

**TOWN OF CAIRO RESOLUTION #2025-00\_**  
**RESOLUTION GRANTING SPECIAL USE**  
**PERMIT & PRELIMINARY/FINAL SITE PLAN**  
**REVIEW APPROVALS FOR THE PROPOSED**  
**REDEVELOPMENT OF THE BLACKHEAD**  
**MOUNTAIN LODGE**

**WHEREAS**, the Planning Board received applications (the "Applications") from RCBG JV Manager LLC ("Applicant") for a special use permit and site plan review approvals regarding the proposed redevelopment of the existing Blackhead Mountain Lodge for purposes of an expanded Hotel, Tourist Resort/Spa to be constructed on lands situated generally on 64 Crows Head Nest Road in the Town of Cairo, Greene County, New York (the "Project"); and

**WHEREAS**, the proposed Project is located on three tax parcels (SBL 116-1-24 & 25, as well as 116.16-1-1) totaling approximately 102.31 acres of land and is zoned Mountain Top Residential where the proposed Tourist Resort/Spa and Hotel are permitted uses subject to Special Use Permit and Site Plan Review approvals from the Planning Board, under Section XI of the Town's Zoning Law and the Town's separate Site Plan Review Law; and

**WHEREAS**, the proposed Project includes the redevelopment of an existing resort with a hotel, restaurant/bar and golf course into an expanded Tourist Resort/Spa and Hotel with approximately 127 hotel keys/units, an approximately 66,270 square foot Main Lodge with spa and restaurant, along with accessory off-street parking and recreational amenities (tennis courts and pools); and

**WHEREAS**, the Planning Board, at its meeting on January 4, 2024 determined that the Project was a Type 1 action under the State Environmental Quality Review Act ("SEQRA") pursuant to 6 NYCRR Parts 617.4(b)(6)(i), 617.4(b)(8) and 617.4(b)(9) and passed a motion declaring its intent to act as Lead Agency under SEQRA;

**WHEREAS**, on January 17, 2024 the Planning Board circulated a notice to all involved and interested agencies, including the Town of Cairo Zoning Board of Appeals, Town of Cairo Town Board, Town of Cairo Conservation Advisory Council, Green County Department of Economic Development and Planning, Green County Department of Health, Green County Industrial Development Agency, New York State Department of Environmental Conservation, New York

State Department of Health, New York State Office of Parks, Recreation, and Historical Preservation, New York State Attorney General, and United States Army Corps of Engineers; and

**WHEREAS**, after the requisite circulation and waiting period passed with no objection from other involved agencies, the Planning Board assumed Lead Agency status and commenced a review of the Project under SEQRA; and

**WHEREAS**, the Applicant supplemented its application with additional information requested by the Planning Board and its professional consultant on December 21, 2023, February 16, 2024, March 25, 2024, March 28, 2024, April 3, 2024, April 22, 2024, June 3, 2024, July 1, 2024, July 24, 2024, November 25, 2024, January 27, 2025, February 5, 2025, and March 13, 2025. These submissions included, among other things, the following;

- A project narrative, with several supplements;
- Concept Building Sketches and examples of section views of various building options;
- Several detailed sets of Site Plans;
- Engineering responses;
- Traffic Studies;
- Hydrogeological report(s)
- Viewshed Analyses
- Habitat Suitability Assessment
- Stormwater Pollution Prevention Plan(s)
- Fiscal Impact Analysis

**WHEREAS**, the Project is subject to the State Environmental Quality Review Act (“SEQRA”) and on March 6, 2025, the Planning Board (as Lead Agency) completed a comprehensive review of the Project’s potential environmental impacts and adopted a Negative Declaration concluding that the Project will not have any significant adverse impacts on the environment; and

**WHEREAS**, the Planning Board also referred the Project to the Greene County Department of Economic Development and Planning, as well as the Greene County Planning Board, (collectively “County Planning”) on January 17, 2024 for a recommendation as required by NYS General Municipal Law §239-m; and

**WHEREAS**, on February 6, 2024 County Planning issued a response with some general comments geared towards erosion control, the proposed wastewater treatment plant (which is under the purview of the NYSDEC), and wetlands/floodplains; and

**WHEREAS**, on May 2, 2024, the Applicant requested a waiver from certain Site Plan Review requirements pursuant to Article D, Section 7 of the Town's Site Plan Regulations via a letter from its consultant KARC Planning Consultants, PLLC, which letter was received by the Planning Board on May 9, 2024; and

**WHEREAS**, the Planning Board held multiple public hearings prior to its adoption of the Negative Declaration on March 6, 2025 (March 7, 2024, April 4, 2024, May 2, 2024, June 13, 2024, July 11, 2024, August 1, 2024, and each month thereafter until closing it on February 6, 2025), wherein members of the public were provided numerous opportunities to comment on the Applications prior to the issuance of the Planning Board's SEQRA determination, and the planning board took these comments into consideration while taking a hard look at the project; and

**WHEREAS**, on March 12, 2025, the Applicant made an additional supplemental submission providing more details for the Project, (1) requesting preliminary and final site plan review approval, and (2) restating the May 2, 2024 request for waivers with respect to some of the documentation needed as part of the site plan review approval application (a waiver of some of the architecturally related information and when the total cost estimate can be submitted) pursuant to §7 of the Town's Site Plan Review Regulations; and

**WHEREAS**, pursuant to Article D, Section 7 of the Town's Site Plan Regulations, waivers may be granted if due to special circumstances of the particular proposal, all the provisions are not requisite to the interests of public health, safety, general welfare or are inappropriate for a particular proposal, so long as such waiver does not nullify the intent and purpose of the Town's Comprehensive Plan or Zoning Law; and

**WHEREAS**, on April 3, 2025, after the SEQRA Negative Declaration, the Planning re-opened another duly noticed public hearing on the Applications for the Project as required by the Town's Zoning Code and Site Plan Regulations; and

**WHEREAS**, the Planning Board continued the public hearing on May 1, 2025 and closed the additional public hearing on May 1, 2025 for oral comment and left the public hearing open for written comment until June 5, 2025; and

**WHEREAS**, the Planning Board considered all the public comments at the multiple public hearings, all comments from the applicable Local, State and County agencies, as well as comments from its own consultants; and

**NOW, THEREFORE BE IT RESOLVED**, that pursuant to Article D, Section 7 of the Town's Site Plan Regulations the Planning Board officially grants the waivers requested as outlined in the Applicant's letters dated May 2, 2024 (received by the Town May 9, 2024), and restated in a letter

from the Applicant dated March 12, 2025, because (1) due to existing topography and the existing natural vegetation there are limited views into the site and the architectural information already submitted will suffice, and (2) providing estimates of the total cost, for a project this size, prior to final site plan review approval is premature and should be required prior to the issuance of any building permits.

**BE IT FURTHER RESOLVED**, pursuant to §XI.D.3 of the Zoning Code, the Planning Board has reviewed the Project for compliance with the standards for issuance of the Special Use Permit and makes and adopts the findings set forth the in the attached “Special Use Permit Findings” concluding that the Project complies with those standards; and

**BE IT FURTHER RESOLVED**, pursuant to Section XI of the Zoning Code and NYS Town Law Section 274-b(6), the Planning Board hereby approves a Special Use Permit for the Project; and

**BE IT FURTHER RESOLVED**, pursuant to Article E of the Town’s Site Plan Regulations, the Planning Board has reviewed the Project for compliance with the standards for issuance of the site review approval and makes and adopts the findings set forth the in the attached “Site Plan Review Findings” concluding that the Project complies with those standards; and

**BE IT FURTHER RESOLVED**, that pursuant to the Town’s Site Plan Regulations and NYS Town Law Section 274-a(8) the Planning Board hereby grants Preliminary and Final Site Plan Review approval for the Project and the Chairman of the Planning Board is authorized to sign the following site plans/reports for the Project (the “Approved Site Plan”):

Site Plan, prepared by LRC Group, dated March 10, 2025

CV-1	Cover Sheet
EX-1	Existing Conditions
LC-1	Lot Consolidation Plan
DM-1	Demolition Plan
OP-1	Overall Site Plan
SP-1 thru SP-4	Site Plan
OG-1	Overall Grading / Drainage Plan
SG-1 thru SG-4	Site Grading / Drainage Plan
SG-5	Wet Pond Cross Sections
SG-6	Wet Pond Cross Sections
OUP-1	Overall Utilities Plan
SUP-1 thru SUP-4	Utilities Plan
OE-1	Overall Erosion & Sediment Control Plan
EC-1 thru EC-4	Erosion & Sediment Control Plan
LL-0	Existing Conditions Illustrative

LL-1	Landscape Plan Overview
LL-2	Landscape Buffer Plan
LL-3	Landscape Buffer Plan
LLS-0	Landscape Key Plan (Stormwater Practice Areas)
LLS-1 thru LLS-3	Landscape Plan (Stormwater Practice Areas)
LP-1 thru LP-5	Site Lighting Plan
CL-0	Overall Construction Logistics Plan
CL-1	Logistics Plan Phase One
CL-2	Logistics Plan Phase Two
CL-3	Logistics Plan Phase Three, Four & Five
CL-4	Logistics Plan Phase Six
CL-5	Logistics Plan Phase Seven
CL-6	Logistics Plan Phase Eight
OVT-1	Overall Truck Turning Plan
TT-1 thru TT-4	Truck Turning Plan
CS-0	Cross Section Location Plan
CS-1	Perimeter Cross-Sections
CS-2	Perimeter Cross-Sections
CS-3	Perimeter Cross-Sections
PL-1 thru PL-6	Plan Sheets (Roads / Drives)
PR-1 thru PR-6	Profile Sheets (Roads / Drives)
DN-1	Site Details
DN-2	Stormwater Details
DN-3	Erosion Control Details
DN-4	Wastewater Details
DN-5	Water Details
Architectural Sketches & Material Board dated February 16, 2024, as amended to remove the two designs with flat rooves.	

**BE IT FURTHER RESOLVED,** that the Planning Board hereby finds that the Applicant has satisfied the requirements of the Town of Cairo in regard to the issuance of a Special Use Permit and Site Plan review set forth in Section XI(D) of Zoning Code and Article E of Site Plan Review Law as follows:

## FINDINGS AND GENERAL CONDITIONS

### Special Use Permit Review-

**Public Hearing(s)** – The Planning Board acknowledges that the public hearing was opened earlier than required, however it was kept open during the entire review process. This was done to ensure the public had adequate time to comment on the project as the Planning Board was conducting its extensive review. The Planning Board finds that while this practice is not required, it does offer the public a greater opportunity to be part of the review process allowing the Planning Board more time to consider and review any comments brought before them. The Planning Board took a hard look at all comments brought forth by the public throughout this review process, giving each and every one careful consideration. Therefore, while opening the public hearing early was not required, it is the belief of the Planning Board that it is and was beneficial to afford the public the additional comment periods so as to make this an inclusive effort with the community.

**Standard:** Ensure the proposed use is compatible with adjoining properties and with the natural environment in the area.

**Finding:** The main project parcel has operated as a hotel and restaurant/bar with outdoor recreation (golf course); and prior to a golf course and country club the property contained a resort and downhill skiing facility. During this period the resort maintained a German/Austrian aesthetic. The expansion will include improvements that are predominantly within the existing previously disturbed areas and will add to the Alps Chalet aesthetic helping to preserve the nature and culture of the community.

The Project Site currently contains 32.15 acres of forested areas with mature trees and understory vegetation. In this area, the Project will remove 9.63 acres of tree cover and understory growth. However, the project will avoid 22.5 acres of forested area which will remain in its current state. With the re-wilding discussed below, a net gain of 16.3 acres of forested area will be added to the Project Site, resulting in 48.5 acres of forested area after project completion. Finally, an extensive landscaping plan has been prepared to partially screen and buffer any visual impacts of the buildings to soften and minimize the viewing of the project from off site. The applicant has committed to maintaining this vegetation in perpetuity.

**Standard:** Adequacy of parking and use of shared parking where possible.

**Finding:** The Project includes 280 proposed parking spaces placed in designated areas as shown on the site plan. The parking for the project is designed to provide the number of spaces required

by the Zoning Code. In addition, there will be a sufficient number of parking spaces to comply with Americans with Disabilities Act.

**Standard:** Accessibility to fire, police and emergency vehicles.

**Finding:** The Project Site has been designed so that fire and emergency vehicles will have full access to the site and all structures. The planning board required and the applicant complied with the board's request to meet with the local fire department and review the plans in detail with the engineers for the project. At such meeting the engineers reviewed all equipment the fire department has to ensure that all access points were designed to have an adequate turning radius for each vehicle as well as sufficient access. Further the building construction types and designs were reviewed with the fire department. The fire department noted that they have sufficient equipment to address any needs of the project. The fire department expressed a desire/preference to have ready access to all ponds on the site for water supply and the applicant agreed. The fire department had no further concerns. Similarly, the plans have been reviewed by the local Police Departments accordingly.

**Standard:** Whether the property is suitable for the proposed use based upon the property's topography, vegetation, soils and hydrology, and, if appropriate, whether it can be adequately screened or buffered from neighboring properties and public roads.

**Finding:** The Project's Site Plans and Stormwater Pollution Prevention Plan ("SWPPP") are designed to comply with all applicable NYSDEC requirements for managing stormwater during and after construction. Further, during construction, erosion and sediment control, soil stabilization, dewatering and pollution prevention measures will be installed, implemented and maintained on the Site as set forth in the SWPPP to minimize the discharge of erosion of sediment and prevent a violation of the State's water quality standards. These measures are designed to limit erosion of land by controlling the flow of water until permanent stormwater control measures are installed and pervious surfaces are stabilized with vegetation and/or buildings and parking areas. The board recognizes that a SWPPP is a fluid document that continues to be adapted over time as state & federal agencies may require during the construction process.

The new buildings will utilize the existing grades onsite to visually screen the massing of the buildings. A landscaping plan has been proposed that provides an extensive landscaped berm and plantings adjacent to the nearest residential properties as well as creates 16.32 acres of forested area and 14.86 acres of meadows and landscaping, effectively re-wilding the property back to an ecosystem more similar to the surrounding area.

**Standard:** Protect the natural environment to the greatest extent possible.

**Finding:** The Project is situated on an existing golf course which predominantly consists of manicured lawn with scattered and isolated trees and shrubs and will yield a net gain of 16.32 acres of forested area and net gain of 14.86 acres of meadows and grasslands. The board finds that this project will help return lands to natural habitats that haven't existed for a number of years due to the entire property being designed, distributed and used as a golf course by the prior owners.

**Standard:** Protect neighboring properties from excessive dust, noise, odors, glare, release of harmful substances, and any other nuisances.

**Finding:** No significant adverse noise or odor impacts are expected from the Project. All guests will park at designated parking areas at the entrances to the facility and be transported via the on-site valet service with electric vehicles. Further all on-site maintenance vehicles and equipment will be electric to the extent feasible. During construction, any noise and odor impacts from construction equipment will be temporary, and the applicant has agreed to keep all roads clear of mud and construction material. Construction will be temporary, of short duration and non-significant and compliant with the Town's noise regulations. After construction, during proposed operations, no odor impacts are anticipated. The Project is not a manufacturing or industrial facility and will not produce any odors.

New, modern and energy-efficient lighting will be utilized throughout the Project Site. Exterior site lighting has been designed to comply with the Zoning and Site Plan Regulations and are the minimum necessary while ensuring a safe and secure facility. All proposed lighting will be downward facing and will minimize sky glow and light pollution from the Property. Where appropriate, lighting fixtures will be of a full cutoff type or provided with shields to reduce glare and light pollution. The fixture locations have been sited to minimize light trespass onto adjacent properties. The following measures have been incorporated to minimize impacts from site lighting of the new building and parking facilities.

- The use of EV vehicles for transporting guests and all maintenance vehicles & equipment
- All light fixtures shall be full cut-off optics and are dark sky compliant.
- All light fixtures shall be lamped with LED light sources to optimize energy consumption and provide long lamp life and consistent light output over time.
- Color temperature of all light fixtures will be 3000 kelvin or warmer.
- Lens mounting heights of post top fixtures are 10' and 12' (parking lots) and bollard light lens heights are 3'-0".

#### Hours of Operation for Lighting

- Parking lots - post top lighting of guest and employee parking lots shall be activated at dusk by photocell and will remain active at 100% of their output until 10:00 pm. At that



time, lights shall be reduced to 50% output until sunrise, however, lights shall be equipped with motion sensors to ramp up to 100% output when motion by vehicle or pedestrians is detected. At dawn, lights shall be turned off by photocell until the subsequent arrival of dusk.

- Main vehicular internal roadway and condo driveways - post top lighting for these vehicular use areas shall be activated at dusk by photocell and will remain active at 100% of their output until 10:00 pm. At that time, lights shall be reduced to 75% output until sunrise.
- Pedestrian pathways - bollard and post top, down casting light fixtures along driveways, pedestrian pathways, drives limited to golf carts and adjacent to primary amenity buildings or activities shall be activated by photocell (on circuits) and remain active at 100% of their output until dawn each evening.
- Accent and down casting landscape lighting around primary amenity buildings, guest lodging units or adjacent to hotel operational spaces shall be activated by photocell and shall remain operational from dusk to dawn.

**Standard:** Minimize traffic impacts by properly evaluating vehicular access and circulation, roadway widths and placement. Traffic controls should be adequate to serve the special use and not excessively impact the overall traffic conditions present in the existing neighborhood.

**Finding:** The Applicant has provided a Traffic Analysis prepared by Creighton Manning Engineering, LLP. The Traffic Assessment included an evaluation of traffic operations and intersection level of services and concluded that upon full build out of the Project, for both the Friday and Sunday peak hours to include as well as design considerations for State and Federal holidays, impacts of traffic will be *de minimis*.

The Applicant will repair any deteriorated public roadway conditions that have resulted from construction traffic on the roadway system. Further, the Applicant will post a bond in an amount agreed upon by the Town Highway Superintendent & the Greene County Highway Superintendent that will be held in escrow by the Town to ensure that any deterioration of the roadway during construction is repaired by the Applicant.

**Standard:** Evaluate the need for pedestrian walkways and access and provide a safe and efficient pedestrian system.

**Finding:** The Project includes pathways for pedestrians that will make use of bollard and post top, down casting light fixtures. Also, pedestrian/patron shuttle (valet) service will be provided throughout, further reducing the need for extensive pathway lighting.

**Standard:** Ensure the project design, including all principal and accessory structures, are compatible and harmonize with the existing neighborhood.

**Finding:** Proposed buildings are designed to be architecturally consistent with the vernacular styles of the community. The proposed architectural design of the project is that of a modern chalet style, consistent with the Alps/chalet style influence which is prevalent in the Round Top community, helping to preserve the community character and culture of the surrounding area. The new buildings will utilize the existing grades onsite to visually screen the massing of the buildings.

**Standard:** Use landscaping when necessary to act as a noise or visual buffer between the use and adjoining properties.

**Finding:** The Project includes a dense vegetated buffer along the portions of the Project Site which are adjacent to residential properties

**Standard:** Ensure adequate storm water drainage measures are used.

**Finding:** Stormwater will be managed onsite via the creation of new forested and landscaped areas and stream corridors, all with the purpose of facilitating infiltration of water back into the subsoils.

The Project's Site Plans and Stormwater Pollution Prevention Plan ("SWPPP") are designed to comply with all applicable NYSDEC requirements for managing stormwater during and after construction. Further, during construction, erosion and sediment control, soil stabilization, dewatering and pollution prevention measures will be installed, implemented and maintained on the Site as set forth in the SWPPP to minimize the discharge of erosion of sediment and prevent a violation of the State's water quality standards. These measures are designed to limit erosion of land by controlling the flow of water until permanent stormwater control measures are installed and pervious surfaces are stabilized with vegetation and/or buildings and parking areas.

**Standard:** Ensure water, sanitary waste and sewage facilities are adequate for the proposed use.

**Finding:** The Project includes a new wastewater treatment plant with discharge into an unnamed stream. The proposed wastewater treatment facility as designed will include primary, secondary, and tertiary treatment prior to discharge. The wastewater treatment plant is proposed with discharge into an unnamed on-site waterbody within the interior of the project, which leads to a stream channel, which discharges to another unnamed stream and then ultimately to the Shingle Kill.

**Standard:** Ensure there is sufficient room for snow removal storage.

**Finding:** Parking areas have been designed to allow for snow storage in adjacent areas. Further, the Site contains sufficient areas for snow to be relocated outside of parking areas if excessive snow levels impede use of the parking lots

**Standard:** Evaluate and ensure adequate fire protection measures are in place.

**Finding:** The Project Site has been designed so that fire and emergency vehicles will have full access to the site and all structures. The plans have been reviewed by the local Fire Department and Police Departments accordingly, with no concerns expressed.

### **Site Plan Review**

**Standard:** Location, arrangement, size, design and general compatibility of buildings, lighting and signs, including compatibility with setbacks and build-to lines.

**Finding:** The main project parcel has operated as a hotel and restaurant/bar with outdoor recreation (golf course); and prior to a golf course and country club the property contained a resort and downhill skiing facility. The expansion will include improvements that are predominantly within the existing previously disturbed areas and will complement the existing cultural and community alpine feel.

Proposed buildings are designed to be architecturally consistent with the vernacular styles of the community. The proposed architectural design of the project is that of a modern chalet style, consistent with the Alps/chalet style influence which is prevalent in the Round Top community, helping to preserve the community character and culture of the surrounding area. The new buildings will utilize the existing grades onsite to visually screen the massing of the buildings.

New, modern, energy-efficient and dark sky compliant lighting will be utilized throughout the Project Site. Exterior site lighting has been designed to comply with the Zoning and Site Plan Regulations and are the minimum necessary while ensuring a safe and secure facility. All proposed lighting will be downward facing and will minimize sky glow and light pollution from the Property. Where appropriate, lighting fixtures will be of a full cutoff type or provided with shields to reduce glare and light pollution. The fixture locations have been sited to minimize light trespass onto adjacent properties. The following measures have been incorporated to minimize otherwise potential adverse impacts from site lighting of the new building and parking facilities.

**Standard:** Consistency with the Town of Cairo Highway Specifications and adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.

**Finding:** The Applicant has provided a Traffic Analysis prepared by Creighton Manning Engineering, LLP. The Traffic Assessment included an evaluation of traffic operations and intersection level of services and concluded that upon full build out of the Project, for both the Friday, Sunday and Holiday peak hours to include as well as design consideration for State and Federal holidays, impacts of traffic will be *de minimis*.

**Standard:** Location, arrangement, appearance and sufficiency of off-street parking and loading. Parking areas should be placed at the rear and/or side of principal buildings so they are not visible from public roads.

**Finding:** The Project includes 280 proposed parking spaces placed in designated areas as shown on the site plan. The Project also includes a dense vegetated buffer along the portions of the Project Site which are adjacent to residential properties. The parking for the project is designed to provide the number of spaces required by the Zoning Code. In addition, there will be a sufficient number of parking spaces to comply with the Americans with Disabilities Act.

**Standard:** Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.

**Finding:** The pedestrian portions of project have been designed by a Licensed Landscape Architect and Engineer and offers an abundance of pedestrian paths and walks to ensure that the site is sufficiently accessible. Further, the roads and parking areas have been designed by a Licensed Engineer and reviewed by the Town Engineer to ensure that they are designed consistent with the Town Code. Also, pedestrian/patron shuttle (valet) service will be provided throughout, further reducing the need for extensive pathway lighting.

**Standard:** Adequacy of storm water drainage facilities. The proposed development shall be designed to provide for proper surface water management through a system of controlled drainage that preserves existing drainage patterns, protects other properties and public roadways and mitigates water quality impacts to the greatest extent practical.

**Finding:** Stormwater will be managed onsite via the creation of new forested and landscaped areas and stream corridors, all with the purpose of facilitating infiltration of water back into the subsoils.

The Project's Site Plans and Stormwater Pollution Prevention Plan ("SWPPP") are designed to comply with all applicable NYSDEC requirements for managing stormwater during

and after construction. Further, during construction, erosion and sediment control, soil stabilization, dewatering and pollution prevention measures will be installed, implemented and maintained on the Site as set forth in the SWPPP to minimize the discharge of erosion of sediment and prevent a violation of the State's water quality standards. These measures are designed to limit erosion of land by controlling the flow of water until permanent stormwater control measures are installed and pervious surfaces are stabilized with vegetation and/or buildings and parking areas.

**Standard:** Adequacy of water supply and sewage disposal facilities.

**Finding:** The Project will involve the creation of a new public water supply system and a new wastewater treatment plant, with discharge into an unnamed stream. The well testing reports, data, and irrigation demand and supply calculations demonstrate an adequate on-site water supply to serve the potable and non-potable water demands of the Project. The proposed wastewater treatment facility as designed will include primary, secondary, tertiary treatment and disinfection prior to discharge. The wastewater treatment plant is proposed with discharge into an unnamed on-site stream channel, which discharges to another unnamed stream and then ultimately to the Shingle Kill. Wastewater Treatment Plant discharge shall be monitored as required by permit(s) issued by NYSDEC and shall comply with all required stream discharge limits.

**Standard:** Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation shall be examined.

**Finding:** The Project includes a dense vegetated buffer along the portions of the Project Site which are adjacent to residential properties. The Project Site currently contains 32.15 acres of forested areas with mature trees and understory vegetation. In this area, the Project will remove 9.63 acres of tree cover and understory growth. However, the project will avoid 22.5 acres of forested area which will remain in its current state. With the re-wilding discussed below, a net gain of 16.3 acres of forested area will be added to the Project Site, resulting in 48.5 acres of forested area after project completion.

**Standard:** Adequacy of utilities. Newly installed utility service systems and service revisions shall be installed underground and approved by the utility provider(s) as well as the engineer retained by the Planning Board. When feasible, existing above ground utility service systems shall be placed underground.

**Finding:** The Applicant has prepared a Utilities Plan which includes utilities being placed underground. The utility plan has been designed by a Licensed Engineer and reviewed by the Town Engineer. Further the detailed design of the water system and sanitary sewer system will be further reviewed by the Department of Health and NYSDEC

**Standard:** Adequacy of site accessibility, fire lanes and other emergency zones and the provision of fire hydrants.

**Finding:** The Project Site has been designed so that fire and emergency vehicles will have full access to the site and all structures. The plans have been reviewed by the local Fire Department and Police Departments accordingly, with no concerns expressed.

**Standard:** Adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and or erosion.

**Finding:** The proposed project is not in a floodway or floodplain nor located within a designated floodway. Erosion control measures will be implemented during construction to minimize the erosion of land pursuant to NYSDEC stormwater management and sediment control requirements. Further, during construction, erosion and sediment control, soil stabilization, dewatering and pollution prevention measures will be installed, implemented and maintained on the Site as set forth in the SWPPP to minimize the discharge of sediment and prevent a violation of the State's water quality standards. These measures are designed to limit erosion of land by controlling the flow of water until permanent stormwater control measures are installed and pervious surfaces are stabilized with vegetation and/or buildings and parking areas. Measures will include but not be limited to installation of silt-fencing to control runoff from disturbed areas; stockpiling soils and vegetative soil stabilization; seeding and mulching of all disturbed surfaces; dust control (as necessary); and ongoing inspection and maintenance of erosion control measures to ensure their effectiveness until all disturbed surfaces are stabilized.

**Standard:** Location and adequacy of measures proposed to protect environmentally sensitive areas.

**Finding:** Redevelopment of the Project Site will not have any impact on any critical environmental areas (CEAs) designated by NYSDEC because the Project Site does not contain any CEAs. Nor are any CEAs located adjacent to the Project Site.

**Standard:** Limitations on Noise and Vibration.

**Finding:** No significant adverse noise impacts are expected from the Project. During construction, any noise impacts from construction equipment will be temporary, of short duration and non-significant and compliant with the Town's noise regulations. Further the Applicant has agreed that exterior construction and earth moving (if any) will only take place Monday through Saturday between the hours of 7am and 7pm.

**Standard:** Compatibility with neighborhood character and overall rural character of Round Top.

**Finding:** Proposed buildings are designed to be architecturally consistent with the vernacular styles of the community. The proposed architectural design of the project is that of a modern chalet style, consistent with the Alps/chalet style influence which is prevalent in the Round Top community, helping to preserve the community character and culture of the surrounding area. The new buildings will utilize the existing grades onsite to visually screen the massing of the buildings.

**Standard:** Compatibility with active agricultural activities.

**Finding:** Although the Project Site contains productive soils, it has been used as a golf course/hotel/restaurant for decades. Thus, the Project Site is not being used for Agricultural Purposes. The site is not located next to other properties within a New York State Agricultural District currently partaking in agricultural activities.

**Standard:** Compatibility with the Town of Cairo Comprehensive Plan.

**Finding:** The Project is consistent with the Town of Cairo Comprehensive Plan, which notes that aging resorts and changing tourism clientele and needs are a weakness hindering the Town from accomplishing its vision of a highly sought after tourist destination. This project is located in the hamlet of Round Top, which is and has been a resort/tourist community with some residential homes scattered throughout the commercial area. This property complements the history and nature of Round Top. The board finds this project will only be additive to the community and helping to preserve the Alpine tourist culture for generations to come.

**Standard:** Consistency with the Hudson River Greenway Compact.

**Finding:** The project is consistent with the Hudson River Greenway Compact program's<sup>1</sup> goals which are to promote sustainable growth, protect natural resources, and support the local economy. The project is repurposing previously developed land, reducing the need for new land disturbances while promoting eco-friendly tourism and local economic benefits. The project is implementing rewilding practices to promote the restoration of the natural habitat of the site by restoring 16.32 acres of forest and 14.86 acres of meadows. This project will generate revenue to support local economies through construction and operation of the resort as outlined in The Fiscal Impact Analysis dated April 22, 2024.

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<sup>1</sup> <https://hudsongreenway.ny.gov/community-planning>

**BE IT FURTHER RESOVLED**, that Special Use Permit and Site Plan Review approvals are subject to the following general conditions (hereinafter the “General Conditions”):

- a. The Applicant’s posting of a bond/agreement, or other form of financial security satisfactory in manner (with the Town’s legal counsel) in the amount of \$1,000,000, adjusted for inflation for the cost of materials and labor from the date of approval, that will be held in escrow by the Town during the time of construction to ensure that any deterioration of the subject roadway(s) caused by Applicant during construction is repaired by the Applicant. Roadways subject to this condition include portions of Crow’s Nest Road, Bald Hills Road North, Blackhead Mountain Road, and County Routes 24, 31 & 39.
- b. The Applicant’s posting of a bond/agreement, or other form of financial security satisfactory in manner (with the Town’s legal counsel) in the amount of \$50,000 that will be held in escrow by the Town until one year after the last certificate of occupancy is issued for the project, to ensure that the proposed mitigation measures identified in the Negative Declaration with respect to the water supply wells for the following properties (identified by section, block and lot) are covered in the event that the wells for those parcels can no longer provide sufficient water quantity to sustain its intended single family residential use. If it is determined by the Applicant’s consultant, in consultation with the Town’s consultant, that a well has insufficient quantity of water to support the current single family residential use because of Applicant’s use of wells 4 and 5, or other production wells used for water supply. The property owner will determine whether to connect the parcel to the new public water supply, repair their existing well, or have a new well drilled that produces sufficient water to supply the household.
  - a. 116.00-1-22
  - b. 116.00-1-21
  - c. 116.00-1-37
  - d. 116-1-11.2
- c. The Applicant’s posting of a bond/agreement or form of financial security satisfactory in manner (with the Town’s legal counsel) in the amount of \$1,000,000 that will be held in escrow by the Town until one year following the issuance of the final Certificate of Occupancy for all structures. Those landowners with a potable well located within one (1) mile radius of proposed well # 04 and well # 05, or whichever final wells are used for the project, the option to have their well monitored without conditions, during any additional well testing required to obtain necessary permits from the NYS DEC & NYS Department



of Health. In the event that the Applicant's consultant, in consultation with the Town's consultant, determines that a well within this radius has insufficient water to sustain its intended single family residential use at the time of the approval of this project as a result of the use of wells 4 and 5 or whichever final wells are used for the project, this bond will be used to assist with the remediation of that property owner's well through either repair or drilling a new well, this coverage period shall extend until 1 year after a Certificate of Occupancy is issued for all structures, and shall apply to wells currently in existence that agreed to have their wells tested, or new wells who have provided adequate baseline water data from a licensed engineer to the building department prior to obtaining a Certificate of Occupancy, so long as it is prior to the final Certificate of Occupancy for this project being issued.

- d. The Applicant's purchase of an all-terrain emergency access vehicle for the Round Top Fire Company, satisfactory to the Round Top Fire Chief's approval, but in an amount that shall not exceed \$100,000 for equipment and training costs of up to \$25,000 specifically associated with the project. The approval from the Fire Chief shall not be unreasonably delayed and shall not be unreasonably withheld. This new all-terrain emergency access vehicle will facilitate access to the site both during construction and during operation of the expanded resort.
- e. No building permit for structures shall be issued until the Applicant obtains all required state and federal wetlands jurisdictional permits.
- f. Only the structures and buildings set forth in the application materials may be built on the site. Any further structures must be approved by the Planning Board.
- g. Planning Board shall sign off on all final architectural drawings and building styles.
- h. Landscaping and tree planting must be accomplished in accordance with the application materials and shall be maintained in perpetuity, such that any dead or unhealthy trees or plantings will be replaced promptly.
- i. The only signs to be erected on the premises are shown in the application materials. Any additional signs must be approved by submission of a separate sign permit application to the Town.
- j. Numeric identification signage shall be installed on the site for all structures and a map detailing such shall be provided to the building department of the Town of Cairo as well as the Fire Department. This shall be accomplished in cooperation with the Greene County 911 system.

- k. As required by Section XI.D.5(b) of the Town of Cairo Zoning Law, the Special Use Permit shall expire if construction does not begin within two (2) years after approval. The Planning Board may, for good cause shown, extend the expiration of the special use permit. According to Section 19 of the Site Plan Review Regulations, this site plan approval expires one year from the date of such approval unless the applicant shall have commenced and substantially proceeded with construction of the project. The applicant may request an extension of the approval from the planning board who may, in its discretion, grant a maximum six (6) month extension.

This Special Use Permit is issued only for the particular use described in the application materials currently before the Planning Board and any expansion of the special use is subject to Section XI.D.5(d).

- l. All parking on the premises shall be confined to the parking lots and individual unit driveways as depicted on the site plan approved by the Town Cairo Planning Board. In no event shall any vehicle be parked on a public road or street, except in emergency situations.
- m. To prevent dirt from being tracked onto public highways or sediment run-off from entering the adjacent drainage way, the entrance way shall be tightly compacted gravel or pavement. The Applicant shall thoroughly clean and sweep the roads and street adjacent to the project and the project's entrance as often as necessary (or as requested by the Town of Cairo) to prevent dust and dirt accumulation from the project during construction periods. This shall be completed not less than once per day.
- n. In an abundance of caution, to prevent any noise disturbance, construction shall only take place between the hours of 7am and 7pm, with no construction on Sundays or federal holidays.
- o. The project construction and all buildings associated with it shall in all ways comply with the NYS and International Fire and Building Code.
- p. All light(s) shall be down casting, with the light source shielded and should face away from residential areas, as well as being dark sky compliant.
- q. Provisions shall be made to remove trash on a regular basis and all dumpsters, bins or garbage cans shall be hidden from view of any neighboring properties.

- r. If any term or condition of this Special Use Permit is annulled by a court of law, then the Planning Board shall retain the right to reconsider whether this Special Use Permit continues to meet the requirements for the granting of a Special Use Permit in accordance with the standards of the Cairo Town Code.
- s. If any of the terms and conditions of this Special Use Permit shall be violated, such violations shall be dealt with in accordance with the Town of Cairo Code including the possibility of termination of this Special Use Permit by the Court following an adjudication of the violation.
- t. The Applicant shall allow representatives from the Town of Cairo to access the site, at reasonable times and upon reasonable notice, to determine if the terms and conditions of this Special Use Permit are being complied with.
- u. The use shall be conducted in accordance with the site plan, all engineers report, and any other documents approved by the Planning Board, including but not limited to, any and all plans appended to the application by the applicant, as supplemented including those of the Town independent Engineer.
- v. No outside amplified music, microphones, speakers, radios, stereo equipment or public address equipment shall be used at the site between the hours of 10 pm and 8am.
- w. The applicant shall maintain the pond(s), drainage ditch(s) and other drainage facilities to ensure continued proper drainage.
- x. The Applicant shall continue to fund an escrow account in order to reimburse the Town for engineering/construction review expenses, building department expenses and other costs associated with completion of the project, including for site inspections by the building department.

As noted below, conditions a. through d. must be satisfied prior to commencing construction.

**BE IT FURTHER RESOLVED**, that if any other reviewing agencies for the Project require any material or significant changes to the Approved Site Plans for the Project, as determined by the Planning Board Chair, the Applicant shall submit amended site plans to the Planning Board for approval prior to the Chair's execution of the amended Approved Site Plans not to be unreasonably withheld; and

**BE IT FURTHER RESOLVED**, that after the Chair signs the plans, and all required building permits have been secured, the Applicant is permitted to immediately conduct the site construction activities on the Property shown on the Site Plan Set prepared by LRC Engineering and Surveying; subject to meeting the following conditions:

- a. Conditions a. through d. listed in the General Conditions above shall be satisfied.
- b. Approval of coverage (letter of authorization) of the Project; under the NYS Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges from Construction Activity (shall be consistent with the regulations of the town and state or any current permit in place) and proof of filing of the corresponding Notice of Intent with the NYSDEC or approval of a SWPPP (Stormwater Pollution Prevention Plan) and an Erosion and Sediment Control Plan by the Town's Engineer for less than 3 acres of disturbance for site work shall be issued.
- c. Payment of any outstanding escrow charges and application fees, as well as payment of the required deposit for any inspection fees for the Town Codes Office and/or Town's Engineer due to the site work.
- d. Confirmation by the Planning Board's Engineer that the Applicant has satisfactorily addressed all remaining technical comments on the Approved Site Plans as set forth in project review letter(s) from Lamont Engineers, P.C.
- e. The Applicant provides a performance guarantee for all the proposed infrastructure related improvements as set forth in Article G of the Town's Site Plan Regulations.
- f. In the event a home owners association or condo association is desired/needed the Planning Board shall be provided with copies of such agreements. Further the applicant shall provide copies of such agreements to the NYS Attorney General's office for review, during this process the Town Attorney shall be kept apprised of all developments as well as be provided a copy of all final documents/agreements.

**BE IT FURTHER RESOLVED**, that upon the execution of the Approved Site Plans by the Planning Board Chair, proof of all required permits have been secured, and the conditions precedent to conducting the site construction activities, the Town's Code Enforcement Officer is authorized to issue any zoning permits, building permits or any other permits/approvals to allow construction of the buildings and structure for the Project. However, no Certificate of Occupancy for any Structures will be issued until after receipt of the following:

- a. Copies of the following outside agency approvals:
  - (1) NYS Department of Health - Public Water Supply permit for utilization of potable water demand of 32 gallons per minute, or less.

- (2) NYS Department of Environmental Conservation- SPDES Permit (sanitary sewer), and if applicable, a Water Withdrawal Permit
- (3) NYS Department of Environmental Conservation and or US Army Corps of Engineers water quality permits.
- (4) NYSDEC Stormwater Pollution Prevention Plan (SWPPP) – Construction General Permit Letter of Authorization.

**BE IT FURTHER RESOLVED**, if any part of this resolution is annulled by a court of competent jurisdiction, the remainder of this resolution shall remain in full force and effect; and

**BE IT FURTHER RESOLVED**, that as required in NYS Town Law Sections 274-a(8) and 274-b(6), a copy of this resolution shall be filed with the Town of Cairo Town Clerk's office within five (5) days after this resolution has been adopted and shall also be sent to the Applicant; and

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately.

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OFFERED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

Results of the Vote on the Above Resolution:

Board Member	Aye	Nay	Abstain	Absent
Joseph Hasenkopf	_____	_____	_____	_____
Edward Forrester	_____	_____	_____	_____
Allen Veverka	_____	_____	_____	_____
Beth Hansen	_____	_____	_____	_____
Stacey Poulsen	_____	_____	_____	_____
Raymond Pacifico (alternate)	_____	_____	_____	_____

VOTE IS CERTIFIED BY:

\_\_\_\_\_. June \_\_\_\_, 2025  
 Donna Vollmer, Secretary to the Planning Board

The Resolution is hereby approved and order to the record by

June \_\_\_\_, 2025

Joseph Hasenkopf, Chair

DRAFT