

3.7 Land Use and Zoning

Comment 3.7-1 (Planning Board Meeting, November 10, 2011, James Creighton): This project is extremely dense. It's disturbing to see the number of units proposed for that site. This is as we all know a REC-1 area. The current master plan provides that there not be any level of density anywhere near approaching this. And I understand this is an attempt to bring this in under the old zoning with grandfathering. But even under the old zoning, this required a really hard look. This is extraordinary density for this area. And the DEIS states, and I appreciate some of the comments in the DEIS, but I think I have to disagree and that most of the town would disagree, this development is nowhere near in the level in being in character with the community right now. This is extraordinarily dense. This is not Fallsburg as we know. Certainly not Fallsburg within that area along Heiden Road, Pleasure Lake, Fred Road, Thompson, this is an extraordinary project. This is the kind of project that belongs in a planned village not in a REC-1 in a place that was planned to be rural. This is not rural. This is an extraordinary development. That being said, we appreciate any new taxpayers, anybody who is coming to the town and welcome them. But we do ask that the town take a really hard look at this, if this is really what the town wants.

Response 3.7-1: See response 1.0-14. The purpose of cluster development is to group homes together with relaxed setbacks to preserve larger tracts of open space. Under a conventional subdivision homes would be more spread out, closer to local roads and adjacent development, and more difficult to screen. The remaining open space would be broken up and would become part of individual homeowner lots. More land would be cleared and graded for a more spread out and impactful development in environmental and especially visual terms.

Comment 3.7-2 (Letter to Planning Board, December 16, 2011, Fallsburg Fishing and Boating Club, James Creighton): Accordingly, and pursuant to your directions that discussions of density are not the current focus of the Planning Board's review and public comment at this time, we reserve our objections regarding the proposed site plan and density, simply noting that the proposed lot counts and density calculations for this sensitive piece of property (currently zoned as REC-1 for 3 acre single family lots or half acre single family lots under clustering authority) are fundamentally flawed and unsustainable. The use of the bungalow density counts for this project under the prior zoning code is not appropriate for several reasons and should be rejected by the Town of Fallsburg. In addition, the applicant's suggestion in the DEIS that this project is consistent with the adjacent land use or character of the surrounding community stretches the bounds of credibility .

Response 3.7-2: See Response 1.0-14. Please note that revisions to the scoping outline (January 2009) included recognition of the flood inundation zone and its implication.

Comment 3.7-3 (Letter to Planning Board, December 16, 2011, Fallsburg Fishing and Boating Club, James Creighton): In the event the Town of Fallsburg allows this project to proceed, it should require the applicant to scale back the proposed project to conform with the Town's Municipal Code, Chapter 310, *Zoning* (adopted by the Town Board of the Town of Fallsburg on June 12, 2007) which sets forth the Town's findings.

Response 3.7-3: See Response 1.0-14.

Comment 3.7-4 (Town of Fallsburg Planning Board Meeting, December 8, 2011, Ken Lang): I'm a member of the Fallsburg Fishing and Boating Club and also a cabin owner at Pleasure Lake. The land use plan has been approved as drawn? Is that the process? This just as a background for me. I apologize for not knowing.

Response 3.7-4: *The site plan is currently under review by the Town of Fallsburg Planning Board in conjunction with the environmental review of the site.*

Comment 3.7-5 (Town of Fallsburg Planning Board Meeting, December 8, 2011, James Creighton): I believe that the plan has been submitted to you under the old zoning, grandfathered basically, not under the new zoning, under the comprehensive plan but under the old. And I believe under the old they are trying to use the bungalow colony count for seasonal use. Is that right?

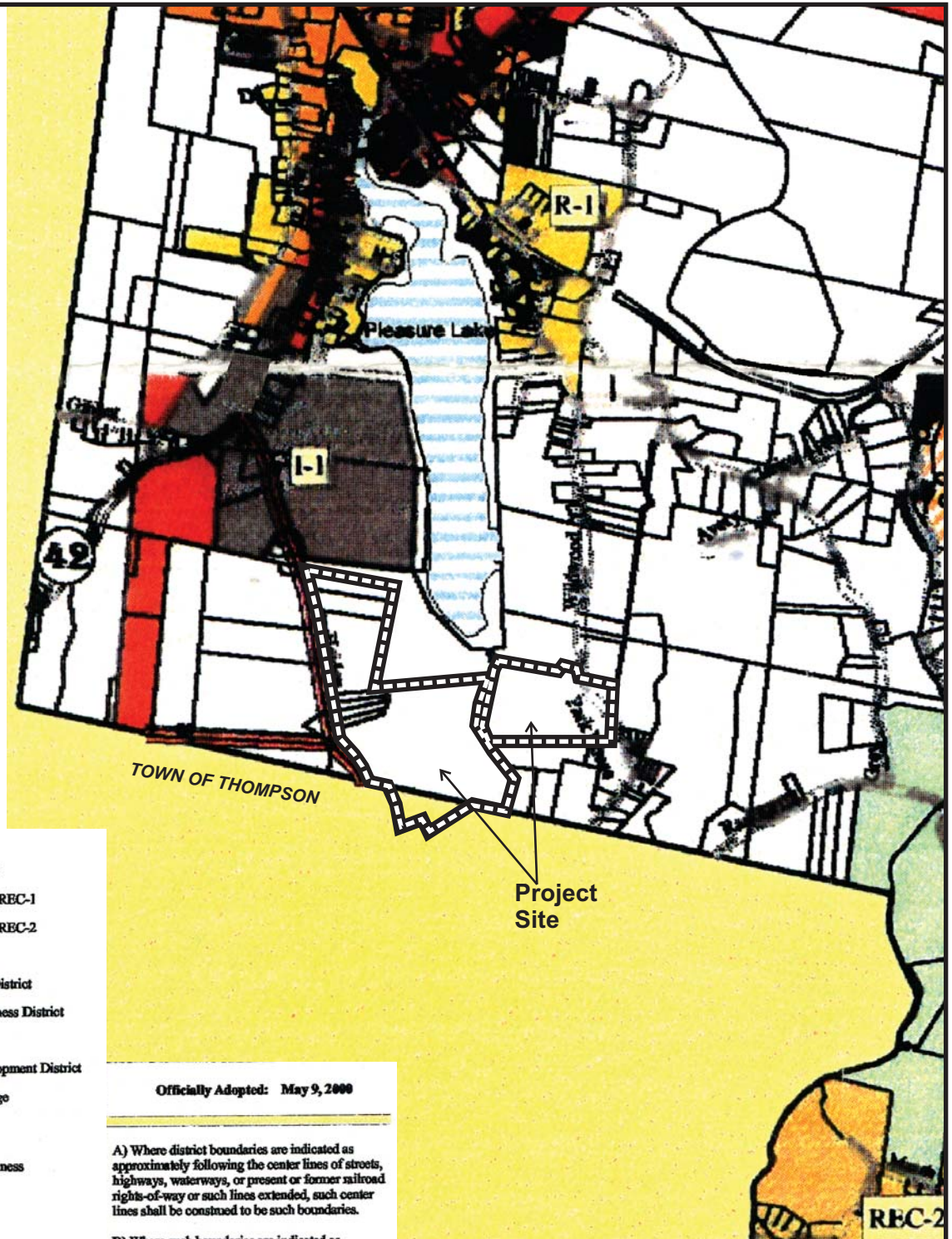
Response 3.7-5: *See Response 1.0-14. The applicant is using the bungalow density established in 2006.*

Comment 3.7-6 (Town of Fallsburg Planning Board Meeting, December 8, 2011, James Creighton): It looks like in doing the count under the new zoning, they're only entitled to about 50 or 60 units at best. So there is a significant bump up if you are grandfathered under the old zoning. And it's a huge concern for us because this is a probably one of the biggest projects in the Town of Fallsburg, certainly in recent years, and it's going to have a huge impact on this community.

Response 3.7-6: *See Response 1.0-14.*

Comment 3.7-7 (Town of Fallsburg Planning Board Meeting, December 8, 2011, James Creighton): We were involved in the scoping meeting back in November of 2008. I believe there were changes and there was an adoption of this scoping when the planning board became the lead agency in January 2009. And for two years this project lay fallow. Nothing happened at all. After two years, the applicant, or I guess, the consultants ask for some changes to be made to the scope. We were not involved in that process. I don't think there were significant changes but I'm really not *sure* because *we* were not a part of that.

Response 3.7-7: *The changes that were made to the scope were simply to update it to reflect current traffic considerations and bring the organization of the document in closer alignment with the SEQR EAF Part 2 outline.*



Zoning Districts

- Agricultural District
- Recreation District, REC-1
- Recreation District, REC-2
- Residence District
- Hamlet Residence District
- Neighborhood Business District
- Planned Unit Development District
- Village of Woodridge

Overlay Zone

- Adult Oriented Business

Fallsburg Tax Parcels

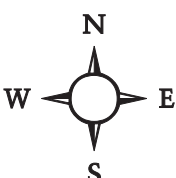
- State Road
- County Road
- Town Road
- County Line
- Town Line
- Parcel
- Water

Officially Adopted: May 9, 2000

A) Where district boundaries are indicated as approximately following the center lines of streets, highways, waterways, or present or former railroad rights-of-way or such lines extended, such center lines shall be construed to be such boundaries.

B) Where such boundaries are indicated as approximately following the property lines of public owned lands, or the boundaries of official taxing districts, such lines shall be construed to be such boundaries.

C) Unless otherwise shown, all district boundaries running parallel to a street shall be construed to be six hundred (600) feet back from the right-of-way of said streets.



LEGEND

Site Property Boundary

Figure 3.7-1: Zoning Map
 Raleigh and Heiden Properties
 Town of Fallsburg, Sullivan County, New York
 Source: Town of Fallsburg Zoning Map
 Scale: 1" = 2000'