

July 9, 2024

To: Village of New Hempstead Planning Board

From: Shelly Karben, 15 Josell Ct

Re: 618 Union Rd Public Hearing

I understand that the Village of New Hempstead has received a request for a project that requires a special permit to allow for an active adult residential community zoning. As the parcel is more than 8 acres I understand that an ARC application can be considered.

I also understand that the Village Board can reject the application pursuant to §290-57(D)(3); it can be rejected either before the Planning Board review 290-57(D)(3)(a) or after referral to Planning Board §290-57(D)(3)(c), and under §290-57(G)(1). This application is oversized and has significant environmental impacts and the Village Board and the Planning Board should reject the application as proposed and ask for changes before considering it further.

I looked for the public notice and did not find any project public notice in the Journal News or on the website. If the Village failed to publish notice as required to move forward on this application, the Planning Board should be cautious in what decision it makes with respect to processing this application and should not recommend this application move forward without adequate public input.

Once there is an application that has been reduced to address the major environmental impacts that this project has only then should there be a SEQRA determination. As this application is proposed the Planning Board must consider a positive declaration to force consideration of alternatives to reduce the impacts.

The lot has considerable frontage on Union Road and distances from the buildings to the road is far too small to be able to mitigate the massive visual impact and change in community character. For this reason along an Environmental Impact Statement must be required to force consideration of alternatives.

The traffic impact of 50+ units on a single driveway from a volume and safety perspective should be considered in an EIS. AS planned the internal roads function as a closed cul-de-sac. When the lots in this area were established by the Town of Ramapo there were limits of 14 families on a cul-de-sac. There are safety considerations of the proposed internal circulation and the intersection with Union Road that go beyond the inclusion of a gated fire access road and warrants consideration of alternatives.

Visual Impact and Change in Community Character

The change in community character is always a problem when introducing non single family homes into the Village of New Hempstead. Here the problem is exacerbated by the extremely limited setbacks being proposed from Union Road that don't provide any room for sidewalks, open space, substantial landscaping to screen and buffer the new development from Union Road.

Currently the natural trees and bamboo in place add to the very rural character along Union Road. The news homes being introduced do not reflect this rural character, they do not match what could be built under 1R-40 and they do not mirror the R-15/R-25 character in place from the old 1962 subdivision across the road.

Using Google Maps I measured the approximate distance from Rt 45 to first building of The Views at Pomona and it is approximately 75'.



That distance provides for a sidewalk, open space, a 15+ landscaping area of trees and hedges and then more open space to the building.

Cambridge Heights distance from Pomona road is approximately 160' (hidden behind a lot) to 187' as shown below.



Cambridge Heights distance from Summit Park is approximately 70' with substantial screening as shown below.



Cambridge Heights is uniquely situated so that the impacts are relative to forested backyards and vacant lots and the impact on the local roads is very limited. The Views at Pomona was situated in a laboratory office zone where the Town of Ramapo bought open space across Rt 45 so there were no residential neighbors being impacted.

In both cases there units were significantly farther from the roads than what is being proposed here and the roads – Route 45, Pomona Road, and Summit Park Road – are all larger better kept roads than the tremendously busy Union Road.

Size of Units

The narrative says the units are 3,200 sf which is huge(!) and should be reduced to meet the needs of a single couple over 55 – i.e. empty nesters. Certainly a second bedroom should be considered to provide room for a home office or visitor/caretaker bedroom. But no more than 2 bedrooms should be considered.

The area across the road from the site was developed as a combination of R-15 and R-25 zoning back when the Roxbury Manor subdivision was approved back in 1962 so the average density of this area is less than 3 per acre. See screenshot below.

Attachment 1 is a chart of the current homes within 500' of the proposed property. Based on the square footage in the Assessor's Database the average size of the homes within 500' of the site is only 2,710.

How can the Village possibly consider rezoning the site that is 1 home per 40,000 square feet to 6 units per acre and allow for units for empty nesters that is larger than the average size of single family homes in the area?

3200sf is extraordinarily large for a 55+ plan. If we compare the proposed size to the average townhouse size of Cambridge Heights units at ~2655 sf/unit and the average apartment



size of The Views of Pomona at ~1,212 sf/unit showing that the units are 20%-164% larger than similar uses.

A reduction in the size of the units and the number of units would provide an opportunity to reduce the visual impact and the change in community character.

A reduction in the unit sizes would also help ensure that the intended of the zoning to serve empty nesters is met so that the units would serve only one to two homeowner with a spare bedroom to use for office space, visitors or a caretaker. Smaller apartments could also be considered to create layouts similar to the coop buildings in downtown Suffern where 2 bedroom and 1.5 bath apartments are only 880 sf in size and every 4 apartments share basement space with shared storage and share laundry facilities.

Density Calculations

I did not see how the calculation of units was even made; therefore, its hard to even understand how the number of units being proposed meets the zoning restriction for this site under the forbearance agreement of 6 units per acre. When the forbearance agreement was sized the net lot area reductions were already in place for 1R-40 subdivisions and it is common for planning purposes to base zoning density calculations on a the net acreage and not gross acreage.

Where are the acreage calculations that are being used to determine the number of units?

1. Where are the net lot area calculations for the site that calculate the amount of land used for the roads and drainage facilities are either wholly or partially deducted
2. The internal roads (right of ways) should be excluded from net acreage.
3. The drainage area proposed appears to be open drainage so shouldn't the drainage areas be calculated at only 25%?
4. Have all common areas – walking paths, community center, recreation areas and parking area been removed from net acreage as common easements/right of ways?

If the number of units and the size of the units are reduced the impacts can be reduced.

Concept Plan Planning

1. Pursuant to §290-57(D)(2)(c)(22) an application must include building elevation and floorplans? No such documents were posted for the public for this meeting. Where are they?
2. Why aren't sidewalks being proposed in front of the site along union road?
3. How does the property site plan line up with current topography? Ask for current aerial photo to be overlain by site plan.
4. Will the stone walls along the road be eliminated or maintained.

5. What do the shadow footprints for homes on west side of union represent on the concept plan?
6. Will the electrical poles near the gated emergency exit work as a main entrance/exit – ie. will all buildings be required to be <30' so that no aerial access road is needed?

Recommended FEAF Part 2 Findings

The FEAF Part 1 was posted for review. The FEAF Part 2 should be filled out and the answers to the following questions at a minimum should be answered with a Yes or further studied:

1. Question 1 – Impact on Land – looks like substantial land clearing is being called for and the topography shows that this is a hilly area. There is no grading plan but because of the density as a lay person I believe there will be a substantial impact on the land.
2. Question 4 – Impact on Groundwater. The Planning Board should establish whether or not all the homes in the area are on public water, which I presume is true. If not the impact on neighbors water wells should be considered.
3. Question 5 – Flooding. Discuss with village engineer. There is a large stormwater basin included so you need an engineer to determine it is sufficient.
4. Question 9 – Impact on Aesthetic Resource. The currently existing golf course is one of the very few remaining open space resources in the Village. The shift from a forested area along the road in front of a significant open space provides for a very unique aesthetic resource and the complete obliteration of this area will substantially impact the look and feel of this stretch of road and must be considered.
5. Question 11 – Loss of Recreation Area. This must be considered in conjunction with the potential loss of the rest of the NYCC land as well. The subdivision filed in October of 2019 was supported by the preservation of Lot 1. Will the NYCC be preserved or not?
6. Question 17 – Consistency with Community Plans. The land is zoned 1R-40. The ARC is allowed to be considered in this zone but the design should be consistent with 1R-40 zoning. This is a sharp departure from existing zoning and the special permit process including an environmental impact statement is the correct way to compare the proposed development with what could be done under 1R-40 zoning.
7. Question 18 – Consistency with Community Character. Obviously there will a massive shift in community character that must be considered.

For these reasons the Planning Board should call for a SEQRA Pos Dec determination should it wish to move forward on this or any similar plan.

Other Questions/Comments

1. It is not clear how this layout complies with the standards for the ARC law. Where is the minimum lot area for each townhouse shown? There are not individual lots shown on the Concept Plan at 2,000 sf each.
2. There should be a clarification of the meaning of foot note 5 on the table dimensional requirements. Is 1,400 sf the minimum or the maximum for a unit?
3. If minimum width of lot is 50' and minimum length for a townhouse is 45' then the minimum lot size for a townhouse is really 2,250, is this correct?
4. Why aren't the lots shown.
5. If the maximum building coverage on the townhouse lot is 45% and a lot is 2,250 sf in footprint than isn't the maximum building foot print There is a standard for building coverage of 45% but where does that come from? Shouldn't the standard be for maximum impervious coverage?
6. Please ask the Applicant to explain how this complies with the maximum building coverage 1,1012.5 sf?
7. Where is the maximum impervious surface calculation for the rest of the site plan defined?
8. Please clarify narrative statement "Each unit will have two parking spaces, one garage space and one driveway space." Should that first comma be a colon? Does this mean that the 2 parking spacings are comprised of 1 internal and 1 external spot?