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PLANNING AND DEVELOPMENT CONSULTANTS

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MEMORANDUM

TO: FALLSBURG PLANNING BOARD

FROM: ROBERT GENESLAW, AICP

SUBJECT: VODAS, LLC - DAVOS DEVELOPMENT PROPOSAL

DATE: APRIL 17, 2012

C: MOLLIE MESSENGER, CODE ENFORCEMENT OFFICER
WILL ILLING, P.E., TOWN ENGINEER
RON HIATT, ESQ., PLANNING BOARD ATTORNEY
KEN ELLSWORTH, P.E., CONSULTING ENGINEER
DENISE MONFORTE, PLANNING BOARD SECRETARY
JAY ZIEGER, ESQ. (FOR PROJECT SPONSOR)
PETER BERMAN, (FOR PROJECT SPONSOR)
ROBERT TESSIER, AICP (FOR PROJECT SPONSOR)
JOSEPH GOLDEN, P.E., (FOR PROJECT SPONSOR)

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We are providing a memo which highlights details for discussion and how to proceed with the Davos Resort U.S.A. proposal:

A. Background

At the March 8, 2012 PB meeting there was general discussion on how to proceed with the Davos Resort U.S.A. proposal. At the end of the discussion the preferred route seemed to be to allow an amended site plan application for the hotel area (Phase 1 of the original 1988 plans and the current proposal) and the greenhouses as an accessory use to the hotel restaurants. It was suggested that a Full Environmental Assessment Form (EAF Part 1) be prepared for Phase 1 , and then a Generic Environmental Impact Statement for the balance of the property. The FEAF Part 1 would be reviewed, a Part 2 prepared, and any special studies would constitute a Part 3 (for example, traffic, stormwater, possibly a comparison of the 1988 Phase 1 approval with

the current proposal to assist in determining any special studies that need to be undertaken for Phase 1.

Since the March meeting some additional “historical” documentation has been found, consisting of:

- “Site Plan Vacation Resorts AKA Davos Condominiums II”, which was to be located in the original Phase 1, in the area currently proposed for the greenhouses.
- A letter from the Fallsburg Code Enforcement Office confirming the Final Site Plan approval for this proposal was granted April 8, 1993.
- Cover sheet for “Exhibit C, Approved Site Plan for 64 unit time-share development.”

This information would seem to support the approach discussed at the March 8, PB meeting. These documents are attached.

B. Concept Site Plan

The Project sponsor has provided a two sheet concept site plan dated revised 4/2/12. Our comments:

1. The two sheet plan cuts through the proposed hotel. A single sheet site plan should be provided for Planning Board review, and should include as much of the required site plan information as is feasible at a larger scale – perhaps 1”=100’.
2. The scale of the plans received, 1”=50’, are acceptable for the engineering and detailed site plan review.
3. The applicable zoning regulations are found in Article XXII, Davos Planned Unit Development District No. 4.
4. The PUD regulations do not have specific height requirements for a hotel. Instead there is a maximum ground area coverage requirement, a minimum front yard of 80 feet, and height is regulated by the distance from the site and rear property lines. Sec. 310-22.9.

(310-22.9) has three relevant requirements:

“(1) Area and coverage. No hotel, motel or recreation building or structure shall cover more than 25% of the land area upon which it is constructed.” “(2) Front yard. There shall be a minimum front yard of 80 feet into which there shall be no encroachment other than driveways, parking, fences and wall.”

“(3) Side and rear yards. No building or structure shall be placed closer to a side or rear property line than 50 feet and on (Note: we believe “on” should be “no” and it was a typo in the code) automobile parking shall be placed closer to side or rear property line than 25 feet. For each story the height of structures exceeds two, the offset from the side and rear property line shall be increased by 10 feet.”

My interpretation is that parking could be within the side and rear yards but not within 25 feet of the property line, and not so close to the building as to impede fire fighting. I think traditional accessory uses supporting a hotel could also be in the side and rear yards as long as there is sufficient space for parking and landscaping.

5. Greenhouses are not specifically listed as permitted principal or accessory uses, but the definition and examples of accessory uses provide some guidance. In addition, one purpose of the use of the PUD concept is to encourage flexibility with respect to zoning. We will continue to explore this issue and will work with Mollie Messenger to provide a recommended course of action.
6. In order to review the yard and other bulk requirements of the code it will be necessary to establish the equivalent of a lease line or hypothetical or property line from which calculations can be made, and this line should be shown on the drawings. Such a boundary may also be necessary for financing reasons, and establishing conforming boundaries at this time would be easier than at a later time.
7. A calculation of parking needs for the hotel and any ancillary facilities should be provided – see Article VIII for specific requirements and for provisions for joint and/or combined facilities. If some of the parking is intended for staff, limousine, van or bus parking it should be identified and sized accordingly.
8. The site plan should consist of a set of drawings providing the information identified in Sec. 310-7.4.

Our review will continue as additional information is provided.