**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-owed 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?

1. [Per Cairo Site Plan Review Law](https://townofcairo.com/wp-content/uploads/2015/12/pb-spreviewlaw.pdf), 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?

1. 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?
2. 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”?
3. 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.
4. 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](https://www.drought.gov/states/New-york/county/Greene) as well as extreme rain events. Will the Board commit to requiring the applicant to pay for this service by putting funds in escrow?
5. 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?
6. 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?
7. 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?
8. 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?
9. 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.
10. Will the Cairo Planning Board commit to an EIS public hearing and comment period?
11. 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?
12. 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.
13. 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?
14. 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?
15. 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?
16. 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.

1. 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?
2. 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.
3. 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?
4. 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?
5. 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?
6. Will the Cairo Planning board commit to transparency in communicating their review process, and clarifying what official stage we’re at in the process?
7. Will the Cairo Planning Board provide an official timeline so that the public remains informed?
8. 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?
9. 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,

Mace Burr, Round Top

Donald Burr, Round Top

Anthony Glorioso, Round Top

Jean-Marc Flack, Round Top

Stephen Petronio, Round Top

Jeanine Morick, Round Top

Jen Schwartz, Round Top

CJ Matherne, Round Top

Jonathan Lawrence, Round Top

Emma Britton, Round Top

Jeanine Pahl Krisman, Round Top

Steven Schildhorn, Round Top

Michael Du Vernoy, Round Top

Wayne Wright, Round Top

Brenda Obremski, Round Top

Ashley Licis, Round Top

David Palka, Round Top

Kathleen Palka, Round Top

Polina Pfliger, Round Top

Stephanie Lavaggi, Round Top

Eli Pollack, Round Top

Sharon Shufelt, Round Top

Artur Niczewski, Round Top

Ting Guo-Villaseñor, Round Top

Michael Villaseñor, Round Top

Donald E Fisher, Round Top

Gary Egan, Round Top

Boots Egan, Round Top

Ashley Barad, Round Top

Aaron Wishnick, Round Top

Karen Yeager-Costoso, Round Top

Elaina Garone, Round Top

Merceditas Relucio, Round Top

Bébé Regnier, Round Top

Dwight Tobin, Round Top

David Kleeman, Round Top

Cheryl Pacifico-Smith, Round Top

Brenda Jackson, Round Top

Robert Warrings, Round Top

Steve Boch, Round Top

Diane Giacomino, Round Top

Harry Richardson, Round Top

Elizabeth Richardson, Round Top

Adam Snyder, Round Top

Michele Stevens, Round Top

Alan Bennett, Round Top

Nancy Bennett, Round Top

John Falco, Round Top

Erika Falco, Round Top

Suzanne Meyer, Round Top

Kari O'Connor, Round Top

Hugh Haggerty, Round Top

Joe O'Connor, Round Top

Nan Morgan, Round Top

Bridgitte O'Rourke, Round Top

Kevin O'Rourke, Round Top

James Hayes, Round Top

Paul Riordan, Round Top

Stephen Szambel, Round Top

Brent Du Vernoy, Round Top

Wilma Fisher, Round Top

Roe Tell-Drake, Round Top

David Alberga, Round Top

Wendy Fick, Round Top

Kristen Abbas, Round Top

Geoffrey Abbas, Round Top

Mitzi Merlino, Round Top

Joseph Merlino, Round Top

Ashley Stalker, Round Top

Eva Pepe, Round Top

Michael Pepe, Round Top

Tom Berkery, Round Top

Christine Scolaro, Round Top

Georgina Koren, Round Top

Mitzi Gaynor, Round Top

Holly Wanek, Round Top

Amy Krone, Round Top

Julia Joern, Round Top

Robert Young, Round Top

Kingston Farady, Round Top

Robert Weiss, Round Top

Holly Truax, Purling

Ryan Truax, Purling

Pasquale Perrella, Purling

Patricia Perrella, Purling

Julie Bryan, Purling

Gregory Cote, Purling

Joshua Powell, Purling

Emma Heartquist, Purling

Jonathan Nieman, Purling

Robert Bluemke, Purling

Krista Yablunsky, Purling

Jaime Myron, Purling

Keith Krisman, Cairo

Mary Finneran, Cairo

Otto Ohle/Nonchalant Galley, Cairo

Nicole Radske, Cairo

Ruth Leonard, Cairo

John Lees, Cairo

Jessica Mendoza, Cairo

Michael Cillis, Cairo

Oscar Rich, Cairo

Mary Casella, Cairo

Michael Casella, Cairo

Anita Radske, Cairo

Robert Radske, Cairo

Michele Stevens, Cairo

Ken Post, Cairo

Denise Post, Cairo

Henry Piccoli, Cairo

Jesse Staley, Cairo

Emmy LaRosa Cross, Cairo

Blythe Terrell, Cairo

Jack Weinstein, Cairo

Kelsey Fenimore-Pausewang, Cairo

Katiri Hart, Cairo

Scott Cross, Cairo

Michael Horgan, South Cairo

Bradford Reed, Acra, NY

Colleen Quinn, Acra NY

Erik Sommer, Acra, NY

Siena Wright, Acra, NY

Portia Munson, Catskill, NY

Jared Handelsman, Catskill, NY

Adrienne Smith, Catskill, NY

David Corneau, Catskill, NY

Matt Bua, Catskill, NY

Katie Hartsough, Catskill, NY

Tristan Fitch, Catskill, NY

Anneliis Beadnell, Catskill, NY

Hannah Houston, Catskill, NY

Elizabeth diGiacomantonio, Catskill, NY

Jordan Dixon, Catskill, NY

Beth Schneck, Freehold, NY

Mari Warfel, Leeds, NY

Jennifer Kawas, Leeds, NY

Charles Kawas, Leeds, NY

Ashley Baeckmann, East Durham, NY

Donna Baeckmann, East Durham, NY

Kennon Lorick, Athens, NY

Grace Brannigan, Athens, NY

David High, Athens

Matthew Osinskie, Coxsackie, NY

Laura Bryan, Windham

James Sinclair, Cornwallville

Judy Willinger, West Saugerties, NY

Ellen Siebers, Hudson, NY

Marisa Kleva, Ogdensburg, NJ

Maureen Kazura, Wantagh NY

Gretchen Bradshaw, Wingdale, NY

Scott Bradshaw, Wingdale, NY

Andrea Rushton, Simsbury, NY

Nancy Zverev, Poughkeepsie, NY

Abigail Lawrence, Providence, RI

Elizabeth Friedman, Oak Park, IL

John Lynch, La Garita, CO (from Cairo, NY)