

VILLAGE OF NEW HEMPSTEAD  
PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that The Village of New Hempstead Board of Trustees will be holding a Public Hearing on Tuesday August 24, 2021 at 7:30PM at Village Hall, 108 Old Schoolhouse Rd., New City, NY 10956 and via zoom:

<https://us02web.zoom.us/j/84752915503?pwd=OGt0cWRFUklzV2lOS2dhQnByd0t2UT09>

Meeting ID: 847 5291 5503 Passcode: 10977 Dial by your location: +1 929 205 6099 US (New York) regarding an Amendment to the Village of New Hempstead Zoning Code to reflect the New Zoning Designations that were adopted in the Village of New Hempstead Zoning Map. Copies of said amendments are available at the offices of the Village Clerk-Treasurer, located at 108 Old Schoolhouse Road, New City, NY 10956, between the hours of 9:00am and 4:00pm excluding holidays, for purpose of inspection by any interested persons. For any questions please contact the Village Clerks Office (845)354-8100.

By order of the Board of Trustees  
of the Village of New Hempstead

Allison Weinraub  
Village Clerk- Treasurer  
Village of New Hempstead  
108 Old Schoolhouse Road  
New City, NY 10956  
(845)354-8100  
Dated: 7/21/2021

**PROPOSED ZONING CHANGES AND ADDITIONS/AMENDMENTS/MODIFICATIONS  
TO VILLAGE ZONING LAW**

1. Optimized Single Family Cluster – Add Definition: The optimized cluster zone is an overlay zone for parcels consisting of at least 10 acres containing substantial encumbrances which may be eligible for an increased density ranging from 1.5-2.0 units over existing zoning for dedicated open spaces.

1.1 Add: “OSFC Optimized Single Family Cluster” to **Section 290-4 – Enumeration of Districts**

1.2 Add: **Section 290-36.2**

“290-36.2 OSFC use regulations.

A. The Board of Trustees has identified potential parcel or parcels of land for consideration for the Optimized Single-Family Cluster overlay zone. The optimized single-family cluster zone is an overlay zone for parcels consisting of at least 10 acres containing substantial encumbrances. The overlay zone permits a small increase in density based upon the gross area of the property as a means of securing dedicated open spaces. Depending upon the applicant’s proposal to dedicate open spaces, the Board of Trustees, in its discretion, may authorize an increase in the density of development ranging from 1.5 to 2.0 times over the existing zoning density in exchange for substantial dedicated open spaces. Bulk regulations will be proposed by each applicant to the Board of Trustees by the applicant with plans showing the areas of open space dedication. Based upon the Board of Trustees’ assessment of the plan, the Board of Trustees will determine if the number of units proposed and the open space preserved are commensurate and will make a determination of the value within the 1.5-2.0 range to authorize. If the Board of Trustees determines that commensurate value does not exist, then the underlying value of the zone will prevail. It is solely within the discretion of the Board of Trustees to act, and no mandate exists to act on an application for the Optimized Single-Family Cluster. It is contingent upon the applicant to convince the Board of Trustees of the benefits of its proposal. The Village does not seek dedications of lands to the Village, but rather dedication of portions of the parcels as open space with no further development permitted.

B. Procedures. The procedures for an applicant’s designation of a Optimized Single Family Cluster Zone (“OSFC”) shall be made to the Village Board of Trustees (“BOT”) as follows:

1. Application for zone change to an Optimized Single Family Cluster Zone (“OSFC”) shall be made to the Village Board of Trustees (“BOT”) in accordance with applicable provisions of this Chapter. A Petition for such zone change shall be in a form sufficient to enable the Village/BOT to evaluate the applicant's proposal and its consistency with the intent, purposes and general design standards expressed herein. The Petition for a zone change shall also be accompanied by the following:

i. A written description of the proposed development.

- ii. A concept plan including all the items listed below:
- iii. Delineation of the various residential areas, indicating the number of dwelling units, square footage and bedrooms, by each housing type and square footage for accessory uses. The plans shall show the density, in dwelling units per acre, for the entire development. Sample floor plans shall be provided for each unit type.
- iv. An illustrative site plan, indicating the relationship between the proposed road system, parking lots, buildings, open spaces and other physical features highlighting conformance with the intent of the OSFC provisions.
- v. Schematic water, sanitary sewer and stormwater management systems and how they are proposed to be connected to the system in adjoining areas, or be built on the site.
- vi. Estimates of peak-hour traffic generation derived from recognized traffic engineering source material or actual field counts, and its relation to surrounding development, including surrounding roads and intersections, including methods developed for mitigating any demonstrated adverse traffic impacts.
- vii. Analysis of market demand for the proposed development, based upon demographic factors and existing housing supply; such analysis shall include a review and conclusion concerning the anticipated number of occupants or purchasers of the specific proposed development who shall be existing residents of the Village of New Hempstead. Such analysis shall be based upon a specific evaluation of individual market demand.
- viii. Comparison of the proposed development under the Optimized Cluster Plan to the likely development yield under existing zoning in terms of parking, traffic, taxes and aesthetic issues. This should include calculations for the areas of dedicated, mapped open space for the Village to determine the extent of the optimized cluster density granted
- viii. The BOT may retain professional consultants as deemed necessary in order to review any proposed Single Family Optimized Cluster concept plans, with funding for said consultants provided by the applicant for the development through the establishment of an escrow account. The amount of said escrow shall be determined by the Village in consultation with the applicant.

*Note: The acceptance of the materials for review is no certainty of approvals. Should the BOT, at its discretion determine that the benefits of the OSFC zone are insufficient, the property will remain under the control of the underlying zoning. The Applicant should pay special attention to providing facilities and dedicated open spaces to meet community needs.*

- 2. The BOT's action on the application for rezoning to the single-family optimized cluster district.
  - i. The BOT shall refer the a petition for rezoning and all accompanying maps, plans and reports to the Village Planning Board for comments and any and other boards and agencies in accordance with applicable laws and regulations. Said boards, agencies and departments shall report back to the BOT prior to a public hearing on the proposed rezoning. Once a tentative agreement has been reached between the BOT and the

applicant, the BOT will declare lead agency status and environmental assessment and impact statements may begin based upon an agreed to scope of study

ii. Following required public hearing(s) (which shall be held on notice which shall be furnished and accomplished by the applicant, at the sole cost and expense of the applicant, by mailing by first class mail at least seven days in advance to all property owners of properties located within 500 feet of any boundary of the property under consideration) project review under the State Environmental Quality Review Act (SEQRA), the BOT may approve or disapprove the rezoning petition in accordance with the provisions of applicable law.

iii. As part of its decision to approve or disapprove a proposed development, the BOT shall make specific findings, based on its review of the submitted concept plan and other information garnered through the public hearing, SEQRA and planning reviews, with regard to:

a. The impacts associated with the additional single-family homes over the underlying zoning.

b. The suitability of the site for the Single Family Optimized Cluster provisions in terms of open space benefits, vehicular access, walkability for pedestrians, parking and overall traffic concerns.

iv. The BOT, at its discretion, may attach any reasonable conditions on an approval of a OSFCZ as necessary to assure conformance with the intent and purposes of the OSFC regulations, as specified herein.

v. If the rezoning is granted, the approved OSFC district shall be duly noted on the Village's Zoning Map.

2.0 Optimized Multifamily Cluster Zone: Add Definition: The Optimized Multi-family Cluster Zone provides a development option which fixes the maximum development to 100 units or apartment style housing subject to development restrictions and conditions in order to preserve open space and the continuity of the wetlands on the property.

2.1 Add: "OMFC Optimized Multi-Family Cluster" to **Section 290-4 – Enumeration of Districts**

2.2 Add **Section 290-36.3**

"Section 290-36.3 - Optimized Multi-Family Cluster: OMFC use regulations:

A. The Optimized Multifamily Cluster Zone ("OMFC") provides a clustering option for only the development of the property known as the "Matterhorn property", S/B/L: \_\_\_\_\_. The purpose of this zone is to preserve the wetlands and significant amounts of open spaced in a unique development environment. As a high-quality environmental resource, restrictive conditions for the development of this property under the multi-family optimized cluster provisions include the following development conditions/restrictions:

- a. A maximum limit of 150 units of apartment style units consisting of 1, 2 or 3-bedroom units; this is roughly equivalent to 3 dwelling units per acre overall. No more than 30 units can be three- bedroom
- b. An overall design which creates a unique and special development
- c. Two spaces of dedicated ***indoor/underground*** parking are required ***per*** unit
  - i. surface parking will be limited to visitor parking
- d. Continuance of the existing paths and walkways in the wetlands (subject to public private agreement for maintenance and access)
- e. The site design must incorporate traffic calming provisions including:
  - i. Narrowing pavement widths to limit speed
  - ii. Curved roads for design closure and speed control
- f. Sidewalks are required for both frontage and internal roadways
  - i. Frontage sidewalks must extend from Pomona Road to Sandy Brook Park
- g. A minimum of 20 acres of open space or conservation easements prohibiting future development is required
- h. A building height restriction of three stories not to exceed forty (40) feet
- i. Building separation of at least twice the building height (80 feet)
- j. A recreation/common area structure may be provided
  - i. size and location of recreation/common structure to be determined by applicant and Village
  - ii. May include limited sale of foods and household products for resident's convenience
- k. Clustering of the residential units on the upland portions is required for maximum protection and to maintain continuity and quality of wetlands and open spaces
- l. Charging stations for electric vehicles in the underground parking portions are required
- m. Substantial perimeter and foundation landscaping and plantings within an overall landscape design are designed
- n. Low level lighting is required both in terms of pole heights and fixture illumination
- o. Payment of recreation fees per unit as follows:
  - i. 1 BR - \$5,000.00
  - ii. 2 BR - \$6,000.00
  - iii. 3BR - \$7,000.00
- p. Additional development restrictions may be determined at the discretion of the Board of Trustees.

### 3.0 Fairway Park Village Center Zone

3.1 Fairway Park Village Center Zone – Add Definition: The Fairway Park Village Center Zone is a zone set aside for Municipal government purposes including establishment of a new Village Hall

complex including Village offices, meeting rooms and potential new service buildings for Police, Fire, Emergency Services as well as active and passive recreational uses.

3.2 Add: "FPVC Fairway Park Village Center Zone" to **Section 290-4 – Enumeration of Districts**

3.2 Add: Section 290-36.4

"Section 290-36.4 – FPVC use regulations: This zone is designed specifically for Village activities including Village offices and meeting rooms, parks and recreation uses, community meeting rooms, and essential service uses such as police, fire and emergency services. All uses will be subject to Village Board of Trustees' approval."

#### 4.0 Campus Office Park Zone

4.1 Campus Office Park Zone – Add Definition: The Campus Office Park Zone is a zone set aside for County and other Municipal government offices, education and training facilities, or research and development campus office type building. The purpose of this zone is to provide a plan for development and redevelopment of existing structures to reflect a coordinated architectural design and appearance in a tranquil, park like setting.

4.2 Add: "COP Campus Office Park Zone" to **Section 290-5 – Enumeration of Districts**

4.3 Add: **Section 290-36.5**

"Section 290.36.5– OSFC use regulations: This zone is designed to guide development and re-development of the site to provide a common and consistent building and site architectural style for a uniform approach. Any plans for this site will require preparation of a master plan for the entire site (both the Ramapo and New Hempstead sides) providing roadway layouts, areas designated as open space, and areas for development while preserving to the maximum extent, mature vegetation. Plans should include a solution for the awkward and dangerous connection of Sanitarium Road with Summit Park Road. A minimum 100- foot untouched buffer of existing trees should be preserved to buffer existing residential neighborhoods. Underground parking should be encouraged to reduce stormwater runoff and enhance the visual environment. The plan should provide definitive storm water plans to reduce the runoff towards Summit Park Road as the Rockland County facilities are not adequate to prevent flooding downstream. With the requirement for underground parking, stormwater reductions and carefully planned development of the slopes which average 10 %, a less impactful development can be created. This zone proposes to a form-based approach to development using FAR as the key planning metric. FAR will be set at .5. In this manner, a far greater set of alternatives can be created to meet public and private development needs. With the periphery of mature trees, it is suggested that smaller footprint buildings with taller structures would be most appropriate. Of course, cooperation from Rockland County is essential for the redevelopment of this site."

## 5.0 Planned Unit Development Zone – PUD

### 5.1 PUD - Add Definition:

### 5.2 Add “PUD Planned Unit Development Zone” to **Section 290-6 – Enumeration of Districts**

### 5.3 Add **Section 290-36.6**

Section 290-36.6 - PUD regulations: A planned unit development is a zone with a set of specific design purposes rather than a set of bulk restrictions. It is related to a single contiguous piece of property. The use of PUD regulations will require a site of at least ten (10) acres. The PUD has no predetermined bulk regulations as the zone features a list of permitted uses with descriptions of the development objectives and design standards instead. The traditional bulk items such as yards and setbacks will be created as the overall design of the site is completed. The owner/applicant works with the Village Board of Trustees to develop a plan to meet the Village’s and the developer’s objectives for the site. The goal of the PUD is to allow maximum flexibility in the design of the site as a ***well-designed cohesive planned entity***. The PUD allows mixing of commercial and residential uses within the zone

The objectives for the site should clearly identified below. The PUD zone for the Pomona Road/Route 45 Gateway incorporates a design concept that focuses on the following elements:

- A “Welcome to New Hempstead” concept with clear visual designs representing the Village history couched in contemporary design
- Reflect the close physical relationship to the Town of Ramapo ball park located to the west along Pomona Road.
- Reflect uses that serve both neighborhood commercial activities and ballpark related establishments
- The site should be visually inviting with a single well-designed primary entrance road to serve all of the uses. The primary entrance should be located form Route 45 with the potential of access to Pomona Road based upon an agreed to circulation plan. All access plan should provide left hand turn lanes from Route 45 and Pomona Road with access controls. A traffic report should accompany the proposed plans to demonstrate how the plan objectives have been implemented to minimize and mitigate traffic impacts. The entrance should lead to a well-designed roundabout and/or interior circulation system with clear directional components to each site element for efficient site circulation. The plans should include left turning lanes on Route 45 and Pomona Road. Secondary access to Sanitarium Road is desirable.

- Commercial uses should be limited to seventy percent (70%) of the ***floor area*** of the site with the residential components occupying the remaining thirty percent of the floor area. To achieve this objective, site development coverage can be crafted to meet the use objectives. These may be varied with sufficient information to support how the variation will better meet the design objectives.
- A minimum designated open space requirement of 25% of the gross land area is required and may feature both active and passive uses. These areas may include environmentally sensitive areas such as water resources, wetlands, floodplains and steep slopes.
- Permitted uses should include the following:
  - Hotels and related facilities
    - The design should reflect sufficient exterior and height design ***articulation*** to add to the character of the structures without becoming distracting
    - The hotel should feature local flavor of New Hempstead with photographs and illustrations of the community including lobby décor and menus and menu items
  - Commercial establishments including:
    - A variety of eating establishments including
      - Restaurants and sports pubs (within and outside of hotels)
      - Bagel and Pizza restaurants
      - Quality, scale appropriate, standalone restaurants (Applebee's, Chili's, Outback) are permitted subject to approval by the Village. No more than two standalone restaurant establishments should be permitted.
    - Convenience stores and pharmacies with appropriate designs
    - Outdoor sports stores including bicycle sales and rentals
    - Boutiques and specialty stores
  - All of the building components should feature design elements to demonstrate that they are part of an overall design concept rather than as unrelated structures
  - Single family homes should be less than 35 feet in height with multi-family residential spaces below 40 feet in height with no more than 30% of the residential structures at the maximum. Remaining residential uses should reflect varying heights as the design permits, but the desired outcome is a set of structures with multiple height implementations
  - Strip commercial type development is specifically prohibited
  - Commercial buildings, may provide for office or residential uses on upper floors to promote and attract artist type studio implementations for workers to live near to stores



- All uses in this zone will require an untouched 100 - foot buffer area against the residential areas to the south and west. In this manner, the existing 100 feet of trees must be preserved to minimize any impact to existing residences.

Since the uses are the focus rather than the bulk, guidelines can be established for particular uses. For example, the PUD zone for the Pomona Road/Route 45 Gateway lists hotels as permitted uses. The guidelines for hotels should include form definitions such as:

Hotels:

- Limited to 45% of the permitted floor area of the site
- Preference for 3 stories to reduce the building footprint of the structure
- Should be located away from Route 45 towards the rear of the site, downslope to minimize visual impacts.
- The design should be attractive, modern, and articulated for maximum design interest.

6.0 Gateway Improvements: The primary gateways to the Village of New Hempstead are located at:

1. Route 45 and Pomona Road
2. Route 45 and New Hempstead Road
3. Grandview and Route 306

As part of the gateway improvement requirements, at a minimum, any development within a gateway area should require pedestrian linkages, ample open spaces, raised landscaping flower beds and signs welcoming travelers to the village. These gateway requirements should be in addition to the underlying zoning slated for these areas which offers commercial and residential opportunities. It will be required that specific plans be included for any development in this area as part of the overall development plans

7. Technical Zoning Modifications to Zoning Law:

- a. Change designation of R-50 properties to R-25 as per plan: Change Zoning map to show outline of new R-25 zone - (Proposed Zoning Map in the plan has the modified zone)
- b. Change Table of Dimensional Requirements note 3 from "either" development Coverage or FAR to "both" and reset the FAR in the 2R-25 FAR value to .12 for 1 family detached and 2 family detached.
- c. Remove "average density" from all zones in the Table of Dimensional Requirements

d. Change maximum Density for Active Adult to 5 dwelling units per acre from 7 to 5. Change text in Section 290-57 (3) from “the total aggregate number of units allowable on a property within the ARC Zone established pursuant to this section shall be no more than 120” to: “the maximum aggregate number of units allowable on a property withing the ARC Zone shall not exceed 5 dwelling units per net acre.” Also delete note 5 (3) in the Table of Dimensional Requirements to match “the maximum aggregate number of units allowable on a property withing the ARC Zone shall not exceed 5 dwelling units per net acre.”

e. Add a new note number 10 to the table of dimensional requirements stating that “The Village seeks to prevent construction of houses in the rear of existing houses on lots, even if technically sufficient lot area exists. The use of flag lots are not a preferred option and should be avoided. Every lot should have sufficient lot width and frontage as enumerated in the table of dimensional requirements.

f. Add to Table of Dimensional Requirements a new note 10 for Neighborhood Commercial Zones along Route 45 stating, “for all neighborhood commercial areas along route 45, residential structures must be in separate buildings from the commercial uses.”

g. Remove “Interim School building” Use from the Schedule of Use Regulations