



ATZL, NASHER & ZIGLER P.C.

ENGINEERS - SURVEYORS - PLANNERS

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December 3, 2024

Village of New Hempstead Planning Board
108 Old Schoolhouse Road
New City, NY 10956
Attn: Mel Poliakoff, Chairman

Re: Tax Lot 42.18-2-24
NYS Route 45
Hamaspik Choice
f/k/a Illinois Properties 26, LLC

Dear Chairman Poliakoff and Honorable Board Members,

The following is our response to Ralph Tarulli, P.E. (DOT Consultant) Permit Engineer of New York State Department of Transportation letter dated October 3, 2023:

1. Comment: With respect to the size of the proposed building addition please have a traffic generating study performed.

Response: Traffic Report has been provided.

2. Comment: Please consider having an ADA compliant sidewalk on north side of driveway entrance installed from bus stop to row of parking spaces for pedestrians and building employees walking to building. It is noted on site plans that a significant variance of parking spaces is being requested which should increase bus passenger traffic.

Response: Plans revised. ADA compliant sidewalk, ramps and crosswalks provided.

The following is our response to Paul Gdanski, P.E. Town of Ramapo Department of Public Works letter dated October 5, 2023:

1. Comment: A sanitary sewer review is required prior to final plan approval. The fee of \$125.00, payable to the Town of Ramapo at the Town of Ramapo Planning Department, is due from the applicant. Ordinarily the Town would not begin the review process until this department has received receipt that the above fee has been paid. Please make sure the applicant submits the review fee as soon as possible.

Response: Sewer review fee and sewer report submitted on August 16, 2024.

2. Comment: A note stating that is the lowest floor to be sewerred is below the upstream rim elevation an exterior check valve is required.

Response: Note 28 on Site Plan.

3. Comment: Provide location of existing sewer main and inverts of connection.

Response: Existing sewer main provided on plans. Inverts for connection will be provided.

4. Comment: A sewer study must be provided.

Response: Sewer Report submitted on August 16, 2024.

The following is our response to Lorelei Greene Tinston , Engineer of Rockland County Sewer District No. 1 letter dated July 12, 2024:

1. Comment: The sanitary sewer from this project would connect to the District's sewer system.
- a. Upon review of this application, the District has determined that an impact fee is required, in accordance with Sections 502A and 1317 of the Rockland County Sewer Use Law as last amended in 2010.
 - b. Approval of this special permit application and the zone change from 1R-25 to NCO, as requested, for a 45,439 square foot office building on a 126,998 square foot site, to which tax rolls dating back to 2012 assign six (6) sewer units, will result in six (6) additional sewer units. Therefore, the applicant must submit a check in the amount of eleven thousand one hundred dollars (\$11,100.00) payable to Rockland County Sewer District No. 1 within thirty (30) days of approval.
 - c. If the use or occupancy of the site exceeds twelve (12) units, the District will require further review and the owner will have to pay an additional impact fee.

- d. Payment of the impact fee must be made to the District before the proposed addition to the existing office building is connected to the sewerage system.
- e. We request that the Board notify the District upon approval of the project.

Response: Acknowledged.

- 2. Comment: As this is a non-residential project, Rockland County Sewer District No.1's "Commercial/Non-residential Wastewater Questionnaire" and the County Planning Information Certification must be submitted at <https://www.rocklandcountyny.gov/departments/sewer-district-1/permits-forms> and approved by this office before any sewage is discharged into the District's sewerage system. The owner must sign the wastewater questionnaire.

Response: Required questionnaire will be submitted prior to Chair's endorsement.

- 3. Comment: Details for sanitary sewer construction must comply with the District's construction standards and should be shown on the plans.

Response: No new sanitary construction is required. Existing building connection will be utilized.

- 4. Comment: Details for the sanitary sewer connection are subject to approval by the Town of Ramapo.

Response: Acknowledged.

- 5. Comment: Any existing sewer connection proposed to be abandoned must be plugged at the easement boundary with a permanent watertight plug or cap encased in concrete.

Response: Existing sanitary sewer connection will be utilized.

Fire Chief Peter Gessner of Hillcrest Fire Company No. 1 letter dated July 17, 2024:

Comments & Recommendations: None.

The following is Ira M. Emanuel, Esq., responses to the Rockland County Planning Department letter dated July 31, 2024:

1. Comment: A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.

 Response: *NYS DOT submitted a review letter dated October 3, 2023.*

2. Comment: A review must be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.

 Response: *Comment noted. The applicant will comply with all applicable regulations.*

3. Comment: A review must be completed by the County of Rockland Sewer District No. 1, any comments or concerns addressed, and all required permits obtained.

 Response: *Rockland County Sewer District No. 1 submitted a review letter dated October 18, 2023.*

4. Comment: The Village of New Square is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 60 feet east of the site, opposite New York State (NYS) Route 45. NYS General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations with respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to

the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards to predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Village of New Square must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Village of New Square must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

Response: Comment noted.

5. Comment: A review of the Fire Truck Radius Plan must be completed by the Rockland County Office of Fire and Emergency Services, Village of New Hempstead fire inspector, or the Moleston/Hillcrest Fire Department to ensure that the site is designed in a safe manner and there is sufficient maneuverability on site for emergency vehicles.

Response: Hillcrest Fire Department submitted a review letter dated July 17, 2024.

6. Comment: Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Standards for Erosion and Sediment Control.

Response: The applicant will comply with all applicable regulations.

7. Comment: There shall be no net increase in the peak rate of discharge from the site at all design points.

Response: Complies.

8. Comment: A portion of the on-site wetlands are proposed to be filled, and a number of parking spaces will be constructed within the 100-foot wetland buffer. This development will result in the degradation of said wetlands, which will lead to a reduction in the quality of local waterways and exacerbate localized flooding. With the effects of climate change and recent severe storms in the County, it is becoming increasingly important to preserve these resources. A new layout should be proposed that reduces the development within the 100-foot wetland buffer to the greatest extent possible.

Response: The plan proposes the minimum intrusion into the wetland adjacent area. Appropriate mitigation measures are also included in the plans.

9. Comment: The site plan indicates that the wetlands were delineated in the field on April 29, 2019. This department recommends that field delineation of on-site wetlands be reconducted to avoid potential negative impacts to the wetlands or any wetland buffers, as the previous delineation occurred over five years ago.

Response: Wetlands reflagged on August 13, 2024. The wetlands have been significantly reduced.

10. Comment: Areas designated for snow removal must be clearly delineated on the site plan and in the field so that the plow drivers will know where to place the snow piles. Providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by employees. In addition, this will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion.

Response: Snow Storage Area provided on Site Plan.

11. Comment: If any new signage is proposed, it must be shown on the site plan and conform to the Village requirements found in Chapter 290, Article X of the Village Code. If any variances are required for the signage, we request the opportunity to review them, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).

Response: The applicant reserves the right to apply for any appropriate variances.

12. Comment: This department recommends that the applicant use plants that are native to New York for the proposed landscaping to help preserve and promote biodiversity. Native plants are better adapted to the local climate and soils, making them easier to care for, and result in the need for less fertilizer, pesticides, and use of water. They also have deeper root systems that help prevent erosion and increased runoff into local waterbodies. A pdf titled "Native Plants for Gardening and Landscaping Fact Sheets" that lists native species and the environments in which they can grow can be found on the New York State Department of Environmental Conservation's website: <https://www.dec.ny.gov/get-involved/living-green/sustainable-landscaping>.

Response: The applicant will use native plants to the extent appropriate.

13. Comment: We request the opportunity to review any variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).

Response: Comment noted.

14. Comment: Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

Response: Comment noted.

15. Comment: In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is file with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.

Response: Comment noted.

16. The following additional comments are offered strictly as observations and are not part of our General Municipal Law (GML) review. The board may have already addressed these points or may disregard them without any formal vote under the GML process:

16.1 Comment: The project narrative includes a request for parking deferment, as per Section 290- 66. However, it does not clearly note that a parking variance is required, as well. According to the parking calculation provided on the site plan, a total of 182 parking spaces will be required for the proposed development. 102 spaces are to be provided with 37 spaces to be held in reserve for a total of 139 spaces. A variance of 43 spaces is required. The narrative should be amended to note this required variance, and the Planning Board must take this into consideration in its determination whether to defer the construction of the requested 37 spaces.

Response: The previous narrative incorrectly failed to note the need for a variance. The need for variances is clearly noted on the site plan as part of the parking calculations. Revised narrative provided.

16.2 Comment: The bulk table on the site plan shall be amended to denote that a variance for floor area ratio is required.

Response: The bulk table shows the correct FAR of 0.36, which requires a variance. The asterisk denoting the need for a variance was inadvertently left off. Plans revised to note F.A.R. Variance.

The following is our response to Jonathan T. Lockman, AICP of Nelson Pope Voorhis letter dated November 14, 2024:

Submission Comments:

1. Comment: 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.

Response: Responses to Traffic Consultants are currently under review.

2. Comment: 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.

• *Response: No response required.*

3. Comment: 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.

Response: Revised plans with parking layout provided for review.

4. Comment: 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.

Response: No response required.

5. Comment: 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.

Response: No response required.

6. Parking Space Requirements.

- a. Comment: 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. ($45,439/250 \text{ sf} = 182$). 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.

Response: Plans revised; reserve parking is no longer being requested. 135 spaces will be constructed. Variance for 47 spaces is still required.

- b. Comment: 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.

Response: Reserve parking is no longer being requested.

Planning Comments:

7. Comment: 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.

Response: No response required.

SEQRA/GML Comments:

8. Comment: 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 SEQR.

Response: No response required.

9. Comment: 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.

Response: Agreed.

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

Response: No response required.

The following is our response to Alena Guckian, P.E. of Civil Design Works, LLC , letter dated December 2, 2024:

1. Comment: The existing ADA ramp at the north-east corner of the existing building shall be replaced with a compliant ADA ramp. The comment response letter indicates that this item was addressed, however, the plan still shows the existing drop curb in this location, and the referenced note was not located.

Response: All ADA ramps are noted to comply with current ADA ramps requirements.

2. Comment: Comment #10 from our previous comment letter dated August 7, 2024 with respect to the drainage system design remains to be addressed. Please revise drainage system to meet requirements of Chapter 9 of SMDM.

Response: Plans and drainage system revised.

3. Comment: Pretreatment system sizing calculations will need to be provided with the next revision of SWPPP.

Response: Provided in revised SWPPP. Please refer to Appendix-G.

4. Comment: Please confirm if the percolation test was performed in the location of the proposed drainage system. Previously submitted SWPPP dated April 12, 2024, only includes testing in rear of the property and indicates high water table.

Response: The infiltration test will be scheduled as soon as the weather permits.

5. Comment: Proposed catch basin detail should include Eco Curb piece and a label "Dump no waste, drains to waterways".

Response: Catch Basin Detail revised. Please refer to drawing no. 6.

6. Comment: The comment response letter indicates that Sewer Report was submitted to the Town of Ramapo DPW. We request a copy of the Sewer Report to be provided to our office.

Response: Sewer Report provided as part of this submission.

The following is our response to Frank Filiciotto, P.E. of LaBella Associates letter dated October 9, 2024.

1. Comment: The applicant should provide an update on the status of the NYSDOT Highway Work Permit process for work on NYS Route 45 (Main Street).

Response: Plans revised per NYSDOT comments. Required work permit cannot be sought until project receives Final Approval.

2. Comment: LaBella recommends that the applicant complete the sidewalk and pedestrian ramp connection for the northbound bus stop on NYS Route 45 and straighten the midblock crosswalk to reduce the overall crossing distance as shown in the below concept. Coordination with TOR and T will be required.

Response: The bus shelter on the east side of Route 45 is a three-side shelter. The only access to it is on the west side, facing Route 45. The existing crosswalk leads directly to this access. Revising the crosswalk and adding a walk would lead to the north wall. Without access to the shelter. The bus shelters are under Rockland County Transportation Jurisdiction and are maintained by them.

3. Comment: The proposed expansion may block the sight lines of drivers approaching the internal intersection immediately west of the westerly extent of the future building. Possible applications that can help mitigate these issues are shown in the concept below. This should be examined and addressed by HBA.

Response: Curb, stop sign and stop bar added to the plans as requested.