

November 15, 2022

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

Tuesday, November 15, 2022

7:30PM

Village Hall

PRESENT

MEL POLIAKOFF, CHAIRMAN
BARBARA GREENWALD
DAVID WEISS
SANTIAGO SOTO JR. (AD HOC)

ABSENT

HILLEL KURZMANN
AKIVA KRAUS

ALSO PRESENT

GLENN MCCREEDY, VILLAGE ENGINEER
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 August 9, 2022

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

Resolution 2022-27

Resolved, that the minutes of the regular meeting of the Planning Board, held on August 9, 2022 are hereby approved as submitted and that the reading of said minutes be waived. Chairman Poliakoff called for a vote. The vote was 4-0. The resolution was adopted.

ADJOURN TO DECEMBER 13, 2022-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.

The applicant has requested an adjournment to the next month because their engineer was unavailable.

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

Resolution 2022-28

Resolved, that the Planning Board of the Village of New Hempstead hereby adjourn the public hearing for Bais Malka, 48 Grandview Ave. to December 13, 2022. Chairman Poliakoff called for a vote the vote was 4-0. The resolution was adopted.

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PUBLIC HEARING- FINAL SUBDIVISION APPROVAL- PENNINGTON LOTS, LLC, 120-150 MCNAMARA RD, NEW HEMPSTEAD-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 SECTION 42.05 BLOCK 2 LOT 14. THE VILLAGE BOARD APPLIED AN OPTIMIZED SINGLE FAMILY CLUSTER OVERLAY ZONE TO THE PROPERTIES.

Chairman Poliakoff confirmed with the applicant he received the comments from the Health Dept. that were given today.

They did and their engineer was running late so the board will proceed with the procedural stuff.

Mrs. Weinraub stated in ran in the Rockland Journal News on October 25, 2022. Affidavits of notice and postings were timely.

Comments referenced into the record:

Town of Ramapo DPW 9.21.22

Rockland County Sewer District 10.5.22

RC Environmental Health 11.9.22

RC Planning 11.9.22

RC Highway 10.19.22

TOR DPW 11.3.22

RC Health 11.15.22

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

Resolution 2022-29

Resolved, that the Planning Board of the Village of New Hempstead hereby open the Public Hearing for Pennington Lots subdivision LLC, 120-150 McNamara rd., New Hempstead-for a sixteen lot subdivision for single family homes. Chairman Poliakoff called for a vote. The vote was 4-0 the resolution was adopted.

Aron Saperstein, 4 Pennington Way

Had questions on the seeding and grading of the open area, the catch basins for the individual houses, and wanted to thank everyone for their efforts with this project.

The applicant responded the area is intended as a play area and will be finished. The village engineer confirmed the code requires that it be restored and the individual houses were never going to have their own catch basins. The Swale will catch the runoff.

Daniel Richmond, Attorney for the applicant, Zarin and Steinmitz

Did supply a request for certain county overrides. This plan has been presented multiple times and has receive a negative declaration, Sketch Plat and Preliminary Approval. Is now here for final approval.

Chairman Poliakoff would like something done so the walkway doesn't become a speedway for bike3rs and such.

The attorney for the applicant said it won't be wide enough for that but would have to work with the project to manager to see what can be done.

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The applicant engineer went through the plans for the Public. The Public had no further questions.

Attorney Richmond went through the overrides they are requesting from the board.

The applicant is looking for overrides to comments 1-7, 9, 12, 13, 15, 16, 19, 21, 23, 24, 26, 27.

(Response annexed to- Zarin & Steinmitz 11/14/22 letter)

Village Engineer does not feel the applicant needs to override comments 15 because the review was already conducted by the fire department and the fire inspector will review the process as it goes. #19 which is referencing your storm or pollution prevention plan. You're already in the process of submitting one I'm not requesting or requiring a downstream analysis to be conducted. I see no reason to override it since they've complied with the comment. There's nothing there to override. Understands comment #21 with the discretion of the board and Mr. Richmond if we would eliminate the first sentence of that comment and retain the bulk of the comments but regarding requirements of the need to get permits will be placed as a condition. #23 a bulk table was provided. Condition to the resolution to that would then be that each lot as each building permit is submitted. We would just evaluate it on a project property by property basis. That's so we're overriding with the condition that we're going to review each lock individually as the plotlines are similar to each lock, which have made it more specific to each development. They will need to provide a waiver a requirement for a number of homes on a cul de sac. Sidewalks are also required.

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

Resolution 2022-30

Resolved, that the Planning Board of the Village of New Hempstead hereby closed the Public Hearing for Pennington Lots subdivision LLC, 120-150 McNamara rd., New Hempstead-for a sixteen lot subdivision for single family homes. Chairman Poliakoff called for a vote. The vote was 4-0 the resolution was adopted.

The board feels this has been discussed and reviewed. The Board feels comfortable with a conditional approval.

The applicant's attorney and the Village attorney are going to work on the language for the resolution. The applicant will not need to go for Site plan approval they will submit a plot plan for review with the building permit application.

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

Resolution 2022-31

Resolved, that the Planning Board of the Village of New Hempstead hereby override comments 1-7, 9, 12, 13, 16, 24, 26, 27 from the Rockland County GML Letter dated 11.9.2022. Reason for override annexed to. 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. Soto

Resolution 2022-32

Resolved, that the Planning Board of the Village of New Hempstead hereby override Comment #21 from the Rockland County GML Letter dated 11.9.2022. Subject to the applicant being required to get all necessary permits. 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. Soto

Resolution 2022-33

WHEREAS, the applicant, Pennington Lots, LLC (“Applicant”), has applied for approval of a sixteen (16) lot subdivision for single family homes regarding the property(ies) commonly known as 120-150 McNamara Road, New Hempstead (“Project”), which property as to the Project is located on the east side of McNamara Road, approximately 250 ft. from the intersection of Willow Tree Road, and on the west side of Pennington Way approximately 246 ft. +/- from the intersection of Sandy Brook Drive (“Property(ies)”); and

WHEREAS, the Properties, located in the Village of New Hempstead (“Village”) are designated on the Town of Ramapo Tax Map as Section 42.09, Block 2, and Lot 1; and Section 42.05, Block 2, and Lot 14; and

WHEREAS, on March 22, 2022, the Village of New Hempstead Board of Trustees (“BOT”): (i) issued a Negative Declaration pursuant to the State Environmental Quality Review Act (“SEQRA”) for the Project following a coordinated review, which included the Village of New Hempstead Planning Board (“Planning Board”), and; (ii) applied the Village’s Optimized Single Family Cluster Overlay (OSFC) Zoning District to the Properties; and

WHEREAS, at its May 3, 2022 Meeting, the Planning Board granted Sketch Plat approval for Project; and

WHEREAS, at its July 12, 2022 Meeting, the Planning Board granted preliminary subdivision approval for the Project, with certain conditions identified therein; and

WHEREAS, the Applicant has duly applied for final plat approval for the Project; and

WHEREAS, in connection with the Applicant’s final plat application, the Planning Board has reviewed the following plans, (which are collectively referred to herein as the “Final Plat Plan Set”):

Sheet No.	Title	Original Date	Last Revised
T.	TITLE SHEET	01/20/22	10/06/22
1.A	FINAL SUBDIVISION PLAT (BY JAY GREENWELL)	01/20/22	10/04/22

1.B	EASEMENT SUBDIVISION PLAT (BY JAY GREENWELL)	10/03/22	10/03/22
2.	OVERALL LAYOUT PLAN	01/20/22	10/06/22
3.	GRADING PLAN	01/20/22	10/06/22
4.	DRAINAGE AND UTILITY PLAN	01/20/22	10/06/22
5.	BERM PART PLAN AND CROSS SECTIONS	01/20/22	10/06/22
6.	EXISTING CONDITIONS PLAN	01/20/22	10/06/22
7.	ROAD PROFILE	01/20/22	10/06/22
8.	STORM DRAINAGE PROFILES (1 OF 2)	01/20/22	10/06/22
9.	STORM DRAINAGE PROFILES (2 OF 2)	01/20/22	10/06/22
10.	CONSTRUCTION DETAILS (1 OF 3)	01/20/22	10/06/22
11.	CONSTRUCTION DETAILS (2 OF 3)	01/20/22	10/06/22
12.	CONSTRUCTION DETAILS (3 OF 3)	01/20/22	10/06/22
13.	FIRE TRUCK MANEUVER PLAN	01/20/22	10/06/22
W-1	WATER MAIN PLAN	01/20/22	10/06/22
W-2	WATER MAIN PROFILE	01/20/22	10/06/22
W-3	WATER MAIN DETAILS (1 OF 2)	01/20/22	10/06/22
W-4	WATER MAIN DETAILS (2 OF 2)	01/20/22	10/06/22
S-1	SANITARY SEWER PLAN	01/20/22	10/06/22
S-2	SANITARY SEWER PROFILE (1 OF 2)	01/20/22	10/06/22
S-3	SANITARY SEWER PROFILE (2 OF 2)	01/20/22	10/06/22
S-4	SANITARY SEWER DETAILS	01/20/22	10/06/22
SWPPP-1	EROSION & SEDIMENT CONTROL PHASE 1 PLAN	09/29/22	10/06/22
SWPPP-2	EROSION & SEDIMENT CONTROL PHASE 2 PLAN	09/29/22	10/06/22
SWPPP-3	EROSION & SEDIMENT CONTROL PHASE 3 PLAN	09/29/22	10/06/22

; and

WHEREAS, the Planning Board, after due deliberation and discussion amongst the Board and the Village’s professional staff and several public hearings, has determined that the Final Plat Plan Set submitted by the Applicant complies with the modifications required by the Planning Board at preliminary plat approval and otherwise complies with the requirements of Village Code Chapter 255 (Subdivision of Land, and further feels that the subdivision plans meet sound planning procedures; and

WHEREAS, the Planning Board determines that the restriction set forth in Village Code Section 255-32(H), which limits cul-de-sacs to serving no more than fourteen (14) families or 500 feet, is not required in the interest of the public health, safety and general welfare, including because, as shown on the *Fire Truck Maneuver Plan* prepared by Brooker Engineering (Drawing No. 13, last revised October 16, 2022), there is adequate access for emergency vehicles to each lot shown on the plat. Moreover, fire hydrants have been located pursuant to the comments of the Hillcrest Fire Department No. 1, it is hereby

BE IT RESOLVED that the Planning Board of the Village hereby approves the Final Plat Plan Set, subject to the following conditions:

(a) Applicant shall comply with all rules, regulations and requirements of any and all agencies, entities, departments, boards and municipalities with jurisdiction over the Proposed Project, including but not limited to the County Drainage Agency, County Highway Department, the County Department of Health, County Department of Planning, the State Department of Environmental Conservation, Veolia Water, the U.S. Army Corp of Engineers, and the Village and this approval is conditioned upon the Applicant receiving any and all approvals/permits required by such agencies without material deviation from the Approved Plans;

(b) No portion of any approval by the Planning Board shall take effect until: (1) all of the above-stated conditions herein are met; (2) the approved plans for the Project are signed by the Chairman of the Planning Board ("Approved Plans"); and, (3) the Approved Plans are filed with the Village's Building Department.

(c) Prior to issuance of a building permit construction of the single family homes for the Project, the Applicant shall complete the following: (1) the Applicant shall provide a performance bond in a form satisfactory to the Planning Board's attorney and in an amount satisfactory to the Village's consulting Engineer ("Engineer") based upon the Engineer's cost estimate of the site improvements as shown on the Approved Plans to ensure adequate completion of these improvements; (2) the Applicant shall provide escrow established based upon a percentage of the Engineer's cost estimate to ensure the site improvements for the Project can be inspected for compliance with the Approved Plans; and, (3) the Applicant shall pay all outstanding monies owed to the Village in connection with the Planning Board application and its consultants and staff processing, reviewing and preparing documentation on this Project's application and any subsequent review required related to this site plan approval.

(d) All work for the Project shall be in strict compliance with the Approved Plans and all rules, regulations, laws and ordinances governing the subdivision and construction on the Properties. In the event the Engineer and Village's Building Inspector ("Building Inspector(s)") agree that, as a result of conditions in the field, field changes are necessary to complete the work of the Project's intended/approved subdivision and if in the opinion of the Engineer and Building Inspector such field changes are minor and do not have any material impact on the overall design of the subdivision, traffic circulation and/or drainage of the site, including but not limited to roads, sewers and drainage, then the Engineer and Building Inspector may, upon the filing of amended plans which reflect such field changes, allow such changes. In all other circumstances any deviation from or change in the approved plans shall require application to the Planning Board for amendment of this approval.

(e) No work regarding the Project may be commenced on any portion of the site without first contacting the Building Inspector and Engineer for them to ensure that all permits and approvals have been obtained and all permit fees paid and to establish an inspection schedule. The Planning Board recognizes that, pursuant to Village Code Section 170-4(C)(2), by virtue of this approval the Project has a special permit to conduct clearing activities, including the removal of trees of twelve inches (12") or more in diameter, for the purposes of establishing drainage facilities and the rights-of-way for the project. Failure to comply with this provision shall result in the immediate revocation of all permits issued by the Village along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work performed

and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.

(f) The Properties shall be inspected by the Building Inspector, the Engineer, and any other consultants or professionals of the Village as they deem necessary or appropriate and by the Building Inspector and Engineer and any other consultants or professionals of the Village to ensure that all construction, improvements and modifications were done in accordance with all applicable Federal, State and Local laws and regulations and all professional standards and guidelines prior to the field being operational.

(g) This application is granted subject to the accuracy of the representations made by the Applicant, as well as its application and documentation submitted as part of the Project's application, and its representatives to the Planning Board in its written submissions and during the public hearing and if any material representation, whether or not it is included in this Resolution, is found to be inaccurate, at the discretion of the Planning Board the Applicant shall be required to make an application for an amended approval.

This Resolution shall be of no force or effect unless and until there is full compliance with all of the requirements noted/identified herein.

BE IT FURTHER RESOLVED that the Village, pursuant to the provisions of New York State General Municipal Law §239-m(5), hereby specifically overrides comments numbered 1 - 7, 9, 12, 13, 16, 21, 23, 24, 26 and 27 from the Rockland County Planning Department's November 9, 2022 GML Letter for the reasons set forth in the accompanying report to the Rockland County Planning Department.

BE IT FURTHER RESOLVED, that the Planning Board waives the restriction on cul-de-sac lengths set forth in Village Code Section 255-32(H) and hereby allows for a cul-de-sac to serve 16 families and to be approximately 1,047 feet.

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

DISCUSSION- 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.

Paul Baum, Attorney for the Applicant
Rachel Barece from civil tech engineering,
Mendy, Fast Forward Permits

The applicant is here for a discussion and intent to declare lead agency for a revised site plan, they have to combined the lots, go for variances and amend their Special Use Permit. This item is scheduled for Public Hearing on December 13, 2022 at 7:30pm. GML has been circulated.

The applicants engineer with through the Site Plan.

There was some discussion on whether the applicant can have the front parking. The village professionals and applicant are going to look into if it's permitted.

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

Resolution 2022-34

Resolved, that the Planning Board of the Village of New Hempstead hereby declare intent to be lead agency for Yedei Chesed, 21 Fessler Dr. New Hempstead NY. Chairman Poliakoff called for a vote. The vote was 4-0. The resolution was adopted.

DISCUSSION 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.

Benyamin Amona, Applicant

Has been in front of the board several times. Initially proposed a private roadway and has now revised the plan for a public roadway. There have been drainage improvements made to bring this more to the boards liking.

The village engineer said this project has come a long way and is going in the right direction. He does have a lot of work to do, but if everything works out from an engineering standpoint he thinks it may work.

The Planning Board Chair does feel that three units instead of four would be preferable but would like to see where this project goes.

Motion to Adjourn

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

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Resolution 2022-35

Resolved, that the Planning Board Meeting of November 15, 2022 is hereby adjourned. Chairman Poliakoff called for a vote. The vote was 4-0. The resolution was adopted.

Respectfully Submitted

Allison Weinraub,
Village Clerk-Treasurer