



KARC

PLANNING CONSULTANTS, INC.

Attachment B: Written Public Comments

Updated April 3, 2024

Town of Cairo – Blackhead Mountain Lodge – Public Hearing
Comments March 25, 2024



Town of Cairo Planning Board:

Joseph Hasenkopf, Planning Board Chair

Edward Forrester, Member

Allen Veverka, Member

Beth Hansen, Member

Kevin Hicks, Member

Richard Lorenz, Alternate

Dear Board:

We live very close to the resort and wish to file our concerns of the following:

--The Zoning Law states that the project must reflect a resort and tourism of the area. I can understand that a hotel would fit that description. How does condos or townhouses fit that description? This needs to be addressed.

---Waste water from the proposed sewage plant will ultimately flow into the Shingle Kill creek which is protected. It will flow into the town of Cairo water supply. They claim the output will be drinkable water. Would you want to drink that water? I do not believe this has been addressed. How can you accept an application without a proper environmental study?

--The field at 153 Bald Hills Rd N was approved for 30 condos. How was this changed to a 100 plus parking lot? Did they ask for a variance? The noise from many cars using this lot including the lighting to support the lot will affect our peace and quiet. Why would you allow this?

--Traffic will increase tremendously on our roads. We have small children that we walk on the area roads. It will not be safe to do this with the change in traffic patterns. The main entrance will be only one house away from ours. With the curve in the road there is potential for accidents to occur. Has a study been done addressing this problem?

--If acres of trees are taken down on the mountain side there is bound to be erosion and mud slides. We have already experienced a devastating landside that did not include removal of trees. How can you allow this with the potential damage that could occur?

--We are concerned with the amount of water that will be withdrawn from the ground. This could affect our and our neighbor's wells. Was this addressed in the study? We feel that the estimates on water usage are grossly under estimated.

--Insecticides and pesticides will be released into the water with the destruction of the golf course. How is this being handled to not allow further contamination?

--Why is there a need for a helipad? Plain and simple there isn't a need for one. The noise and light pollution from this will be intrusive. There are plenty of other places that an helicopter can land nearby.

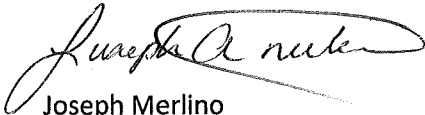
--I have heard that not all the questions were answered on the first application. Have you returned the application stating it is incomplete?

--The public hearing should not take place until a completed application is submitted with a complete environmental study including the application of all necessary permits. Since neither has been submitted to the Planning Board, why are we having the planning hearing prematurely?

--I do not understand why you are not following your own laws and procedures. Your job is to make sure the developers do all the requirements before they proceed. It does not look like you are keeping the community's interest first. Why?

Please record this letter in the minutes of the Planning Boards minutes. I also request that a public hearing be kept open until a proper completed application and required permits submission have occurred. This includes the issues that the DEC have asked/required be addressed including adequate time for the public to review as per the law.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph Merlino", written in a cursive style.

Joseph Merlino
179 Bald Hills Rd N
Round Top, NY 12473

PO BOX 402

Round Top, NY 12473

March 7, 2024

Town of Cairo Planning Board

PO Box 728

Cairo, NY 12413

Dear Mr. Joseph Hasenkopf;

RE: 2022-1101P Blackhead Mountain Lodge Crows Nest Rd SUP Tax(1116.00-1-24)

Thank you for considering my concerns regarding this application. The application proposes "renovation and site improvements to support a tourist resort, spa, hotel, and lodge, of which a restaurant and spa will be available to the general public.

4 existing structures will remain.

Property consists of 3 lots for a total of 105 acres, in which the existing ingress and egress will be used."

In actuality, the application far exceeds renovation and site improvement. It is a massive construction project that will permanently alter the property, the environment and the rural character of the Round Top community.

I am not a professional engineer or construction expert, but I find the application to be misleading, woefully inadequate, incomplete, and even incorrect. It does not meet even the simplest review criteria stated in the Town of Cairo Comprehensive Plan.

The members of the town planning board have a fiduciary responsibility to the citizens of Cairo to thoroughly review any application using the Comprehensive Plan, Town of Cairo Zoning laws & regulations and NYS and Federal mandates to form its decision. The proposal for development of Blackhead Mountain Lodge is huge and most probably well beyond the knowledge and experience of a local planning board. The board, at its discretion can contract with experts in every field, water/hydrology, soil, wildlife, environment, to name a few, at the applicant's expense to understand both the broad and specific impacts of the proposed development. I urge you to use this very valuable tool before making any decisions.

Certainly appointing a professional engineer as project manager for oversight of this massive project is necessary to ensure all required inspections, testing, reporting, safety practices (OSHA requirements), etc. are performed correctly and on time. The town's sole code enforcement officer would be hard pressed to complete all these necessary tasks while giving their attention to the many other permitted

projects in the town. Again, the planning board can require the applicant pay the cost for the duration of construction up until a Certificate of Occupancy is issued.

I am concerned that on February 16, 2024, additional documents were submitted to the planning board. Included was information that a significant number of the structures would be privately owned. This seems to conflict with the definition of the property as a resort/hotel. It seems a designation as a subdivision is more appropriate according to the town zoning law. The planning board needs to address this conflict and require that the owner comply with town law.

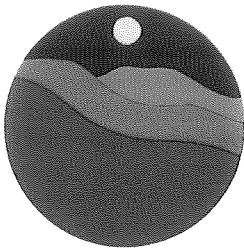
In closing, I request the Planning Board keep the public hearing open until all application requirements, permits, etc. are complete and have been reviewed by independent experts and the public. To do anything less is a disservice to the citizens of Cairo.

Thank you.

Sincerely,

A handwritten signature in black ink that reads "Mace Burr". The signature is written in a cursive style with a large, sweeping initial "M".

Mace Burr



FRIENDS OF ROUND TOP

WWW.SAVEROUMDTOP.COM

FRIENDSOFRUMDTOP@GMAIL.COM

P.O. BOX 282 ROUND TOP, NY 12473

March 7, 2024

TO: Joseph Hasenkopf, Edward Forrester, Allen Veverka, Beth Hansen, Kevin Hicks, Richard Lorenz

cc: Donna Vollmer, Kayla McAlister, Kathy Rockefeller, Jason Watts, MaryJo Cords, Michael Flaherty, Debra Bogins, Timothy Murphy, Christine Julig

Re: Blackhead Mountain Lodge Site Plan/Special Use Permit Application 2022-1101P

Dear Chairman Hasenkopf and Members of the Planning Board:

Friends of Round Top is a grassroots group of residents in Round Top and Cairo who care about our community and are deeply concerned about the biggest and riskiest real-estate development project that has ever been proposed for our town. We are not against development or progress and we support a resort on this property. However, this particular proposal appears to be an unsustainable overdevelopment that does not match the goals in the comprehensive plan for Cairo and could have far-reaching adverse effects on our economic wellbeing and quality of life.

This is a significantly complex proposal that has both procedural issues and technical issues. Friends of Round Top—including residents of Cairo, Greene County, and beyond who have signed below—respectfully request that the Cairo Planning Board complete the following due diligence investigations and reviews as required by Site Plan Review Law *before* making a SEQRA declaration and *before* closing the public hearing period.

1. Will the Cairo Planning Board require the applicant to re-submit their proposal for zoning approval based on what it truly and technically is: A mixed-use development that includes a hotel and a significant number of single-family residences that will be sold individually and "owned in fee simple"? According to Cairo Zoning Law, these mixed-use residences should qualify as a "major subdivision" and should be evaluated as such.

The special-use permit application submitted to the Cairo Zoning Officer on 12/21/23 by the developer was lacking information and clarity. It stated the only use would be "tourist resort/spa and hotel" and did not disclose any plans for individually-owned

residential units. Additionally, it was presented as a simple “redevelopment” of an existing resort; in fact it is a change from a small golf resort with 24 bedrooms to a major cluster subdivision with 264 bedrooms (plus staff housing). A cluster development such as this still must follow rules for green space and density limitations. The Cairo zoning laws from 2015, found on the Cairo website address these concerns well under the “Planned Resort Development” section. How and why were these zoning rules dropped in 2017?

2. Per Cairo Site Plan Review Law, a Public Hearing is not scheduled until the Planning Board accepts a “preliminary site plan application” as complete. Yet the Planning Board scheduled the Public Hearing on the exact same day (1/4/24) they first received the application. The application the Planning Board accepted was (and still is) missing dozens of submission requirements, including and not limited to: submitted permits to all involved county, state and federal agencies; description of the method of securing and treating water; estimated project construction schedule and cost; stormwater management plan; wetlands delineation map; stormwater pollution prevention plan; existing and proposed stream conditions. The Environmental Assessment Form Part 1 is full of inaccuracies and incomplete information.

The Cairo Planning Board scheduled a Public Hearing with a significantly incomplete application. The Public Hearing opens the 62-day (maximum) public comment period; once the Planning Board closes the public comment period they must deliver an approval or rejection decision to the applicant. Therefore, will the Cairo Planning Board commit to keeping the public hearing open until all application materials have been submitted and evaluated by independent engineering firm and the public has had sufficient time to process all materials and reviews?

3. Will the Cairo Planning Board commit to hiring independent an engineering firm that includes engineers, hydrologists, geologists and other experts as needed to evaluate the completed application and all associated studies? Will the Board commit to requiring the applicant to pay for this service by putting funds in escrow?
4. Will the Cairo Planning Board officially acknowledge and correct their filing of this application as “old business” rather than “new business” on January 4, 2024, as well as update the official intent of the project from “renovations and site improvements” to “redevelopment and expansion”?
5. Will the Cairo Planning Board commit to making a positive SEQRA declaration and send the applicant through scoping? Given the scale and complexity of this Type I project, the project clearly presents potential for significant adverse impacts to the environment and infrastructure and should therefore require an Environmental Impact Statement.
6. Will the Cairo Planning Board commit to hiring an independent expert to conduct a comprehensive assessment of water demand for this project? The model must include

guest use, staff use, construction, facilities, maintenance, and all associated and auxiliary amenities (spa, pools, restaurants, bars, grounds, laundry, etc). We demand the numbers used reflect *maximum* usage, not average, and be based on the total number of people on the premises, not just guests. The data should reflect peak summer water demand, a period that historically corresponds with both droughts as well as extreme rain events. Will the Board commit to requiring the applicant to pay for this service by putting funds in escrow?

7. Will the Cairo Planning Board and applicant commit to scheduling 72-hour well tests during drought conditions in the summer? Will the Board commit to requiring the applicant to 1) allow an independent hydrologist to monitor the well tests, and 2) pay for these services by putting funds in escrow?
8. Will the Cairo Planning Board require the applicant to identify their contractors and confirm what percentage of work the applicant guarantees will be performed by Town of Cairo businesses or Greene County businesses? The applicants have said their project will bring jobs to the area—will they commit to designating a certain number of jobs to local workers and businesses?
9. Will the Cairo Planning Board commit to hiring an independent hydrologist to conduct comprehensive aquifer and groundwater assessments that evaluate how this project's water demands will affect the water table and well-water availability for the surrounding residents and business owners of Round Top and Cairo? Aquifers vary greatly by location and the developer has not provided information about the aquifer at hand. The well map submitted in the application is woefully inaccurate—it is missing dozens, if not hundreds, of wells in the vicinity. Will the Board commit to requiring the applicant to pay for this service by putting funds in escrow?
10. Will the Cairo Planning Board require the applicants to submit thorough details about the design, resource demands, and maintenance of the wastewater treatment plant before issuing a SEQRA declaration? The current proposal does not include numbers for treatment of the existing facilities that are being kept for staff workers or construction workers, and the existing SPEDES permit for sewage disposal expired in 2015. Will the Cairo Planning Board hire an expert who specialize in this area to advise on the review? Will the Cairo Planning Board create an official contingency plan specific to oversight and enforcement of regulations?
11. Will the Cairo Planning Board require the applicant to pay for a comprehensive, third-party Environmental Impact Statement (EIS), as well as a Visual Impact Statement; a full flora and fauna report conducted over a four-season cycle; and a full SWIPP. All evaluations must take into account the interests of Round Top/Cairo as well as the interests of Catskill State Park, which abuts the property.
12. Will the Cairo Planning Board commit to an EIS public hearing and comment period?

13. Will the Cairo Planning Board commit to a “thorough investigation and delineation of wetlands” under control of the US Army Corps of Engineers as required by the Greene County Planning Board referral?
14. The residents along the roads leading to the resort think that the traffic numbers reported in both the original proposal by KARC and the second traffic report by Creighton Manning are bogus guesses. There has never been a car going by these houses every minute during peak hours. Indeed, the consultant admits they did not use DOT data for Blackhead Mountain Road and Crows Nest Road because no data exist. Will the Cairo Planning Board commit to new Traffic Impact Statement that doesn’t simply “guess” at existing traffic, and evaluates *weekend* traffic when the resort will be busiest, not just weekday traffic? The residents and businesses on Crows Nest Road demand Crows Nest Road is not forgotten in the traffic studies—the truck and service entrance will be on our road, and our safety is currently being ignored.
15. Will the Cairo Planning Board and Cairo Town Board commit to explaining to the public how, exactly, this proposed project will be a net benefit to the residents and businesses of Cairo and Round Top? Will the Planning Board and Town Board address major discrepancies between this project and the goals/threats in the Cairo Comprehensive Plan?
16. Will each elected official of the Cairo Town Board commit to telling us on the record where they stand on this proposed project and how they see it fitting with town goals?
17. Will the Town of Cairo commit to delivering their tax assessment for this property as well as how they plan to use the funds before the application is approved?
18. Will the Cairo Planning Board commit to disclosing if the applicant is seeking any tax breaks? If they are not taxed at full value for many years, it could end up *costing* the town money when increased demand on fire, police, emergency services and roadway costs are factored in. The resort’s capacity could easily double the population of Round Top.

If there is no tax PILOT program, will the developer/owner agree not to challenge the town's tax assessment for a period of at least 10 years? If the town does not protect itself, the developer will drag the town into court in its first year to challenge the assessment, costing the town tens of thousands in dollars in attorney fees only to have the case settled for far less taxable value.

19. Will the Cairo Planning Board require the applicants to establish an escrow account to protect Cairo taxpayers from bearing the financial burden of replacement, malfunction or remediation of the wastewater treatment plant, and make this account a requirement of any ownership transfers?

20. Will the Town of Cairo and the Cairo Planning Board take this opportunity to open an official conversation about the threat of mega-developments in our area and clarify an updated town vision? The Cairo Comprehensive Plan is over 20 years old.
21. Will the Cairo Planning Board require the developer to provide a comprehensive description of the “intent” of this proposed project, as well as a building-by-building breakdown? We demand a detailed description of all structures on the site plan, per site review law. Will the Cairo Planning board require the developer to commit to a number of branded residencies (aka units privately owned in fee simple) before making a zoning determination for this proposal?
22. Will the Cairo Planning Board require the developer to provide market studies and economic feasibility studies to provide evidence that this project is economically viable? What are the developers using as comps in the Catskills?
23. Will the Cairo Planning Board demand that Courtemanche, Chick, and KARC (their consultants) disclose any form of Six Senses/IHG involvement in this project, including consulting and brand licensing? What exactly, if any, is Six Senses role is in this project, and if not Six Senses, which brand is involved? If Six Senses/IHG is involved and pulls out, what do Courtemanche and Chick plan to do with property? Who are the silent partners in addition to Courtemanche and Chick?
24. Will the Cairo Planning board commit to transparency in communicating their review process, and clarifying what official stage we’re at in the process?
25. Will the Cairo Planning Board provide an official timeline so that the public remains informed?
26. Will the Cairo Planning Board commit to becoming—and staying—compliant with NY Open Government Laws regarding the deadlines for posting agendas and meeting minutes?
27. Will the Cairo Planning Board require the developer to pursue air-pollution assessments and seek appropriate EPA and/or DOH permits for wood-burning stoves? The architectural sketches show houses with wood stoves. We are surprised to see these stoves in the plans considering the developer touts itself as extremely environmentally conscious—wood-burning stoves emit the highest levels of carbon dioxide into the atmosphere compared to other energy sources. Adding a high-density of wood-burning stoves to our environment will also increase toxic particulate matter and increase air pollution.

We sincerely thank the Cairo Planning Board for their thoughtful consideration of our comments and concerns, and we look forward to your feedback and responses. We kindly request this letter be added to the record of the Blackhead application.

Sincerely and respectfully,

BRENDA OBREMSKI
P.O. Box 170
87 Crows Nest Road
Round Top, NY 12473

VIA HAND DELIVERY

REVISED STATEMENT BOLDED

March 7, 2024

✓ Town Of Cairo Planning Board,
Donna Vollmer, Secretary
Joseph Hasenkopf, Chairperson
Edward Forrester, Member
Allen Veverka, Member
Beth Hansen, Member
Kevin Hicks, Member
Richard Lorenz, Alternate Member

Re: Blackhead Mountain Lodge 67 Crows Nest Road SUP
2022-1101P Tax (116.00-1-24)
Traffic Report APPENDIX H designated in letter 12/21/2023
Traffic Correspondence APPENDIX H.1 designated in letter 02/16/2024

To the Town of Cairo Planning Board and members individually as named,

I have thoroughly reviewed the above referenced Traffic Report statements submitted by Creighton Manning on behalf of the previous and present owners of Blackhead Mountain Lodge and their project developers and I and my neighbors are extremely troubled at the underestimation of past and current traffic trips estimates and ITE general similar use data used in forming their still preliminary findings.

I have lived on Crows Nest Road for many years and shall using empirical information about the use and hazards that all of my neighbors know about both on Blackhead Mountain Road and lower and upper Crows Nest Road. From my house I see all traffic coming and going from the main entrance to Blackhead Mountain Lodge. Additionally I have worked during an active resort season in the golf clubhouse and I have not seen as many as **100** vehicles per day travel on Crows Nest Road to visit BHML during regular seasonal use and never have I been aware of as much as 200 vehicle trips a day on Crows Nest Road including residents use. To use general ITE data and once on a special occasion vehicle trip counts to formulate a future daily use estimate of what the road integrity itself, the traffic cross patterns, pedestrians and cyclists can safely use is grossly negligent at the least.

Crows Nest Road is a variably 18' wide, single lane dead end road with no shoulders, muddy low side ditches, two culverts, culturally significant rock walls and State Land trail accesses. At the top there is a limited turnaround with a dangerously steep ravine on the left side going up and has a dangerous cross slope to the right after the u turn. The garbage truck backs up the road to avoid attempting the turnaround at the top of the dead end. No school bus service for the same reason. No mail delivery (same reason?). The point is, if any truck, staff, guests go off route or miss the proposed construction/staff/delivery entrance of Crows Nest Road the only option is to go all the way up to the top of the dead end and manage the turn around. Along the way there is a very blind rise in the road, along which residents cycle, walk, jog, ATV and just drive away from their houses. Lost, confused, oversize unexpected traffic is very likely to create extremely dangerous situations for all including road deterioration.

Separate from the dangers of being stuck going all the way up to the top dead end of Crows Nest Road to attempt the turnaround, the bottom of that hill, the entrance to BHML is a dangerous hard right over a culvert, cars usually swinging over left as they navigate the turn, not unusual when turning from a one lane road. This will be another dangerous traffic hazard. Reversed, heading towards BHML on Crows Nest Road from the intersection with Bald Hill Road it is a slight curve to the left and immediate turn right to enter BHML and has before been a collision hazard to be aware of in season if you live on this road.

Consider the intersection of Crows Nest and Blackhead Mtn Road, as you come up from Rt 31 and get towards the intersection it is a blind rise ending in a sudden slight curve to either go straight towards the proposed construction/staff/delivery entrance or to take a left on N Bald Hill to go to the proposed main entrance. Numerous times a year during winter cars are unable to make the top the hill to that intersection, sliding back down between the Morrisk and Burr residences, which are near a blind curve, with no shoulders, vulnerable rock walls and the road is less than 20' wide. It takes experience to know how to navigate that hill safely in winter weather. The only reason many more accidents have not occurred of record in our neighborhood is because of the ALWAYS low volume of traffic.

Many homes on Crows Nest Road have very minimal driveway frontage or have blind driveways and on curves. Most cars cannot seem to navigate the left from Rt 31 onto Blackhead Mtn Road without overshooting the right lane. If you are making a left or right at the bottom of Blackhead Mtn Road onto Rt. 31 it is either a view obstructed hard left or a view obstructed right.

Along Blackhead Mtn Road, N. Bald Hill Road and Crows Nest Road are local culturally significant Rock Walls. Recognition of the historic nature and importance of these relics of our regional past is now in the forefront of Anthro-archaeological study. The proposed increase in traffic volume along these roads endangers these important and irreplaceable connections to this areas heritage. How will this Board protect this significant feature of our town from the overuse of the roads that our Rock Walls inhabit?

In summary, **this project based on the revised proposed traffic trip estimates submitted by Creighton Manning in letter dated 2/16/24 will result in a 100 % increase in traffic based on my actual observance during the busiest 6 month season in the past 15 years. This increase will NOT be “tempered” by the previous use generated traffic as stated in letter dated 2/16/24.** The BHML project plan as submitted to the Town of Cairo Planning Board regarding local traffic impact will result in poor future outcomes for the immediate neighborhood’s residents, their safety, their heritage and our local and regional culture.

Therefore, I urge this board to require a total reassessment and report of Traffic Impact using actual real time data and not estimated past use or industry guideline estimates costs for which to be paid for by the owners of record.

I urge this Board to enter a Positive Declaration decision in the **SEQRA** application process triggering the most vigorous oversight of this project until such time as all studies are independently assessed at the expense of the Town and current owners of record and all application sections, requirements and studies are fully completed.

Finally, I urge this Board to hold the Public Hearing OPEN until such time as allows for public review, inspection and comments of all BHML proposed project plans and ensuring trust in this Board’s future transparency.

Respectfully submitted,



Brenda Obremski

Cc: Cairo Town Board
Town of Cairo Highway Dept.

**2 ATTACHMENTS – Creighton Manning letters
PREVIOUSLY SUBMITTED**

BRENDA OBREMSKI
P.O. Box 170
87 Crows Nest Road
Round Top, NY 12473

VIA HAND DELIVERY

March 11, 2024

✓ Town Of Cairo Planning Board,
Donna Vollmer, Secretary
Joseph Hasenkopf, Chairperson
Edward Forrester, Member
Allen Veverka, Member
Beth Hansen, Member
Kevin Hicks, Member
Richard Lorenz, Alternate Member

Re: Blackhead Mountain Lodge 67 Crows Nest Road SUP
2022-1101P Tax (116.00-1-24)

Subject: Community Safety – Town of Cairo Police

To the Town of Cairo Planning Board members individually as named:

At the Public Hearing Thursday, March 7th 2024 I raised the concern of community safety issues that will require additional MUNICIPAL law enforcement patrols in our specific neighborhood in Round Top. I was able to direct my remarks regarding community safety at not just the Planning Board members, but the KARC representatives and Officer Thomas Plank of the Cairo Police Department.

When I asked what the Town intends to do for additional police patrols in Round Top Officer Plank directed me to address my issue to KARC representatives who offered the idea of private security. I responded that "I am not interested in PRIVATE SECURITY as not acceptable for the public's protection. Private security is completely unaccountable to the public for their actions" except as may become discovered and be criminal in nature. They are fully protected through their employer for their actions civil or general, and "their employers are not subject to Freedom of Information Law". Private security IS completely acceptable for the security of the proposed project's immediate site and its equipment and must be borne completely by the OWNERS of Blackhead Mountain Lodge and not to encumber our municipal police department for their needs.

This project plans to bring onto site hundreds of contracted construction laborers and other staff, most of whom will be from outside this community. Will they live on site? How will private security monitor the whereabouts of hundreds of contracted laborers, on site around the clock during their off-shift hours? Will laborers live off site and be driving the roads continually? Which brings us right back to the TRAFFIC ASSESSMENT issues.

The proposed project borders state land with endless woods often used by local residents for natural recreation purposes. The immediate neighborhood is rural and isolated with houses often acres apart and cell phone service most often inconsistent. How will the Town of Cairo increase MUNICIPAL POLICE PATROLS to ensure the safety of this immediate neighborhood's and surrounding town's residents?

How will the Town of Cairo offset the INCREASED cost for necessary additional Town of Cairo Police patrols in our neighborhood and community? Increased police presence in the neighborhood would be expected at the beginning of the demolition and construction phase. What is the Planning Board's recommendation to the Town Board for the additional municipal revenue that the Town will have to draw from to finance additional Town of Cairo Police? Future projected tax revenue from the project will not offset immediate costs. I have attached page 4 of the current town budget which displays the 2024 preliminary and tentative costs for Police and Traffic Control for your reference.

I will be looking forward to your individual responses.

Respectfully submitted,



Brenda Obremski

/attachment

Cc: Cairo Police Department
Cairo Town Board

EXPENDITURES									
Account Number	Account Description	2,024 Preliminary	2,024 Tentative	Current As of 6/30	24 vs. 23 % Difference	2,024 Dpt Requested	2,023 Tentative	Adopted Budget	
A0-1680-21	Central Data Processing - Computers	5,000	5,000	1,749	(75)		19,500	20,000	
A0-1680-4	Central Data Processing Contractual			0	0		0	0	
A0-1680-416	Central Data Processing-Contractual-Copy	1,200	1,200	1,230	(73)		4,000	4,500	
A0-1680-417	Central Data Processing - Contractual - Printel	4,500	4,500	928	275		1,200	1,200	
A0-1680-418	Central Data Processing-Contractual-Comp	10,000	10,000	1,541	11		5,000	9,000	
	Totals	21,450	21,450	8,166		0	35,700	39,200	
A0-1910-0	Unallocated Insurance			0	0		0	0	
A0-1910-4	Unallocated Insurance	120,000	120,000	1,829	0		93,313	120,000	
	Totals	120,000	120,000	1,829		0	93,313	120,000	
A0-1920-0	Municipal Association Dues			0	0		0	0	
A0-1920-4	Municipal Association Dues	1,200	1,200	1,200	(20)		1,200	1,500	
	Totals	1,200	1,200	1,200		0	1,200	1,500	
A0-1930-0	Judgements & Claims			0	0		0	0	
A0-1930-4	Judgements and Claims	0	0	0	(100)		1,000	1,000	
	Totals	0	0	0		0	1,000	1,000	
A0-1990-0	Contingency			0	0		0	0	
A0-1990-4	Contingency	75,000	75,000	24,749	0		75,000	75,000	
	Totals	75,000	75,000	24,749		0	75,000	75,000	
A0-3010-0	Public Safety Administration						0	0	
A0-3010-1	Public Safety Administration Personal Se						0	0	
A0-3010-150	Public Safety Administration - Per Ser						0	0	
A0-3010-4	Public Safety Administration Contractual			0	0		0	0	
A0-3010-460	Pub Safety Admin - Cont 911 Signs	200	200	109	(73)		0	750	
	Totals	200	200	109		0	0	750	
A0-3120-0	Police			0	--0		0	0	
A0-3120-1	Police - Personal Services			0	0		0	0	
A0-3120-125	Police - Per Ser - Chief	18,000	18,000	9,000	0	18,000	22,000	18,000	
A0-3120-126	Police - Per Ser - Officers	184,321	186,893	81,180	3	186,893	176,614	178,089	
A0-3120-2	Police Equipment			0	0		0	0	
A0-3120-200	Police - Equipment	2,000	5,000	47	(50)	5,600	8,000	4,000	
A0-3120-206	Police Vehicle Lease	15,000	15,000	0	(7)	15,000	16,156	16,157	
A0-3120-4	Police Contractual			0	0		0	0	
A0-3120-400	Police - Contractual	23,750	21,000	5,454	6	21,350	21,325	22,500	
A0-3120-452	Police - Contractual - Dare						0	0	
	Totals	243,071	245,893	95,681		246,543	244,095	238,746	
A0-3310-0	Public Safety Administration						0	0	
A0-3310-4	Traffic Control Contractual	500	500		(96)		2,000	12,000	

BRENDA OBREMSKI
P.O. Box 170
87 Crows Nest Road
Round Top, NY 12473

VIA HAND DELIVERY

REVISED STATEMENT BOLDED 03/12/2024

March 7, 2024

✓ Town Of Cairo Planning Board,
Donna Vollmer, Secretary
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Re: Blackhead Mountain Lodge 67 Crows Nest Road SUP
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Traffic Report APPENDIX H designated in letter 12/21/2023
Traffic Correspondence APPENDIX H.1 designated in letter 02/16/2024

To the Town of Cairo Planning Board and members individually as named,

I have thoroughly reviewed the above referenced Traffic Report statements submitted by Creighton Manning on behalf of the previous and present owners of Blackhead Mountain Lodge and their project developers and I and my neighbors are extremely troubled at the **OVERESTIMATION** of past and current traffic trips estimates and ITE general similar use data used in forming their still preliminary findings.

I have lived on Crows Nest Road for many years and **offer my own actual** information about the use and hazards that all of my neighbors know about Blackhead Mountain Road and lower and upper Crows Nest Road. From my house I see all traffic coming and going from the main entrance to Blackhead Mountain Lodge. Additionally I have worked during an active resort season in the golf clubhouse and I have not seen as many as **100** vehicles per day travel on Crows Nest Road to visit BHML during regular seasonal use and never have I been aware of as much as 200 vehicle trips a day on Crows Nest Road including residents use. To use general ITE data and once on a special occasion vehicle trip counts to formulate a future daily use estimate of what the road integrity itself, the traffic cross patterns, pedestrians and cyclists can safely use is grossly negligent at the least.

REVISED 03/12/2024

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Crows Nest Road is a variably 18' wide, single lane dead end road with no shoulders, muddy low side ditches, two culverts, culturally significant rock walls and State Land trail accesses. At the top there is a limited turnaround with a dangerously steep ravine on the left side going up and has a dangerous cross slope to the right after the u turn. The garbage truck backs up the road to avoid attempting the turnaround at the top of the dead end. No school bus service for the same reason. No mail delivery (same reason?). The point is, if any truck, staff, guests go off route or miss the proposed construction/staff/delivery entrance of Crows Nest Road the only option is to go all the way up to the top of the dead end and manage the turn around. Along the way there is a very blind rise in the road, along which residents cycle, walk, jog, ATV and just drive away from their houses. Lost, confused, oversize unexpected traffic is very likely to create extremely dangerous situations for all including road deterioration.

Separate from the dangers of being stuck going all the way up to the top dead end of Crows Nest Road to attempt the turnaround, the bottom of that hill, the entrance to BHML is a dangerous hard right over a culvert, cars usually swinging over left as they navigate the turn, not unusual when turning from a one lane road. This will be another dangerous traffic hazard. Reversed, heading towards BHML on Crows Nest Road from the intersection with Bald Hill Road it is a slight curve to the left and immediate turn right to enter BHML and has before been a collision hazard to be aware of in season if you live on this road.

Consider the intersection of Crows Nest and Blackhead Mtn Road, as you come up from Rt 31 and get towards the intersection it is a blind rise ending in a sudden slight curve to either go straight towards the proposed construction/staff/delivery entrance or to take a left on N Bald Hill to go to the proposed main entrance. Numerous times a year during winter cars are unable to make the top the hill to that intersection, sliding back down between the Morrisk and Burr residences, which are near a blind curve, with no shoulders, vulnerable rock walls and the road is less than 20' wide. It takes experience to know how to navigate that hill safely in winter weather. The only reason many more accidents have not occurred of record in our neighborhood is because of the ALWAYS low volume of traffic.

Many homes on Crows Nest Road have very minimal driveway frontage or have blind driveways and on curves. Most cars cannot seem to navigate the left from Rt 31 onto Blackhead Mtn Road without overshooting the right lane. If you are making a left or right at the bottom of Blackhead Mtn Road onto Rt. 31 it is either a left view obstructed hard left or a left view obstructed right.

Along Blackhead Mtn Road, N. Bald Hill Road and Crows Nest Road are local culturally significant Rock Walls. Recognition of the historic nature and importance of these relics of our regional past is now in the forefront of Anthro-archaeological study. The proposed increase in traffic volume along these roads endangers these important and irreplaceable connections to this area's heritage. How will this Board protect this significant feature of our town from the overuse of the roads that our Rock Walls line?

In summary, this project based on the revised proposed traffic trip estimates submitted by Creighton Manning in letter dated 2/16/24 will result in a 100 % increase in traffic based on my actual observance during the busiest 6 month season in the past 15 years. This increase will NOT be “tempered” by the previous use generated traffic as stated in letter dated 2/16/24. The BHML project plan as submitted to the Town of Cairo Planning Board regarding local traffic impact will result in poor future outcomes for the immediate neighborhood’s residents, their safety, their heritage and our local and regional culture.

Therefore, I urge this board to require a total reassessment and report of Traffic Impact using actual real time data and not estimated past use or industry guideline estimates costs for which to be paid for by the owners of record.

I urge this Board to enter a Positive Declaration decision in the SEQRA application process triggering the most vigorous oversight of this project until such time as all studies are independently assessed at the expense of the Town and current owners of record and all application sections, requirements and studies are fully completed.

Finally, I urge this Board to hold the Public Hearing OPEN until such time as allows for public review, inspection and comments of all BHML proposed project plans and ensuring trust in this Board’s future transparency.

Respectfully submitted,



Brenda Obremski

Cc: Cairo Town Board

Town of Cairo Highway Dept.

**2 ATTACHMENTS – Creighton Manning letters
PREVIOUSLY SUBMITTED**

Donna Vollmer

From: Ashley Barad <ashbarad@gmail.com>
Sent: Wednesday, March 6, 2024 12:55 PM
To: Planning; Donna Vollmer
Subject: [Possible Spam] Concerned Resident Re: Former Blackhead Mountain Lodge

To Whom it May Concern,

I am writing as a concerned resident of Round Top regarding the real estate development proposal at the former site of Blackhead Mountain Lodge. I live on 248 Pollys Rock Rd and purchased the property in 2020 with my partner Aaron. We love this town and want to help it stay peaceful and beautiful.

As someone who relies on access to clean well water for drinking and cooking, I am especially concerned about the proposed project's wastewater/treated sewage contaminating our waterways and natural resources.

I am also concerned about the idea of a helipad being on site at the development and helicopters creating noise pollution across Round Top. I value the natural beauty of this town and around my house, and it would be a major loss to incur light and sound and air pollution due to this development.

It is imperative that you, the planning board, provide transparency to us, the townspeople, about the scope of this project and incorporate our needs and concerns into your decisions, including whether Six Senses is involved in this project.

As our elected officials, you stand to represent us, and we deserve clarity moving forward. I urge you to collaborate with residents of Round Top and keep the public hearing open until all application requirements are fully completed and the public has had time to review and comment on them.

If you do decide to approve this plan, which would be deeply disappointing to me and many other residents, I urge you to consider our health and peace and wellbeing in some way or another. Perhaps ban the use of helicopters, set limits on their energy and light pollution, water pollution, or sound pollution if they have events. This is a peaceful town which we all enjoy for its natural beauty, wildlife, quiet, and clean air and dark skies at night with gorgeous stars. Please consider this all in your decision, as I'm afraid the impact will be severe.

Thank you for your time, and please send a copy of this email to every member of the board.

Ashley Barad

March 6, 2024

Chairman Joseph F. Hasenkopf, Esq.
Town of Cairo Planning Board and Members
512 Main Street PO Box
728 Cairo, NY 12413

RE: Blackhead Mountain Lodge
64 Crows Nest Road

Dear Mr. Hasenkopf and members of the Planning Board,

I am writing regarding the proposed redevelopment of Blackhead Mountain Lodge. I live a half mile downstream from this proposed project at 52 Walnut Drive. Based on my read of the developer's submitted application, this proposed project is not just a redevelopment of the former Blackhead Mountain Lodge but a very large-scale real estate development. The initial plan submitted calls for 320,000 square feet of buildings with 87 new structures, most of which are the size of large homes.

I find the proposed water usage and water disposal for this project very concerning. Regarding water usage, the developer estimates pumping almost 11 million gallons a year or about 30,000 gallons a day on average. And these numbers do not include water needed for irrigation, pools, the various water features, staff and staff housing, and the plan's revision from 214 to 264 beds. These additional uses likely push the annual water needs to 15 million gallons or more. Can the aquifer handle this proposed large-scale pumping of underground water without going dry? Will this large-scale pumping make the wells used by the current residents of Round Top go dry? The Planning Board should require an in-depth study of the aquifer's capacity and ability to replenish itself prior to approving the large-scale well drilling and pumping needed by this massive development project.

I am also extremely concerned by the proposed discharging of the sewage water into our pristine streams. The application describes discharging 35,000 gallons per day of wastewater into an unnamed stream by the existing maintenance building. Based on underestimating of water usage outlined in the previous paragraph, the actual water discharge level will likely be much, much more than 35,000 gallons per day. The unnamed stream described flows downhill and is the stream that borders my property a half mile down stream and runs alongside my well. Currently this stream is pristine with no industrial use or farm runoff flowing into it. This unnamed stream that the developer is planning to dump its sewage water into, slows during dry periods of the year to barely a trickle. Which means the sewage water will at times be the bulk of the water flowing downstream. This stream has natural swimming holes in it and during warm months when the water is running well, my neighbor a short distance upstream is known for having the large extended family relaxing and playing in the water hole. Will this water no longer be safe to swim in. Will their children's health be at risk? For that matter, will this sewage water contaminate my and my neighbors' wells? Will this polluted water make the animals that drink from it sick? Eventually the water in this stream makes its way all the way downhill into the Town of Cairo's water supply.

The developer's application mentions the addition of a water treatment plant. However, no plans, permits or specifications for this treatment plant are included. What is the extent to which the project's sewage will be treated? The developer's PR person made a comment the other week that the water would be "almost drinkable". How is that defined and what does the "almost" mean? The required

extent of treatment should be specified in the proposal and monitored going forward. If it is indeed almost drinkable, why not require the developer to go all the way to drinkable and reuse the water in the development to fill the water features and pools, to irrigate, to flush the toilets, and even to reuse by the residents? The developer should not be sending their problem wastewater downstream to the other Round Top residents and the Town of Cairo but instead finds ways to recycle and minimize their water needs and determine ways to dispose their excess water without harming their neighbors. The more the project reuses its water, the less of a drain the project will be on the aquifer. I would like to hear from the Planning Board how the project's water will be reused or disposed of safely.

In addition to thoroughly reviewing and requiring responsible plans for water usage and wastewater disposal in order to avoid draining the areas' groundwater supplies and potentially destroying the quality of the currently pristine water of Roundtop, I urge the Planning Board to:

- Require a complete and detailed traffic analysis and affect on our roads. A development project of this scale will require many years to complete (construction time is not specified in the application) and the thousands of truckloads of materials and waste will wear out our roads.
- Consider the impact of this large-scale development on the Round Top Fire Department's equipment and staffing needs. How will additional equipment be paid for? How will the volunteer-based fire department handle the needs of this large-scale real estate development?
- Conduct a thorough review of the proposed helipad and set guidelines for the number and times of operation of the helicopters and allowable noise levels. A study should also be made of the impact of the helicopters' noise and pollution on the area's wildlife and residents.
- Along with the Cairo Town Board, disclose any tax incentives or accommodations requested or made with the developer. This massive project which will generate significant increased expenses for the town, should be boosting the town's finances, not a drain on them.

I am in favor of responsible development that minimizes negative effects on neighbors and the town while increasing tax payments, jobs, area amenities, and the economy.

I look forward to learning how my questions and requests outlined above will be addressed.

Warmly,

Patrick Aitcheson
52 Walnut Drive
Round Top NY 12473
aitchesonp@aol.com

Cc:

Donna Vollmer, Planning Board, Secretary Clerk, dvollmer@townofcairo.com

Jason Watts, Supervisor, supervisor@townofcairo.com

MaryJo Cords, Deputy Supervisor, mcords@townofcairo.com

Michael Flaherty, Board Member, mflaherty@townofcairo.com

Debra Bogins, Board Member, dbogins@townofcairo.com

Timothy Murphy, Board Member (Email address not available, please forward to Mr. Murphy)

Kayla McAlister, Town Clerk, townclerk@townofcairo.com

Good evening Chairman and members of the board. My name is Jeanine Pahl Krisman. My questions are related to the Blackhead Mountain Lodge's site plan/special permit application hand delivered to your office on February 16, 2024.

In totality, the project, as submitted, is substantial, and may have an adverse impact on the physical environmental conditions to the bordering properties. There is also concern of increased vehicle traffic and with the addition of the helipad, air traffic, both a safety and noise detriment to the boarding properties.

To put my perception of this project into context, my family and Blackhead share approximately 3,000 feet of property line. Upon reading through the application and supporting documentation, I have a few questions.

1. As it relates to the Water and WasteWater Engineer Report, what are the results of the 72-hour pump test of Blackheads two water wells? Did the analysis indicate there is any impact to the boarding properties that currently rely upon these shared water sources? If any impact, please discuss in detail the impact.
2. As it relates to the shared pond/water feature. The renderings indicate that the shared pond will remain as it exists today. Can you please confirm that (i) the proposed dams will not redirect or alter the current drainage or flow of water from the shared stream away from the pond, and (ii) that by changing the depth of the other ponds and/or creation of new ponds water will not be redirected or diverted from the shared pond, and (iii) that Blackhead will continue to maintain said pond as to ensure the sustainability (i.e., pond ecosystem and volume of water).
3. As it relates to resort guest safety and the safety of my property and persons, to avoid resort guests from venturing onto private land, what precautions is Blackhead implementing? Again, we share approximately 3,000 feet of boarding property.
4. As it relates to the helipad, how many anticipated landings per day? What are the operational hours and days for the helipad?
5. When does Blackhead anticipate breaking ground and what is the anticipated timeframe for completion of the project?
6. Crows Nest Road is a dead end roadway. I see a comment on the rendering related to ingress/egress, however, can you walk me through the specific preventive measures the ~~CGC~~ will implement to ensure means of ingress and egress to homeowners, fire and other emergency vehicles are not impaired during construction and once the resort is operating?
7. How much of an impact does the Full Environmental Assessment Form have on the board's decision to approve the application? I ask this question because some of the responses are inaccurate. Some examples include, but are not limited to, Section E2, subsections m and q. As it relates to subsection m, the applicant failed to mention black bear. As it relates it section q, the applicant indicated "No" to the question asking if the project site adjoins an area currently used for hunting, trapping, fishing or shell fishing. Windham Blackhead Range Wilderness, which encompasses Catskill Park, permits hunting and trapping during appropriate seasons. Game species in the area include white tailed deer and black bear. This information was readily available via a Google search on the date the applicant signed and dated the form.

Additionally, the residents of 122 Crows Nest Road hunt.

Next meeting we will have resort

→ which resides @ 122 Crows Nest Road,

recent

CGC

Additionally, in Section D2, subsection c, the applicant misrepresents the anticipated water usage per day. The applicant refers to Appendix G, Water/Wastewater Report which reads in pertinent part that the anticipated water usage per day is 34,792, however, the application itself reads 29,292. Same D2, subsection j reads "no" when asked if the proposed action results in a substantial increase in traffic above present levels. The subsection refers the reader to Appendix H, Traffic Report, which reads in pertinent part that there will be an estimated 7% increase or 42 additional vehicles per day. Substantial is a speculative term. For the residents that live on Blackhead Mountain Road, 7% or 42 additional vehicles per day of the FEA may be substantial. The board should request that the applicant revise all sections that contain inaccurate information to accurately describe the construction and operation of the proposed project. This request was also made by Evan H Hogan, Environmental Analyst I for the NYS DEC in his letter dated February 15, 2024.

today said approx 37,000

~~Thank you for your time this evening.~~

~~Thank you~~ As the FEA conflicts with the reference documents, and many ~~of the~~ requirements are not complete, I request the Planning Board keep the public hearing open until all application requirements are complete and have been reviewed by independent experts and the public.

Thank you for your time this evening.

March 12, 2024

**Public Comment for Blackhead Mountain Lodge Site Plan/Special Use Permit Application
2022-1101P**

FROM: Jen Schwartz, 136 Crows Nest Road, Round Top

TO: Joseph Hasenkopf, Edward Forrester, Allen Veverka, Beth Hansen, Kevin Hicks, Richard Lorenz

cc: Donna Vollmer, Kayla McAlister, Kathy Rockefeller, Jason Watts, MaryJo Cords, Michael Flaherty, Debra Bogins, Timothy Murphy, Christine Julig

Dear Members of the Planning Board,

Kindly find my initial set of questions and comments pertaining to the Blackhead proposal. I thank you for your time in reviewing them and for passing them directly to the applicant as needed to ensure accurate, comprehensive responses.

Questions for the Planning Board:

1. When will the Planning Board be responding to the public's questions and comments in writing? How will those responses be delivered?
2. The Cairo Planning Board should have already posted the March meeting agenda on the Cairo town website. Please do so immediately.
3. Will the Planning Board please make a copy of the KARC presentation from 3/7/24 immediately available to the public?
4. Will the Planning Board commit to answering questions about the application in writing? Suggesting a phone call in lieu of responding by email—as was done previously—is an inappropriate way to conduct public business that must be on the public record.
5. Will the planning board please secure a microphone for the next public hearing? The school has this infrastructure available.
6. Will the next public hearing in April be set up so that members of the public can ask questions to the applicant's consultants and/or the Planning Board and receive immediate responses?
7. The planning board chairman said on 3/7/24 that the public hearing will be left open until the application is "sufficiently reviewed." Please define, as comprehensively as possible, what "sufficiently reviewed" entails.

8. Will the Planning Board commit to keeping the public hearing open until: all application materials are completed; the public has seen an “identification of any permits from other governmental bodies required for the project’s execution and a record of applications and **approval status** of all necessary permits from federal, state, county and local agencies,” the entire application has been reviewed by an independent engineering firm (not just a single engineer); and the public has had sufficient time to review all of these reports?
9. Will the Planning Board commit to issuing a positive SEQRA declaration and require the applicant to first Scope, then issue a DEIS, and final EIS?
10. On 3/7/24 Natalie Quinn said the Cairo Planning Board had started the SEQRA review process. Please share exactly when the Planning Board stated its SEQRA review process.
11. Regarding involved agencies, Natalie Quinn on 3/7 said: “Most of them can’t act on the project until after the Planning Board makes a decision on SEQRA and makes a decision on the site plan—that’s when all of these other agencies that have permitting abilities can actually act on an action.” Can you please clarify what “act on an action” means? According to review law in both NY State and Cairo, the applicant was required to apply for all permits before the application was accepted as complete, and that is not what has happened. Please clarify the role of involved agencies in providing feedback and permit status as it pertains to the SEQRA process.
12. Per the 3/7 meeting agenda, the Planning Board has hired an engineer. This was not discussed at the meeting. Who is the engineer, when where they hired, and what is the scope of their work?
13. Did the Planning Board renew its approval for the pre-approved townhouses on tax parcel 116.16.1.1 for the new owners *after* the new owners purchased the plot in April 2023?
14. Per a recording of the February Cairo Planning Board meeting, chairman Joseph Hasenkopf said: “Round Top is a mixed-use commercial zone geared toward tourism.” Please clarify in the zoning code exactly where this definition and any associated description appears.
15. Per a recording of the February Cairo Planning Board meeting, chairman Joseph Hasenkopf said: “If [this proposal] were to be approved and it were to be successful, I don’t see the clientele leaving the property very often. I don’t foresee them going to Main Street to get coffee. They aren’t going to come to my family’s restaurant. The value of something of this scale is creating tax revenue for the town of Cairo.” Yet at the March public hearing, Hasenkopf said the opposite. Please clarify, for the record, where the Planning Board stands on how guests at the proposed resort will spend money in the town of Cairo.
16. The New York Department of Environmental Conservation (DEC) sent the Cairo Planning Board a letter on February 15, 2024 stating several serious concerns, including the existing

wastewater system at the property has been noncompliant for nearly 9 years. The State Pollutant Discharge Elimination System (SPDES) Permit Expired on May 1, 2015 and the DEC never received a renewal. Will the Planning Board require to applicant to address and fix this issue immediately? Considering both the former and current property owners have not been held accountable for the existing wastewater system for nearly 9 years, what additional enforcement mechanisms will the planning board require the to applicant commit to?

17. On 3/7 Natalie Quinn said that the project does not need any zoning variances, but it appears she was wrong. Does the helipad require a zoning variance?

18. Goal 6 of Cairo's Comprehensive Plan states: "Hamlets will be desirable locations for residential and small business development. ... Siting guidelines should be based on and emulate existing development patterns in hamlets and should not introduce suburban residential or highway strip commercial styles." This project represents the opposite of "small business development" and does not emulate existing development patterns. How, then, does the planning board justify a proposal that works against its stated goals?

19. Goal 3 in Cairo's Comprehensive Plan states: "Scenic views of the Catskill Mountains will be maintained and will remain a defining feature of the town. ... Work with landowners to maintain or enhance views of the mountains from the road." The site plans show that opposite will occur: the views of the mountains from the road will be blocked, both by new buildings and infrastructure. This will decrease the desirability and value of the surrounding area. How does the planning board justify a proposal that works against its stated goals?

20. The [number one "threat" identified in the plan for the town's goals](#): "Lack of land use controls coupled with large areas of land available for future development could lead to loss of character and rural sprawl." [Another threat \(No. 9\)](#) states: "New business development that weakens Main Street's role in the economy and in the community." Will the Planning Board acknowledge that this proposed development will lead to loss of character AND unequivocally weaken Main Street's role in the economy? If the purported tax revenue from a single resort is going to be so dominant in Cairo's economic makeup, how will the Planning Board avoid becoming beholden to the control of a single business at the expense of the needs of Main Street and small businesses throughout the town?

Questions for the Applicant:

21. Is the applicant open to submitting a revised proposal that is significantly smaller? By significant, I mean a fraction of the current plan. Less than 50 bedrooms rather than the proposed 264 bedrooms. Or is the applicant only interested in developing the land if they can maximize their keys?

22. On 3/7 Natalie Quinn said this project "will not be seeking any property tax abatement." Does the applicant commit to not *receiving* any property tax abatement? Does the applicant

confirm that they have not and will not request any Quantum funding or other government support from the Greene County Economic Development or any other agencies/groups/funds? Has the applicant communicated with the IDA, and is the IDA involved any aspect of the project?

23. What percentage of the development—including roads, berms, lodging, waterways, and any associated infrastructure—is planned on land with more than 15% slope?

24. I'm requesting a document that appears to be missing from the application. Specifically: The Water and Wastewater Engineering report (4b Appendix R) dated 2/16/24 cites a "**LRC Group Blackhead SF Building Breakdown, dated 12/18/23, revised 1/19/24.**" This citation appears at the bottom of page 41; it also appears in the EAF submitted on 12/21/23. Please provide both versions of this document.

25. Several aspects of the KARC presentation on 3/7/24 appeared to reflect outdated data, even though Natalie Quinn stated on the record that it reflected "the most recent submission." The water demand figure, for instance, reflected 214 bedrooms (12/21 application) rather than 264 bedrooms (2/16 application updates). Further, KARC reported on 3/7 that up to 300 staff will be on the property at once, yet the numbers for water demand, traffic impacts, wastewater gpd and other categories still did not include staff use. KARC's "former use estimates" for "Sewer and Water Use Estimates" reflect absolute maximum capacity at the former BHML (including staff); therefore KARC's "proposed use estimates" must employ the same methodology. Will KARC correct the inaccurate estimates they presented to the public so they reflect maximum use for guests and staff, and will KARC communicate this update for the public record?

26. Why are gpd rates for certain functions much lower for the proposed resort compared to the previous resort? For instance: 110 gpd per proposed bedroom versus 150 gpd per previous bedroom. And 16 gpd per proposed bar patron versus 40 gpd per previous bar patron. Low-flow faucets/fixtures are not referenced in these categories. Please provide complete methodology and research sources.

27. Will KARC please provide comprehensive documentation for how their "daily flow" water estimates were calculated and identify the experts that conducted these estimates? Will KARC clearly distinguish between "wastewater" estimates and "withdrawal" estimates?

28. During the 3/7 presentation, Natalie Quinn said water for irrigation is not included in the "potable water" estimates of ~37,000 gpd. She also said she "imagines it'll be to a lesser extent than the previous golf course." Please provide total water withdrawal estimates for all water use for the property. According to the DEC's technical definition, "withdrawal" includes taking water from wells/groundwater, streams, detention basins/water features.

29. Please provide a comprehensive description of water treatment systems, including any potential point-of-use systems. Our local groundwater has high levels of arsenic. Reverse

osmosis systems, for instance, can produce a significant amount of wastewater. This is one reason why the applicant must provide total water withdrawal figures, not just the daily wastewater flows for potable water.

30. Regarding the hotel brand, according to Natalie Quinn on 3/7: "Right now, there is no formal engagement with any hotel management company outside of the owners of the site who will also be part of the operation." I understand there is currently no formal partnership with a brand to operate/manage the property. To be sure, my question that night specifically asked: Will KARC and all of the applicants/investors deny Six Senses engagement with any of the applicants and their consultants, including Six Senses or their representatives consulting on site plans or any other application submissions, or Six Senses licensing their brand in any capacity. My question was not limited to operations/management and I would appreciate an answer that reflects that.

31. On 3/7, Natalie Quinn said, "the entire resort will be open to the public" and followed that by saying, "the spa and destination restaurant are open to non-guests." At the end of the presentation she repeated: "the whole facility will be open to the public." So: the entire resort is truly open to the public? Please clarify what this means. For instance, will the proposed hiking trails on the site plan be open to the public? Or will the public, aka non-guests, only be able to access the property if they've booked a spa treatment or restaurant reservation? Will anyone attempting to enter the property have to first check in at the gatehouse?

32. On 3/7 Natalie Quinn stated this project will provide "roughly 900-plus construction jobs." What percentage of those jobs does the applicant guarantee will go to workers in Cairo? Same question with the 300 total staffers who will be required to operate the resort: what percentage of those jobs will be committed to residents of Cairo?

33. What are the "60+ indirect jobs" projected to "support" the hotel with goods and services? Please elucidate.

34. On what date was KARC first contracted to work with Donald Chick, R. Henry Courtemanche, Peter and/or Edward Maassamann, and/or any of the applicants/investors? On what date did KARC begin working on the current proposal that was first submitted to the Planning Board on December 21, 2023?

35. Has the applicant already applied for the DEC Water Withdrawal Non-Public Permit? Please provide application if so.

36. Has the applicant applied for the DEC's SPDES General Permit for Stormwater Discharges from Construction Activity? Please provide application if so.

37. Specifically, what permits are the applicant seeking from the USACE?

38. Will the applicant commit to an effluent recapture and recycling program instead of discharging their effluent into drainage ditches and local streams?

39. Here is an (incomplete) list of missing or incomplete application submissions that are required for an application to be considered complete, according to Cairo's own Site Plan Review Law and the DEC. These requirements were supposed to be provided *before* a public hearing was opened; they must be submitted well before it is closed. Please ask the applicant to provide a deadline for when they will supply each of these required submissions. If the applicant has no plans to submit further materials for a listed requirement before a SEQRA declaration is made, please state that is the case.

- Identification of any permits from other governmental bodies required for the project's execution and a record of applications and approval status of all necessary permits from federal, state, county and local agencies.
- Grading and drainage plans showing existing and proposed contours and water courses within, and extending fifty (50) feet beyond applicant's property, and soil erosion and sediment control plan if required by DEC or other local laws or regulations
- Location, design, type of construction and exterior dimension of all proposed buildings and structures.
- Location of outdoor storage and solid waste disposal, and location and description of any hazardous materials to be used or stored on site.
- Description of the method of securing water, location of such facilities, design and construction materials, approximate quantity of water required and location of distribution system
- Location, design and construction materials of all energy generation and distribution facilities, including electrical, gas, solar energy, and all power and communication facilities, including towers and satellite dish antennas.
- Location, size, design and type of construction of all proposed signs reviewable herein pursuant to Article B, Section 1, paragraphs b and c.
- Estimated project construction schedule and cost.
- State Environmental Quality Review Act (SEQRA) Environmental Assessment Form.
- Elevation and façade treatment plans of all proposed structures.

- Any pertinent natural features that may affect the proposed use including but not limited to, water courses, swamps, wetlands, wooded areas, areas subject to flooding, steep slopes (more than 15%), and areas of frequent outcrops.
- A sufficient traffic report that addresses the DEC's concerns.
- A comprehensive Stormwater Management Plan
- A comprehensive Stormwater Pollution Prevention Plan (SWPPP)
- A comprehensive engineering and construction plan for rerouting waterways, including explanation of uses for all water features.

Problems with the EAF pt. 1 that were not addressed at the 3/7 public hearing:

40. In the EAF pt 1, the applicant erroneously classified this project as a "redevelopment." Redevelopment, per the NYDEC ([source](#)), is defined as: "disturbance and reconstruction of existing impervious surfaces. This includes impervious surfaces that were removed within the last five (5) years." The applicant wrote (p. 9) that this project will *create* 13.27 acres of impervious surface. (Currently, there are only 6.07 acres of impervious surface on the property.) Changing 13.27 acres of permeable surface into impervious surfaces requires a classification of "new development," NOT "redevelopment" per the DEC: "If a construction project includes both new development and redevelopment activities, the stormwater management practices for the new development portion of the project must be designed in accordance with the sizing criteria in Chapter 4 or 10, and the redevelopment activities portion of the project is subject to the sizing criteria in Section 9.3." Will the applicant commit to applying for all associated permits, including stormwater, by accurately classifying the project as a mix of redevelopment and new development?

41. In the EAF pt 1, the applicant wrongly answered "no" to the question: will their project action "cause or result in the alteration of, increase or decrease in the size of, or encroachment into any existing waterbody." The site plan clearly shows the answer is yes, and on page 9, the applicant wrote that 3.1 acres of waterways will be added. Further, the applicant's plan to dispose of treated wastewater into streams also makes this answer a "yes."

42. The applicant has twice filled out applications stating that this project will not be constructed in stages (p. 3 EAF). However, at the Cairo planning board meeting on 2/1/24, the chairman said that the plan was for the project to be constructed in at least two stages [source: audio recording]. We need a full timeline for proposed construction. Per Article D, Section 14 of Site Plan Review Law, applicant must include proposed phases of development in order to be considered complete.

43. The Cairo ordinance for construction noise is 7am-8pm Monday-Friday, and 8am-6pm on Saturday. The applicant reports in the EAF pt 1 they will not be removing "natural sound

barriers,” yet the applicant proposes to remove 17.2 acres of trees, which serve as natural sound barriers. The answer, then, should be “yes.”

44. In the EAF pt 1, The “Existing land use” section is incomplete (p. 9). Applicant failed to include “residential” land use, which is the dominant use adjoining and surrounding the project property.

45. In the EAF pt 1, the applicants answered “no” to the question “is the project site or adjoining area currently used for hunting, trapping, fishing...” The answer is clearly “yes” because the project site abuts state land.

46. In the EAF pt 1, the “Sensitive plant and animal species” list (p12) is incomplete. The applicants must add “golden eagles” and “peregrine falcons” to the list of NY endangered species. Applicants must add “bald eagles” and “timber rattlesnakes” to the list of “threatened species.” This is what I know based on observation as a resident who lives across the street. If the applicant wants to promote itself as environmentally focused and sustainable, they must commit to a full four-season flora and fauna report.

Thank you for your thoughtful review. I look forward to your written responses.

Jen Schwartz
136 Crows Nest Road, Round Top
856-264-1433

WILLIAM F. DEMAREST III
demarest@rupppfalzgraf.com

March 6, 2024

VIA E-MAIL (dvollmer@townofcairo.com & planning@townofcairo.com) & Hand Delivery:

Town of Cairo Planning Board
Joseph Hasenkopf, Planning Board Chair
Edward Forrester, Member
Allen Veverka, Member
Beth Hansen, Member
Kevin Hicks, Member
Richard Lorenz, Alternate
P. O. Box 728
Cairo, NY 12413

**Re: Blackhead Mountain Lodge
64 Crows Nest Road
Site Plan/Special Use Permit Application (2022-1101P)**

Dear Chairman Hasenkopf and Planning Board Members:

This law office has been retained by the local, unincorporated association known as Friends of Round Top in relation to the site plan and special use application filed by RCBG JV Manager LLC (the “Applicant”) for the Blackhead Mountain Lodge (the “Application”). Friends of Round Top is a grassroots collection of Town of Cairo residents located on and around Round Top formed in response to the Blackhead Mountain Lodge redevelopment project (the “Project”). We submit these comments in relation to the Town of Cairo (“Town”) Planning Board’s (“Planning Board”) scheduling of a public hearing for March 7, 2024, on the Application.

Having reviewed the Town of Cairo Zoning Law, Site Plan Review Law, Application materials submitted by the Applicant¹, and the Planning Board minutes from January and February 2024, we find that the Planning Board’s notice of a public hearing was premature. The Application has not been, and cannot be, determined to be complete at this point in the Planning Board’s review process. Therefore, we encourage the Planning Board to continue to hold open the public hearing for further comment after March 7, 2024.

¹ These include the documents submitted under the cover letter of KARC Planning Consultants, Inc., dated December 21, 2023, and the documents submitted under the cover letter of KARC Planning Consultants, Inc. dated February 16, 2024.

Application Background

The current Application for site plan approval and special use permit was submitted on or about December 21, 2023. Included with the Town's Site Plan/Special Use Permit/Change of Use Application was a Full Environmental Assessment Form Part 1 under the State Environmental Quality Review Act ("SEQRA") with appendices, including a "Preliminary Traffic Assessment."

The Applicant "presented an initial proposal" to the Planning Board at the January 4, 2024, meeting. The minutes indicate that Mr. Hicks requested "more information on the view from the neighbors perspective." The Planning Board declared itself lead agency and scheduled a public hearing for March 2024. Of significance, the minutes do not indicate that the Planning Board determined the Application was complete.

The Project was listed on the agenda for the February Planning Board Meeting; however, the minutes do not reflect any discussion during the meeting. It is our understanding that the Applicant was not present at the February meeting but that a discussion was held between the members of the public in attendance and the Planning Board after the meeting was formally closed.

On February 16, 2024, the Applicant provided updated materials on the Project. These materials include changes to the site plan, an updated engineering report, a traffic route assessment, a preliminary engineering report, and cross-sections and viewshed analysis.

The Town Code Provides for a Public Hearing after Receipt of a Complete Application, Including Completion of SEQRA.

Section XI of the Town of Cairo Zoning Law for Special Use Permits and Article D of the Site Plan Review Law require the Planning Board to conduct a public hearing. In both cases (special use and site plan), the public hearing must be held within sixty-two (62) days of the application being deemed complete.² The Town Zoning Law defines a "complete application" as "one that contains all the material necessary for the board to make a reasoned determination of the application" including a complete site plan application.³ Significantly, both the Town Zoning Law and the Site Plan Review Law explicitly provide that an application cannot be deemed complete until a negative declaration is issued or a draft environmental impact statement ("DEIS") has been accepted by the lead agency under SEQRA.⁴ The Planning Board has not made a determination

² Zoning Law § XI (D)(2)(a); Site Plan Review Law Art. D, § 9(b).

³ Zoning Law § XI (D)(1)(a). *See also* Zoning Law § XI (D)(2)(b).

⁴ Zoning Law § XI (D)(1)(a)(1):

No application will be considered complete until the lead agency makes a Determination of No Significance or until it accepts a Draft Environmental Impact Statement (DEIS) as satisfactory with respect to scope, content, and adequacy.

Site Plan Review Law Art. D, § 9(a):

No application shall be considered complete until a negative declaration under SEQRA part 617 has been issued or until a draft environmental impact statement has been accepted by the lead agency as satisfactory with respect to scope, content and adequacy.

of significance under SEQRA at this time.⁵ Therefore, the Application cannot be deemed complete.

The Town Zoning Law and Site Plan Review Law clearly provide for a determination that the Application is complete prior to holding the public hearing. The Town Zoning Law explicitly provides “Before the review process can begin, the planning board must receive a ‘complete application.’”⁶ Similarly, the Site Plan Review Law provides that “No application for site plan review shall be considered complete for initiation of the site plan time frames until either a negative declaration has been issued or a draft environmental impact statement has been accepted.”⁷ Thus, while the Town Zoning Law and Site Plan Review Law require a public hearing as part of the Planning Board’s review process, they anticipate and require a complete application, including the SEQRA determination of significance prior to holding such public hearing.

The requirement of a complete application including SEQRA determination of significance prior to holding a public hearing is a reasonable and commonsense procedure. It is not uncommon for projects to be modified during the SEQRA process. Therefore, this procedure ensures that the project design is largely set prior to holding the public hearing, avoiding the public comments becoming irrelevant due to changes to the project, or aspects modified after a public hearing not being subject to public comment. It is worth noting that SEQRA requires a public comment period following the acceptance of a DEIS.⁸ Additionally, since both the Town Zoning Law and Site Plan Review Law require a determination on the application within sixty-two (62) days of the close of the public hearing⁹, holding and closing the public hearing before the application is complete, including SEQRA determination of significance, would result in potential issues meeting this deadline.

Thus, the Planning Board’s decision to schedule a public hearing for March 7, 2024, prior to receipt of the viewshed analysis requested at the January 4, 2024, meeting and prior to a determination of significance under SEQRA was premature.

The Planning Board Should Hold Open the Public Hearing.

While a plain reading of the Town laws establishes that the Application should be complete prior to holding a Public Hearing, since the Town has scheduled and noticed the Public Hearing, it should hold the Public Hearing open until at least the next regularly scheduled Planning Board meeting following the determination that the Application is complete.

⁵ Pursuant to the SEQRA regulations, a lead agency must be established prior to a determination of significance. 6 NYCRR § 617.6(b)(2)(i). While the Planning Board purported to declare itself lead agency on January 4, 2024, the regulations provide a 30-day period to establish lead agency and a procedure when involved agencies cannot agree on a lead agency. 6 NYCRR §§ 617.6(b)(3)(i), 617.6(b)(5)(i). Therefore, the Planning Board could not have conducted the determination of significance prior to the forthcoming March meeting.

⁶ Zoning Law § XI (D)(1)(a) (emphasis added).

⁷ Site Plan Review Law Art. D, § 17 (emphasis added).

⁸ 6 NYCRR § 617.9 (a)(3).

⁹ Zoning Law § XI (D)(4)(b); Site Plan Review Law Art. D, § 9(d).

It is our understanding that the Applicant is continuing to update the Application and Project proposal. We further understand that the Planning Board anticipates receiving new information, documents, and materials from the Applicant at the March 7, 2024, Public Hearing. As discussed below, this additional information prevents a determination that the Application is complete and, therefore, the Public Hearing should not close. More significantly, closing the public hearing on March 7, 2024, would violate the letter and spirit of the Site Plan Review Law and the Open Meetings Law. The Site Plan Review Law requires applications be submitted “at least ten (10) days prior to the planning board’s regular meeting.”¹⁰ Any documents received fewer than 10 days prior to the March 7, 2024, Public Hearing require holding the Public Hearing open to the next regular meeting. The Open Meetings Law provides that any documents “scheduled to be the subject of discussion by a public body during an open meeting shall be made available” 24 hours prior to the meeting.¹¹ Deeming the Application Complete based on any documents received within 24 hours of the March 7, 2024, Public Hearing would be inconsistent with the Open Meetings Law.

Holding the Public Hearing open is generally consistent with the Town laws, but, more importantly, it gives the public sufficient opportunity to review and consider this substantial application. As noted, the Applicant provided updates to the Application on February 16, 2024, just 20 days prior to the scheduled Public Hearing. The Project entails physical disturbance of 73.2 acres, almost 20 acres of new impervious surfaces, construction of 87 new structures, 127 temporary and permanent residential units with 264 bedrooms (not including staff lodging), a 91,500 square foot lodge, 288 parking spaces, new water withdrawal wells to accommodate the 37,012 gallons per day of water demand, and a new wastewater treatment plant to process the 37,012¹² gallons per day of wastewater developed. The Applicant has provided over 300 pages of Application materials including preliminary reports from multiple consultants. Given the scope of the Project, it is appropriate for the Planning Board to provide additional time for the community to review and digest the Application materials prior to the close of the Public Hearing.

The Application Remains Incomplete

As noted above, an Application for Special Use Permit is not complete until the Planning Board receives “all the material necessary for the board to make a reasoned determination.” Since the Applicant is continuing to update the Application materials, the Application remains incomplete. Additionally, the Site Plan Review Law sets forth the requirements for Traffic Reports, Visual Impact Reports, and Storm Water Management Plans.¹³ The Applicant has provided a Traffic Impact Assessment, visual cross-section analysis, and Preliminary Engineering

¹⁰ Site Plan Review Law Art. D, § 3.

¹¹ Open Meetings Law § 103(e).

¹² These numbers are based upon the Crawford Engineering report submitted February 16, 2024. This is higher than those included in the EAF. The DEC letter dated February 15, 2024, noted that the calculation of water demand needs further review and appeared inaccurate. The Crawford Engineering report did not include the LRC Group Blackhead SF Building Breakdown referenced in that document and does not clearly include staff housing. This should be provided so that an accurate determination of the water demands can be made.

¹³ Site Plan Review Law Art. D, §§ 6(A)-(C).

Report. An initial review of these documents indicates they do not satisfy the requirements of the Site Plan Review Law.

Significantly, the traffic impact assessment is identified as “preliminary.” The report notes that “crash history . . . and sight distances should be measured” but no such summary has been provided. Furthermore, the report and supplement do not include any discussion of existing traffic conditions, an analysis of the level of service and impacts to intersections, any proposed mitigation measures, or any pedestrian crossing issues. The NYS Department of Environmental Conservation (“DEC”) letter dated February 15, 2024, in relation to the lead agency notice, recommends “a more detailed traffic analysis and/or study from the applicant” be required.

The visual impact analysis, requested by the Planning Board, utilizes computer generated symbols to represent trees and buildings. It does not provide any images of the existing natural landscape or indicate whether any screening shown is new or existing. Obviously, the denseness and type of trees providing any screening is a significant factor to determine the visual character and intensity of the Project impact.

The Preliminary Engineering Report does not provide a storm water management plan. Significantly, it provides “A complete SWPPP will be prepared and submitted with future submission after an initial review by the Town Planning Board is complete.” Thus, the Application has not provided the information required for such reports under the Town’s Site Plan Review Law. This was again noted in the DEC’s letter.

Further, while the Applicant proposes new water wells and wastewater treatment plant, no plans for such plant or water withdraw details have been provided. The DEC letter indicates a new water withdrawal permit will be required, a new State Pollutant Discharge Elimination System (SPDES) permit will be required (likely including decommissioning the on-site system), along with other permits. However, it appears that only a Water Quality Review was initially requested from the DEC.¹⁴

Finally, the EAF appears to be inaccurate¹⁵ and incomplete¹⁶. An updated EAF Part 1 should be required.

¹⁴ Per the Zoning Law, “The planning board will not delay its review pending other agency approvals” but “shall require proof that the applicant has applied for all permits required by other agencies prior to final planning board approval.”

¹⁵ The DEC noted areas of error in the EAF in its February letter including the calculation of the water usage (§ D.2.c) and potential for alteration of on-site waterbodies (§ D.2.b). The EAF indicates there will be no water impoundment (§ D.1.h), but the site plans show a “proposed water feature” extending throughout the site. There is also a contradiction between the assertion that no natural barriers for noise or screening will be removed (§§ D.2.m.ii & D.2.n.ii) with the removal of over eleven and a half (11.5) acres of forest (§ E.1.b).

¹⁶ For example, no information is provided regarding the duration of construction activities (§ D.1.e), dimensions of the largest new structure (§ D.1.g), no information regarding the “proposed water feature” are provided (§ D.1.h); the classification of the on-site streams to which wastewater and stormwater is being discharged are not identified (§§ D.2.d & D.2.e); no estimate of electricity demand is included (§ D.2.k).

These issues should be addressed prior to the Planning Board deeming the Application complete, determining significance under SEQRA, and closing the Public Hearing.

The Planning Board Should Issue a Positive Declaration and Require an EIS.

It appears that the Planning Board has correctly recognized that the Application is a Type I project under SEQRA. To be sure, the Application meets several of the categories for a Type I action in 6 NYCRR § 617.4. In analyzing the potential risk for an adverse environmental impact, the Planning Board must take a “hard look” at the potential risks “including both the short-term and long-term effects, as well as the primary and secondary effects of an action on the environment.”¹⁷ “A lead agency must prepare a positive declaration if it finds, based on comparing the information in the EAF to the criteria in the SEQR regulations (617.7(c)), that one or more adverse environmental impacts may be significant.”¹⁸ As set forth in the regulations, “the fact that an action or project has been listed as a Type I action carries with it the presumption that it is likely to have a significant adverse impact on the environment and may require an EIS.”¹⁹ The EIS is “‘the heart’ of the SEQRA process.”²⁰

Given its scale and scope, the Project clearly presents a risk of significant environmental impact. Therefore, the issuance of a positive declaration of significance and an EIS required by the Planning Board is appropriate for the Project.

We reserve the right to identify additional issues and errors with the Application and to provide additional comment as our review of the Application progresses and the Project evolves. I want to thank the Town of Cairo Planning Board for its openness to and consideration of these comments on behalf of Friends of Round Top as part of its review of the Application. I request that this letter be added to the record of the Application.

Yours truly,



William F. Demarest III, Esq.

Cc: Friends of Round Top

¹⁷ *Chinese Staff and Workers Ass'n v. City of New York*, 68 N.Y.2d 359, 365 (1986).

¹⁸ SEQR Handbook, p. 86, available at https://extapps.dec.ny.gov/docs/permits_ej_operations_pdf/seqrhandbook.pdf. See also *Matter of UPROSE v. Power Authority of State of New York*, 285 A.D.2d 603, 608 (2d Dept. 2001) (“Because the operative word triggering the requirement of an EIS is ‘may,’ there is a relatively low threshold for the preparation of an EIS”) (quoting *Matter of Omni Partners v. County of Nassau*, 237 A.D.2d 440, 442 (2d Dept. 1997)).

¹⁹ 6 NYCRR § 617.4(a)(1). See also *Shawangunk Mountain Environmental Ass'n v. Planning Bd. of Gardiner*, 157 A.D.2d 273, 275 (3d Dept. 1990) (stating that for a “Type I project, there is a relatively low threshold for requiring an EIS”).

²⁰ *Matter of Munash v. Town Bd. Of the Town of East Hampton*, 297 A.D.2d 345, 347 (2d Dept. 2002) (quoting *Matter of Jackson v. New York State Urban Dev. Corp.*, 67 N.Y.2d 400, 415 (1986)).

Received March 28, 2024

To: Planning Board of Cairo, Greene County:
From: Stephen Petronio
276/278 Crow's Nest Round Top
Feb 20, 2024

I live on Crow's Nest Rd and my company owns an adjoining 175 acres directly above the proposed site at Maassmann's Blackhead Mountain Lodge and Resort, my neighbor on Crow's Nest Road. It is quiet and green at my end of the road, a very isolated retreat facing the Catskill Mountains to the east. That's why we moved to Round Top and for the seven years we've lived here we have considered ourselves lucky. Until now. This project reads as enormously out-of-scale with the environment and with our community.

I am completely supportive of thoughtful and proportionate development, and was excited by the proposal put forward originally; however, concerns about this current proposal are multi-leveled: **water, noise, wildlife, light, traffic, and an irrevocable change in the character of the community I bought into.** But before a conversation about respecting the current community, there must be a discussion about something more basic. **We all need water.** It's a precious resource here and not a stable one up on the mountain.

All the surrounding properties have wells, and the enormous increase in water draw by this planned development concerns me deeply. I believe the current proposal of such a quantity of high-end structures severely underestimates usage, and the four new wells on the current plans indicate that. Conversely, it can also get very dry here at points in the summer. My stream, which originates up the mountain in the reserve, feeds into the ShingleKill, the destination for waste water that's proposed for the new development's water treatment facility. My own stream disappears during drought

months. What is the impact of treated water into these dry beds during these regular periods of drought? More importantly, when our wells are tapped dry by such a proposed radical increase in water usage, our properties become useless.

In addition, there have been increasingly regular and inordinately heavy rainfalls in recent years—sudden, and severe rain events that flood the roads. That will have an impact on proposed wastewater removal plans and the drainage systems on our roads that are already insufficient. Who will pay for that? And what is the impact of treated water mixed with the towns drinking supply.

I look at the current plan and am dazzled by the renderings of this ideal community. **It really does look more like a housing development than a resort.** And at first glance, my real estate lust is aroused by these drawings. But when I look more closely, I understand that we must consider the potential and very real impact on traffic, noise, water, sewage and wildlife and light of a project of this scale. I expect the Planning board to issue a positive declaration and conduct an approval process that is thorough, unbiased, and transparent. We deserve a process that uses independent experts to verify the levels and measurements applied to these plans, not experts on the payroll of the developer: we need an independent environmental impact assessment before proceeding with any approvals. Once our shared resources are surrendered, they are irreplaceable.

Cairo doesn't currently have the infrastructure to monitor a project of this size and complexity. As it is, many of the water permits at the old Blackhead Mountain Resort have been expired for years (2012) without oversight. There was no accountability then, so how can we imagine overseeing something with this level of exponential scope of growth?

In terms of a proposed heliport, that's just unthinkable. There are already several heliports nearby that can be used for emergency medical services. We don't need a hysterically disruptive, quiet-piercing helicopter on the mountain to shuttle the smallest percent people just because it's faster. Emergency services can be employed by nearby helipads that already exist in Greene County. With that speed and noise of helicopter transport, the very quality that makes Round Top so attractive is forever lost.

One more thing I'd like to add is that the home I moved into has a rectangle of two-story glass walls that face east towards the Catskill Park. The view is pristine, incredible, green space. The idea the original owners had was of course to enjoy that incredible undeveloped view. What they couldn't guess was that bird populations would be continually flying into these windows and die because the green of the forest is reflected in those walls. To them they look like open space. It's an unwitting trap and this is a major issue with many examples of new architecture sited in green spaces. There are ways to mitigate this problem but so much glass in this project, placed so far up to the tree line, will multiply the problem exponentially.

I call for a more open, thorough, and judicious approval process for this development. As of now, it has seemed rushed and ad hoc, completely tipped to the developers desires and wish for huge tax revenues, while lacking in foresight for a project that is egregiously untenable in its current iteration.

Sincerely,
Stephen Petronio

Received March 28, 2024

Town of Cairo
Planning Board
P.O. Box 728
Cairo, NY 12413

RE: 64 Crows Nest Rd., Town of Cairo, Road (116.00-1-24), and additionally owned contiguous parcels (116.00-1-25), (116.16-1-1), with respect to permits and applications filed by KARC in behalf of RCBG Blackhead Owner LLC, before the Town of Cairo, NY.

Dear Chairman Hasenkopf and Members of the Planning Board:

I live on Crow's Nest Road, less than 1/4 mile from the proposed site and I'm writing to express my deep concerns about the proposed project at the old Blackhead Mountain Lodge.

I realize I might not have lived here as long as you or other board members, but in the seven years that I have been here I have fallen in love with the town, it's quiet natural beauty and peaceful atmosphere. Every clear night when I come home I pinch myself when I look up at the sky and see such a spectacular virtually unspoiled star scape. I've come to love the local wildlife and the local forest plant communities that I experience when hiking and cycling on our scenic roads. Our proximity to the Catskill State Park and to the sensitive eco systems associated with it such as the Shinglekill and other designated class C trout spawning streams make this location a critical part of the county.

I also want to state that I am not opposed to new business in the area or to sensitive development in general. The original plan described to us by the new owners seemed like the perfect scenario: a smaller golf course with a Wellness Center in a properly scaled eco resort. What is now apparent from the latest set of plans, however incomplete they still are, is that the scale and scope of this project is wholly incompatible with the local community, ecology landscape and municipal infrastructure. This project is not another resort in line with the historical makeup of the local business community, it is a massive, big business development backed and managed by a division of a multinational corporation.

My concerns are many-fold and can be summarized by the list below:

- I do not understand the status of this preliminary site application, and has the application been accepted as complete, and what triggered the upcoming public hearing?
- Ecological impacts to plant communities and wildlife from further clearing, disturbance, water pollution, light pollution, noise pollution (Helipad)
- Water related impacts: stress on the aquifer that already runs dry in summer months, additional storm water runoff taxing the road and drainage infrastructure and affecting stream beds, water pollution caused by drilling so many new wells
- Infrastructure impacts: exponentially increased traffic on our beautiful rural country roads
- Business and Financial contingencies in case of errors, unforeseen problems

I want to go on the record to state that I implore the planning board to fulfill it's obligations to the community and apply proper required due diligence to critically review the plans and documents filed to independently assess all potential impacts from this project, both positive

and negative. All these should be at the cost of the applicant who should be required to set up an escrow account sufficient to cover these costs

We need the Planning Board to:

- Hold the Public Hearing open until the application is fully complete along with associated permit applications
- Issue a positive declaration for SEQRA
- Commission an independent environmental impact assessment and put through Scoping
- Hire independent engineers, hydrologists, ecologists at the cost of the applicant
- The planning board should not approve the project conditionally on subsequent DOH & DEC approval and should wait until those systems have been designed and signed off on and reviewed by a town engineer.
- Environmental resource mapping should be conducted by an independent expert over multiple seasons to accurately inventory existing flora and fauna and the potential impacts on these communities – One visit in December is woefully inadequate to assess the site conditions.
- Hire an independent engineer or well driller to be present during the 72 hour well test to make sure the results are reported accurately.
- Confirm that the Fire Department had been solicited for comments. A 40 ft high structure would require a hook and ladder truck. Every time a fire alarm goes off the local Fire Department needs to show up which would be a tremendous strain on our resources. Maybe there should be a requirement that owner pay the Fire Department a per call fee beyond purchasing new hook and ladder and any other additional equipment needed.
- The engineer should analyze the issues involved with the roadways leading up to the area. What is burden, cost, bridge limitations for deliveries possibly. Additional workers will be needed to keep roads open for major business during winter months.
- Confirm that The Cairo Police Department has been consulted as their calls will increase
- The scheduled 72 hour well test should be run again during drought conditions this summer. One test during non-drought conditions is not telling of water issues as the project each year will most likely utilize 8 million gallons plus.
- What are the extraneous uses of water beyond basic occupancy use: Laundry / restaurant / landscaping / gym and spas? Those needs to be addressed for water usage. Our well runs dry every August.
- Clarify the tax implications of this project before approval: are the IDA and Greene County are offering tax breaks to the applicant? If they are not taxed at full value for many years it could end of costing town money when you factor in infrastructure costs. If there is no pilot program then the owner should agree not to challenge the town's assessment for a period of 10 years to protect our tax revenue stream.
- Clarify if the project is getting any funding from Greene County?
- The applicant should be required to identify their contractors to explicitly confirm what percentage of work the applicant guarantees will be performed by Town of Cairo businesses or Greene County business. They need to commit...
- We need a written guarantee that the project will not discharge its sewer water into any local streams

-For a project of this size applicant should agree on the record to pay for a town appointed 'clerk of the works' to monitor and review the building project. Our local town Building Dept is not prepared for this.

-Is the company / applicant authorized to do business in NY or are they an out of state company without authority.

-There should be a phase 1 & phase 2 study at the property to identify any potential hazards as the property has been treated for decades with herbicides, pesticides and other chemicals used on golf courses. Contaminants in the soil will be exposed during construction and beyond and threaten to run off into the streams and water supply.

-Who will be using the heliport and what is the proposed frequency of use? We have several other options for emergency use in the area. This feature stands out to me as a particularly egregious overreach.

-Does the town zoning support this use and is there need a variance? The language in the application regarding use seems unclear – what is the official definition of a Resort? How many in fee simple residences are being planned and how do they qualify as a resort? Don't in fee simple residences define a subdivision development?

I look forward to reviewing detailed written responses to the above questions.

I very much appreciate your consideration.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'J. Flack', with a stylized flourish at the end.

Jean-Marc Flack

278 Crows Nest Road, Round Top, NY 12473