

August 16, 2022

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

**BOARD OF TRUSTEES**

REGULAR MEETING

August 16, 2022

7:30 P.M.

PRESENT

ABE SICKER, MAYOR  
SHALOM MINTZ, DEPUTY MAYOR  
ADAM REICH, TRUSTEE  
JEN EISENSTEIN, TRUSTEE

ABSENT

MOSHE SCHULGASSER, TRUSTEE

ALSO PRESENT

BRUCE MINSKY, VILLAGE ATTORNEY  
ALLISON WEINRAUB, VILLAGE CLERK TREASURER  
JOHN LANGE, VILLAGE PLANNER

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**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**OPEN FLOOR**

Before Mayor Sicker opened the floor for public comment he mentioned that the Fairway Park item on the agenda is being adjourned because the village is doing more research and until everything has been researched the board cannot make a determination one way or another. Wants the public to be aware he did receive all of the emails regarding this and everything is still be considered. Nothing will happen without informing the public. An email will go out.

Stan Iskawitz, 28 Fairway Oval

Appreciates that the village is taking their time to do the research and hope it is done in a sincere and fair way.

Esther Ingber, 12 Keri Ln

Would like to thank the board for taking the time to do the research.

Mayor Sicker wanted to make everyone aware that if after the research is done and it comes out that the village can proceed with the plan he would like to have a meeting with the residents on Keri Ln and the residents on Fairway Oval to make sure everyone is as happy as can be.

Mr. Iskawitz was upset with that comment.

Mayor Sicker explained each person gets one chance to speak during the open floor portion. He cannot say if it can or cannot be done that is why the research is being done.

Nancy Jacobs, 9 Dorothy Dr.

There is trash by the Old Schoolhouse Rd. and New Hempstead Rd. triangle

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Mayor Sicker will have someone make a call to get it cleaned.

Moshe Farkus, 7 Wishers Ln

Wanted to thank the village. Last week he called in a repair for the sign down on New Hempstead Rd. and it was fixed.

Mordechai Braun, 6 Grandview Ave.

Would like an update on the county response to the Grandview Ave sidewalk request.

Mayor Sicker did have a conversation about it with the Village engineer and will follow up with him in the morning. He asked the village clerk to make a note.

#### **APPROVAL OF MINUTES JULY 26, 2022**

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

##### **Resolution # BOT 2022-75**

Resolved, that the minutes of the regular meeting of July 26, 2022, 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 2022-8**

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

##### **Resolution # BOT 2022-76**

Resolved, that abstract of Audited Vouchers 2022-8, #20179-20215 in the amount of \$70,806.44 is hereby approved. Mayor Sicker called for a vote. The vote was 3-0. The resolution was adopted.

#### **RESOLUTION ACCEPTING THE RESIGNATION OF THE DEPUTY VILLAGE CLERK TREASURER**

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

##### **Resolution # BOT 2022-77**

Resolved, that the Village Board of the Village of New Hempstead hereby accept the resignation of Eileen Sammarone from the position of Deputy Village Clerk Treasurer. Mayor Sicker called for a vote. The vote was 3-0 the resolution was adopted.

#### **RESOLUTION APPOINTING AMANDA BETTELLO AS DEPUTY VILLAGE CLERK TREASURER**

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

##### **Resolution # BOT 2022-78**

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Resolved, that the Village Board of the Village of New Hempstead hereby appoint Amanda Bettello for a probationary period of three months as Deputy Village Clerk Treasurer for the remainder of the term to expire March 31, 2022 subject to Rockland County Personnel approval. Mayor Sicker called for a vote. The vote was 4-0 the resolution was adopted.

**RESOLUTION APPROVING THE UPGRADE TO VILLAGE HALL OFFICE EQUIPMENT**

Mayor Sicker explained most of the office equipment is broken. He would like to approve the upgrade with the cost not to exceed \$7,500.00

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

**Resolution # BOT 2022-79**

Resolved, that the Village Board of the Village of New Hempstead hereby approve the upgrade to village hall office equipment, not to exceed \$7,500.00. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

**ADJOURN TO SEPTEMBER 20-, 2022 RESOLUTION AUTHORIZING MAYOR TO EXECUTE THE CONTRACT REGARDING FAIRWAY PARK-679 NEW HEMPSTEAD RD-42.13-2-50 WITH THE TOWN OF RAMAPO.**

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

**Resolution # BOT 2022-80**

Resolved, that the Village Board of the Village of New Hempstead hereby adjourn the Discussion on the contract regarding Fairway Oval Park, Located at 679 New Hempstead Rd. on the Town of Ramapo Tax Map as Section 42.13 Block 2 Lot 50. Mayor Sicker called for a vote. The vote was 4-0. The Resolution was adopted.

**DISCUSSION: § 170-5 CLEARING, FILLING OR EXCAVATION PERMITS.**

The mayor explained the reason for the Amendment to this section is to allow residents to get a minor Clearing Filling and Excavation Permits without having to go through the Planning Board. The Village engineer is still going to be doing the review, but for minor applications it shouldn't be so difficult.

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

**VILLAGE OF NEW HEMPSTEAD  
BOARD OF TRUSTEES RESOLUTION # 2022-81**

WHEREAS, the Village Board of the Village of New Hempstead is considering a proposed Local law #\_\_ of 2022 entitled "a Local Law Amending Section 170-5 of the Village of New Hempstead Zoning Code Regarding Clearing, Filling or Excavation Permits"; 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 Local Law #\_\_ of 2022; and it is further

RESOLVED, that the Village Board hereby declares the project as an “unlisted action”; 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 Local Law #\_\_ of 2022 to all involved agencies and municipalities required to be given notice.

All were in favor and Mayor Sicker declared the Resolution passed unanimously. The resolution was adopted and Mayor Sicker instructed the Village Clerk to file same. .

**DISCUSSION: BEER MAYIM- 1 NAOMI LN. SPECIAL USE PERMIT FOR PLACE OF ASSEMBLY**

The Board received a Special Use Permit Application for Place of Assembly at 1 Naomi Ln. in the Village of New Hempstead.

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

VILLAGE OF NEW HEMPSTEAD  
BOARD OF TRUSTEES RESOLUTION # 2022-82

WHEREAS, the Village Board of the Village of New Hempstead is considering the Application of Beer Mayim, 1 Naomi Ln for Special Permit from the provisions of Local Law 3 of 2017 of the New Hempstead Zoning Code for the construction, maintenance, and use of a Place of Assembly.

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 the Special Use Permit Application for 1 Naomi Ln; and it is further

RESOLVED, that the Village Board hereby declares the project as an “unlisted action”; 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 Special Use Permit Application for 1 Naomi Ln; and it is further to all involved agencies and municipalities required to be given notice.

All were in favor and Mayor Sicker declared the Resolution passed unanimously. The resolution was adopted and Mayor Sicker instructed the Village Clerk to file same. .

**CONTINUATION OF THE PUBLIC HEARING: WINTER PARKING REGULATIONS**

The Mayor explained the reason for the amendment such as a 60 degreed day in November. The village received a few comments since the last meeting. Mr. Moskowitz from Lantern Ct. believes the winter

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parking regulations should remain in place. The brought up valid points that the board would like to try to update the draft law to also include something for cars left on the street for a consecutive week not registered to a homeowner in the area. This would be for all year not just winter.

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

**Resolution # BOT 2022-83**

Resolved, that the Village Board of the Village of New Hempstead hereby adjourn the Public Hearing on A Local Law regarding Winter Parking Regulations to September 20, 2022. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

**CONTINUATION OF THE PUBLIC HEARING: 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.**

Mayor Sicker mentioned the Board received the letter from the applicant dated August 8, 2022 with responses to the comments that came in from the Board, public and GML. The applicant is a potential tenant of one of the spaces at the new building at RT-306 and Grandview Ave. They are looking for a Special Use Permit for the Hours to operate every day for 11:00pm-1:00AM

Brian Sinsabaugh, Zarin and Steinmitz, Representing the Applicant

We did receive from the Rockland County Department of Planning on a July 25 2002 letter, there are recommended modifications within that letter. I'd like to add to is item number three, which states that the proposed signage illustrated on drawing number SG 100 For the convenience store must comply with the provisions of Article x of the villages zoning code. The one item they did leave out and I just state that it does comply with the length requirements. I did not include the fact that the approved planned for 306 Grandview Commons did call for a proposed sign of 100 square feet in the front facade as well as proposed building sine of 80 square feet on the side which matches the plants that were composing. We provided an analysis from the two existing stores 50 Doughty Boulevard Lawrence, Nassau County and a second store in Nassau County at 700 West Broadway Hamlet Woodmere. One question that was raised with regard to the locations whether or not they're in a residential area. I do want to note that I'm the one in Lawrence is a standalone store in the business K district, it is adjacent some residential homes, as well as the villages residents D district, the South 700 Broadway location in Woodmere is also adjacent to a largely residential area surrounded by the village series Cedarhurst Presidential R1 District. Just to give some perspective as to where these locations are, in terms of residential neighborhoods nearby, the others being 700. This one's squarely within a residential area on all sides. Overall, the sales analysis that we did provide was broken down at grocery as well as dairy items. The analysis show the average monthly receipts for both dairy and grocery items sales for the store was 795 from 11pm till midnight, that's average in both locations, and 478 from one month from midnight to 1am at both locations as well so that's just very quickly summarizing, get straight to the point in terms of the averages. That was not shown in the actual breakdown, but I'm just using Excel I was able to come up with those averages. Be happy to provide that to the board if necessary. Aside from that, I'm just going to rely on the submission in terms of any other additional comments or responses I do have and opening it up for questions.

Chaim Maltz, 3 Tauber Terrace

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This area is not Cedarhurst it is a different population. The applicant didn't even offer to consider, not having pizza and sushi and other items like that after 11 because of the market they are going after. They're not considering opening the store without the hours changed. Feels this will become a teenage hangout in the middle of a residential area. This is just going to attract the trouble.

Moshe Farkus, 7 Wishers Ln.

Is in favor of this application. The Tauber Terrace issues with loitering is not going to be an issue because you would need to make two illegal turns to get there.

Esther Ingber, 12 Keri Ln

What type of store is this going to be?

Mr. Sinsabaugh

Its similar to a convenience store but they prepare fresh food as well.

Mayor Sicker does now know the types of people who eat pizza and sushi. He understands the residence concerns with it being a place for teens to hang and he doesn't understand this concern. Still needs more to decide on this. The board overall if it does get approved it will have to be restricted.

The mayor asked the attorney if this can be done on a yearly licensing/approval basis to see how it goes and in a year if it is not going well re-discuss?

The attorney stated you wouldn't do it for the maximum that they are requesting.

How would we do a temporary Special Use Permit to be renewed?

The Village attorney asked the applicant if they would be willing to do that.

The applicant's attorney will bring that option to his client. It could be done as a condition to the Special Use Permit.

When this site was approved it was approved based on specific conditions with the stipulation that they can come to the board and ask for changes. It will be at the board's discretion but it also has to be a logical reason. Suggest to the applicants attorney to present the options to his client and come back at the next meeting on September 20, 2022. Ideally would like them to open to 11 to begin with and if everyone falls in love and finds a need come back. Understands they have a business model that they have to follow and I respect that as well.

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

**Resolution # BOT 2022-84**

Resolved, that the Village Board of the Village of New Hempstead hereby adjourn the Public Hearing on SSNS Express @ Grandview Commons for Special Use Permit Approval to September 20, 2022.. Mayor Sicker. Called for a vote. The vote was 4-0. The resolution was adopted.

**ADJOURN TO SEPTEMBER 20, 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.**

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

**Resolution # BOT 2022-85**

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 September 20, 2022. Mayor Sicker. Called for a vote. The vote was 4-0. The resolution was adopted.

**ATTORNEYS REPORT:**

**MAYORS REPORT:**

**TRUSTEES REPORT:**

**MOTION TO ADJOURN**

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

**Resolution # BOT 2022-86**

Resolved, that the meeting on August 16, 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