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February 28, 2025

Cliff Rabuffo, Chairman  
Town of Shandaken Planning Board  
Shandaken Town Hall  
7209 Route 28  
PO Box 134  
Shandaken, New York 12480

RE: ***Belleayre Resort at Catskill Park Special Use Permit and Site Plan Approval –  
Request for Extension of Approval***

Dear Chairman Rabuffo and Members of the Planning Board:

This firm represents Crossroads Ventures, LLC (“Crossroads”) in connection with the Belleayre Resort at Catskill Park (the “Project”) and respectfully requests that the Planning Board affirm and re-approve the Special Use Permit and Site Plan approvals previously issued by this Board for the Crossroads Belleayre Resort at Catskill Park. On behalf of Crossroads, we are requesting an additional year extension of the Special Use Permit and Site Plan approval for the Project. Initially, no site plan changes are proposed, only an extension of the current approvals.

By way of background, as you know, the Project underwent an extensive approval process that spanned over a decade. The application process began in 1999 with the Town (25 years ago). The NYSDEC acted as SEQRA lead agency and commenced the environmental review process which included completion of a Draft Environmental Impact Statement on November 26, 2003; a Supplemental Draft Environmental Impact Statement on April 17, 2013; a Final Environmental Impact Statement on September 2, 2015 and NYSDEC Lead agency Findings Statement on December 2, 2015 completing the environmental review of the Project and determining that all potential significant adverse environmental impacts were mitigated to the maximum extent practicable.

The many benefits of the Project were noted in the NYSDEC SEQRA Findings Statement stating, for instance, that the “projects [expansion of the Ski Center and the Modified Belleayre Resort projects] are expected to have a positive impact on local sales tax, property tax and hotel occupancy tax receipts. The cumulative impacts on socioeconomic conditions of the proposed expansion of the Ski Center and the Modified Belleayre Resort project would be positive due to the projected increases in tax revenues, job creation, and economic activity.” NYSDEC SEQRA Findings Statement at 56-57.

On January 13, 2016, the Shandaken Planning Board, an involved agency throughout this process, thereafter also completed the environmental review process by adopting its involved agency SEQRA Findings Statement. The Findings Statement noted that the Project met the goals and objectives of the Comprehensive Plan, stating “consistency with community character also requires the Applicant to meet the requirements and intent of the Town’s Comprehensive Plan...” The Planning Board examined potential impacts on Community Character finding:

The Planning Board has actively engaged in comprehensive review of all aspects of the special use permit and site plan requirements... [and found] that the Project meets the general and specific standards for a special use permit... and the site plan meets [the site plan requirements]...

In summary, the Planning Board finds that the Project is a use allowed by the Shandaken Zoning Code...

Ultimately, the Planning Board found that the “Project meets all applicable Town of Shandaken zoning and comprehensive plan requirements and goals, thus avoiding or mitigating all adverse impacts to the maximum extent practicable.”

On October 16, 2016, Judge Mott remitted the matter to the Planning Board and directed that the ZBA issue a determination whether the proposed use was permitted. Following the ZBA’s favorable interpretation, the Planning Board again granted a special use permit and site plan approval, with conditions on March 13, 2017, essentially re-affirming its prior findings and decision.

Another Court challenge concluded on May 17, 2018, with the New York State Appellate Division, Third Department determining that:

The ZBA's interpretation was entirely rational and will not be disturbed. It follows that the Planning Board, with the 2000 and 2017 ZBA interpretations of the zoning code in hand, rationally determined “that the proposed project ‘compli[ed] with any legislatively imposed conditions on an otherwise permitted use’” so as to warrant the issuance of a special use permit and site plan approval.

Consequently, it was not until 2018, when the litigation was finally concluded that Crossroads could potentially begin moving forward with the Project. Since that time, on May 1, 2021, in furtherance of the Project, Crossroads applied for and received a SPDES permit from NYSDEC which expires in 2026. In addition, on December 11, 2020, the Applicant also received a Stream Disturbance Permit which expires on December 1, 2025. Extensions of such permits will also be applied for as appropriate.

Crossroads had been actively marketing the Project as a “time-share”-type development. However, to date, those efforts have not proven to be successful. Time and again, our client has heard that condominium development was preferred over time shares. A Market Study confirms this.

The Shandaken Planning Board confirmed that the SEQRA review established the “numerous economic benefits that the Project will produce, including much needed employment

opportunities and the generation of tax revenues at the local, county and State levels. These documents have also examined the potential impacts on population concentration, growth, distribution and community character... and concluded that the Project will not have significant adverse impacts on these areas, but is expected to 'enhance the attractiveness of the village and hamlet centers as places for new and expanded commercial activity.' The Planning Board agrees with the statements in the SDEIS and FEIS and in the NYSDEC SEQRA findings statement that the Project will positively promote economic development in the Town." It should also be noted that condominium development would be expected to result in even higher tax revenue than time-shares.

Crossroads has requested that the Town Board consider a minor amendment to the Zoning Law to specifically authorize condominium development. Importantly, no changes to the footprints of the approved buildings would be proposed, only the form of ownership that is allowed.

We are aware of the ongoing work being performed by the Town's Comprehensive Plan Committee, which in January 2025 commenced the official Town Law review process. In January 2024, we submitted a comment letter to the Committee concerning the Project and its economic importance to the Town as previously found by the Planning Board, which should be taken into account in any update to the Comprehensive Plan. We believe that this fully approved Project is a critical component of the Town's future economic growth and stability.

Moreover, Crossroads remains committed to working with the State of NY to affect the former Highmount Ski Center transfer previously negotiated in the AIP, a major hurdle to effectively consummating an agreement with a next stage Developer to bring in necessary capital and debt to the asset. Crossroads is actively working with various governmental agencies and elected officials to resolve this issue.

We therefore request that this matter be placed on the Planning Board's agenda for its next meeting and that the Board again re-affirm/re-approve the Special Use Permit and Site Plan approval for an additional year. If the Board requires any additional information, please do not hesitate to contact me at (518) 487-7663 or [tshepardson@woh.com](mailto:tshepardson@woh.com).

Very truly yours,

/s/ *Thomas A. Shepardson*

Thomas A. Shepardson

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