

June 28, 2022

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

BOARD OF TRUSTEES

REGULAR MEETING

June 28, 2022

7:30 P.M.

PRESENT

ABE SICKER, MAYOR
ADAM REICH, TRUSTEE
JEN EISENSTEIN, TRUSTEE
MOSHE SCHULGASSER, TRUSTEE

ABSENT

SHALOM MINTZ, DEPUTY MAYOR

ALSO PRESENT

BRUCE MINSKY, VILLAGE ATTORNEY
ALLISON WEINRAUB, VILLAGE CLERK TREASURER

PLEDGE OF ALLEGIANCE

ROLL CALL

OPEN FLOOR

Stan Iskawitz, 28 Fairway Oval

Is concerned about the Proposed Park Plan with a private school being built on conservation land. In the deed it's called for municipal purposes only. Nothing to do with a private school. On 5 different maps the site is described as green belt, open space, wild forest, and conservation. He would like the board to take a breath and work with the residence. Would also like for an environmental Study to be done.

Esther Ingber, 12 Keri Ln

Agrees with Mr. Iskawitz and also disagrees with the article that was posted in Lohud that states the village needs a park. She does not feel the village needs a park when everyone in the area has large backyards with playgrounds.

The Mayor explained nothing has been done. We have to do more research to be able to decide one way or another.

APPROVAL OF MINUTES MAY 31, 2022

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

Resolution # BOT 2022-57

Resolved, that the minutes of the regular meeting of May 31, 2022 are hereby approved and the reading of said minutes is waived. Mayor Sicker called for a vote. The vote was 3-0. The resolution was adopted.

APPROVAL OF AUDITED VOUCHERS 2022-6

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

Resolution # BOT 2022-58

Resolved, that abstract of Audited Vouchers 2022-6, #20094-20136 in the amount of \$81,554.10 is hereby approved. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

RESOLUTION APPROVING NO PARKING NO STANDING ANYTIME FROM 22 FESSLER DR. TO RT. 306.

The Mayor explained at the last meeting it was decided he would go out to the area with the Village Engineer to determine a solution for the issue with vehicles idling in the Fessler area from 22 to rt. 306.

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

Resolution # BOT 2022-59

Resolved, that the Village Board of the Village of New Hempstead hereby approve No Standing No Parking Anytime from 22 Fessler Dr. to RT. 306 on both sides of the street. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

DISCUSSION CONTINUED: WINTER PARKING REGULATIONS

This went out for GML and the Public Hearing is set for July 26, 2022 at 7:30pm

DISCUSSION CONTINUED: FESSLER SPEED HUMPS

Luis Abel, 50 Fessler Dr.

Feels the speed Humps are not effective and people are speeding anyway. The school busses keep using it as a cut thru when none of the student live in the area.

Mayor Sicker explained that the Humps that are currently there were just a pilot program to see if permanent ones would be helpful. After placing these humps there a plan was put together of four permanent speed humps and they will be a little higher and go for a little longer than the ones that are currently there to prevent the speeding. If the Speed Humps don't work the cops will go out there. Once the Speed Humps go in he believes it will be too annoying for the busses for them to want to continue using it as a cut thru.

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

Resolution # BOT 2022-60

Resolved, that the Village Board of the Village of New Hempstead hereby authorize the Village engineer to get three (3) quotes for the install of four (4) Permanent Speed Humps on Fessler Dr. as per the Village Engineers Plan that was submitted to the Village. Mayor Sicker called for a vote. The vote was 4-0. The resolution as adopted.

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Mr. Abel, 50 Fessler Dr.

The Stop Sign that's by Manchester and Fessler is being ignored.

The village clerk confirmed with the resident the times of 8:00am and 5:00pm to call in for a patrol.

DISCUSSION: SSNS EXPRESS @ GRANDVIEW COMMONS THE APPLICANTS ARE SEEKING SPECIAL USE PERMIT APPROVAL, PURSUANT TO VILLAGE OF NEW HEMPSTEAD CODE ("VILLAGE CODE") § 290-36.1, TO GRANT THE PROPOSED SEASONS EXPRESS ("SSNS EXPRESS") LOCAL CONVENIENCE STORE EXTENDED HOURS OF OPERATION BEYOND THE VILLAGE CODE § 219-3(A) RESTRICTIONS. The subject property is located on the South side of Grandview Ave and the East of Rt. 306. THE PROPERTY IS DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 41.15 BLOCK 4 LOT 1 & 2 IN A NC-D ZONE.

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

VILLAGE OF NEW HEMPSTEAD
BOARD OF TRUSTEES RESOLUTION # 2022-61

WHEREAS, the Village Board of the Village of New Hempstead is considering an application submitted by Seasons Express @ Grandview (a/k/a "SSNS Express") Commons for a special use permit under Village Of New Hempstead Code §219-3(A) to operate a local convenience store with extended hours of operation beyond what is currently permitted. The subject property is located on the South side of Grandview Avenue and the East side of New York State Route 306 and is in a NC-D Zone. The subject property is further identified on the Town of Ramapo Tax map as Section 41.15, Block 4, Lot1 1 and 2; and

WHEREAS, pursuant to the terms of the New York State Environmental Quality Review Act contained in the Environmental Law a lead agency must be designated for all covered projects;

NOW WHEEFORE, IT IS HEREBY RESOLVED, that the Village of New Hempstead Village Board designates itself as lead agency for all purposes under the State Environmental Quality Review Act in connection with an application submitted by SSNS Express @ Grandview Commons for a special use permit under Village Of New Hempstead Code §219-3(A) to operate a local convenience store with extended hours of operation beyond what is currently permitted; and it is further

RESOLVED, that the Village Clerk is hereby directed to forward a copy of this intent to designate lead agency under the State Environmental Quality Review Act in connection with the application of Seasons Express @ Grandview to all involved agencies and municipalities required to be given notice.

Mayor Sicker called for a vote which was as follows: Ms. Eisenstein, AYE, Mr. Reich, AYE, Mr. Schulgasser, AYE and Mayor Sicker, AYE. The resolution was adopted by a 4-0 vote.

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Brian Sinsabaugh, Zarin and Steinmitz, Representing the applicant

This application is for the site at 370 RT-306. Currently the project is approved for a 14,800 Sq Ft CVS. There is a vacant retail building approximately 9000 Sq Ft. with three potential spaces. This application is to fill one of the vacant spaces. with regard site plan on that we are not otherwise modifying the site layout or the improvements on the site. We're simply trying to face application for a build out of one of the tenant spots. SSNS Express by way, background is a 100% Kosher convenience store. This is a permitted use in district as a local convenience store. Requesting from you today a special permit to operate outside of business hours that are permit by code.

The district permits the following hours Monday to 6:00 AM to 11:00 PM and Saturday, Sunday, 6:30 AM to 10. The applicants requesting the following hours of operation Sunday to Thursday, 6:00 AM to 1:00 AM Friday 6:00 AM to one hour before sundown close Saturday until one hour after sundown. And one, this is essence. This application is to extend the permitted hours, um, from Monday to Thursday by two hours or until 1:00 AM and also to open a half hour early on Sunday and remain open Sunday and additional three hours until one. With regard to the site use and the impact on parking and traffic. We did obtain a memorandum, severe traffic and parking assessment memorandum prepared by Stonefield engineering and design dated April 19th, 2022, which was submitted with the application. Stonefield confirmed that there is sufficient parking on site for both this use, as well as any future retail uses and the existing CPS use on site. In addition, with regard to traffic, don't feel new determination that traffic will not result in significant change of level of service on the adjacent roadways, normal have a significant impact on the neighborhoods while it's understood that for this site as part of the original application and that the proposed use is permitted in the district.

The applicant is considering some mitigation measures with regard to this use. So as to prevent any impacts that may occur possibly, as a result of not just this but any future uses at the site. The applicant has been in contact with, with the owner to providing additional landscaping around the parking area. Details are currently being worked out between the owner and the applicant. So hopefully we'll be able to come forward some additional information soon, but they are making efforts to move forward with that. Secondly, with regard to security on site. To prevent any loitering that may occur, not that they believe that it would be an issue, but that in order prevent that, they have posed what is called a D three mobile security unit.

Trustee Eisenstein asked who would be monitoring the security system.

The applicant responded either someone from Wasserman Properties or someone associated with the owner of SSNS Express or they can obtain a third party monitoring service.

The Mayor asked if there was a delicatessen in the store.

The applicant stated there will be food prepared on site not just a standard convenient store.

The Mayor explained that they are here for more than just hours of operation they are also here for the special permit for the usage based on the Village Local Law. He also wanted to let the applicant know that when this application first came in the neighborhood was not happy and in order to satisfy their concerns they did specific hours of operation. The applicant will have to be able to address the public comments at the Public Hearing to satisfy their concerns. The Mayor does like the surveillance equipment but thinks the buffering and skirting to the neighbors must be addressed. We do not want headlight shining into people's windows. Does not believe the 6:00am is necessary instead of 6:30am.

Trustee Schulgasser is concerned about the hours but will wait to hear what the public has to say.

Trustee Eisenstein agrees that the hours of operation was a big deal with the public then and their concerns should be addressed before a decision can be made. In regards to the security system she

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believes before the applicant comes back for the Public Hearing make it clear who is going to be manning the security system. Unless someone is actually monitoring it will do very little.

Attorney Minsky mentioned that the hours of operation was a big deal when they first came in and the Local Law was passed after the NCD specifically that the CVS was given the 24 hours operation was still not allowed to sell groceries and only the drive thru would remain open because of the issues with the neighbors.

Mayor Sicker explained that the quality of life of the neighbors must be addressed. They are the ones who live there and the quality of life that they are going to have has to be addressed. This is in a residential area and should not be having things that will affect their lives in a negative way.

Trustee Schulgasser suggested to maybe submit the application for the change in hours after the store has been open for a little to get the community used to the facility at the normal hours of operation.

ADJOURN TO JULY 26, 2022- CONTINUATION OF THE PUBLIC HEARING ON- A LOCAL LAW REPEALING AND AMENDING LOCAL LAW 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 OF NEW HEMPSTEAD, NEW YORK.

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

Resolution # BOT 2022-62

Resolved, that the Village Board of the Village of New Hempstead hereby adjourn the Public Hearing on a Local Law Repealing and Amending Local Law 3 of 2021 to July 26, 2022. Mayor Sicker. Called for a vote. The vote was 4-0. The resolution was adopted.

ATTORNEYS REPORT: Mentioned that the article posted in the Rockland Journal News relating to Fairway Oval Park was not accurate and no contract has been sent out or signed for anything to be signed. The status is still the same and nothing has been done.

The Mayor added that we are not trying to hide anything. We sent out letters to about 250 residents. We sent it out in our email blast, we asked people to register to have an idea of the space we would need to hold the meeting. We are not trying to hide anything from anyone. We are taking everyone's concerns into consideration. We are receiving a lot of calls in favor and a lot of calls against the park. Everything will be considered and a decision is not going to be made lightly.

MAYORS REPORT:

The status of the New Hempstead Rd. Sidewalk- The paperwork went out to the homeowners for review signature.

If a homeowner wants to do work and is unsure if a permit is needed we are going to offer the option for the inspector or engineer come to your property to determine if one is needed at no cost. The request must be made in an email to have it in writing. We are having issues with people doing work when they need a permit and this will hopefully provide residence with the answers of whether they do or don't need one.

TRUSTEEES REPORT-

MOTION TO ADJOURN

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

Resolution # BOT 2022-63

Resolved, that the meeting on June 28 2022 of the Board of Trustees is hereby adjourned.
Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

Respectfully submitted,

Allison Weinraub,
Village Clerk-Treasurer