

Supervisor: (845) 688-7165

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Justice Court: (845) 688-5005

Assessor: (845) 688-5003

Assessor Fax: (845) 688-5708

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

**Town of Shandaken Planning Board  
Minutes for Regular Monthly Meeting  
June 9, 2021**

The regular monthly meeting was called to order with the pledge of allegiance at 7:18pm.

Roll called by acting Secretary to the Planning Board Sarah Pellizzari, and attendance was recorded as follows:

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

**Roll Call Summary:** 4 Present, 3 Absent

**Others Present:** Howie McGowan (CEO,) Allan Dumas and Matt Moss, Bobby Frisch Firelight. Ellen Hart SLR, Mark Moriello lawyer for Aurum and Firelight, Marc Carabatta SLR via msteams, Luke Interrante Matt Rudikopf for Aurum.

**Minutes:**

Motion was made by Board Member Kalb to accept the minutes from the previous meeting as written, seconded by Board Member Welton. All in favor.

**Communications:**



## **Old Business:**

### Firelight

Ellen Hart SLR reviews with the Board the most recent submissions from Firelight. There is an evacuation plan, flood no rise certification study, revised site plan, a draft resolution granting conditional special permit and site plan approval along with a response to SLR's comment letter dated May 12, 2021. (All recent submissions and comments are attached.) Of this information submitted the Planning Board needs an exact occupancy amount for Firelight. To which Matt Moss gives the number 480. Marc Carabatta SLR on msteams reviews for the Board the engineer for SLR's review of Firelights floodplain no rise certification needs a little more work on the calculations to show the no rise. Matt Moss for Firelight agrees, as one of the conditions to have an engineer do the work which would be then submitted to the Floodplain Administer for Shandaken Rob Stanley. The next topic discussed is the flood evacuation plan. Marc Carabatta recommends to the applicant to look at the Hurricane Irene for the elevation for the different evacuations are triggered. Mar Carabatta suggests lowering the threshold in an event, and waiting for 9ft may be too late. Matt Moss from Firelight agrees, and submits a new evacuation flood plan to the board. (attached). Ellen Hart runs through the conditional approval prepared for Firelights Special Use Permit and Site Plan Review. With no further comments from the Board a motion is made by Board Member Kalb to accept Firelights Special Use Permit and Site Plan review with conditions. Board Member Kalb seconds the motion. Role call vote as follows:

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

Motion accepted. Resolution and conditions attached.

### Aurum

Ellen Hart reviews for the Board Aurum's timber rattle snake report previously submitted along with her comments previously submitted as well. (Comment letter attached) Matt Rudikopf comments that Aurum will be submitting applications in regard to the drainage ditch to the Army Core of Engineers which are nationwide permits. Ellen Hart points out to the Board that the Ulster County of Public Works hadn't received any SEQR documentations from this applicant. It is discussed that it is not likely there will be any issue with the



applicant. Therefore, Ellen Hart recommends the Board issue a Negative Declaration with the condition that Aurum responds satisfactorily with the county's recommendations. With no further comments from the Board a motion is made by Board Member Welton for a Negative Declaration with conditions for SEQ. Board Member Kalb seconds the motion. Role call vote as follows:

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

Motion Accepted. Resolution with condition attached.

Board Member Kalb makes the motion to refer Aurum to county. Board Member Welton seconds the motion. All in favor.

Board Member Welton makes the motion to have a Public Hearing at the July 14<sup>th</sup> meeting for a Special Use Permit/ Site Plan Review for Aurum. Board Member Kalb seconds the motion.

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

Motion made.

With no other business before the Board Acting Chair Spata makes a motion to adjourn the monthly meeting. Board Member Kalb seconds the motion. All in favor the meeting is adjourned at 7:57pm.

These minutes were prepared with the Planning Board Secretary Sarah Pellizzari.



BRINNIER and LARIOS, P.C.  
PROFESSIONAL ENGINEERS & LAND SURVEYORS  
67 MAIDEN LANE  
KINGSTON, NEW YORK 12401  
-  
TELEPHONE (845) 338-7622  
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DESIGN  
REPORTS  
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SUBDIVISIONS  
TITLE SURVEYS  
TOPOGRAPHIC SURVEYS

June 4, 2021

Ellen Hart, AICP  
Associate Environmental Scientist/Planner  
SLR Engineering, Landscape Architecture and Land Surveying, P.C.  
231 Main Street, Suite 102  
New Paltz, NY 12561

RE: Firelight Camps, 570 Plank Road  
Town of Shandaken, Ulster County

Dear Ms. Hart:

As per your May 12, 2021 review letter we offer the following responses:

SLR Comments:

- **Comment/Bullet 1 – All structures shall be designed and anchored to prevent flotation, collapse or lateral movement due to floodwater – related forces.**

*Response – Design anchoring details to prevent flotation, collapse or lateral movement due to floodwater related forces will be submitted to the Floodplain Administrator in the Floodplain Development Permit application process via the project architect, Shelter Design Architecture.*

- **Comment/Bullet 2 – All construction materials and utility equipment used shall be resistant to flood damage.**

*Response –*

- *Detailed specifications on construction materials will be submitted to the Floodplain Administrator in the Floodplain Development Permit application process via the project architect, Shelter Design Architecture.*
- *Utilities electric, water and sewer will be addressed as follows:*
  - *Electric Utilities:*
    - *All buried electrical conduit and wiring will be designed and installed per code as applicable for wet locations. Conduit, where potentially subject to higher velocity water in storm events, will be armored via burial in low strength concrete (e.g. Flowable Fill / K-Crete).*
    - *All equipment, junction boxes, disconnects, etc. will be designed and installed at appropriate elevations above the base flood elevation (BFE) for each respective platform (e.g. 2' above BFE).*
    - *Unit electrical conduit service risers will be anchored to tent platform piers via appropriate methods (e.g. U-Bolts, pipe support clamps, etc.).*



- **Water Utilities:**
  - All buried water distribution lines will be designed and installed per code with applicable pressure ratings. Water distribution lines, where potentially subject to higher velocity water in storm events, will be armored via burial in low strength concrete (e.g. Flowable Fill / K-Crete).
  - Unit water service risers will be anchored to tent platform piers via appropriate methods (e.g. U-Bolts, pipe support clamps).
- **Sewer Utilities:**
  - All buried sewer force mains will be designed and installed per code with applicable pressure ratings. Sewer force mains, where potentially subject to higher velocity water in storm events, will be armored via encasement in low strength concrete (e.g. Flowable Fill / K-Crete).
  - All buried gravity sewers will be designed and installed in locations not subject to higher velocity water.
  - Unit gravity sewer service risers will be anchored to tent platform piers via appropriate methods (e.g. U-Bolts, pipe support clamps, etc.).
- **Comment/Bullet 3 – Construction practices and methods shall be employed which minimize potential flood damage, including the requirement that all structures and other improvements be designed to withstand hydrostatic pressure, erosion and seepage to an elevation not less than 2 feet above the one-hundred-year flood elevation.**

*Response – Design details that address the multiple tent platforms' ability to withstand hydrostatic pressure, erosion and seepage to an elevation not less than two (2) feet above their respective BFE will be submitted to the Floodplain Administrator in the Floodplain Development Permit application process via the project architect, Shelter Design Architecture.*
- **Comment/Bullet 4 – All public utilities and facilities shall be located and constructed to minimize or eliminate potential flood damage.**

*Response – Per the response to the 2nd comment above, site utilities will be designed and installed via appropriate methods to minimize or eliminate potential flood damage.*
- **Comment/Bullet 5 – All water supply and sanitary sewage systems shall be designed to minimize or eliminate floodwater infiltration or discharges into the floodwaters, including the provision that on site sewage systems shall be located so as to avoid impairment of them or contamination from them during flooding details on how structures will be designed and anchored to prevent flotation, collapse or lateral movement due to floodwater-related forces.**

*Response – Water supply wells will have casings extended above the BFE per code. Water treatment equipment will be located out of the 100 year flood plain in a garage bay or similar in the proposed engineering building. Water treatment design is under development and will be submitted for applicable agency review and approval (Ulster County Department of Health). Wastewater disposal design is under development and will be submitted for the*



applicable agency review as required by code (Ulster County Department of Health, New York City Department of Environmental Protection) for agency review and approval. It should be noted that all precast wastewater structures (septic tanks and pump stations located in the floodway will be equipped with appropriate floodproofing measures including pump station vents above the BFE, septic tank and pump station watertight rubber gasketed bolted manhole covers, flapper/check valves as required. As noted in the response to the 2nd comment above, water distribution and pressurized sewer force mains will be encased in low strength concrete (e.g. Flowable Fill / K-Crete) in areas that may be subject to higher velocity waters (e.g. suffered flood damage from higher velocity waters in the December 2020 storm event).

- **Comment/Bullet 6 – Please provide an evacuation plan to the Planning Board. As part of this evacuation plan, please contact the local emergency service departments to determine their capability to provide services to the site in the event of a flood, discuss how visitors to the site will be notified in the event of an unexpected flood event (i.e. public address system, air horn), and discuss how the employee living quarters, consisting of RV's and tiny houses, which will be located in the floodway, will be removed from the floodway in the event of a high flow event.**

*Response – The evacuation plan entitled “Firelight Phoenicia Flood Evacuation Plan” dated May 24, 2021 has been submitted to the Town of Shandaken Planning Board. It has also been discussed with Onteora Hose Company (Phoenicia Fire District No. 3) representatives.*

- **Comment/Bullet 7 – Please provide additional information on the maximum occupancy of the proposed development. This discussion should include information of the event space at maximum occupancy, the lodging facilities at maximum occupancy, and any anticipated impacts that are expected to result from maximum occupancy of the facility or how these impacts have been mitigated.**

*Response – Please note that per discussions at the May 26, 2021 Town of Shandaken Planning Board Meeting, the maximum occupancy of the proposed development will be 480 people.*

- **Comment/Bullet 8 – Please keep the Planning Board apprised of permit applications with NYCDEP, UCDOH, and NYSDEC.**

*Response – Firelight Camps and their agents will keep the Town of Shandaken Planning Board informed as to the status of various agency reviews. Please note that a New York State Department of Environmental Conservation (NYDEC) State Pollutant Discharge Elimination System (SPDES) application package was submitted to the NYSDEC on May 25, 2021.*

- **In addition, please note that the Ulster County Planning Board, via a letter from Robert A Leibowitz, AICP Principal Planner, recommended that emergency access be evaluated via the following comment: “Emergency Access – Required Modification” “The ability of the bridge to handle the weight of emergency response vehicles will need to be verified, if not already known.”**

*Response – Please note that Brinnier and Larios, P.C. has reviewed the existing 48” High*



*Density Polyethylene Culvert (H-20 Rated, corrugated exterior, smooth bore interior) and its respective cover via site inspections and consultations with the current site contractor. Based upon the placement of 14" to 16" of backfill material, and the understanding that during construction of the proposed development prior to site occupancy, the access roadway and its associated culvert will be regraded via applicable construction methods and additional material placement. After regrading, the amount of pipe cover will be evaluated to insure that greater than 12" compacted backfill is in place. In addition, the project sponsor and their agents will retain a certified testing laboratory to insure that the material has been compacted to achieve 90% Proctor. Completion of this work will corroborate the culvert's ability to accommodate a H-20 loading.*

Please feel free to contact us if you have any questions or need any additional information.

Very truly yours,

BRINNIER & LARIOS, P.C.



Allan M. Dumas III, P.E.  
Sr. Project Engineer

cc: Matthew Moss, Firelight Camps  
Robert Frisch, Firelight Camps  
Michael Moriello, Esq.  
Clifton Rabuffo, Planning Board Chair





**Parks, Recreation,  
and Historic Preservation**

**ANDREW M. CUOMO**  
Governor

**ERIK KULLESEID**  
Commissioner

June 8, 2021

Ellen Hart  
Environmental Scientist/Planner  
SLR (on behalf of the Town of Shandaken)  
231 Main St, Ste 102  
New Paltz, NY 12561

Re: DEC  
Firelight III: Campground Rehab & Expansion  
570-576 Route 28, Phoenicia, NY 12464  
21PR01867

Dear Ellen Hart:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the submitted materials in accordance with the New York State Historic Preservation Act of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources.

OPRHP has reviewed *SEQRA Phase 1B Archaeological Reconnaissance, Firelight III, LLC, County Route 40, Town of Shandaken, Ulster Co., NY* (Diamond, 25 May 2021).

Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

If you have any questions, please don't hesitate to contact me.

Sincerely,

Philip A. Perazio, Historic Preservation Program Analyst - Archaeology Unit  
Phone: 518-268-2175  
e-mail: [philip.perazio@parks.ny.gov](mailto:philip.perazio@parks.ny.gov)

via email only

cc: Joseph Diamond, Archaeologist; Clifton Rabuffo, Town of Shandaken

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**Division for Historic Preservation**

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • [parks.ny.gov](http://parks.ny.gov)





## Memorandum

**To:** Clifton Rabuffo, Chair, Planning Board, Town of Shandaken

**From:** James Murac, PE, CFM, Senior Water Resources Engineer

**Date:** June 8, 2021

**Subject:** Firelight Phoenicia Campground  
Campground Infrastructure Floodway Analysis  
570 Old Route 28, Town of Shandaken, Ulster County  
SLR #142.14615.00028.0010

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We are in receipt of a letter from Allan Dumas III, PE, of Brinnier and Larios, P.C. dated May 18, 2021, regarding the above-referenced proposal. Included with the letter were the following documents provided for review:

- "Master Plan Sketch for Firelight Camps," Shelter, Design Architecture, dated May 24, 2021, scale: 1"=100 feet
- Proposed Site Plan – Civil, Firelight Camps, 570 Plank Road, Phoenicia," sheet 3 of 20, scale 1"=80', dated March 2021 and revised through May 24, 2021
- Proposed Site Plan – Volumetric Segment Analysis, Firelight Camps, 570 Plank Road, Phoenicia," sheet 1 of 1, scale 1"=80', dated April 2021 and revised through May 24, 2021
- Appendix C: Cut/Fill Data dated May 18, 2021
- Appendix D: Preliminary Pier Design Layout, Shelter Design Architecture, dated May 11, 2021

We have reviewed the proposal materials listed above as they relate to the potential for the proposed project to impact or be impacted by the floodplain and floodway of Esopus Creek, and we offer the following comments for consideration.

It should be noted that Milone & MacBroom, Inc. (now SLR Engineering, Landscape Architecture, and Land Surveying, P.C.) staff are familiar with the project site and visited the area of the proposed project directly after Hurricane Irene in August 2011. The floodplain and floodway in this region are very steep, meaning water moves with high velocities and carries a high load of cobble/boulder sediment, large trees, and woody debris. Directly adjacent to the proposed project site on the opposite riverbank, Hurricane Irene destroyed a boulder revetment and left train tracks hanging into the Esopus River, threatening the stability of Route 28. According to Town of Shandaken public records, Uncle Pete's Campground (the former



business located on the subject property) was one of 30 businesses awarded financial assistance after that flood to aid in recovery efforts, and \$15,000 was provided to the campground in November 2011.

### **Floodway Impacts**

Proposals to develop a property within the Federal Emergency Management Agency (FEMA) regulatory floodway must meet a certain set of requirements as set forth by the National Flood Insurance Program (NFIP). The intent of those regulations is to determine that the project can be constructed safely and without detriment to the river, its floodplain, adjacent properties, or danger to people who will later occupy the property. Specifically, the NFIP regulations stipulate that any proposed work within a regulatory floodway shall cause 0.00 feet of change in water surface elevation during a 100-year flood event.

The proposal involves the construction of approximately 80 raised deck campsites as well as other ancillary outbuildings, gazebos, event centers, staff housing, food preparation, bathrooms, and lobby areas associated with the campground, as well as the supporting water, sanitary, electrical, and communication utilities, parking areas, golf cart paths, and other recreational site features. Most of these structures and features are proposed within the regulatory floodway of Esopus Creek under 100-year flooding depths ranging between 3 and 5 feet of water.

A detailed cut/fill (volumetric) analysis was performed by the applicant to determine the volume of timber materials to be placed in the floodway in support of the construction of the wooden platforms and how it will be offset by earthen material removal off site associated with site work. We found this analysis to be insufficient to prove that the proposed project will have no detrimental impact on the floodplain of Esopus Creek.

The platforms are proposed to "stick up" above the floodplain elevation and are founded on closely spaced wooden piers supported by diagonal cross brace supports. Given the history of heavy debris and log jamming in this reach of river, a volumetric analysis must consider that each deck and structure is very likely to become fully blocked by debris during a flood event, which would prevent any flow through the structure. This means that all 80 deck structures should be assessed as if their entire footprint constitutes fill within the floodplain, and a commensurate volume of material must be removed from a hydraulically connected area of the site as compensation.

Impacts on a riverine floodplain/floodway are quantified by two metrics:

- a) impacts to the volumetric capacity of the floodplain to store floodwaters,
- b) impacts to the conveyance capacity of the floodplain to carry floodwaters downstream

In some instances where floodplains contain slow-moving ponded water resembling a lake or reservoir, a volumetric analysis may be sufficient to evaluate the proposed projects' effects on the floodplain storage



June 8, 2021

Memo to: Mr. Clifton Rabuffo

Page 3

capacity. While a volumetric analysis is still helpful in fast-moving and dynamic floodplains such as this, additional work must be done on a cross-sectional basis or through computational modeling to evaluate the impacts on floodplain conveyance. In the likely event that the decks become blocked with debris during a flood, the spacing of the decks implies that they will form a significant obstacle to floodplain flow, which has not been evaluated.

We would advise that the applicant revise the volumetric analysis according to the comment above and provide a hydraulic evaluation of the movement of floodwater through the site to substantiate the claim that the project will have no detrimental impact on the floodplain, floodway, or adjacent properties, which shall be taken to mean that the project will cause 0.00 feet of water surface increases for the 100-year flood event as provided by FEMA.

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## **Firelight Phoenicia Flood Evacuation Plan**

June 9, 2021

### **Phase 1: Flood-Risk Awareness**

#### *Action steps:*

- All staff trained annually on flood response procedures.
- Preventative and proactive property management, including clearing of downed trees and debris, maintenance of drains and culverts, upkeep of flood-hardened infrastructure, and removal of staff housing units from flood zone in off season.
- Annual consultation with the Phoenicia Fire District.
- Daily monitoring the 7-day weather forecast by on-property management.

### **Phase 2: Elevated Flood Risk Condition**

#### *Triggered by:*

- The issuance of a Flood Advisory by the National Weather Service.
- A rising water level of higher than 8' at the Esopus Creek USGS Coldbrook Monitoring Station.

#### *Action steps:*

- Monitoring of the National Weather Service flood advice, on-property gauges, and the Esopus Creek USGS Coldbrook Monitoring Station no less frequently than once every 6 hours by on-property staff.
- Direct communication to all guests of the possible need for evacuation and an explanation of evacuation procedures through emails, postings in public spaces, and delivery of notices to all guest tents.

### **Phase 3: Preparation for Possible Evacuation**

#### *Triggered by:*

- The issuance of a Flood Watch or Flood Warning by the National Weather Service, or
- A rising water level of higher than:
  - a. 2' below the top of the entry culvert,
  - b. 2' below the Esopus Creek bank at the on-property monitoring point, or
  - c. 9' at the Esopus Creek USGS Coldbrook Monitoring Station.

#### *Action steps:*

- Immediate direct communication to all guests of the possible need for evacuation and an explanation of evacuation procedures through delivery of notices to all guest tents, emails, text messages, and postings in public spaces.
- Monitoring of the National Weather Service flood advice, on-property gauges, and the Esopus Creek USGS Coldbrook Monitoring Station no less frequently than once every hour by on-property staff.

### **Phase 4: Evacuation**

#### *Triggered by:*

- A rising water level of higher than:
  - a. 1' below the top of the entry culvert, or
  - b. 1' below the Esopus Creek bank at the on-property monitoring point, or
  - c. 11' at the Esopus Creek USGS Coldbrook Monitoring Station.

#### *Action steps:*

- Immediate order to evacuate delivered to all guests by pre-arranged air horn signals and direct notification of guests in tents and public spaces,
- Posting of staff at the entry culvert to direct traffic and to close the access to the culvert should rising water reach the top of the entry culvert (at which point any remaining guests will be directed to shelter in place in the lobby),
- Confirmation of evacuation of all guests by staff.
- Evacuation of all staff from areas west of the entry culvert, once guest evacuation is confirmed complete.
- Post signage at main entrance indicating property closed due to flooding.
- Once all other Action Steps complete, move staff housing units out of Floodway area.



**TOWN OF SHANDAKEN PLANNING BOARD  
TOWN HALL  
7209 Route 28  
Shandaken, New York 12480**

**RESOLUTION/DECISION GRANTING  
CONDITIONAL FINAL SITE PLAN APPROVAL AND  
CONDITIONAL FINAL SPECIAL USE PERMIT APPROVAL**

In The Matter of The Application of Firelight III LLC for the Firelight III Phoenicia Campground Redevelopment of the Uncle Pete's Campground Premises.

WHEREAS, the Planning Board for the Town of Shandaken [hereinafter "Planning Board"] has considered the administrative record made by Firelight III LLC [hereinafter "Applicant"] for the Firelight III LLC Campground Redevelopment of the Uncle Pete's Campground Premises [hereinafter the "Project"] during that period of time encompassing March 6, 2020 through June 9, 2021; and,

WHEREAS, the Project consists of 80 camping sites, lobby, snack bar, caretaker premises and additional improvements within the Residential R-1.5 and Residential R-3 Zoning Districts, as well as the Flood Fringe Overlay District (FF-0) District, upon 56.9 acres of land and situate adjacent to Ulster County Route 40 within the Town of Shandaken; and,

WHEREAS, the total number of occupants of the campground at any one time shall be capped at 480 persons, as represented by the Applicant; and,

WHEREAS, the Planning Board, as Lead Agency under SEQRA, conducted a coordinated review with all involved and interested agencies culminating in the issuance of a Negative Declaration of Environmental Significance on May 12, 2021; and,

WHEREAS, said Negative Declaration consists of 31 pages and comprehensively examines the Project in light of its environmental effects upon the issuance of site plan approval



and special use permit approval by the Planning Board and the post approval conditions associated therewith; and,

WHEREAS, the Planning Board has considered the May 5, 2021 Recommendations of the Ulster County Planning Board pursuant to Section 239-m of the General Municipal Law of New York State and notes that the Applicant has complied with the two associated Required Modifications; and,

WHEREAS, the Applicant has provided for detailed maps, documentation, memorandums, reports and testimony of record and in association therewith, the Planning Board held a duly noticed public hearing on May 12, 2021 in consideration of the Project; and,

WHEREAS, on May 26, 2021 the Applicant appeared before the Planning Board and satisfactorily addressed certain questions raised by the public and the Planning Board, by way of reference to the administrative record and by providing for explanation of the No Rise Certificate Report, Evacuation Plan, parking/channelization, public assembly, coordinated on site activities and floodway orientation; and,

WHEREAS, the Planning Board, having concluded its administrative review of the Project, is prepared to grant conditional site plan approval and conditional special use permit approval to the Applicants and for the Project as stated herein.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby grants conditional final site plan approval and conditional final special use permit approval for the Firelight III, Phoenicia Campground Project pursuant to the following conditions subsequent; and,

BE IT FURTHER RESOLVED, that the following conditions are required to be complied with prior to the issuance of Building Permit by the Town of Shandaken:



- 1.) Payment of all fees and escrows as may be outstanding;
- 2.) Filing of this Decision within the Offices of the Town of Shandaken Town Clerk;
- 3.) Completion of any Building Permit Application as may be required by the Town of Shandaken; and,

BE IT FURTHER RESOLVED, that the following conditions are required to be complied with prior to the issuance of a Certificate of Occupancy for the Project:

1.) Issuance of a Floodplain Development Permit by the Town of Shandaken Floodplain Development Administrator pursuant to Town of Shandaken Local Law #1 of 2016 and the Town of Shandaken Zoning Law. This shall include providing documentation of compliance with the standards of the FF-O Flood Fringe Overlay district §116-41 of the Town of Shandaken Town Code and updating the Evacuation Plan to provide sufficient time for visitors and staff to evacuate the site safely.

2.) Issuance of all permits for non-community public water supply and approval of plans for a sewage disposal system, campground and food service establishment by the Ulster County Department of Health (UCDOH) in accordance with Article 11 of the Public Health Law of New York State, Articles 17 and 70 of the Environmental Conservation Law of New York State, the Ulster County Sanitary Code and 10 NYCRR Parts 5-1, 14-1 and 7-3.

3.) Participation of the New York City Department of Environmental Protection (NYCDEP) in sewage disposal system review pursuant to the Memorandum of Agreement by and between the UCDOH, NYCDEP and the Town of Shandaken.

4.) Issuance of a Permit for Stormwater Discharges by the New York State Department of Environmental Conservation pursuant to the Stormwater Regulations set forth under Stormwater Discharge Permit SPDES GP-0-002.

5.) Issuance of a curb cut permit by the Ulster County Department of Public Works pursuant to Section 136 of the Highway Law of New York State.



6.) The Applicant and the Applicant's Consulting Engineer coordinating with the Town of Shandaken with respect to providing documentation evidencing compliance with the foregoing conditions; and

BE IT FURTHER RESOLVED, that the Planning Board Chairman is hereby authorized to execute this Decision and sign the Site Plan Maps upon the vote herewith.

NOW, Upon Motion made by Planning Board Member Kal B, said Motion being seconded by Planning Board Member Welton, the votes of the Planning Board being as follows:

4	0	3	0
yes	no	<u>ABSENT</u>	<u>RECUSE</u>

PURSUANT to the vote of the Planning Board, as Lead Agency, the above Resolution was declared duly adopted by said Planning Board this 9th day of June, 2021.

TOWN OF SHANDAKEN

By: Sam Spata

SAM SPATA, Acting Chair

### CERTIFICATION

The undersigned hereby certifies that the foregoing Resolution/Decision for the Firelight III, Phoenicia Campground has been duly filed in the Office of the Town of Shandaken Town Clerk, located at the Town of Shandaken Town Hall, 7209 Route 28, Shandaken, New York, 12480 on the date and year below written.

Dated: June 10, 2021

Joyce A. Grant  
JOYCE A. GRANT  
Shandaken Town Clerk





June 3, 2021

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

Re: **Aurum Project**  
**SLR #142.14615.00027.0010**

Dear Mr. Rabuffo and Planning Board Members:

SLR Engineering, Landscape Architecture, and Land Surveying, P.C. (SLR) is in receipt of the June 1, 2021, submission for "The Aurum" project. The submission contained the Timber Rattlesnake (*Crotalus horridus*) Habitat Suitability Impact Assessment and Proposed Avoidance/Mitigation Plan.

Please see below the comments on this most recent submission as well as on application materials previously submitted:

Comment 1: The Timber Rattlesnake (*Crotalus horridus*) Habitat Suitability Impact Assessment and Proposed Avoidance/Mitigation Plan offers a thorough plan for timber rattlesnake avoidance and safety during construction and operation of the proposed facility. During construction, these measures include employing a timber rattlesnake monitor to survey the site, educating all workers present on site regarding identification and proper safety procedures, and installing a snake barrier around the active construction area if any timber rattlesnakes are encountered. During operation of the facility, the primary approach would be to educate all visitors to the site.

One additional measure that is recommended is to add the following language to the design plans:

The following steps shall be taken if the timber rattlesnake is encountered at the site:

Stop work immediately.

Move away and leave the snake alone.

Contact the Department Region 3 Bureau of Wildlife at (845) 256-3098. Please provide the work location, the name of the project, and description of the situation. This is the



general phone line for this office. Staff are available M-F from 8:30 a.m. to 4:45 p.m. and can provide assistance as soon as they are able. Please be aware there could be a delay in response from the Department using this method.

Do not start the work until either the timber rattlesnake has left, or a Department's representative has given the approval to proceed. The work on the project can continue at other sites, a minimum of 750 feet from the site of the snake encounter.

The following steps shall be taken if you are bitten by the timber rattlesnake:

Do not attempt to treat the bite yourself; seek medical attention by calling 911.

Keep limb elevated.

Do NOT panic, stay calm, and find a cool area to wait for help.

Comment 2: Please continue to keep the Planning Board apprised of your permit applications with NYCDEP, UCDOH, NYSDEC, and USACE.

Comment 3: Please indicate whether there will be any impacts on the federally regulated watercourse/drainage ditch on site. Will the disturbance extend below the Ordinary High Water Mark? If yes, a permit from USACE will be required. Has a permit application been submitted to USACE?

Sincerely,

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



Ellen Hart, AICP  
Associate Environmental Scientist/Planner

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**RESOLUTION OF THE  
TOWN OF SHANDAKEN PLANNING BOARD**  
Town Hall, 7209 Route 28, PO Box 134, Shandaken, NY 12480

**LEAD AGENCY SEQR CONDITIONED NEGATIVE DECLARATION  
UNLISTED ACTION – COORDINATED ENVIRONMENTAL REVIEW**

**THE AURUM – 575-585 PLANK ROAD, LLC**  
Revitalization and New Construction - Hotel

\_\_\_\_\_, 2021

**WHEREAS**, the Planning Board of the Town of Shandaken, located in Ulster County, New York, is considering applications for Special Permit and Site Plan approvals from Luke Interrante, Interrante Design-Build, LLC (Applicant) and Plank Road LLC (Owner) for the proposed building revitalization and new construction of a Hotel with accessory restaurant, parking and recreational facilities, as well as associated driveway, stormwater, lighting and landscaping improvements (hereinafter referred to as the "proposed action"); and

**WHEREAS**, the subject property consists of 131.72 acres (SBL 25.1-2-30.100) located at 575-585 Plank Road (Ulster County Route 40) within R-1.5, R-3 and R-5 Zoning Districts, as shown on the Town of Shandaken Tax Maps and identified as tax parcel SBL No. 25.1-2-30.100; and

**WHEREAS**, the subject property has street frontage on Plank Road (County Route 40; Phoenicia – Mt. Tremper Road); and

**WHEREAS**, the subject property includes several existing principal buildings and accessory structures and uses providing rental lodging (operating as the Maidstone Lodge); and

**WHEREAS**, the proposed action consists of building revitalization and new construction on the existing site located at 575-585 Plank Road into a Hotel with accessory restaurant and recreational facilities, including:

- New construction of a 24-room boutique hotel;
- The main existing residence (Maidstone Lodge building) will be renovated and serve as hotel check-in and guest services, and common area for guests to relax during their visit;
- The northern most existing residence building will be renovated and expanded into a restaurant for Hotel guests and the general public as is typical with accessory restaurants at a hotel;
- The remaining existing residence will be a facility staff building;
- The existing lean-to in front of the spring house will be removed and replaced with a new accessory yoga room;
- The existing swimming pool, which is in disrepair, will be removed and filled in. A new accessory swimming pool with pool pavilion providing pool guest services, bathrooms and light food and beverage service will be constructed in its place but slightly to the south;
- Site renovation and new construction of associated roadway, parking, landscaping, utility, stormwater management and septic facilities. Existing water supply will be utilized; and

**WHEREAS**, the proposed expanded lodging facility is permitted use of the underlying R-1.5, R-3 and R-5 Zoning Districts (all proposed site disturbance and construction is limited to only that portion of the site previously developed and disturbed on the lower elevations of the site zoned R-1.5); and



**WHEREAS**, other permit approvals needed to implement the proposed action include Ulster County Department of Public Works highway curb cut approval, Ulster County Department of Health septic and water system expansion approvals, Ulster County Planning §239-LMN referral, New York City Department of Environmental Protection stormwater and septic system reviews, and New York State Department of Environmental Conservation stormwater pollution prevention plan submission; and

**WHEREAS**, materials submitted in support of the proposed action include:

- Special Permit and Site Plan Applications;
- Full Environmental Assessment Form (FEAF), Parts 1 and 2;
- Project Narrative and Description of Action;
- Wetland Delineation Report;
- Stormwater Pollution Prevention Plan
- Timber Rattlesnake Habitat Report
- Site Plans, including Architectural Plans; and

• **WHEREAS**, the Planning Board declared its intent to serve as lead agency for a coordinated SEQR environmental review of the proposed Unlisted action and thereafter circulated a Notice as required to other involved agencies seeking their concurrence; and

**WHEREAS**, the Planning Board did not receive any objections to their serving as SEQR lead agency; and

**WHEREAS**, in accordance with SEQR 6 NYCRR Part 617, the Planning Board has served as the confirmed lead agency of the coordinated environmental review of the proposed Unlisted Action; and

**WHEREAS**, the Planning Board, as lead agency, has considered the SEQR Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, written comments of the Board's professional consultants made via memoranda (which memoranda are incorporated herein by reference), as well as verbal commentary made during the Planning Board's meetings pertaining to the review and evaluation of the proposed action;

## **LEAD AGENCY SEQR DETERMINATION OF NON-SIGNIFICANCE**

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### **Coordinated Environmental Review – Conditioned Negative Declaration**

**NOW THEREFORE BE IT RESOLVED**, the Planning Board, as lead agency, hereby determines in accordance with SEQR 6 NYCRR Part 617 that the proposed Unlisted action, as described herein, will not have a significant adverse effect on the environment and further determines that preparation of an Environmental Impact Statement will not be required as long as the following condition is met: all comments from the Ulster County Department of Public Works shall be satisfactorily answered; and

**BE IT FURTHER RESOLVED**, the Planning Board, as lead agency, has relied upon the facts and information contained in its record file regarding the proposed Unlisted action, as well as discussions with and mitigation measures proposed by the applicant/owner, in making the above SEQR determination of non-significance (Negative Declaration); and

**BE IT FURTHER RESOLVED**, the Planning Board, as lead agency, relies on the reasons set forth in the attached Conditioned Negative Declaration Notice to support its SEQR Determination of Non-Significance; and

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## **APPROVAL OF RESOLUTION**

**BE IT FURTHER RESOLVED**, a copy of this Resolution and attached Lead Agency SEQR Notice of Determination of Non-Significance (Conditioned Negative Declaration) shall be provided to Involved and Interested Agencies in accordance with the requirements of SEQR 6 NYCRR Part 617, as well as to the applicant and owner; and



**WHEREUPON**, the Resolution herein was declared adopted by the Planning Board of the Town of Shandaken, as SEQR Lead Agency, as follows:

The motion was moved by \_\_\_\_\_.

The motion was seconded by \_\_\_\_\_.

The vote was as follows:

ROLL CALL

AYES: \_\_\_\_\_  
NAYS: \_\_\_\_\_

DATE: \_\_\_\_\_, 2021



TOWN OF SHANDAKEN PLANNING BOARD  
Town Hall, 7209 Route 28, PO Box 134, Shandaken, NY 12480

**NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

SEQR LEAD AGENCY CONDITIONED NEGATIVE DECLARATION

UNLISTED ACTION - COORDINATED ENVIRONMENTAL REVIEW

**THE AURUM - 575-585 PLANK ROAD, LLC**

Revitalization and New Construction - Hotel

The following Notice of a Conditioned Negative Declaration is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law. The Planning Board of the Town of Shandaken, as lead agency for a coordinated environmental review, has determined that the proposed action as described below will not have a significant adverse effect on the environment and preparation of an Environmental Impact Statement will not be required provided the following condition is met: all comments received from Ulster County Department of Public Works are satisfactorily answered.

**Name of Action:** The Aurum - Hotel

**Location:** 575-585 Plank Road (Ulster County Route 40)-131.72 acres (SBL 25.1-2-30.100)  
R-1.5, R-3 and R-5 Zoning Districts

**SEQR Status:** Unlisted action - Full EAF

**Applicant/Owner:** Luke Interrante, Interrante Design-Build, LLC (Applicant) and Plank Road LLC (Owner)

**Description of the Proposed Action:**

The proposed action consists of the existing building revitalization and new building construction on an existing lodging property located at 575-585 Plank Road, creating a Hotel with accessory restaurant and recreational facilities, including:

- New construction of a 24-room boutique hotel.
- The main existing residence (Maidstone Lodge building) will be renovated and serve as hotel check-in and guest services, and common area for guests to relax during their visit.
- The northern most existing residence building will be renovated and expanded into a restaurant for Hotel guests and the general public as is typical with accessory restaurants at a hotel.
- The remaining existing residence will be a facility staff building.
- The existing lean-to in front of the spring house will be removed and replaced with a new accessory yoga room.
- The existing swimming pool, which is in disrepair, will be removed and filled in. A new accessory swimming pool with pool pavilion providing pool guest services, bathrooms and light food and beverage service will be constructed in its place butslightly to the south.
- Site renovation and new construction of associated roadway, parking, landscaping, utility, stormwater management and septic facilities. Existing water supply will be utilized.

The Lead Agency notes that this action is classified as Unlisted pursuant to SEQRA procedures and regulatory authority set forth within 6 NYCRR Part 617.7. Under the circumstances of the particular related actions, as hereinafter evaluated, the Lead Agency finds that the facts and information available to it support a determination that all probable and relevant adverse



environmental effects have been identified and that they will not be significant and therefore an Environmental Impact Statement is not necessary provided that the above stated condition is met.

The environmental analysis of the reasonably related long-term, short-term, direct, indirect, sequential and combined impacts of these related and simultaneous environmental factors started with an analysis of the existing conditions of the project site. The review then analyzed the environmental impacts of the proposed changes and actions while comparing those impacts with the impacts on existing land use to determine if the proposed action may have a significant adverse environmental impact. Accordingly, this Conditioned Negative Declaration of Environmental Significance sets forth the Lead Agency's Findings pursuant to SEQRA.

No other related or subsequent actions are included in any long-range plans for the proposed site, nor likely to be undertaken, nor dependent on the actions which are now under consideration.


In rendering all of the SEQRA Findings, the Lead Agency's examination of the specific environmental impacts of the proposed actions and changes and their magnitude is as follows:

#### **Reasons for SEQR Determination of Non-Significance:**

ND1. *A substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems.*

The proposed action will not result in a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems.

Anticipated impacts related to noise and air quality (odors) are anticipated to be temporary and of short duration during construction. No blasting is anticipated. Construction activities will be limited to permissible work hours as enforced by the Building Department. The proposed action does not include any sources of sound that are anticipated to exceed sound level limits. Existing and proposed facilities include AC condenser units and restaurant vent hoods with noise generation being similar to typical residential AC units. Also, the proposed action does not include any features that produce any "unreasonable glare or heat."

 The proposed action does not involve the development of any new roads or road extensions. The site is located on Plank Road (Ulster County Route 40), which is a highway that is more than adequate to accommodate traffic associated with the project. The existing site access will be removed and replaced with two new site entrances constructed to improve access for the expanded lodging use, as well as for fire and emergency vehicles. The new site accesses will provide increased and safer sightlines than the existing driveway entrance. Eliminating the existing site access will also shift access farther away from the abutting property to the south. Off-street parking has been designed and sited in accordance with the setback and design standards in Zoning §116-24.

The proposed action will not generate significant increased solid wastes. Solid wastes will be centrally collected and stored prior to their removal via a private refuse/recycling carter.

The proposed action will not result in any significant adverse environmental impacts to groundwater or surface water resources. A Wetland Delineation was completed and identified two small wetland seeps and a few intermittent/ephemeral streams/drainage ditches on the property within the revised area of proposed development. The two small wetlands are isolated non-jurisdictional wetlands (i.e., these are not regulated by Federal, State or local regulation). The intermittent streams/ditches drain to stone-lined channels at the front of the property and are Federally regulated by the U.S. Army Corps of Engineers (USACE) since they are tributary to Esopus Creek located across Plank Road and all necessary permits and approval will be obtained from USACE. These watercourses are not regulated by NYSDEC or the Town. Proposed impacts to wetlands will be minimal and do not involve any impacts to State NYSDEC regulated resources.



The applicant has developed a Stormwater Pollution Prevention Plan (SWPPP) which details the methods that will be employed for stormwater management during the construction and post-construction phases of the project. Erosion and sedimentation controls will be utilized to prevent stormwater erosion and silt from reaching non-disturbed areas or existing drainage facilities and resources, as well as downstream properties. Stormwater management and erosion controls will be maintained and checked regularly to contain all planned construction activities. Post construction stormwater management controls will also be provided to collect and treat stormwater runoff, control drainage and prevent flooding. Disturbed site areas will be stabilized and restored following construction. Permanent vegetation on disturbed areas will be restored as soon as practicable to stabilize disturbed areas of the site and to further control and minimize soil and sedimentation dispersal and related adverse environmental impacts.

ND2. *The removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts on natural resources.*

The proposed action does not involve the removal or destruction of significant vegetation or fauna, will not interfere with the present movement of resident or migratory wildlife species, nor will the proposed action impact any significant habitat areas or threatened or endangered species. All proposed action site redevelopment disturbance and construction activity will be confined to the area of existing development and prior disturbance located below the 810 feet contour elevation. Very steep slopes of the site are avoided.

Existing woodland vegetation will be maintained around parking to screen it from abutting properties, while all proposed site development is in areas of previous disturbance and current development to minimize additional tree clearing. The site's woodland character will be maintained as part of the lodging experience. New landscaping will be provided to enhance buildings and facilities.

Regarding timber rattlesnake (*Crotalus horridus* - New York State listed threatened species), there is little if any characteristic den habitat in areas of existing and proposed development on the property, noting that all proposed development will occur in areas of the site previously disturbed and currently developed. Based on aerial photos and topographic map analysis of the site and surrounding areas, potential "den habitat" (steep, partly open forested slopes with extensive rock outcrops and ledges, areas of extensive talus, rock ledges and areas of deeply fissured rock) may be present in the far rear, northeasterly areas of the property, more than 2,500 and 4,000 feet from any proposed development. Suitable potential on-site "summer habitat" could include the site's steep, forested slopes, which will remain undisturbed and are seamlessly connected to other extensive off-site areas of similar habitat.

Presence of timber rattlesnakes in the area has been reported but not confirmed on the project site directly. The proposed action avoids the above noted suitable timber rattlesnake habitat areas of the project site, and completely avoids impacts to existing woodlands above the 810-foot contour elevation. All proposed development activity will occur in the portion of the site previously disturbed and currently developed.

The Lead Agency has contacted Lisa Masi, NYSDEC, regarding the potential for adverse environmental effects resulting from possible rattlesnake habitat, dens, basking and improbable encounters with respect to guests. Based upon the foregoing factors and the following Lead Agency considerations, the Lead Agency is satisfied that rattlesnake impacts will not be significant and that this Negative Declaration may issue, regardless of the manner with which the NYSDEC weighs in on this matter. In this regard, the Lead Agency finds as follows:

- a.) The Applicants avoidance of den habitat is substantial in terms of location, both in distance, as well as steep upgradient topography.
- b.) SEQRA does not change the jurisdiction between agencies and it is the Lead Agency's role to render its environmental significance decision under SEQRA for coordinated review purposes. As such, the NYSDEC, as a permitting agency, can forward agency mitigation measures in the event that said agency finds the same to be necessary. Meaning, despite the issuance of a Negative Declaration, discretionary permitting agencies are responsible for administration of their own regulatory criteria, such as endangered and threatened species mitigation.



- c.) SEQRA employs a "Rule of Reason" in its applicability and as such, the issuance of a NYSDEC pronouncement as to rattlesnakes is not required in order for the Lead Agency to demonstrate an appropriate level of environmental examination which meets the "hard look" standard under SEQRA.
- d.) The Applicant has voluntarily committed to performing NYSDEC imposed rattlesnake mitigation measures, if any are required, as a result of review by Lisa Masi.
- e.) As this Project is classified as an Unlisted Action under SEQRA, the Lead Agency is not concerned with the possibility of NYSDEC mitigation measures being construed as conditions to the development proceeding. This owes itself to the fact that the Applicant has voluntarily offered to comply with all NYSDEC requirements and the additional factor that as an Unlisted Action, a Conditional Negative Declaration is permissible in the instant matter. In any event, the Lead Agency is not rendering a Conditional Negative Declaration in this matter.
- f.) The Lead Agency reserves its right to amend and/or rescind this Negative Declaration for reasons related to rattlesnakemitigationmeasures, if any, as imposed by the NYSDEC.

Based upon all of the foregoing, the Lead Agency finds that the Project does not result in any adverse environmental impacts with respect to rattlesnakes.

ND3. *The impairment of the environmental characteristics of a critical environmental area as designated pursuant to SEQR 6 NYCRR §617.14(g).*

The proposed action will not impact any designated Critical Environmental Area.

ND4. *The creation of a material conflict with a community's current plans or goals as officially approved or adopted.*

The proposed action will not result in the creation of a material conflict with the Town's adopted Comprehensive Plan and has been designed in compliance with applicable engineering and zoning standards and requirements. The proposed action will improve existing site conditions through redevelopment and expansion of the former Maidstone Lodge with the renovation of existing buildings, including a restaurant, and addition of a new Hotel building, as well as other related site and infrastructure improvements (parking, stormwater management control and treatment improvements, new replacement swimming pool, road access improvements, landscaping and lighting improvements). All three of the underlying Zoning Districts (R-1.5, R-3 and R-5) permit a Hotel with accessory restaurant and recreational facilities subject to issuance of a Planning Board Special Permit.

Notwithstanding, all proposed site disturbance and construction will be limited to that portion of the site zoned R-1.5 only. The proposed new buildings and structures, off-street parking, and associated site improvements have been designed in compliance with all applicable zoning bulk standards (permitted height, setbacks, coverage, etc.) and Hotel specific Special Permit standards. Exterior lighting will be minimized and include dark sky compliant (downward light projection) fixtures. The design and character of exterior lighting will be of a residential-scale appropriate to the architectural features of the subject property. Proposed development and facility construction will occur in areas of the site previously disturbed and currently developed. The upper wooded elevations of the site will be maintained and continue to provide screening and buffering to abutting neighboring properties.

ND5. *The impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character.*

The proposed action will not result in any adverse impacts on historic or archeological resources. According to the NYSOPRHP database and resource mapper, the subject property is not sensitive for archaeological sites/resources. The proposed action will not result in any significant adverse environmental impacts on architectural, aesthetics, open space resources, nor will the proposed action result in any adverse impacts on the growth and character of the community or surrounding neighborhood. Existing buildings will be retained and renovated to retain existing architectural character, while new buildings have been designed consistent with the site setting. Proposed development activity will be confined to the lower existing and previously disturbed and developed portion of the site. Existing upper site elevation woodlands will remain undisturbed. Existing site vegetation, particularly at property boundaries and above the 810 feet contour elevation will remain undisturbed, thereby maintaining considerable existing screening and buffering to adjacent properties.

ND6. *A major change in the use of either the quantity or type of energy.*



The proposed action will not cause a major change in the quantity or type of energy resources used.

ND7. *The creation of a hazard to human health.*

The proposed action will not create a hazard to human health. The Hotel building will be sprinklered to provide enhanced fire protection, while the site's stormwater management basins will be designed as "wet basins" with dry hydrants to provide an on-site ancillary water source that can be accessed by fire protection officials. Provisions for compliant sewage disposal will be provided and maintained. Additional septic disposal systems will be supplemented/expanded as needed for the proposed project facilities in compliance with applicable design and construction standards required and approved by the Ulster County Health Department and NYCDEP. No changes to existing water supply are proposed. As such, no significant adverse environmental impacts to these facilities are anticipated.

ND8. *A substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.*

According to the NYSDEC EAF Mapper, the subject property (nor surrounding properties) is not within an Agriculture District. The proposed action will not result in a substantial change in the use or intensity of subject property. No significant adverse environmental impacts on agricultural lands, open space resources or recreational uses and resources are anticipated.

ND9. *The encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action.*

The proposed action is intended to attract new and existing visitors to the site and community, advancing area tourism, but will not in of itself result in drawing a "substantially" larger number of people to the area in a way that would cause or result in any significant adverse environmental impacts.

ND10. *The creation of a material demand for other actions that would result in one of the above consequences.*

The proposed action will not create a material demand for other actions.

ND11. *Changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.*

The proposed action will not result in the change of two or more elements when considered together would result in a substantial adverse environmental impact. Rather, the proposed action is anticipated to be a positive improvement beneficial to the site and surrounding community. The proposed facilities will be an enhancement to the property and Town by offering expanded options for lodging and restaurant dining, which in turn will generate new and expanded eco-tourist opportunities throughout the community by users of the new facilities.



ND12. *Two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.*

The proposed action will not result in cumulative significant adverse impacts.

None of the probable impacts on the environment that are associated with, or which result from incremental or increased impacts of this action, when such impacts are added to other related past, present or reasonably foreseeable future actions, will be significant.

The Lead Agency has reviewed and analyzed the proposed development plans, the Environmental Assessment Form and all related addenda, the Administrative Record and the physical changes to the environment that will take place simultaneously or sequentially and has determined that their combined and/or synergistic effects will not be significant.

In regard to any subsequent actions that may possibly arise as the result of the proposed project, the Lead Agency has addressed all identified and relevant long-term, short-term impacts and effects of the proposed activities and actions, as well as any related actions, as now submitted, and the Applicants have no identifiable long-range or overall plans for any subsequent development, changes in use or other activities relating to the proposed project.

As to any potential future development of the site, or subsequent actions involving the site beyond those analyzed herein, there is currently no information available at this time as to whether any such actions will in fact occur.

The Lead Agency emphasizes that Approval of the action contemplated by the current project now before the Lead Agency does not commit the Lead Agency to any particular course of action with respect to future development of the site beyond what is analyzed herein. Any future physical expansion of the Aurum Project and associated development beyond that which is approved will require independent and separate environmental review pursuant to SEQRA; unless the same shall be lawfully determined to be designated as a Type II Action or an Exempt Action in accordance with 6 NYCRR Part 617 et seq.

Due to the continuing environmental and other administrative review requirements of any subsequent development activities in the area of the project site and in the Town of Shandaken on a case by case exercise of discretion by reviewing agencies and officials, it is not necessary, nor reasonable, to require at this time a hypothetical "worst case" analysis of all speculative environmental effects or potential environmentally threatening uses which possibly could be anticipated at some time in the future.

The Lead Agency is satisfied that any possible environmental effects of any future development within the Town of Shandaken, or any lawful change in use of the project site, can be adequately addressed through subsequent discretionary administrative and environmental review.

In making its determination and consistently with Negative Declaration requirements, the Lead Agency has not balanced any potential benefits of the proposed action against potential harm.

#### CONCLUSION:

Based on the information currently available to the Lead Agency and the above analysis and evaluation of all the relevant and probable environmental impacts related to the activities and actions herein proposed, the Town of Shandaken Planning Board, as Lead Agency, determines that there will be no significant adverse environmental impacts associated with this project and no Environmental Impact Statement [EIS] will be required for the action provided that the above noted condition is met. Therefore, this determination of non-significance and Conditioned Negative Declaration under SEQRA is hereby approved, adopted, and issued by the Lead Agency.

Based on the foregoing, implementation of the proposed Unlisted action is not anticipated to result in any significant adverse environmental or socio-economic fiscal impacts, and thus issuance of this SEQR Conditioned Negative Declaration is appropriate and an Environmental Impact Statement is not required.



FOR FURTHER INFORMATION:  
CONTACT PERSON:

Cliff Rabuffo, Chairman  
Town of Shandaken Planning Board  
Town Hall  
PO Box 134, 7209 Route 28  
Shandaken, New York 12480  
(845)688-7165



FILINGS:

Pursuant to 6 NYCRR Part 617.12(b)(l) a copy of this Conditioned Negative Declaration is being filed with the Lead Agency.

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SAM SPATA, Acting Chair  
Town of Shandaken Planning Board



### CERTIFICATION

The undersigned hereby certifies that the annexed SEQRA Conditioned Negative Declaration With Notice of Determination of Non-Significance, being in the Matter of The Application for The Aurum and dated the 9<sup>th</sup> day of June 2021 has been duly filed this day in the Office of the Town of Shandaken Town Clerk located at the Town of Shandaken Town Hall, 7209 Route 28, Shandaken, New York 12480.

DATED: \_\_\_\_\_

\_\_\_\_\_  
JOYCE A. GRANT  
Shandaken Town Clerk