

COPY

SEQRA FINDINGS STATEMENT  
MODIFIED BELLEAYRE RESORT AT CATSKILL PARK

DATE: 1-14, 2016

PROJECT: MODIFIED BELLEAYRE RESORT AT CATSKILL PARK

LOCATION: +/- 742.24 ACRES LOCATED IN TOWNS OF SHANDAKEN  
AND MIDDLETOWN, ADJACENT TO BELLEAYRE  
MOUNTAIN SKI CENTER, ULSTER COUNTY ROUTE 49A

FINDINGS PREPARED BY  
INVOLVED AGENCY:

TOWN OF SHANDAKEN PLANNING BOARD  
Town of Shandaken Town Hall  
Route 28  
Shandaken, New York 12480

APPLICANT:

Crossroads Ventures, LLC  
PO Box 466  
Highmount, NY 12441

CONTACT:

Town Planning Board Chair Donald Brewer  
Town Hall  
Route 28  
Shandaken, New York 12480  
Telephone: 845-688-7165

## FINDINGS

Pursuant to Article 8, State Environmental Quality Review Act (hereinafter called "SEQRA") of the Environmental Conservation Law and 6 NYCRR Part 617, the Planning Board of the Town of Shandaken, as an involved agency, makes the following findings:

1. Name of Action  
Modified Belleayre Resort at Catskill Park
2. Project Sponsor  
Crossroads Ventures, LLC  
PO Box 466  
Highmount, NY 12441

3. Description of Action

The action is described in the Project Sponsor's letter to the Planning Board dated October 28, 2013, accompanying the application.

4. Location

The Project site is located on +/- 742.24 acres adjacent to the Belleayre Mountain Ski Center (BMSC) on Ulster County Route 49A, in the Town of Shandaken, County of Ulster, and the Town of Middletown, County of Delaware, in the State of New York.

The Project includes eleven parcels in the Town of Shandaken: (1) SBL#3.1-10.100, 104.46 acres; (2) SBL#3.-1-1, 100.81 acres; (3) SBL#3.-1-7.100, 47.57 acres; (4) SBL#3.-1-8, 22.13 acres; (5) SBL#4.-2-1, 16.95 acres; (6) SBL#4.-2-2.100, 2.86 acres; (7) SBL#4.-2-2.200, 15.35 acres; (8) SBL#4.-2-65, 0.88 acres; (9) SBL#4.-2-66, 2.27 acres; (10) SBL#4.-2-67.200, 16.75 acres; (11) SBL#4.-2-68, 1.29 acres, as shown on the map prepared by Robert Allison, LS, of Catskill Region Surveying Services, dated March 27, 2015.

5. SEQRA Lead Agency and Involved Agency Jurisdiction

The New York State Department of Environmental Conservation (NYSDEC) is the SEQRA lead agency for the Project. Construction of the Project will require, among other approvals, a special use permit and site plan approval from the Planning Board of the Town of Shandaken under Town of Shandaken Code Chapter 116, and therefore, the Planning Board is an involved agency with approval authority. As an involved agency charged with reviewing and approving the special use permit and site plan, the Planning Board is also required to adopt a SEQRA Statement of Findings. The following SEQRA Statement of Findings relies upon and incorporates herein the SEQRA Statement of Findings adopted by the NYSDEC as lead agency on December 2, 2015, and the full SEQRA record developed since review began in 1999.

In addition, the Planning Board has carefully reviewed, relies upon and incorporates herein the SEQRA Statement of Findings adopted by NYSDEC as lead agency for the Belleayre Mountain Ski Center Unit Management Plan ("BMSC UMP") on December 2, 2015.

6. Date Final EIS Accepted As Complete by SEQRA Lead Agency:

September 2, 2015

7. Facts and Information Relied Upon To Support the Decision

a. Introduction

The NYSDEC has carefully and thoroughly reviewed the information contained in the Draft Environmental Impact Statement (DEIS), Supplemental Draft Environmental Impact Statement (SDEIS), and the Final Environmental Impact Statement (FEIS), as well as all comments from the public and all involved and interested agencies. The NYSDEC found the FEIS to be an adequate examination of all significant potential adverse impacts that could result from the proposed action. The Planning Board as an involved agency has also reviewed these materials and has participated in the SEQRA process with the NYSDEC.

Therefore, the Planning Board hereby adopts in full the NYSDEC SEQRA Findings for the Modified Belleayre Resort Project, dated December 2, 2015, and the NYSDEC SEQRA Findings for the Belleayre Mountain Ski Center Unit Management Plan (BMSC UMP), dated December 2, 2015. In addition, the Planning Board adopts the following findings relating to areas of potential environmental impact that NYSDEC has indicated are primarily of local concern.

b. Community Character

Municipalities define community character through their comprehensive plans. Plans are implemented through zoning. In the Town of Shandaken, resorts are a permitted use in all residential districts, subject to a special use permit and site plan review. The Project will combine several smaller parcels into two larger, distinct parcels for development. The 255.57-acre Wildacres Parcel will include lands in the Town of Middletown zoned R5 (129.52 acres) and lands in the Town of Shandaken, some zoned Residential (R3) (89.61 acres) and others zoned Residential (R1.5) (36.44 acres). The 134.36-acre Highmount Spa Parcel will include lands in the Town of Middletown zoned R5 (35.55 acres) and lands in the Town of Shandaken, some zoned Residential (R5) (58.12 acres) and others zoned Residential (R3) (42.69 acres).

The Planning Board has actively engaged in comprehensive review of all aspects of the special use permit and the site plan requirements. As demonstrated by the resolution to which this Findings Statement is appended, the Planning Board has found that the Project meets the general and specific standards for a special use permit under Town of Shandaken Zoning Law §§ 116-39 and 116-40 (O), and the site plan meets the standards set forth in Town of Shandaken Zoning Law § 116-50 (hereinafter collectively Zoning Law). In so finding, the Planning Board has conditioned its approval of the Project on numerous requirements set forth in the resolution that ensure consistency with the provisions and intent of the Town's Zoning Law.

With respect to the specific density and bulk requirements, the Planning Board, Town Engineer, Town Code Enforcement Officer and the Applicant engaged in detailed review of the Project and determined that the Project meets these requirements, as confirmed by a letter from the Town Code Enforcement Officer dated November 10, 2015. The calculations and analysis fully demonstrating compliance were included in the FEIS Part B, Responses to Comments Section 3.8.2. In performing these density calculations, parcel boundaries, zoning district lines and acreage were taken from the current Site Survey Maps prepared by Catskill Region Surveying Services (CRSS), dated March 27, 2015. All lodging units bisected by the boundary line between Shandaken and Middletown as shown on the Site Survey Map were conservatively included as whole units within Shandaken, thus requiring more total lot area in the density calculations. The calculations demonstrate that the Wildacres Parcel and Highmount Parcels will each contain more than enough acreage to meet the density requirements for the proposed number of lodging units in each of the Town of Shandaken Zoning Districts.

For building coverage, pages 2-15 and 2-16 of the SDEIS provide a detailed breakdown of building footprints. A detailed breakdown of impervious areas, including individual buildings, is provided on pages 2-23 to 2-26 of the SDEIS, including Tables 2-2 and 2-3. Using the building footprints listed in SDEIS Tables 2-2 and 2-3, the total building coverage in Shandaken is 8.5 acres. As discussed above, there are 328.23 acres of the project site within Shandaken. Thus, the overall building coverage is 2.6 percent, substantially less than the 15 percent maximum coverage allowed by Town of Shandaken Zoning Code § 116-40 (O) (6).

The Leach Farm Conference Center, the Marlowe Mansion Clubhouse and the Wilderness Activity Center are accessory uses for the hotel development and thus allowable by Special Use Permit.<sup>1</sup>

In summary, the Planning Board finds that the Project is a use allowed by the Town of Shandaken Zoning Code.

Consistency with community character also requires the Applicant to meet the requirements and intent of the Town's Comprehensive Plan, adopted in 2005 and containing the following goals:

- (1) Protect and preserve the environmental, historical and cultural features and resources within the Town of Shandaken from harm, physical degradation and visual impacts.
- (2) Promote the economic development of the Town of Shandaken to ensure an acceptable standard of living for its residents.
- (3) Provide programs and laws to guide future development toward desired patterns within the Town of Shandaken.
- (4) Provide the infrastructure necessary to meet the other Comprehensive Plan goals and to meet the health safety and quality of life needs of the residents of Shandaken.

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<sup>1</sup> Town of Shandaken Zoning Code § 116-40 (O) (4).

(5) Be proactive in establishing regional partnerships to address issues that transcend the Town boundaries.

(6) Develop community education and outreach programs to foster an understanding of key issues facing the Town and encourage public participation in developing effective solutions.

Goals 1, 2, and 3 apply to planning and development projects, while goals 4, 5 and 6 are more applicable to municipal actions to be taken to implement the Comprehensive Plan. The Project is consistent with these goals as follows:

Goal 1: The Belleayre Resort project, in its original form and now in its modified form, has received the highest level of environmental scrutiny at the local, regional and State levels. Environmental planning for the project began in 1999 and has continued for 16 years. The Project has received confirmation from the New State Office of Parks, Recreation and Historic Preservation, the agency that reviewed the project under the New York State Historic Preservation Act (OPRHP), that the Project will have no adverse impacts. The terms "harm" and "physical degradation" in Goal 1 are somewhat ambiguous, but the Planning Board finds the Project is protective of the lands in Shandaken by preserving 1,189 acres which were added to the NYS Forest Preserve, placing over 200 acres in a conservation easement, and having approximately an additional 500 acres within its boundaries that will remain undeveloped.

The Project is also protective of the visual environment as discussed and illustrated in the SDEIS section 3.6, Visual Resources. Even though the Project is large, it is not visually intrusive. Indeed, with the exception of one very short section of road, the project will not even be visible to drivers in the Route 28 corridor. The Project will be visible from a few infrequently traveled roads, but even then, views into the Project are not drastically changed from the current views. In addition, the SDEIS and FEIS fully considered potential visual impacts to historic resources, including the Galli-Curci Mansion, which are discussed more fully in Section (c), below.

Finally, the Planning Board carefully considered the discussion in the FEIS of cumulative impacts from the Project and the BMSC UMP to certain environmental resources and aspects of community character, including potential stormwater and noise impacts. Based on the FEIS and the NYSDEC SEQRA findings for the Project and the BMSC UMP, the Planning Board finds that all potential adverse cumulative stormwater or noise impacts in the Town will be avoided or mitigated to the maximum extent practicable.

Goal 2: The discussions of socioeconomics in the DEIS, SDEIS, and FEIS have detailed the numerous economic benefits that the Project will produce, including much-needed employment opportunities and the generation of tax revenues at the local, county and State levels. These documents have also examined potential impacts on population concentration, growth, distribution, and community character. The Growth Inducing and Secondary Impacts report in Appendix 4 of the SDEIS examined impacts on existing business centers and concluded that the Project will not have significant adverse impacts on these areas, but instead is expected

to "enhance the attractiveness of the village and hamlet centers as places for new and expanded commercial activity." The Planning Board agrees with the statements in the SDEIS and FEIS and in the NYSDEC SEQRA findings that the Project will positively promote economic development in the Town.

In addition, the SDEIS and FEIS extensively examined the potential effects of economic development from the Project on socioeconomic factors such as housing demand and population growth, concluding that the Project will not generate significant population growth or substantial pressure on housing prices or availability. The Planning Board has carefully considered these documents and finds that the Project will not have significant adverse impacts on housing demand and population growth.

Finally, as discussed more fully in Section (d), below, the Planning Board carefully considered the discussion in the FEIS of cumulative impacts to socioeconomic conditions from the Project and the BMSC UMP. The Planning Board particularly notes that the expansion of the BMSC and the construction of the Project are cumulatively expected to directly contribute approximately \$29.1 million into the regional economy each year through payroll and wage and salary payments. Based on the FEIS and the NYSDEC SEQRA Findings Statement for both the Project and the BMSC UMP, the Planning Board finds that all significant adverse cumulative impacts to the socioeconomic conditions in the Town will be avoided or mitigated to the maximum extent practicable.

Goal 3: As discussed above, the Project is consistent with the zoning regulations in the Town of Shandaken, and approvals will be appropriately conditioned to ensure consistency with the provisions and intent of the Zoning Law and to maintain overall community character.

The Comprehensive Plan also contains language specific to the development of tourist destinations in the NYS Route 28 corridor, and language regarding development on Highmount as a "privately owned mountain." Addressing development of new tourist destinations in the NYS Route 28 corridor, the Comprehensive Plan states that "unless the nature of the specific use requires a site with unique features, tourist destination uses should be located in or adjacent to the hamlets." The Project is located both in and adjacent to the hamlet of Highmount, the Town's westernmost hamlet. As provided by the Town's website, "Highmount, originally named Summit, began as an Ulster and Delaware Railroad stop and a few farmhouses, situated on the boundary between Ulster and Delaware Counties. Its fortunes changed in 1881 with the building of the Grand Hotel. . . Outdoor recreation took hold during the 1940's with the opening of Belleayre and Highmount ski centers. Skiing is the hamlet's continuing attraction today."<sup>2</sup> Therefore, the Project is not only located in and adjacent to the hamlet of Highmount, it is a tourist recreational use compatible with the outdoor recreation uses already prevalent in that hamlet.

The Project site is unique because of its large area and its adjacency to the BMSC, one of the largest developed parcels in the Town and the Town's largest recreational tourist destination.

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<sup>2</sup> Town of Shandaken, NY, *Shandaken's Hamlets*, available at <http://www.shandaken.us/about-2/hamlets/> (accessed Nov. 18, 2015).

to "enhance the attractiveness of the village and hamlet centers as places for new and expanded commercial activity." The Planning Board agrees with the statements in the SDEIS and FEIS and in the NYSDEC SEQRA findings that the Project will positively promote economic development in the Town.

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Finally, as discussed more fully in Section (d), below, the Planning Board carefully considered the discussion in the FEIS of cumulative impacts to socioeconomic conditions from the Project and the BMSC UMP. The Planning Board particularly notes that the expansion of the BMSC and the construction of the Project are cumulatively expected to directly contribute approximately \$29.1 million into the regional economy each year through payroll and wage and salary payments. Based on the FEIS and the NYSDEC SEQRA Findings Statement for both the Project and the BMSC UMP, the Planning Board finds that all significant adverse cumulative impacts to the socioeconomic conditions in the Town will be avoided or mitigated to the maximum extent practicable.

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<sup>2</sup> Town of Shandaken, NY, *Shandaken's Hamlets*, available at <http://www.shandaken.us/about-2/hamlets/> (accessed Nov. 18, 2015).



As provided in the Comprehensive Plan, the environmental review for this Project has met the requirement that "any development occurring on the privately owned mountains must consider such things as visibility,<sup>3</sup> erosion control,<sup>4</sup> impacts on wildlife, significant ecological communities,<sup>5</sup> scenic vistas,<sup>6</sup> and other sensitive environmental resources."<sup>7</sup>

The Project has been consolidated and is located wholly on the Western side of the BMSC. The resorts are integrated with each other and the BMSC. Resorts are a common use in the Catskills and consistent with the goal of promoting tourism that has been embraced by every level of government in Ulster and Delaware Counties. The Town allows resorts in *all* of its residential zoning districts upon the issuance of site plan approval and a special use permit. The Project is consistent with the community character, the goals of the community as described in the Comprehensive Plans and zoning, and the surrounding uses, such as the BMSC. Moreover, the Project has resulted in the conservation of a substantial amount of land for public ownership, use and enjoyment, including the transfer of ownership of the Big Indian property to New York State and the granting of a conservation easement on the Adelstein property to NYCDEP. The resorts are also consistent with surrounding uses and community character because they will adaptively reuse and protect existing historic structures, such as the Leach Farm and Marlowe Mansion.

The Project design also continues to provide for substantial green and open space within the resorts. Indeed, the Highmount Resort has been designed architecturally to fully integrate with the existing landscape; while the design for the Wildacres Resort evokes the historic, large resort buildings that once dotted the landscape in Ulster and Delaware counties.<sup>8</sup>

Finding: The Project meets all applicable Town of Shandaken zoning and comprehensive plan requirements and goals, thus avoiding or mitigating all adverse impacts to the maximum extent practicable.

#### c. Cultural Resources

The DEIS and SDEIS catalogued various cultural resources, including libraries, cultural and arts organizations, and museums. The Planning Board anticipates that resort guests would make use of these facilities during their stays. If needed, increased use of the facilities could be accommodated by increased hours or days of operation. The sponsoring organizations of these activities all operate on a not-for-profit basis, and the funds generated by their activities are applied to a variety of community causes. As discussed in the FEIS, the Planning Board anticipates that some proportion of resort guests and employees will exhibit a keen interest in these activities, thus enhancing the financial position of these organizations.

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<sup>3</sup> SDEIS section 3.6.

<sup>4</sup> SDEIS Sections 3.1 and 3.3.

<sup>5</sup> SDEIS Section 3.4.

<sup>6</sup> SDEIS Section 3.6.

<sup>7</sup> SDEIS section 3 and 4.

<sup>8</sup> SDEIS section 3.8.



Under Part 621 of the NYSDEC regulations specifying Uniform Procedures ("UPA"), NYSDEC regulatory staff coordinated with the OPRHP to make a determination pursuant to section 14.09 of the Parks, Recreation and Historic Preservation Law (NYS Historic Preservation Act of 1980) whether any architectural, archeological or cultural resources present in the Project impact area are significant (listed on or eligible for listing on the State or National Register of Historic Places). DEC staff, as part of the permit application process under UPA Part 621 and in making its SEQRA findings, relied on OPRHP expert staff to make these determinations, and the Planning Board similarly relies on these OPRHP determinations. OPRHP staff have been regularly consulted on the Project over many years and many Project changes, as evidenced by OPRHP's statement in its September 19, 2013 determination that "our office has been reviewing this action under 14.09 (NYSPRHPL) since 1999."<sup>9</sup>

OPRHP has issued three "No Adverse Effect" or "No Adverse Impact" determinations for the Project. The Planning Board has identified no other historic or cultural resources that would be negatively impacted by the Project. In particular, the Planning Board carefully examined the SDEIS, FEIS, and supporting studies that examined potential visual impacts to the Galli-Curci Mansion. The Planning Board notes that the September 19, 2013 OPRHP No Adverse Impact determination based on the current Modified Belleayre Resort Project plans specifically references the Amelita Galli-Curci Estate as being identified in the Project area and listed on the National Register. OPRHP did not qualify its "No Adverse Impact" determination in any way; nor has OPRHP identified any additional documents necessary for assessment of impacts of the project on the Galli-Curci Mansion or any other historic properties.<sup>10</sup>

The Planning Board also carefully examined the additional review of the potential visual impacts on the Galli-Curci Estate included in the FEIS.<sup>11</sup> That analysis shows that intervening topography and vegetation will provide a visual screen of the Project from the Mansion during both leaf-on and leaf-off conditions. Indeed, a photograph taken from an open field on the northern portion of the Project site, directly across County Road 49A from the Galli-Curci Mansion, and looking north toward the Mansion, depicts only trees that are located on the Galli-Curci property. Therefore, none of the Applicant's activities will remove the trees shown. The photograph shows that existing vegetation on the Galli-Curci property provides a significant visual screen.<sup>12</sup> Additionally, the Project provides for deciduous and evergreen tree plantings along County Road 49A that will provide additional visual screening.

Finally, the Planning Board has examined the Project design and noted that it includes adaptive reuse of two historic properties, the Leach Farm complex and the Marlowe Mansion. Preservation of these historic resources will provide a significant benefit to the Town's historic and cultural fabric.

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<sup>9</sup> FEIS Part B Errata Section 2.7.

<sup>10</sup> FEIS Part B Errata Section 2.7.

<sup>11</sup> FEIS Part B Errata Section 2.4.

<sup>12</sup> FEIS Part B Errata Section 2.4, Photo #3119.

Finding: The Project will avoid or mitigate all adverse impacts to the Town's historical or cultural resources to the maximum extent practicable, and indeed will benefit the Town's historic and cultural fabric by preserving and adaptively reusing two historic properties.

d. Socioeconomic effects

This Project has been under review since 1999, and in the ensuing 16 years, no other proposal has even approached the substantial and greatly needed benefits presented by this Project. Indeed, during its 16 years of waiting, the Town's economic situation has been further degraded by the financial collapse and recession of 2008-2009 and flooding that devastated the business districts of several of the hamlets. The Town has one of the highest unemployment rates in the State, and many of the Town's businesses have struggled to stay afloat during the challenges of the past few years. Based on the experiences of its members and the overall lack of other significant proposals, the Planning Board finds that this Project is the best and most realistic private economic development project proposed in the last two decades in the Town.

The socioeconomic impacts of the project were first evaluated in the DEIS over a decade ago. Appendix 3 of the SDEIS contains the more recent full socioeconomic analysis of the Project completed by AKRF, Inc. For this analysis, demographic studies were used to describe existing population and housing conditions within the socioeconomic study area, including the NYS Route 28 corridor between Boiceville and Margaretville. Employment and workforce trends were described in the workforce study area, which is the area from which approximately 80 percent of the proposed project's employees would originate and reside.

The FEIS further updated this socioeconomic analysis with a 2013 Feasibility Study by HVS<sup>13</sup> and updated tax revenue tables.<sup>14</sup> The FEIS also extensively responded to comments made on the SDEIS,<sup>15</sup> including concerns about the resort and shared-ownership market, with responses based on a study by Ragatz Associates in 2013.<sup>16</sup> Furthermore, the FEIS, as supported by the Ragatz study, projects that the NYS Route 28 Corridor is expected to capture a substantial share of the off-site economic activity generated by resort operations.

As discussed above in relation to the Comprehensive Plan, the Growth Inducing and Secondary Impacts report in Appendix 4 of the SDEIS examined impacts on existing business centers and concluded that the Project will not have significant adverse impacts on these areas, but instead is expected to "enhance the attractiveness of the village and hamlet centers as places for new and expanded commercial activity." The Planning Board agrees with the statements in the SDEIS and FEIS and in the NYSDEC SEQRA findings that the Project will produce economic benefits to the Town without negatively impacting existing businesses or causing significant population growth. Therefore, the Planning Board finds all potential adverse socioeconomic impacts from the Project will be avoided or mitigated to the maximum extent practicable.

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<sup>13</sup> FEIS Errata Section 2.5.

<sup>14</sup> FEIS Errata Section 2.16.

<sup>15</sup> FEIS Part B Responses to Comments 3.9.

<sup>16</sup> FEIS Part B Errata Section 2.6.

In addition, the SDEIS and FEIS, based on supporting studies, extensively examined the potential effects of economic development from the Project on housing demand and population growth, concluding that the Project will not generate significant population growth or substantial pressure on housing prices or availability. After careful consideration and review of the FEIS, the Planning Board finds that the Project would not adversely affect the housing market in the study area and that the existing housing stock will accommodate the employment generated by the Project.<sup>17</sup>

The SDEIS and FEIS project that construction of the Project will create substantial numbers of jobs. The annual operation of the project is expected to produce substantial sales tax, personal income tax, corporate and business taxes, and other tax revenue. The Project also would generate significant future tax revenues for Delaware and Ulster Counties, Onteora and Margaretville school districts, and other taxing districts. For example, the SDEIS demonstrated that the properties on which the Project would be located generated about \$87,300 in annual tax revenues in 2007. Following construction of the Project, the SDEIS estimated that the properties could generate over \$2.16 million annually, representing a 2,375 percent increase over the fiscal year 2007 tax revenue. The updated tax tables in the FEIS show similar substantial expected tax revenues from the Project.

The Applicant has indicated that it anticipates that the Ulster County IDA will be approached to use their financing and incentive programs such as mortgage recording tax exemptions, sales tax exemption, and real property tax abatement through a Payment in Lieu of Taxes (PILOT) agreement as are available to all qualifying projects under State law. The economic development programs that are available in New York State are very limited and have been created to overcome the difficulties of undertaking projects in the State's difficult regulatory environment. The effect of any such business investment exemptions are fully discussed in the Socioeconomic and Fiscal Conditions and Effects Report as prepared by AKRF, Inc. and included in Appendix 3 of the SDEIS. The Planning Board finds that, even with financing and incentives provided by Ulster County, the Project is expected to generate substantial economic benefits, including tax revenues (or PILOT alternative payments) to local, county, and state governments.<sup>18</sup>

Finally, as discussed above in connection with the Comprehensive Plan, the Planning Board has carefully examined the potential cumulative socioeconomic impacts from the Project and the BMSC by reviewing the FEIS examination of these potential impacts and the discussions in the NYSDEC SEQRA findings for the Project and the BMSC UMP. The Planning Board particularly notes that the expansion of the BMSC and the construction of the Project are cumulatively expected to directly contribute approximately \$29.1 million into the regional economy each year through payroll and wage and salary payments. The Planning Board adopts

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<sup>17</sup> Based on an updated inquiry conducted in February 2012, there were 396 single family homes for sale and 60 rental units available in the study area, indicating that the existing housing stock could accommodate the employment generated at the proposed project. This updates a 2008 search which found 259 single family homes for sale and 93 rental units available.

<sup>18</sup> FEIS Part B, Responses to Comments, at 39.

the conclusions in the FEIS and NYSDEC SEQRA Findings Statement related to cumulative impacts and finds that significant adverse socioeconomic impacts from the cumulative effects of these two projects will be avoided or mitigated to the maximum extent practicable.

Finding: The Planning Board finds that the Project will produce substantial, much-needed socioeconomic benefits to the Town, and will avoid or mitigate any adverse socioeconomic impacts to the maximum extent practicable.

e. Community Services

The Shandaken Police Department will provide first responder policing services to the Project. In an October 12, 2004 letter, Chief McGrath identified an increase in the demand for services, in particular traffic management, during the first three years of Project construction.<sup>19</sup> The Chief cited an agreement with the Project sponsor to contribute to the Town of Shandaken a sum equal to the salary and benefits of one additional police officer for up to four years. The Chief concluded, "we believe that this sum will more than compensate any added expenses the Town's police department may incur during the construction of the resort project." In a January 13, 2011 letter, Chief McGrath again confirmed the Town of Shandaken Police Department's ability to serve the project in conjunction with the New York State Police and the Ulster County Sheriff.<sup>20</sup>

The Project potentially will be served by three fire companies, Pine Hill, Big Indian and Fleischmanns. In a letter of January 31, 2011,<sup>21</sup> Pine Hill Fire Company #1, the primary responder for the Project, outlined the mitigation measures that they believe will allow them to serve the Project. These include additional equipment and additional training. The site plan and special permit resolution to which this Findings Statement is appended includes conditions specifically addressing emergency fire access, training, and equipment. These conditions will ensure that the Project Applicant "will provide appropriate and reasonable emergency equipment upgrades and training to local fire companies as agreed between the Applicant, Shandaken Code Enforcement Officer, and chiefs of the respective fire companies, . . . will provide emergency access as specified in the access plan, . . . [and will] support employees volunteering for service with fire and emergency service providers."<sup>22</sup>

In its letter of February 14, 2011,<sup>23</sup> the Town of Shandaken Ambulance Service confirmed its ability to serve the Project, given an additional ambulance vehicle, a garage with crew quarters in Highmount, and an annual stipend starting at commencement of Project construction and running until the first year following the issuance of the resort's first major occupancy permit, all of which are secured through conditions in the Planning Board's site plan and special permit approval resolution. Moreover, as noted above, the site plan and special

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<sup>19</sup> SDEIS Appendix 27.

<sup>20</sup> SDEIS Appendix 27.

<sup>21</sup> SDEIS Appendix 27.

<sup>22</sup> Resolution, Exhibit B.

<sup>23</sup> SDEIS Appendix 27.

permit resolution requires the Applicant to "support employees volunteering for service with fire and emergency service providers."

Medical services for the Project will be provided by Margaretville Hospital, Broadway Campus of HealthAlliance Hospital (formerly Kingston Hospital) and Mary's Avenue Campus of HealthAlliance Hospital (formerly Benedictine Hospital). The Health Alliance of the Hudson Valley is the parent corporation and a locally governed healthcare network for these hospitals. By correspondence dated January 6, 2011,<sup>24</sup> the Chief Information and Community Officer for the Alliance confirmed that capacity exists to serve the Project.

In addition, the Planning Board has carefully examined the FEIS statements concerning potential cumulative impacts to emergency services from the Project combined with BMSC UMP. The Planning Board adopts the conclusions relative to cumulative impacts to these services set forth in the FEIS and NYSDEC SEQRA Findings Statement and finds that all potential adverse cumulative impacts to community services from these two projects will be avoided or mitigated to the maximum extent practicable.

Finding: The Planning Board finds that adequate police, fire, EMS, and medical services exist or will be expanded to serve the Project; including those provided by conditions in the site plan and special permit approval resolution, and that any adverse impacts to emergency services will be avoided or mitigated to the maximum extent practicable.

f. Traffic

The Project will be primarily served by Ulster County Road 49A and New York State Route 28. The DEIS, SDEIS, FEIS, and supporting studies extensively considered all potential traffic impacts and determined that certain improvements to County Road 49A and NYS Route 28 will mitigate increased traffic levels and manage access and safety at the intersections with the roads into the Project. The SDEIS Section 3.7 noted that the traffic study addressed the Project's effects during the worst case condition: recent winter peak hour for existing traffic on Saturday afternoons when skiers are leaving BMSC. Approximately 60 percent of the trips generated by the resort during the peak hour will be trips between the resort and BMSC. Of these trips, it is estimated that 90 percent will use the resort's shuttle system or use ski-in/ski-out facilities. Approximately 168 cars would be added to the road system from the resort during the Saturday afternoon peak.

The analysis of traffic levels indicated that some roadway improvements should be installed to improve traffic movements. These include constructing a right-turn lane on County Route 49A to facilitate right turns onto NYS Route 28 eastbound towards Kingston. A left-turn lane would be constructed on NYS Route 28 to facilitate left-hand turns from NY Route 28 onto County Route 49A towards the resort and BMSC. A three-phase traffic signal would also be installed at the intersection of NYS Route 28 and County Route 49A.

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<sup>24</sup> SDEIS Appendix 27.

The entrance to the Wildacres Hotel is proposed to be located along County Route 49A across the road from the BMSC upper driveway. To provide adequate sight lines at this intersection, County Road 49A will be realigned to improve both the vertical and horizontal curvature of the roadway. To better facilitate left-turns maneuvers into both sites, the Applicant will be required to widen County Road 49A to provide left-turn lanes, adding a center left-turn lane from County Route 49A into the BMSC upper driveway and into the Wildacres Hotel.

The section of County Route 49A above the BMSC upper driveway will also be improved to widen the road and alleviate certain horizontal and vertical curves. The vast majority of the proposed improvements are necessary under the existing baseline conditions. Therefore, the Planning Board finds that the Project will supply its fair share of much-needed funding to address existing road improvements needs as well as to mitigate any impacts resulting from the Project.

The FEIS included updated improvement plans for County Road 49A.<sup>25</sup> The Town's site plan and special permit resolution also contains extensive conditions relating to the funding and scheduling of improvements to County Road 49A and NYS Route 28, including that the Applicant will make its fair share contribution for various costs of the improvements discussed above, such as adding turn lanes, realigning and regrading, increasing visibility through clearing of vegetation and embankment grading, and installing various signage.

The Project will also impact Gunnison Road, a Town road. The site plan and special permit approval resolution contains conditions requiring that the Applicant shall inspect, repair and maintain Gunnison Road, as reasonably necessary, to keep Gunnison Road open during the construction of the Project, and will restore Gunnison Road to the reasonable satisfaction of the Town after construction of the Project is completed. Gunnison Road will, at all times, remain a Town road, and the Applicant will coordinate any inspection, repair and maintenance of the road with the Town. Therefore, the Planning Board finds that any potential impacts to Gunnison Road will be fully mitigated.

In addition, as conditions of site plan and special permit approval, the Planning Board has required the Applicant to undertake other measures designed to fully mitigate and address any potential adverse impacts from traffic, including providing hybrid or clean-air vehicles from transportation among resort facilities and providing locations for additional public transportation stops, as needed.

Finally, the Planning Board has carefully examined the FEIS statements concerning potential cumulative traffic impacts from the Project combined with BMSC UMP. The Planning Board adopts the conclusions relating to cumulative impacts to traffic set forth in the FEIS and NYSDEC SEQRA Findings Statement and finds that all potential adverse cumulative traffic impacts from these two projects will be avoided or mitigated to the maximum extent practicable.

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<sup>25</sup> FEIS Part B Errata Section 2.12.

Finding: The Planning Board finds that the Project will avoid or mitigate any potential adverse environmental impacts due to traffic to the maximum extent practicable, particularly through required conditions provided in the site plan and special permit resolution.

g. Alternatives

The SDEIS and FEIS included extensive analysis of several alternatives, including a no-build alternative and no-Highmount alternative. The Planning Board fully concurs with the NYSDEC's evaluation of these alternatives and finds that the action as currently proposed and as qualified by the mitigation measures specified in the DEIS, SDEIS, FEIS, the NYSDEC's SEQRA Findings Statement and this Findings Statement adequately avoids or mitigates significant environmental impacts to maximum extent practicable.

In particular, the Planning Board carefully considered the FEIS's discussion of the no-Highmount alternative.<sup>26</sup> The Planning Board considered the reduced impacts from not building the Highmount portion and noted that this scenario would produce small reductions in site disturbance, impervious surfaces, and density. However, the Planning Board also extensively and carefully weighed these minor reductions against the major benefits that would be lost under the no-Highmount alternative as set forth in the FEIS. The Planning Board considered the FEIS's statement that under the no-Highmount alternative, the Applicant would very likely sell the +/- 136 acre Highmount Spa Resort property, and a buyer would be free to develop the property in a manner consistent with pertinent regulations but perhaps incompatible with the existing and proposed uses. Also, the Planning Board considered the FEIS's statement that under the no-Highmount alternative, the historically significant Leach Farm House would not be restored, and the substandard road alignment conditions of County Route 49A, and the existing stormwater issues along it, as noted in many of the comments received on the SDEIS, would not be improved as currently proposed as part of the Project. The Planning Board further reviewed the FEIS's summary in a table of other significant and substantial benefits that would be lost under the no-Highmount alternative.<sup>27</sup>

Furthermore, the Planning Board carefully considered the comparative analysis of socioeconomic impacts under the proposed Project and a no-Highmount alternative in the FEIS. The comparison shows dramatically lower numbers of jobs and substantially reduced tax revenues. The Planning Board finds that the exchange of major benefits to the community for little additional environmental protection does not warrant adoption of the no-Highmount alternative.

Finally, the Planning Board reviewed the FEIS's examination of the no-Highmount alternative with respect to Project feasibility. The Planning Board concurs in the FEIS and NYSDEC's conclusions that the full resort with the Highmount component included is the only economically feasible approach to the development of the property. In particular, the Planning Board notes that the yield indicated for Wildacres Only scenario would fall below the threshold necessary for the Project to receive serious investor consideration. For the numerous reasons

<sup>26</sup> FEIS Part B Errata Section 2.8.

<sup>27</sup> FEIS Part B Errata Section 2.12 Table, "Comparison of Alternatives Including the No-Highmount Alternative."



elucidated in the FEIS—but primarily due to economies of scale associated with the defraying of both construction and ongoing operating costs over the combined resort development—the only economically feasible approach to the development of the subject property calls for the construction of both resort components. The Planning Board therefore finds that the no-Highmount alternative is not feasible and indeed could result in loss of the entire Project.

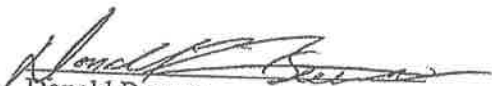
Finding: The NYSDEC found and the Planning Board hereby finds that the action as currently proposed and as qualified by the mitigation measures specified in the DEIS, SDEIS, FEIS, the NYSDEC SEQRA Findings Statement, and this Findings Statement adequately avoids or mitigates significant environmental impacts to the maximum extent practicable.

Certification to Approve/Fund/Undertake:

The Town Planning Board as an Involved Agency pursuant to 6 NYCRR Part 617.6 and 617.11(c) of the State Environmental Quality Review Act (SEQRA), having considered the draft and final Environmental Impact Statement, the SEQRA Findings Statement of the NYSDEC and having considered and relied upon the written facts and conclusions set forth above, and carefully weighed and balanced relevant environmental factors with social, economic and other essential considerations to meet the requirements of 6 NYCRR Part 617.11, hereby certifies that:

1. The requirements of 6 NYCRR Part 617 have been met; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.
3. A copy of this Findings Statement shall be filed with all involved agencies, the applicant, and all parties requesting same, as required by law.

Planning Board of the Town of Shandaken

  
Donald Brewer

Chair of the Planning Board of the Town of Shandaken

Date: 4/14/16, 2016

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cc: Lead, Involved and Interested Agencies  
Applicant