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## TL resort hearing delayed for months

By JESSICA COLLIER, Enterprise Staff Writer

TUPPER LAKE - Adjudicatory hearings for the proposed Adirondack Club and Resort are going to be stalled at least a few more months because information requested by the state Adirondack Park Agency has yet to be turned in.

"I would say, from what I'm hearing, that it's a good three months away before it will be submitted," lead developer Michael Foxman told the Enterprise Thursday.

Pre-hearing conferences to determine the scope of the hearing on the project - which would raze and rebuild the Big Tupper Ski Area and develop the land around it with about 600 luxury housing units, a restaurant and a marina - were originally scheduled to begin sometime in January.

But at Thursday's state Adirondack Park Agency meeting, Holly Kneeshaw, acting deputy director of regulatory programs, said the agency doesn't expect the revised maps and reports to be submitted until March or April and the adjudicatory hearing to begin until sometime in the spring.

In a recent press release from the Tupper Lake-based nonprofit group ARISE (Adirondack Residents Intent on Saving Their Economy), the group blasted special-interest groups, like the environmental groups that have argued that the plans for the development are too large and would have too great an environmental impact, for holding up the regulatory review process.

"ARISE encourages those groups and individuals who are opposed to the ACR project to stop hiding behind false reasons and allow the Adirondack Park Agency to do its proper review in a timely manner," ARISE President Jim LaValley, a Tupper Lake-based real estate broker, said in the statement.

But Foxman disputed the idea that environmental groups like the Adirondack Council or Protect the Adirondacks! have had a hand in recent postponements in the process.

"I think that everybody's to blame for some of the delays, but the environmental groups are quiet at the moment," Foxman said. "It's really more a matter of making sure we have a complete record," so there won't be grounds for the application to be challenged.

Since the APA is a government agency, it wants to make sure the record is so complete that the decision can't be reversed, Foxman said.

Because of that, Foxman said he blames the structure of procedures related to doing business in the Adirondack Park for the delays.

"They are, to say the least, extraordinarily difficult," Foxman said.

He said he and his consultants are having trouble assembling information requested by the APA that is required before the hearing starts, but he is pushing hard to get it finished.

"The APA has asked for so much information that it's just a matter of going through the channels and getting it all done, so I don't know precisely what the timing will be," Foxman said.

"Obviously I thought it would be less than it looks like now."

Foxman said the APA has asked him to provide the following:

A revised master plan that reflects all the changes that have been made since the application was first submitted

A revised fiscal and economic impact study

A stormwater management plan for the entire tract

Every engineering sheet that has been submitted that is affected by changes made to the plans - even in areas where units were removed and will therefore have less stormwater runoff, Foxman said

More pieces of information that Foxman said he could not remember off the top of his head Thursday.

For the fiscal and economic impact study, Foxman said that in order to revise it to reflect today's economy, the developers are hiring the Jack Johnson Company from Park City, Utah to perform a new market study for the resort.

When that company finishes, the information will go to the LA Group, a Saratoga-based consultant group that is working on plans for the resort, which will work it into the fiscal and economic study.

Once the applicants submit the information to the APA, it must then be distributed to the groups that have party status in the hearing.

This is but the latest in a line of delays for the project. Announced six years ago, it was stalled first when the APA twice ruled the developers' application incomplete, then again when APA officials sent it to an adjudicatory hearing to address 10 concerns about the project's possible impacts. Foxman then halted the hearing process in summer 2007 to stage a series of confidential mediation sessions, which ended in June 2009.

Since then, the APA has been waiting for developers to submit the revisions and additional information to restart the adjudicatory hearing proceedings.

Since the project has been delayed for so long, ARISE and a group of local volunteers decided to band together and reopen Chair 2 and the Mighty Mite rope-tow lift at the Big Tupper Ski Area on a nonprofit basis through volunteer labor and donations. After a delayed opening due to weather - the ski area is operating without artificial snowmaking this season - the mountain opened on Dec. 30.

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