

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

BOARD OF TRUSTEES

REGULAR MEETING
MONDAY, APRIL 24, 2017
7:30 P.M. – VILLAGE HALL

PRESENT

FRED BRINN, MAYOR
BRUCE MINSKY, DEPUTY MAYOR
SHALOM MINTZ, TRUSTEE
ADAM REICH, TRUSTEE
ABE SICKER, TRUSTEE

ABSENT

ALSO PRESENT

JOHN LANGE, VILLAGE PLANNER
DENNIS MICHAELS, VILLAGE ATTORNEY
CAROLE VAZQUEZ, VILLAGE CLERK-TREASURER
LORI BELLO, DEPUTY VILLAGE CLERK-TREASURER
KEITH AINSWORTH, ESQ. (SPECIAL ATTORNEY FOR CROWN CASTLE)

Pledge of Allegiance

Roll Call

Open Floor

Item #5 on the Agenda – continuation of Public Hearing from 3/27/17 for Mini-station is adjourned to continue - request of applicant.

Crown Castle – Review and discussion of RUA

Mayor Brinn gave a background for the Crown Castle issue. Attorney Ainsworth is present this evening if anyone wanted to ask questions. The purpose of this meeting tonight is to review the right of way agreement.

Deputy Mayor Minsky stated there is a Crown Castle box on Union Road. It is approx. 5' off the ground and you have to walk carefully to avoid it. He would like confirmation that the boxes will be at least 10' off the ground. He also wanted to know where they would be located. In front of a house?

Esme Lombard, a representative from Crown Castle, stated they try to put the poles between the houses, but it is not always possible.

Charles Frankel – 15 Woodward Lane – One of the poles is located at his house and it is located at the property line.

Mayor Brinn requested that before the project begins, he and one of the Trustees or the Planner just go out with the company to make sure they won't be putting the poles in a wrong place. (22 poles)

Attorney Ainsworth stated he is comfortable with the Right of Way Use Agreement between the Village and Crown Castle. Same was discussed at this meeting.

Attorney Michaels read the resolution into the record.

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

Resolution # BOT 2017-77

Resolved, that the Board of Trustees of the Village of New Hempstead hereby approves the RUA agreement between the Village of New Hempstead and Crown Castle NG East LLC. The said agreement is attached to and made a part of this record. A roll call vote was obtained. Trustee Sicker, aye, Trustee Mintz, aye, Deputy Mayor Minsky, aye, Mayor Brinn, aye. Trustee Reich, nay (not comfortable with the agreement.) The vote was 4 ayes, 1 abstention.

Bais Malka – Public Hearing for Revised Special Permit

Present

Attorney Churgin from the Law firm of Savad & Churgin
Rabbi Grossman

Attorney Churgin stated the applicant is here today for a Special Permit for 2 uses. They want to do a prefab building, roughly 11,000 sq. ft. with a basement. Also they want to put 2 pools on the property. They will be going to the Planning Board next week to get the site plan approval. This is not a camp. It is a 12 month school. Bais Malka is 2 schools; a school for girls and a school for special needs children.

Trustee Sicker asked if there would be a change in the number of students.

Rabbi Grossman stated there will be approx. 150 students.

Mayor Brinn confirmed this will be a permanent prefabricated building.

Ms. Vazquez stated the public hearing notice appeared in the April 12th edition of the Journal News. The notices were timely.

Allen Fishkin – 27 Bridle Rd. – Any variances? Answer – None –

Demetria Stuart, 1 Elizabeth Ct. – buildings provide 12 additional rooms? “yes”

Joel Petlin 14 Pleasant Ridge Rd. – (neighbor) wanted to see where the classrooms and pool were located. (he was shown on map) 80’ from the property line.

Milligan – 4 Gloria Dr. – wanted to know the hours

Mayor Brinn stated – School hours are Monday – Thursday 8:15 – 4:20, Friday 9:00 – 12:20
Sunday 9:00 – 3:30. No school on Saturday.

Rabbi Grossman stated “occasionally at night.”

Mayor Brinn asked about parking spaces – “72 spaces” – most teachers do not drive. Mayor Brinn asked if the parking spaces will change with the new addition. Answer – “No”

Barbara Petlin – asked about where the pool supplies are kept. Answer “enclosed area”. She also asked about the exterior of the prefab building. Will boys come in? “Maybe sometimes”; occasional; once a week.

Jaraval, 9 Barrie Dr. – municipal ordinances; noise?

75 decibels at the property line – plantings would help.

B. Petlin thanked everyone – whenever she calls, it is taken care of.

Mayor Brinn read the following correspondence into the record. Same will be annexed to and made a part of this record.

Letter from Rockland County Highway Dept. dated April 20, 2017 Re: Site Plan for Onsite Additional Improvements 46-48 Grandview Ave.

Town of Ramapo, Dept. of Public Works dated April 18, 2017

Rockland County Sewer District #1 dated April 21, 2017

John Lange stated they are working with the applicant to make a more interesting looking bldg.

Mayor Brinn stated the Planning Board has declared themselves Lead Agency, therefore until they approve, we cannot move on this matter.

Adelle Katzenstein - 143 Brick Church Rd. – appreciates the fact the noise and lights have been addressed.

Mayor Brinn stated when the Board issues a Special Permit, there are certain conditions included; including the hours. If it becomes known that they are renting to a day care facility or a camp, we can pull their Special Permit or they will have to come back to amend their Special Permit and we will have to go through this whole procedure again. Our Special Permit is subject to all the conditions that the Planning Board approves; lighting noise, etc.

B. Petlin had more questions about noise & lighting.

John Lange stated these issues have been addressed and, in fact, the bldg. itself is a buffer for noise.

Mayor Brinn suggested Ms. Petlin go to the Planning Board meeting. Those issues are within their domain.

Attorney Michaels stated the NYS Environmental Review Act a land use application is not deemed complete until the Environmental Review is completed, which usually results in a Negative Declaration, which actually means that it will not pose a potential adverse environmental impact on the neighborhood. The Village Board cannot act until the Planning Board completes its environmental review.

Rabbi Grossman stated if they could get approval by mid-May, they would probably be alright with their goal for September.

Barbara Greenwald - 2 Rovitz Pl. What kind of review are they expecting from the Planning Board?

Attorney Michaels explained that there are time requirements in order to plan a public meeting, such as Public Notices, etc. If we don't pick a date now, then we miss that window of opportunity to comply with State and Local law.

Barbara Greenwald – understands the dilemma – as a resident she wants to be able to comment – having all these other special meetings impairs the ability of the public to comment on the issues. It is conceivable that there might be some significant changes and the public would like to come back and comment.

Rabbi Grossman stated he is here to listen to the comments. He wants to address them. He is anxious for approval for the pool so they can use it this summer.

John Lange stated he has asked some questions of the applicant that have not yet been answered. It appears that the public is more interested in the pool than they are the building.

Mayor Brinn stated he does not have a problem separating the 2 applications (1 for the bldg. & 1 for the pool) to accommodate the applicant.

Mayor Brinn asked what additional changes need to be made on the plans that are current?

John Lange stated – lighting for the pool, drop off area for the modular classrooms, bathrooms, gate & fence, details of the fence. Assess noise?

Linda Hurst – 12 David Drive – listening for the last 45 min. of how we can accommodate a pool. If it doesn't get in this year, it will be next year. If it works out, fine. Wasting so much time. Do it the right way.

Mayor Brinn recommended one week time from the 1st to have the Special Meeting for the pool.

Attorney Michaels stated they will keep the public hearing open until May 10, 2017 at 7:30 p.m. There will be no publication in the newspapers no notices sent to neighbors.

Everyone is welcome to come back to the Planning Board meeting on the 1st of May. The remainder of the project (the school building) will be heard at the meeting of the Trustees on May 22nd.

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

Resolution # BOT 2017-78

Resolved, that the public hearing on application of Ateres Bas Yaakov for Special Permit will Remain open until May 10, 2017. This meeting will be for the application for the pool. The remainder of the application will be discussed at a meeting of the Board of Trustees, which will be held on May 22nd. Mayor Brinn called for a vote. The vote was 5-0. The resolution was adopted.

MS4 Mapping Grant

Mayor Brinn explained that the Village is obligated to study the storm water system and the grants available. He read a communication from the Stormwater Consortium of Rockland County dated March 8, 2017. Same will be attached to and made a part of this record.

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

Resolution # BOT 2017-79

Resolved, that the Board of Trustees of the Village of New Hempstead hereby adopts the resolution for Municipal Participation in NYSDEC Contract C00079GG 'Rockland County MS4 Grant' which is attached to this record. Mayor Brinn called for a vote. The vote was 5-0. The resolution was adopted.

Zoning Code Codification

Mayor Brinn explained that the Board of Trustees hired Joel Grossbarth to review our Zoning Code. He read the report from Mr. Grossbarth dated March 6, 2017. Same will be attached to this record.

Attorney Michaels recommended immediate codification as the Village is currently changing some of the Local Laws.

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

Resolution # BOT 2017-80

Resolved, that the Board of Trustees of the Village of New Hempstead hereby sets a public hearing for the purpose of Codifying our Zoning Code for May 22, 2017 at Village Hall. Mayor Brinn called for a vote. The vote was 5-0. The resolution was adopted.

Allen Fishkin stated several years ago he scanned the zoning book into the computer so it is now searchable on PDF. This new system is more complete.

Continuation of Public Hearing for Proposed Local Law "Place of Assembly"

Mayor Brinn stated this subject is still in progress so they are not prepared to address it this evening. There is a workshop meeting on Wednesday, 5/26/17, hopefully they will work through the remaining issues. The public is welcome to attend. You can listen, but it is not a public hearing.

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

Resolution # BOT 2017-81

Resolved, that the public hearing on Proposed Local Law "Place of Assembly" will remain open until May 10, 2017 in the meeting room at Village Hall at 7:30 p.m. Mayor Brinn called for a vote. The vote was 5-0. The resolution was adopted.

Scheduling Public Hearing for Ateres Bais Yaakov – Special Permit

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

Resolution # BOT 2017-82

Resolved, that the Board of Trustees hereby schedules a public hearing for the application for a Special Permit for Ateres Bais Yaakov to be held on May 22, 2017. Mayor Brinn called for a vote. The vote was 5-0. The resolution was adopted.

Mayor Brinn added an item to the Agenda:

Mayor appoints Elana Yeager, Attorney,

to be Village Prosecutor for a period of 90 days effective immediately, at the same salary, which was \$175 per hour. The Mayor will execute the 90 day contract. Mayor Brinn called for a vote. The vote was 5-0. The appointment was adopted.

Approval of minutes of February 27, 2017

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

Resolution # BOT 2017-83

Resolved, that the minutes of the meeting of February 27, 2017 are hereby approved and the reading of said minutes be waived. Mayor Brinn called for a vote. The vote was 5-0. The resolution was adopted.

Audited Vouchers

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

Resolution # BOT 2017-84

Resolved, that the Abstract of Audited claim numbers #17442 through #17476 in the amount of \$56,456.74 are hereby approved. Mayor Brinn called for a vote. The vote was 5-0. The resolution was adopted.

Mayor's Report – None

Deputy Mayor's Report – “Now is the time to look at the Master Plan” He thinks we should draft a plan, coordinate with the public and experts to put something together.

Mayor Brinn asked John Lange to look up the work that the Board did a few years ago as a starting place for this project. Mr. Lange is in favor of a full blown plan.

John Lange spoke about a Study he did of “Fit” places of Assembly Under Proposed Bulk Regulations. He stated the only lots that don't work are the 2R-15. Same will be attached to and made a part of this record.

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

Resolution # BOT 2017-85

Resolved, that the meeting of the Board of Trustees, held on April 24, 2017 is hereby adjourned. Mayor Brinn called for a vote. The vote was 5-0. The resolution was adopted.

Respectfully submitted,

Lee Mazza, Secretary