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June 20, 2024

New Hempstead Board of Trustees  
100 Old Schoolhouse Road  
New Hempstead, NY 10956

Re: Denton Acres – Zone Change and Road Reclassification

Dear Mayor Sicker and Trustees:

We represent the petitioner in the above matter, which seeks to rezone the subject property to NCD and to reclassify Old Schoolhouse Road as a “Collector Road” for zoning purposes. We received the GML review letter from the Rockland County Planning Department dated June 14, 2024. The Department recommended certain modifications to the proposal. The petitioner’s responses are below.

*1 A review must be completed by the Rockland County Department of Health, any comments or concerns addressed, and any required permits obtained.*

It is unclear what relevant comments the Department of Health may have with respect to the proposed zone change and road reclassification. However, the applicant does not object.

*2 A review must be completed by the Rockland County Highway Department, any comments or concerns addressed, and any required permits obtained.*

Comment noted.

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

Comment noted.

*4 The Town of Ramapo is one of the reasons this proposal was referred to this department for review. The municipal boundary is located along the eastern edge of the site along Old Schoolhouse Road. New York State 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 to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in 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 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 Town of Ramapo 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 Town of Ramapo must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.*

Comment noted.

5 *A letter from the applicant's engineer, dated May 24, 2024, indicates that a full site plan for a proposed office building on the subject site was submitted. This was not included in the documents sent to our department for review. The site plan shall be provided.*

Comment noted. The applicant does not control the submission to the Department.

6 *The May 24, 2024 letter from the applicant's engineer indicates the site is 8.6 acres, with approximately 5.4 acres of wetlands. The petition states the site is 9.07 gross acres with approximately 6.03 acres of wetlands. This discrepancy must be clarified and corrected where appropriate.*

The applicant's engineer revisited this matter. Below are his calculations:

- Gross Lot Area = 369,305 SF (8.478 acres)
- Wetland Area = 262,816 SF (6.033 acres)
- Wetland Area Deduction (75%) = 197,112 SF (4.525 acres)
- Net Lot Area = 172,193 SF (3.953 acres)

7 *If the zone change is approved, and the proposed office building moves forward, the areas to be preserved in their natural state (including the wetlands), must be flagged in the field prior to the start of construction to ensure their protection.*

The applicant will comply with all applicable regulations.

8 *Should the zone change be approved, we request the opportunity to review the site plan needed for this proposal, as required by New York State General Municipal Law, Section 239-m(3)(a)(iv).*

Comment noted.

9 *The petition indicates that area variances may be needed for the development of this parcel, should the zone change be approved. This department is not generally in favor of granting variances for new construction, particularly on land that was rezoned for said construction. The proposed development should be designed in a manner that complies with the regulations of the NCD zoning district. However, if variances are needed, we request the opportunity to review them, as required by New York State General Municipal Law, Section 239-m(3)(a)(v).*

The presence and location of wetlands severely constrains the available area for development. Variances will be needed.

10 *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.*

Comment noted.

11 *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.*

Comment noted.

12 *The following additional comments are offered strictly as an observation 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:*

12.1 *The penultimate page of the petition references Section 290-5 of the Village Zoning Code when requesting it be amended to include Old Schoolhouse Road as a Collector Road. Section 290-5 is also incorrectly referenced in the SEQR Notice of Intent to Be Lead Agency. These shall be corrected to Section 290-3.*

The correct section is 290-3. If the Board directs, then a corrected petition will be filed. Future materials will reference the correct section of the Zoning Code.

*12.2 If approved by the Village Board, resolutions for the amended zoning map must be filed with the New York State Department of State. The County also strongly recommends that the Village forward resolutions to the Rockland County GIS division, so that maps maintained by the County can be properly updated. These maps are a widely available resource, and ensuring their accuracy maximizes their usefulness and benefit to the public and municipalities.*

This is not a matter under petitioner's control.

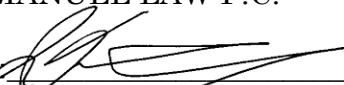
*12.3 The May 24, 2024 letter from Brooker Engineering incorrectly indicates that the property is currently located within the NCD zoning district. This shall be corrected to the 1R-35 zoning district.*

Future materials will correctly identify the zoning district as 1R-35.

*12.4 Should this Zoning Code Amendment be adopted, the Village should provide General Code with this recent update so the Village's online code, as posted to [www.ecode360.com](http://www.ecode360.com), reflects these changes.*

This is not a matter under petitioner's control.

Very truly yours,  
EMANUEL LAW P.C.

by   
Ira M. Emanuel

Cc: Client