

May 26, 2022

**Via FedEx**

Mayor Abe Sicker and Members  
of the Village Board of Trustees of the  
Village of New Hempstead  
108 Old Schoolhouse Road  
New City, New York 10956

**Re: *SSNS Express @ Grandview Commons***  
***370 NYS Route 306, Village of New Hempstead***  
***Application for Special Use Permit***

Dear Mayor Sicker and Members of the Village Board of Trustees:

Our firm represents SSNS Express, LLC (“Applicant”) in connection with this application for special use permit approval, pursuant to Village of New Hempstead Code (“Village Code”) § 290-36.1, to grant the proposed Seasons Express (“SSNS Express”) local convenience store extended hours of operation beyond the Village Code § 219-3(A) restrictions.

The subject property is located at the southeast corner of Grandview Avenue (Rockland County Route 80) and New York State Route 306 in the Village of New Hempstead (“Village”), within the Village’s Neighborhood Commercial District (“NCD District”) and identified on the Town of Ramapo Tax Map as Section 41.15, Block 4, Lots 1 and 2 (“Site”). The Site was the subject of a site plan review and approval (Resolution #PB 2018-9, Aug. 14, 2018) in which the Village Planning Board approved the construction of the existing shopping center consisting of two separate retail buildings and other Site improvements (“Grandview Commons Approval”). The northerly building is the location of a 14,833 square foot CVS retail store and pharmacy with drive thru, operating from 8 AM to 10 PM daily. The CVS use was part of the Grandview Commons Approval.

The Applicant is proposing to operate a SSNS Express convenience store in the vacant retail building located on the southerly portion of the Site. This building, which has a total floor area of 9,804 square feet across three units, was already approved for retail use in the Grandview Commons Approval. The SSNS Express will occupy a 4,147 square foot unit in this building. The SSNS Express, a local convenience store and permitted use in the Village NCD District, is entirely kosher and is a subsidiary of Seasons, one of the nation’s largest kosher supermarket chains. As the SSNS Express operations are 100% kosher, the hours are unique in comparison to other local convenience store

operations. Specifically, SSNS Express closes on Fridays approximately one-hour before sundown and remain closed until Saturday shortly after Shabbos. Thus, the proposed hours of operation are as follows:

	<u>Open</u>	<u>Close</u>
Monday:	6 AM	1 AM
Tuesday:	6 AM	1 AM
Wednesday:	6 AM	1 AM
Thursday:	6 AM	1 AM
Friday:	6 AM	1 hour before sundown
Saturday:	1 hour after Shabbos	1 AM
Sunday:	6 AM	1 AM

The as-of-right permitted hours of operation for a retail establishment in the Village is Monday through Friday 6 AM to 11PM, and Saturday and Sunday 6:30 AM to 10 PM (Village Code § 219-3.A). Thus, the Applicant is submitting this Application for a special permit to allow the SSNS Express to operate outside of the as-of-right hours of operation Saturday evening through Friday morning. The proposed hours of operation for Friday evening and Saturday morning comply with Village Code § 219-3(A).

The approval of this Application for special use permit is appropriate for the following reasons. First, as previously mentioned, the Village has already approved retail use at the Site. The Grandview Commons Approval, which contemplated retail uses in both buildings, was issued following the Village Planning Board’s adoption of a negative declaration under SEQRA (Resolution #PB 2018-8, Aug. 14, 2018). The extension of the hours of operation for this particular use, as further detailed in the enclosed documents, will have a de minimis effect on the traffic to the Site and any such traffic will not result in objectionable conditions (light, smell, sound, etc.). Thus, the Village has already found that retail use at the Site would not have a significant negative impact on the Site or the neighboring properties. Second, the underlying local convenience store use is an as-of-right use in the NCD District. Thus, this use was contemplated as a future use at the time of the Grandview Commons Approval. Third, the Site is sufficiently screened from the neighboring properties with substantial existing native vegetation located along the Site’s boundary lines and includes additional landscape buffers and parking area setbacks throughout. The screening will buffer the surrounding properties from the vehicle lights of the visitors to the Site. In addition, the screening will sufficiently buffer any view of the Site from the surrounding properties. Therefore, the impact of the proposed special permit, if any, will be de minimis. Lastly, the Site is already improved with a parking area sufficient for both the proposed SSNS Express and any additional future tenants in the southerly retail building. This is confirmed in Stonefield Engineering and Design, LLC’s Traffic & Parking Assessment Memorandum dated April 19, 2022, enclosed herein (“Traffic & Parking Memo”). The Traffic & Parking Memo states that the available on-site parking is more than sufficient for this proposed use and that the traffic created by this use will not have a substantial impact on the adjacent roadway network or the surrounding properties.

Given the above, the proposed SSNS Express and the Village's granting of a special use permit for extended hours of operation Saturday evening through Friday morning is in harmony with the appropriate and orderly development of the area, will not hinder or discourage the appropriate development and use of adjacent land and buildings, will not be more objectionable to nearby properties than would be the operations of permitted uses not requiring a special permit, is properly located and suitably screened from adjoining residential uses and will not result in diminution of the value of property in the neighborhood or a change in the character of the neighborhood in which the use would be situated.

To initiate this Application, please find enclosed for submission the following:

1. Two (2) copies of the Special Use Permit Application;
2. One (1) copy of the Form BC-5 (Notification);
3. One (1) copy of the Form BC-2 (809 Affidavit);
4. One (1) copy of the Form PB-11 (Owner's Consent Affidavit);
5. Sixteen (16) copies of the Site Plan prepared by Stonefield Engineering & Design LLC, last revised Aug. 12, 2019 (and approved by the Village Planning Board on Aug. 14, 2018);
6. Sixteen (16) copies of the floor plan (Proposed Fixture Plan), prepared by Rosenbaum Design Group and dated May 9, 2022;
7. Sixteen (16) copies of the elevation plan (Proposed Signage), prepared by Rosenbaum Design Group and last revised May 9, 2022;
8. Three (3) copies of the Full Environmental Assessment Form (FEAF), prepared by Stonefield Engineering and Design, LLC and dated May 25, 2022;
9. One (1) copy of the Traffic & Parking Assessment Memorandum, prepared by Stonefield Engineering and Design, LLC and dated Apr. 25, 2022; and
10. Check made payable to the Village of New Hempstead in the amount of \$2,500, representing the requisite application fee.

A digital copy the above-mentioned documents (excluding the check) will be emailed immediately following the physical filing. The Applicant and its design team look forward to meeting with your Board to review this Application. If you have any questions or require further information, please do not hesitate to contact us.

Very truly yours,



Brian T. Sinsabaugh

Encls.

cc.: (via electronic mail w/ attachment):  
SSNS Express, LLC  
Stonefield Engineering & Design LLC