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In the Matter of a Public Hearing
in the Matter of
CROSSROAD VENTURES,

HELD AT: Onteora High School
Route 28
Boiceville, New York

HELD ON: February 3, 2004
4 P.M.

B E F O R E:

RICHARD R. WISSLER,
Administrative Law Judge

A P P E A R A N C E S:

WHITEMAN OSTERMAN & HANNA, LLP
Attorneys for Applicant,
CROSSROADS VENTURES
One Commerce Plaza
Albany, New York 12260
BY: DANIEL A. RUZOW, ESQ., of Counsel

VINCENT ALTERI, ESQ.,
Regional Attorney
NYS Department of Environmental
Conservation - Region 3

ALSO PRESENT:

ALEXANDER F. CIESLUK, JR.
Deputy Regional Permit Administrator,
Division of Environmental Permits

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1 (4:00 P.M.)

2 P R O C E E D I N G S

3 ALJ WISSLER: Let's begin. I'm the
4 hearing officer today. Because of the
5 inclement weather, we're going to convene
6 today but we're also going to adjourn this
7 hearing until a further date; and in fact this
8 hearing will be reconvened here on the 19th of
9 February, that's Thursday the 19th of
10 February. The concern is, however, that there
11 were people -- because of the lateness in the
12 day, it would have been inappropriate for
13 those people who were in transit to cancel the
14 hearing and not at least begin it, and have
15 folks show up having traveled through this
16 weather to find out that the hearing had been,
17 in fact, canceled. So I'm going to convene at
18 4:00 o'clock which it is right now.

19 Some of you have given me cards to
20 speak and if you would like to speak today,
21 I'll let you do that, however, knowing we're
22 going to do this again on the 19th, you can
23 elect not to speak; but what I will do is I
24 will go through the speaker cards that I have.
25 Those who wish to speak today may do so. And

1 when we are finished with those speakers, we
2 will conclude the hearing here today and
3 continue it on February the 19th.

4 So that having been said, again, my
5 name is Richard Wissler, W-i-s-s-l-e-r, I am
6 an Administrative Law Judge with the
7 Department of Environmental Conservation, and
8 I will be presiding at this afternoon's
9 legislative hearing. The purpose of this
10 hearing is for the DEC to hear and receive
11 unsworn statements relating to applications
12 made by Crossroads Ventures, LLC for certain
13 Department of Environmental Conservation
14 permits required for the proposed development
15 known as the Belleayre Resort at Catskill
16 Park. These permits include various water
17 supply and use and protection of water permits
18 issued pursuant to the provisions of
19 Environmental Conservation Law Article 15, and
20 the State Pollutant Discharge Elimination
21 System, SPDES Permit, issued pursuant to
22 Environmental Conservation Law Article 18, as
23 well as a Water Quality Certification in
24 accordance with Section 401 of the Clean Water
25 Act.

1 The comments that we receive here
2 today, and the comments that have been
3 received at public hearings held in
4 Margaretville, and here also on the 20th of
5 January, will form part of the record for the
6 DEC staff's review of this project. In
7 addition, a Draft Environmental Impact
8 Statement has been filed, and as a matter of
9 law the comments that are made by the public
10 today are comments on the Draft Environmental
11 Impact Statement and will be reviewed by the
12 DEC, again DEC staff who is the lead agency
13 for that SEQRA departmental quality review.

14 In addition, the comments that we
15 receive are extremely important to me, because
16 although the comments are not themselves
17 evidence, they can be used by me as the basis
18 to ask questions at subsequent proceedings
19 that will be held in this matter. So your
20 comments are extremely, extremely important.

21 If you wish to speak, I need to have
22 you be part of the record, so I need to have
23 you fill out a public hearing registration
24 card, one of these cards many of you have. If
25 you wish to speak, that will be given to me

1 and I will call your name and you can come up
2 here to the podium and provide your statement.
3 I'm not going to put time limits on people.

4 If you have a written statement and
5 you just want to hand that in, that's fine.
6 If you want to come up here and read your
7 written statement and hand that in, that's
8 fine too. If you don't have a written
9 statement and you want to file one, you can do
10 so with the Department, Region 3 office by
11 February the 24th at the address indicated in
12 the notice of the hearing -- I can give that
13 to you later if you would like. Or if you
14 want to provide a written comment today, you
15 can take one of the speaker cards, and on the
16 back of it put on your written comment and
17 give that to me and that will become part of
18 the record of this hearing. Please understand
19 that I read, and the Department reads all the
20 written comments that are provided to me and
21 to them, and those comments are given equal
22 weight with any comments that are made in this
23 public forum. So I don't want you to feel
24 that somehow an advantage is gained by coming
25 up here and providing your statement orally,

1 although God bless you, I'm certainly willing
2 to let you do that.

3 The notice of this hearing, I would
4 just simply note for the record -- the notice
5 of this hearing originally appeared in the
6 Environmental Notice Bulletin on
7 November 14th, 2001. The continuation of what
8 we are doing today was also published in the
9 Environmental Notice Bulletin, which is the
10 department's official notification publication
11 on its Internet site.

12 In addition, the notice of this
13 meeting appeared in the Ulster County Townsman
14 on January 29th, 2004, and in the Catskill
15 Mountain News on January 28th, 2004, each as a
16 legal notice in these papers, and I would
17 simply note for the record that this satisfies
18 the notice requirements of Part 621 and 624 of
19 the Department's regulations.

20 Very quickly, because I want to get
21 right into the speakers, the Department will
22 be making a very brief statement, simply
23 informing you specifically of the nature of
24 the permits that are being applied for in this
25 case, and then we will move to the public

1 comment section.

2 If there are any elected officials
3 here or appointed officials or folks here on
4 behalf of elected officials, I will call on
5 them first, but you need to identify
6 yourselves. And as I say, I'm going to go
7 through the cards that I have. When we have
8 completed those cards and folks who wish to
9 speak have had the opportunity to do so, we're
10 going to adjourn this hearing and continue it
11 on February the 19th.

12 SPEAKER IN AUDIENCE: What time, your
13 Honor, on the 19th?

14 ALJ WISSLER: It will be at
15 4:00 o'clock.

16 SPEAKER IN AUDIENCE: Do you still
17 have the cards from the last meeting?

18 ALJ WISSLER: I do, but given the
19 number of folks we have here, if you want to
20 just give me another one, that will be fine.

21 Mr. Alteri.

22 MR. ALTERI: Good afternoon, my name
23 is Vincent Alteri, I'm the Regional Attorney
24 for the New York State Department of
25 Environmental Conservation Region 3 office,

1 and tonight I'm the attorney representing
2 Department staff on the Belleayre Resort
3 Catskill Park's Permit Application Legislative
4 Hearing. Also here with me tonight from the
5 Department is Al Ciesluk, the project manager.

6 Please excuse my attire for the
7 evening, I unexpectantly had to fill in for
8 the Assistant Regional Attorney that was
9 scheduled to speak. For those of you who are
10 not too familiar with the DEC permit hearing
11 process, the DEC has not taken any position on
12 the project at this time; rather the DEC is
13 the lead agency responsible for conducting the
14 environmental review for the project under the
15 State Environmental Quality Review Act,
16 otherwise known as SEQRA.

17 This environmental review process has
18 many steps, including the preparation of
19 Environmental Impact Statements. The
20 Applicant has submitted a Draft Environmental
21 Impact Statement detailing in a number of
22 volumes the likely environmental impacts of
23 the project and the Applicant's plans to
24 mitigate impacts or avoid those adverse
25 impacts. After several revisions asked for by

1 Department staff, we have determined that the
2 Draft Environmental Impact Statement, or the
3 DEIS, is adequate for public review and
4 comment. This does not mean that the DEC is
5 in favor of or opposed to this project, solely
6 that we agree that review can begin.

7 These public comments will be
8 considered by the DEC in meeting the SEQRA
9 requirements to prepare a Final Environmental
10 Impact Statement, and as part of the DEC's
11 decisions on the various permit applications
12 associated with this project. We are here
13 today to listen to all of you, and will
14 carefully consider each comment received.
15 Also, as the judge had mentioned, those in
16 attendance today and those not present can
17 also submit written comments up until February
18 24th as currently scheduled. We will
19 carefully review and consider each comment
20 received. I thank you for your time and for
21 coming out in the bad weather, and we look
22 forward to your comments tonight.

23 ALJ WISSLER: Okay. I apologize if I
24 mispronounce folks' names. We'll first hear
25 from Jean Druffner; and after Ms. Druffner,

1 we'll hear from Patrick Kelly.

2 JEAN DRUFFNER: Good evening, my name
3 is Jean Druffner and I'm a retired elementary
4 school teacher. I taught in the Phoenicia
5 school for many years, and lived in this area
6 since 1968. I've listened to so many of the
7 talks before, and so I do not want to repeat
8 the details of so many of the concerns that we
9 have about our township and these mountains,
10 so what I will present is what I call a sense
11 of reality.

12 A sense of reality is needed to help
13 bring into focus what is proposed by the
14 Crossroad Ventures. Reality is that the
15 Catskill Mountains are already a haven --
16 rare, and the kind of haven fast becoming more
17 rare in our country, let alone on earth.

18 The greatest gift that Dean Gitter has
19 offered us is that it is time to take care of
20 our life source and not repeat the
21 well-documented mistakes of rampant
22 development that are visible throughout the
23 country and the world. We have heard endless
24 testimony throughout these hearings. Do we
25 have to subject our environment and the life

1 that thrives here to the disillusionment of
2 this superficial, short-term, as generations
3 go, and resource-devastating event? The
4 natural environment is the source of pure
5 water, clean air and the slow, steady build-up
6 of soil.

7 Human beings are considered the
8 highest evolved species on our earth. Every
9 aspect of this earth has been a part of our
10 becoming; every aspect of this earth sustains
11 the elegance of life. If we diminish that
12 which has sustained us, then we diminish all
13 of life, including human existence. What we
14 must understand is that all that has sustained
15 us must be sustained by us.

16 We are honored to be gifted with
17 rationality and might someday grow to be wise.
18 But we are presently using our gift of
19 scientific understanding to bereave this
20 earth. Yet, science humbly admits that what
21 is known today is likely to change tomorrow.
22 What is said to be safe today is too often
23 proven detrimental tomorrow.

24 When we alter a source of subtle, real
25 and significant life-giving essentials, we

1 once again mistakenly affirm that earth is
2 simply here for humans. Earth is the source
3 of all life and supports and embellishes all
4 life. No longer can humans naively believe
5 that earth is an endless resource opportunity
6 for the extravagant fulfillment of human
7 desires, or that excessive material
8 development is the only viable solution to
9 human needs.

10 Area needs are best addressed by a
11 sustainable lifestyle, sustainable for all of
12 the environment of which we humans are a part
13 of, not a part from. We must not choose a
14 burdensome encroachment on a fragile and most
15 integrally significant ecosystem.

16 Our mountains teach us. Mountains are
17 a source of inspiration and a strengthening
18 source of physical, mental and spiritual
19 growth. Mountains, fresh water, fresh air
20 constantly supply deep and continually free
21 nourishment to all of life. The greatest
22 quality is the unprocessed beauty of our
23 environment that is accessible to all.

24 With Crossroad Ventures, we are here
25 talking about one more major devastation of a

1 natural and integrally sensitive, yet
2 deterministically important realm of
3 wilderness. What will benefit a few with more
4 money and supply in an extravagant way a
5 superficial refreshment will profoundly affect
6 in a detrimental and far-reaching way the
7 quality of all of life, not just of humans.

8 If we truly have the best interest of
9 our community at heart, then we would enable
10 growth from within. Perhaps we have to use
11 our wonderfully rational minds to create ways
12 for young people to earn money and for all
13 ages to nourish one another. I suggest that
14 it is not by altering a whole extensive
15 community. I suggest that the essential
16 aspect of quality of life in the Catskills is
17 its unadulterated natural beauty.

18 Let's foster sharing it in a simpler
19 manner with more people, of all means, in
20 which all ages can learn to be a viable part
21 of life in a mutually enhancing way. Let's
22 get creative, not destructive. Let's protect
23 it, and it will protect us. Let's be cohorts
24 in nature's well-being and our well-being will
25 be enhanced. Let's get beyond how to get the

1 most money and find out how to enrich life.

2 Let's bring reality into focus. We
3 must realize that humans are now a force as
4 significant in earth change as the sun that
5 enables life to develop, as the water that
6 controls the climate and sustains all life,
7 and as the soil that takes a very long time to
8 provide nourishment for the whole chain of
9 life. Humans are a force that is unalterably
10 changing the earth's ways. What has taken
11 13.7 billion years for our universe to produce
12 has within a few centuries regressively and
13 regrettably diminished, altered for too many
14 wanton goals. If it were left up to
15 individuals and the consumer public, our land
16 would be destroyed for the shortsighted
17 enjoyment of a few. The Catskills is one of
18 the rare and very beautiful places, thanks to
19 the DEP and the DEC for preserving it. The
20 Catskills could become just another developed
21 metropolitan suburb that depends for clean
22 water on artificial purification. Already
23 some of our villages have to.

24 Right now New York City depends on the
25 Catskills, and we who live here depend on the

1 Catskills for water supply. Most wish to live
2 with the lovely limitations by which we gleam
3 our essence from a vibrant land instead of
4 from a weak dollar.

5 I rest my case in hopes that our
6 community will not have to learn the hard way,
7 for the sake of all life.

8 Do we choose to be the factor in the
9 destruction of our own home and its life
10 system? Or will we use our creativity to
11 foster and reinforce what is naturally
12 enhancing to all of life. Thank you.

13 (APPLAUSE.)

14 ALJ WISSLER: Patrick Kelly, and after
15 Mr. Kelly, we'll hear from Shideh Lennon.

16 PATRICK KELLY: Hi, my name is Patrick
17 Kelly, it's good to be here. I'd like to
18 start off by telling you a little bit about
19 myself. I'm a writer and editor who lived for
20 many years in New York City, and recently
21 located to Mt. Tremper. Over the years, I've
22 been a frequent visitor to this area, so I
23 feel I have one foot in each place. I care
24 about both the Catskills and the city, and I
25 truly believe that, while there are important

1 differences, what's good for this place is
2 good for New York City. After all, we share
3 the same watershed, which is what I'd like to
4 speak about tonight. I'm very concerned about
5 the impact of this development on the
6 watershed. With all due respect to those who
7 feel otherwise, I'd like to explain why I
8 think the Belleayre Resort is a bad idea, one
9 likely to cause significant harm to both the
10 Catskill region and the city downriver.

11 As many of you probably know, the
12 Catskill/Delaware watershed supplies around
13 nine million people in the New York City area
14 with high-quality, naturally filtered water.
15 In fact, the city's water supply is the envy
16 of large metropolitan areas across the
17 country, a situation likely to become more
18 pronounced in coming decades as the planet's
19 supply of fresh water comes under increasing
20 strain. Since Congress ratified the Surface
21 Water Treatment Rule, a provision of the Safe
22 Drinking Water Act, in 1989, the EPA has
23 required cities to filter their water.
24 However, in 1993 and again in 2002, the New
25 York DEP successfully applied for a waiver of

1 the filtration requirement. The filtration
2 waiver represents a huge financial boon to the
3 city. As John Cronin and Robert F. Kennedy,
4 Jr. wrote in their 1997 book, The
5 Riverkeepers, "Filtering the Catskill/Delaware
6 system would cost real money -- an
7 estimated \$8 billion for construction and an
8 additional \$300 million per year for
9 operation. The liability would cause the
10 city's bond ratings to plummet. Water rates
11 would double. Thousands of rent-controlled
12 housing units in the city's poorest
13 neighborhoods would be promptly abandoned by
14 landlords as escalating water rates devoured
15 marginal profits. Worst of all, after these
16 calamitous expenditures, no New Yorker would
17 be able to look at his neighbor and say, "Our
18 lives have improved."

19 Needless to say, because tourists from
20 New York City directly benefit the Catskill
21 region, a blow to the quality of life in New
22 York City would impact this community as well.

23 Cronin and Kennedy continue: "In
24 fact, conventional filtration would not remove
25 many of the pollutants and organisms

1 associated with watershed development.
2 Pesticides, road salts, particularly
3 petrochemicals, and trihalomethane, a
4 chlorination by-product that causes thousands
5 of rectal and bladder cancer deaths annually,
6 are unaffected by filtration. Disease-causing
7 organisms and viruses can often outsmart the
8 most sophisticated filtration systems once
9 source water becomes contaminated.

10 In 1993, 450,000 Milwaukee residents
11 were sickened and 100 died when that city's
12 filtration plant allowed cryptosporidial cysts
13 to pass through untreated. In a city the size
14 of New York, a comparable epidemic would kill
15 thousands and sicken millions. Most
16 important, the requirement to filter would
17 leave the city without the obligation, the
18 political will, or the proper financing to
19 protect its watershed."

20 On a more personal note, I remember
21 turning on my faucet a few years back, during
22 the height of the 2002 drought, and catching a
23 foul, chlorinated smell rising from the water.
24 It was particularly noticeable when you turned
25 on the shower. You certainly didn't want to

1 drink it. The water smelled that way for
2 several weeks. I never looked into the matter
3 to determine exactly what was going on, but
4 several acquaintances reported similar
5 experiences. At the time I was living in
6 upper Manhattan, which is not one of the
7 city's wealthier neighborhoods, and I suspect,
8 though I have no proof, that the drought
9 forced the utilities to supply some
10 neighborhoods with heavily treated, poor
11 quality water.

12 My point in raising these issues is
13 not to frighten people, only to stress how
14 much is at stake. Building a giant resort in
15 the heart of the city's primary watershed
16 represents a huge gamble. Of course, the
17 developer has stated that watershed effects
18 will be kept to a "minimum", however, close
19 scrutiny of the Draft Environmental Impact
20 Statement raises a number of disturbing
21 questions. Consider the following points,
22 which were brought to my attention by a
23 scientist friend:

24 One, the DEIS presents only computer
25 modeling as proof of the safety of the use of

1 chemicals on the golf courses. This is not
2 acceptable proof in law. Actual studies
3 on-site or in real, comparable settings are
4 necessary. In fact, it appears that actual
5 tests of the runoff and leaching of chemicals
6 cited in the DEIS were conducted on carefully
7 controlled grassy plots for university
8 research. That neglects such factors as the
9 average 28 percent grade of the land; the fact
10 that over 500 acres are to be clearcut and
11 blasted, thus eliminating the natural water
12 filter; the unpredictable nature of the
13 weather -- consider the long and persistent
14 rains which occurred last spring and summer,
15 and the fact that Belleayre Mountain receives
16 more rainfall than any local mountain. Is
17 Belleayre Mountain to be the testing ground to
18 determine how these poisonous chemicals spread
19 and are taken up by wildlife and humans?
20 Two, according to Environmental Defense, which
21 obtained its data from the EPA and other
22 sources, all of the chemicals proposed for use
23 in Appendix 15 of the DEIS lack at
24 least some of the data required for assessing
25 their safety and appropriate concentration

1 limits. In fact, so little is known about
2 the ecological and medical effects of
3 all but eleven of the chemicals mentioned that
4 an arbitrary standard ambient level of
5 50 parts per billion was chosen in leaching
6 simulations. Seven chemicals found to be
7 "safe" showed leaching concentrations of
8 between 26 and 76 percent of this arbitrary
9 value. Moreover, for eight of the eleven
10 other chemicals, the quoted actual guidance
11 level was less than 50 parts per billion. In
12 one case, it was as low as 1.8 parts per
13 billion. In other words, the
14 Fertilizer and Pesticide Risk Assessment
15 included in the DEIS contains a
16 significant amount of guesswork. Given the
17 dearth of reliable scientific data, is it
18 conscionable to use Belleayre Mountain and the
19 watershed of which it is a part as a testing
20 ground?

21 A cautionary anecdote may help to
22 illustrate some of the problems with the rosy
23 simulations put forward in the DEIS. Mr.
24 Gitter has referred to the DEIS as a four
25 million dollar report that speaks for itself.

1 Well, some of you may recall the fate of the
2 Mars Climate Orbiter, a 327 million dollar
3 unmanned probe that NASA sent to Mars in the
4 late 1990's to study that planet's climate.
5 As it approached Mars, the probe was lost.
6 Engineers gave up the search after determining
7 that the probe had crashed into the Martian
8 surface. Subsequent investigation revealed
9 that one group of engineers had used the U.S.
10 system of measurement, pounds, inches,
11 gallons, while another group had used the
12 metric system, grams, meters, liters. This
13 seemingly small oversight mushroomed into a
14 catastrophic miscalculation, resulting in the
15 loss of the entire mission.

16 Set aside for a moment the fact that
17 the DEIS was prepared specifically for
18 Crossroads Ventures and that many have
19 reported difficulties in accessing it. The
20 lacunae and the guesswork in this document
21 suggests that a miscalculation is a real
22 possibility. Only here we are dealing not
23 with an unmanned probe and an uninhabited
24 planet, but the primary watershed of the
25 nation's largest city.

1 In light of the possible consequences,
2 these concerns should give pause to anyone
3 genuinely concerned with the future of this
4 community and the people of New York City. At
5 the very least, the review period of the DEIS
6 needs to be extended so the public may better
7 inform itself. As for the long-term future of
8 Belleayre Mountain, there is an alternative.
9 Since 1997, New York City has acquired over
10 50,000 acres of environmentally sensitive
11 watershed land under its Land Acquisition
12 Program. Just last December, Mayor Bloomberg
13 committed an additional \$25 million for the
14 acquisition of environmentally sensitive land
15 in the Croton watershed. I would like to
16 propose that the city purchase at fair market
17 value the land on Belleayre Mountain and
18 maintain it for prosperity, in its current
19 undeveloped state. (APPLAUSE.)

20 I would also like to challenge
21 Crossroads Ventures to invest in small-scale,
22 local development -- the kind of development
23 that would improve the community's economic
24 prospects without forcing it to make a
25 spurious choice between jobs and the

1 environment. (APPLAUSE.)

2 I'd like to leave you with a short and
3 particularly topical passage by the poet Gary
4 Snyder, from his essay, "Coming into the
5 Watershed," A watershed is a marvelous thing
6 to consider: this process of rain falling,
7 streams flowing, and oceans evaporating causes
8 every molecule of water on earth to make the
9 complete trip once every two million years.
10 The surface is carved into watersheds, a kind
11 of familial branching, a chart of
12 relationship, and a definition of place. We
13 must hold the watershed and its communities
14 together, so our children might enjoy the
15 clear water and fresh life of this landscape
16 we have chosen. From the tiniest rivulet at
17 the crest of a ridge to the main trunk of a
18 river approaching the lowlands, the river is
19 all one place and all one land."

20 Thank you. (APPLAUSE.)

21 ALJ WISSLER: Shideh Lennon. After we
22 hear from Ms. Lennon, we'll hear from Dennis
23 Reil.

24 SHIDEH LENNON: My name is Shideh
25 Lennon and I'm a resident of Mt. Tremper. I

1 moved here some years ago because I was
2 looking for a better way of life -- definitely
3 not in terms of an easy way to make money. I
4 do travel to Albany to work there as a
5 psychologist, but I came here for an overall
6 sense of balance and well being. For this and
7 other reasons, the proposed Belleayre Resort
8 causes me great concern, especially as it
9 would impact the lives of our hardworking
10 local business owners.

11 The DEIS, Section 3, page 214 clearly
12 states that: "The proposed Belleayre Resort
13 amenities would likely give the Wildacres
14 Resort and Big Indian Resort and Spa
15 facilities a dramatic competitive advantage
16 over lodging choices throughout the Catskill
17 region." To me, this means that the proposed
18 resort would directly compete with any local
19 facilities such as small hotels and bed and
20 breakfasts in our region.

21 The DEIS also states: "Vacation
22 consumer behavior surveys by D.K. Shifflet
23 Associates and others indicate that the
24 off-site expenditures estimated at \$2.42
25 million, that is 25 percent of visitor

1 spending would include shopping in the local
2 area, restaurant meals, gas and oil,
3 recreational fees for offsite amenities, and
4 cultural attractions".

5 However, research conducted by the
6 National Tour Association, NTA, in 2003, on
7 the psychology of consumer behavior, has found
8 that facilities will attempt to influence the
9 mind of customers to create loyalty and
10 commitment by devising and aggressively
11 promoting various incentive and reward
12 programs that would discourage these customers
13 from frequenting any other sites and
14 facilities in the area. So in other words, as
15 business owners know, it is cheaper to keep an
16 old customer than to get a new one. Therefore
17 they try to create special deals to keep their
18 customers and to discourage them from going
19 anywhere else. This fact clearly runs counter
20 to the DEIS' claim that small local businesses
21 will benefit from visitor spending. Rather,
22 again, it indicates that the various amenities
23 at the proposed resort will be in direct
24 competition with our local businesses.

25 Another recent study by the NTA on

1 the economic behavior of consumers shows that
2 travelers will go to great lengths to save
3 time. The Strategic Travel Action Resource
4 published by the NTA includes the following
5 finding: "People today are time impoverished.
6 The American obsession with time is replacing
7 the obsession with money. People will give up
8 money to get time." The proposed Belleayre
9 Resort would be a self-contained environment,
10 catering to its visitors' every need. Given
11 the need to save time, why would these
12 visitors go off-site if it saves them time to
13 get all of their needs met on-site? Think of
14 the Club Med resorts for example. How much
15 time do visitors actually spend outside the
16 resort, when everything is provided within its
17 walls?

18 For example, according to the DEIS,
19 Section 3, page 217, the proposed Belleayre
20 Resort would include a full spectrum of dining
21 facilities ranging from snack bars to high-end
22 restaurants, totaling 1,120 seats. How will
23 this not compete with our local restaurants?
24 This is just one of a slew of examples of the
25 threat posed to our local businesses. Another

1 example is the variety of shops proposed for
2 the resort, catering to its visitors varied
3 shopping needs and desires.

4 In my view, this project is clearly
5 not balanced. If the interest of Crossroads
6 Ventures is indeed to bring economic growth to
7 the Catskills, is the proposed Belleayre
8 Resort truly the best way to do it? Or is
9 there another way, that is in keeping with the
10 local economic character of these small
11 hamlets?

12 What if instead of a self-contained
13 city inside and on top of a mountain, we had
14 more small inns and hotels? What if
15 Crossroads Ventures were to support the
16 building of a, say, Catskills Museum of Art
17 and History that would exhibit the rich
18 historic, artistic, and environmental legacy
19 of our region? What if they were to support a
20 Performing Arts Center that would attract
21 artists, musicians, and performers to our
22 area, as well as tourists and visitors who
23 would then actually frequent our locally-owned
24 businesses? What if Crossroads Ventures were
25 to support the flourishing of our local

1 businesses?

2 I strongly urge the DEC to rethink
3 their approval of this project. For if it
4 goes through, thousands of lives will be
5 impacted negatively, not only our lives, but
6 the lives of our children. Our communities
7 and local businesses will suffer. I frequent
8 many of the small businesses in my
9 neighborhood that are owned and operated by my
10 neighbors. I would like to see these honest
11 and hardworking people thrive. I do not
12 believe that the proposed Belleayre Resort
13 will allow this growth.

14 Finally, I would like to thank the
15 DEC for this opportunity to speak.

16 (APPLAUSE.)

17 ALJ WISSLER: Dennis Reil. After Mr.
18 Reil, we will hear from Richard Shadle. [sic]

19 DENNIS REIL: Hello, my name is Dennis
20 Reil and I am a resident of Mt. Tremper and
21 have been so for four years. I wish to speak
22 today on the Appendix 20 of the Crossroads
23 Ventures' DEIS, that would be the bird,
24 reptile and amphibian surveys that were
25 conducted. As an avid hiker and amateur

1 naturalist, I am concerned about the proposed
2 impact of the project on the native flora and
3 fauna of the Belleayre Mountain and to the
4 surrounding areas also. Others have spoken
5 eloquently on many other concerns such as
6 water quality, traffic, social, and economic
7 impacts; so I don't want to repeat what has
8 been said. I don't believe that anyone has
9 addressed the wildlife surveys of this
10 document however.

11 From careful reading of the
12 document, there are three main points that I
13 would like to address. First, the information
14 given in Appendix 20 on the threatened and
15 endangered species is not sufficient. The
16 document makes the same three points for both
17 its bird survey and reptile/amphibian surveys.
18 The first point they make is a letter from
19 Mark W. Clough of the US Fish and Wildlife
20 Service. In it he says that: "There are no
21 known federally-listed or proposed endangered
22 or threatened species under the jurisdiction
23 of the US Fish and Wildlife Service," and I
24 will emphasize under the jurisdiction of that
25 service, "in the project impact area." Yet

1 the project area is private land; not federal
2 property. The US Fish and Wildlife Service has
3 no jurisdiction in the project area.

4 Also, there are differences between
5 federal and state lists of endangered and
6 threatened species. For example, the timber
7 rattlesnake is not listed as protected under
8 federal regulations, but it is listed as
9 threatened by the State of New York. The
10 Appendix 20 clearly states that the timber
11 rattler is a species that could be found in
12 the project area.

13 The second letter is from Betty
14 A. Ketcham of the New York Natural Heritage
15 Program. In it she indicates that, and I
16 quote, "No records of known occurrences of
17 rare or state-listed animals or plants,
18 significant natural communities, or other
19 significant habitats, on or in the immediate
20 vicinity of the project area." While the New
21 York Natural Heritage Program is a worthy
22 organization, it depends on all its data from
23 volunteer sitings. Its use in environmental
24 review is dubious at best. The words,
25 "immediate vicinity of the project site" do

1 have significance because there are reports of
2 rare or state listed animals and plants in the
3 surrounding areas. For example, the timber
4 rattlesnake was reported in Phoenicia, which
5 is not far away from the project site and
6 Phoenicia is not even prime rattlesnake
7 habitat.

8 These two letters which form
9 two-thirds of the document's presentation on
10 threatened and endangered species aren't even
11 provided in the appendix themselves. They
12 should have been provided to avoid the danger
13 of any statement in the letters being taken
14 out of context.

15 The document's last point on
16 threatened and endangered species is the field
17 surveys themselves. They found no endangered
18 or threatened species. Were they adequate and
19 done at the proper times of the year? This
20 will be addressed later in my third main
21 point.

22 My second main point is the
23 questionable sources cited by the DEIS to
24 support their findings. Throughout the
25 document, they use the New York State Herp.

1 Atlas to support their conclusions in the
2 reptile and amphibian surveys. In fact, this
3 atlas alone was used to decide what potential
4 species were to be encountered in the project
5 area. It was even quoted erroneously, stating
6 that there are no rattlesnakes in the project
7 area -- or potential rattlesnakes I should
8 say. The problem with using the Herp. Atlas
9 is actually printed in the beginning of the
10 Herp. Atlas itself. It states on its cover
11 page: "The Maps on this page reflect the
12 current distribution of species based on data
13 collected for the Atlas through 1998. Data
14 from the Atlas should be carefully considered
15 before it is used for any environmental review
16 purposes. The data collection phase ended
17 December 31, 1999. The most recent data are
18 not reflected in these interim maps" -- and I
19 will stress the word interim there. Looking
20 at the Atlas, one finds only lists of species
21 with little or no information on each. The
22 maps are on such a large scale that it is
23 impossible to pinpoint where species were
24 specifically located or seen. The seven and a
25 half-minute quadrangles on the map are merely

1 shaded yellow to indicate that a species has
2 been seen in the entire area. The Atlas is a
3 work in progress, as the quote cited freely
4 admits, yet this is the primary, almost
5 exclusive source cited for the
6 reptile/amphibian surveys.

7 The document uses the New York
8 State Natural Heritage Program to defend its
9 claim of no threatened and endangered species
10 in the project area. Yet its database relies
11 totally on volunteer information. Its value
12 in environmental review is limited.

13 The sources cited for the Bird
14 Survey are all dated information. The lists
15 of species was again compiled using only a
16 single source, in this case, "The Atlas of
17 Breeding Birds in New York State," printed in
18 1988. Other books cited range in dates from
19 1976 to 1990. That's 14 years old for the
20 latest book. While these are fine resources,
21 they are dated.

22 The last main point I'd like to
23 bring up deals with the field surveys
24 themselves. Only general information is given
25 on how the searches were carried out. Data

1 recorded for each siting is not presented in
2 the document itself, although they do maintain
3 that such data exists; weather, temperature,
4 time of day -- which is species siting,
5 species behavior, only rudimentary information
6 was given on the location. There were no maps
7 showing locations of species when they
8 discovered to show concentrations of species
9 in the project area.

10 The survey dates were May 5, 10,
11 11, 12; June 7, 8, 9; and July 6. May 12th
12 was specifically for the bird survey and July
13 6th for the reptile/amphibian survey. On only
14 four of the survey days was there an early
15 morning start, which they list 6 a.m. Six of
16 the eight days were split between the bird
17 survey in the morning and late afternoon and
18 the reptile/amphibian survey around midday.
19 Was adequate time given to both these surveys?

20 Appendix 20 doesn't tell us how
21 many people were involved in the surveys.
22 Careful reading of the document suggests one
23 person only. There are numerous references
24 that mention the observer or searcher in the
25 singular. If this is true, was one person

1 sufficient to conduct both surveys properly in
2 the time allotted?

3 I'd like to address both surveys
4 individually. First the bird survey. As has
5 been mentioned, there were four 6 a.m. starts.
6 On the other three days, starts were later.
7 Yet the optimum time to record bird species is
8 right after sunrise. Even the 6 a.m. starts
9 were well after the sunrise on those days. At
10 what time in the morning did the surveys start
11 on May 5, 10th and June 7th?

12 Also, the dates for the bird survey
13 precluded seeing large amount of migrant
14 species. I repeat an Audubon Society request
15 that independent, adequate surveys be done at
16 the proper times of the year.

17 There are unfortunately many problems
18 with the reptile/amphibian survey. First, the
19 weather was cool and dry during the survey
20 period as the document freely states. The
21 text itself limits the searches to one
22 nocturnal survey. It doesn't say what effect
23 such weather had on the daytime surveys. Such
24 weather conditions are significant as most
25 snake and reptile and amphibian species would

1 be inactive and under shelter at such a time.
2 In fact, all four snake species were found on
3 the one day of good weather, July 6. Surely,
4 additional days of good weather were needed to
5 do an adequate survey.

6 Second, the areas of survey
7 concentration need to be questioned. There are
8 five areas cited; one, in brooks flowing
9 through upland forests; two, along brook
10 borders; three, along old logging roads and
11 hiking trails; four, around old buildings; and
12 five, in targeted areas off logging trails
13 where the observer went into nearby habitats
14 such as rock outcrops that could be potential
15 denning areas for certain species of snakes.
16 These areas suggest that searching was done
17 only along water courses, trails and roads.
18 Only the fifth area in question were any
19 off-trail searches done, and then only in
20 specific areas nearby to logging trails. It
21 seems that little bushwhacking was actually
22 done. This is important as it is in these
23 rock outcrops that the most likely threatened
24 species, the timber rattlesnake is to be
25 found.

1 The Appendix states that because of
2 bad weather, only one nocturnal survey was
3 conducted. Here I quote: "The night-time
4 survey took place in order to encounter
5 migrating or foraging amphibians or snakes
6 that would likely be encountered on roadways,
7 and to make chance observations of road-killed
8 specimens. The survey was conducted by
9 road-cruising at low speeds through the few
10 sections of the project site that contain
11 roads." Are we to believe that an adequate
12 survey can be conducted by car? If this is
13 acceptable, what does it say about the other
14 surveys' thoroughness? One look at the few
15 sections of the road in the project site is
16 enough to tell anyone that little of the
17 project area was covered in the nocturnal
18 survey.

19 The text states that no vernal pools
20 or areas of standing water were found; and
21 therefore no wood frogs or spotted
22 salamanders. This is a common habitat in the
23 area due to the large amounts of clay in the
24 soil. All that is needed is a small
25 depression in the forest floor. These pools

1 tend to be seasonal and to dry up in less
2 humid weather, such as that encountered during
3 the surveys.

4 Lastly, the specific survey for snakes
5 needs to be discussed. This is important as
6 the timber rattler is a potential species in
7 the project area and has threatened status.
8 The Appendix states that, "Most rocky outcrops
9 and large stone slabs in the project area were
10 located on north-facing slopes in closed
11 canopy forest. Most snakes in mountainous
12 areas of New York require denning sites on the
13 south-facing slopes with an open canopy so
14 that they can thermoregulate in sunny spots on
15 the den after early spring emergence." This
16 statement is technically true but it seems
17 over specific.

18 In correspondence with Spider Barbour,
19 a noted local naturalist, I asked about this
20 very statement. I quote his answer here with
21 his permission, "If the timber rattlesnake is
22 the species, look for basking sites," and he
23 underlines as described in the survey results
24 correctly, "any aspect but north, open rocky
25 slope, and denning sites -- usually very rocky

1 with deep spaces between the rocks; however,
2 vegetation can obscure holes and crevices
3 where snakes enter a den. Maybe south slopes
4 preferred, but I've found them basking on
5 slopes of every direction except north, and
6 also on ridge summits. Sun is the main
7 requirement. The snakes come out of their
8 hibernation in early May."

9 Yet the weather in May during the
10 survey dates was cool and dry. In fact, all
11 snake species sightings did occur on July 6, the
12 only day the DEIS had suitable weather. In
13 order to make sure that the threatened timber
14 rattler is not in the project area, additional
15 surveys should be conducted during good
16 weather conditions at a time that the snakes
17 come out of hibernation. Clearly one day of
18 good weather survey taken long after the
19 timber rattler has left his den to
20 thermoregulate is not enough.

21 There is enough doubt in the
22 thoroughness of the survey to suggest an
23 independent survey to be taken. There is a
24 certain conflict of interest when the LA
25 Group, who conducted the bird, amphibian and

1 reptile survey, also is a main planner for the
2 development. Would they bring the project to
3 a screeching halt by finding a threatened or
4 endangered species in the project area? I
5 can't answer that but it's worth thinking
6 about. Threatened and endangered flora
7 species haven't been mentioned at all, such as
8 the American Ginseng, Golden Seal and monk's
9 hood, all of which are in the Catskill area.

10 If we want to make sure that no
11 threatened and endangered species will have
12 their habitats destroyed, we need to do
13 specific searches for each to make sure that
14 they do not inhabit the area. Crossroads
15 Ventures needn't be saddled with the cost of
16 these surveys, as there are offers to do such
17 work pro bono.

18 The fauna and flora of these Catskills
19 cannot speak for themselves. We must do that
20 for them. While I talk of threatened,
21 endangered species only, all species whether
22 common and rare are worth protecting for the
23 generations to come.

24 I thank you all for your time and
25 attention. (APPLAUSE.)

1 ALJ WISSLER: Before we get to Mr.
2 Shadle [sic], I'm going to change the rules a
3 little here. We are filling up and I want to
4 make sure that everyone who has not had the
5 opportunity to speak at any of one of these
6 public hearings has the opportunity to speak
7 before we begin taking speakers who have
8 availed themselves of the podium before. So
9 Mr. Shadle, I know that you spoke at
10 Margaretville. I'm going to keep you in the
11 pile but --

12 MR. SHADLE: I'm always in the pile.

13 ALJ WISSLER: Thank you. I don't have
14 a list of -- I have it in my notes but I
15 don't have an alphabetical list of the folks
16 who spoke here on the 20th, so what I'm going
17 to ask is that we do this on the honor system.
18 I'm going to call your name but if you had the
19 opportunity to speak at one of the other
20 hearings, I'm just going to ask that you tell
21 me that, I'll put it in the other pile and
22 I'll be happy to let you speak, but as I say,
23 the numbers are growing and the snow continues
24 to fall, so I really want to get as many
25 people in as soon as we can so that we can

1 adjourn for the day. Remember, we're going to
2 do this again on the 19th of February
3 beginning at 4:00 o'clock so if you -- I
4 promise you I'm going to do my absolute best
5 to make sure you have your opportunity.

6 (APPLAUSE)

7 So with that said, our next speaker
8 will be Bruce Duffy, followed by Lance
9 Hoffman.

10 BRUCE DUFFY: I'll pass for tonight.

11 ALJ WISSELER: That's Mr. Duffy?

12 BRUCE DUFFY: Yes.

13 ALJ WISSELER: Thank you. Lance
14 Hoffman. After Mr. Hoffman, we'll hear from
15 Pamela Lawrence. Just one other thing. I'm
16 not going to restrict you, but if you have
17 very, very long statements, you may want to
18 consider summarizing those statements, or you
19 may want to consider waiting until the 19th
20 when hopefully the weather will cooperate. It
21 hasn't so far but anyway. Take that under
22 consideration if you will.

23 LANCE HOFFMAN: I'm a Civil and
24 Environmental Engineer who specializes in
25 Water, Wastewater, Hazardous Wastes, and

1 Alternative Energies. As my forefathers, my
2 wife and I live in Shandaken. From my home,
3 we will be able to view the Crossroads
4 project. In my lifetime, I have already
5 observed the decline of fish and animals in
6 and around the Catskill Park. Over the years,
7 as I have piloted an airplane over the
8 Catskill Park in the surrounding areas, I have
9 observed the ever-constant changing landscape
10 from the beautiful majestic mountains to
11 sporadic urban sprawl. I have observed that
12 the Fox Hollow Crick has become intermittent
13 in recent years, the thick spongy carpet of
14 moss that used to cover the streambed gone
15 forever, due primarily to development and a
16 waning water table.

17 This project that we're talking about
18 must be appropriate for the area, be of
19 environmental and economic soundness, meet all
20 regulatory criteria without exception. More
21 detail must be required in this DEIS and a
22 harder look at the potentially significant
23 environmental impacts must be demanded. An
24 alternative such as eminent domain, as
25 previously suggested by Professor Chase, who

1 presented a statement about this project
2 earlier in the review process, must be
3 considered as an alternative that would
4 feasibly avoid the environmental impacts and
5 take into account the social and economic
6 circumstances. (APPLAUSE.)

7 I have performed a brief review of
8 about 900 pages of the DEIS. It was very
9 difficult and not user-friendly. I used it on
10 the Internet. It differed from past
11 statements that I have had the opportunity to
12 review. For example, the description of the
13 project was repeated in every section that I
14 looked at. In other impact statements, I have
15 found the description in the introduction and
16 it's stated only once. The data seemed
17 difficult for me to interoperate, and I saw no
18 definitive conclusion at the end of each
19 section. It leaves one searching for a
20 conclusion as to the real impact that each
21 section of the project would have on the
22 environment and the economy. There were
23 aspects of the data that seemed to contradict
24 each other, and still other data was based on
25 an improper source for that application.

1 Though a good effort was put forth in the
2 engineering aspects of the DEIS, it appears to
3 me, and is of my opinion as well as other
4 engineers, that some things may have been
5 inadvertently overlooked. Some items in the
6 DEIS don't seem to hold paramount the safety,
7 health and welfare of the public, and they
8 don't appear to strive to comply with the
9 principles of sustainable development. I'm
10 going to define sustainable development for
11 you as quoted from the American Society of
12 Engineers. Sustainable development is defined
13 as the challenge of meeting human needs for
14 natural resources, industrial products,
15 energy, food, transportation, shelter, and
16 effective waste management, while conserving
17 and protecting environmental quality and the
18 natural resource base essential for future
19 development.

20 I have discovered a study by Cornell
21 Cooperative Extension that shows the draw from
22 large volume wells is sufficient to begin a
23 plume of toxic chemicals from a Super Fund
24 Site, and hasten their migration through our
25 most precious and valuable commodity on earth,

1 pure, clean ground water, possibly the very
2 wells that the Towns of Middletown and
3 Shandaken residents draw their water. Imagine
4 the immense draw on our water table if this
5 project is permitted by the Town of Shandaken
6 to be constructed at even one-hundredth of
7 its scale?

8 Could this contamination happen in
9 this project? What do you think would happen
10 to our ground water if the equivalent of 800
11 wells were drilled on this project? What
12 toxins would be drawn in? What is the
13 concentration of minerals now? Will we have
14 hard water? Will our water table re-charge
15 from our rains? Will we have enough water
16 during the dry season? Once it is gone or
17 polluted, we can't bring it back.

18 According to the EPA, "Polluted runoff
19 is the greatest source of water quality
20 problems in the United States." Will this
21 toxic mix enter our ground water and run into
22 our streams, endangering the health and
23 welfare of over nine million people and
24 countless other living organisms, causing
25 another great expense of a Micro-Filtration

1 Plant?

2 Recently I had to perform a runoff
3 model for a small project off Route 28, in the
4 same area of the Crossroads project. New York
5 State DOT Engineers dictated that I use a 100
6 year 24-hour storm event. Why does the DEIS
7 base their study on a 10-year storm event?
8 What assurances can be shown that a 100-year
9 storm won't occur? What studies have been
10 done in regards to the protection of villages
11 bridges, roads, schools, people, and others
12 down stream? What if those detention ponds
13 were to overflow or to fail?

14 I see that the U.S. Natural Resources
15 Conservation Service, NRCS, Technical Release
16 20, TR-20, was used to calculate the runoff.
17 But what happened to Sheet Flow? It wasn't
18 there. This is usually shown along with the
19 Shallow and the Channel Flow. I reference,
20 "Water Resources Engineering" by Chin,
21 Prentice Hall 2000, Chapter 6, Section 6.4,
22 page 353, it's a resource manual I use. I see
23 a high CN number used -- I know some of this
24 is technical but the DEC will understand it --
25 I see a high CN number used, but there were no

1 provisions of the severe erosion caused from
2 the huge amount of runoff on this relatively
3 barren soil. Will all the turbidity flow into
4 the detention ponds, or will a large amount
5 flow into the stream?

6 Joe Habib, a fellow engineer, also has
7 problems with some of the data presented in
8 the DEIS. How are they permitted to clear
9 such large areas? There are so many technical
10 flaws throughout many of the sections of this
11 DEIS I have looked at, I reason that the DEIS
12 does not hold paramount the safety, health,
13 and welfare of the public.

14 Why did New York State re-build that
15 Friendship Lake up there? Wasn't there a
16 concern that if it were made larger -- about
17 one-tenth of the size of one of the proposed
18 Crossroads detention ponds -- there would be a
19 potential flooding problem downstream? Wasn't
20 that to make snow? If the water table drops
21 because of this project, did we just waste tax
22 dollars again? Will the supply be enough for
23 snowmaking 15 years from now? Should we be
24 concerned about the size of those detention
25 ponds? Will they accumulate toxins and runoff

1 from the golf course?

2 I hope we don't wind up in the dire
3 straights of financial ruin that Vail and
4 other ski centers are beginning to suffer.
5 The massive excavation will create mass
6 dewatering. How is this addressed and de-
7 contaminated? When the Margaretville Sewage
8 Treatment Plant was being built in the late
9 1990' s, such massive dewatering was performed
10 that neighboring ponds waned to mere mud
11 puddles. The entire water table was drawn down
12 during the construction phase. What happens
13 if an impervious clay layer is broken through
14 when you are blowing up the entire mountain?
15 Will toxic runoff flow directly right into the
16 water table? How do you plan to treat the
17 nitrate-laden runoff?

18 Explosives cause many environmental
19 problems; just ask the EPA about Super Fund
20 Sites, how many of our tax dollars have been
21 spent to attempt to make these sites less
22 toxic.

23 It is usual and standard construction
24 practice to perform what engineers call, "Cut
25 and Fills" when working on a construction

1 site. Cut and fill means you simply remove
2 material from where it is high and fill it in
3 in a low spot with the excess burden. It
4 appears that a lot of material is to be
5 removed and a lot of suitable material must be
6 trucked into this project. You don't need me
7 to do the math for you to figure out how many
8 truckloads will have to be trucked off site to
9 some unknown location. How many miles away
10 will this need to be trucked?

11 How will this stockpiled material be
12 protected from precipitation, causing yet
13 another runoff problem? How much suitable
14 material will be trucked in and from where?

15 Will our highways withstand the extra
16 burden of all these vehicles? Ask the State
17 DOT engineers what traffic loads the roads and
18 bridges are designed for. I have to wait at
19 6:15 every workday morning just to get on
20 Route 28. If this project is allowed to go
21 any further, do we then need the expense of
22 traffic lights? What about additional tire
23 rutting of our highways? There are just too
24 many cars now.

25 How many entrances go in and out of

1 this project? Are there enough in the event
2 of a terrorist evacuation?

3 Who will pay for the repair of the
4 roads once they have been worn out and
5 pot-holed due to the unanticipated burden of
6 heavy construction vehicles and construction
7 personnel? Once the mountain is destroyed,
8 there won't be any putting it back.

9 The State wants to make nice trails
10 and recreation on one side of the mountain,
11 and blow up the other side? This doesn't make
12 any sense.

13 What about the wetlands? How is the
14 Corps of Engineers letting this one go by? If
15 anyone else, except Catskill Ventures or Silk,
16 or whatever you call your devastating selves
17 tried this, they would not be granted a permit
18 to virtually ruin the wetlands. It is said
19 because these wetlands are isolated in the
20 DEIS; what's about that? Maybe we should ask
21 John Stossal.

22 What about the DEC decision and denial
23 of the Golf Course in the Wittenberg State
24 Park when that was being planned a few years
25 back? There is more water running in that

1 area than at the head of the watershed where
2 Catskill Ventures is proposed, but what did
3 the DEC cite for a reason for not putting a
4 Golf Course there in Wittenberg? Wasn't it
5 lack of adequate water supply?

6 How many people can play golf in the
7 less than four-month season and how many
8 courses do we need in this area? Isn't there
9 enough now? (APPLAUSE)

10 Are the fire protection plans detailed
11 enough? Who is buying the pump and ladder
12 trucks? Ask our local firemen, "What size of
13 a truck will we need to reach the center of
14 those huge stadium size buildings?"

15 The equipment must be in place and
16 full crews trained before any thoughts of
17 construction could possibly be entertained.
18 Where do we find the time for our volunteers
19 to train? Where do we house this free
20 equipment when Crossroads delivers it?

21 What happens in the winter when the
22 detention ponds are frozen solid and the
23 temperatures are below freezing? Will the
24 fire hydrants be able to provide enough water?
25 How much and how far will a five-inch hose be

1 needed to supply adequate water flow to the
2 fire?

3 Where do the additional police and
4 ambulance come from? Not my tax dollars. Tax
5 dollars are going to be generated by this
6 development, eventually, but what assures that
7 amount of money will be enough?

8 What about those tax breaks that
9 Crossroads has been offered? Assurances must
10 be made that our taxes will not be increased,
11 but rather decreased by this project.

12 I am concerned with noise pollution.
13 What about when Gitter/Crossroads said that
14 they must put a fence by the Emerson fiasco in
15 Mt. Tremper to keep out the current noise
16 generated by the present traffic? (APPLAUSE)

17 I don't want a fence, but I sure do
18 agree about the huge amount of noise pollution
19 already produced on Route 28. What will this
20 huge fence do for the scenic beauty of the
21 Route 28 corridor?

22 Who is going to pay for the 60 miles
23 or more of fence if this resort is allowed to
24 go in at even one-hundredth of its proposed
25 scale? We surely need protection so as Gitter

1 said, "We may sleep".

2 I briefly analyzed the hydraulic
3 loading presented in the DEIS. In Appendix 8,
4 Section 2.1, I found the total average daily
5 loading to be .108465 million gallons per day
6 using the Ten State Standards of only 100
7 gallons per capita per day. If 2000 people
8 use this part of the facility in one day, one
9 could do the math and realize that .2 million
10 gallons per day is much more realistic.
11 Reading further along in the DEIS, it states
12 this is based on an average population of 500.
13 Did they did mean 5000?

14 There is also mention of connecting to
15 the current Pine Hill Wastewater Treatment
16 Plant. Will that then restrict the growth of
17 the village -- or was that the plan all along?
18 This project will cause additional runoff that
19 may flow into the village. What about a Storm
20 Water Runoff Plan for the Village of Pine
21 Hill?

22 What about lights? Will anyone
23 remember what the night sky will look like?
24 Will our tax dollars have to pay for these
25 streetlights in ten years from now when all

1 the streets and roads are turned over to the
2 towns for maintenance? We have far too many
3 streetlights that our tax dollars pay for now.
4 This is supposed to be country. Use a
5 flashlight or see by the moonlight.

6 (APPLAUSE.)

7 The snowmaking lights on Belleayre are
8 bad enough. Shandaken Zoning currently
9 restricts lighting.

10 Will we have to pay to maintain these
11 roads once three or more houses are built on
12 them?

13 Air emissions. Buildings this large
14 must have a big boiler. Are there coolers and
15 scrubbers on the stacks? We do not need any
16 more acid rain, we already get enough. We
17 also have enough particulate in the air. The
18 emissions from the cars and trucks currently
19 are terrible enough.

20 Perhaps we could ask Donald Trump if
21 he sees any potential for competition of a
22 casino, or is he already looking at the
23 Catskills with Catskillantic City in mind? We
24 can't afford to gamble on the chance,
25 especially if we don't have the money to back

1 it up if it does inevitably fail.

2 Where will all the trash go? This is
3 the size of Shandaken in population, but will
4 probably produce a larger amount of trash.

5 Where will this be trucked? Who will do the
6 recycle sorting at the resort? Our landfills
7 are already getting full. As they do, the
8 price for everyone goes up. Why make the
9 trash expense go up even faster? Will this
10 affect my current trash pick-up?

11 I suggest a Pilot Plan Study. All
12 plans should be put on hold until at least a
13 two-year study of a similar facility, though
14 substantially smaller in size, the Hannah
15 Country Club, be undertaken. Though Hannah is
16 not located on as steep of a slope, and far
17 less earth was displaced, this is at least,
18 the closest model we may observe. The results
19 should be multiplied exponentially to
20 accommodate the size difference, as well as a
21 safety and growth factor calculated in. Then,
22 a more complete, realistic model may be
23 carefully reviewed. We would be able to study
24 the effects of the golf course toxins in this
25 pilot study as well.

1 During Hannah's construction, I
2 observed, during an ordinary rainfall event,
3 the high turbidity of the water that flowed
4 down the mountain stream into the Delaware,
5 chocolate-colored and laced with unknown
6 amounts of heavy metals, arsenic, silts,
7 sands, phosphorus, nitrogen, pathogens,
8 mercury, lead, and a multitude of toxic
9 compounds that poured into the New York City
10 DEP Reservoir. This would surely spell
11 disaster to safety, health and welfare of the
12 public should a similar situation occur on
13 Crossroads.

14 For additional information to protect
15 our safety, health and welfare, I will quote a
16 news brief from the "Environmental Protection
17 Magazine". It states: "The EPA has issued a
18 new policy that provides guidance on liability
19 protection under the Comprehensive
20 Environmental Response, Compensation and
21 Liability Act, also known as the Superfund,
22 for landowners who own property that is or may
23 be contaminated by a neighbor's action. To
24 meet this contiguous property owner liability
25 protection requirement, a landowner must meet

1 the statutory criteria that include, but are
2 not limited to, demonstrating that he did not
3 cause, contribute or consent to the release of
4 hazardous substances; is not affiliated with a
5 liable party in any way, family, financially,
6 contractually, and has taken reasonable steps
7 to stop any continuing release, and prevent or
8 limit human and environmental exposure to
9 hazardous substances". This policy is one of
10 many that I have discovered, that Crossroads
11 should prove to the governing agencies that
12 they are or would not be in violation thereof,
13 before any issue of the permit. It is
14 available on EPA's Web site.

15 Water is our most valuable resource.
16 The American Water Works Association states
17 less than one percent of the world's
18 freshwater resources are actually accessible
19 for human use. There are over one billion
20 people, or roughly one-sixth of the world's
21 population, lacking access to safe drinking
22 water. By the year 2025, shortly after this
23 project is predicted to be fully functioning,
24 half of the world's population, or 3.5 billion
25 people, will face serious water shortages as

1 groundwater supplies are consumed faster than
2 they are replenished.

3 In conclusion, I ask that these and a
4 multitude of other concerns please be fully
5 addressed. (APPLAUSE.)

6 ALJ WISSLER: Pamela Lawrence.

7 PAMELA LAWRENCE: I'll respectfully
8 pass and I'll speak at the next one.

9 ALJ WISSLER: Woodruff, Cate. After
10 Ms. Cate, we'll hear from Anthony Williams.

11 CATE WOODRUFF: Can you hear me
12 without the mike?

13 THE AUDIENCE: Yes.

14 CATE WOODRUFF: Hello, my name is
15 Cate Woodruff. Two and a half years ago, I
16 moved from New York City to West Hurley with
17 my husband, composer percussionist, David Van
18 Tieghem, my daughter and my mother, a retired
19 writer and painter. We were drawn here by a
20 passion and an undefinable joy in the presence
21 of the mountains, and an admiration for the
22 people we met who had lived here.

23 After moving, we discovered that in
24 1658, Jacob VanEtten, a very great
25 great-grandfather arrived in Kingston and was

1 a founding member of the Old Dutch Church. He
2 was the first one in my family to come to this
3 country. He must have loved the land as we
4 do, to come all the way from Holland.
5 Discovering this history gave me a sense of
6 belonging and pride in what has been preserved
7 here. What if the Old Dutch Church had been
8 overlooked as a historic landmark and had been
9 blasted to make way for an asbestos-filled
10 office building of the `60's?

11 The importance of the preservation of
12 our history through heritage tourism is one of
13 many reasons we can not appreciate the
14 prospect of the Belleayre mega-resort and its
15 ill effects in our back -- or in my case -- in
16 my front yard. I have other very personal
17 reasons which I will explain, but first as a
18 citizen with respect for my environment, my
19 neighbors, my family and for myself, I feel
20 compelled to convey my sincere misgivings
21 about this development project's ethical
22 validity.

23 We are at this point aware of many
24 problems with a development of this magnitude
25 in the Catskill Mountains. It is not just a

1 question of two sides having different
2 opinions about what is best for the Catskills,
3 as Gitter spins it. Perhaps Dean Gitter is
4 not cognizant enough to know what he is part
5 of, or perhaps he is extensively conscious of
6 Crossroad's distortion and over-simplification
7 of the impacts of Belleayre mega-resort.

8 In the past three years, we've
9 suffered more than 200 major rollbacks of
10 America's environmental laws, and the
11 weakening of the protection of our country's
12 air, water, public lands and wildlife to clear
13 the way for the pillaging of the land for its
14 resources, devastating and polluting the land
15 and water for continuing profit. (APPLAUSE)

16 Hiding behind meticulously crafted
17 language designed to deceive the public, and
18 by funneling facts into limited information
19 designed to promote their own interests, the
20 administration and its followers; the oil,
21 coal, logging, mining and chemical industries,
22 as well as auto makers, corporate agribusiness
23 and real estate developers like Crossroads
24 Ventures have every intention of eliminating
25 and avoiding the nation's most important

1 environmental laws.

2 These tactics are evident in the DEIS
3 submitted by Crossroads and promoted by Dean
4 Gitter, a document which looks to me to be an
5 unethical piece of self-promoting propaganda.

6 (APPLAUSE.)

7 It must receive a careful and critical
8 evaluation by the DEC.

9 If this development goes forward, the
10 very principles of our environmental rights,
11 which civilized nations have always
12 recognized, will be denied. Long ago, ancient
13 Rome guaranteed the use of all citizens of the
14 public trust or commons, those shared
15 resources that cannot be reduced to private
16 property; the air, flowing water, public
17 lands, wandering animals, fisheries, wetlands
18 and aquifers.

19 We have the Clean Air Act, the Clean
20 Water Act and the Endangered Species Act and
21 the Environmental Protection Agency to apply
22 and enforce these laws. Polluters are held
23 accountable. Those planning to use the
24 commons have to compile environmental impact
25 statements and hold public hearings. Citizens

1 are given the power to prosecute environmental
2 crimes.

3 I would like to bring to your
4 attention, your Honor, that Belleayre
5 mega-resort would pollute the air I breathe,
6 devalue my property, damage my business, and
7 put my family's health and safety at risk. I
8 live in West Hurley on Route 28. My husband
9 is able to do much of his work from home,
10 sending his music through the Internet. I am
11 a small business owner. I own and run
12 Woodstock Furniture Gallery. I've been open
13 for six months now and my business is going
14 well. It is growing at a rate that I can
15 handle. I make furniture out of antique wood
16 rescued from fallen structures slated for
17 demolition to be buried or burned, preserving
18 the history of our forests in handmade
19 furniture pieces.

20 This traffic is manageable now with an
21 occasional truck or motorcycle going by, but
22 it would not be with this dangerous increase
23 of traffic. This mega-resort would generate
24 500 additional vehicular trips per hour,
25 mostly trucks for eight years. We would be

1 subjected to extreme and dangerous levels of
2 air and noise pollution.

3 Dean Gitter has applied for a permit
4 for a 17-foot fence to shield his guests at
5 the Emerson Hotel and Spa from traffic on 28.
6 I'm just assuming that he will be doing the
7 same for everyone along 28 from Kingston to
8 Belleayre who is offended by the traffic he is
9 generating. (APPLAUSE.)

10 It is difficult as it is to turn into
11 our drive to stop at my store.

12 We have a wildlife pond which is home
13 to hundreds of birds and animals. There are
14 more deer and bears crossing each year from
15 our land across 28 to the reservoir, which is
16 just 500 feet into the woods from the road.
17 The traffic would be a safety hazard for
18 motorists, and for crossing animals and for
19 the ecosystem of our pond which flows from the
20 reservoir.

21 Perhaps the most important reason we
22 made the decision to move from New York City
23 to West Hurley was because my husband and
24 daughter, now 5, have asthma. My daughter has
25 not had a problem for over a year. If

1 Belleayre mega-resort goes through, the
2 elevated level of exhaust from this new
3 constant stream of heavy construction traffic
4 will seriously jeopardize my daughter and my
5 husband's health.

6 Shall we also assume that Crossroads
7 will pay for any devaluation of our property,
8 or for the move it might force us to make, or
9 for any damage to my business, or for our
10 rising health expenses and damages for any
11 long life breathing problems?

12 This development should not be here.

13 (APPLAUSE.)

14 The motives are evident in the DEIS
15 which states: "The primary objective of the
16 proposed project is to develop a recreation
17 oriented resort that will compliment the
18 current recreational opportunities at
19 Belleayre Mountain Ski Center, and together to
20 provide a four-seasons destination resort."
21 In this primary objective, there is no mention
22 of Crossroads having any priorities that have
23 anything to do with Catskill Park or its
24 residents.

25 The DEIS also states that: "The ski

1 center is the major attraction, the key
2 destination, the focus of activity for
3 outsiders. When its annual visitation is
4 down, all of the region's businesses suffer."
5 First of all, this is not the key destination,
6 there are many destinations in the area; and
7 second, explain to me why if the resort
8 attendance is high in the winter, why my
9 business is so much busier in the summer.

10 Dean Gitter suggests that we all
11 approach these issues without emotion. But I
12 ask him, how do I watch the brightness of my
13 night sky reduced, my land polluted, torn
14 apart and desecrated, and my child gasping for
15 breath without emotion.

16 Belleayre project is an evasion of
17 civic responsibility, an example of moral
18 cowardice. I see no honesty or integrity in
19 this project. Thank you. (APPLAUSE).

20 ALJ WISSLER: Anthony Williams. After
21 Anthony Williams, we'll hear from Jim
22 Sofranko.

23 ANTHONY WILLIAMS: Thank you. I have
24 a house in Shokan which is not very far from
25 Belleayre.

1 THE AUDIENCE: Louder.

2 ALJ WISSLER: Speak closer to the
3 mike.

4 ANTHONY WILLIAMS: Is that better?

5 THE AUDIENCE: Yes.

6 ANTHONY WILLIAMS: My name is Anthony
7 Williams, I have a house in Shokan which is
8 quite near to the proposed resort. I, as you
9 can probably tell, unlike the previous
10 speaker, my ancestors did not come from this
11 area. I came to it, however, 25 years ago
12 when my wife and I were attracted by the
13 beauty of the surroundings, the majesty of the
14 mountains, and the small scale of -- and by
15 the small scale of the human impact on the
16 area.

17 I think that all of the technical and
18 detailed investigations that have been
19 mentioned before should indeed be carried out.
20 The DEIS should be subjected to very close
21 technical scrutiny. I'm not going to do that
22 because I'm not equipped to do so, and I have
23 not gone through it as some of you here
24 obviously have.

25 I think we should look at the

1 fundamental issues as well. Firstly, as the
2 previous speaker indicated, this whole
3 proposal is for a development which is totally
4 and utterly out of keeping with the area.
5 When we decided to come here, it was because
6 we believed -- I hope correctly -- that the
7 Catskill Park would remain unpolluted,
8 unsoiled, unsullied forever; and the
9 developments of the kind which you get in
10 other parts of this great country would not
11 come here. (APPLAUSE)

12 I think we should cling to that.
13 Other speakers have mentioned the potential
14 impact on those of us who are here, have been
15 here before, of all the demands that this
16 resort, this development will make. It will
17 need fire protection, it will need police, it
18 will need improved roads. All of these have
19 to be paid for, and I assume that the
20 developer will not pay for them. I assume
21 that we ultimately will pay for them, and I
22 think that is fundamentally wrong.

23 There is also the other issue of --
24 which I don't think has been mentioned up
25 until now -- of deforestation. As I

1 understand it, 500 acres of mountains --
2 mountain is going to be deforested. Now, I
3 used to work once for the bank, and one of the
4 things that the World Bank -- and for that
5 matter, the U.S. Agency for International
6 Development -- go around the world telling
7 other developing countries is that if you go
8 in for large scale deforestation, you create a
9 whole litany problems. Some of them have been
10 identified before, but you are almost certain
11 to get soil erosion, floods and all kinds of
12 other undesirable consequences which we -- I
13 think -- none of us would want. So I would
14 say we do not want this project, and I hope
15 that this excellent series of hearings that
16 have been undertaken will allow the voices of
17 those who inhabit this area and have chosen to
18 come here because of what it is, will continue
19 to be able to enjoy it and their voices will
20 be heard. Thank you. (APPLAUSE)

21 ALJ WISSLER: Jim Sofranko. After Mr.
22 Sofranko, we'll hear from Joyce Reeves.

23 JIM SOFRANKO: I'm Jim Sofranko from
24 West Shokan. Thank you, Judge Wissler, for
25 giving the public your time and thanks for

1 your effort and listening to us, especially in
2 this weather. When I attended the previous
3 public meetings held at Boiceville, I was
4 initially struck by two significant things;
5 the large scale of the Crossroads Ventures
6 project at Belleayre, and the significant
7 turnout of people voicing their opinion
8 against this project. Both the scale of the
9 project and the size of the turnout were
10 indeed huge, and that was alarming to me. But
11 after listening to numerous, well-researched
12 comments from such a wide diversity of the
13 local population, I was struck further by the
14 far-reaching implications of the plan.

15 I've decided that this is not simply
16 an issue of size and scale, rather the most
17 important issue is simply the preservation of
18 our most valued natural resources in the
19 beautiful Catskill Mountains. (APPLAUSE.)

20 Many have spoke so dearly and much
21 more expertly than I could ever about the
22 natural environment of the Catskills. But I
23 do have some points to make on several issues
24 of importance to me. One issue I have is the
25 burden that this development will place on our

1 electrical grid and infrastructure. Will the
2 infrastructure need to be upgraded and who
3 will bear the cost of more transmission lines?

4 Is there any design in the plan for
5 alternative energies, or will we be building a
6 new power plant in the near future to
7 accommodate this project?

8 Another issue I had was how many
9 fireplaces will exist in this new community?
10 What will the extra fireplace smoke have on
11 our local air quality? Have air studies been
12 conducted as to the effect this may have on
13 the valleys in the surrounding communities?

14 Will this cause future restriction of
15 wood burning in all of the surrounding
16 communities? Where will the firewood be
17 harvested? And I ask these questions because
18 many communities that have tourist
19 developments of this scale, such as Vail,
20 Colorado, have encountered air quality
21 problems that result in restrictions of wood
22 burning.

23 Much has been said about the support
24 from the local businesses for this resort.
25 Many of the supporting businesses lie to the

1 west of the development so they won't have to
2 put up with the increased taxes, and
3 additional traffic. But this plan does not
4 help the already suffering local businesses.
5 There is, within about ten miles from the
6 proposed resort, several hotels, motels and
7 restaurants for sale. An inn and former golf
8 course sits for sale just down the road.
9 Since when does the law of supply and demand
10 indicate that adding more hotel rooms will
11 increase demand?

12 The president of the Ulster County
13 Chamber of Commerce made a point at the last
14 meeting of waxing romantically that the town
15 of Fleishmanns was once a viable and bustling
16 tourist destination in his youth. But there
17 are many reasons that the tourist industry
18 died in the Catskills from the glory days.
19 One of them was simply the invention of the
20 airplane. And the Catskills were left holding
21 the bag with plenty of large hotels with empty
22 rooms. Why would we want to put ourselves
23 into that economic role model again? Perhaps
24 the Chamber of Commerce should be more
25 concerned with attracting more sustainable,

1 living-wage businesses to our county.

2 (APPLAUSE)

3 Why adding more hotel rooms and golf
4 courses will make everyone more economically
5 flush is beyond me. It simply doesn't make
6 enough economic sense. One may suggest that
7 if you build it, they will come. But I've
8 never seen tourists overflowing into
9 surrounding hotels from an overbooked,
10 no-vacancy Catskill Corners.

11 This plan simply does not adequately
12 address the needs of the majority of the
13 people who live in the towns and hamlets of
14 the Catskill Mountains. It simply addresses
15 the wants of a very few stakeholders.

16 What about the needs of the service
17 people who will be maintaining these
18 properties over the long haul; doing the
19 laundry, cleaning the rooms, hauling the
20 garbage, cutting the lawns and servicing the
21 properties? This will require a huge amount
22 of low-skilled, low-wage earners to be
23 employed in our community. By the admission
24 of the plan, these jobs will be low paying,
25 yet no low-income housing exists in the plan

1 for them. Again in the role model of Vail
2 that has been so often mentioned, service
3 workers commute 50 to 100 miles because the
4 housing market has skyrocketed so high. I
5 question the wisdom of creating a business
6 that employs such a number of low wage
7 earners, and the stress and burden it will
8 place on our local schools and Social
9 Services.

10 What impact will this resort have on
11 the state owned and operated Belleayre Ski
12 Mountain? Parking and lift lines are already
13 long on the busy weekends, and after a good
14 snowfall, the mountain has been known to close
15 itself due to full capacity. What will be the
16 effect when five to 800 more skiers hit the
17 slopes?

18 Not too long ago, there was quite a
19 bit of public discussion about the selling and
20 privatizing of Belleayre Mountain by the
21 state. With the recent expansion of
22 Belleayre, I can't help but wonder if this was
23 part of an unwritten future plan, especially
24 given the amount of campaign contributions
25 made by Crossroads Ventures and individuals

1 who were partners in the corporation over the
2 past several years to the Pataki and Bonacic
3 campaigns. (APPLAUSE)

4 Crossroads Ventures appears to be more
5 like a grand marketing scheme, than a good
6 economic and environmentally sound development
7 plan. The scale of the project clearly
8 demonstrates a lack of respect for the wishes
9 of the local population, and an insensitivity
10 to our fragile Catskill environment.

11 Mr. Gitter left hours before the end
12 of the last public hearing. I stayed until
13 one in the morning captivated by the eloquence
14 of the speakers and eagerly waiting for my
15 turn. I found it disturbing that he didn't
16 even feel the need or desire to stay and hear
17 the heartfelt concerns of his neighbors.
18 Thank you. (APPLAUSE.)

19 ALJ WISSLER: Joyce Reeves. After Ms.
20 Reeves, we'll hear from -- I have a card from
21 somebody -- Gould.

22 JOYCE REEVES: Can you hear me?
23 First, I just want to say how impressed I am
24 by the diversity of comments and how each
25 person adds new information to the resources

1 that are being presented here. So I want to
2 add my drop. I really appreciate this
3 opportunity to respond publicly to a letter I
4 received from Dean Gitter in July 2002.

5 A postcard came in the mail to me
6 from Dean Gitter, noting that I had not
7 responded to a questionnaire sent out in a
8 flier regarding the Belleayre Resort. I have
9 no recollection of receiving that flier, but
10 welcomed the opportunity to speak out against
11 this development. So I wrote a short note to
12 Mr. Gitter, basically telling him that while I
13 had not read his brochure, I had discussed the
14 issue at length with many people and had read
15 numerous articles about it. I suggested he
16 use his money on a plan that would truly
17 enhance the region and win the support of the
18 people, perhaps even make him a local hero.

19 Here is what he said in response:

20 "Dear Ms. Reeves, you have a nice
21 letterhead -- (LAUGHTER) wait -- good
22 penmanship and a command of English which
23 suggests intelligence and a good education.
24 This distinguishes you from 98 percent of the
25 people who send us handwritten letters

1 expressing their displeasure about our
2 project. It is curious then that you would
3 strongly oppose, your underlining, our plans
4 having only been informed about them in
5 "numerous articles". I suspect that you do
6 not as a habit uncritically absorb what you
7 read in the newspapers. In fact, I bet you
8 read them with more than a little skepticism.
9 I therefore enclose the flier in which we
10 describe our project and which you admit you
11 have not received." By the way, this flier or
12 this brochure is the one that many of you must
13 have received. It's very shiny and slick and
14 has the old hotel on it.

15 He goes on to say how he has spent
16 seven years of his life working for the Town
17 of Shandaken for a dollar a year to figure out
18 what is best both for our society and the
19 regional ecology. "If I thought that what we
20 propose would be a disaster, as you suggest, I
21 would not have proposed it. In fact, I
22 believe our plan to be an intelligent,
23 responsible answer to the key sociological
24 problems of the two towns concerned, while
25 taking optimum care of our local environment."

1 Then he says, "Don't believe
2 everything you read." (LAUGHTER)

3 Believe me, Mr. Gitter, I don't.
4 "Call me if you still have concerns." Well, I
5 didn't call him so here is my response.
6 First, I am deeply offended by the arrogant
7 and insulting attitude expressed towards your
8 opposition. As these hearings show, we are
9 smart enough to do the research and to come
10 out in droves to speak the truth.

11 (APPLAUSE).

12 I hope you are listening. The resort
13 you propose will have lasting negative effects
14 on all of us. You propose to use a mountain
15 in a way that will diminish the beauty of its
16 landscape, the purity of the water, the
17 freshness of the air, the brilliance of the
18 night sky, and the profound silence that
19 belongs to nature alone.

20 In other words, you propose to
21 diminish what brought most of here in the
22 first place. And you are asking us to give up
23 more of what we love and what sustains us so
24 you can create an oasis for the very rich, a
25 luxury resort for the leisure class. We would

1 seem to be the have-nots next to these very
2 wealthy people, and indeed we would be the
3 have-nots because we would not have what we
4 treasure in these Catskills.

5 In addition to environmental and other
6 concerns, this presents a serious social and
7 class issue. You may think we are stupid and
8 uneducated. You may think you can fool us
9 with your slick ads -- three to four cars per
10 minute? Do you think we can't multiply? But
11 we have something that you must have lost
12 somewhere along the way; a simple and
13 satisfying relationship with nature that
14 requires little enhancement for our enjoyment.

15 So Mr. Gitter, if you want to be a
16 hero, and I truly believe you do, consider the
17 following proposal: Take that glorious piece
18 of mountain land and turn it into a world
19 class nature preserve, with small
20 environmental educational centers, simple
21 lodging, campgrounds, backpacker's huts, bird
22 sanctuaries, wildlife preserves, swimming
23 holes and skating ponds. Dream on. How about
24 rope courses, and rock climbing; art seminars
25 al fresco, tracking and basic survival skills?

1 Perhaps even a training program for
2 naturalists. Make the beauty more accessible
3 by designing exquisite hiking trails that
4 reveal the most magnificent aspects of the
5 mountains and its vistas.

6 This would create all kinds of
7 exciting and desirable jobs for local people.
8 Think of it. Naturalists, hiking guides,
9 instructors of many kinds. Staff for nature
10 centers, and for trail and campground and
11 lodging maintenance. Lots of outdoor jobs for
12 outdoor people. And this center would bring
13 more like-minded people to our region. People
14 who can afford to be here, and who would find
15 the way of life here compatible with their
16 own. People would come from all around the
17 world if this were done carefully and
18 creatively. This, Mr. Gitter is just one
19 idea. I'm sure there are many other wonderful
20 alternatives to a luxury resort. Ideas that
21 would rally support rather than the enmity of
22 the people. This, Mr. Gitter, would make you
23 a local hero.

24 So finally, to the commission:
25 Hundreds of people have spoken at these

1 hearings and have written letters. Some have
2 come with excellent research, some with great
3 eloquence, and all with deep sincerity.
4 Please, as you evaluate the substance of the
5 overwhelming arguments against this resort,
6 remember this above all else - the people do
7 not want this development. (APPLAUSE)

8 I just wanted to say thank you for all
9 the time and energy you have given and will
10 continue to give to this issue. (APPLAUSE)

11 ALJ WISSLER: Ms. Gould. Then we will
12 hear from Nita Friedman.

13 ROBERTA GOULD: Thank you, Judge
14 Wissler, for allowing so many hearings -- the
15 hearings to continue. I couldn't speak last
16 time, I had to leave at 12 o'clock. My name
17 is Roberta Gould and I live about a mile from
18 the Ashokan reservoir. The septic systems for
19 these dwellings are a little more extensive
20 than those in other areas because the streams
21 flow into the reservoir ultimately. Sometimes
22 you can't see the stream but when it rains,
23 you see the stream outside the house. And so
24 people don't like to spend a little more but
25 they do it, they have a sense of love for

1 their neighbor, even their distant neighbor
2 New York, and knowing that the water, if
3 polluted, can kill people, can hurt them.

4 Now, we know that the City of New York
5 has negotiated with the surrounding areas to
6 avoid this eight billion dollar filtration
7 plant which in these days of balanced budgets,
8 and deficits -- et cetera, are not possible.
9 This has been a fine negotiation and
10 -- because the beginning of the relationship
11 with the City was very poor. Greedy elements,
12 building the necessary water -- engineering
13 the necessary water supply from the City, and
14 one of the marvels of human engineering, our
15 reservoir system, displaced many of these
16 people, paid them a pittance, destroyed
17 communities.

18 There has been this fine negotiation,
19 bearing this in mind, and people pay more for
20 their septic systems, fine. When people do
21 camping, they take their Porta-potties with
22 them rather than using the woods a la nature.
23 Most people do that, and they keep this in
24 mind. There may be certain interests that
25 don't care about this. Aside from the fact

1 from the reservoirs -- I certainly appreciate
2 the engineer and other people that the use of
3 so much water up there might make a scarcity
4 of water for local inhabitants, local
5 population. Let us say that the effluent from
6 the cleared lands, the pesticides on the golf
7 courses, and of all these pesticides, only
8 seven percent have been investigated by the
9 official agencies of all these chemicals. So
10 they don't know. Gitter speaks about experts,
11 engineering things, but we know that the storm
12 sewers that after rains on flat lands are very
13 inefficient, that we need seepage into the
14 ground, we need tree roots to absorb; and that
15 no matter what engineers, the Army Corps. of
16 Engineers dealings with dams, et cetera, it's
17 not that effective.

18 So that whatever he says, we can be
19 taken strictly with a grain of salt, also
20 given the fact that this large document was
21 practically unreadable and very confusing as
22 some people have indicated. The effluent, the
23 chemicals, the truck runoff, truck drippings,
24 the blasting materials, et cetera, will go
25 into the reservoir.

1 So, while they could always get a
2 filtration plant, my suggestion is that there
3 might be wide vested interests in getting such
4 a filtration plant because, according to a
5 piece of paper I received in the mail about
6 six months -- about a year ago, because I put
7 a small amount of money in Key Bank's Money
8 Market thing, they got me on a list and they
9 sent me a piece of paper about how to make a
10 killing on Wall Street. It wasn't worded that
11 way but that was the effect, and they
12 recommended three things. I forget what one
13 of them was, the other one was Walmart, but
14 then the third was the fastest growing
15 investment in the world -- oh, it sounded
16 wonderful -- water. Our water is often not
17 just Poland Water or Catskill Mountain Water,
18 you know, Coca Cola Bottling is doing the
19 water. They have privatized water in Ecuador,
20 they have privatized water in South Africa,
21 and people would have to pay at the faucet,
22 and they broke certain facets.

23 There's a wonderful woman in Canada
24 called Maude Barlo [sic] who works with Tony
25 Clark and that man from Quebec called Daniel

1 Green who are working on water issues, and
2 Maude has a book called Blue Gold, and Green
3 has brought out that they're hankering and
4 secretly planning, and now its come out,
5 they're planning to privatize the water of
6 Montreal.

7 In my research for this, I found the
8 following article, New York Times, late New
9 York City edition, April 25th 1995. Someone
10 told me this but I had to check it out,
11 abstract, a topic said that: "Mayor Rudolph
12 Guliani will propose selling New York City's
13 water system in the hopes of making the system
14 more efficient and gaining some revenue for
15 the City." The City's budget director said
16 that: "The 2.3 billion sale to the quasi
17 independent city agency -- quasi independent
18 city agency -- would generate about
19 800 million in cash which the City could use
20 for long-term construction," et cetera, over
21 the next four years, end of the abstract.

22 So that, you know, there's always a
23 solution, and an eight billion plant might be
24 a solution. I don't think the water would be
25 as good filtered as it is now, but it's a

1 solution, and the City certainly couldn't
2 afford it since taxes are out the -- taxes are
3 an afamene [sic] these days. Governments will
4 not have any money to provide any of these
5 services, and so that could be taken over. As
6 you may or may not know, Aaron Berr [sic] was
7 against public water in 1800. That was before
8 we had the Ashokan Reservoir. The Pepacton
9 Reservoir would also be damaged by the
10 effluent, not just the Ashokan Reservoir.

11 So, a lot has been said, there's no
12 need to say more about this in technical
13 terms. I really admire so much the people who
14 live in this community. I really didn't know
15 there was such intelligent, such caring.

16 (APPLAUSE.)

17 And such work that you were
18 researching this. I was really amazed and I
19 have the utmost respect, and people 18 and 19
20 years old, and a man of 85 who was a little
21 ill that day, and I myself am just recovering
22 from pneumonia -- not that I'm congratulating
23 myself. (LAUGHTER) So obviously the desires
24 are inexhaustible -- I bow to them. And human
25 greed is infinite. There are good parts to

1 humanity -- this human greed is infinite,
2 people don't know when they're getting greedy.

3 There is no civic-mindedness in regard
4 to this project. There is no concern for
5 others or there is a complete blindness,
6 perhaps Mr. Gitter feels or believes the words
7 that he is saying, but it's a very
8 shortsighted, partialistic, and egotistical
9 view.

10 Let me conclude by saying that I share
11 your other concerns about the widening -- I
12 think Route 28 would have to be widened for
13 all of this traffic. I think that we would of
14 course pay the taxes for it all the way from
15 Kingston across.

16 I think of the water that has been
17 ruined completely in High Falls. A friend of
18 mine just died because there's polluted water.
19 There was a very nice factory that was helping
20 people out with little jobs. Kevin DePew
21 [sic] worked there, my friend, as a young man,
22 six dollar-an-hour jobs; and low and behold,
23 recently they found that the water is
24 undrinkable, and how long has this been going
25 on -- but they can't even find the company.

1 they have got to lose. I met a man working in
2 a grocery store in New York, he said he was
3 from there. And I says, "They lost?" He
4 said, "They didn't lose, they won." They
5 actually won. One man was shot in the process
6 but they actually won. It caused so much
7 trouble for this company because the whole
8 town was against it, precisely for this
9 reason, there wasn't enough drinking water in
10 the whole town, and the golf course would have
11 used more water than the town would use or had
12 been using to drink.

13 So I want to thank you, Judge Wissler,
14 for your consideration for all of us and
15 hearing us speak, I appreciate that.

16 (APPLAUSE.)

17 ALJ WISSLER: Folks, I'm going to take
18 -- Nita Friedman is next. I'm going to take
19 just a five-minute break because I want to
20 know what the weather report is, but here is
21 my plan. I have the following cards of folks
22 who I think have not spoken before. If you
23 did speak before, please tell me. Nita
24 Friedman, Evelyn Polesny, Aldred B. Reese,
25 [sic] Carol Martineau Lopez, Theo Wright, a

1 Dave Colavito and John Kain. If you folks
2 have not spoken before, I'm going to give you
3 the opportunity to speak, but that will
4 exhaust the cards that I have of people who
5 have not had the opportunity to speak before.
6 And I would propose, unless the snow has
7 stopped and the sun is shining, I would
8 propose that that is where we conclude today
9 and continue on the 19th of February.

10 We're going to take a five minute
11 break right now.

12 (5:59- 6:14 P.M -- BRIEF RECESS
13 TAKEN.)

14 ALJ WISSLER: After Ms. Friedman,
15 we'll hear from Evelyn Polesny.

16 KAREN CHARMAN: I'm not actually Nita
17 Friedman but I'm speaking -- I'm reading her
18 statement because she can't be here tonight.

19 THE AUDIENCE: We can't hear.

20 KAREN CHARMAN: Can you hear me now?

21 THE AUDIENCE: Yes.

22 KAREN CHARMAN: My name is Karen
23 Charman. She starts off by saying: "My name
24 is Nita Friedman. I moved here eleven years
25 ago and five years ago started a business in

1 Phoenicia called Upstate Art. I am one of
2 those who do not want to see this project go
3 through.

4 There are three reasons I feel this
5 way. Before I enumerate these reasons, I
6 would like to thank the DEC for providing this
7 forum, though I also feel compelled to lodge a
8 complaint about the timing of this public
9 comment period - that much of the time given
10 to the public for review of the thousands of
11 pages of the DEIS was the holiday season. And
12 also the lack of accessiblity of the document.
13 The CD's are unsearchable and no hard copies
14 were provided to libraries or town halls, at
15 least not in Shandaken. Nobody without a
16 computer could possibly participate in the
17 process. All of which speaks of a certain
18 disrespect for the public and for public
19 input.

20 Many people assume that the timing and
21 accessiblity issues are merely further
22 indication that the whole thing is a done
23 deal -- that the state is in favor of the
24 project and intends to make it happen no
25 matter what objections the public and other

1 agencies raise. I sure hope that is not the
2 case.

3 The first reason I am against the
4 project is because of what the massive scale
5 of the undertaking would do to the
6 long-protected and pristine landscape. New
7 York City started building the resevoirs in
8 1905 or thereabouts, and since that time,
9 almost 100 years, the city and the state have
10 basically controlled economic development in
11 the area in the name of providing clean
12 drinking water for nine million people here
13 and downstate. Generations upon generations
14 of people have worked and sacrificed, and
15 incalculable amounts of money has been spent
16 to protect the landscape. Even the State
17 Constitution declares that the Catskill Park
18 should remain forever wild. (APPLAUSE.)

19 And this effort continues today.
20 Small business and homeowners are totally
21 hobbled and constrained by issues relating to
22 water quality. The DEP, the DEC, the County
23 Health Department, the local code enforcer
24 tend to bust the little guy who is prohibited
25 from adding a sink or a toilet or a bedroom,

1 or doing anything at all to sustain their
2 hanging-on-by-their fingernails enterprises.

3 Miraculously though, all this effort
4 to constrain development has paid off and paid
5 off big, in the form of clean drinking water
6 and an unusually pristine natural environment.
7 This is why people move here. This is why
8 people visit here -- to be close to the
9 wilderness. Put this mega-development in,
10 and we might as well call ourselves North New
11 Jersey. (APPLAUSE)

12 Engaging in massive high-elevation
13 blasting and earth-moving in order for people
14 to play a game that's first requirement is
15 flatness of terrain is the kind of idea whose
16 time has passed -- it's like something out of
17 the '50's, out of the mists of time before
18 anybody was concerned with pesky issues like
19 preserving the environment for future
20 generations to enjoy.

21 The second reason I am against the
22 mega-project is that I think it will be bad
23 for hamlets. I think we could all agree that
24 economic situation in the area has greatly
25 improved over the last ten or so years. The

1 hamlets are doing pretty well - it's a slow,
2 organic kind of growth that's taking place and
3 it's a process that should be fostered in
4 every way possible.

5 Say the developer succeeds. Some
6 corporate outfit decides to buy the permits.
7 It might be great for the developer and his
8 bank account. It would also be great for the
9 lead agency in the review process, the DEC
10 which owns and operates the Belleayre Ski
11 Center. But the fact is that the proposed
12 project is a destination resort and
13 destination resorts are by definition
14 self-contained - the whole point is to keep
15 the patrons within, with endless restaurants,
16 amusements, shopping, entertainment, et
17 cetera. Obviously, this would drain business
18 away from the hamlets.

19 So then what have we got? We undo
20 generations worth of effort to preserve the
21 natural environment. We render the water
22 protection effort that's been going on since
23 1905, a farce. Whatever marginal economic
24 opportunities are available to the region are
25 gobbled up. We degrade the landscape with

1 building and blasting, not to mention all the
2 sprawl, otherwise known as secondary growth
3 which is known to follow in the wake of this
4 type of massive mega-development. Plus we get
5 an enormous increase in traffic on a two-lane
6 road, Route 28, which is already known as one
7 of the most dangerous roads in the state.

8 The result of all this is that there
9 will be far less reason for non-resort
10 tourists to visit and far less reason for
11 second-home owners to want to invest in the
12 area. And this spells disaster for the
13 hamlets. In fact, it puts the hamlets in the
14 position of being the back alley for the grand
15 "Crossroads Corridor" as the developer has
16 been known to call Route 28.

17 Here's another, I think even more
18 likely scenario: What if nobody wants to
19 purchase the permits for the mega-resort,
20 except the gambling Indian tribe from
21 Oklahoma? I intend to go into this subject at
22 length in my written comments. For now, will
23 suffice it to say that casinos are another
24 recipe for disaster for both the hamlets and
25 the natural environment.

1 The third reason I am against the
2 proposed mega-development is because I have
3 watched as the developer, in league primarily
4 with those he pays and those who think they
5 stand to gain from the project, have ripped
6 the town apart, setting neighbor against
7 neighbor, in an utterly ruthless effort to ram
8 this huge project down our throats.

9 (APPLAUSE.)

10 I've got to say that what we have seen
11 locally, especially in the recent elections,
12 is that no distortion or misrepresentation is
13 too outrageous for these folks. (APPLAUSE)

14 They seem to feel that any means
15 justifies their ends and that they know what's
16 best for everybody.

17 Personally, I feel that at this point,
18 no good could ever come of this project given
19 the nasty community-curdling tactics that have
20 been employed by the developer, his political
21 action committee, his political associates and
22 his millions. They leave a scar on this
23 community that will be a long time healing. I
24 dearly hope that they will stopped from
25 tearing up the precious and irreplaceable

1 moutaintops.

2 Thank you. (APPLAUSE)

3 ALJ WISSLER: Evelyn Polesny. Then
4 we'll hear from Aldred B. Reese. [sic]

5 EVELYN POLESNY: My name is actually
6 Evelyn Polesny, and I live in Phoenicia and
7 New York City, and I own a cafe in the West
8 Village. When I thought about what I might
9 say at tonight's hearing, I wondered what
10 perspective I could offer on this issue that
11 might be slightly different from the many
12 wonderfully well-researched comments we've
13 heard already against this excessive and
14 shortsighted proposal.

15 Many of us have already heard, for
16 example, about Attorney General Elliot
17 Spitzer's office's suggestion that this
18 mega-resort could force the construction of an
19 otherwise unnecessary eight billion dollar
20 filtration system. And many of us have
21 wondered why city folks, who will have to foot
22 that eight billion dollar bill, don't know
23 about this project. Many of us have wondered
24 why the DEC denied the DEP's request for an
25 extension to the public comment period. Many

1 of us have wondered why the DEC quietly
2 accepted Gitter's grossly inadequate DEIS just
3 before the holidays, and then put such a quick
4 cap on public comments.

5 I cannot add anything new to this
6 well-known litany of heart-wrenching facts and
7 possible conflicts of interest. My experience
8 is not in politics and not even really in
9 development issues. My experience, beyond
10 that of a property owner and community member
11 in this county, is that of a teacher. I have
12 worked as a teacher, a high school assistant
13 principal and a curriculum designer for over
14 ten years. And I have worked with young
15 people in prisons and in fancy suburbs, in the
16 heart of the inner city, in the lap of luxury
17 and everywhere in between. As a result, I
18 think all the time about young people, both
19 about how to teach them to be critical
20 thinkers, and active participants in their
21 world, and about what I, as an adult, can do
22 to make the world better for them.

23 What then can our young people say
24 about this proposal? During this time they've
25 seen neighbors turn against each other, and

1 they've learned how to label people by where
2 they live or by how many days a week they live
3 there. They've learned that it's okay for
4 elected leaders and government agencies to use
5 self interests as a guiding principle in
6 decision making. They've learned that the
7 greed of one already very wealthy man can
8 change and destroy the face of two counties
9 forever, and they've learned that that man
10 does not use his wealth to build schools or
11 community centers or affordable housing for
12 area residents, or even to build up our Main
13 Street communities. That man uses his wealth
14 to create more wealth for himself, and he does
15 it behind closed doors.

16 They've learned that the loss of 13
17 vibrant upstate communities, and the careful
18 planning for a century since -- they've
19 learned that all that sacrifice was undertaken
20 not for clean water and pristine wilderness,
21 not to tie together forever the upstate and
22 downstate communities, but to provide a nice
23 view for more malls. They've learned that one
24 man with lots of money and lots of ties to
25 important people can defy a community

1 majority. (APPLAUSE).

2 They've learned that promises of
3 upstate jobs do not include dignity and
4 choice, those jobs promise only menial labor
5 and ever-deeper divisions between visitors and
6 full-time residents. Between those who have a
7 lot, and those who have a little less.
8 They've learned that adults don't learn from
9 history, that massive over-development can
10 still happen, even though we've all seen how
11 it destroys communities forever. They've
12 learned that they can't depend on us, on
13 adults, to preserve wild places for them and
14 for their children. Once that golden carrot
15 of growth at all costs, of big money for a few
16 and tiny money for the rest, once those toys
17 are dangled in front their parents and
18 teachers and government leaders, those adults
19 will grab for those toys and forget to protect
20 the world their children will inherit.

21 And they've learned that they don't
22 have the right to know about what will affect
23 them, they don't have the right to know, and
24 they may not get a reasonable amount of time
25 to comment on them.

1 Since Mr. Gitter didn't feel that he
2 needed to be here to hear our comments, I will
3 direct my comments to his representatives.
4 Mr. Gitter, I can't ask you to reconsider how
5 you spend your wealth, I can't hope that you
6 turn your resort instead into Gitter College,
7 devoted to the sustainable development of our
8 Main Street communities and the preservation
9 of our wilderness. I can't ask you to satisfy
10 your hubris by creating senior centers, or by
11 opening a world class library or performance
12 space, or by helping our communities to create
13 beautiful waterfront walks. I can't even ask
14 you to proceed with your plans, but to choose
15 for your white elephant counties that are more
16 suited for that kind of development, namely
17 counties without New York City Watershed,
18 counties that are already developed in that
19 way.

20 But as a teacher, I will ask you to
21 consider the achievements of your life as a
22 model for the young people who watch you, as
23 they watch all of us, and the young people who
24 will be alive after we are no longer on this
25 earth. You can hand us rhetoric about what

1 you are doing for our communities, but I know
2 as well as any child would, that you are a
3 very smart man, you know very well what you
4 could do for our communities to make them
5 better, and you know very well that this
6 project is about money, not about community.

7 You know also how history will
8 remember you, perhaps in much the same way as
9 we think of those who paved outer Kingston to
10 create malls or those who brought gambling to
11 Atlantic City, or those who created super
12 highways and track housing in Long Island. I
13 know what students say as they sit in class
14 and learn about such people, and I would not
15 wish that shame on anyone, not even on you.

16 (APPLAUSE.)

17 ALJ WISSLER: Evelyn Reese? [sic]

18 (NO APPEARANCE.)

19 ALJ WISSLER: Carol Martineau Lopez.

20 After Miss Lopez, we'll hear from Wright, Ted
21 Wright.

22 CAROL MARTINEAU LOPEZ: In due
23 respect, I will summarize my position. My
24 name is Carol Martineau Lopez, I am a Big
25 Indian homeowner, a wife, mother, and very

1 lucky to be a tourism employee within the
2 region.

3 UNIDENTIFIED SPEAKER: Where do you
4 work? Catskill Corners?

5 CAROL MARTINEAU LOPEZ: I spent 19
6 years raising children, and living and loving
7 the beautiful area. I've watched my oldest
8 have to leave the area in order to fulfill her
9 career opportunities. I have spent 19 years
10 watching school budgets being defeated, and
11 struggle to provide essential services to the
12 children. I've worked within the hospitality
13 and tourism industry during the period of
14 those 19 years, watching area businesses
15 challenge the New York State Department of
16 Environmental Conservation's unit at Belleayre
17 Mountain to do its job, to be an economic
18 catalyst to the businesses in the area.

19 I've watched businesses, homes close
20 and resort to disrepair. I've been involved
21 with programs designed to offer training and
22 career opportunities to our youth within the
23 limited supply of career opportunities within
24 the region. I've watched with great awe at
25 the environmental safeguards that are in place

1 within this region with every single state
2 agency designed to protect our environment.
3 I've watched the attention to detail involved
4 as the project we're here to discuss tonight
5 has been developed. I applaud and welcome the
6 project as a responsible means to revitalize
7 our area's economy.

8 I look forward to this as it will add
9 dramatically to the tax base, especially to
10 the growth and ability of our schools, and to
11 the opportunity of extremely respectable and
12 varied careers within what has been the legacy
13 of tourism in the Catskills.

14 I've been involved with projects and
15 do work for the project that the managing
16 partners are involved with at Catskill
17 Corners, and I've watched and seen the
18 dedication to quality standards be upheld and
19 look forward to this in the future. I do look
20 forward to this project going ahead.

21 (APPLAUSE).

22 ALJ WISSLER: Ted Wright. After Ted
23 Wright, we'll hear from Dave Colavito.

24 TED WRIGHT: Thank you very much.
25 I'm Ted Wright, I've lived in the Catskills

1 now for six months, and I've fallen in love
2 with the area. I believe very strongly that
3 our biggest task is to choose whatever
4 development does occur here, it is
5 sustainable, it is in symphony with the
6 indigenous spirit of the area itself. Saying
7 that, I must tell you that I am the new Chief
8 Executive for Catskill Corners. And in my
9 role, I was the person that said, build a
10 fence in front of the Emerson is crazy, and I
11 was the one who pulled the plug on that.

12 I believe very strongly, and I believe
13 so strongly that the appearance of Route 28,
14 what I consider a rust belt, is an
15 embarrassment. It's something that should be
16 addressed by all of us and everybody who has
17 the same passion towards, again, Route 28, its
18 look, its feel, its sympathy to, again, the
19 rest of the environment of the Catskills which
20 I think unfortunately is not well presented on
21 Route 28.

22 If I may share a few moments on the
23 current investment group of the Crossroads
24 project which I am in favor of. Dean Gitter
25 has been mentioned many times, but other

1 investors are failed to be mentioned. Emily
2 Fisher Alexander is a member of the Board of
3 Trustees of the Natural History Museum in New
4 York City. She's a trustee of Bard College.
5 Richard Fisher constructed and built, and
6 funded entirely out of his own money, the
7 Fisher Performing Art Center at Bard College
8 designed by Frank Geary. [sic]

9 There is a commitment, particularly
10 with those two directors, along with other
11 directors of the project, to insure that
12 there's a legacy of quality wherever they go;
13 and they feel so passionate about insuring
14 that that quality is absorbed by everybody in
15 a way that there's a gallantarionism, a
16 usefulness that, in fact, can grow a community
17 intellectually, spiritually and culturally.

18 I'm impressed by the quality of the
19 people that I've met on the board of
20 Crossroads. The Board of Directors at
21 Crossroads is different than the board at
22 Catskill Corners; however, Emily Fisher is on
23 the board at Catskill Corners. Recently we
24 had a board meeting at which we spoke
25 extensively about quality, about creating

1 legacies of intelligence, legacies of
2 knowledge and legacies of learning; and it's
3 important that I, in my role, have been given
4 a mandate by them, of setting up a school of
5 hospitality management, so in fact -- and
6 really reflecting on my colleague, the
7 previous speaker -- that there must be
8 opportunities for people to stay in this
9 region and live happily, have a sense of civic
10 pride, have a sense --

11 UNIDENTIFIED SPEAKER: We already have
12 that.

13 TED WRIGHT: -- that what is occurring
14 with something new in a way that takes us to
15 another level of interest and cultural
16 newness.

17 It's my belief -- I've lived in nine
18 countries, I was a founder of a company called
19 Regent Hotels International, and in that
20 company we had 20 hotels in our epitome, and
21 ten of those were rated the top ten in the
22 world. And with that, there was always the
23 importance of recognizing the respect of our
24 staff, creating jobs in which people had a
25 sense of self-esteem, had a sense of future, a

1 hope that they could make appropriate funds
2 and money that could give them, again, a great
3 sense of tomorrow.

4 It's with that same belief that I was
5 engaged to work with the Catskill Corners, and
6 I'm very much impressed with where we're
7 headed with the business plan for that
8 business. I do believe there's an earnest,
9 honest desire to do something quite special.

10 Using examples of what I've seen
11 around the world in California, the Monterey
12 Peninsula -- Cyprus Point, Monterey Peninsula,
13 and the other great golf courses that were
14 constructed in that area, there was a human
15 outcry against the construction of those golf
16 courses. What happened after they were
17 constructed? They're now a national icon,
18 they're treasures, the Town of Carmel
19 prospered. Community groups, new businesses
20 and small businesses has grown enormously in
21 the last 50 years since, again, that project
22 was completed.

23 There are examples all over the United
24 States. And again, in the nine countries I've
25 lived in, 21 years in Australia being involved

1 in the green movement, being very sensitive to
2 a project in Tazmania in a national heritage
3 site, which as you all know, many of you are
4 sympathetic to environmental sustainability,
5 would note that the green movement is very
6 much opposed to any development in a national
7 heritage site, felt very strongly that what we
8 were doing was extremely appropriate -- not
9 only appropriate, they felt it was the right
10 thing to do; primarily because it was high
11 end, it was expensive, it was keeping the
12 masses out of the area -- not that I am
13 against the masses by any means -- (LAUGHTER)

14 -- but with that attracts cigarette
15 butts, Coca-Cola cans, cigarette packs, and
16 elements of that nature that, in fact, don't
17 enhance an area that so many of you and me
18 feel very strongly about. I'm a hiker, I'm a
19 skier, I like the outdoors, I came here for
20 that reason. I want it to be protected.

21 I guess in summary, let me leave with
22 you my view towards the importance of this
23 project. Again, I think that it will leave a
24 legacy of new, it will create an International
25 reputation, it will bring people to this

1 region that heretofore have not had the
2 opportunity to visit. It will be done in a
3 way that is small and modest -- and I know
4 you're under the great impression that it is
5 so mammoth in size -- that the five-star
6 hotel sits on a half an acre of the 2,000
7 acres that will be developed, the four and a
8 half star hotel sits on less than an acre of
9 development. The entire 2,000 acres is --
10 again, would be given back except for the
11 areas that have the golf courses and the
12 hotels and the residential projects. It is so
13 minor in the scheme of the size of the
14 project.

15 I think it's been designed correctly.
16 Emilio Ambasz, who is arguably the greatest
17 environmental architect in the world, who has
18 worked on extraordinary projects, has been
19 engaged on one hotel. He's done something --
20 there is no visual pollution. It is done so
21 uniquely that I think it's a wonderful project
22 for me to be part of because I can take pride
23 that this is something that I think will
24 create a legacy and a model for further
25 development around the world that's done in a

1 responsible, correct manner. Thank you very
2 much. (APPLAUSE.)

3 ALJ WISSLER: Dave Colavito. And
4 after Mr. Colavito, we'll hear from John Kain.

5 DAVID COLAVITO: Dave Colavito. To
6 the last two speakers, I certainly appreciate
7 and respect your positions. For the other
8 folks, I don't know anybody in the room, but
9 listening to the people gives me hope, and
10 that's a difficult thing to get in today's
11 world, so I thank everybody for that. I've
12 not come to talk directly about traffic,
13 hydrology or economic impacts associated with
14 the Belleayre Resort proposal. Are they
15 important? You bet they are. But there are
16 others more expert than I who can address
17 them. Anyway, I think it's a smaller truth to
18 say that the area's economy will or will not
19 improve if the proposal proceeds. A larger
20 truth is that we really don't know what, on
21 balance, is going to happen in the longer run,
22 particularly when the total cost of all
23 additional services, direct and indirect, are
24 factored into the mix. There are just too
25 many examples that show the outcome is far

1 from certain.

2 Another large truth is that projects
3 of this scope, taking place on private
4 property in close proximity to our public
5 lands, have a disproportionately adverse
6 impact upon the wilderness quality of those
7 public lands -- land that's held in the
8 public's trust. And though impacts to the
9 local community are and should be a primary
10 consideration, the public trust responsibility
11 extends well beyond the local community to all
12 residents of this state. We simply don't have
13 the vast tracts of federally public land found
14 in states elsewhere, and what we do have is
15 far more subject to the deleterious edge
16 effects, further whittling away at that sense
17 of wonder associated with wild places.

18 I read something credited to Wallace
19 Stegner that bears mentioning here: "We
20 simply need that wild country available to us,
21 even if we never do more than drive to its
22 edge and look in." (APPLAUSE)

23 "For it can be a means of reassuring
24 ourselves of our sanity as creatures of part
25 of the geography of hope."

1 An even larger truth is that there is
2 no single definition of right and wrong over
3 these matters. Some folks believe that the
4 land's worth can and should be judged solely
5 by the ring of the cash register, that its
6 unimproved base serves as a platform upon
7 which their handiwork can only improve things.
8 Such is their right. But others appreciate
9 the land's unimproved state as something
10 humbling and worthy of our respect.

11 But as hinted to above, the reality in
12 our state is that the character of our
13 remaining public wild lands is largely
14 inseparable from our behavior on nearby
15 private property. My concerns with the
16 Applicant's proposal only deepen when
17 considering the sobering fact that New York
18 State's land base is already 85 percent
19 privately owned.

20 It's an insidious problem, this
21 proximity effect of incremental development
22 upon sensitive surrounding areas, and it's by
23 no means confined to the Catskill Park. I
24 don't have to tell you that six miles on the
25 northeast boundary of the park sits the

1 specter of the St. Lawrence Cement mega
2 complex. And about 15 miles below the park's
3 southern border are other omens sprinkled
4 throughout the Shawangunk Range, the mega
5 development of the Awosting Reserve, the mega
6 complex of the Shawanga Lodge, and even the
7 Yukiguni Mushroom Factory. That doesn't begin
8 to factor in the two or even three casinos
9 coming to my county in Sullivan.

10 And it's always the same argument,
11 environmentally responsible development
12 resulting in economically -- excuse me, in
13 economic prosperity for all. The problem is,
14 things don't always turn out that way. But
15 one thing is for sure. After the fact,
16 there's no one to go see about the
17 irreversible trade-off when things don't quite
18 pan out as planned, and the wild character of
19 an area is just a little or a lot less wild.
20 After all, if my primary objective was to
21 achieve lifestyle parity with those living in
22 New York City or on Long Island, I could
23 consider moving there or try and figure out
24 how to make it a commute.

25 How might things play out should

1 private interests pursue large-scale
2 development along the other travel corridors
3 of the Catskill Park? I think it's
4 appropriate to ask that if the intrinsic value
5 of our wild lands cannot be upheld in a place
6 like the Catskill Park, where else in our
7 state can we hope to do that? (APPLAUSE)

8 Are there folks from the DEC here?
9 I'm urging the DEC to consider the broader
10 picture here. In my opinion, this is a
11 regional issue with far ranging implications;
12 and it's no secret that the state is in
13 financial straights and there's obviously no
14 magic wand. So in the end, as is often the
15 case, it seems to be a question of values.
16 And I'm not a fan of trading in values just
17 because times get difficult.

18 In closing, as the DEC is aware, a
19 considerable amount of people have spent a
20 considerable amount of financial and volunteer
21 resources trying to get elk reintroduced back
22 into their native range in these mountains.
23 Things seem to be going along at a pretty good
24 clip too, until plans got sidelined over
25 concerns of chronic wasting disease in our

1 White Tailed Deer herd. I mentioned this
2 because I was proud that the biological and
3 social assessments found any area at all
4 within New York State worthy of such magic.
5 And I can show you assessments of financial
6 benefits that elk would bring to this and
7 other communities in this region. And it's
8 considerable. But then the DEC already knows
9 this because they have those estimates. I
10 just hope when the CWD thing calms down, the
11 elk will still have a place in these hills.

12 It's hard to see how a few more golf
13 courses and additional hotels enhance that
14 opportunity. Magic. Is it returning a
15 majestic native to its former range? Or is it
16 simply a polished-up version of more of the
17 same. I think the choice we make speaks
18 volumes. Thank you. (APPLAUSE.)

19 ALJ WISSLER: John Kain. After Mr.
20 Kain, we'll hear from Maureen Nagy.

21 JOHN KAIN: Can you hear me?

22 THE AUDIENCE: Yes.

23 JOHN KAIN: I grew up in California,
24 and I remember Carmel was a quaint town,
25 actually a very nice place to visit.

1 (APPLAUSE)

2 Now a millionaire couldn't afford to
3 buy a house in Carmel. So that's what they're
4 proposing.

5 Before I get started and read my
6 statement, I want to protest Dean Gitter
7 presenting the proposal to the town tonight.
8 It doesn't seem like a coincidence that we are
9 unable to be at the town hall to hear the
10 proposal that he's giving the town and the
11 Town Board, so it's just the same thing with
12 Gitter, he doesn't want to hear from the
13 people of the town. (APPLAUSE).

14 The list of distorted facts, cereal
15 box science, purposefully confusing language
16 and outright lies contained in the DEIS is as
17 laughable as it is insulting. Its 3,000 plus
18 pages are irrefutable evidence that weapons of
19 mass destruction can indeed be found right
20 here. (APPLAUSE)

21 Not only is the DEIS a blueprint for
22 environmental disaster, it is also a potent
23 recipe of economic ruin for our community.
24 (APPLAUSE).

25 Central to the proposed resort's

1 economic viability is the tax breaks they
2 receive from Ulster County, the townships and
3 the state. This exemption reduces the
4 assessed value of the mega-resort's property
5 tax by 50 percent in its first year of
6 existence. The assessment is then increased
7 by five percent annually, which means by
8 factoring in the eight years it will take to
9 complete the project, the owners of the
10 mega-resort will not pay full taxes until the
11 year 2025. This amounts to nothing more than
12 corporate welfare.

13 The DEIS states the annual property
14 tax increase to the Town of Shandaken and
15 Ulster County would be \$1,503,154, but that
16 figure is based on full assessment. This is
17 misleading, to say the least, and has little
18 to do with the reality of the tax levy that is
19 written into the project's development. An
20 analysis of a Middletown tax revenue prepared
21 by Community Consulting Services, a
22 not-for-profit organization that provides
23 technical services to community leaders
24 seeking sustainable development, states: "By
25 not reporting background trend-based growth of

1 property tax revenues over the 22 years before
2 the full property taxes are paid to the
3 townships, the DEIS gives an inaccurate
4 impression of the significance of the
5 contribution from the project. Thus, what
6 appears to be a ten percent increase from the
7 resort of \$526,000 to Middletown in 2001
8 dollars to the total current tax levy of
9 \$5,157,000 would be eight percent if there was
10 just one percent annual growth in the town's
11 total tax levy over 22 years. If the tax levy
12 grows at three percent a year, the 2025 resort
13 contribution would be five percent. At recent
14 eight percent growth rates, the resort taxes
15 would add only two percent."

16 A little digging and analysis tells us
17 the promised ten percent increase in tax
18 revenues could easily, and most likely, drop
19 to only two percent annually. Furthermore,
20 the above study states: "It is similarly
21 misleading not to make clear that sales taxes
22 to the counties and sales in the Route 28
23 corridor will take until 2022 to fully
24 materialize. This is because 76 percent of
25 resort user off-site sales are attributed to

1 timeshare owners and country club members for
2 which full operation and occupancy are
3 forecast to take from 2006 to 2018 to
4 achieve."

5 When the construction phase of the
6 mega-resort pounds away at our roads for eight
7 years, who will pay for the increased costs in
8 highway maintenance? We will.

9 Who will pay for the increased medical
10 and support costs that a project this size
11 will produce? We will.

12 After the mega-resort is finished and
13 the 872 full and part-time resort jobs, plus
14 200 off-site jobs are filled, who is going to
15 pay for the increased number of students in
16 our schools? Certainly not the developers who
17 state that not one student will be added to
18 the school system during or after the project
19 is completed. According to the 2000 census,
20 there are just over 200 unemployed people in
21 Shandaken and Middletown. Does that mean that
22 the extra 872 employees needed to run the
23 resort will all have to sign a waiver stating
24 that they do not have children and will not
25 have children in the future? Of course not.

1 This development will add many
2 students to the school system. Who will pay
3 for the increased costs? Once again, the
4 individual taxpayer is caught holding the
5 bill.

6 But there's more. There will
7 certainly be increased costs for police and
8 fire protection. Remember, we're adding a lot
9 more traffic on Route 28, already one of the
10 most dangerous highways in the state, and
11 increasing the number of visitors to the area
12 exponentially. There will be increased
13 housing needs, other infrastructure upgrades
14 and a Pandora's box of unforeseen costs.

15 Is a two percent annual increase in
16 tax revenue going to offset these substantial
17 cash outlays? Simply put, no.

18 The question then is this: Are we
19 willing to let a handful of developers
20 increase our tax burden so they can get a
21 better return on their investment dollars?
22 Through sleight of hand, they promise a
23 shining city on the mountain, but in reality
24 we'll be forced into debtors prison. Thank
25 you. (APPLAUSE.)

1 ALJ WISSLER: Maureen Nagy.

2 MAUREEN NAGY: My name is Maureen
3 Nagy, I have been a resident of Pine Hill for
4 15 years. I have an interest in history and
5 serve on the Town of Shandaken's Bicentennial
6 Celebration Committee. I oppose the proposed
7 Belleayre Resort because it is too large and
8 because I believe it will negatively impact
9 the area's strong community character.

10 I'd like to take a moment to describe
11 that character. When you come down Route 28
12 through Boiceville into Shandaken, you enter
13 the pleasing cohesive landscape of the Central
14 Catskills. It is a harmonious composition of
15 historic hamlets, scenic mountains, waterways,
16 railroad line, old roads and homesteads. The
17 area has evolved gently over time, so that the
18 new blends comfortably with the old. The
19 historic fabric has survived miraculously
20 intact. It tells a picturesque and appealing
21 story of turn-of-the-century vacation towns
22 and hotels, the Ulster & Delaware Railroad,
23 and days of quarrying and furniture making.
24 Though unassuming, this landscape, as it is,
25 is powerful. It draws tourists,

1 second-homeowners, nature lovers, artists,
2 craftspeople, entrepreneurs, professionals,
3 retirees, urban refugees and independent
4 spirits. Many, many people have turned their
5 lives inside out to be here. What has
6 happened is that, unlike other places, the
7 authentic scenic and historic landscape of the
8 Central Catskills has survived long enough to
9 be valued.

10 The state recognizes historic
11 landscapes. This is one of national
12 importance. Now it is endangered. The
13 project Crossroads, as conceived, is at odds
14 with existing community character and quality
15 of life. This high-powered resort scheme
16 seeks to introduce glitz, gloss, slick
17 packaging and pretension. The distressing
18 predictability of condos and timeshares. In
19 small doses, it wouldn't matter so much. On
20 the scale proposed, it changes the area
21 forever.

22 The iconic adjective in Belleayre
23 Resort literature and promotion is "world
24 class." What others and I are pleading with
25 you to understand is that our area is in a

1 class by itself. Please help us keep it that
2 way and do not allow this project to go
3 forward.

4 I would like to point out the
5 following weaknesses in the DEIS on the
6 subject of impact on community character.
7 There is a statement on page 16 of the
8 Executive Summary in Section 3.8.2 on this
9 topic of community character that claims
10 historic precedent for this project. The
11 statement reads: "The proposed project will
12 re-introduce resort development into an area
13 that historically supported such development
14 locally and on a large scale." That statement
15 is misleading. There is no historic precedent
16 for a plan of this scope. The developer made
17 a claim on NPR's Vox Pop that hotels such as
18 the Grand Hotel in Highmount provide historic
19 precedent. The Grand Hotel, which opened in
20 1881, was a single hotel on a much smaller
21 piece of property. A historic map that I
22 looked at in the Town of Shandaken's Museum
23 that dates from before 1966 when the hotel
24 closed, which I attached to this document,
25 shows the acreage at 95 acres. That is five

1 percent of the Belleayre Resort assemblage.

2 There is no valid comparison.

3 But the Grand Hotel aside, the
4 development that happened at the time was
5 overwhelmingly small-scaled and hamlet based,
6 consisting of small hotels and boarding
7 houses. The hamlet of Pine Hill had 44
8 establishments in its heyday, according to
9 various histories. This is a very different
10 type of development than the sprawling
11 centralized vision now being proposed. It is
12 also the type of development favored in a
13 survey conducted by the Town of Shandaken in
14 2000 in which 700 individuals participated.

15 The real historic precedent operating
16 in this area is one very different in
17 character from the type of resort advanced by
18 Crossroads, an enclave for the rich. I'd like
19 to read a paragraph from a book by historian
20 Alf Evers entitled, In Catskill Country:
21 "Before the railroad came, the northern
22 Catskills of Greene County had been a summer
23 resort for prosperous urban people. The U & D
24 opened up the central Catskills as a resort
25 for low-income people, as well as for the

1 rich. City people responded with enthusiasm.
2 Girls who worked in the sweatshops of New
3 York's expanding garment industry could now
4 afford a healthful and satisfying vacation in
5 the mountain country, thanks to low rail and
6 steamer fares and the proliferation of
7 low-cost boarding houses." Critics of the
8 resort plan favor democratic, modest scale
9 development consistent with this real historic
10 precedent of the area, as evidenced in this
11 description by Alf Evers.

12 Also, the developer claims the resort
13 because it is fairly self-contained will have
14 no impact on community character. The claim
15 is made on page 16 of the Executive Summary,
16 and in Section 3.8.2 on community character.
17 That statement is not credible on its face.
18 The scale of the resort guarantees a major
19 impact on community character.

20 Finally, I call attention to
21 significant historic resources such as stone
22 bridges and railroad trestles in Pine Hill,
23 sited on roads leading to the resort property
24 that may be endangered that must be protected.

25 There was a gentleman who spoke at the

1 last hearing about the need for tourism and
2 jobs, and I thought he presented his arguments
3 very well. I want to address one point that
4 he made; that resort critics want to shut the
5 gate and keep everybody else out and that they
6 are anti-tourism. The people who I have
7 spoken to who are against this resort are
8 pro-tourism. They realize what a rare
9 resource this area is and want to make sure it
10 does not lose any of its unique appeal through
11 inappropriate development. Thank you.

12 (APPLAUSE.)

13 ALJ WISSLER: Michelle McKeon? [sic]
14 After Michelle McKeon, we'll hear from John
15 Blish, and then Margaret Lloyd, and that is
16 it. Michelle McKeon?

17 (NO RESPONSE.)

18 ALJ WISSLER: John Blish?

19 (NO RESPONSE.)

20 ALJ WISSLER: Margaret Lloyd.
21 Congratulations, Margaret, you are our last
22 speaker tonight.

23 MARGARET LLOYD: I'm sure you're
24 pleased. As long as you listen to us all,
25 we're really counting on you.

1 ALJ WISSLER: Doing my best.

2 MARGARET LLOYD: Number one, DEC, why
3 were statistics from the 1990 census used
4 rather than the more current 2000 figures?

5 Why did the DEC allow inaccurate
6 figures to be used? It's not too late. Please
7 ask Gitter to revise the figures in the DEIS
8 and use your leadership capacity to make this
9 an accurate report.

10 Two, the water situation in Pine Hill
11 is a travesty. The owner, Ben Oderno, wrote a
12 letter to the County Health Department,
13 attention of Dean Palen, the Commissioner,
14 that he was giving the town the water company.
15 This letter never reached the town as Dean
16 Palen suggested, in his words to Dean Gitter,
17 the developer, to approach Mr. Oderno, and buy
18 it direct from him. This cannot be deemed in
19 the best interests of the people of Pine Hill,
20 as instead of paying only \$14,000 in liens to
21 acquire the whole system, we paid over
22 \$225,000 to purchase half it. This was
23 certainly a conflict of interest on the part
24 of the Commissioner of Ulster County Public
25 Health Department. (APPLAUSE).

1 The Commissioner stated that Gitter
2 was able to "repair" the break in the system,
3 which was nothing more than laying a two-inch
4 hose, lightly covered with soil. The only
5 place this is ever allowed is in a trailer
6 park, not a municipal water system. Gitter
7 bought our water system out from under the
8 town with the help of the Commissioner, who
9 hid the offer made to the Town of Shandaken.
10 Are we now to trust Dean Gitter in this new
11 endeavor?

12 Gitter announced at an open meeting
13 that he was not interested in the purchase of
14 the water company; however, everything points
15 to a very definite plan to sabotage the
16 agreement the town had with Mr. Oderno and
17 purchase the company. This was all done,
18 this is in quotes, "legally". That's what we
19 were told. Certainly not ethically.

20 Number three, much information has
21 been presented to DEC, attention of Mr.
22 Ciesluk, of which I have attached two recent
23 letters dated October 3rd and October 15, `03
24 for your review. By allotting half the water
25 supply of Pine Hill to this project, it does

1 not allow for the growth and enhancement of
2 the village.

3 There are currently two more projects
4 being undertaken within the hamlet for which
5 more water shall be needed. Any growth should
6 be within the limits of the hamlet, not
7 outside, and certainly not self-contained,
8 taking business away from our Main Street
9 area.

10 At a DEC meeting held in Albany, New
11 York, 300,000 gallons per day was allotted to
12 the village. Only when the project's needs
13 were incorporated, was Pine Hill's amount
14 changed downward to 200,000.

15 The small hotels and restaurants seem
16 to be for the project, but look at the owners'
17 ages and plans for the future. Many of the
18 owners just wish to sell and get out. All
19 stores, housing units and entertainment
20 facilities are all within this resort. How
21 much overflow do you really think the little
22 restaurants and hotels are going to reap?
23 Businessmen, please think it through. Just
24 how much are you really going to gain? You
25 can not possibly compete, but you'll be paying

1 higher taxes to be in the limelight of this
2 massive endeavor. Gitter gets a 50 percent
3 reduction for ten years. Can the individual
4 businesses add the other 50 percent to their
5 taxes, and even exist?

6 Belleayre is the expanding force for
7 the surrounding area. You folks are already
8 here and you're established. You're on the
9 ground floor. Why do you wish to revert to
10 the basement and let Gitter take the profits?
11 You businessmen can all gain if you stay in
12 the forefront. The numbers are expanding at
13 Belleayre, and the number of customers will
14 increase for all of you. Don't think that you
15 need a resort to increase your business. What
16 will help you is New York State Belleayre Ski
17 Center expansion. That's why Gitter wants to
18 build there.

19 Has anyone truly looked at the scope
20 of erosion? The State is also expanding in
21 the same area. How much of our mountain will
22 be destroyed rather than enhanced to bring
23 visitors in? How much damage will occur to
24 our roads and water table? Remember, this is
25 only 700 feet above our rooftops. A ramp

1 right off 28 is only 500 feet.

2 In 1986 Pine Hill had massive damage
3 occur to two bridges on Main Street at
4 approximately a cost of \$486,000 to repair.
5 This occurred with the mountain having trees
6 covering it. What will occur with a row of
7 bushes blocking the view and the mountain
8 being scraped clear for golf courses and
9 parking lots? A rainy season, coupled with
10 snow melt, will cause irreputable damage.
11 What will hold the water back now with the
12 slope stripped and void of trees?

13 And remember, construction companies
14 will be coming in, not the local individual
15 carpenter gaining employment. People in Mt.
16 Tremper have already been evicted to make room
17 for outside workers to be housed. This
18 occurred in October of last year.

19 In closing, the people who live here
20 and wish to continue making this area their
21 home, are against the project. May our
22 elected officials represent their constituents
23 and not vote for this mega-resort, against the
24 wishes of their residents. It will not
25 benefit the Town of Shandaken. (APPLAUSE).

1 ALJ WISSLER: That concludes the
2 hearing for today, and the time is now two
3 minutes past 7 by my watch, and this hearing
4 is now adjourned and will be continued at
5 4:00 p.m. on February the 19th right here in
6 this room.

7 UNANNOUNCED SPEAKER Thank you, Judge.

8 (APPLAUSE.)

9 (7:02 P.M. - WHEREUPON, THE ABOVE
10 PUBLIC HEARING CONCLUDED.)

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C E R T I F I C A T I O N

I, THERESA C. VINING, hereby certify
and say that I am a Shorthand Reporter and a Notary
Public within and for the State of New York; that I
acted as the reporter at the Public Hearing herein,
and that the transcript to which this certification
is annexed is a true, accurate and complete record
of the minutes of the proceedings to the best of my
knowledge and belief.

THERESA C. VINING

DATED: February 25, 2004.

