

December 14, 2021

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

Tuesday December 14, 2021
7:30PM
IN PERSON & ZOOM

PRESENT

MEL POLIAKOFF, CHAIRMAN
BARBARA GREENWALD
AKIVA KRAUS
DAVID WEISS
SANTIAGO SOTO JR. (AD HOC)

ABSENT

HILLEL KURZMANN

ALSO PRESENT

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

Open meeting

Roll Call

Approval of Planning Board Minutes 11/9/2021

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

Resolution 2021-46

Resolved, that the minutes of the regular meeting of the Planning Board, held on November 9, 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 ON 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.

Ryan Karben, Attorney for the applicant

At the last meeting the Board made its intention to be lead agency. We received some drainage inquiries that the applicant will have to do some work on so we understand that it would be premature for the board to make a Neg Dec. The Applicant was hoping the Board would be willing to make the administrative referral to the zoning board and continue this hearing for the SEQR determination.

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Glenn McCreedy, Village Engineer

Agrees we are not looking to hold up your zoning board application, but in my comments that went to the applicant's engineer may impact lot area calculations which indirectly effect FAR and things like that so the application to the Zoning Board may be a little premature at this time.

Chairman Poliakoff would prefer waiting until everything is complete before referring the applicant to the Zoning Board.

Mrs. Weinraub stated it ran in the Rockland Journal News November 30, 2021 affidavits of Notice and Postings were timely.

Comments Read into the Record:

Town of Ramapo DPW 12/14/21

Suez 11/19/

Rockland County Highway 11/15/2021

Hillcrest FD 11/9/2021

Village Planner 11/9/2021

This project does not fall under County GML but it was circulated to the necessary agencies.

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

Resolution 2021-47

Resolved, that the Planning Board of the Village of New Hempstead hereby adjourn the Public hearing for 597, 603, and 609 Union Rd., New Hempstead NY to January 11, 2021. Chairman Poliakoff called for a vote. The vote was 5-0. The resolution was adopted.

Attorney for the applicant stated they may request a CDC for this application.

Adjourn to January 11, 2022 CONTINUATION OF THE PUBLIC HEARING- 613-615 & 619 UNION RD. - TO CONSIDER THE APPLICATION OF BENYAMIN 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.

The applicant has requested to adjourn to January 11, 2022

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

Resolution 2021-48

Resolved, that the Planning Board of the Village of New Hempstead hereby adjourn the Public hearing for Benjamin Amona, 613-615 and 619 Union Rd, New Hempstead NY to January 11, 2022. Chairman Poliakoff called for a vote. The vote was 5-0. The resolution was adopted.

RECOMMENDATION TO THE BOARD OF TRUSTEES REGARDING 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.

Dan Richmond, Zarin and Steinmetz, Attorney for the applicant Pennington Lots has petitioned the Board of Trustees to enact the Optimized Single Family Cluster overlay Zone for this property. They are looking to build a 16 lot single family residential development to provide much needed single family dwellings. We are here tonight to request a report to the Village Board on the Zoning application. In the new comprehensive Plan the village identifies this as a target site for this type of overlay zoning. We submit the proposed residential subdivision bulk requirements proposed fulfills the objective and intent of the district. The property provides the minimum 10 acres required. In addition to providing residential housing the project will allow for the preservation of significant area on the property including environmentally sensitive areas and consisting of steep slopes and wet lands which the village desires to protect. The project provides dedicated open space in the amount of 4.3 acres and is designed to preserve steep slopes in the back of the property along McNamara Rd. and provides significant separation from the proposed homes and wetlands on the property. According to the comprehensive plan the zoning district was created to promote incentives for environmentally sensitive areas in the creation of open spaces.

Steve Strobe, Brooker Engineer, Engineer for the property

The property gains access from Pennington Way. A new road will be developed ending in a cul de sac. The land on the westerly side of the property will be a part of the preserved areas. It includes steep slopes down from McNamara Rd. as well as Wetlands. The project layout was created to avoid the wetlands. It does have some encroachment to the 100ft wetland buffer but the applicant tried to minimize the encroachment. Some of the lots will appear significantly larger because they will encompass that area to be dedicated and preserved. There are some smaller lots proposed as well. There will be 16 lots in total and believe the project is laid out fulfills the goals of the zoning provision.

Chairman Poliakoff asked about the drainage for the flooding on Sandybrook Drive and Pennington Way.

The applicant responded they have been looking into these issues and have been talking with the village engineer do intend to address it and mitigate the problems that occur on Pennington Way now, but does not believe they will have a positive impact on Sandybrook Way. The way the typography works is it comes down from McNamara and across in a straight direction. The stream that is located on the site we have to offset the increases in peak discharge and as part of that we will be doing that. If that helps to mitigate some of the issues downstream they may be able to create a small reduction in discharge from the site as a result of that, but is unsure they will be able to correct existing problems there nor that they have the obligation to do so but we certainly won't make it any worse.

Glenn McCreedy, Village Engineer

This is a referral for the zoning Petition. There are SEQR issues that have to be resolved. Wetlands that are identifiable on the Plans. The bigger ones that will need to be presented by the applicant to the Board of Trustees impact the Sewer which the town of Ramapo Sewer Department has already identified. They did request a capacity analysis that should be rectified before SEQR determination can really be presented here. Drainage mitigation for this property is a big issue that must be addressed of what the remediation is going to be. Public water should be addressed. On the EAF there were some issues that must be addressed in some capacity. The class E stream that's identified on the property so we will need some type of documentation from the DEC on how that is going to be resolved. The property was at one point stripped illegally so we are not sure if that stream still exists to the level it used to but it must be addressed. The Army Corp of wetlands is identified on the site, which must be addressed. It was also identified as an archeological site so you will need to SHIPO address that as well. The plan definitely fits the merits of what the zoning was prescribed for.

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Chairman Poliakoff stated he does live on Sandybrook so he is very familiar with the site. When the site was illegally cleared he caused trouble on Pennington Way and Sandybrook Drive.

The applicant will discuss the flooding issue with the Village engineer. If the Board adopts the zoning the applicant will appear in front of the Planning Board again for those issues to be addressed.

John Lange, Village Planner

The applicant has come a long way. It's a good step in the right direction but we are not ready to make a SEQR determination. The comments addressed in the Planner letter must be addressed before a determination can be made. The walking path is a great step forward in making the neighborhood connection. The number of units seems reasonable on what the code provides, but all the details for water sewer and screening have to be addressed before we can recommend a Negative Declaration.

The applicant responded that the Village Board will be making the SEQR determination not the Planning Board. They can include these notes in their recommendations but ultimately the Village Board is lead agency so they will be making the SEQR determination.

Attorney Minsky stated the Planning Board can include these items in their recommendations for the Board of trustees to consider.

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

Resolution 2021-49

Resolved, that the Planning Board of the Village of New Hempstead hereby make a positive recommendation with no objections to the board of trustees for the overlay 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. Subject to the Village Planner and Engineers Comments. Chairman Poliakoff called for a vote. The vote was 5-0. The resolution was adopted.

CONTINUATION OF THE PUBLIC HEARING FOR FAIRWAY MEWS 190 POMONA RD. THE APPLICANTS ARE SEEKING A THREE LOT SUBDIVISION APPROVAL. THE SUBJECT PROPERTY IS LOCATED ON THE EAST SIDE OF STATION RD. 0 FEET FROM POMONA RD. THE PROPERTY IS DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 33.18 BLOCK 1 LOT 6 IN A 2R-15 ZONING DISTRICT

John Atzel, Atzel Nasher and Zeigler, Engineer for the applicant

We were before this board a few months back and we received a referral to the Zoning Board of Appeals for the area variances but we failed to get a Neg Dec in regards to SEQR which is why we are here tonight. There were some issues with the EAF mapper that have been resolved with regards to Wetlands We have a letter written by Peter Torgesen, a wetlands expert stating there are no wetlands on the site. We provided a sanitary sewer study and willingness to serve from SUEZ water to ensure we have public water and sewer to the site, and the last thing that came up was SHIPO being a possible historic site and we have a letter from them with no effect and the last thing was possible contamination which is actually almost 2000 ft. away located at the fire training center. That came up as potential and I did forward all the information to the village. We did receive comments from the village engineer that we can proceed with a Neg Dec but we will have to follow up with the NYS DEC because they should issue a report regarding the contamination at the fire training center in the month of January or February. We

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are in the middle of a Public Hearing at the Zoning Board which will be resumed next week if the board sees fit to offer a Ned Dec in regards to this project and that is what we are here for this evening.

The village planner asked if the remedies that were made to the sewer study have been approved by Paul Gdanski?

The applicant responded it was forwarded to Mr. Gdanski and the Village engineer, but have not received a response from Mr. Gdanski. The sanitary study did come back that we will not have to make any improvements.

The Village Planner is satisfied if the village engineer is comfortable moving forward and he is.

The village engineer stated the only condition is a findings report from the DEC regarding the contamination on the neighboring site 2000 ft. away, but does not believe it would have a negative impact on this property. Sees no issue why this applicant has not provided as much mitigation as possibly can for this development and if for some unforeseen circumstance that the contamination report is to the contrary that would impact the final approval for this project. At this point the applicant has done everything they possibly can to prove this project should not have an environmental impact. The board should be aware that based on the DEC the SEQR can be reopened if anything is determined.

This is a continuation of the Public hearing and it was left open at the last appearance. The board will hear from the public at this time.

Justin Schwartz, 55 Westminster Way

Sent over a lengthy letter. Believes the Village Planner is correct and should not have backed down. If the applicant does not fill out the application completely does not feel the board should proceed. This site was a dumping ground across from the American Legion property from the golf course. Did you do any testing to see if there is anything on that property? Speaking from experience with the developer at Cambridge heights and how everything was handled with that. Does not know this developer and he could be a nice guy but when you sell a property and you didn't do things you agreed to it's a problem. Speaking for the homeowners that have not even purchased the property yet. I was promised my concerns that were submitted to the Zoning Board would be answered and have not heard anything.

The board explained this is not the final approval and not the zoning board to answer.

Debra Munitz, 5 Rosehill Rd.

Was the process and procedures for rezoning ever completed for this property within the comprehensive plan? This lot is about 52000 Sq. Ft. was previously zoned for one home and its my understanding when the comp plan did not go through SEQR review because it was supposed to be the take place later. In March when the SEQR was discussed it was decided to be done later at the application time. How does one evaluate the under SEQR the impact to this neighborhood of doing a 5 to 6 fold increase in density to this property when you have already theoretically changed the zoning? For people who are concerned about the impacts to traffic visuals or the loss of trees due to the zoning how can the village evaluate under SEQR when it never did before? Are you evaluating it against the R50 standards are you evaluating it under the 2R-15? When this was rezoned when was it rezoned? The American legion never received notice as required by Village Law.

Justin Schwartz

Will these questions be answered?

Not at this time. The Public hearing will be left open.

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

Resolution 2021-50

Resolved, that the Planning Board of the Village of New Hempstead hereby adjourn the Public Hearing For Fairway Mews 190 Pomona Rd. New Hempstead, NY to January 11, 2021. Chairman Poliakoff called for a vote. The vote was 5-0. The resolution was adopted.

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

**RESOLUTION 2021-51
OF PLANNING BOARD OF THE VILLAGE OF
NEW HEMPSTEAD, NEW YORK**

WHEREAS, the Village of New Hempstead Planning Board is lead agency for the application of Fairway Mews, 190 Pomona Road, New Hempstead, New York 10977 for subdivision approval for thee (3) lots on the east side of Station Road at its intersection with Pomona Road in the Village of New Hempstead, New York; and; and

WHEREAS, the Planning Board conducted an initial public hearing in connection with this application; and

WHEREAS, the application currently before the Planning Board is subject to review under New York State Environmental Quality Review Act; and

WHEREAS, as lead agency, the Village of New Hempstead Planning Board studied all environmental factors required to be examined under the New York State Environmental Quality Review Act;

NOW WHEEFORE, IT IS HEREBY RESOLVED, that the Village of New Hempstead Planning Board declares a negative declaration for purposes of the New York State Environmental Quality Review Act for the subdivision application of Fairway Mews.

Chairman Poliakoff called for a vote which was as follows: Mr. Weiss, AYE, Mr. Soto, AYE, Ms. Greenwald, AYE, Mr. Kraus, AYE and Chairman Poliakoff, AYE. The resolution was adopted by a 5-0 vote.

Motion to Adjourn

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

Resolution 2021-52

Resolved, that the Planning Board Meeting of December 14, 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