

# New York State Department of Environmental Conservation

## Regional Director, Region 3

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Alexander B. Grannis  
Commissioner

February 11, 2008

Patrick McDonough, Supervisor and  
Town of Rosendale Town Board  
P.O. Box 423  
Rosendale, New York 12472

Billy Liggan, President  
Town of Rosendale Planning Board  
339 Main Street - P.O. Box 423  
Rosendale, New York 12472

Re: Hudson River Valley Resort - SEQR Lead Agency Coordination  
DEC Pre-Application No. 3-5146-00063/00007  
Town of Rosendale, Ulster County

Dear Supervisor McDonough and Mr. Liggan:

Department staff appreciated our recent opportunity to meet with you, the Town of Rosendale attorney, Mary Lou Christiana, and Town of Rosendale planning consultants regarding the proposed Hudson River Valley Resort development proposal in the Town of Rosendale. The purpose of our meeting was to further discuss the mutual desire of the Department and Town of Rosendale Agencies to serve as the lead agency in the review of the proposal pursuant to the State Environmental Quality Review Act (SEQR).

The Department's rationale for seeking lead agency status for the review of this project was outlined previously in our letter dated January 4, 2008 to Town Planning Board Clerk Heidi Haynes. The Department also indicated its support for the preparation of an Environmental Impact Statement (EIS) for the project.

The purpose of this letter is to convey the Department's expectations for how we would hope the participation of the Town of Rosendale Town Board and Planning Board as involved agencies in the SEQR review would proceed if the Department is the SEQR lead agency. I also take this opportunity to reiterate the Department's desire to serve as the SEQR lead agency. To ensure the full participation of Town agencies and a thorough review of issues of local importance, the Department, if SEQR lead agency, would strive to do the following, and work cooperatively and openly with you, subject to the obligations and requirements of lead agencies pursuant to SEQR regulations:

- Provide opportunity for the Town Supervisor, Town Planning Board President, Town counsel, and Town technical consultants to meet with the Department and discuss the draft scope prior to its formal release as a draft by the Department;
- Provide opportunity for public comment in developing a scope for the Draft EIS through a public hearing in Rosendale;
- Provide opportunity for the Town Supervisor, Town Planning Board President, Town counsel, and Town technical consultants to meet with the Department and discuss the draft scope prior to its final acceptance by the Department;
- Provide opportunity for the Town to provide guidance and comment on the selection of technical consultants to address issues of local importance;
- Provide opportunity for the Town Board and Town Planning Board to receive copies of technical reports and studies prepared to address issues of local importance in the Draft and Final EISs.;
- Provide opportunity for the Town Supervisor, Town Planning Board President, Town counsel, and Town technical consultants to meet and discuss the content and adequacy of technical reports and studies prepared to address issues of local importance;
- Provide opportunity for the Town Board and Town Planning Board to receive a copy of the preliminary drafts of the Draft and Final EISs prior to acceptance of either document by the Department; and


- To hold any public hearings required by SEQR and deemed necessary for review of this project within the Town of Rosendale. In fact it is suggested that as involved agencies you might jointly host and participate in and help facilitate these, consistent with SEQR.

During our meeting, the Town also expressed concerns about the assessment and management of SEQR fees in support of its review of issues of local importance. Please note that the Town may have independent authority, pursuant to the Municipal Home Rule Law, to adopt a local law to recover monies expended in the course of its land use reviews. As the Department can not provide the Town of Rosendale with legal advice regarding its Town Law and Home Rule powers, we urge you to consult with the Town Attorney as to the Town's authority to recover review fees outside of SEQR, including authority that may exist under existing laws the Town has adopted.

If there is agreement that the Department will assume the role of SEQR lead agency, please respond in writing and we can proceed accordingly. As explained in our earlier letter, in the event a lead agency agreement cannot be reached, the lead agency dispute may be resolved by the DEC commissioner, as prescribed in SEQR regulations (6 NYCRR Part 617.6 (b) (5)). If there is not agreement, we would not object to joining with you in a request to the DEC Commissioner for a dispute resolution, and agree that we should work cooperatively to resolve this issue in a timely manner.

Again, we are confident that the entire range of potential impacts of this project, including those that are of local significance, can be effectively evaluated and addressed through a closely-coordinated SEQR review process. In this regard, we would welcome and encourage the full participation of the various Town of Rosendale agencies in providing their input and technical guidance related to issues of local significance as detailed above.

Sincerely,



William C. Janeway  
Regional Director

cc: Town of Rosendale Zoning Board of Appeals  
J. Parker, Regional Attorney  
M. Duke, Regional Permit Administrator  
W. Rudge, Regional Natural Resources Supervisor  
S. Joule, DEC Region 3  
W. Rosenbach, DEC Region 3  
J. Eriele, Esq., Veneziano & Associates  
T. Miller, Tim Miller Associates

Other Involved/Interested Agencies:

D. Palen, Ulster County Health Department  
D. Doyle, Ulster County Planning Department  
D. Sheeley, Ulster County Highway & Bridges Department  
L. Matteson, Ulster County Development Corporation  
R. Pierpont, NYS OPRHP  
J. Metzger, Town of Rosendale Environmental Commission  
C. Hornbeck, Town of Rosendale Highway Department  
K. Hines, Town of Rosendale Fire Marshall  
J. Dupont, NYS Department of Transportation, Region 8  
B. Orzel, U.S. Army Corps of Engineers, NY District  
R. Niver, U.S. Fish & Wildlife Service, Cortland Field Office