

MEMORANDUM

TO: Town of Woodstock Planning Board

FROM: Matthew D. Rudikoff Associates, Inc.

DATE: April 15, 2020

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

Current Materials reviewed:

- Memorandum – Sive, Paget & Riesel, 02/20/20
- EAF – 02/20/20
- Application Submittal:
 - SHPO Statement re: SEQRA
 - UCDOH Septic Approvals
 - 2015 Existing Conditions Photographs
 - 2015 Existing Floor Plans
 - 2019 Proposed Floor Plans
 - Lighting Fixture Cut Sheets
 - Sign
 - 2019 Lodge Building & Cabins 1 & 8 Demo Application
 - 2019 Lodge Building & Cabins 1 & 8 Construction Application
 - 2019 Cabin 2 Demo & Construction Application
 - 2016 Site Survey
 - 2019 Site Survey
 - Proposed Architectural Site Plan
 - Proposed Architectural Site Plan Detail
 - Existing Conditions Architectural Detail Plan
 - Lodge Building & Cabin 1 & 8 Demolition Filing Document
 - Lodge Building & Cabin 1 & 8 Construction Filing Document
 - Lodge Building Cabin 2 Filing Document
 - 2019 Septic Plan

REVIEW SUMMARY

The following memorandum provides a review of the above noted materials and has been prepared to clarify the current status of the application while identifying remaining unanswered questions from the previous **MDRA** Planning Board Memorandum dated “June 20, 2019 – *Updated July 18, 2019.*” This memorandum also includes new comments based on the current submission and new comments from Planning Board Engineer, Dennis Larios and email received from Ulster County Health Department’s Assistant Public Health Engineer, Anthony Puccio dated March 10, 2020.

Review Summary conclusions are:

1. The Planning Board Engineer Brinnier & Larios has spoken to the Ulster County DOH which resulted in the email attached to this Memorandum from which Dennis Larios concludes that without additional submittals and approvals from DOH and DEC the project would not be able to commence operation.
2. Planning Board Engineer Larios also indicated that the Applicant's project engineer has indicated to him (and the Planning Board) that an engineer's report addressing current septic facilities, improvements, conditions, permitting status and future central system hook-up feasibility would be forthcoming and has not been received. Further, without that engineering report no steps toward beginning consideration of a future hook-up into the Town's central septic system, that will be a required condition of current Planning Board approvals - would be possible and will need to be received to initiate the process with the Town of petitioning entry into the system.
3. The Applicant's Project Attorney claims that because the project is a continuation and not an expansion of a pre-existing use the need for site plan review is "arguable". As indicated below, it cannot be determined that the new structures and uses are an expansion. However, the need for a site plan review is fully warranted by the proposed inclusion of other new site plan elements including: parking, fencing, paths, lighting, signage, grading, landscaping and other improvements.
4. In order to review elements of the site plan prior to any Planning Board action, the Planning Board engineer has stated that an engineered site plan is required to enable a technical review of various elements of the project design.

DETAILED COMMENTS INCLUDE:

As previously commented, the site appears to have less than 10 feet of street frontage with driveway access over an abutting property. The site is located within, and surrounded by, other parcels all presently zoned R-3 District. The existing lodge (43 seat restaurant and 35 bedroom overnight accommodations) is not a permitted use but rather is a "pre-existing nonconforming use." In addition, several of the existing buildings are "dimensionally nonconforming" as to setbacks (whole buildings or portions of buildings are within required setback yard areas).

EXPANSION OF BUILDINGS

As a result of construction and reconstruction of certain site buildings without full Planning Board review, the question as to whether the building construction/reconstruction has expanded historic building footprints has been evaluated. After review of available materials, Building Department record plans and photographic records, there is no clear indication that the current existing and reconstructed buildings were expanded from the documented historic sizes of site buildings. However, certain reconstructions may be in slightly altered locations. Lacking historic accurate survey maps or a previously approved Site Plans or As-Builts it is not possible to fully confirm.

STATUS OF CURRENT UCDOH SEPTIC APPROVALS

It is the applicant's intent to connect to the municipal central sewer system but prior to that, the applicant seeks a temporary Certificate of Occupancy (see related comments below) for the use of

the premises with re-instatement of the previously stopped Building Permit work and proposed interim utilization of existing onsite septic systems pending the design, approval and connection to the municipal central sewer system. An Engineers Map and Report for the sewer connection should be provided and incorporated into the Site Plans and FEAF (see related comments below). The applicant should also provide a status update of the UCDOH review and approval of the various project components including the pool, mobile food venue, restaurant, and lodge units.

TEMPORARY C.O. (CO)

In regard to issuance of a Temporary CO, below are excerpts from Woodstock's Zoning Law which shed some light on issuance of a CO or a temporary CO in certain instances where warranted.

§260-99B(2) specifically relates to work under the Planning Board's Special Permit and Site Plan approval process. Obviously a CO is not issued until approvals are granted and all the work is completed according to those approvals and any conditions imposed thereon:

- B. Issuance of certificates of occupancy or use.
- (1) Except as provided in § 260-24D of this chapter, no use shall be established on land or structure occupied or otherwise used until the Zoning Enforcement Officer has issued a certificate of occupancy or use stating that the use, land and structure comply with all applicable provisions of this chapter.
 - (2) Further, no certificate of occupancy or use shall be issued for any special use of a building or land requiring special permit or final site plan approval by the Planning Board unless and until such special use permit or final site plan approval has been granted by the Planning Board. Every certificate of occupancy or use for which special use permit or final site plan approval has been granted, or in connection with which a variance has been granted by the Zoning Board of Appeals, shall contain a detailed statement of any condition to which the same is subject and include, by attachment, a copy of such Board of Appeals or Planning Board decision.

§260-99C does allow in certain instances for temporary COs – this could be accounted for with a Planning Board approval (i.e., implementing a project in phases):

- C. Issuance of temporary certificates of occupancy. The Zoning Enforcement Officer shall issue a temporary certificate of occupancy for a period of 12 months, renewable for two additional twelve-month periods, when the following criteria have been met:
- (1) The structure shall be occupied by the owner/builder;
 - (2) Ulster County Health Department approved water and waste disposal systems shall be in operation;
 - (3) There shall be access for emergency vehicles to reach the structure; and
 - (4) The structure shall be safe for habitation.

SEQR CLASSIFICATION, COORDINATION AND FEAF REVIEW

The proposed action pursuant to SEQR/TWEQR meets the classification criteria of an Unlisted Action. As indicated in prior memorandums, the Planning Board could initiate a coordinated environmental review by declaring its intent to serve as lead agency and initiating the preparation of Circulation for Lead Agency Confirmation distribution materials. A coordinated review with other involved agencies such as the Town Board and the UCDOH is appropriate given the future central sewer connection and temporary use request to utilize the existing septic facilities prior to connection, which requires Town Board and UCDOH involvement. The ZBA might also be involved.

Description of Action – The FEAF Project Description describes the project as “site improvements, including designating parking locations and spaces.” However, the description should be expanded to also indicate the other proposed project elements (i.e., central sewer connection; building

renovations, construction of ADA pathways; construction of refuse enclosure; installation of new “bus” structure, signage, lighting and landscaping; construction and delineation of defined parking; related site grading; etc.) all of which are subject to Planning Board review and approval.

Reference to the approvals for the proposed connection to the central sewer system and the related infrastructure improvements needed to accomplish such should also be described and referenced in the FEA. The extent of sewer line routing and construction, including associated off-site disturbances and construction should also be detailed on the Site Plans and FEA.

FEAF Specific Comments:

- B.a Government Approvals – Check “yes” for Town Board approval relating to connection to the central sewer system.
- B.c The Zoning Board of Appeals might be involved as well (see related comments below).
- B.e Check “yes” for Ulster County Planning §239-LMN referral and for Ulster County Health Department approvals relating to temporary CO use of septic, as well as for connections to central sewer; and operations of pool, mobile food unit, and lodge restaurant.
- C.3b Clarify hours of operation as stated in response to D.2l as being “24/7” for lodge/restaurant facility. In separate narrative, address potential impacts and mitigation pertaining to lighting, noise, odors, new bus feature, etc.
- D.1b Provide supporting figure showing the limits of disturbance in support of less than 1 acre, including disturbance area for connection to central sewer system.
- D.1c Footnote the changes proposed in parking, lighting, at the pool, etc.
- D.1g Revise as “yes” and indicate the addition of the new “bus” structure and mobile food unit.
- D.2d Revise as “yes” and address questions in regard to the proposed connection to the central sewer system; and provide a separate narrative detailing the necessary steps to accomplish connection, as well as the financial and other commitments to proceed with the connection, including schedule, Districting, etc. as well as an Engineer’s Map and Report detailing the proposed central sewer connection (incorporate into the Site Plans).
- D.2e Revise as “yes” and complete the corresponding questions (i through iv), for the cumulative disturbances of the site and sewer connection. Identify stormwater pre and post construction management (including any sustainable green practices such as rain gardens and bio-swales used as required in compliance with the SPDES General Permit) and erosion and sedimentation controls.
- D.2p the source of energy used for heating, the restaurant, pool, lodging units and their kitchens, if any, should be identified, with clarification about the apparent lack of any onsite storage of fuel resources.
- D.2.r.i Also complete question i.
- E.1b Provide existing and proposed coverages given the proposed changes to the site for establishment of formal parking, existing and new walkways, “bus” structure, etc.
- E.2c Provide the relative percentages of each soil type.
- E.2.h. As previously commented, the response should check “yes” absent a qualified wetland biologist site assessment given that 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.
- E.3g Reference the SHPO response letter and conclusion.

SITE PLANS

Contrary to the applicant's indication, the review and approval of the internal floor plans are a Site Plan component under the jurisdiction of the Planning Board. Also contrary to the applicant's indication, the much needed and positive parking reconfiguration and formalized delineation thereof is a "proposed" activity (the historic unsanctioned haphazard parking throughout the site does not make such legally pre-existing). Further, it is the Zoning Regulations and SUP/Site Plan permitting standards that call for and require a detailed and engineered Site Plan. The submitted Site Plans are more of a Concept or Sketch Plan. The purpose of the Site Plan is to document that which is accepted as existing and that which is to be considered proposed. Its additional purpose is to provide a record of exactly what has been authorized by the Planning Board, thereby avoiding future misinterpretation of same. The Site Plan is also what is used to define the detail of approved construction activities. Additionally, the applicant perhaps misunderstood what is called for in regard to "full compliance" – this is not asking that legally pre-existing nonconforming conditions be revised to conforming, but rather that "proposed" features are subject to compliance with the Zoning Regulations standards and need to be detailed accordingly. To this end, the Site Plan should be revised to address:

1. All new features and existing features being changed, reconfigured or relocated should be labeled as "proposed" (i.e., parking, overflow parking, "bus" structure, sewer connection work, ADA walkways, signs, lights, landscaping, related grading, etc.)
2. It is unclear why the Survey Maps are titled as "Subdivision Maps" – these are not subdivision maps and their titles should be revised accordingly.
3. As previously commented, a **Grading, Drainage and Utility Plan** (prepared by a Professional Engineer) should be provided given the extent of site renovation work (parking, landscaping, pool related, new and reconfigured walkways and entries, overflow parking, sewer connection work, etc.) Plans detailing site grading, drainage, utility, erosion and sedimentation controls and SWPPP should be provided. Thereafter referred to Town Engineer.
4. As previously commented, a **Landscaping Plan** should be provided with keyed plantings as to species, installation size, quantities of each species and other specifications typical of a landscape plan. Plant installation details should also be included. Also, as previously commented, the extent and proximity of surrounding development should be shown to determine adequacy of site landscaping screening and buffering.
5. As previously commented, a **Lighting Plan** should be provided showing and labeling any existing exterior lighting to remain, lighting to be removed and proposed new lights keyed to installation details (on the Site Plans directly – the manufacturer specifications specific to the lights proposed should be transcribed directly onto the Site Plans). A photometric plan should also be included to show light emissions and minimization of light impacts on neighbors.
6. As previously commented, a **Sign Plan** should be provided. The Survey plans and Site Plans should show and identify the location and types of different signage existing and proposed. Details of proposed signs should be included directly on the Site Plans. As previously commented, such should also address zoning compliance in regard to size, number and design and allowance in regard to the non-conforming use stature of the premises. Signs believed to be pre-existing nonconforming should be identified and documented as to their origin.

7. Off-Street Parking

- a. Previous comments relative to the design details of proposed parking have not been addressed (i.e., regarding grading, drainage, parking stall size, and suitable protective measures for when parking spaces are in close proximity to steep drop-offs in grade, etc.).
- b. The Area Summary Table should be revised to include parking standards and reference to the applicable parking standard ratio(s). Parking spaces should be dimensioned consistent with Zoning §260-30B(4)(a), which requires a dimension of 9 feet by 20 feet. Also, dimensional compliance of the travel aisle widths is required to be 26 feet wide (not 20 feet as proposed) per Zoning §260-30B(4)(a)[5]. The back portions of the parking areas are proposed (not pre-existing nonconforming).
- c. The non-parking space undersized areas next to proposed parking spaces #32 and #40 should be absorbed into the adjacent landscape islands.
- d. Adequate drainage of the proposed parking spaces is required per Zoning §260-30B(5).
- e. Undefined stonewalls (as to construction) are proposed flanking several proposed parking spaces. Such is not conventional and depending on construction may not be recommended. Construction details for this feature should be provided (and referred to the Town Engineer).
- f. In regard to the proposed overflow parking area:
 - A portion of the overflow parking area is proposed within the required yard setback where not permitted and would be subject to ZBA consideration.
 - A parking use demand analysis should be provided to support the basis for the number of proposed overflow spaces (21 reserve spaces are proposed).
 - Identify the code provision by which overflow spaces are an acceptable means of satisfying minimum required off-street parking.
 - Provide proposed mechanism by which the Planning Board can require the formal construction of the overflow parking if deemed warranted or needed more often.
 - Provide inset plan showing compliance with parking space and aisle standards.
 - Provide long term maintenance plan to ensure surface conditions will be maintained in good repair.

8. Site Buildings and Structures

- a. As previously commented, the mobile food unit is a new accessory use and structure not currently included within the scope of the pre-existing nonconforming use, thus is an expansion (its allowance might require a variance for both its use and location within the setback yard).
- b. As previously commented, the dumpster facility lacks adequate Site Plan construction details (base concrete pad, enclosure structure and gate construction, coloring/finish, etc.).
- c. The proposed changes to the outdoor seating and outdoor seating area should be shown and labeled more specifically.

9. Ulster County Health Department Correspondence

Planning Board Engineer Dennis Larios reached out to UCDOH Assistant Public Health Engineer Anthony Puccio to ascertain where UCDOH was with Lodge submittals and approvals and got the following response last month.

From: Anthony Puccio [<mailto:apuc@co.ulster.ny.us>]
Sent: Tuesday, March 10, 2020 10:48 AM
To: dmlarios@blengineers.com
Cc: Denise Woodvine
Subject: FW: Woodstock Lodge - plan dated 6/20/19

Dennis,

FYI. Not sure if this was ever completed in total. We understand that the new owners (Selina) were trying to get permission to go through the school property to connect to the muni sewer (?). No response.

Also; no SPDES permit for the facility nor Flow Confirmation letter. The water system was active & on file with the UCDOH but no recent activity since the facility was shut down. Pool was approved 5/30/18.

Let me know if you need anything else.....Tony

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CC:

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