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**Statement of  
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**Town of Tuxedo Town Board as Lead Agency  
Sterling Forest Resort DEIS Public Hearing**

**December 8, 2014**

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Scenic Hudson works to protect and restore the Hudson River and its valley as an irreplaceable national treasure and a vital resource for residents and visitors. The Highlands of New York is one of the most distinctive ecological, recreational and scenic landscapes in the eastern United States. At the center of this region sits the Sterling Forest State Park, which is nearly 22,000 acres of pristine natural refuge that supports a variety of wildlife and recreational opportunities, and, very importantly, is in the drinking watershed for more than 4.5 million residents of New York and New Jersey.

**The Proposed Project Will Result in Overwhelming Adverse Environmental Impacts to Public Parkland and a Drinking Watershed**

The massive Sterling Forest Resort development would be located right in the middle of this important and sensitive publicly-owned parkland and drinking watershed. According to the DEIS, The Sterling Forest Resort will operate year round, 20 hours a day, seven days a week, attracting 7 million visitors a year to a development covering over 45 acres, with a seven-story, 1,000 room hotel with spires that reach over 190' into the sky; parking for 8,922 cars; a 20 MW electric substation; and water treatment facilities among the 75-100 structures that will make up the massive complex.

The DEIS acknowledges there will be serious conflicts between users of the resort and casino and the adjacent public parkland, as the lighting and visual impacts, and traffic and noise from the casino/resort use will contrast with the passive recreational use of the surrounding park. The project will also increase demand from the Indian Kill Reservoir from 10% of the total permitted daily use to 58% - a nearly 6-fold increase. It will also have significant traffic impacts, generating peak hour trips of 1,000 cars per hour. Other significant impacts of the project include loss of 10% of the site's wetlands; removal of over 80 acres of vegetation; disturbance of almost 100 acres of soil with 202,664 cubic yards of excavation; doubling of the existing acreage of disturbed site; an increase to over 30 acres of impervious surfaces; impacts to threatened and endangered species and their habitat; destruction of cultural resources; air quality impacts; increases in energy use of over 120 million BTUS of both electricity and natural gas; solid waste production of four tons per day; generation of greenhouse gases; and significant increased demand for police, emergency and fire services.

The DEIS demonstrates that the proposed development is simply too large, and will have too many harmful impacts on the communities and natural resources that surround it. No amount of potential economic benefit from the proposed gaming casino and resort development is worth its permanent and devastating impacts on the surrounding public lands and drinking watershed.

### **The Proposed Project is Not in Keeping with the Town's Comprehensive Plan Update**

The proposal is inconsistent with the recommended development of this property as set forth in the Town's 2011 Comprehensive Plan Update. The Update recognizes that the Town of Tuxedo is "part of a nationally important physiographic and ecological landscape, and therefore *the land use decisionmaking in the Town must continue to remain informed of the Town's unique geographic position in the Highland region and the implications that development can have on this regionally-important natural resource base.*" With regard to this property, the Update states that "the challenge will be to establish a range of acceptable uses which allow for the redevelopment of the property, *but which would still be environmentally compatible with the site's setting in the midst of Sterling Forest State Park.*" The proposal far exceeds the level of development contemplated by the recommendations for the property set forth in the Update. As an example, while the Town's Draft Zoning limits building height to 35 feet, the applicant proposes structures that rise to over 190 feet. Clearly, based on severe and overwhelming environmental impacts identified in the DEIS, the proposal ignores the Town's unique and important geographic position, exceeds recommended development levels, and does not comply with the Comprehensive Plan.

### **The DEIS Presents No Real Alternatives for Analysis in Violation of SEQRA**

The DEIS fails to analyze reasonable alternatives to the project in violation of SEQRA, which requires that *from among the reasonable alternatives available, the chosen action is one that avoids or minimizes adverse environmental impacts to the greatest extent practicable.* The EIS must include "a description and evaluation of the range of reasonable alternatives to the action that are feasible, considering the objectives and capabilities of the project sponsor," including alternative sites, technology, scale or magnitude, design, timing, use and types of action.

The DEIS fails to meet this mandate. The "as-of-right" residential subdivision "alternative" is clearly not the intent of the applicant and is neither reasonable nor feasible. The architectural alternative results in nearly the exact same environmental impacts as the applicant's preferred alternative, and is not actually an "alternative." And the "No Action" alternative is always mandated for review by SEQRA. Therefore, the applicant's "Preferred Alternative" is in fact the only "alternative" presented in the DEIS, and it fails to meet the requirements of SEQRA. Given this, the Town's only course of action should be to adopt the "No Action" alternative.

### **The Significant Adverse Environmental Impacts Cannot be Mitigated in Violation of SEQRA**

The Preferred Alternative presented by the Applicant in the DEIS is of course designed to maximize the applicant's chances of being chosen by the Gaming Facility Location Board, whose determination heavily weights a proposal's potential economic activity and business development. Obviously, for purposes of that determination, "bigger is better," and the result is the proposed massive development and its unacceptable and overwhelming adverse environmental impacts. The applicant's position that the project

cannot be altered from the submission presented to the Location Board means that no alternatives or mitigation measures, such as smaller scale or design, are possible. Under SEQRA, if the significant adverse environmental impacts of a proposal are overriding, and adequate mitigation or alternatives are not available, the project must be denied. Such is the case here.

We urge the Town Board, as Lead Agency, to follow the mandates of its own Comprehensive Plan as well as SEQRA, and deny the application.

Thank you for the opportunity to comment.