recommended the applicant respond to the Public comments when they do their part 3 response to the village.

The applicant agreed.

The village engineer recommended he contact the village on this as a separate issue. It can probably be addressed because it is a safety issue.

Mr. Geis would like the comments to be made available to the public.

The board responded once they are submitted it can be FOIL'd.

Deborah Munitz, 5 Rosehill Rd.

Believes the Public hearing should be left open if you plan to reopen it on the 22nd.

The board agreed.

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

Resolution # BOT 2022-9

Resolved that the Village Board of the Village of New Hempstead hereby adopt Part 2 of the EAF. Deputy Mayor Mintz called for a vote. The vote was 4-0. The resolution was adopted.

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

Resolution # BOT 2022-10

Resolved, That The Village Board Of The Village Of New Hempstead Hereby Adjourn The Public Hearing On The Petition Of Pennington Lots, LLC, 120-150 McNamara Rd. New Hempstead, NY 10977. The Applicants Are Petitioning The Board Of Trustees For A Zone Change To An Optimized Single Family Cluster Zone Per The Requirements Of Section 3 Local Law 3 Of 2021 to February 22, 2022. Deputy Mayor Mintz called for a vote. The vote was 4-0. The resolution was adopted.

DEPUTY MAYORS REPORT

TRUSTEEES REPORT- Trustee Eisenstein mentioned the village residents have expressed their appreciation on the Sidewalk Plowing the Village started the service for this year.

MOTION TO ADJOURN

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

Resolution # BOT 2022-11

Resolved, that the meeting on February 3, 2022 of the Board of Trustees is hereby adjourned. Deputy Mayor Mintz called for a vote. The vote was 4-0. The resolution was adopted.

Respectfully submitted,

Allison Weinraub,
Village Clerk-Treasurer