

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

Tuesday June 14, 2022
7:30PM
IN PERSON

PRESENT

MEL POLIAKOFF, CHAIRMAN
BARBARA GREENWALD
MARK GILDEN
AKIVA KRAUS

ABSENT

HILLEL KURZMANN
DAVID WEISS

ALSO PRESENT

JOHN LANGE, VILLAGE PLANNER
ZACK KAMM, VILLAGE ENGINEER
EILEEN SAMMARONE, DEPUTY VILLAGE CLERK TREASURER

Open meeting

Roll Call

APPROVAL OF PLANNING BOARD MINUTES 12.14.2021 MARCH 8, 2022, May 3, 2022

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

Resolution 2022-10

Resolved, that the minutes of the regular meeting of the Planning Board, held on May 3, 2022 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.

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

Resolution 2022-11

Resolved, that the minutes of the regular meeting of the Planning Board, held on March 8, 2022 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.

ADJOURN TO JULY 12, 2022 PUBLIC HEARING- PRELIMINARY SUBDIVISION APPROVAL- PENNINGTON LOTS, LLC, 120-150 MCNAMARA RD, NEW HEMPSTEAD, THE APPLICANTS ARE FOR A SIXTEEN LOT SUBDIVISION FOR SINGLE FAMILY HOMES. 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

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SECTION 42.05 BLOCK 2 LOT 14. THE VILLAGE BOARD APPLIED AN OPTIMIZED SINGLE FAMILY CLUSTER OVERLAY ZONE TO THE PROPERTIES.

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

Resolution 2022-12

Resolved, that the Planning Board of the Village of New Hempstead hereby Adjourns the Public Hearing for The Pennington Lots Subdivision to the next Planning Board July 12, 2022. Chairman Poliakoff called for a vote. The vote was 4-0. The resolution was adopted.

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.

Michael Klein, Hartmann, Doherty, Rosa, Berman & Bulbulia, representing the applicant
Anthony Celentano, Engineer for the Applicant
Benny Amona, Applicant

Michael Klein, Applicants Attorney

Would like to have a discussion with the Board about the roadway being private or Public Street as mentioned in Mr. McCreedys letter. The applicant is the owner of two adjacent lots totaling 2.2 acres in a 2R-15 zoning district. He is seeking a four lot subdivision the proposed front two lots will front on Union Rd and the rear will not have street frontage. Each of the lots will comply in all respect to the bulk requirements of the zoning code except for the rear two lots needing variances from the zoning board. The proposed subdivision map proposes a 20' wide access drive providing a single access for each of the four lots onto union Rd. It is the applicant's position that this private access drive provides safe access to egress and ingress to future residents the firetrucks and emergency vehicles. We would like to discuss this with the board because the design is completely dependent on whether we have a private access drive vs a public street. A public street will require a 30' wide paved area and it changes the whole configuration on the subdivision if the board requires that rather than the proposed Private Access Drive. A Private Access Drive is a design feature specifically contemplated by the New Hempstead Zoning law. Chapter 255 addresses the subdivision of land section 255.44.D addresses access from collector roads such as Union Rd. it reads: where driveway access from a collector street may be necessary for two or more adjoining lots the planning board may require that such lots be served by combined access drive in order to limit the possible traffic hazard on such street. Any such driveways where permitted shall be designed in such a way to provide adequate and convenient area for the turnaround of vehicles so as to avoid requiring them to back into traffic on such streets. Thus there is no probation to a private access drive and in fact the village code contemplates it where appropriate circumstances exist. We believe those circumstances apply to this subdivision. If a public road were to be required it would make the proposed four lot subdivision impossible without multiple area variances or require the elimination of at least one of the four lots. It would also increase the paved areas and impervious surface and decrease the area of open space. From the village standpoint the private access drive imposes no cost or liability where a public street would only involve ongoing costs of repair and maintenance as well as snow removal in the winter. It will also create a municipal liability if anyone is injured on that street. As long as a private access drive allows for safe egress and ingress to the homeowners and emergency vehicles there seems to be little purpose to require a public street. The area we are discussing is quite small and will service only four lots and significantly there is no thoroughfare to other streets. There is

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also precedent for the use of a private access drive by Viola Rd. The Planning Board Approved the Bet Asher subdivision in 2008 for a 3 lot subdivision on 1.3 acres also in a 2R-15 zoning district. There is also an approved two lot subdivision on Union Rd. across from Naomi Ln with an access drive serving two lots.

Anthony Celentano, Engineer for the Applicant

The applicant provides fire access to the site from the Hammerhead. NYS Fire Code allows for four different types of driveways. It allows for the truck to do a turn around and exit onto Union Rd. it does follow the standards of the NYS Fire Code and designed the access road. It meets all safety requirements and services the two houses in the rear and the two houses in the front. Would like the board to consider a Private Access Drive with the Hammerhead in the rear.

Chairman Poliakoff asked the applicant if the Fire Department had any comments.

The applicant's attorney did receive the comments and will be providing a response to all of the comments that came in from the GML but would like to know from the board if they would consider a private access drive or public roadway which will dictate what engineering we would have to do.

Village engineer stands by his comments and believes a public roadway is necessary for this application. The hammerhead is not compliant and does not provide driveway access to and directly to the hammerhead. There are numerous discrepancies with the current plan especially with Stormwater mitigation.

Village Planner agrees with the village planner and believes if this was denied for single family for the same lots is not sure how the board can approve the same but for two family homes. Things can be corrected a bit but street standards should be complied with.

Applicant's attorney understands the plan needs adjustments but tonight we are really here to hear the thoughts on the access drive to determine the direction of this project. Under the current circumstances there is no reason the board can't allow for a private access road similar to other applications this board has approved if the applicant is providing safe egress and ingress for the future homeowners and emergency vehicles. We will adjust our plan to comply with all of the other comments at a later date but would first like to know what the board is feeling in regards to the Private Access Drive.

Chairman feels this should really be done at a CDC. Through his experience with other projects being on this board he feels a Public Roadway is the way to go but would rather not give his opinion until all comments have been addressed. The really does not like doing piece mail when trying to get things done.

The applicant's attorney understands but is just trying to get some guidance for the project. Will they need to invest in further engineering for the current plan or should they scrap it and start with a new plan.

The applicant feels he already was in front of CDC and was sent to zoning board. Every time he comes in front of this board they require changes. He feels as a religious person a private road is more desirable because no one will pull down the street on the Sabbath.

The applicant's attorney would like some time to discuss this internally and we will advise the board if we will resubmit the subdivision with a public road.

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

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Resolution 2022-13

Resolved, that the Planning Board of the Village of New Hempstead hereby Adjourns the Public Hearing for the Bet Miriam Subdivision to the Planning Board Meeting on August 9, 2022. Chairman Poliakoff called for a vote. The vote was 4-0. The resolution was adopted.

CONTINUATION OF THE PUBLIC HEARING FOR FAIRWAY MEWS 190 POMONA RD. THE APPLICANTS ARE SEEKING FINAL APPROVAL FOR A THREE LOT SUBDIVISION FOR THREE TWO FAMILY SIDE BY SIDE HOMES. 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.

Chairman Poliakoff asked if anyone from the public wishes to speak and no one did.

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

Resolution 2022-14

Resolved, that the Planning Board of the Village of New Hempstead hereby closes the Public Hearing for Fairway Mews 190 Pomona Rd. Chairman Poliakoff called for a vote. The vote was 4-0. The resolution was adopted.

John Atzel, Representing the Applicant

Tis board is very familiar with this project. We did get our Neg Dec in regards to SEQR and we did get a referral from the zoning board of appeals. We did appear before the Zoning Board and the variances were granted. We were here last month and received comments from the Rockland County Planning Department that we have responded to. We are requesting overrides for comments 1 and 12. Comment one states the size of the building must be reduced to more closely comply with the zoning requirements but the units are only about 2700 SQ Ft. The required variances from coverage and lot area were granted by the zoning board of appeals. For comment 12, requiring landscaping buffer to the Minisciango Creek, the old railroad bed in the back of the property is actually part of the Minisciango Park yet it is not being used as parkland by the county. The property is vacant and overgrown. There is no trail through there and it is heavily wooded as it is so we feel unless this board requires it we request an override for that comments. There are some things that have to be worked out with DPW but we did provide them with the sewer study and we are working on that with them.

The professionals have no issues with the overrides. There are some items in their letter they would like to be made as a condition to the approvals.

Comments from GML:

Hillcrest FD 4.11.22

RC Health Dpt. 4.29.22

RC Highway 4.26.22

RC Planning Dept. 4.29.22

RC Sewer 5.2.22

Village Engineer 5.3.22

VILLAGE OF NEW HEMPSTEAD
RESOLUTION PLANNING BOARD 2022-15 and 2022-16

WHEREAS, the applicant, Fairway Mews of 190 Pomona Road, New Hempstead, New York 10977 seeks final subdivision approval of a three (3) lot subdivision on the East side of Station Road at its intersection with Pomona Road. The lot is currently located within a 2R-15 Zoning District and further identified on the Town of Ramapo Tax Map as Section 33.18, Block 1, Lot 6; and

WHEREAS, that applicant had previously received Preliminary subdivision approval from the Planning Board of the Village of New Hempstead with certain conditions; and

WHEREAS, the Planning Board, after due deliberation and discussion amongst the Board and the Village's professional staff and several public hearings, feels that the subdivision plans meet sound planning procedures, it is hereby

RESOLVED, that the Planning Board of the Village of New Hempstead hereby approves the subdivision application of Fairway Mews pursuant to the plans of Atzl, Nasher & Zeigler dated March 15, 2021 (last revised January 7, 2022), subject to the Village Engineer and Village Planner's respective approvals, and further subject to the applicant's compliance with comments received from the following municipal agencies: :

1. Comments from Hillcrest Fire Department dated April 11, 2022;
2. Rockland County Department of Health dated April 29, 2022;
3. Rockland County Highway Department dated April 29, 2022;
4. Rockland County Sewer District #1 dated May 2, 2022;
5. Village Engineer's letter dated May 3, 2022; and Rockland County Planning Department, dated April 29, 2022 (except comment #1 and comment #12).

BE IT FURTHER RESOLVED that the Village of New Hempstead, pursuant to the provisions of New York State General Municipal Law §230-m(5), hereby specifically overrides

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comments #1 and #12 contained in the Rockland County Planning Department letter dated April 29, 2022.

Chairman Poliakoff called for a vote which was as follows: Ms. Greenwald, AYE, Mr. Gilden, AYE, Mr. Kraus, AYE and Chairman Poliakoff, AYE. The resolution was adopted by a 4-0 vote.

Motion to Adjourn

Mrs. Greenwald made the following motion, which was seconded by Chairman Poliakoff;

Resolution 2022-17

Resolved, that the Planning Board Meeting of June 14, 2022 is hereby adjourned. Chairman Poliakoff called for a vote. The vote was 3-0. The resolution was adopted.

Respectfully Submitted

Allison Weinraub,
Village Clerk-Treasurer