

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

**BOARD OF TRUSTEES**

SPECIAL MEETING  
JUNE 14, 2017  
7:00 P.M. – VILLAGE HALL

PRESENT

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

ABSENT

ALSO PRESENT

DENNIS MICHAELS, VILLAGE ATTORNEY  
JOHN LANGE, VILLAGE PLANNER  
GLENN MC CREEDY, VILLAGE ENGINEER  
LORI BELLO, VILLAGE CLERK-TREASURER

PLEDGE OF ALLEGIANCE

ROLL CALL

Mayor Brinn stated "Our hearts and prayers go out to Congressman Scalise, who was, unfortunately shot in an attack we all heard about today. Prayers go to him and his family for a speedy recovery and all those who were affected by this."

**Open Floor – Public portion**

Stephen Geiss, 7 Kingston Dr. In the past few months there have been a number of petitions for re-building. The Board is considering the neighborhood commercial building. He is asking for more comprehensive planning and consultation with the public.

Mayor Brinn stated he will put that on the next agenda for a possible workshop.

Charles Frankel, 15 Woodwind Lane – He stated a former Trustee of the Village passed away last week. It has been the tradition of the Village to have a meeting adjourned in their memory and to have a resolution sent to their family memorializing the fact that we noted their passing. He suggests that this meeting be adjourned in the memory of Robert Moskowitz and a resolution sent to his significant other and to his 2 daughters.

Frankel's second point – reminder to the Board tomorrow night is the 3<sup>rd</sup> in a series from the Bureau of Transportation –subject matter is the impact of transportation on the changes of the suburbs.

**Continuation of Public Hearing on the adoption of a Local Law regarding "Place of Assembly".**

Attorney Michaels read the Part 2 – Impact Assessment portion of the Short Environmental Assessment Form as prepared by Village Planner, John Lange.

Mayor Brinn asked for comments from the public on this form.

Attorney Michaels stated as per Board of Trustees Resolution # BOT 2017-21 the Board of Trustees has declared itself Lead Agency.

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

Resolution # BOT 2017-106

Resolved, that the Board of Trustees of the Village of New Hempstead hereby declares a negative declaration with reference to the Local Law regarding "Place of Assembly" based upon the Short Environmental Assessment Form as prepared by Village Planner, John Lange. Mayor Brinn called for a vote. The vote was 4-0.

Further discussion and/or action on the Local Law will take place later in this meeting when the other Trustee to arrive.

**Continuation of Public Hearing regarding the adoption of a Local Law amending Local Law No. 11 of 1984, involving a petition to add a new overlay zoning district to be designated as "Neighborhood Commercial" or "NC"**

Deputy Mayor Minsky arrived at the meeting

Mayor Brinn explained a change in the proposed, mixed-use, neighborhood commercial developments permitted by the Village Board. The change is on two to eight acre sites as opposed to four to six acres and with frontage on and direct access to a State highway.

Attorney Michaels read the Full Environmental Assessment Form Part 2 – Identification of Potential Project Impacts for the proposed action as prepared by Village Planner Lange.

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

Resolution # BOT 2017-107

Resolved, that the Board of Trustees of the Village of New Hempstead hereby declares a negative declaration with reference to the adoption of a Local Law amending Local Law No. 11 of 1984, involving a petition to add a new overlay zoning district to be designated as "Neighborhood Commercial" or "NC". There is no potential significant adverse environmental impact by adopting this Local Law. Mayor Brinn called for a vote. The vote was 4-0. The resolution was adopted.

Mayor Brinn pointed out changes in the proposed Local Law as follows:

Section 1. Purpose & Intent.

The Board of Trustees, in its Problem/Goal Statements for the Village, etc. etc.

3<sup>rd</sup> paragraph –

As proposed, mixed-use, neighborhood commercial developments may be permitted by the Village Board, on two to eight acre sites, with frontage on and access to a State highway.

Attorney Mele read the GML from Rockland County Dept. of Planning Dated March 21, 2017.

Mayor Brinn referenced a memo from the New Hempstead Planning Board, who concurs with the adoption of the amendments and continue to favorably recommend that the Board of Trustees adopt the floating zone.

Charles Frankel, Chairman of the Planning Board – with reference to the floating zone – Any applicant should comply with this particular floating zone will then make an application to have you attach the floating zone to the particular parcel that they are interested in. You are making the law subject to their being on a State Highway. From the planning purposes, being on a State Highway, the State of New York through the Dept. of Transportation has the jurisdiction of designating where the various curb cuts and anything involving traffic, such as signalization and ingress and egress to the property. There has been discussion with one specific applicant at the intersection of Rte. 306 and Grandview. The Planning Board has not seen any plans on that yet.

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

Resolution # BOT 2017-108

Resolved, that the public hearing on adoption of Local Law amending Local Law No. 11 of 1984, involving a petition to add a new overlay zoning district to be designated as "Neighborhood

Commercial” or “NC” is hereby closed. Mayor Brinn called for a vote. The vote was 5-0. The resolution was adopted.

Deputy Mayor Minsky stated he feels some types of business would be detrimental to the neighborhood if they were allowed to remain open for 24 hours. He feels that restrictions should be made when applications are considered.

Attorney Michaels suggested that this sentence should be added to the proposed Local Law: “When a site is being considered for adoption, hours of operation shall be considered by the Board of Trustees.”

Discussion on how the hours of operation should be handled.

Deputy Mayor Minsky feels the Board of Trustees should be allowed to designate hours of operation

Attorney Mele feels it is illegal for zoning to regulate hours of operation.

Attorney Michaels stated that if the Board feels they want to designate hours of operation they should adopt a different law outside of zoning to accommodate that privilege.

Attorney Mele suggested the hours of operation should be handled through a Special Permit use except for a 24 hr. pharmacy.

Through an informal poll, the Board decided to take an additional two weeks to consider the wording for the Local Law with regard to hours of operation. The meeting will be held on June 27<sup>th</sup> at 7:30 p.m.

**Continuation of Public Hearing on the adoption of a Local Law regarding “Place of Assembly”.**

Attorney Michaels read the GML from Rockland County Dept. of Planning dated January 9, 2017; 3 page letter.

Item #1 of the GML -

The Board agrees to modify Item 1. “minimum requirements for a Place of Assembly Special Permit Use: as follows: The maximum occupancy of the Place of Assembly shall be quantified based upon the square footage of the designated room/area in the residence to be used for the assembly and by the narrative and descriptions of the meetings, which Place of Assembly room/area shall not exceed 85% of the total square footage of the entire structure.”

Item #8 of the GML -

With reference to Item 9, Parking, the Board agrees to add “Stacked parking will be permitted towards calculating the parking count, except that stacked parking shall not be permitted on driveways that access State or County highways;”

Item #13 & #14 of the GML – override

Pursuant to NYS Village Law 725-a Paragraph 2, Approval of Site Plan, sub paragraph A. The Village Board of Trustees may as part of a Local Law adopt, according to this article, authorize the Planning Board or other administrative body that it shall so designate to review and approve with modifications or disapprove site plan prepared to specifications set forth in a Local Law and/or in regulations of such authorized Board.

Charles Frankel – speaking as an individual, not as Chairman of the Planning Board – If the Village Board takes over the responsibility to exercise the approval of a site plan, does that require all the members of the Village Board to become certified as Planners under the NYS rules and regulations and to continue their certification by attending the required hours on an annual basis?

Attorney Michaels stated the answer is “no”. The Trustees do not have to attend classes as the Planning Board does. However, he recommended that the Trustees do so.

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

Resolution # BOT 2017-109

Resolved, that the public hearing on adoption of a Local Law regarding “Place of Assembly” is hereby closed. Mayor Brinn called for a vote. The vote was 5-0. The resolution was adopted.

Approve the local law as last revised with the modifications as discussed during the public hearing and to also override Item #13 & #14 GML Letter of January 9, 2017 and also note that we are not overriding Item #1 and #8 because we have accepted the items and have amended the Local Law to reflect those modifications.

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

Resolution # BOT 2017-110

Resolved, that the Board of Trustees of the Village of New Hempstead hereby agrees to the overrides in the GML letter from the Planning Board of the County of Rockland dated January 9, 2017. The overrides are Items #13 and #14 of said letter for the reasons that have been stated during the public hearing based upon the recommendations of the Village Attorney. Mayor Brinn called for a roll call vote. The vote was as follows: Trustee Mintz, aye, Trustee Sicker, aye, Deputy Mayor Minsky, no, Trustee Reich, aye, Mayor Brinn, aye. The vote was 4-1. The resolution was adopted.

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

Resolution # BOT 2017-111

Resolved, that the Board of Trustees of the Village of New Hempstead hereby approves Local Law No. 3 of the year 2017 to amend the Zoning Ordinance of the Village of New Hempstead to add a new special permit use, Place of Assembly, along with definitions, bulk requirements and procedures for use in single family residences only, as last revised, with the modifications as discussed during the public hearing. The Board also overrides Item #13 & #14 of the GML letter of January 9, 2017, for reasons that have been stated during the public hearing based upon the recommendations of the Village Attorney. The Board did not override Item #1 and #8 because they accepted the items and have amended the Local Law to reflect those modifications. Mayor Brinn called for a roll call vote. The vote was as follows: Trustee Mintz, aye, Trustee Sicker, aye, Deputy Mayor Minsky, nay, Trustee Reich, aye, Mayor Brinn aye. The vote was 4 ayes, 1 nay. The resolution was adopted.

Trustee Sicker left the meeting.

**Establishment of Performance Bond regarding Ateres' Interim School Use (temporary trailers) at 200 Summit Park Road, New Hempstead, N.Y.**

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

Resolution # BOT 2017-112

Resolved, that the Board of Trustees of the Village of New Hempstead hereby accepts the performance bond regarding Ateres' Interim School Use (temporary trailers) at 200 Summit Park Rd., New Hempstead, N.Y. Mayor Brinn called for a vote. The vote was 4-0. The resolution was adopted.

**Bais Malka – Discussion – Scheduling of Public Hearing for Special Permit**

Mr. Churgin, Attorney for Applicant – The applicant previously appeared before the Board for approval of a pre-constructed building. Instead of the pre-constructed building, they want to build a brick & mortar building in the exact same location as the prefabricated building was to be. What they need now is temporary trailers to be put on the back of the property while they build the new building. They have been before the Planning Board on this application.

Charles Frankel, Planning Board Chairman, stated the applicant appeared before the Planning Board last night. The details of the plan were discussed previously at a TAC meeting. There were a number of suggestions made by our Village Engineer that in order to get full passage whether it be prefab or brick and mortar, drainage needed to be instituted and other things need to be done. The plans were evaluated at last night's meeting. The Planning Board approved their plans so they can get a permit and begin building either the modular or a brick & mortar building. They wish to use the current law that we have that allows them to place temporary trailers. They have made an application to the Village Board

for that use. The Planning Board has been Lead Agency all along. At last night's meeting, the P.B. gave its intention to be Lead Agency. The next meeting of the P.B. is the 11<sup>th</sup> of July, at which time the P.B. will have a public hearing. Whatever action the Village Board takes, they need an amended site plan.

A public hearing on application of Bais Malka will be scheduled for Monday, July 24, 2017.

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

Resolution # BOT 2017-113

Resolved, that the meeting held by the Board of Trustees on June 14, 2017 is hereby adjourned. Mayor Brinn called for a vote. The vote was 5-0. The resolution was adopted.\

Respectfully submitted,

Lee Mazza, Secretary