

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
February 19, 2004

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

APPEARANCES: NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION
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Senior Court Reporter

1
2 FEBRUARY 29, 2004, 4:00 P.M.

3 *****

4 ALJ WISSLER: Good afternoon. If you
5 could all find seats, please, I would like to
6 get started.

7 Good afternoon. My name is Richard
8 Wissler, W-i-s-s-l-e-r, and I am the
9 Administrative Law Judge for the Department of
10 Environmental Conservation of the State of New
11 York, who will be presiding over today's
12 legislative hearing, which is going to go from
13 now until midnight tonight. We will be taking
14 appropriate breaks throughout the course of the
15 day. At this point I anticipate taking perhaps
16 about a half an hour somewhere around six
17 o'clock, that being a function of where we are
18 with respect to speakers.

19 The purpose of this hearing is for the
20 Department of Environmental Conservation staff
21 to hear and receive unsworn statements related
22 to applications made by Crossroads Ventures,
23 LLC for certain Department of Environmental
24 Conservation permits required for the proposed
25 development known as the Catskill resort -- or

1 (Introductory Remarks - ALJ Wissler)

2 the Belleayre Resort at Catskill Park. My task
3 is to ensure that the statements received here
4 today are received in an orderly fashion. The
5 public comments received here today are
6 extremely important and will be used by the
7 Department of Environmental Conservation staff
8 in their review of these permit applications.

9 In addition, the comments made here today
10 will form comments on the Draft Environmental
11 Impact Statement, the DEIS, which has been
12 filed and accepted by the Department in this
13 matter.

14 And finally, these comments that are
15 received here today and have been received
16 throughout these public hearings are extremely
17 important to me because as the Administrative
18 Law Judge who will preside over any subsequent
19 issues conference in this matter or any other
20 subsequent proceedings held in this matter,
21 while the things that are said today are not
22 evidence as part of those proceedings, what is
23 said here today during these public hearings is
24 -- allows me as the judge to ask questions and
25 address environmental concerns that may not

1 (Introductory Remarks - ALJ Wissler)

2 otherwise be addressed by the petitioners in
3 those subsequent hearings. So your input is
4 critically important to this environmental
5 review process. To that end, I encourage you
6 to participate today.

7 If you would like to speak, I'm going to
8 ask you to fill out one of the speakers cards
9 that are located in the back table to the
10 entrance of the auditorium here, fill that
11 out. It will be brought up to me and folks
12 will be called.

13 Now, I have prepared a list of everyone
14 who has had an opportunity to speak at prior
15 three public hearings in this matter, and I'm
16 not going to put time limits on folks, but what
17 I'm going to insist is that those people who
18 have not had the opportunity to address any of
19 the forums assembled on the previous hearings
20 be given that opportunity today. So yes, if
21 you've attended a previous hearing, please fill
22 out a card. If you want to indicate for the
23 record that you are here, but if we don't get
24 to you today because there are other people
25 ahead of you who have not had the opportunity

1 (Introductory Remarks - ALJ Wissler)

2 to speak, please understand.

3 Written comments in this matter, the
4 written comment date has been extended until
5 Friday, April the 23rd, 2004. Let me repeat
6 that. Until Friday, April 23rd, 2004. So if
7 you don't get the opportunity to speak at this
8 hearing today, you will have the opportunity to
9 file your written comments as long as they are
10 postmarked by April the 23rd, 2004. I promise
11 you I will read those comments prior to any
12 subsequent, any other proceedings in this
13 case. Again, they're very important to me and
14 to the Department in its review process. In
15 that regard, we're going to go through until
16 midnight tonight but we are going to stop at
17 midnight. If, unfortunately, people have put
18 in cards who have not had the opportunity to
19 speak, are not able to speak between now and
20 midnight, they will have the opportunity to
21 file their written comments with the Department
22 with Alexander Ciesluk, as a matter of fact,
23 who is here this evening, as I indicated in the
24 notice, at DEC headquarters in Region 3 in New
25 Paltz, and those comments can also be filed

1 (Introductory Remarks - ALJ Wissler)

2 with me in the Office of Hearings and Mediation
3 Services in Albany. Again, they must be filed
4 before April 23rd, 2004.

5 I would note for the record that this
6 continued hearing was noticed in the
7 Environmental Notice Bulletin of the Department
8 of Environmental Conservation on February the
9 11th, 2004. Moreover, it was published as a
10 legal advertisement in the Ulster County
11 Townsmen on February 19th, 2004 and also as
12 legal advertisement in the Catskill Mountain
13 News on February the 19th, 2004, and I would
14 note for the record that those publications
15 satisfy the notification requirements of Parts
16 621 and 624 of the Department of Environmental
17 Conservation's regulations.

18 I'm going to at this time go to calling
19 speakers. I don't have any cards from any
20 elected officials. If there are elected
21 officials in the audience and they wish to
22 speak, please make yourself noted and I will
23 make a note and call on government officials
24 first. I see no hands, so we're going to go
25 right to the public comment section. If you

1 (Introductory Remarks - ALJ Wissler)

2 wish to make a comment and you don't want to
3 come up to speak, one of the ways is to file a
4 written comment, take a speaker card, indicate
5 you don't want to speak and on the back of that
6 card, write the written comments with respect
7 to the project and provide them to us. All
8 those cards become part of the record in this
9 matter.

10 Without further adieu, we will start. The
11 first speaker will be Mack Lipkin. And after
12 Mr. Lipkin, we'll hear from Elly Wininger. And
13 I apologize in advance if I mispronounce your
14 name.

15 MR. MACK LIPKIN: I'm Mack Lipkin. I'm a
16 physician. I live in New York City. Can you
17 hear me now?

18 I'll try to speak louder. I'm a
19 physician. I'm a second homeowner here. I
20 have a home in Chichester. I wanted to
21 represent that perspective of second
22 homeowners. I'll try. If this doesn't work,
23 move down.

24 I'll start again. I'm a physician. I
25 live in New York City part time and in

1 (Mack Lipkin)

2 Chichester part time. Second homeowners are
3 people who come here because we love this
4 environment, because it's necessary for us to
5 cure the problems of living in New York, and we
6 have a problem politically because we don't
7 vote here but we're taxed here.

8 Second homeowners provide two-thirds of
9 the tax income in Shandaken. And before we
10 consider changing the environment in a way it
11 could be unattractive to second homeowners, I
12 think that should be really thought through
13 carefully.

14 I'm opposed to the project for several
15 reasons. First, I see it as potentially toxic
16 to the environment. There are pesticides
17 proposed for use which are said to be
18 environmental friendly. In fact, there are
19 pesticides in the proposal that have been shown
20 to be unsafe in pregnant women, and none of
21 them have been shown not to enter the
22 groundwater, and therefore they might enter
23 wells and water supplies for local women,
24 especially those living near the streams.

25 It may be toxic to the environment if it

1 (Mack Lipkin)

2 proves that the construction or the excavation
3 is unstable and there is loss of the fairly
4 shallow topsoil layer in the streams.

5 One of the big draws here is fishing and I
6 think that the proposal in no way reassures us
7 that fishing won't be damaged, and that's --
8 could be more important economically than some
9 boutiques that very few people go to that are
10 proposed by the owners.

11 Second, I think it's going to be
12 potentially toxic to the economy. I understand
13 there's some grounds for controversy about
14 this, but people are not going to continue to
15 come here to buy homes here, to pay property
16 taxes and to spend the way they do if what
17 they're going to experience is construction
18 noise initially, significant increase in
19 traffic, increase in pollution, people who are
20 in the towns who are not committed to this
21 environment but are really like tourists,
22 transients. So while there may be some money
23 coming into the new homes that are built, I
24 think that there may be a counter-balancing
25 loss of income, not only from the taxes and the

1 (Mack Lipkin)

2 drop of housing prices in the community, but
3 through all the secondary sources of income.

4 Third, I think it's shown that it's been
5 toxic to the community itself. The political
6 environment here has been poisoned by this
7 proposal, this project. It started probably
8 with the Pine Hill water system and what
9 happened there. It's clear that the last
10 election in Shandaken was significantly
11 influenced by advertising and outreach from
12 groups that were not -- whose sources of
13 funding have not yet been identified, which I
14 think is clearly illegal and should be
15 investigated and pursued, and there was
16 extraordinary disinformation and there remains,
17 continues to be.

18 Second homeowners, had they had a vote in
19 the last election, would have changed the
20 outcome of the election, without doubt. I have
21 not met a second homeowner, and of course I
22 don't have a -- not a representative sample,
23 but I don't know a second homeowner that's not
24 opposed to the project. And I think if their
25 perspective was taken into account, which it

1 (Mack Lipkin)

2 needs to be, because they are the economic
3 engine currently, the election would have had a
4 different outcome and there would be a more
5 governmental resistance to this than we might
6 expect now.

7 I also think that we need to look to our
8 responsibility to our children in the future.
9 This project has the potential to poison this
10 water and depreciate its value, and what's
11 remarkable about it, pristine streams, its
12 trout, for us have increasingly healthy
13 ecology, and many of us feel very strongly that
14 we must not permit outside profiteers and
15 exploiters to take that away from our children
16 in order to gain short-term financial
17 advantage. Thank you.

18 ALJ WISSLER: We have an announcement from
19 the school. I'm told there are cars out along
20 Route 28 in the very front of the school.
21 Busses can't leave and teachers can't leave.
22 If your car is parked out in front, you must
23 please move it.

24 (There was a discussion off the record.)

25 ALJ WISSLER: Elly Wininger. And after

1 (Elly Wininger)

2 Ms. Wininger, we'll hear from Stewart D. Root.

3 MS. ELLY WININGER: Hi. I'm Elly
4 Wininger. I live in West Hurley. My son gets
5 on the school bus every morning, travels down
6 Route 28, the road of death, and comes to
7 school here right in these hollowed halls along
8 with -- are you all Onteora students -- along
9 with these great young people who by the time
10 the mega-resort would have been finished, would
11 be taxpayers and voters. So I'm really happy
12 to see them here today. And people have said
13 so many incredibly eloquent, lucid,
14 scientifically backed things about this
15 mega-resort, it's kind of getting to be a
16 no-brainer on that score.

17 So I thought that I would add a different
18 element which happens in all great people's
19 movements, which is one of solidarity and
20 singing a song together. So Catherine is going
21 to move up front with the words, probably move
22 up front a little more so we can see it. If
23 you don't know the words and can't see it,
24 please clap along to show your solidarity.

25 (Speaker singing and playing a guitar.)

1 (Elly Wininger)

2 "They paved paradise, put up a parking
3 lot.

4 "With a big hotel, a golf course and a
5 swinging hot spa. You all know this. Don't it
6 always seem to go that you don't know what you
7 got till it's gone? The paved paradise, put up
8 a parking lot.

9 "Well, they took all the trees, put them
10 in the tree museum, and they charged all the
11 people a dollar and a half just to see them.
12 Don't it always seem to go that you don't know
13 what you got till it's gone? They paved
14 paradise, put up a parking lot.

15 One more time. "Don't it always seem to
16 go that you don't know what you got till it's
17 gone? They paved paradise, put up a parking
18 lot. They paved paradise, put up a parking
19 lot."

20 ALJ WISSLER: Stuart Root. After Mr.
21 Root, we'll hear from Marino D'Orazio.

22 MR. STUART ROOT: Good afternoon. Can you
23 hear me? That's rare for me.

24 My name is Stuart D. Root. I have lived
25 in the Catskills for over 30 years, and have

1 (Stuart D. Root)

2 spent many of these years in water quality
3 preservation activities. In my other
4 incarnations, I have been president of the
5 Bowery Savings Bank when it was the second
6 largest savings bank in New York State, with
7 five and a half billion dollars in assets, most
8 of those in commercial real estate. And prior
9 to that, I was counsel for the bank when it was
10 the largest savings bank in the United States.

11 I was also counsel for establishing the
12 real estate programs of the Federal Home Loan
13 Mortgage Corporation known now as Freddie Mac.
14 And in 1988, I served as the last executive
15 director of the Federal Savings and Loan
16 Insurance Corporation where my mission was to
17 maintain public confidence and \$1 trillion of
18 insured deposits.

19 I make some of these comments
20 preliminarily because in the Woodstock paper
21 this week, it asked, who does Mr. Root think he
22 is in being such an expert in these matters?
23 My comments today are certainly influenced by
24 these cumulative experiences.

25 I believe that the development proposed by

1 (Stuart D. Root)

2 Mr. Gitter is fundamentally flawed and
3 environmentally dangerous for reasons not
4 previously addressed. These reasons have to do
5 with the lack of information about the basic
6 financing requirements for large development
7 activities. Usual development is financed by
8 institutional sources in the financial
9 marketplace. These sources use other people's
10 money. And institutional lenders are
11 constrained to avoid unsafe and unsound lending
12 practices. One element of safety and soundness
13 is to require completion bonding when embarking
14 on a large project where lack of completion can
15 spell ruin for the loan or the development or
16 the landscaping. That is to say, lenders
17 require financial assurance to a recognized
18 source that the lenders will not be left with a
19 hole in the ground, raw land, concrete
20 foundations, skeletal frames for buildings or
21 worse.

22 In the case of Crossroads, I have read of
23 people having substantial resources backing
24 this project. I have looked in vain for
25 anything of substance to support those

1 (Stuart D. Root)

2 assertions. Who has committed to provide
3 financing? What are the conditions, the
4 limitations, exceptions and constraints on
5 those commitments, if indeed any commitments
6 exist? Are they written and enforceable? If
7 the project is allowed to commence but then
8 later fails because it is so at odds with other
9 -- if the project is allowed to commence but
10 then later fails because it is so at odds with
11 other well-known failures in this area, and
12 indeed if I read the New York Times correctly,
13 Mr. Gitter's own experiences with other
14 large-scale developments, who will have the
15 right to compel completion?

16 Suppose, for example, that Mr. Gitter
17 obtains his approvals from the environmental
18 authorities but does not have assurances of
19 bonded completion financing? What then? In
20 the normal course, if the project encountered
21 difficulties, we would expect him to declare
22 bankruptcy and seek reorganization under
23 protection of the bankruptcy laws, probably
24 under Chapter 11. Where would that leave the
25 people of Shandaken?

1 (Stuart D. Root)

2 For starters, it would leave them with
3 hosts of unemployed workers who would become
4 public charges against the town's meager
5 resources, and as I understand it, without any
6 state resources for assistance. And where
7 would such an event, without verified bonded
8 completion financing, leave the rest of us? It
9 would leave us with a scarred and torn-up
10 mountainside, possibly with concrete
11 foundations dotting the landscape, and the
12 landscape itself, which would bleed erosion and
13 detritus into the watershed.

14 Frankly, I am completely underwhelmed by
15 assertions that Mr. Gitter has the backing of
16 some people of considerable means. This
17 suggests to me that the project lacks the
18 normal institutional safeguards and validation
19 provided by the crucible of the financial
20 marketplace.

21 Further, in the case of the Concord Hotel,
22 reorganization about four years ago, the
23 newspapers were full of stories about the
24 Murphy group which was going to restore and
25 rehabilitate the Concord and its golf courses.

1 (Stuart D. Root)

2 Mr. Murphy, with normal developer bravado,
3 claimed he had the resources for his plans to
4 benefit the economy. However, when push came
5 to shove in hearing after hearing in the
6 Federal District Court in White Plains, many of
7 which I attended, Mr. Murphy was unable to
8 provide credible evidence that he had financing
9 for his promises. He was long on news print
10 but short on actual commitments. In short, his
11 plan was dismissed as not feasible for lack of
12 verifiable financing.

13 Who is there to assure that Mr. Gitter's
14 plans are feasible? Who is to verify the
15 existence of completion financing, credible
16 enough to be supported by an institutional
17 completion bond? In other words, who is to
18 protect the Catskills against Crossroads
19 becoming an ill-conceived, ill-financed,
20 ill-managed construction project that is
21 pregnant with environmental disasters?

22 Thank you. You ought to hear me sing.
23 This project has several Achilles heels. The
24 absence of bonded, verifiable commitments for
25 completion financing is only one of them.

1 (Marino D'Orazio)

2 Thank you.

3 ALJ WISSLER: Marino D'Orazio. Then we'll
4 hear from Wanda Davenport.

5 MR. MARINO D'ORAZIO: My name is Marino
6 D'Orazio. I'm the president of the Onteora
7 School Board, and I want to welcome everybody
8 to our wonderful building. I hope nobody is
9 blocking any kid because, you know, we don't
10 want to get sued for stuff like that. Just
11 joking.

12 Anyway, the school board has asked me on
13 its behalf to read a short statement in this
14 process, and that is what I'm about to do.
15 I've handed a copy to the judge.

16 "Although the Onteora Central School
17 District Board of Trustees has not taken a
18 position regarding the proposed development at
19 Belleayre, we nevertheless want to direct your
20 attention to several concerns as they relate
21 specifically to our interests as a school
22 district. As a result, we are requesting that
23 we be granted interested party standing.
24 Vehicular traffic is estimated to increase on
25 Route 28 by 200 to 500 vehicles an hour. More

1 (Marino D'Orazio)

2 than 1,100 adolescent and teenage students and
3 about 300 adults populate the Onteora high
4 school and middle school. The Bennett
5 Elementary School, which is right behind this
6 building, serves about 350 students and more
7 than 60 teachers and staff. These schools are
8 directly accessed from state Route 28. They
9 are active from 7:00 a.m. to 5:00 p.m. and
10 beyond. This produces an extremely high volume
11 of vehicular traffic generated by adult and
12 teenage drivers, many of whom are inexperienced
13 beginners. Access and exit occurs at the
14 beginning and at the end of each and every
15 school day.

16 "In addition to auto traffic, hundreds of
17 students are transported to the site by busses
18 from more than 325 square mile area of the
19 school district. Our district runs, by the
20 way, from West Hurley, which borders Kingston,
21 all the way up to Belleayre. So it's a pretty
22 large geographical district.

23 "Virtually all of our 100 bus routes
24 utilize Route 28 to transport students to and
25 from all five school locations at least twice a

1 (Marino D'Orazio)

2 day. Heavy construction vehicles will surely
3 be a factor for years to come. The noise and
4 exhaust, pollution, along with spillage from
5 construction vehicles will create a more
6 negative and detrimental environment for the
7 school and its vicinity. We can only predict a
8 significantly disturbing impact on the quality
9 of life and learning in our schools as a result
10 of these drastically invasive conditions
11 imposed on the school.

12 "Respectfully submitted by the Onteora
13 Central School District February 19, 2004.
14 Thank you.

15 ALJ WISSLER: Wanda Davenport. After Ms.
16 Davenport, we'll here from Jennifer Bloom.

17 MS. WANDA DAVENPORT: I'm going to use my
18 notes extensively because I had eye surgery a
19 couple weeks ago.

20 Good evening, but I guess it's really
21 afternoon. My name is Wanda Davenport, and I
22 am the president of the Catskill 3500 Club, an
23 outdoors group chartered in 1963. We are men
24 and women who hike year round in the Catskill
25 Mountains who actively promote conservation and

1 (Wanda Davenport)

2 ethical use of the Catskill Park. The club
3 partners with the Adirondack Mountain Club, the
4 American Hiking Society, the New York/New
5 Jersey Trail Conference, The Catskill Center
6 for Conservation and Development and New York
7 State DEC on behalf of the Catskill Forest
8 Preserve.

9 My comments will be brief and will touch
10 on several issues. The first, the negative
11 impact on views of a project of this size and
12 scale. Second, the attendant changes to the
13 rural character of the Central Catskills.
14 Third, I ask the question, why wildness? And
15 fourth, land use ethics.

16 As to the viewshed, the resort as proposed
17 would be visible from a myriad of trails and
18 off-trail locations on Balsam, Halcott, Hunter,
19 Westkill, Panther and other mountain peaks.

20 Extensive clear-cutting with the concomitant
21 soil erosion and runoff would be a permanent
22 scar on the terrain. A drive out Route 28
23 would no longer be so pleasing to the eye. The
24 artificial scar of the resort as proposed will
25 stand out in all seasons, but especially in

1 (Wanda Davenport)

2 winter.

3 Minimally, the changes to the rural
4 character of the Central Catskills would be
5 threefold. Obviously the resort will increase
6 traffic on Route 28 and the connecting county
7 roads. Issues of safety will arise. Because
8 of lighting throughout the resort, a treasure
9 of the Central Catskills, a truly dark night
10 sky will be negatively impacted. No longer
11 will the sky be dressed in black with stars
12 sparkling like precious jewels.

13 The sheer scale of the proposed resort is
14 out of sync with its surroundings and the
15 character of the Central Catskills. Small
16 towns and hamlets where life moves at a
17 deliberate pace, not with the frenzied rush of
18 a city or close-in suburb. For residents, the
19 quality of life will be negatively impacted, as
20 will the experiences of visitors.

21 I ask the question, why wildness? The
22 resort as proposed will abut the Big Indian
23 wilderness area. The Slide Mountain wilderness
24 area is quite nearby. In the draft revision of
25 the Catskill Park State Land Master Plan

1 (Wanda Davenport)

2 released in August of 2003, wilderness is
3 defined as an area where earth and its
4 community of life are untrammelled by man, where
5 man himself is a visitor who does not remain.
6 On an outing to the wilderness, man is afforded
7 an opportunity for both physical and spiritual
8 renewal.

9 Furthermore, wilderness is defined to mean
10 an area of state land or water having a
11 primeval character. Wilderness management
12 guidelines call for a natural plant and animal
13 community where man's influence is not
14 apparent. I quote from this document from the
15 DEC, In wilderness, opportunity will be
16 provided for all kinds of recreational
17 activities that depend for their full enjoyment
18 on the condition of solitude in an environment
19 free of unnatural sights and sounds, end
20 quote. I don't see where this leaves room for
21 golf balls, boom boxes, lawn mowers, trucks,
22 cars and other assorted noises.

23 More than two generations ago in 1949,
24 Aldo Leopold, a forefather in the
25 conservation/environmental movement, wrote

1 (Wanda Davenport)

2 about man's place in nature. He termed us
3 members and citizens of the land-community, not
4 its conquerors. He summarized his thinking
5 with this definition of a land ethic, and again
6 I quote, this is from his book A Sand County
7 Almanac, "Quit thinking about decent land use
8 as solely an economic problem. Examine each
9 question in terms of what is ethically and
10 esthetically right. A thing is right when it
11 tends to preserve the integrity, stability and
12 beauty of the biotic community. It's wrong
13 when it tends otherwise," end quote.

14 In closing, the Catskill 3500 Club opposes
15 the Belleayre Resort project as proposed
16 because of adverse effects from a resort of
17 this size and scale on the natural resources,
18 quality of life and general character of the
19 Central Catskills.

20 Thank you for your time.

21 ALJ WISSLER: Jennifer Bloom. After Ms.
22 Bloom, we'll hear from Henry Bunce.

23 MS. JENNIFER BLOOM: I am here today to
24 represent the Hudson Valley Labor Federation.
25 We're the regional arm of the AFL-CIO. We work

1 (Jennifer Bloom)

2 together with a hundred thousand union
3 households across the Hudson Valley.

4 Can you hear me now? I sound like a
5 television commercial.

6 So I am here representing the Hudson
7 Valley Area Labor Federation, the regional arm
8 of the AFL-CIO. We are here to support this
9 project and to support the economic development
10 that it's going to bring to our area. And I
11 want to say this from the perspective of
12 somebody who has just bought their first home
13 here in Ulster County. We're, my partner and
14 I, are very excited to see this project come to
15 Ulster County because we look at the
16 environmental issues in a much more wholistic
17 way. Within a one-mile radius of my home are
18 two homeless shelters where people are looking
19 for decent economic opportunities which aren't
20 available in Ulster County.

21 In unionized facilities in other regions
22 of New York State, these can create good,
23 solid, middle-class jobs and afford individuals
24 the possibility of also becoming homeowners.
25 We are here to support this project because we

1 (Jennifer Bloom)

2 see it as a way to bring quality jobs to our
3 region and in an environmentally sensitive
4 way. Thank you.

5 ALJ WISSLER: Henry Bunce. After Mr.
6 Bunce, we'll hear from Sam Fratto.

7 MR. HENRY BUNCE: Good evening. I am
8 Henry Bunce. I'm the president of the Ulster,
9 Sullivan, Delaware and Greene County Building
10 and Construction Trades. And I first want to
11 commend Onteora school and the young students
12 who have been practicing freedom of speech and
13 freedom of demonstration, which is very
14 important to us.

15 As president of the Ulster, Sullivan,
16 Delaware and Greene County Building and
17 Construction Trades Council, I am pleased to
18 announce that the New York State Building
19 Trades and the state AFL-CIO Coalition have
20 come forward in full support of the Belleayre
21 Resort at Catskill Park project.

22 Reasons. This is a privately funded
23 project. It will not only boost local economy
24 through employment of our members and the local
25 members and the local people here, the initial

1 (Henry Bunce)

2 phases of the construction, but forward with
3 good paying jobs for all families.

4 Some solid facts offered with this
5 project. Crossroads Ventures has committed to
6 us that it will sign a project labor agreement
7 with the trades and will utilize local labor.
8 For you, the people who don't understand
9 project labor agreements, this means that
10 Crossroads Ventures had entered into an
11 agreement with us to use local labor. This
12 means the people who live here in this
13 community where the paychecks will stay during
14 the construction. We believe a project of this
15 size will help solidify the tax base for the
16 county and the area and will stimulate the
17 local economy.

18 Crossroads has hired two of the most
19 renowned environmental architects in the world,
20 Robert Lamb-Hart and Emilio Ambasz -- I hope I
21 said that correctly -- to insure that this
22 project is developed and built with the utmost
23 concern and respect for the environment and the
24 community. This truly will be one of the
25 cleanest and most environmentally sound

1 (Henry Bunce)

2 projects ever seen in this area.

3 And one of the things I know from being in
4 this position many times is that if you can
5 build something in New York State, you can
6 almost build something anyplace in the world
7 because the environmental laws in New York
8 State are of the toughest in this country.

9 The most important point to remember with
10 a project like this is that there would be
11 opposition from obstructionists in the name of
12 the environment. Remember that there is a huge
13 difference between environmentalists and
14 obstructionists that hide behind the
15 environment to stop any growth for their own
16 selfish interests and in the name of the
17 environment. While the environmentalist
18 further developed what nature has already
19 offered, I would say that we are
20 environmentalists. We want the project done
21 the right way. After all, we do live here with
22 our families and we work here and pay our
23 taxes. And I have been here all my life in
24 Ulster County. I used to live up the road
25 here, and we really truly believe this is going

1 (Henry Bunce)

2 to be a great project for this area. Thank
3 you.

4 MR. SAM FRATTO: Can you hear me over
5 there? Over there? Good. I really don't have
6 a planned speech. All right. Here's my
7 speech. It's on this small little notebook.

8 I've just been listening to what the
9 people have been saying. Sam Fratto. I'm with
10 the Electricians Local 363, IBEW. I represent
11 people that live in this area. I represent
12 people who send their kids to this school. I
13 represent people who are going to pay taxes in
14 the area that this place is going to be built
15 in.

16 VOICE FROM THE AUDIENCE: You don't
17 represent me.

18 ALJ WISSLER: Mr. Fratto, continue to
19 speak.

20 MR. SAM FRATTO: What we have here is a
21 debate, and there are a few subjects in that
22 debate. It's the economy, it's jobs, it's the
23 environment. Can we all agree on that? Can we
24 agree on that, environmental people? Cameraman
25 doesn't agree. Whatever way you want to put

1 (Sam Fratto)

2 it, in any order, those three are the most
3 important issues in relation to this project.
4 And all three of those issues are going to be
5 answered before any project is built here.
6 Like one of the speakers in front of me said,
7 New York State has got the most environmental
8 laws of any of the states, and there's more
9 regulations that somebody has to meet in order
10 to even build a job here. The people sitting
11 here and cat calling that, you know, this guy
12 shouldn't be able to do what he wants to do
13 with his property, it's going to hurt this and
14 it's going to hurt that, yes, that's a subject
15 that needs to be addressed. It does. But it
16 doesn't get addressed by people sitting in a
17 room and cat calling each other. That's not
18 where this is going to be addressed.

19 The issues that you bring up will be
20 addressed and they're addressed in all these
21 regulations that this guy has to meet before he
22 even starts to put a shovel in there, okay? So
23 I think that environmental issues either will
24 be addressed or there won't be a project.

25 And guess what? The unions are in

1 (Sam Fratto)

2 agreement with that. We're in agreement with
3 that. The problem we have is when the
4 environmental issues do get addressed, you
5 still don't agree. That's the problem we have
6 with the other group here, okay? New York
7 State needs jobs. Ulster County needs jobs. I
8 know because I represent six or seven different
9 counties in the Hudson Valley. Ulster County
10 is one of my counties that really is lacking
11 jobs. All right? That's one of my counties
12 that we're really lacking the jobs in. We need
13 to do something about that. We need to balance
14 it with what your concern is, with the
15 environment. Because guess what? We don't
16 want to ruin the environment either. That's
17 not what we want. We want to build what
18 somebody can build. We want to build it and we
19 want to build it union. That is true about
20 us.

21 Let me talk a minute about the second
22 homeowners. Nice sign. That's right. If you
23 want prove that, you bring it to me again.

24 Let's talk about the second homeowners.
25 It's nice to own a second home, isn't it, but

1 (Sam Fratto)

2 most of you here don't know that because most
3 of you don't have a second home, and there's
4 probably a good majority here trying to hold on
5 to your first one. I know a lot of people
6 are. Let's talk sense here. Let's talk
7 sense. Second homeowners, the lady here talked
8 about the wilderness, is that what's up here, a
9 lot of second homes? Because you know what?
10 That's a little gluttony. If you want
11 wilderness, don't build a second home and take
12 up the wilderness space. Why don't we wreck
13 all the second homes and see what we're left
14 with? We could have this project and 5,000
15 more.

16 It just bothers me when somebody stands up
17 and says as a second homeowner I want anything
18 because you know what? I can't relate to
19 that. I'm a working person. I need a job. My
20 people need jobs. People that aren't in the
21 union yet that will be in the union because of
22 these projects need jobs. And guess what?
23 When it's a union job, you know what happens?
24 Someday you actually get to stop working
25 because you'll earn a pension. People earn a

1 (Sam Fratto)

2 pension and a retirement, a real job with a
3 real wage. This is no baloney.

4 And the other thing I would like to say
5 is, I too, I like this little idea with these
6 guys in the signs with the dinosaur suit.
7 That's a good thing, but you're a little off
8 base because you're going to graduate in a
9 couple of years, and guess what you're going to
10 be looking for? A job. You're a little off
11 base on that one there.

12 The bottom line to this is, this is a good
13 group, no matter what side of the line you're
14 on, because we're all voicing our opinions.
15 Sometimes people's opinions get a little
16 outrageous, though, and the facts are the
17 facts. If these facts come back and this
18 environmental study comes back that it's
19 negative, we will not be here asking to build
20 this project. We will not be here. And, it's
21 going to be a third party that decides on
22 whether this can be built or not
23 environmentally. And when that third party
24 decides that, it's over. They're going to
25 build it.

1 (Sam Fratto)

2 Here is why. I would be a little mad if I
3 was Mr. Gitter and I had land that I bought and
4 I owned and somebody is going to tell me that I
5 can't do it even if I pass the environmental
6 issues. That is not America. That is not how
7 it works. You all bought your houses and you
8 do what you want at your house. As long as you
9 go by the rules and you meet all the
10 qualifications, you can do what you want. This
11 man needs to do what he wants if he meets the
12 qualifications. There is nothing that we can
13 do to him to make it wrong. There's nothing
14 wrong with it. It needs to be built if it's
15 environmentally sound.

16 And for people to look at us and say we're
17 on the other side of the coin, we're not on the
18 other side of the coin. There's two sides to
19 our coin, though. One is the environment and
20 one is the jobs. We have two sides to the
21 coin. Where is your other side? Where is your
22 other side to your coin? You say you want to
23 cut lawns or you don't want to cut lawns, I
24 don't know what that means. If you're saying
25 there is not going to be grass or anything, but

1 (Sam Fratto)

2 you know what? We really need to grow up,
3 everybody, and let's face what comes up. If
4 it's not good, if the environmental study is
5 not good, we go away. And we're in agreement
6 with it.

7 Listen. Listen to me. I'm trying to be
8 nice to you guys, okay? I got a reputation,
9 and it's not good sometimes, all right? But
10 all I can tell you, what's fair is fair. The
11 unions support a project that can pass the
12 environmental issues. We've got two sides to
13 our coin. All right? Thank you. And if it
14 passes, build it.

15 ALJ WISSLER: After Mr. Locascio, we're
16 going to hear from Rodney VanVoorhis.

17 MR. VINCENT LOCASCIO: My name is Vinnie
18 Locascio. I'm a heavy equipment operator. I
19 belong to Local 85 of the operators. I've
20 helped build your Route 28 out here. I've
21 helped build the golf course behind here in
22 1971. I helped build a lot of things in this
23 part of the world. I'm proud of them all. And
24 when many of them were getting started, there
25 was a lot of people who didn't want them

1 (Vincent Locascio)

2 because there was going to be erosion, this was
3 going to be this, they're going to be that. I
4 understand the concerns.

5 Now they're using the road, they're using
6 the golf course up here and I haven't heard of
7 anyone dying from it. And a lot of other
8 things I helped build and guys from my union
9 helped build which were negatively charged at
10 first, are being used by everybody and
11 everybody is happy about it.

12 Now, I have seven kids. Three of them are
13 away from here because they couldn't find
14 jobs. One is in Florida, one is in Texas and
15 one is in New Jersey. And for me to visit them
16 and my grandchildren or whatever, it's a long
17 way. Anyway, so to try to prevent that for
18 most of you guys over here, we do need jobs
19 over here, okay? And like the electricians
20 just said, you kids are going to grow up
21 someday and need jobs. I'm sure your family is
22 not going to want to watch you move away to go
23 get them. If this hotel is built here a proper
24 way so it doesn't affect the pollution of the
25 county at all and it's done the way it should

1 (Vincent Locascio)

2 be, these jobs are going to be here for you
3 guys and you're going to be able to see your
4 families every day and contribute to your
5 county over here. I think you'll all be better
6 off. So I think you guys better think about
7 stuff like that before you just say not in my
8 back yard.

9 Now, as far as the financing over here,
10 I'm not an expert on financing, but I know
11 people from the Concord Hotel, the past and the
12 present one, and there's other issues involved
13 with the funding there. The people who are
14 trying to fund Mr. Murphy were pretty sure that
15 Indian gaming was going to come into Sullivan
16 County and then, of course, how it's been
17 stalled by whatever. It hasn't come, so the
18 people withdrew their support and that's why
19 that hotel is not off the ground right now,
20 which has got nothing to do with this project
21 over here. That's all I got to say. Thank
22 you.

23 ALJ WISSLER: Rodney VanVoorhis. Rodney
24 VanVoorhis. Victoria Langling. After Mr.
25 VanVoorhis, he'll hear from Victoria Langling.

1 (Rodney VanVoorhis)

2 MR. RODNEY VAN VOORHIS: Nice to see
3 everybody out here today. My name is Rodney
4 VanVoorhis and I'm not from New York City. I'm
5 an elected representative of Teamsters Local
6 445 who represents members within the Hudson
7 Valley, several hundred members who live within
8 Ulster County itself. It's tough being a
9 second speaker after Sammy.

10 Sammy, you did a fine job.

11 We are here for jobs, we are here for the
12 environment. I'm an avid outdoorsman, I'm an
13 avid fisherman, hunter. I would rather be
14 outdoors than in here.

15 I'm hearing -- what I'm hearing is that
16 there may be a problem with the fishing, there
17 may be erosion, there may be this, there may be
18 that. We're not building a truck stop, folks.
19 I wouldn't be surprised if the next thing we're
20 going to hear about is that the golf course is
21 going to bring prostitution in the area.
22 There's a lot of speculation here. There's a
23 lot of people who are just absolutely anti,
24 just for the sake of being anti, and that's not
25 the reason. We have a project that is going

1 (Rodney VanVoorhis)

2 through the study process. The
3 environmentalists are -- they're allowed to
4 have an opinion. But when it comes down to it,
5 the governing bodies are going to make a
6 decision one way or another whether this is a
7 good project.

8 Again, we feel on behalf of the union
9 tradesmen, that this is a good project until we
10 are told otherwise. Because long story short,
11 there is nobody that builds a project better
12 than union workers.

13 So in closing, what I would ask is that
14 the people that are against, there's always a
15 not-in-my-back yard issue. It comes up every
16 time and it will continue to come up every
17 time. But look what's going in your back
18 yard. This is a beautiful site. It's a
19 beautiful resort. It's going to bring ---

20 VOICE FROM THE AUDIENCE: What if it were
21 your back yard?

22 MR. RODNEY VAN VOORHIS: When you guys are
23 done, I'll continue.

24 ALJ WISSLER: Let's give everybody the
25 courtesy, please. Mr. VanVoorhis.

1 (Rodney VanVoorhis)

2 MR. RODNEY VAN VOORHIS: This is an issue
3 that has to be looked at very closely, and what
4 I'm asking is to give every consideration
5 regarding this project, make your decisions on
6 the merits, not on what you're being told or
7 what you're imagining or the possibilities of.
8 The facts are the facts. Please go by the
9 facts. Thank you.

10 ALJ WISSLER: Ms. Langling. After Ms.
11 Langling, we'll hear from Astrid Nordness

12 MS. VICTORIA LANGLING: One of the best
13 public speaking guidelines I have ever heard,
14 he said, Be sincere, be brief, be seated. I
15 will try to adhere to his policy, although the
16 passion that many of us, including me, feel
17 towards saving our environment and our quality
18 of life has a tendency to get us carried away.

19 First, I must clearly say that although I
20 am a member of certain groups to be mentioned,
21 I am not speaking as their representative. And
22 may I also say that I am not under contract to
23 be here.

24 I am speaking only on my and my family's
25 behalf, four votes, including my husband who is

1 (Victoria Langling)

2 a building contractor. If I may please give
3 you some of my background, you will see that I
4 witnessed the effects of the economy on a
5 multitude of levels, from a business,
6 government and a non-profit perspective. In
7 1992 I co-founded and still act as the
8 executive director, among other duties, of the
9 local daily bread and soup kitchen. I also
10 serve on the advisory board of the Food Bank of
11 the Hudson Valley, and I work daily with
12 colleagues who run other area soup kitchens,
13 food pantries and shelters.

14 Because of my non-profit and business
15 associations, in 2001 I was appointed by the
16 Ulster County Legislature to the Workforce
17 Investment Board. This partnering of business
18 representatives and government agencies helped
19 everyone seeking employment. The Workforce
20 Investment Board has recognized service jobs
21 such as construction, electric and plumbing,
22 and emerging nanotechnology, health care and
23 education as some of the highest demand
24 occupations. We supply training, employment,
25 education, seek out economic development and

1 (Victoria Langling)

2 livable wage employers and jobs. Livable wages
3 translated in Ulster County mean at least \$15
4 an hour.

5 MR. HENRY BUNCE: Do they have health
6 benefits?

7 MS. VICTORIA LANGLING: A developer who
8 holds us locals in such contempt that he
9 imports New York City and foreign nationals to
10 act as waiters at his restaurants will not
11 provide meaningful, livable employment.

12 As an active participant in the non-profit
13 arena, I would like to make you aware of the
14 struggle of the working poor or the food
15 insecure. These people are the people that I
16 see daily at my soup kitchen. They may work
17 two jobs, they may work three jobs, but these
18 are the people who have to choose between
19 paying essential bills or buying food for their
20 families. Almost 30 percent of Ulster County's
21 school age children live below federal poverty
22 guidelines. And every single food pantry, soup
23 kitchen and shelter in Ulster County has
24 experienced an increase in demand for services
25 along with the drop in funding and available

1 (Victoria Langling)

2 volunteer assistance.

3 On the drive here, I once again heard the
4 public service announcement on the radio
5 requesting help in enlisting emergency services
6 volunteers. We have a community that is
7 struggling to find sufficient volunteers for
8 their fire departments, emergency medical
9 technicians and paramedics. We strive to
10 supply blood for our blood banks, nurses for
11 the aged, ill and infirmed in our hospitals.
12 We search for volunteers to staff, counsel and
13 guide those who come to our doors with their
14 hands held out in need. In my opinion, we
15 simply do not have the community resources for
16 a project of this magnitude.

17 I sincerely hope that you have heard all
18 of the concerns of those of us who live here
19 year round. Our concerns that while we have
20 always been willing to share the beauty of our
21 Catskill home, we're worried that someone with
22 more money or power will take it and use it
23 unwisely. Our concerns that the DEP recognize
24 the two failed Crossroads Ventures projects in
25 Newburgh and ,Maryland, as a warning and

1 (Victoria Langling)

2 require unconditional commitments for financing
3 and completion bonding before our mountain is
4 forever changed. Our very real concerns that
5 as guardians of the Ashokan Reservoir, you, the
6 DEP, will use your stewardship to prevent
7 traffic, noise, light, environmental, water and
8 ground pollution. Our concerns and our hope
9 that our elected officials will act with
10 admirable character and ethics to honor the
11 will of the everyday person. Our concerns that
12 our quality of life will be forever affected by
13 large-scale development unsuited to this area.
14 And finally, our concerns that this destination
15 resort is nothing more than drive-by commerce
16 that offers no true value but will forever
17 change the flavor and face of our home.

18 ALJ WISSLER: Astrid Nordness. Then we'll
19 hear from Jon Griesser.

20 MS. ASTRID NORDNESS: Hello. My name is
21 Astrid Nordness. I'm one of your local dog
22 groomers and I have lived and worked in Olive
23 for the past ten years. I'm originally from
24 Staten Island. I moved here ten years ago
25 because it was breaking my heart to see what

1 (Astrid Nordness)

2 had become of Staten Island in the 30 years
3 that I had lived there, ruined by development.

4 Anyone been to Staten Island recently? It
5 can take you half an hour to go three miles,
6 and that's not even during rush hour. That's
7 what happened when the road system wasn't
8 designed with massive development in mind.
9 Needless to say, I'm opposed to this project
10 being proposed by Dean Gitter and Crossroads
11 Ventures.

12 First, I would like to offer an
13 alternative to Dean Gitter and company. This
14 area is in economic decline and that we need
15 this huge corporate behemoth to come in and
16 save us. As a dog groomer, I am acutely aware
17 of the economic environment in which I exist as
18 a business. My profession is one of those
19 luxury services that feels an economic downturn
20 first. Believe me, when times are tough,
21 Fluffy does not need that haircut. I am under
22 no illusion that when my business slows down in
23 January and February, it's not because of the
24 cold, but because people are paying off their
25 Christmas bills and Fluffy can wait for that

1 (Astrid Nordness)

2 haircut.

3 When IBM moved out, I felt it and I know
4 of two dog groomers that went out of business.
5 In the past three years, my business has
6 doubled, and I cannot help but think that if I
7 am doing well, those around me are doing well.
8 This sure does not feel like a depressed
9 economy, nor does it look like one. If you
10 want to see a depressing economy, take a ride
11 out to Ellenville and Kerhonkson. They have
12 two 18-hole golf resorts and boy, are they
13 booming. Not.

14 What is Dean Gitter offering that is not
15 already out there in this area and quite
16 obviously not giving any of the benefits being
17 promised to us? And all of you people out
18 there who think you are going to do well by
19 this project, you are not paying attention.
20 Yes, you might have some construction jobs for
21 five or six years, but then what happens?
22 We're left with a huge eyesore on that ridge.
23 How many people have ever been to a resort?
24 Did you go planning to use the resorts as a
25 base to explore the local economy? Dean Gitter

1 (Astrid Nordness)

2 is proposing to build an all-inclusive resort.

3 It is not in the best interest of such a
4 business that their customers spend their money
5 outside that resort.

6 How many of you have heard the story about
7 the goose that laid a golden egg? Most myths,
8 fables and fairy tales are written to teach
9 moral lessons. If Dean Gitter puts that
10 monstrosity on our ridge, we will all have lost
11 our goose for the false promise of very
12 improbable future riches. If we want to grow
13 our economy, there are far better and healthier
14 ways to do so than to allow a corporate
15 dictatorship to move in on us. We don't need
16 anyone to save us. If we truly want to, we
17 have the means to do so ourselves. If you want
18 to grow a local economy, buy local. Support
19 your local businesses. They're your friends
20 and they're your neighbors. Before you take
21 that trip into Kingston to spend your money at
22 Wal-Mart or Lowes or Target, ask yourself if
23 you can't buy it local. It's not hard to do.
24 The money that you spend locally stays local
25 far longer than the money you spend at

1 (Astrid Nordness)

2 Wal-Mart. The longer that money stays in local
3 circulation, the healthier and more sustainable
4 the local community will be.

5 This would not be the case if Mr. Gitter
6 gets his way. He offers us jobs, more jobs
7 than there is local capacity to fill, and what
8 kind of jobs are they? Not any that I would
9 care to do, nor wish on anyone else. Quantity
10 at the expense of quality only ever benefits
11 the few, usually those with money and
12 connections and high places.

13 It was John Maynard Keynes who said,
14 Capitalism is the extraordinary belief that the
15 nastiest of men for the nastiest of reasons
16 will somehow work for the benefit of all. If
17 Mr. Gitter and company aren't capitalists, then
18 I don't know who is. And if that nastiest of
19 reasons isn't the lust for money, then give me
20 a break. And the likelihood of that money
21 going to grow the local economy is as likely as
22 George W. Bush admitting that the war in Iraq
23 is all about the oil.

24 Corporations are dictatorships run by
25 capitalists. If you don't believe me, ask

1 (Astrid Nordness)

2 someone who works for one. We do not need a
3 corporate dictatorship holed up in a shiny
4 gated city on our ridge where their profits are
5 separated from the consequences of their
6 actions.

7 The second and final point I would like to
8 bring up concerns the large amount of chemicals
9 needed to maintain a golf course, not to
10 mention two golf courses. There seems little
11 argument that chemical use is planned. How
12 many people are aware that there are a number
13 of studies going on in Europe that have found
14 links between chemical use on golf courses and
15 Lou Gehrig's disease? I was told about this
16 this past weekend by a retired biology
17 teacher. He used to play golf but gave it up
18 after he had children because of the warnings
19 not to wear his golf shoes in the house because
20 of the chemicals on them. He didn't want to
21 expose his children to that.

22 As a dog groomer and former animal health
23 technician, I have some first-hand experience
24 with chemicals, especially pesticides. I
25 stopped using flea dips on dogs and cats over

1 (Astrid Nordness)

2 ten years ago because I personally witnessed
3 these dips kill and sicken an incredible number
4 of animals. Anyone familiar with Biospot?
5 This is a flea treatment made up of
6 concentrated pyrethrins, the supposedly natural
7 chemicals derived from plants. This past fall,
8 I had three clients and a friend lose their
9 perfectly healthy cats because they had
10 accidentally used their dog's Biospot on these
11 animals. One cat died within two hours of
12 having the chemical applied, and these
13 pesticides are supposedly safe.

14 Aside from the fact that it's a really
15 stupid idea to even contemplate using these
16 chemicals, I cannot help but wonder about the
17 terrorist implications. How strange that the
18 DEP would shut down a bridge, the lemon squeeze
19 here in Olive, because it is a potential
20 terrorist target, and not see the terrorist
21 potential in this proposed project. Large
22 amounts of chemicals are needed to run golf
23 courses of this size. We are talking
24 pesticides, herbicides, fungicides and
25 fertilizers, all derivatives of oil, mind you.

1 (Astrid Nordness)

2 These chemicals must be transported and
3 stored. I would imagine at a resort of this
4 size, there would be enough fertilizer to build
5 a bomb big enough to, say, blow up a good size
6 federal building, not to mention a couple of
7 bridges. A terrorist wanting to take out the
8 New York City water supply system wouldn't have
9 to procure a deadly dose of poison. That's
10 already been done for him and nicely situated
11 in close proximity to the main water source for
12 the Ashokan Reservoir. It would be devastating
13 to see something like this happen, and I would
14 truly not wish to ever have to say I told you
15 so to the DEP.

16 I would like to end with a quote by
17 Wendell Berry. For a nation to be, in the
18 truest sense patriotic, its citizens must love
19 their land with a knowing, intelligent,
20 sustaining and protective love. They must not
21 for any price destroy its health, its beauty or
22 its productivity, and they must not allow their
23 patriotism to be degraded to a mere loyalty to
24 symbols or any present set of officials.

25 One might reasonably assume, therefore,

1 (Astrid Nordness)

2 that a policy of national security would
3 advocate from the start various practical
4 measures to conserve and use frugally our
5 natural resources. Thank you very much.

6 ALJ WISSLER: Jon Griesser. After Mr.
7 Griesser, we'll hear from Algernon B. Reese.

8 MR. JON GRIESSER: My name is Jon
9 Griesser. I was born in the Catskill Mountains
10 and I'm a graduate of this high school. This
11 year, 2004, marks the 100 year anniversary of
12 the Catskill Park, a mosaic of public and
13 private lands nearly three quarters of a
14 million acres in size, much of it protected
15 under the New York State constitution as
16 forever wild. To celebrate this anniversary, I
17 ask all of you gathered here today to ask
18 yourselves what you envision for this special
19 place for the next 100 years.

20 As graduates of the Onteora and
21 Margaretville School Districts between the
22 years 1987 and 2000 and as people who have
23 grown up here in the heart of the Catskill
24 Mountain region, we have some serious
25 reservations regarding the proposed Belleayre

1 (Jon Griesser)

2 Resort at Catskill Park project.

3 We all have one thing in common. We have
4 strong ties to the Catskill Mountains. Whether
5 it is because we still live here, our family
6 and friends still live here or we returned to
7 visit, we all agree that science and the
8 objective data that supports it is needed to
9 conclusively show that this project will not
10 threaten the future of the Catskills, but
11 rather enhance it.

12 Unfortunately, we believe that the science
13 and data provided in the DEIS prepared by
14 consultants hired by the developer does not
15 convincingly illustrate this. We now call on
16 experts at the New York State Department of
17 Environmental Conservation as the lead agency
18 to dissect and analyze all the information that
19 has been provided. The economic future of the
20 Catskill region and the future well-being of
21 the Catskill Forest Preserve owned by each and
22 every citizen of New York State depend on it.

23 As sons and daughters of life-long
24 residents, more recent transplants, local
25 business owners and decisionmakers, we are the

1 (Jon Griesser)

2 future generation of the Catskill region that
3 must be convinced that this project will not be
4 burdensome, not only to ourselves and our
5 children, but to the region as a whole for
6 generations to come. We are well-rounded and
7 well-traveled individuals that have been
8 educated at some of the best colleges
9 throughout the country. We have studied and
10 worked in a variety of interdisciplinary
11 fields, including forestry, environmental
12 policy, watershed management, wildlife biology
13 and environmental sociology. We have lived in
14 other regions facing similar challenges. These
15 opportunities have given us more than a great
16 education. They have given us the ability to
17 learn about and experience what irreversible
18 consequences this type of project often brings
19 with it and leaves behind after it is long
20 gone. We all recognize how special the
21 Catskill Mountains truly are and how important
22 it is to keep that in mind as we make decisions
23 regarding their future.

24 Whether we own a business here, are full
25 or part-time residents or just visit our

1 (Jon Griesser)

2 families on holidays, the Catskills are still
3 our home. They are a place familiar to us and
4 unique to anywhere else on earth.

5 Why is our home so different, so special?
6 100 years ago, a blue line was drawn on a map
7 around the existing state-owned land. Its
8 purpose was to direct the state's acquisition
9 of more land within that area because the
10 landscape was majestic enough that actions were
11 warranted to keep it intact. New York State
12 chose to use the only means it had, purchasing
13 and preserving the land.

14 In 1904, this initiative gave the Catskill
15 region a huge head start on learning how to
16 live alongside and benefit from wilderness,
17 compared to the rest of this country. In
18 today's society, the concepts of sustainable
19 growth and smart growth require tremendous
20 foresight in the planning process. The
21 protection of the Catskills for a hundred years
22 has uniquely positioned the region to be a
23 forerunner in instituting forms of development
24 that are both environmentally and economically
25 sustainable. The managing partner of

1 (Jon Griesser)

2 Crossroads Ventures has stated on more than one
3 occasion that long-time and year-round
4 residents support the project, and those that
5 own second homes or have moved here recently
6 oppose it. We are the current generation of
7 Catskill region natives he speaks of, and
8 unfortunately for Crossroads Ventures, we
9 cannot support this project as it is currently
10 proposed. The scale of the project is of great
11 concern to us. The projected visitation of the
12 Belleayre Resort is 3.5 times the current
13 visitation of Belleayre Ski Center. This huge
14 but very high-risk project by default will be
15 the focus of much of our future economic
16 direction. To put all of our eggs in this one
17 basket is of very questionable rationale.

18 Wouldn't it be more environmentally and
19 economically sustainable to have one hotel with
20 fewer rooms that could be full nearly all of
21 the time? Perhaps a smaller, more efficient
22 facility is better suited for the region. Or
23 better yet, why not steer economic development
24 into the hamlets themselves where
25 infrastructure and other businesses are already

1 (Jon Griesser)

2 in place? We feel the impacts from this
3 project could very likely threaten our home 25,
4 50 and 100 years from now in ways we have yet
5 to imagine. The immediate impacts in all
6 likelihood will pressure our way of life, our
7 water quality, our open spaces, our viewshed
8 and our night sky.

9 We must ask Mr. Gitter and the others
10 involved in bringing this project to its
11 current form, what is your childhood home like
12 now? Is it as comforting and welcoming as you
13 remember? Ours currently is. Are the things
14 you valued about it still intact? Ours
15 currently are. Do its boundaries stand up
16 against the pressure of poorly planned
17 development? Ours currently do. Is it still a
18 place you strive to live in or return to? Ours
19 is.

20 There is no question that tourism is the
21 most important economic asset for the Catskill
22 Mountains. However, the reason that tourism
23 was and continues to be the engine for our
24 economic growth is because of the Catskill
25 Mountain region's biggest asset, the Catskill

1 (Jon Griesser)

2 Park and Forest Preserve. Without our forested
3 mountain summits and tucked-away vistas,
4 without our unspoiled trout streams, without
5 our fresh air and without our mosaic of autumn
6 leaves that surround each and every distinct
7 village and hamlet, there would be no tourism.
8 This project as proposed will seriously
9 encroach upon everything the tourists have come
10 to expect, everything the new residents learn
11 to cherish, and everything we natives have
12 always loved about our Catskill Mountains.

13 Championship golf courses, ritzy hotels
14 and timeshares are not the reason that the
15 majority of tourists come here or ever will.
16 They can go to the Poconos, the Hamptons,
17 Atlantic City or the Berkshires for that. The
18 Catskill Mountain region has greatly benefitted
19 from the development and consequent loss of
20 open spaces, clean streams, diverse wetlands
21 and rural character in much of northern New
22 Jersey, Long Island and the lower Hudson Valley
23 where the majority of our tourism dollars
24 originate. As more and more open space is lost
25 throughout the northeast, we will continue to

1 (Jon Griesser)

2 benefit economically, and the region's economy
3 has and will continue to grow into the future.

4 We feel this proposed project is in the
5 wrong location, as it is not situated in a
6 hamlet or village, but rather on high ridges
7 and steep terrain between 2 and 3,000 feet.

8 It is the wrong scale. In essence, it is
9 creating another self -- it is creating another
10 isolated village of over 1,700 guests and staff
11 per day with no real justification for its
12 enormity.

13 It is the wrong time. The 100th
14 anniversary of the Catskill Park this year is
15 something that should be celebrated, promoted
16 and used as an economic and educational vehicle
17 for the region. Its importance should not be
18 downplayed and overshadowed by a project that
19 will alter the park's image forever. Instead,
20 we suggest that this time should be used to
21 gather consensus regarding the future of the
22 park for the next 100 years.

23 Lastly, we feel that the project will have
24 negative impacts on New York City's unfiltered
25 water supply. If this happens and the city is

1 (Jon Griesser)

2 forced to build a filtration plant, what does
3 that mean for the Catskill Mountains? It means
4 less money from the city for programs we have
5 grown accustomed to since 1997, any low
6 interest loans, no economic development or
7 education grants, no free septic replacement
8 and maintenance, no free or low cost wastewater
9 treatment plant upgrades, storm water retrofits
10 and much more.

11 Since the signing of the New York City
12 Watershed Memorandum of Agreement seven years
13 ago, New York City has invested over \$1.25
14 billion in the Catskill and Delaware
15 watersheds, not counting property taxes. This
16 project, if approved, could very well be a
17 giant step down a long, costly road full of
18 uncertainty. The proposed project has
19 bipolarized the residents of the Catskill
20 Mountains. If you envision leaving things just
21 the way they are now that you are here or if
22 you envision developments of large scale or in
23 all locations now that you stand to gain, then
24 you may fit well into the polarized landscape
25 currently defining the future of these Catskill

1 (Jon Griesser)

2 Mountains. We hope that this initial
3 polarization will result in a clear,
4 sustainable and productive middle ground for
5 the Catskill Mountains.

6 If you envision a future for the Catskills
7 that is characterized by revitalized hamlets
8 with intelligent zoning, responsible
9 ordinances, increased density and strong
10 incentives for infill, restoration and robust,
11 yet sustainable development, then you support
12 our vision. If you envision a future for the
13 Catskill Mountains that restores the integrity
14 of its land ethic, that restores the logic of
15 the city, town and farm or forest model and
16 that continues to protect open spaces and the
17 ecology, history and natural capital of this
18 area, then you, once again, appreciate our
19 vision.

20 Sincerely, Jon Griesser, class of 1994,
21 Onteora. Theodore Finkle, class of 1987,
22 Margaretville. Jessica Sweeney, class of 2000,
23 Margaretville. Gabrielle Weis, class of 1992,
24 Onteora. Aaron Bennett, class of 1993,
25 Onteora. Matthew Barrette, class of 1997,

1 (Jon Griesser)

2 Onteora. Jeanenne Bourke, class of 1993,
3 Onteora. Egan Danehy, class of 1993, Onteora.
4 Allan Mower, class of 1993, Onteora. Keith
5 VanEtten, class of 1993, Onteora. Jennifer
6 Zarnoch, class of 1993, Onteora. Tobias
7 Anderson, class of 1994, Onteora. Alyssa
8 Babcock, class of 1994, Onteora. Ryan Bennett,
9 class of 1994, Onteora. Jipala Kagan, class of
10 1994, Onteora. Jason Konefal, class of 1994,
11 Onteora. Jeffery Weiss, class of 1994,
12 Onteora. And finally, Patrick Burkhardt, class
13 of 1996, Onteora.

14 ALJ WISSLER: Algernon Reese. After Mr.
15 Reese, we'll hear from Judy Pavone.

16 MR. ALGERNON REESE: Judge Wissler, thanks
17 for coming. Fellow citizens, my name is Jerry
18 Reese, Algernon Reese. I live in Mt. Tremper,
19 New York where I own a home. A couple of very
20 specific things.

21 First, with regards to visibility issues,
22 I looked at the maps carefully that the Gitter
23 proponents had here at the first meeting and
24 they identified some of the areas where the
25 project would be visible, but I think they've

1 (Algernon Reese)

2 left some out. One of the most significant to
3 me is the long view as you're coming down the
4 hill above Bread Alone on Route 28 just where
5 Laurel Road comes in from the east. This is
6 near Maurice Skip Lane's place. If you look
7 towards the Catskill peaks, you get a distant
8 view about seven layers in depth, and the
9 project would be prominently in that view
10 corridor.

11 Also, I like to ski a lot and I spend a
12 lot of time on the cross-country trails at
13 Belleayre Mountain, and I have since I was a
14 kid. And the project would be visible from
15 almost all of those trails, and that was not
16 identified as a visibility area prior.

17 Also, I did not hear any discussion, nor
18 can I find anything in the DEIS about whether
19 the golf courses will be lighted at night. It
20 is my understanding that most golf courses
21 these days are lighted at night.

22 As you probably know, Judge, there are six
23 major creeks that come down off of Belleayre
24 Mountain and that would be impacted by this
25 project, starting with the start, that would be

1 (Algernon Reese)

2 Lost Clove Creek, because some of the project
3 would drain into the Lost Clove drainage. Then
4 Giggie Hollow, then the creek that goes down
5 into Pine Hill which I think some people call
6 Birch Creek, and then there are three more
7 full-time creeks that run down into the area
8 below Highmount. I'm in the process of skiing
9 across that area. I've counted eight more
10 intermittent creeks, and my guess would be that
11 there are at least a dozen more.

12 How the DEC or the DEP would intend to
13 mitigate impacts into these waterways is beyond
14 me.

15 Also, I've asked for baseline data on the
16 purity of these creeks, and no publications
17 seen that I have found yet has done any
18 baseline data on the purity level of those
19 creeks at this time so it would be difficult
20 for us to know what negative impacts they might
21 suffer in the future.

22 In addition to those water sources, there
23 is a spring at 2,400 feet which is just above
24 the project development.

25 With regards to the Memorandum of

1 (Algernon Reese)

2 Agreement, I understand that the Department of
3 Environmental Protection in New York City
4 Department of Environmental Protection sees
5 itself in a bit of a bind there. On one hand
6 they're charged with protecting the waters of
7 New York City's water supply. On the other
8 hand, the Memorandum of Agreement speaks about
9 not standing in the way of economic
10 development. But it's important to understand
11 that that language talks about economic
12 development that would not negatively impact
13 the environment. And as is the case with many
14 people here, I have my doubts about how this
15 project could not be environmentally negative
16 given its size.

17 With regards to land use plan, I lived for
18 many years after leaving New York State where I
19 was brought up out west, and we jokingly used
20 to say there that wealth seeks altitude. In
21 other words, people with money seek to
22 purchase, to perch on top of hills and capture
23 the view. When they do that, that's wonderful
24 for them, but it means that the rest of us have
25 to look up at their estates. Allowing people

1 (Algernon Reese)

2 to capture the view is simply not good land use
3 planning in the opinion of a lot of experts.

4 This project, as you know, Judge, is
5 located at 2,300 feet and stretches up to just
6 above 3,000 vertical feet. The communities out
7 west where I lived watched the slow erosion of
8 views up the surrounding hillsides as ever
9 wealthier people went higher and higher up on
10 the hillsides to capture the view. Of course,
11 it's also interesting to note that somebody
12 such as Mr. Gitter or anyone else who builds a
13 home up high is basically taking something that
14 doesn't really belong to them; that is, the
15 view. The views of our natural environments,
16 particularly our parks, belong to all of us,
17 and it probably will become the perspective of
18 that, but over time it is not a good idea to
19 allow people to take those view corridors and
20 subvert them to their own use.

21 At the present time they don't have to pay
22 for that, but perhaps that's something we
23 should think about in the future.

24 I appreciate the difficulties of your
25 role, Judge, and the DEC's in this process. I

1 (Algernon Reese)

2 hesitate to mention this, but I feel that it's
3 important to touch on this. As you know, your
4 agency is the managing agency for the Belleayre
5 ski area. The Belleayre ski area has been
6 identified as an area that New York State
7 wishes to promote. And I think that puts your
8 agency in somewhat of a conflict position in
9 choosing to be the lead agency on this
10 project. My understanding was that the DEP,
11 the New York City DEP sought to be the lead
12 agency here, but that the DEC took over that
13 role and certain willingness to be the lead
14 agency. I hope you will be sensitive to that
15 issue when you consider this project. It
16 certainly is of concern to me and others.

17 Of course, remember that the Belleayre ski
18 area which I skied at when I was a kid, started
19 right after World War II when we had to go up
20 high to find snow. Now with snow making, ski
21 areas wouldn't necessarily have to be so
22 visible. To encourage mega-growth on either
23 side, doubling or tripling the size of that
24 development just doesn't make good land use
25 sense in today's world.

1 (Algernon Reese)

2 And finally, I think really fundamentally,
3 a lot of the emotion and divisiveness that this
4 project has created in the community has to do
5 with fundamental values. I'm very sympathetic
6 to the union people that have talked. I, in
7 fact, formed a union at one point. I was a
8 president of a union. I'm very sympathetic to
9 the people that want jobs and feel a need to
10 earn money. We all do, but we all have those
11 needs.

12 But the fundamental difference in values
13 between somebody like Mr. Gitter who, I'm sure
14 is a very pleasant fellow, I've never talked
15 with him personally, and I'm sure he thinks
16 he's doing the right thing, but he is the sort
17 of person that would look at a view up on the
18 rolling blue hills of the Catskills and think
19 to himself, wow, what a great business
20 opportunity. Let's see if we can make some
21 money and we'll mitigate the damages and we'll
22 all benefit, especially me.

23 Whereas a lot of us in this room would
24 look at that view and say, it's just fine the
25 way it is. It's been that way a long time and

1 (Algernon Reese)

2 we're comfortable with it that way.

3 Finally, with regards to those people in
4 the front and elsewhere who are concerned about
5 economic development and the future here in the
6 Catskills, have no fear, there are many, many
7 folks down in New York City who will sooner or
8 later figure out that quite close by 120 miles
9 or so, two hours plus in a fast, modern car,
10 that there is an area of wilderness outside of
11 America's largest city that is beautiful,
12 that's accessible to them and they will come
13 here for all sorts of activities.

14 But as somebody said before, let's not
15 kill the goose that laid the golden egg by
16 destroying that primary asset. Thank you

17 ALJ WISSLER: Drew Pavone. After Mr.
18 Pavone, we'll hear from Robert Pavone, Robert
19 or Judy.

20 Okay. Then moving on, Robert Aja, A-j-a.

21 Ron, sorry. After Mr. Aja, we'll hear
22 from Hera and Peter Koch.

23 MR. RON AJA: Hello. My name is Ron Aja.
24 I'm the festival director at an environmental
25 organization called the Hudson River Clearwater

1 (Ron Aja)

2 Group. It's a non-profit environmental
3 organization, it's member-supported and we have
4 been in the valley protecting and restoring the
5 Hudson River since 1966. And we are also not
6 obstructionists, and we are not anti-union or
7 anti-labor. In fact, a couple of years ago,
8 Jen Bloom, who is sitting down here, and I
9 organized a Labor Day picnic where the
10 environmentalists and laborers and unions held
11 hands together in celebration of the river.

12 So, however, on behalf of Clearwater, I
13 have come to express their concerns for this
14 project. And I'll just paraphrase a letter
15 that was written by Manna Jo Greene, the
16 environmental director of Clearwater.

17 This proposed mega-resort includes 160
18 acres of heavily wooded mountaintop and
19 mountainside land, mostly in Ulster County in
20 Shandaken and extending into Delaware County
21 and towns. The Clearwater has many concerns,
22 ranging from the clear-cutting of 529 acres of
23 high elevation forest, the use of pesticides,
24 herbicides, fungicides, high demand on the
25 limited water supply, traffic increases of huge

1 (Ron Aja)

2 proportions, damage to the viewshed and night
3 sky, impacts on local communities who would be
4 overwhelmed by the resort of this size, and a
5 threat to New York City water supply which by
6 this time has managed to avoid filtration.

7 So Manna Jo has asked that I just enter
8 this letter in support, expressing our concerns
9 of Clearwater, and then they will submit a more
10 detailed letter later on. Thank you.

11 ALJ WISSLER: Hera and Peter Koch. Then
12 we'll hear from Becky Sellinger

13 MS. HERA KOCH: Hello. I'm Hera. I'm a
14 public sculptor. I'm also on the board of the
15 Civic Design Commission of Woodstock, and I'm
16 going to be reading a position paper written by
17 Peter Koch who is my hiking buddy. He's on the
18 board of the Woodstock Land Conservancy. We're
19 both very active with the environment and we
20 are definitely opposed to this project.

21 I also want to mention that I'm a
22 volunteer firefighter. I work with a lot of
23 guys who are like the guys in the audience who
24 want jobs, and I understand that.

25 I'm going to start by quoting Alf Evers,

1 (Hera Koch)

2 who is our local historian and written up in
3 the most recent Woodstock Times as an American
4 treasure. He says, The people of our
5 generation, if they make the effort, may still
6 save the Catskills. It's a warning, and he's a
7 big advocate for the Catskills, of course. So
8 Peter writes, It's now time to step up and make
9 that effort. We face a huge development threat
10 that will undermine the integrity of the
11 Catskill Park and the intent of its founders.
12 Gitter's gigantic golf resort will smash its
13 way through the forests and mountains near
14 Belleayre and change the Catskills forever.
15 Most people are familiar with the negative
16 impacts of massive developments such as this.
17 Increased traffic, severe erosion, air, water,
18 noise, light and visual pollution.

19 Here, I would like to zero in on golf
20 courses and issue them a special condemnation
21 from my position as one with an academic
22 background in the environmental sciences. From
23 an ecological standpoint, a golf course is not
24 much better than a parking lot. Like large
25 scale agriculture, golf courses are essentially

1 (Hera Koch)

2 mono cultures. That is, sizeable areas covered
3 by only one species of plant. Nature responds
4 to this artificial species vacuum by trying
5 very hard to fill it with an assemblage of
6 other species typically found in the area. If
7 nature has her way, soon the golf course is one
8 large rough containing many lost golf balls.
9 So man has to fight back to maintain the mono
10 culture against this natural flow of things.
11 He does this by spewing tremendous loads of
12 herbicides, pesticides and artificial
13 fertilizers onto the fairways and greens. It
14 doesn't take much imagination to picture the
15 witch's brew that will contaminate the soil and
16 enter the Esopus and eventually be mixed in a
17 cocktail at your favorite bar down in the
18 city. This poisonous scenario starts when the
19 resort is up and running.

20 Now consider the construction phase. Many
21 acres of land destroyed is one thing, but think
22 of the erosion when this vast, hilly area is
23 scraped down to bare dirt. Mud, gullies,
24 silt-filled streams, months of roaring
25 bulldozers, the stench of diesel exhaust,

1 (Hera Koch)

2 disruptions on Route 28 and God knows what
3 else.

4 Now for a word on economics. We in the
5 Catskills are sitting on top of a gold mine.
6 No, not thinking of the kind of wealth in
7 concentrated form that is wrenched from the
8 environment and typically carted off to make
9 very few rich. This wealth is all around us,
10 and if used gently will take care of us all in
11 perpetuity and allow us to live decently and in
12 dignity. It is simply the beauty inherent in
13 the uncluttered, quiet and clean environment.
14 Beauty may seem abstract, but the value of the
15 human reaction to unspoiled nature can be
16 translated into hard economic terms in the
17 present day.

18 In these terms, for example, an
19 uncluttered view could be thought of as a
20 commodity that can be sold. Supply and demand
21 will determine what people will pay. It's
22 clear that this value is substantial right now
23 and must go up dramatically as the burgeoning
24 population searches for relief, relief from the
25 stink, the racket and the crowded ugliness of

1 (Hera Koch)

2 fast-food alley, the hardening of the arteries
3 of suburban America. So don't build it, and
4 they will come.

5 This idea of maintaining large, unspoiled
6 areas for low-impact recreation is based on the
7 success of the Boundary Waters Canoe Area in
8 Minnesota. Northern Minnesotans initially were
9 scared that this wilderness designation would
10 limit their economic hopes. They soon found
11 themselves up to their stuffers with paddle
12 sports enthusiasts, and good economic times
13 ensued, preserving open space, and its inherent
14 beauty ended up helping the region's economy.
15 Beauty sold, and the price was right.

16 In the Catskills, we are in an ideal
17 position to cash in on our natural beauty.
18 It's abundant and the swelling megalopolis is
19 near at hand and loaded with potential
20 escapees. All we have to do is keep the
21 mountains lovely and the waterways clean. The
22 ever-increasing numbers of hikers, hunters,
23 fishermen, kayakers, cross-country skiers,
24 artists, et cetera, as well as those simply
25 looking for peace and quiet, would come

1 (Hera Koch)

2 knocking and bearing their pocketbooks.

3 Local businesses can thrive and grow but
4 providing services for the many interested in
5 these low-impact activities. I think most
6 would agree that these folks are looking for a
7 bed and breakfast with a lovely view rather
8 than something akin to Disneyland.

9 Careful development with quality instead
10 of quantity in mind will enhance what we
11 already can offer and help to build a solid
12 economic infrastructure for the region, an
13 infrastructure not dependent on the whims of
14 big business, the pushers of conventional
15 large-scale development. Thanks.

16 ALJ WISSLER: Becky Sellinger. After Ms.
17 Sellinger, we'll hear from Henrietta Wise.

18 MS. BECKY SELLINGER: I represent your
19 future inhabitants of your world. This area is
20 not going to boost just because you build an
21 extra large golf course. All we'll do is make
22 the rich get richer and the poor get poorer.
23 It's not fair that you are telling us that
24 you're doing this to benefit our community.
25 Well, why are you doing something to benefit us

1 (Becky Sellinger)

2 that we don't want? We don't want to slave
3 over chemicals and \$7 or \$8 an hour wages that
4 can't even pay for our families. We don't want
5 -- if you want a golf course, drive your SUV to
6 Florida. The bottom line is that even though
7 you may disagree with me and everything I say,
8 we are your future. We are your future and we
9 will be the ones that are paying all the
10 consequences for this long after you're gone.
11 After all, this country was founded by a bunch
12 of rebels.

13 And now a short word from my friend Shonty
14 Richie.

15 FRIEND: Hello. Can you hear me back
16 there? As you can see, we children, the
17 children, have strong feelings on this certain
18 problem. Now, what some of you are thinking
19 are that we are just stupid kids, that we don't
20 know what we're talking about, but this is our
21 life, too. If there is something important
22 enough for us to get out there and do something
23 about, you know there is a problem. We're
24 going to grow up and have our own kids one
25 day. We would like to secure a pristine future

1 (Becky Sellinger)

2 for them so they don't have to come here to a
3 developed wasteland. I want them to come home
4 to the beautiful wilderness that I initially
5 came here for, not to watch the traffic go by
6 and inhale the sickening fumes of pollution.
7 We, the children of the Catskills, say no to
8 this monstrosity and we pray that they snap
9 back into reality and realize that this won't
10 happen. We're not here to hold signs. We
11 believe in this.

12 ALJ WISSLER: Henrietta Wise. After Ms.
13 Wise, we'll hear from Robert J. Wilkins.

14 MS. HENRIETTA WISE: Judge Wissler, thank
15 you.

16 Onondaga elder Leon Shenandoah, who has
17 only recently passed away, has said, You call
18 this land wild but this land isn't really
19 wild. This land is free. Animals aren't
20 wild. They are free. I believe it's the duty
21 of the Department of Environmental Conservation
22 and the Department of Environmental Protection
23 to look after this kind of freedom, the freedom
24 of what we now call wilderness.

25 Nowadays there are two ways of looking at

1 (Henrietta Wise)

2 the word free. The people who created the
3 designation Catskill Park and drew the blue
4 line around it saw the line for what it really
5 was. It's a living sanctuary for and of
6 millions of trees, plants, trillions of wild
7 creatures, and most important, streams,
8 wetlands, even the undesignated ones, ponds and
9 aquifers of clean, pure water. These people
10 knew that elsewhere this kind of land is in
11 danger. They drew this blue line to keep these
12 living entities free, hoping that the humans
13 who moved into this blue line would understand
14 and respect that freedom.

15 Most developers look at land and believe
16 that the word free represents profit. The
17 reason I'm free to make a profit wherever I
18 can. I'm afraid Mr. Gitter's fallen into that
19 category several times already, and his new
20 plans for five-star resort make a mockery of
21 the reason for the blue line and for the
22 Catskill Park.

23 This DEIS about which we are commenting
24 today proves that we as residents inside the
25 blue line are at a crossroads, and the people

1 (Henrietta Wise)

2 who have moved into this set-aside park land,
3 where we are changed to -- I'm sorry -- we're
4 charged to interact in a respectful, careful
5 way with the beauty of the land itself, are
6 faced with the development that flies in the
7 face of respectfulness and land stewardship.
8 We are faced with a massive year-round
9 development that is going to affect every one
10 of us with the encroachment of noise,
11 pollution, traffic, artificial light late at
12 night, and most dreaded of all, the fouling of
13 our waters as time passes.

14 The prophecies of the original
15 instructions of the Onondaga people who live
16 upstate say that when the water will be filthy
17 and unfit to drink, then a great monster will
18 rise up from the water and destroy mankind.
19 That was the plight of the Russian scientists
20 who visited our beautiful reservoir system in
21 Olive about -- I think it was seven years ago.
22 They said, the waters in Moscow are ruined,
23 ruined, and we cannot clean the water up.

24 May those words never be spoken about our
25 Ashokan Reservoir. I hope that the Department

1 (Henrietta Wise)

2 of Environmental Conservation and the
3 Department of Environmental Protection will
4 step up and look long and hard at Dean Gitter's
5 Crossroads Ventures' proposed deforestation of
6 more than 500 wilderness mountain acres, the
7 water of which impacts not only a pristine
8 DEC-designated trout spawning stream, an
9 uncharted underground aquifers, small wetlands
10 and streams, but most important is directly
11 within the watershed of the nation's largest,
12 most beautiful municipal water system, which
13 people from all over the world come to study.
14 And that this massive deforestation is for the
15 purpose of imposing on that mountainside two
16 championship-caliber, world-class, 18-hole golf
17 courses, one to be blasted into each side of
18 the Belleayre Mountain Ski Center which is
19 owned by New York State. Those
20 larger-than-life golf courses will be
21 preemptively, meaning more often than most golf
22 courses, sprayed with proven carcinogenic and
23 genotoxic chemicals, some of which are also
24 persistent organic pollutants and
25 bio-accumulative.

1 (Henrietta Wise)

2 I hope the DEC and DEP will remember that
3 their sworn charge and their reason for being
4 is to protect the environment, not developers.
5 When they say in this DEIS that the plan is to
6 cluster around each golf course a 400-room
7 luxury hotel, 351 timeshares, five restaurants,
8 a large conference center, 21 luxury homes,
9 swimming pools, which use chlorine, two spas,
10 which use chlorine, and a tennis court for each
11 area, I hope New York City will remember it
12 wants to avoid building a \$6 billion filtration
13 plant. I hope the DEC, the DEP and New York
14 City remembers they did not act quickly enough
15 with the Croton Reservoir and now due to
16 unchecked development on its tributaries are
17 forced to increasingly up amounts of poisonous
18 chlorine which has been proven in Maryland
19 research studies many times on municipal waters
20 to cause bladder and colon cancer.

21 I hope they note that there is trouble
22 enough already with the pristine Ashokan and
23 tend its watershed with the greatest of concern
24 for now and for the next seven generations. I
25 hope the DEC and DEP will remember all this,

1 (Henrietta Wise)

2 plus the fact that once a house or a monster
3 resort goes in, it never goes away. It never
4 goes away, nor do all the spills, scrapings,
5 flushings, chemistry accidents, and mistakes
6 that us humans are err to.

7 I believe that now is the time for
8 lawyers. I hope that the State will somehow
9 see its way, condemn this project or buy it
10 from Mr. Gitter, Crossroads Ventures. And if
11 he will not sell willingly for a reasonable
12 price, which it will certainly be less than \$6
13 billion, I hope the city will do a taking,
14 because they are charged with saving truly
15 clean, unchemicalized water for generations of
16 people. That's billions of people. And we
17 have to start now.

18 Mr. Wissler, your Department's charge is a
19 solemn one. The guarding of water in other
20 countries is considered sacred, a sacred act, a
21 sacred charge. There's a reason for that.
22 Water is the content of everything that ever
23 was and ever will be, that ever was and ever
24 will be, and it's the same water running
25 through our bodies and crying through our eyes

1 (Henrietta Wise)

2 over this project, that fill dinosaurs and went
3 through Christ and Buddha and Muhammad and all
4 the people, that's the same water. There's no
5 new water from heaven. That doesn't exist.
6 There's no fresh spring coming from heaven.
7 What we have now is all the water we are ever
8 going to get, and you're the keeper, sir.
9 Thank you.

10 ALJ WISSLER: Robert J. Wilkins. After
11 Mr. Wilkins, we'll hear from Jay Geiger.

12 MR. ROBERT WILKINS: Good afternoon. My
13 name is Robert Wilkins. Thank you, Judge
14 Wissler, and to all my neighbors.

15 I've lived here about 57 years, and I've
16 lived on 28 in Shokan and not too many feet
17 from the road. And I can remember as a kid the
18 amount of traffic that we had from the resorts
19 that we had in Pine Hill, Highmount,
20 Margaretville and all over the place. Somebody
21 said there was a considerable amount of beds,
22 like about 10,000 beds from somewheres around
23 Shokan to Margaretville. We're lucky if we got
24 4 or 500 today. And I would just like to say
25 that I feel a little bit like he who said he is

1 (Robert J. Wilkins)

2 the luckiest man on the face of the earth, and
3 I feel I am too because I've lived through a
4 lot of things and I've seen the enormous amount
5 of traffic that was on 28 in the 1940s, the
6 early 1950s and into the '60s, with the resorts
7 that were up there, between limousines and
8 busses. And the pollution from the busses was
9 unbelievable, okay, and the traffic was, too.

10 And I would just like to say this: That I
11 can remember as a kid when I first learned how
12 to ski, I looked around at Belleayre, of course
13 there wasn't any residents there where the
14 superintendent lived, and I can remember I was
15 about 14 years old, envisioning a hotel or
16 motel being built there to accommodate people
17 so they didn't have to travel back and forth,
18 because back in the '50s, just like today,
19 Belleayre and the same areas are a one-day trip
20 area. This is our problem with this area, with
21 Ulster County. We are a one-day trip area.
22 You come out of New York, you come up here, you
23 got to go home because there's no place to
24 stay. All the little motels that were along 28
25 are no longer motels. You rent them by the

1 (Robert J. Wilkins)

2 month or by months. You cannot rent them by
3 the day.

4 VOICE FROM THE AUDIENCE: That's not
5 true.

6 MR. ROBERT WILKINS: Well, the majority of
7 them are. Let me talk, please. Thank you.

8 And I feel that putting in a facility like
9 this will take traffic off of 28 because if you
10 have a facility that will take and accommodate
11 a thousand to 1,200 people, okay, there's 6,000
12 people a day that go skiing. If a thousand of
13 those people have a place to stay and stay,
14 there's a thousand, 1,200 people that don't
15 have to go back to New Jersey or New York or
16 wherever they live. So there will be less
17 traffic.

18 As far as the golf resort is concerned, if
19 we can accommodate 6,000 people in the
20 wintertime to ski, certainly we can accommodate
21 a couple hundred people to go play golf.

22 And I understand the environment. I was,
23 like I said, I was lucky that in my town, I was
24 the tax assessor for four years, I was a town
25 justice for four years and I just served five

1 (Robert J. Wilkins)

2 years on the county legislature, and I was
3 chairman of the Environment Consumer Affairs
4 Committee. And a couple years ago, we had a
5 very important thing come to us with this lawn
6 care notification law, okay? A very sensitive
7 thing. And between my committee and myself and
8 the people that opposed it and the people that
9 were for it, we got together and we came up
10 with a better thing than the state.

11 The state had passed a law, okay, that
12 said, you know, that if you opted into this
13 law, it was 162 counties in the state, only 4
14 opted in. If you opted in, you could never opt
15 out, nor could you change anything. I didn't
16 think that was much of a law.

17 We looked into it and we came up with our
18 voluntary law, and where everybody is getting
19 along with it, you know, we made improvements
20 to the law and we made it better and we made it
21 so people could get along. And that's what
22 needs to be done.

23 Now, I've developed a saying over the
24 years. If you know me, you've heard me say it.
25 Since none of us are here for a long time, we

1 (Robert J. Wilkins)

2 all ought to be here for a good time, so let's
3 quit giving everybody a hard time and let's get
4 along. We have an issue, yes, the environment
5 has to be, you know, answered. And nobody
6 wants anything that's going to contaminate or
7 pollute something. But my God, man, this is
8 the year 2004. We can go to the moon, we can
9 transplant eyes and hearts and lungs and
10 everything else, and we can't build something
11 without polluting? I can't believe it. And I
12 think -- well, if we put our minds to it, we
13 can. You know, where there's a will, there's a
14 way. But first you got to be willing and you
15 got to be willing to talk about it, and I think
16 that that's what we need to do.

17 I can remember a few years ago, well, 20
18 years ago, I was very instrumental and very
19 involved in bobsledding. I was on the national
20 bobsled team. I went all over the world. And
21 in '92 they said I was too old. I was 45. I
22 made it to USA 1 as a driver and they said they
23 didn't want somebody 45 years old representing
24 the United States, so I became a coach and an
25 instructor.

1 (Robert J. Wilkins)

2 In 1992, the Olympics were in Albertville,
3 France and I had an opportunity to be a coach
4 on the U.S. bobsled olympic team. And I
5 remember flying from Geneva to Zurich. I don't
6 know why we went from Geneva to Zurich, we were
7 going to New York, but that's the way we had to
8 go to get to New York. And I remember when we
9 were approaching the airport in Zurich, I
10 looked down and to my amazement, there was a
11 river, and on the river, there was a refinery.
12 And next to the refinery was a farm. And I
13 said, you know, man, if they can do that in
14 Switzerland, we can do it here. All we have to
15 do is be willing to do it, okay? And if you go
16 to Switzerland and you see their lands, they're
17 very pristine. And they have things and enjoy
18 things together. They don't try to isolate.
19 And I feel that this project, you know, I think
20 will help the county.

21 I remember in 1999, I believe it was 1999
22 or 2000, I was on the legislature when this
23 came about and I was in favor of it then,
24 providing that it met all the criteria for the
25 environment, because I felt that we were trying

1 (Robert J. Wilkins)

2 to fill the vacancy of Tech City and I felt
3 that the only way you're going to get people
4 from California, Silicone Valley or wherever,
5 to come here is that they need some activity,
6 and we have it here. We have skiing, but we
7 don't have golf. And golf is a big, big draw
8 to these kind of people. Now, I never played
9 golf. I have no intentions of playing golf,
10 okay? I was a skier. I was a ski instructor
11 at Belleayre in the '60s. So I know the
12 mountain. I've been there when it was nothing
13 there. We're talking about 6,000 people a
14 day.

15 Well, if that's the problem, then when
16 3,000 people get off the Thruway to go to
17 Belleayre, tell them they can't come. You
18 know, I remember the dedication in 1999, Dot
19 Nibble, who is one of the architects at
20 Belleayre in the initial ski school director
21 there, and she said when she started to build
22 the trails, they cheated a little bit. Well,
23 we need -- this tree is a little close to the
24 trail, somebody might hit the tree. They will.
25 They've taken down an awful lot of trees, and

1 (Robert J. Wilkins)

2 they need to take down probably more to expand
3 the facility. And I think that having a motel
4 or hotel or whatever it's going to be there to
5 accommodate the people that are coming, I think
6 is a good thing. And I think we ought to look
7 into it and try to do what we can to make it
8 happen because without it, I think that what's
9 there will dry up eventually because people
10 will get tired.

11 Also, I'm on the Highway Traffic Safety
12 Board in Ulster County. I was appointed to
13 that a couple years ago. The traffic count on
14 28 on a daily basis -- forget about the
15 weekends -- a daily basis is 30,000 cars a day,
16 okay? Now, let me tell you, in 1953, my father
17 built, it was a hardware store, the Onteora
18 Trading Post in Shokan. And I remember as a
19 kid, people coming to me and to my father and
20 saying, Harold, you know, it's a shame you
21 build such a beautiful place. Do you realize
22 that by 1955, 50 years from now, almost 50
23 years ago, that you're going to be on the back
24 road, that they're going to build a bypass
25 through Shokan in 1955? I don't see any

1 (Robert J. Wilkins)

2 start. I've seen a lot of people do an awful
3 lot of surveying. You could probably build a
4 road for the amount of money we spent on
5 surveying. But that's part of the problem.
6 I've been fighting with the state for the last
7 couple of years, before the troopers got killed
8 down there, on having adequate shoulders on
9 28. I finally got the shoulder done by the
10 Mountainside. I got that done by just
11 screaming and yelling and hollering and keeping
12 after them. They've promised me by next year
13 that we're supposed to have shoulders from 28
14 to 375. And my hope is that I can get them as
15 wide as they are from Boiceville to Pine Hill.
16 Part of the problem is that this road was built
17 in 1948. I remember it as a kid in 1948, they
18 didn't consider shoulders. They were happy
19 that they straightened the road out, and so
20 they left it.

21 In 1966 when they built the road from here
22 to Pine Hill, they realized they need
23 shoulders, so that's why you have shoulders
24 from here to Pine Hill and that's why you don't
25 have them from here to 375. But the number of

1 (Robert J. Wilkins)

2 accidents that we've had are directly related
3 to the lack of shoulders. And if we want to
4 have skiers and we want to have tourists and we
5 want people to come here, I think we need to
6 address all of these things.

7 And as far as the environmental people,
8 when I was just on the Legislature, the DEC is
9 trying to close hiking of these peaks that we
10 have around here that everybody claims they
11 enjoy. The Boy Scouts and Cub Scouts have come
12 in with a petition that wanted the County
13 Legislature to go along with to help them
14 because they had a problem where the DEC says,
15 we can only have eight or nine people.

16 Well, if you got a Cub Scout or Boy Scout
17 troop, by the time you get a couple chaperones,
18 it's hard to contain it to the 12 or 11
19 people. And there's a lot of places that
20 they're keeping, closing down.

21 And to me, one other thing. When I was on
22 the Environmental Consumer Affairs, one thing
23 came up. We're all familiar with Frost Valley,
24 but Frost Valley is not too far from this
25 proposed site. I'm a cancer victim. I've had

1 (Robert J. Wilkins)

2 colon cancer, 14, 12 years ago, and I'm a
3 survivor, thank God. And do you realize that
4 Ulster County is one of the leading counties in
5 Ulster County -- I mean in the state, for
6 diabetes and for cancer, okay?

7 They did a study up in Frost Valley where
8 they took what we have, which we have a lot of,
9 thanks to the lack of anybody doing
10 irresponsible timbering, we have a dead
11 forest. So they checked the nitrogen level in
12 the dead forest, they checked it in the
13 clear-cut and they checked it in a managed
14 forest.

15 Well, guess what? The worst is the dead
16 forest. The reason why our deer and all our
17 wild animals are in our back yards, it's the
18 only place that it's green. If you go up on
19 the mountains, we have green cover, but there's
20 no green on the ground. It's all rotten.
21 Nothing can grow. And I think that what we
22 need to do, one of the things that I was
23 excited about when I heard about this is that
24 they're finally going to do something with the
25 forest there and manage it and make it the way

1 (Robert J. Wilkins)

2 it's supposed to be. Okay?

3 Thank you very much.

4 ALJ WISSLER: Chris Geiger. Jane Geiger.

5 Chelsea Carter. Chelsea Carter. Esther

6 Frances.

7 MS. ESTHER FRANCES: First, I would like
8 to say that I'm really glad that the hearings
9 of this kind are still happening and how
10 important it is that we listen and respect
11 whatever anyone has to say because that's
12 what's really so precious about the way of life
13 that we want.

14 I've lived here for about 20 years, I've
15 lived in Kingston, I now live in Kerhonkson,
16 and I really love living here and I want to
17 voice that I'm in harmony with those that have
18 expressed their opposition to this project.
19 Aside from some of the topics already
20 mentioned, concern about the increased volume
21 on 28, I'm going to try and address some things
22 that I think maybe haven't been mentioned as
23 much, although I've heard them a bit today.

24 The environmental impact report says that
25 there are no endangered species threatened.

1 (Esther Frances)

2 Well, I don't agree with that. I see
3 wilderness and the members of the human family
4 that wish to live in respect of and in harmony
5 with the wilderness as endangered species. The
6 proposed site is situated in the middle of one
7 of the few remaining wilderness sites in our
8 community. Wilderness is not something humans
9 can remanufacture after we infringe upon it.
10 By definition, wilderness describes areas that
11 humans have not violated. The preservation of
12 wilderness is essential for the well-being of
13 earth's fragile ecosystem and for the spiritual
14 inspiration offered to humans now and in the
15 future. Once gone, we cannot bring it back.

16 As a steward of earth, I feel the
17 responsibility to ensure that other species be
18 granted refuge from the greed and onslaught of
19 human ambition. Ecology has showed us what
20 sages of all traditions have said. We are
21 interdependent with all of creation. The human
22 domination of the planet has resulted in
23 unintended consequences which we are just now
24 discovering. Given the scarcity of wilderness,
25 it should be regarded as precious and worthy of

1 (Esther Frances)

2 protection. Even from a selfish point of view,
3 intact wilderness serves the planet by
4 cleansing the air and serving as a buffer to
5 the pollution created by human endeavors. And
6 I agree with all those people that have said
7 that that really is the goose that lays the
8 egg, that as these areas are vanishing and
9 becoming more rare and precious, that's what's
10 going to draw people into our area, and that
11 there's plenty of room for economic development
12 and building that employ all the skills of
13 electricians and builders. But on a smaller
14 scale and not consolidated, but put here and
15 there so that it's distributed and it's done in
16 an ecological way.

17 I grew up going to high school, actually,
18 in Atlantic City, New Jersey, and this was
19 before the casinos went in. Everybody, it was
20 the same old song that this was going to be the
21 salvation. I've been there since and it's the
22 degradation. You go and you look at what I
23 experienced as beautiful boardwalks, and it's
24 like a Disney World with one thing after
25 another. It's like the ocean has a backdrop.

1 (Esther Frances)

2 I lived in California. I lived in
3 Fairfax. That's where my son was born, and
4 it's a very similar situation, absolutely
5 beautiful mountains about the same scale as our
6 Catskills, and one road that feeds into Fairfax
7 and beyond to the ocean. Because of that, what
8 resulted is that it's as if this one artery,
9 which is a lot like 28, is so crowded and going
10 back and forth from one town to another becomes
11 such a hassle, it's crowded constantly and I
12 can see that happening at 28, and all the
13 beauty that we have being, becoming the
14 backdrop. And for those of us that go into
15 Kingston, that go into Woodstock, that go into
16 New Paltz, if we have to, what is now a half an
17 hour trip, becomes an hour fraught with traffic
18 and congestion. That makes a huge impact on
19 our way of life.

20 Okay. Let's see. And oh, I remember here
21 locally when I lived in Woodstock, we had a
22 pharmacy that was sold and at the time, there
23 was a lot of public concern that we wanted to
24 preserve the same kind of quality that was
25 there before, and there was an agreement that

1 (Esther Frances)

2 was signed, and before long, it was signed for,
3 I forget, six months, a year. I don't have a
4 good memory for that kind of thing. But what
5 happens, eventually there was a garish sign
6 that came up and no one challenged it. I don't
7 know what happened. There was some bylaw,
8 there was some provision. But once an inroad
9 is made, particularly of this magnitude,
10 there's all kinds of unintended consequences
11 that we might not be able to foresee.

12 I also went to school in Bucks County.
13 And when I go back there, it brought tears to
14 my eyes because it is so developed, it looks
15 like a sprawl of monopoly games over and over
16 and over what were these beautiful, beautiful
17 farmlands. So I've seen this happen.

18 Now, last time I was here out in the
19 hallway, there was -- there were different
20 signs that were up describing the project. And
21 I noticed that there was a designated area in
22 the Crossroads blueprint and it was called
23 Wildacres. From my point of view, this was an
24 oxymoron, which means it's like a double speak,
25 it's like that old saying, sun is so hot, rain

1 (Esther Frances)

2 so hot, I froze to death, you know, Oh,
3 Susannah. Wildacres is what happens when we
4 don't let this kind of thing happen, not what
5 happens when there's construction in the middle
6 of it.

7 And there's also roads that we have, Pine
8 Groves, Maple Lanes. You can barely see a
9 vestige of the Pine Groves or the Maple Lane
10 and we have, oh, you call it something and it's
11 going to be something. Well, this is not
12 wilderness in my experience of it.

13 I've been many places where you can no
14 longer see the night sky. The night sky is
15 something absolutely precious, the view of the
16 stars. Something of this magnitude would
17 certainly make a big impact on our ability to
18 see the night sky.

19 To me, to put a golf course on top of a
20 mountain is like putting your feet up on the
21 dining table. The fact that we can do it
22 doesn't make it proper or right. The mountain
23 is compromised when large portions of
24 clear-cut, gutted and remade for the sake of a
25 capitalistic venture. The mountains are

1 (Esther Frances)

2 sacred. The creatures living there were not
3 consulted and cannot speak up in defense of
4 their lives and homes. Some of us feel that it
5 is our ethical responsibility to speak out in
6 their defense.

7 Thomas Barry says in his book, The Dream
8 of the Earth, most often we think of the
9 natural world as an economic source, as a place
10 of recreation after a worrisome period of work
11 or as something of passing interest for its
12 beauty on an autumn day, when the radiant
13 colors of the oak and maple leaves give us a
14 moment of joy. All these attitudes are quite
15 legitimate. Yet, in them all is what might be
16 called a certain trivializing attitude. If we
17 were truly moved by the beauty of the world
18 about us, we would honor the earth in a
19 profound way. We would understand immediately
20 and turn away with a certain horror from all
21 those activities that violate the integrity of
22 the planet.

23 He goes on to say, we should be clear
24 about what happens when we destroy the living
25 farms of this planet. The first consequence is

1 (Esther Frances)

2 that we destroy modes of divine presence.

3 If we have a wonderful sense of the
4 divine, it is because we live amid such awesome
5 magnificence. If we have refinement of emotion
6 and sensitivity, it is because of the delicacy,
7 the fragrance and the indescribable beauty of
8 song and music and rhythmic movement in the
9 world about us. To destroy virgin land, to
10 erect this gated community would violate the
11 integrity of the mountain.

12 I am a ZERI practitioner. ZERI is a
13 cutting-edge sustainability, cutting-edge
14 ecological organization that has as its mission
15 creating zero waste by creating as nature
16 creates. Gunter Pauli, founder of ZERI, says
17 in his book Upsizing, The survival of species
18 in nature depends on interdependence and
19 collaboration. It is a cooperative endeavor,
20 decentralized and each making decisions guided
21 by principles that ultimately have more than
22 self-interest and self-survival in mind. He
23 goes on to say, Survival of the fittest should
24 be replaced by a new maxim, evolution through
25 interdependence in cooperation.

1 (Esther Frances)

2 Currently, those with the most money and
3 power dominate what's in this sphere of human
4 affairs. Those of us who are opposed to the
5 Crossroads Ventures resort are speaking up for
6 the well-being of the majority, including the
7 children of the future and the children of the
8 other creatures whose homes and habitats are
9 not being taken into consideration. The
10 developers try to convince us that local
11 revenues will be enhanced, but why would those
12 arriving leave their destination when the
13 entire resort would be there at their
14 fingertips to cater to their needs?

15 And additionally, for those that might be
16 involved in creating it and building it, it's
17 short term, it's not sustainable over the long
18 term. You build it, your job would be over and
19 it would be there to leave its effects for long
20 after you're gone. We as humans are at a
21 critical crossroads. The very survival of life
22 as we know it is at stake.

23 On January 8th, 2004, the following
24 headline appeared in The Guardian in the UK.
25 "An Unnatural Disaster, Global Warming to Kill

1 (Esther Frances)

2 Off 1 Million Species. Scientists shocked by
3 the results of research. 1 in 10 animals and
4 plants extinct by 2050."

5 Now, we know that we're living in a time
6 where extinction is at a really enormous level,
7 but this is a shock even to scientists who have
8 been studying it. 2050 is less than 50 years
9 from now. The article goes on to state, The
10 risk of extinction increases as global warming
11 interacts with other factors such as landscape
12 modification, species invasions and buildup of
13 carbon dioxide, to disrupt communities and
14 ecological interventions.

15 Crossroads Ventures mega-resort is not
16 only a local issue. Due to the lack of systems
17 thinking, each recall agents as if its impact
18 is minimal. The problem is that the collective
19 impact created by all of the projects which act
20 as if they were merely making an impact on the
21 local area where they're proposed creates a
22 lack of being aware of the impact on the
23 whole. The effect of many toxic chemicals may
24 not be nearly as hazardous in isolation as they
25 are in their composite effects. We already

1 (Esther Frances)

2 know the pollution in our area due to industry,
3 for instance in the middle part of the country,
4 the acid rain. We already know that we have
5 huge mercury levels, some of which did not come
6 from here. So when we add any new load of
7 chemicals, pollutants, we don't know the effect
8 that it has to the whole, the composite. So
9 whatever speculations and whatever reports are
10 done that write up the effects of one, let's
11 say, pesticide or one fungicides in isolation,
12 never came into account the effect of the
13 entirety and what's being done with degradation
14 of the environment is happening on the scale
15 that it is currently.

16 What comes up must come down. Runoff from
17 the golf courses where they need to look good
18 is not going to be pure. Despite the
19 assurances we're given by the folks who will
20 experience monetary gain from the project and
21 cannot guarantee that they will be able to
22 prevent their chemicals from impacting the
23 local water and the soil.

24 So one thing that I can't understand is,
25 since water is the most precious resource and

1 (Esther Frances)

2 since there are now countries all over the
3 planet who are really, really suffering because
4 they have lost their clear water supplies, and
5 we've already reached the time where water is
6 being bottled and sold as a commodity, why, if
7 there is even the slightest chance that there
8 could be any compromise of the water quality,
9 we can never go back if that happens. And if
10 the huge cost of just installing things to make
11 it drinkable, not where it is now, why would we
12 ever, ever in our right minds jeopardize that?

13 At the hearing on January 15th, I heard
14 Mr. Gitter ask the assembled community, which
15 is us, to display more objectivity toward his
16 project. Now, what I'm wondering is how Mr.
17 Gitter or his investors could ask objectivity
18 of us local residents whose very way of life is
19 on the line when they all admittedly have
20 invested thousands upon thousands of dollars in
21 time in their proposed project. I think it's
22 time that power and money aren't allowed to
23 control and dominate the outcome of issues that
24 concern the very quality of our life here in
25 the Hudson Valley, and throughout the entire

1 (Esther Frances)

2 planet. Please prevent this potential
3 catastrophe from coming into existence. Thank
4 you.

5 ALJ WISSLER: The time is now 6:35. We
6 are going to break at this time until 7:15.
7 We'll reconvene here at 7:15.

8 (The proceeding recessed at 6:35 p.m.;
9 reconvened at 7:20 p.m.; appearances as before
10 noted.)

11 ALJ WISSLER: Miriam Strauss. Will
12 Nixon. Mike Gaydos, G-a-y-d-o-s. Dana
13 Mollins. You're the first speaker tonight.
14 Jane VanDeBogart, you will be next.

15 MS. DANA SWISKAY MOLLINS: Hi. Can you
16 hear me? My name is Dana Swiskay Mollins. I'm
17 here tonight as a resident and as a business
18 owner. I'm really terrified, but I had to come
19 out to say as a business owner, I've read over
20 and over again how the businesses are in
21 support of this project, and I have to say as a
22 business owner, I am not in support of this
23 project. I do not see it helping us
24 economically in our businesses. I do not see
25 it helping us economically in our communities.

1 (Dana Swiskay Mollins)

2 I don't see it helping us economically in terms
3 of our tax base and our schools. I don't see
4 it helping us in any way to the proportion to
5 which it will damage our home and our
6 community. I think that's the main thing I
7 wanted to say.

8 Oh. Also, what I have been told in
9 speaking to other business owners, and this has
10 been very disturbing for me, is that there are
11 several business owners that are against this
12 but are afraid to speak out. I find that
13 horrifying in the United States of America and
14 in a democracy, that somebody should be afraid
15 to come up and stand out for -- stand up for
16 what they believe in. This is what I believe
17 in and I'm going to be really brief. That's
18 all I have to say. Thanks.

19 ALJ WISSLER: Dee Dee Halleck. Is Dee
20 Dee Halleck here?

21 MS. DEE DEE HALLECK: Yes.

22 ALJ WISSLER: Ms. Halleck, you'll be
23 next.

24 MS. JANE VANDEBOGART: Good evening, sir.
25 Thank you for holding this hearing. I was

1 (Jane VanDeBogart)

2 unable to attend the other three, so I'm very
3 grateful to have a chance to speak. My name is
4 Jane VanDeBogart. I'm from Woodstock, New York
5 and I was married to a local DEC forest
6 ranger. Speaking from my life experience here,
7 and I'm speaking from my heart, I know others
8 will be more knowledgeable and eloquent, but I
9 oppose this project with every fiber of my
10 being. I think it is -- I think we need to
11 walk very lightly on this earth and I think
12 this project amounts in my view to an economic
13 weapon of mass destruction..

14 Before I get into the substance of what I
15 want to say, I want to talk also about the
16 Applicant writing his own DEIS, or his hired
17 agents, that is. I think that the procedure
18 itself is flawed. I used to be the -- I
19 retired from the Town of Woodstock Planning
20 Board. I was the clerk of the Planning Board
21 and I saw what happened when the applicants
22 wrote their own DEISes. They're making their
23 own evaluation of their projects, and it's the
24 fox guarding the hen houses, and I think
25 somewhere DEC needs to address the flaw in that

1 (Jane VanDeBogart)

2 procedure, please. However, we have to live by
3 it and so far we're going by the rules.

4 For instance, one of the projects that
5 came before the Woodstock Planning Board some
6 years ago was a project in Lake Hill, New York,
7 to put 230 homes on 500 acres of steep
8 mountainside, and it never happened. It came
9 to a standstill. I think the developer finally
10 found that it was economically unfeasible to
11 install enough erosion control and road
12 construction on steep hillsides. And projects
13 like that generally have not paid their way in
14 taxes, and I think that will also be true of
15 this project.

16 I know we had a lot of people this
17 afternoon talking about the need for jobs in
18 the area, and I would like to address that.

19 For one, I would like to see the union
20 workers organize Dean Gitter's exploited
21 workers. But I think it is possible to have
22 good, healthy jobs in an area, and I would like
23 to suggest one possible way that we might do
24 that. If Dean Gitter is insistent on doing
25 something with the land that he has, I think --

1 (Jane VanDeBogart)

2 I would like to suggest that he build a
3 world-class educational nature center and
4 Catskill Interpretive Center there. With
5 simple lodging, with campgrounds, with bird
6 sanctuaries, swimming holes, skating ponds,
7 rope courses, rock climbing, outdoor art
8 seminars, tracking and basic survival skills,
9 multiple access for -- small accesses for
10 fishing sites and training program for
11 naturalists. These are some wonderful jobs
12 that many of the union workers who were sitting
13 here before would be happy to have. I think
14 they would all rather be out leading, guiding
15 fishing tours than sitting in an auditorium.
16 Trail creators and maintenance people, fishing
17 guides, naturalists, hiking guides, staff for
18 the nature centers and researchers.

19 I recently saw a wonderful brand-new
20 interpretive center at Cornell. It was called
21 the Ornithology Lab, and beautiful little
22 trails around the side marked, easy to read,
23 some handicapped accessible and it was a world
24 class bird library and research center. And I
25 think that kind of thing, you know, I could

1 (Jane VanDeBogart)

2 live with here. I am not opposed, as some of
3 the people tried to imply, that we're against
4 for against sake. I do think there are good
5 things to do and I think union people actually
6 can be put to work building it and using skills
7 of local workers.

8 So in summary, I would like to say that I
9 support appropriate scale development. I think
10 this is way off the scale, the proposal. I
11 think we need to walk lightly on the earth,
12 work for sustainable growth that will carry us
13 through seven generations.

14 I went to a funeral today of a lady who
15 was a hundred years and three days old, and I
16 was thinking, my goodness, that's at least five
17 generations that she had great, great
18 grandchildren at the funeral parlor. So there
19 are five generations back coming on, and I
20 think we need to build with seven generations
21 as the native American people said in mind.
22 Thank you very much.

23 ALJ WISSLER: After Ms. Halleck, we'll
24 hear from Brian Powers.

25 MS. DEE DEE HALLECK: My name is Dee Dee

1 (Dee Dee Halleck)

2 Halleck and I'm a mountain girl. I grew up in
3 the Smoky Mountains in Tennessee and I loved a
4 town called Gatlinburg when I was a kid. We
5 used to go there on the weekends and it was
6 always a charming, lovely mountain town with a
7 lot of crafts. And I had the pain to go back a
8 couple years ago and see what's happened to
9 Gatlinburg. I don't know how many of you know
10 it, but it is a horror of unmitigated
11 development and really, it shows how to wreck
12 not only that town but a region, if you want to
13 see a bad situation.

14 I work in alternative media. I was one of
15 the founders of free speech TV which is on the
16 Dish network. I don't know how many of you get
17 that. But I think that we're all victims of
18 the media in this country of the kind of myths
19 that we are fed. And one of them is that the
20 development is good, and there's sort of a myth
21 that if we have people who build all these big
22 houses, that somehow we get the sense that our
23 taxes are going to go down. And that is not
24 the case. Actually, it's been proven that the
25 more expensive the houses become, the bigger

1 (Dee Dee Halleck)

2 development, the higher the taxes go. So I
3 think that a lot of the people here who sort of
4 see this kind of development as maybe lowering
5 their taxes should really examine where that
6 comes from.

7 I also think it's kind of a myth that
8 these big projects are going to be union
9 projects. I don't know how many of you were
10 around when CVS upgraded or when CVS took over
11 our only grocery store in Woodstock, but they
12 did not hire any union people. They hired very
13 low-income people that they didn't even care
14 about whether they breathed the asbestos when
15 they were taking it out.

16 I would like to talk to the judge just to
17 say that I think -- I hope you take into
18 account really the work and the kind of
19 consideration that the youth who came here
20 tonight, I was really impressed with that, that
21 two groups of youth, one had this kind of
22 considered report that they wrote, and you
23 could tell that it was like this collective
24 statement, they probably spent hours and hours
25 working to make and then they read off the

1 (Dee Dee Halleck)

2 names. And I was just appalled at the
3 disrespect with which some of those same
4 supposed union members hissed and booed and
5 wouldn't even let the names of those wonderful
6 youth who are taking such a responsibility to
7 make a statement about how they feel about this
8 project, and they are the future.

9 So I just think if you remember as you
10 examine this testimony, if you recall the
11 dedication and the care with which the youth
12 have tried to make their opinions known, I
13 think that's very, very important.

14 I think it's really important to take very
15 seriously the questions about the different
16 pesticides that are used in these golf courses,
17 and that this -- the kind of harm that's done,
18 a lot of these chemicals, they don't even find
19 out about what kind of harm they do until 30 or
20 40 years later. And I think that this kind of
21 misuse of nature is something that we don't
22 have anyplace for here in the Catskills. I
23 certainly, the golf courses that I see, I don't
24 even see people using them. There's one up on
25 Route 30 right near my son's organic farm and

1 (Dee Dee Halleck)

2 he has an organic farm in Roxbury, and I hardly
3 see anybody playing golf there. And it's a
4 very pretty golf course.

5 I just think that we're going to end up
6 paying the price. We're going to have to build
7 the infrastructure, we're going to have to
8 provide housing for the workers, somebody is,
9 because the workers are not going to get the
10 kind of pay that is going to allow them to live
11 in this community. And I think that is really
12 tragic. And I hope that we can protect the
13 Catskills and not give it up to this kind of
14 development.

15 ALJ WISSLER: Joel Kovel?

16 BRIAN POWERS: Good evening, everybody.
17 I'm Brian Powers. I live in Chichester, and
18 although I'm a publisher of the Phoenicia Times
19 and the Olive Press, I'm speaking tonight for
20 myself, not for the newspaper.

21 Two and a half years ago I told our
22 readers we wouldn't take an editorial position
23 on this project until the end of the SEQR
24 public comment period. We haven't thus far,
25 though we have taken positions on specific

1 (Brian Powers)

2 actions the project's developer has or hasn't
3 taken. We've also found it necessary to
4 comment of late on some of DEC's actions and
5 its conduct of the SEQR review. In contrast,
6 some of the agency's action to date, I think
7 this public hearing process has been extremely
8 well-handled, and I thank and commend Judge
9 Wissler for that.

10 In October of '99 when the Belleayre
11 Resort was announced, the plan called for a
12 project with 792 hotel rooms and timeshare
13 bedrooms. Many people at that time thought
14 that sounded excessively large, but also that
15 it sounded like a bargaining position, asking
16 for more than was really needed so that it cut
17 back in scale but ultimately seemed a
18 reasonable compromise.

19 But then two years later, the company
20 announced it was scaling its proposal down,
21 making the great sacrifice of going from three
22 golf courses down to two golf courses plus a
23 driving range. Well, the other part of that
24 downsizing was that the room count jumped from
25 less than 800 to more than 1,200 it is today.

1 (Brian Powers)

2 I also remember that when the project was
3 announced, the developer told us he would
4 increase Shandaken's tax base by over 60
5 percent. What we weren't told was that the tax
6 bill Crossroads was proposing to pay wasn't
7 going to increase tax revenues 60 percent but
8 by somewhere between 12 and 15 percent. Now it
9 turns out Crossroads is proposing that even
10 that absurdly low level of compensation to the
11 host municipality won't actually be due for
12 about 20 years. So for most of us, the median
13 age in Shandaken is 45. This means if the
14 project is built, our town would see almost no
15 new taxes from it until after we're all
16 retired.

17 As for our current retirees, according to
18 the DEIS, the town wouldn't see any financial
19 benefit in their projected lifetimes. Our
20 kids, however, might see a tiny blip in
21 municipal revenue, though not nearly enough to
22 offset even the small portion of the costs
23 associated with doubling the number of people
24 in town, exclusive of any secondary growth.

25 Bottom line, in my view, Crossroads has

1 (Brian Powers)

2 proposed the worst tax deal ever offered any
3 town by any developer in the history of New
4 York State, and I challenge the company to
5 document a single instance where similarly
6 massive increase in taxable property value
7 resulted in a similarly insignificant increase
8 in tax revenue to its host municipality.

9 The tax issue, unfortunately, is only one
10 instance of the astonishingly bad faith the
11 company has shown in its dealings with its host
12 community. Its unprecedented breach of
13 contract with Shandaken and its continued
14 refusal to provide voluntary funding for
15 municipal review of its project have
16 effectively held the town hostage, preventing
17 it from completing long ago or even beginning
18 until recently the review it's required under
19 SEQRA to conduct on behalf of its citizens. So
20 if there's a climate of contentiousness
21 surrounding this project, I believe it's one
22 the developer has chosen and not just chosen,
23 but worked to create.

24 For years people have expressed skepticism
25 about theorized benefits of the project or its

1 (Brian Powers)

2 potential tangible or intangible costs, have
3 been vilified by the company, its employees and
4 core supporters, and by political action
5 committee, Citizens for Progress, funded
6 substantially by the developer's employees,
7 past and present. Through its use of such
8 proxies, the company in my view both has had
9 and continues to exert a wholly inappropriate
10 control over local government and planning
11 processes.

12 Whether some similar measure of influence
13 may also extend to state government has now
14 become a major issue for those of us who live
15 here in the impacted towns in the Catskill Park
16 and in the City's watershed. That, I think, is
17 something that should be a source of concern to
18 every citizen in the state.

19 Many people who have been watching this
20 project closely over these past years believe
21 that something may have already gone terribly
22 wrong with the regulatory process. I don't
23 know whether that's true or not. I would love
24 to believe such concerns are unfounded. The
25 DEC operates in a climate removed from all

1 (Brian Powers)

2 considerations of political influence and that
3 the SEQR process has been, from day one,
4 conducted fairly, objectively and with as much
5 consideration given to the residents of our
6 region as to the developer and its investors.
7 Somewhere down the road we'll see. Whether
8 this project, if it's built, will be a Marriott
9 or Sheraton or Bally or Trump project, that's
10 something we don't know until long after the
11 permits needed to build it are issued.

12 Two-thirds of the project's lodging
13 capacity is currently designated for future
14 sale as timeshare units. In today's market,
15 that's like trying to sell music on 8-track
16 tapes. It just isn't happening, and I doubt
17 very much the project will be financed on that
18 basis. But the fact is the SEQR process
19 doesn't compel to Crossroads to tell anyone
20 what the real deal is, and no one really
21 expects them to.

22 Now, I understand the point of what's been
23 proposed isn't to make friends with the host
24 community, but to create a portfolio of permits
25 for sale to a multi-national resort operator.

1 (Brian Powers)

2 So I would ask the DEC that any permits
3 ultimately issued be conditional upon the
4 Applicant being the operator and that any
5 change in either use or majority ownership
6 require a completely new SEQOR filing for the
7 project.

8 Crossroads has reiterated many times now
9 that the DEIS speaks for itself, and I couldn't
10 agree more than it does that. So what does it
11 tell us? I think it tells us first and
12 foremost that you get what you pay for, that
13 with enough money thrown at the effort, it's
14 possible to articulate a science fiction vision
15 of the future where cause and effect are
16 suspended, where doubling the town's population
17 doesn't affect it in the least, where secondary
18 growth simply doesn't occur and workers can be
19 counted on to remain childless, where the
20 influx of a massive low wage labor force into
21 an area with no available housing that is zero
22 impact, and where cars and trucks feed
23 seamlessly into a single lane traffic flow
24 without sometimes at least crashing into one
25 another.

1 (Brian Powers)

2 We all drive Route 28 every day and we've
3 all seen things we wish we hadn't seen. What
4 would another 300 or 400 cars an hour mean in
5 terms of acceptable casualties? Whose kids are
6 most likely to be involved and how exactly does
7 one go about mitigating the impacts of
8 high-speed traffic accidents on the life of a
9 couple small towns? How does one mitigate the
10 negative impact a project would have on
11 existing businesses in our towns as is clearly
12 stated in the DEIS? The answer is, you can't.
13 And I think the more closely the data is
14 studied, the more apparent the ultimate
15 conclusion will be. There are some problems
16 with what's proposed that can be mitigated and
17 others that can't be. And of the ones that
18 can't be, most relate to issues of scale.

19 I think there's a lot of good work in the
20 DEIS and there's a lot of bad work. Some of
21 the bad work, I think, is intentionally
22 misleading, intentionally superficial and is
23 clearly intended to minimize what's significant
24 by way of impact and maximize the hypothetical
25 benefits. In both cases, using assumptions and

1 (Brian Powers)

2 baseline data that's flawed, wrong or
3 completely unsubstantiated, but I believe this
4 all will come out as the SEQOR process moves
5 forward into its adjudicatory hearing phase and
6 as the DEIS is carefully examined. I believe
7 the process ultimately can work to the
8 satisfaction of most people in our communities,
9 and that the public's role is vital, especially
10 when it comes to making sure local government
11 really represents us.

12 For my part, I'll continue to do what I
13 can to make sure our communities have the best
14 information available, to keep informed on the
15 process and to provide both a forum for and a
16 reasoned measure of opinion to help people
17 assess things for themselves. I believe our
18 collective future is everyone's business and
19 that we've all long since qualified for full
20 party status to help choose what kind of future
21 we're going to share here. I appreciate your
22 attention.

23 ALJ WISSLER: Barbara Salzman, you'll be
24 next.

25 MR. JOEL KOVEL: My name is Joe Kovel. I

1 (Joel Kovel)

2 live just a few miles from here in Willow for
3 16 years, and I've been teaching at Bard
4 College where, among other courses, I teach a
5 course called Ecological Crisis, and I edit a
6 journal of political ecology and have written
7 quite a bit on this subject, and included a
8 recent book called The Enemy of Nature. And
9 some of you may remember that in 1998, I ran
10 for the Office of United States Senate for the
11 State of New York on the Green Party line. And
12 let the record show I lost to Charles Schumer.

13 One of the chief issues that the Green
14 Party and myself tried to confront in that
15 election in which I have continued to try to
16 confront is to stop talking about an opposition
17 between labor and the environment. And indeed,
18 my position has always been that I would look
19 forward to seeing the day when this country is
20 run and governed by working men and women
21 instead of by the politicians who represent
22 large money interests among whom, of course, is
23 Dean Gitter and the people who back him. And I
24 think we all have to work towards that day and
25 also work towards the day when we can rescue

1 (Joel Kovel)

2 nature from the onslaughts of this system which
3 many of the people preceding me here have very
4 eloquently described, and I won't go into the
5 global aspect. But we all have to keep that
6 very much in mind.

7 I'm sorry that so few of the trades union
8 people aren't here anymore. I guess they had a
9 long way to go to get home. I would certainly
10 say that if and when the day comes that working
11 men and women run this country, they're going
12 to have to undergo a process of development
13 just like all of us, and the development will
14 have to include escaping from the clutches of
15 people like Dean Gitter, because the Gitters of
16 this world create the economic climate within
17 which workers struggle for jobs, within which
18 workers fight each other, within which one
19 faction of the working class takes on another,
20 and so on and so forth. And also within which
21 we have bureaucratic unions that do not really
22 represent the interests of the workers, but
23 ally the workers with the big capitalists and
24 keep them all in line. And I certainly hope
25 that it wasn't the case that the workers who

1 (Joel Kovel)

2 came here tonight were in such a position and
3 that they came freely of their own will. But
4 if they didn't, they have their work to do,
5 too, in order to escape from the clutches of
6 that kind of system.

7 Now, in order to stop the opposition
8 between labor and the environment, I think we
9 have to take a more thoroughly ecological
10 standpoint. Ecology and environmentalism are
11 not really the same. The environment means
12 something that's outside of us that's not
13 really part of us. We're just observers of it
14 or that we use it as resources.

15 But an ecological perspective, which is
16 what I think many of the folks here have been
17 enunciating tonight, is one that sees the whole
18 world as a set of interconnected ecosystems
19 that flourish and interact with each other
20 where we, human beings, are part of nature and
21 natural creatures, we have our own special way
22 of living. Our way of living is to produce and
23 is to create, and that's where labor comes in.

24 The fulfillment of labor is really the
25 fulfillment of ourselves as ecological beings,

1 (Joel Kovel)

2 but we have to bear in mind that there are
3 serious obstacles in its path, there are
4 serious obstacles to the fulfillment of
5 ecosystems, and they are given precisely with
6 the vast amounts of money and the kinds of
7 money that people like Gitter are
8 representing.

9 Now, I don't pretend to know anything
10 about his operation, except a few fragmentary
11 facts, but one of those facts I heard is that
12 he proposes to spend \$300 million on this
13 enterprise when there is going to be, of
14 course, a lot of short-term benefit for a
15 certain fraction of the developer and working
16 classes. That's not his money, of course.
17 That's money that comes from somebody else, or
18 a consortium of somebody elses. I don't have
19 any idea who they are. I have heard a few
20 names. It's not worth repeating.

21 The point worth bearing in mind is, the
22 things that go wrong that smash ecosystems
23 happen when large amounts of this kind of money
24 are applied at a distance. All these folks
25 want to do, they're only in it to increase the

1 (Joel Kovel)

2 value of that money. They come from elsewhere
3 and they're going to take the profits, the
4 whole point of this, out of this region and
5 take it back out, you know, to where they came
6 from. And we're not going to see it. What
7 we're going to see is the devastation of the
8 ecosystems, because applying that kind of
9 capital to ecosystems invariably breaks them
10 apart. And the natural part, the part we call
11 the environment, it involves a ruthless
12 suppression of indigenous life forms, like, you
13 know, the forest that has to be ruthlessly
14 suppressed so that superficially attractive but
15 actually deadly green grass of the golf courses
16 can arise. And in order to do that, you have
17 to introduce all kinds of murderous substances
18 into the ecosystem which have a whole lot of
19 follow on and interactive effects, as some
20 people very eloquently talked about. I don't
21 even need to get into it.

22 But the point being, that kind of thing
23 happens to ecosystems to the extent and degree
24 that this kind of heavy capitalistic
25 intervention takes place. And similarly, with

1 (Joel Kovel)

2 human ecosystems because human ecosystems are
3 also ruthlessly suppressed in indigenous forms
4 by the intrusions of these large elements of
5 capital, and that's exactly why this kind of
6 project is going to be so devastating no matter
7 how many short-term quick fixes it promises.
8 And that's why we have to, really, stand up and
9 rise up as a community for the life that's in
10 that region and for the life that's in all of
11 us and for the life that's on the earth here
12 and put a stop to it. Thank you.

13 ALJ WISSLER: Mary Hall. Paul Tobin. How
14 about Miriam Strauss? Susan Penick. Susan,
15 you will be next.

16 MS. EEO STUBBLEFIELD: I'm Eeo
17 Stubblefield, and I've already spoken at the
18 Margaretville hearing, and I've actually been
19 at every hearing and I did want to say one
20 thing, that I've been so ---

21 ALJ WISSLER: You have something for
22 somebody else?

23 MS. EEO STUBBLEFIELD: Yes, but can I say
24 one quick thing for me? I won't. Forget
25 that.

1 (Eeo Stubblefield, o/b/o Barbara Salzman)

2 I'm reading this for Barbara Salzman. She
3 is the owner of Alternative Video on 28, and
4 she couldn't make the meeting so she emailed me
5 and asked me if I would read it.

6 I empathetically -- is that right --
7 emphatically oppose the project which would
8 cause environmental problems and strain the
9 resource of the local communities. In
10 addition, tax revenues from this project do not
11 compensate for the costs involved, and even if
12 they did cover costs, the revenue is not worth
13 the damage to our communities. We do not want
14 this development in the beautiful Catskills.
15 There are old hotels, they are bound in these
16 mountains that are in need of revitalization.
17 The proposed resort does not seem to be
18 sustainable and would eventually revert to
19 their very same status. Barbara Salzman.

20 And now I'm speaking for Mary Hall who
21 also emailed this that she couldn't make the
22 meeting and asked if I could represent her.

23 I cannot be at the hearing but I want to
24 state my opposition to this project for the
25 record. My husband and I are long-time second

1 (Eeo Stubblefield o/b/o Mary Hall)

2 homeowners in Beavercill just over the
3 mountains from Belleayre. As our retirement is
4 approaching, we plan to gradually move
5 permanently to the area. The Crossroads
6 project seems absolutely inappropriate for the
7 area for several reasons. Its size is out of
8 sync for the area which is struggling to have a
9 modest tourism recreational economy. It will
10 suck all the potential out of what is just
11 beginning and spell disaster for the small beds
12 and breakfasts, inns, restaurants and shops
13 which are beginning to populate the
14 neighborhood. It is by no means clear that
15 Crossroads is built on a viable financial
16 model, and if it fails, the small towns will be
17 left with the burden of cleanup -- and if it
18 fails, the small towns will be left with the
19 burden of cleanup.

20 It is by no means clear that Crossroads
21 will provide economic stimulus to the region.
22 Indeed, many other golf courses and hotel
23 developments have failed to do so. The
24 environmental degradation to the forests and
25 water systems which will ensue from the

1 (Eeo Stubblefield o/b/o Mary Hall)

2 clear-cutting mountain, blasting and runoff
3 will only make the region less attractive to
4 those who might plan to visit the Catskills as
5 a retreat from other more built-over areas.

6 In short, this project represents not
7 progress, but rather surrender to the easy
8 blandishments of already-failed development
9 models. See Vail and Aspen, Colorado. We
10 deserve better than this. Thank you for your
11 attention. Mary Hall.

12 And Dana, who got up earlier and said she
13 was a store owner and that she said that she --
14 she slipped me this little paper as I was
15 coming up and she said she meant to also say
16 this, and she has a poster in her store and it
17 says, We do not inherit the earth from our
18 ancestors, we borrow it from our children.

19 ALJ WISSLER: Susan Penick. P.J. Lorenz,
20 you'll be next.

21 MS. SUSAN PENICK: I'm Susan Penick. I
22 live on Rose Mountain right across from where
23 the development will be, and I'm really
24 grateful so many people have spoken so well
25 because I'm really just here to add my voice to

1 (Susan Penick)

2 theirs. I think this is the kind of situation
3 where none of us can afford to sit quietly.
4 It's just too, too important. Many have spoken
5 well and truly of our responsibility to protect
6 these mountains, streams and sky. We've
7 inherited the peace and beauty of this place
8 and are its caretakers. It is our task to
9 preserve these resources for the generations to
10 come. This plan for development puts all of
11 this at great risk. There are many questions I
12 feel that have not been answered.

13 One, for example, I understand that in the
14 near future, the resort may be offered to a
15 large corporation such as Marriott. Will they
16 be bound by the same promises that Mr. Gitter
17 has made? And where is the funding and
18 mechanisms to oversee their environmental
19 practices ten years hence? This isn't
20 something that's only going to have to be
21 monitored next year and five years, but for
22 years to come.

23 Besides the environmental questions, I
24 think the promises for economic world are on
25 really shaky ground. Big hotels and golf

1 (Susan Penick)

2 courses don't ensure prosperity, and you only
3 have to look to Ellenville to see that.

4 Our environment and way of life is fragile
5 and we need to be very cautious and respectful
6 as we develop a more robust economy, and this
7 plan is neither cautious nor respectful.

8 ALJ WISSLER: P.J. Lorenz. David Pillard.
9 You'll be next, David.

10 MS. P.J. LORENZ: Good evening. I heard
11 that this project was slated quite a few years
12 ago, and it just seems so bizarre to me that I
13 couldn't imagine anyone even thinking of
14 building a golf course on the side of a
15 mountain. So I kind of put it aside as maybe
16 not as important as some other pressing issues
17 that I was dealing with.

18 I've lived in here in the Catskills
19 approximately 15 years. I'm originally from
20 Colorado, the mountains of Colorado. My family
21 are all mountain people from up there. I just
22 want to tell you what I've seen in other
23 places. I guess I've lived long enough to see
24 things I wished I hadn't. In Colorado,
25 development is so rampant that the places that

1 (P.J. Lorenz)

2 were beautiful and pristine when I was child
3 are now completely destroyed. The open plains
4 areas that were surrounded by the mountains are
5 now developments as far as the eye can see.
6 They are built on areas that cannot sustain
7 them. The developers were able to get water
8 from the mountains piped down for hundreds of
9 miles to service these developments. And what
10 is clearly understood, that in the course of
11 time, that they will keep building enough
12 developments that there won't be enough water
13 to sustain them, but the developers will not
14 care because they will have taken their money
15 and they will have gone. So my family are
16 still out there in evergreen. My grandmother
17 is up in the mountains, she won't come down.

18 I then traveled across the country with my
19 mom and we moved to New Jersey and I lived in
20 areas of rural New Jersey where I rode horses
21 and hiked and so forth in my 20s while I was in
22 college, and then I went back to the places
23 where I used to ride and all of the places are
24 condominiums and strip developments and malls
25 as far as the eye can see. So I come to the

1 (P.J. Lorenz)

2 Catskills and I have coyotes in my back yard
3 and bear and turkeys and all kinds of
4 creatures, some that I've never seen before.
5 I'm getting off the subject here because I
6 realize that there are no laws to protect my
7 love of this much beauty.

8 We are here tonight because the Catskills
9 are being looked at by developers to be
10 developed. Especially since 9/11, there are
11 some very wealthy people from many corners of
12 the state and elsewhere who believe that the
13 Catskills would be a great place to live.
14 People are saying that they're not happy that
15 Dean Gitter and Crossroads Ventures have paid
16 little or no attention to their needs or their
17 concerns and they feel their feelings are hurt
18 because the developer doesn't seem to be
19 concerned about them, and I think that that is
20 something to notice, that this is not, this is
21 not a touchy feely thing here. This is
22 development. The process of gentrification
23 says that the people who can no longer afford
24 to live here get to move out. And I'm sure
25 that the developers are not concerned whether

1 (P.J. Lorenz)

2 you can't afford to live here anymore. They're
3 not concerned about that. In fact, they hope
4 you go away.

5 Mr. Wright, who is a member of the
6 Crossroads Ventures staff, told us right here
7 in this meeting that they want to keep out the
8 masses, the masses, and when they were asked
9 what does he mean by that, he said, you know,
10 the people who throw garbage and litter and
11 Coke cans.

12 So this gave me a window into the thinking
13 here. This is a hotel for more than a thousand
14 guests and timeshares and so forth, but it is
15 not going to provide housing for mid-range,
16 mid-priced lodging for people. It is only
17 going to be for extremely wealthy people who
18 want to come to a four-star hotel who will
19 never leave the hotel's grounds and who want to
20 play golf. They're not going to come to your
21 little mom and pop stores and they're not going
22 to buy things from you to any great extent. So
23 I really don't think it's going to help us in
24 an economic sense.

25 I'm sorry. I keep losing my train of

1 (P.J. Lorenz)

2 thought. I wanted to discuss the DEIS and I
3 want to agree that an impact statement that has
4 been put together by a developer cannot, it
5 cannot be an objective opinion. It can't. You
6 can't spend \$3 million on something that's
7 going to tell you you can't build it here
8 because you're going to ruin the ecosystem and
9 that the local people are going to lose all of
10 their tax base. You're not going to spend that
11 much money to have people write an objective
12 opinion. You're going to write it so that it
13 makes you look good. I don't know who would be
14 the responsible agency or whether it has to be
15 by the towns themselves, but an alternative
16 independent impact statement, this is what we
17 need. That's what we need. This is my
18 request. An independent impact statement be
19 done that is not paid for by the developer, and
20 then let's just see what the real impact of
21 this is.

22 The excessive size combined with the worst
23 possible location are almost by design created
24 to have the greatest negative effect. I just
25 don't understand, it's almost like Seward's

1 (P.J. Lorenz)

2 folly. Like, who in their right mind would
3 want to build a flat, a needed flat area golf
4 course on the top of a mountain? It's just
5 completely absurd.

6 I've been trying to think myself this
7 project all the way through and what concerns
8 me is if someone came to the Catskills and
9 said, I want to build a toxic waste dump,
10 people would laugh them out of town and say you
11 cannot build a toxic waste dump here. This is
12 a watershed. Well, essentially what is a golf
13 course but a really beautiful looking toxic
14 waste dump?

15 Finally, all of those who love golf, no
16 offense meant. The thing is, if it was a toxic
17 waste dump, there would be regulations that
18 would require double-layered tanks and all of
19 these other things to protect us from those
20 chemicals going into the ground, but because
21 it's a golf resort, it's going to be allowed to
22 dump three to four tons, three to four tons per
23 acre per year of toxic chemicals. And I'm
24 going to repeat what someone else said. What
25 goes up must come down. So it will come down.

1 (P.J. Lorenz)

2 Then I want to speak to the tourist
3 industry that is already here. Millions of
4 tourists come here per year for the pristine
5 beauty of the mountains, and in order for this
6 golf course to be built and this resort, these
7 hotels, these timeshares, the tremendous amount
8 of traffic, the tremendous amount of noise, the
9 congestion, all of these things are going to
10 make people who would ordinarily come feel like
11 they don't want to come because they don't want
12 to deal with all the traffic and the noise. So
13 I think, you know, even with that aspect alone,
14 it's going to hurt our tourist industry
15 overall.

16 Another thing was mentioned that we
17 somehow have been co-opted by outside
18 organizations to oppose this project. I would
19 like to say that whether you've lived here for
20 generations or whether you moved here because
21 you love this land as I have, we don't need
22 outside people to explain to us how devastating
23 this type of project will be. And we don't
24 have \$3 million to prove that, but we can feel
25 it, we can see it.

1 (P.J. Lorenz)

2 I just have been so upset about this, I
3 have an 89-and-a-half-year-old neighbor that I
4 speak to and she's spent a lot of time just
5 trying to eke out her life, and I told her
6 about this project and she wants me to read the
7 paper to her daily and she said, you know, we
8 live in God's country and I'm just glad that I
9 won't live long enough to see this come into
10 being. And that makes me very sad.

11 I think in order to -- let me see if I can
12 move on so I don't get emotional here. I
13 decided to try to think of a positive future if
14 this project were to have to come into being
15 and what would be the recommendations that I
16 would make if I was negotiating this
17 settlement. And the first thing is that I
18 would scale it down to size, that every part of
19 the project would have to be divided in half.
20 We could have one resort and one golf course
21 and one hotel and half the number of
22 timeshares. And as far as the employment, my
23 suggestion would be that the community would
24 say that you must hire 50 percent of your
25 workers from local areas instead of whatever

1 (P.J. Lorenz)

2 small percentage it was, a third. That 50
3 percent would have to come from local areas.
4 And in the eight years between now and when
5 this project was built, I think that they could
6 train the people in the areas that are not
7 clinically skilled. So that way if you had
8 200, you know, the first tier of labor, you
9 know, workers and then there would be 50
10 percent of them and so forth, so the local
11 people could really in fact benefit
12 employmentwise from this project.

13 Another thing I thought about in terms of
14 traffic is that the trucks and heavy equipment
15 and so forth, traffic, would have to be
16 between, say, 8:00 in the evening and 6:00 in
17 the morning, to get them off the roads during
18 the day. That would be like another way to
19 mitigate some of that impact. I'm trying to
20 think of some other things.

21 One of the things is that in the
22 agreement, it would be stipulated that a casino
23 could never be built on the property no matter
24 how many times the property changes hands. I
25 think that's an important thing. I don't want

1 (P.J. Lorenz)

2 to see a casino up on that mountain.

3 Since we're talking about almost a
4 thousand beds in the hotel and then an
5 additional -- I have the exact figures but I
6 don't know what they are -- there's going to be
7 approximately 1,800 people or more up there,
8 which is really a small town, and instead of
9 the local communities having to foot the bill
10 for fire and police, make them have to register
11 as a small town and provide their own police
12 and fire. You know, in other words, we've got
13 to find ways so that the local communities are
14 not impacted negatively. Let's see what else.
15 Well, you get the gist of it. Okay.

16 So I'm actually not for there to be a
17 negotiation. I would prefer that the project,
18 the whole entire area be condemned because it's
19 in the watershed area and that it be purchased
20 by the 1997 land act. I guess it's the EPA and
21 the New York State. They've already purchased
22 49,000 acres in this state to protect the
23 watershed. Why not add another 2,000? I
24 think I've said enough. Thank you for
25 listening.

1 (P.J. Lorenz)

2 ALJ WISSLER: David Pillard. Gerry West,
3 you will be next.

4 MR. DAVID PILLARD: Hi, everybody. My
5 name is Dave Pillard. I live in Shandaken.
6 The fundamental question that Crossroads
7 Ventures proposed Belleayre Resort has forced
8 us to ask ourselves is, how do we go about
9 keeping our Catskills economically and socially
10 vibrant without sacrificing for those of us who
11 live here the very essence of what it is that
12 has made us call this area our home?

13 Now, another community facing the same
14 question was featured in an article printed in
15 the June 28th, 2002 issue of the New York
16 Times. In the article, it states that, quote,
17 A real estate brokerage firm in town estimates
18 that housing prices have doubled in the last
19 three years, end quote. That must be a pretty
20 happening place, I thought. So I went on to
21 read in this article that in the stores of this
22 community, one can find hand woven silks,
23 Ethiopian processional crosses and all kinds of
24 vintage oddities. Quote, On any given weekend,
25 a blue grass band might be playing on Main

1 (David Pillard)

2 Street to celebrate the summer solstice or the
3 library's book fair, end of quote.

4 Well, I thought that community seems as if
5 it's doing just fine economically. So I went
6 on to read a little more, and this is the part
7 that really caught my eye. The article said
8 there was a restaurant there that listed 22
9 types of pancakes. And would you -- I thought
10 I wanted to live in that place. And then I
11 read some more in the article and I realized I
12 do, it's about Phoenicia.

13 Now, there's no mention in the article
14 that Phoenicia is socially deprived or needs an
15 economic shot in the arm with a dose of a
16 couple golf courses. Now, think of it.
17 Perhaps the most influential newspaper in the
18 world, the New York Times, prints an article
19 about what a desirable place Phoenicia is just
20 the way it is. That article is a testament
21 that there is an economic and social vibrancy
22 in our town.

23 Now, let's look at something else in our
24 town that's socially and economically vibrant.
25 Catskill Corners. The Emerson has been

1 (David Pillard)

2 restored meticulously and beautifully.

3 Restaurants, retail and lodging have attracted
4 tourists here. The Catamount Cafe is brimming
5 with bookings for summer weddings. The entire
6 complex has provided some jobs for locals and
7 the staff recruited from abroad have enlivened
8 our community with their youth, their vitality,
9 their patronage and their graciousness.

10 The obvious difference between Catskill
11 Corners and the proposed Belleayre project is
12 that Catskill Corners works in conjunction with
13 the local economy and environment, while the
14 Belleayre project will radically alter the
15 environment, and as stated in the DEIS, compete
16 head-on with many local businesses.

17 Now, many people with far more knowledge
18 than I with issues raised in the DEIS have
19 spoken in previous hearings and raised specific
20 grave questions about the Belleayre project,
21 but this is a fact, perhaps the most important
22 one. The overwhelming majority of people who
23 have had the courage to speak at these hearings
24 are against this project. That fact is just as
25 important as facts pertaining to contaminated

1 (David Pillard)

2 water, overburdened infrastructure and housing
3 shortages. Serious red flags have already
4 appeared in a process that has only just begun,
5 to examine the feasibility of what the
6 Belleayre project claims it will accomplish to
7 safeguard water flowing from this project into
8 our streams, New York City's drinking water.
9 Why on earth would any of our politicians or
10 the agencies involved in this process want to
11 gamble with anything that might allow a
12 potential polluting disaster to occur? And
13 where is the logic in blasting away and cutting
14 down the very things, the mountains and
15 forests, that people travel here to enjoy?

16 Let's remember, the burden of proof is on
17 Crossroads. Crossroads must be able to
18 substantiate its claims in the DEIS.

19 So summing up, let's continue to do just
20 what we've been doing. Keep our real estate
21 valuable, our shops and restaurants inviting,
22 our developments small, like Catskill Corners,
23 and our mountains and streams pure and
24 untouched, so that a newspaper writer can visit
25 our area in the future and write that the heart

1 (Gerry West)

2 of the Catskills is still beating vibrantly and
3 compassionately. Thank you.

4 ALJ WISSLER: Gerry West, Michael Dewan.

5 MR. GERRY WEST: Your Honor, your decision
6 will have far-reaching implications regarding
7 not only the Belleayre project, but similar
8 ones to the Shawangunk Ridge, including the
9 Awosting Preserve near Mohonk/Minnewaska ---

10 VOICE FROM THE AUDIENCE: Speak louder,
11 please.

12 MR. GERRY WEST: Influence the Awosting
13 Preserve near Mohonk/Minnewaska and Shawanga
14 Lodge mega-complex in the southern Shawangunks,
15 yet another in Coxsackie, which is in Greene
16 County, another one which I just heard about
17 less than a week ago near Pine Plains, New
18 York. It's just east of Poughkeepsie, which
19 features a 2,000-acre development with a
20 27-hole, quote, world-class golf course, also
21 two proposed casinos in Sullivan County and one
22 in the Town of Wawarsing in Ulster County. All
23 these proposed casinos supposedly will feature
24 golf courses as well.

25 I should mention golf industry in terms of

1 (Gerry West)

2 the number of players is in decline pretty
3 rapidly. So that combined concerns why I'm
4 here.

5 I live in Kerhonkson. And just for the
6 record, I'm Gerry West. And right at the base
7 of the Shawangunk Ridge, and like Shandaken
8 residents, those of us living near the ridge,
9 are facing construction/destruction of our
10 wilderness in the proposed Awosting Preserve
11 development. If the Belleayre Resort project
12 ultimately goes ahead, our efforts to protect
13 the Shawangunk Ridge are pretty well doomed.
14 I'm speaking as an independent resident, not as
15 an affiliate of any organization, but I believe
16 I'm speaking for a large majority of residents
17 in the Shawangunk Ridge area.

18 I would like to make some comparisons
19 between the Awosting Reserve proposal and some
20 of the environmental issues involved and the
21 Belleayre Resort proposal. The Awosting
22 Reserve proposal involves 349 residential
23 units, all detached, yet one more 18-hole golf
24 course -- we really have an epidemic here -- a
25 lodge, a post office and a village green,

1 (Gerry West)

2 playing fields, wastewater plant, roads,
3 parking lots and other major facilities all on
4 2,660 wilderness acres. Sound familiar?

5 A group called the Shawangunk Ridge
6 Biodiversity Partnership recently put together
7 a report addressing environmental impact issues
8 regarding the Awosting Reserve proposal. It
9 included the sizeable list of experts: Spider
10 Barbour and two other biologists, two
11 hydrogeologists, independent environmental
12 consultants, the Nature Conservancy, the Mohonk
13 Preserve Research Center, which has been
14 collecting extensive environmental data for
15 about a century, and interestingly, the DEC.
16 They had to stay up on the report that I'll
17 leave with you.

18 The Mohonk Preserve is a key catalyst in
19 developing this impact report. Since their
20 charter prohibits public advocacy, no one from
21 Mohonk will be speaking tonight, but they did
22 issue a web statement as a result of the report
23 with a list of concerns about the bridge
24 development. I'll just address two of them.
25 It was a pretty long list.

1 (Gerry West)

2 The first Mohonk concern was the open
3 space uses of the Shawangunk Ridge is an
4 economic engine for the region. And based on
5 the New Paltz Chamber of Commerce estimate, the
6 ridge is a magnet for over half million
7 visitors. This is just in that one small area
8 alone, who spend over \$10 million annually. My
9 comment, like the undeveloped ridge, keeping
10 the Catskills unspoiled will benefit the area's
11 current businesses and residents. Peace and
12 tranquility of an unspoiled wilderness is
13 often a reason residents are here as an
14 attraction to tourists from urban areas.

15 The Belleayre Resort won't bring business
16 to the area. It has its own shops, or might
17 have its own shops, recreation facilities and
18 everything else. It will actually compete with
19 local businesses and bring crowds and
20 congestion as well.

21 The second concern, Mohonk concern, this
22 development, the ridge development as proposed
23 compromise scientific and land conservation
24 values. Here are some of the issues from the
25 report, and I have page references which I'll

1 (Gerry West)

2 leave to the report.

3 The development -- and here, I'll just
4 cover the things that may not have been covered
5 with other speakers. Development will increase
6 deer populations as a result of habitat
7 fragmentation. It's well-known that deer are
8 selective in their browsing and will reduce
9 adapted and essential plant species.

10 The next issue, to what extent will
11 development fragment both plant communities and
12 habitats of wildlife indigenous to the
13 locality? The effect will certainly be major.

14 In the area of hydrology, groundwater
15 pumping will cause a decrease in groundwater
16 levels as you might expect, and a decrease or
17 cessation of base flow to streams.

18 As surface runoff and flooding will
19 inevitably result in further decrease in
20 groundwater by reducing percolation into the
21 ground, this flooding will cause silting in
22 streams, damaging trout communities. Even
23 worse, decreased groundwater during dry
24 periods, these streams will probably dry up all
25 together, destroying entire trout communities.

1 (Gerry West)

2 So much for the fishing industry.

3 Contamination of groundwater in streams
4 will result from the use of road salt,
5 pesticides, herbicides and other waste
6 byproducts.

7 The next issue, what about the certain
8 impact of artificial lighting, especially at
9 night, on both rare on common wildlife
10 species? This would include especially rare
11 and common birds and insects, moths. I've seen
12 some that are incredible up in these Catskills
13 at night.

14 And next, development will certainly
15 foster the spread of invasive, non-native plant
16 species.

17 So my comment, my ending comment, these
18 exact same issues apply equally to both the
19 Ridge and the Belleayre projects, and I believe
20 they apply to the seven other mega-projects I
21 first mentioned. I can even add to that list
22 of seven. There are two others I don't even
23 know, you know, whether they could be viable or
24 not. So I think your decision is quite a
25 responsibility. Thank you.

1 (Michael DeWan)

2 ALJ WISSLER: Deborah Meyer Dewan.

3 MR. MICHAEL DEWAN: My name is Michael
4 Dewan. After leaving New York City, I've been
5 living in Bearsville in the Town of Woodstock
6 since 1987. Professionally I'm a New York
7 State certified real estate appraiser, and
8 while property valuation and land use issues
9 are the heart of my work life, my love of these
10 Catskills, drives me to a different kind of
11 work. Since 1997, '97 I've been the president
12 of the Board of Directors of the Woodstock Land
13 Conservancy, a small but dedicated local land
14 trust passionately committed to protecting and
15 preserving those wild places most cherished by
16 the people of Woodstock and the surrounding
17 towns. Although we prefer to work quietly
18 behind the scenes with landowners trying to
19 save these wild places for the generations to
20 follow, there are moments when we feel
21 compelled to speak out on behalf of the
22 connective tissue that binds us all together,
23 the land and the fauna and flora living on it.
24 This is one of those moments.

25 On July 4th, 2000, my wife Deborah Meyer

1 (Michael DeWan)

2 Dewan and I presented much more detailed
3 comments at an earlier scoping session. At
4 this time, I offer these remarks. On behalf of
5 the Board of Directors of the Woodstock Land
6 Conservancy, to urge the DEC in no uncertain
7 terms to oppose this development as it has been
8 proposed. It was Will Rogers who uttered the
9 famous observation, We proudly wear on our
10 T-shirts, land, they don't make it anymore.
11 And Alf Evers, long-time historian and
12 inveterate advocate for our Catskill
13 environment who turned 99 earlier this month,
14 warned, and I quote, The people of our
15 generation, if they make the effort, may still
16 save the Catskills, unquote. Simply put, that
17 is why the Woodstock Land Conservancy is
18 working hard to save undeveloped land in the
19 Catskills for future generations. And that is
20 why we just launched a campaign in partnership
21 with Open Space Institute to save the last
22 remaining privately owned vacant land on the
23 upper regions of Overlook Mountain and
24 ultimately fold it into the Catskill Forest
25 Preserve. We believe a generous reserve of

1 (Michael DeWan)

2 unspoiled land is critical for the material and
3 mental health of all people. Now is the time
4 to step up and make that effort on behalf of
5 the Catskills as a region. We are joining
6 forces with a very broad-based community of
7 organizations and individuals who have already
8 spoken very eloquently opposing this proposal.
9 The out-of-scale golf resort now being
10 considered would rip up the forests and
11 mountains near Belleayre and change our region
12 forever. The sheer size of this project is
13 terrifying. Its effects on the relatively
14 pristine upper Esopus and East Branch of the
15 Delaware would be nothing less than appalling.
16 Air, water, noise, light and visual pollution
17 are a certainty, as well as serious traffic
18 problems and the disruption of the lives of
19 many who have come here and have lived here for
20 generations, seeking and finding peace and
21 quiet.

22 This proposal does not acknowledge that
23 the local economy would never receive adequate
24 compensation for the damage likely to be done
25 to our area's environmental assets. The

1 (Michael DeWan)

2 developers even admit in their DEIS that when
3 it comes to jobs, both in the construction of
4 the resort and in ongoing operation, most local
5 people will have access only to those jobs
6 paying close to the minimum wage. It is widely
7 feared that local taxes would rise
8 substantially in the wave of these giant
9 resorts since so many services, police, fire
10 protection, schools, road construction and
11 maintenance, for starters, would have to be
12 grossly expanded, and that year-round residents
13 would wind up subsidizing the development by
14 providing and paying for these very services.
15 And, of course, the price of real estate,
16 something I know well, up and down the Route 28
17 corridor and on the now remote far side of
18 Belleayre, would rise beyond the reach of
19 ordinary people.

20 Many of us also suspect that this project
21 has been bulked up to meet the minimum
22 threshold required by the biggest corporate
23 players on the planet and that such a venture
24 designed to extract profits for shareholders
25 with no stake in the Catskills designed to

1 (Michael DeWan)

2 simulate a Catskills experience for its
3 clientele is merely the first shot across the
4 bow. If this is built, more will follow.

5 The Woodstock Land Conservancy does not
6 believe a 2,000-acre resort is an appropriate
7 land use for this mountainous region, adjacent
8 to the constitutionally protected Forest
9 Preserve. The golf courses alone are a
10 disaster from an environmental standpoint, as
11 has been said over and over again over these
12 hearings. The severe erosion that would occur
13 when an estimated 500 acres of the forest is
14 removed and this hilly land is bulldozed in
15 deadly combination with unavoidably heavy use
16 of fertilizers and pesticides, would certainly
17 contaminate the groundwater and could
18 permanently compromise the world-reknowned
19 water quality of the New York City Watershed
20 and would undo forever the historic work the
21 Coalition of Watershed Towns and New York City
22 did in the 1990s, working together and with the
23 DEC to ensure the qualities of that water
24 unfiltered for future generations.

25 We recognize the wisdom that inspired the

1 (Michael DeWan)

2 creation of the Catskill Park, an area designed
3 to maintain a balance between protected state
4 land and economic needs of the local people.
5 The Woodstock Land Conservancy strongly opposes
6 this Belleayre Resort as it is not in keeping
7 with this wisdom. This region would be better
8 served by adding these mountainous acres to the
9 Forest Preserve and promoting the many
10 low-impact, traditional and 21st-century
11 activities that provide a basis for sustainable
12 economic development. If we keep our mountains
13 lovely and our waterways clean, the
14 ever-increasing numbers of hikers, anglers,
15 boaters, birders, cross-country and downhill
16 skiers, artists and musicians, as well as those
17 simply looking for peace and quiet, will come
18 and continue to come, brimming with
19 appreciation, eager to share their wealth and
20 blessings and yearning to stay and become part
21 of a vital part of this wonderful Catskills
22 region.

23 Thank you for this opportunity to comment
24 on behalf of the Board of Directors of the
25 Woodstock Land Conservancy.

1 (Michael DeWan)

2 ALJ WISSLER: Deborah Dewan. Kristine
3 Fones, you'll be next.

4 MS. DEBORAH MEYER DEWAN: Thank you for
5 the opportunity to comment tonight on the
6 Belleayre Resort project proposed in the
7 Catskill region. My name is Deborah Meyer
8 Dewan and I reside in the Hamlet of Bearsville
9 in the Town of Woodstock. In my professional
10 life, I am director of riverfront communities
11 for Scenic Hudson and serve as the
12 environmental representative on the Board of
13 the Catskill Watershed Corporation. In
14 addition, I am a member of the Board of
15 Directors of the Catskill Center for
16 Conservation and Development and previously was
17 on staff. I've also worked as an environmental
18 planning consultant for municipalities,
19 non-profits and developments. Every day I
20 review and comment upon planning and
21 development issues in the Hudson Valley and
22 work with public officials, citizens and
23 developers endeavoring to implement
24 opportunities for sustainable economic
25 development and livable communities.

1 (Deborah Meyer DeWan)

2 I speak to you this evening, however,
3 primarily as a resident who has lived in the
4 Catskill region within the Catskill Park for
5 over three decades. I've raised a family here,
6 I've run a successful small business and helped
7 others do the same, working to build a strong
8 economy in the region while protecting our
9 environment and quality of life, and for 15
10 years now, I have had the privilege to work
11 with local spark plugs and regional and state
12 policymakers as an environmental professional
13 in the Hudson Valley and Catskill regions. I
14 came here to establish roots and contribute to
15 this special place whose natural beauty has
16 inspired writers, painters and world travelers
17 for centuries and whose future economic and
18 cultural revitalization is inextricably linked
19 to the protection and public enjoyment of its
20 natural resources and small town rural
21 character.

22 I know firsthand how easy it is to lose
23 these special places if we don't take care. As
24 a child on Long Island, I witnessed our
25 picturesque rural landscape, and it was at the

1 (Deborah Meyer DeWan)

2 time, contort into a suburban wasteland. Our
3 family's escapes to Vermont brought us close to
4 the land again. But today, many of those New
5 England areas are now compromised with resorts
6 that have begotten big mansions, condo
7 developments, massive traffic jams, degraded
8 community character, leaving quaint Vermont
9 communities that many were attracted to in the
10 first place literally in the dust.

11 When I think about a mega-resort coming to
12 the Central Catskills and the negative impacts
13 that could follow down the road on Route 28
14 without the proper planning standards in place
15 to prevent it, I am too sadly reminded of
16 Vermont and Stratton and Route 100. Sadly, no
17 economic boom has hit those rural Vermont towns
18 and villages as a result. The resort owners
19 and developers have, by and large, commandeered
20 the profits of their projects elsewhere with
21 little adhering to or adherence to the local
22 economy. Those who know me and my
23 long-standing involvement in the region know
24 that I have always believed that environmental
25 protection and sustainable economic development

1 (Deborah Meyer DeWan)

2 can go hand in hand.

3 However, development of the massive scale
4 proposed by Crossroads Ventures adjacent to a
5 fragile and constitutionally protected
6 ecosystem will not achieve such synergy.

7 Crossroads Ventures has made positive
8 contributions to the revitalization of the area
9 through its commercial redevelopment projects
10 in the Shandaken hamlet of Mount Pleasant.

11 However, as proposed, the Belleayre Resort
12 project stands in stark contrast. As proposed,
13 the resort at Belleayre is out of scale, out of
14 place, out of time and not in the best
15 interests of the economic and environmental
16 health of the region or its communities. This
17 exclusive 2,000-acre mega-resort development as
18 proposed, two full-size golf courses, 800
19 lodging units, over a thousand restaurant
20 seats, will eclipse our hamlets and villages
21 that are just beginning to experience the
22 rewards of Main Street revitalization efforts
23 undertaken with the assistance of county
24 planning agencies, community volunteers and
25 elected officials, the Catskill Center and the

1 (Deborah Meyer DeWan)

2 CWC, among others. The half million dollars
3 economic development study prepared under the
4 MOA and adopted by the CWC board states that,
5 quote, The hamlets and villages are among the
6 Watershed's most important assets from an
7 environmental standpoint. Economic activity
8 within these centers can make use of existing
9 infrastructure there by limiting the amount of
10 land that would be cleared to accommodate new
11 development. In exchange for new pollutant
12 loading in the community centers, communities
13 could undertake efforts to minimize loading
14 outside the community centers as a trade-off,
15 end quote.

16 This project as currently proposed does
17 not meet that standard nor the study's
18 conclusions about the precarious state of the
19 large resort industry.

20 The report recommends supporting existing
21 town centers and promoting local assets,
22 including locally made products as a key
23 element of good economic development that is
24 compatible with water quality and the quality
25 of life. The Belleayre Resort site is adjacent

1 (Deborah Meyer DeWan)

2 to the single largest tract of State Forest
3 Preserve land in the Catskills, Slide Mountain
4 and Big Indian Wilderness areas. The Forest
5 Preserve is constitutionally protected, it's
6 forever wild, and the DEC is required by law to
7 protect preserved lands on behalf of the people
8 of the State of New York.

9 The proposal is located within the New
10 York City Watershed, which we know which
11 provides unfiltered drinking water for half the
12 population of the State of New York. The
13 project includes development of elevations as
14 high as 2,700 feet on steep slopes clearing
15 forests for roads, parking lots, building lots
16 and golf courses, all of which can contribute
17 to erosion and runoff pollution into streams
18 that support world class trout fishing which
19 feed the City's reservoirs. The watershed is
20 being monitored under a Memorandum of Agreement
21 among federal EPA, DEC, New York City,
22 municipalities within the watershed and five
23 environmental organizations, who after years of
24 acrimony and negotiation, pledged to work
25 together to protect water quality through

1 (Deborah Meyer DeWan)

2 regulations and environmentally sound
3 development. This project runs counter to that
4 agreement.

5 It has been said by its defenders that
6 Crossroads project harkens to an earlier, more
7 glorious era in the Catskills when grand hotels
8 and teeming tourists covered the mountainous
9 landscape. However, today we are engaged in
10 another kind of development that results from
11 communities creating visions, comprehensive
12 plans and interregional partnerships. In that
13 context, tourism-related and other developments
14 can be thoughtfully planned and sited that will
15 compliment the environment and not undermine
16 it. Development today in this watershed and
17 ecosystem in particular must be
18 planning-driven, not developer-driven. In that
19 regard, it is important that the Town of
20 Shandaken continue its efforts to develop and
21 adopt good planning tools to guide future
22 growth and development.

23 Those of us who live in this region are
24 truly blessed with a high quality of life that
25 is the envy of many. We have two irreplaceable

1 (Deborah Meyer DeWan)

2 resources, the State Forest Preserve and the
3 New York City Watershed. Both are in the hands
4 of our third great resource, the people of this
5 region, who along with our partners at the
6 state and city have committed to steward this
7 special place. The DEC has as its mission to
8 protect the environmental resources of the
9 state on behalf of the state's current and
10 future population.

11 Therefore, I believe as lead agency, that
12 the DEC must reject this application in its
13 current form. Indeed, the Catskills are at a
14 crossroads, and the direction we take will set
15 the course for decades to come. The DEC can
16 approve this massive proposal, unleashing
17 secondary growth impacts, traffic, unraveling
18 the rich tapestry of the regional landscape,
19 leaving residents of the region, New York City
20 and future generations to deal with its
21 impacts, or we can continue on the path we set
22 in 1997 with the signing of the MOA, the
23 historic upstate/downstate watershed agreement
24 which seeks to protect water quality for 9
25 million New Yorkers, while we here in the

1 (Deborah Meyer DeWan)

2 Catskills work together to build on our assets
3 and our strengths, scenic beauty, clean water
4 and air, compact villages and towns, populated
5 by talented and hard-working people who pride
6 themselves in preserving a sense of place and a
7 sense of community.

8 Thank you for the opportunity to speak.

9 ALJ WISSLER: Kristine Floner. Maya
10 Branman, you'll be next.

11 MS. KRISTINE FLONER: Good evening. Thank
12 you for coming out, everyone who is here, and
13 thank you, Judge, for being here and listening
14 so carefully to everything that we're saying.
15 I see you taking notes, and it gives me great
16 heart to see that.

17 I am Kristine Floner. I live in
18 Bearsville, New York. I've lived there for 15
19 years. Before that, I came from Detroit,
20 Michigan, so I'm in a position to truly, truly
21 appreciate this beautiful lands that we live
22 in.

23 At this time I am a wildlife
24 rehabilitator. I am licensed by the DEC and
25 also by the United States Fish and Wildlife

1 (Kristine Flones)

2 Service. Additionally, I'm a writer and
3 storyteller and a healer and an artist. I have
4 many careers like many of us do in the hamlets
5 that represent, that make up the Catskills.
6 But I'm speaking tonight, first of all, as a
7 wildlife rehabilitater.

8 A wildlife rehabilitater is a person who
9 works to help injured or orphaned wildlife. We
10 are licensed and must be licensed by the state
11 and the federal government to do this, but it
12 is a volunteer project. I'm not paid anything
13 for this. In fact, I pay for it. That is, my
14 husband does, and he could tell you quite a lot
15 about that. And also, about not forging in the
16 freezer, because instead of finding a nice
17 steak or chicken, you're more than likely to
18 find a bag of mice for some injured raptor.

19 I would like to talk first of all about
20 the effects of cutting down hundreds of acres
21 of forests. At this time in Ulster County,
22 there are probably about 30 wildlife
23 rehabilitaters, but there are about six of us
24 taking most of the calls. And I'm going to
25 give you some general numbers so you'll

1 (Kristine Flones)

2 understand what we're doing.

3 Most of the calls, by far most of the
4 calls come between the 1st of May and the 15th
5 of September when many babies are born. And
6 during that time, six of us will typically in
7 one year, in that few-month period, six-month
8 period, less than that, take approximately
9 3,000 phone calls from the people in this
10 area. We take calls from not only Ulster
11 County, but we also get many calls from Orange
12 County, Greene County, Dutchess County and
13 Columbia County, typically quite a few.

14 Last year we handled, personally handled
15 about 600 animals and gave them medical care,
16 raised orphans with little tiny baby bottles
17 for baby squirrels and little baby birds that
18 have to be fed every 20 minutes for 16 hours a
19 day. That's the kind of effort that's going
20 into this.

21 Now, I'm going to take you down a little
22 road, and think of what's going to happen when
23 you cut down 600 or more acres of prime forest
24 land. What kinds of problems are we going to
25 have? First of all, another gentleman already

1 (Kristine Flones)

2 mentioned problems with the deer, and we
3 already have lots and lots of people who are
4 very concerned with the deer eating their
5 gardens, not to mention the woodchucks eating
6 their gardens. You will have a lot of deer
7 eating your gardens. And we can't all fence
8 it. I mean, in a certain way I could make a
9 very funny story about very wealthy people
10 living in very wealthy resort having to deal
11 with all these wildlife problems, because the
12 deer will be there eating because they have to.
13 They will have no choice.

14 They will have bears. I already get a lot
15 of bear calls. They typically go like this.
16 'I've got a bear and he's ripping my garbage
17 apart every day. I said, well, where is the
18 garbage? In the garbage can. Where is the
19 garbage can? It's outside. I said, Well, why
20 don't you bring it inside? I don't want to
21 bring it inside. Why don't you buy a
22 bear-proof container? I don't want to do
23 that.'

24 This is the way we live. We're still
25 having a hard time, those of us who have lived

1 (Kristine Flones)

2 here for a while, getting used to dealing with
3 bears. There are ways of dealing with bears.
4 I attended a bear seminar this summer. I spent
5 a week with black bears in Minnesota, and there
6 are ways to get along with all bears. The DEC
7 way at this present time when there is a
8 problem bear is to shoot it. If there are too
9 many deer anyplace in this country, the
10 decision and the way of dealing with it is to
11 shoot them. And it's the same with every other
12 animal. But we can't go on that way anymore.
13 It simply can't be. We have to live more in
14 balance with all of nature because we have gone
15 so far in the destruction of nature, that it is
16 no longer possible to go further and still have
17 nature and still have a viable earth.

18 So I can tell you a couple stories.
19 There's a very lovely housing development
20 nearby that was built on the side of a
21 mountain, and it unfortunately turned out that
22 they built these lovely, lovely homes over a
23 major rattlesnake den. So you have people who
24 are buying maybe a \$500,000 house or a million
25 dollar house and finding out that they've got a

1 (Kristine Flones)

2 regular supply of rattlesnakes, because
3 rattlesnakes don't live in small numbers, they
4 live by the tens of thousands. It's a huge
5 problem. And that same area, because it's up
6 on the mountain, as you get further up the
7 mountain is where the porcupines live. And I
8 had someone call and say, I've got a problem
9 with porcupines. What's your problem? Well,
10 the porcupines are eating the side of my
11 house. I've shot 28 of them, but they're still
12 coming.

13 These are the kinds of problems that all
14 of these people up on this mountain and all of
15 us, too, are going to be having. Only
16 remember, it's going to be multiplied.

17 I know there are eagles nesting on many of
18 the mountains around here in much greater
19 numbers, which is really wonderful to see the
20 comeback of the national emblem, and that's an
21 endangered species. So I don't know if anyone
22 has done the research to find out if there are
23 eagles up there. Certainly, if we deforest
24 this land, there will not be enough land to
25 support the really big predators that we are

1 (Kristine Flones)

2 hoping would come back, so maybe people -- I
3 always get these little stories, I think I saw
4 a wolf, I think I saw a mountain lion,
5 certainly bobcats are returning to the
6 Catskills, I've heard a lot of sightings of
7 bobcat. But if we want the big predators which
8 help to control the size of the deer herd and
9 also tangentially help with the disease problem
10 with the deer herd because the large predator
11 such as a mountain lion or a wolf will kill the
12 young or the weak or sickened animals in the
13 herd, unlike trophy hunters like to get the
14 biggest and the best of the herd and then a
15 little bit later down the line we're scratching
16 our head and trying to figure out, well, how
17 come we've got all this Lyme's disease and the
18 deer ticks. It's the deer's fault. Well,
19 maybe if we had a healthy deer herd, we
20 wouldn't have all this Lyme's disease. It's
21 something to look at.

22 We have a culture here in the Catskills of
23 hamlets. At the last meeting that was here at
24 the school, it was really striking to hear how
25 many, hear so many people talk about life in

1 (Kristine Flones)

2 the hamlet and how much we love that. And I
3 realized hearing that, that that's true for me,
4 too. And I think at the hamlet level, we are
5 able to address many of these problems and find
6 solutions. On the hamlet level, I can work
7 within my hamlet in Woodstock and in Bearsville
8 to talk about bears and to educate and
9 introduce ideas about how we can live along
10 with bears.

11 There's a town in Pennsylvania that's at
12 the hamlet level, and they have a population of
13 black bears, and they allow the black bears to
14 hibernate beneath their houses in the winter.
15 They have worked out a way to completely
16 cooperate with bears. Bears are not violent,
17 aggressive kinds of animals, so this is
18 possible. But it's only possible on the hamlet
19 level. These are the wonderful, creative
20 things that can happen on that level that
21 cannot happen in a big mega anything. They
22 can't work in the City of New York, even. Of
23 course, they don't have a bear problem. That's
24 better.

25 I also wanted to mention just briefly that

1 (Kristine Flones)

2 the large predators, they need at least a
3 hundred square acres, for each predator, at
4 least, and any smaller chunks of land have to
5 be joined by quite broad corridors to other
6 chunks of land. A great book to me is "The
7 Song of the Dodo" by David Kwam. He's written
8 other things as well, if you would like to
9 learn more about that. So giving a few acres
10 here and a few acres there is not good enough.

11 Secondly, on the terms of waters, I would
12 like to just reiterate, too, that we need the
13 forests to protect the water. The forest is
14 what keeps the water for us. I don't know how
15 many of you are -- know that many of the people
16 with houses in Hurley near the cornfields have
17 contaminated wells, and if they sell their
18 house on the listing sheet for the house, it
19 has to say on the listing sheet that the well
20 is contaminated. I've seen it. How would you
21 ever sell your house once your well is
22 contaminated? And those are the same kinds of
23 pesticides and herbicides that are used on golf
24 courses. And I don't know what the differences
25 in amounts, but I suspect that they're not all

1 (Kristine Flones)

2 that different.

3 Another thing I wanted to think about in
4 terms of each of us, whether you've lived here
5 your whole life or whether you've come here,
6 when you go home or if this has always been
7 your home, I know when I go back to Detroit,
8 and people don't have a good picture of
9 Detroit. But for me, it's a hometown. There
10 are many, many beautiful parts in the City of
11 Detroit. It was a city of trees. When I go
12 back -- and I'm sure this happens to everybody.
13 When you go home, or if this has always been
14 your home, you see the amount of development,
15 and the number of streets that used to be a
16 little two-lane dirt roads that become
17 four-lane asphalt highways and cars rushing
18 everywhere and huge mega-drugstores on every
19 corner and there is a huge mega-grocery store
20 on every corner, as if we couldn't drive more
21 than a mile or two to get to one of those. And
22 just the amount of building it up and the earth
23 just can't sustain it anymore. It's over.
24 It's time to stop it all. This is what I
25 think. It's time now.

1 (Kristine Flones)

2 If you fly over this country, especially
3 if you fly at night and you can see the lights,
4 you can see how few areas of forest there are
5 left. And every animal in the forest, every
6 tree in the forest, every single thing is here
7 for a reason and has a job to do.

8 It's just like the inside of your body.
9 You can't just start pulling out organs and
10 throwing them away. You need every part. And
11 the same is true of the ecosystem of the
12 earth. It's a body and we're all important,
13 including us. We're important too.

14 So the last thing I would like to speak to
15 is something I heard on NPR shortly after
16 9/11. I came in the house and turned the radio
17 on so I just got the last part of an interview,
18 and it was a woman speaking for the federal
19 government. And I don't know in what capacity;
20 I just caught the end of her speech in which
21 she said, Governments don't have heart. We
22 can't have heart. That's not our job, and
23 that was the end of her thing. And it really
24 struck me because I thought, if the government
25 doesn't have a heart, then what are they there

1 (Kristine Flones)

2 for? What use is it? If the government
3 doesn't have a heart, if people make fun of us
4 for coming and speaking and having a heart and
5 speaking from the heart, there's something
6 wrong. Because if you think about it, if you
7 think with your mind, with the mind that we
8 have that is so brilliant, we can easily get
9 mixed up and get carried off in some way, and
10 we all do it from time to time, your mind can
11 take you all over the place. But your heart
12 knows what's true. And it's only when you have
13 a heart and a mind working together, working
14 together that we are -- really can be
15 articulate and creative and produce a wonderful
16 life that we can all live and that balances
17 everything. Because we need to live in
18 balance. Decisions that come from the mind
19 only don't work, especially now. They don't
20 work anymore.

21 So some questions to ask about this
22 project. First of all, I think we need to
23 think beyond the terms of Catskill Park,
24 although I love the Catskill Park and we are
25 important and what we are holding here is

1 (Kristine Flones)

2 important and the people who have lived here
3 their whole lives, I truly honor for what they
4 have done to hold us in such a beautiful way
5 for such a long time. And those that have come
6 here who are trying to help and join hands, but
7 it's also a problem of the whole State of New
8 York.

9 Someone just sent me a proposal that's
10 going on in the western part of the state where
11 some people want to develop -- developers,
12 again, who want to build the world's largest
13 mall. Terrific? What good is that? The
14 world's largest mall right now is in
15 Minneapolis, Minnesota and it's really having a
16 hard time, so we're going to build a bigger one
17 and give up some more forests?

18 What I'm asking you is for the DEC and
19 judge, for all of our government agencies and
20 our governor, to take a look at over the whole
21 State of New York, we can't afford to lose
22 another acre of forest. Not another acre.
23 It's not about -- we can't be careless
24 anymore. We all have to be stewards of what is
25 left because we're going to need it. Because

1 (Kristine Flones)

2 the gold of the next century, the oil of the
3 next century, of this century is water. We're
4 going to need the water for so many people and
5 we need to protect it.

6 So the question of how to live in balance,
7 how to be stewards of the land and of
8 responsibility, we have to thank the DEC and
9 the people who have to make these decisions
10 because they're very serious, and it's not
11 easy.

12 I became aware this week of how hard it is
13 for me when somebody wants me to do something,
14 and I don't want to do it and I know it's not
15 the best thing for me, but, you know, just the
16 pull of that to try to do what they want and,
17 you know, it's very hard to stand firm and hold
18 it. And the only way that people can do that,
19 our agencies, our DEC, our governor and judge
20 here and everyone, is for us to give them the
21 backing that they need. Of course, we're all
22 here in doing that. So they can hold that
23 place, so they can be fully grounded with their
24 feet on the ground and hold firm and say no,
25 this can't go forward because it doesn't

1 (Kristine Flones)

2 protect us, it doesn't protect our children,
3 our children's children and the next seven
4 generations.

5 Who will benefit from this project?

6 Exactly who will benefit? Who will be served
7 by it? And how long will whoever they are be
8 served? That's a good question. Because it's
9 not worth it if it doesn't preserve and help
10 and protect for seven generations. If our
11 children aren't going to have any water, it's
12 not good enough. If the water is going to be
13 so bad, the City of New York doesn't even know.
14 The article published in the New York Times a
15 week ago, my hair was standing on end, I'm so
16 mad. I never wrote a letter to New York Times.
17 I wrote my first one. I was furious. This
18 reporter must have been there for ten minutes
19 and didn't hear all the wonderful things.

20 What are the costs for us? I think we
21 need to look at, what is the use of power in
22 this situation? There are two kinds of power.
23 There is power over where someone, something,
24 some entity, some group of people is exerting
25 power over people. We can't live that way

1 (Kristine Fletes)

2 anymore. What we need now is empowerment, to
3 empower individuals in these hamlets, and we do
4 need help and we like help to live our lives as
5 best we can. There are many people doing jobs
6 they don't want to do. Let's help them to find
7 the job they want to do where their love is and
8 where they can really do something that they
9 love to do.

10 So how is the power being used in this
11 project and where is it coming from? Whose
12 pocket is it in? We need to know that.

13 And then finally, I just go back to nature
14 and to the wildlife. I'll just take one
15 example, the bear. The bear has been my study
16 this year. The bear is the animal that taught
17 all the indigenous people the world around all
18 the stories, and the myths are there. The bear
19 is the animal that taught them which plant was
20 the good plant for healing a stomach ache,
21 which plant was good for a sore. All that
22 herbal knowledge came from the bear. It's
23 documented by all of our indigenous people. So
24 you want to kill the bear? Is this what we
25 want to do? This animal has a lot to teach us

1 (Kristine Flones)

2 and is willing to teach us many, many things.
3 And every animal in the native American
4 culture, the animals sit in the direction of
5 north, which is wisdom, and they are the
6 teachers, and we need to honor them and we need
7 to honor ourselves by living in respect with
8 all of nature.

9 So I conclude by saying, I really hope
10 that you will look at these things and think
11 about them. I know you will, we all will, and
12 that we protect what we've got and we go with
13 our decisions that use our heart and our mind.
14 Thank you.

15 ALJ WISSLER: Maya Branman, David Smith.

16 MS. MAYA BRANMAN: Hello. I'm Maya
17 Branman. I live in Olivebridge, and I've lived
18 in the area for 17 years. I appreciate so much
19 the people who have spoken before me, and I was
20 at the last meeting, the meeting before the
21 last meeting, and I appreciate so much the
22 thought and the intelligence and the speaking
23 of the people and the fact that everyone wrote
24 things down and thought about it for so
25 thoroughly, and I think about all the things

1 (Maya Branman)

2 that you've said, and it supports my basic gut
3 feeling, and that's what I want to talk about
4 today because that's how I approach many
5 things.

6 I was in New York City today and I left at
7 3:30 in a hurry. I could have stayed for
8 another hour, but I left. And on the bus as I
9 was driving back here, there was the buildings
10 and I looked at New York City. It's gorgeous
11 from the distance, and then there was a tree
12 and then two and then five and then ten and
13 then the mountains. And I am so thankful to
14 live here, and it's beautiful here and it
15 satisfies my emotions.

16 And I'm thinking that these people are
17 going to, what they're doing, they're going to
18 build a place so that people can come up. And
19 what they're going to do is, they're going to
20 be on top of a mountain -- I'm sorry if I'm
21 coming across, but I don't want people to come
22 and sit on top of the mountain and look down or
23 up or anywhere and not know that they're being
24 looked at, too. Like, I have to see that
25 resort. They're coming to look at the beauty,

1 (Maya Branman)

2 but they're not standing at the bottom and
3 having to see what they are. Not what they
4 are, but the resort. They're buying a piece of
5 the beauty because they want to be at the top
6 of the mountain so all the little houses,
7 everything is going to be ignorable.

8 So I'm hoping that it's not done because I
9 can see that everyone here, there are so many
10 people here, and I don't know how many people
11 have come out against it. So I mean, this is a
12 matter of numbers for me. So many people here
13 are against it, and not a lot of people are for
14 it. So I'm thinking, well, then, it's not
15 going to happen because the people don't want
16 it. These are -- we live here, right? And
17 that's what's so nice about living here, is
18 this situation. I can come to this situation.

19 I've lived in New York City, and if there
20 was ever anything that, I mean, who could ever
21 get a chance, who would ever get a chance to
22 speak or to anything to say my beliefs about
23 something? It's part of the value of this
24 area. It's a little community and it's
25 changing a lot.

1 (Maya Branman)

2 I've been here for 17 years, and over the
3 course of time, you know, I've seen the new
4 building and it affects me. I mean, I see it.
5 It's a little gradual progress, and it's going
6 to happen no matter what. Yes, the nature of
7 population, it increases. Well, let's let it
8 increase naturally. So that's really pretty
9 much all I have to say. I eat local eggs and
10 the local eggs have great yellow yolks because
11 the chicken's on the free range, and there's
12 not a million of them, and supermarket eggs,
13 boy, they're not nearly as good. Thank you.

14 ALJ WISSLER: David Smith. Eve Smith will
15 be next.

16 MR. DAVID SMITH: I would like to comment
17 first on the quality of these speeches that
18 have been made at this time and prior sessions.
19 I'm very impressed with all the speeches that
20 have been made, and I have a question for the
21 judge. And that is, is it possible to get
22 copies of these in any way?

23 ALJ WISSLER: Yes. Of the minutes of
24 this? The Notice that was published indicates
25 several locations where this transcript will be

1 (David Smith)

2 made available. In my office in Albany, also
3 in the Region 3 office in New Paltz, and then
4 there are several public libraries -- oh, the
5 DEIS. The actual -- if you want to read the
6 transcript, you will be able to read it at New
7 Paltz, the DEC's office in New Paltz, or if you
8 want to come up to Albany and say hello, I'll
9 be happy to let you read it in Albany.

10 MR. DAVID SMITH: Okay. My name is David
11 Arrender Smith. I use a middle name because
12 there are several David Smiths in the area. I
13 am a retired management consultant and former
14 senior research associate. Although I retired
15 in the year 2000, I was the decennial census
16 crew leader for the Catskill High Peaks
17 region. A number of you served on crews taking
18 the census. I'm currently a trustee of the
19 Pine Hill library and a member of the Catskill
20 Heritage Alliance. However, I'm speaking today
21 as an aging resident of Pine Hill.

22 A few people understand that 24 percent of
23 the adult residence of the three hamlets, Pine
24 Hill, Big Indian and Highmount, are 60 years of
25 age or older. This is a large group, very

1 (David Smith)

2 directly affected by the proposed project for
3 whom the ability to comment has been made
4 problematic by the abrupt timetable, the
5 inadequacies of the developer's publication
6 methods, not to speak of any hardships that go
7 with aging. I urge you to pay special
8 attention to our needs because we seniors are a
9 primary demographic group in the immediate
10 vicinity of the Belleayre Resort. Others have
11 already commented on the inadequate and
12 sometimes specious statistics used by the
13 developer in the DEIS.

14 For us, one of the most galling
15 distortions is the lumping in of our
16 demographics with statistics for the 15 Zip
17 corridor or for the entire county. By throwing
18 us all in the same pot with those living at a
19 distance and by not identifying or studying
20 populations in proximity, the developer evades
21 having to specify mitigations for potentially
22 catastrophic changes in the lives of people
23 individually and in communities in the hamlets
24 closest to the development. This is not a
25 question of not in my back yard feelings.

1 (David Smith)

2 There are significant differences in
3 populations close up to the development and
4 further away. This is especially true of
5 statistics with respect to age.

6 In the DEIS, the neglect of age
7 demographics goes hand in hand with other
8 failures to distinguish impacts close in from
9 those at a distance. The three hamlets, Big
10 Indian and Highmount and particularly Pine
11 Hill, are at ground zero. We are the most
12 immediately impacted. And among us, the
13 elderly in our hamlets are the most obviously
14 endangered.

15 In the 1990s, because of the high ratio of
16 older residents, 42 percent were 62 or older.
17 The Pine Hill area was classified by the New
18 York Public Interest Research Group as a,
19 quote, naturally occurring retirement
20 community. This is because many of us acquired
21 seasonal property when we were working, and in
22 later years, moved to the area in order to
23 realize our dreams of peace in retirement.

24 Since census 2000 data show that almost
25 half of Pine Hill households, 48 percent, have

1 (David Smith)

2 Social Security retirement incomes. However,
3 we are not rich retirees. We chose this area
4 because it was affordable for working families
5 in retirement. Less than half of the
6 households on Social Security have -- less than
7 half -- have any additional private pension at
8 all, and for them, the average supplementary
9 pension was only \$2,200 per year. What's going
10 to happen to Pine Hill's endangered species,
11 fixed income retirees? The answer is simple.
12 We're not going to be able to afford to stay
13 there. The list of threats is long.

14 To start off is traffic jams, noise, dust
15 and disruption from blasting and construction,
16 rising prices, rising cost of living, higher
17 taxes, increased property values. Okay, you
18 can get more for your house and move out;
19 right? Increased crime rates, because it's
20 going to double the population, political
21 conflicts, populations double and is dominated
22 by richer people who can afford the resort.
23 And finally, the effects from all such issues
24 will affect -- and such stressers will affect
25 the health of older residents before it affects

1 (David Smith)

2 anybody else.

3 All these factors could cause deep and
4 proportionate harm to older people with fixed
5 retirement incomes. We have to fear being
6 forced to move because we cannot afford the
7 rich new environment. Even before that, we
8 have to fear the loss of affordable
9 tranquility.

10 When we talk about this, however, we are
11 at a serious disadvantage because we are
12 speculating. We have not done the sociological
13 and economic studies, and neither has the
14 developer. Under the law, the DEIS is supposed
15 to identify such threats to our peace,
16 tranquility and our way of life and it is
17 supposed to propose mitigations, but it
18 hasn't. It hasn't because its authors failed
19 to make the studies needed to identify
20 mitigations accurately in the neighborhoods
21 adjacent to the development.

22 Another large group that has been almost
23 totally disenfranchised in this process are the
24 seasonal residents in the Pine Hill area. At
25 least 45 percent of households in Pine Hill are

1 (David Smith)

2 seasonal. They, too, should be better
3 represented in these hearings. Their interests
4 have been sloughed off by the developer and by
5 DEC's handling of the SEQOR process. The DEIS
6 offers no accurate data about that. The census
7 did not gather information about seasonal
8 residents, just about their houses. And the
9 developer has neglected have to the appropriate
10 surveys made. We have no idea what mitigations
11 may be needed that have been omitted. At a
12 minimum, seasonal residents should be notified
13 by mail and be offered the opportunity to
14 testify on weekends as well as have online
15 access to a more adequate publication of the
16 DEIS.

17 Finally, if the project planning
18 continues, there needs to be examined and
19 incorporated in a revised Environmental Impact
20 Statement.

21 Tim Miller Associates and in Clough Harbor
22 and Associates made similar criticisms of the
23 first Draft EIS. DEC instructed the developer
24 to amend the DEIS studies accordingly by
25 stratifying by proximity and providing better

1 (Rieleley Cammer)

2 studies of population differences and
3 mitigating appropriately, but it has not been
4 done. I urge you to rule that it must be done
5 or else the DEIS must be rejected.

6 ALJ WISSLER: Eve Smith. After Eve Smith,
7 we'll have Rieleley Cammer.

8 MS. EVE P. SMITH: Can we have Rieleley
9 first?

10 ALJ WISSLER: Absolutely. Rieleley has to
11 get up and go to school tomorrow.

12 MR. RIELEY CAMMER: My name is Rieleley
13 Cammer and I would hate to see my home torn up
14 from underneath my feet. I hope that Dean
15 Gitter will think about what he is doing before
16 it's too late. And I want to ask you a
17 question.

18 How would you feel if your home was took
19 away from you or torn up.

20 ALJ-WISSLER: I wouldn't like that at
21 all.

22 Okay. Eve P. Smith, and then we'll hear
23 from Robert Selkowitz.

24 MS. EVE P. SMITH: Good evening. My name
25 is Eve Smith, and since 1970 I have been first

1 (Eve Smith)

2 a part-time, and since 1998, a full-time
3 resident of the Town of Shandaken. I live in
4 Pine Hill just under the proposed Belleayre
5 gated community resort.

6 Since many have previously described the
7 dangers of this resort to our environment, our
8 quality of life and to the non-human creatures
9 that live here with us, to say nothing of the
10 safety of our water and New York City's water
11 supply, I shall confine my remarks to two
12 specific areas. They are, one, the inadequacy
13 of the survey of community opinion conducted by
14 the Marist College Institute for Public
15 Opinion, DEIS Volume 10 Appendix 28b. And two,
16 an area not addressed by Crossroads DEIS impact
17 study, What happens if the project fails.

18 My qualifications for addressing these two
19 issues are as follows: One, I hold a Doctorate
20 in social welfare, degree in social policy.
21 Two, in the course of my career, I've conducted
22 numerous studies utilizing both quantitative
23 and qualitative methodologies. Three, in the
24 course of my career, I taught research
25 methodology at the University of Windsor in

1 (Eve Smith)

2 Ontario. Four, as a member of the Commissioner
3 of Social Services Advisory Committee, and as
4 vice chair of the Ulster County Youth Board,
5 I've had a special interest in the welfare of
6 families, people and particularly youth and
7 have gathered data and studied the results in
8 areas where businesses failed or disappeared.
9 Please note that I don't speak for either
10 committee or board but for myself. First, the
11 Marist study.

12 The opinion is formed by what people are
13 told which may or may not be the truth. A
14 developer who supplies the public with
15 misinformation, for example, that the
16 development will lower their taxes, provide
17 people with well-paying jobs which they may or
18 may not need, and increase their access to
19 recreational facilities, which will not be
20 accessible to them, may encourage them to
21 respond positively to a survey.

22 Second, when the survey itself repeats
23 such statements, people who have not previously
24 studied the issues may respond positively, not
25 to a project itself, but to the statements

1 (Eve Smith)

2 about the project. The study under
3 consideration was conducted just after a slick
4 publicity piece was mailed to all residents of
5 Shandaken and Middletown. It was
6 professionally designed and written, and to
7 those who had not previously studied the
8 matter, it might have been convincing. In the
9 survey itself, there are questions that support
10 the idea that the project will bring quality
11 jobs, will not harm the environment and will
12 reduce or hold down taxes.

13 A fair survey would also ask about whether
14 informants would support the project if the
15 resort provided poorly paying jobs, if the
16 project polluted our water and if taxes were
17 raised as a result of infrastructure expenses
18 directly related to the proposed resort. This
19 survey presented the project only in a positive
20 light.

21 Second, funding. It is well-known that
22 those who pay for research are generally
23 concerned that the research results back up the
24 position they hold. It is for that reason, for
25 example, that research sponsored and paid for

1 (Eve Smith)

2 by gambling organizations support the position
3 that gambling is not harmful, that gambling
4 casinos are good for communities in which they
5 exist. Likewise, the tobacco industry paid for
6 countless studies that showed no direct link of
7 smoking to cancer.

8 In evaluating the literature that exists
9 therefore, honest scholars take pains to
10 eliminate from consideration studies that were
11 funded by those who stand to gain from a
12 positive outcome. Those considering the Marist
13 study, therefore, should discount the results
14 if, instead of the prospective developer, a
15 neutral party had funded the Marist survey of
16 community opinion, its construction and outcome
17 would have been very different.

18 Three, overall, material included in the
19 Marist report, Appendix 28b, I would conclude
20 from that material, I would conclude that the
21 study was poorly constructed in the following
22 ways:

23 Sample. From what I read in the survey
24 report and also what I surmised from the
25 report, telephone numbers were selected at

1 (Eve Smith)

2 random from the two towns. From what I could
3 surmise, each person who answered the telephone
4 was asked whether or not he or she was a
5 full-time or part-time resident. If, for
6 example, the person called was a full-time
7 resident, he or she would be asked to answer
8 the survey questions only if the quota for
9 full-time residents had not been reached.

10 However, the sampling method did not
11 answer another significant problem as follows:
12 It is possible to be a resident of the Town of
13 Shandaken or Middletown and live up to 20 miles
14 away from the proposed gated community. It is
15 reasonable to assume that persons who live
16 closer to the proposed project will be more
17 greatly affected than those who live further
18 away.

19 Therefore, to assess the opinions of those
20 most affected, one would have to know what
21 proportion of the sample live very close, say
22 within five miles, of the project. A
23 researcher could either weigh the sample to
24 include more people who live close to the
25 project or could divide the sample in two.

1 (Eve Smith)

2 For example, those who live up to five
3 miles away from the project and those who live
4 further. Responses for the two groups could
5 then be compared and reported separately.
6 Lumping the opinions of those who live very
7 near the proposed project and those who live
8 further away is misleading.

9 Reliability of data. The Marist report
10 indicated that identifying information
11 collected from survey participants was both
12 confidential and anonymous, and that personal
13 identifying information was removed from the
14 files after the integrity or the reliability of
15 the data were verified. Just how this was done
16 is a mystery, since the methodology description
17 omits this information. And I must add that
18 generally, this sort of information does appear
19 in the research study.

20 Omission of the meaning of the
21 percentages. The Marist report omits the
22 number of respondents for each question,
23 reporting only the percentages. It's customary
24 to include an N or number for each question.
25 This is most troubling for questions where

1 (Eve Smith)

2 there are few respondents, because in such
3 cases, the percentages are misleading.

4 For example, there are 16 possible answers
5 to the question, quote, In general, what do you
6 think would be the best way to encourage
7 economic development in this community, closed
8 quote. How many people were represented in the
9 10 percent of respondents to that question that
10 chose projects like Belleayre? How many in the
11 75 percent choosing other ways to encourage
12 economic development? How about the 15 percent
13 that reported that they were unsure? We have
14 no way of knowing because we don't have a
15 number, total number.

16 Question construction. The questions for
17 this questionnaire were poorly constructed.
18 Respondents were presented with two alternative
19 responses and were to pick one. In some cases,
20 the questions were biased. For example, quote,
21 Are you in favor of the project as proposed? A
22 fairer question would have been worded, Do you
23 favor or oppose the project? Do you favor or
24 oppose being alternated as the first
25 mentioned?

1 (Eve Smith)

2 In other cases, it would have been
3 difficult to choose one answer. For example,
4 which position comes closer to your opinion?
5 The project will create year-round jobs for
6 residents or provide seasonal jobs? Many
7 people would conceivably have responded yes to
8 both. Likewise, it's plausible that many
9 people would agree that the resort would create
10 year-round tourism and too much traffic,
11 preserve open space and risk water and soil,
12 and increase public access to state parks and
13 change existing landscape.

14 In short, these are only a few of the many
15 problems with this research, which is biased,
16 poorly constructed and to which I would assign
17 a grade of C minus to an undergraduate, and F
18 to a graduate student. I can't stop grading
19 things even though I'm retired.

20 From what I've read, this research -- from
21 what I've read of this research, it's
22 impossible to discover, if I only looked at the
23 research, to discover just what is the opinion
24 of residents of Shandaken and Middletown.

25 Second, what happens if the project is

1 (Eve Smith)

2 built and fails? Briefly, there are numerous
3 localities where employers have closed up shop
4 or moved on or with thriving businesses become
5 defunct because of societal conditions. We've
6 all seen such situations. Picture Las Vegas if
7 gambling should become illegal in the United
8 States. If the project is built and fails,
9 what will happen here? Michael Moore's first
10 movie depicted what happened to a Michigan town
11 when General Motors left. People were without
12 jobs, had no income, lost their homes and so
13 forth. Did everyone leave town? No.

14 Likewise, what happened in our close
15 Catskill neighbor Sullivan County when the
16 hotel resort industry failed? People stayed
17 around without jobs, welfare and Medicaid costs
18 increased and crime rose.

19 Here are some statistics:

20 The population of Sullivan County
21 continued to rise after the hotel resorts
22 closed in the 1950s and '60s. People didn't
23 leave, they stayed, even though there were no
24 jobs to be had. Currently, the percentage of
25 people who were poor continues to be much

1 (Eve Smith)

2 greater in Sullivan County than in Ulster
3 County and other surrounding counties.

4 In the year 2000 in Sullivan County,
5 11,569 persons of a total population of 74,000,
6 or 15.6 percent, lived below the poverty line.
7 In Ulster County where the population of
8 177,700 people, only 19,338 persons, or 10.9
9 percent of the population lived below the
10 poverty line. In Sullivan County, there's more
11 unemployment than Ulster. 5 percent of the
12 working age population are unemployed, while in
13 Ulster, 4.1 percent of the working age
14 population are unemployed. Ulster's
15 unemployment rate is similar to the rates in
16 Dutchess County, 4.1 percent, and Orange
17 County, 4.3 percent.

18 There are social ramifications of this
19 poverty. Sullivan County will spend more per
20 capita for Medicaid, food stamps and other
21 forms of welfare than in Ulster County, and the
22 crime rate is higher.

23 The overall crime rate is as follows: And
24 I talk about crime rate not only because that's
25 kind of a result of poverty, but also because

1 (Eve Smith)

2 one of the things we enjoy here is a very, very
3 lack of crime and people feel very safe here.
4 Well, this is the overall crime rate. Ulster
5 County, 1,965 crimes per hundred thousand of
6 population. Sullivan County, 2,452 crimes per
7 hundred thousand in population.

8 Violent crimes. Ulster, 201.6 crimes per
9 hundred thousand of population. That's violent
10 crimes. Sullivan County, 3,49.5 crimes per
11 hundred thousand of population. And that's not
12 quite twice the rate, but that's pretty high.

13 Property crime. Ulster County, 1,763
14 crimes per hundred thousand of population.
15 Sullivan County, 2,102 crimes per 100,000
16 population.

17 Do we want to put ourselves at risk for
18 this kind of project? I think not.

19 And in light of this risk, the developer
20 should be required to post bond and provide
21 mitigation in case of failure. But he will not
22 be able to restore the mountain, the
23 environment or the welfare of the people who
24 live here. If the project fails, we will be
25 confronted with an increase of persons unable

1 (Eve Smith)

2 to support themselves. The crime rate, not
3 only the property crime, but violent crime will
4 increase. I do not want my community to be
5 destroyed this way. Thank you.

6 ALJ WISSLER: Robert Selkowitz.

7 MR. ROBERT SELKOWITZ: Hi, everybody.
8 Thank you. I live at 3024 Route 28, Shokan. I
9 have lived in six different communities in the
10 region over the last 29 years, and I'm an
11 artist. Actually, I've been keeping an open
12 mind on this because I believe in sustainable
13 development. I think that investing in the
14 community can be a good thing, but I also
15 believe in something, I think of in terms of
16 social justice.

17 I happen to drive through Pine Hill this
18 morning to go to a meeting of the Shandaken
19 Bicentennial Events Committee and I couldn't
20 help but notice the erosion of some of the
21 properties in Pine Hill. We've had vibrant
22 communities here which thrived on tourism a
23 hundred years ago. A lot of those buildings in
24 Pine Hill are a hundred years old. I'm
25 wondering, what provisions have been made in

1 (Robert Selkowitz)

2 the budget for this couple of hundred million
3 dollar project for direct investment in
4 enhancement and upgrading of the communities
5 that would be directly impacted by this
6 project? I'm thinking of Pine Hill and
7 Fleischmanns. And if the -- there is a sense
8 of altruism in this project. Where is the
9 reflection on, really, the economic needs or
10 economic potentials of the community of the
11 people that are already here? Just to build
12 something and provide construction jobs and
13 maintenance jobs, you know, that's one thing.
14 But what do the people here, where is the
15 potential for growth for employment and, you
16 know, gainful enterprise here and how is that
17 reflected in the planning for this project?

18 The other thing I'm concerned about is how
19 housing prices just continue to rise to the
20 point where those of us who got in are now
21 looking at appreciations in the values of our
22 properties and maybe increases in taxes, which
23 is great until you sell and then try to buy
24 something else, if you stay in the area. But
25 for people who are starting out or people that

1 (Robert Selkowitz)

2 haven't got a house to trade, the cost of
3 housing is very expensive. A one-bedroom
4 apartment is \$600 a month. And with the wages
5 the way they are, it's a problem all over this
6 country. So why couldn't there be a provision
7 in some visionary development plan that would
8 provide housing that people could actually
9 afford, that, you know, if they plan to have a
10 management of maintenance staff where people
11 would earn, what, 12,000, \$15,000 a year, what
12 could they afford on that and how come that
13 can't be part of the program?

14 I think I read in some of the discussions
15 in what I was reading that, yes, we would have
16 -- you know, jobs would be provided, but the
17 people that work here can't afford to live
18 anywhere nearby. There is not available
19 housing.

20 I was recently in Florida visiting family,
21 and it's one gated community after another,
22 just whole tracts stripped bare and then built
23 and planted. And there was even one tract that
24 was totally stripped bare that they were
25 advertising that was going to become a nature

1 (Robert Selkowitz)

2 preserve. And I had just visited the
3 Loxahatchee wilderness area that's a fringe of
4 the Everglades which is really a wilderness
5 preserve, but here they were setting aside one
6 block of land and they were going to turn that
7 into a nature preserve.

8 Here, we're living in a nature preserve.
9 We've got a landscape here that's already, in
10 many cases, been exploited and logged. We have
11 an industrial heritage here as well as a
12 tourism heritage, but the landscape is
13 recovering, the forests are second growth, but
14 they're recovering.

15 To insert a development of this extent
16 into an area that is a park, it's combined
17 public and private land, but it is a park. And
18 thereby, to remove from the common domain an
19 area of property of that extent and to use part
20 of it as a gated community as, you know, in
21 Florida, security is an issue, everybody wants
22 a gated community, but here within the park, in
23 the Catskills, to have a gated community, just
24 seems a moral affront to me.

25 You know, it's -- our communities aren't

1 (Robert Selkowitz)

2 really like that here. I mean, people have
3 private property and they post for no
4 trespassing, but the idea of setting aside a
5 private compound and putting a gate on it in a
6 public park area just seems to be unAmerican.

7 While we were expecting our first daughter
8 and I was living in Mt. Tremper, I was a lift
9 attendant at Belleayre Mountain, and this was
10 back in '77 and '78. I value the experience of
11 contact with people. It was like a contact
12 high of people having a good time. And one
13 other thing I wanted to comment on was the
14 atmosphere about Belleayre Mountain. I'm
15 talking about the ski area, the ski experience.
16 Being a state-run area, there is a less
17 commercial, high pressure atmosphere there.
18 And I'm concerned about the pressures on
19 Belleayre Mountain. Admittedly, the state is
20 investing money. They want to see that the
21 skier days increase, but there's still
22 something that is a precious feeling there, and
23 I'm concerned about the impact of this
24 development on the atmosphere at Belleayre as a
25 state area. This is a private enterprise that

1 (Robert Selkowitz)

2 is, in effect, drawn. But this publicly held,
3 publicly owned community resource that is
4 Belleayre Mountain, and it would just, it
5 wouldn't feel right to me to see Belleayre
6 shifted more towards, you know, a higher
7 pressure commercial enterprise because it was
8 surrounded by, you know, resort hotel and
9 condominium.

10 But on the other hand, I think Dean Gitter
11 has done some good things, and I think that the
12 Catskill Kaleidoscope project and the Catskill
13 Corners and the Emerson are, you know, a valued
14 part of, you know, what we have in terms of
15 development in the Catskills. They did a nice
16 job with that. But I've also noticed that the
17 staff at the Emerson that I had contact with
18 and at the other resort across the street, the
19 motel, were young Europeans, men and women
20 that, I hate to use the word imported because
21 you don't really import people, but that travel
22 here to take positions at the Emerson. And I
23 met people from Scotland and from Italy.

24 I know in Martha's Vineyard, I had
25 dealings with a gallery, and the owner of the

1 (Robert Selkowitz)

2 gallery brought over young women from England
3 to staff his shops and his gallery. There was
4 something about, you know, continental accent
5 that led a class atmosphere, they felt, to
6 this, and I'm concerned that plum positions
7 would go to people that would be brought in, as
8 opposed to first looking at local residents for
9 employment there. If local residents don't
10 have the sophistication they're looking for,
11 are there any plans for training or for, you
12 know, for making some kind of a life for people
13 here according to what their needs really are?
14 So that's my concern about it.

15 I can't comment on, you know, what it's
16 going to do to our water quality. We have
17 agencies, and there are a lot of people looking
18 at that. I'm concerned with the social costs
19 and the social benefits, you know, as well as
20 the impact on our natural environment.

21 So you have a big job ahead of you. You
22 have lots and lots of material to go through
23 and you have my commiseration on that. And
24 thanks very much.

25 ALJ WISSLER: Well, on that note, we're

1 (Mark McCarroll)

2 definitely going to take a break. It is now
3 9:45 and we'll take a break until ten o'clock.

4 If anybody wishes to speak who hasn't had
5 the opportunity to speak yet, please fill out a
6 speaker card so they'll be brought up to me.

7 At this point, I do not have any new
8 speaker cards, but I will take those people
9 first if there are folks who have spoken before
10 who wish to avail themselves of the opportunity
11 to speak, I'm going to let them do that.

12 The notice in this matter says that this
13 hearing will go to midnight and we're going to
14 go to midnight, even if it's a lonely time, but
15 I doubt that it will be.

16 (The proceeding recessed at 9:45 p.m.;
17 reconvened at 10:15 p.m.; appearances as before
18 noted.)

19 ALJ WISSLER: Barbara Redfield. Mark
20 McCarroll.

21 MR. MARK MC CARROLL: Hello friends,
22 neighbors, polarized neighbors also. My name
23 is Mark McCarroll. I'm a Shandaken resident.
24 I did speak at Margaretville, but there were
25 some points I didn't bring up. I would like to

1 (Mark McCarroll)

2 quote from a newsletters from Crossroads
3 Ventures in November 2000.

4 "It is no secret that some of our
5 neighbors have already formed negative opinions
6 based primarily on fear. Now, fear is a strong
7 emotion. Change for some is very uncomfortable
8 and even threatening. We don't want to
9 belittle the sense of concern that sincere,
10 well-meaning folk have about the possible
11 impacts of the Belleayre Resort."

12 "It has been the intention of those
13 involved with the design and approval process
14 relating to the evolving Belleayre Resort
15 project, to explain clearly how various
16 concerns are being addressed and how the goal
17 of creating a model project could become a
18 reality."

19 "...200 years ago, citizens of the United
20 States were given inalienable rights. One of
21 these basic rights relates to private property
22 and our ability to own and enjoy it."

23 "In this context, neighbors don't get to
24 vote on what another neighbor does with his or
25 her property. Thank goodness! Would you want

1 (Mark McCarroll)

2 your neighbor to dictate what kind of house you
3 could build; what kind of garden or lawn you
4 could have? Should your neighbors get to say
5 what color you paint your house, what kind of
6 car you drive, what you're allowed to listen
7 to, watch, eat or talk about in your own
8 home?"

9 "...most of us wouldn't want to live in a
10 place where a neighborhood popularity contest
11 would determine what we could or could not do
12 with our private property." He's only building
13 a house, I think. All we ask for is a fair
14 shake. All we ask is that our neighbors let
15 the process take its course.

16 Last year there was a little uproar in the
17 Town of Shandaken and it upset me seeing my
18 town on the verge or in the midst of
19 corruption, and I didn't know how to reach out
20 so I wrote a letter to the Attorney General.

21 "Dear sir: This correspondence is in
22 regard to a potential conflict of interest
23 concerning the DEC and local public officials,
24 Ward and Jane Todd, and their involvement in
25 the proposed development of the Belleayre

1 (Mark McCarroll)

2 Resort at Catskill Park, located in the Town of
3 Shandaken in Ulster County.

4 "The DEC is the lead agency for the
5 proposal which is under the State Environmental
6 Quality Review Act review process and has not
7 yet accepted the Draft Environmental Impact
8 Statement. The first submission was classified
9 erroneous and rejected. The DEC operates the
10 state-run Belleayre Ski Center which is
11 enclaved by the land under review, thus a
12 conflict.

13 "Ward Todd is chairman of the Ulster
14 County Legislature, vice president of the
15 Catskill Watershed Corporation, operations
16 manager of WKNY radio, and his wife Jane Todd
17 is a member of the Shandaken Town Board,
18 director of the SHARP Committee, plus a former
19 real estate agent for Belleayre Reality whose
20 office is adjacent to the proposed golf
21 resort. They own 11 acres of land that border
22 an entrance to the site. They are using their
23 public and political position to influence and
24 sway this controversial proposal in the heart
25 of the Catskill watershed which supplies 90

1 (Mark McCarroll)

2 percent of New York City's drinking water.

3 "On Thursday, December 10th, 2002, the
4 Ulster County Legislature passed a resolution
5 to support the development of the Belleayre
6 Resort. Friday, December 20th, the Crossroads
7 Ventures resubmitted its revised DEIS. This
8 resolution, I feel, was a deliberate conspiracy
9 and violated Shandaken's home rule. The DEIS
10 has not been accepted, nor a public comment
11 period scheduled.

12 "Crossroads Ventures has a long-term goal
13 to monopolize urbanize the central Catskills.
14 They publicly belittle and slander those who
15 oppose their promises of progress and
16 prosperity through their newsletters and in
17 local newspapers. They have infiltrated the
18 town government and pick candidates to run for
19 office and disrupt town meetings.

20 "I believe your office has a file on hand
21 regarding Crossroads Ventures, Dean Gitter, a
22 principle and the purchase of the Pine Hill
23 water company in the spring of 2000. This
24 mitigation involved the Catskill Heritage
25 Alliance and James Tierney of the Environmental

1 (Mark McCarroll)

2 Protection Bureau. This may be an appropriate
3 place to continue with an investigation.

4 "Also of special interest is a local
5 newspaper, the Ulster County Townsman, whose
6 editor plans to subdivide 25 acres adjacent to
7 the resort site. The Townsman's editorials,
8 articles and letters to the editor are
9 deliberate lies and exaggerated
10 misinformation. This has further agitated the
11 community and caused dissension.

12 "The Belleayre Resort proposal has
13 polarized the rural community of Shandaken
14 since the scoping session and it's escalating
15 into a civil war. I feel it's urgent for your
16 office to convene and protect our community
17 from further deterioration, decay and
18 corruption.

19 "Enclosed are some clippings."

20 The Belleayre Resort was actually born in
21 1988, I feel, by a snow engineer who was a
22 consultant hired by the DEC to expand the
23 Belleayre Resort. And in 1994, Route 28
24 Corridor Committee was formed with Dean Gitter
25 as the chairman. So I believe the DEC is the

1 (Mark McCarroll)

2 lead agency on their own idea or that of their
3 consultant, but I would like to remark a little
4 bit about Thomas Cole now, what he said in
5 1982.

6 "Yet I cannot but express my sorrow that
7 the beauty of such landscapes are quickly
8 passing away, the ravages of the axe are daily
9 increasing, the most noble scenes are made
10 desolate, and oftentimes with a wantonness and
11 barbarism scarcely credible in a civilized
12 nation. The wayside is becoming shadeless, and
13 another generation will behold spots, now rife
14 with beauty, desecrated by what is called
15 improvements, which as yet generally destroys
16 nature's beauty without substituting that of
17 art. This is a regret rather than a
18 complaint. Such is the road society has to
19 travel. It may lead to refinement in the end,
20 but the traveler who sees the place at rest
21 close at hand dislikes the road that has so
22 many unnecessary windings. Nature has spread
23 for us a rich and delightful banquet. Shall we
24 turn from it? We are still in Eden. The wall
25 that shuts us out of the garden is our own

1 (Mark McCarroll)

2 ignorance and folly. May we at times turn away
3 from the ordinary pursuits of life to the pure
4 enjoyment of rural nature which is in the soul
5 like a fountain of cool water to the wayworn
6 traveler."

7 Pardon me. It was 1835. Thomas Cole is
8 the Father of Conservation in the United
9 States. Thank you.

10 ALJ WISSLER: Dave Channon.

11 MR. DAVE CHANNON: Stop me if you heard
12 this one. I'm just going to make a couple of
13 comments.

14 I've been following this, videotaping town
15 board meetings and hearings for over four
16 years, and I think that if I had been free to
17 do wedding videos and videotape all kinds of
18 other wonderful events for hire, I think I
19 would have substantially raised the economic
20 level of Shandaken. But I've been doing it 99
21 percent voluntarily because it's a civic
22 obligation. I'm just going to fill in a couple
23 of points I heard Dean Gitter say on the WNYC
24 radio.

25 Recently he said, You can dump eight tons

1 (Dave Channon)

2 of cyanide into the reservoir and it would not
3 harm the drinking water.

4 That's why they don't let him out that
5 often, because he's not thinking clearly. We
6 don't want someone who thinks with such a
7 befuddled approach to reality to make these
8 incredibly important decisions for our lives.

9 Some of his representatives came down at
10 the last hearing during the blizzard and there
11 was a presentation at the Town Board in
12 Shandaken, and some representatives of
13 Crossroads came down from Albany and other
14 locations to talk to the Town Board, the Zoning
15 Board and the Planning Board, or the Zoning
16 Board of Appeals, I think it was, but they made
17 a presentation. And a couple of things they
18 said I thought were extremely important, have
19 to be repeated for the record.

20 In regards to how would our area absorb or
21 cope with the 5 or 600 low-paying jobs that
22 this resort would provide, how would they find
23 housing, how would they support themselves, how
24 would their -- how would the schools cope with
25 their children, all of these things. They

1 (Dave Channon)

2 said, well, let's start from the beginning.

3 First of all, everyone is going to quit
4 their current job and go to work for the resort
5 and they'll continue living in their current
6 residences. This is what the representatives
7 told our Town Board, triple town boards. Now,
8 of course you're dealing with a man who is
9 probably, safe to say, one of the most disliked
10 people in this whole region. He's also got
11 friends, but I can't imagine that everyone is
12 going to want to quit their current jobs and
13 work for him. I know that most people that I
14 talk to would rather walk over broken glass
15 than work for Dean Gitter. So that was
16 unrealistic, besides being silly and an
17 opinion, and it's definitely not substantiated
18 by any kind of study or survey or factual
19 basis.

20 They said for the same reason that
21 everyone is going to continue living in their
22 same house, they're not going to need housing.
23 And in any case, in 2000, there were 79 rentals
24 available in Shandaken. And when asked, well,
25 what would be the cost of renting those

1 (Dave Channon)

2 places? Well, the whole spectrum, from very
3 low to very high.

4 So since everyone is going to keep living
5 in the same place they're living, there aren't
6 going to be any additional kids in the school,
7 except maybe not more than 12 or 15. This is
8 what the representative said. They had
9 wonderful suits. They were dressed very well.

10 And what about the emergency services,
11 fire engines, fire department, the ambulance,
12 the emergency? Well, we'll get people at the
13 resort to take lessons in CPR and we'll just
14 get more volunteers. That's how we'll handle
15 it. And anyway -- I'm not making this up.
16 Anyway, old people, golfers, they just don't
17 have injuries like skiers have. Skiers break
18 their legs, they crush their heads into trees
19 and die. Golfers, these are old people, they
20 don't get injured. I guess that's if you don't
21 consider like heart attack or stroke a kind of
22 an injury that old people might be susceptible
23 to.

24 The whole presentation was boldly arrogant
25 and opinionated. And Gary Gailles even said,

1 (Dave Channon)

2 no, the Belleayre Resort will not provide any
3 on-site housing, like the Emerson provides for
4 their workers, the on-site housing they provide
5 for their workers. The Belleayre Resort will
6 have no on-site housing and we'll just have to
7 let the market take care of itself.

8 Now, these are the kind of people we're
9 dealing with. And I can see the people we're
10 dealing with here, like you guys are
11 incredible, you're still here, it's the middle
12 of the night. But that's not what I came here
13 to say. I only want to say one more thing, and
14 I know it's late.

15 I think that the DEC must revisit the
16 issue of segmentation on the sale of the Pine
17 Hill Water to Dean Gitter, which was
18 absolutely, without question, associated with
19 his plans to develop this resort and was not
20 considered and was even found -- the DEC made a
21 negative finding of segmentation when the issue
22 was raised. The Belleayre Ski Center is in the
23 midst of a huge expansion and everyone knows
24 the traffic problems associated with the
25 resort, and to not include the expansion of the

1 (Dave Channon)

2 Belleayre Resort with the development of the
3 Belleayre Ski Center is another example,
4 absolutely, without question, of segmentation.
5 And these two issues have to be revisited.
6 Thank you.

7 ALJ WISSLER: Anybody wishing to speak who
8 is present in the room?

9 MR. STAN BOGUSKI: My name is Stan
10 Boguski. I live in Arkville, and I am against
11 the proposed Belleayre Resort project.
12 Although not an expert, my past hands-on
13 experience working with fertilizers and
14 pesticides enabled me to envision the enormous
15 amount of chemicals slated for use at the
16 Belleayre development.

17 More than 45 years ago, I began spraying
18 pesticides on our native shade trees, flowering
19 trees, shrubs and other forms of vegetation.
20 If the leaves on the trees showed signs of
21 curling, having holes, appeared dwarf in size
22 or lacked the healthy chlorophyll look,
23 oftentimes more pesticides were applied on the
24 target than what was normally used. When
25 grasses at plush golf resorts begin to show

1 (Stan Boguski)

2 signs of stress, chances are more than needed
3 amounts of chemicals are also used at different
4 times, in different situations.

5 18 years later, in 1977 under the new
6 mandated Pesticide Applicator Safety Program
7 was when I earned my certification from the New
8 York State Commission of Environmental
9 Conservation. As fate would have it,
10 pesticides and I soon parted company. Reading
11 in between the lines of the Cornell University
12 Pesticide Training Manual, I realized
13 continuing to use and absorb pesticides through
14 the open pores of my exposed skin, one day
15 could become an occupational fatality.

16 Having just reached my 75th birthday, I'm
17 more than happy to be here with you today.
18 Even though the growing season on the mountain
19 is short, huge stores of chemicals will be
20 needed to produce picture postcards of
21 Crossroads' two championship, state-of-the-art
22 golf courses in order to attract upscale
23 golfers and their timesharing clientele.

24 Yet, the Crossroads' DEIS claims, quote,
25 The design and location of the two proposed

1 (Stan Boguski)

2 golf courses allow for reduced levels of
3 pesticides and fertilizers used when compared
4 with other golf courses, unquote. I believe
5 Crossroads let the cat out of the bag on this
6 one, conceding using their fertilizers and
7 pesticides on their planned golf courses will
8 indeed have a negative impact on the
9 environment.

10 Realistically speaking, allowing reduced
11 amounts of fertilizer and pesticides on the
12 regular, if not daily, basis along a mountain
13 ridge that extends from Big Indian to
14 Highmount, will add up to nothing less than a
15 whopping amount of harmful chemicals.

16 Furthermore, I do not believe the use of
17 fertilizers and pesticides were contributing
18 concerns Mr. Davis Love, III had to contend
19 with when designing Crossroads' two golf
20 courses back in the year 2000.

21 To date, much has been said about golf
22 links, pesticides and fertilizers, but generous
23 amounts of chemicals will also surround the
24 ball roots of hundreds upon hundreds of newly
25 planted shrubs seen on the rooftops of the

1 (Stan Boguski)

2 camouflage hotel, including the foundation
3 planning displayed on the massive resort
4 grounds, particularly if they were to resemble
5 the manicured grounds found at Catskill
6 Corners.

7 Then, too, the 500 or more replacement
8 trees will receive the special blend of tree
9 fertilizer with ample supplies of pesticides
10 nearby, like all 36 greens, golf greens. The
11 landscape design of eye-appealing plants and
12 shrubs will receive the same tender loving
13 ground maintenance care.

14 Animals of the forest will consume
15 contaminated golf course grasses, shrubs and
16 foundation plantings, while birds feed on
17 already seasoned insects and butterflies will
18 flutter their wings to the odd tasting nectars
19 along the fairways. Birds and other creatures
20 will drink the polluted runoff waters in the
21 man-made water holes strategically located
22 along both golf resources, collected for both
23 the golf courses.

24 Untimely torrential downpours will cause
25 polluted runoff water to reach our reservoir

1 (Stan Boguski)

2 water. Sad to say, our pure, clear trout
3 waters will become a thing of the past. It was
4 Rachel Carson in her best selling book "Silent
5 Spring" who said, quote, It is not possible to
6 add pesticides to water anywhere without
7 threatening the purity of water everywhere,
8 unquote.

9 How the State environmental agency will
10 monitor the application of fertilizers and
11 pesticides at the resort eight years down the
12 road remains to be seen. As a former long-time
13 labor leader in Region 3's New York State's
14 largest public employee's union, I earnestly
15 believe today's experiences of contracting out
16 of essential public services will, over time,
17 prove to be a costly mistake. The health and
18 safety of our people and environment in my
19 opinion belong in the hands of dedicated public
20 employees, not in the hands of the for-profit
21 corporate CEOs in the private sector.

22 In closing, it is the total amount of
23 harmful chemicals applied upon the entire
24 length of the proposed project site that must
25 be weighed before determining the fate of

1 (Stan Boguski)

2 Crossroads Ventures Resort proposal and that of
3 our environment. Thank you.

4 ALJ WISSLER: Richard Schaedle. After Mr.
5 Schaedle, we'll hear from Anne-Marie
6 Johansson.

7 MR. RICHARD SCHAEDELE: I'm here to speak
8 about the completeness and accuracy of the
9 DEIS. I guess the DEC has ruled it complete,
10 but I hope they haven't ruled it accurate. And
11 I also thank Mr. Ruzow for being here. It's
12 nice to have at least one representative of the
13 contractor here.

14 Just to point out a few errors in the
15 DEIS, and these are somewhat minor, or at least
16 the first one is. But in the Executive Summary,
17 Section L, Community Services, it states,
18 Margaretville Hospital has 211 beds, 211 beds.
19 I'm a member of the hospital board. The
20 hospital has 15 beds. You get an error like
21 this of 14 times in a document that's deemed
22 complete. Who knows.

23 Of course, my main concern in Mr. Ciesluk,
24 the DEC, the PSC, many authorities in the state
25 know that my main concern has been the water,

1 (Richard Schaedle)

2 the water in Pine Hill, the potable water
3 that's going to be supplied to the project.
4 Again, there are discrepancies within the DEIS
5 stated in the Executive Summary that lists
6 Rosenthal Well number two the primary source
7 for the project, for potable water for the
8 project, as having a capacity of 118,080
9 gallons per day. However, in Appendix 7
10 Section 5.1, it states the long-term
11 sustainable flow is 64 gallons per minute. 64
12 gallons per minute translates into 92,160
13 gallons per day. This is the same document.
14 This is the same people putting it together.
15 Delaware Engineering, Alpha
16 Geoscience, whatever it is. Why do they have
17 different numbers in the same report?

18 Again, in the report they state that these
19 supply figures were taken, or at least part of
20 the supply figures were taken during the prior
21 period. However, Paul Rubin, who is a
22 hydrologist that has been retained by the Pine
23 Hill Water Coalition, has provided data that
24 shows precipitation for the region for the nine
25 months ending September 2001 was 28.45 inches,

1 (Richard Schaedle)

2 versus a median precipitation of 28.87 inches
3 over time. This hardly constitutes a draught.
4 Dry period, yes. Draught, no.

5 Mr. Rubin also notes the following points
6 while continuing on the change in the 1970
7 water supply application number 5998. This was
8 the water supply application that was changed
9 for Pine Hill that removed one-third of our
10 sources of water for Pine Hill.

11 He states, One, it is highly unusual to
12 remove a significant portion of any town's
13 water supply. Crystal Spring, Silo A, was one
14 of the sources for Pine Hill and had been used
15 for over 60 years, six decades. He also
16 states, too, that Pine Hill should retain the
17 potential to revitalize its infrastructure to
18 previous maximum water usage.

19 In the 1930s, I have a copy of a DOH
20 report that states the summertime population of
21 Pine Hill, that dilapidated town that people
22 are referring to, had 3,000 people, a summer
23 residency of 3,000 people. This is what we
24 should be -- going to be able to supply water
25 to.

1 (Richard Schaedle)

2 Again, in 1990s when the new sewer plant
3 was built for Pine Hill, that beautiful complex
4 that you see going up on the left side of 28 as
5 you go into Pine Hill that some people compare
6 as Disneyland, others think it's a shopping
7 mall, but it's a sewer plant. It's nothing
8 more than that, it's nothing less than that.
9 But Ulster County Health Department mandated
10 that that sewer plant be built to a capacity to
11 handle the sewage for 3,000 people. I have
12 that verbally from Dean Palen, head of Ulster
13 County Health. And there are already plans in
14 the works for Pine Hill which weren't there in
15 2000 when this water company was loosely sold
16 to Dean Gitter, or even in 2002 when the -- or
17 2003 when the water supply permit was changed.

18 There is now a proposal for up to 28-unit
19 housing development within the existing water
20 district, and also rumors that there may be a
21 hundred-room hotel built within the water
22 district. These new facilities could create
23 demand for up to 24,000 gallons per day.

24 So these are things that we in Pine Hill
25 have been fighting ever since 2000 to get to

1 (Richard Schaedle)

2 retain our sources of water. We've met a deaf
3 ear throughout state agencies.

4 Other questionable data that could be
5 found throughout the DEIS. Table 15, Appendix
6 7, Exhibit D, it shows the flow of various
7 springs. These flows are used in justifying
8 the removal of Silo A, Crystal Spring from our
9 water supply. Depot Spring for August 2001
10 flow is listed at 28 gallons per minute.
11 Subtracting -- in footnote 3 and 4, they state,
12 This flow is calculated by taking the flow in a
13 ditch along the road below the Depot Spring and
14 subtracting the flow above Depot Spring and
15 adding the flow from Silo B.

16 Now, if you're up there and you look at
17 the ditch and you look at the flows, you know
18 the flow from Silo B has to be subtracted,
19 because otherwise it's being counted twice. So
20 instead of getting a flow of 28 gallons per
21 minute from this Depot Road Spring, the flow
22 from Silo B was 27 and a half gallons, so you
23 actually have a flow of a half gallon per
24 minute. This is listed as a viable source of
25 backup water for Pine Hill, a half gallon per

1 (Richard Schaedle)

2 minute. That's roughly 700 gallons per day.
3 These are things that were wrong in the tables,
4 wrong in the study and have never been
5 adequately addressed by the PSC, the DEC or the
6 courts. And it's any wonder that people in
7 Pine Hill don't want this project.

8 Finally, the water in Rosenthal wells 1
9 and 2 should be die tested to see whether this
10 water flows into the Esopus Creek at a lower
11 elevation. As you know, water flows downhill.
12 Well, the lower elevation of Pine Hill is, I
13 don't have it exactly, but I would say in the
14 neighborhood of 1,400 feet. When you get down
15 to Phoenicia, the elevation is around 900
16 feet. Who is to say that this groundwater,
17 well water -- the wells are approximately 200
18 feet deep. Who is to say that this well water
19 or subsurface water doesn't surface somewhere
20 down the stream in the Esopus? If this is
21 being pumped out of that groundwater, shipped
22 up to the mountain, and we're talking about
23 potable water of an average of 91,000 gallons
24 per day, but a potential maximum use of 158,000
25 gallons per day, and these are statistics from

1 (Richard Schaedle)

2 this flawed report, so maybe they're flawed,
3 too. But you also have in addition, irrigation
4 water which is going to be taken from Rosenthal
5 well number 1. So the total taking could be up
6 to 200,000 gallons per day on a consistent
7 basis, especially during dry periods. It
8 should be determined whether this water is
9 going to affect the flow of the Esopus later
10 on.

11 For all these reasons and many more that
12 could be cited if you continue to read the
13 DEIS, and I wish all our union members would
14 read the DEIS before they come out here and
15 voice their opinions -- false and incomplete.
16 For all these reasons, I feel the DEIS is
17 false, incomplete and that the secure source of
18 potable water for the Big Indian Plateau has
19 not been identified.

20 ALJ WISSLER: Anne-Marie Johansson, and
21 then we'll hear from Mary Herrmann.

22 MS. ANNE-MARIE JOHANSSON: I would like to
23 thank you to start for the opportunity to speak
24 again. I did speak at the beginning of this
25 public comment process up at the first meeting

1 (Anne-Marie Johansson)

2 in Margaretville. It was a great experience
3 for me and I was again speaking to people who
4 were not from this area, though concerned with
5 the same project. And in the meantime, I have
6 spoken to the local school board here, the
7 Onteora School Board. I've spoken at Town
8 Board meetings, and I've spoken at Planning
9 Board meetings. I am a Planning Board member,
10 and in that capacity, I did bring my concerns
11 to those different boards.

12 The School Board in particular was very
13 much caught up short by my notice to them that
14 they had been mentioned in the DEIS, just to
15 continue this note about the document being
16 inaccurate possibly at best, and disingenuous
17 at worse, that the Onteora School District had
18 been contacted by the developer and that they
19 had been notified about the process. And
20 judging by the looks on the faces of all the
21 School Board members and their counsel, I can
22 tell you that they were contacted, in their
23 words, to -- for the use of this auditorium and
24 for some taxpayer information. But beyond
25 that, they were not contacted about the effects

1 (Anne-Marie Johansson)

2 of this project on the School District at all.

3 So that's just gives one example of my
4 personal outreach about this project to some of
5 the concerned parties in this project, and that
6 this is really taking some very interested
7 groups and effective groups totally by
8 surprise.

9 So I would like to repeat some of the
10 things that I said up in Margaretville, because
11 as I said, most of the people up there were not
12 from this area. This is the part of the
13 project and the township that I think will be,
14 apart from Pine Hill itself, most affected by
15 this project.

16 I am a life-long resident of this area. I
17 grew up in Phoenicia, so I have seen this
18 community and the surrounding communities
19 through good times and bad. They've all seemed
20 pretty fine to me, and I have seen other small
21 communities very similar to this mountain
22 community very adversely affected by this same
23 type of development, a developer coming into a
24 very small town in Colorado, Telluride, asking
25 to build just a few condominiums to serve some

1 (Anne-Marie Johansson)

2 Snowcat skiing, was just going to be a small
3 number of condominiums, provide needed jobs in
4 the community, really was going to be quite
5 small.

6 Well, I can tell you now that 30 years
7 later, they have golf courses, they have built
8 an airport to serve the very high-priced
9 customers that they bring in there because it's
10 too inconvenient for these people to drive into
11 the resort. They now have to fly their private
12 jets in because it's too inconvenient. They
13 don't have time to drive to the area. People
14 commute to work there over a hundred miles one
15 way, and now through land use reforms that were
16 instituted in, I think the late '80s and are
17 totally in a totally panic-ridden community
18 that had virtually no housing for any of the
19 people who had to work in the community, now
20 any developer who comes in there wants to build
21 anything, they absolutely must provide 15
22 percent minimum of affordable housing in any
23 project or that project will not even be
24 considered. They can't even present it. So
25 there's some major, major flaws in the

1 (Anne-Marie Johansson)

2 presentation of this project.

3 It reminds me of a story about the
4 emperor's new clothes, and people in our local
5 community should be very concerned with the
6 kind of promises they are seeing. I spoke in
7 Margaretville after the gentleman, I forget
8 what town he was representing. He was one of
9 the town supervisors from the Coalition of
10 Watershed Towns, stood up and said that the
11 Coalition had unanimously approved the
12 project. They had never even looked at the
13 DEIS. They had approved it unanimously based
14 on the developer's promise of economic benefit
15 to their towns. And I strongly caution
16 everyone to speak to their town supervisors and
17 find out if they were a member of this
18 unanimous vote. But I think it's very risky
19 for union members, town supervisors, people
20 with gas stations or otherwise businesses in
21 the area who think or have been told that they
22 were going to benefit from a project of this
23 scope, that they should really talk to somebody
24 besides the emperor and find out what really
25 lies in store for these communities. Because

1 (Anne-Marie Johansson)

2 it is not, it is not what they're being told.

3 I just would like to say that the massive
4 scope of this project, both during construction
5 and operation, poses an unreasonable and
6 significant threat to our quality of life in
7 the existing communities around the
8 development. It poses a significant threat to
9 the clean water standards of the New York City
10 Watershed and our communities. It's our
11 watershed too. It poses a significant and
12 unreasonable threat to the environmental
13 standards of the New York Forest Preserve and
14 the Catskill Park, which belongs to all of us
15 and which we are dependent on you to protect,
16 and it promises the induced rapid growth of a
17 large scale, multi-town resort which will have
18 a destabilizing effect on the existing towns.
19 Destabilizing, not stabilizing.

20 I think we have already seen the
21 beginnings of the destabilizing of our towns
22 just, just in the review process of the project
23 of this scope. A project of this size will
24 result in substantially increased traffic and
25 related air quality on Route 28, which is a

1 (Anne-Marie Johansson)

2 major concern to the Town of Olive. And I just
3 would like to point out again that in spite of
4 -- and I have the letters and I have the
5 meeting minutes from Town Board meetings in the
6 Town of Olive from 1999 and 2002 when this
7 project was first brought forward, and the
8 initial Draft EIS was brought forward, that our
9 Town Board went on record and wrote letters,
10 both to Mr. Ciesluk and to the Shandaken Town
11 Board, expressing their major concern, and the
12 Town of Olive wished to be part of the whole
13 process. And I would like to point out to you
14 that in this DEIS, the Town of Olive is not
15 listed as an affected township, and we are the
16 immediate adjacent town. So I think that's a
17 major flaw in this DEIS.

18 The increased service demands on that
19 Route 28 corridor will be phenominal. And you
20 heard, I was at the meeting a couple weeks ago
21 and heard this ridiculous excuse for a solution
22 for emergency services personnel being these
23 part-time or whatever employees they think
24 they're going to take away from their position
25 at the end of their shift, during their shift,

1 (Anne-Marie Johansson)

2 whenever an emergency call comes in and they're
3 going to have trained people on site who can
4 just walk away from their job at the resort to
5 fill an emergency position in the town that's
6 been hit with the increased demand on these
7 emergency services. That was absolutely
8 outrageous to hear how unprepared those people
9 were to answer the questions of very concerned
10 Town Board and Planning Board.

11 I, personally, being a Planning Board
12 member, was shocked at the level of -- the
13 quality of answers, evasiveness that these
14 people have. They couldn't find the
15 information, making a big show of flipping
16 through papers, and we'll have to get that for
17 you later. It was really an outrage for
18 something that was being touted as an
19 information exchange session. It was nothing
20 more than like a pony show with them showing
21 how big the document was and giving some very,
22 very vague answers, at best, vague to the
23 questions.

24 Again, as I mentioned before, the loss of
25 our traditional clientele here in these towns

1 (Anne-Marie Johansson)

2 who will be crowded out by the additional
3 construction traffic and then resort traffic
4 and all of the traffic that will be supplying
5 this huge resort, a tremendous amount of
6 supplies that will have to travel up to Route
7 28 corridor to supply something of this size,
8 and the unthinkable amounts of trash and refuse
9 that have to come back down the Route 28
10 corridor and get transported out of there, and
11 what little access to this document I have had
12 through some people who have been working very
13 hard, I did not see any clear answers about the
14 impact of that on the communities that have to
15 watch this stuff go back and forth.

16 In Olive, again, we're very concerned
17 about the roadside sprawl and the development
18 pressure that a resort of this scope would have
19 on the towns in the Route 28 corridor. I've
20 just come back from a two-day conference in New
21 York City for the New York Coalition of Towns
22 where one of the main themes of this conference
23 was preserving open space and controlling and
24 avoiding, with good planning and total planning
25 of communities through comprehensive planning

1 (Anne-Marie Johansson)

2 and long-term planning, to avoid sprawl. Not
3 to try to cope with it after it's already
4 happened, but to have the kind of planning that
5 prevents it in the first place. And this is a
6 major initiative that has come down from the
7 governor's office. I know it sounds like
8 another side of a different coin, but I can
9 tell you that there's money available for towns
10 to do this kind of long-range planning, and
11 they're really encouraging all planners to
12 encourage their towns to look at the impact
13 that -- and they're talking about bridging
14 municipalities and understanding what the
15 adjacent towns are doing and how it's going to
16 affect you, and this is a very important way
17 for towns to understand the impact of what's
18 happening in their town and adjacent towns, how
19 it's going to impact the region overall. The
20 Catskill Region of the Route 28 corridor is a
21 prime example of this.

22 I have to say, I feel we're being targeted
23 with a development of this size because we do
24 not have adequate plans and controls in place
25 and that developers of this type specifically

1 (Anne-Marie Johansson)

2 look for opportunities like this where they can
3 come in and make their moves before people can
4 mobilize and before the laws or guidances on
5 the books to control that type of development.
6 So I think we have to be -- continue our good
7 efforts here, that we've seen so much support
8 from the community, come out and so many people
9 very articulately explaining what their vision
10 is for the towns and what it is not, and I
11 would like to see scoping sessions continue in
12 Shandaken and in Olive to continue to define
13 what our vision is for our towns, and not have
14 someone roll in here and define it for us. I
15 think that's very important, not just as a
16 reflection to someone who has come in with
17 their idea of what's perfect for them.

18 Because let's face it, this is just a
19 money-making scheme for the developer. This
20 has nothing to do with what they think is best
21 for the people of the town. This is what's
22 best for their bottom line.

23 And in closing, I would just like to say
24 that I strongly recommend that this project
25 should not be approved. The DEIS is incomplete

1 (Anne-Marie Johansson)

2 in its statement of impact on the entire
3 Central Catskills region and on the watershed
4 for millions of people. And until this
5 developer can produce a responsible plan that
6 will address the secondary and cumulative
7 effects of low-wage jobs, lack of affordable
8 housing for underpaid and seasonal workers,
9 lack of public transportation for workers and
10 visitors, we, the residents, and you, the DEC,
11 cannot consider this DEIS complete. Thank
12 you.

13 ALJ WISSLER: We're going to hear from
14 Mary Herrmann now.

15 Is there anybody here who has given me a
16 card but I have not called on them?

17 MS. MARY HERRMANN: Hi. I'm Mary Herrmann
18 and I live in Pine Hill. And the other night,
19 I saw a rerun of "Saturday Night Live." And in
20 it, Paul Simon, the singer, was trapped in an
21 elevator and it was only playing his music
22 elevator style. And when he tried to get off
23 the elevator, he, the attendant, wouldn't let
24 him off. And he told him, Well, you've died
25 and welcome to hell.

1 (Mary Herrmann)

2 And I bring that up because I feel like
3 the past four years, we have been trapped in
4 Dean Gitter's commercial and all we've listened
5 to for the past four years is how good that
6 this resort is going to be for us and how we
7 should let the process continue and wait for
8 the DEIS to be complete and don't worry, it's
9 all going to be there. And now we're at that
10 completeness stage and it's this ridiculous
11 document with no plot and no ending and you try
12 and find out answers and you can't find them or
13 they contradict with what they said on the
14 other page.

15 And I think one of the reasons that it's
16 being deemed complete is because, you know, the
17 community was really caught off guard in the
18 scoping session and we were asked to come to
19 this session and vocalize our concerns, and we
20 didn't know what we were getting ourselves
21 into. So a lot of people went through and they
22 spoke from the heart and they said things and
23 they clearly were scared and they didn't want
24 this development, but then they didn't realize
25 that, you know, what they were really supposed

1 (Mary Herrmann)

2 to do was really bring up concrete concerns
3 that the developer had to answer.

4 And so then you get the scoping document,
5 it's deemed complete and he's got to answer all
6 these things and he answers them. And like
7 some people said, they don't have to be right
8 answers, they just have to be answered. And a
9 lot of these answers, he just discounts it
10 because he doesn't -- you know, he says, Well,
11 the people I hire, they're not going to have
12 children, they're not going to be of
13 childbearing age, which means he's going to
14 hire children and senior citizens, because who
15 else is not of childbearing age? Then he says,
16 Well, you're not going to need anymore
17 ambulance workers or policemen because, you
18 know, crime is not going to go up. It's just
19 ridiculous. You try and find these answers.

20 So I was at the meeting that Dave was at
21 during the snowstorm in which the supervisor of
22 the Town of Shandaken didn't have the good
23 sense to cancel, and I thought I was crazy for
24 being there. And then when I heard some of
25 these answers that these consultants had to the

1 (Mary Herrmann)

2 questions, I knew I was really crazy for being
3 there. By far the silliest was the one about
4 the emergency workers, and I could not believe
5 that the project employee, I think he's the
6 project manager, Gary Gailles, said, in all
7 seriousness, we're going to give these -- we're
8 going to give our employees incentives to
9 volunteer for your police and your fire. Well,
10 what kind of incentives? Well, I don't know
11 but we're just going to give it to them and
12 they're going to want to volunteer for your
13 police department and your fire department or
14 whatever and your ambulance department.

15 And I'm thinking to myself, yes, I drive
16 to my job in West Hurley -- in Hurley and when
17 I'm done with my shift, what I really want to
18 do is hang out another eight hours and
19 volunteer for their fire department or their
20 ambulance. Or, I'm sure my boss really wants
21 to have me in the middle of the project and
22 have to leave because I got a call. It was
23 ridiculous, it was silly and they have to
24 answer this question, what is going to happen
25 to our police, our fire department and our

1 (Mary Herrmann)

2 ambulances.

3 Shandaken notoriously cannot fill their
4 ambulance positions. They are always in need
5 of good workers. So I went up to the
6 consultant afterwards, because the public
7 wasn't allowed to ask questions, and I asked
8 this man if he would show me where in the DEIS
9 it has the effect on the taxes, on the tax base
10 during the eight-year construction period. And
11 he said, Well, we don't show the increase in
12 taxes for the eight years because we're not
13 responsible for it as property values go up.
14 Because we're still in the building stage. We
15 won't be paying any taxes. And I said, Okay.
16 Well, can you show me where the influx of all
17 those construction workers that will be coming
18 to our community, where that's going to impact
19 our ambulance and our fire departments and our
20 police departments? And he said, That's not in
21 there either. And I said, So what you're
22 telling me is, you're going to bring in all
23 these construction workers and they're not
24 going to need any services? And he said, Well,
25 no, that's not what I'm saying. And I said,

1 (Mary Herrmann)

2 But why don't you show it? And he said, Well,
3 I don't know.

4 You know, I have four kids and they're not
5 allowed to say to me "I don't know." And I
6 can't believe that a person who is coming into
7 our community would allow his consultants to
8 stand up there and say "I don't know." I just
9 can't believe that this is an acceptable
10 answer.

11 So all of these vague answers that are in
12 this DEIS should not be accepted. They should
13 be answered.

14 How many kids -- there need to be studies
15 done. How many kids are coming into our
16 schools? This man, they don't want to describe
17 all the jobs, what kind of jobs there are.
18 They're telling us, they can flush a toilet on
19 the top of the mountain and by the time the
20 water gets to the bottom, you can put a glass
21 under it and drink it, but they can't tell us
22 how many busboys they're going to need.
23 They're going to tell us all this technical
24 stuff, that they're going to be so
25 environmentally responsible, but they can't

1 (Mary Herrmann)

2 tell us how many ambulance workers you need to
3 service a community of X size. You're going to
4 double the population of the town.

5 You tell us about all these great places
6 like the Broadmoor and Green Briar and
7 everything. If you're going to make our town
8 like that, then why don't you go to that town
9 and find out how many ambulance workers they
10 need or how many firemen they need? These are
11 not things that are impossible to find out.

12 So someone talked about the surveys that
13 were done, and I went and I looked at the
14 surveys that were done, and there is one on the
15 local businesses, and I looked at all the
16 businesses who were interviewed and they had
17 several that were like, you know, Joe's
18 Construction. There was no identifiers of who
19 these businesses were. There were several that
20 were well-known businesses and you know that
21 they were adequate to be included, but then you
22 had the Catamount Cafe, the Emerson Hotel, the
23 Spotted Dog Restaurant, the Lodge at Catskill
24 Corners and a couple of others that were
25 included in this survey, and they're all owned

1 (Mary Herrmann)

2 and operated by the developer. So that survey
3 is -- and I was told by Alex Ciesluk that that
4 wasn't allowed to be included, and it is. That
5 survey should be out the window.

6 And then they had the survey where the
7 postcards that they sent out with their slick
8 advertising campaign, and you were supposed to
9 fill out the postcard and say, you know, it had
10 another one of those unanswerable statements
11 that said, you know, I support an
12 environmentally responsible project. So how
13 could you say yes or no to that statement? And
14 you filled out your name and address and if you
15 wanted more information.

16 So they printed -- they sent out thousands
17 upon thousands of these postcards and they
18 printed three of them and they were all in
19 favor of it. And then they just said something
20 like, Well, we got 27 that were negative and
21 300 that were positive and two that were
22 life-threatening. And it was like, how can you
23 just make a statement like that and you're
24 going to look at it and say, oh, this community
25 thinks it's a good idea? That's a trash

1 (Mary Herrmann)

2 survey. That doesn't tell you anything.

3 So I think that that part of the DEIS,
4 those surveys should all be redone by an
5 objective third party.

6 Another thing that concerns me, and I've
7 said this before, is the traffic. I live in
8 Pine Hill and I have four children, and so far
9 I've taught three of them to drive. And the
10 rule is, you don't go driving on the weekend.
11 I don't care what time of the year it is.

12 There is so much traffic on Route 28 and it is
13 so unsafe, that I just can't do that with my
14 child in the car. I just can't let them drive
15 until they have more experience. And again,
16 there's 300 cars extra an hour, whatever it
17 is. That's not going to make any difference.

18 The other morning when I was driving to
19 work and I was thinking about how this is going
20 to impact our community, and I was getting up
21 right by Phoenicia and I saw a coyote on the
22 side of the road, and I couldn't believe it
23 because it was like 8:30 in the morning and I
24 said, Wow, you know, is that a coyote? And I
25 turned around and went back and I'm looking at

1 (Mary Herrmann)

2 it. And I went to these presentations at the
3 Pine Hill Community Center and I learned how to
4 tell the difference between a wolf and a coyote
5 and a dog, and it was a coyote. And he was
6 standing there on the side of the road and he
7 was just gorgeous, but he was worried and he
8 was concerned and he was looking across to the
9 other side of the road. And there was his
10 mate, and his mate was over there running
11 around in circles wondering where he is, and he
12 couldn't get across the road. So these two
13 animals were separated.

14 And I was thinking, you know what, this is
15 part of our community. We live up here in the
16 Catskill Park and these animals are part of our
17 community. We live in harmony with them. A
18 lot of people, like in Los Angeles, they don't
19 like coyotes. They think they should all be
20 killed because they're coming into their yards
21 because they've encroached upon their habitat.
22 If we continue to do that, we're going to have
23 those same kinds of problems here.

24 But you read it in the DEIS and it says,
25 No, we're not, no wildlife is going to be

1 (Mary Herrmann)

2 bothered. And all I could think about was
3 those two coyotes, and that female coyote, I'm
4 assuming was on the other side of the road
5 running around in a circle, you know, she
6 probably just got pregnant and she's on one
7 side of the highway and he's on the other side.
8 And all I was thinking about was this increase
9 in traffic and what is this going to do to
10 these animals who are trying to survive and
11 they're going to have all this traffic. And it
12 has to be really seriously looked at, and it's
13 not in this DEIS.

14 So maybe as it's answered by the scoping
15 and the question is answered, if they're not
16 answered correctly and thoroughly, I don't know
17 how you can consider it complete.

18 Another person brought up the rattlesnakes
19 in this region, and my husband used to work for
20 the utility and he used to trim the trees
21 around the wires. And when they went off the
22 road -- and he worked in Shandaken off Slide
23 Mountain, in Woodstock, Shandaken, in all these
24 areas. And the utility wires, they get 15 foot
25 either way that they trim them. So that in

1 (Mary Herrmann)

2 case of storms or things like that that you
3 have to keep them clear so that people, you
4 know, trees don't fall on them and they lose
5 electricity.

6 When they used to go do the lines like
7 back to where you have the transfer stations
8 and such, you know, this is dense forest and
9 stuff, and my husband and his crew used to have
10 to carry snake bite kits and they used to have
11 to wear chaps all the way up their legs because
12 of the rattlesnakes, and this is right here in
13 Shandaken. And to tell the truth, I was a
14 little surprised that my husband has
15 encountered timber rattlers over on Slide
16 Mountain, but the DEIS says there are none on
17 Belleayre Ridge.

18 It's like me and my kids, we study
19 wildlife all the time. They're Boy Scouts, and
20 we know that those kind of animals have a large
21 area. And I don't know how you can have them
22 on this end of the mountain and you don't have
23 them on that end of the mountain. I find that
24 very questionable. But there is no explanation
25 for what is going to happen if we continue on

1 (Mary Herrmann)

2 their encroachment upon these animals. There
3 was a park. It is for the watershed. It was
4 set aside for a reason. The watershed was set
5 aside for a very important reason. Like it or
6 not, we're supplying water to the most
7 important city in this nation, in the world for
8 financial reasons. It's a very important
9 city. And we are stewards of that water and
10 there's a payoff. There is nothing more
11 valuable than open space.

12 During the construction period, where are
13 all these construction workers going to stay?
14 When he was doing the tree service, my husband
15 was offered more money to go to other states
16 and do the tree work there and they were going
17 to stay in motels. And I'm telling you,
18 whoever is going to build this resort is going
19 to bring construction workers in and these guys
20 aren't going to be commuting. They're going to
21 come in here, they're going to fill up our
22 hotel spaces, you're going to have a boom town,
23 you're going to have these construction workers
24 staying here during the week, the hotel owners
25 are going to do well, the gas stations are

1 (Mary Herrmann)

2 going to do well, the convenience stores are
3 going to do well. Then those construction
4 workers are going to get their paychecks and
5 then they're going to go home and spend their
6 paychecks where they live and they're going to
7 go back and see their families.

8 Then you're going to have -- the tourists
9 are losing the room. Where are they going to
10 get a room? We already have a shortage of
11 hotel rooms. There is no explanation for this
12 in the DEIS, how anything is going to affect
13 our communities during the construction
14 period. And I'm going to tell you, we're going
15 to lose our tourists because they're not coming
16 up here to see big trucks on Route 28 and the
17 dust and the garbage and the problems they
18 create. Someone who comes up here hiking is
19 not going to want to deal with three
20 tractor-trailers per hour for ten hours a day
21 to drive up to wherever they want to go
22 hiking. Fishermen on the Esopus Creek are not
23 going to want to deal with those trucks.

24 My husband is a truck driver. He tells me
25 all the time he feels so terrible when he's

1 (Mary Herrmann)

2 going up a mountain and he can't get that truck
3 going fast and he ends up with 20 or 30 cars
4 behind him and he knows they're all cursing him
5 out. So this construction period is going to
6 make this an awful place for tourists to come,
7 and we're going to lose the tourist base that
8 we have now. Nothing in the DEIS about that,
9 to either prove me right or prove me wrong.

10 We keep asking these questions and we keep
11 being told to shut up and wait for the DEIS.
12 And then we get to the DEIS and we can't read
13 it and we can't understand it and we can't
14 figure out if the information in Appendix B is
15 right because it conflicts with the information
16 in the executive summary. It's a poorly
17 written document. It needs to be straightened
18 out, and I strongly urge the DEC to send this
19 back with an F. Thank you.

20 MS. DOREE HOFFMAN: Hello. I'm Doree
21 Hoffman, and my husband and I live in
22 Shandaken, New York. I'm really so sorry that
23 all these local people have had to spend this
24 amount of energy on something that should have
25 never come to be. I don't know when Dean

1 (Dorie Hoffman)

2 Gitter bought the land adjacent to the
3 Belleayre Ski slope, but I was told, I can't
4 remember who told me, but somebody said the
5 State was not aware that it was for sale or
6 maybe just that they thought who would build
7 there? How could they build there? Why should
8 we spend money on the land adjacent to
9 Belleayre? Nothing is going to happen to
10 that. Or why didn't they buy it to make a few
11 more hiking trails, to make another ski slope?
12 Whatever.

13 But it's really appalling to a lot of
14 people, 98 percent of the people -- I've gone
15 to three of the four meetings, and in my
16 thinking, it seems to me that 98 percent of the
17 people what have got up have not wanted this.
18 And I just don't understand why we are where we
19 are right now, why we're wasting all this
20 energy. Maybe the State made a big mistake not
21 to buy that property. Because if they did,
22 none of us would be here today and we wouldn't
23 have to worry about our mountain getting blown
24 up and all the devastation of the land. And
25 the forestry is probably the most important

1 (Dorie Hoffman)

2 thing in my eyes, because you plateau that
3 mountain, I mean, the mountain goes up. A
4 plateau is out in Mesa out there in the west,
5 not here in the majestic mountain that we're
6 going to devastate.

7 And I just think that our town officials,
8 we voted them in in November and they do have a
9 lot of pull and say as to if this is going to
10 go through or not in the end. We voted them
11 in. 98 percent of the people here don't want
12 this. Then they should stick up for the people
13 that voted them into office, wouldn't you
14 think?

15 That's just, it's a terrible -- I'll see
16 that light and I'll see that plateau behind my
17 house and I will -- the more I think about it,
18 the more I don't even want to be here if this
19 happens because I will go farther up north
20 where the devastation isn't in my back yard.
21 That's just how I feel. It's a terrible thing
22 that's happening, if it happens. I just hope
23 that -- it's even hard to talk about it.
24 Sorry. I can't talk anymore.

25 ALJ WISSLER: That's all the cards I

1 (Chester Karwatowski)

2 have. It's now 11:30. We'll take a break. If
3 anybody wants to speak, please bring me a
4 card.

5 (There was a pause in the proceeding.)

6 ALJ WISSLER: If we could go back on the
7 record, please. Chester Karwatowski.

8 MR. CHESTER KARWATOWSKI: Sorry to be the
9 last speaker. I thought there were more
10 speakers but I'll be brief. My name is Chester
11 Karwatowski. I live in West Shokan. I've been
12 a resident in the Catskills for the last 26
13 years. I'm an engineer by training. I'm not
14 an expert in any of the specifics of this
15 project, although I've reviewed the DEIS. I am
16 an expert in large project management, project
17 risk management, and I know quite a bit about
18 global corporations. So I want to make some
19 comments that relate to this particular
20 project.

21 First of all, it's been mentioned several
22 times about the accessibility of the DEIS,
23 information was less than available to most of
24 the public as well as those agencies and
25 non-profit groups that were trying to get

1 (Chester Karwatowski)

2 access to it and understand the content of it.

3 In general, this very large development project
4 is void of any definitive risk management plan,
5 for the development and the operations of this
6 very large project.

7 As part of that risk management plan,
8 things such as human error come into play, and
9 as evidenced by the oil spill at the Emerson
10 recently in Ulster County, which was one of the
11 largest oil spills in Ulster County, human
12 factors can play into a project of this size.

13 Also, in terms of sewage treatment plants
14 operated by this development, most of the
15 municipalities in the Catskills don't have the
16 financial wherewithal to manage them. But in
17 this particular case, we're expecting that a
18 development will manage for, in perpetuity,
19 this particular set of sewage treatment plants.
20 So I didn't see a plan there that would support
21 that activity.

22 There's an area related to green roofs.
23 Green roofs are a very interesting concept.
24 Globally they're applied almost exclusively in
25 urban environments. In this particular case in

1 (Chester Karwatowski)

2 terms of a mountaintop environment, there is
3 very little evidence of any prototypes or
4 experience with green roofs related to the
5 pesticides, herbicides and control related to
6 these green roofs. And throughout this
7 document, there is analysis that uses computer
8 models that are not necessarily suited for the
9 conditions in this particular project. A
10 project of this size would not be prudent to
11 not have either experience that's relevant or
12 demonstration projects that would take some of
13 the more sensitive aspects and have modeled
14 them. Not just modeled them, but actually
15 built demonstration projects.

16 Related to global corporations, there's a
17 lot of discussion about wages and benefits to
18 the community. Most global corporations do not
19 adhere to the desires of an Applicant who says
20 that this is what will happen in the future.
21 Most global corporations have a structure and a
22 management system that is equitable across the
23 corporation, and they do not tend to negotiate
24 things separately in different areas. So all
25 of the best intentions of the Applicant, unless

1
2 they're, you know, contractually sealed, those
3 best intents have very little merit in terms of
4 what will actually happen down the road.

5 So in general, I think that the DEIS does
6 not give evidence that this project has been
7 well thought out in terms of the risks, in
8 terms of the mountaintop environment, the scale
9 of the project and the risk management plan
10 that would address those risks.

11 ALJ WISSLER: It is now one midnight past
12 midnight. I have no other cards, and this
13 hearing is concluded. Thank you very much.

14 (The proceeding recessed at 12:01 a.m.)
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CERTIFICATION

I, SHARON E. CHERNY, a Certified
Shorthand Reporter in and for the State of
New York, County of Ulster, do hereby
certify that the foregoing proceedings,
taken at the time and place above
mentioned, is a true and correct
transcription of my stenographic notes.

I further certify that I am neither
counsel for nor related to any party to
this action, nor in any way interested in
the outcome thereof.

IN WITNESS HEREOF, I have hereunto set
my hand, this 4th day of March 2004.

Sharon E. Cherny

SHARON E. CHERNY, RMR, CRR