

**Village of Coxsackie
Planning Board Minutes – April 21, 2022**

Attendance: Bob VanValkenburg
Rodney Levine
Jarrett Lane

Deidre Meier (via Zoom)
Pat Maxwell

1. **Regular Meeting:** Called to order at 6:15 PM by Chair Bob VanValkenburg. Mary Beth Bianconi, Partner, and Kevin Schwenzfeier, Planner were present as our consultants from Delaware Engineering. Robert Stout, Esq., Whiteman Osterman, Hanna, was also present as our Village Attorney.
2. **Approval of Minutes:** A motion was made by Rodney Levine and seconded by Jarrett Lane to approve the minutes from March 17, 2022. Motion carried unanimously.
3. **New Business:**
 - A. **47 South River Street** – Sarah Gray Miller and Mark Deubert attended to present their site plan application for “Ravish Liquors”, a proposed speakeasy for the former “Old Jail” building on lower New Street attached to the rear of “Unquiet Antiques” at 47 South River Street. Pat Maxwell, as an adjacent landowner, recused herself from the discussion, review and any motions regarding the project. Sarah presented an overview of the proposal and answered questions from the Planning Board. The speakeasy itself will be inside the Old Jail, with overflow allowed in the Unquiet retail area, with the proposal including outdoor seating on the sidewalk and in the parking area adjacent to the building in warm weather. Capacity will range from less than 50 in warmer weather, with 35-40 people in colder weather months. Parking would be limited to the south side of lower New Street and reliance on Reed Street and the Riverfront Park parking areas. No parking would be allowed at the rear of 45 South River Street. Bob VanValkenburg asked about the outdoor seating in conjunction with NYS Liquor Authority regulations; Sarah replied that the application her attorney would send to the Liquor Authority if Planning Board approval was granted would include the outdoor seating plan as referenced in the site plan application before the Planning Board. Kevin and Mary Beth from Delaware Engineering also noted that:
 1. A new Short Form EAF, Part 1 under SEQR, would be needed, which would also address parking and require Historic Preservation Commission copies of the preservation work permit for signage,
 2. Village Code required a 4-5’ wide clearance for the sidewalk area between the tables and the street,
 3. A barrier should be considered for the outside picnic tables in the parking lot.Sarah agreed to the requirements above, with a question about the need for an additional fee to be paid to the Village. The Planning Board will confirm the fee amount required and get back to her.
 - B. **52-60 South River Street** – Aaron Flach and his representatives from Sterling Environmental Engineering, P.C. (“Sterling”) attended regarding the amended site plan submitted to the Planning Board for the Empire Riverfront Ventures (“ERV”) South River Street project. They also included a special use permit application for decking and a kitchen addition to the rear of The Wire event venue that were not part of the previously approved plan. After explaining that the Planning Board would now begin the process of reviewing the amended plan, Bob VanValkenburg then asked the representatives for ERV to give an overview of the amended site plan.

Andrew Millspaugh of Sterling - highlighted the timeline and the changes included in the amended site plan, the special use permit application, and the area variance:

 1. The original overall site plan application for the Dolan Block and 52-60 South River Street was submitted, reviewed, and approved in 2019, with an amendment to that plan for inclusion of the Patrick Henry parcels and building restorations, also approved in 2019.
 2. Changes to The Wire (60 South River Street) include a kitchen addition on the rear south side and a wraparound deck on the north side of the building. Since they are within the 50’ setback from the water’s edge of the Hudson River, a special use permit application is needed.
 3. Changes to the Newbury Hotel (60 South River Street) include the 5th floor exceeding Village Center code requirements, which will require the area variance, an overhang for people entering the building, ancillary

parking in space leased or purchased from the neighboring parcel to the south of the building, and employee parking on a parcel across from the hotel on the west side of South River Street.

4. Changes to the Spa (52 South River Street) include a change in use from the original application (formerly office/commercial space, now a Spa), and a 2nd floor overhead walkway between the Spa and the hotel. (See copy attached).
5. Based on the changes, ERV has submitted a Full Environmental Assessment Form ("FEAF") and SHPO documents related to the project. SHPO review is ongoing for the hotel, part of which is a resolution requiring that features of the original demolished building be incorporated into the new building.

Sterling was asked if the submission to the Zoning Board ("ZBA") had been done. Their reply: it had been submitted as part of the 4/11/2022 packet drafted by Sterling. Robert Stout, Village Attorney, then confirmed that per Village Code Section 155-94, the ZBA had been informed of the area variance application, received April 11, 2022, as part of Sterling's packet, and that their meeting date was being scheduled.

Following ERV's overview, the Chairperson asked Mary Beth Bianconi, Partner, to present the contents of the memorandum from Delaware Engineering received by Planning Board members on 4/20/202. The memorandum highlighted the discrepancies between the approved site plans of 2019 and the updated ones received 4/11/2022. See memorandum attached.

After Mary Beth's review, the meeting was opened for public comment at 6:45 PM, which continued until the comment period was closed at 7:30 PM. See public comment details attached. After the closing of public comments, Robert Stout, Village Attorney, read the full resolution regarding the amended site plan and special use permit applications, part of which declared that the Planning Board would act as lead agency in a coordinated review under SEQR. Further, that this was a Type 1 action under SEQR, and that the notification of such was required to be circulated to all affected Village, County and State agencies for confirmation of their acceptance as the Village Planning Board as lead agency. In a motion made by Pat Maxwell and seconded by Rodney Levine, the Planning Board unanimously approved the resolution as presented. See copy attached.

4. Old Business –

- A. **Municipal law regulating trash removal** – tabled for a future meeting.
- B. **Short Term Rentals** – No updates from the Village Board on our recommendation made in August 2021.
- C. **Review of fencing** – final review tabled for a future meeting.
- D. **Review of Town of Coxsackie draft solar regulations** – tabled for a future meeting.
- E. **Review of Chapter 155 – Zoning** – tabled for a future meeting.

5. Other:

- F. **Correspondence** – None.
- G. **No other business** was brought before the Board. Meeting adjourned at 7:35 PM in a motion made by Rodney Levine and seconded by Jarrett Lane. Motion carried unanimously.
- H. **Our next regular meeting** is scheduled for May 19, 2022, at 6:00 PM.

Respectfully submitted, Patricia H. Maxwell, Secretary

Public Comments from Planning Board meeting of April 21, 2022:

1. **Robert Stout, Esq.** – comments:

- A. Clarified that the Planning Board cannot act on the amended site plan application until the ZBA ruled on the application for an area variance.
- B. The amended site plan application and area variance request will be circulated to other involved government agencies.
- C. The procedure will be open to the public with the Planning Board declaring itself a lead agency for SEQR, with a preliminary site plan and special use permit review to accept the applications. Next, the application goes to the ZBA, whose review will include a public hearing before deciding on the variance waiver. Then it's back to the Planning Board for their final review, also including the scheduling of a public hearing before making a final decision. Therefore, there will be opportunities at both agency reviews for public input and questions.

2. **Veronica Foley** –

- A. Requested that the Board read Katie Higgins letter since Katie couldn't attend, asked which public agencies might be involved and then presented a definition of public agencies and listed those potentially included. She also asked for clarification on how many parking spaces would be provided and the change in the footprint of the hotel.

ERV Response –

- A. Per the amended site plan application, the hotel footprint increased from approximately 6,000 to 8,000 square feet.
- B. Additional parking needed under the updated site plan would be addressed by the employee parking on South River Street and depended on successfully negotiating the use of the adjacent property to the south of the hotel through a lease or purchase agreement.

3. **Karen Gunderson** –

- A. Commented that parking must be revisited because the original site plan application included 8' between her building at 38 South River Street and Patrick Henry's Tavern at 48 South River Street that was part of her property.
- B. Commented that water from the Dolan Block roof was damaging her building and that multiple requests that the Village Code Enforcement Officer ("CEO") enforce correction had gone unanswered. Neighbors should be considerate of each other.

4. **Kim McLean** – asked how many site plan applications had been submitted.

Sterling's response – 3 plans – 2 from 2019 and the current updated one before the Planning Board.

Kim McLean – asked how many were submitted, filed, and approved – were there 2 ½ years of missing approvals, and how could a project of this size get away from everyone for so long?

5. **Mike Finnegan** – stated his personal opinion that the hotel was too high and too big for the town. However, his goal tonight was to gain clarification of the facts vs. hearsay circulating in the Village regarding the hotel. He stated that the facts of 2019 controlled the site plan application, but asked what was approved in 2019 and what was not:

Question – how many stories were approved in 2019?

Rodney Levine response – 3 stories to be built on the old building.

Question – how many rooms?

Bob VanValkenburg response – 40 rooms

Question – how is the height from top to bottom measured for site plans?

Kevin Schwenzfeier's response – read from the Village Code regarding how that was done.

Question – is the height measured from the original or improved grade level of the land?

Mary Beth Bianconi's response – grade for measurement is established prior to construction.

Question – what was the height of the building as approved in the 2019 plan?

Bob VanValkenburg response – 45', with 50' maximum allowed in the Village Center zoning district.

Question – what was the hotel's square footage in the 2019 approved site plan?

Mary Beth Bianconi's response – reading from the 2019 SEAF, Part 1, regarding lot coverage, but interrupted.

Question – but what was the square footage of the building?

ERV response – began to read the square footage dimensions from the updated SEAF, Part 1.

Mary Beth Bianconi's response – read from the 2019 application narrative regarding dimensions.

Question – What was the value attributed to the project in the 2019 application?

Bob VanValkenburg response – the dollar value of a project is not part of the Planning Board's review; that is part of the building permit application.

Comment – he doesn't object to the Planning Board decision made in 2019 – it was correct based on the facts known at the time. But the hotel, as built, is out of character with the rest of the buildings in the Historic District when one walks down South River Street.

Comment – proposed that for larger projects there be a Special Review and/or Historic Review Board appointed. That a special CEO be appointed to review and monitor a large project as well, since it would be an unfair workload for a part time CEO.

Comment – What the Planning Board approved is what should have been built; the changes weren't approved.

Comment – let the issue of the hotel be resolved in litigation rather than at the Planning Board level so that a court order stands behind the Village agencies involved and regulates what is to be done.

Suggestion – let the 4th floor remain, should it be a small overage of the 50' requirement, with the developer doing a significant community development project in exchange for the violations on an old building. Let him to a community benefit project and move on.

6. **Nathan Tailleir** – asked Robert Stout if a ZBA variance waiver granted retroactively would stand up in court.
Robert Stout response – ZBA evaluation, even when construction has begun, is based on a facts and circumstances test. That determination would have to be as defensible as any other decision that's based on the facts. The situation is not ideal, but there is precedent for it being upheld in court.
7. **Veronica Foley** – commented that historic oversight of the project would have been beneficial to the developer if the extension of the Historic District had been granted, since tax credits and grants would be available. She related her comment to the timeline: The 10/1//2020 drawings were found which conflicted with the building permit granted in March 2021, followed by the rescinding of the historic district extension request in May 2021. Concerned about the timing of these events and grants received by the developer.
8. **Nancy Harm** – she first heard of the hotel issue as part of the large May event being planned but subsequently canceled. Documents relating to the project list 300 people attending events at the Wire, but she still has concerns about the number of people being accommodated and the impact on the area and traffic
9. **Kelsey West** – asked if the South River Street parking lot for employees and the parking area to the south of 60 South River Street were part of the amended site plan being submitted.
Sterling's – Yes, both were included.
10. **Veronica Foley** – pointed out that the ZBA area variance application included a need to fall in line with Hilton's requirements for building the hotel, when subsequent calls to Hilton confirmed from them that there was no relationship between Hilton and Aaron Flach.
11. **Brian Rowe via Zoom** – after the numerous violations by ERV, how will the Planning Board rectify the situation and move forward with approval?
Bob VanValkenburg response – we will follow the process and make determinations as we go.
12. **Brian Rowe via Zoom** – question for Aaron Flach regarding economic viability of the hotel in 2019 vs. now.
Bob VanValkenburg response – tonight's questions are directed to the Planning Board only.
Robert Stout response – these and other comments made tonight will be brought to the attention of the applicant.
13. **Nevin Cohen** – asked if the Planning Board or ZBA had the ability to include mitigation, i.e., a community benefit to address the impact of a violation.
14. **Robert Stout response** – Yes, both boards have that authority.
15. **David Weisman via Zoom** – how did the 45' become 75'?
Robert Stout response – Yes, both boards have that authority.
16. **Demetri Chriss** – commented that he was pro hotel and business in the Village, not against things getting better, and supported the originally approved 2019 site plan. But asked what was going on, and how could the Planning Board miss the height. He referred to minutes stating "no update" as part of his question. He also questioned the drawings submitted as referred to in the minutes of October 15, 2020.
Pat Maxwell response – The meeting and hearings held were for Patrick Henry's Tavern, with the public more interested in the overall development than the tavern itself. Aaron did provide renderings or drawings for 52-60 South River Street that night, but they weren't necessarily retained since they were incidental to the review for Patrick Henry's.
Demetri Chris question – why weren't neighbors notified of the demolition of the old building which was to have been part of the hotel?
Bob VanValkenburg's response – I don't know.
Mary Beth Bianconi's response – there are separate provisions in the code regarding demolition, which wouldn't require notification unless they were part of a project subject to Planning Board approval. As stated in 2019, the site plan application didn't include demolition.
Demetri Chriss – stated his disappointment in how the Planning Board had handled the situation.
17. **David Clark** – asked what the penalties were that could be pursued should a violation be issued.
Robert Stout response – stated that the Village Code included provisions for penalties.
Mary Beth Bianconi response – read a brief reference to fees from the Village Code.

18. **Mike Finnegan** - commented that the ZBA use and area variance regulations be made more stringent. Also commented that the Planning Board should not take action that could result in a lawsuit from concerned citizens. He went on to clarify his previous statement: get a court order to stand behind what governs how the various affected agencies in the Village resolve the issue.
19. **R. Crome**y - asked if his letter had been circulated to Planning Board members and would be part of the public record. Also reiterated that the east side of the Hudson River should also be considered when reviewing the impact of the hotel on the view shed.
Bob VanValkenburg – all letters and correspondence related to the project have been or will be entered into the public record.
20. **Kim McLean** – asked if the 5th floor, should the violation be upheld, could actually be taken off.
ERV – that's a question for the designer of the building.

DRAFT

VILLAGE OF COXSACKIE PLANNING BOARD

Intent to Act as Lead Agency Under the State Environmental Quality Review Act ("SEQRA") for the Proposed Empire Riverfront Ventures, LLC Project

WHEREAS, the Village of Coxsackie Planning Board ("Planning Board") has received an application from Empire Riverfront Ventures, LLC ("Applicant") for Site Plan Amendment and Special Use Permit related to certain deviations from a previously approved project, located at 22-34, 52, 60 and 66 South River Street (the "Project"), the Applicant has also submitted a request for an area variance to the Village Zoning Board of Appeals (collectively, the "Application"); and

WHEREAS, before taking action on the Application, the Planning Board must comply with SEQRA, ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 (collectively, "SEQRA"); and

WHEREAS, the Planning Board has determined that the application is subject to SEQRA and involves discretionary permits and/or approvals from one more State and local agencies; and

WHEREAS, the Applicant has submitted Part 1 of a Full Environmental Assessment Form ("EAF"); and

WHEREAS, the Planning Board has determined that the Project is a Type 1 Action pursuant to 6 NYCRR Part 617.4 because the Project is occurring wholly or partially within, or substantially contiguous to designated historic structures and the lands of the State of New York designated and used as Coxsackie Riverfront Park, and proposes parking for in excess of 125 vehicles; and

WHEREAS, 6 NYCRR Part 617.6(b)(3) provides that "when an agency proposes to directly ... approve a Type 1 action ... undergoing coordinated review with other involved agencies, it must, as soon as possible transmit Part 1 of the EAF completed by the project sponsor ... and a copy of any application it has received to all involved agencies and notify them that a lead agency must be agreed upon within 30 calendar days of the date the EAF ... was transmitted to them."; and

WHEREAS, the Planning Board desires to act as the lead agency responsible for conducting and coordinating the environmental review of the Project under SEQRA.

NOW, THEREFORE, BE IT RESOLVED,

1. The Project will require a coordinated environmental review under SEQRA;
2. After reviewing the EAF, the Planning Board has determined the Project is a Type 1 action under SEQRA pursuant to 6 NYCRR Section 617.4;

3. The Planning Board hereby states its intent to be the lead agency for the Project pursuant to 6 NYCRR Section 617.6 and to conduct a coordinated environmental review of the Project with all involved or interested agencies; and
4. Upon receipt of any revisions to Part 1 of the Full Environmental Assessment Form that may be requested by the Planning Board's technical professionals, the Planning Board hereby authorizes and directs the Town Clerk to immediately circulate the following documents to all involved or interested agencies and request their consent or objections within 30 days to the Planning Board acting as the lead agency for the Project: (1) this resolution; (2) A Notice to Designate SEQRA Lead Agency; (3) A Consent to Lead Agency form; (4) Part 1 of the EAF and (5) the Application
5. This resolution shall take effect immediately.

Motion By: _____

Seconded By: _____

The foregoing resolution was voted upon with all members voting and signing as follows:

Robert Van Valkenburg, Jr.
Chairman

Yes No Abstain Absent _____

Jarrett Lane

Yes No Abstain Absent _____

Rodney Levine

Yes No Abstain Absent _____

Patricia Maxwell

Yes No Abstain Absent _____

Deidre Meier

Yes No Abstain Absent _____



Delaware Engineering, D.P.C.

28 Madison Avenue Extension
Albany, New York 12203

Tel: 518.452.1290
Fax: 518.452.1335

Memo:

To: Robert VanValkenburg, Planning Board Chair

From: Kevin Schwenzfeier, Planner
Mary Beth Bianconi, Partner

CC: Robert Stout, Esq, Whiteman, Osterman, Hanna, Village Attorney
Aaron Flach, Flach Development
Mark Millspaugh, P.E.
Village of Coxsackie ZBA

Date: April 20, 2022

Re: Amended Application for Empire Riverfront Ventures

Delaware Engineering is pleased to provide the following preliminary review comments for the amended Site Plan, Area Variance, and Special Use Permit applications for the Empire Riverfront Ventures development project.

SEQR Classification:

It appears that the amended site plan meets the criteria to be a Type 1 Action under SEQR as follows:

6 NYCRR Part 617.4(9) and (10)

- (9) Any Unlisted Action...that exceeds 25% of any threshold occurring wholly or partially within, or substantially contiguous to, any historic building, structure, facility, site or district or prehistoric site that is listed on the National Register of Historic Places or that is listed on the State Register of Historic Places or that has been determined by the Commissioner of the Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic places pursuant to section 14.07 and 14.09 of the Parks, Recreation and Historic Preservation Law;
- (10) Any Unlisted Action that exceeds 25 % of any threshold in this section, occurring wholly or partially within or substantially contiguous to any publicly owned or operated parkland,

recreation area or designated open space, including any site on the Register of National Natural Landmarks...

6 NYCRR Part 617.4(6)(iii) states any project undertaken, funded or approved by an agency that involves parking for 500 vehicles in a city, town or village having a population of 150,000 persons or less is a Type 1 action.

The project is occurring wholly or partially within, or substantially contiguous to designated historic structures and the lands of the State of New York designated and used as Coxsackie Riverfront Park.

As the Village of Coxsackie has a population less than 150,000, applying 25% to 500 vehicles in accordance with the sections listed above reduces the Type 1 threshold of parking to 125 and the project includes parking for over 200 vehicles.

Therefore, it appears that the project is properly classified as a Type 1 Action under SEQR and a coordinated review is required.

It is understood that the Village Planning Board intends to re-establish its self as Lead Agency; a coordinated review should be conducted to confirm Lead Agency and to obtain jurisdictional clarity with involved agencies.

An updated Long EAF should be submitted by the Applicant that includes but is not limited to:

- Confirm property addresses as the prior EAF and new applications provide differing street addresses for the properties involved.
- Description of entire project including elements previously reviewed as well as new elements as a common plan of development including Patrick Henry's which relies on parking and vehicle circulation on adjacent parcels.
- Listing of all agencies involved in funding, undertaking or approving the project
- Information regarding demands for water and sewer services
- Data regarding traffic and parking
- Impervious cover and disturbed areas

Area Variance:

It is noted that the Area Variance application is being submitted after construction has been initiated on a structure that reaches a height that exceeds the prior site plan approval as well as the Village's zoning code.

Additional information regarding the need for, practical difficulties and impacts to community character is required for SEQR review as well as consideration by the Zoning Board of Appeals.

The need for the area variance is stated to address deteriorated conditions of the existing structure and to meet Hilton required room criteria.

The demolition of the existing structure and resulting new foundation could have occurred without exceeding the permitted and zoned height. As a result, these factors are not relevant to justifying the need for an area variance.

The desire to meet Hilton room criteria appears to be an operational and economic justification which may be compelling in the ZBA's deliberations. However, without additional details as to these criteria (e.g. minimum number of rooms or facilities), it is not possible to fully consider this statement of need. The application states the project is not viable without the variance. Because the added story to the building includes a restaurant, the implication is that if the area variance is denied, a restaurant would be sited elsewhere within the project to result in viability which would in turn create the need to evaluate a change in the site plan and potential environmental impacts. This may also be a compelling justification for the variance; however, additional information is needed for the conduct of SEQR and consideration by the ZBA.

Similarly, with respect to impacts to character, it is not particularly relevant that other existing, historic structures in the district may exceed the height permitted in the zoning code. Dimensional standards in zoning codes are adopted by municipalities with intention and after review under SEQR to determine potential impacts and mitigations.

In order to review the area variance application under SEQR to determine impacts and mitigation measures, the applicant should provide a well-considered analysis of visual impacts from all perspectives, including not only the village perspective but also from the east side of the Hudson River.

Special Use Permit:

No comments.

Site Plan:

Aside from the changes in foot prints and overall mass of the Wire and the Newbury Hotel, the primary considerations for review of the amended site plan are with respect to parking and traffic.

Traffic

- Events for up to 300 persons are intended for the Wire; for events such as weddings, it is common that guests seek local overnight accommodations. The Newbury Hotel would

provide a portion of these accommodations; however, not enough to house 300 guests. As a result, it is expected that wedding planners may access hotel rooms in the region, which is a positive economic impact of the project. Moreover, it is also common that under such circumstances, group transit from local hotels may be considered (e.g. busses). Fortunately, local transportation companies may benefit from this circumstance. Given these appear to be reasonable considerations, the site plan should show how bus circulation can be accommodated on the site for pick-ups and drop-offs.

- The trip generation includes consideration of the restaurant at the Newbury as a stand-alone operation which is noted as conservative as it is assumed to primarily serve the hotel. However, in other similar Hudson River communities (e.g. the Howard Hotel and Ca'Mea in Hudson), Fine Dining establishments associated with small hotels attract diners year-round, including off season when the hotels have very few guests. As a result, it appears appropriate to consider the restaurant as a stand-alone operation from a trip generation perspective.
- While it is recognized that the maximum trip generation for the hotel, pub and Dolan Block is likely a Friday afternoon/evening, additional information to support the assertion that evaluation of a Friday afternoon wedding is a reasonable determination of impact is required. Review of other similarly situated event venues on the Hudson seems to indicate that the most popular day of the week for a wedding is a Saturday and an afternoon ceremony with an evening reception is the most common event booked for summer 2022. In the absence of documentary evidence that Friday evening weddings are the most likely occurrence at this site, trip generation and commensurate parking demands should be reconsidered for the most likely occurrence. Assuming that a Saturday afternoon is the timeframe studied for the most likely event to occur, the trip generation would not occur during the peak time for the other uses, providing a degree of mitigation.

Parking

- The Traffic Study references section 155-4 of the Village Code with respect to dimensional requirements for parking spaces; however, this is simply a definition that includes a minimum dimension with a width of 8.5'. Section 155-36(l) provides the dimensional standards which are 9'x18'. Scaling the site plan appears to show that most spaces are 9'x18'; a map note stating that all will be constructed as 9'x18' in conformance with the code is needed.

- In terms of the number of parking spaces required, the General Uses account for 131 spaces which appears appropriate. In the prior review, the Planning Board considered the event space to be analogous to a place of worship and a ratio of one parking space per 4 seats was considered. However, documentation provided in the Traffic Study indicates that the proper standard may be 2.3 persons per vehicle and this information was used for the sensitivity analysis for the event center. Section 155-36A (1) and (3) of the Village's code provides the planning board with discretion to determine the proper number of parking spaces required for uses not listed. An event venue that is likely to host weddings with a vehicle occupancy of 2.3 seems to indicate that a parking ratio of one spot for every four seats may not provide adequate parking. Using 2.3 seats per vehicle increases the number of parking spaces required on site and such a calculation may result in an over-calculation of required parking spaces when the timing of demands and shared parking is taken into consideration. The planning board may wish to consider using three persons per vehicle for parking requirements resulting in the need for 100 spaces for the event center. This would increase the parking demand for all uses occurring at full occupancy all at once to 241 spaces. It is not reasonable to assume that all uses will be at full occupancy all at once. To this end, the applicant has suggested banking 30 spaces of parking east of the Dolan Block and it is recommended this is considered by the planning board. Assuming credit for 30 banked spaces, the total demand on site would be 211 spaces which is met by the 218 spaces provided on the amended site plan.
- Parking is provided on a number of separate tax parcels. While some are presently in common ownership, there is no guarantee that they will remain as such. Therefore, for all properties where parking is provided to accommodate the land uses, legal writes that run with the land (e.g. leases or easements filed with the deeds) are required to guarantee access to required parking.
- It appears that while there are apartments proposed for the Dolan Block requiring 20 parking spaces and the spaces are provided within the overall count of parking, 20 spaces are not restricted to the Dolan Block residents. This could create a situation where an apartment dweller does not have parking always available to them. It is recommended that the final site plan delineate and provide signage and restrictions for dedicated parking for the apartments proposed in the Dolan Block.
- Parking proposed on the parcel south of the Wire is proposed to be created as a gravel lot. While avoidance of impervious surfaces is greatly encouraged, the gravel lot provides

extensive parking so its function is critical. To ensure functionality as intended, the following should be addressed:

- While the plans depict striped parking, it is unclear as to the practicality of striping a gravel parking lot. In the absence of striping, it is not certain that the proposed number of spaces will be functionally available as drivers are not always inclined to park in an orderly fashion. A means to ensure the number of spaces intended will be functionally available should be described (e.g. valet and or a parking attendant for large functions).
- Additionally, the plans show what appears to be grassed islands in the gravel lot. Details as to the nature of these islands are required.
- Soils in the area are predominantly fill and generally have low permeability. Ponding of water on these soils is common and may result in large puddles or ice in areas designated for parking discouraging orderly spacing of vehicles. Details should be provided regarding intended gravel thickness and type to address this.
- Gravel parking lots require regular maintenance; however, in this case, it is assumed the lot may only be used in summer months which would avoid snow plow damage to the surface. A note on the site plan regarding intended maintenance to ensure functionality would be useful.

Record of Submission Items Requested in the March 23, 2022 Memo

The Site Plan Amendment Application package from Flach Development shall include:

- a) Updated Site Plan set at the same scale as the original – Submitted
- b) Construction Drawings for the Newbury Hotel – Submitted
- c) Construction Drawings for The Wire – Submitted – Amended site plan shows new features.
- d) SHPO Documentation for the Hotel Site and the Overall Site – Outstanding
- e) Traffic and Parking Analysis – Submitted
- f) As-built survey of the hotel as it has been constructed to date – Submitted

- g) The amended site plan submission shall include the additional overflow parking lot, any additions to The Wire, any additions to the Hotel, and any other known changes from the original site plan. – Submitted
- h) In order to help inform the approval process for the maximum event size, Flach Development is required to provide a traffic/parking study conducted by a NYS professional engineer experience in traffic impact assessment using recognized industry standards such as the Institute of Transportation Engineers (ITE) which is intended to provide information to document the capacity of the Village Center to absorb heavy traffic. – Submitted
- i) It should also demonstrate the ability of the site to que vehicles on site, rather than on the street. – Submitted – The traffic study indicates there are too few trips generated for this to be an issue.
- j) It is understood that The Wire has a maximum capacity of 700 persons, while there is only designated parking for 300 persons. If The Wire is to be permitted to accommodate the maximum capacity, an alternative parking and transportation plan for guests is required to be reviewed and approved. – Submitted – The amended site plan application requests approval for an event venue for a maximum of 300 people and any approval will be limited to this capacity.