



MEMORANDUM

To: Village of New Hempstead Planning Board

From: Jonathan T. Lockman, AICP, Principal Environmental Planner

Re: Binyomin Amona, dba BAMA Enterprises, Two Lots with Two-Family Homes
619 Union Road
SBL# 50.05-1-18

Date: November 14, 2024

cc: Amanda Bettello, Deputy Village Clerk
Bruce Minsky, Esq., Planning Board Attorney
Glenn McCreedy, PE, Planning Board Engineer
Josip Medic, PE, Applicant Engineer
Binyamin Amona, Owner

Received and reviewed for this memorandum:

- Application Package for Sketch Plat and Preliminary Plat Approval for BAMA Enterprises, signed by Binyamin Amona, dated September 9, 2024.
- Traffic Letter, by Harry Baker, to Ben Amona, dated September 12, 2024.
- Project Narrative and Transmittal Letter, (Identical to previous letter submitted which was reviewed on September 24, 2024), from BAMA Enterprises, unsigned, undated.
- Subdivision/Site Plan Set for 619 Union Road, 8 sheets, (Identical to previous set submitted which was reviewed on September 24, 2024) stamped by Josip Medic, PE, dated July 15, 2024, with latest revision dated of 6/27/2024.

Reviewed for our previous memorandum dated September 24, 2024:

- Application Package for Sketch Plat and Preliminary Plat Approval for BAMA Enterprises, signed by Binyamin Amona, dated July 16, 2024.
- Project Narrative and Transmittal Letter, from BAMA Enterprises unsigned, undated.
- Stormwater Management Report, stamped by Josip Medic, PE, dated June 2024.
- Subdivision/Site Plan Set for 619 Union Road, 8 sheets, stamped by Josip Medic, PE, dated July 15, 2024, with latest revision dated of 6/27/2024.

Project Summary

Binyamin Amona dba BAMA Enterprises (“the Owner”) is applying:

- (1) to demolish and remove an existing single-family house;
- (2) to create a two-lot subdivision of the subject lot; and
- (3) to place a new two-family detached home on each of the new lots.

The existing subject lot contains 46,798 square feet (1.07 acres).

The front lot is proposed to be 20,104 square feet (0.46 acres) per the applicant's site plan. The front lot would have frontage on Union Road and along a proposed 30-foot-wide easement along its south property line. The new easement would provide access to the new rear lot. The easement is indicated on the site plan as 5,864 sf in area (but is actually depicted as a separate lot, apart from lots 1 and 2. The rear lot is proposed to be 26,604 sf in area (as indicated on the site plan). The subject parcel is at 619 Union Road, on the west side of the road across from the Union Road Townhomes project, in the 2R-15 zoning district. A CDC meeting on this application was held on September 30, 2024. The applicant is now submitting the same plan for initial review by the Planning Board, without making any changes responsive to CDC comments. A public hearing has been scheduled for December 3, 2024.

Our previous review memorandum for the CDC meeting was dated September 24, 2024. The plan set submitted for Planning Board review on October 23, 2024, is identical to the set of plans reviewed in our previous memorandum. Therefore, we have reproduced the comments from our memorandum of September 24, 2024, below in black font, with bold, italicized comments in red updating our previous comments from September.

Submission Comments

1. We find discrepancies in the proposed lot area measurements as shown on the site plan. By our measurements, NPV finds that the proposed two new lots and the proposed access easement for the rear lot will have the following dimensions:
 - a. Lot 1 –
 - ii. Front lot line along Union Road, approximately 100 feet.
 - iii. Front lot line along access road to rear lot, approximately 196 feet
 - iv. Rear line, approximately 100 feet
 - v. Approximate area: 19,600 sf (100 x 196)
 - b. Lot 2 –
 - i. Lot line adjacent to Lot 1, parallel to Union Road, approximately 130 feet
 - ii. Lot depth, approximately 160 feet
 - iii. "frontage" on easement stub is 30 feet.
 - iv. Approximate area: 20,800 (130 x 160)
 - c. Easement*
 - i. Width: 30 feet
 - ii. Length: Approximately 195 feet
 - iii. Area: Approximately 5,850 sf (30 x 195)

*We note that the easement deduction shown on the site plan has been subtracted from Lot 2, when the easement is only located on lot 1.

Please reconcile all the areas for proposed lots. All lots are required to have a minimum of 20,000 square feet and are required to front on a street built to Village standards. The easement, which is now shown as a separate lot, should be redesigned as a cul-de-sac street within a right-of-way, which would be contiguous with the Union Road right-of-way. See §255-47.E and zoning comments below.

No new plans have been submitted. The comments above from September 24, 2024, still apply.

2. **Columns for the proposed bulk and area values for both proposed lots 1 and 2 should be included** on the bulk table. Only the proposed dimensions and areas for lot 1 are included.

No new plans have been submitted. The comments above from September 24, 2024, still apply.

3. The **owner of record of the subject lot is BAMA Enterprises**. According to the Affidavit of Ownership form provided, **Binyomin Amona owns 100% of BAMA Enterprises**. The **owner of record for lot 50.05-1-19, the adjacent lot to the south is Binyamin Amona** as an individual, rather than doing business as BAMA Enterprises. **Both owners must be included on the application** as the proposed entrance road straddles the southern lot line, and about half of the proposed driveway is on 50.05-1-19. **Both lots 50.05-1-18 and 50.05-1-19 must be included on all drawings**. See §255-11.B.(2) which requires that a sketch plat application “Include all contiguous holdings of the owner, including land in the same ownership, with an indication of the portion which is proposed to be subdivided...”

If the ownership of the adjacent lot to the south, SBL 50.05-1-19, has changed, the applicant should provide information on the transfer. We still find that the owner of lot 19, whoever it is, must be included on the application as the proposed driveway is partially located on lot 19. No new plans have been submitted. The comments above from September 24, 2024, still apply.

4. **Future plans for development of the adjacent lot to the south owned by Binyomin Amona should be included in the application**. See §255-47.J which states “Whenever the sketch plat covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than 200 feet to the inch, a sketch of the proposed subdivision area, together with its proposed street system, and an indication of the probable future street system and an indication of the probable future street and drainage system of the remaining portion of the tract.” See also §255-27 which authorizes the Planning Board to consider staged construction.

No new plans have been submitted. The comments above from September 24, 2024, still apply.

5. Please **show the lengths of each lot line proposed**. See §255-47.G. Our calculations of property line lengths are based on hand measurements.

No new plans have been submitted. The comments above from September 24, 2024, still apply.

6. The subdivision plan is stamped, signed, and dated June 16, 2024, with the latest revision date of June 27, 2024, but **the date in the lower right-hand corner of each sheet indicates July 15, 2024**. Please clarify.

No new plans have been submitted. The comments above from September 24, 2024, still apply.

7. The sketch plat must **show any trees on the property over 8 inches in diameter and over 4 feet in height** as per Village Code §255-47.B. Please add any trees that meet these criteria.

No new plans have been submitted. The comments above from September 24, 2024, still apply.

8. The sketch plat must show **the locations of any existing sewers, water mains, culverts, or other underground structures** as per Village Code §255-47.C. Please include.

No new plans have been submitted. The comments above from September 24, 2024, still apply.

9. On the demolition plan, sheet 2, an “existing house” is shown at the rear of the lot, which does not appear on County GIS aerial photography or on County GIS planimetric mapping. Also on sheet 2, the existing dwelling at the front of the lot is stated as already removed, and an existing house at the rear of the lot (which appears on no other records) as “an existing building to remain.” Google Maps shows the front house still in existence, and no building located in the rear. **Please clarify the location of the existing buildings on the site and the location of the proposed removals.**

No new plans have been submitted. The comments above from September 24, 2024, still apply. Please clarify the timeline of what has been removed and where construction has started.

Zoning Comments

10. **We would recommend that the Planning Board urge the applicant to redesign the subdivision sketch plat so it does not need variances.** See §255-44.A which states: “The lot arrangement shall be such that there will be no foreseeable difficulty, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with Chapter [290](#), Zoning...”

We would expect it would be difficult for the applicant to meet the statutory hardship tests for variance requests at this site, particularly because the **owner of BAMA Enterprises is also the owner of the adjacent lot to the south.** The ZBA may find that the hardship is self-induced. **If both lots were included, the project could be designed without variances.**

No new plans have been submitted. The comments above from September 24, 2024, still apply.

11. **Minimum lot area is not met for the front lot as drawn.** According to our calculation, the front lot only contains 19,600 square feet. See comment 1 above.

In the sketch presented, the entire site is shown with an area of 46,798.35 square feet. Once 5,864.04 square feet is subtracted for the proposed driveway easement, this leaves 40,934.61 feet of land to be allocated to the creation of the two new proposed lots. If evenly split, this would leave each new proposed lot with 20,467 square feet. **The total area of lot 2 is improperly shown as 26,694 sf when it appears to be only 20,800 sf. Please reconcile all area figures. The driveway area is labeled as an easement, but it is drawn as a separate lot. The driveway should be presented as a street in a 50-foot right of way to be dedicated.** See comments 13 and 14 below.

No new plans have been submitted. The comments above from September 24, 2024, still apply.

12. **The minimum lot width is not met by the proposed new front lot.** The existing lot is 130 feet wide, which exceeds the minimum requirement of 125 feet, so the site is in compliance today with respect to this standard. With the proposed subdivision, the front lot would only be 100 feet wide. However, if a conforming Village Street were laid out leading to the rear lot, the south line

would become a second front lot line for Lot 1, and the lot width could comply, as it would be measured east-west along the new street frontage.

No new plans have been submitted. The comments above from September 24, 2024, still apply.

13. **No street frontage is provided for the rear lot.** One hundred twenty-five (125) feet of Frontage on a street meeting Village Standards is required for the rear lot. Only 30 feet of frontage on a right-of-way stub is shown at the southeast corner of the lot.

No new plans have been submitted. The comments above from September 24, 2024, still apply.

14. Rather than providing a street, only a driveway is shown straddling the property line between lots 50.05-1-18 and 19. The minimum standards for a Village street in 2R-15 are as follows, per §255-32.H Streets and §A300 Street Specifications:

- a. A 50' foot Right of Way is required. On the sketch plan, 30 feet is shown on Lot 1 and 20 feet is shown on the neighboring lot 50.05-1-19 owned by Binyamin Amona. See §A.300 figure 1, Suburban Street Specification.
- b. Thirty (30) feet of travel way is required, curb to curb, as a minimum pavement width. Only 23.89 feet is shown as the driveway width. The driveway pavement is shown straddling the southern property line, with 11 feet shown on lot 50.05-1-18. See §A.300 figure 1 and §255-31.H for Village road standards.
- c. A cul-de-sac with a 100-foot diameter cul-de-sac in a 120-foot diameter right-of-way is required for this dead-end street. No cul-de-sac is provided. See 255-31.E and H.

A street conforming to Village standards should be designed for this project. If a Village street with a cul-de-sac is created, per footnote 2 of 290 Attachment 2:4, the Table of Dimensional Requirements, the minimum lot frontage on a cul-de-sac may be reduced, but the granting of such a waiver would be at the Planning Board's discretion.

No new plans have been submitted. The comments above from September 24, 2024, still apply.

15. The required maximum Building Coverage is 2,750 sf and 2,475 sf is provided. As the application progresses, **the applicant will need to submit floorplans to show how the proposed building coverage was measured, as the proposed value is so close to the maximum requirement.**

No new plans have been submitted. The comments above from September 24, 2024, still apply.

16. A chart is provided indicating the proposed FAR for lot 1. The proposed FAR for lot 2 is not shown. **Please show the proposed FAR for both proposed lot 1 and proposed lot 2. It appears that the proposed FAR shown for lot 1 is incorrect.** The first floor is indicated as 2,745.41 square feet. **The total floor area of all three levels of the building is shown as 2,729.93 square feet which is clearly incorrect, as the total floor area for all three levels is smaller than the first-floor area, which does not make sense.**

If the values for the floor area of the basement, first floor, and second floor are summed, the result is a total of 8,275 square feet. This would yield a Floor Area Ratio of approximately 0.41 for lot 1, when only a maximum of 0.30 is permitted. **Please correct the FAR calculation for lot 1**

and submit a FAR calculation for lot 2. It appears that FAR variances will be needed once the floor areas are properly shown.

No new plans have been submitted. The comments above from September 24, 2024, still apply.

17. A maximum impervious surface ratio of 0.30 is required. **Please show the proposed impervious surface value for both proposed lot 1 and proposed lot 2** (only a proposed value of 0.17 is shown for lot 1)

No new plans have been submitted. The comments above from September 24, 2024, still apply.

SEQRA/GML/Procedural Comments

18. Once the application is in front of the Planning Board, the Board should notify its intent to serve as lead agency to all involved agencies. We recommend that the Planning Board classify this action as unlisted and establish a coordinated review. In such a coordinated review, should the applicant choose to continue with a design that requires ZBA variances, the ZBA will be prohibited by law from making a final decision until the Planning Board as lead agency makes a negative declaration and concludes the SEQRA process.

The comments above from September 24, 2024, still apply. A traffic letter from Harry Baker Associates was submitted, dated September 12, 2024. Traffic impact from these proposed units does not appear to be significant.

19. It appears that a GML review for this action will not be required, as according to the Rockland County GIS system, it is not within 500 feet of any County facility.

The comments above from September 24, 2024, still apply.

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