

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

Tuesday October 5, 2021
7:30PM
IN PERSON & ZOOM

PRESENT

MEL POLIAKOFF, CHAIRMAN
AKIVA KRAUS
DAVID WEISS
BARBRA GREENWALD
MORDY GILDEN (AD HOC)

ABSENT

HILLEL KURZMANN

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 9/14/2021.

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

Resolution 2021-35

Resolved, that the minutes of the regular meeting of the Planning Board, held on September 14, 2021 are hereby approved as submitted and that the reading of said minutes be waived. Chairman Poliakoff called for a vote. The vote was 3-0. 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 it was brought to the Village attention that there may have been discrepancies with the Public Hearing Notifications not being sent to all the neighboring properties listed on the application. The village received receipts for 38 out of the 43 names listed.

Ben Amona, Applicant

Is not sure what happened but is willing to testify the notices were all sent. There was no reason he wouldn't have sent to the missing five. This is only the beginning of the process and no approvals were to be given tonight and is willing to send the 5 people the notices to the next meeting.

Ryan Karben, Attorney for the applicant

As far as the legal requirements for notices the village has its own guidelines but it is not necessary for requisite. Notices are provided by multiple forms such as posted on the site, mailed to neighbors and published in the Rockland Journal News. Perfect adherence with all of the notification is not a requirement for a hearing to legally proceed. With respect to the records that are an issue. We were advised that there were individuals that had not received the notice and the clerk compared the names of the individuals who had not received with the receipts that were filed with her. There is no reason Mr. Amona would omit a random number of labels from his mailing. There would be no benefit to him. Mr. Amona did provide an affidavit that he sent all of the mailings and the proof of mailing is only confirmation that he has already attested to. We appreciate the chairman's position when reviewing these applications and your interest in making sure your hearing has credibility and the people feel their voices are being heard and that they have the opportunity to comment in a meaningful way. In terms of legal requirements the applicant is required to satisfy have been met and the absence of a small number

of receipts from the mailings that the applicant has already attested to would not disqualify the board from proceeding.

Bruce Minsky, Village Attorney

The whole idea of the notice is to give people time to review what the application is actually about. There are about 5 receipts missing from the mailings which would be about 10% of people that have to be noticed and those people did find out about it yesterday from their neighbors. That would not be enough time for them to come in and review the application. The number of people that weren't mailed being over 10% and at least two or three of those people were part of an issue with the previous application is a high enough number that it may not be fair to proceed. We always go through this prerequisite before every public hearing for every board, where we look to confirm that the notices were actually given and every occasion it was never an issue. With this many people in attendance and with some of them not getting the notice it really does raise an issue for the board about going forward. Noone is trying to obstruct anything. It is the applicant's obligation to provide proof of the mailing. We do this with all the applications that come in front of every board and it is a prerequisite to go forward. People were complaining that they did not receive anything and compared to the receipts that were given is proof that they did not. It's up to the board on if they want to go forward I am just providing the facts.

Chairman Poliakoff

Has been on the board for many years and this is the first time something like this has happened. Until everyone on the mailing list receives notice we will postpone the public hearing.

Mrs. Greenwald made a motion which was seconded by Mr. Gilden;

Resolution 2021-36

Resolved, that the Public Hearing on 613-615 & 619 Union Rd.- to consider the application of Benyamin Amona owner of Bet Miriam for Preliminary Subdivision Approval for a four lot subdivision is hereby adjourned to November 9, 2021. Chairman Poliakoff called for a vote. The vote was 5-0. The resolution was adopted.

The applicant will only be required to mail out updated Public hearing Notices to the missing 5 addresses and provide the proof of mailing.

Motion to Adjourn

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

Resolution 2021-37

Resolved, that the Planning Board Meeting of October 5, 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