

VILLAGE OF NEW HEMPSSTEAD  
108 OLD SCHOOLHOUSE ROAD  
NEW CITY, N.Y. 10956

**PLANNING BOARD**

REGULAR MEETING  
WEDNESDAY, FEBRUARY 4, 2015  
7:30 P.M. – VILLAGE HALL

PRESENT

RACHEL SCHWARTZ, ACTING CHAIRPERSON  
DAVID DAHAN  
ANGELA ESPOSITO

ABSENT

CHARLES FRANKEL, CHAIRMAN  
HILLEL KURZMANN, DEPUTY CHAIRMAN  
MEL POLIAKOFF

ALSO PRESENT

STEVE SILVERBERG, VILLAGE ATTORNEY  
CAROLE VAZQUEZ, VILLAGE CLERK-TREASURER

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ACTING CHAIRPERSON SCHWARTZ OPENED THE MEETING

MS. VAZQUEZ CALLED THE ROLL OF THE BOARD

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**Approval of resolution on revised final site plan for Yeshiva Ohr Torah**

Present

Paul Savad, Applicant's Attorney  
Anthony Celentano, Applicant's Engineer  
Rabbi Oshry, Applicant

Mr. Silverberg explained that the public hearing was previously closed and the applicant was requested to return this month for approval of a draft resolution.

Mr. Savad stated that his applicants will furnish the bond and inspections and deposit with the Village a cash escrow of \$0,000 as required in the resolution for previous surface.

Mr. Silverberg went over the resolution for the Board and asked if they had any addition or changes to the resolution.

The Board had no additional comments.

Mr. Dahan offered the following resolution, which was seconded by Mrs. Esposito

Resolution # P.B. 2015-6

**WHEREAS**, the Planning Board has received an application for site plan approval from Yeshiva Ohr Torah ("Applicant") for property known as 360 Route 306, Monsey, N.Y. and designated on the Tax Assessment Map as Sheet 41.9, Block 1, Lot 4, and

**WHEREAS**, the Planning Board acting as lead agency previously issued a SEQRA negative declaration for the project, and

**WHEREAS**, the Applicant previously received a variance from the Zoning Board of Appeals to permit the maintenance of a previous (porous) surface for parking in the front yard, and

**WHEREAS**, the Planning Board has held several duly noticed public hearings on the application for site plan approval and closed the public hearing on January 7, 2015,

NOW THEREFORE IT IS

**RESOLVED:**

The within application is granted with the following limitations and conditions:

1. Except as otherwise provided for herein, all work shall be performed in strict compliance with the plans submitted to this Board.
2. Prior to the signing of the site plan by the Chair, the following conditions must be met:
  - a. Applicant shall comply with all applicable rules, regulations and requirements of all other governmental agencies that may have jurisdiction over the proposed development and this final approval is conditioned upon Applicant receiving all approvals required by such agencies without material deviation from the approved plans.
  - b. Applicant shall provide the Village with a Bond or Letter of Credit (“the Bond”) in an amount recommended by the Village Consulting Engineer and approved by the Village Board and in a form acceptable to the Village Attorney. The amount of the bond shall be sufficient to safeguard the public; and eliminate runoff and other adverse effects which may result from abandonment of work and to complete construction of all public improvements required by the Planning Board, including all landscape plantings and any necessary post construction monitoring (except for the pervious parking surface which shall be subject to the specific separate “Maintenance Bond” and the provisions set forth below). The Bond shall run to the benefit of the Village and may not be released or reduced until the Village agrees to the release in writing. A separate Cash Bond, in an amount fixed by the Village Board based upon the recommendation of the Village Consulting Engineer, shall be to ensure the Applicant replaces any plantings that do not survive for two years. In the event the Applicant fails to complete the plantings or replace same when it is determined by the Building Inspector or Code Enforcement Officer to be necessary, then in that event, the Village may utilize the funds deposited in the Cash Bond to plant or replace plantings. At the end of the two year period the Building Inspector or Code Enforcement Officer shall inspect the Premises and indicate if all plantings called for in the approved plans are present and in good health. Prior to releasing or reducing either the Bond or Cash Bond, the Applicant shall submit a written request, accompanied by six (6) copies of signed and sealed “as built” drawings, and when appropriate three (3) copies of any post development monitoring reports required, to the secretary to the Planning Board stating the reasons why the Bond and/or Cash Bond should be reduced or released. The Planning Board secretary shall forward the request to the Village’s Consulting Engineer, Planning Consultant and Attorney each of whom shall provide a written recommendation to the Planning Board, which shall make a formal recommendation to the Village Board concerning the request. The Village Board will, upon receipt of all required documentation, act upon the request.
  - c. The Applicant shall provide the Village with proof that any bond or other security that may be required by any Rockland County Agency, has been provided.
  - d. Simultaneously with submission of the Bond provided for in paragraph 1(b), the Applicant shall submit a fee for inspection to cover the cost of inspection of the on-site and off-site improvements in an amount established by the Village Clerk in consultation with the Village’s engineering and planning consultants.
  - e. The Applicant shall submit final plans complying with all requirements and conditions of this Resolution of final approval, which plans shall be accompanied by a check list summary indicating the manner of compliance with all requirements of the Resolution.
  - f. No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the approved site plan is signed by the chair of the Planning Board and (3) the site plan signed by the chair of the Panning board has been filed with the Village Clerk.



5. This resolution shall be of no force or effect unless and until there is full compliance with all of its requirements.

Dated as of February 4,

Acting Chairperson Schwartz called for a vote and the vote was as follows:  
Mr. Dahan, aye, Mrs. Esposito, Aye, Acting Chairperson Schwartz, Aye.  
The resolution was adopted by a vote of 3-0.

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**Approval of resolution on preliminary and final subdivision & site plan of Yedei Chesed.**

Acting Chairperson Schwartz stated that the public hearing on Yedei Chesed was closed at the last meeting.

The Board had no comments or changes in the resolution's context.

Mrs Esposito offered the following resolution, which was seconded by Mr. Dahan:

Resolution # P.B. 20115-7

**PLANNING BOARD RESOLUTION GRANTING  
FINAL SUBDIVISION AND FINAL SITE PLAN APPROVAL  
TO YEDEI CHESED**

**WHEREAS**, the Planning Board has received an application for subdivision (merger of two lots) and site plan approval from Yedei Chesed ("Applicant") for property located on Route 306 and designated on the Tax Assessment Map as Sheet 49.8, Block 1, Lot 65, to permit respite services for disabled children and

**WHEREAS**, the Planning Board acting as lead agency previously issued a SEQRA negative declaration for the project, and

**WHEREAS**, the Planning Board has held several duly noticed public hearings on this application for subdivision and site plan approval and closed the public hearing on January 7, 2015.

NOW THEREFORE IT IS

**RESOLVED:**

The within application for final subdivision approval (the merger of two lots) and site plan approval is granted with the following limitations and conditions.

1. Except as otherwise provided for herein, all work shall be performed in strict compliance with the plans submitted to the Board.
2. Prior to the signing of the site plan and subdivision plat by the Chair, the following conditions must be met:
  - a. Applicant shall comply with all applicable rules, regulations and requirements of all other governmental agencies that may have jurisdiction over the proposed development and this final approval is conditioned upon Applicant receiving all approvals required by such agencies without material deviation from the approved plans.
  - b. Applicant shall provide the Village with a Bond or Letter of Credit ("the Bond") in an amount recommended by the Village consulting engineer and approved by the Village Board and in a form acceptable to the Village Attorney. The amount of the bond shall be sufficient to safeguard the public, and eliminate runoff and other adverse effects which may result from abandonment of work and to complete construction of all public improvements required by the Planning Board, including all landscape plantings and any necessary post construction monitoring. The Bond shall run to the benefit of the Village and may not be released or reduced until the

Village agrees to the release in writing. A separate Cash Bond, in an amount fixed by the Village Board based upon the recommendation of the Village Consulting Engineer, shall be to ensure the Applicant replaces any plantings that do not survive for two years. In the event the Applicant fails to complete the plantings or replace same when it is determined by the Building Inspector or Code Enforcement Officer to be necessary, then in that event the Village may utilize the funds deposited in the Cash Bond to plant or replace plantings. At the end of the two year period the Building Inspector or Code Enforcement Officer shall inspect the Premises and indicate if all plantings called for in the approved plans are present and in good health. Prior to releasing or reducing either the Bond or Cash Bond, the Applicant shall submit a written request, accompanied by six (6) copies of signed and sealed "as built" drawings, and when appropriate, three (3) copies of any post development monitoring reports required, to the secretary to the Planning Board stating the reasons why the Bond and/or Cash Bond should be reduced or released. The Planning Board secretary shall forward the request to the Village's engineer, Planning consultant and attorney each of whom shall provide a written recommendation to the Planning Board, which shall make a formal recommendation to the Village Board concerning the request. The Village Board will, upon receipt of all required documentation, act upon the request.

- c. The Applicant shall provide the Village with proof that any bond or other security that may be required by any Rockland County Agency has been provided.
  - d. Simultaneously with submission of the Bond provided for in paragraph 1(b), the Applicant shall submit a fee for inspection to cover the cost of inspection of the on-site and off-site improvements in an amount established by the Village Clerk in consultation with the Village's engineering and planning consultants.
  - e. The Applicant shall submit final plans complying with all requirements and conditions of this Resolution of final approval, which plans shall be accompanied by a check list summary indicating the manner of compliance with all requirements of this Resolution.
  - f. No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the approved site plan and subdivision plat is signed by the chair of the Planning Board and (3) the site plan and subdivision plat signed by the chair of the Planning Board have been filed with the Village Clerk.
3. All work shall be in strict compliance with the approved plans and all rules, regulations, laws and ordinances governing the Site Plan and construction on the site, including signage, in the event the Village Consulting Engineer, Planning consultant and building Inspector agree that, as a result of conditions in the field changes are necessary to complete the work of the Site Plan and if in the opinion of the **Village Consulting Engineer and Planning Consultant** such field changes are minor and do not have any material impact on the overall design of the Site Plan, traffic circulation and/or drainage of the site, including but not limited to roads, sewers and drainage, then the Village Consulting Engineer and Planning Consultant may, **upon filing of amended plans which reflect such field changes**, allow such changes, subject to any applicable amendment to the approved building permit(s). In all other circumstances any deviation from or change in the approved plans shall require application to this Board for amendment of this approval.
  4. No work may be commenced on any portion of the site without first contacting the building inspector and consulting engineer to ensure that all permits and approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall result in the immediate revocation of all permits** issued by the Village along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the court may impose.

5. The respite services on site shall be of a recreational nature and shall not have any educational component. The age distribution and staff to client ratio represented to the Planning Board shall be maintained as represented.
6. This resolution shall be of no force or effect unless and until there is full compliance with all of its requirements.

Dated as of February 4, 2015

Acting Chairperson Schwartz called for a vote and the vote was as follows:

Mrs. Esposito, aye, Mr. Dahan, Aye, Acting Chairperson Schwartz, Aye  
The resolution was adopted by a vote of 3-0.

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**Resolution approving the minutes of the Planning Board, held on January 7, 2015.**

Acting Chairperson Schwartz offered the following resolution, which was seconded by Mr. Dahan:

Resolution # P.B. 2015-8

Resolved, that the minutes of the Planning Board of the Village of New Hempstead, held on Wednesday, January 7, 2015, are hereby approved as submitted by the Village Clerk-Treasurer, and the reading of said minutes is waived.

Acting Chairperson Schwarz called for a vote. All in favor by a vote of 3-0.

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Mr. Dahan offered the following resolution, which was seconded by Mrs. Esposito:

Resolution # P. B. 2015-9

Resolved, that the regular meeting of the Planning Board of the Village of New Hempstead on Wednesday, February 4, 2015, is hereby adjourned.

Acting Chairperson Schwartz called for a vote. All in favor by a vote of 3-0.

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Respectfully submitted,

Carole Vazquez  
Village Clerk-Treasurer. (LPM)