



Memorandum

To: Village of New Hempstead Planning Board

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

Re: Union Road Townhomes
SBL# 50.05-1-11.2

Date: June 13, 2024

cc: Mel Poliakoff, Planning Board Chair
Allison Weinraub, Village Clerk-Treasurer
Amanda Bettello, Deputy Village Clerk
Bruce W. Minsky, Esq., Planning Board Attorney
Glenn McCreedy, PE, Village Engineer
John Atzl, PLS, for the Applicant

Received and reviewed for this memorandum:

June 2024 submittals:

- Narrative Summary with Responses to Comments, by Atzl, Nasher, & Zigler, P.C., unsigned, dated May 16, 2024.
- Building Renderings, 3 sheets, front view (gray/natural wood, white, and all gray alternatives), undated, unsigned.
- Site Plan, 8 sheets, stamped by Ryan A. Nasher, P.E., and John R. Atzl, P.L.S., Atzl, Nasher & Zigler P.C., dated August 30, 2023, with latest revisions dated May 16, 2024.
 - 1 – Site Development Plan
 - 2 – Existing Condition
 - 3 – Grading Plan
 - 4 – Details
 - 5 – Erosion & Sediment Control Plan
 - 6 – Construction Phasing Plan
 - 7 – Landscape Plan
 - 8 – Fire Truck Turning Plan
- Architectural Plans, 4 sheets, stamped by Boaz Golani, RA, dated September 7, 2023, with sheets as follows:
 - A100, Cover (showing Front Elevation)
 - A102, Floorplan (First Floor)
 - A103, Floorplan (Second Floor)
 - A104, Elevations (1-a, 2-a, 3-a, 4-a)

February 2024 submittals:

- Lead Agency Notice of Intent from the Village of New Hempstead Planning Board, for Union Village LLC, dated April 9, 2024.

- Narrative Summary, by Atzl, Nasher, & Zigler, P.C., unsigned, dated February 8, 2024.
- Planning Board Application Forms package, for Site Development Plan Approval, signed by Berel Karniol, dated February 8, 2024
- Full Environmental Assessment Form Part I, with Environmental Mapper Summary, signed by John Atzl, P.L.S., dated February 8, 2024.
- Site Plan, 3 sheets, stamped by Ryan A. Nasher, P.E., and John R. Atzl, P.L.S., Atzl, Nasher & Zigler P.C., dated August 30, 2023, with latest revisions dated February 15, 2024.
 - 1 – Conceptual Site Plan
 - 2 – Existing Condition
 - 3 – Grading Plan
- Final Subdivision Plat, 2 sheets, for New York Country Club, signed by John Atzl, PLS, dated July 2, 2009, filed October 16, 2009, at Rockland County Clerk’s Office.
- Forbearance Agreement between New York Golf Enterprises, Inc., and the Village of New Hempstead, Instrument Number 2010-00009566, recorded by Rockland County Clerk, dated July 1, 2009.
- Forbearance Agreement between New York Golf Enterprises, Inc., and the Village of New Hempstead, Instrument Number 2007-00044358, recorded by Rockland County Clerk, dated January 8, 2007.

Project Summary

The subject application is for the development of an Active Adult Residential Community on a 9.29-acre site in the 1R-40 district, adjacent to the proposed 103 Brick Church project (the New York Country Club golf course site). The proposed development will be composed of 55 townhouse style units along with amenities including a community building, indoor pool, outdoor pool, recreation area, walking paths, and a gazebo. The proposed project will be served by Veolia Water and the Rockland County Sewer District.

Zoning Comments

1. Special Permit Standards. Active Adult Residential Communities are permitted in the 1R-40 District with a special permit from the Village Board of Trustees, subject to the special permit standards of §290-57.
 - a. The special permit general provisions are found in §290-57.C, as follows:
 - C. General provisions.
 - (1) The ARC Zone will be authorized by special permit created by amendment to the Village Zoning Map through the exercise of the Village Board of the procedures set forth in this section. The Village Board has full discretion regarding any action on a petition to the Village Board for the mapping of a site as ARC, subject to the provisions of this section.
 - (2) The 1R-50, 1R-40 and 1R-35 Districts shall be the eligible host for this special permit use.
 - (3) The total aggregate number of units allowable on a property within an ARC Zone established pursuant to this section shall be no more than 120. The Village Board may, by resolution, increase the total aggregate number of units allowable in the ARC Zone.
 - (4) Only parcels which are eight acres or larger in size shall be eligible for the ARC Zone designation. Assemblage of properties or parcels not in the same ownership so as to meet minimum acreage requirements is prohibited.
 - (5) Each dwelling unit with an ARC Zone must have at least one owner/resident who has attained the age of 55 years of age.

Regarding these provisions:

- The Village Board is considering the mapping of the ARC zone at this site but has referred this matter to the Planning Board to process the site plan and subdivision amendments and wishes for the Planning Board to serve as lead agency for the SEQRA Review. Provision C(1) is met.
- The site is located in 1R-40, so Provision C(2) is met.
- The number of units proposed is 55, at six units per acre. The density of six units per acre is set for this site by forbearance agreements between the Village and the New York Golf Enterprises, Inc., in 2007 and 2009. A density of 7 units per acre with a maximum of 120 units might be permitted under Provision C(3) and under the bulk and area requirements table (see comment 2 below). Provision C(3) is met.
- The subject lot contains 9.29 gross acres, and 9.24 net acres, so Provision C(4) is met.
- The units are age-restricted, so Provision C(5) is met.

b. The special permit criteria for approval are found in §290-57.F, as follows:

F. Criteria for approval of an adult community special permit.

The Village Board shall consider, together with the intent and objectives of this article, and make written findings with respect to whether the proposed district and development meet the following criteria:

- (1) Compatibility with the neighborhood in which the special permit is proposed, potential for separation from nearby uses, and environmental factors.
- (2) The site shall be served by central water or sanitary sewer facilities, and said facilities shall be adequate to accommodate the additional demand placed upon them by the proposed development and approved by the Board of Health, and the New York State Department of Environmental Conservation when required.
- (3) The site shall be well-drained, and stormwater generated by development of the site shall not place an undue burden on existing facilities or contribute to downstream flooding.
- (4) The site shall be located in an area suitable for residential purposes and shall be reasonably free of objectionable conditions, such as odors, noise, dust, air pollution, high traffic volumes, incompatible land uses and other environmental constraints.
- (5) The site shall be located such that access to the site can be obtained from a public street which meets current engineering standards, or is defined as a collector road under this chapter, with respect to roadway width and alignment and acceptable sight distances can be developed at the site entry/exit and at intersections in the vicinity of the site.
- (6) The architectural style of the proposed development, exterior materials, finish and color shall be consistent with existing community and neighborhood character.
- (7) The project shall contain amenities consistent with adult residential communities, such as game rooms, meeting rooms, lounges, exercise rooms and clubhouses.
- (8) The development of the site shall not produce undue adverse effects on the surrounding neighborhood.
- (9) Ownership shall be either condominium or fee simple, homeowners' association.
- (10) Review and comment from the Village Planning Board, if applicable.
- (11) Review and comment from the Village Architectural Review Board.

Regarding these provisions, it appears that they can all be met. **Please submit proposals for governance and maintenance of the private roads, infrastructure, and common elements (such as the grounds, clubhouse, pool, etc.).**

c. The special permit limitations on occupancy are found in §290-57.H, as follows:

H. Limitations on occupancy.

- (1) The occupancy of active adult residential communities shall be limited to:
 - (a) Active adults;
 - (b) Active adult households;
 - (c) An unrelated caregiver under the age of 55 if it is established that the presence of such a person is essential for the physical care of an active adult.
- (2) Persons under the age of 18 shall not be permitted to be permanent residents of dwelling units. For the purposes of this section, a "permanent resident" shall mean any person who resides within the dwelling for more than three consecutive weeks, or has listed the residence as a dwelling for any purpose whatsoever, including, but not limited to, enrollment in public or private schools.
- (3) Notwithstanding the foregoing, each active adult residential community may set aside one dwelling unit to be occupied by a superintendent or building manager, to which limitations on occupancy set forth above shall not apply.

Regarding these above standards, **please submit proposed documents that layout out the proposed restrictions, governance, and enforcement mechanisms to assure that these occupancy limitations will be met.**

d. The special permit additional requirements are found in §290-57.J, as follows:

J. Additional requirements.

- (1) Single-family detached units shall be no less than 1,400 square feet, with no more than two bedrooms, and shall have separated driveways and garages to house two automobiles.
- (2) Dwelling units shall be centrally air-conditioned, with individual thermostatic controls for heating and air-conditioning.
- (3) All dwelling units shall incorporate design features to the maximum extent practical which ensure the safety and convenience of the residents, including, but not limited to, provision of grab-bars, nonscalding faucets, water-impervious nonslip floors, flush thresholds and wheelchair-accessible doorways and shafts for an elevator option.
- (4) Provisions shall be made for washers and dryers to be installed in individual dwelling units, unless this provision is deemed impractical by the Planning Board.
- (5) If pets are permitted, there shall be no more than two pets per dwelling unit and specific pet walking areas designated and located so as to prevent nuisance and annoyance or health hazards to the residents and/or abutting property shall be provided.
- (6) Roads are to be private with a minimum width of 24 feet of pavement. Roads shall be properly illuminated and shall have minimal street parking as practicable.

Regarding these additional requirements provisions we offer the following comments.

- i. Regarding standard §290-57.J.(1) above, the narrative states that the proposed townhome units will be 3200 square feet, with one bedroom, a guest bedroom and office/den in each unit. **Please submit floorplans for the**



proposed units so that the Planning Board may determine that the office den is not laid out in a manner that it may be a third bedroom, in exceedance of this

requirement. Also, driveways are not shown as separated as required by this standard. Only one car garages are provided. The Planning Board should discuss with the applicant whether the project can be designed to meet the requirements of §290-578.J.(1) for separated driveways and one car garages.

- ii. Roads are designed with 26 feet of pavement, so the plans meet the road width requirements of J.(6).
- iii. **When floorplans and accompanying notes are submitted, please demonstrate that requirements of J.(2) through J.(5) will be met.**

2. Bulk and Area Requirements. The bulk and area requirements found in the Table of Dimensional Requirements (290 Attachment 2) for Active Adult Residential Communities in the 1R-40 District are as follows:

District	Min. Lot Area ¹ (square feet)	Min. Lot Width (feet)	Minimum Yards				Max. Height
			Front Yard (feet)	Side Yard (feet)	Total Side Yards (feet)	Rear Yard (feet)	Stories
Townhouses and single-story homes designed for active adults, with recreational amenities such as clubhouses and the like ⁵	5,000 (single-family residences) 2,000 (townhouses)	50 (single-family residences) N/A (townhouses)	20	10 (single-family residences) 0 (townhouses)	20 (single-family residences) 0 (townhouses)	20 (single-family residences) 10 (townhouses)	2

NOTES:

- 1. Additional requirements:
 - (1) Habitable floor area for single-family residences: 1,400 square feet per unit.
 - (2) Maximum density per acre [subject to § 290-57C(3)]: 6 (single-family residences); 7 units (townhouses).
 - (3) Percentage of lot coverage for single-family residences: 40%.
 - (4) Maximum building coverage of site for townhouses: 45%.
 - (5) Lot depth: 100 feet (single-family residences); 45 feet (townhouses).

Regarding these provisions, it appears that all can be met without the need for any variances from the ZBA. The permitted density of 7 units per acre is superseded by the forbearance agreement, as discussed above in comment 1a.

Site Plan Comments

- 3. **It appears that the area of the subject site east of the cart path shown on the existing conditions sheet is now part of the neighboring golf course. Are there any easements for this encroachment? Please clarify.**
- 4. We will defer to the Village Engineer review of the SWPPP for the stormwater management system and the treatment pond proposed at the southeast corner of the site.

5. We note that the Landscape Plan (sheet 7) does not show any landscaping along the property line with the golf course site at the rear. **The Planning Board should discuss whether it will require landscaping between the east site of this development and the adjacent proposed 103 Brick Church project.**
6. Extensive retaining wall systems are proposed along the perimeter at the southeast and northern corners of the site. **Please provide additional information on the proposed retaining wall heights (top of wall and bottom of wall), and wall materials and color. Will the tops of walls be fenced and landscaped?**
7. **We note that the truck turning sheet 8 does not demonstrate the workability of the proposed turnarounds either at the turnaround at unit 1 or at unit 29. Please add tests of these turning movements at these ends of the private road.**

Submission Comments

1. Please provide a **list of property owners within 500 feet** as required on page 8 of the application package.

SEQRA/GML Comments

1. On or about April 9, 2024, the Planning Board circulated a notice of intent to be lead agency, having classified the project as a Type I action. **Unless any objections were received, the Planning Board should declare itself as Lead Agency.**
2. On or about June 7, 2024, the Village Clerk submitted a copy of the latest plans and submissions to the Rockland County Planning Department for GML Review. As of this writing no response has been received.
3. Question D.2.j of the FEAF states that there will be no substantial increase in traffic levels, however the addition of 55 new dwelling units on a parcel that is currently undeveloped raises traffic concerns, and the answer should be corrected to "Yes." **The applicant has agreed to submit a traffic study and has asked for the Village Planner to arrange for a traffic engineer to review their submission, which they expect to prepare in the coming months.**

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