



Memorandum

To: Village of New Hempstead Planning Board

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

Re: 103 Brick Church Road
SBL# 50.05-1-11.1

Date: January 28, 2025

cc: Amanda Bettello, Deputy Village Clerk
Bruce Minsky, Esq., Planning Board Attorney
Glenn McCreedy, PE, Planning Board Engineer
Ann Cutignola, AICP, for the applicant
Ira Emanuel, Esq., for the applicant

Received and reviewed for this memorandum:

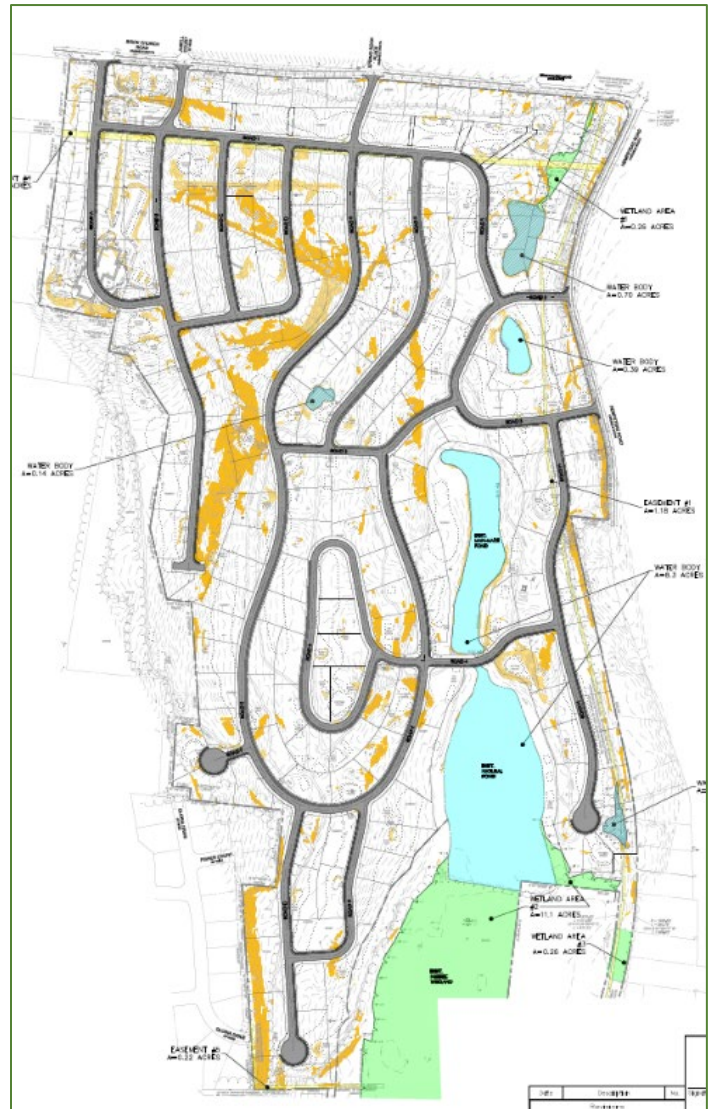
- Site Plan set, 4 sheets, for NYCC-103 Brick Church Road, unstamped, by Langan Engineering, dated November 1, 2023, with sheets as follows:
 - CS101, Site Plan
 - CS102, Site Plan (2 of 3)
 - CS103, Site Plan (3 of 3)

Project Summary

The subject application is for a zoning change from 1R-40 to a newly proposed zoning district, 1R-10, to be applied to the 149-acre site of the New York Country Club. The applicant wishes to develop the land with 142 “double” lots (with a duplex building on each lot) which would contain 284 dwelling units. These 142 lots would be arranged with access on an interior road network. Forty-two (42) single-family homes would be arranged around the outside perimeter of the site, with many fronting on and taking access from Brick Church Road and Hempstead Road. The total dwelling unit count would be 326 units. The lot size for both kinds of lots (doubles or singles) would be about one-half acre each. The adjacent 2R-15 zone requires 15,000 square feet for each single-family lot, and 20,000 square feet for each duplex lot (which is an effective density requirement of 1 dwelling unit per 10,000 square feet). See the aerial photo of the existing site on the next page as shown on the Rockland County GIS viewer, and the applicant’s newest proposed conceptual layout for the site: This newest concept for the site was discussed at the CDC via zoom on January 2, 2025.



Existing Aerial Photograph – Rockland Cty. GIS

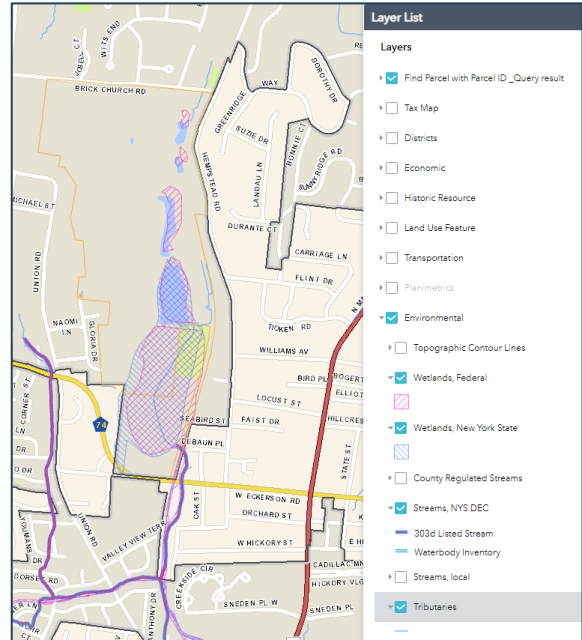


Applicant's Latest Concept

Comments on the Concept Plan

1. Zoning Petition and Comprehensive Plan. A zoning petition was submitted last spring which related to the prior concept plan. The new concept is quite different, and a new zoning petition will need to be submitted which relates to the new concept. The petition should also include proposed amendments to the existing, adopted comprehensive plan as well, so that any new proposed zoning is consistent with the comprehensive plan.

2. **Federal and State Wetland Constraints.** See the output from the Rockland County GIS system on right. Along the Hempstead Road side of the site, there is a string of federal wetlands. Below the largest pond, there is also a sizeable 42.3-acre State DEC classified wetland (#TH-19). State regulations mandate a 100-foot buffer around the state classified wetland, where a state permit will be required for any disturbance.



The Federal wetlands (in pink) do not require any federally mandated buffer. **However, for adjacent work or disturbance to any wetlands greater than 1/10th of an acre, whether federal or non-federal, a wetlands permit is required for work within a 100-foot buffer, by the Village of New Hempstead Code Chapter 159, Freshwater Wetlands.** A buffer should be shown around all wetlands and waterbodies greater than 1/10th of an acre, which fall under Village jurisdiction. **We would recommend that the lot lines be adjusted so that private lots will not contain any federal, village or state jurisdictional wetlands or wetland buffers within their boundaries. These water resources should be placed within common open space (see comment #6 below).**

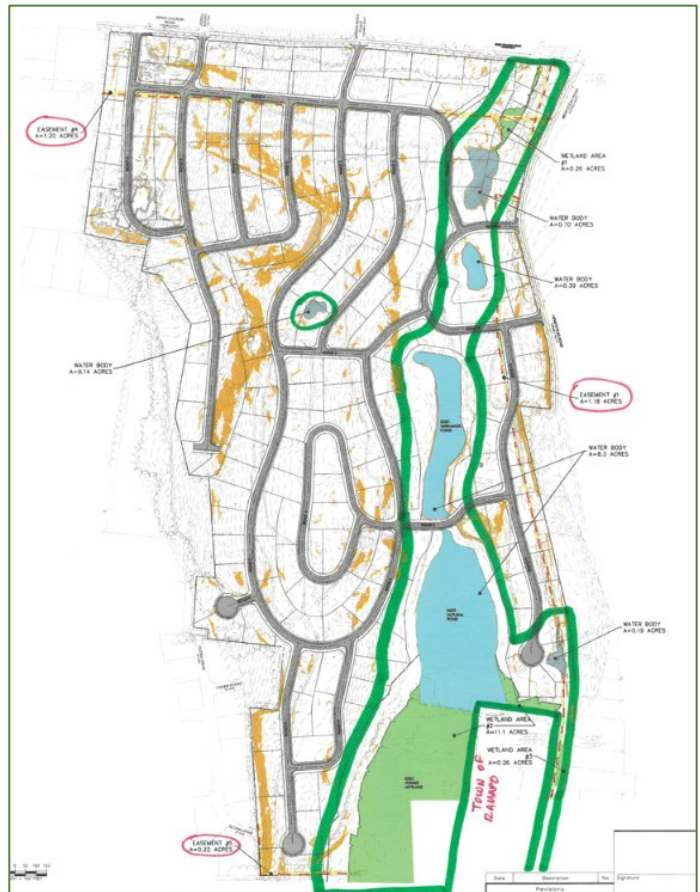
A further complication is that since January 1, 2025, the State DEC rules now require that the State review all the non-state wetlands on the site, regardless of size, as NYSDEC may choose, after review, to take jurisdiction of smaller wetlands that are not depicted on State Freshwater Wetland maps. **The applicants should submit mapping of all wetlands on the project site to the NYSDEC to be checked under the new regulations, to see if the State will take jurisdiction on any of the smaller wetlands due to their ecological significance, even though such smaller lots are not ordinarily regulated by the State.**

3. **Pascack Brook and Tributary.** **The State DEC wetland contains a tributary that feeds Pascack Brook, a county-regulated stream.** The applicant should investigate whether the RC Drainage Agency regulations will constrain any proposed lots at the southeastern corner of the site.
4. **Floodplain Constraints.** **The wetlands and pond area are also surrounded by a mapped FEMA 100-year floodplain.** It would be advisable not to create any new house lots that contain federal floodplains within their boundaries. See Chapter 154, Flood



Damage Prevention, and figure on the previous page for floodplain location. **Please show the floodplain on future submissions.**

5. Spaces for Religious Use, School, and/or Recreation. **With over three hundred new homes in this new neighborhood, some land area may need to be set aside for the recreational needs of the residents, and/or a school or place of worship.**
6. Common Land to Contain Open Space/Water Resources/Community Facilities. In consideration of all the above-listed wetlands and surface water, it may be preferable that these water resources be placed on a separate lot, rather than being located within the yards of the individual 10,000 square foot lots. **Typically, in such a subdivision with pond and wetlands areas, the water resources and buffers are placed within common land owned jointly by the homeowners and managed by a homeowners' association.**



The concept plan shows ten separate open space slots, and several unnumbered slivers of open space, in the middle of platted house lots. We would suggest that this is an unworkable arrangement to manage, whether the open space is taken care of by the homeowners' association or the Village. See the figure above. **It would make the most sense to create a single park along the east side of the site (as shown in the green outline above), and cluster all the housing away from the wet corridor of ponds and wetlands. Upland areas east of this linear park could take access from a road connecting to Hempstead Road. If the intention is to turn over the open space from this subdivision and dedicate it to the Village, the Village would be much more likely to accept the dedication if it were one unified parcel, rather than a dozen or more fragmented sites.** This large open space, as drawn above, would be connected to the existing Town of Ramapo park, located just below the largest pond.

7. Easement Issues. We note that utility easements do not line up with the concept plan's road features or lot lines, and the lot pattern does not seem to take the easement locations into account. Road 1 does not line up with the gas easement. The sewer easement along the eastern side of the site cuts at least fifteen lots in a matter that would make house siting difficult. **The lot pattern should be redesigned with more attention paid to working around the utility easements.** See red dotted lines in the figure above for problem easement locations.

8. **Steep Slopes.** Certain lots are shown as encumbered by steep slopes which would be extremely hard to build on. **Steep areas should be at the rear or sides of lots so that a flatter area is available near the center of the lot for each house site. Steep slopes at the front of the lot should be avoided so that driveway designs are not problematic because of excessive grades.**
9. **Clustering.** I would continue to suggest that the applicant consider an approach utilizing the average density approach laid out in Article XI, §290-123 through 128, so that the steep slopes, wetlands, ponds, and floodplain can be avoided, without requiring the applicant to sacrifice units. The purpose section §290-123 states:

“It is the purpose of this article to enable and encourage flexibility of design and development of land in such a manner as to preserve its natural and scenic qualities, protect areas of meaningful ecological value, reduce flood hazards, facilitate the adequate and economical provision of streets and utilities, minimize negative environmental impacts, improve the aesthetic quality of new residential developments, expand the variety of housing opportunities, encourage the conservation of energy, increase recreational opportunities and otherwise promote the planned and environmentally desirable use of land by permitting the Board of Trustees to authorize the Planning Board, simultaneously with the approval of subdivision plats, to modify otherwise applicable provisions of this chapter in accordance with the standards, conditions and limitations as set forth herein and in § 7-738 of the Village Law.”

Standards and procedures for the provision of open spaces are laid out in section §290-127.

10. **Lots Not Fronting on an Internal Street.** A Planning Board waiver from §255-44.D of the subdivision chapter will be required for lots taking access from Hempstead and Brick Church Roads. This section states:

Access from collector streets. Lots shall not, in general, derive access from a collector street but shall front on a minor interior street. Where driveway access from a collector street may be necessary for two or more adjoining lots, the Planning Board may require that such lots be served by a combined access drive in order to limit the possible traffic hazard on such street. Any such driveways, where permitted, shall be designed in such a way as to provide adequate and convenient area for the turnaround of vehicles so as to avoid requiring them to back into traffic on such streets.

11. **SEQRA DEIS Scope Comments.** The SEQRA process will need to be restarted with the new concept once it is further refined. A revised FEAF Part 1 form will need to be submitted. A new DEIS Scope will be required.

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

Items reviewed for our previous memorandum, dated May 3, 2024:

- First Amended Petition to the Village Board of Trustees, in the matter of the petition of 103 Brick Church LLC, for an amendment to the Zoning Code to Create a New Zoning District and for mapping said new district to petitioner’s lands, by Harvey Klein, member of 103 Brick Church LLC, dated February 26, 2024, with the following attachments:
 - Schedule A, Deed Description
 - Schedule B, Zoning Map with Site Outline
 - Schedule C, Proposed Local Law, Zoning Text Amendment
 - Schedule D, Narrative Summary, for 103 Brick Church Road, by Ira Emanuel, Esq., dated February 16, 2024

- Full Environmental Assessment Form Part I, with EAF Mapper Summary, signed by Ann Cutignola, AICP, dated December 11, 2023
- Lead Agency Notice of Intent by the Village of New Hempstead Board of Trustees, for 103 Brick Church LLC, dated March 26, 2024.
- Draft Scoping Document for a Draft Environmental Impact Statement, unsigned, dated March 4, 2024
- Letter from David A. Groucher, NYS Department of Transportation, to Allison Weinraub, re: SEQRA #24-76, 103 Brick Church LLC, dated April 15, 2024.
- Review Letter from Liron Derguti, Rockland County Drainage Agency (RCDA), to Village Board, re: Brick Church Road Residential Development, dated April 15, 2024.