

March 21, 2023

Page 1 of 7

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

Tuesday, March 21<sup>st</sup>, 2023  
7:30PM  
Village Hall

PRESENT

MEL POLIAKOFF, CHAIRMAN  
BARBARA GREENWALD  
DAVID WEISS  
MARK GILDEN (arrived at 7:33pm)

ABSENT

AKIVA KRAUS

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 FOR FEBRUARY 14, 2023.**

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

Resolution 2023-10

Resolved, that the minutes of the regular meeting of the Planning Board, held on February 14, 2023 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.

**CONTINUATION OF THE PUBLIC HEARING FOR DOVID NITZLICH, 20, 32, & 34 MCNAMARA RD. THE APPLICANTS ARE SEEKING PRELIMINARY AND FINAL SUBDIVISION APPROVAL FOR COMBINING THREE LOTS INTO TWO. THE SUBJECT PROPERTIES ARE LOCATED ON THE NORTH SIDE OF MCNAMARA RD 300 +/- FEET FROM UNION RD. THE PROPERTY IS DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 42.13 BLOCK 1 LOT 66, 67, 67.1 IN A 1R-40 ZONING DISTRICT.**

Anthony Celentano, Engineer for the applicant

The two applicants are seeking approval to combine their three lots into two. In doing so we will require some variances that are preexisting but actually better than what they are preexisting. We are here tonight hopefully for final approval subject to receiving the variances tomorrow at the ZBA meeting. In addition, we are proposing no construction, it's merely a lot line configuration to improve both lots.

The Village Chair and Attorney had conversation about what steps are made between Planning and Zoning Boards.

March 21, 2023

Page 2 of 7

Attorney Minsky went through the comments that came in from the GML that any approvals will be subject to.

Comments referenced into the record:

*Rockland County Sewer 2/24/2023*

*Rockland County Sewer 2/9/23*

*Rockland County Health 2/10/2023*

*Ramapo Department of Public Works 2/3/23*

*Hillcrest Fire Company 1/23/23*

*Rockland County Planning 1/30/23*

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

Resolution 2023-11

Resolved, that the Planning Board of the Village of New Hempstead hereby opens the Public Hearing for Dovid Nitzlich, 20, 32, & 34 McNamara Rd.. the applicants are seeking preliminary and final subdivision approval for combining three lots into two. Chairman Poliakoff called for a vote. The vote was 4-0. The resolution was adopted.

No members of the public were present.

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

Resolution 2023-12

Resolved, that the Planning Board of the Village of New Hempstead hereby closed the public hearing for Dovid Nitzlich, 20, 32, & 34 McNamara Rd.. the applicants are seeking preliminary and final subdivision approval for combining three lots into two. 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 Mrs. Greenwald;

Resolution 2023-13

**OF PLANNING BOARD OF THE VILLAGE OF  
NEW HEMPSTEAD, NEW YORK**

**WHEREAS**, the Village of New Hempstead Planning Board is lead agency for the application of Dovid Nitzlich, as owner of certain lots located on McNamara Road, New Hempstead, New York for subdivision approval for the consolidation of three (3) lots identified as 20 McNamara Road, 32 McNamara Road and 34 McNamara Road into two (2) lots on the North side of McNamara Road approximately 300 hundred (300') feet from its intersection with Union Road within the Village of New Hempstead, New York; and

**WHEREAS**, the Planning Board conducted an initial public hearing in connection with this application; and

**WHEREAS**, the application currently before the Planning Board is subject to review under New York State Environmental Quality Review Act; and

**WHEREAS**, as lead agency, the Village of New Hempstead Planning Board studied all environmental factors required to be examined under the New York State Environmental Quality Review Act and classified the proposed subdivision as an “unlisted” action.

**NOW WHEEFORE, IT IS HEREBY RESOLVED**, that the Village of New Hempstead Planning Board declares a negative declaration for purposes of the New York State Environmental Quality Review Act for the subdivision application of Dovid Nitzlich.

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

Resolution 2023-14

**VILLAGE OF NEW HEMPSTEAD  
RESOLUTION PLANNING BOARD 2023-14  
RESOLUTION TO APPROVE PRELIMINARY AND FINAL PLAT FOR  
DOVID NITZLICH**

**WHEREAS**, the Village Code of the Village of New Hempstead mandates that the Village Planning Board approve all plats of subdivisions to be located inside the Village’s boundaries; and

**WHEREAS**, the applicant Dovid Nitzlich, has submitted a Plat from Anthony Celentano, PE, dated 1/12/2023 (“the Plat” ) and is seeking both preliminary and final subdivision approval; and

**WHEREAS**, simultaneously with the preliminary approval of the Plat, the applicant seeks final subdivision approval of the Plat; and

**WHEREAS**, the Village of New Hempstead Planning Board, has previously declared the project as an “unlisted action” action under New York State Environmental Quality Review Act and issued a negative declaration that the project will not have any adverse environmental impacts; and

**WHEREAS**, the final plat for said Dovid Nitzlich, a copy of which is attached hereto as "Exhibit A", and made a part hereof, substantially conforms to the preliminary plat as approved.

**NOW, THEREFORE BE IT RESOLVED BY THE PLANNING BOARD OF THE VILLAGE OF NEW HEMPSTEAD** that the Final Plat for Dovid Nitzlich submitted by Anthony Celentano, PE dated 1/12/2023 as set forth in Exhibit A, is hereby approved pending final design and site location of utilities and further subject to the following conditions which are expressly incorporated herein as part of the approval:

1. Compliance with the conditions set forth by the Town of Ramapo Department of Public Works letter dated February 3, 2023;

2. Compliance with the Rockland County Department of Health letter dated February 10, 2023;
3. Compliance with the Rockland County Sewer District #1 letters dated February 9, 2023 and February 24, 2023;
4. Compliance with the Rockland County Department of Planning letter dated January 30, 2023; and
5. Hillcrest Fire Company's Letter, dated January 23, 2023;
6. Final drainage review and approval by the Village Engineer prior to signing by the Chairman; and it is further

**RESOLVED**, that any approvals granted herein, whether subject to any condition identified above, are expressly conditioned upon the applicant obtaining all required variances from the Village of New Hempstead Zoning Board of Appeals; and it is further

**RESOLVED** that the Clerk is hereby directed to attach a copy of this Resolution to a copy of the plat, for the purpose of recording the plat by the subdivider with the County Clerk; and upon said recording of the plat, the subdivider shall file a certified, reproducible copy of the plat with the Village Clerk's Office.

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

**CONTINUATION OF THE 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.**

Attorney Minsky confirmed with the clerk that they are not subject to GML review.

Kimberly Ray, Attorney for the applicant

When we left off at the last meeting we were waiting for the drainage issues to be resolved. Mr. McCreedy was going to review the plans which we did submit and we are waiting on those comments. Other than that I think we had requested the board take agency status for SEQR and I think it was decided last time to wait until this meeting to act on that.

Zack Kamm, Village Engineer

So the applicant did submit a drainage study for the offsite improvements, the study was completed, it was thorough. We agreed with the findings. It did show some significant offsite improvements. They're pretty substantial. They're going to be at the capital cost but there's enough merit behind the design that we think it could be mitigated in terms of SEQR. So from a drainage standpoint, the offsite improvements could be enough to make a determination on that.

Anthony Celentano, Engineer for the applicant

So yes, we did submit a study we showed that the existing infrastructure as it stands now is under capacitated. And then we provided what would be the remedy to achieve the capacity of the current system with the 100 year storm. And we're here now to see that everything could be mitigated in for a

March 21, 2023

Page 5 of 7

Neg. Dec. so that we could head to the ZBA to get these slight little variances that we do need. Tonight, that's what we're here for.

The Village Engineer responded

There were still some outstanding engineering issues that we have received willingness to serve letters for. Getting feedback from Veolia on the layout of your water main is key as the separation requirements will impact your other utilities. We are requiring the installation of a hydrant at the corner of Union. From the Sewer District, utility locations, infiltration testing (per NYSDEC Stormwater Design Manual, Appendix D) must be completed prior to April 30<sup>th</sup>. A letter addressing any potential traffic impacts (signed and sealed by a Professional Engineer). Sanitary pump station design (signed and sealed by a Professional Engineer), layout and details. With water coordination being a big one the way the means laid out on plan. It's not permeably standard. So that's going to impact some orientation of things. So that'll kind of change some of the utilities in the new roadway.

There was discussion regarding waiting until the next meeting for SEQOR. It was decided it would be best if all was resolved before moving forward. Due to the holiday in April the applicant requested that they have an extension on the deadline to submit for the April 18<sup>th</sup> meeting which was granted.

The Public Hearing was left open from the previous meeting, but comments were not heard at this meeting.

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

Resolution 2023-15

Resolved, that the Planning Board of the Village of New Hempstead hereby adjourn the public hearing for Benjamin Amona, 613-615 and 619 Union Road for subdivision approval to April 18<sup>th</sup>, 2023. Chairman Poliakoff called for a vote. The vote was 4-0. The resolution was adopted.

**CONTINUATION OF THE 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.**

Paul Baum, Attorney for the applicant

It's been quite a few months since we were here last back on December 13. At that time, the board declared itself as lead agency. Since then, we've made a number of submissions to the consultants into the board and we're here to you know, advance the project and hopefully get a negative declaration tonight, because we do still need to go to the Zoning Board of Appeals as well as the Village Board for our special permit. We're scheduled to be heard before the Village Board next week. So hopefully, all the environmental issues have been resolved and we're you know, want to discuss the project and we did see a letter come in from John Lang that there are a couple things on there that we also wanted to discuss with the board.

March 21, 2023

Page 6 of 7

The Village Planner and applicants engineer discussed the plans for the parking lot and where drop off for cars and buses will be for the flow of traffic.

Rachel Barise, Engineer for the applicant

As far as the willingness to serve everything has been submitted to Veolia, we have not received the letter from them, but we did submit everything and fire flow calculations were submitted, everything is included to them.

Paul Baum, attorney for the applicant

Usually, the willingness to serve is not usually a condition of the final I mean, many places where I go to that's one of the things that they imposed as a condition at final and then we got to check print in we provide those letters before the chairman signs the map.

John Lange, Village Planner

We can probably do it that way. But it's nice and neat. If you have it before you go to seminary. You don't want to get the file and say there's not enough water. I don't think that's going to be an issue. But perhaps we could just in an AJAX highlight that they'll be provided and file.

Paul Baum, Attorney for the applicant

We can even get it at preliminary if that's what the board wants to do. And we just want to get past to the Neg. Dec. because if there are no other environmental issues until we get our Neg. Dec. the Zoning Board of Appeals can't entertain our application and grant variances and the Village Board can grant a special permit now. I think the way you guys do your procedures, the Zoning Board of Appeals has to go first then we have to get our special permit from the Village Board before we come back here, right. So with regard to the circulation, we've discussed this before right?

Rachel Barise, Engineer for the applicant

Yes, that was something that was discussed at planning previously, and went through why it was laid out the way it was. We actually looked at different layouts and had feedback from the board I believe as to doing it like this layout that there was that exit and so the parking lot wasn't like a dead end. I saw you talked about landscaping and lighting. There was a lighting plan included with the last set and landscaping I believe was submitted today. So they have retained a landscape architect and we will continue to work on that.

The Village Planner mentioned the new building entrance and elevations did not appear to match the plans so the Applicants Engineer and Attorney agreed to look into that to make sure it did indeed match.

Zach Kamm, Village Engineer

I agree with what Rachel said about the submission. We did see the landscaping and the lighting plan, it wasn't completely compliant, but it can be mitigated. You're a little bit over the bookends of the property line. (Rachel stated they will work on it)

The drainage we're okay with for SEQR purpose. There were a couple of mistakes in the calculations, but not enough that's going to change anything too drastically. And one thing that they have already been made aware of, as I said to the last application of the infiltration dusting, we're okay with SEQR going through tonight if the board wishes, as long as the applicants aware that that testing could impact SEQR we may have to reopen it depending on what comes from that test.

The Board, Village Planner, Engineer and Attorney discussed that they will grant SEQR subject to the above mentioned as well as a signoff letter from the Fire Department.

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

March 21, 2023

Page 7 of 7

Resolved, that the Planning Board of the Village of New Hempstead hereby opens the public hearing for Yedei Chesed- 21 Fessler Drive for site plan approval to March 14<sup>th</sup>, 2023. Chairman Poliakoff called for a vote. The vote was 4-0. The resolution was adopted.

No members of the public were present.

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

Resolution 2023-17

Resolved, that the Planning Board of the Village of New Hempstead hereby adjourn the public hearing for Yedei Chesed- 21 Fessler Drive for site plan approval to March 14<sup>th</sup>, 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 Mrs. Greenwald;

Resolution 2023-18

RESOLVED, that the Planning Board of the Village of New Hempstead hereby declare a Neg Dec with regards to SEQR for the application of Yedei Chesed, 21 Fessler Dr., New Hempstead, NY. Subject to the willingness to serve, the Fire Department Sign off, infiltration testing, Village Planner and Engineer Sign off, Chairman Poliakoff called for a vote. The vote was 4-0. The resolution was adopted.

Resolution 2023-19

Resolved, that the Planning Board of the Village of New Hempstead hereby adjourn the public hearing for Yedei Chesed- 21 Fessler Drive for site plan approval to May 10<sup>th</sup>, 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 Mrs. Greenwald

Resolution 2023-20

Resolved, that the Planning Board Meeting of March 21, 2023 is hereby adjourned. Chairman Poliakoff called for a vote. The vote was 4-0. The resolution was adopted.

Respectfully Submitted

Amanda Bettello,  
Deputy Village Clerk-Treasurer