

SAVAD CHURGIN
ATTORNEYS AT LAW

Paul Savad (1941-2020)
Joseph A. Churgin

Of Counsel
Susan Cooper
Donna Sobel

55 OLD TURNPIKE ROAD – SUITE 209
(Rt. 59 & THRUWAY EXIT 14)
NANUET, NEW YORK 10954

(845) 624-3820
Fax: (845) 624-3821

March 12, 2025

Via email: abettello@newhempstead.org

Members of the Planning Board
Village of New Hempstead
108 Old Schoolhouse Road
New City, New York 10956

Re: Bama Enterprises Corp. (Binyamin Amona)
619 Union Road, New Hempstead, NY (SBL 50.05-1-18)

Dear Board Members:

I have been advised that my client's application is not being placed on the April agenda despite the fact that the Planning Board has required that we obtain a variance from the Planning Board pursuant to Village Code § 255-6 as a pre-condition to the Planning Board's review of the project itself and the Zoning Board's review of the required area variance.

Given that the Planning Board has imposed this additional requirement as a pre-requisite, and given that my client has already submitted the narrative establishing his financial hardship under § 255-6 dated **February 21, 2025**, there is no reason for this part of the application to be delayed. If we obtain the § 255-6 variance at the April meeting, we can then be on the May meeting for a Public Hearing where the merits of the application can be presented and voted on.

I am advised that the application is being held up because the deed relating to the sale of the adjacent lot has not been provided. This is not appropriate, the transfer has not yet occurred and that is why the deed has not been provided. However, the board does not need the deed for the purpose of establishing the hardship. It needs the deed for the actual application which is not being reviewed this month. The adjacent lot is fully developed except for utilities which do not get installed in the winter. If we have not provided the deed by the time of final approval, we should not get the approval.

Every month this is delayed is costing my client thousands of dollars.

Therefore, I strongly request that this application be on this month's agenda for the hardship determination

Very Truly Yours,

A handwritten signature in cursive script that reads "Joseph A. Churgin".

JOSEPH A. CHURGIN

JAC/dk

cc: Bruce Minsky, Esq. (via email: bwminsky@gmail.com)
Mel Poliakoff (via email: melrx@optonline.net)
Binyamin (Ben) Amona