



MEMORANDUM

To: Village of New Hempstead Planning Board

From: Jonathan T. Lockman, AICP

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

Date: November 14, 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:

- Supplemental Narrative Summary, for Hamaspik Choice Amended Site Plan, signed by Ira M. Emanuel Esq., dated September 13, 2024.
- Short Environmental Assessment Form Part I, with Environmental Mapper Summary, signed by John Atzl, PLS dated July 27, 2023, revised September 23, 2024.
- Letter from Peter D. Torgersen, to John Atzl, re: Hamaspik Choice, re: wetlands, dated August 15, 2024.
- Letter from AN&Z Engineers, to Planning Board, with responses to agency and consultant comments, dated September 23, 2024.
- Letter, stamped by Ryan Nasher, PE, AN&Z Engineers, to Glenn McCreedy, updating SWPPP, dated September 23, 2024.
- Site Plan, 10 sheets, for Hamaspik Choice (F/K/A Illinois Properties 26 LLC), stamped by Ryan Nasher, PE, and John Atzl, PLS, dated October 31, 2022, with latest revision date of September 23, 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, revised September 11, 2024)
- Traffic Impact and Parking Study, by Harry Baker & Associates, dated November 27, 2023.

- Letter from Frank Filiciotto, PE, LaBella, to Village, re: Traffic Impact and Parking Study Review #1, Illinois Properties 26 LLC, dated October 9, 2024.
- GML Review Letter, Rockland County Department of Planning, dated July 31, 2024.
- Response to GML Letter, from Ira Emanuel Esq, to Planning Board, dated August 2, 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 2.96-net acre (126,840 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 increase the physical parking spaces provided at the site from 113 to 122, and to create 13 reserved spaces (to be unbuilt at this time). This would create a potential for 135 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 submitted a Traffic Impact Study by Harry Baker Associates, dated November 27, 2023. It was reviewed by the Planning Board's traffic engineering consultant, Frank Filiciotto, PE, LaBella Associates, in a letter dated October 9, 2024. **At the time of this writing, Harry Baker has not submitted a revised TIS responsive to Mr. Filiciotto's comments.**

Zoning Comments:

2. Building Setbacks. Regarding comment 2 of our previous memorandum dated July 24, 2024, the applicant corrected the Bulk Requirements Table on sheet 1 of the site plan set, regarding the variances from the ZBA that will be needed for minimum side yard, minimum total side yard, and maximum floor area ratio.
3. Parking Lot Setbacks and Landscaped Buffers. Regarding comment 3 of our previous memorandum, it appears that the existing and proposed parking shown on the newest plans (both to be constructed and spaces shown as "reserve parking") meet the standards of section §290-59.A, Adequate 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 per comment 4 of our previous memorandum, this has been noted below the Bulk Requirements Table on sheet 1 of the site plan set.
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. Per comment 5 of our previous memorandum, this is now noted on the bulk requirements table on site plan sheet 1.
6. Parking Space Requirements.
 - a. ZBA Variance Needed for Reduction in Required Spaces. See §290-62.B.(1). Per comment 6 of our previous memorandum, the need for a ZBA parking variance is now noted in the parking calculations table on the revised site plan sheet. One hundred eighty-two parking

spaces are required for this 45,439 square foot building. (45,439/250 sf= 182). Only 135 are provided (including constructed plus reserve parking spaces). **A ZBA variance will be needed for this 25.8% reduction of 47 parking spaces. The Traffic Impact Study by Harry Baker that has been submitted finds that the 135 spaces proposed for the project will be adequate. However, Mr. Filiciotto's review asks for clarifications and further justifications for this conclusion. See comment 1 above.**

- 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 13 parking spaces, which are shown on the site plan as "reserve parking." The Planning Board should consider whether to grant this deferment which has been reduced since the previous request. Per comment 6b of our previous memorandum, note 29 has been added to the site plan indicating that "reserved parking spaces shall be constructed within six months of the date of 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 1/10th of an acre (or 4,356 square feet). In response to comment 7 of our previous memorandum, the applicant has submitted a letter from Peter Torgersen indicating that the wetland is only 1990 square feet in area, and therefore, this subject wetland is NOT regulated under Chapter 159 and a 100' buffer is NOT required by §159-5. **We will defer to the Village Engineer regarding whether the issues raised earlier requiring the 100-foot wetlands buffer have been resolved.**

SEQRA/GML Comments:

8. On or about August 6, 2024, the Planning Board notified its intent to serve as lead agency in a coordinated review of this "unlisted" action under SEQRA.
9. As the site is located along Route 45, and the Village of New Square is located across the street, Rockland County Planning Department GML review was required. A GML Review Letter was issued on July 31, 2024, with the following substantive modifications required:
 - a. A new layout should be proposed that reduces the development with the 100-foot wetland buffer to the greatest extent possible. (GML comment 8)
 - b. Reconduct wetlands delineation. (GML comment 9)
 - c. Show snow removal/storage areas (GML comment 10)

It appears that the newest submissions address GML comments 8 and 9, and the applicant has indicated willingness to comply with GML comment 10. **It appears that no GML overrides will be needed, but this should be revisited as the application progresses.**

10. Per comment 10 of our previous memorandum, the EAF form has been corrected and resubmitted.

Items Reviewed for our previous memorandum, dated July 24, 2024:

- 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