

December 13, 2022

Page 1 of 10

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

Tuesday, December 13, 2022

7:30PM

Village Hall

PRESENT

MEL POLIAKOFF, CHAIRMAN
AKIVA KRAUS
DAVID WEISS
MARK GILDEN (AD HOC)

ABSENT

BARBARA GREENWALD

ALSO PRESENT

BRUCE MINSKY, VILLAGE ATTORNEY
ZACK KAMM, CIVIL DESIGN WORKS
ALLISON WEINRAUB, VILLAGE CLERK TREASURER
AMANDA BETTELLO, DEPUTY VILLAGE CLERK TREASURER

Open meeting

Roll Call

APPROVAL OF PLANNING BOARD MINUTES NOVEMBER 15, 2022

There were not enough members to vote. These minutes will be held over until the next meeting.

PUBLIC HEARING- BAIS MALKA HASC, LLC, 48 GRANDVIEW AVE, MONSEY NY 10952. THE APPLICANTS ARE SEEKING REVISED SITE PLAN APPROVAL TO PERMIT THE CONSTRUCTION, MAINTENANCE, AND USE OF A PERMANENT PREFABRICATED CLASSROOM BUILDING, BUS PARKING, AND SECURITY LIGHTS AROUND THE SWIMMING POOL. THE SUBJECT PROPERTY IS LOCATED ON THE SOUTH SIDE OF GRANDVIEW AVE. 900 FEET FROM THE INTERSECTION OF PLEASANT RIDGE RD.

Joseph Churgin, Attorney for the applicant

We're here for amended site plan approval. With me is Anthony Celentano. The project's engineer will answer any technical questions that you have. We're here seeking three different things tonight.

One of which is really just a paper kind of change and that's on the site plan. We're looking to essentially change the nomenclature of the building that has been added from a temporary to a permanent building.

We're not going to do anything physical with it at all. The way it was constructed was on a foundation so it's essentially a permanent building the way it is now and we're just asking for a nomenclature change.

We're also seeking to allow for bus parking on this site.

The applicant's attorney requested the engineer, Mr. Celentano show where the parking is being requested. It will be by a circular area where it goes around the corner basically next to nothing is where the applicant wants to park the buses. 12 Busses are shown here. There are no houses in this area. They screened at least through as nice buffer. The third thing that we're looking to do is that we have this pool that was put in two summers ago. And what we're seeking to do is security lights so that in the event that something occurs at night that there'll be lights that, you know can be there essentially for safety

December 13, 2022

Page 2 of 10

purposes. We've positioned the lights in such a way where it's not going to affect the neighboring properties or we're going to try to minimize the effect of the lights on the neighboring properties.

Board member Kraus asked what the reason for the busses being parked there are.

The applicant responded for overnight parking.

The board and attorneys discussed what the applicant would need for the bus parking and it was determined since there is a local ordinance prohibiting the storage of boats busses and recreational vehicles the applicant will have to seek a variance to allow for the use.

The village attorney brought up the point at the initial approval they were not supposed to use the pool at night.

The applicant's attorney responded the pool is not going to be used at night.

The board asked why the lights would be needed then.

The applicant's attorney stated the pool is not going to be utilized at night by children like they are during the day. In the summertime the only time the pool will be used is occasionally at night will be for a family, you know, a small group of people that might be staying there at night.

Attorney Minsky said it was a blanket statement that the pool was not going to be used at night so there were no needs for lights.

The board said there is no need for safety lights if the pool shouldn't be used at night.

The Chairman pointed out that one of the things the Village planner wanted were some aesthetic changes.

The applicant's attorney and engineer believe the architect responded to those comments but will follow up with them on that.

Chairman Poliakoff asked if the Board approves the Special Use Permit, will all the busses be idling at the same time. Does not want to disturb the neighbors

The applicant responded that they are in discussions for electric plugin to get it started. The area that was chosen is because it's far enough from properties that it would not affect them.

Deputy Village Clerk Treasurer stated it ran in the Rockland Journal News 10/24/22. Affidavits of notice and postings were timely.

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

Resolution 2022-36

Resolved, that the Planning Board of the Village of New Hempstead hereby opens the Public Hearing for Bais Malka, 46-48 Grandview Ave. for Site Plan approval to permit the construction maintenance and use of a permanent prefabricated classroom building, Bus Parking, and Security Lights around the Swimming Pool. Chairman Poliakoff called for a vote. The vote was 4-0. The resolution was adopted.

Jacob Goldrunner, 4 Tracy Ct.

Is here about the accident that took place on Southgate.

December 13, 2022

Page 3 of 10

He was informed that this is not the meeting for that, but the board of trustees meeting will take place on December 27 at 7:30pm.

Aryeh Shmerild, 20 Pleasant Ridge Rd.

Boarding the Swimming Pool. Has been to all of the meetings. The neighbors all told the board at the time that they did not want a camp full of noise and commotion. We were assured by the board that this was just for children in school and the Village does not have zoning for camps. All parties agreed there would be no need for lights by the pool because it was not going to be used at night. So those were the conditions under which the pool that was approved against the wishes of the neighbors. Maybe two years ago or so all of a sudden, light towers appeared. They have been retro actively asking for approval. So additionally, they have been conducted night swimming in there. It's not for security. They actually do against the other conditions that were agreed to. They have been conducted. Would ask the planning board to please revoke the permit for the pool itself since the since the conditions that they accepted and they didn't act in good faith and they actually put up lights against the guests. Also has issues with the megaphones and feels it reduces the character neighborhood.

The applicant's attorney does not feel the permit for the pool should be revoked. Does not think Bais Malka is trying to be an inappropriate neighbor and they have done everything they could to work with the neighbors. They have spent a lot of money for screening not just for the pool, but for the surrounding properties as well.

Attorney Minsky requested a response to the swimming at night and lights being erected.

The applicant responded that when we agreed to no night swimming it was in regards to the school, but we do allow, no different than any private pool in the area, a family such as mine or another member privately uses it.

Attorney Minsky reiterated that night swimming was witnessed by your neighbor when it was not supposed to be done.

The neighbor asked if night swimming is going to continue if it isn't allowed.

The applicant responded it is not being used for the school.

Chairman Poliakoff recalled there being a condition from the first approval that it was only going to be used for the school students and not at night. It was not approved as a camp and only used for the school. Would like to go with the village professionals to the site to make sure all of the items that were brought up at his last sight visit have been addressed.

The applicant's attorney asked for further explanation of the items he was not satisfied with at his last visit.

The chair explained the condition of the property with trash and roadway.

Zev Juravel, 9 Barrie Dr.

Would like the board to not ignore the other items that have been raised. The safety issues are all important, but the other issues are as well. Bais Malka has in many ways been a good neighbor but would like to read an email he submitted into the record. The board all has the letter that was read.

: We live on the east boundary of the Bais Malka property. I'm concerned to see that Bais Malka is adding lights to the swimming pool area.

During the summer afternoon swimming sessions there is near constant loudspeaker/megaphone cheering and announcing from their pool. We used to enjoy keeping the windows open when it wasn't too hot, relaxing in our backyard and eating supper outside. But during the past few years the noise from the

December 13, 2022

Page 4 of 10

loudspeakers/megaphones has made it difficult to even have a normal conversation outside on our property. Even inside, with the windows closed, the noise is audibly disturbing. Many neighbors along the school's boundary and even across the street have expressed their frustration but do not know where to turn. I'm hoping the village can do something real about this issue that has unjustly changed the nature of the quality of use of our properties. We are especially concerned that additional lighting will facilitate evening/night time swimming sessions. Whether that's the intent or not, I am requesting that some condition be appended to whatever approval is granted Bais Malka so that any loudspeakers or megaphones are only used for short safety announcements, but not as part of the entertainment and activity that occurs at the pool. And that there be some clearly stated repercussion if the condition is violated. For a family a megaphone is not necessary. We are hoping that the village can help restore the quality of living and use of our properties and that this issue can be resolved simply, reasonably and without fanfare. Please keep me apprised and/or advised of our options to bring this issue to a mutually satisfactory conclusion." Mr. Juravel feels it would be really irresponsible of the board to not to do something real to ensure the quality of living for the neighbors of the school. Would like to reiterate that the school has been a great neighbor except with regards to this matter.

Mordechai Braun, 6 Grandview Ave.

Feels the intersection at Grandview and Union is extremely dangerous and absolutely nothing commercial should be approved until that has been addressed.

The Chairman explained that is under the purview of the Board of Trustees, but hopes he would come back to that meeting to express his concerns.

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

Resolution 2022-37

Resolved, that the Planning Board of the Village of New Hempstead hereby declare lead agency for Bais Malka, 46-48 Grandview Ave. for Site Plan approval to permit the construction maintenance and use of a permanent prefabricated classroom building, Bus Parking, and Security Lights around the Swimming Pool. Chairman Poliakoff called for a vote. The vote was 4-0. The resolution was adopted.

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

Resolution 2022-38

Resolved, that the Planning Board of the Village of New Hempstead hereby adjourn the public hearing for Bais Malka, 46-48 Grandview Ave. for Site Plan approval to permit the construction maintenance and use of a permanent prefabricated classroom building, Bus Parking, and Security Lights around the Swimming Pool to February 14, 2023. Chairman Poliakoff called for a vote. The vote was 4-0. The resolution was adopted.

PUBLIC HEARING- YEDEI CHESED- 21 FESSLER DR- THE APPLICANTS ARE SEEKING REVISED SITE PLAN APPROVAL TO PERMIT THE CONSTRUCTION, MAINTENANCE, AND USE OF A NEW BUILDING APPROXIMATELY 8,100 SF FOOTPRINT FOR ADDITIONAL RESPITE SERVICES. EXISTING RESIDENCE AND DRIVEWAY TO BE REMOVED AND THE TWO LOTS WILL BE MERGED INTO ONE. THE SUBJECT PROPERTY IS LOCATED ON THE SOUTH SIDE OF FESSLER DR. 0 FEET FROM THE INTERSECTION OF RT 306. THE PROPERTY IS DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 49.8 BLOCK 1 LOT 64 + 65 IN A 1R-40 ZONING DISTRICT.

December 13, 2022

Page 5 of 10

Rachel Barese, Civil Tech, Representing the applicant

This application was in front of the board several years ago for the use to use the existing building on the property. and they have been functioning on this site for a number of years. And they are now looking for an amended site plan so that they can build an additional building. They would look to remove the house they've been using for the caretaker of residence and construct a new building that will aid in the ongoing respite services that they provide to the community. The existing building has like a big wide open room and so they kind of they have different areas where they're doing respite services and kind of therapies. This new building would have individual rooms so that they can actually provide more privacy to the services instead of being wide open that they would like to have the privacy aspect. The organization really does provide a lot of great services to the community, and they just need the extra space. They're not really looking to service uptime, so it's not a lot more room. It's just those two private rooms. We have changed the parking from behind the building now we're going to take that parking out and move all the parking closer to Fessler drive. There will be more green space and the back play area. Right now there's a playground, but this would move all the playgrounds and play space for this children away from the road.

Rachel confirmed with the Village Clerk that intent and GML went out.

Deputy Village Clerk Treasurer stated it ran in the Rockland Journal News 12/1/22. Affidavits of notice and postings were timely.

Chairman Poliakoff asked about the layout of the room.

The applicants engineer responded that the layout is still being worked on there are some options that they are deciding between, but each room would have their own bathroom and a room they can do therapy one on one.

Attorney Minsky went through the comments that come in from the GML

Comments Referenced into the Record:

Town of Ramapo DPW 12/6/22

Rockland County Sewer District 12/7/2022

Rockland County Planning 12/7/22

Hillcrest FD 11/21/22

Rockland County Health 11/23/22

NYS DEC No Date

Town of Ramapo DPW 9/10/14 received 11/29/22

The applicants engineer said they are working on the GML Comments. She does not feel they are that bad and will be able to comply with most of the comments. The applicant is going to make revisions to the plans and come back to the Planning Board addressing everything item by item.

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

Resolution 2022-39

Resolved, that the Planning Board of the Village of New Hempstead hereby opens the Public Hearing for Yedei Chesed, 21 Fessler Dr. for Site Plan approval to permit the construction maintenance and use of a new building for additional respite services. Chairman Poliakoff called for a vote. The vote was 4-0. The resolution was adopted.

There was no one from the Public that had anything to say.

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

Resolution 2022-40

Resolved, that the Planning Board of the Village of New Hempstead hereby Lead Agency for Yedei Chesed, 21 Fessler Dr. for Site Plan approval to permit the construction maintenance and use of a new building for additional respite services to January 10, 2023. Chairman Poliakoff called for a vote. The vote was 4-0. The resolution was adopted.

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

Resolution 2022-41

Resolved, that the Planning Board of the Village of New Hempstead hereby adjourn the Public Hearing for Yedei Chesed, 21 Fessler Dr. for Site Plan approval to permit the construction maintenance and use of a new building for additional respite services to January 10, 2023. Chairman Poliakoff called for a vote. The vote was 4-0. The resolution was adopted.

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.

Kimberly Ray, Attorney for the applicant filling in for Michael Klein Here tonight to hear from the applicants engineer about the resubmitted completely redone engineering plans. Has submitted a short EAF for this project and is looking for the board to declare lead agency this evening.

The Chairman asked when the plans were submitted.

The applicant's attorney responded in October and believes they have been circulated to the involved agencies. They went through the list of agencies they received comments from. Additional engineering is needed and the applicants engineer is going to work with the village engineer the get the plans in order.

Comments referenced into the record:

Rockland County Sewer District 12/1/22

Hillcrest FD 11/21/22

Town of Ramapo DPW 11/15/22

Rockland County Highway 11/16/2022

Rockland County Drainage 11/3/2022

It ran in the Rockland Journal News 12/1/22 affidavits of notice and postings were timely.

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

Resolution 2022-42

Resolved, that the Planning Board of the Village of New Hempstead hereby declare lead agency for Benyamin Amona, 613-615 and 619 Union Rd. for Subdivision approval for a four lot subdivision on

December 13, 2022

Page 7 of 10

613-615 and 619 Union Rd. Chairman Poliakoff called for a vote. The vote was 4-0 the resolution was adopted.

Anthony Celentano, Engineer for the applicant.

The client is combining two lots. He's creating a town road each having a two family on it. The only variances he'll need from the code is two lots for a slight area variance. The drainage being proposed is to collect all the drainage and pipe it down union to Michel St. The village engineer asked us to analyze if the system on Michael has enough capacity to take the drainage from the subdivision and if not do the appropriate upgrades so it does not affect the neighbors.

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

Resolution 2022-43

Resolved, that the Planning Board of the Village of New Hempstead hereby opens the public hearing for Benjamin Amona, 613-615 and 619 Union Rd. for Subdivision approval for a four lot subdivision on 613-615 and 619 Union Rd. Chairman Poliakoff called for a vote. The vote was 4-0 the resolution was adopted.

Zev Juravel, 9 Barrie Dr.

Asked for clarification on the number of lots the applicant is looking to subdivide and what is the reason for the consideration for a subdivision.

The applicants engineer confirmed its two lots making four lots and explained as a matter of right the owner has a property that is large enough to be subdivided based on the code.

The applicant will need two variances for this subdivision approval.

The applicant's attorney explained the lot size required in this zoning district is 20,000 square feet. Lots two and three are compliant, lot one has 17,588 square feet and lot four has 18,084 square feet. Those are relatively minor area variances. The ZBA will review that carefully. And we'll go through the entire hearing process.

Mr. Juravel is asking more what the village takes into consideration when approving these projects.

The village attorney explained the five elements the Zoning board considers when making their determination, but that is not when it is in front of the Planning Board.

Carole Simon, 5 Michael St.

Will the drainage be directed above or underground piping by Michael St.?

Anthony Celentano, Applicants engineer
Confirmed it will be directed underground.

Mrs. Simon is not in favor of cramming more houses. Feels it will cause a traffic water drainage and many other issues.

The applicants engineer responded the village engineer will make sure everything is addressed.

Chaya Leidner, 26 Brockton
Was a traffic Study performed.

The applicants attorney said there is no show of need for one.

December 13, 2022

Page 8 of 10

Mrs. Liedner feels it is needed especially since Michael is the only way to exist in the morning and that should warrant a traffic study.

The board explained they will have to investigate traffic under SEQR and if a study is needed they will require one.

Eliakim Koenigsberg, 14 Brockton Rd.

I agree with all the other concerns that were mentioned. I have a number of concerns with this plan but I just like to focus on the drainage issue. I think that this plan has the potential to create a real rainwater drainage problem in the adjoining properties, even if a system could be created to pump out all of the rainwater flowing down this private Street. And that system could be properly maintained. Two years, five years 10 years down the line, which is a big if, but even if it were possible, such a system would take care of only the water flowing district. The fact is building just private road is going to add 1000 of square feet of impervious material, and asphalt and pavement to these two properties. While at the same time many trees are going to be cut down to make room for all of the homes that are being proposed. And these two factors together will take away so much of the natural absorptive power of the ground and the vegetation on these properties. And that has the potential to create a real rainwater drainage disaster to the neighboring properties. There's a long standing drainage issue in this area. And it's been documented numerous times before this board going all the way back to 1990 when the Baum properties at 631 and 629 Union road were developed. Six Michael Street is on the West Nile virus list because of excessive water buildup during heavy rains. The gravel eight Brockton road on the corner of Michael Street is always moist, and many properties along Bracken road have multiple sump pumps in their basement because of excessive water problems. After the homes on Asher Ct were built the homeowners of the neighboring properties told the zoning board that they experienced new flooding in their basements. I think there's a reason why the lots on this part of Brockton road closer to Michael Street were not originally subdivided and that is because there was an understanding that maintaining the vegetation in the area was of critical importance to protect the properties from flooding. I'm very concerned that the current plan will only exacerbate an already serious rainwater drainage problem and it will create a real detriment to the neighboring homes.

One of the neighbors confirmed drainage is an area of concern and they and many neighbors have sump pumps.

Asher Jacobs, 4 Brockton Rd.

His property turns into a lake when it rains. He has drainage problems his neighbors have drainage problems and he does not think it's appropriate to build additional houses or even risk additional drainage water for no specific benefit to the town, the village and the neighbors. Would like to know about the other GML objections.

The Village Clerk provided the GML comments to the neighbor.

The Chairman explained there will be a zero runoff from the property or the subdivision wont be approved.

Mr. Koenigsberg explained there's a natural absorptive power that the trees in the ground have in this area and their power is compromises to begin with. This is what it's a wet area to take away all the trees even if you tried to take all the runoff away. The reality is you're going to have lakes and all the backyard because it can't absorb the runoff.

Zack Kamm, Village Engineer

in terms of the drainage pattern there's a large portion of the site that currently runs towards Brockton that's going to be redirected and captured in terms of the public roadway and cul-de-sac and be redirected down union road towards Michael. That reductions area as well as all the houses being captured will act as a reduction in runoff towards Brockton. My office will not sign off on the plans unless that is the case. There's going to be a new system put in underneath and reduce all the runoff. There will not be increased

December 13, 2022

Page 9 of 10

Michael no increase towards Brockton and will be held on site. The individual houses will have their own drainage systems.

The applicant attorney explained that she's not aware of any ordinance or law that prohibits the cutting of trees that are necessary for subdivisions other than guidance

Mr. Koenigsberg explained that there's a resolution of the planning board PB 90-59 from 1990 in the Baum properties and it specifically says in that resolution, the clearing to be prohibited unless authorized by Village of New Hempstead. Why would they do that? They did that because they understood the clearing of the vegetation that created it doesn't necessarily have to be in the code. But if the planning board feels that it's important for the area, they have the right to say that this is an important priority for us.

The Chair explained this project won't go anywhere unless the applicant complies with everything the Village professionals require. They can only approve what is engineered correctly

Mr. Juravel asked if the lot is for a two family house a single family house.

The attorney explained it is in a 2R-15

Mr. Jacobs asked for confirmation that this is for 8 families. Doubling the population.

The board and applicant confirmed but that has to go for Zoning and then the Planning Board can make a determination.

The applicant's attorney stated this is a permitted use based on the zoning law.

The board and attorney explained there will be a SEQR evaluation to see if there are any environmental issues and if there are there will need to be additional studies done and the zoning board with that information will make their determination based on the criteria they have the burden to prove. If they do that then they come back to the planning board as a matter of right and the planning board is just going to determine site plan. Objections should be made at the zoning board meeting.

They will need to address drainage before zoning can make any determination.

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

Resolution 2022-44

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. for Subdivision approval for a four lot subdivision on 613-615 and 619 Union Rd. to February 14, 2023 Chairman Poliakoff called for a vote. The vote was 4-0 the resolution was adopted.

Motion to Adjourn

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

Resolution 2022-45

Resolved, that the Planning Board Meeting of December 13, 2022 is hereby adjourned. Chairman Poliakoff called for a vote. The vote was 4-0. The resolution was adopted.

December 13, 2022
Page **10** of **10**

Respectfully Submitted

Allison Weinraub,
Village Clerk-Treasurer