

February 28, 2023

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

**BOARD OF TRUSTEES**

REGULAR MEETING  
February 28, 2023  
7:30 P.M.

PRESENT

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

ABSENT

ADAM REICH, TRUSTEE  
MOSHE SCHULGASSER, TRUSTEE

ALSO PRESENT

BRUCE MINSKY, VILLAGE ATTORNEY  
ALLISON WEINRAUB, VILLAGE CLERK TREASURER

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**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**OPEN FLOOR**

**APPROVAL OF AUDITED VOUCHERS 2023-2**

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

**Resolution # BOT 2023-16**

Resolved, that abstract of Audited Vouchers 2023-2, #20465-20513 in the amount of \$ 106,138.84 is hereby approved. Mayor Sicker called for a vote. The vote was 4-0. The resolution was adopted.

**APPROVAL OF MINUTES January 24, 2023**

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

**Resolution # BOT 2023-17**

Resolved, that the minutes of the regular meeting of January 24, 2023 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.

**RESOLUTION APPROVING THE MEMBERSHIP WITH THE ROCKLAND COUNTY CDBG TO PARTICIPATE IN THE ROCKLAND COUNTY CONSORTIUM**

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

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**Resolution # BOT 2023-18**

Resolved, that the Village Board of the Village of New Hempstead hereby approve the membership with the Rockland county CDBG to participate in the Rockland County Consortium. Mayor Sicker called for a vote. The vote was 3-0 the resolution was adopted.

**RESOLUTION AUTHORIZING THE RELEASE OF THE BOND FOR OHR TORAH LOCATED AT 360 RT-306, NEW HEMPSTEAD, and NY IN THE AMOUNT OF \$201.695.00 FROM BOND- GUARANTEE: COMPANY OF NORTH AMERICA USA- BOND# 76117403**

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

**Resolution # BOT 2023-19**

Resolved, that the Village Board of the Village of New Hempstead hereby authorize the Release of the Release Of The Bond For Ohr Torah Located At 360 Rt-306, New Hempstead, NY In The Amount Of \$201.695.00 From Bond Guarantee: Company Of North America USA- Bond# 76117403 for site improvements located at 360 RT-306, New Hempstead, NY. Mayor Sicker called for a vote. The vote was 3-0. The resolution was adopted.

**CONTINUATION OF THE PUBLIC HEARING FOR THE SPECIAL USE PERMIT APPLICATION OF ZUROCH SPIRA, 921, RT. 45, NEW HEMPSTEAD NY 10977. THE APPLICANT IS REQUESTING SPECIAL USE PERMIT PER SECTION 290-42 FROM THE VILLAGE OF NEW HEMPSTEAD ZONING CODE; THE CONSTRUCTION OF AN ACCESSORY BUILDING OR STRUCTURE OVER 1,000 SQUARE FEET IN FLOOR AREA. THE SUBJECT PROPERTY IS LOCATED ON WEST SIDE OF RT. 45 200 FT. +/- FROM THE INTERSECTION OF SANATORIUM RD. DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 42.07 BLOCK 1 LOT 3 IN A 1R-50 ZONING DISTRICT.**

Paul Baum, Attorney for the applicant

Was here last month with a plan and the applicant has modified the plan to remove the shed so that we don't need any variances, we reduced the height of the garage. We adjusted the location of the garage. We relocated one shed we removed another shed so no variance is needed. The height of the garage was reduced down to 19 feet 10 inches to the peak. A new narrative and plan was submitted to the village.

Mrs. Weinraub stated because it was adjourned for two months the applicant was required to re-notice. It ran in the Rockland Journal News on February 17, 2023 affidavits of notice and postings were timely.

921 Rt 45, Neighbor

Has concerns about the driveway access. The house is currently being rented and to now use the garage for personal use. The window faces into the pool area of his house.

The applicant's attorney explained the driveway is on his applicant's property and the neighbor has an easement for use.

The board, applicant's attorney, and neighbor review the plan discussing the driveway access and parking in relation to the new garage.

The neighbor believes the driveway should be made wider to accommodate the additional usage.

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The board explained that the driveway is on the applicant's property and the neighbor has an easement for a shared driveway.

The applicants said it has always been big enough for two cars.

The board asked the applicant how frequently he will be coming to and from the site.

He will pick up the snow mobile and go to the Adirondacks and then bring it back a few days later.

Mayor Sicker asked if the 4 bay garage is being used for personal use only.

The applicant responded he is waiting for the demographic to change to have a place to prey within walking distance and then and he will eventually move into the residence.

The village attorney stated because it's a special use permit there are different standards that you can attached specific conditions to any approval. The applicant shouldn't have any issues with the conditions because it is as he is saying and that may satisfy the neighbor as well.

The mayor asked about the two separate doors and the neighbor had questions about the height of the structure.

The applicant responded for esthetics.

The board decided to add the condition the it shall remain a one story dwelling.

The mayor really does believe this is going to be a four car garage. If any water or sewer hookup is ever done the applicant must appear before the board and the water or waste line will revoke the special use permit. There will be a condition that this will remain a one story structure with the height not to hit over 20ft.

The village attorney explained that a garage based on the code is for passenger or recreational vehicles, not for commercial and there is an amount of gross weight and has to be less than.

The neighbor has issue with the windows

The applicant explained it's going to be decorative and the board explained there won't be a second story so there won't be anyone looking out the window.

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

**Resolution # BOT 2023-20**

Resolved, that the Village Board of the Village of New Hempstead hereby close the public hearing for 921 RT 45, Zuroch Spira for a Special Use Permit for the construction maintenance and use of an assessor structure over 1000 Sq. Ft. in floor area. Mayor Sicker called for a vote. The vote was 3-0. The resolution was adopted.

Comments referenced into the record:

Hillcrest FD 12/31/22

Rockland County Highway 1/6/2023

RC Health 1/11/23

RC Sewer 1/19/23

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*RC Planning 1/19/2023*

*DOT 1/23/23*

*Village Engineer 2/10/2023*

Attorney Minsky stated there are not any overrides, but in the Rockland County Dept. of Planning letter it references variances needed but they are no longer needed because the plans have been revised.

Conditions for the Special Use permit:

No Water hookup

No sewer hookup

Personal not business use

Cannot be rented

Recreational vehicles or passenger, not for commercial

One-Story only

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

**Resolution # BOT 2023-21**

WHEREAS, Zuroch Spira, an owner of the property located at 921 Route 45, New Hempstead, New York 10977 (hereinafter referred to as “Petitioner”), has heretofore petitioned the Village of New Hempstead Board of Trustees for a special permit pursuant to the requirements of Section 290-41 of the Code of the Village of New Hempstead for a special permit to allow for the construction, maintenance and use of an accessory structure over one thousand (1,000) square feet in floor area on Petitioner’s property. The subject property is located on the West side of New York State Route 45, approximately 200± feet from the intersection of Sanitorium Road, and further identified on the Town of Ramapo Tax Map as Section 42.07, Block 1, Lot 3 and is located within a 1R-50 zoning district; and

WHEREAS, a public hearing was held by the Village of New Hempstead Board of Trustees on February 28, 2023; and

WHEREAS, Village of New Hempstead Board of Trustees received input from other involved agencies on the proposed petition including the Rockland County Highway Department, Hillcrest Fire Company, County of Rockland Planning Department, Rockland County Sewer District, New York State Department of Transportation and Rockland County Sewer District #1, as well comments from neighbors and concerned citizens; and

WHEREAS, the application otherwise conforms to all the requirements contained in the Village of New Hempstead Zoning Code for development and use as an accessory structure to be used with special permit approval;

NOW, THERFORE, it is hereby

RESOLVED, that the Village of New Hempstead Board of Trustees hereby approves the Petition of Zuroch Spira for a special permit pursuant to the requirements of Section 290-41(D)of the Code of the Village of New Hempstead to allow for the construction, maintenance and use of an accessory structure pursuant to the plans submitted for the property located at 921 Route 45, New Hempstead, New York 10977 subject to the following conditions:

- (a) There shall be no water hookup permitted to the accessory structure;
- (b) There shall be no sewer hookup to the accessory structure;
- (c) The accessory structure may only be used for personal use and no business use is permitted;
- (d) The accessory structure cannot be rented for any purposes;
- (e) There shall be no commercial vehicles permitted to be parked on the property;
- (f) The current structure(s) can be no greater than one story;
- (g) Payment of any fees required by the Village of New Hempstead.

And it is further

RESOLVED, that the aforementioned conditions shall be identified on the face of any such permit issued by the Village and shall remain in effect as long as the special permit is valid; and it is further

RESOLVED, that the approval granted pursuant to this Petition is designated ONLY for the Petitioner Zuroch Spira. Should Petitioner sell, convey, demise, or otherwise transfer ownership of the aforementioned parcel, the approval granted hereunder shall cease and the properties shall revert back to the original 1R-50 designation, unless such sale, conveyance or transfer is specifically approved by the Village of New Hempstead Board of Trustees. and it is further; and it is further

Mayor Sicker called for a vote on the Resolution which was as follows: Deputy Mayor Mintz, AYE, Trustee Eisenstein, AYE and Mayor Sicker, AYE. The Resolution was adopted by a vote of 3-0.

**RESOLUTION AUTHORIZING THE PURCHASE OF THE CURRENT LEASED VILLAGE VEHICLES.**

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

**Resolution # BOT 2023-22**

Resolved, that the village board of the Village of New Hempstead hereby approve the purchase of the current leased village vehicle. Mayor Sicker called for a vote. The vote was 3-0. The resolution was adopted.

**Adjourn to February 28, 2023- CONTINUATION OF THE PUBLIC HEARING ON- A LOCAL LAW REPEALING LOCAL LAW 3 OF 2021**

This item is being adjourned to March 28, 2023

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

**Resolution # BOT 2023-23**

Resolved, that the village board of the Village of New Hempstead hereby adjourn the Public Hearing for a Local Law repealing Local Law 3 of 2021 to March 28, 2023. Mayor Sicker called for a vote. The vote was 3-0. The resolution was adopted

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**MAYORS REPORT:**

**DEPUTY MAYORS REPORT:**

**TRUSTEES REPORT:**

**MOTION TO ADJOURN**

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

**Resolution # BOT 2023-24**

Resolved, that the meeting on February 28, 2023 of the Board of Trustees is hereby adjourned. Mayor Sicker called for a vote. The vote was 3-0. The resolution was adopted.

Respectfully submitted,

Allison Weinraub,  
Village Clerk-Treasurer