

RESOLUTION  
TOWN OF SHANDAKEN PLANNING BOARD

PROJECT NAME: BELLEAYRE RESORT AT CATSKILL PARK

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

PARCELS IDENTIFIED AS: ELEVEN PARCELS IN TOWN OF SHANDAKEN: (1) TAX MAP SBL#3.-1-10.100, 104.46 ACRES; (2) TAX MAP SBL#3.-1-1, 100.81 ACRES; (3) TAX MAP SBL#3.-1-7.100, 47.57 ACRES; (4) TAX MAP SBL#3.-1-8, 22.13 ACRES; (5) TAX MAP SBL#4.-2-1, 2.86 ACRES; (6) TAX MAP SBL#4.-2-2.100, 16.95 ACRES; (7) TAX MAP SBL#4.-2-2.200, 15.35 ACRES; (8) TAX MAP SBL#4.-2-65, 0.88 ACRES; (9) TAX MAP SBL#4.-2-66, 2.27 ACRES; (10) TAX MAP SBL#4.-2-67.200, 16.75 ACRES; (11) TAX MAP 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

SEQR TYPE: TYPE II

APPLICATION DESCRIPTION: REQUEST FOR INTERPRETATION TO TOWN OF SHANDAKEN ZONING BOARD OF APPEALS

At a special meeting of the Town of Shandaken Planning Board held at the Town of Shandaken Town Hall, Route 28, Shandaken, NY 12480 on November 14, 2016 at 7:00 p.m., there were Board members:

	Present	Absent
Don Brewer, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Art Christie	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joanne Kalb	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Horn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cliff Rabuffo	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Allen Shiner	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Kathy Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The following resolution was moved by: Joanne Kalb

Seconded by: Kathy Jordan

**RECEIVED**  
NOV 15 2016  
Shandaken Town Clerk



**WHEREAS**, Crossroads Ventures, LLC (“Applicant” or “Crossroads”) applied to the Town of Shandaken Planning Board (“Planning Board”) pursuant to the Town of Shandaken Zoning Law for a special use permit and site plan approval of a +/- 742.24-acre resort development to be known as the Belleayre Resort at Catskill Park (the “Project”); and

**WHEREAS**, the Project includes approximately 333.56 acres in the Town of Shandaken and Ulster County, made up of the following eleven Town of Shandaken tax map parcels as shown on the map prepared by Robert Allison, LS, of Catskill Region Surveying Services dated March 27, 2015: (1) TAX MAP SBL#3-1-10.100, 104.46 ACRES; (2) TAX MAP SBL#3-1-1, 100.81 ACRES; (3) TAX MAP SBL#3-1-7.100, 47.57 ACRES; (4) TAX MAP SBL#3-1-8, 22.13 ACRES; (5) TAX MAP SBL#4-2-1, 2.86ACRES; (6) TAX MAP SBL#4-2-2.100, 16.95ACRES; (7) TAX MAP SBL#4-2-2.200, 15.35ACRES; (8) TAX MAP SBL#4-2-65, 0.88ACRES; (9) TAX MAP SBL#4-2-66, 2.27 ACRES; (10) TAX MAP SBL#4-2-67.200, 16.75 ACRES; (11) TAX MAP SBL#4-2-68, 1.29 ACRES; and

**WHEREAS**, on January 13, 2016, the Planning Board granted the Project special permit approval and site plan approval with conditions; and

**WHEREAS**, on February 11, 2016, Catskill Heritage Alliance, Inc. (“Petitioner”) commenced a CPLR Article 78 proceeding challenging the Planning Board special permit and site plan approvals in Supreme Court, Ulster County, Catskill Heritage Alliance, Inc. v. Crossroads Ventures, LLC and Town of Shandaken Planning Board, Ulster County Index No. 16-0385; and

**WHEREAS**, the Planning Board submitted an Answer to the Petition dated July 15, 2016; and

**WHEREAS**, by Decision and Order dated October 6, 2016, Supreme Court (Mott, J.) rejected the majority of Petitioner’s claims, but “remitted the matter to the [Planning] Board with the directive that it request that the ZBA determine whether the proposed lodges and duplexes are permitted under the [Shandaken Zoning Code];”

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. In compliance with the Decision and Order of Supreme Court (Mott, J.), the Planning Board hereby requests that the Town of Shandaken Zoning Board of Appeals interpret the meaning of “lodge” under the Town of Shandaken Zoning Code and whether the proposed lodges and duplexes are permitted under the Town of ~~Town~~ Shandaken Zoning Code in accordance with the letter attached hereto as Exhibit A; and
2. The Planning Board authorizes the Chair of the Planning Board to transmit this request to the Zoning Board of Appeals; and
3. This request for interpretation of the existing Town of Shandaken Zoning Code is a Type II action under the State Environmental Quality Review Act, E.C.L. Article 8, and its implementing regulations at 6 N.Y.C.R.R. Part 617.5 (c) (31) and no further review is required.

**Roll call vote:**

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Don Brewer, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Art Christie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joanne Kalb	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Horn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cliff Rabuffo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Shiner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kathy Jordan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESULTS OF THE VOTE ON THE ABOVE RESOLUTION WERE:

VOTE IS CERTIFIED BY:



11-14-16  
Date

Secretary, Town of Shandaken Planning Board

THE RESOLUTION IS HEREBY APPROVED AND ORDERED TO THE RECORD BY



11/14/2016  
Date

Don Brewer  
Chair, Town of Shandaken Planning Board