



RECOMMENDATION

Donald Brewer, Chairman
Town of Shandaken Planning Board
P.O. Box 134
Shandaken, NY 12480

2015-010

REFERRAL NO: 2015-009

DATE REVIEWED: 01/07/15

Re: Belleayre Resort – Special Permit and Site Plan Review

Summary

This is a proposal to develop a resort consisting of two hotels (370 units), 80 fractional units, and 110 lodging units. Other project components include a ski lift, ballroom, conference center, and full service spa, 13,000 square feet of retail, an indoor pool, and golf course. The project lands total 739 acres with land disturbance for construction of approximately 218 acres. Additional acreage associated with the project either is or will be placed in a conservation easement.

During the course of the project environmental review the Ulster County Planning Board (UCPB) was in receipt of all of the materials submitted and produced for this portion of the action. In addition to those materials already in UCPB's possession or available to it digitally, the following materials were received of this review:

- Full set of site plans dated October 2013 with most sheets last revised 3/30/2011
- Special Permit and/or Site Plan Review Application 10/28/2013
- Letter to Joanne Kalb, Chair & Shandaken planning board members 10/28/2013
- Special Use Permit Parcel List
- Shandaken Application Addendum
- Shandaken Site Plan Application Check List 5/5/2014

Discussion

This proposal has over a decade's worth of scrutiny by regional and statewide agencies, and both opposing and supporting environmental groups. It is, however, only recently that the project has been subject to local review at the site plan and special permit level. As a Final EIS has not been accepted, UCPB's comments are based on the record to date. Project changes that are substantive as a result of a Final EIS, or that result in changes to the site plans submitted, should again be referred for review by UCPB.

Overall, the UCPB is supportive of the Belleayre Resort as proposed. The project has evolved over time, substantially reducing the amount of disturbed area and the significant environmental impacts while still meeting the vision of the applicant. The UCPB is hopeful that Belleayre does indeed become a reality as it can play an important role in the local and regional economy.

Recommendations

County Route-49A

As part of the proposal, improvements to CR-49a and its intersection with NYS Route 28 will be necessary. It is unclear from the materials provided how these improvements will be funded and how funding will be shared/distributed amongst the applicant and other agencies, and what the proposed timing of these improvements will be. It is particularly important to ensure that the road remains passable during construction and that construction activities to relocate the road be timed so as to not coincide with major events at the Belleayre Mountain Ski Center. Additionally, the road relocation will likely require an action of the County Legislature to accept the new right of way.

Required Modifications

Greater details for the designs for the improvements to CR-49 and Route 28 will be necessary. The applicant should be required to coordinate with the Town, County DPW and NYSDOT on these improvements and develop a schedule of when they will be completed as well as funding share amounts to be provided. CR-49 should be required to remain passable at all times during all phases of construction. Construction should be coordinated with Belleayre Mountain Ski Center to avoid disrupting large public events. The Shandaken Planning Board (SPB) should note these needs as part of the approval of the site plan. The UCPB will recommend these conditions as part of its submittal to the County DPW.

Gunnison Road

The overall ability of Gunnison Road to handle the traffic associated with both construction and project operations is lacking in the site plans. Details of the public road and proposed improvements are unavailable as is a discussion of the current condition of the road, it's width or any proposed improvements either during or after construction. Consideration of improvements, as well as the responsibility to ensure Gunnison Road can handle the level of traffic adequately both during and after completion of the project, would be helpful.

Required Modifications

The SPB should work with the highway superintendent on the need for any improvements associated with Gunnison Road to ensure that it can handle the higher level of traffic. Approvals should require that Gunnison Road be repaired after all other phases of the project are completed and remain passable during construction. The SPB working with the Town Board and the Highway Superintendent should consider allowing the project to accept responsibility for maintaining the road or even transferring the road to the project while maintaining a public right of way across for other properties that use the road.

Pedestrian Access

Pedestrian access improvements that relate to the connection to the Belleayre Mountain Ski Center (BMSC) leave the pedestrian with nowhere to go after the crossing CR 40-A.

Required Modifications

As the details of the BMSC improvements become known, the crosswalk to that area from the project are to be adjusted to ensure that there is a safe landing on that side of the road.

Transit

It is unclear from the materials provided whether or not public transit will be accommodated at the Wildacres and Highmount Resorts.

Required Modifications

Coordination with UCAT should be required by the SPB including showing location(s) within the project on the site plan that will be accessible by public transit. The applicant should be required to provide a letter from UCAT that indicates that site design will accommodate public transit and that UCAT will serve the project.

Internal Roadway System

Traffic control signage details are lacking. These details, including wayfinding signage, are necessary for a project of this size. Attention to traffic control and design at the Wildacres resort entrance is important to ensure the free and safe flow of traffic.

The Front Nine Village has only a single point of access for a portion of its connection to CR49-A. This will limit emergency access for a relatively large number of units. An alternative that would improve this situation is a boulevard-style design that would allow either leg of the boulevard to provide emergency access. The UCPB notes the loop road provides emergency access for the remainder of this area.

Similarly, the Highmount Lodge also is served by a single point of access, approximately 1600 feet in length. The UCPB has not identified a viable alternative to correct this situation utilizing project lands.

Required Modifications

Traffic control and wayfinding signage details should be provided for the project. Additional detail of the internal intersection at Wildacres just off CR49-A should be required to ensure that traffic can move safely from CR49-A into the site in what is a relatively short throat length.

An alternative boulevard design for the Front Nine Village access road should be considered. If no undue environmental consequences are found the UCPB highly recommends its implementation.

The lack of alternative access to Highmount is a serious shortcoming in the event of an emergency, in part due to the number of guests that can be accommodated, as well as the steep road profiles with grades in excess of 10%. No specific alternatives have been identified by the UCPB. An opportunity appears to exist to create an alternative access using adjoining lands not owned by the project. Other alternatives may be creation of an evacuation procedure using the project's shuttle system. The SPB should require the identification of a responsible emergency access route or procedure to move guests off the site.

Emergency Access

The UCPB notes the SDEIS mitigation for ambulance and fire services is rather vague. The fire company seems to be asking for additional training and unspecified equipment,

and the ambulance company commented that there was a need for an additional vehicle and garage either at or in close proximity to the site. These requests are not met with any specific measures by the project. The UCPB notes that in approving site plans the SPB must make the necessary finding that fire and emergency services are adequate for the project. Information to do so seems lacking here.

Required Modifications

Working collaboratively with the fire and emergency service providers the SPB should move forcefully to require the necessary mitigation be included as part of its approval. This can be done as part of its SEQRA findings or within its site plan and special permit jurisdiction. The record should be clear that adequate fire and emergency services exist for the site. The UCPB does note and applaud the project's commitment to train its personnel for emergency response duties. The SPB should include this in its requirements.

Stormwater

A detailed SWPP is not yet available for the project. In addition, the UCPB was unable to find details of drainage swales as related to slope for the internal access roads.

The accuracy of topography and/or slope depicted adjacent to roadways, where it is likely that blasting will reveal a rock face, seems questionable unless the project anticipates blasting these in a way to create a slope rather than a vertical face. Finally, where long steep vegetated slopes are proposed, there exists a potential for failure from significant storm events both during and post construction.

Required Modifications

Swale bottom treatments and the use of check dams should be detailed based on percent slope and length.

A detail should be developed to illuminate the areas where rock faces are expected to be encountered. Drainage swales at the base should be wide enough to accommodate snow storage and located in such a way as to intercept seepage from the rock face. Long term it can be expected that these faces will shed rock onto the lower slope. Additional space for these factors should be considered as part of the road section.

A final SWPPP will be needed for review. It is noted that the NYSDEC will issue a individual permit for the project. The SPB should condition its site plan approval on obtaining the needed stormwater permit from NYSDEC.

Water and Sewer

The proposal will utilize its own well system. Sewer service will be provided by the Pine Hill Treatment Plant owned by NYCDEP. The well system is located in Delaware County creating a rather unique situation. It is unclear whether or not the proposal has received the necessary approvals for on-site wastewater and drinking water facilities. Approval from the appropriate agencies – County and State – will need to be accomplished.

Required Modifications

The project will need to confirm the required supply amount with the Ulster County Health Department and seek the necessary approvals for the distribution system as part of the SPB approval.

Lighting

The proposed outdoor lighting appears to be “fully shielded” and meeting the guidelines established by the International Dark Sky Association (IDSA). However, much has changed in the lighting field since the plans were originally completed and Metal Halide (MH) fixtures have generally been replaced by Light Emitting Diode (LED) lamps for both longevity and energy efficiency.

Required Modifications

The applicant should be required to move to LED lamps for outdoor lighting to meet energy efficiency goals. Pole heights should be restricted to the proposed 20ft and all outdoor lighting should be required to meet the “fully shielded” definition adopted by the International Dark Sky Association.

Landscaping

Landscaping details are mainly concerned with tree and shrub plantings along roadways as well as at signage locations. Absent are details of landscaping at the lodging units and a broader look at landscaping at the road access points where it could greatly assist wayfinding and ensure that sight distances can be maintained.

Required Modifications

Overall landscaping details should be provided for the project’s roads intersections with CR 49-A. Details of landscaping around the lodging units should be provided particularly foundation landscaping – a typical landscaping plan for these units would be sufficient.

Construction Phasing

Construction of the 200-space parking garage has been presented to the UCPB as being required before any of the hotels open.

Required Modifications

The SPB should require the completion of the parking garage as a condition of the opening of the hotels absent a proof of parking demand can be met without it.

Architectural Details

The lodging units are presented as a single typical building to be used throughout the site. This, in spite of the fact that the project spent a great deal of effort studying and documenting the architectural history and character of its surroundings and seeks to conclude that its development is within that character. Significant square footage exists in these buildings. Collectively they are the size of nearby hamlets and a variety of styles and designs is warranted.

Required Modifications

It seems appropriate to ask for meaningful individualization of the lodging units so as to present a more varied and unique sense of place where they are encountered in the project. Details should include façade changes as well as alteration of typical building shapes.

Construction Blasting

The notice and inspection protocol for the blasting portion of the project is noted. However, significant amounts of blasting will take place on the site as will construction activity. This coupled with the long construction time, in the range of 3 yrs, for the hotel

facilities and golf course, suggests the need to consider some restrictions on these activities.

Advisory Comments

Consideration should be given to provide limits on blasting and construction activity on weekends especially Sundays. A means should also exist to confirm noise impacts for adjoining residences, as estimated in the DEIS, if complaints are made. A fix could be to provide for relocation during the construction in the nearest areas.

SEQRA

The UCPB policy is to urge planning boards to incorporate in their approvals, by reference, all of the project mitigation measures included as part of the SEQRA record. In addition, any statements made by the project applicant associated with public hearings or response to questions should be brought in the record and agreed to.

Advisory Comments

Incorporate all of the mitigation measures and other assurances by the applicant into the conditions of site plan approval.

As a continuing means of reporting the environmental impacts of the project, an on-site monitor that reports to the Town, NYS DEC and NYC DEP should be put in place.

Subdivision

The site's multiple lot configuration creates a challenge. If left intact there will be a need for multiple access easements for roads, water, sewer, utilities, etc. These lot lines should be eliminated as part of the approval process. It may be appropriate to establish tax lots for assessment purposes.

Advisory Comments

Consolidation of the lots into a single lot for the project would negate for various easements, as well as calculations associated with project density. Absent a consolidation of lots, the site plan should be required to show the necessary water, sewer, and access easements as well as the need to address density issues.

The following recommendations are presented without a preamble discussion:

Special Permit – Advisory Comment

The Town should consider issuing a special permit for the project as currently presented given that the major project elements, and their overall location on the site, are such that they can be considered meeting the requirements of a special permit. This would leave any additional regulatory approvals to be dealt with under site plan review only.

Site Plan – Advisory Comments

Inter-municipal Cooperation

The site plan approval should be coordinated with the adjoining town, particularly as it relates to access roads and water supply.

Administrative Changes

Given the breadth of the application, and the likelihood that minor and perhaps

major changes will take place during the course of the buildout, the site plan approval for the resort should provide a means and specific criteria for allowing the Town's building inspector to permit minor site changes without undergoing additional site plan review by the Planning Board again. Suggestion for criteria could include a signoff from environmental monitor and NYS DEC/ NYC DEP, permitting shifting of buildings or road placement to avoid additional blasting, changes in lighting, signage, or landscaping locations, consistent with the overall scheme of project.

Technical Amendments

Similarly, the site plan approval should allow technical amendments based on changing environmental practices and/or requirements with review by the town engineer without need for additional site plan review.

The SPB/town should have a record of the amendments and they should be treated as approved change orders by the building inspector.

Milestones

Given the project's 11 year buildout period, the SPB should consider setting milestones for deadlines based on project phases. This would ensure that site plan approval does not linger without work being accomplished on the project. It would also ensure that site plan approval would not expire or need continuing extensions as long as work progressed. The SPB may also wish to restrict criteria for the opening of a new phase if previous phases have yet to be completed or a dispute arises on some matter.

Financial Security and Inspection – Advisory Comment

Site plan approval should include the necessary financial security for project. Of particular concern would be repair/improvement of Gunnison Road. The landscaping elements, roadways, utility, and other infrastructure should also receive attention.

Construction Inspection – Advisory Comment

Construction inspection is a must and the approval should include a fair and equitable means to ensure that what is approved is what is constructed. The UCPB suggests that the Town consider inspection services by phase and request quotes or bid for these services.

Reviewing Officer

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