

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

BOARD OF TRUSTEES

REGULAR MEETING
WEDNESDAY, OCTOBER 26, 2016
7:30 P.M. – VILLAGE HALL

PRESENT

FRED BRINN, MAYOR
SHALOM MINTZ, TRUSTEE
ADAM REICH, TRUSTEE
ABE SICKER, TRUSTEE

ABSENT

BRUCE MINSKY, DEPUTY MAYOR

ALSO PRESENT

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

PLEDGE OF ALLEGIANCE

ROLL CALL

OPEN FLOOR – PUBLIC COMMENT

Larry Strack – 7 Rovitz Place – no parking signs – Mayor Brinn stated no answer from the County.
Route 45 is a State Rd. –

Mayor Brinn stated he will have a definite answer by next meeting.

Mr. Strack also spoke about dirt in the gutter – Mayor Brinn spoke to Tony Sharon – will follow up on that.

Mr. Strack stated he has sent pictures of cars blocking on Elizabeth Ct. & Rovitz Place.

Mayor Brinn closed the open floor.

Schedule Public Hearing on 2017 Budget for Nov. 28, 2016 at 7:30 p.m.

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

Resolution # BOT 2016-119

Resolved, that the Board of Trustees of the Village of New Hempstead hereby sets a public hearing on 2017 Budget for Nov. 28, 2016 at 7:30 p.m. Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

Resolution authorizing Village Clerk-Treasurer to levy taxes approved pursuant to 2017 Budget.

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

Resolution # BOT 2016-120

Resolved, that the Board of Trustees of the Village of New Hempstead hereby authorizes Village Clerk-Treasurer to levy taxes approved pursuant to 2017 Budget. Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

Resolution authorizing Village Clerk-Treasurer to send tax bills for assessment under 2017 Budget.

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

Resolution # BOT 2016-121

Resolved, that the Board of Trustees of the Village of New Hempstead hereby authorizes Village Clerk-Treasurer to send tax bills for assessment under 2017 Budget. Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

Resolution accepting warrant for uncollected taxes and authorizing Village Clerk-Treasurer to transmit same to the Rockland County Commissioner of Finance

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

Resolution # BOT 2016-122

Resolved, that the Board of Trustees of the Village of New Hempstead hereby accepts warrant for uncollected taxes and authorizes Village Clerk-Treasurer to transmit same to the Rockland County Commissioner of Finance. Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

Resolution authorizing Mayor to sign contract with All Brite Cleaning at a rate of \$85.00 bi-weekly for cleaning Village Hall.

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

Resolution # BOT 2016-123

Resolved, that the Board of Trustees of the Village of New Hempstead hereby authorizes Mayor to sign contract with All Brite Cleaning at a rate of \$85.00 bi-weekly for cleaning Village Hall. Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

Resolution authorizing payment of membership dues to NYCOM in the amount of \$2,664.00.

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

Resolution # BOT 2016-124

Resolved, that the Board of Trustees of the Village of New Hempstead hereby authorizes payment of membership dues to NYCOM in the amount of \$2,664.00. Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

Resolution to establish position of secretary to the Planning & Zoning Board.

Discussion on the position of secretary to the Planning & Zoning Board. This position was established by the County Planning Board.

Mayor Brinn stated this position is to insure the proper flow of paperwork for all the Planning & Zoning applications that come in.

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

Resolution # BOT 2016-125

Resolved, that the Board of Trustees of the Village of New Hempstead hereby goes into Executive Session to discuss personnel matters. Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

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

Resolution # BOT 2016-126

Resolved, that the Board of Trustees of the Village of New Hempstead hereby comes out of Executive Session at 8:25 p.m. Mayor Brinn called for a vote and the vote was 3-0. Trustee Mintz did not vote. The resolution was adopted.

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

Resolution # BOT 2016-127

Resolved, that the Board of Trustees of the Village of New Hempstead hereby establishes the position of Secretary to the Zoning and Planning Board. Mayor Brinn called for a vote and the vote was 3-0. Trustee Mintz did not vote. The resolution was adopted.

Resolution authorizing Village Hall to be closed the day after Thanksgiving (Fri. Nov. 25, 2016).

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

Resolution # BOT 2016-128

Resolved, that the Board of Trustees of the Village of New Hempstead authorizes Village Hall to be closed the day after Thanksgiving (Fri. Nov. 25, 2016). Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

Approval of Abstract of Audited Vouchers

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

Resolution # BOT 2016-129

Resolved, that Abstract of Audited claim numbers #17206 through #17252 in the aggregate amount of \$75,100.97 are hereby approved. Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

Approval of minutes of Regular meeting of July 25, 2016, August 22, 2016, Sept. 6, 2016 and Sept. 20, 2016.

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

Resolution # BOT 2016-130

Resolved, that the minutes of the meeting of the Board of Trustees of the Village of New Hempstead held on August 22, 2016 are hereby approved and the reading of said minutes be waived. Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

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

Resolution # BOT 2016-131

Resolved, that the minutes of the meeting of the Board of Trustees of the Village of New Hempstead held on July 25, 2016, are hereby approved and the reading of said minutes be waived. Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

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

Resolution # BOT 2016-132

Resolved, that the minutes of the meeting of the Board of Trustees of the Village of New Hempstead held on Sept. 6, 2016 are hereby approved and the reading of said minutes be waived. Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

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

Resolution # BOT 2016-133

Resolved, that the minutes of the meeting of the Board of Trustees of the Village of New Hempstead held on Sept. 20, 2016 are hereby approved and the reading of said minutes be waived. Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

GML – Village of Wesley Hills (Wireless Communications Moratorium)

No comment.

Public Hearing on: a) Local Law 3 of 2016; b) Local Law 4 of 2016

No discussion on Local Law 3 –

Discussion on Local Law 4 of 2016

The Board of Trustees will declare themselves Lead Agency at the next meeting of the Board.

Ms. Vazquez stated the public hearing notice appeared in the Journal News on Oct. 15, 2016.

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

Resolution # BOT 2016-134

Resolved, that the public hearing on Local Law 4 of 2016 is hereby opened. Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

Mr. Teichman, 36 Pennington Way – His builder, Lasky, could not make it to the meeting. He has an application in to try to build a house of worship on his property. One of the issues is the parking. He has been told parking has to be in the back. He would like the Planning Board to consider the amount of parking needed. People live in the area; they are not necessarily going to drive. Currently, it is his understanding that they will have to go for variances. It is his understanding that in Wesley Hills the Planning Board is able to make that determination and a variance is not needed. He would like the Board to consider increasing the amount of impervious surface allowed in a single family lot; assuming there would not be extra drainage. Also he would like the Board to consider increasing the amount of building coverage allowed.

Trustee Sicker – There is no parking in the front. As a matter of law the Board can put no parking signs anywhere – In his opinion there should be no parking signs in the front. If there is a fire, the ambulance or fire equipment has to get there. Safety is the #1 priority. Impervious surface?? Change the Bulk Table??

Mayor Brinn stated to Mr. Teichman “you would like us to consider changing the bulk table to increase the FAR and to increase the impervious surface” - “Correct”

Mayor Brinn stated that this particular Local Law, as it reads is total in the approval of the Board of Trustees. If something that came up that would require a variance, would ultimately have to go to the Zoning Board of Appeals. The Planning Board has no interest in this Local Law.

Marty Leibowitz, 3 Bay Court – Read into the record – 7.5 of Local Law 11 of 1984, amended on 5/28/98 And revisions were made regarding parking at 1 & 2 family dwellings. “1 family dwelling – 1 car garage, 1 outdoor space. 2 family dwelling is required to have 1 garage space and 1 outdoor space. Has lived in his house for 45+ years, been on the Village Zoning Board of Appeals for 19 years.” In 2015 Local Law 2 of 2015 was passed by the BOT. He does not know if the members were aware of Local Law 11 of 1984 at the time they passed Sec. 2-15 of Local Law #2 of 2015. This section “the requirement of for 1 internal parking space may be waived for a local house of worship”. The proposed Local Law #4 of 2016 Section 2 #15 has changed the word from “may” to “shall” be waived. His complaint is that by granting this waiver regarding indoor parking spaces, to a small group of parcels, you are discriminating against the owners of approx. 1300 other parcels and approx. 4500 residents who would like to be able to use their entire garage as additional living space.

Attorney Michaels stated Mr. Leibowitz is accusing the code of being unconstitutional. Religious organizations don’t pay property taxes, but homeowners pay property taxes. The public policy is that religious organizations provide a benefit to the community so that they are provided certain privileges.

Mayor Brinn stated the Board will take what has been said under advisement.

Shlomo Pomerance – Lt. Hillcrest Fire Co. – 300 N. Main St. Spring Valley – referenced Item 13 of the proposed Local Law – how does that apply to current structures that are being used as an existing house of worship in name but not necessarily in terms of compliance currently by the code and if you are going to do that are you turning around and giving a pass to people who are currently operating “illegally”?

Attorney Michaels stated the only “waiver” is site plan. The BOT requires a satisfactory fire inspection and parking evaluation. Site Plan approval has already been given to the structure. A Special Permit is also required.

Trustee Sicker stated NYS religious uses under 299 people – you can have a weekend gathering in your home. Before the Local Laws 1 & 2 of 2015 were passed, there was nothing illegal if they chose to pray in a great room or a garage. There is nothing to be “grandfathered” in. There was no one in this Village that was occupying any house of worship or gathering place illegally. Safety is a #1 concern.

Ms. Vaquez stated that if there is an addition to these houses they will be revising the site and will have to go to the Planning Board.

M. Leibowitz stated everyone in the Village is required to have one indoor parking space, whether they use it for a car or not. A lot of his neighbors have closed up one garage. They would love to close up the second garage.

Ms. Vazquez stated she feels we should get a copy of the law from Ramapo, which requires one outdoor space. The Town of Ramapo does not require an indoor space.

Larry Strack, 7 Rovitz Place – Questioned the 40 Congregants – Minimum number of congregants to consist of a house of worship? Proposed 40. Definition of a house of worship.

Mr. Strack is quite opposed to this Local Law. This law is serving 30% of the people in the Village. 70% are not being served.

When Mr. Strack was informed this is a NYS law. He apologized for his remarks.

Trustee Mintz stated the Board does not want to restrict parking. If things cannot work out then the Board has to step in and make laws. They do not want to burden people – try to make everyone happy.

Attorney Michaels stated people have the right to gather & pray together – this country was founded on that principle. According to NYS law, once you hit 300 people, that place becomes a gathering place of assembly, at that point there are strict requirements and regulations that kick in under the NYS Fire Code.

Mr. Stack stated we need a balance. When he first moved here he was so happy that it was quiet. He does not want the people next door to have a whole bunch of people there on their Holy day.

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

Resolution # BOT 2016-135

Resolved, that the public hearing on Local Law 4 of 2016 is hereby adjourned until November 28, 2016. Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

Resolution authorizing Mayor to sign Pathway Agreement with the Town of Ramapo concerning Appledale Park.

Discussion regarding liability of the park.

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

Resolution # BOT 2016-136

Resolved, that the Board of Trustees of the Village of New Hempstead hereby authorizes Mayor to sign Pathway Agreement with the Town of Ramapo concerning Appledale Park. Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

Mayor Brinn stated the Village has to provide the Town with a spec of this bridge so that it can be sent out for bid.

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

Resolution # BOT 2016-137

Resolved, that the Board of Trustees of the Village of New Hempstead hereby authorizes the expenditure of between \$10,000 to \$12,000 to McLaren Associates to draw up the spec and bid documents for the Appledale Park project. Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

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

Resolution # BOT 2016-138

Resolved, that the Board of Trustees of the Village of New Hempstead hereby approves the total expenditure for Appledale Park project not to exceed the sum of \$50,000. Mayor Brinn called for a vote and the vote was 4-0. The resolution was adopted.

Jason Steinhart

24 Terri Lee Lane – Asked about a construction project near him. Are they allowed to use a certain entrance for their construction?

Discussion regarding the Board's authority to issue a Stop Work Order under the Local Law.

Mayor Brinn looked at a video taken by a resident on Terri Lee Lane regarding the back entrance.

Mayor Brinn directed that Mr. McCreedy go to the construction site tomorrow and report back if there is a violation. If there is a violation the Code Enforcement Officer will issue a Stop Work Order.

Mayor Brinn stated that going forward CDC meetings will be at 6:45 prior to the Zoning Board meetings.

No Mayor's Report

No Deputy Mayor's Report

No Trustees' Report

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

Resolution # BOT 2016-139

Resolved, that the meeting held by the Board of Trustees of the Village of New Hempstead on October 26, 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 LPM