



## Memorandum

**To:** Village of New Hempstead Planning Board

**From:** Jonathan T. Lockman, AICP  
William Brady, AICP

**Re:** Union Road Townhomes  
SBL# 50.05-1-11.2

**Date:** March 21, 2025

**cc:** Mel Poliakoff, Planning Board Chair  
Amanda Bettello, Deputy Village Clerk  
Bruce W. Minsky, Esq., Planning Board Attorney  
Glenn McCreedy, PE, Village Engineer  
John Atzl, PLS, for the Applicant

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### Received and reviewed for this memorandum:

- Narrative Summary with Responses to Consultant Comments, prepared by Atzl, Nasher, & Zigler, PC, unsigned, dated March 11, 2025.
- Unit Breakdown for, Summit Patio Homes Condominium, Verified Statement of Registered Architect, stamped by Robert Bernstein, RA, signed February 27, 2024.
- Unit Breakdown for, Cambridge Heights Holdings Condominium, Verified Statement of Registered Architect, signed by Gustavo Jara, RA, signed December 1, 2015.
- Environmental Assessment Form (EAF) Part III, prepared by Atzl, Nasher, & Zigler, PC, unsigned, dated March 11, 2025.
- Traffic Impact Study, unstamped, signed by Brian Dempsey, PE, and Brian Haggarty, EIT, from DTS Provident Design Engineering, LLP, dated July 31, 2024, with latest revision date of November 19, 2024 (same as previously submitted).
- Full Stormwater Pollution Prevention Plan (SWPPP) Report, stamped by Vahid Rostami, PhD, PE, Atzl, Nasher, & Zigler, PC, unsigned, dated March 10, 2025.
- Drainage Plans, 2 Sheets, stamped by Ryan Nasher, PE, and John Atzl, PLS, of Atzl, Nasher, & Zigler, PC, dated May 30, 2024, with latest revision date of March 11, 2025, as follows:
  - D-1, Drainage Map, Developed Conditions
  - E-1, Drainage Map, Existing Condition
- Architectural Plan set, 4 sheets, prepared by AB Design, unstamped, dated July 25, 2024, including the following:
  - A100 – Cover (Front 3D View)
  - A102 – First Floor Plan
  - A103 – Second Floor Plan
  - A104 – Elevations (all sides)
- Site Plan set, 12 sheets, stamped by Ryan Nasher, PE, and John Atzl, PLS, of Atzl, Nasher, & Zigler, PC, dated August 30, 2023, last revised March 11, 2025, including the following:
  - 1 – Site Development Plan

- 2 – Existing Conditions
- 3 – Grading Plan
- 4 – Road A Profile
- 5 – Road B & C Profiles
- 6 – Sewer Extension Profile
- 7 - Details
- 8 – Erosion & Sediment Control Plan
- 9 – Construction Phasing Plan
- 10 – Landscape Plan
- 11 – Fire and Refuse Truck Turning and Sign Details Plan
- 12 – Gloria Drive Pump Station Upgrade

### Project Summary

The subject application is for the development of an Active Adult Residential Community on a 9.29-gross acre site (9.24 net acres) in the 1R-40 district on the east side of Union Road, adjoining the proposed 103 Brick Church project (the New York Country Club golf course site). The proposed development will be composed of 55 townhouse style units, each with 2,686 square feet, along with amenities including a community building, outdoor pool, recreation area, walking paths, and a gazebo. The proposed project will be served by Veolia Water and the Rockland County Sewer District.

### Zoning Comments

1. 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.
2. 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 2 of our previous memorandum dated August 14, 2024, please submit proposals for governance and maintenance of the private roads, infrastructure, and common elements (such as the grounds, clubhouse, pool, etc.).** On page 6, the latest narrative states that such documents will be provided as the application progresses.
3. Occupancy Limitations. The special permit limitations on occupancy are found in §290-57.H. **Per comment 3 of our previous memorandum, please submit proposed documents that layout out the proposed restrictions, governance, and enforcement mechanisms to ensure that these occupancy limitations will be met.** On page 6, the latest narrative states that such documents will be provided as the application progresses.
4. Maximum Bedroom Count and Minimum Garages. The special permit additional requirements are found in §290-57.J. Subpart J.(1) states:

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.

Regarding comment 4 of our previous memorandum dated December 26, 2024, the driveways have been redesigned to be separated, and widened to 18 feet, per Planning Board discussion in September 2024. At that time, the Planning Board also found that a one-car garage would be acceptable at each unit if the driveways were enlarged.

However, 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 did not resolve the issue that the large upstairs office in each unit may serve as a third bedroom. With this submittal, the applicant has presented floorplans for Cambridge Heights and Summit Patio Homes, which included rooms labeled “study,” that were accepted by the Planning Board. We continue to recommend that the Planning Board and the attorney advise the applicant regarding the upstairs office layout and whether any ZBA variances will be needed for the interior design of these townhouse units, or whether the proposed “study” rooms are acceptable.**

5. Additional Special Requirements. As discussed in comment 5 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 these standards in §290-57.J(2) through (4) above, the applicant’s newest narrative states on page 8 that “all special requirements noted above are and will be adhered to and will be included in the offering plan and governing documents.” **As the application progresses, please provide notes or other assurances that the units will be centrally air-conditioned with thermostatic controls, the listed handicapped accessibility features will be provided, and washer/dryer connections will be included.**

Regarding the standard in §290-57.J.(5), the applicant’s newest narrative on page 8, states that “Pet walking areas are provided on the plans in the recreation area. The limit of two pets per unit will be part of the offering plan and governing documents.” **As the application progresses, please provide notes or other assurances that pets will be limited, as required.**

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. **On the**

**newest plan set, road profiles have been provided on sheets 4 and 5 as requested in our previous memorandum.** It is noted that the Hillcrest Fire Company has required that on street parking be prohibited within the development.

6. 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 1R-40 District are as follows:

District	Min. Lot Area <sup>1</sup> (square feet)	Min. Lot Width (feet)	Minimum Yards				Max. Height
			Front Yard (feet)	Side Yard (feet)	Total Side Yards (feet)	Rear Yard (feet)	Stories
			Townhouses and single-story homes designed for active adults, with recreational amenities such as clubhouses and the like <sup>5</sup>	5,000 (single-family residences) 2,000 (townhouses)	50 (single-family residences) N/A (townhouses)	20	10 (single-family residences) 0 (townhouses)

**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.

**Site Plan Comments**

7. SWPPP. Regarding comment 7 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.
8. Landscaping against Golf Course Site. Regarding comment 8 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 10 of their latest narrative that they have left this matter as an “still open 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.**
9. 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.

10. Truck Turning. Regarding comment 10 of our previous memorandum, **we will defer to the Village Engineer's opinion on the workability of the truck turning movements modeled on sheet 11.**

### Submission Comments

11. 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.** The applicant has indicated willingness to submit as the application progresses.

### SEQRA/GML Comments

12. SEQRA. The latest version of the FEAF Part 1 form was submitted on February 8, 2024. 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. On February 4, 2025, the Planning Board declared itself as Lead Agency. A FEAF Part II form was developed by the Village Planner and was adopted by the Planning Board on February 4, 2025. **In response to the Part II form, the applicant has submitted a Part III Submittal, dated March 11, 2025.**
13. Traffic Study. The applicant initially submitted a traffic study dated July 31, 2024, that concluded that there will be no adverse impacts on the roadway network. The traffic study was referred to the Village's traffic engineering consultant, Frank Filiciotto, PE, at LaBella, for his review and comments. His comments were provided to the applicant in a document dated August 28, 2024. The applicant responded with a revised Traffic Impact Study, dated November 19, 2024, with detailed responses in an accompanying memorandum dated November 19, 2024. **Mr. Filiciotto provided a written review of this latest version of the TIS dated February 3, 2025.**

**At its September meeting, the Planning Board discussed that it was uncomfortable with the road design with only one two-way access at the south end of the proposed development, with only a gated emergency access at the south end of the development. Ideas were discussed to open both ends of the proposed road eliminating the emergency gate at the north end, and to restrict turning movements in and out of each end of the proposed road. The Planning Board's traffic engineer, Mr. Filiciotto, in his letter of February 3, 2025, stated that the access as designed by the applicant "is adequate based on two criteria: (1) volume and capacity and (2) sight distance. In this letter, Mr. Filiciotto has asked, and the applicant has agreed, that the applicant will provide a post-engineering review to ensure the clearing, removals and regrading around the proposed intersection are sufficient to maintain the sight distance, prior to a certificate of occupancy. He also asked for more details of the mid-block crosswalk, pursuant to MUTCD and NYSDOT guidelines. The applicant has agreed to these conditions, which the Board should add to any future resolution of approval.**

14. Negative Declaration. We find that the application is ready for consideration of a Negative Declaration. **A draft Negative Declaration document is attached to this memorandum, for the Planning Board's consideration.**
15. 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.**

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

#### **Items previously reviewed**

#### **The following items were reviewed for our previous memorandum, dated December 26, 2024:**

- Narrative Summary with Responses to Consultant and Agency Comments, prepared by Atzl, Nasher, & Zigler, PC, unsigned, dated December 18, 2024.
- Site Plan set, 8 sheets, stamped by Ryan Nasher, PE, and John Atzl, PLS, of Atzl, Nasher, & Zigler, PC, last revised December 17, 2024, including the following:
  - 1 – Site Development Plan
  - 2 – Existing Conditions
  - 3 – Grading Plan
  - 4 – Details
  - 5 – Erosion & Sediment Control Plan
  - 6 – Construction Phasing Plan
  - 7 – Landscape Plan
  - 8 – Fire and Refuse Truck Turning and Details Plan
- Traffic Impact Study, prepared by Brian Dempsey, PE, and Brian Haggarty, EIT, from DTS Provident Design Engineering, LLP, dated July 31, 2024, with latest revision date of November 19, 2024.
- Memorandum, from Brian Dempsey, P.E., DTS Provident, to Frank Filiciotto, P.E. with responses to LaBella review of August 28, 2024, dated November 19, 2024.
- Letter from Frank Filiciotto, P.E., to Planning Board, re: Review of July 31, 2024, Traffic Impact Study, dated August 28, 2024.
- Letter from Frank McGlynn, Veolia, to Vahid Rostami, PE, ANZ, re: Willingness to Serve, dated September 23, 2024.

#### **The following items were reviewed for our previous memorandum, dated August 14, 2024:**

- Narrative with Responses to Consultant and Agency Comments, prepared by Atzl, Nasher, & Zigler, PC, unsigned, dated July 25, 2024.
- Site Plan set, 8 sheets, stamped by Ryan Nasher, PE, and John Atzl, PLS, of Atzl, Nasher, & Zigler, PC, last revised July 25, 2024, including the following:
  - 1 – Site Development Plan
  - 2 – Existing Conditions
  - 3 – Grading Plan
  - 4 – Details
  - 5 – Erosion & Sediment Control Plan
  - 6 – Construction Phasing Plan

- 7 – Landscape Plan
- 8 – Fire and Refuse Truck Turning and Details Plan
- Architectural Plan set, 4 sheets, prepared by AB Design, unstamped, dated July 25, 2024, including the following:
  - A100 – Cover
  - A102 – First Floor
  - A103 – Second Floor
  - A104 – Elevations
- Traffic Impact Study, prepared by Brian Dempsey, PE, and Brian Haggarty, EIT, from DTS Provident Design Engineering, LLP, dated July 31, 2024.
- Sewer Analysis Report, stamped by Vahid Rostami, Ph.D., PE, Atzl, Nasher, & Zigler, PC, dated June 24, 2024.

**The following items were reviewed for our previous memorandum, dated June 13, 2024:**

June 2024 submittals:

- Narrative Summary with Responses to Comments, by Atzl, Nasher, & Zigler, P.C., unsigned, dated May 16, 2024.
- Building Renderings, 3 sheets, front view (gray/natural wood, white, and all gray alternatives), undated, unsigned.
- Site Plan, 8 sheets, stamped by Ryan A. Nasher, P.E., and John R. Atzl, P.L.S., Atzl, Nasher & Zigler P.C., dated August 30, 2023, with latest revisions dated May 16, 2024.
  - 1 – Site Development Plan
  - 2 – Existing Condition
  - 3 – Grading Plan
  - 4 – Details
  - 5 – Erosion & Sediment Control Plan
  - 6 – Construction Phasing Plan
  - 7 – Landscape Plan
  - 8 – Fire Truck Turning Plan
- Architectural Plans, 4 sheets, stamped by Boaz Golani, RA, dated September 7, 2023, with sheets as follows:
  - A100, Cover (showing Front Elevation)
  - A102, Floorplan (First Floor)
  - A103, Floorplan (Second Floor)
  - A104, Elevations (1-a, 2-a, 3-a, 4-a)

February 2024 submittals:

- Lead Agency Notice of Intent from the Village of New Hempstead Planning Board, for Union Village LLC, dated April 9, 2024.
- Narrative Summary, by Atzl, Nasher, & Zigler, P.C., unsigned, dated February 8, 2024.
- Planning Board Application Forms package, for Site Development Plan Approval, signed by Berel Karniol, dated February 8, 2024
- Full Environmental Assessment Form Part I, with Environmental Mapper Summary, signed by John Atzl, P.L.S., dated February 8, 2024.
- Site Plan, 3 sheets, stamped by Ryan A. Nasher, P.E., and John R. Atzl, P.L.S., Atzl, Nasher & Zigler P.C., dated August 30, 2023, with latest revisions dated February 15, 2024.

- 1 – Conceptual Site Plan
- 2 – Existing Condition
- 3 – Grading Plan
- Final Subdivision Plat, 2 sheets, for New York Country Club, signed by John Atzl, PLS, dated July 2, 2009, filed October 16, 2009, at Rockland County Clerk’s Office.
- Forbearance Agreement between New York Golf Enterprises, Inc., and the Village of New Hempstead, Instrument Number 2010-00009566, recorded by Rockland County Clerk, dated July 1, 2009.
- Forbearance Agreement between New York Golf Enterprises, Inc., and the Village of New Hempstead, Instrument Number 2007-00044358, recorded by Rockland County Clerk, dated January 8, 2007.