

VILLAGE OF NEW HEMPSTEAD

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

**BOARD OF TRUSTEES**

SCOPING SESSION

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REGULAR MEETING

June 25, 2024

6:30pm

PRESENT

ABE SICKER, MAYOR  
SHALOM MINTZ, DEPUTY MAYOR  
MOSHE SCHULGASSER, TRUSTEE  
MARC SCHIFFMAN, TRUSTEE

ABSENT

SHIMON LEVI, TRUSTEE

ALSO PRESENT

ALLISON WEINRAUB, VILLAGE CLERK TREASURER  
BRUCE MINSKY, VILLAGE ATTORNEY  
GLENN MCCREEDY, VILLAGE ENGINEER  
JOHN LOCKMAN, VILLAGE PLANNER

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**SCOPING SESSIONS BEGINNING AT 6:30PM: PROPOSED ZONING AMENDMENT WHICH IS PROPOSED BY 103 BRICK CHURCH ROAD.**

Mayor Sicker went through the process of the scoping session. He asked everyone to state their name, address and to speak clearly for the record. The village received an application for this project. Just because the applicant is in front of the board does not mean the application is going to get approved. More information has to be submitted for a decision to be able to be made.

Jonathan Lockman, NVP, Village Planner

The trustees received a petition from 103 brick church LLC, to change the zoning on the old golf course at 103 brick church road to new zone 1R-10 which is 10,000 square foot, minimum lot size. And they would like to get this zone to develop the property with single family houses. It's not my job to present the application on this but the mayor asked me to talk about the process. What this is tonight is a scoping session for the state Environmental Quality Review Act which a project of this size, the trustee, before they change any zoning, need to go through an environmental review process. The environmental review process has started. The trustees looked at this and made what's called a positive declaration. That means they looked at it and said, Wow, this is a really big project it is going to have a large environmental impact. Therefore, the developer will be required to do an environmental impact statement. If you haven't seen one, it's a very large report with all sorts of information about drainage, floodplains, wetlands, any animal habitats on the site, traffic reports, and that's just we just described about a third of it. So before they set off to do their environmental impact study, which I assume will take about at least six months to prepare. They have submitted to the trustees, a draft scope. If you took a college class where you had a giant term paper and you had to hand into the professor and outline before you got started and get it approved, that's what the scope is it's an outline of their environmental impact statement. So on the website for the village, if you look under the current application section and you look at the 103 brick church and you can find draft scoping documents as draft scoping document on and this is the outline of the report that they're going to do the environmental impact statement. So tonight we're going to discuss the draft outline for their impact statement. Then they're going to, based on comments received tonight they will change this a bit and they'll give us a revised final scope. Once the trustees approved that they'll go off and do the project of the environmental impact statement. And then the process will keep going from there. . Only after the environmental impact statement is done will this matter go to the planning board

and then the planning board will take the process forward from there with a site plan and subdivision. That's my overview of the process.

Ira Emanuel, Attorney for the applicant

This is as Mr. Lockman said, the very beginning of this process. And its process that we're what we're talking about here is not even the actual development of the property we're talking about here is very limited with respect to whether or not the zoning should be changed. The applicant purchased the property which is as I said the old NY Country golf course which is still operated and took a look and recognize that much of the surrounding area is zoned to a 2R-15 and under the village zoning code a 2r-15 property can be developed primarily in one of two ways, either with a single family house on a 15,000 square foot block or a two-family house on a 20,000 square foot lot, which has a density of one per 10,000 the applicant is proposing to do is to have a change of zoning so that that 2R-15 density of one per 10,000 would apply for single family homes that she thinks would be a much nicer way of developing that area as opposed to the 2R-15 which is adjacent to. What we're here for tonight is to start the process of examining the impacts of such a zone change. And what the purpose of tonight's public hearing is about is for questions to be asked about potential impacts that might result from such a rezoning. We have presented a draft scoping outline that covers are the appropriate areas are studied. There may be differences of opinion there may be other areas that were haven't considered that perhaps should be considered. That's the purpose of tonight's meeting is to get those impacts. It's not, Is this a good idea, Is this a bad idea. It's determining what the potential impacts are. We'll take all that information back. We'll probably revise the scope of the draft, resubmitted to this board. This board will consider that resubmitted draft and may make additional changes. At some point though, the board will approve a scoping outline and that scoping outline will become the basis of the environmental impact statement. In order to provide some context to what this zoning would look like. We have prepared a conceptual plan. This conceptual plan is very much conceptual. It doesn't take into account wetlands. It doesn't take into account flood zones. It doesn't take into account grades. It doesn't take into account a whole bunch of things, but the idea is to provide a conservative maximal if you will, development concept because once you start factoring in all those other impacts, and the density starts to shrink a little bit. You can go from maximal impact to a lesser impact. It's tougher to go from a lesser impact to a greater impact. And so that's what that project that we're showing you here is intended to represent. It's not a full blown site plan. It's not necessarily intended to be developed that way.

Steve Marino, Tim Miller and Associates, Applicants Professional

This is the first step in the long process for this project will go through. This is the first step in the long process for this project will go through. As was mentioned, this draft impact statement that we're looking to prepare for the zoning aspects of changing the zoning of this property does not include details and development of the property is based on a concept of what maximum development scheme on a property could look like. We've provided a draft scope to the board, including a number of important subjects we know that have been discussed in leading up to this point and I will give you examples of that zoning and land use. We've had discussions with the planning board we have some ideas of what the main concerns are, and we've included those concerns in our draft scope. When discussing land use and zoning it's certainly a change from the 1R-40 that's there now to a 1R-10 that's proposed to the property, demographics and fiscal resources, how many people can we expect moving into the village as a result of this development? I have an accent based on multipliers that we use on similar developments. How will the zoning change from the lower density to higher density? How will that affect schools? How will that affect the tax base? And tax revenues to the millage? That's included in that portion of the of the scope, community facilities and services? How will it affect fire protection, police protection? How will it affect parks, other community facilities? Traffic and transportation we've heard a number of times that that's a major concern for this we're in the process of preparing a traffic study that includes a maximal build out of the project based schematically on this plan, with only adjacent intersections and access points for the project. being studied. Utilities and infrastructure. How water and sewer are going to be dealt with is their capacity, or their lives nearby that can be tapped into that won't be part of the study. Those are the major topics that we're talking about. We're here tonight we'll listen to anything else anybody else has to say. The draft scope is our document we presented to the board. Adopted scope will be the board's document with the outline for the GIS and we'll be preparing will be based on the forest conclusions as to what should be in that document. There's also a portion of the of the scope that will consider the forbearance agreement that's already on the property and how that affects future development or what might happen to that agreement as we move forward. Like I said, this is the beginning of a long process once the board adopts a scope. We will then go ahead and prepare the draft environmental impact statement based on the scope for the zoning. There will be public meetings after that draft impact statement as adopted there'll be more opportunity for the public to speak a final environmental impact statement will be prepared based on the net impact statement will answer questions that are raised during the public hearing by the board by other agencies and by the public. The final environmental impact statement will then result in a findings as to whether the project will move forward in the ways that are approved. Once that's done, the applicant will then need to come back to the planning board for actual

projects on the properties based on the new zoning if that happens. This is not the subdivision plan. As mentioned, the plan does not consider a wetland it doesn't consider alternative access points that may come up during the discussions with regarding traffic. It doesn't consider any of that. That's the stuff that will be the next phase when you go back to the planning board with the actual development. So as we've said, we're here tonight to listen to the board. We're here tonight to listen to the public. Mr. Lachman. In the end, we'll revise the draft scope to include significant comments that are raised at tonight's meeting, and then hopefully it will get to a point where we have an adopted scope and then we can go on and prepare the impact statement.

Mayor Sicker explained that because the plan is missing so much info such as steep slopes and wetlands the number given is false. There will be other encumbrances that basically, I would assume significantly lower that number of units that you actually can realistically get on this property. Mayor had questions on the Bulk table and what the setback are going to be.

The applicant's attorney feels the information on bulk is a little preemptive to discuss at this time. He did mention the DEIS does cover those items. The scope does lay out a land use and zoning chapter and all that type of information will be presented in that chapter.

Deputy Mayor Mintz requested that the applicant explain to the public in layman's terms what the different zonings mean and what can be done on the property.

The applicant explained a 1R-25 would be about half acre lots, 2R-15 is a third of an acre, unless you do two family and then its about half an acres for a side by side unit. You would get more units in a 2R-15 zoning because there is no frontage requirement.

Village attorney Minsky explained that these are all important topics but the purpose of tonight is for them to show what the maximum could be for them to do an accurate environmental study. This scoping session is very limited to identifying the outline of what sort of environmental review they're going to do, based on this maximum presentation of what can be done at the site. You should bring up environmental concerns for the board to take into consideration.

Mayor Sicker brought up the Planning board comments requesting the applicant to explore other options.

The applicants attorney explained they will be required to explore other options as part of the process.

Johnathan Lockman, Village Planner

On page seven, in Section Five of the scope listed the alternatives that you'll prepare the village in article 11 of the code has that average density provision. And with that, there might I would suggest that you as as an alternative, where it says like development of the entire project site under existing law or authority or development of the project site, 2R 15. Then when you do your alternatives, including the 1R10 You could look at how it might look if you use article 11 average density which already available to you in the code so that you could make a lots of little smaller, but then have more space around the outside of the development and more open space around the pond and around the wetlands to allow for some recreation for the residents place to walk the dog and walk around. So that I think that one of the things that the planning board was worried about an interview was development from edge to edge. But with the average density provisions that are already available in the code, without any rezoning, you could push things a little closer together and make buffers and make the experience of living near the site maybe more pleasant for the budding people.

Yoav Factor, 110 Hempstead Rd.

Is there any possibility that this is going to turn into RT-306 in Monsey? Feels this wasn't well publicized. Has signed up for the Email list for the village. Would like confirmation that he will receive updates now.

The mayor explained the village did whatever was legally required in terms of notification as per legal advisement. The applicant submitted for single family homes, so as it is they are not applying for multi. There should be no reason you wouldn't receive an update if you signed up.

Chasida Sherman, 22 Fessler Dr.

Would like clarification on what zone the site is currently in and would also like to know if the mayor has made a decision one way or another. Is confused about the approvals and curious if this is just to find ways to mitigate the

issues for their approvals to go through. What if the issue isn't how it's going to work but that the residents don't want it? Feels within the last three years every time a concern is brought up about a project the project still gets through.

Mayor Sicker stated the current zone is a 1R40. Would like to be very clear, he has not formed a decision and does not tell people on the board how to vote. Absolutely nothing has been done on this project other than issuing a Posdec. This is the first of many meetings and chances are before the next one this whole plan could be changed based on the feedback from this evening. There has not been a public hearing for this approval yet and is unable to form an opinion at this time. This is the process the applicant has the right to go through. He will make a final statement after all comments have come in regarding the claim related to recent projects in the village.

Barbra Greenwald, 2 Rovitz Place

Because the applicant has proposed this maximal development plan that would require rezoning if the board entertains that in order for the study. Does that have any impact on decision making them? It can sometimes take 15 minutes to get out.

Mayor explained no. We as a village, as anyone that owns a piece of property can come in. You can come in on your property and say you know something I want 3 million units out there. I want to buy build a 22 unit and we have to sit here and entertain it. Whether it's totally bizarre, totally opposite, but that's just the way it works.

Attorney Minsky

All of this is today is, they've come with this application where they maximize this property. Now we're telling them you need to do an environmental study. These are the parts of the study that you have to do in order to determine the impact that's all this is no one's making determinations of good application or bad application. Maybe their strategy is bad to come in and do this because look at everybody that's here, but it's up to them to do once that study is done. And they follow their application, the concerns about changing the neighborhood and everything else becomes an issue on the discussion on the actual application. This is only a discussion on the parameters of the environmental study that they're going to do. And they're going to have to look at traffic. They're going have to look at, you know, cutting down trees, you know, the impervious surface all that stuff. But how it's going to change the neighborhood, unfortunately, is not part of this particular process now, and the board hasn't given any indication or made any decision other than this property has got a major environmental impact. That's all that's been done. At this point.

Mayor Sicker mentioned he did have a talk recently about widening the road and adding a turning lane into washing ton Ave.

Denise Grossman, 6 Patricia Ln.

Would the Village be absorbing the cost for the road widening that is needed? There is no room for widening now how will it be done? Traffic increase is out of control. You can't pull out. Can you say this has to be built according to the current zoning?

Mayor Sicker explained this will be for the applicant if when it's evaluated its determined it's needed. That was the first comment that came in at the initial CDC Meeting. It will be up to the applicant to figure out how to make it work.

The board went through the process of the traffic study and how when/ if it's determined items such as turning lanes are needed the applicant will have to address it. The Mayor appreciates the scoping session processes as he does not take Hempstead often and is now aware of the traffic issue that should be looked into.

Adele Katzenstein, 143 Brick Church Rd.

What whatever the zoning is in New Hempstead. It's not rigid. You can apply to change it, because the zoning is 1R40, why can't it be developed at that zone. The applicant is saying they believe 1R-10 is nicer than 1R-40, but she does not agree.

The Mayor explained again that any property owner has the right to request a change and go through the process and then the board will have to make a determination based on everything that happens.

Douglas Dickerson, 6 Gloria Dr.

Recognizes that change is going to be taking place. Has been living in the village since the 80s. Has seen all the changes, when the golf course came in the dreaded it, but now he has grown to love it. Is concerned about the

children in the area on Jonathan Place and Naomi Dr. sometimes getting onto Union from the intersection can take 15 minutes. Is looking for a pre-remedy before changes takes place. Is looking out for the children.

The Mayor wants to have the traffic looked into on Gloria and Jonathan Pl.

Shimon Greenwald, 8 Gloria Dr

Recognize the developer that's going to come to that area, and the fear is that glory is going to be opened up as an access lane which is going to adversely affect our street. Would like to know if this is the point to bring up Parks, community centers and such.

Mayor Sicker explained that if it gets that far in the process it will be up to the developer to show what is going to be going in.

Rebecca Levy, 29 Fessler

Appreciates this meeting and the transparency. Would like to address the issue that they said they were going to just monitor the two intersections near them because we have a beautiful village but its small. And so one intersection doesn't just it's not in a vacuum. It impacts every single part of that road. Currently lives on Fessler, part of it is an exit is on 306 and I know this isn't responsible for the village but just giving you an idea of all these developments. I cannot turn out of 306 average time. And so in order for me to go on to 306 I have to go all the way around that to go down my street. I could go down a few blocks and then still wait to turn on Viola because it's hard to turn a real well. Now the IVy going to Hampstead road and union is the only area that I can turn to get to get off on my street. But even then now it's congested turning on certain times. of day, like if you try and go regular rush hour, you have to wait a long time to be able to get onto the street and while you're going it's just not how it was one twenty six years ago, but nothing has been adjusted since then. And so adding all of this traffic I also want to point out that most of you have said during rains floods so every time I hear these things, there's no flood impacts. I'm very skeptical of it because I'm driving the streets and I know that my cars getting all the time because of because of lower you know streets and things like that. And I would implore you to listen to what we have to say versus a developer that's not going to be living in this community. And we you know, we have lived here for 30 years. that we love this village and we want to keep it as a place that we enjoy living in and that we don't feel suffocated by it because of developments.

Elia Fadis, 10 Elizabeth Ct

Most of the people that moved here did so because it was a nice small village. Over the years, it keeps growing. Change is good, but we feel we are never heard. Understands this is a different type of meeting but we come from the beginning of the planning process to the end and still feel there isn't a point. It's still my village. She agrees that the developers are not going to be living there. We have to see this every day, we have to deal with the traffic. Would like the zoning to be kept the way it is.

George Mulligan, 4 Bonnie Dr.

Does not want an access point into their neighborhood either.

Deborah Munitz, 5 Rosehill Rd.

I take no position on this particular development, but I am strongly advocating for a change in procedure. Has written and letter and provided it to the Clerk. Has concerns, When an applicant comes to you with something that's within your zoning, yeah, you should absolutely move forward, make your Pos deck start considering it. In the amendment, the first choice that you have is as a board, do you want to consider it? You don't have to move forward. You don't have to waste anybody's time anybody's money have any angst about anybody here. The village spent years drafting a comprehensive plan with specific recommendations and after having discussion's, because it was not adequately noticed and the public did not adequately participate, but still a comprehensive plan was drafted. The village promised to move forward and do an EIS on the plan in February of 2022. That comprehensive plan said keep the 40, and if they did clustering, and they optimize it in a way that suits you and excites you, you would consider offering them a 50% to 100%. That will double it. If they do a good job, if they create open spaces, if they create recreation, or if they do whatever the things are that you want to excite them to do. The question I have, why don't you just simply say no, we spent years creating a comprehensive plan. We absolutely promised to do on EIS on the comprehensive plan. Why are you not starting with that? Why are you actually allowing them to start because by moving to this phase, you are committing everyone to time and money and it's not fair. The applicant may have every reason to expect that you're seriously considering what they're putting in front of you.

I sent you a letter and gave a lot of reasons and I hope you read it. But I do believe that this is improper you did not do the notifications you need for the scoping meeting, because you improperly passed over and didn't have a public

meeting on this rezoning amendment You're supposed to be doing things in concert, you can combine meetings. It's encouraged, but you need to start because you need this input from the public because everybody's comments tonight are not good for scoping. Everybody's comments are good for you as to whether you should be moving forward to even decide to consider this and go to scoping. You need to let people know what you as a board want to see. So that you can let them and the applicant know what you're looking for and consider things that are reasonable and rational for them and they're not wasting their time and money and that they should have had the expectation that if they come out of this, they do this that you're going to approve it. So I think you should have public hearing on this. Once you get to something that sounds like you want to move forward, then begin you pos dec with a smaller scoping.

Chaim Meckler, 17 Greenhill Ln.

Has been living in the village for many years. Has seen the changes. Look what's been happening at Bais Malka, with the Camp, Bus Parking etc. They just do wherever they wish. Nobody does anything to stop it. Nobody cares. Now you want to put this in my backyard. Thank you.

Jeff Kaplan, 765 Union Rd.

Is the board obligated to consider a zone change?

The way they mayor understands it, if someone files something, the board is obligated to review it. That's his understanding of the process.

Bruce Minsky, Village Attorney

Anybody is allowed to come in and ask what they want. The boards can't vote on an application until an application is somewhat complete. But some people asking if they came into the building and said, hey, we want to do this and the board said I don't think it's a good idea. You could. They want to take the position of filing this application. It can't be stopped for doing that. The first step at the board does is decide that there's an environmental impact. So we have to have a scoping session there's going to have to be a complete environmental study done. That's the way the law works.

The Mayor went over the process for a Pos Dec and Scoping. The information gathered and the environmental impacts and how it will be addressed will be for the applicant to determine.

The public would like to know if this could just be denied right at the start before anything is done.

Mayor Sicker wanted to touch on the comment people made about all of the approvals this board has given over the years since they came in office. There was maybe two projects that have come in in the last 8 years, the site where CVS at 306 and Grandview is located and a 16 single family home subdivision. If there are other project that are not in the village other than commenting, which the Mayor does do, there isn't much more this village can do. The Village is not in control of those areas. He is being advised by a legal representative on this project and he isn't here to debate. He is going to end the session here and keep the comment section open for written comments to be submitted by Friday, July 5, 2024, to be included as part of the next meeting.

## **PLEDGE ALLEGIANCE**

## **ROLL CALL**

## **OPEN FLOOR- PUBLIC PARTICIPATION**

Allen Weinberg, 7 Patricia Ln.

Would this be the appropriate venue to pass a resolution prohibiting a 1R10

The mayor is not looking for a lawsuit against the village which has happened in other municipalities for doing similar. The village has to go through the process and take everything into consideration.

Moshe Farkus, 7 Wishers Ln.

Had questions about the retaining wall at Barnacle and Wits end. Also would like an update on repaving the area where the utility company did work.

This is in the process of being worked on. The homeowner has been in contact with the village about the issue. The Mayor will follow up on where this is at. The Mayor can't guarantee this season but does believe repaving will be done in that area next after the utility work is complete.

Jeffrey Kaplan, 765 Union Rd.  
Would like a sidewalk update.

The Mayor responded that the bids did come back for the Union sidewalk and we have to work with the department that awarded the village the grant to be able to begin. The signatures are still needed for the New Hempstead Rd. Sidewalk.

Adele Katzenstein, 143 Brickchurch Rd.  
The condition of the sidewalk on Grandview Ave. is horrendous.

The mayor explained it's a county road. He is working to see what can be done. He believes the village should initiate a fee for sidewalks for the next 5 years for everyone, because of how costly they are.

Some residents had questions about the upkeep of sidewalks.

Based on the village code it is the responsibility of the homeowner to make sure it is clear of debris and obstruction but the village has started plowing the actual sidewalks in the village. There are areas that are used as sidewalks that are not actually considered sidewalks, those areas cannot be done with the machine the others are done with.

#### **APPROVAL OF MINUTES: April 5, 2024\_ May 21, 2024**

Minutes will be held over to next month.

#### **APPROVAL OF AUDITED VOUCHERS 2024-6**

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

##### **Resolution # BOT 2024-48**

Resolved, that abstract of Audited Vouchers 2024-6, #21274-21320 in the amount of \$ 88192.88 are hereby approved. Mayor Sicker called for a vote. The vote was 3-0. The resolution was adopted.

**PUBLIC HEARING: SPECIAL USE PERMIT FOR BAIS MALKA HASC, LLC, 48 GRANDVIEW AVE, MONSEY NY 10952. THE APPLICANTS ARE SEEKING TO AMEND THE SPECIAL USE PERMIT TO PERMIT THE CONSTRUCTION, MAINTENANCE, AND USE OF AN ADDITION FOR ADDITIONAL CLASSROOM SPACE. THE SUBJECT PROPERTY IS LOCATED ON THE SOUTH SIDE OF GRANDVIEW AVE. 900 FEET FROM THE INTERSECTION OF PLEASANT RIDGE RD. THE PROPERTY IS DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 41.20 BLOCK 2 LOT 41 IN A 1R-25 ZONING DISTRICT.**

Joe Churgin, Attorney for the applicant

As everyone is aware, Bais Malka has a lot of acreage. The two main school buildings on the property. They are looking to amend the Special Use Permit to add two additional classrooms on an area that is already paved. We are not looking to add any impervious surface area. The classrooms are each going to be 46 x 22 one on top of the other. The applicant has received a revised site plan approval for this.

The Mayor went over current issues such as the lights and such that will have to be addressed before any CO can be granted.

Mrs. Weinraub stated it ran in the Rockland Journal News on June 11, 2024 affidavits of notice and postings were timely.

Correspondence referenced into the record:

RC Highway Dept. 3.19.2024

NYS DOT 5.21.24

RC Environmental Health 6.14.24

RC Sewer District 5.28.24

RC Planning 6.14.24

TOR DPW 5.29.24

This application did not get a denial from GML. The applicant is not asking for any overrides. They believes this is such a minor application.

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

**Resolution # BOT 2024-49**

Resolved, that the village Board of the Village of New Hempstead herby open the Public Hearing for Bais Malka, 48 Grandview Ave. for Special Use Permit. Mayor Sicker called for a vote. The vote was 3-0 the resolution was adopted.

No one from the public had anything to say.

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

**Resolution # BOT 2024-50**

Resolved, that the village Board of the Village of New Hempstead herby close the Public Hearing for Bais Malka, 48 Grandview Ave. for Special Use Permit. Mayor Sicker called for a vote. The vote was 3-0 the resolution was adopted.

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

**Resolution # BOT 2024-51**

**VILLAGE OF NEW HEMPSTEAD BOARD OF  
TRUSTEES RESOLUTION 2024-51**

WHEREAS, Bais Malka HASC, LLC, an owner of the property located at 48 Grandview Avenue, Monsey, New York 10952 (hereinafter referred to as “Petitioner”), has heretofore petitioned the Village of New Hempstead Board of Trustees for a special use 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 addition to allow additional classroom space. The subject property is located on the South side of Grandview Avenue, approximately 900± feet from the intersection of Pleasant Ridge Road, and further identified on the Town of Ramapo Tax Map as Section 41.20, Block 2, Lot 41 and is located within a 1R-25 zoning district; and

WHEREAS, a public hearing was held by the Village of New Hempstead Board of Trustees on June 25, 2024; 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, New York State Department of Transportation, Rockland County Environmental Health Department, Rockland County Sewer District #1, Rockland County Planning Department and the Town of Ramapo Department of Public Works, 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, THEREFORE, it is hereby

RESOLVED, that the Village of New Hempstead Board of Trustees hereby approves the Petition of Bais Malka HASC, LLC 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 addition to allow two (2) additional classroom space to the plans submitted for the property located at 48 Grandview Avenue, Monsey, New York 10952 subject to the following conditions:

- (a) The comments received from Rockland County Highway Departments' Letter dated March 19, 2024;
- (b) The comments received from New York State Department of Transportation's Letter dated May 21, 2024;
- (c) The comments received from Rockland County Environmental Health Department's Letter dated June 14, 2024;
- (d) The comments received from Rockland County Planning Department's Letter dated June 14, 2024;
- (e) The comments received from Town of Ramapo Department of Public Works' Letter dated May 29, 2024;
- (f) Village Building Inspector review and approval;
- (g) Village Engineer's review and approval.

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.

Mayor Sicker called for a vote on the Resolution which was as follows: Deputy Mayor Mintz, AYE, Trustee Schulgasser, AYE and Trustee Schiffman AYE. Mayor Sicker declared the Resolution was adopted by a vote of 3-0 and directed the Clerk to file same.

**AND USE OF AN ADDITION FOR A PLACE OF ASSEMBLY & MIKVAH/RITUAL BATH. THE SUBJECT PROPERTY IS LOCATED ON THE WEST SIDE OF UNION RD. 0 FEET FROM THE INTERSECTION OF PATRICIA LN THE PROPERTY IS DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 42.17 BLOCK 1 LOT 11 IN A 1R-25 ZONING DISTRICT.-**

This is a continuation of the public hearing. The hearing was left open at the last meeting. the Neighbors have entered into an agreement with the applicant. A copy of the agreement has been filed with the village and will be attached to the file.

Correspondence read into the record:

Village of Spring Valley, 3.15.2024  
RC Highway 3.15.2024  
RC Drainage Agency 3.21.2024  
Hillcrest FD 4.17.2024  
Comments from Neighbors 4.15.2024  
Agreement with Neighbors 6.25.2024

Attorney minsky stated that the village law does require there to be a resident within the place of assembly which the applicant will be complying with.

Joshua Eller, 118 Brick Church Rd.

Would like the agreement that was made between the neighbors be attached to the property as opposed to the applicant.

The mayor and attorney assured the public of that. It will be in the resolution.

The public brought up speed humps and the mayor explained he is not in favor.

Rebecca Levi, 29 Fessler

The speed humps weren't a bad idea it was the placement and height that caused an issue.

The mayor went through the process that the village went through when that project came about.

Dennis Grossman, 6 Patricia Ln.

Where is the parking going to be?

As per the village code the applicant provided parking letters from neighbors for parking.

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

**Resolution # BOT 2024-52**

Resolved, that the village Board of the Village of New Hempstead hereby close the Public Hearing for Shmuel Berkowitz, 755 Union Rd. for Special Use Permit. Mayor Sicker called for a vote. The vote was 3-0. The resolution was adopted.

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

**Resolution # BOT 2024-53**

**VILLAGE OF NEW HEMPSTEAD BOARD OF**

### TRUSTEES RESOLUTION 2024-53

WHEREAS, Shmuel Berkowitz, an owner of the property located at 755 Union Road, New Hempstead, New York 10977 (hereinafter referred to as “Petitioner”), has heretofore petitioned the Village of New Hempstead Board of Trustees for a special use 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 addition to Petitioner’s property for a place of assembly and Mikvah/Ritual bath. The subject property is located on the West side of Union Road, at the intersection of Patricia Lane, and further identified on the Town of Ramapo Tax Map as Section 42.17, Block 1, Lot 11 and is located within a 1R-25 zoning district; and

WHEREAS, public hearings were held by the Village of New Hempstead Board of Trustees on May 21, 2024 and June 25, 2024; 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 Drainage Agency, Village of Spring Valley, 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 Shmuel Berkowitz 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 addition to Petitioner’s property for a place of assembly and Mikvah/Ritual bath to the plans submitted for the property located at 755 Union Road, New Hempstead, New York 10977 subject to the following conditions:

- (h) The parking plan submitted by the Petitioner;
- (i) The written and filed agreement between Petition and the surrounding neighbors to be enforceable through the lifespan of the property (The Agreement shall run with the land);
- (j) Village Building Inspector review and approval;
- (k) Village Engineer’s review and approval.

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 Shmuel Berkowitz. 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-25 designation, unless such sale, conveyance or transfer is specifically approved by the Village of New Hempstead Board of Trustees. However, the written Agreement between Petition and the surrounding neighbors shall run with the land and any future owners of the subject property shall (if a special permit application is applied for) be subject to the terms and conditions of the special permit granted herein.

Mayor Sicker called for a vote on the Resolution which was as follows: Deputy Mayor Mintz, AYE, Trustee Schulgasser, AYE and Trustee Schiffman AYE. Mayor Sicker declared the Resolution was adopted by a vote of 3-0 and directed the Clerk to file same.

**DISCUSSION: 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****DEPUTY MAYORS REPORT:**

Ira Emanuel, Attorney for the applicant

The applicant is in front of the board for a zone change from a 1R35 to an NCD Zone to permit a two story office building.

There seems to be an issue with the need for a collector Rd. Its been determined Old Schoolhouse is not the villages to designate as collector road.

Attorney Emanuel made the point that the need and definition of collector rd. is a zoning/Local determination not one from the state or the feds. The Village zoning code does not define collector roads, it names them, specifies certain collector roads. The village subdivision regulations define collector road as a street that serves or is designed to serve primarily the function of carrying traffic from minor streets to major streets. The applicant believes Old Schoolhouse fits that definition

The board asked what other parcels in the village would be effected.

The applicant said that would be it.

The mayor expressed the downside of making this a collector road it will allow for schools to be built on it in a residential area.

The applicant's attorney explained it can be limited to a specific area.

The next step would be to speak with the village engineer for the next phase to get on the same page.

The board decided to change the date for the next meeting to July 30, 2024

The applicant discusses the traffic study that came back that recommends a no left onto New Hempstead Rd. from Old Schoolhouse

The board had questions on that.

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

**Resolution # BOT 2024-54**

Resolved, that the village Board of the Village of New Hempstead hereby schedule the Regular July Board of Trustees meeting on July 30, 2024 7:00pm. Mayor Sicker called for a vote. The vote was 3-0. The resolution was adopted.

**TRUSTEES REPORT:**

**MOTION TO ADJOURN**

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

**Resolution # BOT 2024-55**

Resolved, that the meeting on June 25, 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