

November 23, 2021

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

BOARD OF TRUSTEES

REGULAR MEETING
November 23, 2021
7:00 P.M.

PRESENT

JEN EISENSTEIN, TRUSTEE
SHALOM MINTZ, DEPUTY MAYOR
ADAM REICH, TRUSTEE

ABSENT

ABE SICKER, MAYOR
MOSHE SCHULGASSER, TRUSTEE

ALSO PRESENT

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

PLEDGE OF ALLEGIANCE

ROLL CALL

OPEN FLOOR – PUBLIC PARTICIPATION

There were no comments.

APPROVAL OF ABSTRACT OF AUDITED VOUCHERS 2021-11

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

Resolution # BOT 2021-82

Resolved, that abstract of Audited Vouchers 2021-11, #19777-19813 in the amount of \$95,711.00 is hereby approved. Deputy Mayor Mintz called for a vote. The vote was 3-0. The resolution was adopted.

APPROVAL OF MINUTES BOT OCTOBER 26, 2021

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

Resolution # BOT 2021-83

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Resolved, that the minutes of the regular meeting of October 26, 2021 are hereby approved and the reading of said minutes is waived. Deputy Mayor Mintz called for a vote. The vote was 3-0. The resolution was adopted.

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

The board will wait until more members are present to vote on this Local Law and would like to adjourn this to the next Board of Trustees on December 21, 2021 at 7:00pm.

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

Resolution # BOT 2021-84

Resolved, that the village board of the village of New Hempstead hereby adjourn the Public Hearing for a Local Law regarding tree removal to December 21, 2021. Deputy Mayor Mintz called for a vote the vote was 3-0 the resolution was adopted.

RESOLUTION APPROVING THE 2022 VILLAGE BUDGET

The Board reviewed this at the last workshop.

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

Resolution # BOT 2021-85

Resolved, that the village board of the village of New Hempstead hereby adopt the 2022 Village Budget. Deputy Mayor Mintz called for a vote. The vote was 3-0. The resolution was adopted.

PUBLIC HEARING: TO CONSIDER THE PETITION OF PENNINGTON LOTS, LLC, 120-150 MCNAMARA RD, NEW HEMPSTEAD, NY 10977. THE APPLICANTS ARE PETITIONING THE BOARD OF TRUSTEES FOR A ZONE CHANGE TO AN OPTIMIZED SINGLE FAMILY CLUSTER ZONE PER THE REQUIREMENTS OF SECTION 3 LOCAL LAW 3 OF 2021. THE SUBJECT PROPERTY IS LOCATED ON THE EAST SIDE OF MCNAMARA RD, 250 FT. FROM THE INTERSECTION OF WILLOW TREE RD. THE PROPERTY IS DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 42.09 BLOCK 2 LOT 1 IN A 1R-50 ZONING DISTRICT.

Dan Richmond, Zarin and Steinmetz, Attorney for the applicant
Petitioning the Board to zone an approximately 12.94 acre parcel to the villages newly adopted single family optimized cluster zone. Joseph Nyitray with Brooker engineer will go through the concept plan. The site which is in a 1R-25 currently was targeted in the 2020 Village Comprehensive plan for the optimized single family zone. We have been working with the village to comply with everything they are looking for and have gone through CDC and has further conversation with the village consultants. We believe we proposed the best option for the site under the OCZ proposing a much needed 16 single family units. In addition we are allowing for preservation of significant area including the environmentally sensitive areas of the properties. Substantial dedicated open space is to be provided totaling approximately 4.28 acres. This evening we are here for SEQR notice of intent to be lead agency and refer this petition to the planning board for their review.

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Joe Nyitray, Brooker Engineering, Engineer for the applicant

Reviews the conceptual plan submitted to the village. Access will be from Pennington Way. At this time we have 15 lots with the smallest being 15,000 Sq. Ft. there will also be in the back where steep slopes and wetlands are as dedicated open space. There was a recommendation to provide a walking path on McNamara Rd. into the subdivision so one has been proposed by the existing driveway into the Cul de sac. We also did some preliminary drainage water and sewer designs. Right now the sewer come in from the back and there's an easement for the sewer that comes out. We do have to adjust the easement to pick up everything to continue out to the same spot. The water and sewer drains will be underneath the roadway and come back out to Pennington way. We did propose a detention basin to be designed further as the plans developed by Pennington way by an existing house. All of the drainage from the houses and the driveways will be picked up by a series of catch basins and be routed to the proposed detention basin. There will be a 20ft wide drainage easement in the back of the houses that will collect all of the water and bring it to the detention basin. Water from the wetlands and the streams will be piped underneath the roadway and current will be piped over again and behind the houses on Pennington Way there is an existing drainage ditch.

Deputy Mayor asked how the water currently exits the property.

Joe explains all the water comes down and there's an outlet control structure that does into the Pennington way system.

Moshe Zamir, 21 Pennington Way

Asked about the size of the pipes being used and the applicant explained they have not gotten that far in the design yet.

The public was asking questions about the location of the detention basin and the applicant explained it will be by the entrance from Pennington Way where there is currently an existing house that will be demolished.

Trustee Reich asked if the site will be big enough for a fire truck turn around and the applicant replied it will be.

Deputy Mayor Mintz asked if sidewalks are being proposed and the applicant replied there will not be any proposed.

Attorney Minsky asked if the size of the lots would change when you go in front of planning and the applicant responded no.

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

Resolution # BOT 2021-86

Resolved, that the village board of the village of New Hempstead hereby declare intent to be lead agency for the petition of Pennington lots, LLC, 120-150 McNamara rd. Deputy Mayor Mintz called for a vote. The vote was 3-0 the resolution was adopted.

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

Resolution # BOT 2021-87

Resolved, that the village board of the village of New Hempstead hereby refer the application to the Planning Board for comments and recommendations for the petition of Pennington lots, LLC, 120-150 McNamara rd. Deputy Mayor Mintz called for a vote. The vote was 3-0 the resolution was adopted.

Mrs. Weinraub stated in ran in the Rockland Journal News November 9, 2021 affidavits of notice and postings were timely.

Deputy Mayor Mintz requested the Planning Board submit their comments one week before the Board of Trustees meeting on December 21, 2021.

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

Resolution # BOT 2021-88

Resolved, that the village board of the village of New Hempstead hereby open the Public Hearing for the petition of Pennington lots, LLC, 120-150 McNamara rd. Deputy Mayor Mintz called for a vote. The vote was 3-0 the resolution was adopted.

Aron Saperstein, 4 Pennington Way

What is the total impervious surface for the detention basin proposed?

The applicant responded 25% of the site is impervious surface. It will be sized to handle the total impervious surface. This is still in the conceptual phase of development so we may not have all of the answers at this time.

Deputy Mayor Mintz requested all technical question be held off until the next phase when it will be more technical than conceptual. There will be many meetings between BOT & Planning that would have more information on the technical questions being asked.

Aaron Saperstein,

Is there any provision for houses in the surrounding area to be moved down to an R-15 zone?

Deputy Mayor explained there is not. The optimized single Family cluster was only proposed for particular sites within the village and those are the only sites that can proceed with the Petition for this type of zoning if you meet particular criteria.

Attorney Minsky further explained part of the reason for this site being included in this is because the requirement for the open space dedication can be met and with individual lots they would not be able to provide the necessary open space dedication.

Floyd Lang, 14 Pasadena Place

Main concern is that they were going to be doing multifamily housing

The board explained that the reason they did this type of zoning was to prevent Multifamily to encourage single family use. In the past there have been applicants that wanted to put a school or over 55 development and the village would not be able to prevent that but this is a way to get them to want to do single family and preserve the open space.

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Baruch Shepps, 17 Pennington Way

There is a steep hill that was developed when previous developers came in that causes major flooding. Will that be addressed?

The applicant explained that the underdrain that is being proposed is to capture everything a route it down.

Tony Varlack, 11 Pennington Way

Has issues hearing and how do you select who can attend in person. Can I receive copies of the plans?

Village hall is open to the public to review the plan Monday through Friday between the hours of 9-4 but please call before coming to make an appointment to be sure someone can assist you. All meetings are open to the public at this time.

The applicant agreed to send the resident a set of plans through email.

Justin Schwartz, 55 Westview

Were his comments sent in at 6:45pm given to the board?

They were.

Justin Schwartz, is it correct you are incentivizing because these properties couldn't be developed unless you did certain zone changes or misunderstood?

Attorney Minsky replied it was misunderstood. The idea was to incentivize having single-family homes into spaces with the tradeoff of having open space dedicated that have a certain amount of acreage.

John Lange, Village Planner

This zoning is not open to everyone in the village. Only areas with 10 Acres or more. These are large lots that have substantial development issues. We are trying to enable incentives to gain more open space and preserve the deep slopes and wetlands. We are not demanding these properties come in we are just offering an option for them that we think we would end up with a better development a higher quality and greater environmental protection.

Justin Schwartz

They still have to go through the process and if they don't meet the criteria then they won't be able to get the variance. I understand what is being done but should be careful with the verbiage that is being used. When incentivize is being used it is a bit confusing.

Attorney Minsky explained this does not have to go through the Variance process. The idea is to incentivize to file an application that satisfies the criteria for the Optimized Zone. There is a criteria for the optimized zone that an applicant has to satisfy and those characteristics must be met for them to receive the approvals. We are not talking about asking people to come in with some plan.

Comments referenced into the record:

Rockland County Sewer 11/22/2021

Rockland County Planning 11/19/2021

Hillcrest FD 11/4/21

Rockland County Health 11/9/2021

Rockland County Highway 11/3/2021

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The applicant will have to respond to any comments that came in through GML and the long form EAF that was identified as a potential hazard or had no support on the EAF mapper.

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

Resolution # BOT 2021-89

Resolved, that the village board of the village of New Hempstead hereby Adjourn the petition of Pennington lots, LLC, 120-150 McNamara rd. to December 21, 2021 Deputy Mayor Mintz called for a vote. The vote was 3-0 the resolution was adopted.

RESOLUTION UPDATING AND CLARIFYING THE VILLAGE OF NEW HEMPSTEAD ZONING MAP

The village engineer explained that when working with the County Planning on updating their GIS portal with the new map there was some clarification that was needed on certain areas. It did not change any of the underlining zoning just the depiction of the map needed some adjustments for clarifications.

Justin Schwartz, 55 Westview Ave.

Is confused with how the village is passing a zone that was already passed in the master plan. People are coming in and presenting it through the zone without it being passed. When was the Local Law filed for this?

Glenn McCreedy, the Maps were changed back in April. It is my understanding that this was already passed and we are just clarifying some things on the map that were not clear.

The village confirmed resolution was passed in April and the Local Law that was drafted for this was filed with the state 3 of 2021 a local law to amend the village of New Hempstead zoning code to include Proposed zoning changes and additions/amendments/modifications to village zoning law based upon adoption of new zoning map for the village.

Robert Steele, 2310 Views Way

Lives within 500 ft. of one of the proposed zone changes and never received notification of the Local Law that was passed.

Deborah Munitz, 5 Rosehill Rd.

Has been following everything and it has been unclear. I know your intentions as a board but the concern is how things are being passed. The question regarding the Optimized Cluster overlay what tis the big concern about Active Adult Zone? It keeps presenting like the only option if you don't overlay the zone. You're offering big incentives for the most environmentally sensitive areas within the village. Its always being couched to its better than the alternative. With respect to the zoning map I have yet to see a Local Law with respect to the zoning map.

Attorney Minsky responded the Village Board can adopt by resolution a new comprehensive plan and that plan went through intense public involvement and public notice for about 2-3 years. There were meetings where the residents took part. The Village went through the SEQR it was subject to everything. The village even hired a firm that assisted in all of this. When the plan is approved by resolution it is required to be filed with the county and that is what happened. The county has come back and said there has to be minor correction on the map the was given not the comprehensive plan. The whole idea that there may not be transparency in what is happening is just not right. It has to be over a 3 year process where

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reviews were done, experts were involved, and the public participated. In regards to the optimized cluster zones parcels were identified in the village, not that it was better to have this but the idea was to have single family zones that they would parcel out open land as part of any development and would have to fit into the context of the single family homes that already exist. This was one of the main drives in doing the comprehensive plans. The Comprehensive went through in detail about what is being done and if a law needed to be done we did that in detail. It's just surprising to hear people say we haven't been transparent. The public was involved in those meetings they gave input. For anyone saying they weren't aware then they were just not following along with what was going on in the village. The village professionals, public and Rockland County went through the analysis and even commented on it. Now the county came back with comments regarding minor change of the color coordination of the map which is what is on tonight. To say we are rehashing something that wasn't publicly disclosed is completely absurd.

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

Resolution # BOT 2021-90

Resolved, that the village board of the village of New Hempstead hereby authorize the updated to the Village of New Hempstead Zoning Map for clarification. Deputy Mayor Mintz called for a vote. The vote was 3-0. The resolution was adopted.

RESOLUTION ACCEPTING THE 2020-2021 JUSTICE COURT AUDIT DEPUTY MAYORS

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

Resolution # BOT 2021-91

Resolved, that the village board of the village of New Hempstead hereby accept the 2020-2021 Justice Court Audit. Deputy Mayor Mintz called for a vote. The vote was 3-0. The resolution was adopted.

DEPUTY MAYORS REPORT

TRUSTEES REPORT

MOTION TO ADJOURN

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

Resolution # BOT 2021-92

Resolved, that the meeting on November 23, 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