

MEMORANDUM

TO: Town of Woodstock Planning Board

FROM: Matthew D. Rudikoff Associates, Inc.

DATE: June 20 2019

RE: **WOODSTOCK LODGE** – R-3 Residential Zoning District
Tax Parcel S/B/L 27.14-2-15.100
PB File: Case SPR #16-0359
MDRA File: WD16001

MDRA has reviewed: the Applicant's current May, 2019 SPA and materials; previously submitted 2016-2017 Lodge Application materials and related PB Memoranda; recent ZEO correspondence including building permits; attended PB Case Representative site visit; reviewed Applicant attorney email of June 12, 2019 re: deleting building expansions from the Application and has had correspondence with UCDOH in preparation of this Memorandum.

The Site Plan Sheet A14, titled Proposed Site Plan and dated May 2, 2019 attached to the Application under SPA review indicates proposed activities listed in the Legend including: landscaping, parking, lighting, proposed building additions", etc. However, a number of the "proposed building additions" indicated in the site plan Application are either already completed or currently under actual construction. The authority for the construction, the PB has been told, is under one or more current Town Building permits. Further, it appears that the additions are shown in the site plan differently from where the construction appears and other construction activities do not appear on the proposed Site Plan such as fencing and waste disposal facilities.

As an overall Planning matter (pertinent to the PB's current site plan review) – if it should be determined that any of the said work being supposedly performed "under" those building permits - had actually required prior PB Site Plan, environmental review, ZBA or other Agency approvals prior to the issuance of building permits for that work – the actuality that some of the proposed activities are already entirely or partially constructed – may have no bearing on the land use, planning and environmental decisions of the PB, as SEQR/TWEQR Lead Agency, addressing, ZO compliance, neighbor protections, infrastructure, environmental impacts, among other things. Further, in that case, there have been remedies, properly determined and enforced elsewhere, which required removal of such constructed measures by the owner.

The site visit and photographs taken during the site visit, indicate that work currently completed or being performed includes interior work as described to the Planning Board in its May 2nd meeting but that exterior work was also underway including new foundations and new building construction outside of existing footprints, subsurface infrastructure and other site improvements such as the fencing behind the pool and Building 8 - not shown on the submitted site plans.

Procedurally, to move the current Application review forward the Applicant should prepare a response submission providing a narrative with answers to the questions or concerns raised in this Memo as well as to additional comments of the public and the Planning Board. The comments below include comments from the 2016 and 2017 PB Memos which remain unanswered and still relevant.

COMMENTS

1. The Applicant should indicate that the prior 2016 Application(s) for the Lodge are withdrawn and should submit a property survey locating all existing and proposed improvements, ROW's and other encumbrances.
2. Submit a Full EAF and attachments required to enable the Planning Board to initiate the SEQR/TWEQR process by declaring themselves Lead Agency for the required coordinated SEQR review. As detailed below the project is a Type 1 TWEQR action. A previously submitted FEAF dated August 19, 2016 has been reviewed and should be updated to address the comments below.
3. Confirm that new construction completed was calculated as " 25% Allowable Area Increase" in building size gross floor area and not a 25% increase in footprint areas.
4. For the Tabular Summary - add two (2) columns: one (1) for "Proposed Units" and one (1) for "Proposed Bed Rooms." Are there no kitchens except for the Lodge?
5. What is the purpose of the 685 SF "Studio"; and could it ever be a rentable Unit?
6. Regarding units which contain 2 or more bedrooms, document that NO bedrooms in these units have their own bathroom and potentially separate keyed entry.
7. What is the status of subsurface work in connection with UCDOH decisions that permitting is or is not required. Denise Woodvine, UCDOH Environmental Health Manager, has said via email to me that DOH has received no plans or Applications for the project and that she spoke to Jonathan Skurnick and said to him to have to project engineer contact the DOH. The ZEO has since notified the PB that the Applicant's engineer has notified the ZEO that plans for the repair of two existing units will be submitted and UCDOH contacted for coordination. It should be determined which buildings' septic systems are being referred to and what plans were reviewed by whom if the already installed septic system improvements are the ones being referred to. The Applicant should advise the PB on the status of the UC DOH for coordination

Additionally, has the new owner been apprised about the previously stated opportunity to connect the project to the Town of Woodstock central sewer system and the potential long-term benefits of that option. It is recommended that the Town Engineer be brought on to work with the Applicant's engineer regarding this wastewater solution.

8. As the PB discussed, if the Planning Board determined that it required other input from the PB Engineer - it could be for water, sewer, storm water management (ZO §260-77 A. (5) and (6), proposed parking design for snow plowing and emergency vehicle access, safety of

traffic lanes at driveway constriction and turn arounds, grading, ADA, deliveries, waste, etc. Planner work would be coordinated with potential engineer work to minimize overlap.

9. The Planning Board can determine that the increase in the Lodge building size or the gross floor areas of the residential units are increases in size - which would trigger a review to consider a PB waiver for the deficient existing driveway specifications.
10. Potentially required Variances or PB Waivers:
 - Building expansions in required setback
 - Parking in required setbacks and determination if the setback standards for R3 apply or the standards set forth in ZO §260-63 M, for Motel uses when adjacent to R3 zoned uses.
 - Height of the fence behind building pool and building exceeds the maximum height of a fence allowed in ZO §260-35, appears to encroach on the adjacent property line and is not shown on the site plan.
 - Driveway width (PB waiver)
11. The site appears to have less than 10 feet of street frontage with driveway access over an abutting property. The site is located in, and surrounded by, other parcels all presently zoned R-3, which Zoning District does not permit the existing or proposed expanded uses of the site. The existing use of the property is 'pre-existing nonconforming'. In addition, several of the existing buildings are dimensionally nonconforming given their locations within required setback yard areas.
 - a. Although nonconforming buildings may in certain circumstances increase in size by up to 25% in area per the nonconforming use standards in Zoning §260-94, they are not otherwise permitted to be extended additionally in the required yard areas of the site, nor can the nonconforming use be extended, as is proposed for nearly all the site buildings.
 - b. Hotel/motels are otherwise subject to a Special Use Permit, and are further regulated pursuant to the use specific supplemental standards set forth in Zoning §260-63M, which includes supplement setback standards for motel use buildings and off-street parking areas. Many of the existing and proposed Woodstock Lodge buildings and off-street parking facilities do not comply with these supplemental standards, much less the underlying R-3 District bulk standards. Details of compliance with the hotel/motel supplemental use standards should be provided.

Further, in connection with the Lodge building and the planned and advertised events and programming; all music and other electronically amplified sounds, announcements, etc. are to be only interior to that building and not on outdoor decks or other outdoor areas and must comply with all 'public assembly' standards.
 - c. Where abutting an R8, R5, R3, R1.5, HR or PRD Zoning District, buildings for a motel use require a 100-foot setback per Zoning §260-63(M)(2), while off-street parking areas require a 150-foot setback per Zoning §260-63(M)(3). The proposed modified buildings and portions of the new off-street parking facilities do not comply with these motel specific setback standards. In fact, the project site does not appear to provide many locations which might otherwise comply with these setback standards. Therefore, either rezoning or a zoning text amendment to modify these standards, or numerous zoning use and area variances would

be required to permit consideration of the reconstruction and expanded aspects of the project.

12. For parking provide: the basis and required parking calculation through the ZO use specific standards, the basis in narrative for the validity of the 50% redundancy factor and that it has not been taken twice, if parking for project employees at peak hours for Lodge, rooms, reception, maintenance is included. Provisions for required off-street loading and maintenance parking to serve the expanded lodge facilities should also be detailed and appropriate facilities shown on the Site Plans. Design details (dimensions, surface materials, construction) of the proposed parking facilities and pedestrian walkways should be provided.
13. The submitted Site Plan requires additional details to better understand the proposed level of site activity and disturbance, and to better evaluate project impacts under SEQR. The EAF should also be updated as the Site Plans present more details of the proposed action including unit floor plans. The following is a preliminary identification of the likely detailed plans and information needed:
 - Current Certified Site Survey and Existing Topographic Map (2-foot contours)
 - Zoning Compliance Plan and Table, including compliance with the following:
 - Zoning §260-58 Development on Steep Slopes
 - Zoning §260-45 Required Screening
 - Zoning §260-42 Swimming Pools
 - Zoning §260-31 Sign Regulations
 - Zoning §260-30B Design Standards for Off-Street Parking Spaces
 - Zoning §260-30D and E Required Loading Spaces and Design Standards
 - Zoning §260-25 Distance Between Principal Buildings on Same Lot
 - Zoning §260-24 Accessory Structures and Features in Yards
 - Zoning §260-22 Height Additions
 - Zoning §260-19 Maximum Floor Area for Nonresidential Uses
 - Grading, drainage, utility, erosion and sedimentation control plans and SWPPP.
 - Phasing, lighting, landscaping and signage plans.
14. The extent and proximity of surrounding development should also be shown to determine adequacy of the site landscaping screening and buffering; noise and also, in regard to septic systems and wells.
15. On site existing and proposed dumpster facilities (or other service related facilities) are not shown or detailed on the Site Plans.
16. In regard to the Architectural Floor Plans current floor plans not submitted:
 - a. Prior Sheet A100 shows a staircase in the expanded restaurant kitchen area but does indicate any other floor plans for this building.
 - b. The restaurant (southeast corner, entrance and front outdoor areas) and several of the lodge unit floor plans (#2, #3, #5, #8, and #9) do not match the footprints shown on the Site Plans, particularly in regard to the location and size of unit entryways; some of the unit configurations; and in regard to the structural connection proposed for units #5, #8 and #9.

- c. The proposed restaurant footprint expansion is too close to the existing site access driveway (is proposed at the edge of the existing driveway).
- d. No floor plan is provided for the pool cabana or studio buildings.
- e. None of the lodging units appear to be handicap accessible.
- f. The location of housekeeping and maintenances operations and storage are not detailed.

SEQR

17. The proposed action appears to trigger one or more of the TWEQR Type 1 thresholds listed below and therefore should be classified as a Type 1 action pursuant to TWEQR including:

- §65-12B(2)(a)[2]
- §65-12B(2)(c)[2]
- §65-12B(2)(d)[2] for nonresidential projects disturbing greater than 5 acres or including over 50 parking spaces, or over 10,000 sf of gross floor area.

As a Type 1 action, a coordinated environmental review among SEQR Involved Agencies is required. Based on the information provided, a preliminary list of potential Involved Agencies would appear to include: Woodstock Planning Board; Woodstock ZBA and the Ulster County Department of Health

Preliminary interested agencies would include: Woodstock Fire Department; Woodstock Commission for Civic Design (CCD) and the Woodstock Environmental Commission (WEC)

The FEAF downloaded from the NYSDEC website and submitted in August, 2016; or a new FEAF should be revised to address the following and submitted to the PB:

- C.3.b. The response should be revised as 'NO' given that the Schedule of Uses does not include either a hotel/motel or restaurant as a permitted use in the underlying R-3 District. The revised negative response should be supplemented with a narrative indicating that the proposed action is proposed as a continuation of an existing nonconforming use, as well as to address compliance with the proposed nonconforming use expansions, and expanded encroachments by buildings and parking in required yard areas.
- D.1.e. Details of proposed phasing should be provided both in narrative form and on the Site Plans to identify sequencing and duration for major work on demolition, building construction and site improvements, including the rationale for the phasing, project operation after Phase 1 completion, and if any temporary facilities will be required for the phasing.
- D.1.g. A more complete response regarding new nonresidential construction should be provided, including reference to the Site Plan set and a summary of the basic information about the nonresidential construction identified in the corresponding sub-questions (i through iii).
- D.2.c. (Also relates to D.2.d.) Supporting backup details of how the calculation of 8,600 gpd for water use was determined should be detailed in Engineer's Report, which report should also detail any needed or proposed changes or upgrades. Also,

- existing or proposed provisions for grease or waste oil disposal from the restaurant should be noted.
- D.2.d.v the adequacy of the existing septic facilities should be summarized in an Engineer's Report, which report should also detail any needed or proposed changes or upgrades and discuss the viability of connection to the public sewer.
- D.2.d.vi Will the project include any water recycling features?
- D.2.e. The affirmative response requires questions (i through iv) be addressed and raises issues regarding proposed onsite disturbance, storm water collection and treatment (including sustainable green practices such as rain gardens and bio-swales to be used as required in compliance with the SPDES General Permit), erosion and sedimentation planning, compliance with applicable standards for which detailed engineering will be required.
- D.2.f. In regard to air emissions; a 'YES' response should be provided for the restaurant exhaust fan and complete other pertinent questions.
- D.2.j. Changes in traffic generation from existing conditions to that of the expanded facilities should be quantified.
- D.2.j.iii. The FEAF indicates "47 existing" parking spaces and provides no response in regard to proposed parking. Revise response to be consistent with the Site Plan.
- D.2.n.i. A response should be provided regarding proposed outdoor lighting, including details of light emissions and fixture details consistent with the Site Plan.
- D.2.p. The source of energy used for heating, the restaurant, pool, lodging units and their kitchens, if any, should be identified to clarify the lack of apparently any onsite storage of fuel resources.
- D.2.r.i A response should be provided.
- D.2.s. The response should be revised as 'NO' and sub-question i left blank.
- E.1.a.ii A response should be provided.
- E.1.b. A response should be provided.
- E.2.f. The response is incomplete as the other slope range categories should also be completed.
- E.2.h. The response should be yes. The Town's Wetlands/Watercourse Map (as well as the Tax Map), indicate an on-site stream that is subject to a regulated 30-foot watercourse buffer area. There may also be fringe wetlands associated with the stream. The boundaries of those resources and buffers should be identified on the Site Plan where any project improvements are located proximate to them such as improvements associated with the reserved parking area west of the pool.
- E.2.m (Also E.2.n, E.2.o and E.2.p.) Provide qualified evaluation as response
- E.3.f. The automatic / self-populated response indicates that the site is sensitive for potential archeological resources. The Applicant should contact SHPO to determine if that includes the Project's specific location.
- E.3.h. A response should be provided.

PROCEDURAL STATUS SUMMARY and REFFERALS

18. The application lacks detail on the plan revision, Site Plans, FEAF and PB Memo responses - to initiate SEQR or to make the necessary referrals; both should be revised accordingly as commented herein.
19. The Planning Board's review of the proposed action will require referral to Ulster County Planning as well as to Woodstock's WEC and CCD. However, such referrals should be

done when more complete (detailed) project plans and FEAF are submitted and deemed satisfactorily complete.

MDRA / June 20, 2019