

1.0 EXECUTIVE SUMMARY

Comment 1.0-1. (Keystone Associates Letter Dated December 8, 2011). Cover Sheet – Relevant dates (i.e. date of acceptance, date of public hearing and final date for acceptance of comments) should be added as requested in the scoping document.

Response 1.0-1. Information added.

Comment 1.0-2 (Keystone Associates Letter Dated December 8, 2011): (Reviews, Permits and Approvals) – NYSDOH will need to review and approve pool(s).

Response 1.0-2: NYSDOH will be contacted for necessary pool review and approvals. This is independent of and will follow completion of the SEQR process.

Comment 1.0-3. (Keystone Associates Letter Dated December 8, 2011). (Geology, Soils & Topo) – The geology sub-heading and description are missing.

Response 1.0-3. Information added.

Comment 1.0-4. (Keystone Associates Letter Dated December 8, 2011). (Pleasure Lake Dam) – The included EAP (Appendix C) is dated 2008, NYS Dam Safety requires annual updates to an EAP? Make sure all requirements of the NYS Dam Safety Regulations are in compliance with the latest provisions (8/19/2009).

Response 1.0-4. An annual EAP update has not been filed by the Fallsburg Fishing and Boat Club. However it is believed that there have been no changes to the currently filed EAP that have occurred over the past year.

Comment 1.0-5 (Planning Board Meeting, November 10, 2011, James Creighton): . The first thing that I would ask is to the extent that the board is amenable to this that they leave the public hearing open for another month because of the scope of the project, how large it is and the anticipation that there is an awful lot of public comment that should be sought on a project of this density and this scope. We're planning also to provide written comments. I believe the current deadline is November 21st. But to the extent that the board would be amenable to leaving the public hearing open for at least another month so that people who, I'm surprised there aren't more people here to discuss and ask questions, that may be because of the short time frame. I know that the DEC's environmental notice only posted I think it was less than two weeks ago. I think there may be a lack of public knowledge of the fact that their opportunity to discuss this project is now. I think the board would do well to allow the community an additional month to flesh out any comments and certainly ask the developer the kinds of questions that need to be asked for a project like this.

Response 1.0-5: The public hearing was continued to December 11, 2011, and the written comment period was extended to December 19, 2011.

Comment 1.0-6 (Letter to Planning Board, December 16, 2011, Robert Geneslaw): Page 1-11, water supply. An average daily demand of 72,000 gpd is projected; p.1-12, 13 projects that for sewage treatment an average daily wastewater flow of +/- 90,000 gpd, higher than the potable water supply. Is the difference because potable water for a portion of the Heiden loop is proposed to be partially provided by an extension of the water district? If so, an estimate of the

demand for this portion of the development should be provided. If not, what accounts for the higher wastewater flow estimate? Also, how does discussion of the hotel and amenities use of wastewater facilities relate to the above?

Response 1.0-6: *The hotel currently is in the town water district and uses town water. The applicant plans to seek town approval to extend the town water district to the entire Heiden loop which currently is mostly in the town water district. The wastewater flow estimate includes both these in district uses of water and the out of district uses that will be supplied by the on site wells.*

Comment 1.0-7 (Letter to Planning Board, December 16, 2011, Robert Geneslaw): Page 1-14, in discussion of the adequacy of providing electrical service, indicates that “It is anticipated that NYSEG has electrical capacity to service the proposed 236 new residences.” A letter from NYSEG confirming their ability should be provided.

Response 1.0-7: *NYSEG has been contacted regarding their ability to provide service but have not, to date, provided a written response.*

Comment 1.0-8 (Letter to Planning Board, December 16, 2011, Robert Geneslaw): Page 1-23, 24. The discussion of Community Facilities and Services bases the population to be served on the proportion of year round housing units and seasonal units as reported by the U.S. Census (which was 32.9% seasonal in 2009). However, the recent experience in Fallsburg is that new condominium developments are all seasonal. The impact of the Raleigh Heiden proposal should also consider this alternative and examine the impact on Community Facilities and Services, and on fiscal impact. Also see our separate memo dated December 16, 2011.

Response 1.0-8 *The U.S. Census figures are for the town wide population. These figures were used to present the “worse case” scenario which would result if the project were not developed as a religious community. However it is the intent of the applicant as noted in the DEIS to develop the project for the religious community and the layout and facilities are obviously geared to the religious community’s needs.*

Revising assessments to reflect the religious community’s impact on Community Facilities and Services would result in a decrease in impact for all facilities and services as the religious community has historically used second homes in Fallsburg, as noted in the comment, only seasonally even though these homes are constructed to a year round standard as required by the NYS Building Code.

Comment 1.0-9 (Letter to Planning Board, December 16, 2011, Robert Geneslaw): Page 1-30. Refers to hours of construction. Given the anticipated religious requirements of the purchasers of units, allowing construction after sundown on Friday and all day Saturday may not be feasible, particularly as occupancy of the phases occurs. It is suggested that this proposed schedule be evaluated. If construction is not to be permitted, then the overall development timetable may need to be adjusted, since available hours to work could be reduced by 15-20%.

Response 1.0-9: *It is unlikely that construction will be significantly affected by Saturday Sabbath as this would only affect construction in the summer over the course of two months. During this period it is anticipated that construction activities would be shifted to areas or tasks less impactful to residents.*

Comment 1.0-10 (Letter to Planning Board, December 16, 2011, Fallsburg Fishing and Boating Club, James Creighton): We note that the public notice and the Planning Board's comments have limited the scope of this public comment period to the environmental impacts of the proposed project as presented in the DEIS. We have not been advised of any public hearings with respect to the proposed site plan, nor have we been provided with any opportunity to publicly comment thereon. We understand that separate public notices, hearings and approval are required specifically with respect to any approval of the proposed site plan.

Response 1.0-10: the public notice published in the Sullivan County Democrat on October 28, 2011, specifically noted that the public hearing, scheduled for November 10, 2011, was on the Draft Environmental Impact Statement (DEIS), and on the approval of the proposed site plan, subdivision and cluster authorization.

Comment 1.0-11 (Letter to Planning Board, December 16, 2011, Fallsburg Fishing and Boating Club, James Creighton): The proposed project seeks to disturb extensive areas of uniquely pristine and ecologically sensitive woodland, streams, wetlands and viewsheds in the 230 acre site south (downstream) of Pleasure Lake between Heiden Road (CR 161) and Park House Road. I and the members of the FF&BC believe that a thorough "hard look" under SEQRA is required by the Planning Board in its review of this extensive project in light of the significant environmental impacts that are described or alluded to in the DEIS. Those impacts include significant and, in some cases, the unnamed stream feeding from the northwestern portion of the site to the Sheldrake Stream, and to the underlying aquifers), soil erosion, disturbance of steep slopes, stormwater runoff, increase in traffic levels, construction noise, rock hammering/blasting, wetland disturbance, air pollution, post-construction noise pollution, light pollution, recreation impacts, viewshed disturbance, disruption of unique geological features along the unnamed stream which feeds into the Sheldrake Stream, and undue stress upon public utilities, property taxes, schools and community services. The project entails a large amount of excavation, cut and fill and disturbance of onsite wetlands, steep slopes, stream courses and buffers in order to accommodate the scale of this project on an unsuitable site.

Response 1.0-11: The Planning Board is aware of the "hard look" rule and has engaged in a review process as mandated by 6 NYCRR Part 617 to ensure that all SEQR requirements are met. Individual issues are addressed in various sections of the DEIS and have been reviewed on an issue by issue basis.

Comment 1.0-12 (Letter to Planning Board, December 16, 2011, Fallsburg Fishing and Boating Club, James Creighton): Although we have responded to various periodic requests for documents and information from the applicant's consultants and have remained open and approachable, the FF&BC and its members, as well as the Town in general, has had no opportunity until the issuance of the DEIS to publicly comment and raise questions and objections about this project other than to request particular emphasis upon the effects of blasting as well as of impacts on the emergency action plan and siting within the dam's inundation zone.

Response 1.0-12: The review process has been undertaken in accordance with State Environmental Quality Review Act regulations.

Comment 1.0-13 (Letter to Planning Board, December 16, 2011, Fallsburg Fishing and Boating Club, James Creighton): The consideration of alternatives in the DEIS is limited by insufficient information, misleading or inapplicable data, and a failure to seriously consider

reduced scale or off-site alternatives. The FF&BC respectfully requests that the Planning Board direct the applicant to prepare a Supplement to the DEIS to address the DEIS deficiencies outlined below. In the alternative, we urge the Planning Board to reject the application in its current form.

***Response 1.0-13:** The alternatives considered in the DEIS reflect those required by law and included in the scoping outline. Specific questions on the DEIS are answered in this FEIS. A supplement to the DEIS is not necessary.*

Comment 1.0-14 (Letter to Planning Board, December 16, 2011, Fallsburg Fishing and Boating Club, James Creighton): We strongly recommend that the Planning Board consider selection of another alternative to the proposed project that will be more protective of water quality, preserves the character and rural scenic beauty of the landscape and protects this important area from an inharmonious and destructive use of the land. In the alternative, we urge the Planning Board to reject the application in its current form.

***Response 1.0-14:** The applicant has the right to propose and seek approval for a development that he is entitled to under the zoning laws in effect at the time his application is under consideration. There is a grandfather provision for previous zoning currently in effect and the developer has a right to pursue approval under that zoning.*