

VILLAGE OF NEW HEMPSTEAD
108 OLD SCHOOLHOUSE RD.
NEW CITY, N.Y. 10956

PLANNING BOARD

REGULAR MEETING
TUESDAY, SEPTEMBER 27, 2016
7:30 P.M. – VILLAGE HALL

PRESENT

CHARLES FRANKEL, CHAIRMAN
RACHEL SCHWARTZ, DEPUTY CHAIRMAN
HILLEL KURZMANN
MEL POLIAKOFF
ANGELA ESPOSITO

ABSENT

JOSHUA ELLER

ALSO PRESENT

JOHN LANGE, VILLAGE PLANNER
GLENN MC CREEDY, VILLAGE ENGINEER
DENNIS MICHAELS, VILLAGE ATTORNEY
LORI BELLO, DEPUTY VILLAGE CLERK-TREASURER

OPEN MEETING

ROLL CALL

Adjournment: Continuation of Public Hearing for Site Plan Approval for applicant Congregation Shaarei Tefillah of New Hempstead (Aron Saperstein) 4 Pennington Way, New Hempstead, N.Y. 10977

Chairman Frankel read an e-mail from Sam Backenroth requesting the adjournment of the public hearing for Congregation Shaarei Tefillah. (Same is attached to this record).

Mr. Kurzmann offered the following motion, which was seconded by Mr. Poliakoff:

Resolution # P.B. 2016-61

Resolved, that the public hearing for Site Plan Approval for applicant Congregation Shaarei Tefillah of New Hempstead, 4 Pennington Way, New Hempstead, N.Y. 10977 is hereby adjourned until November 14, 2016 at 7:30 p.m. at Village Hall. Chairman Frankel called for a vote and the vote was 5-0. The resolution was adopted.

Adjournment: Continuation of Public Hearing for Site Plan Approval – Applicant Congregation Ohaiv Shalom – located at 18 Bridle Road, New Hempstead, N.Y. 10977

Chairman Frankel read an e-mail from Ryan Karben requesting an adjournment from the public hearing of September 27th. (Same is attached to this record).

Mrs. Schwartz offered the following motion, which was seconded by Mrs. Esposito:

Resolution # PB. 2016-62

Resolved, that the public hearing for Site Plan Approval for applicant Congregation Ohaiv Shalom, 18 Bridle Road, New Hempstead, N.Y. 10977 is hereby adjourned until November 14, 2016 at 7:30 p.m. at Village Hall. Chairman Frankel called for a vote and the vote was 5-0. The resolution was adopted.

Chairman Frankel moved items #5 and #6 on the agenda to a place after item #7 to allow the public to participate in item #7 without having to listen to GML technical reviews.

Public Hearing – Site Plan Approval – Application of Ateres Bais Yaakov, 236 Cherry Lane, Monsey, N.Y. 10952. The applicants are requesting approval of a site plan to permit construction, maintenance and use of three temporary modular classrooms for a girls religious school on site formerly known as Rockland Baptist Church, 945 Route 45, New City, N.Y. 10956. The subject property is situated on the

west side of NYS Route 45, 1000 feet south of Pomona Road – designated on the Town of Ramapo Tax Map as Section 33.19 Block 1 Lot 2 in a 2R-50 zoning district.

Present

Amy Mele – 4 Laurel Rd., New City, N.Y. – Attorney for Applicant

Chairman Frankel referenced the following correspondence into the record:
Rockland Thoracic & Vascular Associates, P.C. signed by Michael L. Schwartz, M.D. – 9/9/16
Ramapo Ophthalmology signed by Richard N. Gordon, M.D.- 9/21/16
Jesse M. Hackell, M.D. – Pomona Pediatrics, P.C. – dated 9/9/16
William J. Schwartz & Catherine C. Furey, M.D. – dated 9/7/16

They are concerned about traffic on Route 45 and the ability of their patients being able to get to their appointments on time.

Letter from Stephen Geis, 7 Kingston Dr. – read into the record.
Letter from Suez Water New York, Inc. dated Sept. 22, 2016, addressed to Rhonda Smith of Leonard Jackson Associates, Consulting Engineers for the applicant.

Chairman Frankel acknowledged receipt of a new plan that was received today. 9/26/16
Letter from Brooker Engineering, PLLC dated Sept. 26, 2016
Follow up GML from Rockland County Dept. of Planning dated September 27, 2016 (comments by Leonard Jackson, Engineer) Chairman Frankel asked for clarification of the installation of temporary modular classrooms as mentioned in Item 3 of the G.M.L. A discussion followed. It was felt that the modular bldg. was not necessarily temporary, but the intent of the applicant to remove the bldg. when the use was no longer there caused the word “temporary”.
Mr. Jackson questioned the need for Item #5. (this item will be overridden)
Chairman Frankel asked for the Traffic study which is mentioned in Item #8.
Attorney Mele objected to the requirement of Item #11. Attorney Michaels felt the traffic study should satisfy the requirements of the Planning Board. If the Village Planner and the Village Engineer find the traffic study acceptable, the concerns were satisfactorily addressed, in his opinion.
Item #12 is to be determined by the Village Fire Inspector. Mr. Ziegler read Item #13. The applicant is in compliance with this item. Item #19 – the C.O. is going to be withheld until the second use is eliminated. The existing building must be vacated.

The fire hydrant was mentioned – the C.O. cannot be obtained until the fire hydrant is in. The fire inspector is waiting for the application for same.

Chairman Frankel stated the traffic study has not been received. Attorney Michaels stated there is nothing in the Village of New Hempstead’s Local Law that says the Zoning Board must grant its variances before the Planning Board can grant final site plan approval. The question is does N.Y. Zoning Jurisprudence dictate that the Z.B. A. must grant its variances before (area variances) not use variance. The Planning Board can, if you are ready, grant final site plan approval subject to a very long list of conditions, one of which is the granting of the variances by the ZBA.

Chairman Frankel read a letter from the Rockland County Health Dept. dated August 26, 2016

Mr. Ziegler read his report of Sept. 5, 2016 (Attached)

Chairman Frankel opened the meeting to the public for comment.

Resident expressing his concern for traffic. Doctor’s Offices across the street. Praised the school – not in favor of the location.

Eisenberg – 18 Rosman Rd. – Route 45 is probably the best place you are going to find around.

Sarah Levy - 11 Pasadena Place – support for the school on Route 45

Patient of Dr. Schwartz – have never had a problem with that area – very busy place – volunteer for the ambulance corp. for 26 years. Takes 10 minutes to get anywhere around here.

18 Brockton Rd since 1992. Is a teacher at the school. Urge the Board to approve the application.

Comes in at 12:00 and leaves at 1:30 – Listened to people about this application. This is a good institution. This is a good plan for the neighborhood. Students live in the area. Does not live on Brockton Rd. now. Cited a case where someone received approval for two houses, he felt that situation was wrong. The residents brought a lawsuit and won against the Village. Ask the Board to do the right thing and approve this application.

Chairman Frankel explained that the applicant, Ateres Bais Yaakov, has had 2 applications before this board. One was the approval of the school on Summit Park Rd. This application has only been submitted in approximately July. The work that is being done, normally, may take 6 or 8 months to get done. He also complimented the professional staff for the voluminous amount of work that they have done in a relatively short period of time to bring us to the point where we are tonight.

The Board members agreed that they are doing the best they can for the applicant and also stated they need information in order to do so. They still have not received the traffic report, for example.

Rovitz Place – concerned about the “tie-downs” of these things. Concerned about future weather. Recommends the Board get a structural engineer to consider these “tie-downs”.

Our Engineer works for a company that provides structural engineering studies. It will be reviewed by our Engineer once we get the full building plan. (Chairman Frankel stated).

Note: Some other residents were not quoted as they were unable to be heard on the tape.

Rabbi Fink commented on the Fire Inspector’s report. Rabbi Fink stated if he has to have more than 48 parking spots, he cannot comply. He feels that this application has not been accelerated.

Raphael Ziegler – has no intention of blocking his application on Summit Park Rd. His main concern is the safety of the children. His experience has shown him that if there is not adequate parking people park in the fire zone. He has not had the opportunity to completely review the 200 Summit Park application because of the different applications that have been brought to us. He is new to the Village. The Summit Park application is new to him. Parking is an issue. If the number 47 is incorrect, please give me another number.

Mr. McCreedy stated that he feels the number could be elevated on Summit Park if need be. We should concentrate on Route 45. He feels additional parking can be accomplished.

Chairman Frankel asked for comments from the Board.

Mrs. Schwartz feels we need the traffic study and the final site plan in order to approve the application.

Attorney Mele feels the site plan is final with the exception of signing off on some items. The traffic study was something the Village Board needed in order to make a SEQRA determination. The traffic consultant basically concluded there would be a slight delay at certain hours. Does not feel the traffic study helps the Planning Board.

Chairman Frankel stated there are 2 doctors here who have written letters. Without knowing what the traffic study says as to what the peak hours are, what the traffic flows are, we can’t even consider their letters without knowing. When do you think we will have both the updated site plan as well as the written traffic study so that our professional staff can take a look at it?

Chairman Frankel asked if anyone on the Board wished to make a resolution at this time.

Attorney Michaels stated he could make himself available for the next meeting on October 10th. “It is Columbus Day”. Any objection to attending a meeting on Columbus Day?

Chairman Frankel stated the Planning Board will have a better understanding at the next meeting as the ZBA is having a meeting on 9/28/16.

Chairman Frankel offered the following motion, which was seconded by Mr. Poliakoff:

Resolution # P. B. 2016-63

Resolved, that the Planning Board of the Village of New Hempstead hereby adjourns the application of Ateres Bais Yaakov to a Special Meeting on October 10, 2016 in this room. If the applicant

is not prepared to give the Board the documents in a timely fashion for that meeting to take place, the meeting will take place on November 14, 2016. Chairman Frankel called for a vote and the vote was 5-0. The resolution was adopted.

Approval of minutes of August 24, 2016

Chairman Frankel offered the following motion, which was seconded by Mrs. Esposito:

Resolution # P.B. 2016-64

Resolved, that the minutes of the regular meeting of the Planning Board, held on August 24, 2016 are hereby approved as submitted and that the reading of said minutes be waived. Chairman Frankel called for a vote and the vote was 4-0. (Chairman Frankel, Mr. Poliakoff, Mr. Kurzmann, Mrs. Esposito.) The resolution was adopted.

GML – Blima Ruchel Girls School

Mr. Lange stated this was originally a temporary trailer – there were three residences on the site. All the residences remain – one of them is being used for storage – the temporary trailers are pushed off to the far side – now they are making that the permanent facility – they also have some relationships to the schools south of them – they are sharing driveways – New Hempstead should be expressing itself about temporary trailers and the way this has transpired over the years

Mrs. Schwartz left the meeting.

Express to the Town of Ramapo our disapproval and attach Mr. Lange's report to the letter.

Mr. Kurzmann offered the following motion, which was seconded by Mrs. Esposito:

Resolution # P.B. 2016-65

Resolved, that the Planning Board of the Village of New Hempstead hereby expresses to the Town of Ramapo our disapproval of the application of Blima Ruchel Girls School. We also attach a letter from our Village Planner, Mr. Lange, with reference to said application. Chairman Frankel called for a vote and the vote was 4-0. The resolution was adopted.

GML – Congregation Zichron Yehuda V'Chana

Mr. Lange stated he has reviewed this site – they did a nice job of blending an existing raised ranch into the house of worship – they are putting a 3rd floor addition for the Rabbi's space – not for the house of worship. The 3 story portion is the farthest from New Hempstead's border. He recommends we let it go for their local determination.

Chairman Frankel offered the following motion, which was seconded by Mrs. Esposito:

Resolution # P.B. 2016-66

Resolved, that the Planning Board of the Village of New Hempstead hereby states in a letter to the Town of Ramapo; they have no comment regarding the application of Congregation Zichron Yehuda V'Chana. Chairman Frankel called for a vote and the vote was 4-0. The resolution was adopted.

Chairman Frankel offered the following motion, which was seconded by Mrs. Esposito:

Resolution # P.B. 2016-67

Resolved, that the meeting held by the Planning Board of the Village of New Hempstead on September 27, 2016, is hereby adjourned. Chairman Frankel called for a vote and the vote was 4-0. The resolution was adopted.

Respectfully submitted – Lee Mazza, Secretary