

VILLAGE OF NEW HEMPSTEAD VILLAGE BOARD OF TRUSTEES
RESOLUTION 22-__

WHEREAS, the Village of New Hempstead Village Board of Trustees (the “Village Board”) received an application for a zone change to an optimized single-family cluster zone for the project known as Pennington Lots LLC under the Village of New Hempstead’s Local Law #3 of 2021 zoning standards, located on a vacant, approximately 13.55 acre parcel on the east side of McNamara Road in the Village of New Hempstead, County of Rockland [Section 42.09 Block – 2, Lot – 1; and Section - 42.05, Block – 2, Lot – 14] (the “Project”); and

WHEREAS, the Village Board, being the lead agency, held public hearings on November 23, 2021, December 21, 2021, February 3, 2022 and February 22, 2022 where input from all involved and interested agencies, including but not limited to the Village Planning Board, Rockland County Department of Planning, Rockland County Department of Health (“RCDOH”), Rockland County Department of Highways, Town of Ramapo and others and heard and considered all input from the public, as well as from the Village’s consultants/professional staff [Engineer/Planner], that addressed the Village Board in connection with the Project; and

WHEREAS, the Village Board has reviewed the subject application, including the Concept Plan submitted by the Petitioner, and finds that the impacts of the additional single-family homes were and are acceptable, and, in fact, beneficial, including because the Project would preserve significant open space, totaling approximately 4.28 acres, and, in total, leave approximately 6.3 acres of the site undisturbed; preserve steep slopes and wetlands on the property; connect two neighborhoods by creating a pedestrian path; address a pre-existing flooding issue in the area, and otherwise preserve the single-family character of New Hempstead; and

WHEREAS, the Village Board further finds that the site was/is suitable for the single family optimized cluster provisions, including because: as depicted in the Concept Plan, the Project would provide significant open space benefits; that the Concept Plan depicts adequate room for vehicular access, including for emergency services vehicles; that the Project will not have a potential significant adverse impact on transportation or the existing traffic patterns and flow; that the Project would promote pedestrian walkability by providing a pedestrian path connecting two neighborhoods, and; that on-site pedestrian amenities and circulation are adequate, as well as the proposed parking options available for potential guests and visitors to the Project Site; and

WHEREAS, following the close of the Public Hearing, the Village Board, after duly considering the criteria for significance pursuant to 6 N.Y.C.R.R. § 617.7, adopted a Negative Declaration at its February 22, 2022 Meeting and thereafter approved the zone change to an optimized single-family cluster zone for the Project; and

WHEREAS, following its adoption of a Negative Declaration and Project approval on February 22, 2022, the Board became aware that the RCDOH takes the position that any project involving a “realty subdivision” is a Type 1 action under SEQRA pursuant to regulations adopted by the New York State Department of Health (“State DOH”), as opposed to the same being declared previously as an unlisted action; and

WHEREAS, the Village Board has classified its review and approval of the Project as a Type I action pursuant to 6 N.Y.C.R.R. §617.4 and 10 N.Y.C.R.R. § 97.14. and has issued a Negative Declaration pursuant to SEQRA; and

WHEREAS, the Village Board has acknowledged he need to review/reapprove the Project based on the issuance of the Negative Declaration of the now Type I; and

WHEREAS, the Village Board initially overrode and maintains the overrides Item Numbers 1, 2, 3, 4, 5, 10, 11, 12, 13, 14 and 17 in the Rockland County Department of Planning’s Letter to the Village Board, dated November 19, 2021, pursuant to the General Municipal Law for the reasons set forth in the Letter from Zarin & Steinmetz, dated December 7, 2021;

NOW THEREORE BE IT RESOLVED that the Village Board, in having received previous input from all involved and interested agencies, including but not limited to the Village Planning Board, Rockland County Department of Planning, RCDOH, Rockland County Department of Highways, Town of Ramapo and others and heard and considered all input from the public, as well as from the Village’s consultants/professional staff [Engineer/Planner], that

addressed the Village Board in connection with the Project; and, there being no change to the application from Project that was heard and approved before the Village Board on February 22, 2022:

GRANTS THE PETITION OF PENNINGTON LOTS, LLC, 120-150 FOR A ZONE CHANGE TO AN OPTIMIZED SINGLE FAMILY CLUSTER ZONE PER THE REQUIREMENTS OF SECTION 3 LOCAL LAW 3 OF 2021, THE SUBJECT PROPERTY BEING LOCATED ON THE EAST SIDE OF MCNAMARA RD, 250 FT. FROM THE INTERSECTION OF WILLOW TREE RD. AND ON THE WEST SIDE OF PENNINGTON WAY 246 FT. +/- FROM THE INTERSECTION OF SANDY BROOK DRIVE. THE PROPERTIES ARE DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 42.09 BLOCK 2 LOT 1 AND SECTION 42.05 BLOCK 2 LOT 14 IN A 1R-25 ZONING DISTRICT.

This Resolution shall take effect immediately upon adoption.

_____ called for a vote which was as follows:

DRAFT