

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

BOARD OF TRUSTEES

REGULAR MEETING
September 13, 2021
7:00 P.M.

PRESENT

ABE SICKER, MAYOR
MOSHE SCHULGASSER, TRUSTEE (7:03pm)
JEN EISENSTEIN, TRUSTEE
SHALOM MINTZ, DEPUTY MAYOR
ADAM REICH, TRUSTEE

ABSENT

ALSO PRESENT

BRUCE MINSKY, VILLAGE ATTORNEY
ALLISON WEINRAUB, VILLAGE CLERK TREASURER
EILEEN SAMMARONE, DEPUTY VILLAGE CLERK-TREASURER
GLENN MCCREEDY, VILLAGE ENGINEER
ZACK KAMM, VILLAGE ENGINEER
JOHN LANGE, VILLAGE PLANNER (ZOOM)

PLEDGE OF ALLEGIANCE

ROLL CALL

OPEN FLOOR – PUBLIC PARTICIPATION

APPROVAL OF ABSTRACT OF AUDITED VOUCHERS 2021-9

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

Resolution # BOT 2021-65

Resolved, that abstract of Audited Vouchers 2021-9, #19689-19719 in the amount of \$53,836.71 is hereby approved. Mayor Sicker called for a vote. The vote was 5-0. The resolution was adopted.

APPROVAL OF MINUTES BOT August 24, 2021

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

Resolution # BOT 2021-66

Resolved, that the minutes of the regular meeting of August 24, 2021 are hereby approved and the reading of said minutes is waived. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

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CONTINUE DISCUSSION: UNION RD. PETITION

Mayor Sicker explained at the last meeting we had we discussed getting the Police Reports since 2011 and there have been about 25 accidents. Some were people who weren't paying attention, some were ice/snow related accidents, someone making a left passing, and a tree down blocking the road. After discussion with the Village engineer and the Ramapo Police Department it was decided we will install 2 flashing yellow curve ahead signs in both directions around the bend, and would also like to install yellow speed 14 ½ MPH around bend signs. The cost for the flashing sign is about \$1,800 each sign. We will also continue to monitor the area with the help of the Ramapo Police Department.

Officer McCrory was in attendance for any questions the public may have.

Joshua Rothstein, 660 Union Rd.

Thanks the board for their consideration and measures. Would like to know the timing of the install and would like a little more understanding on the 14 ½ MPH.

Mayor Sicker stated approximately 6-8 weeks and the purpose of the 14 ½ MPH suggested signs is to grab a person's attention similar to the flashing curb ahead signs that are going to be installed. Has not been seen in Rockland but was seen in parts of NJ and seem to be effective.

Joshua Rothstein

In the meantime can something temporarily be placed?

Mayor Sicker stated we will try and get the Police Department to put one of the Speed monitoring trailers out there.

Jay Rothstein, 660 Union Rd.

So you will be installing the speed sign and the flashing light signs? There is also existing speed signs that is being covered by shrubs. Can the village get the signs cleared?

Mayor Sicker confirmed the flashing signs are similar to what was recently installed in Spring Valley and we will have highway cutback the shrubs blocking the speed signs.

Levi Marmulzsteyn, 647 Union Rd.

Would like confirmation the flashing lights wont shine into his home.

Mayor Sicker stated if it becomes an issue to please email him so we can get it addressed.

Justin Schwartz, 55 Westminster

In addition to the flashing signs based on the accident reports would like the area still use police enforcement. The Flashing Lights have made an impact in the Spring Valley Area

Mayor Sicker agreed.

RESOLUTION APPROVING THE SIGNS BY UNION RD

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

Resolution # BOT 2021-67

Resolved, that the Village Board of the Village of New Hempstead hereby approve the install of two (2) Yellow flashing slow around curve signs to be installed on both directions of the bend on Union Rd between Ivy Ln. and Michael St. and two yellow 15 MPH around Curve signs to be installed in both directions between Ivy Ln. and Michael St. . Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

RESOLUTION APPROVING THE SIGNS BY FESSLER DR.

Mayor Sicker explained we have a similar speeding issue around the bend on Fessler Dr. We would like to install the basic Slow Down and Sharp Curb Ahead signs that cost approximately \$82 each. This would four signs two of each in each direction.

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

Resolution # BOT 2021-68

Resolved, that the Village Board of the Village of New Hempstead hereby approve the install of two (2) Sharp Curve Ahead and two (2) Yellow 10 MPH around curve signs to be installed on both directions of the bend on Fessler Dr. between Manchester Dr. and Tracy Ct. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

CONTINUATION OF THE PUBLIC HEARING ON A LOCAL LAW REGARDING TREE REMOVAL

Mayor Sicker confirmed with Trustee Schulgasser that his comments were sent in and included in the new draft.

Attorney Minsky confirmed they were included but not in the draft out for this evening and that it is standard to start with 3 trees per calendar year for removal a permit would be required.

Trustee Schulgasser questioned if it's one tree or three trees that would require a permit? In the Local Law presented it reads as both would require a permit. As a homeowner who goes has gone through it he is not looking to cause a hardship to someone looking to clear a couple of trees. Looking for clarity on if it's one tree or three trees that would require a permit to be pulled.

Glenn McCreedy, Village engineer

Would like some clarity on if its 3 trees at a time or 3 trees per calendar year?

Village attorney confirmed it would be 3 trees per calendar year would require a permit.

Mayor Sicker would like to have a workshop to go over the final product of this Local Law to have a final version drafted before it's adopted. Dead Trees are also included in the count. It wont be difficult to get the permit but we need to make sure the removal of the trees won't cause any drainage issues.

Nancy Jacob, 9 Dorothy Dr.

Is there any stipulation as to the size of the tree that can be cut down?

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Village Professionals confirmed there is a determined size within the Local Law based on diameter and height. Also agrees with the board it's a little confusing weather its one tree or three trees.

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

Resolution # BOT 2021-69

Resolved, that the Village Board of the Village of New Hempstead hereby adjourn the public hearing on a Local Law regarding Tree Removal to October 26, 2021. Mayor Sicker called for a vote. The vote was 4-0 the resolution was adopted.

PUBLIC HEARING ON AMENDMENT TO THE VILLAGE OF NEW HEMPSTEAD ZONING CODE TO ADOPT THE ZONING DESIGNATIONS ESTABLISHED IN THE UPDATED VILLAGE OF NEW HEMPSTEAD ZONING MAP

Mayor Sicker explained this project has been going on for about 3 years. There have been many notices that were posted. We already adopted the comprehensive plan in October of 2020 and the Zoning Map in March of 2021 this would be to establish the New Zoning Designations that were including in the comprehensive plan.

Mrs. Weinraub stated it ran in the Rockland Journal News 9/1/2021 affidavits were timely.

Comments read into the Record:

Rockland County Sewer 8/18/2021

Justin Schwartz 8/24/2021

Town of Ramapo DPW dated 8/17/2021

Rockland County Planning 8/2/2021

Rockland County Health 8/17/2021

Suez Water 8/4/2021

Deborah Munitz Petition requesting an adjournment 9/13/2021

Letter from Rosa for Rockland dated 9/13/2021

John Lange Village Planner

A point by point response has been created for the Rockland County GML Comments that were received as well as the Village of Pomona. We explained that we are far along in the process. We have had extensive Public Participation Programs and have spent an extensive amount of time helping people understand several important considerations. Most importantly we are doing things a little bit differently in our zoning and it's not fully understood by everyone but we are doing more of a hybrid sort of zone for particular circumstances. The Planning and the zoning maintain substantially all the single family zones that existed. What the plan also wanted to do was to try to create greater amounts of open space. Where we provided provisions for that were parcels greater than 10 acres. We don't expect them to be developed but we wanted to give an opportunity to prepare ourselves for the future. To look down the road and create a balance and green solution where people can give up some open space to the village in response to extremely minor increase in density. If they can't come up with something the village expects it reverts the underlining zoning and there is no change at all. Where we recommended was the 10 acre parcels could go at 1.2 to 1.5 times the number of units. So if a 10 acre parcel was going to have 10 units it could be 12-15 units. So its not a substantial change but it will allow us to create a zone in new ways

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using a different bulk technique so we can go and create a layout that fits the parcel with the given open space consideration. The open space would be mapped and would not be developable in the future and it goes far beyond what you could do with Euclidean zoning, which is the standard rectangular parcels with setbacks. We still have those in those zonings but it will be done in such a way that it benefits the village in gaining the open space, it creates a better layout for the applicant if he's willing to concede with the things the village wants such as open space. All of these special cluster zones with the exception of Matterhorn are still single family zones. All we are doing is vary the lot size and alignment to facilitate a better, more cohesive and environmentally sound layout. The main change in the zoning for Matterhorn is to respond to a unique situations. Everyone in the village knows Matterhorn is a special place. It's a discontinuous part of the network for Wetlands there were ponds and educational facility that we really want to preserve. In order to get 20 acres of open space in addition to the wetlands we created a multifamily zone based upon 150 units, but with very strong conditions. All the parking will be underground. There will be no surface parking lots. You just reduced the runoff by about 50% for the entire development. We are providing for charging for electric vehicles underground. We set a requirement for narrowing the roadway to keep speeds down and the applicant will have to preserve the wetlands. Everything we are doing in zoning changes is what we presented in the plan and implementing it in a low impact green development standard. We don't expect every one of these to go through but we do want to be prepared. For instance the Vision Site, we don't anticipate it ever being anything other than Visions but we wanted to be prepared for it. The Bus Depot, we don't expect it to turn over but we want to be prepared. So what we are doing is creative solutions to manage these things as they happen. If they can't meet our criteria it just reverts back to the underlining zoning. Will the changes be substantial? Only if they're implemented and not substantial in terms of impact substantial in quality of development and quality of open space.

Mayor Sicker stated it would be a maximum of 150 units. When we started this we had a consulting firm come in and run public charrettes and let the comp plan take a life of its own. The board pretty much stayed out of the planning of this. We had a few volunteers that were involved that presented the plans with the consultants and this is the direction the residence led the comp plan to go.

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

Resolution # BOT 2021-70

Resolved, that the Village Board of the Village of New Hempstead hereby Open the Public Hearing on Local Law 2 of 2021 Amendment to The Village Of New Hempstead Zoning Code to Adopt The Zoning Designations Established In The Updated Village Of New Hempstead Zoning Map. Mayor Sicker called for a vote. The vote was 4-0 the resolution was adopted.

Stephen Geis, 7 Kingston Dr.

Believes the village did a very good job on the comprehensive plan. Wishes he could see the documents of the draft but it is not available on the website. Would like to reiterate some thoughts he had made previously. In the area of Matterhorn as the planning document stated continuations of existing paths and walkways are to be maintained the village should make some type of legal format for ensuring the developer and whoever the successors are adhere to the agreement and provide maintenance on it so it does not become a burden for the village. For Fairway Park it would be good to have light commercial space in that village center zone. Lastly by the area of Rt. 45 why are no apartments permitted on the commerce's of Rt. 45. It would allow for lower income housing.

Justine Schwartz, 55 Westminster Way

Sent in comments and has not received any answers. How are you going to vote this evening? Still a little perturbed that there was no involvement from the Hillcrest Fire Department during the planning process. For the underground garage are there going to be any sprinklers, how are the big trucks going to get thru how high is it going to be? Will there need to be special vehicles to get there. Appreciates that all the comments from the agencies have been addressed but does not appreciate the comments not being public for everyone to see. Doesn't understand the rush on voting tonight. It is a great project but doesn't want the issues that are going on in other areas to happen here because it is rushed.

The Village Planner explained certain comments weren't addressed because it was more administrative than technical issue and the comments from Rosa were not responded to because they were received this evening and does not feel it appropriate to comment on them until they have been gone through. Anything that was substantial impact was reviewed and does believe the County GML and Village of Pomona had the strongest need of a direct response.

The board discussed all the different meetings this item was on the agenda for.

Mayor Sicker reiterated this project has been going on for the last three years. There have been open charrettes. There were a tremendous amount of people who came out throughout this project and we had different comments through the entire process. The Fire Department did get everything through GML and they could have commented or come in to any of the meetings. There are NYS Building and Fire code that has to be adhered to.

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

Resolution # BOT 2021-71

Resolved, that the Village Board of the Village of New Hempstead hereby close the Public Hearing on Local Law 3 of 2021 Amendment to The Village Of New Hempstead Zoning Code to Adopt The Zoning

Mayor Sicker thanked the public participation from Village Volunteers and the Comprehensive Plan committee that spent time coming in to public the charrettes that gave input on the plan that was presented to the Board of Trustees.

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

Resolution # BOT 2021-72

**VILLAGE OF NEW HEMPSTEAD BOARD OF TRUSTEES
RESOLUTION #2021-72**

WHEREAS, The Village Board of the Village of New Hempstead recently conducted a study to review, revise and consider the current zoning through the adoption of a new Comprehensive Plan; and

WHEREAS, the Comprehensive Plan was adopted by the Board of Trustees on October 27, 2020 and

WHEREAS, as part of the Comprehensive Plan adoption, certain zoning laws needed to be amended, adopted and/or repealed to comply with the vision of the Comprehensive Plan; and

WHEREAS, one of the laws adopted by the Village Board was entitled “**PROPOSED ZONING CHANGES AND ADDITIONS/AMENDMENTS/MODIFICATIONS TO VILLAGE ZONING LAW BASED UPON ADOPTION OF NEW ZONING MAP FOR THE VILLAGE OF NEW HEMPSTEAD, NEW YORK**” which created, amended, repealed and/or modified certain sections of the Village of New Hempstead Zoning Code to reflect the visions contained in the Comprehensive Plan; and

WHEREAS, the Village Board held public hearings and solicited input from the public and all involved agencies and municipalities;

NOW, THEREFORE, it is hereby

RESOLVED, that the Village of New Hempstead Board of Trustees hereby adopts Local Law #3 of 2021 in the form submitted by the Village Attorney subject to the following General Municipal Law review comment letters:

- (a) Village Planner response Letter to Rockland County Planning Department and Village of Pomona letter, dated August 24, 2021;
- (b) Rockland County Sewer Department letter dated August 18, 2021;
- (c) Town of Ramapo Department of Public Works letter dated August 17, 2021;
- (d) Rockland County Planning Department letter dated August 2, 2021;
- (e) Rockland County Health Department letter dated August 17, 2021; and
- (f) Suez Water Company letter dated August 4, 2021.

And it is further

RESOLVED, that the Village Attorney and Village Clerk are hereby instructed to incorporate all comments identified herein in the final draft of the Local Law prior to filing of Local Law #3 of 2021 with the New York Secretary of State’s office.

Mayor Sicker called for a vote on the Resolution which was as follows: Deputy Mayor Mintz, AYE, Trustee Eisenstein, AYE, Trustee Reich, AYE and Trustee Schulgasser, AYE. Mayor Sicker declared the Resolution carried by a vote of 4-0 and instructed the Village Clerk to file same.

Dated: September 13, 2021

Abe Sicker, Mayor

MAYORS REPORT

DEPUTY MAYORS

TRUSTEEES REPORT- Trustee Eisenstein mentioned that she just came from the East Ramapo Central School District representing the parents of New Hempstead. There has been real challenges regarding transportation with a lack of accountability and communication in part by the school district and we are hopeful they will take measures to remedy that.

MOTION TO ADJOURN

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

Resolution # BOT 2021-73

Resolved, that the meeting on September 13, 2021 of the Board of Trustees is hereby adjourned. Mayor Sicker called for a vote. The vote was 5-0. The resolution was adopted.

Respectfully submitted,

Allison Weinraub,
Village Clerk-Treasurer