

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

**PLANNING BOARD**

REGULAR MEETING  
WEDNESDAY, MAY 4, 2016  
7:30 P.M. – VILLAGE HALL

PRESENT

CHARLES FRANKEL, CHAIRMAN  
MEL POLIAKOFF  
HILLEL KURZMANN  
ANGELA ESPOSITO

ABSENT

RACHEL SCHWARTZ, DEPUTY CHAIR.  
DAVID DAHAN

ALSO PRESENT

STEVE SILVERBERG, VILLAGE ATTORNEY  
JOHN LANGE, VILLAGE PLANNER  
CAROLE VAZQUEZ, VILLAGE CLERK-TREASURER  
LORI BELLO, DEPUTY VILLAGE CLERK-TREASURER

***Open Meeting***

***Roll Call***

***Continuation of Public Hearing for Site Plan – Visions Center for Blindness***

Present

Frank Cerza, Attorney for Applicant  
Marc Goldstein, Architect

Mr. Goldstein stated the applicant is building an approx. 160,000 sq. ft. rehab. facility for the blind. It will be 2 stories, located in the center of the site. Bedrooms on the first floor, classroom wing, dining room and kitchen. There will be landscaping around the site. Little to no traffic will be added to the site. There will be one or two busses that come to and from.

Attorney Silverberg reported that previously this board was Lead Agency adopted in the declaration under SEQRA. Because this is a previous non-conforming use, and they are proposing some changes, the Village Board adopted a Local Law that would allow this use on this property. This Local Law was adopted with certain restrictions and also, the Village Board approved, subject to a formal resolution which will be adopted at their next meeting, the Special Permit use under the new law.

Steven Grogg, P.E. from McLaren Engineering, reviewed the letter, dated March 31, 2016, from McLaren Engineering to the Village. Same will be attached to and made a part of this record. Mr. Grogg stated we have received all the necessary approvals for the project.

Chairman Frankel opened the continuation of the public hearing on application of Visions Center for Blindness.

No one from the public wished to speak on this application.

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

Resolution # P. B. 2016-22

Resolved, that the public hearing on application of Visions Center for Blindness is hereby closed.

Chairman Frankel called for a vote and the vote was 4-0. The resolution was adopted.

Chairman Frankel offered the following motion, which was seconded by Mr. Poliakoff:

Resolution # P.B. 2016-23

**PLANNING BOARD RESOLUTION GRANTING  
SITE PLAN APPROVAL  
TO VISIONS CENTER ON BLINDNESS**

**WHEREAS**, the Planning Board has received an application for site plan approval to consolidate the buildings on the site to operate a facility providing services to the blind, visually impaired and multiply disabled from Visions/Services for the Blind and Visually Impaired a/k/a Visions Center on Blindness (“Applicant”) for a 37 +/- acre property located on 111 Summit Park Road designated on the Tax Assessment Map as Section 42.09, Block 02, Lot 12 (the “Property”), and

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

**WHEREAS**, the Board of Trustees (“Village Board”) has adopted legislation permitting the proposed use pursuant to a special permit, and

**WHEREAS**, the Village Board voted on April 21, 2016 to approve Applicant’s special use permit, and

**WHEREAS**, the Village Planning Board, held a duly noticed public hearings on this application for site plan approval and closed the public hearing on May 4, 2016.

NOW THEREFORE IT IS

**RESOLVED:**

The within application for Site Plan Approval is granted with the following limitations and conditions:

1. Except as otherwise provided for herein, all work shall be performed and activities conducted in strict compliance with the plans submitted to this Board and with the conditions of the approvals granted by the Planning Board, as well as the condition of the special permit issued by the Village Board.
2. The Property shall be utilized in accordance with the terms and conditions for operations consistent with the recently adopted Local Law No. 1 of 2016 permitting the proposed use of Applicant’s Property (“Local Law No. 1 of 2016”).
3. Occupancy, other than temporary residential occupancy consistent with Local Law No. 1 of 2016, shall be limited to no more than 3 full time caretakers in permanent occupancy at the Property, and all other employees shall be required to have official residences that are not at the Property.
4. No portion of the Property may be occupied without a valid certificate of occupancy.
5. 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. 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 the any Rockland County Agency has been provided.
- d. Simultaneously with submission of the Bond provided for in paragraph 6(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 is signed by the chair of the Planning Board and (3) the site plan signed by the chair of the Planning Board has been filed with the Village Clerk.

6 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 and Building Inspector agree that, as a result of conditions in the field, field changes are necessary to complete the work of the Site Plan and if in the opinion of the **Village Consulting Engineer** 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 may, **upon the 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.

7. 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 courts may impose.
8. This resolution shall be of no force or effect unless and until there is full compliance with all of its requirements.

Dated as of May 4, 2016

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Charles Frankel Chair

Chairman Frankel called for a roll call vote and the vote was as follows: Mrs. Esposito, aye, Mr. Kurzmann, aye, Mr. Poliakoff, aye, Chairman Frankel, aye. The resolution was adopted by a vote of 4-0.

***Congregation Ohav Shalom – Public Hearing for Lead Agency.***

The subject property is situated on the east side of Bridle Road "0" feet from the intersection of Barnacle Drive, known as 18 Bridle Road, New Hempstead, N.Y. 10977 and designated on the Town of Ramapo Tax Maps as Section 42.1 Block 1, Lot 1 in a 1R-25 zoning district.

Applicant not present – move to next item and come back later

***Continuation of Public Hearing for Site Plan – Ateres Bais Yaakov***

Present

Ira Emanuel – Attorney for applicant  
Justin Lim – Leonard Jackson Associates

Attorney Emanuel stated this is a continuation of a public hearing from last month. The applicant is hoping for Negative Declaration this evening.

Chairman Frankel stated the Engineer submitted a new plan on the conservation areas.

Justin Lim gave a presentation on the new plan. One of the changes is as a result of the recommendation of the CDC to move the building to the back of the property.

Chairman Frankel read the following correspondence into the record:

Rockland County Health Dept. letter of March 1, 2016  
Rockland County Health Dept. letter of April 15, 2016  
Hillcrest Fire Company No. 1 dated April 6, 2016  
Rockland County Sewer District dated April 22, 2016

Town of Ramapo Dept. of Public Works dated April 27, 2016  
Rockland County Highway Dept. dated April 28, 2016

Chairman Frankel opened the public hearing

Chairman Frankel asked if anyone from the public wished to speak

Jim Stueck  
10 David Drive

New Hempstead – complained about the fact there were only 4 days notice on the website for tonight’s meeting. He thanked those people who came out for the meeting. He stated the applicant is back to build a Yeshiva on the corner of David Drive and Summit Park Road. This has been sitting there for 20 years. What guarantee of finance do we have now? He asked about how the Lead Agency works.

Chairman Frankel explained the Planning Board makes a determination as to whether or not there are environmental impacts based on input from other agencies.

Mr. Stueck also made comments on the Master Plan.

Chairman Frankel explained that a lot of the comments were “rumor”.

Attorney Silverberg explained that the Planning Board is considering this particular application. Village policies are not what this Board does. Mr. Stueck should limit his comments to this application.

Mr. Stueck continued with his “unrelated” comments.

Rubin Epstein – Parent at Ateres Bais Yaakov – he and his friends and neighbors support this application.

Jim Weiner

8 Carole Lane – concerned as a neighbor – After last meeting, he was invited to visit Ateres Bais Yaakov – which he did – He is concerned about the roads – in favor of widening Summit Park Road – There is no sidewalk on Summit Park Rd. – there is no sidewalk on Pomona Rd. – he would ask the Board of Trustees for a sidewalk all along Summit Park Rd. for safety of the children – He would also ask for sidewalks on Pomona Rd. as people walk there. Mr. Weiner was impressed by the school; it was neat & clean – impressed by the student body – nice environment.

Stephen Geis

7 Kingston – He has a granddaughter who attends the school and a daughter who is a teacher there. Heard only good things about the school – feels it would bring something positive to the community. Participates in car pools to the site – it does not impede the traffic situation on Cherry Lane, where the school is located – doesn’t feel it would hinder people who use Summit Park Rd. – he would welcome approval for plans to relocate.

Cohn

20 Pennington Way – added his positive comments for the school – the school wants to work with everybody.

Salve

7 Pasadena Pl. – Parent of student of the school – also Teacher there for 11 years – looking forward to Ateres being in the neighborhood – they are respectful, responsible and clean.

Mr. Kurzmann offered the following motion, which was seconded by Mr. Poliakoff:

Resolution # P.B. 2016-24

Resolved, that the public hearing on application of Ateres Bais Yaakov is hereby adjourned to a date certain of June 1, 2016.

Chairman Frankel called for a vote and the vote was 4-0. The resolution was adopted.

Chairman Frankel asked Attorney Emanuel what the plan was for transportation when the public schools are closed, but Ateres is open. There would be no busses. Attorney Emanuel stated Rabbi Fink would be in charge of that.

Rabbi Fink stated they have a staggered system of arrival and dismissal and they have car pools – there are not that many days involved.

Attorney Emanuel stated that as a result of the CDC meeting, a long stacking opportunity has been planned for the site.

Attorney Emanuel stated the applicant is anxious to receive a response from the Village's traffic consultant to their traffic consultant. That would give the answer to many of the questions that were raised this evening.

Attorney Emanuel stated the wetlands have been mapped out. They are shown. The amount of wetland disturbance is in the nationwide permit.

Mr. Poliakoff asked for a traffic outline.

Attorney Silverberg stated it would be helpful to have that prior to appearing before the Zoning Board of Appeals.

Chairman Frankel asked for a discussion on environmental issues.

Attorney Silverberg stated the consultants and other agencies raised a number of issues which are supposedly addressed in the communication from Mr. Jackson's office. There has been no opportunity to review since it was just received tonight. It needs to go back to the Engineer and Planner for comments in advance of the next meeting.

***Mesivta Ahavas Hatorah – Lead Agency determination***

Attorney Ira Emanuel – This facility is owned by Congregation Bais Knesses – which has been operating as a synagogue from that location. For many years, in addition to the synagogue, a school was also operating in one of the two buildings. One bldg. is a Mikvah, the other is a converted and enlarged house which is used by Cong. Bais Knesses as a sanctuary and lecture room. A number of schools have rented the premises without being disturbed by anyone from the Village. The current applicant, knows there is no zone approval for it. They are coming in for approval for the use as a school. The Fire Inspector has been in and out of the school. There have been a number of improvements and corrections. They feel all the fire issues have been taken care of.

Attorney Silverberg stated the Planning Board wants to be made sure all the issues have been taken care of.

Attorney Emanuel stated the application involves site plan approval, special permit and variances. There is no enlargement of the building, there is no exterior construction contemplated. There was a question asked at the CDC meeting with respect to realigning the parking lot so that we could meet or reduce the parking variance. Then a plan was submitted that shows with proper aligning, we can get all the parking that is necessary for the current population. The only variance needed now is for lot area.

Attorney Silverberg brought up the fact that there was an overlap between the school and the services on Sunday. He feels Sunday should be added to the 5 day schedule.

Discussion regarding intent to be Lead Agency.

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

Resolution # P.B. 2016-25

Resolved, that the Planning Board of the Village of New Hempstead hereby declares its intent to be Lead Agency for SEQRA purposes with reference to the application of Mesivta Ahavas Hatorah.

Chairman Frankel called for a vote and the vote was 4-0. The resolution was adopted.

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

Resolution # P.B. 2016-26

Resolved, that the Planning Board of the Village of New Hempstead hereby schedules a public hearing on application of Mesivta Ahavas Hatorah for June 1, 2016.

Chairman Frankel called for a vote and the vote was 4-0. The resolution was adopted.

***Congregation Ohaiv Shalom – Lead Agency***

Ryan Karben, Esq. – made the presentation – This is a congregation located at 18 Bridle Road. It has been at that location for many years. When the congregation was first built, it was done in a “wink wink – nod fashion” by the Village. There was no formal protocol to deal with these local houses of worship. They are here in order to bring the present building into compliance with approval. They are not proposing any expansion of the building, no construction. The Rabbi will occupy the portion of the building that he now occupies. They plan to utilize the building as it has been utilized. There are approx. 90 member families. The parking capacity is 20 cars. Other members of the synagogue allow parking in their driveways. They are seeking to have this Board make a determination with respect to Lead Agency. They are also going to need a special use permit. Due to an increase in the impervious area, they will need a variance from the Zoning Board. It is important to the congregation and to the Village that there be a proper C.O. for the operation.

Chairman Frankel stated the application falls under the new law that was recently passed by the Village Board.

Attorney Karben stated he submitted an affidavit of notification and posting that were provided.

Reference was made to a letter from McLaren Engineering Group dated May 3, 2016. Same will be attached to and made a part of this record.

Attorney Silverberg explained that with regard to parking – whereby “members also accommodate other members to park in their driveways” the law has a requirement that any overflow parking has to be within 300 ft. The Board will need information about where those driveways are and some communication in writing from the people that are in fact giving permission for people to park in their driveways when they are attending. Attorney Silverberg also asked for numbers of people attending each activity.

Chairman Frankel brought up the issue of parking on the street – this issue has to be resolved to allow for emergencies.

Mr. Kurzmann offered the following motion, which was seconded by Mr. Poliakoff:

Resolution # P.B. 2016-27

Resolved, that, with reference to the application of Congregation Ohaiv Shalom, the Planning Board of the Village of New Hempstead hereby declares itself Lead Agency for SEQRA purposes

Chairman Frankel called for a vote and the vote was 4-0. The resolution was adopted.

Chairman Frankel opened the public hearing on application of Congregation Ohaiv Shalom.

Ms. Vazquez stated the notice appeared in the Journal News on April 24, 2016 and the notice of posting and affidavits were timely.

Kim U. Wepler, Ex-Chief Hillcrest Fire Co. No. 1 – referred to a letter from the Hillcrest Fire Company No. 1. Same will be attached to and made a part of this record.

Chairman Frankel stated that in addition to the approval of the Fire Company, the applicant should obtain approval from the local ambulance corp.

David Abramowitz

15 Bridle Rd. – Thanked the Planning Board for answering so many questions. He felt parking should not be permitted that would block postal boxes. He also stated he felt the purpose of this hearing is to make proper what is existing, not to add to it. Signage was also discussed.

Mr. Berman

23 Terri-Lee Lane – a member of the congregation – spoke about a newsletter – members support the fire zones – services are staggered – members notified of regulations.

Chairman Frankel stated these comments should go into the congregation's next month's newsletter.

Mrs. Waingarten

8 Anchor Rd. – agrees with Mr. Abramowitz – concerned about parking. Also concerned about people walking with strollers.

Stephen Geis

7 Kingston Dr. – spoke about having a bicycle rack for the students

Attorney Silverberg suggested that people who want to attend the next meeting on this application should check with the Village Clerk to see if the meeting has been postponed as Mr. Karben was not sure if he could make the meeting on June 1<sup>st</sup>.

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

Resolution # P.B. 2016-28

Resolved, that the public hearing on application of Congregation Ohaiv Shalom is hereby adjourned to a date certain of June 1, 2016.

Chairman Frankel called for a vote and the vote was 4-0. The resolution was adopted.

***Approval of Minutes: February 3, 2016 and April 6, 2016***

February 3, 2016 minutes will be held over due to the lack of a quorum.

Mr. Poliakoff offered the following motion, which was seconded by Chairman Frankel:

Resolution # P.B. 2016-29

Resolved, that the Planning Board minutes of April 6, 2016 are hereby approved and the reading of same if waived.

Chairman Frankel called for a vote and the vote was 4-0. The resolution was adopted.

***Motion to Adjourn***

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

Resolution # P.B. 2016-30

Resolved, that the meeting of the Planning Board of the Village of New Hempstead, held on May 4, 2016 is hereby adjourned.

Chairman Frankel called for a vote and the vote was 4-0. The resolution was adopted.

Respectfully submitted,

Carole Vazquez, Village Clerk-Treasurer  
Lpm