

Adirondack Daily Enterprise  
December 15, 2009

## Tupper resort hearing may be delayed

By JESSICA COLLIER, Enterprise Staff Writer

TUPPER LAKE - Though the adjudicatory hearing for the Adirondack Club and Resort was tentatively scheduled to restart in January, after a two-and-a-half year hiatus, some believe it may be delayed.

But developers are planning to meet with officials from the state Adirondack Park Agency next week to go over their timeline for preparing for the hearing.

The project, which would raze and rebuild the Big Tupper Ski Area and develop the land around it with about 600 housing units, a restaurant and a marina, was pushed into an adjudicatory hearing by the APA in its quest for a permit to examine 10 potential issues with the development.

In summer 2007, the project's developers requested the hearing be put on hold to go into confidential mediation to try to work out some of the issues, then ended the mediation this spring with an agreement with the APA that they provide more information before the hearing could restart.

Once the requested information is in, the APA will need to review it and make sure it is complete, and then it will need to be sent to the other parties to the hearing so they have sufficient time to review it, said APA spokesman Keith McKeever.

"We know they're working on it, and we expect to see some materials, but we haven't yet at this point," McKeever said.

The APA won't participate in scheduling the hearing; it will just facilitate with location and other logistics, McKeever said. Therefore he couldn't comment on what the timeline would be like.

"It's up to the (administrative law judge) to schedule time frames and to schedule when the hearings will start," McKeever said.

John Sheehan, spokesman for the Adirondack Council, an environmental advocacy group that is one of the parties to the hearing, said the Council expected to see some sort of information coming from the project's developers in November.

Dave Gibson, executive director of Protect the Adirondacks!, said several dates had been discussed in the mediation sessions, and all those deadlines have been missed.

"We're in December now, and all of us were anticipating having these in our possession sometime prior," Gibson said.

Nevertheless, lead project developer Michael Foxman said he remains optimistic about starting in January.

"We're doing the work," Foxman said. "We're getting it ready. We're moving as quickly as we can, and we're hoping we can keep to the schedule we've discussed."

Foxman said he has no idea how much of the work is already done and how much remains. The LA Group of Saratoga Springs is putting together engineering sheets and drawings for the project, he said.

LA Group engineer Kevin Franke did not immediately return a phone call this morning.

Foxman said neither he nor the APA has participated in a hearing of this magnitude before, so no one knows how much time it will take everyone to review the information.

"I don't know how long it will take," Foxman said. "It is a tight schedule. Hopefully we will be able to make it."