

**New York State Department of Environmental Conservation**

**Region 3, Division of Environmental Permits**

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Alexander B. Grannis  
Commissioner

August 4, 2008

Tim Allred, Senior Project Manager  
Canopy Development  
126 Main Street  
Northampton, Massachusetts 01060

RE: SEQR Positive Declaration - Hudson River Valley Resort  
Town of Rosendale, Ulster County  
DEC Nos. 3-5146-00063/00007

Dear Mr. Allred:

The New York State Department of Environmental Conservation (DEC) has determined that potential significant adverse environmental impacts may result from the proposed Hudson River Valley Resort proposal. Accordingly, DEC has prepared a Positive Declaration pursuant to the requirements of the State Environmental Quality Review Act (SEQR), and a Draft Environmental Impact Statement is being required for the project. Enclosed please find a copy of the Positive Declaration that has been prepared for the proposed project.

As indicated in the Positive Declaration, we intend to utilize public scoping procedures. As discussed during our recent meeting on July 31, 2008, this will include an opportunity for the public to provide written comments and attend a meeting to provide unsworn verbal comments on a draft scope which contains the items identified in paragraphs 617.8 (f)(1) through (5) of the State Environmental Quality Review Act (SEQR) regulations. In short, these items include a description of the proposed action, the potential significant adverse impacts, the extent and quality of information needed to address each impact (including the methods for obtaining and analyzing this information), an initial identification of mitigation measures, and the reasonable alternatives to be considered.

A draft scoping document was included with the Long Environmental Assessment Form circulated with the Town of Rosendale's original SEQR lead agency coordination package. However, the Department has requested an updated version of the draft scope, which will be shared with Town Officials and Department staff for further revision prior to circulating it for formal public notice and comment.

If you have any questions, I may be reached at (845) 256-3041.

Sincerely,

Scott E. Sheeley  
Deputy Regional Permit Administrator

Enclosure

Distribution List Attached

cc: (w/enclosure)

Town of Rosendale Supervisor and Town Board  
Town of Rosendale Zoning Board of Appeals  
Town of Rosendale Planning Board  
W. Janeway, Regional Director  
J. Parker, Regional Attorney  
M. Duke, Regional Permit Administrator  
W. Rudge, Regional Natural Resources Supervisor  
S. Joule, DEC Region 3  
J. Eriole, Esq., Veneziano & Associates  
T. Miller, Tim Miller Associates  
D. Palen, Ulster County Health Department  
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D. Sheeley, Ulster County Highway & Bridges Department  
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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

State Environmental Quality Review  
**POSITIVE DECLARATION**  
Notice of Intent to Prepare a Draft EIS  
Determination of Significance

Project Number: 3-5146-00063/00007

Date: August 4, 2008

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The NYS Department of Environmental Conservation (DEC), as lead agency, has determined that the proposed action described below may have a significant effect on the environment and that a Draft Environmental Impact Statement will be prepared.

**Name of Action:** Hudson River Valley Resort

**SEQR Status:** Type I

**Note:** A public scoping meeting will be scheduled at a later date to determine the content and format of the Draft Environmental Impact Statement. The public scoping process will help to ensure that the required Draft Environmental Impact Statement focuses on relevant issues.

**Description of Action:** Hudson River Valley Resorts, LLC proposes the construction of a mixed-use re-development of the former Williams Lake Hotel property, to be known as the Hudson River Valley Resort ("HRVR"). As currently proposed, the re-development project includes the construction of a 130-room hotel, 160 for sale homes, a spa, a wellness center, and other miscellaneous facility amenities on approximately 300-325 acres of the 779± acre site. In addition, a new wastewater treatment plant would be constructed to serve the site and the community water supply would be expanded to serve a portion of the site. In addition, the sponsors have also proposed zoning changes to the Town of Rosendale Zoning Code that would create a "Planned Resort Special Permit".

**Location:** The project site is located within the Town of Rosendale in Ulster County, on the west side of Binnewater Road, approximately 1.3 miles north of the intersection with NYS Route 213 (see attached location maps).

**Reasons Supporting This Determination:**

***Impacts on Land***

1. The project will involve an increase in the area of roads, buildings, and other paved surfaces from approximately 8 acres to 29 acres. The 21- acre increase in impervious surfaces, along with proposed blasting, shallow soils over bedrock, and some areas of steep slopes, has the potential for significant adverse impacts on land within the project area.

***Impacts on Water***

2. As proposed, the project will involve the expansion of Williams Lake (DEC Water Index No. H-139-14-5-P769; Class AA) by 4 acres through excavation of shoreline areas near the existing hotel. The existing lake is approximately 40+ acres in size. In addition, approximately 21 acres of new impervious surfaces (e.g., buildings, roads, parking) will be constructed, resulting in increased non-point runoff into on-site water bodies. Williams Lake has been used as a surface water supply and is proposed to serve a portion of the new residential resort

community. Therefore, the project may result in significant adverse impacts to the water quality and aquatic habitat within Williams Lake.

3. The construction of a centralized wastewater treatment plant with a maximum capacity of approximately 160,000 gallons per day is proposed. The proposed plant would discharge to State-designated Freshwater Wetland RD-2 (Class 2), which eventually flows into Fourth Binnewater Lake (DEC Water Index No. H-139-14-5-P770; Class B). In addition, this site is located within the Karst Aquifer priority project area of the 2006 NYS Open Space Conservation Plan. Based on the proposed discharges and the sensitive karst geology of the site, the project may have a locally significant adverse impact on groundwater quality. For these reasons, the operation of the plant may result in significant adverse impacts to the water quality of the wetland, receiving water body, and groundwater quality.
4. Non-point source pollutants generated from stormwater runoff from the site may have a significant adverse impact on the quality of surface waters and groundwater, and the rate and quantity of stormwater runoff from the site. These potential pollutants include sediment from soil erosion, pesticides and fertilizers from residential lawns, and roadway chemicals and residues, among others.
5. According to Part 1 of the Long Environmental Assessment Form, the anticipated water usage per day for the project is 160,000 gallons of water per day. This amount appears to account for potable use. The water is proposed to be drawn from a combination of individual and community water supply sources. Based on the anticipated demands and the sensitive karst geology of the site, the project may have a locally significant adverse impact on groundwater quantity.

#### **Impacts on Plants and Animals**

6. The project site would require the conversion of forested (19 acres) and meadow (11) lands to roads, buildings, other paved surfaces, lawns, and other non-forested landscaped areas. This acreage consists of several areas of development that extend across a large portion of the 300-325 acres of the development site. The area is generally recognized for its biodiversity by the Hudson River Estuary Wildlife and Habitat Conservation Framework, and large portions of the acreage proposed for the HRVR development are mapped as "significant habitats" under the NYS Natural Heritage inventory system. Further, the area was included within both the Shawangunk Mountains and Karst Aquifer priority project areas of the 2006 NYS Open Space Conservation Plan. Therefore, the project may result in significant adverse impacts to plants and animals directly affected by loss of 30 acres of forested and meadow lands. In addition, the project may result in significant adverse impacts to plants and animals that use or inhabit the site by fragmentation of habitat within the remaining 300-325 acres of the site.
7. The site is also known to contain the State-endangered and Indiana bat (*Myotis sodalis*) and bat hibernacula of statewide and national importance. The site also contains the small-footed bat (*Myotis leibii*), a State-listed species of special concern. Blasting is proposed during construction. The importance of this site has recently increased with the spread of white-nosed syndrome, which has resulted in unprecedented levels of bat mortality (80-100%) throughout bat hibernacula in the northeastern U.S. This site contains at least one bat hibernaculum where conditions are favorable for bat hibernation, but unfavorable for spread of white-nose syndrome. The locations and magnitude of the blasting and other construction activities are unknown at this time. However, the abandoned mines that contain this bat

species located on site may be vulnerable to de-stabilization through blasting activities. In addition, the clearing of 19 acres of forested vegetation on the site may reduce summer roosting habitat on the site. Therefore, this project may have a significant adverse impact on State-listed bat species, including Indiana bats.

8. Other records of state-listed threatened and endangered plant and animal species are known within or very near the project site, including the State-endangered Northern cricket frogs (*Acris crepitans*), State-endangered Allegheny woodrat (*Neotoma magister*), and State-threatened pied-billed grebe (*Podilymbus podiceps*). Potential fragmentation of habitat within the 300-325 acre development site may have a significant adverse impact on these state-listed species.

#### ***Impacts on Aesthetic Resources***

9. As proposed, attached townhouse residential units are proposed in a location that may be visible from Binnewater Road and stand in contrast to the existing detached, single-family residential prevalent in the surrounding area.

#### ***Impact on Historic and Archaeological Resources***

10. The site is identified as sensitive for archaeological sites on the NYS inventory. In addition, the site is significant in the history of the Rosendale cement industry and contains numerous abandoned mines, kilns, and remnants of cement production activities. The potential impacts, and the ability to mitigate identified impacts, are unknown at this time.

#### ***Impact on Recreation and Open Space***

11. In the past, the site has been open to public recreational use on a fee-membership basis. It has also hosted interscholastic and community athletic contests. The proposed use may alter the recreational use of the site.

#### ***Impact on Transportation***

12. The proposed project is presently estimated to generate approximately 158 peak hour weekday trips to the local roadway network. The area road network is currently characterized by lightly traveled rural roads. This project may have a significant adverse impact on traffic through potential changes in current traffic patterns and volume.

#### ***Impact on Energy***

13. In addition to serving the new lodging facilities and amenities, the proposed project will require the extension of the energy supply system to serve more than 150 additional residential units. The project's may have a significant adverse impact on local energy use.

#### ***Impact on Noise and Odors***


14. The proposed project will involve substantial clearing, grading, and other construction activities requiring the use of heavy equipment over an estimated period of 30 months. Construction activities may also require blasting. The land uses surrounding the site are rural residential and recreational, with relatively low levels of ambient noise. Sensitive receptors surrounding the site include single family residences. The project may generate noise that exceeds the local ambient noise levels and may result in significant adverse noise impacts during the construction of the project.

15. A new wastewater treatment plant (WWTP) with an approximate capacity of 160,000 GPD will be constructed to serve this project. According to the circulated project information, the plant will be constructed on the west side of Binnewater Road. There is some potential for noise and odor impacts associated with the construction of a new WWTP. If properly constructed and operated the likelihood of such impacts is relatively low. However, the site will be located within an area of existing, single-family housing that is currently not located near any significant sources of noise or odors. In this context, potential changes in ambient noise or odors may be more noticeable and could be significant and adverse.

***Impact on Growth and Community Character***

16. The Williams Lake Hotel has been located within Rosendale for approximately 80 years and has played an important role in the community. In addition, to providing lodging facilities for overnight travelers, the site has historically and hosted special events attended by community members, including banquets, wedding receptions, athletic contests on the grounds, and lake access by community members belonging to the Williams Lake beach club. The redevelopment of this site as a residential resort community will change the use of this site and may result in reduced or restricted community use. The addition of 160 homes, including 109 high-density townhouses, will change the character of this site and contrast with the surrounding detached single-family homes. The project sponsor has also requested a zoning change to accommodate the proposed uses at the site and additional demand for community services will be generated. These impacts will need to be addressed.

**For Further Information:**

Contact Person: Scott E. Sheeley   
Address: 21 South Putt Corners Rd, New Paltz NY 12561-1696  
Telephone Number: (845) 256-3041

**A Copy of This Notice Sent to:**

Town of Rosendale Supervisor and Town Board (Via facsimile: 845-658-8744)  
Town of Rosendale Zoning Board of Appeals  
Town of Rosendale Planning Board  
W. Janeway, Regional Director  
J. Parker, Regional Attorney  
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Environmental Notice Bulletin