

2.7 Project Description Comments and Responses

Comment 2-1: (Letter 2, Luiz C. Aragon, Commissioner, Sullivan County, Planning and Environmental Management, June 16, 2010): As proposed the project will yield a suburban style golf course development that is not in character with the existing community.

Response 2-1: Overall, this development is conceived by the Applicant to be a "green" development that will fit into the existing community with minimal effect on its neighbors. The project includes covenants and restrictions that define various conditions for the preservation and enhancement of the natural landscape during development and operation of the resort including responsibilities of the Property Owners' Association and Architectural Control Committee, and restrictions on individual lot owners on tree clearing, lot development and use. The Applicant believes the Lost Lake Resort project is not out of character with at least 16 golf courses in Sullivan County and vicinity, including a quarter of them being resort style developments with multiple recreation amenities.

Comment 2-2: (Letter 2, Luiz C. Aragon, Commissioner, Sullivan County, Planning and Environmental Management, June 16, 2010): While the project addresses open space and recreational needs for the development residents, the DEIS does not make clear what will be made available to outside residents, other than the guest housing.

Response 2-2: Availability of the resort amenities for public use as currently planned is as follows:

- *The Inn (open to the public)*
- *Golf course (open to the public)*
- *Clubhouse/Pro Shop and Restaurant (open to the public)*
- *Conference Center (open to the public)*
- *Spa and Fitness Center (open to the public)*
- *Cottages and Condominiums (open to the public)*
- *Wildlife Observation Stations, Pedestrian Trails, Parks (open to lot owners and resort guests)*
- *Bushkill Park East (open to the public)*
- *Bushkill Park West (open to lot owners and resort guests)*
- *Marina and Beach Facilities (open to lot owners and resort guests)*
- *Pool and Bath House (open to lot owners and resort guests)*
- *Tennis Courts and Cabana (open to lot owners and resort guests)*

Comment 2-3: (Letter 2, Luiz C. Aragon, Commissioner, Sullivan County, Planning and Environmental Management, June 16, 2010): The open space is predominantly wetlands, open water, and golf links, which indicates that the developer is not conserving much open space that isn't mandatory or revenue generating. Constrained lands, such as wetlands and steep slopes should be removed from open space calculations and the additional land should be preserved and left undeveloped especially since the DEIS acknowledges presence of vernal pools, timber rattlesnakes and important birding areas on and around the project site.

Response 2-3: The Town PDD regulation defines open space to include environmentally constrained land and the Applicant presumes that the intent of this provision is to induce preservation of such land in any development plan that might be rendered according to the zoning. The project Master Plan conforms to the Town's PDD

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requirement for 50 percent minimum open space and preserves the majority of this space in its natural condition for wildlife as well as public enjoyment.

In the revised Master Plan (dated February 17, 2011), wetland areas are preserved as in the original plan and upland protected areas are expanded and available for wildlife use. Contiguous, natural open space areas on the property where indigenous wildlife will continue to thrive include the following approximate acreages:

- 280 acres in the center of the property including wetland HA-40 ("ABD"), with 136 acres wetlands and 144 acres uplands;*
- 144 acres around, including and north of Lost Lake, with 31 acres wetlands, 61 acres uplands, 52 acres open water;*
- 106 acres in areas bordering the Bush Kill and its associated floodplain, with 19 acres wetlands, 82 acres uplands, 4 acres water; and*
- 73 and 38 acres in two westerly areas adjoining the St. Joseph's Lake development properties, with 11 acres wetlands, 100 acres uplands.*

Comment 2-4: (Letter 2, Luiz C. Aragon, Commissioner, Sullivan County, Planning and Environmental Management, June 16, 2010): The benefits achieved from the environmental aspects such as LEED standards and chemical free golf courses are not enough to earn a density increase that would bring the unit count up from the 748 units calculated by the PDD density to the proposed 2627 units, let alone the 491 units allowable as of right. The number of units proposed would have a negative impact on community character and the natural resources on the site. Further analysis is needed to show how the proposed benefits deserve the density increase.

Response 2-4: *The DEIS establishes that the proposed development as envisioned in the Site Master Plan, the style of recreation-oriented development described in the DEIS, and its long-term buildout scenario, will not have any identified significant adverse effects on the character of Forestburgh. The DEIS also establishes the extent of impacts on natural resources and presents various mitigation measures proposed as part of the project to reduce such impacts. The Lost Lake Resort aims to incorporate the Town's goals of preserving the existing rural and natural character of the Town, as expressed in the PDD regulation. The project will conserve the quality and quantity of natural, scenic resources of the region for the use and enjoyment of all residents in providing natural buffers around and open space preservation 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.*

Accommodating sustainability measures into a project such as this, including green building concepts and modern golf course management procedures, comes at a cost to the developer for which, in keeping with the concept of the PDD, a sizable density bonus is warranted to support those measures.

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Comment 2-5 (Letter 3, John W. Petronella, Environmental Analyst, New York State Department of Environmental Conservation, July 1, 2010): Throughout the DEIS it is stated that a majority of lot owners may never build a home. Rather, a lot is purchased for membership to the resort and use of the various amenities. However, it is the intent of SEQRA to evaluate the entire scope of the activity. In this case, the Department is assuming full build-out of the project and the potential impacts associated with this.

Response 2-5: The DEIS presents and evaluates the potential impacts of the project based on the full build scenario, as is the intent of SEQRA.

Comment 2-6 (Letter 3, John W. Petronella, Environmental Analyst, New York State Department of Environmental Conservation, July 1, 2010): It is indicated in the DEIS that the preferred alternative “preserves” approximately 1,045 acres of open space. This statement is misleading due to the fact that of these 1,045 acres, 262 acres is already preserved as regulated freshwater wetland and adjacent area, and 207 acres will be maintained as golf course for a total of 469 acres. So in essence, 576 acres is being set aside as unmanaged open space. The concept of open space as presented in the DEIS is difficult to appreciate in the context of traditional resource protection relative to such considerations as biological diversity, habitat fragmentation and water quality protection. For example, a substantial amount of this open space is isolated in “islands” with no habitat connection to other areas of open space. As proposed, the open space configuration does not reflect basic habitat and watershed conservation principles, such as broad areas of connectivity and generous buffers from human disturbance.

Further, the golf course, although considered open space in the DEIS, provides no real habitat benefit, nor do the vegetated suburban areas. A site plan should be included in the DEIS that clearly indicates preserved open space that does not include the golf course, vegetated suburban areas and landscaping. Note that it is not just the amount of open space that is important to wildlife, but the combination of the location of the open space and the amount of contiguous open space. A large amount of open space scattered throughout the site, separated by developed areas, is not conducive to habitat corridors and wildlife movement. As a result, the proposed project's impact on open space, and by extension vernal pools, wildlife, biodiversity and habitat continuity is significant.

Response 2-6: In accordance with the PDD regulation, the site Master Plan must provide at least 50 percent open space as defined by the regulation. Pursuant to the regulation, "open space" means an area of land set aside and designated in perpetuity for protection from development" and may include land in its natural state, land improved for passive outdoor recreation, and land for active outdoor recreation excluding buildings and impervious surfaces (Planned Development District Law of 2008, §85-17E. Definition of 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."

The Master Plan includes some areas of open space that are disconnected in terms of habitat connection, however the Applicant has striven to expand such connections wherever possible in the revised Master Plan and significant areas of connectivity to adjacent off-site natural areas will remain. In the revised plan, portions of the ecological communities identified on-site will remain available for habitat, albeit at a smaller scale,

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after the development is complete. This transition will occur over several decades. Mitigation measures integral to the current Master Plan design include: preserving streams, vernal pools, and wetlands; preserving natural buffers around the streams, high quality vernal pools, and wetlands; connecting on-site open space to larger tracts off of the project site; limitations on construction disturbance specified in the Lost Lake Design Guidelines to minimize permanent disturbance and preserve existing communities in generous buffers from human disturbance; and landscaping with native vegetation. The project has been designed to maintain areas of the existing complement of flora and fauna as an amenity to the resort. Additionally, the introduction of new ecological communities associated with the resort, such as roughs around the golf course and naturalized landscape areas, may attract new species of flora and fauna that would increase biodiversity at the project site. Edge habitats will be created along the edges of rough areas and in portions of house lots that will remain treed and undeveloped (and it is noted that these latter areas are not counted in the open space calculation or shown on the open space map). FEIS Figure 2-4 at the end of this section illustrates the preservation areas set aside in the revised Master Plan that will provide natural ecological connections to adjoining woodland habitats including the Neversink River Unique Area.

FEIS Table 1-1 outlines the acreages of the managed versus unmanaged open space areas in the revised Master Plan. Of the 807 acres proposed as unmanaged (natural) open space, 343 acres is already preserved by regulation as freshwater wetland and adjacent area, 71 acres is preserved in steep slopes, and an additional 393 acres of land (19 percent of the property) is being set aside in permanent open space preservation. The 221 acres of managed open space includes land to be maintained as golf course, and 54 acres will remain open water.

Comment 2-7 (Letter 3, John W. Petronella, Environmental Analyst, New York State Department of Environmental Conservation, July 1, 2010): The Department suggests that the project sponsor has failed to satisfy the SEQR required threshold for avoiding and minimizing impacts to the maximum extent practical. Further, mitigation for unavoidable impacts, as required by SEQR, has not been sufficiently demonstrated. Based upon review of the information provided in the DEIS, it is the position of the Department that the preferred alternative project design does not avoid impacts to the maximum extent practicable, nor are social, economic and environmental needs balanced.

Response 2-7: *The proposed project plan has been laid out to avoid disturbances, and balance needs, in the following areas among others discussed in the DEIS, while maintaining a plan that will support the Applicant's recreational/ residential resort development concept. (Also refer to Responses 4-1 and 4-2.)*

- *avoids disturbance to all but 0.5 acre of 268.5 acres of regulated wetlands for two road crossings.*
- *avoids disturbance to all but 2.6 acres of 132.1 acres of regulated wetland buffers for two road crossings and the beach area.*
- *avoids disturbance to all but 12.4 acres of 83.2 acres of steep slopes over 25%.*
- *avoids disturbance to all streams, including trout streams.*
- *supports social need for additional recreational opportunities in Sullivan County.*

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- *supports economic need for additional tax revenues to the local municipality, Sullivan County, and New York State.*
- *supports economic need for additional retail activity in the nearby communities.*
- *supports environmental need for preservation of the most sensitive resources of the subject property.*
- *supports environmental need to restore any lost wetland functions via a wetland creation area of at least 1.01 acres on the site.*
- *supports environmental need for perpetual preservation of woodlands through the required conformance to the Lost Lake Resort Design Guidelines.*
- *supports environmental need to preserve the habitat of Lost Lake and its environs as an ecological resource as well as a social / recreational resource in perpetuity through a sound plan for lake management.*

The project plans incorporate the following mitigation measures relative to unavoidable impacts:

- *limits of disturbance are shown on the project plans as a means to delineate the limits in the field prior to any actual construction disturbance.*
- *development limitations relating to bedrock, slopes and wetlands on the site have been considered and accounted for in the revised Master Plan for the project.*
- *project plans specify NYSDEC standard erosion and sedimentation mitigation measures for implementation during construction and for permanent stabilization and revegetation.*
- *project plans permanently preserve sizable, contiguous, natural open space areas on the property where indigenous wildlife will continue to thrive: some 280 acres in the center of the property including wetland HA-40; some 144 acres around, including and north of Lost Lake; some 106 acres in areas bordering the Bush Kill and its associated floodplain; and some 73 and 38 acres in two areas adjoining the St. Joseph's Lake development properties. This acreage does not include adjacent lands on the rear of private lots that will also remain undisturbed in accordance with the Lost Lake Design Guidelines.*
- *impacts to functions of wetland and adjacent areas impacted by construction of the two road crossings will be short term and will be fully mitigated as a 2:1 replacement of impacted wetlands is proposed.*
- *long-term impacts to surface water resources will be mitigated by implementation of the SWPPP designed in accordance with NYSDEC requirements.*
- *discharge of wastewater discharge into surface waters will be subject to NYSDEC permit limits.*
- *visibility of portions of the project where no building improvements exist now along St. Joseph's Road and Cold Spring Road will be mitigated by preservation of a minimum buffer of 100 feet of undisturbed woodland vegetation both sides of St. Joseph's Road and a 200-foot building setback from Cold Spring Road. The wooded nature of the project site will maintain its rural character.*
- *increase in the Town population and school-aged segment of the population will occur over a long period of time (twenty years or more) allowing community services*

to accommodate the change. The project will contribute significant tax revenues toward these services.

- to mitigate the increase in traffic related to construction operations, the Applicant will work with the Town and County to identify desired truck routing before construction commences. A mitigation plan will be determined prior to each phase of construction. (Further description of construction traffic mitigation is provided in Responses 3.8-2 and 3.8-3.)*

Comment 2-8 (Letter 4, CT Male Associates, July 1, 2010): Bonus Density: In general, the total number of residential units proposed seems to be excessive considering the limiting site characteristics (e.g., shallow bedrock, steep slopes, wetlands) and the rural nature of the surrounding area, including the proximal location to the Neversink River Unique Area.

Response 2-8: *Development limitations relating to bedrock, slopes and wetlands on the site have been considered and accounted for in the revised Master Plan for the project. Refer to Responses 2-4, 2-6 and 2-7.*

Comment 2-9 (Letter 4, CT Male Associates, July 1, 2010): Density Bonus for Green Building Design & Sustainable Development Practices (p. 3.6-11): The Applicant is requesting 100% density bonus (748 lots) for requiring that all hospitality structures and homes “meet” the minimum certification requirements of LEED or the NAHB Green Building Program. This is a large request considering that just the minimum requirements of these two programs are being targeted and that the Applicant is not proposing to apply for and receive certifications. A more realistic percentage density bonus is suggested at approximately 50%, assuming that the Applicant will seek and obtain certifications from either the Green Building Certification Institute or the NAHB Research Center. It is important to note that this density bonus can only be realized in the later stages of development following Town certification of compliance with proposed green building designs and sustainable building practices.

Response 2-9: *The Applicant believes the requested bonus is commensurate with the costs of incorporating the sustainable measures that are stipulated by the two green building programs into all hospitality structures, and requiring new homeowners to do the same, without the additional cost of obtaining certifications. Accommodating sustainability measures into a project such as this comes at a cost to the developer for which, in keeping with the concept of the PDD, a sizable density bonus is warranted to support those measures.*

The Applicant will require, in the Covenants and Restrictions, that every home be designed and built to meet green building design certification requirements. Irrespective of obtaining the actual certification by LEED or another organization, the Applicant proposes that conformance with the certification requirements be ascertained through a letter issued by a third party professional paid for by the Applicant (such as a LEED Accredited Professional, certified building inspector or licensed architect) certifying such conformance prior to issuance of a certificate of occupancy. The Town will have opportunities to review compliance of green building design and sustainable development practices on an on-going basis with every building permit and site plan phase. The Applicant acknowledges that failure to demonstrate such compliance in the earlier phases of the development would warrant a reduction in project density for succeeding phase approvals.

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Comment 2-10 (Letter 4, CT Male Associates, July 1, 2010): Density Bonus for the Preservation of Environmental Features and Habitats (p. 3.6-12): The Applicant is requesting a 5% density bonus (37 units) as a result of preserving wetlands, wetland-buffer areas, streams, steep slopes and rock outcrops. These areas are already protected under the 50% open space requirement imposed on the project by Forestburgh Town Code. As a result, the Applicant would be receiving a density bonus for land the Town Code already mandated to be protected by open space requirements. Moreover, a considerable amount of construction is proposed on steep slopes and no species-specific habitat is proposed to be protected.

***Response 2-10:** The requested 5% bonus relates to the Applicant's diligence in design of the project to avoid stream, wetland, wetland buffer and steep slope incursions other than for road crossings that are necessary to access the developable portions of the property, and preservation of sizable, natural habitats. The Town PDD regulation does not mandate that such areas be included in the required open space but its stated purpose is to encourage permanent preservation of sensitive natural resources and uses the area of wetlands and steep slopes as factors in calculating constrained versus buildable acreage. In this case, the Applicant has avoided the vast majority of such acreage and thus counts it as part of the mandatory open space.*

The revised Master Plan includes adjustments to roads and disturbed areas such that steep slope disturbance has been reduced by 2.6 acres from the DEIS plan and habitat protection has been improved. Species-specific habitats (or lack thereof) related to black bear, protected reptiles and amphibians, breeding birds, protected birds, and protected plant species were investigated for the DEIS and none were determined to necessitate protection for a particular species. The Applicant's plan, however, accommodates preservation of areas of particular biological concern, including vernal pools, wetlands, and sizable, contiguous, natural open space areas on the property where indigenous wildlife will continue to thrive: some 280 acres in the center of the property including wetland HA-40 ("ABD"); some 144 acres around, including and north of Lost Lake; some 106 acres in areas bordering the Bush Kill and its associated floodplain; and some 73 and 38 acres in two areas adjoining the St. Joseph's Lake development properties.

The Applicant believes the requested bonus is commensurate with the costs of incorporating these preservation measures into the plan.

Comment 2-11 (Letter 4, CT Male Associates, July 1, 2010): Density Bonuses for the Sustainable Mix of Uses, Golf Course Sustainability and Passive Recreational Spaces: Each of these three density bonuses is based on a stated investment cost. The Applicant should provide a more detailed cost backup for each of these items and provide a better rationale or justification for how these costs are linked to each requested bonus density. As the basis of bonus units being requested is linked to investment cost, the Town should have a higher level of certainty related to each of the proposed amenity costs before approving any of these density bonuses.

***Response 2-11:** The Applicant's development concept relies on the proposed number of for-sale lots to sustain the construction and operation of the recreational amenity package over the long term. The Applicant's total development cost (including land acquisition, infrastructure, resort amenities, engineering, administrative costs and a reasonable profit) is budgeted at \$208.6 million. Along with all the project fixed costs that are necessary to support Double Diamond's resort model including \$17.0 million the*

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Applicant intends to spend in amenities, the project needs to generate approximately \$80,000 each in sales of approximately 2627 dwelling units to balance these costs. The density bonuses requested for the sustainable mix of amenities (1132 units for a developer's cost of \$17.0 million) equates to one bonus unit for every \$15,000 spent on amenities.

The Master Plan provides a complementary mix of commercial/recreational and residential uses that are designed to support and 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.

- Controlled Access Entry (Budget \$850,000) - The entry to Lost Lake Resort will be comparable with all of Double Diamond's current resorts and will reflect a theme for this resort. The entry will consist of masonry stone walls and attractive landscaping framed by the wooded setting of Cold Spring Road. The entry will have a security building and sales office building in the Lost Lake Resort architecture, and entry gates. The Applicant's most recent entry comparable to Lost Lake was completed in July 2008 at the Rock Creek Resort on Lake Texoma, Texas with a total cost of \$1,147,953.*
- The Lodge Hotel (Budget \$4,100,000) - The Lodge at Lost Lake will offer the finest accommodations in its 32 room, 28,000 square foot building. The lodge will include lake views from the rooms and will have a pool and bath house nearby. The lodge will have a proposed start in 3-5 years and will be consistent with the current costs of the Applicant's existing hotels.*
- Spa and Fitness Center (Budget \$1,200,000) - The center will have facilities for estheticians, hair and nail technicians, state of the art exercise equipment, locker rooms, personal showers and sauna. The center design is based on the Eagle Rock Spa and Fitness Center and is slated to be approximately 7,000 square feet in size. The Eagle Rock Spa and Fitness center was completed in 2009 at a cost of \$1,107,237.*
- Conference Center (Budget \$750,000) - The Lost Lake Conference Center will provide facilities for functions including weddings, receptions and corporate events. The center has been modeled after the Applicant's conference centers at other resorts throughout Texas and is consistent with those finished costs.*

The Master Plan includes a championship golf course designed to incorporate green strategies for grounds maintenance and a program for ongoing water quality management, and modern clubhouse facilities, golf maintenance facility and maintenance equipment at an \$8.2 million investment cost.

- Golf Course (Budget \$5,800,000) - The Lost Lake Championship Golf Course will be designed and built to USGA specifications. Double Diamond is putting the finishing touches on another championship course on Lake Texoma, Texas scheduled to open in the Spring of 2011. The total cost for this is \$6,308,837.*
- Maintenance Facility and Equipment for Golf Course (Budget \$900,000)*
- Clubhouse (Budget \$1,500,000) - The approximate size of the clubhouse will be 10,500 sq. ft. The clubhouse will be consistent with the Applicant's Rock Creek Resort on Lake Texoma, Texas clubhouse and Eagle Rock Resort clubhouse, which*

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include a restaurant, Pro-shop, locker rooms and outdoor dining. The Eagle Rock clubhouse was completed in 2002 at a cost of \$1,243,148.

The Master Plan sets aside land for passive activities at the Amenity Village, Bushkill Park East and Bushkill Park West at a \$475,000 investment cost.

- Parks and Lake Area (Budget \$475,000) - Resort parks will include parking, picnic tables, grills, horseshoe pits, and volleyball areas as well as playground equipment. The lake front park area will include lake side sand beach, tables and grills, volleyball areas, boat dock, and swim platform consistent with the Eagle Rock Resort parks with costs through 2010 of \$468,077.*

Comment 2-12 (Letter 4, CT Male Associates, July 1, 2010): Cost of Amenities: The Applicant states that a density bonus of one lot for every \$15,000 spent on amenities is being requested. This \$15,000 factor appears to be arbitrary. Each residential lot has the potential of being sold at a future date for much more than this amount, and it does not appear that the requested additional lots have a substantial nexus to the costs spent by the Applicant. In addition, under the public facilities bonus density request, the value of two acres of land is stated to be \$120,000 which suggests the use of higher value than \$15,000 should be used. A more detailed justification of this \$15,000 factor should be provided.

Response 2-12: *The density bonuses requested for the sustainable mix of amenities (1132 units for a developer's cost of \$17.0 million) equates to one bonus lot for every \$15,000 spent on amenities, as more fully explained in Response 2-11. The value of the two-acre parcel was determined based on a conservative estimate of its unimproved land value alone and does not relate to amenities cost.*

Comment 2-13 (Letter 4, CT Male Associates, July 1, 2010): Open Space: At full buildout, there will be only a small amount of upland open space preserved in a natural state that is not already protected as either a freshwater wetland adjacent area or site boundary buffer. Additional upland open space preservation should be considered in the area west of NYSDEC Freshwater Wetland HA-40 and in areas of steep slopes and bedrock outcrops.

Response 2-13: *The project Master Plan conforms to the Town's PDD requirement to preserve at least half of the property as open space as defined in the regulation. The revised Plan has been laid out to expand preservation of steep slopes and natural areas for wildlife use. These changes are further described in Response 2-3.*

Comment 2-14 (Letter 4, CT Male Associates, July 1, 2010): The proposed Design Guidelines allow height of single family homes within the resort to be approximately thirty-five (35) feet tall. Currently in the RR-1 district, building heights are capped at thirty (30) feet tall. Some justification should be presented as to why the Applicant cannot meet the existing height requirements for single family homes.

Response 2-14: *The PDD regulation under which the site Master Plan is proposed does not include a building height restriction. As a mixed use development, there will be variation in building heights depending on their use. The common buildings in Lost Lake Resort are proposed to be low profile, Adirondack style buildings of primarily one story, with gable roofs. Buildings may include dormers to increase interior light and will give the appearance of an upper floor, such as the Greeting Center at the main entrance and the Clubhouse. In the revised plan the Inn will be a two story structure. Single family homes will likely be 2-story and under 35 feet in height.*

Based on the use of the rooms on the floors and the architectural aesthetics of each home a height limit of 35' is not unreasonable nor is it expected to adversely impact the character of the Forestburgh community. Most homes built using the Design Guidelines will have a 8/12 pitch roof. This guideline is intended to ensure that all homes maintain the high-end resort theme and that the quality of homes is represented throughout the resort.

Comment 2-15 (Letter 4, CT Male Associates, July 1, 2010): Water and Sewer Transportation Corporations: What if one or both of the transportation corporations proposed to operate the wastewater collection and treatment system and water system fails to properly operate or goes bankrupt? What assurances could be put in place by the Applicant to ensure the Town will not face a financial liability in the event that either of these transportation corporations goes bankrupt?

***Response 2-15:** As a condition of approval, the Town will enter into an agreement with the Lost Lake water and sewer transportation corporations to provide a mechanism by which the Town could assume ownership and operation of the water and sewer works should the transportation corporations fail to operate and maintain those systems. Prior to receiving a site plan approval, the Applicant will petition the Town to form water and sewer special improvement districts that would remain un-levied and only utilized in the event that the Town assumes ownership and operation of those utilities. In that event, the Town would have the districts in place to ensure that only the homeowners within Lost Lake would bear the cost of providing water and sewer service. Thus, such costs associated with water and sewer district formations would not be borne by other residents of the Town.*

Comment 2-16 (Public Hearing, Mr. Eugene Blabey, June 16, 2010): My concern with this development is with the density issues. They're entitled under the PDD ordinance of the Town to 748 residential properties, and then they're entitled to additional properties on a bonus plan, which I think they have applied for a total of another two and-a-half times the original 748 figure to come up with something like 2600 residential properties in this development. Well, 2600 residences would make this development, when it's built out, approximately the size of the residential population of the Village of Liberty. And I do not think that that kind of density of residential homes is in line with the Town's stated objective of trying to maintain the tranquility and the quality of life that we have right here right now.

***Response 2-16:** Refer to Responses 2-1, 2-3 and 2-4.*

Comment 2-17 (Public Hearing, Mr. Eugene Blabey, June 16, 2010): I am grateful that they have addressed the issue of Marcellus shale development. I asked at an earlier meeting, one of the gentlemen from Texas with cowboy boots, whether or not they intended to maintain the mineral rights on the property and at that time he said yes. However, I see that in the Environmental Impact Statement they say that they will not drill for gas on the property. And I think that the Town Board, when they finally approve this development, I assume they will approve the development, will hold them to the promise made in the Environmental Impact Statement that there will be no exploitation of Marcellus shale resources on this site.

***Response 2-17:** Under the present application, the intended use of the proposed Lost Lake development is for a residential/ recreational resort development and is not*

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intended to be used for the drilling of natural gas associated with Marcellus Shale. The Applicant however reserves the mineral rights on this property, pursuant to all applicable rules and regulations. The extraction of mineral resources from the project site which require a permit from NYSDEC will trigger the need to prepare a Supplemental Draft Environmental Impact Statement.

Comment 2-18 (Public Hearing, Mr. Richard Robbins, June 16, 2010): I share the concerns in respect to density. When the PDD law was enacted the concept was that bonuses should be earned and criteria should be used to assess whether the bonuses were warranted. The law when enacted, after a great deal of discussion and a great deal of input from the public who seemed universal in their desire to have an absolute limit on the number of units that could be added, the Town Board determined not to have a limit, but I just want to reiterate that I don't think anybody when that discussion was occurring was anticipating that the bonuses should so far exceed what the law's primary number was. I think this plan is clearly much greater in what they seek than what is reasonable. And I don't think it would, frankly, impair the viability of this plan insofar as they tell us in the DEIS that the anticipated build-out isn't going to be anywhere near the number of units that they're requesting. And they cite their experiences and other developments where it's a small percentage of total units that they could build that they actually have built. Decades out. And those are clearly viable units and viable developments. I think that I would request and hope that the board would keep that in mind in determining whether or not they should get all that they asked for, recognizing that maybe we should just give them what they need as demonstrated by their own prior experiences.

Response 2-18: *Double Diamond Inc. is a resort development company which has developed its business model solely as large scale, residential / luxury recreation land plans. This Applicant bases its investments on a golf-oriented plan supplemented by other types of recreational amenities suitable to the particular site and that appeal to the higher income population of the region. The experience of Double Diamond has been that a considerable number of single-family house lots are necessary to support the multi-million dollar investment to construct and manage the resort facilities, upon which it relies and markets to prospective buyers. Also refer to Responses 2-1 and 2-7.*

Comment 2-19 (Public Hearing, Ms. Carol Travis, June 16, 2010): I don't believe there is any restriction to buyers that this would have to be a second home community so in that case I'm concerned that they will perhaps have more people who will make it their permanent homes which will impact the schools very likely. It's a concern that I have that it could have more of an impact than we anticipated or the builders anticipate.

Response 2-19: *The DEIS presents and evaluates the potential impacts of the project based on the full build scenario, as is the intent of SEQR.*

Comment 2-20 (Public Hearing, Ms. Gay DiVirgilio, June 16, 2010): I have written the Town Planning Board as well as the Town Board about the question of requiring a sprinkler system in houses that are built that are 39 minutes to 45 minutes away from a fire department.

Response 2-20: *The Applicant will conform to the requirements of the New York State residential building and fire codes. The Lost Lake Covenants and Restrictions will require sprinkler systems in all homes in the resort.*

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Comment 2-21 (Letter 5, Alan Kulchinsky, July 2, 2010): The project will not fit into the community. Comparing this project to the one in PA is not a guarantee that it will follow the same path but just a corporate way of easing our real fears. Why not approve a project that is consistent with the Master Plan, not one that has no regard for the true wishes of the citizens of Forestburgh.

***Response 2-21:** The Applicant aims to incorporate the goals identified in the Town's Master Plan with the design and development of the Lost Lake Resort project. The layout of the project will enable the preservation of the existing rural and natural character of the Town. The project is designed to conserve the quality and quantity of natural, historic and scenic resources for the use and enjoyment of all residents in providing natural buffers around and open space preservation 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.*

Comment 2-22 (Letter 5, Alan Kulchinsky, July 2, 2010): The plans to build a sewerage treatment plant to empty into our streams and rivers is beyond frightening. The project impact on wildlife, the wetlands on the property, our water table, town resources for highway, fire and garbage disposal would be tremendous and never will it be fully compensated for.

***Response 2-22:** As described in various places in the DEIS, this project will be required to comply with all environmental regulations of the Town and State relating to water discharge from the STP (including obtaining and perpetually maintaining and demonstrating compliance with a NYSDEC SPDES discharge permit and DRBC discharge permit), stream and wetland protection (including obtaining and complying with any stream disturbance or wetland disturbance permit necessary for the project and issued by NYSDEC), and groundwater protection (including providing the required wellhead protection areas and obtaining and complying with water taking permits issued by NYSDEC and DRBC). The project Applicant has further committed to implementing a water quality management plan designed for the turf and managed landscaped areas in Lost Lake Resort, which includes a surface water monitoring program to ensure the project operates according to pre-established water quality parameters that protect the environment. This project must comply with State and Federal laws protecting threatened, endangered and special concern species (impacts to protected species have been avoided or minimized as described in DEIS section 3.4.2). The impacts on municipal services are identified in the DEIS and the project includes mitigation of such impacts through its fair share contributions to the Town's tax revenues from which such services are funded. Solid waste disposal including construction waste will be provided by established private carters using approved methods of disposal and recycling, without any cost to the Town.*

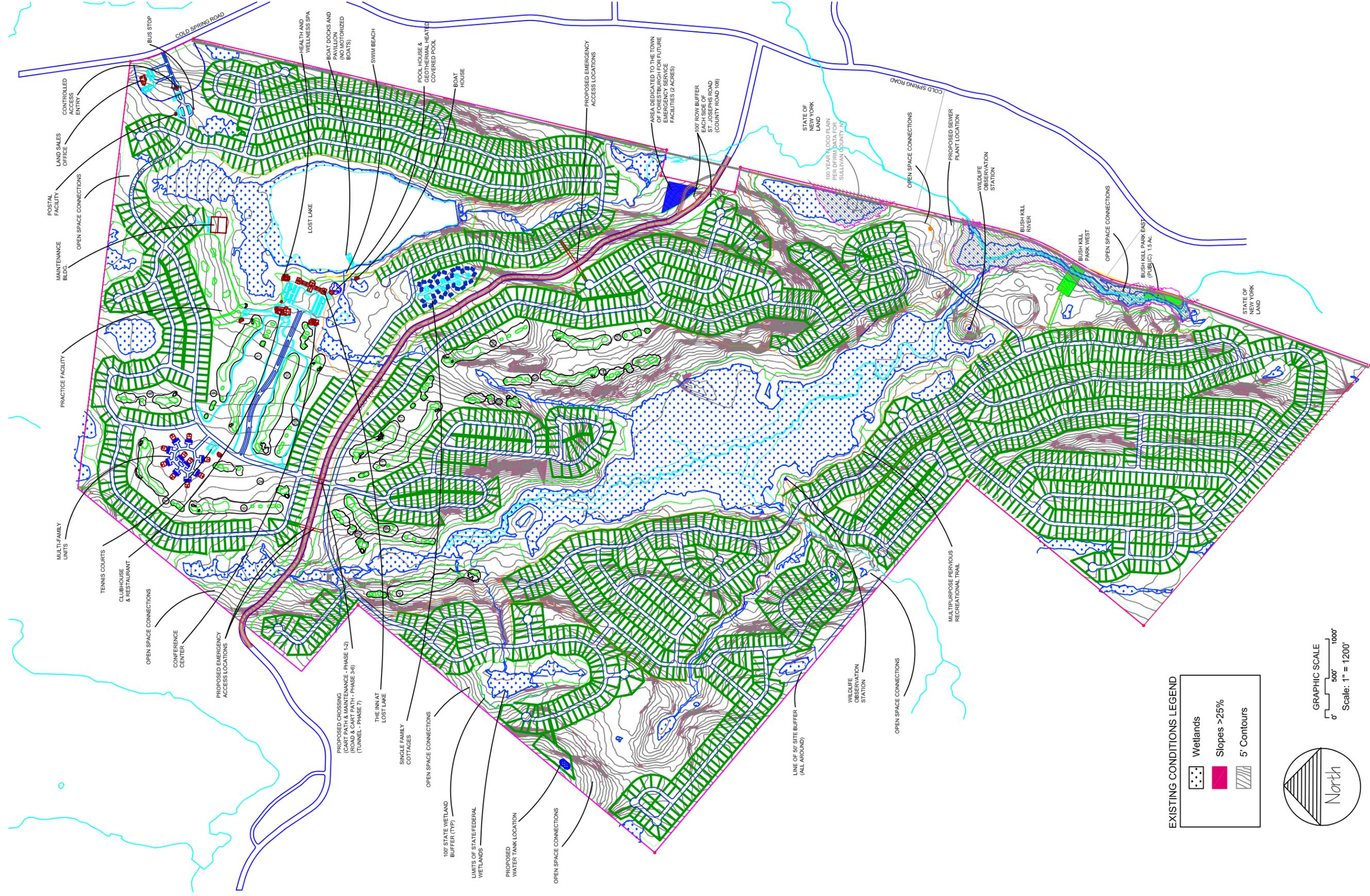
Comment 2-23 (Letter 5, Alan Kulchinsky, July 2, 2010): I have a huge problem with the site plan itself. The greenway from our roads should be much greater for a development of this or any size. There is no consideration of a greenway from the back of my property line (the old railroad bed) and Phase 1 of this project sits directly adjacent to my back border and a few

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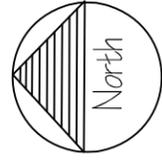
hundred feet from my home. Why have such a huge project if as the developer says it won't be built out for decades and only 40% actually is ever built. Of course there is no guarantee that this will be true here and it's an easy way to allay our fears but I believe that the town could approve a scale of the project that includes no bonuses and fits into the existing Master Plan. Then the project can be moved further into the property and away from existing roads and the homes on Cold Spring Road with a proper greenway to protect our privacy and to truly utilize the property so that its negative footprint on our community is minimized and acceptable.

Response 2-23: *The Applicant has provided a minimum 50' green buffer around the entire development in addition to expanded green space in some areas. The project plan has been designed to conform to the requirements of the PDD regulation, one provision of which requires a minimum of 50 percent open space preservation. The Applicant also proposes to require conformance to its Residential Design Guidelines by every lot owner in the project, that will obligate the preservation of trees on every lot to the maximum extent practicable. Overall, this type of development is conceived by the Applicant to be a "green" development that will fit into the community with minimal effect on its neighbors.*



EXISTING CONDITIONS LEGEND

- Wetlands
- Slopes >25%
- 5' Contours



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

Revised: February 17, 2011

Figure 2-1: Revised Site Master Plan
 Lost Lake Resort
 Town of Forestburgh, Sullivan County, New York
 Source: Brinkash & Associates, Inc., Nov. 2010
 Map Prepared by: Tim Miller Associates, Inc.



TOTAL TRACT AREA = 2079.51 AC.
REQUIRED OPEN SPACE = 50.00%
= 1039.755 AC.
TOTAL PROP. OPEN SPACE = 52.03%
= 1082.04 AC

	MANAGED OPEN SPACE = 220.75 AC.
	UNMANAGED OPEN SPACE = 807.43 AC.
	OPEN WATER OPEN SPACE = 53.88 AC.

Figure 2-2: Revised Open Space Plan
Lost Lake Resort
 Town of Forestburgh, Sullivan County, New York
 Source: Brinkash & Assoc. 2/9/11
 Scale: As shown



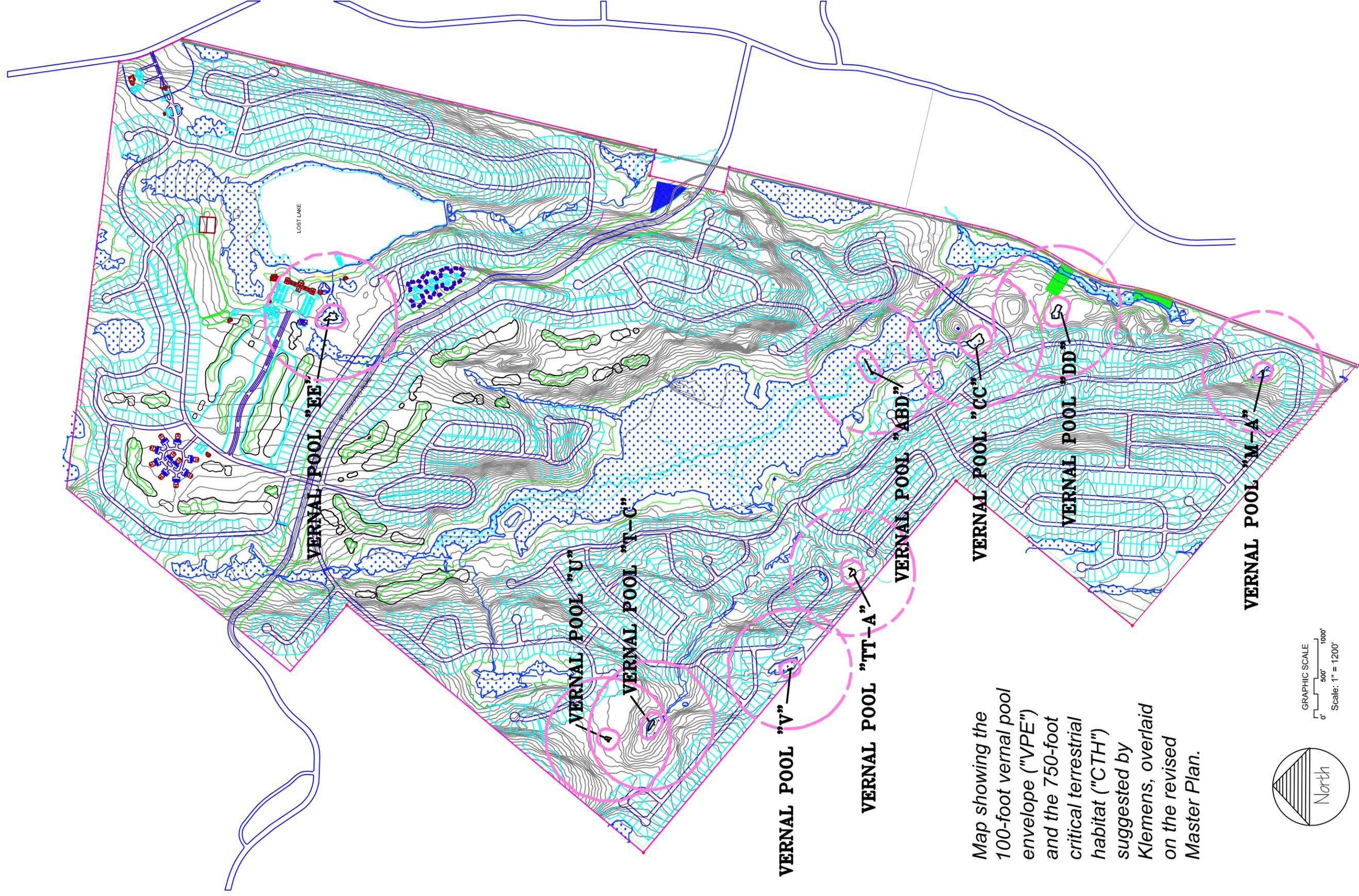
KEY TO ECOLOGICAL COMMUNITIES

- AO Alleghey Oak Forest
- AO-P Appalachian Oak-Pine Forest
- B-MM Beech-Maple Mesic Forest
- H-NH Hemlock-Northern Hardwood Forest
- OW/W Open Water & Wetland
- WET Wetland

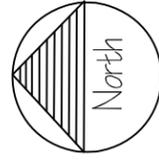
- Proposed Open Space
- Ecological Connections



Figure 2-4: Ecological Communities Map
 Lost Lake Resort
 Town of Forestburgh, Sullivan County, New York
 Source: Brinkash & Associates, Open Space Plan, 10/25/10
 Scale: As shown



Map showing the 100-foot vernal pool envelope ("VPE") and the 750-foot critical terrestrial habitat ("CTH") suggested by Klemens, overlaid on the revised Master Plan.



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

Figure 2-5: Vernal Pools in the Master Plan
 Lost Lake Resort
 Town of Forestburgh, Sullivan County, New York
 Map Prepared by: Tim Miller Associates, Inc.
 Nov. 2010