

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

PLANNING BOARD

REGULAR MEETING
MONDAY, APRIL 3, 2017
7:30 P.M. – VILLAGE HALL

PRESENT

CHARLES FRANKEL, CHAIRMAN
RACHEL SCHWARTZ, DEPUTY CHAIRMAN
JENNIFER EISENSTEIN
ANGELA ESPOSITO, AD HOC
JOSHUA ELLER, AD HOC

ABSENT

MEL POLIAKOFF
HILLEL KURZMAN

ALSO PRESENT

DENNIS MICHAELS, VILLAGE ATTORNEY
JOHN LANGE, VILLAGE PLANNER
GLENN MC CREEDY, VILLAGE ENGINEER
CAROLE VAZQUEZ, VILLAGE CLERK-TREASURER
ALLISON WEINRAUB, VILLAGE PLANNING & ZONING SECRETARY

Public Hearing on Ateres Bais Yaakov of Rockland Revised Site Plan. The applicant is requesting revised site plan approval to permit construction, maintenance and use of three temporary modular classrooms for a girls' religious school on the property known as 200 Summit Park Road in the Village of New Hempstead. The subject property is located on the east side of Summit Park Rd. approximately 30 feet south of David Drive; designated on the Town of Ramapo tax maps as Section 42.06, Block 1, Lots 1.2, 1.3, 1.4 and 1.5 in a 1R-40 zoning district.

Jennifer Eisenstein recused herself from this application.

Amy Mele, 4 Laurel Rd., New City – Ira Emanuel's office – (Attorney for the Applicant) – Attorney Mele stated the applicant was granted site plan approval to construct the permanent school back in the summer of last year. They are close to signing off on that site and they are anxious to get the building permit and get started. They tried to find a temporary site while the school was being built, but they were unsuccessful at that. They came up with the concept of the interim school use special permit. That was presented to the Village Board on Monday and that Local Law was adopted. The applicant will be going back to the Village Board asking for a special permit for Ateres under the terms of that new Local Law. The Planning Board declared itself Lead Agency on the site plan and this is an amendment to the site plan that is for review tonight. The applicant appeared before a CDC meeting where comments were made by the professionals. The applicant has incorporated all of those. The applicant is seeking a SEQRA determination tonight.

Rhonda Smith – Leonard Jackson Assoc. – She went over the basic traffic pattern. Once the school is built, they will come back, get rid of the modular classrooms and she indicated where the permanent parking will be. They are going to provide a crosswalk at the corner of David Drive so that the staff can park in the parking lot across the street. The parking spaces on the lot will only be for visitors.

Chairman Frankel asked if the applicant had made an agreement with the current owner.

Ms. Smith stated they have agreement with the current owners.

Chairman Frankel asked for comments from Mr. Lange –

Mr. Lange stated he is waiting for response to a few questions he has made. He needs to see the agreement for parking. He wants to see the phasing of the building schedule. He wants to know the plan for people coming in and out of the site at the same time construction is going on. He also wants to know about the marking of the trees to be removed.

Rabbi Fink stated they are not changing any of the original markings. None of the markings have been changed because of the modular. They are not taking down any additional trees where the parking area is located.

Mr. Lange stated the guy driving the bull dozer may not know if he doesn't see an "X" to remove.

Mr. Lange wants it clearly shown which ones are going to stay.

Mr. Lange also wanted to know what was going to be done in the front where the stone wall is and where the trees that have been removed. Is there going to be a sidewalk? This needs to be discussed as people will be walking to that parking lot.

Chairman Frankel asked Mr. McCreedy for his comments.

Mr. McCreedy stated he is waiting for the paperwork. He stated the Village is under pressure to get things done, yet the things that have been asked for have not come in. He asked how many trailers there were going to be.

Ms. Smith stated "2".

Mr. McCreedy stated, again, this approval is almost a year old and is conditioned on a number of things being completed. There are things that are required to be done. DEC permits have to be required. He has not seen a SWIPP for this. He has asked for an army sign off; not received. He has asked for mosquito control to be taken care of with the Health Dept. He has not received any paperwork for that. He can't review this thing to allow clearing without the information he has asked for.

Attorney Mele stated she understood that he wanted everything in one packet. They are working on it.

Ms. Smith stated "everything is in the works"

Mr. McCreedy stated he needs the major aspects for approval to allow clearing the land. He gets to these meetings and nothing is getting done. He feels the application is still in the sub phase to clear the land. He would rather have the information piece meal instead of in one packet. The other approvals are something else.

Chairman Frankel stated the next Planning Board meeting is May 1st. The next TAC meeting is going to be April 19th at 10:00 a.m.

Chairman Frankel read the following correspondence into the record:

Letter dated March 30, 2017 from the Rockland County Sewer District #1 – with attachments

Letter dated April 3, 2017 from the Rockland County Highway Dept.

Letter from the Town of Ramapo, Dept. of Public Works dated April 3, 2017

2 page memo from Village of New Hempstead Fire Inspector, Raphael Ziegler dated March 27, 2017 (special emphasis was given to Item #4 of this memo)

Chairman Frankel stated that safety is our number one concern so we want to be assured by our professional staff that this can operate in an entire safe atmosphere.

Chairman Frankel opened the hearing to the public

Secretary Weinraub stated the notice appeared in the Journal News on March 22nd.

Libby Galindo – 2 Lori Ct. – she is concerned with the land itself and the safety of the children; about pollution of all the busses, traffic, wild life, wetlands – when does this stop? We already have one on Summit Park Road. We don't have enough schools for our children. My kids never even attended public school here because it's so bad. We keep building and I keep paying my taxes. It has to stop somewhere.

Gloria Copeland – How were the trees cut down before it was approved? She thought most of the land was designated wetlands.

Chairman Frankel stated the trees are not in the wetlands.

After discussion Chairman Frankel stated nothing was taken down that was not supposed to be taken down.

Deputy Chairman Schwartz offered the following motion which was seconded by Mrs. Esposito:

Resolution # P.B. 2017-16

Resolved, that the Planning Board of the Village of New Hempstead, pursuant to the State Environmental Quality Review Act ("SEQRA") the proposed action by the Planning Board to consider the approval of an amended site plan at 200 Summit Park Dr., New Hempstead, N.Y. is hereby classified as an Unlisted action as defined by SEQRA Regulation 617.4; no agency, other than the Planning Board, The Board of Trustees and the Rockland County Department of Planning, will have any significant involvement in the review process, pursuant to SEQRA Regulation 617.6; and this Board hereby declares itself as SEQRA Lead Agency. Chairman Frankel called for a vote. The vote was 4-0. The resolution was adopted.

Deputy Chairman Schwartz offered the following motion, which was seconded by Mrs. Esposito:

Resolution # P.B. 2017-17

Resolved, that the Planning Board of the Village of New Hempstead, as Lead Agency, pursuant to SEQRA Regulation 617.7, grounded upon the reasons articulated in the Planning Board's analysis of Part 2 of the Short Environmental Assessment Form entitled "Impact Assessment," and also having taken a hard look at said environmental issues, hereby determines that the proposed action will not have a significant adverse environmental impact and a draft environmental impact statement will not be prepared. The Planning Board issues a Negative Declaration with regard to the application of Ateres Bais Yaakov of Rockland revised site plan. Chairman Frankel called for a vote. The vote was 4-0. The resolution was adopted.

Chairman Frankel stated this is the third time the Board has looked at this particular piece of property. This may appear to be a little fast, but the fact that we have looked at it in prior times, the Board has had sufficient information to mitigate any problems if there were any. There has been nothing adverse that has taken place since the original granting of the negative declaration.

Chairman Frankel stated the public hearing will remain open and continue to May 1st. There will be no further public notices on this hearing.

Discussion – Mini Station

Chairman Frankel recused himself from this application because if he participated it may cause "the appearance" of a conflict of interest. Deputy Chairman Schwartz will take over the chairmanship of this application.

Amy Mele, Esq. – representing the applicant – The applicant is here to get the Planning Board's review and recommendation with respect to a proposed Local Law. The Village Board referred it to you because it is a zoning issue and they wanted your input. Attorney Mele stated at the last meeting of the P.B. there were some concerns because it was a floating zone, not about the site itself. They have made 2 modifications to the Local Law that addresses those concerns. Originally it was a floating zone that applied to the 1R-50, 1R-40 and 1R-35 zones. They also had a requirement that the property in question could be no less than 1 acre and no more than 3 acres. They now have limited it to the 1R-50. Also, originally they had drafted that you had to have access to a collector road, but they have changed it to have access to 2 public highways, so it limits the location as to where it can be. There is only 1 parcel in the Village that follows those regulations. This property is across the street from Cambridge Heights. Attorney Mele showed a local map. What they are proposing is modest; 12 attached homes. They will put it into a Home Owners' Assoc. limiting it to only single family occupancy. Across the street are the 50 and over semi attached residences.

Eric Bergstol – he is proposing the project. – Born and raised in the Town of Ramapo. Has owned this property for 30 years. It is an odd piece of land surrounded by Verizon, the ball park and now the golf course, which is being proposed as a multi-family complex. It is in the northern end of the Village; not in the center. The property is too restrictive to put a commercial use in there. It is not suitable for a single family because it is so narrow. This would be restricted to just the attached homes. The people who

usually come to this type of housing are older or younger. It is something the Village should look at to help control development.

John Lange agrees with the applicant – he thinks the concept is broadening the housing opportunity. He also feels the site could not be more remotely connected to the Village.

Deputy Chairman stated the issue that has come up is that the Village is open to a lawsuit. If we just target this one piece of property and make the restrictions that it will only be this one piece of land, then it really can be used as a safeguard from any legal action and that gives it more of an attractive appeal.

John Lange feels it gives the Villagers the opportunity to have family nearby. “You would be broadening the community base.”

Discussion regarding housing; zone change

Deputy Chairman asked if anyone wanted to make a favorable recommendation, unfavorable?

No one seconded – no recommendation

Chairman Frankel took back the gavel.

Deputy Chairman Schwartz left the meeting.

Public Hearing on Mesivta Ahavas Hatorah revised site plan. The applicant is requesting revised site plan approval to permit construction, maintenance and use of a one story addition containing classrooms, offices, lavatories, a faculty lounge, a library, and a gym with lockers on the property known as 720 Union Rd. in the Village of New Hempstead. The subject property is located on the South East corner of Union Rd. and Brick Church Rd.; designated on the Town of Ramapo tax maps as Section 42.17 Block 2 Lot 94 in a 1R-40 zoning district.

Amy Mele, 4 Laurel Rd., New City, N.Y. – Ira Emanuel’s Office – attorney for applicant.

The applicant was here about a year ago to get a Special Permit for up to 80 students and to rectify some issues that were left behind by prior tenants. They said at that time if they were ever going to do some construction they would return to this Board. They would like to add an addition to the residence that would allow for classrooms and also a gymnasium. They are still looking at 80 students and they are not looking to change the number of staff. They will be returning to the Village Board because the Special Permit said no exterior construction. There will also be a couple of variances involved. The Planning Board declared its intent to be Lead Agency at the March 6th meeting.

Chairman Frankel went over the various times the applicant has been before the Board over the years.

Ron Lazzot with Mazor Consulting – Engineer for this application. Existing conditions – 3.6 acres in a 1R-40 zoning district. No access points on Union Rd. 2 access points on Brick Church Rd. 2 existing bldgs. on the property. Current occupants are 10 faculty members and 55 day students. The students are not allowed to drive. They are dropped off. A traffic study was submitted. They are proposing a one story addition. It will have a basement. The building falls within the required building setback. The purpose of the addition is to be able to go up to 80 students. No change in the number of staff. They are proposing a new sidewalk because there will be a new entrance to the bldg. There will be an additional 5 parking spaces bringing the total up to 16 spaces. He also explained a storm water management system. The Mikvah is not used during the day. It is only used on Friday night so they can take advantage of that area and stage a construction entrance during the normal operations of the school.

Chairman Frankel stated the Planning Board is highly concerned about the safety of the students. The Board will be looking at what provisions you will be providing to assure this Board about the safety. We will not allow the students to get into any of the construction areas.

Mr. Lazzot stated the applicant will be looking for 2 variances; one for maximum floor area ratio and the second is for impervious surface.

Attorney Michaels stated the applicant will not be able to get the Special Permit from the Board of Trustees without the Planning Board’s Lead Agency approval.

Secretary Weinraub stated the public hearing notice appeared in the Journal News on March 22, 2017. The notices and postings were timely.

Chairman Frankel asked if the professional staff had any questions.

John Lange asked where the construction entrance was going to be.

Mr. McCreedy asked about the total disturbance of what will be with the land bank.

Attorney Michaels referenced the correspondence. Same will be attached to and made a part of this record.

Rockland County Dept. of Health dated March 21, 2017- 1 page signed by Scott McKane, P.E.

Rockland County Sewer District #1 dated March 30, 2017 – 2 pages signed by Joseph LaFiandra, Engineer

Town of Ramapo Dept. of Public Works dated April 3, 2017 – signed by Paul Gdanski, P.E.

Mr. Mayerfield, Architect, made a presentation.

Chairman Frankel opened the hearing to the public.

Caren Housen, 11 Albert Dr. – This Yeshiva is something unique and such a positive place. You can't get this anywhere.

Chairman Frankel stated it is nice to see this Yeshiva endorsing sports.

Many residents were in support of the application.

At the request of the applicant, there will be an adjournment until May 1st, at Village Hall, 7:30 pm. TAC meeting on May 19th.

Public Hearing on Teichman/Kehillas Zichron Yitzchok, 36 Pennington Way, New Hempstead, N.Y. 10977. The applicants are requesting a site plan from the New Hempstead Zoning Law to permit construction, maintenance and use of an addition of a House of Worship with a Rabbi's residence to a single family home. The subject property is located on the east side of Pennington Way, approximately 300 feet south of Wayne Rd. in the Village of New Hempstead; designated on the Town of Ramapo tax maps as Section 42.13, Block 2, Lot 14 in a 1R-40 zoning district.

Chairman Frankel stated the Village Board declared themselves Lead Agency. They declared a Negative Declaration and granted a Special Permit with no restrictions. They are applying under the current Local House of Worship Law. When the Village Board approves the new law, they will switch to the New Local Law.

Mr. Rosenblum – Architect

Mr. Celentano – Engineer

Elliot Lasky on behalf of the applicant – The applicant has been to CDC twice and to TAC. They got the approval and met with the Fire Chief, John Lange and Glenn McCreedy. They made every modification based on the recommendations of the professionals. They feel they will conform to whatever new regulation that will go into effect with the new law. They are here this evening for site plan approval.

Mr. Lange stated the applicant has done everything they asked them to do.

Mr. McCreedy – same thing.

Chairman Frankel asked if anyone from the public wished to speak.

No one wished to speak.

Secretary Weinraub stated the public hearing appeared in the March 22, 2017 edition of the Journal News.

The Public hearing is open.

Mr. Lasky explained the parking plans.

Attorney Michaels read the following correspondence into the record:

Letter from Rockland County Sewer District #1 dated March 30, 2017- 2 pages – signed by Joseph LaFiandra, Engineer II

Town of Ramapo Dept. of Public Works dated March 13, 2017 – 1 page – signed by Paul Gdanski, P.E.

Rockland County Sewer District #1 dated March 24, 2017 – 2 pages – signed by Joseph LaFiandra, Engineer II

Rockland County Dept. of Planning GML letter dated April 3, 2017 – 3 pages – signed by Douglas J. Schuetz, Acting Commissioner of Planning.

Mrs. Eisenstein offered the following motion, which was seconded by Mrs. Esposito:

Resolution # P.B. 2017-18

Resolved, that the public hearing on application of Teichmann/Kehillas Zichron Yitzchok, 36 Pennington Way, New Hempstead, N.Y. is hereby closed. Chairman Frankel called for a vote. The vote was 4-0. The resolution was adopted.

Mrs. Esposito offered the following motion, which was seconded by Chairman Frankel

Resolution # P.B. 2017-19

Resolved, that the Planning Board of the Village of New Hempstead hereby grants the application of Teichmann/Kehillas Zichron Yitzchok, 36 Pennington Way, New Hempstead, N.Y. for site plan subject to the 18 modifications of the April 3, 2017 G.M.L. letter from the Rockland County Department of Planning. Chairman Frankel called for a vote. The vote was 4-0. The resolution was adopted.

Bais Malka – Lead Agency – set a Public Hearing

Present:

Anthony Celentano – Engineer

Rabbi Grossman

Chairman Frankel explained – the applicant has an existing school – they wish to expand that school by installing 2 pools to be used as part of their religious school studies. It is a year round program – it is not a day camp – day camps are prohibited in the Village of New Hempstead. They are here to get a revised site plan. They want to install 2 pools and 12 classrooms – 1 permanent structure. The structure will be prefabricated; built off site. The pools are separate from the structure. The Planning Board was the Lead Agency on the previous approval. It is our intention to be Lead Agency again and to schedule a public hearing for May 1st in order to present the application to the public. The applicant has stated that they would like to have everything in place by September for the permanent prefab building.

Chairman Frankel offered the following motion, which was seconded by Mrs. Eisenstein:

Resolution # P.B. 2017-20

Resolved, that the Planning Board of the Village of New Hempstead hereby declares its intent to be Lead Agency with reference to the application of Bais Malka. Chairman Frankel called for a vote. The vote was 4-0. The resolution was adopted.

Mrs. Esposito offered the following motion, which was seconded by Mrs. Eisenstein:

Resolution # P.B. 2017-21

Resolved, that the Planning Board of the Village of New Hempstead hereby sets a public hearing for May 1st with regard to the application of Bais Malka. Chairman Frankel called for a vote. The vote was 4-0. The resolution was adopted.

Approval of Minutes of March 6, 2017

Mrs. Esposito offered the following motion, which was seconded by Chairman Frankel:

Resolution # P.B. 2017-22

Resolved, that the minutes of the regular meeting of the Planning Board, held on March 6, 2017 are hereby approved as submitted and that the reading of said minutes be waived. Chairman Frankel called for a vote – the vote was 3-0. The resolution was adopted.

Mr. Eller offered the following motion, which was seconded by Mrs. Esposito:

Resolution # P.B. 2017-23

Resolved, that the meeting of the Planning Board, held on April 3, 2017 is hereby adjourned. Chairman Frankel called for a vote. The vote was 4-0. The resolution was adopted.

Respectfully submitted,

Lee Mazza, Secretary