

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

PLANNING BOARD

Regular Meeting

Tuesday NOVEMBER 12, 2019
7:30PM – VILLAGE HALL

PRESENT

MEL POLIAKOFF, CHAIRMAN
BARBRA GREENWALD
MARK GILDEN, AD HOC
ELLIOT ZISMAN, AD HOC

ABSENT

HILLEL KURZMANN
AKIVA KRAUS
DAVID WEISS

ALSO PRESENT

BRUCE MINSKY, VILLAGE ATTORNEY
GLENN MCCREEDY, VILLAGE ENGINEER
JOHN LANGE, VILLAGE PLANNER
ALLISON WEINRAUB, DEPUTY VILLAGE CLERK-TREASURER

Open meeting

Roll Call

Approval of Minutes: May 31, 2019 & August 27, 2019

Both sets of minutes will be held over until the next meeting

Continuation of the Public Hearing for Cambridge Heights the applicants are seeking revised site plan approval to reconcile differences between the approved site plan of 2014 and the current as built conditions. The subject property is located on the East side of Summit Park Rd. 1000 feet south from the intersection of Pomona Road. The property is designated on the Town of Ramapo Tax Map as section 33.18 Block 1 lot 30 in a 1R-50 Zoning District

Ben Highridge, representing the Cambridge homeowners association

Last time we were here in August we had decided to be put on the November date because we felt that the applicant needed more time to rectify all of the issues we have. A lot of progress has been made but there still is some outstanding items. The homeowners of Cambridge would like the approvals to wait until December to finish the remaining items.

The Village engineer stated in August he went out to the site and went over all the concerns of the Board of Cambridge Heights. They had discussed what would be practical to be resolved and that was sent in an email back by Helen Fromen with a final list of items that was negotiated between Helen, who was representing Cambridge, and the Village engineer as outstanding items. The engineer did mention to Helen that she should deal directly with the him and then he went to the developer with the list. The developer went through the list and agreed to everything except one item that could not be achieved. With the holidays and the weather there was some delay. Retaining wall near the clubhouse needed to be repaired, landscaping issues that were addressed for safety, ramps were required to be installed around the common areas, Near the Gazebo, swimming pool, clubhouse. Those issues have been rectified. There were some cosmetic improvements such as the steps being dislodged and they were addressed as they came up. Ultimately the landscaper came back and re-glued every step. There were some requests regarding drainage corrections that he did agree to some of those citations. Jack and Helen were both made aware. The only one not corrected was by 7 Westminster because there is no way for the drain to physically get to the road. He did go there during construction and their engineers tested the soil beforehand. Even if it was filled with water it would eventually get over the curve line before enter the building so he does not believe it to be an outstanding issue at this time. There were 10-12 driveways that had cosmetic deficiencies with some of the he agreed with. The developer paid into a fund directly for the work to be done in the spring. The Village will not get involved in any type of financial negotiations between two parties. The inlet at the bottom of Westminster was correct. The only thing left is the fencing at the rear of 3 units behind 55 Westminster. We just need Cambridge to provide the opt out letters from the homeowners for our file.

Ben Highridge stated we disagree about the 2 houses on Paddington court with the way the drainage is now which is why we don't want approvals to be given tonight.

This was the first Mr. McCreedy has heard of this situation and it was not included in the final list provided by the homeowners association. He went out to the property twice with the HOA and walked the property with them and requested a final list of all outstanding issues from the HOA and this was not included. We can't keep adding to the list.

Attorney Minsky stated he recalls it was specifically said whatever issues the residence have, give the village the whole list, and that was what was agreed upon through the spokesperson. Since that time up until this last comment everyone committed to that. We are here just to resolve the issues of the site plan. It's not to resolve the issues between the residence and the developer.

Jack Spaeth, Developer

All this talk about drainage is about down spouts coming off each building. If you look at all the approved plans there is nothing that shows leaders because the property is supposed to naturally drain everything because it's all sand. I've decided on my own to place leaders because I thought it would be better. Since then everyone who sees thinks they should have them but it's not even possible for all the units because of the pitch. If it was doable we would have done it.

Attorney Minsky stated if this is not something that is on the site plan then it would be between the developer and the residence.

Shuly Roth, 52 Westminster

The leader from 50 Westminster is overflowing anytime it rains and floods the two house almost up to the AC unit and I was told I was on the list. There has to be a way of resolving.

Attorney Minsky stated we have to focus that the applicant came in for changes in his site plan. If these issues are not on the site plan and these are issues between the homeowners and developer it's not something this Board has the ability to mandate on the developer. The village decided to undertake some of the issues of the residence that were not really the purview of this board in order to resolve open issues. It seems like there may be additional issues but we have to be clear. If its an issue of the village Glenn will undertake it but if its issues between the homeowners and developer we agreed to help resolve those based on a list that was given. If these leader issues are not on the site plan or are not something that have to be changed to be included in the site plan it's not something this board will be able to mandate.

Justin Schwartz

In 2013 before Jack came in when this project was approved the biggest concern of the board approving this sand pit was the drainage. Drainage issues are the village responsibility that need to get fixed. We have drainage issues.

Mr. Minsky

The drainage issues according to the approved site plan it was built according to what the plan approved. If you're saying that they build something that's not what they were approved for. I don't think the drainage leaders were something in the approved site plan.

Mr. McCreedy stated they are in compliance with our zoning regulations in regards to Stormwater. If there are issues with leaders and cosmetic issues that really is not the purview of this board. It really is an internal issue between the homeowner and the developer.

Jack Spaeth,

In good faith I will agree to meet whoever the representative is out there and if they have issues with one or two I can try and give my best guidance to what I think can be done to resolve it.

Justin Schwartz,

On the approved site plan the pool was approved and promised at a certain size. It was not what was built. If you are going to approve this site plan it has to be based on the size of the pool that was built and is in the site plan. I foiled for a copy of the site plan and the plans shown had the old size

Mr. McCreedy said the current site plan shows what was built.

Ms. Weinraub pulled the foil request and it shows the request was for plans the approved site plan.

Attorney Minsky stated plans may only be viewed not copied and the plans submitted for site plan were available for review. This meeting is only on what was submitted with the application not the approved site plan from 2014.

Mr. Schwartz and Mr. Highridge disagree.

Barbra Greenwald, Board Member

Was the fire egress issue ever checked out?

Building Inspector Letter dated September 3, 2019 read into the record.

“Upon review of the plans of Cambridge Heights units located on Dorchester Drive following the question of egress, it has been found that ample egress is provided. In residential buildings, fire exits are not required to be specific unless egress windows are required. With that being said, there is ample egress that is provided throughout in the event of a fire and the rear of the premises along the embankment are provided with enough footage to allow for easy escape in the event of a fire. While complaints(s) levied by the resident are valid, I have determined that there is no action necessary. As mentioned, ample egress and footage has been provided by the developer in the event of a fire.”

Mr. Zisman made the following motion, which was seconded by Mr. Gildon;

Resolution 2019-14

Resolved, that the public Hearing for Cambridge Heights is hereby closed. Chairman Poliakoff called for a vote. The vote was 4-0. The resolution was adopted.

Mr. Zisman made the following motion, which was seconded by Mr. Gildon;

**RESOLUTION 2019-15
OF PLANNING BOARD OF THE VILLAGE OF
VILLAGE OF NEW HEMPSTEAD, NEW YORK**

WHEREAS, by Resolution dated September 14, 2014, the Village of New Hempstead Planning Board (“Planning Board”) granted revised site approval for development of a property containing 54 unit housing located on the East side of Summit Park Road, approximately 1,000 feet south from the intersection of Pomona Road and designated on the Town of Ramapo Tax map as Section 33.18, Block 1, Lot 30 located in a 1R-50 zoning district; and

WHEREAS, the Planning Board has received an application for a second revised site plan approval from Cambridge Heights Estates Holdings, LLC, to reconcile certain differences between the prior 2014 approval and the current “as built” conditions on the site; and

WHEREAS, the Planning Board of the Village of New Hempstead heard comments from the public during a public hearings held on November 12, 2019 and further considered correspondence submitted by the County of Rockland, Town of Ramapo, State of New York and other interested municipalities,

NOW THEREORE BE IT RESOLVED that the Planning Board of the Village of New Hempstead grants final revised site plan to the current “as built” map of Cambridge Heights Estates Holdings, LLC to reconcile certain differences and conditions between the September 15, 2014 Resolution Granting Modified Final Site Plan Approval and the current map including the agreed upon conditions by the applicant, the Planning Board and the Village’s professional staff, which specifically include and are subject to compliance with the following conditions:

1. Comments #1 through #7 contained in the Rockland County Planning Department’s General Municipal Law review comments dated July 1, 2019;
2. payment in lieu of the seal coating that has been agreed upon through private contract between the developer-applicant and the Cambridge Homeowner’s Board;
3. Repair to the satisfaction of the Village Engineer, of the drain between the property and 8 Westminster Way; and
4. Documentation must be submitted regarding necessary and proper fencing on the rear portion of Westminster Way.

And it is further

RESOLVED, to the extent not specified herein, all other requirements are overridden by a super majority vote of the Planning Board; and it is further

RESOLVED, that unless specifically addressed herein, all other conditions of any prior approval given to this applicant, or its predecessor applicant Lenar Construction, remain in full force and effect and are required for completion.

Chairman Poliakoff called for a vote and the vote was as follows: Ms. Greenwald, AYE, Mr. Gildon AYE, Mr. Zisman, AYE and Chairman Poliakoff, AYE. The Resolution was adopted by a 4-0 vote.

Correspondence read into the record:
Building Inspector Comments 9/3/2019
RC Sewer 6/4/2019
RC Planning 7/1/2019
RC Highway 6/10/2019
RC Environmental Health 6/7/2019
Town of Ramapo DPW 6/3/2019
Town of Ramapo fire inspector 5/30/2019

Continuation of the Public Hearing for Congregation Tefila Lemoshe- The applicants are seeking Site Plan Approval for construction, maintenance, and use of an accessory structure that will house ritual baths and related facilities. The subject property is located on the west side of Brockton Road 400 feet

north from the intersection of Viola Road. The property is designated on the Town of Ramapo Tax Map as section 50.09 Block 1 lot 38 in a 2R-15 Zoning District.

Joseph Churgin, Representing the applicant

The applicant was referred to the Zoning Board for variances which were granted. We are now in front of this board for site plan approval. There was a letter from the Village engineer that listed some conditions which we are comfortable with adding as a conditions to approval.

Correspondence read into the record

Town of Ramapo Fire Inspector 5/30
Town of Ramapo DPW 6/3
RC Environmental Health 6/7
RC Sewer District 6/4
RC Planning 7/9
Engineer Comments 11/11

Justin Schwartz, Representing the Hillcrest Fire Company

Would like the Hillcrest fire departments concerns added as a condition:

The building should have a central alarm connected to dispatch, storage of chemicals, and access for the fire Department for the trucks to the mikvah must be provided

The applicants engineer and attorney have agreed to those conditions.

Attorney Minsky stated as part of the approval the Town of Ramapo Fire Inspectors comments from the GML will be listed as a condition; Smoke detectors, CO Detector, fire extinguisher, emergency lights, and Pull station. The chemicals were brought up at another meeting and it was not an issue

Chairman Poliakoff asked if anyone else from the public wished to speak.

Mr. Gildon made the following motion, which was seconded by Mr. Zisman;

Resolution 2019-16

Resolved, that the public Hearing for 35 Brockton congregation Tefila Lemoshe is hereby closed. Chairman Poliakoff called for a vote. The vote was 4-0. The resolution was adopted.

John Lange, Village Planning

Glenn McCreedy, Village Engineer

Subject to Landscaping and lighting

Building elevation must be provided

Provide what the building will be made out of, color and materials

Complete the perc test

Mr. Minsky stated we need to override Rockland County Planning Departments comment's #1 the applicant had violations imposed in 2000 when they came for approvals, but most of those have been resolved., # 2 and #3 parking issues but parking is not an issue because most people are walking and the applicant provided letters from neighboring property's allowing the use of their driveways.

Chairman Poliakoff made the following motion, which was seconded by Mr. Gildon;

Resolution 2019-17

Resolved, that the Village Planning Board of the Village of New Hempstead hereby overrides the Rockland County Planning Department comments #1 #2 and #3 from the letter dated July 9, 2019.

Mr. Gildon made the following motion, which was seconded by Mr. Zisman;

**RESOLUTION 2019- 18
OF PLANNING BOARD OF THE VILLAGE OF
VILLAGE OF NEW HEMPSTEAD, NEW YORK**

WHEREAS, the Village of New Hempstead Planning Board ("Planning Board") has received an application for site plan approval from Congregation Tefila Lomoshe for the construction, maintenance and use of an accessory structure that will house religious ritual baths

and related facilities. The subject property is situated on the west side of Brockton Road approximately 400 feet north from its intersection with Viola Road and is designated on the Town of Ramapo Tax map as Section 50.09, Block 1, Lot 38 and is located in a 2R-15 zoning district; and

WHEREAS, the applicants submitted a site plan from Anthony R. Celentano, PLS dated May 14, 2019; and

WHEREAS, The Planning Board of the Village of New Hempstead heard comments from the public during a public hearings held and further considered correspondence submitted to the County of Rockland, Town of Ramapo, State of New York and other interested municipalities, and

NOW THEREORE BE IT RESOLVED that the Planning Board of the Village of New Hempstead grants final site plan approval to Congregation Tefila Lomoshe for the construction, maintenance and use of an accessory structure that will house religious ritual baths and related facilities and the site plan of Anthony R. Celentano, PLS, dated May 14, 2019, subject to the following conditions:

1. Compliance by the applicant with Rockland County Planning Department's Letter dated July 9, 2019 comments #4 through #14;
2. Full compliance with Village of New Hempstead's Village Engineer's letter dated November 11, 2019;
3. Approval by the Village Planner;
4. Submission and approval by the applicant of landscape plans, lighting plans and building elevation material and color to be provided;
5. A percolation test must be performed and submitted to the Village Engineer for review and approval;
6. the accessory structure must have a central alarm connected to dispatch for emergency purposes;
7. Any storage of chemical on the property must comply with local, County, State and Federal health and safety regulations; and
8. Access for the fire department trucks to the mikvah site must be satisfactorily submitted

And it is further

RESOLVED, that all conditions of this Resolution must be complied with to the satisfaction of the Village's professional staff prior to the issuance of a Certificate of Occupancy by the Village's Building Inspector; and it is further

RESOLVED, to the extent not specified herein, all other requirements contained in any other General Municipal Law review or comments are overridden by a super majority vote of the Planning Board.

Chairman Poliakoff called for a vote and the vote was as follows: Ms. Greenwald, AYE, Mr. Gildon AYE, Mr. Zisman, AYE and Chairman Poliakoff, AYE. The Resolution was adopted by a 4-0 vote.

Adjourn to December Planning Board Continuation of the Public Hearing for Bais Malka- The applicants are seeking revised site plan approval to permit the construction, maintenance and use of a Permanent Classroom Building. The subject property is located at 46-48 Grandview Ave on the west side of Grandview Ave 900 feet west of Pleasant Ridge Rd. designated on the town of Ramapo tax map as section 41.20 Block 2 Lot 41 in a 1R-25 Zoning District

The applicant has requested an adjournment until the next Planning Board on December 10, 2019

Adjourn to December Planning Board Continuation of the Public Hearing for 573 Union Rd & 575 Union Rd. Site Plan Approval for the construction of two Single-Family Detached Dwellings

Motion to Adjourn

Mr. Zisman made the following motion, which was seconded by Mrs. Greenwald;

Resolution 2019-19

Resolved, that the Planning Board Meeting of November 12, 2019 is hereby adjourned. Chairman Poliakoff called for a vote. The vote was 5-0. The resolution was adopted.