

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

BOARD OF TRUSTEES

REGULAR MEETING
February 22, 2022
7:00 P.M.

PRESENT

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

ABSENT

ABE SICKER, MAYOR

ALSO PRESENT

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

PLEDGE OF ALLEGIANCE

ROLL CALL

OPEN FLOOR – PUBLIC PARTICIPATION

APPROVAL OF ABSTRACT OF AUDITED VOUCHERS 2022-2

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

Resolution # BOT 2022-12

Resolved, that abstract of Audited Vouchers 2022-2, #19915-19947 in the amount of \$73,001.92 is hereby approved. Deputy Mayor Mintz called for a vote. The vote was 4-0. The resolution was adopted.

APPROVAL OF MINUTES FEBRUARY 3, 2022

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

Resolution # BOT 2022-13

Resolved, that the minutes of the regular meeting of February 3, 2022 are hereby approved and the reading of said minutes is waived. Deputy Mayor Mintz called for a vote. The vote was 4-0.

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

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This Public hearing will continue to the next meeting March 22, 2022

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

Resolution # BOT 2022-14

Resolved, that the Village Board of The Village of New Hempstead hereby adjourn the Public hearing on a Local Law regarding Tree Removal to March 22, 2022. Deputy Mayor Mintz called for a vote. The vote was 4-0. The resolution was adopted.

CONTINUATION OF THE 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. AND ON THE WEST SIDE OF PENNINGTON WAY 246 FT. +/- FROM THE INTERSECTION OF SANDY BROOK DRIVE. THE PROPERTIES ARE DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 42.09 BLOCK 2 LOT 1 AND SECTION 42.05 BLOCK 2 LOT 14 IN A 1R-25 ZONING DISTRICT.

Daniel Richmond and Brian Brooker, representing the applicant.

The latest submission by the applicant included preliminary drainage analysis. It showed that not only will the project have peak discharge of the water it will also alleviate existing drainage conditions that are effecting the backyards of existing residence on Pennington Way.

Joe Nytrate shared his screen to show what the applicant is proposing.

The applicant went through the changes that were made to the drainage analysis plan that shows everything along the rear of the lots on Pennington Way and brings it all the way around onto the applicants lot and directed into the existing 42" pipe picking up everything from the wetlands and everything from Wesley Hills and all the flooding that takes place in the back of peoples properties. The local drainage will be picked up and brought to a detention basin where it is treated for water quality and quantity. Currently the plan is to cut off all the water to pick up the water coming through the wetlands and piped over to the new basin and then into the 42" discharge directed to the creek. We will also be putting in a cutoff ditch and an under drain. The applicant is also expecting to put in a berm.

The board went through questions with the new drawing and the applicant explained it's a routing change suggested by the village engineer to address major concerns with this project.

Glenn McCreedy explained everything that was discussed is what he was looking for. He explained that everything that is going to the street is really a local runoff from the portions of the dwellings themselves. The area to the North of that from McNamara Rd. and the wetlands will all be channeled under the road through a separate system. It will all be collected into the same stream.

The board asked if this revised plan will assist current residence with their flooding issues and the engineer agreed and will be seen in the planning board stage.

Trustee Schulgasser would like to know if there's a way to assure the neighbors that if in the as built it doesn't go as planned is there a way to quickly mitigate any issue that arises.

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Attorney Minsky explained most of this was done so they have the ability to get a Neg Dec on SEQR and conditions cannot be placed at this time, but when they get to the Planning Board Process this should be an issue that should be brought up.

The village engineer believes this is something the applicant can manage. The drainage system will have to be dedicated to the village to maintain because of the public roadway this can be rolled into our program that we have with the department of Public Works.

Deputy Mayor Mintz questioned if the calculations were made with the condition of the trees will it change if in the future the trees are cut. Will there be less absorption?

The applicant replied it will not be effected.

The board was asking about the buffer and what plans are in place for the walkway to prevent troublesome hangouts.

The applicant responded it could include lighting and fencing along both sides of the path. Those issues are typically worked out through the Planning Board.

Deputy Mayor Mintz requested the applicant not place any benches on the path to prevent hangouts.

The applicant responded that benches were a request by the village planner but are open to suggestions for safety purposes by the planning board.

Village Planner went through his questions on the revised plans but believes they can be addressed at the planning board level.

Attorney Minsky confirmed with the village professionals that their concerns have been addressed.

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

Resolution # BOT 2022-15

Resolved, that the Village Board of The Village of New Hempstead hereby open the Public hearing on The Petition Of Pennington Lots, LLC, 120-150 McNamara Rd. New Hempstead, NY 10977. Deputy Mayor Mintz called for a vote. The vote was 4-0 the resolution was adopted.

Raizy Surkis, 3 Pennington Way
Has concerns about safety and privacy.

The board responded there can be a condition in place with trees or a fence as an agreement between you and the applicant that will be addressed at Planning Board.

Sarah Saperstein, 4 Pennington Way
Had questions about the traffic study.

All questions will be answered at the end.

Shoshana Sheinfeld, 9 Kingston Dr.

When trees and land are moved it tends to cause issues with water levels. When measures are being taken to protect the residence on Pennington Way? Who will be responsible?

Elana Stamm, 9 Pennington Way

During the construction if there's any issue who would be responsible? Understands some trees were already removed and would like to know the results of the soil testing? Also has questions regarding the privacy between her property and the development.

Aron Saperstein, 4 Pennington Way

When will the traffic study and drainage plan be available to the public?

The board informed him they are available and he would just have to submit a FOIL.

Stephen Geis, 7 Kingston Dr.

With respect to the Detention Basin who will be responsible for the cost associated with that?

The applicant explained a traffic analysis was performed based by Harry Baker Associates on manual count and of the existing condition and what the anticipated growth rate would be. The Project will produce about 16 trips in the morning peak hour and 17 trips in the afternoon peak hours and will unlikely effect any intersection in the area less than a second delay. Every Plan will have a SWPP which will address the sequence of construction, erosion control, runoff control so its build in a controlled way mandated by the state and village. The maintenance long-term will be maintained and controlled by the village which so we propose dedicated public roads drainage and sewer. It will all be inspected by the village engineer to be sure of compliance. The soil test confirmed it does match the soil on the conservation maps, the water table readily absorbs water. More testing will be completed. The neighbors who have issues with privacy and safety please give us your contact so we can be in contact with you for the planning board process.

The board requested that the neighbors reach out now so it is not put off for the end of planning.

Village Engineer believes most of these issues will be hashed out by the Planning Board.

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

Resolution # BOT 2022-16

Resolved, that the Village Board of The Village of New Hempstead hereby closes the Public hearing on The Petition Of Pennington Lots, LLC, 120-150 McNamara Rd. New Hempstead, NY 10977. Deputy Mayor Mintz called for a vote. The vote was 4-0 the resolution was adopted.

Attorney Minsky explained if the board is ready the board can vote on a Neg Dec and the override for the County Planning Letter.

The board feels comfortable based on the village professional's response.

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

Resolution # BOT 2022-17

VILLAGE OF NEW HEMPSTEAD VILLAGE BOARD OF TRUSTEES RESOLUTION 22-17__

WHEREAS, the Village of New Hempstead Village Board of Trustees (the "Village Board") received an application for a zone change to an optimized single-family cluster zone for the project known as

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Pennington Lots. LLC under the Village of New Hempstead's Local Law #3 of 2021 zoning standards, located on the east side of McNamara Road in the Village of New Hempstead, County of Rockland (the "Project"); and

WHEREAS, the Project Sponsor submitted a Full Environmental Assessment Form ("FEAF"), in accordance with Article 8 of the Environmental Conservation Law and the regulations adopted thereto at 6 N.Y.C.R.R. Part 617 (collectively referred to as the "State Environmental Quality Review Act" or "SEQRA"); and

WHEREAS, the Project Sponsor, through its environmental consultants, has further submitted to the Village Board an expanded analysis of the potential visual and traffic impacts related to the Project together with soil analysis and remediation; and

WHEREAS, the Village Board adopted a resolution pursuant to 6 N.Y.C.R.R. §617.6 on November 23, 2021, declaring itself lead agency for the purpose of conducting a coordinated review of the Project pursuant to SEQRA; and

WHEREAS, the Village Board notified all involved agencies on at least 30 days' notice that the Village Board intended to act as lead agency pursuant to SEQRA, and no objection to the Village Board assuming such status was made; and

WHEREAS, the Village Board held public hearings on November 23, 2021, December 21, 2021, February 3, 2022 and February 22, 2022 where input from all involved and interested agencies, including but not limited to Rockland County Department of Village, Rockland County Department of Health, Rockland County Department of Highways, Town of Ramapo and others and heard and considered all input from the public that addressed the Village Board in connection with the Project

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF NEW HEMPSTEAD VILLAGE BOARD AS FOLLOWS:

Upon thorough review and due consideration by the Village Board of all information, the comments and input provided by the involved and interested agencies and the public, as well as the reports, studies, visual simulations, and analyses provided by the Project Sponsor and the Village Board consultants and professional staff, the Village Board makes the following findings:

1. The Village Board has considered the Project pursuant to the parameters and criteria set forth in 6 N.Y.C.R.R. §§ 617.2(b) and 617.3(g).
2. The Village Board classifies its review and approval of the Project as an "unclassified action pursuant to 6 N.Y.C.R.R. §617.4.
3. The Village Board has carefully reviewed the project, the criteria set forth in 6 N.Y.C.R.R. §617.7(c), the comments and input provided by the involved and interested agencies and the public, as well as the technical information and analyses provided by the Project Sponsor and the Village Board's consultants, with regards to the Project. Based on the foregoing analyses and information, the Village Board has thoroughly reviewed the potential relevant areas of environmental concern and finds that the Project will not result in a potential significant adverse impact on the environment for the following reasons:

(a) The Project will not have a significant potential adverse impact on land, since the Project Site will be remediated in accordance with the plans provided to the Village Board by the Project Sponsor's experts and consultants. The Project Site is comprised of _____± acres and will be utilized as single-family residences. The Project will not affect any unique or unusual land formations.

(b) The Project will not have a significant potential adverse impact on water. The project will not affect any protected water body. The Project Sponsor shall comply with applicable permit requirements set forth in NYSDEC's Phase II SPDES General and Individual Permits for Stormwater Discharges from Construction and Industrial Activities and the Village of New Hempstead's laws regarding stormwater discharges. The Project will not have any impacts on federal or state wetlands. There will be no significant potential adverse impact to any non-protected water body and will not result in a potential significant adverse impact to the water quality or quantity within the area. There will be no significant potential adverse impact to surface or groundwater quality and quantity. The Project will not alter drainage flow or patterns, or surface water runoff. All activities at the Project Site shall be subject to applicable NYSDEC stormwater permitting requirements. Appropriate erosion measures shall be implemented as part of the Stormwater Pollution Prevention Plan required by NYSDEC and the Village of New Hempstead for all construction activities.

(c) The Project will not affect air quality.

(d) The Project will not result in a potential significant adverse impact on plants and animals. There are no threatened or endangered species of animal or plant life present on the Project site. The Project will not substantially or adversely impact any non-threatened or non-endangered habitat.

(e) The Project will not result in a potential significant adverse impact on agricultural resources land resources.

(f) The Project will not have a potential significant adverse impact on aesthetic resources. Visual simulations of the Project at various viewpoints demonstrate that the Project will not have a potential significant adverse impact on the aesthetic and character of area where the project is proposed.

(g) The Project will not result in a potential significant adverse impact to historic or archaeological resources. All construction and operational activities at the Project Site shall be conducted in conformance with the requirements of the NYS Office of Parks, Recreation and Historic Preservation, as necessary.

(h) The Project will not have a potential significant adverse impact on existing open space and recreation.

(i) The Project will not have a potential significant adverse impact on a Critical Environmental Area as designated pursuant to 6 N.Y.C.R.R. § 617.14(g) of the SEQRA regulations.

(j) The Project will not have a potential significant adverse impact on transportation or the existing traffic patterns and flow. Based on the analysis provided by the Project Sponsor, the Project will not have a significant adverse impact on transportation operations within the Project area. On-site pedestrian amenities and circulation are adequate, as well as the proposed parking options available for potential guests and visitors to the Project Site.

(k) The Project will not have a potential significant adverse impact on energy.

(l) The Project will not have a potential significant adverse related to objectionable noise and odor.

(m) The Project will not have a potential significant adverse impact on public health or safety.

(n) The Project will not have a potential significant adverse impact on growth and character of the community and neighborhood. The Project's proposed use and density is consistent with the goals and purposes of the ordinance and the comprehensive zoning plans of the Village of New Hempstead. The ambulance and fire departments have determined that an adequate capacity of services is available to manage any additional service demands presented by the Project.

4. Based on the foregoing, the Village Board finds that the Project will not have a potential significant adverse environmental impact on the environment in accordance with the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law and, in particular, pursuant to the criteria set forth at 6 N.Y.C.R.R. § 617.7(b) of the SEQRA regulations. The Village Board thus issues a Negative Declaration pursuant to SEQRA.

5. A Notice of Negative Declaration shall be filed and/or published to the extent required by the SEQRA regulations, and as the Village Board may deem advisable. The findings and conclusions relating to the determination of significance contained within the Notice of Negative Declaration are hereby adopted and incorporated by reference into this Resolution as applicable.

6. This Resolution has been prepared in accordance with Article 8 of the New York Environmental Conservation Act by the Village Board, with offices located at Village Hall, 108 Old Schoolhouse Road, New City, New York 10956.

7. This Resolution shall take effect immediately upon adoption.

Deputy Mayor Mintz called for a vote which was as follows: Ms. Eisenstein, AYE, Mr. Reich, AYE, Mr. Schulgasser, AYE and Deputy Mayor Mintz, AYE. The resolution was adopted by a 4-0 vote. Deputy Mayor Mintz declared to Resolution carried and instructed the Village Clerk to file same and provide notice to all other involved agencies and municipalities.

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

Resolution # BOT 2022-18

Resolved, that the Village Board of The Village of New Hempstead hereby override comments 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, and 17 from the Rockland County Planning letter dated 11/19/2021 for 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. Deputy Mayor called for a vote. The vote was 4-0. The resolution was adopted.

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

Resolution # BOT 2022-19

Resolved, that the Village Board of The Village of New Hempstead hereby approve The Petition Of Pennington Lots, LLC, 120-150 McNamara Rd. New Hempstead, NY For A Zone Change To An Optimized Single Family Cluster Zone Per The Requirements Of Section 3 Local Law 3 Of 2021 subject to the Village

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Planner, Village Engineer, Rockland County Sewer letter dated 12/20/21, Rockland County Health letter dated 11/9/21/ Rockland County Highway Letter dated 11/3/21 and the Hillcrest Fire Department letter dated 11/14/2021. Deputy Mayor called for a vote. The vote was 4-0. The resolution was adopted.

RESOLUTION APPOINTING JOSEPH BARBACCIA AS COURT ATTENDANT FOR THE VILLAGE OF NEW HEMPSTEAD

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

Resolution # BOT 2022-20

Resolved, that the Village Board of The Village of New Hempstead hereby appoint Joseph Barbaccia as court attendant for the Village of New Hempstead to expire March 31, 2022. Deputy Mayor Mintz called for a vote. The vote was 4-0 the resolution was adopted

MAYORS REPORT

DEPUTY MAYORS REPORT

TRUSTEES REPORT- .

MOTION TO ADJOURN

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

Resolution # BOT 2022-21

Resolved, that the meeting on February 22, 2022 of the Board of Trustees is hereby adjourned. Deputy Mayor Mintz called for a vote. The vote was 4-0. The resolution was adopted.

Respectfully submitted,

Allison Weinraub,
Village Clerk-Treasurer