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ENGINEERS - SURVEYORS - PLANNERS

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September 23, 2024

Village of New Hempstead Planning Board
108 Old Schoolhouse Road
New City, NY 10956
Attn: Mel Poliakoff, Chairman

Re: Tax Lot 42.18-2-24
NYS Route 45
Hamaspik Choice
f/k/a Illinois Properties 26, LLC

Dear Chairman Poliakoff and Honorable Board Members,

The following is our response to Ralph Tarulli, P.E. (DOT Consultant) Permit Engineer of New York State Department of Transportation letter dated October 3, 2023:

1. Comment: With respect to the size of the proposed building addition please have a traffic generating study performed.

Response: Traffic Report has been provided.

2. Comment: Please consider having an ADA compliant sidewalk on north side of driveway entrance installed from bus stop to row of parking spaces for pedestrians and building employees walking to building. It is noted on site plans that a significant variance of parking spaces is being requested which should increase bus passenger traffic.

Response: Plans revised. ADA compliant sidewalk, ramps and crosswalks provided.

The following is our response to Paul Gdanski, P.E. Town of Ramapo Department of Public Works letter dated October 5, 2023:

1. Comment: A sanitary sewer review is required prior to final plan approval. The fee of \$125.00, payable to the Town of Ramapo at the Town of Ramapo Planning Department, is due from the applicant. Ordinarily the Town would not begin the review process until this department has received receipt that the above fee has been paid. Please make sure the applicant submits the review fee as soon as possible.

Response: Sewer review fee and sewer report submitted on August 16, 2024.

2. Comment: A note stating that is the lowest floor to be sewerer is below the upstream rim elevation an exterior check valve is required.

Response: Note 28 on Site Plan.

3. Comment: Provide location of existing sewer main and inverts of connection.

Response: Existing sewer main provided on plans. Inverts for connection will be provided.

4. Comment: A sewer study must be provided.

Response: Sewer Report submitted on August 16, 2024.

The following is our response to Lorelei Greene Tinston , Engineer of Rockland County Sewer District No. 1 letter dated July 12, 2024:

1. Comment: The sanitary sewer from this project would connect to the District's sewer system.
- a. Upon review of this application, the District has determined that an impact fee is required, in accordance with Sections 502A and 1317 of the Rockland County Sewer Use Law as last amended in 2010.
 - b. Approval of this special permit application and the zone change from 1R-25 to NCO, as requested, for a 45,439 square foot office building on a 126,998 square foot site, to which tax rolls dating back to 2012 assign six (6) sewer units, will result in six (6) additional sewer units. Therefore, the applicant must submit a check in the amount of eleven thousand one hundred dollars (\$11,100.00) payable to Rockland County Sewer District No. 1 within thirty (30) days of approval.
 - c. If the use or occupancy of the site exceeds twelve (12) units, the District will require further review and the owner will have to pay an additional impact fee.

- d. Payment of the impact fee must be made to the District before the proposed addition to the existing office building is connected to the sewerage system.
- e. We request that the Board notify the District upon approval of the project.

Response: Acknowledged.

- 2. Comment: As this is a non-residential project, Rockland County Sewer District No.1's "Commercial/Non-residential Wastewater Questionnaire" and the County Planning Information Certification must be submitted at <https://www.rocklandcountyny.gov/departments/sewer-district-1/permits-forms> and approved by this office before any sewage is discharged into the District's sewerage system. The owner must sign the wastewater questionnaire.

Response: Required questionnaire will be submitted prior to Chair's endorsement.

- 3. Comment: Details for sanitary sewer construction must comply with the District's construction standards and should be shown on the plans.

Response: No new sanitary construction is required. Existing building connection will be utilized.

- 4. Comment: Details for the sanitary sewer connection are subject to approval by the Town of Ramapo.

Response: Acknowledged.

- 5. Comment: Any existing sewer connection proposed to be abandoned must be plugged at the easement boundary with a permanent watertight plug or cap encased in concrete.

Response: Existing sanitary sewer connection will be utilized.

Fire Chief Peter Gessner of Hillcrest Fire Company No. 1 letter dated July 17, 2024:

Comments & Recommendations: None.

The following is our response to Jonathan T. Lockman, AICP , of Nelson Pope Voorhis letter dated July 24, 2024:

Submission Comments:

1. Comment: Traffic Impact Study. The applicant notes that Harry Barry has conducted a Traffic Impact Study. However, we did not receive a copy. Please include a copy of the Baker Traffic Impact Study. The Planning Board may wish to send the TIS out for review by its own engineer once it is received.

Response: Traffic Impact Study is under review by the Village's Traffic Consultant.

Zoning Comments:

2. Building Setbacks.

- a. Comment: Front Yard. The existing building is legally nonconforming, as the front yard is 56.6 feet when 75 feet is required. The proposed building addition is in the rear and does not affect the front yard.

Response: No response required.

- b. Comment: Side Yard. The existing building is legally nonconforming, as the rear, southwest corner is 29.5 feet from the side property line, where 50 feet is required. The proposed two-story addition is proposed to attach to the existing building at this corner, with a 29.5 matching setback. The southwest rear corner of the addition is proposed to be 34 feet from the side property line, when 50 feet is required. It appears that a ZBA variance will be required unless the building addition is redesigned to be attached at a position 50 feet from the side property line. The Building Inspector should be asked for a written determination of whether a variance will be required, if the nonconforming south wall is extended in the same plane, rearward through the side yard, as shown. It also appears that the Total Minimum Side Yard requirement of 100 feet will require an additional ZBA variance, as only 92.6 feet is provided.

Response: Variances noted above are noted on the Site Plan.

c. Comment: Rear Yard. Neither the existing building nor the proposed addition encroach on the required rear yard of 50 feet.

Response: No response required.

3. Comment: Parking Lot Setbacks. Per section §290-59. A required parking spaces "may be located in a side or rear yard." Per section §290-62.8," properly buffered parking may be permitted in front yards." It appears that the existing and proposed parking (both to be constructed and spaces shown as "reserve parking") meet this standard. Buffering is shown in the Planting Plan, sheet L-701, by Yost Design.

Response: No response required.

4. Comment: NCD Use Regulations -Maximum Building Size. Buildings in the NCD are subject to the standards found in §290-36.1. We note that §290-36.1.c.(1) states that "no building may exceed 20,000 square feet." The proposed building will exceed this maximum size by over 100%. A ZBA variance for the maximum building size of 20,000 square feet will be required, and this should be noted on the plans.

Response: Noted on Site Plan below Bulk Requirements Table.

5. Comment: Floor Area Ratio (FAR). The applicant has indicated that a FAR variance will be needed, as a FAR of 0.36 is proposed, when a maximum of 0.30 is required. This is noted in the narrative however it is not marked on the bulk requirements table on site plan sheet 1. Please amend the bulk requirements table to indicate that a ZBA variance for FAR will be required.

Response: Noted in Bulk Requirements Table.

6. Parking Space Requirements.

- a. Comment: ZBA Variance Needed for Reduction in Required Spaces. See §290-62.B.(1). One hundred eighty-two parking spaces are required for this 45,439 square foot building. ($45,439/250 \text{ sf} = 182$). Only 139 are provided (including constructed plus reserve parking spaces). A ZBA variance will be needed for this 24% reduction of 43 parking spaces. According to the narrative, the Traffic Impact Study (which we have not seen or reviewed) contains parking demand projects that justify the reduced provision of parking.

Response: Per discussion with the Village Engineer and the reduction of the wetlands, we have revised the parking lot configuration. We have eliminated the two "Dead End" parking legs. This, however, has reduced the total parking count to 135 spaces. The 122 spaces will be constructed, with an additional 13 spaces to be held in reserve. The study shows that this is adequate.

- b. Comment: Planning Board Deferment of Constructing Parking. See §290-66. Under the authority of this section, the applicant is requesting that the Planning Board allow the deferment of the construction of 37 parking spaces, which are shown on the site plan as "reserve parking." This represents a 20% reduction from the full requirement of 182 parking spaces. The Planning Board should consider whether to grant this deferment of the construction of 37 parking spaces. The applicant should include a note on the plan indicating that "reserved spaces shall be improved within six months of the date of a written notice from the Planning Board that such spaces have been determined to be necessary." Written guarantees regarding the reserve spaces should be submitted as directed by this section, subject to review and approval of the Planning Board Attorney.

Response: Agreed. See Note 29 on Site Plan. Legal Documents will be provided.

Planning Comments:

7. Comment: A wetland area is located at the western end of the site near the reserve parking area. Chapter 159 of the Village Code regulates any wetlands over 1/10th of an acre (or 4,356 square feet). It appears that the wetland in question has a calculated area of 5,277 square feet per the note on the site plan "wetlands area as flagged in the field by Peter Torgersen." Therefore, this subject wetland is regulated under Chapter 159 and a 100' buffer is required by §159-5. Work within the 100-foot buffer area will require wetlands permit per section §159-8. Four hundred fifty (450) square feet of wetland filling is proposed, which will require ACOE approval. Filling of the wetland should be avoided.

Response: The wetlands were reflagged on August 13, 2024. It has been significantly reduced and no filling is required. We do need Planning Board of Approval for the parking improvements within the 100 feet buffer.

SEORA/GML Comments:

8. Comment: The Planning Board should notify its intent to serve as lead agency in a coordinated review of this "unlisted" action under SEQR.

Response: No response required.

9. Comment: As the site is located along Route 45, and the Village of New Square is located across the street, referral to the Rockland County Planning Department for GML review is required.

Response: Agreed.

10. Comment: The EAF part 1 notes that a zone change approval is required, however the footnote on the narrative states that the zone change has already been granted. Please update the FEAF part 1.

Response: EAF Part 1 has been revised to reflect the zone change by the Village Board on October 31, 2023.

The following is Ira M. Emanuel, Esq., responses to the Rockland County Planning Department letter dated July 31, 2024:

1. Comment: A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.

Response: NYSDOT submitted a review letter dated October 3, 2023.

2. Comment: A review must be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.

Response: Comment noted. The applicant will comply with all applicable regulations.

3. Comment: A review must be completed by the County of Rockland Sewer District No. 1, any comments or concerns addressed, and all required permits obtained.

Response: Rockland County Sewer District No. 1 submitted a review letter dated October 18, 2023.

4. Comment: The Village of New Square is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 60 feet east of the site, opposite New York State (NYS) Route 45. NYS General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations with respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards to predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Village of New Square must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Village of New Square must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

Response: Comment noted.

5. Comment: A review of the Fire Truck Radius Plan must be completed by the Rockland County Office of Fire and Emergency Services, Village of New Hempstead fire inspector, or the Moleston/Hillcrest Fire Department to ensure that the site is designed in a safe manner and there is sufficient maneuverability on site for emergency vehicles.

Response: Hillcrest Fire Department submitted a review letter dated July 17, 2024.

6. Comment: Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Standards for Erosion and Sediment Control.

Response: The applicant will comply with all applicable regulations.

7. Comment: There shall be no net increase in the peak rate of discharge from the site at all design points.

Response: Complies.

8. Comment: A portion of the on-site wetlands are proposed to be filled, and a number of parking spaces will be constructed within the 100-foot wetland buffer. This development will result in the degradation of said wetlands, which will lead to a reduction in the quality of local waterways and exacerbate localized flooding. With the effects of climate change and recent severe storms in the County, it is becoming increasingly important to preserve these resources. A new layout should be proposed that reduces the development within the 100-foot wetland buffer to the greatest extent possible.

Response: The plan proposes the minimum intrusion into the wetland adjacent area that/is feasible. Appropriate mitigation measures are also included in the plans.

9. Comment: The site plan indicates that the wetlands were delineated in the field on April 29, 2019. This department recommends that field delineation of on-site wetlands be reconducted to avoid potential negative impacts to the wetlands or any wetland buffers, as the previous delineation occurred over five years ago.

Response: Wetlands reflagged on August 13, 2024. The wetlands have been significantly reduced.

10. Comment: Areas designated for snow removal must be clearly delineated on the site plan and in the field so that the plow drivers will know where to place the snow piles. Providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by employees. In addition, this will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion.

Response: Snow Storage Area provided on Site Plan.

11. Comment: If any new signage is proposed, it must be shown on the site plan and conform to the Village requirements found in Chapter 290, Article X of the Village Code. If any variances are required for the signage, we request the opportunity to review them, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).

Response: The applicant reserves the right to apply for any appropriate variances.

12. Comment: This department recommends that the applicant use plants that are native to New York for the proposed landscaping to help preserve and promote biodiversity. Native plants are better adapted to the local climate and soils, making them easier to care for, and result in the need for less fertilizer, pesticides, and use of water. They also have deeper root systems that help prevent erosion and increased runoff into local waterbodies. A pdf titled "Native Plants for Gardening and Landscaping Fact Sheets" that lists native species and the environments in which they can grow can be found on the New York State Department of Environmental Conservation's website: <https://www.dec.ny.gov/get-involved/living-green/sustainable-landscaping>.

Response: The applicant will use native plants to the extent appropriate.

13. Comment: We request the opportunity to review any variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).

Response: Comment noted.

14. Comment: Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

Response: Comment noted.

15. Comment: In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is file with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.

Response: Comment noted.

16. The following additional comments are offered strictly as observations and are not part of our General Municipal Law (GML) review. The board may have already addressed these points or may disregard them without any formal vote under the GML process:

16.1 Comment: The project narrative includes a request for parking deferment, as per Section 290- 66. However, it does not clearly note that a parking variance is required, as well. According to the parking calculation provided on the site plan, a total of 182 parking spaces will be required for the proposed development. 102 spaces are to be provided with 37 spaces to be held in reserve for a total of 139 spaces. A variance of 43 spaces is required. The narrative should be amended to note this required variance, and the Planning Board must take this into consideration in its determination whether to defer the construction of the requested 37 spaces.

Response: The previous narrative incorrectly failed to note the need for a variance. The need for variances is clearly noted on the site plan as part of the parking calculations. Revised narrative provided.

16.2 Comment: The bulk table on the site plan shall be amended to denote that a variance for floor area ratio is required.

Response: The bulk table shows the correct FAR of 0.36, which requires a variance. The asterisk denoting the need for a variance was inadvertently left off. Plans revised to note F.A.R. Variance.

The following is our response to Alena Guckian, P.E. of Civil Design Works, LLC , letter dated August 7, 2024:

1. Comment: The project requires variances for minimum side yard, total side yard, maximum floor area ratio, building larger than 20,000 square feet, and parking. All required variances shall be clearly identified on the Site Plan.

Response: All required variances are noted on the Site Plan.

2. Comment: The applicant shall clarify if the reserved parking areas are included in the impervious surface coverage calculations.

Response: Noted as a separate line item in proposed Lot Coverage Calculations.

3. Comment: What is the mechanism that will trigger the need to construct the parking lot expansion?

Response: Per Section 290-66, construction will be required within six months of written notice from the Planning Board. If a parking issue develops, the Building Inspector will notify the Planning Board. Please see Note 29 on Site Plan.

4. Comment: The site survey is outdated. "Paver walk" on the north side of the building have been replaced with concrete walk. Survey shall be updated, and the survey date shall be provided on the Site Plan.

Response: Walk noted as concrete, resurvey noted in revision 7.

5. Comment: The existing utility connections must be identified on the plans and confirmation that their size and current condition are adequate for the new building addition. Any upgrades required as a result of the new addition must be provided on the plans. Willingness to serve and verification of capacity must be provided from all applicable utility companies.

Response: Application for Willingness to Serve submitted. Utility connections will be provided.

6. Comment: Wetland delineation is over 5 years old and must be surveyed and certified by a wetland specialist.

Response: Wetland was reflagged on August 13, 2024, and is significantly smaller. It now is limited to the stream area.

7. Comment: The existing ADA ramp at the north-east corner of the existing building shall be replaced with a compliant ADA ramp.

Response: Noted to be ADA compliant with detail.

8. Comment: Notes for ADA ramp referenced on "Curb Ramp Detail #2" shall be added to the plans.

Response: Notes provided above details.

9. Comment: Applicant to identify where the south-east portion of the site is discharging as this area is not included on the Drainage Maps.
- Response: Plan is revised to update the discharge location.*
10. Comment: Proposed drainage system shall be reassessed. Run off from the proposed parking lot is bypassing the proposed drainage system. 100% of the WQv must be provided for any increases in impervious cover, and 100% WQv treatment is required for, at minimum, 25% of the existing disturbed impervious area as per Chapter 9 of the NYSDEC Stormwater Management Design Manual.
- Response: The Drainage Calculation is updated per the revised Site Plan dated 9-23-24. Please see the letter dated 9-23-24.*
11. Comment: Drainage system design shall be provided for the proposed reserved parking areas.
- Response: The SWPPP and Drainage Mitigation Plan and Details accounts for the updated reserve parking.*
12. Comment: Drainage system design shall be based on 2024 NYSDEC Stormwater Management Design Manual.
- Response: Agreed. The Drainage Plan and detail meets 2024 NYSDEC Stormwater Code. The SWPPP will be updated prior to the Final Approval.*
13. Comment: Reassess grading on the proposed parking lot and the reserved parking lot. Slope under 5% is typically recommended for parking lots.
- Response: Proposed Parking Lot Grading revised, 4.9% maximum.*
14. Comment: Erosion and Sediment Control Plan shall be reassessed: silt fence is shown in the wetland area, concrete washout is proposed in the wooded area in the location of existing trees etc.
- Response: The Erosion and Sediment Control (E &SC) Plan is revised accordingly.*