



June 7, 2022

Nelson Pope Voorhis
Attn: Max Stach, AICP & Adriana Beltrani, AICP
156 Route 59, Suite C6
Suffern, NY 10901

Re: Winston Farm: Draft PDD Zoning Comments – Date March 17, 2022

Dear Mr. Stach and Ms. Beltrani:

This letter is in response to your comment letter dated March 17, 2022. The comments are restated in the order originally presented and our responses follow and are in *bold italics*.

Note: The Winston Farm Planned Development District (PDD) is early in the review process; therefore the site map will be known as a Development Concept Plan (DCP). The intent of a DCP is to provide a visual representation of the established priorities for land uses, placement of buildings, roads, trails, site elements, and opens space opportunities. It is meant to inform the reader and build consensus, and not to be prescriptive. Where Master Development Plan (MDP) is identified in this letter, it shall mean Development Concept Plan (DCP).

Comments:

- a. **PDD allows more intensity than MDP.** We assume that the Master Development Plan (MDP) will be similar to the July 2021 Site Master Plan. The PDD zoning appears to allow significantly more density (and commercial intensity) than was depicted in the July 2021 Site Master Plan. In addition, the draft PDD language describes subareas, but the zoning or Site Master Plan does not demonstrate or describe where these subareas are located. The scope will require that the “reasonable worst-case development scenario (RWCDS),” be considered. This reasonable worst-case development scenario will be what the EIS must primarily assess for impacts, regardless of what the MDP shows at this time. To the extent that the MDP shows less development than the PDD allows, the applicant may wish to consider revising the PDD so that the DEIS does not need to assess the environmental impacts of a development that the applicant does not wish to build. The following are a few examples where the PDD allows development in excess of what the MDP proposes.
 - a. Subarea 1, Residential Low-Density states that the maximum number of residential lots is 125. The Site Master Plan shows only 73 estate lots and single-family lots.
 - b. Minimum lot size for Subarea 1, Residential Low Density is ½ acre, none of the lots shown on the master plan illustrate ½ acre lots.

- c. Only building footprints are shown for multifamily, commercial and industrial uses. A scale is not provided; however, footprints on the Site Master Plan appear to propose significantly less building areas than would be allowed by the PDD.

Response: The PDD language and the DCP have been revised and coordinated to clearly illustrate the maximum density for each subarea and the overall development which will be considered as part of the SEQRA process and EIS. The DCP also graphically depicts each subarea and has been revised to include a total acreage for each of those areas. Additionally, the single-family residential layout shown in the DCP has been updated so that the number of lots graphically shown is consistent with the text of the PDD which has also been modified to match the plan. The minimum lot size listed in the PDD language for Subarea 1 has been increased to one acre.

A scale is provided on the DCP. The buildings within the DCP have not been designed yet so it is unknown exactly how many units each will contain; however, once the buildings are designed and submitted for site plan review, the maximum number of units or building size will be limited based on the language of the PDD.

The intent of the DCP is to illustrate the general and potential locations and massing of future buildings for the purpose of understanding potential impact. Final, more detailed, layouts will be provided as part of the site plan review process.

- b. **PDD does not provide maximums for all development areas.** The draft PDD language does not provide clear maximum densities and intensities for proposed residential or commercial uses. Without maximums, it will be difficult for the Town Board to identify the RWCDS. Specifically:

Response: The DCP and PDD have been updated to clearly list the maximum densities that will be considered for SEQRA and the EIS.

- a. Subarea 3 would accommodate “retail, hotels, resorts, indoor and outdoor entertainment facilities and event spaces.” Retail density is typically measured by floor area ratio or square footage, hotels and resorts are measured per key or per guest accommodation, outdoor entertainment facilities and event spaces must also provide a measure of appropriate capacity such as seats or maximum occupancy.
Response: Maximum allowable densities per subarea and per use have been clarified in the PDD.

- b. Certain uses are described “up to” a certain square footage (see Subarea 5, Subarea 3, Subarea 2). It is not clear if this is per building or in total for that use in this subarea.
Response: Densities described as “up to” have been clarified in the PDD language. In some cases, it applies to the subarea in others to individual buildings.

- c. Subarea 3 proposes to allow townhomes, two-family dwellings, and multifamily dwellings. The maximum number of residential units in Subarea 2 is proposed to be

500. There is no base acreage for this subarea and no discussion of the number of bedrooms, etc.

Response: Acreages have been added to the DCP for each of the subareas. Subarea 2 is 74 acres. Language has been added to the PDD at Section E(2)(a) to limit the total amount of bedrooms based on lot area, consistent with the Town's current zoning Law.

- d. It is not clear how various uses interrelate in terms of maximums. For example, if a hotel is proposed, does that reduce the number of residential units or retail that can be constructed within a given subarea? If a sub-area describes a concert venue with a given assembly capacity, and ultimately that concert venue is not developed, how will that relate to the development that can be sought alternatively, such as additional hotel rooms or multifamily units.

Response: As part of the EIS process, each of the proposed subareas will have a calculated maximum development limit which is based on the provided densities shown on the DCP. The development limit will be measured based on water demand (gallons per day) and traffic (trips generated). Each future use, regardless if they are graphically shown on the DCP, will have an associated development limit for both water and traffic, which will be measured against the subarea maximums established in the EIS.

- c. **Certain standards require more clarity.** Standards that are not defined or intended to be defined differently from the existing zoning, need to be clarified and adequately explained. For example:

- a. G(1)(b)c suggests the following: "Buildings which include a minimum of 50% covered parking are permitted to increase building height by one story above that which is permitted in the PDD." Does the threshold intend to be "50% of the required parking area," "50% of ground floor space devoted to parking," or "50% of required parking stalls?" "Covered parking" is not defined or described - is this a parking garage, parking covered by an awning, parking under a building overhang?

Response: The intent is for 50% of the required parking to be included inside of the building in order to qualify for the height increase; this item has been clarified in the PDD.

- b. The PDD refers to building height in feet and stories but does not provide any definitions in support of height regulations. How is height measured?

Response: The PDD will be part of the Town's Zoning Law; therefore, building height is measured as currently defined in the Town's Zoning Law.

- d. **Procedure for future approvals under the PDD require more clarification.** The procedure for future approvals is vague and leaves room for future interpretation, For example:

- a. The draft zoning proposes that a use that is not listed in the PDD zoning can be considered through special use permit review by the Town Board (Page 3, Part D;

Page 6 Part E). This provision is open ended and could allow any use within any area on the Winston Farm site, defeating the purpose of the proposed subarea zoning. This will also be nearly impossible to responsibly review under SEQR. Such flexibility should be appropriately limited, to perhaps uses similar to the uses explicitly allowed. The law should suggest criteria that the Town Board to judge similarity, such as similarity of traffic generation, water usage, population, and environmental impact.

Response: The language of the PDD has been updated to limit uses to those explicitly provided in the PDD language. The intent of the special use permit provision is to allow uses listed in one subarea to be permitted in a different subarea, only after additional review and consideration by the Town Board thereby permitting flexibility in allowable uses between the different subareas.

- b. The process for approval of future phases is not detailed in the proposed draft zoning. Must the applicant return to the Town Board for authorization of the future phase, and what does that procedure include as compared to this original phase. Are phases generally intended to follow subareas? What minimum infrastructure/community amenities are required for each phase or subarea?

Response: The process for approval of future phases is outlined in “Section F – Site Plan Review” of the PDD. The sequencing of the phases of development will be dictated based on market demand and interest after the SEQRA process is complete. The infrastructure required for the different subareas and land uses will be analyzed as part of the EIS process.

- c. The process for amending the MDP in the future is not clear.

Response: Language for the process to amend the DCP has been added to the PDD language. To clarify, the DCP is not proposed to be a site plan for future development. It is illustrative of the type of development allowed in each subarea. However, the final design and layout will be influenced by market demand for projects and amenities allowed under the PDD. The final design and layout will be subject to Site Plan review and subdivision approval by the Planning Board. Where a proposed use does not comply with the PDD regulations there is now a provision for amendment by the Town Board.

- d. What authority does the ZBA have relevant to the MDP? May it allow uses not permitted by the PDD? Uses not permitted by the MDP? May it vary the density and any dimensional standards once an MDP is approved and a site plan sought?

Response: The ZBA would have the authority to grant area variances based on the dimensional standards and bulk area regulations for each subarea. It would not have the authority to permit different uses.

- e. It is not clear what part of the existing code is supplanted by the PDD and DCP approvals. Examples of this include:

- a. Must internal roadways within the PDD meet Town standards?

- b. Do the special use permit requirements (for example relevant to camps and riding stables) apply to such uses in the PDD?
- c. Does the 15% bonus for affordable housing apply within the PDD, and may that bonus density exceed the maximum densities described or to be described in the PDD?
- d. Do the definitions and use definitions of the existing code apply?
- e. Do dimensional exceptions such as those relevant to rooftop equipment apply?

Response: The intent of a PDD is for it to ultimately be adopted into the Town's Zoning Law such that relevant standards outside of the PDD would still apply, including the provisions mentioned above. However, the listed uses in the PDD are all permitted subject to Site Plan approval and are not proposed as uses that require a special permit owing to the extremely large parcel and the ability to limit the uses to those which are acceptable to the Town Board for the PDD parcel. Accordingly, the land use concerns that typically place certain uses into a special use category are not relevant to a large parcel of land such as the Winston Farm parcel.

- f. **The EIS will need to identify and consider the “no-action alternative.”** A no-action alternative would calculate the RWCDS under the existing unmodified zoning as a baseline. The baseline measurement should not be that the property remains as-is, unless outright conservation of the parcel is an alternative that meets the intent of the project sponsor. It will be important to quantify impacts against this baseline and not just against existing conditions.

Response: As suggested and pursuant to SEQRA requirements, the EIS will include an alternatives analysis that includes multiple development alternatives, including the “no build alternative” as well as development of the parcel based on an as-of-right development under the current zoning districts.

- g. **Known issues of potential controversy.** Certain known issues of potential controversy should be identified in the draft scope and an appropriate program to assess environmental impacts identified. Where doing so would meet the objectives of the project sponsor, alternatives that avoid or respond to these known areas of potential controversy should be included. These areas of known potential controversy include:

- a. Does the development conserve enough open space in a reasonably natural condition?
- b. Is a water park an advisable use for the Aquifer Overlay district?
- c. Snyder Hill has become an impromptu town resource for sledding and an identifiable component of community identity. To what extent will this area and the Snyder Property including stone bridges be preserved and maintained?
- d. Will areas used for hiking and biking be maintained in part? To what extent?
- e. Will a proportion of housing be affordable?
- f. How will traffic be dispersed within the community internally, and intersect the surrounding road network? Will the west side of the property be limited to residential access only?
- g. Will commercial uses only be accessible to Route 212? Will they connect to the internal road network?

Response: The above comments are noted. The EIS process will include a public scoping session where the public can provide input. Further, once the DGEIS is deemed complete by the Lead Agency, the Public will have the ability to provide comments, which will be considered as part of the process.

- h. **Informal suggestions.** The following suggestions are our initial suggestions, based on our understanding of the community. They do not represent the views of the Town Board or any department or staff member of the Town. They represent our suggestions for making the proposed project more acceptable and easier to administer.
- a. Mirror the existing zoning by regulating multifamily and townhouse uses by number of bedrooms.
Response: The intent is to match as many of the existing zoning sections as applicable while still providing flexibility in the spirit of the PDD.
 - b. To the extent possible rely on the existing zoning, definitions, processes and controls.
Response: Agree, the permitted use list has been revised to reflect terminology found in the Zoning Law.
 - c. Limit the height for multifamily structures to three stories.
Response: There is little benefit to reducing the height limitation for the multi-family dwellings. A lower building height results in sprawl, less green space and more expensive construction leading to higher rental rates. The EIS will likely include a visual analysis identifying potential impacts of the different uses and subsequent building heights. Although the Zoning Law speaks to a maximum building height of 35 feet, the PDD relies the number of stories to allow for flexibility in floor to ceiling heights depending on how the space is programmed.
 - d. Based on the existing Master Site Plan, set a maximum sitewide density to 600 units/x bedrooms, or adjust the cap and MDP accordingly. If more is proposed, relate that maximum in some way to the maximum that could occur as-of-right under existing zoning.
Response: The maximum densities for both the subareas and the overall development have been clarified on the DCP and within the PDD language.
 - e. Limit the height for non-residential structures to five stories.
Response: The PDD has been updated to limit non-residential structures to five stories.
 - f. Clarify whether payment in lieu of parkland or dedication of parkland will be provided and ensure that parkland is phased with residential development.
Response: The inclusion of Parkland and/or payments in lieu of will be analyzed as part of the EIS.

- g. Make sure that any nonresidential development respects the location of the aquifer, capacity of roads, proximity of regional access, and surrounding neighborhood character. Realize that the Town has already spent much time establishing what uses are appropriate for this area of the Town.

Response: All of the items listed above will be studied in detail as part of the EIS process.

- h. Aim for 75% maintenance of open space as defined as natural and quasi-natural areas, regardless of whether those areas are proposed for conservation or for use and location on residential yards, or as part of campsites, ropes courses, etc.

Response: The PDD requires that a minimum of 50% of the full development area is maintained as Green Space.

- i. In mapping out areas to be used for single-family housing, consider the existing process for Conservation Subdivisions.

Response: Comment noted.

- j. Recognize that by the time much of the development is constructed, the now voluntary NY Stretch code may be mandatory.

Response: Comment noted. Future building permits will be subject to the laws and regulations in place at that time.

- k. Consider incorporating LEED standards.

Response: The EIS will include a detailed sustainability analysis, including measures proposed by the project which may or may not include LEED as there are several newer standards that are more applicable than LEED to be considered.

- l. Consider the Town's pledge to be carbon neutral by a certain date. Require carbon neutrality for certain uses, for example for uses that will consume more than 500 mwh over a year.

Response: Comment noted.

- m. Consider calculating an overall energy threshold for the project, and a system for mitigating project elements that would likely increase the energy utilization beyond that threshold.

Response: This comment will be addressed in the EIS.

- n. Consider how stormwater management infrastructure will be phased and funded and built to spec.

Response: Details regarding the phasing and construction of the stormwater will be provided in the EIS and stormwater pollution prevention plan.

- o. Consider the process and timing for bonding community infrastructure improvement including roads, water and sewer resources, and stormwater utilities.

Response: Comment noted.

- p. Consider how architectural design standard can be incorporated into the approval process and consider providing precedent images at a minimum to convey the type of aesthetic that is proposed.

Response: The PDD contains detailed language on the architectural design of the buildings within the project. Precedent images can be included in the final version of the PDD.

- q. An event venue/amphitheater, and/or sports complex seems to be a use that could attract tourism commerce to the Town, but direct access to Route 212 might make such a high traffic use more palatable to the Town.

Response: The applicant recognizes the potential tourism draw associated with an amphitheater and has designed the DCP to provide direct access to the I-87 off ramp as a result.

- r. Consider the Town's economic development report to determine public sentiment with regards to different non-residential uses.

Response: Comment noted.

Please feel free to contact me at (585) 325-1000 with any questions.

Sincerely,



Jess D. Sudol, PE
President

JDS: paf

Cc: File
Fred Costello, Saugerties Town Supervisor
Members, Saugerties Town Board
John Greco, Esq., Town Board Attorney
Dennis Larios, P.E., Town Engineer
George Redder, Esq.
Terri Wood, Secretary to the Supervisor