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P.O. Box 134, 7209 Rte. 28, Shandaken, NY 12480

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**Town of Shandaken Planning Board
Public Hearing – Woodland Playhouse LLC – Special Use Permit/Site Plan Review
April 10, 2024**

The Public Hearing was called to order with the Pledge of Allegiance at 6:45pm.

Roll was called, and attendance was recorded as follows:

Cliff Rabuffo, Chair	Present
Art Christie	Present
Joanne Kalb	Present
John Horn	Present
Allen Shiner	Present
Sam Spata	Absent
Vivian Welton	Present

Roll Call Summary: 6 Present, 1 Absent

Others Present: Christina Davis, Grace Louis, Andrew English, Leena Marciano, Faedra Dahirmanjian, Adam Trescott, Teresa Falkowski, Amy Sherman, Suzy Giangreco, Ellie Kneissl (Town Board), Grace Grant (ZEO)

Legal Notice regarding this Public Hearing was read. Chair Rabuffo asks the applicant to give a brief overview of the project and then opens the Public Hearing to those in attendance.

1. Grace Louis is here to speak in support of the project. Child care is difficult to find and Woodland Playhouse has an excellent reputation.
2. Andrew English, an employee of Woodland Playhouse is here to speak in support of the project, he believes that Woodland Playhouse is a benefit to both the students and the community.
3. Leena Marciano has a child enrolled at Woodland Playhouse and is here to speak in support of the project.
4. Faedra Dagirmanjian previously had two children enrolled at Woodland Playhouse and is here to speak in support of the project.
5. Adam Trescott has a child enrolled at Woodland Playhouse and here to speak in support of the project. He is employed with the CWC in Arkville and expects that more young families will be moving to the area, and they will be looking for child care.
6. Teresa Falkowski has children enrolled at Woodland Playhouse and spoke in support of the project.
7. Amy Sherman spoke in support of the project.
8. Suzy Giangreco has children enrolled at Woodland Playhouse and spoke in support of the project.

Along with those in attendance to speak in support of the project, the Planning Board also received 18 emails in support, copies of which can be found in the Planning Board file for this project.

With no further questions or comments from the audience or the Board, Board Member Christie makes a motion to close the public hearing, seconded by Board Member Welton; all in favor.



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**Town of Shandaken Planning Board
Public Hearing – Bruce Campbell & Laura Veith - Subdivision
April 10, 2024**

Public Hearing was called to order at 7:05pm.

Roll was called, and attendance was recorded as follows:

Cliff Rabuffo, Chair	Present
Art Christie	Present
Joanne Kalb	Present
John Horn	Present
Allen Shiner	Present
Sam Spata	Absent
Vivian Welton	Present

Roll Call Summary: 6 Present, 1 Absent

Others Present: Bruce Campbell, Laura Veith, Ellie Kneissl (Town Board), Grace Grant (ZEO)

Legal Notice regarding this Public Hearing was read. Chair Rabuffo asks the applicant to give a brief overview of the project and then opens the Public Hearing to the public.

No one is in attendance to speak regarding this Public Hearing. No correspondence was received regarding this project.

With no comment from the Board or the public, Board Member Welton makes a motion to close the Public Hearing, seconded by Board Member Kalb; all in favor.



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**Town of Shandaken Planning Board
Minutes for the Regular Monthly Meeting
April 10, 2024**

The regular monthly meeting was called to order at 7:32pm.

Roll called, and attendance was recorded as follows:

Cliff Rabuffo, Chair	Present
Art Christie	Present
Joanne Kalb	Present
John Horn	Present
Allen Shiner	Present
Sam Spata	Absent
Vivian Welton	Present

Roll Call Summary: 6 Present, 1 Absent

Others Present:

Minutes

Board Member Kalb made a motion to accept the March meeting minutes with no corrections, seconded by Board Member Welton; all in favor.

Old Business

Woodland Playhouse LLC – 25.1-1-2.100 – Special Use Permit

Chair Rabuffo asks if any Board Members have any additional questions for the applicant. Board Member Welton states that there has been a lot of positive feedback regarding the project and sees no reason not to approve the application. Board Member Christie informs the audience that the delay in approving this application was a matter of waiting for all the relevant information to be presented (permits from other agencies, etc) and adds that he feels that everyone present, including the Board, is grateful for the child care that Woodland Playhouse provides, and that everyone appreciates it.

With no further questions from the Board, Chair Rabuffo makes a motion to approve the Special Use Permit, with no conditions; seconded by Board Member Christie, roll call vote as follows:

Cliff Rabuffo, Chair	Yes
Art Christie	Yes
Joanne Kalb	Yes
John Horn	Yes

Allen Shiner	Yes
Sam Spata	Absent
Vivian Welton	Yes

Motion Approved

Bruce Campbell & Laura Veith – 13.7-1-30 – Subdivision

With no further questions from the Board, Board Member Welton makes a motion to approve the subdivision; seconded by Board Member Kalb, roll call vote as follows:

Cliff Rabuffo, Chair	Yes
Art Christie	Yes
Joanne Kalb	Yes
John Horn	Yes
Allen Shiner	Yes
Sam Spata	Absent
Vivian Welton	Yes

Motion Approved.

New Business

Philip Mones – 4.5-2-27 – Special Use Permit

Mr. Mones has submitted an application for a Special Use Permit in order to convert an existing 2 story barn into an Accessory Dwelling Unit. He plans to convert the second floor into living space, and erecting a 8' 10' addition to the first floor to house utilities. Mr. Mones attended the workshop in March to discuss the plans, and the Board asked him to add the parking spaces to the Site Plan, which he has done. He plans to use the existing well and septic for the new ADU. Allan Dumas is present at the meeting, and he has signed off on the wastewater flows listed on the Site Plan.

The Board reviews the SEAF, and with no further questions or comments Board Member Welton makes a motion for a Public Hearing regarding this application on May 8, 2024 at 6:45pm, seconded by Board Member Shiner; all in favor.

Plank Road LLC – Aurum – 25.1-2-30.100 – Site Plan Review

Allan Dumas is here representing Aurum. Aurum has previously submitted an application for Site Plan Review that included 3 large buildings (24 room hotel, restaurant, and a spa.) That application did receive a Neg Dec from the Planning Board, but the applicant pulled the project before any approvals or denials were issued by the Planning Board.

The new Site Plan is for a much smaller project, utilizing the three existing homes as an 11 unit “Inn,” and including the construction of only one building which will house a 14-seat café, a hammam spa, and 2 hot tubs outside the new structure. The project calls for a disturbance of .9 acres of land. While there are no fences represented on the Site Plan, one will be included in the final rendering. The Inn will be open 7 days a week, and the spa will be open 4 days a week. The intended use of the café/spa building is for the guests on site, however if the Inn is not fully booked they may open the café/spa to the public.

The existing “Ice House” will be renovated and used as common space for the guests to use, it will not have plumbing.

Site plan includes 22 parking spaces, 11 room Inn requires 11 spaces, spa will serve no more than 12 guests at a time requiring 4 spaces, café will seat 14 people requiring 5 spaces, and there will be 2 staff members on site at any given time requiring 2 spaces. One handicap parking space will be provided per code regulations.

Applicant states they will have two employees on Site at any given time, one to work at the spa and one to work the café. The Inn will be self-check in requiring no staff to check guests in. Board members express concerns over the number of staff on Site every day, while the applicant is stating two it seems to some Board Members that more than that will be required to run the business successfully.

Board Member Christie asks if they will be doing the laundry on site? Applicant states they will send the laundry off site to be done.

The site is currently fed by spring water, but the proposed use requires that a well be installed for a small public water supply.

The Board asks if they have received the required permits from DOH for the septic system, applicant informs that Board that DOH will not approve the septic permit until conditional approvals are issued by the Planning Board.

Being that there are 4 water courses on the property, and they are all less than 100 feet from the proposed construction/use, the applicant has been informed by the DEP that they cannot exceed the existing impervious surface area by more than 25%. However, the DEP has given them permission to repave the existing driveway/access/roads on the property.

Access to the site is discussed between the applicant and the Board. Board Member Shiner expresses concerns about the approximately 400 foot long one lane driveway being difficult/dangerous for guests to navigate. Board Member Welton asks why they cannot relocate the existing access off Plank Road and onto Mtn. Laurel Road. The theory being that they could remove the existing drive from the calculations for impervious surface area and shift those numbers to the relocated access off Mtn. Laurel. Allan Dumas informs the Board that they cannot provide access off Mtn Laurel as it would run over the septic reserve areas, and they would not be allowed to remove the existing drive from the calculations for the impervious surface area. As it stands the DEP will be requiring the applicant to receive a small SWPPP, however if they relocate the septic reserve areas, they would be required to do a SWPPP which they do not have the room for.

The current entrance is 1.5 lanes off Plank Road which turns into one lane. The proposed entrance is 2 lanes off Plank Road which turns into one lane with pull off areas. The current driveway slope is 7.5-14%, proposed drives will all be kept under 15% grade. There are no plans to add any new roads, they will be improving the existing roads and adding some parking.

Board Member Welton is concerned about the driveway washing out during extreme weather. The applicant has added a trench drain to the plan. They will also be paving the drive so that the gravel washing into Plank Road is not a concern. They will be doing flow dissipaters and diffusers, rain gardens, etc all with the intent of dispersing the flow of water off the site and away from the road.

The Planning Board has hired SLR to consult with them through this projects review. Chris Robbins of SLR is present. He recommends that the Planning Board start the SEQR review process again rather than try and use the previously issued Neg Dec. SLR's comment letter regarding this project has been made a part of these minutes.

The Planning Board makes a motion to do a coordinated SEQR review, and asks that the applicant circulate the required notice to all involved agencies informing them of the Planning Boards intent to serve as lead agency through the review. They ask that the applicant drafts the NOI for the Boards

review prior to sending it out. Motion by Board Member Kalb, seconded by Board Member Shiner; all in favor.

Other Business

Crossroads Ventures – Special Use Permit/Site Plan Approval Extension

Crossroads Ventures LLC has asked the Planning Board for another one-year extension on the approved Special Use Permit and Site Plan Review. They are not proposing any changes to the existing approvals, simply an extension. Ken Pasternack is present to discuss this with the Planning Board.

He informs the Board that the required permits from the DEC were not issued until 2022, and those permits are still open. They continue to work closely with the State of New York regarding an agreement in principle transferring the former Highmount Ski Center which is a slow process and not yet complete but an important step for them to “effectively consummate an agreement with a next stage Developer to bring in necessary capital...”

Board Member Welton asks if there is any way they can lease the property from the State while they wait for the transfer to go through? Applicant informs the Board that they would not be able to develop the Highmount Ski Center while it is owned by the State because the park system owned by the State cannot do any new development without a constitutional amendment.

Board Member Shiner asks if there is anything short of the full development that they could start early, since they will have to continue to request these extensions until Building Permits pertinent to the approval are issued by the Town. He feels they should be open to finding ways to start prior to the transfer of the Highmount Ski Center.

Mr. Pasternack informs the Planning Board that they have reached out to the Town Board and asked for permission to convert the approved Time-Shares to condominiums. That proposal would not change the footprint of any of the approved structures, just the use. Board Member Welton feels that if the approved Time Share use were to be changed to Condominiums that would invalidate the existing Planning Board approvals, and the applicant would need to resubmit the project to the Planning Board for a new review. Applicant disagrees.

Motion to extend the Special Use Permit/Site Plan approval for one year made by Board Member Shiner, seconded by Board Member Kalb; roll call vote as follows:

Cliff Rabuffo, Chair	Yes
Art Christie	Yes
Joanne Kalb	Yes
John Horn	Yes
Allen Shiner	Yes
Sam Spata	Absent
Vivian Welton	No

Motion Approved.

Adjournment

There being no further business before the Board, a motion is made by Board Member Kalb to adjourn the meeting, seconded by Board Member Shiner; all in favor. Meeting closed at 9:55pm.

April 10, 2024

Attention: Mr. Clifton Rabuffo, Chair
Town of Shandaken Planning Board
P.O. Box 134
Shandaken, NY 12480

SLR Project No.: 142.14615.00037

**RE: The Aurum Project – 575-585 Plank Road, Phoenicia, NY
(Tax Parcel 25.1-2-30.100)**

Dear Mr. Rabuffo and Planning Board Members,

At the request of the Town of Shandaken Planning Board, SLR has reviewed the following documents for the modified layout of The Aurum Project (Tax Parcel 25.1-2-30.100) located at 575-585 Plank Road in Phoenicia, New York:

- Application Addendum (November 14, 2023) – Michael Moriello, P.C., Esq.
- Special Permit and/or Site Plan Review Application and Site Plan Checklist (Submitted March 27, 2024) – Sam Amoia (Applicant)
- Short Environmental Assessment Form (Signed November 14, 2023 / Submitted March 27, 2024) – Sam Amoia (Applicant)
- Site Plan Set (Submitted March 27, 2024) – Brinnier & Larrios, P.C. Engineers & Land Surveyors
 - Entrance Plan (Dated October 2023) – Brinnier & Larrios, P.C. Engineers & Land Surveyors
 - Impervious Area Plan (Dated August 2023) – Brinnier & Larrios, P.C. Engineers & Land Surveyors
 - Renderings (Dated March 29, 2024) – Dutton Architecture PLLC
 - Site Plan (Dated April 2023 / August 2023) – Brinnier & Larrios, P.C. Engineers & Land Surveyors
 - Existing Conditions (Dated April 2023)
 - Site Plan (Dated August 2023)
 - Parking, Grading & Disturbance Plan & Details (Dated August 2023)
- Small Stormwater Pollution Prevention Plan (August 2023) – Brinnier & Larrios, P.C. Engineers & Land Surveyors

The following is a list of reports and studies prepared in support of the previous Aurum project configuration that were reviewed for this application:

- Conditional Negative Declaration (Neg Dec) (June 9, 2021) – Town of Shandaken Planning Board
- Wetland Delineation Report (November 25, 2020) – Ecological Solutions, LLC.
- Timber Rattlesnake Habitat Suitability Impact Assessment and Proposed Avoidance/Mitigation Plan (Revised: July 5, 2021) – Matthew D. Rudikoff Associates.
- Traffic Assessment (February 25, 2022). Creighton Manning Engineering, LLP
- Site Lighting Specifications (February 25, 2022) – Bob Vanwormer, VBC Lighting Co.

Project Description

The 132-acre project site is developed with three residences and ancillary structures including an icehouse and a pool building, and a blacktop driveway. In 2021, the applicant, Luke Interrante, Interrante Design-Build LLC, submitted an application for a Special Permit and Site Plan Approval for a Hotel with accessory restaurant and recreational facilities which included construction of a new 24-room hotel, renovation of the Maidstone Lodge, expansion of an existing residence into a restaurant, use of an existing residential building as a staff building, a new accessory yoga room, a new accessory swimming pool, and new roadway, parking, landscaping, utilities, stormwater management, and septic facilities, for which the Town of Shandaken Planning Board issued a Conditional Negative Declaration on June 9, 2021. This applicant did not proceed with construction of the proposed Aurum Project.

On March 27, 2024, a new applicant, Sam Amoia/Plank Road LLC (the Applicant/the Owner) submitted a modified site plan to the Town of Shandaken Planning Board. The Applicant is seeking Site Plan Approval a Special Permit, and State Environmental Quality Review Act (SEQRA) Determination from the Town of Shandaken Planning Board for a revised development program (the Proposed Project). The current Aurum Project proposes an 11-room inn utilizing four existing structures on the site and construction of one new structure for use as a spa and cafe. Access to the project site would be via the existing driveway. The existing onsite parking and pathway network would remain. Potable water would be provided from the existing on-site well, and the Applicant proposes to utilize the existing on-site storm water conveyance and sanitary infrastructure where applicable. Site driveways and pedestrian walkways would be renovated where required for vehicular and pedestrian circulation. New sanitary infrastructure is proposed for the spa and café.

According to the Application Addendum (November 14, 2023), prepared by the Applicant, the Proposed Project also requires permits and approvals from:

- New York City Department of Environmental Protection (DEP)
 - Approval of Wastewater Treatment
 - Approval of Stormwater Pollution Prevention Plan (SWPPP) for a “Small SWPPP”
- New York State Department of Environmental Conservation (NYSDEC)
 - Notice of No Jurisdiction – Article 11 Incidental Take, Threatened & Endangered Species
- New York State Office of Parks, Recreation, and Historic Preservation (NYSOPRHP)
 - Issuance of No Adverse Effects Letter – Under Section 14.09 of the Parks, Recreation, and Historic Preservation Law of New York State
- Ulster County Department of Health (UCDOH)



- Approval of Plans for Public Water Supply Improvement – Under 10 NYCRR Subpart 5-1 “Public Water Supplies” and Ulster County Sanitary Code Article IV “Public Drinking Water Supplies”
- Approval of Plans for Wastewater Treatment (In consultation with NYCDEP) – Under Ulster County Sanitary Code Article VI “Waste Facilities and Disposal”
- Operating permits:
 - 10 NYCRR Subpart 7-1 “Temporary Residences” and Ulster County Sanitary Code Article X “Temporary Residences”
 - 10 NYCRR Subpart 14-1 “Food Service Establishments” and Ulster County Sanitary Code Article II “Food Service Establishments”
 - 10 NYCRR Subpart 5-1 “Public Water Supplies” and Ulster County Sanitary Code Article IV “Public Drinking Water Supplies”
- Ulster County Department of Public Works (UCDPW)
 - Approval of Application for County Road Permit – Under Section 136 of New York State Highway Law
- Town of Shandaken Building Inspector
 - Building Permit
 - Certificate of Occupancy
 - Section 377 of the Executive Law of New York State, Chapter 64 Town of Shandaken Code, and the Uniform Fire Prevention and Building Code of New York State
- Ulster County Planning Board
 - Referral for Recommendation
 - Section 239-m of the General Municipal Law of New York State
- United State Fish and Wildlife Service
 - Endangered/Threatened Special Referral under Section 106 of the United States Endangered Species Act
- Other Interested Agencies Include
 - Town of Shandaken Town Board
 - Town of Shandaken Highway Department
 - Pine Hill Fire District
 - Phoenicia Fire District
 - New York State Police

Review of the Documents Submitted

The following are SLR’s preliminary comments on this application for the Planning Boards’s consideration at the April 10, 2024, Planning Board meeting.

Application Addendum

Comment 1: The subject property and Aurum Project were previously reviewed for environmental impacts under the State Environmental Quality Review Act (SEQRA). However, the Proposed Project is substantially different than the previously approved project and is therefore subject to its own SEQRA review. The project is considered an Unlisted Action. The Applicant has submitted a Short Environmental Assessment Form (SEAF) and supplemental studies. Should the Planning Board choose to initiate a new SEQRA review tonight, the Planning Board Members could vote on a motion(s) to 1) declare its intent to serve as Lead Agency under SEQR and 2) prepare a formal Notice of



Intent (NOI) to serve as Lead Agency and circulate the NOI, the SEAF and Site Plan to the identified Involved and Interested Agencies.

Comment 2: The list of Involved and Interested Agencies provided in the Application Addendum should be used for the purpose of distributing the Notice of Intent to act as SEQR Lead Agency. The Town of Shandaken Planning Board should be copied on all correspondence between the Applicant and agencies issuing permits and approvals for the project regarding potential impacts, and mitigation.

Special Permit and/or Site Plan Review Application and Site Plan Checklist

Comment 3: There are no comments on the Site Plan Review Application form.

Comment 4: The Applicant should complete the Site Plan Checklist by selecting either “Done” or “N/A” for the items not checked and provide applicable materials to the Planning Board for review.

Short Environmental Assessment Form

Comment 1: Part 1, Project Location, Please include a map that shows the Project Site and all adjacent properties, their subdivisions and easements.

Comment 2: Part 1, Brief Description of Proposed Action, The Project Description should describe all existing onsite structures (square footage, height, number of floors), the parcel’s current zoning (R1.5, R3, R5), and list all required local, regional and state approvals (special permit, etc.).

Comment 3: Part 1, Question 2, Please list all required agency permissions, approvals or permits (e.g., NYSDEC, NYCDEP, NYSDOT, USACE, OPRHP, Department of Health, etc.)

Comment 4: Part 1, Question 10, The Applicant should clarify the existing source of potable water onsite – is there an existing onsite well and if so, does it provide potable water only to the Project Site (Tax Parcel 25.1-2-30.100) or to adjacent parcels (please be specific).

Comment 5: Part 1, Question 12, Please append correspondence and primary source back-up for the request for an Effect Finding from the New York State Historic Preservation Office (SHPO) through its Cultural Resource Information System (CRIS). If historic and/or archaeological resources are identified by the SHPO, then an assessment of the project’s proposed redevelopment and operation to potentially impact known resources should be provided along with an approach to offset those potential impacts.

Comment 6: Part 1, Question 16, The Hudson Valley Resource Mapper shows a small portion of the parcel, along Route 40 / Mt. Tremper-Phoenicia Road, in the 100-year flood zone. The Applicant should note this and discuss what impact the Proposed Project would have on this resource and how the Proposed Project design will mitigate flood risks.

Site Plan Set and Small Stormwater Pollution Prevention Plan

Comment 7: Please refer to Attachment A for comments on the Site Plan and “Small SWPPP” as required by New York City DEP.



Conditional Negative Declaration

Comment 8: The 2021 SEQR Conditioned Negative Declaration listed a sole condition that “all comments received from Ulster County Department of Public Works are satisfactorily answered.” If the Applicant has received comments from UCDPW, the comment letter should be provided to the Planning Board for review. Please note, the Town of Shandaken Planning Board should be copied on all correspondence between the Applicant and agencies issuing permits and approvals for the project to ensure a comprehensive SEQRA record.

Wetland Delineation Report

Comment 9: The delineation of surface water resources on the Project Site was performed in November of 2020. A site visit will be conducted by SLR to review the flagged boundaries. If it is found that conditions have changed over the past several years, then the previously established boundaries may need to be revised. SLR will coordinate this effort with the Planning Board and Applicant’s Consultant.

Timber Rattlesnake Habitat Suitability Impact Assessment and Proposed Avoidance/Mitigation Plan

Comment 10: The Timber Rattlesnake Assessment/Plan references results of the September 2022 NYSDEC survey along Mountain Laurel Road at which time Timber Rattlesnakes were documented in the vicinity of the Project Site. While the Applicant assumes that rattlesnakes will be present on the project site and presents a mitigation plan to offset potential impacts to individuals that may make use of the property, the Applicant should coordinate with the NYSDEC Region 3 Biologist to determine if the State has more recent survey data on Timber Rattlesnakes and whether denning habitat has been identified on the project site. Proposed avoidance and mitigation should be described in the narrative and noted on the Site Plan.

Comment 11: The Applicant should copy the Town of Shandaken Planning Board on all correspondence between the Applicant and NYSDEC and provide written confirmation from the NYSDEC that the Mitigation Plan presented in the Assessment/Plan is acceptable to the Region 3 Biologist.

Traffic Assessment

Comment 12: The existing traffic volume and speed data were collected in October of 2021. Traffic volumes are typically considered outdated if they are more than three years old. Although this data is not more than three-years-old it was collected during the pandemic. The CME traffic assessment concluded that based on a comparison of the 2021 CME counts vs NYSDOT ATR data collected in 2013 that the 2021 CME were higher, and therefore no adjustments were needed to the counts collected during the pandemic. To ensure an accurate evaluation of the potential traffic related impacts of the Proposed Project on the surrounding roadway network, the Applicant’s Consultant should obtain recent NYSDOT (preferably post pandemic) count data, as the 2013 is outdated, and compare this more recent data to the 2021 counts to determine if the conclusions presented in the traffic assessment are still valid.

Comment 13: The crash data presented in the traffic assessment is from 1/18/17 to 12/31/19, which is outside of the typical three-year data threshold. The most recent three



years of crash data should be obtained from NYSDOT to determine if the crash analysis presented in the traffic assessment is valid.

Comment 14: The traffic assessment does not provide the rationale for the 50%/50% split of the project generated traffic on Plank Road. The rationale for this project generated assignment should be explained in the traffic assessment.

Comment 15: The sight distance calculations shown in the traffic assessment state that at the full movement driveway, the sight distance at the exiting left-turn looking right (northwest) would be 610 feet, therefore meeting the NYSDOT Design Manual requirements of 610 feet. However, the Proposed Project intends to meet the required 610-foot standard by clearing existing vegetation. The Site Plan should indicate the location and extent of vegetation clearing within property controlled by the Applicant. Where vegetation proposed to be cleared is outside the Project Site – within the road right-of-way (ROW) or on neighboring private property - the Applicant shall indicate the owner/responsible entity and provide written correspondence confirming acceptance of the Applicant’s proposed mitigation. The Applicant should also provide an ongoing maintenance plan (and written agreement from other responsible parties) to ensure safe operating conditions at the project site driveway.

Comment 16: Parking demand and parking supply (based on the Town Code and on ITE data) should be presented in the traffic assessment.

Comment 17: Please describe any special events (weddings, retreats, seminars, conferences), proposed to be held at the facility that would generate more traffic compared to typical operations and provide a traffic maintenance and parking plan for those events.

Comment 18: It appears that some of the parking spaces will be gravel. Gravel requires ongoing maintenance to ensure that flowing surface water resulting from adverse weather events does not result in erosion. Please provide a maintenance plan for the gravel surfaces to prevent uneven driving/parking surface that may create difficult/unsafe circulation conditions or result in cars getting stuck in muddy conditions.

Comment 19: Please identify required driveway permits and provide correspondence between the Applicant and the UCDPW confirming the proposed driveway location and design is acceptable to the approving agency.

Comment 20: The Applicant should describe the operating and geometric conditions of the proposed new driveway.

Comment 21: SEQRA requires an evaluation of the cumulative impacts of the Proposed Project. As such, the traffic impact assessment should consider – in its baseline condition - the traffic generated by the new development located across the street from the Proposed Project Site.

Site Lighting Specifications

Comment 22: Please revise the Site Lighting Specifications for the proposed modified development program. Additional comments may be provided once an updated lighting plan is received.

Review of Zoning Compliance

Comment 23: The proposed use of the subject property as an “Inn” is not defined in Town of Shandaken Zoning Code (§ 116-4 Word Usage and Definitions) and is therefore also



not listed as an allowed or special permit use in the R1.5 zoning district (§ 116-10 District Schedule of Use Regulations). As such, the Planning Board/Zoning Board will determine if the proposed use can be reasonably considered to conform with the definition of either a “Hotel” or “Cottage or Cabin Development”, both of which require a special use permit from the Planning Board in the underlying R1.5 Zoning District. Additional information is required to support this deliberation:

Per Town of Shandaken Zoning Code (§ 116-4 Word Usage and Definitions), a Cottage or Cabin Development is defined “as any parcel of land on which are located two or more cottages, cabins or other accommodations of a design or character suitable for seasonal or other temporary living purposes, including summer colony and resort, but not including a mobile home park, a camping or travel trailer park, boardinghouse, hotel or motel.” The parking requirement for a Cottage or Cabin Development is “1 for each cottage or cabin, plus necessary spaces for employees.” The Zoning Code (§ 116-24 Parking and Loading Standards) does not specify the number of spaces required per employee. The Zoning Code does not specify allowed or incidental uses that would be accessory to a Cottage or Cabin Development, however, the Code (§ 116-40 Additional Specific Standards for Certain Uses, E.) states “no building or recreational facility associated with such development shall be located nearer than 100 feet to any lot line, and any such building or recreational facility shall be effectivity screened from adjacent property.”

The Town of Shandaken Zoning Code (§ 116-4 Word usage and Definitions), defines a Hotel as “a multiple dwelling or any part thereof which contains living and sleeping accommodations for transient occupancy, has a common exterior entrance or entrances and which may contain one or more dining rooms.” The parking requirement for a Hotel is “1 per guest room, plus necessary spaces for employees.” The Zoning Code (§ 116-24 Parking and Loading Standards) does not specify the number of spaces required per employee. The Zoning Code (§ 116-40 Additional Specific Standards for Certain Uses, O.) states: “all uses integral to the hotel or motel development shall either be clearly accessory to the hotel, motel or lodge development, as defined within § 116-4, or be permitted uses or special permit uses within the zoning district in which the hotel or motel development is proposed; integral accessory uses shall generally be limited to the following: meeting rooms, restaurant and dining facilities, recreational facilities, such as swimming pools and tennis courts; and small personal service/retail shops fully within the hotel, motel, or lodge facility and selling newspapers, magazines, tobacco, small gifts, and similar items.”

The Proposed Project would convert three existing residential buildings — a six-bedroom residence, a three-bedroom residence, and a two-bedroom residence— for the proposed inn. To determine whether the Proposed Project could reasonably be interpreted to conform with either a Hotel or Cottage/Cabin Development use as currently defined in the Town of Shandaken Zoning Code, the Planning Board requires a narrative describing the operational characteristics of the Proposed Project. The narrative should clearly describe whether each building would have multiple units within them available for multiple parties to book or if each building will be treated as a single unit available for a single party to book. Please clarify if the guest rooms will share an exterior entrance or if each room/unit will have its own exterior entrance. Will each unit have its own bathroom/kitchen facilities within the unit, or will there be shared facilities? If the buildings will differ in uses, please specify as such.



Comment 24: If the Planning Board determines the proposed Inn use to substantially and reasonably conform with either a Hotel or Cottage/Cabin Development, the Planning Board must also determine whether the Spa and Café can be considered accessory/incidental to the proposed Hotel or Cottage/Cabin Development use. As such, the Planning Board requires additional operational information for the proposed spa and café. Will the spa and/or café be available to non-guests or are these uses solely amenities for guests? If the proposed café will be open to non-guests, i.e., independent from the proposed inn, it would be classified as a restaurant, a special permit use in the R1.5 district. An interpretation of the use classification of both a dependent and independent spa will be required as a Spa is not listed as an accessory use to the Hotel. If the spa is not determined to be a customary accessory use to either a Hotel or Cottage/Cabin Development, it would be classified as a personal services establishment, which is not an allowed or permitted use in the R1.5 district. If the Applicant seeks to develop an independent spa, the Applicant would need to apply for a Use Variance from the Town of Shandaken Zoning Board of Appeals.

Additional Comments:

Comment 25: The Applicant should tabulate, and/or present in a narrative, changes in the number of jobs generated/employees expected, trips generated, area of limit of disturbance, area of impervious surface, potential impacts to protected species and surface waters, volume of water to be used, and volume of wastewater to be generated between the previous and modified plans.

Comment 26: Please provide results from the U.S. Fish and Wildlife Service's (USFWS) Information for Planning and Consultation (IPaC) documenting federally protected species that are present on or in the vicinity of the project site. If protected species are identified by the USFWS, then an assessment of the project site's ecological communities to support listed species should be provided along with an approach to offset potential impacts that may result from the Proposed Project.

Comment 27: Please provide an update on where coordination between the project team and the New York City Department of Environmental Protection stands.

Comment 28: Please provide an update on where coordination between the project team and the Ulster County Department of Health stands.

SLR recommends that the Applicant provide written responses to the Planning Board to address each of the review comments contained herein. Accordingly, additional and revised documents, plans and calculations should be submitted by the Applicant for further review. Additional comments may be provided based on the review of new information provided.

At the April 10, 2024, Planning Board meeting, SLR recommends the Planning Board Declare Intent to be Lead Agency under SEQRA (Unlisted Action); and circulate a NOI to interested and involved agencies.

If you should have any questions, please feel free to contact us directly.



Regards,

SLR Engineering, Landscape Architecture, and Land Surveying, P.C.



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Cc: Grace Grant, Assessor Chair/ZEO

Attachments

Attachment A. Site Plan Set and Small SWPPP Review



ATTACHMENT A

Site Plan Set and Small SWPPP Review

April 10, 2024

Town of Shandaken
Planning Board
P.O. Box 134
7209 Route 28
Shandaken, NY 12480

SLR Project No.: 142.14615.00037

**RE: Application Review Comments
The Aurum
Plank Road LLC
575-585 Plank Road
Shandaken, New York**

Dear Board Members,

Per your request, SLR International Corporation (SLR) has performed an initial review of documentation submitted for the above-referenced application. To date, SLR has received the following application materials:

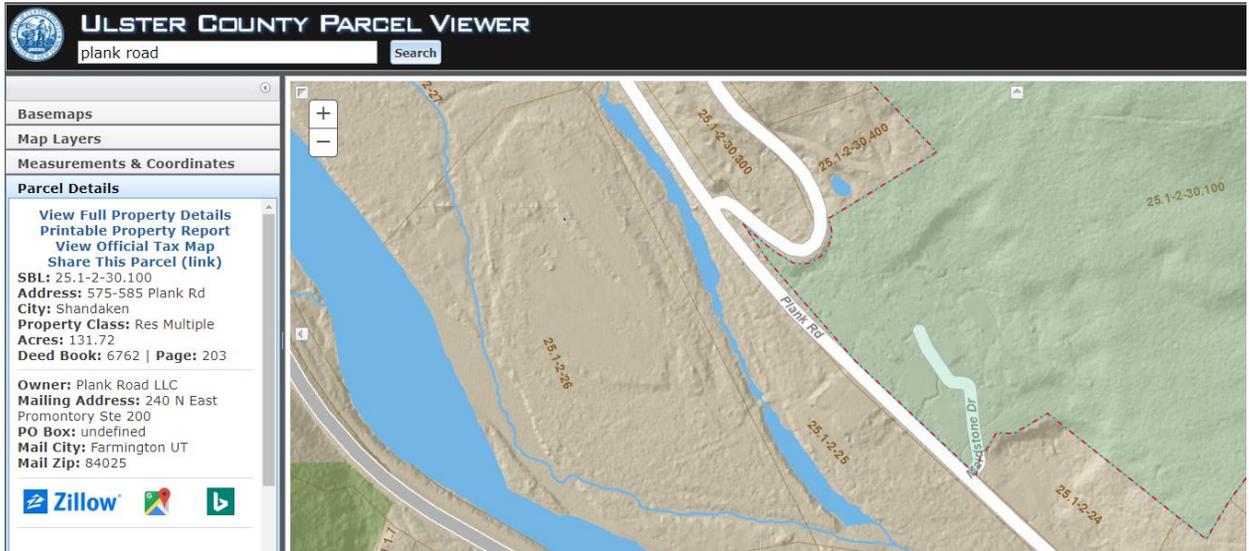
- A. Special Permit and/or Site Plan Review Application (undated) prepared by Sam Amoia/Plank Road, LLC
- B. Site Plan Checklist (undated) prepared by Sam Amoia/Plank Road, LLC
- C. Short Environmental Assessment Form dated November 14, 2023, prepared by Sam Amoia/Plank Road, LLC
- D. Site Plans (5 sheets) dated April 2023 with latest revision date March 22, 2024, prepared by Brinnier & Larios, P.C.
- E. Entrance Plan (1 sheet) dated October 2023 prepared by Brinnier & Larios, P.C.
- F. Impervious Area Plan (1 sheet) dated August 2023, with latest revision date January 8, 2024, prepared by Brinnier & Larios, P.C.
- G. Building Renderings (10 sheets) dated March 29, 2024, prepared by Dutton Architecture PLLC
- H. Small SWPPP Site Plan (2 sheets) dated August 2023 prepared by Brinnier & Larios, P.C.

Based on our review of the application documents received, we offer the following comments for consideration by the Planning Board and the applicant:

General Comments

1. Provide stormwater drainage analysis report, including hydrologic and hydraulic computations, signed and sealed by a professional engineer licensed in the State of New York. The analysis should demonstrate that the existing onsite and downstream stormwater conveyances (i.e., brook, stream, ditch, culverts etc.) can convey the increased peak stormwater runoff flow rates discharged from the proposed development.

2. Provide detailed construction sequence, including all proposed development.
3. According to the *Ulster County Parcel Viewer*, the existing site driveway (also known as Maidstone Drive) near Plank Road is shown partially located on the adjacent property, and the existing gravel area south of the site driveway in this area is shown entirely located on the adjacent property. A certified boundary survey of the property line between the applicant's property (575-585 Plank Road) and the adjacent property (589-595 Plank Road) should be required to confirm the location accuracy of the boundary between these properties.



4. According to the *Ulster County Parcel Viewer*, Plank Road is not shown located within the boundary of the applicant's property (575-585 Plank Road). However, the site plans show Plank Road is partially within the property boundary. As noted in the previous comment, a certified boundary survey should be provided.



5. Engineering design drawings should be based on a certified existing conditions topographic survey plan, including property boundaries, that is signed and sealed by a professional land surveyor licensed in the State of New York.



Site Plan Checklist

The following items were left unchecked (i.e., not checked off as done or not applicable) on the Site Plan Checklist:

- (5.) *Grading and drainage plan showing existing and proposed contours at an appropriate interval to be specified by the Planning Board at the sketch plan conference, with two-foot contour intervals and soils data generally required on that portion of any site proposed for development where general site grades exceed 5% or there may be susceptibility to erosion, flooding or ponding.*
- (13.) *Location of fire and other emergency zones, including the location of the nearest water supply for fire emergencies.*
- (15.) *Location, size, design, and construction materials of all proposed signage.*
- (17.) *Location and design of outdoor lighting facilities, including data regarding when appropriate, lighting levels both within the site and at the site's boundaries.*
- (18.) *Designation of the amount of building area proposed for retail sales, office use, or similar commercial activity.*
- (19.) *Detailed landscaping plan and planting schedule including the number, size, type, and location of all canopy trees or understory trees, shrubs, and ground covers to be planted.*
- (20.) *Building elevations and sections at scale sufficient to clearly delineate the massing and the exterior materials, textures, and colors of all buildings and other structures shown on the Site Plan.*

It is SLR's opinion that all of the Site Plan Checklist items noted above are applicable, and additional information should be provided accordingly.

Existing Conditions (Sheet 1 of 5)

1. What is the survey accuracy of the property line?
2. Provide onsite elevation benchmark(s).
3. Provide finished floor elevations for existing houses.
4. Provide invert elevations, sizes, and materials for all culvert pipes.
5. Limits of existing septic absorption areas should be field verified by a licensed septic contractor and located accordingly for protection during construction.
6. Existing septic tanks should be field verified by a licensed septic contractor and located accordingly for protection during construction.
7. Existing septic absorption areas and tanks should be inspected and certified by a licensed septic contractor as being suitable for continued use.

Site Plan (Sheet 2 of 5)

1. The zoning compliance table shows the proposed structure coverage is 1.8 percent for the area of the property within the R1.5 Zoning District, which exceeds the maximum allowable structure coverage of 1.4 percent for property areas within the R1.5 Zoning District.
2. The widths for the access driveways west and south of the six-bedroom residence are 8' and 10', respectively. A minimum paved driveway width of 12' is recommended to provide adequate space for single-lane vehicle movements.



3. A walkway should be provided from the parking area adjacent to the existing three-bedroom house to the proposed spa/café building since this parking area will also serve the spa/café.
4. The proposed water supply well will likely need to be installed prior to installation of the proposed overhead utility lines to avoid a conflict between the drill rig and the overhead wires.
5. Show location(s) of existing water supply well(s). Will the existing well(s) remain in service after the new water supply well is installed? If not, the well(s) should be abandoned in accordance with Health Department requirements.
6. Show locations of site light poles.
7. Show turning movements for trash trucks servicing both trash/recycling locations.
8. Show exterior access to proposed spa pool/hot tub deck.
9. The proposed garbage and recycling storage enclosure near the driveway entrance at Plank Road is shown on the property line. According to the *Ulster County Parcel Viewer* there is an existing residence on the adjacent property to the south (589-595 Plank Road) within close proximity (less than 50 feet) of the proposed trash and recycling enclosure. This location is not recommended to be used for garbage and recycling due to the potential for neighboring residents to be impacted by noise, odors, and nuisance animals associated with the waste containing and handling.
10. The applicant should review the site plans with the Fire District to determine whether the proposed driveway widths and slopes are adequate for site access and maneuvering by fire trucks.
11. The applicant should have a discussion with the Fire District to determine whether an adequate/accessible water source is located in close proximity to the site to provide water for firefighting or whether an onsite fire water supply is required such as a fire cistern.
12. The proposed sewage disposal system absorption area should include additional test pits and percolations tests on the western side of the system to confirm suitability of the entire area for sewage disposal. Further testing and discussions between the applicant and the Health Department are recommended regarding the proposed sewage disposal area.
13. The proposed sewage reserve area is shown partially within an existing foundation. Soils within and around foundations are likely to have been significantly disturbed and may not be suitable for sewage disposal. Further testing and discussions between the applicant and the Health Department are recommended regarding the proposed sewage reserve area.

Parking, Grading & Disturbance Plan (Sheet 3 of 5)

1. Modify the limits of disturbance to include areas of rain gardens, proposed garbage and recycling area at the main driveway entrance, equipment access to the proposed sewage disposal area, and driveway areas to be repaved.
2. Show finished floor elevations for existing residences and proposed spa/café building.
3. Provide spot elevations in corners of handicap-accessible parking space and aisle providing a maximum slope of 2 percent across these areas.
4. Provide top and bottom elevations for the proposed retaining walls and gabions.



5. Show field-verified locations of existing sewage disposal areas on the plan.
6. The proposed grass paver parking area requires the existing grade to be excavated approximately 2.5' and a retaining wall installed within and immediately downgradient from the existing sewage disposal area for the six-bedroom residence. This activity could compromise the existing septic absorption area and could potentially create sewage bleed out conditions onto the ground surface following construction of the retaining wall.
7. The proposed grass buffer filter strip west of the two-bedroom residence is immediately upgradient of the existing septic absorption area. Stormwater runoff should not be discharged toward a septic absorption area.
8. Please explain why there is a proposed grass buffer filter strip at the same location as the proposed sewage disposal area.
9. It is likely that more than two employees will be required for the proposed facilities that will accommodate 11 guest rooms, 12 spa guests, and a 14-seat eatery. Additional employee parking should be provided.
10. Layout and elevations of proposed handicap-accessible sidewalks and ramp between the accessible parking and the spa/café building entrance should be shown on the plan.
11. Layout and grading of the proposed rain gardens should be shown on the plan.
12. Test pits and/or infiltration tests should be completed at locations of proposed rain gardens to confirm suitability of existing soils to infiltrate stormwater at a depth of 36" below grade.
13. Silt fence should be shown downgradient from all areas to be disturbed.
14. Guiderail should be provided along top of all gabions and retaining walls that are adjacent to parking areas and transition to lower grades.
15. Show limits of stabilized construction entrance.
16. The grade of the driveway south of the six-bedroom residence reaches 20 percent, which is very steep, especially for access by heavy commercial vehicles such as delivery trucks, heating fuel trucks, septic trucks, trash trucks, etc.

Details (Sheet 4 of 5)

1. Include freeze-protected septic force main trench detail.
2. Brush/shrub and tree planting details are provided; however, no planting plan has been provided.
3. Accessible walkways should include asphalt or paver stones and should not consist of erodible granular material.
4. Details labeled as "future" should not be included on the plans. All details should match the sitework shown on the current proposed site plans.
5. Provide a vehicle-rated trench drain detail.

Details (Sheet 5 of 5)

1. Rain garden plantings should be specified to confirm suitability.

Entrance Plan (Sheet 1 of 1)

1. Show minimum sight lines are provided north and south along Plank Road from the driveway entrance. The existing (to remain) and proposed (to be relocated) bluestone



walls should not impede the sight line visibility for a vehicle exiting the driveway onto Plank Road.

Impervious Area Plan (Sheet 1 of 1)

No comments.

Building Renderings (10 Sheets)

No comments.

Small SWPPP Plan (Sheet 1 of 2)

1. Show limits of stabilized construction entrance.
2. Silt fence should be shown downgradient from all areas to be disturbed.

Small SWPPP Plan (Sheet 2 of 2)

1. Rain garden plantings should be specified to confirm suitability.

SLR recommends that the applicant provide written responses to the Planning Board to address each of the review comments contained herein. Accordingly, additional and revised plans and calculations should be submitted by the applicant for further review.

If you should have any questions, please feel free to contact either of the undersigned.

Regards,

SLR Engineering, Landscape Architecture and Land Surveying, P.C.



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