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6/10/2020

BY EMAIL AND FEDERAL EXPRESS

Chairman Thomas Warren
and Members of the Planning Board
20 Greenbush Road
Orangeburg, New York 10962

Re: Amazon.com Service Inc.
Site Plan Application
Premises: 877 Western Highway & 200-400 Oritani Drive, Blauvelt NY
Tax IDs: 65.18-1-1 & 65.18-1-22 & 70.06-1-1.12

Dear Chairman Warren and Members of the Planning Board:

On behalf of Amazon.com Services Inc. (“Amazon” or the “Applicant”), the lessee of the above referenced Premises, we respectfully submit the enclosed Town of Orangetown (“Town”) Planning Board Application for Site Plan approval in connection with the site improvements related to Amazon’s re-tenancy of the existing warehouse structures at 200-400 Oritani Road and 877 Western Highway, Blauvelt, New York (the “Premises”). Amazon proposes to make improvements to the site for the use which is approved at the Premises. To wit, its delivery station is the last-mile distribution facility wherein Amazon will unload bulk shipments of goods for delivery, sort the goods, and redistribute the goods onto smaller vans for local deliveries straight to its customers’ doors. Amazon’s use and operations as described herein were approved by the Town Zoning Board of Appeals (“ZBA”) in its Performance Standard Review approval as evidenced in resolutions dated January 22, 2020.

Amazon respectfully requests site plan approval to make improvements to the Premises which will not change the use or operation of the site as approved. Amazon proposes to construct an approximately 23,744 s/f canopy over the existing paved parking area between the two existing buildings as well as other site improvements such as grading and re-striping various portions of the existing paved areas around the buildings. This letter and enclosures are submitted in response to various comments raised by the Planning Board during its May 27, 2020 Public Hearing (“May Public Hearing”) as well as in response to various comments and questions raised by the public during the May Public Hearing and in written correspondence.

Proposed Improvements and Approved Operations

As stated above, Amazon’s occupancy and use of the Premises for its delivery station was previously reviewed and approved by the ZBA on January 22, 2020 following a public hearing on the Performance Standard Review application. Resolutions confirming such approval were provided to the Planning Board in the Applicant’s March 26, 2020 submission. The Applicant further encloses as **Exhibit A** hereto the Use Permit Number 49591 dated May 1, 2020 and Use



6/10/2020
Page 2

Permit Number 49589 dated April 30, 2020 issued by the Town of Orangetown which permit Amazon to occupy the existing warehouse structures and operate its delivery station at 200 Oritani Drive and 400 Oritani Drive.

Amazon responds herein to several questions raised during the May Public Hearing and in the subsequent comment letters from the public. First, the Premises is currently developed with the existing warehouse uses and at-grade parking which Amazon is approved to reuse for its operations. The Premises and its existing warehouses have operated as a light-industrial warehouse and distribution use since their construction in or about 2008 (400 Oritani) and 2012 (200 Oritani). These uses include the Prestige Motors automobile storage and distribution at 200 Oritani and the Accurate Moving Systems storage and distribution at 400 Oritani Drive. Amazon is therefore not introducing the warehousing and distribution use to the Premises. Rather, Amazon is merely a new tenant for the same use and the approvals granted by the ZBA allow Amazon to occupy and use the Premises and continue that warehouse and distribution use that has existed for over a decade.

As the Board is aware, the Premises is currently developed with the paved areas providing parking for over 700 vehicles. This existing parking makes the Premises a suitable location for Amazon to operate as it provides sufficient space without the potential adverse impacts associated with significantly increasing impervious coverage or expanding development. It is important to understand that the existing number of parking spaces does not equate to the number of trips that will be generated at once.

However, Amazon requires more parking spaces than vehicles to ensure that there are sufficient parking spaces so that at any given time, the Premises can accommodate Amazon's delivery vans when they are not out delivering, personal vehicles of the delivery drivers arriving at the Premises, and other non-delivery employees working within the distribution center. Amazon's operations are also designed so that trips to and from the site by its employees and delivery vans are spread out throughout the day and concentrated during off-peak times. This ensures that Amazon's operations will not present a substantial increase in traffic at any given time and that most trips occur during times when the roadways are less congested. For these reasons and based on the materials provided, including a detailed Traffic Impact Study, prepared by Maser Consulting P.A, dated December 5, 2019, the ZBA found that Amazon's use and operations do not substantially differ from the existing operations at the Premises and approved Amazon's Performance Standards application.

In relation to this legally permitted and approved occupancy and use, Amazon is respectfully requesting Site Plan approval from the Planning Board to construct the proposed canopy and other sitework to allow Amazon's approved adaptive reuse to operate safer and more efficiently. The proposed canopy and site improvements will not alter Amazon's operation as it was previously approved by the ZBA's Performance Standards Review application. Specifically, the Proposed Development will not increase traffic impacts or the number of trips as previously presented. Nor will the proposed canopy or site improvements result in any changes to the noise



6/10/2020
Page 3

levels, air quality, or emissions.

In furtherance of the proposed site changes, the Applicant hereby submits the following materials and responses as requested by the Planning Board and in response to various comments regarding the proposed canopy and site improvements.

Site Access and Circulation

The Applicant submits the revised Private Site Improvement Plans for DXY4 – Delivery Station prepared by CESO Inc. last updated June 5, 2020 (“Updated Site Plans”). The Updated Site Plans include revised Sheet C10.0 – Circulation Plan which provides the new emergency site access and circulation. This new emergency circulation plan has been developed after consultation with the Town Fire Inspector, Michael Bettmann.

The Applicant also confirms that Amazon and its employees will only use the Oritani Drive access. Amazon’s delivery operations and employees will not use the existing access drive connecting the Premises with Western Highway. Amazon considered installing a locked gate to restrict use of that access drive as discussed during the May Public Hearing but could not accommodate such because that access road is relied upon by other properties in the development. Amazon has coordinated with the owner and manager of the Premises, Onyx Equities, LLC (“Onyx”), to address the concerns regarding use of this access road. Onyx now proposes to install clearance bars and signage in order to prevent Amazon’s trucks, sprinter vans, and other commercial vehicles from using that access to and from Western Highway. Enclosed with this letter are the letter from Onyx’s attorneys, McCullough, Goldberger & Staudt, LLP, dated June 9, 2020 memorializing Onyx’s commitments to install such as well as the plans prepared by SESI Consulting Engineers, DPC dated June 9, 2020 illustrating Onyx’s proposed signage and clearance bar.

Landscaping and Visibility

The Updated Site Plans have also been revised to significantly increase the existing natural buffer along the western boundary line as requested by members of the Planning Board. The revised Landscaping Plan on Sheet C9.0 illustrates the approximate location of adjacent residences and provides a significant increase in the proposed natural buffer beyond what exists and what will already be incorporated as a condition of the ZBA’s Performance Standard Review approvals. A total of 11 Willow Oak, 39 Arborvitae, 31 Blue Spruce, and 24 Norway Spruce have been added to the buffer areas around the property line.

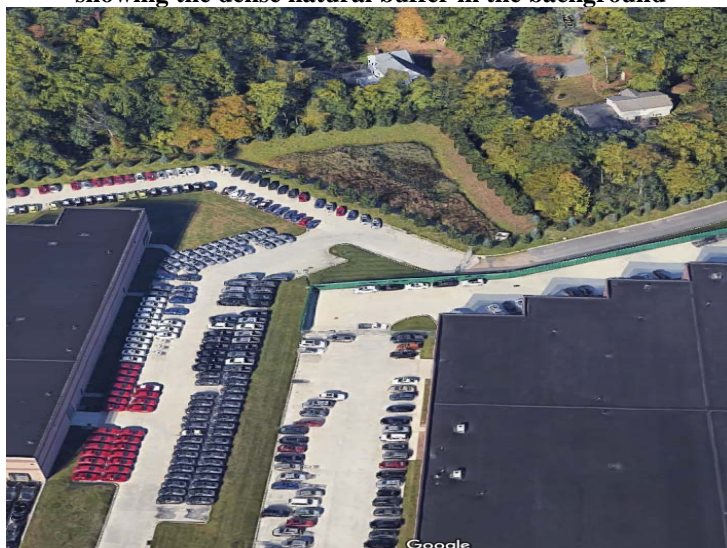
Also enclosed are the Line of Sight materials requested by the Planning Board which demonstrates the sight lines for the two existing adjacent residences near the canopy. The Proposed Improvements are not expected to generate a significant change in visibility or appearance due to its smaller size than the existing warehouse structures adjacent to the proposed canopy. The increased natural buffer will also provide screening for the proposed canopy as well as increase

overall screening for the existing warehouses and approved operations. Below are two aerial photographs of the existing vegetation and screening separating the area where the canopy is proposed and the adjacent residences. Additional details regarding the improved screening will be provided during the June 15, 2020 public hearing.

Figure 1: Streetview looking westerly towards the location of proposed canopy showing the dense natural buffer in the background



Figure 2: Aerial view of location of proposed canopy showing the dense natural buffer in the background





6/10/2020
Page 5

Stormwater and Water Quality

The Applicant and its consultants are working closely with the Town staff and consultants to address any questions or comments relating to the proposed drainage or stormwater impacts and will continue to do so to ensure its Proposed Improvements will not create any adverse impacts to the community or environment.

Specifically, the Applicant is proposing a new stormwater management infiltration basin to address any increased stormwater runoff. The stormwater improvements will treat stormwater for both quality and quantity with a new infiltration pond. The Town's drainage consultant, Kenneth DeGennaro, P.E of Brooker Engineering, PLLC, has reviewed the proposed drainage materials and provided his initial comments in his letter dated May 26, 2020. Mr. DeGennaro's May 26, 2020 letter confirms that the information provided by the Applicant demonstrates that any potential impacts can be mitigated and therefore recommends that the site plan be approved for drainage.

The Applicant is also in receipt of the letter from the Orangetown Department of Environmental Management and Engineering dated May 20, 2020 which requests results of soil borings and percolation tests prior to the Planning Board issuing final site plan approval. The Applicant hereby encloses the Geotechnical Engineering Services Report prepared by Professional Service Industries Engineering, PLLC dated March 26, 2020 ("Geotechnical Report") providing the results of those tests. The Applicant respectfully submits that all other comments from the Town and its drainage consultant are technical in nature and will be addressed as a condition of site plan approval.

Furthermore, the Applicant's March 26, 2020 submission includes its Short Environmental Assessment Form dated March 12, 2020 ("SEAF"). The SEAF, as well as the Applicant's submission materials, confirm that there will be no alteration of or encroachment into any existing wetland or waterbody. The majority of site work will be limited to those areas of the site that are already developed. The Applicant is merely proposing to disturb approximately 7,000 s/f of currently unpaved surface. This proposed disturbance will not create any detriment to any existing waterbodies and any changes in stormwater runoff will be managed as set forth above.

In addition to the review by the Town and its consultants, the Applicant will also be applying to the New York State Department of Environmental Conservation ("NYSDEC") for coverage under the State Pollution Discharge Elimination System ("SPDES") to confirm no adverse impacts to surface or groundwater resulting from the Proposed Improvements. Once again, we understand that this would typically be a condition of site plan approval, prior to the issuance of a Building Permit, and anticipate that such coverage will be granted based on the nature of the improvements and the comments from the Town's consultants.

The Applicant also confirms that there are no records of any threatened or endangered species at the Premises as indicated in the NYSDEC's email comments dated May 14, 2020. The Applicant



6/10/2020
Page 6

also does not anticipate the Proposed Improvements will create any detriment or adverse impacts on any existing wildlife or habitat due to the limited area of disturbance and existing industrial/commercial conditions of the areas to be disturbed.

Lighting

The Applicant's Updated Site Plans enclosed with this letter provide the requested photometric lighting plan illustrating the Proposed Improvements' lighting levels throughout the Premises, which demonstrates that the project would not have any adverse impact on surrounding properties.

Cultural Resources

In response to the comment raised in the NYSDEC comment email dated May 14, 2020, the Applicant hereby submits the letter enclosed as **Exhibit B** from the New York State Office of Parks, Recreation and Historic Preservation dated May 12, 2020 which concludes that "no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project."

Traffic

No aspect of this application raises a traffic issue. The Applicant reiterates that it is not proposing any changes to its use or occupancy that will impact traffic levels as previously approved by the ZBA during the Performance Standard Review. The New York State Department of Transportation ("NYSDOT") comments received by email dated May 28, 2020 were also provided and evaluated during the ZBA's consideration of Onyx's Performance Standard Review application for Amazon's proposed use and occupancy. Onyx is coordinating with the NYSDOT and the Orangetown Highway Department to address these comments and incorporate the recommended mitigation measures.

Notice and Procedure

The Applicant has complied with any and all notice requirements as set forth herein. Specifically, in advance of the May Public Hearing, the Applicant provided the Town of Orangetown Chief Clerk to the Planning Board with stamped envelopes bearing the names and addresses of each property owner of record within 200' of the Premises as listed by the Town of Orangetown Tax Assessor's office. The Planning Board Clerk subsequently filled those envelopes with the legal notices and mailed same to each property within the 200' radius. The Applicant also erected signs furnished by the Town of Orangetown Chief Clerk to the Planning Board advertising the public hearing and details for participation. Said signs were placed at every corner of the lot and at least once every 100' facing each public street or public right-of-way. Affidavits confirming these notice provisions were complied with within the necessary timeframes are on file with the Town of Orangetown. The Applicant has therefore complied with the notice requirements set forth in the



6/10/2020
Page 7

Town of Orangetown Code Section 21A-14.1.

Please be further advised that, subsequent to the May Public Hearing, notices advertising the June 15, 2020 continued public hearing were remailed and reposted at the expense of the Applicant to ensure all parties are afforded the opportunity to be heard.

Onyx similarly noticed the January 21, 2020 ZBA public hearing during which the Performance Standard Review application for Amazon's proposed use and occupancy was reviewed and approved in accordance with all applicable notice requirements. Affidavits confirming that the notices were mailed to each property owner of record within 200' of the Premises as listed by the Town of Orangetown Tax Assessor's office as well as the necessary signs were posted by Town Code Chapter 43, Section 10.322B & C respectively are on file with the Town.

Materials Enclosed

Amazon respectfully submits that the proposed canopy and other site work will not create any adverse impacts to the nearby properties or environment. The Proposed Improvements are minor in relation to the existing light-industrial character of the area and do not materially alter the use or operations as previously approved by the ZBA. The Applicant therefore respectfully requests that the Planning Board issue preliminary and final site plan approval. Any remaining design details or agency approvals can be accommodated as a condition of such preliminary and final site plan approval.

Amazon submits the below materials in furtherance of its requested preliminary and final site plan approval for the proposed canopy and other related site work:

- Exhibit A: Use Permit Number 49591 dated May 1, 2020 and Use Permit Number 49589 dated April 30, 2020; and
- Exhibit B: No Impact Determination issued by the New York State Office of Parks, Recreation and Historic Preservation dated May 12, 2020.

Please also find enclosed the revised Private Site Improvement Plans for DXY4 – Delivery Station prepared by CESO Inc. last updated June 5, 2020 and the Geotechnical Engineering Services Report prepared by Professional Service Industries Engineering, PLLC dated March 26, 2020. Also submitted are the enclosed letter from Onyx's attorneys, McCullough, Goldberger & Staudt, LLP dated June 9, 2020 and plans for the proposed signage and clearance bar prepared by SESI Consulting Engineers, DPC dated June 9, 2020.



6/10/2020
Page 8

The Applicant looks forward to appearing before the Planning Board at its June 15, 2020 meeting for the continued public hearing on this matter. Should the Planning Board or Town Staff have any questions or concerns in the interim, please do not hesitate to contact me. Thank you for your time and consideration in this matter.

Very truly yours,

Anthony B. Gioffre III

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Attachments

cc: Amazon.com Service Inc.
CESO, Inc.
Onyx Management Group, LLC (Landlord)
Seth Mandelbaum, Esq. (Attorney for Landlord)