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COMMERCIAL DESIGN GUIDELINES

Sullivan County, New York

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I. INTRODUCTION



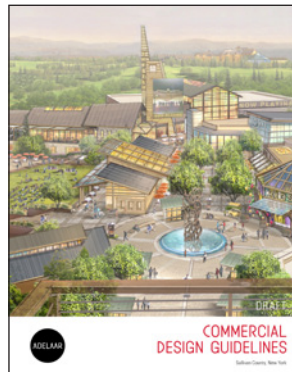
COMPREHENSIVE DEVELOPMENT PLAN

- The vision for Adelaar
- Overall land uses and densities
- Design standards regulated by the Town of Thompson



LANDSCAPE MASTER PLAN

- The vision for all landscape improvements
- Preserving the natural environment
- Creating recreational opportunities



COMMERCIAL DESIGN GUIDELINES

- Overall design intent
- Specific guidelines for commercial parcels: architecture, landscape, streetscape, roadways, and infrastructure
- Design Review Process



RESIDENTIAL DESIGN GUIDELINES

- Overall design intent
- Specific guidelines for residential parcels: architecture, landscape, streetscape, roadways, and infrastructure
- Design Review Process

I. INTRODUCTION

This chapter provides an overview of the planning objectives and the guiding principles for design at Adelaar. It also summarizes the roles and responsibilities of each party in the Design Review process.

This document, the Adelaar Commercial Design Guidelines, constitutes part of the Governing Documents for Adelaar. The following documents provide additional information, and are also included in the Governing Documents:

- Comprehensive Development Plan;
- Landscape Master Plan;
- Residential Design Guidelines.

Unless otherwise indicated, capitalized terms used herein shall have the same meaning as in the Master Declaration. In the event there is any conflict between the Guidelines and the Master Declaration, the Master Declaration shall control.

The Comprehensive Development Plan (CDP) describes the manner in which Adelaar is to be developed over time and how the various land uses tie together in a cohesive manner. The Landscape Master Plan (LMP) explains the vision for all landscape Improvements to create the distinctive Catskills landscape experience and recreational opportunities for residents and visitors. The Residential Design Guidelines contain guidelines and policies for the Residential areas, defined as areas suitable for long-term human dwelling, at Adelaar. The use of the terms “Design Guidelines” and/or the “Guidelines” in this volume shall by reference include information in the other Governing Documents. Future development phases and/or modifications to the existing Guidelines may be made from time to time.

The Guidelines are intended to provide guidance for all development and construction – new buildings, building additions, sitework, and landscaping – as well as any subsequent changes or alterations to previously approved plans or existing structures. The

Guidelines will be administered and enforced by the Design Review Committee (DRC) in accordance with procedures set forth in the CDP, Master Declaration and the Bylaws, all as may be amended thereafter. In the event of any conflict between the Guidelines and the CDP, the CDP shall govern and control.

The Guidelines may be amended from time to time. It is the Applicant’s responsibility to obtain the most current edition of the Guidelines from the DRC, and to have carefully reviewed all applicable sections.

The Guidelines are binding on any person, company or firm that intends to construct, reconstruct or modify any permanent or temporary Improvements at Adelaar or in any way alter the natural setting of the Catskills environment. Applicants and their representatives, consultants, Builders, and Contractors shall familiarize themselves with the Guidelines prior to the start of design or construction.

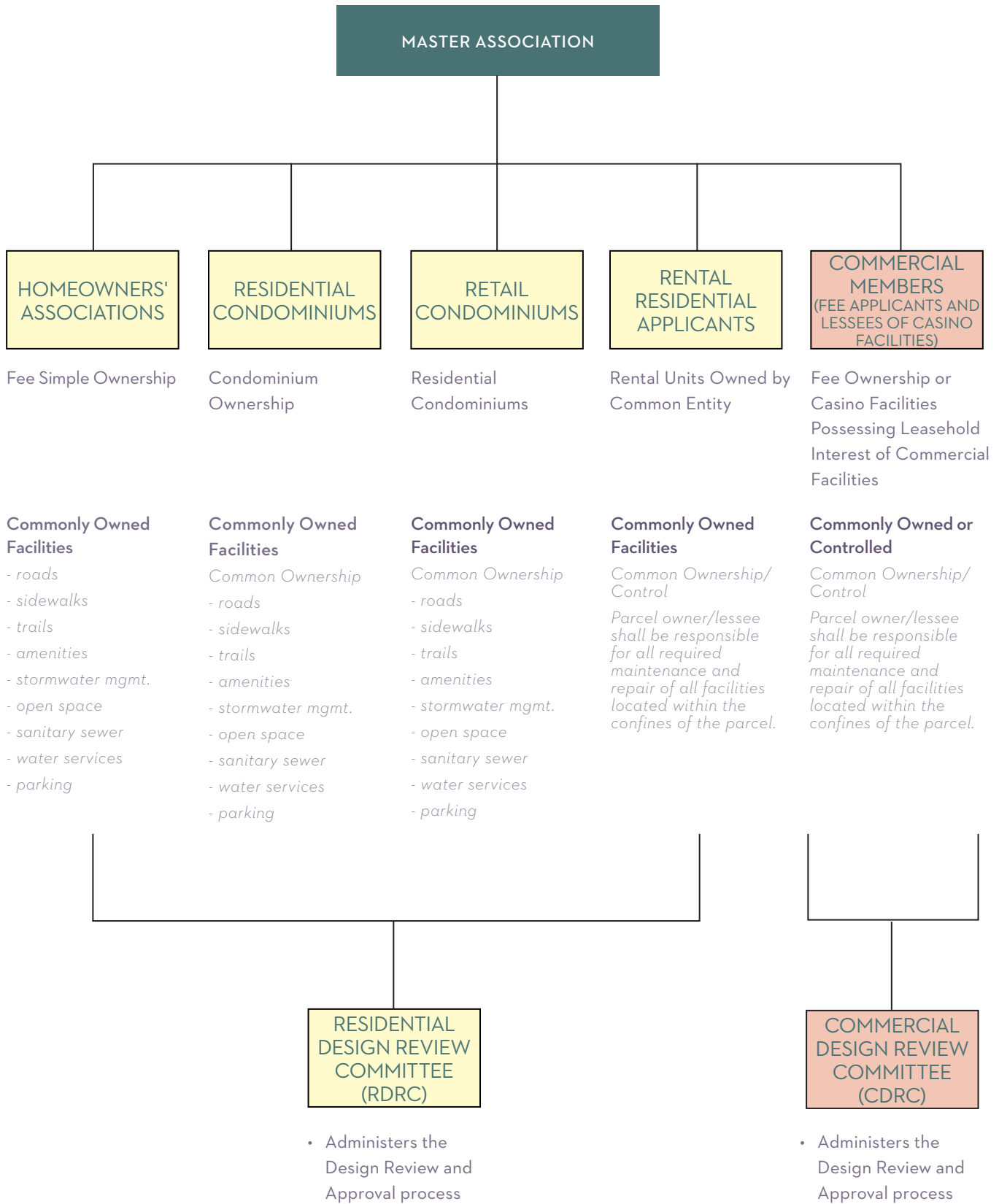
All capitalized terms in the Guidelines are defined in Appendix A. The illustrations in this document are intended to convey a concept, not to portray specific plans for construction. The purpose of the Guidelines is to ensure that designs are compatible with the site, the overall environment and the design objectives of Adelaar.

1.1 PHILOSOPHY

Adelaar is to be a complete, four-season resort community where residents and visitors can live, work, play, shop and discover. A variety of land uses, building types, recreation areas, and natural open spaces have been planned with the intent to support this goal.

1.2 COMMERCIAL DESIGN REVIEW COMMITTEE

The Commercial Design Review Committee, or CDRC, administers the Design Review and Approval process for all Commercial Parcels in order to ensure that all buildings, landscapes, and other site elements are consistent with the Commercial Design Guidelines. The CDRC’s composition, specific responsibilities, and the design review process are described in Chapter 6 of the Guidelines.



1.3 MASTER ASSOCIATION RESPONSIBILITIES

As described in Chapter V.A of the CDP, the purpose of the Master Association shall be to manage and provide for the orderly development and build-out of Adelaar. It is currently contemplated that the Master Developer will initially be the sole member of the Master Association. As parcels are subsequently sold, leased, or developed, each entity and/or association shall become a member of the Master Association. As other associations are formed, whether commercial or residential, such associations would be subject to the applicable Design Guidelines.

1.4 MASTER DEVELOPER RESPONSIBILITIES

The Master Developer intends to develop an attractive and desirable destination resort community, which will include a mixture of commercial, residential and hospitality projects, and recreational and civic uses, as well as roadways, open space, trails and recreational amenities.

1.5 APPLICANT RESPONSIBILITIES

The Applicant shall be responsible for obtaining and understanding the current version of the Guidelines, the Comprehensive Development Plan, the Landscape Master Plan, and all SEQRA documents including, but not limited to, the Final Generic Environmental Impact Statement; the Final Environment Impact Statement; and the Statement of Findings. The Applicant is responsible for assembling a competent team, understanding the site and the context, and making timely submittals to the CDRC. Except for common infrastructure, the Applicant shall be responsible for obtaining all permits from the Town of Thompson and any other governmental authority required for development.

1.6 BUILDER RESPONSIBILITIES

The Builder, under direct contract to the Applicant and including any subcontractors, shall be responsible for the safe and timely construction of any approved Improvements without undue damage to the natural environment and while minimizing disturbance to visitors, residents and neighboring properties. The builder is responsible for understanding and implementing the Construction Regulations of the Guidelines, found in Chapter VII.

II. COMMERCIAL DESIGN GUIDELINES OVERVIEW

II. COMMERCIAL DESIGN GUIDELINES OVERVIEW

2.1 OVERALL PLANNING OBJECTIVES

Adelaar is committed to the following planning objectives:

- 1. Respect for the Land** - The plan for Adelaar begins with a strong respect for the natural environment. Kiamesha Creek and other important natural features are to be minimally impacted and become the “form givers” for the master plan.
- 2. Distinct centers of activity** - Adelaar will have a variety of destinations, districts, amenities and experiences, each rooted in its particular site, setting, and having a distinct character. The program includes the following uses: Casino Resort, Harness Horse Racetrack, Hospitality, Residential, Commercial, Entertainment, Golf and Recreation.
- 3. Clustered Development** - All uses are to be appropriately clustered and compact, encourage walking, and minimize impacts on the land.
- 4. A Landscape Framework** - The landscape at Adelaar provides a framework that will link together the individual neighborhoods, districts and amenities, expressing the special qualities of the site and establishing a unique sense of place. Existing features of the site will be restored and enhanced to deepen the guest’s awareness of natural settings, wildlife and native plant communities, and cultural landscape traditions.
- 5. Connectivity** - Creating a resort that encourages visitors, residents, and employees to easily move about is fundamental to Adelaar. Clusters of activity will be connected with each other by a network of streets, trails and open space.

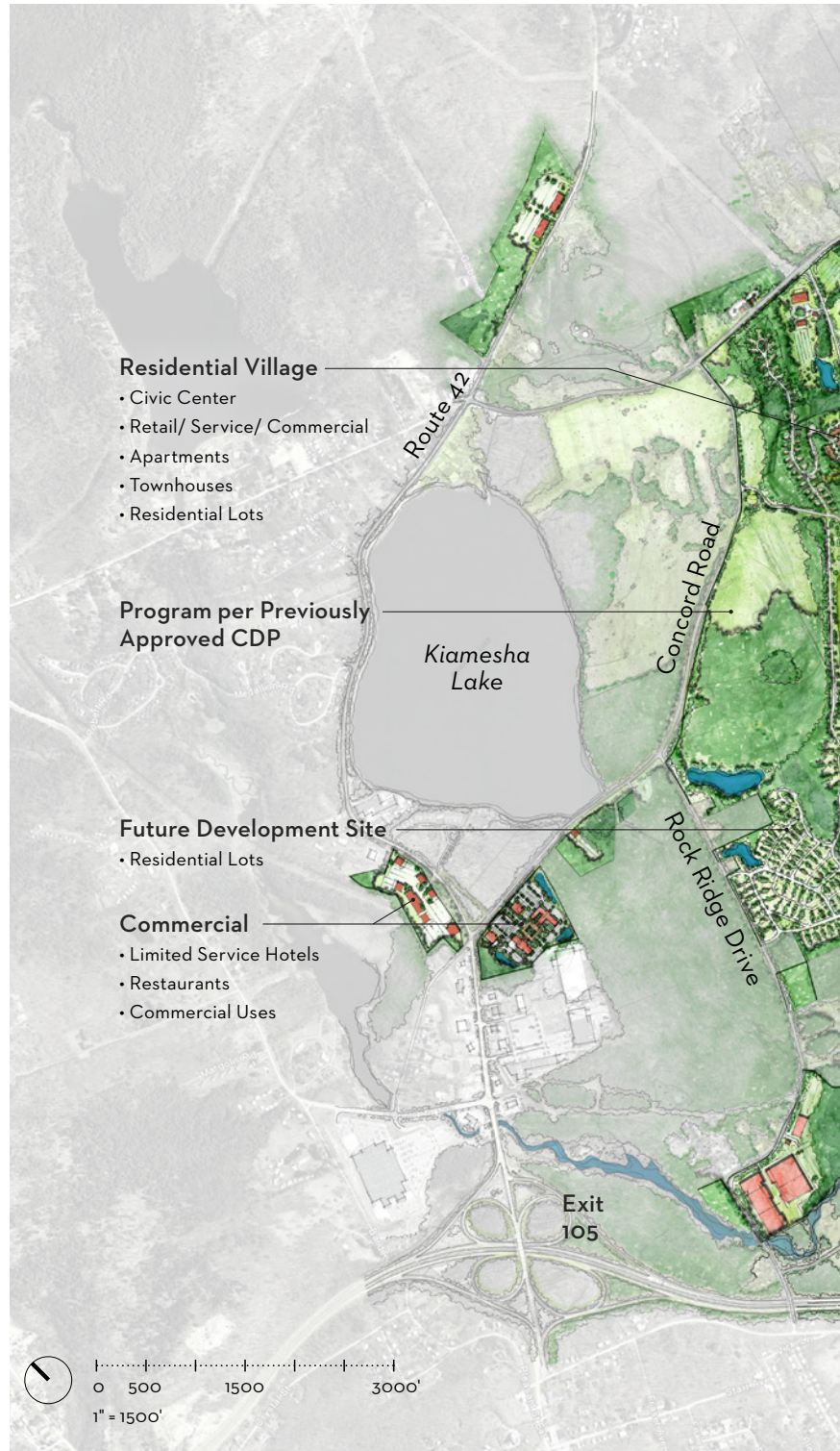




EXHIBIT 2.1: CONCEPT MASTER PLAN

2.2 LOCATION

The commercial parcels at Adelaar are shown on Exhibit 2.2. All Commercial uses are to be located on Commercial Parcels unless otherwise approved as a variance by the CDRC and approved as an amendment to the Comprehensive Development Plan (CDP) by the Town of Thompson.

On some Commercial Parcels, residential uses are also allowed, as described in the CDP. Such residential uses are to conform to the Residential Design Guidelines.

2.3 COMMERCIAL PARCEL AND LAND USE GROUPS

The parcels for which the Commercial Design Guidelines apply are summarized in the table at right and indicated on Exhibit 2.2. For a full description, refer to the CDP.

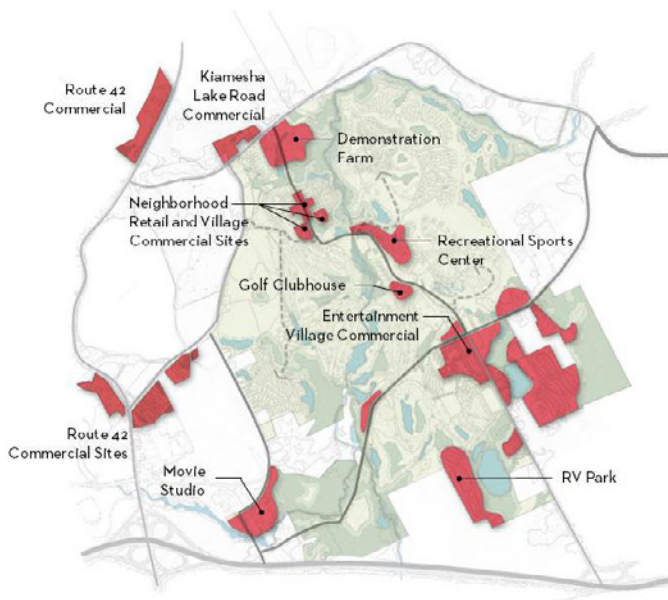
2.4 COMMERCIAL LAND USES IN CONTEXT: AREA FRAMEWORK PLANS FOR ADELAAR

The CDP describes the full range of Commercial uses at Adelaar. The buildings that contain these uses are to be guided by the Area Framework Plans shown in Exhibits 2.3-2.6 of the Guidelines. The Area Framework Plans describes the required elements that will create the overall ambiance of Adelaar and provide common understanding among adjacent Parcels. For a more detailed explanation of the Entertainment Village Framework, please see Section 3.4.

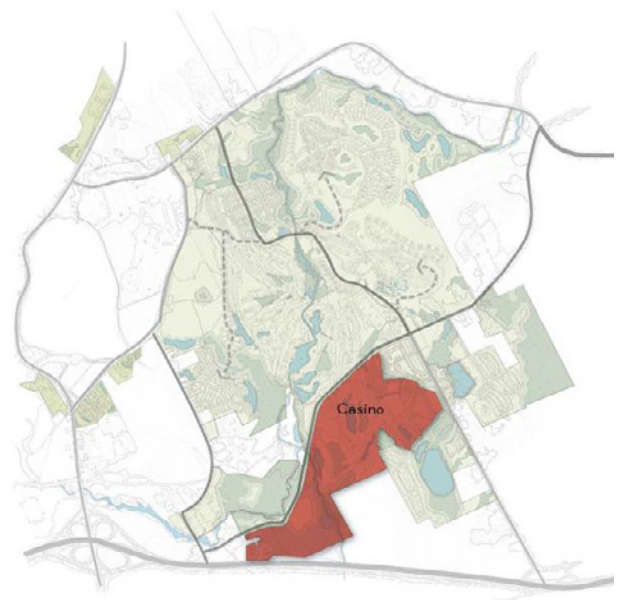
2.4.1 LAND USE SUMMARY TABLE

LAND USE PROGRAM SUMMARY		
PROGRAM	ADELAAR RESORT CDP	MAXIMUM ALLOWABLE PROGRAM
Residential	897 du	4,944 du (@ 4 du/ net acre)
Hotel	1,800 keys	2,183 keys (@ 1.75 keys/ net acre)
Hotel Accessory	15% of 1,100,000 sf	15% of aggregate total net floor area
Casino	405,000 sf	450,000 sf
Commercial	903,000 sf	942,210 sf (allowable commercial SF @ .0175 FAR)
Civic Center	35,000 sf	

du	dwelling unit(s)
key	unit of hospitality accommodation (regardless of unit size)
sf	square feet



Commercial Program



Casino Resort Program



Hospitality Program



Golf, Recreation, and Civic Program

EXHIBIT 2.2: LAND USE PLANS

EXHIBIT 2.3: RESORT CORE FRAMEWORK PLAN

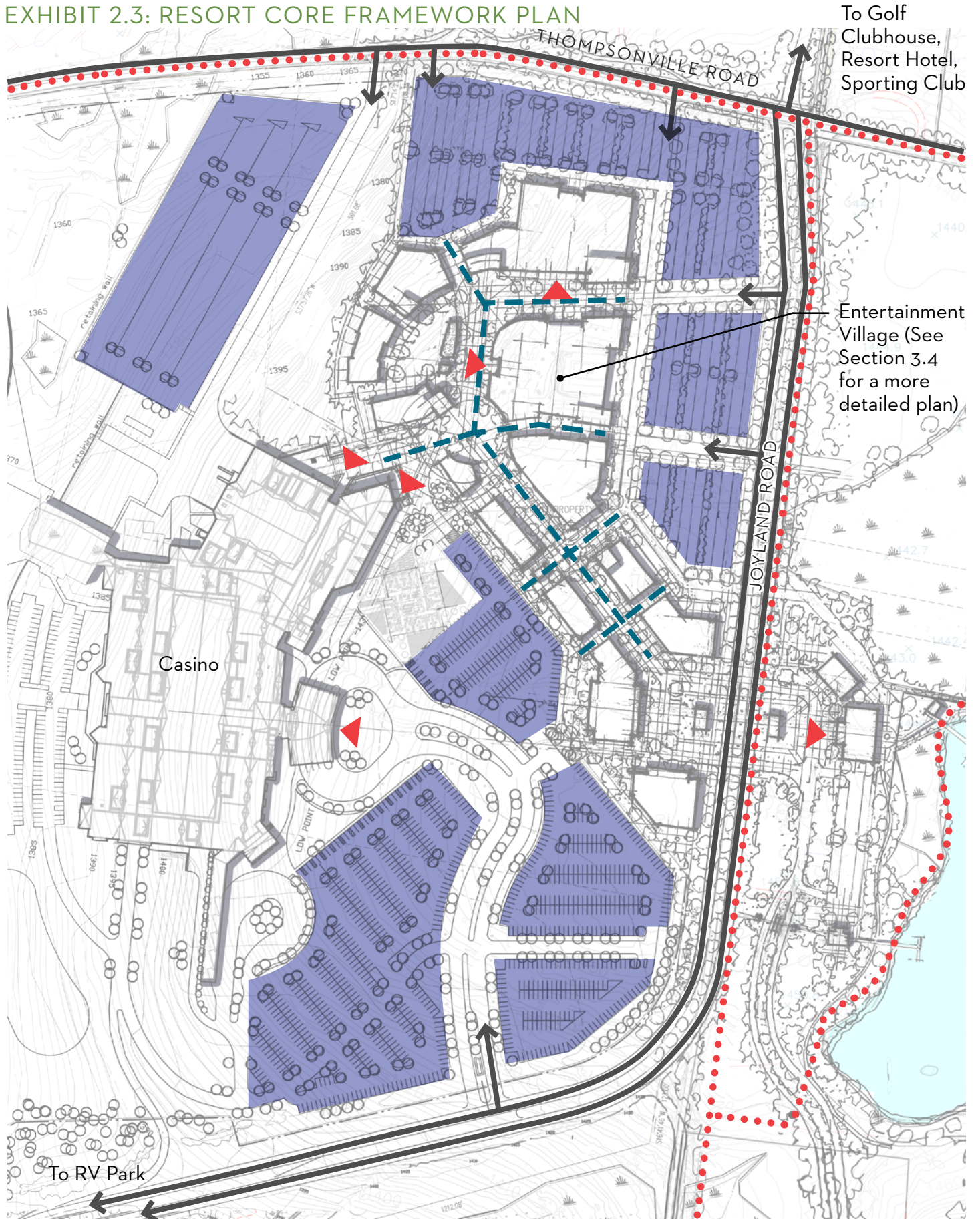


EXHIBIT 2.4: RESORT HOTEL FRAMEWORK PLAN

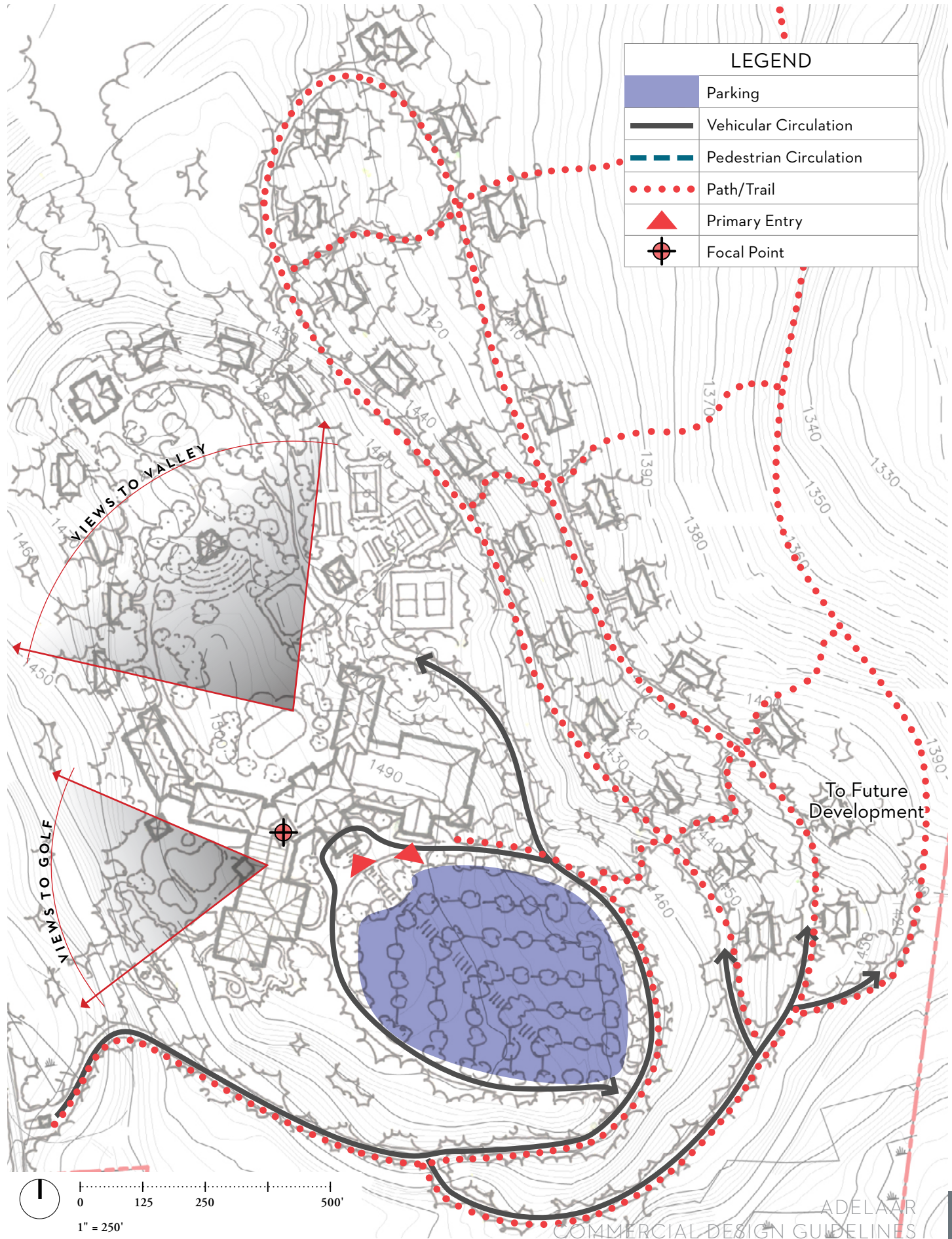


EXHIBIT 2.5: SPORTING CLUB FRAMEWORK PLAN

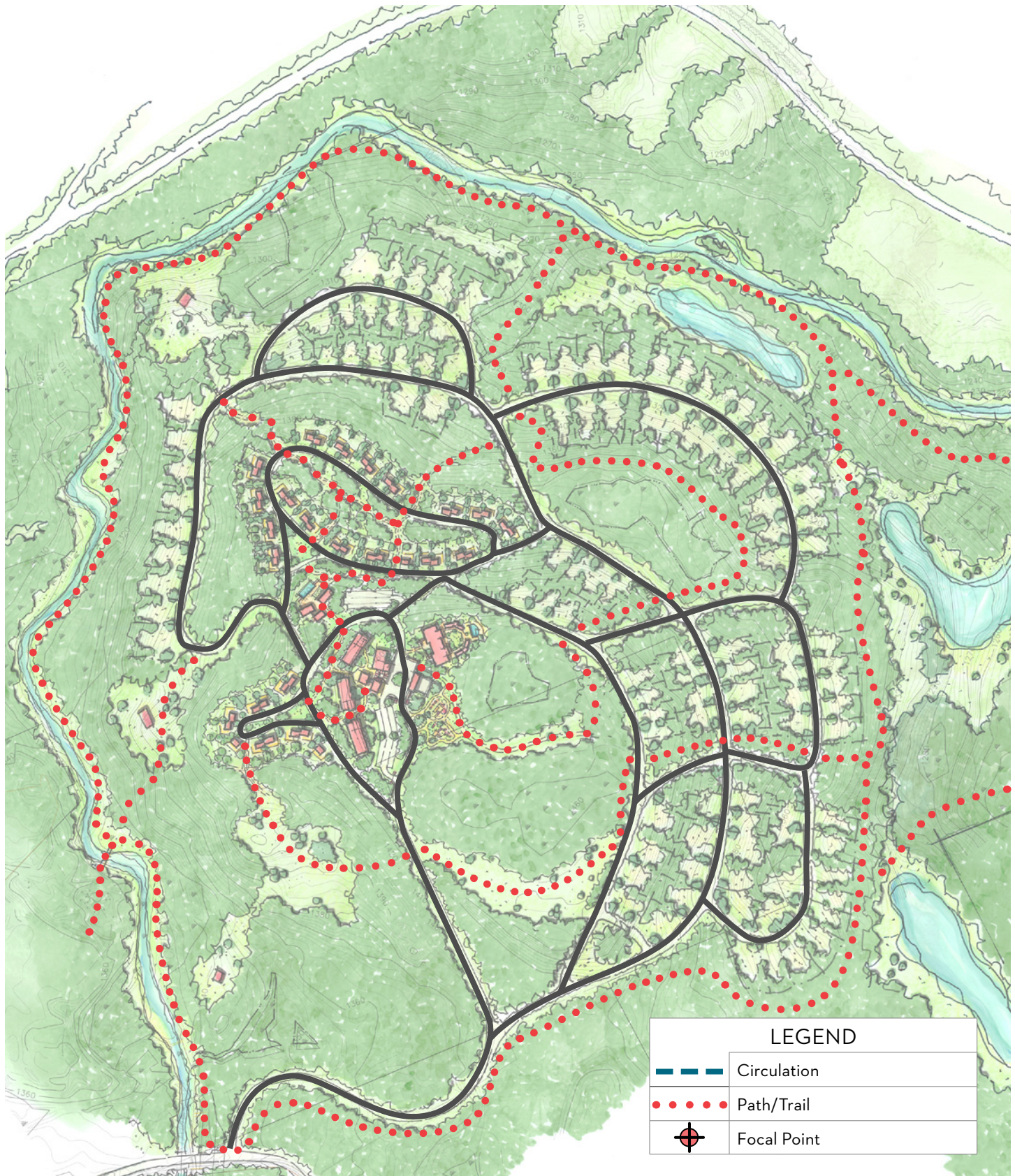
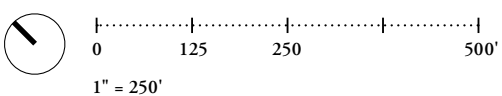
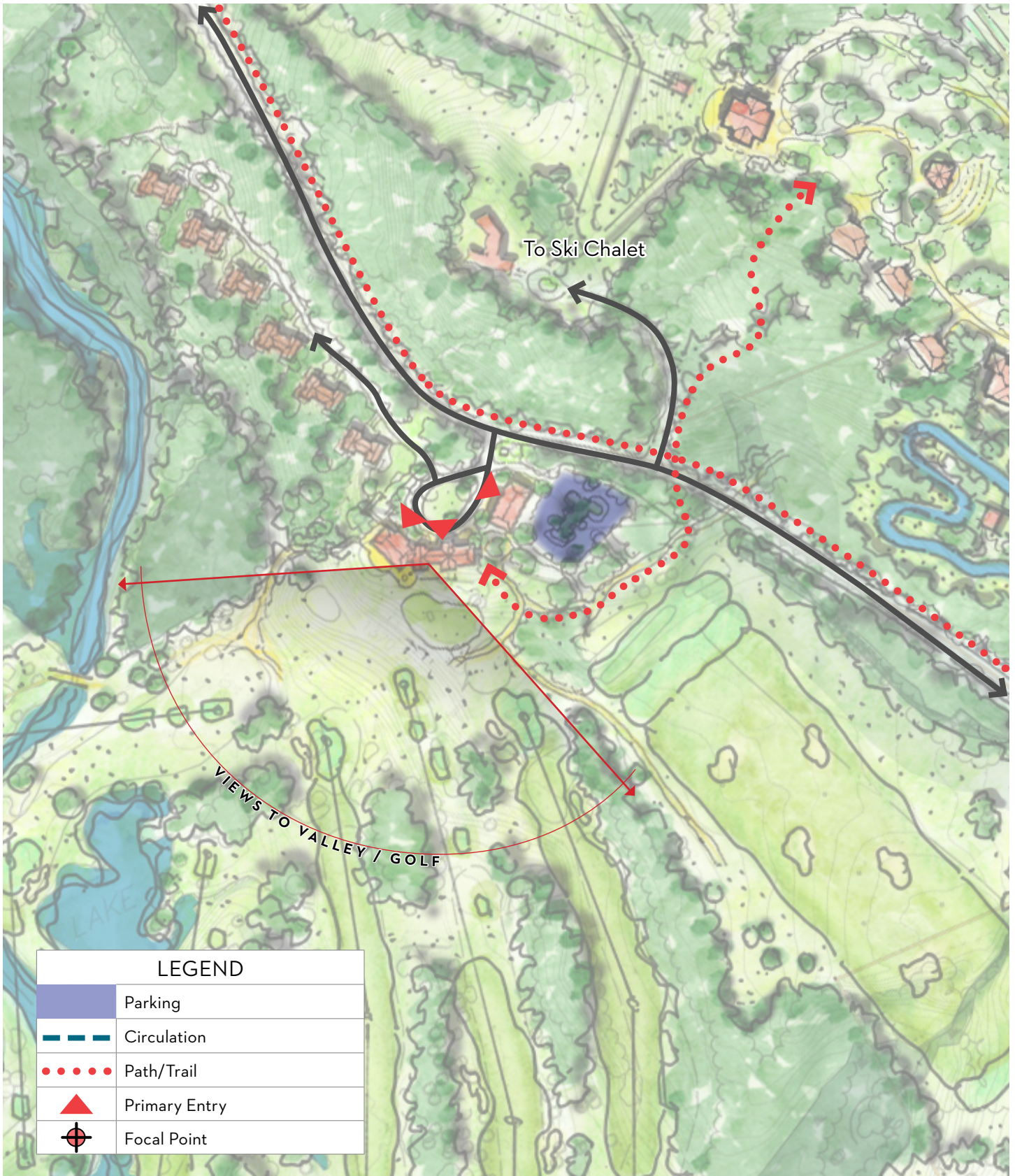


EXHIBIT 2.6: GOLF CLUBHOUSE FRAMEWORK PLAN



Sections 2.4.1 - 2.4.8 and their accompanying graphics are intended to illustrate concepts for the commercial land uses. These areas may ultimately differ from the descriptions and images that are included.

2.4.1 RESORT CORE

The Resort Core is comprised of:

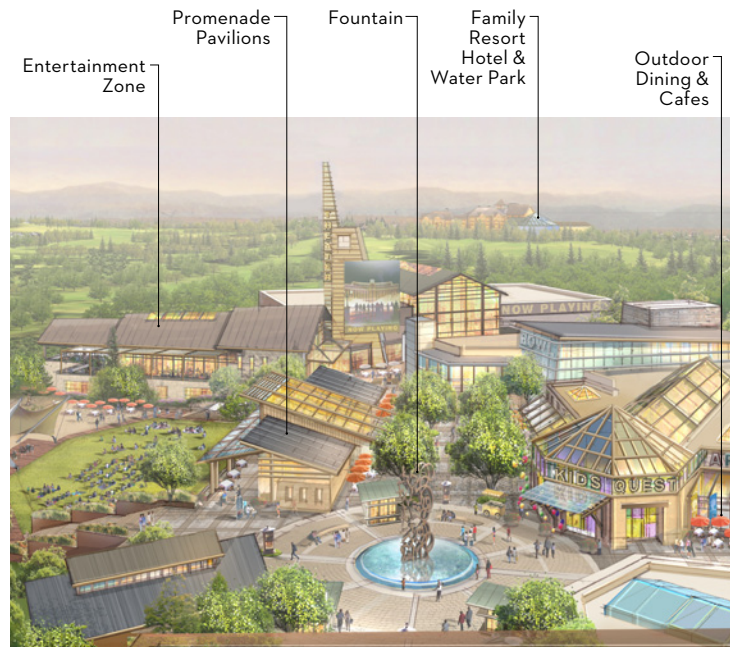
- The Casino Resort (described below);
- A movie theater complex of up to 40,000 square feet and ten (10) screens;
- Additional commercial program totaling approximately 115,000 square feet, potentially including four to five restaurants, a Comedy Museum, a 28-lane bowling alley, a local wine and farmer's market, a children's activity center, and rotating exhibit space to showcase local artists;
- The Waterpark Hotel of up to 400-500 rooms, with the possibility of a conference center;
- The Recreational Vehicle Park;
- Timeshare or Bed and Breakfast.

Casino Resort

The Casino Resort will consist of Video Gaming Machines (VGM), restaurants and food service, up to 498 rooms in two hotels, events center, harness horse racetrack, grandstand/showroom and support buildings, and structured and surface parking.

2.4.2 RESORT HOTEL

The Resort Hotel site will provide an opportunity for a large, family-friendly resort adjacent to a variety of outdoor recreation opportunities. The hotel may include up to 550 rooms, restaurants, a fitness center and spa, a conference center and an indoor/outdoor waterpark.



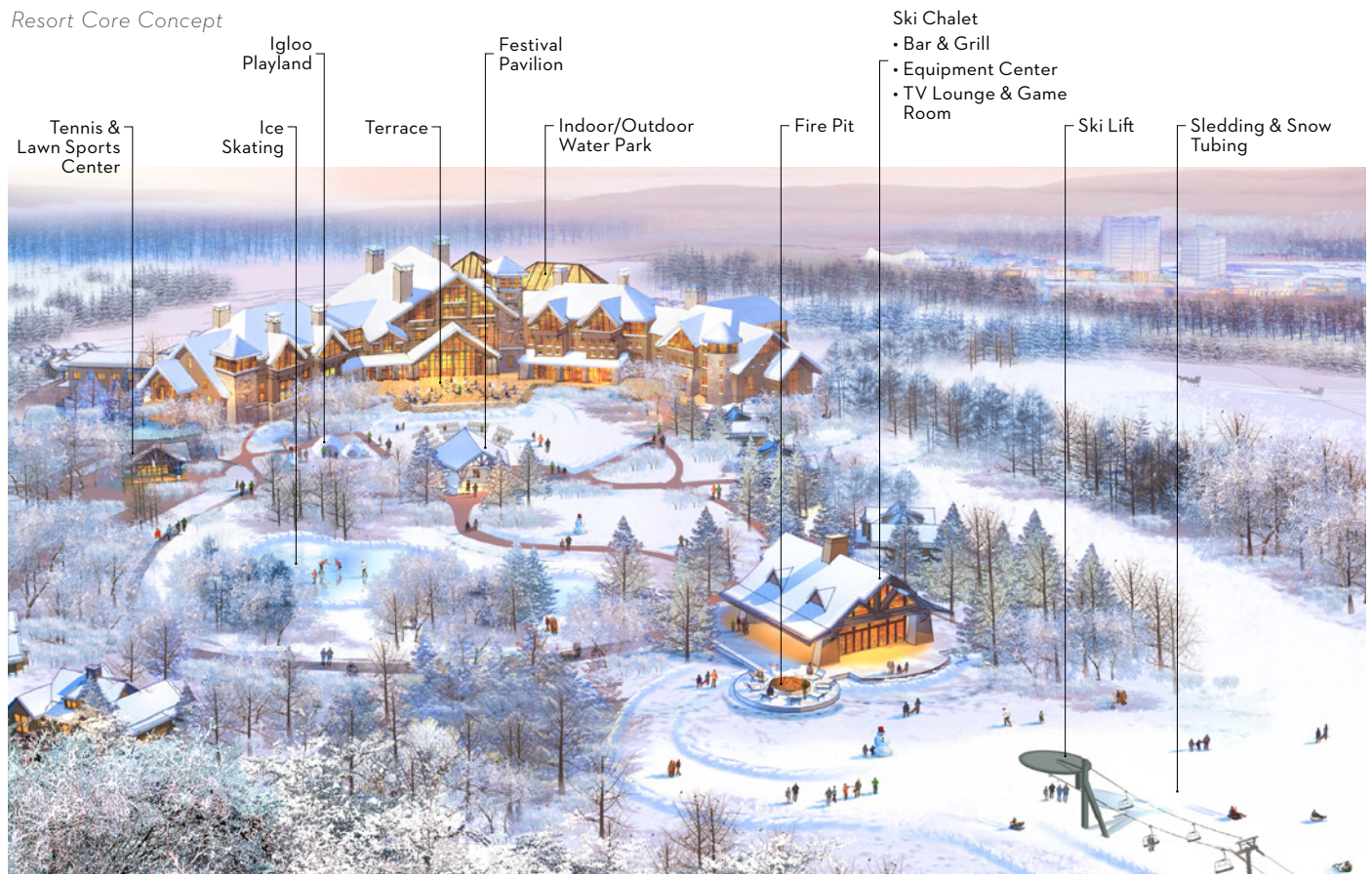
Resort Core Concept



Casino Concept



Resort Core Concept



Resort Hotel Concept

2.4.3 SPORTING CLUB AND BRANDED RESIDENTIAL LOTS

The Sporting Club is intended to celebrate the outdoor-oriented lifestyle and traditions of the Catskills. The core of the Sporting Club may include a Lodge of up to 250 rooms, spa, and fitness center, which are subject to the Commercial Design Guidelines. Up to 170 branded residential lots may also be developed alongside the Sporting Club, which are subject to the Residential Design Guidelines. Alternatively, the Sporting Club may be developed solely as residential lots, up to 410 units, as defined in the CDP, which are subject to the Residential Design Guidelines.

2.4.4 GOLF

The 18-hole Monster Golf Course is intended to be fully renovated to provide a premier golf experience. The renovated course will feature the natural landscape, Kiamesha Creek, and will also take advantage of the rolling terrain of the former International Course. In the winter, the golf course will provide an opportunity for sleigh rides, cross-country skiing, and snowshoeing.

In addition to these features, a new maintenance facility will be constructed for the golf course.

2.4.5 GOLF CLUBHOUSE

The golf course will feature a new Golf Clubhouse of up to 20,000 square feet with the potential for a bar, a clubhouse dining and event space, convenience locker rooms, and lounge area. In the winter, the Golf Clubhouse may serve as a Nordic Center and central location for other nearby cold weather amenities and activities.

2.4.6 RECREATION CORE

In addition to the golf course, recreational pursuits will also include the rehabilitated Concord Ski Area, which will be reinvented as a snow tubing and sledding hill in the winter and a venue for mountain biking during the remaining three seasons. "Pick your own" fruit and maple syrup tapping demonstrations are recreational activities that may be located on the site as well.

2.4.7 MOVIE STUDIO AND SOUND STAGE

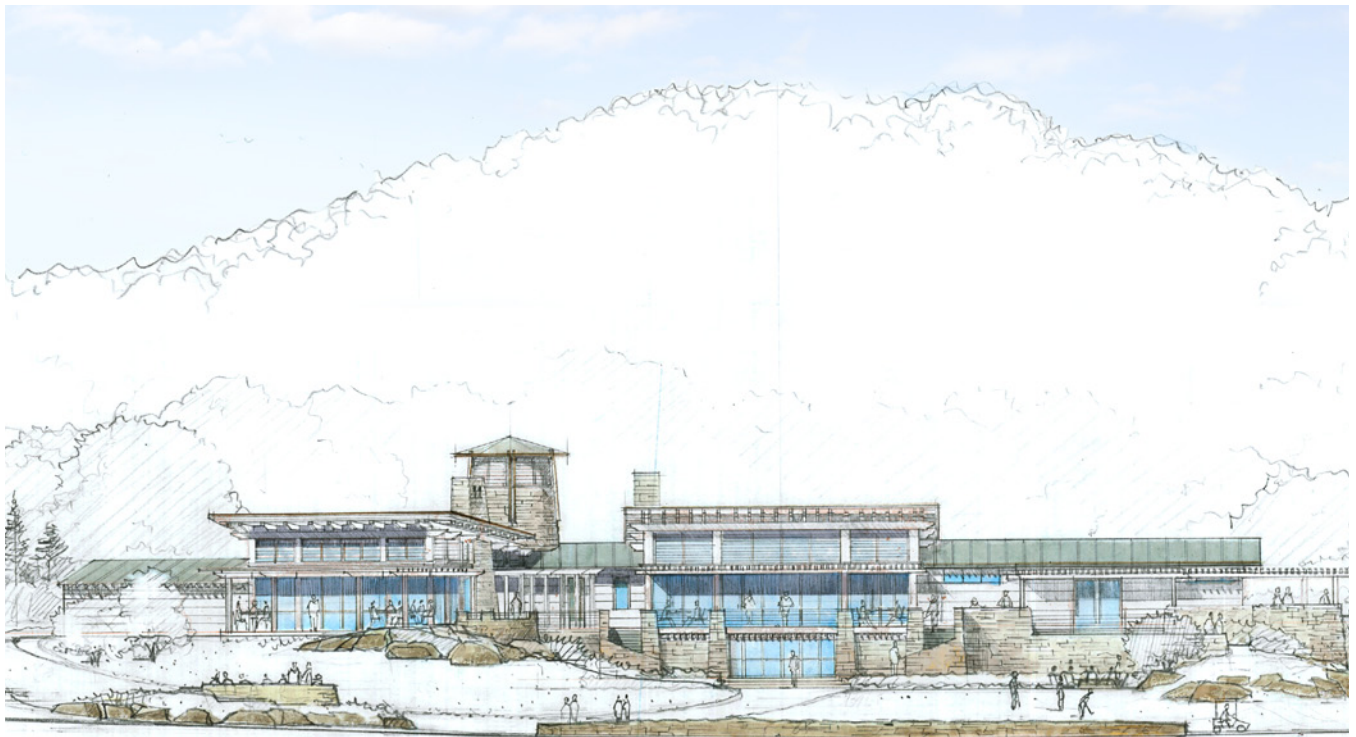
The resort may accommodate up to 175,000 square feet of movie/production studios.

2.4.8 NON-CONTIGUOUS COMMERCIAL PARCELS

There will be a total of up to 290,000 square feet of commercial space in the non-contiguous parcels located along NYS Route 42, Concord Road, and Kiamesha Lake Road. The program includes up to two (2) 125- room hotels: one limited-service hotel and one extended-stay hotel.



Sporting Club Concept



Golf Clubhouse Concept

III. ARCHITECTURAL GUIDELINES

3.1 GUIDING PRINCIPLES

The architectural approach at Adelaar is guided by the following principles:

1. Architecture and landscape character that is “Honestly Modern” - Architecture at Adelaar is to be evocative of the Catskills vernacular, including the iconic historic resorts and hotels, large lodges, round barns, octagon houses, and farmhouses. These building types are valuable legacies of Sullivan County's rich history as not only a vacation destination, but also as an agricultural and early industrial community. Architectural designs at Adelaar should thoughtfully consider and translate the fundamental principles of these building forms, their facade compositions, and material applications in distinctly modern proposals that serve the resort's contemporary uses.



2. Traditional materials used in thoughtful, innovative and contemporary ways - Adelaar is to reference the color, texture, form, and application of materials commonly found in the Catskills and Sullivan County - namely wood and stone. At the same time, contemporary details, glazing and innovative material design can help to distinguish the resort as a fresh interpretation of its surrounding environment.



3. Nature Forward - The natural environment should have a dominant role in the Adelaar experience. The landscape of the public realm is to be rich and well detailed, parks and open spaces varied, and ecological opportunities are to be realized.



4. A four season destination - Adelaar experiences a dynamic pattern of changing conditions throughout the year. Commercial buildings and landscapes are to be designed with this in mind, and turn seasonal challenges into design opportunities. Successful designs will consider architectural and landscape design of commercial areas comprehensively, providing flexible and comfortable indoor and outdoor spaces throughout the year.



5. Sustainability - The responsible use of resources is a key element of Adelaar's approach. Sustainable building systems, site development, materials and construction techniques are encouraged in all design and development. A cooperative approach among Applicants will be required for those systems that cross parcel boundaries, such as stormwater management, as well as other features that collectively serve the resort environment.



6. A pattern that expresses distinctiveness - Diversity of design and individual expression are encouraged, provided that the overall result creates a visually and spatially harmonious destination. In addition to the seasonal considerations mentioned above, buildings are to be designed with both daytime and evening use in mind.

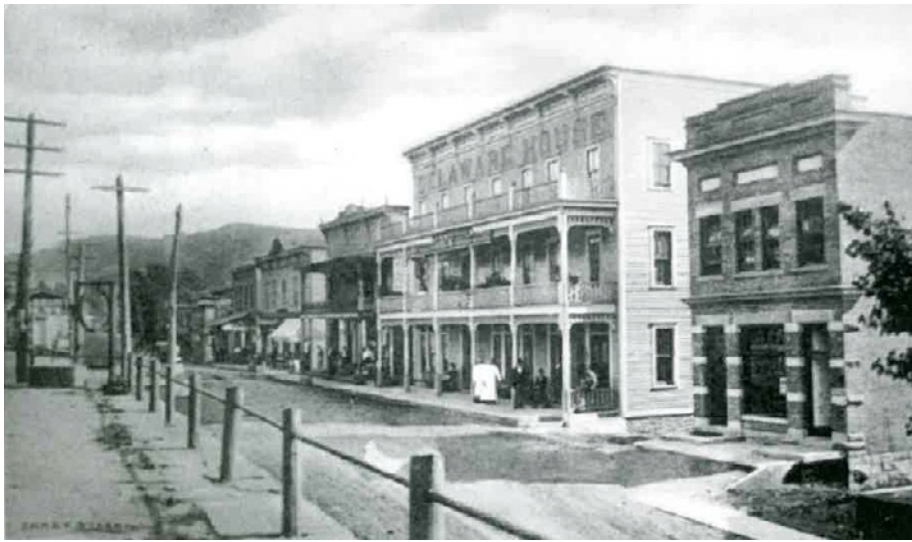


7. A human scale to architecture - Commercial buildings are to be well-proportioned and have elements that are pedestrian-scaled. Sidewalks, streets, and plazas are to be designed in concert with ground floor commercial uses, and variations in height, form, and materials within and across commercial buildings should prioritize creating memorable, intimate experiences for residents and visitors of all ages.



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EXHIBIT 3.1: LEARNING FROM HISTORIC CATSKILLS' TOWNS

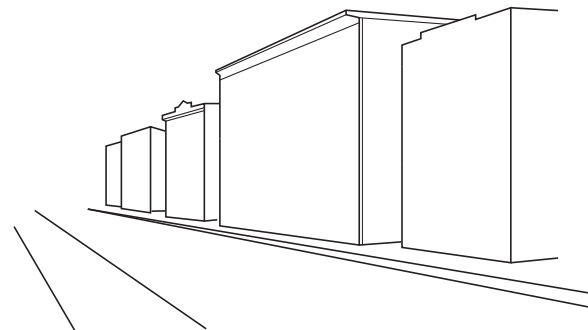


The first defined town centers in Sullivan County appeared in the early 19th century with the emergence of quarrying and the timber industry in the region. The centers often developed linearly along a main street, with a lodging facility (the Delaware House, featured at center) and basic commercial uses.

The size, shape, and orientation of each building along main street varied based on functional requirements and established construction methods.

Image of nineteenth-century Callicoon, a nearby town in Sullivan County





1. Commercial buildings should vary their heights, width of street frontage, setbacks, and roof profile to fundamentally distinguish unique uses and attractions. At the same time, each building is part of an overall streetscape, and the composition of building heights should give the overall impression of a low-rise, "small town" center.



2. Glazing on the ground floor should be larger than glazing on the upper stories to emphasize the public nature of commercial uses and de-emphasize the less public uses of the upper stories. Glazing should nevertheless align between the ground floor and upper stories and be evenly distributed so that the overall facade composition is balanced.



3. Two and three-story galleries, awnings, and overhangs are encouraged to help create a more intimate pedestrian experience. These architectural features also provide shade and transition areas for residents and visitors throughout the seasons.



4. While the massing, glazing, and architectural features of commercial buildings may be simple in their approach, building details are small moves that can have big impacts. Whether highlighting material selection, offering inventive sign placement, or reinforcing the distinction between the ground floor and upper stories, details can truly make Adelaar experience memorable.



3.1.1 ARCHITECTURAL FRAMEWORK

The overall framework is derived from the land itself. Kiamesha Creek and its tributaries are the green “infrastructure” whose edges create the form of distinct neighborhoods and villages. Each neighborhood or village has unique characteristics framed and enhanced by topography, views, natural landscape, and access. The program and general layout of each neighborhood or village has been sited to take advantage of its specific location. Each neighborhood or village is to have a cohesive character and complementary series of uses that combine to form the unique set of experiences that will comprise Adelaar.

3.1.2 BLOCKS, STREETScape AND BUILDING ORIENTATION

Each district, village, or neighborhood is to incorporate a block and street network that offers a high degree of connectivity appropriate to the resort setting. In general, blocks are to be planned to promote safe and efficient vehicle movement, walkability, and the overall resort character.

To establish a logical and cohesive streetscape, commercial buildings are comprised of Primary and Secondary Façades. These are described further in Sections 3.4.2 and 3.4.3. Primary Façades - the presentation faces of buildings - are to be oriented towards the Active Open Space and primary streets as shown on the Area Framework Plans (Exhibits 2.3 - 2.6; Exhibit 3.2) and defined in Section 4.4.1. Secondary Façades are to be located facing secondary streets, and service areas.



Commercial blocks should promote safe and efficient vehicle movement and walkability, and should evoke the resort character.



Pedestrian streets are important outdoor gathering spaces that provide retail and recreational amenities in a safe, walkable environment.



Commercial block massing should be varied in height and roof profile to create visual interest for pedestrians.

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3.1.3 BUILDING TYPES

Commercial building types at Adelaar fall into the following categories: Office, Hospitality, Civic/Institutional, Retail/Mixed-Use, or Multi-Family Residential. Each of these usage types has its own architectural character, scale, material palette, and relationship to surrounding buildings, streets, parks, and civic spaces. Refer to Section 2.4.1 and Exhibit 2.2 for guidelines on lot and building types.



Office



Hospitality



Civic/Institutional



Retail/Mixed-Use



Multi-Family Residential

OFFICE

Office design is to be innovative and sophisticated in technology and detailing. The Guidelines encourage forward-thinking concepts for office design that favor open and flexible office environments rather than traditional office layouts based on cubicle modules. The buildings are to use new materials, and merge with the Catskills landscape and environment in both aesthetic and functional ways.

Office buildings at Adelaar will combine materials thoughtfully and offer an opportunity to explore and blur the boundaries between discrete inside and outside experiences. Forms and architectural devices are to be developed to emphasize the human scale of both the workplace and streetscape.

HOSPITALITY

The Catskills and Sullivan County have a rich history of offering a healthy respite for residents of the New York City metropolitan area. From the simple in-town hotels and boardinghouses of the mid-nineteenth century, to the more remote inns and manors of the mid- to late-nineteenth century and early twentieth century, and finally to the grand resort hotels of the early- to mid-twentieth century, hospitality buildings at Adelaar have an abundance of hospitality references at their disposal.

Resort hospitality should reflect the traditions of the local Catskills architectural vernacular, but interpret these as fresh, modern and welcoming statements. Important considerations while designing hospitality buildings include: distinguished entrances and entry circulation; social and seasonal variations in indoor and outdoor function space; and guests' privacy needs.



Large-scale, storefront-like openings are encouraged for office buildings located in pedestrian environments.



Office buildings in non-pedestrian environments are encouraged to use curtain walls to maximize landscape exposure.



Hospitality buildings will reflect the legacy of Catskills hotels as offering a healthy environment - both indoors and outdoors - for visitors to enjoy.



Outdoor gathering space for hospitality buildings should be flexible enough to accommodate a variety of activities and group sizes while still being mindful of guests' privacy within rooms.

CIVIC/ INSTITUTIONAL

Civic and Institutional buildings are to be inviting design statements and are to function as long-standing visual landmarks within Adelaar. The Guidelines encourage forward-thinking concepts for Civic and Institutional buildings that favor transparency and express their function outwardly, whether through the playful use of form and materials, iconographic massing, or increased interface between interior and exterior spaces.



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Civic/Institutional buildings should incorporate contemporary building design and materials.



Civic/Institutional buildings geared toward a particular audience may consider using massing and unique features to attract residents and visitors.

RETAIL/ MIXED USE

Retail and mixed-use buildings are to encourage vibrant activity year round. These buildings are to engage the street by incorporating eye-catching architectural details and night lighting effects to generate vibrancy. Using elements such as arcades, overhangs, and awnings, the retail experience will be designed for the pedestrian, creating sheltered outdoor areas that provide fluid transitions between the street, parking areas and internal spaces.



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Retail/Mixed-Use buildings are encouraged to provide unique variations on architectural features, materials, and colors.



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Arcades, overhangs, and awnings provide temporary shelter for pedestrians in Retail/Mixed-Use buildings.

MULTI-FAMILY RESIDENTIAL

The design of multi-family residential buildings should begin with a simple massing and façade organization strategy. Overhangs, balconies, and porches should be added and varied to reinforce the multi-family residential buildings' public presence on the street, while equally being mindful of residents' privacy. Façade compositions may choose to emphasize the building entrance, a particular architectural feature, or a series of architectural features. Each building is encouraged to maintain a distinctive identity that is clean and contemporary, serving as an "address" that both residents and visitors can easily identify.



Uncomplicated massing and regular façade organization can be varied to reinforce multi-family buildings' public presence.



Contemporary touches in openings and façade composition can help to distinguish one multi-family address from another.

3.1.4 SETBACKS

The definition of setbacks and the locations to which setbacks apply are described in the Comprehensive Development Plan (CDP). The requirements for planting areas within setbacks are described in the Landscape Master Plan (LMP).

3.1.5 BUILDING HEIGHT

The definition of Building Height and the way that Building Height is measured are described in the Town of Thompson Zoning Regulations for the Planned Resort Development (PRD). In addition, in order to maintain the overall character of Adelaar, Building Height shall also consider the following objectives:

- Taller buildings are reserved for the Resort Core and some commercial areas.
- As illustrated in the CDP, building heights are to vary and reflect a logical hierarchy based on their use and visibility.
- Height variation is encouraged within a single commercial building. Long, uninterrupted roof ridge lines are not appropriate.
- Residential uses, where they occur on commercial parcels, are to be in keeping with the "small town" proportions typically found in the Catskills.

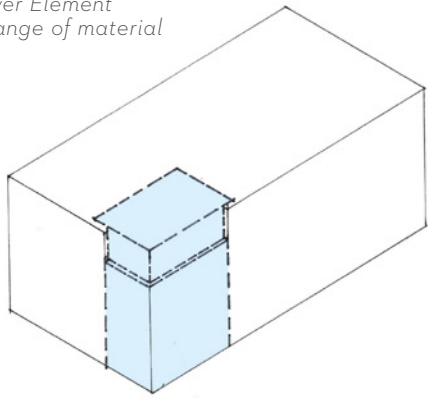
3.2 MASSING

The massing of commercial buildings is to evoke traditional building forms such as historic Catskills resorts, agricultural complexes, barns and octagon houses.

- Building massing should respond to the site and its context. Each parcel has unique characteristics not necessarily shared by adjoining parcels.
- Massing of commercial buildings should emphasize verticality over horizontality; consider differentiating the ground floor from upper stories; and identify key areas (entrances, shopfronts, etc.) to distinguish through shifts in massing size, shape, and composition.
- Each parcel has a maximum Gross Floor Area, as indicated in the CDP.

Corner Expression:

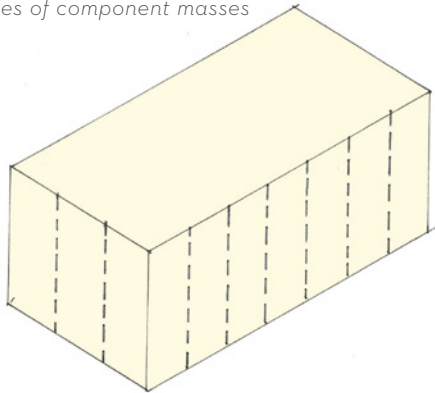
- "Lantern effect" at key locations
- Tower Element
- Change of material



Opportunities exist in the Resort Core to define important building entrances or spaces through tower massing, creating a "lantern effect" at key locations.

Emphasize Vertical Expression:

- Create a regular rhythm of bays
- Articulate larger masses as a series of component masses



Commercial buildings at Adelaar should emphasize verticality over horizontality through shifts in building massing, fenestration, and roof details.



Building massing should respond to the site, to other buildings, and to the overall Resort context. Each parcel has unique characteristics not necessarily shared by adjoining Parcels.

3.3 ROOFS

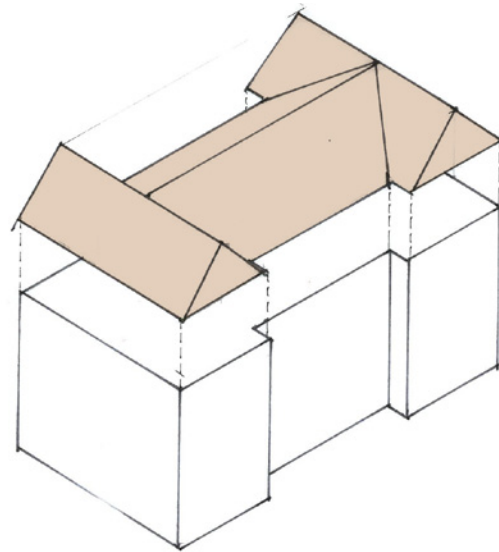
Traditional roof forms of Catskills buildings are uncomplicated and generally follow the building volumes. Gable roofs follow the orientation of building volumes, while shed roofs protect porches and upper-level galleries.

- Roof pitches for dominant roof forms are to be 5:12 to 9:12.
- Flat roofs are acceptable if there is an articulated parapet. Flat roofs are also acceptable on entry features, connecting elements and minor massing elements.
- The use of dormers is encouraged. Dormers are to use gables, shed or hipped roof profiles.
- The use of cupolas or other architectural elements to break up long roof ridges is encouraged.
- Roof materials are to be non-reflective.
- Approved materials include:
 - Wood shakes, or synthetic materials which simulate wood shakes
 - Standing seam metal, including copper and Corten steel.
 - Slate, or synthetic materials which simulate slate
 - Asphalt
- Roof colors may be weathered greens, grays, browns, brick reds and natural galvanized tones. Additional colors may be approved by the CDRC on a case-by-case basis.
- Solar equipment is to be installed in direct sun with no shade to the extent feasible. Southern orientation with a 35-degree tilt is optimal, however, solar energy is available at other orientations and tilts. Solar equipment should be installed to minimize visibility and wind loads.

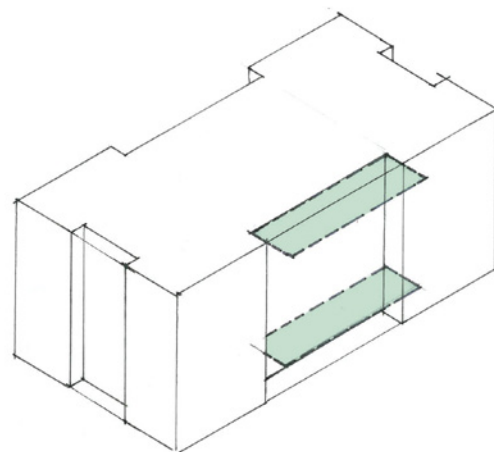
3.3.1 SNOW CONSIDERATIONS

- The technical design of roofs, including ventilation detailing and insulation, is to consider the factor of snowfall and the potential for associated ice dams.

- Roof forms are to consider snow and rain shedding to avoid snowfall potential onto walkways, driveways, utilities and other outdoor areas.
- Roofs are to be designed in concert with site and landscape plans to avoid conflicts with drainage and safety concerns.



Roof design is to draw from the roof forms of longstanding Catskills buildings. Designs are encouraged to incorporate sloped roofs that align with the building's overall massing and proportions, distinguishing building volumes.



Recessed or extruded building volumes may be accentuated through the use of shade devices, which help to create depth within the façade.



A variety of roof profiles and roof details may be used to evoke the Catskills contemporary vernacular.



Wood and metal bracketed eave conditions are permitted.



Individual commercial buildings should have clean, cohesive roofscapes.



A broad sheltering roof can provide adequate protection from rain or snowfall while indicating a building's primary entrance.



Hospitality buildings should use roof profiles that break down the building massing into its constituent parts. Roof profiles should be consistent, from the largest massing element to the smallest.



3.4 FAÇADES

Façades and their finishes are to reflect a logical and appropriate combination of colors, textures and forms to complement the Catskills aesthetic of Adelaar.

- Approved materials include:
 - Wood: clapboard or shingle applications
 - Metal: Corten steel, brushed aluminum, and copper allowed to weather to a natural patina.
 - Horizontal timbers
 - Stone, either locally-sourced or synthetic to resemble local material.
- Other materials may be approved on a case-by-case basis.
- The façades of commercial buildings are generally limited to a maximum of four materials.
- Materials are to be consistently applied to all elevations of a single building.
- Design and detailing of materials is to result in an authentic appearing structure, with dimensions and spans of materials related to their own structural properties.

3.4.1 FOCAL POINTS

Focal Points are those parts of buildings that are visually prominent, either because of a long distance view, a framed view, or a primary location. The expression of Focal Points can vary and may include towers, façade extrusions or recesses, shading features, exaggerated openings, larger window expanses, stairs, and/or the unique use of materials. Inventive design of Focal Points is encouraged. Representative Focal Point locations are shown on the Area Framework Plans. Applicants may propose additional and/or alternative Focal Points on a case-by-case basis.

- Focal Points are located on the Primary Façade.
- Focal Points may express a significant or unique use within the building.
- Focal Points often contain the primary building entrance.

3.4.2 PRIMARY FAÇADES

Primary Façades are those façades that face the street or another significant public view. Representative Primary Façades are shown on the Area Framework Plans.

- Primary Façades typically have a greater degree of design expression and architectural detailing. It is often appropriate for Primary Façades to have a greater amount of window openings than Secondary Façades.
- The primary building entrance is to be located on the Primary Façade.
- Primary Façades are to reflect an overall sense of proportion, hierarchy and architectural harmony.
- Primary Façades for retail uses should have a minimum of approximately 75% of linear feet glazed with clear (untinted, non-reflective) glass.

3.4.3 SECONDARY FAÇADES

Secondary Façades are those façades that do not face the street or another significant public view. **All façades that are not Primary Façades are Secondary Façades.**

- Secondary Façades may have a simplified design expression and architectural detailing, as appropriate to their visibility and context. A Secondary Façade may have less glazing than a Primary Façade, for example, but the glazing should nevertheless align with the glazing composition of the Primary Façade.
- Service areas are to be located on Secondary Façades.

EXHIBIT 3.2: ENTERTAINMENT VILLAGE FRAMEWORK PLAN

FOCAL POINTS



Significant architectural features - prominent entry markers, roof profiles, or material selection - distinguish a focal point in an ensemble of commercial buildings.



Double or triple-height glazing can be used to highlight a building's use.

PRIMARY FAÇADES



All buildings have a primary façade that should clearly distinguish their entry.



A double-height overhang can accentuate a building's primary façade.

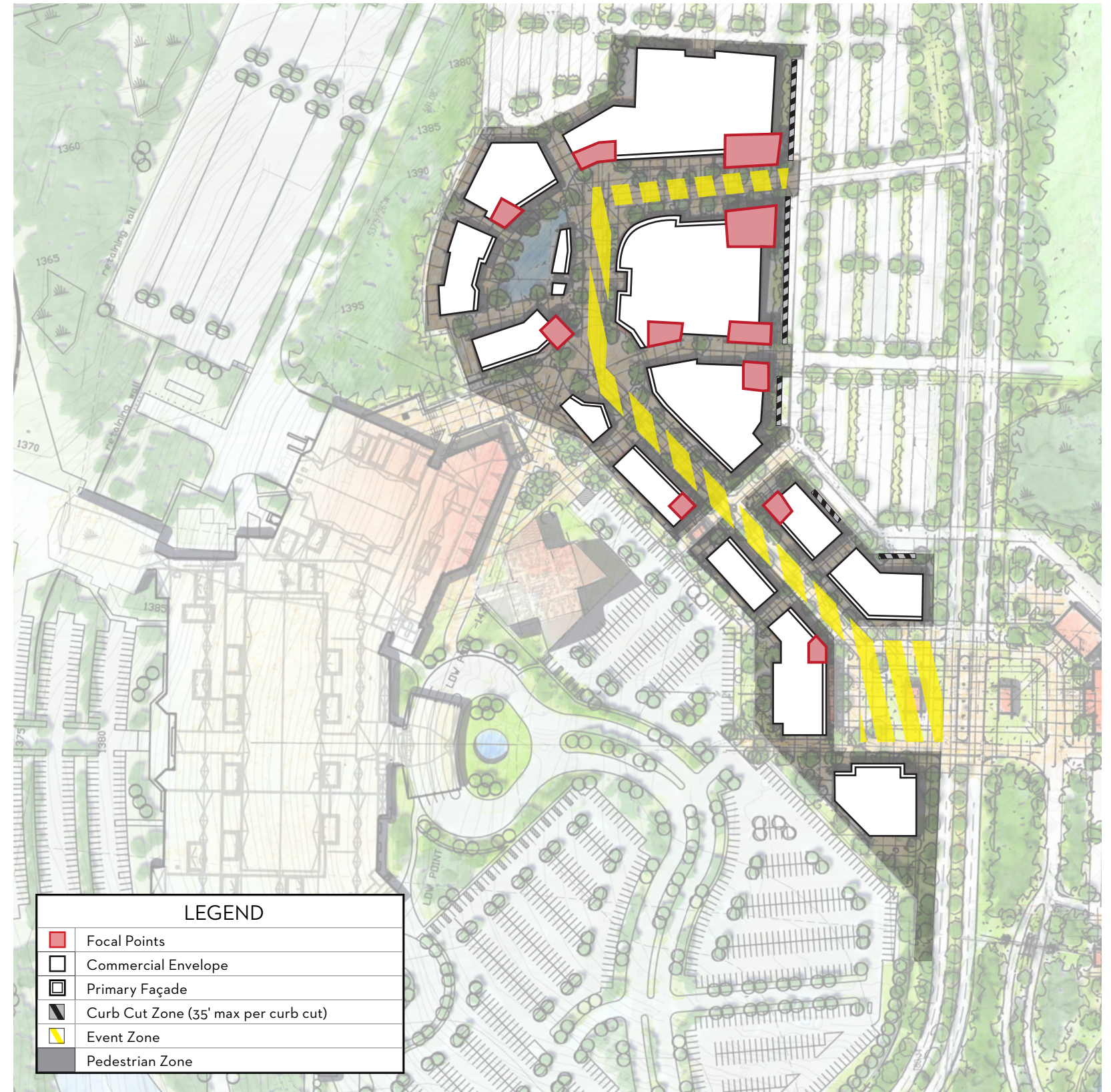
SECONDARY FAÇADES



Secondary façades are located along service corridors and secondary pedestrian routes. The design of secondary façades may be minimal compared to primary façades, but must align with the primary façade's overall composition.



Where possible, a secondary façade should be broken up into smaller massing elements or use occasional glazing and material differentiation to avoid large blank surfaces.



3.5 OPENINGS

Window and door openings, in general, shall reflect a consistent and organized composition on all visible sides of a commercial building and respond to views, sunlight and shade. Commercial Building Openings should reinforce the inviting character of the Resort Core and Hospitality areas. In addition, Openings at Storefronts are described in Section 3.6.1.

3.5.1 WINDOWS

- Windows or window groupings are to be sized in scale with the exterior walls within which they occur. Windows on upper floors should typically be shorter, or smaller than on the main floor(s) while still maintaining overall alignments.
- Windows are to express a consistent vocabulary and clear hierarchy. Windows are generally to be square or vertical in orientation. Long expanses of horizontal windows are not appropriate, except in storefront applications or at lobbies. Round, octagon or elliptical windows are generally not appropriate in commercial settings.
- Windows are to be untinted or tinted a gray color. Blue or green tint is not appropriate.
- Window frames/trim are to be in proportion to the windows they surround. Window trim is generally to be at least 3" wide and of an approved, contrasting color. Frameless windows are generally not appropriate.
- Large areas of glass are appropriate at lobbies, shopfront applications and at Focal Points. Up to 75% of a shopfront façade should be glazed.
- In general, design should incorporate generous window openings to reinforce the connection between indoors and outdoors. Double height spaces should be reflected in the glazing and facade composition whenever possible.
- The use of high-performance low emissivity (low-e) windows is encouraged.
- Windows can present a serious hazard to birds. Applicants and their architects are to consider techniques that reduce bird collisions with glass. New York City Audubon publishes a manual entitled Bird-Safe Building Guidelines with specific recommendations to promote bird safety.



Punched windows and doors should use standard mullions; projecting head, jamb, and sill details; and projecting muntins.



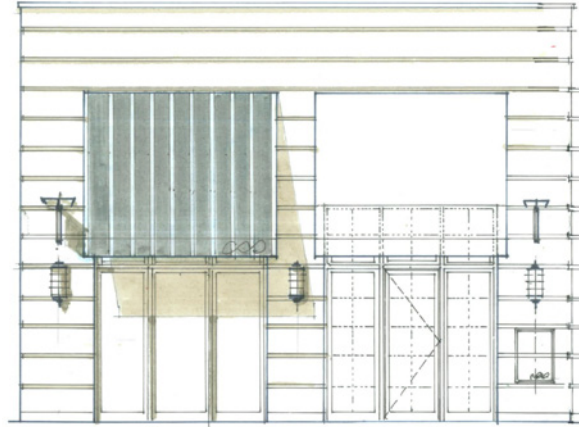
Window and door curtain wall systems should emphasize a building's vertical elements.



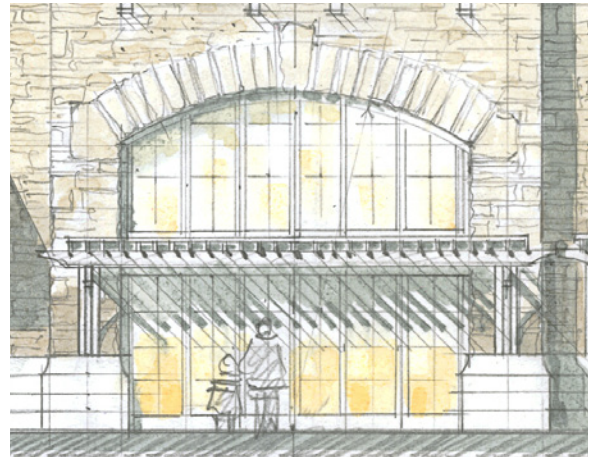
Glazing compositions should vary from building to building to create interest along pedestrian routes.

3.5.2 EXTERIOR DOORS

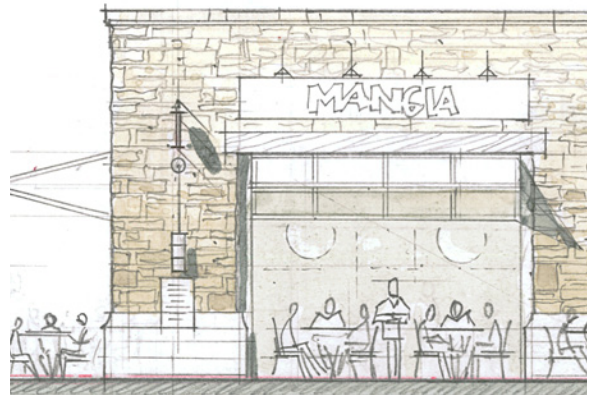
- Exterior doors are to be in scale with the façade in which they occur. A method to increase a perceived door opening size is through the use of transoms and/or sidelights.
- Door trim and details are to match the overall composition of the building.
- Doors and door frames are to be stained wood, painted wood, wood clad or painted metal.
- All exterior doors are to be insulated and properly weatherstripped to reduce heat loss.



A method to increase a perceived door opening size is through the use of transoms and/or sidelights.



Trellises or awnings are encouraged over exterior doors to provide a moderate transition between indoor and outdoor spaces throughout the year.



Overhead metal bi-fold doors are permitted in limited applications for restaurants in the Resort Core.

3.6 FAÇADE ELEMENTS

Façade Elements are those architectural features and treatments that enliven, enrich or add visual interest to a façade. Using elements such as arcades, overhangs, and awnings, the commercial experience should be designed for the pedestrian, creating sheltered outdoor areas that provide fluid transitions between the street, parking areas and internal spaces. The use of Façade Elements is required on Primary Façades and encouraged on Secondary Façades.

3.6.1 STOREFRONTS

- Storefronts are to be used to enrich the street level experience and distinguish the pedestrian level from upper levels.
- Pedestrian level retail entries that are set back from the main structural façade line to create a protected alcove for that establishment are encouraged.
- In general, storefronts are to appear more transparent and have more glazing than upper floors.

3.6.2 ARCADES

- Arcades may be used to enrich the street level experience, to break down the scale of commercial buildings to a more pedestrian scale, and to create a transition area between indoors and outdoors.
- Arcades may be one or two story, and where applicable, may overlap the sidewalk.
- Arcades are to have a minimum depth of 8'-0".
- Details, forms and colors of arcades are to be consistent with the building.

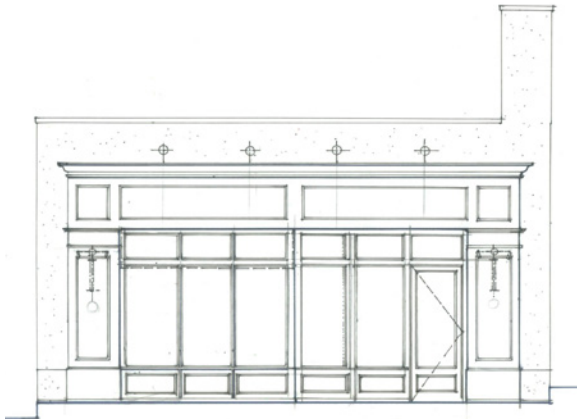
3.6.3 OVERHANGS & SUN CONTROL DEVICES

- Overhangs that protect expanses of glass from excessive heat gain and/or provide a distinctive architectural element are encouraged.
- Overhangs and other sun control devices are to be consistent with the overall appearance of the building and appear appropriately supported. Louvered shade structures are preferred over solid roof overhangs for wintertime sun penetration and wind dissipation.
- Main floor storefront windows may be shaded with projecting roof overhangs to minimize glare and decrease heat gain. Any projecting elements must maintain a minimum clear height above sidewalks of 8'-0".

3.6.4 AWNINGS

Awnings can be used to effectively minimize glare, reduce heat gain, and add color while protecting interior merchandise displays from sun exposure and providing additional opportunities for signage. Awnings should be mounted in areas which respect the architectural façade treatment. Simple horizontal shed awnings, with no end panels, are the preferred awning style.

- Retractable and fixed awnings are allowed. All awnings must be removed or otherwise secured for winter conditions.
- The awning canopy is to be a minimum of 8'-0" from the ground. Colonnade awnings may extend down to the spring point of the arch or 10'-0" above grade, whichever is taller.
- Lettering is to be 7" maximum in height.
- Preferred awning materials include metal, canvas and other woven fabrics. PVC, plastic or vinyl is not appropriate. Materials are to be fire retardant and color-safe.
- Awning colors must be compatible with storefront finishes. A single solid color is preferred.
- Awning frames shall be made of metal in a finished condition. Awnings supported by poles or other elements in the public-right-of way are not allowed.



Storefronts are to be used to enrich the pedestrian experience.



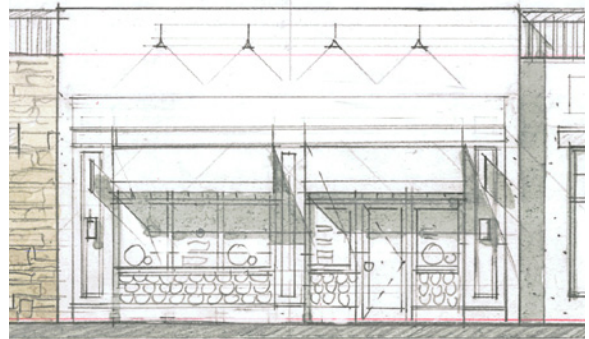
Overhangs that protect expanses of glass from excessive heat gain are encouraged.



Storefront and curtain wall window and door systems should be used to create diverse retail storefronts.



Use projecting awnings to shelter entryways.



Awnings can be used to effectively minimize glare, reduce heat gain, and add color to the streetscape.



Sheltered public sidewalk beneath an arcade.



Sheltered public sidewalk beneath a gallery.



Fabric awnings enhance sidewalk cafes.

3.6.5 TERRACES

- Outdoor spaces for dining, entertainment and leisure are integral components of the Resort Core and Hospitality areas. Terraces - including verandas, patios, porches, courtyards, and similar outdoor spaces - allow residents and visitors to take advantage of the climate and reinforce a visual connection between the buildings and the site. The following Guidelines are to be incorporated into terrace design:
 - All terraces and related features are to be located within the parcel boundary and applicable setbacks. Paths may be located outside of the setbacks.
 - The spatial organization of the building(s) and its terraces are to be designed comprehensively.
 - Terraces will respond to existing site features and topography. These outdoor spaces may be used to create a gradual transition between the built and natural environment.
 - Vines, shrubs and groundcover are to be planted on and adjacent to terraces. This will reinforce the landscape and its integration with the architecture.
 - Courtyards and terraces are to take into consideration sun, shade, wind and rain. All areas are to have a minimum of 2% grade to move water from surfaces quickly and to reduce the potential for ice forming.
 - Appropriate paving materials for terraces include:
 - Pervious materials are encouraged to maximize water infiltration.
 - Wood or materials that simulate wood, in a natural, stained or painted finish
 - Colored, patterned concrete
 - Locally-sourced stone
 - Pre-cast concrete pavers or unit pavers
 - Stone and/or brick pavers
 - Inappropriate paving materials for terraces include:
 - Non-colored, unpatterned concrete
 - Bomanite
 - Asphalt

3.6.6 CHIMNEYS AND OUTDOOR FIREPITS

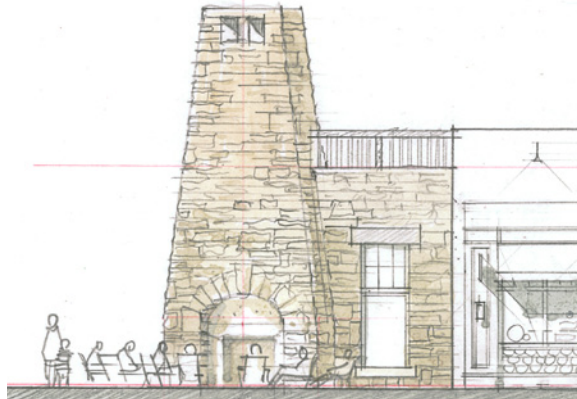
- Chimneys are to be consistent with the style of building that the chimney ascribes to, and be constructed out of stone, masonry, or stucco.
- All exterior chimneys will extend to the ground.
- Chimney sizes and proportions are to be consistent with the associated building and with the commercial setting.
- Firepits will be reviewed on a case-by-case basis by the CDRC.



Terraces take advantage of the climate and reinforce visual connections between the buildings and the site.



Firepits can be used as seasonal elements to enhance commercial retail areas.



Chimneys are to match the style of the building that the chimney ascribes to, and be constructed out of stone, masonry, or stucco.

3.7 ARCHITECTURAL LIGHTING

Architectural lighting should be used to enhance the nighttime ambiance at Adelaar, provide a perception of safety, and allow nighttime use of Commercial areas, parks, plazas and other pedestrian areas.

The level of architectural lighting is to be appropriate to the Commercial Parcel. Higher levels of illumination are allowed within the Resort Core, while lower levels are appropriate in other Commercial settings.

Standards and guidelines for site lighting are described in the CDP and LMP.

3.7.1 ARCHITECTURAL LIGHTING INSIDE THE RESORT CORE

- Inside the Resort Core, Commercial buildings may utilize lighting more extensively to create a vibrant, active character and enhance the Commercial setting. Applicants are encouraged to explore architectural lighting techniques such as up-lighting and internal illumination to accent architectural details as strong visual elements.

3.7.2 ARCHITECTURAL LIGHTING OUTSIDE THE RESORT CORE

- For all Commercial areas outside the Resort Core, the visibility of the dark night-time sky is to be maintained. Exterior lighting on buildings is permitted to the extent required for safety and security but is to be unobtrusive and kept at a reasonable minimum.
- Uplighting is not permitted outside the Resort Core. “Full cut off” lighting luminaires that do not allow for uplighting are to be specified.

3.7.3 GENERAL CONSIDERATIONS FOR ARCHITECTURAL LIGHTING

- Lanterns, sconces, and other architectural lighting fixtures are to be consistent with the general intent of the Guidelines. The use of traditional materials in unexpected ways is encouraged for fixture design.
- Architectural lighting is to be limited to lighting the building to which the luminaire is attached. Spill onto neighboring buildings, trees or other features is not appropriate.
- Hours of lighting operation are subject to review by the CDRC. Generally, use of architectural lighting

is allowed between dusk and dawn, with reduced light levels during off-peak hours. Lighting used to illuminate commercial signs is not allowed after 11:00 PM except as approved by the CDRC.

- High-efficiency exterior lighting such as light-emitting diodes (LED), metal halide, fluorescent or other high-efficiency equivalents are strongly encouraged.
- Light sources are to be a warm, softer color that renders colors truly. Lights that emit a harsh, glaring white light are not permitted. Low-pressure sodium sources are not permitted.
- Alternative power technologies for lighting, such as solar photovoltaic or fuel cells, are encouraged.



Architectural lighting inside the Resort Core may use vibrant illumination to create an inviting atmosphere.

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Architectural lighting outside the Resort Core should minimize light spill onto neighboring buildings, trees, or other features.

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3.8 COMMERCIAL SIGNAGE

These criteria are intended to provide signage guidance to all Applicants, Developers, Tenants and their Designers who will be operating within Adelaar.

3.8.1 REGULATORY FRAMEWORK

This Section expands upon the regulations set forth in the CDP.

3.8.2 OBJECTIVES

The Commercial Signage within Adelaar will add another level of richness, texture and interest to the resort's streetscape and pedestrian experience. These signs are intended to reinforce the resort community experience as a vibrant place to visit, shop and live. Signs should work with the other street amenities in establishing the character of the districts, encouraging investigation, exploration and participation.

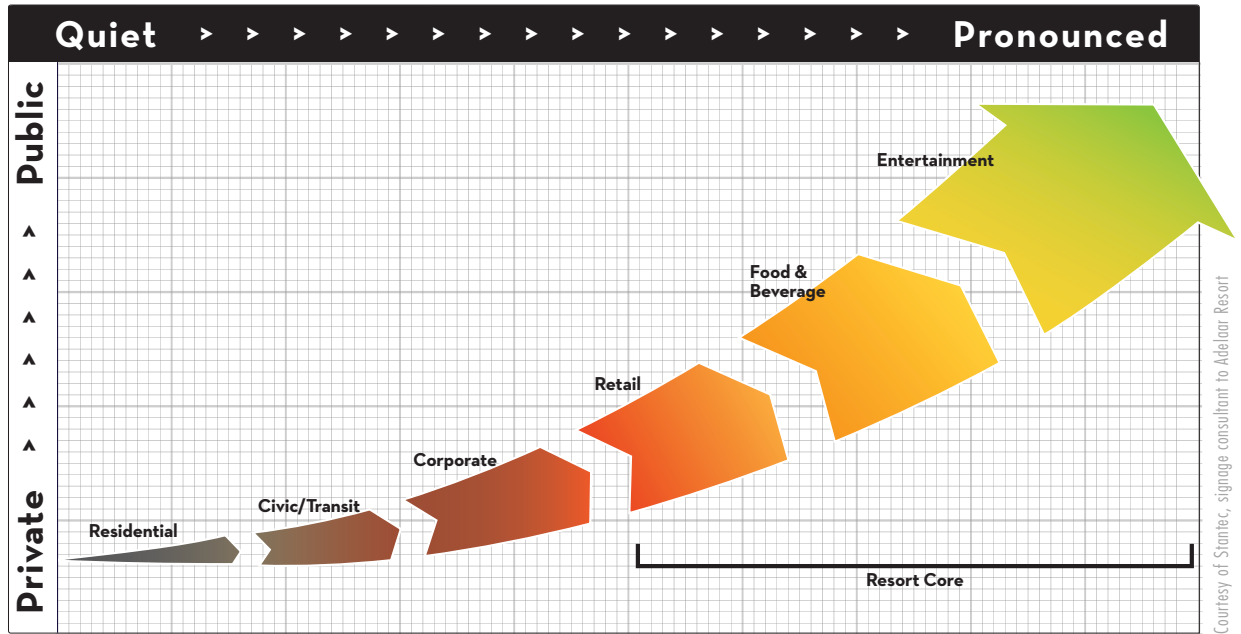
All signage should serve as a complementary feature of the architecture of the building or business it serves. The signage represents an extension or reflection of the business, its services and offerings. Like the architecture, signage should be informed by the district in which it is located and site specific to the business's context within the district.

Commercial signage is to clearly perform three functions: to *IDENTIFY* the businesses, services and entertainment experiences; to *INFORM* guests of the spectrum of choices and offerings and to *DIRECT* guests to the various facilities and venues.

3.8.3 DESIGN PRINCIPLES

Sign Fundamentals

- Signage design should follow the same principles used to inform the architecture of Adelaar: specifically the notion of "Honestly Modern", being evocative of the Catskills vernacular while remaining clearly of the present; being referential, not recreated.
- Also like the architectural guidelines, signage should employ traditional materials used in fresh, innovative and creatively contemporary ways. Signage should echo the roots of the region and its resort history while utilizing the most current fabrication techniques, fixtures and materials.
- Signage should celebrate the diversity of design and individual expression, acknowledging the tenor of the different districts within Adelaar and the site specific context of each business.
- Signs are to be in scale and proportion to the façades on which they relate. The signage scale and visual intensity should follow the cue of the architecture that it serves, with some larger facilities requiring a more dynamic signage presence and smaller in-line shops needing nothing more than simple, understated identification.
- The signage must work in service to the landscaped and natural environment. Sign design, scale and location may be informed by existing landscape conditions.
- Special consideration should be given to the fact that this will be a four-season resort experience. Signs must be designed, crafted and maintained for year round, all season viewing and use.



Sign Families

- There will be a spectrum of coexisting sign programs or “families” within Adelaar, each with its own appropriate sign voice “volume” depending upon its use.
- Residential signage will exhibit a quieter, more subtle presence while signage for Entertainment venues are more pronounced to project the fun and excitement of the offerings within.
- Generally speaking, Commercial Signage, due to its economic needs, comprises most of the right, or louder, side of the volume spectrum shown above.
- This variation in sign voice volume provides not only visual interest and texture to the resort fabric but is also appropriately used to convey an innate message to guests delineating between public and private; what is an open invitation to all versus what is open only to a select group.

Because signs are unique to the setting and building, the CDRC will evaluate signs based on the following criteria:

FUNCTION: Why is the sign there? What does it do and to whom is it in service? What is the tenant or building’s use or purpose?

CONTEXT: In what district of Adelaar is the sign located? What is the general tenor of that district? What are the adjacencies? What are the distinctive characteristics of the architecture and its site?

LOCATION: Where, within the district, is the building or business situated? Is it a modest inline retail shop, does it have a highly visible corner location or is it a stand alone individual building? These conditions will inform different signage solutions.

PLACEMENT: Where on the building is the sign placed? Does it serve multiple viewing angles? Is it intended to be seen from a long or short distance? Is it intended to be viewed by vehicular or pedestrian traffic?

INTENSITY: How visually assertive is the sign? In terms of its scale, materiality and illumination is it appropriate for the business or building for which it serves? Is the intensity consistent with adjacent uses?

3.8.4 SUGGESTED MATERIALS, ILLUMINATION AND FABRICATION METHODS

Sign Materials

- Self-expressive metal finishes that are true to the qualities of the material are encouraged. These include weathering metals such as Corten or copper, colored metals such as brass, bronze, nickel or stainless steel, traditional metal finishes such as galvanized, blackened, blued or gilt and painted finishes, if used in restraint.
- Fabricated, cast or cut-out metal letters, or sign plaques are encouraged as they express the distinctive form of the object (letter), rather than commonly used rectangular sign fields.
- Porcelain enamel on steel is a traditional signage technique whose glazed finish surface remains bright and fresh for decades. Individual letters or pan formed sign panels will provide a high finish, high chroma counterpoint accent to the more roughly textured building materials.
- Wood is encouraged as being the most regionally available material. Wood can be painted or stained, carved or built-up, layered or cut-out. Wood can be celebrated for its aging process and patina over time or it can be finely sanded and stained with a high gloss finish that accentuates the beautiful grain.
- Glass is encouraged due to its recyclable and sustainable qualities. Dimensional cast glass letters, sculptural details or sign panels will have the ability to capture and transmit light. Glass can have high-lead green, frosted white or colored finish. Glass can be traditionally etched or fritted to display messages, graphics and patterns.
- Cast or carved stone or concrete provides a weighty alternative material choice.

SIGN MATERIAL EXAMPLES



Rough finish metal letters

Courtesy of Staniec



Fabricated letterforms with complimentary metal finishes

Courtesy of Staniec



High finish metal with complimentary wood background field

Courtesy of Staniec



Bronze finish letterforms attached to inset stone field

Courtesy of Staniec



Rustic touches of the sign compliment the contemporary building façade

Courtesy of Staniec



Pole mount porcelain enamel sign panel

Courtesy of Staniec



Gilt dimensional letters on frosted glass backgrounds

Courtesy of Staniec



Carved and cast stonework at entry

Courtesy of Staniec

Note: The photos included in this document are intended to illustrate the specific material, illumination or sign form as noted. They do not represent potential Tenants of Adelaar.

Illumination Opportunities

- All sign lighting should follow the overall principles of architectural lighting found in Section 3.7.
- External illumination is the most traditional method of sign lighting. Highly efficient, color balanced, contemporary style LED fixtures offer a clean and crisp counterpart to the traditional gooseneck or barn light unit. Fixtures should shield the light from passing pedestrian or vehicular traffic.
- Internal illumination is permitted as long as the light sources are not directly visible. These fixtures can backlight metal grills, perforated metal, colored glass or translucent resin panels. Matte finish acrylic faces are only acceptable for fabricated letterforms or can be used in a minor role on large cabinet construction sign panels. Large surface area acrylic faced sign cabinets are not permitted.
- Internal fixtures can be used for halo or edge-lit letterforms or graphics. Typically, this is a softer illumination method, as it reduces overall glare by displaying the letter or graphic as a dark silhouette against a pool of light on the building surface (or as in edge-lit letters, only the perimeter edge or return surface glows, again with a dark silhouette face).
- Exposed neon is acceptable in the Resort Core only. Neon is a traditional high-intensity, high chroma sign material typically used in brightly-signed food & beverage or entertainment venues. It should be used in restraint, as an accent material only. Neon can be used in halo, edge or rear illumination situations as well. Neon is not permitted to flash.
- Dynamic color changing, flashing or fluctuating illumination is reserved for the Resort Core only. The CRDC may choose to limit the amount of color changing, flashing and light fluctuations in order to create a more harmonious character for the resort.
- Signage illumination should be chosen based upon the desired intensity of the sign, the required legibility and visibility of the sign, the anticipated ambient light level of the area and the amount of competing signs or graphics in the adjacent locations.
- All illuminated signs must be controlled by a central timer or photosensitive switch to regulate the hours of operation as established by the CRDC.

SIGN ILLUMINATION EXAMPLES



Contemporary cantilevered external illumination with cabinet construction sign below



Halo illuminated fabricated letterforms attached directly to building fascia



Internally illuminated acrylic must be kept to a minimum on the sign faces



Exposed neon is permitted in the Resort Core District only



Contemporary cantilevered external illumination above simple cut-out pin-mounted letters



Edge and halo illuminated projecting blade sign



Glowing frosted glass



Edge lit letterforms with silhouette faces

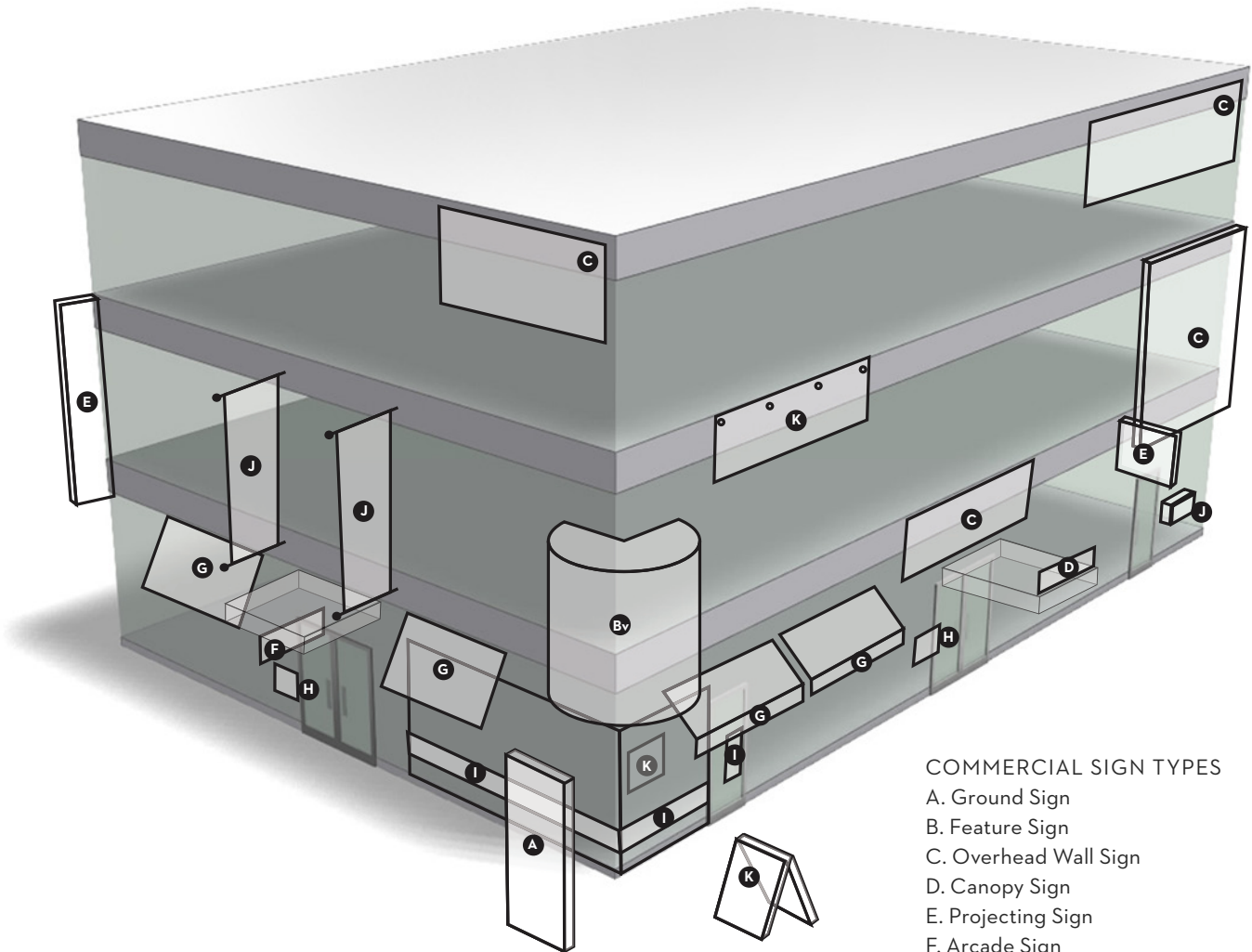
Fabrication Methods

- Each and every example of Commercial Signage is expected to exemplify the highest quality of fabrication and craft.
- Signage should be expressed through a combination of complementary materials, layered or built up, crafted into an aesthetically desirable assembly. Materials should be used in surprising, creative ways.
- It is encouraged to employ new environmentally responsible fabrication methods and materials.
- Dimensional, sculptural or representational forms, cleanly executed, are highly encouraged.

3.8.5 COMMERCIAL SIGN TYPES

A. Ground Sign: (Also known as monument or freestanding signs) These signs are wholly independent from any building, though they do need to be within the building's property line, either as part of the public space, in the landscaping or as an inset in the architectural footprint. Ground Signs shall in no way impede vehicular or pedestrian traffic.

Ground Signs can serve a single or multiple Tenants. They can identify the entry to a site or a building. They can be intended for both vehicular and pedestrian traffic. Pole mounted signs are included in this category.



Courtesy of Stantec

COMMERCIAL SIGN TYPES

- A. Ground Sign
- B. Feature Sign
- C. Overhead Wall Sign
- D. Canopy Sign
- E. Projecting Sign
- F. Arcade Sign
- G. Awning Sign
- H. Plaque/Panel Signs
- I. Window/Door Sign
- J. Changeable Sign
- K. Temporary/Portable Signs

Ground signs are encouraged to be sculptural or artistic in quality. They often become the de facto landmarks that visitors use to navigate within an environment. Monolithic letters, numerals or simple graphic forms provide the bold, monumental, instant impact desired of this sign type.

Within the Resort Core only, Ground signs are permitted to incorporate Dynamic Electronic Displays as part of their structure. These can be high resolution, full-color or single color, scrolling text type display units.

B. Feature Sign: Often the strategic nature, special location and context of a sign suggests a grander, more innovative, iconographic and volumetric solution. Feature signs are larger, multi-sided and have greater dimensionality than a Projecting sign. They are often sculptural and colorfully illuminated. This sign type is intended to add vibrancy and is reserved only for the Resort Core.

C. Overhead Wall Sign: These signs are located on the building, above all storefront display windows or entry doors, parallel with the building façade, and projecting no more than 24". This is the most traditional type of a Commercial Identification Sign.

Wall signs are permitted to be placed horizontally or vertically on the building fascia, above the first level glazing and up to the height of the parapet or roof line, whichever is lower. Wall signs should be sized and placed with the intention of being viewed by vehicular traffic, or pedestrian traffic, or both.

Wall signs can consist of letter or logo forms individually attached directly to the building fascia or to a fabricated panel or cabinet field mounted to the fascia. Painted graphics or murals are included in this sign type.

Within the Resort Core only, Wall signs may be permitted to incorporate Dynamic Electronic Displays as part of their structure, upon approval by the CRDC. These can be high resolution, full-color or single color, scrolling text type display units.

GROUND, FEATURE & OVERHEAD WALL SIGN EXAMPLES



Ground sign of iconographic large scale fabricated numerals

Courtesy of Stantec



Cut-out stainless steel graphics ground sign with landscaped setting

Courtesy of Stantec



Cabinet construction ground sign with landscaped setting

Courtesy of Stantec



Iconographic dimensional feature sign on a highly visible corner

Courtesy of Stantec



Corner canopy with dimensional feature sign above

Courtesy of Stantec



Overhead wall sign on located on a spandrel grill over the entry

Courtesy of Stantec



Halo illuminated overhead wall sign with a limited amount of internally illuminated acrylic on the face

Courtesy of Stantec



Halo illuminated fabricated letterforms attached directly to building fascia

Courtesy of Stantec

D. Canopy Sign: This sign type is defined by its association with architectural entry structures or canopies on the building. Due to this direct association, Canopy signs are typically more reverent, more harmonious and more tightly integrated with the building's architectural presence.

Canopy signs are horizontal or vertical panels, individual letters or logo forms mounted above, on the face of or below the canopy structure.

E. Projecting Sign: This sign type is identified by its perpendicular orientation to the building fascia. With this kind of orientation, these signs are two-sided and highly visible to the vehicular and pedestrian traffic below. Projecting signs are located on the building, 8'-0" minimum above the street surface, projecting no more than 6'-0" from the wall surface.

F. Arcade Sign: This sign type differs from Projecting signs in that they are suspended from the underside of the roof or attached to the columns of an arcade or gallery and are totally contained within the confines of that structure. Typically, several Tenant signs are featured under a single arcade. As such, Arcade signs usually differ from Projecting signs by utilizing a consistent bracket or suspension hardware that is shared by all signs under the same structure. Only the sign faces express the Tenant's individuality.

Both Projecting and Arcade signs, due to their closer proximity to the viewer, require that special care and attention be made to their craft and finish.

G. Awning Sign: The strength of this sign type is repetition, as it relies upon the use of the tenant's awnings.

Logos, letters, pattern and graphics are to be integral to the awning material, not fastened onto the material. Graphics can be digitally printed, silk screened or masked and painted onto the primary sloped surface of the awning or onto the vertical valence (if applicable).

CANOPY, PROJECTING & ARCADE SIGN EXAMPLES



Canopy sign with graphics positioned on top of structure



Canopy sign with graphics located on the sides of the structure



Canopy sign with graphics projecting below the structure



Complex shaped blade icon that includes an interesting combination of materials



Dimensional edge and halo illuminated projecting blade sign



Simple layering of materials on a non-illuminated projecting arcade sign



Clean thin profile cabinet construction arcade sign with minimal amount of backlit acrylic



Visually assertive arcade sign with exposed neon

Because of their close proximity to the viewer, special care and attention must be made to their craft and finish. Also, care must be taken to ensure that the fabric, a shorter life-span material, is refreshed or replaced on a regular basis to maintain a high quality product.

For information on awning structures, see Section 3.6.4.

H. Plaque/Panel Signs: These are similar to Wall signs in their flat, parallel orientation to the building fascia, but differ in their more proximate, eye-level location. These are primarily two-dimensional, flat mount, flush or bas relief panels, plaques or thin cabinets located on walls, columns or pilasters adjacent to the Tenant's entry. This sign type also includes ground plane installed signs.

Because of their close proximity to the viewer, special care and attention must be made to their craft and finish.

I. Window/Door Signs and Graphics: Window/Door signs are Tenant graphics that are placed directly on or behind the glass windows and/or doors. They can add more interest and identity to the entire length of the storefront expression or provide pertinent information right at the entrance.

J. Changeable Signs: These are ground, wall or projecting signs that serve as promotional or informational displays whose content changes periodically and that require a permanent infrastructure or armature for their use. This includes display cases or vitrines, menu boxes, poster frames, and banners and flags with permanent building mounted frames or armatures.

- By its nature, it is expected for the content of this sign type to be constantly refreshed, updated or maintained. This schedule may be seasonal or daily, depending upon its use.
- Care must be taken to ensure if a shorter life-span material is used (paper, vinyl or fabric), it shall be refreshed/replaced on a regular basis to maintain a high quality product.

AWNING, PLAQUE, WINDOW & CHANGEABLE SIGN EXAMPLES



Operable awning structure with graphics located on the vertical valence surfaces

Courtesy of Stanitec



Fixed awning structure with graphics located on the primary (angled, typ.) surfaces

Courtesy of Stanitec



Layered metal address plaque

Courtesy of Stanitec



Unusual use of materials identity sign

Courtesy of Stanitec



Logo identity at entry door

Courtesy of Stanitec



Extended use of window graphics to animate the entire storefront

Courtesy of Stanitec



Custom fabricated changeable menu display

Courtesy of Stanitec



Changeable banner program along storefront

Courtesy of Stanitec

K. Temporary/Portable Signs: These are ground or wall signs that display promotional or informational content that is anticipatory, timely or short-term in nature and that do not require a permanent infrastructure or armature for their use. This sign type is characterized as having three distinct applications: Temporary Development Signs, Temporary Event Signs and Temporary Portable Signs.

- **Temporary Development Signs** are used for promoting new developments, tenants or renovations and are typically attached to the site fencing or construction barricades. These signs are permitted to be installed for a longer period of time than the Temporary Event variety but are still required to be periodically refreshed, replaced or removed as necessitated by wear, tear and the status of the content.
- **Temporary Event Signs** are identification or informational signs used to promote special events, sales or openings. These signs are typically fastened to the glazing, a wall surface or suspended from a parapet or spandrel. These materials are to be crisp and taut. Third-party promotions are permitted only if all services, products or promotions depicted are to be readily available within the retail or commercial business for which they serve. Third party sponsorship logos or brands are to be limited to 15% of the surface area of the graphic.
- **Temporary Portable Signs** are freestanding signs or displays used by Developers, Applicants or Tenants to advertise special promotions, services, events or openings and rely upon pedestrian scale moveable assemblies. Units are typically oriented perpendicular to pedestrian traffic flow when in use and are removed from the public realm each night and locked inside the Tenant's space after hours of operation. Because of their proximity to the viewer, special care must be paid to their craft and finish to ensure that they accurately represent the Tenant. Off-the-shelf sandwich signs will not be permitted.

L. Address Markers: Address markers are to be in accordance with local emergency response requirements. They are to complement the surrounding architecture and be in keeping with the Guidelines. Generally, address markers should utilize one color. Highly reflective materials, plastics, neon, and illuminated numbers are prohibited.

TEMPORARY/PORTABLE SIGN EXAMPLES



Temporary Development construction barricade graphics

Courtesy of Stantec



Temporary Development construction barricade graphics

Courtesy of Stantec



Temporary Development construction barricade graphics

Courtesy of Stantec



Temporary Event ground plane graphics

Courtesy of Stantec



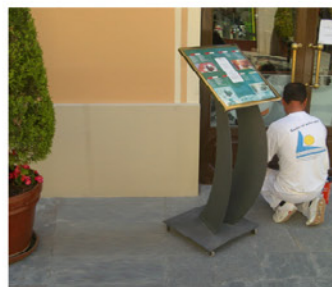
Temporary event object wraps

Courtesy of Stantec



Temporary event banner

Courtesy of Stantec



Custom fabricated portable sidewalk daily event guide

Courtesy of Stantec



Portable sidewalk menu/services A-frame sign

Courtesy of Stantec

3.8.6 COMMERCIAL SIGNAGE ALLOWANCES

Permitted Sign Content	Identification by letter, numeral, symbol, design, or the Tenant's name and/or use. Also includes hours of operation, services and products offered, events and prices of products and services.
Permitted Sign Types	<p>Resort Core: Ground, Feature, Overhead Wall, Canopy, Projecting/Arcade, Awning, Plaque/Panel, Window/Door, Changeable and Temporary/Portable signs. Dynamic Electronic Display components are permitted on signs in this district only.</p> <p>Family Resort Hotel & Sporting Club: Ground, Overhead Wall, Canopy, Projecting/Arcade, Awning, Plaque/Panel, Window/Door, Changeable and Temporary/Portable signs.</p> <p>Residential Village & Golf Uses: Ground, Overhead Wall, Canopy, Projecting/Arcade, Plaque/Panel, Window/Door, and Changeable.</p> <p>Non-Contiguous Commercial Parcels: Refer to Resort Core, with the exception of Dynamic Electronic Display</p>
Maximum Quantity	<p>Resort Core: Each Tenant may have the greater number of the following: 5 signs; or 3 signs for each building frontage operated by that Tenant. It is encouraged that all Tenants incorporate at least three (3) sign types into their sign program.</p> <p>All Other Districts: Each Tenant may have the greater number of the following: 3 signs; or 2 signs for each building frontage operated by that Tenant.</p>
Maximum Area	<p>Resort Core: The cumulative permitted sign area is three (3) square feet of sign area for each linear foot of exterior building frontage occupied by Tenant.</p> <p>All Other Districts: The cumulative permitted sign area is two (2) square feet of sign area for each linear foot of exterior building frontage occupied by Tenant.</p> <p>A. All measurements shall be applied to each street/plaza frontage separately, then totaled for a cumulative sign area calculation.</p> <p>B. No additional sign area granted to Tenants occupying multiple floors.</p> <p>C. Ground Sign: fifty (50) sq. ft. per face, excluding plinth.</p> <p>D. Window/Door Signs: fifteen (15) % of glazed area</p> <p>E. Plaque/Panel Sign: six (6) sq.ft.</p> <p>F. Temporary Portable Signs: eight (8) sq. ft. per face</p>
Maximum Projection	<p>A. Ground Pole Sign: forty eight (48) inches above 8'-0" (1'-0" below 8'-0")</p> <p>B. Feature Sign: eight (8) feet</p> <p>C. Wall Sign: twenty four (24) inches</p> <p>D. Projecting and Arcade Signs: sixty (60) inches</p> <p>E. Changeable Sign (Banners, esp.): forty-eight (48) inches</p>
Maximum Height Above Grade	<p>A. Ground Cabinet Sign: twelve (12) feet</p> <p>B. Ground Pole Sign: eighteen (18) feet</p> <p>C. Wall, Projecting and projecting Changeable Signs: the roof line of the building to which sign is attached</p> <p>D. Feature, Arcade, Canopy, Awning and Window/Door Signs: twenty four (24) feet</p> <p>E. Temporary Portable Signs: four(4) feet</p>
Minimum Height Above Grade	<p>A. Projecting, Arcade, Canopy, and Awning Signs: Eight (8) feet</p> <p>B. Changeable Banners: Twelve (12) feet</p>
Location	<p>A. No setback is required from any boundary line of the building frontage. Projecting Signs and projecting Changeable Banners attached to walls parallel to a street right-of-way line may project into the right-of-way as long as they're installed at or above the minimum height described above.</p> <p>B. Tenants above the ground floor will be permitted exterior signage only at an entry directly connected to the vertical circulation that serves their space.</p> <p>C. If multiple Tenants share a single entry point, individual Plaque/Panel signs or a joint Ground or Wall I.D. sign may be used to provide identification. Multiple installations of any other sign type at a single entry will not be permitted.</p> <p>D. Signs mounted to the roof or extending partially above the parapet are subject to approval by the CRDC.</p>
Permitted Illumination	<p>All signs shall be oriented or illuminated so that they do not adversely affect the surrounding area, particularly nearby residential uses or structures. Examples include glare or reflected glare from intense illumination and large signs or structures that visually dominate an area.</p> <p>Resort Core District: Dynamic illumination is permitted. This includes color and brightness variation and animation. Uplight fixtures are permitted.</p> <p>All Other Districts: Illumination may not flash, blink or fluctuate. Animation is not permitted. Uplight fixtures are not permitted.</p>
Permitted Sign Duration	<p>A. Signs are intended to be permanent installations and must be suited to the seasonal aspects of the area.</p> <p>B. Signs constructed of fabric, vinyl or other short life-span materials, including painted wall graphics, must be refreshed/replaced on a regular basis to maintain a high quality product.</p> <p>C. Temporary Development Signs: eighteen (18) months. May be renewed one (1) year.</p> <p>D. Temporary Event Signs: forty five (45) days and may not be renewable.</p> <p>E. Temporary Portable Signs: forty five (45) days for content. Units must be removed from public realm during hours of non-operation.</p>

3.8.7 PROHIBITED COMMERCIAL SIGN TYPES

In order to maintain a high level of quality and character appropriate to Adelaar, the sign types and fabrication methods described below will not be permitted for any business or developments within its limits. All signs are subject to the review and approval of the CDRC.

- Internally illuminated cabinet construction signs with exposed acrylic or stretched vinyl sheet faces without additional materiality or layering.
- Internally illuminated signs with vacuum formed plastic faces.
- Internally illuminated awnings.
- Signs with exposed raceways.
- Signs with exposed raceways.
- Parked motor vehicles and/or trailers intentionally located so as to serve as a sign or advertising device.
- Signs with individual changeable plastic letters.
- Sign assemblies using explicitly inexpensive or low quality materials.
- Painted or printed window graphics that exceed more than fifteen (15) % of the Tenant's glazing area.
- Off-the-shelf portable signs that do not reflect the Tenant's services or the quality demanded of this resort.
- Inflatable signs or objects.
- Billboards.

PROHIBITED SIGN EXAMPLES



Large area internally illuminated acrylic faces



Vacuum formed plastic faced sign cabinets



Internally illuminated awnings



Exposed electrical raceways



Signs with individual changeable plastic letters



Window graphics exceeding 15% of glazed area



Low quality off-the-shelf temporary portable signs



Inflatable signs or objects

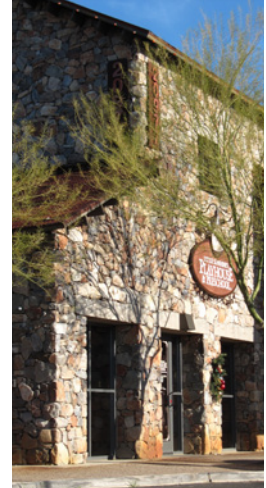
3.9 BUILDING MATERIALS SELECTION

One of the main goals of sustainable design is to select and specify building materials that are environmentally preferred. In general, material selection criteria should begin with an assessment of strength, appearance, cost and durability. Adelaar promotes additional criteria that addresses environmental impact and toxicity. The following guidelines are encouraged:

- Consider incorporating recycled content into the overall building materials selection.
- Consider using building materials that can be recycled at the end of their useful life.
- Consider using rapidly renewable building materials (such as bamboo flooring, wool carpet, linoleum flooring and poplar OSB) instead of raw or long-cycle renewable materials.
- As feasible, specify building materials from local and regional sources (within 500 miles) to support local economies and reduce impacts from transporting materials over long distances.
- Consider using building materials that reduce the emission of Volatile Organic Compounds (VOC's) and other pollutants.



The ensemble of commercial buildings at Adelaar should reflect a variety of uses within a cohesive Catskills contemporary vernacular material palette.



Where possible, stone selected for buildings should be from local and regional sources. Stone coursing should reflect Catskills contemporary vernacular.



Wood cladding may be stained or painted, and may be detailed in a variety of ways. Both vertical and horizontal siding are permitted as well as louvered walls, rain screens, etc.



Metal cladding may be applied as siding, panels, rain screens, etc. Corten, copper, aluminum, perforated, corrugated, and brushed metals are permitted.

IV. SITE AND LANDSCAPE GUIDELINES

This chapter sets forth Guidelines for all site work and landscape Improvements. The intent of the site development and landscape guidelines is to encourage site-responsive design while at the same time producing a unified resort environment that reflects the Adelaar approach described in Sections 2.1 and 3.1.

The CDRC requires that a Landscape Architect and/or Civil Engineer, appropriately licensed per the legal requirements of the State of New York, prepares a set of drawings including grading, drainage, utility locations, erosion control measures, re-vegetation plans, landscape lighting and signage, for all new construction.

Additional information regarding landscape design can be found as follows:

- For appropriate street tree spacing, refer to Section IV.H: Roadway Design Standards in the Comprehensive Development Plan (CDP).
- For Restoration and Habitat Enhancement Actions plant materials, refer to Chapter 7 in the Landscape Master Plan (LMP).
- To find techniques for managing rainwater, refer to Chapter 4 of the LMP.
- To find requirements for transition areas between built Improvements and natural landscape areas beyond those described in this chapter, refer to Chapter 7 of the LMP.
- For specific design objectives for plant materials, refer to the LMP.
- To find specific requirements for canopy and street trees used in parking lots, refer to Chapter 2 of the LMP.
- To find specific requirements for ornamental trees used in parking lots, refer to Chapter 2 of the LMP.

4.1 SITE GRADING AND DRAINAGE

Grading and Drainage Improvements are to thoughtfully consider existing conditions, protecting water quality, and promoting the continued use of natural drainage systems.

4.1.1 GRADING

- Wetlands and natural areas are to be protected and preserved. Grading design is to protect and retain as many existing trees and vegetation as practicable.
- Extent of grading and site disturbance is to be limited to those areas immediately adjacent to approved Improvements. Balancing cut and fill quantities on-site is encouraged, where feasible.
- Slopes are generally not to exceed 2 : 1. The CDRC may, at its discretion, and with the recommendation of a geotechnical engineer, consider slopes steeper than 2 : 1 provided that the stabilization treatment and design is consistent with the Guidelines. Cut and fill slopes are to be blended into the surrounding environment and revegetated with planting appropriate to the site. The CDRC will not approve slopes that are too steep to be revegetated.
- All cuts, fills and retaining walls are to create smooth transitions at the top and bottom of slopes that appear as extensions of the natural landform.
- Grading designs are to utilize natural and/or curvilinear shapes blending into the landscape, rather than straight and angular solutions. Cut and fill slopes are to be revegetated.
- Runoff during construction is to be controlled with silt fencing.
- Retaining walls may be used where necessary to preserve unique site attributes such as existing trees. Walls may also be designed as extensions of the architecture.
- Site retaining walls (not attached to a building) are to be a maximum of 6'-0" in height and utilize materials that complement the associated architecture. Multiple walls with planting areas between walls are encouraged. The CDRC may approve higher walls if the result better achieves the intent of the Guidelines.
- Retaining walls as part of a building may be up to 10'-0" in height and are to utilize materials that complement the associated architecture.



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Grading designs are to use natural and/or curvilinear shapes, blending into the natural landscape, rather than straight and angular solutions.



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Multiple walls with planting areas between walls are encouraged.



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Site retaining walls are to be a maximum of 6'-0" and use materials that complement the associated architecture.

4.1.2 DRAINAGE & STORMWATER MANAGEMENT

- Stormwater collection is to work with natural drainage systems to the greatest extent possible. Natural swales and native vegetation cover are to be used to absorb and filter runoff and promote infiltration while directing water to the community drainage system.
- Impervious surfaces are to be minimized to the extent practical to encourage water percolation into the ground.
- To prevent water damage to foundations, additional measures should be taken such as sloping grades away from the building at a minimum of 2% and/or damp-proofing foundations.
- Gutters and downspouts are to direct drainage away from foundations and paved surfaces into natural drainage systems such as crushed rock beds or grass-lined swales. Gutters and/or downspouts are not to direct drainage onto adjacent parcels or onto sidewalks or parking areas.
- Grass, mulch, gravel or other pervious surfaces consistent with the location and level of use are to be placed under the dripline of non-guttered roofs to prevent soil erosion and to increase ground absorption.
- Drainage facilities and retention ponds are to be landscaped to reduce their visual prominence.
- On-site retention and infiltration techniques are encouraged to control stormwater at the source.
- Bioswales and bio-retention are encouraged as methods for stormwater management rather than traditional piped solutions. Include bio-retention/stormwater ponds into parking areas where possible.

4.2 RAINWATER BEST MANAGEMENT PRACTICES

Rainwater is often considered a waste product and therefore traditional strategies have targeted removing runoff from a site as quickly as possible. The interaction of stormwater with impervious surfaces, such as streets, sidewalks, parking lots and buildings prevents stormwater from infiltrating in the ground. Instead surface runoff picks up speed and pollutants, causing a strain on storm drain infrastructure and the receiving water bodies. By treating rainwater as a resource, it is possible to return to a more natural condition, even within an urban setting. The process of slowing, filtering and absorbing rainwater results in reduced burdens on storm drains and downstream discharge points.

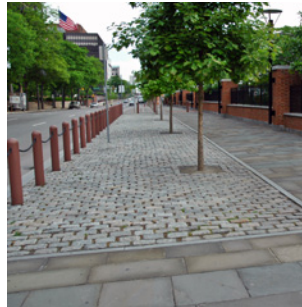


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Use roof rainwater drainage for on-site irrigation or store in cisterns/rain barrels for future use.



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Permeable pavers



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Parking lot bioswales

On-site stormwater management



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On-site rainwater infiltration recharges the local aquifer.

4.3 OPEN SPACE

4.3.1 NATURAL OPEN SPACE

The natural landscape is an integral part of the Adelaar character. As such, areas not to be developed are to remain in their existing state to the extent possible as Natural Open Space. Natural Open Space is defined as the open space within a parcel that is set aside and managed for the purpose of wildlife habitat, water quality enhancement, preservation, and natural aesthetics.

Natural Open Space can include:

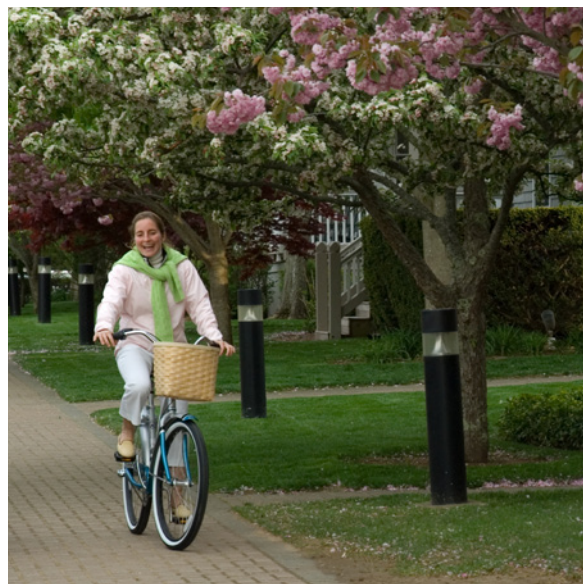
- Restored areas of temporary disturbance;
- Portions of golf course out-of-bounds, roughs and water features;
- Areas of active and passive recreation;
- Stormwater treatment facilities, including riparian zones;
- Roadway buffers, as defined in the CDP.

Management of Natural Open Space may vary depending on the type of landscape. Applicants are to propose specific management techniques for Natural Open Space that meet the overall intent of the Guidelines.

- Existing trees are to be preserved to the extent feasible, including in the roadway buffer.
- A tree survey is required for all trees over 12" in caliper, as required by the Town of Thompson.
- Applicants are to retain a qualified arborist to evaluate the health and condition of existing trees, as appropriate.

4.3.2 ACTIVE OPEN SPACE

Incorporating park features, pedestrian features, and urban landscaped spaces, Active Open Space will establish the center of outdoor activity for visitors, shoppers, tourists, and residents. Complementary landscaping is to accentuate, not obstruct, views of major buildings and public spaces from street level.



Natural Open Space can include portions of the golf course out-of-bounds, roughs, and water features as well as areas of active and passive recreation.

4.4 RECREATIONAL FACILITIES

Recreation is an important part of Adelaar. From the renovated Monster Golf Course and the harness track to quiet hiking trails, recreational opportunities are to be diverse and widely available. The CDP describes some recreational facilities that are required of certain Commercial parcels. Applicants are encouraged to provide additional facilities, which may include pools, ice rinks, climbing walls, and sports courts.

Noise, lighting, and time of use are important considerations. Recreational facilities are not to detract from the enjoyment of other parcels.

4.5 TRANSITION AREAS

Transitional landscape areas consist of the areas internal to individual parcels, including utility easements and parking lots, that are located between the buildings and common landscape areas or adjacent Parcels. This transitional landscape area shall be implemented by the Applicant, and is to be compatible with surrounding landscapes and streetscapes to provide a unified setting. Landscape Improvements are to complement the building architecture and overall streetscape context in all visible public areas.

Landscapes should generally transition to an informal natural character moving away from core built areas in order to blend with the surroundings. This concept is to be applied to all Commercial Parcels.

The specific landscape designs of transition areas are to reflect site conditions and the type of landscape. Applicants are to propose specific transition area designs that meet the overall intent of the Guidelines.

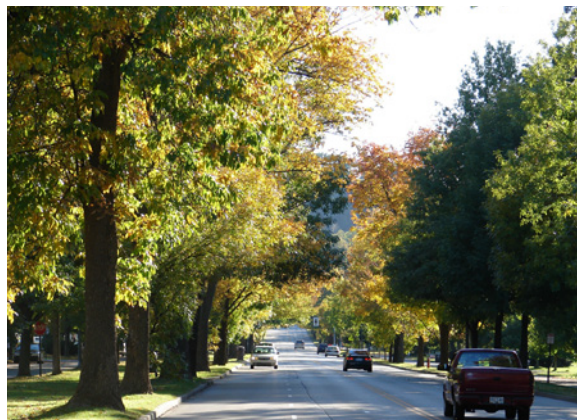
4.6 PLANTING PRACTICES

In addition to the planting practices described in the LMP, the Guidelines include the following standards:

- Reinforce the Catskills character of the resort by creating a multi-layered landscape.
- Utilize plant materials and existing vegetation to accomplish spatial goals: frame views, define outdoor spaces, anchor buildings to the land, screen buildings from visual and solar exposure, and to create parking "rooms" within parking lots.



Canopy trees in a retail setting



Street Trees along a roadway



Transition Area

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- Maintain clear visual surveillance of common open space, parking areas, or building façades facing the street.
- Employ planting to leverage the advantages of natural microclimatic conditions where they occur, such as shade, breezes, and sun.
- Consider seasonality and year-round interest of planting; layer planting designs with a mix of deciduous and evergreen shrubs and trees.
- Locate trees and shrubs according to their anticipated mature sizes and spreads, to avoid conflict with adjacent planting or buildings as they grow.
- “Next generation” canopy trees are to be included in landscape designs.
- Plantings alongside roadways should consider deer resistance and salt tolerance.

4.7 LANDSCAPE MATERIAL REQUIREMENTS

Planting materials are to create a distinctive and memorable Catskills experience. In addition, an integrated planting approach is to be applied to supplement the existing forest, complete the streetscape and pedestrian spaces, and/or introduce complimentary vegetation with canopy trees, ornamental trees, evergreen trees, shrubs and groundcover to create a variety of levels in the landscape.

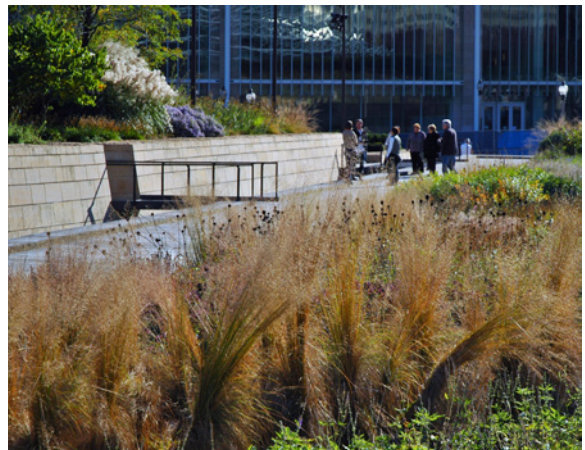
All plant materials shall be of the quality and size that are in accordance with the American Standard for Nursery Stock Guidelines.

Quantities of trees and shrubs are to be sufficient to create a richly landscaped character and to effectively blend Improvements with the surrounding landscape.

To achieve these objectives, the following standards are required:



Preserve existing trees in site landscape where possible.



Informal, naturalistic planting are encouraged in most settings.



Consider seasonality and year-round interest of planting. Layer planting designs with a mix of deciduous and evergreen shrubs and trees.

4.7.1 CANOPY AND STREET TREES

- Canopy trees are typically used along roadways, as street trees, in parking areas, in Active Open Space, or in landmark locations.
- For street trees and roadway buffers, the required tree size is 3.5" caliper at time of planting.
- For parking areas, the required tree size is 2.5" caliper at time of planting.

4.7.2 ORNAMENTAL TREES

- Typically used as highlights or accents, in the ground or in planters.
- Minimum size is 6'-7' height x 4'-6' spread at time of planting. This is intended to be the equivalent of a 2.5" caliper tree.

4.7.3 EVERGREEN TREES

- Often used for screening and to provide year-round interest. Evergreen trees are not appropriate adjacent to roadways, particularly where their shade may encourage ice hazards, but can be mixed with deciduous trees for a naturalistic roadside appearance.
- Minimum size is 6'-7' height x 4'-6' spread at time of planting.

4.7.4 SHRUBS

- A minimum of 50% of the total shrub count is to be 5 gallon in size. The remaining 50% may be 1 to 5 gallon in size.
- Spacing is to ensure full massing in two growing seasons.
- A blend of deciduous and evergreen shrubs are to be incorporated for multi-seasonal interest.

4.7.5 GROUND COVER/PERENNIALS

- Groundcover and perennial material is to be representative of industry standards for container size (i.e., flats, liners, 4" pots and 1 gallon containers). Placement is to be triangular in pattern unless otherwise approved.
- Spacing is to ensure full massing in two growing seasons.

4.7.6 TURF

- Avoid using turf in areas with a slope of 4 : 1 or steeper.
- Consider using alternative grass species such as turf-type or fine fescues, to reduce need for irrigation and fertilizer and for their drought tolerance.

4.8 APPROVED PLANT LIST

The Approved Plant List is in the Appendix (Chapter 8) of the LMP. Use of plants on this list is encouraged. The CDRC may approve use of plants not on this list on a case-by-case basis provided they are appropriate to the setting and design concept and not invasive.

4.9 PROHIBITED PLANT LIST

The Prohibited Plant List is in the Appendix (Chapter 8) of the LMP. Plants on this list will not be approved by the CDRC and shall not be installed at Adelaar.

Invasive species already existing on site should be removed per recommendations in Chapter 7 of the LMP.

4.10 IRRIGATION

To aid in water conservation, irrigation systems are to be minimal and efficient. Planting designs are to reduce water consumption.

- Utilizing indigenous or naturalized plant materials, grouped according to water consumption needs, is required to reduce water needs and to extend the natural ecosystems of Adelaar.
- All permanent irrigation systems are to be below ground and fully automatic. Use of water conserving systems, such as drip irrigation and moisture sensors, is required. An electric, solid state controller is required for all systems and shall be equipped with a master valve terminal and at least two fully independent programs.
- Rain/moisture sensors that shut off irrigation during or after rainfall are to be installed.
- The use of mulch at least 3" deep in planting areas is encouraged to retain moisture and reduce erosion.
- Temporary irrigation systems are required at

all revegetation areas. These systems may be abandoned when planting have been clearly established after a minimum of one growing season.

- All new landscape areas are to be irrigated with an automated system that provides 100% coverage to all new landscape planting.
- Care is to be taken to avoid irrigation overspray into natural forest areas and wetland areas.
- No overspray is allowed on plazas, walkways and buildings.
- Turf areas are to be irrigated separately from shrub and groundcover zones.
- All permanent exterior potted plants are to be irrigated, the design of which shall be incorporated into the design of pavement (no exposed irrigation).
- Controllers are to be located inside the building or otherwise completely screened from public view.
- Irrigation backflow preventers must be completely screened from public view.
- Quick coupler valves should be located at strategic locations for the hand watering of plant materials.
- Individual wells for irrigation purposes are not permitted.
- Use rain chains or other elements to capture rainwater for irrigation.

4.11 MAINTENANCE AND COVENANTS

- In order to ensure that a complete environment is established, all landscape and irrigation must be substantially installed and in operation prior to issuance of a Notice of Compliance by the CDRC.
- Applicants are responsible for the care and maintenance of all landscape within their parcel boundaries, unless otherwise maintained by the Commercial Association or Master Developer.



Use rain chains or other elements to capture rainwater for irrigation.



Avoid over spray onto walkways and adjacent surfaces

V. ROADWAYS & CIRCULATION

V. ROADWAYS & CIRCULATION

The roadway network at Adelaar is to fit with the rolling Catskills topography while providing safe and efficient access through the site. A hierarchy of streets, parkways and boulevards has been sized to be responsive to the specific access and service needs of all Parcels and local road design standards, as described in the Landscape Master Plan (LMP) and Comprehensive Development Plan (CDP). This chapter provides standards for all road design at Commercial areas of Adelaar.

5.1 MAJOR TRANSPORTATION SYSTEMS

The Master Developer is responsible for improving the existing roadways throughout the site to accommodate increased traffic volumes and to create appropriate gateways. The Master Developer is also responsible for ensuring that Adelaar roadways tie into the regional road network.

Applicants developing Commercial parcels are responsible for constructing new roadways within their parcels unless otherwise installed by the Master Developer, in accordance with the LMP, the CDP, and these Guidelines.

Trip generation estimates have been prepared as part of the overall planning process, and those studies have been factored into the design standards described in the CDP.

All roadways are to incorporate landscape as well as pedestrian and multi-modal components to improve circulation and the aesthetic environment.

5.2 ADELAAR ROADWAY DESIGN GUIDELINES

The CDP and LMP provide information on road types and locations, including width of drive aisles, curb types, and stormwater management techniques. The CDP and LMP also describe conceptual landscaping, sidewalk criteria and general utility locations. In addition:

- All roads are to comply with Town of Thompson requirements, AASHTO standards and other applicable codes. Applicants are to retain a New York State licensed Civil Engineer for road



Multi-modal Parkway (Option 1) - Entry along Joyland Road



Multi-modal Parkway (Option 2) - Entry Road in Entertainment District

geometry, grading, drainage, and stormwater management, as well as to advise on site-specific geotechnical conditions so that roadways are adequately constructed.

- The road locations shown in the CDP are conceptual. Minor variations to road locations based on field review and specific environmental conditions are acceptable. Applicants are encouraged to minimize site disturbance when designing roads.
- The CDRC may approve deviations to landscaping, sidewalk locations and utility locations if doing so better achieves the intent of the Guidelines.
- The CDRC discourages impacts to wetlands and other surface water bodies wherever feasible. The CDRC will not approve wetland or surface water impacts that are reasonably avoided or not approved by the appropriate federal or state agency.
- Roadways are to be designed and constructed to retain existing trees to the degree practicable.
- Curbs are to be constructed of granite or concrete unless otherwise described in the Landscape Master Plan. Asphalt curbs are not appropriate. Curb height is to be as low as possible while still providing safety and managing stormwater.
- The CDRC will not approve deviations to the width of drive aisles.

5.3 ENTERTAINMENT DISTRICT ROADWAY DESIGN GUIDELINES

For those Parcels within the Entertainment District, the LMP does not provide information on road types and locations. Applicants and their project teams are to provide specific roadway locations, types and hierarchies that are in keeping with the overall intent of the Guidelines and the parking lot standards in Chapter 2 of the LMP.

5.4 MOTOR AND PEDESTRIAN COURTS

Certain uses within Commercial parcels (such as a hotel use) may require multipurpose motor and pedestrian courts that combine both (1) a “plaza” or “courtyard”-like entrance from the adjacent street, and (2) a visitor or handicap drop-off area at the building’s entry or at its porte-cochère. The CDRC will review final design solutions for each motor/pedestrian court for scope, placement, materials, and configuration.

- A limited number of short-term visitor, service, and/or handicap parking spaces may be provided adjacent to the motor court, which shall be designed as dual-purpose pavements to ensure safe and attractive pedestrian use.
- A drop-off area is to be integrated with the motor court in close proximity to the building entryway.
- Structured parking may be accessed directly from motor court areas.
- Motor courts are not to be used for through traffic or long-term parking.
- Materials shall indicate to motorists that they have entered a pedestrian area. One or more materials may be used as the dominant material for motor court paving, including:
 - Colored, patterned concrete
 - Pre-cast concrete pavers or unit pavers
 - Stone and/or brick pavers
 - Locally-sourced stone
- The color of vehicular/pedestrian court paving shall complement and be a part of both its immediate streetscape and the overall family of colors in that area.
- Asphalt paving, unless imprinted, shall not be used as the dominant material.
- Header curbs, varied paving treatment, or another method of separating vehicular travelways from pedestrians are to be used at the edge of all motor court vehicular driving surfaces. Header curbs, if used, shall be constructed of concrete or stone. Asphalt curbs are not appropriate.

5.5 PARKING FACILITIES

Parking quantities and general parking area guidelines within Commercial areas are described in Chapter IV of the CDP.

5.5.1 SURFACE PARKING AREAS

Surface parking areas shall be landscaped to reinforce the overall Adelaar Resort landscape character, provide adequate shade and screening of unsightly views, reduce heat island effect and improve opportunities for stormwater retention on site. Guidelines for landscape treatment of surface parking areas are described in Chapter 2 of the LMP. All landscaping in surface parking areas shall have appropriate irrigation systems.

5.5.2 PARKING STRUCTURES

Freestanding and integrated parking decks are to be employed at strategic locations throughout the Resort Core and Hospitality areas to accommodate the parking needs of hospitality and/or mixed use buildings.

- Parking structures are to be thoughtfully designed within the context of other buildings within Adelaar. Parking structures are to blend with adjacent architecture and appear as inconspicuous as is feasible.
- The design and siting of parking structures are to consider pedestrian and vehicular circulation patterns and site utility connections.
- Parking structures are to be screened to reduce their visual presence from Active Open Space. Appropriate ways to screen parking structures include:
 - Commercial uses (or residential uses if allowed) located along the block or street face,
 - Ornamental building treatments,
 - Ornamental rooflines,
 - Gradually sloping earth berms,
 - New planting and/or preservation of existing trees
 - Green vegetative facades and roofs

- Freestanding parking structures are to reflect exterior architectural elements, including color, details, materials, and landscaping that are compatible with the surrounding structures. Exposed portions of integrated garages are to be complementary in materials, detail and color to adjoining buildings.
- Parking structures shall not front streets, pedestrian ways, or recreational areas unless that exposed parking structure façade is above the second story and is designed and architecturally treated to resemble the façade of an occupied building.
- Entrances to integrated garages along primary streets are permitted.
- When the placement of a freestanding parking structure creates a space between itself and the immediately adjacent building(s) it is intended to serve, a 20'-0" minimum buffer between the structures is to be provided. If a garage is connected to the building(s) it serves with walkways and/or breezeways, then it does not require the 20'-0" buffer.

5.5.3 PARKING STRUCTURE RAMPS

All façades are to have a horizontal emphasis that reduces the visual impact of any ramps within the parking structure, unless otherwise treated to conceal the parking structure.

5.5.4 PARKING AREA GRAPHIC SYSTEM

All signs and graphic systems within surface parking lots are to be consistent with the Sign guidelines in Chapter 3 of the LMP. Signs and graphic systems within parking structures may show a greater variety to reflect the architectural character of the building that the parking structure is associated with. A common Graphic System shall be used at each level within continuous parking structures to simplify orientation for ingress and egress.

5.5.5 PARKING AREA LIGHTING

Lighting is to be the minimum required for safety and security within commercial parking areas. Street lighting and ambient lighting from buildings often provide adequate light levels to achieve these objectives.

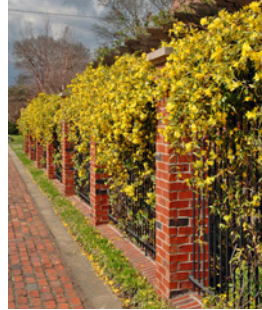
5.5.6 TEMPORARY SURFACE PARKING

Within multi-phase parcels, those areas designated for future development may be used for temporary surface parking areas. Parking areas used infrequently for special event parking are not considered temporary surface parking and not subject to the Guidelines.

- Temporary surface parking areas are to be constructed of asphalt or another stabilized surface. Pervious surfaces including gravel or reinforced turf are preferred.
- Adequate stormwater management, lighting and pedestrian linkages are to be provided.
- If a temporary surface parking area is to remain or remains for more than twenty-four (24) months, the CDRC may require a higher standard of screening for any edge abutting completed portions of that Commercial area. The screening may include multiple beds with clustered evergreen trees, shrubs, and other landscape elements.

5.6 PUBLIC TRANSPORTATION

Public transportation is not currently in consideration for Adelaar. Should public transportation be provided in the future, roadway standards will be amended to include the necessary design elements.



Planting help blend streetscreens into the landscape



Permeable materials in parking areas reduce stormwater run off.



Bioswales integrated into the design of a parking room.



Parking structures are to be thoughtfully designed within the context of other buildings within Adelaar.

5.7 STREETScape AND SITE ELEMENTS

Adelaar focuses on creating vibrant pedestrian-scaled spaces set amongst the Catskills landscape. Streetscape and site elements in this environment should reflect and promote a high-energy, vibrant, and seasonally-varied center for diverse activities.

The streetscape is to be designed with the same principles that apply to architecture, as described in Section 3.1.

5.7.1 RESORT SIGNAGE

The Master Developer of Adelaar is responsible for the design, fabrication and installation of a project-wide family of site wayfinding signage located in the public realm of the resort to IDENTIFY its circulation routes and public facilities, to INFORM visitors of their conditions and use and to DIRECT visitors between them.

Resort Signage is described in Chapter IV.G of the CDP and in Chapter 3 of the LMP. It is the intent of Chapter 3 of the LMP to provide the baseline standards for the visual and functional qualities of this sign system that will contribute to the vitality and interest of the resort, create a lively and provocative atmosphere, respect the integrity and variety of the surrounding districts, clearly identify local destinations, encourage the patronage of local businesses and generally enhance the user's overall experience. Architectural signage is described in Section 3.8 of these Guidelines.

5.7.2 LIGHTING

Lighting will play a significant role in defining the atmosphere of the Commercial areas at Adelaar, going beyond functional illumination of streets and squares to become engaging sculptural installations. These installations should be inviting to visitors and residents, young and old, whether spending a lively evening in the Casino Resort or going out to dinner as a family.

The Applicant is to provide roadway and site lighting as described in Chapter IV.F of the CDP and in Chapter 3 of the LMP. Variances in fixture location may be approved by the CDRC to better achieve the intent of the Guidelines; however, in order to achieve a consistent streetscape appearance across Adelaar, variances in materials, mounting height, bulb type and wattage are inappropriate and require review and approval by the CDRC.

5.7.3 FENCING, FREESTANDING WALLS, & GATES

In order to create an open pedestrian experience, fences, walls, and gates are to be minimized. Applicants are encouraged to incorporate creative and inventive fence, wall, and gate designs that are in keeping with the intent of the Guidelines.

- Fences, walls, and gates are not allowed along a Primary Façade.
- Pool enclosures are to comply with all safety standards as specified by local, State and Federal Safety codes.
- Fences and gates are generally not to exceed 6'-0" in height. The CDRC may approve higher fences on a case-by-case basis.
- Freestanding walls and gates along a roadway or pedestrian way are generally not to exceed 4'-0" in height. The CDRC may approve higher walls on a case-by-case basis.
- Fences, walls, and gates are to utilize materials that complement the resort character and the guiding principles of the commercial architecture (as defined in Chapter III of the Guidelines). Materials shall be approved by the CDRC.

5.7.4 OUTDOOR FURNITURE

A wide range of outdoor furniture styles, colors and materials are permitted, as shown in Chapter 5 of the LMP. Permitted furniture includes tables, chairs, benches, trash receptacles, umbrellas, bicycle racks, and planters Applicants are encouraged to use furniture that is practical, elegant and contributes to the overall commercial character. In general, designs are to reflect the Design Principles described in Sections 2.1 and 3.1 of the Guidelines, including the use of traditional materials in thoughtful, innovative and contemporary ways.

- All furniture and fixtures must be freestanding and cannot be secured to trees, lights, street signs, or fire hydrants.
- All furniture should be durable, weather resistant and designed for commercial outdoor use. All furniture is to be clean and maintained in good working order.

- In choosing site furniture, tenants should pay careful consideration to public safety and avoid items with sharp edges and moving parts which can pose a potential hazard to users.
- All furniture within a single establishment must be of similar design, construction, and color. Furniture color schemes must complement and be compatible with the project architecture and fit within the overall design character of the establishment.
- Appropriate materials include painted or stained wood, painted or anodized metal, and stone. Non-reflective surfaces are encouraged.
- Inappropriate furniture and materials include plastic furniture, storage devices, receptacles for dirty dishes and kitchen equipment.
- White and fluorescent colors for furniture are generally not appropriate.
- Generally, trash receptacles are to be located clear of pedestrian circulation, and at least 3'-0" clear on all sides from any standing object such as lights or sign posts. Designs which combine trash and recycling into one receptacle are required, rather than multiple containers for trash and recycling.
- For convenience, bicycle racks may be located on a Primary Façade. However, their placement is to be as unobtrusive as possible. Bicycle racks may not obstruct the view of a Focal Point. Bicycle racks are to be located clear of pedestrian circulation.

5.7.5 VENDING MACHINES

Vending machines are to be located indoors. Exterior locations for vending machines are not appropriate.

5.7.6 MAILBOXES AND PRIVATE COURIER DROPBOXES

To maintain an uninterrupted site character, mailboxes and drop boxes in Commercial areas are not to be installed in any outdoor location. Mailboxes for Commercial Applicants, Commercial tenants and private courier dropboxes are to be installed in interior spaces. For hotel and other accommodations, mail and parcel delivery shall be delivered to a building lobby, with mail distribution by arrangement.

5.7.7 SHUTTLE SYSTEM STOPS

The Master Association intends to implement a resort shuttle system. At the time such system is implemented, Applicants may be required to provide shuttle stops at appropriate locations and comply with design standards on their Commercial parcel.

5.7.8 CELL TOWERS, ANTENNAS, AND SATELLITE DISHES

- Cell towers are not permitted on Adelaar property.
- No exterior antennas are to be installed at Adelaar or attached to any building structure.
- Satellite dishes are permissible; however, the satellite dish is not to exceed 18" in diameter and must not be visible from any street, Active Open Space, or adjacent property to the extent feasible. Prior to installation, the location of the satellite dish must be approved by the CDRC.

5.7.9 SERVICE AREAS

The general locations of service areas have been shown on the Area Framework Plans. These locations have been identified to ensure the harmonious planning and design of Adelaar. The CDRC will consider alternative locations of service areas. Service areas are subject to the following guidelines:

- Service areas are to be designed and located so that they are not visible from off site, and do not create nuisance noise or odors to adjacent properties.
- Service and utility areas are to be designed so that vehicle service requirements are met.

- Service areas must be located within the development area of the parcel, and are to be entirely enclosed with walls or fencing and screened with densely planted vegetation including shrubs and vines. Densely planted evergreen hedges may also be utilized.
- Spacing and size of shrubs must be sufficient to screen all mechanical units at the time of planting installation.
- All trash should be placed within secured receptacles; no trash should be stored within any public spaces. No trash should be left inside the trash room outside of the trash receptacle.
- Access doors are to be solid metal or wood panels.
- All commercial tenants within Adelaar are required to provide for garbage collection and disposal to meet the sanitation needs as determined by the Master Association. The Commercial Association or another association determined by the Master Association provides this service and may from time to time amend the procedures.
- The Master Association will identify times that vehicle access to service areas is allowed. All normal service vehicle access will occur during these times.

5.7.10 OUTDOOR ARTWORK

Outdoor artwork can add to the unique and distinctive experience of Commercial Areas. The CDRC encourages Applicants to consider outdoor artwork in their designs. Refer to Chapter 5 of the LMP for more information.

The CDRC will review all permanent outdoor artwork on a case-by-case basis.

All outdoor artwork, temporary and permanent, is to be in keeping with the Guidelines.

5.8 PEDESTRIAN CIRCULATION

Adelaar is envisioned as a pedestrian-friendly environment, whether in the active, vibrant Entertainment District, the traditional residential streets, or along quiet natural trails. A hierarchy of pedestrian circulation types and widths are included in the LMP appropriate to the context.

5.8.1 SIDEWALKS

Sidewalks provide a safe and comfortable pedestrian experience throughout the Resort Core, Hospitality areas and other Commercial parcels.

- If not otherwise installed by the Master Developer, Applicants are to provide sidewalks at locations generally shown in Chapter 2 of the LMP.
- Applicants are to propose sidewalks for individual buildings that respond to the design of the building and setting.
- Sidewalks may be covered by arcades or other structures as appropriate to the context.
- Materials and widths are generally described in Chapter 6 of the LMP. The CDRC may approve variances in widths, materials and locations that better achieve the intent of the Design Guidelines.
- Asphalt is not appropriate for use at sidewalks but may be used when serving as a multi-use path.

5.8.2 CROSSWALKS

The intent is to provide safe and clearly identified pedestrian crossings at appropriate locations.

Applicants are to install crosswalks in accordance with the general descriptions in Chapter 6 of the LMP. The CDRC may approve variances that better achieve the intent of the Guidelines.

Crosswalks are to be a different material from the asphalt roadway. Appropriate materials include granite or other durable stone, concrete pavers, or colored concrete.

5.8.3 TRAILS

The trail system connects the various areas of the resort and provides a variety of experiences for visitors and residents. Trails will also provide access to notable natural features within the site. Trail types, locations and materials are conceptually shown in Chapter 4 of the LMP.

- If not otherwise installed by the Master Developer, Applicants are to provide trails at locations generally shown in Chapter 4 of the LMP within their Parcel and/or connect to the master trail system within their parcel.
- At its discretion, the CDRC may allow Applicants to defer constructing trails if the trail would connect to a trail on a separate parcel that has not yet been constructed. In such a case, the CDRC will require the Applicant to place adequate funds in an escrow account administered by the CDRC for construction at a later time.
- Trail locations in the LMP are conceptual. Based on field conditions, applicants may provide alternative locations that minimize site disturbance while providing comparable connectivity.

5.9 UTILITY SERVICES

As described in the CDP, the Master Developer is responsible for installing trunk infrastructure of water lines, sewer lines and common storm water management control basins. Additionally, the Master Developer will coordinate with the applicable governmental and utility providers and/or agencies for the installation of the distribution systems for telephone, electric, natural gas, and cable service.

Applicants will be required to connect to the trunk infrastructure and distribution systems and provide service within the Applicant's parcel, subject to applicable restrictions and the following guidelines:

- Utility connections and appurtenant facilities are to minimize visibility and noise from public areas. To the extent feasible, utility connections and appurtenant features are not to be located in Active Open Space.
- Provide access for service vehicles that minimizes conflict with pedestrian circulation.
- Wherever feasible, utilities are to be set well back from public view. Below grade placement is preferred. Provide solid and secure enclosure as required, supplemented with evergreen screening. Utilities that cannot be adequately screened or that require weather-proofing or noise-proofing, such as pump stations, are to be enclosed in a structure of a consistent design with the nearby buildings.
- Utility access is to be located in a subordinate part of any view corridor.
- A community-wide dark green paint color selected by the CDRC will be required for utilities in the public view.
- Utility components that produce noise - including pool equipment - must be fully enclosed and sound-proofed.

VI. DESIGN REVIEW & APPROVAL PROCESS

VI. DESIGN REVIEW & APPROVAL PROCESS

The intent of the Design Review and Approval process is to ensure that all commercial buildings, landscapes, and related site elements are consistent with the Guidelines. This chapter describes the Design Review and Approval process. These Guidelines may be amended from time to time in accordance with the Maser Declaration and Bylaws.

The Design Review Process involves a series of meetings between the Applicant, the Applicant's design team and the Commercial Design Review Committee (CDRC). The CDRC is committed to assisting Applicants through the design review process, and to ensure that all buildings, landscapes, and other site elements are consistent with said Design Guidelines. The CDRC should be thought of as a resource of the Applicant's design team as opposed to a regulatory review agency.

6.1 COMMERCIAL DESIGN REVIEW COMMITTEE ORGANIZATION

6.1.1 COMMERCIAL DESIGN REVIEW COMMITTEE MEMBERSHIP

The Design Review Committee shall be composed of individuals or entities as the Declarant may determine in its sole and exclusive discretion, which need not be representatives of Members or Parcel Developers. Unless Declarant determines otherwise, so long as the Declarant owns at least twenty percent (20%) of the land area of Master Development Site, the Design Review Committee shall consist of two (2) regular members and one (1) alternate member, each of whom shall be appointed, removed and replaced by, and serve at the pleasure of the Declarant in its sole and exclusive discretion. At such time as the Declarant no longer owns at least twenty percent (20%) of the land area of the Master Development Site, the Design Review Committee shall consist of such number of regular and alternate members as the Board may deem appropriate from time to time (but in no event less than three (3) nor more than seven (7) regular members, nor less than one (1) nor more than three (3) alternate members), each of whom shall be appointed by, and serve at the pleasure of, the Board. The Declarant

may at any time voluntarily surrender in writing its right, as the Declarant, to appoint and remove the members of the Design Review Committee pursuant to this Section. In the event Declarant voluntarily surrenders such right, for so long as the Declarant owns at least twenty percent (20%) of the land area of the Master Development Site, Declarant reserves the right to require that specified actions of the Design Review Committee be approved by Declarant before they become effective, as described in a recorded instrument executed by Declarant.

The Master Association shall endeavor to select individuals whose occupations or education will provide technical knowledge and expertise relevant to matters within the CDRC's jurisdiction. If a licensed Landscape Architect, Architect, and/or Civil Engineer do not sit on the CDRC, one each shall be retained by the CDRC as a consultant. As needed, the CDRC may retain a qualified consultant to advise Applicants on the design, construction and maintenance of specific design considerations.

6.1.2 APPOINTMENT AND TERMS OF MEMBERS

The term of office of each member of the Design Review Committee shall be three (3) years, commencing January 1 of each year, and continuing until his or her successor is appointed, which terms shall be staggered as determined by the Board. Should a Design Review Committee member die, retire, become incapacitated, or in the event of a temporary absence of a member, a successor may be appointed as provided in Section ___ above. The Declarant may remove any member of the Design Review Committee at any time for any cause without notice or explanation.

CDRC members may be affiliated with or have professional relations with one or more of the members of the Association, provided their loyalty shall at all times be to the CDRC as a whole, and to implementing the Design Guidelines on behalf of the entire Adelaar Resort in accordance with the guiding principles articulated herein.

6.1.3 RESIGNATION OF MEMBERS

Any member of the CDRC may at any time resign upon written notice stating the effective date of the member's resignation to the Master Association. Any member may be removed at any time by the body that appointed them, with or without cause. Any resigning

or former member of the CDRC shall not disclose or share with any third party or the public any proprietary or other confidential information that they obtained, directly or indirectly, during their tenure as a CDRC member.

6.1.4 FUNCTIONS OF THE COMMERCIAL DESIGN REVIEW COMMITTEE

It will be the duty of the CDRC to, from time to time, consider and act upon such proposals or plans submitted to it in accordance with the design review procedures established by the Guidelines; recommend amendments to the Guidelines as deemed appropriate with the approval of the Master Association; and to perform any duties assigned to it by the Master Association as set forth in the Master Declaration or Bylaws. The CDRC will meet regularly as needed to perform its duties.

6.1.5 COMPENSATION

The Master Association shall determine what compensation, if any, CDRC members are to receive for services performed pursuant to their duties. All members will be entitled to reimbursement for reasonable expenses incurred by them in connection with the performance of any CDRC function or duty. The CDRC may contract and/or assign some of the CDRC's administrative duties, but not authority to review or make any determinations under these Guidelines, to any qualified design professional as needed.

6.1.6 AMENDMENT OF DESIGN GUIDELINES

The Master Association may from time to time adopt, amend and repeal by majority vot, rules and regulations to be incorporated into, or amendments of, the Guidelines, which, among other things, interpret, supplement or implement the provisions of the Guidelines. All such rules and regulations or amendments, as they may from time to time be adopted, amended or repealed, will be appended to and made a part of the Guidelines. Each Applicant is responsible for obtaining from the CDRC a copy of the current Guidelines.

6.1.7 NON-LIABILITY

Provided that CDRC members act in good faith, neither the CDRC nor any member will be liable to the Master Developer, the Master Association, any

Applicant or any other person for any damage, loss or prejudice suffered or claimed on account of:

1. Approving or disapproving any plans, specifications and other materials, whether or not defective.
2. Constructing or performing any work, whether or not pursuant to approved plans, specifications and other materials.
3. The development or manner of development of any land within Adelaar.
4. Executing and recording a form of approval or disapproval, whether or not the facts stated therein are correct.
5. Performing any other function pursuant to the provisions of the Guidelines.

6.2 DESIGN REVIEW PROCESS

The Design Review Process has been developed to ensure that all new construction, alterations and renovations to existing buildings, major site Improvements and sign work conform to the guiding principles of Adelaar as outlined in the Guidelines. The Design Review Process has been structured to eliminate excessive delays. When reviewing design and construction projects, the CDRC will ensure compliance with the principles outlined in this document.

6.2.1 PROJECT TYPES TO BE REVIEWED

No Applicant, Project Developer, or Member of the Association or any other entity shall undertake any of the following activities with respect to the construction of any element of Adelaar or in accordance with implementing the CDP without obtaining the written approval of the CDRC. Approval of CDRC is required prior to beginning applications to applicable government agencies.

1. Submission of an application to a Governmental Authority for approval of an Improvement.
1. New Construction - Construction of any new, freestanding structure, whether as a Main, Secondary, Ancillary or landscape structure.
2. Alterations, additions or rehabilitation of an existing structure - Any new construction or rehabilitation to

an existing building that alters the original massing, exterior finishes, window placement, roof design and/or other significant exterior design elements.

3. Major site and/or landscape Improvements - Any major Improvements, including, but not limited to grading (for any excavation and/or fill involving more than 100 cubic yards of dirt), driveways, paving and/or drainage, that alters an existing landscape.
4. Minor Improvements and Commercial Sign work - Any installation or alteration to commercial signs is subject to an abbreviated review process as described in Section 6.2.3.
5. Variance Requests - The Design Review Committee may in writing excuse compliance with such Design Guidelines as are not necessary or appropriate in specific situations and may permit compliance with different or alternative requirements. An affirmative vote of two-thirds (2/3) of the members of the Design Review Committee must be obtained for a variance to be granted. The Design Review Committee does not, however, have authority to allow deviation from the requirements of the Development Documents or the Uniform Building or Fire Code, or any other applicable Law, of the Governmental Authority having jurisdiction. Significant (greater than 15%) alterations to any condition of the CDP require a variance request. Should such a variance be allowed by the CDRC, the Master Association and Applicant will then jointly seek to amend the CDP with the Town of Thompson. Only after the CDP amendment is approved will the CDRC approve the variance request.

The CDRC evaluates all development proposals on the basis of the Guidelines. Some of the Guidelines are written as broad standards and the interpretation of these standards is left up to the discretion of the CDRC.

6.2.2 DESIGN REVIEW PROCESS REQUIRED STEPS

Adelaar's Design Review Process, unless otherwise described as a variance request, takes place in five steps.

1. Pre-Design Conference

2. Conceptual Review (generally corresponding with the Conceptual Design stage)
3. Preliminary Design Review (generally corresponding with the Schematic Design stage)
4. Final Design Review (generally corresponding with the Design Development stage)
5. Construction Monitoring

Any Improvement as described above will require and be preceded by the submission of plans and specifications describing the proposed Improvements and accompanied by any fees that may be established by the Master Association. The Applicant shall retain competent assistance from an Architect, Landscape Architect, Civil Engineer, Soils Engineer, other consultants, and/or a licensed Contractor (consultants), all duly licensed to practice in the State of New York, as appropriate. The Applicant and consultant(s) shall carefully review the Guidelines prior to commencing with the design review process. Having secured final design approval from the CDRC, the Applicant is also required to meet all the submittal and approval requirements of the Town of Thompson and any other discretionary permits.

6.2.3 DESIGN REVIEW PROCESS - MINOR IMPROVEMENTS AND COMMERCIAL SIGNS

Minor Improvements (including, but not limited to, construction of, or addition to, site features and/or enclosure structures), which are being completed independent of any major Improvements as listed in Section 6.2.1 above, and commercial sign additions or alterations, do not need to proceed through all four steps of the general design review process. Minor Improvements may generally be submitted as part of a two-step review process:

1. Plan Review
2. Completion of Construction Observation

Applicants and/or consultants should contact and provide the appropriate plans to the CDRC to verify whether an Improvement qualifies for the abbreviated design review process as a Minor Improvement. The CDRC shall make a determination within five (5) business days of receiving such information.

6.2.4 PRE-DESIGN CONFERENCE

At the beginning of a proposed activity under Section 6.2.1, the Applicant and key project team members shall meet with representatives of the CDRC to discuss the proposed project and resolve any questions regarding building requirements. At this meeting, the CDRC shall explain its responsibilities and the responsibilities of the Applicant in implementing the Guidelines and requirements of the Landscape Master Plan (LMP) and CDP. The meeting will allow any questions regarding building requirements or interpretation of the Guidelines. In some cases, this meeting may be conducted by conference call.

The Pre-Design Conference may be scheduled by submitting the Pre-Design Conference Request Form at least fourteen (14) working days prior to an anticipated meeting with the CDRC.

6.2.5 CONCEPTUAL REVIEW

The Applicant/project team shall provide sketches and/or conceptual designs for the CDRC's consideration prior to any submission to the Town of Thompson. Sketches and/or designs at this level may be conceptual in nature, but should be developed as a result of the discussions and recommendations that occur during the Pre-Design Conference.

There are no fixed submittal requirements for the Conceptual Review. However, the Applicant must provide sufficient information for the CDRC to understand the nature of the proposed project. In general, architectural sketches showing general height and character and a site plan showing building location(s) are appropriate. On sensitive sites and projects, the CDRC may, at its discretion, require an Applicant/project team to submit specific plans for review prior to Conceptual Review.

The Conceptual Review may be scheduled by submitting the Conceptual Review Request Form and conceptual sketches at least fourteen (14) working days prior to anticipated meeting. At this meeting, the CDRC shall provide feedback on the project and recommendations to be implemented in the

Preliminary Design Review submittal. In some cases, this meeting may be conducted by conference call.

6.2.6 PRELIMINARY DESIGN REVIEW

The Applicant shall submit a written application and preliminary design documents for Preliminary Design Review. The Preliminary Design Review will insure that the proposed Improvements are consistent with the Guidelines.

A checklist of the required preliminary design documents is found below. New construction projects should submit all items listed below. Submissions for additions to existing buildings need only submit items 3 through 8. Submissions for the alteration and/or rehabilitation of an existing structure or storefront and/or major landscape Improvements need only submit items 4 through 8.

1. Property Survey - (1" = 60'-0" minimum scale), a property survey prepared by a licensed surveyor indicating property boundaries, the area of the property, all easements of record, all existing trees of a size requiring the Town of Thompson approval for removal, or any significant drainages as applicable.

2. Site Sections - (1" = 40'-0" minimum scale), showing proposed buildings, building heights, elevations and existing and finished grades in relation to the surrounding site, including adjacent buildings and roads. This drawing should clearly illustrate how the proposed design conforms to the building height requirements and adjoining buildings.

3. Preliminary Design Review Application Form - A current application form should be obtained from the Master Association or CDRC office.

4. Site Plan - (1" = 40'-0" minimum scale), showing existing topography and proposed grading and drainage (2' contour interval), building footprint with finished floor grades, driveway, parking area, drainage, and other site amenities. Existing vegetation patterns and proposed vegetation clearance areas should be indicated.

5. Schematic Floor and Roof Plans - (1/16" = 1'-0" minimum scale, unless otherwise specified), including all proposed uses, door and window locations, overall dimensions, and total square footage for all Structures.

6. Schematic Elevations - (1/16" = 1'-0" minimum scale), including building heights, roof pitch, existing and finish grades, sign design (where applicable) and notation of exterior materials. In addition to black and white elevations included in each set of plans, one unbound set should be rendered in color and illustrate shadows.

7. Schematic Landscape Plan - (1" = 40'-0" minimum scale), a plan showing areas of planting, a preliminary plant list, extent of lawns, areas to be revegetated, water features, courtyards and plazas, schematic utility layout, service areas and any other significant design elements.

8. Sample Color Board - including:

- Roof materials and color
- Wall materials and color
- Exterior trim materials and color
- Window material and color
- Exterior door material and color
- Exterior rails, fencing, paving materials

The CDRC reserves the right to amend the Preliminary Design Review submission requirements on a case-by-case basis as required by conditions and considerations particular to each specific Parcel and/or building(s).

6.2.7 PRELIMINARY DESIGN REVIEW MEETING

Upon receipt of the required documents, and prior to a sketch plan conference with the Town of Thompson, the CDRC will notify the Applicant of the scheduled meeting date. Meetings are generally done in person but may be done by conference call at the CDRC's discretion. During the meeting, the CDRC will comment on the application, allow time for discussion with the Applicant and/or consultant(s), and subsequently provide the Applicant with the conclusions of the meeting in writing. The comments of the CDRC on

the preliminary submittal shall be advisory only, and shall not be binding upon either the Applicant or the CDRC. A second review meeting may be necessary to review corrected and/or new materials. Corrected materials will be provided to the Design Review Board a minimum of five (5) working days prior to the next regularly scheduled meeting.

6.2.8 FINAL DESIGN REVIEW

Following Preliminary Design Review approval, and subsequent to a sketch plan conference with the Town of Thompson, or as otherwise approved by the CDRC, the Applicant shall initiate Final Design Review by submitting the written application and final design documents. This review will cover all items that need to be in compliance with the Guidelines.

6.2.9 FINAL DESIGN REVIEW SUBMISSION MATERIALS

The Applicant shall prepare and submit to the CDRC for review and approval a Final Design Review package, which adequately conveys compliance with the Guidelines. Final design documents shall generally conform to the approved Preliminary Design Review documents. Submissions for new construction and additions to existing buildings should submit all items listed below. Submissions for the alteration and/or rehabilitation of an existing structure or storefront and/or major landscape Improvements need only submit items 4 through 12.

1. Site Sections - (1" = 20'-0" minimum scale), showing proposed buildings, building heights, elevations and existing and finished grades in relation to the surrounding site, including adjacent buildings and roads. This drawing should clearly illustrate how the proposed design conforms to building height requirements.

2. Storm Water Management Plan - (1" = 40'-0" minimum scale), illustrating how storm water drainage will be handled during construction and thereafter.

3. Staking Plan - (1" = 40'-0" minimum scale), illustrating the layout of building corners, and site Improvements. Staking should occur as described in Section 6.2.11.

4. Final Design Review Application Form – A current application form should be obtained from the CDRC office.

5. Site Plan – (1" = 40'-0" minimum scale) showing existing topography and proposed grading and drainage (2'-0" contour interval), building footprints (including accessory structures) with finished floor grades, building setbacks, easements, driveway, parking area, drainage, adjacent water bodies, and any other site features. Existing vegetation patterns (including extent of tree canopies), proposed clearance areas and trees over 8" in caliper to be removed and/or relocated should be indicated. Location of above-ground transformers, pedestals, utility hook-ups and locations where utilities enter buildings along with proposed screening method should also be indicated on the site plan.

6. Grading, Drainage and Erosion Control Plans – (1" = 40'-0" minimum scale) showing existing and proposed grades, all drainage structures and/or other drainage design solutions and cut and fill calculations. Plans should also indicate the size of stockpiles, where they are to be located on the Construction Site and the length of time they will remain. The extent and location of sediment fencing and measures taken to control erosion during grading and construction should also be indicated.

7. Foundation, Floor and Roof Plans – (1/8" = 1'-0" minimum scale, unless otherwise specified), for all structures, including: all proposed uses; total square footage for conditioned and unconditioned spaces; door and window locations and sizes; location of exterior mechanical, electrical and fire sprinkler systems; location and type of all exterior lighting fixtures. Roof plans should indicate ridge elevations, roof pitches and locations of drainage systems, chimneys, satellites, antennas, skylights and solar panels.

8. Elevations – (1/8" = 1'-0" minimum scale), illustrating the exterior appearance of all views labeled in accordance with the site plan. Indicate the height of the highest ridge of the roof, finished floor elevations, and existing and finished grades for each elevation. Describe all exterior materials, colors, and finishes

(walls, roofs, trim, windows, doors, light fixtures, signs, etc.) in enough detail to describe the overall building style. In addition to the elevations included in each set of plans, one unbound set should be rendered in color and illustrate shadows.

9. Landscape and Revegetation Plans – (1" = 40'-0" minimum scale), including irrigation plans; a lighting plan with locations of all exterior and landscape light fixtures and cut sheets for all proposed fixture types; proposed plant materials, sizes, and locations; trees to be removed; planting areas, terraces, courtyards, utility layout, service areas and any other significant design elements.

10. Commercial Sign Application (if applicable).

11. Sample Color Board – If colors are unchanged from those submitted at preliminary review, it is not necessary to submit another sample color board for final review.

12. Construction Access Diagram – (1" = 40'-0" minimum scale), showing where construction traffic will access the site and describing what measures will be implemented to mitigate noise levels and air quality impacts as required.

13. Construction Schedule – include anticipated start and completion dates for both building and landscape construction.

The CDRC reserves the right to amend the Final Design Review submission requirements on a case-by-case basis as required by conditions and considerations particular to each specific project and/or Parcel.

6.2.10 STAKING AND TREE TAPING

Upon submittal of Final Design Review documents, Applicants are to re-stake the buildings if the building footprints have been altered from that staked at Preliminary Design Review. The Applicant shall contact the CDRC prior to submitting final design documents to confirm staking requirements. Trees proposed for removal or transplant are to be marked in the field with red tape.

6.2.11 FINAL DESIGN REVIEW MEETING

Upon receipt of the required documents and staking of the property (where applicable), the CDRC will notify the Applicant of the scheduled meeting date to review the final design documents. The Applicant and/or consultant(s) must be present at the meeting. The CDRC will comment on the application at the meeting, allow time for discussion with the Applicant and/or consultant(s), and subsequently provide the Applicant with an approval or conclusive recommendations in writing for refinements to the design. A second review meeting may be necessary to review corrected and/or new materials. Corrected materials will be provided to the CDRC a minimum of five (5) working days prior to the next regularly scheduled meeting.

6.2.12 FINAL DESIGN APPROVAL

The CDRC will issue final design approval in writing within seven (7) working days of a vote for approval at a final design review meeting. If the decision of the CDRC is to disapprove the proposal, the CDRC shall provide the Applicant with a written statement of the basis for such disapproval to assist the Applicant in redesigning the project so as to obtain the approval of the CDRC.

6.2.13 RESUBMITTAL OF PLANS

In the event that final submittals are not approved by the CDRC, the Applicant will follow the same procedures for a resubmission as for original submittals. An additional design review fee must accompany each resubmission as required by the CDRC. See Section 6.2.24 for design review fees.

6.2.14 VARIANCE REQUESTS

Applicants wishing to substantially alter land uses, densities, property lines, or any other factor described in the CDP are to submit a Variance Request application form and accompanying fee. The Master Developer shall have the sole and exclusive right to seek amendment of the CDP.

6.2.15 TOWN APPROVAL

The Applicant shall apply for all applicable approvals and permits from the Town of Thompson, or any other governmental agency in accordance with the governing regulations and procedures. Applicant shall make the

CDRC aware and provide it with the relevant materials in the event that any adjustments to CDRC-approved plans are requested by any governmental agency. Such proposed revisions must be resubmitted to the CDRC for review and approval prior to commencing obtaining any approvals from the governing agency and commencing construction. The issuance of any approvals by the CDRC implies no corresponding compliance with the legally required demands of other agencies.

6.2.16 SUBSEQUENT CHANGES

Subsequent construction, landscaping or other changes in the intended Improvements that materially differ from approved final design documents must be submitted in writing to the CDRC for review and approval prior to making such changes.

6.2.17 RIGHT OF WAIVER

The CDRC recognizes that each Parcel and/or Building has its own characteristics and that each Applicant has their own individual needs and desires. For this reason, the CDRC has the authority to approve deviations from any of the Guidelines. It should be understood, however, that any request to deviate from the Guidelines will be evaluated at the sole discretion of the CDRC. Prior to the CDRC approving any deviation from a guideline, it must be demonstrated that the proposal is consistent with the overall objectives of the Guidelines and that the deviation will not adversely affect adjoining properties or Adelaar as a whole.

The CDRC also reserves the right to waive any of the procedural steps outlined in the Guidelines, except notification of adjacent Parcel owners, provided that the Applicant demonstrates there is good cause.

6.2.18 NON-WAIVER

An approval by the CDRC of drawings, specifications or work done or proposed, or in connection with other matters requiring approval under the Guidelines, including a waiver by the CDRC, shall not be deemed to constitute a waiver of the right to withhold subsequent approval. For example, the CDRC may disapprove an item shown in the final design submittal even though it may have been evident and could have been, but was not, disapproved at the Preliminary Design Review. An oversight by the CDRC of non-compliance at any

time during the review process, construction process or during its final inspection does not relieve the Applicant from compliance with the Guidelines and all other applicable codes, ordinances and laws.

6.2.19 DESIGN REVIEW SCHEDULE

The CDRC will make every reasonable effort to comply with the time schedule for design review. However, the CDRC will not be liable for delays that are caused by circumstances beyond their control. The CDRC will provide design review according to the following schedule:

1. Pre-Design Conference: Meeting scheduled within seven (7) days of receipt of Pre-Design Conference request form.

2. Concept Design Review: Application documents to be submitted seven (7) days prior to the next scheduled CDRC meeting.

3. Preliminary Design Review: Application documents to be submitted seven (7) days prior to the next scheduled CDRC meeting. Written comments from the CDRC meeting provided to Applicant within seven (7) working days.

4. Final Design Review: Application documents to be submitted seven (7) days prior to the next scheduled CDRC meeting, and within one year of preliminary design approval. Written comments from the CDRC meeting and/or written notice of final design approval provided to Applicant within seven (7) working days.

5. Minor Improvement

- Application documents to be submitted a minimum of seven (7) days prior to the next scheduled CDRC meeting.
- Written comments from CDRC meeting and/or written notice of approval provided to Applicant within seven (7) working days.
- A second review meeting may be necessary to review refinements, revisions, and/or new materials. These materials will be provided to the CDRC a minimum of five (5) working days prior to the next regularly scheduled meeting.

6. Building Permits: The Parcel Developer applies to Town of Thompson for all applicable building and use permits.

6.2.20 APPLICATION FEES

In order to defray the expense of reviewing plans, monitoring construction, and to compensate consulting Architects, Landscape Architects and other professionals, the Guidelines establish a total fee for each type of Improvement submittal (refer to Section 6.2.1) payable upon submittal of the initial project application. Fees for resubmission shall be established by the CDRC on a case-by-case basis. Application fees may be amended annually, as needed. A current fee schedule may be obtained from the CDRC.

VII. CONSTRUCTION REGULATIONS

VII. CONSTRUCTION REGULATIONS

To ensure that construction proceeds on the Adelaar site in a safe manner while minimizing disturbance to visitors and residents, the Guidelines will be enforced by the Master Association during all construction activities. Construction regulations are also described in the Governing Documents, and are incorporated herein by reference. All Applicants, Parcel Developers, and Contractors are assumed to have read and understood all the construction regulations. The Applicant of a Parcel shall be responsible for violations by any Contractor, subcontractor, agent or employee performing any activities on behalf of the Applicant within Adelaar, whether located on that Parcel or elsewhere in the Resort. These Guidelines are in addition to all applicable construction standards, including, but not limited to, OSHA Requirements and Fire Codes.

7.1 CONSTRUCTION PASS

All construction vehicles, including those of contractors, sub-contractors and vendors, accessing Adelaar are to be issued a Construction Pass. Passes are available from the CDRC. Construction passes are to be displayed in the front windshield.

7.2 PRE-CONSTRUCTION MEETING/ SITE PREPARATION

Prior to construction, the CDRC encourages the Applicant to hold one or more meetings between the Contractor and representatives from the appropriate regulatory agencies, which will have jurisdiction over said Applicant's construction activities. The Contractor shall notify the CDRC of such meeting at least 14 days prior to the date of the meeting, and a representative of the CDRC shall have the right to attend such meetings.

7.3 CONSTRUCTION PARKING

All vehicles are to be parked within the Construction Site at the appropriate staging areas indicated and approved the Applicant's Construction Plans. In no case shall vehicle parking impede normal vehicle traffic or emergency vehicles, including fire trucks.

7.4 CONSTRUCTION TRAILERS

Temporary construction trailers or portable field

offices may be located on the Construction Site, subject to the following guidelines:

- Construction trailers may not be installed without receipt of the building permit.
- The trailer may not be placed on the Site earlier than two weeks prior to the actual start of construction.
- The trailers are to be colored to recede into the landscape.
- The construction trailer is to be removed prior to issuance of the Certificate of Occupancy.

7.5 DELIVERY AND STORAGE OF MATERIALS AND EQUIPMENT

Each Contractor is responsible for ensuring that his/her subcontractors and suppliers obey posted speed limits and traffic regulations.

- All building materials, equipment and machinery are to be delivered to and remain on the Construction Site.
- Delivery vehicles may not drive across neighboring properties to access a Construction Site.
- Truck routes are to minimize impacts to residents to the extent practicable.

7.6 SANITARY FACILITIES

Applicants and their Contractors are responsible for providing sanitary facilities for their construction workers. Portable toilets are to be located in a discreet location and away from drainage or sensitive resources.

7.7 HOURS OF CONSTRUCTION

Construction Activity shall comply with all relevant approvals. Daily working hours shall be limited as described in the Governing Documents. A traffic management plan shall be submitted at least 14 days in advance of commencement of construction to the CRDC for its review and approval, which approval shall not be unreasonably delayed or withheld.

7.8 FIRE AND SAFETY PRECAUTIONS

Wildfire prevention is a serious concern at Adelaar. The following fire and safety precautions are to be adhered to at all Construction Sites:

- On-site fires are not allowed.

- All fires are to be reported, even if it is thought to be contained, extinguished or already reported.
- One or more persons shall be designated on the job site who is responsible for calling 911 and/or reporting emergencies.
- Access shall be maintained for emergency vehicles at all times.
- Fire hydrants and emergency water tanks shall remain accessible at all times.
- All equipment, including small tools, should have a working spark arrestor.
- All flammable or smoking materials are to be discarded in an approved container.

7.9 TREE AND HABITAT PROTECTION

- Trees are not to be removed without prior authorization of the CDRC.
- Before construction starts, exclusionary fencing is to be installed around the Construction Area as described in the Governing Documents.

7.10 BLASTING

Blasting regulations in accordance with the Governing Documents. In addition:

- The CDRC is to be notified a minimum of four weeks in advance of any proposed site blasting.
- All excess material from blasting is to be promptly removed from Adelaar.

7.11 DEBRIS AND WASTE REMOVAL

- Contractors must clean up all trash and debris on the Construction Site at the end of each day. Trash and debris must be removed from each Construction Site at least once a week and transported to an authorized disposal site.
- Dumping, burying, or burning trash is not permitted anywhere within Adelaar.
- Each Construction Site must be kept neat and tidy to prevent it from becoming an eyesore or affecting adjacent Parcels.
- Dirt, mud, or debris resulting from activity on each Construction Site must be promptly removed from

public or private roads, open spaces, driveways, or other portions of Adelaar.

- Any clean-up costs incurred by the CDRC in enforcing these requirements will be billed to the Parcel Developer as needed.

7.12 DAMAGE, REPAIR AND RESTORATION

Damage and scarring to other property, including open space, adjacent properties, the golf course, roads, driveways and/or other Improvements, is prohibited. If any such damage occurs, it must be repaired and/or restored promptly at the expense of the person causing the damage or the Applicant for the Parcel.

- Upon completion of construction, each Applicant and Builder will be responsible for cleaning up the Construction Site and for the repair of all property that was damaged, including but not limited to restoring grades, planting shrubs and trees as approved or required by all relevant approvals, the CDRC, and/or the Master Association, and repair of streets, driveways, pathways, drains, culverts, ditches, signs, lighting and fencing.

7.13 RIGHT TO FINE

The Master Association shall enforce these Design Guidelines, and may assess a Parcel Developer for any violation of any of the procedures set forth in the Guidelines in accordance with the Master Declaration. Any Specific Assessments shall be responsive to the nature and consequences of the violation.

7.15 CONSTRUCTION SIGNS

One temporary construction sign per Parcel is permitted during construction, subject to the following guidelines:

- The sign is not to exceed 32 square feet.
- Construction signs may be freestanding or mounted on a construction trailer, but in all cases are to be located within the Construction Site and visible from the adjacent roadway.
- Signs are to include address information as may be required by local emergency response agencies.

7.16 NO PETS

No pets may be brought onto an Adelaar Resort construction site.

APPENDIX

Unless the context otherwise specifies or requires, the following words or phrases when capitalized in the Guidelines shall have the following meanings. Refer to the Town of Thompson Planned Resort Development Zoning Regulations for definitions not cited here.

ACTIVE OPEN SPACE

An outdoor area dedicated for public use.

ALLEY

See Rear Alley.

ANCILLARY STRUCTURES

Small enclosed or semi-enclosed structures, such as storage sheds, potting sheds, art studios and/or cabanas, which do not include sleeping/living quarters. See also: Outbuilding.

APPLICANT

An individual or entity that acquires a legal interest in a Parcel or portion thereof, by lease or deed from the Master Developer, and who is or may be applying for approval of new construction, renovation, alteration, addition, and/or any other Improvement with respect to its Parcel.

ARCHITECT

A person licensed to practice architecture per the legal requirements of the State of New York.

AREA FRAMEWORK PLAN

The Area Framework Plans for Adelaar guide the general relationships of buildings to each other and to parking and open space.

ATTIC

The interior part of a building contained within a pitched roof structure.

BASEMENT

A basement is that portion of a building that is partially underground which has more than 1/2 of its interior height, measured from floor to ceiling, above the average finished grade of the ground adjoining the building. A basement shall be considered in determining the permissible number of stories in a building.

Note: For the purposes of the Guidelines, basement square footage shall be represented as part of the building square footage. Also refer to the definition of Story.

BUILDER

A person or entity engaged by an Applicant to be responsible for the regular oversight of any Improvement at Adelaar, including, but not limited to, the management of Contractors and the communication of information to involved parties, including the CDRC, throughout the course of the project.

BUILDING HEIGHT

Building Height is measured from the average elevation of the finished grade along the front of the structure to the ceiling of the highest occupied floor of such structure. The front of the structure shall be identified as the façade containing the main point of ingress and egress.

BUILDING TYPE

The primary use designated for a parcel.

CELLAR

A cellar is a story partially underground and having 1/2 or more of its clear height below the finished grade. A cellar shall not be considered in determining the permissible number of stories in a building.

Note: For the purposes of the Guidelines, cellar square footage shall not be represented as part of the building square footage.

CIVIC

Auditoriums, halls, galleries, governmental offices and facilities, recreational or similar facilities developed for the purpose of accommodating groups of persons for recreational activities, meetings, exhibitions, shows, festivals and other public interest events and uses in support of such principal uses.

CIVIL ENGINEER

A person licensed to practice civil engineering per the legal requirements of the State of New York.

COMMERCIAL

Commercial use shall mean an occupation, employment, enterprise or activity that is carried on for profit or not-for-profit by the owner, lessee or licensee.

COMMERCIAL ASSOCIATION

The Commercial Association is a sub-group of the Master Association and responsible for certain actions that benefit all Commercial Parcel owners at Adelaar.

COMMERCIAL DESIGN REVIEW COMMITTEE (CDRC)

The Commercial Design Review Committee is appointed per the Comprehensive Development Plan (CDP). The duties of the CDRC shall include review and approval or disapproval of proposals and/or plans and specifications for the construction, exterior additions, landscaping, site features, or changes and alterations within Adelaar.

COMMERCIAL LOT

Properties within Adelaar designated for Commercial use.

COMPLIANCE DEPOSIT

The deposit that is required to be delivered to the CRDC prior to commencing Construction Activity.

CONSTRUCTION ACTIVITY

Construction Activity shall mean the erection, repair, renovation, demolition or removal of any building or structure; and the excavation, filling, grading and alteration of property in connection therewith.

CONSTRUCTION AREA

The area within which all Construction Activity, including Construction Equipment parking, is confined.

CONSULTANT

A person retained by an Applicant to provide professional advice or services.

CONTRACTOR (OR TRADESMAN)

A person or entity engaged by an Applicant for the purpose of constructing any Improvement within Adelaar, including but not limited to plumbing, heating, air conditioning, carpentry, electrical, masonry, and metal working.

CORNER LOT

A lot at the junction of and abutting two or more intersecting streets, or a single curvilinear street, (public or private) where the interior angle of intersection does not exceed 135 degrees.

CURB

The edge of the vehicular pavement that may be raised or flush to a swale. It usually incorporates the drainage system.

DESIGN GUIDELINES (GUIDELINES)

The architectural, design and construction regulations, restrictions and review procedures adopted and enforced by the CRDC, including any future books or addenda that may be adopted by the CRDC.

DRIVEWAY

A vehicular lane within a Lot, often leading to a garage. Driveways can be used in either Commercial or residential settings.

DWELLING UNIT

Dwelling Unit shall mean a single unit providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation. A dwelling unit shall have no more than one kitchen.

ELEVATION

See Façade.

ENCROACH/ENCROACHMENT

Any structural element that breaks the plane of a vertical or horizontal regulatory limit, such as extending into a Setback or above a height limit.

FAÇADE

An exterior wall and roof of a building, generally seen as one plane.

FLOOR AREA

Floor Area is the sum of the gross horizontal area of every floor of a building, measured from the exterior faces of the exterior walls, or from the center line of party walls separating the two units, including Basement space and Attic space, whether or not a floor has been laid, in which there is a structural headroom of 7'-6" or more. Floor Area does not include cellar space (except that cellar space within a commercial or industrial building shall be included for the purpose of calculating the required off-street loading berth), terraces, unroofed open porches and steps, or partially or fully enclosed off-street parking and loading berths. Also known as "Gross Floor Area."

FOCAL POINT

Those parts of buildings that are visually prominent, either because of a long distance view, a framed viewed, or a symmetrical elevation.

GROSS FLOOR AREA/GROSS SQUARE FOOTAGE

See Floor Area.

IMPROVEMENT

Any changes, exterior alterations, additions or installations including any grading, excavation, fill, clearing, residence or buildings, outbuildings, roads, driveways, parking areas, walls, retaining walls, stairs, patios, courtyards, landscaping, posts, fences, signs or any structure of any type or kind.

LANDSCAPE ARCHITECT

A person licensed to practice landscape architecture per the legal requirements of the State of New York.

LOT

An area of land having fixed boundaries depicted on a final map or parcel plan or described by instrument of conveyance defining land held in fee title as a discreet unit.

LOT DEPTH

Lot depth shall mean the average lot depth measured along the frontage at intervals not more than 10'-0".

LOT LINE

Lot line shall mean a line dividing one lot from another, or from a dedicated public street or any public place.

LOT WIDTH

The distance measured from one side lot line to the other along the front setback line parallel to the public right of way.

LOW EMISSIVITY (LOW-E)

Emissivity is a measure of how much heat is emitted from an object by radiation. Low-emissivity, or low-e, coatings are put on windowpanes to reduce the amount of heat they give off through radiation.

MAIN STRUCTURE

The structure in which the principal use of the lot is conducted.

MASS OR MASSING

The overall size, volume, spread, expression and articulation of building forms, including the main structures, ancillary structures, outbuildings, covered terraces and other roofed areas, as they relate to the topography and landscape of each particular property. A building's compliance with the maximum Gross Square Footage requirement is necessary but may not be sufficient to demonstrate a building has complied with Massing requirements as described in the Guidelines.

MASTER ASSOCIATION

The Planned Resort Development regulations require that following the Town of Thompson's adoption of the Comprehensive Development Plan (CDP) the formation of a Master Association is required pursuant to New York State law. The purpose of the Master Association shall be to manage and provide for the orderly development and build-out of Adelaar. For additional information, please consult the CDP.

MULTI-FAMILY

A residential type where more than one dwelling unit occupies a single lot.

NATURAL OPEN SPACE

The open space within a parcel that is set aside and managed for conservation purposes, including wildlife habitat, water quality enhancement, preservation, and natural aesthetics.

NET FLOOR AREA

The sum of the total horizontal floor areas of a building which are devoted to the exclusive use and occupancy of tenants or owner operators, measured from the interior faces of interior walls, but not including the areas of: floor space of cellars; floor space devoted to off-street parking or loading; elevator shafts; stairwells, common corridors and exit corridors; floor space used for mechanical equipment or storage; and any other floor space not accessible to the general public.

ONE FAMILY

See Single Family.

OUTBUILDING

Any secondary building structure that is subordinate to, and separate in use from, the Main Structure. Outbuildings may be either detached from, or connected to, the Main Structure by minor architectural elements such as breezeways, trellises and porches. Outbuildings may include guesthouses, garages, carriage houses, pavilions, gardening sheds, living units, home offices and/or art studios. See also: Ancillary Structures.

PARCEL

An area of land having fixed boundaries depicted on a final map or parcel plan or described by instrument of conveyance defining land held in fee title as a discreet unit. Parcels may be subdivided.

PARCEL PLAN

A map or set of maps that shows the community-wide parcel locations and zoning designations at Adelaar.

PARKING STRUCTURE

A building containing one or more stories of parking above grade, in part or in full.

PATH

See Trail.

PORCH

A covered and unconditioned entryway to a residential building.

PRIMARY FAÇADE

Frontages and façades that are visible from the street or Active Open Space, wrapping two sides at any corner lot. Primary building entrances are to be located on the Primary Façade.

REAR ALLEY

A vehicular way located to the rear of Lots providing access to service areas, parking, and Outbuildings and/or containing utility easements.

RESIDENTIAL

Characterizing premises suitable for long-term human dwelling.

RESIDENTIAL ASSOCIATION

The Residential Association is a sub-group of the Master Association and responsible for certain actions that benefit all Residential Parcel owners at Adelaar.

RESIDENTIAL DESIGN REVIEW COMMITTEE (RDRC)

The Residential Design Review Committee is appointed per the Comprehensive Development Plan (CDP). The duties of the RDRC shall include review and approval or disapproval of proposals and/or plans and specifications for the construction, exterior additions, landscaping, site features, or changes and alterations within Adelaar.

RETAIL

Retail shall mean any establishment where the primary activity is the sale of merchandise in small quantities, or for the rendering of personal services, for use or consumption by the immediate purchaser.

SECONDARY FAÇADE

Any building façade other than the Primary Façade, typically the side façade, partial façade and rear facing façades.

SETBACK

A Setback is the unoccupied ground area, open to the sky between the front, side, rear or other property line and that part of a building nearest the property line. Also known as “yard.” Setback requirements are described in the CDP.

SIDEWALK

The paved Section of the Active Open Space dedicated exclusively for pedestrian activity.

SIGN

Anything whatsoever placed, erected, constructed, posted, painted, printed, nailed, stuck, carved, or made visible for out-of-door advertising in any manner whatsoever, on the ground or on any building, wall, tree, post or thing whatsoever. This definition shall not include official notices issued by a court or public body or officer, or directional warning or information sign or structures required by or authorized by law or by Federal, State or local authority.

SIGN AREA

The area of a sign or other advertising device shall be measured to the outside of the sign frame, or where there is no sign frame, to a simple boundary perimeter around the outer limits of the sign elements, including any voids within such perimeter. The two sides of a double-faced sign shall be considered one sign. Wedge shaped or “V”-shaped signs shall be considered two signs, even though they may be attached.

SINGLE FAMILY

A residential type where one dwelling unit occupies a single lot. Also known as “One Family.”

SITE

The total contiguous land of any owner, not just the part of the owner’s land submitted for plat approval.

STOREFRONT

That part of a Façade for Retail use, typically with substantial glazing and other elements to enliven the pedestrian experience.

STORY

That part of any building, exclusive of cellars but inclusive of basements, comprised between the level of the next higher finished floor, or, if there is no higher finished floor, then that part of the building comprised between the level of the highest finished floor and the top of the roof beams.

STREET - PRIVATE

Street - Private shall mean, where permitted, a privately maintained thoroughfare designed to provide access to private property.

STREET - PUBLIC

Street - Public shall mean a public thoroughfare (street, lane, avenue, boulevard), which has been or is intended to be dedicated for public use, and which has been accepted or is acceptable into the state system.

SUBSTANTIAL MODIFICATION

Alteration to a building that is valued at more than 50% of the replacement cost of the entire building, if new.

SWALE

A low or slightly depressed pervious area for drainage.

TOWNHOUSE (OR “TOWN”)

A single-family dwelling that shares a party wall with another of the same type and occupies the full Frontage Line.

TRAIL (OR “PARK PATH”)

A way traversing a natural area, primarily used for pedestrian or recreational uses, with landscape consistent with the contiguous natural landscape.

VARIANCE

A ruling that would permit a practice that is not consistent with either a specific provision or the intent of the Comprehensive Development Plan (CDP) or the Landscape Master Plan (LMP). Variances also require a government approval process.

VOLATILE ORGANIC COMPOUND (VOC)

Chemicals that contain carbon molecules and have high enough vapor pressure to vaporize from material surfaces into indoor air at normal room temperatures.

