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Members of the Planning Board  
Village of New Hempstead  
108 Old Schoolhouse Road  
New City, NY 10956



**REVISED NARRATIVE**

**PERMANENT CLASSROOM BUILDING – REVISED SITE PLAN**

Re: Bais Malka HASC, LLC (Applicant/Owner)  
Premises: 46 & 48 (f/k/a 40) Grandview Avenue, New Hempstead, NY 10977  
Tax Map Designation: Sec. 41.20 Block 2 Lot 41

Bais Malka HASC, LLC is the owner of the property.

This Narrative is with respect to the application seeking revised site plan approval from the Planning Board to permit a permanent classroom building, which building is currently on site as a temporary classroom building.

On July 11, 2017, the Planning Board approved the application seeking revised site plan approval for the installation of a temporary prefabricated classroom building on the site, to be used during construction of a permanent classroom building (Resolution # P.B. BOT 2017- 49).

The classroom building is on a concrete foundation, and is in accordance with applicable codes.

The dimensions of the classroom building are 166 s.f. x 66 s.f. The specifications of the classroom building are submitted herewith.

The classroom building sits on 0.25 acres located in the southern portion of the property behind the existing school building. The lot upon which the entire School is located has a site area of 15.9 acres.

Questions regarding parking needs at the site are irrelevant. The site will be used in the exact same manner it was used since the subject building was installed as a temporary building in November of 2017! It has served exactly the same purpose and was used in exactly the same manner as it will be used with no parking issues for that entire time. Changing the word “temporary” to the word “permanent” has no physical effects.<sup>1</sup>

The Applicant is a tenant occupying 68% of the school facilities, pursuant to a signed lease agreement. The balance of the property is occupied by Hebrew Academy for Special Children, Inc., pursuant to a separate lease, which educates special needs children.

The use of the permanent classroom building will be exclusively for religious/educational purposes for 160 female students ranging in age from 3 to 6 years.

The hours of operation of the permanent classroom building will be during the Applicant’s regular school hours: Monday through Thursday 8:15 am to 4:20 pm; Friday 9:00 am to 12:30 pm; Sunday 9:00 am to 3:30 pm. The Applicant’s school is closed on Saturdays.

The permanent classroom building will permit the Applicant to provide 12 additional classrooms to better serve the students. The Applicant’s prior facility was too small to meet its educational needs.

### **Applicable Law**

New York State and Federal law requires a municipality to be flexible in the application of its zoning code to educational and religious uses. See *Cornell v. Bagnardi*, 68 N.Y.2d 583 (1986), and RLUIPA (42 USC § 2000cc *et seq.*). This law applies to special permits. The Applicant seeks a Special Use Permit, pursuant Section 6.9.4.1 of Local Law No. 1 of the year 2017, amending Local Law No. 11 of 1984 (Zoning Law).

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<sup>1</sup> This specifically addresses Comment 8 of the County Highway Department GML dated July 23, 2019 and Comment 15 of the Rockland County Planning Department GML dated August 22, 2019.