

PLANNING BOARD OF THE TOWN OF MARLBOROUGH

RESOLUTION

Application of 220 North Road Realty, LLC for
Amended Special Permit/Site Plan Approval
January 6, 2014

Mr. Forco offered the following
resolution, which was seconded by Mr. Ricciardone, who
moved its adoption:

WHEREAS, on August 16, 2010, 220 North Road Realty, LLC, as
property owner obtained from the Town of Marlborough Planning
Board an amended special permit and site plan approval for
modification of existing Building Nos. 2 and 3, and related site
development, at its Buttermilk Falls Inn & Spa which constitutes
11.3 acres of improved real property at North Road, Marlborough,
New York, (Tax Parcel Section 103.001-2-13 [hereafter "Tax Lot
13"]); and

WHEREAS, Robert Pollock is the fee owner of a parcel of
land of approximately 39.5 acres in the Town of Marlborough and
bearing tax map identification number 103.1-2-12.2 (hereafter
"Tax Lot 12.2"); and

WHEREAS, Robert Pollock is a member of 220 North Road
Realty, LLC ("220 North Road Realty"); and

WHEREAS, Tax Lot 12.2 is contiguous to Tax Lot 13; and

WHEREAS, 220 North Road Realty, LLC later applied to the Planning Board for further amended special permit and site plan approvals, in primary part, to extend the scope of the Resort Hotel Special Permit for the Buttermilk Falls Inn and Spa conducted at Tax Lot 13 to include and to incorporate a Barn and related site development on a designated portion of Tax Lot 12.2 ("Resort Hotel Extension Area") in order to convert that designated portion of Tax Lot 12.2 from agriculture use to a 120 seat banquet hall, with 60' x 30' commercial kitchen, together with a deck and associated improved appurtenances, access and parking, all of which would relate and combine use of this portion of Tax Lot 12.2 to the resort hotel use of Buttermilk Falls Inn and Spa on Tax Lot 13 as one integrated land use; and

WHEREAS, the Barn and the area of land and site improvements associated with the Barn for proposed extension of the special permit for commercial resort hotel onto the portion of Lot 12.2 (the "Resort Hotel Extension Area") is depicted within the Site Plan entitled Buttermilk Falls Inn and Spa prepared by Medenbach & Eggers and bearing the last revision date of August 7, 2013; and

WHEREAS, the applicant worked with the Planning Board during the review process to incorporate voluntarily several conditions for amended approvals, in addition to the continuation of conditions made a part of the approvals earlier

issued by the Planning Board in November of 2005 and on August 16, 2010; and

WHEREAS, on September 3, 2013, the Planning Board granted conditional special permit and site plans approvals for further amended special permit and site plan approvals, to extend the scope of the Resort Hotel Special Permit for the Buttermilk Falls Inn and Spa conducted at Tax Lot 13 to include and to incorporate a Barn and related site development on a designated portion of Tax Lot 12.2 ("Resort Hotel Extension Area") in order to convert that designated portion of Tax Lot 12.2 from agriculture use to a 120 seat banquet hall, with 60' x 30' commercial kitchen, together with a deck and associated improved appurtenances, access and parking, all of which would relate and combine use of this portion of Tax Lot 12.2 to the resort hotel use of Buttermilk Falls Inn and Spa on Tax Lot 13 as one integrated land use; and

WHEREAS, 220 North Road Realty, LLC currently applies to the Planning Board for further amended special permit and site plan approvals in order to enlarge a building devoted to spa activities on Tax Parcel 13 as part of the integrated resort hotel use of Tax Parcel 13 and Tax Parcel 12.2, with related improvements and modifications to site development, including enlarged parking area, all as shown on the plans entitled Site

Plan for Buttermilk Fall Inn and Spa, prepared by Medenbach and Eggers, and bearing last revision date of December 23, 2013; and

WHEREAS, a review of this unlisted action under SEQRA was undertaken by the Planning Board; and

WHEREAS, the Planning Board has issued a negative declaration of significance under SEQRA.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The Planning Board approves the amended special permit and site application for the improvements and activities identified on the amended Site Plan entitled Buttermilk Falls Inn and Spa prepared by Medenbach & Eggers and bearing the last revision date of December 23, 2013, subject to any and all limitations and conditions found in this Resolution, or upon the Site Plan, whichever such limitations or conditions are more strict.

2. In issuing this special permit approval, the Planning Board concludes that:

- a. points of traffic access will be adequate but not excessive in number, and otherwise compliant with (E) (1) of Section 155-32 of the Town Code;
- b. parking measures comply with (E) (2) of Section 155-32;

- c. all parking and service areas are reasonably screened under the circumstances, and landscaping features are adequate for purposes of (E) (3);
- d. the character and appearance of the use, and related structures, signs and lighting are in general harmony with the character of the neighborhood and the Town for purposes of (E) (4);
- e. the use can be carried out without injury to historic or natural environmental features for purposes of (E) (5);
- f. levels of service, including water supply and sanitary facilities will accommodate the intended use, and protect against pollution, for purposes of (E) (6);
- g. use and the site will be accessible for emergency services for purposes of (E) (7), in light of determinations made by the Town's Code Enforcement Officer on August 20, 2013 after consultation with the Milton Fire Department;
- h. for purposes of (E) (8), the use will not be more objectionable to nearby property owners or occupants by reason of noise, fumes, vibration or lighting than would be the operations of a permitted principal use;

i. best management practices have been incorporated for the protection of any streams, steep slopes, wetlands, floodplains, and other natural features for purposes of (E) (10).

3. The Planning Board approves the amended site plan application under Section 155-32 of the Town Code. In so doing, the Planning Board concludes that the applicant has substantially fulfilled the application, design and review standards of Section 155-31 of the Marlborough Zoning Law. The Planning Board makes the following findings applying the site plan standards of local law:

- a. The site design will have a harmonious relationship with the existing or planned development of contiguous lands and adjacent neighborhoods
- b. The site design will have no material adverse effect upon the desirability of such neighborhoods for the uses contemplated by Chapter 155 of the Town Code.
- c. The site design will be consistent with provisions of the Town of Marlborough Comprehensive Plan and its land use regulations and other local regulations.

- d. The proposal and site design reflect an awareness of and sensitivity to the views, terrain, soils, plant life, and other unique qualities of the site to a reasonable degree.
- e. The proposed use of the site is located to preserve the natural features of the site and to avoid any wetland areas, steep slopes, significant wildlife habitats and other areas of environmental sensitivity.
- f. The placement and design of buildings and parking facilities takes reasonable advantage of the site's topography, existing vegetation and other pertinent natural features.
- g. There is no significantly greater impact upon residential districts or residential uses. The Planning Board finds no practical need to encourage or impose the use of a landscaping, buffers, berms, screens, visual interruptions, and common building materials other than, or in addition to, the Site Plan submitted by the applicant.
- h. The use of the site is reasonable and sound in terms of the lot placement, scale, height and other elements.

- i. There is no practical need for measures that mechanical equipment be screened from public view.
- j. There are no proposed new structures which relate to concepts of being sited and located to take advantage of solar access insofar as practical, including the orientation of proposed buildings with respect to sun angles, the shading and windscreen potential of existing and proposed vegetation both on and off the site, and the impact on solar access to adjacent uses and properties.
- k. The parking and loading facilities are in accordance with § 155-27 of the Town Code. Parking areas do not visibly impact public roads to any significant or meaningful degree.
- l. The entrance drives provide adequate ingress and egress for traffic to and from the site.
- m. The use on the site is reasonably accessible to emergency vehicles, in light of determinations made by the Town's Code Enforcement Officer on August 20, 2013 after consultation with the Milton Fire Department.

- n. On-site roadways are properly relate to the improvements on site, and provide for safe connection with streets.
- o. There is no practical need for any landscaped and comfortably graded pedestrian walkways on this site.
- p. The proposed site plan makes proper provision for accessibility for physically disabled persons.
- q. There is provision on the site plan for proper surface water management of the modifications, and for control of erosion and sedimentation.
- r. Proper provision has been made for the water supply and sewage disposal requirements of the proposed improvements.
- s. Proper provision has been made for fire protection.
- t. Any lighting adequately minimizes glare, does not create hazards to traffic, and is sufficiently harmonized with the neighborhood.
- u. All signs associated with the improvements, if any, shall comply with the sign regulations of §155-28 of the local zoning law.
- v. There are no new significant structures to be located, to be constructed, and to be insulated

as necessary to prevent on-site noise from interfering with the use of adjacent properties.

- w. The site plan adequately integrates elements of site design, including landscaping where appropriate, which preserve and enhance the particular features of area.
- x. Design and designation of open space is not necessary and appropriate for this use and parcel.
- y. Parking facilities are landscaped and screened from public view to the extent necessary.
- z. Any solid waste facilities and containers, outdoor service areas, and loading docks are screened to the extent necessary.**

4. The following conditions are attached to the amended special permit and site plan approvals of the use and site modifications shown on the subject amended Site Plan for Buttermilk Falls Inn & Spa bearing last revision date of December 23, 2013:

- a. The applicant and Robert Pollock shall abide by all conditions attached to the November of 2005 site plan and special permit approval, including but not limited to the conditions that activities

related to the inn and spa use, and special events uses, shall not generate sound levels in excess of 65 decibels at the property line and that special events making use of the Site Plan's outside special events area shall be limited in number to 15 per year.

- b. The applicant and Robert Pollock shall abide by all conditions attached to the August 16, 2010 amended special permit site plan approval, with the exception that the Planning Board upon request of the applicant does hereby relieve the resort hotel use of the condition found in Paragraph 4(b) of the August 16, 2010 resolution which read as follows: "[t]he spa and pool on the Property shall be used by resort hotel guests only, to the exclusion of day guests or patrons visiting the Property for special events".
- c. The applicant and Robert Pollock shall fulfill and abide by all conditions attached to the September 3, 2103 amended special permit and site plan approval for integrated resort hotel use of Tax Parcel 13 and Tax Parcel 12.2, those conditions shall be deemed incorporated as conditions in this current Resolution, and the

Chairman shall not be authorized to sign the present amended site plan and special permit approval until the applicant fulfills any open conditions forming a part of the conditional approval of September 3, 2103, including by not limited to the payment of all relevant charges and fees, and the condition that the applicant and Robert Pollock as fee owners of Tax Parcels 13 and 12.2, respectively, shall provide in a form acceptable to the Planning Board Attorney recordable covenants, easements or other interests in land establishing the rights and opportunities for the integrated resort hotel use, as expanded by the September 3, 2013 amended special use permit and site plan, to make use in common of all access, parking, other site development shown on Tax Lot 13 and in the Resort Hotel Extension Area of Lot 12.2 as shown on the Site Plan last revised on August 7, 2013.

- d. Activities and events shall be limited to the areas identified and noted on the approved amended Site Plan bearing last revision date of August 7, 2013, as modified by the amended Site

Plan bearing last revision date of December 23,
2103.

5. The foregoing resolution was duly put to a vote which resulted as follows:

	AYE	NAY	ABSTAIN	ABSENT	PRESENT AT MEETING, NOT VOTING ON APPLICATION
Chairman Porco	✓	—	—	—	—
Member Truncali	—	—	—	—	—
Member Ricciardone	✓	—	—	—	—
Member Falkenberg	✓	—	—	—	—
Member Trapani	✓	—	—	—	—
Member Brand	✓	—	—	—	—
Member Logue	✓	—	—	—	—

Dated: Marlborough, New York

Jan 6, 2014

Kathi Natland
KATHI NATLAND
Planning Board Clerk

