



MEMORANDUM

To: Village of New Hempstead Planning Board

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

Re: Hamaspik Building Addition Amended Site Plan
775 North Main Street, New Hempstead
SBL# 42.18-2-24

Date: July 24, 2024

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

Received and reviewed for this memorandum:

- Narrative Summary, for Hamaspik Choice, signed by Ira M. Emanuel Esq., dated June 28, 2024.
- Application Forms package, for Site Development Plan Approval, for Hamaspik/Illinois Properties 26 LLC, signed by Hillel Kahan, April 27, 2023.
- Short Environmental Assessment Form Part I, with Environmental Mapper Summary, signed by John Atzl, PLS dated July 27, 2023.
- Site Plan, 10 sheets, for Illinois Properties 26 LLC, stamped by Ryan Nasher, PE, and John Atzl, PLS, dated October 31, 2022, with latest revision date of April 12, 2024.
 - 1 – Site Plan
 - 2 – Existing Condition
 - 3 – Aerial Neighborhood Plan
 - 4 – Grading Plan
 - 5 – Erosion & Sediment Control Plan
 - 6 – Drainage Details
 - 7 – Lighting Plan
 - 8 – Fire Trucks Radius Plan
 - 9 – Tree Removal Plan
 - L-701 – Planting Plan (by Yost Design, dated June 24, 2024)
- Drainage Maps – Existing and Developed Condition, Sheet E-1/D-1, for Illinois Properties 26 LLC, dated October 31, 2022, with latest revision date of April 12, 2024.
- Full Stormwater Pollution Prevention Plan (SWPPP) Report, prepared by Ryan Nasher, PE, dated April 12, 2024

Project Summary

The subject application is for a two-story addition to the rear of the existing two-story office building located at 775 North Main Street. The 2.9-acre (126,998 square foot) lot currently contains a 26,885 square foot building and a parking lot with 113 spaces. The Applicant is proposing a two-story 18,554 square foot addition on the rear of the building. The Applicant proposes to decrease the physical parking spaces provided at the site from 112 to 102, and to create 37 reserved spaces (to be unbuilt at this time). This would create a potential for 139 parking spaces post-construction if all reserved parking were built. The project site is located in an NCD Neighborhood Commercial district, approved in October 2023.

Submission Comments:

1. 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.**

Zoning Comments:

2. Building Setbacks.
 - a. 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.
 - b. 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.**
 - c. Rear Yard. Neither the existing building nor the proposed addition encroach on the required rear yard of 50 feet.
3. Parking Lot Setbacks. Per section §290-59.A, required parking spaces “may be located in a side or rear yard.” Per section §290-62.B, “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.
4. 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.**

5. 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.**
6. Parking Space Requirements.
 - a. 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.**
 - b. 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.**

Planning Comments:

7. 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 $1/10^{\text{th}}$ of an acre (or 4,356 square feet). It appears that the 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 a 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.**

SEQRA/GML Comments:

8. **The Planning Board should notify its intent to serve as lead agency in a coordinated review of this “unlisted” action under SEQR.**
9. 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.**
10. 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.**