

January 3, 2024

Village of Wesley Hills Planning Board  
432 Route 306  
Wesley Hills, NY 10952

Attn. Chair Brown and Honorable members of the Planning Board

Re: Wickes Arborists – 11 McNamara Road  
Response to Site Plan and Special Permit Review comments

Dear Chair Brown,

The following are in response to comments prepared by Brooker Engineering, PLLC dated May 23, 2023.

- 1. Special Permit notes are provided in a condensed format. We defer to the Planning Board Attorney if this is an acceptable format. Expanded info does not appear to be provided in the latest narrative.**

Response: Comment Noted.

- 2. Our office takes no objection to the location of additional access to Union Road for emergency services.**

Response: Comment Noted.

- 3. Existing material storage containment areas appear not to be in conformance with the Village code. Four 100 cubic yard containers are depicted on the plans and described in the narrative. Code allows a maximum of 25 CY for stone/gravel per container and 50 CY per container for other materials.**

Response: The Stipulation of Settlement provides the storage of 400 cubic yards of mulch and/or woodchips in storage structures with a 100 cubic yard capacity. No storage of stone and/or gravel is proposed.

- 4. Confirmation is requested by the applicant that gravel is a suitable finished surface for ADA parking & accessible route area.**

Response: The ADA compliant parking spaces and accessible route are now being proposed to have concrete pavement.

- 5. Further information is requested for the intended method of parking space delineation. Striping paint may not be suitable for permanent markings on a gravel surface.**

Response: The markings on the plans are to demonstrate there is enough room for the proposed parking spaces. Painted striping will not be done on the gravel surface. The parking is primarily for employee parking which can be monitored.

- 6. Proposed concrete curb limits to be confirmed. Previous plan set included only a limited area of concrete curb along the border of the rain garden to convey and pretreat stormwater runoff.**

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Response: The Concrete curb is to be installed along the border of the rain garden to channel the flow into the rain garden through the pretreatment structures. The remaining concrete curbing has been removed.

- 7. Discussion is requested for the parking and material storage area to the southwest in regard to sufficient traffic maneuverability. Conflicts may exist for 'heavy duty' and 'very heavy duty' trucks.**

Response: The company exists, and the use of heavy duty and very heavy-duty trucks occurs on a regular basis. Any conflicts are resolved internally.

- 8. Our office defers to the Building Inspector / ZBA if minor driveway modifications triggers requirements of 230-34-C for a blacktop or comparable surface for at least 50 feet from the right-of-way on McNamara Road.**

Response: Comment noted.

- 9. Various site plan elements appear to be absent from the previously approved site plan, including but not limited to:**

- a. "No left turn for trucks" signage
- b. Fire zone signage
- c. Proposed fence limits
- d. Block wall adjustments (or note current heights)
- e. Lighting Plan

**A thorough review shall be performed to confirm all previously approved site plan elements have been incorporated to the new plans.**

Response: A thorough review of the approved site plan was performed, and revisions were made to the plans.

#### **Grading, Drainage, Utilities Plan**

- 10. Grading detail is limited. Additional spot grades shall be provided to demonstrate:**

- a. Maximum pitch of 2% at ADA spaces is achieved.
- b. Positive discharge to catch basins/flo-gard prefilters.

Response: Additional spot grades have been provided to clarify the proposed grading in the named areas.

- 11. Additional drop curbs appear necessary to accommodate proposed configuration of catch basins/flo-gard prefilters. Outlet of catch basin to be clarified. Detail suggests a piped overflow is needed. Grading/inverts to be confirmed.**

Response: An additional Drop curbs and an additional flo-gard pre-filter have been proposed. The overflow has been designed to flow overland in a grass swale to McNamara Road drainage system. An underdrain is not required in the rain garden if the soil infiltration rate is not sufficient. If soil testing determines an underrating is required, we will design it before construction.

- 12. It is unclear why a catch/basin/flo-gard is not provided for the northern most curb cut near the entrance of McNamara.**

Response: A flo-gard unit has been proposed in the northern most curb cut location.

- 13. The discharge point for the underdrain system and domed overflow riser are absent from the plan. Overflow invert, underdrain invert, and discharge location & invert shall be provided.**

Response: Overflow has been designed to flow overland in a grass swale to McNamara Road drainage system.

### **Landscaping & Erosion Control Plan**

- 14. Various landscaping plan elements appear to be absent from the previously approved site plan, including but not limited to:**

- a. Raised bed planting schedule**

Response: Raised Bed planting schedule is provided.

- b. Bamboo Plantings (show existing and proposed limits if necessary)**

Response: Bamboo plantings have been removed from the details and planting schedules. Native Rain Garden plants have been indicated.

- c. Trees to be relocated**

Response: Trees to be relocated have been labeled.

- d. Rain garden planting schedule**

Response: The Rain Garden Planting schedule is provided.

- 15. It is noted that the proposed scope of work appears to be under an acre of disturbance and therefore a SWPPP is not required. Approximate disturbance area shall be noted.**

Response: The Limits of Disturbance has been indicated and the area of disturbance is 27,297 s.f.

### **Details**

- 16. Grass-crete detail/cross section to be provided.**

Response: Additional Details have been provided.

- 17. Range of rain garden soil media/stone depths to be removed and replaced with actual design depths. Elevations to be indicated on detail including domed riser, top of bank, mulch, soil media, stone, and underdrain inverts.**

Response: Additional Details are provided.

- 18. All applicable details from previously approved plans shall be transferred and incorporated into the new plan set.**

Response: Additional Details are provided.

The following are in response to comments prepared by Nelson Pope Voorhis dated May 22, 2023.

### **Zoning Comments**

**1. A ZBA variance will be required for impervious surface ratio as proposed at 0.46.**

Response: Comment noted.

### **Planning Comments**

**2. We have no problem with the gated emergency access drive connecting the east parking area to Union Road. We believe this would satisfy the condition of the Court decision without any undue adverse impact to Union Road. The grasscrete installation will provide a lawn appearance and will not add impervious surfaces to the site.**

Response: Comment noted.

**3. We appreciate the gravel removal west of the main driveway and restoration of the stream bank with the installation of the “proposed landscape berm.” Please provide details of the height and plant materials proposed for this berm feature as part of the landscape plan (which were not included on sheet 3).**

Response: Additional details have been provided.

**4. We note that on sheet 3 a rain garden is proposed east of the main driveway. We note that on existing conditions sheet 4, about a dozen large trees (including one 24” and one 16”) are located within this rain garden area but are not shown as “to be removed.” Typically when a rain garden is constructed, and underdrain system must be installed, which would require the clearing of all existing vegetation. Please clarify what will happen to the large existing trees if a rain garden is installed in this area indicated.**

Response: The existing trees in the rain garden location will be removed. The trees to be removed have been indicated on the plans.

**5. We note that in the northeast area of the Arborist parking lot (closest to the existing dwelling), the removal of five trees (two are 14” diameter) is proposed, to make way for two overnight truck parking spaces. Could these not be placed on an already cleared and disturbed part of the site? Please provide additional information on the parking demand for the various types of vehicles proposed to be parked on the site. Are 29 automobile parking spaces needed? Are truck parking spaces needed? Please consider whether the gravel parking area expansion proposed, as compared to the existing gravel area, is necessary for the proposed operations. If proposed additional parking can be reduced, it will lessen the size of the ZBA variance need for the impervious surfaces ratio.**

Response: The location of the two overnight parking spaces was requested by the planning board during the previous approval process. The car parking spaces are required for employee parking.

### **GML/SEQRA Comments**

**6. GML review of the project by the Rockland County Planning Department will be needed as the site fronts on two County roads. The project application must be circulated to the Village of New Hempstead for their review and comments per GML 239-nn.**

Response: Comment noted.

**7. Before the previous approval of this project, by resolution 10-16, the Planning Board granted a negative declaration of environmental significance for this unlisted action. We will defer to the opinion of the Planning Board Attorney regarding how re-affirming this Negative Declaration should be handled, given the Court's holding in this case. Please let me know if you have any questions or comments regarding this review.**

Response: Comment noted.

The following are in response to comments prepared by Lange Planning and Consulting dated July 31, 2023.

- 1. Traffic needs to be assessed with the number of daily vehicles projected and the impacts on the county roads determined. I could not find any information regarding ingress and egress trips or peak rates.**

Response: A traffic study is being prepared to address the comment.

- 2. Did the design for the rain garden include percolation tests or was it based on theoretical constructs. I would recommend percolation tests to be completed.**

Response: Percolation tests have not been completed. The minimum percolation rate was used for design purposes. Percolation and soil logs will be provided when available.

- 3. The emergency access road should align with Fairway Oval on New Hempstead Road for better traffic flow.**

Response: The emergency access road has been widened to 26 feet wide as requested by the Fire inspector and realigned to be compatible with Fairway Oval. Traffic flow was not a consideration for this access is only for emergency access use and not for traffic.

- 4. Did Rockland County Department of Highways comment on the emergency access connection?**

Response: Rockland County Department of Highway's comments and responses are attached.

5. **Although the plans show lines demarking parking spaces, gravel surfaces will not preserve the lines. How will the spaces be maintained?**

Response: The car parking spaces are primarily for employee parking. Painted parking spaces are not required. The lines are for design purposes.

6. **The concept of gravel as the travelway surface is not ideal. Did the Village consider more permanent pavement? Permanent curbs are proposed.**

Response: The gravel parking area has been in use for many years and works well for this use. The permanent curbs are only located around the rain garden to funnel the stormwater through the pretreatment structures.

7. **The use of gravel as the surface for mixing and moving materials seems inappropriate as it will not last, nor will it maintain drainage under active conditions.**

Response: The material storage units detail provides a concrete floor. The mixing and moving of materials has been an ongoing activity for many years without any major problems.

8. **It appears that the rain garden will be draining a significant area as sufficient elevation for the property all show a slope forward to the rain garden. The distance exceeds 100 linear feet of runoff. Will this small rain garden be sufficient?**

Response: The rain garden is large enough to provide water quality volume for the project. Rain Garden calculations are attached.

9. **No details were provided for the proposed landscaping berm, the elevation is lower than the nearby 486 contour line.**

Response: The grading has been revised and more details have been provided.

10. **As mentioned in the narrative, granting of this special permit will travel with the property. Is this what the Village of Wesley Hills desires as the long term(forever) use of the property? It appears to me that an interim solution rather than a permanent solution might be a better alternative.**

Response: Comment noted.

The following are in response to comments prepared by Wesley Hill Fire Inspector dated July 10, 2023.

- 1 – I would look for the access road to be 26 feet wide. I know on the proposal it shows 20 feet wide, however with the size of the fire trucks and the fire load at this location I would ask kindly to consider the extra width for the fire service.**

Response: The Grasscrete Emergency Access Road has been widened to 26 feet wide.

- 2 – The crash gate on the property line would require a Knox Box lock on this so the F.D would be able to open at their discretion**

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Response: A Knox Box has been noted on the site plan.

**3 – The parking lot be re-done with the appropriate Fire Zones and parking spots allowing for the Fire Department to operate accordingly.**

Response: The Fire zones and signage has been located on the site plan.

**4 – Confirm the correct Fire Department is on the proposed drawings.**

Response: The Fire Department has been revised.

**5 – Make sure the road is not on top of a septic tank.**

Response: The abandoned septic tank is in the front yard of the existing house and not in the location of the Emergency access road.

The following are in response to comments prepared by Rockland County Sewer District #1 dated July 24, 2023.

**1. The sanitary sewers from this site are connected to the District's sewer system.**

- a. **Upon review of this application, the District has determined that an impact fee is required, in accordance with Section 502A and 1317 of the Rockland County Sewer Use Law as last amended in 2010.**

Response: Comment noted.

- b. **Approval of this application for an emergency access road onto a 96,083 s.f. lot in the R-35 District,**

- i. **To which tax rolls dating back to 2012 assign two (2) sewer units,**  
ii. **Which contains a commercial structure with a landscaping business, and**  
iii. **Which contains a residential structure with a two-family dwelling,**

**will result in one (1) additional sewer unit. Therefore, the applicant must submit a check in the amount of one thousand eight hundred fifty dollars (\$1850.00) payable to Rockland County Sewer District #1 within thirty (30) days of Planning Board approval.**

Response: Comment noted.

- c. **If the use or occupancy of the property exceeds three (3) units (e.g. with additional dwelling units), the District will further review and the owner will have to pay an additional impact fee.**

Response: Comment noted.

- d. **We request that the Planning Board notify the District upon approval of the project.**

Response: Comment noted.

- 2. As this is a non-residential project, Rockland County Sewer District No. 1's "Commercial/Non-residential Wastewater Questionnaire" and the County Planning Information Certification must be submitted to and approved by this office for the landscaping business. The business owner must sign the Wastewater questionnaire.**

Response: The "Commercial/Non-residential Wastewater Questionnaire" will be submitted when appropriate.

The following are in response to comments prepared by Rockland County Center for Environmental Health dated July 17, 2023.

- 1. Application is to be made to the RCDOH for review of the stormwater management system for compliance with the County Mosquito Code.**

Response: The Mosquito Breeding suppression Application will be made when applicable.

The following are in response to comments prepared by Rockland County Highway Department in an email dated September 5, 2023.

- The proposed emergency access shall be gated and closed unless there would be an emergency at the site. The Village will have to enforce it to mitigate the potential traffic congestion issues and promote traffic safety in the area.**

Response: Comment noted.

The responses to the comments prepared by Rockland County Planning Department dated July 24, 2023, were prepared by the applicant's attorney, Ira M. Emanuel, Esq., and are attached.