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NOV 02 2017

TOWN OF GARDINER

November 1, 2017

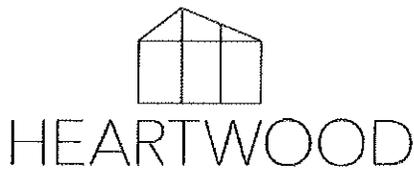
To: Paul Colucci, Chairperson, and Town of Gardiner Planning Board
From: Shinrin Yoku LLC, Applicant, for the Heartwood project

Cover Letter and Overview of Materials Submitted on 11/1/2017

- A. Heartwood Response to Public Comments
 - a. Appendix A: Site Photos of Eco-Cabin Location Site Conditions
 - b. Also previously submitted on 10/26/17: Mike Moriello memorandum
- B. SWPPP
- C. Updated Engineering Plans
- D. Updated Site Plan. The following changes were made to the site plan:
 - a. Conservation easement meaningfully increased in size to 54.2 acres
 - b. The site plan formerly showed two trails to provide access to the Recreational River. This has been reduced to one trail, and the location of the trail has been adjusted to better fit existing conditions and protect erosion.
 - c. The Heartwood team has elected not to construct a stone platform at the edge of the Shawangunk Kill. This has been eliminated from the site plan.
 - d. 1 of 2 outdoor yoga platforms was eliminated from the site plan.
 - e. Negligible adjustment of some cabin locations to accommodate SWPPP
- E. Additional materials requested in Sterling Environmental's follow up letter
 - a. Copy of communication with DOT
 - b. Copy of communication with BOH confirming 24-hour well test requirement
 - c. Revised materials from Ecological Solutions LLC (biologist)
 - d. Revised EAF Part 1 which incorporates the additional clarification requested by Sterling and previously submitted by the Applicant

Respectfully submitted,

The Heartwood Team



November 1, 2017

To: Paul Colucci, Chairperson, and Town of Gardiner Planning Board
 From: Shinrin Yoku LLC, Applicant, for the Heartwood project

Re: Heartwood lodging site plan application, Route 44/55 (141 Acres)

Please find below our response to the public hearing that occurred on August 15, September 19, and October 17, 2017. Our goal is to be responsible stewards of this remarkable piece of land. We look forward to continuing to work with the Planning Board, involved agencies, and the public to make Heartwood an environmentally-sound, positive contribution to the local community and economy.

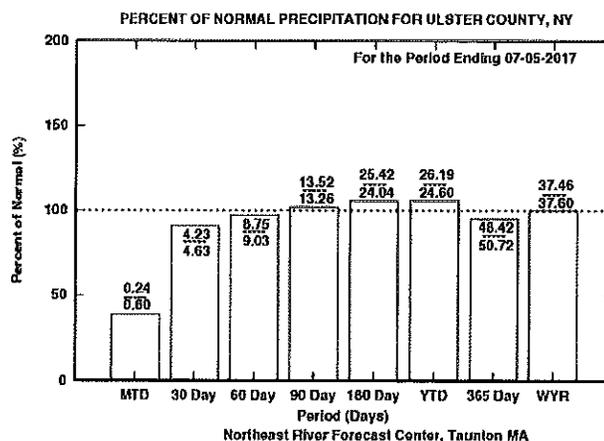
There were several recurring areas of concern that were voiced repeatedly over the three months, namely:

- Concerns about water impact:** We share this concern. As business owners that are committing to a significant investment in Gardiner and in this piece of land, our interests are aligned with neighbors on this issue.

In order to clarify and address our shared concern, we contacted the Board of Health which indicated that a 24-hour well test should be performed. (Confirmation of this interaction is included with our November 1st submission). The previously-submitted well test and report conformed to BOH standards and indicated that the flow rate was sufficient to support the proposed use.

To further bolster our belief that water is not an issue for this property, USGS/NYSDEC maps (available through the Ulster County Parcel Viewer) indicate that there is a large aquifer beneath the subject parcels.

Several members of the public commented that this year had unusual amounts of rainfall and suggested that the well test may not be representative of normal conditions. The well test was conducted from July 5-6, 2017. The NOAA table to the right indicates that as of July



5th, rainfall was about average in the preceding period.¹

- 2) **Concerns about Noise:** We understand this concern and would voice the same if we were neighbors of the project.

The Heartwood design team has put great care into minimizing the potential for noise to impact neighboring properties. **The site plan intentionally locates the common areas for the lodging facility (i.e., the lobby building, pool, restaurant, and event space) nearly in the center of the 141 acres.** This was done to maximize the distance to neighbors and minimize the potential for disruption. These buildings are set back 1,200 feet from Route 44/55 and 900 feet from the Shawangunk Kill. The event space itself is approximately 1,200 feet from both of these property lines. These are the buildings where guests are expected to congregate.

The Heartwood team plans to and has always intended to enforce quiet hours after 10pm on the property and to adhere to local ordinances with respect to volume/decibels. This aim of this lodging facility is to provide an ambiance of rest and relaxation for guests, and excessive noise will negatively impact our guests as well as neighbors.

A number of members of the public requested that amplified music be restricted to indoor areas. We believe that this would be unnecessarily restrictive and prevent, for example, ambient music by the pool at a reasonable volume. We believe it is reasonable for property owners to be allowed to use their properties, provided that town ordinances on volume and quiet hours are adhered to. We are firmly committed to adhering to these limits.

- 3) **Concerns about Traffic:** According to the DOT Traffic Viewer, this stretch of Route 44/55 currently sees an annual average of 1,851 passing cars per day. Because the property is accessed from Route 44/55, a major thoroughfare, it is not anticipated that there will be any adverse effects upon traffic. In addition, Heartwood will operate a shuttle for guests to go to/from Minnewaska State Park and Mohonk Preserve to reduce the number of cars on the road. Shared transportation is environmentally friendly and can reduce the load on parking lots at the parks.

Several members of the public were concerned about the possibility of inebriated guests and drunk driving. We feel this concern is without basis. Any events will be for guests only, and in general, guests will have the option of enjoy Heartwood's onsite restaurant as well as the neighboring Grist Mill restaurant, accessible by foot via the property. In addition, New York State Law will be in effect and enforced by police, as is present practice.

¹ According to the NOAA website: "'Normal' precipitation is derived from PRISM climate data, created at Oregon State University. The PRISM gridded climate maps are considered the most detailed, highest-quality spatial climate datasets currently available. The 30 year PRISM normal from 1981-2010 is used for precipitation analysis since 2004.")

- 4) **Requests to move cabins “out of the woods” or away from the Shawangunk Kill:** We would like to reiterate that the vast majority of this proposed project, including all common buildings and almost all cabins, is in an already-cleared meadow area. (Most of this 141 acre property was clear-cut over a decade ago by its prior owner for use as a tree farm.) The site plan already seeks to minimize disturbance to the wooded area near the kill.

A limited number of eco-cabins are proposed in the shaded/tree area. Tree density in this area was actively managed by the prior owner of the land, and as such, these small-footprint eco-cabins can be sited between existing trees with the expectation only minor tree removal may be required. Please see [Appendix A](#) for photos of existing site conditions in this area. There will be no loss of contiguous forest area.

As with all cabins for this project, these eco-cabins will be built upon helical piers (“ground screws”) to create an elevated foundation. Helical piers eliminate the need for a traditional foundation, minimize soil and root disturbance, reduce the heavy machinery necessary to install eco-cabins, allow storm water to reach the ground, and are made from recyclable materials. The eco-cabins are expected to be fabricated offsite and assembled/installed on the elevated pier foundations with minimal disruption to the ecosystem. Animal habitats will be preserved. Any limited tree removal that may be required will occur between October 1 and March 31 per Sterling Environmental’s and Mike Nowicki’s (biologist) review.

Because the Heartwood team has actively and independently solicited feedback from the public before and during the application process (including several site walks for Friends of Gardiner and other interested parties), preservation of the wooded area was known to be an important point for concerned neighbors. We share this desire to preserve the woods.

In response to public feedback, the Applicant has already voluntarily reduced the number of eco-cabins from 40 to 28 (a 30% reduction) and voluntarily increased the setback of the remaining eco-cabins to more than double the setback mandated by the Town of Gardiner code. Furthermore, only a few of these remaining 28 eco-cabins are actually in the woods. Several are proposed in a cleared area, and as the November 1st site plan submission illustrates, the majority are just inside the tree line to reduce impact from utilities/site work. (Contrary to the assertion of Hudsonia, there are no cabins “on the rim of the slope”.)

Further, the applicant has decided to place land totaling approximately 20 acres along the kill into a deed restricted negative easement or a conservation easement to ensure that the land along the Shawangunk Kill is appropriately preserved for future generations. Please see [Nov 1, 2017 Site Plan Submission](#) for the updated/proposed easement size locations. The applicable provisions of this instrument will be discussed with the Planning Board during further project review.

- 5) **Concerns about Impact on the Rural Character of Gardiner:** First, we note that “lodging” is a permitted use in the RA district, and as such, it is inherently deemed to be within the character of the Town. (See also, October 26, 2017, memorandum by Michael A. Moriello, Esq., for a legal address).

Second, the Hamlet of Tuthilltown is explicitly identified in the 2004 Town Master Plan as a good candidate for “more tourist-oriented and recreation-oriented uses”. There are several existing, neighboring commercial businesses (Stone Wave Yoga and Tuthilltown Spirits / Grist Mill Restaurant, and others along the Route 44/55 corridor).

The Heartwood site plan is true to the goals of scenic and environmental preservation. Less than 4% of the property will be developed, and 54 acres (approximately 38% of the 141 acres) will be placed into conservation easement and/or deed restricted status.

- 6) **Request that the Site Plan Approval be Renewed Annually:** The Friends of Gardiner group has repeatedly requested that the Heartwood site plan approval be required to be renewed annually. This request appears to be incongruent with the current Town Code which provides for Approval or Denial but does not provide for “Approval with Expiration Date”. It is anticipated that any approvals granted to the Heartwood project will have conditions imposed by the Planning Board with respect to Site Plan and Special Use Permit review. It is submitted that conditions which are related to the use of the land are a more appropriate method of land use control. These already implicitly include adherence to town noise ordinances, and the Zoning Code already allows for revocation of a Special Use Permit if such conditions are violated.

- 7) **Storm Water Runoff Concerns:** The applicant has included a Storm Water Pollution Prevention Plan with the November 1 submission of materials. The SWPPP details the storm water management for the project which includes “temporary erosion controls during construction as well as permanent post construction controls, such as swales, culverts, bio-retention zones and pocket ponds... meeting standards of design of Storm water Management Practices (SMP) of the State of New York in accordance with National Pollutant Discharge Elimination System (NPDES). When all proposed practices are constructed they will reduce all post-development peak flows from the site to less than peak development rates.” Per the Storm Water Pollution Prevention Plan, there will be no negative impacts on downstream waters or adjacent lands caused by increased peak flow rates.

- 8) **Concerns over Septic System Adequacy:** Percolation tests performed in accordance with the DOH standards indicate that the proposed above-ground septic is adequate. Moreover, the size of the proposed septic system is based on conservative assumptions and exceeds minimum thresholds required by the Ulster County Health Department. This is a costly and voluntary endeavor which renders certain claims over the adequacy of the septic system unfounded.

- 9) **“How Will This Benefit Gardiner?”:** This project will create jobs, add to the tax base (without adding any headcount to local schools), and put 53 acres of land into conservation easement.

The Shawangunk Ridge is already a major tourist attraction, drawing 500,000 visitors annually, according to Mohonk Preserve. Heartwood will provide opportunities for these guests to stay overnight and spend their money in town by patronizing local restaurants, local stores, and using the services of local service providers, guides, etc.

Tourism is a very significant driver of the local economy, responsible for 15% of total employment in Ulster County – roughly 1 in every 6 jobs.² Tourism also generated \$37 million in local taxes and \$31 million in state taxes in Ulster County in 2016.² Tourism related tax revenue currently saves Ulster County residents the equivalent of \$982 per person per year.³

- 10) Please see the separate correspondence from Mike Moriello, Esq., dated 10/26/2017 in response to the submissions from David Gordon, Esq., from Hudsonia, and from Ted Fink.

Respectfully submitted,

The Heartwood Team

^{2,2,3} "The Economic Impact of Tourism in New York", Tourism Economics, an Oxford Economics Company, 2016.