

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF SHANDAKEN ADOPTING A NEGATIVE DECLARATION UNDER NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT AND GRANTING ASSEMBLY PERMIT

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WHEREAS, Chet-5 Festivals LLC (the “Applicant”) applied to the Town Board of the Town of Shandaken (the “Board”) for an Assembly Permit in relation to a three-day music festival for a maximum of 6,000 attendees at the state-owned and operated Belleayre Mountain Ski Center (“BMSC”) in cooperation with the Olympic Regional Development Authority (“ORDA”) (the “Project”). The Project also includes off-site tent camping with amenities for a maximum of 1,600 persons on privately-owned property adjacent to BMSC in the Town of Shandaken and off-site camping for recreational vehicles on privately-owned property in the Hamlet of Big Indian; and

WHEREAS, in support of the Town Board’s review of the Project under New York State Environmental Quality Review Act and its implementing regulations in 6 NYCRR Part 617 (collectively, “SEQRA”), the Applicants have submitted: (1) an application for assembly permit (the “Application”); (2) a SEQRA Short Environmental Assessment Form (“SEAF”), Part 1 and accompanying attachments; and (3) Project maps; and

WHEREAS, after reviewing the Application and supporting material, on March 28, 2025, the Board determined that the application was subject to the SEQRA and adopted a resolution (a) designating the Project as an Unlisted action under SEQRA, (b) declaring its intent to serve as Lead Agency and coordinate SEQRA review, and (c) authorizing the circulation of notice of its intent to serve as Lead Agency to all potential involved and interested agencies; and

WHEREAS, no involved or interested agency objected to the Board serving as Lead Agency under SEQRA; and

WHEREAS, SEQRA regulations provide that for an Unlisted action “the lead agency making a determination of significance must: (1) consider the action as defined in Section 617.2(b) and 617.3(g) of [SEQRA]; (2) review the EAF, the criteria [for determining significance contained in SEQRA] and any other supporting information to identify the relevant areas of environmental concern; (3) thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have a significant adverse impact on the environment; and (4) set forth its determination of significance in a written form containing reasoned elaboration and providing reference to any supporting documentation”; and

WHEREAS, the SEQRA regulations also provide that “[t]o determine whether a proposed...Unlisted action may have a significant adverse impact on the environment, the impacts that may be reasonably expected to result from the proposed action must be compared against the criteria in [617.7(c)(1) of the SEQRA regulations]”; and

WHEREAS, after reviewing the Application including Part 1 of the SEAF, the Town Board completed Parts 2 and 3 of the SEAF, and after reviewing the criteria for determining significance set forth under Section 617.7(c)(1) of the SEQRA regulations, the Town Board determined that the Project does not have the potential to result in any significant adverse environmental impacts; and

WHEREAS, as required by SEQRA, the Town Board has prepared a written explanation providing its reasons why the Project will not have the potential to result in any significant adverse environmental impacts, and why the issuance of a Negative Declaration is appropriate; and

WHEREAS, the Town of Shandaken Code § 59-3 provides “[n]o person shall use, allow, let or permit to be used property for the assembly of persons in excess of 500 unless a written permit authorizing such use shall have been obtained from the Town Board”;

WHEREAS, the Applicant submitted the Application to the board in compliance with Town of Shandaken Code § 59-4; and

WHEREAS, under Town of Shandaken Code § 59-5, the Town Board, before issuing a permit, may require approval of any or all of the applicable governmental agencies identified in §§ 59-5(A) through (J). With respect to each of these agencies, the Town Board found:

Applicable Governmental Agency	Town Board Finding
<p>The Ulster County Health Department and the New York State Water Resources Commission as to any proposed sanitary sewage disposal system.</p>	<p>Applicant is required by State law to receive, and has separately applied for, approval from the Ulster County Health Department for the Project. The County Health Department approval will cover any proposed sanitary sewage disposal system.</p>
<p>The Ulster County Health Department and the New York State Water Resources Commission as to any proposed system for the supply, storage and distribution of water.</p>	<p>Applicant is required by State law to receive, and has separately applied for, approval from the Ulster County Health Department for the Project. The County Health Department approval will cover any proposed sanitary sewage disposal system.</p>
<p>The Ulster County Highway Department, the New York State Department of Transportation, the Ulster County Sheriff's Department, the New York State Police, the Chief of the controlling fire district and the Fire Commissioners of the controlling fire district as to the proposed parking area and the means of ingress and egress to such parking area.</p>	<p>Applicant is required by State law to receive, and has separately applied for, approval from the New York State Department of Health and Ulster County Health Department for the Project. The State and County approvals will cover the provision of emergency services (police, medical, fire), parking, and ingress and egress.</p>

<p>The Town Board as to the proposed type, number and location of any sound-producing equipment.</p>	<p>There will be no sound-producing equipment associated with the camping portions of the Project. All sound-producing equipment will be located on state-owned land at the BMSC.</p>
<p>The Ulster County Health Department as to the proposed method of preparing, selling or distributing food or beverage and the removal of trash, rubbish or garbage arising therefrom.</p>	<p>Applicant is required by State law to receive, and has separately applied for, approval from the Ulster County Health Department for the Project. The County Health Department approval will cover any proposed distribution of food or beverage and the removal of trash, rubbish and garbage arising therefrom.</p>
<p>The Chief Constable of the Town of Shandaken, the Ulster County Sheriff's Department and the New York State Police as to any proposed private security or police protection.</p>	<p>Applicant is required by State law to receive, and has separately applied for, approval from the New York State Department of Health and Ulster County Health Department for the Project. As part of the approval process, Applicant has prepared an Emergency Action Plan specifically covering security and police protection.</p>
<p>The Chief of the controlling fire district, the Fire Commissioners of the controlling fire district and the Fire Coordinator of Ulster County as to any proposed fire protection system.</p>	<p>Applicant is required by State law to receive, and has separately applied for, approval from the New York State Department of Health and Ulster County Health Department for the Project. As part of the approval process, Applicant has prepared an Emergency Action Plan specifically covering fire protection.</p>
<p>The Planning Board as to any proposed outdoor lights and signs.</p>	<p>Town of Shandaken Planning Board advised that the Project will not require Planning Board approval due to its temporary nature.</p>
<p>The Ulster County Health Department as to any proposed facilities for emergency medical or nursing treatment.</p>	<p>Applicant is required by State law to receive, and has separately applied for, approval from the New York State Department of Health and Ulster County Health Department for the Project. As part of the approval process, Applicant has prepared an Emergency Action Plan specifically covering emergency medical services.</p>

The Planning Board as to any proposed camping or housing facilities.

Town of Shandaken Planning Board advised that the Project will not require Planning Board approval due to its temporary nature.

; and

WHEREAS, on May 5, 2025, the Town Board held a duly noticed public hearing on the Application and considered any public comment.

NOW, THEREFORE, BE IT RESOLVED as follows:

- 1. The Town Board issues a SEQRA Negative Declaration for the Project, concluding that it does not have the potential to result in any significant adverse environmental impacts and that an environmental impact statement is not required; and**
- 2. The Town Board adopts and incorporates herein by reference the attached written Negative Declaration for the Project under SEQRA; and**
- 3. The Town Board directs that the attached Negative Declaration be filed as required by the SEQRA regulations in 6 NYCRR § 617.2; and**
- 4. The Town Board approves the Application for Assembly Permit conditioned on the Applicant paying the \$2,500 host fee to the Town of Shandaken within ten (10) days of this approval.**

AND MOVES ITS ADOPTION