

2.0 DESCRIPTION OF PROPOSED ACTION

The Raleigh and Heiden Properties development is a proposal to develop these two adjoining properties into a seasonal residential development which retains the Raleigh Hotel (the Heiden Hotel was destroyed by fire on May 18, 2008). These properties are located on the east side of Heiden Road (CR 161) in the vicinity of Kiamesha Lake Road (CR 109). This project is in the unincorporated portion of the Town of Fallsburg, Sullivan County, New York (see Figure 2-1). The project will be developed by RALHAL Corporation, owner of the Raleigh Hotel and the lead entity for the application, and Concord Estates Condominiums LLC, the owner of the Heiden Hotel property.

This application proposes the Raleigh Hotel remaining on a 35.6 acre property. The residential component of the project is proposed to be 236 single family and duplex units on 161.3 acres (see Figure 2-2). The total project acreage is 196.9 acres.

No changes to the Raleigh Hotel buildings are planned as part of this application. The Raleigh Hotel access points off Heiden Road would remain as they are currently configured with the main access at the south gate where a gatekeeper controls entry. There will be some reconfiguration of parking.

The residential development has two sections separated by the Sheldrake Stream. On the east side of the stream is a 68 unit development accessed from Park House Road (also variously known as Fred Road and Wildwood Drive). There would be one full service entrance and a second emergency entrance. The balance of the units, 168, are on the west side of the stream. These units are arranged around the rear and north side of the hotel. They would be accessed from Heiden Road via a main full service driveway sharing the hotel entrance, a restricted access driveway just north of the hotel pool, and a full service driveway further north at the approximate location of the original Heiden Hotel driveway access.

The interior roads consist of four single loaded loops with the homes on the inside of the loops. Several connector roads connect the loops to the external road system and to each other. However there is no road connection between the loop east of Sheldrake Stream and the three loops west of Sheldrake Stream. All interior roads are planned to remain private and therefore will not be dedicated to the Town.

Three multipurpose buildings and three pools are strategically located to serve different loops, with one pairing serving the two center loops immediately behind the hotel. In addition three double tennis courts would be situated for use by the future homeowners. Only residents of the Raleigh and Heiden Properties would have access to, and use of, these neighborhood facilities. Limited accessory parking would be developed to serve them.

The Raleigh Hotel would remain a privately owned entity. The land associated with the residential development would be owned by three separate condominium associations. Cross easements between the hotel and condominium associations would allow use of various facilities as necessary. For instance, a cross easement between all entities would be executed to allow common use of the sewage treatment facility. A cross easement between the two residential condominiums outside the Town water district would provide for shared public water system use. Cross easements would be provided to allow travel over the private roads in the residential neighborhoods west of the Sheldrake Stream. All entities on the west side of the Sheldrake Stream sharing common stormwater facilities would have cross easements to allow

this function. All common areas and multipurpose buildings, pools and tennis courts associated with the respective condominium associations would be maintained by them.

Large-scale engineering plans have been prepared for the Raleigh and Heiden Hotel Properties development and are the subject of this DEIS. As the environmental review process unfolds, the site plan would be refined and revised as necessary based on input from the various agencies having review responsibility for the proposal.

The traffic study prepared for the Raleigh and Heiden Properties identifies that traffic generated by the development and traveling regionally would primarily utilize Heiden Road to access Route 17 to the south and South Fallsburg to the north. Additionally Kiamesha Lake Road would be used to access businesses on Route 42 near Exit 105 of Route 17.

A stormwater management system consisting of stormwater basins and swales would be constructed to attenuate the increase in the amount and rate of stormwater runoff that may result from construction of the project. The basins would also provide water quality treatment prior to discharging to the adjoining Sheldrake Stream, and ultimately the Neversink River to which this watercourse is tributary. Post-development stormwater rates would meet “zero net increase in rate of runoff” standards or better.

The proposed Raleigh and Heiden Properties development is subject to the regulations implementing the New York State Environmental Quality Review Act (“SEQRA”). The Fallsburg Planning Board, acting as Lead Agency for this proposed action, determined that the development may have a significant impact on the environment and issued a Positive Declaration on October 30, 2008, requiring preparation of a draft environmental impact statement (“DEIS”).

A draft Scoping Document was prepared to outline the specific impacts and mitigation measures to be considered in this DEIS. The Fallsburg Planning Board, as lead agency, has coordinated the scoping process with the other involved agencies including the Town of Fallsburg Town Board. The draft Scoping Document was the subject of a public scoping meeting on November 13, 2008. The Scoping Document for this DEIS was revised per comments at this meeting and adopted by the Lead Agency on January 8, 2009. However since more than two years had elapsed since the adoption of the original Scoping Document, the applicant requested reconsideration of the document and, after review by the Planning Board, the revised Scoping Document was adopted on March 10, 2011.

This DEIS has been prepared in accordance with the Environmental Conservation Law, and the regulations contained in 6NYCRR, Part 617, implementing same.

2.1 Site Location and Description

The project site is located in the unincorporated area of the Town of Fallsburg, Sullivan County, New York. The site is located north of Route 17, south of Route 42, and east of Heiden Road at the intersection with Kiamesha Lake Road. The project site is identified on the Town of Fallsburg tax maps as Section 60, Block 1, and the Town of Thompson tax maps as Section 15, Block 1 (see Figure 2-3) with the following lots:

Description of Proposed Action

October 13, 2011

- 60-1-50
- 60-1-56
- 60-1-62.1
- 60.1-62.4
- 60.1.63
- 60.1.64
- 60.1.65
- 60.1.66
- 15-1-28

The portion of the site occupied by the Raleigh Hotel and ancillary facilities (recreational, parking, drives, walks, etc.) is largely built up. However the only site work planned for this area will be a reconfiguration of some parking. The balance of the site behind the hotel is comprised of lawn, meadows and woods. The portion of the site formerly occupied by the Heiden Hotel still has several bungalows, and a large field previously occupied by the hotel and grounds. The easterly and southerly portion of the Heiden property is wooded.

Federally-regulated wetlands under the jurisdiction of the Army Corps of Engineers (ACOE) are located on the project site. The proposed project has been designed to have minimal impact on these wetlands. In the northeastern corner of the Heiden property is a small piece of a larger NYSDEC wetland the bulk of which is located off site. The Sheldrake Stream bisects the property flowing in a north to south direction.

Based on field surveys conducted of the project site, the site hosts a number of ecological habitats. These include: hemlock northern hardwood forest, a deciduous forest type; successional shrub land and successional fields; palustrine scrub-shrub wetlands; palustrine forested wetlands; and emergent wetlands.

A letter was sent to the New York State Department of Environmental Conservation (NYSDEC), Natural Heritage Program (NHP) on April 7, 2008, to request a search of agency databases for "sensitive" species that may be present on the site or in the project vicinity. The correspondence from the NHP indicated that there are no "...known occurrences of rare or State-listed animals or plants, significant natural communities, or other significant habitats, on or in the immediate vicinity..." of the site.

The project site is served by New York State Electric and Gas (NYSEG) which would provide electricity to the property. According to NYSEG, there is no gas service proximate to the development. Thus, space heating and household equipment would utilize electric or propane.

2.2 Description of the Proposed Action

2.2.1 Project Description

Development Proposal

The development proposal for the Raleigh and Heiden Properties consists of an existing hotel, the Raleigh Hotel, and the development of 236 duplex and single family units with public water and sewer. The site plan is a cluster which allows grouping of residences while preserving open space and reducing infrastructure and impervious surfaces.

The cluster plan will require the resubdivision of eight (8) lots in the Town of Fallsburg to create five new lots. The Raleigh Hotel will occupy one lot in Fallsburg and will also include a lot in the Town of Thompson. Three (3) lots will become three separate condominium associations for the residential development. Cross easements as described above will allow access to shared facilities. A separate lot east of Park House Road will be created by establishing a right of way.

The proposed project is planned to be begun in 2012. A full build date out is dependent on market conditions.

The basic elements of the neighborhood design incorporated into the layout of the Raleigh and Heiden Properties development are outlined below:

- Streets within the neighborhoods are laid out in a curvilinear pattern connecting the housing with integral recreation and open space facilities (rather than a formal “grid-like” pattern). This layout compliments the natural topography of the site with open space in the center of four looped roads providing a large but contained common play area. The curving road systems will also slow traffic for added safety of the residents.
- Existing wooded areas will remain wherever possible to continue the sense of a natural setting for the new homes.
- A community building and active recreation centers are accessible to each neighborhood providing indoor facilities for religious purposes and day care, and outdoor pool and tennis facilities.
- Landscape plantings will provide screening and infill shade trees as necessary.
- The homes and other facilities will be designed to be attractive with architectural elements that will be appealing to a second home investment.

Phasing and Construction Schedule

The project scheduling is largely predicated on the construction of sewer and water facilities, and then development of areas within closest proximity to these facilities. The Raleigh Hotel would be the first phase of the project as it requires only the subdivision of lands associated with its continued operation as a private entity and hook up to the new sewage treatment facility. Construction of the housing cluster on the Heiden property will require hook up to the sewage treatment facility and hookup to the Town water supply system as it is currently in the water district. This cluster will likely be phase two. The two clusters behind the Raleigh Hotel will require the completion of the public water supply system and will likely be the third phase. The final phase will be the cluster on the east side of Sheldrake Stream. This cluster will require extending water and sewer service under the stream for connection.

2.2.2 Water and Sewer Use

The Raleigh Hotel and most of the Heiden property lie within the Town of Fallsburg water district. The hotel currently draws its water from the Town water supply and would continue to do so. It is proposed that the residences developed on the Heiden property also use Town water. This would require extending the water district line to encompass all the residences proposed for this parcel.

The balance of the residences would be supplied with water from a newly formed public water supply system drawing from on site wells. The applicant has conducted an analysis of potential ground water sources known as a Fracture Trace Analysis, which identified several potential well locations. Wells were drilled and tested for rate of flow as well as water quality. The wells have been demonstrated to have adequate flow to meet the needs of the new residences to be served, and the water quality is acceptable by NYS Department of Health standards.

The applicant proposes to build an underground water storage tank and utilize pumps to maintain adequate pressure to the system for home use and firefighting. The tank would be located behind the Raleigh Hotel garage. This water system would service the two loops behind the hotel and the residences on the east side of Sheldrake Stream.

The Raleigh Hotel currently uses a septic field for wastewater. This will be eliminated and the hotel and all new residences will be connected to a new sewage treatment plant for treatment of all waste water.

2.2.2 Existing Land Use and Zoning

Section 3.7 of the DEIS provides a detailed discussion of existing zoning and land use. The following is a summary of the findings contained in that section.

Existing Land Use

The project site consists of approximately 196.9 acres. The land is partially developed with the existing Raleigh Hotel and several remaining bungalows on the Heiden property. The balance of the property is vacant and comprised of a mix of lawn, meadow and woods.

Surrounding Land Use Patterns

Land uses in the vicinity of the project area are a mix of single family and seasonal resort uses as illustrated in Figure 3.7-1. Land along Heiden Road is more developed than the local side roads, and tends to be of a higher density. On Kiamesha Lake Road, to the east of the project site, is the former Concord Hotel site. This property, currently closed, has been the subject of proposals in recent years to renovate it and reopen it, but so far these efforts have not succeeded.

Existing Zoning

As shown in Figure 3.7-1 of the DEIS, the project site is in the Recreation 1 (Rec-1) Zoning District. This district requires a minimum of 3 acres per dwelling unit, except that Local Law 2 of 2006 allowed 2 bungalow units per acre on a site a minimum of 10 acres in size. The Raleigh and Heiden Hotel properties are 196.9 acres in overall size, and all lots after resubdivision will be greater than 10 acres in size.

2.2.3 Zoning/Site Plan Compliance

The Town's zoning law was amended on June 22, 2007. Projects with pending applications prior to this date have been considered as grandfathered under the pre-2007 zoning. An application for the Raleigh and Heiden Properties was made prior to the zoning amendment and therefore the project is entitled to be reviewed under the previous zoning. A public hearing on the project was opened and closed on June 12, 2008. A Conventional Subdivision Plan was submitted for review and a lot count of 236 units was decided on November 13, 2008. The project is proposed as a cluster development plan based upon this accepted yield. DEIS Section 3.7 provides an assessment of zoning compliance under the prior zoning and further assesses the project in comparison to the recently enacted 2007 zoning.

Cluster Development Regulations

The project is subject to site development plan review as set forth in Section 130-14 of the Fallsburg zoning code. The code describes the objectives to be met by cluster development. The purpose of this provision is to provide flexibility in the design and development of land in such a way as to promote the most appropriate use of the land, to facilitate adequate and economical provision of streets and utilities, and to preserve the natural and scenic qualities of open space; specifically to preserve hilltops, long scenic views and stream corridors and natural areas along lakefronts.

The proposed project has been designed to be consistent with the objectives set forth in the Town's zoning code. As a hotel (existing), single and two family condominium project it is proposed that the development will result in the resubdivision of eight (8) existing lots in the Town of Fallsburg into four new lots to effectuate the creation of three separate condominium parcels and one privately held parcel. The arrangement of new residential units within the condominium lots will be clustered.

2.3 Project Purpose and Need

2.3.1 Purpose of the Project Sponsor

It is the purpose and objective of the project sponsor to construct a high-quality residential development that will provide seasonal housing opportunities in Sullivan County through the construction of single-family and duplex housing units. The site is well suited for medium density residential development due to its proximity to major transportation corridors and proximity to existing shopping in the hamlet of South Fallsburg and the Monticello-Kiamesha shopping areas.

2.3.2 Public Need

The comprehensive plans for the Town of Fallsburg and Sullivan County are policy documents that are relied upon as expressions of the community's land use policies and objectives.

Town of Fallsburg Comprehensive Plan

The Town of Fallsburg adopted an updated Comprehensive Plan in 2007. The 2007 Comprehensive Plan covers a range of issues relating to future growth in the Town and establishes a framework within which future development is envisioned to occur. The overriding theme of the Comprehensive Plan is to provide a balance between the need to accommodate anticipated population growth and the need to preserve the quality of life and natural resources. It focuses on the protection of the Town's natural resources, current and long-range growth and development that is compatible with the Town's quality of life, and provides guidance to decision makers, residents and property owners.

The Raleigh and Heiden Properties proposal is consistent with these land use policy objectives in that the project proposes to develop new housing in a cluster that would protect the maximum amount of open space. It would provide an up to date sewage treatment plant for new homes that would also replace an outdated septic field currently serving the Raleigh Hotel.

Sullivan 2020 Strategic Plan

In 2004, the Sullivan County Division of Planning and Community Development, in conjunction with HRG and Shepstone Management Consultants, initiated Sullivan 2020, a countywide strategic comprehensive planning 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 preservation and development. The Raleigh and Heiden Properties development would support this objective by establishing clustered residential neighborhoods that preserve open space and promote a sense of community.

2.4 Reviews Permits and Approvals, Involved and Interested Agencies

2.4.1 Reviews, Permits and Approvals

The following reviews, permits and approvals would be necessary to implement the action:

New York State

New York State Department of Environmental Conservation

- SWPPP, Stormwater and Sewer SPEDES Permits, Water Taking Permit

New York State Department of Health

- Public Water Supply and Distribution Permits
- Realty Subdivision

New York State Office of Parks, Recreation and Historic Preservation

- Review and Approval of Archaeology Study

Sullivan County

Sullivan County Planning Department

- 239-m GML Review

Sullivan County Department of Public Works

- Curb Cut Permit
- Water Main Connection Permit

Municipal

Town of Fallsburg Town Board

- Water District Extension
- Transportation Corporation
- Creation of Public Sewer District
- Creation of Public Water Supply District

Town of Fallsburg Planning Board

- Site Plan Approval
- Subdivision Approval

Town of Fallsburg Highway Department

- Town Highway Permit

2.4.2 Involved and Interested Agencies

Involved Agencies

Honorable Steve Vegliante, Supervisor, Town of Fallsburg, Station Plaza, South Fallsburg, NY 12779

Honorable Anthony Cellini, Supervisor, Town of Thompson, Route 42, Monticello, NY 12701

Town of Fallsburg Planning Board, Code Enforcement Office, 5250 Main Street, South Fallsburg, NY 12279

Sullivan County Department of Planning and Environmental Management, Sullivan County Government Center, 100 North Street, Monticello, NY 12701

Sullivan County Department of Public Works, 100 North Street Monticello, NY 12701

NYS Dept. of Environmental Conservation, Division of Regulatory Affairs, Region 3, 21 South Putt Corners Road, New Paltz, NY 12561

NYS Department of Health, Monticello District Office, 50 North Street, Suite 2, Monticello, NY 12701

NYS Office of Parks, Recreation and Historic Preservation, Peebles Island, P.O. Box 189, Waterford, New York 12188

NYS Environmental Notice Bulletin – via E-Mail

US Army Corps of Engineers, 26 Federal Plaza, Room 1937, New York, NY 10278-0090

Delaware River Basin Commission, P.O. Box 7360, 25 State Police Drive, West Trenton, NY 08628

Interested Agencies

NYS Department of Transportation, Sullivan County Residency Office East Broadway,
Monticello, NY 12701

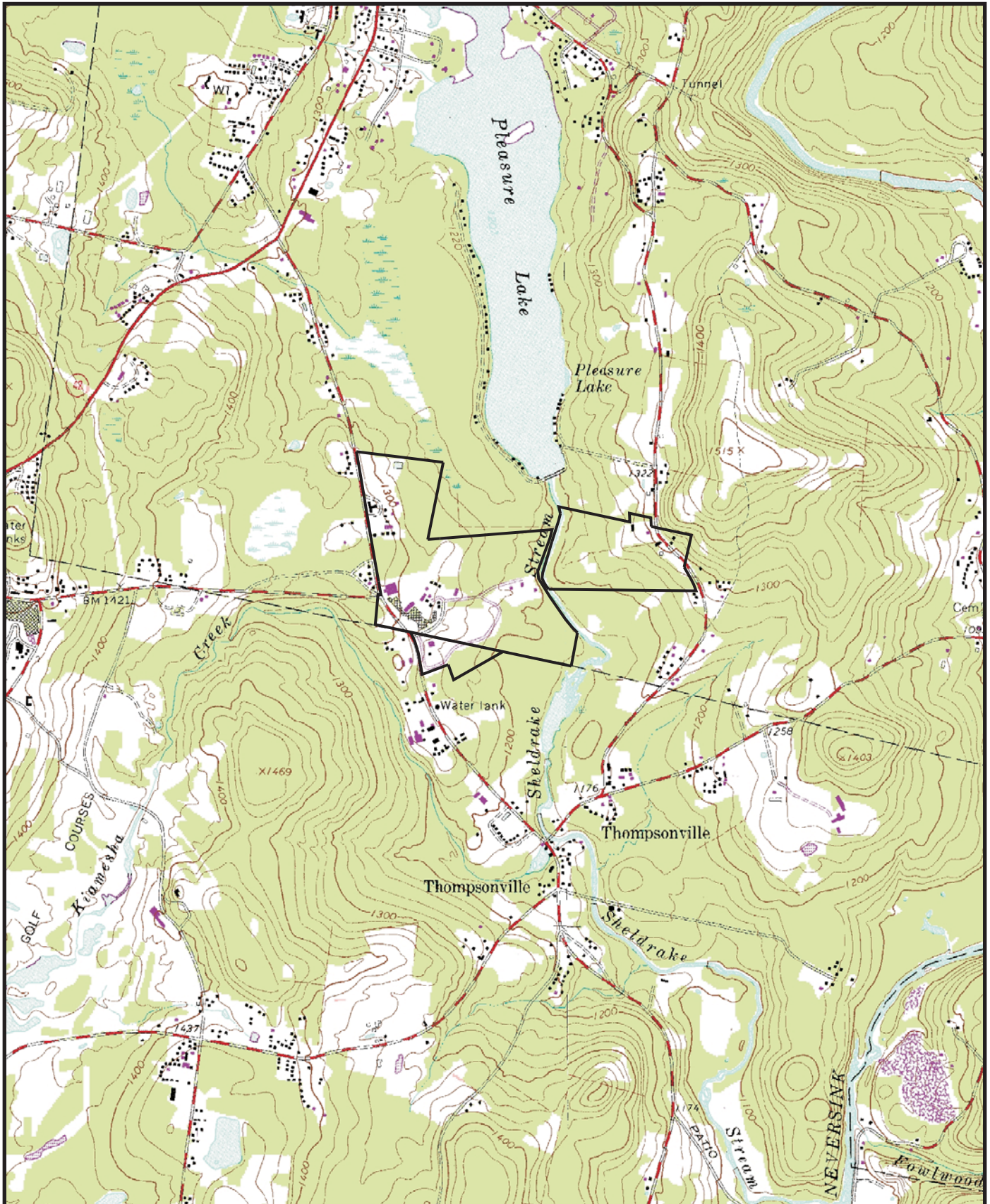
Superintendent, Fallsburg Central School District, 115 Brickman Road, Fallsburg, NY 12733

NYS Department of Environmental Conservation, Commissioners Office, 625 Broadway,
Albany, NY 12233

Fallsburg Fish and Boat Club, Pleasure Lake Dam, Fallsburg, NY

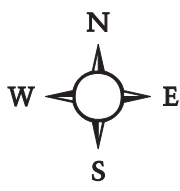
Applicant

RALHAL Corporation and Concord Estates Condominiums



LEGEND
 □ Site Property Boundary

Figure 2-1: Site Location Map
 Raleigh and Heiden Properties
 Town of Fallsburg, Sullivan County, New York
 Base Map: USGS 7.5-minute Topographic Map, Monticello Quad, 2000
 Scale: 1" = 2000'



Liber 3253 of Deeds, page 358
SBL: 60-1-70.1

SULLIVAN VALLEY, INC.
Liber 3142 of Deeds, page 19
SBL: 60-1-62.3

(reputedly)
now or formerly
CONCORD ESTATES CONDOMINIUMS LLC
Liber 3191 of Deeds, page 657
SBL: 60-1-62.1
ACREAGE: 2.05

(reputedly)
now or formerly
YD REALTY, LLC
Liber 2367 of Deeds, page 11
SBL: 60-1-69

(reputedly)
now or formerly
YD REALTY, LLC
Liber 2367 of Deeds, page 11
SBL: 60-1-68.1

(reputedly)
now or formerly
CONCORD ESTATES CONDOMINIUMS LLC
Liber 3191 of Deeds, page 657
SBL: 60-1-63
ACREAGE: 2.78

(reputedly)
now or formerly
CONCORD ESTATES CONDOMINIUMS LLC
Liber 3191 of Deeds, page 657
SBL: 60-1-64
ACREAGE: 2.77

(reputedly)
now or formerly
RALHAL LLC
Liber 3191 of Deeds, page 668
SBL: 60-1-65
ACREAGE: 2.87

(reputedly)
now or formerly
RALHAL LLC
Liber 3191 of Deeds, page 657
SBL: 60-1-66
ACREAGE: 2.61

(reputedly)
now or formerly
NUNZIO CONSALVO
Liber 1744 of Deeds, page 437
SBL: 60-1-67

(reputedly)
now or formerly
YD REALTY, LLC
Liber 2367 of Deeds, page 11
SBL: 60-1-68.2

(reputedly)
now or formerly
LAURIE H. LANDON
Liber 1523 of Deeds, page 103
SBL: 15-1-27

(reputedly)
now or formerly
CONGREGATION & YESHIVA
MIVTAR HATORAH
SBL: 15-1-29

(reputedly)
now or formerly
LEONID TUNE
Liber 2326 of Deeds, page 382
SBL: 15-1-31

(reputedly)
now or formerly
TRUDY K. ELLIOTT
Liber 2054 of Deeds, page 640
Liber 1304 of Deeds, page 121
SBL: 60-1-57

(reputedly)
now or formerly
THOMAS KERRY
Liber 2258 Deeds, page 128
SBL: 60-1-49.1

(reputedly)
now or formerly
MARION KERRY
Liber 2258 Deeds, page 124
SBL: 60-1-48

(reputedly)
now or formerly
STEPHEN FEFLDMAN
Liber 2767 Deeds, page 82
SBL: 61-1-32

(reputedly)
now or formerly
MISSION UNIVERSAL DIVINE
ASSOCIATION INC.
Liber 1106 Deeds, page 334
SBL: 60-1-55.2

(reputedly)
now or formerly
WTO MANNING
Liber 2558 Deeds, page 307
SBL: 61-1-96

(reputedly)
now or formerly
THE COUNTY OF SULLIVAN
Liber 3299 Deeds, page 355
SBL: 60-1-51

Development Summary

Zoning: Recreation District, Rec-1

- Bungalow 1/2 Acre/Unit
 - Hotels/Resorts 10 Acres, 1500sf/rm
- Conventional Subdivision Yield: 236 DU
 Cluster Yield: 236 DU
 (178 Duplex Units, 58 Single Family Detached Units)
 Hotel Lot Size: 34.7 Acres
 *Based on Pre-2007 Zoning

(reputedly)
now or formerly
MISSION UNIVERSAL DIVINE
ASSOCIATION INC.
Liber 1370 Deeds, page 68
SBL: 60-1-55.1

(reputedly)
now or formerly
BOBOVER YESHIVA BNEI ZION
Liber 802 of Deeds, page 465
SBL: 15-1-33

(reputedly)
now or formerly
NE GROUP
PROPERTIES LLC
Liber 2951 of Deeds, page 463

(reputedly)
now or formerly
DEBSKI ANDREZ
Liber 2443 of Deeds, page 632
SBL: 16-1-1

Legend
Slopes >20%
Wetlands

Notes:

1. All base data by others. No representation or warranty is express or implied as to accuracy of same.
2. This Conceptual Site Design plan is for illustration of road and building layouts, and is subject to completion of site engineering. This drawing is not for construction purposes.
3. All environmental concerns subject to local, state and/or federal jurisdiction must be reviewed and approved by appropriate agencies.

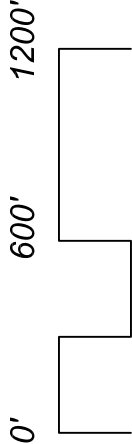
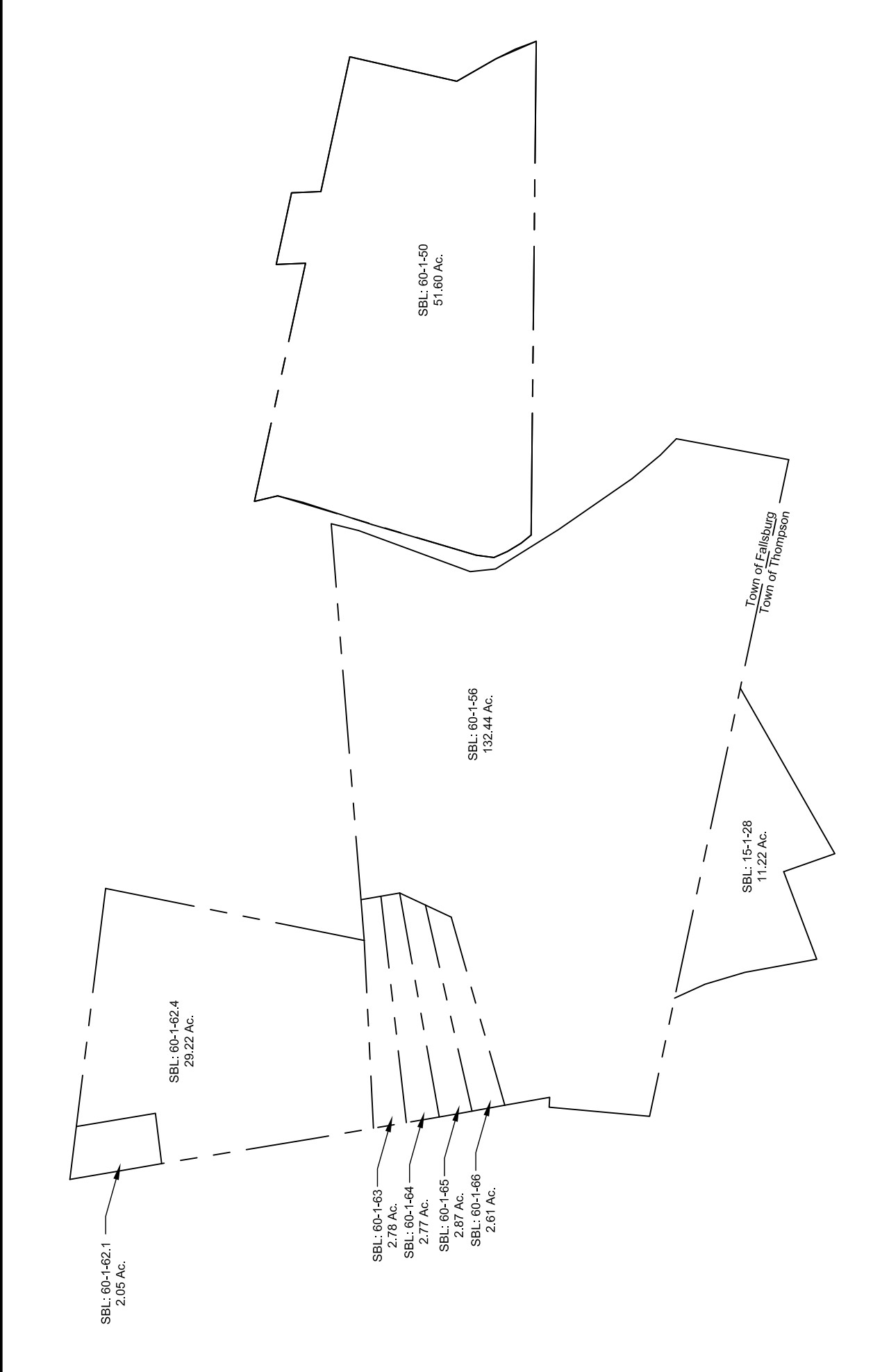
North

0' 200' 400'

Graphic Scale

Stephen Lopez
Landscape Architect

Figure 2-2: Proposed Site Plan
Raleigh and Heiden Properties
Heiden Road & Fred Road
Town of Fallsburg, Sullivan County, NY
Date: April 2008, Rev. 7-08, 5-09, 10-09, 4-11



Graphic Scale

Figure 2-3: Project Site Tax Parcels
Raleigh and Heiden Properties
 Source: Town of Fallsburgh Tax Assessor
 Town of Fallsburg, Sullivan County, NY
 Scale: 1" = 600'

