

3.11 Community Facilities and Services

Comment 3.11-1 (Planning Board Meeting, November 10, 2011, James Creighton): I suggest that it is completely opposed to what was stated in the comprehensive plan. I also note that the DEIS makes certain statements with respect to the number of school-aged children in the project. It just doesn't jive with the kind of numbers that, I think, the town should know from its own experience of the number of people who would be school-aged in a community of this size. I believe for 200 plus units there are accounting for about 160 school-aged children. It just doesn't make sense based on the numbers that is explained, the kind of community it's going to be, the expectation that it's going to be seasonal but if you read the DEIS, they state that there will be at least a third of the units owners would be seasonal.

Response 3.11-1: The Raleigh and Heiden properties development will be a religious community of homes built to a year round use standard as required by the NYS Building Code, but used seasonally. It is not expected that there will be any school children attending public schools as this community schools its children in private religious schools. Communication with the school districts has indicated that there are no children from this population from similar developments in the Town of Fallsburg attending public schools in Fallsburg. Nor are transportation or special education provided. The taxes contributed to the school district will therefore have no associated costs in school district services.

The discussion in the DEIS of the impact of a secular community occupying the proposed development was made to disclose what the anticipated impact of the development would be if it were marketed to a non religious community. This analysis was undertaken to illustrate the required SEQR "worst case scenario". The population in this "worst case scenario" was assumed to be a cross section of all the current Town of Fallsburg households. However this is not the intended market for these homes as is clearly evidenced by the site design and other special features of this plan which are specifically geared to the religious community.

Comment 3.11-2 (Planning Board Meeting, November 10, 2011, James Creighton): That's two thirds that aren't seasonal and that is a concern as well. If this were to be in some way limited to seasonal homeowners that might be one thing. But this is clearly a project of size and scope that the town should be expecting that it's not seasonal forever. So the infrastructure that is there, the impacts are going to be, if not an issue initially, they very likely will be long-term, year-round impacts. We can't ignore that even though the expectation maybe from the developer that a third of them are seasonal. A third is not all. And you take a community like Pleasure Lake, the Fallsburg Fishing and Boating Club, which is seasonal, there are constrictions for every member that they must remain seasonal. Anybody around the lake that is on lake property, the houses and the usage needs to be seasonal. This, I don't expect, there is any mechanism to ensure that the residents are going to maintain seasonal use. They own a home. They own a unit. I would expect they would have the right opportunity to use it as they would for as long as they wanted to year-round or not. So, the town does need to take that into account. We're very concerned about Pod 4, the side that requires the utilities to be brought underneath the Sheldrake stream. The club is upstream from this stream, any disturbance of the Sheldrake stream should be disturbing to the town, to any of the public. Just the idea, and I know we can engineer anything, but to place sewage pipes underneath a pristine stream like the Sheldrake stream is asking for trouble. I know the expectation is to build it well and to maintain it well, but accidents happen. Seeing the Sheldrake stream, I think it's a great property, I think it's something that will be a real benefit to this community. But you don't run into a

situation where it's foul(?). Is there any expectation that the waterfalls and the large rock elevation changes are going to be disturbed in any way by the construction along the Sheldrake stream? I think between Pod 2 and Pod ³ there is a large waterfall area.

Response 3.11-2: *Please refer to Response 3.11-1 regarding the anticipated seasonality of residents and particularly the use of school facilities. Note that even if this development were to become a year round community, the roads and wastewater facilities are private and therefore would not impact the Town's service provisions.*

With regard to the Sheldrake Stream crossings for water and wastewater supply to the easterly cluster, the engineering design will be of subject to NYS Department of Environmental Conservation review and approval and will therefore be subject to the highest standards of design.

Comment 3.11-3 (Planning Board Meeting, November 10, 2011, James Creighton): Will the town be requiring the developer to be providing a recreation fee to the town? Or is there placement of pools and tennis courts for only their residents something that will exempt from the set aside of property that could be used for a town park or money in lieu of land? In the case they choose not to the town chooses not to accept the land. I think the set aside of tennis courts and pools for only that community doesn't satisfy the state law that requires that the developer set aside land for town use to offset the recreation impacts. That should be looked at. I didn't see recreational impacts listed in the DEIS. I may have missed. I'm not sure what the money... fund looks like for the Town of Fallsburg.

Response 3.11-3: *The recreation facilities provided on the project site will be private. The project sponsor does not propose to donate land for public recreation, and will remit to the town any recreation fees required by law.*

Comment 3.11-4 (Planning Board Meeting, November 10, 2011, James Creighton):

Absolutely. I just want to because that is the case, the questions that are raised or the issues that are raised that would be dealt with by the planning board and by the developer in the final DEIS and whatever action may be dealt with later is that if two thirds of the units are not seasonal, as is stated in the DEIS, and that may be a worst case scenario, are not those school children who may be going to religious academies or schools, don't they have an opportunity, an expectational right to the global school district providing certain services to those children particularly in the developmental needs situations or otherwise? It suggests there is no impact because they're all going to religious schools, doesn't give the full nature of what's happening. I would just like the board to recognize that when we look at the taxes that will be generated from this, the kinds of needs that would be presented or developmentally disabled children or otherwise require city, town or school district services and would have a right to that as has been demonstrated in Monroe and various other places that that's a huge draw from the local school district and local tax payers would be making up that difference. So that's a concern that should be explored.

Response 3.11-4: *See Response 3.11-1.*

Comment 3.11-5 (Letter to Planning Board, December 16, 2011, Robert Geneslaw): Page 3.11- 9,10. Discusses the Pleasure Lake Dam, the recent engineering studies and construction of a new emergency spillway. The narrative also indicates that the impacts of extreme rain events during the summer and fall of 2011 on the Sheldrake Stream and the Pleasure Lake Dam will be "discussed" in the FEIS. It is assumed that the discussion will include an analysis.

Response 3.11-5: *The project engineer observed the stream corridor after the storm and noted that the high water did not compromise the dam or downstream stream banks or other facilities in the Town.*

Comment 3.11-6 (Letter to Planning Board, December 16, 2011, Robert Geneslaw): Page 3.11-10. In the discussion of potential impacts from flooding in the event of a catastrophic failure of the Pleasure Lake Dam, the fourth paragraph identifies two utility lines and a stormwater basin that could be potentially affected. The following paragraph indicates that “a dam failure will not result in any road closures or interruptions of utility services for the Raleigh and Heiden properties”. These statements seem to be inconsistent.

Response 3.11-6: *The utility lines that might be impacted are existing and would be upgraded as part of the development plan. The stormwater basin might be temporarily impacted but in any event is not designed to mitigate a dam failure.*

Comment 3.11-7 (Letter to Planning Board, December 16, 2011, Robert Geneslaw): Page 3.11-11. Mitigation measures relating to protection of the Pleasure Lake Dam indicates that blasting for site development is not anticipated or proposed, but if found to be necessary would be carried out in accordance with a Blasting Protocol to be developed specifically for this project, to be based on state and local regulations. It is recommended that at a minimum an outline of the elements to be provided in a Blasting Protocol be provided in the FEIS, and that the Fallsburg Fishing and Boating Club and its engineering consultants that prepare the dam analysis and designed the emergency spillway be provided an opportunity to review and comment on the Blasting Protocol outline.

Response 3.11-7: *having further reviewed the necessity for blasting, the project engineer who has extensive experience in the Town, has concluded that blasting will not be necessary. Therefore blasting protocol is unnecessary.*

Comment 3.11-8 (Letter to Planning Board, December 16, 2011, Robert Geneslaw): Page 3.11-11. Refers to Solid Waste. Does the estimate of tons of waste per year reflect the anticipated seasonal occupancy of the development?

Response 3.11-8: *Check.*

Comment 3.11-9 (Letter to Planning Board, December 16, 2011, Fallsburg Fishing and Boating Club, James Creighton): the Planning Board should require that the applicant, as a condition of any approval, contribute recreational fees calculated on the dwelling unit/duplex count resulting from any approved site plan. If the Planning Board determines that it is desirous that the applicant be required to dedicate land for a recreation area, then such land must be available to all Town residents and be of street frontage on at least one street of at least three hundred (300) feet, and that no dimension of the site be less than two hundred (200) feet.

Response 3.11-9: *See response 3.11-3.*

Comment 3.11-10 (Letter to Planning Board, December 16, 2011, Fallsburg Fishing and Boating Club, James Creighton): We understand that the Town has currently set its recreation fees at \$300 per dwelling unit or \$600 per duplex unit; those fees should not be

waived for any reason other than for deeding parkland to the Town valued in excess of the recreation fee amount that would otherwise be due to the Town.

Response 3.11-10: See response 3.11-3.

Comment 3.11-11 (Letter to Planning Board, December 16, 2011, Fallsburg Fishing and Boating Club, James Creighton): While the impacts to existing community services (including police, fire protection, and emergency services) should specifically address the impacts of such a densely populated project (with 236 single family and duplex dwelling units, accessory recreation facilities along with the 230 room hotel facility), the DEIS itself constantly mixed apples with oranges and failed to provide the Town and public realistic and accurate data upon which to weigh the project's potential impacts. Such a large, dense project will undoubtedly place significant stresses on an already overtaxed rural community, and the tax collection projections set forth in the DEIS appear to be inaccurate and misleading.

Response 3.11-11 See response 3.11-1.

Comment 3.11-12 (Letter to Planning Board, December 16, 2011, Fallsburg Fishing and Boating Club, James Creighton): As set forth in the DEIS (DEIS page 3.11-2) and in the notifications sent to all the interested community service providers (including letters sent by Ann Cutignola of the applicant's consultant Tim Miller Associates, Inc. on April 1, 2011 to Police Chief Williams, the Fallsburg Fire District, Town Engineer Will Illing, MobileMedic EMS, Fallsburg Ambulance and Superintendent Dr. Katz), the proposed total projected population would be 918 people which would include 363 school-aged children. (See, DEIS Appendix A) Despite the clear undercounting of the proposed population in light of the applicant's statements regarding the target community and the Town's own experience, the DEIS provides a baseline for the Planning Board to assess the project's impacts.

Response 3.11-12: See response 3.11-1.

Comment 3.11-13 (Letter to Planning Board, December 16, 2011, Fallsburg Fishing and Boating Club, James Creighton): While the applicant attempts to minimize the impacts of the project throughout the DEIS by suggesting that the population will be "seasonal" and "religious" and thus will not be utilizing any school services, such a suggestion is simply not credible. If the applicant were to restrict the community to summer seasonal use (as the FF&BC does), perhaps the applicant might gain traction on that argument. But the reality is that these single family and duplex homes are going to be built as year round homes and will (hopefully) be attractive and inviting for its residents. If that is the case, what is to stop residents who purchase these valuable units from living in them year-round. In fact, the applicant states that these units will have a market value of \$225,000 each for both the four bedroom single family dwellings and the four bedroom duplex units. It can reasonably be expected that, even if the intention of the current applicant is to market these homes as second homes, purchasers will choose to live in these homes on a year-round basis.

Response 3.11-13: See response 3.11-1.

Comment 3.11-14 (Letter to Planning Board, December 16, 2011, Fallsburg Fishing and Boating Club, James Creighton): It is respectfully submitted that the developer's use of the Town's "local housing trend" of 32.9% of housing in the Town of Fallsburg as occupied by seasonal residents in order to minimize the project's population is completely inappropriate and

underestimates the true impacts the proposed development will have on the community. One need only take a short drive around the Town to recognize that certain residences are only habitable on a seasonal basis; where new housing stock is built for year round use and there are no limitations on use for seasonal purposes only, there is no reasonable or legal justification for evaluating the development and its impacts by factoring the 32.9% seasonal housing trend.

Response 3.11-14: See response 3.11-1.

Comment 3.11-15 (Letter to Planning Board, December 16, 2011, Fallsburg Fishing and Boating Club, James Creighton): The net tax estimates presented by the applicant in the DEIS are completely unreasonable and do not provide accurate data as required by SEQRA. Notwithstanding the applicant's attempt to squeeze this project in under the prior zoning's bungalow colony density, these homes are being built as year-round homes. They are not restricted in any way, legally or otherwise, to seasonal use. Accordingly, the applicant may not present aspirational data and commentary tending to favor net tax benefits to the Town when the reality is quite different.

Response 3.11-15: See response 3.11-1.

Comment 3.11-16 (Letter to Planning Board, December 16, 2011, Fallsburg Fishing and Boating Club, James Creighton): Furthermore, the reasoning behind the "expectation" of seasonal use is without any solid support. The DEIS states – after conceding that the units are "constructed for year-round use" – that: "based upon the seasonal amenities provided, i.e. swimming pools and tennis courts, it is anticipated the dwellings will be used primarily for seasonal use." If that is the "basis" for the assertion that the community will be exclusively seasonal, the Planning Board need only look at the similar amenities provided throughout New York State for primary housing to determine that such an assertion is unfounded.

Response 3.11-16: See response 3.11-1.

Comment 3.11-17 (Letter to Planning Board, December 16, 2011, Fallsburg Fishing and Boating Club, James Creighton): Only if the proposed community were to place deed restrictions, covenants or cooperative rules restricting usage as seasonal only (and measures were taken to enforce those rules), would the Town have a basis to accept a developer's aspirational assertion of intention. Here, all indicia point to year-round usage, and the SEQRA documents should fully reflect 100% usage of the proposed project as year-round housing.

Response 3.11-17: See response 3.11-1.

Comment 3.11-18 (Letter to Planning Board, December 16, 2011, Fallsburg Fishing and Boating Club, James Creighton): Accordingly, based "strictly on the proposed number of residential units" (DEIS at page 3.11-7), it appears that the 236 units multiplied by the 3.89 population multiplier will result in 918 persons under SEQRA – not "seasonal persons." Likewise, the 236 units multiplied by the standard 1.54 school aged child multiplier will result in 364 new school children that must be accounted for in the Fallsburg and Monticello School Districts (not 142 or, as the DEIS suggests, zero). This is a huge impact that might easily push the Fallsburg Central School District well over capacity in its elementary school level, forcing the building of a new elementary school or an addition to the existing Benjamin Cosar School with several new classrooms at great cost to the Town as a whole.

Response 3.11-18: See response 3.11-1.

Comment 3.11-19 (Letter to Planning Board, December 16, 2011, Fallsburg Fishing and Boating Club, James Creighton): Such impacts may not be brushed aside. To ignore them would be devastating for the school district and those that pay property taxes in the Town. Again, these statistical demographic multipliers may result in underestimating the true impact, but they are updated standard multipliers that are used so that developers will not claim “pie in the sky” tax benefits when the data suggests otherwise. The data also do not take into account the needs for schooling and supporting developmentally disabled students and students that require special aid. Such costs often far exceed any property tax amounts received from a development that introduces such students to the district. New York schools are required to educate all students, and the districts often bear the costs for such special needs children – even in “religious” communities as the applicant describes his target population.

Response 3.11-19: See response 3.11-1.

Comment 3.11-20 (Letter to Planning Board, December 16, 2011, Fallsburg Fishing and Boating Club, James Creighton): The FF&BC respectfully requests that the Planning Board reject the applicant’s flawed reasoning and analysis, and require the applicant to evaluate the proposed development for all potential impacts (as SEQRA requires) at its full build-out is, the applicant’s description of the target population for these homes as “religious” suggests that the population multiplier of 3.89 persons per four bedroom unit and the standard school aged multiplier of 1.54 (and especially the manufactured inappropriate multiplier of 0.6 suggested by the developer) are woefully under-representative of the likely actual development potential population if the project were to proceed to full build-out.

Response 3.11-20: See response 3.11-1.

Comment 3.11-21 (Letter to Planning Board, December 16, 2011, Fallsburg Fishing and Boating Club, James Creighton): Likewise, the applicant states that the proposed development will generate 1.61 tons of solid waste per day, resulting in 586 tons of waste per year. No effort is made to qualify the amount of waste entering the waste stream based upon “seasonal” use arguments. As SEQRA requires, the applicant provided base data of 3.5 pounds of refuse per person for the projected 918 residents for the total amount of (unsustainable) annual solid waste to be generated by the proposed project. It appears that no effort was made to qualify the costs since the waste removal function will not be subject to the public’s tax scrutiny.

Response 3.11-21: Check.

Comment 3.11-22 (Letter to Planning Board, December 10, 2011, Robert Pinckney): We are cabin owners and members of the Fallsburg Fishing and Boating Club. After reviewing the environmental impact statement of the Raleigh and Heiden Development we are concerned about the increased demands on (already stressed) town services.

Response 3.11-22: See response 3.11-1.

Comment 3.11-23 (Letter to Planning Board, December 10, 2011, Jerry Chiocchio): Seasonal?: When reading the report it was confusing to me as I was not sure if these units were

considered seasonal or full time residence. It seems to me they were being constructed as full time residences. I am hoping that the Town Planning Board will review this again.

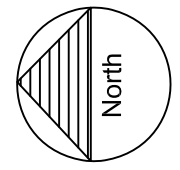
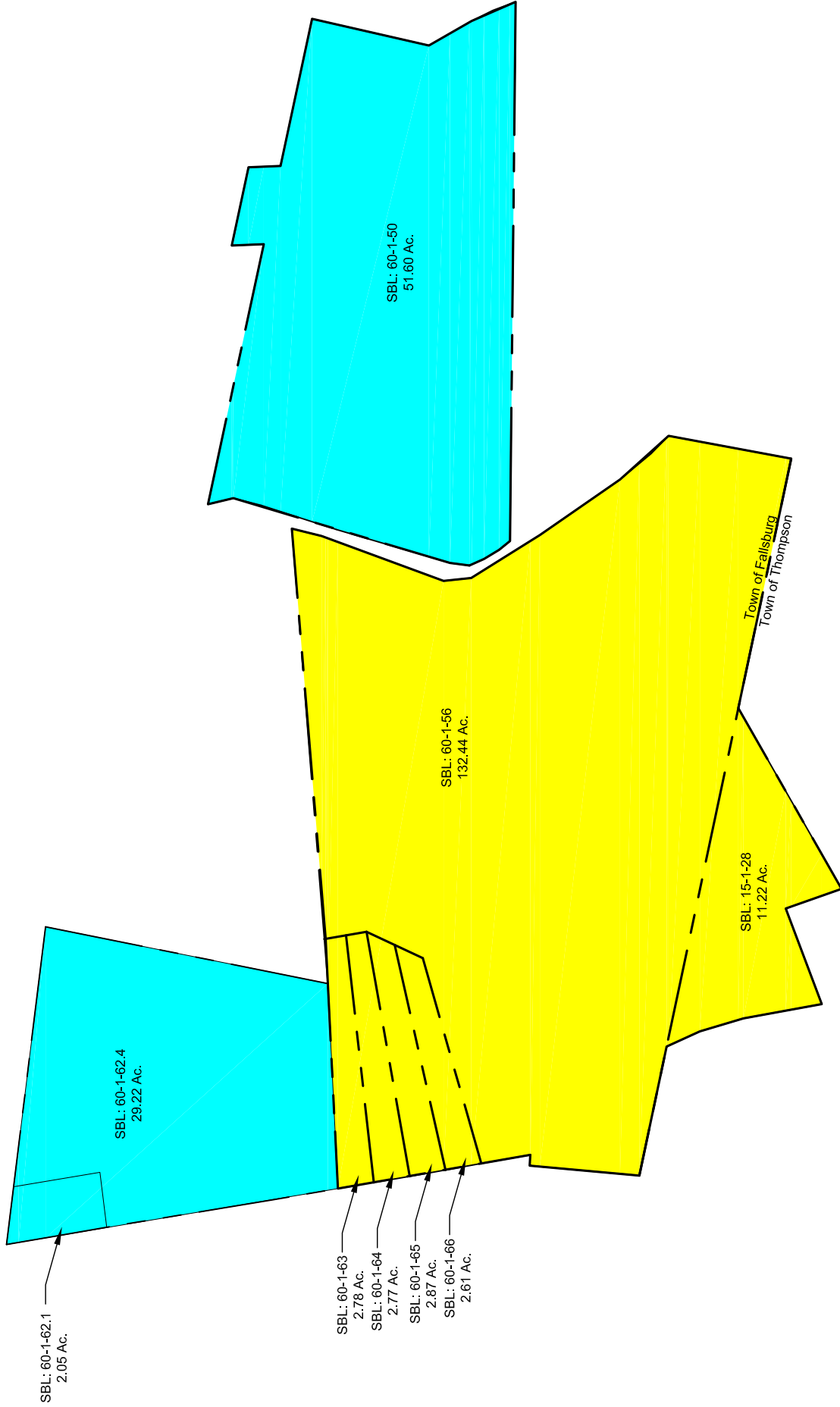
Response 3.11-23: See response 3.11-1.

Comment 3.11-24 (Letter to Planning Board, December 10, 2011, Jerry Chiocchio): Impact to the community: Please review the total impact to the local government, police, schools, etc. This increase of the total units proposed will be a big burden to our community and I do not feel the revenue stream from taxes will cover this burden, especially if they are still classifying the units as seasonal.

Response 3.11-24: See response 3.11-1.

Comment 3.11-25 (Letter to Planning Board, December 12, 2011, Bob Abbott): Municipal services such as fire, police, sanitation, etc. would be severely overwhelmed. The local schools and related support to them can barely handle the community they now serve.

Response 3.11-25: See response 3.11-1.



- Legend**
- Fallsburg School District
 - Monticello School District

Figure 3.11-1: Tax Parcel by School District
 Raleigh and Heiden Properties
 Town of Fallsburg, Sullivan County, NY
 Scale: 1" = 600'

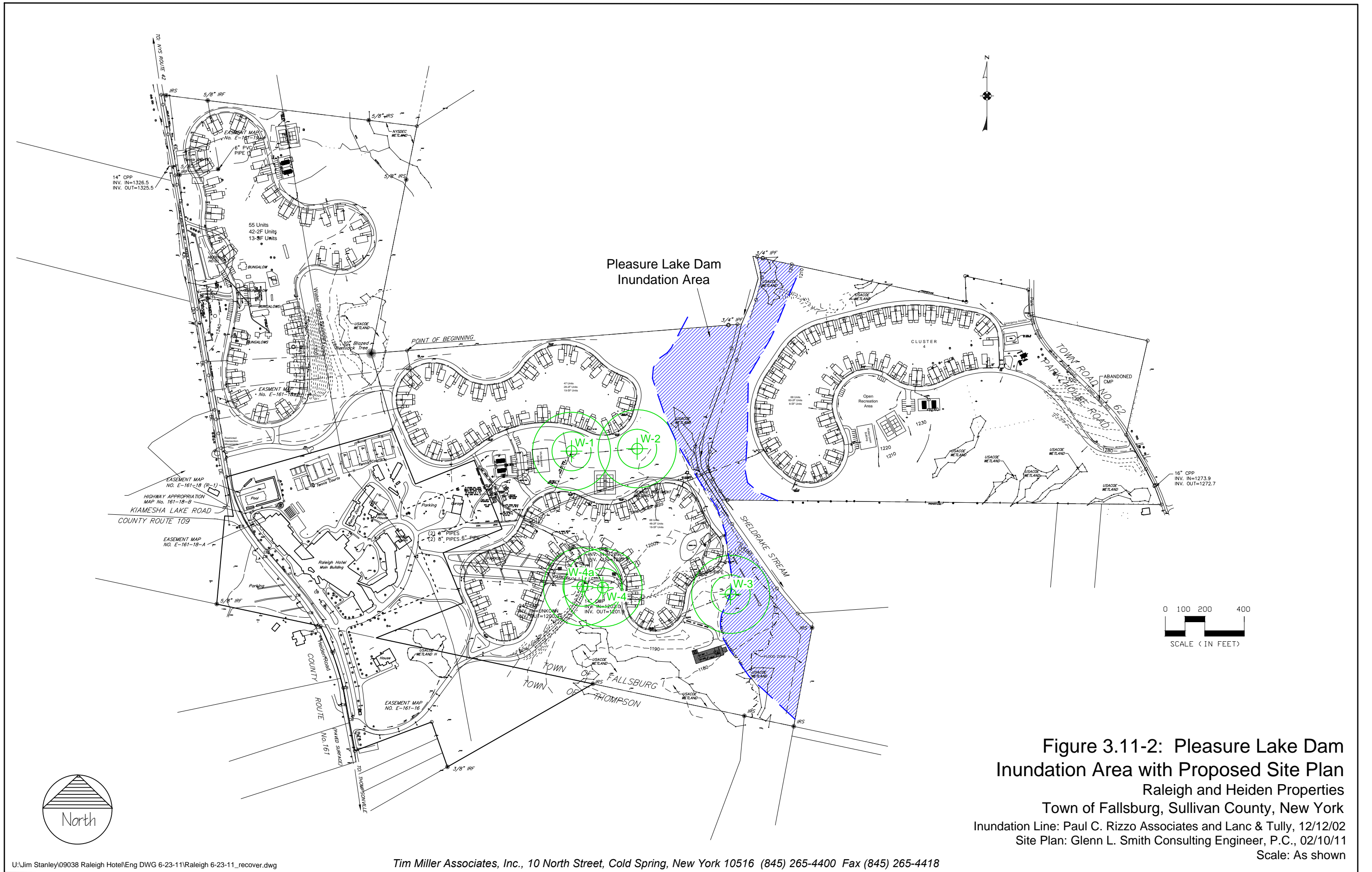


Figure 3.11-2: Pleasure Lake Dam Inundation Area with Proposed Site Plan
 Raleigh and Heiden Properties
 Town of Fallsburg, Sullivan County, New York
 Inundation Line: Paul C. Rizzo Associates and Lanc & Tully, 12/12/02
 Site Plan: Glenn L. Smith Consulting Engineer, P.C., 02/10/11
 Scale: As shown