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December 18, 2024

Union Road Townhomes Narrative Summary

The Applicant is the contract vendee of Lot 50.05-1-11.2 (also known as Lot 2 on the subdivision plat entitled "New York Country Club" which was filed in the Rockland County Clerk's Office on October 16, 2009 in Book 128, Page 12 as Map #8068). The property is located in the 1R-40 Zoning District. The intent of this subdivision was to develop Lot 2 as an active Adult Residential Community.

Per the intent of the filed subdivision, we are proposing to develop the property as an Active Adult Residential Community. This use is permitted in the 1R-40 Zoning District subject to the issuance of a Special Permit by the Village Board pursuant to Section 290-57 of the Zoning Code.

The property consists of 9.2885 acres. Per the Forbearance Agreement recorded in the Rockland County Clerk's Office, which specified density at six units per acre, the project proposes construction of 55 townhouse style units at six units per acre. Each unit will have two parking spaces, one garage space and one driveway space. There are 39 guest parking spaces. Amenities such as a community building, outdoor pool, recreation area, walking paths and gazebo are proposed.

The units will consist of 2,686 square feet with the master bedroom on the first floor and a guest bedroom on the second floor. Each unit will also have a den on the first floor and an office on the second floor.

The site will be served by Veolia Water and a municipal sewer system. A stormwater management plan has been developed that will provide for zero net increase in peak discharge from the site so that no burden will be placed on downstream properties.

The following is the criteria an Adult Community Special Permit:

§ 290-57F Active Adult Residential Communities.

1. Compatibility with the neighborhood in which the special permit is proposed, potential for separation from nearby uses, and environmental factors.

The Applicant will work closely with the Village of New Hempstead Village Board, Planning Board and Architectural Review Board to ensure that the proposed development is consistent with the surrounding neighborhood.

2. The site shall be served by central water or sanitary sewer facilities, and said facilities shall be adequate to accommodate the additional demand placed upon them by the proposed development and approved by the Board of Health, and the New York State Department of Environmental Conservation when required.

The site will be served by Veolia Water and a municipal sewer system. Water and sanitary demand for this development will be 18,750 gallons per day. Both the sanitary sewer and water mains are adequate to serve the project.

3. The site shall be well-drained, and stormwater generated by development of the site shall not place an undue burden on existing facilities or contribute to downstream flooding.

A stormwater management plan will be developed that will provide for zero net increase in peak discharge from the site so that no burden will be placed on downstream properties. This project will meet the current Village and NYSDEC Code.

4. The site shall be located in an area suitable for residential purposes and shall be reasonably free of objectionable conditions, such as odors, noise, dust, air pollution, high traffic volumes, incompatible land uses and other environmental constraints.

This area of Union Road is primarily residential use. This project will not produce odors, noise, dust, air pollution or high traffic volumes. We believe the project will fit in well with the neighborhood.

5. The site shall be located such that access to the site can be obtained from a public street which meets current engineering standards or is defined as a collector road under this chapter, with respect to roadway width and alignment and acceptable sight distances can be developed at the site entry/exit and at intersections in the vicinity of the site.

Access to the site is via Union Road. Appropriate sight distances will be adhered to.

6. The architectural style of the proposed development, exterior materials, finish, and color shall be consistent with existing community and neighborhood character.

Architectural treatment/elements shall be consistent with the existing community and neighborhood character. The Applicant will work with the Village of New Hempstead Planning Board and Architectural Review Board to develop a plan that will be aesthetically pleasing, and which will meet all criteria for appearance with landscaping and buffering to the extent possible.

7. The project shall contain amenities consistent with adult residential communities, such as game rooms, meeting rooms, lounges, exercise rooms and clubhouses.

Amenities such as a community building, outdoor pool, recreation area, walking paths and gazebo are proposed.

8. The development of the site shall not produce undue adverse effects on the surrounding neighborhood.

There will be no adverse impacts to the surrounding neighborhood. An Active Adult Residential Community is a benign use.

9. Ownership shall be either condominium or fee simple, homeowners' association.

Acknowledged.

10. Review and comment from the Village Planning Board, if applicable.

Agreed.

11. Review and comment from the Village Architectural Review Board.

Agreed.

Per comments from the Planning Board and the Public we offer the following:

- 1) Floor area of the units has been decreased from 3,200 square feet to 2,686 square feet. A decrease of approximately 500 square feet, 15%.
- 2) Size of the units has decreased from 30'-4" wide by 60'-4" deep to 27'-10" wide by 58'-8" deep.
- 3) The decrease in the depth of the units has allowed us to increase the setback for units along Union Road from 25 feet to 28 feet.

A Public Hearing was held before the Planning Board on September 3, 2024.

The following are responses to comments received at the September 3, 2024, Planning Board Meeting:

The following are our responses to Jonathan T. Lockman, AICP and Brennan Duarte, Planning Analyst of Nelson Pope Voorhis letter dated August 14, 2024.

Zoning Comments:

1. Comment: 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.

Response: Agreed.

2. Comment: 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.).

Response: Homeowners Association documents, etc. will be provided.

3. Comment: 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.

Response: Requested information will be provided.

4. Comment: 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.

Response: The Planning Board has determined that one car garages are acceptable. We have widened the driveways to 18 feet wide for each unit. This allows for parking one car in the driveway with enough room for a car to exit the garage.

5. Comment: 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 with be centrally air-conditioned with thermostatic controls, the listed handicapped accessibility features will be provided, and washer/dryer connections will be included.

Response: All units will meet this criteria.

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.

Response: This project will be like any residential neighborhood. There will be no designated pet walking areas, however, pet owners will be responsible for cleaning up after their pets.

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?

Response: Road profiles will be provided. Per meeting with Manny Carmona of the Hillcrest Fire Company, parking is not permitted along the roads. Also, per this meeting, rather than have extensive fire lane striping and signs, it was agreed to provide a sign at the entrance noting that parking is not permitted along the roads and no parking signs provided along the roads.

6. Comment: 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 IR-40 District are as follows:

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.

Response: Agreed.

Site Plan Comments

7. Comment: 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.

Response: No response required.

8. Comment: 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.

Response: No response required.

9. Comment: 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.

Response: Still open for discussion.

10. Comment: 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.

Response: Requested details will be provided as the project moves forward.

11. Comment: 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.

Response: No response required.

Submission Comments

1. Comment: 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.

Response: No response required.

2. Comment: 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.

Response: Requested information will be provided as the project moves forward.

SEQRA/GML Comments

1. Comment: 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.

Response: Agreed.

2. Comment: 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.

Response: Agreed.

3. Comment: 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.

Response: No response required.

The following is our response to Alena Guckian, P.E. of Civil Design Works, LLC letter dated September 3, 2024:

1. Comment: The dimensions of the proposed homes shown on the Site Plan and the Architectural Drawings are not consistent. The dimensions and Footprint of the proposed homes shall be confirmed and coordinated between the plans.

Response: Footprints provided are correct. The discrepancy is that the Architect's Plans are in feet and inches and our plans are in decimal feet.

2. Comment: The Narrative states that the geometry of the proposed intersection of Road C with Union Road is now in compliance with the Village code; however, the revised Site Plan doesn't show any changes to the intersection layout. The design of both proposed roads A and C intersecting with Union Road shall be reassessed and meet "Standard intersection For New Street and Old Road" Village of New Hempstead detail. Proposed curb radii to be shown on the Layout Plan.

Response: Road "C" intersection with Union Road has been revised as required. Road "A" intersection with Union Road is for Emergency Access. Curb radii provided.

3. Comment: A traffic study has been provided with the latest submission and indicates that proposed project will have no adverse impact on the adjacent roadway network. We defer the review of the submitted traffic study to the Village Traffic consultant.

Response: No response required.

4. Comment: The layout of the internal intersection of Road A and Road B has been revised; however, it remains to be problematic. Provisions to the layout of the intersection shall be made to achieve an adequate traffic Flow and to minimize required paved surfaces as much as practically possible. Proposed curb radii, road widths, stop signs, stop bars shall be shown at all proposed intersections.

Response: Per the Village Traffic Consultant, the geometry of this intersection has been revised to a more conventional layout. Stop signs and stop bars have been provided.

5. Comment: Parking calculations are now provided on the Drawing #1 and demonstrate the number of required and proposed resident/visitor/ADA parking spaces. The Applicant should avoid using the term "handicap" on the plan and details when referring to ADA compliant parking spaces, signs etc.

Response: "Handicap" replaced with "ADA" on details.

6. Comment: Pedestrian crosswalks are shown on the revised Site Plan at the intersection of Road C and Union Road. Appropriate signage remains to be shown on the Site Plan. Traffic calming measures may be required on Union Road such as a stop signs or speed humps. Traffic Study shall evaluate these conditions and provide justifications.

Response: Pedestrian crossing signs provided on Drawing 8.

7. Comment: The Applicant shall clarify the intent of the road widening in front of the Community Building. If a drop off /pick up area is proposed, the Applicant shall demonstrate that sufficient space is available for this purpose, and appropriate signage and striping shall be shown on the plan.

Response: Roadway widening in front of Community Building is not required, removed from plans.

8. Comment: The refuse truck turning diagram provided on Drawing #8 demonstrates the ability of the truck to turn at the end of the emergency access road only. The Applicant shall also demonstrate how the refuse truck will access units #28 and #29.

Response: Provided on Drawing 8.

9. Comment: Reassess sight distance measurements. As currently shown on the plan, the sight line is impacted by a six-foot tall fence. All sight analysis shall be profiled on plans.

Response: Geometry for sight distance provided by our Traffic Consultant.

10. Comment: Grading at the north entrance driveway remains to be reassessed.

Response: Grading revised at north driveway.

11. Comment: As per § 290-25 of the Village code, retaining walls shall not exceed four feet in height if located in a front yard and six feet in height in any other yard. The retaining wall on the east side of the infiltration basin is eight feet and is located in the rear yard. Applicant shall discuss if the variance will be sought to construct the eight-foot tall wall.

Response: Wall location and grading revised. Maximum height of wall in this area is 6 feet.

12. Comment: No revisions have been made to the stormwater drainage system with this submission and Drainage Analysis has not been provided at this time. Our general comments with respect to the drainage system from the comment letter dated June 21, 2024 remain to be addressed. A detailed review of the drainage system will be provided later in the application process when a Drainage analysis is provided for review. The drainage system design shall be in compliance with the new 2024 NYS Stormwater Design Manual.

Response: Full Stormwater Report is being developed.

13. Comment: The proposed drainage structures and pipes shall be reassessed to provide sufficient cover. For example, the pipe at proposed structure P-CB #14 has cover under one foot.

Response: Inverts for catch basins 14 thru 16 have been revised to provide adequate cover.

14. Comment: The Applicant shall clarify how the sides of the infiltration basin will be stabilized. The Site Plan is showing a note "Gravel Limit" within the basin limits. Please clarify the reason for gravel to be proposed and provide typical details.

Response: Requested information will be provided.

15. Comment: The proposed development will disturb more than 1.0 acre, therefore a Stormwater Pollution Prevention Plan will be required in accordance with the provisions of the SPDES General Permit GP-0-20-001. This remains to be submitted.

Response: SPDES General Permit will be provided.

16. Comment: Additional information has been provided on the Existing Conditions Plan. Existing Conditions Plan remains to be revised to show size and flow direction of existing sanitary sewer, drainage system connections and water supply lines in Union Road. Major electric, gas and telephone lines should also be shown.

Response: Requested information provided.

17. Comment: Proposed water demand calculations and willingness to serve from Veolia Water remains to be provided. The applicant indicated in the Narrative that willingness to serve application has been submitted to Veolia on June 24, 2024.

Response: Willingness to serve is part of this submission.

18. Comment: The Sewer Analysis Report provided with this submission indicates that the proposed townhomes are 3-bedroom homes, and the calculations are based on the loading rates recommended for 3- bedroom homes. The Applicant shall clarify the number of the proposed bedrooms.

Response: Sewer Analysis Report will be revised for two-bedroom units.

19. Comment: Applicant shall coordinate with Ramapo Sewer Department regarding sanitary sewer connections. An evaluation of impact on existing sanitary sewer infrastructure will be required for a SEQRA Determination. Consider splitting sanitary contribution to gravity system in Union Road.

Response: We are coordinating sanitary sewer with the Town of Ramapo DPW. Gravity system to the sewer main in Union Road is not feasible due to elevation differences.

20. Comment: Sanitary sewer house connections and water service lines are now shown on the plan. All house connections shall be reviewed for accuracy and compliance with the code. For example, water service to Unit #11 is crossing sanitary manhole, some sanitary sewer connections and water services are not separated properly etc.

Response: House connections for both sanitary and water services revised as required.

21. Comment: All proposed utilities including electric, gas, telecommunication to be shown. Provisions for easements shall be provided. We recognize that ORU and telecommunication companies will be involved in the final design, however, we request the Applicant to show preliminary locations of the utility connections to demonstrate the feasibility of the plan.

Response: Orange & Rockland Utilities' locations will be provided as the project progresses.

22. Comment: Construction and Phasing Plan has been revised to show two construction phases. All notes shall be coordinated with the revised phases. Construction of the temporary sediment trap shall be included in the construction sequence notes.

Response: Construction and Phasing Plan will be revised per comment.

23. Comment: Please review drawings for clarity and necessity of information provided. For example, Erosion and Sediment Control Plan and Construction Phasing Plan show an excessive amount of labels that are not needed to be provided on these sheets. The Narrative indicates that the drawings have been improved, however, we note that the drawings are still not legible.

Response: Erosion and Sediment Control Plan further clarified.

24. Comment: A Lighting Plan remains to be provided as per§ 290-102 (E).

Response: A street Lighting Plan will be provided as the project progresses.

The following is our response to Frank A. Filiciotto, P.E. of LaBella Associates, DPC letter dated August 28, 2024:

1. Comment: The internal intersection of Road A and Road B forms an acute angle and results in a large amount of paved area. LaBella recommends a more orthogonal configuration as conceptualized below. In this concept. the driveways for units 16 and 17 would be extended to meet Road A at right angles, green space could be added on either side of the extended driveways, and Road B would form a traditional T intersection with Road A.

Response: Roads A/B intersection has been revised.

2. Comment: The internal sidewalks should be extended around the banks of parking (e.g., bank of three spaces between units 15 and 16: banks of seven and 10 spaces adjacent to the pool: and bank of five spaces adjacent to unit 55) to ensure a continuous path for pedestrians.

Response: Sidewalks extended around banks of parking.

3. Comment: What is the design vehicle for the internal roadways?

Response: Standard car/SUV, plans meet Village Code.

4. Comment: An Auto Turn analysis based on the design vehicle should be provided for the hammerhead turn-around areas.

Response: Per meeting with Hillcrest Fire, fire trucks will not need to turn around at either hammerhead. Refuse truck turnaround provided for both hammerheads.

5. Comment: The proposed gate at the emergency driveway is shown to be placed within the public right-of-way. The gate should be placed on private property.

Response: Emergency access gate relocated as requested.

6. Comment: The internal sidewalks terminate at the main driveway on Union Road. LaBella recommends that the sidewalks be extended along the entire site frontage on Union Road to provide greater pedestrian connectivity. Continuous pedestrian access should be provided to/from Union Road at the emergency driveway also.

Response: The Village is constructing a sidewalk on the west side of Union Road. We have provided crosswalks to connect to due to the curve at the Emergency Access, we believe a sidewalk to Union Road should not be required.

The following is our response to Paul Gdanski, P.E. Town Engineer letter dated July 28, 2024:

1. Comment: The complete design of the sewer connections, cast iron inverts, inverts at cleanout and invert at main.

Response: Sewer Design with sewer main details provided. Technical information for building connections will be provided.

2. Comment: The pump station on Gloria Drive should be shown.

Response: A plan extending from the south end of this project to the pump station is being developed.

3. Comment: The existing drainage that runs through the area of Gloria Drive should be shown.

Response: A plan extending from the south end of this project to the pump station is being developed.

4. Comment: The study provided is incorrect as the sewage enters a pump station on Gloria Drive. We typically require a peaking factor of 4.2. We need to see the calculations for the peaking factor utilized: Provide entire map of contributing area to sewage system.

Response: Requested calculations will be provided.

5. Comment: The current pump station doesn't have the capacity to handle this project and will require a redesign.

Response: Agreed. The owner will pay his fair share for pump station upgrades.

6. Comment: Sewer profiles with crossings are needed.

Response: Profiles will be provided as the project progresses.

7. Comment: We will provide further comments once more complete plans are provided.

Response: No response required.

The following is our response to Levi Marmulzšteyn letter dated August 4, 2024:

1. Comment: The Forbearance Agreements do not have a transferability provision meaning that they apply only to the original owner (New York Golf Enterprises).

Response: The Village Board has agreed to honor the Forbearance Agreement as six units per acre. Current code permits 7 units per acre.

2. Comment: The Forbearance Agreements were signed by the Village of New Hempstead with the fundamental requirement that development rights on approximately 130 acres were to conveyed. & relinquished to the Village in perpetuity for use as "Open Space" in exchange for allowing six units per acre on this "618 Application" 9.2885 acre property. Without that conveyance. these two Forbearance Agreements are by definition null and void.

a. Simple calculation: 165 original acres less +/-25 exception parcel less this 9.2885-acre parcel = 130.71 acres.

Response: This project adheres to the restrictions set forth for this parcel.

3. Comment: The Forbearance Agreements also have great relevance to another Application - 103 Brickchurch Rd.- 50.5-1-11.1- for the very same land covered by the Forbearance Agreements. That 103 Application" is for 150 acres. The Planning Board cannot consider this "618 Application" in a vacuum.
- a. The terms of the Forbearance Agreements dictate that the "103 Application" may only be for the "25 acre exception parcel" that would not have been conveyed to the Village as Open Space in perpetuity.
 - b. The terms of the Forbearance Agreements dictate that an application for the "25 acre exception parcel" is barred for 5 years from when the "618 Application" (9.2885 acre parcel) is approved. Therefore, this "103 Application" is time-barred and must be denied.
 - c. The "103 Application" must be denied as well for the simple reason that 125 of the 150 acres are simply not available for development if the Forbearance Agreements are valid. Both Applications cannot exist.

Response: This project adheres to the restrictions set forth for this parcel.

4. Comment: Bottom Line: the proposed density of six units per acre on this "618 Application" must be denied unless a conveyance of 130 +/- acres to the Village is included for public use in perpetuity and so the existing 1R-40 zoning rules apply to this parcel.

Response: This project adheres to the restrictions set forth for this parcel.

The following is our response to Deborah Muniz, Board Member of ROSA 4 Rockland, letter dated September 3, 2024:

1. Comment: The Village of New Hempstead does not have zoning code definitions for attached single family homes as shown on the site plan or for townhouses/townhomes, which are not shown on the Site Plan. State building code definitions defines a town house as "a single .family dwelling unit constructed in a group of three or more attached units ... ". The Planning Board should request the Village Board address this lack of definition in any zoning code amendments following passage of the comprehensive plan.

Response: No response required.

2. Comment: The current site plan is not showing the town home lots that the builder wants to propose and there are no measurements of the coverage for town house lots to show how the bulk requirements are being met.

Response: These are town house style homes on the overall parcel. They are not on fee simple lots.

3. Comment: The net lot area rules have not been applied which requires 25%-100% deduction for easements and right of ways depending on type. The calculations in various review documents do not address this requirement. After all deductions it remains to be seen if the 8-acre lot area minimum is met and whether variances might be required.

Response: Presently the parcel is not encumbered by any easements or rights-of-ways. No deductions are required. The existing slopes that are required to be deducted for net lot area have been provided.

4. Comment: The net lot area is necessary for density calculations to confirm if the proposed number of units is allowable.

Response: Density calculations have been provided.

5. Comment: The layout of all home lots versus common lots is needed to see if the lot coverage requirements are met.

Response: Lot coverage is based on the overall parcel. These homes are not on individual lots.

6. Comment: The rear yard setbacks are not met.

Response: Rear yard setbacks do conform.

7. Comment: The lead agency should issue a Pos Dec and the FEAF Part 2 should be available to the public for review before a determination other than a Pos Dec is made.

Response: Opinion, no response required.

8. Comment: The FEAF Part 2 should contain multiple Yes answers requiring a DEIS be produced and reasonable alternatives considered to reduce impacts. At a minimum there should be Yes assigned to question 1 (large land disturbance in residential neighborhood and area of heavy traffic), 9 (the golf course/open space is a current scenic resource and this is a marked Change), 11 (the golf course is a site for recreation and open space that is being impacted), 13 (traffic impact admitted by RC HWY and planner), 15 (will increase lighting from nothing to lots of lighting for community, 17 (sharp contract from zoning in the area), 18 (inconsistent with existing community character).

Response: Village Planning Board and their consultants determine items of significance for the EAF Part 2.

9. Comment: This is not an as of right development and the setbacks are minimums. The standards for review are meant to ensure compatibility with the surrounding area and all setbacks must be considered within the context of the code intent and review standards. All setbacks to the propose side walk on Union Road should be no less than the setbacks that would have been provided by single family homes and should more closely resemble the setbacks provided by The Views of Pomona.

Response: All setbacks meet code.

10. Comment: The proposed community center is too large and exceeds the maximum of 2,500 sf and should be reduced.

Response: We could find no provision in the code limiting the size of the community building.

11. Comment: Reductions in the number of units to comply with net lot area standards and reductions in the size of the units should provide more opportunities to right size the site plan to better match the surrounding neighborhood.

Response: Opinion, no response required.