

Appendix B
Correspondence

Transmittal:

To: FILE
From: F Wells
Date: June 8, 2010
Subject: Lost Lake Project - Forestburgh

Attached are signed and validated wetland surveys for the subject site transmitted from NYSDEC / Doug Gaugler to Tim Miller Associates, signed 6/8/2010.

NYSDEC regulated wetlands are:

HA-19 ("L"), HA-26 ("K"), HA-27 ("D", "GA" & "GB"), HA-39 ("E"), HA-40 ("ABD", "J" & "Y") and HA -41 ("C" & "GG").

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Maureen Sacchetti Fisher
James F. Stanley
Jill M. Butler
Doreen Derry*

*Sergio Smiriglio,
Consulting Hydrogeologist*

LEGEND

- 1336 — EXISTING CONTOUR
- WL/D126 WETLAND FLAG (AS MARKED IN FIELD)
- × 1336.2 EXISTING SPOT ELEVATION
- ADJOINING PARCEL
- WETLANDS BUFFER
- PROPERTY LINE
- STREAM / CREEK / WATERBODY
- WOODS
- WETLANDS
- "R" WETLAND NOMENCLATURE
- ⊕ BENCHMARK

MAP SHOWING A LOCATION SURVEY FOR
DOUBLE DIAMOND, INC.
 TOWN OF FORESTBURGH, SULLIVAN COUNTY, NEW YORK

DATE:
JUNE 2, 2008
 REVISED
SEPTEMBER 9, 2008
JULY 2, 2009
NOVEMBER 30, 2009
JANUARY 6, 2010
MAY 12, 2010

NOTES:
 AERO-METRIC PERFORMED AN AERIAL SURVEY OF THE PROPERTY IN DECEMBER 2007, DUE TO HEAVY VEGETATIVE COVER, AREAS OF THE PROPERTY WERE IDENTIFIED AS OBTURED. CONTOURS IN OBTURED AREAS WERE ESTABLISHED BY A COMBINATION OF FIELD SURVEY, AERIAL SPOT ELEVATION AND INTERPOLATION— THOSE AREAS ARE PRESENTED AS A DASHED LINE ON THESE PLANS.
 THE WETLAND DELINEATION WAS PERFORMED IN THE FALL OF 2007, JUNE 2008 AND JUNE–AUGUST 2009 BY TIM MILLER ASSOCIATES, INC. LOCATION OF DELINEATION FLAGS AND ASSOCIATED MAPPING WAS PERFORMED UNDER THE DIRECTION OF MICHAEL P. BRINKASH, NY PE #085157.
 TS STREAM DELINEATED BY DOUG GAUGLER OF DEC ON SEPTEMBER 15, 2009

NYSDEC FRESHWATER WETLAND BOUNDARY VALIDATION

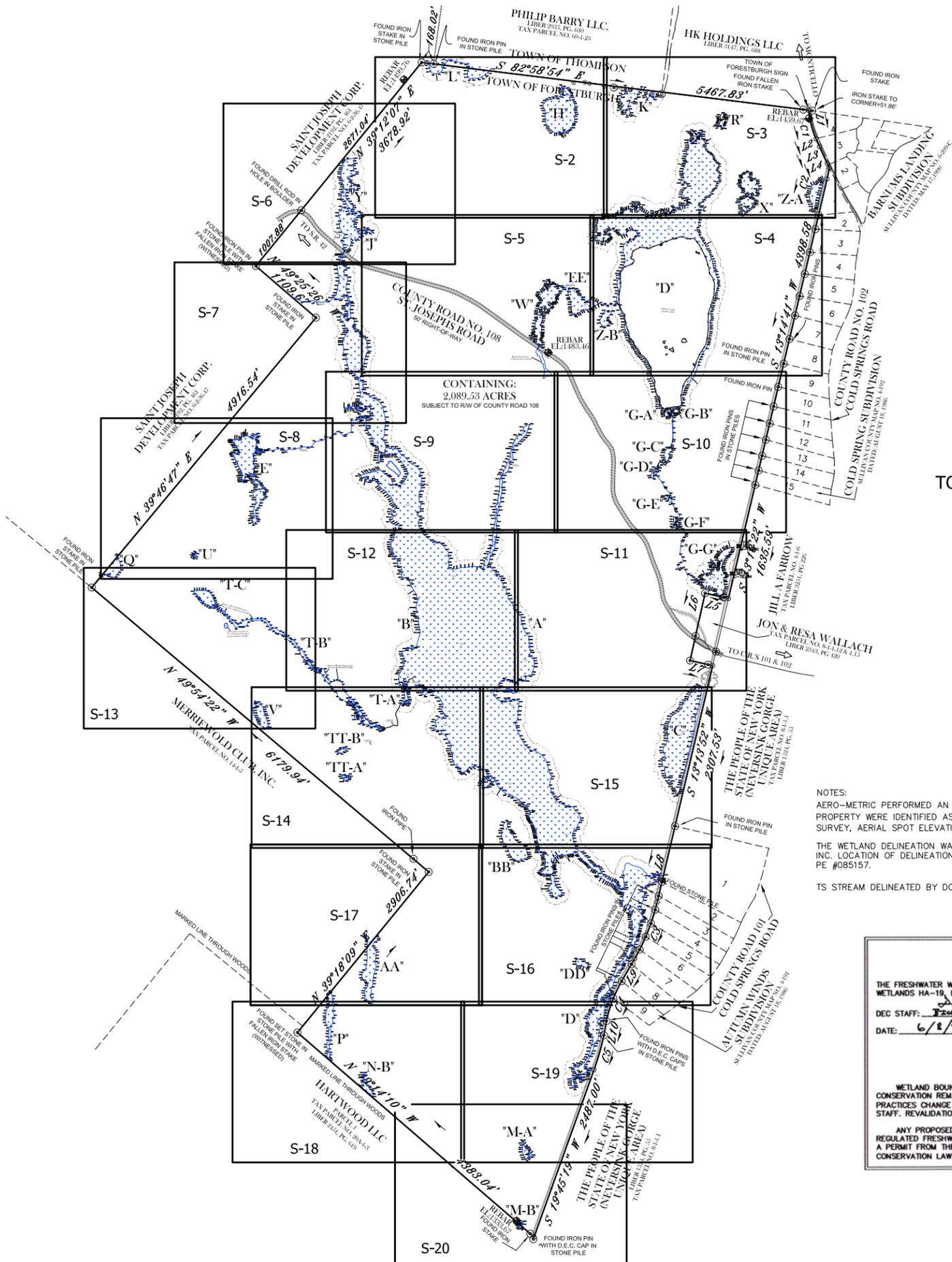
THE FRESHWATER WETLAND BOUNDARY AS REPRESENTED ON THESE PLANS ACCURATELY DEPICTS THE LIMITS OF FRESHWATER WETLANDS HA-19, HA-26, HA-27, HA-39, HA-40 AND HA-41 AS DELINEATED BY TIM MILLER ASSOCIATES INC. ON 2007–2009.

DEC STAFF: Douglas Gaugler - Douglas Gaugler SURVEYOR/ENGINEER: BRINKASH & ASSOCIATES INC.

DATE: 6/8/2010 SEAL

WETLAND BOUNDARY DELINEATION AS VALIDATED BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION REMAIN VALID FOR 10 YEARS UNLESS EXISTING EXEMPT ACTIVITIES, AREA HYDROLOGY OR LAND USE PRACTICES CHANGE (E.G., AGRICULTURAL TO RESIDENTIAL). AFTER 10 YEARS THE BOUNDARY MUST BE REVALIDATED BY DEC STAFF. REVALIDATION MAY INCLUDE A NEW DELINEATION AND SURVEY OF THE WETLAND BOUNDARY.

ANY PROPOSED CONSTRUCTION, GRADING, FILLING, EXCAVATING, CLEARING OR OTHER REGULATED ACTIVITY IN THE REGULATED FRESHWATER WETLAND OR WITHIN 100 FEET OF THE WETLAND BOUNDARY AS DEPICTED ON THIS PLAN REQUIRES A PERMIT FROM THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION UNDER ARTICLE 24 OF THE ENVIRONMENTAL CONSERVATION LAW (FRESHWATER WETLANDS ACT) PRIOR TO COMMENCEMENT OF WORK.



LINE TABLE

LINE	BEARING	LENGTH
L1	S 10°00'26" E	125.89
L2	S 23°55'02" E	118.24
L3	S 24°46'53" E	260.64
L4	S 25°25'45" E	67.73
L5	N 77°03'46" W	335.70
L6	S 12°37'01" W	966.76
L7	S 77°23'20" E	324.80
L8	S 13°15'12" W	1094.36
L9	S 30°05'37" W	368.99
L10	S 10°07'31" W	200.53

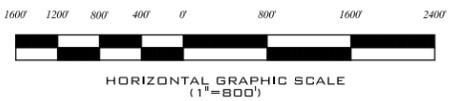
CURVE TABLE

CURVE	RADIUS	CHORD
C1	1202.31	S 16°57'44" E 291.17'
C2	2897.79	S 11°41'00" W 157.94'
C3	2897.79	S 21°40'32" W 847.15'
C4	1876.86	S 20°55'54" W 597.62'
C5	3852.72	S 16°01'02" W 503.96'

WETLANDS MAPPED ON SITE

WETLAND	ACRES	WETLAND	ACRES
A, B, D	146.03 AC.	MA	0.33 AC.
AA	2.18 AC.	MB	0.02 AC.
BB	2.18 AC.	NB	0.30 AC.
C	9.19 AC.	P	1.25 AC.
D (Including Lake)	74.83 AC.	Q	0.82 AC.
DD	0.29 AC.	R	0.27 AC.
E	4.22 AC.	TA	0.70 AC.
EE	1.70 AC.	TB	0.14 AC.
GA	0.14 AC.	TC	0.93 AC.
GB	0.11 AC.	TTA	0.11 AC.
GC	0.29 AC.	TTB	0.13 AC.
GD	0.16 AC.	U	0.05 AC.
GE	0.12 AC.	V	1.05 AC.
GF	0.14 AC.	W	2.65 AC.
GG	2.80 AC.	X	1.90 AC.
H	4.51 AC.	Y	1.81 AC.
J	2.68 AC.	ZA	1.10 AC.
K	1.62 AC.	ZB	0.50 AC.
L	1.24 AC.		
		TOTAL	268.49 AC.

NOTE: AREA OF BRAIDED Ephemeral Stream HH= 0.46 AC.



November 17, 2010

Mr. Michael Montysko, P.E.
Center for Environmental Health
New York State Department of Health
Flanigan Square, 547 River Street
Troy, NY 12180-2216

**Subject: Residential Water Demand
Lost Lake Resort
Project No. 30107.01**

Dear Mr. Montysko:

We would like to take this opportunity to update you on further developments in the Lost Lake Resort project. In the time that has passed since our last correspondence dated September 10, 2010, additional groundwater sources have been identified and tested. Using a peak factor of 1.8, the standard average daily water demand of 330 gallons per day for each proposed residential connection of the proposed development can be met. We have revised the previously submitted table of anticipated water demand, which now shows a peak demand of 1,103 gallons per minute (see attached).

The peak factor used in our previous letter was 2.0, but subsequent discussions with your staff indicated that a lesser peak may be acceptable. Using a peak factor of 1.8 is supported by several sources including the last three years of flow from Eagle Rock Resort provided in our previous letter (average peak of 1.83), Water and Wastewater Technology by Hammer, Sixth Edition (180% of the average day) and other sources.

Also attached is a site plan, which shows the location of proposed wells that are to be used to meet demand. The table below lists the proposed wells and their respective safe yields.

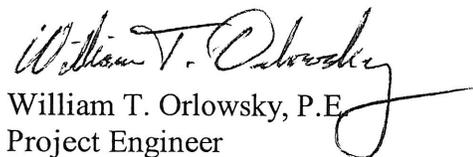
Well Identification	Safe Yield
HH	200 gpm
O	85 gpm
JJJ	126 gpm
FFF	246 gpm
TW-3a	115 gpm
TW-5	365 gpm
TW-6	91 gpm
Total	1,228 gpm

Please note the water capacity of the listed wells does not account for the largest producing well being out of service as recommended by the Ten States Standards. The Ten States Standards specifies this recommendation can be waived by the reviewing authority. We request NYSDOH waive the largest well being out of service recommendation based on several reasons. First, for the reasons discussed in our previous correspondence, we feel this estimated demand is much higher than we would ever expect.

Second, even by utilizing the 330 gpd flow rate for the proposed residential units, if the largest well (365 gpm) was out of service, there would still be 863 gpm available through the remaining six (6) wells. This amounts to approximately 140% of the average daily demand of 613 gpm. With a finished water storage capacity of one full day plus fire flow, we feel sufficient capacity would still be available at full buildout of the development.

Please let us know if your office is willing to waive the recommendation as requested. If you have any questions, please feel free to contact our office.

Very truly yours,


William T. Orlowsky, P.E.
Project Engineer


M. Christopher McCoach, P.E.
Project Manager

Attachments

cc: Randy Gracy, Double Diamond Companies (w/attachments)
Fred Wells, Tim Miller Associates (w/attachments)
Steve Read, Advantage Engineering (with attachments)
Mike Brinkash, Brinkash Engineering (w/attachments)
John Grohol, Eagle Rock Resorts (w/attachments)

ANTICIPATED AVERAGE DAILY WATER DEMAND

	Item	# of Units	Unit	Flow Rate (gpd per unit)		Average Daily Flow (gpd)	Peaking Factor	Peak Flow (gpd)	
Phase 1	House Lots	400	EDU	330	gpd / EDU	132,000			
	Sales Office	3	person	15	gpd / person	45			
	9 hole golf course	100	person	5	gpd / person	500			
	Phase 1 Subtotal						132,545	1.8	238,581
Phase 2	House Lots	327	EDU	330	gpd / EDU	107,910			
	Pool	50	person	10	gpd / person	500			
	9 hole golf course	100	person	5	gpd / person	500			
	Phase 2 Subtotal						108,910	1.8	196,038
	Cumulative Subtotal						241,455	1.8	434,619
Phase 3	House Lots	304	EDU	330	gpd / EDU	100,320			
	Driving Range	50	person	5	gpd / person	250			
	Clubhouse	100	person	25	gpd / person	2,500			
	Restaurant	50	seat	35	gpd / seat	1,750			
	Phase 3 Subtotal						104,820	1.8	188,676
Cumulative Subtotal						346,275	1.8	623,295	
Phase 4	House Lots	368	EDU	330	gpd / EDU	121,440			
	Cabins	15	EDU	330	gpd / EDU	4,950			
	Condominiums	20	EDU	330	gpd / EDU	6,600			
	Tennis Court	10	person	5	gpd / person	50			
	Phase 4 Subtotal						133,040	1.8	239,472
Cumulative Subtotal						479,315	1.8	862,767	
Phase 5	House Lots	359	EDU	330	gpd / EDU	118,470			
	Wildlife Observ. Center	25	person	5	gpd / person	125			
	Phase 5 Subtotal						118,595	1.8	213,471
	Cumulative Subtotal						597,910	1.8	1,076,238
Phase 6	House Lots	407	EDU	330	gpd / EDU	134,310			
	Cabins	15	EDU	330	gpd / EDU	4,950			
	Condominiums	20	EDU	330	gpd / EDU	6,600			
	Beach & Boat Dock	25	person	10	gpd / person	250			
	Phase 6 Subtotal						146,110	1.8	262,998
Cumulative Subtotal						744,020	1.8	1,339,236	
Phase 7	House Lots	392	EDU	330	gpd / EDU	129,360			
	Spa	10	person	170	gpd / person	1,700			
	Bushkill Park	25	person	5	gpd / person	125			
	Hotel	50	room	120	gpd / room	6,000			
	Conference Center	10,000	sf	0.1	gpd / sf	1,000			
	Phase 7 Subtotal						138,185	1.8	248,733
Cumulative Total (gpd)						882,205	1.8	1,587,969	

Cumulative Total (gpm)

613

1103

07093
FW



STATE OF NEW YORK
DEPARTMENT OF HEALTH

Flanigan Square 547 River Street Troy, New York 12180-2216

January 21, 2011

Tim Miller Associates, Inc.
10 North Street
Cold Springs, NY 10516

Attn: Frederick Wells, Senior Planner

RE: DOH Log No. 18988
Lost Lake Resort (proposed)
(T) Forestburgh, Sullivan County

Dear Mr. Wells:

This letter is in response to the letter dated November 17, 2011 from Alfred Benesch & Company addressed to Mr. Mike Montysko of this office concerning the proposed residential water demand at the above-mentioned project.

As stated during our telephone conference call of January 20, 2011 between yourself, Messrs. Bill Gilday, Scott Alderman, and myself of this office, Messrs Glenn Illing of the NYS DOH Monticello DO and Carl Obemeyer of the NYS DOH MARO, Messrs William Orłowsky and Christopher McCoach of Alfred Benesch & Company, and Mr. Steve Read of Advantage Engineering, the following was discussed:

- 1) A 330 gallon per day per unit (3 bedroom house) for determining residential needs seems reasonable,
- 2) A Max Day factor of 1.8 may be used instead of the customary 2,
- 3) New Construction should routinely meet all standards. Consequently this Office will not allow a deviation from the 'largest well out of service...' redundancy requirements stated in Recommended Standards for Water Works Section 3.2.1.1.
- 4) For the purposes of plan approval by the NYS DOH and/or actual construction a phased approach may be used by the applicant. This would likely involve periodic reviews to ensure that adequate water supply will be available as per New York State codes and standards as overall project build-out progresses.

If you have any questions on the above, please feel free to contact me at (518) 402-7676 or mam20@health.state.ny.us.

Sincerely,



Mark Migliaccio, PE
Public Health Engineer 1
Bureau of Water Supply Protection

Cc: NYS DOH MARO, Attn: Mr. Carl Obemeyer
NYS DOH Monticello DO, Attn: Mr. Glen Illing
Benesch Engineering, Attn: Messrs William T. Orłowsky and M. Christopher McCoach
Advantage Engineering, Attn: Mr. Steve Read

CITY/SCAPE:

Cultural Resource Consultants

166 Hillair Circle
White Plains, New York 10605
914-328-3032
facsimile: 914-288-9029
e-mail: CscapeCRM@gmail.com

MEMORANDUM

TO: Douglas Mackey
FROM: Gail Guillet
DATE: January 24, 2011
RE: Final Phase 1A/Phase 1B & Phase 2 Reports
Lost Lake Resort Site. St. Joseph's Road.
Town of Forestburgh. Sullivan County, New York

Enclosed is a copy of the Phase 1A Literature Review and Sensitivity Analysis, Phase 1B Archaeological Field Reconnaissance Survey and Phase 2 Archaeological Investigation of the Lost Lake Resort site located on St. Joseph's Road in the Town of Forestburgh, Sullivan County, New York.

We ask that you review the reports and provide your comments. We are, as usual, up against various deadlines, and would appreciate it if you could provide your input within the usually accepted 60 day period for OPRHP reviews.

However, understanding that you may not be able to meet this deadline, we provide the following information, which will be included in the final documents provided to the Town of Forestburgh:

The Applicant acknowledges that it must obtain concurrence from the NYS OPRHP of no impact prior to receiving other State permits. State and Federal regulations for the protection of historical and archaeological resources require that no impact to such resource be allowed to occur as a result of the development of this project. In the event that prehistoric or historic resources are found to be present within the area of potential development, and if these resources cannot be avoided, the Applicant must prepare and obtain concurrence from the NYS OPRHP of a cultural resource mitigation plan prior to the approval of that phase of development. The Applicant will commence said mitigation work prior to any other site disturbance in that phase of the project. No areas that are subject to a cultural resource mitigation plan will be disturbed until the NYS OPRHP has determined the mitigation plan to be fully implemented and complete.

Such remedial activities, if required, will become part of the project proposal in order to gain final acceptance by OPRHP, and thus, no significant impacts to prehistoric or historic resources will result from the proposed project.

As a result of the Phase 1B survey of the Lost Lake Resort site, no prehistoric material of any kind was recovered. Two historic sites were identified, one occupied by William John McNeely (1876), and a second where the occupant is unknown. The William John McNeely house site is within the property boundaries, but outside the current APE for the Lost Lake Resort project. The second site, which we hypothesize was occupied by William McNeely, father

of William John McNeely, is within the APE, and a Phase 2 Archaeological Investigation was carried out in late 2010. The results of this Phase 2 investigation are presented in the Phase 2 report.

Please let us know if you require additional information for this project.

We look forward to receiving your comments and recommendations concerning the Lost Lake Resort site.

Memorandum:

To: Forestburgh Fire District Commissioners
 From: Frederick Wells & Ann Cutignola
 Date: January 27, 2011
 Subject: Lost Lake Project - Fire Service

On behalf of Double Diamond, I thank you for meeting with project representatives to discuss fire service questions. The following information is based on my notes from the special meeting with Forestburgh Fire Commissioners (representing the Fire District) on 1/27/11. Attended by five Commissioners; Fire Chief Chris Bastone; John Grohol (Double Diamond); Ann Cutignola & Fred Wells (Tim Miller Associates). Items 33 through 45 in CT Male 1/12/11 letter were discussed, covering the following issues:

- Commissioners identified two items of primary concern relative to the Lost Lake project in the future: **manpower and response time** including access into site during construction. Equipment is not a problem given all the equipment available through mutual aid. Tax revenue generated from the project is one source to address facilities and equipment needs. A volunteer incentive program was discussed that could be an acceptable mitigation measure for the project to address future manpower needs. Automatic building sprinklers would be a mitigation measure to address response time, as would a possible future station at the site. John Grohol described how the project will maintain fire truck accessible roads to work areas during construction, including winter snow removal.
- impact of increased calls - There would 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.
- criteria for fire protection in cited standards (e.g. NFPA, ISO) - Commissioners indicated that compliance with applicable requirements in the NYS Fire and Building Code is sufficient and by meeting these code requirements, the project would be in compliance with applicable NFPA and ISO standards. [Per subsequent communication with the Town Building Inspector, the project must meet the most stringent of the applicable requirements of the New York State Uniform Fire Prevention and Building Code ("Uniform Code"), which references NFPA requirements.]
- John Grohol reiterated that all single family homes will be required by the developer to be sprinklered. Commissioners indicated it is the developer's choice whether these systems are "wet" or "dry". A hydrant and water supply system that meets applicable Code standards will allow the FD to sufficiently respond to an incident. [Per subsequent

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Sergio Smiriglio,
Consulting Hydrogeologist

communication with the Building Inspector, NFPA 1141 Standard for Fire Protection Infrastructure for Land Development in Suburban and Rural Areas, 2008 Edition, §8.3.3 cites a maximum hydrant spacing of 500', with closer spacing in particular situations and where required by the fire department.] 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.

- ISO rating - Town has ISO rating of 9 (lowest) since there is no Townwide water supply system with hydrants. With an approved hydrant system and building sprinklers, the property and some nearby properties will likely receive a better ISO rating for fire insurance purposes. These measures will not change the Town's overall ISO rating. ISO requests an update in information about the community from the District every two years.
- distance from Fire Station to project & impact to existing fire service relative to response time - FEIS should identify driving distances from Forestburgh firehouse and from Monticello firehouse to the project's access points and to the furthest structure within the development. This information can then be used by the District now and in the future for its ongoing planning of fire services. [see last bullet] It was noted that most existing houses in town are over 1.5 miles from the firehouse.
- need for a fire station at the site - 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; Fire Chief reiterated that at the present time it might be better used as an ambulance substation to serve this area of Town due to the distance to the nearest ambulance station in Monticello. 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 would be evaluated by the District in the future as Lost Lake Resort expands.
- input from the Town Building Inspector/Code Enforcement Officer - Commissioners acknowledged that the appropriate time for Building Inspector review of the project would be during Planning Board review of construction plans for each phase. [Building Inspector was invited to attend this meeting but was not present.]
- incidence of simultaneous incidents requiring FD response - 911 central dispatch for Sullivan County has authority to direct a response to every incident. Upon dispatch from Forestburgh FD, normal procedure already in place is for a standby unit (man and truck) to also be dispatched to the 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.

- hazard rating of the water and wastewater treatment facilities - Fire Chief advised that existing procedures require that reportable quantities of hazardous material storage be reported periodically to the Fire Department.
- potential for new volunteer firefighters - Commissioners advised that their primary concern is recruitment of a sufficient number of future volunteers to meet the service needs in the future. Based on the current Forestburgh population, there are 28 FD members to 871 population (2009 estimate) or approximately 3% of the population. The Commissioners indicated that achieving this level of participation in the future would be satisfactory. John Grohol described how the project will promote volunteer involvement through financial incentives to employees and possibly other incentives to property owners. These measures need to be described in the FEIS along with the projected age group of the employees and residents.
- hydrant and water system maintenance - The project will be responsible for maintaining the hydrants and water system, including periodic flushing and inspections. The Fire Department will periodically inspect and conduct tests to ensure sufficient fire flow and pressure is available. John Grohol indicated the on-site system will be available for FD use for firefighter drills.
- fire and emergency services management planning - There is no written "risk management plan" nor do the Commissioners see the need for a formal town-wide fire services analysis. Pursuant to its responsibilities to the Town, the District (the Commissioners) routinely reviews its services, facilities, staffing, equipment and response capabilities. 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. 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. Commissioners advised that a periodic report from a liaison from the Resort at a District meeting would provide sufficient input into services planning.

If I have missed or misrepresented any of this information please promptly advise.

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 3

21 South Putt Corners Road, New Paltz, New York 12561-1620

Phone: (845) 256-3054 FAX: (845) 255-4659

Website: www.dec.ny.gov



Joe Martens
Acting Commissioner

February 22, 2011

James P. Galligan, Supervisor
Town of Forestburgh Town Board
332 King Road – PO Box 114
Forestburgh, NY 12777

**Re: Draft Final Environmental Impact Statement (FEIS) Comments - Lost Lake Resort
DEC Pre-Application ID No. 3-4830-00061/00001
Town of Forestburgh, Sullivan County
Correction Letter**

Dear Supervisor Galligan and Town Board members:

It has come to my attention that the February 18, 2011 correspondence the Department issued contained an error. Specifically, on page 4 of 5 (top of page, 2nd sentence in the paragraph) it is stated that "At some point there should be a formal mitigation measure and it should include when such measures are implemented and what the ensuing steps of increased irrigation will be as drought continues." This sentence should have read: "At some point there should be a formal mitigation measure and it should include when such measures are implemented and what the ensuing steps of decreased irrigation will be as drought continues."

Attached please find a corrected letter. If you have any comments or questions, please feel free to contact me at 845-256-3041.

Sincerely,

John W. Petronella
Environmental Analyst
Division of Environmental Permits

Cc T. Forestburgh Planning Board
Dominic Cordisco, Esq.
Randy Gracy – Double Diamond Companies
Frederick Wells, Tim Miller Assoc.
John Munsey, C.T. Male Assoc.

Cc via e-mail W. Janeway, Regional Director
A. Ciesluk, Regional Permit Administrator
J. Gerry, DEC CO
A. Roy, DEC R3

**New York State Department of Environmental Conservation
Division of Environmental Permits, Region 3**

21 South Putt Corners Road, New Paltz, New York 12561-1620

Phone: (845) 256-3054 FAX: (845) 255-4659

Website: www.dec.ny.gov



Joe Martens
Acting Commissioner

February 18, 2011

James P. Galligan, Supervisor
Town of Forestburgh Town Board
332 King Road – PO Box 114
Forestburgh, NY 12777

**Re: Draft Final Environmental Impact Statement (FEIS) Comments - Lost Lake Resort
DEC Pre-Application ID No. 3-4830-00061/00001
Town of Forestburgh, Sullivan County**

Dear Supervisor Galligan and Town Board members:

Thank you for providing the Department the opportunity to comment on the Lost Lake Resort proposed Final EIS, prior to your acceptance of the document. This participation between the Town and the Department is appreciated. It is also consistent with the commitments Regional Director Janeway and the Supervisor made to each other, and the Commissioner's decision encouraging the Town of Forestburgh Town Board as Lead Agency to "actively seek out NYSDEC staff expertise on such issues as water quality, quantity and availability; habitat, wildlife and endangered species; wetlands functions and protection; and stormwater management." Jointly making sure that "NYSDEC input is reflected in the scope and in the eventual EIS is also consistent with the Commissioner's decision

The following comments on the Draft FEIS are offered for your consideration:

Section 1.5 The SEQR Process (pg 1-1)

Within this section, the following is stated: "The DEIS, as amended by the FEIS, will form the basis for the lead agency's Findings that will conclude the environmental review process." The project sponsor should be aware that **all** involved agencies must issue a Findings statement prior to the issuance of any permits or approvals; not just the lead agency. In order for the Department to make a positive findings statement, the Department must determine that the action selected is the one that avoids impacts to the maximum extent practicable and balances social, economic and environmental needs. If the Department cannot find that the proposed project accomplishes this requirement, a negative findings statement must be issued by NYSDEC.

**Re: Draft Final Environmental Impact Statement (FEIS) Comments - Lost Lake Resort
DEC Pre-Application ID No. 3-4830-00061/00001
Town of Forestburgh, Sullivan County**

Response 2.6 Open Space

The project sponsor continues to evaluate impacts to open space in a context related to the Town of Forestburgh PDD definition of open space. The project sponsor reached the conclusion that if the amount of open space as defined by the Town regulation is met, there will be no impact to open space. As previously indicated, the majority of land preserved as open space is currently State regulated freshwater wetland and adjacent area (280 acres), Lost Lake (144 acres), golf course (270 acres) and steep slopes (84 acres) for a total of 778 acres. So while the DEIS claims that 1,082 acres (52%) are being preserved, in essence, only 15% of the 2,079 acre site are being preserved. When evaluated in this context, it is clear that very little land is actually preserved. As previously indicated, the Department recommends that a site plan be included in the FEIS that clearly indicates preserved open space that does not include the golf course. Figure 2-2 (as referenced in response 2.6) does not accomplish this.

Water Resources - Wastewater

Response 2-15 (pgs.2-9/2-10) -This response is not accurate. It is not a case of the Town having an option of assuming responsibility for a Sewage Treatment Plant (STP) run by a failed Sewage Works Corporation (SWC), but a legal obligation. A town board resolution is required to allow a SWC formation, and the town has the option of requiring bonds. It is because of this obligation that the Department recommends that developers skip the SWC process, and go directly to formation of a municipal district, while it is still only one owner (the developer), with town oversight during design / construction, and ownership upon start-up. It can be extremely difficult to form a district later, once the project is occupied, due to the process of obtaining approvals through referendums, etc.

Response 3.5-5 (pgs.3.5-2, 3.5-3) – The project sponsor should be aware that the NYSDEC State Pollutant Discharge Elimination System (SPDES) permits are based upon a drought flow using MA7CD/10 (mean average 7 consecutive day/10 year recurring cycle). The USGS Streamstats program is designed (for data in NYS) to look at high flow and average conditions, not low flows. It is therefore inappropriate to apply it in the manner it was, in the project sponsors response. The project sponsors own calculations, as shown in the footnotes to the table, are based upon a year-round average flow, not a typical summer low-flow, or a drought flow. Regardless, even using this data, the projected wastewater discharge flow is approaching the 10:1 dilution, at full build out. The table should be revised to reflect critical flow periods.

As previously indicated in our comments on the DEIS, the Bush Kill is a head water trout stream that flows through a portion of the Neversink River Unique Area, a highly regarded fishing location and ecologically rich and unique natural area. The Department remains concerned that the preferred alternative at full build out has the potential to create an adverse impact to this trout stream at the expected flow rates. This impact can be minimized through implementation of one of the several alternatives that the project sponsor has proposed that could accomplish the objective of a resort development component and a substantial residential lot component (PDD Base Density with bonus alternative allows for 1,235 lots).

The concept of constructing sewage lagoons, at an unspecified future date, is questionable. It is not clear where such storage structures would be located, or how close they might be to residences. Nor is it clear what mitigative measures might be taken to prevent the risk of odor complaints, in the event sewage lagoons are built. Although this is treated wastewater, it is not without risk for odors, if allowed to stagnate. The outlined use of such water for irrigation of the golf course is acceptable, but needs to follow a management plan that is consistent with the Departments existing guidance and policies on the use of land applications of wastewater.

Additional comments will likely be generated on waste water during the SPDES application process.

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Water Resources – Water Supply

Page 1-3, second from last bullet point. Within this section, the following is stated:

“To supplement the water supply investigation conducted for the DEIS, additional wells were drilled and tested. Expected well yields for wells currently in place are presented that demonstrate there is an adequate supply of groundwater for the whole and complete project. The updated Water Supply Report shows that the estimated well field production from seven production wells exceeds three water demand scenarios for the fully built project. The Applicant's report will be submitted to NYSDEC, NYSDOH and DRBC for review.”

This statement is not supported by the information provided to date. The adequacy of the groundwater supply remains questionable. Further, this analysis does not take into account the NYS Department of Health (NYSDOH) redundancy requirement. While the project sponsor has submitted a request to the NYSDOH for consideration of a waiver from this requirement, the Department has no record of NYSDOH having approved this request. If the NYSDOH has approved of this request, this correspondence should be included in the FEIS.

Response 3.5-3 (Page 3.5-1)

Well field production remains questionable. See comment to Response 3.5-10.

Response 3.5-7 (Page 3.5-4)

Within this section it is stated that "there is an adequate supply of groundwater for the whole and complete project." This has not been so demonstrated to date.

Response 3.5-10 (Page 3.5-5 to 6)

The project sponsor was asked about pumping level stabilization during a pump test. The response quoted only a section of the NYS DEC Recommended Pump Test Procedures. The part of the stabilization definition that was quoted was: "water level that has not fluctuated by more than plus or minus 0.5 feet for each 100 feet of water in the well (i.e., static water level (SWL) to bottom of well) over at least a six hour period of constant pumping flow rate."

However, the proceeding sentence was omitted: "The plotted measurements shall not show a trend of decreasing water level." The project sponsor must re-evaluate stabilization of pumping based on the full definition of stabilization.

Page 3.5-9, Golf course irrigation.

The project sponsor's drought mitigation measures include "Replacing some or all of the surface water from Lost Lake with groundwater." The project sponsor must clarify where this groundwater would come from. Would it be diverted from the wells used for water supply? Would dedicated irrigation wells be installed? If so, could it be proven that such wells would not interfere with already stressed (due to drought) public water supply wells? Perhaps one mitigation measure should be to allow the grass to go dormant in a drought.

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Note: in Response 3.5-16 the project sponsor states that one mitigation measure is to reduce the acreage that is irrigated, and perform manual watering. At some point there should be a formal mitigation measure and it should include when such measures are implemented and what the ensuing steps of decreased irrigation will be as drought continues.

Additional comments on Water Supply will likely be generated during the Water Supply application review process.

Wetlands

As previously indicated, all disturbances within the wetlands and their 100-foot adjacent areas (AA) must be avoided to the maximum extent practicable. Additional comments will likely be generated on impacts to wetlands during the Article 24 Freshwater Wetlands application review process.

Wildlife Ecology

Response 3.4.1

Maintaining a 100 foot buffer around a wetland does not mean there will be no adverse impact to wetland species. The 100 foot wetland adjacent area was put in place as a measure to assist in maintaining the water quality of state regulated wetlands.

Response 3.4-2

Within this response it is stated that Forest Interior Bird species would continue to use wetland buffer area and forest left on adjoining house lots. Forest Interior bird species should be clearly defined. Further, wetland buffer areas and forest areas of house lots typically act more as edge habitats than forest interiors. This area needs further clarification. A habitat map clearly identifying what habitat areas they are referring to would be beneficial.

Response 3.4-7

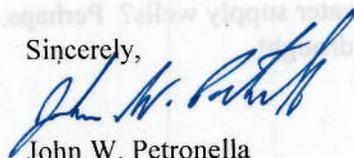
Department staff is still reviewing this information related to Bog turtle. See comment to Response 3.4-8 below.

Response 3.4-8

Within this response, it is discussed what impacts are proposed to areas located in proximity to turtle nesting habitat. This information should be clearly depicted on a map.

A more detailed review of issues related to water supply, wastewater discharge stream and wetland impacts will be completed during the Departments review of the applications required for this project. Thank you for providing the Department the opportunity to review the DEIS. If you have any comments or questions, or would like to discuss further, please feel free to contact me at 845-256-3041.

Sincerely,



John W. Petronella
Environmental Analyst
Division of Environmental Permits

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