

VILLAGE OF NEW HEMPSTEAD
108 OLD SCHOOLHOUSE RD.
NEW CITY, N.Y. 10956
PLANNING BOARD
Regular Meeting

Tuesday November 9, 2021
7:30PM
IN PERSON & ZOOM

PRESENT

MEL POLIAKOFF, CHAIRMAN
BARBARA GREENWALD
MORDY GILDEN (AD HOC)
AKIVA KRAUS

ABSENT

HILLEL KURZMANN
DAVID WEISS

ALSO PRESENT

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

Open meeting

Roll Call

Approval of Planning Board Minutes 10/5/2021.

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

Resolution 2021-38

Resolved, that the minutes of the regular meeting of the Planning Board, held on October 5, 2021 are hereby approved as submitted and that the reading of said minutes be waived. Chairman Poliakoff called for a vote. The vote was 4-0. The resolution was adopted.

Discussion: 597,603 & 609 Union Rd. Subdivision- To consider the application of 597 Union Rd. The applicants are seeking Sketch Plat Subdivision Approval for a four lot subdivision on 597, 603 and 609 Union Rd. The subject properties are located on the West side of Union Rd. 1065 +/- ft. from Viola Rd. The property is designated on the Town of Ramapo Tax Map as section 50.9 Block 1 lot 4, 5, & 6 in a 2R-15 Zoning District.

Marvin Pinkra, Lance and Tully, Representing the Applicant

The application of 597 Union Rd. The applicants are seeking Sketch Plat Subdivision Approval for a four lot subdivision on 597, 603 and 609 Union Rd. Development on an existing parcel. The total acreage is 2.47 proposed to subdivide into four lots. Each lot will have a total of 20,000 sq. ft. We did received the comments from the Village Planner and would like to respond.

Q1. FAR is exceeded considerably on all lots? Why? The hardship is not obvious and appears that a smaller structure could diminish or eliminate the variances.

A1: The FAR was provided to us by the architect of the applicant. We will review this with the applicant to hopefully come to a better resolution to possibly make the building smaller. The applicant was going to seek a variance for FAR but we will check with them to see if we can reduce the Floor area

Q2: Why is line type bolder on lots 1 & 4?

A2: The applicant proposed two types of buildings and this is to distinguish those differences

Q3: An aerial photograph is needed.

A: The applicant can provide an aerial photo

Q4: Surrounding existing structures need to be shown on the plans

A: Agreed

Q5: Items to be removed should be noted on the plans.

A: Agreed

Q6: Existing trees should be shown; trees to be preserved/removed should be noted.

A: if there are any trees the applicant will show it on the survey

Q7: Yard measurements should be to closest building point – including decks

A: Is the measurements to any structure.

Village Planner responded it should be to the footprint.

Q8: Architectural renderings would be helpful.

Landscaping and lighting plans were not included with the plans.

A: the applicant has been working on this and will present it to the village.

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

Resolution 2021-39

Resolved, that the Planning Board of the Village of New Hempstead declares intent to be lead agency. Chairman Poliakoff called for a vote. The vote was 4-0 the resolution was adopted.

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

Resolution 2021-40

Resolved, that the Planning Board of the Village of New Hempstead hereby schedule the application of 597, 603 and 609 Union Rd. for Public Hearing December 14, 2021. Chairman Poliakoff called for a vote. The vote was 4-0 the resolution was adopted.

Public Hearing- 613-615 & 619 Union Rd.- to consider the application of Benjamin Amona owner of Bet Miriam 613-615 & 619 Union Rd. The applicants are seeking Preliminary Subdivision Approval for a four lot subdivision on 613/615 & 619 Union Rd. The subject properties are located on the West side of Union Rd. 650 feet south of Michael St. The property is designated on the Town of Ramapo Tax Map as section 50.5 Block 1 lot 18 & 19 in a 2R-15 Zoning District.

Chairman Poliakoff stated the Village received the revised plans on November 8, 2021 and have not had enough time to review.

The Village Clerk stated to the applicant that the plans that were emailed after submission was given on the 9th need to be filed with the village with the updated bulk table.

Comment read into the record:

Village Planner 11/9/21

Village Engineer 10/4/21

Rockland County Sewer 9/29/21

Town of Ramapo DPW 9/8/21

Village Building and Fire Inspector 9/1/21

Hillcrest Fire Department 8/21/2021

Ryan Karben, Attorney for the applicant

The issue of having two families and whether it's a permitted use is not part of this discussion. The two family use is permitted in the zone by the Village zoning. The lot area requirements that exist for the two family homes are complied with by the application. The updated plans make it clear there is room for a turn around and firetruck radius. There are other similarly situated lots and homes along that portion of Union Rd. and what is proposed by the applicant would not require an environmental impact statement under the circumstances. We encourage the public to review the updated plans. The notion that the two family home could be rejected because it's believed it's not an appropriate use of the property is incorrect based on the village zoning.

Village Engineer,

The use is permitted by right but there are two lots that are nonconforming in lot area.

Anthony Celentano, Applicants engineer

There is room for adjustments to make those lots compliant.

Mrs. Weinraub stated it ran in the Rockland Journal News September 21, 2021. Affidavits of Notice and Postings were timely. All of the missing receipts were submitted.

Mrs. Greenwald made the following motion, which was seconded by Chairman Poliakoff;

Resolution 2021-41

Resolved, that the Public Hearing- on 613-615 & 619 Union Rd.- to consider the application of Benjamin Amona owner of Bet Miriam 613-615 & 619 Union Rd. for Subdivision Approval for a four lot subdivision on 613-615 & 619 Union Rd. is hereby opened. Chairman Poliakoff called for a vote. The vote was 4-0. The resolution was adopted.

Eliakim Koenigsberg, 14 Brockton Rd.

Lives directly behind the property in question. Would like to point out there are a number of people who were unable to attend this meeting even though they were at the original Public Hearing date which was adjourned because proper notification was not given to all of the neighbors in the surrounding area. There are many who would voice opposition to this application that could not make it this evening. The application that the Planning Board is reviewing tonight is not new at all. We are here for a third time in a little over 10 years to discuss the application that Mr. Amona has filed in 2010. At that time he requested variances from Zoning Board of Appeals to permit the construction of a two lot subdivision for 2 two- family homes. That application was denied by the ZBA after careful consideration of the rules set forth in the Village code which governs when a variance may be granted. That decision set precedent in this case and that case was upheld by the Supreme Court in 2017. In 2013 Mr. Amona applied a second time for variances on the proposed two lot subdivision. In 2017 the Rockland County and NYS Supreme Court instructed the ZBA that it must adhere to its own prior precedent since the facts in

second application were essentially the same as those of the first. Now in 2021 Mr. Amona applied for variances on his property for a third time. He claims this application is different but that fact is that he is going to need the same variances on two properties instead of one. Now he wants to subdivide the property and build 4 two family homes. Fails to see the difference between 2 two- family homes on one lot than four two- family homes on two lots. If anything allowing Mr. Amona to build 4 to family homes would create an even greater detriment to the area. It will set a dangerous precedent in this village. If accepted there will be pressure to grant the same variances to every other property on Union Rd. and beyond. The damage to the character of the neighborhood would be extraordinary. In light of the fact that this application is essentially the same as his previous applications and the ZBA made a unanimous decision in 20210 to deny this application and that precedent was upheld by two supreme courts respectfully request that the planning board not refer this application to the Zoning board.

Levy Marlmelstein, 647 Union
Agrees and repeats with Mr. Koenigsberg

Chayla Liedner, 26 Brockton Rd.
Also Agrees with Mr. Koenigsberg. Most concerned about the traffic pattern on Union Rd. is hoping a sidewalk will be installed. It's the only road residents can get out on because of the busses on Viola Rd. is concerned about the Rear Footage and how far they back up to her property.

Attorney Minsky stated that when an application to the Planning Board and it required variances it has to go to Zoning. That would be the first thing the Planning Board would have to do. It's mandatory.

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

Resolution 2021-42

Resolved, that the Public Hearing- on 613-615 & 619 Union Rd.- for Subdivision Approval for a four lot subdivision on 613-615 & 619 Union Rd. is hereby continued to December 14, 2021. Chairman Poliakoff called for a vote. The vote was 4-0. The resolution was adopted.

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

Resolution 2021-43

Resolved, that the Planning Board of the Village of New Hempstead hereby Refer the application on- on 613-615 & 619 Union Rd. - for Subdivision Approval for a four lot subdivision on 613-615 & 619 Union Rd. to the Zoning Board of Appeals. Chairman Poliakoff called for a vote. The vote was 4-0. The resolution was adopted.

Mrs. Weinraub stated the applicant will need the revised plans submitted for the Planning Board two weeks before the meeting and there is a 30 day minimum for the submission to the Zoning Board. The deadline date for the next zoning board will be November 17, 2021.

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

Resolution 2021-44

Resolved, that the Public Hearing- on 613-615 & 619 Union Rd.- for Subdivision Approval for a four lot subdivision on 613-615 & 619 Union Rd. is hereby Adjourned to December 14, 2021. Chairman Poliakoff called for a vote. The vote was 4-0. The resolution was adopted.

P.B. November 9, 2021

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Motion to Adjourn

Chairman Poliakoff made the following motion, which was seconded by Mrs. Greenwald;

Resolution 2021-45

Resolved, that the Planning Board Meeting of November 9, 2021 is hereby adjourned. Chairman Poliakoff called for a vote. The vote was 4-0. The resolution was adopted.

Respectfully Submitted

Allison Weinraub,
Village Clerk-Treasurer