

Friends of Round Top, Inc.  
Comments on  
Conditions for BHML Special Use Permit  
**DRAFT**

- 1) In accordance with Cairo Zoning Law (2017), Section XI.D.2 (f) (“Effect of Existing Violations”), prior to start of construction activity, the Applicant must offer proof that the expired SPDES permit (DEC ID 4-1924-00058/00001; SPDES #NY0241857) assigned to Blackhead Mountain Lodge LLC has been resolved, in addition to proof that the existing septic system (both on-site and off-site components) that operated under the aforesaid SPDES permit has been decommissioned according to DEC regulations.
- 2) In accordance with Cairo Zoning Law (2017), Section XI.D.2 (e) (“Other agency approvals”), prior to the start of construction activity, the Applicant must offer proof of the termination of existing Water Withdrawal permit (DEC ID 4-1924-00058/00003; WWA #12,031), assigned to Blackhead Mountain Lodge LLC.
- 3) In accordance with Cairo Zoning Law (2017), Section XI.D.2 (e) (“Other agency approvals”), prior to the start of construction activity, the Applicant must offer proof that applications for all necessary permits from other agencies have been submitted and approved, including but not limited to NYSDEC: SPDES GP-0-25-001; to NYSDOL: Asbestos Project Notification, Asbestos Survey Report, and if asbestos was found, an Asbestos Abatement Plan; and to NYSDOH Form 348 and Form 2249.
- 4) In accordance with New York State Vehicle and Traffic Law §1660(a), prior to the start of construction activity, the town board [not the town superintendent of highways] establish a system of truck routes to and from the development site for trucks having a total gross weight in excess of ten thousand pounds.
- 5) In accordance with New York State Vehicle and Traffic Law §1660(b), prior to the start of construction activity, the town board [not the town superintendent of highways] will set the hours of operation for commercial vehicles, construction vehicles, tractor-trailer combinations, tractor-semitrailer combinations, tractor-trailer-semitrailer combinations, or any diesel-powered vehicle outfitted with jake brakes, otherwise known as compression release engine brakes, on town roads from 8:00 am to 5:00 pm Monday through Friday only.
- 6) In accordance with New York State Vehicle and Traffic Law §1660(d), prior to the start of construction activity, the town board [not the town superintendent of highways] will establish gross weight limits on the following town roads: Blackhead Mountain Road, Bald Hills Road North, Bald Hills Road South, and Crows Nest Road.
- 7) In accordance with Cairo Zoning Law (2017), Section XI.D.4(a)(3) (i.e. reasonable condition for safety), prior to the start of construction activity, the town will be provided

written clearance from Greene County Highway Department that Mountain Avenue, County Road 31, and County Road 39, or any other identified county road, as well as county-owned bridges providing ingress and egress to the construction site can safely provide such access for the duration of the construction period.

- 8) In accordance with Cairo Zoning Law (2017), Section XI.D.4(a)(3), the town will install a 4-way Stop Signs at the intersection Blackhead Mountain Road, Bald Hills Road North, Bald Hills Road South, and Crows Nest Road.
- 9) During excavation and construction activities, RCBG JV Manager LLC or their subcontractor(s) must post monthly water quality testing results of samples taken from Well 4 and Well 5, in a public location such as Cairo Town Hall or Library.
- 10) In accordance with Cairo Zoning Law (2017), Section XI.D.2 (e) ("Other agency approvals"), prior to the start of construction activity, the Applicant must off proof that 72-hour pumping tests for Wells 4 & 5 complied with DEC and DOH regulations concerning public water supplies, specifically "Water Quality Samples - Comprehensive water samples must be obtained from the pumping well during the last hour of pumping. Samples must be analyzed to establish acceptable quality as per DOH requirements" (see DEC's Pumping Tests Procedures for Water Withdrawal Permit Applications, Section 12.1).
- 11) New well-drilling and pumping tests are prohibited at any point during construction activity. If, however, new wells are drilled and tested prior to the start of construction, the following protocols are to be followed: a) Any new well should be at least 1300 to 1500 feet away from Wells 4 and 5, and at a lower ground elevation than either Wells 4 and 5, so that the cones of depression for each source well will have minimal overlap; b) Monitor as many wells as possible (both on- and off-site) in the calculated hydrogeologic cone of depression; c) Conduct some step drawdown tests in both wells at the same time with discharge locations 1500 feet away from both pumping wells (i.e., Well 4 or Well 5 and the new well). The discharge locations should be as far apart as possible; d) Once a pumping rate has been established, plan and conduct the 72-hour pumping tests in both wells at the same time (i.e., Well 4 or Well 5 and the new well); e) Take water quality samples for lab analysis in the last hour of pumping, per DOH regulations.
- 12) The Town of Cairo Building Permit Officer will issue a Stop Work Order if the private well of any resident, whose property lies within the calculated hydrogeologic cone of depression, loses water or tests positive for contaminants, until the source of the impact is identified. The owner of such a well must report and show proof of the adverse impact to the Cairo Building Permit Officer within two business days of the observed change.
- 13) In accordance with Cairo Zoning Law (2017), Section XI.D.4(a)(3), the town will install R11-3a signs (ROAD CLOSED/LOCAL TRAFFIC ONLY) on the west and east side of Crows Nest Road immediately after the point where it bends 90 degrees and runs south. Said signs shall face north, in order to be visible to all vehicles turning south. The

Applicant will install and maintain signage clearly marking the service entrance to the resort facility.

- 14) In accordance with Cairo Zoning Law (2017), Section XI.D.4(a)(3), the town will conduct additional traffic studies and inspections during construction activity, in addition to the first two years of full built-out operations to examine if additional safety measures such as traffic lights or stop signs are needed, particularly at the intersection of Blackhead Mountain Road and Greene County Road 31.
- 15) In accordance with Cairo Zoning Law (2017), Section XI.D.4(a)(3), the Applicant will be held responsible for any infringement to ingress and egress at any time to property along Crows Nest Road, Bald Hills Road North, and Blackhead Mountain Road during the construction period.
- 16) In accordance with Cairo Zoning Law (2017), Section XI.D.4(a)(3), the Applicant must install a fence along shared property lines at the expense of RCGC JV Manager or current resort owner. The owner(s) of the shared property lines (including the shared pond), as well as their heirs and assigns shall have permanent access to continue their activities uninterrupted and undisturbed within their property, such as catch and release fishing, non-motorized boating, ice skating, hunting, ATV riding, and other activities that may be identified in the future.
- 17) The Applicant is required to install a 50-foot setback for a vegetative buffer along the entire perimeter of property. The Applicant, sub-contractor, or third-party operator is prohibited from removing or disturbing the existing vegetative buffer along Crows Nest Road and Bald Hills Road North, although tree saplings or understory plantings may be added to fill in existing gaps in that vegetative buffer.
- 18) Prior to construction activity, the planning board will calculate a clear delineation for private wells in a co-called "Circle of Impact" around the development site that will be eligible for compensation by the bond issued by RCBG JV Manager LLC or the current owner, during construction activity plus three years beyond full build-out and fully running operations. If adverse events occur to these wells, property owners may seek an independent expert's help to determine causation with all expenses paid by RCBG JV Manager LLC (or current owner).
- 19) All exterior lighting must be dark sky compliant with luminaires emitting 1000 lumens or less. All exterior lighting will be installed down facing and shielded from neighboring properties.
- 20) The owner or third-party operator will abide by a strict enforcement of noise limits for live or recorded music when the facility is operational. All live entertainment and amplified music must end at 11:00 pm on Friday and Saturday. All live entertainment and amplified music must end at 10:00 pm on Sunday–Thursday.

- 21) The owner or third-party operator will undertake a quick and timely remediation of odors and seepage emanating from the two solid waste collection areas located on the final site plan.
- 22) Any financial negotiations such as Payments in Lieu of Taxes (PILOT), sales tax or occupancy tax exemptions between Greene County Industrial Development Association and RCBG JV Manager LLC (or current owner) or a third-party operator, must be ratified by the residents of the Town of Cairo.
- 23) Wildlife may not be killed, harmed, or trapped in any way in their attempt to forage, migrate, nest or burrow within property grounds. Such wildlife includes but is not limited to bears, porcupines, beavers, groundhogs or woodchucks, deer, fox, racoons, rabbits, coyotes, bobcats, lynx, bald eagles, golden eagles, owls, turkeys, geese, and ducks.
- 24) No reflective flashing, skylights, windows, or other architectural elements that produce glare from sunlight or impair views from the escarpment trail or other scenic vantage points will be permitted.
- 25) Driveways or roadways throughout the development should transition to shoulders and grass at grade to accommodate amphibian and turtle migration. If curbs are to be installed, they should meet the pavement at least 45° angles and provide frequent at grade crossings or breaks.
- 26) Prior to the start of construction activity, water testing will be conducted on the unnamed tributary and Shingle Kill Creek to establish a baseline of chemical compounds or “original water quality index (WQI model) to protect the trout habitat during construction and when the wastewater treatment facility is tested and operational at full build out. The WQI of the unnamed tributary and Shingle Kill Creek will be submitted to DEC Department of Freshwater Fisheries Management and Research.
- 27) In accordance with Cairo Zoning Law (2017), Section XI.D.4(a)(3), Round Top emergency vehicle(s) must be either returned to service or purchased new, with an annual line in the town budget for on-going maintenance and repairs as necessary.
- 28) In accordance with Cairo Zoning Law (2017), Section XI.D.4(a)(3), prior to construction activity, the town must approve an evacuation or egress plan in case of a wildfire or catastrophic event.
- 29) In accordance with Cairo Zoning Law (2017), Section IV.B (“Prohibited Uses”), helicopter pads do not appear in Appendix A, Schedule of Uses, and will hereinafter remain permanently prohibited.
- 30) Should the New York State Legislature approve a hotel occupancy tax in Greene County, all units on the property site available for sale as condominiums in fee simple will be assessed such a tax on an annual basis at full occupancy, e.g. (\$Nightly rate) x (occupancy tax%) x (365 days) x (1).

31) This list is not inclusive of all potential contingencies that further investigations might identify.

