

BOARD OF TRUSTEES  
VILLAGE OF NEW HEMPSTEAD

-----X

In the Matter of the Petition of  
  
103 BRICK CHURCH, LLC,

SECOND AMENDED  
PETITION

Petitioner,

To Change the Zoning Designation of Tax Lot

50.05-1-11.1 from 1R-40 to 2R-15.

-----X

TO THE HONORABLE BOARD OF TRUSTEES OF THE VILLAGE OF NEW  
HEMPSTEAD:

1. Your Petitioner, 103 Brick Church, LLC, is the owner of a parcel known as 103 Brick Church Road, New Hempstead, New York (Tax Lot 50.05-1-11.1) (the “Parcel”).
2. The Parcel constitutes approximately 150 acres, currently in use as the New York Country Club. A metes and bounds description of the Parcel is annexed as Schedule A. A map showing the Parcel and its location is annexed as Schedule B.
3. The Parcel is currently zoned 1R-40, which generally allows single-family dwellings on lots of 40,000 square feet or more.
4. Your Petitioner has examined the Parcel, its surroundings, and the current housing market. Your Petitioner has concluded that the demand for large homes on large lots has diminished over the years, and is not sufficient to justify the continued 1R-40 zoning of this large area of land.
5. Immediately surrounding the Parcel are areas allowing more dense development. To the west and south, the Village has 2R-15 zoning. This zone allows one-family dwellings on 15,000 square foot lots or two-family dwellings on 20,000 square foot

lots. A nine-acre parcel adjacent to the Parcel on its west is, upon information and belief, currently seeking Village approval for multi-family senior housing. To the East, in the unincorporated portion of the Town of Ramapo, the area is zoned R-25 and R-15.

6. Thus, most of the surrounding area allows more dense zoning than is permitted on the Parcel.
7. As noted above, the adjacent 2R-15 zoning allows single-family dwellings on 15,000 square foot lots or two-family dwellings on 20,000 square foot lots.
8. Your Petitioner believes that development under the 2R-15 zone is the most appropriate use for the Parcel given current market conditions and existing neighboring development.
9. The Village's 2006 Comprehensive Plan<sup>1</sup> states that a primary goal is to "Preserve and enhance the Village's high quality residential character".<sup>2</sup>
10. The Plan expanded on that goal and recognized,

Moderately priced housing for workers who support essential service needs of New Hempstead is another growing housing need, particularly for volunteer firemen and other emergency service volunteers. The Village should explore the use of bonus incentives and other techniques to help provide housing opportunities for these important members of the community.<sup>3</sup>

---

<sup>1</sup> Although the Village adopted a revised Comprehensive Plan and Zoning Code in 2020, that adoption was vacated by the NY Supreme Court in *Hillcrest Fire Company #1, et al v. Village of New Hempstead*, Sup.Ct., Rockland Co. Index No. 030128/2022, decided January 10, 2023. Thus, the 2006 Comprehensive Plan and the pre-2020 Zoning Code, as amended, were reinstated.

<sup>2</sup> 2006 Comp Plan, p. 8

<sup>3</sup> 2006 Comp Plan, p. 11.

One of the short term recommendations of the 2006 Plan was to

Modify the existing zoning regulations that regulate dimensional requirements for single-family lots. The existing spacing of homes regulated by front, side and rear yard dimensions should remain. Modifications should be made to lot coverage and height requirements to permit larger homes while controlling their visual impact on the neighborhood.<sup>4</sup>

11. The Village of New Hempstead is predominantly single family residential in character. In 2020, there were 1,321 total occupied housing units of which 1,143 or 86.5% are single-family owner-occupied and 178 or 13.5% are renter-occupied.
12. When considering residential development, it is useful to consider the age distribution of the population to assess current and future community needs. As reported in the 2020 census, children under age 19 account for more than 44% of all residents of the Village of New Hempstead, compared with 28% of Rockland County residents. Working-age adults, ages 25 to 64, represent 41.5% of the New Hempstead population. Thus, more than 80% of the Village's population can be expected to participate in active family life.
13. Household size is also increasing from 3.95 persons per household in 2010 to 4.1 in 2020. Because this is the average household size, a small incremental difference is meaningful.
14. The Village of New Hempstead had a population of 5,132 as of the 2010 Census, reflecting a 7.7% increase from 2000. This trend continued with a 5.9% growth to 5,436 in 2020 and is projected to continue with an estimated 2023 population of 5,515.

---

<sup>4</sup> 2006 Comp Plan p. 14.

15. The proposed 2R-15 development will consist of a mix of single-family homes and two-family homes. The two-family homes will have smaller units that could be rented by the homeowner, or the structure could be condominiumized to allow for separate ownership.
16. Consistent with the 2006 Comprehensive Plan, the proposed 2R-15 development at the NYCC site is poised to sustain the goal of keeping the community as single family residential while serving the needs of families in their childbearing years by providing an entire neighborhood community. These new, younger, families will also be a pool from which volunteer emergency services can draw new members. At the same time, smaller units would allow New Hempstead's empty nesters to remain in their community. Two-family homes also help to defray the cost of purchasing a home by providing rental income from the second unit.
17. Submitted herewith as Schedule C is a narrative summary describing a proposed development of the Parcel under the proposed 2R-15 zoning.

WHEREFORE, your Petitioner respectfully requests that the Board of Trustees amend the Village's Zoning Map to apply the 2R-15 zoning district to the Parcel and to the adjoining roads to their respective centerlines.

Dated: January 21 2025  
New City, New York

103 BRICK CHURCH, LLC

By: Mike  
Harvey Klein, Member


LLC VERIFICATION

STATE OF NEW YORK    )  
                                  ) ss.:  
COUNTY OF ROCKLAND )

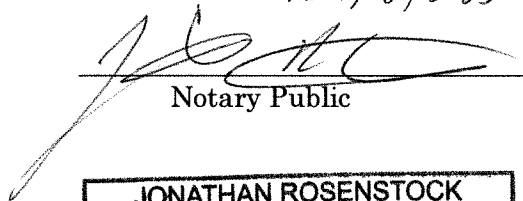
HARVEY KLEIN, being duly sworn, deposes and says:

I am a Member of 103 Brick Church, LLC, a limited liability company, the Petitioner herein. I have read the annexed Petition, know the contents thereof, and the same are true to the best of my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters, I believe them to be true.

My belief, as to those matters therein not stated upon knowledge, is based upon information contained in the books and records of the company.

  
\_\_\_\_\_  
Harvey Klein

Sworn to before me this  
day of ~~February, 2024~~  
                  *January 31, 2025*

  
\_\_\_\_\_  
Notary Public

**JONATHAN ROSENSTOCK**  
**NOTARY PUBLIC, STATE OF NEW YORK**  
**Registration No. 01RO6416904**  
**Qualified in Rockland County**  
**Commission Expires 4/26/25**

## SCHEDULE A (Description)

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Village of New Hempstead, Town of Ramapo, County of Rockland and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point on the Southerly side of Brick Church Road (25 feet R.O.W.), said point being where the southerly side of Brick Church Road intersects with the Northeasterly of the land known as the "Final Subdivision of Property for Dessi Homes" as set forth on Filed Map No. 4801.

THENCE along the Southerly side of Brick Church Road, the following five (5) courses and distances:

- (1) North 86 degrees 38 minutes 08 seconds East 410.68 feet;
- (2) North 86 degrees 16 minutes 06 seconds East 460.16 feet;
- (3) North 81 degrees 48 minutes 06 seconds East 275.99 feet;
- (4) North 86 degrees 47 minutes 06 seconds East 970.74 feet;
- (5) Southerly along a curve bearing to the right having a radius of 50.00 feet and a distance of 96.62 feet to the Westerly side of Hempstead Road (width Varies)

THENCE along the Westerly side of Hempstead Road the following five (5) courses and distances:

- (1) South 17 degrees 30 minutes 06 seconds West 423.65 feet;
- (2) South 03 degrees 14 minutes 06 seconds West 296.47 feet;
- (3) South 23 degrees 39 minutes 24 seconds East 566.82 feet;
- (4) Southerly along a curve bearing to the right having a radius of 553.16 feet and an arc length of 140.83 feet;
- (5) South 09 degrees 04 minutes 09 seconds East 191.20 feet to a point;

THENCE South 87 degrees 35 minutes 32 seconds West 144.06 feet;

THENCE Southeasterly along a curve to the left having a radius of 2838.42 feet and an arc length of 127.51 feet;

THENCE South 21 degrees 24 minutes 26 seconds East 802.92 feet;

THENCE Southerly along a curve to the right having a radius of 1936.63 feet and an arc length of 980.19 feet;

THENCE South 07 degrees 35 minutes 31 seconds West 1473.08 feet;

THENCE Southerly along a curve to the left having a radius of 5703.08 feet and an arc length of 158.78 feet to the Northerly side of Eckerson Road;

THENCE along the Northerly side of Eckerson Road South 86 degrees 55 minutes 35 seconds West,

**SCHEDULE A (Description)**  
**Continued**

66.83 feet;

THENCE Northerly along a curve bearing to the right having a radius of 5769.08 feet and an arc length of 171.15 feet;

THENCE North 07 degrees 35 minutes 31 seconds East 1473.08 feet;

THENCE Northerly along a curve bearing to the left having a radius of 1870.63 feet and an arc length of 411.98 feet:

THENCE South 87 degrees 59 minutes 09 seconds West, 381.28 feet;

THENCE South 01 degrees 44 minutes 58 seconds East, 975 feet;

THENCE South 85 degrees 19 minutes 2 seconds West, 649.60 feet;

THENCE North 01 degrees 21 minutes 29 seconds West, 124.43 feet;

THENCE South 80 degrees 56 minutes 18 seconds West, 285.50 feet;

THENCE North 11 degrees 56 minutes 32 seconds West, 556.27 feet;

THENCE North 11 degrees 32 minutes 12 seconds West, 239.00 feet;

THENCE North 87 degrees 08 minutes 48 seconds East, 128.20 feet:

THENCE North 2 degrees 15 minutes 12 seconds West 300.05 feet;

THENCE South 87 degrees 58 minutes 18 seconds West 364.70 feet;

THENCE North 02 degrees 01 minutes 42 seconds West, 45.94 feet;

THENCE South 87 degrees 58 minutes 18 seconds West, 71.85 feet

THENCE North 05 degrees 02 minutes 07 seconds West, 196.44 feet;

THENCE North 02 degrees 57 minutes 20 seconds West, 43.00 feet;

THENCE North 87 degrees 02 minutes 40 seconds East, 90.00 feet;

THENCE North 12 degrees 08 minutes 20 seconds West, 480.00 feet;

THENCE South 87 degrees 13 minutes 20 seconds West, 95.00 feet;

THENCE North 21 degrees 45 minutes 25 seconds West, 285.00 feet;

THENCE North 01 degree 17 minutes 40 seconds East, 440.00 feet;

THENCE North 41 degrees 42 minutes 20 seconds West, 278.00 feet;

**SCHEDULE A (Description)**  
**Continued**

THENCE North 87 degrees 08 minutes 10 seconds West, 81.66 feet;

THENCE North 02 degrees 52 minutes 04 seconds East, 128.13 feet;

THENCE South 87 degrees 40 minutes 21 seconds West, 76.00 feet;

THENCE North 86 degrees 42 minutes 19 seconds West, 222.44 feet;

THENCE North 01 degree 08 minutes 36 seconds West, 253.37 feet;

THENCE North 00 degrees 25 minutes 46 seconds West, 296.20 feet;

THENCE North 00 degrees 47 minutes 43 seconds West, 111.90 feet;

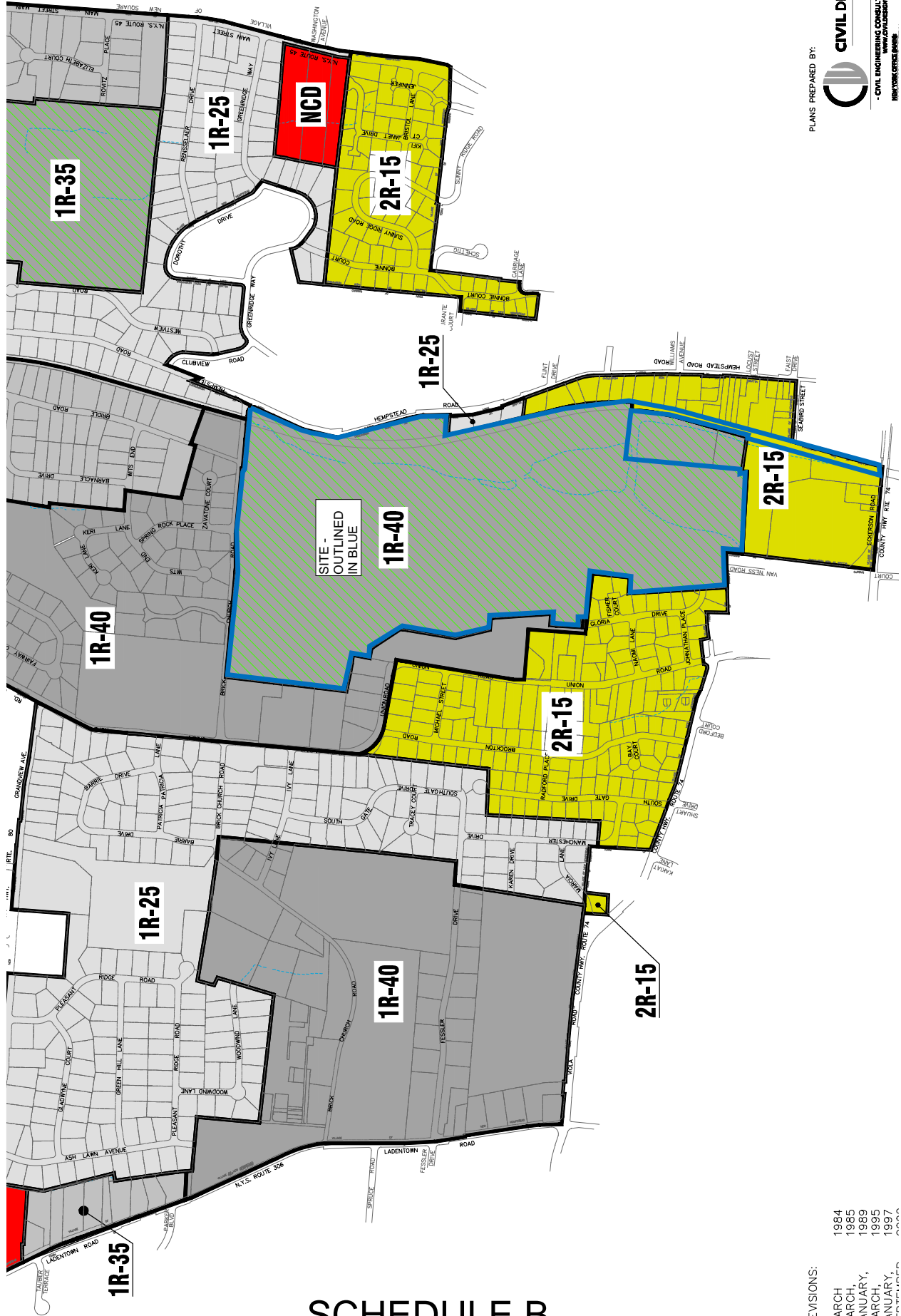
THENCE North 02 degrees 19 minutes 17 seconds West, 297.68 feet to the point or place of  
BEGINNING.

BEING further described and designated as Lot No. 1 on a certain map entitled "Final Subdivision Plat, New York Country Club" made by Atzl, Scatassa & Zigler P.C. dated 07/02/2009 recorded in the Rockland County Clerk's Office on 10/16/2009 in Book 128 Pages 12 and 13 as Map Nos. 8068 and 8069.

**FOR INFORMATION ONLY:**

Premises being known as and by 103 Brick Church Rd, Spring Valley, New York;  
District: Section: 50.05; Block: 1; Lot: 11.1





# SCHEDULE B

PLANS PREPARED BY:  
**CIVIL DESIGN WORKS**  
 LLC  
 - CIVIL ENGINEERING CONSULTANTS AND DESIGNERS -  
 NEW YORK STATE LICENSE NO. 10872

REVISIONS:  
 1984  
 MARCH  
 1985  
 MARCH  
 1989  
 JANUARY  
 1995  
 MARCH  
 1997  
 JANUARY