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Press Release

Court Permits Challenge to Crossroads Venture's Resort Design to Proceed

Ruling: Motion to Dismiss Suit Against Shandaken Planning Board is Denied

June 23, 2016

Shandaken, NY: Handing a victory to the local communities and environmentalists challenging the proposed Belleayre Resort, state Supreme Court Justice Richard Mott ruled June 21 that the Shandaken Planning Board may have “improperly issued a special permit in violation of zoning laws” when it determined that the 724-acre project “is a use allowed by the Town of Shandaken Zoning Code.”

Lawyers for the Catskill Heritage Alliance, arguing against the legitimacy of the special permit, filed an Article 78 petition in February 2016 that challenged the Planning Board's failure to refer Crossroads Ventures' application to Shandaken's Zoning Board of Appeals for one or more variances. According to the Alliance, the proposed multi-family dwellings, conference centers, and independent spas are prohibited by local zoning laws where they have been sited in Crossroads' designs and cannot be permitted without variances. Crossroads Ventures had argued that CHA's petition should be dismissed on procedural grounds, but the Court found no basis for such a dismissal and ordered that the case should proceed forward to full review.

Said the Alliance's chair Kathy Nolan: “The Court is now set to review the substance of our petition and address community concerns about Crossroads not being required to meet legal requirements that others have to meet. The law applies to everybody; that's what this case is about, and this decision confirms that the issues we have raised are real and deserving of a full examination by the Court.”

Over the next several weeks, both Crossroads Ventures and the Alliance will have the opportunity to file additional materials analyzing the proposed design in relation to Shandaken's zoning laws.

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