

VILLAGE OF SLOATSBURG
PLANNING BOARD

PETITION OF TUXEDO-HUDSON COMPANY #3, LLC
FOR CREATION OF A NEW ZONING DISTRICT

RECOMMENDATIONS TO THE BOARD OF TRUSTEES

On or about January 8, 2018, Tuxedo-Hudson Company #3, LLC (“Petitioner”) submitted a petition to the Board of Trustees seeking an amendment to the Zoning Code. The proposed amendment would, among other things, allow the construction, use and maintenance of a self-contained “Country Inn Center” on property owned by the Petitioner. Although the amendment was described in the petition, no proposed text was submitted with it.

By letter dated January 12, 2018, the petition was referred to this Board by the Village Clerk. Pursuant to section 54-110 of the Zoning Code, this Board had 45 days from receipt of the referral in which to render a report back to the Board of Trustees. That time period was extended by the Board of Trustees until March 21, 2018.

Since receipt of the referral, we have met in formal session with the Petitioner on four occasions (February 6 and 27, and March 15 and 20, 2018), and our consultants have had numerous conferences (both in-person and via telephone) with the petitioner’s consultants. These communications have resulted in significant clarification of the proposed amendment, but also changes to the proposed amendment. They also resulted in a draft amendment, a revised Full Environmental Assessment Form (“EAF”) Part I, a proposed EAF Part II, and a proposed EAF Part III.

The Current Proposal

The Petitioner’s current proposal is to create a new zoning district, to be called VC-3, that would accommodate Petitioner’s intent to build a self-contained Country Inn Center. However, the district would also include other uses already permitted in the existing VC-1 district and would geographically extend beyond Petitioner’s properties.

The new proposed district would include the entire block bounded by Route 17 (Orange Turnpike) on the West, Mill Street on the South and East, and Municipal Plaza on the North. This expansion was deemed necessary and desirable for the following reasons:

- Petitioner’s lots are not contiguous. It is not appropriate for individual lots to have zoning designations that differ from abutting lots, especially where the lots in question are relatively small. Such zoning could be criticized as illegal spot zoning.
- Petitioner’s concept is to create an integrated Country Inn Center that takes advantage of its location within the Sloatsburg business district and also the adjacent train and bus stations. Such integration would also be helpful to the business district as a whole. It is the Planning Board’s intent, at the site plan

stage, to insure that the proposed Country Inn Center is not completely isolated from the remainder of the business district, while also affording the facility the privacy that it requires.

- The uses within the proposed VC-3 district are consistent with the uses favored by the Comprehensive Plan for the affected area. Thus, extending the VC-3 district to these other properties is consistent with the Comprehensive Plan and the Central Business District Study that it incorporates.
- To the extent that this Board can determine, there is nothing in the VC-3 proposal that will cause problems for the existing uses within the extended geographic area.

Parking Issues

During the course of review by this Board, it developed that our major conceptual concern was with the number of parking spaces to be required. Typical parking ratios for hotels are based on one parking space for each guest room, plus a certain number for hotel staff.

Petitioner's concept departs from these typical ratios. It wishes to significantly reduce the number of required on-site parking spaces by taking advantage of (a) the nearby train station, (b) the existing commuter parking lot adjacent to its site, and (c) the nearby Village Hall parking lot. Petitioner believes that the vast majority of its guests will stay for weekends, and that many will use the train to travel from New York City.

To bolster its position, and in response to questions from this Board, Petitioner provided materials related to "transit-oriented developments" ("TOD"s) in other locations. A copy of Petitioner's submission, dated March 15, 2018, is attached as Schedule A. Most of these materials discussed the need for reduced parking ratios for residential TODs, as opposed to hotels or other destinations. However, this Board recognizes that some guests will arrive by train (or bus), and that the commuter and Village Hall parking lots are not used to the same extent on weekends as they are on weekdays. Thus, some relief from the usual parking requirements would seem to be in order.

Other Issues

Planning Board Chairman Glenn Thompson prepared a list of additional issues dated February 8, 2018, that was transmitted to Petitioner's consultants (Schedule B). Petitioner's consultant responded by letter with a revised date of March 15, 2018 (Schedule C). Except for parking issues, as discussed above, this Board believes that these issues have been satisfactorily resolved.

SEQRA Issues

As the Village Board is the only agency with authority to grant any approval relating to the zoning amendment, it is also the only "involved agency" as that term is used in the SEQR regulations. Therefore, no coordinated review with other agencies is required.

The Petitioner had originally submitted a full EAF Part I that was geared toward its eventual site plan. At this Board's direction, it substituted a revised EAF Part I directed to the proposed zoning amendment. A copy of the revised EAF Part I is attached as Schedule D.

Based on the revised EAF Part I, this Board prepared a draft EAF Part II, a copy of which is attached as Schedule E. The draft EAF Part II identifies a number of areas of potential impacts:

- Land
- Surface Water
- Groundwater
- Flooding
- Plants and Animals
- Aesthetic Resources
- Historic and Archeological Resources
- Impact on Critical Environmental Area
- Transportation
- Noise, Odor and Light
- Consistency with Community Character

Most of these potential impacts, from the amendment to the Zoning Code itself, were deemed to be small. A few were deemed to be moderate to large. None were deemed to be of such magnitude as to require a recommendation for a positive declaration and the preparation of an Environmental Impact Statement.

The draft EAF Part II was shared with the Petitioner's consultants by staff prior to its review by this Board.¹ In response, Petitioner's planning consultant prepared a response that could be deemed an EAF Part III. A copy of that response, dated March 15, 2018, is attached as Schedule F. This Board is satisfied with the proposed EAF Parts II and III as attached, and recommends their adoption.

Based on the EAF as recommended, this Board further recommends the adoption of a negative declaration for the proposed zoning amendment for the following reasons:

- The impact on land arises from the potential for a construction period one year or more or over multiple phases given that there is more than one landowner, and the potential for the use of herbicides or pesticides.
- The impact on surface water arises from the potential for soil erosion or other discharge.
- The impact on groundwater arises from the potential for requiring new water supplies, albeit small.

¹ In an effort to move as productively as possible, interactions at the staff/consultant level were encouraged, with the understanding that any conclusions reached would be subject to review by the Planning Board and by the Board of Trustees.

- The impact on flooding arises from the fact that portions of the proposed VC-3 district are within the 500 year floodplain of the Ramapo River, and may impact or modify drainage flows within the floodplain.
- The impacts on plants and animals arise from the identification of endangered animals, specifically the Northern Long-eared Bat, Bog Turtle and Timber Rattlesnake proximate to the proposed VC-3 district, although no actual sightings have, to date, been reported to the Board.
- The impact on aesthetic resources arises from the potential for new structures or alteration of existing structures as a result of changes permitted by the proposed VC-3 district.
- The impact on historic and archeologic resources arises from the identification of two sites on the National Register of Historic Places, Sloat's Dam and Mill Pond and the Jacob Sloat House that are proximate to the proposed VC-3 district, and from the identification of locally important historic sites within the VC-3 district.
- The impact on a critical environmental area ("CEA") arises from what appears to be a designation of the entire village as a CEA. Pursuant to section 54-46.B, the boundaries of the Ramapo River Sole Source Aquifer CEA "shall coincide with that portion of the sole source aquifer located in the incorporated Village of Sloatsburg as shown on Figure 5 of the Village of Sloatsburg Comprehensive Plan." Figure 5 shows the aquifer as encompassing the entire village, and thus the entire village qualifies as, and must be treated as, a CEA.² Actions that are undertaken within a CEA and that are Unlisted or Type I actions are to be evaluated using the same criteria as Type I actions. (6 N.Y.C.R.R. § 617.14(g)(4).) The applicant has submitted a full environmental assessment form ("FEAF"), and the potential environmental impacts were evaluated as if the action was a Type I action. The individual potential impacts are discussed in the bullet points above and below.
- The impact on transportation arises from the potential increase in the need for parking spaces resulting from new businesses that may be attracted to the proposed VC-3 district and nearby central business district.
- The impact on noise, odor and light arises from the potential increase in lighting and noise from outdoor activities, such as concerts and outdoor recreation, and from enlargement of parking facilities.
- The impact on community character arises from the potential elimination or replacement of existing facilities, or the addition of new structures and facilities in the central business district.
- The creation and mapping of the VC-3 district does not compel or require any acts by any person that would result in any of the identified potential impacts.

² It is unclear if the CEA was actually established in accordance with the SEQRA regulations at 6 N.Y.C.R.R. § 617.14(g), as the CEA does not appear when using the EAF Mapper tool of the NYSDEC, nor is it listed on the DEC's webpage of CEAs in Rockland County (<https://dec.ny.gov/permits/25145.html>). Although it is outside the scope of this report, the Village may wish to consider reviewing whether it wishes to have such a geographically broad CEA, or whether the CEA should be more narrowly focused.

- The impacts identified are generally small, and will actually arise when and if a specific project is proposed. Mitigation of any such impacts, if they exist, can be determined at the time of project review.

Proposed Text Amendment

On or about March 14, 2018, the Petitioner submitted a proposed local law to effect the proposed VC-3 district. A copy of that proposed local law is attached as Schedule G.³

At the March 15, 2018, meeting of this Board, the Petitioner's attorney briefly reviewed the proposed amendment. Thus, this Board has, effectively, had less than one week to review the proposal.

The proposed amendment includes a long list of uses, most of which are already permitted in the VC-1 district, and all of which are consistent with the Comprehensive Plan.

The major differences between the existing VC-1 and the proposed VC-3 districts are:

- The creation of a new use, called "County Inn Center", that embodies the Petitioner's proposal. A Country Inn Center is defined by the proposal as:

A commercial establishment, managed by the property owner, where overnight lodging is provided to transient lodgers in one or more guest units, for compensation, for no more than ten (10) days. Country inns have common sitting and dining areas and may have a restaurant in the principal or other buildings which may be open to the general public. Country inns may have limited accessory recreation facilities, e.g., swimming pool or hiking trails. Country inns may also be used for social events or gatherings, e.g., weddings. This term does not include boarding houses, which are prohibited by this zoning law.⁴

- Some uses that require a special permit in the VC-1 district would be allowed as of right in the VC-3 district. These include:
- Additional accessory uses, consistent with the integrated Country Inn Center proposal, would be allowed. These include recreational uses such as swimming pools, ball courts, saunas, and hot tubs, as well as live entertainment (subject to restrictions on noise level and times of day) and outdoor dining.
- Multiple principal uses would be allowed on one lot.

³ As a result of discussions had at this Board's March 20, 2018, meeting, the Petitioner agreed to update the text of the proposed local law, as discussed herein. That draft is not yet available as of the date of this report.

⁴ At this Board's meeting of March 20, 2018, the applicant agreed to update the definition of "Country Inn Center" to more closely align with the discussion herein.

- Bulk requirements would be eased to generally reflect and maintain existing conditions.
- Parking requirements would be eased for Country Inn Centers, only, to reflect the transit-oriented nature of the VC-3 development area.
- Elimination of the requirement for a change in the use of any existing building to any use permitted in the VC-3 district and for the construction of an accessory swimming pool. Approval from the Building Inspector and the Village Engineer would be required.

The draft text was reviewed by individual members of this Board and by staff. In addition to the issues discussed above, there is concern that the proposed amendment be further reviewed by the Building Inspector to insure that it is appropriately integrated into the Zoning Code. Attached as Schedule H is a “marked-up” copy of the amendment containing comments from Board members and staff.

In particular, this Board is concerned that there has been insufficient examination by the Petitioner of the relationship between the proposed text and the supplementary requirements of section 54-40 of the Zoning Code. This Board recognizes that some, if not all, uses in the VC-3 district should be fully or partially exempt from those regulations. However, given the time constraints this Board is working under, it has not been able to review all the impacts or to come to all necessary conclusions. This Board urges the Board of Trustees to undertake that review, or to authorize this Board to do so.

Recommendations

Despite the foregoing, this Board recommends that the Board of Trustees move forward and adopt a version of the proposed amendment. As noted above, it is consistent with the Comprehensive Plan; it allows for exploitation of the proximity of mass transit; it will generate additional activity in the central business district; it will generate tax revenue for the Village and the school district with a minimal increase in the amount of municipal services; it will improve the perception of the Village to outsiders as a place to visit and to live.

EAF

Minor administrative changes are required to the EAF Part I submitted by the applicant. They are not substantive and will be reviewed by staff.

The original draft EAF Part II was changed to reflect the possible applicability of a CEA, as discussed above.

EAF Part III is to be updated to include the discussion of possible impacts of the CEA that was had at this Board’s meeting of March 20, 2018. Comments from Chairman Thompson are attached as Schedule I.

Parking

The major concern remains the amount of parking needed. This concern is not limited to Petitioner's proposed "Country Inn Center", but extends to all other uses in the proposed VC-3 district.

The proposed amendment appears to leave the parking requirements for VC-1 uses in place, but adds a category limited to Country Inn Centers (sec. 4⁵). Under the proposal, Country Inn Centers would be required to provide one parking space for every two guest rooms, one for every 500 square feet of restaurant or food establishment use, and one for every 1,000 square feet of commercial/retail space.

The Board believes that these ratios are too generous, especially with respect to the restaurant and commercial/retail uses. While it is willing to accept that most guests will arrive via mass transit, this Board believes that the restaurant and retail uses of both the Petitioner's establishment *and other establishments in the VC-3 and VC-1 district* will attract patrons from within the Village and nearby areas in Rockland, Orange and Bergen Counties. These patrons will generate automobile traffic and will need parking areas.

Therefore, this Board recommends that the parking ratios for restaurant/food uses within a Country Inn Center be one space for every four seats, and for commercial/retail uses within a Country Inn Center be one space for every 500 square feet of gross floor area. These ratios are approximately twice the number of parking spaces proposed by Petitioner.

This Board recognizes that not all parking can be accommodated on each individual site, nor can additional street parking be created. However, this Board is aware that the Village owns land within the VC-3 district, directly opposite the train station, that is already being viewed as a location for an additional parking area. This Board is aware of other nearby property that could be acquired by the Village for parking areas.

The development of these additional parking areas would allow for an increase in the number of commuter parking spaces (although some of these spaces may have to be relocated from the current commuter lot), and provide parking for the VC-3 and other central business uses.

Thus, this Board recommends that the parking requirements for the VC-3 district be increased as described above, but with a provision allowing for a monetary contribution (amount to be determined) to a dedicated parking fund in lieu of providing on-site parking. The funds in the dedicated parking fund would then be used to acquire and build the additional parking lots.

In addition, this Board recommends that, for all uses within the VC-3 district, that off-site parking be allowed to be counted toward the on-site complement, if the off-site parking is within 1,000 feet walking distance from the affected site. Such off-site parking allowance should be made in conjunction with the contribution.

⁵ Section references are to the proposed text amendment version dated March 14, 2018.

Permitted Uses

This Board is comfortable with the list of permitted uses for the VC-3 district. (Sec. 1.B) However, we believe that, while certain uses should be allowed as of right when integrated into a Country Inn Center, they should remain special permit uses if they are to be stand-alone. The difference is that the uses within the Country Inn Center would draw most (if not all) their patronage from guests at the Country Inn Center, whereas stand-alone businesses would draw from the community at large.

Therefore, this Board recommends that uses which require special permits as stand-alone uses in the VC-1 district remain special permit uses in the VC-3 district, unless such uses are to be operated as accessory uses to the Country Inn Center. For guidance, the Board of Trustees is directed to the comments on the “marked-up” version of the March 14, 2018 revision of the proposed text amendment, attached as Schedule H.

The Bed and Breakfast use is listed twice (sec. 1.B.4 and 1.B.13). The latter listing should be deleted.

Catering facilities and shared car services (Lyft, Uber, taxis) (sec. 1.B.6 and 1.B.26) should be permitted only as accessory uses to Country Inn Centers, and there should be a limit on the number of parking spaces reserved for shared car services.

Private clubs should be deleted as a permitted use (sec. 1.B.24)

Game rooms should be added as an example to Recreational Uses (sec. 1.C.1)

Automotive repair stations and gas stations, which are listed as prohibited uses (sec. 1.D.6) do not currently exist within the geographic area of the VC-3 district. Accordingly, the last clause, “not in existence on the effective date of this zoning law”, should be deleted. In addition, the petitioner agreed to add mobile homes (and similar) to the list of excluded uses.

Development Standards

It should be made clear that the proposed dimensional requirements (sec. 1.E) apply only to Country Inn Centers. For all other uses permitted within the VC-3 district, the dimensional requirements for the VC-1 district should be imported.

In addition, the minimum lot area for Country Inn Centers (sec. 1.E.2.a) should be increased to 2.5 acres, which lot area can include non-contiguous lots under the same ownership within the VC-3 district. This Board believes that, because of the mixed use, integrated, nature of the Country Inn Center, a much larger lot area is required.

Similarly, there should also be a maximum building size for certain uses within the VC-3 district (a new sec. 1.E.2.m, to be developed). The district, and the Village, would be ill-served by the addition of large grocery stores, large or chain pharmacies, and similar retail uses. While building size is generally constrained by lot size and floor area ratio

(FAR), a maximum building size would prevent the merger of lots for the purpose of creating a large building.

For example, at the south end of the district, three lots (38.52-1-7, 8 and 9) could be combined to form a single lot of 0.59 acres. An FAR of 0.7 (as proposed for the Country Inn Center) would yield a building of 17,990 s.f.⁶ Such a building is much larger than any other existing building in the VC-3 district, and would be wholly inappropriate for the area.

This Board recommends replacing the minimum landscape buffer standards in sec. 1.E.4 with a grant of authority to this Board to require landscaping along lot or tract perimeters, and within lots or tracts, as it deems appropriate. The various streetscapes of the VC-3 district are sufficiently different from one another as to defy the imposition of a numerical minimum. This Board believes that it should require landscaping on a case-by-case basis, as needed.

This Board discussed parking issues (sec. 1.E.5), above.

Solid waste receptacles should be required of all stores, not just new ones (sec. 1.E.6).

Sec. 1.E.7 is redundant to sec. 1.E.1 and should be deleted.

Time restrictions for live music on Sundays should be added to sec. 1.E.11.b. The times when music should be permitted should be the same as for Mondays through Thursdays.

Sec. 6, relating to exceptions to height limitations, is effectively the same as the standard set of exceptions in Zoning Code § 54-40(F)(1), and should therefore be deleted.

Mill Street Improvements

Last, this Board recognizes that the amount of activity along Mill Street will increase if the Country Inn Center is realized and if other properties in the VC-3 district upgrade. Therefore, this Board recommends that Mill Street be improved to current standards in order to accommodate the potential increased activity.

Addendum

Attached as an addendum are comments made by individual Planning Board members subsequent to the March 20, 2018 meeting upon which this report is based and at which the substance of this report was approved.

These comments may or may not reflect the majority opinion of the Planning Board

Dated: April 2, 2018
Sloatsburg, New York

⁶ This is the equivalent of a large national pharmacy chain store.

PETITION OF TUXEDO-HUDSON CO. #3, LLC

REPORT OF THE PLANNING BOARD

LIST OF SCHEDULES

<u>Schedule</u>	<u>Description</u>
A	Petitioner's materials regarding parking standards for transit oriented developments
B	Planning Board Chairman Thompson's comments dated Feb. 8, 2018
C	John Lange's (Petitioner's consultant) response to Schedule B dated Mar. 15, 2018
D	Revised EAF Part I
E	Recommended EAF Part II
F	Petitioner's proposed EAF Part III, dated Mar. 15, 2018
G	Petitioner's proposed draft local law, dated Mar. 14, 2018
H	"Marked-up" copy of Petitioner's proposed local law (Schedule G), dated Mar. 20, 2018
I	Comments on EAF Part III by Planning Board Chairman Thompson