

BOARD OF TRUSTEES

VILLAGE OF NEW HEMPSTEAD

-----X

In the Matter of the Petition of

FAVISH LANGSAM,

Petitioner,

FIRST AMENDED

PETITION

for a change in zoning designation of tax lot 42.15-1-1

from 1R-35 to NCD and to designate Old Schoolhouse

Road as a Collector Road.

-----X

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

1. Your Petitioner is the owner of real property within the Village of New Hempstead known as 870 Route 45 and designated on the Tax Map of the Town of Ramapo as Section 42.15, Block 1, Lot 1 (the "Premises"). The Premises are more particularly described in Schedule A hereto.
2. The Premises are currently zoned 1R-35, which allows, generally, single family dwellings on lots having a minimum lot area of 35,000sf.
3. The Premises are currently vacant land.
4. The Premises are situated between New York State Route 45 and Old Schoolhouse Road, having frontage on both roads, approximately 297 feet north of the intersection of Route 45 and New Hempstead Road.
5. Although the Premises have a gross lot area of approximately 9.07 acres, approximately 6.03 acres contains wetlands. The net acreage for zoning purposes is calculated as 3.95 acres. In addition, the location of the wetlands is such that access

is effectively limited to the Old Schoolhouse Road side of the Premises. This condition severely limits the ability of the Petitioner to develop the Premises. The development difficulty is proven by the fact that properties surrounding the Premises were developed long ago.

6. Immediately across Old Schoolhouse Road from the Premises is New Hempstead Village Hall. New Hempstead Presbyterian Church is immediately south of Village Hall. An office building is adjacent to the Premises to the South. Another office building lies to the Southwest, across Route 45. North of this office building is more wetlands. Single family dwellings are further to the Northeast and North.
7. The Zoning Code includes a zoning district that would allow the proposed use, albeit with area variances. The NCD (Neighborhood Commercial District) allows "Business or Professional Office" as an "of right" use. The immediate neighbors of the Premises are "Business and Professional Office" uses.
8. Section 290-36.1 of the Zoning Code provides use regulations for the NCD District. As set forth above, the proposed principal use is permitted as of right. Additional use requirements are set forth below:

C. Additional use requirements.

(1) No individual building may exceed 20,000 square feet.

The proposed office building will have a gross floor area of 13,500 square feet.

(2) All retail sales and service establishments and accessory storage and servicing of goods shall be within completely enclosed buildings.

There will be no retail sales or services.

(3) The precise location of any recycling and solid waste area shall be approved by the Planning Board upon review of the site plan. Areas shall only be used for the temporary storage, collection and loading of solid waste and recyclables.

Your Petitioner will work with the Planning Board.

(4) All buildings in an NCD shall be designed so as to be compatible with the surrounding neighborhood, and the general character of the development shall continue and promote the established character of the community.

The proposed building will be designed to be consistent with the existing surrounding structures.

(5) All parcels to which the NCD are to be applied must have frontage and direct access on a state highway (although actual site access may be taken from a major or collector road of the Village). For purposes of this subsection, a parcel may include no more than two contiguous tax lots (i) which lots, as of the effective date, must not contain any existing residential structures; and (ii) which lots must have the frontage herein required; provided that such multiple contiguous tax lots shall be merged into a single tax lot as a condition of the application of the NCD.

The Premises have approximately 990 feet of frontage on New York State Route 45. However, because of the wetlands, access cannot be taken from that road. The only other available access is from Old Schoolhouse Road, which is not currently designated as a "Collector Road" in section 290-3.

This Petition includes a request to amend the Zoning Code to designate Old Schoolhouse Road as a Collector Road (see below). There is only one tax lot within the Premises.

(6) All parcels to be developed pursuant to this section shall provide sidewalks in locations to be determined by the Planning Board as part of site development plan approval.

Your Petitioner will work with the Planning Board, however, it is noted that there are no other sidewalks in the vicinity of the Premises.

(7) Within any required yard setback, the Planning Board may require landscaping, berms, and/or decorative fencing to buffer the impact of any commercial development against existing residences.

Your Petitioner will work with the Planning Board.

(8) Where more than one building is proposed, buildings shall be separated by at least 20 feet, and no less than the distance required by the New York State Fire Code for the building type, use and construction.

Only one building is proposed.

(9) All parcels to which the NCD are to be applied must be required to improve the entire property, including the installation or replacement of concrete sidewalks, concrete curbs, full paving of the roads, installation of new drainage, and gratuitous land dedications, if necessary to accommodate future road widenings, if deemed necessary by the Board and/or the Village Engineer.

Your Petitioner will work with the Planning Board.

(10) Each application for a designation for an NCD must include a count of stores/offices and associated placement(s) and square footage(s) ("store count"), the designation of the NCD being conditioned upon such store count. Any change of store count will require the applicant/owner to seek/file an application for a new designation with the Board of Trustees.

The number of proposed offices has not yet been determined.

9. As noted above, Old Schoolhouse Road is not currently designated as a Collector Road in the Zoning Code. The Zoning Code designates certain roads within the Village as Collector Roads in its definitions section, § 290-3. The list currently consists of "Route 45, Route 306, Union Road, McNamara Road, Pomona Road, New Hempstead Road, Grandview Avenue, Hempstead Road, Summit Park Road, and

Viola Road.” That section merely lists the names of roads, but gives no rationale for so designating them.

10. The designated Collector Roads include two New York State Roads (Routes 45 and 306), six Rockland County Roads (Union Road, McNamara Road, Pomona Road, New Hempstead Road, Grandview Avenue, and Summit Park Road), and one Village/Town road (Hempstead Road).

11. Hempstead Road and Old Schoolhouse Road share many of the same characteristics. Both connect to major or secondary roads at their respective termini. Both are only partially within the Village: in each case a majority of the road right of way is in the unincorporated Town of Ramapo; the western side of each right of way forming the town/village boundary. Both roads have a maximum 50-foot right of way.¹ Both roads conform to the definition of “Collector Road” found in the Town of Ramapo’s Zoning Code (§ 376-5) and the Village’s Subdivision Regulations (§ 255-9).

12. In fact, the Village portion of Old Stonehouse Road fronts only two lots in the Village: the subject lot and Village Hall. The remainder of Old Stonehouse Road is within the Town of Ramapo.

13. Your Petitioner therefore believes that it is in the best interests of the Village to rezone the Premises to NCD to reflect its surroundings.

WHEREFORE, your Petitioner asks (1) that the definition of “Collector Road” contained in section 290-5 of the Zoning Code be amended by adding thereto “Old Schoolhouse Road” and (2) that the Premises, together with the area of New York Route 45 and Old

¹ According to the Rockland County GIS mapping, portions of the Hempstead Road right of way are as narrow as 33 feet, especially its far northern and southern portions. By contrast, most of Old Schoolhouse Road has a right of way of 50 or 60 feet, with a small segment (115 feet long) at Stoneham Road reduced to 41.25 feet.

Schoolhouse Road immediately abutting the Premises to the centerline of those roads, be rezoned from 1R-35 to NCD.

Dated: May 27, 2024
New City, New York

Favish Langsam
Favish Langsam

INDIVIDUAL VERIFICATION

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

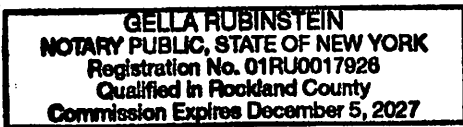
FAVISH LANGSAM, being duly sworn, deposes and says:

I am 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.

Favish Langsam
Favish Langsam

Sworn to before me this
27 day of May, 2024

Gella Rubinstein
Notary Public



SCHEDULE A
Description of Subject Premises

Schedule A Description

Title Number **TSL-6389-RK**

Page **1**

ALL that certain plot, piece or parcel of land, situate, lying and being in the Village of New Hempstead, Town of Ramapo, County of Rockland and State of New York and bounded and described as follows;

BEGINNING at a point on the westerly side of Old Schoolhouse Road distant 184.00 feet northerly as measured from the northerly end of the curve connecting the northerly side of New Hempstead Road with the westerly side of Old Schoolhouse road and running thence:

(1) North 60 degrees 22' 15" West 287.83 feet to a point on the easterly side of New York State Route 45 (State Highway 1019); thence

(2) Along the westerly side of New York State Route 45 (State Highway 1019) the following two courses and distances:

a. In a northerly direction on a curve bearing to the left having a radius of 3524.81 feet, an arc distance of 495.43 feet;

thence

b. North 8 degrees 52' 00" East 495.00 feet; thence

(3) South 64 degrees 47' 26" East 441.87 feet (S 64 degrees 14'E 442 +/-per Deed) to a point on the westerly side of Old Schoolhouse Road; thence

(4) Along the westerly side of Old Schoolhouse Road the five course and distances:

a. In a southerly direction along a curve bearing to the right having a radius of 537.01 feet, an arc distance of 79.00 feet;

b. South 12 degrees 13' 00" West 276.70 feet;

c. South 20 degrees 48' 00" West 181.88 feet (181.99' per Deed);

d. South 25 degrees 33 minutes 00' West 379.36 feet;

e. South 31 degrees 32' 00" West 75.42 feet to the point or place of beginning.

FOR INFORMATIONAL PURPOSES ONLY:

Said premises is known as Route 45 and New Hempstead Road, New Hempstead, NY. Section 42.15 Block 1, Lot 1, Rockland County.