

APPENDIX B

**PLANNING BOARD DISPOSITION OF GML § 239-M REFERRAL
RECOMMENDATIONS FROM ULSTER COUNTY PLANNING BOARD**

Table A

Required Modifications

		Description	Modified or Overridden?	If Overridden, Explanation
1		County Route 49A Required Modifications		
1	A	Greater details for the designs for the improvements to CR 49A and Route 28 will be necessary.	Accepted Modified – Condition 4 (e); see also conceptual design drawings in SDEIS § 3-14 to 3-19, FEIS Errata § 2.12	
1	B	The applicant should be required to coordinate with the Town, County DPW and NYSDOT on these improvements and develop a schedule of when they will be completed as well as funding share amounts to be provided.	Accepted Modified – Condition 4 (e)	
1	C	CR-49A should be required to remain passable at all times during all phases of construction.	Accepted Modified – Condition 4 (p)	
1	D	Construction should be coordinated with Belleayre Mountain Ski Center to avoid disrupting large public events.	Accepted Modified – Condition 4 (t)	

1	E	The Shandaken Planning Board (SPB) should note these needs as part of the approval of the site plan. The UCPB will recommend these conditions as part of its submittal to the County DPW.	Accepted Modified – Condition 4 (e)	
2		Gunnison Road Required Modifications		
2	A	The SPB should work with the highway superintendent on the need for any improvements associated with Gunnison Road to ensure that it can handle the higher level of traffic.	Accepted Modified -- Condition 4 (q)	
2	B	Approvals should require that Gunnison Road be repaired after all other phases of the project are completed and remain passable during construction.	Accepted Modified – Condition 4 (q)	
2	C	The SPB working with the Town Board and the Highway Superintendent should consider allowing the project to accept responsibility for maintaining the road or even transferring the road to the project while maintaining a public right of way across for other properties that use the road.	Modified in part – Condition 4 (q); but recommendation to transfer road to project overridden	Recommendation to transfer road to project overridden as unnecessary to meet the special permit and site plan approval standards because Condition 4 (q) already requires that the Applicant to evaluate and repair the road as needed; the Applicant's ownership would achieve no additional purpose. In addition, only 800 feet of Gunnison Road is in Ulster County. Adjacent property owners own to the center of the road.

3		Pedestrian Access Required Modifications		
3	A	As the details of the BMSC improvements become known, the crosswalk to that area from the project area should be adjusted to ensure that there is a safe landing on that side of the road.	Accepted Modified – Condition 4 (j)	
4		Transit Required Modifications		
4	A	Coordination with UCAT should be required by the SPB including showing location(s) within the project on the site plan that will be accessible by public transit.	Accepted Modified – Condition 4 (k)	
	B	The applicant should be required to provide a letter from UCAT that indicates that site design will accommodate public transit and that UCAT will serve the project.	Modified in part and overridden in part – Condition 4 (k)	The Applicant communicated with UCAT during site plan review of the project and obtained confirmation that service on Route Z year-round and additional on demand service during the winter ski season, meeting current ridership demand. The Planning Board overrides the requirement of any additional consultation with UCAT as unnecessary because the site plan provides for future expansion of public transit. No further information is required under Articles VI or VII of the Town Code.
5		Internal Roadway System Required Modifications		
5	A	Traffic control and wayfinding signage details should be	Accepted Modified – Condition 4 (e); 4 (k)	

		provided for the project.		
5	B	Additional detail of the internal intersection at Wildacres just off CR-49A should be required to ensure that traffic can move safely from CR-49A into the site in what is a relatively short throat length.	Accepted Modified – Conditions 4 (e), and 4 (l)	
5	C	An alternative boulevard design for the Front Nine Village access road should be considered. If no undue environmental consequences are found the UCPB highly recommends its implementation.	Overridden	Alternative entrance to the Front Nine Village was discussed, but the Applicant's engineer indicated that a boulevard-style entrance would require too much additional disturbance. The Applicant has indicated willingness to consider widening the roadway as an alternative. See condition 4 (e) (iii)
5	D	<p>The lack of alternative access to Highmount is a serious shortcoming in the event of an emergency, in part due to the number of guests that can be accommodated, as well as the steep road profiles with grades in excess of 10%.</p> <ol style="list-style-type: none"> 1. No specific alternatives have been identified by the UCPB. 2. An opportunity appears to exist to create an alternative access using adjoining lands not owned by the project. 	Modified in part, overridden in part– Modified in Condition 4 (e)	Overridden to the extent of not requiring alternative access routes at Highmount because slopes on the site and the configuration of CR 49A constrain options, and therefore no viable alternatives exist. Instead of alternative access, the Town has required an evacuation plan for review by the Planning Board and emergency response personnel.

		<p>3. Other alternatives may be creation of an evacuation procedure using the project's shuttle system.</p> <p>4. The SPB should require the identification of a responsible emergency access route or procedure to move guests off the site.</p>		
6		Emergency Access Required Modifications		
6	A	Working collaboratively with the fire and emergency service providers the SPB should move forcefully to require the necessary mitigation be included as part of its approval.	Accepted Modified – Conditions 4 (m); 4 (n)	
6	B	This can be done as part of its SEQRA findings or within its site plan and special permit jurisdiction.	Accepted Modified as provided in site plan and special permit approval conditions and development agreement.	
6	C	The record should be clear that adequate fire and emergency services exist for the site.	Accepted Modified – Conditions 4 (m) and (n)	
6	D	The UCPB does note and applaud the project's	Accepted Modified –	

		commitment to train its personnel for emergency response duties. The SPB should include this in its requirements.	Condition 4 (m) and (n)	
7		Stormwater Required Modifications		
7	A	Swale bottom treatments and the use of check dams should be detailed based on percent slope and length.	Accepted Modified – Condition 4 (o); FEIS includes plans with construction details (see sheets L-8.00 and L-8.01, Erosion and Sediment Control Plans [L-3 series] and Grading and Drainage [L-4 series])	
7	B	A detail should be developed to illuminate the areas where rock faces are expected to be encountered.	Accepted Modified – Condition 4 (o); Soil Inventory Plans, sheets L-2.02 and L-2.03 provide anticipated depths of bedrock	
7	C	Drainage swales at the base should be wide enough to accommodate snow storage and located in such a ways as to intercept seepage from the rock face. Long term it can be expected that these faces will shed rock onto the lower slope. Additional space for these factors should be considered as part of the road section.	Modified in part, overridden in part – Modified in Conditions 4 (o) and 4 (e) (v)	Overridden to the extent that additional space at toe of cut slopes recommended: existing 8 to 10 feet swales are adequate for snow storage and will intercept seepage from exposed rock. Overridden to the extent that additional space for fallen rock recommended. Applicant has indicated that the swale below the rock face will be maintained on a regular basis, including the removal of any rock that is shed off the cut face. The cut slope shown on the plans is conservative, and would allow for adjustments to be made

				during construction if necessary to address any potential issues with the stability of the rock face, without resulting in additional disturbance.
7	D	A final SWPPP will be needed for review. It is noted that the NYSDEC will issue an individual permit for the project. The SPB should condition its site plan approval on obtaining the needed stormwater permit from NYSDEC.	Accepted Modified – Condition 4 (a) (b) and (c)	
8		Water and Sewer Required Modifications		
8	A	The project will need to confirm the required supply amount with the Ulster County Health Department and seek the necessary approvals for the distribution system as part of the SPB approval.	Accepted Modified – Condition 4 (f) and (g)	
9		Lighting Required Modifications		
9	A	The applicant should be required to move to LED lamps for outdoor lighting to meet energy efficiency goals. Pole heights should be restricted to the proposed 20ft and all outdoor lighting should be required to meet the "fully shielded" definition adopted by the International Dark Sky Association.	Modified in part, overridden in part—Modified – Condition 4 (r)	Overridden to the extent that LED lighting required; instead Planning Board determined that "best available lighting technology" would best satisfy the special permit and site plan approval standards by allowing improved technologies as the project is built over time.
10		Landscaping Required		

		Modifications		
10	A	Overall landscaping details should be provided for the project's roads intersections with CR 49-A.	Accepted Modified – Conditions 4 (e)	
10	B	Details of landscaping around the lodging units should be provided particularly foundation landscaping — a typical landscaping plan for these units would be sufficient.	Overridden	The plan shows landscaping that meets the Zoning Code requirements. The Applicant has committed to replacing landscaping that dies.
11		Construction Phasing Required Modifications		
11	A	The SPB should require the completion of the parking garage as a condition of the opening of the hotels absent a proof of parking demand can be met without it.	Accepted Modified – Condition 4 (s)	
12		Architectural Details Required Modifications		
12	A	It seems appropriate to ask for meaningful individualization of the lodging units so as to present a more varied and unique sense of place where they are encountered in the project. Details should include façade changes as well as alteration of typical building shapes.	Overridden	The Planning Board overrides this recommendation because individualization would conflict with the cohesive, low-impact, low-profile nature of the design, a design the Planning Board finds will best harmonize with the character of the area, be unobjectionable to the surrounding properties, and provide for orderly development in accordance with the Special Permit General Standards in Town Code §§ 116-39 (A), (B) and (G), Site Plan General Standards in Town Code §§ 116-50 (A) (4), (9) and (12).

Table B

Advisory Comments

		Description	
1		Construction Blasting Advisory Comments	
1	A	Consideration should be given to provide limits on blasting and construction activity on weekends especially Sundays.	Accepted Modified – Condition 4 (u) and (x)
1	B	A means should also exist to confirm noise impacts for adjoining residences, as estimated in the DEIS, if complaints are made. A fix could be to provide for relocation during the construction in the nearest areas.	Accepted Modified – Condition 4 (u)
2		SEQRA Advisory Comments	
2	A	Incorporate all of the mitigation measures and other assurances by the applicant into the conditions of site plan approval.	Accepted Modified – Finding/Resolution #1
2	B	As a continuing means of reporting the environmental impacts of the project, an on-site monitor that reports to the Town, NYS DEC and NYC DEP should be put in place.	Accepted Modified – Conditions 4 (b), (c), and (d)
3		Subdivision Advisory Comments	
3	A	Consolidation of the lots into a single lot for the project would negate for various easements, as well as calculations associated with project density. Absent a consolidation of lots, the site plan should be required to show the necessary water, sewer, and access easements as well as the need to address density issues.	Accepted Modified by project changes and subdivision approvals consolidating lots, with the exception of the parcel that may be transferred to the State for use by BMSC.
4		Special Permit — Advisory Comment	
4	A	The Town should consider issuing a special permit for the project as currently presented given that the major project elements, and their overall location on the site, are such that they	The suggested approach is reasonable.

		can be considered meeting the requirements of a special permit. This would leave any additional regulatory approvals to be dealt with under site plan review only.	
5		Site Plan — Advisory Comments	
5	A	Inter-municipal Cooperation--The site plan approval should be coordinated with the adjoining town, particularly as it relates to access roads and water supply.	Site plan review was coordinated with the Town of Middletown.
5	B	Administrative Changes - Given the breadth of the application, and the likelihood that minor and perhaps major changes will take place during the course of the build out, the site plan approval for the resort should provide a means and specific criteria for allowing the Town's building inspector to permit minor site changes without undergoing additional site plan review by the Planning Board again.	Accepted Modified – Condition 4 (aa)
5	C	Administrative Changes - Suggestion for criteria could include a signoff from environmental monitor and NYS DEC/NYS DEP, permitting shifting of buildings or road placement to avoid additional blasting, changes in lighting, signage, or landscaping locations, consistent with the overall scheme of project.	Accepted Modified – Condition 4 (aa)
5	D	Technical Amendments - Similarly, the site plan approval should allow technical amendments based on changing environmental practices and/or requirements with review by the town engineer without need for additional site plan review.	Accepted Modified – Condition 4 (aa)
5	E	Technical Amendments - The SPB/town should have a record of the amendments and they should be treated as approved change orders by the building inspector.	Accepted Modified – Condition 4 (aa)

5	F	Milestones - Given the project's 11 year build out period, the SPB should consider setting milestones for deadlines based on project phases. This would ensure that site plan approval does not linger without work being accomplished on the project. It would also ensure that site plan approval would not expire or need continuing extensions as long as work progressed. The SPB may also wish to restrict criteria for the opening of a new phase if previous phases have yet to been completed or a dispute arises on some matter.	Not modified. The phasing is addressed in the approvals issued by the State agencies.
6		Financial Security and Inspection — Advisory Comment	
6	A	Site plan approval should include the necessary financial security for project. Of particular concern would be repair/improvement of Gunnison Road. The landscaping elements, roadways, utility, and other infrastructure should also receive attention.	Accepted Modified – Condition 4 (v)
7		Construction Inspection — Advisory Comment	
7	A	Construction inspection is a must and the approval should include a fair and equitable means to ensure that what is approved is what is constructed. The UCPB suggests that the Town consider inspection services by phase and request quotes or bid for these services.	Accepted Modified – Condition 4 (w) and (bb)