

September 20, 2022

Page 1 of 7

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

**BOARD OF TRUSTEES**

REGULAR MEETING  
SEPTEMBER 20, 2022  
7:30 P.M.

PRESENT

ABE SICKER, MAYOR  
MOSHE SCHULGASSER, TRUSTEE  
SHALOM MINTZ, DEPUTY MAYOR  
JEN EISENSTEIN, TRUSTEE

ABSENT

ADAM REICH, TRUSTEE

ALSO PRESENT

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

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**PLEDGE OF ALLEGIANCE**

Noreen Mundt, 690 New Hempstead Rd.

Does not appreciate the two minute time limit. Would like to know what happened with the signs that were supposed to go up on Pennington Way. Wants to know why the meeting date changes every month, and has issue with the yellow lines being removed by Pennington Way.

Ruth Thompson, 11 Hoover Ln.

Believes there was confusion with the yellow lines and informed the board that the lines were always there. Would also like to know if a traffic study is going to be done for the park?

The Board explained they knew the lines were there in the past, but when they repaved the road the board decided to leave the lines off to prevent speeding. They also explained there is no contract with the town to purchase the park property. There was an idea for the village to work on this project but after further research it is not happening at this time.

**ROLL CALL**

**OPEN FLOOR**

**APPROVAL OF MINUTES August 16, 2022**

Trustee Eisenstein offered the following motion, which was seconded by Deputy Mayor Mintz:

**Resolution # BOT 2022-87**

Resolved, that the minutes of the regular meeting of August 16, 2022 are hereby approved and the reading of said minutes is waived. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

**APPROVAL OF AUDITED VOUCHERS 2022-9**

September 20, 2022

Page 2 of 7

Deputy Mayor Mintz offered the following motion, which was seconded by Trustee Eisenstein:

**Resolution # BOT 2022-88**

Resolved, that abstract of Audited Vouchers 2022-9, #20216-20261 in the amount of \$416283.48 is hereby approved. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

**SCHEDULE THE PUBLIC HEARING FOR THE 2023 TENTATIVE BUDGET**

Deputy Mayor Mintz offered the following motion, which was seconded by Trustee Eisenstein:

**Resolution # BOT 2022-89**

Resolved, that the village board of the Village of New Hempstead hereby schedule the public hearing for the Tentative 2023 Budget for October 25, 2022. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

**RESOLUTION ACCEPTING THE JUSTICE COURT AUDIT**

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

**Resolution # BOT 2022-90**

Resolved, that the village board of the Village of New Hempstead hereby accept the 2021-2022 Justice Court Audit prepared by Berard and Associates. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

**RESOLUTION RENEWING THE VILLAGE OF NEW HEMPSTEAD INSURANCE POLICY**

The village clerk confirmed there were no substantial changes from last year.

Deputy Mayor Mintz offered the following motion, which was seconded by Trustee Eisenstein:

**Resolution # BOT 2022-91**

Resolved, that the village board of the Village of New Hempstead hereby approve the renewal of the Village of New Hempstead Insurance Policy with NYSIF through the Binder Agency. Mayor Sicker Called for a vote. The vote was 4-0. The resolution was adopted.

**PUBLIC HEARING- BEER MAYIM- 1 NAOMI LN. SPECIAL USE PERMIT FOR PLACE OF ASSEMBLY- THE APPLICANT IS SEEKING A 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. THE SUBJECT PROPERTY IS LOCATED ON THE NORTH SIDE OF NAOMI LN, 0 FEET FROM THE INTERSECTION OF UNION ROAD. THE PROPERTY IS DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 50.9 BLOCK 2 LOT 30 IN A 2R-15 ZONING DISTRICT.**

The applicant has requested an adjournment because their engineer was unable to attend.

Dornzella Milligan, 4 Gloria Dr.

Has anyone from the village been out to the site before this meeting to take a look at the condition?

September 20, 2022

Page 3 of 7

The board was unaware but they will look into this and have an inspector go out there and take photos.

Sakina Boos, 12 Gloria Dr.

The congregation is already existing. No one said anything because it was supposed to be temporary but now they want to make it bigger.

The Mayor explained those details will have to be addressed by their attorney when they come in for the Public Hearing.

Deputy Mayor Mintz offered the following motion, which was seconded by Trustee Eisenstein:

**Resolution # BOT 2022-92**

Resolved, that the village board of the Village of New Hempstead hereby adjourn the Public Hearing for Congregation Beer Mayim, 1 Naomi Ln to October 25, 2022. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

Newton Paul, 9 Gloria Dr.

What is the consequence for when people are building stuff without approval? There's a common theme of it's easier to ask for forgiveness than to ask for permission. Would also like to know what happens for repeated offenders who park on the lawn.

The Mayor explained there is no reason anyone should build in New Hempstead without a permit because the turnaround time for a permit review is about a week. If someone is doing work without a permit and we are made aware of it a stopwork order will be issued. If you notice anything please email [concerns@newhempstead.org](mailto:concerns@newhempstead.org). Please continue to send the photos of the parked cars for our inspectors to go out and issue violations for the judge to handle.

Mrs. Milligan, 4 Gloria Dr.

If the neighbors want to get together and request the board adjourn this application can that be done?

The attorney and mayor explained if there was an overabundance of paperwork that has to be reviewed the board can decide to adjourn an item.

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

There was a discussion about changing the winter parking regulations. Currently there is no parking from 12am to 6am November to April. What was suggested was that you'd be able to park on the street wherever you want, with the exception of predicted snow. Allowing for cars to park on the street on a 60 degree December day.

This was sent to Ramapo PD for review and the said to inform them if the Local Law gets passed.

Trustee Eisenstein asked about the consequences being added for unregistered vehicles unattended for over a week? Not related to winter more of a general parking regulation.

Attorney Minsky is going to look into this to have finalized for next month's meeting

Deputy Mayor Mintz offered the following motion, which was seconded by Trustee Eisenstein:

**Resolution # BOT 2022-93**

Resolved, that the village board of the Village of New Hempstead hereby adjourn the Public Hearing for Winter Parking Regulations to October 25, 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 explained this is on for the third time as a continuation to the public hearing. The applicant was unable to satisfy the boards concerns at that time and is here to continue the Pubic Hearing.

Brian Sinsabaugh, Zarin & Steinmitz, Representing the applicant

The applicant is seeking hours outside of those permitted on under the NCD Hours of Operations Local Law. What’s being proposed specifically is an entirely kosher convenience store occupying one of the three units that is working within the currently vacant building next to CVS. The previous proposal was from 6am to 1am. Sunday to Thursday 6am till sundown on Friday, from sundown until 1am on Saturday. We revised our application so that Sunday is in compliance opening a six at 6:30am. But all else remained the same. Following our latest public hearing that we did had. We went back to the applicant and tried to push them further into compliance. What the applicant is now proposing to do is to only seek an alteration of the hours on Thursday and Saturday, which would permit them to operate from 6am to 1am on Thursday, sundown to 1am on Saturday. We’ve also proposed some draft language with regard to the resolution to further provides some coverage for the board of trustees should there be any issue with regard to the hours. There is recommended resolution language that we did propose. We further have revised since we submitted the letter to the board.

Where we are now stating is this quote the grant of a special permit pursuant to section 219 – 3a2 of the village code may be revoked by the board trustees whether repeated willful violations of the village of New Hempstead code directly resulting from the actions of the applicant. This does provide some additional coverage with regard to the application itself. So should there be repeated violations of the code there are resources within the code there are property maintenance ordinances or code this will give some further leverage to the board to revoke what is being requested here should there be violations over these ordinances. We’ve also proposed some be some additional mitigation factors. For the site as a whole with regard to that there is fencing on the right hand side or easterly side of the site, and that faces some wetlands and then residential residences for the cities. We propose to install screening on that on that area that will prevent some headlights out of the heading in that direction for some of the vehicles that are moving through on the site. That also includes vehicles going through CVS. So that would help prevent some of the glare going through that area.

The board has discussion on what would make sense for the residence and the applicant if they did choose to approve this with conditions.

If the board were to add a condition to the Special Use Permit it would be to stipulate the revocation of the Special use permit if there have been a certain number of 3 violations in a 6 month period in relation to the hours of operations and if no violations are given it is automatically renewed. So anything that happens after 11pm on Thursday night or anything that happens after 10pm on Saturday night will constitute one of these violations. The board does not anticipate this project being an issue but they have to be thorough for the neighbors in the area.

September 20, 2022

Page 5 of 7

The Board would like the village attorney and the applicant's attorney to work on the verbiage of the condition for the Special Use Permit for this.

Esther Ingber, 12 Keri Ln

Shouldn't you allow them to open and operate and if they violate any code then you can address it.

Debrah Munitz, 5 Rosehill Rd

The Board should consider what other villages have done in regards to expiration of special use permit around residential neighborhoods. I did participate and comment on the installation of this new commercial spot. I know that there was a conflict between the plans and some of the objectives of the village. I know that one of the big issues that I commented on was that commercial enterprise could have slotted it a little bit better with the characters the neighborhood with actual trees versus tiny bushes that the CVS could have been one story like the CVS in that Indian rock and that, you know, there were a lot of things that have made that particular recorder really stand out in a different way, that I know a lot of neighbors have opposed. So I think it's really important that when you go through these processes and you make your decisions and promises to the neighbors, you have to be extremely serious in your consideration and not rush because they are asking for something permanent because they have investors. And you do not have like certain provisions that you might want to seek to maybe deal with differently than a variance in a way that might suit their needs and your needs better. I'm just suggesting that you'd be a little bit more cautious and I would be happy to see if I can suggest some things that might help you.

The board would like the conditions worked out as discussed between the two attorneys and submitted to the village by October 19, 2022. Would like it on the website one week before the Hearing date.

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

**Resolution # BOT 2022-94**

Resolved, that the village board of the Village of New Hempstead hereby adjourn the Public Hearing for Special Use Permit for Season Express to October 25, 2022. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

**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.**

We are working on redoing the comp plan and the zoning code. We are waiting on the updated version of the DGEIS It's a draft generic environment Environmental Impact Statement. It's going to evaluate the potential impacts of the areas identified maybe from growth and how they're affecting our school resources and facilities. It's more in depth one than the original environmental state as originally done. The professionals working on coordinating with our outside counsel on it. So it's still really in the process of being done. We've not seen a draft of it yet. It's just taking a little more time. So that's really the reason for the adjournment.

Benjamin Heinrich, 40 Westminster way

What is the end goal of the proposed zoning change? In a practical sense that lay people will understand. What is the end goal and what's the real purpose, proposing to change the zoning law? Not will that have any environmental impact.

All of the proposed changes are on the website both the old and the new showing what is being done.

September 20, 2022

Page 6 of 7

The Mayor went through the process of the comp plan from the public Charrettes to the public hearings then the Zoning. We believe what was done was correct but we did receive an article 78 regarding this and we are going to redo the process to be sure everything was done properly.

Bruce Levine, Attorney for many residents on Fairway Oval for litigation with the Town of Ramapo. There's a draft environmental impact statement that has been prepared? Will a full draft and environmental impact statement in which the public will be able to comment and view?

The village attorney responded none has been given at this time but you will be able to review.

Mr. Weisman, 5 Keri Ln

The builder of our subdivision 51 years ago told us that the land behind our house was to remain as green land. Now I am being told that is not the case. I believe I have it in my deed as Greenland. About 20 years ago the village allowed us to build an extension on our house and the village attorney said we can build because the land in between those two properties is actually yours and you can count it into your land.

The village attorney said anything included in your lot would be considered your land. He wanted to reiterate that the village is not in contract with the Town for the land and has not had any further conversations regarding the purchase since he was contacted by Bruce Levine. The park is off the table for the village right now.

Leo Kluger, 20 Josell Ct

Is against the development of the park and would like it removed from the Comprehensive Plan with a revised environmental impact statement before proceeding.

Deborah Munitz, 5 Rosehill Rd

Would like clarification on the status of the DGIS has not seen an FEAF part 1 part 2 part 3, you have not made a pos dec at this point, is the comprehensive plan part of the action being considered for the environmental impact study? The notices have mentioned the Local Law but the comprehensive plan was not included in that. You can produce as earliest as possible a clear definition of the actions what's going to be the scope. If you are contemplating a pos dec there is no reason to wait. Is it correct that you are no working on the environmental impact and you are working on the scoping for the DGIS? Would like to offer her assistance with this project.

The Mayor and attorney confirmed that until the research was done they did not want to re-notice it but once everything has been completed it will be included. They believe both are being done.

The Mayor went through correspondence that came in this evening.

Michael Miller

Justin Schwartz

Regarding restarting zoom

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

**Resolution # BOT 2022-95**

Resolved, that the village board of the Village of New Hempstead hereby adjourn the Public Hearing for a Local Law Repealing and Amending Local Law 3 of 2021 to October 25, 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 Schulgasser offered the following motion, which was seconded Trustee Eisenstein

**Resolution # BOT 2022-96**

Resolved, that the meeting on September 20, 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