



ROSA 4 ROCKLAND INC.

**RAMAPO ORGANIZED FOR SUSTAINABILITY AND A SAFE AQUIFER
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March 18, 2021

Village of New Hempstead
Mayor and Village Board of Trustees

Town of Ramapo
237 Route 59

Suffern NY 10901

Delivered via email to: concerns@newhempstead.org

Re: Comments on New Hempstead Proposed Local Law for Rezoning

ROSA was initially founded by a residents of various villages in Ramapo who recognized major holes in the environmental review of the Patrick Farm development project. ROSA volunteers have since learned the importance of land use procedures and law in supporting well-reasoned, right sized and conditioned approvals that are protective of the surrounding community, as well as the importance of properly notifying residents who will be affected by the changes and ensuring that they are given a fair opportunity to learn and understand what is being proposed.

ROSA 4 Rockland's environmental advocacy includes advocating for full compliance by municipalities with regard to the procedural and substantive requirements of the State Environmental Quality Review Act ("SEQRA") to ensure that the public at large, in addition to municipal officials making zoning decisions have gathered sufficient information and analysis for transparent, reasoned, data-driven decision making.

The proposed local law that was released under FOIL is not considered to be in the proper format ready for adoption, as required by the New York Department of State (as ROSA representatives have already verbally discussed with the Village planner). In light of this situation, the County Planning GML recommendation of January 21, 2021, and the comments of the Village of Pomona, ROSA presumes, and certainly recommends, that the public hearing tonight will be adjourned and left open for future amendments and corrections. We offer the following initial comments with respect to the rezoning local law:

1. There appears to be no evidence of SEQRA compliance for adoption of the Village Comprehensive Plan and no environmental impact studies regarding the impact of the rezoning recommendations made in the Plan. The failure to

address SEQRA for the Comprehensive Plan should be discussed, and the Village Board should consider drafting corrective resolutions properly adopting the Comprehensive Plan prior to proceeding to making decisions based on its recommendations.

2. The need for full SEQRA compliance for the local law being considered is paramount since there is no DGEIS that addresses these changes. ROSA volunteers submitted a FOIL requests for "All of the materials that are the subject of the new rezoning local law to implement the recommendation of the comprehensive plan." There was no FEAF Part 1 included. This should be produced for public review and comment before the next public hearing.
3. The Comprehensive Plan includes a statement related to one of the parcels being rezoned that was incomplete. "The main non-residential zone, Laboratory Office District, which covers a triangle in northern part New Hempstead adjacent to Pomona Rd and NYS State Rte. 45, has stayed largely undeveloped." There was no explanation of why this land remained undeveloped. The Town of Ramapo purchased this land for Open Space and the attorney's letter sent to Ramapo Residents in 2007 explains why this land is to be considered dedicated open space subject to the need for state level alienation prior to any development. The impact of the recommendation for PUD zoning for this lot must take this situation into consideration. Residents of New Hempstead and this Northeast Ramapo area have reason to expect that land parcel to never be developed.
4. The Fairway Park conversion will adversely affect the views and adversely impact traffic for all residents who pass by this area of New Hempstead Road, along with residents of Fairway Oval; Anchor Road; Barnacle Drive; Keri Lane; and Josell Court. There are major issues related to this conversion, and it may make more sense to remove this from the current local law and save this matter for future consideration as part of a separate local law, once those issues are addressed.

The land being considered is parkland owned by Ramapo that was dedicated through the Fairway subdivision process for open space/parkland to serve the purchasers of the homes in the related subdivisions. The Planning Board minutes, decisions and original subdivision plans should be obtained and reviewed. The only decision we found related to "municipal use" of the park lands was temporary in nature and expired; as such it is imperative that a complete record of prior approvals be researched, and amendments to such approvals applied for and approved, prior to any conversion.

If all of the residents surrounding the subdivision dedicated parkland are individually noticed and are supportive of conversation of their parkland open space into a village wide municipal and recreation resource and are not concerned about the negative visual impact, the increased noise, the increased utilization, and the loss of flora and fauna then it may make sense for the village board to consider proceeding.

It seems that this project requires more analysis, and we recommend that the village hold special meetings, after mailing notice on this topic to all parties with interest in this park land, and ensuring notice to the homeowners of Fairway Oval; Anchor Road; Barnacle Drive; Keri Lane; and Josell Court.

5. There is no disclosure of the lots being affected by the new local laws and their ownership. Maps and listings of ownership information (including what individuals own the LLC ownership) is also recommended to insure full transparency; such information should be included for public review. There are substantial increases in the value of the land for the owners of land, and in particular vacant land, that will be conveyed through these actions and it is important that village board members are fully advised as to who will benefit.
6. There is no build-out analysis or assumptions listed anywhere of how the change in rezoning will impact the number of units above the number allowed by current zoning. There should be some analysis of this impact as a basis for public review of the impacts of the rezoning local law.
7. The rezoning map is unclear with respect to the areas being rezoned in some fashion. There should be a better use of color to illustrate where the zoning is changing versus not changing. The use of white could indicate no change. The use of different colors could represent the various densities of the zoning proposed. All overlay zones should also include the underlying zoning designation as well for clarity.
8. With respect to the overlay zoning the village board should explain why the incentive is tied to gross area and not net area. If you have two parcels of land 10 acres in size (435,600 s.f.) that are both R-50 zoned, a normal subdivision with no encumbrances would yield approximately 6-8 homes depending on the road and drainage configurations, along with any parkland takings. Based on the current rules regarding reduction of lot area size for wetlands and other encumbrances only 25% of the area that is encumbered is used for lot area purposes. If the scenario were such that parcel 1 were 60% wetlands, the net lot area available 5.5 acres, and if parcel 2 only had 12% wetlands, the net area of parcel 2 would be 9.3 acres, which is dramatically different. Under the new OCO zoning, it appears that the final development potential of the two lots could be the same and the density the same as 20 net acres. While there is a certain logic in pushing for more clustered development to protect environmentally sensitive areas, there is no analysis for your recommendations and the logic of using gross lot area instead of net lot area appears flawed.
9. With respect to the OCO overlay zoning the range of incentive should be less arbitrary and should be tied to more specific objectives.
10. It appears that that OCO zoning is being combined with other zoning changes in a way that might not be apparent to the public at large such that there may be a doubling of density for a change in underlying zoning, then another doubling of density for clustered

zoning, plus another increase in density based on the incentive zoning being tied to gross lot acreage and not net lot acreage. The village board needs to do a DGEIS to better analyze the impacts of the proposed rezoning to make sure that everyone has a clear understanding of what is being proposed. The potential increase in number of units should be calculated and shared and the impact on traffic of the increase in number of units should be measured. This information must be shared with the Town of Ramapo so that cumulative impacts on traffic from the planned rezoning of the Golf Course can be studied as well.

11. The shift in rezoning from residential to commercial along Rt 45 should be further studied in terms of impact. Why was LO zoning not considered which is more consistent with the character of the neighborhood in that area? Surrounding low density lots in the R-50 zone with commercially zoned lots seems to be extremely intrusive. The village should make sure to notify all residents within 500' of the lands being rezoned to insure that those village residents are aware of the planned changes.
12. The NCD rezoning of south of the R-50 area along Rt 45 is predominantly land that appears to belong to the County of Rockland along with one other individual parcel. The county land, which was originally designed for a road is oddly shaped and should not be considered for rezoning to NCD. The rest of the rezoning near the intersection of Grandview and Rt 45 should be studied in a DGEIS as that is already a busy intersection near an entrance to the Palisade Parkway and there is a lot of traffic currently related to the medical offices and the Friedwald Center. The addition of strip malls in this area would have a major effect on the character of this neighborhood that should be studied in more depth. The current zoning of this area, and the fact that it has remained vacant, is very much connected to the rural of this area upon which the purchasers of homes in New Hempstead and Northeast Ramapo relied.

Thank you for this opportunity to comment.

Sincerely yours,



Deborah Munitz
Board Member
ROSA4 Rockland Inc.

Attachment sent separately by email:

- 2007 Ramapo Attorney Letter to Ramapo Resident re: Open Space
- 1970 Dedication of Fairway Subdivision Open Space