

In the Application of

HUDSON RIVER VALLEY RESORTS, LLC

**VERIFIED
PETITION**

For zone text amendments to the Rosendale Town Code

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TO THE TOWN BOARD OF THE TOWN OF ROSENDALE:

The Petitioner, **HUDSON RIVER VALLEY RESORTS, LLC** by its attorneys, Veneziano & Associates, 84 Business Park Drive, Suite 200, Armonk, New York 10504, as and for its Verified Petition, states as follows:

INTRODUCTION

1. This petition is submitted on behalf of Hudson River Valley Resorts, LLC ("HRVR"), a limited liability company organized under the laws of the state of New York, and having an office at 126 Main Street, Northampton, Massachusetts, 01060. HRVR is the contract vendee of the subject property in the Town of Rosendale.

2. The project is being designed to minimize development in environmentally sensitive areas, further the goals of the recently adopted Master Plan, return a prominent town site to viability, and serve as a model resort development.

3. The subject property is a 779 acre parcel. It is part of the former Rosendale Cement Company site, and more recently the Williams Lake Hotel, located generally west of the New York State Thruway and north and east of Binnewater Road (Route 7). An Overall Site Map is attached as **Exhibit A**. The proposed development plan would result in the construction of a LEED Gold Certified, 130 room hotel with various world-class amenities such as a spa, wellness center, fitness center, amphitheater, and skating rink. Also included would be 160 for-

sale single family residences (101 townhouses and 59 single-family homes). A copy of the Concept Plan (the "Plan") for the Project is attached hereto as **Exhibit B**.

EXECUTIVE SUMMARY

A. Site History

4. Prior to the Revolutionary War, the Williams Lake site was used as a farming community. From approximately 1825-1919, the shores along the banks of Fourth and Fifth Binnewater Lakes in the Town of Rosendale were part of one of America's greatest home grown industries; The American Natural Cement Industry. At the beginning of the twentieth century, American Natural Cement was being eclipsed by Portland Cement. Six of the Rosendale cement companies unified their companies and formed the Consolidated Rosendale Cement Company, which mined limestone and operated a processing plant on the Williams Lake site. The cement manufactured on the site was used in buildings throughout the eastern United States.

5. The decline and the eventual closure of each of these cement works left behind the mines, massive kilns and in some instances, buildings. On the Williams Lake site, several of the 40 foot stone walls and cement kilns are preserved on the property today, along with a network of mines, rock crevasses, and rail trails. Some of the remaining mines serve as habitat for bat species.

6. In 1929, Finnish immigrant Gust Williams visited Fifth Binnewater Lake and soon thereafter purchased the site of the former Lawrence cement works located on the eastern shore of the lake. At the time of his purchase, the Wallkill Valley Railroad ran through the property, and Binnewater Ice Company cut ice for shipping to Kingston and points south.

7. Two years later, Williams opened Rosendale's flagship resort when he built the Williams Lake Hotel on the site. This family-run resort has been in operation since 1929. After

his untimely demise, Gust's son Walter took over the hotel in 1951. In 1953, the resort was destroyed in a fire. Walter rebuilt and expanded the resort. During their ownership of the site, the Williams' leased some of the abandoned mining caves to mushroom growers.

B. Current Uses

8. The property is currently owned by Anita Peck, daughter of Walter Williams. Despite the careful and committed stewardship of Ms. Peck, the resort had struggled recently, and closed this summer. Prior to closing, the resort had been open year round, and patrons could take advantage of an extensive trail system for hiking, biking, and cross county skiing. Additionally, some of the remnant mines can be explored.

9. The resort included a 95 unit hotel and some amenities typical to resorts of its heyday era. While the public regularly took advantage of the vastness of the site to use the property for various recreational activities over the years, the primary regulated public access to the site was in the form of public beach rights via a membership fee. At the time of its closing, there were approximately 400 paid members.

C. Proposed Development

The Applicant: Hudson River Valley Resorts, LLC

10. HRVR is a New York corporation formed for the purpose of acquiring the Williams Lake Resort, as well as master planning and developing the property. HRVR is owned and controlled by a group of professional investors with a strong background in land development and finance. This group includes Rick Steele of Longmeadow Capital, Matrix Planning LLC, and Revolution LLC, as well as other individual investors. HRVR has hired Canopy Development as the development manager of the proposed resort community, with responsibilities including the entitlement process. Canopy Development LLC ("Canopy") is a

land development company which plans and develops environmentally and community oriented resort and second home projects.

Concept Plan

11. The purpose of this application is to request the establishment of a special permit use which will accommodate the proposed project. The project will consist of the following:

- a. 160 for-sale homes;
- b. LEED Gold Certified 130 room hotel;
- c. Approximately 727 acres of undeveloped land; and
- d. 19,000 square foot spa, 5,000 square foot wellness center, 5,000 square foot welcome/arrival center, Interpretive center highlighting Rosendale's cement history, resort facilities including a courtyard/ skating rink, yoga/meditation studio, boathouse, and teahouse, and public access to a "rail trail" for hiking and biking.

12. An EAF is attached as **Exhibit C**, providing initial impacts data.

13. Based upon the current site programming, total water consumption is estimated to be 158,775 gallons per day (gpd). Estimated water consumption is based upon the flow rates from Table 3 of the New York State Department of Environmental Conservation's Design Standards for Intermediate Sized Sewage Treatment Works Intermediate Sized Facilities, 1988. To provide a conservative estimation, no credit has been taken for water conservation efforts or water saving fixtures. Source water is expected to come from a variety of sources: the low density portions of the development consisting of single family homes may be served by individual wells or shared wells, depending on well capacity; and high density portions of the development consisting of the hotel, spa facilities and townhouses will be served by a central water system using Williams Lake's existing surface water source. Water source development will be permitted through the NYSDEC. All water will receive appropriate treatment to comply

with New York State drinking water standards. Water distribution, treatment systems and storage will be permitted through the Ulster County Department of Health. All water systems will be owned operated and maintained by HRVR.

14. Total estimated wastewater generation is assumed to equal consumption and be 158,775 gpd. As with water systems, wastewater will be managed and treated using various methods. Single family residential wastewater will be treated in individual or small community septic systems. All wastewater generated by the high density portions of the development will be collected in a central sewage collection system and conveyed via a pump station to a wastewater treatment plant for treatment to NYSDEC Intermittent Stream Standards and discharged to an onsite stream at the southwest corner of the site. Treatment facilities will be approved by the NYSDEC. All wastewater treatment systems will be owned operated and maintained by HRVR.

PRESENT ZONING AND PLANNING ANALYSIS

A. The Current Zoning

15. The subject property is located in the A (Residence) Zoning District. This is a typical 1.5 acre residential zone with a number of other uses allowed as special permit uses, hotel is among them. Single-family homes are principal permitted uses and a hotel is a special permit use in this zone.

16. Although the current zoning regulations contemplate a hotel use, the nomenclature and bulk and area requirements do not adequately accommodate a modern hotel or resort. Such a use is clearly within the parameters of both the zoning and the newly adopted master plan, but the best protection for the Town, and clarity for the applicant and the

community, would be to adopt new regulations associated with the present application. Following is an overview of the planning backdrop in which this proposal should be reviewed.

B. 1969 "Development Plan":

17. The Town's 1969 plan was prepared by Brown and Anthony City Planners Inc. It is termed a "Development Plan." The Williams Lake Hotel is mentioned among a list of several resort hotels, lodges and camps located within the Town, including Camp Toledo and Alpine Lodge, among others.

18. At the time of its adoption, the City of Kingston was noted as having the primary commercial influence on the Town, and "very minimal increases in the [growth of the] City of Kingston" and "great expansion in the surrounding areas," was noted as the likely future trend. However, over time this expectation has not come to fruition. In fact, many of the surrounding towns have not experienced "great expansion" and Kingston and its immediate environs has continued to grow.

19. In addition, major economic support systems such as IBM, which have since left, are noted to be integral to the region's expected growth, as is the economy of the Catskill Mountain resort area.

20. The boundaries of the Town are noted to be dominated by Rondout Creek and the Wallkill River, and the topography dominated by the Shawangunk Mountains in the southern portion of Town. The Binnewater lakes are also mentioned as important natural features in the Town. Taken as a whole, the town is both framed and dominated by its natural features making it a challenging environment for growth.

21. Contemporary surveys as to population indicated that there were 175 seasonal housing units in the Town, and when these units were occupied in the summer months, the

population increased by 500 – 600 persons. This evidences the Town's history of absorbing resort-type uses, and promotion of these uses is a goal of the Development Plan.

22. Under a section entitled "Diagnosis," the reader is reminded again that "the primary asset of the Town of Rosendale is its physical characteristics." However, it is also noted that the Shawangunk Mountains and the hills north of Route 213 present problems in terms of development because of their extreme slope and lack of soil mantle. Consistent with the HRVR Plan, development opportunities consistent with these physical features are greatly encouraged, with the use of appropriate development types and densities which will also allow "the conservation of these areas primarily as open space, resort and recreational areas," a strategy which "will benefit the Town's residents as well as many people of the Eastern seaboard."

23. It is further noted that the Rondout Creek and the Wallkill River also "present development projects problems along their banks because they are subject to periodic flooding." Again, the Plan notes that the best opportunity for development of these sites is as recreational development.

24. Among the "goals and objectives" identified by the Plan are preservation of the appearance and aesthetic characteristics of the Town, including specifically protecting and enhancing the natural waterways such as the Binnewater Lakes and scenic areas and preserving existing wooded areas and agricultural uses as much as possible. While development is encouraged, one of the goals advocated by the Plan "is to preserve and improve the Town's residential character."

25. Perhaps most notably, under the section headed "To Improve the Town's Economic Base," the Plan encourages the identification of sites for resort activities, and preserving and enhancing the natural beauty and manmade environment, thus insuring the

maintenance and increase of property values.

26. The Development Plan indicates that a draft Zoning Ordinance and subdivision regulations were distributed under separate cover at the time that the Plan was produced. Subject to confirmation, we are advised that the present Zoning Ordinance reflects, and was adopted, in furtherance of the 1969 Development Plan.

27. HRVR's proposed Plan furthers all the goals of the 1969 Development Plan by continuing an existing use of the land which is encouraged by the Development Plan and the zoning, while updating the regulatory scheme to allow for a more viable project and better overall planning by the Town.

C. Comprehensive Plan:

28. A new Comprehensive Plan was adopted in September 2007 by the Town Board.

29. The Comprehensive Plan was prepared by Fairweather, and is the culmination of a three year process, which included public surveys.

30. The Comprehensive Plan indicates general town-wide support for development only along the Route 32 corridor, and states that the dominant town concern was the protection of the water supply and the natural environment. Therefore, redevelopment of an existing resort site which ensures its long term viability and preserves in perpetuity an enormous amount of open space and natural amenities, while exerting almost no pressure on the school system and other public services, is in conformity with town-wide concerns.

31. The Comprehensive Plan notes the general perception that residents enjoy a high quality of life ("healthy and scenic"), strong community character with vital businesses and strong cultural resources.

32. Among other recommendations which support the project are the goals of

protecting large contiguous parcels where possible. The preservation of links between natural habitats, the protection of natural vegetative buffers, and, perhaps most importantly, the encouraging of development of already altered land and adaptive reuse.

33. The Plan notes that the Town's zoning does not meet future growth needs. Among the techniques recommended for improving this state of affairs is the adoption of regulations allowing "conservation subdivisions...and *planning overlays*."

34. The overlay zoning concept is specifically mentioned with reference to areas dominated by water bodies, a feature which obviously dominates this site.

35. The proposed HRVR Plan meets the goals of the Comprehensive Plan without contradicting in any way the goals of the 1969 Development Plan. The HRVR Plan upgrades an existing and beneficial use to a world-class level and results in financial benefits to the entire community, while minimizing or eliminating burdens.

V. THE SPECIAL PERMIT CONCEPT

36. The modern resort differs in many respects from the resort anticipated by the zoning of the 50' and 60's. Its amenities have evolved and expanded, and world-class accommodations are now mixed with highly interactive environmental and wellness experiences. In addition, the inclusion of fee ownership units in the modern destination community has become an important aspect of the viable resort. Even within this modern model, the resort envisioned by HRVR is unique.

37. The proposed zoning anticipates a confirmation of the site as appropriate for the resort, then sets forth criteria for the review and compliance of a proposed plan with special permit conditions specific to the resort concept. A copy of the proposed zone text amendments is attached hereto as **Exhibit D**. The Special Permit is proposed within the A Zoning district

under various qualifying criteria discussed below.

38. The special permit is an ideal means of accommodating this use. By allowing the resort by special permit, the Town Board exercises control over the appropriate development of the site and furtherance of the goals of the Comprehensive Plan through the adoption of specific standards by which the Planning Board is to evaluate any plan seeking to avail itself of the special permit. On a case by case basis, the Planning Board then applies those explicit standards, along with the expertise of its Board and its consultants, to the application process.

PROPOSED ZONING

39. In order to encourage and permit the development on the Williams Lake property, HRVR respectfully requests that the Town Board adopt zone text amendments to the Zoning Code that creates a Planned Resort Special Permit (PRSP).

40. The proposed special permit supports, and is in conformity with, the considerations, goals, and objectives of the Town, as articulated in the 1969 "Development Plan" and more recently in the 2007 Comprehensive Plan.

VII. QUALIFICATION OF SITE

41. In order to provide appropriate municipal control over a proposed Planned Resort, the Petitioner proposes certain special permit criteria, as follows:

- a. The site must be under common ownership or control and must contain a minimum of 750 acres.
- b. The applicant's proposal must include a hotel/resort/spa/hospitality destination as its primary principal permitted use.
- c. The proposed site must (i) currently be improved with an operating hotel or resort; or (ii) within the borders of the proposed PRSP site, have been used as a resort or hotel within the ten year period immediately preceding the date of the application; or (iii) be deemed by the Planning Board, to be an appropriate PRSP Qualified Site.

- d. The proposed site must utilize a community, on-site, water supply.
- e. The site must include or propose at least 40% of its gross acreage as permanent open space or conservation easement.

42. Findings would be made as part of any approval detailing the Petitioner's compliance with these standards.

APPROVAL OF SPECIAL PERMIT; PROCESS AND STANDARDS

43. Specific standards are established by the proposed zoning for the review of the application, which are drafted with the specific purpose of ensuring environmental sensitivity, innovative planning solutions, and furtherance of the following general and specific public purposes of the zoning code, as follows:

[1] *Creative site design and development planning of a quality that will result in a more desirable environment through improved functional relationships between buildings and uses.*

The HRVR Plan meets this criterion in that the Plan represents the cutting edge of modern, world class resort communities. The resulting development will be the gold standard destination resort in the region.

[2] *To the extent practical and feasible, preservation and integration of historically significant structures and sites into viable adaptive reuses, and utilization of already impacted areas of the site, where feasible and practicable.*

The HRVR Plan meets this criterion in that the kiln walls and abandoned mines will be incorporated into the redeveloped site program, and an interpretive center will be established to pay homage for posterity to the site's fascinating and important past.

[3] *Preservation of healthy specimen trees, outstanding natural topography and geologic features where practicable, while preventing soil erosion and uncontrolled surface water drainage.*

The HRVR Plan meets this criterion in that the proposed development will take place in the already heavily impacted areas of the site. Over 700 acres of land will remain undeveloped.

[4] *Efficient use of land and development and redevelopment of already impacted areas of the PRSP Site.*

See response to "3" above.

[5] *Provision of a mix of permitted principal and accessory uses as set forth in these regulations. To facilitate the satisfaction of this criterion, there may be more than one principal permitted use within a PRSP permitted site.*

The HRVR Plan meets this criterion by recognizing that the modern destination hotel must provide various wellness and advanced recreational environments, as well as a residential component. These features are exemplified by the various single family housing types, the world-class hotel units, and the numerous modern amenities.

[6] *Private internal roads to standards satisfactory to the Planning Board with safe and viable access for residents and guests and emergency service providers to all proposed uses..*

The proposed internal road system will be appropriately improved and sufficient to meet the needs of the patrons and emergency vehicles.

[7] *Wastewater Treatment: A municipal or private wastewater treatment facility shall be provided.*

A wastewater treatment system will be provided on site, and the feasibility of this system will be proven out in the SEQRA review process.

[8] *Potable Water Supply: A community water supply system developed in conformance with New York State Health Department requirements shall be provided.*

A potable and other water supply will be provided on site, and the feasibility of this system will be proven out in the SEQRA review process.

[9] *Provision of suitable screening and landscape buffers from public road..*

The vastness of the site and the redevelopment of currently impacted areas of the site ensure sufficient viewshed and buffer protection.

44. The proposed zoning contemplates the processing of the special permit application by the Planning Board, thereby placing the specific design and planning review in the

purview of the Board charged by State law and Town Code to ensure appropriate development in the Town.

ENVIRONMENTAL IMPACT ANALYSIS

45. Pursuant to the regulations promulgated under SEQRA, the proposed action is a Type I Action. As such, a full and coordinated environmental review is contemplated, which will include preparation by the applicant and review by the Town of a Draft Environmental Impact Statement (DEIS) and a Final Environmental Impact Statement (FEIS). It is anticipated that the Planning Board will act as Lead Agency for this coordinated environmental review. A draft Scope is submitted herewith as **Exhibit E**, providing a suggested "table of contents" for the EIS. It is anticipated that a public scoping session will be held so that the Planning Board and the public can comment and influence the final Scope.

46. While the EIS process will thoroughly examine the impacts and benefits of the Project, the EAF notes various important advantages to the proposal, such as a significant amount of undeveloped land, redevelopment of currently impacted areas of the site, the creation of jobs both during and after construction, and on-site water and sewer facilities.

REQUESTED RELIEF

47. It is requested that the Town Board refer this Petition and other application materials to the Planning Board for: (i) commencement of SEQRA review, and (ii) a report and recommendation to the Town Board on the proposed zone text amendments and the Plan, for purposes of facilitating the Town Board's consideration of adoption of the zone text amendments by the conduct of a public hearing in furtherance thereof.

WHEREFORE, it is respectfully requested the instant matter be placed on the agenda of the Town Board on December 5, 2007, for consideration at the Planning Board meeting of

December 6, 2007, and that the zone text amendments attached hereto, as same may be modified pursuant to lawful SEQRA review, be adopted.

Dated: November 20, 2007
Armonk, New York

Respectfully submitted,
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Attorney for Petitioner

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