

Save the Lakes and The Sierra Club, Mid-Hudson Group's Statement
about Hudson River Valley Resort's Proposed Zoning Amendment

Hudson River Valley Resorts has proposed a zoning amendment to the town zoning code in order to build its high-end, gated resort community at Williams and Fourth Lakes. Called the Binnewater Lakes Conservation Planned Development Area (BLCPDA), in the view of Save the Lakes and The Sierra Club, this amendment has serious negative impacts for residents of Rosendale and Ulster County.

HRVR argues in its amendment proposal that it deserves this special exception to the zoning laws because its elite development will bring economic and other benefits to the town of Rosendale and is consistent with Rosendale's Comprehensive Plan. Save the Lakes and Sierra Club believe the opposite. HRVR should not be given special privilege to create a new zoning ordinance for itself because it will not benefit the town and county and is not consistent with the Comprehensive Plan. This zoning amendment will serve the interests of the 1% to the detriment of the 99%.

1. Spot Zoning

This zoning amendment is an example of spot zoning. The principle of zoning is to establish appropriate uses for various town areas to benefit the general public, as opposed to a single developer. Spot zoning means that a special area with its own unique zoning regulations is created for one developer. Shannon LaFrance, former Rosendale Town lawyer, has indicated critically that this amendment is spot zoning. Such a privilege for a multimillion dollar development should not be allowed.

2. Public Access

a. Public Access is Not Assured

The amendment provides for: "Public access to Williams Lake, Fourth Binnewater Lake and/or lands protected by conservation easement whether free or via a fee day pass or some other method as may be applicable." This phrasing would allow the management to omit access entirely to both of these Binnewater Lakes. There is no clear commitment to access or affordability to any part of the property outside the rail trail. In fact, in the FEIS, no provision is made for on-site parking for day-pass users.

b. Public Access to Swimming

In the past public events, like high school graduation outings, and beach club membership (comparable to the YMCA in cost) assured public access to many hundreds of people for swimming in Williams Lake every year. Such access is not assured by this amendment.

3. Rosendale Comprehensive Plan (RCP)

This zoning amendment is not compatible with many of the following aspects of the Rosendale Comprehensive Plan.

a. Binnewater Lakes

The Comprehensive Plan, in accordance with the wishes expressed by Rosendale residents, gives a high priority to preservation of the Binnewater Lakes because of their significant ecological,

cultural, and recreational value to the people of this region.

b. Areas for Development

The Comprehensive Plan states that large-scale development in Rosendale should be limited to the Routes 32 and 213 corridors.

c. Affordable Housing

HRVR's project does not "encourage a variety of housing types for residents at a scale and price range consistent with community character" as required in the RCP.

Given the wealth of the investors, they are only building a few affordable housing units when a bigger contribution to the need for affordable housing should be expected. The few units being built on the property are for workers only.

4. Time Limits for Building Could Be Expansive

The building process - truck traffic, construction noise, blasting etc. - will be annoying for Rosendale residents and particularly for neighbors. The zoning amendment allows the developer to request additional time, beyond a very generous initial allotment, for completion of its building phases. Such extensions will draw out the time of construction disruption to Rosendale residents.

5. Payment in Lieu of Taxes (PILOT)

HRVR argues that the zoning amendment should be granted because of the many economic benefits it will bring to Rosendale and the area. However HRVR has repeatedly declined to rule out accepting an IDA PILOT tax reduction arrangement, even though they admit they don't need it financially.

Such a PILOT would cut out \$17 million dollars of the revenue to the town, school districts and county that HRVR has counted as an economic benefit of the project.

This zoning amendment should not be granted because this project will not benefit the public as promised. Other projects could. A public-private partnership that included a renovated hotel developed in tandem with a public park could serve paying guests and the general public. People of all economic levels would come to Rosendale and Ulster County to visit the Binnewater Lake area and support the further growth of small businesses in downtown Rosendale in a way that residents of a gated community never will. All persons in the area would have access to the beauty and recreational opportunities of the land.

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