



445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
T 914 761 1300
F 914 761 5372
cuddyfeder.com

Anthony B. Gioffre III
agioffre@cuddyfeder.com

7/1/2020

BY EMAIL AND HAND DELIVERY

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 this letter in furtherance of the 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 Drive, Blauvelt, New York (the “Premises”). Amazon proposes to make improvements to the site for the use which is approved at the Premises. To wit, Amazon’s 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 presented its updated proposal during the June 15, 2020 Planning Board public hearing which now includes an approximately 25,463 s/f enclosed van loading area adjacent to the existing warehouse structure at 400 Oritani Drive as well as other site improvements and modifications. The proposed enclosure is in lieu of the 23,744 s/f canopy that was previously proposed under which Amazon’s vans would be loaded. The proposed enclosure will be designed to mimic the appearance and design of the existing warehouse structures at the Premises as shown on the revised Private Site Improvement Plans for DXY4 – Delivery Station prepared by CESO Inc. dated June 30, 2020 (“Revised Site Plans”). The Revised Site Plans now also include an 8,293 square foot grass open area located at the northern portion of the parking existing area.



7/1/2020
Page 2

Similar to the previously proposed canopy, the enclosed structure will not change Amazon's use from what has already been approved by the ZBA. The enclosure and site work will not generate traffic beyond what has already been approved or result in an increase in operations or capacity. Rather, the enclosure will allow Amazon's van loading operations to occur wholly within an enclosed structure as required by the Town Zoning Code.

This letter and enclosures are submitted in response to various comments raised by the Planning Board during its June 15, 2020 Public Hearing ("June Public Hearing") as well as in response to various comments and questions raised by the Town Staff and public in their written correspondences and during the June Public Hearing.

Site Access and Emergency Circulation

Amazon has considered the concerns and questions regarding the use of the emergency access road between the Premises and Western Highway. While Amazon does not have control over that access road, Amazon has coordinated with the owner and manager of the Premises, Onyx Equities, LLC ("Onyx"), who has agreed to lock the two existing gates on either end of the access road between 200 Oritani and 877 Western Highway and to keep the gates locked. Representatives of Onyx have advised the Town that those gates will be closed and locked immediately after it installs the Knox Box and provides the Town with the necessary means to unlock the gate. Included as **Exhibit A** is a letter from Seth Mandelbaum, Esq. of McCullough, Goldberger & Staudt LLP to the Town of Orangetown dated June 24, 2020 which memorializes Onyx's commitment and withdrawing Onyx's previously proposed clearance bars which will no longer be necessary.

Amazon has also been in contact with Fire Inspector Sampath and Fire Inspector Bettmann in response to their letter provided in advance of the June Public Hearing. Amazon's Revised Site Plans now show the fire truck navigation of the entire site and fire lane details. (See Page C10.0 – Circulation Plan). The Revised Site Plans also confirm that the proposed building addition will be equipped with a fire suppression system. (See Page C4.0 – Overall Site Plan). The Applicant will continue to work with the Town Fire Inspectors to ensure that the site is designed and operated in compliance with all applicable building and fire codes.

Stormwater Infrastructure

Amazon's Revised Site Plans now include new stormwater management infrastructure to remove oil and debris from stormwater in response to comments raised by members of the Planning Board and the public during the June Public Hearing. The catch basin is now proposed to be



7/1/2020
Page 3

equipped with devices that trap oil and floatable trash before the stormwater is released through the outlet pipe. The oil and debris will remain in the catch basin until it is removed by a vacuum truck during routine maintenance. This technology, in conjunction with the significant reduction in vehicles on site during Amazon's operations, are expected to improve the existing stormwater conditions of the Premises.

In response to comments received from the public, the Applicant wishes to note that the application, as well as the performance standard review application, has been referred to Suez for review and comment as part of the New York State General Municipal Law Section 239-m referral process. Suez has not responded with any comments or concerns regarding the proposed improvements or Amazon's operations. In addition to this referral, Amazon continues to work with the Town and its engineers to ensure all stormwater questions are addressed. Amazon will also be applying to the New York State Department of Environmental Conservation for coverage under the State Pollutant Discharge Elimination System (SPDES) permit to confirm no adverse impacts to surface or groundwater will result from the proposed improvements.

Noise and Light Barrier

Amazon now proposes to enclose the van loading area to further reduce the noise or light impacts generated by the van loading operations. Additionally, Amazon also proposes to include a new 8' tall wooden board-on-board fence along the western side of the van loading area to provide additional noise and light buffers (compared with the previously proposed chain link fence). These improvements, coupled with the increased vegetative buffer and significant lighting improvements indicated in the Applicant's June 10, 2020 submission to the Planning Board, are expected to significantly improve existing conditions.

Air Quality

Amazon's proposed improvements will incorporate new heating, ventilation, and air conditioning equipment in accordance with the industry's best standard practices to ensure air quality is maintained at a safe level. Amazon also wishes to reiterate that its vans will not idle while they are being staged outdoors or while they are being loaded indoors. Air quality was one of the several considerations reviewed by the ZBA during its performance standards review and, in approving the performance standards review application, the ZBA confirmed that the proposed operations are not expected to create any objectionable conditions relating to air quality.



7/1/2020
Page 4

Materials Enclosed

Amazon respectfully submits that the proposed enclosed loading area 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: Letter from Seth Mandelbaum, Esq. of McCullough, Goldberger & Staudt LLP to the Town of Orangetown dated June 24, 2020.

Please also find enclosed the revised Private Site Improvement Plans for DXY4 – Delivery Station prepared by CESO Inc. last updated June 30, 2020.

The Applicant looks forward to appearing before the Planning Board at its July 8, 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

Anthony B. Gioffre III

Attachments

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

EXHIBIT A

McGULLOUGH, GOLDBERGER & STAUDT, LLP

ATTORNEYS AT LAW

1311 MAMARONECK AVENUE, SUITE 340

WHITE PLAINS, NEW YORK

10605

(914) 949-6400

FAX (914) 949-2510

WWW.MCGULLOUGHGOLDBERGER.COM

FRANK S. McCULLOUGH (1905-1998)
EVANS V. BREWSTER (1920-2005)

FRANK S. McCULLOUGH, JR.
JAMES STAUDT
LINDA B. WHITEHEAD
SETH M. MANDELBAUM

AMANDA L. BROSZY
EDMUND C. GRAINGER, III
PATRICIA W. GURAHIAN
MEREDITH A. LEFF
MORGAN H. STANLEY
KEVIN E. STAUDT
STEVEN M. WRABEL

CHARLES A. GOLDBERGER
COUNSEL

June 24, 2020

Honorable Chairman Thomas Warren and Members of the Planning Board
Town of Orangetown
20 Greenbush Road
Orangeburg, NY 10962

Re: Application PB#20-19
Onyx Management/Amazon Delivery Center Site Plan
200 & 400 Oritani Drive, 877 Western Highway

Dear Hon. Chairman Warren & Members of the Board:

This firm represents Onyx Management Group, LLC¹ (“Onyx”), the manager of the properties identified as Section 70.06, Block 1, Lot 1.12 (“Lot 1”, owned by AG-OE 400 Oritani Drive Owner, L.L.C.), Section 65.18, Block 1, Lot 22 (“Lot 2”, owned by AG-OE 200 Oritani Drive Owner, L.L.C.), and Section 65.18 Block 1, Lot 1 (“Lot 3”, owned by AG-OE 877 Western Highway Owner, L.L.C.) on the Town of Orangetown Tax Map and commonly known as 200-400 Oritani Drive and 877 Western Highway (collectively, the “Property”). The Property is part of the larger Hudson Crossing development now owned by Onyx, which was previously known as Bradley Corporate Park. Onyx has entered into a lease agreement for the current 200 and 400 Oritani warehouse buildings and parking field to Amazon.com Services, Inc. (“Amazon”).

In response to the comments at the June 15, 2020 Planning Board meeting and our review of the 1995 Planning Board resolution (PB# 95-124), as well as additional historical research by Onyx, Onyx agrees to lock the two (2) existing gates on either end of the access road between 200 Oritani and 877 Western Highway, and to keep the gates locked. Onyx, as the new owner of the property, was not aware that the gates had historically been locked, but now that they are, as soon as new Knox Boxes can be installed and the code provided to the applicable Orangetown emergency responders, Onyx will keep the gates locked going forward. In addition, Onyx’s property manager will have access to a separate lockbox with keys to the gates, so that in the event a train is blocking Bradley Hill Road in an emergency situation, occupants of 100, 200 and 400 Oritani will be able to exit the property via the access road.

¹ Onyx Management Group, LLC has been authorized by the owners of the three (3) properties to manage the properties, including leasing the properties and applying for any necessary permits.

Based on the foregoing, as well as Amazon's statements at the June 15th Planning Board meeting confirming that its trucks and sprinter vans will not use the access road to exit to Western Highway, the clearance bars proposed by Onyx are no longer necessary and are hereby withdrawn in connection with Amazon's site plan application. Finally, it must be noted that no access to Leber Road is proposed at all in connection with the Amazon site plan application.

If you have any questions, please do not hesitate to contact our office. Thank you for your consideration.

Very truly yours,



Seth M. Mandelbaum

SMM:srw

cc: Onyx Management Group, LLC
Amazon.com Services, Inc.
Cuddy & Feder LLP (Attorneys for Amazon)
Robert Magrino, Esq.
Rick Pakola, Esq.