

3.10.9 Community Services Comments and Responses

3.10.9.1 Comments Specific to Fire Protection

Comment Letter #1 by CT Male Associates, PC, includes various references and technical information not duplicated in the comments below. Refer to Letter 1 in FEIS Appendix D.

Abbreviations used in this section are:

FCNY - Fire Code of New York State standards

ISO - Insurance Services Office

NFPA - National Fire Protection Association standards

NYS Uniform Code - New York State Uniform Fire Prevention and Building Code

Comment 3.10-1 (Letter 1, CT Male Associates, June 14, 2010): Based upon the information presented in Section 3.10.3 Fire Protection, the DEIS does not adequately address the impacts to the community that will result from a significant increase in the number of calls to the Forestburgh Fire District from the proposed action. No input from the fire district, code enforcement official, or other Authority Having Jurisdiction, regarding the impact to the community was provided. In addition, none of the criteria for fire protection set forth in such recognized standards for fire protection as *NFPA 1720 Standard and Deployments of Fire Suppression Operations, Emergency Medical Operations and Special Operations to the Public by Volunteer Fire Departments*, and the *Fire Code of New York State*, or the community's rating by the Insurance Services Office, have been addressed.

Response 3.10-1: *Forestburgh Fire District is a political subdivision and is the authority having jurisdiction over emergency services for the Town of Forestburgh.¹ The Board of Fire Commissioners is an agency under SEQRA which has participated in the SEQRA review of this project.*

A representative of Tim Miller Associates met with Chris Bastone, Chief of the Forestburgh Fire Department in October 2009 to review the Master Plan and discuss concerns of the department relating to the impact of this project. While no written comments were received from the Department for the DEIS, the concerns noted at that meeting were the following:

- the main access gate needs to be easily accessible by the Fire Department*
- fire response will be from the south via Cold Spring Road to the main project access and to the emergency access points on St. Joseph's Road*

¹ A fire district is a political subdivision of the State and a district corporation. The fire commissioners and other officers and employees of the fire district are employees and officers of the fire district and not officers and employees of the town or of any other political subdivision. (Town Law §174(7).) The fire district is also an independent corporate entity governed by a board of fire commissioners. This is not to be confused with a fire protection district which is simply a geographic area, with no independent corporate status for which the town board is responsible for providing fire protection. (1981 Opinion State Comptroller, #1.) The board of fire commissioners has the responsibility of purchasing items which are required for the operation of the fire district, including purchasing the apparatus and equipment necessary to protect district residents as well as providing for the care and upkeep of its fire stations. (New York Fire District's Officer's Guide.)

- *the Department will need to approve hydrant locations, fire flow requirements and truck turning radii as part of site plan review*
- *the Department requests that automated fire alarm notification be given to a local source*
- *the Chief asked whether another emergency access could be created at the very south end of the property (gravel pit area)*
- *the land designated for emergency service use on the plan should be considered for an ambulance sub-station to serve an existing need for a closer ambulance station.*

In addition, project representatives met with the Forestburgh Fire Commissioners and Chief Bastone on January 27, 2011, to discuss various aspects of fire service impacts, fire response, manpower and plan-related items. A summary memo of the meeting is provided in FEIS Appendix B and individual issues of the discussion are provided in relevant responses below.²

The Commissioners indicate there will be increasing impact as the project grows, starting from initial construction. No definitive number of potential calls was established; based on current call volume (which is predominantly emergency medical calls), and consistent with the projections made in the DEIS under the partial build scenario, the Commissioners estimated construction of 400 new homes in the project could generate an additional 100 calls.

The project must meet all applicable requirements of the NYS Uniform Code. Details of the Applicant's proposal regarding the main access and secondary access, truck turning radii and automated fire alarm notification will be subject to review as part of site plan review. Fire flow requirements and hydrant locations are described in Responses 3.10-22 and 3.10-23, respectively. As the Applicant does not own the land fronting on Cold Spring Road in the vicinity of the mentioned gravel pit, emergency access at this point is not proposed. Refer to Response 3.10-26 regarding possible use of the land on St. Joseph's Road to be donated for emergency services.

The Commissioners indicated that compliance with applicable requirements in the NYS Uniform Code is sufficient and by meeting these requirements, the project would be in compliance with applicable NFPA and ISO standards. Certifying compliance with the Code is under the purview of the Town Building Inspector. The Commissioners acknowledged that the appropriate time for Building Inspector review of the project design would be during Town review of the construction plans prior to approval of each phase. Particular DEIS comments on NFPA and FCNY requirements are addressed in Responses 3.10-2 through 3.10-26 below.

The distance from the closest firehouse to the project affects fire service relative to response time. Approximate driving distances from the Forestburgh fire station (FFD) and the Monticello fire station (MFD) to the project's access points and to the furthest structure within the development are as follows. This information was requested by the District for use in its current and future planning of fire services.

- *FFD to closest emergency access via St. Joseph's Rd. = 2.7 miles*

² The Fire Commissioners agree with the 1/27/11 meeting notes based on their verbal affirmation during the 2/3/11 Town Board meeting.

- FFD to southern-most lot via St. Joseph's Rd. = 5.7 miles
- FFD to closest emergency access via Hartwood Rd. = 8.6 miles
- FFD to southern-most lot via Hartwood Rd. = 10.7 miles
- FFD to main access via Hartwood Rd. = 9.4 miles
- MFD to closest access (main entrance) via Cold Spring Rd. = 5.4 miles
- MFD to southern-most lot via Cold Spring Rd. = 9.0 miles

The Fire Commissioners support the Applicant's plan to provide a parcel of land for the purpose of a future emergency response facility. At this time the District would not seek to put a firehouse at the site. The Commissioners foresee possible future use of the emergency response facility site to accommodate an unmanned fire station for a truck and an ambulance that would provide first response to a situation in the project. Need for such a facility will be evaluated by the District in the future as Lost Lake Resort expands.

The 2-acre emergency services parcel was included in all investigative surveys done for the DEIS, including NYSDEC and ACOE wetlands jurisdictional determinations (June 8, 2010 and April 27, 2010, respectively), archaeology (December 2010), and biological resources. The 2-acre parcel does not contain any wetlands or regulated adjacent areas, archeological sites or special biological resources that could hinder development of the site.

Comment 3.10-2 (Letter 1, CT Male Associates, June 14, 2010): According to the DEIS, it is estimated the Full Build Scenario will result in 450 additional calls per year, or approximately 600 calls per year total, compared to the current 120 calls per year. Even under the Partial Build Scenario, these calls will involve higher hazard occupancies and more complex incidents than that which is currently applicable to the services of the volunteer fire department, impacting the effectiveness and efficiency of the public fire service operations, emergency medical service, and special operations delivery protecting the citizens of this jurisdiction.

Response 3.10-2: *High-hazard occupancy differs from low- and ordinary-hazard occupancies by the construction materials used and the potential byproducts of the use. The facilities proposed at Lost Lake Resort will not consist of higher hazards than other existing residential and commercial facilities in the Town of Forestburgh. The proposed project will include hotel/conference facilities, golf clubhouse and restaurant, a hotel, health and wellness spa, as well as single family residences, and condominiums. There are no occupancies or processes proposed involving highly combustible, highly flammable, or explosive materials or structures. Likewise, the type of emergency incident that would be expected in the proposed project is not unlike any such incident elsewhere in the Town. The DEIS indicates the potential need for increased fire department responses based on a population multiplier, however such responses will not require special equipment, services or operations that are not already available to this jurisdiction. It is noted that in the revised Lost Lake Resort Master Plan, the Inn will be a two story structure, and all single family homes will be required in the project's covenants and restrictions to be sprinklered. The Commissioners indicated it is the developer's choice whether these systems are "wet" or "dry".*

The Fire Chief advised³ that existing procedures require that reportable quantities of hazardous material storage in the project (such as at the water and wastewater treatment facilities) be reported periodically to the Fire Department so that it has advance knowledge of potential hazards. The Applicant proposes to provide such reports to the Fire Chief.

911 Central dispatch for Sullivan County has authority over and directs the emergency service response to every incident. At the same time as there is an incident response from Forestburgh firehouse, normal procedure already in place is for a standby unit (man and truck) to also be dispatched to Forestburgh firehouse from a nearby mutual aid firehouse to be available in the event of a simultaneous incident. Central dispatch also has authority to direct a response to a simultaneous incident via the mutual aid plan, thus the fact that there will be additional calls from the project will not adversely affect the District's ability to respond to an emergency elsewhere in Town.

Comment 3.10-3 (Letter 1, CT Male Associates, June 14, 2010): The Potential Impacts included in the DEIS indicate that at full build out, the Lost Lake Resort will generate property tax revenues to the Forestburgh Fire District of approximately \$659,136 annually and at the completion of the Partial Build Scenario an amount totaling approximately \$315,921 annually. It is indicated that this additional revenue can be used to augment the District's capabilities as necessary, however, such tax payments do not address the potential impact based upon the number of fire fighting personnel, as the number of new occupants will be mainly transient (seasonal) in nature and will not add to the ranks of the all-volunteer force.

Response 3.10-3: *With this development projected to be built over several decades, there will be time for the Fire Department to adjust to an increase in calls which could create a need for additional firefighters. The Fire Commissioners have advised that their primary concern is recruitment of a sufficient number of future volunteers to meet the service needs in the future. With an anticipated 43 percent of the units inhabited by year round residents and using the projected 24 percent build rate described in the DEIS, there will be approximately 41 units with full time residents constructed and occupied in each phase. Using the same proportion of fire department volunteers to residents as exists in the Town (28/871 or approximately 3 percent), each development phase could produce one (1) new volunteer. The Commissioners indicated that achieving this level of participation in the future would be satisfactory. (Refer to January 27, 2011 meeting memo in Appendix B.)*

The projected age groups that reside at Lost Lake Resort are expected to be similar to the existing population at Eagle Rock Resort (ERR). While there is no available data specifically for the ERR population, a demographic sample of ERR and its immediate surroundings (a 2-mile radius, encompassing 471 households) is as follows.

³ Meeting with Fire Commissioners, Fire Chief and Applicant's representatives, January 27, 2011. Refer to summary memo in FEIS Appendix B.

Community Services

March 16, 2011

Age 0 - 17	187	17%
Age 18 - 24	90	8%
Age 25 - 34	117	11%
Age 35 - 44	158	14%
Age 45 - 54	167	15%
Age 55 - 64	175	16%
Age 65 +	209	19%
Total	1,102	100%

Source: Nielson Claritas, 2010 estimate.

The following mitigation measures are proposed to offset the future increase in need for firefighter volunteers:

- sales marketing materials for the project will include information about volunteer opportunities in Forestburgh
- the Resort will provide an incentive program for employees who become and remain active volunteer firefighters in the Forestburgh Fire Department - a \$1 per hour increased wage.
- the Resort will provide an incentive program for homeowners who become and remain active volunteer firefighters in the Forestburgh Fire Department - an annual maintenance fee discount.
- the Resort will provide opportunities for initial and ongoing State mandated firefighter training

Comment 3.10-4 (Letter 1, CT Male Associates, June 14, 2010): There is no information provided in the DEIS relative to NFPA standards. The DEIS uses only the Urban Land Institute's 1994 planning criteria, which does not adequately address the impact on the Fire District as a result of increased calls based upon minimum staffing needed to respond, the response time, or the ability of the fire department to meet the required objectives per applicable NFPA standards.

Response 3.10-4: NFPA standards apply to municipal fire protection services rather than a private development project. Where standards of the NYS Uniform Code apply to this project, the project plans are required by law to comply. Various project-specific details relative to fire apparatus access are addressed in the responses below. The Forestburgh Fire District routinely reviews its services, facilities, staffing, equipment and response capabilities, including its ability to meet NFPA standards. Relative to this project or any other project within the District, and Town growth in general, as the need for additional resources is identified through this ongoing review process, the District will take the appropriate steps to meet that need. (Refer to January 27, 2011 meeting memo in Appendix B.) The project will not necessitate any change to the County Mutual Aid plan and or to its automatic aid agreement with Monticello Fire Company. Forestburgh Fire District is solely responsible for any changes in demands for services and equipment within the District. As a mitigation measure, the Applicant will designate a liaison from the Resort who will make periodic reports to the Commissioners at District meetings to provide input into the District's ongoing services planning.

Comment 3.10-5 (Letter 1, CT Male Associates, June 14, 2010): The specific role of the fire department and other responding agencies, as defined by the community risk management

plan, is not addressed in the DEIS. The fire department needs to participate in a process that develops a community fire and emergency services risk management plan.

Response 3.10-5: *The Forestburgh Fire District conducts fire and emergency services risk management planning through its on-going reviews of its services, facilities, staffing, equipment and response capabilities. The Applicant proposes to participate in that process by designating a liaison from the Resort who will make periodic reports to the Commissioners at District meetings to provide input into the District's ongoing services planning. Refer to Response 3.10-4.*

Comment 3.10-6 (Letter 1, CT Male Associates, June 14, 2010): No information regarding the impact of increased travel distances or other specific mitigation measures are addressed in the DEIS.

Response 3.10-6: *According to the Fire Chief (verbal communication October 2009), fire response to Lost Lake Resort will be from the south via Cold Spring Road to the main project access and to the emergency access points on St. Joseph's Road and response time to the main gate will be 3 to 6 minutes. This estimate is based on a typical response of the Department to Cold Spring Road in the vicinity of the Melody Lake neighborhood and no increase in travel distance will result from the proposed project. Refer to additional information relative to response times provided in Response 3.10-1, and the future utilization of land proposed to be donated in the project for emergency services. The project is designed to accommodate fire apparatus, including adequate road width with a load bearing surface, adequate turning radii throughout the project, gated access points with easy access for the Fire Department, and the circulation plan is subject to approval by the local Fire Chief, and will meet NFPA requirements. The Applicant has committed to maintaining fire truck accessible roads to work areas in the project during construction, including winter snow removal. Various fire code requirements are addressed in Responses 3.10-2 through 3.10-26.*

Comment 3.10-7 (Letter 1, CT Male Associates, June 14, 2010): According to the DEIS, the Forestburgh Fire District is part of the Sullivan County Fire Mutual Aid plan, a copy of which is included in DEIS Appendix R. In accordance with NFPA 1720, the mutual aid agreement should include automatic response on first alarms (automatic aid). This concept contemplates joint response of designated apparatus and personnel on a predetermined running assignment basis. The DEIS does not acknowledge any changes to the current Mutual Aid plan that are required to adequately address the impact of the proposed action.

Response 3.10-7: *The County's plan does not specify automatic aid in all instances but authorizes a local fire department to request mutual aid at any time. Due to the conditions on Saint Joseph's Road (CR 108), the Monticello Fire Department does in fact provide automatic aid to the Forestburgh Fire Department in the project vicinity, in accordance with their existing mutual aid agreement.*

The project will not necessitate any change to the County Mutual Aid plan and or to its automatic aid agreement with Monticello Fire Company. (Refer to January 27, 2011 meeting memo in Appendix B.) However, State regulations allow that the local fire department may request, and the County Fire Coordinator must propose to the County Fire Advisory Board, any revision to the County Mutual Aid plan regarding this or any other matter as dictated by local circumstances.

Comment 3.10-8 (Letter 1, CT Male Associates, June 14, 2010): According to the DEIS, if mutual aid is needed, the Fire District will be assisted by fire fighters from adjoining districts, particularly the Monticello Fire Company, as they have an aerial truck to assist with fires in taller structures in Forestburgh. The potential impacts of the proposed action indicates all buildings are planned to be less than 35-feet high, though this would include structures higher than 30 feet above the lowest level of fire department vehicles access, which require access for aerial apparatus. The DEIS does not acknowledge the impact to the Forestburgh Fire District, which currently does not have an aerial truck in its current inventory.

***Response 3.10-8:** The specific purpose of the mutual aid plan is to provide for the needs of member departments, particularly in cases where equipment at one department may be needed for an event in another's jurisdiction. An impact to the local fire department in the case of a structure fire in Lost Lake Resort is that it will rely on the simultaneous, automatic mutual aid response from the Monticello Fire Company if aerial apparatus is needed. Forestburgh Fire District is solely responsible for any changes in demands for services and equipment within the District and the Fire Commissioners have determined that the project will not necessitate any change to the County Mutual Aid plan and or to its automatic aid agreement with Monticello Fire Company. (Refer to January 27, 2011 meeting memo in Appendix B.)*

Comment 3.10-9 (Letter 1, CT Male Associates, June 14, 2010): The Mitigation Measures included in the DEIS only indicate that the proposed internal roads are designed to accommodate fire engines and truck traffic and that all proposed roads will meet the required road standards as per the Town of Forestburgh Code. In accordance with FCNY §F503.1, for other than one-and two-family dwellings regulated by the Residential Code of New York State, and for properties with not more than two Group R-3 occupancies, approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction.

***Response 3.10-9:** Pursuant to the Fire Code, fire apparatus access roads in Lost Lake Resort are designated from the main entrance at Cold Spring Road through to Road A intersection with St. Joseph's Road, Road TT, and the driveway to the multi-family units. All roads in the development will be a minimum of 20 feet wide and hard surface capable of bearing truck loads.*

Comment 3.10-10 (Letter 1, CT Male Associates, June 14, 2010): In accordance with the FCNY, fire apparatus access road shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. The distance is permitted to be 300 feet where the building is equipped throughout with an approved automatic sprinkler system, when approved by the code enforcement official. Additional fire apparatus access roads shall be required by the code enforcement official based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

***Response 3.10-10:** Refer to Response 3.10-9.*

Comment 3.10-11 (Letter 1, CT Male Associates, June 14, 2010): In accordance with FCNY §F503.2.1, fire apparatus access roads shall have an unobstructed width of not less than 20

feet, and an unobstructed vertical clearance of not less than 13-feet 6-inches. Fire apparatus access roads shall also meet the width requirements of §D103.1 of Appendix FD, where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet.

Response 3.10-11: *All fire apparatus access roads within the project will have the unobstructed clearances required by the code and where a fire hydrant is located on a fire apparatus access road, the minimum road width will be 26 feet.*

Comment 3.10-12 (Letter 1, CT Male Associates, June 14, 2010): In accordance with §FD105 of FCNY Appendix FD, buildings exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26-feet in the immediate vicinity of any building or portion of building more than 30-feet in height. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.

Response 3.10-12: *The only building meeting the applicable criteria (nonresidential and multi-family residential buildings exceeding 30 feet height) in the current plan will be the Inn. Fire access roads in the immediate vicinity of any such building height will have a minimum unobstructed width of 26 feet, pursuant to the code.*

Comment 3.10-13 (Letter 1, CT Male Associates, June 14, 2010): The code enforcement official shall have the authority to require an increase in the minimum access widths where they are inadequate for fire or rescue operations in accordance with FCNY §F503.2.2.

Response 3.10-13: *The project Master Plan is designed such that it will accommodate minor adjustments to roads if so requested by the fire official. Subsequent to the SEQR process and during site plan review, the Applicant will meet with the local fire official to review fire apparatus access routes and related details for Lost Lake Resort to receive its concurrence for same.*

Comment 3.10-14 (Letter 1, CT Male Associates, June 14, 2010): In accordance with FCNY §F503.2.3, fire apparatus access roads shall be designed per §FD102.1 of FCNY Appendix FD and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighting at least 75,000 pounds.

Response 3.10-14: *Fire apparatus roads are proposed to meet the surfacing and loading requirements of the Fire Code.*

Comment 3.10-15 (Letter 1, CT Male Associates, June 14, 2010): In accordance with FCNY §F503.2.4, the required turning radius of a fire apparatus access road shall be determined by the code enforcement official.

Response 3.10-15: *The minimum radius in any of the proposed roads in Lost Lake Resort is 175 feet. The intersection curb radii will meet Town road standards. The final road plans will be submitted for review by the code enforcement official.*

Comment 3.10-16 (Letter 1, CT Male Associates, June 14, 2010): The plans submitted with the DEIS indicate various cul-de-sacs and dead-ends, however, compliance with the FCNY is not indicated. In accordance with §F503.2.5, dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an area for turning around fire apparatus as required in §FD103.4 of Appendix FD. In accordance with §FD103.4 of Appendix FD, dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions, consisting of either a 120-foot Hammerhead, 60-foot “Y” or 96-foot-diameter cul-de-sac. For lengths over 750-feet dead-end turnaround provisions shall be as approved by the Authority Having Jurisdiction.

***Response 3.10-16:** All dead end streets are proposed to have a 100-foot diameter cul-de-sac.*

Comment 3.10-17 (Letter 1, CT Male Associates, June 14, 2010): The DEIS does not indicate whether the proposed roads shall accommodate fire apparatus. In accordance with FCNY §F503.2.6, where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO Standard Specifications for Highway Bridges. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the code enforcement official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the code enforcement official.

***Response 3.10-17:** The proposed bridges will be designed, constructed and maintained in accordance with AASHTO standard specifications for Highway Bridges. This includes the posting of vehicle load limits at both entrances to the bridges and approved barriers if required.*

Comment 3.10-18 (Letter 1, CT Male Associates, June 14, 2010): In accordance with FCNY §F503.2.7, the grade of the fire apparatus access road shall be within the limits established by the code enforcement official based on the fire department’s apparatus. In accordance with §FD103.2 of Appendix FD, fire apparatus access roads shall not exceed 10 percent in grade, unless otherwise approved by the fire chief.

***Response 3.10-18:** Pursuant to the Fire Code, fire apparatus access roads in Lost Lake Resort are designated from the main entrance at Cold Spring Road through to Road A intersection with St. Joseph’s Road, Road TT, and the driveway to the multi-family units. The maximum grade of any of these roads is 5.75 percent.*

Comment 3.10-19 (Letter 1, CT Male Associates, June 14, 2010): The DEIS indicates that access points will be gated in conjunction with site security provisions to be included in the proposed development, however, compliance with the provisions of the FCNY is not indicated in the DEIS. In accordance with FCNY §F503.4, fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in §F503.2.1 shall be maintained at all times.

***Response 3.10-19:** All points of emergency access into the project will be maintained by Lost Lake Resorts and will be regularly inspected by Lost Lake security staff to ensure clearances are maintained in accordance with the Fire Code.*

Comment 3.10-20 (Letter 1, CT Male Associates, June 14, 2010): In accordance with FCNY §F503.6, the installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times.

Response 3.10-20: *The Applicant will obtain approval of all security gates from the local Fire Chief.*

Comment 3.10-21 (Letter 1, CT Male Associates, June 14, 2010): In accordance with §FD103.5 of Appendix FD, gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. The minimum gate width shall be 20 feet.
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the code enforcement official.
6. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools.
7. Locking device specifications shall be submitted for approval by the code enforcement official.

Response 3.10-21: *The project plans will comply with these requirements.*

Comment 3.10-22 (Letter 1, CT Male Associates, June 14, 2010): The DEIS does not discuss any provisions for automatic water-based fire protection systems within proposed buildings and the impact to the required fire flows. In addition, it is not indicated how these fire flow requirements may impact the ISO grading of the fire district in the areas of water supply, number of required engine companies and required pump capacity.

Response 3.10-22: *All buildings constructed will be in accordance with the NYS Uniform Code. The fire protection system will be designed to supply a minimum flow of 1,000 gpm at 20 psi for two hours for residential areas. The commercial buildings will include provisions for automatic water-based fire protection systems in accordance with the Uniform Code. Exact fire flow requirements for the commercial properties cannot be determined at this time since the buildings are not yet designed. Fire pumps will be provided as necessary based on final commercial building designs in accordance with applicable standards. The Town has an ISO rating of 9 (lowest) since there is no Townwide water supply system with hydrants. Since the proposed water system and building sprinklers will be entirely new to service an area of Forestburgh that at present does not have any central water system, the property and some nearby properties will likely receive a better ISO rating for fire insurance purposes. (Refer to memo of January*

27, 2011 meeting in Appendix B.) These measures will not change the Town's overall ISO rating.

Hydrants and the water system internal to the project will be owned by a NYS transportation corporation established for the project. The Resort will be responsible for maintaining the hydrants and water system, including periodic flushing and inspections. The Applicant, with appropriate notification to the Fire Department, will periodically inspect and conduct tests to ensure sufficient fire flow and pressure is available. The Department is capable of delivering an uninterrupted fire flow of 200 gpm for 20 minutes beginning within 5 minutes of the first arriving engine company (an ISO standard), according to the Fire Chief.

Lost Lake Resort will make its hydrant system available to the Fire Department for training exercises and fire fighting without compensatory charges for water use.

Comment 3.10-23 (Letter 1, CT Male Associates, June 14, 2010): The DEIS indicates that hydrants will be installed in compliance with the Ten States Standards at a distance of no more than 600-foot spacing. In accordance with FCNY §F508.5, where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided.

Response 3.10-23: *Fire hydrants are proposed to be placed at a maximum spacing of 600 feet throughout the development and therefore no occupied structure will be in excess of 300 feet from a fire hydrant. Hydrant spacing may be reduced where recommended by the Fire Chief or Building Inspector during final design of each phase. The project must conform to the latest provisions of NYS Fire Code. Given the small lot sizes where houses will be set close to the road, fire equipment will be able to service a fire from the roadway and individual driveways need not be designed to facilitate fire apparatus other than Town Code requires driveway curb cuts to be minimum 21' wide.*

Comment 3.10-24 (Letter 1, CT Male Associates, June 14, 2010): For Group R-3 occupancies and townhouses regulated under the Residential Code of New York State, the fire hydrant distance requirement shall be 600 feet. For buildings equipped throughout with an approved automatic sprinkler system, the distance requirement shall be 600 feet.

Response 3.10-24: *Fire hydrants are proposed to be placed at a maximum spacing of 600 feet throughout the development and closer where recommended by the Fire Chief or Building Inspector during final design of each phase. All public, common buildings and residential buildings in the resort will be equipped with automatic sprinklers.*

Comment 3.10-25 (Letter 1, CT Male Associates, June 14, 2010): The Mitigation Measures included in the DEIS indicate only that the buildings will be required to meet applicable standards of the New York State Fire Prevention and Building Code. The DEIS does not address if residential fire sprinklers will be provided as part of the proposed safety package, which is currently included in the 2009 International Residential Code, though not otherwise required by the Building Code of New York at this time.

Response 3.10-25: *All public, common buildings and residential buildings in the resort will be equipped with automatic sprinklers. No occupied structure will be in excess of 300 feet from a fire hydrant. Refer to Response 3.10-23.*

Comment 3.10-26 (Letter 1, CT Male Associates, June 14, 2010): The Mitigation Measures included in the DEIS indicate that the site master plan includes a two-acre area off St. Joseph's Road available for dedication to the Town for future emergency services facilities. An analysis is recommended which would evaluate the potential fire department locations, apparatus response patterns and their impact on the ISO rating for the fire district. The Forestburgh Fire District's last evaluation by ISO and the potential impact of the development on the community's ISO rating is not indicated in the DEIS.

Response 3.10-26: *The Forestburgh Fire District conducts fire and emergency services planning through on-going reviews of its services, facilities, staffing, equipment and response capabilities. (Refer to discussion in Response 3.10-4.) The Applicant's proposal to provide land for a future emergency response facility is discussed in Response 3.10-1. Through its on-going planning process as the development of Lost Lake Resort expands, the District Commissioners will be able to further evaluate the necessity of using the donated land that would improve response times to incidents at the site.*

As discussed in Response 3.10-24, the proposed project will likely receive a better ISO rating for fire insurance purposes than the Town's current rating.

3.10.9.2 Comments Regarding Other Community Services

Comment 3.10-27 (Letter 2, Luiz C. Aragon, Commissioner, Sullivan County, Planning and Environmental Management, June 16, 2010): According to the Community Services section regarding schools states that 57% of the development population will be seasonal. However, a developer cannot assume only second home owners will purchase homes and therefore homes may be purchased by year round families with school age children. Thus, the impact of the development on the schools should be fully evaluated and anticipated with possible future mitigative measures should the entire development be year round residents.

Response 3.10-27: *The proposed project at Lost Lake is a resort community and as such can be expected to have demographic characteristics which differ from primary-home residential communities. Demographic multipliers are researched and published based upon an evaluation of similar land uses with projections being made that the proposed project will replicate the characteristics of the studied projects. On this basis the proposed Lost Lake project can be expected to closely replicate the already constructed Eagle Rock Resort.*

As stated in the DEIS, under a full build scenario the project is projected to generate approximately 648 students, a cost to educate of approximately \$5,844,960 annually, tax revenues of approximately \$11,992,023 annually, resulting in approximately \$6,147,063 annual net benefit to the School District. The District is obligated to accommodate the school age children residing in the District under NY State law and

the increased revenue will offset the cost of additional District services. An additional mitigating factor that this development is projected to be built over several decades and there will be time for the School District to adjust to an increase in students.

Comment 3.10-28 (Letter 4, CT Male Associates, July 1, 2010): In May 2010, voters in the Monticello Central School District approved an approximately \$76 million budget, that includes a 6% increase in the tax levy. It is recommended that this portion of the DEIS be revised to include the recently approved budget and its figures. This section of the DEIS should also include consideration of potential future tax levy increases as well as potential School District State Aid cuts. As state aid to the Monticello Central School District will potentially be cut next fiscal year, the tax levy on the typical year-round Forestburgh resident will likely continue to increase.

Response 3.10-28: *As the tax levy increases, the school taxes to be generated by the proposed project would also increase in the same proportion as the rest of the school district. Based upon the resort nature of the proposed project which results in a low population multiplier for students per household, the net benefit to the school district could be expected to increase as school tax rates go up, thus the positive effect construction of the proposed project would have on the Monticello School District would increase.*

Comment 3.10-29 (Letter 4, CT Male Associates, July 1, 2010): Table 3.10-2 (p. 3.10-1): From 2001 to 2002, the population of the Town of Forestburgh is shown to decrease from 826 people to 824 people. The population change listed by the Applicant in the table, however, is +2. The Applicant should revise this figure to reflect the actual change in population as -2.

Response 3.10-29: *Comment noted.*

Comment 3.10-30 (Letter 4, CT Male Associates, July 1, 2010): The Applicant states that the New York State Police has responded to 14,815 calls within Sullivan County. How many of these calls were in the Town of Forestburgh?

Response 3.10-30: *According to Lieutenant Erik Dauber, Zone 1 Assistant Zone Commander at the NY State Police, less than 5 percent of State Police calls in 2008 and 2009 were to locations in the Town of Forestburgh. (Telephone conversation 2/8/2011)*

Comment 3.10-31 (Letter 4, CT Male Associates, July 1, 2010): The DEIS states that additional on-site security will be provided to the Lost Lake community during higher activity times. It is recommended that the Applicant provide a specific definition and/or threshold of "higher activity times". Further, it is understood that the Applicant's existing resort, Eagle Rock, is patrolled regularly by a private security force on a regular basis. Will a similar security force be used at Lost Lake?

Response 3.10-31: *A private security force similar to that employed at Eagle Rock Resort will be provided at Lost Lake Resort. The staffing needs of that force at any particular time will be determined by Lost Lake Resort on an ongoing basis as occupancy and use of the Resort facilities grows.*

According to the Applicant, site security will initially consist of one night watchman for the construction area, usually one full time position. Into the second year when the

Phase 1 resort buildings are built, a 24-hour guard will be stationed at the main entrance gatehouse. As home occupancy grows in the early phases, site security personnel will be added in daytime and nighttime shifts to monitor the grounds and all site access points. When 30-50 homes are constructed, security will actively patrol the Resort. The security force will consist of a Chief, Assistant Chief and security guards. The purpose of the security is to provide protection of the Resort's assets, and assist all departments of the Resort operations, individual property owners, visitors and emergency personnel including the local and State Police, County Sheriff, Fire, and Ambulance, and NYSDEC Police Officers. Security aids in enforcing the rules, regulations and covenants and restrictions governing the Resort. All security personnel are certified in CPR, AED and first-aid. The size of the security force is dependent on need at the Resort. Events such as group use of the clubhouse/restaurant or conference facilities may involve additional security staff (generally one to three) primarily to assist patrons. Use of security staff will avoid increased demand on the local police department for non-criminal matters.

The entrance to the Resort has a main gate manned by a guard who gives directions, welcomes guests, registers all visitors, deliveries and contractors. Most property owners will utilize the EZ pass lane. All access points have a camera that monitors all vehicles entering and exiting the Resort. The main gate has a TV monitor for the guard to watch all vehicles entering and exiting at any access to the Resort.

Security personnel are responsible for the opening/closing of all buildings, setting alarms, monitoring gas usage of company vehicles, patrolling the roads and enforcing the rules of the property. In addition, security is trained to utilize a calibrated radar gun to deter speeding and gives written warnings and monetary fines if warranted. In addition, security monitors stop signs in a marked vehicle. Any domestic or burglary calls are referred to the local or State Police.

Comment 3.10-32 (Letter 4, CT Male Associates, July 1, 2010): Schools: The DEIS states that the "programming cost" per pupil within the Monticello Central School District is \$9,020 per student. However, according to the New York State Education Department, the approximate expenditure per student within the school district is \$17,653, through revenue obtained by school tax levy and state aid. Based on information presented in Section 3.9.2 (p.3.9-7), the "programming cost" is the approximate tax levy in the Town of Forestburgh on a per pupil basis. As such, the total cost to the district for the addition of 648 students at full build out and 159 students at partial build out will likely be closer to \$11,439,144 and \$2,806,827 respectively, not the \$5,844,960 and \$1,434,180 described in Section 3.10.5. As the cost of additional students will be borne by the residents of the entire school district, and not just the residents of the Town of Forestburgh, it is recommended that correct cost per pupil be used in the assessment or some reasoning given as to why the "tax levy" method per Forestburgh resident was used.

Response 3.10-32: *The cost of educating students is compared to the tax revenue generated by the proposed project, thus in order to make a meaningful comparison of the cost to revenue ratio, the school cost must be expressed in terms of those costs currently being paid for by tax revenue. Since the impact of State aid increases or reductions directly affects the tax levy rates in any given year, fluctuations in State aid are inherently accounted for in this calculation.*

Comment 3.10-33 (Public Hearing, Mr. Eugene Blabey, June 16, 2010): They say there are 26 members of the current Forestburgh Fire Company and they say that according to some

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study, that 1.65 firemen are needed for every 1,000 additional population. Well, by that standard, Forestburgh with a population of about 800 they get along with 1.65 firemen but it seems to me that it's not people that burn, it's structures that burn. And I think that they should address the number of additional structures and the number of firemen that would be required to protect the unfortunate possibility that structures in this new development could have fire or flooding or wind damage or anything else that would bring the fire department out to serve.

Response 3.10-33: *The Applicant acknowledges that the Fire Commissioners' primary concern is recruitment of a sufficient number of future volunteers to meet the service needs in the future, and offers a number of mitigation measures to address future Fire District needs. Refer to Responses 3.10-1 and 3.10-3.*