

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

**BOARD OF TRUSTEES**

REGULAR MEETING  
MONDAY, JULY 25, 2016  
7:30 P.M. – VILLAGE HALL

PRESENT

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

ABSENT

ALSO PRESENT

JOHN LANGE, VILLAGE PLANNER  
DENNIS MICHAELS, VILLAGE ATTORNEY  
RAPHAEL ZIEGLER, FIRE INSPECTOR  
CAROLE VAZQUEZ, VILLAGE CLERK-TREASURER  
LORI BELLO, DEPUTY VILLAGE CLERK-TREASURER

PLEDGE OF ALLEGIANCE – MOMENT OF SILENCE FOR PEOPLE WHO WERE KILLED UNNECESSARILY  
IN TAMPA, FLORIDA AND OTHER PARTS OF THE WORLD.

ROLL CALL

OPEN FLOOR – PUBLIC PARTICIPATION

Rudy Dent

8 Red Oak Lane & 272 McNamara Rd. – Owns 3 ½ acres. Been there for 20 years. Last 10 years it has changed. New people don't follow Village Code. He is a former Police Officer, combat veteran and a retired Fire Fighter. Would like to enjoy his property in his retirement according to the rules and regulations and the Village Codes that have been established here. We now have a new judge in place. Are we going enforce the Village Code? Code Enforcement has not been helping him. Would like to live in peace in his community, not in the slums. He asked the Mayor what the new policy will be.

Mayor Brinn asked what the specific problem is.

Mr. Dent states all the neighbors leave their garbage cans out. Complete disregard for Village code.

Mayor Brinn stated enforcement has not changed. Enforcement will continue as it has been in the past. The Village acts on complaints. He will ask about Mr. Dent's specific complaint. Our garbage contract has recently been renewed and letters went out (Newsletter). There is a website that informs people as to days of collection and what the laws are regarding trash collection. We will highlight this particular issue in the next Newsletter.

Mr. Dent wants his standard of living and quality of life protected. Feels there should be a requirement to maintain your property.

Trustee Mintz asked that Mr. Dent list the multiple things he doesn't like about his neighbors and also state the exact law that pertains to the garbage.

Mr. Dent says he has seen it on the Village Code. You should be aware of it. There is a Village Code that you put your garbage out on the day the garbage is being picked up or after 5:00 p.m. the night before. Then after the garbage is picked up, you simply take the can back in. If you are working that day, when you come home at night you bring it in. It's a small thing it goes a long ways in terms of turning a neighborhood into a slum, instantly. All I ask is that you protect the value of my investment.

Trustee Mintz asked what the other example was besides the garbage cans.

Mr. Dent stated “general stuff like conditions, you can’t do anything about that. I don’t think you have anything on the books for leaving trash all over your front yard and marking up the property with chalk, not supervising your children, throwing garbage in the street”. All that garbage comes out onto my property through the storm drain.

Trustee Mintz asked “the only thing is the garbage cans?” Mr. Dent stated that is all he is asking for right now.

Larry Strack

7 Rovitz Place – Thanked the Mayor for having the road, Old Schoolhouse Rd, paved. He is having a hard time with the illegal issue of a Yeshiva operating with no C of O. No Monitoring of these things. If you operate a business here, it is shut down. After it is shut down, you have a hard time getting it approved to get it up and running again. Yeshivas are running rampant in this Town. These are businesses. Catholic schools are shut down because they are run by the Diocese. If there is no money to support them they get shut down. We need to look at all the illegal stuff. Anybody who operates a school knows they have to get approval.

Mayor Brinn stated that is why the applicant is here tonight.

Mr. Strack said they are here because they got caught. We need deterrents before they get caught.

Joel Kaplan

765 Union Road – Lives across from the School District Property – the trash situation there is unbearable.

Mayor Brinn stated the Village will follow up on that.

Sol Seidler

45 Mariner Way – knows charity is keeping the yeshiva alive – they are not making any money

Rudy Dent – Spoke about separation of Church and State. These entities that are pretending to be religious are clearly political entities in violation of the Constitution.

Mayor Brinn closed the open floor.

#### **DISCUSSION ON ROCKLAND BAPTIST CHURCH –**

Mayor Brinn recused himself from this discussion and turned the meeting over to Deputy Mayor Minsky.

#### Present

Amy Mele

4 Laurel Road, New City – from the office of Ira Emanuel, representing the applicant.

The applicant is looking for a Special Permit to operate a school temporarily while the new school is being built on 200 Summit Park Road. The applicant wants to use the former Rockland Baptist Church at 945 Route 45 as a school on a temporary basis until a permanent school at 200 Summit Park Road is constructed. Special Permit variances and site plan approval for the Summit Park Road School were granted earlier this summer. The Rockland Baptist Church first received its site plan and Special Permit approval in 2008. The approval was extended in 2009 and 2010. The applicant began construction and has since been abandoned. They are only asking for a temporary permit and are confident the school will be built in a 3 year period. Have prepared a detailed narrative.

Deputy Mayor Minsky asked what is on the property now.

Rabbi Fink stated a steel structure which is being used for storage – we will not be using that structure-

Deputy Mayor Minsky stated there is a vacant structure with a partially completed building and overgrowth all around.

Rabbi Fink stated the old building will be removed. Parking will be adequate. Sewer access is undersized. That will have to be changed. He also stated the applicant is planning on ground breaking in November.

Attorney Michaels stated the applicant is in agreement with the conditions that he laid out.

John Lange suggested a comment letter to speed things along.

Deputy Mayor Minsky closed the discussion.

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

Resolution # BOT 2016-102

Resolved, that the Board of Trustees of the Village of New Hempstead hereby schedules a public hearing on application of Rockland Baptist Church for August 22, 2016 at 7:30 p.m.

Deputy Mayor Minsky called for a vote and the vote was 5-0. The resolution was adopted.

**Public Hearing on special permit application of Mesivta Ahavas Hatorah.**

Mayor Brinn & Deputy Mayor Minsky recused themselves from this application.

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

Resolution # BOT 2016-103

Resolved, that the public hearing on application of Mesivta Ahavas Hatorah is hereby opened.

Trustee Sicker took the gavel.

Ms. Vazquez stated the public hearing appeared in the Journal News on July 12, 2016 and the affidavits and postings were timely.

Present

Amy Mele, 4 Laurel Rd., New City, N.Y. -office of Ira Emanuel, attorney for applicant

Ms. Mele stated this is an application for Special Permit to allow the operation of a private school on the grounds of an existing house of worship. The property is owned by congregation Bais Knesses of New Hempstead, corner of Brick Church and Union Rd. It is a 3.6 acre parcel in a 1R-40 district. In 1991 the congregation received a Special Permit to use the bi-level house and the property as a House of Worship. In 1998 the congregation received site plan and Special Permit approval to build a brick building which houses a Mikvah. In 2002 the house was expanded to include a lecture room as an accessory use synagogue. In around 2006 the bi level began to be used as a day school in addition to worship services. The congregation began to use the premises in 2013. The school is from grades 9-12 and serves approx. 55 students. The applicant is seeking to expand to approx. 80 students. The applicant appreciates that site plan approval will be needed to expand from 55 students to 80. The students are currently bussed in by the Ramapo School District on mini buses. It is not unusual to come before a board such as the ZBA to ask to have the use legalized. This is not one of those areas where you have a bad fire code situation. The fire inspector has been invited in repeatedly. The Building Inspector has been invited in. There are a couple of issues involved, but this applicant is going to do everything that the fire code requires.

Discussion regarding special standards for schools.

Attorney Michaels asked Attorney Mele to address the special standards for the school that is in the Narrative.

Attorney Mele stated the applicant is going to the ZBA for a reduction in the minimum of the 10 acres requirement. Frontage on a collector road – Union Road is a collector road – off site access will continue to be to and from Brick Church and Union Road. Residential District – set backs have to be at least twice the minimum – the parcel does not abut any residential lots.

The following correspondence was read into the record:

Rockland County Dept. of Health dated June 15, 2016

Rockland County Dept. of Health dated May 12, 2016

East Ramapo Central School District dated July 20, 2016

Mazer dated July 22, 2016

Trustee Sicker opened the hearing to the public

Rudy Dent – Went to the East Ramapo School Board over buses coming into his private cul de sac. They are getting private funding, therefore they are not bound by the East Ramapo School Board. A school bus cannot back up – they were backing up in my cul de sac. They knocked down my mailbox. Do we have power now that we have a judge to enforce the rules?

Trustee Sicker stated that the letter from the East Ramapo School District dated July 20, 2016 stated “this location is acceptable as it allows buses and vans to enter and exit without backing up.”

Mr. Strack

7 Rovitz Pl. – “Thanks the attorney for putting lipstick on a pig.” The Board of Trustees has proposed changes to the Master Plan. Part of those changes are low income houses. Multi- family housing. They have approved another school that had a 60% variance on land use. 3.9 acres on what was supposed to be a 10 acre lot. Another Yeshiva is being built at the end of New Hempstead Road that is well under an acre. Now we are talking about a third one, which is 3.6, supposed to be 10. We are going to have to eliminate changes to the Master Plan or stop putting schools on small parcels of land which can be better used for affordable housing. There is only so much land. He stated Samuel Clements said “what would you invest in?” Land, they are not making any more of it. He asked the Board to reconsider all the changes to the Village’s Master Plan and figure out what you are going to do with this Village.

Joseph Colton – President of Kehillat of New Hempstead

15 Josell Ct. – Wanted to address the portrait of what Yeshiva is. It is not a profit making enterprise. This Metzvat is a maintain stay of the community. It is a pleasure to see the students and teachers interact. Not just book learning, but to develop character. To deny their presence is a great disservice to the community.

Jeffrey Kaplan

765 Union Rd. – Lives close to the school – the school serves the community – would have much more traffic if the school was not there as kids can walk or ride bikes here.

Jerry Wolfset

116 Brick Church Rd. – Village of New Hempstead and the Town of Ramapo are two separate entities. Cannot compare schools.

Flamenwood

8 Crafton Dr.

Chestnut Ridge, N.Y. – from the general area – has been called in to tutor students – have seen the advantages and growth. This school has provided a place where the children can grow. Feels the land in this circumstance, it is not a question of taking land that would be used for residential use, this is land that was already appropriated for house of worship.

Roberta Leitner

Brick Church Road – resident since 1975. Has respect for community. Never sees garbage on the sidewalks of the school community. Wonderful to have the school in our presence. Kids can ride their bikes and they ride on the right side of the road – the school is an asset to the community.

Shifra Orlian -

2 Pleasant Ridge Rd. – Law abiding – asset to the Village

Raphael Ziegler – Fire Inspector – has done 2 inspections – one on 6/3/16, one on 6/30/16 – minor issues that were taken care of – willing to bring the school up to proper code requirements. Had a discussion with Mr. Coakley regarding sprinklers – upgrading the alarm system. The issues with the busing and the layout of the parking lot will be reviewed.

Attorney Michaels stated the Planning Board will take care of the approval conditions for the fire code issues. He also confirmed there will be no exterior construction and there will be a maximum of 80 students.

Rudy Dent asked the Fire Inspector if he worked closely with the Fire Dept.

Mr. Ziegler stated yes.

Rudy Dent said he is a trained Building Inspector and a Trained Fire Inspector as well.

Mr. Ziegler stated he was a Fire Fighter for 20+ years – he has similar training and continues to work with the fire dept.

Mr. Sicker stated that the Board has to consider several things with reference to this application such as smaller lot, 55 students in school, etc. The State does require leniency when it comes to educational facilities.

Attorney Michaels agreed and stated it is not just educational facilities, but religious institutions and Quasi governmental institutions like libraries, fire companies, religious uses. NYS law has expressed controlling legal opinions that municipal planning boards must approach these types of uses with more flexibility.

Attorney Michaels stated the conditions that are being considered are:

Maximum number of students shall be no more than 80

No exterior construction

Subject to site plan approval by the Planning Board

Variance by Zoning Board of Appeals.

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

Resolution # BOT 2016-104

Resolved, that the public hearing on application of Mesivta Ahavas Hatorah is hereby closed.

Trustee Sicker called for a vote and the vote was 3-0. The resolution was adopted.

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

Resolution # BOT 2016-105

Resolved, that the Board of Trustees of the Village of New Hempstead hereby approves the Special Use Permit application of Mesivta Ahavas Hatorah based upon the conditions that there will be no exterior construction, that the number of students shall not exceed 80, the approvals contingent on the Zoning Board of Appeals granting the required variances and the site plan approval by the Planning Board.

Trustee Sicker called for a vote and the vote was 3-0. The resolution was adopted.

Mayor Brinn took the gavel

**Discussion of Local Law #1 and #2 of 2015 modifications**

Mayor Brinn stated the Village currently has two laws on the books; one regarding a religious gathering and the other regarding a local house of worship. There was a discussion among the Trustees as to whether Local Law #1 – the gathering place was necessary or to better define it and possibly eliminate it, but possibly making modifications to Local Law #2. We have a public hearing coming up so we need to discuss it.

What is public assembly? Mayor Brinn stated public assembly per State Code is for 75 persons or greater. The religious gathering would be less than 75 people. Does this fall under the category of Local Law #1 and Local Law #2?

Mr. Lange stated he felt the issue was the number of people. Where do you draw the line? There is no change in the building; it is one room.

Deputy Mayor Minsky felt the need to apply should be necessary for 30% more than residential use.

Discussion by all regarding this issue.

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

Resolution # BOT 2016-106

Resolved, that the Board of Trustees of the Village of New Hempstead hereby adopts the guidelines for site plans and subdivision as a local law.

Mayor Brinn called for a vote and the vote was 5-0. The resolution was adopted.

Discussion regarding Violation for Summit Park Homes – A violation was issued by the Bldg. Inspector two or three months ago. The property owner has not responded by putting up a fence. Mayor Brinn is also a Code Enforcement Officer. He stated he will go out tomorrow and issue a violation if there is still no fence. He stated he will issue the violation Tues. Wed, & Thursday and Friday if necessary.

Final plans will be studied by Attorney Michaels to see if there is anything there to draw down the bond.

Trustee Sicker left the meeting early.

**Appointment of Robert J. Nesi as Court Attendant part-time at a rate of \$21.00 per hour**

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

Resolution # BOT 2016-107

Resolved, that the Board of Trustees of the Village of New Hempstead hereby appoints Robert J. Nesi as Court Attendant part-time at a rate of \$21.00 per hour.

Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

**Resolution approving audited vouchers #2016-7**

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

Resolution # BOT 2016-108

Resolved, that Abstract of Audited claim numbers 17091 through #17122 in the aggregate amount of \$55,119.50 are hereby approved.

Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

**Resolution approving minutes of June 27, 2016**

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

Resolution # BOT 2016-109

Resolved, that the minutes of the meeting of the Board of Trustees of the Village of New Hempstead held on June 27, 2016 are hereby approved.

Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

**Mayor's Report** – none

**Deputy Mayor's Report** – reported vegetation growing in a cul-de-sac – poison ivy – Mayor will contact the Town.

**Trustees' Report** –

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

Resolution # BOT 2016-110

Resolved, that the meeting held by the Board of Trustees of the Village of New Hempstead on July 25, 2016 is hereby adjourned.

Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

Respectfully submitted, Carole Vazquez, Village Clerk-Treasurer