

Mr. Daniel T. Whitehead – Environmental Analyst
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Division of Environmental Permits
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January 14, 2008

Hello Mr. Whitehead,

My name is John Carney. I am chair of the Hardenburgh Association of Residents and Taxpayers. I am writing regarding the Belleayre Resort real estate proposal. I'm a resident and taxpayer of the town of Hardenburgh and live four miles from the site. The results of the Belleayre Expansion agreement were negotiated behind closed doors without consultation or input from the town of Hardenburgh whose residents number 208. We value our community's rural character, which will be adversely impacted by the enormity of this proposed real estate development. Most significantly by the Highmount Resort and Spa which straddles Route 49A and clear cuts right up to the top of the mountain for all in our valley to see day and night. The following must be addressed in the scoping document.

The EIS must document the amount of state funds to be used for the reconstruction of Route 49A along with a construction timetable and that cost must be made available to the public.

Many of Hardenburgh's tradesman and homeowners daily use 49A to access the Wadler Brothers store for building supplies and it provides our closest access to Route 28 which heads east toward Kingston a road many use to get to their jobs. Our access to this lifeline will be lost to us for the 8 year projected construction period and severely limited beyond. It will be a construction road catering to construction vehicles and personal vehicles of the construction crew. It will be inaccessible while being repaved to accommodate this huge development. What is the projected cost of rerouting and grading this two lane road that clings to the side of the mountain? How much of that cost will be borne by the taxpayers? What is the timetable? How many construction vehicles exiting the construction site will go down Todd Mountain Road toward Dry Brook and what will the effect be on that road? The EIS must document the amount of state funds to be used and that cost must be made available to the public.

Since the state is partnering with a private development company it must make public the financial history of Crossroad's Ventures including the track record of developer Dean Gitter's previous projects to give the public assurance that their money is in the hands of a company with a proven track record and is being spent wisely.

The state is entering into a speculative real estate venture with a private a company. The state must provide a return on investment document as proof New York taxpayer's dollars are not being spent frivolously. The state should make public the financial history

of Crossroad's Ventures it's partner in this deal to give the public assurance that their money is in the hands of a company with a proven track record.

Provide a specific outline of the project's plan to protect the night sky.

There have been no concrete outlines for preservation of the night sky in the Agreement in Principle. The EIS should include specific outlines for outdoor lighting. This includes a ban on night skiing. The International Dark Sky Association must be contacted and all outdoor lighting should conform to their standard. A good faith effort must be mandated in all publicity materials about preserving the sky. The night sky is a draw for tourists to this area. Bad night lighting can also have a negative effect on insect populations, that many mammals, birds and fish depend upon to live.

Provide a specific plan for wildlife management, specifically how the DEC will deal with the inevitable Bear/Human and Human habitat encounters that will exponentially increase because of the proximity of people to bears.

Bear populations in the Catskills have increased dramatically in recent years causing an increased number of human bear encounters. By putting a development with 629 units and the attendant employees human/bear encounters will increase. See New York Times Magazine article 11/25/07 "The Bears Among Us" outlining the increased encounters in at Whistler Resort in British Columbia. Bears are naturally attracted to clear cut areas and human habitation. Who will be held liable if these encounters go bad? What are the estimates for extermination of problem bears? This is something the public must be made aware of. A study must be included in the EIS to specifically outline the protocol for wildlife management in this regard including increased staff. From the article: "For three summers, there's even been a team of biologists in Whistler trying to teach bears how to behave around humans by using slingshots and marbles whenever bears stick their snouts in the trash. Nonetheless, Whistler bears remain so fearless in human society — by mid-November bears had tried to break into people's homes on about 90 occasions and succeeded on 50, and prompted more than 1,300 calls to the town's bear-conflict hotline (905-BEAR) — that so far this year conservation officers have destroyed 9 bears; another 6 or 7 have been hit by cars and died as a result."

Provide a specific cost outline of increased snowmaking expenses including rising price of diesel, equipment to be used, projected rising costs to the NY taxpayer.

Snowmaking, what will the effects be on the local economy and environment? An estimated 200,000 gallons of diesel is required to make snow at Belleayre now, how much will be used when Belleayre is expanded to include Highmount? What are the projected costs to the taxpayer? With the rising cost of diesel fuel and the increasing warm winters this expense will increase. The EIS must document the amount of state funds to be used, what they project the cost to be in the future and what monitors will be in place to ensure a set cost limit is not exceeded. There must be a thorough cost-benefit analysis of the proposed expansion.

Identify and provide study of environmental effects of additives such as SNOWMAX, that are commonly used to create snow.

Is Snowmax, a protein derived from *Pseudomonas syringae* that allows snow to be made, used at Belleayre? Snowmax is used to create snow when the temperature is not conducive to snowmaking. This additive is banned in some countries. Are there any adverse effects on the streams? With the expansion of Belleayre what will be the effect of the increase of the protein when it runs off into the streams and reservoirs? The EIS must address this. If there is a pledge to never use additives, that must be known as well.

Concrete assurance that Belleayre Ski Center, a state facility will still be affordable to all skiers.

Because of warming trends it will be incumbent on the state to spend more to help the development company make a profit. What assurances do we have that this will not increase lift tickets and services at the state run facility as well? The idea of a state run ski center is that it is accessible to all, by increasing lift ticket, meal, parking prices you will be running out the very people that a state run ski facility is supposed to attract. You'll be discouraging a whole new crop of potential skiers for the future thereby hurting the skiing industry instead of helping it. Specific protections must be put in place to preserve the spirit of the state ski center experience so everyone has a place to ski regardless of their financial situation.

A specific outline of insecticides organic or otherwise to be used on all foliage and the golf course and their affects on aquifers and streams.

What insecticides will be used to control the increasing population of Japanese beetles in our area? These insects make their nests in turf and can be very destructive of trees and flowers and have no natural predators. The commonly used control is Imidacloprid, rated as "moderately toxic" acutely by the WHO and the EPA (class II or III, requiring a "Warning" or "Caution" label), and a "potential" ground water contaminant. In order to maintain a golf course Imidacloprid is often used. Imidacloprid has low vapor pressure. The chemical breaks down to inorganic molecules by both photolysis and microbial action, in the air and with a half life of 30 days in water and 27 days in soil anaerobically. Although it is not "persistent" in the technical sense since it does degrade, it can have a half-life in soil under aerobic conditions of as long as 997 days, which is the cause of the concern over possible water contamination as it gradually leaches out of a hypothetical soil reservoir. It is also a possible cause of colony collapse disorder, a disease that affects all pollinating insects. This product therefore should be banned from use in the watershed and Catskill park and the ban stated specifically in the EIS. Every chemical that will be used must be included in the EIS.

All off road vehicular use must have protocols and must be monitored.

What is the protocol for ATV use? Will there be extensive ATV use? Will it be regulated? ATV's can harm the environment and can increase the carbon footprint.

The Crossroads development company needs to present an alternative plan that conforms to the county zoning laws.

Why should NY taxpayers pay to prioritize snowmaking on the 5-star-luxury-resort-Highmount spa side of Belleayre mountain so a private real estate development company can sell ski-in-ski-out timeshares at 3100 feet? This proposed private ski hill is furthest

from the water source and would needlessly waste valuable resources to keep it viable, particularly during our increasingly warm winters. If the Highmount Spa and timeshares were re-located to the Wildacres section of the property, the Belleayre Ski Center expansion could begin, more jobs could be created and snow could be blown where it makes skiing sense not speculative real estate sense. The Crossroads development company needs to seriously consider this alternative.

Alternative design to Wildeacres Hotel must be provided.

The Agreement in Principle states that no building will be done on slopes over 20%. This statement is apparently incorrect, since the Wildacres Hotel (5 acres) location is on steep slopes of 35%. The word "building" is misleading, since it does not include the extensive lawns, landscaping and fairways, which would take up many of the 748 acre site. What alternatives to the 35% slope have been explored?

Provide an alternative plan that will ensure the rural character of the area will not be destroyed.

Because of the size and scope of this tremendous development the rural character of Hardenburgh will be severely affected. The night sky will be illuminated 365 days of the year, The Luxury 5 Star Highmount Construction Development with it's 120 room hotel, 2 restaurants, ski-in, ski-out mountaintop condos, ski lifts, banquet facilities, 30,000 square foot spa with a swimming pool, fitness center, facility-wide laundry, medical spa building, on site 24/7 security force, daily deliveries, will turn a rural town and area into an instant suburb. This development must be required to abide by the same rules and regulations everybody living in the Catskill Park has to follow. The reason this project has been so carefully scrutinized and thwarted over it's nine year life is not because of overzealous critics, it is because it is flagrantly breaking the rules we all have to live by in order to keep the Catskill park a haven from sprawl. The development company has never proposed anything that would preserve the beauty of this area. The great concern seems to be more with how many trees can be logged, how much fill can be moved, how much concrete can be poured, how much metal can be sold, how much sod can be replanted, etc. The profits are short term and stem from the construction phase not the actual finished project. Two structures in the same area The Wildacres Hotel and The Galli-Curci Mansion are invisible from the road, but have beautiful views once on the properties. This project is designed to be visible from Rt. 28 and all around as an advertisement, a billboard. Billboards are restricted in the Catskill Park. This project is not in the spirit of rural character. The developer must be forced to provide an alternative that is environmentally sound and that follows all the rules that we all live by in order to have the privilege of building and living in this protected park.

Thank you,

John Carney
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