

State of New York - County of Sullivan
Town of Fallsburg - Town Board

In the matter of the Application of /
CONGREGATION MAZAH /
/
for a Hardship Variance from the Town's /
Residential Moratorium Local Law /

**Verified Petition for Relief from
Moratorium**

The Petitioner, CONGREGATION MAZAH, by its attorneys, KALTER, KAPLAN, ZEIGER & FORMAN, hereby submits this Petition for a hardship variance from the application of the Town's Residential Moratorium Local Law (the "Moratorium Law"), and in furtherance thereof, respectfully alleges as follows:

1. The Petitioner is the owner of three parcels of real property located off of Avon Lodge Road in the Town of Fallsburg, known as Town of Fallsburg SBL 56.-1-38.1; 56.-1-59; and 56.-1-61.1 (collectively the "Property").

2. The Petitioner is a reluctant owner of the property. One of the members of the Petitioner's Congregation in Brooklyn, New York, requested that the Petitioner provide financial assistance with respect to a real estate development project that such person wanted to pursue in Sullivan County, New York. Because of a long standing relationship with the Petitioner, and because many of the potential homeowners were anticipated to be members of the Petitioner's congregation, the Petitioner agreed to provide financing in connection with the proposed development project. The financing provided by the Petitioner was in the amount of \$1,250,000.00. Unfortunately, that development project never was completed, and the proposed developer was unable to repay the loan that had been made by the Petitioner. In settlement of the foregoing, the Property was conveyed to the Petitioner in satisfaction of the debt due and owing to the Petitioner. At the time of the conveyance, the unpaid balance due and owing to the Petitioner, with interest, was excess of \$1,300,000.00. In addition, the Petitioner incurred costs and expenses in connection with the aforementioned transaction, including, attorneys fees and engineering costs. All together the Petitioner's investment in the Property at the time of acquisition was in excess of \$1,350,000.00. Copies of the documentation applicable to the Petitioner's acquisition of the Property, including the applicable purchase agreement and closing statement, can be provided to the Town Board, upon request.

3. Inasmuch as the Petitioner was not a purchaser of the Property with the intent of pursuing a development plan applicable to the Property, at the time that the Petitioner acquired the Property, the Petitioner had no plans for the intended use of the Property.

4. The Petitioner's first efforts were to try and find a buyer for the Property. Unfortunately, the Property is located in a zoning district for which development of the Property is less favorable for development by the Orthodox Jewish community; among other reasons, the Property is not located within either the Town sewer or water districts. Accordingly, the Petitioner was unable to find a Purchaser of the Property.

5. In an effort to make the Property more marketable, the Petitioner approached the Town Board on several occasions in an attempt to obtain an extension of the Town's water and sewer district to include the Property, and to obtain a more favorable zoning district classification for the Property. As the Town Board should recall, the Petitioner was willing to spend significant money for the foregoing to be accomplished, including investing of the funds necessary for the Town to renovate the sewage treatment plant that the Town had acquired from the Village of Woodridge.

6. Notwithstanding the foregoing efforts by the Petitioner for a zoning change and for an extension of the Town water and sewer districts, the Town Board was unwilling to agree to any of such changes. Accordingly, it became clear to the Petitioner that the Petitioner would be unable to sell the Property to a real estate developer who would develop the Property as a Summer recreational housing community, similar to the many residential housing communities that had previously been approved by the Town of Fallsburg Planning Board.

THE PROJECT

7. When it became clear to the Petitioner that the Petitioner would be unable to develop the Property as a housing development, the Petitioner explored different alternatives. Eventually, in 2013, the Petitioner determined to develop the Property as a Summer camp with a focus on the Orthodox Jewish community, which Summer camp would provide for religious education to the participants of the Summer camp. Although the Petitioner had not previously operated a Summer camp in Sullivan County, New York, or elsewhere, the Petitioner does operate several religious schools in Brooklyn, New York. As such, a Summer camp which would provide religious education and training to the participants would be the type of project that is within the experience of the Petitioner.

8. The Project now pending before the Town of Fallsburg Planning Board (the "Project") involves the construction of a religious education Summer camp for approximately 800 to 900 students, plus staff, with an expected occupancy of approximately 900 persons. The Project would be located at the former Avon Lodge Hotel property on approximately 150 acres. The Project would include 25 single family homes (staff housing), 21 four-plex dormitory buildings and 10 dormitory buildings. The single family homes would be for teaching staff. The four-plexes would be for married students and staff and the dorm would provide housing for the unmarried teenage students. The Project would also include a kitchen/dining building and a synagogue building with classroom facilities. Recreation areas proposed include a gym, swimming pools, and, tennis and basketball courts. The Property is approximately 150 acres of which approximately 25 acres on the easterly portion of the Property would be the center of the initial improvements to be made to the Property.

9. Application to the Planning Board was submitted during the year 2014. After extensive review, the Town Planning Board determined that the Project may have significant environmental impacts, and therefore, determined that a full environmental assessment form for the Project would need to be submitted.

10. Upon review of the environmental assessment form, part 2, and after multiple meetings with the Town Planning Board and Town Planning Board staff members, including the Town Planning Board engineer, the Town Engineer and the Town Planning consultant, the Town Planning Board determined that the Project might have significant environmental impacts and as a result, the Town Planning Board determined to issue a positive declaration under SEQRA, thereby requiring the submittal of an environmental impact statement.

11. Subsequent to the determination that the Project would receive a positive declaration pursuant to the SEQRA regulations, representatives of the Petitioner again attended multiple Planning Board meetings and multiple meetings with Town Planning Board staff, including engineers and consultants, in an effort to prepare a scoping document which would set forth the items that would need to be considered in connection with the preparation of the Petitioner's environmental impact statement. A copy of the scoping document which was approved by the Town Planning Board is annexed hereto as Exhibit "A".

12. Subsequent to adoption of the scoping document by the Town Planning Board, the Petitioner began the process of preparing the environmental impact statement, and, in furtherance thereof, retained one or more environmental consultants, including Ecological Analysis and engineers, including Wasson Engineering, and the consultants retained by the Petitioner began the process of preparing the environmental impact statements. To that end, the Petitioner retained a traffic consultant, Creighton Manning Engineering, LLP, to prepare a traffic study; said entity performed traffic counts during the summer of 2015, which will be incorporated in the environmental impact statement. Also, an archeologist was hired, and that report is expected at the end of this month.

13. Annexed hereto as Exhibit "B" is a chronology of tasks performed by Wasson Engineering in connection with this Project. In addition, the environmental consultant of the Petitioner, Ecological Analysis, in addition to preparing the Scoping Document and working on the environmental impact statement, also prepared a wetland study of the site. As should be clear from the foregoing, the Petitioner has invested significant funds with respect to the environmental issues associated with this Project, and the consultants that the Petitioner hired have spent a great deal of time investigating the environmental impacts of the Project.

14. Unfortunately, the consequence of a positive environmental impact statement and the significant costs and expenses associated therewith, was far beyond the funds that the Petitioner had budgeted for the environmental review of this Project. Accordingly, and as reflected in the report annexed hereto as Exhibit "B", from May of 2015 to the current date, the Petitioner asked the consultants to pause and not continue to move full speed ahead with respect to this Project. In

addition, the Petitioner began efforts to raise the funds in order to be in a position to pay for the costs and expenses anticipated for the environmental impact statement.

15. Among the fund raising efforts of the Petitioner was the determination to sell a valuable property that the Petitioner owned in Brooklyn, New York. The purpose of the sale was to raise the funds to pay for the environmental impact statement applicable to this Project.

16. During the year 2015, the Petitioner entered into a contract to sell a Brooklyn property, for a selling price of \$2,100,000.00. One of the conditions of sale was that the sale be approved by the New York State Attorney General and that the Petitioner obtain a court order allowing the Petitioner to sell the Property. The foregoing approvals by the Attorney General and the requirement of a court order are required in all instances when a religious corporation sells property that it owns.

17. To obtain approval from the New York State Attorney General and to obtain the required court order, the Petitioner hired an attorney in Brooklyn, New York. The attorney was experienced in matters of this nature. However, even though the Petitioner hired an experienced attorney the process of obtaining Attorney General and court approval took almost a year to accomplish. Ultimately, on March 15, 2016, the closing of the sale of the property in Brooklyn, New York was accomplished and the Petitioner is now ready to move forward with this Project. Unfortunately, because of the Moratorium Law, the Petitioner is unable to do so.

FINANCIAL HARDSHIP

18. As discussed in Paragraph "2" above, the Petitioner acquired the Property in exchange for a debt due and owing to the Petitioner. As set forth in said Paragraph, the total acquisition costs to the Petitioner was in excess of \$1,350,000.00.

19. In addition to the purchase price for the Property, the Petitioner has incurred significant additional expenses in connection with the Project by way of engineers, attorneys, consultants and fees to the Town, including payments to the Town Engineer and the Town Planning consultants. Annexed hereto as Exhibit "C" is a schedule of all of the costs and expenses incurred by the Petitioner, to date, the total of all of the foregoing being \$170,500.00.

20. Thus, as of today's date, the Petitioner has invested in this Project, the acquisition costs and the costs of approval, for a total of \$1,520,500.00 (\$1,350,000.00 plus \$170,500.00).

21. In addition to the financial expenditures incurred by the Petitioner to date, the Petitioner will suffer irreparable harm in other ways in the event that the Petitioner is not permitted to pursue this Project to completion. Among the additional hardships to be incurred by the Petitioner are the following:

a. As explained in Paragraphs "14" through "17" above, the Petitioner recently completed the sale of a valuable property that the Petitioner owned in Brooklyn, New York. The purpose of selling the property was to raise funds for the Petitioner to continue to pursue this Project. Had funds for this Project not been needed, the property in Brooklyn, New York would not have been sold and the property would have been available for continued use by the Petitioner with respect to the religious schools that the Petitioner operates in Brooklyn, New York. Thus, the Petitioner has liquidated a valuable property for the purpose of pursuing this Project.

b. In furtherance of the religious education programs that the Petitioner provides in Brooklyn, New York, the Petitioner has made commitments to the students and staff that the religious education programs that the Petitioner sponsors and teaches in Brooklyn, New York would soon be continued during the Summer months in Sullivan County, New York. The intention was to complete the Project and during the Summer months relocate the Petitioner's religious education students from Brooklyn, New York to the Town of Fallsburg. The Petitioner invested a great deal of time and energy towards this goal, and has met with numerous rabbis, students, and schools in an effort to coordinate the participation of the programs of the Petitioner in Brooklyn, in Sullivan County, New York, once this project was fully developed. All of such efforts would prove fruitless in the event that the Petitioner is unable to continue to pursue this project.

22. In addition to the costs and expenses already incurred by the Petitioner, and the irreparable harm that the Petitioner would suffer as a result of the required sale of the Petitioner's property in Brooklyn, New York, as heretofore described, the Petitioner has also incurred finance charges with respect to funds paid by the Petitioner towards acquiring the property and for environmental review of the project, loss of investment income with respect to the funds that the Petitioner expended for this Project, and for the costs and expenses of seeking approval, and lost investment opportunities. The foregoing is in addition to real estate taxes that the Petitioner has incurred since the acquisition of the Property, and will continue pending approval of this Project and development and sale (the Petitioner has a case pending in the Supreme Court in Sullivan County, New York, for a determination that the Property should be deemed tax exempt; the Town Assessor and Town Attorney have rejected the Petitioner's claim and the matter is now continuing in court).

RELIEF REQUESTED

23. For the reasons heretofore set forth the Petitioner hereby requests relief from the Moratorium Law, and requests authority to complete the development of the Project.

24. As set forth in detail in this Petition, the exhibits to this Petition, particularly exhibits "A" and "B", it is clear that the Petitioner has invested significant funds towards approval of this Project by way of environmental review, site plan preparation and other matters that need to be investigated for a project of this nature. In addition, having sold the property in Brooklyn, New York, the Petitioner now has the financial resources to continue to pursue obtaining approval for this Project on an expedited basis.

25. The Petitioner has also demonstrated a substantial financial hardship mandating that this Project be allowed to proceed notwithstanding the Moratorium Law. To date \$1,520,500.00 (see Paragraph "20" of this Petition) has been paid for property acquisition costs and development costs.

26. For all of the reasons set forth herein, it is respectfully submitted that the Petitioner has demonstrated that a significant hardship would be incurred, financial and otherwise, in the event that the Petitioner would not be allowed to proceed towards completion of this Project, and that, in such event, Petitioner would suffer irreparable injury, including financial loss of no less than \$1,520,500.00.

END OF PAGE

WHEREFORE, it is respectfully requested that the Town of Fallsburg grant the Petitioner relief from the stay of development provided for by the Town of Fallsburg Residential Zoning Moratorium Law and that this Project be allowed to proceed through the approval process of the Town of Fallsburg Planning Board and any other Town Boards which may require approval for this Project, including the Architectural Review Board and the Building Department.

Dated: Woodbourne, New York
August 18, 2016

Congregation Mazah

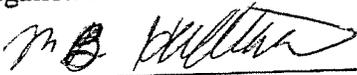
By: 
Moses Halberstam, Vice-President

EXHIBIT "A"

State Environmental Quality Review Act (SEQRA)

SCOPING DOCUMENT

CAMP MAZAH

Planning Board

Town of Fallsburg, Sullivan County, NY

May 8, 2015

INTRODUCTION

This draft Scoping Document is intended to serve as the foundation for the identification of all potentially significant adverse impacts associated with the proposed action and possible mitigation measures. It is also intended to eliminate consideration of any impacts that are irrelevant or non-significant.

DESCRIPTION OF THE PROPOSED ACTION

The applicant, Congregation Mazah, proposes the construction of a summer camp (occupied from the months of July and August) for approximately 800-900 people on the former Avon Lodge Hotel Property located in the Town of Fallsburg, Sullivan County, New York. This development, which would be located on approximately 150 acres, would include 25 single family homes (staff housing), 21 four-plex dormitory buildings and 10 dormitories. The single family homes would be for teaching staff. The four-plexes will be for married students and staff, whereas the dormitories would provide housing for the unmarried teenage students. Proposed facilities of Camp Mazah would consist of a kitchen/dining building and a synagogue with classroom facilities. Recreational areas proposed include a gym, swimming pools, and tennis and basketball courts. The project site is zoned REC-1, Low Density Residential/Recreation District. Access into the project site would be from Avon Lodge Road, Town Route 69. The area of disturbance is estimated to be +/- 25 acres at the easterly portion of the property.

POTENTIAL SIGNIFICANT ENVIRONMENTAL IMPACTS

As set forth in the Positive Declaration adopted by the planning board as Lead Agency, the proposed action will have potential significant environmental impacts on:

- Land and Geology
- Surface Water and Groundwater Resources and Flooding
- Plants and Animals
- Historical and Archeological Resources
- Open Space and Recreation
- Transportation
- Noise, Odor and Light
- Consistency with Community Character and Community Plans

GENERAL SCOPING CONSIDERATION

Unless otherwise directed by this Scoping Document, the provisions of 6 NYCRR 617.9(b) apply to the content of the DEIS and are incorporated herein by reference.

The DEIS will assemble relevant and material facts, evaluate reasonable alternatives, and be analytical but not encyclopedic. It will also be clearly and concisely written in plain language that can be easily read and understood by the public. Highly technical material will be summarized and, if it must be included in its entirety, it will be referenced in the DEIS and included in an appendix.

Narrative discussions will be accompanied by illustrative tables and graphics. All graphics will clearly identify the project area. Footnotes may be used as the form of citing references. Opinions of the applicant will be identified as such.

Full-scale site plans will accompany the DEIS as an appendix and reduced copies of pertinent plan sheets and details will be included in the text of the DEIS. The documents shall contain plans, reports, and studies meeting prevailing Federal, State and Town criteria with respect to all disciplines of study as well as Town of Fallsburg zoning, subdivision and site plan standards.

DEIS CONTENTS

Cover Sheet listing preparers, title of project, DEIS identification, location, Lead Agency, and relevant dates (i.e. date of acceptance, date of public hearing, final date for acceptance of comments).

Table of Contents including listings of tables, figures, maps, charts, and any items that may be submitted under separate cover (and identified as such).

I. EXECUTIVE SUMMARY

The Executive Summary will include a brief description of the proposed action and a listing of all potential environmental impacts and proposed mitigation measures. A summary will be provided of the approvals and permits required, and of the alternatives to the proposed action that are evaluated in the DEIS.

II. DESCRIPTION OF THE PROPOSED ACTION

Chapter 2 of the DEIS will provide a description of the proposed project site and its location, a description of the proposed project, the public need and objectives of the project sponsor, and a description of required approvals, reviews, and permits.

A. Site Location and Description

1. A written and graphic description of the location of the project site in the context of the Town of Fallsburg including existing site access.
2. Description of the environmental setting of the site and the natural resources identified thereon, including proximity to the Neversink River and its associated natural resources.

B. Description of the Proposed Action

1. Written and detailed description of the proposed action, including the proposed use and seasonality of use, acres of land to be disturbed, acreage of impervious area proposed, , recreation facilities proposed, construction schedule, infrastructure ownership and maintenance. Small scale plans will be provided in the DEIS for illustrative purposes.
2. Identify zoning and describe existing and proposed land uses applicable to the project site.
3. Discuss compliance with all Zoning, Subdivision, Special Permit and Site Plan Approval standards and other criteria set forth by the Town of Fallsburg Code and other permit agencies. The DEIS shall identify the extent to which any modifications or waivers of such standards and other criteria or any variances from such regulations would be required to carry out the project as proposed, and changes to the project should waivers or variances not be approved. .
4. Discuss the compatibility of the proposed land use with the character and development trends in the nearby (approximately one half mile) area.

C. Project Purpose and Need

1. Discuss the purpose or objective of the project sponsor.
2. Identify the public need for the proposed action.

D. Approvals, Reviews and Permits

1. List and describe all required approvals, reviews, and permits required, by agency, to implement the proposed action.
2. List all involved and interested Agencies.

III. ENVIRONMENTAL SETTING, IMPACTS, MITIGATION

This section of the DEIS will identify the existing environmental conditions, potential impacts of the action, and proposed mitigation measures as appropriate for each of the major issues identified in this Scoping Document. Sufficient detail should be provided so that reviewers are able to gain an understanding of current conditions and impacts.

The format or organization of this section will include the following subsection headings for each topic or impact issue:

Environmental Setting
Potential Impacts
Mitigation Measures

This format provides for a more meaningful presentation of the environmental issues that allows the reader to focus on individual impact issues.

A. Land and Geology

1. *Land*: Soils will be mapped in accordance with the *Soil and Water Conservation District Soil Survey for Sullivan County, New York and / or the USDA Web Soil Survey*.

Evaluation of site soils will include the following:

- a. Identification of soils;
 - b. Soil characteristics;
 - c. Where necessary on-site soil sampling will be undertaken
 - d. Construction methods and best management practices that will be employed to lessen erosion and to prevent sediment from migrating off-site or into nearby waterbodies and wetlands based on NYSDEC criteria;
 - e. The DEIS will describe the detailed soil erosion and sediment control plan that will accompany the text description of specific designs to be implemented during construction.
2. *Topography*: A topographic survey based on a two-foot contour interval will be carried out. Existing and proposed contours will be mapped.
 - a. A grading plan will be provided and described.
 - b. A cut and fill analysis will be provided, including an analysis of the disposal of excess cut or the import of fill materials.
 3. Mitigation Measures, if necessary

B. Surface and Ground Water Resources and Flooding

1. Surface Water Resources

- a. Describe and identify graphically surface water resources, and wetlands, on, and in the vicinity of, the project site. The 100-year floodplain will be illustrated. An onsite wetland delineation shall be performed and a wetlands report shall be provided.
- b. Wetland delineations and datasheets will be prepared in accordance with the 2012 interim ACOE Interim Northcentral and Northeast Region manual as required by the Army Corp of Engineers and by the 1995 NYSDEC Wetland Manual.
- c. An onsite wetlands delineation shall be performed and a wetlands evaluation report shall be provided.
- d. Calculate the area of proposed wetland disturbance based on grading plans to quantify any impact and to provide a basis for degree of mitigation.

- e. Construction methods and best management practices that will be employed to lessen erosion and to prevent sediment from migrating off-site or into nearby waterbodies and wetlands based on NYSDEC criteria;

2. Groundwater Resources

- a. A Drainage Report defining existing and post development (i.e. Proposed Action) peak rates of stormwater runoff and stormwater quality treatment during the statistical 1, 10, and 100 year, 24-hrs storm events will be submitted. The results of this study will be summarized in the DEIS text and all supporting calculations will be presented in the appendix of the DEIS.
- b. Calculations of pre- and post-development stormwater runoff quality and outline of treatment methods will be performed per current NYSDEC Design Standards.
- c. Include a Stormwater Pollution Prevention Plan (SWPPP) that includes an Erosion and Sediment Control Plan to be implemented during construction and a Stormwater Management Plan that includes measures to treat stormwater following construction. The SWPPP shall include a discussion of its compliance with current NYSDEC Design Standards.
- d. Mitigation, if necessary.

C. Plants and Animals

1. Plants

- a. Contact the NYS DEC to identify and evaluate the possible presence of unique, rare and/or endangered, threatened and special concern species.
- b. Conduct a field investigation to identify existing vegetation and vegetative habitats located on the project site and the presence of unique, rare and/or endangered, threatened and special concern species.
- c. Evaluate the potential impacts on the resources identified and present the methodology and results of the investigation. Mitigate, if necessary

2. Animals

- a. Contact the NYS DEC to identify and evaluate the presence of unique, rare and/or endangered, threatened and special concern species.

- b. Conduct a field investigation of the project site to identify existing wildlife usage and habitats and the possible presence of unique, rare and/or endangered, threatened and special concern species.
- c. Evaluate the potential impacts on the resources identified and present the methodology and results of the investigation. Mitigate, if necessary.

D. Historic and Archaeological Resources

1. Historic and Archaeological Resources

- a. Contact the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) to determine the potential impact on historic and archaeological resources.

- b. Describe the findings of an archaeological investigation that will be performed to State Standards by a professional archaeologist. A Phase 1A literature analysis will be conducted for the entire site (A Phase 1 analysis has been prepared for an adjacent site indicating the probability of archeological resources on that site.) If an onsite investigation is necessary it will be completed at a time to be determined by the Planning Board if it appears that the area of project disturbance may overlap the area in which resources are likely to be found.

- c. Offer mitigation measures proposed, or alternatives considered as deemed advisable, by the professional archaeologist or OPRHP.

E. Open Space and Recreation

1. Ecosystem Services.

- a. The Biodiversity Habitat Assessment surveys will be conducted in accordance with accepted federal and New York State protocols, to document each habitat type, the presence or absence of significant biological communities, and observed and anticipated plant and animal species on the project site.

- b. Research relevant information concerning target species including bird, mammal, reptile, amphibian, aquatic and plant species. This research effort will include assessment of the electronic and published data documenting habitat requirement, diagnostic information and known occurrences of different species and habitat types in the area near the proposed project area.

- c. Conduct field reconnaissance on the project site to evaluate and document existing habitat types and conditions, determine the presence/absence of the potential habitats associated with the species identified during the research effort, and surveys for the individuals of the target species that would be expected to be present on the property. Specific detailed surveys are described below.

- d. All species observed utilizing the property will be documented. Following the field investigation work, a comprehensive Biological Habitat Assessment Report will be prepared that documents the presence or absence of the target species,

describes the species identified, and includes photographs of the habitat areas and conclusions concerning the potential use of the property by the target species. If necessary, the report will also make recommendations concerning the need for additional, more intense surveys or adjustments to the existing plan of development to preserve any significant habitat(s) that may be found.

F. Transportation

1. Traffic Generation Estimates – Identify the times and duration of peak travel periods associated with the camp:

- o Camper arrival – late June
- o Typical operation while camp is in session – July and August
- o Visitor periods – July and August
- o Camper departure – early September

The estimates would identify anticipated peak hourly traffic generation as well as when the peak hours would occur (day of week and time of day). Further, the estimates would identify the projected number of trips by user (i.e. campers, visitors, staff) and by type of vehicle generated (i.e. passenger cars, buses, trucks).

2. Peak Hours - Identify the peak hours for potential traffic impacts to be evaluated based on the trip generation estimates.

3. Study Area Intersections – Data collection would include turning movement counts at the following five (5) study area intersections:

- o Broadway @ Glen Wild Road - Signalized
- o Broadway @ Greenfield Road - Unsignalized
- o Broadway @ Green Avenue – Signalized
- o Tabaczynski Road @ Green Avenue/Roosevelt Avenue – Unsignalized
- o Old Falls Road @ NYS Route 42 – Signalized

The data collection may utilize historic counts collected within the previous three years or new traffic counts. All counts should include heavy vehicles by approach and pedestrians. Traffic counts would be seasonally adjusted as appropriate to represent volumes expected during the summer months.

4. Traffic Forecasts – Traffic volumes would be forecasted and presented for the following three scenarios:

- o Existing Conditions
- o Design Year Without the Development – this would include an appropriate growth applied to the existing traffic volume as well as any known approved development in the area.
- o Design Year With Full Build

5. Traffic Analysis – The traffic analysis would evaluate roadway and intersection characteristics, volumes and traffic control features. Analysis would be completed for the three scenarios during the peak hours identified in order to identify potential impacts associated with implementation of the proposed action.

6. Mitigation – Identify safety improvements or capacity improvements necessary, if any, to mitigate and/or lessen the impact from the project on the adjacent roadway network.

G. Noise, Odor, and Light

1. Discussion of the potential sky-glow impact from the lighting of the proposed project will be evaluated.
2. Mitigation, if necessary.

H. Consistency with Community Plans and Community Character

1. *Consistency with Community Plans*

a. *Land use:*

- i. Describe existing land uses of the project site and the surrounding area.
- ii. Discuss the compatibility of the proposed project with the character and development trends of the surrounding area.

b. *Zoning:*

- i. Describe zoning for the project site and immediate vicinity.
- ii. Discuss the project's compliance with all zoning, subdivision, special permit, and site plan regulations and other criteria set forth by the Town of Fallsburg Code. This discussion shall clearly indicate the extent to which any modifications or waivers of such standards and other criteria or any variances from such regulations would be required to carry out the project as proposed. The discussions will include proposed waivers and variances to be requested from other permit agencies and changes to the project should the requested waivers and variances not be granted.
- iii. Discuss consistencies of the proposed action with the Town's adopted comprehensive plan (Town of Fallsburg, New York, Comprehensive Plan) and other local and county planning documents.

2. Consistency with Community Character

- a) The proposed project may create the need for additional community services including police and fire protection, emergency services, utilities (water and sewer) and solid waste disposal. Each service area will be quantitatively described as to its existing capacity.
- b) The impact of the proposed project on each service area will be estimated, according to generally accepted practices, with consideration to be given to the unique nature of the proposal.

c) Mitigation measures will be discussed as appropriate.

d) Fiscal Impact Analysis –

1. The proposed action will add 25 single family homes, 21 four-plex houses and 10 dormitories. The proposed units are seasonal units. This increase in population may translate into the need for enhanced community services, including police and fire protection, emergency services and solid waste disposal. Additional demand for services may translate into additional costs to the community to meet the service demand. Accordingly, a fiscal impact analysis will be prepared to compare the estimated revenues that would be generated by the proposed action compared with costs to service it. Please note the proposed project is tax exempt.
2. The fiscal impact analysis will comprehensively inventory the costs and revenues associated with the proposed action and realistically assign dollar values to them.
3. Special care will be taken to explain the assumptions, calculations and results of the fiscal impact analysis in clear and understandable language.
4. Mitigation measures, if necessary.

e) Visual Analysis

1. In order to determine the potential visual impacts of the proposed development three orange tarps, approximately 20' x 30' in size, would be hung on the project site in three separate locations and photographed from the Town of Fallsburg's water tower. The locations would be verified by the Town of Fallsburg Planning Board Chair and the Code Enforcement Officer.
2. The photographs would be analyzed and reproduced graphically including an elevation chart by the project engineer.
3. The potential effects of the proposed action would be described through narrative text.
4. Mitigation measures would be discussed, if necessary.

IV. UNAVOIDABLE ADVERSE IMPACTS

This section of the DEIS will identify any impacts that are likely to occur despite mitigation measures, and will compare the beneficial and adverse implications of any unavoidable impacts.

V. ALTERNATIVES

This section of the DEIS will evaluate and compare alternatives to the proposed action, which are listed below. The following alternatives will be studied:

- A. The "No Action" Alternative as required under 6 NYCRR 617.9.b.5.
- B. The proposed action with possible water and sewer.
- C. The proposed action without the tax exempt feature.

VI. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

Identification of those natural and man-made resources consumed, converted or otherwise made unavailable for future use as a consequence of the proposed action

VII. GROWTH INDUCING ASPECTS

A description and analysis of potential growth-inducing aspects of the project will be provided. Special attention will be paid to how the development of the proposed action might affect local business, including those in Woodridge and population characteristics.

VIII. EFFECTS ON THE USE AND CONSERVATION OF ENERGY RESOURCES

A description of the effect of the proposed action on the short and long term use and conservation of energy resources will be provided including ways to reduce inefficient or unnecessary consumption during construction and long term operation.

IX. APPENDICES

The appendices will include a list of all underlying studies and reports relied upon in preparing the DEIS, technical exhibits and studies (including the Storm Water Pollution Prevention Plan, Traffic Impact Study, Cultural Resource Study, Wetland Delineations, background information relevant to the proposed action such as this Scoping Document and other relevant SEQR documents, a list of involved and interested agencies, and relevant correspondence with involved agencies and persons.

EXHIBIT "B"

Camp Mazah Chronology:

- May, 2012: Started work for client.
- June, 2012: Prepare preliminary conventional subdivision plan ("Yield Plan) and review with Town Board.
- May, 2013: Client makes decision to plan for a camp.
- September, 2013: First planning board meeting.
- October, 2013: Begin preliminary stormwater analysis. Begin preliminary treatment plant design for camp.
- July, 2014: Prepare slope analysis of site.
- August, 2014: Revise site plan per planning board comments.
- September, 2014: Planning board meeting and work session meeting.
- November, 2014: Planning board public hearing.
- December, 2014: Planning board meeting and work session meeting.
- January, 2015: Work session meeting.
- February, 2015: Planning board meeting.
- March, 2015: Prepare view shed analysis. Attend town board work session meeting to discuss providing water to the town from project wells and the town providing sewer service to the project at the old Village STP. Attend planning board meeting. Discuss view shed impacts and proposed demonstration requirements.
- May, 2015: Inspect tarps and view from top of Davos water tank with chairman and code enforcement officer. Review DEIS scoping document for visual and traffic impacts of project.
- July, 2015: Review proposed town resolution on zoning. (?)

Total Engineering to date: \$34,994.48

EXHIBIT "C"

Vendor Expense

Payments based off of transactions between 01/01/08 and 12/31/16

Property	Unit	Date	Reference	Amount	Alloc Amt
Allsure Insurance Brokerage INC.					
Lodge Road		5/3/2012	1484	2,857.00	1,169.50
Lodge Road		3/22/2013	3487	2,731.26	1,200.00
					<u>2,369.50</u>
Creighton Manning					
Lodge Road		8/15/2013	3676	4,350.00	4,350.00
Lodge Road		10/2/2013	3808	1,450.00	1,450.00
					<u>5,800.00</u>
Cultural Resorce Consultant					
Lodge Road		10/1/2013	3806	600.00	600.00
Lodge Road		10/22/2014	4314	600.00	600.00
					<u>1,200.00</u>
Ecological Analysis LLC					
Lodge Road		5/9/2012	2926	675.00	675.00
Lodge Road		5/9/2012	2925	3,000.00	3,000.00
Lodge Road		8/27/2013	3758	1,043.90	1,043.90
Lodge Road		2/25/2014	4029	2,345.50	2,345.50
Lodge Road		1/6/2015	10099	3,074.10	3,074.10
Lodge Road		7/7/2015	10154	7,067.60	4,370.80
Lodge Road		7/7/2015	10154	7,067.60	2,696.80
					<u>17,206.10</u>
Elliot Rubin					
Lodge Road		12/30/2011	1417	19,154.00	19,154.00
					<u>19,154.00</u>
Fallsburg CSD School Tax Collector					
Lodge Road		9/7/2014	9773	2,470.58	2,470.58
Lodge Road		9/7/2014	9772	2,166.45	2,166.45
Lodge Road		9/7/2014	9771	3,316.32	3,316.32
					<u>7,953.35</u>
Glenn L. Smith P. E.					
Lodge Road		1/26/2012	3471	4,648.50	2,988.70
Lodge Road		1/26/2012	3471	4,648.50	693.20
Lodge Road		1/26/2012	3471	4,648.50	966.60
Lodge Road		6/12/2012	2983	189.00	189.00
					<u>4,837.50</u>
Insurance Depot Inc.					
Lodge Road		5/31/2012	2967	570.00	570.00
					<u>570.00</u>
Kalter Kaplan Zeiger & Forman					
Lodge Road		7/15/2012	3042	1,000.00	1,000.00
Lodge Road		5/21/2013	3565	220.00	220.00
Lodge Road		10/7/2013	3815	910.00	910.00
Lodge Road		10/27/2014	4317	910.00	910.00
Lodge Road		4/30/2015	4430	4,062.50	4,062.50
Lodge Road		12/3/2015	10266	2,730.00	1,560.00
Lodge Road		12/3/2015	10266	2,730.00	1,170.00
					<u>9,832.50</u>
Sullivan Country Treasurer					
Lodge Road		1/19/2012	3465	16,681.97	16,681.97
					<u>16,681.97</u>
Town of South Fallsburg					
Lodge Road		1/29/2012	11391	2,125.14	2,125.14
Lodge Road		1/29/2012	11390	2,852.65	2,852.65
Lodge Road		1/29/2012	11392	1,863.53	1,863.53

Property	Unit	Date	Reference	Amount	Alloc Amt
Lodge Road		2/21/2012	11403	32.82	32.82
Lodge Road		2/22/2012	11406	1,882.17	1,882.17
Lodge Road		2/22/2012	11405	2,146.40	2,146.40
Lodge Road		2/22/2012	11404	2,881.17	2,881.17
Lodge Road		9/27/2012	3166	3,260.01	3,260.01
Lodge Road		9/27/2012	3165	2,129.65	2,129.65
Lodge Road		9/28/2012	3167	2,428.62	2,428.62
Lodge Road		6/14/2013	3590	1,555.82	1,555.82
Lodge Road		6/14/2013	3589	2,380.42	2,380.42
Lodge Road		6/14/2013	3588	1,773.92	1,773.92
Lodge Road		9/11/2013	3776	381.35	381.35
Lodge Road		9/11/2013	3775	2,458.03	2,458.03
Lodge Road		9/11/2013	3774	2,155.45	2,155.45
Lodge Road		9/11/2013	3773	3,299.49	3,299.49
Lodge Road		10/27/2014	4323	5,250.00	5,250.00
Lodge Road		10/27/2014	4324	3,000.00	3,000.00
Lodge Road		2/25/2015	10122	3,000.00	3,000.00
Lodge Road		4/28/2015	10129	4,000.00	4,000.00
Lodge Road					50,856.64

Wasson Engineering

Lodge Road		5/10/2012	2927	1,000.00	1,000.00
Lodge Road		6/21/2012	2999	3,247.92	3,247.92
Lodge Road		7/30/2013	3654	2,000.00	2,000.00
Lodge Road		9/17/2013	3788	3,521.80	3,521.80
Lodge Road		11/21/2013	3896	4,207.24	4,207.24
Lodge Road		2/3/2014	3998	622.70	622.70
Lodge Road		10/7/2014	4313	6,851.00	6,851.00
Lodge Road		3/20/2015	4397	4,281.56	4,281.56
Lodge Road		4/30/2015	4429	4,079.04	4,079.04
Lodge Road		6/12/2015	10126	3,387.99	3,387.99
Lodge Road		6/28/2016	10186	900.17	900.17
Lodge Road					34,099.42

Total for all vendors: 170,560.98

Chart Summary

Description	Amount
2002 Taxes Payable	7,953.35
5005 Insurance	2,939.50
5006 Legal Professional Fees	107,379.52
5019 RE Taxes	52,288.61
	170,560.98