

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

Tuesday JULY 12, 2022
7:30PM
Village Hall

PRESENT
MEL POLIAKOFF, CHAIRMAN
BARBARA GREENWALD
DAVID WEISS
AKIVA KRAUS

ABSENT
HILLEL KURZMANN

ALSO PRESENT
JOHN LANGE, VILLAGE PLANNER
GLENN MCCREEDY, VILLAGE ENGINEER
ALLISON WEINRAUB, VILLAGE CLERK TREASURER

Open meeting

Roll Call

APPROVAL OF PLANNING BOARD MINUTES June 14, 2022

Mrs. Greenwald made the following motion, which was seconded by Mr. Kraus;

Resolution 2022-18

Resolved, that the minutes of the regular meeting of the Planning Board, held on June 14, 2022 are hereby approved as submitted and that the reading of said minutes be waived. Chairman Poliakoff called for a vote. The vote was 3-0. Mr. Gilden was not in attendance to vote. The resolution was adopted.

PUBLIC HEARING- PRELIMINARY SUBDIVISION APPROVAL- PENNINGTON LOTS, LLC, 120-150 MCNAMARA RD, NEW HEMPSTEAD, THE APPLICANTS ARE FOR A SIXTEEN LOT SUBDIVISION FOR SINGLE FAMILY HOMES. THE SUBJECT PROPERTY IS 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. THE VILLAGE BOARD APPLIED AN OPTIMIZED SINGLE FAMILY CLUSTER OVERLAY ZONE TO THE PROPERTIES.

Dan Richmond, Zarin and Steinmitz, Attorney for the applicant
The subject subdivision application proposes 16 Single Family Dwellings and approximately 13.55 acres that would be clustered in order to preserve the environmentally safe features of the site. A significant open space, following approximately 4.2 acres and leaving approximately 6.3 acres of the site, undisturbed. This project been before you on several occasions and was in front of the village board in connection with its consideration of the application of the village is optimized single family cluster overlay zone and to the property reports awareness subsequent to your board's favorable report back to the village board on the property. This past March the village board adopted a negative declaration under

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the state Environmental Quality Review Act determining that the project had no significant environmental impacts that was found. The board applied the OSFC zoning to the project. We appeared before your board again.

Stewart Strow, Brooker Engineering

The property comprises total of 13.55 acres includes one existing single family dwelling on Pennington Way to be demolished to provide the access road into the new subdivision. The property is located on the westerly side of McNamara road as well. There is a steep slope adjacent to McNamara road at the base of that slope. The drain runs through the site in an easterly direction from McNamara road toward Pennington. The proposed project proposes to construct a total of 16 new single family dwellings. There's one existing dwelling that's to be removed, so there's a net increase of 15 dwellings altogether. Lot sizes range from a minimum of 15,000 square feet, up to a maximum of approximately 99,000 square feet. All of the new homes will have access from the current site. The cul-de-sac is approximately 1050 feet in length measured from Pennington Way. There's a proposed preservation easement that will conserve the wetland steep slope, the majority of design is to be preserved. There is a very small encroachment into the tip to construct the road that is comprised of about a little less than 400 square feet, whereas the wetland is 59,300 plus square feet. So that is significantly less than 1%.

There will be a Stormwater filtration system constructed on that along the new entrance road off of Pennington. That system is a filtration system completely underground. There were previous proposals that showed that as a basin. We propose that it will be dedicated to the village for long term ownership and maintenance and we also think it could be suitable for the construction of play area above because it will be a grass area above it. It will be a nice flat area that might be suitable for such an installation. The sizing of the system has been designed so that it accomplishes several functions. It should reduce the peak discharges from the project site, it should peak a little more that the there's an existing drainage system in Pennington by the drainage from the project site eventually reaches the Stormwater collection system in Pennington way, with the exception of this known issue in the rear yards which collect a little, some drainage and an ongoing drainage problem, are hoping to correct that. The system is designed to provide a net decrease in peak discharges from the site for the full range of storms up to the 100 year storm. It also is designed to meet the water quality requirements of New York State DEC whereby we infiltrate the required water quality volume. The village engineer did a very thorough job reviewing it. We think that we've revised the design to meet those requirements in regard to the existing drainage condition that has been an ongoing issue to the existing homes. We're proposing to install a large pipe along the eastern boundary of the property. That pipe will collect all of the overland runoff that comes onto this site. We propose to collect all of that, capture it in a large pipe and divert it into the existing system in Pennington Way We believe that by cutting that runoff off from the backyards of the existing homes, we will provide an improvement to their condition. Once it's constructed, there'll be no runoff coming from the site into those backyards. So it is a significant improvement. It does not overburden the other existing facilities because we've designed the infiltration and detention system that accounts for this and reduces the runoff. We think that we carefully design this project that obviously accomplishes the goals of the applicant but also provides some benefits to the community, which were outlined in the rezoning process and the creation of this overlay zone that we've been able to apply to the property. Thank you for the opportunity to present and research

Chairman Poliakoff asked about the drainage on Sandybrook.

Mr. Strow

Us aware of Sandybrook drive. The drainage from the applicant's property runs west to east. Not much comes from the site onto Sandybrook, but they applicant is proposing a drainage improvement on the north easterly side of the site to try to cutoff whatever is coming onto that portion. Does believe that this will show some improvements.

Mrs. Weinraub stated it ran in the Rockland Journal News twice on June 3, 2022 and June 30, 2022. Affidavits of notice and postings were timely.

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Comments incorporated into the record:

Rockland County Highway 6/10/2022

Town of Ramapo DPW 6/10/2022

Hillcrest FD 6/9/2022

Village Planner 6/13/2022

Rockland County Sewer 6/6/2022

NYS DOT 6/7/2022

Rockland County Planning 6/24/2022

Village Engineer 7/5/2022

Mr. Weiss made the following motion, which was seconded by Mr. Kraus;

Resolution 2022-19

Resolved, that the Planning Board of the Village of New Hempstead hereby open the Public Hearing for Pennington Lots, LLC to consider the application for a sixteen lot subdivision for single family homes. Chairman Poliakoff called for a vote. The vote was 4-0. The resolution was adopted

Aron Saperstein, 4 Pennington Way

Would like to be sure the calculations include the water that goes under Pennington Way and is privacy barriers and snow plowing going to be discussed a future meeting?

The Village engineer explained it is going to be a Public Rd. so it will be added to the DPW plowing list.

Village Planner would like to see the buffer by the entryway into the site.

The applicant will look into what can be done.

Sheila Hirschhorn, 98 McNamara Rd.

Would like to know the number of homes and size of the properties.

The applicant responded 16 homes ranges from 15,000 Sq. Ft. to 99,000 Sq. Ft.

The village engineer stated the applicant has been working on resolving his comments. A lot of them are technical and can be worked out at a later date.

The chairman requested the applicant go through the response for the GML Comments.

After going through the comments the village attorney and engineer determined some of the overrides requesting are not necessary.

The board and the applicant agreed to reduce the amount of overrides requested.

The comments that they are requesting an override on are 1-7, 9, 12, 13, 15, 16, 20, 22, 24, &26

The board agreed with the village engineer and attorney and will only consider overriding 1-7, 12, 13, 22, & 24.

Benjamin Amona, Owner of 613-615 Union Rd.

How many overrides were just given?

The board responded 11

Mr. Weiss made the following motion, which was seconded by Mr. Kraus;

Resolution 2022-20

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Resolved, that the Planning Board of the Village of New Hempstead hereby closes the Public Hearing for Pennington Lots, LLC to consider the application for a sixteen lot subdivision for single family homes. Chairman Poliakoff called for a vote. The vote was 4-0. The resolution was adopted.

RESOLUTION PLANNING BOARD 2022-21

WHEREAS, Pennington Lots, LLC (“Applicant”) has submitted application for a sixteen (16) lot subdivision on a 13.55 acre parcel located on the East side of McNamara Rd, and on the West side of Pennington Way, within the Village of New Hempstead (“Site” or “Property”); and

WHEREAS, on March 22, 2022, the Village of New Hempstead Board of Trustees: (i) issued a Negative Declaration pursuant to the State Environmental Quality Review Act (SEQRA) for the above referenced project following a coordinated review, which involved the Planning Board, and; (ii) applied the Village’s Optimized Single Family Cluster Overlay (OSFC) Zoning District to the property; and

WHEREAS, at its May 3, 2022 Meeting, the Planning Board of the Village of New Hempstead granted Sketch Plat approval for a sixteen (16) lot subdivision on the Property; and

WHEREAS, that Applicant has submitted an application to the Planning Board of the Village of New Hempstead for preliminary subdivision approval; and

WHEREAS, the Planning Board held a duly noticed Public Hearing on the Applicant’s preliminary plat application on July 12, 2022; and

WHEREAS, finds that the Applicant’s preliminary plat application is consistent with the goals and objectives of the Village Code, including Section 255-4 thereof, in that the preliminary subdivision plat shows that the subject property can be subdivided in a manner that allows for it to be used safely for the proposed 16 residential lots without danger to health or peril from fire, flood or other menace and without resulting in significant damage to the ecology of the area in which it is located; and;

WHEREAS, in this regard, the Planning Board finds that the currently proposed subdivision provides for a stormwater detention system that is to be sized and designed to reduce

peak discharge, providing a net decrease in peak discharges from the Property. Specifically, the subdivision provides a net decrease in the peak discharges from the 2-, 10-, and 100-year storm events; and

WHEREAS, the subdivision, as proposed, also includes significant drainage, system improvements, with some further modifications, that will alleviate a known drainage issue of flooding in the backyards of the existing dwellings along Pennington Way; and

WHEREAS, the subdivision will not alter drainage flow or patterns, or surface water runoff; and

WHEREAS, appropriate erosion measures will be implemented for the subdivision as part of the Stormwater Pollution Prevention Plan (SWPPP); and

WHEREAS, the subdivision preserves significant open space, totaling approximately 4.28 acres, and, in total, leaves approximately 6.3 acres of the Property undisturbed, further consistent with the objectives of the Village's Comprehensive Plan; and

WHEREAS, the subdivision preserves virtually all the Property's natural features, including its steep slopes and wetlands; and

WHEREAS, the subdivision's extremely limited wetland impact (less than one-one-hundredth (1/100) of an acre) fulfills the intent of the Village's Freshwater Wetlands Law, including by preserving the Property's wetlands in an undisturbed and natural condition; and

WHEREAS, the subdivision would further implement the Freshwater Wetlands Law's goal of protecting the actual wetlands themselves by placing stakes, 18 inches high, at regular intervals around the wetlands boundaries, which shall state that they mark the boundaries of wetlands and that disturbance beyond these points is prohibited. This signage will protect the Property's wetlands by ensuring that future homeowners are aware and remain cognizant that draining, dredging, excavation of material (other than debris or refuse), depositing materials

(such as soil, rock, debris, garbage), and the erection of any buildings or structures are prohibited in the wetlands; and

WHEREAS, the subdivision will create a single-family residential neighborhood that will be consistent with the prevailing community character; and

WHEREAS, the subdivision's proposed street provides for a convenient and safe system for transit within the Property, is properly related to adjoining streets (namely, Pennington Way), is of a width, grade and location so as to accommodate the prospective traffic, affords adequate light and air, and appropriately facilitates fire and police protection, including in that the preliminary plan depicts adequate room for vehicular access, including for emergency services vehicles; and

WHEREAS, the subdivision promotes pedestrian walkability by providing a pedestrian path connecting two neighborhoods; and

WHEREAS, on-site pedestrian amenities and circulation are adequate; and

WHEREAS, proposed parking options available for potential guests and visitors to the project Site; and

WHEREAS, the Planning Board, after due deliberation and discussion amongst the Board and the Village's professional staff feels that the subdivision plans/site plan meet sound planning objectives and procedures, and is consistent with the goals and objectives of the Village Code and New York State Law, it is hereby

RESOLVED, that the Planning Board of the Village of New Hempstead hereby grants preliminary plat approval for the subdivision application and site plan of Pennington Lots, LLC pursuant to the plans of Brooker Engineering dated January 20, 2022 (last revised June 28, 2022), subject to the Village Engineer and Village Planner's respective approvals, and further subject to the Applicant's compliance with comments received from the following municipal agencies:

1. Comments from Hillcrest Fire Department dated June 9, 2022;
2. Town of Ramapo Department of Public Works dated June 10, 2022;

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3. Rockland County Sewer District #1 dated June 6, 2022;
4. Village Engineer's letter dated July 5, 2022
5. Village Planner letter dated June 13, 2022;
6. Rockland County Planning Department, dated June 24, 2022 (except Comments No. 1-7, 12, 13, 22 & 24, as discussed below); and
7. Water and Sewer main approval from the Dept. of Health before final plat.

BE IT FURTHER RESOLVED that the Village of New Hempstead, pursuant to the provisions of New York State General Municipal Law §230-m(5), hereby specifically overrides Comments No. 1 - 7, 12, 13, 22 & 24 as contained in the Rockland County Planning Department letter dated June 24, 2022, the basis for the overrides as sourced from the information/documentation/reviews received by the Planning Board, all of record, the reviews/reports from the Village's Engineer and Planner, as well as the Applicant's responsive letter dated July 12, 2022, along with the public hearing discussions thereto;

BE IT FURTHER RESOLVED that the final approval of the aforementioned preliminary plat approval of Pennington Lots, LLC is further subject the requisite approvals for project's water main and sewer main.

Chairman Poliakoff called for a vote which was as follows: Mr. Weiss, AYE, Greenwald, AYE, Mr. Kraus, AYE, and Chairman Poliakoff, AYE. The resolution was adopted by a 4-0 vote.

CONTINUATION OF THE PUBLIC HEARING- 613-615 & 619 UNION RD.- TO CONSIDER THE APPLICATION OF BENYAMIN AMONA OWNER OF BET MIRIAM 613-615 & 619 UNION RD. THE APPLICANTS ARE SEEKING PRELIMINARY SUBDIVISION APPROVAL FOR A FOUR LOT SUBDIVISION ON 613/615 & 619 UNION RD. THE SUBJECT PROPERTIES ARE LOCATED ON THE WEST SIDE OF UNION RD. 650 FEET SOUTH OF MICHAEL ST. THE PROPERTY IS DESIGNATED ON THE TOWN OF RAMAPO TAX MAP AS SECTION 50.5 BLOCK 1 LOT 18 & 19 IN A 2R-15 ZONING DISTRICT.

Benyamin Amona, Applicant

Is here this evening without the representation of his attorney. He understands no determination can be made this evening because at the last meeting they adjourned it for two months and the village is waiting for comments back from the outside agencies. This will only be a discussion with the board. With the last submission the board did not like the use of a private road. The plans have been adjusted to include a public roadway for a four lot subdivision. We have not done any drainage work because the applicant would like the board's thoughts before proceeding. So far a Perc test was done and would like to do it in front of the Village Engineer to make sure there is no drainage issue with this proposal.

The attorney confirmed with the applicant that the two front lots will have to go in front of Zoning.

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The Village Engineer believes this is a drastic improvement from what was initially submitted. His biggest concern is going to be the drainage. This project is going in the right direction. An infiltration test will also be needed. The applicant will need to determine where the underground piping is going.

The Chairman agrees this is an improvement.

The only other comment the village engineer and planner have is that the two skewed lines should be radial and they will also request a traffic study be conducted.

The Public Hearing is continued to the August 9, 2022 meeting.

Motion to Adjourn

Mrs. Greenwald made the following motion, which was seconded by Mr. Kraus;

Resolution 2022-22

Resolved, that the Planning Board Meeting of July 12, 2022 is hereby adjourned. Chairman Poliakoff called for a vote. The vote was 4-0. The resolution was adopted.

Respectfully Submitted

Allison Weinraub,
Village Clerk-Treasurer