



Memorandum

To: Village of New Hempstead Planning Board

From: Jonathan T. Lockman, AICP, Principal Environmental Planner
Brennan Duarte, Planning Analyst

Re: 103 Brick Church Road
SBL# 50.05-1-11.1

Date: May 3, 2024

cc: Amanda Bettello, Deputy Village Clerk
Bruce Minsky, Esq., Planning Board Attorney
Glenn McCreedy, PE, Planning Board Engineer
Ann Cutignola, AICP, for the applicant
Ira Emanuel, Esq., for the applicant

Received and reviewed for this memorandum:

- First Amended Petition to the Village Board of Trustees, in the matter of the petition of 103 Brick Church LLC, for an amendment to the Zoning Code to Create a New Zoning District and for mapping said new district to petitioner's lands, by Harvey Klein, member of 103 Brick Church LLC, dated February 26, 2024, with the following attachments:
 - Schedule A, Deed Description
 - Schedule B, Zoning Map with Site Outline
 - Schedule C, Proposed Local Law, Zoning Text Amendment
 - Schedule D, Narrative Summary, for 103 Brick Church Road, by Ira Emanuel, Esq., dated February 16, 2024
- Full Environmental Assessment Form Part I, with EAF Mapper Summary, signed by Ann Cutignola, AICP, dated December 11, 2023
- Lead Agency Notice of Intent by the Village of New Hempstead Board of Trustees, for 103 Brick Church LLC, dated March 26, 2024.
- Draft Scoping Document for a Draft Environmental Impact Statement, unsigned, dated March 4, 2024
- Letter from David A. Groucher, NYS Department of Transportation, to Allison Weinraub, re: SEQRA #24-76, 103 Brick Church LLC, dated April 15, 2024.
- Review Letter from Liron Derguti, Rockland County Drainage Agency (RCDA), to Village Board, re: Brick Church Road Residential Development, dated April 15, 2024.

Project Summary

The subject application is for a zoning change from 1R-40 to a newly proposed zoning district, 1R-10, to be applied to the 149-acre site of the New York Country Club. The applicant wishes to develop the land with up to 325 single-family homes each on its own 10,000 square foot lot. The adjacent 2R-15 zone requires 15,000 square feet for each single-family lot, and 20,000 square feet for each duplex lot (which is an effective density requirement of 1 dwelling unit per 10,000 square feet). See the existing site below, as shown on the Rockland County GIS viewer, and the applicant’s proposed conceptual layout for the site:



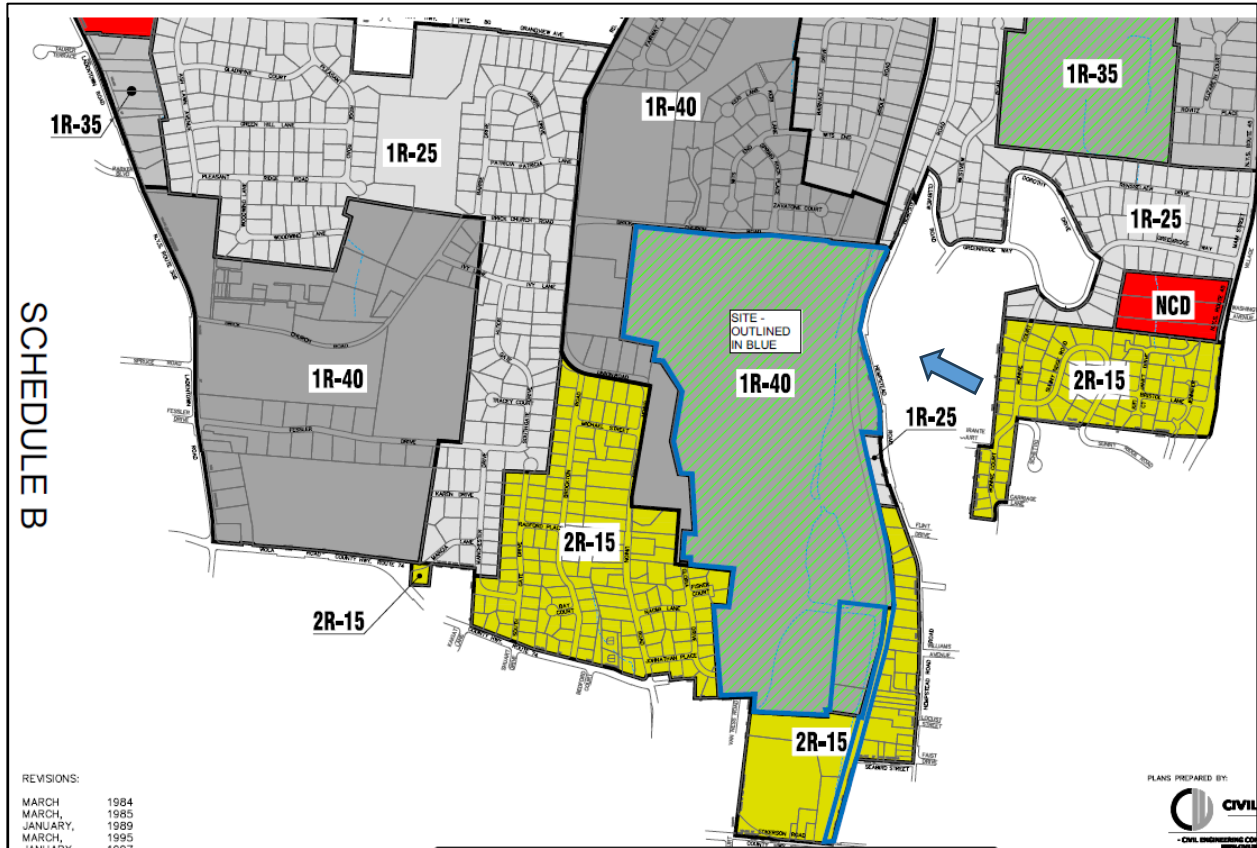
Existing Aerial Photograph – Rockland Cty. GIS



Applicant's Concept

Comments on the Petition Package including Proposed Local Law

1. Relationship to Surrounding Zoning Districts. See the applicant’s diagram from Schedule B of the petition, which shows how the County Club site relates to the 2R-15 zoning district in New Hempstead, which wraps around the southern part of the site shown in yellow. **For full context, please show the areas zoned R-25 and R-15 east of the site within the Town of Ramapo Hillcrest neighborhood** (see blue arrow) which is now shown only as a white space.



2. Consistency with the Comprehensive Plan. The currently effective Comprehensive Plan was adopted in 2006. The Trustees may wish to request that the applicant proposes wording in an additional section of the Local Law to amend the existing Comprehensive Plan slightly, so that it expressly supports and is entirely consistent with the proposed local law.

The current wording in recommendation #2 found on page 14 of the 2006 Comprehensive Plan is as follows:

“Modify the existing zoning regulations that regulate dimensional requirements for single-family lots. The existing spacing of homes regulated by front, side and rear 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.”

We note that the applicant’s proposed zoning amendment to 1R-10 would lessen all dimensional restrictions, except for height, when compared to 1R-040. See chart below comparing the existing

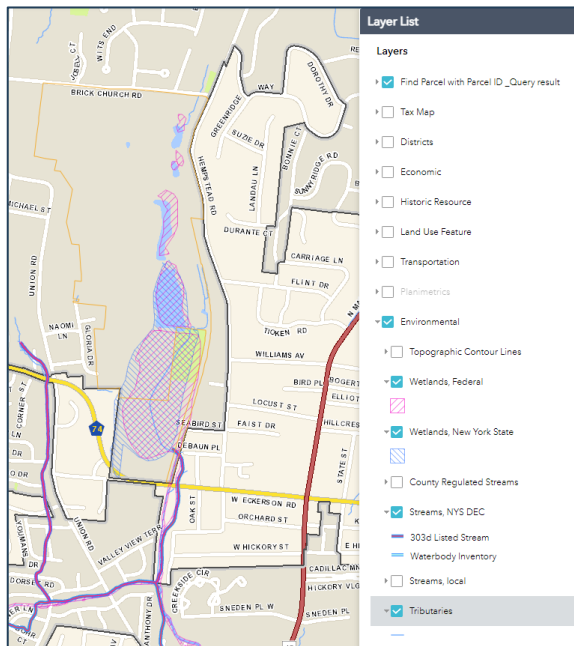
dimensional standards of 1R-40 (the current zoning at the site) with the proposed 1R-10 standards:

District	Min Lot Area	Min Lot Frontage	Min Lot Width	Front Yard	Side Yard	Total Side Yards	Rear Yard	Max. FAR	Max. Impervious Surfaces	Max. Stories	Max. Height	Max. Building Coverage
Existing 1R-40	40,000	100	100	50	25	70	50	0.10	0.20	2.5	35	3,500
Proposed 1R-10	10,000	85	85	35	15	35	30	0.45	0.5	2.5	35	2,500

A concurrent Comprehensive Plan amendment could be added as a new section 3 of the proposed local law that authorizes adjustment of all standards, except for height.

3. **Feasibility of Unit Count.** We note that on the eastern side of the site, ponds, wetlands, and streams may constrain the predicted number of 10,000 square foot lots that the site may yield. **The applicant may wish to consider the implications of the following constraints, which may lower the potential unit count below the desired level of 325 single-family homes:**

a. **Federal and State Wetland Constraints.** Along the Hempstead Road side of the site, there is a string of federal wetlands. **Below the largest pond, there is a sizeable 42.3-acre State DEC classified wetland (#TH-19).** State regulations mandate a 100-foot buffer around state classified wetlands where a state permit is required for any disturbance. Federal wetlands do not require any federally mandated buffer. However, for adjacent work or disturbance to both state and federal wetlands, a wetlands permit is required by the Village of New Hempstead Code Chapter 159, Freshwater Wetlands. See the output from the Rockland County GIS system at left. We would recommend that lot boundaries be adjusted so that owners will not have house sites with the State’s jurisdictional wetlands buffers.



b. **Pascack Brook and Tributary.** The State DEC wetland contains a tributary that feeds into Pascack Brook, a county-regulated stream. The applicant should investigate whether the RC Drainage Agency regulations will constrain any proposed lots at the southeastern corner of the site.

c. Floodplain Constraints. **The wetlands and pond area are also surrounded by a mapped FEMA 100-year floodplain.** It would be advisable not to create any new house lots that contain federal floodplains. See Chapter 154, Flood Damage Prevention, and figure at right for floodplain location:

d. Spaces for Religious Use, School, and/or Recreation. **With over three hundred new homes in this new neighborhood, some land area may need to be set aside for the recreational needs of the residents, and/or a school or place of worship.**

e. Common Land to Contain Open Space/Water Resources/Community Facilities. In consideration of all the above-listed wetlands and surface water, it may be preferable that these resources be placed on a separate lot or lots, rather than being located within the yards of the individual 10,000 square foot lots. **Typically, in such a subdivision with pond and wetlands areas, the water resources and buffers are placed within common land owned jointly by the homeowners and managed by a homeowners' association.**



4. DEIS Scope Comments.

a. A record of the positive declaration should be included in the application file. **A public scoping session should be advertised so any interested or involved agencies or members of the public may comment on the draft scope for the DEIS,** prior to its adoption by the Lead Agency.

b. We offer the following comments on the DRAFT Scoping Document for the DEIS:

i. In section B.2 and B.4 on page 3, specifically discuss the current regulations in **New Hempstead Code Chapter 159 Wetlands and Code Chapter 154, Flood Damage Prevention that will impact the site. Provision and management of comment areas should be discussed.**

ii. **Section D on page 6 should clarify that the DEIS will discuss the potential buildout impacts of the proposed zoning change, rather than the specific plans for 103 Brick Church LLC.** The specific future subdivision application for 103 Brick Church LLC will be subject to a site-specific full SEQRA review, should the applicant proceed with a project after this proposed new zoning is adopted.

iii. **Section F on page 6 should discuss the recreation needs of the residents, how they may be provided on site, and well as the need for a school and/or a place of worship within the development, or how such needs can be accessed off site.**

5. FEAF Part 1 Comments.

- a. Question C.3.a indicates that that the site is within the “optimized cluster overlay.” Please eliminate it as this overlay was repealed.
- b. Question E.1.e indicates the existence of a dam. Please provide the relevant answers on its dimensions.

Please let me know if you have any questions or comments regarding this review.