

TOWN OF HAVERSTRAW PLANNING BOARD
Site Plan Approval

Application by Oak Tree Apartments LLC
22 Rosman Road, Garnerville (the “Property”)
Town of Haverstraw Tax Map Parcels 26.09-2-8 and 26.05-1-42
LA-17 Zoning District

WHEREAS, the Applicant Oak Tree Apartments LLC (“Applicant”) submitted an application dated June 20, 2019 to the Planning Board for site plan approval to demolish all existing structures on the Property and construct a 228-unit multi-family residential development with 69 studios, 87 one-bedroom units and 72 two-bedroom units in four, three-story buildings with interior roads, parking, recreational facilities and other related improvements (the “Proposed Project”); and

WHEREAS, the Planning Board served as Lead Agency for a coordinated review pursuant to the State Environmental Quality Review Act (“SEQRA”) and at its meeting on January 13, 2021, the Planning Board adopted a Negative Declaration finding the Proposed Project will not have any significant adverse environmental impacts, thus completing the SEQRA process; and

WHEREAS, upon recommendation from the Planning Board, at its meeting on March 8, 2021, the Town Board adopted Local Law No. 1 of 2021 enacting zoning text amendments to establish the LA-17 zoning district and a zoning map change to place the Property in the LA-17 zoning district; and

WHEREAS, the Proposed Project complies with the requirements of the LA-17 zoning district; and

WHEREAS, the Planning Board issued preliminary site plan approval on August 11, 2021, subject to compliance with various conditions, which approval was subsequently extended but has since expired; and

WHEREAS, the Applicant obtained approval from the Architectural Review Board for the design of the development, which has not changed; and

WHEREAS, in January 2023 the Applicant renewed its application for preliminary site plan reapproval and final site plan approval; and

WHEREAS, since the preliminary site plan approval was granted on August 11, 2021, the Applicant (1) changed the location of the proposed sewer line to connect to an existing public sewer line by contracting for an easement over private property and (2) proposed alternative regrading of the site to reduce the export of soil, which will better balance the cut/fill analysis; and

WHEREAS, in light of the fact that there were changes to the Proposed Project from what was considered when the Negative Declaration was adopted, the Planning Board will consider whether the changes warrant further consideration under SEQRA; and

WHEREAS, in support of its application, the Applicant submitted various studies and analyses from the Applicant and its consultants as well as numerous plan sets during the course of the Planning Board review, with the most updated versions being as follows:

1. Architectural Plans prepared by Poskanzer Skott Architects dated December 9, 2019 consisting of (1) Location Plan (Sheet A-000), (2) Site Plan Comparison (Sheet A-100), (3) Site Plan (Sheet A-101), (4) Snow Storage (Sheet A-101s), (5) Street Views (Sheet A-102), (6) Building “A” – Plans, Elevations & Section (Sheet A-103), (7) Building “B” – Plans, Elevations & Section (Sheet A-104), (8) Building “C” – Plans, Elevations & Section (Sheet A-105), (9) Building “D” – Plans, Elevations & Section (Sheet A-106), (10) Unit Layouts (Sheet A-107), (11) Community Building (Sheet A-107a), (12) 3D Views (Sheet A-107b), (13) Aerial Views (Sheets A-108 and A-109), (14) Location Plan Comparison (Sheet A-110), (15) three pages of renderings of various portions of the proposed development (collectively, the “Architectural Plans”);
2. Site Plan Set prepared by Sparaco & Youngblood, PLLC dated June 25, 2021 and last revised April 7, 2023 consisting of (1) Key Map, (2) Overall Planimetric & Fire Apparatus Turns Plan, (3) Planimetric Plan Sheet 1 of 2, (4) Planimetric Plan Sheet 2 of 2, (5) Grading & Utility Plan Sheet 1 of 2, (6) Grading & Utility Plan Sheet 2 of 2, (7) Overall Site Phasing Plan with Grading and Utilities, (8) Phase 1 Grading Plan Sheet 1 of 2, (9) Phase 1 Grading Plan Sheet 2 of 2, (10) Phase 1 Erosion & Demolition Plan Sheet 1 of 2, (11) Phase 1 Erosion & Demolition Plan Sheet 2 of 2, (12) Phase II Grading Plan, (13) Phase II Erosion & Demolition Plan, (14) Phase III Grading Plan, (15) Phase III Erosion & Demolition Plan, (16) Suez Water Easement Plan, (17) Road & Water Profile – 1, (18) Road & Water Profile – 2, (19) Road & Water Profile – 3, (20) Sewer Profiles 1 of 2, (21) Sewer Profiles 2 of 2, (22) Existing Conditions, (23) Details Sheet 1, (24) Details Sheet 2, (25) Details Sheet 3, (26) Details Sheet 4, (27) Details Sheet 5, (28) Details Sheet 6, (29) Lighting Plan – 1 and (30) Lighting Plan – 2 (collectively, the “Site Plans”);
3. Lighting plan prepared by AB dated June 7, 2021 entitled Lighting Layout, Version B (“Lighting Plan”); and
4. Landscaping Plans prepared by Yost Design Landscape Architecture dated October 4, 2019 and last revised March 2, 2022 consisting of (1) Planting Plan, (2) Planting Plan – Quadrant 1, (3) Planting Plan – Quadrant 2, (4) Planting Plan – Quadrant 3 and (5) Planting Plan – Quadrant 4 (collectively, the “Landscaping Plans”).

Hereinafter the Architectural Plans, the Site Plans, the Lighting Plan and the Landscaping Plans are collectively referred to as the “Approved Plans.”

WHEREAS, the Planning Board complied with the referral requirements of New York General Municipal Law §§ 239-L and -M and the statutory time period to provide comments has elapsed, and

WHEREAS, in response to the General Municipal Law referrals the Planning Board received a letter from the Rockland County Department of Planning (“County Planning”) dated April 3, 2023 recommending modifications and containing 28 comments, which are addressed as follows:

1. The Site Plans were submitted to the Village of West Haverstraw on or about March 1, 2023 and no response has been received. The comments from Michael Shiale Architects, LLP in their February 25, 2021 letter were addressed by the Applicant and the Town's consultants prior to the preliminary site plan approval being granted.
2. The Site Plans were submitted to the Rockland County Department of Health on or about March 1, 2023 and no response has been received.
3. As a condition of this Resolution, the Applicant shall comply with the comment letters from the Rockland County Center for Environmental Health dated April 17, 2023, April 26, 2023 and May 26, 2023.
4. The Site Plans were submitted to the Rockland County Drainage Agency on or about March 1, 2023 and no response has been received. The Applicant has complied with the comments from the Drainage Agency's March 25, 2020 letter. The plans and SWPPP provide for pretreatment of stormwater prior to release from detention facilities and updated drawings of the stormwater facilities have been submitted.
5. The Site Plans were submitted to the Rockland County Office of Fire and Emergency Services and the Thiells Roseville Fire District on or about March 1, 2023 and no response has been received.
6. As a condition of this Resolution, the Applicant shall submit the Site Plans to the Rockland County Department of Public Transportation to ensure compatibility with T.R.I.P.S. paratransit service and address any concerns raised.
7. The Applicant provided sufficient information for the Board and its consultants to assess the potential environmental impacts of the new sanitary sewer easement.
8. As a condition of this Resolution, the Applicant shall ensure all soil and erosion control measures are in place and comply with the latest edition (November 2016) of the New York State Standard for Erosion and Sediment Control.
9. The Proposed Project provides for no net increase in the peak rate of discharge from the site at all design points.
10. As a condition of this Resolution, the Applicant will make an application to, and receive approval from, the Rockland County Department of Health related to public water supply.
11. As a condition of this Resolution, the Applicant will make an application to, and receive approval from, the Rockland County Department of Health related to sanitary sewer.
12. As a condition of this Resolution, the Applicant's Stormwater Pollution Prevention Plan ("SWPPP") shall comply with the most current regulations, including the New

York State Stormwater Management and Design Manual (January 2015) and Town regulations.

13. Parking spaces in the garage will be assigned to tenants, thus eliminating the concern that someone will drive to the end of the parking lot but not be able to find a parking space.
14. Snow storage areas have been added to the Site Plans depicting storage locations along the northern, western and eastern perimeter drives and parking areas, and with additional snow storage in more isolated parking areas.
15. The Applicant has considered pervious pavement, but it is not practical in areas of heavy usage, such as residential driveways and parking areas. The Applicant shall install pervious pavers in the pool area to the extent feasible, to the satisfaction of the Town Building Inspector and Town Engineer.
16. Maintenance areas are designated in each of the residential buildings, instead of in a separate building.
17. As a condition of this Resolution, the Applicant shall implement plantings native to New York in the proposed landscaping to the extent feasible.
18. As a condition of this Resolution, the Applicant shall provide a tree removal plan in compliance with Town Code 67-91 and -92.
19. The Applicant proposes a minimum of 20 EV charging stations on the Property. All such spaces will be on grade and not in the garages. The Applicant intends to increase the number of charging spaces as the level of EV adoption increases, or in order to meet tenant demand.
20. The Applicant is considering installing solar panels, but whether or not they ultimately do so has no bearing on this application.
21. Only a small portion of the northwesterly corner of the Property is located in the Hudson Highlands West Significant Biodiversity Area ("SBA"). Prior to issuance of the preliminary site plan approval, the Applicant engaged in extensive investigation as to potential species habitats in that area, but found none. There are no streams, waterbodies or wetlands on the Property, which is considerably uphill from Minisceongo Creek. No construction is proposed on steep slopes that may cause erosion into the SBA.
22. Any proposed signage not depicted on the Site Plans will require approval from the Planning Board.

23. As a condition of this Resolution, retaining walls shall be designed, signed and sealed by a licensed New York State Professional Engineer and be in compliance with the New York State Fire Prevention and Building Code.
24. As a condition of this Resolution, the Applicant shall ensure, to the satisfaction of the Planning Board Attorney, that the deeds for the Property accurately describe the parcels without reference to filed maps and the Applicant shall subsequently coordinate with the Town Assessor to have the tax map changed.
25. As a condition of this Resolution, and to the extent applicable, the Applicant shall comply with Rockland County Sanitary code, Article XIII, Section 13.8.1.
26. None of County Planning's comments are being overridden by the Planning Board.
27. As a condition of this Resolution, the Applicant shall comply with Rockland County Executive Order 01-2017.
28. As a condition of this Resolution, the Applicant shall make the following corrections to the Site Plans: (1) amend Map Note 5 to state the correct name of the zoning district as LA-17 and (2) amend Map Notes 9 and 10 and drawing 16 to reflect the water service and water easement are for Veolia North America. The application was referred to the Rockland County Division of Environmental Resources on or about March 1, 2023 and no response was received.

WHEREAS, the Planning Board held numerous public hearings prior to the preliminary site plan approval being granted in August 2021 and opened a new, duly-noticed public hearing on the Proposed Project at its meeting on May 10, 2023, and members of the public having the opportunity to attend and be heard, the public hearing was closed on May 10, 2023; and

NOW THEREFORE,

BE IT RESOLVED, the Planning Board hereby reaffirms and readopts its January 13, 2021 Negative Declaration based upon the following findings:

1. There have been no substantive adverse changes to the Proposed Project. The change in the location of a sewer line has no substantive effect on the Proposed Project and the plans are satisfactory to the Town Engineer. In addition, the Applicant has more sufficiently balanced the cut/fill to reduce the amount of soil that will have to be exported from the Property during construction to the satisfaction of the Town Engineer.
2. No new information has been discovered related to the Property or the Proposed Project.
3. There has been no substantive change in circumstances related to the Proposed Project. The traffic studies were done prior to the COVID-19 pandemic when remote working was not as prevalent and traffic rates were higher. The only other material changes to the plans are discussed and addressed above (subsection 1), and if anything are positive changes to the project.

AND BE IT FURTHER RESOLVED, based upon the foregoing, the application for preliminary and final site plan approvals are granted with the following limitations and conditions:

1. Prior to the signing of the Approved Plans by the Planning Board Chairman, the following conditions must be met:
 - a. Applicant shall comply with all rules, regulations and requirements of any and all agencies, entities, departments, boards and municipalities with jurisdiction over the Proposed Project, and this approval is conditioned upon the Applicant receiving any and all approvals/permits required by such agencies without material deviation from the Approved Plans.
 - b. The Applicant shall comply with all of the conditions noted in this Resolution in the discussion of County Planning's GML comments, except those conditions to be complied with prior to the issuance of a building permit as noted in Section 2 below.
 - c. The Applicant shall comply with any and all outstanding conditions of the Board's August 11, 2021 preliminary site plan approval resolution.
 - d. The Applicant shall pay all outstanding monies owed to the Town in connection with the Planning Board and its consultants and staff processing, reviewing and preparing documentation on this application.
 - e. No portion of any approval by the Planning Board shall take effect until (1) all of the above-stated conditions are met, (2) the Approved Plans are signed by the Chairman of the Planning Board and (3) the Approved Plans signed by the Chairman of the Planning Board are filed with the Building Department.
2. Prior to issuance of a building permit, the Applicant shall complete the following:
 - a. In accordance with Town Code § 137-96(A) and § A173-10(D), the Applicant shall provide performance bond in a form satisfactory to the Planning Board attorney and in an amount satisfactory to the Town Consulting Engineer based upon the cost estimate of the site improvements as shown on the Approved Plans to ensure adequate completion of these improvements.
 - b. In accordance with Town Code § A173-16(B), the Applicant shall provide escrow established based upon a percentage of the Town Consulting Engineer's cost estimate to ensure the site improvements can be inspected for compliance with the Approved Plans.
 - c. The Applicant shall provide proof of a recorded easement for the sanitary sewer main in a form satisfactory to the Planning Board Attorney.
 - d. The Applicant shall provide recorded deeds of the tax parcels comprising the Property to the satisfaction of the Planning Board Attorney and subsequently coordinate with the Town Assessor to have the tax lots combined.
 - e. The Applicant shall pay all outstanding monies owed to the Town in connection with the Planning Board and its consultants and staff processing, reviewing and preparing documentation on this application and the conditions of this Resolution.

3. The granting of this application shall not be deemed to relieve the Applicant of the need to obtain approvals or permits of any other board, agency or officer as prescribed by law or ordinance with regard to the Approved Plan or construction or any other phase of the project. Further, the granting of this application shall not be deemed to relieve the Applicant of the need to comply with any and all other local, state and federal requirements, including but not limited to compliance with the New York State Uniform Code and any applicable regulations related to the proposed use, location or construction.
4. All work shall be in strict compliance with the Approved Plans and all rules, regulations, laws and ordinances governing the Site Plan and construction on the site. In the event the Town Consulting Engineer, Superintendent of Highways and Building Inspector agree that, as a result of conditions in the field, field changes are necessary to complete the work of the Site Plan and if in the opinion of the Town Consulting Engineer and Building Inspector such field changes are minor and do not have any material negative impact on the overall design of the Site Plan, traffic circulation and/or drainage of the site, including but not limited to roads, sewers and drainage, then the Town Consulting Engineer and Building Inspector may, upon the filing of amended plans which reflect such field changes, allow such changes. In all other circumstances any deviation from or change in the approved plans shall require application to this Board for amendment of this approval.
5. No work may be commenced on any portion of the site without first contacting the Building Inspector and Town Consulting Engineer to ensure that all permits and approvals have been obtained and all permit fees paid and to establish an inspection schedule. Failure to comply with this provision shall result in the immediate revocation of all permits issued by the Town along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.
6. The Property shall be inspected by the Building Inspector, the Town's Consultant Engineer, and any other consultants or professionals deemed necessary or appropriate by the Building Inspector to ensure that all construction, improvements and modifications were done in accordance with all applicable Federal, State and Local laws and regulations and all professional standards and guidelines prior to the field being operational.
7. This application is granted subject to the accuracy of the representations made by the Applicant and its representatives to the Planning Board in its written submissions and during the public hearing and if any material representation, whether or not it is included in this Resolution, is found to be inaccurate, at the discretion of the Planning Board the Applicant shall be required to make an application for an amended approval.
8. This Resolution shall be of no force or effect unless and until there is full compliance with all of its requirements and conditions.

Dated as of June 14, 2023

Chairman

In Favor:

Opposed:

Abstain:

Absent:

DRAFT