

BOARD OF TRUSTEES
VILLAGE OF NEW HEMPSTEAD

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In the Matter of the Petition of
103 BRICK CHURCH, LLC,

FIRST AMENDED
PETITION

Petitioner,

For an Amendment to the Zoning Code to Create a New
Zoning District and for Mapping Said New Zoning
District to Petitioner's Lands.

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TO THE HONORABLE BOARD OF TRUSTEES OF THE VILLAGE OF NEW
HEMPSTEAD:

1. Your Petitioner, 103 Brick Church, LLC, is the owner of a parcel known as 103 Brick Church Road, New Hempstead, New York (Tax Lot 50.05-1-11.1) (the "Parcel"). This is a First Amendment to Petitioner's Petition in the above.
2. The Parcel constitutes approximately 150 acres, currently in use as the New York Country Club. A metes and bounds description of the Parcel is annexed as Schedule A. A map showing the Parcel and its location is annexed as Schedule B.
3. The Parcel is currently zoned 1R-40, which generally allows single-family dwellings on lots of 40,000 square feet or more.
4. Your Petitioner has examined the Parcel, its surroundings, and the current housing market. Your Petitioner has concluded that the demand for large homes on large lots has diminished over the years, and is not sufficient to justify the continued 1R-40 zoning of this large area of land.
5. Immediately surrounding the Parcel are areas allowing much more dense development. To the west and south, the Village has 2R-15 zoning. This zone allows

one-family dwellings on 15,000 square foot lots or two-family dwellings on 20,000 square foot lots. A nine-acre parcel adjacent to the Parcel on its west is, upon information and belief, projected for multi-family senior housing. To the East, in the unincorporated portion of the Town of Ramapo, the area is zoned R-25 and R-15.

6. Thus, most of the surrounding area allows more dense zoning than is permitted on the Parcel.
7. As noted above, the adjacent 2R-15 zoning allows single-family dwellings on 15,000 square foot lots or two-family dwellings on 20,000 square foot lots. This latter configuration allows for a density of one dwelling unit per 10,000 square feet, but does not allow single-family dwellings at that density.
8. Your Petitioner believes that the most appropriate use for the Parcel is for single-family home development at a density equivalent to the two-family density allowed in the adjacent 2R-15 zone. Attached hereto as Schedule C are the parameters for a new zoning district, to be known as 1R-10, which will allow such development.
9. The Village's 2006 Comprehensive Plan¹ states that a primary goal is to "Preserve and enhance the Village's high quality residential character".²
10. The Plan expanded on that goal and recognized,

Moderately priced housing for workers who support essential service needs of New Hempstead is another growing housing need, particularly for volunteer firemen and other emergency service volunteers. The Village should explore the use of bonus incentives

¹ Although the Village adopted a revised Comprehensive Plan and Zoning Code in 2020, that adoption was vacated by the NY Supreme Court in *Hillcrest Fire Company #1, et al v. Village of New Hempstead*, Sup.Ct., Rockland Co. Index No. 030128/2022, decided January 10, 2023. Thus, the 2006 Comprehensive Plan and the pre-2020 Zoning Code, as amended, were reinstated.

² 2006 Comp Plan, p. 8

and other techniques to help provide housing opportunities for these important members of the community.³

One of the short term recommendations of the 2006 Plan was to

Modify the existing zoning regulations that regulate dimensional requirements for single-family lots. The existing spacing of homes regulated by front, side and rear yard dimensions should remain. Modifications should be made to lot coverage and height requirements to permit larger homes while controlling their visual impact on the neighborhood.⁴

11. The Village of New Hempstead is predominantly single family residential in character. In 2020, there were 1,321 total occupied housing units of which 1,143 or 86.5% are single-family owner-occupied and 178 or 13.5% are renter-occupied.
12. When considering residential development, it is useful to consider the age distribution of the population to assess current and future community needs. As reported in the 2020 census, children under age 19 account for more than 44% of all residents of the Village of New Hempstead, compared with 28% of Rockland County residents. Working-age adults, ages 25 to 64, represent 41.5% of the New Hempstead population. Thus, more than 80% of the Village's population can be expected to participate in active family life.
13. Household size is also increasing from 3.95 persons per household in 2010 to 4.1 in 2020. Because this is the average household size, a small incremental difference is meaningful.
14. The Village of New Hempstead had a population of 5,132 as of the 2010 Census,

³ 2006 Comp Plan, p. 11.

⁴ 2006 Comp Plan p. 14.

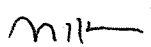
reflecting a 7.7% increase from 2000. This trend continued with a 5.9% growth to 5,436 in 2020 and is projected to continue with an estimated 2023 population of 5,515.

15. Consistent with the 2006 Comprehensive Plan, the proposed single-family development at the NYCC site is poised to sustain the goal of keeping the community as single family residential while serving the needs of families in their childbearing years by providing an entire neighborhood community. Generously sized four- and five-bedroom houses will accommodate new families who are drawn to New Hempstead by the resources available to them (e.g., schools, shopping, religious institutions). These new, younger, families will also be a pool from which volunteer emergency services can draw new members.
16. Submitted herewith as Schedule D is a narrative summary describing a proposed development of the Parcel under the proposed 1R-10 zoning.

WHEREFORE, your Petitioner respectfully requests that the Board of Trustees (a) amend the Village's Zoning Code to add the proposed R-10 zoning district; and (b) amend the Village's Zoning Map to apply said 1R-10 zoning district to the Parcel and to the adjoining roads to their respective centerlines.

Dated: February 26, 2024
New City, New York

103 BRICK CHURCH, LLC

By: 
Harvey Klein, Member

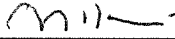
LLC VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF ROCKLAND)

HARVEY KLEIN, being duly sworn, deposes and says:

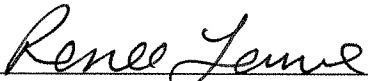
I am a Member of 103 Brick Church, LLC, a limited liability company, the Petitioner herein. I have read the annexed Petition, know the contents thereof, and the same are true to the best of my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters, I believe them to be true.

My belief, as to those matters therein not stated upon knowledge, is based upon information contained in the books and records of the company.



Harvey Klein

Sworn to before me this
26th day of February, 2024



Notary Public

Renee Levine
Notary Public State of New York
No 01LE6127285
Qualified in Rockland County
Commission Expires May 23, 2025

SCHEDULE A (Description)

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Village of New Hempstead, Town of Ramapo, County of Rockland and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point on the Southerly side of Brick Church Road (25 feet R.O.W.), said point being where the southerly side of Brick Church Road intersects with the Northeasterly of the land known as the "Final Subdivision of Property for Dessi Homes" as set forth on Filed Map No. 4801.

THENCE along the Southerly side of Brick Church Road, the following five (5) courses and distances:

- (1) North 86 degrees 38 minutes 08 seconds East 410.68 feet;
- (2) North 86 degrees 16 minutes 06 seconds East 460.16 feet;
- (3) North 81 degrees 48 minutes 06 seconds East 275.99 feet;
- (4) North 86 degrees 47 minutes 06 seconds East 970.74 feet;
- (5) Southerly along a curve bearing to the right having a radius of 50.00 feet and a distance of 96.62 feet to the Westerly side of Hempstead Road (width Varies)

THENCE along the Westerly side of Hempstead Road the following five (5) courses and distances:

- (1) South 17 degrees 30 minutes 06 seconds West 423.65 feet;
- (2) South 03 degrees 14 minutes 06 seconds West 296.47 feet;
- (3) South 23 degrees 39 minutes 24 seconds East 566.82 feet;
- (4) Southerly along a curve bearing to the right having a radius of 553.16 feet and an arc length of 140.83 feet;
- (5) South 09 degrees 04 minutes 09 seconds East 191.20 feet to a point;

THENCE South 87 degrees 35 minutes 32 seconds West 144.06 feet;

THENCE Southeasterly along a curve to the left having a radius of 2838.42 feet and an arc length of 127.51 feet;

THENCE South 21 degrees 24 minutes 26 seconds East 802.92 feet;

THENCE Southerly along a curve to the right having a radius of 1936.63 feet and an arc length of 980.19 feet;

THENCE South 07 degrees 35 minutes 31 seconds West 1473.08 feet;

THENCE Southerly along a curve to the left having a radius of 5703.08 feet and an arc length of 158.78 feet to the Northerly side of Eckerson Road;

THENCE along the Northerly side of Eckerson Road South 86 degrees 55 minutes 35 seconds West,

SCHEDULE A (Description)
Continued

66.83 feet;

THENCE Northerly along a curve bearing to the right having a radius of 5769.08 feet and an arc length of 171.15 feet;

THENCE North 07 degrees 35 minutes 31 seconds East 1473.08 feet;

THENCE Northerly along a curve bearing to the left having a radius of 1870.63 feet and an arc length of 411.98 feet:

THENCE South 87 degrees 59 minutes 09 seconds West, 381.28 feet;

THENCE South 01 degrees 44 minutes 58 seconds East, 975 feet;

THENCE South 85 degrees 19 minutes 2 seconds West, 649.60 feet;

THENCE North 01 degrees 21 minutes 29 seconds West, 124.43 feet;

THENCE South 80 degrees 56 minutes 18 seconds West, 285.50 feet;

THENCE North 11 degrees 56 minutes 32 seconds West, 556.27 feet;

THENCE North 11 degrees 32 minutes 12 seconds West, 239.00 feet;

THENCE North 87 degrees 08 minutes 48 seconds East, 128.20 feet:

THENCE North 2 degrees 15 minutes 12 seconds West 300.05 feet;

THENCE South 87 degrees 58 minutes 18 seconds West 364.70 feet;

THENCE North 02 degrees 01 minutes 42 seconds West, 45.94 feet;

THENCE South 87 degrees 58 minutes 18 seconds West, 71.85 feet

THENCE North 05 degrees 02 minutes 07 seconds West, 196.44 feet;

THENCE North 02 degrees 57 minutes 20 seconds West, 43.00 feet;

THENCE North 87 degrees 02 minutes 40 seconds East, 90.00 feet;

THENCE North 12 degrees 08 minutes 20 seconds West, 480.00 feet;

THENCE South 87 degrees 13 minutes 20 seconds West, 95.00 feet;

THENCE North 21 degrees 45 minutes 25 seconds West, 285.00 feet;

THENCE North 01 degree 17 minutes 40 seconds East, 440.00 feet;

THENCE North 41 degrees 42 minutes 20 seconds West, 278.00 feet;

SCHEDULE A (Description)
Continued

THENCE North 87 degrees 08 minutes 10 seconds West, 81.66 feet;

THENCE North 02 degrees 52 minutes 04 seconds East, 128.13 feet;

THENCE South 87 degrees 40 minutes 21 seconds West, 76.00 feet;

THENCE North 86 degrees 42 minutes 19 seconds West, 222.44 feet;

THENCE North 01 degree 08 minutes 36 seconds West, 253.37 feet;

THENCE North 00 degrees 25 minutes 46 seconds West, 296.20 feet;

THENCE North 00 degrees 47 minutes 43 seconds West, 111.90 feet;

THENCE North 02 degrees 19 minutes 17 seconds West, 297.68 feet to the point or place of
BEGINNING.

BEING further described and designated as Lot No. 1 on a certain map entitled "Final Subdivision Plat, New York Country Club" made by Atzl, Scatassa & Zigler P.C. dated 07/02/2009 recorded in the Rockland County Clerk's Office on 10/16/2009 in Book 128 Pages 12 and 13 as Map Nos. 8068 and 8069.

FOR INFORMATION ONLY:

Premises being known as and by 103 Brick Church Rd, Spring Valley, New York;
District: Section: 50.05; Block: 1; Lot: 11.1

Schedule C – Proposed Local Law; Zoning Text Amendment

Local Law No. __ of 2024

VILLAGE OF NEW HEMPSTEAD

STATE OF NEW YORK

A LOCAL LAW AMENDING THE ZONING CODE

TO CREATE AND MAP A NEW ZONING DISTRICT

TO BE DESIGNATED “1R-10”

Be it enacted by the Board of Trustees of the Village of New Hempstead as follows:

Section 1. Legislative Findings.

The 2020 Comprehensive Plan of the Village of New Hempstead states that a primary goal of the Plan is to “maintain the overall predominant single-family residential character of the Village”. The Board of Trustees also recognizes that it must plan for the needs of future residents.

As reported in the 2020 census, children under age 19 account for more than 44% of all residents of the Village of New Hempstead, compared with 28% of Rockland County residents. Working-age adults, ages 25 to 64, represent 41.5% of the New Hempstead population. Thus, more than 80% of the Village’s population can be expected to participate in active family life.

Household size is also increasing from 3.95 persons per household in 2010 to 4.1 in 2020. Because this is the average household size, a small incremental difference is meaningful.

The Village of New Hempstead had a population of 5,132 as of the 2010 Census, reflecting a 7.7% increase from 2000. This trend continued with a 5.9% growth to 5,436 in 2020 and is projected to continue with an estimated 2023 population of 5,515.

Much of the Village is zoned for single-family homes on lots of 25,000 square feet or greater. This density will not be sufficient to meet future needs. In order to provide for such needs, the Village needs to allow the construction of single-family homes on smaller lots.

The current Zoning Code does not allow single-family homes on lots smaller than 15,000 square feet, but it does allow two-family homes on lots of 20,000 square feet. This is equal to one dwelling unit on 10,000 square feet.

Schedule C – Proposed Local Law; Zoning Text Amendment

The Board of Trustees finds that creating a new zoning district that allows similar density with single-family homes is consistent with the goals of the Comprehensive Plan and will help to meet the needs of future residents.

Section 2. Amendment of Zoning Code.

- (a) Section 290-4 of the Zoning Code of the Village of New Hempstead (hereinafter “Zoning Code”) be and hereby is amended to add the following district between 1R-25 and 2R-15: “1R-10 One Family Residence”.
- (b) The heading of the third column of the Schedule of Use Regulations accompanying section 290-36 of the Zoning Code is hereby amended to read as follows:

1R-50
1R-40
1R-35
1R-25
1R-10

- (c) The Table of Dimensional Requirements accompanying section 290-37 of the Zoning Code is hereby amended by adding thereto the following, in its location between the dimensional regulations for the 1R-25 and 2R-15 districts:

(See Schedule A, attached)

Section 3. Severability

The declaration of any portion of this local law, by a court of competent jurisdiction, to be invalid shall not invalidate the entire law but only that part thereof so declared to be invalid, and the remainder of this local law shall remain in full force and effect.

Section 4. Effective Date

This local law shall become effective upon filing with the Secretary of State.

Schedule C – Proposed Local Law; Zoning Text Amendment

Schedule A

Amendment to Table of Dimensional Requirements

District	Min. Lot Area (square feet)	Min. Lot Frontage (feet)	Minimum Yards					Max. Floor Area Ratio	Maximum Impervious Surface	Max. Height		Max. Building Coverage (square feet)	Public Assembly
			Min. Lot Width (feet)	Front Yard (feet)	Side Yard (feet)	Total Side Yards (feet)	Rear Yard (feet)			Stories	Feet		
1R-10	10,000	85	85	35	15	35	30	0.45	0.5	2 1/2	35	2,500	FSS



EMANUEL LAW P.C.

Ira M. Emanuel, Esq. | Amy Mele, Esq. *Of Counsel*
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**BOARD OF TRUSTEES
VILLAGE OF NEW HEMPSTEAD**

NARRATIVE SUMMARY

**103 BRICK CHURCH ROAD
Tax lot 50.05-1-11.1**

The New York Country Club property is a 150-acre parcel located on Brick Church Road. It is no longer profitable to operate it as a golf course and catering facility. Previously, the owners of the club approached the Village with a development plan that included a mix of housing types under the Village's optimized cluster development program. That plan never reached fruition.

In the meantime, new ownership has acquired the property. After reviewing the marketplace, the new ownership has decided to modify that proposal.

The applicant proposes a zoning text amendment to change the zoning to R-10, which would allow single family homes on lots having a minimum area of 10,000sf.

This density is lower than what is permitted in the Village's existing 2R-15 district, which abuts the site on the West, South, and East. The 2R-15 district allows single-family homes on 15,000sf, but also allows two-family homes (defined as side-by-side units connected by a firewall) on 20,000sf, or one unit per 10,000sf. At one unit per 10,000sf, the density in the 2R-15 district is 4.35 units per acre.

As applied to the subject property, an R-10 zone would allow up to 325 single-family homes, yielding a density of just over 2.16 units per acre. Submitted herewith is a conceptual layout plan.¹ The conceptual plan also preserves approximately 31.6 acres as open space (21% of the site).

The applicant believes that its proposal is in keeping with the Village's needs by providing additional housing. This configuration would be compatible with the surrounding 2R-15 area and with the senior residences proposed for the parcel immediately adjacent to the west.

¹ This office represents the owner/developer of the lots surrounding Van Ness Road adjacent to the southwestern corner of the subject site. This area, although previously subdivided for single family homes, has never been built and the road was a "paper" road. In September 2022, the area was approved for a 46 unit townhouse development based on Ramapo's MR-16 zoning (16 units per acre). The Town of Ramapo has conveyed the bed of Van Ness Road to the owner/developer (Instr. No. 2023-00024575), who is in the process of disclaiming the lot lines. Thus, access to the former Van Ness Road is not available.

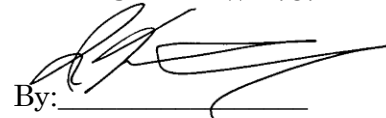
SCHEDULE "D"

Access to the site is available from Hempstead Road and Brick Church Road. Utilities are available in both roads.

The applicant intends to maintain wetland areas and natural ponds, including the large wetland and pond in the southeastern portion of the site.

Dated: February 16, 2024
New City, New York

EMANUEL LAW P.C.

A handwritten signature in black ink, appearing to read 'Ira M. Emanuel', is written over a horizontal line.

By: _____
Ira M. Emanuel, Esq.