

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
PUBLIC LEGISLATIVE HEARING

In the Matter of the Application of
CROSSROADS VENTURES, LLC,
PO BOX 267
MT. TREMPER, NEW YORK 12457

Regarding the Project of
THE BELLEAYRE RESORT AT CATSKILL PARK

Application Numbers: 0-9999-00096/00001
0-9999-00096/00003
0-9999-00096/00005
0-9999-00096/00007
0-9999-00096/00009
0-9999-00096-00010

HELD AT: Margaretville Central School
415 Main Street
Margaretville, New York
January 14, 2004

HELD BEFORE: HON. RICHARD R. WISSLER,
Administrative Law Judge

APPEARANCES: NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION
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2 JANUARY 14, 2004, 4:03 P.M.

3 ALJ WISSLER: Good afternoon. If we can
4 all find seats, please, I would like to begin.
5 Time is now 4:01, by my watch, and before we
6 begin the formal hearing, I would like to call
7 on John Reitel, who is the Superintendent of
8 Schools for the Margaretville Central School
9 District who will tell us where fire exits are
10 and restrooms are and so forth.

11 MR. JOHN REITEL: Thank you. Welcome to
12 Margaretville Central School. I would just
13 like to ask you your cooperation with a couple
14 of issues. If by some bizarre chance you
15 should get a fire alarm, you'll know it because
16 it's got a huge, ear-piercing sound. We've got
17 exits out of either side here. Of course out
18 the front exits, which is where most of you
19 come in. The side exits, out the back way, or
20 all the way out the new entrance in the rear.

21 The question I would have for people for
22 some of you, it's probably too late already.
23 We have a parking lot out back here that could
24 be utilized as well. But again, so you are
25 aware of that.

1 (Introductory Remarks)

2 (There were further introductory remarks
3 made by the Superintendent of Schools.)

4 ALJ WISSLER: Again, good afternoon. My
5 name is Richard Wissler, W-i-s-s-l-e-r, and I
6 am an Administrative Law Judge with the
7 Department.

8 VOICE FROM THE AUDIENCE: Use the
9 microphones, please.

10 ALJ WISSLER: Can you not hear me?

11 My name is Richard Wissler, and I am an
12 Administrative Law Judge for the Department of
13 Environmental Conservation, and I will be the
14 judge presiding over the hearings in this
15 matter. Those hearings will take place this
16 afternoon until 5:30 and then again back in
17 this room this evening beginning at seven
18 o'clock. In addition, there will be hearings
19 tomorrow afternoon from 4:00 to 5:30 in
20 Boiceville and again from seven o'clock on,
21 also at the school in Boiceville.

22 This project is known as Department of
23 Environmental Conservation Permit Application
24 Numbers 0-9999-00096/00001, 3, 5, 7, 9 and 10.
25 The purpose of this hearing is for DEC staff,

(Introductory Remarks)

the Department of Environmental Conservation staff to hear and receive unsworn statements relating to applications made by Crossroads Ventures, LLC for certain Department of Environmental Conservation permits required for their proposed development known as the Belleayre Resort at Catskill Park. These permits include various water supply and use and protection of water permits issued pursuant to the provisions of Environmental Conservation Law Article 15 and State Pollutant Discharge Elimination System SPDES, permits issued pursuant to Environmental Conservation Law 18, as well as a water quality certification issued pursuant to Section 401 of the Federal Clean Water Act.

The comments that are received here today will form part of the record for the Department of Environmental Conservation's review of this project. My task during this public hearing is to ensure that those statements are received in an orderly fashion. It is not necessary for you to have filed in advance to speak at this hearing or at any of the three subsequent

1 (Introductory Remarks)

2 hearings in this matter, and any oral comments
3 that are made during the hearing will be given
4 equal weight with any written comments that are
5 received.

6 If you would like to be heard at this
7 hearing, I need to have you fill out one of the
8 speaker registration cards, and then that will
9 be provided to me and I will call your name.
10 It's very important that you provide me with
11 those cards so that we can have you speak.
12 There won't be any time limit. Take all the
13 time you want. If you wish to speak, or rather
14 wish to provide a written comment, you can
15 provide that also. You can read it and I'll
16 receive it in the record. If you would like to
17 make a comment but you don't want to come up
18 here and speak, you can take one of those
19 speaker cards and write your comments on the
20 back and that will be provided to me and they
21 will become part of the official record of this
22 proceeding.

23 Very, very important. There has been a
24 Draft Environmental Impact Statement that has
25 been prepared in this case. The Department of

1 (Introductory Remarks)

2 Environmental Conservation is the lead agency
3 in that review process. As part of that
4 process, it's important to receive input and
5 comments from the public with respect to that
6 Draft Environmental Impact Statement. So your
7 comments are exceptionally important to that
8 process.

9 In addition, at any subsequent proceedings
10 that will be had in this case, such as an
11 issues conference, it's very important to me to
12 have your comments because your comments, while
13 they are not evidence at those subsequent
14 proceedings, in fact form a basis for me as the
15 Administrative Law Judge assigned to this
16 matter to ask questions of the parties or
17 potential parties to this matter about issues
18 that you may -- are had concern to you and that
19 you may raise at this public session. So these
20 public sessions are very important.

21 Again, fill out a speaker card, avail
22 yourself of the opportunity to provide myself,
23 to provide the Department with your comments.

24 Now, if you do wish to not to speak today
25 but rather wish to file a written comment,

1 (Introductory Remarks)

2 those written comments can be filed with the
3 Department with Mr. Alexander Ciesluk, who is
4 here this afternoon, and they need to be
5 received by him by February the 24th, 2004.

6 In addition, documents relating to this
7 matter are available not only at the Department
8 of Environmental Conservation's regional office
9 on 21 South Putt Corners Road in New Paltz, but
10 are -- will also be available at various
11 locations indicated in the notice, Fairview
12 Public Library, the Morton Pine Hill Library,
13 the Skene Memorial Library and the Phoenicia
14 Library Association.

15 I would note for the record that a notice
16 of complete application was filed in this
17 matter and published in the environmental
18 notice bulletin, which is the official
19 publication of the Department of Environmental
20 Conservation for this project, on December the
21 10th, 2003.

22 In addition, on December the 10th, 2003, a
23 notice of complete application, a notice of
24 acceptance of the Draft Environmental Impact
25 Statement and a notice of legislative public

1 (Introductory Remarks)

2 and SEQRA, State Environmental Quality Review
3 Act, SEQRA hearing issues conference was also
4 published in the environmental notice bulletin
5 on December the 10th, 2003.

6 In addition, that notice was distributed
7 to various individuals and groups who have
8 expressed an interest in this matter, but in
9 particular, to the elected officials and chief
10 executives of the political subdivisions that
11 are directly affected by the project.

12 In addition, that December the 10th notice
13 was also published in the Ulster County
14 Townsmen, as a legal notice on December the
15 11th, 2003 and also in the Catskill Mountain
16 News on December the 10th, 2003.

17 I would note for the record that those
18 notifications fulfill the requirements of Part
19 621 and 624 of the Department of Environmental
20 Conservation's regulations.

21 Before I go to the public comments, I'm
22 going to ask Department staff to make a brief
23 statement. After they speak, I'm going to ask
24 Mr. Ruzow, who is the attorney for the
25 Applicant, Crossroads Ventures, LLC, in this

1 (Carol Krebs)

2 matter to make a statement. And thereafter, I
3 will begin to call the cards and you folks who
4 wish to speak, come up here to the podium and
5 provide us with your comments with respect to
6 this project.

7 I will be calling on elected officials
8 first and then members of the public. Again,
9 if there are folks who just can't be here
10 tonight, make sure that I know that or Ms. Duke
11 over here knows that so that your card can be
12 given to me so I can make sure that I give you
13 the opportunity to speak here before 5:30. Now
14 I'm going to shut up and call on Carol Krebs.

15 MS. CAROL KREBS: Good afternoon. Can
16 everyone hear me?

17 VOICE FROM THE AUDIENCE: No.

18 MS. CAROL KREBS: My name is Carol Krebs.
19 I'm an assistant regional attorney for the New
20 York State Department of Environmental
21 Conservation. I work out of the New Paltz
22 Region 3 office.

23 My name is Carol Krebs. I'm assistant
24 regional attorney for the DEC. I work out of
25 the New Paltz Region 3 office, and I am the

1 (Carol Krebs)

2 attorney representing staff working on this
3 project. Also here tonight are the following
4 Department staff also from the Region 3
5 office:

6 Margaret Duke, who is the regional permit
7 administrator, and Mr. Al Ciesluk, who is the
8 project contact person.

9 I will make this presentation very short
10 so, because we are mainly here to hear from
11 you. First of all, for those of you who may
12 not be familiar with the DEC permit hearing
13 process, the DEC has not taken any position on
14 this project at this time. You may hear some
15 terms today with which you may not be familiar,
16 and if there are any questions, please feel
17 free to ask us what they are during the
18 breaks.

19 The DEC is the lead agency responsible for
20 conducting the environmental review for this
21 project under SEQRA, the State Environmental
22 Quality Review Act. This environmental review
23 process has several steps to it, including
24 scoping and the preparation of environmental
25 impact statements. Some of you may have

1 (Carol Krebs)

2 attended the scoping session which was held at
3 the Belleayre ski facility a few years ago.
4 Based on the scoping document which was a
5 result of that session and later revisions to
6 that document, the Applicant submitted a Draft
7 Environmental Impact Statement detailing over a
8 number of volumes the likely environmental
9 impacts of the project and the Applicant's
10 plans to mitigate or avoid those adverse
11 impacts. After several revisions asked for by
12 Department staff, the Department staff have
13 determined that the Draft Environmental Impact
14 Statement, or the DEIS, is adequate for public
15 review and comment. This does not mean that
16 the DEC is in favor of or opposed to this
17 project. This only means that we agree that
18 review can begin.

19 The acceptance of the DEIS was based upon
20 satisfaction of the requirements of the scoping
21 document and is a draft document intended for
22 public review and comment. The public comments
23 will be considered by the DEC in meeting the
24 SEQRA requirements in order to prepare a final
25 environmental impact statement, and as part of

1 (Carol Krebs)

2 our decisions on the various applications for
3 permits. We are here to listen today to all of
4 you, and tomorrow, and we will carefully
5 consider each comment received, both on the
6 DEIS and the permit applications before the
7 Department.

8 Also as Judge Wissler has mentioned,
9 written comments can also be submitted. We
10 will also carefully review and consider each
11 comment received.

12 Second, there are several permit
13 applications being reviewed by the Department
14 for this project, including two public water
15 supply permits, protection of water permits,
16 water quality certification and SPDES permits.

17 You may be aware that Department staff
18 have prepared two draft water discharge permits
19 known as SPDES permits which stands for State
20 Pollution Discharge Elimination System.

21 Although the draft SPDES permits have been
22 prepared by Department staff, the Department
23 has not taken any position on the project at
24 this time.

25 Let me clarify this apparent

1 (Carol Krebs)

2 contradiction. SPDES permits are required by
3 the Department for water discharges from this
4 project. Department staff are required by
5 regulation to prepare the draft permits in
6 order to begin a public comment period. In
7 other words, to give you something to look at
8 and comment upon, such as this evening. The
9 draft permits identify limitations in
10 monitoring requirements that DEC staff have
11 determined will be required to meet the state
12 water quality standards, if a decision is made
13 in the future that these permits should be
14 issued. DEC staff have not made any decision
15 regarding the permits, however. DEC staff know
16 which standards will apply to this project and
17 how the water being discharged from the resort
18 would have to be measured. So just because a
19 draft SPDES permit has been written now, it
20 doesn't mean the project will be getting
21 permits from the Department in the future, and
22 it also does not mean that any SPDES permit
23 issued for this project in the future will be
24 identical to the draft permit.

25 As to the other Department permits which

1 (Daniel Ruzow)

2 the Applicant must receive before the project
3 can be built, no determinations have been made
4 on those permits either.

5 Thank you for your time and I look forward
6 to hearing your comments. We are available for
7 any questions you may have between the sessions
8 tonight and tomorrow night. Thank you.

9 ALJ WISSLER: Thank you, Ms. Krebs.

10 Dan Ruzow.

11 MR. DAN RUZOW: My name is Daniel Ruzow
12 with Whiteman, Osterman & Hanna, LLP. We are
13 the attorneys for the Crossroads Ventures,
14 LLC. It's my pleasure to be here tonight and
15 to finally have an opportunity to have formal
16 written and public comments made on this
17 application. And at the breaks, my partner
18 Terresa Bakner and L.A. Group's Kevin Franke
19 and Crossroads' Gary Gailles will be available
20 to answer questions outside.

21 There is an exhibit area where there are
22 models of the proposed hotels and the overall
23 topography of the project, of the resort
24 project as well as some boards that may be
25 helpful to you, and we'll be able to answer

1 (Dean Gitter)

2 questions as well.

3 Without further adieu, I would like to
4 introduce Dean Gitter here as the managing
5 member of Crossroads Ventures, LLC who will
6 provide a brief commentary on the project and
7 its evolution.

8 Mr. Gitter.

9 MR. DEAN GITTER: So here we all are
10 again. Good afternoon. I am, as he said, Dean
11 Gitter and I am the managing member of
12 Crossroads Ventures. We're the developer of
13 the project which is the subject of the
14 Environmental Impact Statement under discussion
15 at this hearing. I am a former member of the
16 Shandaken Planning Board, the long-time
17 chairman of the Shandaken Economic Development
18 Committee, and during the final negotiations on
19 the watershed agreement with New York City,
20 Governor Pataki's designated representative for
21 the business interests of Ulster County.

22 The Draft Environmental Impact Statement,
23 which is the subject of this hearing, addresses
24 the Belleayre Resort project. The project will
25 develop 573 acres of the 1,960 acres that

1 (Dean Gitter)

2 Crossroads owns. The rest of the 1,960 acres,
3 more than 1,300 acres, will be retained as
4 permanent open space under the aegis of a
5 respected and recognized conservation
6 organization.

7 All of Crossroads' holdings lie on
8 Belleayre Mountain and abut the 2,200 acres of
9 the Belleayre Ski Center designated by the
10 State of New York as an intensive use area
11 within the Forest Preserve. There are 18
12 mountains in the Town of Shandaken. Only one
13 is designated for intensive use. That's
14 Belleayre. 12 of the Catskills' legendary
15 mountains, over 3,500 feet tall lie in
16 Shandaken. Belleayre is not one of them. The
17 forever wild Forest Preserve lands in Shandaken
18 total 58,000 acres. Our project does not
19 impact a single acre of state or city-owned
20 land outside of Belleayre Mountain.

21 In compliance with the constitutional
22 limitations on the development of roads across
23 Forest Preserve property, the resort will be
24 developed as two individual complexes, one to
25 the west of the ski center to be known as

1 (Dean Gitter)

2 Wildacres, and one to the east of the ski
3 center, to be known as the Big Indian Resort.

4 A word about the nature of Crossroads
5 Ventures' holdings. They are not public
6 lands. They are not Forest Preserve lands.
7 They are not forever wild lands, and they never
8 have been. They are private lands on which
9 Crossroads and its predecessors have been
10 paying taxes for well over a hundred years.
11 The Wildacres Resort will include a 250-room,
12 family-oriented, three or four-star hotel, with
13 conference facilities adequate for midsize
14 meetings. There will be limited retail
15 facilities, three restaurants, two tennis
16 courts, an interfaith chapel and a spa. The
17 hotel design is the work of the noted resort
18 architect Robert Lamb-Hart.

19 In addition, there will be 168 units of
20 detached hotel lodging to be built over a
21 period of several years after the opening of
22 the central hotel facility. These units will
23 be located around an 18-hole championship golf
24 course designed by Davis Love, III, with input
25 from ladies Hall of Fame champion Beth Daniel.

1 (Dean Gitter)

2 The Big Indian Resort to the east of the
3 ski center will include a 150-room, five-star
4 hotel with two restaurants, limited retail, an
5 indoor and an outdoor swimming pool, tennis
6 courts and a spa. The hotel design is the work
7 of world-renowned environmental architect
8 Emilio Ambasz. In addition, there will be 183
9 units of hotel detached lodging.

10 Let me explain what that means. That
11 means this is part of the hotel, it is serviced
12 by the hotel, the rooms are cleaned by the
13 hotel, the refrigerator will be stocked by the
14 hotel. So there will be 183 units of hotel
15 detached lodging, 88 of them clustered around
16 the historically preserved Brisbane Mansion.
17 The remainder will be scattered about an
18 18-hole championship golf course also designed
19 by Davis Love, III and Beth Daniel. Each of
20 these complexes will be served by a
21 state-of-the-art, privately operated tertiary
22 wastewater treatment plant, as will a 21-unit
23 subdivision on Route 49A. Another, the former
24 Galli-Curi estate and the wilderness activity
25 center on the grounds of the former Highmount

1 (Dean Gitter)

2 Ski Center. Neither the wastewater treatment
3 facilities nor the water supply systems, nor
4 the roads, nor the utilities will be built or
5 maintained by either municipality. They will
6 be our permanent responsibility.

7 A word about golf course management, a
8 field that has made enormous strides in the
9 last 15 years. The DEIS entails management
10 practices which must ensure that water running
11 one foot off the edge of each fairway and no
12 fairway is closer than 1,500 feet from a water
13 source, that water running one foot off the
14 edge of each fairway is safe for trout to
15 flourish in. That's one foot off the fairway.
16 And any water that soaks through the first two
17 feet of soil will meet state and federal safe
18 drinking water standards.

19 The resort will create the equivalent of
20 750 full-time jobs, the overwhelming majority
21 of which will be filled by residents of Ulster,
22 Delaware and Greene Counties and at wage rates
23 significantly above the present prevailing
24 offerings.

25 It will pump approximately \$60 million a

1 (Dean Gitter)

2 year into the local economy, generate a
3 regional total of almost a million dollars in
4 sales taxes, pay over \$2 million in property
5 taxes to the towns of Middletown and Shandaken,
6 even after taking advantage of the tax
7 development incentives provided by state law.
8 This is a 15-fold increase in the property
9 taxes presently paid on these parcels in
10 Shandaken, and a 30-fold increase in
11 Middletown. This \$2 million number will
12 progressively grow annually and double to \$4
13 million per year ten years after construction,
14 providing local taxes don't go up.

15 As I mentioned, this project is being
16 developed by Crossroads Ventures, a New York
17 State LLC. The five partners each have deep
18 roots in the community in environmental
19 activism or both. Emily Fisher, for more than
20 40 years a summertime resident of Haines Falls,
21 is a former member of the board of the Catskill
22 Center for Conservation, and a frequent
23 contributor to conservation initiatives in the
24 Catskills. She's a trustee of Bard College, a
25 major contributor to and board member of the

1 (Dean Gitter)

2 American Museum of Natural History, and a
3 benefactor of organizations as diverse as the
4 World Wildlife Fund and the St. Croix
5 Environmental Association.

6 Dick Fisher, also a long-time summer
7 resident, is chairman of the Board of Trustees
8 of Rockefeller University, one of the world's
9 leading research institutions. He recently
10 contributed the world-acclaimed Frank Gehry
11 designed Fisher Performing Art Center to nearby
12 Bard College. Ken Pasternak, a native of
13 Middletown and the son of a two-term mayor of
14 Fleischmanns is a major contributor to local
15 causes.

16 Anthony SanFilippo is an avid skier whose
17 family spends his weekends and vacations in
18 Windham, New York.

19 I am the fifth partner.

20 We developed this project in response to
21 the findings of the Vollmer Associates study
22 for the DEC in 1963, the snow engineering
23 report for the DEC in 1986, the Route 28
24 corridor study for the City of New York in
25 1993, the Central Catskills Planning Alliance

1 (Dean Gitter)

2 study for the Empire State Development
3 Corporation in 1998, and the HR&A report on the
4 West of Hudson Economic Study for the Catskill
5 Watershed Corporation in 1998. Each of these
6 five reports, going back almost 40 years,
7 stress the need for new and world-class
8 accommodations to be built around the Belleayre
9 Ski Center and the need for activities, most
10 particularly and specifically golf, to provide
11 year-round and economic recreational
12 opportunities during the months when skiing
13 does not occur.

14 These five partners have stepped forth and
15 spent an enormous sum at considerable risk to
16 bring these suggestions to reality.

17 In terms of size, as compared with new
18 resorts being built around the country, it is
19 far smaller with fewer golf holes and markedly
20 fewer residences. It is the size it is because
21 every road, the water supply, the wastewater
22 treatment facilities, the electrical and
23 telephone service will have to be built on site
24 by the developer. There are no municipal
25 services available. That cost must be

1 (Dean Gitter)

2 amortized over a minimum number of units to be
3 profitable and to provide a return on
4 investments satisfactory to downstream
5 investors and lending institutions.

6 Lastly, it represents significant
7 downsizing since the project's first
8 unveiling.

9 In response to community input, Crossroads
10 has eliminated one golf course, it's eliminated
11 75,000 square feet of retail and over 15
12 percent of the total units.

13 As you may have seen, the Draft
14 Environmental Impact Statement is voluminous,
15 15 volumes, I believe. It had to be. The
16 topics you, the public, raised at the scoping
17 session ran to 50 single-spaced, typewritten
18 pages.

19 VOICE FROM THE AUDIENCE: Speak a little
20 louder, please.

21 MR. DEAN GITTER: The Draft Environmental
22 Impact Statement is voluminous. It had to be.
23 The topics the public raised at the scoping
24 session ran to 50 single-spaced, typewritten
25 pages. We sincerely believe it to be an honest

1 (Dean Gitter)

2 and frank document as required by SEQRA, that
3 we have addressed every single substantive
4 concern you raised, and that we have eliminated
5 or provided mitigation for all identified
6 potential impacts to the maximum extent
7 possible. It's the work of 17 highly regarded
8 consulting firms. It reflects dozens of
9 meetings with the New York State DEC, the New
10 York City DEP, the Federal United States
11 Environmental Protection Agency, the
12 Riverkeeper, the Attorney General's Watershed
13 Inspector General, the New York/New Jersey
14 Trails Conference and several other groups
15 whose suggestions have been reflected in the
16 DEIS where possible.

17 Each of our consultants has been given the
18 same instruction, design this project so that
19 when completed, it will be held up as a model
20 of environmental responsibility. We sincerely
21 believe they have achieved that goal. We ask
22 you to look at their work with an open mind
23 because the opportunity for economic
24 revitalization for the Catskill region which
25 this proposal entails may not come again for

1 (Dean Gitter)

2 many, many years.

3 I want to add a personal note. I have
4 heard many times the concerns of those who
5 oppose this project. I have thought about
6 their anxieties. There may be little I can do
7 to change their opinions. But I want to say
8 this: I believe that every single person in
9 Shandaken and Middletown, whether employee,
10 business owner, homeowner, taxpayer, artist,
11 crafts person, visitor or graduating student,
12 will benefit from this project. If I didn't, I
13 could not be involved in it and neither could
14 my partners.

15 What changes will this project bring to
16 the towns of Middletown and Shandaken? First
17 and foremost, a degree of economic
18 revitalization which the region has not seen in
19 many years. As part of the DEIS, we were
20 required to study the Town of Windham, a
21 substantially similar town to either Shandaken
22 or Middletown. Windham has an annual ski
23 visitation of approximately 290,000, which is
24 almost twice the present volume of the
25 Belleayre Ski Center. Windham has 45 holes of

1 (Dean Gitter)

2 golf, 25 percent more than are being proposed
3 by Crossroads. They have built in the last ten
4 years or so over 450 new second homes in the
5 vicinity of the mountain and many more are on
6 the drawing board. The supervisor of the town
7 credits these tourist and second homeowners
8 with paying the lion's share of the town's
9 taxes, while putting virtually no children in
10 the school system. The tax rate in the Town of
11 Windham this year is 20 percent lower than
12 Shandaken's. There are few "For Sale" signs up
13 and down its highways, there are no traffic
14 jams in Windham, Hensonville or Maple Crest,
15 and its rate of business failures is a fraction
16 of ours.

17 The Belleayre Resort aspires to achieve
18 the reputation and the success of such
19 legendary gold retreats as the Broadmoor in
20 Colorado and the Green Briar in White Sulphur
21 Springs, West Virginia. Both are equal in size
22 and a little larger than the Belleayre Resort.
23 As the Broadmoor has a city of almost 300,000
24 in Colorado Springs, it may be more useful to
25 look at the Green Briar.

1 (Dean Gitter)

2 The Green Briar has 800 lodging units,
3 about 50 more than we propose. It has three
4 full 18-hole golf courses, as opposed to the
5 two we propose. It has built in significant
6 numbers of second homes in some of its 6,000
7 acres, and it employs 1,500 people, roughly
8 twice what we anticipate.

9 White Sulphur Springs, the town which
10 surrounds but does not include the resort, is a
11 town of only a few thousand. The presence of
12 the resort which has been there since the civil
13 war has not in almost 200 years changed the
14 rural character of its immediate Allegany
15 Mountain setting or caused an influx of foreign
16 labor, nor put more than a few imported
17 children into the local school system.

18 In our region, we are dependent above all
19 on the business of tourism and recreation. I
20 recently visited the magnificent Banff Resort
21 in Alberta. I found their statue of the
22 Canadian Pacific Railroad director who built
23 the Astle Rock, Colorado in the Rockies. On
24 the pedestal of this statue is a quote.

25 "Since we cannot export the scenery, we

1 (Dean Gitter)

2 shall have to import the tourists." That is
3 what we must do here; import temporary refugees
4 from the city who are seeking spiritual and
5 physical renewal, provide a variety of services
6 and experiences during their stay, and export
7 them back to the metropolis armed with renewed
8 spiritual and physical energy. It is a
9 worthwhile enterprise. We have been doing it
10 here in the Catskills since 1823. We should be
11 proud of it.

12 MR. DAN RUZOW: Your Honor, that concludes
13 our remarks. We look forward to your comments
14 and questions, and hopefully we'll be able to
15 respond to them over the course of the next
16 several months in a meaningful way. Thank
17 you.

18 ALJ WISSLER: Thank you, Mr. Ruzow. I saw
19 the superintendent. We're going to need
20 another microphone over here if I could prevail
21 on somebody to get me that.

22 The first speaker will be Kathleen Moore
23 representing Assemblyman Clifford W. Crouch.
24 And after Ms. Moore, we're going to hear from
25 Dean Frazier.

1 (Kathleen Moore)

2 MS. KATHLEEN MOORE: Good afternoon,
3 everyone. I'm here to represent the
4 assemblyman. I am reading a letter directly
5 from him, and these are his words.

6 "Dear Commissioner Crotty and Public
7 Hearing Officer. Please allow me to offer this
8 testimony as support for the Crossroads project
9 and economical development initiative proposed
10 within the boundaries of my assemblyman
11 district. I, along with the localities in
12 question, am anxiously awaiting the results of
13 an environmental impact study and professional
14 reviews initiated by the Town of Middletown and
15 Shandaken. Provided that the resort proposal
16 meets all set forth by the Department of
17 Environmental Conservation and that it proves
18 to be a sound environmentally safe project, I
19 would lend my full support to this initiative.

20 Throughout my time in office, I have been
21 supportive of economical development proposal
22 that create environment opportunities and aim
23 to enhance an overall economical prosperity for
24 both our own assembly district and the State of
25 New York as a whole.

1 (Kathleen Moore)

2 Many visitors frequent the Catskill region
3 for its natural esthetic qualities and its
4 tranquil environment. The addition to the Big
5 Indian Plateau and the Wildacres Resort would
6 undoubtedly enhance Delaware County tourism,
7 ultimately attracting new visitors in short for
8 extensions on their stays and encourage repeat
9 visits in the future.

10 It is certain -- I am certain that its
11 increased tourism traffic would be a turn to
12 bring increased revenues to the many
13 attractions in our area, accommodations,
14 restaurants and local businesses in our area
15 allowing economical advancement to the entire
16 region. Additionally, the project will
17 inevitably produce immediate jobs for the
18 construction phase and additional employment
19 opportunity to tourists, retail, restaurants
20 and lodging industries.

21 I thank you for the opportunity to address
22 you about this issue and look forward to seeing
23 the project to its fruition, provided all
24 environmental requirements are met. It is
25 through development initiatives such as this

1 (Dean Frazier)

2 that low income areas such as Delaware County
3 are able to grow economically.

4 If you have any questions and I can be of
5 any assistance, do not hesitate to call him in
6 Albany or in the Binghamton district office.
7 Thank you.

8 ALJ WISSLER: Dean Frazier.

9 What I would ask is speakers indicate who
10 they are and who they represent.

11 After Mr. Frazier, we'll hear from James
12 Eisel.

13 MR. DEAN FRAZIER: Good afternoon. My
14 name is Dean Frazier. I'm Commissioner of the
15 Department of Watershed Affairs. I would like
16 to thank you for the opportunity to make
17 comments regarding this project. This project
18 is consistent with the spirit of the Memorandum
19 of Agreement, Economic Studies Commission and
20 approved by all watershed partners. The
21 economic development plans of Delaware County
22 and the Delaware County action plan which is a
23 voluntary watershed management plan applauded
24 by all watershed partners who have taken the
25 time to become informed. Our mission is to

1 (Dean Frazier)

2 protect the interests of Delaware County and
3 the New York City water supply.

4 Our primary county interests are local
5 economy, communities and home rule. The rights
6 of home rule and the needs of the local
7 economic development require premier importance
8 and respect in this process. Local comments
9 pertaining to the community character,
10 secondary growth, socioeconomic issues, traffic
11 and air pollution are the only ones that merit
12 consideration in our opinion.

13 Viable communities are a must for water
14 quality protection. You need jobs for that.
15 Numerous opponents, many with no vested
16 economic interests here, have said that there
17 are better jobs than offered by this project.
18 This project is abiding by the standing
19 environmental rules and regulations to bring an
20 economically friendly project to fruition which
21 will support tourism. How, then, can it be
22 said that these aren't good jobs? Any job
23 right now is a good job. Our social service
24 budgets are bursting at the seams and
25 unemployment is still too high. The jobs this

1 (Dean Frazier)

2 project offers hold the potential to alleviate
3 the budgetary pressure of municipalities and
4 give some people a chance to get back to work.

5 In terms of water quality protection, this
6 project is adopting some unique storm water and
7 water management practices. For example, reuse
8 of sewer water as irrigation water for the golf
9 course, flocculent within the storm water catch
10 basins to improve treatment, limiting
11 construction of golf course -- of the golf
12 course to an extended period of time, and
13 limiting the disturbed area to less than 25
14 acres in either watershed during any period of
15 time.

16 Limiting the use of pesticides to a
17 curative basis versus a preventative basis,
18 underground parking, all fill from earth work,
19 cuts would be use within each portion of the
20 project to avoid over-the-road transfer. No
21 streams or other surface waters are being used
22 for irrigation or potable water purposes.
23 Where feasible, porous pavement has been
24 specified.

25 In terms of regulations that currently

1 (Dean Frazier)

2 exist, total maximum daily loads. Everyone
3 agrees that the Pepacton is a very high quality
4 water body that needs protection. The Natural
5 Resources Defense Council sued to have
6 phosphorus TMDLs established for every New York
7 City water body. The DEP developed the
8 phosphorus TMDLs under an agreement with
9 NYSDEC, a process by the way that did not
10 receive any local input.

11 I, therefore, conclude that TMDLs must be
12 critical regulatory thresholds or millions
13 would not have been spent to get them
14 established. The phosphorus TMDL for the
15 Pepacton is essentially 79,000 kilograms per
16 year. That is the load of phosphorus that the
17 reservoir can handle and still maintain high
18 water quality. The existing load is 37,000
19 kilograms. The combined load from the
20 Crossroads' project between its wastewater
21 treatment plant and non-point sources is 80
22 kilograms. This combined load is an increase
23 of .2 percent of the existing load and .1
24 percent of the TMDL. There is no threat to the
25 phosphorus TMDL standard required by law.

1 (Dean Frazier)

2 After reviewing the Ashokan TMDL waste load
3 allocation and load allocation and existing
4 load data, it would seem that there would be
5 very little, if any, impact on the Ashokan
6 phosphorus TMDL either. In fact, the annual
7 variation in phosphorus load is very likely
8 much greater than the anticipated load for this
9 project.

10 In terms of future growth, concerns
11 pertaining to future water quality impacts
12 related directly or indirectly to this project
13 are subject to standing watershed rules and
14 regulations and local municipal land use
15 regulations. Delaware County communities and
16 individuals are voluntarily adopting our DCAP
17 initiatives. And I ask, isn't that what
18 everyone is seeking, cooperative local
19 stewardship? This project is making every
20 effort to comply with the water quality rules
21 and regulations.

22 In closing, home rule and local economic
23 development must be respected in the process.
24 There may be local issues that need attention,
25 but in our view, the DEIS is complete, having

1 (James Eisel, Sr.)

2 addressed the critical issues pertaining to the
3 protection of the New York City water supply
4 while at the same time providing an opportunity
5 for economic benefit. Thank you.

6 ALJ WISSLER: I'm going to ask if you do
7 have a written statement and you read it, make
8 sure the reporter gets a copy of it.

9 After Mr. Eisel, we will hear from Martin
10 A. Donnelly.

11 MR. JAMES EISEL, SR.: Thank you, your
12 Honor. Good afternoon, ladies and gentlemen.
13 My name is Jim Eisel. I'm the current chairman
14 of the Delaware County Board of Supervisors.
15 This board and myself represent 48,000 citizens
16 in one of the poorest rural counties in New
17 York State. To the best of my knowledge -- and
18 I'll stand corrected -- nowhere in the State of
19 New York is there a tourism capitol project
20 going on of this magnitude. Crossroads
21 Ventures, Incorporated and Dean Gitter and
22 company, with Mr. Gitter's financial
23 supporters, has put together a project. They
24 have put together a project, a development of a
25 sustainable four-season tourism industry which

1 (James Eisel, Sr.)

2 will revitalize this region's hamlets and
3 villages in Delaware and Ulster County.

4 The Draft Environmental Impact Statement
5 for this project is volumes, that has been
6 said, several feet high at a cost of \$4
7 million. It is unbelievable. This
8 Environmental Impact Statement has been years
9 in the making with a thorough study analysis to
10 try and satisfy all concerns of the
11 environmental community, and yet every day
12 environmentalists come up with more concerns
13 and what-ifs. It must be a nightmare. Had all
14 these regs been in place 50 years ago with many
15 of these concerns, there probably would not be
16 a Cannonsville or Pepacton Reservoir. Imagine
17 that.

18 I hear the environmentalists, what about
19 the degradation of the water supply, increase
20 in secondary homes and tremendous traffic
21 jams? All bogus tactics to stop this project.
22 I hope the lead agency, the DEC, will go and
23 see through this.

24 It is truly a sad commentary when the
25 largest employer is government at all levels.

1 (James Eisel, Sr.)

2 According to the U.S. census data, median
3 family income in the Town of Middletown and
4 most of Delaware County is more than 40 percent
5 less than the statewide average.

6 The entrepreneurs at Crossroads want to
7 bring a tremendous economic opportunity to our
8 area. No government, private sector financing,
9 two hotels, two golf courses on 1,900 acres,
10 and their own modern sewer plant, and best of
11 all, 5 to 600 permanent local jobs with a
12 dollar spinoff that will invigorate most of the
13 communities in this area.

14 This is not manufacturing, this is not
15 smoke-stack industries. This project is
16 environmentally friendly with huge tracks of
17 green areas. If we can't get approval for this
18 project, no one will ever attempt to come and
19 locate a business in this area in the future.
20 There are people within the environmental
21 community that want just that. They hide
22 behind stringent regulations and paper laws
23 that they have helped put in place with the
24 express purpose of stopping anything and
25 everything that does not conform to their

1 (James Eisel, Sr.)

2 anti-growth visions. There are many
3 environmental groups that will try through
4 every imaginable regulation to kill this
5 project.

6 The MOA cannot succeed if it merely
7 imposes the burden of compliance upon a
8 minority without providing them with the means
9 and financial support to obtain a decent
10 quality of life.

11 I believe for all of us to exist in this
12 beautiful Catskill mountain area, we need
13 jobs. Our young people need opportunities.
14 And according to the HR&A report, this is
15 exactly the type of project that's recommended;
16 environmentally sound and promoting this area
17 for tourism, which will have a tremendous
18 economic impact to the region.

19 I submit to you with all these
20 regulations, we have to make Crossroads
21 Ventures a reality because it is the right
22 thing to do. It will give the region an
23 unparalleled economic boost, it will give us
24 the added ability to survive. Thank you.

25 ALJ WISSLER: The next speaker will be

1 (Martin Donnelly)

2 Martin Donnelly, and after Mr. Donnelly, we'll
3 hear from Dan Wray.

4 MR. MARTIN DONNELLY: Good evening, your
5 Honor. I have two letters today, one from
6 myself and one from Congressman Sweeney.
7 Congressman Sweeney is first.

8 "Dear Friends, it is with great enthusiasm
9 that I offer my strongest support for the
10 Belleayre Resort project. This project
11 represents a tremendous opportunity for
12 economic development and job creation for
13 Delaware County. In fact, this project is
14 estimated to create 2,400 jobs during
15 construction and 747 full-time jobs when
16 completed and will generate millions of dollars
17 for the region.

18 "Coupled with the fact that the State
19 Department of Environmental Conservation's
20 review has determined that this project meets
21 every environmental regulation and requirement,
22 the Belleayre Resort project is a winner.

23 "I applaud everyone for turning out this
24 evening to voice their opinions and I want you
25 all to know that I will continue to do all that

1 (Martin Donnelly)

2 I can to bring this project and any project
3 that creates good jobs to fruition.

4 "Sincerely, John E. Sweeney, Member of
5 Congress."

6 This letter is from myself.

7 My name is Martin Donnelly. I am the
8 supervisor of the Town of Andes and we wish to
9 go on record as supporting the New York City
10 Department of Environmental Protection's effort
11 to improve environmentally safe economic
12 development and jobs in the West of the Hudson
13 watershed. And a strong recommendation of the
14 New York City DEP funded HR&A report that
15 indicated the West of the Hudson area needs
16 sound, four-season recreational development,
17 i.e., hotels, golf courses, et cetera, which
18 this entire area used to be known for.

19 We believe that the Crossroads Venture
20 resort, if it continues to meet all the
21 restrictions and safeguards to the environment
22 required by the New York State DEC, will
23 provide both the jobs and recreational
24 opportunities our communities need. The
25 developers of Crossroads Ventures have done an

1 (Dan Wray)

2 extraordinary job of meeting the many
3 requirements that a project of this size and
4 scope demands. I will leave the technical and
5 scientific comments to the many experts that
6 will stand in support of this project.

7 In closing, I ask you to give your
8 consideration to the needs of our communities.

9 Sincerely.

10 Thank you.

11 ALJ WISSLER: Dan Wray, W-r-a-y. After
12 Mr. Wray, we'll hear from Don Carlson.

13 MR. DAN WRAY: Good afternoon. My name is
14 Dan Wray. I live in Shandaken. I've been a
15 visitor to this area for 45 years and a
16 homeowner for 13. My relatives built
17 businesses here and were long-time members of
18 the community since the '40's.

19 I'm concerned about the Belleayre Resort
20 for numerous reasons, but mostly on the quality
21 of life, my family and our future.

22 The sheer magnitude of this project
23 boggles the mind. Cutting 400 acres of
24 Catskill Park woodland to build a golf course
25 is irresponsible at best. Golf courses are

1 (Dan Wray)

2 notoriously toxic and the runoff will most
3 likely compromise New York City's water
4 quality.

5 But clearly, I'm concerned about the
6 length of the construction, the safety of the
7 highways and the negative impact on this area.
8 I love where I live in Shandaken. It's like
9 nowhere else. I've seen the lack of zoning in
10 the Blue Ridge Mountains. Pigeon Forge, for
11 example, is a nightmare of development. I will
12 never go there again. But yet, the Belleayre
13 Mountain is a family friendly community, has
14 been expanded without massive
15 overcommercialization. Having seen the
16 Crossroads' plans, I know the personal touch,
17 which is so endemic to this area, is forever
18 lost rather than forever wild.

19 But let me speak to the real issue here,
20 my area of expertise, politics. As a veteran
21 legislative director, I became involved with
22 this issue as a homeowner several years ago
23 quite by accident. I picked up a local
24 newspaper and started asking questions,
25 questions in Shandaken, questions in Albany,

1 (Dan Wray)

2 questions in New York City, questions of local
3 and state and national elected officials. It
4 became apparent to me that Crossroads were
5 influencing the process.

6 However, this process I came to learn was
7 one-sided. The people in Shandaken hadn't been
8 heard from, consultants, lobbyists and lawyers
9 were hard-charging elected officials in the
10 state capital. As a private citizen, I became
11 alarmed.

12 For the past several years, Crossroads
13 Ventures had made contributions to the
14 community here in Shandaken. Catskill Corners,
15 Emerson Spa Hotel, and support of the Belleayre
16 music festivals are all admirable. They're
17 attempting to be businessmen and good
18 neighbors. These efforts are laudable. They
19 are small businesses in character with our
20 area.

21 However, the golf project isn't.
22 Crossroads have spent a great deal of time and
23 money sending monthly advocacy newsletters to
24 residents.

25 July 2002, a newsletter entitled "Full

1 (Dan Wray)

2 Disclosure" was used to neutralize a local
3 newspaper editor who opposed the golf course.
4 Crossroads didn't, however, disclose their
5 massive efforts to influence elections and
6 government through powerful law firms,
7 lobbyists and public relations at all levels of
8 government. The hard-working people of
9 Shandaken, however, don't have such resources.
10 They have chosen to live in an area that is
11 devoid of urban sprawl.

12 I'm not against development. We're not
13 taking about urban renewal or a jobs program
14 here. We're speaking of one of God's precious
15 gifts to man and our stewardship over it; our
16 land, our water and our safety. Route 28,
17 already dangerous, cannot handle eight years of
18 heavy construction vehicles and traffic
19 accidents will sure happen.

20 Governor Pataki recognizes the importance
21 of this stewardship. As an observer of the
22 2004 State of the State address on January 7,
23 2004 in Albany, he said, "Our environment, like
24 our freedom, is inherited from our ancestors
25 and borrowed from our children. Both have been

1 (Dan Wray)

2 given to us in trust that they will be
3 preserved and improved for the next
4 generation."

5 Together we worked hard for that trust.
6 Theodore Roosevelt once observed, "The nation
7 behaves well if it treats the natural resources
8 as assets, which it must turn over to the next
9 generation increased, and not impaired in
10 value."

11 I embrace these words. Once we develop
12 these lands, there is no turning back. I
13 applaud the governor for his stance and implore
14 the DEC to embrace the tradition, values and
15 sanctity of our Catskill home that we have
16 labored to preserve for generations. Thank
17 you.

18 ALJ WISSLER: Next speaker is Don
19 Carlson. After Mr. Carlson, we'll hear from
20 Douglas Hinkley.

21 MR. DON CARLSON: I'm delighted to follow
22 that gentleman.

23 Thank you, your Honor, for the opportunity
24 to communicate our views on this proposed
25 development project. I'm here speaking on

1 (Don Carlson)

2 behalf of the Sierra Club. I am conservation
3 chair for the New York State Sierra Club. We
4 have more than 40,000 members across the state,
5 including about 3,000 in this region. We
6 strongly oppose this project. Given the
7 staggering scope of the project, its
8 environmental effects would be disastrous.

9 When I refer to environmental effects, I'm
10 not talking about the effect on a rare
11 amphibian or an endangered bird. I'm talking
12 about its effects on people, the quality of the
13 water they drink, the quality of the air that
14 they breathe, the natural beauty of this area
15 that enriches all of us, let alone the effects
16 of the enormous additional truck traffic, noise
17 fumes and other painful disadvantages of living
18 through several years of heavy construction in
19 the area.

20 I would like to focus on just one harmful
21 aspect of this project, its potential impact on
22 water quality in the region. Forests, grassy
23 fields, soil, headwater streams and other
24 natural characteristics are vital elements for
25 controlling the quality of our drinking water

1 (Don Carlson)

2 and for minimizing soil erosion and flooding.
3 This project would clear-cut 529 acres of
4 heavily forested mountainous land and clear a
5 great deal of other land as well, thus
6 eliminating these natural water protection
7 features.

8 It gets worse. Instead of forests, there
9 would be roads, parking lots, shopping malls,
10 rooftops, a range of new impervious surfaces
11 that will greatly magnify the storm water
12 runoff problem, now controlled by nature.

13 And what will that runoff contain? It
14 will contain pollutants. This greatly
15 magnitude storm water runoff will contain toxic
16 chemicals from the pesticides, fungicides and
17 fertilizers that would be applied to the
18 planned golf courses and the vast amounts of
19 lawns that will be planted. It will contain
20 toxic chemicals that trucks and cars deposit on
21 the roads. It will contain toxins from the
22 chemical spills that inevitably occur with
23 increased commercial activity in the area. It
24 will contain nutrients that will promote algae
25 growth in rivers and reservoirs, and it will

1 (Don Carlson)

2 contain pathogens from spills of waste and any
3 ineffective wastewater treatment systems and
4 accidents thereof.

5 The net result will be lower water quality
6 for everyone downstream, and there are lots of
7 folks downstream, whether in the immediate
8 watershed area or all the way to New York City,
9 which depends in large part on water from the
10 Ashokan and Pepacton Reservoirs that the
11 Belleayre project would drain into. And there
12 are lots of fish, birds and animals downstream
13 that would be even more directly affected by
14 higher levels of water pollution.

15 One other implication. We've heard from
16 other state officials that this project, given
17 its immense size, could fundamentally alter
18 current plans for protection of the Catskill
19 watershed and lead to the need for chemically
20 filtering the water supply, a multi-billion
21 dollar expense that no one can afford and that
22 this developer is not going to pay.

23 So I ask the Department of Environmental
24 Conservation to live up to its name, conserve
25 the environment and reject this project. Thank

1 (Douglas Hinkley)

2 you.

3 ALJ WISSLER: Douglas Hinkley. After Mr.
4 Hinkley, we will hear from J.R. Lawrence.

5 MR. DOUGLAS HINKLEY: Hi. I'm Doug
6 Hinkley, president of the Margaretville
7 Telephone Company. For those who don't know,
8 we're the local telephone company, provide
9 cable service and also one of the owners of
10 Catskill Online. We employ about 26 employees
11 throughout our companies. I've been -- was
12 raised here, I graduated from Margaretville
13 Central School. Over all the years I've been
14 in the telephone business, over the last few
15 years is the first time we've actually seen a
16 decline in customers. That alarms me greatly.
17 We need economic input here. The Margaretville
18 Telephone Company and all of our family of
19 companies strongly support the project. We
20 think that the DEC and the DEP do their job in
21 protecting our environment, and we need the
22 jobs, we need the support, and I encourage all
23 the local businesses and residents to support
24 the project. Thank you.

25 ALJ WISSLER: J.R. Lawrence. After Mr.

1 (J.R. Lawrence)

2 Lawrence, we'll hear from Eric Wedemeyer. I
3 apologize if I mispronounce anyone's last
4 name.

5 MR. J.R. LAWRENCE: Thank you. I am J.R.
6 Lawrence. I'm a local businessman, live right
7 here in the Village of Margaretville, and I'm
8 here to support the project.

9 As Mr. Hinkley said, we do rely on tourism
10 and economic development, and I grew up on a
11 farm. I believe in nature and conserving it.
12 I think this project serves both those
13 purposes. It will conserve our natural
14 resources, plus give us economic development,
15 and I thank you for your time.

16 ALJ WISSLER: Eric Wedemeyer. After Mr.
17 Wedemeyer, we will hear from Hap Roell,
18 R-o-e-l-l.

19 MR. ERIC WEDEMEYER: Hi. My name is Eric
20 Wedemeyer. I don't have a written statement
21 because I've given this project a lot of
22 thought. It's been a very controversial, I see
23 many of our friends from Shandaken here, I see
24 a lot of Delaware County people here, I see the
25 Sierra Club here. I've owned Coldwell Banker

1 (Eric Wedermeyer)

2 Timberland Properties for 33 years now. We've
3 been a big proponent of subdivision regulations
4 and zoning regulations when there were dirty
5 woods up here, and many of you remember those
6 times. I've been a big environmentalist, a big
7 supporter of the Catskill Center for
8 Conservation and Development, quality growth
9 for the Catskill Mountains. We all love them,
10 whether we're from Delaware County or
11 Shandaken. I also care about the people of
12 Delaware County. I chose to live here. I
13 didn't come for the money. Maybe another real
14 estate broker may be wanting money from the
15 Belleayre Resort project.

16 When I came here 33 years ago, farmers
17 were moving out. Andes looked terrible.
18 Margaretville looked terrible. Fleischmanns
19 was hurting. It continues to hurt. Pine Hill
20 continues to hurt. The little Town of Andes
21 where I come from is prospering somewhat, but
22 when I look down the main streets of Andes and
23 Margaretville and Fleischmanns and Pine Hill,
24 you have one or two prospering businesses, but
25 if you really talk to a lot of other people,

1 (Eric Wedermeyer)

2 survival is what they're talking about, doing
3 well is getting by. Delaware County is one of
4 the poorest counties in New York State. I
5 think that the Belleayre Resort project has had
6 millions put into environmental studies. I am
7 for protecting these Catskills. I love these
8 Catskill Mountains. Otherwise I wouldn't be
9 here. I would have been in California where I
10 thought I was going to live. I came back here
11 because I love these mountains and I know all
12 you people that are here from Shandaken love
13 these Catskill Mountains too. I know you do.
14 We all do. And I hope you do not begrudge some
15 of the local people here in Delaware County
16 where we don't have almost 75 percent owned by
17 the city and the state for hoping that our
18 towns survive.

19 You're talking about a 2,000-acre project,
20 maybe 5 or 600 acres that are going to be
21 developed into a high-level, high-range
22 resort. Delaware County is larger than the
23 state of Rhode Island. That's not a lot of
24 land. We have all kinds of agencies that are
25 looking at the Belleayre project. We need the

1 (Eric Wedermeyer)

2 jobs, we need the spillover.

3 When I hear there will be low-paying jobs,
4 I didn't come here because of the amount of
5 money I was going to make. We need our younger
6 people to have an option to stay here, whether
7 it's a \$8-an-hour job or a \$20-an-hour job or a
8 \$30-an-hour job. They are leaving here. The
9 Margaretville Phone Company is losing
10 population. We haven't had a major development
11 in this area in over 15 years. We have New
12 York City buying our best properties and the
13 stringent development standards that we have
14 now, we're not going to have any other major
15 developments to speak of to my knowledge, and I
16 try to keep on top of things.

17 And I assure you all, I love these
18 Catskill Mountains as much as you do. We need
19 this project, we need the Belleayre Resort.
20 They're trying to do a good job. I don't
21 begrudge them at all for making this effort.
22 If we have to spend another few minutes coming
23 from Kingston or see some more trucks, you all
24 have a piece of the pie here. Should not these
25 Catskill regions be shared with other people as

1 (Eric Wedermeyer)

2 well, who can come from the metropolitan area
3 and want to recreate and have a good time, or
4 we are going to have a little piece of the pie
5 and guard it and protect it and are not
6 increased from some trucks and traffic and some
7 people that are going to come and go? I think
8 that's rather short-sighted.

9 I'm worried about the infrastructure. I'm
10 worried about main street. I think we need the
11 money. I have rarely spoken out like this,
12 because I'm a believer in this project. And I
13 hope you don't begrudge me for saying what I
14 really believe in. So please think carefully
15 before you turn down something like this. In a
16 county that's larger than Rhode Island, and
17 Shandaken that's almost 75 percent owned by the
18 city and the state, on a project that's going
19 to encompass 5 or 600 acres, please consider
20 carefully before you turn down or be against a
21 project like this. And I know the intensity of
22 emotions here, and many of you are from
23 Shandaken, but I'll tell you we here in
24 Delaware County, we need this project and the
25 local people that you're hearing from, the

1 (Hap Roell)

2 phone company to the insurance company to some
3 of the representatives of our township, we know
4 we need this project.

5 So please think carefully now that you
6 have your piece of the pie. Shouldn't other
7 people also share in these beautiful Catskill
8 Mountains? Thank you.

9 ALJ WISSLER: Hap Roell. After Hap Roell,
10 we'll hear from Jim Tierney.

11 MR. ROELL: Hi. I live in Fleischmanns.
12 Ask ourselves why we live here. Isn't it the
13 beauty, serenity and non-congestion? Why
14 should a developer be able to change our
15 quality of life so drastically with a project
16 of this magnitude? Just say no.

17 ALJ WISSLER: Jim Tierney. After Mr.
18 Tierney, we'll hear from Antoinette Cotellet.

19 MR. JIM TIERNEY: Thank you, Judge
20 Wissler, and good afternoon. My name is Jim
21 Tierney. I serve as the Watershed Inspector
22 General, a position that is a joint appointment
23 of the Governor and the Attorney General that
24 was created pursuant to the 1997 New York City
25 Watershed Memorandum of Agreement. I'm also an

1 (Jim Tierney)

2 Assistant Attorney General.

3 Like many persons who are here today, I'm
4 still in the process of reviewing the massive
5 Draft Environmental Impact Statement on the
6 Crossroads Ventures hotel, golf resort and
7 housing complex, and I'll be submitting my
8 formal comments later. I'm here today to
9 briefly raise a few concerns and to listen
10 carefully to the comments of ours.

11 As many here know, the New York City
12 Watershed provides drinking water for about
13 half the residents of our state. That is over
14 9 million people each day. The cities of New
15 Paltz, Newburgh drink this water, as does 15
16 percent of the people in Putnam County, and 85
17 percent of the people in Westchester County, in
18 addition to all the residents of New York
19 City.

20 For the vast majority of the people who
21 drink this water, it is unfiltered, meaning
22 that the only thing that happens to the water
23 from reservoir to tap is that it gets doused
24 with chlorine to kill the microbes. That's
25 it. That's all. So this water supply, though

1 (Jim Tierney)

2 generally of very high quality, is also very
3 fragile, because once pollutants are in the
4 water, there is no means to remove them. And,
5 of course, people then consume the pollutants.

6 One thing that is not well-known is just
7 how small the New York watershed is. While
8 providing water for over half the state, the
9 entire watershed on both sides of the river
10 only comprises 4.2 percent of the land area of
11 the state. In fact, the entire East of Hudson
12 watershed, the usual source of 90 percent of
13 the drinking water, constitutes only 3.4
14 percent of the state, an area that is roughly
15 the size equivalent to the size of Delaware
16 County. And the proposed development is, of
17 course, within the Catskill Park.

18 The Crossroads Ventures projects is
19 proposed for a small and unusually sensitive
20 area of the state where environmental and
21 public health interests should, in my view, be
22 the predominant interest when evaluating
23 development under the State Environmental
24 Quality Review Act.

25 Of course, sustainable economic vitality

1 (Jim Tierney)

2 for the Catskills, its farms, its forestry, its
3 hamlets, its main streets is also a critical
4 component of the bargain reached in the
5 watershed Memorandum of Agreement.

6 My main concern here today is that this
7 large-scale mountaintop and mountainside
8 development will combine with other
9 developments and development pressure to
10 degrade the Catskill portion of the New York
11 City Watershed. The polluted runoff from these
12 developments may well combine in a relatively
13 short time. We've seen it happen elsewhere,
14 to place at serious risk all of our efforts to
15 maintain high quality drinking water and avoid
16 the need to build a multi-billion-dollar water
17 filtration plant.

18 The Catskill system, it's not the entire
19 watershed. It's the Ashokan and Schoharie
20 Reservoirs, whose basins are mostly in Greene
21 and Ulster County. On average, the Catskill
22 system provides 40 percent of the drinking
23 water. The vast majority of the Crossroads
24 Ventures project is located in the Ashokan
25 Reservoir basin. People may not realize it,

1 (Jim Tierney)

2 but fairly low levels of development can
3 degrade water quality quickly.

4 Many scientific studies now report that
5 when impervious surfaces, parking lots, roads,
6 rooftops and the like, exceed 8 to 10 percent
7 of a watershed, then water quality becomes
8 impaired due to polluted runoff and all that
9 comes with polluted runoff in a normal
10 watershed. However, the Catskill system of the
11 New York City Watershed is not normal. It has
12 steep slopes, significantly erodible clay
13 soils, flashy streams and unstable streams. It
14 is far more sensitive to development than most
15 areas.

16 EPA, for example, has estimated that
17 construction activity discharge -- that an
18 area, one acre subject to construction activity
19 discharges 1,000 to 2,000 times the sediments
20 in a rainstorm as one acre of forest. One acre
21 of pavement generates approximately 15 times
22 the runoff as one acre of forest. So when you
23 build things, you often send massive amounts of
24 sediments and the numerous associated
25 pollutants into the water well above natural

1 (Jim Tierney)

2 conditions. You also release higher quantities
3 of water during storms that often blows apart
4 streams, releasing even more sediment.

5 And so my concerns are based on the -- and
6 they're not finalized yet, but on the size of
7 this project relative to other developments
8 around here, the amount of soil disturbance and
9 forest clear-cutting and root cutting. You're
10 not just taking down the trees, you're ripping
11 out the roots and grading and moving the soils
12 around that can cause particularly serious
13 erosion and sediment problems. The site soils
14 here have very little percolation. The water
15 doesn't go in, at least with these soils. So
16 that when you clear, grate and compact these
17 soils with heavy equipment, it discharges
18 water, storm water in much the same way as
19 impervious surfaces.

20 Also, it's interesting that this project
21 is located in the area of New York State that
22 experiences the most severe rainfalls. You can
23 literally draw a circle around Belleayre
24 Mountain, and that's where you get the most
25 intense rainfall historically in New York

1 (Jim Tierney)

2 State. And the project sponsor has requested
3 that they be able to disturb 50 acres at one
4 time, which is ten times that allowed under
5 DEC's normal regulations. These are issues
6 with respect to wetlands.

7 There's issues with respect to
8 alternatives and what appears to be a strong
9 resistance by the project sponsor to look at
10 smaller, lower impact alternatives. Almost
11 along the lines of two golf courses, two
12 resorts and associated buildings, or nothing
13 because it's claimed need-based on economic
14 viability.

15 I'm also concerned about wastewater
16 treatment plants being located to support
17 mountaintop and mountainside development. We
18 want vital, well-developed businesses in our
19 hamlets, but once we have wastewater treatment
20 plants around the countryside, then that
21 removes the limit on the ability to have a
22 limit on mountaintop development, mountainside
23 development, mountaintop condos.

24 Now, the Schoharie Reservoir in this
25 Catskill system, the other piece, besides the

1 (Jim Tierney)

2 Ashokan Reservoir, is already impaired. It's
3 already impaired and formally listed on DEC's
4 303(d) list of impaired water bodies due to
5 high levels of sediment. The reservoir often
6 looks like reddish chocolate milk. This is
7 because clay particles that permeate the
8 Schoharie and Ashokan Reservoir basins can stay
9 suspended frequently for six to nine months.
10 Once they're in the water and they're floating
11 in the water, they don't settle out very
12 quickly.

13 The Esopus Creek, many people love it,
14 fish it, enjoy it. The main tributary to the
15 Ashokan Reservoir is already formally listed as
16 impaired by State DEC due to sediment.

17 The planned expansion of the Belleayre Ski
18 Center is under the upcoming unit management
19 plan, involves 22,000 acres within the Catskill
20 Forest Preserve and within the Ashokan
21 Reservoir basin. There is a proposal that I
22 know of for six additional miles of new ski
23 trails, of new clearances for ski trails just
24 as that one resort.

25 There's a precedent that would be set for

1 (Jim Tierney)

2 other large-scale mountaintop development
3 throughout the watershed as opposed to
4 development and hotels within the hamlets.
5 Three casinos are proposed for southern Ulster
6 and Sullivan County. Casinos would be
7 tremendously growth-inducing, and those casinos
8 were passed and approved under state law with
9 no requirement for review under the State
10 Environmental Quality Review Act.

11 The significant development pressure is
12 coming to Ulster and Greene Counties. Rockland
13 County to the south is paved. Orange County is
14 in the process of being paved. Southern Ulster
15 County is heavily paved. The flash of
16 development could come here very quickly and
17 impact that Catskill system.

18 And one other thing that I find
19 interesting is that the Cornell study that
20 between 1982 and 1997, the population of New
21 York State, of upstate New York grew only 2.6
22 percent. Yet, the amount of developed area
23 grew by over 30 percent. We're expanding for
24 some reason, even if we stay the same. And in
25 a fragile watershed, that's a real problem.

1 (Jim Tierney)

2 So in conclusion, this project, the
3 secondary growth associated with a project
4 injecting hundreds of millions of dollars into
5 the economy, the precedents it can set for
6 sprawl development and mountaintop development
7 rather than hamlet development all place at
8 serious risk the long-term viability of the
9 Catskill portion of the New York City
10 Watershed, and with it, the water quality in
11 the entire New York City drinking water
12 system.

13 I'm glad, and I thank you for allowing me
14 to present these comments here today. I'm not
15 from Catskill but I went to high school in the
16 watershed area down in Dutchess and Putnam
17 County. And I can appreciate the balance
18 that's necessary to make this whole effort
19 work. Thank you for your time.

20 ALJ WISSLER: Antoinette Cotelle. After
21 Ms. Cotelle, we'll here from Rocci Aguirre.

22 MS. ANTOINETTE COTELLE: Hi. My name is
23 Antoinette Cotelle and I've lived up here full
24 time since '97. And first off, this business
25 of people getting jobs and all this stuff, I

1 (Antoinette Cotellet)

2 like to see anybody like these people that come
3 up here and say this is good, that's good, are
4 they making \$6 an hour? Are they making \$8 an
5 hour? No. Anybody can say, oh, we're giving
6 you jobs. What's a job? That's peanuts. I
7 made \$8 an hour in Jersey. I had to leave
8 because I couldn't live down there. I had to
9 give up my apartment, move into a room. I
10 ended up homeless after awhile. So I mean, \$8
11 an hour is peanuts, number one.

12 Number two, ask them how much they're
13 making. They can tell you. They're not making
14 peanuts. They are going to come up here and
15 say, oh, we're going to give you this, we're
16 going to give you this, this is good, that's
17 good. It's not good. I've seen casinos go
18 down in Jersey and they said, oh, we're going
19 to take care of the elderly, we're going to pay
20 some of the taxes. They didn't pay the taxes.
21 Taxes went up. Elderly lost their homes. So
22 don't ever believe promises because promises
23 are not worth two cents. I know, I've been
24 through it, I know what it's like. So I would
25 vote no. Don't bring any of this stuff up

1 (Antoinette Cotellet)

2 here. This is a nice quiet place.

3 You want all of these trucks running up
4 and down this place here? When I first came up
5 here, I had a place up here at one time. I
6 ended up selling it. We didn't have any trucks
7 coming through the town all the time. It was
8 wonderful up here. There wasn't that many
9 people. There wasn't that many cars. And when
10 I moved up here in '97 and got a place, I
11 couldn't believe it. I couldn't sleep for
12 nights. I had to get used to it. All these
13 big tractor-trailers coming up 28, it drove me
14 nuts. Now they want to have more
15 tractor-trailers come up here. They want more
16 people coming up here.

17 Do you realize I live on a fixed income?
18 I live on Social Security. That's it. I don't
19 have nothing else. My car insurance keeps
20 going up. What do you think is going to happen
21 when all these trucks and all these cars come
22 up here? Your taxes are going up, your home
23 insurance is going up, your car insurance is
24 going up.

25 When I left Jersey, I was paying over a

1 (Antoinette Cotellet)

2 thousand dollars every six months and for
3 what? I had one lousy accident in 35 years and
4 they kept raising it and raising it and raising
5 it. What I paid in six months, I was paying
6 for a year. 500 something dollars. All of the
7 sudden I got a bill 500 something dollars for
8 six months. I call my insurance guy. He says,
9 well, you know, they raised their rates. I
10 said, what, a whole year's worth? And then
11 every six months or every three months after
12 that, I got another raise.

13 So, what do you think is going to happen
14 when these people come up here? You ain't
15 going to be able to afford to live here. Taxes
16 are going to go sky high. Property is going to
17 go sky high. Believe me, I vote no. And don't
18 listen to these people that, oh, you're going
19 to get jobs. They got jobs now for \$6 that
20 nobody wants because they can't live on it. \$8
21 an hour is \$320. You know what you get out of
22 \$320? About 250, if you're lucky. And if you
23 get \$6 an hour, that's \$240. What are you
24 going to get out of that? About 175. Is that
25 going to cover your rent? No. Is that going

1 (Rocci Aguirre)

2 to -- I have a little more than that just for
3 food for a whole month. So I mean, this is a
4 joke, and don't ruin the land. The land is
5 good enough the way it is.

6 What are they going to do when the creek
7 overflows again and everybody gets washed
8 down? Are they going to help you? No. Are
9 they going to give you anything? No. You're
10 going to be out in the street. Yes.

11 So I vote no.

12 ALJ WISSLER: Thank you, Ms. Cotellet.
13 Rocci Aguirre. After Mr. Aguirre, we'll hear
14 from Jim Mays.

15 MR. ROCCI AGUIRRE: All I can say is,
16 Amen. My name is Rocci Aguirre. I am the
17 Catskill Coordinator for National Trout
18 Unlimited, and represent locally the national
19 arm of Trout Unlimited based out of Arlington,
20 Virginia.

21 TU takes very seriously its mission to
22 restore, conserve and protect the cold water
23 fisheries and their watersheds that we are
24 involved with. In this case, there are very
25 few watersheds throughout the whole of the

1 (Rocci Aguirre)

2 country with more historical and ecological
3 significance than those found in the
4 Catskills.

5 For the past eight years, the Catskill
6 region has been a priority for National Trout
7 Unlimited, and as such we've created the role
8 of the Catskill Coordinator. We've invested
9 hundreds of thousands of dollars in
10 hydrological assessments, economic studies,
11 fishery management plans and hands-on
12 restoration work throughout the various
13 Catskill watersheds.

14 As a rule, Trout Unlimited is not opposed
15 to growth or development or economic stimulus
16 of rural areas. On the contrary, much of the
17 work TU has done in the Catskill watershed has
18 been in direct response to the fact that TU
19 sees that streams and rivers have core
20 activities that drive the local economies.
21 What we do oppose is projects that far exceed
22 the sense of place and purpose for an area.

23 It is TU's contention that the overall
24 health of the watershed will be put at risk by
25 the size, scope and location, which is very key

1 (Rocci Aguirre)

2 of the proposed Crossroads Ventures
3 development. A project the size of Crossroads,
4 no matter how environmentally friendly, will
5 pose risks to the watershed. Wastewater, storm
6 water, pollutants, fertilizers and effluent
7 will have an impact. And at jeopardy are the
8 tributaries and main stem of the Esopus, one of
9 the best trout streams in New York.

10 The Esopus Creek is already a river at
11 risk. It has long faced turbidity and sediment
12 issues, which are just beginning to be
13 resolved. And I understand that under the
14 current DEIS, the construction and erosion
15 control plans were completely re-evaluated and
16 redesigned to, quote, protect local surface
17 water resources and the City drinking water
18 supply, and that there will be, in bold quotes,
19 no increase in turbidity that will cause a
20 substantial visible contrast to natural
21 conditions.

22 The sheer size and scope of this project,
23 a deforestation of prime watershed habitat close
24 to the size of 133 Wal-Marts, leaves serious
25 doubts about the ability of any project

1 (Rocci Aguirre)

2 management to control the host of issues that
3 will arise, not the least of which will be
4 turbidity and erosion and sedimentation, as
5 much defined by the location of this project.

6 Mountaintop development, the issues that
7 are surrounding it, they will -- water runs
8 downhill. A watershed is essentially a funnel.
9 Water lands on top, somehow it always makes its
10 way down to the bottom.

11 Finally, on June 14th of 2002, TU formally
12 submitted a report to Crossroads Ventures by
13 Dr. Tammo Steenhuis, a hydrogeologist from
14 Cornell University who conducted an evaluation
15 of the water budget analysis used in the DEIS.
16 With regard to Dr. Steenhuis, TU still has the
17 following concerns with the DEIS:

18 One, that the DEIS is inconsistent within
19 its water budget and fails in its evaluation
20 and potential impact of the resort development
21 on aquifer and stream levels, especially during
22 a draught condition.

23 That the water budget method used was not
24 a good representation of that hydrological
25 processes of the Catskills and do not match the

1 (Rocci Aguirre)

2 major trends in the Esopus Creek.

3 No explicit mention of the development's
4 impacts to aquatic ecology in the watershed,
5 and any deviations in water quality or water
6 supply to Birch Creek and Esopus Creek from the
7 Crossroads Ventures will have a dramatic impact
8 on the ability of trout to spawn in those
9 waterways. That was the written, formalized
10 portion of that.

11 A lot has been said and will be said about
12 environmental responsibilities and economic
13 development. TU is an environmental
14 organization. We obviously have a special
15 interest. We have a pointed concern about the
16 rivers and watershed and the landscape of the
17 Catskills. But we are more than that.

18 In New York, we represent 8,000 members
19 who volunteer their time, their energy, their
20 money to keep the character and integrity of
21 our and your homes intact. And we -- and I
22 want to stress this -- are not adverse to
23 development or economic stimulus. Our
24 livelihoods, our homes and our sense of self
25 are as much at stake and as much a pivotal

1 (Jim Mays)

2 factor that make us take a skeptical approach
3 to the size and scope of this project.

4 We just believe that the rugged character
5 of the Catskills needs to be as much a factor
6 as the supposed economic benefits. Thank you.

7 ALJ WISSLER: Thank you. We'll hear from
8 Jim Mays. Now, it is almost 5:30 and we will
9 be hearing from Mr. Mays. After Mr. Mays,
10 we'll hear from Rhonda Belluso. After Rhonda,
11 we will hear from Michelle Spark. And finally,
12 we will hear from Liz Potter, and those will
13 conclude the speakers for this afternoon's
14 session.

15 Jim Mays.

16 MR. JIM MAYS: Thank you, your Honor. I'm
17 Jim Mays and I am representing the Catskill
18 Committee of the Sierra Club. Our concern is
19 with the mountaintop location of this
20 development, that the water quality of it, or
21 rather the effects of it will degrade the water
22 quality that we all came to appreciate. I'm a
23 local resident and I will suffer from the
24 effects of traffic, the effects of this
25 development, living as I do in the Town of

1 (Jim Mays)

2 Olive just on the other side of the hill.

3 Our concerns center on the use of
4 pesticides notorious by golf courses,
5 pesticides and herbicides, the use of the great
6 deal of nutrients that are used for fertilizer,
7 to maintain the quality of the green, quality
8 of the grass, and these inevitably leach out,
9 despite assurances to the contrary, leading to
10 algae blooms in the streams running from them.

11 We have two major watersheds here and both
12 of them will be impacted, which doubles the
13 disastrous effect of a project of this size.
14 Our concern is also with the sewage, potential
15 of spills from a sewage treatment plant of this
16 size being maintained privately. We need
17 better understanding of the long-term trust
18 agreements that would require -- that should be
19 required to maintain the integrity of these
20 plants. We are also concerned with the traffic
21 that will be coming up and the non-point source
22 pollution that will result with the increased
23 traffic along the road as well as the air
24 quality to what is now pretty clean air in the
25 Catskills. And we are concerned with the,

1 (Rhonda Belluso)

2 shall we say spinoff of population pressures
3 that will be the result of the need for a
4 greater housing, for people who are coming in
5 to work on this project. We're concerned with
6 the fact that most of the jobs that will be
7 coming in are -- will be relatively low paying
8 and will hardly improve the economy of the
9 area.

10 These are our concerns and we ask that
11 they be considered in the final statement of
12 this. And on balance, I think that we will
13 have to oppose this project. Thank you.

14 ALJ WISSLER: Rhonda Belluso. After Ms.
15 Belluso, we'll hear from Michelle Spark.

16 MS. RHONDA BELLUSO: Good evening. My
17 name is Rhonda Belluso and I'm the Hudson
18 Valley environmental advocate for NYPIRG, the
19 New York Public Interest Research Group.
20 NYPIRG is one of the state's largest
21 environmental and consumer advocacy and good
22 government organization. Protection of public
23 water supplies has long been a concern for us.
24 We were one of five environmental organizations
25 that signed onto the 1997 New York City

1 (Rhonda Belluso)

2 Watershed Memorandum of Agreement, the MOA,
3 which was also signed by New York State, New
4 York City, the EPA and upstate watershed
5 communities.

6 The watershed agreement put into place
7 mechanisms for protecting New York City's
8 drinking water at the source and established a
9 program for supporting responsible
10 environmentally sensitive economic development
11 projects in the watershed. As a result of the
12 agreement, the EPA issued an interim filtration
13 avoidance determination which allowed the city
14 to avoid filtering the Catskill/Delaware
15 drinking water.

16 Belleayre Resort at the Catskill Park
17 project site is located within the New York
18 City Watershed and contains many streams
19 tributary to the Pepacton Reservoir in Delaware
20 County and the Ashokan Reservoir in Ulster
21 County. Development within these reservoir
22 areas has the potential to cause a lot of
23 problems. Of particular concern is the Ashokan
24 Reservoir, which supplies about 40 percent of
25 New York City's daily drinking water needs and

1 (Rhonda Belluso)

2 is one of two reservoirs in the City's Catskill
3 water supply system. The other is the
4 Schoharie, which is located 27 miles to the
5 north, and whose flows into the Ashokan via the
6 Shandaken tunnel and the Esopus Creek.

7 Overall, the Ashokan Reservoir's
8 watershed's drainage basin is just 255 miles
9 and includes parts of 11 towns. When we build,
10 we impact the ecosystems by removing plants,
11 displacing animals and changing the watershed.
12 Ecosystems pay the price and water quality is
13 jeopardized.

14 When the National Academy of Sciences
15 reviewed the New York City Watershed protection
16 plan as laid out by the MOA, they noted that
17 existing information convinced the committee
18 that population growth in the Catskill/Delaware
19 watershed is very limited, and that increased
20 economic activity can be offset by careful
21 planning, directed development, more extensive
22 environmental regulation, and improved
23 wastewater management, as provided in the MOA.
24 Such measures should maintain high water
25 quality in the reservoirs over the next several

1 (Rhonda Belluso)

2 years, assuming that rates of growth do not
3 increase substantially.

4 Millions of New Yorkers depend on all of
5 us to carefully scrutinize development projects
6 in the watershed to ensure the safety of this
7 invaluable water supply. As we review this
8 proposal, we must look into the future if we
9 are to strike that delicate balance between
10 what we need and what the ecosystems need. We
11 need to make a decision on which is more
12 important and if we can do both by coexisting.
13 Indeed, watershed planning is a process in
14 which communities can make better decisions
15 about future growth. And New York City, New
16 York State, the EPA, environmentalists, local
17 governments and communities must all be
18 integral partners in these protection efforts.

19 Protecting the watershed makes good
20 economic sense for all us. Although the EPA
21 again granted another filtration avoidance
22 determination for the Catskill/Delaware system,
23 which by no small coincidence was signed right
24 at the Ashokan Reservoir, if we fail to protect
25 this important water supply, the City will be

1 (Michelle Spark)

2 forced to construct a filtration plant which is
3 projected to cost between 4 and \$8 billion,
4 with 300 to 500 million in annual operating
5 cost and debt service. Not only would
6 filtration be an expensive proposal for the
7 City, it would place a tremendous burden and
8 local communities as well, and there is no
9 guarantee that the -- that it will preserve
10 public health.

11 Indeed, we must focus on a community's
12 sustainable development which integrates
13 economic development with natural resource
14 protection and restoration.

15 I thank you for the opportunity to comment
16 this evening. NYPIRG will also be submitting
17 written comments in the weeks to come.

18 ALJ WISSLER: Michelle Spark and then Liz
19 Potter.

20 MS. MICHELLE SPARK: My name is Michelle
21 Spark, a resident of Phoenicia, New York, a
22 small business person and not influential in
23 this world. I would like to thank the Judge
24 and Mr. Ciesluk for providing the opportunity
25 for the public to comment on the Belleayre

1 (Michelle Spark)

2 Resort DEIS. This commentary period is
3 important as it is the only chance for the
4 public to be informed and to comment on a
5 development proposal that will affect our lives
6 here. My comments will be regarding the public
7 access to this document, the proposal and
8 points made in the DEIS regarding alternative
9 plans, community impacts and secondary impacts
10 on area streams.

11 The way the DEIS has been made available
12 discourages public participation. This is in
13 direct conflict with the intent of the SEQRA
14 process. The public was forced to scramble as
15 the release date fell over the holidays, and I
16 do believe as was stated in the executive
17 summary, that it could have been -- this was
18 totally up to Crossroads. The shortened time
19 to review the 7,000 pages, contrary to Mr.
20 Ciesluk's assurances, the document is not in
21 any readable format on the web, on the
22 Shandaken web site, it is in download format
23 only. Sections are untitled so you don't know
24 what you're getting and the document is
25 unsearchable. It can take up to 60 minutes to

1 (Michelle Spark)

2 download each section. This is inadequate
3 access for public review.

4 The time frame makes it more difficult.
5 It constitutes a withholding of information.
6 Clearly people's sense of what's being offered
7 is changed when facts are available to
8 evaluate. Local libraries have disks, but as
9 in my library, the two computers are heavily
10 used and copies cannot be made. I finally
11 purchased my own copy for \$20 last Friday.

12 Two information specialists who live in
13 this area have commented to me that it is
14 disgraceful and appalling to hear how this
15 document was offered to us. I contend that the
16 DEC and Crossroads are failing the mandate of
17 facilitating this information to the community
18 while Crossroads' people spend money on
19 influencing important people and Albany
20 people. Money was poured into local elections
21 in the form of facts and advertising, threats
22 and promises were made. This lack of
23 information keeps the average citizen
24 functioning in the asleep mode instead of
25 actively evaluating the offering.

1 (Michelle Spark)

2 As you can tell, I'm quite angry about
3 this. I object to the enormity of this plan,
4 its placement on a fragile ridge. When I tell
5 people in my hometown of Phoenicia about size,
6 they are shocked by it too. This project is
7 the biggest resort ever proposed in the
8 Catskills. Right now the largest hotel in
9 Shandaken is 50 rooms, yet the existing
10 facilities on Big Indian and Wildacres Resort
11 would offer a conservative estimate of 1,800
12 beds, if you include lodging units, luxury
13 homes and the two hotels. That's roughly
14 two-thirds the entire population of Shandaken,
15 of six hamlets, a total population of 3,000.

16 Since Crossroads were so generous about
17 providing their own topographical map, I have
18 mine. This is the hamlet of Pine Hill. Here
19 is Route 28, here is Main Street. On your
20 right is the hamlet of Pine Hill. There's
21 Route 28 up here, and here is Main Street --
22 oops -- here's Main Street. As you can see in
23 the other map, the red square again is the
24 hamlet of Pine Hill, and the orange represents
25 the scope and scale of this project

1 (Michelle Spark)

2 VOICE FROM THE AUDIENCE: Where is Pine
3 Hill?

4 MS. MICHELLE SPARK: I notice no people can
5 see it because it's so small. It's roughly --
6 there are well over 150 buildings to be built.

7 Now, that doesn't sound so bad, but some
8 of them are huge in size. And just think of
9 the 20,000 square feet of retail space if you
10 can, and I notice Mr. Gitter omitted that
11 amount of space from his comments. If you have
12 a local business, you should know how much
13 retail space is going to be up there.
14 Essentially it's creating a resort city with
15 the size of 173 Wal-Marts placed end to end.
16 Do we really want this here? Shouldn't we
17 really know about it?

18 Because the scale is mammoth, we must
19 assume that it will bring change for our way of
20 life. Perhaps Wildacres should be renamed
21 Wildcard Acres since the DEIS is impoverished
22 in its conclusions concerning quality of life
23 or change on community character. It makes a
24 strong point of offering no scale-back option
25 or alternative plan as required by the SEQRA

1 (Michelle Spark)

2 process.

3 The developer states that the size of the
4 resort is necessary to make it attractive as a
5 destination resort. This gargantuan size is
6 out of character with the existing communities
7 and smaller lodging and resort facilities. It
8 will certainly, most certainly drain off the
9 tourism business from existing hamlets.

10 Big Indian Resort and Wildacres Resort are
11 touted as destination resorts. People arrive
12 and they don't leave. Entirely enclosed in
13 this offering, all amenities needed for
14 visitors. Certainly this is so for sleeping,
15 dining and recreation. Yet, housing needs for
16 workers are dismissed, I must say.

17 In a 2000 census survey, there were 98
18 people unemployed in Shandaken. School, fire
19 and ambulance demands are not existing
20 services, exceed existing services.

21 As it states in the DEIS, utilization of
22 the gated-community businesses will have no
23 residual concern or impact on hamlet business.
24 How can this be an adequate statement? The
25 DEIS is flawed in its conclusion. I request

1 (Michelle Spark)

2 that the DEC carefully consider the impact on
3 the area's social services.

4 I'm particularly interested in the review
5 of impact of area streams and storm runoff.
6 Stating that there will be adequate erosion
7 control overseen by specialists doesn't
8 convince me that he or she can prevent massive
9 runoff from a hundred acres of impervious
10 surfaces. As was stated before, we know what
11 they are. Buildings, roads, parking lots.
12 They're known to increase runoff from storms
13 exponentially, whereas 40 percent of the
14 rainfall falling in forested land doesn't even
15 reach the ground, so we get a double whammy
16 because it's not only cleared, it then becomes
17 impervious.

18 Two containment ponds will act as buffers
19 to any storm runoff and provide water for the
20 golf courses. What happens when they are empty
21 and need water? The DEIS is deficient in its
22 analysis of average ranges here in its effects
23 on draught conditions. What becomes of the
24 overflow of these ponds from storm runoff and
25 pollutants? What, if any, assessment at all

1 (Michelle Spark)

2 was done to evaluate how much groundwater is
3 being removed from 150 acres of golf courses?

4 And how much vegetation is being removed?

5 These questions are not addressed

6 sufficiently. Even I can see that and I'm not
7 a technical person.

8 But stated loud and clearly is that during
9 construction and after, area streams will not
10 be impacted. Go figure. This has got to be
11 revisited. Even in the DEIS, it states -- and
12 I quote this as an issue on page 251 -- because
13 of the mountainous nature of its watershed, the
14 upper Esopus Creek is a very flashy stream that
15 experiences rapid increases and decreases in
16 discharge in response to precipitation periods
17 studied, and then they have a ten-day period
18 that they studied in which they measured ten
19 cubic feet per second of discharge to 1,300
20 cubic feet per second in one day during a
21 ten-day period.

22 I know about erosion, sediment runoff and
23 CFS, cubic feet per second personally, having
24 lived on the Esopus Creek near Woodland Valley
25 in Phoenicia for 11 years. Erosion was so

1 (Michelle Spark)

2 great from storm runoff and development
3 upstream that in a period of less than six
4 years, 25 feet of my property fell into a
5 scouring, roaring Esopus Creek. Eventually
6 30-foot bluffs of clay were falling in and
7 fishermen who used to be at the base of the
8 stream went elsewhere. 12 properties were
9 threatened by this erosion, whose cause was a
10 combination of development upstream and the
11 character of the Esopus, which quickly responds
12 during storms. This is important as both
13 Esopus Creek and Birch Creeks are direct
14 recipients of the runoff from this project, and
15 many properties live in hamlets along these
16 streams.

17 The DEIS storm runoff provisions don't
18 adequately look at the range of this response.
19 The water flows noted were not even close to
20 the 3,000, they got up to 1,300. This is 3,000
21 cubic feet per second and seven inches of rain
22 that fell within hours which occurred several
23 times this year in the fall. Some of you are
24 aware of the stream restoration project that
25 went on in the summer on the Esopus Creek near

1 (Michelle Spark)

2 Woodland Valley in Phoenicia, and I have to say
3 here that it was a cooperative project done by
4 the DEP, the Army Corps of Engineers and Ulster
5 County Soil and Water.

6 Restoration of the stream bank took six
7 years from inception and caused many hundreds
8 of thousands of dollars. Who will pay for
9 erosion to our properties and towns if this
10 plan in its current state is permitted? For
11 the Esopus project, 15,000 cubic yards of
12 earth, rocks and soil and debris were moved
13 around an area of five acres. It took six
14 weeks to do this and it seemed gargantuan to me
15 and those who witnessed it. This resort will
16 require 20 times that amount of debris removal
17 from blasting. They're not just clear-cutting,
18 they're blasting into the mountain, and this is
19 only in the pre-construction phase.

20 Blasting and removal of 275,000 cubic feet
21 of mountain, that's mind boggling to me.
22 Somebody I know calculated that's roughly
23 15,000 truckloads that have to be hauled away.
24 It's not possible to believe, as the DEIS would
25 have us believe from their assertions, that

1 (Michelle Spark)

2 area streams will not rise up at least the bare
3 minimum of 10 to 15 percent that standard and
4 clear-cutting high forest and the maintenance
5 of a hundred acres of impervious surfaces. Who
6 will pay for our properties to be saved when
7 the huge amount of deforestation and debris
8 removal causes this severe amount of runoff?
9 There is not adequate calculation here to
10 assure even me that this plan is for preventing
11 erosion, disruption of water quality, velocity
12 and quantity. It's just plain incorrect for
13 them to assert that it's not an issue.

14 In the State of the Union Address that
15 Governor Pataki gave last week, he expressed
16 concern for safeguarding the environment for
17 future generations and for more jobs. It is up
18 to us to find a balance of these things.
19 Balance is not evident in this plan.

20 A hundred years ago Catskill Park was
21 almost not included in the state's designation
22 of protected public land. It was considered
23 too devastated an area to protect. Destroyed
24 from tanning, forestry, subsequent forest
25 fires, stream pollution and erosion relegated

1 (Michelle Spark)

2 this area to a desert pasture. And millions
3 such as deer and trout that we see so evidently
4 here had to be reintroduced. Let's not turn
5 this area into man's view of nature as a theme
6 park. Forever wild becomes forever ruined.
7 When an army of maintainers guard a gated
8 community atop a high mountain ridge, that's
9 shutting out all of us in this plan and the
10 forest too. The DEC as lead agency must honor
11 its mandate as conservator of the public trust
12 as well as the land to not be mislead by the
13 state's financial interest in expanding
14 Belleayre Ski Center to remember its commitment
15 to size appropriate development, maintaining
16 the balance of life has evolved in the
17 Catskills over the last century. Do not
18 squander our resources. Thank you.

19 ALJ WISSLER: The last speaker will be Liz
20 Potter. Ms. Spark, did you have a copy of that
21 that you wanted to submit?

22 MS. MICHELLE SPARK: I will later.

23 MS. LIZ POTTER: My full name is Elizabeth
24 Stuyvesant Potter, and I'm a resident of
25 Phoenicia. I may not have lived here forever,

1 (Liz Potter)

2 but I'm young and I'm starting a family so I'm
3 planning to be here for the next 50 years.
4 It's people like me that will live with the
5 effects of this resort. My family has been in
6 this area for nearly 400 years. My namesake
7 was the first Dutch governor of this land
8 before it was even a state. My cousin was the
9 Republican congressman to this area for several
10 years. So I have as much at stake here as the
11 old-timers do. Perhaps more, because I'll
12 still be here 20 or 30 years from now, with any
13 luck.

14 I believe we need development in this
15 area, but this resort is too big. I've read
16 parts of the DEIS, although we were given not
17 enough time or access. I will briefly comment
18 on two areas, economics and water.

19 Crossroads says it's hiring nearly a
20 thousand workers, over 700 on site and 200 off
21 site. On their web site they say this project
22 would bring not one child into the school
23 system. Is Crossroads planning on hiring just
24 monks and nuns? Realistically about half of
25 these workers will be married and have a couple

1 (Liz Potter)

2 of kids. That's 2,500 new permanent residents
3 coming to the area overnight, including 500
4 children. That's an entire town. And I'm not
5 even including all the new homeowners within
6 the resorts, luxury housing development. So
7 that's 500 school children we must pay to
8 educate.

9 Furthermore, what kind of worker is going
10 to be coming here? Workers willing to work for
11 the minimum wage Crossroads is offering will be
12 poor, at risk people needing a lot of social
13 services. We will have to pay for it. Between
14 the social services and schooling costs of
15 2,500 people, our taxes are going to double
16 overnight. We'll be paying \$5,000 a year in no
17 time.

18 What are we going to get in return? I can
19 tell you in terms of water. I happen to be
20 interested in the water. I live near the
21 Esopus Creek during the summertime. I like to
22 take my dogs swimming there. I drink the
23 water. Also, it matters to me what happens to
24 the New York City drinking water. I grew up in
25 the city on 65th Street and 1st drinking what

1 (Liz Potter)

2 we all knew to be the best municipal water in
3 this country. I still cared about what flows
4 to the city because my mom, my stepmom and my
5 two little brothers drink that water. Millions
6 drink that water that our rivers provide. I
7 feel we need to care for it.

8 I happen to be part of a small group of
9 people who over the last couple of years have
10 taken water samples every month from our local
11 rivers. We do simple tests on the water for
12 purity. It's easy and I've actually never
13 admitted this, but I honestly find it very
14 boring because we never find anything. There's
15 nothing in the water up here right now. The
16 DEP must be doing a very good job.

17 I feel the Crossroads DEIS is misleading
18 when they say that the chemicals used on the
19 golf courses are, quote, safe. I have a little
20 experience with experimental design in grad
21 school. The, quote, experiments that the DEIS
22 is giving us in Appendix 15 to prove that all
23 these pesticides are safe are all computer
24 models. I could find no real-world testing for
25 these chemicals. Let me tell you, it's common

1 (Liz Potter)

2 sense and any scientist would agree that
3 computer simulations are not acceptable when
4 human health is at risk.

5 One of my little brothers who lives in the
6 city is 17 and all he wants to do is play
7 football. I do not want him drinking runoff
8 from chemicals we know nothing about. Very
9 large amounts of fertilizer and weed killers
10 are necessary to keep golf courses green. A
11 golf course requires about five times the
12 number of chemicals as does, for example, a
13 cornfield. This runs off into our streams and
14 into our drinking water.

15 I don't have a good chemistry background
16 so I had a chemist friend explain to me the
17 chemical aspects of the DEIS. She told me
18 that, first of all -- and this was a surprise
19 to me -- that not all the substances approved
20 by the EPA have been safety tested. There are
21 17 chemicals proposed for use by the developer
22 in the turf management plan, Appendix 14. All
23 of these chemicals fall into the category of
24 having no basic data on the chemicals' effects
25 on human health. Of these 17 chemicals Mr.

1 (Liz Potter)

2 Gitter would like to use, 13 are suspected to
3 cause the following: They are suspected to
4 cause cancer, cause birth defects, cause
5 infertility, cause asthma, and to cause about
6 ten other nasty biological effects on people.
7 The problem is, these weed killers and pest
8 killers are people killers and they're not
9 appropriate for our streams and they're not
10 appropriate for our children who swim in the
11 streams. It's not appropriate for my
12 72-year-old mom down in the city to drink this
13 water.

14 I just met a lady who grew up on a golf
15 course in Florida. She told me that there were
16 14 or 15 houses, including her own, bordering
17 the golf course. After a few decades, each and
18 every one of these houses, someone had died of
19 cancer. This is not scientific data, but it's
20 very scary and we clearly need more real-world
21 data on the chemicals they want to use here,
22 not just computer experiments. I ask the DEC
23 to look into this.

24 To conclude, I am not against
25 development. I feel that reasonable

1 (Liz Potter)

2 development is something we really need. A lot
3 of people say that this resort will bring
4 prosperity to the area, but a dollar spent at
5 the resort is a dollar not spent at a local
6 business. I just read in the paper that within
7 a few years of a casino being built in Niagara
8 Falls, 30 to 40 percent of the Main Street
9 businesses and restaurants were closed. I ask
10 you to imagine life without Sweet Susan in
11 Phoenicia or life without the Bun and Cone in
12 Margaretville.

13 Seriously, to quote Ross Perot, the giant
14 sucking sound you will hear once this
15 development is built is all the money being
16 sucked out of our towns by this mega resort.
17 Thank you.

18 ALJ WISSLER: Thank you, Ms. Spark. We
19 will reconvene at seven o'clock right here.

20 (The proceeding recessed at 6:00 p.m.;
21 reconvened at 7:00 p.m.)

22 ALJ WISSLER: Good evening. My name is
23 Richard Wissler, W-i-s-s-l-e-r, and I am
24 Administrative Law Judge with the Department of
25 Environmental Conservation and will be

1 (Introductory Remarks)

2 presiding at this evening's hearing. We
3 started earlier today. The first part of this
4 hearing was at four o'clock and it continued
5 until about 6:00, and now we are continuing
6 here at seven o'clock until we are through.

7 The purpose of this hearing is for the
8 Department of Environmental Conservation staff
9 to receive unsworn statements relating to
10 applications made by Crossroads Ventures, LLC
11 for certain Department of Environmental
12 Conservation permits required for the proposed
13 Belleayre Resort at Catskill Park. My task
14 this evening is to make sure that those
15 statements are received in an orderly fashion,
16 and they're very, very important statements.
17 The comments that the public makes here tonight
18 are, by law, comments on the Draft
19 Environmental Impact Statement that has been
20 prepared in this case, and they are statements
21 that the Department must review and must be
22 responded to as appropriate in that
23 environmental review process.

24 In addition, these statements that you
25 make tonight are extremely important to me as

1 (Introductory Remarks)

2 the Administrative Law Judge in the case
3 because while your statements will not be
4 evidence themselves at subsequent proceedings
5 in this matter, they do provide me a basis to
6 ask questions of parties or potential parties
7 to the issues conference and any other
8 proceedings that are held in this matter. So
9 your input is extremely important in this
10 matter.

11 To that end, if you would like to speak
12 tonight, I would ask that you fill out one of
13 the speaker registration cards at the table,
14 and that would be given to me and I will call
15 out your name and you can come up here and give
16 your statement.

17 If you want to submit something in
18 writing, you can do so. If you want to come up
19 here and read a written statement and then
20 provide that statement to me, you can do that
21 too. Written comments, however, after this
22 evening, if you wish to submit further written
23 comments, those written comments need to be
24 received by the Department, by Alexander
25 Ciesluk who will be introduced later who is

1 (Introductory Remarks)

2 located at the Department of Environmental
3 Conservation, Region 3 Office in New Paltz.

4 I would note for the record that the
5 Notice of Complete Application, the Notice of
6 Acceptance of the Draft Environmental Impact
7 Statement and the Notification of the Public
8 Hearing and Issues Conference in this matter
9 was published in the Department's Environmental
10 Notice Bulletin on December the 10th, 2003, and
11 also as a legal notice in local newspapers all
12 in fulfillment of the requirements of Part 621
13 and 624 of the Department's regulations.

14 At this time, it's not necessary, by the
15 way, to have filed in advance to speak tonight.
16 But again, I would ask you to fill out one of
17 those speaker cards if you would be so kind.

18 That said, I'm going to ask Carol Krebs,
19 an attorney with the Region 3 office, to make a
20 brief statement about the nature of the permit
21 applications that have been presented to the
22 Department and then we will be resuming the
23 public comment section of this legislative
24 hearing. If there are any elected officials in
25 the room and they would wish to speak, I would

1 (Carol Krebs)

2 ask that they identify themselves because I
3 will take their comments first. That is all I
4 have to say.

5 Carol Krebs.

6 MS. CAROL KREBS: Good evening. My name
7 is Carol Krebs, and I am an Assistant Regional
8 Attorney for the New York State Department of
9 Environmental Conservation. I work out of the
10 New Paltz Region 3 Office, and I am the
11 attorney representing Department staff working
12 on the Department's review concerning the
13 Belleayre Resort at Catskill Park project.

14 Also here tonight are the following
15 Department staff, also from the Region 3
16 office: We have Ms. Margaret Duke, the
17 Regional Permit Administrator, Mr. Alex
18 Ciesluk, the project contact person.

19 First of all, for those of you who may not
20 be familiar with the DEC permit hearing
21 process, this is the beginning of public
22 comment period, and the DEC has not taken a
23 position on this project at this time. The DEC
24 is a lead agency responsible for conducting the
25 environmental review for this project under the

1 (Carol Krebs)

2 State Environmental Quality Review Act or, as
3 it's commonly known, SEQRA. This environmental
4 review process is several steps to it,
5 including scoping and the preparation of
6 environmental impact statements. As a part of
7 that SEQRA process, the Applicant, Crossroads
8 Ventures, has submitted a Draft Environmental
9 Impact Statement. After several revisions
10 asked for by Department staff, the Department
11 has determined that the Draft Environmental
12 Impact Statement, or DEIS, is adequate for
13 public review and comment. This does not mean
14 that the Department is in favor of it or
15 opposed to this project, only that we agree
16 that the review process can begin.

17 The DEIS is a draft document intended for
18 public review and comment. These public
19 comments will be considered by the Department
20 in meeting the SEQRA requirements in order to
21 prepare a final Environmental Impact Statement,
22 and as part of the Department's decisions on
23 the various applications for permits that are
24 before the Department right now.

25 We are here to listen today and tonight

1 (Kevin M. Young)

2 and tomorrow to all of you and will carefully
3 consider each comment received, both on the
4 DEIS and the permit applications which are
5 before the Department. Also, as Judge Wissler
6 has mentioned, written comments can also be
7 submitted. We will also carefully review and
8 consider each written comment received.

9 Thank you for your time, and I look
10 forward to hearing your comments.

11 ALJ WISSLER: Thank you, Carol. The first
12 speaker will be Kevin M. Young, and after Mr.
13 Young, we'll hear from Bill Foley.

14 I would just indicate that if you have a
15 written statement that you intend to read into
16 the record tonight, if you could give us a copy
17 of that if you have that with you this evening,
18 that would be appreciated.

19 MR. KEVIN M. YOUNG: Thank you, Judge, for
20 the opportunity to speak. My name is Kevin
21 Young. I'm an attorney for Delaware County.
22 I'm speaking on behalf of Delaware County
23 tonight, and Delaware County asked me to speak
24 because I was the attorney that negotiated the
25 MOA for Delaware County.

1 (Kevin M. Young)

2 There were different, many different
3 attorneys, obviously, that negotiated for
4 different parties, but I was the person who sat
5 through the negotiations for Delaware County
6 during the MOA and they asked me to identify
7 the consistency of this project or how Delaware
8 County would look at this project from the
9 point of view of the MOA.

10 And what I want people to understand is
11 that when we -- when I say MOA, we're talking
12 about Memorandum of Agreement. When the
13 upstate communities agreed to the Memorandum of
14 Agreement with the City of New York, we gave up
15 something. We gave up quite a lot. We allowed
16 the City and we consented to the City and we
17 agreed not to challenge the City adopting a set
18 of regulations that controls fertilizer,
19 pesticides, storm water, sewage, septic system,
20 snow removal, the storage of sand and salt, all
21 of that, the City of New York got to control in
22 our watershed.

23 Most important, however, is the control of
24 sewage treatment plants. The watershed
25 regulations that we consented to basically make

1 (Kevin M. Young)

2 the ability for anyone other than a very
3 wealthy person to install a wastewater
4 treatment plant impossible. There is 107
5 wastewater treatment plants existing in the New
6 York City Watershed. Each of those plants have
7 to be upgraded to meet those regulations. And
8 even wastewater treatment plants as small as
9 serving a restaurant cost a million to \$2
10 million.

11 I have a client that has 20 homes. It's
12 going to cost \$2 million to upgrade that system
13 for that 20 homes. \$200,000 a year to operate
14 those systems. The new systems that we put in
15 the Village of Andes, \$35,000 per household.
16 If we weren't subsidized, the cost of operating
17 that plant is \$3,000 per household. We cannot
18 put -- a private sector person cannot put in a
19 new sewage treatment plant.

20 What that means in Delaware County -- and
21 I'll just give some facts about Delaware County
22 -- Delaware County is huge. It's bigger than
23 Albany, Schenectady and Rensselaer. Somebody
24 said it's bigger than the state of Rhode
25 Island. Half of the New York City Watershed

1 (Kevin M. Young)

2 west of the Hudson is in Delaware County. 51
3 percent of the land mass in Delaware County is
4 in the New York City Watershed. So we have a
5 huge amount at stake. Our county is extremely
6 poor. We have -- the average per capita
7 income, per person income is \$17,000. Our
8 population density is 32.5 people per square
9 mile. Our biggest industry continues to be
10 dairy farms. We have over 183,667 acres of
11 land still being farmed.

12 Because we're a big county with a few
13 people but we still end up with a lot of roads,
14 we have one of the highest per capita tax, real
15 property tax rates of any county in New York
16 State. That's because we have so few people to
17 pay for the county tax.

18 Most important, if you're a business in
19 Delaware County, you don't have the traffic to
20 pay a lot of money in paying attorneys and
21 accountants and engineers to get these
22 approvals. I mean, in other words, if you're
23 trying to start a business in Delaware County,
24 whether it's going to be in, you know,
25 Margaretville or in Delhi, you just got to do

1 (Kevin M. Young)

2 it very cheaply because you can't afford a
3 \$3,000, \$5,000 attorney fee. You don't have
4 the volume of business to offset that. That's
5 what we're living with. That's what we have
6 here in Delaware County.

7 When we signed the MOA, why would we sign
8 something that would make it so cost
9 prohibitive for us to do these new sewage
10 treatment plants? We signed it because there
11 was an agreement, a partnership, and the
12 partnership was, listen, we understand there's
13 going to be probably the most stringent
14 regulations in the country on wastewater
15 treatment plants, some of the most stringent
16 regulations in the country on storm water
17 protection. We understand that. But if we --
18 the deal was, if we have development which
19 meets those standards, then that development,
20 as long as it meets those standards, whether or
21 not that development that occurs is a local
22 decision, not a New York State decision, not a
23 DEC decision, not a DOH decision, not a DEP
24 decision, but a local decision. It's a local,
25 it's home rule. We get to choose what our

1 (Kevin M. Young)

2 communities look like. You guys determine the
3 regulatory standards.

4 And that's why in some sense, Delaware
5 County looks at this project as so critical to
6 the success of the whole MOA. Because we have
7 a developer who is willing to comply with these
8 regulations, and assuming he is, and we're not
9 saying he is, we're saying the agencies have to
10 do their homework, the DEC has to do its
11 homework, DEP has to do their homework and then
12 the local towns have to make a decision. They
13 may make a decision no, they may make a
14 decision yes. But as long as the developer
15 complies with these most stringent regulations,
16 our understanding of what we got from the MOA
17 is that we, this development, can leap.

18 We assumed, you know, that with these
19 regulations we were going to have some
20 developing. We need development in order to
21 survive as a community. And we assumed that,
22 and dependent upon some of that being major
23 resorts. That is part of the assumption under
24 which we proceeded through this signing the
25 MOA.

1 (Bill Foley)

2 So I guess I'm here to say that from
3 Delaware County's point of view, we think that,
4 you know, we're stressing that it's a local
5 decision. That under the MOA, if this
6 Applicant can meet the regulatory standards
7 that everyone has agreed to, then it should be
8 a local decision, the Town of Shandaken, the
9 Town of Middletown who decides whether the
10 project comes or goes. Thank you very much.

11 ALJ WISSLER: Thank you, Mr. Young.

12 Bill Foley. After Mr. Foley, we'll hear
13 from Kurt Rieke.

14 MR. BILL FOLEY: Thank you, your Honor.
15 Ladies and gentlemen, as you heard, my name is
16 Bill Foley. I'm not a resident of the area
17 here but I am a weekly visitor. I'm one of
18 those people who comes here to enjoy the
19 hiking, the skiing, the kayaking, the wonderful
20 environment that you have to offer. I must
21 tell you that I share many of the concerns that
22 I heard today about the environments as such,
23 but that's not what I want to speak on
24 tonight. I'm not sure I'm a good one,
25 qualified to speak on that. But I think I am

1 (Bill Foley)

2 qualified to talk on one aspect of things, and
3 that's your traffic.

4 I don't know whether it's going to be 347
5 more trips per hour or 500 more trips per hour
6 that you're going to experience, I don't know
7 what the number of vehicles per hour is on
8 Route 28. I haven't seen those numbers. But
9 what I do know, and I'm sure most of you do
10 know, that the traffic levels on 28 on a Friday
11 evening or on a holiday weekend are very, very
12 heavy right now, difficult to get out, it's
13 difficult to drive, it's difficult to safely
14 navigate Route 28.

15 When I listen to the size, or I read,
16 actually, in the impact statement the size of
17 this development and I compare it with what I
18 sense is of the number of beds and other
19 facilities that are available for those people
20 coming in on Friday nights and holiday
21 weekends, this has to be a very major
22 percentage of the total number of people that
23 are going to be on Route 28 in the future, as
24 well as, of course, all those trucks and such
25 in the interim period. So I am very, very

1 (Bill Foley)

2 concerned about the traffic levels in the
3 future.

4 Now, just today coming here, I drove from
5 Phoenicia, I was in a queue at one point with
6 five vehicles ahead of me, and I would tell you
7 that the lead car was driving pretty close to
8 the speed limit, so that is now a middle of the
9 afternoon on a weekday and the traffic was that
10 heavy. I counted six school busses along that
11 way and they weren't causing the queue,
12 incidentally, but there were six that I saw
13 between Phoenicia and here. So this is a major
14 route that takes your children to and from
15 school.

16 So it's clear to me that this is a major
17 business route, it's a major tourist route. I
18 know because I've done it. It's a major
19 shopping route and it's a major school
20 transport route. That's Route 28, I'm talking
21 about.

22 When I listen to the talk about the water
23 supply and about what pollution might do and
24 the cost of that, I can't help but put it in
25 the context of what is going to happen when

1 (Kurt Rieke)

2 people start not being able to get home at
3 night on Friday afternoon -- evenings and such.
4 There's going to be a tremendous demand for
5 expanding Route 28. And I would suggest to you
6 that it isn't the developer of this project
7 that is going to pay for that, it's you, the
8 taxpayer, that's going to feel the pressure and
9 going to have to foot the bill to expand the
10 facility in order to get people to and from
11 this particular very large resort.

12 So I would just share that thought with
13 you and hope that you will consider it very
14 seriously in your evaluation of this project.
15 I appreciate the opportunity to speak this
16 evening. Thank you.

17 ALJ WISSLER: Kurt Rieke, and after Mr.
18 Rieke, Larry Federman.

19 MR. KURT RIEKE: Good evening. Thank you,
20 your Honor, for the chance to speak to you
21 here. My name is Kurt Rieke. I'm Deputy
22 Director in the Bureau of Water Supply in New
23 York City DEP. We are the bureau of the agency
24 that has been talked about repeatedly here,
25 operates the watershed up here in Delaware

1 (Kurt Rieke)

2 County, Ulster County. I'm here to deliver
3 just a short statement the Commissioner of our
4 Department Chris Ward asked me to read into the
5 record.

6 New York City DEP supplies, as has been
7 said by others as well, about 1.1 billion
8 gallons a day of exceptional quality drinking
9 water for approximately 8 million New York City
10 residents, 1 million residents of counties,
11 including Ulster and Orange County, which
12 amounts to about half the population of the
13 entire State of New York, as well as additional
14 numbers of tourists and commuters to New York
15 City and the counties we serve. DEP's
16 authority and responsibility for operating the
17 water supply derives from New York State law,
18 the water supply act that was passed in the
19 early 1900s.

20 As described -- it's also been described
21 here tonight -- in the historic 1997 Memorandum
22 of Agreement, as stated in that MOA, it is the
23 duty of the DEP to protect the high quality
24 waters from which the City's water supply is
25 drawn and preserve it from degradation for the

1 (Kurt Rieke)

2 purpose of protecting the health and general
3 welfare of all the communities supplied by
4 water from the system.

5 The parties in the MOA agreed that the New
6 York City water supply is an extremely valuable
7 resource that must be protected in a
8 comprehensive manner. These parties also
9 agreed, as was just said by Mr. Young, that the
10 goals of drinking water protection and economic
11 vitality are not inconsistent. It's the
12 intention of the parties -- the MOA goes on --
13 it's the intention of the parties to cooperate
14 in the watershed protection program that
15 maintains and enhances the quality of the New
16 York City drinking water supply systems and the
17 economic vitality and social character of
18 watershed communities. The parties to the MOA
19 include the DEP, obviously, the State of New
20 York, the New York State DEC separately, New
21 York State Department of Health, United States
22 EPA, many towns, including the towns of
23 Middletown and Shandaken, both individually, as
24 well as members of the Coalition of Watershed
25 Towns, which itself is a party, Villages of

1 (Kurt Rieke)

2 Fleischmanns and Margaretville, Delaware
3 County, Ulster County, as well as several
4 environmental organizations.

5 All the parties of the MOA, without
6 exception, have a mutual obligation to each
7 other in accordance with that agreement to
8 thoroughly evaluate the proposed -- this
9 proposed project's environmental, economic and
10 social impacts on both the local area and the
11 region, with an eye to protecting the resource
12 for all the citizens we serve with the drinking
13 water supply, before approving its construction
14 and operation.

15 Some more statistics for you that we want
16 to provide. DEP's west of Hudson, Delaware and
17 Catskill water supply consists of six
18 reservoirs with a combined storage capacity of
19 about 460 billion gallons and covers about a
20 million acres, as Kevin said, about 51 percent
21 of that is Delaware County, in Delaware
22 County. These six reservoirs are connected to
23 each other and to the users in the city and
24 downstate by about 270 miles of aqueducts and
25 tunnels. This system is solely reliant on

1 (Kurt Rieke)

2 precipitation and runoff to supply the
3 reservoirs. The pollutants present in the
4 runoff directly affect the quality of the water
5 that's stored in those reservoirs and supplied
6 by the system to users downstate.

7 The proposal by Crossroads Ventures is the
8 largest development proposed in the Catskills
9 in decades, possibly ever, and as proposed has
10 many different potential impacts on the quality
11 of the water in the reservoirs, as well as many
12 other areas of impact. The Pepacton Reservoir,
13 which is one of the Delaware County reservoirs,
14 will receive about 55 percent of the water
15 quality impacts from the project, even though
16 about 58 percent of the land to be disturbed is
17 in the eastern portion of the project, in the
18 Ashokan Watershed.

19 DEP is an involved agency, which is a
20 specific designation under the State
21 Environmental Quality Review Act, because
22 certain parts of the project, again as just
23 said, require DEP permits. But more
24 importantly, also due to a responsibility for
25 the protection of this extraordinary water

1 (Kurt Rieke)

2 supply under state law, which responsibility is
3 shared by all parties to the MOA, who I have
4 referred to above.

5 We at DEP are devoting both in-house and
6 consulting resources to providing thorough
7 analysis, performing a thorough evaluation of
8 the Draft EIS that's the subject of this
9 hearing, and we will be providing comments in
10 detail, written comments in detail before the
11 close of the comment period as well.

12 We're not prepared to discuss the specific
13 content of our comments at length here tonight,
14 but the areas of concern that we anticipate our
15 comments will address include such things as
16 the sufficiency of pollutant removal by the
17 proposed wastewater treatment plant ---

18 VOICE FROM THE AUDIENCE: Could you talk
19 louder?

20 MR. KURT RIEKE: Some of the areas that
21 we're reviewing regarding the project is the
22 sufficiency of pollutant removal by the
23 proposed wastewater treatment plants that will
24 be included in the project, the baseline
25 environmental data that was employed for the

1 (Kurt Rieke)

2 design and the efficacy of the design of the
3 proposed storm water management controls and
4 whether those controls achieve the levels of
5 control that our regulations and other
6 environmental requirements indicate should be
7 met, the nature and severity of wetland impacts
8 from all of the great modifications that we've
9 made to topography throughout the development,
10 the accuracy, sufficiency, reliability of the
11 hydrologic analyses and water balance
12 calculations that have been used in designing
13 the project, the accuracy or inaccuracy of the
14 baseline conditions used both environmental and
15 land use and economic data used in analyzing
16 the impacts of the project, as well as the
17 level of optimism reflected in the projections
18 of its economic benefits, and whether there has
19 been thorough identification -- complete
20 identification and thorough analysis of
21 regional socioeconomic and growth-inducing
22 effects. Finally, economic, environmental and
23 regional impacts during construction.

24 DEP as well as reviewing it ourselves, as
25 I mentioned, DEP has agreed to financially

1 (Larry Federman)

2 support the Town of Shandaken and is working
3 with the Town of Middletown to provide similar
4 support for the town's technical evaluation of
5 the local impacts of the project through the
6 SEQRA process, which we believe is consistent
7 with the spirit of the MOA that all projects
8 should receive a thorough review.

9 As I say, we will submit detailed comments
10 on these and other categories of concerns
11 before the end of the comment period. I want
12 to thank you for the opportunity on behalf of
13 Commissioner Ward to address the hearing here
14 tonight.

15 ALJ WISSLER: Jean Millar? No. Okay.
16 Then Larry Federman. After Mr. Federman, we
17 will hear from Neil Woodworth.

18 MR. LARRY FEDERMAN: My name is Larry
19 Federman. I am President of Northern Catskill
20 Audubon, local chapter. I represent Audubon
21 New York, 45,000 members and 30 chapters across
22 New York State. The mission of Audubon New
23 York is the protection of birds and other
24 wildlife and the habitat that supports them.
25 We're part of a national organization with half

1 (Larry Federman)

2 a million members throughout North and Central
3 America.

4 The following chapters represent members
5 in the area impacted by this project: My
6 Northern Catskills, Capital Region,
7 Delaware-Otsego, Orange County, Sullivan
8 County, as well as our New York City chapter
9 with 10,000 members and seven chapters in the
10 New York City metro area in Putnam, Westchester
11 and Rockland Counties. These are all members
12 who are served by the New York City
13 metropolitan water supply, both east and west
14 of the Hudson River.

15 It's obvious that many of our members in
16 the Catskill region and metropolitan area
17 chapters will be directly affected by the
18 adverse impacts of this resort project,
19 impacted by the likely changes in water
20 quality, by the tax and other fee bills they
21 will be presented with as a result of the
22 adverse impacts of this resort project.

23 Audubon New York is guided by several
24 policy resolutions which pertain to the
25 Catskill Park and the New York City Watershed

1 (Larry Federman)

2 counties. In summary, we oppose any projects
3 that will adversely affect the drinking water
4 resources in the region, we oppose projects
5 that can harm bird habitat, especially at the
6 higher elevations of the park and the
7 watershed, and we support the state's habitat
8 conservation and bird protection measures for
9 the designated Bird Conservation Areas in the
10 Park and watershed, including the BCA, Bird
11 Conservation Area, for the Catskill High
12 Peaks.

13 Audubon New York has a resolution specific
14 to this Belleayre Resort project stating in
15 part that we will be active in the SEQRA
16 process, that we will scrutinize the likely
17 impacts of this project on the habitat,
18 regional water quality and water flows, and
19 that we oppose the project as proposed and will
20 do so until such a time that the developer and
21 the state can show the environmental, economic
22 and social benefits can far outweigh the costs,
23 both locally and regionally.

24 The reasons for our opposition were
25 outlined in a letter to the State DEC more than

1 (Larry Federman)

2 a year ago when the first draft of the EIS was
3 released for review and comment.

4 Some of them are, number one, the project
5 involves clearing and altering the terrain on
6 nearly one square mile of high elevation
7 habitat and two watersheds, the Ashokan and
8 Pepacton river systems, which are both major
9 parts of the bigger New York City Watershed.
10 We support maintaining the system in such a way
11 that the water does not have to be filtered,
12 the city water does not have to be filtered at
13 considerable cost to all taxpayers.

14 Number two, we are concerned about
15 protecting the integrity of higher elevation
16 matrix hardwood forests as habitat for an array
17 of bird species. Though there is no one
18 species that has been determined as threatened
19 or endangered, it is the conservation of the
20 variety and population numbers that is of most
21 concern to wildlife biologists. This can only
22 be done by protecting the forest habitat as a
23 whole. This is the prime purpose of the Forest
24 Preserve within the Catskill Park. Protecting
25 the forest habitat has the secondary benefits

1 (Larry Federman)

2 of protecting the watershed and the water
3 quality for all the other dependent uses.

4 Number three, the project is totally out
5 of proportion to the needs and resources of the
6 existing communities along the Route 28
7 corridor through the Catskill Park. This
8 pertains to the ecological, economic and social
9 environments in total. We're dealing with here
10 -- what we're dealing with is the scale and
11 location of the facilities. In essence, the
12 proposal is akin to a Wal-Mart being located in
13 a struggling rural community. It may look
14 attractive to the economic developers, but it
15 is devastating to the existing businesses and
16 social structure. It will destroy the existing
17 businesses, take away their customers, raise
18 their property taxes to support the services
19 needed to cover the additional costs for a host
20 of social services, generate and concentrate
21 traffic problems, take precious drinking water
22 resources from the local communities, result in
23 surface and groundwater pollution and so result
24 in a degradation of the watershed resources.

25 And number four, we believe there are

1 (Larry Federman)

2 better alternatives to this project which have
3 not been considered seriously by the developer
4 and the State DEC. These alternatives will
5 provide many more benefits to the ecological
6 and social communities in the watershed.
7 Investing in the existing communities, putting
8 the golf courses and conference center in
9 existing communities, investing in the small
10 businesses, the shops, restaurants, bed and
11 breakfast units that are along the length of
12 the Route 28 corridor, are just some
13 suggestions. We believe that this sort of
14 alternative, small scale, fitting into the
15 existing communities, minimizing the impacts
16 and following the precautionary principle, have
17 not been seriously considered in this impact
18 statement because the developer is locked into
19 the properties they have purchased.

20 A first review of the Draft EIS as
21 published now has not changed our opinions
22 about this project. Our prime concerns focus
23 on the smart growth implications. That is to
24 say, this project does not follow the smart
25 growth principles which are now becoming

1 (Larry Federman)

2 accepted by the planning community across this
3 and many other states and which are now being
4 embodied in the policies of this state's
5 governor and the state government. They are
6 summarized by the governor's Quality
7 Communities executive order of January of 2000,
8 a report of the Quality Communities Task Force
9 of February 2001, and in state legislation
10 induced in sessions of the State Legislature
11 since 2000.

12 The basic idea of smart growth is to
13 encourage the use of the existing development
14 infrastructure rather than foster sprawl, so as
15 to preserve open space, natural habitat and
16 agricultural resources. It is to enhance urban
17 centers and neighborhoods, support traditional
18 cities, villages and hamlets, and where
19 possible, support the continued viability of
20 rural communities.

21 This can be achieved by local communities
22 developing a collaborative smart growth plan of
23 their own, laying out their own vision for
24 their own communities. This does not include a
25 vision imposed from outside, nor does it

1 (Larry Federman)

2 include development of such a scale that it
3 overwhelms the community and their resources.

4 The principles work to enhance a sense of
5 community, protect investment in existing
6 communities and neighborhoods, protect
7 environmental quality and conserve open space,
8 protect the farming community, decrease
9 congestion by providing alternate modes of
10 transport, use energy conservation as a
11 foundation for planning and design, and make
12 efficient use of limited public financial
13 resources.

14 And the key to this coordinated planning
15 -- I'm sorry -- the key to this is coordinated
16 planning at the community, regional and state
17 levels.

18 We are of the opinion that these basic
19 principles are violated by the sheer size and
20 character of this project. Furthermore, the
21 process of community involvement and
22 collaboration on a development plan for this
23 region that is of an appropriate scale and
24 character has been ignored and thwarted by the
25 developer and by the state.

1 (Neil Woodworth)

2 We will submit more detailed written
3 comments on the latest Draft EIS by the
4 deadline set by the state. Thank you for
5 considering our concerns.

6 MR. NEIL WOODWORTH: Thank you, your
7 Honor. I would like to thank DEC for the
8 opportunity to provide commentary on this
9 incredibly important project. I represent --
10 my name is Neil Woodworth. I represent the
11 Adirondack Mountain Club and the New York/New
12 Jersey Trail Conference. I see one of you I
13 know. I see a number of you I know. We
14 represent the state's hiking community.
15 Together, the organizations represent over a
16 hundred thousand hikers, many, many of whom use
17 the Catskill region. The Adirondack Mountain
18 Club and New York/New Jersey Trail Conference
19 share many of the concerns you've heard this
20 afternoon and this evening, concerns about
21 mountaintop development, the extent of soil
22 removal and excavation and blasting on the
23 mountaintop, the concern about the water
24 quality of the Esopus Creek, changes in water
25 flow.

1 (Neil Woodworth)

2 Tonight I wanted to talk to you about
3 something you haven't heard much about today,
4 and something that's very close to our heart.
5 The Adirondack Mountain Club and New York/New
6 Jersey Trail Conference have a long history of
7 involvement with the Catskill Forest Preserve
8 and Catskill region. Not far from here if you
9 have been climbing up the trail to giant
10 ledges, you have walked up recently put rock
11 steps that my trail crew has put in in order to
12 protect the resource, and throughout the
13 Catskill Forest Preserve, you will find work
14 done by volunteers and professionals of the two
15 organizations. This project, this is a very
16 large project that is located in the middle of
17 the Catskill High Peaks. It is located at the
18 apex of three great New York State Forest
19 Preserve wilderness areas, a Slide Mountain
20 Wilderness Area, the Westkill Wilderness Area
21 and the Big Indian Beaverkill Wilderness Area.

22 One of the speakers who spoke before me
23 talked about traffic on Route 28. I want to
24 talk to you a little bit about traffic on
25 trails, hiking trails. If you look at the

1 (Neil Woodworth)

2 Appendix 26 of this huge document, you will
3 find something that is very interesting for us
4 to review, and that's the number of people that
5 this development complex expects to bring to
6 this area on an overnight basis, and the
7 numbers are very large. They will bring a
8 great deal of people to this area. And one of
9 the things that they expect to do, one of the
10 things that they plan to do is to make this a
11 four-season resort that is not just for skiing
12 and not just for golfing. And the Forest
13 Preserve is something that they intend to use
14 for marketing. And one of the things that,
15 when DEC did the final scoping document for
16 this project, they call for an analysis of the
17 secondary and cumulative impacts on all the
18 forest lands of the Catskill Park. But in
19 particular, they wanted to know information
20 about the number of added people that are
21 traveling on the trails of this magnificent
22 area.

23 We're concerned because when we look
24 through this, and I'll tell you, I thank the
25 Crossroads Ventures folks for providing me a

1 (Neil Woodworth)

2 copy of these documents. And when I set them
3 on the floor on top of each other, they go from
4 my toes to the ceiling. This is a very, very
5 huge project. We did not see in our review,
6 and perhaps we missed it, but we were pretty
7 careful on this point, we did not see the
8 review of the number of added people that would
9 be added to places like the Slide Mountain
10 Wilderness. Remember places like the Westkill
11 Wilderness and the Slide Mountain Wilderness,
12 the Slide Mountain trail heads, the giant ledge
13 trail heads really are only a few minutes'
14 drive for most of the people, this large number
15 of people that would be housed overnight in
16 this complex. It is fitting that DEC is the
17 public agency that is going to be reviewing
18 this impact because under the law of the State
19 of New York, DEC is the custodian of the Forest
20 Preserve. And it is their responsibility under
21 the Catskill Park State Land Master Plan,
22 another great planning document, and under the
23 unit management plans that guide the
24 development of all of these lands, they have to
25 weigh the impact and the carrying capacity of

1 (Neil Woodworth)

2 these lands.

3 So in evaluating this project, we expect
4 DEC to, with all the other things that you have
5 to take into account, water quality, the
6 condition of movement of change and character
7 of the landscape, traffic and all the other
8 things you have to be concerned about, don't
9 forget the Forest Preserve.

10 One of the things that our -- and I'll
11 tell you something that is proud for me to say
12 to all of you, we have the only
13 constitutionally, that I'm aware of, protected
14 public wilderness in the world. All New
15 Yorkers, not just the good folks that are lucky
16 enough to live in the Catskills, all New
17 Yorkers own an interest in the Forest Preserve
18 and all New Yorkers can go to court to enforce
19 and protect the Forest Preserve. So when I
20 speak tonight, not only am I speaking for the
21 Adirondack Mountain Club and New York/New
22 Jersey Trail Conference, but in a way I'm
23 speaking of the Forest Preserve and the folks
24 who all own it.

25 And I want to talk about just a couple of

1 (Neil Woodworth)

2 other matters. One, on the -- this project
3 because part of the project, the eastern part
4 of the project, and I will tell you that it is
5 the eastern part of the project that we have
6 the most concerns about. We are not of a
7 position that nothing can be improved here. We
8 certainly believe that a substantial amount of
9 this can be approved in the right places with
10 the right permit conditions. But it is the
11 size and sheer magnitude of this project that
12 is our concern. Visual impacts of the
13 mountaintop development is something that needs
14 to be looked at.

15 When we looked through these papers, for
16 example, we found that while some locations
17 were reviewed, including the view from the
18 newly renovated fire tower was not evaluated
19 and perhaps it wasn't safe to climb when the
20 folks evaluated that, but that has become a
21 popular location and should be evaluated. I
22 think there was another lookout on the same
23 mountain. The Catskill Park was determined to
24 be an area of statewide visual significance in
25 a recent DEC document entitled Assessing and

1 (Neil Woodworth)

2 Mitigating Visual Impacts.

3 So again, I would ask DEC to take into
4 account that policy document that's been used
5 for things like cell tower review and other
6 project review in evaluating, and we hope
7 objectively evaluating the way that this
8 project can be reviewed from distant
9 locations.

10 Finally, I think it's -- some speakers
11 have talked about, I think that what is
12 important for us is that there be an evaluation
13 of other alternative configurations and sizes
14 for this project other than the size that has
15 been brought to us as one project. And we
16 think that the evaluation of project sizes that
17 are smaller than the current preferred option
18 for the Applicant is something very, very
19 important to be evaluated. And with those
20 comments, I thank DEC for the opportunity to
21 comment.

22 ALJ WISSLER: Mary Macy. After Ms. Macy,
23 we'll hear from Susanna Margolis.

24 MS. MARY MACY: My name is Mary Macy and
25 I'm a homeowner in Fleischmanns. I would first

1 (Mary Macy)

2 like to register my frustration at the timing
3 of the DEIS, the shortness of the review period
4 and the difficulty in getting and reading this
5 enormous document.

6 Second, I am concerned that the DEC, the
7 lead agency of this project, has allowed this
8 revised DEIS to be brought forward with so many
9 inconsistencies and problems still unresolved.
10 The DEC is a government agency and is supposed
11 to protect our environment. I hope it will
12 fulfill its roll.

13 As to the project described in this
14 document, it would have detrimental effect not
15 only on the environment, but also on the local
16 economy. According to the DEIS, very few local
17 jobs would result in this project and those
18 would be low paying and seasonal. In fact, the
19 resort would be in direct competition with the
20 restaurants and shops in the small villages
21 surrounding it and would actually draw business
22 away from local establishments. The
23 environmental and social impact is staggering.
24 Just for starters, the traffic would increase
25 dramatically, not only on Route 28 but on quiet

1 (Mary Macy)

2 roads like mine that would become shortcuts as
3 volume increases, as the volume increases. The
4 increase in population would raise taxes,
5 already high to accommodate the increases to
6 schools and municipal services. The issue of
7 where the water this project would need would
8 come from is still very much unresolved and has
9 spoken of very well tonight. Damage to the
10 watershed and runoff problems are issues not
11 only for this area with its trout streams,
12 rivers and reservoirs but for New York City
13 which would in all probability have to build a
14 filtration system it has long hoped to avoid.

15 The list goes on, but as a painter, I also
16 have personal reasons for wanting this project
17 stopped. On top of the mountain, fiscal and
18 environment effects of this mega resort, the
19 visual and esthetic impact is incalculable. It
20 would create an irreparable and permanent scar
21 on the steep slopes of these mountains and
22 ravage the scenic peace and stillness that is
23 the historic legacy of this beloved region.
24 This issue cannot be quantified in the DEIS,
25 but it is at the heart of my desire to stop

1 (Susanna Margolis)

2 this project. Thank you.

3 ALJ WISSLER: Susanna Margolis. After Ms.
4 Margolis, we'll hear from Sally Fairbairn.

5 MS. SUSANNA MARGOLIS: My name is Susanna
6 Margolis. I live in Fleischmanns. I am not an
7 expert on the technical issues discussed in
8 this DEIS, but I am a concerned citizen and I
9 do know how to read. I believe the DEC should
10 have rejected this DEIS as inadequate, chaotic
11 and disrespectful of the public's concerns.
12 And it should reject the project proposed in
13 the DEIS as inappropriate, harmful, and
14 disrespectful of the public interest.

15 The DEIS fails to demonstrate any public
16 need for the project at all. Section 1.3.2 on
17 that subject quotes selectively from a number
18 of studies, which Mr. Gitter mentioned in his
19 remarks, which pretty much all conclude that
20 the wilderness environment is the reason people
21 come here, that preserving the environment is
22 essential to the region's future, and that
23 economic development should be focused on the
24 hamlets and villages. How Crossroads Ventures
25 can go from those findings to proposing a

1 (Susanna Margolis)

2 development that would wreck the environment
3 and degrade the hamlets and villages requires a
4 leap of faith best reserved for a theological
5 screed, not an Environmental Impact Statement.

6 The DEIS offers assumptions where it
7 should provide certainties. It tells us that
8 the Wildacres portion of the proposed
9 development will get its water from
10 Fleischmanns, and it provides voluminous data
11 to demonstrate that the village's water supply
12 has the needed capacity. What it fails to
13 mention is that the people of Fleischmanns have
14 not agreed, and may not agree, to give up
15 control of their water supply.

16 The DEIS plays fast and loose with data.
17 The developers define the standards that they
18 should meet, and then find they have little
19 trouble meeting them. The traffic analysis is
20 only one example. The DEIS arbitrarily selects
21 as its worst case traffic congestion scenario a
22 single winter weekend that rarely warrants such
23 a description, undercounts it anyway, then
24 underestimates future traffic growth, even
25 discounts its own projections for occupancy of

1 (Susanna Margolis)

2 the mega resort.

3 The DEIS compares apples to oranges,
4 basing its economic projections on ski resorts
5 very different from Belleayre, while failing to
6 account for Belleayre's expansion.

7 It is often obtuse or worse. The idea
8 that doubling or tripling the population of the
9 area will require no additional police or fire
10 protection, no more schools or teachers, and no
11 more pressures on the local health care system
12 is so disingenuous as to be absurd.

13 The section in the DEIS on alternatives, a
14 requirement of SEQR, labors to tell us why no
15 alternatives are possible. Laughably, the DEIS
16 claims to have sent hikers up 15 Catskill
17 summits, from where they reported that the mega
18 resort was not visible. This is totally
19 phony. The summits mentioned are so far away
20 that their view of Belleayre is impeded by
21 intervening mountains anyway, or they are
22 wooded summits with no views at all except for
23 a couple with fire towers. The mega resort
24 wouldn't be visible from Baghdad either.
25 Unfortunately, it would be visible from Route

1 (Susanna Margolis)

2 28, from the slopes of many hills, and above
3 all, from our homes.

4 The DEIS contradicts itself, most
5 dramatically when it comes to its promises of
6 jobs, tax relief from a sharing of the property
7 tax burden, and growth for local businesses.

8 During construction, says Section 3.10.2.1
9 the effect on the local economy will be, and I
10 quote, marginal. Evidently, our contractors
11 and construction workers lack the specialized
12 expertise for building a mega resort, so those
13 jobs will go to commuters. Ditto for the high
14 paying managerial jobs once the resort is
15 built, if it ever is. Those will go to
16 qualified outsiders, leaving low paying
17 seasonal jobs for local residents. This will
18 lower the median income for our area.

19 Meanwhile, thanks to a business exemption,
20 the mega resort won't pay its full share of
21 property taxes till 2025. That leaves the span
22 of a generation during which the rest of us
23 will subsidize the mega resort while our own
24 taxes rise to pay for the expanded
25 infrastructure that will be essential, roads,

1 (Susanna Margolis)

2 school, fire, police and so forth. One result
3 is that many of us could find ourselves priced
4 out of our own homes.

5 As for our hamlets and villages, with the
6 resorts, hotels and stores and restaurants and
7 activities competing head on with local
8 businesses, commerce will drain away to the
9 mall on the mountain.

10 So we don't get the jobs, we don't get the
11 tax relief, we don't get the business growth.
12 What do we get? We get irreparable damage to a
13 beautiful mountain ridge that took millions of
14 years to be formed, some would say by the hand
15 of God, and we can say goodbye to the very
16 qualities that have always attracted people to
17 this authentically pristine part of the world.

18 This month marks the 100th anniversary of
19 the founding of the Catskill Park, designated
20 forever wild in our constitution. To plunk a
21 city down in the middle of the Park, and this
22 is a city, one that will be able to out-shout
23 our hamlets and villages at every turn, to
24 plunk this city down on a mountain in the
25 middle of the Park makes a travesty of that

1 (Sally Fairbairn)

2 forever wild designation. The DEC's duty is to
3 guard the public's interest in preserving this
4 important public asset. I hope it will deny
5 the application for this mega development.

6 And a point of information, your Honor, I
7 would like to know why at a public hearing held
8 at a public school, a citizens group was denied
9 with the use of a table to distribute
10 information. The developer was given ample
11 space to distribute information, which as it
12 turns out is quite misleading, and I would like
13 to know why the public was denied equal
14 rights.

15 ALJ WISSLER: Sally Fairbairn, and then
16 we'll hear from Barbara Rigfield.

17 MS. SALLY FAIRBAIRN: My name is Sally
18 Fairbairn. My family has been in this part of
19 the Catskills for at least six generations.
20 I'm the result of a New York City girl visiting
21 the area and then marrying a local farmer. I
22 live on a small farm ten minutes from the
23 proposed site, on the back of Belleayre
24 Mountain, ten minutes from Belleayre Mountain.
25 This farm has been in my husband's family for

1 (Sally Fairbairn)

2 over a hundred years. Tourism and farming have
3 been the main businesses of the Catskills for
4 many generations.

5 First, a few disclaimers or maybe
6 disclosures. My daughter-in-law and her mother
7 both work part time at Catskill Corners. I
8 co-edited a book for Writers in the Mountains
9 that had partial funding for the Crossroads
10 Ventures Foundation. And last but not least,
11 my husband has pulled quills from Dean Gitter's
12 dogs several times, as he has pulled quills
13 from the dogs of many local residents. I'm not
14 going to pretend that these facts don't inform
15 my thoughts about the project. Rather, it has
16 meant that John and I have had the opportunity
17 to chat with Dean about all kinds of subjects
18 while we waited for the anesthesia to take
19 effect. It means that the 12-person Board of
20 Directors of Writers in the Mountains had to
21 approve approaching Crossroads Foundation for
22 funding. It means that I have observed that
23 the financial backers of Catskill Corners did
24 not run when the economy took a down turn. In
25 fact, the backers of this project make me feel

1 (Sally Fairbairn)

2 more at ease that it is a project that we will
3 be proud of in the future. These are not
4 people who are out to make a quick buck at the
5 expense of our environment.

6 And I would like to think of myself as an
7 environmentalist. I'm a farmer and a writer,
8 and I even worked at the Catskill Center for
9 Conservation and Development for three years.
10 I respect the point of view of environment
11 organizations very much, as I do the
12 best-oriented organizations and spokespeople.
13 But let's face it, they have an easy job. They
14 exist to promote one point of view without
15 needing to keep other things in balance. The
16 real world has to consider the demands of
17 multiple sides of any issue.

18 The Catskills today are not pristine nor
19 would we want it that way. No people, no
20 stores, no gas stations, no schools, no farms.
21 We would all have to backpack in to have this
22 meeting in a rustic cabin. But that doesn't
23 mean we have to look like Paramus, New Jersey
24 either. Most of us can agree that we are a
25 working landscape. We disagree on where the

1 (Sally Fairbairn)

2 proposed project falls, on which side of the
3 imaginary line we have drawn in the woods. I
4 think it's on the okay side of that line. That
5 some environmental organizations would disagree
6 is not surprising. They have to consider only
7 one side of the issue.

8 The scope of the Belleayre Resort at
9 Catskill Park is my main concern. It is
10 large. It will change the face of a mountain.
11 But if I had been of an articulate age in the
12 late 1940s, I could see myself attending
13 hearings about the then-proposed New York State
14 ski center at Highmount, saying the equivalent
15 of what do we need with a ski center here?
16 Only nuts go out in the cold if they don't have
17 to and slide down steep hills on wooden slats.

18 Today I recognize that Belleayre Mountain
19 is one of the most important parts, if not the
20 most important part, of the economic foundation
21 of this area. I still think only nuts go out
22 in the cold if they don't have to, but back in
23 the late 1940s, who would have guessed that in
24 a few decades, farming would be a moribund
25 business? And we can't blame Belleayre

1 (Sally Fairbairn)

2 Mountain for its demise. The farming that does
3 exist now benefits exponentially from the
4 second homes of tourism businesses that
5 surround us.

6 The proposed project is large. Indeed, it
7 would be out of proportion if it did not have a
8 large ski center to balance it out. It will be
9 located in an area that is not pristine. It's
10 been developed in the past. Great attention
11 has been given to designing the resort project
12 to blend in with the locale. It is readily
13 accessible from Route 28. It will not
14 necessitate lengthy travel along town roads as
15 the Villa Roma, for example, in Sullivan County
16 does. I checked on Mike Kudish's map of old
17 growth forests, and there was none on this
18 site. Most of the acreage, in fact, on the
19 site will be untouched and that which is
20 logged, I'm sure, will be logged using the
21 methods that have been proven environmentally
22 sound in other parts of the New York City
23 Watershed.

24 Yes, I do have concerns, but it's been
25 very difficult to focus on real concerns when

1 (Sally Fairbairn)

2 the discussion in the local papers has been so
3 shrill and so full of personal innuendo.

4 Traffic is a worry of mine. Having to deal
5 with the Belleayre Mountain traffic on a busy
6 ski weekend is just part of my life. I can
7 tolerate being inconvenienced for ten minutes
8 so that we can all prosper in my part of the
9 Catskills. At least the resort traffic would
10 not necessarily be concentrated on weekends.
11 But is the only way to handle our traffic
12 problems going to be to put up a "keep out"
13 sign? Doesn't it make more sense to press for
14 additional capacity to our roads, Route 28 in
15 particular, rather than just whine about the
16 number of cars and trucks?

17 The green sheet that arrived in my mailbox
18 a few days ago is the worst way to deal with
19 the real concerns of this large project. The
20 images of 133 Wal-Marts in the specter of
21 casinos gets one's pulses racing, but that's
22 not what this project is about. That kind of
23 foolishness trivializes the whole discussion.
24 This is a unique design, not a big box store,
25 and no one has ever mentioned casino gambling

1 (Sally Fairbairn)

2 as part of the project. If I thought for one
3 moment that casino gambling would ever be part
4 of it, I would join the table bangers and fist
5 thumpers. Of course, our local contractors are
6 not going to be prime builders of this
7 project. Our contractors are not big enough to
8 be prime builders of any of the larger projects
9 in the area, whether it is the remodeling of
10 local schools or building of the New York City
11 sewer plants. Many local contractors had to
12 change the way they do business just to be
13 eligible to build individual septic systems
14 funded by New York City.

15 And what about jobs? Are we to close down
16 our schools and hospitals too because high
17 level professionals are to be brought in for
18 the upper management jobs? Certainly these
19 institutions and the Belleayre Resort project
20 need to be run by experienced management
21 people. There are probably not many people
22 experienced in running a large resort available
23 in the local work force, so of course these
24 people will be recruited from other places.
25 I've always seen the addition of new

1 (Sally Fairbairn)

2 professionals as assets to our communities.
3 Maybe the other side of the recruiting coin
4 will be the availability of upper management
5 jobs for our children should they decide to
6 come back to the mountains after they've seen a
7 bit of the rest of the world and gained some
8 experience.

9 As for the priceless view of the night
10 sky, Belleayre Mountain's nighttime grooming
11 and snowmaking ruined my wintertime viewing
12 with their pink lights a long time ago. As you
13 leave the urban lights of Kingston and progress
14 up the Route 28 corridor, just see how many
15 times your sky view is disturbed by town
16 lighting. There are ways of using directed or
17 shielded lighting to minimize the effects of
18 these lights. I believe careful planning and
19 management can mitigate this problem and every
20 potential negative environmental consequence of
21 this development. Instead of inflating the
22 threats created by this project, let's look at
23 ways of making this a model for a resort
24 project that does not create negative effects.

25 The Belleayre Resort project has been

1 (Sally Fairbairn)

2 designed to improve life in this part of the
3 Catskills. I believe the financial backers and
4 current management team would welcome specific
5 ideas on how to improve it. I believe the
6 naysayers may have valid concerns, but it's
7 hard to sift those concerns out of the torrent
8 of vitriol that has so little to do with the
9 reality of the project. The truth is, I don't
10 understand how anyone would go out on a
11 perfectly green lawn and hit a little white
12 ball with a variety of sticks, any more than I
13 understand that passion to slide down frozen
14 hills on slabs of Fiberglas. Neither do I
15 understand how on Route 30, just a few miles
16 from this proposed project, another resort just
17 reinvented itself, including new buildings and
18 a new golf course without so much as a murmur
19 from the community. While it was not so grand
20 a plan as this one, are golf courses and
21 resorts good or bad for this area? Surely it
22 does not just depend on who is building it.

23 The sense that the sky is falling if we
24 allow this to be built is somewhat familiar to
25 me. I remember when Roxbury Run and Roxbury

1 (Barbara Redfield)

2 Run Village were being built. We were warned
3 that it would be the end of life as we knew
4 it. The end of agriculture was already
5 preordained. This would be an empty place now
6 without the vitality and the money that these
7 projects have brought to this area.

8 I told Dean Gitter over quills one day
9 several years ago that I did not want to be in
10 favor of this project. I don't like change and
11 I don't want one more person to come to my
12 neighborhood. But those are not good enough
13 reasons to be opposed to it, and I could not
14 come up with any legitimate ones. The
15 Belleayre Resort at Catskill Park should go on,
16 but the community should have a way of
17 communicating its valid concerns to the
18 organizers.

19 MS. BARBARA REDFIELD: Judge Wissler and
20 Mr. Ciesluk, my name is Barbara Redfield. I
21 live in Big Indian. I live on some property
22 that three of my great-grandfathers helped put
23 together in 1886. I moved here full time three
24 years ago, and I feel their presence here and
25 their heritage of really what it means to be

1 (Barbara Redfield)

2 good stewards of land ownership in this area.

3 The property that I live on is on the
4 saddle of Slide Mountain. It really is the
5 continental divide of the Catskill Mountains,
6 if you will. Half of the water flows into the
7 Ashokan and the other half of the water flows
8 into the Neversink Reservoirs. It's a very
9 fragile landscape. Nine -- where most of the
10 property is over 9,000 feet in elevation, and
11 over 90 percent of our boundary is surrounded
12 by the Catskill Forest Preserve. And one of
13 the things that we in my generation are very
14 concerned about is how to be good stewards and
15 how we can be in partnership with the public
16 Forest Preserve that surrounds us.

17 The first project that made me aware of
18 what this partnership has to be happened about
19 35 years ago when some field biologists from
20 the Department of Environmental Conservation in
21 Albany came to us and said we desperately need
22 to do the first study ever on black bears in
23 the Catskills and we can't get permission to do
24 it in the Forest Preserve because it's against
25 the mandate. We gave them an old bunkhouse.

1 (Barbara Redfield)

2 They did that study, which has turned out to be
3 very important environmentally, not only in
4 this country, but around the world.

5 About ten years later, we had a similar
6 experience with the first acid rain study where
7 they had been trying for five years to get an
8 exception to do this study, which is called the
9 Winnisook acid rain study on State Forest
10 Preserve land, and I think justifiably were
11 turned down. They did the study on our
12 property. This high elevation, large tracts of
13 land, we're discovering are essential to
14 protect because of the fragmentation that can
15 occur and just destroy a whole ecosystem.

16 Now, where I live on the saddle of Slide
17 Mountain, there's a very small country road.
18 That was, when I first learned to drive, a dirt
19 road all the way from Route 28. It starts in
20 Big Indian and Morrea's Market that goes over
21 the mountain to Claryville. It's County Route
22 47. Half of our property is on one side of
23 this County Route 47 and half is on the other
24 side.

25 As you've heard tonight, and we all

1 (Barbara Redfield)

2 anecdotally know, Route 28 is always a
3 challenge and, at times, a nightmare. The only
4 route to avoid Route 28 to get to this project
5 from the New York City area is County Route
6 47. If you look at a map, that's the only
7 other way to get there. If our road has
8 increased traffic, the largest block of forest
9 land, pristine forest land in the Catskills is
10 going to be destroyed. The biological
11 communication and the fragmentation will be
12 disastrous. I feel badly that Mr. Gitter left
13 and is not here because I think he truly
14 believes that it is possible to do an
15 ecologically responsible project of this size.
16 And I have to say that I wholeheartedly
17 disagree. I think its size alone precludes the
18 possibility of this being ecologically
19 responsible. It is huge. And once this is
20 destroyed, we can't get it back. We just can't
21 get it back. The partnerships that we built
22 and the community feeling that we have between
23 public and private stewardship of this land
24 just is not going to be possible if we don't
25 say, Hey, the scope is not going to work here.

1 (Martie Gailes)

2 Thanks.

3 ALJ WISSLER: Martie Gailes. After Ms.
4 Gailes, we'll hear from Thomas B. Emerick.

5 MS. MARTIE GAILES: My name is Martie
6 Gailes, and I would like to speak in support of
7 the Belleayre Resort project. I believe this
8 project offers essential tourism development
9 that is critically needed in the region. As a
10 volunteer for two local cultural groups, the
11 summer music concert series and the proposed
12 Catskill Watershed Museum, I am acutely aware
13 of the challenge of building audience. Our
14 area needs to develop attractive, modern guest
15 facilities that will allow tourists to come,
16 stay and enjoy. This project is, in my
17 opinion, well thought out, environmentally
18 sensitive and in keeping with our heritage as a
19 first-class tourist destination.

20 ALJ WISSLER: Thomas B. Emerick. After
21 Mr. Emerick, we'll hear from Stan Boguski.

22 Okay. Mr. Boguski.

23 MR. STAN BOGUSKI: I appreciate the
24 opportunity to be able to speak on this
25 terrible development. My name is Stan Boguski

1 (Stan Boguski)

2 and I am a Middletown resident. Can you hear
3 me way in the back? Can you hear me up here?

4 Okay. Many wrong steps led me to monitor
5 the progress of Crossroads Ventures Belleayre
6 Resort proposal and spend 53 hours scanning
7 their DEIS. That, in turn, better prepared me
8 to touch on three of those wrong steps.

9 Number one, it appears the power from
10 learning is what caused journalistic allies to
11 protect the resort proposal. In solo fashion,
12 editors made certain some letters to the editor
13 never reached the reading public. Then too, a
14 few letters -- mine -- were skillfully and
15 shamefully altered so that the resort proposal
16 and/or its key figures appeared in a more
17 favorable light.

18 Number two, on May 7, 2002, just two weeks
19 after developer Dean Gitter's presentation, our
20 ill-advised Delaware County Board of
21 Supervisors endorsed the resort proposal.
22 Coming at a time when the economy was failing
23 seems to indicate tax revenues and jobs led to
24 that hasty endorsement.

25 Number three, the December 20th, 2003

1 (Stan Boguski)

2 issue of "The Economist" informs us
3 philanthropy is now subjected to much greater
4 scrutiny by corporate governance activists.
5 The new emphasis is on what is called specific
6 philanthropy, unquote, giving to achieve
7 specific goals, such as projects that show
8 corporate responsibility. Chances are
9 recipients of the two and a half year old
10 bitter sweet Crossroads Foundation will stand
11 up to be counted because today is payback
12 time.

13 In closing, I sincerely believe the
14 above-mentioned wrong steps will harm the good
15 intention of today's public hearing, followed
16 with our precious environment being hurt.
17 Thank you.

18 ALJ WISSLER: Eric Goldstein. After Mr.
19 Goldstein, we will hear from Phyllis Boucher.

20 MR. ERIC GOLDSTEIN: Thank you, Judge. My
21 name is Eric Goldstein and I'm urban program
22 co-director at the Natural Resources Defense
23 Council. With me is Robin Marks, an NRDC
24 scientist. It's a non-profit legal and
25 scientific organization. We have a hundred

1 (Eric Goldstein)

2 thousand members throughout the country,
3 including 50,000 in New York State and
4 approximately 1,600 in the Catskill region.

5 Although I live in New York City, I spent
6 ten of the best summers in my life going to
7 summer camp right here on Route 28A. I visit
8 often and like many of my NRDC colleagues and
9 like I, I love this region. After September
10 11th, I think all of us can agree that whether
11 we live in Ulster County, Delaware County or
12 two and a half hours away in New York City,
13 there is very much that we have in common. And
14 I say that despite the harsh and inaccurate
15 rhetoric of several of the elected officials
16 who already spoke earlier this afternoon.

17 Keeping in mind these broad commonalities,
18 NRDC believes that the proposed project in its
19 current form poses unreasonable and unnecessary
20 threats to the quality of life in this region,
21 to the Catskill Park and to the future of the
22 downstate water supply that 9 million New
23 Yorkers depend upon. NRDC will be setting
24 forth our written evaluation of the EIS in
25 detail at a later date.

1 (Eric Goldstein)

2 Tonight I share with you three preliminary
3 thoughts. First, a word about the
4 environmental review process for this project.
5 So far we found it extremely disappointing.
6 There were well over 6,000 pages in 15
7 volumes. Yet, the public has been given
8 inadequate time to access, analyze and digest
9 this data. The EIS was theoretically released
10 just before the holiday season. Two people at
11 NRDC spent more than a week trying to actually
12 obtain the CD. Since it was -- and since it
13 was extremely difficult to read and
14 cross-reference, we brought it into Kinkos to
15 print out in hard copy. Four days later, the
16 Kinkos staff came back to us dejectedly, they
17 told us it simply couldn't be done. Too many
18 documents not fitting into the 8 and a half by
19 11 size. And the problems have continued.

20 Just this week a technical expert we
21 retained told us that despite a careful search,
22 he could not identify several important
23 documents referenced in the appendix and
24 ostensibly part of the DEIS itself. The
25 project developers took six months to revise

1 (Eric Goldstein)

2 the DEIS and respond to questions posed to them
3 by State DEC. It's only fair that the public
4 be given sufficient time to sensibly review a
5 document that is so heavy that nobody in his or
6 her right mind brought it with them tonight to
7 these proceedings.

8 And if the project sponsor really wants
9 this project to be a model of environmental
10 responsibility, as he stated early today before
11 he departed, he'll endorse the pending request
12 that many of us have submitted for a 60-day
13 extension of time for the public to comment
14 until mid-April.

15 Second point, as to the economics, those
16 of us who oppose the proposed development in
17 its current form recognize that the Catskills
18 region needs economic vitality. This is not a
19 fight over economic vitality for the Catskills
20 but how you would achieve that objective. NRDC
21 and our colleagues support reasonably sited,
22 appropriately designed tourist facilities. We
23 believe they should go hand in hand with
24 forestry, with farming, with mainstream
25 revitalization and similarly scaled economic

1 (Eric Goldstein)

2 opportunities in the Catskills. Indeed, we've
3 been very encouraged by the Catskill Watershed
4 Corporation which, in recent years, has begun
5 wisely spending \$60 million in city funds in
6 the region. The vast amount of those monies to
7 be used for environmental sound economic
8 development have not yet been spent, and they
9 too will provide the kind of impetus or
10 reasonably scaled economic vitality for the
11 region.

12 It's the size and scale and location of
13 this project that has so many of us concerned.
14 The project needs to be scaled down to fit in
15 with the rural character of this community. It
16 should dovetail with and support the hamlets.
17 It shouldn't stand devoid from them. We
18 believe that such a project, if it were
19 redesigned along those lines, would be both
20 sensible, consistent with other sound statewide
21 objective and consistent with state
22 environmental law.

23 But rather than follow such a major
24 approach, the project sponsor has done
25 something very different. He has designed the

1 (Eric Goldstein)

2 biggest development project in the hundred-year
3 history of the Catskill Park. He has designed
4 the project that will disturb -- those are the
5 words in the EIS -- disturb 529 acres of
6 watershed lands. Tens of thousands of trees
7 will be uprooted to make way to project
8 facilities. Two 18-hole golf courses would
9 send pesticides and herbicides down steep
10 slopes. Mountaintop blasting and other changes
11 to the land will lead to erosion and runoff
12 during the eight-year construction period and
13 beyond. 1,300 new parking spaces will mean
14 more peak hour traffic congestion on Route 28,
15 and the list goes on and on. Others will touch
16 on some other concerns that are facing
17 residents in this community. Local tax base
18 concerns, traffic congestion, invasion of the
19 view shed, impacts on local water supply, the
20 future of the Catskill Park and so forth.

21 Let me highlight one problem. The
22 secondary growth and development which will
23 adversely affect both the quality of rural life
24 in this region and the downstate water supply
25 for 9 million New Yorkers.

1 (Eric Goldstein)

2 Mayor LaGuardia said that government
3 officials shouldn't be elected if they can't
4 look 50 to 75 years down the line and plan
5 accordingly. Well, our experts tell us that
6 this is the kind of super project that
7 transforms the region. The character of the
8 community will change. Look at what's happened
9 on Long Island and Westchester County just in
10 the last 20 or 25 years. A project of this
11 size and scale is designed to bring secondary
12 sprawl development to the region. Is that the
13 future you want for your community?

14 Finally, I turn for a moment a couple of
15 preliminary reflections on the EIS itself.
16 Despite its massive length, the EIS in our
17 preliminary review is factually incomplete and
18 legally inadequate, and we say so despite our
19 high respect for the attorneys who we know well
20 who prepared this document and who performed
21 work of the highest quality.

22 Despite its length, this EIS does not
23 fully discuss the impacts on the local trout
24 streams which are some of the finest in the
25 state and a major lure for tourists to this

1 (Eric Goldstein)

2 area. Despite its length, the EIS does not
3 accurately reflect the impacts on traffic
4 congestion on the region and its residents that
5 this project will have. Despite its length,
6 this project does not fully explain where the
7 water will come from to meet all of the
8 project's needs, to meet the community's needs
9 for local growth and to meet those needs
10 especially in draught years. Despite its
11 length, the EIS does not describe how many
12 thousands, tens of thousands, maybe hundreds of
13 thousands of trees will be destroyed so this
14 project can be built. And despite its length,
15 the EIS incredulously concludes that the
16 project will not spur secondary growth and
17 development.

18 There are legal gaps as well. One
19 important one that we note here is the failure
20 to fully explore the lower build alternatives
21 that everyone has been talking about that seem
22 to make common sense that aren't in this
23 massive document. This is a cornerstone
24 requirement of the State Environmental Quality
25 Review Act and it hasn't been complied with.

1 (Eric Goldstein)

2 And what about the planned expansion of
3 the Belleayre Ski Center which, by the way, we
4 support? Shouldn't the EIS explore the
5 combined cumulative impacts of that development
6 and this development and how those two in
7 tandem will affect the community, Route 28
8 traffic and so forth? We recognize the need
9 for additional economic opportunities,
10 particularly in Delaware County. Perhaps the
11 project sponsor should explore some form of the
12 western portion of this project in Delaware
13 County in conjunction with an offer to protect
14 the land in the eastern portion of the project
15 site. Let's see how the public responds to a
16 reasonable down-scaling along those lines.

17 As Jim Tierney, New York Watershed
18 Inspector General stated earlier today, this
19 proposed project is located in the sensitive
20 watershed ecosystem. It drains into the two
21 largest reservoirs in the entire downstate
22 region. And when you have the combined scale
23 of the eastern and western portions of this
24 project, you move into a different type of
25 density and a different type of living

1 (Eric Goldstein)

2 pattern. You can't have more building, more
3 paved services, more sewage, more runoff and
4 expect to continue to provide an unfiltered
5 drinking water supply for future generations.

6 In sum, this project in its current form
7 has a long way to go before it meets the needs
8 of both the region's citizens and the downstate
9 residents and before it satisfies state and
10 federal laws. We encourage all of you to stay
11 actively involved in both legal and political
12 forums in which the fate of this project will
13 be decided. Thank you for your attention.

14 ALJ WISSLER: Phyllis Boucher,
15 B-o-u-c-h-e-r.

16 Nadine Tischmacher, T-i-s-c-h-m-a-c-h-e-r.
17 Judith Wyman. After Ms. Wyman, we'll hear from
18 Richard Schaedle.

19 MS. JUDITH WYMAN: I have a bad cold so
20 I'm going to have to speak softly. Can you
21 hear me? I'll stay close to the microphone.
22 If my voice gives out, I have a pinch hitter
23 lined up.

24 I'm a chair of a group called Friends of
25 Catskill Park. My remarks tonight are going to

1 (Judith Wyman)

2 be short because I'm going to finish them
3 tomorrow night. I wanted to make a few
4 remarks. I do want to talk about process, but
5 I'm going to start first, I just want to make
6 remarks about jobs.

7 The towns for which the resort is
8 proposed, Shandaken and Middletown, encompass a
9 wide radius around the resort and have a
10 combined population of just over 7,000 people.
11 According to the most recent census figures,
12 the combined total of unemployed people in both
13 towns is just over 200. There are no other
14 population centers nearby, with an abundance of
15 unemployed people.

16 The developers are claiming the resort
17 would require a total of 872 full and part-time
18 workers, mostly in service positions. They
19 also say the resort would generate 211 off-site
20 positions through secondary or indirect
21 impact. That's a total of 1,083 jobs in an
22 area with a fraction of that in available
23 labor.

24 The developers have claimed that they
25 would employ the winter workers from Belleayre

1 (Judith Wyman)

2 Ski Center, yet this could only supply a
3 limited amount of workers. Many local people
4 work at Belleayre in the winter so they and
5 their families can ski and are not interested
6 in summer employment. Other workers -- they
7 have full-time jobs. That's why. Other
8 workers are year-round employees of the DEC who
9 serve in other state facilities during the
10 spring, summer and fall seasons.

11 Where would this labor force come from?
12 The developers don't provide a credible answer
13 in the DEIS. Yet, the numbers suggest that if
14 the Belleayre Resort were built, it would go
15 the way of many large corporate resorts in the
16 country. It would have to bring in workers
17 from out of the area and/or from out of the
18 country. Bringing in workers is common
19 practice in the corporate resort industry
20 because many will work for very low pay and the
21 industry takes advantage of this.

22 The majority of employees in large resort
23 complexes are paid from 6 to \$8 per hour, which
24 is not close to being a living wage in this
25 area. Furthermore, employers in our area are

1 (Judith Wyman)

2 already having difficulty finding workers to
3 fill low paying jobs. There are constant "Help
4 Wanted" signs in the local convenience store
5 and gas station, the supermarket and a small
6 bread-making company. A small embroidery
7 factory brings in workers in vans from outside
8 the area. Mr. Gitter's Emerson has workers
9 here on work visas.

10 By the developer's own admission in the
11 DEIS, and I quote, mid and upper management
12 jobs would probably be filled by non-resident
13 personnel who relocate to the resort area, end
14 of quote, which leaves literally hundreds of
15 low-paying jobs as an offering to local
16 people. Not only are the jobs poorly paid, but
17 there are nowhere near the workers available to
18 fill them.

19 This does not fill any local need. In
20 fact, it would create far more problems locally
21 than it could possibly solve.

22 If we had a local workforce that was
23 abundant and available for just such jobs and
24 the jobs paid enough so that people working
25 them could pay for their needs and have some

1 (Judith Wyman)

2 quality to their lives, then yes, it may -- it
3 might serve a local need. But that scenario
4 does not exist in this area.

5 It is inevitable that workers, perhaps
6 hundreds of them, would need to be brought in
7 to the area to service the resort and they
8 would need affordable housing. Shandaken
9 already has a crisis in available affordable
10 housing. Workers would need education for
11 their children, police and fire protection,
12 social services. And if those wages, many of
13 them would be the working poor and they would
14 qualify for social services, which would also
15 come out of the taxpayers. All these costs
16 would come out of taxpayer money.

17 What's more, the DEIS claims that the
18 local construction sector is, quote, not
19 oriented toward the needed specialties of
20 resort construction and that economic effects
21 would, to a large degree, not be localized.
22 This, despite the projection that the eight
23 years of construction would require 2,114
24 person years of employees.

25 Again, where would the workers come from

1 (Judith Wyman)

2 and would the area become a boomtown during
3 construction? What would the cost be to the
4 local communities in both taxes and quality of
5 life?

6 Crossroads' claim that the locals need
7 these jobs is an unsubstantiated claim. In
8 fact, I posit the local taxpayers would foot
9 much of the cost for increased visitation and
10 residency while experiencing a loss of quality
11 of life and loss in environmental protection in
12 the process.

13 Although the developers infer that the
14 resort would raise the income level in the
15 area, it appears that the opposite would
16 happen.

17 They claim the average income of resort
18 workers to be in the mid to upper 20s per
19 year. They take the average from all the
20 positions at the resort from the highest paid
21 to the hundreds of low paid positions. Adding
22 in the highest paid positions obviously brings
23 the average up and these higher-paying jobs
24 would not be going to local people, as stated
25 in the DEIS. The current median income in

1 (Judith Wyman)

2 Shandaken is \$40,920 and it rose 38.4 percent
3 from 1990 to 2000.

4 Do the math. The resort is offering an
5 average income of 10 to \$15,000 lower than the
6 current median income in Shandaken. So it
7 certainly looks like it would drop the median
8 income rather than raise it.

9 We do not believe -- moving on to taxes, a
10 very brief statement on tax. We do not believe
11 that when the tax breaks and costs to the
12 community are taken into full account, that the
13 resort would pay for itself. The importation
14 of perhaps hundreds of new workers would be a
15 costly proposition for the taxpayers when you
16 add need for services, housing and education
17 for children.

18 There would be expenses associated with
19 increased visitation and residency, such as the
20 need for increased fire and police protection,
21 road building and maintenance and supplying
22 services and housing. In addition, there are
23 nearly always unforeseen needs and accompanying
24 costs. Induced rapid growth destabilizes
25 communities and when remediation is required,

1 (Judith Wyman)

2 it falls to the taxpayers and the local
3 communities.

4 Need for the project. We do not feel that
5 the project would serve the needs of the area
6 for many of the previously mentioned reasons.
7 We believe it would cost the environment and
8 the community in both quality of life and
9 taxes. There have also been several articles
10 and news stories, New York Times, Wall Street
11 Journal, Business Weekly, National Public
12 Radio, reporting that golf course resorts and
13 accompanying housing developments are being
14 built at an unsustainable rate and the number
15 of new golfers is decreasing. 2000 census
16 figures show that our area is growing
17 organically. Per capita income in Shandaken
18 has almost doubled. The median household
19 income is up substantially, and unemployment is
20 very low.

21 As the developer's DEIS makes clear,
22 during the years 1990 to 1999, the services
23 sector in our tri-county region experienced a
24 19.6 percent increase in job growth, higher
25 than the state's 16.8 percent. Jobs in retail

1 (Judith Wyman)

2 trade grew at 8.6 percent, far higher than the
3 state's 3.1 percent increase. Manufacturing
4 and public administration, the other major
5 economic sectors in the region, had employment
6 rates that were also higher than the state
7 percentages. We can always benefit from
8 quality jobs that are desirable to local people
9 and pay at least a living wage, but we do not
10 need a development that would cost so much and
11 offer so little to the majority of local
12 people.

13 I will make more statements at tomorrow's
14 hearing. There are a couple of other things I
15 want to say before I leave.

16 I agree with the statements that other
17 people have made about the inaccessibility of
18 the DEIS. It's extremely difficult to read and
19 to get information off those disks and online.

20 The other thing I want to say, the model
21 that Crossroads has outside is totally out of
22 scale and it's a very deceptive model. If you
23 look on the map, the contour map out there,
24 that's the most accurate map out there. And
25 look at the difference in the scale of things.

1 (Richard Schaedle)

2 Their scale of the east side of the Belleayre
3 Resort is about six times smaller that it would
4 actually be in relation to Belleayre Ski
5 Center. So that is a very deceptive depiction
6 of that, and I would question them as to why
7 they went to the trouble of creating an
8 improper scale. Perhaps so you all wouldn't
9 realize just how big that project is in
10 relation to Belleayre Ski Center. That's all.
11 Thank you very much.

12 ALJ WISSLER: After Mr. Schaedle, we'll
13 hear from Dave Channon.

14 MR. RICHARD SCHAEDLE: I've been a
15 resident of Pine Hill for all my life, either
16 part time or full time. I have the same
17 concerns as everybody else as far as the
18 environment goes, the sewage, runoff of water
19 and all the other problems that have been
20 mentioned. But my particular concern as a
21 member of the Pine Hill Water Coalition is
22 where the potable water is coming from for this
23 project.

24 Under the proposed water supply
25 application for the Big Indian Plateau portion

1 (Richard Schaedle)

2 of the project, it is proposed that Crystal
3 Springs be a primary source. This source, this
4 spring has been utilized by the Village of Pine
5 Hill for over six decades and was acquired
6 through various maneuvers by the developer.

7 In 1970 under the then reorganized DEC,
8 the spring was recognized as a source of water
9 for Pine Hill. In the DEIS, the developer has
10 enumerated various flows, delineated flows
11 which some are accurate, some are not.

12 Just as an example, the developer states
13 that 2002 was a draught year. Our coalition
14 has hired a hydrologist, Paul Rubin, who has
15 shown that in that area, in the Pine Hill area,
16 the total rainfall for 2002 was exactly a half
17 inch under the average, 28.4 inches versus 28.8
18 inches. That doesn't constitute a draught year
19 by a longshot.

20 Because of these inaccurate figures that
21 have been put out, the DEC ruled that this
22 spring could be removed from the Village of
23 Pine Hill and utilized by the developer. I
24 question whether it is appropriate ever to
25 remove a water source from a village. This

1 (Richard Schaedle)

2 water is no longer going to be utilized within
3 the franchise of Pine Hill. It is going to be
4 taken outside the hamlet and piped up the
5 mountain.

6 For the record, I'm not opposed to
7 economic development, but it should be a
8 responsible development. In its heyday, the
9 Catskill Mountains was a viable economic
10 community. It had much tourism, but most of it
11 was in the hamlet. Most of it stayed in the
12 hamlet. And the people that came here came to
13 enjoy the mountains, the fresh air and
14 especially the clean water. I would like to
15 see it stay that way.

16 ALJ WISSLER: Dave Channon. After Mr.
17 Channon, we'll hear from Patricia Kelder.

18 MR. DAVE CHANNON: There's actually one
19 really wonderful impact on the community from
20 this resort that I've experienced, and that's,
21 I've gotten to know hundreds of incredibly
22 wonderful, thoughtful, caring people that I
23 never would have met otherwise if we all didn't
24 have to suddenly become educated in this
25 incredibly difficult, complicated, legal,

1 (Dave Channon)

2 technical issue and struggling to oppose this
3 resort. So I want to thank all of the
4 wonderful people I've had the opportunity to
5 meet, and I'm so glad to be here in
6 Margaretville. Maybe what people say tonight
7 will have a ripple effect and many people on
8 this side of the mountain will find that it's a
9 good day to die as they say, you know. So in
10 that spirit, I'm going to read my comment.

11 My name is Dave Channon. I live in
12 Shandaken. I'm opposed to the Belleayre Resort
13 at Catskill Park. Its huge size is
14 incompatible with the small town character of
15 this area. Its demand for water would cripple
16 growth in the nearby hamlets. The statistics
17 used to estimate traffic impact are out of date
18 and 40 percent below current levels. Route 28,
19 a dangerous high-speed road lined with hundreds
20 of residential driveways, would be crammed with
21 an estimated 1.5 million cars per year, leading
22 to many more fatalities. Our kids ride bikes
23 along this road.

24 The EIS says that the good paying jobs
25 will go to outsiders. This would create a glut

1 (Dave Channon)

2 of poverty level jobs leading to a crisis in
3 affordable housing and transportation. The EIS
4 states that it would compete head-on with local
5 lodging and businesses, depressing demand for
6 local goods and services, the so-called mom and
7 pop killing Wal-Mart effect.

8 The EIS does not provide any substantive
9 calculation for the local cost for schools,
10 police, fire, emergency, highway or social
11 services. It merely provides anecdotes that
12 the fiscal impacts will be negligible. With an
13 estimated doubling of the population, a
14 rational study would conclude the costs to the
15 local taxpayers would be double. The EIS
16 indicates that due to business tax exemptions,
17 the resort would start at half the rate current
18 residents and businesses pay, and it would not
19 pay its full tax share until 2025 or beyond.
20 Local residents would have to make up the
21 difference for decades.

22 It would pollute the night sky with
23 glare. It would threaten New York City's water
24 filtration avoidance, potentially costing
25 taxpayers \$7 billion and dooming the policy of

1 (Dave Channon)

2 reimbursement for local septic system repairs.

3 This mega resort would be a killing blow
4 to the pristine wilderness that makes us
5 special among regional tourist destinations and
6 drives our thriving second home market.

7 How could such an ill-conceived inaccurate
8 and anecdotal plan have gotten this far? Well,
9 if we're going to accept anecdotes, I'll share
10 a few anecdotes that I hear people repeat over
11 and over. Why bother trying to stop it? It's
12 going to happen because Gitter owns the
13 politicians and the judges, and it fits into
14 Pataki's plan for casinos in the Catskills.

15 One town board member in Shandaken has
16 already been served legal papers for financial
17 conflict of interest over the resort. She's
18 not here tonight. The DEC as lead agency
19 appears to have a conflict of interest
20 concerning its Belleayre ski area. This is
21 reinforced by several things. The EIS is not
22 accessible to most people. It's not in a
23 searchable format. The comment period is too
24 short for such a long document, it started
25 during the holidays and hearings are taking

1 (Dave Channon)

2 place midweek when most weekend and second
3 homeowners can't attend.

4 Like thousands of others, my family moved
5 to this area for the peace and beauty of
6 nature. The controversial Belleayre Resort has
7 destroyed the peace, making enemies of
8 neighbors and friends, and threatens to blast
9 with dynamite the mountains we all love. Just
10 because the capital is Albany doesn't mean we
11 live in Albania. Americans still have a
12 voice. Use that voice to stop the Belleayre
13 Resort. Tell all your local politicians. We
14 heard a number of them speak tonight and they
15 were all in favor of it. They obviously don't
16 know how deeply people in this area are opposed
17 to it, and the more people learn about it, the
18 more people become opposed to it, and that's
19 what politicians need to hear from everyone in
20 this room.

21 I'm also attaching a copy of a petition
22 that I personally circulated. It has about 170
23 signatures on it that oppose the resort, and
24 I'm going to provide that with my comment.
25 Thank you.

1 (Richard Craft)

2 ALJ WISSLER: Patricia Kelder. Richard
3 Craft. Maribeth Salano.

4 DR. RICHARD CRAFT: Good evening. My name
5 is Dr. Richard Craft. I'm a member of the
6 Coalition of Watershed Towns, representative of
7 the Town of Wawarsing to the Coalition of
8 Watershed Towns. I would like to read a
9 resolution.

10 The Executive Committee of the Coalition
11 of Watershed Towns wishes to go on record in
12 support of the proposed Belleayre Resort at
13 Catskill Park for the economic benefits the
14 project will bring to this area. The Coalition
15 of Watershed Towns has not reviewed the DEIS
16 for the project and is not commenting on that
17 document. However, the project if built in
18 compliance with New York City's watershed
19 regulations, is consistent with the protection
20 of the watershed and the letter and spirit of
21 the 1997 Watershed Memorandum of Agreement.
22 The Coalition supports this project for the
23 economic benefits it will provide to the
24 watershed area by increasing employment and
25 recreational activities in this area.

1 (Suzanne Gilman)

2 This was passed unanimously December the
3 15th, 2003. Thank you.

4 ALJ WISSLER: Maribeth Salano. James
5 Thompson. James Thompson. Carl Connoll. Carl
6 Connoll. Suzanne Gilman. After Ms. Gilman is
7 Michael Nindberg. How about Adelinda Hyde?
8 Okay. Ms. Hyde, you're next.

9 MS. SUZANNE GILMAN: My name is Suzanne
10 Gilman. I live in Shandaken and I work in
11 Saugerties, and I'm going to read from a letter
12 that I put together for Mr. Ciesluk.

13 After growing up in suburban New Jersey, I
14 looked for a place which kept its roads and its
15 development sensibly planned. There are many
16 places in the metropolitan New York area which
17 once were beautiful but have been overbuilt due
18 to poor planning. Since 1995 I have lived in
19 and around the Catskills and have been visiting
20 since childhood. The roads, while a bit more
21 built up and crowded, are still clearly
22 preserved as natural areas for people to use
23 and appreciate.

24 On first hearing about the Belleayre mega
25 resort plan, I thought there was no way this .

1 (Suzanne Gilman)

2 could be considered inside Catskill Park.

3 Well, I was wrong. It is being considered and
4 seriously, despite good and reasonable
5 alternatives for improving the region's
6 economy, by focusing on the hamlets and
7 villages, making it an even more attractive
8 destination for tourists and improving the tax
9 base by building on the assets we have here
10 already.

11 Basically the project is too big, as many
12 have said, because it will dwarf the
13 surrounding villages and hamlets, it will be
14 only marginally integrated with the region's
15 character. While a shot in the arm for the
16 Belleayre Ski Center, it goes far above and
17 beyond needed lodging and amenities to improve
18 use of that ski center.

19 The size is only justified by one thing,
20 as far as I can see, the profit to the
21 developer and corporate owner. As others have
22 noted, the impact on the region's economy is
23 indirect. It's not the jobs that will be
24 created to enhance the lives of families and
25 give young people meaningful career options,

1 (Suzanne Gilman)

2 its low-income jobs for the region, and an
3 influx of managers with the training to run
4 such a resort. While I read that one-third of
5 the Crossroads Ventures profits go into a
6 charitable foundation for area non-profit
7 needs, many people have spoken about the
8 funding that they've received from that
9 foundation, that really isn't as generous as it
10 sounds up front, as many of you know.

11 Businesses regularly invest a portion of their
12 profits in tax-deductible donations to lessen
13 their own tax burden, so that one-third profit
14 donation is really quite self-serving.

15 For example, banks in New York are
16 required by law to provide reinvestment funds
17 of the sort in communities where they profit
18 off of local people's money, but development
19 corporations are not. They can do it
20 voluntarily and receive a tax deduction. On
21 this model, Newman's Own food companies, Paul
22 Newman's company donates all of its after-tax
23 income to charitable causes. The one-third
24 profit donation of Crossroads is more of a tax
25 hedge than an investment in this community.

1 (Suzanne Gilman)

2 Even if that model is followed for this mega
3 resort, they will be using the region's natural
4 assets and open space for personal gain,
5 despite token donations of profits. And many
6 people have spoken more eloquently than I have
7 to the jobs, the pay scales of those jobs that
8 will be coming along with this project.

9 The DEIS that I took a look at fails to
10 mention that the corporation will receive a
11 business investment exemption, and it's not
12 until 2025 that the resort will pay full
13 property taxes, at which time its annual tax
14 contribution will only represent 8 percent of
15 the total property tax levy. In addition,
16 sales tax revenues to the counties along Route
17 28 would not come about for many years as
18 well. People should know these facts. If the
19 resort goes bust in the meanwhile, guaranteed
20 there will be a big, big eyesore in these
21 mountains. The region will have been ravaged
22 of its Preserve, there will be no tax revenue.
23 If the resort succeeds, very likely property
24 taxes will increase, making it tougher for
25 locals like myself to purchase or own homes, or

1 (Suzanne Gilman)

2 for those on fixed incomes to stay in the
3 community. So whose quality of life will have
4 been enhanced? Not the young people facing
5 menial, dead-end jobs for minimum wage.

6 Without any commitment from the developer or
7 his financial backers to invest in the training
8 of local people for higher-paying jobs at this
9 complex, the self-serving nature of this
10 investment is pretty clear.

11 There are plenty of compromises made for
12 economic development, but there are also plenty
13 of mistakes made in haste for the benefit of
14 the few and the long-term expense to the many
15 hazards, known and unknown, which are part of
16 this development plan. Another omission in the
17 DEIS is a sound study, based on current data of
18 the impact of increased traffic on Route 28.
19 The road is just not designed to carry traffic
20 for double the number of people who use it
21 now. Perhaps the biggest issue is the impact
22 of a project of this size on the New York City
23 watershed, as well as on local water and sewage
24 issues which will be touched by that increased
25 traffic as well as development, construction

1 (Suzanne Gilman)

2 and maintenance of all this new acreage in the
3 creation of impervious surface. The region
4 currently helps keep the groundwater clear by
5 its limited development and industry, but will
6 be burdened with the impact of at the very
7 least two golf courses, their runoff of
8 fertilizers, pesticides and herbicides and at
9 least double the amount of automotive traffic,
10 sewage and garbage.

11 Again, there are probably a dozen better
12 ways to develop the region. Why not look at
13 the long-term goals and some other models of
14 high-yield, lower-impact development? After
15 all, the Catskills has not exactly got the
16 weather for golf that will be successfully
17 attractive to vacationers. There have got to
18 be better ideas to enhance the natural beauty
19 of the area, attracting and entertaining
20 visitors, and supporting the lives of all those
21 who inhabit the Catskills.

22 Please allow this plan to be more
23 carefully analyzed by the communities that it
24 will impact, including New York City, and pay
25 more attention to the communities which are the

1 (Adelinda Hyde)

2 natural resources that make up these mountains,
3 streams, ponds and woodlands. I am appalled to
4 hear that the DEP was not granted its request
5 for more time to carefully review this project,
6 time they are entitled to have. Mistakes that
7 are made now will be paid for in the future,
8 not by the developer, but by us all.

9 Thank you.

10 ALJ WISSLER: After Ms. Hyde, James
11 Krueger.

12 MS. ADELINDA HYDE: Good evening. I'm
13 Adelinda Hyde. I've lived in Shandaken now for
14 16 years. I am an herbalist and I also help to
15 manage a greenhouse down in Sullivan County.
16 I've been taking notes all night. The specific
17 points that I wanted to raise have not been
18 touched upon. So the first one I would like to
19 raise is something that directly needs to be
20 directly studied from a biology point of view,
21 and that is the woolly adelgid. The woolly
22 adelgid is an aphid. It comes from Japan. It
23 feeds on eastern hemlocks. It can kill a
24 hemlock tree in a year, a stand of hemlocks in
25 five years. This is a scourge that is

1 (Adelinda Hyde)

2 happening and it is coming up through
3 Shandaken. It is already around the Ashokan
4 Reservoir, the Neversink Reservoir. It is
5 coming up the valley. It has been seen in
6 Shandaken.

7 Now, it is carried -- it is an air-borne
8 creature. It is carried by the wind, small
9 mammals and birds. If you go in at a higher
10 elevation and start stripping, logging an area
11 of 529 acres, you are opening the interior
12 forest to being infested by these insects.
13 Many of the interior streams are lined with
14 hemlocks. As I said, there is no control at
15 the moment, natural control or man-made control
16 for this particular insect. As it goes from
17 tree to tree and kills them, the trees will
18 certainly create more erosion and the water
19 temperatures will go up and you will lose the
20 trout in the inland streams.

21 Now, one of the things that has kept this
22 insect at bay is the fact that there is this
23 buffer up the corridor along the Esopus Creek
24 and from the Esopus Creek up so that it moves
25 slowly. You have a wind buffer. The migrating

1 (Adelinda Hyde)

2 birds come through and don't necessarily go
3 into the inner forest. And as they do, they
4 drop these creatures and so the inner forest is
5 preserved. The inner hemlock forest has been
6 preserved. You start opening acreage and that
7 may not be the case. It may not sound like
8 it's a big deal, but within ten years, you
9 could have an infestation in the interior
10 forests where the trees would just fall and
11 then you have erosion coming down the
12 mountain. So you have erosion happening from
13 this project and then further erosion happening
14 from the interior of the forests themselves.

15 So I would really, really appreciate it if
16 the DEC would look into this. There is a
17 scientist working on research with the State of
18 Connecticut. Her name is Carole Cheah. She
19 can be reached through the Connecticut
20 Agricultural Experimental Station.

21 The other point that I would like to hit
22 on is that from the very beginning of this
23 resort project's inception, it has been
24 supposed by many of my neighbors and people in
25 the surrounding area that this was a plan that

1 (Adelinda Hyde)

2 had gambling behind it. I think Crossroads
3 Ventures has been counting that gambling will
4 come to Ulster County. And unless gambling
5 does come, I don't see how this, a resort this
6 size could actually be sustained. There are
7 three large mega hotels south of here in
8 Sullivan County. One has totally failed, the
9 other two are struggling. What Sullivan County
10 is trying to do to revitalize themselves and
11 revitalize these hotels, which have golf
12 courses and indoor pools and outdoor pools and
13 restaurants, is gambling. They are bringing in
14 gambling. And this is opening the door to
15 another whole issue of gambling in our
16 community.

17 Now, my partner belongs to the Ulster
18 Children's Advocacy Network through the Ulster
19 County Youth Bureau. The Youth Bureau has made
20 it a top priority to fund organizations that
21 are addressing the adverse effect of gambling
22 on a community, and especially on its youth..
23 If the county is already looking right now at
24 the adverse effects of gambling on our youth,
25 what does that say? Do we want this here? Do

1 (Adelinda Hyde)

2 we want to even consider it, and do we want to
3 open the door? This priority has found on
4 statistics after statistics that demonstrates
5 the adverse effects on our communities. I do
6 not want gambling in my backyard. I don't
7 think that anybody else does. But do you
8 really think that this plan was ever proposed
9 without gambling being in the back of the minds
10 of the proposed developers?

11 The other thing I would like to remind the
12 community of is that at the original scoping
13 meeting that was held on Belleayre Mountain a
14 few years ago, Dean Gitter stood up here and
15 said yes, he was going to build this. And
16 after it was built, it was going to be sold to
17 an international corporation such as Marriott
18 or Hyatt. It is not going to remain in
19 Crossroads Ventures's hands. It is going to
20 become part of a multi-national conglomerate.
21 So would you please also consider that?

22 And the only other thing I would like to
23 say is that in listening to this whole thing
24 about jobs and the top jobs going to qualified
25 people and the middle management going to

1 (Adelinda Hyde)

2 qualified people all outside of the community,
3 my daughter is in high school. She went to a
4 career fair yesterday. Crossroads Ventures was
5 not there representing anything. There was no
6 hotels or hotel training, hotel management,
7 which you can take in college and universities
8 now. I mean, what is wrong -- if they really
9 want to help the community and create jobs,
10 what is wrong with these people coming in and
11 saying, okay, we're going to train you for
12 these jobs? We're going to train you and show
13 you how to run these things so that you do have
14 jobs in your community.

15 And my last and final point is this: We
16 do not need anything this scale. Dean Gitter
17 took an old dilapidated boarding house and made
18 it into a really nice place. There are many
19 old and dilapidated boarding houses all over
20 the Catskills, all could be refurbished, all
21 could be made into nice accommodations for the
22 tourists. They could have outdoor pools. They
23 could have indoor pools. They could have
24 tennis courts. They may not have enough room
25 for a golf course, but there are other places

1 (James Krueger)

2 that have golf courses already. We can create
3 jobs in our community. We can create places to
4 share what we have here, our mountains with
5 people coming in from the outside. It does not
6 have to be on this scale. And it can be
7 sustainable and it can be beautiful and it
8 could benefit the community. Thank you.

9 ALJ WISSLER: James Krueger. After James
10 Krueger, we'll have Kay Driscoll. Is Kay
11 here? How about Ellen Preckel?

12 MR. JAMES KRUEGER: Good evening. I've
13 heard a lot of people mention traffic concerns
14 and I have some things to say more specifically
15 about traffic.

16 I have here in my hand a report from
17 Community Consulting Services, Incorporated,
18 which is a Brooklyn-based non-profit that
19 provides technical services to community
20 leaders seeking sustainable development. The
21 firm is led by Brian Ketcham who is a
22 professional engineer and has more than 25
23 years of experience in preparing and analyzing
24 environmental and traffic impact assessments,
25 primarily for state agencies, and developing

1 (James Krueger)

2 innovative transportation strategies as his
3 consulting firm did for the principal preparers
4 of the DEIS on a revitalization plan for Lake
5 Placid, New York.

6 Brian's firm did a traffic study for our
7 area in relation to the proposed resort on
8 Belleayre. The report is quite detailed and
9 quite thick. I have it here. I will be
10 submitting it to the panel by the consulting
11 service. I'm not going to bore you with all
12 the details. However, I would like to read a
13 few quotes from the report.

14 Although the DEIS for the proposed resort
15 follows standard procedure to examine the worst
16 case impact, it significantly underestimates
17 factors that result in understating future
18 conditions.

19 The bottom line is that traffic along
20 Route 28 will grow by about 50 percent by 2014
21 without the project, and by 80 percent with
22 resort traffic from current volumes. 80
23 percent.

24 The major fallacy of the DEIS is that it
25 does not account for the dramatic growth in

1 (James Krueger)

2 skiers at Belleayre Mountain since traffic
3 counts were taken, which was the 1999 to 2000
4 season. From the 2002 to 2003 season as of
5 March 2, attendance was up 50 percent from that
6 which occurred from the 1999 to 2000 ski
7 season. This growth is not reflected in the
8 DEIS traffic analysis, nor is the growth
9 accounted for that may occur as a result of the
10 expansion program underway at Belleayre
11 Mountain, which would accommodate an increase
12 in the peak day ski visits from approximately
13 5,000 to 8,000, which is a 60 percent
14 increase.

15 Overall, traffic volumes for both the
16 morning and evening peak hours at Route 28 and
17 County Road 49A were 20 percent above those
18 reported on in the DEIS. Certain ski area
19 turning movements were as much as 34 percent
20 greater in 2003. Counts taken at Route 28 and
21 County Route 47 were 12 to 16 percent higher
22 than reported in the DEIS.

23 The conclusion is that traffic along Route
24 28 could be as much as 40 percent greater than
25 reported in the DEIS for baseline conditions in

1 (James Krueger)

2 2000. And by 2008, much greater than the 27
3 percent growth and volume reported in the DEIS
4 for no-build conditions.

5 I'm asking the DEC to please review in
6 full detail this report when you receive it.
7 It may be that an air quality study is
8 necessary from the developer in light of these
9 new figures. If any of the public wishes to
10 see the report, I'm sure it will be made
11 available. You can see me after and I'll try
12 to find a way to do that.

13 This year the Catskill Park is celebrating
14 its 100th birthday, and I am really saddened by
15 the fact that we're celebrating it in this
16 way.

17 The Park, because it contains within its
18 borders both public and private lands, is a
19 great experiment in conservation alongside
20 human habitation. The Catskill Park and
21 Adirondack Parks of New York State are the only
22 parks in the United States that have both
23 public and private lands within its borders.
24 They're unique. We're living in an incredibly
25 unique area. If this experiment is to succeed,

1 (Ellen Preckel)

2 I feel that it is dire that those of us who
3 choose to live within and around this Park, and
4 we choose to live here, need to muster up a
5 great deal of humanity, a great sense of
6 stewardship, and even more self control. Are
7 our lives really that bad here? I mean, think
8 about what we're saying about our lives when
9 we're saying that we need this resort? Are we
10 scum? Do we want to live in another suburb,
11 the next Orange County? Let's take care of our
12 Catskills. Let's not sell out.

13 ALJ WISSLER: Is Adam Dolick here? How
14 about Tom Alworth? You'll be next, Mr.
15 Alworth.

16 MS. ELLEN PRECKEL: I e-mailed you this
17 morning, so when you see it, that's from me. I
18 only have about 15 points. I'll try to take 45
19 minutes or less. Checking to see if you're
20 awake.

21 Good evening. My name is Ellen Preckel.
22 I'm a native New Yorker who has lived all my
23 life in this native state, with the exception
24 of nine years as an Army wife when I had the
25 opportunities to live and travel all over the

1 (Ellen Preckel)

2 country and the world. In our travels, my
3 husband and I saw some amazing mountains, some
4 gorgeous streams and some beautiful deep, dark
5 forests. But when my husband was medically
6 retired in 1999, we choose to come back to this
7 area of New York because of its unspoiled
8 beauty, among other things, the abundance of
9 outdoor recreation opportunities to share with
10 our two young children. Nothing in Europe or
11 the rest of the United States compares with
12 what we have right here. I kind of feel like
13 I'm preaching to the choir. Bear with me for
14 one more point.

15 I hope that we make the decision not to
16 spoil it. My husband Mike is a 100 percent
17 disabled vet due to a brain injury he suffered
18 during what they're now referring to as PG-1,
19 or the Persian Gulf War, the first Persian Gulf
20 war. We live on a fixed income. With the
21 threat of taxes going up because of the
22 necessity of filtering the water for the
23 resort, that's going to affect all of us in New
24 York, not just Delaware County, Ulster County,
25 Shandaken, Pine Hill. All of New York. We

1 (Ellen Preckel)

2 can't afford higher taxes, and I'm guessing
3 that even if you can, you don't want to afford
4 higher taxes.

5 In regard to the view of the resort,
6 there's a running joke out there in regard to
7 slipshod or shabby work that says, I can't see
8 it from my house. That may be so for this
9 situation from my house, I might not see the
10 denuded top of what was once a wonderfully
11 wooded ridge, and my view of the stars might
12 not be destroyed by the lights of this proposed
13 resort, and that may be so for many in Albany
14 as well, but when the taxes do go up and the
15 water supply is seriously affected, we're all
16 going to be able to feel it. I hope that you
17 will reconsider that we shouldn't do this.
18 Thank you.

19 ALJ WISSLER: Tom Alworth. Is Elaine
20 Grandy here, G-r-a-n-d-y? Penelope King?
21 Maureen Millar? Maureen, you'll be next.

22 MR. TOM ALWORTH: My name is Tom Alworth.
23 I'm executive director of the Catskill Center
24 for Conservation and Development. We're
25 located, this is the twin stealth of

1 (Tom Alworth)

2 Margaretville and Arkville, we're over in
3 Arkville.

4 I would like to thank the DEC as lead
5 agency for the opportunity to comment on the
6 Belleayre Resort project. I want to thank all
7 of the individuals and organizations who have
8 concerns about Belleayre Resort's impact on our
9 communities for their hard work, pouring over
10 the massive 7,000 page DEIS, a complex
11 document. And with all due respect to its
12 authors, not exactly best seller material.

13 I would also like to thank the developer
14 of this project and Crossroads Ventures, LLC
15 for the support and contributions they have
16 made to the central Catskills. They have done
17 some good work in the past, contributing in a
18 positive way to community development. They're
19 revitalizing an important section of Route 28
20 and breathed new life into decaying buildings.
21 Unfortunately, the Belleayre Resort at Catskill
22 Park stands in stark contrast to those
23 projects, bearing no resemblance to the
24 developer's previous work.

25 The Catskill Center is committed to

1 (Tom Alworth)

2 balancing the protection of natural resources
3 with economic development, while working to
4 preserve the rich cultural and historical
5 assets of the Catskills. We will continue to
6 provide services and leadership that
7 facilitates the growth of our communities,
8 growth based on sound conservation principles.

9 Therefore, we stand opposed to Belleayre
10 Resort at Catskill Park as currently proposed.
11 We are not opposed to development. Our record
12 speaks for itself in that regard. But we will
13 remain steadfast in our opposition against any
14 development that is irresponsible and/or
15 ill-suited to Catskill Park and the New York
16 City Watershed. This project, as presently
17 proposed, should not go forward for the
18 following reasons:

19 First, the project at its present scale
20 does not belong in the Catskill Park. The
21 Belleayre Resort is unprecedented in size, not
22 only for the Catskills, but indeed as stated by
23 the developer's consultants, for the entire
24 northeastern United States. A project of this
25 scale is not compatible with the character or

1 (Tom Alworth)

2 values of our local communities.

3 Second, from an environmental standpoint,
4 the proposed project requires dramatic
5 disruption in environmentally sensitive and
6 valuable areas. The site is adjacent to the
7 single largest tract of forest preserve in the
8 Catskills, the Big Indian and Slide Mountain
9 wilderness areas.

10 Third, the project is located exactly on
11 the divide between the Catskill and Delaware
12 watersheds, at high elevation with particularly
13 shallow soils. The construction of roads,
14 buildings, parking lots and fairways, not to
15 mention extensive blasting and the importation
16 of nearly 1 million cubic yards of soil in such
17 a location contradicts logic and ultimately
18 could be an important first step towards the
19 end of no filtration for the New York City
20 water supply. It's hard to imagine that even
21 the best engineering controls can prevent
22 disruption on this scale from creating severe
23 storm water and erosion control problems. The
24 project has two components. One to the east
25 and the other to the west of the Belleayre Ski

1 (Tom Alworth)

2 Center. We believe the eastern side is
3 environmentally more problematic. Development
4 there will occur entirely at elevations above
5 2,000 feet and in places at elevations as high
6 as 2,700 feet and on steep terrain. Runoff
7 from the eastern component will flow into the
8 Esopus Creek, a stream already suffering from
9 very serious turbidity issues.

10 This project also is contradictory, in our
11 opinion, to the vision of the signatories of
12 the Memorandum of Agreement between New York
13 City and Coalition of Watershed Towns and five
14 environmental organizations, one of which is
15 the Catskill Center.

16 Soon after the signing of the MOA, a
17 guidance document commissioned by the Catskill
18 Watershed Corporation was prepared by Hamilton,
19 Rabinovitz & Alschuler, Inc. This study
20 included interviews with community leaders to
21 determine unique assets of their communities.
22 Among the top assets identified were the areas'
23 rural community character and scenic vistas.
24 It should be noted that the Catskill Center has
25 identified locations from where the project

1 (Tom Alworth)

2 site can be seen that are not included in the
3 DEIS, including from the Hunter Mountain fire
4 tower.

5 HR&A, the HR&A study, Hamilton, Rabinovitz
6 and Alschuler study further states, and I
7 quote, there is a shakedown in the hotel
8 industry as large, non-competitive resorts give
9 way to smaller niche players. The single
10 destination, full-service, high
11 employee-to-guest ratio resort has been
12 replaced with a combination of short stay niche
13 destinations and second homes.

14 The study continues, the hamlets and
15 villages are among the watershed's most
16 important assets from an environmental
17 standpoint. Economic activity within these
18 centers can make use of existing
19 infrastructure, thereby limiting the amount of
20 land that would be cleared to accommodate new
21 development. In exchange for new pollutant
22 loading in the community centers, communities
23 could undertake efforts to minimize loading
24 outside of community centers as a trade-off.
25 The study indicated that tourism could be

1 (Tom Alworth)

2 revitalized through, and I quote, a focus on
3 existing destinations and a series of
4 niche-based accommodations. This does not
5 describe Belleayre Resort.

6 I will mention briefly here other concerns
7 we have about the project but will provide
8 further detail on many of them in our written
9 comments.

10 Traffic. The DEIS presumes that the
11 traffic impact will be increased but recommends
12 very little in the way of mitigation. This
13 analysis ignores Route 47, County Route 47,
14 another viable route as mentioned earlier to
15 the proposed resort, a route that is highly
16 scenic and likely has a lesser capacity to
17 accommodate significant additional traffic.
18 Increased traffic as a result of the imminent
19 expansion of the Belleayre Ski Center must be
20 taken into account in all traffic projections.

21 Secondary impacts. The DEIS assumes that
22 approximately 800 jobs will be filled by local
23 residents and individuals within commuting
24 distance. There are only 200 unemployed people
25 in Shandaken and Middletown combined. An

1 (Tom Alworth)

2 influx of new residents has the potential to
3 exacerbate the traffic impact, to burden area
4 schools, and to overextend community services
5 and emergency services. The new residents and
6 additional visitors to the area may also prompt
7 related commercial development, further taxing
8 community services and undermining community
9 character.

10 Lack of an alternative. Significantly,
11 the DEIS does not seriously analyze an
12 alternative to the present proposal. To the
13 extent that the DEIS engages in alternatives
14 analysis, it does so by considering the
15 financial feasibility of various components of
16 the project built in various combinations.
17 Such a mix and match approach to feasibility
18 illustrated by lopping often entire portions of
19 the project is self-serving. The foregone
20 conclusion of such an analysis is that the
21 project is only feasible as proposed. In our
22 view, a genuine, legitimate alternatives
23 analysis must consider a smaller-scale version
24 of the proposed project.

25 Negligible economic benefits. Despite the

1 (Tom Alworth)

2 project's threat to community character and the
3 environment, the economic benefits of the
4 project to the area residents will be
5 negligible. The average household income in
6 the region is \$40,000.

7 The DEIS projects that the resort will
8 create about 500 full-time jobs with an average
9 salary of \$27,000. The DEIS concedes that the
10 average salary for local residents would
11 generally be between 20 and \$30,000, well below
12 the median income of the area. Whereas
13 residents would generally be given
14 lower-quality jobs, the DEIS indicates that the
15 project's highest paying jobs, with salaries
16 ranging from 50 to \$150,000, would likely be
17 filled by non-residents.

18 We do not need this project to save us
19 from economic despair. Quite the contrary.
20 Economic activity has been picking up along the
21 project corridor and across the Catskills
22 before and particularly since 9/11. There is a
23 boom in property values and housing sales, and
24 the Catskill Watershed Corporation continues to
25 carefully inject millions of dollars of grants

1 (Tom Alworth)

2 and loans to appropriately scaled,
3 environmentally sound business growth
4 throughout the watershed.

5 The Belleayre Resort can have potentially
6 serious negative impacts on the community
7 character and the environment without promoting
8 significant economic benefits. The Catskills
9 are at an important crossroads. With the
10 signing of the Memorandum of Agreement, we have
11 a unique opportunity. If we get it right, it
12 will serve as a national model for sustainable
13 development. But if we get it wrong, it will
14 be a national embarrassment and we will answer
15 to the next several generations of both upstate
16 and downstate residents for our mistakes. Any
17 project of this scale at this location is dumb
18 growth, not smart growth, and takes us down the
19 road of getting it wrong.

20 Thank you.

21 ALJ WISSLER: Maureen Millar.

22 MS. MAUREEN MILLAR: Thank you for the
23 opportunity to speak. I didn't know I would be
24 mostly all alone. That's a lot of listening.

25 My parents had the good sense to get us

1 (Maureen Millar)

2 out of Paramus, New Jersey and to Roxbury, New
3 York a very long time ago and I've been
4 grateful every day. For the last 38 years or
5 so, I've driven from Roxbury to Mt. Tremper
6 where I've made my home for a long time. I am
7 in the service profession. I'm a gardener and
8 a landscaper and I work almost exclusively for
9 second homeowners in Woodstock and Mt.
10 Tremper/Shandaken area.

11 I would like to add to the comments of
12 many before me who would say that the jobs
13 being offered by the Belleayre Resort would not
14 even remotely accommodate my needs. They would
15 not pay my taxes, nor my mortgage, nor how much
16 it costs me to live in the place that I love.
17 I think that would be true for most people who
18 try to find a job at Belleayre that would
19 support a life in these communities.

20 Many of the remarks I've prepared have
21 been so often stated this evening that I'm
22 going to try and respond primarily to things
23 that have been said. I would like to start
24 with Mr. Gitter, who I must say I was shocked
25 was able to lead off the evening. I hope

1 (Maureen Millar)

2 you'll accept my comments with the respect that
3 I mean them with, but many of us in this
4 audience have listened for ten years to the
5 promises of Mr. Gitter, and I would have liked
6 to think that in a format like this, perhaps
7 that our promises to each other were at least
8 as important to begin the evening with.

9 I would like to quote him in response to
10 the comments about no alternative to
11 proposals. It was interesting he said this
12 evening it has to be the size it is because
13 there are no municipal services. That was his
14 response. That's the response to the
15 alternative. It has to be there and it has to
16 be huge because there's no place else to put it
17 and there are no services anywhere. Well, duh,
18 then don't put it there. Put it where there
19 are services. And there are places that there
20 are services. You know, it astounds me at this
21 point that the DEC, in honor of the hundred
22 year birthday of the Catskill Park, would
23 indeed be considering the proposal at all.

24 Like many people here this evening, I
25 quietly ignored this process and I'm

1 (Maureen Millar)

2 embarrassed to say that I did. It's only in
3 the last six months that it became clear to me
4 that perhaps the DEC's financial interest in
5 adding to capital from Belleayre was playing a
6 role in their willingness to support this
7 project. And it had never occurred to me that
8 as stewards of the Park, we could no longer
9 trust our stewards. Now, people like me
10 foolish enough to sit behind her computer
11 download three and a half hours of this, and
12 then try and understand them. Try. It's no
13 mean feat to try and get through this document
14 and have something reasonable, something
15 substantive to say.

16 I want to comment on the issue that I
17 think has been hinted at in various ways all
18 evening, is that people like me and
19 representatives of the environmental community
20 do not have a vested economic interest here.
21 I've never heard a bigger outrage in my life.
22 It simply does not describe reality. I helped
23 get a petition online that has the signatures
24 of probably 2,000 people that come from all
25 over this country. I would say nearly every

1 (Maureen Millar)

2 state and Hawaii who have in a thousand ways
3 expressed why they no longer are able to live
4 here but they grew up here. They went to camp
5 here. Their mother has a cabin. They drove up
6 on their honeymoon. Please leave it alone.
7 Please let us continue to come here from all
8 the places that we come that aren't figured
9 into the DEIS, those visitors.

10 And the other people that aren't figured
11 into the DEIS are all the second homeowners who
12 are the real driving economy in this region,
13 not tourists, not resorts and hotels. The
14 second homeowner economy is the people who pay
15 me. And if I had to guess, people who pay more
16 than half the people in this audience a living
17 wage to be here. They in no way are benefitted
18 by this project. And they are not represented
19 in a statement or in these two meetings because
20 they're at work in New York City tonight and
21 tomorrow night. Their names are on these
22 petitions by the hundreds and the thousands.
23 And it's time for them to be heard. Thanks.

24 ALJ WISSLER: It is -- we started at seven
25 o'clock, it is about 9:30 now so we're going to

1 (Julie McQuain Carney)

2 take a ten-minute break and we will reconvene
3 at 20 minutes of 10:00.

4 Julie Carney, is she here? Julie, you
5 will lead off, followed by Mark McCarroll.

6 (The proceedings recessed at 9:30 p.m.;
7 reconvened at 9:45 p.m.)

8 ALJ WISSLER: If we could get started. A
9 notepad was found in the ladies' room. I did
10 not retrieve it. It is 9:43 and our speaker is
11 Julie Carney. After Ms. Carney, we'll be
12 hearing from Mark McCarroll.

13 MS. JULIE MCQUAIN CARNEY: Good evening.
14 Thank you for allowing me this opportunity to
15 speak. Many of my concerns have been stated
16 clearly and carefully already so I won't repeat
17 them, I hope. I'm going to tell you my
18 personal concerns, however.

19 I live at the bottom of Belleayre Mountain
20 at Rider Hollow Road. Whatever washes down
21 from the ridge will crash right through my
22 vegetable garden, so I have a personal interest
23 here and I would like to ask my neighbors, my
24 local neighbors who sometimes think that
25 environmental objections are just the purview

1 (Julie McQuain Carney)

2 of tree-hugging outsiders, that it's your water
3 too. You're going to be drinking it too and
4 it's your air too, and you're going to be
5 breathing it as well as the people that you
6 maybe don't care as much about who live
7 downstream. The traffic will affect me
8 personally directly daily. I'm not looking
9 forward to years of blasting and heavy
10 construction. I'm afraid for our little back
11 roads, Todd Mountain Road, Old Baker Road,
12 Rider Hollow Road. We have many wash-outs in
13 1996. How many more might we expect after the
14 gross alteration to a mountaintop that will
15 control how much water washes down on us? I
16 won't go into -- I'm not a hydrologist but I do
17 understand that much. When you cut down that
18 many trees on top of a mountain with shallow
19 soils, there's a lot more rain going to come
20 down on us. And when you replace woodland with
21 that many parking lots and rooftops, a lot more
22 water is going to wash down on us. What's in
23 it, I'm very worried about, but I'll leave it
24 to the experts to tell us what's in it.

25 With respect to a speaker from Andes, I

1 (Julie McQuain Carney)

2 wonder if he would be quite as enthusiastic
3 about this huge, totally out-of-scale project
4 if he lived less than a mile below it. I'm
5 disturbed by this process, I have to say. I
6 wrote it better than I have it here, but I
7 notice that there's no public hearing being
8 held on a weekend.

9 And as a former second homeowner who is
10 now a full-time resident, I would like to say
11 something on behalf of second homeowners. We
12 often feel that we ought to just mail our money
13 up here, that we're not really terribly
14 welcome, that we're not really completely
15 appreciated for what we do contribute to this
16 environment.

17 We come here. We, for us it was our first
18 home, we came from an apartment in the City,
19 having lived most of our lives in the midwest,
20 so it was our first home. We bought the little
21 cabin on Rider Hollow Road, and I sometimes
22 felt when encountering my local neighbors in
23 town, that they would just as soon that I put
24 my money in an envelope and mail it up to them,
25 rather than take up space or have opinions that

1 (Julie McQuain Carney)

2 may be differed with theirs.

3 I'm dismayed that some of our elected
4 officials have already given their support to
5 this project tonight first prior to hearing
6 from an informed public. It seems that some
7 people have already taken a positive position
8 based on an advertising campaign and promises
9 rather than an honest evaluation of what might
10 or might not be in this report. How do we know
11 at this point what's in this report? How are
12 our civic organizations putting out resolutions
13 in favor of something when the report is
14 voluminous, undownloadable, unparcible, it
15 sounds like, and no one can have read it yet,
16 and certainly nobody read it at December 15th
17 when the resolution I just heard about was
18 made. I'm disturbed by that.

19 I would like to call on our state
20 officials to look into this process, this
21 comment process. Two midweek nights back to
22 back with no time to prepare or read this thing
23 or get a better understanding of what's in it
24 does not constitute a proper hearing process.
25 And I would like to ask those public officials,

1 (Julie McQuain Carney)

2 on what are you basing your support for this
3 project? Who are they listening to? What is
4 the information that they have?

5 And I want to make a specific point about
6 light pollution. It's very important to us.
7 In our ongoing lengthy construction progress
8 that we're in the middle of, we've designed a
9 little observation deck that we can go out on
10 with our little telescope and look at the night
11 sky. When we were designing our house, we
12 thought, what do we have here that you don't
13 have other places? So we take advantage of
14 what's here, what we came here for. And that's
15 the dark night sky. We can see the snow-making
16 from Belleayre, as was said before. I am the
17 next-door neighbor of someone who spoke
18 earlier. We can see that occasionally, but
19 there is not enough of it to dim the view of
20 the stars, and I dare say that it's not going
21 to be nearly as bad as the light from a city
22 the size of seven Pine Hills, year-round city
23 the size of seven Pine Hills. And the
24 streetlights and the walkways and the outdoor
25 porch lights and the lit up whatever else,

1 (Julie McQuain Carney)

2 that, I think, will definitely interfere with
3 many of our views of the night sky, and I will
4 mourn that if that comes to pass. I'm very
5 worried about it.

6 Many excellent points have been made about
7 jobs. Lots of other communities around the
8 country have had big resorts dropped on them
9 and have not had a salutary result. They have
10 been unhappy results. Alas, I do not have any
11 hard facts. I will get some for you and I will
12 e-mail them to you. I e-mailed you today. I'm
13 sure you haven't seen my e-mail yet.

14 Important points have been made about
15 property values and taxes. Property values
16 going sky high are great if you're looking to
17 sell. But if you're looking to stay and your
18 property values sky-rocketed and your service
19 costs sky-rocket and your taxes sky-rocket and
20 you were hoping to be buried in this house,
21 that might not be possible anymore. We're
22 scared of that.

23 When I go to Boiceville I drive up Todd
24 Mountain Road and go out on Route 28. When I
25 go to Arkville or Margaretville, I drive on

1 (Julie McQuain Carney)

2 Todd Mountain Road and then Brook Road. That
3 is going to be a dynamite shortcut to not be on
4 28 if 28 gets really bad, and I was very
5 concerned when I heard the discussion about
6 47. Is that the Frost Valley Road, if I'm
7 correct about that? Another hundred cars a day
8 on that road and I think it would probably be
9 worse than that. I would be very, very, very
10 worried about that.

11 This project is not conservative. This
12 proposal does not represent wise use of
13 irreplaceable mountaintop in our community. It
14 would be the first such, if I'm not mistaken,
15 mountaintop and placement in the Catskills. It
16 might be the first one in the whole range,
17 Adirondack Catskill area. If we allow the
18 blasting and the leveling of a mountaintop, we
19 are opening the door to a kind of development I
20 don't think any of us want to live with. Thank
21 you.

22 ALJ WISSLER: Mark McCarroll. Is Faith
23 Jensen here? How about Mathew Pokoik,
24 P-o-k-o-i-k? Betty Lou Bailey. Chester
25 Karwatowski.

1 (Mark McCarroll)

2 MR. CHESTER KARWATOWSKI: Yes.

3 MR. MARK MC CARROLL: Greetings,
4 neighbors and Catskill Mountain lovers. I'm
5 Mark McCarroll. I'm on the Board of Advisors
6 on Thomas Cole's Cedar Grove, but I'm here of
7 my own steam as a resident of Shandaken.

8 I would like to start off with reading,
9 summarizing a letter from William Douglas,
10 Justice of the Supreme Court of the United
11 States.

12 "Our wilderness problems start with our
13 population. In 35 years there probably will be
14 twice as many people on earth as there are
15 today. We must design our wilderness blueprint
16 with the needs of 200 A.D. in mind. We want
17 some of the original America live in a
18 primitive condition so that 100 years from now
19 a lad can walk the hills in the manner of
20 Daniel Boone and see what God has brought.
21 There are dollar values in our mountains to be
22 exploited, but a tree is measurable not only by
23 its broad feet or cellulose content, but by its
24 beauty, the wildness it shelters, the biotic
25 community it nourishes, and the watershed

1 (Mark McCarroll)

2 protection it gives. There are spiritual
3 values in the mountains that highway engineers,
4 real estate promoters, Chambers of Commerce,
5 and editorial writers often overlook. Those
6 values disappear once our alpine meadows are
7 converted into Swiss alpine resort areas when
8 the roar of traffic fills the ridges, when
9 man's last refuge is converted to commercial
10 uses."

11 And for the record, I found this on a Pete
12 Seeger album. He was my idol.

13 I said I was a resident of Shandaken and I
14 will be affected by the adversity of the
15 project and make no gain in the forecasted
16 benefits. The resort is an artificially forced
17 future that may double the town's population,
18 yet we don't know the essentials; who is going
19 to build it, own it, run it. I feel the
20 acceptance of the EIS was premature and the
21 public wasn't given enough time to analyze its
22 bulk. I also feel that the lead agency, the
23 DEC, has a conflict of interest because it
24 operates the adjacent Belleayre Mountain Ski
25 Center and the process is flawed. I request a

1 (Mark McCarroll)

2 new lead agency be appointed due to the DEC's
3 involvement with the ski center. I also
4 request a new DEIS be completed by the sponsor
5 with accurate figures and dates, and included
6 with the resort, A, the expansion of the ski
7 center; B, the post 9/11 population explosion;
8 and C, passage of gambling, and the combined
9 effects these issues will have, including
10 thruway exit in Kingston.

11 The State Environmental Quality Review Act
12 requires projects strongly linked to be
13 reviewed as a single and complete project. I
14 will try to link some of that to approve this
15 as a complete project. Connections to the
16 Belleayre Ski Center, State-owned and operated
17 by DEC facility under expansion. I got this
18 information from the executive summary of the
19 DEIS report, so it's right within here.

20 The Belleayre Resort at Catskill Park is a
21 four-season world class resort associated with
22 the Belleayre Mountain ski center. As
23 contemplated in state and regional studies
24 prepared over the last four years, the project
25 is designed to complement both the active and

1 (Mark McCarroll)

2 passive recreational opportunities provided by
3 the Belleayre Mountain Ski Center and
4 surrounding New York State Forest Preserve
5 lands. The Belleayre Resort at Catskill Park
6 as envisioned will marry the physical assets of
7 the Belleayre Mountain Ski Center and the
8 Forest Preserve. A strong public/private
9 partnership is at the core of the private
10 sponsor's vision statement, an opportunity to
11 assist the State of New York in realizing its
12 original dream of the Belleayre Mountain Ski
13 Center. The resort will utilize government
14 programs, such as DEC, DEP, YMCA. Trails on
15 resort will interface with state trails.

16 So there were four years of reports. It's
17 not a new plan. And from the Route 28 corridor
18 committee, Town of Shandaken, Dean Gitter was
19 chairman, and he stated, rather than recreate
20 the oversized resorts of Sullivan County and
21 the southern part of Ulster County, four or
22 five hundred-room facilities built over a
23 five-year period would be far more viable than
24 either a multiplicity of smaller units or
25 dependence on a mammoth new resort.

1 (Mark McCarroll)

2 These four or five facilities must, of
3 course, be built in the place as nature, not
4 man, has designated and existing regulations
5 should be modified to take this accommodation
6 into account.

7 I would also like to bring up the point
8 that the DEC has created constitutional
9 violations on Belleayre Mountain, so there are
10 stewards on their own mountain and they don't
11 follow the state constitution. This is from
12 "Adirondack Magazine," May 1984, six
13 violations. And Michael Kudish's "Catskill
14 Forests, A History," in 1986 he states, "I led
15 an interpretive tour sponsored by the DEC of
16 the first growth track on the summit of
17 Belleayre Mountain of the general public. A
18 very uncomfortable situation developed for
19 everyone on the tour when it was discovered
20 that the Department itself a year or two
21 earlier had cleared off about two acres of
22 first growth to construct the now handle bar
23 ski lift."

24 I'm glad I'm not saying this. Robert
25 Boyle, "The Hudson, a Natural and Unnatural

1 (Mark McCarroll)

2 History," in '79 wrote about the DEC. "This
3 Department, which has sinned against the Hudson
4 River for years by commission, omission and
5 emission, has not even been able to muster the
6 courage to take action to save a tree. DEC
7 issued water quality permits to GE in 1973
8 despite PCB knowledge."

9 I just wanted to show you some language in
10 the executive committee, the executive report,
11 which I think should have been prepared by the
12 DEC and not the sponsor. Generally speaking,
13 plus or minus approximately, likely
14 anticipated, is expected this new approach, a
15 substantial amount, limited, minimal 6 to 24
16 months there appears, although it is possible
17 potential archeological site, very few, if
18 any. That's not even a scouring.

19 And other things in here that people have
20 brought up. The project will have few, if any,
21 impacts or increased demand on community
22 resources. The roadways will be paved with
23 private security. The vacation resort will add
24 few, if any, students to the local school
25 systems which are not running at capacity in

1 (Mark McCarroll)

2 any case. Though he does have a 21-lot
3 residential subdivision and 500 workers who may
4 need an education, this project will not
5 increase traffic volumes. That's as far as the
6 air quality because the resort will be fairly
7 self-contained, there will not be an effect on
8 community character. Meaning most of these
9 resorts are fairly self-contained.

10 The local school systems are not operating
11 at capacity. Correspondence with the schools
12 demonstrates that they have sufficient access,
13 capacity to serve the very limited number of
14 children who may be added to the system.

15 Now, for community services, he has
16 letters of record for the ambulance, police and
17 other agencies. But for the school, it's just
18 a correspondence. And then therefore, there
19 will be a minimal new burden on local school
20 systems, roads and infrastructure. So there
21 won't and then there will.

22 But I would like to add with a little
23 quote from Thomas Cole, my other idol. "Nature
24 has spread for us a rich and delightful
25 banquet. Shall we turn from it, we are still

1 (Mark McCarroll)

2 in Eden. The wall that shuts us out of the
3 garden is our own ignorance and folly. May we
4 at times turn away from the ordinary pursuits
5 of life to the pure enjoyment of rural nature,
6 which is in the soul like a fountain of cool
7 water to the wayworn traveler."

8 I was wondering what Cole meant by folly,
9 so I looked it up in Webster's. Folly, a lack
10 of good sense or normal prudence and
11 foresight. 2, a foolish act or idea. 3a,
12 evil, wickedness, lude behavior. B, criminally
13 or tragically foolish actions or conduct. 4,
14 an excessively costly or unprofitable
15 undertaking. 5, an often extravagant
16 picturesque building erected to suit a fanciful
17 taste.

18 Let's be reasonable. We don't need
19 science. This is all about reason. Millions
20 depend on the water. Let's not have to filter
21 it. Protect our head waters.

22 ALJ WISSLER: Chester Karwatowski. Is
23 Michael Cognitore here? Michael Cognitore?
24 Mary Herrmann? Okay. Mary will be next.

25 CHESTER KARWATOWSKI: Good evening. I'll

1 (Chester Karwatowski)

2 try to be brief.

3 My name is Chester Karwatowski. I'm here
4 as the President of the Ashokan-Pepacton
5 Watershed chapter of Trout Unlimited, on behalf
6 of the membership, Trout Unlimited, a national
7 conservation organization whose mission is to
8 conserve, protect and restore America's cold
9 water resources. There's 150,000 members
10 nationally, 10,000 in New York State and 3,000
11 that live in the Catskills or the New York City
12 Watershed as well as in New York City. The
13 local members of Trout Unlimited have been
14 active in the Catskills for almost 50 years. I
15 have lived in the Catskills for the last 26
16 years, the last 13 years in West Shokan. I was
17 drawn to the area for its pristine beauty, it's
18 unspoiled mountains, friendly neighborhood
19 communities and in particular for my passion
20 for the Esopus Creek and fly fishing. The
21 Catskill Mountains are known worldwide for fly
22 fishing in its trout streams, and the Catskills
23 are recognized as being the birth place of fly
24 fishing in America.

25 Since the Ashokan and Pepacton Reservoirs

1 (Chester Karwatowski)

2 and their watersheds are the home waters of the
3 Ashokan-Pepacton chapter of Trout Unlimited, we
4 are especially concerned about this proposed
5 project. These watersheds are a major
6 component of the largest unfiltered drinking
7 water supply in the world. The New York City
8 Watershed represents only 4 percent of the land
9 in New York State, yet provides water to almost
10 half of New York State's population. The
11 residents of the Catskills, New York City and
12 New York State have made a \$1.5 billion
13 contribution and commitment to protect this
14 water supply, for us and for future
15 generations. This raises the bar for the SEQRA
16 process to go beyond regulatory compliance and
17 to ensure that this proposed project uses
18 state-of-the-art technical practices, addresses
19 worst-case scenarios, includes performance
20 measurements and legally binding mitigation
21 measures built into enforceable permit
22 conditions.

23 This proposed project straddles fragile
24 mountaintops that are the source of high
25 quality drinking water that feed the Pepacton

1 (Chester Karwatowski)

2 and Ashokan Reservoirs. It encompasses streams
3 that are spawning grounds for brook, rainbow
4 and brown trout. Lost Clove Brook, Giggie
5 Hollow Brook, Crystal Spring Brook, Woodchuck
6 Hollow Brook, Cathedral Glen Brook, Emory Brook
7 and Birch Creek depend upon this pristine
8 mountaintop and precipitation for their pure
9 waters. It is the responsibility of the DEC
10 and the SEQRA process to ensure that the
11 quality and quantity is not adversely affected
12 by this proposal. This high standard requires
13 the DEC to examine all secondary and cumulative
14 effects of this project. The DEC should assess
15 alternative approaches for this project and
16 ensure that lower-impact alternatives are
17 considered.

18 Only by reading the entire DEIS document
19 can we finally grasp the scope of the impact of
20 this total project. I'm certain that few
21 people here have read the 7,000 pages of the
22 document. If you don't have access to the
23 Internet or computer, you will never see it.
24 Even if you had all of its pages, it is
25 constructed to confuse.

1 (Chester Karwatowski)

2 The DEIS reminds me of the story of seven
3 blind men and an elephant, and I think you've
4 all heard the story. They all don't know what
5 it looks like, they feel different parts of it
6 and they see something different. We are the
7 blind men feeling the elephant through the
8 DEIS. And everyone that sees this project sees
9 a different aspect of it and has a different
10 view. Some see jobs, some see tourist dollars,
11 some see progress, some see change, some see
12 pollution and traffic. And it's the
13 responsibility of the DEC to step back and look
14 at the entire elephant and not let it trample
15 us and to spoil the Catskill Mountains.

16 My net of reading a few thousand pages of
17 the DEIS is that this document says that after
18 eight years of construction on this massive
19 project, everything remains the same. There
20 will be no impacts to the quality of our
21 water.

22 Part of the reason for this conclusion is
23 that the analysis in this document has factual
24 errors and contradictions, errors and
25 omissions, anecdotal, not absolute evidence and

1 (Chester Karwatowski)

2 uses best-case scenario assumptions throughout
3 it. Trout Unlimited will document these issues
4 as part of the written comments.

5 I am astounded that the Catskill Watershed
6 Corporation would vote on supporting this
7 proposal, and as part of the proposal state
8 that they had not read the DEIS, and that is
9 irresponsible, especially in light of the fact
10 that they also sponsored and supported the
11 project that describes the future development
12 in the Catskills which talks about developing
13 hamlets in communities and not mountaintops and
14 mega resorts.

15 MR. DANIEL RUZOW: You said Catskill
16 Watershed.

17 MR. CHESTER KARWATOWSKI: I apologize.

18 Regarding omissions and errors in the
19 DEIS, on June 14th, 2002, Trout Unlimited
20 advised the DEC that the use of 60 inches of
21 precipitation in the DEIS as the basis of the
22 water budget analysis was very high and advised
23 other sources that would provide a more
24 accurate starting point for this analysis. The
25 current DEIS continues to use 60 inches of

1 (Chester Karwatowski)

2 average precipitation. As evidence that the
3 use of 60 inches is not correct, there is a
4 precipitation analysis that is being conducted
5 by the DEC from a weather station on top of
6 Belleayre Mountain. The precipitation recorded
7 since 1987 is well below 60 inches.

8 As an example, and I'm going to read these
9 off. Since 1987, '87 was 39 inches, '88 was 33
10 inches, '89 was 40 inches, '90 was 43 inches,
11 '91 was 32 inches, '92 was 36 inches, '93 was
12 36 inches, '94 was 39 inches, '95 was 36
13 inches, '96 was 56 inches, '97 was 30 inches,
14 '98 was 42 inches, '99 was 45 inches, 2000 was
15 50 inches, 2001 was 30 inches.

16 Earlier we heard from the DEP that
17 precipitation is a critical factor in the
18 quantity of water for the New York City
19 drinking supply. Using 60 inches as a basis
20 for the analysis of the water budget is very
21 misleading. We also know that the use of
22 average precipitation ignores the effects of
23 draught conditions on this analysis. Draught
24 conditions are when net water consumption is
25 the highest for the resort, and when the

1 (Chester Karwatowski)

2 hydro-ecological system is most sensitive to
3 this hydrological budget. This is a critical
4 factor in performing this water budget analysis
5 and the starting point is significantly off and
6 will affect all other water use assessments.

7 This project proposes to apply over three
8 dozen fungicides, pesticides and insecticides
9 to 300 acres to golf courses. It asserts that
10 turf managers will get the formula just right
11 so no seepage or runoff will ever occur. The
12 DEIS must consider human error as well as other
13 environmental extremes, not just perfect
14 conditions. And again, as evidence from the
15 document itself, it's easy to have errors in
16 this process.

17 In spite of the responsibility of the DEC
18 to apply the proper standards as part of this
19 SEQRA process, the DEIS is still lacking.
20 Trout Unlimited does not support this project
21 based upon this current DEIS. The DEIS has
22 serious omissions and relies heavily upon
23 biased analysis. Due to the lack of any
24 consideration of project scope reductions or
25 impact mitigation strategies for this critical

1 (Mary Herrmann)

2 water supply, Trout Unlimited recommends that
3 the DEC stop this project as soon as possible.

4 ALJ WISSLER: Mary Herrmann. Lauren
5 Davis? Lauren will be the next speaker.

6 MS. MARY HERRMANN: Hi. I would like to
7 thank everybody for staying out this late. I
8 know a lot of us have to go to work tomorrow
9 morning, but this is really important.

10 I want to tell you why I moved up here
11 was, my husband and I, we originated from Long
12 Island and when they had the financial crisis
13 of the Shore Nuclear Power Plant there, my
14 husband lost his job and we went out to
15 Colorado because we thought that that would be
16 a utopia. I can tell you, Colorado is a giant
17 tourist trap, and we left there because the
18 wages were approximately one-third the wages
19 that are paid in New York for the same jobs.
20 They have a lot of immigration to fill the
21 low-paying jobs and the tourist industry. So
22 we came back to New York, but we didn't want to
23 go back to Long Island, and through a series of
24 moves, we found our way up to Shandaken.

25 At first my kids didn't like it here, they

1 (Mary Herrmann)

2 hated it here. There was nothing to do, they
3 had to drive everywhere, blah blah. Then I got
4 a job at the ski area and they started to ski,
5 and now that they're adults, they thank me for
6 this wonderful childhood that they've had and
7 they all snowboard and they love it. They want
8 to try and stay here, but if the resort comes,
9 they're not planning on it, because they know
10 what changes it will bring.

11 One thing is, we live in Pine Hill. We
12 live right at the base of Belleayre Mountain,
13 and this, of all the communities, this has
14 impacted Pine Hill the most. And when people
15 get in a debate with me about how wonderful
16 that this resort is going to be, I often say to
17 them, if you think it's so great, where do you
18 live? Oh, I live in Andes or I live in
19 Shokan. And I said, Well, would you like to
20 trade houses with me? Then all of a sudden
21 they don't think the resort is such a good idea
22 because then it's going to be right on top of
23 them. It is, the built part of the resort is
24 literally going to be seven times the size of
25 Pine Hill. But don't worry, because we're not

1 (Mary Herrmann)

2 going to see it.

3 The developer keeps changing in his plans
4 the roads that lead to the resort. Originally
5 they were going to come in through Big Indian.
6 Well, evidently he sold that piece of land so
7 now they're going to go up Winding Mountain
8 Road, this windy road. My husband's a truck
9 driver. You will not get a tractor-trailer up
10 that road. The other road, I'll ask, is right
11 through Pine Hill through what is presently a
12 dead end road.

13 This will dramatically change the traffic
14 pattern in Pine Hill. This is a road where
15 people walk with their young children and their
16 dogs and they go up and they walk up Woodchuck
17 Hollow Road, and already we've seen the
18 dramatic changes there because of one person
19 that was living up there, the Town of Shandaken
20 -- who happened to be the developer's son --
21 the Town of Shandaken had to pave and widen
22 Woodchuck Hollow Road. It bears no resemblance
23 to what it looked like two or three years ago.

24 My husband drives a tractor-trailer for a
25 living and he travels to Newburgh on a daily

1 (Mary Herrmann)

2 basis and that is his choice. He realizes he
3 wants to live up here, he wants his children to
4 live up here and he makes a choice to commute.
5 When I showed him some of the things in the
6 DEIS, such as the traffic, from a man who has
7 been doing this every day for the past 17
8 years, when you come from Kingston and you're
9 traveling up Route 28, it's all uphill. We can
10 expect during the construction phase alone
11 three tractor-trailers per hour.

12 Now, if you've ever been through -- behind
13 a tractor-trailer when they have had to stop
14 and they have had to get going again, you might
15 as well eat your lunch in the car because that
16 truck has to gear up and get going again. And
17 if he's loaded full of construction supplies,
18 you're going to travel about 20 miles an hour
19 for a long way until he gets back up to full
20 speed.

21 And the DEIS, the developer is asking for
22 left-hand turn lanes and traffic lights already
23 on Route 28. What I want to know is, just for
24 those small things, whose land will be taken by
25 eminent domain when they want to widen Route

1 (Mary Herrmann)

2 28?

3 When I grew up on Long Island, it was all
4 potato farms out on the east end. People
5 thought the Hamptons would never become a
6 tourist trap because they could not conceive of
7 the people from New York City driving all the
8 way out to the end of the earth. If you go out
9 to Long Island now, it is just wall to wall
10 shopping mall until you get to the Hamptons,
11 and the people who live in the Hamptons don't
12 come out of their houses on the weekends.
13 Sunrise Highway was a two-lane highway. We
14 used to run across it as children. They tore
15 down my girlfriend's house when they wanted to
16 widen it the first time.

17 A few years later when my husband and I
18 went to buy our first house, the first house we
19 ever made an offer on, they had to take back
20 the offer because then they were taking that to
21 widen route -- Sunrise Highway. Now, Sunrise
22 Highway is eight lanes wide, and if you would
23 have heard people on Long Island 30 years ago,
24 they would have said it ain't going to happen.

25 Well, I've got news for you. The County

1 (Mary Herrmann)

2 of Ulster already has on the back burner the
3 plans to widen Route 28 to four lanes. They
4 don't at this point in time, they don't have
5 any intention of using those plans. But
6 they're there. That's why you have a 25-foot
7 setback. So when you drive down Route 28, look
8 around you and look and think whose land are
9 they going to have to take by eminent domain,
10 which is such a dirty word up here, so they
11 have to widen Route 28.

12 Another thing I would like to bring up is
13 how the developer has continually lied to the
14 people of Shandaken. And one point, in fact,
15 something that's very personal for me, is the
16 Pine Hill water system. When Dean Gitter first
17 purchased the Crystal Spring, the people of
18 Pine Hill were very concerned because it was
19 part of our water supply for so many decades.
20 We had a meeting in Pine Hill and Mr. Gitter
21 stood in front of approximately 200 people and
22 said, I have no interest in the Pine Hill water
23 company. Don't worry about it. Unbeknownst to
24 us, only the owner of the Pine Hill water
25 company could modify the DEC permit for the

1 (Mary Herrmann)

2 operation of the Pine Hill water company which
3 listed the Crystal Spring. So Mr. Gitter had
4 bought the Crystal Spring but it was useless to
5 him because it was a registered water source
6 for Pine Hill.

7 Then -- and I looked this up in the
8 dictionary -- Mr. Gitter stole the Pine Hill
9 water company. And I feel confident that I can
10 say that because the dictionary defines
11 stealing as to obtain something by trickery or
12 deception, and that is what Mr. Gitter did in
13 order to obtain the Pine Hill water company.
14 And then by a series of, you know, shady
15 dealings and tactics and blaming the citizens,
16 he delayed selling this company to the Town of
17 Shandaken until he had time to modify this
18 permit. Before he owned the Pine Hill water
19 company, the Town of Pine Hill was allowed to
20 withdraw 300,000 gallons a day for its needs.

21 Now after Mr. Gitter bought the water
22 company and split it up and did all his little
23 trickery, we're only allowed to take 212,000
24 gallons a day. So he has stunted the potential
25 growth of Pine Hill with his greed. He has

1 (Mary Herrmann)

2 tried very hard to stack the decks. He's
3 virtually bought one of the local newspapers.
4 It has libeled people, it has just -- it's just
5 horrible. Get-togethers such as these, his
6 employees always make sure that they take their
7 time in signing up so they can have the last
8 word, and I'm sure you'll see that demonstrated
9 later.

10 When I first started this, my
11 brother-in-law who works with big developers in
12 New York City told me that I should be careful,
13 that it was going to get nasty. I couldn't
14 conceive of that. I said no, you don't know
15 Pine Hill, you don't know Shandaken, people
16 love each other, we're neighbors, we go to
17 school, we go to little league games together.
18 You've got to be kidding me. This isn't going
19 to happen.

20 Since this has happened, I've had my car
21 tampered with, the developer has filed false
22 police reports about me, his employees have
23 harassed my children at work, they've done
24 countless things to try and make my life
25 unbearable, all for exercising my right of free

1 (Mary Herrmann)

2 speech and trying to question the things that
3 he's claiming that he's going to give us; the
4 low-paying jobs. We've heard that gone on over
5 and over again.

6 I have worked in the hotel industry. I've
7 waitressed, I've cleaned rooms, I've done the
8 gamut of it. They are low-paying jobs. Who is
9 kidding who? He is going to give the
10 management jobs to outsiders because we're not
11 qualified enough to fill those jobs. Well, if
12 we're so dumb, why doesn't he build a college
13 up there? That would be viable.

14 I have the statements that New York State,
15 compared with other states, yes, when I went
16 out to Yellowstone, I couldn't imagine when
17 you're in the park, you never lose sight of the
18 fact that you're inside the park. It is the
19 most gorgeous thing in the world and I was just
20 trying to picture when I was out there when
21 Teddy Roosevelt decided to put aside
22 Yellowstone people saying, you can't do that,
23 you can't keep that pristine. What a gorgeous
24 national treasure we would have lost if the
25 so-called environmentalists had been defeated

1 (Mary Herrmann)

2 then.

3 We have the Catskill Park, it is a
4 beautiful place, it needs to be preserved as a
5 park, not a tourist trap. When people, the
6 tourists who come here now come here for what
7 is here now, not to golf. We have two seasons
8 up in Pine Hill, we have July and August which
9 are summer, and then we have winter. I can't
10 conceive of people up on that ridge golfing.
11 It's just not going to happen. It's too cold.
12 You just can't do it.

13 I also have friends who go up -- now, when
14 this all first started, I did a little survey.
15 There are 27 golf courses within driving
16 distance of Shandaken. In that DEIS, I did not
17 see a survey of those golf courses, and if more
18 golf courses are needed. Are their tee times
19 so horrible that people are sleeping in their
20 cars? No. My friends who golf, if they want
21 to go golfing, they call their favorite golf
22 course. If it's inconvenient, they call
23 another golf course. Nobody ever has to wait
24 to go golfing. So I don't understand this need
25 for two more golf courses. The only one who

1 (Mary Herrmann)

2 has that need is the developer, because one of
3 the reasons, if you read in between the lines,
4 that there isn't an alternative to this project
5 is because he can't sell an alternative. He's
6 not going to build this. He's going to have
7 the Marriott or the Sheraton or the Hyatt.
8 He's got to have a development deal with
9 somebody. And they have said to him we want to
10 buy this, this and this. And if you can't
11 deliver that, we're not interested.

12 So in this five years, he's been
13 collecting his paycheck, he's been getting his
14 percentage, and he's trying to put this all
15 together. And guess what? If it goes bust, he
16 still made money all those years. Yes, Emily
17 Fisher is going to lose some money but she has
18 more money than God anyway and she just needs
19 another tax write-off. So it doesn't really
20 matter to him. He's not going to offer us an
21 alternative because he wants the one thing that
22 he can sell. He doesn't want anything else.

23 As for the cost of the schools, I didn't
24 look up this information myself, but it was
25 shared with me that all of Catskill Corners,

1 (Mary Herrmann)

2 that whole little conglomerate of Gitterland,
3 they pay \$8,000 a year in taxes. The Onteora
4 School District spends \$13,000 a year educating
5 a child. So they pay to educate three-quarters
6 of a child each year.

7 They say that we won't need anymore
8 police, fire or ambulance. The last busy
9 weekend that there was up at Belleayre, they
10 needed 10 ambulances at once. They ran out of
11 ambulances. First they ran out of drivers and
12 a police driver drove one of the ambulances and
13 then they ran out of ambulances. So to say
14 that we're not going to need more police, fire
15 and ambulances is ridiculous. You can't double
16 the population and not need anymore ambulances
17 or police or firemen.

18 For people who say, well, this man has a
19 right to his property, he has a right to do --
20 he bought all this property, he has a right to
21 do what he wants with this property. You know
22 what? I say buyer beware. If you're going to
23 buy land on top of a mountain that hasn't been
24 developed, there's a reason it hasn't been
25 developed. There's no water up there. He

1 (Mary Herrmann)

2 tried to fix this by taking part of the Pine
3 Hill water system, but he still doesn't have
4 enough water to water two golf courses. You're
5 talking millions of gallons of water a day.
6 Where is that going to come from? It's not
7 going to come from the streams. It's going to
8 affect everybody's wells.

9 The Emerson has affected the wells of its
10 neighbors down there in Mt. Pleasant.

11 I think it's really unfair to bring this
12 document out just before the holidays and to
13 have hearings before the holidays ended. I for
14 one have to spend my holidays with my family,
15 not going through the nightmare of trying to
16 access this document online.

17 The first time he put out the DEIS it was
18 3,000 pages long, and if you wanted a copy, it
19 was going to cost you \$600, or you could take
20 time off from your job and go down to the Town
21 Hall, which is open the hours that most people
22 work, or go to one of the libraries. It was
23 ridiculous. If you want people to be informed
24 and you want to make decisions, you've got to
25 give them the opportunity to be able to do

1 (Mary Herrmann)

2 their work. Now it's at least, you can get
3 your hands on the document. Having the time to
4 go through it is totally another story, and
5 it's really unfair to the taxpayers that we've
6 been given so little time.

7 People have talked about the third of the
8 profits from Crossroads from the local people.
9 This is the one that cracks me up the most.
10 This man is going to sell this project to
11 another company. The Hyatt or the Marriott or
12 whoever buys it, they're not going to give the
13 local community a third of their profits.
14 Crossroads is going to give the local community
15 a third of their profits. So after they get
16 their minute profits and they write off all of
17 their tax things and do what they have to do,
18 how much money do you really think is going to
19 go to the local people? Not much.

20 The other thing I want to talk about that
21 wasn't mentioned tonight is the non-indigenous
22 species of grass. Golf courses need grass.
23 They need nice grass. If you really look at
24 people's lawns around here and you go up to
25 them and you look at them, they're not grass.

1 (Mary Herrmann)

2 They're weeds, they're all kinds of things, but
3 they're not grass.

4 One other thing I want to say about the
5 traffic also was, they're not going to increase
6 the traffic, but the only ones who are going to
7 make more money off of this are the gas
8 stations. They're going to sell 40 percent
9 more gas, but it's not going to be due to the
10 increased traffic. I don't know what it's
11 going to be due to.

12 Also the growth at Belleayre, it's been
13 stated the growth at Belleayre has already
14 outdated the information in the DEIS, so all of
15 that stuff needs to be redone because Belleayre
16 has grown so much in the past few years that
17 those fictional statistics that were in there
18 are even more fictional today. That's all I
19 have to say. Thank you.

20 ALJ WISSLER: Lauren Davis. Is Joel
21 Diamond here?

22 MR. LAUREN DAVIS: My comments are not so
23 much to the public as to DEC. I think that it
24 is quite obvious from the comments that you've
25 heard tonight that this is a very devisive

1 (Lauren Davis)

2 issue that regardless of what happens, there
3 will be a cohort of people that will be upset
4 with results. Therefore, it is important that
5 you be very careful, very thorough, and most of
6 all very transparent in the things that you do
7 in this activity of evaluation this project.
8 My advice is that you find a better way to
9 communicate with the community, that you do
10 take the time that is necessary because this is
11 probably not once in a generation, this is
12 probably once in several hundreds years --
13 well, maybe a hundred years that this sort of
14 activity is going to take place because it will
15 have, if it is refused and is perceived as
16 being refused unfairly, it is going to stifle
17 development in the area. And if it is
18 accepted, there are going to be people who will
19 continue to fight and will be perhaps
20 destructive in their disappointment.

21 I think that does it.

22 ALJ WISSLER: Thank you. Joel Diamond.
23 Is Christopher Hutson here? Chris will be
24 next.

25 MR. JOEL DIAMOND: I was very interested

1 (Joel Diamond)

2 in moving here from Long Island. I recently
3 retired law enforcement, my wife is a recently
4 retired educator. I've been a tourist here for
5 many years. I wanted to retire here. It
6 doesn't seem so much of a promise to me
7 anymore. I was attracted by the beauty and the
8 beautiful land and the beautiful people and
9 also the beautiful cows that still wander. I
10 want to make a point about that. It's an
11 esthetic point. Most of America now gets its
12 milk from cows from southern California, is my
13 information. They live in the little cow-size
14 stalls, never see daylight, like the chickens
15 that grow in those cages. If they have a calf,
16 it's taken away immediately.

17 But here in the Catskills is one of the
18 rare places on the tiny little dairy farms we
19 see what America used to be like and it's a
20 very pretty thing to see. All of this is going
21 to be affected. The esthetics. When I went
22 through Alaska, it was beautiful mountains.
23 I'm talking about southeast Alaska. There is
24 one mountain, there was an intrusion into it
25 that had happened maybe, I don't know, 60 or a

1 (Joel Diamond)

2 hundred years ago. It's grandfathered. It was
3 not on the top of the mountain, it was a little
4 lower than the top of the mountain. It was one
5 billboard-type thing that was allowed to stay
6 there. It was the ugliest thing. One
7 billboard, and not on the top, it wasn't the
8 whole top. Sorry.

9 I did envision coming here to the
10 Catskills with a small ancestral inheritance
11 that I wanted to invest creatively in small
12 businesses, businesses that help people, not
13 hurt people.

14 Somebody mentioned that it's not so
15 pristine here after all. It seems pristine
16 enough to me that New York City and the
17 watershed world values it so much. I don't
18 know how pristine it will be with pesticides in
19 the water. But say I came up here to live and
20 enjoyed whatever beauty might be left. I still
21 don't think it would be easy to do because I
22 got to think about my relatives, my family, my
23 blood who still lives in New York City and
24 environs, and I'm going to be enjoying the
25 beauty here, whatever is left, and I'm not

1 (Joel Diamond)

2 going to feel guilty about them drinking
3 carcinogenic water, because being in the
4 Catskill community couldn't stop the collusion
5 between politicians and big business. I know,
6 you know that this kind of collusion happens
7 all over. Sometimes big business even buys
8 little people not just to have some
9 pseudo-spokespersons besides politicians.

10 But in my experience, politicians in
11 general, I guess it applies here, count on us
12 to forget, when it comes time to reelect them
13 or elect them or contribute to campaigns. They
14 count on our short-lived memory to come up with
15 some distraction. If that helps.

16 You know, I was very, very happy to hear
17 Mark quote justice, Supreme Court justice. It
18 reminded me of an adage from colonial days.
19 Remember the adage, No taxation without
20 representation? It just occurred to me sitting
21 here what's about to happen is representation
22 without taxation, elaborate representation. So
23 what it comes down to for me is that I'm
24 routing for you. I'm routing for you. It
25 doesn't seem to be a matter of logic or

1 (Christopher Hutson)

2 correcting mistakes or exposing errors or
3 co-opting motivations. It comes down to, what
4 is that? It's like influencing, helping people
5 see, people who vote to see municipality
6 deciders, after the DEC approves it, rubber --
7 oh, I thought that was cute. I'm sorry --
8 rubber-stamping. I'm sorry. I'm making
9 attempts at humor because it hurts my heart.
10 It hurts my heart.

11 But if the politicians disapprove it, I
12 understand that Pataki can't change that, only
13 the other way around. So go for that. Think
14 of how to influence your elected
15 representatives, and I hope they'll join you.
16 God bless you.

17 ALJ WISSLER: Dr. Williams is next. This
18 is Christopher Hutson.

19 MR. CHRISTOPHER HUTSON: Thank you, your
20 Honor. My name is Christopher Hutson. I live
21 in Olivera, New York, directly south of the
22 proposed resort, on the other side of Balsam
23 Mountain. I'm a full-time resident of Olivera
24 and I run a management consulting business from
25 there. I am very opposed to the project. I

1 (Christopher Hutson)

2 have stayed quiet during most of the political
3 debates which this project has caused so that I
4 could listen closely, very closely to all the
5 opinions.

6 The most persuasive argument I've heard in
7 favor of the project is that it will improve
8 the economic situation around here. It will
9 create jobs. I believe it will create certain
10 jobs. I believe this area desperately needs
11 more good jobs.

12 The most persuasive argument I've heard
13 against the project is that it will disrupt one
14 of the last true wilderness areas of the
15 northeast. It will do that. It is argued that
16 it will spread suburban sprawl up Route 28,
17 changing the social landscape, and more
18 importantly to me, making the intrusion of the
19 28 corridor through this wild area much more
20 damaging to the wildness of the park.

21 A development of this size will only be
22 the beginning. Development breeds
23 development. For evidence, you can see all the
24 developments east and south of here and the
25 subsequent developments that now surround them.

1 (Christopher Hutson)

2 Suburban sprawl is ugly. It forever changes
3 the ecology of an area. But most importantly,
4 it destroys completely any previous wildness,
5 completely.

6 Okay. What's the deal big? It's
7 happening everywhere else. Why not here? We
8 need jobs. Maybe suburban sprawl is not so
9 bad. There is so much protected State and New
10 York City-owned land in the park. Everything
11 will be okay, right? An even better argument
12 to my ears is that the area has seen and
13 survived other periods of large scale
14 development. It can survive this one too;
15 right?

16 The answer, my answer is no. No, no, no.
17 2004 is not like 1904. In 2004, there are no
18 safe wild places left. Every one of them,
19 every one of them is facing compromises like
20 this one. Every one of them. We may as a
21 planet have already gone too far.

22 I've lived in Brazil, I've lived in the
23 Caribbean, I've lived in Indonesia and I've
24 lived in Europe. I have seen wholesale
25 destruction, I have seen creeping destruction,

1 (Christopher Hutson)

2 I have never seen a wild space that is not
3 threatened, never.

4 This is a time and place that's very
5 different than existed in 1904. The Catskill
6 Park is a little oasis of wildness. We have a
7 little oasis of wildness and it's vitally
8 important.

9 What about jobs then? In all the
10 developments I've seen, developers always make
11 the same argument about jobs. But what I have
12 observed and what I have heard from locals who
13 live in areas of huge resorts, for example, on
14 once pristine Caribbean beaches which they no
15 longer have access to, the only jobs that come
16 to the locals are menial. Here at this time
17 and in this place in America, that probably
18 means they will attract newly immigrated
19 individuals, not even our area's own
20 underemployed people. The local economy will
21 be suppressed, not stimulated.

22 People like me who are growing businesses
23 that will hopefully employ future, several
24 future professionals could leave the area if
25 this area deteriorates. You could be pushing

1 (David Williams)

2 out future professional jobs for local sons and
3 daughters in exchange for the promise of jobs
4 as groundskeepers, maids, domestics, cooks and
5 busboys.

6 Risk of precious wildness for the empty
7 promise of jobs, is that a risk worth taking?
8 The answer is clear to me.

9 ALJ WISSLER: Dr. David Williams, Andrew
10 Mason.

11 DR. DAVID WILLIAMS: Thank you for this
12 opportunity to voice our opinion. I came to
13 know about this project just recently. I don't
14 have as much knowledge as a lot of people do,
15 but being a resident in this area about four
16 years, it felt like this mega-development
17 really needs to have a lot of attention to
18 people giving an honest thought to it. So
19 that's why I come. I come with two halves.
20 One as a personal resident, but I think enough
21 people have already talked about that that I
22 can't add to that.

23 The only thing I think I have are a few
24 points that concern me professionally, being a
25 primary care provider in the Delhi area. The

1 (David Williams)

2 first thing is, any large development, you have
3 to worry about the health care system and what
4 stresses it might have. If you find a lot of
5 emergency services going up to this
6 development, they may be tied up for people of
7 the local area and just asking yourself
8 questions, how well could the immediate health
9 care system handle problems right now and then
10 think about what happens if you have this
11 mega-development up there.

12 But the thing that concerns me most as
13 someone who has been practicing medicine for 20
14 years and not being a turf management
15 specialist, what kind of chemicals would that
16 be putting into the system? I don't know what
17 kind of fungicides and insecticides and
18 fertilizers and things like that would be used
19 in the whole scale process there and trying to
20 maintain the turf in a way that would attract
21 people to come there as a resort, but also a
22 lot of the cleaning supplies that they would
23 use for maintaining the facilities. What
24 chemicals are they, what kind of long-term
25 safety information do we have on that, and how

1 (Andrew Mason)

2 well can we trust the information that's
3 already out there? These are just some of the
4 questions that professionally I can think of
5 that would really make me question how safe any
6 sort of mega-development would be, particularly
7 a golf resort where you're probably going to
8 have a lot of use of chemicals to maintain the
9 fine golf ways. Thank you.

10 ALJ WISSLER: Andrew Mason. After Mr.
11 Mason, we'll hear from Jim Rauter.

12 MR. ANDREW MASON: My name is Andrew Mason
13 and I'm Conservation chair of the
14 Delaware-Otsego Audubon Society, which is the
15 local chapter of the National Audubon Society.
16 Our organization has 450 members in Delaware,
17 Otsego, Chenango and Schoharie Counties. We've
18 had a longstanding interest in the Catskill
19 Park and its environment.

20 Our members access the park and the region
21 for hiking, wildlife observation, camping and
22 other low-impact activities. We have a number
23 of concerns regarding the Draft Environmental
24 Impact Statement under discussion, concerns
25 over the project itself. The Catskills and

1 (Andrew Mason)

2 more specifically the Catskill Park is a
3 special area, so designated by the State
4 Legislature to benefit all New Yorkers, all
5 generations of New Yorkers, and to serve as a
6 natural area where the wild character of the
7 forest is protected. Simply put, this project
8 does not meet those standards. It would lessen
9 the wild quality of the park by clear-cutting
10 hundreds of acres of forests. It would impair
11 vistas by imposing buildings and other
12 facilities on the view, it would threaten
13 pristine waters from sedimentations and toxic
14 chemicals, it would destroy wildlife and
15 threaten species already under threat, and it
16 would diminish the nature by those seeking a
17 refuge by the ever-encroaching sprawl and
18 development of the state and beyond.

19 Since the DEIS will be used by
20 municipalities and other agencies in deciding
21 permits for this project, it's important that
22 it be accurate, based on fact and not tainted
23 by the developer's opinions. However, in many
24 instances, the document does reflect those
25 self-serving views.

1 (Andrew Mason)

2 For example, the DEIS states that there
3 will not be an effect on community character.
4 This statement is made despite the fact that
5 the project arguably will be the largest, most
6 expensive single project in the history of the
7 Catskill Park. It's made despite the fact that
8 the project will likely eliminate any number of
9 existing businesses by making the area less
10 attractive to visitors seeking a natural
11 experience. It also, that statement is made
12 despite the fact that it will induce growth,
13 sprawl and demand for services along and beyond
14 the primary corridor into the region. And
15 despite the fact that it will diminish the
16 environmental quality that, in fact, defines
17 the character of the community and provides its
18 intrinsic value.

19 This statement that there will not be an
20 effect on the community character alone calls
21 into question the objectivity and the accuracy
22 of the DEIS. But there's more.

23 The developer suggests that the project is
24 in keeping with the past history of resorts and
25 recreation in the area. However, just the

1 (Andrew Mason)

2 opposite is true. What has been present in the
3 past in this region has been small,
4 individually owned places of accommodation and
5 low impact recreation, mostly clustered in
6 hamlets and villages. These have ebbed and
7 flowed as demand has increased and lessened.
8 This can be seen in nearby communities,
9 including Fleischmanns, Phoenicia and right
10 here in Margaretville.

11 What has not been a part of the history of
12 this region is large landscape-altering
13 mega-developments aimed to create their own
14 demand for visitation as a destination resort.
15 That is what is under discussion here tonight.
16 And to suggest that that is in keeping with the
17 area's past and its heritage is a falsehood.
18 And, in fact, it shows a disregard and a
19 disdain for our traditions.

20 Other areas of the document are also
21 lacking and misleading. Impacts on air and
22 water quality are dismissed because they fall
23 below arbitrary regulatory thresholds.
24 However, every aspect of the environment in the
25 vicinity of this project and beyond will be

1 (Andrew Mason)

2 damaged if it proceeds. Will surface water
3 become dangerous for humans because of the
4 project? Will sound impacts exceed local
5 ordinances? Will any species become extinct?
6 Probably not. But these effects and many
7 others in conjunction with the cumulative
8 impacts of the induced development in traffic
9 and high impact recreation will surely lessen
10 the quality of the Catskill Park and its appeal
11 to those looking to get away from down there.
12 And in doing so, we all will have lost
13 something that does not appear in the DEIS, a
14 part of the shrinking number of places that we
15 can get away to.

16 The document also does not deal properly
17 with alternatives. This project does not have
18 to go into Catskill Park or into any other
19 place set aside as a designated natural area.
20 There are many locations closer to metropolitan
21 areas that would serve the purpose. They might
22 be less scenic, they might be less pristine,
23 they might not maximize a developer's profits,
24 but that's just the point. Should we destroy
25 something beautiful just because it is

1 (Andrew Mason)

2 beautiful?

3 Golf is played within the city limits of
4 New York City, in heavily populated suburbs and
5 even in industrialized areas. There's no
6 overriding reason to clear-cut forest land and
7 blast away bedrock to locate golf courses.
8 Yet, the developer would have us believe that
9 this is the only place it could be done. Even
10 if it should be built in this area, the scale
11 of the project could certainly be reduced
12 significantly.

13 In the Town of Middletown, a golf resort
14 was recently expanded successfully with a
15 fraction of the impact and a fraction of the
16 controversy. Again, the alternative section of
17 the DEIS is lacking in this regard. The
18 developer states that the critical mass of the
19 project is necessary for economic viability
20 when the opposite can be seen just a short
21 distance away.

22 Our organization has a particular concern
23 over the impact on birds and other wildlife and
24 their well-being. The large wooded tracts of
25 the Catskill Park stands as one of the few

1 (Andrew Mason)

2 remaining relatively undisturbed forested areas
3 in New York and in the eastern United States.
4 It is well-documented that these unfragmented
5 forests are crucial for the survival of any
6 number of migrant birds that are already facing
7 habitat destruction in their wintering areas.
8 As forests are broken up or diminished at the
9 edges, these species are increasingly
10 threatened by invasive species and predators
11 that otherwise could not reach the forest's
12 interior. The loss of over 500 acres of
13 woodland and fragmentation of even more is a
14 significant impact in this regard.

15 Added to this is lower water quality,
16 sound and light impacts and the effects of
17 further development in the area. There is no
18 suitable mitigation in the DEIS for this and
19 other threats to native wildlife.

20 In closing, we urge that this document be
21 revised to truly assess the impacts of this
22 mega-development. In order to serve its legal
23 and practical purposes, it needs to be
24 unbiased, accurate and complete. Currently
25 it's none of the above.

1 (Andrew Mason)

2 In addition, we would ask that the
3 agencies and municipalities responsible for
4 approval or disapproval of the project to give
5 great weight to its outsized scale and
6 significant negative impacts in relation to the
7 communities, the region and particularly the
8 unique and irreplaceable character of the
9 Catskill Park. The Belleayre Resort at
10 Catskill Park does not belong in the Catskill
11 Park. The Catskill Forest Preserve was
12 established by New Yorkers a century ago. We
13 are beneficiaries of their foresight and
14 recognition of the importance of protective
15 wild areas. Should we not do the same for
16 generations yet to come? Thank you.

17 ALJ WISSLER: Jim Rauter. After Mr.
18 Rauter, we'll hear from Nick Alba. Is Nick
19 here, Nick Alba? How about Scott Fawaz,
20 F-a-w-a-z? Margaret Brown? You'll be next.

21 MR. JIM RAUTER: I got to tell you, I kind
22 of feel like I'm at an AA meeting and I'm going
23 to come up here and say, Hi, my name is Jim and
24 I oppose the Belleayre Resort, and I do. And I
25 was wondering if our stenographer could put me

1 (Jim Rauter)

2 down for everything that every opponent has
3 said so far, because that about sums it up for
4 me.

5 I live in the Town called Halcott Center.
6 Some of you may know it. To an outsider it
7 looks like Halcott. I haven't lived there all
8 my life. I have lived there for 11 years of my
9 life and I have lived up in the Catskills for
10 16 years. I've made an honest living in all
11 that time, and in fact I've kind of done pretty
12 well. I'm a school teacher. I'm not a
13 millionaire. I'm kind of like a thousandaire.
14 I'm doing okay. I managed to get my hands on
15 60 acres of an old farm and I've got an old
16 barn and a crummy old house that I'm slowly
17 fixing up, and it's kind of a working
18 landscape. We produce about 2,000 bales of hay
19 for a dairy farm up the road, and I've got a
20 forest management plan for my timber stand, I'm
21 trying to get that going.

22 And I want to tell you a little about our
23 town because it's very close to the project
24 site. It's about four miles from the western
25 side of the proposed resort. Not much is

1 (Jim Rauter)

2 mentioned in the Environmental Impact Statement
3 about our town and the possible impact that it
4 would have. I think it would potentially be
5 significant. I think worker housing would be
6 one viable option for some of the vacant land
7 that's available in our town, and I think we're
8 bound to see some curious folks coming up the
9 road. Many folks go up, few return. But I
10 won't tell you how to get there either.

11 But there is -- I'm digressing from my
12 notes. There is an old county right-away that
13 goes over the hill to the Town of Lexington,
14 and the reason that our town is so splendid is
15 just simply geography. There is only one way
16 in and one way out pretty much, and I am
17 concerned that, you know, a politically
18 connected and affluent constituency on this
19 side of the hill might have undue influence in
20 perhaps opening that road and opening up our
21 town to through traffic, which is a very
22 personal and very selfish, you know, interest
23 in one of the potentially negative impacts of
24 this project. I would hate to see that
25 happen.

1 (Jim Rauter)

2 Unlike the Town of Shandaken, which I
3 love, and I love the people of Shandaken, we
4 were able to actually pass a comprehensive plan
5 in Halcott, and you didn't read about it in the
6 papers because there was really very little
7 rancor or vitriol, and that's one of the things
8 we're missing in our town, I will admit that.

9 But we did a survey of 375 full-time and
10 part-time residents, which is just about the
11 max. I mean, there really is nobody else but
12 that. And we got an astounding 46 percent
13 return rate on that survey and we ranked the
14 things that we wanted to see in our town, and
15 the three things that we ranked as most
16 important first was maintaining the rural
17 character of our town. Second was maintaining
18 the environmental quality and clean water in
19 our town. And third was open space
20 preservation.

21 Now, I can't speak for the rest of the
22 Catskills, but I think our town is fairly
23 indicative of the way most folks feel up here
24 if they live here. If you were born here, you
25 might pine away, especially some of the

1 (Jim Rauter)

2 old-timers pine away to the old dairy farms
3 and when the landscapes look like Scotland or
4 Ireland, and I can understand that.

5 If you are like me and you've come up from
6 down below and you've lived here long enough,
7 you want to see that too. You want to see that
8 open space. And it's what we cherish. It's
9 what we value. I am very concerned that this
10 resort will have a negative impact on that,
11 particularly in the area of new housing
12 construction.

13 I know the environmental impact statement
14 says, for example, very few, if any, new
15 employees would be expected to construct new
16 year-round housing, no other potential new
17 housing is anticipated, and as a result of
18 these operations, I just don't believe that.
19 You're going to create a thousand jobs. These
20 people have to come from somewhere and have to
21 live somewhere. I think all sorts of new
22 houses have to be built. There is nothing
23 wrong with building a new house.

24 I tell you, I was on the planning board in
25 my town for several years and we were unanimous

1 (Jim Rauter)

2 in approving every single house and addition
3 and deck and wood shed and chicken house. We
4 never said no to anybody, and never would. And
5 if you look at the property tax base for all
6 the towns along the Route 28 corridor,
7 including Halcott, because we're kind of off
8 the beaten track, you will find that the
9 property tax base has been expanding every
10 year. It's been expanding by a reasonable
11 amount, by a manageable amount. Okay. This
12 idea that there is not enough taxable property
13 up here to sustain our communities is, of
14 course, absurd.

15 There was an article in the Daily Freeman
16 about a year ago to this effect, pointing out
17 the percentage increases to the taxable
18 property in all of our communities. You know,
19 it's happening at a reasonable rate the way it
20 should.

21 I must object to the way that supporters
22 of this resort sometimes pigeon hole opponents
23 as NIMBYs. I know Mr. Gitter is fond of
24 slightly stronger language. I believe he
25 called us once the Forces of Darkness or

1 (Jim Rauter)

2 something like that. You know, it's just
3 really not fair because many of us do support
4 reasonable growth and economic activity.

5 My wife works for the Watershed
6 Agricultural Council, and their mission is to
7 help farmers get along with the New York City
8 Watershed regulations, and they're doing good
9 things for farmers to try to help keep their
10 businesses going. They also have an economic
11 development arm which works with people to grow
12 local businesses. But again, these are small
13 reasonable businesses, not something like this
14 resort here.

15 I'm going to keep it brief. The vacation
16 resort will add few, if any, students to local
17 school systems which are not running at
18 capacity in any case. And another quote from
19 the EIS, correspondence with schools
20 demonstrates that they have sufficient excess
21 capacities to serve the very limited number of
22 children who may be added to the system.
23 Again, I do not believe this.

24 My son is a first-grader here in
25 Margaretville school. He's got 20 kids in his

1 (Jim Rauter)

2 class. He is learning to read. Five of those
3 kids are not English-speakers. English is not
4 their native tongue. I can assure you, there
5 is no excess capacity in that classroom.

6 I have a Master's degree in elementary
7 education and I can tell you, when it comes to
8 the elementary grades, classroom size matters
9 in a big way. More kids are going to come to
10 this school. Now, I work in a big school. I
11 work in a school with a thousand kids in sixth,
12 seventh, eighth grade. That's a big school in
13 Kingston. No school is going to turn away a
14 kid. Teachers are dedicated, they're there to
15 help kids. They welcome them all.

16 I have faced a group of 30 sixth graders,
17 which is why I am not afraid of Dean Gitter.
18 And I'll tell you, it's not a pretty sight.
19 But really, one of the best things we have
20 going for ourselves in these central schools is
21 a small class size.

22 Now, some of your grads of Margaretville
23 school, you remember what it was like. I went
24 to a school where we had 150 kids in our
25 graduating class, and I think Margaretville

1 (Jim Rauter)

2 graduates between 30 and 40. I think that's
3 great and I'm confident that I want to put my
4 son through this school and see him graduate,
5 and I'm behind Margaretville school a hundred
6 percent, my wife and I. We both voted for the
7 referendum to expand the school. We knew that
8 there would be an additional tax burden and
9 we're more than willing to take on that
10 ourselves and pay our fair share as were the
11 overwhelming majority of taxpayers in this
12 school district who approved this referendum.

13 So I don't think that even though the
14 resort promises to deliver hundreds of
15 thousands of bucks to the school system, I
16 don't think it's really all that necessary.
17 We're getting along fine. Thank you.

18 So you know, that's the school thing.

19 As far as the environment goes, yes,
20 nature, it's good, I like it. There's that
21 great film called Sunshine State by John Zales,
22 and it's all about these guys who want to build
23 a golf resort in his moderate income community
24 along the Florida coast. And there's these two
25 characters playing golf, and the one guy says

1 (Jim Rauter)

2 nature is overrated, and the other guy says
3 yes, we'll miss it when it's gone. And isn't
4 that the truth, folks. It's something special,
5 and I think it's been adequately expressed by
6 many more eloquent than I who have come up here
7 and said as much.

8 I learned a cool new word from reading
9 that EIS, which is octaplex, and that's got to
10 be worth 25 points in a Scrabble game. As near
11 as I can tell, an octaplex is a building with
12 eight housing units of some sort, timeshare,
13 condo, I don't know what. And these are the
14 ones that are going to be most visible. I
15 don't know that the developer has done an
16 adequate job in really showing us what the
17 place is going to look like. I haven't seen
18 the model that was referred to earlier. I did
19 see a model a few years ago when we were having
20 the scoping session for the Draft Environmental
21 Impact Statement. But you know, maybe it's the
22 time of night or the fact that I'm rapidly
23 approaching middle age, I'm becoming a more
24 reasonable person. And I honestly, I don't
25 even think I would be here tonight if our

1 (Jim Rauter)

2 friends at Crossroads Ventures were just going
3 to develop the Highmount side of this thing. I
4 might be able to live with that myself. I
5 really mean that. And I think that if you look
6 at the local communities here, Phoenicia, Pine
7 Hill, Margaretville have all experienced some
8 degree of retail Renaissance and downtown
9 business.

10 I did my Christmas shopping in
11 Margaretville this year. It was great.
12 Fleischmanns, something might have been left
13 behind. I love Fleischmanns. That's my
14 downtown. If your luck is with you, you can
15 get a tamale on a Saturday morning, but it's
16 kind of like a salmon run; you got to hit it at
17 the right time. But I would be okay with some
18 reasonable part of the Highmount part of the
19 project. I'm sorry. You can hit me about this
20 later.

21 But the truth is, that's a pre-existing
22 recreational facility to some degree. You
23 know, keep the Highmount side, 242 of 1,780
24 acres going to be developed. Well, it's not
25 important. That's a lot of stuff. I admit.

1 (Jim Rauter)

2 And then, of course, what kills me is that the
3 old Highmount Ski Center is going to be a
4 wilderness activity center. I don't know what
5 kind of wilderness is going to be down. A
6 reasonable project would not generate the
7 opposition.

8 Of course, there's been a lot of
9 opposition expressed to this project, which
10 means that next week's Catskill Mountain News
11 says "Residents Support Belleayre Resort." You
12 know that's true.

13 You hear a lot of grouching about home
14 rule up in these hills, and I've been around
15 long enough to hear plenty of it. I worked for
16 the Catskill Mountain News when the watershed
17 regulations were first unveiled. And Folks,
18 we're invoking the anti-rent war and we're
19 ready to grab our shotguns and head for the
20 hills. I understand the emotion. It's very
21 real.

22 But the truth is, you will not find a
23 clearer expression of home rule than you do in
24 the hamlet of Pine Hill where the largest
25 opposition to this project can be found beneath

1 (Jim Rauter)

2 the shadow of the resort. The closer you get
3 to this thing, the greater you get to the
4 opposition. That sounds like home rule to me,
5 and I think that's what they had in mind when
6 the original person coined the phrase "home
7 rule." I believe that a majority of Pine Hill
8 folks don't want it, and I really think that
9 the term "home rule" is bandied about without
10 any real meaning. And this to me is very
11 disturbing to me, very disturbing.

12 I'm going to stop. But there's one other
13 thing that really stuck in my craw the past
14 couple of weeks, and I'll share it with you
15 just because I think it's a taste of what might
16 follow. There was a letter in the Catskill
17 Mountain News called "Customer Friendly." It
18 was anonymous. A large group of legal paying
19 Belleayre skiers -- I like Belleayre Mountain,
20 I worked up here, it was the first job I ever
21 had. Some of the best people on this planet
22 are working up here right now. But this letter
23 complains that the employees are taking up
24 valuable parking spaces. I can tell you, I
25 like the DEC, they have a cool logo, they're

1 (Jim Rauter)

2 good people, you know, and everybody out there
3 from the DEC is a very reasonable person, too,
4 but it takes you five weeks to get your first
5 paycheck when you start working up there.

6 Those guys are out in the freezing cold and
7 they're keeping the lifts safe, they're keeping
8 the folks enjoying their skiing experience,
9 they're up there right now blowing snow. They
10 can't get a decent parking space? This is
11 relevant.

12 This letter says, There remains -- after
13 praising Belleayre and what a great place it
14 is, there remains one glaring issue that has
15 the potential to destroy this fine area, and
16 that is parking. I myself would like to
17 rephrase that. There remains one very glaring
18 issue that has the potential to destroy this
19 fine area for all involved, and that is people
20 who write letters like this.

21 You know, I feel like many of our workers
22 up here are being treated already like
23 second-class citizens, and I would hate to see
24 this trend continue. Because, you know what?
25 Everyone deserves a little dignity in this

1 (Jim Rauter)

2 world and we have some serious problems that we
3 have to face in this country, a widening debt
4 gap between rich and poor, an increasingly
5 disenfranchised working class, and I don't see
6 anything in this project that could possibly do
7 anything but accelerate this trend.

8 And I do have another problem, though, I
9 got to tell you, with this process. I know
10 it's been alluded to before. What happens to
11 all the people whose names were called but had
12 to go home and are not here now? Do they get
13 to speak? Will they ever get to speak? Why
14 wasn't there a Saturday hearing so that second
15 home owners could participate? We're here on
16 the coldest night of the year and it's 11:15
17 p.m., and I don't know about you guys, I'm
18 getting up at 5:15 a.m. and I'm going to work.
19 I'm here because I believe in what you all have
20 done, the work of the Catskill Heritage
21 Alliance and the Friends of Catskill Park and
22 the magnificent Catskill Center for
23 Conservation and Development, the Audubon
24 Society. These aren't NIMBY-type people, these
25 are intelligent people who have reasonable

1 (Margaret Braun)

2 concerns and have articulated a good argument
3 why this resort needs further scrutiny.

4 I wish the DEC could get together with the
5 developer and maybe some of these community
6 leaders and come up with a few additional
7 public hearings so that more people could hear
8 what we have to say and more people could say
9 what they want to. And that's all I'm going to
10 say. Thank you.

11 ALJ WISSLER: Margaret Braun. Is
12 Anne-Marie Johansson here? Yes.

13 MS. MARGARET BRAUN: Hi. Thank you, your
14 Honor. I'll be very short. Really, I will be
15 very short. I am a second homeowner and I'm
16 going to back to New York tonight. Actually,
17 you know, I might not because I have a nine
18 o'clock appointment that I think I'm going to
19 cancel. But I'm going to be very brief.

20 And just say this project is approved and
21 it goes through, the resort is built. It's
22 going to fail. I think it's going to fail. I
23 think it's safe to say it will fail. People
24 will not and have not, as many people have said
25 before with, you know, the way resorts are

1 (Margaret Braun)

2 failing up in the Catskills, people are not
3 going to suddenly flock to the Catskills to go
4 to a sequestered, very expensive five-star
5 mountaintop resort. It's just not going to
6 happen. It hasn't happened for many years and
7 it's not going to happen now.

8 So after all the chaos, with eight years
9 of construction and the traffic and the
10 pollution and the clear-cutting and the
11 devastation and the devisiveness and all the
12 pain, within these wonderful little hamlets,
13 and everybody is fighting and disagreeing, the
14 resort will fail. The developer and his
15 investors will be fine because they're going to
16 get a tremendous tax write-off and they're
17 going to abandon the project. And when they
18 abandon the project, then what will be there
19 will be a big shelf, a huge mega-resort that's
20 empty. And what's going to go in that resort?
21 Casinos are going to go into that resort. And
22 that's what we really need to talk about. And
23 that's all I have to say. Thank you very
24 much.

25 ALJ WISSLER: Wayne Ford. Is Wayne Ford

1 (Anne-Marie Johansson)

2 here? Karen Hinderstein? Lenny Millen?

3 MR. LENNY MILLEN: Here.

4 ALJ WISSLER: You'll be next.

5 MS. ANNE-MARIE JOHANSSON: Good evening
6 and thank you. My name is Anne-Marie
7 Johansson. And just as an aside before I start
8 my comments, I just want to say to people who
9 live in the towns that are governed by the
10 supervisors who are part of the Coalition of
11 Watershed Towns, I hope you're as outraged as I
12 am that those supervisors prematurely accepted
13 a promise of God only knows what from the
14 developer or the DEC or whoever made this
15 promise in whatever meetings, that they could
16 stand here, send their representatives to say
17 that they accepted this plan for this region
18 without even looking at the DEIS. And to come
19 to this hearing and to state that, I am
20 outraged. And I expect everybody, know who
21 your supervisor is, confront them about this.
22 It's outrageous that they feel that they could
23 make, pass a unanimous acceptance of something
24 of this scope that affects this many people in
25 this region without even cracking this

1 (Anne-Marie Johansson)

2 document. So I hope you let them know that you
3 vote and you know who they are and you'll act
4 accordingly.

5 I grew up in this area, specifically in
6 the Town of Shandaken in Phoenicia, a very
7 small town down the road. I've lived here most
8 of my life.

9 A brief aside, I lived in southwestern
10 Colorado and a little more about that later.

11 I do own a home and a small business, a
12 bed and breakfast, and my husband and I have
13 raised our children in West Shokan, in the Town
14 of Olive. I serve my community as much as I am
15 able, I serve on the local library board and I
16 am serving my second term on the Planning Board
17 in the Town of Olive. So I do have some
18 familiarity with people approaching a Planning
19 Board, making applications. Now we keep
20 getting new regulations for the SEQRA process
21 and the SPDES process and we have to question
22 people about how much ground they're going to
23 disturb when they put their driveway in on
24 their little piece of the Catskills that they
25 have purchased. So I'm familiar with people

1 (Anne-Marie Johansson)

2 coming with their maps and trying to walk
3 through this process as citizens, as
4 residents. And now I've had to familiarize
5 myself with this project, and familiarized
6 myself with the help of a lot of people with a
7 document that doesn't even give the Town of
8 Olive the courtesy of mentioning that every
9 single supply, and every bit of garbage and
10 every tourist that they hope to bring here has
11 to come right through our town on Route 28 and
12 leave on Route 28. Because our town was
13 already -- our town center was already taken
14 for the reservoir. So now our town has been
15 moved up and it sits on either side of Route
16 28, because the old town centers are underneath
17 the reservoir.

18 So now our Main Street, for the whole Town
19 of Olive, from Shokan all the way up through
20 Boiceville right in front of the high school
21 and the middle school and Bennett, the tennis
22 courts, the grocery store, that's our Main
23 Street and that's where everything is going to
24 have to travel. And they put in the DEIS that
25 there was no impact. There will be no impact.

1 (Anne-Marie Johansson)

2 The Town of Olive, that's nothing. So I'm
3 concerned.

4 And as a Planning Board member, I'm even
5 more concerned because the other people on the
6 Planning Board seem to either take it as a fait
7 accompli, oh, it's going to happen anyway, and
8 also the Town Board, our supervisor apparently
9 gave his blessing to the project way back in
10 December, I find out tonight.

11 So I'm concerned that people are taking
12 the marketing or the selling of this project at
13 face value and not what is the term, caveat
14 emptor, to the buyer beware, to the consumer
15 beware, to the people who are being told what's
16 going to happen with this project, be aware,
17 look deeper than the surface, and don't always
18 believe what someone is telling you.

19 So to restate this, as a resident, as a
20 business owner, as a public servant, and as a
21 taxpayer, I oppose this project as it is
22 currently outlined in this draft, Draft
23 Environmental Impact Statement, because the
24 massive scope of this project, both during the
25 construction phase and if it ever gets

1 (Anne-Marie Johansson)

2 completed, when it's completed, poses
3 unreasonable and significant threats, in my
4 opinion, and apparently a lot of other people's
5 opinion, to our quality of life in the existing
6 communities that surround this project on both
7 sides, all sides, the clean water standards of
8 the New York City Watershed and our
9 communities. It's our water too, significant
10 and unreasonable threats to the environmental
11 standards of the New York Forest Preserve and
12 the Catskill Park which belong to all of us and
13 which are the DEC's responsibility to preserve
14 and protect. And how they could be named to
15 stand in judgment of a project that they are so
16 closely linked to, I think bears taking a
17 serious look at. I mean, we see this all the
18 time. Sometimes it has to be taken a step
19 back. It's not reasonable for them and it's
20 not reasonable for the people who are trying to
21 depend on their judgment.

22 This has been said before, but I think it
23 bears saying again, that the induced and rapid
24 growth of a large-scale multi-town and
25 multi-county and multi-watershed resort of this

1 (Anne-Marie Johansson)

2 scope will have a destabilizing effect on the
3 existing towns due to the substantially
4 increased traffic and the related air quality.
5 This is not even in this study. It will also
6 have a destabilizing effect and a negative
7 effect due to the increased service demands
8 which we have heard about this influx of
9 visitors. Just the increase of visitors to the
10 Belleayre Ski Center, we see the increased
11 demands for emergency services. People come,
12 they have fun, they get hurt. There's more
13 traffic, there's more cars, things happen,
14 people get hurt. We have volunteer firemen and
15 emergency workers. They are utilized to the
16 max in our town. These people are not going to
17 stay and volunteer to help us. They're just
18 passing through. So I'm very concerned about
19 this in the Town of Olive.

20 We've heard about the inflated property
21 values. This is not a sustainable plan. This
22 is not in our best interests.

23 I'm very concerned about the loss of our
24 traditional clientele for the businesses that
25 we have worked so hard to build in these

1 (Anne-Marie Johansson)

2 communities. I grew up in Phoenicia. I know
3 what it used to be like there, how incredibly
4 quiet it was, but it was still a living and
5 breathing and working community. And things
6 did slide off a little bit in the '70s, but you
7 can see for yourselves, these communities are
8 revitalized now and they are regaining, and we
9 don't need this kind of economic development.

10 I have people who come to stay at my bed
11 and breakfast up in the Town of Olive up on
12 Highpoint Mountain Road to come and look at the
13 night sky because it is so incredibly black and
14 gorgeous. People actually come up there to
15 watch the comets or to see these celestial
16 events because they know there is no light
17 pollution and they can depend on that. This is
18 something that you can't -- it's certainly not
19 quantified in this DEIS but this is something
20 that as a business owner, I would lose. That's
21 quantifiable to me.

22 The roadside sprawl and the development
23 pressure along Route 28 is going to be
24 unbelievable. I mean, it's already getting so
25 busy in the Town of Olive and will travel up

1 (Anne-Marie Johansson)

2 here, that if you miss the turnoff of where
3 you're going in Olive like you're going to try
4 to get gasoline or something and you miss the
5 turn, you're pretty much sunk. You just have
6 to keep going and hope you can make it to
7 Boiceville because you can't turn around. And
8 there are a lot of accidents because people are
9 looking, they're trying to figure out what's
10 going on, and it's dangerous. And that's
11 before anything has happened and that's
12 sometimes just during the week.

13 Just the overall degradation of the
14 environment, the air quality, the dust. Think
15 of the Resource Recovery Agency in the Town of
16 Ulster. All of this solid waste that is
17 produced by this proposed huge resort is going
18 to have to travel back down Route 28, garbage
19 trucks and recycling, if they do it. I didn't
20 see anything about that in the report. It's
21 going to have to come back down, and all the
22 chemicals for their sewage treatment and all
23 the chemicals for their golf courses and stuff
24 are going to have to travel up past our
25 schools, past our houses, past our lawns.

1 (Anne-Marie Johansson)

2 What happens when they transport this
3 stuff by train and something happens and a big
4 tank of chlorine spills somewhere? They have
5 to evacuate a whole town. Well, that stuff is
6 going to be transported up and down Route 28
7 constantly to feed this thing. This is not a
8 little operation. They're talking about a
9 massive, massive sewage treatment facility.

10 So based on all of these concerns, I
11 strongly recommend that this project should not
12 be approved. The DEIS is incomplete in its
13 statement of impact on the entire central
14 Catskills region, and on the watershed for
15 millions of people. Until this developer can
16 produce a responsible plan that will address
17 the secondary and cumulative effects of
18 low-wage jobs, lack of affordable housing for
19 underpaid and seasonal workers, lack of public
20 transportation for workers and visitors, we,
21 the residents, and you, the DEC, cannot
22 consider this DEIS complete. Thank you.

23 ALJ WISSLER: Glen Miller, Eeo
24 Stubblefield.

25 MR. LENNY MILLEN: Good evening. It's

1 (Lenny Millen)

2 getting late. My name is Lenny Millen. I live
3 here in Margaretville. I moved here because of
4 its wildness. I moved here from Montana, as a
5 matter of fact. I've worked the last 15 years
6 as a fishing guide so I've kept my fingers,
7 finger on the pulse of the streams and the
8 various waters within a large radius of the
9 area.

10 But first and foremost, I am a
11 carpenter/contractor, and for the last 18
12 years, I've managed to make a decent living,
13 always stayed busy, unemployment has never been
14 much of a problem. If you want to work, there
15 is always plenty of work.

16 Growing up I lived in many different
17 places in the U.S., throughout the U.S., boom
18 towns, bus towns. I remember a population of
19 workers is basically a transient community.
20 They form a transient community, a portion of
21 the community. A huge majority of these people
22 leave the area that they came to work in
23 originally, creating a large void and
24 overheated economy. I've come to realize that
25 the community with slow growth such as

1 (Lenny Millen)

2 Margaretville, is the most stable type of
3 community.

4 A lot of red flags went up when I first
5 heard about this resort. Some of my main
6 concerns, especially being from the water
7 community, are fertilizers, pesticides, heavy
8 metals, particulate, thermal effects, toxic
9 chemicals such as chlorine, disinfectants that
10 were mentioned earlier, dewater is one of my
11 main concerns. There's going to be a massive
12 amount of water to maintain the golf courses,
13 and the entire facility.

14 I haven't done much research on the side
15 roof, but if you know much about evaporation,
16 that roof, if they don't want it to be brown,
17 if they would like it to be green, is going to
18 require almost around-the-clock watering.

19 Birch Creek is a major spawning stream and
20 nursery for one of the most unique strains of
21 Rainbow trout in the east. It's a major
22 concern of mine, considering that a lot of
23 development is planned for the Birch Creek
24 Valley. It's not a question of whether the
25 resort will affect the trout streams adversely,

1 (Lenny Millen)

2 but when will it show its negative effects?

3 What recourse do I have when this happens?

4 Also, I would like to mention that I
5 golf. I love golf, but I can neither afford
6 the time nor the money to golf in the courses,
7 the golf courses that are a reasonable distance
8 from here. I believe everyone has a right to
9 earn a living. They can be a developer or
10 offer some sort of service. Someone's going to
11 reap huge benefits from the resort, but at what
12 cost to the region and the environment? Is
13 this project appropriate? I think the
14 floodgates may open now for future projects.
15 I'll be watching. If they're sincere and good
16 stewards, and I'll support them. Thank you.

17 ALJ WISSLER: Ms. Stubblefield, Ira
18 McIntosh.

19 MS. EEO STUBBLEFIELD: Your Honor, I and
20 everyone, I'm very tired, like I'm sure
21 everyone is. It's late and my brain isn't
22 working as well as I would like it to right
23 now. But I feel passionate about this project,
24 so I am going to try to speak. I've so much I
25 want to say and everyone has been saying

1 (Eeo Stubblefield)

2 everything I think so eloquently, so I will
3 just say a few things because I am so
4 passionate about this project. And from when I
5 first heard about it, and people go, it's not
6 going to happen here, I would always say, it's
7 definitely going to happen here, they're
8 definitely going to be able to make this go
9 through. And I hate to say that and I don't
10 want to believe that, but I do feel like that
11 is how politics and big business works and it
12 makes me very sad.

13 I live here in the mountains and I'm an
14 artist and I am a performance artist, and I
15 have sort of a unique form in that I don't
16 perform on stage and I don't perform like in
17 any indoor theater space, I only perform out in
18 the land. That's my stage. And so I actually
19 live here because I love the mountains, but
20 it's also where I work. So I know these
21 mountains really well. I go all over the place
22 looking for my locations for my pieces. And my
23 pieces are seen in photographs.

24 I've been working at night for a long time
25 now and I'm working by the night light in my

1 (Eeo Stubblefield)

2 photographs, and I have to look very hard for
3 my locations even up here to find where the
4 lights do not affect the night sky. So I know
5 very intimately about it. And I go on top of
6 the mountains a lot, I'm on top of the
7 mountains looking for my views, and I can tell
8 you right now for a fact, our night sky is
9 going to be changed drastically by this
10 project, because I can tell you how one little
11 light from a transportation station changes the
12 night sky. So I feel that that is a serious
13 thing about the light.

14 Also, I did a piece about 12 years ago,
15 Women Walking West, and we walked, a group of
16 us walked from Boiceville over to Roscoe, and
17 we walked these mountains that we're discussing
18 right now, and I did a lot of research, as a
19 lot of the people in the piece did a lot of
20 research. And this track that we're talking
21 about getting developed is indeed, it is one of
22 the largest stretches of untouched that we have
23 here in the Catskill Mountains. And that
24 little road that someone was talking about,
25 that 47, that is the most precious, beautiful

1 (Eeo Stubblefield)

2 little road that you can really depend on, I
3 can depend on, that there won't be a lot of
4 traffic up there for my work. And when I
5 really need to escape, that's a place that I
6 go. That's my most, that's my most precious
7 place up here in these mountains, and that will
8 be changed forever.

9 I was trying to tell my granddaughter that
10 I was going to this meeting and that Grandma is
11 going to go fight for the mountains, and she
12 wanted to know what I was taking about because
13 I take her on top of the mountains to teach her
14 about this place. I was trying to tell her,
15 you know, golf, she didn't understand golf, so
16 I tried to explain the game to her and I told
17 her that they want to blast out, they want to
18 flatten the mountain up there so they could
19 play golf up there, and she didn't understand
20 that at all. And I was trying to explain to
21 her why I was concerned.

22 And the only thing that she actually got
23 when I started telling her about the animals,
24 that the animals where they live are going to
25 be, that's going to change, and then she got

1 (Eeo Stubblefield)

2 really, really sad and told me, but they can't
3 hurt the animals. So I know I'm probably not
4 making any sense because I am tired, but I do
5 want to let you know I'm passionate about
6 this.

7 Let's see. Oh, okay. I have a lot of
8 stress in my life and a lot of crisis in my
9 life, and there isn't one day that does not go
10 by, there isn't one day that I don't thank, I'm
11 so grateful for where I live, and that at least
12 I have that. That the very, very least, I have
13 this beautiful, beautiful place that I live
14 in.

15 And okay. I have a lot more to say, but I
16 should have written it down. But besides being
17 an artist, I'm a bookkeeper for a living, and I
18 sit on a board with a lawyer that sent me this
19 e-mail this morning and I'm very glad he did.
20 His name is Stuart Root and he's like a banking
21 lawyer. He was a lawyer that was called in
22 when the savings and loan scandal was going on,
23 and he was one of the lawyers that came in to
24 try to salvage that problem.

25 And I had sent an e-mail out to all my

1 (Eeo Stubblefield)

2 friends and people that I knew to tell them
3 about this meeting because I feel that everyone
4 needs to speak up, and he happened to be on the
5 e-mail list, and so he sent me this e-mail this
6 morning and I would like to read it. I would
7 like to read it because I think that Stuart
8 actually has a really good sense of money and
9 real estate and of building.

10 And he said, "Hi, Eeo. I have read your
11 plea and sorry I'm not able to make any
12 meetings this week. I have written to the
13 Catskill Center and also to a local group in
14 Shandaken about the project. There is a major
15 flaw in the New York State Environment Review
16 Procedure, to wit, they do not take into
17 account the financial capacity of the developer
18 to carry through on this project. So once the
19 mountains are scarred and torn up, if the
20 developer cannot complete the project, he can
21 abandon it, declare bankruptcy or whatever and
22 walk away. This is atrocious.

23 In Shandaken, it is doubly problematic.
24 As I understand it, Shandaken has opted out of
25 the New York State Unemployment benefit and/or

1 (Eeo Stubblefield)

2 other social support structure. So the Town
3 itself is self-insuring on such social cost
4 with no state backup. Hence, if a load of
5 workers come to the project and it goes belly
6 up, they become public charges of the Town of
7 Shandaken with no or little state assistance.

8 If my understanding of this is correct, my
9 informant was a town official in 2002. Then
10 the risk of financial fragility is huge. I
11 have read through the environmental impact
12 papers submitted by Gitter and find only a lot
13 of blue sky on the financial aspects, with no
14 firm commitments to lend or to support the
15 project through to completion. And after
16 completion, I believe the project is a likely
17 bust. Why should people drive to Shandaken
18 when two of New York State's finest golf
19 courses more proximate to the city are
20 struggling? The Concord and Grossingers. This
21 project is a snake oil sales job with very
22 dangerous after-effects. Best, Stuart Root."

23 And since I feel this is a political
24 meeting that we're talking about, we're talking
25 about all the people and then we're talking

1 (Ira McIntosh)

2 about the big developers, and I feel that this
3 project is a little bit like how I feel about
4 Iraq right now. I feel that the people who are
5 going to benefit from the construction of this
6 project are the ones who are going to go blow
7 up and destroy our mountain and change our
8 mountain, those same people are the only people
9 that I feel are going to financially benefit
10 from this project.

11 ALJ WISSLER: Ira McIntosh and Laurie
12 McIntosh.

13 MR. IRA MCINTOSH: I don't know if it's
14 appropriate for me to use a prop. I may -- if
15 it's not appropriate, I have a few things to
16 say, at any rate.

17 My name is Ira McIntosh and I was born and
18 raised in Delaware County. I live in Delaware
19 County, I have lived on Main Street in Pine
20 Hill and I went to school for a few years out
21 in southern Indiana. My family has been in
22 Delaware County and surrounding the Catskill
23 counties, my mother's side of the family,
24 Otsego, Schoharie County for at least seven
25 generations, probably more, not as long as the

1 (Ira McIntosh)

2 indians were here, but I guess we overdeveloped
3 what they had.

4 At any rate, I have several things to say.
5 I'm really glad that a lot of other folks came
6 in here armed to the teeth with figures and
7 statistics and, you know, hard details. I
8 haven't had a good opportunity to analyze the
9 DEIS. I can speak to some social and cultural
10 impacts that I can see of this project.

11 I think that New York City's drinking
12 water aside, that everybody, everybody can get
13 behind healthy fisheries and healthy fish
14 populations. I think that when large tracts of
15 land are stripped of forest land, it's clear
16 that healthy forests can absorb massive amounts
17 of runoff and bare dirt and bare rock
18 concentrate that run off very quickly into the
19 streams and exacerbate flooding, they choke the
20 streams with sediment and other such attractive
21 stuff.

22 Anyway, I've been involved with civil
23 engineering, forestry, landscaping, you know,
24 I'm a fan of good industries and good jobs. I
25 think that timber harvesting and logging, if

1 (Ira McIntosh)

2 it's done properly, is a good thing and you
3 probably call me an environmentalist.

4 I think that this resort will probably be
5 a great thing for the people who provide
6 high-end bed and breakfast accommodations,
7 hotels, glitzy shopkeepers and things like
8 that, it will be a great boom for them, even
9 though I don't think they'll cater to many of
10 the local population.

11 I think that the local culture and
12 heritage will suffer when outside culture is
13 brought in as a substitute for culture. I
14 think in some ways it's great that lots of
15 people are bringing symphonies and classical
16 music to the Catskills. I don't think that
17 many people are emphasizing what the local
18 heritage has to offer. And at any rate, I have
19 some very strong opinions of my own that I
20 think I can condense into two or three minutes,
21 if you're interested in putting up with
22 listening to it. I'll try.

23 ALJ WISSLER: Mr. McIntosh, I have
24 absolutely no problem with you doing this, but
25 my concern is ---

1 (Ira McIntosh)

2 MR. IRA MCINTOSH: Would you like a time
3 limit?

4 ALJ WISSLER: No, no. But what I'm going
5 to do is, I take it you're going to sing
6 something for us?

7 MR. IRA MCINTOSH: Yes.

8 ALJ WISSLER: I have a problem because I'm
9 not recording this on tape.

10 MR. IRA MCINTOSH: I'll try to enunciate
11 and make my words clear.

12 ALJ WISSLER: That's not the issue. The
13 issue is whether the court reporter can take --
14 I mean, can you say the words?

15 MR. IRA MCINTOSH: Certainly.

16 ALJ WISSLER: But I need to know what you
17 say.

18 MR. IRA MCINTOSH: I can provide the words
19 written as well.

20 I think this says a lot about how it felt
21 to live in Pine Hill and knowing what was on
22 the horizon, so to speak.

23 (Playing guitar.) "I used to live down in
24 a valley, it was the prettiest around, now it's
25 like living in an alley, in the middle of

1 (Ira McIntosh)

2 downtown, and I didn't have to move to the big
3 city, oh no, I stayed right in the country, and
4 they built it all around me.

5 "I used to love the streams they
6 straightened, for that highway four lanes wide,
7 making a Manhattan, out of my countryside.

8 "There ain't no use in crying, but you
9 don't know what I do, if I could go back to the
10 woods, where they built strip mall number 2.
11 And if I had a dollar, for every tree cut down,
12 you know I would buy out all those businessmen
13 that are cutting down my town.

14 "I used to love them streams they
15 straightened, for that highway four lanes wide,
16 making a Manhattan, out of my countryside.

17 "And them hotels on the horizon, really
18 caught me by surprise, I wonder who has been
19 advising, all these enterprising guys. Now I'm
20 not knocking progress, but it hurts me some to
21 say, that I was here 'fore they was, but
22 they're driving me away.

23 "I used to love them hills they flattened,
24 for that highway four lanes wide, making a
25 Manhattan, out of my countryside."

1 (Ira McIntosh)

2 And I heard Matt Pelletier from Bovina, or
3 perhaps it was Annie Pelletier from Bovina say
4 that there are young men out at the watershed
5 that still take the paths that their father
6 tread, long before they, I still try to do that
7 today and I hope I can do that for the rest of
8 my life. I hope that I'm able. I'm saddened
9 that many of my peers that I grew up with have
10 found that they can't afford to live here
11 anymore and they've had to go somewhere else to
12 be able to live, and I hope some of them are
13 able to come back some day. I hope they can
14 afford to. I'm sorry they had to go somewhere
15 else to make money to do that.

16 Thank you.

17 ALJ WISSLER: Laurie McIntosh, Joan
18 Lawrence-Bauer. And after Ms. Lawrence-Bauer,
19 we will hear from Ellie Bernstein. After that,
20 I have no more cards.

21 MS. LAURIE MC INTOSH: My name is Laurie
22 McIntosh. I am former resident of Shandaken.
23 I used to live on Broad Street Hollow right
24 across from the Broad Street Hollow Stream in
25 Allaben, and I also used to live in Pine Hill

1 (Laurie McIntosh)

2 with the Birch Creek running through my back
3 yard. Both are tributaries to the Esopus,
4 which is a beautiful stream that I love to swim
5 in and love to go search for all sorts of fly
6 larvae as well, thanks to fine training given
7 to me by members of the Catskill Center.

8 I now live in Andes, however. And when I
9 lived in Pine Hill and other parts of
10 Shandaken, and I was opposed to the project
11 then. People might have accused me of
12 NIMBYism, and I might have been hard-pressed to
13 say that, no, no, it's not just because it's in
14 my backyard that I can't support this project,
15 but I don't live in Shandaken anymore and I
16 still cannot support this project.

17 Many excellent points have already been
18 made throughout the evening regarding the
19 environmental impact, jobs, traffic, many other
20 things.

21 Also with regard to the inaccessibility of
22 the Environmental Impact Statement, which I
23 find troubling, which leads me to question,
24 what do they have to hide? Obviously
25 something, if they're bringing it out around

1 (Laurie McIntosh)

2 the holiday season when they know people might
3 want to spend their time doing something other
4 than trying to make a PDF format disk work and
5 trying to find the topic that they're looking
6 for.

7 One comment I want to make regarding
8 something, I think it was Ms. Fairbairn said
9 earlier this evening, if I can find that piece
10 of paper, maybe I left it on my desk over
11 there, it was about the environmentally
12 sensitive design. That's what she called the
13 resort. And if she's referring to the building
14 itself and the award-winning environmental
15 architect Emelio Ambasz, I recall his name
16 being when they unveiled the project quite some
17 time ago. I later found it interesting to
18 learn that no design of Mr. Ambasz's has ever
19 been built. And I wondered, and I asked a
20 student of architecture at the time, how could
21 you win a design for something that's never
22 been built? And he says, Oh, it's
23 architecture. It's the design.

24 I said, so it could be, as far as the
25 infrastructure is concerned, it could be not a

1 (Laurie McIntosh)

2 viable? He said, Oh, sure, that's irrelevant.
3 It's the design. Oh, okay. So let's just hope
4 that Mr. Ambaz's track record continues and
5 that this one is not to be built.

6 When this project first was something that
7 I was aware of many years ago, Mr. Gitter
8 presented himself as the knight in shining armor
9 who would save our communities from the road to
10 oblivion which we were purportedly traveling
11 down. Well, if you read the New York Times or
12 New York Magazine or any other major
13 publication serving the metropolitan area and
14 the travel and real estate business, you would
15 know that Shandaken and Middletown no longer
16 are traveling such a road if, indeed, they ever
17 were.

18 Phoenicia has had quite a few feature
19 stories in the past few years, Andes with its
20 big sky country, Bovina even, New York Magazine
21 featured them prominently, Margaretville, there
22 was a documentary made about Margaretville.
23 "Margaretville, The Movie" is going to be shown
24 this weekend at Roxbury Arts Group. I tell you
25 what, I know nothing about the movie, but I

1 (Laurie McIntosh)

2 guarantee if it goes on to be successful and,
3 say, wins an award at Sundance or the Woodstock
4 Film Fest, you know there are lots more people
5 wanting to move to the Catskills.

6 I don't say this to suggest that that in
7 itself is a bad thing. I don't have objections
8 to people wanting to live here. I understand
9 people wanting to live here. I understand
10 people wanting to be tourists. I understand
11 them wanting to have second homes here. It's a
12 beautiful place. Growth is inevitable. I
13 would be a fool, any of us would be fools to
14 not recognize that. And as I said, it's not
15 the people I have a problem with. I can
16 generally relate to them, or at least try.

17 But it's corporations, especially
18 multi-national corporations that suck the
19 lifeblood and spirit and resources out of a
20 community. And this is something I cannot
21 relate to and this is something that is of
22 great concern to me, because this is precisely
23 the type of development that the Belleayre
24 Resort intends to be.

25 If the Belleayre Resort does get built and

1 (Laurie McIntosh)

2 if it does manage to be a successful resort,
3 which I think is a big if, the local community
4 will not reap any benefits of this success.
5 Okay, Belleayre Plaza, the gas station, they
6 will. I mean, they've got a good business
7 going anyway as it is, and somehow they keep
8 their prices lower than the Hess in
9 Margaretville, amazingly.

10 But nonetheless, when people go to
11 resorts, they don't go to hang out in the local
12 community. I know this. I grew up on Long
13 Island and I went to resorts when I was a
14 child. My parents took me to such places. I
15 knew that we got in the car and went to the
16 resort and we were there at the resort all
17 week, we had our meals there, we had our
18 friends there, we did all our activities there.
19 We never ventured beyond the gates of the
20 resort until it was time to go home back to
21 where we came from.

22 I have to follow my arrows here. Not only
23 will local businesses such as B & Bs not reap
24 any benefits of the success, I think they will
25 lose. I know that there are a few owners in

1 (Laurie McIntosh)

2 the Shandaken area who are excited and I think
3 that perhaps they think that they're going to
4 get more business. I think they're wrong. I
5 think they will lose because what is attractive
6 to their current clientele will vanish, and
7 that is the charming rural character that the
8 Catskills now offer. If the Belleayre Resort
9 is built and it does not succeed, that will be
10 a great loss as well, as other people have
11 mentioned this evening. Destroying all that
12 land to have an empty shell up on the mountain
13 seems fairly depressing, or worse, not that I'm
14 suggesting that this is in the developer's
15 plans currently. But let's face it, if it
16 fails and it's sitting up there, a big empty
17 shell, of course somebody down the line is
18 going to have the brilliant idea of bringing a
19 casino in there.

20 Another point I want to talk about is
21 traffic. When I first lived in the Catskills,
22 which was about ten years ago, I used to work
23 in a restaurant in Woodstock and I would drive
24 home to Shandaken at, say, between 11:00 and
25 midnight on Friday and Saturday nights after

1 (Laurie McIntosh)

2 waitressing. I rarely encountered other
3 vehicles on the road on Route 28, rarely. We
4 all know that's not the case today. Traffic
5 isn't expanding. More people do live here.
6 More people will continue to live here. The
7 trends are going upwards as far as traffic and
8 people are concerned. And hey, maybe someday
9 they would have to expand Route 28 anyway. I
10 think if the resort is built, they will
11 definitely have to expand Route 28, and I feel
12 sorry for those people who do live in the Town
13 of Olive and who are going to have to deal with
14 those traffic pressures and continuing on down
15 the line.

16 It's sad. It's sad and I -- look,
17 actually every time I drive down Route 28 now I
18 look to see, boy, how much room is there, that
19 house is going to be gone, that business is
20 going to be gone, that one is going to be
21 down. People are going to die. You all know
22 what happens when you're driving down Route 28
23 and there is a stream of traffic in front of
24 you, and people do crazy things. More people
25 are going to die. And then the DOT is going to

1 (Laurie McIntosh)

2 say you have to expand this road, because too
3 many people are dying here.

4 When this resort was first proposed, I
5 didn't think that it would really happen. I
6 still like to believe that it will not happen.
7 The reason I thought it could not possibly
8 happen is, how could the DEC and the DEP allow
9 such a thing? I don't know. Maybe I'm naive,
10 but I really thought there is no way. I mean,
11 here I lived in a little house on Birch Creek
12 Road and I had this little spit of a driveway
13 and not that I wanted to, but I knew that the
14 DEP was not going to let me blacktop my
15 driveway if I wanted to. Well, then how the
16 heck are they going to put in all those parking
17 spaces up there? I mean, forget the building,
18 forget the golf courses, just the parking
19 spaces and the roads for the resort. How could
20 they do that if they're not going to let me
21 have just a little spit of a driveway? It just
22 seemed preposterous to me, and I don't know.
23 Is it that money talks, is it political
24 connections? I don't know. I mean, I honestly
25 have to say that I can't imagine that it's not

1 (Laurie McIntosh)

2 that, if this project goes through. I cannot
3 imagine.

4 In so environmentally sensitive an area,
5 our rich community character, our rich cultural
6 heritage aside, we're talking about the
7 headwaters of the Esopus. That's where this is
8 going to be taking place. So I think that's
9 about it.

10 Oh, and one last thing, of course, is
11 squeezing the people out. My husband, as he
12 stated, is from Delaware County. His family
13 has been here many years. We're trying to buy
14 a piece of land to build a little sustainable
15 homestead. We're having a really hard time
16 finding something we can afford. It was
17 shocking to me a few years ago to discover
18 that, wow, I might not be able to afford to
19 live in Shandaken. I might not be able to buy
20 a piece of land here. I mean, I couldn't
21 believe it. And now I'm even more shocked to
22 discover that I may not be able to do that in
23 Delaware County. So already there's pressure.

24 And, you know, so obviously it's not just
25 coming from something like a resort. There are

1 (Laurie McIntosh)

2 more people with more money moving to the
3 area. That may squeeze us out. But I think
4 that a resort like this and the greater
5 pressure and the greater draw that it might
6 bring, if it happens and if it does succeed,
7 could squeeze us out even more rapidly, and
8 that's very sad to me.

9 So in closing, Mr. Ciesluk and other
10 representatives, I'm sorry, I do not know your
11 name, sir, of the DEC and other agencies that
12 are putting this public hearing on tonight. I
13 respectfully request that you grant a greater
14 public comment period, including hearings on
15 weekends, regarding this resort project. And
16 also, I think it would be good if you could
17 request that the developer provide a more
18 accessible version of the Environmental Impact
19 Statement so that people can actually read this
20 before they comment and we can have a wider
21 variety of comments. Thank you very much.

22 ALJ WISSLER: Joan Lawrence-Bauer.

23 MS. JOAN LAWRENCE-BAUER: Hi. My name is
24 Joan Lawrence-Bauer. I know that a lot you
25 know who I am and know that some of you don't,

1 (Joan Lawrence-Bauer)

2 so I will just introduce myself briefly. I
3 grew up here in Margaretville, went to
4 Margaretville Central School, graduated on this
5 stage. Today I live in Oliveria on that same
6 little wonderful road that everybody's
7 referenced so many times tonight.

8 A couple of years ago, I think maybe five,
9 six even now, when this resort was first
10 proposed, I read about it, I was writing for
11 the Catskill Mountain News, read about it,
12 thought it was interesting, and like many folks
13 thought it was very, very frightening. I
14 wasn't quite sure that I really thought we
15 needed this up here. And it was interesting to
16 me because within days of the most formal
17 announcement of the project, somebody was at my
18 door, knocking with a petition to ask me to
19 support the project. My husband Larry and I
20 both decided at that time that no, we couldn't
21 sign a petition supporting this project because
22 we didn't know what the project was, didn't
23 know anything about it.

24 Well, within days, word spread that we had
25 refused to sign the petition and somebody was

1 (Joan Lawrence-Bauer)

2 at our door asking us to help head up an
3 organization being formed to stop the project.
4 Again, without any information whatsoever. At
5 that time I said, you know, people are already
6 starting to choose up sides here. We really
7 better go out and try to find out something
8 about this project. So I spent a lot of time
9 doing that. I did go and sit down and asked
10 the developer to talk to me about the plans.
11 And there were some great dreams, and I said,
12 Well, those dreams all sound really great but,
13 you know, I don't know if you have the money to
14 do that. I would like to talk to the people
15 who have the money.

16 Well, lo and behold one of them was a
17 classmate of mine who had gone out and made
18 good after graduating on this same stage, so I
19 sat and talked with him for a while. And after
20 a lot of due diligence on my part, I decided
21 that this was something that I would like to
22 support, that I would like to try to help to
23 make it a reality and that I would like to try
24 to help to make it a reality in a way that
25 could be sustainable, that could be done in a

1 (Joan Lawrence-Bauer)

2 way that would make this a place where I still
3 wanted to live. So I have worked for the
4 project. I am not an employee of Dean Gitter's
5 at this time, and believe me, I would love not
6 to be standing here speaking to you at ten
7 minutes after 12:00 when most people have gone
8 home already. But I had to work tonight and I
9 couldn't get here until eight o'clock. So here
10 I am at midnight.

11 And the reason I decided that I really had
12 to speak tonight was actually after listening
13 to Judy Wyman and hearing how she's going to
14 speak tonight and tomorrow night too and I
15 said, that's an idea, let me hear what you have
16 to say.

17 I heard a lot of inaccuracies tonight, and
18 in the interest of truth, justice and the
19 American way, I thought that it would really be
20 important to go on record and talk about a
21 couple of those things that I did hear, just to
22 sort of set the record straight.

23 The first thing that I wrote down was
24 about the 9,000-foot peak that we're going to
25 ruin if this project is built.

1 (Joan Lawrence-Bauer)

2 Now, I've lived here a long time and I've
3 hiked a lot of the peaks and I have yet to find
4 one that's 9,000 feet high. So I would really,
5 really like to set the record straight that
6 Slide Mountain is, as far as I know, the
7 highest peak in the Catskills and it is not
8 9,000 feet high.

9 That the review process is inadequate and
10 that we have not had enough time to understand
11 this project, to talk about this project, or to
12 see documents about this project, well, I would
13 say that not only is it a very big project, but
14 it's been talked about very, very openly for a
15 very long time, and I think that the DEC has
16 been very, very patient tonight. I'm sure
17 they'll be equally patient tomorrow, and
18 there's lots of time to submit written
19 statements as well. So I really think that the
20 time for this will be adequate. The Draft
21 Environmental Impact Statement was in, it was
22 declared incomplete, they have had to go back
23 and redo things, and I think it's a good
24 process.

25 I would like to say that having worked at

1 (Joan Lawrence-Bauer)

2 Belleayre Mountain, I have great confidence in
3 the DEC in its ability to be a steward of this
4 region. I did work there in 1984 when
5 something was referenced earlier, that somebody
6 at Belleayre Mountain had violated the State
7 constitution, so obviously the DEC can't be a
8 good steward. But I would tell you that the
9 DEC was the one who found that out and ousted
10 the people and punished them. So I have no
11 problem with the DEC as stewards.

12 I don't know if any of you know Vinnie
13 Bernstein or Patty Rudge or any of the DEC
14 employees who work here on a regular basis, but
15 I want to tell you they are very, very
16 conscientious about making sure that the DEC is
17 a good steward in our community.

18 I also do not believe that a good economic
19 development plan for our future is to sit here
20 and wait and see what grants we can get from
21 New York City. And quite frankly, that's the
22 only alternative I've really heard tonight to
23 this economic development is, well, let's see
24 what grants we can get from New York City and
25 let's see what they'll let us do. And to me,

1 (Joan Lawrence-Bauer)

2 that does not spell a good plan for economic
3 development.

4 I keep hearing a lot about poor jobs. I
5 keep hearing a lot about 6 to \$8 jobs, and I
6 haven't seen any of those in the DEIS. I see
7 111 jobs at \$48,000 average. I keep hearing
8 that our median income is \$40,000 so we don't
9 need better jobs here. Everything is pretty
10 adequate. I would like to ask you to look at
11 the welfare rolls, folks. I would like you to
12 know that more than 50 percent of the kids who
13 go to school here have to be on free or reduced
14 lunch programs because of the poverty in our
15 region today. It's pathetic. And it's not
16 just true here, it's also true in Onteora.

17 I would like to point out that the Onteora
18 school is underutilized at this point and that
19 this year, they were threatened with having one
20 of their schools closed, one of their
21 elementary schools, and they had to fight very
22 hard to keep it up because they do not have
23 enough students. Not, quite frankly, that I
24 believe that this project is going to be an
25 answer to that, because I think if we look at

1 (Joan Lawrence-Bauer)

2 all of the second homeowners who have been here
3 for all of the years that I've been here, we
4 can see that very, very rarely do those second
5 homeowners put their children in our schools.
6 And while I hear people saying something about
7 a thousand jobs, I didn't see that anywhere in
8 the DEIS.

9 I do know, having worked at Belleayre,
10 that there are about 300 people who get laid
11 off there every year, and I feel very confident
12 that a lot of them will be happy to have jobs
13 at this resort.

14 I also know that a farm team is currently
15 being built at the Catskill Corners project. I
16 do know that people are being trained there and
17 trained up. I know that they do work with the
18 local colleges, with the Culinary Institute,
19 with Delhi, with BOCES. I've been there, I've
20 seen it. I know it. I can also tell you that
21 not only do these people have good jobs, but
22 they have benefits with those jobs, like
23 vacation time, sick time, personal time and
24 health insurance. Heaven help us all, and I
25 don't know how many people around here don't

1 (Joan Lawrence-Bauer)

2 have health insurance, but I would submit to
3 you that it is a significant number.

4 I would also like to point out that at
5 Catskill Corners they have a scholarship
6 program that is unparalleled in terms of trying
7 to help people educate themselves. \$2,000 a
8 semester, any semester for any employee to
9 study anything that they want to study is a
10 pretty generous scholarship. And on top of
11 that, they also have management training
12 programs so that they take young people who are
13 interested in this business and they do try to
14 train them for the future.

15 I know this is stuff you don't want to
16 hear. It's painful. But these are, in fact,
17 facts that have been -- and I did sit and
18 listen for a long time. I know that, you know,
19 the inconsistencies here, I hear that the NRDC
20 is against this project which could bring 1,800
21 people a day, but they're in favor of an
22 expansion at Belleayre to bring it up to 8,000
23 people a day. And yes, people get hurt skiing.
24 Very few people get hurt playing golf. They're
25 two very different kinds of sports.

1 (Joan Lawrence-Bauer)

2 So all I would like to say, and I will, in
3 fact, sit down and make some formal statements
4 for tomorrow night's hearing, but I would just
5 ask you to, as you think about these things, to
6 look at the facts.

7 I really applaud a new traffic study that
8 says, okay, we disagree with these numbers,
9 let's do a traffic study and let's present it.
10 I really applaud that. I really applaud some
11 of the comments that I've heard tonight where
12 people are looking for inaccuracies and saying,
13 Let's restudy that. I think that's what we
14 should be doing. But I think that we don't
15 need to make it any more dramatic than it
16 already is by talking about 9,000-foot peaks in
17 the Catskills and \$6 jobs that we're not
18 talking about here.

19 I thank you for your patience. And I
20 just, you know, for those of you who aren't
21 sure whether or not this school has a bathroom,
22 yes, I know it's a little rural school, but
23 yes, we do have bathrooms here. Thank you.

24 ALJ WISSLER: Ellie Bernstein, please.

25 MS. ELLIE BERNSTEIN: First of all, my

1 (Ellie Bernstein)

2 name is Ellie Bernstein and I live in what Paul
3 Smart calls Upper Gitter, but I want to say
4 also that it's a good thing that I'm after this
5 woman because what I heard was just a
6 combination of stupidity and lies and absolute
7 falsification of almost everything, starting
8 from the first thing she said about that I had
9 no information about the project. I was just
10 dumb.

11 Okay. Let me tell you something. I heard
12 about this project and I instantly, absolutely
13 instantly, without knowing the details, knew
14 exactly what this project was going to be.
15 Absolutely a division between the rich and the
16 poor. There's no other way. It's not
17 ignorance, I did not have to know the details
18 about this thing.

19 The second thing is, she said that she did
20 due diligence about this project. I did due
21 diligence about the pesticide issue because I
22 live 75 feet away from one of the golf course
23 tees and I did an enormous amount of work
24 around the issue of pesticides. There is no
25 safe pesticides and there is no regulation of

1 (Ellie Bernstein)

2 when that pesticide is put in the ground. Flat
3 out. Absolutely. The levels of cancer in
4 people who work in golf course personnel, in
5 golf course maintenance and women golf
6 professionals who have breast cancer is just
7 absolutely undisputable. And if you think
8 there isn't facts about that, look on the
9 Internet.

10 I called Davis Love, the architect at that
11 time, of this golf course to ask him how he was
12 going to build this golf course if he knew that
13 the tee was 75 feet from my house on a slope,
14 if he could guarantee, who could guarantee me
15 that the pesticides were not going to run into
16 my well. Okay? Davis Love, whoever he was,
17 his assistant said, Well, Mr. Love isn't here
18 but I'll guarantee you that it's going to run
19 down into Route 28, it won't run into your
20 house. Could you believe that? Without any
21 studies.

22 There is no -- it was done so arbitrarily
23 to stick a red flag in the ground and say this
24 is a hole that the pesticide is going to go in,
25 when I live on a steep slope in Highmount.

1 (Ellie Bernstein)

2 It's absolutely, it's absolutely crazy. This
3 whole project is crazy.

4 The only thing that Ms. Bauer said about
5 the economic advantage, well, George Bush I'm
6 sure is very happy with this Gitter plan
7 because every immigrant is going to make a good
8 healthy 5.25 an hour working on this wonderful
9 resort, not get citizenship, go back to their
10 country, have no rights and no health
11 insurance. That's who is going to get those
12 wonderful 5.25 jobs.

13 As far as this document saying that there
14 is no \$8 or \$10 jobs, who has asked him to
15 define the numbers of low income jobs? We know
16 that they're low income jobs. Everybody knows
17 that.

18 Okay. Next. As far as the programs and
19 the scholarships and all these great, great
20 educational opportunities, they are pinpointed
21 to certain careers, low income, low
22 expectation. Dean Gitter is not going to send
23 anybody to become a psychologist, a
24 psychiatrist, a doctor, never. They're all
25 geared to what this country is geared to now,

1 (Ellie Bernstein)

2 low, minimum expectation. You give me a
3 scholarship, great, you get a scholarship for a
4 low minimum expectation job. Keep everybody
5 stupid just like this project is. Keep
6 everybody stupid.

7 Let me see if I have anything more to say
8 about this. There is just no way that anybody
9 could think of this project as in any way
10 benefiting anybody but the rich. And it's
11 crazy that anybody would ever think of anything
12 else.

13 And the other thing I found out, and I'll
14 just mention this because I was very involved
15 in this for a while and then I got too upset
16 about it. I spoke to two attorneys, one from
17 Long Island and one from the Sierra Club in
18 Saratoga. The one from Long Island had stopped
19 a golf course based on pesticides. The one
20 from Saratoga said the same thing. They
21 stopped these golf courses. What happened with
22 this in terms of the movement? These are --
23 should be stopped on the levels of cancer, of
24 diseases that are going to be created in this
25 community, and we all live as if we're blind,

1 (Ellie Bernstein)

2 deaf and dumb. That's all I want to say.

3 ALJ WISSLER: Thank you.

4 Is there anybody that submitted a card and
5 I didn't call on them? I want to thank you all
6 very much for your comments here this evening,
7 and the time is now 20 minutes past 12:00 and
8 this hearing is concluded.

9 (The proceeding recessed at 12:20 a.m.)

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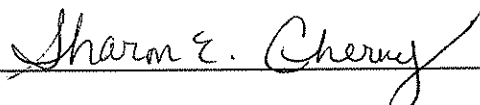
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CERTIFICATION

I, SHARON E. CHERNY, a Certified
Shorthand Reporter in and for the State of
New York, County of Ulster, do hereby
certify that the foregoing proceedings,
taken at the time and place above
mentioned, is a true and correct
transcription of my stenographic notes.

I further certify that I am neither
counsel for nor related to any party to
this action, nor in any way interested in
the outcome thereof.

IN WITNESS HEREOF, I have hereunto set
my hand, this 5th day of February 2003.



SHARON E. CHERNY, RMR, CRR