

VILLAGE OF NEW HEMPSTEAD

108 OLD SCHOOLHOUSE RD.
NEW CITY, N.Y. 10956

BOARD OF TRUSTEES

REGULAR MEETING
July 30, 2024
7:00pm

PRESENT

ABE SICKER, MAYOR
SHIMON LEVI, TRUSTEE
MOSHE SCHULGASSER, TRUSTEE (ARRIVED 7:10PM)
MARC SCHIFFMAN, TRUSTEE

ABSENT

SHALOM MINTZ, DEPUTY MAYOR

ALSO PRESENT

ALLISON WEINRAUB, VILLAGE CLERK
TREASURER
BRUCE MINSKY, VILLAGE ATTORNEY

PLEDGE ALLEGIANCE

ROLL CALL

OPEN FLOOR- PUBLIC PARTICIPATION

APPROVAL OF MINUTES: April 5, 2024_ May 21, 2024_ June 25, 2024

May 21, 2024 Minutes will be held over to next month.

Trustee Schiffman offered the following motion, which was seconded by Trustee Levi:

Resolution # BOT 2024-56

Resolved, that the minutes of the regular meeting of April 5, 2024 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.

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

Resolution # BOT 2024-57

Resolved, that the minutes of the regular meeting of June 25, 2024 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.

APPROVAL OF AUDITED VOUCHERS 2024-7

Trustee Schiffman offered the following motion, which was seconded by Trustee Levi:

Resolution # BOT 2024-58

Resolved, that abstract of Audited Vouchers 2024-7, #21321-21379 in the amount of \$ 96287.72 are hereby approved. Mayor Sicker called for a vote. The vote was 3-0. The resolution was adopted.

RESOLUTION AUTHORIZING THE MAYOR TO SEND A LETTER TO NYS DOT REGARDING TRUCK PARKING ALONG RT 45 AND POMONA RD.

Trustee Schiffman offered the following motion, which was seconded by Trustee Levi:

Resolution # BOT 2024-59

Resolved, that the village board of the village of New Hempstead hereby authorize the Mayor to send a letter to NYS DOT regarding truck parking along RT 45. By the intersection on Pomona Rd. Mayor Sicker called for a vote. The vote was 3-0. The resolution was adopted.

PUBLIC HEARING: DENTON ACRES_FAVISH LANGSAM, INTERSECTION OF RT-45 AND NEW HEMPSTEAD RD, NEW HEMPSTEAD, NY 10977. THE APPLICANTS ARE PETITIONING THE BOARD OF TRUSTEES FOR A ZONE CHANGE FROM A 1R-35 TO AN NCD (NEIGHBORHOOD COMMERCIAL DISTRICT) PER THE REQUIREMENTS OF SECTION 290-36.1 TO PERMIT THE CONSTRUCTION MAINTENANCE AND USE OF A TWO STORY OFFICE BUILDING WITH ACCESSORY PARKING. THE SUBJECT PROPERTY IS LOCATED ON THE EAST SIDE OF RT-45 315 FT. +/- FROM THE INTERSECTION OF NEW HEMPSTEAD RD. THE PROPERTY IS DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 42.15-1-1

The village Clerk-Treasurer stated it ran in the Rockland Journal News 6/11/2024 Affidavits of notice and posting's were timely.

Comments Referenced into the record:

Applicant Letter 6/26/2024

TOR DPW 7/2/2024

RC Environmental Health 6/21/2024

Applicants GML Response

RC Planning 6/13/2024

Veolia

Village Engineer 6/7/2024

RC Drainage Agency 6/5/2024

RC Sewer District 5/28/2024

Village Planner 6/3/2024

NYS DOT 6/3/2024

NYS DOT 5/21/2024

Village Planner 5/15/2024

Ira Emanuel, Attorney for the applicant

Has been in front of the board on this project three times. This is for a zone change to the NCD Zone for a two story office building. The site is situated across from village hall. At the last meeting the issues that arose was the no left turn from Old Schoolhouse Rd onto New Hempstead Rd. and that Old Schoolhouse Rd. is not designated as a collector Rd. With respect to the collector road, in order to be eligible to grant the NCD district you have to have frontage on but not necessarily access to a collector, a state road or county road but you also have to have actual access to a collector. We cannot get access to Route 45

because of various impediments. This project has been configured to come out onto Old Schoolhouse Rd., which is a much less busy road. Obviously, Old schoolhouse road is not designated as a collector road under your code. ts interesting because your code doesn't actually define collector road. It names collector roads. And these roads don't necessarily have the same characteristics. Okay, well if look at you're sub division regulations you do have characteristics for collector roads versus local roads but that's not what we're dealing with. The road is also interesting because most of it is actually in the Town of Ramapo. The only portion of it that is in the village of Hempstead is directly opposite Village Hall. Everything North and South is owned by the Town of Ramapo. The town does have a definition for collector road and believes this meets the criteria. Submitted a letter that goes through what constitutes as a collector road.

The board went through the current list of collector roads that are currently designated in the village. The brought up the no left turn being an issue.

The village attorney needs more time to review the letter and consult with the village professionals, before a determination will be able to be made. This still needs to be referred to Planning Board.

Trustee Schiffman offered the following motion, which was seconded by Trustee Levi:

Resolution # BOT 2024-60

WHEREAS, Denton Acres has submitted a Petition to the Village of New Hempstead Board of Trustees for a change in zoning from a current zone of 1R-35 to a proposed Neighborhood Commercial District zone for a parcel or property located on the East side of New York State Route 45, approximately 315 feet from its intersection with New Hempstead Road; and

WHEREAS, a public hearing was held by the Village of New Hempstead Board of Trustees on July 30, 2024; and

WHEREAS, pursuant to the provisions of New Hempstead Zoning Code §290-133, all petitions for zone changes must be referred to the Village of New Hempstead Planning Board for review, comment and/or recommendation to the Board of Trustees.

NOW, THERFORE, it is hereby

RESOLVED, that the Village of New Hempstead Board of Trustees hereby refers the zone change Petition of Denton Acres to the Village of New Hempstead Planning Board for hearing, consideration, recommendation, comment and/or suggestions with instructions to report back to the Village Board of Trustees for further proceedings.

Mayor Sicker called for a vote on the Resolution which was as follows: Trustee LEVI, AYE, Trustee Schulgasser, AYE and Trustee Schiffman, AYE.

Mayor Sicker declared the Motion carried by a vote of 3-0 and instructed the Clerk to file same.

Harry Baker, Traffic Consultant for the applicant.

Went through the History of accidents at the intersection of Old Schoolhouse Rd. and New Hempstead Rd. Believes the accidents are caused by the site distance blocked by vehicles. Would suggest they allow only for right turns at that triangle.

The board went through the traffic pattern with Mr. Baker to get a better understanding. They would still like Mr. Baker to work on additional options. What is the inconvenience for people who currently live there that want to get onto the palisades?

Mr. Baker stated they'd have to go out and come around. Is it an inconvenience? Yes. But safety is in my opinion, override of all that. There will be back up, and people who will allow for people to pass and other people coming back around to pass. From a safety standpoint and a better operational standpoint this is what is suggested. We are willing to speak with Dyan from County Highway to make any adjustments they may want. This is really about making the roadway network safer for your residents.

The mayor isn't sure how he feels and would like other options looked into. Would like it sketched out.

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

Resolution # BOT 2024-61

Resolved, that the village board of the village of New Hempstead hereby open the Public Hearing of Denton Acres, 870 RT 45. The applicants are petitioning the board for a zone change. Mayor Sicker called for a vote. The vote was 3-0. The resolution was adopted.

Rebecca Levi, 29 Fessler

Agrees with the traffic situation. Feels the board should have a wider discussion with the residents before designating this road a collector road. Why in 2022 when the commercial zoning changes were nullified, is everything being added as pieces? What's next? Has been coming to the meeting and was there at the last one which was not the public hearing. There was a lot more information given at that meeting about the collector road issue, which is why I understand what is going on this evening. There needs to be a little more transparency with that. Understands that the traffic issue was raised by the builders study and appreciates the issues being raised, does not feel it should be tied to the approvals, as it is an issue that should be addressed regardless of this project going forward.

Mark Zakheim, 484 New Hempstead Rd., the Presbyterian Church

Does have a lot of activity at their site and is concerned about the no left turns. Appreciates the traffic being looked into. Would like to make sure proper discussion has been had about the wetlands. In the past, when the medical building went up, it flooded the road and the basement at the first rain. At that point the town came in and put in a new drain to mitigate the flooding. If this goes through would like to be sure that is looked into and would appreciate it

Claudy Jourdain, 865 Main St

Agrees with Ms. Levi about the traffic but needs more transparency about what is coming into the area.

Ira Emanuel,

To address Ms. Levis comments to summarize the previous meeting basically, because the village controls only that 120 or so feet of old schoolhouse road. It would only designate this part of this parcel across the street and have an impact on it. So there will be two parcels in the village that would be impacted by the designation of the road as a collector of this parcel. Where we're standing here is a village at Village Hall and the Denton Acres parcel any other parcel in the village would not be affected by it. Further, with respect to the west side, the far side of old schoolhouse for all of those parcels, with the exception of the Denton Acres parcel are in the Town of Ramapo so they're outside of your jurisdiction. On the east side, they are within the village but again, the way the road is configured in terms of the to the town boundaries. The town village boundary is along the eastern Right of Way line of old school house so that's why you don't have jurisdiction over the remaining portion of old schoolhouse Rd.

The village attorney mentioned that in order for this traffic study to be done they need to include the collector road designation because without it there is no project.

Ms. Levi believes that is an option.

The village attorney also mentioned that the NCD designation never got thrown out. What got knocked out was the Com plan, but the NCD is a designation we have for commercial district was prior to that. There aren't many that meet the criteria, but any parcel that meets the requirements for an NCD can apply.

The applicants went through the plan they made with the NYS DEC. the reason for the shape of the project is because of the regulations the DEC put in place. The open area at the front was required to be left untouched by the DEC as part of the allowance to build within the 100ft buffer. We are not going to be touching the wetlands. There is a requirement that there has to be a zero net increase runoff.

These issues will all be raised at the Planning Board.

Trustee Schiffman offered the following motion, which was seconded by Trustee Levi:

Resolution # BOT 2024-62

Resolved, that the village board of the village of New Hempstead hereby schedule their regular board of trustees meeting for August 20, 2024 at 7:00pm. Mayor Sicker called for a vote. The vote was 3-0. The resolution was adopted.

Trustee Schiffman offered the following motion, which was seconded by Trustee Levi:

Resolution # BOT 2024-63

Resolved, that the village board of the village of New Hempstead hereby adjourn the Public Hearing of Denton Acres, 870 RT 45. Petitioning the board for a zone change to August 20, at 7:00pm. Mayor Sicker called for a vote. The vote was 3-0. The resolution was adopted.

RESOLUTION ACCEPTING THE JUSTICE COURT AUDIT AS PREPARED BY BERARD AND ASSOCIATED

Trustee Schiffman offered the following motion, which was seconded by Trustee Levi:

Resolution # BOT 2024-64

Resolved, that the village board of the village of New Hempstead hereby accept the Justice Court Audit as prepared by Berard and Associates. Mayor Sicker called for a vote. The vote was 3-0. The resolution was adopted.

RESOLUTION AUTHORIZING THE CONTRACT WITH DS MYERS FOR SIDEWALK UPGRADES FOR THE CLIMATE SMARTS COMMUNITIES GRANT PROJECT

The contractor is still working on certain certifications that are needed for the grant

Trustee Schiffman offered the following motion, which was seconded by Trustee Levi:

Resolution # BOT 2024-65

VILLAGE OF NEW HEMPSTEAD BOARD OF TRUSTEES RESOLUTION 2024-

WHEREAS, by prior Resolution, the Village of New Hempstead authorized the submission of a grant application under the State of New York Climate Smart Communities grant process; and

WHEREAS, the Village submitted an application for said grant for the installation, repair, replacement, and/or upgrade of 1.02 miles of existing sidewalk along Union Road. The current sidewalk width is 3-4 feet and the proposed width upon completion is 5-foot wide and will be fully ADA accessible (“the project”); and

WHEREAS, said grant application was approved with most of the costs associated with the project to be offset by the grant opportunity; and

WHEREAS, the Village Board authorized the issuance of a request for proposals from all interested vendors in performing the work associated with the project; and

WHEREAS, the Village received responses to the request for proposals, said proposals have been reviewed and analyzed by the Village Engineer with a recommendation that DS Myers was the lowest responsible bidder in response to the request for proposals; and

WHEREAS, the Village Board wishes to accept the response of DS Myers for all work associated with the project in connection with the Climate Smart Grant.

NOW, THEREFORE, it is hereby

RESOLVED, that the Village of New Hempstead Board of Trustees accepts the recommendation of the Village Engineer and hereby awards the work associated with the project to DS Myers pursuant to the terms and conditions of their response to the request for proposal; and it is further

RESOLVED, that Mayor Sicker is hereby authorized to execute and sign any and all documents, submissions and reports for the project including a Contract with DS Myers for project.

Mayor Sicker called for a vote on the Resolution which was as follows: Trustee LEVI, AYE, Trustee Schulgasser, AYE and Trustee Schiffman, AYE.

Mayor Sicker declared the Motion carried by a vote of 3-0 and instructed the Clerk to file same.

RESOLUTION AUTHORIZING THE SUBMISSION FOR THE CREST GRANT

Trustee Schiffman offered the following motion, which was seconded by Trustee Levi:

RESOLUTION #BOT 2024-66

WHEREAS, by prior Resolution, the Village of New Hempstead Village Board of Trustees authorized the submission of a bid available from Dormitory Authority of the State of New York under the Community Resiliency, Economic Sustainability and Technology (CREST); and

WHEREAS, the Village was conditionally approved for funds pursuant to said Grant to allow for the repair, remediation and upgrade to Village Hall located at 108 Old Schoolhouse Road; and

WHEREAS, additional information and materials may be required for the submission and completion of the grant;

NOW, THEREFORE, it is hereby

RESOLVED, that the Village of New Hempstead Grant Writer Joel Grossbarth and the Village Clerk are hereby authorized to submit any and all documents, materials or other information to Dormitory Authority of the State of New York for the evaluation and competition of this grant application.

Mayor Sicker called for a vote on the Resolution which was unanimous. The Resolution was adopted by a vote of 3 -0.

MAYORS REPORT:

DEPUTY MAYORS REPORT:

TRUSTEES REPORT:

MOTION TO ADJOURN

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

Resolution # BOT 2024-67

Resolved, that the meeting on July 30, 2024 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