

AWOSTING RESERVE

Towns of Gardiner, Shawangunk and Wawarsing



CLUSTER SUBDIVISION APPLICATIONS AND SPECIAL PERMIT AND SITE PLAN APPLICATIONS



Awosting Reserve, LLC

December 2002

AWOSTING RESERVE

December 23, 2002

Supervisor Jack Hayes and Members of the
Town of Gardiner Town Board
Town of Gardiner
Town Hall
2340 44-55
Gardiner, New York 12525

Chairman Carmine Mele and Members of the
Town of Gardiner Planning Board
Town of Gardiner
Town Hall
2340 44-55
Gardiner, New York 12525

Chairman Kris Pederson and Members of
the Town of Shawangunk Planning Board
Town of Shawangunk
Town Hall
14 Central Avenue
Walkkill, New York 12589

**Re: Awosting Reserve
Applications for Cluster Development Approval (Gardiner & Shawangunk)
Applications for Special Permit and Site Plan Approval (Gardiner)**

Dear Members,

On behalf of Awosting Reserve, we are pleased to submit this Cluster Subdivision Plan for a 2,660 acre conservation community lying within the Towns of Gardiner, Shawangunk, and Wawarsing for your review and approval. The Cluster Plan is best understood by reviewing page CL19 which is tabbed on the roll of plans included as part of this submission.

The Awosting Reserve will be an environmentally sensitive community for families who wish to live simply with a conservation ethic. Its Adirondack-style cabins, cottages and retreats are carefully sited to allow residents and guests enjoyment of the Reserve's natural environment without intruding on the lifestyles of its neighbors or adversely impacting the biodiversity of the site. Awosting Reserve will be designed to honor the rural lifestyles and mountain values of its host towns. Our intent is to build a sustainable

community that cooperates with nature, blends into its natural hillside setting, creates local jobs, and generates positive tax benefits for Gardiner and Shawangunk.

We also hope to set a high standard for conservation planning and cluster development for our region.

The land plan for Awosting Reserve will protect over 1,500 acres of open space through a voluntary creation of permanent conservation easements or about 60% of the land holding. This open space will be managed by the non-profit Awosting land trust with all conservation easements held and monitored by a second independent land trust to be selected during these proceedings. The applicant is pleased to make a voluntary commitment that the open space designated will be protected in perpetuity for use in outdoor recreation and conservation education.

Awosting Reserve is a community focused on conservation, recreation, and education. These focal points will be clearly described to potential owners and residents to help establish a set of land management guidelines that compare favorably with our public/private land-owning neighbors in the Shawangunk Ridge Biodiversity Partnership. Conservation of important environmental resources will be promoted through strict covenants, conditions and restrictions permanently fixed to the land. For example, Awosting Reserve land owners will agree to imposed restrictions on:

- Architectural Design and Environmental Setbacks
- Building Site Clearing
- Building Materials
- Environmental Engineering
- Building Colors
- Roof Materials and Design
- Landscape Maintenance
- Water Management
- Energy Management
- Exterior Lighting
- Management of Pets

Our objective is to develop new models of community life adjacent to the Shawangunk Ridge to reverse the patterns of conventional development that are less compatible with the long term conservation of land and ecological diversity. Only through a cooperative effort with forward thinking civic leaders will environmentally sustainable communities like Awosting Reserve be possible.

Chaffin/Light Associates (CLA) is responsible for community design, development and management. Property owners will select their own architects and general contractors, who in turn will be required to review all plans with a Habitat Review Board. CLA has successfully demonstrated that conservation-based development works in cooperation

with the environmental and scientific communities in different regions of the country. We believe it will work here in New York state.

The environmental education of residents and their guests will be handled through the Awosting Trust, a non-profit organization dedicated to the art and science of land conservation. Modest cabins and restored farm structures for lectures, programs, and small scale events will be located near the community entry, open to residents, their guests and interested neighbors. The Nature Center located in the Awosting Center will be staffed by naturalists charged with monitoring the environmental health of Awosting Reserve and educating homeowners how to best build and live in harmony with nature. Outreach programs will bring school children and other groups into the community to show them the natural wonders of Shawangunk Ridge and the basics of how to understand and protect the natural environment. Great care will be given to ensure Awosting Reserve programs always complement and never directly compete with programs offered by Minnewaska State Park, the Mohonk Preserve, the Nature Conservancy, Open Space Institute, Friends of the Shawangunks and other environmental organizations active in the area.

To create a sense of community at Awosting Reserve, a rustic path system will link each residential cluster to the community recreational facilities, Awosting Center, and the Awosting Trust. A community swimming pool will reduce the need for individual pools. A fitness center will offer exercise programs, aerobic machines, and weight training. A Trail Club will support outdoor recreation in all seasons. Picnic areas with rustic shelters will be provided for community use. Racquet courts will be built near the village center. On the valley lands around and near Tillson Lake, a signature 18 hole golf course environmentally designed by noted golf course architect, Rees Jones, will strive to qualify for environmental certification by Audubon International. A smaller relocated version of the original beach area on Tillson Lake will provide swimming, boating and fishing access to Tillson Lake for Awosting Reserve homeowners and neighbors with existing lake access rights. On the uplands, the Adirondack design of Awosting Reserve will offer solitude to residents through careful location and landscape management of cabin, cottage and retreat sites.

Social opportunities will be focused at the Awosting Center, which will be the site of the Nature Center, the Fitness Center, Real Estate Administration building and Village Green. The Mountain Lodge will provide community members a family dining facility for a limited number of meals each week, reading room, library and post office.

A rural road system is proposed to be built by the developer and will be owned and maintained by the Awosting Reserve Homeowner's Association. The road design will meet pertinent American Association of State Highway and Transportation Officials (AASHTO) standards and provide for effective stormwater drainage. The applicant's desire is that the main collector road be built of tar & chip, but that the cul-de-sac roads

be built of compacted shale, reflective of carriage roads common in the Shawangunks. The objective is to have the trails and roads cooperate with nature.

All community buildings will be constructed using energy and resource efficient methods. A set of Sustainability Guidelines recommended will be developed to encourage green construction techniques for cabins, cottages and retreats. The Awosting Reserve will serve as a model for Shawangunk communities promoting sustainable development.

A complete set of these community design guidelines will be developed and presented for review by the Towns prior to completion of the Draft Environmental Impact Statement. These guidelines will establish building envelopes, locate all land improvements, and ensure that natural buffers shelter structures from view. Some cabins will be more tightly clustered around the Awosting Center. The architectural guidelines will specify architectural styles, the use of natural materials, and nature blending colors. Maximum landscape disturbance will be defined for each retreat and cottage site. Roof designs and materials will be tightly controlled. The architectural style will generally be a Shawangunk version of Adirondack mountain design. Well articulated building planes, interesting roof lines, sheltered porches, and sensible siting of buildings will be required.

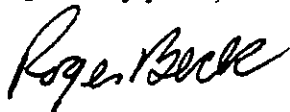
All waste, water and energy systems design guidelines will be reviewed by environmental engineers. Domestic water will be supplied by individual wells. A community wastewater treatment plant, remote and sheltered from view, will provide central sewer treatment. After the wastewater has been treated to near drinking water quality, we propose that it be used to supplement the irrigation of the golf course.

We appreciate that the review of these plans represents a very substantial commitment for the towns involved and we respect the complexity of the proceedings that lie ahead. At the end of the day, when all the testimony is heard, we are confident Awosting Reserve will be a contributing neighbor of which the towns of Gardiner and Shawangunk will be proud. For some community members, the prospect of change will not be easily embraced. We hope, however, that even they will come to respect the tremendous effort that is being made to accommodate their preferences and value systems into the Awosting Reserve's design, and that they will welcome new neighbors to this beautiful region. Working together, I believe we can help establish new, progressive standards for development and conservation in Ulster County that will also make significant economic contributions to the welfare of its citizens. At Awosting Reserve, we hope to demonstrate that private individuals can be as environmentally effective in managing land as our public neighbors.

Page Five

I look forward to working with our neighbors, the Town Planning Boards, and local experts in reviewing the Awosting Reserve plans. You will have our full support to create an open and honest review process.

Respectfully yours,

A handwritten signature in black ink that reads "Roger T. Beck". The signature is written in a cursive style with a large, prominent "R" and "B".

Roger T. Beck
President
Awosting Reserve LLC

/d

**AWOSTING RESERVE
TOWNS OF GARDINER, SHAWANGUNK AND WAWARSING
ULSTER COUNTY, NEW YORK**

**CLUSTER SUBDIVISION APPLICATIONS
AND
SPECIAL PERMIT AND SITE PLAN APPLICATIONS**

TABLE OF CONTENTS

- Exhibit 1** **Statement in Support of the Applications**
- Exhibit 2** **Full Environmental Assessment Form (EAF) For the Project**
- Exhibit 3** **Application Materials Specific to the Town of Gardiner**
- A. Application to the Planning Board for Preliminary Cluster Subdivision Approval
 - B. Application to the Town Board for Special Permit Approval (“Educational, social, cultural or recreational uses”)
 - C. Application to the Planning Board for Special Permit Approval (“Professional offices”)
 - D. Application to the Planning Board for Site Plan Approval
 - E. Full EAF for Town of Gardiner Portion of the Project
- Exhibit 4** **Application Materials Specific to the Town of Shawangunk**
- A. Application to the Planning Board for Preliminary Cluster Subdivision Approval
 - B. Full EAF for Town of Shawangunk Portion of the Project
- Exhibit 5** **Consents of Owners**
- A. Red Oak Partners, LLC
 - B. Putko Tillson Lake, LLC
- Exhibit 6** **Affidavit of Roger Beck dated December 3, 2002 with attached Property Information List**
- Exhibit 7** **List of Existing Covenants and Restrictions Affecting the Property**
- Exhibit 8** **Index of Application Drawings**

Exhibit 1

TOWN BOARD OF THE TOWN OF GARDINER
PLANNING BOARD OF THE TOWN OF GARDINER
PLANNING BOARD OF THE TOWN OF SHAWANGUNK
ULSTER COUNTY, NEW YORK

-----X
Matter of the Application of:

AWOSTING RESERVE, LLC, Owner-Applicant
and
RED OAK PARTNERS, LLC, Owner
and
PUTKO TILLSON LAKE, LLC, Owner

PROPERTY LOCATION:

Towns of Gardiner, Shawangunk & Wawarsing
Ulster County, New York
-----X

STATEMENT IN SUPPORT OF THE APPLICATIONS

INTRODUCTION

Owner-Applicant, Awosting Reserve, LLC, a Delaware limited liability company (the "Reserve" or the "Applicant"), by its attorneys, McCullough, Goldberger & Staudt, LLP, submits this Statement in support of its applications to the Town Board of the Town of Gardiner, the Planning Board of the Town of Gardiner and the Planning Board of the Town of Shawangunk for cluster subdivision, special permit and site plan approval for development of a conservation based community lying within the Towns of Gardiner, Shawangunk and Wawarsing. Specifically, Applicant, with the consent of other owners, seeks (1) cluster subdivision authorization and special permit approval from the Town Board of the Town of Gardiner, (2) cluster subdivision approval, special permit and site plan approval from the Planning Board of the Town of Gardiner and (3) cluster subdivision approval from the Planning Board of the Town of Shawangunk (collectively the "Applications"). Applicant does not propose development in the Town of Wawarsing. Consequently, no approvals are sought from the Town of Wawarsing boards.

STATEMENT OF FACTS

The Property

The land which is the subject of the Applications, in total, is approximately 2,660 acres in size (the "Property"). Of that total acreage, approximately 2,237 acres are located in the Town of Gardiner (the "Gardiner Portion of the Property"), approximately 282 acres are located in the Town of Shawangunk (the "Shawangunk Portion of the Property") and approximately 141 acres are located in the Town of Wawarsing (the "Wawarsing Portion of the Property").

The Property occupies much of the area immediately below the southern escarpment of the northern Shawangunk Mountain Range. It is primarily comprised of wooded, relatively undeveloped land, with several regulated streams, regulated wetlands, a number of shale borrow pits, a system of existing shale roads and a few existing structures.

The Owners and Their Consent to the Applications

The Reserve currently owns approximately 2,511.5 acres of the Property. Red Oak Partners, LLC and Putko Tillson Lake, LLC, both of which are subsidiary limited liability companies of the Reserve, are the owners of individual parcels of property located in the Town of Gardiner that are approximately 3.5 acres and 2 acres in size, respectively. Red Oak Partners, LLC and Putko Tillson Lake, LLC join in and consent to the Applications. See Consent of Owners, Red Oak Partners, LLC and Putko Tillson Lake, LLC, submitted with the Applications as Exhibit 5. Applicant is also under contract with John A. Bradley to acquire an approximately 143 acre parcel. This approximately 143 acre parcel is included as part of the Applications (the Reserve has also agreed to permit Mr. Bradley to place a memorial on the Property in honor of his late wife and children). For more details on the properties owned by the Reserve, Red Oak Partners, LLC, Putko Tillson Lake, LLC and Mr. Bradley, see Affidavit of Roger Beck dated December 3, 2002 and attached property list submitted with the Applications as Exhibit 6.

Zoning Districts of the Property

The Gardiner Portion of the Property is located in the Town of Gardiner's ARR-200 Agricultural-Recreational-Residential District ("ARR-200 District"). See Zoning Law of the Town of Gardiner, New York ("Gardiner Zoning Law") § 30.22(A). "Single family detached residences" are permitted in the ARR-200 District as one of the "uses permitted by right." See Gardiner Zoning Law § 30.32 and Attachment A, Use Index Section I. "Professional offices" and "educational, social, cultural, or recreational uses" are permitted in the ARR-200 District as "uses by special permit." See Gardiner Zoning Law § 30.32 and Attachment A, Use Index Section I. Special permits for "professional offices" are approved by the Planning Board, while special permits for "educational, social, cultural, or recreational uses" are approved by the Town Board. See Gardiner Zoning Law § 30.32 and Attachment A, Use Index Section I. "Cluster development" is allowed in the Town of Gardiner upon approval of the Town of Gardiner Planning Board, following authorization to modify the applicable bulk and area provisions of the Gardiner Zoning Ordinance from the Town Board. See Gardiner Zoning Law § 30.44.

The Shawangunk Portion of the Property is located in the Town of Shawangunk's R-Ag 3 Residential-Agricultural District ("R-Ag 3 District"). See Code of the Town of Shawangunk, New York, Ch. 177, Zoning ("Shawangunk Zoning Ordinance") § 177-2. "Single-family detached dwellings" are a permitted use in the R-Ag 3 District as one of the "principal permitted uses." "Cluster subdivision" is allowed in the Town of Shawangunk upon approval by the Town of Shawangunk Planning Board. See Shawangunk Zoning Ordinance § 177-18(B). The Shawangunk Portion of the Property is located within the Town's Shawangunk Ridge Critical Environmental Area.

The Wawarsing Portion of the Property is located in the Town of Wawarsing's R/C-5A Residential Conservation District ("R/C-5A District"). See Code of the Town of Wawarsing,

New York, Ch. 112, Zoning ("Wawarsing Zoning Ordinance") § 112-3(C). While "one single-family dwelling per lot" is allowed in the R/C-5A District as one of the "permitted principal uses" and "average density subdivisions" are allowed in the Town of Wawarsing upon approval by the Town of Wawarsing Planning Board, in order to conserve and protect one of the most sensitive parts of the Property, no development is proposed for the Wawarsing Portion of the Property. See Wawarsing Zoning Ordinance §§ 112-8(A)(1), 112-9(A). The Wawarsing Portion of the Property will be protected as open space by a voluntary restriction to be placed on that portion of the Property by the Applicant prior to final approval.

Cluster Subdivision Applications

As part of the Applications, the Reserve is applying for cluster subdivision approval for development of 353 lots on approximately 2,364 acres of the Property. Of these 353 lots, 349 will be single family detached residence lots. The remaining 4 lots will be home to the following community buildings, discussed in more detail below – (1) the Awosting Trust, (2) the Awosting Center, (3) the Awosting Sales and Administration building, and (4) the Wastewater Treatment Facility and Maintenance Facility. As also discussed in more detail below, Applicant proposes to construct a championship caliber 18-hole golf course on the remaining portion of the Property (approximately 296 acres). The golf course lot will also feature a Tillson Lake beach facility.

Applicant's cluster plan shows three types of home sites – 269 retreat home sites, 52 cottage home sites and 28 cabin home sites. ~~Retreat home sites have an average lot size of 2.5 acres~~ ^{Retreat home sites have an average lot size of 2.5 acres} and one-half (2 1/4) ~~acres~~ ^{acres} and will accommodate principal and/or accessory buildings with a combined maximum livable floor area of ~~4,500~~ ^{4,500} square feet. Cottage lots have an average lot size of one (1) acre and will accommodate principal and/or accessory buildings with a combined maximum livable floor area of 3,000 square feet. Cabin lots have been designed to have an

average lot size of one-half (1/2) acre and will accommodate principal and/or accessory buildings with a combined maximum livable floor area of 2,000 square feet.

Under the proposed plan, Applicant proposes to voluntarily dedicate approximately 66 percent of the Property (approximately 1,753 acres) as open space. The open space will be restricted from future development. The restriction on the golf course will permit only golf course and other outdoor recreational uses and the restriction on the other open spaces will permit only low impact recreation and education uses such as a trail system and picnic areas. Applicant will voluntarily place the open space restrictions on the relevant portions of the Property prior to any final approval.

Accessory to the residential units, the Applicant proposes to construct a wastewater treatment facility and a community maintenance facility on one of the lots in the Town of Gardiner. After construction, the wastewater treatment facility and lot will be owned and operated by a sewage-works transportation corporation authorized by the New York Transportation Corporations Law. In addition, the Applicant proposes to provide an area for an approximately 1,000 square foot Emergency Response Center building on the wastewater treatment/maintenance facility lot to be used by local emergency response organizations in the event emergencies occur on or near the Property. Use of the emergency response site will be available whether such emergencies are related to Reserve residents or the general public.

Special Permit and Site Plan Applications

A. Golf Course

As briefly stated, the Applicant proposes to construct an 18-hole golf course on an approximately 296 acre portion of the Property, located in the far eastern part of the Property. The golf course will be wholly located in the Town of Gardiner. The golf course will be a private, championship caliber course designed by golf course architect Rees Jones. The golf

course will include a driving range and other practice areas.

The proposed golf course will also have a clubhouse ("Golf House") and attendant maintenance facilities. The Golf House will be an approximately 12,700 square foot building, setback from, but located near, Tillson Lake. The Golf House primarily will be made up of offices, locker rooms, bag storage areas, and a kitchen and dining area. Cart storage will require additional square footage that will be located under the Golf House or in a separate accessory building. Accessory parking will be provided near the Golf House, and the original small golf clubhouse may be renovated as an accessory building.

The golf course maintenance facility will be located in the far southeast portion of the golf course site. The maintenance facility site will be comprised of an approximately 6,000 to 8,000 square foot storage building and a separate office/mechanics building. The entire maintenance facility site will be surrounded by golf course fairways, greens or tees, with the buildings setback at least 250 feet (approximately) from nearby property lines. A separate parking area for maintenance workers and other staff will be provided on the maintenance facility site.

Also proposed to be located on the golf course lot is the Tillson Lake beach facility. This small beach area around Tillson Lake will provide beach, boat and fishing access to Tillson Lake for Reserve residents and guests, and neighbors with existing lake access rights. - none?

All of these uses are "educational, social, cultural, or recreational uses" permitted in the ARK-200 District as a use by special permit from the Town Board. See Gardiner Zoning Law § 30.32 and Attachment A, Use Index Section I.

B. Awosting Trust

The Awosting Trust will be located near the Aumick Road entrance to the Property. The Awosting Trust lot will be comprised of a small cluster of renovated existing buildings, with

three new cabins on separate lots in close proximity.

The Awosting Trust lot will be home to the non-profit Awosting land trust that will own the open space lands of the community. The Awosting land trust will ensure the proper use, care, maintenance and conservation of the open space lands. The Awosting Trust lands will have a conservation easement on them in favor of and monitored by a second local or national land trust. In addition to care and maintenance of the open space lands, the Awosting Trust will provide education to Reserve residents and their guests, and conduct outreach programs to school children and other residents from the local communities to learn and study the ecological and geological attributes of the Shawangunks. Education will be provided through programs, lectures, small scale cultural events and outdoor activities such as hiking. The Applicant is committed to taking great care to ensure that the Awosting Trust programs will always complement and never compete with programs of the Mohonk Preserve and other local environmental organizations. These uses are permitted as "educational, social, cultural, or recreational uses" subject to special permit approval from the Town Board. See Gardiner Zoning Law §§ 30.32 and 30.122(26); Attachment A, Use Index Section I.

C. Awosting Center

The Awosting Center is a group of community buildings located in the Town of Gardiner. The Awosting Center will be comprised of (1) an approximately 7,700 square foot Mountain Lodge building, (2) a Nature Center, and (3) a community Fitness Center with nearby pool and tennis courts. The Awosting Center will also feature an approximately one-acre village green and a community post office center.

The Mountain Lodge will have no overnight lodging. The Mountain Lodge will include a post office and offer a gathering place for Reserve residents and provide an on-site dining facility with a limited number of meals each week. The Nature Center will be staffed by

naturalists who will monitor the environmental health of the Reserve and educate guests and Reserve residents on how to best build and live in harmony with nature. Each of these uses is permitted as an "educational, social, cultural or recreational use" by special permit from the Town Board. See Gardiner Zoning Law § 30.32 and Attachment A, Use Index Section I.

D. Awosting Sales and Administration Building

Located in the Awosting Center, next to the Mountain Lodge, but on a separate lot, will be the Awosting Sales and Administration building. It will be approximately 3,000 square feet in size and will house the Reserve sales and administration offices, including areas for residential property sales and closings. This use is permitted as a "professional office" use by special permit from the Planning Board. See Gardiner Zoning Law §§ 30.32 and 30.122(26); Attachment A, Use Index Section I.

E. Other Educational, Social, Cultural or Recreational Uses

As part of the proposed plan, Applicant proposes to develop and/or upgrade a trail system that will weave its way through the open space lands of the Property. This trail system will be used by Reserve residents, the Awosting Trust, the Nature Center, and their guests, for recreational and educational activities. Additionally, Applicant proposes to provide a play field and picnic areas for Reserve residents and their guests. The play field is to be located across from the Awosting Trust lot near the Aumick Road entrance. The picnic areas are to be located at four sites on the Property, all of which are to be located in the Town of Gardiner. These uses are permitted as "educational, social, cultural, or recreational uses" by special permit from the Town Board. See Gardiner Zoning Law § 30.32 & Attachment A, Use Index Section I.

Private Roads & Welcome Houses

Applicant proposes a private road system which will be maintained by the Awosting Reserve Homeowner's Association. The roads will have at least 50 foot rights-of-way and be

constructed with materials which will reflect the rural nature of the Property. The roads will meet or exceed pertinent road design standards of the American Association of State Highway and Transportation Officials (AASHTO).

Within the road right-of-way, Applicant proposes to construct two small Welcome Houses near the Campfire Road and Aumick Road entrances to the community.

Gated Community

Cliff, Wetland and Stream Setbacks

As part of its proposed cluster plan, the Applicant has self-imposed a 500 foot cliff buffer. That is, Applicant has designed the proposed cluster plan to avoid any construction of buildings within 500 feet of the cliffs of Shawangunk Ridge.

In addition, Applicant has designed the proposed cluster plan to setback all new buildings at least 100 feet from New York State designated freshwater wetlands and 50 feet from all protected streams, as required by State law. With approximately 93 acres of wetlands on the Property, Applicant's cluster plan only proposes a disturbance of less than one (1) acre of regulated wetlands, primarily for roads and road crossings.

Community Design Restrictions

Furthermore, the Applicant's proposal contemplates self-imposed community design guidelines. These guidelines will establish maximum building envelopes, maximum building sizes, maximum landscape clearing areas, and architectural guidelines, such as specifying natural materials and nature blending building colors. The architectural style of the Reserve community will be a Shawangunk Mountain version of Adirondack design.

THE APPLICATION MEETS THE CRITERIA FOR CLUSTER SUBDIVISION APPROVAL (TOWNS OF GARDINER & SHAWANGUNK)

New York State Law authorizes cluster development. The cluster development regulations relating to towns are found in section 278 of the New York Town Law. Section

