

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

**BOARD OF TRUSTEES**

REGULAR MEETING  
TUESDAY, JULY 24, 2018  
7:30 P.M. – VILLAGE HALL

PRESENT

MAYOR SICKER  
DEPUTY MAYOR MINTZ  
TRUSTEE SCHULGASSER  
TRUSTEE EISENSTEIN

ABSENT

TRUSTEE REICH

ALSO PRESENT

JOHN LANGE, VILLAGE PLANNER  
CAROLE VAZQUEZ, VILLAGE CLERK-TREASURER

**Pledge of Allegiance**

**Roll Call**

**Open Floor – Public Participation**

Discussion re: Zavatore Ct.

Mayor Sicker stated after review, he has no issue with moving forward on renewing the circle.

Kramer

8 Zavatore Ct. what will be done?

Mayor Sicker stated the plan is to refinish the circle and plant a couple of trees and plant some low maintenance shrubbery. No maintenance is planned – cost approx. \$5,000.

Jennifer Benson

6 Zavatore Ct. – wanted further clarification

Trustee Schulgasser offered the following motion, which was seconded by Trustee Eisenstein:

Resolution # BOT 2018-86

Resolved, that the Board of Trustees approves of the refinishing of the circle on Zavatore Ct. The cost is not to exceed \$5,000. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

**Approval of Abstract of Audited Vouchers 2018-7.**

Trustee Eisenstein offered the following motion, which was seconded by Trustee Schulgasser:

Resolution # BOT 2018-87

Resolved, that Audited Claim numbers #18108 through #18141 in the amount of \$51,000.31 is hereby approved. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

**Approval of Minutes of May 29, 2018 and June 26, 2018.**

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

Resolution # BOT 2018-88

Resolved, that the Board of Trustees hereby approves the minutes of May 29, 2018 as amended and also approves the minutes of June 26, 2018. The reading of minutes is waived. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

**Resolution accepting the bid proposal from the Town of Ramapo Highway Department for concrete curbs and sidewalks on Wayne Rd. and Lori Ct.**

There is a portion of Wayne Rd. that does not have sidewalks. The remaining of the block has sidewalks all the way down to the Sandy Brook Park, which makes it possible for kids to walk there. We were able to get a grant for that money from Zebrowski's office. The total is \$12,290. They are also putting in a handicapped ramp at the corner. Lori Ct. is going to be re-paved as approved. There is about 595' of concrete curb that has fallen apart. Before it is re-paved, that has to be re-built. The total between the two is \$42,466.50.

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

Resolution # BOT 2018-89

Resolved, that the Board of Trustees of the Village of New Hempstead hereby approves the proposal submitted by the Town of Ramapo Highway Department for concrete work on Wayne Road and Lori Court and authorizes the Town of Ramapo Highway Department to do such work. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

**Resolution approving payment of annual dues to the Rockland Municipal Planning Federation of \$100 for the year 2018.**

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

Resolution # BOT 2018-90

Resolved, that the Board of Trustees hereby approves the payment of annual dues to the Rockland Municipal Planning Federation of \$100 for the year 2018. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

**Resolution approving Village Clerk-Treasurer membership dues in the NYS Society of Municipal Finance Officers Association in the amount of \$40.00.**

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

Resolution # BOT 2018-91

Resolved, that the Board of Trustees hereby approves the payment of membership dues in the NYS Society of Municipal Finance Officers Association in the amount of \$40.00. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

**Public Hearing on Ateres Bais Yaakov Special Permit Renewal**

Trustee Eisenstein is recusing herself from any discussion on Ateres Bais Yaakov as she is a teacher for that school.

Ira Emanuel, Attorney for applicant – Interim school Bldg.  
4 Laurel Rd, New City, N.Y.

Attorney Emanuel explained that this is an application for a renewal of a Special Permit for interim school use. Temporary school buildings at 200 Summit Park Rd. – Ateres Bais Yaakov has received site plan approval to build a school at the site. During the process the school lost the prior location that it

was planning to build in the Village of Airmont. This internal use law was basically created for the use of temporary buildings on the site where the permanent school building will take place. The resolution for this special permit requires that it be renewed after one year. During this period, Rabbi Fink had a significant heart attack. He was out for approx. 18 weeks. The special permit has basically expired. A special permit is renewed if certain conditions are met. At the time the special permit expired, all of the special conditions had been met. At the present time all those conditions are still being met. The permit has obviously expired. Ateres has poured approx. \$1,000,000.00 into the site. Attorney Emanuel presented a spread sheet that is prepared by Ateres' Construction Management company. One of the special conditions is that there be substantial construction at the site. All other conditions have been met.

Mr. Lange asked what is the construction schedule for the permanent building?

Rabbi Fink stated "14 months after construction is started".

Mr. Lange stated they are still 2 years beyond now.

Attorney Emanuel stated at the time the applicant came before the Board, they said it would probably be more than 2 years.

Mr. Lange stated he has never received a schedule for completion.

Mayor Sicker asked for information regarding "substantial construction"

Attorney Emanuel stated this hearing was not regarding "substantial construction" and there is no explanation in the Village's code as to what "substantial construction" means.

Attorney Minsky stated the main issue for renewal was that the request for renewal would come 30 days prior to expiration. That condition was not met. Attorney Minsky stated he didn't feel the renewal issue would be accomplished. The Board may have to look at this as an application for an interim use because the renewal has expired.

Attorney Minsky stated there may be 3 issues to consider for the renewal:

Continued usage

Substantial construction

Required improvements have not been maintained.

Mr. Lange stated there have been long periods of inactivity with no notice to the Board for reason of delay.

Attorney Emanuel objected stating the due process is taking the property right away from his client. He suggested a "trial" with witnesses to decide whether or not there has been substantial construction with regard to the permanent building.

Mayor Sicker asked for a motion to grant an adjournment, which he said the applicant requested. He also felt the Board has been cooperative in that they gave the applicant ample time to get their information regarding the permanent use in to the Board for review. The Board will vote, based on documentation, according to the Village's Zoning Code.

Attorney Emanuel stated the applicant appreciates all the work the Village has given regarding this application. He feels the burden of proof is on the Village to prove the provisions of the application have not been made.

Mayor Sicker asked for a 5-minute recess to ask a legal question.

Mayor Sicker asked Mr. Lange to put his concerns in writing for the applicant – items to be discussed at the next meeting of the Board, which will be August 16, 2018.

Attorney Emanuel asked Mr. Lange to send the email to "Amy" at his office since he is going on vacation this Thursday.

Ms. Vazquez stated the public hearing notice appeared in the Journal News on July 12. The notifications and postings were timely.

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

Resolution # BOT 2018-92

Resolved, that the public hearing on application of Ateres Bais Yaakov for Special Permit Renewal is hereby opened. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

Justin Schwartz – represents Rockland County Legal Housing Task Force (also his own rights) 55 Westminster Way

Pomona

Applicant has history of having accidents there

False hydrant – fire hose

Well water from a private house

Hot weather – ambulance took a child – safety of children

Traffic horrendous

No designated fire lanes

Students parking on Sandy rock Dr. and walking along Summit Park Rd.

Stuart Schwartz

189 Summit Park Rd. – In favor of school & supporter of school – Summit

Park Rd. – became dangerous

Cars lined up to get into parking lot

Should be a traffic re-evaluation

Should ask for a speed limit of 15 mph

Summit Park Rd. small in width

Lot of trash since school has been there

Noreen Darvid

7 Aron Ct. –

Wants everything done legally

Gordon Wren, Jr.

3 Rockingham Rd. – Fire Dept.

Opposed to the permanent school – not a good idea

What was constructed there – “fiasco”

How bldgs. Were provided to be occupied

Not enough electric for air conditioning

Water lines froze

Dangerous road

Should have followed Ziegler’s recommendations

Disturbed trees – erosion control

Wants the Village to do what’s right

Grossman Manchester

Dr.

Daughter student there – not a day when she felt unsafe

Modular can become permanent

Educate a large number of children – without this; children have no place to go

Rabbi Fink – well-meaning in terms of safety of school

Doesn’t know what has motivated hostility

Plans were approved by Erica Krieger- Currently in full compliance with all the safety features

Hydrant was tested

Deputy Mayor Mintz made the following motion seconded by Trustee Schulgasser:

Resolution # BOT 2018-93

Resolved that the public hearing on Ateres Bais Yaakov for Special Permit Renewal is hereby continued to the next Village Board meeting to a date certain of August 16, 2018. Mayor called for a vote. The vote was 3-0 the resolution was adopted.

**Public Hearing on Bais Malka Special Permit Renewal**

Joseph Churgin, Attorney for applicant  
Savad Churgin  
55 Old Turnpike Road, Suite 209  
Nanuet, New York 10954

Attorney Churgin explained they are looking for an Extension/renewal for their Special Permit  
Would like to continue to utilize the temporary modular units that are present  
There are roughly 160 children that are utilizing the facility  
The applicant has no intension to keep this permanently  
They are working on funding for the permanent structure  
Village Law allows for an extension request

John Lange  
What's the story with the permanent structure?

Attorney Churgin  
Going to submit a new set of plans  
Expect to be break ground by the end of next winter.

Mayor Sicker  
When do you anticipate building the new structure?  
Will you be using the same set of plans that were approved for your pertinent structure?  
Only one initial renewal is allowed two 12 month periods  
We do not want these temporary modular becoming permanent

Rabbi Grossman, Applicant  
The design of the building is changing, but roughly the same size.

Attorney Churgin  
Once construction begins we believe it can be done swiftly

Rabbi Grossman  
Hoping to submit revised site plan application in 6 weeks

Mayor Sicker  
Essentially you're going to be starting in the Spring...

Attorney Minsky  
We should give the applicant some of our concerns on the Special Permit, let them address those and come to the next meeting with everything.

John Lange, Village Planner  
Get a set of plans and a schedule submitted  
We need to see substantial progress to the permanent school to justify extending

Mayor Sicker  
Does this applicant still have a CO currently with the special permit or is it considered expired as well?

Attorney Minsky

In accordance with the special permit the CO will expire without substantial construction to the Permanent structure.

Mayor Sicker

What is your timeframe for the actual construction?

We will be requesting monthly reports

Anticipate the soonest you can have the application in would be Oct/Nov

We need to have a definitive time frame before we can approve anything

Attorney Churgin

The applicant can have it in within the next 6 weeks

Mayor Sicker

You must go through the special permit requirements and make sure everything is covered

Attorney Minsky

Because the application for the Special Permit is in and the board has not made a decision the special permit doesn't expire.

Carole Vazquez, Village Clerk Treasurer

Appeared in the Journal News 7-12-2018 affidavits of Notices and Postings were timely

Resolution # BOT 2018-94

Resolved, that the public hearing on application of Bais Malka for Special Permit Renewal is hereby opened. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

Margret Francke-Olann, 86 Pomona Rd.

Concerned about the fire code Violations in other schools.

Mayor Sicker

Appreciates the concern but the village only has control over the schools in the village We do need to ask only public participation pertaining to the current application.

Deputy Mayor Mintz made the following motion seconded by Trustee Eisenstein:

Resolution # BOT 2018-95

Resolved, that the public hearing on application of Bais Malka for Special Permit Renewal is hereby continued to a date certain of August 16, 2018. Mayor called for a vote. The vote was 4-0 the resolution was adopted.

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

Resolution # BOT 2018-96

Resolved, that the Board of Trustees hereby adjourns the meeting held on July 24, 2018. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

Respectfully submitted,

Lee Mazza, Secretary

