

TOWN OF ROSENDALE FINDINGS
RE: Hudson River Valley Resort

Pursuant to Article 8 of the State Environmental Quality Review Act (SEQRA) of the New York State Environmental Conservation Law and 6NYCRR Part 617, the Town Board of the Town of Rosendale makes the following findings:

NAME OF ACTION:

Hudson River Valley Resort, Binnewater Road, Town of Rosendale, Ulster County, New York, also known as "The Williams Lake Project".

PROJECT SPONSOR:

Hudson River Valley Resort, LLC
171 Dwight Road, Suite 310
Longmeadow, MA 01106

and

PO Box 385
Rosendale, NY 12472

CONTACT FOR TOWN OF ROSENDALE (For Addition information)

Supervisor Jeanne Walsh
P.O. Box 423
Rosendale, NY 12472
(845) 658-3159

LEAD AGENCY:

New York State Department of Environmental Conservation
Region 3
21 South Putt Corners Road
New Paltz, NY 12561

Project Name: Hudson River Valley Resort
Project Location: The site consists of +/- 779 acres of land located in the Town of Rosendale, Ulster County, New York at the former site of the Williams Lake Hotel

ACCEPTANCE DATE OF FINAL ENVIRONMENTAL IMPACT STATEMENT:

May 15, 2013 by the New York State Department of Environmental Conservation, as lead agency.

SUMMARY DESCRIPTION OF ACTION:

See description in NYSDEC findings annexed hereto. Said description is incorporated herein.

ADOPTION OF DEC FINDINGS

The Town adopts the findings of the Department of Environmental Conservation (annexed hereto and made a part hereof) and makes the following additional findings, which are meant to supplement the findings made by the New York State Department of Environmental Conservation, as Lead Agency.

Community Character, Land Use and Zoning

The Town passed its comprehensive plan in 2007. The plan sets forth three (3) main components: Preserving Resources, Enhancing Value, and Improving Capacity for Efficiency.

1. With regard to Preserving resources:

The project will protect water resources by implementing state of the art green practices for stormwater management, water conservation practices and a central wastewater treatment system. The project will maintain the water quality of Williams Lake as its water supply source. The project will be LEED certified and will expand land under permanent conservation protection, including critical habitat for endangered species.

As described in the FEIS Chapter II (Project modifications) residential units and commercial uses have been removed from inappropriate development area. Specifically, residential Units 82-94 have been eliminated or relocated to avoid potential impacts to sensitive bat hibernacula and to minimize potential stormwater impacts to groundwater due to karst geology. The FEIS demonstrates the applicant's commitment to preserving resources through a long term cooperative partnership with the NYSDEC for conservation and bat resources. The FEIS details the applicant's commitment to increase land under permanent conservation by 104 acres. Proposed project modifications reduce the impacts to steep slopes by 60%. Project modifications also eliminate all impacts to wetlands HRVR -9, 19, 11, 12, 13, 14 and 16 and increase setbacks of buildings and roads to avoid impacts within the 100 foot adjacent area to wetland RD-2.

Natural areas not intended for development will be protected, preserved and/or managed by one or more of the following protection and/or enforcement mechanisms: gift of lands to a conservation organization; imposition of conservation easement; imposition of restrictive covenants; and cooperative agreements with the NYSDEC to protect sensitive resources for endangered species. Over 100 acres are proposed to be placed into a permanent conservation easement to be held by the Rondout Esopus Land Conservancy. The NYSDEC Final Permit for Incidental Take of an Endangered/Threatened Species will condition establishment of this easement as well as restrictive covenants regarding prohibition on disturbance of any state or federally delineated wetland or adjacent area except as shown on the approved plans; limitations

on tree clearing to the limits of disturbance shown on the approved plans; limitations on tree clearing to the limits of disturbance shown on the approved plans; and limitations on exterior lighting.

The Comprehensive Plan also recommends the Preservation of Significant Historic Features including the Binnewater Historic District. The applicant will be taking steps to preserve historic features on the site. An interpretative center will be established.

The Zoning change allows for multi uses and clustering preserving conservation space in accordance with the comprehensive plan.

Goals for housing include encouragement of energy efficient housing and environmental quality in housing. The use of green initiatives in the project will meet this standard.

2. With regard to Enhancing Value:

The redevelopment of the Williams Lake Site is consistent with the overall theme of Enhancing Value within the Comprehensive Plan.

The FEIS demonstrates the following goals from the Comprehensive Plan will be met by the project:

Goal F-1 states that *“Economic development in Rosendale should be small-scale, focusing on stores and businesses of a size similar to those already in Town, rather than large-scale commercial or industrial development.”* The Project conforms with Goal F-1. As established in the SEQR process, the proposed Resort is of a size similar to the former Williams Lake hotel located within the former hotel’s footprint; the proposed new residential component is sited in the A-1 residential district and conforms with density requirements of the District.

Goal F-2 states that *“Tourism that builds upon and is consistent with community character should be encouraged as a form of economic development in Rosendale. The Town should take advantage of existing sources of tourism, including existing resorts and activities such as eco-tourism.”* The Project conforms with Goal F-2 as the business model of the Project is to redevelop an existing resort into an eco-tourist resort that draws visitors to Rosendale.

Goal F-5 states that *“Development should be encouraged to be consistent with community character and, where appropriate, pedestrian-oriented in design through the use of design guidelines for commercial development, particularly encouraging connections between Main Street and the Route 32 corridor.”* The Project conforms with Goal F-5 through its pedestrian-focused design and the connectivity of the Rail Trail to Main Street.

Goal F-6 states that *“Retaining and expanding existing businesses should be a central, long-term focus of economic development in the Town”.* The Project conforms with Goal F-6 as the Project’s goal is the redevelopment of the Williams Lake Hotel, which was an “existing business” at the start of the Project. The Project design furthers this objective by limiting retail businesses to food establishments and a hotel gift shop. Resort guests and future homeowners will increase spending at local area businesses. In addition, the Williams Lake Hotel has been a long-standing and important business in the Town for more than 50 years. The Project will result in substantial investment to bring back the benefits of an operating hotel at Williams Lake,

including numerous jobs, substantial purchases from local businesses, vendors, service providers and suppliers.

Goal F-7 states that “*Agriculture should be encouraged as an important part of Rosendale’s economy.*” The Project conforms with Goal F-7 through its pledge to source food products locally.

Goal G-3 states that “*Main Street in the Hamlet of Rosendale should be the primary focus for pedestrian-based retail and services in the Town.*” The Project conforms with Goal G-3 by connecting the Rail Trail to Main Street and limiting retail activities within the Project. First Phase site plan approval for any portion of the project will require a permanent easement for free public access to portion of the Wallkill Valley Railroad Rail Trail, located on the site. The opening of the rail trail on the site will serve to facilitate pedestrian travel from the site to the Main Street Business District.

Goal G-4 states that “*The gateways to tourist attractions should be protected and enhanced, particularly those serving important local destinations.*” The Project conforms with Goal G-4 as it protects in perpetuity large portions of the Williams Lake property through conservation easements and deed restrictions on future development; the Project also enhances the Williams Lake as a destination through improved amenities.

3. Improving Capacity for Efficiency.

The fiscal impact analyses for the Project demonstrate that the Project conforms with the goals of the Comprehensive Plan and, in particular, does not violate the standard for fiscal impact in the Plan of creating “undue burden on existing community services or taxpayers”. This standard will not be violated even at the early stage of the Project. All projects take time to build-out and do not realize full tax revenue or cost impact to the build out time. Fiscal impacts are not typically analyzed on the basis of early build-out. Furthermore, the updated fiscal impact study (see FEIS Appendix I.1, item #15) illustrates that new revenue from the residential portion of the Project exceeds new cost by a ratio of more than 2 to 1 (new revenue to new cost). Phasing of the residential neighborhoods may change the timing of the realization of a net fiscal benefit, but the ratio of new revenue over new costs from all units constructed and sold should be approximately in this ratio. The analysis also shows that new revenue attributed to the commercial portion of the Project greatly exceeds the costs attributed to the commercial portion of the Project, resulting in a significant net fiscal benefit to the community of approximately \$2.9 million per year.

The Bloomington Fire District has analyzed the Project and concluded it has the necessary equipment (ladder truck) to service the hotel building. Further, the Fire District has determined that the original Project would not create any significant impacts to the Town related to fire services.

Recreational amenities are being provided for Site residents and all residents will have access to those amenities.

Town residents pay taxes, a portion of which are allocated to the Town's recreation budget for the upkeep and maintenance of its recreation facilities. Project residents will pay Town taxes

The scale of the Project is consistent with the Comprehensive Plan.

The Comprehensive Plan does not require the Williams Lake Resort to be redeveloped consistent with other businesses and residential areas in the Town. Rather, the Comprehensive Plan sets forth broad land use policy objectives with which Williams Lake Resort and other uses are to be consistent. With specific regard to Williams Lake these include conservation and protection of important natural resources, protection of important historic resources, furthering of economic development within the Town and encouragement of tourism and tourist destinations within the Town. The principal business areas in the Town, which are hamlet and highway oriented, are entirely inapposite to the historic Williams Lake Resort use. The revised Project as modified and scaled down meets all of these objectives and is therefore overall consistent with the 2007 Town of Rosendale Comprehensive Plan.

The hotel resort will be clustered within a 779+/- acre land mass. In response to public comments during the SEQR process, proposed project modifications reduced the size of the Project by eliminating and/or relocating of residences and resort amenities. The Project's overall development footprint (area of disturbance) is 66+/- acres which represents 18% of the Development Area (368+/- acres). In addition, almost half (48%, 32+/- of the 66+/- acres) of the footprint is on land previously disturbed and developed such that new impacts from the Project are limited to 34+/- acres or 9% of the Development Area.

The plan calls for the adoption of land-use policies so that development responds to the physical and natural features of the site including cluster development and conservation subdivisions. The project will utilize these policies.

The FEIS shows that the Development will protect the Binnewater Lakes area, which is another component of the Comprehensive Plan, and calls for an overlay zone for the area as is suggested in the Comprehensive Plan. Utilization of an overlay district maintains the underlying zoning.

The Comprehensive plan calls for the development of tourism as a form of economic development, including making use of existing resorts. The site of the proposed development in the site of the former Williams Lake Resort.

First Phase site plan approval for any portion of the project will require a permanent easement for free public access to portion of the Wallkill Valley Railroad Rail Trail, located on the site. The opening of the rail trail on the site will serve to facilitate pedestrian travel from the site to the Main Street Business District. Pedestrian connections to Main Street is a Goal for Economic Development outlined in the Comprehensive Plan. There shall be day passes available to the public for lake access, trail usage and when amenities are first opened to hotel guests and/or residents of the HRVR project. Mechanisms for ensuring public access will be established during the Master Plan phase of the project.

Social, Economic and Other Essential Considerations.

Workforce housing

Workforce housing shall be required as provided for in the FEIS.

Local Sourcing Commitments

The FEIS demonstrates that the applicant is committed to local sourcing of goods and services wherever reasonably possible. A schedule for jobs for the Project, including the expected geographic ‘source’ for each job, is presented in the DEIS Section III.M. Selections of the discussion of “local sourcing” from the FEIS are included below. This discussion details material that will be sourced locally, states that labor agreements with trade unions will be negotiated during the Site Plan process and will become a condition of Building Permits, and states that the vast majority of residential construction will be provided by local firms with local labor. During operation of the resort, the Applicant will require the resort operator to purchase locally produced goods when available. Furthermore, the significant majority of employees for the hotel and resort operation will be hired locally.

Construction of the Project will require a significant amount of labor, with the majority coming from the local area. The Applicant has committed to utilizing local trade unions for significant portions of the commercial portion of the Project and will seek to negotiate labor agreements once the architectural plans are substantially known and complete. Such labor agreements could become a condition of Building Permits.

The Project's commercial construction activities will require the purchase of many goods locally. For example, the Applicant expects that concrete would be purchased from local mixing facilities; steel, although not likely to be manufactured in the local area, would most likely be fabricated and erected using local crews; standard building materials such as drywall, electrical wiring, nails and screws, plate glass and commercial doors, etc., may not be manufactured locally, but will be sourced through local distributors and will require local transport and handling; the majority of dimensional wood products are expected to be New York State sustainable forest certified; many of the large, decorative timbers in the hotel are expected to be sourced from the property and milled locally or on site; stone for decorative and retaining walls required throughout the community will be sourced from the site; art work and other decorative features within the hotel and spa will be created by local artists and craftsmen/women; and many other related construction products will be locally sourced.

Local Sourcing Agreement

The Town Board and the applicant will enter into a Local Sourcing Agreement. The Local Sourcing Agreement will include specific objectives for the sourcing of local labor, services, products and materials to the extent practical and will provide specific definitions of what is considered “local” and what is considered reasonably “practical”. The Agreement will include local sourcing during construction and during the operation of the Resort. The Project's commercial construction activities will require the purchase of many goods locally.

The Local Sourcing Agreement shall specify that there shall be only incidental retail shops at the hotel, and that food establishments shall be limited to a restaurant and a café.

Certification to Approve:

Having considered the Draft and Final EIS and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.11, this Statement of Findings certifies that:

1. The requirements of the State Environmental Quality Review Act (6 NYCRR Part 617) have been met; and
2. Consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the action approved (Final EIS development plan) is one which avoids or minimizes adverse environmental impacts to the extent practicable by incorporating as conditions to the decision those mitigative measures (as set forth above) that were identified as practicable.



Jeanne Walsh, Supervisor of the Town of Rosendale