

January 24, 2023

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

BOARD OF TRUSTEES

REGULAR MEETING

January 24, 2023

7:30 P.M.

PRESENT

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

ABSENT

ADAM REICH, TRUSTEE

ALSO PRESENT

BRUCE MINSKY, VILLAGE ATTORNEY
ALLISON WEINRAUB, VILLAGE CLERK TREASURER

PLEDGE OF ALLEGIANCE

ROLL CALL

OPEN FLOOR

APPROVAL OF AUDITED VOUCHERS 2022-12/2023-1

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

Resolution # BOT 2023-1

Resolved, that abstract of Audited Vouchers 2022-12/2023-1, #20299-20464 in the amount of \$320,874.4380 is hereby approved. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

APPROVAL OF MINUTES OCTOBER 25, 2022 & NOVEMBER 22, 2022

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

Resolution # BOT 2023-2

Resolved, that the minutes of the regular meeting of October 25, 2022 are hereby approved and the reading of said minutes is waived. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

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

Resolution # BOT 2023-3

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Resolved, that the minutes of the regular meeting of November 22, 2022 are hereby approved and the reading of said minutes is waived. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

RESOLUTION AUTHORIZING THE TRANSFER OF \$230K TO THE US TREASURIES FOR THE RATES AND PERIOD PROVIDED BY KEY BANK CAPITAL MARKET.

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

Resolution # BOT 2023-4

Resolved, that the Village Board of the Village of New Hempstead hereby authorize the Village Clerk Treasurer to Transfer funds to the US Treasury for the rates provided by Key Bank Capital. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted

RESOLUTION AUTHORIZING THE EMERGENCY DRAINAGE REPAIR AT 256 HEMPSTEAD RD.

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

Resolution # BOT 2023-5

Resolved, that the Village Board of the Village of New Hempstead hereby approve the emergency drainage repair at 256 Hempstead Rd. Repair to be done by innovative excavating, LTD. As per the proposal submitted. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

ACCEPTING HILLEL KURZMANN' S RESIGNATION FROM THE PLANNING BOARD

Mayor Sicker accepts the resignation of Hillel Kurzman as member of the Planning Board

APPOINTING MARK GILDEN AS PLANNING BOARD MEMBER TO THE END OF THE TERM TO EXPIRE APRIL 1, 2024

Mayor Sicker appointed Mark Gilden to the Planning Board term to expire April 1, 2024

PUBLIC HEARING SPECIAL PERMIT APPLICATION OF ZUROCH SPIRA, 921, RT. 45, NEW HEMPSTEAD NY 10977. THE APPLICANT IS REQUESTING SPECIAL USE PERMIT PER SECTION 290-42 FROM THE VILLAGE OF NEW HEMPSTEAD ZONING CODE; THE CONSTRUCTION OF AN ACCESSORY BUILDING OR STRUCTURE OVER 1,000 SQUARE FEET IN FLOOR AREA. THE SUBJECT PROPERTY IS LOCATED ON WEST SIDE OF RT. 45 200 FT. +/- FROM THE INTERSECTION OF SANATORIUM RD. DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 42.07 BLOCK 1 LOT 3 IN A 1R-50 ZONING DISTRICT.

Mayor Sicker went through the process of Public Hearing in the village.

Mrs. Weinraub stated it ran in the Rockland Journal News on January 12, 2023 affidavits of notice and postings were timely.

Paul Baum, Attorney for the applicant

Applicant is here for a special use permit to build a garage over 1000 Sq Ft. it will be a four bay garage. The size will be about 2059 Sq. Ft. This is a type two action on SEQR, because it's an accessory structure it's not subject to environmental review. Does require GML review and it has been sent out. The applicant is confused about the Zoning of the property and is looking for clarification.

The board explained the NCD zone is a floating overlay zone.

Mr. Baum

There's an oversized lot of 72,000 square feet, but it's long and narrow. So the existing house is not conforming right now. It has a setback of about 24.5 feet from the lot line, the garage that we're putting up further in the back. We're maintaining that 24.5 feet, we're not going to go any closer to the southern lot line, then what exists with the existing house. That property is owned by the county of Rockland it's wooded. We're not encroaching impacting any neighbors to our south. So we think it's a good location. And like I said, we're not going to impact any neighbors. And we're asking the Board to grant us a special permit. We may need a variance I think only one at this point.

The board asked what the use for the garage is going to be.

The applicant's attorney explained currently there is no garage. This is to be used for vehicle storage. No water or sewer is going to be added to the site. The existing house is staying as is.

Comments referenced into the record:

Hillcrest FD 12/31/22

Village Engineer

RC Highway 1/6/2023

RC Health 1/11/23

RC Sewer 1/19/23

RC Planning 1/19/23

NYS DOT 1/23/23

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

Resolution # BOT 2023-6

Resolved, that the Village Board of the Village of New Hempstead hereby open the Public Hearing for the Special Use Permit Application for Zuroch Spira, 921, Rt. 45, New Hempstead NY 10977. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

Jose Colon, 923 Rt 45

Is wondering is this is a public driveway. We share a driveway with this applicant and we would like to know if this is a public driveway. Would like to know if he will be effected. What size of the property is the garage going to be.

The applicant explained this is strictly for the single family and is not going to be used for public use. It's a rented house currently but Mr. Spira plans on moving back into the home.

The village attorney explained if it's an accessory shed, or it's an accessory structure. It can be for passenger vehicles or not more than one vehicle with a commercial registration but that commercial vehicle can't be more than 5000 pounds gross weight. The board explained if you're looking at the pool it will be on the left.

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The board and applicant attorney go through the plans to determine the elevation of the structure.

Because the plans need to be revised the board will not be able to act this evening.

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

Resolution # BOT 2023-7

Resolved, that the Village Board of the Village of New Hempstead hereby refer the application of Zurich Spira to the Zoning Board of Appeals. Mayor Sicker 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 2023-8

Resolved, that the Village Board of the Village of New Hempstead hereby adjourn the Public Hearing for the Special Use Permit Application for Zuroch Spira, 921, Rt. 45, New Hempstead NY 10977 to March 28, 2023. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

PUBLIC HEARING- YEDEI CHESD, 21 FESSLER DR., NEW HEMPSTEAD NY 10977. THE APPLICANTS ARE SEEKING SPECIAL USE PERMIT APPROVAL TO PERMIT THE CONSTRUCTION, MAINTENANCE, AND USE OF A NEW BUILDING APPROXIMATELY 8,100 SF FOOTPRINT FOR ADDITIONAL RESPITE SERVICES

The board will not be able to act on this application tonight because SEQR has not been done. The applicant is looking for further clarification on the parking.

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

Resolution # BOT 2023-9

Resolved, that the Village Board of the Village of New Hempstead hereby open the Public Hearing for the Special Use Permit Application for Yedei Chesed, 21 Fessler Dr., New Hempstead NY 10977. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

It ran in the Rockland Journal News January 12, 2023 Affidavits of notice and postings were timely.

Paul Baum, Attorney for the Applicant

The applicant Yedei Chesed at 21 Fessler Dr is requesting an 8100 SQ FT addition. We need a couple of variances from the Zoning Board of Appeals for encroaching the front yard and the parking lot approaching front yard and also impervious surface. So we've been to the planning board, the planning board, have public hearing, they opened it, they declared themselves as lead agency, and they have not made a negative declaration yet. So this board cannot act until we have a negative declaration. But one of the things that came up is the parking requirement. So there is no parking requirement for a respite facility is supposed to be determined by the village board. So we need this village board to determine how many parking spaces we need to provide for this use. The current parking layout 41 spaces they're going to eliminate the parking in the back around the building and then restore it the green area in the parking lot is

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going up front, it's going to be 33 spaces. They only use generally about 10 spaces on any given day. So the 33 spaces is more than enough to accommodate their needs with this additional use.

When the original spaces were given it was based on a church use and the applicant never came back to adjust the parking need for the respite service which would be determined by the board based on the village code.

The board agrees based on driving by only 10 cars are there on a daily basis.

The applicant confirmed the new building will be used to provide individualized respite services.

The board requested a revised narrative.

Mordechai Braun, 6 Grandview

Would like no commercial in the area to be approved until something is done about the traffic.

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

Resolution # BOT 2023-10

Resolved, that the Village Board of the Village of New Hempstead hereby adjourn the Public Hearing for the Special Use Permit Application for Yedei Chesed, 21 Fessler Dr., New Hempstead NY 10977 to March 28, 2023. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

CONTINUATION OF THE PUBLIC HEARING- BEER MAYIM- 1 NAOMI LN. SPECIAL USE PERMIT FOR PLACE OF ASSEMBLY- THE APPLICANT IS SEEKING A SPECIAL PERMIT FROM THE PROVISIONS OF LOCAL LAW 3 OF 2017 OF THE NEW HEMPSTEAD ZONING CODE FOR THE CONSTRUCTION, MAINTENANCE, AND USE OF A PLACE OF ASSEMBLY. THE SUBJECT PROPERTY IS LOCATED ON THE NORTH SIDE OF NAOMI LN, 0 FEET FROM THE INTERSECTION OF UNION ROAD. THE PROPERTY IS DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 50.9 BLOCK 2 LOT 30 IN A 2R-15 ZONING DISTRICT.

The Mayor and Village Attorney went into executive session and returned 5 minutes later.

This is a continuation of the public hearing.

The board mentioned that anything under 49 members does not need a permit.

Joe Churgin, Attorney for the applicant.

The applicant is here to apply for a Special Use Permit to allow for a modular structure behind the existing single family home to be used as a place of assembly. The modular is one story 24 sq ft by 50 sq ft. it's going connect by a breezeway to the existing home. Some variances are needed. Mr. Celentano is here for any technical questions.

The board requested a seating chart, and parking plan. Would like to know how the modular building being made permanent.

Mr. Celentano explained with hurricane proof on piers. Building plans will be submitted.

Comments referenced into the record:
RC Sewer 9/13/22

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TOR DPW 8/30/22

Hillcrest FD 8/22/22

Trustee Schulgasser has questions on parking but feels they will be addressed with the parking plan.

The board and applicant went through the times it is going to be active.

The board determined it is going to be used every day and that is what it should be requesting. The applicant should modify their application.

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

Resolution # BOT 2023-11

Resolved, that the Village Board of the Village of New Hempstead hereby open the Public Hearing for the Special Use Permit Application for Beer Mayim, 1 Naomi Ln. New Hempstead NY 10977. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

Sakina Boos, 12 Gloria Dr.

Her property faces 1 Naomi. The other day cars were parked along both sides of the street preventing cars from going by. Almost hit one that was parked too close to Union Rd. The cars are parking in the wrong direction. There was no way for two cars to go back and forth. Feels this will cause a lot of traffic. Has lived here for 38 years. Has issue with the construction being done across the street.

The applicant's attorney wanted to say for the record the construction across the street right now where houses are being built and believe the parking and traffic is from that.

The resident disagrees and says she saw them come with 5 cars in the driveway.

Mayor Sicker explained anyone with a place of assembly is required to utilize only one side of the street and they are required to self-monitor. If it becomes an issue the board approves no parking signs on one side of the street. It is well controlled and taken care of throughout the village in other areas. There should never be parking to the end of Union Rd. Anyone that's parked there should make sure it's one side of the street and not to park 20ft to the corner.

The applicant would like signs to go up.

At the next meeting the board will discuss the no parking signs. Notices will be sent to the immediate neighbors for the discussion.

George Milligan, 4 Gloria Dr.

Has issue with the parking.

Mrs. Boos

Would like someone to check out what was done under the deck by the tent.

The board appreciates the concerns that were brought up and it will all be looked into before a decision is made. No approvals are going to be given this evening.

Dr. David Goldsmith, 683 Union Rd.

Has lived in the village for the last 2.5 years. Loves the shul at 1 Naomi Ln. and appreciates the member's consideration. People have the right to park in the driveway and in the legal areas in the area. The neighbor is in favor of this application.

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Momoh, 1 Fisher Ct

Concerns about the safety of the drivers coming through there. The school busses that come through the area too speed.

Rabbi Spitzer, 1 Naomi Ln.

The closest neighbors who have issues probably don't know me. He also has issues with the construction that is being done in the area.

The mayor is going to have the parking situation evaluated to work for both the neighbors and the applicant.

Mr. Churgin stated they have been operating for well over a year and you're going to go and see what's going to be. They're not going to change it in terms of use all that much.

Reuven Rosenberg, 596 Union Rd

There is maybe 5 or 6 cars that are parked there when it is being used.

Yehuda Russak,

If the mayor says he is going to evaluate something believes he will get it done.

Mrs. Boos mentioned that they have been operating but it is only a few people.

Mayor Sicker explained the parking is going to be evaluated based on what they are applying for.

The board and attorney requested the narrative be updated to include that the number of members is not changing but this will allow for the house to be sued as a resident.

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

Resolution # BOT 2023-12

Resolved, that the Village Board of the Village of New Hempstead hereby refers the Special Use Permit Application for Beer Mayim, 1 Naomi Ln. New Hempstead NY 10977 to the Zoning Board of Appeals.. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

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

Resolution # BOT 2023-13

Resolved, that the Village Board of the Village of New Hempstead hereby adjourn the Public Hearing for the Special Use Permit Application for Beer Mayim, 1 Naomi Ln. New Hempstead NY 10977 to March 28, 2023. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

Adjourn to February 28, 2023- CONTINUATION OF THE PUBLIC HEARING ON- A LOCAL LAW REPEALING LOCAL LAW 3 OF 2021

This item is being adjourned to February 28, 2023

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

Resolution # BOT 2023-14

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Resolved, that the village board of the Village of New Hempstead hereby adjourn the Public Hearing for a Local Law repealing Local Law 3 of 2021. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted

MAYORS REPORT:

DEPUTY MAYORS REPORT:

TRUSTEES REPORT:

MOTION TO ADJOURN

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

Resolution # BOT 2023-15

Resolved, that the meeting on January 24, 2023 of the Board of Trustees is hereby adjourned. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

Respectfully submitted,

Allison Weinraub,
Village Clerk-Treasurer