Served by Jacob Billig at 2:00 PM over the Counter on 8/25/16

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Michael D. Baer
Member of NY & NJ Bar

AUG 25 2016

August 25, 2016

Town of Fallsburg
Town Clerk
P.O. 2019
19 Railroad Plaza
South Fallsburg, New York 12779

Via Hand Delivery

Re: Verified Petition In the Matter of Mountaindale Estates
Application of a Hardship Variance from Residential Moratorium Local Law #3-2016

Dear Mrs. Akerley:

In regard to the above matter, please find enclosed the applicants Verified Petition together with all exhibits. Please file same with the Town. I respectfully request that the public hearing be scheduled no earlier than the month of October as I have many commitments during the month of September and will be out of state.

Respectfully,

Jacob R. Billig

CC: William and Patsy Resnick

TOWN BOARD
TOWN OF FALLSBURG
SULLIVAN COUNTY NEW YORK

In the Matter of MOUNTAINDALE ESTATES

Application of a Hardship Variance from
Residential Moratorium
Local Law #3-2016

VERIFIED PETITION FOR RELIEF

The Petitioners, William and Patsy Resnick a/k/a Patricia Resnick (hereinafter "Resnick") by their attorney's Billig, Loughlin and Baer, hereby submits this petition for a hardship variance from the Town's Local Law #3-2016 entitled Establishing a Moratorium on Residential Development Approvals" Adopted at a Regular Legislative Meeting of the Town of Fallsburg Town Board on June 27, 2016 (hereinafter referred to as Moratorium Law) and in furtherance thereof, respectfully alleges as follows:

1. The Petitioners have had a long storied history living, and building several successful businesses in the Town of Fallsburg. The property that is subject to the within application, is located in the hamlet of Mountaindale and was previously used for the Catskill Mountain Lions semi pro baseball team. It is 74 $\pm$ acres and was previously permitted and developed for that commercial and recreational use.

2. The Petitioners in 2004 received approval for a 187-unit residential subdivision, which was in 2015 modified to a 191-unit subdivision from the Town of Fallsburg Planning Board with related approvals from the Town Board. Petitioners now seek to receive a waiver from the Town Board from the Moratorium to reduce the number of units by 30% to 130 units and modify the layout to accommodate the reduction in units. Petitioners respectfully submit that its application follow the requirements of the Moratorium by significantly lessening the impacts of the project while fulfilling the goals of the development. Petitioner will sustain financial hardship if it is not given a waiver and its application granted. The Town Board in granting the within application will not increase the environmental or socio-economic impacts of the project on the Town, but in fact lessen those impacts which were identified by the Planning Board during its review and approval process.

3. Petitioner incorporates by reference the records of the Town relating to the Mountaindale Estates project. This includes but is not limited to, the file(s) of the Town of Fallsburg Clerk, the Town of Fallsburg Building Department, the Town of Fallsburg Engineer, the Town of Fallsburg Planning Board, The Town Zoning Board of Appeals, the Town Board and related consultants. This complies with the requirements of the Local Law #3 section 4 (1) and (2).

4. There are no violations involving the Project and the Project has not submitted to any other permitting agencies at this time. This complies with Local Law #3 Section 4 (3) and (4).

5. In 2004, the Petitioner's decided to develop the property into a residential development to service the needs of what was hoped to be a growing population in Mountaindale. Its location at the intersection of County Roads 56 and 54, and its proximity to the hamlet of Mountaindale make it an ideal location for the residential development. The Petitioners embarked on developing Mountaindale Estates (hereinafter referred to as the Project) situated in the Town of Fallsburg, Hamlet of Mountaindale, Tax Map Number: 42-1-11.1.

6. This Project received support from the Town of Fallsburg Board. It received several approvals from the Town Board which included (1) a zoning change so that the entire parcel would be HR-1, (2) a water district extension and (3) a sewer district extension on September 28, 2004 (Attached as A).

7. The Project made various submissions to the Town Planning Board and received a Negative Declaration from the Town of Fallsburg Planning Board in January 13, 2005. The Project also received Preliminary Subdivision Approval on January 13, 2005 from the Town of Fallsburg Planning Board. (Both Attached as A).

8. When the Project was initially approved in 2005 it underwent a series of reviews by the Town of Fallsburg Town Board and the Planning Board which included compliance with the subdivision regulations, SEQRA, GML 239 review, and several public hearings.

9. Pursuant to these approvals the Project at the request of the Town, thereafter worked with the Town and Town Engineer and a consulting engineering firm for the Town, O'Brien & Gere to review various options to upgrade and potentially expend the Hamlet of Mountaindale Wastewater Treatment Facility. A report was produced dated December 2006. The Project sponsor, upon information and belief, has spent approximately sixty thousand ($60,000,00) dollars on the work that O'Brien & Gere and its own engineers regarding the sewer capacity of the plant and subsequently made some revisions to the subdivision site plan and working with the Town, Planning Board staff, and the Planning Board, updated its environmental documents. This was done pursuant to the agreement of the Developer to explore with the Town sewer capacity options for the Mountaindale sewer plant.

10. The Town of Fallsburg Planning Board has previously given preliminary approval for a Project consisting of 187 units single-family, two-family and six-family home subdivision for Mountaindale Estates (hereinafter referred to as the Project) situated in the Town of Fallsburg, Hamlet of Mountaindale, Tax Map Number: 42-1-11.1.

11. The Project marketed itself to potential developers and the Petitioners also explored the options of the continued development of the site. Market conditions collapsed in the residential housing market. It forced the Project to remain dormant but yet the Petitioners worked with the Town and was given extensions to maintain the approvals it had received.

12. The Petitioners in 2014, in an attempt to respond to the market conditions, sought to make minor modifications to the previous approvals to the Project. These modifications included increasing the number of units from 187 units to 191 units. The mix included single family homes and two types of town houses (3 family town houses and 6 family town houses) as laid out in the subdivision plans entitled Mountaindale Estates prepared by Pietrzak & Pfau Engineering & Surveying having # 22 of sheets dated October 25, 2004 as revised on May 2, 2016.

13. The modification consists of two phases: Phase I comprising of a total eighty (80) units consisting of 1 existing dwelling unit and forty-three (43) single family homes and twelve (12) three (3) unit family townhouses. Phase II would comprise of 111 units consisting of five (5) three (3) unit family townhouses and sixteen (16) six (6) family unit town houses. See the Map Attached as Exhibit B

14. The Planning Board followed and complied with the applicable standards of the New York State Environmental Quality Review Act, SEQRA 6 NYCRR 617.6 was designated lead agency for coordinated environmental review, notified all interested and involved agencies, coordinated review, notified interested and involved agencies (none of which objected), applicant completed Part I EAF and Board completed Part II EAF, 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 made a finding of a Negative Declaration dated May 12, 2016.

15. The Project met the requirements of Town of Fallsburg Town Code Chapter 260 regarding the Subdivision of Land, more particularly subsections 3-6.

16. The Planning Board reviewed all of the information and documentation developed for the Project, including subdivision plans entitled Mountaindale Estates prepared by Pietrzak & Pfau Engineering & Surveying having # 22 of sheets dated October 25, 2004 as revised on May 2, 2016 as well as comments and correspondence received from involved agencies and the public made certain modifications to the Project.

17. The Planning Board reviewed all of the information and documentation developed for the Project, including but not limited to the Negative Declaration, Determination of Non-significance dated May 12, 2016 as well as comments and correspondence received from involved agencies and the public.

18. On May 12, 2016 the Planning Board granted the Petitioner Preliminary Subdivision approval. The Board incorporated by reference the prior approvals including the water and sewer extensions previously adopted by the Town Board. See Exhibit C

19. As of today's date the Petitioner has expended significant amounts of money to develop the Project to this point in time. The following amounts have been expended.

    a. Petitioner has spent $304,043.99 on engineering fees to have the Project reach this current level of approval.
    b. Obrien & Gere approximately $60,000.00
    c. legal fees are $50,000.00
    d. Archeology study costing $17,875.50
    e. Traffic Study and report costing $8,500.00
    f. Well drilling and testing costing $16,000.00
    g. Petitioner has expended on Town consulting fees and Town escrow fees approximately $20,000.00
    h. The Petitioner also paid the site plan approval fee for 44 single and 147 town houses in the amount of $19,200.00.

20. The Petitioner always saw the development of Mountaindale Estates as a residential project that would help drive a much needed commercial development in the Town and more particularly the Hamlet of Mountaindale. There were a significant number of vacant commercial building in the hamlet which have since been updated, rehabilitated and rented out to both residents and commercial businesses.

21. Since the inception of this Project, with the support of the Town Board the Petitioner saw the need/opportunity to develop the commercial buildings in the hamlet of Mountaindale. The Petitioner realizes that the Town is not responsible nor a guarantor for its entrepreneur efforts to develop in the Town, however they hope the Town Board will consider as part of the financial hardship in this application the hundreds of thousands of dollars spent to improve all the buildings in the hamlet of Mountaindale. This amount is approximately $2,000,0000.00

21. For the reasons heretofore set forth, the Petitioners are requesting relief from the Moratorium Law and Requesting authority to complete the development of the project. As set forth in this Petition, the approval of this project is past the final stages. Substantially all of the reports and site plan requirements of the Town of Fallsburg have been met and submitted to the Planning Board and the Planning Board consultants and they have substantially approved all of the foregoing. The Town Planning Board has on two occasions granted Preliminary Site Plan approval and a SEQRA negative declaration were again given to the Project.

The Project is now to the stage of obtaining required third party approvals that are needed for this project that have not already been obtained from the New York State Department of Environmental Conservation and New York State Department of Health. It is expected that this stage of the Project will move relatively smoothly. Thus, upon Planning Board approval, this project is "shovel ready" with construction capable of starting immediately after approval.

22. The Petitioners have also demonstrated a substantial financial mandating that this project be allowed to proceed notwithstanding the Moratorium Law. To date approximately $500,000.00 has been expended in payment for development costs, including engineers and town consultants.

22. In addition to the financial hardship outlined above, the Project seeks to lessen its impacts by downsizing the number of units from 191 to 130. This is a 30% reduction which is significant and is driven by a variety of factors all which have a financial bearing on the Petitioner. See Exhibit D

23. The Town has indicated through their engineer that the Mountaindale sewer plant has limited capacity. The developer as part of the initial approval had agreed to expend capital to ensure that there is sufficient capacity for the project. That was the purpose of the Petitioner's working with the Town previously to study the Town's Mountaindale sewer plant. As set forth above, this included the Petitioner spending over sixty thousand dollars ($60,000.00) on a consultant as directed by the Town.

24. At the time of the recent approvals the developer had been informed by the Town that the capacity in the plant can only cover 115 units. The developer will experience a significant financial hardship if it has to spend the capital to upgrade the sewer plant to accommodate the proposed 191 units. The developer by reducing the number of units will have a significantly smaller impact on the excess capacity of the sewer plant and additionally have to make significantly less of a capital investment in the sewer plant to accommodate the needs of the project.

25. The Petition seeks to reduce the number of units from 191 to 130 which is a 30% reduction. Attached to the Petition as Exhibit E is a letter from the Project's engineer, who opines that the reduction in the number of units and the change in the proposed layout will not cause any negative impacts by the Project. There in fact will be reduced impacts.

26. Additionally, the Moratorium was enacted by the Town in response to increased residential development pressure and its impacts on the Town's infrastructure of roads, water and sewer. The project received a Negative Declaration pursuant to SEQRA by the Town Planning Board for the development of 191 units. The reduction of the number of units to 130 can only lessen the impacts that were part of the Planning Board's record most particularly the impact on the Mountaindale sewer plant.

27. In conclusion, the Petitioners have received support from the Town for the development of Mountaindale Estates for over ten years. The project has undergone numerous reviews by the Town Planning Board, its staff, the Town Board and also had significant public input. It was approved for 187 residential units and subsequently modified to 191 residential units. The Petitioners have invested several million dollars not only in this project but in the Hamlet of Mountaindale.

28. Petitioner has committed to send capital for capacity needed for the Project. By reducing the number of units the financial burden regarding this will be significantly lessened while at the same time reducing the impacts of the Projects.

29. For all of the reasons set forth herein, it is respectfully submitted that the Petitioners have demonstrated that a significant hardship would be incurred, financial and otherwise, in the event that the Petitioners would not be allowed to proceed towards reducing the number of units and modifying the site plan to move towards completion of this project, and that, in such event, Petitioners would suffer irreparable injury of no less than $2,000,000.00.

WHERETOFORE, it is respectfully requested that the Town of Fallsburg grant the Petitioners 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 Board which may require approval for this project, including the Architectural Review Board and the Building Department.

Dated: August 24, 2016
Monticello, New York

Billig Loughlin & Baer, LLP

Jacob R. Billig, Esq.
Attorney for the Petitioner
P.O. Box 1447-461 Broadway
Monticello, New York 12701

VERIFICATION

STATE OF NEW YORK)
)
COUNTY OF SULLIVAN)

I, William Resnick, being duly sworn depose and say that: I am the owner of the property and one of the Petitioners named above; I have read the foregoing Petition; and know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

Sworn to before me on this
25 Day of August, 2016

Notary Public JACOB R. BILLIG
Attorney & Counsellor At Law
NYS - Sullivan County Clerk's #1937
Commission Expires 4.20.19

Resolution Approving the Application for Mountaindale Estates for an Amendment of the Zoning Law of the Town

RESOLUTION APPROVING THE APPLICATION OF MOUNTAINDALE ESTATES FOR AN AMENDMENT OF THE ZONING LAW OF THE TOWN AND ALL RELEVANT MAPS FOR THE ENTIRE PREMISES DESIGNATED TOWN TAX MAP NUMBER 42-1-11.1, 42-1-13.1 and 44-1-66 FROM R-1 and REC-1 TO HR-1

WHEREAS, Mountaindale Estates is a corporate entity, maintaining an office at P.O. Box Q, Mountaindale, New York 12763. The petitioner is the developer of certain property along New Road (aka County Route 56), in the Village of Mountaindale, Town of Fallsburg, County of Sullivan, State of New York. The property is designated tax map number(s) (T) Fallsburg S-B-L: 42-1-11.1, 42-1-13.1 and 44-1-66, and consists of +/- 78 acres. The property adjoins the New Road (County Road 56) that exists along Woodridge Road(County Road 54) in Mountaindale, and

WHEREAS, Mountaindale Estates previously petitioned the Town that the property be designated and rezoned HR-1. The property is in the R-1 and REC-1 zones. Most significantly, a portion of the property along the New Road, with street frontage is adjacent to the HR-1 zone in Mountaindale. Mountaindale Estates seeks to develop the property into a residential community consistent with the neighborhood character of the HR-1 zone in Mountaindale, and

WHEREAS, the requested zoning change is legally permissible, and will enhance the development in the best interests of the Town. The Mountaindale Estates Parcel borders on New Road (County Route 56) and County Route 54. The hamlet of Mountaindale is comprised predominately of single-family detached residences and some commercial structures. The mixture of predominately residential single-family detached homes and some commercial businesses defines the core of the Hamlet of Mountaindale. The fact that the Mountaindale Estates parcel possesses the access points, provided by the above-referenced streets, will allow the proposed subdivision to effortlessly blend into the Hamlet. The requested zoning change will allow for a moderately sized residential development will enhance the planned growth of the Town and the Hamlet of Mountaindale.

WHEREAS, Mountaindale Estates has committed that as a condition to the approval of the development by the Town and the Town Planning Board, it will provide sufficient capacity to

meet the sewer needs of the project. It is working with the Town to determine the current excess capacity that exits at the Mountaindale sewer plant, and will supplement whatever capacity is needed by the Town to satisfy the needs of the Town and the Project together by either expanding the existing Town plant or building its own plant adjacent to the Town plant. The metes and bounds description is annexed to this petition as Exhibit A, and

WHEREAS, appropriate and legal notice was published by the Town in a newspaper of local circulation that a public hearing was to be held on September 14, 2004 by the Town on the above-referenced zoning amendment, and

WHEREAS, the Town of Fallsburg Planning Board at a meeting on 12, 2004 passed a resolution supporting and recommending a change in the Town of Fallsburg Zoning Code and Map to include all of the subject property on the District; and

WHEREAS, Mountaindale Estates completed an Environmental Assessment Form (EAF), for purposes of the above-referenced zoning amendment, after public notice, a public hearing was held by the Town Board on September 14, 2004, and upon the administration record made by the Town, the Town selected itself Lead Agency and found that the amendment of the zoning code and map to designate the entire property would not have a negative effect on the environment of the Town under the New York State Environmental Quality Review Act (SEQRA); and

NOW, THEREFORE, it is

RESOLVED, that the Town Board, Town of Fallsburg approves the application for the amendment of the Town zoning code and maps for the above-referenced property designating the entire parcel HR-1and finds as follows:

(1) The petition is signed and acknowledged and is otherwise sufficient;

(2) That all the property and the property owners within the zone and the Town are benefited thereby;

(3) That all the property owners and the property benefited are included within the amendment;

(4) That it is in the public interest to grant the relief sought;

(5) That the action is found to not have a significant effect on the environment.

Moved by: Councilman Seletsky

Seconded by: Councilwoman Prusinski

All in Favor: 5 Ayes

All Opposed: 0

Adopted this 28th day of September, 2004

Resolution Conditionally Approving Application of Mountiandale Estates, for an Extension of the Town of Fallsburg Consolidated Sewer District

RESOLUTION CONDITIONALLY APPROVING APPLICATION OF MOUNTAINDALE ESTATES, FOR AN EXTENSION OF THE TOWN OF FALLSBURG CONSOLIDATED SEWER DISTRICT

WHEREAS, Mountaindale Estates., the developer of taxable real property situated in the proposed extension of the Fallsburg Consolidated Sewer District hereinafter described, and who owns in the aggregate one hundred (100%) percent of the assessed valuation of all taxable real property of said proposed extension, as shown upon the latest completed assessment roll of said Town, Sections 42-1-11.1 & 13.1 and 44-1-66; and

WHEREAS, the proposed extension to the Town of Fallsburg Consolidated Sewer District in the location hereinafter described, is situated in the Town of Fallsburg, County of Sullivan and State of New York, outside of any incorporated village or city and wholly within the said Town of Fallsburg, and which proposed extension will provide sewer service to the Petitioner, as described in the reports of Pietrzak & Pfau, Engineering and Surveying Consultants, 262 Greenwich Ave, Suite A, Goshen, New York 10924, both dated September 14, 2004; and

WHEREAS, the property which the extensions are requested is partially within the existing town sewer district, and a portion of the property is currently in the district. and

WHEREAS, the exact amount of excess capacity that exists at the plant that would service the project is to be definitely determined and Mountaindale Estates, its successors and/or assigns shall provide any additional capacity that may be needed to satisfy the needs of the project at its sole cost and expense by either expanding the existing sewer plant that would service the project or building its own plant adjacent to the existing Town sewer plant which will be decided by the Town of Fallsburg. The developer is working with the Town on finalizing this issue which will be a condition on

final approval; and

WHEREAS, the Petitioner represents that all costs and expense of the establishment of said extension improvement will be paid for by the Petitioner and no cost is to be paid by the Town of Fallsburg. Therefore, it is respectfully submitted that the permission of the State Department of Audit and Control to create said extension pursuant to the provisions of Section 194 of the Town Law is not required. The proposed extension will include all the property owners of the proposed parcel which said extension is requested and the proposed extension will benefit all of the property owners; and

WHEREAS, the general policy of the Town Board and the Town of Fallsburg is to encourage stimulation of the economy in the Town and County, as it relates to construction projects in the Town's boarders; and

WHEREAS, the Town Attorney and Town Building Department have inspected the application of the above-named; and

WHEREAS, the Town of Fallsburg Planning Board at a meeting on July 8, 2004, passed a resolution supporting the extension of the Town of Fallsburg Consolidated Sewer District; and

WHEREAS, Mountaindale Estates completed an Environmental Assessment Form (EAF), for purposes of the above-referenced extension of the Town of Fallsburg Sewer District, after public notice, a public hearing was held by the Town Board on September 14, 2004, and upon the administrative record made by the Town, the Town finds that the extension of the Sewer District will not have a negative effect on the environment on the Town under the New York State Environmental Quality Review Act (SEQRA); and

NOW, THEREFORE, it is

RESOLVED, that the Town Board, Town of Fallsburg approves the application for the extension of the Fallsburg Consolidated Sewer Districts subject to the conditions set forth above and made a part hereof and finds the following:

(1) The petition is signed and acknowledged and is otherwise sufficient;

(2) That all the property and the property owners within the district are benefited thereby;

(3) That all property owners and the property benefited are included within the proposed district extension;

(4) That it is in the public interest to grant the relief sought; and

(5) That the action is found to not have a significant effect on the environment.

Moved by: Councilman Seletsky

Seconded by: Councilman Gilberg

All in Favor: 5 Ayes

All Opposed: 0

Adopted this 28th day of Sept., 2004

Legal Description for
Mountaindale Estates
Sewer District, Town of Fallsburg

LEGAL DESCRIPTION
FOR
RESNICK
SEWER DISTRICT, TOWN OF FALLSBURG
P&P No. 24138.01

All that parcel of land, lying, situate and being in the Town of Fallsburg, Hamlet of Mountaindale, Mountaindale Sewer District, all of Tax Map Section 44, Block 1, Lot 66 containing 14.2± acres, and a portion of Tax Map Section 42, Block 1, Lot 11.1, County of Sullivan, State of New York, and being more accurately described as follows:

BEGINNING at a point in the approximate center line of County Highway No. 56 (a.k.a. New Road), said point being a point in common with Tax Map Section 42, Block 1, Lot 11.2; and running thence along said Lot 11.2 in a northwesterly direction 600± feet; thence leaving said Lot 11.2 and running through Lot 11.1 on a curve to the right in a northeasterly direction 1,400± feet; thence continuing through Lot 11.1 in a northwesterly direction 500± feet; thence on a curve to the right in a northwesterly direction 500± feet; thence on a curve to the right in a northerly direction 270± feet to a point in common with Tax Map Section 44, Block 1, Lot 14, said point also being a point in common with a creek and common property line; thence resuming on the northerly side of said creek and continuing through Lot 11.1 north 400± feet to a point in common with Tax Map Section 42, Block 1, Lot 21.2; thence continuing along Lot 21.2 northeasterly 50± feet to a point in common with Tax Map Section 42, Block 1, Lot 13.6; thence along said Lot 13.6 in a southeasterly direction 130± feet to a point in common with Tax Map Section 42, Block 1, Lot 14, said point also being a point in common with a creek; thence running along said Lot 14 and along a creek, more or less, 370± feet; thence resuming on the southerly side of said creek, said point also being a point in

common with Tax Map Section 42, Block 1, Lot 14; and running thence along said creek and Lot 14 325± feet; thence in a northeasterly direction 300± feet; thence in a southeasterly direction along said Lot 14 and in part along Tax Map Section 44, Block 1, Lot 66 1,100± feet; thence in a southwesterly direction along various lots 1,450± feet to a point in common with Tax Map Section 42, Block 1, Lot 11.2; thence along said Lot 11.2 in a northwesterly direction 140± feet to the approximate centerline of County Highway No. 56 (a.k.a. New Road), said area consisting of 18.3± acres of land for a combined area of 32.5± acres of land in the Mountaindale Sewer District.

MFC/tmp
resnick
09-08-04

Resolution Conditionally Approving Application of Mountaindale Estates, for an Extension of the Town of Fallsburg Consolidated Water District

RESOLUTION CONDITIONALLY APPROVING APPLICATION OF MOUNTAINDALE ESTATES, FOR AN EXTENSION OF THE TOWN OF FALLSBURG CONSOLIDATED WATER DISTRICT

WHEREAS, Mountaindale Estates., the developer of taxable real property situated in the proposed extension of the Fallsburg Consolidated Water District hereinafter described, and who owns in the aggregate one hundred (100%) percent of the assessed valuation of all taxable real property of said proposed extension, as shown upon the latest completed assessment roll of said Town, Sections 42-1-11.1 & 13.1 and 44-1-66; and

WHEREAS, the proposed extension to the Town of Fallsburg Consolidated Water District in the location hereinafter described, is situated in the Town of Fallsburg, County of Sullivan and State of New York, outside of any incorporated village or city and wholly within the said Town of Fallsburg, and which proposed extension will provide water service to the Petitioner, as described in the reports of Pietrzak & Pfau, Engineering and Surveying Consultants, 262 Greenwich Ave, Suite A, Goshen, New York 10924, both dated September 14, 2004; and

WHEREAS, the property which the extensions are requested is partially within the existing Town Water district, and a portion of the property is currently in the district. and

WHEREAS, the exact amount of excess capacity that exists at the plant that would service the project is to be definitely determined, and Mountaindale Estates, its successors and/or assigns shall provide any additional capacity that may be needed to satisfy the needs of the project at its sole costs and expense by either expanding the existing water plant that would service the project or building its own plant adjacent to the existing Town Water plant, which will be decided by the Town of Fallsburg. The developer is working with the Town on finalizing this issue which will be a condition on

final approval; and

WHEREAS, the Petitioner represents that all costs and expense of the establishment of said extension improvement will be paid for by the Petitioner and no cost is to be paid by the Town of Fallsburg. Therefore, it is respectfully submitted that the permission of the State Department of Audit and Control to create said extension pursuant to the provisions of Section 194 of the Town Law is not required. The proposed extension will include all the property owners of the proposed parcel which said extension is requested and the proposed extension will benefit all of the property owners; and

WHEREAS, the general policy of the Town Board and the Town of Fallsburg is to encourage stimulation of the economy in the Town and County, as it relates to construction projects in the Town's boarders; and

WHEREAS, it has been reported to the Town Board, Town of Fallsburg, that there is sufficient availability of water capacity to accommodate the development on the property in question; and

WHEREAS, the Town Attorney and Town Building Department have inspected the application of the above-named; and

WHEREAS, the Town of Fallsburg Planning Board at a meeting on July 8, 2004, passed a resolution supporting the extension of the Town of Fallsburg Consolidated Water Districts; and

WHEREAS, Mountaindale Estates completed an Environmental Assessment Form (EAF), for purposes of the above-referenced extension of the Town of Fallsburg Water District, after public notice, a public hearing was held by the Town Board on September 14, 2004, and upon the administrative record made by the Town, the Town finds that the extension of the Water District will not have a negative effect on the environment on the Town under the New York State Environmental Quality Review Act

(SEQRA); and

NOW, THEREFORE, it is

RESOLVED, that the Town Board, Town of Fallsburg approves the application for the extension of the Fallsburg Consolidated Water Districts subject to the conditions set forth above and made apart hereof and finds the following:

(1) The petition is signed and acknowledged and is otherwise sufficient;

(2) That all the property and the property owners within the district are benefited thereby;

(3) That all property owners and the property benefited are included within the proposed district extension;

(4) That it is in the public interest to grant the relief sought;

(5) That the action is found to not have a significant effect on the environment.

Moved by: Councilman Seletsky

Seconded by: Councilman Perrello

All in Favor: 5 Ayes

All Opposed: 0

Adopted this 28th day of Sept., 2004

Town of Fallsburg Planning Board Mountaindale Estates Subdivision Approval and Site Plan Review Adoption of Negative Declaration

TOWN OF FALLSBURG PLANNING BOARD
MOUNTAINDAL ESTATES
SUBDIVISION APPROVAL AND SITE PLAN REVIEW
ADOPTION OF NEGATIVE DECLARATION

WHEREAS, the Town of Fallsburg Planning Board is reviewing a 187 unit single-family, two-family and six-plex home subdivision for Mountaindale Estates (hereinafter referred to as the project) situated in the Town of Fallsburg, Hamlet of Mountaindale, Tax Map SBL: 42-1-11.1 & 42-1-13.1; and

WHEREAS, the Planning Board under the applicable standards of SEQRA 6 NYCRR 617.6 was designated lead agency for coordinated environmental review on September 4, 2004, and a copy of such designation was sent to each involved agency; and

WHEREAS, the Planning Board reviewed all of the information and documentation developed for the Project, including but not limited to the Negative Declaration, Determination of Non-significance dated January 13, 2005, as well as comments and correspondence received from involved agencies and the public; and

NOW THEREFORE BE IT RESOLVED THAT, the Town of Fallsburg Planning Board acting as lead agency, based on the record before it, including the general, specific and detailed knowledge of the Board of the Project and of the community, hereby makes the following determinations:

1) The findings and conclusions relating to the probable environmental impacts contained within the Negative Declaration are hereby adopted and incorporated by reference.
2) The Chairman or his designee is hereby authorized to file the Negative Declaration in accordance with applicable provisions of law.
3) The project will not result in any significant adverse environmental impacts.
4) The requirements of SEQRA have been satisfied.

Dated: January 13, 2005

Ira Steingart
Vice Chairman of the Planning Board

Motion for acceptance of Resolution made by Steve Vigliante and seconded by Michael Weiner.

Vote as follows: _____5_____ For
_____0_____ Against
_____0_____ 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 Adoption of Negative Declaration 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 13th day of January, 2005

Paige E. Maxwell

Paige E. Maxwell – Planning Board Clerk

The ~~Planning Board~~ TOWN Clerk of the Town of Fallsburg, Sullivan County, New York, does hereby certify that I have compared this copy with the original Adoption of Negative Declaration 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 13th day of January, 2005

Patricia P. Haaf

Patricia P. Haaf – Town Clerk

RECEIVED
JAN 21 2005
TOWN CLERK
TOWN OF FALLSBURG

State Environmental Quality Review
NEGATIVE DECLARATION
Determination of Non-Significance
(Evaluation of Importance of Impacts – Part III)

Dated: January 13, 2004

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law. The Town of Fallsburg Planning Board (Planning Board) has issued appropriate notices that it would be the Lead Agency and no opposition being made thereto.

The Planning Board, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and an Environmental Impact Statement will not be prepared. Attached to this Negative Declaration is the response to the Part III prepared by the Applicant.

Name of Action: Mountaindale Estates Residential Subdivision and Site Plan approval.

Applicant: Mountaindale Estates

SEQRA: Type I (x)

Unlisted ( )

Conditional Negative Declaration: Yes ( )

No (X)

Procedure

The Applicant first appeared before the Town Board to make an initial presentation of the project at a work session in September 16, 2003. Members of the public were in attendance, including some members of the Town Planning Board and residents of the Hamlet of Mountaindale. The Town Board endorsed the project from a conceptual standpoint, pending Planning Board review. On or about June 22, 2004, prior to the first Planning Board meeting on July 8, 2004, the Applicant appeared before the Town Planning Board for a pre-submission conference. The applicant again appeared before the Town Board at a work session on July 21, 2004 to provide comments that had been made at the Planning Board conference. On September 23, 2004 the Planning Board made a recommendation for (1) the rezoning of the property from R-1 and REC-1 and HR-1 to be entirely HR-1 and (2) extension of the entire property into the Fallsburg Water and Sewer Districts (part of the property was in both districts). The Applicant presented engineering studies, which demonstrated that there was some capacity in both Districts to handle the proposed project, however there was questionable capacity in the

sewer district. The Planning Board also found that rezoning the entire parcel would be in harmony with the current zoning of the Town. The Planning Board passed the appropriate resolution to make a recommendation to the Town Board.

On September 14, 2004 the Town Board held a public hearing on (1) the rezoning of the entire property to HR-1 and (2) extension of the entire property to be included in the Town's water and sewer district. The Town took comment from the public which supported all actions. The Town's engineer acknowledged that the engineering studies done by the Applicant supported the fact that there was enough capacity of water but not enough sewer service. The Board passed a resolution rezoning the property to be entirely HR-1 and to extend both the Town Water and Sewer districts so that they would include the entire property. The Town Board specifically conditioned the extension of the Project into the sewer district on the Applicant's building its own sewer capacity.

On September 28, 2004, the Town of Fallsburg Town Board declared themselves lead agency for the SEQRA process for the Water and Sewer Extensions, as well as the Zoning change. The Town Board also declared the Negative Declaration for all processes and authorized all processes with the condition of Department of Conservation and Department of Health approval and approval of the capacity based upon the Town Engineer and Town Attorney's reports.

The Applicant completed a long Environmental Assessment Form (EAF) Part I and submitted the same at a September 9, 2004 meeting of the Planning Board. The Part II of the EAF was completed at a subsequent Planning Board meeting on October 26th, November 11th, December 9, 2004 and January 13, 2005. A public hearing was noticed and held by the Planning Board on November 4, 2004 for purposes of the SEQRA review and site plan review. All comments received were addressed by the Applicant and the Planning Board in completing the Part III of the EAF.

The Planning Board as Lead Agency pursuant to 6 NYCRR Part 617.6 of the State Environmental Quality Review Act (SEQRA), having reviewed and accepted the EAF hereby finds this action is:

1. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the action to be carried out, funded or approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the relevant environmental documentation;

2. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental review process will be minimized or avoided by incorporating as conditions to the decision those mitigation measures which were identified as practicable; and

3. The EIS is comprehensive and contains the facts and conclusions relied upon to support the Planning Board's findings.

Description of Action

The Applicant is proposing to build a 187 units single-family and multi family housing subdivision in the Hamlet of Mountaindale. The project will be on 87 ± acres on what was known as the Baxter Stadium Baseball field. The property is adjacent to and within the Hamlet of Mountaindale, which contains residential neighborhoods, and some businesses such as antique dealers and restaurants.

The Planning Board began site plan review on August 6, 2004. The applicant submitted various site plans to the Board over the next twelve months providing more detail on the layout of the property, as well as denoting the various details for water and sewer lines, drainage facilities, topography of the property to a 1 foot contour and a drainage plan. These revisions occurred after consultation with the Planning Board at various meeting over a six-month period of time, which included holding a public hearing for both purposes of SEQRA and Site Plan review, and incorporating the comments made by the public and Planning Board members. A traffic study was also preformed by Creighton Manning Engineering which showed adequate road capacity for the build out of the project. A review by a traffic engineer retained by the Town resulted in a number of recommendations which are being incorporated. The County of Sullivan Department of Planning and Economic Development has performed its review pursuant to General Municipal Law Sec. 239 l and m and in a letter dated January 7, 2005 found that the project will not have negative impact and recommended approval, with certain recommendations.

The Applicant met with the Fallsburg Superintendent of schools Walter Milton on October 26, 2004. Subsequently, the Applicant presented the project to the entire School Board at a Public meeting on November 2, 2004. The Board supported the project proposal.

Mitigation

Town water will be used to supply potable water to the project and will be regulated under the New York State Department of Health requirements for community public water systems. An additional well is proposed to be provided on site and will be turned over to the Town at no cost. A central sewage collection system will be permitted and will need New York State Department of Environmental Conservation requirements for sewage collection systems. The plant will be designed to house additional capacity beyond that needed for Mountaindale estates, if so determined by the Town Board. If necessary a separate environmental review will be conducted for the additional capacity. Verizon Corp. will provide phone service and New York State Electric & Gas Corp. will provide electricity.

As specified in Section 277 of Town Law, a performance bond or other surety will be required for construction of all roadways, drainage facilities, sewage collection system and water distribution system and any other public improvements as a condition of any final subdivision approval. The Town or its representative, at the expense of the

applicant, will conduct construction inspection of proposed roadways, infrastructure and utilities. The Applicant and Town will agree upon specific estimates for bonding or other improvements and inspection cost purposes.

The developer's purpose for moving forward with the project is to meet the demand for primary homebuyers seeking residence in the Town Fallsburg and Sullivan County. Based on discussions with Sullivan County realtors, the project sponsor believes that sufficient consumer demand exists to support a residential development of this nature. The Sullivan County Chamber of Commerce testified at the public hearing that such a need exists in the County and more particularly in the Town of Fallsburg.

APPROVALS

The following approvals are required for the development of the proposed subdivision:

1) Town of Fallsburg Planning Board; Lead Agency - SEQRA review, subdivision and site plan review and approval.

2) New York State Department of Health (NYSDOH); Approval of the connection into the existing Town Water Supply System.

3) New York State Department of Environmental Conservation (NYSDEC); permitting for discharge of sewage into the existing Town Sewer Collection System, and the Stormwater Discharge and Management Plan.

4) Sullivan County Department of Public Works; approval of the drive entrance work done adjacent the County road, approval of work done to hook into the county drainage system.

5) Sullivan County Department of Planning and Community Development, referral with the provision of the General Municipal Law, Sections 239 l,m,m.

5) Town of Fallsburg Highway Superintendent; approval of entrance permits for all Town roads and work necessary to Town road crossings and improvements.

6) Town Board: Acceptance of the bonding of improvements and infrastructure and ultimately the dedication of the improvements and infrastructure within the development.

CONSTRUCTION

1) Construction is expected to occur in two general phases over a 3-5 year period.

2) The use of emergency access roads will serve to mitigate effects of noise and dust during later construction phases on residences in the previously built phases.

3) Mitigation measures will be implemented to control noise and dust during construction, including _____. Fugitive dust and windborne sediment control will be accomplished by periodic watering of open graded areas. Vegetative cover and landscaping will be established as quickly as practical to assist in reducing the rate of runoff and prevent erosion of exposed soils. Hay bale

barriers or fabric silt fence will surround stockpiled materials. Erosion control fabric will be used on disturbed soil areas. Construction equipment will be muffled in accordance with the GSA Noise Level Standards for Construction Equipment and inspected regularly by the contractors.

4) Construction will result in elevations to site topography in order to obtain proper grades for construction. During earthwork, every effort will be made to balance the cut and fill on site. Erosion control measures will be implemented throughout the site.

Mitigating Measures to be employed are as follows:

1) Locating buildings, driveways and other improvements so as to minimize cutting and filling to the maximum extent practical.

2) Construction development in phases to recognize disturbances at any one time.

3) Limiting grading, cutting and filling to only those areas specified for development.

4 Installing erosion control barriers, i.e. hay bales and filter cloth, adjacent to natural drainageways and at the downhill side of open excavated areas during construction.

5) Construction of granite block curbing on all roads.

6) Completing construction of utility lines on the site in as short a period of time as practical.

7) Utilizing erosion control devices during construction, to control runoff and retain sediments. These include devices such as hay bales, fabric filters and dikes placed downgradient from disturbed areas. A detailed erosion control plan will be prepared as required.

8) Establishing vegetative cover and landscaping as quickly as practical to assist in reducing the rate of runoff and prevent erosion of exposed soils.

9) Stockpiled topsoil will be seeded with an annual ryegrass or if not redistributed in a timely fashion. Installing hay bales or filter fabric barriers at the perimeter will prevent soil slippage at the toe of the stocked area.

10) Selected traffic engineering recommendations may be determined prior to final approval

ECOLOGICAL RESOURCES

1. The project site encompasses essentially inactive land, which was previously used as a baseball field, which is cut for hay periodically, and woodland.

2. Construction of residences and infrastructure improvements will require removal of most vegetation within the development area, and will not cause wildlife to be displaced as there exists significant open inactive farmland adjacent to the project.

3. No threatened or endangered species were identified.

4. Particular care will be given to maintain vegetation, which serves as a screen for new sites.

LAND USE AND ZONING

The existing surrounding land use of the project site is a combination agricultural, commercial, seasonal residential, year round residential, and open space. The proposed use of the site as a residential development is in accord with land use regulations of the Town of Fallsburg Zoning Ordinance. The site is not located in an Agricultural District.

TRAFFIC RELATED ASPECTS

The Applicant prepared a Traffic Study, which is incorporated by reference. A total of 119 trips will be generated by this project during the week at the P.M. peak hour. It is estimated there will be an average of seventy six (76) trips for entry and forty three (43) for exiting during the peak P.M. hour. Based upon these projections and recent traffic volume counts, the County and Town Roads and adjacent intersections will continue to operate at an adequate Level of Service (LOS).

The applicant as shown on the submitted plans will construct emergency access roads. The travelway for the emergency roads will be a minimum of 12 feet wide and constructed with a crushed stone-wearing course. The road will be used for construction vehicles during the site development construction phases and will be subsequently used for emergency access after all construction phases are completed. The road will have temporary barriers to discourage non-emergency use and will be maintained by the Town year-round as an emergency access to the site.

Two primary access points will be built for the project. A primary boulevard access will be constructed off of County Road 56 (New Road) and another primary access point will be constructed off of County Road 54 (Woodridge Road). The travel lanes will be 12 feet wide for a total of 24 feet. The wearing course will consist of a bituminous asphalt surface with no shoulders.

The full-time permanent access road will be built to Town specifications and will be owned and maintained by the Town.

UTILITIES AND COMMUNITY SERVICES

A charged hydrant system will be installed for fire protection and potable water supply. The fire protection system will be designed, reviewed and approved in accordance with applicable rules and regulations of the Town of Fallsburg and New York State Department of Health. Water mains will be looped and interconnected with existing water lines. The proposed project adjoins the Town of Fallsburg water tank, which provides adequate storage and pressure for the project.

Wastewater treatment will be accomplished by hooking into the existing Town Sewer System.

Police protection will be provided by the Town of Fallsburg Police Department, Sullivan County Sheriff's Department and by the New York State Police.

Solid waste disposal will be by private contractors.

The Mountaindale Fire District will provide fire protection. The private company Mobilemedic will provide emergency services.

The Fallsburg Central School District has indicated support and ability to accommodate the proposed development.

The developer in accordance with the appropriate provisions of law must bond all of the required improvements, including roadways, drainage system, water system and sewage system

DEMOGRAPHICS AND FISCAL IMPACTS

Population projections indicate that this project will result in an increase of 420 persons, 100 of whom are school age children. Based upon correspondence with the school district and the results of several meetings with the school district by the applicant, the project does not appear to represent negative or significant impacts on the district. It is expected that school district will receive improved socio economic diversity based on the prospective buyers of the homes in the proposed development.

UNAVOIDABLE IMPACTS

Unavoidable construction-related, short-term impacts include increased traffic due to workers and equipment, increased noise levels, fugitive dust and increased air emissions from construction equipment.

Unavoidable long-term impacts will also result from the construction of residential units. These include the conversion of undeveloped land to a residential development, loss of woodlands, and a minimal increase in traffic, increased use of sewer, water and public recreation facilities.

ALTERNATIVES

The applicant explored other alternative densities and the no-action alternative. Applicants' original proposal was for 250 units which was downsized to the current proposal to lessen impacts of the project. The chosen alternative balances the needs of the project sponsor with the social, economic and environmental characteristics of the area.

RESOURCE COMMITMENTS

The construction of residential units will result in irreversible and irretrievable commitment of land, energy, labor and economic resources.

GROWTH-INDUCING ASPECTS

Generally, the proposed residential subdivision will result in few significant growth-inducing impacts. There will be a minor increase in demand for retail and commercial services in the area.

Incorporated by reference are the minutes of those various meetings, as well as the completed EAF. Additionally, the Applicant by its engineer has also compiled a Part III-EAF response dated January 13, 2005. All of the above are the reasons supporting this determination that the Project and Action will not result in any significant adverse environmental impact.

CONCLUSIONS

Having considered the EAF, all public meetings the Planning Board through this Negative Declaration and Statement of Findings certifies that:

A. It has considered the relevant environmental impacts, facts and conclusions disclosed in the record;

B. It has weighed and balanced the relevant environmental impacts with social, economic and other considerations;

C. The requirements of 6 NYCRR Part 617 have been met;

D. Consistent with the social, economic and other essential considerations, from among the reasonable alternatives available, the action to be carried out minimizes or avoids, to the maximum extent practicable, adverse environmental impacts disclosed in the Environmental Assessment Form and supporting information; and

E. Consistent with the social, economic and other essential considerations, adverse environmental impacts revealed in the Environmental Assessment Form and supporting information will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the decision those mitigating measures which were

identified as practicable in the course of this Negative Declaration and Findings Statement.

Adopted by the Town of Fallsburg Planning Board of on January 13, 2005.

TOWN OF FALLSBURG PLANNING BOARD
MOUNTAINDAL ESTATES
PRELIMINARY SUBDIVISION PLAN APPROVAL

WHEREAS, the Town of Fallsburg Planning Board has previously given preliminary approval for a Project consisting of 187 units single-family, two-family and six-family home subdivision for Mountaindale Estates (hereinafter referred to as the Project) situated in the Town of Fallsburg, Hamlet of Mountaindale, Tax Map Number: 42-1-11.1 & 42-1-13.1; and

WHEREAS, the Project when it was approved in 2004, proposed 187 units of single family and multifamily housing subdivision which was thereafter approved on September 28, 2004 by the Town of Fallsburg Town Board for a (a) zoning change so that the entire parcel would be HR-1, (b) a water district extension and (c) a sewer district extension (Attached), and

WHEREAS, the Project after undergoing SEQRA coordinated review, a public hearing and numerous Planning Board meetings, received a Negative Declaration from the Town of Fallsburg Planning Board on January 13, 2005, (Attached), and

WHEREAS, the Project also received Preliminary Subdivision Approval on January 13, 2005 from the Town of Fallsburg Planning Board, and

WHEREAS, pursuant to these approvals the Project thereafter worked with the Town and Town Engineer and a consulting engineering firm for the Town, O'Brien & Gere to review various options to upgrade and potentially expand the Hamlet of Mountaindale Wastewater Treatment Facility. A report was produced dated December 2006, and

WHEREAS, Project over the years was given numerous extensions of these approvals by the Town, and

WHEREAS, Project made certain modifications for the purposes of building it, which included the minor revision of the site plan for 191 units which consists of a mix of residential units which would consist of single family homes and two types of town houses (3 family town houses and 6 family town houses) as laid out in the subdivision plans entitled Mountaindale Estates prepared by Pietrzak & Pfau Engineering & Surveying having # 22 of sheets dated October 25, 2004 as revised on May 2, 2016; and

WHEREAS, the subdivision plan consists of two phases: Phase I would be comprised of a total eighty (80) units consisting of 1 existing dwelling unit and forty-three (43) single family homes and twelve (12) three (3) unit family townhouses within the Town's Consolidated Water and Sewer Districts. Phase II would comprise of 111 units consisting of five (5) three (3) unit family townhouses and sixteen (16) six (6) family unit town houses, and

WHEREAS, the Planning Board under the applicable standards of SEQRA 6 NYCRR 617.6 was designated lead agency for coordinated environmental review and a copy of such designation was sent to each involved agency, and

WHEREAS, the Planning Board reviewed all of the information and documentation developed for the Project, including but not limited to the Negative Declaration, Determination of Non-significance dated May 12, 2016 as well as comments and correspondence received from involved agencies and the public; 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 was designated lead agency for coordinated environmental review, notified all interested and involved agencies, coordinated review, notified interested and involved agencies (none of which objected), applicant completed Part I EAF and Board completed Part II EAF, 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 made a finding of a Negative Declaration; and

WHEREAS, the Project met the requirements of Town of Fallsburg Town Code Chapter 260 regarding the Subdivision of Land, more particularly subsections 3-6, and

WHEREAS, the Planning Board reviewed all of the information and documentation developed for the Project, including subdivision plans entitled Mountaindale Estates prepared by Pietrzak & Pfau Engineering & Surveying having # 22 of sheets dated October 25, 2004 as revised on May 2, 2016 as well as comments and correspondence received from involved agencies and the public made certain modifications to the Project, and

WHEREAS, a review of plans and supporting material has been made by staff to confirm that all requested changes will be made and conditions have been met, including:

A. Standard Conditions

1. Changes requested by Planning Board members during the approval process.
2. Comments from Code Enforcement Officer and Town Engineer during the approval process.
3. Comments from Planning Board attorney during the approval process with the exception of review of legal documents.
4. Changes to the plans necessitated by permit agency requirements.
5. Payment of all fees in accordance with Town fee schedule.
6. Payment of any outstanding consultant escrow fees.
7. Offer of dedication to Town of land or easements for roads, future road widening strip, utilities, etc., that may be shown on the plan or determined to be necessary by the Superintendent of Public Works.
8. Payment of money in lieu of land fees for parks.
9. Meeting all requirements of the Town's consulting engineer, Keystone Associates dared May 12, 2016 except as may be modified by the Town Engineer.

10. Escrow for soil erosion control during construction.
11. Approval by the Architectural Review Board.
12. Establishment of an escrow account, letter of credit or similar financial security to cover future maintenance/repair costs of infrastructure, including water supply, on site sewers, stormwater management, roads, as determined by Town Engineer.
13. Responding to all comments from the Town Planning Consultant, Robert Geneslaw Co, except as may be modified by the Planning Board.
14. Subject to completion of all off-site improvements, whether public or private, prior to issuance of the first building permit, or as determined by the Town Engineer.
15. Provision for an escrow account for site inspection by the Town Engineer, his designee or consulting engineer of his choice.
16. Receipt of all Town and other agency permits before land disturbance except as may be specifically authorized by the Planning Board in this resolution. Building permits shall not be issued until all required permits have been received and the subdivision plans have been stamped and filed with the County.
    a. Sullivan Co. Dept. of Public Works permit for utility crossings (sewer lines, waterline and storm drainage piping) in Main Street/Co. Rd. 56 and 54; and entrance road permit "curb cut".
    b. New York State Department of Environmental Conservation– Approval to hook into the Town Sewer System including the lateral and main hookups to the sewer system and approval of the hookup into the Town water system and expansion and or modification of the Moutnaindale Sewer Plant in order to provide adequate capacity for the project. .
    c. NYS Department of Health – Any or all approvals required
17. 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.
18. Building permits shall not be issued until all subdivision approval conditions have been met, all fees paid and all permits obtained.
19. No site disturbance or construction will take place except for any specific exceptions identified in this resolution before any building permits are issued.
20. The subdivision plan set and supporting documents shall meet all the requirements of the Fallsburg Zoning Code, except or as may be individually modified by the Planning Board upon request of the applicant.
21. The subdivision plan set and satisfaction of conditions are acceptable to the Planning Board.
22. Approval of a Stormwater Pollution Prevention Plan (SWPPP) by all relevant agencies, the Town Engineer and Keystone Associates.

B. Special Conditions

1. Applicant shall prepare a Construction Phasing Plan found acceptable to the Town Engineer and Highway Superintendent.
2. Location at which fencing, if any, will be permitted; detail of fencing; note indicating that only fencing shown on the plan or in notes may be constructed

3. Speed humps are not permitted unless specifically approved by the Planning Board.
4. Stormwater management basins located on separate parcels in subdivision to be dedicated to Mountaindale Estates Home Owners Association for operation and maintenance, upon completion and acceptance.
5. Provide min. 20' wide utility easements and 30' wide temporary construction easements. on subdivision plans for all sanitary sewer lines, waterlines and drainage piping, ditches or swales located outside the proposed road bounds on what will be private lots, for town access and maintenance. Reference to all such easements shall be included in individual parcel deeds to be permanently maintained and undisturbed. Structures and/or plantings will not be allowed within the easements which will be referenced in the individual parcel deed.
6. In accordance with the approved SWPPP.

NOW THEREFORE BE IT RESOLVED THAT, 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 Preliminary Subdivision Approval with certain conditions that are enumerated above; and

Dated: _____, 2016

Irwin Neumark

Vice Chairman of the Planning Board

Motion for acceptance of Resolution made by MARIA ZENO and seconded by GARY TAVORMINA

Vote as follows: 4 For
0 Against
1 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 Adoption of Negative Declaration 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 12th day of July, 2016

Denise Monforte

Denise Monforte – Planning Board Clerk

The Clerk of the Town of Fallsburg, Sullivan County, New York, does hereby certify that I have compared this copy with the original Adoption of Negative Declaration 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 12th day of July, 2016

Elizabeth Malave-Santos

~~Donna Akerley - Town Clerk~~

Elizabeth Malave-Santos - Deputy Clerk

TOWN OF FALLSBURG PLANNING BOARD
MOUNTAINDAL ESTATES
SUBDIVISION APPROVAL
ADOPTION OF NEGATIVE DECLARATION

WHEREAS, the Town of Fallsburg Planning Board is reviewing a subdivision plan application for Mountaindale Estates (hereinafter referred to as the project) situated in the Town of Fallsburg, Hamlet of Mountaindale, Tax Map SBL: 42-1-11.1 & 42-1-13.1; and

WHEREAS, the Project in 2004 proposed 187 units of single family and multifamily housing subdivision which was thereafter approved on September 28, 2004 by the Town of Fallsburg Town Board for a (a) zoning change so that the entire parcel would be HR-1, (b) a water district extension and (c) a sewer district extension (Attached), and

WHEREAS, the Project after undergoing SEQRA coordinated review, a public hearing and numerous Planning Board meetings, received a Negative Declaration from the Town of Fallsburg Planning Board on January 13, 2005, (Attached), and

WHEREAS, the Project also received Preliminary Subdivision Approval on January 13, 2005 from the Town of Fallsburg Planning Board, and

WHEREAS, pursuant to these approvals the Project thereafter worked with the Town and Town Engineer and a consulting engineering firm for the Town, O'Brien & Gere to review various options to upgrade and potentially expand the Hamlet of Mountaindale Wastewater Treatment Facility. A report was produced dated December 2006, and

WHEREAS, Project over the years was given extensions of these approvals by the Town, and

WHEREAS, Project made certain modifications for the purposes of building it, which included the minor revision of the site plan for 191 units which consists of a mix of residential units which would consist of single family homes and two types of town houses (3 family town houses and 6 family town houses subdivision plans entitled Mountaindale Estates prepared by Pietrzak & Pfau Engineering & Surveying having # 22 of sheets dated October 25, 2004 as revised on May 2, 2016; and

WHEREAS, the site plan consists of two phases: Phase I would be comprise of a total eighty (80) units consisting of 1 existing dwelling unit and forty three (43) single family homes and twelve (12) three (3) unit family townhouses. Phase II would comprise of 111 units consisting of five (5) three (3) unit family townhouses and sixteen (16) six (6) unit family town houses, and

WHEREAS, the Planning Board under the applicable standards of SEQRA 6 NYCRR 617.6 was again designated lead agency for coordinated environmental review and a copy of such designation was sent to each involved agency on May 8, 2015, and

WHEREAS, the Planning Board reviewed all of the information and documentation developed for the Project, including but not limited to the Negative Declaration, Determination of Non-significance dated May 12, 2016 as well as comments and correspondence received from involved agencies and the public; and

NOW THEREFORE BE IT RESOLVED THAT, the Town of Fallsburg Planning Board acting as lead agency, based on the record before it, including the general, specific and detailed knowledge of the Board of the Project and of the community, hereby makes the following determinations:

1) The findings and conclusions relating to the probable environmental impacts contained within the Negative Declaration are hereby adopted and incorporated by reference.
2) The Vice Chairman or his designee is hereby authorized to file the Negative Declaration in accordance with applicable provisions of law.
3) The project will not result in any significant adverse environmental impacts.
4) The requirements of SEQRA have been satisfied.

Dated: June , 2016

Vice Chairman of the Planning Board

Motion for acceptance of Resolution made by Bucky Louckes and seconded by Gary Tavormina

Vote as follows: 4 For
0 Against
1 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 Adoption of Negative

Declaration 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 12th day of July, 2016

Denise Monforte

Denise Monforte – Planning Board Clerk

The Clerk of the Town of Fallsburg, Sullivan County, New York, does hereby certify that I have compared this copy with the original Adoption of Negative Declaration 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 12th day of July, 2016

Elizabeth Malave-Santos

~~Donna Akerley – Town Clerk~~

Elizabeth Malave-Santos – Deputy Clerk

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number: N/A: ADOPTED DATE: May 12, 2016

Tax ID Number: Section 42 Block 1 Lot 11.1 & 13.1

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law.

The Town of Fallsburg Planning Board as the lead agency has determined that the proposed action described below will not have a significant environmental impact, and a Draft Environmental Impact Statement will not be prepared.

Name of Action **Mountaindale Estates**

SEQRA Status: Type I

Description of Action: The "Proposed Action" is for Subdivision approval for the construction of a mix residential unit types, which would consist of single family homes and two types of town houses (3 family town houses and 6 family town houses). The subdivision plan consists of two phases – Phase I would total eighty (80) units consisting of one (1) existing dwelling unit and forty three (43) single family homes and twelve (12) three (3) family unit townhouses. Phase II would consist of five (5) three (3) family unit town houses and sixteen (16) six (6) unit family town houses as laid out in the subdivision plans entitled Mountaindale Estates prepared by Pietrzak & Pfau Engineering & Surveying having # 22 of sheets dated October 25, 2004 as revised on May 2, 2016

Location: Town of Fallsburg, Hamlet of Mountaindale –Route 56

Prior Approval History: This Project was approved by the Town of Fallsburg Town Board for a zoning change so that the entire parcel would be HR-1, a water district extension and a sewer district extension on September 28, 2004 (Attached as A). The Project received a Negative Declaration from the Town of Fallsburg Planning Board in January 13, 2005, (Attached as B). The Project also received Preliminary Subdivision Approval on January 13, 2005 from the Town of Fallsburg Planning Board. Pursuant to these approvals the Project thereafter worked with the Town and Town Engineer and a consulting engineering firm for the Town, O'Brien & Gere to review various options to upgrade and potentially expend the Hamlet of Mountaindale Wastewater Treatment Facility. A report was produced dated December 2006. The Project sponsor subsequently made some revisions to the subdivision site plan and working with the Town, Planning Board staff, and the Planning Board, updated its environmental documents.

Reasons Supporting this Determination:

1. The Planning Board has determined that this proposed action is a Type I action, and the Planning Board conducted coordinated review. Notices were sent to all involved and interested agencies on May 8, 2015.

2. The Planning Board has reviewed a Full Environmental Assessment Form (EAF), Parts I and II and a Schematic Subdivision Plan.

3. Notice of a Subdivision Plan Public Hearing was sent to all adjoining and surrounding landowners and the Planning Board held a Public Hearing, at which public comments were made and subsequently these comments were addressed by applicant

4. The Town of Fallsburg Planning Board has reviewed all supporting documentation, including but not limited to the following: (1) Subdivision Plan set, (2) EAF Parts I and II. The Planning Board has carefully reviewed Part II of the Full EAF, and has determined that those Project Impacts that properly fall under consideration for the proposed action are noted with regard to the level of impacts anticipated. The Planning Board also reviewed the prior Neg Dec and Preliminary Subdivision Approval and such are incorporated by reference to the current findings.

5. The Planning Board has carefully reviewed potential environmental impacts, and has determined the following:

   a. The subject parcel was reviewed to determine if wetlands exist upon the property. It has been determined that there are no wetlands subject to the jurisdiction of the NYSDEC. There are USACOE wetlands on site which are not being disturbed.

   b. The proposed development is consistent with the permitted uses in the zoning code in effect at the time of initial and current application.

   c. The proposed project was approved for the required water and sewer district extensions and will utilize these municipal systems. However, in accordance with the September 28, 2004 resolution to extend the sewer and water districts, should the Town determine that capacity does not exist "... Mountaindale Estates, its successors and/or assigns shall provide any additional capacity that may be needed to satisfy the needs of the project at its sole cost and expense by with expanding the existing sewer plant that would service the project or building its own plant adjacent to the existing Town sewer plant which will be decided by the Town of Fallsburg."

   d. Town water will be used to supply potable water to the project and will be regulated under the New York State Department of Health requirements for community public water systems. An additional well is proposed to be provided on site and will be turned over to the Town as part of the Phase II final approval. The Town will determine if the well yield provide sufficient capacity to accept it. All costs for developing the well and its connection to the existing system is the sole responsibility of Mountaindale Estates its successors and/or assigns. In accordance with the September 2004 resolution to extend

the sewer and water districts, should the Town determine that the capacity does not exist "... Mountaindale Estates its successors and/or assigns shall provide any additional capacity that may be needed to satisfy the needs of the project at its sole costs and expense by either expanding the existing water plant that would service the project or building its own plant adjacent to the existing Town water plant, which will be decided by the Town of Fallsburg."

e. Offsite traffic related improvements will not be necessary due to the anticipated volume of traffic to be generated. There exists at the intersection of County Road 54 and 56 a preexisting stop light which will serve to help the anticipated traffic flow from the Project. There was a previous traffic study which is incorporated in these findings.

f. The proposed action will not have any impact on threatened or endangered fish, shellfish, plant or animal species. Its location would discourage any rare, threatened or endangered species. The previous use of the site was an athletic sports facility was considered in the analysis of this issue.

g. The proposed project would be consistent visually with adjacent land uses located within a ¼ mile of the proposed site.

h. The project is not anticipated to have a significant adverse impact on local road conditions because of the volume of traffic to be generated.

i. Consistent with social, economic and other essential considerations from among the reasonable alternative thereto, the action to be carried out, funded or approved is one which minimizes or avoids adverse environmental effects to the maximum extent practical; including the effects disclosed in the relevant environmental documentation.

j. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental review process will be minimized or avoided by incorporating as conditions to the decision those mitigation measures which were identified as practicable.

k. The EAF is comprehensive and contains the facts and conclusions relied upon to support the Planning Boards' findings.

6. In consideration of the foregoing, the Town of Fallsburg Planning Board has determined that the project will not create any significant adverse impacts.

Municipal Services and Utilities:

Town water will be used to supply potable water to the project and will be regulated under the New York State Department of Health requirements for community public water systems. An additional well is proposed to be provided on site and will be turned over to the Town as part of Phase II final approval. A central sewage collection system will be used and 80 units comprising Phase I of the Project are within the sewer district. The remaining units comprising Phase II will meet New York State Department of Environmental Conservation requirements for sewage collection systems. The plant will be designed to house additional capacity beyond that needed for this Project, as so determined by the Town Board and Town Engineer.

Verizon Corp. will provide phone service and New York State Electric & Gas Corp. will provide electricity.

The developer's purpose for moving forward with the project is to meet the demand for primary homebuyers seeking residence in the Town Fallsburg and Sullivan County. Based on discussions with Sullivan County realtors, the project sponsor believes that sufficient consumer demand exists to support a residential development of this nature. Sullivan County business groups have testified at the public hearing that such a need exists in the County and more particularly in the Town of Fallsburg.

APPROVALS:

The following approvals are required for the development of the proposed subdivision:

1) Town of Fallsburg Planning Board; Lead Agency - SEQRA review, subdivision plan review and approval.

2) New York State Department of Health (NYSDOH); Approval of the connection into the existing Town Water Supply System.

3) New York State Department of Environmental Conservation (NYSDEC); permitting for discharge of sewage into the existing Town Sewer Collection System, sewer extension, and Sewage Treatment plant or expansion of the existing Town Sewage Treatment Plant, and the Stormwater Discharge and Management Plan.

4) Sullivan County Department of Public Works; approval of the drive entrance work done adjacent the County road, approval of work done to hook into the county drainage system.

5) Sullivan County Department of Planning and Community Development, referral with the provision of the General Municipal Law, Sections 239 l,m & n. which was received May 9, 2016. The Planning Board took in to consideration all of the comments provided by the Sullivan County Department of Planning and Community Development.

- With respect to steep slopes and storm water management, the applicant's plans were reviewed by the Town's Engineer and outside engineering firm to address both the grade on the property as well as the storm water management plan. Applicant Engineers have avoided the ample amount of the steep slopes.

- In regard to the Landscape and Outdoor areas, the applicant prepared a landscaping plan which was reviewed by the Town engineer and staff. Sufficient detail was provided to the Town in the plan set.

- In regard to the architectural design, the current subdivision approval would not involve same.

- In regard to traffic & circulation, the Board took a close look at the internal roadways as well as the pedestrian patterns and believe that there will not be significant impact from traffic. A traffic study was completed by the Applicant and submitted to the Board for their review and comment. The traffic patterns posed by the development have not changed and have been addressed in the approval.

- Additionally, the Sullivan County Division of Planning and Environmental Management recognizes that these issues are not applicable at the current time for subdivision approval. However, the Board would like to address same as all of those issues as all of those details have been addressed while this project has been before the Board.

- The Sullivan County Division of Planning and Environmental Management makes a recommendation that this is a local determination and therefore the Board has approved same.

5) Town of Fallsburg Highway Superintendent; approval of entrance permits for all Town roads and work necessary to Town road crossings and improvements.

6) Town Board: Acceptance of the bonding of improvements and infrastructure and ultimately the dedication of the improvements and infrastructure within the development.

CONSTRUCTION:

1) Construction is expected to occur in two general phases over a 3-5 year period.

2) Mitigation measures will be implemented to control noise and dust during construction. Fugitive dust and windborne sediment control will be accomplished by periodic watering of open graded areas. Vegetative cover and landscaping will be established as quickly as practical to assist in reducing the rate of runoff and prevent erosion of exposed soils. Hay bale barriers or fabric silt fence will surround stockpiled materials. Erosion control fabric will be used on disturbed soil areas. Construction equipment will be muffled in accordance with the GSA Noise Level Standards for Construction Equipment and inspected regularly by the contractors.

3) Construction will result in elevations to site topography in order to obtain proper grades for construction. During earthwork, every effort will be made to balance the cut and fill on site. Erosion control measures will be implemented throughout the site.

MITIGATION MEASURES FOR CONSTRUCTION:

1) Locating buildings, driveways and other improvements so as to minimize cutting and filling to the maximum extent practical.

2) Construction development in phases to recognize disturbances at any one time.

3) Limiting grading, cutting and filling to only those areas specified for development.

4 Installing erosion control barriers, i.e. hay bales and filter cloth, adjacent to natural drainage-ways and at the downhill side of open excavated areas during construction.

5) Completing construction of utility lines on the site in as short a period of time as practical.

6) Utilizing erosion control devices during construction, to control runoff and retain sediments. These include devices such as hay bales, fabric filters and dikes placed downgradient from disturbed areas. A detailed erosion control plan will be prepared as required.

7) Establishing vegetative cover and landscaping as quickly as practical to assist in reducing the rate of runoff and prevent erosion of exposed soils.

8) Stockpiled topsoil will be seeded with an annual ryegrass or if not redistributed in a timely fashion. Installing hay bales or filter fabric barriers at the perimeter will prevent soil slippage at the toe of the stocked area.

9) Selected traffic engineering recommendations may be determined prior to final approval.

10) As specified in Section 277 of Town Law, a performance bond or other surety will be required for construction of all roadways, drainage facilities, sewage collection system and water distribution system and any other public improvements as a condition of any final subdivision approval. The Town or its representative, at the expense of the applicant, will conduct construction inspection of proposed roadways, infrastructure and utilities. The Applicant and Town will agree upon specific estimates for bonding or other improvements and inspection cost purposes.

ECOLOGICAL RESOURCES

1. The project site encompasses essentially inactive land, which was previously used as a baseball field, which is cut for hay periodically, and woodland.

2. Construction of residences and infrastructure improvements will require removal of most vegetation within the development area, and will not cause wildlife to be displaced as there exists significant open inactive farmland adjacent to the project.

3. No threatened or endangered species were identified.

4. Particular care will be given to maintain vegetation, which serves as a screen for new sites.

5. The applicant prepared an archeological report which was reviewed by the Board and the State finding no impact of the Project.

LAND USE AND ZONING

The existing surrounding land use of the project site is a combination, commercial, seasonal residential, year round residential and open space. The proposed use of the site as a residential development is in accord with land use regulations of the Town of Fallsburg Zoning Ordinance. The site is not located in an Agricultural District.

TRAFFIC RELATED ASPECTS

The Applicant prepared a Traffic Study, which is incorporated by reference. A total of 119 trips will be generated by this project during the week at the P.M. peak hour. It is estimated there will be an average of seventy six (76) trips for entry and forty three (43) for exiting during the peak P.M. hour. Based upon these projections and recent traffic volume counts, the County and Town Roads and adjacent intersections will continue to operate at an adequate Level of Service (LOS).

Two primary access points will be built for the project. A primary access will be constructed off of County Road 56 (New Road) and another primary access point will be constructed off of County Road 54 (Woodridge Road). The travel lanes will be 12 feet wide and 15 foot wide for a total of 24 feet and 30 feet respectively. The wearing course will consist of a bituminous asphalt surface with no shoulders.

All road will be built to Town specifications and will be owned and maintained by the Town.

UTILITIES AND COMMUNITY SERVICES

A charged hydrant system will be installed for fire protection and potable water supply. The fire protection system will be designed, reviewed and approved in accordance with applicable rules and

regulations of the Town of Fallsburg and New York State Department of Health. Water mains will be looped and interconnected with existing water lines. The proposed project adjoins the Town of Fallsburg water tank, which provides adequate storage and pressure for the project.

Wastewater treatment will be accomplished by hooking into the existing Town Sewer System.

Police protection will be provided by the Town of Fallsburg Police Department, Sullivan County Sheriff's Department and by the New York State Police.

Solid waste disposal will be by private contractors.

The Mountaindale Fire District will provide fire protection. The private company Mobilemedic will provide emergency services.

The Fallsburg Central School District has indicated support and ability to accommodate the proposed development.

The developer in accordance with the appropriate provisions of law must bond all of the required improvements, including roadways, drainage system, water system and sewage system

DEMOGRAPHICS AND FISCAL IMPACTS

Population projections indicate that this project will result in an increase of 420 persons, 100 of whom are school age children. Based upon correspondence with the school district and the results of several meetings with the school district by the applicant, the project does not appear to represent negative or significant impacts on the district. It is expected that school district will receive improved socio economic diversity based on the prospective buyers of the homes in the proposed development.

UNAVOIDABLE IMPACTS

Unavoidable construction-related, short-term impacts include increased traffic due to workers and equipment, increased noise levels, fugitive dust and increased air emissions from construction equipment.

Unavoidable long-term impacts will also result from the construction of residential units. These include the conversion of undeveloped land to a residential development, loss of woodlands, and a minimal increase in traffic, increased use of sewer, water and public recreation facilities.

ALTERNATIVES

The applicant initially explored other alternative densities and the no-action alternative. Applicants' original proposal was for 250 units which were downsized to the current proposal to lessen impacts of the project. The chosen alternative balances the needs of the project sponsor with the social, economic and environmental characteristics of the area.

RESOURCE COMMITMENTS

The construction of residential units will result in irreversible and irretrievable commitment of land, energy, labor and economic resources.

GROWTH-INDUCING ASPECTS

Generally, the proposed residential subdivision will result in few significant growth-inducing impacts. There will be a minor increase in demand for retail and commercial services in the area which the Town has indicated there is a need for.

Incorporated by reference are the minutes of those various meetings, as well as the completed EAF. All of the above are the reasons supporting this determination that the Project and Action will not result in any significant adverse environmental impact.

CONCLUSIONS

Having considered the EAF, all public meetings the Planning Board through this Negative Declaration and Statement of Findings certifies that:

A. It has considered the relevant environmental impacts, facts and conclusions disclosed in the record;

B. It has weighed and balanced the relevant environmental impacts with social, economic and other considerations;

C. The requirements of 6 NYCRR Part 617 have been met;

D. Consistent with the social, economic and other essential considerations, from among the reasonable alternatives available, the action to be carried out minimizes or avoids, to the maximum extent practicable, adverse environmental impacts disclosed in the Environmental Assessment Form and supporting information; and

E. Consistent with the social, economic and other essential considerations, adverse environmental impacts revealed in the Environmental Assessment Form and supporting information will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the decision those mitigating measures which were identified as practicable in the course of this Negative Declaration and Findings Statement.

For Further Information:

Contact Person: – Assistant Chairman Town of Fallsburg Planning Board
Address: Fallsburg Town Hall, 5250 Main Street, South Fallsburg, NY 12779
Telephone number: (845) 434-8811

A Copy of This Notice is sent to:
Assistant Supervisor, Town of Fallsburg

Other Involved Agencies

Applicant: Mountaindale Estates

PIETRZAK & PFAU
ENGINEERING & SURVEYING, PLLC

August 23, 2016

Town of Fallsburg Town Board
P.O. Box 2019
19 Railroad Plaza
South Fallsburg, NY 12779

Re: Mountaindale Estates
P&P No. 24138.01

Dear Members of the Board:

This letter shall serve as a summary of the preliminarily approved Mountaindale Estates project vs. the newly proposed single family development. The approved development consists of 44 single family and 147 townhouse development units, for a total of 191 residential fee simple units. The new single family project consists of 130 single family units which is a 30% reduction. These units will continue to be fee simple.

This proposed reduction in the number of units would significantly decreased the environmental thresholds previously reviewed and the overall i[illegible] project. The reduction of sixty-one (61) units will significantly decrease the anticipated [illegible] age, and other municipal services. Also, the new layout significantly dec[illegible] the number of buildings, visitor parking, etc., and as such, the [illegible]

Regarding the sewer impacts, a decrea[illegible] mpact on the capacity levels of the Mountaindale sewe[illegible] engineers, given the current level of excess capacity at [illegible] significant capital to upgrade the plant and thus sust[illegible] eloper has committed to make necessary expenditures t[illegible] wnsizing of the project puts the number of proposed [illegible] less capital expenditure by the Developer which is in li[illegible] capacity and the Project's budget.

Based on our review of both p[illegible] environmental thresholds, and in most instances, there [illegible] plan does not encroach any wetlands and there is now a [illegible] g the project's entire road frontage, which will further decrease any potential [illegible]

I hope this information is helpful. Should you have any questions or require anything further, please do not hesitate to contact this office.

Very truly yours,

PIETRZAK & PFAU, PLLC

Joseph J. Pfau, P.E.

JJP/tmp
cc: J. Billig, Esq.
B. Resnick

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