

# **Highmount Preservation Association**

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## **Written comment to the draft scoping document prepared by Crossroads Ventures, Inc. and the NY State DEC for the SDEIS of the proposed Belleayre Resort at Catskill Park**

The environmental issues we raise in this statement are centered on the proposed Highmount Spa Resort. The environmental impacts of this section of the overall Belleayre Resort are so numerous and profound that we have decided to devote this entire statement to them. This should not be interpreted as an endorsement of the Wildacres Resort, which also poses serious environmental and economic impacts and must be judged to equally strict standards.

Since the Agreement In Principle was announced on September 5, 2007, the environmental and conservation related groups that signed the agreement have taken refuge behind the defense that “it could have been a lot worse.” Now that this supplementary environmental impact process has begun, that rationale for supporting the development has become moot-the new development must be judged in its own right with no consideration given to the project’s history. We are grateful to the DEC for insisting on this SDEIS so that an objective judgment of the proposed development’s environmental impacts could be reached.

Our statement will address the following 10 areas of concern. Any one of these areas of concern could send this project back to the drawing board. Taken as a whole, they make clear that the Highmount Spa section of the proposed resort is fundamentally and irretrievable unsound.

1. Aesthetic impact-view shed and night sky
2. Damage to adjacent homes and degradation of Pepacton Reservoir due to storm water run-off
3. Harm to wildlife and habitat
4. Difficulty of securing sufficient supply of potable water
5. Consequences of blasting on structures and water wells
6. Livability of adjacent residences
7. Unsuitability of Galli Curci Road to heavy traffic
8. Destruction of community Character
9. Threat to the future of Catskill Park
10. Violation of constitutional restrictions on development in the Catskill Forest Preserve

## Aesthetic impact-view shed and night sky

The Highmount Spa section located on the high slopes of Highmount Ridge beginning at an elevation of approximately 2300' and sprawling up and over the ridge top above 3000' would be clearly visible from Fleischmanns and Red Kill Ridge to the northwest. Any taller structures such as proposed water towers would be visible from the Dry Brook Valley and state hiking trails on Dry Brook Ridge and Balsam Lake Mountain, as well. Our group, in conjunction with the NY/NJ Trail Conference is currently engaged in a viewshed study to determine precisely the impact of the Highmount Spa Resort on popular hiking routes in the surrounding area. The proposed hotel, spa, parking garage, 2 multi-unit buildings, 60 detached houses and associated roads, infrastructure and maintenance facilities would require the deforestation of large areas of slope side and ridge top forests. Night sky viewing in surrounding areas would be degraded due to light pollution from the intensive lodging up and over the ridge. There is no compelling reason to saturate such a high and visible location with commercial development except to increase the selling price of the lodging. Surrounding residents and the thousands of hikers who visit the area each year have the right to expect that the aesthetic values of Catskill Park vistas will not be sacrificed for a development's profitability.

## Damage to adjacent homes and degradation of Pepacton Reservoir due to storm water run-off

Steep slope construction increases the likelihood and consequences of storm surge run-off overwhelming any counter measures. Flood surge run-off would threaten adjacent, established residences down slope from the proposed sites. Both sections of the proposed resort drain into the Pepacton Reservoir. The unprecedented extent of excavation required for 240 mixed units of lodging on steep slopes coupled with predominantly clay soils would likely lead to contaminated, turbid, run-off flowing into Pepacton Reservoir- NY City's largest source of unfiltered drinking water. The Highmount Spa Resort and its storm run-off implications are in addition to the massive excavation/run-off issues involved in the Wild Acres Resort. The AIP suggests that the developer "*limit construction and associated land disturbance to areas with slopes of 20% or less to the greatest possible extent,*" but there is nothing binding in this statement. The only way for the people of NY State to be sure that the proposed Highmount Spa Resort does not compound the storm water run-off problems of the Wildacres Resort is not to build it.

Despite precautions, storm run-off following the construction of the new Hanah Mountain Resort, which has less than 1/15<sup>th</sup> the lodging capacity of the proposed Highmount Spa Resort, reached Pepacton and caused increased turbidity. The entire proposed Belleayre Resort would have over 35x the lodging capacity of Hannah with roads and physical plant multiplied by a similar factor. As proposed, this mega-development located in the heart of the NY City watershed would certainly degrade the water quality of Pepacton Reservoir, increasing the likelihood that filtration, at

astronomical expense to taxpayers, would be ordered in the future. The NY City DEP's first priority must be to protect NY City's most valuable asset-its reservoir system. The DEP should not have signed the AIP unless and until storm water protocols had been fully designed and all threat to Pepacton water quality had been removed. We now know that Crossroads Ventures has paid \$45,000 over the last 4 years to the lobbying firm George Arzt Communications to "facilitate communication" with the DEP. With so much at stake and the appearance of impropriety, the DEP must explain why it signed the AIP without the usual studies and fully designed storm water protocols.

### Harm to wildlife and habitat

Deforestation, base to summit development and a dramatic increase in traffic on narrow, mountain roads would harm wildlife habitat and disturb migration patterns. There is abundant wildlife in the area including, black bear, fox, coyote, bobcat, snowshoe hare, owl, raptors, turkey and, of course, deer. Ridge-top development would remove these highly migratory species escape valve and force them down on to resort-congested roads, increasingly the frequency of car-wildlife collisions. There is also the possibility that the development would cause an influx of invasive species such as raccoon and squirrel that could have a negative impact on indigenous species. Creating a resort city that sprawls up and over the summit of an unspoiled mountain ridge is a backward development model that ignores an integral part of the mission of Catskill Park to preserve and protect wildlife species and habitat.

### Difficulty of securing sufficient supply of potable water

Upwards of 300,000 gallons of potable water/day would be required by the Belleayre Resort for its 2 planned spas, 370 hotel rooms, 199 apartments, 60 detached houses, conference center, golf course, etc., etc. Water for the proposed resort would be pumped from wells adjacent to Route 28 in Fleischmanns. This huge drain on a limited resource would deplete the aquifers that residents depend on. Pumping water essentially to the top of the mountain to provide for the needs of the Highmount Spa Resort would consume excessive energy and its feasibility is questionable. The developers are still searching for sufficient water supplies to provide for the resort's total demand. Wherever it is found, the resort's 300,000-gallon daily water consumption would be diverted from water that would otherwise replenish Pepacton or Ashokan reservoirs. Development plans call for two water towers at the top of Highmount Ridge, further degrading the view shed and conflicting with the mission of Catskill Park to minimize the impact of development on mountain vistas.

### Consequences of blasting on structures and water wells

Construction of an underground spa and parking garage, hotel, multi-unit lodges and 60 detached houses on steep, rocky slopes would entail unprecedented amounts of blasting. The Agreement In Principle allows for 8 years of construction. Major construction would

take place within a stone's throw of the Galli Curci mansion and other residences. There is no provision for a buffer between these residences and planned resort buildings. There is no way to predict how adjacent residences, particularly the vintage Galli Curci home would be affected by the blasting. The Catskills are Devonian delta that has been uplifted, folded and eroded. The aquifer lies between layers of shale that extensive blasting could collapse. Water is already in short supply in the community. Many wells are over 700' deep and provide barely adequate supplies. Blasting would likely impact residential wells on Galli Curci, Kelly and Todd Mountain, Belleayre Ridge, Whipple and Fleischmanns Heights roads. Is there a compelling reason for construction on these high slopes requiring extensive blasting, potentially damaging adjacent structures and water supplies, other than to increase the allure of the lodging? If not local zoning regulations than common sense should dictate the flaw in this equation.

### Livability of adjacent residences

The Agreement In Principle allows for an 8-year construction period. There are approximately 60 existing residences on upper Galli Curci, Todd Mountain, Kelly, Belleayre Ridge, Whipple and Fleischmanns Heights roads. 8 years of blasting, bull dozing, construction noise, air pollution and road delays would cause unreasonable harm to existing residents. Houses adjacent to the blasting and bull dozing at the Highmount site would likely be unlivable for months if not years. There is one steep, twisty, 2-lane road to reach the site. There is no compelling reason to engage in construction of high-density lodging and recreational facilities in such a remote, isolated site at the doorstep of long-established residences. The acreage on which the Highmount Spa Resort would perch is minimal. There is no provision for a buffer between the planned resort and existing residences. Certainly, the interests of these residences have to be given priority over a commercial development that could just as easily be located in a more insulated and accessible location.

### Unsuitability of Galli Curci Road to heavy traffic

Galli Curci Road (49A) is a two-lane road cut into steep slopes. It is not designed nor is it suitable for heavy traffic. There are numerous hairpin turns between the access road for the upper Belleayre lodge and the proposed site of the Highmount Spa Resort. Many cars have gone off the road either to avoid oncoming traffic or due to skidding on ice at the sharp, steep, turn adjacent to the gate of the Galli Curci Estate. To compound the problem, that same dangerous curve is a magnet for low-hanging clouds leading to frequent dense fog. This road is truly unsuited to heavy use. Fleischmanns Heights Road provides direct access to Fleischmanns southwest of the proposed site but that road is so steep that it is closed in the winter.

### Destruction of community character

The community adjacent to and extending south-west from the proposed Highmount Resort Spa site to the base of Todd Mountain Road consists of approximately 60

residences. The level of development in the area has been remarkably stable for the last 40 years, since Lyman Todd finished parceling off the Todd farm. It is an unspoiled, rural community of neighbors who, in many cases, have known each other all our lives. There are frequent sightings of black bear, turkey, owl, hawk, coyote and fox. I don't ever remember seeing a deer killed on the road--traffic is too light and the animals are in their natural element where they are less prone to darting in front of cars. A majority of residents are part-timers who travel to our little corner of heaven for the beauty and solitude of the mountains. We are overwhelmingly opposed to the development for obvious reasons--it would degrade our quality of life and destroy our community character. Residents have the right to expect that a stable Catskill Park community will not be overrun by development. We abide by construction codes dictating 5-acre zoning and strict septic system requirements so that the high Catskills and particularly Catskill Park will retain their rural character, are a relatively safe haven for wildlife and the NY City water supply will be protected. Where does a developer have the right to drop a city-size resort on an existing community's head, obliterate our community character and ignore the consequences of mega-development on the watershed? Absent a compelling reason for such a drastic change relating to the common good rather than private profit, we do not believe any developer has that right.

### Threat to the future of Catskill Park

Not only would this development set a bad precedent for the future of Catskill Park, since taxpayers would be subsidizing the development, our elected representatives are giving their enthusiastic approval to this development model. NY State would be a partner in this commercial exploitation of our high mountain slopes. The developer has said that he would not go ahead with the development if NY State does not make good on its promise to buy the 1217 acres on Big Indian Plateau for 3x fair market value and invest \$42 million in ski center expansion. The developer and NY State would be partners in this venture. Before politicians should invest \$56 million in taxpayer money, the project must be held to the highest environmental and financial standards. Otherwise, the state would be giving its endorsement to a plan that does not serve the long-term interests of the public. Were the state to endorse a plan such as this that takes unspoiled, Catskill Park land and exploits it for private profit, that ignores aesthetics, wildlife, watershed and community, that ignores the challenges facing local hamlets, the pressures on private ski centers, the effect of human activity on climate change and the financial sustainability of this project, how will the state be able to regulate future projects with similar shortcomings. The state is setting an example with how this application is handled. If the project is not held to the highest environmental and financial standards, developers will declare Catskill Park open for business and the boundaries of the park will become only faint lines on old maps.

## Violation of constitutional restrictions on development in the Catskill Forest Preserve

By entering into this de facto partnership with Crossroads Ventures, NY State is engaging in development at the rim of “forever wild” Catskill Forest Preserve lands that violates constitutional restrictions on development within the forest preserve. Belleayre Mountain Ski Center constitutes the “intensive use” specified by the constitution. The developer, with the participation of the DEC and governor, is attempting to use the ski center as a springboard to contiguous development on an unprecedented scale. This certainly violates the spirit, if not the letter, of constitutional restrictions on Catskill Forest Preserve development. The developer has said that it would not engage in the proposed development without the taxpayer investment and the ski center expansion. The DEC has said that it would not carry out this ambitious build out of the ski center without the approval of the proposed Belleayre Resort. The end result is a public-private partnership that exceeds the limits of constitutionally permitted and environmentally sound development in the “forever wild” Catskill Forest Preserve.