

Page 2-4: The household employment data show that household income in the study area is \$39,524 in 2000, with 46 percent of the households earning in excess of \$40,000. How will the resort employment opportunities alter the earning potential of existing households?

Page 2-5, Table 2-4 & Table 2-5: In two of the three counties the labor force has declined. Overall, the labor force has lost 3,400 persons from 1990-1999. Please discuss this decline as it relates to the labor needs of the proposed resort.

Page 2-6, 1st paragraph: This paragraph is somewhat misleading. Many blue-collar jobs require little formal education, yet provide salaries and benefits above the state average. Please incorporate such information into this discussion as has been done on page 2-9.

Page 2-6, 2nd paragraph: Typo. Amend the "over 2 percent" for all New Yorkers to 27.4.

Page 2-6, 3rd paragraph: Please rewrite based upon the comments above to provide a more balanced picture of the labor market.

Page 2-7, last paragraph: The last sentence states that in-commutation increased significantly during the 1990s. Please discuss this trend as it relates to the labor needs of the proposed resort.

Page 2-8, 2nd paragraph: The last sentence states that out-commutation was due to the low number of jobs. Please discuss this trend as it relates to the employment opportunities available at the proposed resort.

Page 2-8, last paragraph. High-skilled jobs increased and low-skilled jobs declined in the study area. Please discuss this trend as it relates to the competitive attractiveness of the employment opportunities at the proposed resort.

Page 2-9, 1st paragraph: The high rates of out-migration are discussed. How will the proposed resort assist in stemming the tide of out-migration?

Page 2-10, 1st paragraph: The first sentence states that 48.1 percent of the unemployment insurance benefits went to blue collar workers. Please discuss this trend as it relates to the employment opportunities available at the proposed resort.

Page 2-11, 3rd paragraph: The services and retail sectors comprise over half of the jobs in the tri-county region. As discussed previously, given the importance of these sectors to the local economy, please discuss potential impacts likely to be caused by the Proposed Action.

Page 2-11, 4th paragraph: Please provide retail and service wages for 2004, and note how these compare with retail and service-related jobs at the proposed resort.

Page 2-12, 2nd paragraph: Tourism is a significant income generator. Given the importance of this niche to the local economy, please discuss potential impacts likely to be caused by the proposed action. Will tourism dollars actually increase, or will the existing dollars simply be redirected?

Page 2-13, last paragraph: Typo. Change "retail" to service.

Page 2-14, 1st paragraph and page 2-15, 1st paragraph: The largest retail sector is eating and drinking places. As discussed previously, given the importance of this niche, please discuss potential impacts likely to be caused by the Proposed Action.

Page 2-15, 2nd paragraph and page 2-16: Typo. Change "retail" to service. The largest service sector is hotels and lodging places. As discussed previously, given the importance of this niche, please discuss potential impacts likely to be caused by the Proposed Action.

Page 3-2, Table 3-1: Were soft costs included as indicated on page 3-1? What were cost estimates based upon? Since the cost estimates drive employment and economic demand estimates it is important that such estimates are accurate. What percentage of the materials for construction would be purchased in the tri-county area?

Page 3-3; Table 3-2: Overall economic benefits are estimated for New York State. Please provide a similar set of estimates for the tri-county area.

Page 3-4, paragraph 3: The DEIS states that construction will have a "marginal" effect on the local economy. Please be more specific. Approximately how many tri-county residents would be employed during the construction period? What would the duration of employment be for these workers?

Page 3-6, paragraph 2: Do the first three figures include both direct and indirect benefits? Please amend paragraph so that it can be more easily understood.

Page 3-6, paragraph 2 and Table 3-4: Please provide a more detailed breakdown for cumulative fiscal benefits, especially for calculations related to tax generation, including indirect sales taxes, corporate and business taxes, personal income taxes, utility taxes, etc. For each type of tax benefit, the breakdown should distinguish between benefits accruing to New York State, as opposed to those accruing to the counties.

Page 4-2, Table 4-1: In order to more accurately assess the economic benefits associated with resort employment, a more detailed matrix should be provided, including job titles with estimated salary and benefits. For example, for the 86 hotel/lodging positions, list xx cleaning persons for xx weeks at \$xx per week with no benefits provided.

Page 4-2, 1st paragraph: The assertion that the applicant would try to fill all positions with local residents conflicts with what was previously stated, as the top level management positions would be recruited nationally. Please amend.

Page 4-2, 2nd paragraph: The DEIS noted that the resort would provide 1 percent of the employment in the region, yet anticipates that the labor force will not be overburdened. Given the area's shrinking labor force, and the increasing number of experienced unemployed, this assertion is questionable. Please provide a more thorough analysis of the available labor pool using 2004 data.

Moreover, economic development plans for the area call for an improved quality of life for local residents. Offering seasonal and part-time employment with no benefits is not necessarily helpful to local residents, especially if such employment opportunities cause a "race to the bottom" throughout the local market. Moreover, creating a situation in which residents are forced to take a

number of part-time and seasonal jobs to make ends meet could be viewed as a cost, rather than a benefit. Please address.

Page 4-2, paragraph 2: How many of the "experienced unemployed" are likely to be interested in the jobs that will be available to them at the proposed resort? See comments for page iv, section 2. Please provide a more realistic estimate for the available labor pool.

Page 4-3, paragraph 1: Here, the DEIS estimates that there are 181 unemployed persons in the study area. Given this estimate (which is dated), almost 700 additional employees from outside the study area will be required. Given the large number of employees that will be required, please address potential housing needs for such employees.

Page 4-3, paragraph 2: Typo. Change "conventionally" to "convention." It is assumed that the "underemployed" will automatically opt for full employment. First, the underemployed often are underemployed for a reason (caretakers for children or elder parents). Second, the underemployed are not necessarily going to opt for a part-time or seasonal position at the resort unless these positions are more attractive than those they are currently holding. See comments for page 3-200, last paragraph. Please address.

Page 4-3, 3rd paragraph: To be more accurately estimate average salary, the top 23 percent of the full-time management positions should be deleted from the calculation of median annual wages. Also, median salaries should be stated separately for full-time, seasonal and part-time employment, rather than using FTEs. Wages should then be compared using 2004 data. The salary range provided is misleading. The applicant has already stated that the \$150,000 per year positions are not likely to be given to local residents. Instead, the vast majority of jobs, and certainly the majority of jobs that will be available to local

residents, will be towards the low end of the salary range.⁹ In fact, the \$16,390 full-time salary for guest service positions, is lower than, NOT higher than, the average annual wages for Delaware (more than \$2,000 lower) and Ulster (almost \$7,000 lower) Counties. Please amend as noted.

Page 4-4: What sources did the applicant use to develop these estimates?

Page 4-5, 1st paragraph: Until issues regarding labor pool availability are resolved, assumptions regarding indirect benefits are also questionable.

Page 4-7, 3rd paragraph: Please cite source for "one-third" assumption.

Page 4-7 to 4-8, Table 4-7: Off-site sales and associated sales taxes will not accrue in full to the counties until 2022 since 76 percent of resort user off-site sales are attributed to time-share owners and country club members for which occupancy is forecasted to take from 2006 to 2018. Sales tax revenues generated as a result of the Proposed Action should be reported at various stages of the project until the project is fully operational. Underlying assumptions regarding the methodology used to project these estimates need to be more fully disclosed.

Page 4-8, Table 4-7: See comment directly above. Please cite standardized sources used for sales tax estimates.

Pages 4-10 to 4-14, Tables 4-10 to 4-12: It is misleading to only compare property taxes on resort land rather than to total Town property tax revenues.

⁹ See Appendix 26, page 7-14 for additional information on high-wage jobs at the proposed resort.

Thus, the 2022 tax benefits of the \$1,503,000 to Shandaken and Ulster County should be reported in comparison to its total tax levy.

It is misleading to list annual tax benefits as if they would be immediately available. Tax benefits will not be paid in full until 2025 due to a business investment exemption. Property tax revenues generated as a result of the Aroposed Action should be reported at various stages of the project until the project is fully operational. Underlying assumptions regarding the methodology used to project these estimates need to be more fully disclosed.

By not reporting background trend-based growth of property tax revenues over the 22 years before the full property taxes are paid in 2025, the DEIS overstates the significance of the contribution from the project. Thus, what appears to be a 10 percent increase from the Resort of \$526,000 to Middletown in 2001 dollars to the total current tax levy of \$5,157,000 would be 8 percent if there were just a 1 percent annual growth in the Town's total tax levy over 22 years. At recent 7-8 percent growth rates, resort taxes would add 2 percent. The scenario would be similar for Shandaken. Please adjust accordingly.

Page 4-13, 2nd paragraph: It is inadequate to simply list the new tax revenues without any reference to new costs incurred. New revenues minus new costs is a more accurate reflection of the true fiscal benefits of the project. Please address throughout for all taxing jurisdictions.

Page 4-17, paragraphs 4 & 5: Newspapers, magazines, clothing and local crafts & arts will be provided on-site. How will this impact potential off-site sales?

Page 4-18, paragraph 5: See comment directly above. As the applicant notes in paragraph 4, the majority of spending will occur on site. Therefore, the 50 percent split seems high. What is the basis for the 50 percent spending split?

Page 4-20, paragraph 3: The proposed Belleayre Resort amenities would likely give the . . . facilities a dramatic competitive advantage over other lodging choices throughout the Catskill region. Based upon this projection, the impact of other lodging facilities should be analyzed as noted repeatedly above.

The projected occupancy rates at the resort are expected to be 60 percent for Big Indian and 70 percent for Wildacres. What are these rates based upon? What is the industry standard for minimum occupancy rates required for long-term economic viability? Give the room shortage noted by the applicant previously, why are the occupancy rates not higher? If the more competitive resort facilities will have an occupancy rate between 60-70 percent, what will projected occupancy rates be for other lodging facilities once the proposed resort is fully operational? Smith can provide some of these competitive data. Please amend as necessary.

Page 4-21, paragraph 2: Could additional single-family units be built in future development phases?

Page 4-22, paragraph 1: The estimated occupancy for Highmount Estates more than triples national averages. The case study analysis did not provide occupancy rates. Please explain in more detail the significant departure from national averages, especially in light of the fact that many of these homeowners are likely to have at least one additional vacation property at their disposal.

Page 4-20, paragraph 4: What is the basis for the \$100 per day and the 75/25 split?

Page 23, paragraph 2: What is the basis for the 60 percent spending split?

Page 4-26: Conclusions may have to be amended based on comments above.

Page 5-1, paragraph 3: Based upon the methodology, only the Route 28 corridor was analyzed. Does limiting the analysis in this manner ignore development on lesser developed roads, streets, etc.? Should the study area be expanded to capture those areas where second home development seems to be occurring (i.e. areas that are off Route 28 and are more isolated in nature)?

Page 5-1, paragraph 4: Were the wetlands mapped limited to jurisdictional wetlands?

Page 5-2, last paragraph: What percentage/number of acres of the hillsides are buildable? Many second homeowners do not seek residences in the hamlets, but want more isolated properties with views. Development on the hillsides should be taken into account, especially those areas which do not exceed 25 percent slope. As noted on page 5-10, in the Town of Shandaken, R5 zoning predominates along the hillsides on either side of Route 28, with land off side roads following the same pattern.

Page 5-3, Table 5-1: The FEMA designation does not, in and of itself, prohibit development. Does NYCDEP or local regulations prevent development on these sites? If not, these areas should be included in the analysis of potentially developable land.

Page 5-3, paragraph 1: See comments for page 5-2, last paragraph.

Page 5-4, paragraph 1: Unless specific prohibitions on development exist, all land parcels should be considered potentially developable. Please address.

Page 5-5, last paragraph: NYSDEC restricts, but does not prohibit development. Parcels could still be developed while adhering to buffer zone and sewage disposal regulations, especially in light of the fact that in the Town of Shandaken R5 zoning predominates in river and stream valleys. Please address.

Page 5-6 paragraphs 2 & 3: ACOE regulates, but does not absolutely prohibit, development on these wetlands sites. Therefore, such sites should be included in the inventory of developable land. Is development prohibited on the NYSDEC wetlands? If not, these areas should be included in the inventory.

Page 5-6, paragraphs 3 & 4: Are the buffer areas noted duplicative? Please address and/or distinguish.

Page 5-6, paragraph 5: All of these NYCDEP buffer areas should be included in the inventory of buildable land. Please amend.

Page 5-6, last paragraph: Duplicative features should be considered, and should be reflected in the amount of developable land available.

Page 5-7, paragraph 1: Unless development on these FEMA lands is absolutely prohibited, such lands should be included in the inventory of buildable land.

Page 5-7, paragraph 3: Since induced growth in the form of secondary homes is a significant concern, such land should not be discounted, and such land should be included in the inventory of buildable land.

Page 5-7, paragraph 4: Lands in excess of 15 percent can be developed for residential uses, and alternative septic systems can be employed. The "concern" expressed by NYCDEP has not resulted in an outright prohibition on such development. Again, such land should be included in the inventory of buildable land.

Page 5-8, 2nd paragraph: Unless there is an outright prohibition regarding slope, all private lands should be considered developable.

Page 5-8, paragraph 5: Unless there is an outright prohibition regarding certain types of soil and/or depth to bedrock, all private lands should be considered developable.

Page 5-10, last paragraph: Although the Town seeks to "encourage" intensive development, thereby avoiding strip development, the lot size and building coverage requirements may actually encourage less dense development. Please discuss.

Page 5-11, 2nd paragraph: Amount of land in the FW district should be estimated with the assistance of the Town. All other lands within the FEMA "floodway" should be considered developable.

Page 5-11, 3rd paragraph: Section 116-28 constrains the configuration of development. However, it does NOT prevent development. Again, unless building on a particular parcel is prohibited, it should be considered potentially developable. Often what seems undevelopable due to environmental or financial constraints becomes developable over time as real estate values rise.

Page 5-12, 2nd paragraph: The DL district constrains the configuration of development. However, it does NOT prevent development. Again, unless building on a particular parcel is prohibited, it should be considered potentially developable.

Pages 5-13 & 5-14: The environmental constraints summary requires significant revision. The summary should include an analysis of developable versus non-developable land. Although the DEIS can present a table of elements constraining development, many of the constraints merely make development more difficult or costly, but do not categorically prohibit development. See comments above to determine which lands should be considered developable.

Page 5-14, 4th paragraph: Please provide an inventory of all vacant structures referenced in the text. The inventory should include street addresses, along with a map to identify the specific location of the vacant parcels. The assertion that vacant structures are likely to be retenanted may or may not be true. It is equally likely that new businesses will seek newer, larger facilities that can more readily accommodate their needs, especially since retrofitting can be more costly than building new. Therefore, issues related to sprawl and greenfield development should be discussed.¹⁰

Page 5-15, last paragraph: Given the limitations of existing retailers, please discuss the possibility of new retailers with more capital entering the market area.

General comments regarding the case study analysis: Although Windham is somewhat relevant, the other two case studies differ from Belleayre to such a

¹⁰ As noted on page 5-19, commercial strip development already exists on portions of Route 28. It is possible that the new resort would exacerbate such development patterns.

large degree, that comparisons are not particularly helpful. Additional analysis with more detail (i.e. number of new housing starts annually, number of new second home housing starts annually, etc.). In addition, housing starts in Towns in the tri-county region that do not service an existing ski resort should be compared to Towns servicing ski resorts.

Pages 6-4 and 6-5, development trends: Currently, Windham has 300 owner-occupied units on-site. These units are not part of the resort's rental market. Single family units at the mountain are owner-occupied, and not part of the rental market. In addition, 400 owner-occupied units off-site have been built. In the case of Windham, 700 "second home" units in one form or another have been provided, and the interest in new real estate development both on and off site is increasing. Assuming that the experience in Windham is representative, the impacts of similar levels of second home development should be analyzed.

According to the DEIS, the Windham resort is fully operational during the ski season, while the facility remains underutilized during the other seasons of the year. Owners ski for 10 to 12 peak season weekends, and the housing units are largely vacant during the week. In contrast, the proposed resort will be utilized year round, and according to the applicant, there will be a significant amount of use during the week. Given the more versatile nature of the resort, it is likely that the second homeownership trend would be even more pronounced for the Belleayre resort. Please address.

Page 6-5, labor supply: In Windham, the labor supply has tightened, especially for the lowest wage service jobs, and the resort has had to draw employees from farther afield. Please discuss these findings as they related to the labor supply for the proposed resort.

Pages 6-9 to 6-11, development trends: The usefulness of the Greylock case study is limited at best, since the resort has not yet been built,¹¹ and all impacts are mere projections. Moreover, assuming that it is eventually developed,¹² Greylock will not have the New York City market at its disposal for a number of reasons due to its distance from NYC, its inconvenient highway access, its unappealing aesthetic qualities, and its sole focus on Nordic rather than alpine skiing. Therefore, given its more limited target market, Greylock is not likely to have the same types of development pressures as would the tri-county area if the proposed resort is built.

Interestingly, Greylock is planning to build one golf course. Apparently, a single golf course is economically feasible for this facility. Please address as it relates to the applicant's assertion that two golf courses are necessary to the economic viability of the proposed resort.

Pages 6-15 & 6-16: The DEIS notes that the Gore Mountain ski resort has not caused tremendous development pressure or sprawl. However, Gore differs from the proposed resort in that it is controlled by the Adirondack Park Agency which limits development, it is further from the NYC market, and it is not known as a four season tourist destination. Therefore, development pressures surrounding Gore, a compared with those of the proposed resort, are likely to be less intense. However, given the lack of detail, this analysis is not particularly helpful.

Page 6-18, paragraphs 5 & 6: How will the more developed nature of the corridor induce growth?

¹¹ As noted on page 6-10, there has been little evidence of demand for second homes. This is hardly a surprise given the resort's past history and the lack of investment to date.

¹² The resort failed in the 1970s and was foreclosed upon. In the 1980s, another developer pulled out due to the economic recession. Greylock's experience shows that market feasibility studies are a necessary prerequisite for successful development.

Page 6-22, last paragraph: The market for speculative growth may be modest, but what about houses that are not built on spec? Please address.

Page 6-23, 1st paragraph: The applicant assumes that the resort will absorb second home demand, but the Windham case study makes this doubtful as Windham has 400 off-mountain homes. The Gore and Greylock case studies are not particularly relevant to the discussion regarding second home ownership due to their more remote location. In other words, the market for on-site versus off-site housing may be very different, especially given the trend for country "retreats."¹³ The applicant cannot simply assume that these markets are the same, nor can he forego the analysis regarding induced growth due to increased second home ownership. Please address.

Page 6-23, 2nd paragraph: See above comments.

Page 6-23, 3rd paragraph: Secondary effects on the margins of the proposed project are in fact the concern here. Induced growth in the already developed hamlets could actually be beneficial. Additional customers will not "stabilize the existing real estate market." As was noted previously, the real estate market is booming without the proposed resort and second home ownership trends continue to steadily increase. The issue is one of degree. Will the resort exacerbate existing second homeownership trends to the detriment of the community? Please address.

¹³ According to the DEIS, the profile of the urban buyer has evolved over the past two decades. It was reported that during the 1990s the second homebuyer tended to be a wealthy professional seeking a country retreat, rather than an outdoor-oriented (hunting and fishing) individual who characterized the buyer of the 1970s and 1980s.

Page 6-23, 5th paragraph: The DEIS notes that workers may have to come from "larger urban centers beyond the local corridor." We agree. The issue then becomes where will these imported workers reside? Please provide additional analysis as discussed repeatedly above.

Page 6-25, 2nd paragraph: These assertions are premature given the comments above.

Page 6-25, 5th paragraph: Zoning codes throughout the corridor should be reviewed to ensure that the codes do in fact enforce the type of planning that the Towns and hamlets desire. The planning jurisdictions should also analyze whether sufficient enforcement capacity exists. The "lack of coordinated investment" is not necessarily what drives sprawl. Sprawl is typically driven by cost considerations, the attractiveness and convenience of existing commercial locations, and the planning restrictions that are in place. Please amend.

Page 7-2, paragraphs 2 & 3: See comments above.

Page 7-2, last bullet: "New personal income" can only be analyzed for those employees re-entering the workforce or increasing their hours of employment. Please revise.

Page 7-3, 2nd paragraph: See comments above.

Page 7-3, paragraphs 4 & 5: See comment for page 7-2, last bullet.

Page 7-3, 6th paragraph: What is the 50 percent split based upon? The \$9.4 million cited is not 50 percent of \$20.5 million. Where would the other 50

percent of the workers live? Revise the analysis to reflect only net new income in the corridor.

Table 7-1: See comments for section 7 above.

Page 7-7, 2nd paragraph: The discussion regarding new eating and drinking places is inadequate. First, the impact on existing establishments must be incorporated into the analysis as previously noted. Second, the DEIS has not supported its assertion that new restaurants would open in the hamlets, especially since "clusters of new restaurants . . . are not typical." The estimate of acres consumed is overly optimistic, and the assumption that zoning would preclude all such development is inaccurate. Given that many large restaurant chains, not only fast-food establishments, may seek to enter the market if the proposed resort is built, the analysis presented is inadequate. Moreover, even a small amount of new construction may have a significant impact, as sprawl tends to feed upon itself. Please revise.

Page 7-7, last paragraph: The choice of location appears to be guided by a reported existing approval for an expanded A&P, rather than the location of sales, 62 percent of which are expected to occur in Shandaken, even though it has no supermarket. Please address.

Page 7-8, 1st paragraph: The discussion regarding gas stations is flawed for reasons similar to those discussed directly above. The 13,900 square feet anticipated may be quite modest, given that the "gas stations" may also feature mini-marts, fast food restaurants, etc. It is also possible that new gas stations will be built to replace the older, smaller stations. Again, the applicant's estimates are unduly optimistic. Please revise.

Page 7–8, 2nd paragraph: Given the existing strip concentrations, impacts to these areas should be discussed in more detail.

Page 7–8, 4th paragraph: Given the scope, the applicant is charged with analyzing growth inducement. It is not sufficient to state that managing such growth simply falls to the Towns and Villages. Please address as per the scoping document.

Page 7–9, 2nd paragraph: Depending upon where the project is located, such a commercial concentration could have a significant impact in terms of future growth inducement. In addition, see comments for section 7 above.

Page 7–9, paragraphs 3 & 4: The proposed resort will not capture all types of residential demand. Only 21 single-family residences will be available at the resort. It is unrealistic to assume that virtually all of the second homeowners will opt to buy some sort of a timeshare. Many of these individuals will seek to buy their own “retreat” with convenient access to the resort facilities. See above comments.

Page 7–9, 5th paragraph: As noted, residential demand is driven by recreational amenities. Demand increases as recreational amenities improve. Given that the proposed resort will improve the quantity and quality of recreational amenities, a corresponding increase in residential demand off-site is likely. Please address.

Page 7–10, paragraph 2 & 3: The consultant has repeatedly commented on the inadequate analysis related to impacts on existing lodging facilities. See all related comments above.

Page 7-11, 2nd paragraph: Given that sales will occur over a multi-year period, the fiscal benefits will not fully accrue until all of the units have been sold. This should be reflected in the representations regarding fiscal benefits. Moreover, given that the applicant has not provided updated market data, is the interval period projected realistic? Please explain.

Page 7-12: Given that the majority of prospective buyers will NOT purchase a timeshare, approximately 2500 of these prospective buyers will consider an off-site home instead. Please discuss the potential impacts in terms of growth inducement, property values, etc.

Page 7-13, 2nd paragraph: See comments above related to second homeownership.

Page 7-13, 3rd paragraph: The cumulative impacts of the proposed resort and the Belleayre Mountain Ski Center on growth inducement should be discussed. The DEIS has clearly stated that the economic feasibility of a resort of this scale is based upon the ability of the upgraded ski facility to attract additional visitors. Therefore, the cumulative impacts of both facilities are relevant. Please address.

The applicant finally admits that the area will become even more attractive to second homebuyers, but dismisses analyzing this growth inducing phenomenon. The scope requires such an analysis and, given the potential growth inducing impacts of such a large-scale project, this scoping item cannot be ignored. Please address.

Page 7-13, 4th paragraph: See comments above.

Page 7-14, 1st paragraph and Page 7-15, 2nd paragraph: See comments above pertaining to labor pool availability, the competitiveness of the resort jobs compared with other jobs in the region, rental market and housing needs, etc. The applicant's assertions are suspect, especially in light of the fact that the case studies indicate that the resort will have difficulty filling the lowest wage jobs, and that on-site housing for such staff may be required.

Pages 7-15 and 7-16: This section will need to be revised based upon the above comments.

APPENDIX 27 -- FISCAL AND MARKETING INFORMATION

Given the dated nature of the information provided, the Consultant has not reviewed Appendix 27. Please amend this section to reflect current market trends and conditions.

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Executive Summary

General Comments: Although the DEIS contains a voluminous amount of data, and has attempted to be thorough, significant pieces are missing from the socio-economic analysis, including: (1) an updated market study; (2) an analysis of labor availability and associated housing needs; (3) a cost/benefit analysis comparing costs and anticipated revenues generated by the proposed development to the Town of Shandaken, the State of New York, the Onteora Central School District and Ulster and Greene Counties; (4) a thorough discussion regarding impacts on community character, especially with regard to existing businesses and the economic integrity of the hamlets; (5) a detailed analysis of growth inducement; and (6) a viable discussion of alternatives. The discussion of alternatives should also include the no action alternative. In particular, assuming that the Ski Center expands and the Proposed Action is not approved, what benefits/costs would accrue to the hamlets, existing lodging facilities, restaurants, etc.?

In addition to the broad comments above, some specific issues must also be addressed. First, updated data should be provided for all sections discussed below. Second, the fiscal impacts, both in terms of jobs and taxes, must include a discussion of "net new jobs" and "net new tax revenues." Third, the number of jobs created is inconsistent throughout the DEIS and should be revised. Finally, standardized sources should be provided for all estimates cited, or alternatively, the applicant should provide documentation for such estimates.

Summary of Fiscal Methodology: The methodology used needs to be expanded upon to more accurately and adequately estimate costs and benefits associated with the Proposed Action. More specifically, benefits including sales tax, property tax and job generation both on and off-site must be presented at

various stages until the project is fully operational in order to portray when such benefits will actually accrue to the Towns. In addition, benefits should be presented as a percentage of total tax levies or jobs, factoring in various growth multipliers. Also, all projections must be updated using current demographic information, as well as recent market data reflecting changes post 9/11.

General comments: We suggest using a per capita approach to more accurately portray existing and future demographic conditions. The applicant should include 2003 per capita, per worker and per school pupil costs, as well as other relevant service costs. This per capita analysis will require population projections per person, per worker and per pupil. Worker estimates should be derived from public sources (e.g. Census of Retail Trade) and trade industry groups (e.g. Urban Land Institute). Pupil estimates should be derived from children generated from on-site housing, as well as from children generated by new employees relocating to the area. Population projections (persons and pupils) should be based upon:

(1) Public Use Micro-data Sample (PUMS) from the decennial census. Household size and public school age children demographic multipliers should be developed by housing unit type, size, and price for a multi-county area comprising an approximate housing region;

(2) a field study of actual public school yields from "build" developments in the region that are comparable to components of the Proposed Action.

Costs should be based upon existing costs per capita and per student, plus the additional/incremental costs that will accrue as a result of the Proposed Action. Per capita costs should be determined by apportioning non-school costs to both residential and non-residential project components. Residential costs should be based upon the local population. Nonresidential costs should be based upon the number of people working locally. Existing per pupil costs should be derived by dividing total school district costs by local school enrollment, and allowing for various aid formulas.

Although the DEIS provided a tally of development-generated revenues, including monies from local property taxes and sales taxes, mortgage tax revenues and other sources of income, State and governmental aid was not included in the analysis. Adjustments should be made for business incentive programs that may be applied in New York State and effects on school aid. The analysis should distinguish "net new" revenues from gross revenues generated.

A matrix showing the benefits minus the costs should be included in the analysis to determine net fiscal impacts for various jurisdictions, as well as cumulative impacts. Impacts should be determined based on phasing of the project over time, as well as full build out.

The applicant has the burden of achieving substantial compliance consistent with the *Fiscal Impact Handbook*¹.

Outlined below are our specific comments which the applicant should address in the FEIS.

Page iv, Section 2: States that the average full-time salary will be \$27,272. How does this benefit existing residents? How was this figure estimated? Were the high-end positions used in calculating this average? If so, this average salary figure appears to be inflated. Please clarify.

If 54 percent of households earn \$40,000 or less, then 46 percent earn more than \$40,000. What percentage of local residents would want these jobs? A more helpful analysis would compare the average and median salaries for full-time workers in the tri-county region currently with the average and median salaries for new employment opportunities to be provided at the resort. Such an analysis would provide a better vehicle to explain the actual value of the new employment opportunities, especially since the DEIS notes, "each of the counties experienced an increase in the number of relatively high-skilled precision production, craft and repair occupations," while "dramatic declines in

¹ Burchell, Robert, et al. The New Practitioner's Guide to Fiscal Impact Analysis. New Brunswick, New Jersey: Center for Urban Policy Research, 1985.

such lower skilled manufacturing occupations, [such] as operators, fabricators, laborers, assemblers, and inspectors" occurred. Considering the above, why are the resort jobs attractive to County residents (pg. 3-190)? Please provide.

Moreover, if the new jobs are not particularly attractive to the existing labor pool, where will the new employees come from? The importation of employees from out of the tri-county area will certainly lead to greater growth inducement than discussed in the DEIS, as well as increased fiscal impacts due to the increased use of public services. Please analyze this likely scenario, using in part, data from similar resorts (i.e. Emerson Inn and Catskill Lodge). In particular, where do the workers for these resorts originate?

- Page v: It is misleading to only compare property taxes on resort land rather than to total Town property tax revenues. Thus, the 2022 tax benefits of the \$1,503,000 to Shandaken and Ulster County should be reported in comparison to its total tax levy.

It is misleading to list annual tax benefits as if they would be immediately available. Tax benefits will not accrue in full until 2025 due to a business investment exemption. Property tax revenues generated as a result of the Proposed Action should be reported at various stages of the project until the project is fully operational. Underlying assumptions regarding the methodology used to project these estimates need to be more fully disclosed.

By not reporting background trend-based growth of property tax revenues over the 22 years before the full property taxes are paid in 2025, the DEIS overstates the significance of the contribution from the project. Thus, what appears to be a 10 percent increase from the Resort of \$526,000 to Middletown in 2001 dollars to the total current tax levy of \$5,157,000 would be 8 percent if there were just a 1 percent annual growth in the Town's total tax levy over 22 years. At recent 7-8 percent growth rates, resort taxes would add 2 percent. The scenario would be similar for Shandaken. Please adjust accordingly.

Page v, 1st full paragraph: The DEIS states that there will be few impacts and minimal or increased demand on community resources. First, the assertion that roadways will be private with private security is irrelevant. Private roads will only be provided within the resort area. The public roads that will access the facility will certainly be impacted based upon the number of new patrons who will visit the resort each year. Second, there is no doubt that community resources will be impacted. Private security will not be used to prosecute criminal activities that occur both on and off-site as a result of the sheer increase in the number of people visiting the facility. Private security cannot provide fire protection services when needed. Private security cannot accommodate the extra school children who may be generated from the influx of new employees, as well as the children who may be introduced into the area as the resort becomes a tourist destination. In order to more accurately assess impacts, a comparison should be undertaken, examining the costs of services pre and post the introduction of similar resort facilities. Finally, the assertion that the "schools are not running at capacity in any case" is immaterial. The purpose of the EIS is to identify impacts, including the cost of providing community services. If schools will be impacted, this should be stated.

Page xvi, last paragraph: The assertion that the resort will be fairly self-contained does not inherently mean that the resort will have no impact on community character. Again, the point of the EIS is to identify potential impacts, including impacts on community character. As admitted by the applicant, the resort will be "self-contained," which means that the resort patrons, especially those patrons visiting the resort for a short period of time, will not have much incentive to venture outside of the facility.² The applicant has already stated on page iv that tourism is a critical element of the tri-county economy. In essence, the resort will tap into this segment of the economy, potentially at the expense of the existing hamlets and commercial corridors. In particular, existing lodging facilities and restaurants may be adversely impacted

² As noted in Appendix 26, Pages 7-10, the resort will "generate a demand matched to a supply, thereby establishing a self-fulfilling economic system."

due to decreased market share. The issue here is not economic competition per se; however the impacts associated with such competition are within the purview of an EIS. Increased competition can lead to dislocations and closures, and if the impacts of competition are severe and as closures mount, blighting influences may take hold in some areas. A detailed community character assessment (including a detailed retail/services inventory) is warranted to ascertain the potential impacts on hamlets and other commercial concentrations within the Town.

Also, as discussed above, resort facilities, self-contained or not, impact community services. The issue is one of degree, and as suggested above, a comparative analysis should be undertaken to ascertain pre and post community service impacts at similar resorts within the region (i.e. upstate New York, Vermont, Pennsylvania and Massachusetts). In particular, the increased costs of providing community services to the new work force should be addressed.

Page xviii, Community Services: See comments for pages v and xvi above.

Page xix, Growth Inducement: Will a self-contained facility with more modern and in some cases upscale hospitality services contribute to new demand for services from existing food and lodging establishments? This question remains unanswered (see comment related to page xvi). There is no dispute that gas stations will benefit as a result of the proposed resort, but the benefit from visitors overall may be overstated.

On the other hand, perhaps the applicant is correct in stating the economic benefits will accrue to the area as a whole. The DEIS projects approximately 76,000+ square feet of new commercial development to be built as a direct result of the proposed resort. What type of development is likely to occur? Would the additional development be hospitality based? If so, how would such development impact the existing hospitality industry, hamlets and commercial corridors? Where would such development potentially be located? Again, a

detailed comparative analysis would be useful in projecting the amount of new commercial development required over time. The assertion that only 76,000+ square feet of new commercial space would be built seems conservative given that other retailers and service providers may enter the study area specifically to capitalize on the new market niche. Therefore, the discussion surrounding growth inducement must consider potential impacts beyond the first year of operation. Growth inducement is subtle, and does not happen at one moment in time. How much commercial space does Mount Snow or Sugarbowl have apart from the resorts to service resort patrons? Other well established facilities, with similar opportunities and constraints, would provide a good barometer for predicting future growth. See comments for Appendix 26 below.

Page xix, New Residential Development: The applicant anticipates that there will be little new residential development. In terms of new employees, this is probably accurate, as employees earning approximately \$27,000 annually are not likely to build their own homes, nor are they likely to generate much interest from residential contractors, subdividers and the like. Although new employees are not likely to create a surge in housing starts, housing demand for new employees should be discussed and an inventory of existing/vacant rental housing units should be provided. Increased demand for rental housing could cause a rise in local rents, thereby impacting existing renters living in the study area. Please address.

However, there may be significant residential development as the ski center amenities improve and the resort becomes a tourist destination. It is possible that many people would consider a second home in the area to utilize the facilities, but may not be interested in or able to (given that the supply is limited) purchase one of the homes at the resort. Again, the ski areas in the region should be used as indicators to assess the potential number of seasonal homes that will be built, especially given the proximity of the site to New York

City and Long Island³ (as noted by the applicant on page 1-18). See comments for Appendix 26.

In addition, aside from new housing starts, the DEIS should analyze potential: (1) property tax increases, and the impact such increases will have on existing homeowners; and (2) increases in property values, and the impact such increases will have on local home buyers.

Page 1-7: Although the HRA report found that no shortage of hotels exists (pg. 11), the DEIS notes that the area is predicted to experience a 1,000-room shortage in lodging. How much of the shortage will be absorbed by the proposed resort? Is this shortage dependent upon the Ski Center expansion? Absorption rates should be provided with and without future Ski Center expansions.

Page 1-8: Such a large-scale development does not comply with the Ulster County Land Use Plan. The Plan supports much smaller scale resort facilities. In fact, large-scale facilities, less intensive than the one proposed, have *not* been approved on environmentally sensitive lands. Please address.

Page 1-18, 3rd paragraph: Impacts on the local economy are discussed. See related comments for pages xvi and xix above.

Page 1-18, 19: The EIS notes that the economic analysis was completed in 2001, and recognizes that economic uncertainty, especially in New York State, has grown since this time. The applicant "remains confident of the core market

³ According to the HRA report, second home market demand is spurred by the two to three hour drive time to New York City (pg. 16). Moreover, all individuals interviewed for the DEIS perceived an increasing trend of second home creation, with buyers maintaining primary residences in the New York City metropolitan area dominating the market.

strength of the project," but there is little if any data to support this assertion, other than the statement that "a retrenchment of locally-based travel" has occurred. However, in times of fiscal uncertainty, often the first items that are cut from household budgets are luxuries, including leisure travel. Therefore, the fiscal stability of the project lacks adequate documentation given the recent changes in market conditions. Please provide.

Page 2-68, Section 2.4.2: Seasonal help comprises a significant portion of the new employment opportunities that will be created. Will seasonal employees receive benefits? If not, will the lack of benefits diminish the attractiveness of these positions, as compared with other jobs in the tri-county area? If the local labor pool cannot supply the needed employees, where will these seasonal workers come from and where will such workers be housed?

The HRA report notes that a rise in the number of part time workers does not likely lead to improved living standards, and stated, "a key goal of the economic development strategy is to ensure an adequate supply of full time, non-seasonal jobs . . . to Watershed residents at livable wages" (pg. 10). Does the proposed project further this goal? Please amplify in the DEIS.

Page 2-68, Section 2.4.3: Again, new employee housing may be more than anticipated if the jobs created by the resort are not competitive (in terms of wages and benefits) compared with other jobs in the tri-county region. See comments for page xix, new residential development.

Page 3-139, B1: The resort will provide lodging, dining, recreation, and spa facilities (as well as retail opportunities). The applicant then reasons that the resort will be fairly self-contained so there will be no impact on community character.⁴ See comments for pages xvi and xix above. Previously the

⁴ The validity of this assertion is questionable. Even if the resort is self-contained, community services will nevertheless be impacted.

applicant asserted that the local economy will benefit from the resort. This is inconsistent. Either the resort will have little impact, both positive and negative, or the resort will impact the local economy and community character in both positive and negative ways. Please clarify.

Pages 3-139-1-140 – See comments for Section 7 below.

Page 3-140, Section C: The applicant states that no mitigation measures are necessary. Given the comments here, this assessment is premature.

Page 3-177, Section B: The DEIS states that additional services will be needed. The costs for such services must be provided. See comments for pages v and xvi above regarding impacts on community services.

Pages 3-177-78, Potential Impacts: Impacts have not been identified. The DEIS should state the additional services that will be required, the costs of such services, and assess how the existing service providers and the community will be impacted as a result of the additional services provided. For police, fire and emergency services, the DEIS should provide data related to the existing number of calls, and the projected numbers of calls at full build out. The number of projected calls should include calls to service new employees, new residents (on-site, second homeowners and new employees living in the study area), and resort guests (both restaurant and hotel).

Page 3-178, Section B: See comments for pages v and xvi above regarding impacts on community services.

Page 3-182, Section 3.9.7A: Was the school renovation project completed? If so, is this why the school district now has capacity? Please clarify.

Page 3-182, Section 3.9.7B: In addition, the number of schoolchildren generated and the cost per child should be identified in this analysis, regardless of whether the school district has capacity, as the local tax payers will partially absorb the costs of educating new school children. The total number of schoolchildren generated should include children generated from new employees and new businesses in the study area.

Page 3-183, Section C: The applicant states that no mitigation measures are necessary. Given the comments here, this assessment is premature. The characterization of employees in the hotel industry conflicts with previous statements claiming that the majority of the work force for the resort would come from within the tri-county area. The potential tri-county labor pool is composed of people in several age categories, as the applicant's demographic information indicates, and it can be assumed that many employees will have children. If the applicant is anecdotally discussing the 16 to 20 management/specialty positions previously mentioned, it can be assumed that the young children of such employees will grow up and require educational services.

Page 3-185, Section 3.9.9B: The proposed project will also impact public roads. As the number of people using the roads increases, maintenance costs rise, and additional traffic improvements are required. Such impacts should be quantified in terms of increased traffic and increased costs.

Page 3-185, Section 3.9.9B: Given the comments directly above, this assessment is premature.

Page 3-186, 1st paragraph: See comments for pages 1-18 and 1-19 above.

Page 3-187, 1st paragraph: What percent of employers in the study area were surveyed?

Page 3-187, 4th paragraph: The DEIS indicates that the percentage of second homes in the study area is significant. Isn't it plausible that the creation of a tourist destination will increase this already significant trend,⁵ especially in the study area where second home ownership accounts for 45.2 percent of all housing units in the Town of Middletown.⁶ See comment for page xix above. Please expand in the DEIS.

Page 3-188, 4th paragraph: How will decreases in the labor force impact the potential labor pool for the proposed resort? for the expanded ski facility? for new and existing businesses? Please explain.

Page 3-193, 3rd paragraph: If the service and retail sectors currently provide more than half of the jobs, how will the resort impact these sectors? Will there merely be a reshuffling of employment opportunities?

Page 3-193, 6th paragraph: How will the proposed resort impact tourism? Will there be an increase in spending on lodging, food/dining and shopping, or will

⁵ According to the HRA report, "Americans are spending more of their dollars on second homes" (pg. 9).

⁶ The DEIS notes that the household figures include a large proportion of second homes in the area. In 1990, approximately 16.4 percent of all housing units within the tri-county area were classified as units for seasonal, recreational, or occasional use. The percentage of these "second home" units is significantly higher within the study area. For example, in 1990, 43.0 percent of all housing units in the Town of Shandaken were for seasonal, recreational, or occasional use, while 45.2 percent of all housing units in the Town of Middletown were for seasonal, recreational or occasional use.

there simply be a shift in spending patterns as the resort captures most of the market demand? Please analyze.

Page 3-194, 5th paragraph: The largest retail sector in terms of employment is eating and drinking places, with over 34.6 percent of the retail employees. Again, with the amount of seating capacity provided by the resort, will there be an increase in spending overall in this sector or will the resort capture the majority of the market? The HRA report states that development should support existing retail businesses (pg. 26) and stresses the importance of maintaining the economic viability of the hamlets (pg. 16). Based on the above, what is the potential impact on retail employment? Similarly, what are the potential economic impacts on the hamlets given that small businesses typically have limited capital and less of an ability to negotiate competitive price agreements?

Page 3-195, 2nd paragraph: The largest service sector in terms of employment is hotels and other lodging places, with 49.7 percent of the service employees. Again, with the number of rooms provided by the resort, will there be an increase in spending overall in this sector or will the resort capture the majority of the market? What is the potential impact on service sector employment, especially in light of the fact that many lodging facilities are obsolete and poorly located (pg. 11 HRA report)? Similarly, what are the potential economic impacts on the hamlets and existing lodging facilities given that small lodging places typically have limited capital and may have difficulty upgrading their facilities? [typo - substitute "retail employee" with "service employee."]

For the four previous comments directly above, it cannot be disputed that the resort will impact employment and sales in the retail and service sectors. The DEIS should discuss how the existing retail and service sectors will be impacted. If additional spending generated by resort visitors is captured by other large-scale retailers and service providers that come into the area to service the surplus demand, the economic benefits might be offset by changes in

community character. The ability of small-scale retailers and service providers to survive is critical to community character, especially in the hamlets.

Page 3-197, 2nd paragraph: Based upon the text, it is not clear how the total (\$145.49) was calculated. Please clarify.

Page 3-199, 3rd paragraph: Operations-related jobs would largely occur by 2018 assuming it requires four years after construction is completed in 2014 to achieve 90 percent sales of time-shares. Please discuss.

Page 3-200, last paragraph: The DEIS states that workers commute long distances and would likely change jobs for one closer to home. This is probably accurate if the existing salaries for commuters are commensurate with those offered by the resort. However, workers often commute long distances to get better jobs, better pay, better benefits, etc., and may not be willing to change jobs, even if such a job is close to home, if the change is not fiscally beneficial. According to the HRA report, in 1999, per capita income was estimated at \$24,000, with Delaware County having the lowest per capita income figures, ranging from \$15,000 to \$17,000. According to the DEIS, the typical salary for guest services jobs will be \$16,390 (pg. 3-201). Based upon the above, these types of resort jobs will not provide an increased living standard for local residents. Please reflect this in the narrative.

Page 3-201, first paragraph: The DEIS states that the median wage for FTE positions would be \$27,272. How was this calculated? The high end management positions should be removed from any such calculations as these positions skew the data.⁷ The DEIS then goes on to compare median and mean (average) wages. This comparison is meaningless. Please amend so that

⁷ According to the applicant, 15 percent of the full time jobs entail annual salaries over \$60,000. Most, if not all, of these high-end jobs will be filled by those living outside the tri-county area.

median and mean data are separately analyzed. Please break out employee categories with annual salary data for each category.

Page 3-202, 5th paragraph: Resort-related off site sales are expected to translate into the equivalent of 211 off-site jobs. Please discuss when these jobs would be available.

Page 3-203, 3rd paragraph and Table 3-70: Off-site sales and associated sales taxes will not accrue in full to the counties until 2022 since 76 percent of resort user off-site sales are attributed to time-share owners and country club members for which occupancy is forecasted to take from 2006 to 2018. Sales tax revenues generated as a result of the Proposed Action should be reported at various stages of the project until the project is fully operational. Underlying assumptions regarding the methodology used to project these estimates need to be more fully disclosed.

Page 3-203, 4th paragraph: Sales tax projections of \$718,000 per year to Ulster County and \$238,000 to Delaware County are based in large part on off-site sales, much of which are projected to be generated by time share and country club members, assuming 85 percent occupancy 310 days per year. This occupancy must be supported with recent market data.

Pages 3-204 to 206, Tables 3-73 to 3-76: It is misleading to only compare property taxes on resort land rather than to total Town property tax revenues. Thus, the 2022 tax benefits of the \$1,503,000 to Shandaken and Ulster County should be reported in comparison to its total tax levy.

It is misleading to list annual tax benefits as if they would be immediately available. Tax benefits will not be paid in full until 2025 due to a business investment exemption. Property tax revenues generated as a result of the Proposed Action should be reported at various stages of the project until the

project is fully operational. Underlying assumptions regarding the methodology used to project these estimates need to be more fully disclosed. Please address.

By not reporting background trend-based growth of property tax revenues over the 22 years before the full property taxes are paid in 2025, the DEIS overstates the significance of the contribution from the project. Thus, what appears to be a 10 percent increase from the Resort of \$526,000 to Middletown in 2001 dollars to the total current tax levy of \$5,157,000 would be 8 percent if there were just a 1 percent annual growth in the Town's total tax levy over 22 years. At recent 7-8 percent growth rates, resort taxes would add 2 percent. The scenario would be similar for Shandaken. Please adjust accordingly.

Page 3-209, 2nd paragraph: This occupancy rate must be supported with recent market data.

Page 3-212, 2nd paragraph: What is the basis for the 50 percent spending split?

Page 3-214, 1st paragraph: The occupancy rate for the hotel rooms at the resort is not the issue when addressing impacts on existing lodging facilities. The key issue is what percentage of the market will the resort capture? How much will the capture rate of the resort erode the capture rate of existing lodging facilities? The DEIS should include an inventory of existing facilities in the study area, along with room-night data.

Page 3-214, 3rd paragraph: What is the basis for the 25 percent spending split?

Page 3-216, 2nd paragraph: What is the basis for the 60 percent spending split?

Page 3-218, Section 3.10.03: The assertion that no mitigation is needed is premature based upon the above comments.

Table 3-40: What are the figures for average individual rather than household salaries? for median household incomes? for median individual incomes?

Table 3-53: The figures for tourism spending are based on data from 1997. Have these numbers changed since 9/11? Have other similar areas seen a decline/increase in tourism spending?

Table 3-60: Did Crossroads base the construction costs upon similar projects they have undertaken? Or on similar projects undertaken by other corporations in the region? Based upon the broad categories listed, it is difficult to assess the accuracy of the construction numbers, and such numbers are important as they provide the baseline, in part, for the RIMS II calculation presented in Table 3-61. Please document all numbers.

Table 3-66: How were gross annual revenues calculated?

Tables 3-76 and 3-78: Upon what are these figures based?

Table 3-80: How do projected occupancy rates compare with similar resorts?

Page 5-8, 5th paragraph: What if the lodging component was smaller? Could the resort be viable with one golf course? In essence, fewer rooms would require less available golf tee times. The project could be downsized in such a scenario, while still increasing visitation to the area. Do similar resorts in the region have only one course? If so, are these facilities financially viable? According to the applicant's consultant, "the New York Metropolitan area is the most undersupplied golf market in the country." If this is the case, it would seem that the resort could attract golfers regardless of the number of courses, although two would clearly make the resort more competitive compared with similar resorts featuring only one golf course. The applicant should analyze the economics of the project with one golf course.

Page 5-9, 2nd paragraph: Gail Flannigan Associates notes that two golf courses are needed, "especially with related conference components of the proposed project." If the conference components were eliminated, could the facility be financially viable with only one course? Please analyze.

Page 5-9, 6th paragraph: Edwin McMullen stated, "no major resort developer is likely to demonstrate real interest in a project that has less than 36 holes of golf." However, Mr. McMullen has not undertaken similar projects in New York. Given that the New York market is completely underserved, is Mr. McMullen's assessment still accurate? Tri-state rather than national market factors should be considered in determining market feasibility.

Page 5-12: What is the calculated rate of return for project scenarios 2-5 if the detached lodging units are included?

Page 5-13, Section D: The assessment regarding mitigation is premature. Moreover, the scenarios provided on page 5-12 were not conclusive. Pg 14 - The HRA report states that niche-based accommodations are needed in the study area, but does not advocate such large-scale developments. Therefore, a

smaller resort should also be considered, as well as an alternative that would address the 1000 room projected shortfall in lodging accommodations. Perhaps the choice is not between the east or west alternative, but some combination of both east and/or west. Please provide a series of feasible alternatives as per the SEQRA requirements.

Pages 5-58 and 5-59: Both pages discuss socioeconomic benefits, but do not include socioeconomic impacts. Please address.

Page 7-2, 3rd paragraph: The assertion that little seasonal home demand is expected stretches credulity. See comments for pages xix and 3-187.

Page 7-3, Section A: If the employees are drawn primarily from the tri-county area, there will be a substitution effect. As residents exchange their existing jobs for jobs at the resort, "new personal income" will be marginalized, unless these residents are commuting to another county or these residents are under employed or unemployed. Please distinguish between "net new personal income" and "new personal income," as well as the substitution effect.

Page 7-3, Section A2: Based upon the salary information provided, it is not clear that personal income would increase due to new resort jobs. Please provide more data to support this assertion.

Page 7-4, 1st paragraph: New household income would only be generated for new entrants (including those who are currently under or unemployed) into the work force. Again, please distinguish between "net new household income" and "new household income."

Page 7-4, 3rd paragraph: Given the three comments directly above, the total expended as a result of the new jobs may be less than \$10.25 million. This may also reduce overall economic activity estimates. Please address and revise figures accordingly.

Concluding Comment: The socio-economic impacts associated with the proposed action should be compared to the no action alternative. In particular, assuming that the Ski Center expands and the proposed action is not approved, what benefits/costs would accrue to the hamlets, existing lodging facilities, restaurants, etc.?

Figure 7-1 and Table 7-1: Sales and sales tax projections must be recalculated based upon recent occupancy rates. Sales tax revenues generated as a result of the Proposed Action should be reported at various stages of the project until the project is fully operational. Underlying assumptions regarding the methodology used to project these estimates need to be more fully disclosed.

In addition, if sales grow by 2 percent per year as projected by the State for background traffic growth between 1999 and 2022 (trends reported by the NYS department of Finance and Taxation show much higher growth rates), sales will grow by 58 percent (2 percent compounded over 23 years), bringing the future sales to \$196 million and the resort-generated increase to 10 percent. The significance of the sales tax increase can be viewed in the context of total county taxable sales which were last reported for 3/99 to 2/2000 by the NYS Department of Finance and Taxation as \$393 million for Delaware County and \$1,770 million for Ulster County for a total of \$2,163 million, making the \$124.12 million in the corridor 6 percent of total sales in the corridor. If these are escalated by 56 percent to reflect the growth in taxable sales in the counties in 2022 to \$3,418 million, the taxable on-site and off-site sales of \$31 million represent less than a 1 percent increase. Sales tax projections should be portrayed in light of projected growth patterns. Please adjust accordingly.

APPENDIX 6 - LETTERS OF RECORD

General comments: The text associated with Appendix 6 admits that the Proposed Action will result in the need for additional staff, equipment, etc., and then states that the existing service providers are capable of providing such services. However, the impacts upon community services have not been addressed. First, a baseline analysis should be provided to document existing conditions, including existing service levels and deficiencies in services due to lack of personnel, equipment, etc. Second, the service providers should estimate future capacity, assuming that existing budgetary constraints remain in place. Third, the applicant should estimate the projected increase in services that is likely to result from the Proposed Action for each service provider (e.g. police, fire, schools, etc.). Third, future service capability should be compared with projected service needs. This part of the analysis should identify personnel needs, equipment needs, etc., along with cost estimates. The costs should be provided in an easily readable matrix to enable the public to

understand the costs associated with the project. Costs can then be compared against "net new" tax benefits in matrix form. Please revise analysis.

Letter from Margaretville Memorial Hospital: The Hospital stated that the facility possessed adequate capacity to service the Proposed Action. However, the Hospital then notes that the facility is experiencing a "serious financial situation" and will require an affiliation to be viable. Based upon the Hospital's statement, it appears that the facility lacks the financial resources to service the proposed project presently. Please address.

Letter from Solid Waste Coordinator for Delaware County: The Coordinator stated that the facility possessed adequate capacity to service the Proposed Action. However, implications of accepting a significant amount of new solid waste were not addressed. The Coordinator stated that the landfill had a remaining life of 15 years, but did not address how the Proposed Action would shorten the life of the existing landfill, nor did the Coordinator analyze the potential costs of siting a new landfill or shipping waste to another facility. Please address.

Letter from Margaretville Central School District: The School District stated that the system possessed adequate capacity to service the Proposed Action. However, the District noted that additional capacity was available only for the schoolchildren generated by the homes in Highmount Estates. Given the small number of homes in Highmount Estates, and given that a portion of these homeowners will not be year round residents, the schoolchildren generated from Highmount Estates is so few as to be insignificant. A much larger number of schoolchildren could potentially be generated from the new employee base. This issue needs to be addressed.

Onteora Central School District: The School District stated that the system possessed adequate capacity to service the Proposed Action. However, the District did not provide existing or projected enrollment numbers. Therefore, the assertion regarding capacity is unsupported. Please address.

APPENDIX 26 – ECONOMIC BENEFITS AND GROWTH INDUCING EFFECTS

General comments: All data should be updated to reflect current market conditions. In addition, significant pieces are missing from the analysis, as noted below:

- The labor market characterization remains inadequate.
- The analysis of environmental constraints is misleading and needs to be revised. Unless development is prohibited, land should be considered potentially developable, especially for residential uses since zoning for such development is less restrictive.
- The DEIS should provide a detailed inventory of vacant buildings suitable for redevelopment. The inventory should include addresses and be mapped.
- The DEIS should provide a detailed inventory of vacant land which could potentially be developed, including private lands on secondary roads and off access roads, as these are typically considered prime real estate for second home buyers.⁸ The inventory should be mapped.
- The DEIS should analyze the impacts of growth on agricultural lands. The HRA report identified 200,000 acres of agricultural land, which represented 20 percent of the total land mass (see pages 13–14). The

⁸ As noted in the HRA report, whole hamlet plans include the location of future commercial development and proposed land use intensities.

conversion of agricultural lands and the potential impacts associated with such a mass conversion should be addressed.

- Given the inherent limitations of the case studies, additional comparative analysis is needed.

Page 1-1, paragraph 3: See comments for pages 1-18,19 above.

Page 1-2, last paragraph: As noted above, a detailed inventory of retail and service establishments, along with a rental housing inventory, should be completed.

Page 1-3, 2nd paragraph: A detailed breakdown of construction costs should be provided, with an estimate regarding the amount to be spent on such materials in the tri-county area. The employment, wage and salary estimates should identify only "net new" employment and wages to more accurately identify the fiscal impacts of the Proposed Action.

Page 1-3, last paragraph: See comments for pages 1-18,19 above.

Page 2-2, 1st paragraph: Typo. Change "or" to "of."

Page 2-3, 2nd paragraph: Type. Amend the "the an" language.

Page 2-3, 3rd paragraph: If the study area is to be compared with New York State as a whole, some explanatory language should be provided, as downstate salaries tend to skew the overall figures for New York State.

Town of Shandaken

PO. Box 134 Route 28
Shandaken, New York 12480

Incorporated 1804

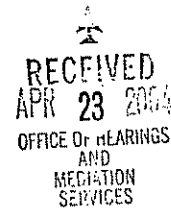
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Highway: (845) 688-9901

Administrative Law Judge Richard R. Wissler
NYS DEC Office of Hearings and Mediation Services
625 Broadway, Albany N.Y. 12233-1550



April 23, 2004

Re: Petition for Party Status

Pursuant to 6 NYCRR 624.5(b)(2), the Planning Board of the Town of Shandaken petitions for party status in the above-referenced hearing.

The Planning Board is represented by Drayton Grant of Grant & Lyons, LLP, 145 Wurtemberg Road, Rhinebeck, NY 12572, tel # (845)876-2800.

The Planning Board seeks party status because much of the proposed development will be located in the Town of Shandaken. The Town previously sought to be lead agency in this matter. The submissions Shandaken already made document the significance of this project to the Town. The proposed development is the largest ever considered for the Town. 73% of the Town is Forest Preserve, owned by the State and dedicated by our state constitution as Forever Wild. This project constitutes the commitment of 8% of the remaining developable land resources of the Town. Our town is vitally interested in this project.

The Planning Board is an involved agency in this matter pursuant to 6 NYCRR 617.2(s). "Involved agencies are also obligated to participate in the SEQR hearing if one is held by the lead agency." SEQR Handbook, B-16. It has a duty to inform the lead agency of its concerns under 6 NYCRR 617.3(a). It is concerned about all aspects of the project. Denied lead agency by DEC, the Town is particularly concerned that the FEIS include adequate information to support any conditions it may desire to impose on the project when it comes before the Board for review. It does not want to be estopped from resolving any errors or omissions in the DEIS or FEIS that could impact its ability to fashion the approvals it must issue for this project.

The Planning Board is determined to avoid the problem that has developed for other local governments that were not fully involved in project review when DEC, once it had a design that satisfied its concerns, curtailed the SEQR process without satisfying legitimate concerns of the local governments, such as the Zoning Board of Appeals of the Village of Southampton in *Friedenberg v. Korman*, 232 AD2d 414 (2d Dept. 1996) or the Coastal Erosion Hazard Board of

Town of Shandaken

PO. Box 134 Route 28
Shandaken, New York 12480

Incorporated 1804

Fax Number:
(845) 688-2041

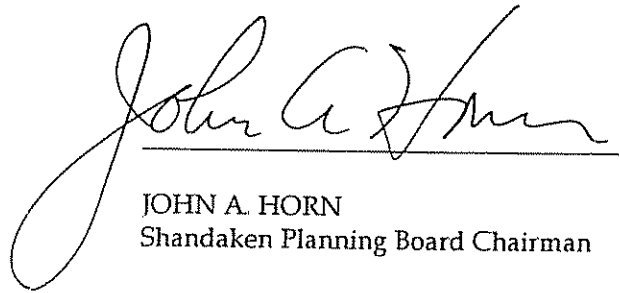


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"Heart of the Catskills...Where the Eagle Soars"

Review of the Town of Southampton in *In re Gordon v. Rush*, 299 AD2d 20 (2d Dept. 2002), *aff'd*, 100 NY2d 236 (2003). These two decisions are cautionary for local governments. The courts in these two cases elevated process over environmental protection in each decision. This forces responsible local governments to participate as much as possible throughout the SEQR process so as to avoid future failures in environmental protection.

The Planning Board offers the enclosed comments on the applicant's traffic, fiscal and socio-economic analyses in the DEIS. These comments clearly demonstrate that a reasonable person would require further inquiry as to whether the applicant can meet the criteria applicable to the project. 6 NYCRR 624.4(c)(2). It is significant because the responses it demands will lead to modifications of the project or the imposition of additional conditions. 624.4(c)(3).

A handwritten signature in black ink, reading "John A. Horn". The signature is written in a cursive style with a large, looping initial "J". Below the signature is a horizontal line.

JOHN A. HORN
Shandaken Planning Board Chairman

The following comments have been prepared on the traffic sections of the Draft Environmental Impact Statement for the Belleayre Resort at Catskill Park. The traffic review was undertaken by Fitzgerald & Halliday, Inc.(FHI) under the direction of Ferrandino & Associates Inc. The comments are presented below in two formats. The first is a general summary grouped by major topic and the second format is comprised of comments on specific pages of the document. It is intended for the Applicant to address both sections of comments.

The comments below are directed to NYSDEC, and are focused on potential impacts upon the Town of Shandaken as a result of the Proposed Action.

EXECUTIVE SUMMARY

The following is a summary of the comments grouped by major topic. Comments have been generated by the Consultant with input from the Town Planning Board.

Traffic Volumes:

- The Applicant needs to update the traffic study to reflect a more realistic year of opening and full build out. The DEIS currently assumes a full build out of 2008 with an 8 year construction period.
- During the public meetings it was brought to our attention that the Martin Luther King, Jr. holiday weekend of Saturday, January 15, 2000 was not a peak day condition. The scoping document requires an analysis of a peak day. The Applicant should revise the traffic information based on more recent attendance records at Belleayre Mountain Ski Center and traffic volume counts.
- The DEIS indicates that the traffic impact study used a 3 percent background growth rate to reflect in part the planned expansion of skier visits to Belleayre Mountain Ski Center. The Applicant should explain how

this was determined and what expansion is accounted for in the growth rate.

- It has also been brought to our attention that the existing traffic counts are low. Community Consulting Services, Inc., conducted traffic volume counts in 2003 and found that the morning and evening peak hours at Route 28 and County Road 49A were twenty (20) percent higher than those reported in the DEIS. The Applicant should revise the existing traffic count data to reflect current conditions.

Trip Generation:

- The Applicant should include a better description and summary of trip generation in the main body of the DEIS. The main body of the DEIS is confusing as it includes various figures including a typical day and figures broken out by project component, etc. Table B-1 from Appendix B should be incorporated in the main body. Table B-1 also needs more explanation. The Applicant needs to explain how the shuttle and internal trips are accounted for. For example, please explain the following: the trip generation estimate for the Wild Acres resort is 130 vehicles for the Saturday PM peak hour enter movement. The Applicant is using a vehicle estimate of 84 - how was this calculated/determined? The Applicant should explain the math associated with the footnote in the table "Assuming that 50% of the morning trips exiting would be to Belleayre Mountain and 40% of these would ride the shuttle means that there would be 144 trips made by guests in their own vehicles and 8 shuttle trips for a total of 152 trips."
- The Applicant should provide a trip assignment figure for each time period analyzed for the resort total (a combined estimate for WildAcres, Big Indian Plateau and Highmount Estates). The document (Appendix B) currently provides trip assignment figures separately for the individual uses.

- The Applicant should also provide separate trip generation estimates and assignment figures for the proposed shuttle system.

- The Applicant should provide reference/validation for the following assumptions used in the trip generation analysis:
 - shared trips with the Belleayre Mountain Ski Resort (50 percent of the winter peak hour trips generated by the proposed resort will be shared). It is not clear as to how this was accounted for in the traffic study and the Applicant should clarify.
 - 80 percent of the resort trips to and from the ski area will be on the shuttle bus
 - 40 percent of the resort trips to and from the golf courses will be on shuttle bus

- The Applicant should provide a trip generation estimate for delivery/service trucks. The Applicant should also indicate the access routes the trucks are expected to use. Section 2.4.7 – Deliveries of Goods and Services generally indicates what is expected but does not provide a peak hour and daily estimate. The Applicant should also indicate if there will be any restrictions on the times of the deliveries.

Traffic Impacts and Mitigation:

- The Applicant has identified an impact at the intersection of Route 28 and Route 49A and proposes signalization and turn lane construction. The Applicant is proposing a “fair share” contribution toward the improvements. The Applicant should define “fair share” and indicate who is expected to participate in the cost of this improvement. Also the formula proposed for calculating the shares should be included. The Applicant should consider paying the entire cost of the improvements. While it is understood that a poor level of service is anticipated under the No Build condition due to traffic generated by the ski center, the proposed development will benefit from the close proximity of the ski center. (i.e. the ski center helps make the resort a year round facility).

- The Applicant should provide a capacity and level of service analysis for key segments along the mainline of Route 28. This is in compliance with the scoping document which states that “a traffic impact study will be performed for the proposed action to assess the potential impact of the project construction and operation on local traffic patterns and roadways.” The Applicant should provide the analysis for Route 28 for the Existing, No Build and Build scenarios. The Applicant should also include anticipated speeds along Route 28 under these scenarios.
- The Applicant suggests that information signs be placed on the main roadways. The Applicant should prepare and submit a “way-finding” sign plan to the County/Towns and Department of Transportation. Per the final plan, the Applicant should furnish and install the signs as part of the development proposal.
- The traffic study indicates that various Transportation Management Initiatives are planned. The Applicant should provide a Transportation Management Initiative plan that includes what is proposed and specific details of each element. The Applicant should incorporate an employee commute option program, including a ride matching service and ride board.
- The traffic analysis does not consider the effect that railroad operations (proposed or existing) will have on the study area intersections. The Applicant should incorporate this into the analysis and consider if the crossing treatments are appropriate for the traffic volumes anticipated in the full build out year.
- Traffic impacts are identified at the following locations. The Applicant indicates that signalization is not warranted but no other mitigation is considered. The Applicant should consider other mitigation such as use of police officer or traffic control person.
 - Route 28 at Route 42
 - Route 28 at Route 214

- County Road 49A at Gunnison Road/ Belleayre Mountain lower driveway
- County Road 49A and Belleayre Main (upper) driveway

- The capacity analysis conclusion for the intersection of Route 28/Route 214 as presented in Appendix 25 is confusing. The Applicant indicates that the peak hour volumes meet the peak hour warrants for a traffic signal but then goes on to say that a traffic signal is not warranted. The Applicant should clarify and provide a warrant analysis for each intersection in the above bulleted list and Route 28 at 49A.

- The Applicant should provide more details on the proposed shuttle service (i.e. hours of operation, trip generation estimates and cost for patrons etc.)

Access:

- The Applicant should provide a discussion of internal road grades.

- County Road 49A and Friendship Road are proposed as the major access points. Both of these roads are narrow (18–20 feet). The Applicant should, per the scoping document, provide an analysis and discussion on the ability of these roads to safely and efficiently accommodate the anticipated traffic demand including trucks?

Site Distance Analysis:

- The Applicant should provide sight distance analysis at all access points and internal intersections (including proposed maintenance facilities, etc.) The Applicant should also consider additional mitigation (warning lights, vertical or horizontal alignment changes, vegetation clearing, etc.) where desirable sight distance is not available. The Applicant should also provide an estimate of sight distance with the mitigation included for comparison purposes. The following locations were identified as having less than desirable sight distance at the following locations:

- County Road 49A and Middle Driveway/Belleayre upper driveway
 - County Road 49A and southern driveway
 - County Road 49A and Highmount Estates Access
 - County Road 49A and Maintenance Facility Drive
 - Gunnison Road and Golf Cart Crossing (hole 8 to 9)
 - Gunnison Road and Golf Cart Crossing (hole 1 to 2)
-
- For County Road 49A, the Applicant proposes speed limit changes. This is a statutory process. The Applicant should provide documentation from the appropriate agencies that their proposed changes are reasonable and feasible.

Parking:

- The scoping document states that “This section of the DEIS will also describe the current availability of off-street parking in the vicinity and discuss current parking in relation to what would be necessary for any special event.” The Applicant should provide this information in the Traffic Patterns section of the DEIS.

- The Applicant should also indicate how the parking supply was calculated for each use and provide a table comparing the proposed parking to what is required.

Special Event:

- The Applicant should develop a Transportation Demand Management (TDM) plan if special/major events such as a golf tournament are planned. The plan should indicate how and where people will park, any changes to the proposed shuttle service and consideration of off site parking nearby with a shuttle service provided.

Construction:

- The scoping document states that “a traffic impact study will be performed for the proposed action to assess the potential impact of project construction and operation on local traffic patterns and roadways.” The Applicant should provide an analysis and discussion on how the anticipated construction will affect traffic operations. The DEIS provides a statement that during the peak construction period it is estimated that there will be 60 trucks per day and, based on a ten hour day of work, that equates to 6 trucks per hour. The Applicant needs to also consider the effect of construction employee traffic and delivery vehicles on traffic operations. The Applicant should identify what is the peak and typical number of construction employees to be generated.
- The Applicant proposes using Winding Mountain Road as the main construction access. Winding Mountain Road is steep, narrow and not surfaced. In certain locations there is only sufficient width for one truck. The Applicant should comment on the ability of this road to safely and efficiently accommodate construction traffic. Does the Applicant have concerns about the ability of this road during heavy rain periods? The Applicant should consider improving this road. The Applicant should also indicate if Winding Mountain Road gets blocked or becomes unpassable how will the construction site be accessed?
- The Applicant should also indicate the proposed access route for construction employees and where they will park.

Page vi, Ulster County: Has the Applicant coordinated with Ulster County with regard to the plans to realign County Road 49A and the proposed entrances to 49A? The Applicant should include a letter in the FEIS from the County stating that the proposed plan and mitigation are reasonable/feasible.

Page xi, 5th paragraph: The Sound section of the DEIS discusses noise impacts related to construction activity but fails to mention if noise impacts are

anticipated due to traffic generated along the proposed access roads. The Applicant should address/clarify.

Page xiv, 1st paragraph: The Applicant should provide a footnote indicating the date and facility name/location of the similar resorts used in the evaluation.

Page xiv, 1st paragraph: During the public meetings it was brought to our attention that the Martin Luther King, Jr. holiday weekend of Saturday, January 15, 2000 was not a peak day condition. The scoping document requires an analysis of a peak day. The Applicant should revise the traffic information based on more recent attendance records at Belleayre Mountain Ski Center and traffic volume counts.

Page xiv, 2nd paragraph: The DEIS states the analysis years are the year 2006 when the facility will first be opened and 2008 when all new facilities are expected to be in use. The Applicant should revise the traffic study to include a more realistic opening year and year when fully constructed.

Page xiv, Table following Item (3): The Applicant should indicate that the numbers in the first row are hourly volumes.

Page xiv, Item (3) following the Table: This paragraph states that "similar results are found at the other study area intersections in the project corridor. An increase in traffic of this magnitude will typically not be noticeable." A comparison of Figures 3.2 and 3.10 in Appendix 25 shows the Route 28 (west of Route 47) anticipated 2008 winter Saturday PM peak hour volumes to be 784 vehicles per hour (vph) in the No Build and 1079 vph in the Build condition. This 37 percent increase may be noticeable. The Applicant should address.

Page xiv, Item (4): This paragraph states "...winter traffic peak hours will utilize 30 percent of the rated capacity of NY Route 28." The Applicant should define/explain rated capacity.

Page xv, Item (9): The Applicant should indicate the proposed length of the westbound left-turn lane (taper deceleration and storage) at NY Route 28/Friendship Road (east). Is this turn lane warranted?

Page xv, Item (9): The Applicant should define "fair share contribution" and indicate who is expected to participate in the cost of this improvement. Also the formula proposed for calculating the shares should be included. The Applicant should consider paying the entire cost of the improvements. While it is understood that a poor level of service is anticipated under the No Build condition due to traffic generated by the ski center, the proposed development will benefit from the close proximity of the ski center, (i.e. the ski center helps make the resort a year round facility).

Page xv, Item (9): The last bullet states that "...it is recommended that information signs be placed on the main roadways guiding patrons to their proper destination." It is not clear whether the applicant is proposing this or suggesting that others do it. The applicant should prepare and submit a "way-finding" sign plan to the County, and if approved should furnish and install the signs as part of the development proposal.

Section 1 Introduction

Page 1-3 B. Big Indian Resort and Spa and C. Belleayre Highlands: Are all of the detached hotel lodging units time-shares? The Applicant should clarify.

Page 1–4, A. Wildacres Resort: Are the 168 detached hotel lodging units time-shares? The Applicant should clarify.

Section 2 Description of the Proposed Action

2.2.7 Traffic, Parking and Pedestrian Circulation

Page 2–40, Item 3: The Applicant should define typical in the second sentence, i.e. per Table 3–31, typical = based on median day of operation.

Page 2–40, Item 3: After the 5th sentence the Applicant should add a sentence stating the Resort will generate 347 vehicle trips in the AM peak hour and 339 vehicle trips in the PM peak hour. The Applicant provides total resort numbers for the typical day but divides the vehicle trips by resort for the peak winter traffic.

Page 2–41, Item 3 continued: The first paragraph states “It is anticipated that approximately 50 percent of the peak hour trips generated by the proposed resort during the winter will be shared trips with the Belleayre Mountain Ski Center.” The Applicant should indicate or reference how this, percentage was determined. The Applicant should also comment on the reasonableness of this given that approximately 50 percent of the lodging will be time-shares or extended stay type lodging.

Page 2–41, Item 4: The first sentence provides a discussion of traffic volume increases expected in vehicles per minutes; the Applicant should also provide the increases in vehicles per hour.

Page 2-41, Item 4: The second paragraph states "This number of trips from the Resort would use less than 15% of the capacity of Route 28..." Please indicate how this was determined and please clarify that the trips are to and from the site. The second paragraph also states "An increase in traffic of this magnitude will typically not be noticeable." A comparison of Figures 3.2 and 3.10 in Appendix 25 shows the Route 28 (west of Route 47) anticipated 2008 winter Saturday PM peak hour volumes to be 784 vph in the No Build and 1079 vph in the Build condition. This 37 percent increase may be noticeable. The Applicant should address.

Page 2-41, Item 4: The last sentence of the third paragraph states "Traffic is not expected to increase on local roads, including the roadways in the Hamlet of Pine Hill." How can this be stated especially since most if not all patrons to the resort will arrive by private automobile and may at some point during their stay decide to sightsee or shop in the villages/hamlets? The Applicant should clarify.

Page 2-42 Item 6: In the first bullet, the Applicant should indicate the proposed length of the westbound left-turn lane (taper, deceleration and storage) at NY Route 28/Friendship Road (east). Is this lane warranted?

Page 2-42 Item 6: In the second bullet, the Applicant should define "fair share contribution" and indicate who is expected to participate in the cost of this improvement. Also the formula proposed for calculating the shares should be included. The Applicant should consider paying the entire cost of the improvements. While it is understood that a poor level of service is anticipated under the No Build condition due to traffic generated by the ski center, the proposed development will benefit from the close proximity of the ski center, (i.e. the ski center helps make the resort a year round facility).

Page 2-42 Item 7: This paragraph states that “it is recommended that information signs be placed on the main roadways guiding patrons to their proper destination.” It is not clear whether the applicant is proposing this or suggesting that others do it. The Applicant should prepare and submit a “way-finding” sign plan to the County and if approved should furnish and install the signs as part of the development proposal.

Page 2-42 Item 9: This paragraph states that “...various transportation management initiatives are planned that will reduce traffic impacts. These include the use of a shuttle bus for guests and employees, remote park-and-ride lots for the employees and scheduling check in/out times at hotels to occur during off-peak times.” Are other management initiatives planned? For the FEIS, the Applicant should provide a Transportation Demand Management plan that clearly lists all the planned transportation management initiatives and how they will be carried out. Since there are expected to be 872 employees, the Applicant should provide some employee commute option programs such as a ride matching service and a ride board.

Page 2-43, B. Access: All proposed access points and internal project roadway intersections should be evaluated for intersection and stopping sight distance.

Page 2-44, C. Parking and Pedestrians: The Applicant should indicate how the amount of parking spaces was determined for each use and provide a table summarizing what is provided versus what is required.

Page 2-46, 1st paragraph and 3rd paragraph: The first paragraph states “The guest shuttle buses will be diverted to pick up and drop off employees at the employee lots during these off-peak periods.” The third paragraph states “Separate shuttles will transport the employees to and from the employee parking lots.” These two statements appear to conflict. The Applicant should clarify.

Page 2-47, Pedestrian Circulation, 2nd paragraph: The last sentence states that "pedestrians wishing to travel off-site will utilize the shuttle system or they will drive." The Applicant should clarify, as it does not appear that any of the shuttles are proposed to transport guests off-site, but rather between the various proposed uses.

Page 2-47, Golf Carts and Walking Golfers, 1st paragraph: The last sentence states "It is not anticipated that golf carts will be used on any other areas of the Resort besides the dedicated golf course cart paths." What about in the parking lots or for maintenance purposes? The Applicant should clarify.

Page 2-48, Pedestrian Connections Between Wild Acres Hotel and Other Areas: The paragraph states "Pedestrians would then follow a foot path..." The Applicant should define what a foot path is. Will these footpaths be handicap accessible?

Page 2-49, Shuttle Bus Service, 1st bullet: This bullet discusses the headways for the Ski Area Express during the peak periods. The Applicant should indicate what the proposed headways are during the off peak periods? Also please indicate what the proposed hours of operation are. Will there be a charge to use the shuttle bus?

Page 2-49, Shuttle Bus Service, 2nd bullet: This bullet discusses the headways for the Ski Area Local during the peak periods. The Applicant should indicate what the proposed headways are during the off peak periods? The Applicant should also indicate the proposed hours of operation and if there will be a charge to use the shuttle bus.

Page 2-49, Shuttle Bus Service: No description is provided for the employee shuttle service; the Applicant should include.

Section 3 Environmental Setting, Potential Impacts and Mitigation Measures

Page 3-118, Access to the Site and Existing Conditions, 1st paragraph: This first paragraph discusses additional vehicles that would be added to Route 28. The Applicant should provide hourly estimates, not just estimates of vehicles per minute. Please clarify the fourth sentence which states, "the addition of three vehicles during the peaks will not have a significant effect on the Route 28 traffic." There will be more than three vehicles generated during the peaks.

Page 3-118, Access to the Site and Existing Conditions, fifth bullet: This bullet describes County Road 49A and indicates that there are nine foot travel lanes in each direction. Can these narrow travel lanes safely and efficiently accommodate the anticipated traffic generated by the proposed development? The Applicant should address.

Page 3-119, Access to the Site and Existing Conditions, second bullet: This bullet describes Friendship Road and indicates that the overall pavement width is between 18-20 feet. Can this narrow roadway safely and efficiently accommodate the anticipated traffic generated by the proposed development? The Applicant should address.

Page 3-120, Access to the Site and Existing Conditions, 1st paragraph: The first paragraph indicates that two seasonal traffic conditions were evaluated to select the peak period for the year. Please explain why a special event such as a golf tournament was also not evaluated. It is possible that special events may take place at the resort. The Applicant should provide a Transportation Demand Management (TDM) plan for a special event.

Page 3-120, Access to the Site and Existing Conditions, 2nd paragraph: The second paragraph discusses the winter conditions analysis. During the public meetings it was brought to our attention that the Martin Luther King, Jr. holiday weekend of Saturday, January 15, 2000 was not a peak day condition. The scoping document requires an analysis of a peak day. The Applicant should revise the traffic information based on more recent attendance records at Belleayre Mountain Ski Center and traffic volume counts.

Page 3-121, Access to the Site and Existing Conditions, 3rd paragraph: This paragraph indicates the vehicles per minute during the typical winter traffic peak hours and during the typical fall peak hours. The Applicant should define "typical" and provide the estimates in hourly volumes.

Page 3-121, Potential Impacts and Mitigation Measures Analysis of Traffic Conditions with the Project, 1st paragraph: The first paragraph indicates that the proposed project will open during the year 2006 and continue with construction through 2008. The Applicant should revise this and the traffic study based on a more reasonable project completion date.

Page 3-122, A. Trip Generation, 1st paragraph: Two sources of trip generation are cited: *The Institute of Transportation Engineers Trip Generation* and counts of similar resort facilities. The Applicant should provide a reference for the similar resorts including location and date of data.

Page 3-122, A. Trip Generation, 2nd bullet: The Applicant should indicate the date/year the rate was determined for the facilities at Sunday River and Killington.

Page 3-122, A. Trip Generation: The Applicant should provide a trip generation estimate for delivery/service trucks in Traffic Patterns section. The Applicant should indicate the access routes the trucks are expected to use. Section 2.4.7 – Deliveries of Goods and Services generally indicates what is expected but does not provide a peak hour and daily estimate. The Applicant should also indicate if there will be any restrictions on the times of the deliveries.

Page 3-122, A. Trip Generation, 2nd paragraph: The first sentence states “Shuttle buses will play a significant role in reducing the trips from the development.” The Applicant should edit this to state “...trips within the development.”

Page 3-122, A. Trip Generation, 2nd paragraph: The third sentence states “As a conservative estimate it has been assumed that 40 percent of the trips to and from the golf courses on peak days will be made on shuttle buses.” The Applicant should indicate how this was calculated and determined to be a “conservative estimate”.

Page 3-122, A. Trip Generation, 2nd paragraph: The fourth sentence states “In the winter the main activity will be skiing and it has been assumed that 50 percent of the peak hour trips generated by the Resort will be to and from Belleayre.” Is this a “conservative estimate”? The Applicant should indicate or reference how this percentage was determined. The Applicant should also comment on the reasonableness of this, given that approximately 50 percent of the lodging will be time-shares or extended stay type lodging.

Page 3-122, A. Trip Generation, 2nd paragraph: The fifth sentence states “Of these trips it has been assumed that 80 percent of them will be on shuttle buses.” The Applicant should indicate or reference how this percentage was determined.

Page 3-123, A. Trip Generation, 1st bullet: Indicates a single golf course; however two golf courses are described in the project description. The Applicant should rectify.

Pages 3-124 and 3-125, A. Trip Generation, Tables 3-31, 3-32 and 3-33: These tables provide a summary of the estimated trip generation for the Resort. Information is provided for Design, Estimated Maximum and Typical. The Applicant should revise the title of "Estimated Maximum" to "Similar Resort", as this figure was based on a limited amount of data collected at a few facilities.

Pages 3-124 and 3-125, A. Trip Generation, Tables 3-31 and 3-32: The total "Design" trip generation for the fall Friday PM peak and Sunday PM peak should include trips for the golf courses, as the courses will be open to the public. The "Design" scenario is actually not based on a full occupancy of the lodging but rather on ITE rates. The *ITE Trip Generation Manual* indicates that these rates for Land Use 310 (Hotel) had an average occupancy rate of 83 percent.

Page 3-127, F. Sight Distance Analysis: The Applicant should provide an intersection and stopping sight distance analysis for all proposed access points and internal project roadway intersections.

Page 3-127, F. Sight Distance Analysis, 1st paragraph: The sixth sentence states "The sight distance for the golf cart crossings was conducted using the local road speed limit on Gunnison Road of 30 – mph." The Applicant should indicate why the 85th percentile speed was not used or make note that the 30mph posted speed is indeed the 85th percentile operating speed.

Page 3-127, F. Sight Distance Analysis, 1st paragraph: The Applicant should also indicate which movements do not meet the criteria and include Table 4.2 Sight Distance Evaluation from Appendix 25.

Page 3-127, F. Sight Distance Analysis, 1st bullet: Indicates that the realignment of Route 49 A is expected to improve the sight distance at the Middle Driveway and Belleayre Mountain driveway. The Applicant should indicate what the improved sight distance will be in feet and if it will be adequate to meet the desirable criteria.

Page 3-128, F. Sight Distance Analysis, 2nd bullet: Indicates that sight distance is limited at the intersection of County Road 49A and the Southern Driveway. The third sentence states, "Clearing on the west- side of County Road 49A would improve the sight distance looking to the left." The fourth sentence states "However, to further mitigate the sight distance deficiency due to the vertical profile, it is recommended that driveway ahead warning signs be installed on the northbound and southbound County Road 49A approaches to the intersection." It is not clear if the applicant is proposing to clear the west side and install signs or if they are hoping the County will do this. The Applicant should clarify. The Applicant should also indicate what the sight distance is expected to be with these mitigation measures. The Applicant should also evaluate additional measures to improve the sight line such as changes to the vertical profile.

Page 3-128, F. Sight Distance Analysis, 3rd bullet: Indicates that sight distance is limited by both vertical and horizontal curvature of County Road 49A. The second sentence states "It is recommended that the side slopes be cleared and regraded to provide additional sight distance." The third sentence states, "Advisory speed signs and intersection ahead warning signs should be installed on the County Road 49A approaches to this intersection." It is not clear if the Applicant is proposing to clear the side slopes, re-grade and install advisory speed signs or if they are hoping the County will do this. Please clarify. Please

indicate what the sight distance is expected to be with these mitigation measures. Also please evaluate additional measures to improve the sight line such as changes to the vertical and or horizontal profiles.

Page 3-128, G. Capacity/Level of Service Analysis, 1st paragraph: The second sentence indicates that highway capacity software, HCS version 4.1a was used. The Applicant should use the latest version 4.1c in the FEIS.

Page 3-129, G. Capacity/Level of Service Analysis, continuation of bullet from previous page: This bullet discusses impacts and mitigation to NY Route 28 and County Road 49A. The Applicant is proposing a "fair share" contribution to the improvements. The Applicant should define "fair share" and indicate who is expected to participate in the cost of this improvement. Also the formula proposed for calculating the shares should be included. The Applicant should consider paying the entire cost of improvements. While it is understood that a poor level of service is anticipated under the No Build condition due to traffic generated by the ski center, the proposed development will benefit from the close proximity of the ski center (i.e. the ski center helps make a resort a year round facility).

Page 3-129, G. Capacity/Level of Service Analysis, 1st bullet, NY Route 28/NY Route 42: A poor level of service (LOS E) is expected in 2008 Build for the southbound approach during the PM peak hour. It is indicated that a traffic signal is not warranted. The Applicant should consider and address other mitigation such as the use of a police officer to direct traffic during the peak winter Saturday peak hours.

Page 3-129, G. Capacity/Level of Service Analysis, 2nd bullet, NY Route 28/NY Route 214: A poor level of service (LOS F and E) is expected in 2008 Build for the northbound and southbound approaches, respectively during the AM peak hour and LOS D and F for these approaches ;respectively during the PM peak

hour. It is indicated that a traffic signal is not warranted. The Applicant should consider and address other mitigation such as the use of a police officer or traffic control person to direct traffic during the peak winter Saturday peak hours.

Page 3-130, G. Capacity/Level of Service Analysis, 1st bullet, County Road 49A/Gunnison Road: During the PM peak hour (2008 Build), the eastbound Gunnison Road approach will experience LOS F and the westbound Belleayre Lower Driveway will experience LOS E. It is indicated that a traffic signal is not warranted. The Applicant should consider and address other mitigation such as the use of a police officer to direct traffic during the peak winter Saturday peak hours. The Applicant also indicates that it is recommended that signs be placed within the Wildacres Resort to divert the existing traffic to the southern resort driveway. Again, The Applicant should clarify whether they are proposing to furnish and install the signs. Was this diversion considered in the capacity analysis?

Page 3-130, G. Capacity/Level of Service Analysis, 3rd bullet, NY Route 28/Friendship Road: The Applicant should indicate the proposed length of the westbound left turn lane (including taper, deceleration, and storage lengths) and indicate if it is warranted. Also The Applicant should consider making improvements to Friendship Road between NY Route 28 and the resort access and address in the FEIS.

Page 3-131 I. Conclusions, Item 3: Please see comment to Page 3-122, A. Trip Generation, and 2nd paragraph.

Page 3-131 I. Conclusions, Item 4: The Applicant should provide traffic volume increases in hourly volumes not just by the minute.

Section 4.7 Traffic

Page 4-2, 4th paragraph: The Applicant should indicate where the construction workers will park.

Section 5.6 Alternative Site Access

Page 5-43, A. Access from Existing Roads, 2nd paragraph: The Applicant proposes using Winding Mountain Road as the main construction access. Winding Mountain Road is steep, narrow and not surfaced. In certain locations there is only sufficient width for one truck. The Applicant should comment on the ability of this road to safely and efficiently accommodate construction traffic. Does the Applicant have concerns about the ability of this road during heavy rain periods? The Applicant should consider improving this road. The Applicant should also indicate if Winding Mountain Road gets blocked or becomes unpassable how will the construction site be accessed?

Page 5-44 A. Access From Existing Roads, 3rd paragraph: The last sentence indicates that five access points are proposed to County Road 49A. The Applicant should provide a sight distance analysis at each one.

APPENDIX 25 TRAFFIC IMPACT STUDY

Page 2, 2nd paragraph: Please see comment to Page xiv, 2nd paragraph.

Page 4, last paragraph: Please see comments to Page xiv, 1st paragraph and Page 3-120, Access to the Site and Existing Conditions, 1st paragraph.

Page 6, 5th bullet: Please see comment to Page 3-118, Access to the Site and Existing Conditions, fifth bullet.

Page 7, 2nd bullet: Please see comment to Page 3-119, Access to the Site and Existing Conditions, second bullet.

Page 19, 1st and 2nd bullet: Please see comment to Pages 3-124 and 3-125, A. Trip Generation, Tables 3-31 and 3-32.

Page 20, 1st paragraph: Please see comments to Page 3-122, A. Trip Generation, 2nd paragraph and Page 3-122, A. Trip Generation, 2nd paragraph and Page 3-122, A. Trip Generation, 2nd paragraph.

Pages 21 and 22, Tables 3.2, 3.3, and 3.4: Please see comment to Pages 3-124 and 3-125, A. Trip Generation, Tables 3-31, 3-32 and 3-33. Also please explain why the 18- hole golf course trips differ for the design scenario between these two sets of tables.

Figures 3.6, 3.7 and 3.8: The Applicant should provide a figure that shows the total trip generation for the entire resort, i.e. sum of Wildacres, Big Indian Plateau and Highmount Estates.

Figure 3.8: The note indicates the remaining 40 percent will come to/from the south on Route 49A outside the study area boundaries. The Applicant should explain/validate how this was determined.

Page 38, Table 4-2 Sight Distance Evaluation: This table provides a sight distance evaluation for 3 access points on 49A based on speed limits of 40 mph and 30 mph. On page six (6) in the fifth bullet, the last sentence indicates that the speed limit on County Road 49A is assumed to be 55 mph. The Applicant should explain why the 30 and 40 mph sight distance evaluation is presented and should provide the sight distance analysis at the existing 55 mph speed limit. Speed changes are a statutory process. The Applicant should also provide documentation from the appropriate agencies that their proposed changes are reasonable and feasible.

Pages 38 and 39, Sight Distance Analysis: Please see comments to: Page 3-127, F. Sight Distance Analysis and Page 3-127, F. Sight Distance Analysis, 1st paragraph and Page 3-127, F. Sight Distance Analysis, 1st paragraph and Page 3-127, F. Sight Distance Analysis, 1st bullet and Page 3-128, F. Sight Distance Analysis, 2nd bullet and Page 3-128, F. Sight Distance Analysis, 3rd bullet.

Pages 39, 40, 41, 42 and 43, Capacity/Level of Service Analysis: Please see comments to Page 3-128, G. Capacity/Level of Service Analysis, 1st paragraph and Page 3-129, G. Capacity/Level of Service Analysis, continuation of bullet from previous page and Page 3-129, G. Capacity/Level of Service Analysis, 1st bullet, NY Route 28/NY Route 42 and Page 3-129, G. Capacity/Level of Service Analysis, 2nd bullet, NY Route 28/NY Route 214 and Page 3-130, G. Capacity/Level of Service Analysis, 1st bullet, County Road 49A/Gunnison Road and Page 3-130, G. Capacity/Level of Service Analysis, 3rd bullet, NY Route 28/Friendship Road.

Pages 44 and 45 Conclusions: Please see comments to Page 2-42 Item 7 and

Page 2-42 Item 9 and Page 2-49, Shuttle Bus Service, 1st bullet and Page 2-49, Shuttle Bus Service, 2nd bullet and Page 2-49, Shuttle Bus Service, Page 3-122, A. Trip Generation, 2nd paragraph and Page 2-41, Item 4 and Page 3-127, F. Sight Distance Analysis and Page 3-127, F. Sight Distance Analysis, 1st paragraph and Page 3-127, F. Sight Distance Analysis, 1st paragraph and Page 3-127, F. Sight Distance Analysis, 1st bullet and Page 3-128, F. Sight Distance Analysis, 2nd bullet and Page 3-128, F. Sight Distance Analysis, 3rd bullet and Page 3-128, G. Capacity/Level of Service Analysis, 1st paragraph and Page 3-129, G. Capacity/Level of Service Analysis, continuation of bullet from previous page and Page 3-129, G. Capacity/Level of Service Analysis, 1st bullet, NY Route 28/NY Route 42 and Page 3-129, G. Capacity/Level of Service Analysis, 2nd bullet, NY Route 28/NY Route 214 and Page 3-130, G. Capacity/Level of Service Analysis, 1st bullet, County Road 49A/Gunnison Road and Page 3-130, G. Capacity/Level of Service Analysis, 3rd bullet, NY Route 28/Friendship Road.

Appendix B – Trip Assignment

Table B-1: The Applicant should provide an explanation of how the estimates in Table B-1 were calculated. Table B-1 should also be included in the main body of the DEIS. The Applicant should also provide a total trip generation estimate for the entire proposed development. The Applicant should also include a trip estimate for the shuttle bus.

Table B-1, 5th line item: We question the trip generation for the Saturday PM peak hour for the 183 Club Membership. The total generation for the 183 units is 67 vehicles. One could expect it to be greater during this time as Saturday PM is typically prime time for time-share check in. This estimate seems low; please reconsider. The PM exit volume is missing a volume in parenthesis. Likewise the AM peak hour on a Saturday is generally a peak time for time-

share unit users to check out. The total generation of 67 vehicles seems low. The Applicant should address.

Figures B.1–B.12: The Applicant should provide a figure that shows the total trip generation for all components combined during the Saturday, Friday and Sunday peak hours.

Addendum to the Traffic Impact Study, August 15, 2003

Page 2, Response to Comment 1, 3rd paragraph: Referring to Winchell's Corners the sixth sentence states "The Resort sponsors will support the Town (Olive) in its efforts to address this issue with State officials." The Applicant should elaborate what is meant by this and what it will entail.

Page 4, Response to Comment 2, 2nd paragraph: This paragraph states "Wherever cart paths pass over internal project roads, or in the case of Highmount Golf Club, where carts must pass over Gunnison Road, there will be signage for both the golfers and the motorists. This is illustrated on the attached Figure #1, Typical Pedestrian and Golf Cart Crossing for Gunnison Road. Stop signs will be put at the cart paths on their approaches to road crossings to stop both carts and walking golfers. Motorists will be advised via signage of pedestrian and golf cart crossings. The crossings themselves will be striped in a typical crosswalk fashion." Figure 1 shows the crosswalk for the golf cart crossing at an angle rather than at the typical 90 degrees. The Applicant should explain why this was done, as it makes the crossing path longer. Also Page 9 of this addendum provides a sight distance analysis of the golf cart crossings. At all three locations the sight distance to the left from the driveway is less than desirable and the sight distance from the right is also less than desirable from the maintenance facility drive. The Applicant should consider additional measures beyond just signage to ensure safety at these crossings. Additional measures may include adding flashing warning lights to

the signs, providing pedestrian push buttons to activate flashing warning lights embedded in the pavement, and/or clearing to improve sight distance.

Pages 6 and 7, Response to comment 4: The Applicant should provide an overflow parking plan. The response indicates that additional on-site temporary grass surfaced parking areas that exist next to both hotels will accommodate any overflow parking from special events. The Applicant should indicate how many spaces are available in these grass areas.

Page 15, Response to Comment 22: In the Evaluation of Sight Distance table, the Wild acres resort –CR 49A/Southern Driveway (with realignment) and the Highmount Estates–CR49A/Access Road intersections are expected to have less than desirable sight distances. The Applicant should consider additional measures to mitigate this.

Page 19, Response to Comment 27: The fourth paragraph states “During the discussion with the Middletown planning board it was agreed that there may be a number of employee trips coming from the west that could impact the locations noted above. These trips would occur during non-peak resort generation hours because shifts will be scheduled in off-peak hours.” The Applicant should indicate the proposed work shifts.

Page 20, Response to Comment 27: The second paragraph states “Although this level of traffic from the project does not indicate a need for mitigation along Route 28 west of the project, there are long standing concerns regarding the use of County Route 38 as a connector. The project sponsors should support the Town (Middletown) and County’s efforts to address these concerns with the New York State Department of Transportation.” The Applicant should explain what this means and what is proposed.

Belleayre Resort at Catskill Park DEIS
Traffic Review

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