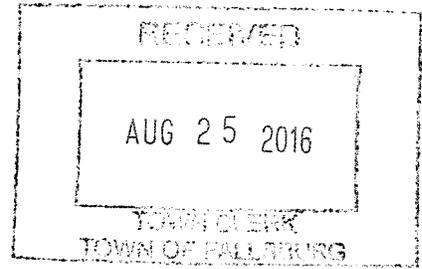


State of New York - County of Sullivan
Town of Fallsburg - Town Board



In the Matter of the Application of /
MOUNTAIN CREST MOBILE HOME /
PARK, INC. /
for a Hardship Variance from the Town's /
Residential Moratorium Local Law /

**Verified Petition for Relief from
Moratorium**

The Petitioner, MOUNTAIN CREST MOBILE HOME PARK, INC., 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 a parcel of real property located at 46 Mountain Crest Road, in the Town of Fallsburg, known as Town of Fallsburg SBL 59.-1-53 (the "Property"). The Property consists of 48.8 acres. The Petitioner currently operates a mobile home park at the Property.

2. In the year 1986, the Petitioner obtained approval to develop a mobile home park at the Property to consist of a maximum of 48 homes. As of today's date, 13 of said homes have been built and are currently occupied. As such, the Petitioner, notwithstanding the Moratorium Law, may continue to develop the balance of the 48 homes, that being 35 additional homes.

PROPERTY HISTORY

3. During the year 2003, the Petitioner applied to the Town of Fallsburg Planning Board to increase the allowable numbers of mobile homes from the 48 that had been approved, by an additional 36 homes for a total of 84 homes (the "Project"). At the time of that application, mobile home parks were a permitted use in the REC-1 Zoning District where the Petitioner's Property is now located.

4. Between 2003 and 2007, the Petitioner continued to pursue increasing the number of allowable mobile homes within its mobile home park from the 48 that had been approved to the requested number of 84 homes. During this period of time, Ralph Lane was the engineer that was representing the Petitioner. Mr. Lane originally was with Adler Engineering, Woodridge, New York; subsequently, he was with the engineering firm of Lanc & Tully and continued working on the Project through Lanc & Tully until his untimely death in 2007.

5. In the year 2009 Randall Wasson, Wasson Engineering was hired to continue to pursue the required engineering to complete Project approval for the expansion of the approved

mobile home park. Among other items, in the year 2009 Wasson Engineering prepared and submitted to the New York State Department of Environmental Conservation a Storm Water Pollution Prevention Plan, otherwise known as a SWPPP.

6. During the time period that this Project was pending, the Town amended its Zoning Laws so that mobile home parks were no longer an allowable use in the REC-1 Zoning District, and, accordingly, the Project that had been pending before the Town Planning Board (to increase the number of mobile homes from the approved 48 to 84) would not be permitted. Thus, the Petitioner needed to modify the Project to comply with the current Zoning Law.

THE PROJECT

7. As stated in Paragraphs "2" through "5" above, the Property currently has approval to allow for 48 mobile homes within the mobile home park, and the mobile home park, as it now exists and operates, constitutes a pre-existing non-conforming use within the Town REC-1 Zoning District.

8. The Town of Fallsburg Zoning Code allows for Property that is a pre-existing nonconforming use to be expanded by a maximum of 50%. Based upon the foregoing, and after several meetings with the Town Planning Board and the Town Planning Board staff, the Project was modified to seek an expansion of the mobile home park to a total of 72 homes (150% of 48 homes is 72 homes).

9. Inasmuch as much of the engineering for the expansion of the mobile home park had already been completed, it did not take long to complete the Planning Board process for the mobile home park expansion to 72 homes. As such, on May 24, 2012, the Town of Fallsburg Planning Board granted site plan approval for the Project, and adopted a conditional site plan approval resolution, authorizing the expansion of the mobile home park from 48 homes to 72 homes (a total expansion of 24 homes). Annexed hereto as Exhibit A" is a copy of a resolution adopted by the Town of Fallsburg Planning Board on May 24, 2012 approving the expansion.

10. In connection with the site plan approval, the site plan approval resolution (annexed hereto as Exhibit "A") states in the second paragraph on page one the following:

" The Planning Board has followed and complied with the applicable standards of the New York State Environmental Quality Review Act SEQRA 617.6 and we designated lead agency, held a public hearing, and after a series of public meetings determined that the Project will not have a significant impact on the environment and adopted a negative declaration at the July 16, 2006 meeting".

11. Thus, as reflected in the site plan approval resolution of May 24, 2012, on July 16, 2006, the Project received a negative declaration pursuant to the SEQRA regulations, and on May 24, 2012, the Project obtained site plan approval allowing for the expansion of the mobile home park

from that which had previously been approved of 48 homes to expand by 24 homes for a total of 72 homes.

12. Subsequent to obtaining site plan approval for the Project on May 24, 2012, it was determined that in addition to requesting site plan approval to complete this expansion Project, the Petitioner also needed to obtain a Use Variance from the Town of Fallsburg Zoning Board of Appeals to allow the Property to continue to be used as a mobile home park, inasmuch as mobile home parks are not an allowable use under the REC-1 Zoning District. Thus, the Petitioner made application to the Town of Fallsburg Zoning Board of Appeals. In the month of August, 2012, the Town Zoning Board of Appeals granted the Petitioner a Use Variance to allow the Property to continue to be used as a mobile home park and to allow for the expansion of the mobile home park to that which was approved by the Planning Board, i.e. 72 homes.

13. Subsequent to obtaining the site plan approval resolution and the zoning use variance, the project engineer, Wasson Engineering, continued to pursue obtaining all required third party approvals for the Project. These approvals included approval of the well locations and water supply from the New York State Department of Health, approval of the water supply and distribution systems by the New York State Department of Health, and approval of the sewage treatment plan by the New York State Department of Environmental Conservation. All of the foregoing was pursued by Wasson Engineering.

14. In addition, in the interim, in March of 2015, the Town Engineer, Will Illing, was asked to review the plans, and Mr. Illing submitted comments in March of 2015. The comments of Mr. Illing have also been pursued by Wasson Engineering.

15. Annexed hereto as Exhibit "B" is an email from Wasson Engineering to Jay Zeiger dated August 16, 2016, with attachments. That email more specifically outlines the work done by Wasson Engineering subsequent to 2012 and the timeline for when that work was done. Said email also includes a copy of several letters and permits applicable to this Project, including the stormwater SPDES permit granted by the New York State Department of Environmental Conservation on April 16, 2010. Thus, at all times since the Planning Board approval on May 24, 2012, the Petitioner, through its engineers, Wasson Engineering, has continued to pursue obtaining all required approvals for this Project.

MORATORIUM LAW NOT APPLICABLE

16. At such time as the Town Board adopted the Moratorium Law, the Town Board prepared a schedule of those projects that the Town Board determined would be subject to the Moratorium Law. The Project that is the subject of this Petition is included on the schedule of projects that would be subject to the Moratorium Law. It is respectfully submitted that the Town Board's determination that the Project is subject to the Moratorium Law is not correct.

17. Among the most important legislative purposes specified by the Town Board as the reason for the Moratorium Law was that the Town Board was "especially concerned about the

impact on its sewer systems, which are close to or at capacity". The foregoing concern is, of course, not applicable to this Project, inasmuch as the Project will be serviced by onsite wells and by a sewage treatment plant owned and operated by the Petitioner.

18. Section 3 of the Moratorium Law enumerates several approvals that may be granted or conditionally granted during the time period of the Moratorium Law. One of the exceptions (Exception a-6), provides that approval may be granted of a site plan or special permit application that has undergone SEQRA and granted and obtained a negative declaration from the Planning Board prior to the date of the adoption of the Moratorium Law as well as conditional approval or final approval from the Planning Board. It is respectfully submitted that this exception is applicable to the Project. Exhibit "A" annexed hereto contains the conditional approval received by the Town Planning Board applicable to this Project. In that resolution, the Planning Board confirms quite clearly that the Planning Board, after public hearings and public meetings, granted a negative declaration for this Project under SEQRA.

19. Inasmuch as this Project has received a negative declaration by the Planning Board pursuant to the SEQRA regulations and conditional site plan approval from the Planning Board, it is respectfully submitted that this Project should not be subject to the Moratorium Law.

PROJECT IS VESTED

20. It is well settled law in New York that once a project has been approved by a Town Planning Board, if significant work is performed by the developer in furtherance of that approval, that the developer acquires "vested rights", such that the developer could continue to develop a project, notwithstanding, subsequent events such as a change in zoning law which would make the approved project inconsistent with the new zoning law. In other words, if a substantial investment is made towards the project development after approval, a change in zoning law would not impact the project, as approved, and the developer would be able to continue to pursue the project. See, e.g., Matter of Putnam Armonk v. Town of Southeast, 52 A.D.2d (Second Dept. 1992).

21. In the instant circumstances, and in reliance upon the approval of this Project on May 24, 2012, and the Use Variance granted by the Town Zoning Board of Approvals August, 2012, the Petitioner through its engineer, Wasson Engineering, pursued at significant costs and expenses obtaining third party approvals for the Project. The work so performed was ongoing and continuous. This is made clear by the email of Wasson Engineering, and attachments thereto, annexed to this Petition as Exhibit "B".

22. Based upon all of the above, it is respectfully submitted that this Project is a vested project and should not be subject to the Moratorium Law, and that the Project should be allowed to continue, notwithstanding the Moratorium Law.

23. The conditional site plan approval which has been granted to Petitioner is a property right which has vested as a result of the very substantial expenditures made by Petitioner in reliance thereon. *Town of Orangetown v. Magee ("Orangetown")*, 88 N.Y.2d 41 (1996). The

Petitioner has expended significant funds and performed significant work based upon the conditional site plan approval resolution. Precluding the execution of the final site plan map by the Town Planning Board Chairman would be an abrogation of Petitioner's vested rights, in violation of the Fifth and Fourteenth Amendments to the United States Constitution, as well as a violation of 42 U.S.C. § 1983, *Orangetown, supra*.

HARDSHIP

24. If, notwithstanding the claim of the Petitioner that the Project is not subject to the Moratorium Law, the Town Board determines otherwise, then it is respectfully submitted that the Petitioner should be granted relief from the Moratorium Law, based upon a substantial financial hardship.

25. As discussed above regarding the history of this Project, it is obvious that the Petitioner's investment in this Project has been substantial. As detailed in Exhibit "B" annexed hereto, since December, 2009, Petitioner has spent in excess of \$100,000.00 to satisfy the conditions of the site plan approval. The foregoing is in addition to all engineering fees, attorneys fees and other costs and expenses incurred prior to that date which was also substantial.

RELIEF REQUESTED

25. For the reasons heretofore set forth, the Petitioner is requesting relief from the Moratorium Law and requesting authority to continue to pursue obtaining final approval of the Project and, thereafter, to be allowed to begin development of the Project.

26. For the reasons set forth in Paragraphs "15" through "22" above, the Petitioner is alleging that this Project should not be subject to the Moratorium Law because (a) Section 3, Paragraph a-6 provides that projects with a SEQRA negative declaration and conditional site plan approval may be granted approvals notwithstanding the Moratorium Law; and (b) the Project is a "vested" Project, such that the Petitioner should be allowed to proceed with completing the development of the Project notwithstanding the Moratorium Law.

27. The Petitioner has also demonstrated a substantial financial hardship mandating that the Project be able to proceed, notwithstanding the Moratorium Law. As stated in Paragraph "24" above, the Petitioner has expended in excess of \$100,000.00 towards completing the conditions provided for in the Town Planning Board conditional approval resolution of May 24, 2012.

28. 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.

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 19, 2016

Mountain Crest Mobile Home Park, Inc.

By: Filomena Martello, President
Filomena Martello, President

PAUL A. ROUIS, JR.
Notary Public, State of New York
Sullivan County Clerk's # 1040
Commission Expires Nov. 30, 17

EXHIBIT "A"

#109-58

PLANNING BOARD
TOWN OF FALLSBURG
MOUNTAIN CREST MOBILE HOME PARK, INC.
SITE PLAN APPROVAL RESOLUTION
ADOPTED MAY 24, 2012

WHEREAS, the Town of Fallsburg Planning Board has received a proposal for site plan approval to continue development of a mobile home park that began in the 1980's with 48 units approved, and then increased by 24 units for a total of 72 units and amenities (hereinafter referred to as the Project) on a property of 48.8 acres. Tax Map SBL: 59-1-53. The zoning is REC-1 and the proposed is being reviewed under the provision of the 1991 Fallsburg Zoning Code; and

WHEREAS, the Planning Board has followed and complied with the applicable standards of the New York State Environmental Quality Review Act, SEQRA 6 NYCRR 617.6 and was designated lead agency, held a public hearing, and after a series of public meetings determined that the Project will not have a significant impact on the environment and adopted a Negative Declaration at the July 16, 2006 meeting; and

WHEREAS, the Planning Board reviewed all of the information and documentation developed for the Project, including plans for Mountain Crest Mobile Homes, Inc., prepared by Wasson Engineering, Plan set of 2 sheets, dated rev. April 6, 2012, as well as comments and correspondence received from staff, consultants, interested and involved agencies and the public, and made certain modifications to the Project. A last review of plans and supporting material will be made by staff to confirm that all requested changes have been made and conditions have been met, including:

1. Changes requested by Planning Board members prior to the approval vote
2. Comments from Code Enforcement Officer during the approval process
3. Comments from Superintendent of Public Works during the approval process
4. Comments from Planning Board attorney during the approval process with the exception of review of legal documents
5. Changes to the plans necessitated by permit agency requirements
6. Payment of all fees in accordance with Town fee schedule
7. Payment of any outstanding consultant escrow fees
8. Payment of money in lieu of land fees for parks.
9. Subject to Planning Board review and approval of building elevation/renderings, with graphic material to be furnished for Planning Board files prior to stamping of site plan.

10. Receipt of all Town and other agency permits before land disturbance except as may be specifically authorized by the Planning Board in this resolution.
11. Applicant to provide information regarding construction sequencing to be approved by the Town Engineer. There shall be no site disturbance prior to the required pre-construction meeting with the Town Engineer.
12. Building permits shall not be issued until all site plan approval conditions have been met; all fees paid and all permits obtained.

NOW, THEREFORE, BE IT RESOLVED, the Town of Fallsburg Planning Board, based on the record before it, including the general, specific and detailed knowledge of the Board of the Project and of the community, hereby determines that the Project should receive Site Plan Approval with certain conditions as enumerated above; and

BE IT FURTHER RESOLVED, that the Planning Board grants site plan approval so that the project sponsor may submit applications to permitting agencies with the understanding that the site plan map will not be stamped by the Chairman until all permits have been received; and that no site disturbance or construction will take place except for any specific exceptions identified in this resolution until the site plan map has been stamped by the Chairman or his designee; and that all proposed demolition in each phase will take place and debris will be removed before any building permits are issued; and that no building permits will be issued until all conditions are met, unless specific conditions in this resolution have other requirements for implementation.

Dated: _____, 2012

 Arthur Rosenshein
 Chairman of the Planning Board

Vote as follows: _____ For
 _____ Against
 _____ Absent

The Planning Board Clerk of the Town of Fallsburg, Sullivan County, New York, does hereby certify that I have compared this copy with the original Site Plan Approval record on file in this office and find that it is a true transcript and copy of whole of said original thereof.

Filed and Dated this: _____ date of _____, 2012

Denise Monforte – Planning Board Clerk

The Town Clerk of the Town of Fallsburg, Sullivan County, New York, does hereby certify that I have compared this copy with the original Final Site Plan Approval record on file in this office and find that it is a true transcript and copy of whole of said original thereof.

Filed and Dated this: _____ date of _____, 2012

Donna Akerley – Town Clerk

EXHIBIT "B"

jayzeiger-kkz@hvc.rr.com

From: "D. Randel Wasson" <rwasson@frontiernet.net>
 Date: Tuesday, August 16, 2016 4:22 PM
 To: <JayZeiger-KKZ@hvc.rr.com>
 Attach: Mountain Crest Mobile Home Park Docs.pdf
 Subject: Moutain Crest Mobile Home Park - Mountaindale

Jay,

This is the project we spoke about last week that should not be in the moratorium, but is. The mobile home park is located on the Masten Lake Road about 2 miles from Mountaindale. It presently contains 13 mobile homes but was originally approved for 48 units in 1986.

In 2003 the owners, Filomena Martello (president) and her husband Ralph Martello, started through the planning board process to add 36 more units (84 total). They were under the original 1991 zoning at the time which permitted mobile home parks in their zone, REC-1. Ralph Lane was their engineer. In 2007 Ralph left Al Adler and went to work for Lanc and Tully. He was moonlighting on Martello's project when he was killed. Then the project languished.

The Martellos came to me in late 2009 and requested I do a SWPPP as this was required by the town. Allen Frishman confirmed this and I did the SWPPP in March, 2010. We subsequently filed and received a stormwater permit from DEC. The Martellos then found out the project was not approved after all because the zoning had changed in 2007 and trailer parks were a non-conforming use in the REC-1 zone under the new code. However, the town board extended the old zoning for projects in the pipeline until July, ~~2012~~ 2012.

After many discussions with the board, we went back to the PB with an application for 72 units (150% of the approved 48) and received approval in May, 2012. Then we had to go to the ZBA for a use variance which was received in August, 2012 because the town extension of the 1991 zoning expired in July, 2012 before we had all our permits.

Conditions of the PB approval included getting all outside agency approvals, so since August 2012 we have been in that process with the following time line.

- 2012 – 2013: work with NYSDOH to determine acceptable well locations for water supply for the project and drill and test 3 new wells including full part 5 water quality analyses of each.
- 2014: work through NYSDOH approval of water supply and distribution systems and trailer park approval. They had lost track of Mountain Crest and we had to get that straightened out as they had not been regulating the park for a number of years – their fault, not Martello's.
- We had final comments from NYSDOH in December, 2014. Basically, everything is approved but they added the comment that before they sign off they require NYSDEC approval of the sewage treatment plant. This came out of left field and so we FOILED DEC for copies of the previously approved sand filter plant which was partially constructed but never finished in 1988. DEC had no record of the plans. Neither did Adler's office.
- In order to get a plan approval, I would need to change the system from sand filters to

an aeration plant because the filters, though permitted by DEC, would not work in the winter months and they would never approve plans for a filter plant in this climate with the strict effluent limits required. We began the design with a company we have worked with for the aeration plant.

- In March, 2015 Mollie requested we meet in a work session to discuss the project status. The outcome of the meeting was that Will Illing would review our plans for the town because Keystone never did. Will sent us his comments on March 27th. One of the comments was that DEC approve the sewage treatment plant. His other comments were minor.
- At this point, we have not responded to either the DOH or Will's remaining comments as they are minor and both include the required DEC approval letter. We will address them all at one time.
- The package plant design was provided to us in December, 2015 by Santec Corporation. We then added an engineer's report and got the package ready for submittal to DEC. However, we did not initially submit because Santec's plant includes a proprietary design for their clarifier and DEC was not approving this – despite the fact we have designed and installed at least 6 of these in New York in since 1993 and they are all working fine. The current engineers were not at DEC when the original plants were approved and constructed. So, we had to re-educate their department before we could get them to finally accept the Santec plant.
- The DEC finally came around to accepting the proposed design in late April, 2016. We subsequently submitted all designs and permit applications for the new plant. We are expecting approvals and permits within the next 2 – 3 months. Then we can finalize our responses to both DOH and Will and include the required permits and plan approvals.
- Once we have the DEC approvals, I assume we could get DOH and Will's sign-offs within a month.

I am enclosing a copy of

- the DEC stormwater SPDES permit,
- PB approval resolution in May, 2012,
- NYSDOH December, 2014 comments
- Will Illing's March, 2015 comments.
- October 28, 2010 chronology
- March, 2015 timeline.

Martello's costs for everything since I have been involved in December, 2009 are as follows:

• Town fees, consultant costs, applications:	\$ 3,970.00
• Wasson Engineering fees and expenses:	\$ 48,168.25
• Tompkins Well Drilling:	\$ 29,260.00
• Mountainside Excavating (access road):	\$ 6,808.63
• Lab fees	\$ 4,130.00
• Santec Corporation:	\$ 9,000.00
• NYSDEC Stormwater Permit:	\$ 4,620.00
• Misc.	\$ 116.16

Total: \$106,073.04

Please let me know what additional information you require.

Randy

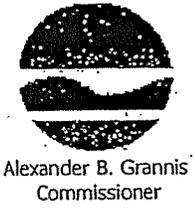
D. Randel Wasson, P.E.
President

Wasson Engineering
5 McDonald Road, Suite 2
Wurtsboro, N.Y. 12790
Tel: 845-888-2288
Fax: 845-888-2289

email: rwasson@frontiernet.net

#109-58

New York State Department of Environmental Conservation
Division of Water
Bureau of Water Permits, 4th Floor
625 Broadway, Albany, New York 12233-3505
Phone: (518) 402-8111 • Fax: (518) 402-9029
Website: www.dec.state.ny.us



4/16/2010

RECEIVED
APR 19 2010

MOUNTAIN CREST MOBILE HOME PARK, INC
FILOMENA MARTELLO
BOX 11
MOUNTAINDALE NY 12763-0001

Re: ACKNOWLEDGMENT of NOTICE of INTENT for
Coverage Under SPDES General Permit for Storm
Water Discharges from CONSTRUCTION
ACTIVITY General Permit No. GP-0-10-001

Dear Prospective Permittee:

This is to acknowledge that the New York State Department of Environmental Conservation (Department) has received a complete Notice of Intent (NOI) for coverage under General Permit No. GP-0-10-001 for the construction activities located at:

MOUNTAIN CREST MOBILE HOME PARK
46 MOUNTAIN CREST
TOWN OF FALLSBURG NY 12779- County: SULLIVAN

Pursuant to Environmental Conservation Law (ECL) Article 17, Titles 7 and 8, ECL Article 70, discharges in accordance with GP-0-10-001 from the above construction site will be authorized 5 business days from 4/5/2010 which is the date we received your final NOI, unless notified differently by the Department.

The permit identification number for this site is: NYR 10S393 . Be sure to include this permit identification number on any forms or correspondence you send us. When coverage under the permit is no longer needed, you must submit a Notice of Termination to the Department.

This authorization is conditioned upon the following:

1. The information submitted in the NOI received by the Department on 4/5/2010 is accurate and complete.
2. You have developed a Storm Water Pollution Prevention Plan (SWPPP) that complies with GP-0-10-001 which must be implemented as the first element of construction at the above-noted construction site.
3. Activities related to the above construction site comply with all other requirements of GP-0-10-001.

4. Payment of the annual \$100 regulatory fee, which is billed separately by the Department in the early fall. The regulatory fee covers a period of one calendar year. In addition, since September 1, 2004, construction stormwater permittees have been assessed an initial authorization fee which is now \$100 per acre of land disturbed and \$600 per acre of future impervious area. The initial authorization fee covers the duration of the authorized disturbance.

5. When applicable, project review pursuant to the State Environmental Quality Review Act (SEQRA) has been satisfied.

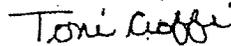
6. You have obtained all necessary Department permits subject to the Uniform Procedures Act (UPA). You should check with your Regional Permit Administrator for further information.

*Note: Construction activities cannot commence until project review pursuant to SEQRA has been satisfied, when SEQRA is applicable; and, where required, all necessary Department permits subject to the UPA have been obtained.

Please be advised that the Department may request a copy of your SWPPP for review.

Should you have any questions regarding any aspect of the requirements specified in GP-0-10-001, please contact Dave Gasper at (518) 402-8114 or the undersigned at (518) 402-8109.

Sincerely,



Toni Cioffi

Environmental Program Specialist 1

cc: RWE - 3
SWPPP Preparer

WASSON ENGINEERING
D. RANDEL WASSON PE
5 MCDONALD ROAD, SUITE 2
WURTSBORO NY 12790-

#109-58

NEW YORK
state department of
HEALTH

Howard A. Zucker, M.D., J.D.
Acting Commissioner of Health

Sally Dreslin, M.S., R.N.
Executive Deputy Commissioner

December 5, 2014

RECEIVED
DEC 08 2014

D. Randel Wasson, P.E.
5 McDonald Road, Ste 2
Wurtsboro, NY 12790

Re: Mountain Crest MHP
Mobile Home Park Expansion
(T) Fallsburg, Sullivan County, NY

Dear Mr. Wasson:

This office is in receipt of revised engineering plans and engineering report related to expansion of Mountain Crest Mobile Home Park. The documents received on October 8, 2014 have been reviewed resulting in the following comments;

1. The proposed onsite wastewater treatment system with capacity for an estimated daily flow of 23,760 gpd must be reviewed and approved by the New York State Department of Environmental Conservation and a copy of the approved plans submitted to this office prior to New York State Department of Health approval for the proposed mobile home park expansion.
2. The proposed water supply distribution does not include any provision for thrust restraint to prevent movement where abrupt changes in direction occur. Please include drawing detail(s) in the engineering plans specifying the proposed restraint method(s).
3. The ¾ inch riser pipe supplying water to each mobile home requires protection from freezing above the frost line by means of an insulated casing and heating element or freezeless hydrant. The installation should be accessible for ease of repair or replacement.

At your earliest convenience, please submit revised documents in accordance with the above noted comments and copy of plans for the proposed wastewater treatment system as approved by NYSDEC.

HEALTH.NY.GOV
facebook.com/NYSDOH
twitter.com/HealthNYGov

Mountain Crest Mobile Home Park
Town of Fallsburg

December 5, 2014
Page 2 of 2

If you have any questions, please contact me at 845-794-2045.

[Faint, illegible stamp]

Sincerely,



Glenn D. Illing, P.E.
Public Health Engineer II

GDI:gdi

Cc: File

#109-58



5410 State Rte. 42
P.O. Box 2019
So. Fallsburg, NY 12779

Department of Public Works

Tel: 845-434-6320
Fax: 845-434-7972

March 27, 2015

Wasson Engineering
5 McDonald Road Suite
Suite 2
Wurtsboro, NY 12790

Re: Mountain Crest Homes
SBL #: 59-1-53/14-1-2

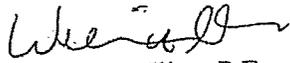
Dear Mr. Wasson:

We have completed a precursory review of the construction drawings (12 sheets) with the latest revision dated September 26, 2014, received by our office on March 10, 2015. The following items will need your attention prior to the Planning Board Chairman signing this site plan:

1. Provide a copy of 20' wide easement and record of filing with the Sullivan County Clerk.
2. Indicate on plan sheets work required regarding the SDS, including demolition of all or portions of existing sand filters and leach field systems and indicate location of proposed 24,000 GPD Treatment Plant. Include note that all existing SDS underground tanks to be abandoned shall be removed or filled with suitable stable materials.
3. Provide a copy of NYSDEC approved plans and permit for the proposed 24,000 GPD SDS.
4. Provide a copy of NYSDOH approved water system plan and approval letter.
- x 5. Indicate on the plan that Sullivan County DPW permit is required for installation of discharge pipe to outfall #1 crossing CR #56.
- x 6. Add locator wire to water service detail 13/D2.
- x 7. Show 8" \varnothing piping at man hole A1 for effluent flow to proposed SDS.
8. Sheets 9 & 10, proposed operations buildings were not included in the plan set. Please provide our office with copies.
9. For existing Club House, indicate water and sewer connections or "no plumbing" if that is the case.
10. There are different owners on record for each of the two properties. Are there deed covenants in place to ensure water supply and sewerage disposal systems are secured? Have the owner's approached the Town of Mamakating and Town of Fallsburg to annex as needed to combine properties and provide a single lot with fee simple ownership?
11. Submit one copy of the SWPPP and Notice of Intent to our office.

Should you have any questions, please feel free to contact our office.

Sincerely,



William H. Illing, P.E.
Town Engineer

Pc: M. Messenger
Glenn Illing, DOH
R. Geneslaw

MOUNTAIN CREST MOBILE HOME PARK

PROJECT CHRONOLOGY

October 28, 2010

1. April, 1989 Original Planning Board approval for 48 mobile home units.
2. November 25, 2003: Through Adler Engineering, the owner submits the initial planning board application and fee for an additional 36 mobile home units. This brings the total number of units (existing plus proposed) to 84. The project site is located in the REC-1 zoning district in which mobile home parks are a principle permitted use under the August 27, 1991 zoning law.
3. December 11, 2003: The owner attends planning board meeting to review the 36 unit expansion.
4. January 29, 2004: The planning board sends the application to the Sullivan County Planning Dept. for 239 Review.
5. February 13, 2004: The Sullivan County Planning Dept. completes their review and recommends modifications to the site plan.
6. August 9, 2005: The engineer submits an application to NYSDEC for modification of their existing SPDES Permit for expansion of their sewage treatment plant to serve a total of 84 units.
7. August 19, 2005: NYSDEC issues a Notice of Incomplete Application and requests additional information.
8. October 5, 2005: The engineer replies to NYSDEC, providing the additional information requested.
9. October 19, 2005: The NYS Dept. of Health provides a flow confirmation letter for sewer flows based on 84 units. This is sent to NYSDEC as part of SPDES Permit application.
10. April 20, 2006: NYSDEC issues a second Notice of Incomplete Application indicating a permit has been completed for the facility subject to a determination of significance by the town under SEQR.
11. June 8, 2006: The owner meets with the planning board to discuss SEQR review and a maximum increase of 50% above the original 48 units. This would reduce the number of proposed units from 36 to 24 and the total from 84 to 72.
12. July 13, 2006: The planning board agrees to a maximum of 72 units on the site and issues a

SEQR Negative Declaration to enable the owner to respond to the NYSDEC April 20, 2006 notice.

13. December 11, 2006: The engineer submits SEQR Negative Declaration to NYSDEC.
14. December 21, 2006: NYSDEC responds to submission of SEQR Negative Declaration by noting discrepancies between the number of units indicated in the original SPDES application (36) versus the number of units approved in the Short EAF (24). They request an updated site plan, a clean copy of the signed Short EAF and a Storm Water Pollution Prevention Plan (SWPPP). They noted they should have requested the SWPPP earlier.
15. January 5, 2007: The planning board bills the owner for services of the planning board's professional consultant.
16. January 12, 2007: The owner sends a check to the planning board in payment of the bill.
17. April, 2007: The owner's project engineer leaves Adler Engineering to work for Lanc & Tully Engineers but continues to be involved with the owner to complete the project.
18. June 22, 2007: The Town of Fallsburg adopts the new zoning ordinance. The zoning of the project site remains REC-1 but the allowable uses within the zone change. Mobile home parks are no longer permitted in the REC-1 zone.
19. August, 2007: The project engineer is killed in a motorcycle accident. No one from Adler Engineering or Lanc & Tully Engineers has knowledge of the project.
20. January 31, 2008: NYSDEC renews the original SPDES permit.
21. February 4, 2009: Adler Engineering prepares a new site plan with proposed phasing areas. The owner is unaware of this plan which is never presented to the planning board.
22. September, 2007 – October, 2009: The owner tries unsuccessfully to obtain information and direction from Adler Engineering and the Town Building Department on how to proceed, next step, project status, etc.
23. October, 2009: The owner contacts Wasson Engineering and requests that a SWPPP be prepared to complete their project. Wasson Engineering reviews their documents and discusses the project with the town, Adler Engineering and Lanc & Tully Engineers. Adler Engineering provides copies of their drawings to Wasson Engineering.
24. December, 2009: Wasson Engineering agrees to prepare a SWPPP for the 72 unit project.
25. March 26, 2010: The SWPPP is completed and a Notice of Intent submitted to the NYSDEC

for coverage under SPDES General Permit for Storm Water Discharges from Construction Activity.

26. March 31, 2010: A copy of the SWPPP is submitted to the planning board.
27. April 16, 2010: The NYSDEC issues the Stormwater SPDES Permit.
28. May 13, 2010: The owner and engineer (Randy Wasson) meet with the planning board to request final Site Plan Approval based on NYSDEC approval of the SWPPP. The planning board does not recall all the details of the project and requests the owner meet with staff to review the project status, permits, SEQR, etc. and return to the board with this information. The board expresses concern that the project has been dormant too long and recommends a new application be submitted.
29. June 9, 2010: The engineer meets with planning board staff to review project status. It is determined that the planning board issued a Negative Declaration for 72 units under SEQR and that the new zoning law does not permit mobile home parks in the REC-1 zone. The last time the project was before the planning board was on July 13, 2006. Staff was going to advise the board of the status and let the board determine whether the project could continue under the old zoning.

It was also agreed that the applicant should submit a new application with the latest (72 unit) plan, Short EAF and a Tracking Document.
30. July 28, 2010: The engineer submits the requested application package.
31. August 12, 2010: The planning board reviews the information submitted, discusses the project status with the applicant, engineer and staff. No decision is made. The board requests additional information and chronology be submitted for further review.

The building inspector confirms that the owner kept calling him, asking him what to do. He indicated that payments were made along the way in good faith and that they did not put the project on the back burner.
32. October 28, 2010: The engineer submits an updated chronology for consideration and discussion at the December 9, 2010 planning board meeting.

Time Line - Mountain Crest Mobile Home Park

1. Original application – 2003 under 1991 zoning ordinance
2. Planning Board approval – May 24, 2012 with condition of obtaining remaining outside agency permits and approvals.
3. Town Board extension of 1991 zoning expires on July 9, 2012.
4. ZBA grants use variance to allow mobile home park on August 16, 2012.
5. Beginning September, 2012 discussions with DOH regarding newest well, proposed well locations and DOH trailer park design standards.
6. *March 2015*
October, 2012 – Present; drilled and tested two new wells. Back and forth with DOH review comments and responses.
7. Only a couple minor comments remain but DOH wants to see NYSDEC plan approval of a 24,000 gpd treatment plant before they sign off. There exists a 10,000 gpd sand filter plant permitted but not being used due to too little flow from 13 existing units. This was constructed in 1988.
8. We FOILED DEC but they could not find the plant approval which dates back to 1986 so we are preparing to design a new plant for DEC approval.