



# ATZL, NASHER & ZIGLER P.C.

ENGINEERS - SURVEYORS - PLANNERS

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April 15, 2025

## Union Road Townhomes Narrative Summary

The Applicant is the owner 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.

There has been much discussion about the size of the units and the bedroom counts. As the Board is aware, we have reduced the size of the units from 3,200 square feet to 2,686 square feet, which includes the garage (288 square feet). This yields a total living space of approximately 2,400 square feet.

As noted above the units for this project will consist of two bedrooms along with a den and an office. Neither the study or office have a closet. All units meet the Special Permit requirements concerning maximum number of bedrooms.

We have reviewed the plans for both Cambridge Heights and Summit Carriage Homes, which are the other two AAR projects of similar size in the Village. Copies have been provided. Per these plans we offer the following for unit sizes and bedroom counts:

A) Cambridge Heights per Exhibit B , Description of Units:

- 1) Unit Size (All floor area minus garage and basement space):  
1,536 square feet minimum  
2,790 square feet maximum
- 2) Bedrooms  
Units A, B, E, G & H have 2 bedrooms  
Some units provide 2 Bedrooms with a den and study, both with closets. Units A & B have unfinished attic space. Units G & H have unfinished basement space.  
  
Units C, D, F, J have 4 bedrooms.

B) Summit Carriage Homes (per Building Plan C-1)

- 1) Unit Size (All floor Area minus garage and basement space)  
2,249 square feet minimum.  
2,575 square feet maximum.
- 2) Bedrooms – 3 Bedrooms  
All units provide 3 Bedrooms with a study with a closet.

We believe the unit sizes we are providing are generally in line with the other two AAR projects.

Regarding the bedroom/den/study issue, we believe our project complies with the Special Permit requirements.

Cambridge Heights, with two bedrooms, a den and a study, both with closets could be considered a four-bedroom unit.

Summit Park Carriage Homes with three bedrooms and a study with a closet could also be considered a four bedroom unit.

We are not saying that, on occasion, guests will not use a pullout sofa, or air mattress in the office for overnight guests, but that both the office and the study will not be permanent bedrooms and a prohibition against such use will be specifically included in the offering plan.

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 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. 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 continuation of the Public Hearing was adjourned on April 1, 2025, and rescheduled for April 22, 2025, due to an electric outage.

The following are responses to comments received for the adjourned April 1, 2025, Board Meeting:

The following are our responses to Jonathan T. Lockman, AICP & William Brady, AICP of Nelson Pope Voorhis letter dated March 21, 2025:

Zoning Comments:

1. Comment: Special Permit Standards - General Provisions. Active Adult Residential Communities are permitted in the IR-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: Acknowledged.*

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 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.). The narrative states that such documents will be provided as the application progresses.

*Response: Required documents will be provided for review prior to Final Approval.*

3. Comment: 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 assure that these occupancy limitations will be met. The narrative states that such documents will be provided as the application progresses.

*Response: Required documents will be provided for review prior to Final Approval.*

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.

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 floor plans 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.

*Response: Item still being discussed.*

5. Comment: 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, non scalding 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.

*Response:* *All special requirements noted above are and will be adhered to and will be included in the offering plan and governing documents.*

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.

*Response:* *Applicable notes and required revisions will be made to the Architectural Plans. A statement will be made "on the record" agreeing to these special requirements.*



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.

*Response: Pet walking areas 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.*

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.

*Response: Acknowledged.*

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:

District	Min. Lot Area (square feet)	Min. Lot Width (feet)	Minimum Yards			Rear Yard (feet)	Max. Height Stories
			Front Yard (feet)	Side Yard (feet)	Total Side Yards (feet)		
Townhouses and single-story homes designed for active adults, with recreational amenities such as clubhouses and the like	5000 (single-family residences) 2,000 (townhouses)	50 (single-family residences) N/A (townhouses)	20	10 (single-family residences) 0 (townhouses)	20 (single-family residences) 0 (townhouses)	20 (single-family residences) 10 (townhouses)	2

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: No response required.*

Site Plan Comments

7. Comment: 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.

*Response: No response required.*

8. Comment: 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.

*Response: Still open for discussion.*

9. 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: Agreed.*

10. Comment: 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.

*Response: No response required.*

#### Submission Comments

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

*Response: Renderings provided as part of this submission.*

#### SEQRA/GML Comments

12. Comment: 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.

*Response: No response required.*

13. Comment: 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.

*Response: Acknowledged.*

14. Comment: 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.

*Response: Agreed.*

15. 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: No response required.*

The following is our response to Alena Guckian, P.E., of Civil Design Works, LLC letter dated March 28, 2025:

1. Comment: The design of both proposed roads A and C has been revised to meet "Standard Intersection for New Street and Old Road" Village of New Hempstead detail to extend practicable. The transition dimensions should be shown on the plan or a detail should be provided.

*Response: Details provided on Drawing 3.*

2. Comment: The layout of the proposed crosswalk shall be corrected to extend all the way across Union Road. ADA ramp shall be provided on the west side of Union Road and ADA ramp details provided.

*Response: Crosswalk extended and ADA Ramp provided on the west side of Union Road.*

3. Comment: The proposed driveway layout at units #1 and #29 doesn't meet the required separation distances between driveway and tee turn around. In their comment response letter, the Applicant requested a waiver from this requirement as the proposed road is private. We note that all roads, including private must be designed in accordance with the Village standards. The tee turn around and adjacent driveways shall be revised to conform with the Village of New Hempstead "Standard Tee Turn Around" detail.

*Response: Both turnarounds have been revised to Village standards, detail provided on Drawing 3.*

4. Comment: Curb island between the driveways to units #16 and #17 should be curved to allow to utilize the full width of the driveway.

*Response: Curb island for these two units shortened to 20 feet to provide full access to each unit.*

5. Comment: The drainage system design shall be in compliance with the latest version of NYS DEC Stormwater Management Design Manual (SMDM) dated July, 2024. All references to SMDM dated 2015 in SWPPP shall be replaced with references to the correct version of the SMDM.

*Response: Report revised accordingly.*

6. 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-0-25-001. All references to GP-0-20-001 in SWPPP shall be replaced with the correct GP number.

*Response: Report revised accordingly.*

7. Comment: HydroCAD calculations shall utilize rainfall distribution curves generated per the procedure outlined in Section 4.9 of the NYS DEC Stormwater Design Manual (SMDM).

*Response: Rainfall data updated.*

8. Comment: Infiltration rate of 3 inches per hour is used for stormwater design. Infiltration testing as outlined in Appendix D of the NYS DEC SWDM shall be performed to verify assumed infiltration rate. Please note, infiltration testing performed during spring time will be accepted for final design. Please contact our office 48 hours prior to scheduled testing for test witness.

*Response: Percolation Test will be scheduled and performed.*

9. Comment: The Applicant shall demonstrate how the proposed infiltration pond meets NYSDEC design standards:

- Provide CPv compliance calculations per 2024 NYS DEC SMDM, Section 4.6.
- Calculations for the bottom area of the proposed infiltration basin to be provided.
- 100 year developed storage depth in infiltration basin SMP exceeds the allowable 6 feet maximum loading depth. Additional SMP practices or basin re-design is required.
- Demonstrate how pretreatment requirement will be met and provide pretreatment sizing calculations.

*Response: Report was revised accordingly. Please see pages 2-10 thru 2-15.*

10. Comment: Road Profiles are not legible. Sanitary sewer, drainage and water main shall be shown in separate profile views.

*Response: Road profiles have been clarified, if possible, we prefer to show sanitary sewer, drainage and water on one plan to eliminate possible conflicts and separation issues.*

11. Comment: Proposed catch basin detail shall include Type "N" eco curb piece.

*Response: Catch basin detail revised to include type "N" eco curb piece.*

12. Comment: A detail for proposed structure P-Diversion #1 shall be provided.

*Response: Provided. Please see detail sheet, Drawing 7.*

13. Comment: Reassess location of catch basins #20.

*Response: Catch basin #20 location has been revised to the low point of the turnaround.*

14. Comment: Provide concrete washout detail.

*Response: Concrete washout detail. Provided on Drawing 8.*

15. Comment: Construction phasing plan is not practicable or constructable. We recommend obtaining an authorization in accordance with Part I.E.6. of GP-0-25-001 to disturb greater than five (5) acres of soil at any one time from DEC for initial clearing and rough grading. After initial clearing and grading is completed, Phase II can be stabilized while work is in progress in Phase I.

*Response: The applicant will obtain required authorization to disturb more than 5 acres for initial clearing.*

16. Comment: Please clarify if any landscaping will be installed along the east side of the site and on the north side behind units #1 and #2.

*Response: At this time no landscaping is proposed at these areas. Open item for discussion.*

17. Comment: Pavement repair detail shall be provided for pavement repairs in Gloria Drive, please refer to the Village of New Hempstead standard details.

*Response: Pavement repair detail provided on Drawing 3.*

18. Comment: The Applicant provided the Sanitary Sewer Report to address the downstream impacts. A letter from the Town of Ramapo DPW dated March 25, 2025 indicated that proposed sewer extension design is not satisfactory. It is our understanding that the Applicant is working with the Town of Ramapo to address their concerns.

*Response: We are currently working with Ramapo DPW and revising the plans and details.*



19. Comment: Electric, gas and telecommunication remain to be shown on the plan. Provisions for easements shall be provided if necessary. 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: Underground utilities, electric transformers, light poles, etc. are provided on the plans.*

20. Comment: A Lighting Plan including typical light fixtures details and proposed light intensity shall be provided as per § 290-102 (E). Lighting design shall meet Design Standards of § 290-111.

*Response: A Lighting Plan is currently being developed.*

The following is our response to Paul Gdanski, P.E., Department of Public Works of Town of Ramapo letter dated March 25, 2025:

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

*Response: Work and plans are in progress.*

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

*Response: Work and plans are in progress.*

3. Comment: Sewer profiles with crossings are needed.

*Response: Work and plans are in progress.*

4. Comment: The design calculations don't follow the Town's requirements for sewer studies. Specifically, we require 150 GPD per bedroom.

*Response: Work and plans are in progress.*

5. Comment: The calculations don't indicate the existing wet well size and storage capacity if the pumps were not to be working.

*Response: Work and plans are in progress.*

6. Comment: Typically we require 24-hour storage capacity in our proposed pump stations. In this case we would require at least the same if not more response time from when the high-level alarm trips to when the sewage starts backing up into the main(s). Discussion should be made as to the amount of storage available now and what it will be when the pumps are changed. Second, we want to make sure that if/when you upgrade the pumps that the discharge doesn't overwhelm the gravity lines downstream.

*Response: Work and plans are in progress.*

7. Comment: Sizing of all parts of the system including the muffin monster must be provided.

*Response: Work and plans are in progress.*

8. Comment: The proposed construction is shown so close to the property that makes it difficult to construct.

*Response: Work and plans are in progress.*

9. Comment: We calculate the pipe capacity at 665,676 GPD with your proposed flow of 935,957 GPD. Therefore, there would not be enough capacity.

*Response: Work and plans are in progress.*

10. Comment: We had a meeting with the applicant and discussed the requirements for the pump station and they have agreed to comply with the requirements. They also will reanalyze the tie into the Town's line downstream. We have no issue with a negative declaration being issued as long as the pump station improvements are made a condition of any approvals.

*Response:* *Agreed.*