



October 22, 2012

Town of Wawarsing Planning Board  
PO Box 671  
Ellenville, NY 12420

Subject: Regarding the Mahamudra Buddhist Hermitage Site Plan and Special Use Permit Application

Dear Chairman Schug and Members of the Planning Board,

In June 2007, the Final Environmental Impact Statement for the proposed Mahamudra Buddhist Hermitage development in Cragsmoor, Town of Wawarsing was filed. In June 2008, the Town of Wawarsing Planning Board accepted the FEIS.

In August 2012, the developer filed for site plan approval for Phase I of its development and a special use permit for all phases. The Town of Wawarsing Planning Board has forwarded the application to Ulster County for review. The Cragsmoor Association, Inc. is writing to you with our evaluation of the application. After review of documentation and preliminary drawings, these are the issues that concern us.

### **Water**

Water capacity continues to be a primary concern for Cragsmoor residents, all of whom rely on private wells for water. Many residents have experienced and documented water problems over the years, including incidents of cascading water capacity issues.<sup>1</sup>

Given recent water capacity issues experienced in the years since the FEIS was accepted, including the experiences in Ellenville and Napanoch this year, we believe the short term testing done by the applicant was short-sighted and does not adequately prove the water capacity for this project. The Cragsmoor Association submitted a report by consultant Paul Rubin of Hydroquest dated December 24, 2006 (copy attached) that pointed out in certain terms that the applicant did ***not*** determine the actual safe yield, or that which can be continuously withdrawn from the aquifer the applicant intends to exploit without negatively impacting residential wells in Cragsmoor. The report also points out that the applicant did not even fully characterize the aquifer it intends to exploit.

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<sup>1</sup> In one case on Vista Maria, a homeowner's well failed and they drilled a second well 60 feet deeper. The neighboring residence, whose well had been yielding until the new adjacent well was re-drilled, found their well dry and had to go 60 feet deeper to find water. Seasonal water problems are long known throughout Cragsmoor, and people on lower Cragsmoor Road have experienced water problems as a function of development on that road and on Route 52.

The Hydroquest report recommended that the Planning Board require the applicant to conduct a constant-rate long-term (i.e. 60 day) drawdown test to more accurately determine the true water availability in the area. The short-term test performed by the Dharmakaya's engineers monitored water capacity over a 24-hour period, and resulted in data that was used to develop and interpret results that Cragsmoor Association believes are inconclusive.

In the past four years, the applicant could have performed a constant rate, long-term drawdown test, but did not. In that same four-year period, we have experienced record high snowfalls and record lack of snow-pack, very dry winters and several major storms, with drought conditions interspersed.

It does not seem reasonable that the full project should be built, as currently requested, and that wells then be monitored to determine if there is a problem. We respectfully request that the Planning Board require a long term drawdown test during or immediately after the construction of Phase I as a condition of the Special Use Permit. This would be beneficial to both the community and the applicant, all of whom will rely on the available water.

Finally, we understand that blasting rock for excavation of various features may be part of the construction process. Blasting alters subterranean features, and has the distinct potential to impact wells in the vicinity.

In the SEQRA findings accepted by the Town in June 2008, the applicant states that they will monitor the wells at 49 Old Inn Road and 71 Old Inn Road for two years after full build out and "provide remedial measures such as the drilling of new wells to serve these dwellings" should there be a significant impact. If the Planning Board approves this project we respectfully request the following:

1. That an escrow account or bonding be put in place to ensure that funding is available for any remediation required.
2. That, in the event blasting is part of the project, the applicant be required to insure residential wells within a reasonable radius of the operation.
3. The applicant should delineate alternative remediation should new wells fail to solve the problem.
4. That a third party mediator (other than a court of law) be designated to facilitate the processing of any grievance. The applicant should reimburse the Town from the escrow or bond for any expenses incurred.
5. That other properties in the area NOT be excluded from such a process in the event of a domino effect.

### **Traffic**

The traffic studies that were originally done for this project are outdated and need to be revised. Eight times a year, the developers will open up for special events and accept an additional 143 persons that will access lower Cragsmoor Road each event.



***In other words, 62 percent of the project's peak occupancy will be itinerant, coming to and from Cragsmoor at the busiest time of the year.***

The applicant's traffic counts were done in May, 2006 (6 years ago) with an update in June, 2007. As a community we have noticed considerable increase in the traffic on Cragsmoor Road due to increased visitation at Sam Point Preserve, Bear Hill (which is managed by Cragsmoor Association), and use of the Stone Church for weddings, and from general promotion of the area by the tourism industry. All of these attractions receive peak use on weekends from July to October, which we must presume is when most of the applicant's special events will take place. None of the applicant's traffic studies were done during these peak times.

At the public hearing on September 25, 2012 in Ellenville, the applicant's team represented that they now plan to use full size busses to get people to and from the site for special events. This was ***not*** in the original plan. Cragsmoor Road and the intersection of Cragsmoor Road and Route 52 are notorious for blind spots due to vertical and horizontal curves. Furthermore, in the past 5 years, Cragsmoor has increasingly become a destination for cyclists, cycling clubs and bicycle road races traversing Cragsmoor Road and South Gully Road. Special care indeed is needed to study sight distances, bus turning rates and radii on and off Cragsmoor Road in a manner that accommodates our community, visitors and their safety. A close look at the recent rate of mortalities on Route 52 is warranted. None of the applicant's traffic studies addressed bussing – or bicyclists.

From Response K.8. in the FEIS page III-131. "The Applicant requested information from both the Town of Wawarsing and Ulster County on any proposed site developments that would be in close proximity to the Dharmakaya location so that their traffic volumes could be included in the analysis. Both of these agencies said there were no proposed developments before them that would influence the Dharmakaya analysis". This was true then, but in the five to six years since that time, we now have an approved Walmart in Napanoch and a very serious casino prospect in Ellenville. In the findings that were accepted by the Town, the applicant's analysis points out existing traffic issues at the intersection of Routes 209 and 52. Both of the above projects, one of which has been fully approved and the other is in the SEQRA scoping process, would clearly affect this intersection. This application has received no permits from the Town. In the past decade, the Cragsmoor Association has met with the Town and The Nature Conservancy (Sam's Point Preserve manager) repeatedly to collaborate on methods to manage traffic impact in the Cragsmoor community. In the several years since the FEIS was accepted, we have not been contacted by the applicant. We believe the applicant should be required to update the traffic analysis to thoroughly evaluate the dynamic their project currently imposes in our local area.

### **Zoning**

Under both the old and the new zoning ordinances, ***even if the applicant had received site plan approval and a Special Use Permit in 2008, all such approvals would now be expired*** since the use was not established within two years. The applicant has not received



either of these approvals. It is our opinion that provisions such as this ensure the timely enforcement of new ordinances and that the applicant has no vested rights. They should demonstrate compliance with all the provisions of the Town's 2009 Zoning Ordinance just as they are demonstrating compliance with new DEC regulations.

### **Buffer**

In the SEQRA findings accepted by the Board in 2008 and the Phase I site plan, the applicant offered to provide buffers along their property lines. The Cragmoor Association asks that the Town require the creation of conservation easements to protect these buffers, since that is the most effective way to ensure compliance in perpetuity.

The Cragmoor Association asks that the Board seek input from the Town Environmental Conservation Commission. They are in the process of putting together an Open Space Plan for the Town and indeed can accept conservation easements for the town upon approval of the Town Board

We would also propose that the easements be granted to the Cragmoor Conservancy, Inc., a non-profit 501(c)(3) entity which was created in 2001 specifically to provide land protection in our area by managing and enforcing conservation easements. The Conservancy currently manages a conservation easement on a 37-acre parcel in Cragmoor and also has been given title to three additional parcels and is maintaining them in a natural state.

Finally, the Cragmoor Association is concerned about the activities that can take place in the buffer. Our concept of a buffer is an area that is "forever wild." A religious statue or a wide path that is visible from Cragmoor Road (winter or summer) would not, in our opinion, be appropriate in the buffer. We are also concerned about recognizable stormwater management infrastructure that may be visible in the buffer.

Should the buffer concept be accepted by the Town, we feel confident that the terms describing the buffer can be worked out between all interested parties. Finally, we ask that all agreements with respect to the buffer be put on the approved site plan along with filing instructions.

### **Comments regarding the SEQRA Findings Statement**

The following comments are based on information from the SEQRA Findings Statement accepted by the Town on June 28, 2008:

#### Page 39. Solid Waste

The applicant's analysis is predicated on a pending application to increase the capacity of the Kingston Transfer Station. This information should be updated. The logistics of rubbish removal should also be considered in terms of road geometry and the rates and turning radii of carting vehicles.



#### Page 42. Fiscal Impacts

The Cragsmoor Association would submit that many of the figures cited in the financial analysis are outdated and should be revisited. Additionally, the Town is in the middle of a full property revaluation which could affect conclusions. Finally, increased use of local roads, and heavier traffic on side roads due to avoidance of congestion resulting from the project should be considered: roads will receive considerably more use – through congestion avoidance as well as sheer increase in traffic volume. Road maintenance and repair contributes to everyone’s tax responsibilities – with the exception of tax exempt entities such as the applicant.

Additionally, the applicant is relying heavily on the code required fire sprinkler system and claims there will be no added burden on the fire district because the sprinkler system is designed to put out any fire before the fire department gets to the site. This may not be the case and the Board should verify that every building will be sprinklered and what sprinkler system design will be used in each building (NFPA 13 or NFPA 13R). If they are using the NFPA 13R standard in their residential buildings the Planning Board should be aware that this system is designed primarily to get the occupants safely out of the building in the event of a fire (See <http://www.youtube.com/watch?v=fQWLxjWsD68>). Although NFPA 13R systems inherently provide a certain level of property protection, they are not intended to save the building - that is still the job of the fire department. The NFPA 13R system is not what most people think of when they hear “sprinkler system”. The applicant might be required to provide some payment in lieu of taxes, or to offset the cost of a fire truck dedicated to their property.

#### Page 48. Noise

During the construction phase, the applicant has listed proposed hours of operation. We would request that the hours of NO NOISE be extended to include Saturdays and federal holidays.

Many Cragsmoor residents bought property here for the same reason as Dharmkaya presumably has - peace and quiet. We are also concerned about the likelihood of religious chanting or music that would escape the boundaries of the development, and ask that the Town be prepared to enforce nuisance noise restrictions in order to protect the peace and quiet for the benefit of all of Cragsmoor’s residents.

#### Page 50. Blasting

The applicant previously stated that there will be no blasting, but some infrastructure may require it, per system schematics. If the applicant does intend to blast the rock, Cragsmoor Association requests that the applicant be required to amend their EIS and site plan approvals and provide a blasting plan to the Board for approval.



The potential for blasting to impact wells and foundations in the region should be fully and carefully considered, including the insurance of wells within a reasonable radius of the blasting, and consideration of a domino impact in which adjacent wells are impacted by mitigations.

## **Comments on plan submittals**

### Accessibility to Plans

The Cragsmoor Association requested Phase I plans directly from the applicant's design team with no success. We therefore had to FOIL for the recent site plan submittals presenting a financial cost to the Association and a time cost to Planning Board personnel. It also took a long time to get web access to the FEIS. We request that the FEIS and all future submittals be made available through the web or through a dropbox type arrangement.

The following comments are based on the documents submitted for the September 25, 2012 Public Hearing:

### Landscaping

The Cragsmoor Association respectfully requests that unless the Town Engineer has landscape professionals on staff, that the landscape plans be referred to a landscape architect to verify compliance with Section 112-20 of the Code. All fees can be reimbursed to the Town by the applicant.

### Driveway Grades

From the road profiles it appears that driveway gradients exceed the maximum 7% specified in Section 112-15.F.(7).(b). of the Code.

### Lighting

The Association is very concerned about lighting. Our residential community has deep respect for our de facto "dark skies" policy/status, which enables light pollution-free star gazing. The applicant should provide a full lighting plan for review to verify compliance with the ordinance and the FEIS. We hope that the lighting plan does not provide for an impact to the clarity of the night sky in the area surrounding the project.

### Building Uses

Prior documentation provides the total area and occupant load of the buildings in the Milarepa Center. In our opinion, Phase I plans should include the size of each building and the use(s) of each building. If there are multiple uses in a building the approximate area of each use should be given for future reference. Further the "Building Occupancy Table" on page G-100 gives the overall occupant load for the Milarepa Center but should break it down for each building.



### Architectural Plans

There are no architectural elevations for the Welcome Center which could be visible from Cragsmoor Road.

### Parking

It is our understanding that the majority of the parking lot will not be completed in Phase I. Until that time how will parking for the special events be handled?

### **Size and future growth**

Although the Cragsmoor Association is thankful for the project reductions noted in the SEQRA Findings Statement we continue to feel that the scale is too large for the community. More than 20% of the project site lies within the Cragsmoor Historic District, yet little effort has been taken to reference Cragsmoor's well-documented architectural traditions or propose "forever-wild" buffer zones consistent with the community's approach to conservation.

Additionally, in 2006 the Rinpoche made the following comment, which at the time could be viewed on a page at their website <http://www.dharmakaya.org/project/message/>. "We expect the Mahamudra Hermitage to become the global base for two things: First, the global base for preserving the Trungram Tradition and its teachings for all the students in the world; second, a global source for the promotion of a new wave of the teachings of the Buddha, or new flowering of Buddha's teachings in every corner of the world starting from this 21st century. That is more of promotion, or propagation. So when I talk about preservation, I am talking about a place where all the students can come back to that center and go out from that center." Unfortunately in 2012 Cragsmoor residents cannot access this page – it is "Forbidden."

Since its inception, the Cragsmoor Association - and generations of Cragsmoor residents – has focused on conservation and preservation as the highest of community priorities. Cragsmoor is a century and a half old community that is about to be joined by an organization that has the capacity, through this and further development, to forever change the way Cragsmoor looks, feels and circulates.

### **Conclusion**

The Cragsmoor Association's mission statement defines our approach to this and other matters that have the potential to impact the community and its surroundings: "The purpose of the Cragsmoor Association, Inc. is to encourage and assist efforts to conserve, maintain and enhance the scenic, historical, wilderness, wildlife, open space and outdoor recreational values of the physical environment of Cragsmoor and its neighboring regions for the cultural, physical, spiritual and economic benefit of our residents and visitors and to do any other acts or things incidental to or connected with the foregoing purpose or in advancement thereof."



The Cragsmoor Association's role as stewards involves working, with the assistance of our dedicated public servants, to see that such a large development imposes itself on Cragsmoor in a manner that respects and maintains quality of life, honors the delicate nature of the ridge's ecology, and is in balance with the rhythms of a community that has thrived in peace and quiet for the past 150 years. We therefore request that the public hearing be held open to allow the community and Cragsmoor Association the opportunity to review responses to our comments and future submissions from the applicant.

The Cragsmoor Association thanks you for your consideration of these comments. We respectfully request the assistance of the Town of Wawarsing Planning Board to manage the project's scope and impact now and into the future. If you have any questions feel free to contact me.

Sincerely,

Lonnie Coplen  
President, The Cragsmoor Association, Inc.

Copy: Brian Schug, Chair, Wawarsing Planning Board  
Martin Lonstein, Wawarsing Planning Board  
Paul Lonstein, Wawarsing Planning Board  
John Constable, Wawarsing Planning Board  
Douglas Hart, Wawarsing Planning Board  
Michael Durso, Wawarsing Planning Board  
James Dolaway, Wawarsing Planning Board  
Mary Lou Christiana, Esq., Town of Wawarsing Planning Board Counsel  
Scott Carlsen, Town of Wawarsing Supervisor  
John Gavaris, Town Council Member  
Terry Houck, Town Council Member  
Stephen Bradley, Town Council Member  
Dan Johnson, Town Council Member  
Hank Alicandri, Chair, Wawarsing Environmental Conservation Commission  
Jeffrey Slade, President, Cragsmoor Conservancy  
Dennis Doyle, Director, Ulster County Planning Board  
Victor Markowitz, Town of Wawarsing representative to Ulster County  
Planning Board  
NYS Senator John Bonacic

