



## 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:** August 14, 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  
Ryan Nasher, PE, for the Applicant

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### Received and reviewed for this memorandum:

- Narrative with Responses to Consultant and Agency Comments, prepared by Atzl, Nasher, & Zigler, PC, unsigned, dated July 25, 2024.
- Site Plan set, 8 sheets, stamped by Ryan Nasher, PE, and John Atzl, PLS, of Atzl, Nasher, & Zigler, PC, last revised July 25, 2024, including the following:
  - 1 – Site Development Plan
  - 2 – Existing Conditions
  - 3 – Grading Plan
  - 4 – Details
  - 5 – Erosion & Sediment Control Plan
  - 6 – Construction Phasing Plan
  - 7 – Landscape Plan
  - 8 – Fire and Refuse Truck Turning and Details Plan
- Architectural Plan set, 4 sheets, prepared by AB Design, unstamped, dated July 25, 2024, including the following:
  - A100 – Cover
  - A102 – First Floor
  - A103 – Second Floor
  - A104 – Elevations
- Traffic Impact Study, prepared by Brian Dempsey, PE, and Brian Haggarty, EIT, from DTS Provident Design Engineering, LLP, dated July 31, 2024.
- Sewer Analysis Report, stamped by Vahid Rostami, Ph.D., PE, Atzl, Nasher, & Zigler, PC, dated June 24, 2024.

## 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 on the east side of Union Road, adjoining 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, each with 2,686 square feet, along with amenities including a community building, 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 – General Provisions. 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. The applicable special permit general provisions are found in §290-57.C. As per comment 1a of our previous memorandum dated June 13, 2024, all are met. However, it should be noted that the number of units proposed is 55, at a density of six units per acre. This density of six units per acre is set for the site by forbearance agreements between the Village and the New York Golf Enterprises, Inc., in 2007 and 2009. In the absence of the forbearance agreement, 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.
2. Special Permit Standards – Criteria for Approval of Adult Communities. The special permit criteria for approval of an adult community are found in §290-57.F. **Per comment 1b of our previous memorandum, please submit proposals for governance and maintenance of the private roads, infrastructure, and common elements (such as the grounds, clubhouse, pool, etc.).**
3. Occupancy Limitations. The special permit limitations on occupancy are found in §290-57.H. **Per comment 1c of our previous memorandum, please submit proposed documents that layout out the proposed restrictions, governance, and enforcement mechanisms to assure that these occupancy limitations will be met.**
4. Maximum Bedroom Count and Minimum Garages. The special permit additional requirements are found in §290-57.J. Subpart J.(1) states:
  - (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.

Per comment 1d of our previous memorandum, the driveways have been redesigned to be separated. However, only one car garages are provided. Also, sheet A103 of the architectural floor plans show that the office at the front of each unit is configured in a manner that it can be used as a third bedroom. (The first-floor study on sheet A102 is too small to be a usable bedroom.) **The Planning Board should discuss the issue of the proposed one-car garages and the large upstairs office that may serve as a third bedroom. We recommend that the Planning Board attorney advise the Building Inspector to determine if ZBA variances are needed for the design of these townhouse units.**

5. Additional Special Requirements. As discussed in comment 1d of our previous memorandum, additional special requirements found in §290-57.J, subparts 2 through 6, state:

- (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 standards in §290-57.J(2) through (4), **please include notes on the architectural plans or confirm otherwise that the units will be centrally air-conditioned with thermostatic controls, the listed handicapped accessibility features will be provided, and washer/dryer connections will be included.**

Regarding the standard in §290-57.J.(5), **please show pet walking areas on the plans. Also, please indicate how pet limits will be enforced,** in proposals for governance requested in comment 2 above.

Regarding the standard in §290-57.J.(6), the proposed 26 foot roads comply with the minimum pavement standard. A typical road cross section is found on sheet 4 of the site plan set. **Please provide road profiles. Will any parallel parking be allowed?**

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

**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 1.

### Site Plan Comments

7. Golf Cart Path. Regarding comment 3 of our previous memorandum, 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. The Applicant has confirmed that there are no existing easements for this path, and it will be relocated upon commencement of construction.
8. SWPPP. Regarding comment 4 of our previous memorandum, 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.
9. Landscaping against Golf Course Site. Regarding comment 5 of our previous memorandum, 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 applicant indicates on page 15 of their latest narrative that they have left this matter as an “open item for discussion.” **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.**
10. Retaining Wall Landscaping. Regarding comment 6 of our previous memorandum, information has been provided on the proposed retaining wall heights (top of wall and bottom of wall). The narrative states that walls will be topped with fences and colors will be earthtone. **As the application progresses, please provide wall block specifications, fence, and associated planting details in the plan set.**
11. Truck Turning. Regarding comment 7 of our previous memorandum, **we will defer to the Village Engineer’s opinion whether the workability of truck turning on sheet 8 should be demonstrated for the proposed turnarounds at unit 1 and at unit 29.**

### Submission Comments

1. Abutters. Regarding submission comment 1 of our previous memorandum, a list of property owners within 500 feet has been provided to the Village, per page 16 of the applicant’s narrative.
2. Renderings for All Buildings. In addition to the architectural floorplans and elevations already submitted, the applicant should **submit a revised rendering showing the new driveway configuration, and a list of finish materials and colors for architectural review, per section 13-26.1.** Architectural Plans should also include the **plans and elevations for the community building and any other buildings as well.**

### SEQRA/GML Comments

1. Lead Agency. 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, if it has not already done so.**
2. GML. 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. It was determined by Rockland County that no GML review was required.
3. Traffic Study. The applicant has submitted a traffic study that concludes that there will be no adverse impacts on the roadway network. **The traffic study has been referred to the Village's traffic engineering consultant, Frank Filiciotto, PE, at LaBella, for his review and comments.** His report will be sent to the Planning Board in the coming weeks.

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

## Items previously reviewed

The following items were reviewed for our previous memorandum, dated June 13, 2024:

### 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.

