

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

Tuesday, May 7, 2024,
7:30PM
Village Hall

PRESENT

MEL POLIAKOFF, CHAIRMAN
DAVID WEISS
AKIVA KRAUS
MARK GILDEN

ABSENT

BARBARA GREENWALD

ALSO PRESENT

BRUCE MINSKY, VILLAGE ATTORNEY
ALAK SHAW, VILLAGE ATTORNEY (FOR 103 BRICK CHURCH LLC)
JOHN LOCKMAN, VILLAGE PLANNER
ALLISON WEINRUAB, VILLAGE CLERK-TREASURER
AMANDA BETTELLO, DEPUTY VILLAGE CLERK-TREASURER

Open meeting

Roll Call

APPROVAL OF PLANNING BOARD MINUTES MARCH 12, 2024 & APRIL 9, 2024

The April 9th, 2024 minutes will be a hold over.

David Weiss made the following motion, which was seconded by Mark Gilden

Resolution 2024-11

Resolved, that the minutes of the regular meeting of the Planning Board, held on March 12, 2024 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.

PUBLIC HEARING: BAIS MALKA HASC, LLC, 48 GRANDVIEW AVE, MONSEY NY 10952, SEEKING REVISED SITE PLAN APPROVAL 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.

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Joe Churgin, Attorney for the applicant

Mr. Churgin stated we are here to request site plan approval for two 24x46 classrooms on the existing site. The place that we're putting the classrooms is already a blacktop area, so it's already an impervious surface area, so we're not adding to any runoff whatsoever it is just adding two small classrooms to a 15-acre site. We received a GML response from Rockland County Planning dated April 1 2024 in which a response was sent April 8 2024. The applicant is requesting an override with respect to the disapproval and comment one.

The Chairman stated we will not issue certificates of occupancy until all of the conditions previously issued are met.

Ms. Bettello stated it ran in the Rockland Journal News on March 25, 2024. Affidavits of Notice and Postings were timely.

Comments referenced into the record:

Rockland County Health 4/8/2024

Rockland County Planning 4/1/2024

Rockland County Sewer 4.8.24

Rockland County Highway 3.19.2024

Village of Spring Valley, 3/7/2024

Town of Ramapo DPW 3.28.2024

Hillcrest FD 3.17.24

NYS DOT 3.11.24

David Weiss made the following motion, which was seconded by Mark Gilden

Resolution 2024-12

Resolved, that the village Planning Board hereby open the public hearing for Bais Malka Hasc, LLC, 48 Grandview Ave., for revised site plan approval. Chairman Poliakoff called for a vote. The vote was 4-0. The resolution was adopted

Aryeh Schmerhold, 20 Pleasant Ridge Rd.

Expressed concern for camps, night swimming, the lights around the pool as well as the use of blow horns.

The applicant requested a list of the concerns be provided so that they may be addressed.

David Weiss made the following motion, which was seconded by Mark Gilden

Resolution 2024-13

Resolved, that the village Planning Board hereby close the Public Hearing on the application of Bais Malka, 48 Grandview Ave to June 4, 2024. Chairman Poliakoff called for a vote. The vote was 4-0 the resolution was adopted.

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David Weiss made the following motion, which was seconded by Akiva Kraus

Resolution 2024-14

WHEREAS, by prior Resolution, the Village of New Hempstead Planning Board (“Planning Board”) granted site approval for development of an educational facility to Bais Malka HASC, LLC located on the South side of Grandview Avenue approximately 900 feet from the intersection of Pleasant Ridge Road and designated on the Town of Ramapo Tax map as Section 41.20, Block 2, Lot 41 located in a 1R-25 zoning district; and

WHEREAS, the Planning Board has received an application for a revised site plan approval from Bais Malka HASC, LLC, to add two (2) twenty-four by forty-six (24’ x 46’) classrooms to the existing site; and

WHEREAS, the Planning Board of the Village of New Hempstead heard comments from the public during a public hearing held on May 7, 2024 and further considered correspondence submitted by the County of Rockland Health Department, Rockland County Planning Department, Rockland County Sewer District #1, Rockland County Highway Department, Village of Spring Valley, Town of Ramapo DPW, Hillcrest Fire Department, and New York State Department of Transportation, Town of Ramapo, State of New York and other interested municipalities,

NOW THEREORE BE IT RESOLVED that the Planning Board of the Village of New Hempstead grants final revised site plan to the current “as built” map of Bais Malka HASC, LLC dated February 6, 2024 to add two (2) twenty-four by forty-six (24’ x 46’) foot classrooms to the

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existing site and the current map including the agreed upon conditions by the applicant, the Planning Board and the Village's professional staff, which specifically include and are subject to compliance with the following conditions:

1. Comments #3 through #17 contained in the Rockland County Planning Department's General Municipal Law review comments dated April 1, 2024;
2. The GML Letter from Rockland County Sewer District #1 dated April 8, 2024;
3. Rockland County Highway Department's Letter dated March 19, 2024;
4. The Town of Ramapo Department of Public Works' Letter dated March 28, 2028;
and
5. All compliance issues must be resolved prior to the issuance of ANY certificate(s) of occupancy for the structures on site.

And it is further

RESOLVED, that Comment #1 from Rockland County Planning Department in the Letter dated April 1, 2024 is overridden by a super majority vote of the Planning Board; and it is further

RESOLVED, that unless specifically addressed herein, all other conditions of any prior approval given to this applicant remain in full force and effect and are required for completion; and it is further

RESOLVED, that the Planning Board Clerk is hereby directed to attach a copy of the Applicant's Response Letter to the Rockland County Planning Department's Letter and same shall constitute part of the record for this application.

Chairman Poliakoff called for a vote and the vote was as follows: Gildon AYE, Mr. Weiss, AYE, Mr. Kraus, AYE and Chairman Poliakoff, AYE. The Resolution was adopted by a 4-0 vote.

PUBLIC HEARING: JIEM EDUCATION INITIATIVE FOUNDATION, 667 NEW HEMPSTEAD RD. -SEEKING REVISED SITE PLAN APPROVAL TO PERMIT THE CONSTRUCTION MAINTENANCE AND USE OF AN INDOOR PLAY AREA ADDITION. THE SUBJECT PROPERTY IS LOCATED ON THE SOUTH SIDE OF NEW HEMPSTEAD RD. 700 FT. +/- FROM THE INTERSECTION OF BRIDLE RD. THE PROPERTY IS DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 42.13 BLOCK 2 LOT 40 IN A 1R-40 ZONING DISTRICT.

Mel Poliakoff, Village Planning Board Chairman

Addressed the letter received from a concerned resident regarding drainage and water displacement. Mel Poliakoff stated he spoke with the Village Engineer who said it was ok. Veolia addressed this as well.

Paul Baum, Representing the applicant

Stated they appeared in front of the Zoning Board of Appeals who granted the variances that were needed. They are back in front of the Planning Board for final site plan approval for a 1900 square foot addition. To address the drainage since there was concern about it, where this addition is going was impervious surface at the time the school was approved, so we're not adding any additional impervious surface. So I believe Mr. McCreedy and Mr. Lang both said, we didn't need to do any sort of stormwater mitigation.

Avi Weinberg, Engineer for the applicant

The stormwater system was over designed and in more than compensates for this we provided a letter to Glenn McCreedy, he acknowledged that it's fine. There's no need for additional stormwater management practices.

Paul Baum, Representing the applicant

Addressed the concern in the GML comment number 4 stating they must satisfactorily address the comments by the Rockland County Highway Department. The Rockland County Highway Department were asking for a stormwater management report to be prepared for the facility to consist of treatment and control of runoff discharges from the site. As indicated, they are not creating any additional impervious surface, the impervious surface was approved for the site. The stormwater system was overdesigned, so they don't feel they need any additional stormwater management because they are not creating any additional impervious surface runoff.

Bruce Minsky, Village Attorney

It doesn't need an override because we just have to consider it and we did consider it by speaking with the Village Engineer and the system put in and there's no increase in the runoff.

Ms. Bettello stated it ran in the Rockland Journal News on March 26, 2024. Affidavits of Notice and Postings were timely.

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Comments referenced into the record:

Rockland County Health 3.26.2024

Rockland County Planning 3.25.2024

Rockland County Sewer 3.23.24

Rockland County Highway 2.26.2024

Town of Ramapo DPW 3.7.2024

David Weiss made the following motion, which was seconded by Mark Gilden

Resolution 2024-15

Resolved, that the village Planning Board hereby open the public hearing for JEIM, 667 New Hempstead Rd. for revised site plan approval. Chairman Poliakoff called for a vote. The vote was 4-0. The resolution was adopted

Ezra Lazarus, 1 Anchor

Had questions regarding the stormwater.

The applicant addressed them.

David Weiss made the following motion, which was seconded by Akiva Kraus

Resolution 2024-16

Resolved, that the village Planning Board hereby close the public hearing for JEIM, 667 New Hempstead Rd. for revised site plan approval to June 4, 2024. Chairman Poliakoff called for a vote. The vote was 4-0. The resolution was adopted

David Weiss made the following motion, which was seconded by Akiva Kraus

Resolution 2024-17

WHEREAS, by prior Resolution, the Village of New Hempstead Planning Board (“Planning Board”) granted site approval for development of an educational facility to JIEM Education Initiative Foundation located on the South side of New Hempstead Road approximately 700 feet± from the intersection of Bridle Road and designated on the Town of Ramapo Tax map as Section 42.13, Block 2, Lot 40 located in a 1R-40 zoning district; and

WHEREAS, the Planning Board has received an application for a revised site plan approval from JIEM Education Initiative Foundation to permit the construction, maintenance and use of an approximate 1900 square foot indoor paly area addition to the existing site; and

WHEREAS, the Planning Board of the Village of New Hempstead heard comments from the public during a public hearing held on May 7, 2024 and further considered correspondence submitted by the County of Rockland Health Department, Rockland County Planning Department, Rockland County Sewer District #1, Rockland County Highway Department, Town of Ramapo Department of Public Works, and other interested municipalities,

NOW THEREORE BE IT RESOLVED that the Planning Board of the Village of New Hempstead grants final revised site plan to the current “as built” map of JIEM Education Initiative Foundation dated January 25, 2023 to permit the construction, maintenance and use of an approximate 1900 square foot indoor paly area addition to the existing site to the existing site and the current map including the agreed upon conditions by the applicant, the Planning Board and the Village’s professional staff, which specifically include and are subject to compliance with the following conditions:

1. Comments #1 through #4 contained in the Rockland County Planning Department’s General Municipal Law review comments dated March 25, 2024;
2. The Town of Ramapo Department of Public Works’ Letter dated March 7, 2028;
3. Rockland County Highway Department’s Letter February 26, 2024;
4. Rockland County Sewer District #1 Letter dated March 23, 2024;
5. Rockland County Health Department’s Letter dated March 26, 2024and
6. All compliance issues must be resolved prior to the issuance of ANY certificate(s) of occupancy for the structures on site.

And it is further

RESOLVED, that unless specifically addressed herein, all other conditions of any prior approval given to this applicant remain in full force and effect and are required for completion; and it is further

Chairman Poliakoff called for a vote and the vote was as follows: Gildon AYE, Mr. Weiss, AYE, Mr. Kraus, AYE and Chairman Poliakoff, AYE. The Resolution was adopted by a 4-0 vote.

DISCUSSION: 103 BRICK CHURCH LLC, PETITION REFERAL FROM BOT_103 BRICK CHURCH RD. THE PROPERTY IS LOCATED ON THE NORTH SIDE OF BRICK CHURCH RD, 500 +/- FEET FROM UNION RD. IN THE VILLAGE OF NEW HEMPSTEAD: DESIGNATED ON THE TOWN OF RAMAPO TAX MAPS AS SECTION 50.05, BLOCK1 LOT 11.1.

Ira Emmanuel, Attorney for the applicant

Ann Cutignola, Planner for the applicant

Steve Marino, Environmental Consultant for the applicant

Blatmower, Owners Rep.

Harvey Klein, Design

Ira Emmanuel, Attorney for the applicant

Presented to the board that this is a referral from the Village Board on an application for a zone change to create a new zoning district designation 1R-10. Brought up the forbearance agreement that affects this property and what the process would look like if this project moved forward.

The Village representatives advised the applicant of the process under the Village Code.

Ann Cutignola, Planner for the applicant

Clarified that they are not appearing in front of the board looking for any acknowledgement or approval at this time. Questioned the planning board's recommendation of the concept of single-family zoning on this parcel.

Bruce Minsky, Village Attorney

Brought up the issue of the type of zone they are requesting.

John Lockman, Village Planner

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Explained that the board should be viewing the proposed project solely from a planning perspective. Such as if the single family 1R-10 zone being proposed makes sense and if they have ideas as far as 1R- 10 not being appropriate, or maybe some sort of a change to it, then that's something that the board would recommend to the applicant. He then went through the memorandum that he prepared for the board.

Ira Emmanuel, Attorney for the applicant

Agreed with the points that were presented to them. Brought up that the members of the Board of Trustees in no uncertain terms were not interested in townhomes and they want single family homes only.

Alak Shaw, Village Attorney (For 103 Brick Church LLC)

Pointed out that under the code, you have 45 days from the date of the referral from the Village Board to provide your report.

The members of the Planning Board and the Village professionals agreed that they would like to schedule a workshop. Members agreed to have two board members only with the professional staff from the village and the professional staff for the applicant present for this via zoom.

David Weiss made the following motion, which was seconded by Akiva Kraus

Resolution 2024-18

Resolved, that the village Planning Board hereby request a 30 day extension from the Board of Trustees to extend the Planning Boards time to comment to the June 4th, 2024 meeting.

Chairman Poliakoff called for a vote. The vote was 4-0. The resolution was adopted

Board member David Weiss recused himself at 8:58pm

DISCUSSION: OF CONGREGATION KNESSES ISRAEL, 698 UNION RD. THE APPLICANTS ARE SEEKING PRELIMINARY PLAT APPROVAL FOR A TWO-LOT SUBDIVISION. LOT ONE FOR THE CURRENT SYNAGOGUE AND ADDITIONAL PARKING AREA. LOT TWO WILL CONSIST OF A SINGLE-FAMILY HOME. THE SUBJECT PROPERTY IS LOCATED ON THE EAST SIDE OF UNION RD 115 +/- FEET FROM IVY LN. THE PROPERTY IS DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 50.05 BLOCK 1 LOT 5 IN A 1R-40 ZONING DISTRICT.

Ira Emmanuel, Attorney for the applicant

The purpose of this subdivision and site plan is so that the temporary Certificate of Occupancy can be made permanent, and so that the existing house can be torn down, or sold by the congregation. Also, to create an appropriate parking area with its own driveway in and out from Union road and then to allow for a lot for the single-family home with its own driveway the way it should be.

John Lockman, Village Planner

Reviewed his memorandum and went over the variances that will be needed.

The applicant stated they will respond to the Village Planners comments.

Akiva Kraus made the following motion, which was seconded by Mark

Resolution 2024-19

WHEREAS, Congregation Knesses Israel, 698 Union Road, New Hempstead, New York, has submitted an application for preliminary plat approval for a two-lot subdivision for a portion of property located Union Road, approximately 115 feet± from the intersection of Ivy Lane; and

WHEREAS, said application is subject to review and determinations under New York State Environmental Quality Review Act (“SEQRA”);

NOW, THEREFORE, it is hereby

RESOLVED, that the Planning Board of the Village of New Hempstead is designated as “Lead Agency” under the New York State Environmental Quality Review Act (“SEQRA”) for the application submitted by Congregation Knesses Israel; and it is further

RESOLVED, that the Clerk is hereby directed to notify all other potential involved agencies of this designation of lead agency under SEQRA.

Chairman Poliakoff called for a roll call vote which was as follows: Mr. Poliakoff, AYE, Mr. Kraus, AYE, Mr. Gilden AYE and Chairman Poliakoff, AYE. The Resolution was adopted by a vote of 3-0, with Mr. Weiss recusing himself from participation.

Board member David Weiss returned to the dais

Motion to Adjourn

David Weiss made the following motion, which was seconded by Akiva Kraus

Resolution 2024-20

Resolved, that the Planning Board Meeting of May 7, 2024 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