

May 15, 2023

Via Hand Delivery and Electronic Mail

Chairman Michael Dupree and Members of the
Town of Hyde Park Planning Board
4383 Albany Post Road
Hyde Park, New York 12538

***Re: Site Plan Application: Hotel and Villas
at the Culinary Institute of America, Hyde Park***

Dear Chairman Dupree and Members of the Planning Board:

As you are aware, our Firm, in coordination with Gensler and LaBella Companies (together, “Development Team”), represents NR-International (“NRI” or the “Applicant”) in its proposed development of a brand destination resort, including hotel and Villa rentals, and transient leasehold lodging Villas and Townhouses, with associated amenities available to all occupants and guests (“Project” or “Resort”), pursuant to a Ground Lease with the Culinary Institute of America (“CIA”). The disturbance area for the Project totals approximately 27 acres. NRI is excited to submit its formal Site Plan Application with a modified and enhanced version of the Project (“Application” or “Submission”) for this Board’s review and hopeful placement on your June 7th Regular Meeting Agenda.

As you may recall, NRI presented the Project to Town Staff and members of this Board several times, beginning in 2019. Last year, our Team had a Pre-Submission Conference with your Board and Staff on January 5, 2022. This was followed by a preliminary Site Plan Application Submission to your Board on May 31, 2022, and a preliminary meeting before your Board on June 15, 2022. A Completeness Review Memorandum was issued by the Zoning Administrator on June 14, 2022, however, the Board made clear that it would not formally begin its review of the Site Plan Application in earnest until CIA signed and consented to the Site Plan Application.

In the meantime, due to various market conditions and the changing credit market, over the past months, the Applicant has redesigned and restructured the Project to now constitute an even more environmentally sustainable, nearly net-zero energy generator, unique and upscale Resort, which contains lower scale buildings and is more architecturally integrated into the natural landscape.

It has been updated to, among other things, reduce the number of Hotel units, but add additional privately owned Leasehold Villas and Townhouses and rooms as part of the overall Resort (which Leasehold Villas and Townhouses will be part of a rental pool program as set forth herein), as well as update the parking layout, outdoor public spaces and recreational amenities.

The modified design also reduces the impacts to stream corridors and wetlands on the Site in comparison to the previous version of the Project presented to the Board. We respectfully request that you please deem the Application complete, and place it on your June 7th Regular Meeting Agenda for a presentation and initial discussion.

SUBMISSION

Twelve (12) copies of the following documents are included in the instant Submission:

1. Completed and Signed Site Plan Application Form;
2. Completed and Signed Application for Subdivision Approval of Sketch Plan;
3. A Civil Site Plan Set prepared by LaBella (Engineer), MPFP (Landscape Consultant), and Castelli Architectural Lighting Design (Lighting Consultant), dated May 15, 2023.¹ This Plan Set includes a Sketch Plan for Subdivision prepared by LaBella.
4. An Architectural Site Plan Set, prepared by Gensler (Architect), dated May 15, 2023. Of note, Sheet A0.05 contains an updated Master Plan for the CIA Campus, as required by Section 108-5.13(B)(2) and Sheets A0.09-A0.11 contain visual renderings of the Project;
5. Full Environmental Assessment Form (“EAF”), prepared by LaBella, dated May 15, 2023, with the following Part 3 Supplemental Studies and Reports attached:
 - a. Traffic Study, prepared by LaBella, dated May 15, 2023;
 - b. Overflow Parking Analysis and Attachments, prepared by LaBella, dated May 15, 2023; and
 - c. USFWS Informal IPaC Resource List;
 - d. Supplemental Wetland Delineation Report, prepared by Delta Engineers, Architects, Land Surveyors & Landscape Architects, DPC (“Delta”), dated May 3, 2023, with the original Wetland Delineation Report, dated April 8, 2022 annexed thereto;
 - e. Supplemental Stream Corridor Wildlife Study, prepared by Delta, dated May 11, 2023, with the original Stream Corridor Wildlife Studies, dated May 26, 2022 and July 22, 2022 annexed thereto;

¹ Please note that the Landscape and Lighting Consultants’ Plans do not include the requisite professional stamps. Our Development Team has previously spoken with the Town’s Zoning Administrator, who has confirmed that for this Submission it would be acceptable to provide a letter stating that the plans were developed under licensed professionals. Such letter is enclosed herewith.

- f. Supplemental Endangered and Threatened Species Habitat Assessment, prepared by Delta, dated May 3, 2023, with the original Endangered and Threatened Species Habitat Assessment, dated March 23, 2022 annexed thereto; and
 - g. Phase I Archaeological Investigation, Parts 1 and 2, prepared by Hartgen Archeological Associates, Inc., dated May 2022;
6. Visual Assessment, prepared by LaBella, dated May 15, 2023;
 7. Revised Stormwater Pollution Prevention Plan, prepared by LaBella, dated May 2023;
 8. Variance Application Form to be supplemented with detailed information as to how the requested variances requested meet the five-factor analysis;
 9. Deeds for the three (3) impacted CIA Parcels, which include the legal descriptions for these Parcels; and
 10. Check in the amount of \$430.00 associated with the Subdivision Application.²

THE REVISED PROJECT

The Project is proposed to be located on a portion of the 73.3-acres of the CIA's parcels ("Site") located directly adjacent to the North of the CIA Campus (*i.e.*, North of the Maritje Kill). These parcels include Parcel Id's: 133200-6064-04-965164-0000 (3947 Albany Post Road) ("Coco Parcel"); 133200-6064-04-932144-0000 (483-487 Albany Post Road) ("Parking Lot Parcel"); and p/o 133200-6063-02-889857-0000 (1995-2066 Campus Road) ("Main Campus Parcel").

The Project will consist of an integrated Resort destination, which is architecturally designed to be in harmony with the natural landscape. While the previous iteration of the Project featured a 5-story boutique hotel with 105 hotel units, 10 hotel villas, and 34 for-sale privately-owned Leasehold Villas, the new Resort design includes: (i) lower-rise Hotel buildings with approximately 18 Hotel units; (ii) approximately 23 Hotel Villa units, totaling 58 Hotel rooms, which will be owned and operated by NRI in the same manner as the Hotel (together with (i), the "Hotel Units"); (iii) approximately 50 privately owned leasehold Villas (with one, two or three bedrooms), with associated parking, totaling approximately 128 rooms ("Leasehold Villas"); (iv) approximately 12 attached privately owned leasehold townhouses located in a single building, totaling approximately 24 rooms, with associated parking ("Leasehold Townhouses"); (v) similar amenities to those shown in the plans for the previous Project including, but not limited to, an approximately 3,700-SF amenity building (for Leasehold Villa owners and guests), a 225-seat event barn, pool, an approximately 6,000-SF spa and fitness building, a 110-seat restaurant with

² The Applicant included a check in the amount of amount of \$5,500.00 for the Site Plan Application Fee with the May 31, 2022 submission, and upon information and belief there are no outstanding Escrow Requests.

all-day dining services, a 30-seat lobby bar, hiking trails, tennis and pickleball courts, and other recreational facilities for use by all Hotel Key occupants, as well as by the Leasehold Villa and Leasehold Townhouse owners and rental guests; and (vi) surface parking for 104 cars near the main Resort entrance, as well as a 14-space parking lot near the spa and 70 overflow event parking spaces on the main CIA campus. In lieu of the previous Plan's two-story parking structure, there will be valet parking from the Main Hotel Entrance to the parking lot for all Hotel Key and Leasehold Townhouse guests, while the Leasehold Villa occupants will have their own individual car ports and driveways for parking. The Project is designed to meet USGBC LEED accreditation standards.

The Hotel Units, Leasehold Villas, Leasehold Townhouses and associated amenities would be located on the now existing Main Campus Parcel, while the 104-space surface parking lot would be located on the Parking Lot Parcel. Construction of the Project will result in ground disturbance of approximately 31.22 acres, which includes traffic improvement work that will be required by the New York State Department of Transportation, as set forth in the EAF. Unlike the previous iterations of the Applications, the Applicant now proposes a Minor Subdivision for the purpose of merging the Parking Property (CB District) with the Main Campus Parcel (SAD District) so that the contemplated parking lot is considered an accessory use to the Project.

In addition to the Resort Project, the Applicant proposes to renovate the former Coco's restaurant, which will be temporarily converted into a contractor trailer area with sales office during construction, as shown in further detail in the Civil Site Plan Set enclosed herewith. The Coco Parcel will be subject to a separate, temporary lease with the CIA. The CIA and the Applicant are still in the process of discussing a future use for the former Coco's restaurant building once construction of the Project is complete. The Project will hook into the CIA's existing sewer and water systems.

The Leasehold Villas and Leasehold Townhouses will consist of an individual, (but uniform) sub-ground lease between NRI, and each Leasehold Villa and Leasehold Townhouse owner. Each owner of such unit will become part of the Resort Membership Program, which will include, among other features, full access to all Resort amenities, a mandatory rental program, as well as participation in programmed activities with the CIA. All sub-ground leases with Leasehold Villa and Leasehold Townhouse owners will mandate that their lodgings be made available for rent by transitory occupants, through the Resort Rental Program or a certified Third Party, at least 65% of the year.

Access to the Resort will be across from St. Andrews Road with an additional emergency access road located at an existing curb-cut off Route 9, south of the main Project entrance. Of interest, both of the aforementioned road access locations and the Hotel in general were previously before and approved by this Board and the various involved agencies in 2011 with respect to a prior proposal, which was never constructed.

The Project will also incorporate trails and designed public spaces as shown on the Architectural Site Plan Set, which will offer a unique natural outdoor experience, while also

connecting the Project with the CIA Campus and the adjacent FDR Site. This connectivity will allow Resort guests, students of the CIA, and members of the public to also enjoy the acres of land on the CIA property that will remain undeveloped.

Finally, the Project reduces impacts to on-Site wetlands. As set forth in the EAF Narrative, the Project will result in a 0.051 acre disturbance to two wetlands identified in the Wetland Delineation Report attached to the EAF: (i) 0.048 acres - on-site ACOE wetland A2 for roadway, sidewalk and grading where the main road for the Project will be constructed; and (ii) 0.003 acres - non-jurisdictional Wetland D for roadway, grading and a retaining wall closer to the Hotel. Previously, the Applicant had proposed 0.07 acres of disturbance to the latter wetland for the access drive, as well as the placement of three 26-foot wide culvert crossings. Therefore, the Project will result in a decrease in disturbance to wetlands by 0.019 acres.

REQUESTED VARIANCES AND WAIVERS

The previous iteration of the Project included the following dimensional or physical aspects, which were not in conformance with the Zoning Code, all as shown in the previous Site Plan Application drawings: (i) three encroachments in the 100-foot stream corridor at the Maritje Kill; (ii) an encroachment in the 100-foot stream corridor of a stream on the northeast portion of the Site; (iii) two encroachments in the 100 foot north boundary of the Site; and (iv) a deficiency in the number of parking spaces required under the Zoning Code.

The Project now includes the following dimensional or physical aspects, which are not in conformance with the Code: (a) the same three encroachments in the 100-foot stream corridor at the Maritje Kill; (b) a decreased encroachment in the 100-foot stream corridor of a stream on the northeast portion of the Site, resulting in a reduction of 3,917 s.f. of stream corridor encroachment; (c) a decreased encroachment into the 100-foot north boundary of the Site by 2,795 s.f.; (d) encroachment into the 150-foot Route 9 setback for retaining walls; and (e) a deficiency in the number of parking spaces required under the Zoning Code.

A. Requested Variances

As shown in enclosed Variance Application, the Applicant will be requesting Variances from the Zoning Board of Appeals for the following physical aspects of the Project.

Previously, the Applicant requested a Variance to encroach (i) 96-feet into the 100-foot setback for a retaining wall (with the amount of retaining wall encroaching in the setback totaling approximately 195 s.f.) and (ii) a 90.4-foot setback for the proposed parking garage (with approximately 27,390 s.f. encroaching in the setback).

Under the current Application, the Applicant is seeking a 10.6% reduction in square footage regarding the 100-foot setback Variance, and a significant reduction in mass and height regarding the Variance in connection with reduced tennis/pickleball courts and an in-ground pool:

1. The tennis and pickleball courts are located 25-feet from the northern boundary of the Site, adjacent to the FDR parcel, requiring a 75-foot variance from Section 108-5.13(C)(9)(c). The amount of the courts encroaching in the setback totals approximately 3,840 s.f.

2. Approximately 20,950 s.f. of the in-ground pool will be located 45-feet from the 100-foot setback from the northern boundary of the Site, requiring a 55-foot variance from Section 108-5.13(C)(9)(c).

Additionally, the Applicant requires a Variance from the 150-foot setback from Route 9, as follows:

3. There will be retaining walls associated with grading of the proposed new entry road that are located, at the closest point, 57 feet from Route 9 along the Main Campus Parcel, requiring a 93-foot variance from Section 108-5.13(C)(9)(a). This retaining wall encroachment totals 3,775 s.f. in area. No building structures will be located in the setback.

B. Requested Planning Board Waivers/Permits

With respect to the remaining non-conforming physical aspects of the Project, the Applicant is requesting Permits and/or Waivers from the Board, as follows:

1. With respect to encroachments within the 100-foot stream corridor for the of the Maritje Kill, there have been no changes to what was previously proposed. There will be: (a) 14,240 s.f. of encroachment 97 feet into the 100-foot stream corridor of the Maritje Kill for grading purposes for the pedestrian bridge and associated access path; (b) 801 s.f. of encroachment into the 100-foot stream corridor of the Maritje Kill for the separate emergency access grading from Route 9 and associated drainage; and (c) 3,764 s.f. of encroachment in the 100-foot stream corridor of the Maritje Kill for grading purposes related to the access drive, all either requiring a Permit for this encroachment in accordance with Section 108-4.3(G)(2)(a)(2) (permitting construction in the stream corridor when such use “[h]as received a permit from NYSDEC pursuant to Article 15 of the Environmental Conservation Law and has received a permit from the Planning Board pursuant to Chapter 107, Water Resources Protection, of this Code.”

2. With respect to the encroachment into the 100-foot stream corridor of the small stream on the northeast portion of the Site, the encroachments have decreased since the previous submittal. Previously, the Applicant proposed a 3,257 s.f. encroachment 35 feet into the 100-foot stream corridor for grading purposes, and a 6,060 s.f. encroachment 24 feet into the corridor for the location of the parking garage. Currently, the Applicant is requesting a Permit in accordance with Section 108-4.3(G)(2)(a)(2), or in accordance with Section 108-4.3(G)(2)(b) (permitting construction in a stream corridor where no NYSDEC or Planning Board permit is required): a 5,146 s.f. encroachment 19 feet into the 100-foot stream corridor of the smaller stream for grading purposes associated with the pool, and a 254 s.f. encroachment 20.5 feet into this same corridor for the actual pool.

3. The Parking Requirements Chart on the Cover Sheet of the Site Plan Set provides that the Project requires 379 spaces for the various uses (see Zoning Code, Section 108-4.5(B) (Parking Standards), which was relied upon in determining this calculation). Section 108-4.5 of the Code permits the Planning Board to modify the Parking Standards, taking into consideration: (1) the practical difficulties of applying the standard to a particular project; (2) the potential adverse impact on surrounding properties and the neighborhood of applying or not applying the standard to the proposed project; and (3) the feasibility of alternate means or measures to attain the same goal as the standard.

The Applicant proposes a total of 328 parking spaces. The Applicant will construct 218 parking spaces - 100 parking spaces at the Leasehold Villas (2 parking spaces at each Villa); a 104-space surface parking lot on the Parking Lot Parcel for the Hotel Units, Leasehold Townhouses, and associated Hotel uses, and 14 parking spaces in a parking area near the spa. The Applicant also proposes to enter into a shared parking arrangement with the CIA for use of an additional 70 parking spaces at the CIA Campus, which will be utilized solely for overflow parking for large events at the Resort. A valet golf-cart service will be used to shuttle staff and guests from the CIA parking lot to the Hotel via the pedestrian bridge, which passes over the Maritje Kill. Forty parking spaces for Resort staff parking will be identified and provided in accordance with ongoing consultations between NRI and the CIA. The Applicant also applied a 30% shared parking reduction similar to the percentage relied upon and approved by this Board for the 2011 approved hotel based upon an overlap of hotel guests utilizing the restaurant, spa and attending events on site. As cited above, the Applicant will seek a determination from the Planning Board granting a Waiver or modification of the Parking Standard.

Enclosed herewith, and of importance, as an attachment to the EAF is an updated Overflow Parking Analyses, prepared by LaBella. These studies confirm that there is adequate parking on the CIA Campus, Lot C, to accommodate use of at least the 70 event guest parking spaces. LaBella conducted recently supplemental overflow parking counts and identified the number of empty spaces at five periods on days that the CIA had a major event – *i.e.*, its Bachelors and Associates Commencement Ceremonies. The CIA was in full operations during these counts (*i.e.*, restaurants were open and degree program classes were taking place). During these dates and times, there were between 132-252 parking spaces available in the CIA Lot C.

Section 108-5.13(B)(6) (pertaining to the St. Andrews District) of the Zoning Code states that “[t]he number of parking spaces provided shall be reasonably related to the use being served. Parking shall be adequate for the average daily use, not peak holiday or seasonal demand.” Based upon the evidence provided in the Shared Parking and Overflow Parking Analyses, the Applicant submits that the 328 parking spaces proposed is adequate to meet the demands of the Project.

C. No Variances Required for the Parking Lot Parcel

The uses proposed on the Parking Lot Parcel: entry gate and 104-space parking lot associated with the Hotel are newly proposed with the instant Application. The Applicant submits that it does not require variances for any of the proposed uses on the Parking Lot Parcel, which is

located in the CB District and will continue to be located in the CB District after the proposed merger with the Main Campus Parcel (which is located in the SAD). Pursuant to Section 108-3.3(E)(1) of the Zoning Code, where a lot is divided by zoning district boundaries, “[t]he respective district regulations shall apply to each portion of the lot so divided.” Each of these uses meets the dimensional requirements of the CB District.

CONCLUSION

NRI looks forward to continuing a meaningful, collaborative, and forthright review process with your Board, and if deemed appropriate by the Zoning Administrator, requests placement on your June 6th Regular Meeting Agenda. We look forward to continuing to advance this exciting Project, and appreciate your continued valuable time and attention to this matter.

Very truly yours,

ZARIN & STEINMETZ, LLP

By: /s/ Michael D. Zarin
Michael D. Zarin
Kate Feinman

Encls.

CC: Tad Moss – Zoning Administrator
Victoria Polidoro, Esq. – Planning Board Attorney
Brent Reynolds and Lou Dorso – NR-International
Michael Gatti – Gensler
Chris Lapine – LaBella