

3.6 Zoning, Land Use and Public Policy

3.6.1 Existing Conditions

Existing Zoning

The project site falls in one zoning district, the Residential Recreation District (RR-1), as shown in Figure 3.6-1. Zoning in the project vicinity and, in fact, most of the Town of Forestburgh, includes the RR-1 district and the Agriculture-Residential (RR-2) zoning designation lies adjacent to the north of the project site in the Town of Thompson.

Residential Table 3.6-1 shows the land uses in the zoning district which apply to the project site by Permitted, Accessory and Site Plan/Special Use. Table 3.6-2 shows the bulk and yard requirements applicable to the RR-1 district.

Table 3.6-1	
Permitted Land Uses for the RR-1 Zoning District	
	RR-1
One family dwellings	P
Two-family dwellings	P
Boarding or tourist homes	P
Agricultural uses in accordance with §85-7	P
Hunting and fishing cabins	P
Harvesting of forest products	P
Home occupations	A
Utility equipment building	S
Clubhouse for social organizations with related facilities	S
Signs in accordance with §85-7	A
Farm structures, including roadside stands	A
Garden house, tool shed, swimming pools	A
Parks, libraries, museums and theaters	S
Schools and colleges	S
Public utility structures and rights-of-way	S
Hotels & Motels in accordance with §85-7	S
Summer camps in accordance with §85-7	S
Mobile Home Parks	S
Off street parking facilities in accordance with §85-7	A
Commercial nurseries, greenhouses and fish hatcheries	S
Sanitary Landfills in accordance with §85-7	S
Nursing Homes, medical and dental clinics	S
Outdoor recreational facilities, except drive-in theaters	S
Quarrying operation in accordance with §85-7	S
Places of worship and related uses	S
Cemeteries and mortuaries	S
Source: Town of Forestburgh, Zoning Code.	
P= Permitted by right A= Accessory Use S=Site Plan	
SU= Special Use & Site Plan	

Table 3.6-2	
Bulk and Yard Requirements for the RR-1 Zoning District	
	RR-1
Minimum Permitted	
Lot area (square feet)	100,000
Lot width (feet)	200
Front yard setback (feet)	75
Side yard setback (feet)	50
Rear yard setback (feet)	100
Accessory structure setback (feet)	25
Maximum Permitted	
Building height (feet)	30
Dwelling units per lot	1
Source: Town of Forestburgh, Zoning Code.	

Planned Development District Zone

History of the PDD

Due to the size of this project proposal and other large scale development proposals being discussed between applicants and various town officials, the Forestburgh Town Board adopted a moratorium in December 2006 to allow time for the review of the town's then-existing planned unit development, or PUD, law. The PUD law, comprising sections 85-17 through 85-21 of the Town Code, did not require, among other things, the deduction of constrained lands when calculating development density. The Town Board formed a committee comprised of Town Board, Planning Board and Zoning Board of Appeals members who were tasked with making recommendations for zoning revisions that would (1) reflect current methodologies in planning design, including, for instance, requiring the deduction of constrained lands when calculating permissible density, (2) maintain Forestburgh's character and (3) yet permit large scale, appropriately sited, residential resort development.

To assist with this task, the Town hired Saratoga Associates and special legal counsel to aid with the drafting of a proposed Planned Development District, or PDD, local law, which, if adopted, would replace the Town's existing PUD law. The zoning committee met on a monthly basis for over a year to review and refine the PDD proposal, which was ultimately referred to the Town Board. In 2008 the Town Board considered the proposed PDD local law, and made additional revisions. Once it was introduced, the Town Board followed the procedure set forth in Article VIII of Chapter 85 of the Town Code, and referred the draft PDD local law to the Planning Board for its comments and to the Sullivan County Planning Department for its review pursuant to General Municipal Law § 239-l, m and n. The Town Board held a public hearing on the draft local law which was subsequently adopted on July 3, 2008 and filed with the New York State Department of State. The PDD local law repealed and replaced the PUD zoning provisions in the Town Code. Just prior to the adoption of the PDD local law, the moratorium, which had been previously extended, was allowed to expire.

As stated in the PDD local law,

The regulations for Planned Development Districts ("PDD") as set forth below are intended to provide a recognized and innovative zoning and planning technique for potential new development of relatively large areas located in the RR-1 and RC zoning districts within the Town of Forestburgh that are specifically chosen by property owners

or developers for well- designed projects that incorporate a mixture of compatible uses, open space, economies of scale, environmental and community sensitivity, and creative architectural or planning concepts that are in accordance with the Town’s economic and land use policies and goals. It is the intent of the PDD to provide for flexibility of use, area and site development restrictions in order to encourage responsible and high-quality developments that will be a lasting asset to the Town and the community in which they are situated. Each application for a PDD will be reviewed in detail and approved on a case-by-case basis to ensure that the purposes and intent of these regulations are met. [Town of Forestburgh Zoning Law § 85-17(A).]

The applicant has applied to the Town Board to designate the site as a Planned Development District (PDD) under this new local law. Planned Development Districts are intended to provide a recognized and innovative zoning and planning technique for potential new development of relatively large areas located in the RR-1 zoning district within the Town of Forestburgh. According to the Town zoning, it is the intent of the PDD to provide for flexibility of use, area and site development restrictions in order to encourage responsible and high-quality developments that will be a lasting asset to the Town and the community of Forestburgh. Appendix N includes a copy of the PDD regulation. Table 3.6-3 identifies the permitted land uses and minimum area in a PDD.

Table 3.6-3 Permitted Land Uses for the PDD Zoning District	
	RR-1
Commercial – including but not limited to lodging, sale of retail products and services (excluding wholesale)	P
Office – including professional and business (excluding large-scale medical clinics)	P
Single-Family Dwellings – including townhouses / condominiums	P
Multi-Family Dwellings – including apartments and condominiums	P
Recreational – including outdoor and indoor facilities	P
Mixed Uses and mixed-use buildings (including any combination of above uses)	P
Open space.	P
Minimum area for PDD (acres)	20
Source: Town of Forestburgh, Zoning Code. P= As permitted by Town Board	

Applicable Regulations

The Town PDD regulation includes the following general requirements and design standards to be considered in a PDD proposal. (Much of the following is taken verbatim from the regulation.)

- A. The PDD regulation includes a method for calculating permissible density and density bonuses based on net acreage of buildable land. While the Applicant shall set forth a proposed density for the development, the Town Board shall ultimately determine the permitted density as part of the approval process.

- B. The PDD shall have a ratio of mixed uses that is appropriate and sustainable for its location, Town needs and market considerations.

C. Significant environmental features and habitats of a proposed site for a PDD shall be preserved whenever possible. The regulation identifies as the purposes of such preservation:

1. Enhancing the quality of development
2. Providing adequate screening and buffering between new development and surrounding properties
3. Preserving the character of existing neighborhoods or improving such character
4. Protecting important environmental resources
5. Providing for natural channels and water quality filters for storm water such as vegetation along stream corridors, wetlands, and permeable surfaces.

D. Should the PDD have existing historic buildings, structures or sites of significance located thereon, such resources shall be preserved and incorporated in the design wherever possible.

E. If a mixture of uses is proposed, the PDD and the plan for its development should integrate the architectural design for buildings, structures, landscaping, infrastructure facilities and common areas so that the development is of a cohesive design and that such design is appropriate for the Town and the area where the proposed PDD site is located.

F. Provision shall be made for a pleasing and accessible pedestrian system within the proposed site and access from without.

G. The PDD and the plan for its development shall provide an appropriately designed traffic system that allows for ease of access to and circulation within the PDD. Such system shall take into account current traffic flows and volume as well as that which may be generated by the PDD. Access points shall be designed to provide smooth flow, controlled turning movements and minimum hazard to vehicular and pedestrian traffic.

H. The proposed development shall comply with the off-street parking and loading standards set forth in Town Code unless it is shown that a deviation from those standards is warranted and is specifically approved during the PDD approval process. Generally, adequate parking and loading facilities must be provided for on-site with minimum disruption to traffic circulation and with no increase to off-site parking.

I. Underground on-site utilities are required including telephone, electric, cable, water distribution laterals and sewer collection laterals. The applicant shall provide the Town with approved drawings depicting the locations of all underground utilities. Applicants proposing to maintain their own infrastructure including but not limited to roads, sewer, water, electric and telecommunications infrastructure, may be required to join the Underground Facilities Protective Organization.

J. All lighting shall be arranged so as to prevent direct glare or hazardous interference from the lighting for the proposed development to adjoining streets or properties.

K. Depending on the size of the proposed PDD and the number of residential units or square footage of commercial space proposed, provision shall be made for common areas, open space and recreational amenities for residents, tenants and invitees of the PDD. Pedestrian walkways, recreational buildings and facilities, natural open space areas, sitting areas, natural habitats, parks and playgrounds are considered suitable amenities depending on the density and mixture

of uses of the proposed development. Integration of various amenities throughout the development plan is encouraged.

L. The development of a PDD may be proposed and approved in phases. However, the review of a PDD (including the SEQRA review) must take into account the entire project and shall not be segmented by phase. A phasing plan shall be submitted to the Town Board as part of the PDD application materials if development phasing is contemplated by the applicant. The Town Board shall have the authority to approve, with or without modifications and/or conditions, or deny the phasing plan based on the following standards. The Town Board, in its discretion, may delegate such authority to the Planning Board as part of the Planning Board' site plan review and approval.

M. The applicant shall propose and the Planning or Town Board shall review and approve a construction schedule for the development of an approved PDD. Generally, commencement of development of the PDD, or the first phase if a phased PDD is approved, must occur within three years of the date that the final site plan of the PDD is approved. However, it is recognized that depending on the scale and complexity of the development, consideration may be made with respect to the reasonable time necessary for the applicant to obtain construction financing, insurance and bonds, executing construction contracts, and other such aspects involved in a development project. Thus, the Town Board may modify the time-period allowed for commencement of construction depending on the circumstances of each PDD. The applicant may request an extension of the time-period for commencement of construction by submitting such request in writing to the Town Board with the reasons supporting such request. The Town Board, in its sole discretion and after consideration of such request, may extend such time-period as requested or set such other time-period it deems appropriate under the circumstances.

Existing Land Use

The project site consists of ten tax parcels all owned by the Applicant. The site is located entirely in the Town of Forestburgh, Sullivan County, New York. The property boundary on the north is coincident with the Town of Thompson town line. St. Joseph's Road (County Route 108) dissects the project site in a west-east orientation and connects with Cold Spring Road (CR 102) nearby to the east. Cold Spring Road is a north-south route which touches the northeast corner of the site. Cold Spring Road and Forestburgh Road (NYS Route 42), another north-south route, connect the project site and vicinity to the Village of Monticello and NYS Route 17 to the north.

The existing setting of the project site consists of undulating topography and is almost entirely wooded, and contains a 50-acre lake (known as Lost Lake on local maps and Trout Lake on USGS maps) in the northeastern portion of the property. The project site is generally bisected by a lowland/wetland corridor oriented in a NW/SE direction containing an unnamed stream that flows to the Bush Kill in the southeastern corner, and ultimately to the Neversink River. The property is currently vacant, undeveloped and almost entirely covered by natural vegetation.

Surrounding Land Use Patterns

Land uses in the vicinity of the project area are a mix of seasonal and year round single family uses along with private and State woodlands. Refer to Figure 3.6-2, Surrounding Land Use, for the 0.5 mile land use survey study area.

To the west of the project site is a private community known as Merriewold consisting of both seasonal and year round residences situated around Merriewold Lake, and has been in existence for more than a hundred years. To the east, north, and south of the project area land use is predominately woodlands with scattered rural residences. The Saint Joseph Lake residential development exists approximately one-half mile northwest of the property. The Melody Lake residential community exists within one-half mile northeast of the property. To the southeast is the Neversink River Unique Area, a New York State owned and managed natural preserve comprised of 4,881 acres.

Public Policy

Town of Forestburgh Master Plan (2007)

In 1988 the Town of Forestburgh adopted a series of goals that served as a guide in the preparation of the 1988 Plan, and which were also used in the preparation of the Plan as amended in 2007. These are as follows:

- Preserve the peace and tranquility of Forestburgh life so that residents may continue to enjoy their land and their quality of life.
- Conserve the quality and quantity of natural, historic and scenic resources for the use and enjoyment of all residents.
- Prevent degradation of surface and groundwater resources.
- Provide for the properly-regulated and soundly-built development of housing, business, and community facilities within the Town to meet the needs of residents in a balanced manner.
- Ensure that every dwelling and place of work is supported by an adequate water supply, sewage treatment and disposal system or septic system, solid waste disposal, and telecommunications access.
- Promote safe, quiet, efficient, and uncongested roads.
- Provide adequate land, resources, and maintenance for recreational holdings so as to preserve the Town's rural character.
- Maintain a balanced and equitable tax base.
- Protect buildings and residents from the harm of flood, fire, detrimental land use, and impairment of their natural resources and property values.

The Lost Lake Resort aims to incorporate the above Town goals with the design and construction of the project. The layout of the project site allows for an open space design development which will enable the preservation of the existing rural and natural character of the Town. The project will conserve the quality and quantity of natural, historic and scenic resources for the use and enjoyment of all residents with the natural buffers, wetland corridor, and nature trails throughout the project site. Vegetated buffers are proposed that will preserve the visual quality of the Town as viewed from its highways. The project plans incorporate environmentally protective measures (such as wetland and wetland buffer preservation within open space lands, water quality protections including erosion and sedimentation measures during construction, and modern water and sewer facilities that will meet current State standards to protect water

resources) within a mix of recreation and leisure facilities that is expected to complement the Town's rural character and its economy.

Sullivan 2020 Strategic Plan

In 2004, the Sullivan County Division of Planning and Community Development, in conjunction with HRG and Shepstone Management Consultants established a process for developing the Sullivan 2020, a countywide strategic comprehensive plan, and initiated the process. The Sullivan 2020 plan is intended to provide guidance for the County's growth and a framework for achieving sustainable development. It is divided into twelve chapters and addresses issues such as Open Space and Natural Resources, Infrastructure, Growth, Farmland Protection, Tourism, Community Development and Housing, Public Transportation, Community Services, Emergency Management, and Water Resources. The vision for Sullivan County in the 21st century, as stated in the Sullivan 2020, is:

"Sullivan County is a place where we achieve a diversified and sustainable economy, which maintains and enhances the natural beauty and rural characteristics of the County. It is also a place where we nurture our youth, our elderly and our dependent populations in an environment that is welcoming to those seeking a rural quality of life in an urbanized setting."

The Sullivan 2020 Plan does not identify specific locations where the strategies should be implemented or encouraged, but provides broad guidance for future development.

Sullivan County Conserving Open Space and Managing Growth (2008)

The Sullivan 2020 document identified the preservation of open space as a high priority since it is vital to the economy and quality of life of Sullivan County. The open space plan entitled Conserving Open Space & Managing Growth: A Strategy for Sullivan County (2008) is an outcome of that process. This plan also builds on two other related plans, the Sullivan County Agricultural and Farmland Protection Plan and the New York State Open Space Conservation Plan. Provisions of the plan that are relevant to the proposed action are discussed below.

- Identify and protect important natural habitats and ecological areas.
- Improve public awareness of the presence and value of natural habitats and ecological areas.
- Limit encroachment, degradation and elimination of important ecosystems.
- Link the protection of biodiversity to the development and marketing of eco-tourism.

The Neversink River Valley was designated by the Nature Conservancy as one of the 75 Great Places throughout the United States due to its high quality and unique ecological significance. The state-designated and managed Neversink Unique Area consists of 5,466 acres and 4.9 miles of the Neversink River. This area meets the characteristics as it possesses special natural beauty, wilderness character, geological significance, and ecological significance. With the project site being adjacent to this unique area attention has been given to construct the proposed housing in such a manner that will allow for almost half of the existing site to be appreciated in a natural state. Areas of wetlands and buffers are proposed to be avoided with the construction of the project ensuring the protection of important natural areas.

- Encourage the use of land use and conservation tools such as conservation easements to conserve important habitat, by working collaboratively with local constituents landowners and conservation organizations.
- Provide educational information concerning biological resources and the importance of biodiversity to community organizations, citizen groups and policy makers.
- Work with recreation-related businesses to diversify their operations, explore opportunities for collaboration, and generate year-round interest.
- Work with sporting clubs to explore opportunities for increased membership and complementary activities designed to generate supplemental income.
- Identify opportunities for municipalities and property owners to reduce, collect and treat stormwater.

The project aims to construct the proposed housing in such a manner that will allow for almost half of the existing site to be appreciated in a natural state. Areas of wetlands and buffers are proposed to be avoided with the construction of the project ensuring the protection of important natural areas. Conservation Design Practices are design practices that contribute to the protection of natural resources and include flexible lot design standards, natural landscape and drainage systems, reduced impervious surface areas, and sustainable stormwater management techniques.

NYS Open Space Plan (2006)

The 2006 Plan proposes the open space resources that should be saved for New York State's future and describes how we can conserve and manage these resources in a sensible and affordable way. The Plan does not confine itself to public land acquisition, but recognizes that encouraging private land stewardship is also important. The Plan recognizes that open space conservation efforts must be fiscally prudent and they must go on in good times and bad; because, once forests and fields, lake shores and seashores are developed, it is very difficult to return them to open land again. Similarly, once destroyed, historic and archeological sites cannot be replaced. It also encourages efforts at the local level to promote local open space planning and implementation programs.

Goals of The Open Space Conservation Plan include:

- To protect water quality in New York State including the quality of surface and underground drinking water supplies and the quality of lakes, streams and coastal and estuarine waters needed to sustain aquatic ecosystems and water based recreation.
- To provide high quality outdoor recreation, on both land and water, accessible to New Yorkers regardless of where they live, how much money they have, or their physical abilities.
- To protect and enhance those scenic, historic and cultural resources which are readily identifiable as valued parts of the common heritage of New York' citizens.
- To protect habitat for the diversity of plant and animal species to ensure the protection of healthy, viable and sustainable ecosystems, as well as the conservation and preservation of biological diversity within the State.
- To protect habitat to sustain and enhance populations of endangered species, threatened species and species of special concern.

- To protect habitat to sustain the traditional pastimes of hunting, fishing, trapping and viewing fish and wildlife.
- To maintain the critical natural resource based industries of farming, forest products, commercial fishing and tourism.
- To provide places for education and research on ecological, environmental and appropriate cultural resources to provide a better understanding of the systems from which they derive.
- To preserve open space, particularly forest lands, for the protection and enhancement of air quality.

The Lost Lake Resort project recognizes the goals of the NYS Open Space Conservation Plan. The proposed action includes the preservation of approximately 1215 acres of woodland on the project site. The project includes public amenities such as an 18 hole golf course and walking trails throughout the proposed open space areas. An educational wildlife observation point is proposed to be part of the trail system. Additionally, Lost Lake will be available as a recreational fishing and boating resource.

3.6.2 Potential Impacts

Zoning

The site falls within one zoning category, RR-1, and is comprised of a large tract of land under one ownership, thus meeting the minimum area requirement (20 contiguous acres) for consideration as a PDD. Approval of a PDD will create a new zoning district on this property. A PDD is proposed to take advantage of clustering ideology while preserving the natural character of the existing condition.

A PDD requires a mix of uses. A mix of allowed uses is planned that includes single- and multi-family residences, commercial uses (hospitality services with lodging, restaurant, spa/fitness center and conference facility), offices for real estate sales, utility services and property management offices, and recreational space. Actual sizes of the buildings are yet to be determined, however the Lost Lake Resort proposed plan includes the general ratio of uses described in DEIS Section 2.6.1.

There are no specified bulk requirements or yard setback requirements for a PDD. The proposed action, however, will exceed the bulk and area regulations of the RR-1 zone relative to the overall PDD site perimeter. In addition, a 50'-wide natural woods buffer is proposed around the entire property and a 100'-wide natural woods buffer is proposed on both sides of St. Joseph's Road. No waivers or variances from the PDD regulations are requested for the project as proposed.

The minimum lot size proposed for single family homes at Lost Lake Resort is approximately 7,000 square feet. The following table outlines bulk and yard characteristics for the house lots set forth in the proposed master plan or in the Design Guidelines for Single-Family Homes that will be implemented by the Lost Lake Architectural Control Committee.

Table 3.6-4 Bulk and Yard Guidelines for Lost Lake Resort Single Family Homes	
Minimum	
Lot area (square feet)	7,000
Front yard setback (feet)	30
Side yard setback (feet)	10
Rear yard setback (feet)	10
Maximum	
Building height (feet)	35
Dwelling units on a lot	1
Source: Double Diamond	

Provision of off-street parking conforms with the Town requirement (PDD regulation refers to the off-street parking requirements of the Town Code). The table below lists the parking data. All parking will be well within the maximum distance set forth in the Code (maximum 500' from the use).

Table 3.6-5 Proposed Off-Street Parking Spaces		
Use	Required Minimum	Proposed
Single family residence	2/dwelling unit	2
Condominium		2
Cottage		2
Hotel (32 room)	1/guest room = 32	78
Sales Office (6,000 sf)	1/150sf = 40	40
Clubhouse / Restaurant (18,000 sf)	per PB*	59
Spa (7,000 sf)	per PB*	1/424 sf
Conference Center (8,000 sf)	per PB*	20 1/400 sf
Source: Town of Forestburgh Zoning Code, Double Diamond		
* For uses not specifically listed in §85-13, the Planning Board shall determine the requirement.		

The base residential density for a PDD development plan is outlined in Table 3.6-6. Table 3.6-6 provides the computation of "constrained land" as referred to in the PDD regulation; Figure 3.6-3 illustrates the areas of site constraints. Total acreage of constrained land is then subtracted from the gross site acreage to yield the "buildable acreage". The Initial Residential Development Density (IRDD) is calculated by dividing the buildable acreage by the parcel(s) minimum lot area requirements for the underlying zoning district as set forth in §85-9 of the Town Code, rounded to the nearest whole number of dwelling units. For the Lost Lake development this equates to 748 dwelling units.¹

¹ This IRDD differs from previous calculations in the PDD Sketch Plan Submittal and PDD Application due to refinement of the measurements of various site resources during the investigations for this DEIS.

Table 3.6-6		
Calculation of Initial Residential Development Density		
Town of Forestburgh PDD Regulations		
Gross acreage	2079.51	ac *
Constrained Land:		
Steep slopes > 25%	75.45	ac
100-yr floodplain	15.88	ac **
Wetlands (excluding open water)	211.89	ac
Open water	55.99	ac
Lands in easement (proposed land to be conveyed to Town)	3.50	ac
Total Constrained:	362.71	ac
Buildable acreage (gross acreage minus total constrained)	1716.80	ac
Minimum lot area per zoning (min. 100,000 sf lots in underlying RR-1 zone)	2.296	ac
Initial Residential Development Density (IRDD)	748	units
This IRDD differs from previous calculations in the PDD Sketch Plan Submittal and PDD Application due to refinement of the measurements of various site resources during the investigations for this DEIS. * 2089.53 ac. per boundary survey minus 10.02 ac. for ROW of CR108. ** Floodplain less overlapping slopes, wetlands, open water & park land. Source: Brinkash & Associates, Inc., Tim Miller Associates, Inc., Double Diamond		

Density Bonuses

The Town's PDD regulation identifies criteria for the calculation of increases in the permissible density beyond the IRDD. Each one of the applicable criteria is described below as relates to the proposed master plan for Lost Lake Resort, along with a tabulation of the proposed increase for each item (as a percent of IRDD). The following narrative outlines the benefits of the Lost Lake Resort proposal and briefly identifies how the amenities and benefits of the project are consistent with the goals of the Town's PDD law and warrant the proposed density. Table 3.6-7 below shows the calculated density bonuses and total bonus units requested in this PDD.

- Open space has been set aside in the proposed plan in accordance with the open space requirement for a PDD and as defined in the regulation. The proposed plan includes the minimum 50% of the site as dedicated open space, so no bonus for open space is requested.
- The proposed plan does not include provision for workforce housing. While the applicant has investigated acquiring additional land in Forestburgh that could have the potential as a site for workforce housing, there is no proposal for such at this time, and no bonus is requested.
- Green Building Design and Sustainable Development Practices – The Applicant has committed in its Covenants and Restrictions to meeting the minimum criteria for the first level of certification under either LEED (Leadership in Energy and Environmental Design) or the National Association of Home Builders (NAHB) green building rating systems for all Hospitality buildings at Lost Lake Resort and will require in its Covenants and Restrictions

and *Design Guidelines* that all future single family homes meet the minimum standards for certification under either LEED or NAHB standards. Specific measures proposed at this early stage of design include: geothermal heated swimming pool, pervious pedestrian/ biking trails throughout, and strict requirements for individual house lot development contained in the Design Guidelines for Lost Lake. Detailed restrictions on development of the single family lots include: exterior lighting on house lots required to be from non-fossil fuel sources, collection and infiltration for roof runoff on individual lots, promotion of the federal EPA “Energy Star” program and Leadership in Energy and Environmental Design (LEED) standards for all construction, and requiring “Dark Sky” compliance. Many of these restrictions have been implemented at other resort projects of the Applicant with notable success while this project will be the first in which strict adherence to recognized green building design standards will be a commitment of the development at Lost Lake Resort. The Applicant proposes that the value of these proven techniques, which rely on active participation by the developer, the new home builder, and resident representatives from the resort community itself, is a significant ingredient to the sustained quality of life and environmental stewardship in the resort community. The implementation of green building designs and sustainable development practices will be demonstrated in all phases of the project so that from the start of construction the Town will be able to confirm implementation of specific measures for purposes of permitting this density bonus in accordance with the PDD regulation. (Density bonus of 100% is requested based on the investment cost.)

- Preservation of Significant Environmental Features and Habitats - The Master Plan proposes to preserve large tracts of the property that will continue to sustain a diversity of wildlife habitats and provide wildlife corridors. The proposed plan includes a large unbroken tract of forested wetland and its adjacent buffer in the center of the property, and additional wetlands, adjacent areas, and buffers associated with minor streams in other portions of the property. Additionally, the proposed plan preserves areas of steep slopes, some of which contain rock outcroppings. Visually prominent rock features have been preserved along St. Joseph’s Road within a non-disturbance buffer 100 feet wide on both sides of the road right-of-way to maintain the natural, wooded character of the site. (A minimal density bonus of 5% is requested in recognition of the design considerations of the Master Plan.
- Sustainable Mix of Uses – Lost Lake Resort is proposed as a recreational destination comprising a mix of commercial and recreational amenities for the discerning public, supported by a mix of residential styles, which will create a sustainable community of complimentary facilities. Commercial elements in the resort focus on the hotel and championship golf course, accompanied by the health and wellness spa/ fitness center, clubhouse restaurant, lake amenities, and separate conference facility. The Inn at Lost Lake, a full service hotel that will be open to the public, will offer the accommodations for individuals, couples, families, and business-persons that are visiting or seeking to utilize the other recreational opportunities in the resort. The centralized location of the primary amenities around the hotel allows easy access on foot (or with golf carts) without need for guests to use their automobile. The Applicant has designed the Amenity Village as the focal point to define the character of the resort and the experience of a sustainable lifestyle. (Density bonus of 63% is requested based on the investment cost.)
- Golf Course Sustainability – Integral to the proposed plan is an 18-hole championship golf course designed and built to USGA specifications and open to the public, with a clubhouse and restaurant. The golf course will be uniquely designed for this site utilizing and respecting the many natural features of the property (woods, wetlands, streams, rock outcrops, and the natural topography) while implementing modern sustainable design and management

strategies. The Preliminary Water Quality Management Report outlined in Appendix L identifies the various components of program to be established and implemented for this golf course to address the specific resources of this site. A Turf and Pest Management Plan will include the details of the Integrated Pest Management (IPM) strategy to be implemented at the golf course and will identify Best Management Practices (BMPs) for operations at the golf course maintenance facility. Recommended practices for chemical storage, handling and management will be documented in the form of Standard Operating Procedures (SOPs) for golf course operations (a preliminary list is outlined in Appendix L Attachment 2). Associated with the SOPs is a Spill Prevention and Response Plan (SPRP) that will identify specific readiness equipment and appropriate remedial response actions before they are needed. A Preliminary Nutrient Management Plan will establish the schedule for fertilizer applications on the golf course (Appendix L Attachment 3 outlines a preliminary schedule). Additionally, the limited use of other golf course chemicals applied for the purpose of disease control, pest control, weed control and growth regulators will be identified and their proper use will be specified (a preliminary list is outlined in Appendix L Attachment 4). Golf course construction and operations will also be governed by a detailed Water Quality Monitoring Plan that will specify appropriate water quality testing and monitoring protocols, identify the required chemical analyses, set up the pre-construction baseline assessment, and outline the appropriate post-development monitoring and reporting. The preliminary Water Quality Monitoring Program for Lost Lake Resort based on NYSDEC protocols is described in Appendix L section 5.1. In addition, golf course irrigation is planned utilizing the lake as a water source to avoid reliance on potable water for such use. (Density bonus of 73% is requested based on the investment cost.)

- Active Recreational Spaces - In addition to the golf course, recreational space is proposed within Lost Lake Resort that comprises both active and passive recreation opportunities for resort property owners and available to the visiting public. Facilities will be ADA accessible wherever possible. Developed recreational spaces will include the following amenities. (Density bonus of 11% is requested based on the investment cost.)
 - A system of pedestrian and biking trails is proposed in the master plan. Trails will be constructed with a pervious material and with minimal land and tree disturbance to preserve the natural character of the site. Trails will provide access to scenic observation points, wildlife observation stations, and fishing holes and will be open to the public.
 - A geo-thermally heated, covered swimming pool is proposed in the Amenity Village, along with poolhouse facilities. The pool facilities will be designed to accommodate activities for all ages and will be open to lot owners and resort guests.
 - Lake amenities will include a swimming beach, boat docks for small boats, paddleboats, canoes, kayaks and other small boats available for rental, as well as fishing areas. The lake amenities will be open to lot owners and resort guests. A boat house will be provided to house lot owners' boats. Only small, non-powered or electric powered boats will be permitted on the lake.
 - Double tennis courts with time controlled lights and a cabana building are proposed in the Amenity Village. The tennis facilities will be open to lot owners and resort guests. It is possible that additional tennis courts will be built in other locations of the resort (in lieu of a house lot) if there is a demand. The tennis courts will be built with a resilient, paved surface and fenced with windbreakers to improve play.

- State of the art, ADA-compliant, child-friendly playground equipment will be constructed in the Amenity Village. It is possible that additional playgrounds will be built in other locations of the resort if there is a demand.
- Passive Recreational Spaces - The proposed master plan for Lost Lake Resort includes two areas set aside for passive recreational use. (Density bonus of 4% is requested based on the investment cost.)
 - Bush Kill Park West is proposed as a public park area adjacent to the Bush Kill to provide resident and visitor access to informal picnic areas, trails, observation points, and fishing holes on and near the Bush Kill. The location of Bush Kill Park West is identified on the master plan, and will be a passive recreation area without improvements.
 - Bush Kill Park East is proposed as a public, passive recreation area for picnicking and fishing, located on the east side of the Bush Kill. This area will be adjacent to existing New York State owned land, affording connectivity to the Neversink River Unique Area, and could be accessible from Cold Spring Road via a trail over the State land. As a public park, this land will be offered to be donated to the Town of Forestburgh.
- Public Transit Amenities - While there are no existing public transit routes at or near the project site, it is possible that future connections could be created between the resort and local shopping, in particular the Village of Monticello. The master plan for Lost Lake Resort includes a bus stop station at the main entrance area with turnaround and limited parking, and a shelter to protect passengers from inclement weather. The bus stop will be available for school bus and possible future public transit riders. No bonus is requested for these amenities.
- Historic and Archeological Resources – There are no historic or archaeological sites or structures known to exist on this site, so no bonus is requested.
- Public Facilities - The Applicant proposes to dedicate to the Town of Forestburgh approximately two acres of land located on St. Joseph's Road at the east side of the project site for possible future development of public emergency service facilities to be determined by the Town. (A minimal density bonus of 2% is requested for this land donation.)
- Significant economic benefit of the Lost Lake Resort to the Town of Forestburgh, Sullivan County, and the regional economy is anticipated from the development of Lost Lake Resort. Over a ten-year period this project is anticipated to generate approximately \$208,000,000 in revenues to taxing jurisdictions and input to the local economy from the purchase of construction materials and labor, and worker payroll. Estimated real property tax revenue over ten years is projected to be \$33,786,837, compared to the current property taxes for the site of approximately \$70,000 per year. (See Applicant's Economic Projections in Appendix C.) The Applicant believes that the significant input to the area economy from implementation of the Lost Lake Resort PDD plan is directly related to the overall scale of the residential component that can be developed to support its commercial component. Like the model at Eagle Rock Resort in Pennsylvania, the cumulative investment in building the project infrastructure and facilities by Lost Lake Resort, Inc., thereby gaining the investments in ownership of lots by many individual property owners who desire the rights to use those resort facilities, can be expected to far exceed the scale of actual home construction on the property after a decade. Even with these investments, the Applicant's experience with projects of this type is that many lots remain vacant for a long period of

time. Thus, this development concept is projected to yield significant economic benefits to the region without significant economic or environmental cost. (Density bonus of 1% for each \$1 million projected tax benefit, up to 20%.)

In total, these requested bonuses add up to 278 percent, or 2,082 units. The table below shows the calculation of potential dwelling units by adding the bonus units to the IRDD.

Table 3.6-7 Calculation of Bonus Density		
	Bonus Density % Requested	Bonus Units Requested
Green Building Design & Sustainable Development Practices		
– Require that all Hospitality structures meet the minimum certification requirements of either the LEED or the NAHB Green Building Program – Require that all Homes meet the minimum certification requirements of either the LEED or the NAHB Green Building Program	100%	748
Preservation of Significant Environment Features and Habitats		
– The master plan provides for the preservation of the significant environmental resources of the site as an integral part of the Resort Open Space Plan. Special care during the project design, including the detailed inventories and studies in this EIS, warrants a minimal density bonus.	5%	37
Sustainable Mix of Uses		
– The master plan provides a complementary mix of commercial/recreational and residential uses that are designed to sustain each other in a leisure environment including a controlled access, full service hotel, spa and fitness facilities, conference center, at a \$7.1 million investment cost. *	63%	473
Golf Course Sustainability		
– The master plan includes a championship golf course designed to incorporate green strategies for grounds maintenance and a program for ongoing water quality management, a clubhouse with pro shop and restaurant, modern golf maintenance facility and maintenance equipment at an \$8.2 million investment cost. *	73%	547
Active Recreational Spaces		
– The master plan includes a resort-wide trail system, geo-thermal pool, bathhouse facility, lake improvements, tennis courts at \$1.246 million investment cost.*	11%	80
Passive Recreational Spaces		
– The master plan includes land set aside for passive activity areas at the Amenity Village, Bushkill Park East and Bushkill Park West is a \$475,000 investment cost.*	4%	32
Public Facilities		
– The master plan includes dedication of approximately 2 acres of land to the Town of Forestburgh for possible emergency services facility is a \$120,000 value.	2%	15
Significant Economic Benefit		
– The estimated real property tax revenue over ten years is projected to be over \$33.7 million. One bonus percentage point per each \$1 million projected up to \$20 million = 20%	20%	150
Calculated Bonus Density	278%	2,082 units
Initial Residential Development Density (IRDD)		748 units
Total Bonuses Requested		1,879 units
Total Dwelling Units Proposed		2,627 units
* 1 Bonus Lot for every \$15,000 spent on Amenities Source: Double Diamond; Tim Miller Associates, Inc.		

Table 3.6-8 shows a comparison of the taxes anticipated to be generated by the various build scenarios. As can be seen in Table 3.6-8 the PDD Full Build scenario is projected to generate 276 percent of the taxes which could be expected from the PDD Base Density.

Table 3.6-8 Taxes Generated by Project Scenarios				
Project	Number of Units	Total Tax Rate	Taxes Generated	Tax Revenue as a Percent of Base Density Revenue
Existing - Undeveloped	0	272.76	\$118,449	n/a
Single Family As-of-Right	491	272.7596	\$4,007,977	n/a
PDD Base Density	735*	272.7596	\$8,353,568	100%
PDD Full Build	2,627	272.7596	\$23,049,456	276%
*Base density used in Alternatives Section 4.0 per the scope is less than the calculated base density.				
Source: Tim Miller Associates, 2009.				

In the Applicant's opinion, all of the aforementioned benefits warrant density bonuses outlined in the Town's PDD law. The proposed master plan addresses the various required components of a PDD in accordance with the Town's law. Further, the Applicant's open space resort theme that encompasses second home residential development and recreation-related commercial uses is consistent and compatible with land use in the surrounding area of the community.

Proposed Density

The table below provides the tabulation of the number of dwelling units proposed in relation to "constrained land" and "open space" as referred to in the PDD regulation. The computation laid out in the regulation (shown in Table 3.6-6 above) provides a way to account for the preservation of sensitive natural resources in the determination of the IRDD but the regulation does not prohibit disturbances to such "constrained land". The proposed plan, however, necessitates limited disturbances to these sensitive resources, as described elsewhere in this DEIS.

For purposes of PDD applications, the term "open space" means an area of land set aside and designated in perpetuity for protection from development. Typically, such land is kept in its natural state or, in some instances, is improved for purposes of providing passive outdoor recreation, wildlife protection, and agriculture or forest management. In some cases, areas utilized for active outdoor recreation may be included as open space but any area of land where buildings, structures, impermeable surfaces, such as parking lots, are situated shall not be considered as part of an open space area. In addition, any lands that are part of a residential or non-residential building lot shall not be considered open space. In any PDD application, the area of land that constitutes open space is ultimately a determination of the Town Board taking into consideration all of the factors of the proposed PDD and the purposes of a PDD set forth in § 85-17.²

² Planned Development District Law of 2008, § 85-17 E. Definition of Open Space.

Table 3.6-9 Tabulation of Units Proposed and Open Space		
Initial Residential Development Density (IRDD)	748	units
Total Bonuses Requested - 251%	+ 1879	
Total Potential Dwelling Units:	= 2627	units
Proposed Single Family lots	2557	units
Proposed Single Family Cottages	30	units
Proposed Multi-Family Condominiums	40	units
Total Dwelling Units Proposed:	2627	units
Natural Undisturbed and Passive Use Open Space	566	ac
Wetlands and Lost Lake	272	ac
Active use open space (golf course)	207	ac
Total Open Space Proposed: ¹	1045	ac
Gross acreage ²	2080	ac
Percent Open Space Proposed:	50	%
¹ Does not include land with impermeable surfaces, land on residential lots, land to be donated or offered to the Town. ² 2089.53 ac. per boundary survey minus 10.02 ac. for ROW of CR108. Source: Brinkash & Associates, Inc., Tim Miller Associates, Inc., Double Diamond		

Land Use

The proposed project will result in a change in use of the project site from vacant, wooded land to a recreational / residential resort community with substantial remaining open space.

The Lost Lake development proposes the construction of the resort-residence community within a network of green spaces. Development of recreational amenities shown on the site master plan are generally clustered in the north-central portion of the property, and development of single family house lots follow the internal curvilinear road systems, leaving vegetated space around buildings and between the road/lot corridors. While the overall full-build plan will result in substantially more dense development than the surrounding area land use, the proposed plan encompasses the requisite 50 percent of the property in dedicated open space. This plan will include a permanent, minimum 50' wooded buffer around the entire site perimeter; permanent, minimum 100' wooded buffers along both sides of St. Joseph's Road; wooded corridors between lots; the entirety of a wooded wetland and its 100' adjacent area in the center of the property; Lost Lake and its environs within at least 100 feet of the water and associated wetlands; and numerous additional wetland areas.

The construction of the development is proposed to be phased over seven discrete areas, generally developed from north to south (see Figure 2-8). An estimate of building construction by phases is included in Appendix C. Based on gross square footage of buildings, Phase 1 and Phase 2 will include the construction of approximately 14 percent of the amenity building space, Phase 3 will include the construction of approximately 14 percent of additional amenity space, with the remaining amenity building construction planned for Phases 6 and 7 (the greatest construction being the hotel building scheduled for Phase 6 comprising some 60 percent of all amenity building space in the project). Residential amenity buildings (cottages and

condominiums) are planned for construction in Phase 4 and Phase 6, with 50 percent in each of these phases.

As described in the Project Description Section 2.0, construction of the single family homes is anticipated to occur at a much slower pace based on the Applicant's experience at Eagle Rock Resort. Under a long term build out scenario where 24% of the house lots will have houses built in ten years, each phase will have between two and four percent of the private house lots developed in ten years. At completion of Phase 7 construction with a 24% build out rate for the single family homes, the project site will retain 1486 acres (71 percent of the site) in undeveloped green space. Illustration of the anticipated slow growth of this type of resort development is included in Appendix C.

While estimated single family residential density will be 1.27 dwelling units per acre (du/ac) in the full build scenario, a long term build out will yield 0.3 du/ac in ten years and an increase of 0.3 every subsequent ten year period. This pattern of residential development and growth is not expected to have any significant effect on land use in the site area.

Natural features including areas of steep slopes and wetlands are proposed to be preserved in the master plan to provide buffers within neighborhoods inside the project and from adjoining lands and roads. These features will be integrated with other undisturbed areas to create a network of open space throughout the project site. The Applicant's Design Guidelines will further enforce the retention of natural woods at the rear of all developed single family lots to increase the buffering effect. Overall, there will be limited exposure of newly built houses within the resort to potential viewpoints beyond the property boundaries.

Given the sparse pattern of development in the immediate site vicinity as discussed above under *Existing Land Use/Surrounding Land Use Patterns*, construction of the project will increase the built density in the portion of the Town of Forestburgh in which the site is located, but is not expected to impact the land uses surrounding the project site. Portions of existing wooded land will be replaced by residential building development similar in scale to houses in the local area. The overall extent of building development on the subject site will be hidden from view from area roads due to the topography and preservation of vegetated buffers. There are no uses located within one half mile which will conflict with the proposed residential or recreational uses and the proposed resort will create recreational opportunities for residents within the project and those in the surrounding area. Refer to Figure 3.6-2 for the surrounding land uses.

Potential Impacts to Public Policy

As discussed above, the Proposed Action generally conforms with relevant policies contained in the Comprehensive Plans. Because it will provide attractive new residential development consistent with underlying zoning that will enhance the image of the Town of Forestburgh, and for the specific reasons identified above, no significant adverse impacts to public policy are anticipated.

The proposed action will result in a variety of residential housing styles as well as recreational amenities in a setting that will be compatible with the rural character of the Town. The proposed development is expected to create local short term and long term employment opportunities for residents of the nearby communities in Sullivan County, including construction jobs, service type jobs and work for local tradesmen. The employment created will be both part time and full time positions.

As noted previously, the Lost Lake Resort is planned such that it will preserve the community character of the project site in relation to surrounding land uses while creating a welcoming public destination for the residents of the region. The design and scale of the proposed buildings, streets, and amenities are expected to be compatible with respect to the existing rural development pattern of the surrounding area. The proposed architecture will be compatible in style, scale, and detail with the surrounding development and the natural landscape.

The proposed action will result in a development that will increase both the residential and recreational opportunities within the Town of Forestburgh. In the proposed site plan the narrow, curvilinear street design works with existing contours thereby limiting the extent of tree cutting to preserve natural buffers to views into developed areas of the site. Potential residential development will be set back from the local roadways thereby buffering any visual impact. The project's Design Guidelines are developed to ensure that houses are tucked into existing land forms with minimal tree disturbance to create a harmonious relationship between architecture and the landscape.

The proposed action will not disrupt any historic structures though it will result in a change of the long standing forested landscape. Overall, it is the Applicant's intent to keep the project development consistent with the Town's adopted Comprehensive Plan.

Sullivan 2020

"Sullivan 2020: Defining an Image and Managing Change" presents a county wide strategy for managing future development through defining critical policies. The policies discussed in the Sullivan 2020 plan are generally supportive of the proposed Lost Lake Resort project. Some of the highlights of the plan are outlined below.

The Sullivan 2020 plan recognizes change as an important factor in defining the future of the county, and defines the most critical policies to successful development. General areas studied include:

- open space and natural resource management
- managing growth
- redefining tourism

Proposed policies in a number of these areas are supported by the proposed Lost Lake proposal (please refer to the footnotes for the exact wording of the goal). For instance under Policy Area 2, Open Space and Natural Resource Management, the Sullivan 2020 Plan, Strategy 2.1³, is to encourage mixed use development, which the Lost Lake project incorporates through the inclusion of varied housing and recreational uses. Strategy 2.3⁴ calls for preserving view sheds, natural resources and environmentally sensitive areas. The Lost lake project preserves view sheds by retaining tracts of existing evergreen and deciduous woods within the residential development, and introducing new landscaping throughout the overall development area. Preserving existing woods through "clustering" of residential development preserves natural resources. Sensitive environmental areas, including steep slopes and wetlands, are avoided to the maximum extent practical.

³ Division of Planning and Community Development, Sullivan County 2020 Plan, May 2005; Strategy 2.1: "Encourage mixed use development."

⁴ Division of Planning and Community Development, Sullivan County 2020 Plan, May 2005; Strategy 2.3: "Preserve viewsheds, natural resources and environmentally sensitive areas."

Under Policy Area 4, Strategy 4.11⁵ is relevant to the Lost Lake project in that it calls for strategically mixing "...commercial, institutional and recreational uses within and near residential developments..."

Under Policy Area 5⁶, the general goal is to diversify "...Sullivan County's economic base by...attracting new businesses..." The Lost Lake project meets this goal through the proposal to provide second home investment opportunities attracted by the recreational components planned within the project, in particular the championship golf course.

3.6.3 Mitigation Measures

The Lost Lake Resort project has been designed to become an integral part of the local development and preservation pattern to provide a mix of recreational and residential opportunities in a natural, wooded environment without significant adverse effects on the surrounding area. As no significant impacts to public policies have been identified that will result from the project development as proposed, no mitigation measures are proposed.

⁵ Division of Planning and Community Development, Sullivan County 2020 Plan, May 2005; Strategy 4.11: "Sullivan County and the municipalities should strategically mix commercial, institutional, and recreational uses within and near residential developments to ensure residents have the option to walk to these services and facilities."

⁶ Division of Planning and Community Development, Sullivan County 2020 Plan, May 2005; Strategy 5: "Encourage the diversification of Sullivan County's economic base by promoting entrepreneurship and attracting businesses , while achieving a sustainable balance between the built and natural environment."

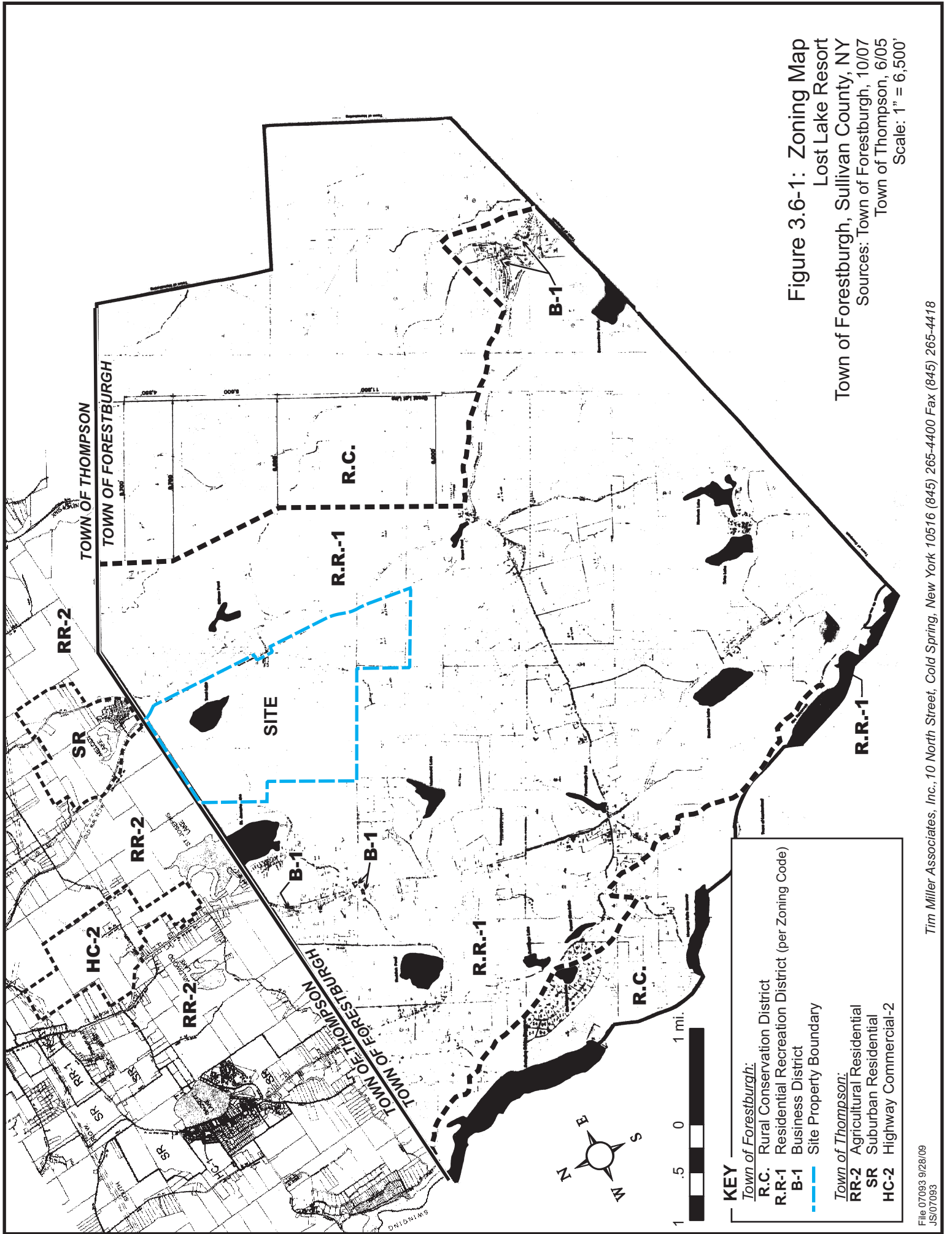


Figure 3.6-1: Zoning Map
 Lost Lake Resort
 Town of Forestburgh, Sullivan County, NY
 Sources: Town of Forestburgh, 10/07
 Town of Thompson, 6/05
 Scale: 1" = 6,500'

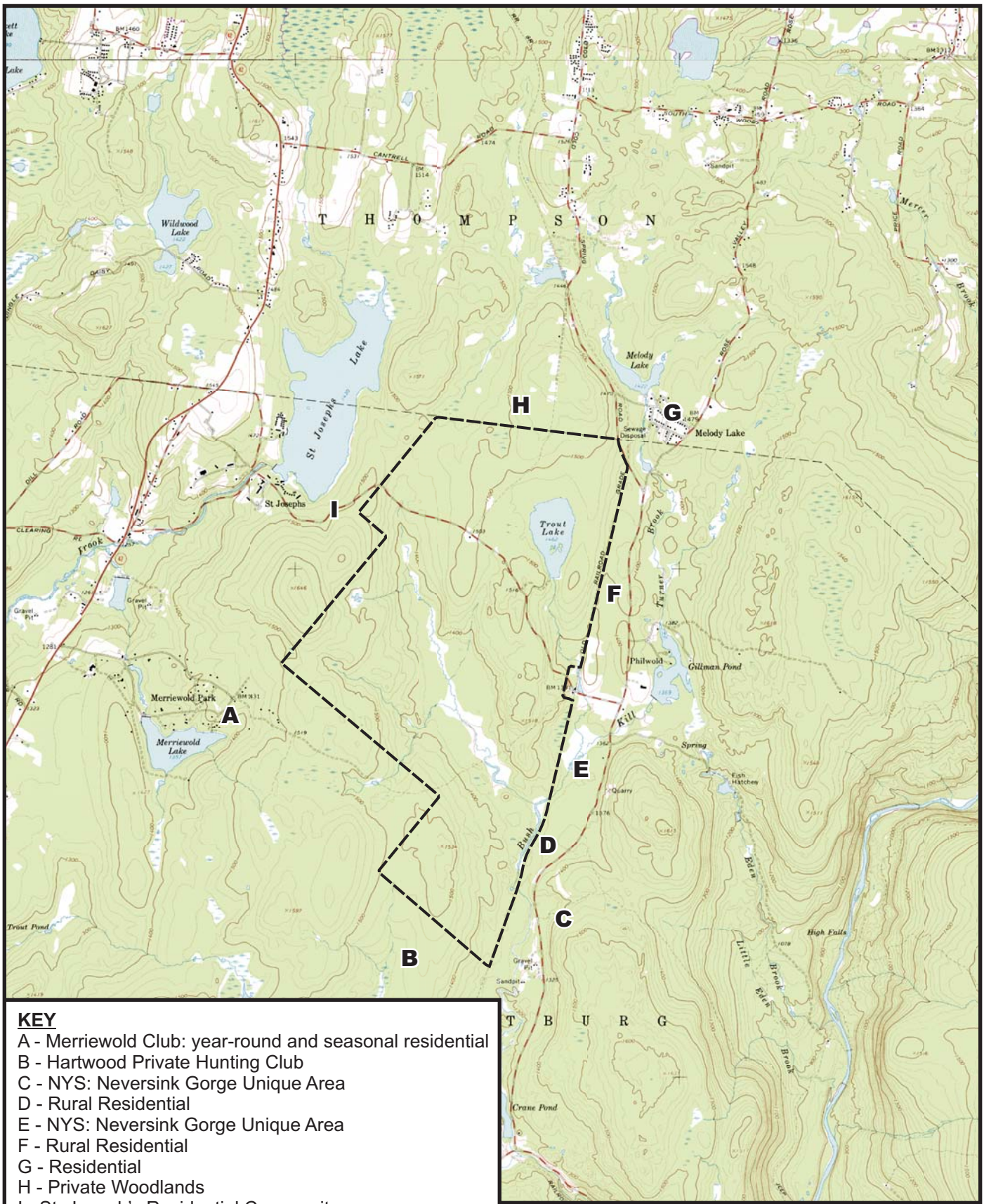
KEY

Town of Forestburgh:

- R.C. Rural Conservation District
- R.R.-1 Residential Recreation District (per Zoning Code)
- B-1 Business District
- Site Property Boundary

Town of Thompson:

- RR-2 Agricultural Residential
- SR Suburban Residential
- HC-2 Highway Commercial-2



KEY

- A - Merriewold Club: year-round and seasonal residential
- B - Hartwood Private Hunting Club
- C - NYS: Neversink Gorge Unique Area
- D - Rural Residential
- E - NYS: Neversink Gorge Unique Area
- F - Rural Residential
- G - Residential
- H - Private Woodlands
- I - St. Joseph's Residential Community

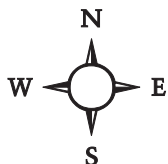
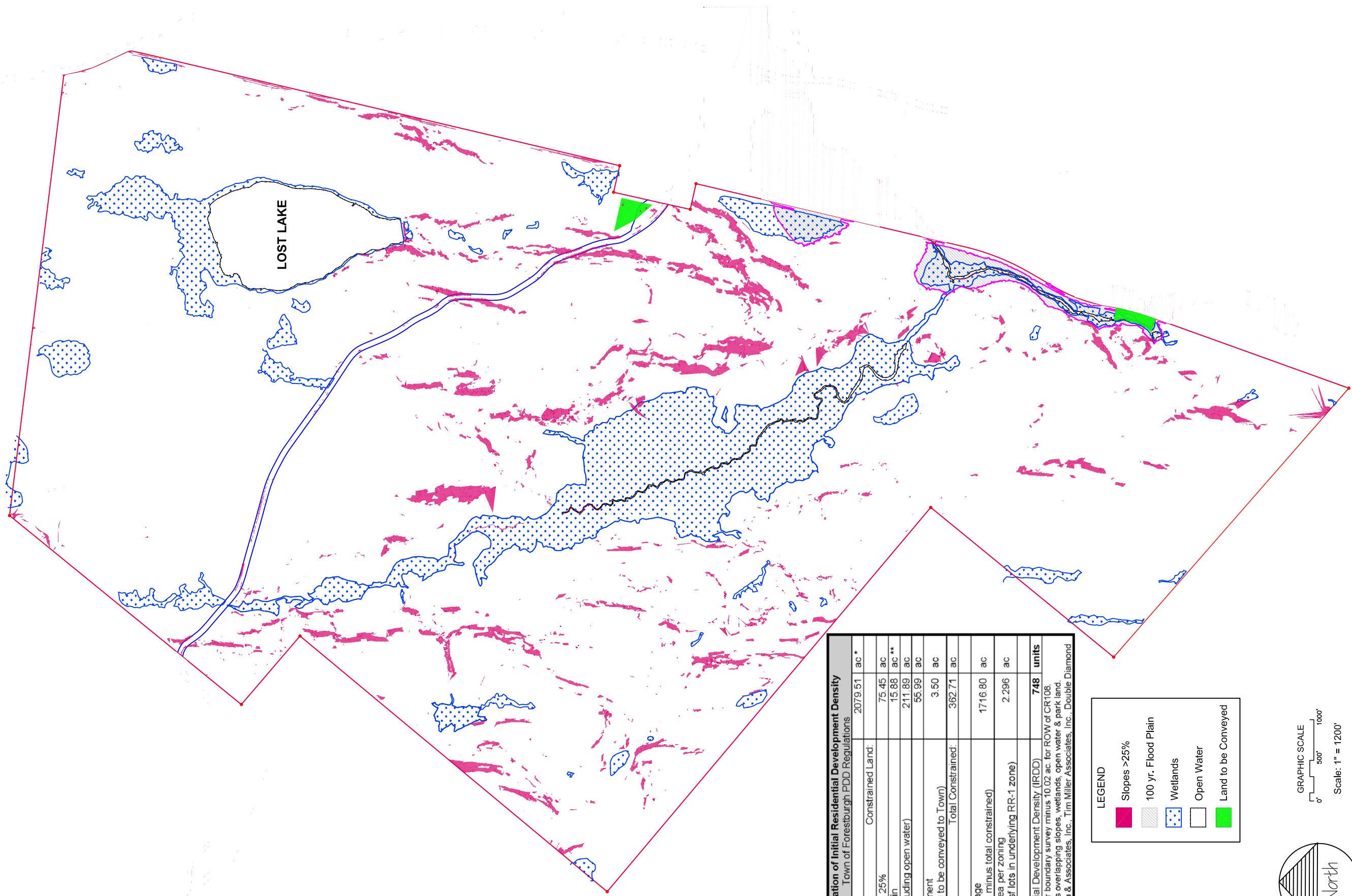


Figure 3.6-2: Surrounding Land Use
 Lost Lake Resort

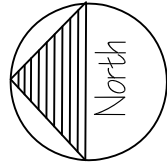
Town of Forestburgh, Sullivan County, New York
 Base Map: USGS 7.5-minute Topographic Map, Hartwood Quad
 Scale: 1" = 4,000'



Calculation of Initial Residential Development Density Town of Forestburgh PDD Regulations	
Gross acreage	2079.61 ac *
Constrained Land:	
Steep slopes > 25%	75.45 ac
100-yr floodplain	15.88 ac **
Wetlands (excluding open water)	211.89 ac
Open water	55.99 ac
Lands in easement (proposed land to be conveyed to Town)	3.50 ac
Total Constrained:	362.71 ac
Buildable acreage (gross acreage minus total constrained)	1716.80 ac
Minimum lot area per zoning (min. 100,000 sf lots in underlying RR-1 zone)	2.296 ac
Initial Residential Development Density (IRDD)	748 units
* 2069.53 ac. per boundary survey minus 10.02 ac. for ROW of CR108.	
** Floodplain less overlapping slopes, wetlands, open water & park land.	
Source: Brinkash & Associates, Inc., Tim Miller Associates, Inc., Double Diamond	

LEGEND

- Slopes >25%
- 100 yr. Flood Plain
- Wetlands
- Open Water
- Land to be Conveyed



GRAPHIC SCALE
 0' 500' 1000'
 Scale: 1" = 1200'

Figure 3.6-3: IRDD Constrained Land
 Lost Lake Resort
 Town of Forestburgh, Sullivan County, New York
 Map Prepared by: Tim Miller Associates, Inc.