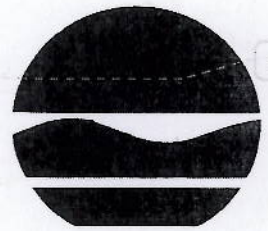


**New York State Department of Environmental Conservation
Regional Director, Region 3**

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Field

Alexander B. Grannis
Commissioner

December 8, 2009

John Piazza, Chairman
Town of Mamakating Planning Board
2948 Route 209
Wurtsboro, NY 12790

**Re: Seven Peaks at Mountain Lake
Preliminary DEIS
Town of Mamakating, Sullivan County
DEC Pre-Application ID No. 3-4840-00270/00001**

Dear Chairman Piazza:

I write regarding the Department's review of the Draft EIS submitted by the sponsor for acceptance by the Planning Board for the Seven Peaks at Mountain Lake project. I have previously sent via email a number of staff comments to the sponsor's attorney Ms. Terresa Bakner and Mr. Langdon Chapman, the Planning Board attorney. It is my understanding that the sponsor has been addressing these comments, although Department staff have not seen any proposed revisions. I will not include these comments within this letter. Rather, this letter is intended to bring to the Board's attention DEC's request that the Draft EIS not be accepted because it is inadequate for public review as submitted because it fails to meet the requirements of the Final Scope and is inconsistent with the agreement resolving the Lead Agency issues between the Department and the Planning Board.

THE CONSERVATION ALTERNATIVE IN THE DRAFT EIS IS INADEQUATE.

The conservation alternative as set forth in the preliminary Draft EIS clusters 120 lots in the central and eastern portions of the site. The Final Scope for the Draft EIS requires the comparison and evaluation of a conservation alternative "that takes into account fewer, smaller and/or rearranged lots and/or trail locations as necessary to address and evaluate the continuity of natural corridors to avoid or minimize negative impacts to existing ecological and environmental resources, as well as the potential concerns related to wildfire activity." See Section 5.2.d, Final Scope. The lead agency resolution agreement between the Planning Board and the Department requires that the Draft EIS evaluate "on-site alternatives for house and lot layout that is informed by impacts on wildlife and ecological corridors and communities such as Chestnut Oak both on and off the project site." See Section 4(f), Letter of Landon Chapman to William Janeway, Regional Director, December 23, 2008. In our opinion, the conservation alternative contains far more lots than the scope analysis requested. Staff expected that the sponsor's proposed project lot count of 49 lots would have been the basis for design of this alternative. In addition, there is no basis presented for the current conservation alternative

design as to wildfire activity and ecological and environmental resources. The proposed conservation alternative, thus, does not comport with either the Scope or the agreement.

In addition, the conservation alternative offered in the DEIS does not meet the requirements of SEQR that an alternative be reasonable and feasible considering the objectives and capabilities of the sponsor. Rather, this alternative evaluates a far greater number of lots which result in the creation of greater impacts for those areas that were evaluated when compared to the sponsor's proposed project.

The Department does believe that factors which led the sponsor to leave as undeveloped, lands within the western and central portions of the property should be stated and do represent the foundation of a starting point for a more appropriate and preferred conservation alternative development design. The sponsor and Town are encouraged to consider proposing a revised "large lot" conservation alternative with 5 to 10 acre lots based on science and an area no larger and ideally smaller than the current footprint of the initial conservation alternative. This might involve relocating some lots from the west to the "separate parcels" slated for future development, and eliminating a small number of lots. This would ensure that lands reserved for future residential development would be considered in the development of a redesigned conservation alternative, either as alternative locations for large lot homes or as lands to be left undisturbed. Alternative locations or elimination of the future hotel should also be considered to ensure that the conservation alternative includes all parcels available for development by the sponsor.

ALL PROPOSED LOTS NOT ANALYZED IN THE DRAFT EIS.

The Scope also required that the environmental impacts lots for "future development" lots, for among other things a resort hotel of up to 200 rooms be considered. Specifically, the "impacts including area of disturbance, water usage, sanitary waste treatment and disposal, traffic, and stormwater runoff and erosion control will be assess in the DEIS. See Final Scope at page 2. The Draft EIS offers does not review or assess any impacts for these properties. Further, it does not specifically take into consideration the "wildlife and ecological corridors and communities" analysis of the lead agency agreement. See *See* Section 4(f), December 23, 2008 Lead Agency Letter. The failure to address these impacts thus is inconsistent with the Scope and the lead agency agreement and lead agency dispute and raises issues of segmentation.

ADDITIONAL DETAILS NECESSARY IN DRAFT EIS ANALYSIS.

The Draft EIS lacks the level of detail needed to allow full consideration and a comparative assessment of the alternatives. The analysis would benefit from having the project design shown as an overlay on the various maps to facilitate analysis of the project. Similarly, the various alternative designs should also be presented in this manner.

The legends for the vegetative/land use cover Figures should be consistent.

Flora/Fauna Surveys

A detailed presentation of survey efforts (seasons, staff hours etc.) per specific resources should be included to assist in the interpretation of results.

Thank you for the opportunity to comment. If the Board has any questions, please do not hesitate to contact me (845) 256-3041.

Sincerely,

A handwritten signature in blue ink that reads "Alexander F. Ciesluk, Jr." The signature is written in a cursive style.

Alexander F. Ciesluk, Jr.
Acting Regional Permit Administrator

cc: W. Janeway, DEC Regional Director
S. Lamm, Mountain Road Preserve, LLC
T. Bakner, Whiteman, Osterman & Hanna