

MEMORANDUM DRAFT

PPBS inc.

Planning Programming Budgeting Services Inc. 50 Elmwood Drive Highland Mills, New York 10930 845 827-6407

TO: Town of Gardiner Planning Board

FROM: James M. Freiband, Principal Planner

DATE: October 11, 2018

SUBJECT: Lot Line Revision; Major Special permit -Major Site Plan Application (Taylor Family Partnership) for Heartwood (Electric Bowery); Route 44/55 and Shawangunk Kill (Public Hearing Closed)

1. As requested I have reviewed the final revised site plan dated Sept 4, 2018 with revisions to Plan Sheets for Stormwater; Basins 3&4; Firetruck Plan and Highway Improvement plans dated October 2, 2018. The Board has also received an updated SWPPP dated 10/2; Medenbach Response Letter dated 10/2; Draft Conservation Easement; Draft Conservation Easement for Agricultural Parcel; Shinin Yoku – Heartwood responses to public hearing commentary; Heartwood Trespass Mitigation Plan; Updated viewshed transect for the Shawangunk Kill and Wildlife Mitigation Response.
2. The Board now has the complete record of the applications on which to consider the final processing steps to complete pending Lot Line Revision; Special Permit findings required by 220-63B 1- 12 and Site Plan Approvals 220-65 D 1-5. SEQR is complete and a negative declaration has been approved and filed.
3. LOT LINE APPLICATION: I had reviewed the Taylor Family Partnership lot line revision application in June 2017. The application was held in abeyance while the special permit and site plan for Heartwood was in process. I now recommend approval of that application before acting on the special permit and site plan. The lot line application will reallocate lot area between the Special Permit Use and the agricultural use. By limiting the special permit to the resulting Heartwood lot there is no question as to the use of the agriculture lot for the lodging activities.
4. SPECIAL PERMIT APPLICATION: I have compiled the required special permit findings(220-63B) and referenced the record corresponding to those requirements: (The Negative Declaration file is (<http://www.townofgardiner.org/HEARTWOOD%20NEGATIVE%20DEC%20SPCL%20PMT%20SITE%20PLAN%20REFERENCES.pdf>)
 - a) Comply with all applicable land use district, overlay district, floating district, and other specific requirements of this and other chapters and regulations, and will be consistent with the purposes of this chapter and of the land use district in which it is located. *Building Inspector Letter February 3, 2017*. Heartwood PH Responses 10/1/18
 - b) Will not result in excessive off-premises noise, dust, odors, solid waste, or glare, or create any public or private nuisances. Negative Declaration #5 #8 #9 #13 #14 #15 #16; Heartwood PH Responses 10/1/18
 - c) Will not cause significant traffic congestion, impair pedestrian safety, or overload existing roads, considering their current width, surfacing, and condition, and any improvements proposed to be made to them by the applicant. Negative Declaration #12; NYSDOT Ltr 2/28/18 and PERM 33
 - d) Will be accessible to fire, police, and other emergency vehicles. Fire Commissioner Ltrs April 3, 2017 et al; Heartwood PH Responses 10/1/18
 - e) Will not overload any public water, drainage, or sewer system, or any other municipal facility. Negative Declaration #2 SWPPP ; Sterling Env Report 3/20/18 et al

- f) Will not materially degrade any watercourse or other natural resource or ecosystem, or endanger the water quality of an aquifer. Negative Declaration # 2 #3 #6 # Other Factor Listing; Miller Hydrologic Reports; DOH ltr
 - g) Will be suitable for the property on which it is proposed, considering the property's size, location, topography, vegetation, soils, natural habitat, and hydrology, and, if appropriate, its ability to be buffered or screened from neighboring properties and public roads. Negative Declaration #1 #2 #3 #4 #5 #6 #8 #10 #17 #18 Sterling Ltrs March 12 , Aug 18; Ulster Cty DOH Ltr August 9 2017; Heartwood PH Responses 10/1/18
 - h) Will be subject to such conditions on operation, design and layout of structures, and provision of buffer areas or screening as may be necessary to ensure compatibility with surrounding uses and to protect the natural, historic, and scenic resources of the Town. Negative Declaration #1; # 6 #7 #8 #9#17 #18 Cerami Report April 9;
5. RECOMMENDATION ON SPECIAL PERMIT: As provided in 220-63 the Planning Board has received a completed application and by virtue of the prior hearing records and the reports of its consultants as well as relevant agency report, is now able to act on the SPECIAL PERMIT application. Based on my examination and recitations above, I recommend that the Planning Board grant the requested special permit on condition for specific performance of the plans and specifications presented and subject to the determination of the DEC action on Part 666 regulations.
6. SITE PLAN APPLICATION: As set forth in 220-65 the Board is also required to complete specific findings on the PROPOSED SITE PLAN APPLICATION. Those criteria are listed in 220-64D. While it is not required that these be written findings, given the public hearing commentary I have provided a synopsis as follows:
- a) Illustrated design guidelines: Applicable to residential development forms only.
 - b) Layout and design: design preserves natural features; are integrated within the site; are not visible from public roads and are compatible with adjacent structures; all setbacks are met or exceeded throughout the site; are provided with pedestrian access throughout the site and adjacent public space; do not impact on historic resources and all utilities are underground.
 - c) Landscaping: The landscape design is extensive and sensitive to use of native species and are professionally detailed to enhance the year-round backdrop of the natural landscape as a resource. Landscaping requirements for parking areas are met.
 - d) Parking and circulation: The site has established circulation pathways consistent with the activities proposed on the site and minimize the impact on the natural landscape. The specific internal circulation features are sufficient to provide safe and convenient access, including handicapped access to virtually the entire site: not just structures. Highway access has been endorsed by NYS DOT and meet commercial drive requirements from Rte 44/55. Emergency access has been reviewed by local responders; parking area wheel stops are provided. Items (g) and (h) are not applicable.
 - e) Reservation of parkland: While there is no requirement per code for this use; the applicant has designed the site as a recreation resource and has also set aside 33 acres as continued permanent agricultural use which also serves as visual continuity along Rte 44/55 consistent with the Comprehensive Plan and the SPO Zone.
 - f) Miscellaneous Standards: Noise has been addressed both by site selection and by continuous monitoring and sound limiting; Drainage has been addressed by emphasizing onsite recharge and measures documented in the approved SWPPP; There is no construction or demolition debris associated with the project; there is no contaminated material on the former agricultural site.

7. Ulster County Planning Board has also reported on the project plans in referral 2018- 116 and 117. The County provided 3 recommended modifications. The Board has addressed each of those recommendations during the completed SEQR process including information in the application and utilities. The suggestion to use some of the open site area to install a solar farm would run contrary to the Part 666 requirements to minimize the visual impact within the recreational river corridor. The applicant's clear intention is to blend the development into the landscape to the extent possible including all underground utilities. As a U.C.P.B. *recommendation*, no Board override is required.
8. ACTION ON SITE PLAN: An action on site plans is outlined in 220-66 F(2). One of the zoning code drawbacks is that there is no provision for preliminary and final actions which means that many of the plan components (Water supply; Sewerage; Part 666 permitting; Highway Access; SWPPP; SPEDES) which are regulated by NYS DEC; Ulster County DOH and NYS DOT and are left to those agency actions, following the Town Planning Board action. Usually these approvals result in additional changes to the site plan which will then return the applicant to this Board for required amendments. An inherent condition in this current Board action is that any changes required to *site plan features* (as opposed to system design) by other agencies must be submitted to this Board for the final site plan to be filed with the Building Inspector.
9. Based on the criteria of 220-65D and the prior action on the special permit, the Board should consider a number of conditions for action on the site plan as follows:
 - a) Specific performance of the site plan of the various dates cited in paragraph 1; the SWPPP ; the required conservation easement filing (to be completed with the Board Attorney and Town Board); the agricultural property easement filing (also be completed); the updated Signage plan A4.00 of 9/1/18; The March 1 Heartwood Responses to Brennan Comments; The October 1 Heartwood Responses to the "7 Requests"; Sound Mitigations Equipment listed in the October 1, Heartwood Response; The representations listed in the Negative Declaration as published in the ENB.
 - b) Subsequent modifications required by the DEC; Ulster County DOH or NYS DOT to the site plan features shall require filing of a site amendment as provided in 220-68D.
 - c) Payment of fees and plans in final form with applicant's signature.
10. RECOMMENDATION: As set forth above in detail for the Lot Line Revision; for the Major Special Permit and for the Major Site Plan.

MEMORANDUM**PPBS** inc.

Planning Programming Budgeting Services Inc. PO BOX 471 Highland Mills, New York 10930

TO: Town of Gardiner Planning Board

FROM: James M. Freiband, Principal Planner

DATE: June 12, 2017

SUBJECT: Lot Line Revision – Taylor Family Partnership – Rte 44/55 and Shawangunk Kill [42.100 and 42.100-1-41.20

1. As requested I have reviewed the application for a lot line revision dated June 3, 2017 for two lots totaling 141 acres located adjacent to the Taylor Family Partnership property. These lots are presently under review for the Heartwood Lodging Special Permit. The applicants are proposing to realign the lot boundaries of two lots that will be the future boundaries of the lodging use versus the continuation of the agricultural use (former tree farm).
2. The principal requirement for lot line revisions is that the Board must determine that the proposed revision does not create or increase a non-conforming status of any proposed lot. The Lot Line Revision Map dated June 2nd, 2017 shows the proposed lot boundaries and the resulting new property lines. The lot line revision should be addressed in conjunction with the action on the proposed new construction to make the required findings based on property setback requirements.
3. This project is a Type II action and should be so noted in the record. The action information is already addressed in the Heartwood EAF.

RECOMMENDATION: The application should be held to be coordinated with the Heartwood Special Permit and site plan. That application will set building locations required for setback findings.