

WHITEMAN OSTERMAN & HANNA LLP

ATTORNEYS AT LAW

ONE COMMERCE PLAZA
ALBANY, NEW YORK 12260

TEL 518.487.7600

FAX 518.487.7777

woh.com

MICHAEL WHITEMAN
MELVIN H. OSTERMAN
JOHN HANNA, JR.
L. HODES
H. GITLEN
IT N. FEIN
DANIEL A. RUZOV
LESLIE M. APPLE
PHILIP H. DIXON
RICHARD E. LECKERLING
MARGARET J. GILLIS
JONATHAN P. NYE
HEATHER D. DIDDEL
NEIL L. LEVINE
TERRESA M. BAKNER
NORMA G. MEACHAM
ALAN J. GOLDBERG
BETH A. BOURASSA
MARTIN J. RICCIARDI
CHARLES R. HAVILAND, JR.
LESLIE K.L. THIELE
LORRAINE POWER THARP
DAVID R. EVERETT
MICHAEL G. STERTHOUS
JOHN J. HENRY
JAMES B. AYERS
DAMIAN M. HOVANCIR

SENIOR COUNSEL

JOHN R. DUNNE
HOWARD A. LEVINE
EUGENE M. KARP

OF COUNSEL

MARGARET CANGILOS-RUIZ
HOLLY KENNEDY PASSANTINO
JEAN F. GERBINI
ELLEN M. BACH

BRIAN J. LUCEY
ANDREW M. JOHNSON
SETH R. LEECH
KRISTIN KOEHLER GUILBAULT
ROBERT M. GACH
ROBERT T. SCHOFIELD
ROBERTA A. VALLONE
TIMOTHY P. MORRISON
ROBERT S. REYNOLDS
JANIS E. FALLON
JOSEPH D. STINSON
JOHN P. CALARESO, JR.
RANDALL S. BEACH
PATRICIA A. FRANCHINI
SCOTT T. DECKER
JASON M. DIMARINO
JOHN R. VERO
PETER M. CASPER
WILLIAM S. NOLAN
DOROTHY-JANE GOLDSACK PORPEGUA
ALANNA MCKIERNAN
TAMMY L. CUMO-SMITH
LUCY KATS

March 12, 2004

Via Hand Delivery

Administrative Law Judge Wissler
NYS Department of Environmental Conservation
Office of Hearings and Mediation Services, 1st Floor
625 Broadway
Albany, New York 12233-1550

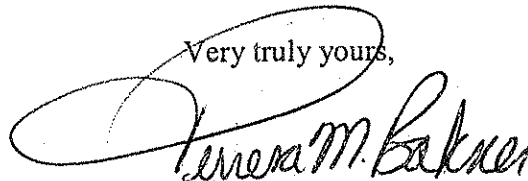
Re: *Crossroads Ventures, LLC*
The Belleayre Resort at Catskill Park
DEC Application #'s 0-9999-00096/00001,3,5,7,9 &10

Dear Judge Wissler:

Enclosed please find the stenographic transcripts of the legislative hearings of February 3 and February 19, 2004, as well as the cards and written submissions.

Please call me if you have any questions.

Very truly yours,


Terresa M. Bakner

Encs.

cc: Carol Krebs, Esq.
Alexander F. Ciesluk, Jr. w/encs.

bcc: Kevin Franke w/encs.
Jeanne George w/encs.

WHITEMAN OSTERMAN & HANNA LLP

MICHAEL WHITEMAN
MELVIN H. OSTERMAN
JOHN HANNA, JR.
HODES
H. GITLEN
SCOTT N. FEIN
DANIEL A. RUZOW
LESLIE M. APPLE
PHILIP H. DIXON
RICHARD E. LECKERLING
MARGARET J. GILLIS
JONATHAN P. NYE
HEATHER D. DIDDEL
NEIL L. LEVINE
TERRESA M. BAKNER
NORMA G. MEACHAM
ALAN J. GOLDBERG
BETH A. BOURASSA
MARTIN J. RICCIARDI
CHARLES R. HAVILAND, JR.
LESLIE K.L. THIELE
LORRAINE POWER THARP
DAVID R. EVERETT
MICHAEL G. STERTHOUS
JOHN J. HENRY
JAMES B. AYERS
DAMIAN M. HOVANCIC

ATTORNEYS AT LAW
ONE COMMERCE PLAZA
ALBANY, NEW YORK 12260
TEL 518.487.7600
FAX 518.487.7777
woh.com

SENIOR COUNSEL
JOHN R. DUNNE
HOWARD A. LEVINE
EUGENE M. KARP

OF COUNSEL
MARGARET CANGILOS-RUIZ
HOLLY KENNEDY PASSANTINO
JEAN F. GERBINI
ELLEN M. BACH

BRIAN J. LUCEY
ANDREW M. JOHNSON
SETH R. LEECH
KRISTIN KOEHLER GUILBAULT
ROBERT M. GACH
ROBERT T. SCHOFIELD
ROBERTA A. VALLONE
TIMOTHY P. MORRISON
ROBERT S. REYNOLDS
JANIS E. FALLON
JOSEPH D. STINSON
JOHN P. CALARESO, JR.
RANDALL S. BEACH
PATRICIA A. FRANCHINI
SCOTT T. DECKER
JASON M. DIMARINO
JOHN R. VERO
PETER M. CASPER
WILLIAM S. NOLAN
DOROTHY-JANE GOLDSACK PORPEGLIA
ALANNA MCKIERNAN
TAMMY L. CUMO-SMITH
LUCY KATS
JEFFREY L. ZIMRING

February 26, 2004

Via Hand Delivery

Administrative Law Judge Wissler
New York State Department of
Environmental Conservation
Office of Hearings and Mediation Services, 1st Floor
625 Broadway
Albany, New York 12233-1550

Re: *Crossroads Ventures, LLC*
The Belleayre Resort at Catskill Park
DEC Application #'s 0-9999-00096/00001,3,5,7,9 &10

Dear Judge Wissler:

Pursuant to your instruction, enclosed please find an original and one copy of the Certified Transcript for the January 20, 2004 Public Hearing and a diskette containing the transcript.

Also, enclosed is an original and one copy of a corrected page 1 of the Certified Transcript for the January 14, 2004 Public Hearing received from the stenographer.

By copy of this letter to Alexander Ciesluk we are also enclosing for Region 3 a copy of the Certified Transcript for the January 20, 2004 Public Hearing and a diskette containing the transcript as well as corrected page 1 of the Certified Transcript for the January 14, 2004 Public Hearing.

If you have any questions, please do not hesitate to contact me.

Very truly yours,


Daniel A. Ruzow

Enc.

cc: Carol Krebs, Esq.
Alexander Ciesluk

WHITEMAN OSTERMAN & HANNA LLP

MICHAEL WHITEMAN
MELVIN H. OSTERMAN
JOHN HANNA, JR.
JAMES H. HODES
PHILIP H. GITLEN
SCOTT N. FEIN
DANIEL A. RUZOW
LESLIE M. APPLE
PHILIP H. DIXON
RICHARD E. LECKERLING
MARGARET J. GILLIS
JONATHAN P. NYE
HEATHER D. DIDDEL
NEIL L. LEVINE
TERRESA M. BAKNER
NORMA G. MEACHAM
ALAN J. GOLDBERG
BETH A. BOURASSA
MARTIN J. RICCIARDI
CHARLES R. HAVILAND, JR.
LESLIE K.L. THIELE
LORRAINE POWER THARP
DAVID R. EVERETT
MICHAEL G. STERTHOUS
JOHN J. HENRY
JAMES B. AYERS
DAMIAN M. HOVANCIK

ATTORNEYS AT LAW
ONE COMMERCE PLAZA
ALBANY, NEW YORK 12260
TEL 518.487.7600
FAX 518.487.7777
woh.com

SENIOR COUNSEL
JOHN R. DUNNE
HOWARD A. LEVINE
EUGENE M. KARP

OF COUNSEL
MARGARET CANGILOS-RUIZ
HOLLY KENNEDY PASSANTINO
JEAN F. GERBINI
ELLEN M. BACH

BRIAN J. LUCEY
ANDREW M. JOHNSON
SETH R. LEECH
KRISTIN KOEHLER GUILBAULT
ROBERT M. GACH
ROBERT T. SCHOFIELD
ROBERTA A. VALLONE
TIMOTHY P. MORRISON
ROBERT S. REYNOLDS
JANIS E. FALLON
JOSEPH D. STINSON
JOHN P. CALARESO, JR.
RANDALL S. BEACH
PATRICIA A. FRANCHINI
SCOTT T. DECKER
JASON M. DIMARINO
JOHN R. VERO
PETER M. CASPER
WILLIAM S. NOLAN
DOROTHY-JANE GOLDSACK PORPEGLIA
ALANNA MCKIERNAN
TAMMY L. CUMO-SMITH
LUCY KATS
JEFFREY L. ZIMRING

February 26, 2004

Kevin Franke
LA Group, P.C.
40 Long Alley
Saratoga Springs, NY 12866

Re: *Crossroads Ventures, LLC*
The Belleayre Resort at Catskill Park
DEC Application #'s 0-9999-00096/00001,3,5,7,9 & 10

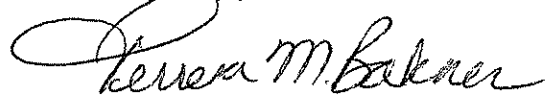
Dear Kevin:

Enclosed please find for the FEIS a copy of the Certified Transcript for the January 20, 2004 Public Hearing and a diskette containing the transcript.

Also, enclosed is a copy of a corrected page 1 of the Certified Transcript for the January 14, 2004 Public Hearing received from the stenographer.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Terresa M. Bakner

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: Onteora Central School
Boiceville, New York
January 20, 2004

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

APPEARANCES: NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION
21 South Putt Corners
New Paltz, New York 12561
BY: CAROL KREBS, ESQ.,
Assistant Regional Attorney
MARGARET DUKE, ESQ.,
Regional Permit Administrator
MARK MORAN, ESQ.,
Regional Director

WHITEMAN, OSTERMAN & HANNA
Attorneys for Applicant
One Commerce Plaza
Albany, New York 12260
BY: DANIEL RUZOW, ESQ., of Counsel
TERRESA BAKNER, ESQ., of Counsel

SHARON E. CHERNY, RMR, CRR
Senior Court Reporter

1		
2	<u>SPEAKERS</u>	<u>PAGE</u>
3	Carol Krebs	11
	Daniel Ruzow	14
4	Dean Gitter	14
	Brian Shapiro	17
5	Helen Chase	19
	Sherret Chase	25
6	Linda Barkhardt	35
	Richard Hochman	36
7	Ward Todd	39
	Norman Turner	48
8	Rollie Devendorf	51
	Robert Spiegel	56
9	Thomas Emerick	59
	Joel Benton	62
10	Frank Fallon	65
	Bill O'Neil	67
11	Thayer Case	71
	Susan Bolitzer	79
12	Joanne Davis	82
	Dan Ahouse	84
13	Jay Dailey	89
	Bruce Duffy	90
14	Angela Caponigio	94
	Karen Charman	96
15	Keith Barkett	103
	Steven Dawes	105
16	Rev. Finley Schaef	116
	Quinn Ferris	119
17	Valerie Linet	121
	Mathew Pokoik	130
18	Hank Rope	137
	Geoffrey T. Hoderath	139
19	Zachary Sklar	143
	Dennis Ladner	148
20	Graham Cox	155
	James Nevin	165
21	Loren Quinby	169
	John Carney	174
22	Sparrow	180
	Peter DiModica	182
23	Chandra Lencina	189
	Doris L. Bartlett	192
24	Laurie Kirby	194
	Chris Olney	196
25	Anique Taylor	207
	Kurt Rieke	208

1		
2	<u>SPEAKERS</u>	<u>PAGE</u>
3	Alexander Lines	214
	Julia Walsh	218
4	Aaron Bennett	221
	Donald Sanford	229
5	Joseph Habib	235
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 (Opening Remarks)

2 JANUARY 20, 2004, 6:50 P.M.

3 ALJ WISSLER: By the way, we're going to
4 start here in about ten minutes. My name is
5 Richard Wissler, and I'm the Administrative Law
6 Judge who will be presiding here this evening.

7 There are speaker cards, so they can be
8 brought up to me so I can call on your name.
9 If you have not availed yourself of the
10 opportunity to fill one of those cards out, I
11 would encourage you to do so before we begin
12 promptly at seven.

13 (Proceedings resumed at 7:00 p.m.)

14 ALJ WISSLER: Could you find seats,
15 please, so we can start? The time is now one
16 minute past seven by my watch, so I would like
17 to begin. If you could all find seats,
18 please.

19 Can I ask before we begin, do we have
20 somebody here from the school? Okay. Then
21 I'll do it. You'll notice the exit signs.

22 (There was a discussion off the record.)

23 ALJ WISSLER: Let us begin. My name is
24 Richard Wissler, W-i-s-s-l-e-r, and I am an
25 Administrative Law Judge for the Department of

1 (Opening Remarks)

2 Environmental Conservation of the State of New
3 York. This matter is the application of
4 Crossroads Ventures, LLC for various permits
5 numbered 0-999-0096/0003, 5, 7, 9 and 10.

6 Crossroads Ventures, LLC has submitted
7 applications for a proposed development to be
8 known as the Belleayre Resort at Catskill
9 Park. The project includes a total of 400
10 hotel rooms, 351 additional hotels and housing
11 units, and a 21-lot single-family residential
12 subdivision, and two 18-hole golf courses. The
13 project will be developed within 1,960 acres in
14 the Catskill Mountains of Ulster and Delaware
15 Counties, for a total of 573 acres disturbed
16 and the remainder to be left undisturbed.

17 A Notice of Complete Application, a Notice
18 of Acceptance of the Draft Environmental Impact
19 Statement, and a Notice of Legislative Public
20 and State Environmental Quality Review Act
21 hearing and issues conference was published in
22 the Environmental Notice Bulletin, which is the
23 official publication of the Department of
24 Environmental Conservation on December the
25 10th, 2003.

1 (Opening Remarks)

2 In addition, that same notice was
3 published as a legal notice in the Ulster
4 County Townsman on December the 11th, 2003 and
5 in the Catskill Mountain News on December the
6 10th, 2003.

7 Moreover, that same notice was distributed
8 to various agencies, but in particular to the
9 elected officials of the Town of Shandaken and
10 the Town of Middletown, and their respective
11 counties, as required by law.

12 And I would note for the record that I
13 have the affidavits of publication and the
14 notice requirements of Part 621 and 624 of the
15 Department of Environmental Conservation's
16 regulations have been fulfilled with that
17 notice.

18 The purpose this evening is for the
19 Department to receive comments from the public
20 with respect to the application that has been
21 made, applications that have been made by
22 Crossroads Ventures, LLC. This is not a public
23 information session, nor is it a question and
24 answer session, but again, it's an opportunity
25 for the Department to receive the public's

1 (Opening Remarks)

2 comments with respect to the project. This is
3 extremely important for several reasons.

4 First, it's important to the Department as
5 it reviews these applications to know what the
6 public sentiment is with respect to the
7 proposed project.

8 Second, the Department of Environmental
9 Conservation has been designated as the lead
10 agency for the environmental review in this
11 matter.

12 An Environmental Impact Statement has been
13 prepared, and that has been accepted, but that
14 document is at this time in draft form. In
15 order for that document to proceed to final
16 form, it is required that input from the public
17 be received and that comments from the public
18 be responded to and made part of that
19 environmental impact review.

20 In addition, for me personally, these
21 comments are extremely important because
22 although they are not evidence in themselves at
23 any subsequent hearing that may be had with
24 respect to this matter, they do provide me as
25 the Administrative Law Judge who will preside

1 (Opening Remarks)

2 at those subsequent proceedings, they provide
3 me with some background and some basis upon
4 which to ask questions of the parties who may
5 be part of that more formal litigation process
6 farther on down the road.

7 Very often what happens is, petitioners
8 who participate in those projects tend to be
9 concerned with their issues, and sometimes an
10 issue can slip by the way, but that won't
11 happen if I receive from the public all of
12 their comments, the entire universe of comments
13 with respect to the project. So it's very,
14 very important to me.

15 In that regard, if you wish to speak
16 tonight, I encourage you to do so. And as I
17 indicated before, what I need to have you do is
18 to fill out one of these public hearing
19 registration cards which are available on the
20 back table. They will be brought up to me and
21 I will call out your names.

22 Now, if you would like to read a written
23 statement or have a written statement and wish
24 to submit that, you can do so. As a matter of
25 fact, written comments can be submitted to the

1 (Opening Remarks)

2 Department with respect to these applications
3 until February the 24th, 2004, and they can be
4 submitted to a gentleman by the name of
5 Alexander Ciesluk, who I believe is here -- who
6 is not here this evening.

7 Anyway, his address is at the DEC
8 headquarters in Region 3 on South Putt Corners
9 Road.

10 So if you have a written comment and you
11 want to submit it tonight and you want to give
12 it to me, you can do that. If you don't have
13 -- if you don't want to speak, you can take one
14 of the speaker cards and you can write your
15 comments on the back of that card and give me
16 your comments in that form. I want you to
17 understand that written comments made to me
18 with respect to this project or to the
19 Department with respect to this project and
20 oral comments will be given the same weight.
21 So even if you don't have a chance to speak, as
22 long as your comment is in writing, rest
23 assured that it will be given equal weight as
24 if you came up here and gave it orally.

25 On the other hand, if you want to come up

1 (Opening Remarks)

2 here and read a statement and you also want to
3 submit that same statement, God bless you, I
4 will be happy to let you do that.

5 This is actually a continuation of the
6 public hearing process that began last week in
7 Margaretville, and we heard from 55 or 56
8 separate speakers during that evening. I have
9 no problem at all with folks who spoke at
10 Margaretville also speaking this evening.

11 However, what I'm going to do first is, I
12 have a list of those folks who spoke at
13 Margaretville and I have cards. What I have
14 done is separated out the cards of folks who
15 spoke at Margaretville, and I'm going to allow
16 people who have not yet had the chance to
17 speak, to speak first before we allow those
18 individuals who have already spoken the
19 opportunity to speak again.

20 Obviously from the size of the room, you
21 can understand our need to do that. But I want
22 to assure you that everyone who wants to speak
23 will be given the opportunity to speak. I
24 don't put time limits on people. You take all
25 the time that you want because again, it is

1 (Opening Remarks)

2 extremely important to the environmental review
3 process and to me as the judge who will be
4 presiding in this case that I get from you all
5 of your concerns with respect to this project.

6 Now, what's going to happen is this: I'm
7 going to ask a member of the Department staff,
8 Carol Krebs, who is an attorney for the
9 Department who is handling this matter, to give
10 a brief statement. Then we -- I'm going to ask
11 Dan Ruzow who represents the Applicant in this
12 matter to make a brief statement, and then we
13 will take questions and answers from the
14 public.

15 As a matter of procedure, I will be
16 calling upon elected officials first, or
17 appointed governmental officials first, so I
18 have some cards, if there are folks who fit
19 that description who haven't yet submitted a
20 card, please do so because I will call your
21 names first and then we will move into the
22 comments from other members of the public.

23 Thank you all for coming out tonight, and
24 let us begin.

25 MS. CAROL KREBS: Good evening. My name

1 (Carol Krebs)

2 is Carol Krebs and I'm an Assistant Regional
3 Attorney for the Department of Environmental
4 Conservation. I work out of the New Paltz
5 Region 3 office and I am the attorney
6 representing the Department staff working on
7 the Department's review concerning the
8 Belleayre Resort at Catskill Park project.

9 Also here tonight are the following
10 Department staff from Region 3 office: Mark
11 Moran, Regional Director who is up here on our
12 left, Margaret Duke, the Regional Permit
13 Administrator is down center.

14 First of all, for those of you who may not
15 be familiar with the DEC permit hearing
16 process, the DEC has not taken any position on
17 the permit applications before the Department
18 at this time. As Judge Wissler has said, the
19 DEC is the lead agency responsible for
20 conducting the environmental review for this
21 project under the State Environmental Quality
22 Review Act, or SEQRA. As a part of that SEQRA
23 process, the Applicant has submitted a Draft
24 Environmental Impact Statement. After several
25 revisions asked for by Department staff, we

1. (Carol Krebs)

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

8 The DEIS is a draft document intended for
9 public review and comment, and as Judge Wissler
10 also stated, these public comments will be
11 considered by the Department in meeting the
12 SEQRA requirements in order to prepare a final
13 Environmental Impact Statement, and as part of
14 the Department's decisions on the various
15 applications for permits. We're here to listen
16 tonight to all of you and we will carefully
17 consider each comment received, both on the
18 DEIS and the permit applications before the
19 Department.

20 There also is, as Judge Wissler mentioned,
21 written comments can be submitted up to
22 February 24th and we will also carefully review
23 and consider each written comment received.
24 Thank you for your time and we look forward to
25 your comments.

1 (Daniel Ruzow)

2 ALJ WISSLER: Mr. Ruzow.

3 MR. DAN RUZOW: Thank you, Judge Wissler.
4 Good evening. My name is Daniel Ruzow, I'm
5 with Whiteman, Osterman & Hanna, a law firm in
6 Albany, and we represent Crossroads Ventures,
7 LLC, the Applicant.

8 We welcome you all this evening. We look
9 forward to hearing your comments on this
10 important project. Our project team leaders
11 are here, Kevin Franke from the L.A. Group,
12 Terresa Bakner, my partner, and we don't want
13 to spend anymore time speaking to you on this
14 subject, so let me introduce Dean Gitter, the
15 managing member of Crossroads Ventures, LLC who
16 will present some brief remarks.

17 MR. DEAN GITTER: At the request of the
18 judge, much briefer than I had expected. When
19 I entered the building tonight, I passed by a
20 young man who was standing in the cold and
21 carrying a hand-lettered sign that said "Save
22 the Catskills."

23 Now, the question is, save it from what?
24 Those of us who are involved in this project
25 think we have to save it from economic decline,

1 (Dean Gitter)

2 the loss of jobs, the loss of -- see, we're
3 all, we're all interested in saving the
4 Catskills, and we all have our point of view as
5 to how we're going to do this. And we're all
6 passionately involved in that argument.

7 We're all living in the Catskills because
8 we love the quality of life that it presents.
9 We are not going to love the quality of life
10 that we're going to go through for the next
11 year or two if the atmosphere in this room in
12 the last five minutes is pervasive through the
13 next several months. We don't have to do
14 this. The nature of -- this is my home, sir.
15 This is my home. Been my home for 34 years.

16 The nature of the SEQRA process is to
17 identify potentially difficult subjects and to
18 provide ways in which to mitigate down to the
19 smallest possible degree any changes. That
20 does not mean that this project or any other
21 project is not going to involve change. Is
22 this going to affect traffic? Yes. Is it
23 going to create traffic jams? No. Is it going
24 to exceed the capacity of the roads? No. Is
25 it going to mean you're going to have to spend

1 (Dean Gitter)

2 on certain busy weekends, perhaps two or three
3 or four more seconds before you can enter the
4 stream of traffic? Maybe.

5 So the basic question I'm presenting is,
6 how do we go about looking at this without
7 catcalls, without boos? We know what your
8 signs say, we know you are passionately
9 committed to the subject. So are we. We think
10 this is the best thing for the Catskills. You
11 think it's the worst thing for the Catskills.
12 The State has a process. Tonight is a part of
13 that process. And it is the province of
14 technicians, scientists, experts, consultants
15 to examine all of these issues. We've spent \$4
16 million in that exercise. The State has spent
17 hundreds and hundreds of hours reviewing this.
18 The City of New York has spent \$600,000
19 reviewing this. But it is subjected, it can be
20 subjected to objective criteria and tests, not
21 simply emotion.

22 And I ask you tonight, as I did four years
23 ago when the project was first unveiled, look
24 at this in these objective terms if you can.
25 But do not, as I heard many people in

1 (Dean Gitter)

2 Margaretville do last week, just make up
3 stuff. There is a lot of substantive, there is
4 a lot of substantive information available to
5 everybody. Just try.

6 ALJ WISSLER: Okay. We're going to hear
7 first from Brian Shapiro, Ulster County
8 legislator. After Mr. Shapiro, we will hear
9 from Helen Chase. I want to apologize in
10 advance if I butcher anybody's name. Mr.
11 Shapiro.

12 MR. BRIAN SHAPIRO: Thank you, Judge
13 Wissler. Judge Wissler, as you can see from
14 the large turnout here tonight, this project
15 has generated a great deal of interest and
16 concern, not only my district, but beyond as
17 well. Given the size and scope of this
18 project, I respectfully remind and urge the
19 lead agency to fully commit itself and its
20 resources to the hard look -- I respectfully
21 urge the DEC to commit itself to taking a hard
22 look what's required under the SEQRA process.

23 My primary concern involves direct and
24 secondary socioeconomic impacts that may occur
25 as a result of this proposal. How will this

1 (Brian Shapiro)

2 development affect municipal and county budgets
3 in terms of increases in infrastructure and
4 services? Can the projected benefit of an
5 increase in jobs and associated wages exceed
6 the fiscal impact that local governments and
7 taxpayers may bear? What influence will the
8 proposed project have on the Onteora School
9 District, particularly at a time when school
10 taxes are an issue that affects many of us?

11 Of great concern to me are projections of
12 an average of 1,747 people staying at the
13 resort, in addition to 700 full-time employees,
14 representing, what I have read, may be a
15 population increase of over 30 percent, now,
16 for the Towns of Shandaken and Middletown.

17 Now, I understand that when you take a
18 look at figures, figures can be geared this way
19 or that way. But when I came across that
20 statistic, it was particularly alarming to me.
21 So I would urge the lead agency to take a look
22 at that, because if we are talking about these
23 kinds of figures, our area may not be able to
24 grossly and factually absorb these kinds of
25 numbers.

1 (Helen Chase)

2 Thank you, Judge Wissler, for taking my
3 comments.

4 ALJ WISSLER: Helen Chase. After Helen
5 Chase, we'll hear from Sherret and Helen Kelsey
6 Chase.

7 MS. HELEN CHASE: My name is Helen Chase.
8 I fill various roles in the community. Tonight
9 I represent the planning group for the Catskill
10 Park Centennial, the Historical Society for the
11 Town of Olive and the Town of Olive Town
12 Board. I'm one of the councilmen.

13 I try to be active in the communities in
14 which I live. I live in the Catskill
15 Mountains. I relate closely to the mountains.
16 I also live in Ashokan in the Town of Olive,
17 which is one of the more beautiful towns in the
18 region. It is important to participate in the
19 activities of a community. The participation
20 keeps our hamlets and our region humming with
21 the vitality of its people.

22 For the past two years, I have chaired a
23 planning group to celebrate the centennial of
24 the Catskill Park in 2004. Our working theme
25 has been the story of how the social fabric of

1 (Helen Chase)

2 the variously defined communities within the
3 Catskill Park works together with the
4 wilderness. The wilderness is the particular
5 reason for the creation of the Catskill Park.
6 The Catskill Park is still an experiment in
7 co-existence. We have a history, a past that
8 is a hundred years old, and more, considering
9 that the Forest Preserve within the Catskills
10 was created in 1885. We have a present in
11 which we are still learning to understand our
12 relation to this unusual park.

13 During this year 2004, you will be seeing
14 these bouncing activities that represent the
15 people who live within this landscape that is
16 surrounded by the blue line. These are our two
17 focuses, the people and the landscape.

18 We have some very energetic hamlets and we
19 have some sleepy hamlets, but we have no
20 hamlets that are totally devoid of activity.
21 There is a lot happening here. This is an
22 exciting region, when you participate in the
23 church groups, volunteer emergency
24 organizations, the governmental bodies, the
25 veterans groups, the seniors groups, the hiking

1 (Helen Chase)

2 clubs, the groups interested in our natural
3 surroundings, the PTA, hunting and fishing
4 groups and on and on.

5 This past Saturday, the Historical Society
6 of the Town of Olive, of which I am the
7 president, had Herb Hekler, our Ulster County
8 Planner, speak about the 2000 census relating
9 the census figures to the Town of Olive.

10 Ulster County is one of the largest
11 counties in the state. Two-thirds of the
12 county is mountainous. Olive is growing faster
13 than the neighboring towns. In 1900, the
14 population was 2,465. In 1910, it grew to
15 4,497 during the construction of the
16 reservoir. In 1920, it shrank to 1,237 after
17 the reservoir was completed, and so many
18 citizens had to move away. The town began
19 growing again, and by 1970, there had been a
20 42.9 percent leap in growth to 2,857. By 1980,
21 there was another leap of 37.3 percent to
22 3,924.

23 However, in 1990, the population grew by
24 only 4.1 percent. This is when IBM was
25 leaving. But by 2000, we had a 12.1 growth

1 (Helen Chase)

2 percent growth, to 4,579. We now have a
3 population of about 4,700. Our town's current
4 growth is primarily in second homes.

5 One interesting fact is that 39.3 percent
6 of working residents of Ulster County commute
7 to jobs outside Ulster County. I have no
8 figures for the Town of Olive. However, I do
9 know that two of us commute daily to Troy,
10 north of Albany because sometimes we see each
11 other on the Thruway. Because of this growth,
12 we in Olive can feel our own stresses to our
13 own infrastructure.

14 It interests me that the DEIS does not
15 talk about the Town of Olive or the effect that
16 the Belleayre Resort will have on the Town of
17 Olive. The majority of the traffic will come
18 along Route 28 from Kingston and the Thruway
19 right through Ashokan/Shokan and Boiceville.
20 On Friday afternoons and Sunday evenings, it is
21 difficult now to enter onto Route 28 from side
22 roads. There already exists a plan developed
23 by the New York State Department of
24 Transportation about 20 or so years ago to
25 bypass the Ashokan/Shokan area with a higher

1 (Helen Chase)

2 speed alternate route. Admittedly, this route
3 today is probably no longer possible because so
4 many land use changes during the past 20 years
5 have taken place.

6 However, with increased traffic, something
7 somewhere along the Route 28 corridor will have
8 to give in order to provide more roadway. Will
9 that be in our narrowest portion in the
10 Ashokan/Shokan area?

11 The Town of Olive is unusual in that it
12 has no town center. Ashokan/Shokan is the
13 closest we have to a town center. Will it be
14 affected to hurry the traffic along toward
15 Belleayre Resort?

16 After looking through the census 2000 data
17 that Herb gave to the Historical Society, I
18 believe that some of the baseline statistics
19 used in the DEIS are underreported. One topic
20 that stands out as being given little
21 consideration is the impact on the school
22 district. Another is the omission of the
23 effect of traffic on air quality.

24 What really concerns me is, what will
25 happen if the resort does not survive?

1 (Helen Chase)

2 Businesses can fail. The smaller scale of the
3 businesses that are typical in the region is
4 more sustainable. The impact of failure on a
5 large scale affects the small taxpayers who
6 will become responsible for a huge unproductive
7 property. The taxpayers in Olive are already
8 looking at tremendous increases in their town
9 and school taxes. And as a town councilman, I
10 have a great concern about the impact of this
11 on our citizens.

12 Where did I read that the Belleayre Resort
13 will not pay its full share of taxes during the
14 years of initial building? I don't remember.
15 During this period of several years, the
16 surrounding towns will need to upgrade their
17 own infrastructures to accommodate the increase
18 in traffic to Belleayre Resort. This will be
19 done through our own taxes and will benefit the
20 resort directly.

21 The Catskill Park includes both public and
22 private lands. It is the public lands that
23 cast the character of the region, the
24 mountains, the streams, the forests. It is the
25 private lands that show the vitality of the

1 (Helen Chase)

2 communities that include musicians, artists and
3 craftspeople, individuals providing the
4 necessary services needed by neighbors, small
5 retailers, businesses that utilize the land,
6 professionals who work at home, contractors who
7 find a creative niche in the market. We don't
8 have much manufacturing anymore, but it does
9 exist on a small scale. A project of this
10 scale will forever change the Catskill Park and
11 surrounding towns. A project on a smaller
12 scale will be a better fit into the character
13 of the region. Thank you.

14 ALJ WISSLER: For those of you who are
15 going to read a prepared statement, if you
16 could give us a copy of the statement so that
17 we can enter that into the record.

18 Sherret and Helen Kelsey Chase.

19 MR. SHERRET CHASE: My wife is standing
20 with me because I may lose my voice tonight and
21 she will take over if I do.

22 This huge resort projected for our
23 backyard worries me. It will for sure
24 drastically and irreversibly, for better or
25 worse, change this small, self-ruled, locally

1 (Sherret Chase)

2 focused, self-improving world of ours here in
3 the beautiful Catskill Mountains. The question
4 is, do we need a shining gated city on our
5 ridge?

6 My connections with the Catskills go way
7 back to the year of my birth, and perhaps nine
8 months before. I was a volunteer and am now a
9 World War II combat veteran from the Town of
10 Olive. In my 85, 86 years of life, this region
11 has changed. In the early 1920s, a man in his
12 prime could earn a dollar a day in hire, \$3 if
13 he had a strong horse. Most did not work for
14 hire. Many paid their property taxes by
15 working on maintaining and improving town
16 roads.

17 Now, though we complain, we are relatively
18 affluent, most of us. Life is easier today,
19 better for many of us, though the gap between
20 the richer and poorer is growing and growing
21 and property taxes keep going up and up.

22 I have a great deal of admiration for the
23 thought and daring that have gone into the
24 project under review, for the high design
25 standards of the entrepreneur Dean Gitter, and

1 (Sherret Chase)

2 for the investment in funds already made and
3 promised, and wish another site had been
4 selected, one for a smaller-scale project more
5 suited to the Catskill region and less
6 disruptive of Catskill life.

7 We should keep in mind that the outside
8 funding, though vast, is fragile in that it
9 depends on a narrow base of interest and
10 being. The funding that is here today for
11 Crossroads may be gone tomorrow before an acre
12 of ground has been cleared.

13 Contrary to project hype, we are not a
14 poor, downtrodden people needing a knight in
15 silver armor to rescue us from our plight. We
16 do not need to strike a Faustian bargain. We
17 do not need a shining gated city on our ridge.

18 Striking a sane and sustainable balance
19 between the needs of the people of the
20 Catskills and protection of the natural
21 resource base of the region has been one of my
22 main interests in life. I see the future of
23 the Catskills as a place supportive of its
24 people and protective of its fragile
25 environment, a place of small to medium-sized

1 (Sherret Chase)

2 industries, of proud, self-employed people, of
3 artists and artisans, of a tourist industry
4 that spreads across the region, not focused
5 mainly on one site, an industry highlighting
6 the history, cultural and recreational
7 resources of the region, protective of the
8 important watersheds and aquifers, a region
9 small in scale, independent and solid.

10 In my profession, I am a professor, a
11 geneticist and a hybrid corn breeder. I take
12 pride in that I've helped to feed the world. I
13 am one of the incorporators and was the
14 founding president of the Catskill Center for
15 Conservation and Development. I continue as a
16 director in that organization. And I also
17 serve now as a vice president and director of
18 the Association for the Protection of the
19 Adirondacks, an organization devoted to the
20 protection of the Forest Preserve in the
21 Adirondacks and the Catskills. And I currently
22 serve as chairman of the Friends of the
23 Catskill Interpretive Center, an ad hoc group
24 of local people trying to convert the road to
25 nowhere in Shandaken to a road to the long

1 (Sherret Chase)

2 sought Interpretive Center for the Catskills, a
3 development project for the whole Catskill
4 region. Today I am representing myself and I
5 have a solution in mind. But first, I want to
6 give you some background.

7 Crossroads, well named, is a high risk
8 venture based on outside capital and of
9 uncertain future ownership. Built for sale,
10 perhaps for a young Monte Carlo or Las Vegas.
11 It is large scale, projected for the very
12 center of New York City's watershed, with
13 potential for polluting both the Delaware and
14 the Esopus, and reducing to some degree the
15 supply of water to both. It is well financed,
16 something of a local cottage industry right now
17 with a lot of money sloshing around.

18 It would, if realized, put heavy pressure
19 on our highways and byways. Route 28, four
20 lanes, strip developed to Pine Hill, Route 28A,
21 Route 30, the byway over Peakamoose and the
22 byway over Winnesook to Frost Valley, and
23 south, Route 212 to Woodstock and Route 42 to
24 the north and Hunter Mountain. Who pays? Who
25 benefits? Route 28 is stressed now.

1 (Sherret Chase)

2 A day ago I had to wait for 12 cars to
3 pass before I could hastily enter Route 28 from
4 Bostock Road. How soon will the DOT build its
5 projected Route 28 bypass? Adjacent to Forest
6 Preserve lands, next to wilderness areas of the
7 Forest Preserve, the Crossroads development
8 would increase the pressure toward greater
9 degradation of this unique public resource and
10 make more difficult the honoring of our state
11 constitutional obligation under Article 14,
12 that these lands be kept forever wild.

13 The Crossroads site is also within the
14 Catskill Park, formed 100 years ago this year,
15 a park being honored this year, a place where
16 local people are attempting to strike a sane
17 balance between development and conservation,
18 between daily human needs and protection of our
19 environment, on sustainability of life and
20 more.

21 The Catskills have experienced outside
22 exploitation before, starting with the patroon
23 system of non-resident land ownership that kept
24 local farmers and craftsmen in debt bondage for
25 years and led in time to the down rent wars.

1 (Sherret Chase)

2 Delaware County was the center of that revolt,
3 fighting then for economic and political
4 independence.

5 Later came the denuding of the land for
6 timber and tanbark, the highly speculative
7 quarrying of bluestone, and more recently the
8 taking, at painfully high cost to those
9 displaced, of settled valley land areas for New
10 York City reservoirs, the Ashokan, the
11 Schoharie, the Rondout, the Neversink, the
12 Pepacton in the east branch of the Delaware and
13 the Cannonsville in the west branch.

14 Catskill history does not lead one to
15 favor large, exploitative, speculative,
16 unneeded, non-resident ventures that take away
17 more from the region than they give. They're a
18 venture, a venture whose profits, if any, will
19 go elsewhere, a venture that would need to
20 bring in and seasonally employ low-cost help in
21 order to make a profit. Jobs we need, but we
22 do not need a shining gated city on our ridge.

23 Today I will focus primarily on the City,
24 the City of New York, its responsibility to its
25 citizens and taxpayers, its public health

1 (Sherret Chase)

2 responsibilities and fiduciary
3 responsibilities. I do have a solution in
4 mind, a practical solution. Let me speak just
5 a little further about background.

6 I cannot understand why the City of New
7 York with its vast and continuing investment in
8 the Catskill region for the protection of its
9 water supply, for protection of waters of a
10 quality and abundance that is the envy of
11 metropolitan centers worldwide, did not state
12 at the start, as a responsible, prudent
13 governing body, that it could not in good faith
14 to its citizens and taxpayers tolerate such
15 major risk to the purity of Catskill waters.

16 This project, no matter how much
17 mitigation of pollution is promised, presents
18 major risks, continuing risks and chaotic
19 risks. And if successful, Crossroads will
20 grow, doubling or tripling, a spreading fungus
21 in our Catskill forest and City watershed.

22 The costs to the City will be vast, some 7
23 to 9 billion dollars, some say, much, much
24 bigger than Crossroads, if the federal
25 Environmental Protection Agency, the EPA,

1 (Sherret Chase)

2 forces the City to filter and treat Catskill
3 water.

4 I do not like the fact that the
5 bureaucrats and politicians of the City of New
6 York and the State of New York, hoping someone
7 or something else would stop this project,
8 seeking cover, failed to act when the ante was
9 small. I blame former Mayor Rudolph Guiliani.
10 Yet, I understand how very hard it has been for
11 the DEP and the DEC, too, trying so hard to be
12 fair, that they are bending over backward. I
13 think the administration of these cumbersome
14 agencies are finding it very hard to stand in
15 defense of their larger constituencies because
16 of the local animosity to the authority of the
17 DEP and the DEC.

18 There are places in the Catskills easier
19 to develop and safer to develop where a project
20 approaching the size, say half the size of
21 Crossroads might do well and fit better. That
22 is, not desicrate the fragile Catskill ridgetop
23 environment and degrade the waters of the
24 Esopus and the Delaware.

25 I think our governor, Mr. George Pataki,

1 (Sherret Chase)

2 and the New York State Department of
3 Environmental Conservation, the DEC, the agency
4 who with the governor, is charged with
5 protection of the Forest Preserve and the
6 Catskill Park, and specifically with protection
7 of streams and wildlife and the environment in
8 general, should now take a strong position of
9 concern, of opposition to this project.

10 But it is, first of all, the City of New
11 York through its current mayor, Mr. Michael
12 Bloomberg and then the Department of
13 Environmental Protection headed now by Mr.
14 Christopher Ward, who must bite the bullet,
15 step up to their responsibilities and say no.
16 We too must say no. We do not need a shining
17 gated city on our ridge. We do not need this
18 problem. We need a solution, a graceful, fair
19 way out would be helpful.

20 I have a solution. Direct, simple and
21 fair to the Crossroads promoter and the
22 Crossroads investor, not inexpensive, but cheap
23 to the City in view of its alternatives. My
24 proposal is that the City buy out the
25 Crossroads land at a price that enables the

1 (Sherret Chase)

2 project to recover much of its costs to date.

3 If the seller is not willing, then I
4 propose that the State of New York condemn the
5 property, pay the appraised pre-development
6 value, and incorporate the land into the Forest
7 Preserve, the best and highest use for it.
8 Thank you.

9 ALJ WISSLER: Okay. Linda Burkhardt.
10 After Ms. Burkhardt, we'll hear from Richard
11 Hochman.

12 MS. LINDA BURKHARDT: Hello. My name is
13 Linda Burkhardt and I am councilwoman in the
14 Town of Olive. I am here representing the Town
15 of Olive and also as a private citizen.

16 The Town of Olive has great concerns
17 regarding the Crossroads Venture project and
18 the State Route 28 corridor, which is the main
19 thoroughfare in our town. We understand that
20 the DEIS does not adequately address the impact
21 of the potential increase in traffic traveling
22 through Olive, which will be the primary access
23 to this resort. The Town of Olive would like
24 to see what would be done to mitigate this
25 potential traffic situation.

1 (Linda Burkhardt)

2 The Town also has long-range concerns
3 regarding this project. If all this heavy
4 traffic were used as a reason to widen State
5 Route 28, it could eliminate several businesses
6 and homes in this corridor. There simply is no
7 room to widen this road.

8 I ask you to please review this project
9 very carefully and consider the concerns of the
10 surrounding towns, like Olive, that will be
11 affected by this large project.

12 ALJ WISSLER: Thank you. Richard
13 Hochman. After Mr. Hochman, we'll hear from
14 Ward Todd.

15 MR. RICHARD HOCHMAN: My name is Rick
16 Hochman. I'm a member of the Town of Olive
17 Planning Board. I would like to make it clear
18 that tonight I speak as a member of the
19 Planning Board but not for the Board itself, as
20 no formal vote on this issue has been taken.

21 As a board member, I have reviewed SEQRA
22 documents for subdivisions and site plans. As
23 a volunteer member, I simply do not have the
24 time, nor does the Board have the time to
25 thoroughly review a document that runs

1 (Richard Hochmann)

2 thousands of pages and still attend all the
3 other responsibilities here in the Town of
4 Olive and with my job.

5 However, several board members have
6 already become alarmed by seemingly, seeming
7 internally inconsistent statements that stand
8 out in a cursory review of the DEIS.

9 I refer to some 800 employees, part time
10 and full time, and yet, the DEIS states quite
11 abruptly that there will be no impact on the
12 school system. And the reason is that these
13 employees will not be of childbearing age. I
14 think that's quite an age group that Mr. Gitter
15 is eliminating.

16 Also, there's going to be no impact on
17 traffic, and yet there's going to be no housing
18 for these employees created on site. I don't
19 see how 800 employees can go back and forth and
20 not create an impact on traffic in the Town of
21 Olive.

22 You add to that perhaps 2,000 residents,
23 hotel guests, visitors and golfers on a daily
24 basis. You've essentially almost doubled the
25 population in the Town of Shandaken. The

1 (Richard Hochmann)

2 primary way to get from Kingston, from
3 Ellenville, from the City of New York, from
4 Albany up into this area is through Route 28,
5 which goes right through the Town of Olive.

6 Now, I'm not here to speak against Mr.
7 Gitter. I'm not here to speak against the
8 resort itself, nor development in the area. An
9 individual has the right to develop land that
10 they own in accordance with the law.

11 However, they have to do it in accordance
12 with the law, and the law does require a DEIS
13 that is accurate, that's full and that is not
14 evasive or internally inconsistent. I question
15 the DEIS that Mr. Gitter has submitted, and the
16 inherent problem of an Environmental Impact
17 Statement is that it's prepared by and financed
18 by and paid for by the developer. Therefore,
19 it's subject to spin. I feel that this DEIS
20 has been spun pretty hard. It's the
21 responsibility of the lead agency to weed out
22 the spin. I wish you luck.

23 A hundred years ago this town was split in
24 half by the City of New York when the Ashokan
25 Reservoir was built. I would hate to see a

1 (Richard Hochmann)

2 further rending of this town through the Route
3 28 corridor with traffic that is not
4 supportable by this town without a question
5 made by the lead agency on that matter to the
6 DEIS.

7 Thank you very much for your time.

8 ALJ WISSLER: Ward Todd. After Mr. Todd,
9 we will hear from Claude Shostal.

10 MR. WARD TODD: Thank you very much, Judge
11 Wissler, and ladies and gentlemen. I will
12 identify myself.

13 My name is Ward Todd. I'm a resident of
14 the Town of Shandaken and I live right on Route
15 28, currently president of the Chamber of
16 Commerce of Ulster County. But prior to that
17 selection just this past year, I served four
18 terms on the Ulster County Legislature, as a
19 representative from Shandaken, Olive, Denning,
20 Hardenburgh, and Hurley. I served three terms
21 as the Chairman of the Legislature, and I've
22 also been a charter member of the Catskill
23 Watershed Corporation. I currently serve as
24 vice chairman of the board of directors of the
25 CWC.

1 (Ward Todd)

2 My purpose in attending the hearing this
3 evening is to offer written and oral testimony
4 on behalf of the Chamber of Commerce in
5 supportof this project. The Board of
6 Directors of the Chamber in September of 2002,
7 under the leadership of then President Len Cane
8 and Chairman of the Board Jack Young, approved
9 unanimously a letter of support for the
10 Belleayre Resort project. A letter was
11 submitted to the DEC to Commissioner Erin
12 Crotty as part of this review process. The
13 Chamber gave its support after a thorough and
14 extensive study of the economic impacts of this
15 project, including the prospects for an
16 expanded tax base for the town and the county,
17 increased sales tax, as well as the employment
18 opportunities, both during the construction
19 phase and after. The Ulster County Chamber of
20 Commerce believes that those economic benefits
21 and employment opportunities are significant
22 and will benefit a broad spectrum of county
23 residents and businesses.

24 As I mentioned, I'm also a member of the
25 Catskill Watershed Corporation. And while I'm

1 (Ward Todd)

2 not speaking on behalf of the entire Board, I
3 would wish to add a comment from that
4 perspective as well. I make this comment to
5 all the State and City regulatory agencies that
6 we work with.

7 The upstate watershed towns agreed to sign
8 the Memorandum of Agreement with the
9 understanding that we would be dedicated
10 stewards of the New York City water system as
11 long as the City understood that our residents
12 needed jobs and economic growth in order to
13 survive. And I feel this project is the first
14 test of that MOA signed in 1997.

15 My other comments are as a life-long
16 resident of the Town of Shandaken, I am a
17 descendent of a family that first settled in
18 these mountains in the 17th century. I have,
19 therefore, a long-range, inherited perspective
20 on a subject which has been raised by opponents
21 of this project, namely that being community
22 character.

23 It seems to me that while change is
24 inevitable in any community, the people most
25 justified in describing a community's character

1 (Ward Todd)

2 are those who by reason of long-time residence
3 are able to bring a historical perspective to
4 bear on the question. While those who have
5 lately come to a community will, over time,
6 have added their own influence on the future of
7 that community, they would not seem to have a
8 presumptive right to displace the expectations
9 and social assumptions of long-term
10 inhabitants.

11 Let me describe as what I see as one of
12 the defining elements of the character of
13 Shandaken. The town lies in a mountainous area
14 with a sometimes harsh localized climate.
15 Summers are short, winters are long and hard.
16 The town's natural economic foundation have
17 slowly eroded over the last hundred years or
18 so. Forestry has been all but eliminated by
19 the gradual acquisition of the state of almost
20 three quarters of the town and a even higher
21 percentage of the forested areas. Quarrying
22 disappeared with the New York City replacement
23 of bluestone sidewalks with concrete. Tourism,
24 of mainstay of the economy for over a century,
25 began a slow decline after the Great

1 (Ward Todd)

2 Depression. Economic survival has not been
3 easy.

4 But the people of Shandaken are a tough
5 lot. They have survived and raised their
6 families by their own hard exertions and by a
7 network of cooperative enterprises. Consider
8 this: In a town with only a few thousand
9 permanent residents, there are five separate
10 fire companies, all operated by non-paid
11 volunteers. There are numerous churches and
12 several social organizations, Rotary, the
13 American Legion, the Masonic Lodge, just to
14 name a few. The Women's Auxiliary to the
15 various fire companies, the PTA, among others.
16 There is scarcely a family with long roots in
17 this community that does not have one or more
18 members actively involved and contributing
19 their time and/or resources to one or more of
20 these civic endeavors. It is the total fabric
21 of these civic organizations which, to a large
22 extent, defines the helping nature of this
23 community's character.

24 Over the last several decades, there has
25 been a significant influx of folks from the

1 (Ward Todd)

2 City who have built or acquired second homes in
3 the town. They contribute in many ways to the
4 economic help of the area. First, as
5 significant contributors to the tax base of the
6 town, but also as customers of town businesses,
7 restaurants, convenience stores, service
8 stations and so forth, and as employers of the
9 part-time help, small contractors, snow
10 removers, landscape helpers.

11 But what many of them cannot do because of
12 the intermittent nature of their residency is
13 commit themselves to active personal
14 involvement in many of these organizations,
15 the ongoing activities of which are crucial to
16 the social health of this community. Many of
17 the most strident voices which have come out in
18 opposition to the economic promise of the
19 Belleayre Resort belong in this category. And
20 for the last few years, they have presumed and
21 still presume to define the character of this
22 community.

23 Historically, then, what is the most
24 prevalent and steadfast base for the economy of
25 Shandaken and for Middletown, I might add, is

1 (Ward Todd)

2 tourism. Tourism has been the mainstay of the
3 Catskill High Peaks region since the
4 construction of the Catskill Mountain House in
5 1823. Whether in bungalow colonies,
6 campgrounds, boarding houses, small inns or
7 mighty hotels like the Grand Hotel,
8 accommodations for visitors from the City
9 desiring outdoor recreation and escape from
10 metropolitan bustle have been the mainstay of
11 our local economy. Even today the bulk of
12 economic activity is centered around those
13 tourism-based assets, and the largest employer
14 in the town remains the Belleayre Ski Center.
15 Tourism, then, is both the town's past, but
16 also its present, and most emphatically its
17 future.

18 Where have these mighty hotels been
19 situated? Well, of course they've been on
20 mountains. Mountaintops and hilltops. The
21 Catskill Mountain House, the Kaaterskill, the
22 Overlook, the Grand, the Stony Clove, Scribner
23 Hollow, Breezy Hill, the Takanassee all have
24 been placed where the views were most dramatic
25 and the likelihood of cooling breezes most

1 (Ward Todd)

2 prevalent. That is our history. That is our
3 character. It shaped our lives, and I know it
4 shaped mine.

5 My fondest personal memories as a teenager
6 were weekends spent with new friends from the
7 Big City and places like the Arlington and
8 DePitts Hotels at a time when the Village of
9 Fleischmanns was a Mecca for tourists. During
10 the summer the volume of pedestrian traffic on
11 the sidewalks literally forced shoppers and
12 vacationers out onto the streets, and there
13 were dozens of stores. I can remember more
14 than 40 in two blocks in Fleischmanns, shops
15 bustling with activity. There were four
16 supermarkets on Main Street in Fleischmanns,
17 including an A&P. The economy was robust.
18 Everyone I knew had a job related to tourism,
19 including the Todds.

20 The family's business was the first place
21 most visitors saw in this region of the
22 Catskills. The bus stopped first at A.H. Todd
23 & Sons where my father and his father before
24 him and his father before him sold shiny new
25 Ford cars and trucks, and gasoline and fuel oil

1 (Ward Todd)

2 and kerosene and coal. Their business would
3 not have been able to succeed and, in fact, to
4 thrive for decades without tourists staying in
5 the hotels to the east and west of Belleayre.
6 This was at a time when there were thousands
7 and thousands of beds for tourists in these
8 hills and mountains. According to the figures
9 from the Belleayre Lodging Bureau today,
10 between Margaretville and Phoenicia, there are
11 not thousands and thousands of rooms, there are
12 110 rooms. Is there any wonder why we have
13 become a one-day destination for visitors?
14 There are no places for them to stay. They
15 drive up from the City, ski, hike, bike, tube
16 or relax, and then drive back the same day,
17 unfortunately very little impact on our local
18 economy.

19 If anyone, anyone has a question whether
20 our region is better off today than we were 40
21 years ago, drive through the Village of
22 Fleischmanns today. I cannot tell you how
23 depressing it is to see an area that my
24 ancestors helped build in such a state of
25 disrepair and neglect, caused not by any one

1 (Ward Todd)

2 particular person or group, but by the absence
3 of places for travel visitors to stay and
4 outdoor recreational activities to attract them
5 here in the first place.

6 In my opinion it is abundantly clear that
7 a project that includes hotels and golf courses
8 like this project is very much in keeping with
9 our longstanding, nearly two decades -- I'm
10 sorry -- two centuries old community
11 character.

12 Thank you very much.

13 MR. NORMAN TURNER: As co-chair of the
14 Conservation Committee of the Catskill
15 Mountains chapter of Trout Unlimited, I
16 initiated and am coordinating the Birch Creek
17 project, a cooperative effort of the NY DEC,
18 U.S. Fishing & Wildlife Service and several
19 teen chapters to reconnect and improve habitat
20 on Birch Creek. Thus, I have an interest in
21 negative environmental impacts from the
22 Belleayre Resort at Catskill Park if built as
23 proposed.

24 I bring to your attention a publication of
25 the United States Golf Association,

1 (Norman Turner)

2 "Environmental Principles for Golf Courses in
3 the United States." Contributing organizations
4 include the American Society of Golf Course
5 Architects, the Golf Course Superintendents
6 Association of America, Golf Digest, the Royal
7 Canadian Golf Association and the United States
8 Environmental Protection Agency. Item 4 in its
9 entirety reads, quote, "The presence and extent
10 of some types of sensitive environments may
11 render a site unsuitable or in some cases less
12 suitable for golf course development. Examples
13 include but are not limited to wetlands,
14 habitat for threatened or endangered plant or
15 animal species, and the third item is sensitive
16 aquatic habitats."

17 Buried in Appendix 20, the title of which
18 should but does not include the word "fish,"
19 are documents submitted by Michael J. Flaherty,
20 Region 3 senior aquatic biologist pertinent to
21 aquatic habitats. Of the nine identified
22 streams to be influenced by this project, Birch
23 Creek is classified BTS, which means trout
24 spawning waters.

25 It is the opinion of Region 3 fisheries,

1 (Norman Turner)

2 according to these documents, that five more of
3 the nine be upgraded to this classification, a
4 fact not consistently reflected in the DEIS.
5 We are talking about a valuable and fragile
6 aquatic resource surrounding Crossroads
7 Ventures property on all sides.

8 Birch Creek, Lost Clove Brook, Emory Brook
9 and their tributaries are already impacted by
10 constructive or straightened channels, flood
11 plain incursions from roadways and buildings,
12 runoff pollution from roadways and lawns, water
13 withdrawals for potable water and snow making,
14 acid rain, man-made burrows to fish migration
15 and sewage affluent from the existing Pine Hill
16 plant.

17 Further impacts from large scale
18 development above steep slopes feeding into
19 these drainages can only do more harm.
20 Possible effects include, and I quote from a
21 position statement of the American Fishery
22 Society, "direct and indirect mortality,
23 habitat nullification or destruction, stream
24 flow depletion or modification, pre-productive
25 and behavioral changes, and many others."

1 (Norman Turner)

2 I agree with the United States Golf
3 Association. Sensitive aquatic habitats make
4 the upper reaches of Belleayre Mountain
5 unsuitable for golf courses, not to mention
6 large scale development of any sort.

7 Thank you.

8 ALJ WISSLER: Claude Shostal, then Rollie
9 Devendorf. After Mr. Devendorf, we'll hear
10 from Robert Spiegel.

11 MR. ROLLIE DEVENDORF: Tourism is the
12 world's largest industry and has been the
13 sustaining business in central New York from
14 the Hudson Valley to the Adirondacks. All
15 businesses in one way or another are dependent
16 on tourists coming to the area with their
17 wallets. Even people who own weekend homes are
18 essentially tourists but account for a great
19 deal of the service and trade business income.

20 From the mid-1800s when the logging,
21 quarrying and other industries disappeared, the
22 region from the Catskills to the Adirondacks
23 became a tourist-based economy. The state
24 built ski areas and recreational facilities and
25 set aside millions of acres as National and

1 (Rollie Devendorf)

2 State parks to complement the tourist hotels
3 attractions.

4 Since the late '60s, the state, through
5 the Office of Economic Development, the Empire
6 State Development Corporation, the DEC, the
7 State Office of Parks, and other state agencies
8 have spent billions of dollars on the "I love
9 New York" and Catskill advertising campaigns
10 and other programs promoting tourism. Articles
11 4 and 5A of the Economic Development Law of the
12 New York constitution was specifically enacted
13 to promote tourism and make possible incentives
14 for the private sector to build hotels, golf
15 courses and other recreational tourist
16 facilities. The State itself, through the DEC
17 and Office of Parks, has set aside 300,000
18 acres as fishing, water sports and recreational
19 areas, campgrounds, in the local state and
20 national parks and operates 27 golf courses,
21 many in our area, all this in an effort to
22 bolster the local tourist-based economy.

23 In our immediate area, which is Ulster and
24 Sullivan Counties, where there used to be close
25 to 50,000 hotel rooms in the mid-'60s, there

1 (Rollie Devendorf)

2 are new fewer than 3,000. The area between
3 Pine Hill and Fleischmanns alone accommodated
4 10,000 visitors at a time in the early 1900s.
5 Today there are less than 80 available hotel
6 rooms in this area. Is it any wonder now that
7 the State and federal government have
8 classified these counties as depressed areas
9 with one of the highest unemployment rates in
10 the country caused by the disappearance of the
11 hospitality industry jobs and related service
12 and trade businesses?

13 The Crossroads Ventures project, although
14 considered by some to be large for this area,
15 is small by comparison to what used to be in
16 Pine Hill or the old hotels that used to be in
17 the Catskills such as the Concord, Grossinger's
18 and other more recent projects at Hunter and
19 Windham. The project will, nevertheless,
20 create hundreds of jobs in construction,
21 services, trades as well as generating
22 substantial revenue for the area's local
23 businesses, as well as increase in property
24 values with the rejuvenation of the area.

25 To the environmental groups, most of whom

1 (Rollie Devendorf)

2 do not live in the area, it should be pointed
3 out that of the 1,960 acres owned by the resort
4 developers, less than one quarter of this
5 acreage will ever be disturbed. The remainder
6 will be kept under conservation easements, as
7 open space, never to be developed. And of the
8 less than 500 acres that will be improved, over
9 400 of those acres will remain green,
10 essentially golf courses, parks, lawns, only
11 developing 500 acres. What can I tell you?

12 Compared to the several hundred thousand
13 acres of State and New York City-owned lands
14 within the Catskills, this is less than a drop
15 in the bucket.

16 For the people that voiced concern over
17 water problems, when Pine Hill accommodated
18 several thousand people, there never was a
19 problem. Belleayre Ski Area uses more water in
20 three months of snowmaking than these hotels
21 would use in a whole year, and that water goes
22 right back in the ground in the spring when it
23 melts.

24 These environmental groups, along with New
25 York City DEP, are trying to impose bans and

1 (Rollie Devendorf)

2 restrictions on any building and economic
3 growth in our area. This puts Mayor Bloomberg,
4 the DEP and other opponents in direct
5 opposition to the State's economic and tourism
6 development programs that date back over four
7 governors' administrations to Rockefeller at a
8 great effort and expense. The environmental
9 impact studies of the Crossroads Ventures
10 project have shown that there would be no undue
11 strain on the ecology or residents of the
12 area. The few hundred people that would use
13 the hotels on a weekend and would drive on
14 Route 28 would have far less effect than the 10
15 to 15,000 skiers that currently go to Belleayre
16 every weekend.

17 The opponents of this project are
18 interfering with the local's rights to earn a
19 living, keep a roof over their heads and put
20 food on the table by fighting the
21 State-promoted improvements to the one
22 sustaining industry in the area, tourism.
23 Thank you.

24 ALJ WISSLER: Robert Spiegel. After Mr.
25 Spiegel, we'll here from Thomas Emerick.

1 (Robert Spiegel)

2 MR. ROBERT SPIEGEL: My name is Bob
3 Spiegel. I probably get the award for
4 traveling the furthest tonight to come to this
5 public hearing. I'm actually coming three
6 hours in from Edison, New Jersey, and I guess
7 I'm one of these environmental groups that was
8 just mentioned, but I'm really here to talk a
9 little bit about this project for a variety of
10 reasons, because it's really more personal to
11 me.

12 Talking about dollars, tourism dollars,
13 this area, the Catskills, I've been coming to
14 for quite some time and I came here because
15 exactly that reason, the eco-tourism of the
16 area. I love this area. Where I live in
17 Edison, New Jersey, 25 years ago, we used to be
18 all farms. We were all farms, we had a lot of
19 open space and we had the same kind of life
20 that you guys have now. We had clean water we
21 could drink out of the ground, we had plenty of
22 animals in the area, and then something
23 happened. The developers came in. And they
24 made the same kind of promises to the community
25 that these developers are making to you

1 (Robert Spiegel)

2 tonight. There's going to be no impact on
3 water quality. This isn't going to hurt the
4 environment. As a matter of fact, they used to
5 tell us things like this development is going
6 to help the environment, you know, this parking
7 lot is going to improve drainage, and they
8 would bring in their experts, they would bring
9 in their consultants and they would put
10 together their views.

11 And at the time, our regulators and our
12 elected officials for a variety of reasons
13 allowed these developments to go in. And now I
14 have to come up here because where I live, you
15 can't drink the groundwater anymore. It's too
16 polluted. There is no more open space for the
17 wildlife. That's gone. And in many cases the
18 developers are long gone too. So the
19 communities are left picking up the bill when
20 the developers go belly up and walk away when
21 they have run into financial problems because
22 as you know, an LLC means -- well, I'm not
23 going to go into what it means. I'll tell you
24 privately.

25 But if this development goes through, I

1 (Robert Spiegel)

2 can tell you that I'll be looking for another
3 place to go. I have a daughter that's 15 years
4 old and a son that's 13. My brother comes up
5 here, we come up here and we spend money. We
6 spend money in the shops, we spend money in the
7 gas stations, we spend money in the hotels, and
8 we don't just come up for a day, we normally
9 come up for a weekend. This is the place to
10 come. If you live in the city, if you live in
11 New Jersey, this is the place to come.

12 I can go through point by point the DEP's
13 letter that they sent why they don't like this
14 project, I can talk about the water quality, I
15 can talk about the soil, I can talk about the
16 runoff, the pollution, the pesticides. You
17 know, the DEIS has so many holes, even Stevie
18 Wonder could see it.

19 The Applicant would have you believe that
20 this is going to benefit you. There's a lot of
21 articulate people that have gotten up so far
22 and a lot more that are going to get up, so I'm
23 going to let them speak, but you guys don't
24 believe that news letter, what's it called, the
25 doublecross -- the crosswalk or whatever it's

1 (Robert Spiegel)

2 called. I looked at that, and don't believe a
3 word of it. This development is not balanced.
4 That's the key word here is balanced. It does
5 not have any balance. It's going to come in
6 like a giant weight and it's going to impact
7 this entire community, and it's not going to do
8 anything to help the jobs, it's going to draw
9 folks like me that come up here and spend our
10 money to look elsewhere. Thank you.

11 ALJ WISSLER: Thomas Emerick. After Mr.
12 Emerick, we'll hear from Joel Benton.

13 MR. THOMAS EMERICK: Hello. My name is
14 Tom Emerick. I'm with the Catskill Mountains
15 Chapter of Trout Unlimited, chair of the
16 Conservation Committee. I have concerns that
17 this project will degrade the ecological
18 aquatic ecosystem of the Birch Creek and its
19 tributaries. I have concerns about the
20 clear-cutting of 600 acres of trees, that it
21 will cause increased runoff, increasing
22 subfacing of the stream and affect insect
23 population and the spawning trout that Mr.
24 Turner talked about earlier.

25 The trees, these are oaks that all of us

1 (Thomas Emerick)

2 have made here. Just look at a field and see
3 the snow drift away. That water is not being
4 held there. That water is not available to
5 melt and to provide water through filtration to
6 the springs down below, to the groundwater that
7 is very important to the survival of the trout
8 in these streams as noted by Mike Flaherty in
9 this document, the DEIS document.

10 Trees slow down raindrops and decrease
11 their impact on soil and direct the rain along
12 their trunks and roots into the soil. This
13 isn't rocket science. This has been documented
14 many times before. This allows for
15 infiltration and recharging of groundwater
16 supply. The shading by the trees also
17 moderates soil temperatures and influences the
18 temperature of runoff. If you take away the
19 trees, you have a rain event, you have warmer
20 runoff. I think it's been noted before that
21 trout are a very temperature-dependent. In
22 other words, if the water temperatures exceed
23 70 degrees for any length of time, trout can
24 parish because of oxygen depletion in the
25 water. The warmer water holds less oxygen than

1 (Thomas Emerick)

2 colder water.

3 I have concerns about fertilizer runoff
4 from this project, and I don't think anybody in
5 this room can say that fertilizer runoff won't
6 occur or that episodal events won't occur
7 beyond what has been, you know, predicted by
8 the weather.

9 This past summer provided many good
10 examples. I think those of you over in Roxbury
11 experienced a four and a half inch rain event
12 and then those of you maybe 15 miles away only
13 experienced a half inch rain event on the same
14 day. So to predict what the rain event will
15 be, and I'll apply the fertilizers and the
16 pesticides to coincide with those rain events,
17 I'm suggesting that's a very unpredictable
18 thing, and I don't see how they can state with
19 any certainty that there will be no adverse
20 effects.

21 In addition to the fertilizer runoff, we
22 also have sewer plant effluent and combined
23 nitrogens and phosphorus from these effluents
24 and fertilizer runoff which cause algae
25 growth. During sunlight periods, we have

1 (Thomas Emerick)

2 photosynthesis, maybe you have increase in
3 oxygen in the stream. But at nighttime when
4 those algae respire, they inject carbon
5 dioxide into the stream which is known to tie
6 up oxygen in the water molecule and produce
7 carbonic acid. Again, oxygen deletion. I
8 haven't known any trout to put on scuba gear at
9 night to make it through until morning when
10 photosynthesis starts again. So I do have
11 concerns about the trout and I think it's been
12 well said before, we don't appreciate what we
13 have until it's gone, and Birch Creek is
14 one-fifth of the Esopus Creek flow at Allaben.
15 It's very important to the Esopus Creek trout
16 fishery and it should be protected. Thank
17 you.

18 ALJ WISSLER: Joel Benton. After Mr.
19 Benton, we'll hear from Frank Fallon.

20 MR. JOEL BENTON: My name is Joel Benton.
21 I live in Shandaken. I'm really nervous to be
22 standing here tonight, but I felt as if I had
23 to get up and speak out against this project.
24 There are a couple of specific points that I
25 wanted to point out from the DEIS that I wanted

1 (Joel Benton)

2 to bring out, although there are hundreds of
3 points and reasons why this project should not
4 be allowed to go forward.

5 My first point is the DEIS itself, you
6 know, I tried searching this document and it
7 was so difficult to search on the web, it's
8 unwieldy, there is no index. If there is
9 something specific you want to find, you can't
10 find it. You know, I became frustrated and
11 angry.

12 This is something that's going to affect
13 thousands of people adversely, and this is --
14 this document should be accessible to everyone
15 and it should be readable, and I think an
16 extension should be granted, at least 180 days,
17 for review by the public and by the DEP. And
18 the more that I searched, the more that it
19 seemed to me that the people who developed this
20 DEIS and who are responsible for disseminating
21 this don't want us to see it. They don't want
22 us to understand what's in it, and it makes me
23 wonder why.

24 Another point that I wanted to bring up,
25 it's been spoken -- it's been brought up

1 (Joel Benton)

2 several times, is traffic. I worked in the
3 construction industry all my life and most of
4 the people have been talking about what seems
5 to be traffic by cars. But I see what heavy
6 traffic can do, what heavy trucks can do to a
7 road. You know, if they plan on the 5 or 600
8 acres that they want to clear-cut, all that
9 timber has to be brought out with logging
10 trucks. Dump trucks are going to be hauling
11 out blasted rocks, you're talking about
12 thousands and thousands of incidents of trucks
13 going up and down 28.

14 And my question is, when that road has to
15 be resurfaced, who is going to pay for that?
16 Is Dean Gitter going to pay for it or are the
17 taxpayers going to pay for it?

18 My second point is the water. The
19 gentleman that just spoke before me, I think
20 brought up a good point. No one can predict
21 the weather and no one can predict the future.
22 I don't care how sophisticated your computer
23 model programs are. People and computer
24 programs can't predict the weather. We had a
25 draught here two or three summers ago, and the

1 (Joel Benton)

2 reservoirs were virtually dry. And, you know,
3 I'm just wondering what will happen if we get
4 two or three years of draught. What's going to
5 happen to the aquifers? Are they going to stop
6 watering their golf courses? I don't think
7 so. I think to me that may well be the very
8 serious, the most serious problem that we
9 face.

10 I guess that's all I have to say. Again,
11 I would like to reiterate, I think the need for
12 an extension exists. I think it's really
13 important that it be scrutinized because it
14 does affect so many people. Thank you.

15 ALJ WISSLER: Frank Fallon. After Mr.
16 Fallon, we'll hear from Bill O'Neil.

17 MR. FRANK FALLON: Frank Fallon, I'm a
18 resident of Mt. Tremper in the Town of
19 Shandaken since 1995. I'm concerned about this
20 proposal to build the Belleayre Resort in the
21 heart of the Catskill Park. I have grown to
22 love the natural beauty and quiet of this
23 area. I hike regularly on the trails that are
24 maintained by the DEC, and am aspiring to
25 membership in the Catskill 3500 Club because I

1 (Frank Fallon)

2 love to climb the big peaks and see the views.

3 The Catskill Forest Preserve and Catskill
4 Park were formed out of a concern to preserve
5 wilderness areas while still allowing people to
6 live in them. I feel that a \$300 million
7 development many times the size of the Wal-Mart
8 shopping center in Kingston is overwhelming in
9 scope and does not belong here. My sense is
10 that it will permanently disrupt our community
11 with the politics of big money.

12 In order to oppose this project, I am
13 asked to read a 3,000-page Environmental Impact
14 Statement and present factual counter-arguments
15 to the claims of the developer and his highly
16 paid consultants. What private citizen can
17 read and digest this encyclopedia? How can we
18 stand before you in a hearing and intelligently
19 question the scientific and financial data
20 presented in it?

21 Yet, you have granted only 75 days to
22 evaluate one of the most complex proposed
23 developments on record for this area. I
24 believe an extension is called for so that
25 experts hired by the Town of Shandaken and by

1 (Frank Fallon)

2 New York City's Department of Environmental
3 Protection have a chance to fairly evaluate,
4 test and intelligently reply to the claims in
5 this document.

6 We who live here and those millions of
7 citizens whose water supply comes from this
8 area must have a voice in these hearings that
9 reaches beyond the vested interests of a
10 handful of private investors. A public trust
11 like the Catskill Park should not be exploited
12 on this scale for the economic benefit of the
13 few. It is my hope that DEC will not grant
14 approval or permits for this resort and will
15 instead redirect development within the
16 Catskill Park boundary to smaller projects.

17 ALJ WISSLER: Bill O'Neil. After Mr.
18 O'Neil, you'll hear from Thayer Case.

19 MR. BILL O'NEIL: Good evening. My name
20 is Bill O'Neil, and I'm a resident of Mt.
21 Tremper. I lived in this area in the mid-'90s
22 and I moved back last summer. I love the old
23 rolling beauty of the mountains, rivers and the
24 friendly towns of Catskills.

25 When I heard that there was a proposed

1 (Bill O'Neil)

2 mega-resort, I want to know how it's going to
3 affect my town. How high are the taxes going
4 to rise? How many people would be moving here?
5 How many more students would be in the schools?
6 And, what is going to happen to the river that
7 runs by my front door?

8 I want to look at the DEIS for the answers
9 to these questions, but I've had a really hard
10 time getting ahold of this. In mid-December
11 when I learned that the review process had
12 begun, I wanted to find this impact statement.
13 The developer's web site was down for several
14 weeks, and the DEC web site only contained the
15 executive summary and the table of contents.

16 It's going to take me a long time to go
17 through this document and understand what the
18 impact is going to be to the mountains, rivers
19 and communities that I love. I'm not a lawyer
20 or a scientist, but I am a computer consultant
21 who has worked for Wall Street firms. If I
22 were going to post a document on the Internet
23 that I did not want anyone to read, I would do
24 it exactly the way the developers have done.

25 I brought a prop. This is one of my

1 (Bill O'Neil)

2 computer manuals. It's 1,300 pages long. The
3 publisher included a PDF file which is the same
4 format as the DEIS. I can do a computer search
5 through all 1,300 pages of this book and be
6 shown every instance of the word in that
7 document. Each chapter is also shown to me on
8 the left side of the page. I can select any
9 chapter and immediately go to it. This is the
10 way someone who wanted to make their
11 publication accessible would format it for
12 downloading from the web. If I were going to
13 download this document from a standard phone
14 modem like an AOL account, it would take 18
15 minutes. If the DEIS had been formatted this
16 way, it would take a little less than an hour
17 to download. The DEIS as formatted on the
18 developer's website, the Town of Shandaken's
19 website and the small portion that is on the
20 DEC website would take 49 hours and 36 minutes
21 to download.

22 The other environmental impact statements
23 on the DEC website are searchable, bookmarked
24 and similar in size to the one that came with
25 this manual. The developer's DEIS cannot be

1 (Bill O'Neil)

2 searched, the chapters are not bookmarked. In
3 fact, because of the size of many of these
4 documents, just scrolling through it is
5 virtually impossible on most home computers.
6 This type of technical obstruction concerns
7 me. It makes me wonder what the developer is
8 trying to hide.

9 This hearing is designed to look at the
10 viability of this document, to ensure that the
11 Draft Environmental Impact Statement has been
12 properly completed. I have not been able to
13 review this document because I have been unable
14 to gain proper access to it. For this reason,
15 I am asking the DEC to reconsider the request
16 of the DEP to extend the review period 180
17 days.

18 As the DEP stated in their letter to the
19 DEC, given the number of comments expected,
20 coupled with the technical nature of the
21 review, providing a shorter review period than
22 180 days would be a disservice to the essential
23 purpose under SEQRA of subjecting projects to a
24 hard look. I echo this request. It will give
25 me the time that I need to review this document

1 (Thayer Case)

2 and hopefully answer my questions.

3 Thank you for your time.

4 ALJ WISSLER: Thayer Case. After Mr.
5 Case, we'll here from Susan Bolitzer.

6 THAYER CASE: I will be speaking on
7 behalf of the Zen Environmental Studies
8 Institute, otherwise known as ZESI. We are
9 not-for-profit religious corporation based in
10 Mt. Tremper and in the Adirondacks providing
11 education on the environment from the Zen
12 Buddhist perspective by conducting workshops
13 and ecological workshops.

14 For example, for the past two years, we
15 have conducted a year-round monitoring program
16 that tests the quality of water and its
17 environment at our Catskill and Adirondacks
18 sites. We also have a team of environmental
19 lawyers, biologists and ecologists who act as
20 advocates for those who cannot speak for
21 themselves; the trees, rivers, plants and
22 animals, all that live with us here in the
23 Catskills.

24 We have all been given a very short amount
25 of time to give this important document the

1 (Thayer Case)

2 thorough-going review it deserves, and we would
3 request for 180-day extension as well.

4 But even a general glance raises some
5 serious concerns about the proposed Belleayre
6 Resort and the validity of the core of this
7 DEIS. First and foremost, we question the
8 document's exclusive use of computer modeling
9 to measure potential environmental impact. A
10 former biological research scientist who is a
11 ZESI member was one of the first to explore the
12 limits of computer simulations. She found that
13 these simulations are not adequate indicators
14 of complex ecological systems such as our
15 precious watershed. Her research made clear
16 the need for actual hard data over and beyond
17 the crunched numbers of computer simulations in
18 order to achieve a realistic picture of
19 possible outcomes. We are greatly disturbed by
20 a project of this magnitude being founded on
21 such questionable evidence.

22 The insufficient nature of computer model
23 science is acknowledged by even the designers
24 and programmers of GLEAMS, one of the three
25 types of simulation software used by the DEIS.

1 (Thayer Case)

2 On page 18 of the Appendix 15, it is claimed
3 that, quote, the GLEAMS model was developed by
4 the U.S. EPA to predict runoff and leaching
5 losses, end quote. This is in direct contrast
6 to the statement issued by GLEAMS itself, which
7 states clearly that, quote, GLEAMS was not
8 developed as an absolute predictor of pollutant
9 loading. This is a tool for comparative
10 analysis. GLEAMS itself clearly admits that it
11 is not a sufficient predictor of environmental
12 impact. On these grounds, and these grounds
13 alone, this draft of the environmental impact
14 is inadequate.

15 But we don't want to rush to conclusions,
16 so we decided to focus on a single section of
17 the draft to get a closer look at how this
18 scientific method of modeling was applied, and
19 also because that was the only amount of time
20 we had to do it in.

21 We chose a 67-page Appendix 15 on the risk
22 assessment of fertilizer and pesticides.
23 Through this up-close reading, our concerns
24 about the methodology and the hypothetical
25 conclusions of the DEIS were only increased.

1 (Thayer Case)

2 Consider the following examples:

3 On page 10, recommended levels for
4 pesticides in drinking water were available for
5 11 of the approximately 50 chemicals tested.
6 The acceptable levels of the remaining 39
7 chemicals are, as yet, unknown. Despite this
8 fact, the DEIS uses a blanket level of 50 parts
9 per billion as an acceptable level for these
10 chemicals in drinking water. We feel this
11 blanket level is arbitrary and incomplete
12 science. According to the data provided by the
13 Environmental Protection Agency and others, two
14 of the proposed chemicals are known
15 carcinogens, eight are completely lacking data
16 on their biological and health effects, three
17 are not found in available online indices of
18 pesticides at all, and 24 have suspected major
19 health hazards, such as birth and growth
20 defects, liver toxicity and/or lung problems.

21 Two, another question about the simulation
22 model of the DEIS. How can a soil's maximum
23 absorption rate of chemicals in combination
24 with each other and their solvents and
25 surfactants be adequately measured in a model

1 (Thayer Case)

2 without actual examples of real soil from the
3 real site of the proposed golf courses? How
4 can the real interactions between these real
5 chemicals be accurately surmised from a virtual
6 simulation?

7 Three, furthermore, the simulations of the
8 DEIS seem to account for the use of each
9 chemical in isolation. But in actuality,
10 multiple chemicals are used together, not to
11 mention the effects of degradation products,
12 solvents and surfactants.

13 Four, throughout this appendix, there is
14 an expectation that the chemicals will
15 disappear in a short amount of time. This
16 seems highly unrealistic. The degradation
17 products of these chemicals are likely to bind
18 to soil in ways similar to their original
19 compounds, creating an unaccounted-for chemical
20 buildup which in time could lead to unpredicted
21 pollutant runoff.

22 Number five, this is all the more alarming
23 because the models were based on a period of
24 one year. Considering that the half life of
25 some of these chemicals stretch between 90 and

1 (Thayer Case)

2 2000 days, or roughly six years, we wonder
3 about the validity of a test that can't measure
4 the more long-term effects of the chemicals,
5 the potency of which will still be considerable
6 at the end of assimilated test period.

7 Six, further, we have concerns about the
8 use of 1996 weather patterns in the draft.
9 Using 1996 as the model year in no way accounts
10 for the changing weather patterns of the last
11 eight years, changes that saw record rainfall
12 for this region last year, like the person who
13 was speaking before was talking about.

14 Seven, the data on all chemical and
15 fertilizer application is based on the
16 assumption that only one or two applications
17 will be made in a year period. Given the fact
18 that these chemicals are said to be spot
19 applied on demand and not on a predetermined
20 schedule, does the draft give a realistic sense
21 of how often Belleayre Mountain will require
22 such spot applications. And where do we get
23 the number of one or two applications per
24 year? How do we know more won't be needed?

25 These seven shortcomings found in this

1 (Thayer Case)

2 67-page appendix alone are enough to raise
3 serious concerns about the accuracy of this
4 3,500-page DEIS. It seems clear that
5 additional real hands-on science is needed in
6 order to get an adequate sense of what the
7 impact of this development would be on our
8 watershed and on our communities and on our
9 lives. Please let's take the time to look at
10 this more closely.

11 This said, we need to ask ourselves what
12 would happen if there was significant water
13 pollution as a result of this development. For
14 starters, it would force New York City, as
15 we've been mentioning before, for the first
16 time in history to filter its water and foot
17 the bill for a multi-billion dollar filtration
18 system, a filtration system that would in no
19 way address the pollution of our own local
20 drinking water, let alone the health of our
21 waterways, its fish and the communities of
22 children and families who enjoy bathing,
23 tubing, swimming and fishing.

24 ZESI believes we must be responsible to
25 the community of one of the few remaining

1 (Thayer Case)

2 wilderness areas in our country. We should
3 remember the legislation that was passed by the
4 people of New York in the 1800s that created
5 the Catskill Park and the Adirondack Park.
6 These regions were entrusted to the DEC to
7 uphold the balance of land use and
8 conservation. ZESI understands the DEC to be
9 the state-sponsored steward of the rivers,
10 streams and forests of our Catskills. We
11 expect an agency that publishes the
12 award-winning magazine "The Conservationist,"
13 and leads education programs that, quote,
14 encourage the stewardship of natural resources
15 and the enhancement of environmental quality,
16 end quote, to be meticulous in their evaluation
17 and reevaluation of the DEIS and open to the
18 concerns of the public to whom they ultimately
19 serve.

20 The scale of this project seems excessive
21 and irresponsible. Is there really a need for
22 two private adjacent 18-hole golf courses in
23 the New York City watershed region when the
24 Catskill already enjoys 50 golf courses,
25 including 16 courses in Ulster, 9 in Delaware

1 (Thayer Case)

2 and 13 in Sullivan, especially when, according
3 to the Wall Street Journal, the golf industry,
4 quote, threatens to become a king size bust?

5 As we consider this proposed development,
6 we strongly encourage anyone who loves these
7 mountains and rivers to continue to reflect
8 deeply on how a development of this kind and
9 scale will affect our communities.

10 In closing, ZESI appreciates this forum
11 set up by the DEC to publicly express their
12 views and the views of the public. What
13 happens to the Catskills is up to us. We need
14 not be passive spectators of the destruction of
15 our community, nor passive recipients of an
16 ill-conceived future we did not choose. In the
17 months ahead, it will be us who determines the
18 shape of these mountains and rivers and the
19 health of our future generations. Thank you.

20 ALJ WISSLER: Susan Bolitzer.

21 MS. SUSAN BOLITZER: My name is Susan
22 Bolitzer and I'm representing this evening the
23 Esopus Creek Conservancy in Saugerties. As
24 designated in our bylaws, the Esopus Creek
25 Conservancy, located in Saugerties, New York,

1 (Susan Bolitzer)

2 is an organization founded to conserve open
3 space in the Esopus watershed. We are
4 concerned that the proposed Belleayre park
5 Resort poses a substantial negative
6 environmental threat to our region, as well as
7 your region, and in particular to the Esopus
8 Creek and its watershed.

9 The Esopus will be receiving runoff from
10 the eastern portion of the project, which is
11 the largest portion, about 80 percent of the
12 project, and which will also entail blasting
13 for construction. Turbidity in the Esopus,
14 already a serious problem threatening our water
15 quality, fish and wildlife, as well as
16 recreational use of the creek will certainly
17 get worse if this development is approved.

18 We applaud the work of the Friends of the
19 Catskill Park, and we agree with them in the
20 following statement, and I quote: A
21 mountaintop development of this magnitude
22 requiring massive deforestation to make way for
23 hundreds of acres of buildings, roads, parking
24 lots and golf courses, removes the natural
25 water filter that a forest provides. Storm

1 (Susan Bolitzer)

2 water runoff from deforested land and
3 impermeable surfaces will open the way for
4 potential pollutants to enter the waterways
5 that empty into the two reservoirs.

6 So much of what is here has been said and
7 so I'm cutting it out, but I think it's
8 important for all of us to remember that we're
9 saying these things over and over again, but
10 these effects are going to affect us all over
11 and over and over again for maybe hundreds of
12 years and further down the creek and further
13 into New York City. So I apologize for cutting
14 out some of what I'm going to read. I'm going
15 to get it here, but it's pretty drastic, the
16 effect that it's going to have.

17 Just in addition to the above, we are
18 concerned that the negative impact on the area
19 caused by proposed clear-cutting of trees,
20 introduction of pesticides, herbicides,
21 fungicides and fertilizers, depletion of water
22 in the region, increased traffic on our roads
23 and marring of mountain views. Although the
24 lands we seek to protect below the reservoir
25 are well downstream from the prospective

1 (Susan Bolitzer)

2 Belleayre project, the potential for certain
3 effects on human, animal and plant habitats
4 will be permanent and disastrous.

5 I'm speaking tonight for the Board of the
6 Esopus Creek Conservancy, and they've asked me
7 to let you know that. Barry Benepe, Vernon
8 Benjamin, Rosemarie Brackett, Diana Bryan,
9 March Gallagher, Mark Grunblatt, Josepha
10 Gutelius, Ron LeBlanc, Kelly Myers, Mary
11 O'Donnell, Chris Olney, Leeanne Thornton, Tara
12 Schatz and Benno Schmidbaur, and especially I
13 would like to thank all of you who are doing
14 this wonderful, very detailed and technical and
15 time-consuming work, I know it's overtaking
16 your lives, and helping to protect us in the
17 way you're protecting the land here.

18 Thank you.

19 ALJ WISSLER: Joanne Davis on behalf of
20 Councilman Steve Knight. After Ms. Davis,
21 we'll hear from Dan Ahouse.

22 MS. JOANNE DAVIS: Steve Knight of
23 Woodstock wanted very much to address this
24 forum at its original time, but his
25 responsibilities as a town councilman do not

1 (Joanne Davis)

2 permit him to come today. He has sent a brief
3 statement, messages to the forum.

4 "In this polarized situation, we find the
5 mass of residents of this area arrayed against
6 the Crossroads Ventures plan. While on the
7 pro-Crossroads side, we find business
8 entrepreneurs and elected officials. What's
9 wrong with this picture?

10 As an elected official, I know that there
11 are times when you need to have the people
12 listen to you and times when you need to listen
13 to the people. This is a time to listen to the
14 people.

15 "The enormity of the Crossroads project
16 will change life for all who live in this area,
17 who have invested our lives in a place of
18 natural beauty, rural simplicity and relative
19 safety, all things we deeply desire for
20 ourselves and for our children. If the small
21 and ambitious minority favoring this huge
22 development project gets its way, the rest of
23 us will find ourselves in a revved-up world
24 foreign to our intentions and our hopes. The
25 Route 28 corridor, in which this school stands,

1 (Joanne Davis)

2 will become a more dangerous place for us all,
3 and especially for our children. The economic
4 dynamic in which we have found places will be
5 skewed to benefit a small group of folks who
6 find the dollar more persuasive than anything
7 else.

8 "There is a critical difference between
9 business interest and the public interest, a
10 difference that some would like to obscure. To
11 the powers that be, I plead, respect the land
12 as it is. Respect the people. Do not turn
13 your backs on us. Listen to us and allow us to
14 live as we have chosen to live. It's the right
15 thing to do. Steve Knight."

16 ALJ WISSLER: Dan Ahouse. After Mr.
17 Ahouse, we'll hear from Jay Dailey.

18 MR. DAN AHOUSE: Thank you and good
19 evening, ladies and gentlemen. I'm here this
20 evening representing Congressman Maurice
21 Hinchey. Unfortunately Congressman Hinchey is
22 in Washington listening to the State of the
23 Union this evening and couldn't be with us. He
24 did give me a statement that he asked that I
25 read this evening, so I will do that.

1 (Dan Ahouse)

2 "I appreciate the opportunity to submit
3 comments this evening regarding the development
4 proposal submitted by Crossroads Ventures, LLC
5 for the Belleayre Resort at Catskill Park.
6 This is an issue of great importance to the
7 Towns of Olive and Shandaken and for the entire
8 Catskills region, as well as the 9 million
9 people who depend on the Catskill/Delaware
10 Watershed for their drinking water. I commend
11 the Department of Environmental Conservation
12 for holding this important meeting to begin
13 substantive public discussion on this proposal
14 whose impact will certainly be far-reaching.

15 "From the onset of this project, I have
16 encouraged both the DEC and the New York City
17 Department of Environmental Protection to
18 assume lead agency status for the environmental
19 review of the project. I did so because I
20 believe it to be imperative that proposals such
21 as this one receive careful and thorough
22 analysis to determine their impact on the
23 surrounding communities and environment. It is
24 particularly essential to understand fully the
25 effects such developments may have on the New

1 (Dan Ahouse)

2 York City Watershed and the surrounding
3 Catskill Forest Preserve. Both the DEP and DEC
4 possess the resources and expertise necessary
5 to thoroughly evaluate potential impacts of the
6 project. While the DEP is not serving in a
7 lead agency role, its continuing active
8 participation in the review process is
9 critically important to ensuring the protection
10 of safe drinking water supplied by the
11 Catskill/Delaware watershed.

12 "The New York City Watershed is the most
13 important natural resource in all of New York
14 State. It provides clean drinking water to
15 over 9 million people downstate and thousands
16 of people in Ulster County and elsewhere along
17 the aqueduct as well as to the smaller
18 reservoirs and wells supplying water locally.
19 Protecting water quality in the watershed is
20 necessary to ensure the health and well-being
21 of all of those who use these water supplies as
22 well as to preserve the economic vitality of
23 our local communities in the watershed.
24 Degradation of water quality in the watershed
25 would jeopardize New York City's compliance

1 (Dan Ahouse)

2 with the Filtration Avoidance Determination
3 granted by the Environmental Protection Agency
4 and force the construction of a multi-billion
5 dollar filtration system. At that point, one
6 of the purest and most wholesome water supply
7 and distribution systems ever constructed will
8 have suffered a serious and irreversible
9 decline. Maintaining water quality in the
10 Catskills is also critical to protecting the
11 fisheries that attract so many visitors to the
12 region and the economic benefits that they
13 provide.

14 "The 300,000 acres of forever wild Forest
15 Preserve land within the Catskill Park also
16 serves as an important recreational area and
17 ecological and scenic reserve. It remains one
18 of only two constitutionally protected open
19 spaces in the State of New York. Revenue
20 generated by the more than one-half million
21 annual visitors to the affected areas remains
22 the lifeblood of the economy for communities
23 within this part of the Catskills. Any action
24 that would negatively impact the scenic and
25 ecological resources within the Park would have

1 (Dan Ahouse)

2 significant adverse consequences to the
3 tangible economic benefits currently being
4 realized within these communities. It is
5 important to note that the proposed project is
6 sited adjacent to the single largest track of
7 forever wild land in the Forest Preserve, which
8 further raises concerns about the impact of
9 this proposal on these lands.

10 "The development proposed by Crossroads
11 Ventures is of a scale never before seen in the
12 Catskills. Because of its size and its
13 environmentally sensitive location, it is
14 imperative that the project receives rigorous
15 scrutiny. I encourage the DEC and the DEP to
16 use every opportunity to ensure that the
17 proposed project is thoroughly and scrupulously
18 examined in light of the high standards set for
19 development within the watershed and that any
20 effect on the region's most valuable resource,
21 water, be carefully and completely considered
22 and clearly understood.

23 "It is critical to the future of this
24 region and the important natural resources that
25 it contains that this proposal's impact on the

1 (Dan Ahouse)

2 environment and surrounding communities are
3 fully evaluated by the DEC. The potential
4 negative effects of this development on the
5 watershed and its surrounding environs will
6 have tremendous long-term implications. I
7 encourage the DEC to work with all interested
8 organizations and individuals, many of whom
9 share concerns that I have raised here this
10 evening, in order to provide the clear
11 understanding of all potential impacts of the
12 proposal and conduct the required environmental
13 review carefully, cautiously and exhaustively.

14 "Thank you again for considering my
15 remarks, and please don't hesitate to contact
16 me if I can be of any further assistance
17 regarding this important matter.

18 Thank you.

19 ALJ WISSLER: Jay Dailey on behalf of
20 Assemblymember Kevin Cahill

21 MS. JAY DAILEY: I am here to represent
22 Assemblymember Kevin Cahill. He asked me to
23 join you tonight to hear your thoughts and
24 concerns. Assemblymember Cahill believes in
25 the importance of allowing all parties the

1 (Jay Dailey)

2 opportunity to make their voices heard. This
3 process is about striking a balance among
4 responsible economic development, community
5 sensibilities and environmental stability. Mr.
6 Cahill believes in the integrity of the process
7 in place to review proposals such as this and
8 equally respects the views of each person in
9 the community. Please be assured that our
10 office will continue to monitor this issue
11 closely. Thank you for your time and for
12 sharing your thoughts.

13 ALJ WISSLER: Bruce Duffy. After Mr.
14 Duffy, we'll hear from Angela Caponigio.

15 MR. BRUCE DUFFY: My name is Bruce Duffy.
16 I've been life-long resident of Catskills. A
17 little bit of background about me. About the
18 last several years I've had the opportunity
19 with New York City DEP and a couple other
20 agencies to study the science of
21 fluvial-geomorphology, how the land reacts to
22 the storm water. Also with Ulster County
23 Environmental Management Council, I'm chairman
24 of water quality. I've attended many
25 state-given seminars on storm water management,

1 (Bruce Duffy)

2 so I feel qualified to talk about storm water
3 runoff tonight. I'm also the executive
4 chairman for the Catskill/Delaware Natural
5 Water Alliance. I'm also heavily involved in
6 Trout Unlimited, and tonight our comments will
7 be coming from the Catskill/Delaware Natural
8 Water Alliance.

9 We feel that the Environmental Impact
10 Statement for the Belleayre Resort does not
11 properly address impacts to the brooks and
12 streams that drain the land that this project
13 is to be built on. These same waters are world
14 class trout streams and unfiltered drinking
15 water supply for millions that live in New York
16 City. This qualifies them for the highest
17 classification of stream protection in New York
18 State.

19 The land change from mature forest to golf
20 course lawn and/or meadow will create a storm
21 water runoff that can be as high as 10 to 15
22 times greater than the present runoff. In a
23 forest, over 50 percent of a rain event never
24 reaches the ground. The trees absorb and
25 evaporate the majority of the precipitation.

1 (Bruce Duffy)

2 The remainder of the precipitation that reaches
3 the ground is mostly absorbed in the ground by
4 the root systems in the forest. Belleayre
5 Resort states that it will comply with all the
6 most recent storm water regulations. These
7 regulations are designed to address first flush
8 runoffs, which are the most toxic. Any amount
9 after the first flush runoff is runoff. The
10 Belleayre Resort also stated that it would
11 recycle runoff for irrigation and other uses.
12 The reality is that once your containment
13 devices are full, the rest is overflow and
14 runoff, which finds its way to the nearest
15 brook and stream at a rate that could be as
16 high as 10 to 15 times higher than normal. To
17 handle this increased runoff, streams have to
18 adjust, which means they widen, they deepen,
19 they establish larger flood plains, and in some
20 cases even change course.

21 The science of fluvial-geomorphology
22 describes this process as high erosion,
23 elevated rates of sediment bed load transport,
24 increased levels of turbidity. To quote Dave
25 Rosgen, an expert in stream restoration, the

1 (Bruce Duffy)

2 process can take 50 to a hundred years before a
3 stream naturally stablizes itself. Increased
4 sediment and bed load will eventually find its
5 resting place filling the Ashokan Reservoir.

6 The same is also true for the portion of
7 the project which drains into the Pepacton
8 Reservoir. During this process, aquatic life
9 would be severely impacted, bridges designed
10 for a 50-year flood may not be adequate, and
11 homes that were not in flood plains may soon be
12 in newly established flood plains.

13 Just recently, a stream restoration
14 project on the Esopus Creek in Phoenicia was
15 completed. The project used cutting-edge
16 geomorphic practices based on 50 years of
17 stream gauge data that established discharge
18 curve used in calculating the project design.
19 This restoration project protected 10 homes
20 with septic systems and a county bridge, and
21 the project cost \$900,000.

22 The deforestation of 500 acres for golf
23 courses, not to mention impervious surfaces
24 such as roads, parking lots, buildings, which
25 contribute to runoff, will severely impact the

1 (Bruce Duffy)

2 normal discharge curve of this region. The
3 entire downstream watershed will be
4 jeopardized, including 900,000 restoration
5 project, from streams resizing to handle the
6 increased runoff.

7 We strongly recommend that the DEC consult
8 with Don Lake, one of the experts on storm
9 water runoff, Fishneck Engineering, designer of
10 the restoration project, and FEMA to discuss
11 possible impacts to flood plain insurance.

12 We also believe that this environmental
13 review process is flawed. Why is Belleayre
14 Resort exempt from the standard requirement to
15 list alternatives to this project? We expect
16 New York DEC to hold this applicant to the same
17 standards as other applicants. Thank you.

18 MS. ANGELA CAPONIGIO: Angela Caponigio.
19 I can only come to you with my heart, my
20 experience and my doubt. I worked in a
21 corporation where one of my jobs was to
22 actually type up the itineraries for executives
23 that went to resorts. Not one itinerary for
24 either a business or a summer itinerary
25 included a trip to the local town, not one. So

1 (Angela Caponigio)

2 therefore, I have a doubt about the 11.81
3 million off-site spending.

4 I've participated in three gentrifications
5 of three neighborhoods where they promised jobs
6 and housing. The union came in. I laughed,
7 with an inflated rack across from my house, and
8 the unions came in, and when the project was
9 finished, we could no longer afford to live
10 there. So for the 20.5 million wages and
11 salaries per year, I have a doubt.

12 I participated in the displacement of a
13 corporation for a 78-story multi-million dollar
14 housing project, and whether the businesses
15 will even still be there that they promised,
16 they weren't there. And because of this, I
17 have a doubt. So those businesses were
18 definitely gone way before this building was
19 finished.

20 So because of the doubt in the hearts of
21 the people that I feel and because of the doubt
22 that I feel and the doubt that's very palpable
23 in this room, I ask that you extend, that the
24 180-day extension be granted. Thank you.

25 ALJ WISSLER: Karen Charman. After Ms.

1 (Karen Charman)

2 Charman, we'll hear from Keith Barkett.

3 MS. KAREN CHARMAN: Hi. My name is Karen
4 Charman and I'm a resident of Shandaken full
5 time. I'm also an investigative journalist and
6 I specialize in writing about environmental and
7 health issues. I have serious concerns about
8 the environmental impacts of Crossroads
9 Ventures' proposed Belleayre Resort at Catskill
10 Park because of the wild lands that it will
11 destroy, what it's proposing to build, and the
12 traffic, environmental degradation and
13 increased financial cost to town residents that
14 would inevitably result from such an enormous
15 development.

16 One of my concerns is the proposal to put
17 two golf courses up on the ridge above Pine
18 Hill. The developer has tried to cast his
19 project as a model of environmental
20 responsibility, but the list of fungicides,
21 insecticides and herbicides for the golf
22 courses that show up in the DEIS belie that
23 claim.

24 Here are just a few from the list.
25 Carbaryl, an insecticide, has a wide range of

1 (Karen Charman)

2 harmful health effects from acute toxicity,
3 suppression of immune system functions, and
4 behavioral problems to cancer, genetic damage
5 and reproductive problems in both males and
6 females.

7 Other insecticides listed in the DEIS,
8 acephate, bendiocarb and trichlorfon, are known
9 to cause headaches, nausea, rashes, aching
10 joints, disorientation and various forms of
11 cancer, as does the fungicide chlorthalonil.
12 Thiram, another fungicide, is a nervous system
13 toxin, as is the insecticide chlorpyrifos.
14 Chlorpyrifox is commonly known as Dursban.
15 Dursban, by the way, was banned from most
16 indoor and outdoor residential uses by the EPA
17 three and a half years ago because of its
18 toxicity, especially to children.

19 Dicamba, an Herbicide, or weedkiller, that
20 also shows up in the DEIS, is toxic to unborn
21 babies. Pendimethalin, another herbicide, is
22 toxic to the liver. Now, it is true that these
23 products are legal. However, that does not
24 make them safe.

25 We're fortunate enough to live in a place

1 (Karen Charman)

2 with a relatively low use of pesticides,
3 compared to the suburbs in their quest for
4 perfect lawns or agricultural areas that depend
5 on chemical control to grow large acreages of
6 crops. According to a 1991 New York State
7 Attorney General's report, "Toxic Fairways,"
8 that looked at groundwater contamination from
9 pesticides on golf courses on Long Island, golf
10 courses use about 18 pounds of pesticides per
11 treated acre. That's almost seven times the
12 amount that farmers use per acre and twice as
13 much as what homeowners use in caring for their
14 lawns themselves.

15 Pesticides are showing up in water and
16 soil throughout the nation. In my opinion, any
17 operation that requires intensive pesticide
18 use, as golf courses and luxury homes with
19 heavily manicured lawns do, has no place in the
20 middle of what is both the Catskill Park and
21 New York City's watershed.

22 I have some things to say about this
23 watershed in a wider context. The world is
24 running out of fresh water. That is not
25 hyperbole. That is a fact. According to Tony

1 (Karen Charman)

2 Clarke, director of Canada's Polaris Institute
3 and co-author of the book "Blue Gold,"
4 worldwide consumption of water is doubling
5 every 20 years. That's twice the rate of
6 population growth, and by the year 2025, demand
7 for water will outstrip supply by 56 percent,
8 because of the damage that has been done and is
9 continuing to be done to the earth's
10 hydrological cycle. Fresh, uncontaminated
11 water is necessary for the health and survival
12 of all of us. My point with this is that this
13 watershed that we are lucky enough to live in
14 is a very precious resource and we need to
15 protect it vigilantly.

16 I also want to say something about the
17 impact of this proposed development on the
18 rural character of the central Catskills. I
19 have a map here that James has from the Pacific
20 Biodiversity Institute that is compiled from
21 satellite images that shows every road in the
22 country. Now, if you look at this map, you can
23 see that there are very few white areas. The
24 white areas are where there are no roads. The
25 Catskills, up here, is one of those few areas

1 (Karen Charman)

2 where there aren't that many roads. As you
3 look at this -- I just said that.

4 So this is one of the few places in the
5 eastern United States that is not choked by
6 roads and the development that they inevitably
7 bring. Although I am lucky enough to work from
8 home so I don't have to commute, I would hate
9 to see the huge increase in cars and traffic
10 that a development like this would bring.

11 I'm not unsympathetic to calls for
12 economic development and jobs that would
13 benefit citizens in our community, but I don't
14 think a destination resort that, as the DEIS
15 itself reveals, would not staff the top-paying
16 jobs with locals, but instead offer low-paying
17 unskilled jobs for which we don't even have
18 enough unemployed people to fill and that would
19 likely draw business away from the hamlets, I
20 don't think that's the way to go. In fact, not
21 only is mega-development in a unique Forest
22 Preserve that happens to be the watershed
23 supplying water to more than half of the
24 state's residents not the way to go, it is
25 exactly the opposite of the kinds of economic

1 (Karen Charman)

2 development we should be pursuing.

3 As many people on this podium before me
4 have stated, people come here for the quiet
5 beauty of the mountains, the charm of the
6 hamlets and because it is not like everywhere
7 else, over-developed, crowded and polluted. We
8 should be looking at how best to develop the
9 resources we have, things like heritage
10 tourism, bolstering the arts, the artisans that
11 live here and other low-impact activities that
12 would sustain and not destroy what is unique
13 about our area.

14 While the proposed Belleayre Resort may
15 enrich the coffers of those who build and
16 perhaps even run it -- although without a
17 casino, I doubt it -- I believe the cost to the
18 rest of us would be enormous. When Dean Gitter
19 first announced this project to the community
20 at the Shandaken hall about four years ago, I
21 remember he said his vision was to make this
22 place like Vail, Colorado. That is, the swanky
23 resort in the Rockies for the wealthy. Well,
24 let's take a look at what has happened in
25 Vail. I'm going to read a few paragraphs from

1 (Karen Charman)

2 the New York Times story datelined in Vail from
3 November 1998.

4 Quote, "Decades of following laissez-faire
5 housing policies are catching up with Vail as
6 about 2,500 jobs may go begging this winter.
7 The cause for a labor shortage in Colorado's
8 most popular ski town is as clear as the
9 advertising lineage in a recent issue of The
10 Vail Daily. The newspaper printed 586 inches
11 of classified advertising offering jobs, but
12 only 30 inches of housing.

13 "For years Vail could ignore rising
14 housing prices, content to allow the portion of
15 its work force who live locally to dwindle to
16 30 percent. With the median price of a
17 condominium here approaching \$300,000, a recent
18 survey calculated that a worker would have to
19 hold down five full-time jobs at \$10 an hour to
20 live here," end quote.

21 The story goes on to say that to remedy
22 the situation, the Vail Town Council approved a
23 public housing project that would provide
24 subsidized housing for local workers, paid, of
25 course, by the local taxpayers.

1 (Karen Charman)

2 If the Belleayre Resort is allowed to go
3 ahead, that may well be our fate. Instead of,
4 quote, saving us from the depths of poverty, as
5 Gitter has said many times in the past, this
6 could well ensure that many of us could no
7 longer afford to live here, because as the
8 housing prices rise, so do property taxes.

9 And Vail is not an unique example. The
10 New York Times story says that the situation
11 also exists in California, Canada and other
12 mountain resort towns.

13 Let's not repeat their mistakes. We have
14 something very precious here in the central
15 Catskills and we must preserve it. Thank you
16 for the opportunity to speak.

17 ALJ WISSLER: After Mr. Barkett, we'll
18 hear from Steven Dawes.

19 MR. KEITH BARKETT: My name is Keith
20 Barkett, and I live in Mt. Tremper. Thank
21 you.

22 Let me begin by reading a paragraph from a
23 speech given by Vice President Al Gore January
24 16th.

25 "As for the enforcement of environmental

1 (Keith Barkett)

2 protection laws for the last three years in a
3 row, the Bush Administration has sought to
4 slash enforcement personnel levels at EPA.
5 Officers were told to back off cases. Gore
6 said, the problem extends even to America's
7 national parks. Just ask the coalition of more
8 than 100 retired career park service employees
9 who wrote a letter saying that their mission to
10 protect the park's natural resources has been
11 changed to focus on commercial and special
12 interest use of parks. Gore went on to say,
13 these are not small shifts in policy, they are
14 radical changes that reverse a century of
15 American policy designed to protect our natural
16 resources."

17 Yes, I know tonight we here are talking
18 about a New York State park area and not a
19 national park. That is true. But this
20 contentious issue is being wrestled with
21 throughout our nation. We all here are being
22 forced to define the future character of these
23 Catskill Mountains and rivers, the future of
24 influencing our nation in the same regard, and
25 ultimately we are asked to define our own

1 (Keith Barkett)

2 character, all of which will, of course,
3 resonate well into the future generations.
4 What will we be leaving behind?

5 I now speak directly to those who will
6 make the determination as to whether the truth
7 is being revealed as a whole considering all
8 the mountains of technical abstract data that
9 has been supplied. I say "God bless you" for
10 this task, for this responsibility to your job
11 and to the children and to the families of this
12 community. It is a test. This project is not
13 about right or wrong. It's about people and
14 this wild land. It is about the spirit of the
15 law and not just about the letter of the law.
16 May you make your final decisions when your
17 minds are the quietest, when the memories of
18 your children are the strongest, and when the
19 vision of these mountains and rivers and the
20 people who live in them are the clearest.

21 Truly, God bless you and God bless these
22 mountains and rivers. Thank you.

23 ALJ WISSLER: Steve Dawes. After Mr.
24 Dawes, we'll hear from Pamela Schad.

25 MR. STEVEN DAWES: Before I speak

1 (Steven Dawes)

2 specifically about the DEIS, I just want to
3 tell you a little bit about myself. I've
4 worked at three different golf courses totaling
5 a time span of about five years, and one of the
6 courses I worked at was at a mega-resort even
7 larger than the one proposed here. It had
8 three 18-hole golf courses, and it even had --
9 held a PGA tournament every year. So these are
10 two out of the three courses I worked at were
11 actually top-notch courses that maintain very
12 high standards for the appearance and quality
13 of the courses.

14 I've worked in just about every job
15 position and done about every task at a golf
16 course that you can do, except for management
17 positions, course superintendent, licensed
18 spray technician. I'm not a scientist and I
19 don't have a degree in horticulture, but I've
20 seen firsthand what it takes to maintain high
21 quality golf courses.

22 The reality of what I have experienced
23 working on several courses raises many
24 questions and doubts for me as to the validity
25 and reliability of what's being presented in

1 (Steven Dawes)

2 the DEIS. Specifically in regard to the turf
3 management sections and Appendix 15, fertilizer
4 and pesticides risk assessment.

5 On page one of the Integrated Turf
6 Management Plan, it states, and I quote,
7 "Implementing this ITM plan" -- ITM stands for
8 integrated turf management -- "on Belleayre
9 Resort" -- excuse me -- "implementing this ITM
10 plan on Belleayre Resort golf courses means
11 there will be a curative approach to pesticide
12 use rather than a preventive approach.

13 What does that statement exactly mean,
14 curative? Does it mean that instead of
15 preventing pesticides damage to the turf,
16 they'll wait until damage actually occurs and
17 then treat the area? In other words, instead
18 of preventing pesticide problems, they'll wait
19 until one actually arises and then, quote
20 unquote, cure it?

21 If that's what they're implying by using a
22 curative approach rather than a preventive
23 approach, then that just doesn't make sense. I
24 mean, there are going to be people there paying
25 top dollar to play on these golf courses, to

1 (Steven Dawes)

2 stay at the resorts. They're expecting high
3 quality turf to play on. If you wait until
4 damage has already occurred on the turf, it's
5 too late and the golfers will see that. I
6 mean, with this economically, it doesn't make
7 sense. They'll end up taking their business
8 elsewhere. The quality of the course has
9 already suffered. The golfer is not getting
10 what he or she paid for, and believe me, the
11 golfer wants an impeccable high-quality turf.
12 They want to get what they're paying for, so
13 they're going to go somewhere else.

14 Now, on page two of the ITM plan, it
15 states that "the flexibility and economic
16 feasibility ultimately determine the long-term
17 success of the ITM plan," so it's based on
18 economic feasibility. So does that mean if
19 it's not economically feasible, it's not going
20 to be implemented? Is it implying that the ITM
21 plan is just based on economics? Does the
22 environment even, is it even considered in this
23 plan?

24 I mean, it states right there on page two
25 that the long-term success of the IT programs

1 (Steven Dawes)

2 are ultimately determined by the flexibility
3 and economic feasibility. I don't see the
4 environment mentioned anywhere in that
5 sentence.

6 Just from my own experience of assisting
7 spray techs and working closely with
8 superintendents when they make their
9 assessments of course conditions, I've seen
10 that pesticides, herbicides, fungicides,
11 algicides, fertilizers are primarily used in a
12 preventive approach. It's easier to run a golf
13 course that way, and they're going to take the
14 easiest route possible, and that's what it
15 comes down to. They can say whatever they want
16 to on paper, but I've seen what happens behind
17 the scene. The name of the game is to keep the
18 golf course green and protect it from insects
19 and diseases. And if they don't do that, they
20 don't have a job, basically. So they're going
21 to take the easiest route and that's pesticides
22 and other chemicals.

23 I've witnessed firsthand, just to give
24 some specific examples, a small section of
25 fairway turf being damaged by mole crickets.

1 (Steven Dawes)

2 That afternoon, every fairway on the golf
3 course was hit with mole cricket bait. Now, is
4 that a curative approach?

5 I've seen little sections of a green
6 indicating the presence of web worms and just a
7 few hours later, every green on the golf course
8 was sprayed for web worms. Is that what they
9 mean by a curative approach?

10 On page 24 of the ITM under the section
11 Chemical Control, it states that in the past,
12 pesticide residues have been associated with
13 adverse environmental effects resulting from
14 improper or overuse. It goes on to list some
15 of the negative effects.

16 Reduction of certain predator bird
17 populations, appearance of pesticide residues
18 on aquatic ecosystems, implications of many
19 pesticides as potential carcinogens, and it
20 goes on to list many others.

21 My question is, what is defined as
22 improper or overuse of pesticides? Are there
23 specific guidelines in place to prevent overuse
24 or improper use? And who is in charge of
25 making sure these guidelines are being

1 (Steven Dawes)

2 followed? Are the golf courses responsible for
3 monitoring and policing themselves?

4 I can remember the superintendents of the
5 courses I worked for being responsible for
6 keeping logs and records on what fertilizers
7 and pesticides were used and they're
8 responsible for turning them in. To me that
9 seems like a major conflict of interest issue.

10 On page 25 of the ITM plan, there is a
11 list of some very general guidelines for
12 pesticide use. These guidelines are
13 categorized as additional measures that would
14 be taken to further minimize potential impacts
15 from pesticide use. Some of them are, no
16 pesticides would be applied to an irrigation
17 system. That's just simply standard practice.
18 I've never heard of any golf course putting
19 pesticides in the irrigation system, and
20 they're calling that an additional measure.
21 Pesticide containers will be disposed of in a
22 proper and safe manner. That's an additional
23 measure? And the list goes on and on.

24 I think it's very misleading to label
25 these guidelines as additional measures when

1 (Steven Dawes)

2 they are really just standard practices and
3 state and federal requirements that every golf
4 course has to follow.

5 By saying these guidelines are additional
6 measures, it actually misleads the public into
7 thinking that this proposal is more
8 comprehensive and environmentally friendly than
9 it actually is.

10 On a website of the U.S. Environmental
11 Protection Agency, I found this information.
12 It states that most Americans assume the basic
13 toxicity testing is available and chemicals in
14 commerce today are safe. This is not a prudent
15 assumption.

16 It goes on to say that only 7 percent of a
17 3,000 high production volume chemicals in use
18 have what is considered the barest minimum set
19 of basic testing data on toxicity. 7 percent
20 out of 3,000. Are the chemicals proposed for
21 the use on these golf courses among the 7
22 percent that have had the basic testing on
23 toxicity? And if not, then how can they
24 accurately forecast what the impacts on the
25 watershed and the environment are going to be,

1. (Steven Dawes)

2 if they don't even have basic testing on these
3 chemicals? Is the pesticide and fertilizer
4 risk assessment located in Appendix 15 a
5 scientifically sound and accurate document? If
6 they don't really know how much of these
7 chemicals impact the environment, how they
8 actually affect the living organism? How can
9 the computer modeling be valid and reliable if
10 the model used and the factors that enter into
11 the model which are the chemicals aren't even
12 studied thoroughly? Do the results of this
13 kind of testing provide enough assurance that
14 the severe negative environmental impact won't
15 result?

16 I've witnessed what it takes to run a golf
17 course, and the general public really has no
18 idea of the vast amount of chemicals and
19 fertilizers that it takes to run these
20 courses. They use large industrial-sized
21 equipment, huge spray rigs with spray arms that
22 fold down so they cover a larger area, and
23 you'll have spray technicians for each golf
24 course and they'll spend eight hours of the day
25 spraying continuously, driving from spot to

1 (Steven Dawes)

2 spot. This is a standard practice.

3 Teams of two to four workers will spend
4 all day spreading fertilizer several times a
5 week. Other workers are often recruited
6 throughout the day to run tractors that pull
7 500 to a thousand gallon tankers of chemicals
8 and fertilizers. It's a continuous onslaught
9 of chemical applications. And this was at a
10 course that was at a mega-resort that held a
11 PGA tournament. So this is the type of course
12 we're talking about here.

13 At every one of the courses I've worked,
14 I've seen major fish kills. They call the
15 lakes retention ponds but they're really
16 massive. I mean, I think one of them in the
17 DEIS said that it contained 1.4 million
18 gallons. I mean, that's a lake, and I've seen
19 entire lakes completely wiped out because they
20 didn't forecast the weather correctly and they
21 happened to have a heavy rain that day. And,
22 of course, the birds start eating the fish and
23 the birds start dying and in every case, it was
24 kind of a big coverup. All the workers, they
25 gathered up all the workers and we had to clean

1 (Steven Dawes)

2 it up before the EPA caught wind of it. I've
3 seen this with my own two eyes.

4 I'm convinced that the agencies like the
5 DEP, the DEC and the EPA don't have the proper
6 policies and procedures to police what is
7 actually -- what actually goes on behind the
8 scenes on these courses. I've witnessed spray
9 techs using illegal concentrations of
10 pesticides on more than one occasion. One time
11 I even confronted a spray tech about this and
12 he told me that really nobody followed the
13 regulations. Who is going to prevent this kind
14 of thing from happening at the Belleayre
15 Resort?

16 Finally, I just want to say, of all the
17 places to put a golf course, why on earth would
18 you want to put it in a pristine wilderness
19 area in close proximity to a watershed that
20 provides water for millions and millions and
21 millions of people? I mean, the threat of
22 pollution is just too great. And does this
23 DEIS really provide enough reliable and valid
24 data to counter the risk to the environment and
25 the watershed? I don't think so. Thank you.

1 (Finley Schaef)

2 ALJ WISSLER: Ms. Schad. And after Ms.
3 Schad, Pamela Schad, and after Ms. Schad, we'll
4 hear from Reverend Finley Schaef.

5 Pamela Schad?

6 Okay. Then, Reverend Finley Schaef.

7 REV. FINLEY SCHAEF: Thank you, Judge
8 Wissler. Greetings to the stenographer, good
9 evening to all the persons here that make this
10 evening possible.

11 My name is Finley Schaef. I'm a Methodist
12 minister and the president of the North
13 American Coalition for Christianity and
14 Ecology, and the leader of an earth keeping
15 circle of the Reservoir United Methodist Church
16 in Shokan, which is open to all, meets next
17 Monday night at seven o'clock.

18 In the 20th century, astronomical science
19 revealed to us the immensity of the universe,
20 God's creation, but it not just that the
21 creation is incredibly large, but it is also of
22 immense inspiration and beauty. We too easily
23 neglect the reality of earth's nourishment
24 which goes well beyond food, air and water.
25 The cultural historian, and he called himself a

1 (Finley Schaef)

2 geologian father, Thomas Berry, reminds us that
3 our entire life in its physical, aesthetic,
4 emotional, intellectual and spiritual
5 dimensions, depends on the well-being of
6 nature. If we lived on the barren moon, he
7 says, our lives would be equally barren, devoid
8 of wonder and delight. We seem in these days
9 to be moving toward transforming our beloved
10 planet into a moon.

11 The decision of how we use or do not use
12 our natural surroundings is of utmost
13 importance to our well being. This decision
14 should not be made by giving profits, which
15 last a short lifetime and benefit a few, more
16 weight than a natural environment which abounds
17 with life with an infinite array of forms that
18 has enthralled many generations in the past,
19 and will continue to bless future generations.

20 Nobody has made the case better than the
21 16th century Saint Teresa of Avila. She said,
22 If we learn to love earth, we will find a
23 labyrinth, gardens, fountains and precious
24 jewels. A whole new world will open itself to
25 us. We will discover what it means to be truly

1 (Finley Schaef)

2 alive, unquote.

3 Let us not forget that in the beginning,
4 God created the world and called it good.
5 Genesis 1:31, "God saw all that he had made and
6 it was very good." We who were made, it would
7 be vulgar and unseemly of us who were made in
8 God's image to look upon this creation and call
9 it big bucks, to regard it as enrichment for
10 the few at the expense of the many.

11 Paul Hawken in his book Ecology of
12 Commerce lays out the specific political and
13 fiscal policies necessary for sustainability.
14 He returns repeatedly to the concept of nature
15 as the measure by which the human economy must
16 be ruled and regulated if it is to be healthy
17 and restorative. The commercial culture must
18 mimic nature at every step, he says. We are
19 all here together at the service of and at the
20 mercy of nature. Paul Hawken. We are all here
21 together at the service and mercy of nature.

22 Much of the Judeo-Christian traditions
23 support this point of view. In the book of
24 Job, you find these words. "Ask the animals
25 and they will teach you, or the birds of the

1 (Finley Schaef)

2 air, and they will tell you, or speak to the
3 earth, and it will teach you, or let the fish
4 of the sea inform you."

5 And in the 24th Psalm you all know, The
6 earth is the Lord's and the fullness thereof.
7 Jesus tells us to consider the lillies of the
8 field, for Solomon in all his glory was not
9 arrayed like one of these.

10 St. Paul told his disciple Timothy and all
11 of us, We brought nothing into this world and
12 it is certain we can carry nothing out." And
13 having food and raiment, let us be therewith
14 content. But they that will be rich fall into
15 temptation and a snare and into many foolish
16 and hurtful lusts, which drown men and women in
17 destruction and perdition."

18 Nature has heart and soul, and we are
19 earthlings who yearn to be truly alive in it.
20 Let the land remain as it is.

21 ALJ WISSLER: Quinn Ferris. After Quinn,
22 we'll hear from Valerie Linet.

23 MR. QUINN FERRIS: Hi. My name is Quinn
24 Ferris. I am a full-time student and member of
25 this community. I have lived here all my life,

1 (Quinn Ferris)

2 which is not very long, 16 years, compared to
3 the much longer and more venerable time that
4 other members of this community have spent in
5 this beautiful environment. We are blessed to
6 walk in the richness and the beauty that we do,
7 and because of that richness and that beauty,
8 that is what draws people to share our
9 community and to share our environment. That
10 is what draws people to this place.

11 By moving or even allowing for this
12 mega-resort to go through, we are allowing the
13 degradation of that beauty. Every time I leave
14 my home and go somewhere and I come back, it is
15 the mountains that welcome me home. The
16 mountains are my home, and when I leave for
17 college in two years, it is not because there
18 are not enough opportunities in this community
19 that I need, you know, come back and attain a
20 higher management job at a mega-resort, it is
21 because I want to see what else is out there.
22 But when I come back, I want the mountains to
23 be the thing that welcomes me home, not a
24 resort.

25 This is not what is best for us. This is

1 (Quinn Ferris)

2 not what is best for our youth or our elderly
3 or our pets or anyone. This is not what is
4 best for our community. This is what is best
5 for Dean Gitter and the Crossroads Ventures.
6 And now my friend has a statement.

7 FRIEND: Hi. I represent your future.

8 ALJ WISSLER: Can you give us your name?

9 MS. BECKY SETTINGER: Becky Settinger.

10 ALJ WISSLER: Thank you.

11 MS. BECKY SETTINGER: You may question why
12 we're saving the Catskills. Well, can you
13 imagine having to explain to your kids what
14 trees look like? Well, I'm only 14 and if we
15 carry on making up excuses to destroy the
16 environment, I might have to. Please, please
17 leave the Catskills for me to enjoy. I have a
18 really great time and there's really nothing
19 more beautiful. I've traveled a lot of places
20 and I've never seen -- every time I come back
21 home, there really is no place like this.

22 ALJ WISSLER: Valerie Linet.

23 MS. VALERIE LINET: My name is Valerie
24 Linet and I live in New Paltz. I want to thank
25 Judge Wissler and everybody else who has come

1 (Valerie Linet)

2 out tonight and who has spoken. Like everyone
3 else here, I care deeply about this Belleayre
4 development issue and the outcome of the
5 process.

6 Over the years I spent countless hours
7 backpacking, writing, hiking, farming and
8 learning in the Hudson Valley. I saw my first
9 snowy owl, orange salamander and deer in the
10 Catskill Mountains. I learned how to make
11 fires and read topographical maps. I love the
12 region for the quality of our streams and
13 creeks, the rising high peaks that hug the
14 small towns off Route 28, and the individuality
15 and character of each hamlet and village
16 itself. The massive Belleayre Resort proposal
17 in its current incarnation threatens the
18 balance of all these elements, and I therefore
19 oppose it.

20 I believe the proposed development on
21 Belleayre Mountain would devastate and
22 permanently alter the things I love most about
23 this region. I'm going to speak tonight about
24 one area of great concern. It's an aspect of a
25 project that I find most disturbing. It's the

1 (Valerie Linet)

2 -- other people have spoken to it tonight too.
3 It's the private control and use of our vital
4 resource, water, in order to economically
5 benefit the developer and those invested in the
6 project.

7 I would like to place the matter of a
8 Belleayre proposal's water sources in a global
9 context. A quote from a Fortune Magazine
10 article says, quote, "Water promises to be to
11 the 21st century what oil was to the 20th
12 century, the precious commodity that determines
13 the wealth of nations. And in "The Nation,"
14 Maude Barlow and Tony Clarke write in their
15 article, "Who Owns Water?" Quote, "The world
16 is running out of fresh water. Humanity is
17 polluting, diverting and depleting the
18 wellspring of life at a startling rate. Quite
19 simply, unless we dramatically change our ways,
20 between one-half and two-thirds of humanity
21 will be living with severe fresh water
22 shortages within the next quarter century.
23 Everything is now for sale, even those areas of
24 life such as social services and natural
25 resources that were once considered the common

1 (Valerie Linet)

2 heritage of humanity. Governments around the
3 world are abdicating their responsibilities to
4 protect the natural resources in their
5 territory, giving authority away to the private
6 companies involved in resource exploitation.

7 "Water must be declared and understood for
8 all time to be the common property of all. In
9 a world where everything is being privatized,
10 citizens must establish clear perimeters around
11 those areas that are sacred to life and
12 necessary for the survival of the planet.

13 Water must be declared a public trust, and all
14 governments must enact legislation to protect
15 the fresh water resources in their territory.
16 It's strikingly clear that neither governments
17 nor their official global institutions are
18 going to rise to this challenge. This is where
19 civil society comes in," end quote.

20 Water is a basic necessity for life, and
21 no one individual or corporation has the right
22 to turn it into a commodity and profit from
23 water use at the expense of the public. I'm
24 concerned that the Belleayre project as
25 currently proposed would do just that. One

1 (Valerie Linet)

2 question I would like the DEC to investigate
3 is, would the developer's use of Pine Hill and
4 Fleischmanns water limit the organic growth of
5 the communities?

6 For the last 200 years, most water
7 utilities have been managed and owned by the
8 public. In 1999 to 2000, Shandaken was
9 prepared to purchase the privately owned Pine
10 Hill water company comprised of three water
11 sources which the village has been using for
12 over 60 years. In a series of complicated
13 political maneuvers over which there is now a
14 lawsuit, Dean Gitter managed to purchase the
15 company and then get the DEC's approval to
16 fragment the water supply system so he could
17 use one of Pine Hill's former water sources,
18 Silo A, for the resort.

19 The DEIS cites Silo A as the backup source
20 for potable water for the Big Indian Plateau
21 region of the proposed development. I ask that
22 the DEC seriously examine if Pine Hill will
23 have sufficient water without Silo A. Pine
24 Hill has tapped Silo A as a resource on more
25 than one occasion during dry years as well as

1 (Valerie Linet)

2 during a major draught in 1960s. A
3 professional hydrologist working for the Pine
4 Hill Water Coalition has brought into question
5 whether Pine Hill has adequate water supply
6 without its third source. The DEIS treats silo
7 A as if it were not integral to the Pine Hill
8 system, but I ask that the DEC look closely
9 into this matter. It should not allow Silo A
10 to be considered for the resort if it's
11 necessary for public use.

12 The Village of Pine Hill grew up where it
13 did precisely because of the availability of
14 water, and the DEC has a mandate to ensure that
15 water resources are handled fairly. The DEC's
16 public water supply program was -- and I found
17 this on their website -- was set up to, quote,
18 protect and conserve available water supplies
19 by assuring equitable and wide use of these
20 supplies, end quote. One of the questions in
21 the DEC's public water supply permit program,
22 standards for issuance checklist is, quote,
23 will the proposed project be just and equitable
24 to all the affected municipalities,
25 particularly with regard to their present and

1 (Valerie Linet)

2 future needs for water supplies?

3 I ask that the DEC, with significant power
4 as the lead agency in the Belleayre development
5 proposal, really take this matter of Pine
6 Hill's water source into consideration. We
7 should all be very concerned about this issue
8 and the implications of allowing the developer
9 to use what has been a necessary resource to
10 the village for 60 years for personal financial
11 gain. What is Pine Hill's fate in future
12 draught or dry years? And if Mr. Gitter sells
13 the development, as he's indicated he will,
14 it's very likely that a major, if not
15 multi-national corporation would be in control
16 of Pine Hill's former water supply. The DEC's
17 public water supply program introduction states
18 that the public policy of the State of New York
19 is, quote, to conserve and develop the waters
20 of the state for all beneficial uses for the
21 public, end quote. The public needs sufficient
22 municipal water supply. This is all of our
23 water.

24 The other point I would like to raise in
25 regards to water sources is regarding the

1 (Valerie Linet)

2 DEIS's claim that it will buy the Village of
3 Fleischmanns' municipal water in order for
4 drinking and irrigation purposes in the
5 Wildacres section of the proposed development.
6 The DEIS also states that there is, quote, an
7 excess supply and capacity of village water.
8 I'm not aware of Fleischmanns having agreed to
9 sell their municipal water, yet, to the
10 developer. And if they haven't, the DEC should
11 consider the DEIS inadequate in its accounting
12 for a water resource for the western portion of
13 the development.

14 Other people have mentioned this month is
15 the hundredth birthday of the Catskill Forest
16 Preserve's designation as forever wild. It's
17 time for us to give this wilderness one small
18 gift for the innumerable, diverse ones it gives
19 us. Let's not sign it away to be permanently
20 damaged by this resort.

21 And I would just like to add that I was
22 extremely moved by the handful of residents and
23 small business owners at the Margaretville
24 hearings who pinned their hopes for economic
25 improvement on this Belleayre proposal. I want

1 (Valerie Linet)

2 local businesses and residents to thrive also,
3 but unfortunately the developer has tried to
4 make us believe that this project is the
5 answer. In reality, it would be in direct
6 competition with a small, wonderful businesses
7 below it. A resort as now proposed will be a
8 destination, one-stop city on a hill offering
9 more low-paying work than we have employable
10 people for. We have other options and we need
11 to be creative about putting our energy into
12 them. Local groups like the Catskill Heritage
13 Alliance, Catskill Watershed Coalition have a
14 mandate and monies for community revitalization
15 and support of local business and tourism.
16 Communities like Beacon in Dutchess County
17 offer us models of how local businesses,
18 residents and non-profit organizations, such as
19 Scenic Hudson, can come together and use
20 natural resources to create successful,
21 sustainable economic development.

22 Our greatest treasures here are our
23 natural resources and each other. That's why
24 we live where we do. Let's not forget that by
25 selling out our mountains, waters and

1 (Valerie Linet)

2 communities. This developer will very likely
3 be gone from the area in ten years, but we have
4 the rest of our lives in these mountains.
5 Thanks.

6 ALJ WISSLER: Chester Straub. Mathew
7 Pokoik. After Mathew, we'll hear from Hank
8 Rope.

9 MR. MATHEW POKOIK: Hello. Can everyone
10 hear me? My name is Matthew Pokoik. I live on
11 the lower slopes of Mt. Tremper. I would like
12 to speak on two points of personal interest in
13 regard to the Belleayre Resort in the DEIS they
14 have presented.

15 Where I live is half a mile from Route 28
16 as the bird flies. And yet, I can clearly hear
17 the road from my home. We're in the
18 mountains. Sound can travel really far. Every
19 weekend beginning Fridays, there is a dramatic
20 increase in the noise volume I can hear from
21 the road. That volume has a direct impact on
22 my quality of life that I came to the Catskills
23 for. Every time a truck goes by, I can hear it
24 in my bedroom with the windows shut half a mile
25 from Route 28. Suffice to say, I'm deeply

1 (Matthew Pokoik)

2 concerned about the increase traffic will
3 bring.

4 On the questions of truck and construction
5 traffic, as far as my analysis of the DEIS can
6 tell, nowhere is there a consideration of the
7 increase in traffic noise. Somebody earlier
8 spoke very well and clearly about that, what
9 construction traffic can bring, and I'll skip
10 over a little bit, but this should have been
11 included in the DEIS and it's not mentioned.
12 We're looking at eight years of heavy
13 construction, thousands of trucks.

14 Again, while I'm not an expert on traffic
15 analysis, it seems clear to me that the data
16 within the DEIS on traffic analysis is not
17 adequate. This project could double the
18 population of Shandaken, and yet the developer
19 claims in the executive summary of the DEIS
20 that, quote, an increase in traffic of this
21 magnitude will typically not be noticeable.

22 Other people have spoken, will talk about
23 how many beds and jobs this will contain. It
24 could be anywhere between, you know, 1,500 at a
25 minimum to 3,000, potentially doubling the size

1 (Matthew Pokoik)

2 of the town. It's logical to conclude that a
3 project that nearly doubles that population or
4 even 50 percent of the population,
5 conservatively, will have a dramatic increase
6 in the number of cars on Route 28. I cannot
7 imagine how we consider that that possibility
8 of the number of people drawn to this
9 destination resort that would not be
10 noticeable.

11 The second point I would like to address
12 is the questionable economic benefit of the
13 local economy. I myself am a 28-year-old small
14 business owner, operating a small, yet growing
15 photography and digital imaging company. I
16 have recently relocated this business from New
17 York City to Mt. Tremper. I am an example of
18 new business coming to this area, something the
19 developer claims is not happening. Part of the
20 reason I was able to do this is the current
21 computer and Internet technology which allows
22 for the decentralization of the marketplace.
23 Ten years ago I would have had to live in or
24 around New York City, but now technology allows
25 me and many others like me to work and sustain

1 (Matthew Pokoik)

2 vibrant businesses in a decentralized rural
3 community.

4 I would like to note, the DEC allowed the
5 developer to use 1990 census data in its
6 investigation of the impact the development
7 would have on the local economy and the
8 character of this community. This data is 14
9 years out of date. Like I said, 10 or 14 years
10 ago, I would not be able to operate my business
11 here in Shandaken. Now I can.

12 It has been said by proponents of this
13 development that we need the jobs this
14 development would provide to keep young people
15 in the community. People at the Margaretville
16 hearing talked about that more extensively than
17 we've heard tonight. Well, as a young man, as
18 a business owner, I would say the type of jobs
19 this development would offer would be a
20 disaster to the long-term economic vitality of
21 the younger generation. We need jobs that
22 provide the opportunity to be trained in skills
23 that provide the ability to eventually start
24 one's own business.

25 As an example, anybody working for me is

1 (Matthew Pokoik)

2 trained in highly skilled abilities which they
3 can eventually put to use for themselves, which
4 is exactly what I did myself. Small, locally
5 owned businesses are the pulse and the
6 heartbeat of this community, and they are what
7 make Shandaken thrive and continue to attract
8 youngsters to this natural environment who will
9 work hard to create more mom and pop businesses
10 that keep money local, that provide local jobs
11 and most importantly, whose scale properly
12 reflects the nature of Shandaken.

13 And what type of future do the young
14 people in Shandaken have if this development is
15 built? In the DEIS it states that the resort
16 will, quote, absorb demand for off-site lodging
17 for second home ownership and reduce the ski
18 area's growth-inducing effects. Let me repeat
19 that. It will reduce the ski area's
20 growth-inducing effects.

21 In other words, the future for young
22 people, according to Crossroads Ventures in
23 Shandaken is the Belleayre Resort. The DEIS
24 also states that the resort will, quote,
25 compete head-on with existing lodging, leading

1 (Matthew Pokoik)

2 to a decrease in demand for existing lodging.
3 In other words, existing businesses will be
4 hurt by the Belleayre Resort. It says it in
5 black and white in the DEIS. It's saying the
6 local economy will be negatively impacted. No
7 wonder the public has had such a hard time
8 accessing this document when it states the
9 negative impact on small businesses in such
10 matter of fact language.

11 And just what type of jobs will be
12 available? Well, in the DEIS, it states
13 high-paying jobs will be filled by people from
14 outside the regional community.

15 The DEIS states roughly what percentage of
16 the 873 on-site jobs will be high-paying. It
17 also states the percentage of mid-level jobs.
18 What it doesn't state, funny, is the number of
19 jobs that would pay between \$16,000, which it
20 says is the entry level salary for a full-time
21 job at the resort, to \$20,000 a year.

22 Well, what's left when we subtract the mid
23 and high-paying jobs which shall be given to
24 outside workers? What we're left with is 23
25 percent of the work force, roughly one out of

1 (Matthew Pokoik)

2 every four jobs will pay below the poverty
3 line. One out of every four jobs, just about
4 the number of unemployed people there are in
5 Shandaken and Middletown according to 2000
6 census data. Don't worry, if you're young and
7 in need of work in Shandaken, I'm sure you'll
8 be able to get work scrubbing toilets, washing
9 dishes and mowing the golf course at the great
10 and so-called visionary Belleayre Resort, but
11 will you be able to raise a family on that?

12 Which brings me to my last question. What
13 will be the future for our, may I say visionary
14 youngsters when they see a future for
15 themselves that is other than being one worker
16 in an Army of 1,000 working for a corporate
17 entity? I'll tell you, they will leave this
18 community in a mass exodus. We need to provide
19 opportunities for our future citizens that give
20 them the ability to make something new or to
21 expand something old, to walk in their own
22 shoes and to march to the sound of their own
23 drummer. The massive size of this development
24 will stagnate all prospects of growth in
25 Shandaken other than its own growth, leaving

1 (Matthew Pokoik)

2 the small, independent business person
3 literally out in the cold.

4 Lastly, WARC reporter Allison Dunn
5 recently asked Dean Gitter about the people who
6 were against this project and how he plans to
7 deal with their opposition. Mr. Gitter said,
8 quote, We have made a 15-volume, 3,500-page, \$4
9 million document that should now speak for
10 itself.

11 In that case, I now ask the DEC to let
12 this document stand for itself. Extend the
13 public comment period so that this massive
14 document can receive a proper review.

15 Thank you.

16 ALJ WISSLER: Hank Rope. After Mr. Rope,
17 we'll hear from Geoffrey T. Hoderath.

18 MR. HANK ROPE: Good evening, your Honor.
19 I'm Hank Rope speaking on behalf of the
20 Ashokan/Pepacton Watershed Chapter of Trout
21 Unlimited. We will be submitting a more
22 detailed written statement shortly.

23 Trout Unlimited is not opposed to
24 reasonable development, and in the past has
25 worked side by side with developers, farmers

1 (Hank Rope)

2 and government agencies in an effort to promote
3 sound environmental practices. The proposed
4 resort at Belleayre Mountain has failed to take
5 into consideration the effect development will
6 have on two intermittent streams it plans to
7 surround with its golf course.

8 Section 2.2.5 of the Draft Environmental
9 Impact Statement indicates effluent from the
10 treatment plant will be discharged to the
11 surface of an unnamed tributary of Emory
12 Brook. Section 3.2.2.1 indicates further that
13 two streams will be crossed as many as five
14 times by the golf course.

15 Lacking a plan to mitigate the effects of
16 the project on the streams is a serious matter
17 and calls for further investigation into the
18 effect the project will have on the trout that
19 spawn and raise their young in these streams.

20 Let me also call your attention to New
21 York Department of Environmental Conservation
22 Division of Water and Technical Operational
23 Guidance Series 1.3.1.b. A memorandum issued
24 June 1st, 1989 and subsequently reissued
25 recommends a Waste Assimilative Capacity

1 (Hank Rope)

2 analysis when dealing with low flow streams. I
3 find no evidence at all in the DEIS that such
4 was performed, and ask the DEC to require such
5 a study. Thank you.

6 ALJ WISSLER: Geoffrey Hoderath. After
7 Mr. Hoderath, we'll hear from Zachary Sklar.

8 MR. GEOFFREY HODERATH: Good evening,
9 Judge Wissler. My name is Jeffrey Hoderath,
10 and I'm the first vice president of the
11 Catskill 3500 Club. Please accept my
12 appreciation and thanks for the opportunity in
13 speaking this evening.

14 The 3500 Club is an established
15 organization of outdoors men and women. We
16 hike year round in the Catskills and actively
17 promote conservation and ethical use of the
18 wilderness. The club regularly partners with
19 and financially supports the efforts of the
20 ADK, the American Hiking Society, the New
21 York/New Jersey Trail Conference, the Catskill
22 Center and the DEC on behalf of the Catskill
23 Forest Preserve. As but one example of that
24 ongoing commitment, the club has paid for and
25 built the new lean-to on Balsam Lake Mountain.

1 (Geoffrey Hoderath)

2 My comments this evening will be brief and
3 will focus on four issues. Degradation of
4 scenic views, light pollution, changes to the
5 central Catskills rural character, and land use
6 ethics.

7 First, as to the viewshed, the proposed
8 resort complex would be unavoidably visible to
9 the north from the trails up Balsam and Rose
10 Mountains. In addition, the resort will be
11 exposed to view from myriad other locations;
12 the Hunter Mountain fire tower, the many
13 exposed ledges on Hunter itself, the south side
14 of the Halcott Mountain, and from off-trail
15 viewpoints on Panther and Westkill Mountains,
16 among others. The site of an out-sized resort
17 complex is not something that any hiker wants,
18 either as a trail companion or as the reward
19 for making a summit.

20 Tonight, starlight fills the winter sky.
21 Nothing is more wondrous to a hiker after a
22 successful outing than that glittering sight.
23 Yet, a super-sized resort with its artificial
24 light would be seen like an airport landing
25 beacon from miles around. That would have a

1 (Geoffrey Hoderath)

2 major visual impact on one of the Catskills'
3 true treasures, the truly dark night sky.

4 The central Catskills are a preserve of
5 unparalleled beauty in which hamlets and
6 villages nestle in the deep valleys, where
7 people find refuge from their harried, everyday
8 lives and have a chance to just slow down,
9 reconnect with nature and their neighbors, and
10 experience communities that are truly their
11 own. The developer's proposal offers two
12 18-hole golf courses, two resort hotels and
13 untold timeshare units. Those amenities would
14 quickly dominate and overwhelm the surrounding
15 communities. Such a complex is entirely out of
16 keeping with everything that is most valuable
17 and vital in the Catskill Forest Preserve. The
18 current balance by and between and among the
19 Catskill Preserve, the New York City Watershed
20 and the existing communities is a gentle one.
21 Those three interests co-exist in a harmonious
22 equipoise that should not be disrupted.

23 In preparation for these remarks, the 3500
24 president introduced me to the work of the
25 noted environmentalist Aldo Leopold. Allow me

1 (Geoffrey Hoderath)

2 to share his thoughts with you. In the 1949
3 book, A Sand County Almanac, Leopold urged a
4 new paradigm for our place in nature, quote,
5 From conqueror of the land community to plain
6 member and citizen of it." He advocated
7 humility and respect in dealing with wild
8 animals, plants, water and soil. He further
9 proposed a land use ethic and wrote,

10 "Quit thinking about decent land use as
11 solely an economic problem. Examine each
12 question in terms of what is ethically and
13 esthetically right. A thing is right when it
14 tends to preserve the integrity, stability and
15 beauty of the biotic community. It is wrong
16 when it tends otherwise."

17 To conclude, the Catskill 3500 Club
18 opposes the Belleayre Resort project as
19 proposed because of the likelihood of adverse
20 effects from a resort complex of this size on
21 the natural resources, communities and general
22 character of the central Catskills.

23 Thank you again.

24 ALJ WISSLER: Zachary Sklar. After Mr.
25 Sklar, we'll here from Dennis Ladner.

1 (Zachary Sklar)

2 MR. ZACHARY SKLAR: My name is Zachary
3 Sklar. I own a home and have lived in
4 Olivebridge, New York for 16 years.

5 I would like to speak about the effect of
6 the proposed development on me and my neighbors
7 in the Town of Olive, unique character of the
8 community we love and why it is so important to
9 us that it not be destroyed.

10 I speak as a city boy. I was born and
11 raised in Los Angeles, California, lived and
12 worked in New York City for 15 years. I moved
13 to Olivebridge in 1988 because I had become
14 very ill from the stresses and pollution of
15 city life. I knew I could never get well if I
16 continued to live in the city. Living in
17 Olive, I have returned to good health. This
18 place has nurtured me and I feel obliged to
19 defend it when it is threatened.

20 Olive is a small town of several thousand
21 people. We enjoy a quiet life here. We have
22 little traffic and no traffic lights. We have
23 open space, clean water and clean air. Our
24 skies are unspoiled by light pollution and we
25 can still see the Milky Way at night. We are

1 (Zachary Sklar)

2 blessed with views of beautiful mountains,
3 rivers and streams. We can still hear bird
4 song in the morning and the chattering of
5 cicadas the night. We love this way of life
6 and it is the primary reason most of us have
7 chosen to live here. It is about a 20-minute
8 drive south and east on Route 28 from the
9 proposed Belleayre Resort to Olive.

10 Route 28 is the main artery through our
11 town which is composed of five smaller villages
12 split by the Ashokan Reservoir. Since
13 virtually all traffic from New York City to the
14 proposed development would have to go through
15 Olive on Route 28, the influx of vehicles
16 estimated by the developer to increase by more
17 than 500 cars per hour using outdated baseline
18 numbers would have a great impact on quality of
19 life in our town.

20 Since September 11th, 2001, the traffic on
21 Route 28 has increased enormously. As one who
22 did it myself, I do not begrudge anyone the
23 right to move here or to vacation here.
24 However, I do feel that increased development
25 of this area must be handled with care and

1 (Zachary Sklar)

2 proper planning so that it does not endanger
3 the very things that make people want to come
4 here in the first place.

5 We have already been adversely affected by
6 New York City's ill-advised anti-terrorism
7 rules that require us to drive out of our way
8 on bad roads to get from one part of our town
9 to another, and it is already difficult to make
10 a turn from Reservoir Road, the main link
11 between the hamlets on one side of the
12 reservoir and the other, onto Route 28. If the
13 proposed mega-development were built requiring
14 enormous amount of construction material to be
15 trucked in over eight years, we would no doubt
16 need not just traffic lights, but also a
17 significant widening of Route 28 or a bypass.
18 This would disrupt the tranquility of our
19 lives, not just for a few seconds, as Dean
20 Gitter suggested earlier, not just during the
21 widening period, not just during the eight-year
22 building period, but forever more. Everything
23 we most value here would be threatened by this
24 mega-development. The size of our town would
25 grow dramatically, the traffic and noise would

1 (Zachary Sklar)

2 increase dramatically, the light pollution and
3 the stress of daily life would increase
4 dramatically. Our well waters and streams
5 would be more polluted from the chemicals used
6 on golf courses, our taxes would go up to pay
7 for more police and fire personnel, more road
8 maintenance and more school facilities.

9 The developer argues that these changes
10 would be worth it because he would bring new
11 jobs to our community. But he has stated that
12 virtually all the jobs for locals would be
13 low-paying. The better paying jobs would go to
14 skilled workers from elsewhere.

15 The Town of Olive was faced with a similar
16 argument in our own backward from a developer
17 named Harry Fotopolous in 1999. Mr. Fotopolous
18 wanted to develop an Indian theme park in our
19 town, much smaller than the one Dean Gitter has
20 proposed. He said it would bring jobs and it
21 would help poor indians. He never publicly
22 acknowledged that what he had had in mind was a
23 casino. That dreaded word.

24 He met with 300 town residents in
25 Samsonville Church and he told us he fully

1 (Zachary Sklar)

2 expected he would be greeted with open arms.
3 Instead, he was shocked to find that nearly
4 everyone in Olive was against his proposed
5 development. Sound familiar? Why? Not
6 because we don't need jobs. We welcome decent
7 jobs. We objected because we do not want our
8 way of life destroyed in exchange for the
9 dubious promise of a handful of minimum wage
10 jobs. We do not want to sacrifice the beloved
11 character of our community just so that Harry
12 Fotopolous or Dean Gitter or any other
13 developer can make a financial killing.

14 Mr. Fotopolous's development was rejected
15 and withdrawn and the vast majority of Olive
16 residents are very happy about that today.
17 This example should tell state officials
18 something about the character and values of the
19 Town of Olive. That character and those
20 values, I am happy to say have not changed
21 since 1999. We were not fooled by Fotopolous
22 then, we are not fooled by Dean Gitter now.

23 We understand that when some developers
24 propose theme parks or golf courses and hotels,
25 they are really planning on casinos. We know

1 (Zachary Sklar)

2 how our way of life can be destroyed by greed
3 and by lies and by politicians who want
4 reelection. We ask state officials to examine
5 this project carefully, to give great weight to
6 the views of the people who know best, the
7 people you've heard so loud and clear tonight
8 right here, the people who live here and who
9 will have to pay the price for this
10 greed-driven, ill-conceived, dangerous
11 proposal.

12 In the name of our future and the future
13 of the communities in the Catskill Park we
14 love, we urge you to reject the Belleayre
15 Resort mega-development. Thank you.

16 ALJ WISSLER: Dennis Ladner. After Mr.
17 Ladner, we'll here from Graham Cox.

18 MR. DENNIS LADNER: Dennis Ladner, I'm a
19 resident from Shandaken. I've been a resident
20 of Shandaken for the last 20 years. I've
21 raised my children here. I really wasn't that
22 involved in local politics or anything. I
23 thought the people who had always been here
24 knew better than I did.

25 Over the past several years, the people of

1 (Dennis Ladner)

2 Shandaken have been repeatedly bullied,
3 insulted and manipulated by the developer of
4 Crossroads Ventures and his spokespeople. One
5 of his best known insults was labeling our town
6 as a rural slum, and his most famous
7 manipulation was the acquisition of the Pine
8 Hill water supply. Now he's continuing to
9 manipulate the community and the DEC through
10 his DEIS.

11 Those of us who have had to put up with
12 Mr. Gitter over the last four years are used to
13 him making statements in the newspapers such as
14 the unemployment rate is this, the number of
15 people that are on welfare is this.

16 I only happen to know officials from his
17 agencies have to correct him because he was
18 always using outdated information. And he
19 continues to do this in the DEIS. He uses, as
20 was previously pointed out, information from
21 the 1990 census.

22 One of the problems I have with the DEIS
23 is all of the information comes from experts
24 that he has paid for. If people still depend
25 on tobacco industry studies to determine that

1 (Dennis Ladner)

2 cigarette smoking was dangerous, then many more
3 people would still be smoking happily,
4 oblivious to the truth.

5 As you can see from the people who spoke,
6 there are many issues that the DEIS has not
7 adequately addressed. There are many areas in
8 the DEIS that at first glance of a rosy glow,
9 but there are environmental, economic and
10 social problems that will almost certainly
11 arise if this resort is allowed to be built.
12 I'm going to speak about the subject that my
13 wife and I have had some experience with,
14 people trying to raise a family on inadequate
15 salaries.

16 According to the DEIS, the majority of the
17 workers will earn \$6 to \$8 per hour. Yet, also
18 in the DEIS they say the average salary is
19 \$27,000 a year. I'm not a mathematician. It
20 doesn't work. If a person works 35 hours a
21 week at \$6 an hour and is lucky enough to be
22 employed full time for one year, that person
23 will earn \$10,920. At \$8 per hour, that person
24 would earn 14,560. And remember, in the DEIS
25 he said the majority of people will earn 6 to

1 (Dennis Ladner)

2 \$8 an hour. If a husband and wife worked
3 together at the resort, they might bring home,
4 say, somewhere in the 22 to \$29,000 a year,
5 depending upon how much each earned. If they
6 had two children, they would fall well below
7 the 44,220 figure listed by the Albany Office
8 of Fiscal Policy as the amount needed for a
9 family of four to be self-sufficient in Ulster
10 County, which means they would need help from
11 the county, from the federal government, from
12 the State.

13 U.S. Department of Agriculture and the
14 Ulster County Office of Employment and Training
15 both consider \$15 an hour or roughly \$31,000
16 per year as low income for an individual in
17 Ulster County and neither the person earning \$6
18 an hour or the one earning \$8 an hour comes
19 close to being self-sufficient.

20 At the income level Mr. Gitter is offering
21 a family of four would have a very difficult
22 time finding affordable housing, a reliable
23 used car, even paying their monthly bills, not
24 to mention daycare costs, health insurance
25 costs. What would a single parent do on such a

1 (Dennis Ladner)

2 small income? This is not a living wage.

3 The only residents in this town that could
4 really afford most of those jobs are students
5 still living at home. I don't know how Mr.
6 Gitter would be able to staff his resort with
7 hundreds of high school students. Who would
8 work during the day hours when the kids were in
9 school? He's going to have to entice hundreds
10 of people to move here and accept these low
11 wages, and these people would not be able to
12 find housing. Housing costs have sky-rocketed
13 in this area for the past few years. The costs
14 of buying a house has come up over 50 percent
15 in the last two years. That's statistics from
16 Ulster County gotten out of the paper
17 recently.

18 The agencies in Ulster County who monitor
19 housing, Family of Woodstock and Ulster County
20 Department of Social Services, have stated that
21 there is really a zero vacancy rate when it
22 comes to affordable housing, zero. Social
23 Services tells their caseworkers to do anything
24 possible to keep people from being evicted
25 because we have no place but welfare hotels to

1 (Dennis Ladner)

2 put them. Those are people with income, but
3 there is no affordable housing. We're a
4 paradox. We're a rural area that the cost is
5 incredibly high to live because of all the
6 people coming up from the city have pushed the
7 price of housing up.

8 So if Mr. Gitter has to bring in workers,
9 it's because the unemployment rate in Ulster
10 County -- I know they said we're a depressed
11 area, but it's not that there aren't jobs here,
12 the unemployment rate, the last rate I saw a
13 couple months ago is 3.9 percent for Ulster
14 County. That's not what the developer tries to
15 project. And anybody who lives in Ulster
16 County goes to any stores, sees all the Help
17 Wanted signs. There are plenty of jobs
18 available where you can't afford to pay your
19 living expenses.

20 So where will these people live if they
21 came here since there is no affordable
22 housing? I think Mr. Gitter has a plan because
23 I think he's not that dumb that he doesn't know
24 he has to import people. He's probably going
25 to have to build a low rent village. Let's

1 (Dennis Ladner)

2 see, a Gitterville. He would have to provide
3 transportation for them to get to work since
4 they would not be able to afford cars.

5 None of this is considered in the DEIS.
6 He just glossed over the whole idea because the
7 reality is the way he split the population here
8 on support and non-support was he started
9 talking jobs, and politicians are doing it now,
10 the governor is doing it, the president is
11 doing it. But they're not talking about the
12 kind of wages any of these jobs pay. And
13 people didn't ask, partially because he's got
14 the support of a couple of local politicians
15 who have been here a long time and people trust
16 them, so they never went any further than the
17 words "jobs." They never looked into it.

18 But if you read the DEIS, you'll see it's
19 low-paying jobs. The higher-paying jobs are
20 going to people coming out, probably coming out
21 from Marriott. He's admitted he's going to
22 sell. The construction jobs, we don't have the
23 right kind of construction jobs in our area to
24 hire. They're going to have to bring in
25 outside construction companies. I'm not sure

1 (Dennis Ladner)

2 what benefits we're getting out of this.

3 So the way I see it, there's lots of
4 mistakes. It's not what this area needs, nor
5 is it what we want. The resort is a very bad
6 idea, falsely packaged to appeal to local
7 people who want to improve their life. But if
8 Shandaken is allowed to continue to grow in a
9 gradual pace the way it has over the past few
10 years, there will be more and more small
11 businesses starting up, and hopefully they will
12 be a more manageable size not so dependent on
13 low-paying service jobs, nor will they be so
14 destructive to our environment and our
15 community.

16 And the only other thing I have to say to
17 local people, you should be at the town
18 meetings because especially in Shandaken, the
19 new Town Board has already started selling us
20 down the river on this issue and they need to
21 hear from you.

22 ALJ WISSLER: Graham Cox. After Mr. Cox,
23 we'll hear from James Nevin.

24 MR. GRAHAM COX: Looks like the seventh
25 inning stretch.

1 (Graham Cox)

2 My name is Graham Cox, and I am
3 coordinator of Audubon New York's forest and
4 wetland programs. I have a Master's of Science
5 in economics and a Ph.D. in what is probably
6 strange to all of you, it's called ecological
7 economics. Both degrees are from RPI.
8 Ecological economics, to put it very simply,
9 the economic study of sustainable development.
10 And we'll get back to that in a few moments.

11 Audubon New York is a conservation
12 organization with 45,000 members and 30
13 chapters across New York. The mission of
14 Audubon New York is the protection of birds and
15 other wildlife and the habitat that supports
16 them. We are part of a national organization
17 with a half a million members throughout North
18 and Central America.

19 The following chapters represent members
20 in the area impacted by this project. The
21 Northern Catskill chapter, the Capital Region
22 chapter, Delaware-Otsego, Orange County,
23 Sullivan County, as well as our New York City
24 chapter, which alone has 10,000 members. We
25 have seven chapters in the metropolitan area,

1 (Graham Cox)

2 in Putnam, Westchester and Rockland Counties.
3 These are all members who are served by the
4 metropolitan water supply, both east and west
5 of the Hudson River. Put simply, we have a lot
6 of members with a big interest in this
7 project.

8 It's obvious that many of our members in
9 the Catskill region and metropolitan area
10 chapters will be directly impacted by the
11 adverse impacts of this resort project.

12 Beautiful description of a shining resort on a
13 ridge. They will be impacted by the likely
14 changes in water quality and by the tax and fee
15 bills they will be presented with as a result
16 of the adverse impacts of this resort project.

17 Audubon New York is guided by several
18 policy resolutions which pertain to the
19 Catskill Park and the New York City Watershed
20 counties. In summary, we oppose any projects
21 that will adversely affect the drinking water
22 resources of the region. We oppose projects
23 that can harm bird habitat, especially at the
24 higher elevations of the Park and the
25 watershed. And we support the state's habitat

1 (Graham Cox)

2 conservation and bird protection measures for
3 the designated Bird Conservation Area in the
4 park and watershed. In this particular
5 instance, the Catskill High Peaks have already
6 been designated by the governor as a Bird
7 Conservation Area.

8 Audubon New York has a resolution specific
9 to this Belleayre Resort project. It states in
10 part that we will be active in the SEQRA
11 process, that we will scrutinize the likely
12 impacts of this project on the habitat, the
13 regional water quality and water flows and that
14 we oppose the project as proposed and we'll do
15 so until such a time that the developer and the
16 state can show that the environmental, economic
17 and social benefits can by far outweigh the
18 costs both locally and regionally. We don't
19 think it will happen.

20 The reasons for our opposition were
21 outlined almost a year ago in a letter to the
22 State DEC when the first draft of this
23 3,000-page document was released for review and
24 comment, and I'm just going to just very
25 quickly summarize what those points were that

1 (Graham Cox)

2 we made then.

3 The project involves clearing and altering
4 the terrain on the square mile of high
5 elevation habitat of the two watersheds. We've
6 heard about that, we know about that. We don't
7 have to say more about it. We support
8 maintaining the system, that is the watershed
9 system, in a way that the city water does not
10 have to be filtered at considerable tax cost to
11 all taxpayers.

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

1 (Graham Cox)

2 for all other dependent uses.

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

25 The fourth point we made, we'll make it

1 (Graham Cox)

2 again, is that we believe that there are better
3 alternatives to this project which have not
4 been considered seriously by the developer and
5 the State DEC. These alternatives would
6 provide many more benefits to the ecological
7 and social communities to the watershed.

8 Investing in the existing communities, putting
9 golf courses and conference centers in existing
10 communities, investing in the small businesses,
11 that is the shops, the restaurants, the bed and
12 breakfast units along the length of the Route
13 28 corridor are some suggestions.

14 We believe that this sort of alternative
15 is small scale, fitting into the existing
16 communities, minimizing impacts and following
17 what's called the precautionary principle of
18 not being -- have not been seriously considered
19 in this impact because the developer is locked
20 into the two properties they purchased.

21 The first review of the draft impact
22 statement as published now has not changed our
23 opinions about this project.

24 Our prime concerns focus on the smart
25 growth implications. That is to say, this does

1 (Graham Cox)

2 not follow the smart growth principles which
3 are now becoming accepted by the planning
4 community across this and many other states and
5 which are now being embodied in the policies of
6 this state governor and the state government.
7 They are summarized by the governor's Quality
8 Communities executive order of January 2000,
9 the report on the Quality Communities Task
10 Force of February 2001, and in state
11 legislation introduced in sessions of the State
12 Legislature since 2000. Let me remind you very
13 briefly what those principles are.

14 And I should say parenthetically, Audubon
15 New York has organized three state conferences
16 on smart growth in 1999, 2000 and 2001, so we
17 have a little experience figuring out with what
18 these ideas are and what the principles are.

19 First, the basic idea is to encourage the
20 use of the existing development
21 infrastructure. That is, the existing
22 development infrastructure, rather than foster
23 sprawl, and thereby preserve open space,
24 natural habitat and agricultural resources
25 where this is applicable. It is to enhance

1 (Graham Cox)

2 urban centers and neighborhoods, support
3 traditional cities, villages and hamlets, and
4 where possible, support the continued viability
5 of rural communities. Invest in what you got,
6 not something like a shining resort on a hill.

7 This can be achieved, the second point,
8 can be achieved by local communities developing
9 a collaborative smart growth plan of their own,
10 laying out their own vision for their own
11 communities. This does not include a vision
12 imposed from outside, nor does it include
13 development of such a scale that it overwhelms
14 the communities and their resources.

15 Third, third point dealing with principles
16 is this. Principles work to enhance a sense of
17 community. They protect investment in the
18 existing communities in neighborhoods, they
19 protect environmental quality and conserve open
20 space, they protect farming community, decrease
21 congestion by providing alternative modes of
22 transportation, they use energy conservation as
23 a foundation for planning and design and make
24 efficient use of limited public financial
25 resources.

1 (Graham Cox)

2 The key to all of this is coordinated
3 planning at the community, regional and state
4 levels. And if there is a fault of the whole
5 SEQRA process, and I've been involved in it for
6 25 years plus, it's because SEQRA does not
7 recognize the whole comprehensive planning
8 needs of the community. It's a spot by spot,
9 piece by piece kind of thinking that just
10 doesn't work.

11 We're of the opinion that these basic
12 principles are violated by the sheer size and
13 character of this project. Furthermore, the
14 process of community involvement and
15 collaboration on a development plan for this
16 region that is of an appropriate scale and
17 character has been ignored and thwarted by the
18 developer and by the state. But bluntly, this
19 is not by any measure a development that could
20 be considered a sustainable development
21 project. It violates all the principles that
22 I've listed above.

23 On a personal note, I spent several years
24 of my life working on a little group called the
25 Adirondack Commission, Adirondack Park in the

1 (Graham Cox)

2 21st century. I sat in a similar spot
3 organizing hearings around the state to get
4 people's comments on that project on that
5 particular report.

6 The one comment that stands out over and
7 over again that we got from New York City to
8 Buffalo when they looked at the -- the proposed
9 kind of developments that go on there, it was
10 simply this: The park is a park, treat it like
11 a park.

12 I would say the same thing about the
13 Catskills. The Catskill Park should be treated
14 with the respect due a 100-year-old park.
15 Thank you.

16 ALJ WISSLER: James Nevin. After Mr.
17 Nevin, we'll hear from Paul Tobin.

18 MR. JAMES NEVIN: Thank you, Judge
19 Wissler, the DEC and the Onteora School
20 officials for providing all of us here and my
21 fellow citizens and myself the opportunity to
22 voice our opinions regarding the proposed
23 Crossroads Belleayre Resort project. I'm
24 speaking tonight in total opposition to the
25 project, based ultimately on the lack of

1 (James Nevin)

2 credibility of the authors of the DEIS.

3 Yes, indeed, we are certainly at a fateful
4 crossroads here. The project, in my opinion,
5 is really about three things; priorities, power
6 and process. Before I continue, let me tell
7 you where I'm coming from.

8 I am a 15-year resident of Pine Hill. I
9 am a local taxpayer. I am a local small
10 business owner. My Internet consulting
11 business has generated local employment. I am
12 also a self-supporting new media artist, and at
13 one time I worked for over seven months on a
14 PGA golf course as a groundskeeper. I am also
15 an enthusiast of outdoor nature activities. I
16 cross-country ski on the local Pine Hill
17 railroad tracks right past where Silo A is
18 located in the winter, and in the warm weather,
19 I run beside -- daily beside Lower Birch Creek
20 that we've heard so much about Birch Creek and
21 the water. So I believe I know something about
22 both sides of this so-called priorities
23 question of environment versus economy that the
24 project poses.

25 Frankly, we have been misled. Here in the

1 (James Nevin)

2 middle of the Catskill Park, the environment is
3 the economy. The proposed project will be
4 highly destructive of this environment started
5 on day one with blasting of the Belleayre
6 ridge, and in the broader sense, destructive of
7 the tight-knit Pine Hill community and its
8 local character. And I would add to that also
9 the communities of Olive that we've heard about
10 and the other surrounding local hamlets. We do
11 not need Disney World on Belleayre Mountain.

12 The project is also about power. Local
13 community power versus Wall Street power. The
14 famous detective saying is, follow the money.
15 This \$300 million project is financed by Wall
16 Street millionaires who do not have the local
17 community's interest at heart. The developer
18 himself has openly admitted that if approved,
19 the project package will be sold and operated
20 by another major outside corporation, probably
21 Marriott. Opposition to the project has come
22 from local citizens' groups who have drawn on
23 their own resources to build an effective
24 opposition.

25 Finally, the project is about process,

1 (James Nevin)

2 the development process, the review process and
3 the media process. The developer is simply
4 put, not trustworthy. This was amply
5 demonstrated by the developer's supposed white
6 knight in the dark of night purchase of the
7 Pine Hill Water Company, which happened to the
8 public dismay of the Town of Shandaken, which
9 was in final negotiations with the owner. It
10 is no coincidence that our white knight secured
11 for his project a potential water source from
12 the company before agreeing to sell the rest to
13 the Town.

14 The DEC is to be commended for following
15 the review process. But frankly, is also
16 suspect for its obvious self-interest in the
17 adjacent Belleayre Ski Resort.

18 And last, the local media, with the
19 exception of the Phoenicia Times, I have to
20 say, has jumped on the bandwagon, no doubt
21 excited by the prospect of advertising revenues
22 from the proposed project, if approved. It's
23 not approved yet. This income has already
24 begun with full page smear ads by proponents of
25 the project in the recent Shandaken election.

1 (James Nevin)

2 We can only hope that our priority will be
3 the existing park and its local communities.
4 We can only hope that the power of local
5 citizens is greater than the power of Wall
6 Street. And we can only hope that the process
7 will, in the end, not be about who has the best
8 political connections, but about what is best
9 for all citizens and our beautiful Catskill
10 environment. Thank you.

11 ALJ WISSLER: Paul Tobin. Marcy Woodruff.
12 Kate Woodruff. Loren Quinby. After Mr.
13 Quinby, we'll hear from Larry Bauer.

14 MR. LOREN QUINBY: I'm Loren Quinby from
15 Phoenicia, and I'm very proud to say I'm one of
16 the founding members of the group Friends of
17 Catskill Park. And you'll may be relieved to
18 hear, I'm going to be quite brief because, you
19 know, it's an honor to share this podium with
20 so many people who have come before me and
21 spoken so eloquently about their love of the
22 land.

23 I would like to just talk a little bit
24 about something that's bothered me in this
25 whole process, this review process. It started

1 (Loren Quinby)

2 out with a little problem called segmentation.

3 I would like to tell you a story.

4 Once upon a time back in April of 1999, a
5 gentleman by the name of Dean Gitter put a
6 letter in the paper, Catskill Mountain News.
7 Lo and behold this letter said, and I'm not
8 quoting, mind you, but I do have a copy of the
9 letter and I would be happy to show anybody.
10 But it basically said in effect, Don't worry,
11 local folks, about the recent change in zoning
12 that allows golf courses, because there's no
13 place on the mountains you can put them.

14 Well, wouldn't you know the land was
15 already -- the land which is now in the parcels
16 which are now being considered in this review,
17 Belleayre Resort at Catskill Park, was already
18 being purchased before that letter was ever
19 written, and it wasn't too long after that,
20 about six months later, I believe, that he was
21 presenting to the Shandaken Town Board his
22 proposal for this mega-golf resort on top of
23 Belleayre ridge.

24 So normally when a zoning change is made,
25 I believe that the process is supposed to

1 (Loren Quinby)

2 entail a review. Well, now we're looking at a
3 review of a \$300 million golf resort completely
4 separate from a review of a zoning change.
5 This is segmentation.

6 I bought my first home in the Town of
7 Phoenicia about four or five years ago and I,
8 like many people who have moved to the area,
9 came because of what it is, not because of what
10 it's not. It never occurred to me to move to
11 the glorious Catskills because, God, someday it
12 might look like Disney World, or maybe I can
13 only hope, maybe someday it will look more like
14 Westchester where I grew up. That's not why I
15 moved here and invested my money in the
16 beautiful Catskill Park.

17 I love these mountains. I love the fact
18 that wilderness is side by side with these
19 private holdings in such a harmonious manner,
20 and this organic conglomeration of people, the
21 people who have been here for generations and
22 generations and the newcomers, be they from New
23 York City or wherever they're from, I've got a
24 neighbor who recently bought, and I believe
25 she's from Germany and she loves this place.

1 (Loren Quinby)

2 You know, what a treasure we have, this unique
3 landscape.

4 We've heard -- we locals have heard too
5 much from certain proponents of the resort, and
6 I don't really know if they honestly believe
7 this when they say it or if it's just more
8 hype. I can't answer that. Only they can
9 answer that, I suppose. That the people who
10 are opposed to this resort are afraid of
11 change. Well, to that I would like to say two
12 quick things.

13 I have a background in forest biology, an
14 educational background. I work as a carpenter
15 right now. Partly because I love to be
16 self-employed because I like to spend a lot of
17 time hiking, among other things. But any
18 biologist could tell you that evolution is a
19 process that has a lot to do with change,
20 obviously. But you know, one of the primary
21 sources of evolution in any given species in a
22 biological community is mutation, okay? By far
23 and away, almost 99.something percent of
24 mutations that occur in any natural system die
25 out. Change in and of itself is not positive.

1 (Loren Quinby)

2 So I think I really just would like to
3 quote Gandhi on the subject because he said it
4 much more succinctly and eloquently than I'm
5 trying to here. Gandhi said, speed is
6 irrelevant if you're going in the wrong
7 direction. Thank you.

8 ALJ WISSLER: Larry Bauer. It is now five
9 minutes of 11:00. We will take a ten-minute
10 break. Be back here at five after 11:00.

11 (The proceeding recessed at 10:55 p.m.;
12 reconvened at 11:13 p.m.)

13 ALJ WISSLER: Our next speaker is going
14 to be John Carney, followed by Sparrow, is all
15 I have on the card here, from Phoenicia.

16 I would remind folks that pursuant to the
17 notice, that written comments can be submitted
18 in this matter until February the 24th. If you
19 feel that issues that are important to you are
20 particularly of concern to you have been
21 articulated by your neighbors, you know, do
22 feel free to submit a written comment.

23 I'm the guy that reviews them. The DEC
24 reviews them, too, as part of the DEIS, but I
25 will read them and I will -- they will receive

1 (John Carney)

2 the exact same weight as if you came up here to
3 the microphone and spoke.

4 In addition, the speaker card, you can
5 fill out your concerns in writing on the
6 speaker card and give that to us and that will
7 become part of the record of this hearing
8 also.

9 John Carney.

10 MR. JOHN CARNEY: Good evening. Thanks
11 for sticking around. My name is John Carney.
12 I live in Hardenburgh. Actually, I've lived
13 there since 1992, and Hardenburgh is on Rider
14 Hollow Road which is on the other side of this
15 proposed project, and that's where I shall be
16 living and I'll have the honor and privilege of
17 driving through this wonderland as I go over
18 Todd Mountain Road to go to my house, all the
19 happy people, I'm sure, waving gingerbread
20 houses and fairy tales and perhaps pots of
21 gold, because I do a lot of hiking. Maybe I'll
22 find some gold up there.

23 I've spoken with a lot of people about
24 this, actually, and one thing that comes
25 through to people I find who are for this

1 (John Carney)

2 project is that they trust Mr. Gitter. They
3 think that Mr. Gitter would never do anything
4 to harm this area. Mr. Gitter has the best
5 interests of this area at heart, and nobody
6 would ever catch him doing anything wrong. But
7 I don't think what they take into consideration
8 is the fact that Mr. Gitter is the front man.
9 He won't be doing anything wrong. He'll just
10 be laying the foundation. Some nameless
11 conglomeration is going to come in here and
12 they are going to be doing the stuff that's
13 wrong, and Mr. Gitter can happily dance away
14 with whatever profit he's made from this.

15 So pesticides and herbicides and
16 fungicides and herbicides show up in our water,
17 well, we don't blame Mr. Gitter, he would never
18 do that to us. We can blame that faceless
19 conglomerate, and good luck blaming them and
20 getting them on the phone when the night sky is
21 illuminated seven days a week, all year round,
22 not just for snow making at Belleayre after
23 midnight, we can call the conglomerate. When
24 traffic is backed up all the way to Kingston or
25 when it's going out Olivera Road out to Frost

1 (John Carney)

2 Valley, we know Mr. Gitter didn't do that, he
3 just let some conglomerate do that in someone
4 else's name. That's my first comment.

5 My second comment is, I want to know why
6 it needs to be so big. Why does it have to be
7 so big? It reminds me when I go to a movie and
8 I want to just get a Coke and a popcorn and
9 somebody says to me, Well, you can get a medium
10 Coke and a popcorn, but for 50 cents more we'll
11 give you a 55-gallon drum and a hefty bag of
12 popcorn. And guess what, we'll refill it for
13 you when you're done with it.

14 I am thinking, what am I, a squirrel? I'm
15 going to take it home and dig it in the ground
16 for winter. The reason those movies do that is
17 because they make more money when they
18 super-size it. The reason Mr. Gitter says it
19 has to be more big is because they have to pour
20 more cement, more girders, blow off more
21 dynamite and make more havoc, which will be
22 more profit. Of course, it won't be him doing
23 it, it will be some conglomerate. I don't
24 know.

25 I don't think we should let him super-size

1 (John Carney)

2 the Catskills' ecological future. That's not
3 something I think we should do.

4 And third point is, there's going to be
5 400 lodging units, 351 timeshares, 832
6 bedrooms, and to me that says a lot of garbage,
7 lot of garbage, lots of garbage. And garbage
8 attracts bears. I love bears. Prior to moving
9 to the Catskills, my only experience with bears
10 was a fellow named Yogi and his friend Ruble
11 who wore a tie and a hat and he was rather
12 clever. The bears I've since run into since
13 I've lived in the Catskill are magnificent
14 creatures that wander through the park and they
15 are attracted to garbage. And if they're not
16 cleaning this garbage up and if they're not
17 taking it away and making sure it's not being,
18 you know, handled by the bears, we're going to
19 have bear problems. Garbage is like heroin to
20 bears. Bears start acting differently once
21 they get that and we're going to have problems,
22 there's going to be an accident and some
23 knuckle head is going to pull out a gun like
24 they did last summer, shoot one of these bears
25 and it's going to keep going on and on and

1 (John Carney)

2 that's going to be, I guess, a public relations
3 disaster, not to mention a horrible tragedy for
4 these magnificent beasts that live in the
5 park.

6 Last week also when I was at the
7 Margaretville meeting, some folks would say,
8 well, you know, these ecological lunatics from
9 somewhere else -- they're all from somewhere
10 else -- would object to Belleayre Ski Center
11 had they been around when it was being
12 proposed. And there is a difference between
13 the Belleayre Ski Center and this golf course.
14 Belleayre Ski Center, if I'm not mistaken, is
15 on a hill. You go to the top and then you go
16 to the bottom, you go up to the top, go to the
17 bottom, go up and then go the bottom.

18 We're going to build a golf course on a
19 hill. You don't go "fore" and hit the ball to
20 the bottom. So, we're going to blow it up and
21 flatten it and put the golf course there, which
22 is like blowing up the Tetons to put in a
23 bowling alley. I guess the idea is, we have to
24 destroy that mountain to save it.

25 My final point is about water. When I

1 (John Carney)

2 first was coming up here with my wife, we were
3 looking at houses. We were renting, and a real
4 estate agent was showing us -- a really nice
5 guy, personable fellow, he would make snide
6 comments about the watershed, the DEC this and,
7 you know, watershed that, and, well, you can't
8 do this, you can't do that and he thought he
9 would make a little joke. He said, well, you
10 know, I always get my revenge. I go to
11 Pepacton once in a while and I urinate in it.
12 It wasn't a joke. He didn't say exactly those
13 words, but I indicate that's what he meant.

14 And I said to myself, I told him I lived
15 in New York City at this time and, you know,
16 you just told me you urinate in my water, and
17 is this a joke? And then I realized, he didn't
18 care and he was probably banking on the fact
19 that either I agreed with him or I just shut up
20 because I'm not going to get in an argument
21 with the guy. But that was a while ago and I'm
22 not going to shut up anymore. I'm not going to
23 hold my tongue, and I don't think anyone here
24 should told their tongue either and be treated
25 as an outsider.

1 (John Carney)

2 If there is resentment now before this
3 resort about the watershed and having to
4 protect the water for those New Yorkers, which
5 it's just not New Yorkers -- well, New
6 Yorkers, yes, New York City people, which is
7 some kind of bad word -- what are they going to
8 think when we have to spend \$8 billion for
9 filtration and everybody's going to have to pay
10 for that?

11 As far as I know from the DEIS, I haven't
12 read this thing, but there is nothing in there
13 that says that Delaware County and Ulster
14 County people don't have to pay for
15 filtration. The whole state is going to have
16 to pay for that thing and it's going to be
17 happening if we destroy this water, this
18 precious watershed that we have. And that's
19 all I have to say. Thank you very much.

20 ALJ WISSLER: Sparrow. Sophie Franzen.
21 Peter DiModica. Peter, you'll be next.

22 SPARROW: The habits of millionaires do
23 not fascinate me. Certainly I read about them
24 in the gossip columns of the New York Post, but
25 my interest is not abiding. A moment later I

1 (Sparrow)

2 have forgotten their mansions and personal
3 airplanes.

4 But when a gang of millionaires chooses to
5 enter my neighborhood, shave off the top of a
6 mountain and pour toxins in the water supply of
7 a large city, all for an inane golf course and
8 resort, which will likely lose money and be
9 transformed into a casino, I take notice.

10 We mountain dwellers endure snow and
11 frozen pipes, wind and leaking roofs, but we do
12 not appreciate social engineering. We are not
13 subjects of an ambitious experiment. When the
14 millionaires draw up their catastrophic plans,
15 we fight.

16 I have one belief. The cartel building
17 this golfing haven does not wish to create jobs
18 or improve our spiritual life. They have one
19 aim, to generate profit. And I have advice for
20 them. Put your money in the stock market. I
21 can even recommend a particular stock,
22 Halliburton. Watch your money grow and leave
23 us alone.

24 ALJ WISSLER: Peter DiModica. Chandra
25 Lencina.

1 (Peter DiModica)

2 MR. PETER DI MODICA: Dear friends and the
3 DEC officials, thank you for the opportunity to
4 speak here this evening. I speak tonight as a
5 resident for over 25 years, a local business
6 owner for 20 years and as a previous Shandaken
7 town supervisor. I moved to this area from New
8 Jersey in the mid-'70s to get away from the
9 unlimited growth that was happening in my
10 neighborhood and because I loved the country.
11 I have been spending a lot of time back there
12 lately to care for my father during the last
13 few weeks while he is recovering from surgery.
14 Last week I was horrified when a friend's
15 15-year-old daughter was beaten unconscious by
16 gang members. This activity did not exist
17 there when I was growing up.

18 I had no illusions about getting rich
19 here, but instead came to enrich my life. I
20 settled here because I was surrounded by the
21 Catskill State Park and I felt this was a place
22 where with hard work and a little sacrifice,
23 one could make a living and live in a place
24 where other folks come to get away for
25 vacation. The Belleayre Mountain Ski Center's

1 (Peter DiModica)

2 growth was controlled by the New York State
3 constitution to preserve the integrity of the
4 Catskill Park.

5 This DEIS presents an overly dire outlook
6 for our region if this project does not get
7 built, and it presents an extremely rosy
8 outlook if it is successful. As a former
9 supervisor of the Town of Shandaken, I saw the
10 incredible growth that took place in our
11 region. This growth has been going on for
12 nearly a decade and it is reflected in the 2000
13 census. In fact, we are one of the fastest
14 growing areas in this part of New York State.

15 Many of you here know that since the World
16 Trade Center tragedy, there has been an
17 additional major spurt in growth and property
18 values in our area. With the further sprawl of
19 New York City and its suburbs, I believe that
20 we will have more than enough growth to keep
21 businesses growing. In fact, the Catskill Park
22 is a wonderful asset to the people downstate
23 who in these frightening times have a place to
24 vacation where there is beautiful mountaintop
25 scenery, world class fishing, great skiing,

1 (Peter DiModica)

2 moderate traffic, lovely hamlets with great
3 restaurants and interesting shops. This is the
4 true character of the Catskills. This is why
5 people come here. If they wanted to stay at a
6 mega-destination resort, they could find that
7 in the Poconos.

8 This project is a character killer. With
9 its cadre of restaurants and stores, it will
10 suck the life out of the hamlets. With its
11 increased traffic, it will make the area less
12 accessible to the visitors that enjoy the Park
13 at present. With its golf courses and erosion
14 and warm water effluent, it will threaten the
15 trout spawning in our world class streams, and
16 the clearing of the mountaintop and added
17 impervious surfaces, it will endanger the lives
18 of anyone now living downstream.

19 I read Governor Pataki's State of the
20 State speech and he said, quote, "Together
21 we've led the nation to our commitment to clean
22 air and water. Let's be the nation's leader in
23 clean and renewed energy technologies, and
24 preserving open space. Today, I will advance a
25 newly environmental agenda to achieve both of

1 (Peter DiModica)

2 these goals."

3 This seems at odds with this project of
4 this scale being proposed in the Catskill Park
5 and in the center of the New York City
6 Watershed.

7 Governor Pataki also stated, "Every child,
8 regardless of where they live, deserves clean
9 air, clean water and pristine open space. Our
10 programs are guaranteeing that," end quote.
11 Why, then, are we considering allowing the
12 mega-resort project to open the door on
13 developing the pristine open space that we
14 already have? Why are we fixing what ain't
15 broke? The Catskills are presently the most
16 pristine open space within an easy drive of
17 over half the population of the state.

18 The governor says, "Let's pledge over the
19 next five years to make New York the safest of
20 any state in America." Another laudable goal,
21 but with over 800 workers, many of them in
22 low-paying jobs, and a doubling of the
23 population of the town, crime will increase.
24 With a large increase in traffic, accidents
25 will increase. And as I mentioned before, with

1 (Peter DiModica)

2 less forests on top of the Belleayre Ridge,
3 floodwaters will increase.

4 This year marks the hundred year
5 anniversary of the Catskill Park and, in fact,
6 the governor is rightly proud of his record of
7 establishing new state parks. Is this the way
8 we celebrate the establishment of one of New
9 York State's greatest assets? The Catskill
10 Park is constitutionally protected and the
11 intensive use area of Belleayre Mountain Ski
12 Center is limited by the state's constitution.
13 Indeed, it's the DEC's mandate to enforce that
14 protection. Yet, this seems to be an end run
15 around that constitutional mandate that
16 protects against the expansion of the intensive
17 use area. I realize that with the record
18 setting years experienced by the Belleayre
19 Mountain Ski Center, the area has a need for
20 more lodging. The ski center has been a good
21 and responsible neighbor for the most part and
22 with its family friendly atmosphere, I want to
23 see it succeed. But with a mega-development
24 comes mega-impacts and it will be many, many
25 years before we see any tax benefits.

1 (Peter DiModica)

2 Will the people in the area and their
3 families be able to hold onto their property
4 long enough to enjoy the benefits, if they ever
5 come, or will they be the ones that have to
6 commute to the meager jobs at the resort
7 because they can't afford to live here
8 anymore? This project needs to be cut down to
9 a size that we can all afford. This area needs
10 sensible growth, not irresponsible,
11 out-of-control growth. With careful planning,
12 we can have prosperity and still preserve the
13 beauty that we all cherish here.

14 My store is located in a big, old
15 victorian house in a good, visible business
16 location. And although I have done lots of
17 work on it over the years, it still needs a lot
18 more. As a result, I get nearly as many people
19 interested in my building as I get interested
20 in my antiques and custom furniture. Several
21 times I've spoken to people who are looking for
22 a place to set up a small business, usually
23 computer or Internet related since we now have
24 access to broadband and they can work anywhere
25 they can get that access.

1 (Peter DiModica)

2 These folks were often looking for a place
3 that is big enough to allow for some expansion
4 of their business if it is successful, and they
5 need to add employees. They like the small
6 town character and the attributes that
7 attracted many of us to the area, but when they
8 hear about this project, they decide to look
9 somewhere else.

10 This project is being presented around the
11 state and in Albany as our only hope. It's
12 being said that we can't survive without it and
13 things will be great with it. One of the tools
14 the DEIS uses is a business survey that
15 included many businesses owned by the
16 developer, but did not include the survey that
17 was commissioned by the Town of Shandaken
18 Comprehensive Planning Committee. That survey
19 showed low regard for golf courses,
20 mega-resorts, cluster housing, gambling
21 casinos, but showed high regard for protecting
22 groundwater, maintaining quality of the
23 environment, hiking trails, fishing, hunting
24 and developing in our hamlets. I understand
25 that this is the developer's job, but I

1 (Peter DiModica)

2 challenge Governor Pataki and the DEC to take a
3 look around.

4 Look at the Renaissance that is happening
5 here because it has not been overdeveloped.
6 Belleayre is enjoying record attendance,
7 property values have sky-rocketed while adding
8 little burden to services, and the per capita
9 income has grown substantially. It is
10 difficult to find help in the small stores and
11 lodging places. Foreign exchange students are
12 being brought in to fill jobs.

13 This document is a failure. The content
14 is an embarrassment and full of conflicting and
15 incomplete data, and this project as proposed
16 will destroy our beautiful and unique area.
17 Thank you.

18 ALJ WISSLER: Chandra Lencina. After Ms.
19 Lencina, we'll hear from Jack Conaway. Jack
20 Conaway? How about Doris Bartlett? Okay.
21 Doris will be next.

22 MS. CHANDRA LENCINA: The Catskill Park
23 belongs to the people of New York State. The
24 Department of Environmental Conservation is a
25 steward of our park, and it has appointed

1 (Chandra Lencina)

2 itself to be the lead agency in this SEQRA
3 review of the Belleayre project. The Belleayre
4 project would occupy 2,000 acres in the very
5 heart of our park. Can the DEC assure us that
6 it will act in our best interests to conserve
7 the environment, protect the wilderness, clean
8 water, clean air, our star-filled night and our
9 rural communities? I truly hope so.

10 A 300 million dollar glittering bauble has
11 been dangled before our eyes. With it come
12 promises of monies flowing from the bauble into
13 the coffers of the state, county, local
14 government and private individuals. The
15 downside of turning the heart of our park into
16 a private compound for the wealthy has been
17 either minimized or ignored by the DEIS.

18 Hundreds of low-paying jobs in our area
19 where unemployment is already low will
20 necessitate imparting the workers. Affordable
21 housing is very scarce. There is not enough to
22 house our working poor residents and our senior
23 citizens. Will our town governments be forced
24 to look for grants to provide housing for
25 project employees? This hardly seems fair when

1 (Chandra Lencina)

2 the current residents cannot find affordable
3 housing.

4 A quote from the DEIS executive summary.

5 "In addition, the demand for rental units is
6 not expected to increase as a result of the new
7 workers. Many current area non-homeowners,
8 e.g., renters, are among the un and
9 underemployed and commuters to distant job
10 markets who are in fact the workers most likely
11 to seek stable and close-to-home jobs at the
12 resort." This is an assumption, not a fact
13 based on the scientific study, and it certainly
14 minimizes a potentially serious situation.

15 Another excerpt from the executive summary
16 of the DEIS, "The local school systems are not
17 operating at capacity. Correspondence with the
18 schools demonstrates that they have sufficient
19 excess capacity to serve the very limited
20 number of children who may be added to the
21 system." I believe this statement ignores the
22 impacts on our schools, with hundreds of new
23 workers and permanent new residents in our
24 area, our schools will be forced to build new
25 facilities and hire more teachers. Our school

1 (Chandra Lencina)

2 taxes will go up much faster than the taxes
3 come in from this project, since we will not
4 see the full amount of taxes until 2025. We,
5 the current taxpayers, will foot the bill.

6 All of this, the influx of low-paid
7 workers, scarce housing, increased tax burden
8 for services and schools, are some of the main
9 ingredients in the time-tested recipe for rural
10 slums.

11 In the past 12 years, the local economy
12 has grown at a steady pace, fueled by our
13 magnificent surroundings. No one has set a
14 dollar value on wild forests, clean water,
15 clean air, quiet, but all of this is our true
16 economic engine. We live in a treasure, and we
17 ask you, the DEC, to protect this treasure for
18 us and future generations. I ask you to say no
19 to the Belleayre project.

20 ALJ WISSLER: Doris Bartlett. Laurie
21 Kirby, you will be next.

22 MS. DORIS L. BARTLETT: I'm Doris
23 Bartlett, a resident and homeowner in Shandaken
24 for more than 20 years, and a business owner on
25 the Route 28 corridor. I would like to comment

1 (Doris Bartlett)

2 on a few aspects of the DEIS.

3 One, the process by which this document
4 has been put together -- before the public is
5 far from a, quote, model of environmental or
6 any other kind of responsibility. Documents
7 were not presented in manageable format. The
8 files are gigantic and were not text
9 searchable. The time period allowed for review
10 is far too short, especially during a period of
11 major holidays. A request for the extension of
12 180 should be granted.

13 Two, the proposal calls for clear-cutting
14 large areas of which they say no more than 25
15 acres of unstabilized soil will occur at any
16 given time. Our town regulations limit the
17 clearing of land for construction of
18 residential or commercial structures to five
19 acres at a time. Even five acres of
20 unstabilized soil will create problems with
21 storm runoff and erosion. 25 acres could be a
22 disaster.

23 Three, the document proposes allowing the
24 project to be registered as a petroleum bulk
25 storage facility and as a chemical bulk storage

1 (Doris Bartlett)

2 facility. What in the world would justify
3 creating the need to put such facilities on top
4 of our mountains in the middle of the state
5 Forest Preserve in the middle of the watershed
6 and uphill from people's homes and gardens?

7 Four, the developer's promises to protect
8 our town from future uses of this project are
9 empty promises. Nothing in this document or in
10 his public statements provides protection
11 against the purchase of this site and its
12 buildings by individuals or entities that are
13 eligible to introduce casino gambling. The
14 size of the hotels proposed is comparable to
15 established gaming sites and is unnecessary.
16 Earlier promises to use local contractors for
17 the work of constructing these buildings have
18 also vanished.

19 Number five, reasonable alternatives have
20 not been considered. It is all or nothing.
21 All for a few and nothing for the rest of us.
22 This project should not be approved.

23 ALJ WISSLER: Chris Olney. Mr. Olney will
24 be after Ms. Kirby.

25 MS. LAURIE KIRBY: My name is Laurie

1 (Laurie Kirby)

2 Kirby. I'm a resident of Woodstock for 19
3 years. Last spring I hiked up Belleayre
4 Mountain along the DEC trail, part of which
5 goes through the Crossroads Ventures' land,
6 along the edge, in fact, of one of the proposed
7 clear-cut areas. Just at that point I met a
8 porcupine, our paths crossed, we checked each
9 other out and went our separate ways. But in
10 that moment, I made a promise to speak up for
11 that porcupine because it doesn't have a
12 voice. It came from the west out of what is
13 slated to become, I guess, the backyards of
14 some luxury weekend homes. Those chainsaws and
15 bulldozers are going to mean for it the loss of
16 its home, the loss of its habitat and
17 therefore, most likely, the loss of its life.

18 Tonight, the DEC has heard rather clearly
19 the voice of the people. I urge you to take
20 into account also the voiceless; the wildlife
21 who is already so under siege. I was struck by
22 one word Mr. Gitter used at the beginning of
23 the evening tonight, the word mitigate. We can
24 take steps to mitigate the environmental
25 impact.

1 (Laurie Kirby)

2 Two things. First, that's an admission
3 that there is a bad environmental impact. And
4 second, it's a claim that they can make it
5 better. Now, there's nothing you can do to
6 mitigate the death of an innocent creature.

7 Finally, please let us bear in mind a very
8 useful concept, the word green washing. No
9 amount of green washing can hide the fact that
10 the basic purpose of this project is to line
11 the pockets of the few already wealthy
12 individuals. Thank you.

13 ALJ WISSLER: Chris Olney. Anique Taylor,
14 you'll be next.

15 MR. CHRIS OLNEY: My name is Chris Olney.
16 My wife and I are full-time residents of the
17 Town of Shandaken. We live and own property in
18 Highmount, just one mile from the Crossroads
19 property. The proposed project, as planned and
20 if built, will have considerable impacts on our
21 neighborhood and on the whole Catskill region,
22 impacts that must be taken very seriously by
23 the permitting agencies and by our political
24 representatives.

25 It is my opinion that this project is

1 (Chris Olney)

2 simply way too large and way too burdensome for
3 this unique situation, and there are many
4 reasons I cannot accept or support what is
5 being proposed.

6 My primary concerns of this project are
7 focused almost exclusively to the Belleayre
8 Ridge portion of this resort, on the Belleayre
9 ridgetop east of Belleayre Ski area. I do
10 believe that there are positive things that can
11 be accomplished in the Highmount Wildacres
12 area, building on existing roads in unobtrusive
13 locations. A hotel and a conference facility
14 can be positive developments there. The
15 Wilderness Activity and Youth Center sounds
16 like a neat idea. But mountaintops and ridge
17 lines on scenic Catskill Park should not be
18 bulldozed and blasted to make way for golf
19 course, all types of timeshare units, and a
20 highly exclusive, self-contained resort that
21 has no guarantee of succeeding or bringing the
22 promised benefits, economic or otherwise, to
23 the people of the area.

24 Each of the resort components slated for
25 the Belleayre ridge would be inappropriate for

1 (Chris Olney)

2 a ridgetop setting in and of themselves, let
3 alone all together. Just the 150-room hotel
4 with two restaurants, ballroom and spa sited on
5 a mountaintop would create controversy. An
6 18-hole championship golf course and clubhouse
7 all by itself on a high elevation ridge would
8 incite justified opposition. A 400-acre
9 clear-cut on the steep-sided ridge is
10 inappropriate. 52 acres of parking lot, 6
11 miles of new roads and other impervious
12 surfaces and their associated runoff is
13 inappropriate. Blasting, filling several
14 hundred cubic yards of materials is
15 inappropriate. A proposal for just the 77 XXX
16 and XXXX timeshare buildings, comprising 183
17 units up on the ridge would have people up in
18 arms. Even just four tennis courts, swimming
19 pool, numerous lights on top of a high
20 elevation, scenic ridge line is too much.
21 Taken all together, this project is a colossal
22 environmental mess, an obtrusion on local
23 residents, and an insult to the integrity of
24 the New York City Watershed and character of
25 the Catskill Park.

1 (Chris Olney)

2 The overwhelming size of the DEIS is
3 symbolic of the overwhelming potential for
4 negative impacts from this project. There are
5 so many, I hardly know where to begin.

6 Massive clear-cuts, blasting, earth moving
7 will induce erosion. Slope maps show that the
8 hillsides descending from the Belleayre ridge
9 are steeper than any ski run at Belleayre. New
10 roads and parking lots will send silt, salt and
11 warm, polluted rainwater from any storm larger
12 than a 25-year storm, which seem to occur
13 pretty frequently these days, rushing down
14 steep hillsides into Birch Creek and other
15 small trout streams. These are streams that I
16 fish and I strive to protect in my involvement
17 with Trout Unlimited. These are streams are
18 critical to the overall spawning success of the
19 renowned but already stressed Esopus trout
20 fishery. The DEIS states that the Belleayre
21 ridge portion of the resort will cause 3.6
22 percent of the Birch Creek watershed to be
23 developed. This is more than all of the
24 impervious surfaces currently in the watershed,
25 including all of Pine Hill. In other words,

1 (Chris Olney)

2 the Belleayre ridge portion of the resort would
3 more than double, almost triple the amount of
4 developed land in the whole Birch Creek
5 watershed. The fish in these streams will be
6 even more stressed when guests from the resort
7 start stomping around with their fly rods,
8 competing for casting space. The same
9 congestion, overuse and resource degradation
10 will also occur on nearby state hiking trails,
11 and popular destination points such as Giant
12 Ledge and Slide Mountain.

13 Many impacts can only be guessed at. Can
14 the confined groundwater aquifer and back-up
15 spring supplying this resort replenish
16 themselves fast enough to maintain adequate
17 water supply to thousands of new people,
18 thirsty golf courses, existing water users and
19 the trout streams? Being near the top of the
20 watershed, there must be very little recharge
21 area for the aquifer, and I have serious
22 reservations about the long-term adequacy of
23 the water supply. Will the 238,000 cubic yards
24 of imported fill material carry the seeds of
25 invasive species that will sprout and spread

1 (Chris Olney)

2 and invade the habitat? How often will I have
3 to hear huge trucks growling loudly as they
4 climb up the hill from Pine Hill to Highmount
5 for the next eight years? How much light
6 pollution will I see out my window at night? I
7 have to endure light pollution from Belleayre
8 Ski area in the winter months, but the rest of
9 the year is blessedly dark, the way this rural
10 area should be.

11 Another thing many of us already endure is
12 a flood of cars coming into the Catskills on
13 Friday nights and streaming back out again on
14 Sunday, with many drivers being foolish and
15 taking dangerous, unnecessary risks. Why would
16 we want to invite more of the same, especially
17 when so many of the newcomers will spend all of
18 their time and money on site at the resort and
19 bring precious little new patronage to our
20 existing businesses? If new visitors do stop
21 at other businesses, it will be mostly for gas
22 and fast food, thereby prompting interest in
23 franchises along scenic Route 28. Who wants
24 ugly strip development to extend any further
25 into the Route 28 corridor than it already is?

1 (Chris Olney)

2 More traffic and more clutter will mean lower
3 property values along Route 28.

4 I'm also very skeptical of the promised
5 benefits espoused by the developer and their
6 supporters. Projected tax revenues will be
7 many years in coming and will not comprise a
8 large percentage of the town's total tax base.
9 Taxes are unlikely to go down. They rarely do.
10 And the resort will create new municipal costs
11 for us taxpayers to pay for. The developers
12 promise the 800 new jobs to an area that does
13 not have nearly that many unemployed, but yet
14 they say jobs will be filled mostly by local
15 people, at least low-end positions, with the
16 high-end jobs going mostly to outsiders. How
17 many young adults who are born and raised here
18 -- how many young adults who are born and
19 raised here will stay in the area for a job
20 that has an average salary of only \$27,000, as
21 the DEIS indicates for the resort? Land values
22 are already so high that a young couple making
23 that salary would not be able to qualify for a
24 mortgage for a decent home in Shandaken, and
25 the gentrifying effects of the resort will only

1 (Chris Olney)

2 make that situation worse. This resort will
3 not help local kids stay in the area; it will
4 only help drive them out.

5 Another example of a false promise is the
6 developer's appeal to all of our heartstrings
7 by promising that a full one-third of
8 Crossroads Ventures profits will go directly to
9 Crossroads Foundation to benefit community
10 projects and non-profits. This may be true.
11 However, it must be kept in mind that
12 Crossroads Ventures is not planning on owning
13 and operating this resort. They intend to make
14 one quick profit and then get out. So there is
15 no guarantee that Crossroads Ventures
16 Foundation will be around more than a few
17 years.

18 Speaking of guarantees, who is to say that
19 an Indian tribe won't be more interested than a
20 Marriott Corporation in purchasing this resort
21 from the developers? We can all guess what the
22 ramifications of that will be, no matter how
23 much the developer professes to oppose casinos
24 themselves.

25 As for the adequacy of the Draft

1 (Chris Olney)

2 Environmental Impact Statement itself, I feel
3 that the developer and lead agency have been
4 negligent in their responsibility to provide to
5 the public adequate analysis and comparison of
6 project alternatives. It is devious and
7 irresponsible to avoid presenting a
8 smaller-build alternative, perhaps breaking the
9 project down into smaller components. We are
10 told that having only one hotel, one country
11 club, one golf course, et cetera, is
12 economically unfeasible, but this assumption
13 should be corroborated with studies and not
14 simply inferred. There should also be an
15 alternative outlined in the DEIS that removes
16 the numerous timeshare residences and
17 single-family homes from consideration, since
18 these in and of themselves constitute a huge
19 component of the project's overall
20 environmental impacts and economic costs.

21 Furthermore, there are portions of the
22 DEIS that provide inadequate or misleading
23 information. One example of this is the
24 developer's failure to provide any analysis of
25 potential secondary home development impacts,

1 (Chris Olney)

2 claiming that this will be negligible. There
3 is a similar dismissal in the claim that the
4 resort will not add a noticeable amount of
5 children to the local school system.

6 Another example is questionable average
7 precipitation values used for the water budget
8 analysis. An example of misleading information
9 is found in the viewshed analysis. The
10 consultants visited the summit of Hunter
11 Mountain, walked the trails, took a photo from
12 the fire tower and declared that the Belleayre
13 ridge was not visible from the fire tower or
14 from the top of a ski lift at Hunter ski area.
15 They neglected to say, however, that the ridge
16 is visible from a rock ledge vista along one of
17 the hiking trails, at a spot marked as a view
18 point on the trail maps. And they also
19 neglected to actually climb up the fire tower
20 where the Belleayre ridge is visible from the
21 top. And so the DEIS contains a photo only
22 from the base of the tower, and therefore shows
23 only a wall of trees.

24 If the public cannot trust the
25 completeness and professionalism of the

1 (Chris Olney)

2 consultants who prepared a simple viewshed
3 impact analysis, then how can we be expected to
4 trust their assertions and conclusions and more
5 serious and imposing issues such as water
6 supply and runoff, economic impact, secondary
7 growth and the likelihood of success of this
8 risky, high-end golf business?

9 Lastly, the short public review period for
10 this massive document is grossly inadequate.

11 I'll close by restating some of what I
12 wrote in a letter to the editor back in
13 February of 2000 when this project was first
14 announced. The proposed resort represents a
15 flawed vision for our area. Golf resorts with
16 their clubhouses, hotels and timeshares
17 interspersed among the fairways cater to a very
18 narrow, affluent segment of our society. The
19 majority of the traveling, vacationing public
20 today is not made up of countryclubbers, but
21 rather they are people that, by and large, seek
22 out beautiful natural areas with a quaintness
23 and regional flavor, not grandiose developments
24 that cause environmental and community
25 degradation. Posh resorts with canned package

1 (Chris Olney)

2 deals and two-week stays don't have the draw
3 they used to. Today's traveler wants charming
4 bed and breakfasts, coffee houses, cafes,
5 museums and small, unique shops to browse in,
6 one after the other.

7 This is what the future of the Catskills
8 should be and it is already what the Catskills
9 is rapidly becoming, without the help of this
10 or any other mega-resort.

11 ALJ WISSLER: Anique Taylor. Kurt Rieke.

12 MS. ANIQUE TAYLOR: I never usually speak
13 in public like this but I thought it was very
14 important. People have spoken very eloquently
15 about the scientific part of this. I'm going
16 to speak personally. I'm chemically
17 sensitive. I live in New York and -- in the
18 City and in New Jersey and I was bedridden. I
19 came up here and I'm healthy. People say small
20 amounts of chemicals are safe, and to some
21 people they're not. I have concerns about the
22 loss of the clean air, I have concerns about
23 the loss of the trees, I have concerns about
24 the natural parkland and the mountains, the
25 addition of chemicals and what the added

1 (Anique Taylor)

2 traffic will do. It will be a tragedy to
3 destroy even a section of our fragile beautiful
4 natural mountains. Thank you.

5 ALJ WISSLER: Kurt Rieke. Alexander
6 Lines.

7 MR. KURT RIEKE: Thank you. Good
8 evening. My name is Kurt Rieke. I'm the
9 Deputy Director of the Bureau of Water Supply
10 in New York City DEP. Good evening. My name
11 is Kurt Rieke. I work in the New York City DEP
12 Bureau of Water Supply. I'm the Deputy
13 Director there to my principal, who is a Deputy
14 Commissioner in our office. Christopher Ward
15 has asked me to read a statement into the
16 record. For those of you who were at the
17 Margaretville meeting, it's basically the same,
18 essentially identical statement to what we
19 delivered there.

20 New York City DEP supplies about 1.1
21 billion gallons per day of exceptional quality
22 drinking water for approximately 8 million New
23 York City residents, 1 million residents of
24 counties, including Ulster and Orange,
25 totalling about half the population of the

1 (Kurt Rieke)

2 State of New York, as well as many thousands of
3 daily tourists and commuters from New York City
4 and Westchester suburbs. DEP's authority and
5 responsibility for operating this water supply
6 derives from the New York State Water Supply
7 Act, which was enacted in the early 1900s.

8 Our west of Hudson water supply consists
9 of six reservoirs with a combined storage
10 capacity of about 465 billion gallons, covering
11 about a million acres, which are connected to
12 each other and to the system's users downstate
13 by about 270 miles of aqueducts and tunnels.
14 The system is solely reliant on precipitation
15 and runoff to supply the reservoirs. As has
16 been said, if the supply is unfiltered, the
17 pollutants present in the runoff directly
18 affect the quality of the water supply to users
19 of the system.

20 As was stated in the 1997 Memorandum of
21 Agreement that's been mentioned by others
22 tonight, and I'm quoting, "It's the duty of DEP
23 to protect the high quality waters from which
24 the city's water supply is drawn and preserve
25 it from degradation for the purpose of

1 (Kurt Rieke)

2 protecting the health and general welfare of
3 all the communities" supplied by water from the
4 system. The parties agreed in the MOA that the
5 New York City water supply is an extremely
6 valuable resource that must be protected in a
7 comprehensive manner. Those parties also
8 agreed that the goals of drinking water
9 protection and economic vitality are not
10 inconsistent. It's the intention of all the
11 parties to cooperate in the watershed
12 protection program that maintains and enhances
13 the quality of New York City drinking water
14 supply and the economic vitality and social
15 character of the watershed communities. The
16 parties to the MOA include, obviously the DEP,
17 also the State of New York, the New York State
18 DEC individually, New York State Department of
19 Health, the EPA, many towns, including
20 Middletown and Shandaken, both individually and
21 as members of the Coalition of Watershed Towns,
22 which itself is also a party, the Villages of
23 Fleischmanns and Margaretville, and the
24 counties of Delaware, Ulster and several
25 environmental groups.

1 (Kurt Rieke)

2 All the parties to this MOA agreed to the
3 same principals and all, therefore, have a
4 mutual obligation to thoroughly evaluate any
5 proposed project's environmental, economic and
6 social impacts on both the local area and the
7 regions served by the watershed before
8 approving its construction and operation.

9 The proposal by Crossroads Ventures is the
10 largest development proposed in the Catskills
11 in decades, possibly ever, and as proposed has
12 many different potential impacts on the quality
13 of water flowing to the reservoirs. The
14 Ashokan Reservoir will receive about 45 percent
15 of the water quality impacts from the project.
16 About 58 percent of the total acreage of land
17 to be disturbed is in the eastern portion of
18 the project in that watershed.

19 DEP is an involved agency under SEQRA for
20 the review as has been said here. We
21 petitioned and we sought to be lead agency and
22 it was determined that DEC would fill that
23 role. But our role as an involved agency
24 exists because certain components of the
25 project require permits from our agency, but

1 (Kurt Rieke)

2 also due to our responsibility for protection
3 of the water supply under state law.

4 As I said earlier, this responsibility is
5 shared by all the parties to the MOA. We at
6 DEP are devoting both significant in-house
7 resources as well as consultant resources to a
8 thorough evaluation the Draft EIS. We will be
9 providing comments in detail before the close
10 of the comment period.

11 I'm not going to discuss at length the
12 details of those comments, but I thought I
13 would just mention some of the areas of concern
14 that we've identified so far.

15 These include the sufficiency of pollutant
16 removal achieved by the proposed wastewater
17 treatment plant designs, and the storm water
18 management systems, validity of the baseline
19 data employed for the designs as well as other
20 aspects of the impacts analysis, the nature and
21 severity of wetlands impacts from modifications
22 that have been made to topography throughout
23 the development, the accuracy, sufficiency and
24 reliability, for that matter, of hydrologic
25 analyses and water balance calculations that

1 (Kurt Rieke)

2 are used in the design, inaccuracy, I should
3 say, of baseline conditions as depicted and the
4 nature of optimism contained in projections of
5 economic benefits as well as insufficient
6 identification and analysis of regional,
7 socioeconomic and growth-inducing effects.

8 And finally, local economic, environmental
9 and traffic as well as regional impacts that
10 occur during the construction period, which
11 will be approximately eight years long as
12 proposed.

13 Finally, the DEP has agreed to financially
14 support the Towns of Shandaken and Middletown
15 to retain consulting services of their own to
16 provide support for their evaluations of the
17 local impacts of the proposed project.

18 Shandaken, we have completed those
19 arrangements. The Town of Middletown, we are
20 nearly underway with that and expect that those
21 efforts will yield additional analysis of the
22 legal impacts in the two towns who are
23 obviously very engaged in this project.

24 I want to thank you for the opportunity to
25 address this hearing on behalf of Commissioner

1 (Kurt Rieke)

2 Ward of DEP. Thank you.

3 ALJ WISSLER: Alexander Lines. Joanne
4 Kalb, K-a-l-b. Julia Walsh.

5 MR. ALEXANDER LINES: First, I want to
6 apologize for interrupting Mr. Gitter as he
7 spoke. He decided to use me as an example, the
8 sign I was holding, Save the Catskills, and he
9 was twisting my message and my intent to suit
10 his interests. So I felt that I needed to
11 address it clearly because he decided to use me
12 as an example.

13 As I drove to the public hearing in
14 Margaretville the other day, I was struck by
15 how beautiful and green the hemlock and white
16 pine trees were as you come out of Pine Hill
17 down the hill towards Fleischmanns, and I spend
18 a good deal of time -- I live in Mt. Tremper
19 but I spend a good deal of time down by the
20 Shawangunk Mountains, and the amount of
21 needles, even that tract of land which is
22 relatively long in length but relatively short
23 in width. So therefore, there's at least a
24 third less or half less pine needles, and you
25 can actually see the difference in the health

1 (Alexander Lines)

2 and vigor of the trees in this forest and the
3 protection they currently have in a contiguous
4 tract of land. That would be divided six miles
5 of the southern Catskills with the northern
6 Catskills, would be divided by this project.

7 And as I drove back, I was driving through
8 Pine Hill and all the way to Big Indian and I
9 was like, oh, my God, mile after mile this
10 resort is going to divide our park.

11 So I believe we need to buffer and protect
12 our contiguous tracts and preserve the land.
13 Development is brimming throughout this
14 region. We all see it coming. It's all around
15 us. Roads I thought were back roads, I go the
16 back roads and there's actually another swath
17 of development and another swath of
18 development. And basically we're creating a
19 bedroom community out of our area, and I think
20 we need to look towards sustainability and the
21 future and protect our water. We must protect
22 our water, we must protect our air, and we need
23 to use the resources that currently exist to
24 the best possible amount we can and use timber
25 and hunting and the appeal of the beauty and

1 (Alexander Lines)

2 the inspiration that people gain from this
3 place to its full advantage.

4 This isn't just happening here. It's
5 happening everywhere. We're trying to profit
6 by building golf courses on productive land
7 where these rich people who play there are
8 taking money from other lands to support their
9 golfing hobby.

10 So I want to speak about a few endangered
11 species that happen to live on this land, and I
12 wasn't sure whether I wanted to bring these up,
13 but I think that preserving this land and
14 saving this land is the most important thing we
15 must face right now. And I know that American
16 ginseng and golden seal live in these hills and
17 that we must protect them because they have
18 been overpicked and their habitat has been lost
19 almost to extinction. So it's our
20 responsibility to preserve our woods and to
21 preserve the plants and the wildlife which
22 nourish us and to save this area.

23 The eagles have finally come back into
24 this area. They're nesting eagles on the
25 Rondout and the Ashokan Reservoir, and when

1 (Alexander Lines)

2 those reservoirs are frozen, they fish in
3 Esopus and Birch Creek. I grew up along the
4 banks of the Birch Creek. I was -- when I was
5 a young child, I lived there in 1981, and there
6 was no traffic on the roads. And we would take
7 walks along the roads and we lived a very
8 simple life and we are very happy here. And to
9 see a project of that scale around that small
10 beautiful town is just totally out of character
11 and out of context with it, and would destroy
12 it.

13 So I think that the press has been
14 misleading to a certain extent in their
15 capturing Gitter's catch phrases and misled the
16 public in that the DEIS was accepted for
17 review, and now open for deep scrutiny. And
18 looking through all the pertinent information,
19 rather than it sounded like oh, it had been
20 accepted as complete and was like a done deal.
21 So I think we still have time to scrutinize
22 this document and write our written comments
23 and that we should write to all the politicians
24 and representatives in Albany that represent
25 us. We must set a precedent in this area and

1 (Alexander Lines)

2 not open the floodgates to development of our
3 area for the future generations. This is our
4 life, these are our mountains, this is our
5 hills, this is our way of life. We don't need
6 this here. This is our choice. Thank you.

7 ALJ WISSLER: Julia Walsh, Aaron Bennett.

8 MS. JULIA WALSH: Hi. My name is Julia
9 Walsh, and I come here tonight as a resident
10 and a village trustee in the Village of New
11 Paltz, and I've come to submit to the DEC a
12 resolution that will be voted on tomorrow night
13 by our board, and I've also come here to
14 support you in the local community in your
15 struggle against this development.

16 I'm going to read the resolution.
17 Resolution requesting that the DEC address the
18 effects that the Belleayre Resort at Catskill
19 Park will have on the water quality of the New
20 York City water supply system.

21 "Whereas the Village of New Paltz, the
22 first municipality to connect to the New York
23 City water system in the Catskill aqueduct from
24 the Ashokan Reservoir; whereas the Village of
25 New Paltz pays in excess \$50,000 annually for

1 (Julia Walsh)

2 water to the New York City Water Board for its
3 services; whereas the proposed Belleayre
4 development resort development will create
5 substantial storm water runoff that will lead
6 to turbidity and suspended organics in the
7 watershed that flows directly into the Ashokan
8 Reservoir; whereas this proposed development
9 will also decrease water quality due to runoff
10 from hundreds of acres of diffused source
11 including golf course and facilities that will
12 flow into the Ashokan Reservoir; whereas this
13 development will also decrease water quality
14 into the discharge effluent from a sewage
15 treatment plant directly into the water with
16 the Ashokan Reservoir; whereas significant
17 turbidity and suspended organics caused by
18 erosion will require New York City to build a
19 water treatment facility for the Catskill
20 aqueduct; whereas the quality water
21 infiltration avoidance from the New York City
22 water supply system is not addressed in the
23 DEIS; whereas the creation of a water treatment
24 facility for the Catskill aqueduct will lead to
25 an increase in the price of water to the

1 (Julia Walsh)

2 Village of New Paltz's business and residential
3 rate payer. We call on the DEC to address the
4 effects of the Belleayre Resort and Catskill
5 Park will have on the water quality of the New
6 York City water supply system and cumulative
7 effects on the quality of water supplied to New
8 Paltz and ensure the best use of management
9 practices to assure water quality is part of
10 finalizing the DEIS, and that this document, if
11 and when approved, will be sent to the
12 Department of Environmental Conservation, to
13 other municipalities that are connected to the
14 New York City water supply system to the
15 aqueduct.

16 Now, I also come before you tonight --
17 that was my part as a village trustee in New
18 Paltz representing the village people, and our
19 concerns with our water that we receive from
20 the Ashokan, and I also come before you tonight
21 as the founder and executive director of a
22 local youth and student led organization called
23 Synthesis that has chapters in three area high
24 schools in both the county and state colleges
25 here in Ulster County. And I speak for the

1 (Julia Walsh)

2 youth of this area when I say we oppose the
3 Belleayre Resort development proposal. This
4 development will forever destroy the rural
5 character of our beloved Catskill Mountains and
6 open Route 28 up to a mass exodus of people,
7 traffic and pollution problems. We, the youth
8 of this area, want development, sustainable
9 development. We want tourism, eco-tourism. We
10 call on the DEC to extend the public comment
11 period on the DEIS to reject this proposal, and
12 we call on our elders, family and friends to
13 continue to educate and organize as you've been
14 doing until this development is stopped. Thank
15 you.

16 ALJ WISSLER: Aaron Bennett. Ellie
17 Winner. Gail Allen or Alben. Donald
18 Sanford. You will be next, Mr. Sanford.

19 Mr. Bennett?

20 MR. AARON BENNETT: Thank you. Hello. My
21 name is Aaron Bennett. I'm a 29-year resident
22 of Oliveria, located in the Town of Shandaken
23 near the headwaters of the Esopus Creek. I
24 want to share some of my many concerns as a
25 life-long resident, a New York State licensed

1 (Aaron Bennett)

2 hiking guide, and as someone with a background
3 in water resource management, regarding this
4 proposed Belleayre Resort project.

5 One concern I have is the definite impact
6 on water quality. One of the most serious
7 threats to a stream's health is the amount of
8 impervious cover, rooftops, roads, parking lots
9 and sidewalks, from the watershed.

10 Extensive research has been done in this
11 field over the last 20 years. The impervious
12 cover model derived from over 30 studies shows
13 that one impervious cover reaches 10 percent in
14 watersheds of first, second and third order
15 streams, which all of those in this proposed
16 project site are, water quality declines. Most
17 notably the pollution-sensitive animals like
18 brook trout and stonefly nymphs die off, result
19 in an overall decline in biological diversity.
20 A few other impacts from impervious covering
21 including increased stream temperature,
22 increased storm water runoff, more frequent
23 flooding and increased flood peaks, stream
24 widening and erosion, and embeddedness. In
25 small headwater stream like Giggie Hollow,

1 (Aaron Bennett)

2 Woodchuck Hollow, Lost Clove, Crystal Spring
3 and Todd Mountain Brooks, that threshold drops
4 to about 8 percent impervious cover.

5 The DEIS states that 3.6 percent of the
6 Birch Creek Watershed will be developed. Using
7 GIS, a friend and I roughly calculated the
8 existing impervious cover of the Birch Creek
9 watershed, using August 1997 data, to be 2.2
10 percent. Taken together, that would equal 5.8
11 percent. This figure does not take into
12 account Belleayre's expansion and any other
13 building since 1997, and of course the future
14 expansion of Belleayre Ski and day use areas
15 and the proposed 20-plus unit subdivision
16 proposed on Birch Creek Road. If approved,
17 this project will severely limit any new growth
18 within this watershed and specifically the
19 hamlet of Pine Hill.

20 Also provided in the DEIS are the
21 watershed areas of Giggie Hollow and Crystal
22 Spring Brooks and how much of the project site
23 line within each. However, unlike other sub
24 watersheds of the Birch Creek and the Esopus,
25 no percentage of impervious cover is provided.

1 (Aaron Bennett)

2 Again, using GIS and overlying a map of the
3 project site, we estimated that roughly 20
4 percent of the Giggle Hollow watershed would be
5 impervious, if this project goes through.
6 Giggle Hollow Brook is a class B trout stream
7 with recommendations by DEC to be upgraded to a
8 trout spawning stream. A similar situation
9 exists for the tributaries of Emory Brook
10 watershed that drain Wildacres portion of this
11 project.

12 Mitigation efforts may help reduce some of
13 the effects of impervious cover. However,
14 these measures have not proven to maintain the
15 biological integrity of streams. I am sure the
16 DEC realizes because Giggle Hollow is a class B
17 trout stream, aquatic life is a designated
18 use. Therefore, any impairment that results in
19 the loss of aquatic life, whether a brook trout
20 or stone flies, found in this or the other five
21 class B streams draining this project site is a
22 violation of the federal Clean Water Act.

23 As an avid hiker and guide, the visual
24 impacts of this project worry me. Some of the
25 vistas on trails where the project can be seen

1 (Aaron Bennett)

2 are identified in the DEIS, some are not. For
3 instance, Simon's Rock, a designated vista on
4 Belleayre's south shoulder, at about 3,100 feet
5 in elevation, is one mile away, and a marked
6 viewpoint on Halcott Mountain which looks
7 directly across the Birch Creek valley on this
8 site is less than five miles away.

9 The DEIS repeatedly downplays visual
10 impacts from these points because the ski
11 slopes are more intrusive to the viewshed.
12 That's what they say, which is true, I guess.
13 In addition, because much of the project faces
14 east or northeast, these structures will
15 undoubtedly be visible at sunrise due to all of
16 the glass. Anyone shown those models? I can't
17 tell you how many times I've seen the sunset
18 glare off of Mohonk Mountain House from our
19 mountains, which is all a distance greater than
20 15 miles.

21 My biggest fear about this project is how
22 it will undoubtedly change my life in ways that
23 are undesirable. After graduating from this
24 very school, I went away to college for four
25 years and decided to come back home. Why did I

1 (Aaron Bennett)

2 come back? Likely for the same reason as
3 everyone here. The combination of surrounding
4 landscape, history and culture, recreational
5 activities, local people, and the absence of
6 large corporations and their chains of stores
7 or developments that bring more degradation
8 than benefit.

9 I don't want the Catskill Mountain region
10 to take on a different feel, a different
11 image. My father, another life-long Catskill
12 resident, once told me he believed the largest
13 contributor to the downturn of the economy of
14 this area was the construction of a new Route
15 28 in the '50s and '60s. With its
16 construction, now bypassed villages and hamlets
17 like Phoenicia, Shandaken, Pine Hill,
18 Fleischmanns and Margaretville lost not only
19 their identity but the tourist dollar as well.
20 This allowed for tourists to drive right
21 through the heart of the Catskills without ever
22 seeing our biggest assets, unique villages,
23 flanked by clean streams and engulfed in
24 mountains. These villages have finally come
25 back to life, and it's very exciting.

1 (Aaron Bennett)

2 I fear that if this project is built and
3 is as successful as indicated in the DEIS, we
4 will be back where we started over 40 years
5 ago. It will be a self-containing entity that
6 sucks the life out of every hamlet and village
7 resulting in the establishment of convenience
8 stores and traffic lights on Route 28. This
9 economic well-being of the Catskill region does
10 depend on tourism. However, its sustainability
11 is very similar to the ability of Slide
12 Mountain to sustain thousands of users each
13 year. The tourists and users must be spread
14 out. Putting all of their eggs in one basket
15 is risky and will only benefit a small few.

16 In Section 1, page 8 of the DEIS, looks to
17 Ulster County's 1977 land use plan to show
18 praise for this type of project. The land use
19 plan reads, quote, "Expansion of tourism is a
20 natural and economic function of the future
21 development of Ulster County." This is true.
22 However, in that plan, the following statements
23 help make the county's real vision clear.

24 Page 14, from that plan, "Degradation of
25 hillsides also destroys a community's

1 (Aaron Bennett)

2 character. The surrounding hills are an
3 esthetic resource which gives the community its
4 distinctive setting. Could anyone imagine the
5 loss to Woodstock and our region if Overlook
6 were denuded, or to Ellenville or New Paltz if
7 the Shawangunks were stripped?"

8 Page 40, "Our basic philosophy is to work
9 with the land and let it guide us, rather than
10 superimpose a new design as one might do in the
11 plains of the midwest. I believe this is
12 critical from an environmental standpoint. We
13 think it is also critical from a long-term
14 economic viewpoint."

15 Page 46, "The tourist industry provides
16 facilities and events which can enrich the
17 livability of a community. It can also lead to
18 a procession of billboards, strip commercial
19 blight, traffic congestion and seasonal workers
20 who stay on to collect welfare. Ulster County
21 has a long heritage of small family businesses
22 and a rich resource in artisans and others who
23 love the environment of this area. With proper
24 land use controls, especially along our
25 highways, and good site planning review, the

1 (Aaron Bennett)

2 communities have a strong position to implement
3 a policy of desirable tourist growth and
4 prevent the intrusion of those who would
5 destroy our environment." I don't know why
6 they quoted the plan in the first place.

7 This is the Ulster County and Catskill
8 Mountain region that I have come home to and
9 wish to live in. Please, for the benefit of
10 those of us that will live here for the rest of
11 our lives, spend the time and resources to look
12 at this project from all possible angles, and
13 I'm confident that you'll see what most of us
14 here tonight see, a lot of vacancies.

15 Thank you.

16 ALJ WISSLER: Donald Sanford. Susan
17 Robertson. Rose Doran. Elga Brown, Elga
18 Attison Brown. Dennis Moran. Joseph Habib,
19 H-a-b-i-b. Okay, you'll be next.

20 MR. DONALD SANFORD: Hi. My name is
21 Donald Sanford and I live in Margaretville, and
22 I'm a science teacher in Delhi. I would agree
23 that earlier statements concerning the
24 environment and the economy are true. As I
25 stated earlier, Margaretville and Delhi are

1 (Donald Sanford)

2 both in Delaware County.

3 Before I begin, how many of you have lived
4 all of your life in this area? How many of you
5 have lived here for 40 years? I have been a
6 resident of Delaware County all of my life, 39
7 years. Over that time I have seen tremendous
8 change in the Catskill Mountains that I call
9 home. What once was farmland and forests has
10 become a playground for the many second
11 homeowners who now reside here, so many second
12 homeowners that they outnumber us in Delaware
13 County. Every activity that those residents
14 undergo is environmentally detrimental. If the
15 truth be said, I wish that those farmers that
16 were present 39 years ago were still around the
17 countryside, but they're not, which leads me to
18 take the position that I take today.

19 A great deal of development that has gone
20 on over the course of 39 years is what I would
21 characterize as irresponsible, some of this
22 prior present land use regulations. Today, as
23 I travel the roads that cross Delaware and
24 Ulster County, I see the numerous homes in
25 Woodstock on hillsides, these homes which have

1 (Donald Sanford)

2 been set up sometimes on five acres, sometimes
3 more or less, have strained the truly forested
4 farm setting which was once prevalent along
5 this region. While this may have occurred out
6 of necessity because farming has become at
7 times unprofitable remains a 365-day-a-year
8 job, it is nonetheless sometimes hard to take.

9 Being a participating member of my
10 family's farm, fifth generation, I know the
11 tremendous difficulties involved in farming.
12 This means that this area has become industrial
13 and tourist-driven. Tourism is the logical
14 choice and it is the one that has been made for
15 us through the influx of people from New York
16 City and other surrounding areas. Therefore,
17 people need to come here for us to succeed
18 today.

19 The area in which I live is having its
20 young people move out because they cannot make
21 a go of it. Just as one example, a young
22 student that I taught moved to the Carolinas
23 because he could not find a job up here as a
24 golf course manager. I picked out one example
25 for a specific reason. When my wife and I have

1 (Donald Sanford)

2 have our three children graduate from college,
3 who knows what there will be here, whether
4 they'll be able to make it here. My wife, for
5 example, commutes to Kingston one hour each way
6 and then drives back up the mountain to Oneonta
7 for her job. These are skilled workers who
8 have not yet moved. When each young person who
9 was born here leaves here, a family with local
10 tradition goes with them. A local economy is,
11 at best, struggling. In Margaretville we have
12 one grocery store. The other one closed up
13 shop a few years ago, and thus, we do not have
14 competitive prices unless we drive. We must
15 drive an hour to see a movie.

16 Our very own Margaretville Memorial
17 Hospital of which I was a board member four
18 years ago was in extreme financial difficulties
19 until our alliance with Kingston Hospital, and
20 it was only through political grant funding
21 that the hospital lasted long enough to have
22 that come to fruition. And yet, at least one
23 person suggested in a local paper that the
24 hospital may be overburdened. This hospital is
25 one of the area's largest employers.

1 (Donald Sanford)

2 School population through all of Delaware
3 County has declined at the expense of our young
4 people. I understand the same is happening in
5 Onteora, and West Hurley is almost closed.
6 This area needs economic stimulus to provide
7 for our residents and our young people. How do
8 we go about improving our tourist economy? We
9 need to bring in more people. Many people who
10 have already moved here want the gates closed
11 now that they are here. How nice of them to
12 afford others the dreams that they are
13 sharing. That would do wonders for our sagging
14 economy. We need to grow. How do we best do
15 that? Do we break up many hillsides and dot
16 them with even more homes, or do we put up a
17 substantial development in an already improved
18 wilderness area that I guess you would call
19 Belleayre Ski Center?

20 I have only heard a few people speak of
21 the negative impact of ski trails, et cetera.
22 So my preference is for the resort with
23 conditions. Looking at what has been done at
24 Catskill Corners, looking at what is planned
25 for the resort, I see a quality project in the

1 (Donald Sanford)

2 works. This area yearns for a project of this
3 design in contrast to that presently located in
4 the Village of Fleischmanns.

5 Let's take traffic for instance. What
6 actually would happen if we had busses that
7 stayed overnight? These busses will not stay
8 in bed and breakfasts, and we have no hotel.
9 So these people head back that same day. To
10 date, this type of destination is severely
11 lacking and I, one of many, who feels that
12 way. It's just that I have nothing to lose for
13 speaking out and there are people out there
14 that feel that way.

15 In closing, I respectfully request that
16 you, the DEC, objectively look at the costs and
17 benefits of such a project, clearly and
18 carefully, by comparing it to the addition of
19 the same number of homes on five-acre lots
20 which are currently being built, because
21 barring stopping all development and/or living
22 in Alaska where the government pays all its
23 residents, I see no other way to maintain or
24 develop economic sustainability without the
25 influx of tourists or new residents.

1 (Joseph Habib)

2 Thank you.

3 ALJ WISSLER: Joseph Habib.

4 MR. JOSEPH HABIB: Good morning. My name
5 is Joe Habib. I'm a part-time resident of
6 Shandaken for 30 years and full-time
7 environmental engineer by profession. My
8 professional experience includes ten years in
9 water treatment and supply, and therefore, I
10 would like to offer some technical comment on
11 that particular aspect of this DEIS.

12 My comments will be brief, they'll be
13 factual and objective from an engineering
14 perspective.

15 To start with, I would like to point out a
16 well known principle in the engineering field.
17 An engineering report is only as valid as the
18 data on which it is based. Of the numerous
19 reports and studies within the scope of this
20 EIS as prepared by the consulting engineers, I
21 would like to focus and comment on one in
22 particular which has far-reaching implications
23 of its accuracy or lack thereof.

24 Between January 2000 and December 2001,
25 Alfred Geoscience, a consultant for the

1 (Joseph Habib)

2 developer, had conducted flow tests on numerous
3 springs and streams in the vicinity of the
4 proposed development. The culmination of this
5 study is referred to as Table 1A 2000-2001
6 monthly spring and flow measurements, and this
7 particular Table 1A we'll refer to is widely
8 presented in several of the appendices and
9 exhibits pertaining to water supply issues in
10 this DEIS.

11 The flow estimations derived from the data
12 in Table 1A form the crux, basically form the
13 basis of many of the calculations in the water
14 supply section, and it is therefore, Table 1A
15 represents a crucial component of the water
16 supply reports and engineering reports in which
17 it is referenced.

18 The main problem that I see with Table 1A
19 is that there exists two different versions of
20 it. What is supposedly the same document and
21 is included in several locations throughout the
22 DEIS, are actually two documents with
23 significant differences in the recorded flow
24 values.

25 For the record, I would like to refer to

1 (Joseph Habib)

2 page 25, Appendix 2.1 and page 49, Appendix
3 2.2. On these pages, these are two of the
4 numerous locations, again, where Table 1A is
5 presented, and looking at these two copies of
6 what is presumably the same document, you will
7 note stark conflicting values in 15 of the 30
8 rows of data presented here. It's basically
9 half the data.

10 A closer examination of the data will
11 reveal that nearly all of the data points in
12 these particular rows have been uniformly
13 increased by a factor of two and a half. In
14 other words, given a spread sheet, what looks
15 like happened, selected rows were increased by
16 multiplying factor of two and a half. That's
17 not to imply that that's actually what
18 happened, but that's what the data looks like.
19 If somebody ever gets a chance to take a look
20 at these two, presumably the same document.

21 Much of the data in question has serious
22 implications in the determination of the
23 critical and sustainable yield of certain
24 springs, such as the Bonnie View Spring and
25 Silo A. And the two versions of the study have

1 (Joseph Habib)

2 been used interchangeably by Delaware
3 Engineering in documentation and correspondence
4 leading up to the DEIS acceptance.

5 I site the letter to Dean Palen, Ulster
6 County Health Department in June 2001 and
7 application for water supply permit
8 modification June 2002.

9 This is a major discrepancy which brings
10 serious question to the validity of the spring
11 and stream flow test data and all subsequent
12 calculations, estimations and derivations based
13 upon it and used in the engineer's reports.

14 Furthermore, a couple of more points based
15 on some of the data. In this data table, there
16 is a critical parameter, line E refers to the
17 Pine Hill water supply meter. This also has
18 questionable characteristics. This data was
19 recorded once a month and on some of the data
20 points, specifically on January 18th, 2000, May
21 22nd, 2000, zero flow was recorded. This, of
22 course, is impossible for town water supply
23 that's under constant use. And the inclusion
24 of the number zero as opposed to an NM
25 designation, not measured, suggests that it's

1 (Joseph Habib)

2 an actual recorded data point.

3 Also pertaining to line E is the
4 reoccurrence of values in consecutive samples,
5 which is highly unusual. For example, data
6 point was taken July 26th, 2000, the data read
7 114 gallons a minute. August 29th, 2000, one
8 month later, 114 gallons a minute. One month
9 later, September 28, 2000, 112 gallons a
10 minute. Town water consumption is an
11 inherently variable parameter. The data
12 present in line E does not represent normal
13 variation with expected town water usage.
14 Technically speaking, the standard deviation of
15 that data is very low.

16 I have examples of what would be
17 considered normal variation, which I will
18 submit to the DEC in written form. But the
19 data in that table, in that particular line is
20 also highly questionable.

21 I think in conclusion, I think Delaware
22 Engineering has demonstrated substandard
23 reporting by misrepresenting crucial data in
24 the context of a final report.

25 ALJ WISSLER: Let me have a show of hands

1 (Closing Remarks)

2 of all -- anybody who has given me a card, has
3 not had the opportunity to speak yet tonight?
4 But only those folks who have -- not
5 Margaretville folks, folks who have yet to have
6 the opportunity to speak.

7 We'll take a five-minute break.

8 (The proceeding recessed at 12:35 a.m.;
9 reconvened at 12:44 a.m.; appearances as before
10 noted.)

11 ALJ WISSLER: Folks, if you can all find
12 seats just for a moment because I have an
13 announcement I want to make. In short, we need
14 another night.

15 Okay. There are speakers who wanted to
16 speak tonight. We're just not going to get to
17 you. Now, I also have a couple of dozen cards
18 of people who wanted to speak but had to
19 leave. Those are reasonably big numbers for
20 the kind of outpouring that we have had here.
21 So what we are going to do is, we have reserved
22 this space for February the 3rd, that is a
23 Tuesday, I think, and we will begin here at
24 four o'clock. I, as the judge, am going to
25 change the rules this little bit. We are going

1 (Closing Remarks)

2 to begin at four o'clock and we are going to go
3 straight through till midnight. The hearing
4 will end at midnight. Anybody who has -- wants
5 to speak and will not have had the opportunity
6 to speak by midnight on that day, will have to
7 submit their comments to me in writing.

8 Again, I can assure you that everybody who
9 gives me a written comment, that written
10 comment will be given the same weight as an
11 oral comment. But very clearly, folks need an
12 opportunity to speak to this issue. So we will
13 begin -- this hearing will be adjourned, there
14 will be a notification published to this
15 effect, but the hearing will be adjourned until
16 February the 3rd at 4:00 p.m. here at Onteora,
17 and we will go from four to midnight. We will
18 not be taking a break. This will not be two
19 sessions. It will be one single session. I
20 have cards. I'm going to tell you, only those
21 folks who have not had the opportunity to
22 speak, they will be given first preference. If
23 we go through those and there are some other
24 folks who maybe spoke at Margaretville or even
25 spoke tonight would like to speak again, I'll

1 (Closing Remarks)

2 give you that opportunity, but I'm only going
3 to give you that opportunity if everyone who
4 wanted to speak has had a first opportunity to
5 speak.

6 VOICE FROM THE AUDIENCE: Will you use
7 these cards as a starting point? I think that
8 would be fair.

9 ALJ WISSLER: I don't disagree. I can use
10 these cards as a starting point.

11 VOICE FROM THE AUDIENCE: People have been
12 waiting for six hours.

13 ALJ WISSLER: I hear you. Yes, I will.
14 But once again, I mean, those folks who are on
15 the pile are here, you need to be here at four
16 o'clock because I'm going to call your name.
17 If you're not here, then if you get here at
18 like 7:00, then, you know, all I can tell you
19 is you're going to have to submit another card
20 and take a shot. Okay? Any questions?

21 I don't want to take the entire credit for
22 it. The Applicant's attorney and the
23 Department's attorney, we all three agreed to
24 this, as well as the regional director Mark
25 Moran.

1 (Closing Remarks)

2 VOICE FROM THE AUDIENCE: Is there any
3 chance the document can be made more accessible
4 to us?

5 ALJ WISSLER: You know what? That's a
6 question that I guess is best left to the
7 Applicant. I know that hard copies exist as
8 they are required by law to exist at my office
9 in Albany, at the Region 3 office in New Paltz
10 and in the public libraries that are in the
11 notice, at Fleischmanns in the town hall.

12 The computer access problem, I can't
13 address that for you because I'm not
14 sophisticated enough to know enough about
15 computers to answer those questions as to what
16 needs to be done with respect to that. But
17 again, the requirement of law is that the
18 document is to be made available for public
19 access and they are available at those four
20 places that I indicated.

21 That is it. The time is now 12:48 a.m.
22 and I thank you all for coming and I will see
23 you all on February the 3rd.

24 Again, written comments can be sent by
25 the 24th to Alexander Ciesluk, and he is in the

1 (Closing Remarks)

2 Region 3 DEC office at 21 South Putt Corners
3 Road in New Paltz. We'll make sure that that
4 information is in the notice of the meeting on
5 the 3rd.

6 (Proceeding adjourned at 12:50 a.m.)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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 17th day of February 2003.

Sharon E. Cherny

SHARON E. CHERNY, RMR, CRR